UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS
FIRST SESSION

VOLUME 145—PART 4

MARCH 17, 1999 TO MARCH 25, 1999
(PAGES 4655 TO 6100)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1999

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HOUSE OF REPRESENTATIVES—*Wednesday, March 17, 1999*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

"For the beauty of the Earth,
For the glory of the skies,
For the love which from our birth
Over and around us lies;
Lord of all, to Thee we raise
This our prayer of grateful praise."

We are thankful, O God, for the beauty that surrounds us and for the grace which makes us whole. May our lives never become so cluttered that we fail to see Your divine glory in the world and Your perfect love which is freely given to us and to every person. Bless us, O God, this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Wisconsin led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IMPRISONED CHINESE PASTOR XU YONGZE

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, this week marks the second anniversary of the imprisonment of Pastor Xu Yongze by the Communist authorities in China. Today also marks the fifth time I have come to the floor to urge the Chinese Government to release this decent man of God.

Last week, I met with the Chinese Ambassador to once again raise my disappointment with China's refusal to release Pastor Xu, who is often called the "Billy Graham" of China. Unfortunately, the Chinese still cling to the belief that Pastor Xu is a cult leader because he believes in a judgment day. But, Mr. Speaker, the belief in a judgment day is a basic tenet of Christianity, a belief held by billions of Christians around the world, including myself. Now that would be one big cult.

Pastor Xu is a respected and honorable man and one incredibly brave Christian. So once again I ask President Jiang Zemin to release Pastor Xu, as I humbly ask my colleagues and fellow Americans to remember Pastor Xu in their prayers.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 119) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 119

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

JANICE SCHAKOWSKY, to the Committee on Government Reform.

The resolution was agreed to.

A motion to reconsider was laid on the table.

STRENGTHEN MEDICARE WITH THE SURPLUS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, when Medicare was created in 1965, fewer than half of all American seniors had health care coverage. Today 99 percent are covered. Medicare has enabled millions of seniors to live their retirement years with dignity, financial independence, and peace of mind.

Unless we prepare for the baby boom's strain on the system, Medicare will go bankrupt in the year 2008, only 9 years away. The Democratic proposal for the Federal surplus would use 15 percent of that surplus to bolster Medicare, to strengthen Medicare. This plan will extend the life of Medicare by a decade.

In contrast, the Republican plan is to spend that surplus on a one-time, trillion-dollar tax break while Medicare withers on the vine. It is irresponsible. Giving tax breaks while Medicare dissolves is akin to fiddling while Rome burns.

Mr. Speaker, we should use the surplus to strengthen Medicare. This is a responsible plan for our current seniors and for future generations.

VOTE AGAINST UNION-ONLY LABOR CONTRACTS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the President and the Vice President have worked diligently in the past few years to link Federal projects to union-only construction firms. Unfortunately, the Los Angeles Unified School District is following suit by proposing a new major $2.4 billion school construction initiative, using only unionized contractors.

I say this is unfortunate because union-only contracts increase the cost of construction projects by limiting competition, which results in higher labor costs. It has been estimated by some that the union-only project labor agreement could increase the construction cost by 10 to 15 percent. This means that funds aimed at building and renovating some of Los Angeles' schools would actually be lost to artificially high labor cost.

I am a firm believer that the lowest qualified bidder for these building projects should be able to win the construction job, regardless of union affiliation. Quite frankly, I find it against

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the American spirit of healthy competition to put rules in place that work otherwise.

I hope that when this project labor agreement is voted upon on the 23rd of this month, the Los Angeles Unified School District will vote for the best interest of their students and against an anti-education project labor agreement.

SCHEDULE GHB AND STOP TEENAGE DEATHS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise again this morning to encourage my colleagues to move swiftly to schedule GHB. GHB is a drug that many of us are not aware of but has killed teenagers across this Nation.

I have legislation called the Hillory J. Farias bill, H.R. 75. I am working with the gentleman from Michigan (Mr. STUPAK) and others to ensure that we move quickly to have this drug scheduled and made illegal. What is the reason?

Hillory J. Farias was a 17-year-old bright teenager who went to a teenage club and drank a soft drink. Unbeknownst to her, the lack of taste, the lack of smell GHB drug was placed in her drink. The next morning, Hillory was found dead in her bed.

This drug has been given a lot of pluses. For example, it is found on the Internet described as a relaxing agent. They liken its effects to alcohol. Some even consider it to be a form of treatment to the effects of alcoholism. One site claimed that the drug was better than alcohol because it did not cause damage to the brain or liver. There are many misconceptions about this drug.

I ask my colleagues to help stop the death of young people. Let us schedule GHB and pass this legislation quickly.

REVITALIZING THE MIAMI RIVER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the Miami River project should be a priority in this year's consideration of the Water Resources Development Act. The Miami River Commission and the Miami River Marine Group remind us that it is vitally important that we act to provide the necessary Federal cost share so that the U.S. Army Corps of Engineers' 1990 recommendations for navigational maintenance dredging of the Miami River be implemented as soon as possible.

Congress must clarify the language of the Act so that the intended 75 percent Federal and 25 percent non-Federal cost share formula will be applied in the Miami River project to the cost of navigational maintenance dredging, including disposal costs.

The removal of these toxic sediments will have the added benefit of eliminating a significant pollution threat to Biscayne Bay, one of our most pristine environments.

The Miami River is the fifth largest port in our State of Florida. Any further delay in dredging could endanger one of our Nation's most critical shipping links to the Caribbean and Latin America.

We must maintain this environmental river, as well as restore the environmental quality of a key part of south Florida's ecosystem.

SOCIAL SECURITY REFORM

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, our Nation's Social Security system has traditionally been a safety net for citizens hoping to live long and fruitful lives. However, changes in our society's economic and social conditions warrant reform.

The facts are abundantly clear. The trust fund will be depleted by 2032. As such, the current debate is not about the necessity of reform, but what structural revisions will preserve the system long-term.

I believe that reform should be synonymous with guarantee; that is, guaranteed minimum benefits for decades to come. Reforms that do not ensure system solvency or include pension or private savings plan without such a guarantee, frankly, are indefensible.

Today I urge my colleagues to support reform that, as Franklin Roosevelt said, takes care of human needs throughout the next millennium.

SUPPORT OUR SERVICEMEN AND SERVICEWOMEN BY PROVIDING FUNDING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to talk about the state of our Nation's military, because the readiness of our military is in perilous danger.

This Nation cannot continue to turn a blind eye to underfunding of our armed forces while asking our military men and women at the same time to keep doing more and doing more with less and less.

A recently released accident report of the 12 airmen who lost their lives in a tragic accident of their rescue helicopters last September in Nevada is a reminder of the perilous readiness environment that our armed forces are required to operate in.

It is up to this administration and this Congress to provide our service men and women with the right tools, the right training and the resources to accomplish their mission, and nothing less.

For my part as a veteran, I honor these men and their families and the 66th Rescue Squadron for their great service to this country. I believe we must honor their legacy by ensuring our military men and women have the resources to do their jobs. Support our servicemen. Support our servicewomen by providing full funding to our military.

USE SOCIAL SECURITY MONEY FOR SOCIAL SECURITY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, both parties have a plan to save Social Security. Quite frankly, neither plan is adequate. There is no budget surplus. There is a deficit. The only surplus that exists is in the Social Security account. I say it is time to pass an amendment to the Constitution that says Social Security money can only be used for Social Security and Medicare, and no politician or no administration could reach in and use that money.

It is not Republicans' money, it is not Democrats' money. It is the people's money. If we could, in fact, do it for term limits on presidents, and if we could do it for every other reason that exists, we can protect the most important account of the American people and save Social Security.

Mr. Speaker, I yield back all the IOUs in the wastebaskets of the Social Security center.

SOCIAL SECURITY MONEY BELONGS TO OUR SENIORS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, we do have to protect Social Security. The President has been saying over and over he wants to save Social Security, but he keeps spending it on foreign giveaways. I would just say, Mr. President, you cannot have it both ways.

Unlike the President, however, this year's budget resolution will set aside fully 100 percent of the Social Security surplus to strengthen that vital program for our seniors. Seniors have paid a lifetime of earnings into Social Security, and we promise to protect it for them. We are committed to that promise, and we cannot allow Social Security money to be frittered away on foreign aid.

The President just wants to use Social Security surplus funds as a slush fund for his failed Social Security policy, for his failed foreign policy as well. Mr. Speaker, that money belongs to our seniors. American seniors need it and deserve it, and we must make sure that they get it. Mr. President, do not spend away our Social Security money.

□ 1015

CONGRESS MUST REMAIN COMMITTED TO BRING PEACE TO ALL OF IRELAND

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I would like to express my condemnation of the brutal March 15 killing of human rights attorney and mother Rosemary Nelson.

Rosemary Nelson died after a bomb ripped apart her car in Lurgan, County Armagh in the north of Ireland. Forty year old Rosemary, mother of three, had previously represented the nationalist Garvaghy Road residents coalition in nearby Portadown over the long-running Drumcree Orange Order Protest. Her death mutes a powerful voice in the quest to bring lasting peace to the north of Ireland.

Congress must remain strongly united in its commitment to the condemnation of bombings and acts of terrorism and continued human rights abuses. We must remain committed to bringing peace and justice and prosperity to all of Ireland.

That is why we must pass my resolution, H. Con. Res. 54, to honor the 1-year anniversary of the Good Friday Peace Accords. I urge my colleagues to stand firm on the United States' support of Irish peace by joining the 77 cosponsors of H. Con. Res 54, and the U.S. Senate is passing that resolution today.

STOLEN NUCLEAR SECRETS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, this New York Times headline says it all: "China Stole Nuclear Secrets for Bombs, U.S. Aides Say: Espionage Case at New Mexico Lab is Said to be Minimized by the White House."

Why would a case that intelligence experts consider to be worse than Aldrich Ames be minimized by the White House?

The reason is clear to all those who have followed the campaign finance scandal of 1996. It would also be clear to all those who followed the administration's China policy.

First, when this scandal came to light in 1995, and then more conclusively in April of 1996, the White House was under fire for taking campaign cash from the Communist Chinese army.

Second, this stunning revelation of nuclear espionage would have threatened the administration's policy of what they call engagement with Communist China.

That is why the White House would have a clear incentive to avoid notification of Congress and to reject the clear evidence that our most sensitive nuclear secrets have been stolen.

CONGRATULATIONS TO AMERICAN COLLEGE OF SPORTS MEDICINE ON NEW HEADQUARTERS IN INDIANAPOLIS

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I rise today to congratulate the American College of Sports Medicine on the completion of a vast new addition to its headquarters building in Indianapolis.

In the early 1980s, Indianapolis' corporate leaders and city officials advanced a visionary plan to make the city the amateur sports capital of the Nation.

We have had immense support from the corporate community in Indianapolis. On December 15, 1983, Mayor William Hudnut broke ground for the ACSM National Center, which has become one of the anchor projects of the Canal area redevelopment. He referred to it as "A cornerstone in the Amateur Sports Capital."

Mr. Speaker, I want to congratulate the American College of Sports Medicine on the completion of a vast new addition so that it would be able to advance the immense amount of work that it has done in terms of sports medicine.

CAMPAIGN CASH AND ESPIONAGE SCANDAL

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, the outrage continues to grow over the campaign cash and espionage scandal involving the Chinese and this administration.

Quoting the lead editorial from this morning's Wall Street Journal, "Bad enough that the Chinese have stolen the technology for a nuclear warhead that will make their own missiles more threatening to U.S. national security; far worse is the casualness with which the White House greeted the news. Sandy Berger says he was briefed on this in April of 1996, which happens to be the same month AL GORE traveled to California for his infamous Buddhist fundraiser."

And from the lead editorial in this morning's Washington Times. "It is clear that Sandy Berger has no credibility. Rather than cooperation, he offers blame shifting. Rather than credible explanations, he offers excuses."

Mr. Speaker, we say to the President, Sandy Berger must go.

BUDGET DETAILS NEGLECT MEDICARE

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, the details of the budget being prepared by the majority are finally beginning to leak out. They include an embracing of the Democratic initiatives on Social Security and $1 trillion in tax cuts. I like tax cuts just as much as the next person, but what was missing from the budget was any mention of Medicare.

While Social Security does reach crisis perhaps in the year 2032, Medicare is lacking today. In fact, seniors pay more out of their own pockets for health care costs than they did when John F. Kennedy declared a health care emergency and initiated a Medicare program.

Now, the Democrats are proposing and the President is supporting the notion of covering prescription drug and using a portion of the surplus to shore up Medicare for seniors today.

Now that the majority has embraced Social Security, perhaps they should embrace Medicare as well.

REPUBLICANS BELIEVE IN TRUTH IN BUDGETING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, obviously, my friend from the other side of the aisle has confused St. Patrick's Day with April fools when he talks about the Republican budget.

Let me talk to my colleagues. There is philosophical and mathematical differences between the way the Republicans and Democrats use numbers. It is best illustrated by this story.

One of the Democrats' leading budget hawks went to go buy some worms. He was going fishing. He walked up to the bait store and said, "How much are your worms?" The guy said, "You can have all you want for $1." So the Democrat said, "I will take $2 worth."

That is the problem. We almost need national testing when it comes to truth in budgeting with the Democrats.

Let us go through this little quiz on Social Security: Republicans want to preserve 100 percent; Democrats 62 percent.

Fill in the blanks: Which is greater, 62 percent or 100 percent?

True or false, 62 percent does not equal 100 percent.

True or false, 38 percent will be spent on non-Social Security items under the President's budget.

This is true. The President wants to preserve 62 percent, Republicans want to preserve 100 percent of the Social Security balance. We believe that it is worth fighting for our grandparents to do the right thing and not spend their money on pork.

STEEL IMPORTS AND ILLEGAL DUMPING

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the first chart tells us the story, I guess in black and white, on steel imports and why this Congress must act today to do something about steel imports and illegal dumping.

We can see, from 1997 to 1998, the large increase in steel imports, and particularly because of illegal steel dumping.

This just tells the story in a bar graph and in black and white. Let us tell the story in terms of human suffering. For instance, at Wierton Steel, in which the headlines we have blown up show, "Wierton Steel layoffs hit 775 workers." It is actually more by now. "Wierton Steel announces more layoffs," layoffs that are occurring throughout the Ohio Valley and the Mon Valley.

Mr. Speaker, this House must act today to stop illegal steel dumping. We have the opportunity to send the message not only to the administration but to foreign nations. If others will not act, Congress will.

Let us act today for Wierton and for a whole lot of other steel producing communities in the United States.

RELEASE IMPRISONED CHINESE PASTOR XU YONGZE

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to add my voice to that of the House majority whip who spoke earlier calling for the release of Pastor Xu in China.

It is indeed sad that, as we find ourselves just 1 year away from the 21st century, there are still places in this world where a person can be locked away merely for expressing their faith in God. Mr. Speaker, Pastor Xu serves as a reminder to us all of how precious our freedom truly is, especially our freedom to worship as we choose.

The Chinese government claims that Pastor Xu is dangerous merely because he believes in a judgment day. Well, Mr. Speaker, I do not find that crazy or dangerous. A belief in judgment day is a basic belief not just of Christians but of so many religions around the world.

This week Pastor Xu begins his third straight year in prison simply for preaching the gospel. If the Chinese are serious about strengthening the ties between our two countries, they must learn to respect religious freedom.

I urge President Jiang Zemin, please, release Pastor Xu and let him return to his family.

MEDICARE COMMISSION FINISHES WORK WITHOUT RECOMMENDATION

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, yesterday the Medicare Commission finished its work but did not come out with a recommendation. It did not come out with a recommendation because the thrust of the commission was to privatize; that is, to get rid of Medicare as we have known it and move it into the private sector. Now, the people pushing that idea are the very people in this House who have opposed the Patients' Bill of Rights.

If we are going to take all the senior citizens in this country, and the disabled, 39 million people, and throw them into the private sector, and will not give them the protections of a Patients' Bill of Rights, there is no justice in that kind of system.

The Commission rightly rejected it. The Commission refused to consider the President's addition of 15 percent of the surplus. The Commission refused to consider the President's proposal regarding people between the ages of 55 and 65. This House now has to come to grips with it.

HAPPY ST. PATRICK'S DAY

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, I rise today to wish everyone a happy St. Patrick's Day and celebrate the great accomplishments made by Irish Americans to our republic.

Across America, whether we are Irish American or not, we honor the sacrifices made by so many Irish Americans and really celebrate their accomplishments.

It was not always easy, though, for the Irish who came to our shores. It was not long ago the Irish seeking employment were met with the infamous warnings, "Irish need not apply." But the goodness that is America prevailed, and generations of Irish Americans have made this country the greatest in the history of the world.

With their solid work ethic and belief in personal responsibility, love of our Nation, respect for honor, and a gentleness towards the weak and infirm, I, like millions of Americans, proud of my Irish heritage, understand how lucky we all are to be Americans. I wish everybody a happy St. Patrick's Day.

PRESIDENT'S BUDGET

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, sometime during the year 2013, the funds we pay out to Social Security recipients are going to exceed the funds coming in to finance the system.

Despite the White House war room rhetoric, the Clinton budget does nothing to save Social Security. If my colleagues do not believe me, they should listen to this. In February, David Walker, the Comptroller General of the United States, stated, and I quote, "The President's proposal does not alter the projected cash flow imbalances in the Social Security program."

It is true. The President's proposal does not save Social Security. The only way that Clinton's numbers add up is through a faulty double-counting scheme.

This is not a Republican complaint. Some of Social Security's chief defenders, members of the President's party, have said that the President's approach is based largely on imaginative accounting.

We do not need any more shell games and number schemes for Social Security. We just need a system that can ensure tomorrow's seniors that their savings will be there when they retire without government interference. We desperately need the President to be a leader on the tough issues.

We cannot waste this historic opportunity to preserve the Nation's Social Security program. Unfortunately, the President's budget represents his typical rhetoric and sloganeering at its worst.

PRESIDENT'S BUDGET PROPOSAL WILL NOT WIN ANY AWARDS

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, it is perhaps the old teacher in me, but whenever I see something like a budget proposal that has been submitted by the President, I want to give it a grade. And I am afraid, Mr. Speaker, that this President's budget proposal will not win any accounting awards.

□ 1030

It will never be used in any economics class unless to show students just how slippery a politician can be with retirement money.

The President's budget proposal for Social Security contains more phoney numbers than a Millie Vanilli soundtrack. $2.4 trillion in double counting. That is even more double counting than the administration's unconstitutional census sampling scheme. And it gets worse from there, Mr. Speaker.

GAO and CBO are both on record stating that the President's proposal for Social Security might actually make the problem worse. The problem, of course, is that the baby-boomers will soon retire and Social Security will greet that event by going belly up faster than can you say Jeff Gordon.

Seniors deserve better. Instead of reassuring seniors that Social Security will be put on a sounder financial footing, the President's proposal sends a message that the politicians will have to deal with the mess after he is gone. The President's Social Security proposal gets an F.

HOUR OF MEETING ON TOMORROW

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 820, COAST GUARD AUTHORIZATION ACT OF 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 113 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 113

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from the Commonwealth of Massachusetts (Mr. MOAKLEY), my friend and colleague, pending which I yield myself such time as I may consume.

Mr. Speaker, I notice an outbreak of the wearing of the green around the Hill today, and I want to especially extend a happy congratulations for St. Patrick's Day to my friend, the gentleman from Massachusetts (Mr. MOAKLEY), who has a very strong interest in this subject I am advised.

During consideration of this resolution, all time yielded is for the purpose of debate on this subject only.

Mr. Speaker, I am pleased to present another noncontroversial wide open rule from the Committee on Rules under the benevolent leadership of the chairman, the gentleman from California (Mr. DREIER).

The rule provides 1 hour of general debate equally divided between the chairman and the ranking member of the Committee on Transportation and Infrastructure. The rule makes in order an amendment in the nature of a substitute as an original bill for purposes of amendment. It authorizes the chair to accord priority of recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This is an option available to all Members.

Finally, the rule provides one motion to recommit, with or without instructions. It is a good rule and it should not engender any opposition. The subject matter is important.

Mr. Speaker, while the Coast Guard is the smallest of our armed services, its responsibilities are great and vitally important. It is an agency with many missions. We ask the Coast Guard to be responsible for such critical areas as the navigation and safety of our waterways and emergency search and rescue.

As a branch of the Armed Forces, the Coast Guard has also helped defend America in every war since 1790. It has a brave and long tradition. To maintain an effective and ready force, H.R. 820, the Coast Guard Authorization Act of 1998, authorizes 44,000 active duty military personnel by the end of fiscal year 2001.

Most important to today's debate is the evolving role the Coast Guard is playing on the war on drugs. Last year this Congress reached an agreement with the White House to win the war on drugs, not just trim it back a little and settle for a stalemate. We want to win it. We intend to win this war that is so critical to the future of our youngsters, and this particular legislation helps us on that path.

As so often in this city, we have discovered that talk is cheap. The Clinton White House has submitted a budget that is negligent on the war on drugs and abandons the commitment made by the Clinton White House just last fall to help win that war on drugs. In fact, the Clinton budget request does not implement anything within the Western Hemisphere Drug Elimination Act beyond that contained in last year's omnibus bill.

H.R. 820 puts our money where our mouth is. It fully funds the Western Hemisphere effort, with an additional $290 million in operating expenses for the next 2 years. This money will have a direct impact at the source of the drug scourge, including additional coastal patrol boats, the creation of a regional law enforcement center in Puerto Rico, several maritime patrol aircraft, several cutters and vessels to be received from the United States Navy. Americans have a right to demand results, not more talk, but results on the war on drugs and H.R. 820 delivers.

A recent study by the Institute for Defense Analysis examining effectiveness of cocaine interdiction found strong links between supply disruptions and rising street prices in the United States. It also found that, when street prices rise, use falls, especially among casual users. We know that interdiction works and that taking dead aim at the supply side must be a large piece of our effort. That does not diminish from the efforts, of course, on the demand side that we also must make. H.R. 820 makes good on our commitment on the supply side.

Mr. Speaker, this is a fair rule that allows open debate and consideration of all germane amendments. I urge a yes vote on the rule as well as the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. GOSS), my dear friend, who I hope stays with me in the House for a few more years, for yielding me the customary half-hour.

Mr. Speaker, today is March 17. It is not only a great day for the Irish, but it is a great day for the Coast Guard. Mr. Speaker, during the last 84 years, the United States Coast Guard has been protecting people at sea and enforcing United States law.

This bill for which the rule provides consideration will authorize funding for the Coast Guard for another 2 years, including $380 million for drug interdiction efforts in keeping with last year's Western Hemisphere Drug Elimination Act. It will also provide funding to finish the design work and the replacement for the Great Lakes icebreaker *Mackinaw*.

This bill will authorize 40,000 active duty Coast Guard personnel who perform all kinds of services, including safety inspections of freighters, transporting sick or injured people to medical attention, measuring the catch of a commercial fishing boat, searching for sailors lost at sea, breaking ice in the northeastern rivers, and on and on and on.

The first Coast Guard district in my hometown of Boston oversees 30 cutters, 11 aircraft, and more than 200 small boats to ensure boaters' safety. Mr. Speaker, let me tell my colleagues, these people earn their keep. Every day the Coast Guard saves an average of 12 lives. Each year they save about $2.5 billion in property, which is nearly the entire operating budget.

Earlier this month, a Coast Guard cutter saved an 85-foot tug off the coast of Sakonnet Point in Rhode Island that was taking on water and absolutely would have sunk if the Coast Guard did not come on the scene.

Last month, Coast Guard personnel responded to a 200-gallon gasoline spill in New Haven Harbor; and before allowing the boat to load any new cargo, the Coast Guard ensured that that boat had been properly repaired before it went underway.

Mr. Speaker, earlier this year a Coast Guard helicopter rescued from a New Bedford fishing vessel a fisherman whose arm was hanging off because it was injured in a severe accident by a winch and they flew this injured seaman to a Rhode Island hospital, where he recovered.

In January, the United States Coast Guard crew saved six people on a 72-foot sailing vessel in trouble seven miles south of Glouchester, Massachusetts. And every day the Coast Guard is out there protecting people on American waters. They do us a wonderful service, and this bill would keep them up and running.

I would like to commend the chairman, the gentleman from Pennsylvania (Mr. SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for putting together a truly bipartisan bill which should pass the House with very little opposition.

Mr. Speaker, this bill will enable the Coast Guard to continue its great work, and I urge my colleagues to support it.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I join my colleague from the Commonwealth of Massachusetts in heaping praise on the Coast Guard for extraordinary work under extremely difficult conditions. Anybody who has been in New England in the winter knows just what he speaks of when he talks about being out there on the high seas.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a great day for the Irish, a great day for the Coast Guard, a great day for the gentleman from Massachusetts (Mr. MOAKLEY), and maybe a great day for America's steel industry and steelworkers. I support the rule on the Coast Guard. But I also plan to speak out of turn on the rule that will follow since it is limited for time.

Ronald Reagan came to my district in 1980. He stood on a flatbed truck. Struggling steelworkers were pleading with the President for help. Ronald Reagan made a pledge. He said, "I will support the steel industry. I will make significant investments to help retool the steel industry." And he said, "I will also make significant investments to retrain steelworkers so they can deal with the new steel technologies."

Those steelworkers did not even support Ronald Reagan. Ronald Reagan lived up to every word. From the investment tax credit, to retraining money, Ronald Reagan lived up to his word.

In 1992, a candidate named Bill Clinton came through my district all through the steel Rust Belt and went down through Wierton, West Virginia. He said, "I will ban illegal trade to protect the steel industry." And he even said, "I will stop and I will ban scab labor."

In 1993, President Clinton had a Democrat House and a Democrat Senate. There was not one word about scab labor, regardless about how we feel on the issue. And in 1999, Bill Clinton has not done one thing about illegal trade.

Labor unions and working people supported this President by more than 95 percent. Today's legislation is not perfect. Not all of us are totally enamored with all parts of it. But until this moment, the President is saying he may not support it. I say, on the House floor, labor unions have been the suckers. How many more cock-and-bull stories are they going to hear?

Now, the only statement I will make is I want to support this bill. I support this rule even though it is a closed rule. And it is time for Congress to take one other stand. See, I do not believe we should be debating illegal trade. I do not believe we should be legislating illegal trade. I think illegal trade should be banned and we should have taken this opportunity to send a message to the world.

The only thing that bothers me about the bills since I have been in Congress is I keep hearing Members say, "it is the best we can do."

☐ 1045

What I say is if the best we can do is not the best for America, then it is not the best we can do and we should not do it.

I am going to support this bill. I believe if this President vetoes this bill, his veto should be overridden, and if he vetoes this bill, I think the American worker better take a good look at a lot of promises that have been made over the years by this administration that have not been lived up to.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume. Lest Members might be a little confused, the gentleman who just spoke so passionately and eloquently about the steel matter and talking about a closed rule was not talking about the rule that we have on the floor now. This is a wide open rule, and I urge its strong support by all Members.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 975, REDUCING VOLUME OF STEEL IMPORTS AND ESTABLISHING STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 114 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 114

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 975) to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) ninety minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. EWING). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from South Boston, MA (Mr. MOAKLEY) who obviously is on a roll here and is wearing a much greener tie than any of us, showing his great, great celebration of St. Patrick's Day. Pending that, Mr. Speaker, I yield myself such time as I may consume. During consideration of this resolution, all time that I will be yielding will be for debate purposes only.

Mr. Speaker, House Resolution 114 is a closed rule providing for consideration of H.R. 975, a bill to reduce the volume of steel imports and establishing a steel import notification and monitoring program. This rule was adopted unanimously by the Committee on Rules yesterday afternoon.

The rule waives all points of order against consideration of the bill. The rule further provides 90 minutes of debate in the House equally divided between the chairman and ranking minority member of the Committee on Ways and Means. It is the understanding, Mr. Speaker, of the Committee on Rules that both the chairman and the ranking member of the Committee on Ways and Means intend to yield this debate time in a fair manner. This will ensure that Members on both sides of the aisle who are on different sides of this very important issue are provided the opportunity to have their voices heard.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the United States of America has the strongest, most prosperous economy on the face of the earth. There are many reasons for that. We have the world's most skilled workers. We have entrepreneurial investors and inventors in unmatched numbers. We have the largest single market anywhere. And, we are riding on that great wave of the information revolution.

Mr. Speaker, these are all keys to our prosperity and growth, but they are not enough. Right at the heart of our prosperity is the openness and dynamism of our economy. We accept the reality of change and adapt to it better than anyone else. Western Europe and Japan are big and rich with millions of skilled workers, but they suffer from slow growth and massive unemployment. Why? They are not as open and dynamic as we are. They fear inevitable change. And what happens? Their people lose because of that fear of change.

Now, there is no question that an open, dynamic economy offers as many challenges as it does opportunities. International commerce is increasingly a fact of life in our economy. It means new markets and it means very stiff, tough competition. But no question, no question about it at all, Mr. Speaker, we as a Nation are succeeding. U.S. jobs have increased by 6 million in the years since the North American Free Trade Agreement and the Uruguay Round of the General Agreement on Tariffs and Trade were passed. Trade now accounts for 30 percent of our gross domestic product and 25 percent of jobs in this country. We would not enjoy our job and wealth boom if we did not have open trade and competition.

Given our leading role in the global economy, turmoil such as the financial crisis that swept through many developing countries in the past 18 months has a major impact right here at home. Today, we are going to consider legislation that specially selects the U.S. steel industry for special protection to assist them in dealing with the challenges posed by that foreign financial situation. It is clear to me that a majority of Members of this House want to have this debate. It is my hope that as we delve into this issue, the House rejects this special interest legislation.

Mr. Speaker, let us take my State of California. Our State, I am very proud to say, is on the cutting edge of our Nation's 21st century economy. Almost half of every dollar in the largest State of the union of economic activity is connected to trade, a 50 percent greater share than the Nation as a whole. The neighboring ports of Long Beach and Los Angeles combine to be the second largest seaport in the world, second only to Singapore. More than 15 percent of southern California's small businesses export products and services to other countries, many to Asia. This is five times the national rate.

Given our State's stake in exports to Asia and Latin America, California has been challenged more than most by this global economic turmoil. Shipments to Asia account for half of the State's merchandise exports. Asian problems represent a real threat to our State's economy. In California, millions of working families depend on producing computers, electronic components, industrial machinery, communications equipment, aircraft, semiconductors, textiles, apparel, automobiles, glassware, engineering and management services, and a whole range of agriculture interests that have been challenged by the impact of currency devaluations and financial turmoil. They are fighting to meet the challenge by becoming more efficient and diversifying their markets.

The steel industry should do the same. The fact is 40 times more American workers are employed in U.S. industries that use steel than in the industries that actually make steel. When we use protectionism to shield one industry, 40 times more Americans are injured. Remarkably, today, U.S. steel production and demand are at record levels. Let me underscore that again. U.S. steel production and demand are at record levels. Revenue per ton of steel was stable in 1998, not declining. Yes, there were fewer steel jobs at the end of 1998 than at the beginning, but that is a reality of the industry as it modernizes. Since 1993, jobs have fallen by 9,000 per year while production of steel has actually increased.

Mr. Speaker, protectionism is not the answer to the pain caused by economic turmoil overseas. Special interest protectionism will kill the goose that laid the golden egg that is our growing economy. The sponsors of H.R. 975 are asking us to start down a well-worn path to economic despair. Protectionism is fool's gold.

Mr. Speaker, I advocate passage of this rule. We need to engage in a very serious debate to talk about this issue, and then I hope that this House will reject this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my very dear friend from California who has agreed to wear a green tie for sake of harmony today for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, the United States economy is booming. Economic growth is strong, job creation is at an all-time high, but not every American is sharing in the good times. At the same time the stock market is flirting with the 10,000 mark, 10,000 American steelworkers lost their jobs last year, 10,000 hardworking American families lost their paychecks, and 10,000 steel families face a very uncertain future.

Mr. Speaker, there is only one reason for this. It is the flood of cheap foreign steel being dumped into our markets in violation of the international trade laws, and it is drowning our steel industry.

Mr. Speaker, back in the 1970s, the American steel industry faced another crisis, a crisis of competitiveness. The American steel industry invested $50 billion to modernize plants and equipment. They also downsized, giving up about 200,000 good jobs. They innovated. American steelworkers made themselves more efficient. American steelworkers made themselves more productive. As a consequence, Mr. Speaker, America now produces the highest quality steel at the lowest cost per ton. Let me repeat, Mr. Speaker. American steelworkers produce the highest quality, lowest cost steel in the entire world. But even the most productive workers cannot compete with countries that do not play by the rules.

The surge of unfair dumping of cheap foreign steel imports is costing America jobs and costing America money, and it is time that we take some very tough action.

Mr. Speaker, President Clinton has recently taken steps in the right direction. The administration found that Russia, Japan and Brazil had been dumping steel and issued rulings against these countries. The President has virtually stopped imports of hot-rolled steel from Russia and Japan, imports from Brazil are down by 76 percent, but at the same time cheap imports from China, South Africa and Indonesia have skyrocketed.

Mr. Speaker, even though the administration has taken some very good steps, there is much more to be done. This bill directs the President to take the steps to roll back the level of imported steel to the pre-July 1997 crisis levels. This bill leaves it to the President whether these steps involve quotas or tariff surcharges or restraint agreements or any other measures.

This bill also establishes a steel import monitoring program to make sure other countries comply with antidumping laws and provides information to help industry, labor and government respond to surges in imports.

Mr. Speaker, I would like to take this opportunity to thank the gentleman from Indiana (Mr. VISCLOSKY) and the other sponsors of this bill for their efforts. And I want to thank my dear friend from California who has granted this rule despite his objections to the legislation.

Mr. Speaker, it is time for action. American steel is much too important and American steelworkers deserve better. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from St. Clairsville, OH (Mr. NEY).

Mr. NEY. Mr. Speaker, I want to thank the gentleman for the fact that we have this on the floor today. Although we would differ in opinion, the process is going to work by having us here.

Mr. Speaker, as a coauthor of the Visclosky-Regula steel legislation, I am committed to standing up for steel. This legislation brings back the integrity of our antidumping provisions of the Trade and Tariff Act of 1930.

But this bill is not about free trade versus fair trade versus protectionism. It is about illegal dumping. And that is a big difference. This bill is pro-worker and it is pro-American.

Eleven thousand steelworkers, as we noted before, have lost their jobs. Eleven thousand steelworkers are trying to decide today, and one more per hour, how they feed their families, how they help their communities, how they survive.

□ 1100

Mr. Speaker, we are here today because the President had lack of courage. In a combined effort with my colleagues we introduced legislation to freeze steel imports at pre-July 1997 levels. This legislation would do what President Clinton has not done, and that is to stand up for steelworkers and put America's interests first for a change. In October we had 344 Members on a bipartisan basis in October that urged the end of this. Yes, the administration is now starting to do some things 11,000 steelworkers later, and I cannot trust that if we do not push through this legislation and pass it, that it will not go back to the way it was.

So, Mr. Speaker, this legislation is absolutely critical.

There is a solution; it is a simple one. We must enforce our trade laws. That is it. The U.S. steel industry is not asking for special protection, and, quite frankly, they do not need it. Our working men and women can compete with anyone on this planet. They can and will compete against any steel in the world. But we cannot go against illegally-dumped steel.

But let me conclude, Mr. Speaker, and tell my colleagues why we are here today, how we got to this point.

We are here today because we are going to stand up for Main Street today, not Wall Street. That is why this bill is here. It is here because of leaders like Mark Glyptis, and George Becker, and Chip Antonacci, and Larry Mallas and John Sanders and Dave Gossett stood up and spoke out, and we are here because thousands of steelworkers and citizens would not let this issue go, would not let this issue die. Thousands rallied back home in a multi-state area, and they came here to the streets of Washington, D.C., 7,000 strong. They brought their children. People came here from all walks of life, Republican, Democrat, Independent, the wealthy, the poor, the unemployed, the workers, the students. Students made phone calls. People protested. They stood up for their rights.

That is why we are here today, Mr. Speaker, because people spoke out. The steelworkers, and the citizens, and the students and the people of our communities have said to their government: Stand up for us for a change.

It is very simple in my mind. We are today going to support Japan or we are going to support Weirton, West Virginia. We today are going to support Brazil or we are going to support Steubenville, Ohio. This is a bill about the fact that America today speaks out. The people speak out on the floor, the people win and America wins.

Support the rule and the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise today in support of this rule and the underlying bill, H.R. 975.

Mr. Speaker, we are here because of policies which have failed to protect the American steel industry and workers from unfair competition. The administration could have prevented this bill from coming to the floor by initiating its own restrictions on the surge of cheap imported steel, but the administration would not go to such lengths to protect the steel industry. But they have gone the distance and more to protect the banana industry.

Mr. Speaker, does the banana industry employ 160,00 American workers? No. Are foreign bananas crowding out the American banana business? No. This has not stopped the administration from making every effort to protect the banana industry.

Bananas did not build America. Steel did. Steel helped build our automotive industry. Steel helped build our defense. We cannot build a tank with a banana, we cannot build a plane with a banana, we cannot build ships with a banana. We did not build cars with bananas. We did not build bridges with bananas. We did not build America with bananas. We built America with steel. But the administration has ignored the steel industry that employs 160,000 Americans that have suffered the loss of 10,000 jobs since the import crisis began and that has endured the undercutting of its American market. The administration cares more about bananas than about steel. Such a trade policy is, in a word, bananas.

Our approach is different from the administration's. H.R. 975 is the only action that will directly confront the major cause of layoffs in the steel industry. Our bill is America's best hope of averting an economic crisis of our own.

Mr. Speaker, I urge support for the rule, and I urge support for H.R. 975.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Madison Village, Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman for not only giving me the time, but also for bringing this rule to the floor, and, Mr. Speaker, I rise in support of both the rule and also the bill today before us. I want to thank the gentleman from Indiana (Mr. VISCLOSKY), and the gentleman from Ohio (Mr. NEY), and the gentleman from Ohio (Mr. TRAFICANT), and the gentleman from Ohio (Mr. REGULA), and the gentleman from Ohio (Mr. KUCINICH) and everyone else who had a hand in bringing this bill before us today.

I do want to express some concerns about the manner in which H.R. 975 addresses the steel dumping issue. There is no doubt many speakers will talk about the fact that 10,000 steelworkers have lost their jobs as a result of steel dumping, but for every one steelworker in this country there are 40 downstream employees in the metal forming and metal stamping business, and I want to chat about them for just a minute in this 3 minutes.

The U.S. steel industry, even when it is going full guns, is never able to meet all of our steel demands in this country. At current levels the estimates are maybe 75 percent, which leaves us with a shortage of 17 to 24 million tons each and every year. There are some contracts and applications that call for nondumped, but foreign, steel. There is a metal foreman in my district that has a contract that calls for Dutch steel, for instance, and he says that if we put in restrictive quotas in certain situations, well then that company will just have the goods stamped over in the Netherlands, and we will have imported into this country a finished product. If steel is unavailable or a specific kind of steel is unavailable for a given application, our downstream manufacturers will lose contracts, and imports will come into this country on a finished basis.

For that reason, Mr. Speaker, I would like to engage in a brief colloquy with the chief sponsor of this bill, the gentleman from Indiana (Mr. VISCLOSKY), and I would ask the gentleman:

Given the concerns of a short supply, why is it that he looked at in H.R. 975 the quotas, tariffs and other remedies to control the amount of steel coming into this country rather than focusing on dumping margins which are contained in Section 201 of the 1974 trade act?

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman's concern.

The reason we looked at a quantitative and global approach is because, if we look at a product, if we look at a specific country based on a price, we are not going to resolve the crisis.

I would point out, for example, on a country basis steel exports from India suddenly increased to 70 percent in January of 1990 compared to just December of 1998. Exports from Australia increased 31 percent in that last month. Exports from Korea increased by 25 percent.

So we are going to have to look at shifting within countries of various product lines as well as in people following behind if we do achieve success with one country coming in with new quantities of steel and again would remind the gentleman we are giving the administration 60 days to fashion their initiative, and they have great flexibility as to the design of that final plan.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman very much for his answer, and I also thank the gentleman very much for his courage in bringing this bill forward.

I would ask as a further courtesy, as this bill proceeds, if we discover that the quotas in place by H.R. 975 have an adverse effect and cause a short supply for our end users in this country, that we be willing across the aisle to work and address that issue, and I am certain that we can do that.

Mr. VISCLOSKY. Absolutely.

Mr. LATOURETTE. I thank the gentleman from Indiana very much.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman very much for the time, and I rise in support of this rule and also in support of this resolution. In the last 12 months 10,000 American steelworkers have found out firsthand that fair trade is not fair and free trade is not free. The cost of those 10,000 American workers was more than their jobs. It was the loss of a lifestyle, a loss of the retirement savings, a loss of a promising future, and for some the cost was a lose of their home and even their family.

Mr. Speaker, it has not stopped yet. Thousands of more jobs will be lost if we do not act now. Ten thousand, and still counting, steelworkers have lost their jobs, not because of fair competition, but because of unfair competition. Employers and employees worked and sacrificed together to modernize the American steel industry, making it once again the most efficient steel industry in the world. They are willing to compete fairly, but they do not have a chance unless their government once again makes the playing field level. Foreign countries facing recessions and owing interest on American loans have targeted America as a place to raise hard cash. Countries where it takes $400 to make a ton of steel are dumping it here in record amounts for $200 a ton. Stopping that is not protectionism. It is ending an illegal business practice, one we would not allow one American company to do to another.

Mr. Speaker, if this administration will not show the same compassion for American workers as they do for the economies of Japan, Korea and Russia, they would stop this dumping now. They already have that power. I am troubled that we need to legislate an end to the dumping because legislation takes time, and time is something the American steel industry and its workers are running out of. The world tried this once before, and the greatest free trader of all, Ronald Reagan, put a stop to it. Now they are trying it again, and because this administration is more concerned about the world's economy, it is letting them do it.

Mr. Speaker, this administration will not stop this, so it is up to us. Let us act quickly.

This Administration cannot continue to hide behind "overall" rosy economic statistics while dismissing certain sectors of the economy as having troubles. Not when it already has the power to help those certain sectors—like the steel industry.

Yes, people are being hired in record numbers. But, for what kind of jobs? Too often, people are being hired at a Wal-Mart so then they have the money to eat at McDonald's—who in turn hire people to serve those Wal-Mart employees—allowing these new McDonald workers to take their salary and spend it at Wal-Mart—who can then hire more low wage employees.

We should not even talk about the low wage jobs being created at Wal-Mart and McDonalds, but we should speak loudly and forcefully about the good high paying, benefit rich jobs these people had before they were laid off.

A 20-dollar an hour job with benefits at a steel mill cannot be replaced by a 6-dollar job at Wal-Mart. But that's what's happening.

And don't tell me about the average income of an American worker, when included in that average is a 100 million dollar severance pay to a Hollywood insider, a 20 million dollar bonus for a corporate executive who's rewarded for chopping down his workforce, and a 70 million dollar contract to a professional athlete.

Ten thousand, and still counting, steel workers have lost their jobs, not because of fair competition but because of unfair competition.

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They already have the power.

I'm troubled that we need to legislate an end to this dumping because legislation takes time, and time is something the American steel industry and its workers are running out of.

The world tried this once before, and the greatest free trader of all—Ronald Reagan—took his eyes off the balance sheets and focused them on the American families and he said that's wrong and put a stop to it.

Now, they're trying it again and because this Administration is more concerned about the world's economy, it's letting them do it.

But what if that's not enough? If they're willing to let the steel industry be undercut by foreign competitors acting illegally, what other industries will they allow the same thing to be done to?

The Administration won't stop this—so it is up to us.

Let's do it quickly.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Mapleton, Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I am pleased to rise today in support of our steel industry. The administration, Mr. Speaker, is compromising our national security by failing to enforce our trade laws. Our steel industry is critical to our national security. American steel companies across the Nation are going bust. Yet without American steel companies to supply our Armed Forces, our national defense is useless.

Let me cite some statistics. In the Gulf War the U.S. Army relied on the steel in 5,000 tanks, Bradleys and other armored personnel carriers. At the peak of the conflict in the Persian Gulf, the U.S. Navy deployed 120 ships made almost exclusively of American steel. Because the administration has failed to do its job in implementing import controls, Congress has to step in today to legislate trade policy and safeguard our defense.

A vote in support of this legislation today is a vote to uphold our national security and stop illegal foreign dumping. This will allow our steel industry to rebuild and our workers to go back to work and save our families. I urge a yes vote.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding this time to me.

Mr. Speaker, I rise in support of the rule and the underlying Visclosky legislation, H.R. 975. It is necessary for this Congress to act to bring fairness to the steel industry, fairness in our trade policies.

I support open trade markets, but only fair trade, not free trade.

In the 1980's the steel industry came under heavy assault by countries dumping their steel here in the United States. The United States did nothing. We almost lost our steel industry. In my district, we mine iron ore, and we make iron ore pellets. To make the steel, Mr. Speaker, we need the iron ore pellets. Without our iron mines, there is no steel industry in the United States.

In the 1980's, prior to the illegal dumping, there were over 4500 miners in the Upper Peninsula of Michigan. Today our mines employ less than 2,200 miners. We cannot absorb any more losses.

That is why Sunday I joined approximately 2,000 of my friends in Negaunee, Michigan, to stand up for steel. I want to see this and other anti-steel dumping legislation come to the floor of this House for a vote.

Now I have heard some Members say that they are reluctant to vote for this bill because they do not want to be perceived as anti-free trade. The question is not about free trade, it is about fair trade.

I say it is time to stand up for fair trade. Join us and stand up for our miners and steelworkers so they can rebuild the financial security they are fighting hard to achieve. Stand up for the steel companies who have worked to be the best steel producers in the world. Stand up for the workers and industries across a broad segment of our economy who need to see us get tough with foreign countries who have betrayed our good-faith efforts to promote open and fair trade.

□ 1115

It is time to stand up for our constituents, stand up for our communities, stand up for the Iron Range, stand up for steel and stand up for America. Vote yes on H.R. 975.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from California (Mr. DREIER) has 16 minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 20½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, I rise today in support of the closed rule and in support of the legislation before us. Once again, we are here pleading for some action by the Congress and the administration to step in and take care of a problem that has been hurting the hard-working steelworkers of the First Congressional District of Arkansas and across this country for far too long.

We are here today because the legislation we are debating will directly address the surge of unfairly traded imports. We must pass this legislation, and the administration must support it.

I cannot even count how many times we have stood here asking for the same thing, enforce our trade laws, stop illegal foreign dumping of steel in the United States. The administration has stood by for months now with their hands in their pockets doing nothing for the thousands of steelworkers in the First Congressional District of Arkansas and across this country who have lost their jobs, people who have families to feed.

We have been promised action time and time again but have seen nothing. I urge support of this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I rise in support of the rule on the bipartisan Steel Recovery Act. Over the last several months, we have waged a battle on the issue of illegal dumping of foreign steel on American markets. I firmly believe that no American steelworker should have to sacrifice their job or their livelihood because of a foreign importer that breaks American trade laws. I urge my colleagues on both sides of the aisle to stand firm in support of U.S. steel, U.S. steelworkers and their families as the steel industry confronts an onslaught of unfairly traded steel imports.

Collapse of demand in Asia, Russia and Brazil have resulted in historic global overcapacity. Foreign producers choking on a global steel oversupply are desperate to sell steel and are willing to dump it at whatever price possible, to whatever market is open to them; in other words, the United States. Last year alone, imports from Japan, Korea and Russia soared by nearly 170 percent, 137 percent and 70 percent respectively.

Mr. Speaker, I urge full support of the rule and for the bill.

As a result, the U.S. steel industry is in a fight for its life. Steelworkers in Utah, Pennsylvania, and Alabama have been the hardest hit with each State losing several thousand workers. In Indiana, the Nation's largest steel producer, providing 23 percent of the raw steel made in the United States, up to 3,000 of its 30,000 steel workers—10 percent—have had to accept shortened work weeks, lower-paying job assignments, or early retirement. The Department of Commerce recently reported that 11,000 steel workers have already been laid off. That's 11,000 x's the American families who now face uncertain futures because we did not take action when we could have.

We must take all measures necessary to halt the flood of unfairly traded steel into the United States. Congress and the Administration must work together to enact stronger trade laws to prevent surges of dumped and subsidized foreign steel from devastating our workers and companies again. And, most immediately, Congress must act to slow these imports now before our steel industry is too seriously injured to recover.

America's hard-working families are looking to us to be their voice. Mr. Speaker, I intend to stand up for them and vote for H.R. 975. I urge my colleagues to vote in favor of this rule and in favor of the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, support for the Steel Recovery Act is not protectionism; it is a vote for fair trade in steel, fair trade in the U.S. and international marketplace. 1999, for the steel industry in America is what Yogi Berra once called deja vu all over again. We are seeing 1980 being repeated in 1999.

In 1980, we had produced 120 million tons of steel, the highest steel production in the history of this country. Imports devastated the steel industry down to 80 million tons; 350,000 steelworkers lost their jobs. 10,000 people in my district, 10,000 workers in the iron ore mines of Minnesota, lost their jobs permanently. We went from a $450 million payroll down to less than $100 million in 18 months. We are not going to stand for that again.

Look at what is happening just this year in the iron ore mining company: Eveleth Tachonite Company forced to have layoffs because foreign steel is taking away the market in the domestic United States, subsidized foreign steel.

We have spent $50 billion in the steel industry in this country modernizing America's steel mills. We have the highest productivity, the highest quality steel, the lowest cost per man unit of steel produced in America in the whole world, and yet Russia, Brazil, Japan, Korea, other countries, are dumping steel in this country at $250 a ton less than we produce it right here at home. They are subsidizing and exporting their unemployment, dumping it on our shores. When it hits at home and when it hits your friends and your neighbors, then you have got to stand up for fairness in steel.

We have invested over $2 billion in modernizing the iron ore mining and processing plants on the Mesabi iron range of northern Minnesota, as the gentleman from Michigan (Mr. STUPAK) said about his State. We should not stand for having that investment, that modernization of our industry wiped out by having foreign countries dump their unemployment on our shores, wiping out our American jobs.

Steel is the most important building material in an industrial society. We cannot engage a war, we cannot build our highways, we cannot construct our airports without steel. We are not going to have American bridges, American ports, American airports built with foreign steel subsidized to take away jobs from American workers when we have made the investments to modernize with private venture capital this greatest steel industry in the whole world and this finest iron ore mining industry in this whole world. Vote for the Steel Recovery Act.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I express my appreciation to the members of the Committee on Rules, the Committee on Ways and Means, to the leadership and to the Speaker, the gentleman from Illinois (Mr. HASTERT), for their fair treatment on this issue. I know that the substance of the Visclosky steel bill may be of concern to some of these Members so I am gratified to see this bill brought to the floor for consideration.

The subject of foreign steel dumping in the American market is simply too important, with an impact on too many areas of this country, for it not to receive consideration by the full membership of this House. This is the kind of bipartisan cooperation we need to see to solve the problems affecting American families, and I was especially gratified that the members of the Committee on Rules accepted our request for more debate time on this bill, as well as a closed rule.

On the substance of the bill, let me just say at this point that the Commerce Department has already issued its determination that illegal dumping and foreign government subsidies have occurred in Japan, Brazil and Russia. This constitutes the best, most informed judgment so far by the U.S. Government that illegal dumping is, in fact, occurring. We are playing by the rules but we are losing jobs to those who are not. Support fair trade. Vote for the rule and vote for final passage of H.R. 975.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and underlying legislation H.R. 975 which has been brought to us by our diligent colleagues, the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Ohio (Mr. REGULA). I wanted to thank our good friend the gentleman from Massachusetts (Mr. MOAKLEY) also for helping move this through the Committee on Rules. It is time to put steel back into the spine of America. 10,000 American steelworkers losing their jobs is beyond belief. The administration's delay to enforce dumping laws in this country, unforgivable. Since 1997, a glut of dumped imports on our shores, Indonesia up 612 percent, Japan 157 percent, Australia 156 percent, South Africa, 107 percent and Korea 105 percent; most of those countries are not covered by the administration's agreement.

If we in this Congress cannot stand up for our own when they are being unfairly dumped on, it is fair to ask, when do we stand up for anyone? Support the rule. Support H.R. 975.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank my colleague, the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time. Mr. Speaker, I ask that the gentleman from Indiana (Mr. VISCLOSKY) join me in a brief colloquy.

Mr. Speaker, I want Members to know that this is a good bill and I support the bill but I do have some concerns about its impact on the steel producer in my district who has told me about problems in obtaining the types and quantity of steel that they need from domestic producers. In the past, the government has been able to make very specific case-by-case exceptions to the import restrictions to allow manufacturers with legitimate short supply problems to continue producing their products and employing their workforce at full strength.

I believe there are conditions which may warrant further examination along these lines in the bill before us today and I would appreciate the assistance of the gentleman in working to rectify these problems.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. VISCLOSKY) for his response.

Mr. VISCLOSKY. Mr. Speaker, I appreciate, first of all, the support of the gentleman from Washington (Mr. BAIRD) for the legislation, as well as his expression of concern.

The issue of short supply is an issue that we have considered from the inception of the original legislation and do believe that it is covered under the bill itself. The fact is, the administration, following enactment of H.R. 975, will have 60 days in which to fashion a comprehensive program that will still allow one out of every four tons of steel sold in the United States to be exported from another country.

Additionally, the reason we wanted to give the administration that flexibility and to put all of the countries and all of the products on one table is to make sure that companies such as the gentleman's in the State of Washington, earlier we had a gentleman on the other side, the gentleman from Ohio (Mr. LATOURETTE), indicate he had a problem as far as possible short supply, that those can be addressed.

The reason we have looked at quantitative restrictions is, again, to make sure that we do not have people who are trading illegally under our trade laws following in behind someone else who is now obeying the law. That would be the responsibility of the administration, and I do appreciate very much the concerns the gentleman raised.

Mr. BAIRD. Mr. Speaker, I appreciate the consideration of the gentleman from Indiana (Mr. VISCLOSKY) on that. I appreciate, again, his hard work on this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), who is the perfecter of the amendment that will be heard on the floor.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for the recognition.

Mr. Speaker, I would want to use this time not only to express my support for the rule but to make a number of thank you's in all sincerity. I think the coming together of Members in this case in a very bipartisan fashion, to work together selflessly over a period of nearly 8 months, to engender the support again in a bipartisan fashion of this House, can lead the way to the legislative calendar for the next 2 years and simply want to again thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the gentleman from Texas (Mr. ARMEY) particularly for their consideration. I know they have reservations about this legislation.

I want to make sure that the gentleman from Michigan (Mr. BONIOR) is thanked and particularly the gentleman from Missouri (Mr. GEPHARDT), the minority leader, for their inestimable help in this matter, and finally the gentleman from Texas (Mr. ARCHER) and the gentleman from Illinois (Mr. CRANE) who I again know have very serious reservations about the legislation, as well as the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. LEVIN).

I would finally want to thank the steelworkers everywhere who have worked diligently throughout this crisis to make sure that the voice of workers in this country is heard, and those who have participated in the steel working group.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House.

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of H.R. 975, a bill which is designed to reduce the flood of steel imports coming into the United States, and I would like to commend the work of especially the gentleman from Indiana (Mr. VISCLOSKY) for all the hard work that he has done in bringing this measure to the floor today.

□ 1130

Today, the House has the opportunity to send a strong message of support for American steel company workers and steel communities across this country.

Mr. Speaker, more than 10,000 high-wage and high-skill Americans in the steel industry have lost their jobs since the onslaught of foreign imported steel began about 2 years ago. H.R. 975 will grant real tangible relief for this industry that is vital to our industrial base and indeed, our national security. It will also aid the efforts of steel workers and companies to bring about stronger action to help the United States steel industry.

Mr. Speaker, an economic collapse has swept the globe, first striking in Asia, but now impacting Latin America and other developing countries as well. During the debate over IMF emergency funding to stabilize these economies, I warned that import surges would result from the Asian economic crisis and that a plan would be needed to combat the unfair imports. Unfortunately, no such plan has been forthcoming.

Between 1997 and 1998, steel imports have risen nearly 100 percent from key countries like Japan and Korea. Thus far, 10,000 jobs have been lost, but thousands more jobs are threatened as an oversupply of foreign-made steel sits on our docks. Our steel industry is the most productive industry in the world. The U.S. should not be forced to unilaterally take in a massive global import surge.

While the Clinton administration has taken some much-needed steps by expediting relief to the steel industry via traditional U.S. trade laws, I am concerned that the administration has not done enough to promote a global solution to this problem. I believe this bill can help us find that solution.

The bill we are debating today simply limits imports to pre-crisis levels. It promotes a fair and level trading system for the United States steel industry by putting an end to the practice of foreign producers flooding our market with cheap steel that puts our industry and its workers in jeopardy.

Mr. Speaker, I look forward to continuing our ongoing efforts with the gentleman from Indiana (Mr. VISCLOSKY), the Steel Caucus, the Clinton administration, and all interested parties to develop a strong and realistic global solution to this crisis. Today's floor debate reminds us of the magnitude of the crisis in the steel country, and the passage of this bill will hopefully bring about the action which is needed to help reverse this economic calamity for thousands of workers and their families.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I also want to commend my friend the gentleman from Indiana (Mr. VISCLOSKY) for all of his outstanding work that he has done on behalf of this particular bill and on behalf of the steel industry.

I rise today in strong support of H.R. 975, the bipartisan Steel Recovery Act. This much-needed legislation will protect the U.S. Steel industry from unfair dumping of foreign steel into the United States market.

Since 1997, I and other Americans have watched Asian, Russian and Latin American countries dump their steel into this Nation. From 1997 to the present, U.S. Steel imports rose to 66 million tons, and it started out at 20 million tons. Over the past year, East Asia, Russia, and Brazil have illegally imported steel into this country at very low prices. Due in principal part to a lingering financial crisis which has devalued their currencies, these countries, East Asia, Russia, Brazil and others, have been getting away with murder.

Today, these unfair acts must come to an end because our Nation's citizens are the losers. In the State of Illinois, Acme Metals has filed for Chapter XI bankruptcy because it could not compete with the surge in steel imports. In my district, many steel companies have slowed down production. Some companies have even laid off workers or shortened their hours. We cannot sit idly by, Mr. Speaker, and let these countries destroy our steel mills. I support H.R. 975.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, this chart I think tells the story well. It begins in 1996 and finishes in January of 1999, and it is steel imports. Look at this line and how it suddenly shoots up.

Well, let me tell my colleagues what that line right there means, Mr. Speaker. That line does not tell us about the almost 1,000 Weirton Steel workers that are laid off, and they did exactly what our country asked them to do. They downsized, they invested, they became an ESOP, they played fair and they asked for a level playing field, and now there are 1,000 of them laid off because this government has not kept by its bargain and fought illegal imports.

It is not just Weirton, it is Wheeling Pit, it will be workers in Shinnston and Follansbee, and later it will be in Ravenswood at Century Aluminum and on down the Ohio River.

So, Mr. Speaker, this Congress must act today. It must send a clear, resolute message to this administration and to the world: We will not tolerate this line going any higher. We want those workers back to work, and the Congress will begin that process today.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the debate has begun, and we have had Members on both sides of the aisle who wanted us to proceed with consideration of this legislation, and so we have done that. We start during this rule, and I am happy to say that in the rule we extended, as I said, by 50 percent the amount of time that would normally be called for, an hour of general debate, we have extended that to an hour and a half, and I think that this discussion will continue. So I am going to urge strong support of the rule.

As those who have been following this debate know, Mr. Speaker, most of the discussion has been over the measure itself, and I have to say that seeing the gentleman from Texas (Mr. ARCHER), the distinguished chairman of the Committee on Ways and Means, come on to the House floor, it is nice to have him here, because it buoys me up in my very strong opposition to this ill-conceived measure.

In fact, today the U.S. steel industry benefits from very vigorous U.S. enforcement of our trade remedies. One-third of the 300 antidumping and countervailing duty orders administered by the Commerce Department address steel products. In addition, we have seen a great reduction in the last 4 months of imports from those countries in question: Japan, Russia, and Brazil. We also have to recognize that overall we have seen this reduction in steel imports, and that decline is one which seems to be continuing, and the numbers are phenomenal. If we go from November of 1998 to January of 1999, they have dropped by 93 percent from Russia, 49 percent from Japan, 30 percent from Brazil, and 8 percent from Korea.

Mr. Speaker, we also have to recognize that 1998 was a banner year for the U.S. steel industry. In fact, 102 million tons of U.S. steel were shipped. Guess what the demand was? It was for 141 million tons. There is a demand out there that is greater than what is actually being produced, and yet, in 1998, this country produced the second highest amount of steel that we have ever produced in our Nation's history.

Mr. Speaker, it is very clear that this country today is economically strong because of our openness and our dynamism. We should not let fear create the kinds of problems that it has throughout the rest of the world.

Mr. Speaker, we look at the fact that there are many skilled workers in Western Europe, and yet their economies are faced with very, very great difficulties. Why? Because of the fear, because of the protectionism that they have imposed, and they do not have the kind of openness and dynamism that we have as a Nation.

Mr. Speaker, let us look at all of those downstream workers, 40 times as many as there are in the actual steel manufacturing industry in this country. The auto manufacturers, they also are in large part, as the Wall Street Journal pointed out in an editorial yesterday, responsible for this. The 54-day strike that took place with General Motors obviously decreased that opportunity for production during last fall's strike. So it seems to me that we need to recognize that consumers would be devastated by going down this slippery slope.

We have other industries, the oil and gas industry. As I said, in our State of California, our economy, because of the cuts in defense and aerospace over the past several years, hinges on our involvement in the international economy. Our State is the gateway to the Pacific Rim and Latin America. If we were to pass, move ahead with this legislation, it could be potentially devastating to the largest State in the Union, and I believe to this entire country.

So let us stand with our Nation's openness, diversity and dynamism, which has, in fact, given us the strongest economic growth that we have seen in many, many years.

With that, I urge support of the rule.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I want to thank the chairman of the Committee on Rules, the gentleman at the microphone, for his fairness in the presentation of this rule. He did extend the time, and he did allow the bill to come to the floor, even though he personally is opposed to it.

I also thank the gentleman for the timing, because as he knows, in 15 minutes the President of the United States is going to join all Irishmen, Congressmen of Irish descent in the Rayburn Room for a March 17th dinner. So I thank the gentleman for that too, Mr. Speaker.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just adopted.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. GILMAN of New York;
Mr. LATOURETTE of Ohio; and
Mr. CANNON of Utah.

There was no objection.

REDUCING VOLUME OF STEEL IMPORTS AND ESTABLISHING STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 114, I call up the bill (H.R. 975) to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 975 is as follows:

H.R. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN VOLUME OF STEEL IMPORTS.

(a) REDUCTION.—Notwithstanding any other provision of law, within 60 days after the date of the enactment of this Act, the President shall take the necessary steps, by imposing quotas, tariff surcharges, negotiated enforceable voluntary export restraint agreements, or otherwise, to ensure that the volume of steel products imported into the United States during any month does not exceed the average volume of steel products that was imported monthly into the United States during the 36-month period preceding July 1997.

(b) ENFORCEMENT AUTHORITY.—Within 60 days after the date of the enactment of this Act, the Secretary of the Treasury, through the United States Customs Service, and the Secretary of Commerce shall implement a program for administering and enforcing the restraints on imports under subsection (a). The Customs Service is authorized to refuse entry into the customs territory of the United States of any steel products that exceed the allowable levels of imports of such products.

(c) APPLICABILITY.—

(1) CATEGORIES.—This section shall apply to the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

(2) VOLUME.—Volume of steel products for purposes of this section shall be determined on the basis of tonnage of such products.

(d) EXPIRATION.—This section shall expire at the end of the 3-year period beginning 60 days after the date of the enactment of this Act.

SEC. 2. STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of the Treasury, shall establish and implement a steel import notification and monitoring program. The program shall include a requirement that any person importing a product classified under chapter 72 or 73 of the Harmonized Tariff Schedule of the United States obtain an import notification certificate before such products are entered into the United States.

(b) STEEL IMPORT NOTIFICATION CERTIFICATES.—

(1) IN GENERAL.—In order to obtain a steel import notification certificate, an importer shall submit to the Secretary of Commerce an application containing—

(A) the importer's name and address;

(B) the name and address of the supplier of the goods to be imported;

(C) the name and address of the producer of the goods to be imported;

(D) the country of origin of the goods;

(E) the country from which the goods are to be imported;

(F) the United States Customs port of entry where the goods will be entered;

(G) the expected date of entry of the goods into the United States;

(H) a description of the goods, including the classification of such goods under the Harmonized Tariff Schedule of the United States;

(I) the quantity (in kilograms and net tons) of the goods to be imported;

(J) the cost insurance freight (CIF) and free alongside ship (FAS) values of the goods to be entered;

(K) whether the goods are being entered for consumption or for entry into a bonded warehouse or foreign trade zone;

(L) a certification that the information furnished in the certificate application is correct; and

(M) any other information the Secretary of Commerce determines to be necessary and appropriate.

(2) ENTRY INTO CUSTOMS TERRITORY.—In the case of merchandise classified under chapter 72 or 73 of the Harmonized Tariff Schedule of the United States that is initially entered into a bonded warehouse or foreign trade zone, a steel import notification certificate shall be required before the merchandise is entered into the customs territory of the United States.

(3) ISSUANCE OF STEEL IMPORT NOTIFICATION CERTIFICATE.—The Secretary of Commerce shall issue a steel import notification certificate to any person who files an application that meets the requirements of this section. Such certificate shall be valid for a period of 30 days from the date of issuance.

(c) STATISTICAL INFORMATION.—

(1) IN GENERAL.—The Secretary of Commerce shall compile and publish on a weekly basis information described in paragraph (2).

(2) INFORMATION DESCRIBED.—Information described in this paragraph means information obtained from steel import notification certificate applications concerning steel imported into the United States and includes with respect to such imports the Harmonized Tariff Schedule of the United States classification (to the tenth digit), the country of origin, the port of entry, quantity, value of steel imported, and whether the imports are entered for consumption or are entered into a bonded warehouse or foreign trade zone. Such information shall also be compiled in aggregate form and made publicly available by the Secretary of Commerce on a weekly basis by public posting through an Internet website. The information provided under this section shall be in addition to any information otherwise required by law.

(d) FEES.—The Secretary of Commerce may prescribe reasonable fees and charges to defray the costs of carrying out the provisions of this section, including a fee for issuing a certificate under this section.

(e) SINGLE PRODUCER AND EXPORTER COUNTRIES.—Notwithstanding any other provision of law, the Secretary of Commerce shall make publicly available all information required to be released pursuant to subsection (c), including information obtained regarding imports from a foreign producer or exporter that is the only producer or exporter of goods subject to this section from a foreign country.

(f) REGULATIONS.—The Secretary of Commerce may prescribe such rules and regulations relating to the steel import notification and monitoring program as may be necessary to carry the provisions of this section.

The SPEAKER pro tempore. Pursuant to House Resolution 114, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 45 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 975.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 975 directs the President, in effect mandates the President, to establish quotas to limit steel imports into the U.S., and I urge its defeat. This is more than rhetoric, this is a serious matter, and what we do today will have considerable impact not only on our own economy and our leadership in the world, but on the rest of the world.

□ 1145

A Wall Street Journal editorial yesterday called the bill, and I quote, "the most radical American protectionist act since Smoot-Hawley." Need I remind the Members that Smoot-Hawley passed in the late 1920s, contributed mightily, it did not cause the great worldwide depression. That is why I strongly oppose this legislation.

I am pleased that the Clinton administration also opposes this bill. Mr. Podesta, White House Chief of Staff, wrote to me last week saying he would recommend that President Clinton veto this legislation.

Mr. Speaker, I include for the RECORD Mr. Podesta's letter, as follows:

THE WHITE HOUSE,
Washington, DC, Mar. 10, 1999.

Hon. BILL ARCHER,
Chairman, Ways and Means Committee,
U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN ARCHER: I want to convey to you the Administration's opposition to H.R. 975 and, in particular, its mandate that the President take action to roll back steel imports to the average monthly import levels preceding the current import surge.

The President is determined to maintain the U.S.' strong manufacturing base and the good jobs it provides. The President shares the co-sponsors' deep concern about the impact on our steelworkers, communities and companies of the surge in steel imports. He believes that the best way to address the current steel crisis is by insisting that other countries play by the international trade rules, just as the United States will continue to abide by those rules. The President's commitment to effective, vigorous and timely enforcement of our trade laws is producing results. Imports of carbon hot-rolled steel have fallen 70% between November and January. Imports of these products also have virtually ceased from Russia and Japan (down 98% and 96% respectively) and declined 76% from Brazil. We are committed to sustained implementation of this plan and the expeditious resolution of pending cases.

Quotas imposed outside of the World Trade Organization (WTO) consistent processes contained in our trade laws (section 201 safeguards law or the quota suspension agreement provisions in our antidumping and countervailing duty laws) violate our international trade obligations. These quotas would not be based on a determination of whether the imports are causing or threatening serious injury, or whether unfair trade or subsidization is involved as required by WTO. Moreover, our current trade laws already provide the means for U.S. industry and workers to request an investigation and, if a threat of injury is demonstrated, quotas or other trade remedies can be imposed in a WTO consistent manner. In addition, when the orderly and thorough procedures mandated by our trade laws are followed, we can take into account the full range of U.S. industry and worker concerns and fashion remedies that do not result in additional market distortions, import shortages, excessive price hikes or retaliation that could harm U.S. export industries and customers.

We believe that implementing H.R. 975 constitutes violation of our international obligations under the WTO and is not in our nation's economic interest. Because of these concerns, the President's senior advisors would recommend that the President veto the bill.

Nonetheless, the steel crisis has demonstrated that there is room for improvements to our trade laws to ensure they deliver strong, effective relief in an expeditious manner, while maintaining their consistency with our international WTO obligations. We believe the legislation proposed by Congressman Levin constitutes a constructive approach, and we stand ready to work with him and other members of Congress to develop a bill that we could recommend the President sign.

Sincerely,

JOHN PODESTA.

Mr. Speaker, likewise, a majority of Members on the Committee on Ways and Means recommended that the House defeat this bill and the committee reported it on a voice vote adversely, unfavorably.

As we will hear today, our steel industry is going through some tough times, and I am sympathetic to that. But the steel industry is not alone. I am from Texas. I know full well of the problems plaguing our oil industry, which has lost many, many more jobs than the steel industry. Likewise, our farmers and ranchers are still recovering from one of the worst periods in a long, long time. So we must be very sensitive to the steel industry's situation also. But there is a right way and a wrong way to address this problem. This bill is the wrong way.

As usual, there is more to the story. There is a matter of steel users and manufacturers, both large and small. American workers in these steel-using industries, transportation equipment, industrial machinery, metal products, and construction, outnumber employment in steel producer companies by 40 to 1. In fact, I am deeply concerned, and I do not say this lightly, that this bill might threaten national security, because quotas will reduce steel products needed for military supply.

While the policy behind this bill is fatally flawed, the specifics break down as well. There are absolutely no exceptions to the quotas in this bill, even if emergencies arise or if a product is simply not made in the United States. This will cripple many American companies and their workers, including, for example, one in my district, Quality Tubing Incorporated.

Quality Tubing Incorporated is the first American company to manufacture steel coil tubing for the oil and gas industry. It buys roughly 70 percent of its hot-rolled steel from Japan. Why? Because U.S. industry simply does not manufacture the very specialized product that QTI needs. QTI pays a premium for the Japanese product because of its specialty nature.

This bill would be a double whammy for QTI. First it tells QTI it cannot go expand its business because it cannot get more of this specialty product than it did in 1997. Second, it would raise operating costs because prices for this steel product will undoubtedly soar.

Why should this company and its workers have to pay this heavy price? It should make absolutely no difference to the domestic producers whether or not QTI can get its product from overseas because U.S. producers do not make the product. This bill works like a sledgehammer, providing no exception for companies like QTI. We will hear more about many, many, many other companies if this legislation becomes law.

Mr. Speaker, at the direction of Congress, President Clinton, Vice-President GORE and their top economic and foreign policy advisors studied the steel situation very closely. After that thorough examination, the President chose not to set unilateral quotas which are in violation of the WTO rules. Yet, this bill mandates that the President do exactly that.

The President's logic is clear. If the U.S. sets up trade barriers in violation of WTO rules to which we agreed to at a time of fragility in the world economy, we could have a much, much bigger problem on our hands that would affect thousands and thousands of American jobs and threaten our economy.

In addition, we would set a terrible example for countries in real economic trouble, countries whose leaders are under tremendous pressure to retaliate against American made products. Brazil is a good example of this. Federal Reserve Chairman Alan Greenspan shared these concerns when he testified before the Committee on Ways and Means in January.

My colleagues, the danger of drifting or, in this case, racing towards protectionist policies are very real. As I mentioned, the Committee on Ways and Means on a voice vote reported this bill unfavorably, adversely. I urge Members to oppose this steel quota bill. There are better ways to address the problem within the WTO rules. This bill will not make anything better. In fact, it will make things much, much worse.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 975. I agree with the gentleman from Texas (Chairman ARCHER) that there are problems with this bill. The administration has pointed that out.

I myself would prefer that we be considering legislation today that is consistent with our international trade agreements and that would have more of a chance of being enacted into law. This is especially so if we expect other nations to live up to our obligations.

However, it is abundantly clear that our steelworkers and companies have suffered immense harm, including as many as 10,000 jobs lost, severe production cutbacks, and several companies have gone into bankruptcy as a result of the import surge over the last year.

We as a country should have responded more quickly and more effectively. The administration's response over the last few months has been commendable, applying our trade laws aggressively and effectively within the bounds of the international trade rules. But that response is really too late in coming, and so we have the enormous concern and the frustration that led to the introduction of this legislation that we are considering here today.

We need to find a solution to the steel problem, and I hope we all agree on at least that much. However we vote on this bill today, let us try to work together in the coming weeks also to address in a systematic, sustainable fashion the underlying problems our steel firms and workers and other industries face.

Where our trade provisions like section 201 need to be strengthened and fine-tuned so that we can respond more effectively going forward in this problem and the next time around, let us fix them quickly.

Where our ability to protect and predict this kind of import surge can be improved, we should do that, too.

In short, we should look beyond the vote today to a long-term sustainable effective solution.

Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. LEVIN), the ranking member of the Subcommittee on Trade, and I ask unanimous consent that he be permitted to yield time.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LEVIN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 41½ minutes remaining.

Mr. LEVIN. Mr. Speaker, I yield 22½ minutes of my time to the gentleman from Indiana (Mr. VISCLOSKY), and I ask unanimous consent that he be permitted to allocate time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we are here under somewhat unusual procedure, but it is important that we talk about the substance. First of all, I want to emphasize the facts are clear that there was a surge of steel imports. This first chart shows the imports of hot-rolled steel from all countries. If my colleagues look at 1996 and 1997 and 1998, it becomes clear there was this surge, this is of hot-rolled steel a dramatic increase in imports.

Secondly, this chart shows the import of all steel products. Once again, I think it is very clear from this chart there was a very substantial overall increase; indeed, a surge. It was most dramatic with hot-rolled steel, but overall, the same was true.

Also it should be clear that there was a serious impact from this surge. Ten thousand workers lost their jobs. Three companies went into bankruptcy. So we are talking about American businesses, American workers who suffer because of this surge after the steel industry and its workers together had taken unusual steps to improve the industry, to downsize it, to make it more effective, indeed to make it the most productive in the world.

It is also clear that the government reacted slowly. One reason it did is because our antisurge laws are weak, and I will come back to that.

In September of last year, petitions, antidumping petitions were filed. The administration at that point whipped into quick action, and they invoked a provision of the law, a critical circumstances provision, that has rarely been used. As a result, the whole effort to determine whether or not there was dumping of steel, that whole effort was very much accelerated. The result was, in a short order of time, preliminary antidumping margins were announced.

I want to show everybody what happened. I will turn it this way so we see it on all sides of the aisle. This is when the surge hit its peak right here, November. We can see the spike up. Red is Russia, Green is Japan, and blue is Brazil. We can see this spike upward.

When the antidumping margins became evident, we see the tremendous downturn in imports from those three countries. So our antidumping laws began to work.

I want to emphasize to my colleagues that what happened with the surge was not globalization. That is here to stay. But it was manipulation of the market by those countries selling below their cost. It was not competition. It was distortion.

The gentleman from Indiana (Mr. VISCLOSKY) and the industry and the steelworkers and others here have done a real service to spotlight what the problem is. But here is the problem, and that is what is proposed by the gentleman from Indiana (Mr. VISCLOSKY) in this bill is not a viable solution.

□ 1200

Under WTO, the executive cannot, and we as the Congress cannot, invoke a quota by fiat. We simply cannot do that. Under WTO rules, safeguard measures can be put in place and, as a result of those safeguard procedures, if they are followed, action can be taken, including, in some circumstances, quotas. But it is very clear under our WTO obligations that this cannot be done simply by a bill of this nature or by the executive acting on his own.

Now, the bill of the gentleman from Indiana (Mr. VISCLOSKY) does focus on the problem that the dumping laws can be circumvented. Countries that are subject to them can substitute other products, or other countries can come into the gap. And so what we need, and the gentleman from Texas (Mr. ARCHER) said it, we need to do something better, and the gentleman from New York (Mr. RANGEL) said the same thing.

There is something we can do that is better within the WTO. We need to reform our anti-surge provisions so that they are faster and they are more effective. That option is available to us, and I hope very much, as a result of this debate today, that we will take everybody at their word and move on to see if we can find and implement a solution that is within our WTO obligations. I am convinced that there is.

Indeed, the gentleman from New York (Mr. HOUGHTON) and I have been in dialogue with the administration for over a week now. And yesterday, the gentleman from New York, a Republican, and I introduced legislation that would reform our anti-surge laws so that if there is a major circumvention, a major circumvention, of our dumping laws by other countries, or the countries that are subject to them, there will be something that we can utilize and implement quickly. And it will also take care of the issue of other products in addition to steel if a surge occurs.

Look, the steel surge shows that there is a serious problem, and there remains that. A serious problem needs a viable answer, one within the rule of law governing the trade between nations.

I want to close with a personal comment. I have been working with others in this body over these years to try to craft trade laws that are responsive to international rules and responsive to American needs. It goes back many years, in fact more than a decade, when we were able to pass the 1988 trade bill that strengthened our laws.

I think that the international rules have to be opened up so that they take into account new problems, problems that are happening because of our evolving trade with these evolving economies. The laws have to and the rules of competition have to take into account the competition from countries with very different capital and labor and environmental structures. I am dedicated to continuing that effort.

We need to carry on that battle, and we need to have within our laws a response available to surges like we have seen in steel for the good of this country, its workers and its businesses. But if we move in a way that clearly violates our obligations under WTO, and that is the basis of the administration letter indicating that a veto would be coming, we are going to, I think, undermine these efforts to improve our laws.

In a word, because of the way this has evolved, because of the spotlight that has been turned on our anti-surge laws, we now have an ability in this next few weeks, I hope, if not a few weeks no more than a month or two, to put together a bill that will respond to this problem.

So I echo what the gentleman from New York (Mr. RANGEL) said; and I echo in a sense what the gentleman from Texas (Mr. ARCHER) said at the Ways and Means markup: Let us take this moment, and whatever happens today, and dedicate ourselves in the days ahead to making sure that we have the laws, within the international rules that respond to this kind of a surge problem. I am going to dedicate every moment I have to helping that come about.

Mr. CRANE. Mr. Speaker, I ask unanimous consent that I be allowed to control the time of the gentleman from Texas (Mr. ARCHER).

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I want to start out by saying that we all, I think, share the feelings of those who have lost jobs in the steel industry and those businesses that have suffered setbacks.

I cannot personally, though my grandfather grew up near the district of the gentleman from Indiana (Mr. VISCLOSKY) and worked for the steel mills on the south side of Chicago, but my wife's grandfather worked in Gary, Indiana Mills in the gentleman's district. So we in the Chicago area, especially on the south side where I grew up, have a special feeling about the steel industry.

For all of that, though, I think this effort that we are undertaking or considering today is misguided. And I say it is misguided because we have the laws on the books and we have exercised them in a way that has had a very positive effect. Some of that our colleague from Michigan already showed in graphic form.

The fact is, if we take hot rolled steel imports from the three largest exporters that were guilty of dumping in this country, namely Russia, Japan and Brazil, those are now down, from their peak level at the tail end of last year, 96 percent. Ninety-six percent. And if we take the reduction of the hot rolled imports from all countries, and this includes even those that are not subject to investigation, those have dropped since last November by 70 percent. Seventy percent. And that includes countries, as I say, that have never been charged or accused of any irregularity here.

I think that we have the capability of dealing with this sort of a problem, and it is one that we have to recognize. There was a surge, and that surge was in violation of our guidelines and our regulations, but we did address it in a positive way. And so that concern of what happened in the steel industry is basically history at this moment.

The fact is we are on a road to recovery already. If we look frankly at our steel production, the industry recorded last year its second highest level of production in the past 20 years. Second highest in the last 20 years was our steel production. Eleven of the thirteen biggest companies showed profits last year, notwithstanding that surge that occurred at the end of the year.

We must show a concern, an appropriate concern, and I think we all do, for the loss of 10,000 jobs. But we have to recognize how that contrasts with, say, the oil and gas industry and the projected losses that have amounted this past year to almost 50,000. But keep in mind that we are at full employment, and we have now increased the number of jobs nationwide last year by 2.5 million, 2.5 million new jobs, and we are at full employment.

I think it is important to recognize, too, that this can have an impact on those people who are consumers of steel products. I am thinking especially of the people who purchase steel; defense contracts and machinery, cars, construction equipment. They employ 40 times as many U.S. workers as the integrated steel mills do. We will be potentially putting their jobs at risk.

I think also it is important for all of us to recognize the cost. The Congressional Budget Office, as this chart indicates, estimates that this bill will result in higher steel prices that will cost the private sector nearly $1 billion, $1 billion, over the next 3 years.

I have a letter that I will refer to later in closing, but it is from Caterpillar, one of our largest manufacturers and consumers in the State of Illinois, and exporters. It is an insightful letter talking about what the damage, the overwhelming damage, could be to Caterpillar's ability to produce and to export in the world markets if we, sad to say, went along with this well-intentioned but misguided legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. DINGELL), who has been at the forefront of this effort.

Mr. DINGELL. Mr. Speaker, we would not be here debating this bill if we would just enforce our trade laws according to the law. The European Union does, Japan does, why cannot the United States?

Foreign mills are dumping steel on the American market for $200 to $400 a ton less than it costs to produce. Dumping. That is what it is. It is illegal. And if the administration will not stop it, then the Congress must.

America's steel producers and steelworkers played by the rules. They made hard sacrifices in the 1980s to make this the most competitive, efficient and unsubsidized steel industry in the world. It is only because of illegal and unfair trading practices that our industry is being undercut here at home.

The need for action is clear, compelling and convincing. The bill before us, H.R. 975, is common sense and bipartisan. It will reduce steel imports to 25 percent of the U.S. market. That is the level that played in 1997, before the dumping began. It authorizes the U.S. Customs Service to refuse entry to any steel product that exceeds allowable levels.

It also includes Mr. REGULA'S language to establish a steel monitoring system, so that we can avert this situation in the future. This is good legislation and an appropriate response to this crisis.

Finally, I would note that because of the import flux produced by dumping and other illegal trade practices, 11,000 American steel workers have lost their jobs. I would also note that several steel companies have filed for bankruptcy, and more are teetering on the brink.

We must not stand by the wayside and watch the American steel industry exported out of business. This country was built with American steel and this country needs American steel.

We need a global solution to this crisis. H.R. 975 provides that global remedy. I urge all of my colleagues to vote in favor of the Bipartisan Steel Recovery Act.

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN), who, again, has been vigorous in this effort from day one.

Mr. MOLLOHAN. Mr. Speaker, first let me compliment the gentleman from Indiana (Mr. VISCLOSKY), the distinguished member of the Committee on Appropriations, for his real leadership in fighting for America's steelworkers and for our American steel industry. What a commendable job he has done.

Mr. Speaker, the steelworkers of the Ohio valley are frustrated. They are fed up and they are just about to lose faith in their government's promise to uphold its basic trade laws. Our trading partners have shown a shocking disregard of those laws, and that has created a genuine crisis in this country.

Those of us from steel districts have been working for months to put this issue on the agenda of the administration and the Congress of the United States. We have done so because this is not just a local issue, this is not just a regional issue, this is, in every sense, a national issue.

The distinguished chairman of the Committee on Ways and Means alluded to this legislation as presenting trade barriers. I have high esteem for him, however, I disagree. This legislation is not about setting up trade barriers, it is about fighting unfair trade practices. It is about trying to prevent our trading partners from cheating; about preventing our trading partners from dumping, dumping thousands of tons of steel on our domestic market.

□ 1215

Preventing dumping, Mr. Speaker, the selling of foreign steel in this country at a cost below the cost of producing that steel in the foreign country.

This legislation is about creating a level playing field. We recognize that we are operating in an international economy. We welcome it. We also recognize that, for that international economy to work for us, our foreign partners must play fair. They are not. We have lost, by conservative estimates, 8,000 steelworker jobs last year and that trend continues because of dumping.

If we do not act, Mr. Speaker, we risk losing our domestic steel industry. And so, I respectfully ask my colleagues to support this legislation.

First, let me compliment Mr. VISCLOSKY, a distinguished member of the Appropriations Committee, for his real leadership in fighting for America's steel workers and for America's steel industry.

Mr. Speaker, the steelworkers of the Ohio Valley are frustrated. They're fed up. And they've just about lost faith in their Government's promise to uphold its basic trade laws.

Our trading partners have shown a shocking disregard for those laws. And that has created a genuine crisis.

Those of us from steel districts have been working for months to put this issue on the agenda of the administration and the Congress.

We've done so because this is not just a local issue. This is not just a regional issue. This is, in every sense, a national issue.

This is not about setting up "trade barriers", it's about fighting unfair "trade practices."

It's about trying to prevent our trading partners from cheating—about preventing our trading partners from dumping, dumping thousands of tons of steel in our domestic market.

It's about preventing dumping—the selling of foreign steel in this country, at a cost below the cost of producing that steel in that foreign country.

This legislation is about creating a level playing field.

We recognize that we are operating in an international economy. We also recognize that for that international economy to work for us, our foreign partners must play fair. They are not. We have lost, by conservative estimates, 8,000 steel worker jobs last year, and the trend continues because of dumping.

If we don't act, we risk letting foreign nations run American steel out of business. And that would put our Nation in an extremely vulnerable position—economically vulnerable—with massive loss of jobs and widespread bankruptcies—undermining an industry—the steel industry, the health of which is essential to our national security.

So I would say to my colleagues that even if you don't have a single steelworker in your district, it's vitally important that you support this bill.

I would like to compliment Mr. REGULA and Mr. VISCLOSKY for sponsoring this legislation. And I urge my colleagues to do what's fair, to do what's right, and vote for this bill.

Mr. LEVIN. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Michigan (Mr. LEVIN) has 10 minutes remaining, the gentleman from Indiana (Mr. VISCLOSKY) has 19½ minutes remaining, and the gentleman from Illinois (Mr. CRANE) has 33 minutes remaining.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentleman from Pennsylvania (Mr. ENGLISH) who is a member of our Committee on Ways and Means, who on this special day just reminded me that he is Irish notwithstanding his surname, which is "English."

The SPEAKER pro tempore. Today we are all Irish.

Mr. ENGLISH. Mr. Speaker, I thank the chairman for yielding the time.

I rise today to applaud the House leadership's decision to bring this bill to the full House of Representatives. I believe that the crisis facing the U.S. steel industry and the lack of an effective response by the Clinton-Gore administration has forced Congress today to take action.

I very much regret that circumstances have brought us to the point that Congressional action was necessary. I believe, and I think that many of the parties agree, that it would not be necessary for us to even consider this legislation today if the administration had used all of the tools available to it under current law and consistent with all of our international obligations.

I support this legislation. I urge its passage by the full House of Representatives, and I call on my colleagues to stand up for steel.

I have come to the conclusion that we need firm legislative action. Passage of H.R. 975 meets the test of addressing the current crisis in the short term and the import monitoring language that would help the U.S. steel industry and its workers discern future import surges while there is still time to prevent unnecessary damage to our economy. I believe that there is additional room for further legislative action in the future. This is a good starting point.

Let us be clear on something, Mr. Speaker. This legislation is not protectionism and its opponents are not here truly advocating free trade. The steel market is the most distorted on earth, with our competitors using a welter of preferences and subsidies to wall out their domestic steel producers from competition.

America has the most efficient steel sector on earth. But in the current trade climate, our steel producers are at risk because of the predatory trade practices of our competitors. In the face of naked mercantilism, American steel needs help.

I find it interesting, Mr. Speaker, that at this late date the administration and its representatives are actually threatening a veto of this bill and arguing that we should consider other legislative approaches to deal with this pressing issue.

I was a primary cosponsor of the Trade Fairness Act, which was recently introduced, and we would have been more than pleased to have had the administration's support while we were advocating this legislation and recruiting cosponsors. This approach is entirely WTO compliant and could not be colored as sending any sort of protectionist signal to our trading partners. Yet the administration was silent on our proposal and declined numerous opportunities to support it or work with Members from both the Republican and Democratic sides of the aisle to offer constructive criticism to strengthen and advance the legislation.

What has happened to cause this renewed focus by the administration on the steel crisis? We have put together a bipartisan coalition of over 200 members who are forcing this issue and that is why we are seeing action today.

Mr. VISCLOSKY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, let me say first of all happy St. Patrick's Day to all of us. And let me thank the gentleman from Indiana (Mr. VISCLOSKY) for his leadership on this very important issue.

We would not have been as strong as we were in World War II had it not been for strength of this nation in oil and steel. And so, I truly sympathize with the plight of the steel industry because we are currently seeing similar layoffs in the oil patch. I know how painful it can be, not only for the people who work in plants and mills but also for small businesses.

I am for trade. I am for fair trade. I am for American workers. We have been between 8,000 and 11,000 layoffs. And I would simply say that this is an anti-dumping piece of legislation. H.R. 975 does not violate the WTO because it specifically allows us to prevent any contracting party from taking any action which it considers necessary for the protection of essential security interests.

Let us work together in a bipartisan manner to make our nation strong in oil, in steel, in other industries so that he we can face the world fairly, not to eliminate opportunities for trade but to ensure that this nation engages in fair trade and that we protect American workers and American industries.

Today I rise to speak on behalf of this bill, which would enact various measures to support our steel industry—an industry that has been hard-hit in the wake of the global financial crisis.

My decision to support this bill was an incredibly difficult one. I fully understand why some of my esteemed colleagues, and the Administration, are opposed to this bill. Their arguments are reasoned, and take into account many important issues that I feel should always be a part of the calculus used to determine our policy on trade issues. Those issues include compliance with international law, and potential trade backlash by our neighbors.

However, there is one number that persuaded me to vote in favor of this bill. Since the beginning of this crisis, over 11,000 jobs have been lost in the steel industry. That number of lost jobs can decimate a community, and turn a local economy into an economic wasteland. I can truly sympathize with the plight of the steel industry, because we are currently seeing similar layoffs in the "Oil Patch"—of which Houston is a part.

I have seen firsthand, because of my experiences with the struggling energy industry where we have had thousands upon thousands of layoffs, how mass layoffs can affect the psyche of a community. I know how painful it can be, not only for the people who work in the plants and mills, but also for the small business owners around them who depend on these workers for their livelihood.

For those of my colleagues that still doubt the seriousness of this issue, let me bring to light some more, cold, hard numbers. The steel industry lost $23 million last year in the fourth quarter alone. As a result, they had to lay off workers in order to keep a semblance of an industry. The 11,000 layoffs have resulted in over a $16 million loss to steel towns across America. And that number does not include the cost to our Federal Government that will be spent on worker retraining programs and unemployment benefits. We must support this resolution, we simply cannot afford not to.

Furthermore, I believe that H.R. 975 is, contrary to the arguments by the opponents of the bill, not a violation of our World Trade Organization (WTO) agreements. Article 21 of GATT specifically states that "Nothing in this agreement shall be construed . . . to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests . . . and to such traffic in goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment." That means that any industry, which is strongly relied upon by the military establishment, can be protected by trade regulations in the interest of national security! I believe that is the case here today.

For those of you that do not realize how much the steel industry is relied upon by our military, here are some figures. During the War in the Persian Gulf, we deployed 95,000 tons of American steel in the form of battleships, aircraft carriers, tanks, aircraft, and artillery. We could not have been as successful as we were without the benefit of a robust steel industry here in the United States. We could not apply further pressure against Iraq, without the constant and ready supply of steel here in the United States. If we are to lose more mills, we run the risk of losing our ability to replenish our military resources, and therefore, diminish our level of national security.

I hope that all of you will agree with me that something must be done, and urge all of you to vote yes on H.R. 975.

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MASCARA) who has been a leader in enabling us to get H.R. 975 on the floor.

Mr. MASCARA. Mr. Speaker, it takes longer than a few minutes to express my outrage for the loss of steelworker jobs in southwestern Pennsylvania, West Virginia, Ohio, and around the country. We have lost, as many have said, over 10,000 jobs. I was there in the 1970s and 1980s when over 250,000 manufacturing jobs were lost in southwestern Pennsylvania.

I come from an area that out produced the world in coal and steel that helped win two world wars. But this steel dumping problem is just the tip of the iceberg. Wait until other industries, including farming, feel the wrath of the unbridled world economy, an economy led by the World Trade Organization.

The WTO either cannot or will not intervene in cases of subsidized industries and the dumping of products of steel. The WTO is a poor excuse for an international arbiter. Let us face it, we have the most efficient steel industry in the world. Our steelworkers are the most productive in the world. All that needs to be done is to enforce our trade laws.

We do not need protection. We need fairness. Our foreign trading partners cannot compete with American workers so they resort to illegal means like subsidizing and dumping.

Stand up, America. Are you not tired of being dumped on? Vote for H.R. 975.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DELAY) our distinguished majority whip.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding to me.

I understand why some Members are in support of this bill. But, Mr. Speaker, I respectfully rise today to voice my opposition to this steel quota bill. The choice facing us is clear. Either we want protectionism or we want free markets. Protectionism not only stunts this country's growth but also hurts the very industries it tries to protect. Steel is no exception to that rule.

America's steel industry leads the world in productivity and quality today because of competition, not protection. Since 1982, the amount of man-hours it takes to produce a ton of steel in America has dropped from over 10 hours to less than 4 hours. America's steel companies still supply nearly three-quarters of the steel consumed in America. Even if they produce steel at full capacity, we would still have to import steel in order to meet America's needs.

Will America really be better off by meddling with this market? The United States is the world's largest exporter. We are inescapably linked to markets all around this globe, and most American industries depend on some imported materials.

It is doubtful that the capacity of some American industries could be sustained by American suppliers alone. Setting tariffs on steel only comes at the cost of other sectors of the U.S. economy. There is also a great danger to slapping tariffs on goods when the world economy is already unstable. All nations and all consumers are losers in trade wars.

If we close our markets, the markets of the world are then closed to us. No doubt such anti-trade developments are the real threat to our economy and to thousands of American jobs. Protectionism hurts American workers.

When we limit the ability of our trade partners to access our market, we destroy the very framework that is the foundation of vibrant, dynamic trade and cooperation. Tariffs and quotas only tie the hands of American businesses by limiting our business partners and destroying markets for American products.

Mr. Speaker, we should have no barriers to American ingenuity and no obstacles to American prosperity. Simply put, protectionism is an obstacle to our freedom. We cannot close ourselves off from the world. Trade is not a four-letter word. It is a fact of life.

Mr. Speaker, no nation was ever ruined by free trade, but many nations have collapsed because of failing trade. I urge my colleagues to vote against this anti-trade bill.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) another distinguished colleague from the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, while one could say that the administration did not respond promptly enough nor aggressively enough, the administration has taken some tough actions with some impressive results, as my colleague, the gentleman from Illinois (Mr. CRANE) clearly outlined.

It is also true that the industry could have been more aggressive. They could have brought a 201 safeguard action. They are spending a million dollars a month on legal fees and they could have done more to help themselves. But this, my colleagues, what we consider here today, is truly madness.

I fought hard for voluntary restraint agreements for machine tools. I have worked hard on anti-dumping law. I was there when we passed the 301 capability. But this is madness. We pass this and the very next day a steel company in my district closes. Two hundred sixty high-paying UAW jobs will be gone in spite of the fact that this company invested $50 million in the recent past to modernize their equipment because they are dependent on a single source of raw carbon and alloy steel in Europe.

They had even given money to American steel companies to try to get the same quality steel produced in America. They have not succeeded. They have one source. It is foreign.

This bill makes no allowance for the importation of steel for which there is no source in America. How am I to explain to those employees that they are losing their jobs because they need steel from abroad that is not made in America? We are going to close them down, and we have no understanding, and the proponents of this bill cannot tell us, how many other companies there are in America like mine that are significantly dependent on foreign imports because the steel is not made in America.

And furthermore, they cannot tell me how many jobs will go under within 2 weeks after my shop closes because they cannot get the product my shop makes.

□ 1230

This is irrational. Furthermore, this is not about a bill that does not allow any exception for no American supply and no exception for short supply, that is, American capacity that maybe is 20 percent of what our demand is. This bill makes no exception for those companies and those jobs will go out in a quick nanominute. Not only that but it will, over time, very rapidly reduce the amount of imports allowed, because it does not allow the same imports that were allowed in those years, part of 1994, 1995, 1996 and part of 1997. It cuts those imports. It says no more than the average. Well, that average, Mr. Speaker, was the average between low imports and high imports. If your new "high imports" is now the average, your new average import is going to be somewhere between low and average. That is going to cut the supply of steel to American companies so rapidly, you will not know what hit you, and you have no estimates of the job impact of that cut in imports.

This is irresponsible. We are going to undermine American manufacturing with this bill more aggressively than we have with any other action this floor has ever taken.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. HOUGHTON), our colleague on the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I applaud the gentleman from Indiana for bringing up this issue. It is an important one, we have to get at it, we have got to do something about it.

The issue is not over the hurt. The issue is how to cure the hurt. It seems to me from my experience that this bill has a heart but it does not have a head. What do I mean by that? First of all, it is not going to go anyplace. Even if it did, it is WTO illegal. Furthermore, the most important thing is we have sort of a reverse golden rule. We are doing unto others what we do not want others to do unto us. An example of that, of course, is the banana issue.

I have been in this situation personally. I have been in a company which almost went on its knees because of unfair trading practices, and I relate to that. There are two issues here, though. There is the antidumping issue, and there is the threatening of an industry issue. It is not just antidumping. This is an industry, the steel industry, which is threatened by its very existence, and this is a different part of the trade law and we have got to get at this. But this is not the way to do it, because it is not going to go anyplace. It is not going to be legal. It is going to hurt us long-term.

There is another alternative, and I really point to the gentleman from Michigan (Mr. LEVIN) who has been extraordinarily helpful in this. There is a bill coming up within the next couple of weeks called H.R. 1120. It gets at the issue, it is legal, it is bipartisan, and I think it has the support of the administration. I think the important thing to know is that there is a mine field out there in international trade. It is not exactly clear, and you have to sort of muddle your way through it but you have to do it in consideration of the rest of the world and also our trading partners.

The bill that will be coming up that the gentleman from Michigan (Mr. LEVIN) and I are sponsoring does several things. First of all it shortens the time. If you have a 201 case, many times you will say, "Why should I apply this, why should I file, because I can't afford it. It takes too long. It's very, very expensive." We are going to fix that.

Also, it creates an early warning system which is very, very important and anticipates these surges. The most important thing it does, and I think the gentleman from Michigan (Mr. DINGELL) indicated this earlier, if people work the laws on the books as they are now, then we would not have this problem. The administration for years and years and years has not done that. The last person out of the oval office is usually one of the top secretaries, the Secretary of the Treasury, the Secretary of State and they are talking about the macro issues. In the meantime, the individual industries go under. This tends to put the onus on the President, on the administration to abide by and enact and do the things which are necessary under the laws.

I would encourage people not to vote for H.R. 975 but to wait for a couple of weeks because we have a good bill coming up.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in very strong support of this bipartisan resolution.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise today in support of H.R. 975 and for America's steelworkers.

Mr. Speaker, I rise today in support of H.R. 975 and in support of the thousands of American workers who have lost their jobs because of our obsession with free trade.

Since the United States joined NAFTA and the WTO, over 200,000 Americans have seen their jobs exported abroad. These jobs have not become obsolete because of some advance in technology, but because we have deliberately pursued a trade policy that sacrifices productive American jobs for cheap foreign imports.

Last year the U.S. trade deficit was a whopping $168 billion, the highest in our history. Nineteen ninety-nine promises us an even larger trade imbalance, especially if we are foolish enough to give China membership in the World Trade Organization or inflict NAFTA-like trade provisions on Sub-Saharan Africa.

Yet the opponents of H.R. 975 are telling us the trade deficit doesn't matter. Just look around, we're told. Our economy is the envy of the world. Wall Street is booming. The stock market topped the 10,000 mark yesterday. And those cheap foreign imports, including hot rolled steel, are sending American shoppers into a buying frenzy.

Well, an unemployed steel or textile worker will tell you the trade deficit does matter. The booming economy is bypassing the American worker. These Americans don't have enough money to put food on the table, much less enough to invest in stocks and bonds.

While H.R. 975 is a good bill and should provide import relief to the steel industry, it does nothing to address the glaring need to regulate the global economy before the next major American industry has to close its doors to unfair competition.

We need trade agreements that act as if people mattered, and have an obligation to put the needs of American workers before corporate profit. We can start today by passing H.R. 975. Then we must reject every trade initiative unless it includes meaningful labor and environmental protection standards. This is the only way we can prevent higher trade deficits and protect American workers from the corporate trade agenda. Support H.R. 975, support a trade bill for Africa that benefits American and African workers, and reject Chinese membership in the WTO.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT).

Mr. McDERMOTT. Mr. Speaker, this is a very curious bill brought out by the Committee on Ways and Means with a recommendation that it do not pass. Now, very seldom does that happen, unless it is a very political bill. And this is nothing but politics. The President has already said he is going to repeal it, and he really does it for several very good reasons.

H.R. 975 would impose quotas on steel imports outside our U.S. trade remedy laws and our U.S. obligations in the World Trade Organization. We would simply be running straight into the world trading rules headfirst, knowing it, and knowing that we are out of bounds. Now, that does not make any sense.

We heard from Members on the other side, the gentlewoman from Connecticut (Mrs. JOHNSON) and others, about the problems created by an absolute quota without knowing anything about what the impacts of that are on those people who use the raw product for finished products.

When we built the trade center in Seattle, we needed a piece of steel to span the freeway to rest the building on. There was no place to buy that steel except Korea. That is where we bought it. Now, if you want to say to whatever construction project or whatever is going on in this country, if they do not make it in the United States, you cannot do it, this is the bill to support. Because you are not taking into account, and one of the real problems with this debate is, there are lots of questions, none of which are being answered, but what do you do with the supplier or the producer who needs the raw material that is only obtained in another country?

Now, there is an additional problem and that one is a much more philosophic problem. We live in a world trading market. If we start this business of trade wars and we put up our barrier against somebody else and they put theirs up against us, we will soon see what Smoot-Hawley did back in the 1920s. We do not want to go back to that. Vote against this bill.

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK). He has been very, very active on this issue.

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. The gentleman from Indiana (Mr. VISCLOSKY) has been a pleasure to work with on this issue as we have people in our district that are really suffering.

I just want to point out something. I saw this chart which I found quite curious. It is the fact that we now have seen a dramatic drop in the amount of imports that we are receiving from Russia, Japan and Brazil. This is all correct. But at the same time, imports from China have increased 552 percent, and imports from Indonesia have increased by 1310 percent.

Mr. Speaker, this is a shell game. We are kidding ourselves. I come from Pittsburgh, Pennsylvania. We used to be the steel city. We are still bleeding from the loss of jobs in the 1970s and the 1980s. It is now an insult that we are not going to stand up against trade that is in fact illegal.

If I can go to the next chart, what I want to show my colleagues is that the trade we are talking about right now, the steel dumping that is occurring here is illegal trade. They are bringing steel over here, hot-rolled steel, cold-rolled steel, they are bringing over specialty steel and they are selling it below cost. They are putting thousands of workers out of jobs. I know some of the hundreds of thousands of workers who were displaced in the late 1970s and 1980s. It has caused a displacement in the communities, in the families, an increase in the level of violence. We are talking about a life-and-death situation. If we had a situation where these were our constituents and someone was breaking in their house and raping and robbing and pillaging them, we would want to send in a policeman to do something. In this instance, they are just coming in and taking their future, they are taking their jobs, they are taking all of their dreams away. There are people standing up saying, "We're not going to stand up for these workers."

We must pass H.R. 975. It is not only the 170,000 people who work in steel but the people who mine iron ore, who mine coal, who make coke, who work in transportation of steel products. We must stand up for the people of this Nation. We must stand up with a force of steel and with a backbone of steel.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, first of all I want to say thanks to the Committee on Ways and Means and to the leadership for giving us this opportunity to debate this issue. I know that it was not something that the Committee on Ways and Means was supportive as evident by their recommendation, even our leadership, but they said in fairness—in fairness—people should have an opportunity to debate this issue and vote on it. For that, I express my appreciation.

We are here because we have a crisis in this Nation. We have a crisis of unfair trading practices. The issue is not protectionism. That word gets bandied around so easily. The real issue is fairness. We want our steelworkers and our steel industry and all the ancillary jobs and suppliers to be treated fairly. It is difficult to compete when the steel products coming into the United States are being sold at less than cost. Our steelworkers are the most efficient, the most competitive, the best quality in the world today. But all of those things do not mean a lot if the competition from overseas is saying, we will sell it for almost any price we can get, simply to earn hard currency.

We have heard speeches that say the sky is falling. The sky is not going to fall if we adopt this bill. It is going to give the President discretion to ensure that there will be fairness in the marketplace, that our steelworkers and the suppliers and the literally tens of thousands of jobs that are dependent on this industry will have an opportunity to compete on a level playing field. I think this bill just simply represents an opportunity for our industry to compete. It does have a 3-year time frame.

Let me just say, lastly, I think we need to take a look at our whole trading policy. We are in a different world when many of these laws were put on the books and we need to say prospectively we want fairness for American products.

Mr. VISCLOSKY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. I thank the gentleman for yielding me this time. Mr. Speaker, I rise today as the son of a Pittsburgh steelworker and in strong support of American steelworkers, the American steel industry and the Bipartisan Steel Recovery Act. The case is clear. The American steel industry and our steelworkers are in crisis and Congress must act.

Already, 10,000 steelworkers and iron ore miners have been laid off or have lost their jobs. Thousands more have had their workdays and paychecks cut. Several steel companies have been forced into bankruptcy. Our failure to approve this legislation and to end this crisis now risks the disappearance of the American steel industry altogether. We allow this to happen at tremendous cost to our economy and our national security.

□ 1245

Mr. Speaker, our obligation ultimately is to the thousands and thousands of hard-working American families who have served their country mining and producing this critical product, put bread on the table by the sweat of their brow, raised families, contributed to their communities and who now risk losing everything because of the current steel dumping crisis.

I urge my colleagues to support this important legislation, and I urge President Clinton to be loyal to the hard-working American men and women who have been loyal to him and sign this legislation.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. First, Mr. Speaker, I want to thank the gentleman from Indiana (Mr. VISCLOSKY) for really making this possible for us to have a vote today on this very important bill. I would also like to congratulate the gentleman from Ohio (Mr. REGULA) for his work on this area. I say to the gentleman from Michigan (Mr. LEVIN) I like this bill, but it deals with a prospective problem. We need to deal with the current situation. We need to pass this bill and the bill that he mentioned.

Mr. Speaker, I also wanted to express my appreciation to the steelworkers at Sparrows Point in Maryland for their persistence in being here to demonstrate exactly what effect this illegal surge of imported steel has had on our work force. There is no question that this activity has been illegal. The imports are wrong, and there is no question of the harm that it has caused. Ten thousand jobs have been lost.

Mr. Speaker, Bethlehem Steel's fourth quarter financial reports show that this is certainly a very serious situation. It is not Bethlehem Steel's fault. They made the investments in the 1980's and early 1990's. They can compete with steel produced anywhere in the world as long as it is on a fair and level playing field. That is not the case.

The bill before us is an appropriate remedy, so for the sake of our U.S. steelworkers, for the sake of basic fairness, let us pass this legislation.

I will vote in favor of this anti-steel dumping bill. But before I do, I want to personally thank Representative VISCLOSKY for his leadership on this issue. And I want to recognize the hard work of the steel industry in the last year. I want to congratulate union and management for their tenacity. They refused to let us forget what this dumping was doing to their lives.

If you looked up the definition of the word persistence in Webster's Dictionary you ought to find a picture of some of the steelworkers and managers from Bethlehem Steel's Sparrows Point division in Baltimore. Sometimes it felt like they were living in my front office during the last few months.

But they have made it clear to all of us that this problem is real. That they are frightened for themselves and their families. 10,000 jobs have been lost due to unfair dumping. We're told more will come if something isn't done soon. There are already slowdowns at Bethlehem Steel. The company's fourth quarter financial reports were anything but rosy.

These workers were not only frightened, they were furious. Furious at our inaction. Furious at our handwringing. Well, today we have the opportunity to act and get their industry back to producing quality steel on a level playing field.

It is hard to argue with their fury. Consider the numbers and the facts. U.S. imports of steel from Japan jumped nearly 162-percent from 1997 to 1998. 162-percent! I had a Beth Steel manager in my office last week who said that just as the levels for Russian steel imports began to decrease, the levels of Chinese dumped steel took its place. It's like that boardwalk game "Whack-A-Mole": you hit one, and another pops up.

The U.S. steel industry is an industry that has already taken its whacks—whacks it well deserved—and managed to reemerge stronger and more profitable because of it. I began my career here in Congress just as this revitalized industry returned to the fore in 1987.

But I also remember the darkness before the dawn. As Speaker of the House in the Maryland General Assembly at the time, I remember that painful process for Beth Steel and the steel industry as a whole. Between 1977 and 1987, 45 million tons of steelmaking capacity was lost due to bankruptcies, plant closures, and partial closures. Employment dropped 57 percent. Almost 300,000 steelworkers lost their jobs. The wages and benefits of those workers who survived were substantially cut as well.

I cite these figures to stress that these were fair blows the industry had to withstand. The industry had let itself lag behind other countries. It had failed to adopt new techniques and practices until these practices themselves were out of date. The industry needed to be shaken awake. A reinvigorated international steel industry did just that.

But, Mr. Speaker, the U.S. steel industry can't blame itself for the problems it faces today. And one month declines in the levels of steel imports are nice but I fear them to be a false dawn.

The blows this industry is being asked to absorb here are not fair ones. The United States has the only true open market in the world. But it is being forced to compete against countries whose steel producers are heavily subsidized or which work in cartels.

I support the Visclosky bill because it returns the field to the even level that the whole industry played on before July 1998. I appreciate the complexity of the global financial crisis which prompted this glut of imports. I appreciate the distress of steel workers all over Asia, South America, and Russia. But quite frankly it's my job to look after the distressed steelworkers at Beth Steel. They are my primary responsibility. They are our primary responsibility. We have to do more for them.

The steel industry has been sending SOS signals to the U.S. Congress for months now. Mr. Speaker, I urge my colleagues to vote for H.R. 975 and show these workers we hear their call and help is on the way.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to my distinguished colleague and neighbor, the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, this bill, if it is passed, could have the law of unintended consequences. Let me explain. Kelly Springfield has a radial tire manufacturing facility in my district, and I would really appreciate if the House could listen very closely to this:

Mr. Speaker, steel wire rod for tire cord which goes into radial tires is not manufactured in the United States. It has to be outsourced from foreign countries. Kelly Springfield has a radial tire manufacturing facility in the district that I represent. Because this bill is so broad, it would slap import quotas on steel wire rod for tire cords and there have the possibility of laying off workers at American plants that make tires, that make radial tires. This is not the type of bill that we need.

In a neighboring county, McHenry County, Brake Parts was having rotors from China dumped in the United States. We encouraged Brake Parts to file a complaint with the International Trade Commission, got a retroactive order and stopped that practice. But we have to do something else. We have to pass the Regula bill so that any tariffs that are collected as a result of illegal dumping in this country not go to the coffers or to the Treasury of the United States, but go to the companies hurt and to the workers hurt thereby.

So the bill is imperfect in its form. It would actually hurt manufacturers, it would hurt employees in this country. Second of all, we need to work towards enactment of the Regula bill so that any benefit that comes as a result of sanctions against people who are dumping here go directly to the employees.

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL) who has been a leader on steel issues throughout his career here.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Indiana for yielding this time to me, and I want to commend the gentleman from Indiana (Mr. VISCLOSKY) for the very strong leadership, determined effort and excellent grasp of the ramifications of steel dumping in this country has meant for our American worker and our American economy. Obviously I rise in support, Mr. Speaker, of this resolution and feel very strongly that it is vital in order to protect our American workers.

Steel producers, as we all know and has been said, in other countries such as Japan, Brazil and Russia are heavily subsidized by their government and thus are able to take advantage of America's open markets by dumping excess steel here resulting in closed bankrupt steel plants and throwing thousands of our steelworkers out of their jobs, unable to sustain their families and their quality of life. But aside from the closure of our steel mills and unemployed workers is the impact that this could have on the future stability of the U.S. and how it could inhibit our national security.

As has been said by others, we cannot sustain our Nation's armed forces, their equipment and weapons using Styrofoam and plastic. We have to have steel, particularly and preferably steel that comes from our own industry and our own workers, a known product, not from steel produced in foreign lands and dumped on our shores.

The bill before us today directs the President to take the necessary steps including imposing quotas, tariff surcharges or negotiated enforceable voluntary export restraints that cap steel imports. The bill also requires the administration to establish a steel import notification and a monitoring program.

Mr. Speaker, I am neither a protectionist nor a free trader. I believe in protecting our own labor force and our own industry, and H.R. 975 will do that.

I urge my colleagues to stand up for steel, vote for this bill and create a level playing field for Americans for a change instead of our foreign trading partners whose governments subsidize them while breaking our laws. I thank the gentleman again for yielding time to me and commend him for his excellent leadership.

Mr. VISCLOSKY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I want to begin by commending my good friend next door to me in Indiana (Mr. VISCLOSKY) for his hard work and leadership on this very important issue.

First of all, what this issue is not about: It is not about American protectionism, it is about American principle. This is not about unfettered free trade, it is about enforcing our fair trade agreements. And this is not about corporate downsizing, it is about illegal dumping.

When the Clinton administration finally agreed and the Commerce Department to look into this matter, they found, and I quote from their news release in the Commerce Department, that the Commerce Department will instruct Customs to require importers of these products to post a bond or cash deposit of all imports entered during the 90 days preliminary to the determination. Unprecedented 25 days ahead of time the Commerce Department found that Japan and Brazil were engaged in this illegal dumping.

So I encourage in a bipartisan way our colleagues to stand up for this American principle of enforcing our trade agreements.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The Chair would remind Members of both sides of the aisle to try to adhere to the time limits. We are extending the debate by not doing so.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I have here a letter from the CEO and Chairman of Caterpillar that I referred to earlier. I also have letters from other manufacturing companies in my general area around Chicago that I will include as a part of the RECORD.

CATERPILLAR INC.,
Peoria, IL, March 10, 1999.

Hon. PHILIP M. CRANE,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE CRANE: As one of America's largest exporters and biggest consumers of US-made steel, Caterpillar urges you to vote against the Visclosky-Quinn Quota Bill (H.R. 975). The company strongly opposes the legislation because it not only would hurt our competitiveness in overseas markets, but would lead to direct retaliation against Cat exports. It also would establish a system that rewards countries that engage in unfair trade practices, undermines the international trading system and jeopardizes the global economic recovery.

By imposing mandatory controls on steel imports from all countries—including fairly traded imports—the Visclosky-Quinn Quota Bill would severely restrict the availability of steel to U.S. manufacturers. When this type of protectionist scheme was attempted during the 1980s, it created an artificially restrictive steel market resulting in steel shortages and higher prices. At times Caterpillar had to fly-in steel from overseas just to keep our production lines running. On one occasion, we come perilously close to shutting down our largest plant while we waited for permission to import a type of steel that wasn't even made in the United States.

What's equally troubling is the impact the Quota Bill could have on Caterpillar exports. Because this legislation blatantly violates U.S. international obligations, our trading partners would feel justified in retaliating against American exports. Likely targets would be U.S. manufacturers—like Caterpillar—that export steel-intensive products. Since Caterpillar buys more than 90 percent of its steel from U.S. steel producers, such retaliation would further harm the American steel industry while severely damaging Cat's export markets.

Regrettably, the Quota Bill is structured in a way that could actually reward countries that engage in unfair trade practices. Unlike trade remedy laws that attempt to neutralize the effects of dumping or subsides, this legislation would reward countries with a guaranteed share of a restricted U.S. market. As a result, much of the quota "rent" generated by higher prices would go to foreign steel producers.

Finally, this legislation could have a catastrophic impact on the international economy. Today the U.S. economy is at full employment. Inflation is nonexistent. The Dow Jones average is near 10,000. Enactment of the Quota Bill would mandate the United States radically change the direction of its trade and economic policies. At a time when the U.S. is pressuring countries that are in far worse shape to keep markets open and free, the Visclosky-Quinn Bill would likely trigger a retreat into protectionism.

Representative Crane, we know the lure of quick-fix solutions can be appealing. But protectionism isn't the answer. By now, it's clear that U.S. unfair trade laws are working. By almost all measures the crisis in the steel industry has passed. Rather than focusing on protectionist measures like the Visclosky-Quinn Bill, we urge you to support initiatives aimed at improving the competitiveness of the U.S. steel industry. That way, the steel industry, American manufacturers, and U.S. workers and consumers all win.

Sincerely,

GLEN BARTON,
Chairman and CEO.

COMPLEX TOOLING & MOLDING, INC.,
KRASBERG METALS DIVISION,
Des Plaines, IL, November 30, 1998.

PHILIP M. CRANE,
Palatine, IL.

DEAR REPRESENTATIVE PHILIP M. CRANE: In the interest of Complex Tooling & Molding, Inc.-Krasberg Metals Division a producer of metal stampings and assemblies for over 50 years, and over 50 employees in the suburban Chicago area. We are also a member of the Precision Metalforming Association (PMA), the trade association that represents many users and consumers of steel and steel products.

The protectionist pressures currently being exerted by the "Stand Up for Steel" coalition give us great concern because they are aimed at restricting our ability to get the best steel available for a competitive price. We know that trade restrictions such as those advocated by protectionist interests will result in a net loss of U.S. jobs. We support you in your efforts to improve, not undermine the U.S. economy.

We need adequate and dependable sources of steel to maintain and expand our operations in the United States—sometimes that means that we must rely on foreign steel. At best, the U.S. steel producers are capable of meeting only 70–75 percent of U.S. demand. Actions that curtail imports of steel will seriously injure our industry and the economy as a whole through higher prices, fewer choices and job migration offshore.

We all agree that it is important to maintain U.S. jobs and job growth. Steel is no less important than other sectors. However, you should remember that the major U.S. steel using industries (stamped or fabricated metal products and others) employ some 8.3 million-production workers, nearly fifty times the number employed by U.S. steel producers. These jobs depend on maintaining competitive market conditions in this country. If steel imports are restricted, *imports of steel products* will certainly increase, and more jobs will be destroyed in this country.

In determining what is fair for steel producers, we ask you to remember that short-term benefits for the steel industry may have a long-term negative effect on U.S. jobs and the economy as a whole.

Thank you for your support.

Sincerely,

DAN BERG.

TRU-DIE INC.,
Franklin Park, Il, December 21st, 1998.

Philip Crane,
Palatine, IL.

DEAR CONGRESSMAN CRANE: Our company Tru-Die Inc., is a metal stamping facility, that was started in 1964. We have approximately 75 employees that are concerned about their job security. We are also a member of the Precision Metalforming Association (PMA), the trade association that represents many users and consumers of steel and steel products.

The protectionist pressures currently being exerted by the "Stand Up for Steel" coalition give us great concern, because they are aimed at restricting our ability to get the best steel available for a competitive price. We know that trade restrictions such as those advocated by protectionist interests will result in a net loss of U.S. jobs. We support you in your efforts to improve, not undermine the U.S. economy.

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In determining what is fair for steel producers, we ask you to remember that short-term benefits for the steel industry may have a long-term negative effect on U.S. jobs and the economy as a whole.

Thank you for your support.

DON BROWN.

OLSON INTERNATIONAL, LTD.,
Lombard, IL, December 1, 1998.

Congressman PHILIP CRANE,
Illinois 8th District, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN CRANE, our company, Olson International Ltd., is a precision metal stamping company that employs approximately two hundred twenty people in our Lombard, IL, facility. We have been in business for over sixty years and we are a QS9000 registered company.

We supply high quality metal parts to the automotive, appliance and electronics industry.

This letter is written to inform you that we are not in favor of protectionist measures that would attempt to restrict the import of flat roll steel products.

We are also a member of the Precision Metal Forming Association (PMA), the trade association that represents many users and consumers of steel and steel products. In addition, I am a Certified Purchasing Manager and a director of the National Association of Purchasing Management, Chicago chapter, (NAPM-Chicago). Also, I chair our local metal buyer's committee and can loudly state that a curb in imports of flat roll steel products would negatively impact fabricators in the Midwest.

The protectionist pressures currently being exerted by the "Stand Up for Steel" coalition gives us great concern, because they are aimed at restricting our ability to get the best steel available for a competitive price. We know that trade restrictions such as those advocated by protectionist interests will result in a net loss of U.S. jobs. We support you in your efforts to improve, not undermine the U.S. economy.

We need adequate and dependable sources of steel to maintain and expand our operations in the United States—sometimes that means that we must rely on foreign steel. At best, U.S. steel producers are capable of meeting only 70–75 percent of U.S. demand. Actions that curtail imports of steel will seriously injure our industry and the economy as a whole through higher prices, fewer choices and job migration offshore.

We all agree that it is important to maintain U.S. jobs and job growth. Steel is no less important than other sectors. However, you should remember that the major U.S. steel using industries (stamped or fabricated metal products and others) employ some 8.3 million production workers, nearly fifty times the number employed by U.S. steel producers. These jobs depend on maintaining competitive market conditions in this country. If steel imports are restricted, imports of steel products will certainly increase, and more jobs will be destroyed in this country.

In determining what is fair for steel producers, we ask you to remember that short-term benefits for the steel industry may have a long-term negative effect on U.S. jobs and the economy as a whole.

Thank you for your support.

Sincerely,

EDWARD C. FARRER C.P.M.,
Manager of Purchasing.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, on February 25 I testified before the Subcommittee on Trade panel of the Committee on Ways and Means regarding the crisis of the United States steel industry caused by the flood of illegal imports. At the hearing I stated that imposing quotas legislatively was a measure of last resort utilized when it is clear that other options will not suffice to enforce our trade laws. Unfortunately it has become all too clear that the Clinton administration has no intention of aggressively enforcing our trade laws. I would far prefer that the administration use the tools that Congress has given to enforce our laws. The administration could take unilateral action to address the illegally dumped steel coming into the United States, but they have not done so. Although I have misgivings about the potential for retaliation that the legislation may engender, Congress simply cannot tolerate the dithering by the administration while the United States steel industry continues to bleed.

American steelworkers are the most productive in the world. Investments in new technology in the 1980s and the training to reduce the hours of labor to make one ton of steel from 9.3 hours in 1980 to just 2 hours in 1999. The industry and its workers are the most efficient and productive in the world, and I ask my colleagues to support the Visclosky-Regula bill.

ISPAT INLAND, INC,
East Chicago IN, March 12, 1999.

Hon. STEPHEN BUYER,
Members of Congress,
Washington DC.

DEAR REPRESENTATIVE BUYER, I wish to thank you again for inviting us and other steel manufacturing companies to meet with you last Friday, March 5, 1999. It was a welcome opportunity to be able to personally share with you our views on the current steel import crisis and its impact on steel industry jobs and markets in the United States. Thank you also for inviting me to again share those views with you in this letter.

There is an important historical perspective to the current issue. In the early and mid-1980's, the domestic steel industry was similarly faced with the spectre of massive imports of dumped and unfairly subsidized foreign steel products. At that time the industry was generally ill prepared to effectively respond to that challenge. As a result, the Congress and the Administration granted temporary relief in the form of stringent quotas placed on imported steel products. In effect, the domestic steel industry was granted sufficient time to re-make itself into a competitive player in the world market.

Years of painful, but necessary, restructuring ensued and today the steel industry has emerged as a highly competitive producer of world class products. For example, labor productivity has increased 5.5% annually since 1980, energy consumption has decreased by 45% in roughly the same time period, and environmental and safety performance far exceeds that of the steel industry elsewhere in the world. We can compete with anyone so long as the playing field is level. However, the dynamics of world economics are such that the playing field has been rendered unlevel today.

There has been a massive new wave of unfairly traded imports and a quick and decisive governmental response has not been forthcoming. In recent months, the industry has asked the Administration to help us prosecute a Section 201 case and to assure us that the President will impose a global remedy if we are successful. The Administration has refused this request.

In fact, in the case of the proposed Russian Suspension Agreement, the Administration has taken steps, over our objections, to limit our rights under existing trade laws. While we were successful in obtaining effective dumping margins against Russian steel imports, the Administration proposes suspension of that case while permitting Russia significant access to our markets. The resultant product flow into this country will be illegal under current trade law. I recognize that foreign policy issues are at stake, but the damage to our industry will be egregious.

The domestic industry's position is that we will continue to litigate against dumped and subsidized foreign steel, that we are in immediate need of a global solution, and that we would prefer a solution consistent with our international obligations with the World Trade Organization. We fully support free trade. If, however, the Administration continues to refuse to offer adequate solutions and to deny us the ability to enforce existing trade laws, we will have to reconsider our position and seek the most viable alternative solution to remedy this crisis.

Than you again for your continued interest on this issue.

Sincerely,

DALE E. WIERSBE,
President and Chief Operating Officer.

The steel industry is crucial for our national security. Our planes, our tanks, our ships, our weapons, utilize steel. We have a responsibility to the protection of our citizens to ensure a viable steel manufacturing industry in the United States. It is impossible for the United States to retain its status as the world's sole superpower without steel.

I urge the House to adopt H.R. 975.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in strong opposition to this measure, and I also take some exception to the criticism of the administration and their lack of action against the issue of the increased imports of steel.

As my colleagues know, if we really look at the facts, we have seen since the administration has taken action that hot rolled steel has fallen almost 70 percent between November of last year to January of this year. When we look at two of the countries that have been identified as problems, Russia and Japan, we see that their imports have dropped 98 and 96 percent, and in fact when we look at the U.S. imports of hot rolled steel from all countries, we find that our January 1999 imports are at the same level, in fact lower than July of 1997.

The real concern though of this legislation is the precedent that it would set. We are endorsing the establishment, the legislative establishment of quotas that go beyond the agreements that we have negotiated that come under the authority of the WTO. Passing this legislation sends a green light to countries throughout the world that they can put in place quotas that can work to the detriment of U.S. economic interests.

Mr. Speaker, we need to oppose this legislation.

Mr. VISCLOSKY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise today to urge my colleagues to protect American workers. Opponents of this bill focus on protectionism for the steel industry. Let us remember our duties to the American people. So protectionism is key. We must protect our home, American jobs and families from the irreparable harm caused by unprecedented and unfair levels of steel imports.

The American steel industry is a $70 billion industry that employs 170,000 people nationwide. Moreover, the industry is critically interwoven into the fabric of our society. Steel is utilized in automobiles, medical equipment, homes and military systems. We must act now to provide the appropriate safeguards to prevent risk to these industries. Let us protect American families. Let us stop illegal dumping by voting in favor of this measure.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, this is one heck of a corrosive proposal, and I rise in steely opposition to it. The notion that we are victims of predatory and illegal dumping is a corrosive idea. We are told that the only way that this practice is going to cease is if we limit or ban imports to some kind of an arbitrary level set in 1994, and that is very rusty logic for a number of reasons. So let me focus on a couple of facts.

Fact one: U.S. law provides clear trade remedies for industries that are harmed by dumping. In fact, the steel industry has already filed and won anti-dumping cases against Japan and Brazil, and it has negotiated a voluntary restraint agreement with Russia. The results of that are dramatically shown in this chart which shows imports from those three countries subject to investigations have dropped for hot rolled steel products. This drop over the last three months has been 98 percent, 97 percent in the case of Brazil and about 60 percent in the case of Japan, or more than that. So it has been almost cut to nothing.

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Even as we debate, there are antidumping cases proceeding against France, India, Indonesia, Italy, Korea, Macedonia. More than a third of the 300 antidumping and countervailing duty orders address steel.

So here we can see in three months' time the reduction of hot-rolled steel products from all countries, from a total of 1.4 million tons per month in November of 1998 to 437,000 tons today.

Fact two, the remedies designed to deal with the sudden import surge, Section 201, wasn't even utilized by the industry. They did not even bother to file a case. Instead, the big steel bosses spent an unknown amount of money lobbying Congress for special protection.

Fact three, dumping is not inherently wrong. A product that is dumped is sold in the United States for less than it is sold in the home market or less than the cost of production. This means that foreign producers are selling steel to the United States at a great price, and that helps users of steel in this country. That is not inherently evil, but in order to protect certain industries dumping is not allowed under our trade laws.

Our solution is not a punitive one. The foreign producer is not thrown in jail, prohibited from selling in the market. Instead, the company is required to pay a duty equal to the amount of the discount. In effect, they are forced to raise the price of their product to more closely approximate the cost of our domestic producers.

By the way, U.S. steel companies dump steel abroad all the time. In fact, there are duties in place against 10 U.S. steel companies for dumping overseas. Believe me, foreign steel companies are watching this vote today. If this bill passes, if it became law, they are really going to ask their governments very quickly for Visclosky-type bans on U.S. steel.

Which brings me to fact four. This is not a free vote! A 1995 study found that U.S. antidumping and countervailing duties affected only 1.8 percent of U.S. merchandise imports. Yet, the cost to our economy? $1.59 billion dollars! The Congressional Budget Office estimates the Visclosky ban will cost one billion dollars over the next three years!

An aye vote today is a vote for a billion dollar tax on the American consumer. Every member that votes for this bill will have to explain to steel-users why they have to pay a billion dollar "steel tax" before they can buy the product.

And every member that votes for this bill will have to explain to farmers and exporters why they voted for a bill which puts their livelihood at risk by subjecting them to retaliation against U.S. products.

This is one of the most misguided and dangerous pieces of legislation I have ever seen.

The Visclosky quota sought today goes beyond "fair" trade. It applies to all steel imports, even those that are not dumped. And it creates billion dollar casualties along the way.

Where the damage stops, nobody knows. I urge my colleagues to vote no on this bill.

Mr. VISCLOSKY. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DOYLE), who has been a leader on H.R. 975.

Mr. DOYLE. Mr. Speaker, we have heard a lot of facts today about the steel import crisis, but there is one fact that I would like to stress above all: 12,000 Americans have lost their jobs to foreign competitors who have cheated.

This is not the first steel crisis. I remember the real suffering in the 1970s and the 1980s, in towns like McKeesport, Duquesne, Braddock, Clairton and many other communities in the Mon-Valley section of Pittsburgh. Those were desperate times.

I know hard working men and women, who never took a dime from the government, that were forced to go on welfare. I saw good families break up from the stress of not being able to support themselves.

Since that time, steel and our steel towns have recovered somewhat. We have done everything we have been asked. Labor productivity has improved tremendously, for one thing. Steel plants in my area have come back with probably one-fourth the number of workers they had, and the large percent of people that were let go many had to find work in the service sector or whatever other under employment jobs they could do, and no one shed a tear for them.

Steelworkers did everything they were asked to do because we were told we had to make U.S. steel competitive again. They had to work harder for longer hours, for less pay, and no one came to their aid, but steel came back. They got lean and mean and American steelworkers are now the most efficient producers of steel in the world.

We have played by the rules, only to have our jobs stolen by foreign companies who are breaking our laws and that is an incontrovertible fact proven by our Commerce Department's own findings.

Today we draw a line in the sand. We will not tolerate a steel policy that let us 12,000 Americans lose their jobs to competitors that are cheating, and if this administration is not going to take decisive action then we will.

As I stand in the well of this House on Saint Patrick's Day, I think about my grandfather, Mike Doyle, who came to this country from Ireland in the early 1900s and found work in Pittsburgh in the steel mills. He worked 43 years at the Carrie Furnace and along with his wife Beatrice raised three sons. His middle son, Mike Doyle, my father, followed him into the steel mills and worked almost 30 years at the Edgar Thompson Steel Works.

Aside from two summers when I was in college, I am the first Mike Doyle in my family not to work in a steel mill, but I remember vividly the sacrifices made by thousands of families who worked in the mills to build this country and keep it strong.

My father and grandfather are not here anymore. They are up there celebrating with Saint Patrick today, but I know they are watching and I know their Irish is up.

In their memory, and on behalf of thousands of American steelworkers and their families, I dedicate every ounce of strength I have to the passage of H.R. 975.

Mr. Speaker, it is up to us. We need to send a message. Stop this cheating. Stand up for steel. Support H.R. 975.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I thank the chairman for this debate today. Although we are disagreeing on the issue he is letting the debate occur, and I appreciate that and thank him for it.

Mr. Speaker, earlier today I mentioned union officials and some steelworkers that have fought for this issue. I also want to mention Dick Redier, Greg Warren and Paul Bucha, who are just three of the many individuals from the company's end of it that have fought to get this bill to the floor today.

I think today is about Main Street America. The steelworkers got trampled on. We tried to respond in October. They got trampled on by foreign countries and, by the way, when the illegal dumping came in, Europe responded to support its mayors and its communities to protect them, but our steelworkers got trampled on and they fought back.

There are laws on the books. They talk about the laws on the books. The President of the United States ignored them. We would not be here today if he had followed those laws, but the steelworkers in our communities fought back.

We would like to talk about our children's future. We are responsible for our children's future and today is about our children's future and our communities back home.

We can be responsible to help our communities to stand up against illegal, again, illegal dumping. We can be responsible by standing up for steel, which is standing up for our communities. It is restoring faith. It is restoring America's path. By voting yes today, we are going to say to every worker in the United States that when foreign countries try to take an illegal path, we are going to stop it.

We are going to say, they do not have to beg their government anymore for help. We are going to prove it today on the floor of the House.

So this is an issue not about free trade. It is not about protectionism. This is truly an issue about illegal dumping. I am just sorry we have to be here today because the President should have enforced the laws in October, just like Ronald Reagan did when he was President of the United States. It is okay to have a give and take on the debate of trade.

If we stand by and let this continue, believe me these countries would have continued to dump, illegally dump, and we would lose thousands and thousands more of workers' jobs.

Our heroes today are those 11,000 people who have struggled through unemployment trying to feed their families, and our heroes today are the steelworkers and the companies and the people back home that forced this debate to the floor. I urge a yes vote.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I also want to thank the chairman of the committee, the gentleman from Texas (Mr. ARCHER), for bringing forth this piece of legislation and for allowing us this debate today.

Mr. Speaker, from looking over the different letters from different and various Members of Congress, I am not surprised to see claims that imports have dropped, claims that have been offered in an effort to convince all of us that the crisis in this country with steel dumping is over.

Let me be very clear on three points. First, when finally faced with a trade petition like the one filed in September of 1998, foreign countries which dump steel on the U.S. market simply switch from one category to another. All the while they are laughing at the slowness and the expense of our trade enforcement process.

Second, I appreciate the hard work of the Commerce Department but when we hear about an expedited trade process we must realize that this is merely shaving off 20 to 30 days off a 9- to 12-month process.

Third, by allowing dumping we are deliberately sacrificing productive, nonobsolete but productive United States jobs.

I would just ask my colleagues today, as they are looking over this piece of legislation, to look at it very closely before voting. Get a complete look at the issue of steel and the steel imports that have come into this country, and I think when my colleagues see an accurate picture of this they will be led to support this bill. I just ask for support today on H.R. 975.

Mr. ARCHER. Mr. Speaker, may I inquire how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Texas

(Mr. ARCHER) has 9½ minutes, the gentleman from Michigan (Mr. LEVIN) 6 minutes, and the gentleman from Indiana (Mr. VISCLOSKY) 7 minutes.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I say to the gentleman from Indiana (Mr. VISCLOSKY), good job. We passed an unbinding ban resolution in October and the imports dropped, but not enough.

Mr. Speaker, this is not a debate today about protectionism; it is about illegal trade. These countries have ripped us off. I do not understand the philosophical differences here, unless the Republicans are trying to set us up, get the President to veto this after he promised every worker in America he would put his foot down on illegal trade.

He also promised every worker in America he would pass a scab labor bill. He did not, either.

I want to give credit today to Ronald Reagan. I can remember him coming to my district telling our steelworkers that he would, in fact, reinvest in industry, and he passed the investment tax credit program, and he would provide money for training. He did that, and they did not support him.

As a Democrat, the White House, they are not called slick over there for nothing, Mr. Speaker. They may just go ahead and sign this because if they do not, unless they are trying to veto AL GORE's presidency, I do not know what is going on here today.

I want to make this point. I did not make a pledge in the World Trade Organization. I pledged an oath to the Constitution of the United States.

What bothers me the most is our unemployed workers, their taxes coming from their unemployment check are being used to bail out Russia, South Korea, Asia, Japan, and recently Brazil.

What is it with us? Are we nuts? This is illegal trade.

Quite frankly, I wanted to add a little amendment that would have banned it for 24 hours, just to let the world know that the Congress of the United States knows they are ripping us off and we are not going to take it any longer.

We cannot get anybody to take a look at the trade issue. Our companies are going overseas. Our jobs are going to Mexico, and I hear everybody talking about new jobs. Brassiere cup molder cutters, gizzard skin removers, pantyhose crotch closers, corncob pipe assemblers, cowboys, ashtray cleaners, yes, we have a lot of jobs. They are in that service industry and our good jobs are leaving hand over fist.

This is the right thing to do. I am going to make a statement on behalf of the steelworkers and all working people in America. This president made promises. Hold his feet to the fire, and if he vetoes this bill, by God, take it right out on AL GORE.

It is time they get a message from the Democrats in Congress. At least Ronald Reagan kept his promise. He never promised this type of legislation but he gave us the investment tax credit program and he retrained some of our workers and he reinvested in steel and made it profitable. We are allowing it to be decimated.

Mr. Speaker, I would say to the chairman, the gentleman from Texas (Mr. ARCHER), that he should rethink the whole trade problem. I understand the gentleman is leaving. He has been a great Member. Before he leaves, this negative balance of payments is the greatest national security threat we have.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I include for the record an op-ed piece which I published in the Birmingham News and the Tuscaloosa paper.

Mr. Speaker, in this article the first thing I said is that this crisis is not a crisis brought on by our steelworkers or our steel communities. This is a crisis brought on by their government. It is not of their own doing.

Tragically, their government has failed to do two things. First of all, it has subsidized and spent billions of their money and our taxpayer dollars, much of that paid in by steelworkers, into the IMF. The IMF has sent billions of those dollars to prop up the foreign competition, which is now dumping steel on our steel industry.

Secondly, our government has contributed to this crisis and caused it, by not taking action under our own trade laws to stop these illegal, unlawful dumping of foreign steel.

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It is against the law. Can that not sink in? It is against the law. How do we ask our steelworkers, our law-abiding steelworkers in steel communities who are law-abiding, how do we ask them to follow the law when we turned a blind eye to that law and allowed their jobs to be taken from them?

Second of all, it is a matter of sovereignty. We must send a message to the world, and that message is, we will not allow our trade laws to be broken, to be trampled. What is happening is illegal. It cannot be tolerated.

Mr. Speaker, this is not about fair trade; many people have said that. It is not about fair trade; it is about fairness. Our steelworkers are the latest victims, but they will not be our last.

Finally, it is a matter of national security. We cannot rely on foreign countries for the materials to build our ships, our aircrafts and our tanks. If the President will not take action, we must.

President Clinton's State of the Union address focused heavily on ways to spend every penny of the current budget surplus and all anticipated surpluses for the next 15 years. In 77 minutes, he proposed 79 spending programs totaling hundreds and hundreds of billions of dollars. But he said only three sentences about one account where we have a deficit—the U.S. trade account—and the threat it poses to all of us, and specifically our steelworkers.

Last year, the U.S. trade deficit reached $300 billion. A large portion of the trade deficit results from the flood of illegally dumped foreign steel into our country. Steel imports have reached record levels, surging by 480 percent in the last year. The President's own economic advisors say this deluge of artificially-priced imports is responsible for 10,000 layoffs and bankruptcies at some domestic steel companies. Thousands of our steelworkers have seen their work hours and their paychecks cut—including those in Alabama. With the steel crisis deepening every day, it is only a matter of time before steel mills across the nation begin closing their doors, perhaps forever.

This crisis did not come about because American steelworkers are not productive. American steelworkers produce the highest quality steel in the world at the lowest cost per ton. This crisis did not come about because the U.S. steel industry has failed to seek foreign market opportunities. Our steel companies work hard to penetrate foreign markets. What success they have achieved has come despite the best efforts of some countries to erect unfair trade barriers to American-made steel.

Clearly, the crisis facing our steelworkers, our domestic steel industry and our steel communities is not of their doing. Tragically, much of this crisis is their own government's doing—the same government they support with their tax dollars.

How? First, by providing the International Monetary Fund billions of new dollars to bail out foreign nations and second, by not taking decisive action available under our trade laws to stop the dumping of foreign steel.

First, a little history. In 1984, foreign steel producers began dumping heavily into the U.S. and grabbed more than 26 percent of the U.S. steel market. President Reagan was not willing to see the U.S. steel industry die. He immediately imposed restraints that rolled steel imports back to 18 percent. This gave the U.S. steel industry the opportunity and the time to upgrade its operations. U.S. steel producers invested $50 billion to modernize their plants to make them more competitive. Steel management and steel union members worked together, and the U.S. steel industry came roaring back to recapture more than 80 percent of the U.S. market.

Then, the Asian financial crisis came, a crisis perpetuated by misguided IMF policies supported by the present administration. To bail out Japanese, Korean and Indonesian investors, the IMF sent billions of U.S. tax dollars into Asia and imposed austerity measures. Nations in austerity cannot buy their own steel, and countries in debt to the IMF need money to pay that debt off. The IMF solution? These nations must "export their way out" of debt by dumping products—at prices lower than it costs to make them—into the huge U.S. market. That way, these nations can quickly raise the money needed to pay back the IMF. The IMF also urged these nations to devalue their currencies. By devaluing a currency, a nation actually cuts the price of its products in American dollars. For example, if a nation devalues its currency by 40 percent, the price of its products sold here will be reduced 40 percent. While such a price war is welcome news to consumers, it is devastating to domestic producers and can literally drive them out of business overnight.

Congress recently approved the Clinton administration's request for $18 billion for the IMF. I was one of only about a dozen Republican and Democratic members who voiced strong opposition. We sincerely believe it is a horrible injustice to send the tax dollars from these steelworkers to the IMF, which in turn prompts nations to break both U.S. and international trade laws and dump their steel here. In his State of the Union address, President Clinton proclaimed he had "informed the government of Japan that if that nation's sudden surge of steel imports into our country is not reversed, America will respond."

Japan has not been impressed by this threat, and even if carried out it will likely bring little relief to our steelworkers, and the President knows it. That's because most of the steel imports are coming from South Korea, Russia, Brazil and Indonesia, all of which are the beneficiaries of an IMF bailout provided by U.S. taxpayers. The Clinton administration's strategy of bailouts via the IMF has failed on a massive scale, and the biggest losers of this strategy are American steelworkers.

To bipartisan applause, the President also said in the State of the Union, "We must enforce our trade laws when imports unlawfully flood our nation." Yet, the White House has decided against taking firm and immediate action to do so despite pleas from the steel industry and Congress. Last year, the House and Senate passed resolutions calling on the President to enforce our existing laws against illegal imports and to take "all necessary measures" to respond to the increase in foreign steel. The House asked for a one-year ban on the import of all steel products from any country that violates international trade agreements with the U.S. Still, the White House refuses to enforce our trade laws and continues to stand by and do nothing.

If the President won't act, Congress must. Those of us in the Congressional Steel Caucus have proposed legislation that will freeze steel imports at the level they were in July 1997, before the flood of illegal imports began. By taking dramatic action as President Reagan did 15 years ago, we can roll back imports to pre-crisis levels and restore fair competition between American and foreign steel producers. The United States, as a matter of sovereignty, must send a message to the world that we will not allow our trade laws to be broken. What is happening is illegal and cannot be tolerated.

This is not about "free trade." It is about fairness. If American steelworkers are allowed to compete on a level playing field, they will win. If we do not restore fair play and stop the flood of illegal steel imports, our steelworkers will be the latest innocent victims of misguided government polices. But they will by no means be the last victims. The security of the United States will be at risk. At its most basic level, this debate is a matter of national security, for if we allow the steel industry in this country to disappear we will be forced to rely on foreign countries for the material we use to build our ships, aircraft and tanks.

President Reagan showed the world that America would take strong action to protect its own in tough times. It's time to do so again and put an end to the steel crisis.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), our minority whip.

Mr. BONIOR. Mr. Speaker, I thank my friend and colleague, the gentleman from Michigan (Mr. LEVIN) for yielding me this time. I also want to congratulate the gentleman from Indiana (Mr. VISCLOSKY).

Let me just start by saying that the stock market hit 10,000 yesterday, and many people in America think that everything is okay, everything is well. Well, it is not. From the foundries of the Monongahela Valley to the mills in Gary, Indiana to the mills in downriver Detroit, River Rouge and other communities that we represent, thousands of steelworkers are losing their jobs and they are the victims of illegal dumping.

Three U.S. steel companies filed for bankruptcy last year. Six of 10 flat-roll producers posted losses during the fourth quarter of 1998, and more than 11,000 American steelworkers have lost their jobs in the past year. These are not just figures. These are human beings with families, with real needs, with real hopes, with real dreams.

They are people like Andrew Kamarec. He is 42 years old; he has a child with a brain tumor. He works at Weirton Steel in West Virginia, not far from here, and subsidized foreign steel has cost him his job. He has a friend who works there named Keven Tasey, 39, a coworker of Andrew's. He was laid off just before Thanksgiving. His wife is pregnant. Rob and Tammy Elliott, husband and wife, also worked at Weirton. Foreign dumping forced them out of work as well. They have two school-aged children.

The story goes on and on and on. There are 11,000 of these stories out there, and there is a lot in the making, and there is a lot of potential devastation for families across America if we do nothing. This steel crisis has devastated families all across this country, eliminating good-paying jobs in our communities.

So, we have to stand up to this issue. It is not too late to stand up.

Some might argue, well, the crisis has passed. They will say that the import numbers are dropping, the worst is over. Well, that is not entirely true. There is cheap imported steel piled up on our docks ensuring that this glut will continue for months, and while imports from Japan and Russia may be down, other countries are dumping more and more. When contracts that prohibit lay-off expire this summer, and that will happen, we will have nearly 100,000 jobs at risk.

Now, we have been calling for action since last year. I joined the Stand Up for Steel march in Detroit and downriver Detroit last October. We had thousands of steelworkers and community members who marched for justice with us. We rallied at the Rouge plant, and management and labor stood side-by-side, and we called for an end to dumping, but it has not stopped. The steel industry is too important to America to let illegal dumping continue.

Steel has a direct $70 billion impact on this economy in this country. A strong steel industry is critical to a strong manufacturing base, and that means cars and trucks and machinery and construction and all of the things that make America work and tick in all parts of this country. It is essential to our national defense as well.

Mr. Speaker, let me just say in conclusion that steel employs nearly 163,000 Americans. Again, I say these are good jobs with good benefits, benefits like health insurance that are so critical to people like Andrew Kamarec whose child has brain cancer.

Mr. Speaker, I urge my colleagues to remember him and to remember his colleagues and to remember all of the people who are out there looking to us today for hope in order for us to stop what has gone on for far too long. We are too strong of a country; we have too many good jobs in this country to throw it away.

The time for talk is over. I urge my colleagues to vote for this very good legislation by the gentleman from Indiana (Mr. VISCLOSKY).

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, we do not fight illegal trade by passing illegal penalties.

I rise in strong opposition to this illegal steel quota bill. Free trade is vitally important to the health of our economy, and we are in a position to lead and define a policy of free trade on a global level. We should not backtrack by erecting harmful barriers which will only increase the cost of goods and block economic development and growth.

I understand the concerns of my colleagues who have witnessed the tremendous influx of steel imports during the last three years, but our trade laws are working, and this legislation is not necessary. According to the Census Bureau, from November of 1998 to January of 1999, steel imports have declined 93 percent in Russia, 49 percent in Japan, and 8 percent in Korea. In fact, not only is this legislation not necessary, but incredibly harmful to our consumers and our workers. CBO estimates this bill will increase prices to steel purchasers by nearly $1 billion.

The bottom line is, the American steel industry leads the world in productivity because of competition, not protection. In my judgment, this bill will raise prices on consumers, adversely affect our businesses, harm our workers that use steel, and threaten the growth of our economy.

I might end, Mr. Speaker, by saying this fabulous growth that our Nation has experienced over the last 10 years is due, in large measure, to one man, Ronald Reagan, and his economic policies. He welcomed free trade. He welcomed trade without any artificial barriers, because he knew the United States could compete and compete effectively with anyone, and that ultimately, all Americans benefit from competition.

Mr. LEVIN. Mr. Speaker, could I inquire as to the time remaining.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Michigan (Mr. LEVIN) has 2 minutes; the gentleman from Indiana (Mr. VISCLOSKY) has 4 minutes; and the gentleman from Texas (Mr. ARCHER) has 5½ minutes remaining.

Mr. LEVIN. Mr. Speaker, the gentleman from Texas (Mr. ARCHER) has the right to close?

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) has the right to close.

Mr. VISCLOSKY. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, at the outset, I want to thank the Steelworkers of America; I want to thank Jack Parten and every last member of District 7 Steelworkers of America for their invaluable help on this issue.

A number of people during the debate today tried to define or mentioned what they thought the issue of the day is. I would like to do so also.

The issue is people. Whether we use the most conservative estimates established by the Congressional Research Service, which would tell us 13 people a day have lost their jobs since July 1, 1997; or some of the more larger numbers that we have heard on this floor, where up to 1 steel worker every hour, about 3 steelworkers today since this debate started have lost and continue to lose their jobs. That is the issue. Those people, their jobs, their families.

We have heard a lot today about the global economy, world trade, globalization of the Nation. I am worried about the globe too. I am worried about a place on the globe called Alabama. I am worried about a place on the globe called Arkansas. I am worried about a river valley on that globe, the Mon-Valley in the State of Pennsylvania, and I am worried about a place on that globe, Gary, Indiana, because they have all suffered, not through any fault of their own, but the failure of this government to enforce the law of the land against illegally-traded steel.

The gentleman from Michigan (Mr. BONIOR) mentioned names, and I think it is important that we not use statistics, but real people. Because Sherry Ferguson from the State of Illinois is unemployed today because of illegally-traded steel. She has six children in her household. Tell her the crisis is over.

Joey Bishop from Alabama has a 7-year-old daughter at home. Let us tell Joey Bishop's daughter that the crisis is over. We are here today because the President has not acted in a sufficient fashion. He has arrived at the game late, and he has certainly not carried the day.

Others suggest that the crisis is now resolved. One speaker indicated that steel traded from Japan is down 96 percent in the last 3 months, and I would not argue that point. Here is how bad the problem was and still is. From July 1997 to January 1999, six weeks ago, Japanese steel imports are still up 74 percent. Someone indicated that steel exports from Korea are down. I would point out that from July 1997 until January 1999, six weeks ago, Korean imports are still up 77 percent, and for the same period of time, imports from Indonesia are up 890 percent.

Mr. Speaker, I ask my colleagues, is that because they are playing by every last rule of international law and not violating our trade laws? I would suggest that is not true. Why are we here to take a global approach to put all of the countries and all of the products on the table? Because while some steel exports to the United States from some countries and for some product lines have declined, interestingly enough, just from December of last year to January of this year, suddenly, Chinese exports to the United States increased 24.2 percent, and exports from India increased by 70.8 percent in a 30-day period of time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding me the time.

The issue are the people we are sworn to represent. We cannot move them somewhere else on the globe. They are in places like Ohio and Pennsylvania and Arkansas. That is the President's responsibility, that is our responsibility. He has not met it. We today, in a broad-based bipartisan fashion, want to make him recognize his obligation so that when Keven Tasey's daughter or son is born, the gentleman mentioned by the gentleman from Michigan (Mr. BONIOR), her or his father will have their job back.

I ask all of my colleagues to please support this legislation, the bipartisan Steel Recovery Act.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I want to begin by thanking the chairman of the Committee on Ways and Means for yielding time to all of us, particularly since we are not on the same side of this issue. It has been a great debate and one that is necessary.

Mr. Speaker, this has been a thoughtful discussion, and one of the things I would point out as I have watched speakers today is that we are not dealing with Members of the House that one might consider reactionary or folks that we look at as sometimes being troublemakers here in the well in the House.

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These are thoughtful legislators who have been attending the rallies that most of us have been at these last 6 or 8 months. We have been involved in petition drives, we have been involved in hearings and town meetings, meetings on the Hill, and working with the United Steelworkers.

We find ourselves in a position that, of all the other solutions that might be out there, none are taking place. There are other solutions besides this bill today, H.R. 975. We have asked for some of those other solutions to be done. Each time we ask in a thoughtful way to have them done, we get no reaction. In the meantime, good paying jobs are lost day in and day out.

So I want to point out, Mr. Speaker, that as we see Members come to the well, when we look at some of those 200-plus Members who are on this bipartisan bill, I have to point out to my colleagues that they are thoughtful Members who are trying to make a difference, not reactionaries, not the troublemakers that are finding an opportunity now to get a bill on the floor, one that comes here under very unique circumstances, we would agree. But, Mr. Speaker, we have not been given any other choice.

The gentleman from Indiana (Mr. VISCLOSKY) has taken the lead. Both of us in the Steel Caucus have had talks back and forth. We have changed. We have compromised. The gentleman from Indiana has bended when he had to. But we cannot wait any longer, Mr. Speaker. We have thoughtful Members here who want to make a difference. This is not about us saying there is something we have to have on this floor voted today. We tried to get the changes done month after month after month.

I urge all my colleagues on both sides of the aisle, more than the 200-plus that have cosponsored the bill, to vote this afternoon to save jobs in a country, our country. It is not about doing the right thing or the wrong thing necessarily, Mr. Speaker. I think it is about us finally wanting to help ourselves.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time for the purpose of closing.

Mr. Speaker, all of us have sympathy for companies that have been hurt through illegal trade practices and for employees who have lost their jobs. As I mentioned earlier, I have great sympathy, because I have seen the thousands of workers in the oil industry who have been displaced within the last 6 months.

But we must live by the rules that we agree to or others will also distort those rules against us, and the tidal wave of damage will sweep across this country in ways that will make us regret that we have violated the rules. This bill violates the rules.

Dumping that is wrong should be interdicted, but it must be interdicted within the rules and by the penalties that are authorized. It has been said that nothing has happened. Yet, the Commerce Department has already provisionally put in place tariffs which are the important, legitimate way to get at dumping. They have had an impact in reducing the amount of imports. That is in place today.

But quotas are limited to use under 201. No one has filed a claim under 201. The steel industry has not pursued 201, which addresses immediate surges that are injurious to this country.

Yes, it is about people, Mr. Speaker. It is about all of the workers in the United States and what can happen to them when we violate the rules. Because we cannot expect the WTO to enforce the rules on others if we are violators.

I would not be here today to defend this bill if the penalty was appropriate under the rules for dumping. Quotas could have been put in place when the surge occurred by simply invoking 201. The steel industry decided not to do that.

Now, after the appropriate penalties of tariffs have been put in place, at least provisionally, until there is a complete determination, we are asked to endorse and put in place on a mandatory basis quotas which will limit the importation of steel into this country for 3 years without any waiver or chance of change regardless of the circumstances that are based on what happened 2 and 3 years ago.

We risked triggering again justification on the part of others in the world to violate the rules against us. This is not the right way to go, Mr. Speaker. There is a right way to address illegal trade activities, and I stand prepared to do it. But I will not violate the rules that we agreed to by establishing illegal penalties.

Mr. Speaker, I urge the Members of the House to vote against this resolution.

Mr. BENTSEN. Mr. Speaker, as a cosponsor of H.R. 975, I rise in support of this legislation and urge its adoption.

Today, there will be a great deal of debate regarding the question of free trade versus fair trade. As someone who concerned about how to promote international trade and at the same time make sure that trade is fair, I want to register my opinions on this important issue.

I have long been a supporter of free and open trade. However, my support of free trade is based on the understanding that our trading partners will not engage in unfair and illegal trading practices such as dumping. When our nation is confronted by unfair trading practices, I believe it is entirely appropriate to seek remedies that protect American companies and workers, whether by invoking provisions in our own trade laws or by other means of redress. While I am hesitant to take action that may further weaken already fragile foreign economies, I believe this legislation provides an appropriate response to reduce the flood of foreign steel imports, much of which has been illegally dumped into the U.S. market at prices below domestic costs, and in clear violation of antidumping trade laws.

Since July 1997 we have seen the collapse of numerous economies around the world. Foreign corporations from Japan, Korea, Russia, and other countries have been selling steel at as much as $100 a ton less than it costs to produce it. In one example, steel producers from Russia were allowed to dump 47 percent more steel on our market than was shipped in 1997. Due to massive steel imports from Japan, our trade deficit has climbed 33.4 percent to nearly $55.8 billion, while imports of all Japanese steel products in 1998 jumped almost 170 percent, accounting for 41 percent of the total increase in steel imports to the United States.

U.S. steel manufacturers are faced with a real crisis, one that threatens to undermine a key sector of our economy. This crisis has claimed more than 10,000 jobs in basic steel, iron ore mining coke production, and thousands have seen their work hours and paychecks cut. Several thousand more workers and their communities are jeopardized as steel companies are forced to either reduce operations or resort to bankruptcy. If the dumping practices of these foreign companies remains unchecked, this crisis will continue to claim the jobs of thousands of men and women employed in the U.S. steel industry. We simply cannot allow this to continue.

In the last 25 years, the U.S. steel industry has become among the most productive, most efficient, most innovative and cleanest in the world. America's steel companies and steel workers are the best in the world. Unfortunately, world trade in steel is more distorted by government intervention than in any other manufacturing sector. Foreign steel is being subsidized by foreign governments. Closed foreign markets mean that foreign overproduction surges into the U.S. market—the only truly open market in the world. Congress and the Administration must take action on this issue.

It is imperative for the United States to adhere to its trade laws and to implement them where and when the circumstances require it. To fail to do so will have consequences, both for American workers, industry and for the principle of free trade. If our domestic steel industry continues to suffer, we will see a political backlash against free trade, just at the time when we should be entering into free trade agreements with some of these very regions—Asia, Pacific Rim, and South America. This will only serve to set us back further from being the dominant player on the global marketplace in the next century.

For over a century, the steel industry has stood tall and served as a foundation of the American economy. The U.S. steel industry and the 226,000 Americans employed by it deserve nothing less than the full support of their country. I urge my colleagues to support passage of this important legislation.

Mr. KLECZKA. Mr. Speaker, I rise in support of H.R. 975, legislation to limit and monitor foreign steel imports. H.R. 975 would impose quotas on foreign steel imports equal to their July 1997 import levels. Imposing quotas is a dramatic step. However, it is a step that must be taken.

Over the past 2 years, our Nation's steel industry has been decimated by the flood of cheap foreign imports. Between 1996 and 1998, steel imports increased from 26.4 million tons to more than 37 million tons—an increase of 42 percent. As a result of the surge, steel prices plummeted from $512 per ton to $40 per ton.

As a result of the price drop the domestic steel industry has been put into a state of crisis. Since the surge of foreign steel imports began 2 years ago, more than 10,000 steelworkers have been laid off from their jobs and more than 20,000 steelworkers have worked shorter hours.

Even more disturbing, three steel mills have been forced into bankruptcy. Even if steel prices return to their previous levels, those mills may never open again. The jobs in the steel industry are high-skill, high-paying jobs. When a steel plant closes down, a community struggles for years, even decades. Congress cannot idly stand by and watch thousand of quality jobs and our nation's communities vanish.

The crisis in the steel industry was caused by the global economic slowdown. In an effort to prop up their flagging economies, steel-producing nations such as Japan, Korea, and Russia exported an unprecedented amount of steel to the United States. Unfortunately, our Nation's trade laws did nothing to stem the tide of steel imports until it was too late. Mr. speaker, I have opposed many of our nation's recent trade agreements because of the potential for problems just like the one we now have in the steel industry. Congress cannot stand by and watch foreign nations take advantage of our weak and often ineffective trade laws.

Despite the pleas for action by the steel industry, its workers, and many in Congress since the summer of 1998, it was not until February 1999 that the administration announced it would begin imposing duties on steel imports in order to address the matter. Those months of delay and inaction cost thousands of steelworkers their jobs.

This bill takes the decisive steps to save our domestic steel industry from extinction. However, one point needs to be made clear. H.R. 975 is not designed to protect an outdated and inefficient industry. Over the past twenty years, the domestic steel industry has invested over $50 billion in modern plants and equipment. The American steel industry and its workers have produced the highest quality, lowest cost per ton steel in the world.

H.R. 975 simply levels the playing field. It does not ban all steel imports into the United States. Quite the contrary. H.R. 975 simply limits foreign steel imports to their July 1997 levels. In the years leading up to the crisis, the volume of steel imported into the U.S. averaged slightly more than 25 million tons per year. However, in 1998 more than 37 million tons of foreign steel entered the United States.

It is clear that the surge in imports had a dramatic effect on the production of the American steel industry. For example, the production capacity of the American mills was 90 percent—nearly full capacity—before the surge of imports. By November 1998, the production capacity of the mills had dropped to 74 percent. No wonder that three mills filed for bankruptcy, 10,000 workers were laid off, and thousands more were idled or had to take a pay cut.

H.R. 975 realizes that imported steel is good for the American economy. Many American businesses import steel products because similar products are not made domestically. Furthermore, the competition makes the American industry more productive and efficient. However, a flood of imports at prices below which the market demands is not healthy for anyone, and it must be stopped.

H.R. 975 also establishes an import monitoring program to ensure the government and the domestic steel industry are better able to track the volume and price of steel imports. Furthermore, the information gained through this program will be made available in a timely manner so all parties will be better able to respond to future problems in the steel industry.

Mr. Speaker, I urge the passage of H.R. 975 and call upon the Senate to pass companion legislation so all steel products will be given fair treatment.

Mr. VENTO. Mr. Speaker, I rise today in support of the Steel Recovery Act, H.R. 975, which I've cosponsored. This legislation, I believe, takes the necessary steps to prevent unfair foreign trade from continuing to undermine our steel industry and displace American steel workers.

Two decades ago, the steel industry faced a crisis. Thousands of workers lost their jobs and hundreds of companies went bankrupt. Out of this crisis came a major transformation within American steel mills. Capital investments were made, innovative products were created, facilities were modernized and methods were streamlined. American steel mills and American steel workers became among the most efficient in the world. This new and improved American steel workforce and industry is ready to effectively compete against its foreign counterparts. And America should have to compete in the market, just as everyone else does. Unfortunately, unfair dumping of steel in the past 18 months, subsidized by foreign countries, is creating an uneven global playing field; these sales are being made at below the cost of steel production.

The Clinton administration has attempted to stem the tide of foreign steel flooding the American market without causing disruption and dislocation in the global trading regime. However, while import figures may be improving for some nations and products, they are not improving across the board. Although imports from Russia, Japan, and Brazil decreased in January 1999, other markets shifted and acted to fill the void—imported steel products from South Korea, China, India, and Indonesia increased during this period. Stopgap policy agreement is simply not enough to resolve this trade phenomena. The U.S. government must do more to prevent the loss of yet more steel jobs and lessen the threat of bankruptcy for our steel mills. America can not afford to allow this important modern and efficient industry and work force to collapse, completely, forcing us to become reliant upon foreign countries for all of our steel needs in spite of the painful restructuring and competitive status that the American economy has successfully achieved in regards to steel workers and the industry.

The Steel Recovery Act, H.R. 975, includes two important components to address the steel crisis. First, it would alleviate the current crisis by creating a quantitative standard for all nations who import steel into the United States. Second, it establishes a monitoring system which would allow a timely response to the fluctuation of imports in the future. By creating a trading system which is predictable and consistent, we are leveling the playing field so that all nations can compete on a fair basis. With the overcapacity in steel production globally, the extraordinary currency fluctuations in value and economic boom and bust cycles that have been spilling over the borders of the Pacific rim nations, the United States has an obligation to respond. Other steel consuming nations within the European Union have held their steel imports level. Beyond that, they continue to invest in their own capacity, often with outmoded technology and environmental standards, seemingly oblivious to the economic consequence. The United States of America can not be the dumping ground for careless decision making and volatile economic swings. Our economic and trade policy must not follow the lowest denominator. Good economics and common sense dictate that we act, not sacrifice our efficient business or good American workers on the altar to a false demigod of unrestrained and unthinking trade.

American workers and industry deserve a sound, fair and comprehensive plan to ensure that their jobs are no longer at the mercy of creative circumvention of trade laws, merely transparent schemes by foreign steel companies and countries. I encourage my colleagues to join me in supporting this important legislation. Let's set a new policy, a fair path for steel and trade.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 975 to protect American jobs from unfair trade and ensure that the U.S. steel industry remains strong.

I would like to thank the Congressional Steel Caucus, the Steelworkers union, and leaders of the steel industry for the hard work they have done to bring this bill to the House floor for a vote.

The U.S. steel industry, which underwent a painful restructuring and reinvestment process in the 1980s to reemerge as a world leader, has been severely harmed by unfairly dumped steel. During the first 10 months of 1998, United States imports of steel grew to record levels as the global financial crisis led Japan, Russia, Brazil and other countries to dump their steel on the United States market.

As a result of the flood of imports, three U.S. steel companies flied for bankruptcy, and nearly 10,000 steelworkers lost their jobs. In my district, USS POSCO has lost millions of dollars in revenue and has imposed a hiring freeze. In December, USS POSCO was forced to furlough its employees for one week because of the import surge. Steelworkers and steel companies are suffering not because they can't compete, but because of unfair foreign trade tactics.

H.R. 975, the Steel Import Reduction Act, is an important step to ensure that American workers and companies do not continue to bear the brunt of unfair trade practices. The bill directs the president to take the necessary steps, including imposing quotas, to cap steel imports at precrisis levels. The bill also requires the administration to establish a steel import notification and monitoring program, so that we can quickly respond to any dumping in the future.

The administration has begun to take some small steps in the right direction, but more needs to be done. The Commerce Department recently issued trade case rulings against Japan, Brazil, and Russia and found that all three had dumped steel. Steel imports have now slowed, but not nearly enough. We need a global, comprehensive approach to end the crisis, one that addresses all nations and all steel product lines. The administration's piecemeal, one-nation-at-a-time approach forces us to spend our time putting out one fire after another and simply will not work.

For these reasons I urge my colleagues in the House to join me in voting for this bill and challenge the administration to protect U.S. steelworkers and support H.R. 975.

Mr. SHIMKUS. Mr. Speaker, the American steel industry is on the ropes, and the flood of steel imports from Brazil, Japan, Korea, Russia, and other countries has gone unchecked in recent months.

Last year, steel producers from Russia were allowed to dump 47 percent more steel on our markets than in 1997. Foreign corporations are selling steel at $100 per ton below their production costs.

While U.S. and international trade laws are being grossly violated by these foreign corporations, the President and his administration stand idly by, allowing thousands upon thousands of hardworking steelworkers to lose their jobs and their livelihood.

Last month, after watching the families of steel workers in my district suffer as a result of job losses, reduced hours and reduced production at the plant, I decided that I could no longer be a bystander to foreign steel dumping. Steel workers in Illinois work hard every day, every week, every year, and earn their living. They don't deserve to lose their jobs as a result of illegal trade practices.

Typically, I am hesitant to support trade and import restrictions which could disrupt the flow of commerce in our global economy.

However, because of the administration's inaction, and the gravity of the steel crisis before us, I decided to stand up for steel, and became a sponsor of H.R. 975, legislation to freeze steel imports at their 1997 levels and establish a steel import notification and monitoring program.

Mr. Speaker, I believe in the American steel industry, and that our steel industry is the most competitive and efficient in the world. Right now, the administration is turning its head while foreign competition is violating international trade laws to gain an unfair advantage.

That is why I encourage my colleagues to support H.R. 975. On a fair playing field, American steel can win.

Mr. COYNE. Mr. Speaker, I rise today in support of the Bipartisan Steel Recovery Act.

Mr. Speaker, the surge in foreign steel imports last year seriously damaged the U.S. steel industry and put thousands of American steel workers out of work.

There is no doubt now of what many of us were saying last year—that foreign steel was being dumped in the United States at less than the cost of production. The International Trade Commission determined last November that the steel industry in the United States was threatened by steel imports from Brazil, Japan, and Russia, and the Commerce Department recently determined that dumping had, in fact, occurred. Commerce subsequently imposed duties on Japanese and Brazilian steel imports.

Unfortunately, the dumping surge has taken its toll. The damage that has been done will, in some cases, be hard to undo. Ten thousand American steelworkers have lost their jobs, and not all of them will get those jobs back. I think that that is a tragedy and a disgrace.

I have worked actively as a member of the House Steel Caucus since last summer to push for action against foreign steel dumping. I was an original cosponsor of H.R. 506, legislation introduced by Representative VISCLOSKY which would have directed the Administration to limit the volume of steel imports to pre-surge levels. This legislation forms the foundation of H.R. 975, the bill we are considering today. The monitoring provisions drafted by Mr. REGULA make this bill even stronger than the original Visclosky bill. As an original cosponsor of both H.R. 506 and H.R. 975, I am very pleased that we have managed to bring this bipartisan compromise bill to the House floor today.

This legislation strengthens U.S. trade policy against the dumping of foreign steel. It is much needed and long overdue. I urge my colleagues to support this important anti-dumping legislation.

Ms. DUNN. Mr. Speaker, today the House of Representatives is considering a bill to establish import quotas on certain raw steel products coming into the United States. Presumably, this bill would help "save" the steel industry from foreign raw material being "dumped" on the domestic market at below market prices. Although I sympathize with the workers who are being affected by this situation, there are other remedies that can be utilized to combat this problem that will avoid the unintended consequences this bill brings about. Unfortunately, the Clinton Administration has been slow to act to use the tools at its disposal under the Trade Act and we now have before us a measure that violates the premise of free trade under which this country has flourished.

Let me provide you with one example of how this bill will negatively impact the economy in Washington State. In 1995, BHP Coated Steel Corporation invested $221 million in a facility located in Kalama, Washington to take advantage of increasing demand for coated sheet steel on the West Coast. The plant contains a galvanizing line, a coil coating line, and a pickling/cold rolling line and is widely recognized as the most modern and cost effective facility of its kind in the U.S. It provides 235 good, family-wage jobs in Kalama and has become an important part of the community.

Because of the requirements of their manufacturing process, BHP needs large coils of hot bank steel that meet certain specifications. Although they source some of this product from domestic suppliers, much of the raw material that fits their manufacturing specifications comes from Australia. H.R. 975 would seriously jeopardize their ability to access this material and threaten the ability of the Kalama facility to expand—something the company would like to do—or even continue to exist. The bill institutes import quotas based on the average amount of steel imported into the U.S. between July 1994 and July 1997. Unfortunately, the Kalama facility did not go "online" until November 1997, meaning those import levels do not reflect the demand created by the facility. With no domestic supply sufficient to operate its plant, BHP will find it extremely difficult, if not impossible, to survive.

There are a number of reasons to oppose this bill, but I believe it is important to provide Members of Congress with real examples of the negative impact of its implementation. I urge my colleagues to join the White House in opposing this effort, which clearly violates our obligations under the World Trade Organization to maintain an import regime consistent with our existing trade laws.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to stand up for steel and support H.R. 975. This important legislation will provide for a reduction in the volume of steel imports and establish a steel import notification and monitoring program. This legislation is the result of a consensus reached by my colleagues on both sides of the aisle and representative from the steel industry and unions. It is a welcome example of the way our system of government was designed to work. In addition, H.R. 975 identifies a clear path of resolving the steel import crisis that has burdened our country for more than a year. I urge my colleagues on both sides of the aisle to support this bipartisan legislation and support U.S. industry, U.S. workers, and U.S. steel.

There are close to 1,500 steelworkers in my district in Missouri, and one plant has announced that it will begin cutting back hours on March 28th. This plant employs 1,000 workers. In addition to steelworkers, I have been contacted by quarry workers who are threatened by the steel crisis because lime is used to purify the steel in the production process. All across the country, workers are living in fear that today will be the day the layoffs affect them. We must show that we support these workers and stand up for the U.S. steel today.

The United States steel industry is the most efficient and most environmentally conscious in the world. Since the 1980s, the U.S. steel industry has increased efficiency to the point where it now takes only two man hours to produce a ton of steel, as compared to the ten hours needed to produce a ton of steel before the industry transformed itself. This transformation cost the industry much—tens of billions of dollars and hundreds of thousands of jobs. We must recognize these sacrifices and show that this initiative was a good investment. We should value progress in such an economically vital industry.

The United States steel industry has also made great strides in its environmental policy. Recently, a group of 20 environmental organizations, including Wildlife Land Trust and Friends of the Earth, wrote to President Clinton in support of the U.S. steel industry. In that letter, the groups stated that U.S. steel companies are "among the very cleanest, if not the cleanest, in the world." Further, they concluded, "if you want to reduce global emissions from steel making, make more steel in America." Moreover, the U.S. steel mills are the cleanest in the world, steel mills in many other countries use outdated practices that are nothing short of an environmental disaster. Many mills still use "blast furnace" technology that is not only outdated, but is also a high pollution process.

A vote for H.R. 975 will not only support the American steel mills, it will support our global environmental goals.

Mr. COSTELLO. Mr. Speaker, I rise in strong support and as a cosponsor of H.R. 975, the Bipartisan Steel Recovery Act.

The United States has built a steel industry that has one of the highest productivity levels and lowest costs in the world. Unfortunately, our commitment to new technology and increased labor productivity is of little worth in a global marketplace that favors illegal trade. Our domestic markets are being flooded with cheap imports from Asia, Russia and Brazil who continue to defy international trade policies in order to prop up their own markets. We can ill afford to be the world's dumping ground for unfairly-traded steel. While I am concerned by the financial disasters in Asia, Russia and elsewhere, these countries should not be allowed to export their problems here. We must find other means to help our trading partners deal with their economic challenges; allowing unfairly-traded steel to flood our markets creates an imbalance that helps no one.

As a member of the Congressional Steel Caucus, I have worked diligently with my colleagues to urge the Administration to take a strong stand against illegally-dumped steel. The proposed agreement with Russia to reduce Russian imports of steel products by almost 70 percent is a good first step. However, it must be followed by continued pressure on other nations to reduce their dumping of illegally-subsidized steel. I am pleased the Administration has responded to those of us in Congress who continue to make steel a high-profile issue. The U.S. must continue to be vigilant in providing relief to our steel industry and its workers, after they have suffered from an unfair flood of foreign imports. However, let me be clear about this: the Administration's efforts to date are not enough. We must do more and we must do more immediately.

In my own district in Southwestern Illinois, steelworkers and their families and communities have stood up strongly for steel. Workers at Laclede Steel in Alton and National Steel in Granite City have faced difficult times since the surge in steel imports flooded our markets. Laclede is facing bankruptcy and efforts are underway just to keep the plant open. Orders have been down and prices have fallen at both plants. Unfortunately, these steel companies, like others across the nation, have been unable to avoid layoffs. Mr. Speaker, I represent approximately 4,000 USWA union members in my district. I cannot in good conscience report to them that we have done enough here.

Today, I have high hopes that I will be able to return to my district and announce that we in Washington are also standing up for steel. The Bipartisan Steel Recovery Act will stop foreign corporations from breaking our trade laws. It will save American jobs and save U.S. steel companies from bankruptcy. Passage of H.R. 975 will also ensure our national security. It is American-made steel that goes into Navy ships, aircraft, tanks, trucks and weaponry used by our military. We cannot afford to allow our steel industry to disappear and to then become reliant upon foreign countries for our steel needs.

U.S. steel companies and steelworkers are the best in the world. American steel mills are the most productive, the most efficient, the most innovative and the cleanest in the world. Given a level playing field, there is no foreign company that can compete with them. Foreign steel is being subsidized by foreign governments. Closed foreign markets mean that foreign overproductions surges into our market—against our trade laws.

The U.S. steel industry, steel workers and their families, and American consumers of steel products and its derivatives deserve a fair market for U.S. steel. Foreign dumped steel not only has immediate negative consequences on the steel industry, over time the impact on the U.S. economy in terms of lost production, high-wage jobs, and investment is irretrievable.

I hope this Congress and the Administration will take immediate action to end illegal foreign imports of steel. I urge my colleagues to support H.R. 975.

Mr. CRAMER. Mr. Speaker, regardless of how strongly some will argue to the contrary, there is a crisis occurring in the U.S. steel industry. As a result of continued and persistent "dumping" of foreign steel into the U.S.—specifically by Japan, Korea, Russia, and Brazil—domestic steel producers have been forced to decrease production or lay-off workers or even file for bankruptcy.

Already, due to the continuation of illegal dumping, the steel industry has laid off 10,000 steelworkers across the country and three companies have filed for bankruptcy. Indeed, Mr. Speaker in my state of Alabama, Gulf State Steel has had to intermittently shut down its hot-strip mill and had laid off hundreds of workers.

Mr. Speaker this is a crisis that we can no longer allow to fester.

Unfortunately, while American workers have lost their jobs and American companies have been forced to file for bankruptcy, the Administration has waffled on its commitment to the steel industry and has only offered tepid, ineffective regulatory remedies. In pursuit of abstract geopolitical goals, the Administration has refused to aggressively enforce our nation's trade laws.

The time for Congress to act is now. Today's steel industry is not the inefficient, noncompetitive, and unproductive industry of the past. Since the steel crisis in the 1970's, the steel industry has painstakingly reinvented itself, with over $60 billion of capital investments. Today, the American steel industry is among the most productive, the most efficient, the most innovative, and the cleanest in the world. In contrast, the foreign companies who are illegally dumping their steel in our market and threatening the continued vitality of our domestic steel industry, rely upon outdated, inefficient and environmentally unsafe technology.

Mr. Speaker, H.R. 975 is simple, straightforward, and fair. It protects American jobs, saves American steel companies from bankruptcy, and ensures a domestic source of steel necessary to maintain our military hardware.

I urge my colleagues to take a stand today to enforce our trade laws and to protect American jobs. I urge my colleagues to pass H.R. 975.

Mr. WELLER. Mr. Speaker, I rise today in support of H.R. 975, The Bipartisan Steel Recovery Act. While this legislation is not a perfect solution to solving the crisis faced by the steel industry, I am a cosponsor of H.R. 975 because to date the Clinton administration has failed to step up and enforce existing U.S. trade laws against illegal foreign steel dumping.

As you know Mr. Speaker, my colleagues and I on the Congressional Steel Caucus have been begging the White House to take meaningful action to stem the flow of these below the price of production steel products for over a year. It was not until this Congress took action late in the last session before the White House and the Commerce Department would even acknowledge that we had a steel crisis.

Since Congress forced the Clinton administration to issue a report on the steel dumping problem, the Administration has only offered unwanted tax credits to the steel industry, more bureaucratic delays in resolving steel dumping cases, veto threats of any congressional action and not one new solution to save the jobs of the thousands of steelworkers who stand to lose their jobs if the crisis continues.

Mr. Speaker, H.R. 975 is a bipartisan compromise bill combining the elements of Representative REGULA's bill H.R. 412 and Representative VISCLOSKY's bill H.R. 506. I am an original cosponsor of Mr. REGULA's bill H.R. 412, which I believe is the best long-term solution to the steel industry's problems and a solution to update section 201 of our trade laws to help American industry compete in a fair market as we enter the 21st century. I am especially pleased that the steel monitoring program and real time steel import data program contained in H.R. 412 have been included in H.R. 975.

While H.R. 975 would provide for some very tough medicine that most in Congress including myself would rather not have to administer, it is clear that the steel industry is at a crossroads. In just the last year over 10,000 steelworkers have lost their jobs. That's 10,000 families who have lost their livelihood, not to mention the impact these job losses have had on local steel communities.

In the 11th District of Illinois I have over 20 firms that produce steel products. Some are big firms like Birmingham Steel in Joliet, while others are small family owned operations like Bellson Scrap & Steel in Bourbonnais. I also have hundreds of steelworkers in my district who travel to the LTV plant in Hennepin, IL, and steel plants in Chicago and across the border in Indiana.

The steel crisis has had a real impact in my district. Small firms like Bellson Scrap and Steel have had to cut their workforce by 10 percent, while, big producers in my district like Birmingham have cut back to 32-hour work weeks, mandatory vacation periods, and are now only operating at 80 percent of precrisis production. Close to home Acme Steel of Chicago has filed for bankruptcy placing thousands of more jobs in the Chicagoland region in jeopardy in addition to the 1,000 Illinois steel jobs that have already been lost.

Mr. Speaker, the steel crisis is alive and worse than ever for thousands of steel families. Even by the numbers of the administration's own Commerce Department steel imports for January 1999 are up over 96 percent from Japan, 140 percent from China, 155 percent from Korea and 705 percent from Indonesia over the precrisis period. Just in the 1 month period between December 1998 and January 1999, steel imports are up another 6 percent and the administration hails these numbers as great progress. Ask Mark Pozan at Bellson if he thinks a 6 percent increase over already record levels of steel imports is progress.

Mr. Speaker I agree that H.R. 975 may not be the best remedy to solve the steel crisis, but, this Congress can not stand by and watch our trade laws be continually violated and our industries continually weakened while, good paying jobs are destroyed.

The steel industry has rebounded from the financial difficulties of the 1980's that cost our country over 325,000 jobs. The American steel industry once in decline, now produces the lowest cost, highest quality and most environmentally sound steel on the planet. If we fail to ensure that American steel plays on a level playing field with the rest of the world, then we place American steel companies and American workers including the 400 at Birmingham Steel in great harm. I urge my colleagues to send the Clinton administration a message and pass H.R. 975.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise in strong support today for H.R. 975, the Bipartisan Steel Recovery Act of 1999.

As a Member of Congress, I am well aware that the American steel industry has been facing a crisis. With the full knowledge of the White House, foreign corporations from Korea, Japan, Brazil, and Russia have been illegally dumping underpriced steel in the United States market for the past 20 months. Already, over 10,000 steelworkers nationwide have been laid off or lost their jobs. In addition, the thousands of hard-working Americans in the steel industry that have endured the crisis have seen their work hours and paychecks slashed. Mr. Speaker, I feel it is time for Congress to act by enforcing existing trade laws—the same trade laws that the administration is reluctant to enforce.

With the reluctancy of the administration to do anything, I see H.R. 975 as a viable solution to the current crisis. In addition to returning our steel imports to the precrisis levels of 1997, H.R. 975 also establishes a monitoring system that requires all steel importers to obtain a "Steel Import Notification Certificate." This measure will effectively arm us with a mechanism to assist in monitoring the illegal dumping of steel and ensure that our current trade laws are not being violated. Moreover, H.R. 975 will return steel imports to precrisis levels, help us curtail illegal dumping and avoid a crisis situation in the future.

In conclusion Mr. Speaker, I stand here today in support of the Bipartian Steel Recovery Act and the American steel worker. I urge my colleagues to vote in favor of H.R. 975 and support America.

Mr. RAMSTAD. Mr. Speaker, I rise to express my serious concerns about this legislation before us.

I strongly believe that free and open trade between nations improves the world economy, creates high-paying jobs, and lowers prices for consumers.

I certainly understand the seriousness of foreign countries and companies illegally selling goods below the price of production in our country. The United States must fight these dumping violations and must hold countries accountable for these activities.

However, H.R. 975 isn't the answer. This illegal, quota bill won't help American industry and will harm American workers. We've lived through failed, protectionist economic eras.

I also oppose this legislation and the hasty retaliatory measures within it because it violates our World Trade Organization (WTO) obligations by creating quotas to limit the importation of steel. If the U.S. expects to maintain a viable economy free from retaliatory protectionism, we cannot break trade laws ourselves. A full scale trade war is in no one's interest.

This legislation would have real negative consequences for American consumers, manufacturers and the economy as a whole.

Mr. Speaker, while I believe every Member of the House is concerned about dumping and is willing to support strong actions against such occurrences, two wrongs don't make a right, and to retaliate with this illegal, protectionist measure is counterproductive to American workers and consumers.

At a time when we are fighting the Europeans for their flagrant violation of international trade law, we cannot thoughtlessly toss aside our own commitments to follow the rule of law. And we must make sure that we do not put in place measures that will hurt American workers and consumers.

I urge my colleagues to vote against this protectionist bill before us today.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 975, a bill which will control the amount of foreign steel imports entering the United States.

The U.S. steel industry is the foundation of many of the economic development engines across the country. While our economy is buzzing, we are in a position to get back in the steel business after the steel industry's downturn in the 1980's. People all over the world want quality steel "made-in-the-USA." This bill is our attempt to revitalize the steel industry and provide a level playing field for our steel producers.

The steel industries in other countries get subsidies for their products. In doing so, several countries have taken advantage of the NAFTA rules to wreak havoc on our steel market. As a supporter and advocate of NAFTA, let me say as clearly as I can: free trade does not mean cheating. Free trade means fair trade. We are the world leader on economic and trade issues, and therefore must speak up when there is an injustice. Flooding a market with underpriced materials is unjust.

As a member of the Armed Services Committee, I want to remind the House that steel is the base product that we use in our warfighting equipment, as well as a host of our domestic transportation system needs. It is the steel industry that has made the United States what we are today, and it is the basis for much of the prosperity we currently enjoy.

In my South Texas district, there is one steel plant currently operating, providing economic development in the area. There is a prospective plant in the works in another part of my district, so the need for a quality product is out there, but Congress must support those who are in the business of making steel.

When other countries break the rules for fair trade policies, it is our job, our right, and our responsibility to speak up and demand that the rule-breaking end. NAFTA, the hot economy and smart economic policy enacted in 1993, have brought the United States to the front of the class when it comes to matters of trade. If we do not act to highlight these illegal practices and reverse them, we will see others get the impression they can get away with similar practices.

Free trade does not mean cheating. The United States and the House of Representatives will not allow it. Please join me in supporting H.R. 975.

Mr. EVANS. Mr. Speaker, today there are hundreds of men and women in the 17th District of Illinois who are without work because we have failed to protect them from illegally dumped steel.

Last year, when the European Union felt the steel crisis blowing their way, they quickly sealed their borders to protect their industry and its employees. Yet, American steelworkers were left to twist in the wind as the administration dragged its feet on enforcing our antidumping laws and taking an aggressive approach to conquer the crisis.

As the months have passed, the crisis has steadily worsened. If we don't stand up for the working men and women of our steel industry, who will?

Today, I am proud to be an original cosponsor of the answer to the steel problem. By imposing quotas, and establishing a monitoring system to uphold our trade laws, H.R. 975 accomplishes what should have been done long ago—protection for our steelworkers, our steel industry and requiring that other nations share the burden of the steel crisis.

I would also like to remind my colleagues of what caused this crisis: the International Monetary Fund's harsh austerity measures that cause developing countries to export cheap steel. Until we stop funding, promoting and enabling the IMF to wreak havoc on financially strapped nations with their "bad economic medicine", we will continue to watch our trade deficit skyrocket and Americans go without work.

I urge my colleagues to vote "yes" on the Bipartisan Steel Recovery Act.

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in support of the steelworkers. I am a proud member of organized labor. Organized labor enabled me to finance my house, and to educate myself and my children. I live in America. I am an American Congressman. The people who sent me here live in America and I want the people of America to be able to have the same opportunity I had and my family had. Let's keep the steel workers of America working. And when and if the time comes when our American workers are all employed, then we can look abroad for their assistance. Let's take care of our home First!

Ms. STABENOW. Mr. Speaker, I rise today to support H.R. 975, The Steel Recovery Act. As a Representative from the State of Michigan and a member of the Steel Caucus, I am well aware of the impact that the flood of cheap steel has had on thousands of families across this country. 10,000 steelworkers have lost their jobs. The ironic aspect of this situation is that it has occurred as the U.S. Steel industry has remade itself into the worldwide leader. It is efficient, it produces a clean, high-quality product, and pumps $70 billion annually into the U.S. economy. Moreover, steel is a vital element of our national security. All the industry wants and needs is the ability to compete with the rest of the world on a level playing field. This is hard to accomplish when steel imports from Japan rise 170% in a single year.

Free trade does not mean that the United States becomes the dumping ground for inferior products sold at below the cost of production. We must stringently enforce the antidumping and countervailing duty laws to make sure that such practices do not continue to put American workers at risk. The trick of future trade policy is to ensure the viability of core U.S. industries and the jobs associated with them while slowly penetrating markets that are in many cases overwhelmingly closed to us. I believe that trade and exposure to American products will help break down these barriers, but I also do not believe it is unreasonable to insist that current law be enforced as intended.

Mr. Speaker, standing up for the principles of fair trade will do more to promote a freer global trading environment than allowing our industries to bear the brunt of dumped products. This is the trade environment I will continue to push for, and this is the one we are voting on today. I urge all of my colleagues to vote in favor of H.R. 975.

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of H.R. 975, the Steel Import Reduction Act, because the need to protect the vital domestic steel industry is clear. Since the start of the Asian financial crisis two and a half years ago, imports of steel into the United States has risen dramatically—over 24% in 1997 and 30% in 1998. Nationally, at least

10,000 U.S. steel jobs have been lost in the past year. Furthermore, three American steel companies have filed for bankruptcy over the last year, and thousands more jobs are threatened because a steel oversupply remains on the docks from abroad.

Import surges have occurred from nations like Japan, Korea, Brazil and Russia, and this is not surprising when one considers that their normal Asian markets are now dry. The steel industries in these countries need a market, and the United States continues to have the strongest economy in the world. Therefore, these nations must, in effect, "dump" their steel on our thriving economy to the detriment of our domestic industry.

Mr. Speaker, the American steel industry is second to none in the world. Gone are the days when U.S. steel was non-competitive with other nations—the necessary infrastructure investments and facility improvements occurred over a decade ago. Were it not for the current global economic situation, I would not be standing today on the floor of the House urging passage of H.R. 975.

At the same time, I have real concerns with the legality of the measure vis-a-vis the World Trade Organization, or WTO. My support for free trade remains uncontested. However, I have always stated that along with free trade principles, fair trade practices must be enforced. This is not occurring as a result of the struggling economies in Asia, Russia, and Brazil. It is my hope that as this bill moves forward in the legislative process, a solution can be developed which will effectively shield American steel while keeping the U.S. out of the WTO dispute settlement system.

Finally, I want to express my concerns that imports of specialty steel will not be effected by passage of this bill. Industries in my district in the East Bay of California, for instance, have been importing high strength steel from Japan for many years. This steel is used for the under bodies of passenger vehicles, and it is processed in a way which is not readily available on the domestic market. It is my understanding that these imports would not be effected by the import reductions called for in this legislation, and I appreciate that.

Mr. Speaker, I thank you for working toward a solution to this problem of great magnitude to a vital U.S. industry.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of the thousands of hard working men, women and their families who have lost their jobs due to a practice some refer to as "steel dumping" and their families.

Mr. Speaker, America's steel companies and America's steel workers are the best in the world. Given a level playing field, there is no foreign company that can compete with them.

In the past year, three steel mills have filed for bankruptcy and over 10,000 workers have been laid off. Mr. Speaker, this is 10,000 too many.

If these imports continue, what does that mean for the families of these workers? What does that mean for the tens of thousands of jobs of those employed by the steel industry? We cannot—and we must not—turn our backs on American steel companies, American Steel workers and the communities they support.

The American steel industry and its workers are in a severe crisis, and as representatives of these workers, I urge my colleagues to vote yes on HR 975 and reduce the importing of steel.

Mr. CUMMINGS. Mr. Speaker, I rise today to urge my colleagues to protect American workers.

The American steel industry is a $70 billion industry that employs 170,000 people nationwide. Steel is also at the heart of Maryland's industrial base and thousands of Maryland jobs depend upon the steel industry. Over the past 15 years, the U.S. Steel Industry has worked aggressively to streamline its operations, improve productivity and cut costs. Bethlehem Steel Corporation, which has long operated a plant at Sparrows Point in Baltimore, has been at the forefront of these efforts. Bethlehem Steel is also among twelve companies and the United Steelworkers of America who, in response to this crisis, have filed unfair trade cases. Workers at Sparrows Point, and many plants like it, are already feeling the dramatic effects of allowing this massive influx of foreign steel.

Ultimately, this matter expands beyond the steel industry. Steel is critically interwoven into the fabric of our society. It is utilized in automobiles, medical equipment, homes, and military systems. Thus, we must act now to provide the appropriate safeguards to prevent risk to these industries.

Opponents of H.R. 975, the "Steel Import Reduction Act," have focused on protectionism for our steel industry. Let us remember, our duty is to the American people. So, protectionism is key. We must "protect" our home, American jobs, and families from the irreparable harm caused by unprecedented and unfair levels of steel imports.

Join me in protecting American workers and families. Let's stop illegal "dumping" by voting in favor of H.R. 975.

Mrs. BIGGERT. Mr. Speaker, I rise in strong opposition to H.R. 975. When I was running for Congress last year, not one of my constituents asked me to vote to raise the prices of the goods they buy. I doubt that any of my colleagues' constituents did either. Yet that is exactly what we are asked to do today with H.R. 975. Quotas have only one effect—higher prices for consumers, our constituents.

What does H.R. 975 do, Mr. Chairman? Nominally, it imposes quotas on steel imports. But in truth, it does so much more.

H.R. 975 solves a crisis that does not exist. Imports are down, way down. In January, steel imports fell to about 2.6 million tons, below the monthly average of imported steel from the last "pre-crisis" quarter of April to June 1997. Our anti-dumping laws have worked.

H.R. 975 violates our international obligations under the World Trade Organization. Violations by the strongest proponent of the WTO will only lead to quid pro quo protectionism.

H.R. 975 benefits a few, at the expense of many. There are 266,000 steel workers in America who might be helped by this bill. There are 8.3 million workers in steel consuming industries, such as the automobile industry and the construction industry, that will be hurt by this bill. And when our foreign trading partners retaliate with quotas of their own, all of our workers suffer.

Mr. Speaker, our steel industry is not failing. In fact, it is the most efficient steel industry in the world. U.S. steel mills shipped 102 million tons in 1998, the second highest annual total ever, while increasing their share of global production from 12.3 percent to 12.6 percent.

What is not well known is that U.S. steel producers—the very ones who are laying off steel workers and asking for quotas—are themselves purchasing imported steel. On average, our domestic steel producers purchase 20 to 25 percent of all steel imports to satisfy their own accounts. Our own steel industry benefits from the lower prices brought on by imports.

Mr. Speaker, free trade is indispensable to our prosperity. We cannot allow ourselves to be turned from the path that has led to our remarkable economic success. I strongly urge my colleagues to vote no on H.R. 975.

Mr. PHELPS. Mr. Speaker, I rise today to express my strong support for H.R. 975, the Steel Import Reduction bill, of which I am proud to be a co-sponsor. This legislation requires the President to take action to reduce steel imports into this country to pre-1997 levels and directs the administration to establish a steel import notification and monitoring program.

Mr. Speaker, our steel industry is in crisis. Last year, 10,000 steelworkers found themselves out of work in this country, and more are losing their jobs each day. Steel companies are filing for bankruptcy, laying off employees and shutting their doors. In short, American businesses and workers are paying the price of illegal dumping of steel products by Japan, Brazil, Russia and other nations which are not being forced to comply with our trade laws.

I appreciate the attention which President Clinton and his administration have begun to give this issue and the steps which they have taken to address it. Sadly, their efforts will not be enough to end this crisis. Instead, we need to adopt the comprehensive, global approach embodied in H.R. 975 to ensure that our steel industry can compete in the global economy on a level playing field.

The steel industry is critical to our national security and to our economy. If we do not address this crisis now, the implications will only grow in severity. Therefore, I urge my colleagues to join me in supporting this important legislation. It is time to send a signal that we will not tolerate violations of our trade laws, especially when they place the security of our workforce, our economy and our nation in jeopardy.

The SPEAKER pro tempore. All time for debate has expired.

The bill is considered read for amendment.

Pursuant to House Resolution 114, the previous question is ordered.

The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON H.R. 1141, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1999

Mr. YOUNG of Florida (during consideration of H.R. 975), from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–64) on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Under clause 1 of rule XXI, all points of order against provisions in the bill are reserved.

COAST GUARD AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore (Mr. QUINN). Pursuant to House Resolution 113 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 820.

□ 1337

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, this is the 11th bill which the Committee on Transportation and Infrastructure has brought to the floor thus far in this new session. Indeed, the other 10 bills passed overwhelmingly. I believe that this legislation, the Coast Guard authorization, deserves the same kind of overwhelming support.

We are taking action today to authorize funding for one of the most important programs in the United States Government. This Act authorizes approximately $4.6 billion in fiscal year 2000 and $4.8 billion in fiscal year 2001 in expenditures for the Coast Guard operations. It provides funds for the Coast Guard at the levels requested by the President with additional amounts provided for drug interdiction operations.

Last year, the Coast Guard received about $250 million in emergency supplemental funds to boost drug interdiction resources in the Caribbean. I can report to the House that I personally have gone out on missions with the Coast Guard and have seen firsthand the outstanding job they do.

This legislation maintains the level of drug interdiction provided for fiscal year 1999 with additional amounts consistent with the Western Hemisphere Drug Elimination Act. This bill also contains additional funds for fishing vessel safety and to modernize the national distress and response system. The bill authorizes $128 million in fiscal 2001 to construct a replacement icebreaking vessel for the Great Lakes.

I certainly urge my colleagues to support this legislation.

I would like to close by sharing with my colleagues examples of what our Coast Guard accomplishes every day. In any given day, on the average, our United States Coast Guard saves 14 lives. It conducts 180 search and rescue missions. It keeps $7 million worth of illegal drugs out of our country. It responds to 32 oil spills or hazardous chemical releases. It stops hundreds of illegal aliens from entering our country.

So in a year, that is over 4,000 lives saved, over 65,000 rescue missions, $2.6 billion in illegal drugs stopped from entering America's streets, over 11,000 environmental cleanups or responses to pollution, and the stopping of tens of thousands of illegal aliens entering our country.

Indeed, in addition to this, it also is involved in conducting local boat safety courses, port inspections, support of U.S. military and humanitarian missions, and more, all with the stewardship of the resources that should make the taxpayers of America very proud of their investment in the world's finest Coast Guard.

So I strongly urge my colleagues to support this bipartisan legislation. It is worthy of their vote.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is very important legislation for this body. As the chairman of the full committee has pointed out, it is supported strongly in a bipartisan manner. That is because almost all of the Members of this Congress and certainly the Members of the Committee on Transportation and Infrastructure share a common concern in the Coast Guard's activities and giving them adequate resources to fulfill the burdens that we put on them.

The chairman has already gone on at some length, but I think it should be restated just so people remember, the Coast Guard does everything from local boating safety courses to search and rescue. If one is in trouble out on the water, they are the ones who respond. Sometimes in very hazardous situations, sometimes to loss of life to members of the Coast Guard, they are attempting to save mariners in distress.

They safeguard our borders by watching for smugglers and people attempting both to enter the country illegally or to enter drugs and other substances illegally into our country. They are our first line of protection for our coastal resources and the environment.

That leads me to some comments that are very close to home for me. The Coast Guard has been involved now for more than a month in the wreck of the *New Carrisa* which went aground in stormy weather outside the largest port in my district, very close to the mouth of the harbor.

The Coast Guard is still working on its own internal investigation and summary of the events that led up to this tragedy. I think there will be much to be learned from that critical review, perhaps some further changes in authority for the Coast Guard, changes of law regarding insurance of these freighters and other ships.

Today a freighter carries as much oil, these larger freighters, as did a small tanker 20, 25 years ago. They often carry more fuel than they need to accomplish their mission, as did this ship in this case, for ballast.

So the potential for oil spill no longer just extends to tankers and tanker safety, but now the potential for catastrophic oil spills extends to large freighters. Yet, they do not have the same insurance requirements that we put on tankers, nor do they have the same hull safety requirements we put on tankers; and those are critical issues that we will need to look at in the future to safeguard our precious coastal resources here in the United States.

□ 1345

I am very pleased that this bill, with unanimous vote in the committee, and hopefully a similar vote here on the floor of the House, includes some modest initial amendments for changes in the law that I have proposed as I became educated as to what happens when a foreign ship is headed towards the United States. And in this case, had these provisions of law which are in this bill today by my amendment been in effect, we might not have had the *New Carrisa* tragedy on the coast of Oregon; we might not have despoiled our precious coastal waters.

The Coast Guard, under this bill, will now be notified 24 hours in advance before a ship crosses into our 12-mile territorial limit. The Coast Guard will have the authority to hold a ship at that 12-mile limit if they have questions about the safety of the ship, the competence of its crew, or other extraordinary circumstances are intervening that could jeopardize safety.

In this case, the New Carrisa was on a list the Coast Guard keeps called the "Watch List". The "Watch List" is composed of ships that are known to the Coast Guard to have problems or to be registered in countries that are known to abide or to basically not fully enforce, rigorously enforce, international maritime rules. Panama, in this case. Liberia and other countries are also in question.

This ship was on the "Watch List", and it would have been boarded once it reached the harbor. Unfortunately, it never reached the harbor because it went aground, I believe due to the misconduct of the captain, and it caused an ongoing and unfolding tragedy on the Oregon coast. This could happen anywhere in the United States of America.

Under my legislation, the Coast Guard would be able to hold a ship on the "Watch List", ask them a number of questions about the condition of the vessel, the crew, etcetera, out at 12 miles. And if the Coast Guard was concerned about their capabilities or conduct or their navigational capabilities, they could require a pilot be put on board. They could require other actions be followed by that ship once it has entered into our territorial waters.

In this case they may have well have told the ship to hold off out 12 miles, where it was safer, because there was a huge storm brewing and the pilot could not get out to them.

These are tools that the Coast Guard, I believe, will be able to prudently employ and, hopefully, avoid this happening again in Oregon or anywhere else in the United States. There may well be other measures we need to take, and next week, when we hold a hearing to review the oil spill liability legislation on the 10-year anniversary of the *Exxon Valdez* tragedy, I believe we will see a path to other changes in law that are necessary.

Beyond that, the money in this bill is a good amount of money. Personally, if I had license, I would give the Coast Guard more money to conduct their mission. I believe that, in fact, they are operating in a very frugal manner, particularly compared to the other uniformed services, and they are spending our taxpayer dollars wisely and in a way that most all Americans are grateful on a daily basis.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. GILCHREST), and I ask unanimous consent that the distinguished chairman of our subcommittee, the gentleman from Maryland (Mr. GILCHREST), be permitted to manage our time on this side of the aisle while I must absent myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GILCHREST. Mr. Chairman, I want to add my full support for this legislation and the amendments that will be proposed here in the next few minutes.

I also want to thank the chairman of the full committee for his support of this legislation, the full ranking member for his support of this legislation, and also the support of the gentleman from Oregon (Mr. DEFAZIO), the ranking member of the subcommittee, for his work over the last several months on this legislation. We have worked very well together and I look forward to the rest of the session.

Mr. Chairman, I will not specifically go into all of the funding details, because that will be in the statement I will submit for the RECORD, but what I would like to do for the Members of the House, those of whom are listening, is to go through the kind of things that this limited force does for the United States.

Number one, it is the U.S. Coast Guard that is directly responsible for the Oil Pollution Act of 1990 and all of its provisions around this country. Since the Oil Pollution Act went into effect, and since the Coast Guard has been monitoring this issue and enforcing this statute, oil spills in the world have dropped by 60 percent. It is through much of the effort of the U.S. Coast Guard in this area that is responsible for that drop.

I have visited Prince William Sound, the sight of the *Exxon Valdez* spill, and the infrastructure put in place mainly because of the Coast Guard activities is phenomenal.

Fifty percent of the cargo transported across our oceans is considered hazardous, and it is the Coast Guard that deals primarily with that particular issue.

It is the Coast Guard, which leads the U.S. delegation to the International Maritime Organization that deals with 153 countries around the world, that ensures that not only our coastal waters, and not only our coastal waters out 200 miles of our coastlines but the international regime of the IMO of these 153 countries, that enhances the quality of our international waters.

It is the Coast Guard that is directly responsible for patrolling the North Atlantic in something called "The Ice Patrol", so that not only the U.S. ships traveling in the North Atlantic can be safe from icebergs but the international community can be safe from icebergs.

The coastal fisheries, out 200 miles off our coasts, not only off the Florida coast or the California coast but the Oregon and Washington coast, in the frigid waters of the north Pacific, 200 miles of the Alaskan coast, 200 miles off our coast, we monitor the coastal fisheries. And the U.S. Coast Guard ensures that U.S. law is enforced out that far, and they do a great job.

Interdiction of drugs on the high seas. Just imagine the coastal waters of the United States; the Pacific coast, the Atlantic coast, the Gulf of Mexico, the Caribbean. We have the technology, we have the resources to interdict almost all the drugs if the Coast Guard is given those resources. Within 5 to 7 years, I am convinced that we can interdict up to 85 percent of those drugs if the Coast Guard is given the right resources.

We talked about safety at life at sea. Not only is the Coast Guard responsible for safety at life at sea for U.S. fishermen, but they also do a good job in the international arena. On every river, looking at the Mississippi River, the Great Lakes, our estuaries, the Coast Guard is responsible for safety at life at sea.

Who inspects vessels, domestic and foreign? It is the Coast Guard. Who inspects these cargo ships, these container ships, these oil tankers, the bulk carriers, the small vessels? It is the U.S. Coast Guard. Who interdicts illegal immigrants being carried through to this country on the high seas? It is the U.S. Coast Guard. Who cuts ice in the Great Lakes; who cuts ice in the estuaries, like the Chesapeake Bay, around this country? It is the Coast Guard. Who cuts the ice leading to McMurdo Station in the Antarctic? It is the U.S. Coast Guard. Who cuts the ice in the Arctic Ocean? It is the U.S. Coast Guard.

The point I am trying to make, Mr. Chairman, is that the U.S. Coast Guard does all of this with a force smaller than the New York City police force.

Mr. Chairman, I urge my colleagues not only to support this legislation, but to think about the silent service that does a magnificent job, and all they ask for from this body is that we know something about the magnificent job that they and that we vote for this legislation.

H.R. 820 was developed in a bipartisan manner, and deserves the support of all the Members.

The primary purpose of H.R. 820, the Coast Guard Authorization Act of 1999, is to authorize expenditures for the U.S. Coast Guard for fiscal years 2000 and 2001.

Section 101 of the bill authorizes approximately $4.6 billion in the Coast Guard for fiscal year 2000, and $4.8 billion in fiscal year 2001. The amounts authorized for fiscal year 2000 include funding for Coast Guard programs at the levels requested by the President, with certain increases. The funding increases over the levels requested by the President are primarily for drug interdiction and commercial fishing and recreational vessel safety.

Specifically, H.R. 820 contains an additional $380 million for drug interdiction, consistent with the provisions of the Western Hemisphere

Drug Elimination Act which was enacted by Congress last year. H.R. 820 authorizes an additional $142 million in operating expenses for fiscal year 2000 and $148 million in operating expenses for fiscal year 2001. These funds will allow the Coast Guard to operate 15 additional Coastal Patrol Boats, a regional law enforcement training center in Puerto Rico, several maritime patrol aircraft, and six medium endurance cutters. The bill further allows the Coast Guard to construct 15 coastal patrol boats for $81 million and to begin construction of six medium endurance cutters for $100 million in fiscal year 2000. These new assets will allow the Coast Guard to execute its role under the Western Hemisphere Drug Elimination Act.

I have supported increases in the Coast Guard's drug interdiction spending because I am convinced that the level of Coast Guard drug interdiction has fallen well below what is necessary to fight the War on Drugs effectively. The $46 million increase in drug interdiction resources requested by the President for fiscal year 2000 is not adequate to respond to the alarming level of teenage drug use in this country.

The bill also contains additional funds for voluntary fishing vessel safety personnel, and $100 million to accelerate the national distress and response system modernization project. Also, H.R. 820 authorizes $128 million in fiscal year 2001 to acquire a replacement icebreaking vessel for the Great Lakes.

Section 102 of H.R. 820 authorizes an increase of Coast Guard military personnel to 40,000 by the end of fiscal year 2000, and 44,000 by the end of fiscal year 2001, to allow the Coast Guard to aggressively fight the War on Drugs in the Caribbean.

Finally, there are a few noncontroversial provisions in the bill, including a provision to require vessel operators to give notice to the Coast Guard 24 hours before they enter U.S. territorial waters. I thank the ranking member Mr. DEFAZIO from Oregon for that addition:

At the appropriate time, I will offer a managers amendment which adds several noncontroversial provisions to H.R. 820.

I urge the Members to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield such time as she may consume to the gentleeomsn from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I rise to bring to the attention of the gentleman from Minnesota (Mr. OBERSTAR) a matter that concerns the city of Garden Grove and the United States Coast Guard. An oil spill has been detected in the Bolsa Chica wetlands, and the city, unfortunately, has been erroneously identified as the responsible party.

The discharge was caused solely by another party, who discharged waste oil product from his truck into the city's catch basin. This party's waste oil passed through the catch basin and into the public storm drain. The circumstances of this case remain ambiguous.

The city of Garden Grove cannot accept an open-ended obligation to pay future claims in an unknown and potentially enormous amount. The city's revenues are limited, as the gentleman knows, and it is difficult to expand that tax base. No reasonable public policy is served by having the taxpayers of the city of Garden Grove pay for the cleanup and the spill of a third party.

The office of the Orange County district attorney is continuing a criminal investigation into the third party and we hope that we will have results soon with respect to that.

I urge the gentleman from Minnesota to recommend to the Coast Guard that it closely monitor the situation and to pursue the true responsible party for the reimbursement of the costs and damages.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. SANCHEZ. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. We are certainly aware of the Garden Grove problem. The discharge of waste oil product is particularly deleterious to the Bolsa Chica wetlands, a very sensitive environmental area. I had experience with this type of thing in my own Congressional District near Duluth, the Arrowhead Refinery site. It has taken us years to fix up and to fix responsibility on the third parties for that cleanup.

We are particularly sensitive to the gentlewoman's appeal and to her concern. We adhere on this side vigorously to the principle of the responsible party pays: "You make the mess; you clean it up."

We will work with the gentlewoman and the Coast Guard to reach a reasonable conclusion that suits the gentlewoman's constituents, and will continue to work closely with her and the Coast Guard to monitor this situation.

Ms. SANCHEZ. Reclaiming my time, Mr. Chairman, I thank the gentleman and appreciate his remarks.

Mr. DEFAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of H.R. 820, the Coast Guard Reauthorization Act of 1999.

What is of special interest and concern to me, and a great pleasure, is that at long last, for 25 years of my service in the Congress, we are approaching the date when we can see on the Great Lakes a replacement for the Coast Guard icebreaker Mackinaw, now older than most Members of this body.

The Mackinaw was built during the 1940s. It is now 55 years of age. It has done valiant service keeping the shipping lanes on the Great Lakes open during the late fall and early spring season to move goods to market. But the Mackinaw, battered by five and a half decades of breaking ice, is badly in need of replacement.

This legislation provides a $3 million authorization for design competition for a replacement vessel. Not just a study, as we have done in the past and nothing has come of it, but design competition for a replacement vessel for the icebreaker Mackinaw; and $128 million authorization for the construction of that replacement vessel.

□ 1400

For those who are not familiar with the Great Lakes, this is home to 20 percent of all the fresh water on the face of the Earth. It is the locus of one out of every five industrial jobs in America. The Great Lakes states generate 45 percent of the Nation's agriculture and produce over a third of the Nation's exports. And to move those commodities, to move the 58 million tons of iron ore that moved from northern Minnesota, northern Michigan to the lower lake steel mills, the 23 million tons of stone that are used in the Nation's highway construction project, and 20 million tons of coal each year that move from upper lake to lower lake to fuel with low sulphur western coal, the demands of power plants in Illinois, Michigan, and Ohio with clean coal and the energy they need to keep their industry going, we have to keep those shipping lanes open in the late fall and the early spring to ensure the lowest cost delivery of these goods.

Water borne transportation is the lowest energy consuming means of transportation in our country and anywhere in the world and the Great Lakes waterways are critical to the needs of upper and lower lakes. And it is not just the ports on the Great Lakes that benefit from this, nor the industries, but the farmers of western Minnesota, of North and South Dakota, of Montana, of Iowa, where the grain comes into the Port of Duluth. Grain farmers from Canada, it comes down from Thunder Bay into Lake Michigan and onto lower lake port and ultimately exported to the seven seas of the world.

This Great Lakes waterway system is the great energy source for the national economy and for agriculture that reaches way west of the Mississippi and stretches far east of the Mississippi. The Mackinaw replacement project, a multipurpose vessel, will benefit the entire national economy. And I am delighted and I really appreciate the work of our chairman of the subcommittee, the gentleman from Maryland (Mr. GILCHREST), who has been very understanding of our need on the Great Lakes, and the gentleman from Pennsylvania (Mr. SHUSTER), the chairman, who has been supportive of this initiative, and the gentleman from Oregon (Mr. DEFAZIO), who has been very helpful on this initiative. And for all my Great Lakes colleagues who for years have joined together and supported, at last we can say the end is in sight, replacement for the Mackinaw is coming.

But this bill goes further. It provides the support for what I consider to be America's greatest return on investment entity, the U.S. Coast Guard. We get more for our dollar investment in the Coast Guard than out of any of the services, perhaps any other entity except maybe the Corps of Engineers. The return on investment in the Coast Guard is extraordinary.

Whether in safety in the inland waterways of the coastal regions or in protection against drug runners, the interdiction role that the Coast Guard plays is extraordinary. The men and women who wear that special color blue deserve our total support, and this bill provides it.

The $44 million authorization in this bill to continue the design and development process for the Deepwater project is critical. This is an initiative to replace all of the Coast Guard's vessels and aircraft that operate more than 50 miles out from the U.S. coastline along the Atlantic, Pacific, and Gulf Coasts. This Deepwater initiative is really critical to keep the Coast Guard competitive, to keep it in line with all the additional responsibilities we in the Congress have saddled upon the Coast Guard, and to keep the United States vigilant in maintaining the integrity of our coastline.

I will not go into all the many other initiatives, the fisheries enforcement, migrant interdiction, drug interdiction along our coast that the Coast Guard carries out. We really salute the men and women with the special blue of the U.S. Coast Guard and do so in a very practical and realistic way in this legislation.

I thank the chairman and ranking member for bringing this legislation to the House floor.

Mr. GILCHREST. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman from Maryland (Mr. GILCHREST) for yielding time.

First of all, I want to support the comments of the gentleman from Minnesota (Mr. OBERSTAR) regarding the Mackinaw and a number of the other issues he raised. The Mackinaw indeed is a worthy ship, but it is also an old ship and will not be able to operate much longer. And the Great Lakes depend mightily upon the efforts of that ship, particularly in the colder months.

I would also point out in relation to the comments from the gentleman from Minnesota (Mr. OBERSTAR) that the Great Lakes are really misnamed. They should be called the "great seas" because in fact they are seas. And that is why the Coast Guard plays such an important role in these bodies of water. It is very important to recognize their magnitude. And not only are they 20 percent of the world's fresh water supply, they are 95 percent of the United States' surface fresh water, and that is a very important factor in our country's future.

I also thank the gentleman from Maryland (Mr. GILCHREST), the chairman of the Subcommittee on Coast Guard and Maritime Transportation, for working with a number of us in resolving a major problem on Lake Michigan, an important component again of the Great Lakes. The administration, in submitting their budget proposal this year, eliminated helicopter service for the Coast Guard in the middle section of Lake Michigan.

Now, recognize that Michigan has more boats per capita, in fact more boats total, than any other State of the Union. Furthermore, recognize that Michigan has more lake shore mileage than any State of the Union except Alaska. A tremendous amount of boating activity on Lake Michigan. And the administration is proposing to remove the Coast Guard helicopter station at Muskegon, Michigan.

I appreciate the efforts of the subcommittee. That includes both minority and majority. We have been able to work this out and come up with a proposal within this that will maintain the Coast Guard station at Muskegon. That is extremely important. And not only that, but to look very carefully or perhaps reestablish the helicopter Coast Guard station in the Chicago area, which was shut down some years ago. Both are very important in terms of achieving what is one of the key missions of the Coast Guard, as outlined by the gentleman from Maryland (Mr. GILCHREST), and that is ensuring the life and safety of individuals at sea, whether on the oceans or on the Great Lakes.

Finally, let me register a concern about the general overall direction of the Coast Guard funding. The Coast Guard, as we just said, is responsible for the life and safety of individuals at sea. But yet the funding relative to other activities of the Coast Guard has steadily diminished, and the reason is very simple. The drug problem of this Nation and the drug interdiction responsibilities of the Coast Guard continues to drain resources away from the search and rescue operations of the United States Coast Guard.

And even though the drug interdiction is a very important part of their responsibility and very important to this Nation, all of us must recognize that we cannot continue to give more responsibility to the Coast Guard in this area, we cannot continue to require more drug interdiction from them and not give them the money to do that, because by doing that we are pulling men away from their search-and-rescue activities.

So if indeed we want to have the Coast Guard pursue their drug interdiction activities, fine, then good, but let's recognize that we have to provide the funding and not cut and chip away at the life and safety operation of the Coast Guard at the same time.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding.

I would not only support the Coast Guard reauthorization and associate myself with the words of the gentleman from Minnesota (Mr. OBERSTAR) as to the importance of the Coast Guard not just on the Great Lakes but throughout this great Nation, but I want to bring to the attention an amendment that we are going to have a little bit later here, the Upton amendment, which I believe the gentleman from Maryland (Mr. GILCHREST) is going to accept and be even part of his amendment. Anyway, I have had the pleasure of working with the gentleman from Michigan (Mr. UPTON), my colleague and friend, on this amendment.

I would like to maybe take a moment here and highlight the importance and need for the Upton amendment which would help to bring to light the current problem with the Federal Government's assistance for transferring lighthouses.

We have probably more lighthouses on the Great Lakes than anywhere else in this Nation. It helps to tell the story of our maritime history. They stand as a testament to the thousands of mariners who lived and died on these Great Lakes and to those who dedicated their lives to guiding them home safely. The modern technology is replacing the use of the lighthouses for navigational purposes. But there are many groups out there dedicated to preserving these monuments for posterity and history.

Unfortunately, once the Federal Government decides it no longer needs a lighthouse, there is no guarantee that the historical groups that have worked for years to maintain these structures will be able to acquire them, even though the group may have spent thousands of dollars and hours restoring the lighthouses and maintaining the property. They are not given that go-ahead to take the transfer from the Coast Guard as to the physical assets.

While we cannot change the system under this current bill, what the gentleman from Michigan (Mr. UPTON) is trying to do through his amendment and our support we are now considering, this amendment will help highlight the problem and, at the very least, ask the Coast Guard to provide us some advice and technical assistance for the organizations that want to preserve our maritime heritage.

I hope this will further the dialogue to change the way in which the Federal Government transfers the lighthouses, and I urge my colleagues to look carefully at the Upton amendment and to adopt that amendment.

And in final, I hope H.R. 820, the Coast Guard authorization bill, is transferred and approved by this House and we have a strong vote on it to show our support for the United States Coast Guard.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to associate myself with, basically, the comments on both sides of the aisle.

I want to tell my colleagues, the things about drugs, the things about illegals, California pays a big price for all of the above. And I would tell the gentleman from Minnesota (Mr. OBERSTAR), the greatest thing that we do not have to deal with in San Diego is the ice cutters. They have to do that in Michigan. But I support his issue there.

The gentleman from Oregon (Mr. DEFAZIO) and I will probably never vote for each other more than a handful of times, but this happens to be one of those times that we do. And I do think also that one of the things the Coast Guard does there is actually a requirement under OPA 90, where we have dual hull tankers. I hope some day we can enforce that so we do not have things like the Valdez.

And even our offshore oil, I put a requirement that the President supported that limited our offshore oil drilling off California because of the pollution not only in our wetland but our beaches. And we see every day these tankers going up and down from foreign countries that are leaking oil and coming on our beaches, and I worked with the gentleman to stop that.

Last year we honored two policemen that died here in defending our Capitol. But we do not hear much about just 96 miles from here right off Point Lookout we lost a Coast Guard cutter, a rescue ship, and people gave their lives in service to that, too. So I think that it is a little unsung part of security that we have in this country but we should not forget, especially them, and it is a reason that most of us on both sides of the aisle support this.

Another area in which they helped, we had a bipartisan vote. There is a Chinese shipping company that wanted to take over Long Beach. I am happy to tell my colleagues that the CIA has come out and said that, yes, there is a national security threat over Long Beach if they would take complete control. It is the Coast Guard that found that they were dealing chemical and biological and nuclear triggers.

So I rise in strong support and I thank the Members on both sides of the aisle for this legislation.

Mr. DEFAZIO. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. COBLE).

□ 1415

Mr. COBLE. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, it has pretty well been said. The U.S. Coast Guard has made America a better place to live for 208 years. As members of this country's oldest continuous seagoing service, the men and women of the Coast Guard continue to do what they have always done, save lives and protect property at sea; ensure a safe, efficient maritime transportation system; protect and preserve our precious marine resources and environment; enforce laws and treaties in the maritime region; and defend our national security.

The gentleman from Maryland (Mr. GILCHREST) has already indicated that the Coast Guard, numbers-wise, is smaller than the New York City Police Department. Yet our Coast Guard carries out their vital missions in this country's ports and waterways, along its 47,000 miles of coastline, lakes and rivers, on international waters or in any maritime region as required to support national security.

When I was a member of the Coast Guard, Mr. Chairman, we used to affectionately refer to the Navy as the Big Outfit. Conversely, they would refer to us as the Little Outfit, the Shallow Water Navy, the Knee-Deep Navy, the Hooligans Navy. They did it with tongues in cheek but they did it affectionately. There was good rapport between the two seagoing services.

This essential and fiercely proud service continues its 24-hour-a-day, 7-day-a-week vigilance against a host of transnational dangers, including pollution, illegal migration, international drug trafficking and terrorism.

My friend from Minnesota mentioned the Mackinaw. The Mackinaw was synonymous with Great Lakes icebreaking, I guess, for four or five decades. He is right, the time has come to replace it. I am happy to see that that is going to happen.

I talked with a Coast Guardsman not too long ago who was the recipient of the Coast Guard gold lifesaving medal. I think he had rescued either four or five people in this particular rescue effort. In so doing, he suffered a permanent injury, and he is disabled. As I was talking to him about his heroic rescue, he was very unassuming about it. "No big deal," he said, "this is what I'm supposed to do." Well, it was a big deal to those whom he pulled out of the drink. I can assure you it was a big deal to them. Even though he is now disabled, he said, "I did what I'm supposed to do. I went to the aid of those who were in distress." That is what the Coast Guard men and women have been doing for years, 208, to be exact.

I am pleased, Mr. Chairman, to say to my friend from Pennsylvania that the full committee and the subcommittee has done yeoman work in getting this bill to the floor. It is a good bill.

Mr. Chairman, the Coast Guard's motto rings just as true today as it did in 1970, semper paratus, always ready.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I rise in support of H.R. 820.

In representing the Port of Houston in my district, the U.S. Coast Guard has the primary responsibility for ensuring the safety and security of the vessels not only in my district but in the ports and waterways around the country.

Also, in recent years the Coast Guard has been charged with the task of engaging in drug interdiction activities. In fact, just in late January, the Coast Guard intercepted and seized a Panamanian vessel 125 miles off the coast of Jamaica. The vessel was then escorted back to the Port of Houston and upon searching the vessel nearly five tons of cocaine with an estimated street value of $375 million was discovered. This was one of the largest drug seizures in both Texas and our Nation's history.

In this year's Coast Guard authorization, there is a 10 percent increase in the funds for discretionary activities. I am glad to see that. Hopefully this bill will pass very easily. That will mean approximately $400 million is earmarked for drug interdiction activities. That increase in funds will fully implement the Western Hemisphere Drug Elimination Act, enable the Coast Guard to operate an additional fifteen patrol boats, eight cutters and seven marine vessels to stop drugs before they enter our country.

Mr. Chairman. I rise in support of the bill and also in support of the Coast Guard's effort not only for the safety of our harbors and waterways but also for the drug interdiction activities.

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of H.R. 820—the Coast Guard Authorization Act of 1999. This much-needed bill authorizes $3.1 billion in fiscal year 2000 and $3.2 billion in fiscal year 2001 for Coast Guard operating expenses to carry out numerous missions.

Included in this authorization is funding for the Coast Guard to Participate in search and rescue missions. The Coast Guard spends about 11.6 percent of its operating expenses on search and rescue missions. This is a critical function of the Coast Guard and one that saves the lives and property of many who find themselves in peril on the open seas—particularly the perilous seas off the coast of South Florida.

Recently, the Coast Guard launched a search and rescue mission off of the coast of South Florida in search of Haitian immigrants whose vessel capsized as they were trying to reach the United States. Unfortunately, although three Haitian immigrants were rescued from the Atlantic Ocean between the Bahamas and Florida, perhaps as many as 40 more Haitian immigrants were lost, despite the Coast Guard's best efforts.

Over the years, the Coast Guard has rescued hundreds of Haitians, Cubans, and others seeking freedom and a better life in the United States. Unfortunately, many die trying to secure their dream of freedom. The Coast Guard serves critical role in helping to save human lives in the straits of Florida. The diverse ethnic communities in Miami are most grateful for the Coast Guard's search and rescue efforts.

Search and Rescue is one of the Coast Guard's oldest missions. For over 200 years, the Coast Guard has responded to distress calls at sea. Minimizing the loss of life, injury, property damage, or loss by rendering aid to persons in distress and property in the maritime environment has always been a Coast Guard priority. Coast Guard search and rescue response involves multimission stations, cutters, aircraft and boats linked by communications networks.

The Coast Guard is the Maritime search and rescue coordinator and is recognized worldwide as a leader in the field of search and rescue. Each hour a U.S. Coast Guard aircraft is aloft costs about $3,700—and several maybe used in a single search. It is critical that the Coast Guard has the resources it needs to maintain its search and rescue efforts. I urge my colleagues to support this bill.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of H.R. 820, the Coast Guard Authorization Act of 1999. As a member of the Congressional Coast Guard Caucus, I am proud of the U.S. Coast Guard and all the hard work that each and every member selflessly gives each day to our nation. The United States Coast Guard is this nation's oldest and its premier maritime agency. The history of the Service is historic and multifaceted. It is the amalgamation of five Federal agencies—the Revenue Cutter Service, the Lighthouse Service, the Steamboat Inspection Service, the Bureau of Navigation, and the Lifesaving Service, which were originally independent agencies with overlapping authorities. They sometimes received new names, and they were all finally united under the umbrella of the Coast Guard. The multiple missions and responsibilities of the modern Service are directly tied to this diverse heritage and the magnificent achievements of all of these agencies.

The Coast Guard, through its previous agencies, is the oldest continuous seagoing service and has fought in almost every war since the Constitution became the law of the land in 1789. The Coast Guard has traditionally performed two roles in wartime. The first has been to augment the Navy with men and cutters. The second has been to undertake special missions, for which peacetime experiences have prepared the Service with unique skills. Today the Coast Guard is engaged on many open sea patrols in the war on drugs throughout the vast oceans and seas of the world.

The Coast Guard has helped to protect the environment for 150 years. In 1822 the Congress created a timber reserve for the Navy and authorized the President to use whatever forces necessary to prevent the cutting of live-oak on public lands. The shallow-draft cutters were well-suited to this service and were used extensively. Today, the current framework for the Coast Guard's Marine Environmental Protection program is the Federal Water Pollution Control Act of 1972.

In 1973, the Coast Guard created a National Strike Force to combat oil spills. There are three teams, a Pacific unit based near San Francisco, a Gulf team at Mobile, AL, and an Atlantic Strike Team stationed in Elizabeth City, NC. Since the creation of the force, the teams have been deployed worldwide to hundreds of potential and actual spill sites, bringing with them a vast array of sophisticated equipment.

The 200-mile zone created by the Fishery Conservation and Management Act of 1976 quadrupled the offshore fishing area controlled by the United States. The Coast Guard has the responsibility of enforcing this law.

The Coast Guard additionally has the major responsibility for conducting and coordinating Search and Rescue operations and licensing and regulating safety and commercial boating rules. This enormous task is performed day in and day out by the dedicated men and women of the Coast Guard.

As you may be able to tell, the Coast Guard performs a complex but necessary array of missions that effect the very life blood of this nation in the areas of national defense, commerce, the environment, and lifesaving.

Mr. Chairman, I would like to particularly highlight one essential mission that the Coast Guard is performing right now in America's westernmost frontier, my home district on the island of Guam. During the past year, Guam has experienced a significant influx of Chinese illegal immigrants. Chinese crime syndicates organize boatloads of indigent Chinese citizens to illegally enter the United States for an exorbitant fee of $8,000–$10,000 per person. After undergoing an arduous journey under fetid, unsanitary conditions, the Chinese reach Guam dehydrated, hungry, disease-ridden and sometimes beaten. Upon arrival, the smuggled Chinese become indentured servants as they attempt to pay their passage to America.

Guam's geographic proximity and asylum acceptance regulations make it a prime target for Chinese crime syndicates. According to the INS about 700 illegal Chinese immigrants traveled to Guam last year. Since the beginning of this year alone, 157 have been apprehended by the Coast Guard, INS and local Guam officials. Since the INS does not have enough money to detain the Chinese illegal immigrants on Guam, they proposed to release them to the general populace without assistance. Fortunately, the Government of Guam has offered its already strained resources to detain the illegal aliens until they are ready to be adjudicated.

Mr. Chairman, Chinese crime syndicates have exploited Immigration and Nationality (INA) asylum regulations. Because Guam, through INA directives, has to accept asylum applications, Guam becomes a cheap and attractive location for shipment of smuggled Chinese.

The Marianas section of the Coast Guard, stationed out in Guam has been tasked to interdict, when possible, these wretched Chinese vessels that are transporting these illegals. The local command, which is currently undermanned and over extended, is doing the impossible under such circumstances.

In the Armed Services Committee, where I am proud to serve, we have as of late been discussing the high level of OPSTEMPO and PERSTEMPO to describe the state of over-extension of manpower and the drain on resources within our military. In the case of these dedicated men and women of the Coast Guard on Guam, they are no exception to these discussions.

I recently had the pleasure of meeting with the Commandant of the Coast Guard, Admiral James M. Loy and I expressed to him the sentiments of the people of Guam as well as praised him for his leadership and dedication to this service. Along with my fellow Coast Guard Caucus Members, I promised to continue to support the fine work of our Coast Guard. I would additionally ask that Congress and Commandant Loy seriously look to find some additional resources for our beleaguered Coast Guard on Guam in order to more effectively contend with the growing onslaught of illegal Chinese immigrants and relieve the high level of OPSTEMPO faced by these Coastguardsmen and women. We are all very proud of the work that Captain Scott Glover, the CO of the Marianas Section, is performing on Guam as well as that of the entire Marianas Section of the U.S. Coast Guard for their compassion when dealing with these desperate Chinese and for their generosity in the performance of their duty. Si Yu'os Ma'ase.

Mr. PORTER. Mr. Chairman, I rise in strong support of this legislation. I appreciate the work that the Chairmen of the full Committee and the Subcommittee and their staff have done in addressing safety needs in southern Lake Michigan. For many years, I have been working with the U.S. Coast Guard in addressing the concerns of my constituents and other residents through the reestablishment and operation of a seasonal air rescue facility in the southern lake area. As many of you may be aware, the boat traffic, both commercial and recreational, in this area is the most congested in all of the lake. An air rescue facility in this area would greatly increase confidence of boaters and recreational users and the chance for survival in the extremely cold and dangerous waters of Lake Michigan.

I am anticipating the completion of a report by the Coast Guard in the very near future to determine the best location for an additional facility in this area. In discussions with the Coast Guard, it appears that the regional airport in Waukegan, Illinois may be the ideal location as it is located very near the lake's shoreline thereby enabling a short response time and has additional hangars that could be leased to significantly reduce the cost of this rescue facility. In addition, the Waukegan Regional Airport offers a control tower, instrument landing system and twenty-four hour operation. However, I am very concerned with the cost estimate that the Coast Guard provided for this additional facility. The justification for this estimate includes some expenses that I believe can be reduced once we identify the location of the site, and I look forward to working with the Coast Guard on this.

This legislation is an important step in providing safety and confidence to the boaters in southern Lake Michigan, and I look forward to its implementation and the establishment of this rescue facility.

Mr. HOEKSTRA. Mr. Chairman, I rise today to speak in favor of the Coast Guard Reauthorization Act. The Act provides the United States Coast Guard with authorization for the funding they need to accomplish the important missions that the Congress and the Nation have asked them to accomplish.

As a member with more than 120 miles of Lake Michigan coastline in my district, I fully understand the Coast Guard's mission and appreciate the fine level of search-and-rescue services that the Coast Guard provides to the boating and beach-going public in West Michigan.

I rise especially today to discuss the way that this authorization bill impacts the operation of the Coast Guard Muskegon Air Facility. The Coast Guard has operated this air facility on a seasonal basis from April 1 to October 1 each summer since 1997. Prior to 1997, the Coast Guard had operated an air facility or air station to cover southern Lake Michigan out of the Chicago area since 1959.

The bill before us today addresses the concerns of the Michigan and Illinois delegations regarding Coast Guard search and rescue air coverage on Lake Michigan. The bill provides that the Coast Guard shall continue to operate the Muskegon Air Facility and shall establish a Chicago area facility for operation through the end of FY 2001. In addition, the bill provides for a study of total search-and-rescue response on Lake Michigan and the establishment of a plan for the coordination of search-and-rescue response in the Chicago area.

I hope that the Coast Guard will aggressively move to take the actions necessary to operate both the Muskegon and Chicago air facilities in FY 2000. I also hope that the Coast Guard will, in the interim, provide a high level of search-and-rescue air coverage for southern Lake Michigan by operating the Muskegon Air Facility on a seven-day, 24-hour-per-day basis during the summer of 1999.

Finally, I want to thank Transportation and Infrastructure Committee Chairman SHUSTER and the other subcommittee chairmen for their assistance in resolving the Lake Michigan Air Facility issue. I would also like to thank the gentleman from Michigan, Mr. EHLERS, for his assistance on this issue and for helping to maintain the high level of boating safety enjoyed by those boating on Lake Michigan.

Mr. CRANE. Mr. Chairman, I just wanted to take this opportunity to express my appreciation on the members of the Transportation and Infrastructure Committee, and its Coast Guard and Maritime Transportation Subcommittee, for the good work they have done in putting together this year's Coast Guard Reauthorization measure (H.R. 820).

As reported, this bill not only makes it easier to conduct the all-important war against drugs, which is so important to this nation's future, but it will also promote public safety in a way that is very important to a great many people in the Upper Midwest. In particular, I am referring to all those folks who fly over, or take to, the waters of southwestern Lake Michigan and the lakes and rivers north and/or west of Chicago.

Mr. Chairman, over 6 million people reside in the counties of northwestern Indiana, northeastern Illinois, and southeastern Wisconsin that border on Lake Michigan. Not only do many of them own a boat or enjoy going out on someone else's, but countless residents of, or visitors to, the region take advantage of the dinner voyages and sightseeing cruises that depart from Chicago's justly famous lakefront. On top of that, literally, hundreds of thousands of people fly in and out of O'Hare Airport and a number of other airports that dot the landscape from Gary, IN, to Milwaukee, WI. In short, there are people on or over southwestern Lake Michigan and nearby waters all the time—people who would be at risk in the event of a boating accident or an airplane crash.

Thankfully, over 40 years have passed since a major commercial airliner crashed into Lake Michigan. However, that is no guarantee against such an accident occurring in the future. Moreover, smaller planes have fallen into, or collided over, the Lake since then and there have been a number of instances where boats have capsized and/or sunk, not just in Lake Michigan, but in the Chain o' Lakes region north of Chicago. In fact, 26 people were killed in those sorts of accidents from October 1, 1995 to October 1, 1996, a figure which helps explain why so many citizens in the Chicago area were so concerned when the U.S. Coast Guard (USCG) helicopter rescue unit stationed at the old Glenview Naval Air Station was transferred across the Lake to Muskegon, Michigan several years back.

Not to belabor the point, but those citizens had good reason to be concerned. Not only was that USCG helicopter better equipped and its crew better prepared to deal with accidents well offshore than local rescue boats and helicopters, but the unit was 15 to 30 precious minutes further removed from the northeastern Illinois shoreline than had been the case previously. Also, the fact that the unit could spend more time in the air searching for accident victims if it were closer to the Chicagoland area argued strongly for either moving it in that direction or bringing in a new USCG helicopter rescue unit to serve the region.

Having joined a number of my colleagues from both Illinois and Indiana in making that pro-safety argument, I am both pleased and relieved to see that the authors of this legislation have recognized its merits and have endorsed the latter course of action. According to the provisions of Section 204 of H.R. 820, a new USCG helicopter search and rescue (SAR) unit is to be situated on the southwest shore of Lake Michigan, where it is to remain until at least September 30, 2001. In the interim, a thorough study will be conducted to determine what SAR equipment will be needed in the region after the year 2001 and a comprehensive plan will be developed for the provision of the SAR services that are deemed necessary. As for the existing unit, it will continue to be based in Muskegon until at least September 30, 2001, thereby assuring the boating and aviation populations on both sides of Lake Michigan that timely USCG air SAR services will be more readily available than they have been heretofore.

Mr. Chairman, while this approach is not quite as definitive as I would have preferred, it has two major advantages that should commend themselves to my colleagues. First, by authorizing additional air SAR resources for the heavily populated (by boats as well as people) Chicago area, it addresses a very significant public safety concern. Second, by leaving the existing unit in Muskegon, MI, it means that people in that area will not face a reduction in their USCG SAR coverage similar to the one faced by Chicagoland residents several years ago. To my way of thinking, each of these advantages would be sufficient to justify enactment of Section 204 of H.R. 820. Together, they and the drug interdiction features of H.R. 820 make a compelling case for the entire measure.

I urge my colleagues to support H.R. 820.

Mr. DEFAZIO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. HEFLEY). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

TITLE II--MISCELLANEOUS

Sec. 201. Vessel NOT A SHOT.
Sec. 202. Costs of clean-up of Cape May lighthouse.
Sec. 203. Clarification of Coast Guard authority to control vessels in territorial waters of the United States.
Sec. 204. Coast Guard search and rescue for Lake Michigan.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) for fiscal year 2000, $3,084,400,000, of which—

(i) $25,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(ii) not less than $663,000,000 shall be available for expenses related to drug interdiction; and

(iii) $5,500,000 shall be available for the commercial fishing vessel safety program; and

(B) for fiscal year 2001, $3,207,800,000, of which—

(i) $25,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(ii) not less than $689,500,000 shall be available for expenses related to drug interdiction; and

(iii) $5,500,000 shall be available for the commercial fishing vessel safety program.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) for fiscal year 2000, $691,300,000, of which—

(i) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(ii) not less than $280,300,000 shall be available for expenses related to drug interdiction;

(iii) $100,000,000 shall be available for modernization of the national distress response system; and

(iv) $3,000,000 shall be available for completion of the design of a replacement vessel for the Coast Guard icebreaker MACKINAW; and

(B) for fiscal year 2001, $792,000,000, of which—

(i) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990;

(ii) not less than $233,000,000 shall be available for expenses related to drug interdiction;

(iii) $110,000,000 shall be available for modernization of the national distress response system; and

(iv) $128,000,000 shall be available for construction or acquisition of a replacement vessel for the Coast Guard icebreaker MACKINAW.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) for fiscal year 2000, $21,700,000; and

(B) for fiscal year 2001, $23,000,000,

to remain available until expended, of which $3,500,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

(A) for fiscal year 2000, $730,000,000; and

(B) for fiscal year 2001, $785,000,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) for fiscal year 2000, $11,000,000; and

(B) for fiscal year 2001, $11,000,000,

to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance)—

(A) for fiscal year 2000, $19,500,000; and

(B) for fiscal year 2001, $21,000,000,

to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

(1) 40,000 as of September 30, 2000; and

(2) 44,000 as of September 30, 2001.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training—

(A) for fiscal year 2000, 1,500 student years; and

(B) for fiscal year 2001, 1,500 student years.

(2) For flight training—

(A) for fiscal year 2000, 100 student years; and

(B) for fiscal year 2001, 100 student years.

(3) For professional training in military and civilian institutions—

(A) for fiscal year 2000, 300 student years; and

(B) for fiscal year 2001, 300 student years.

(4) For officer acquisition—

(A) for fiscal year 2000, 1,000 student years; and

(B) for fiscal year 2001, 1,000 student years.

TITLE II—MISCELLANEOUS

SEC. 201. VESSEL NOT A SHOT.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel NOT A SHOT (United States official number 911064).

SEC. 202. COSTS OF CLEAN-UP OF CAPE MAY LIGHTHOUSE.

Of amounts authorized by this Act for fiscal year 2000 for environmental compliance and restoration of Coast Guard facilities, $99,000 shall be available to reimburse the owner of the former Coast Guard lighthouse facility at Cape May, New Jersey, for costs incurred for clean-up of lead contaminated soil at that facility.

SEC. 203. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.

"(a) NOTIFICATION OF COAST GUARD.—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary not later than 24 hours before that entry and provide the following information:

"(1) The name of the vessel.

"(2) The port or place of destination in the United States.

"(3) The time of entry into the territorial sea.

"(4) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.

"(5) If the vessel is carrying dangerous cargo, a description of that cargo.

"(6) A description of any hazardous conditions on the vessel.

"(7) Any other information requested by the Secretary.

"(b) DENIAL OF ENTRY.—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

"(1) the Secretary has not received notification for the vessel in accordance with subsection (a); or

"(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

"(c) DIRECTION OF VESSEL.—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by State or Federal law, weather, casualty, vessel traffic, or the poor condition of the vessel.".

SEC. 204. COAST GUARD SEARCH AND RESCUE FOR LAKE MICHIGAN.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Notwithstanding any other law, the Secretary of Transportation—

(A) shall continue to operate and maintain the seasonal Coast Guard air search and rescue facility located in Muskegon, Michigan, until at least September 30, 2001; and

(B) shall establish a new seasonal Coast Guard air search and rescue facility for Southern Lake Michigan to serve the Chicago metropolitan area and the surrounding environment, and operate that facility until at least September 30, 2001.

In establishing the facility under subparagraph (B), the Secretary shall study Illinois sites in the Chicago metropolitan area, including Waukegan, Illinois.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to the other amounts authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation—

(A) for operation and maintenance of the Coast Guard air search and rescue facility in Muskegon, Michigan—

(i) $3,252,000 for fiscal year 2000; and

(ii) $3,252,000 for fiscal year 2001;

(B) for acquisition, construction, and improvement of facilities and equipment for the Coast Guard air search and rescue facility for Southern Lake Michigan established under paragraph (1)(B)—

(i) $8,100,000 for fiscal year 2000; and

(ii) $13,000,000 for fiscal year 2001; and

(C) for operation and maintenance of the Coast Guard air search and rescue facility for Southern Lake Michigan established under paragraph (1)(B)—

(i) $5,505,000 for fiscal year 2000; and

(ii) $4,060,000 for fiscal year 2001.

(3) LIMITATION ON CLOSING OR DOWNSIZING OTHER FACILITIES.—The Secretary of Transportation may not close or downsize any Coast Guard facility for the purpose of accommodating the capability required pursuant to paragraphs (1) and (2).

(b) STUDY OF SEARCH AND RESCUE CAPABILITIES FOR LAKE MICHIGAN.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall study, determine, and report to the Congress the overall aircraft and vessel search and rescue capability for Lake Michigan, including—

(1) the capability of all Federal, State, and local government and nongovernment entities that perform search and rescue functions for Lake Michigan; and

(2) the adequacy of that overall capability.

(c) PLAN FOR SEARCH AND RESCUE RESPONSE FOR CHICAGO, ILLINOIS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall prepare, submit to the Congress, and begin implementing a comprehensive plan for aircraft and vessel search and rescue response for Lake Michigan in the vicinity of Chicago, Illinois.

(d) USE OF HELICOPTERS FOR DRUG INTERDICTION.—During the portion of each year when the seasonal facilities required under subsection (a)(1) are not in operation, the Secretary of Transportation shall use helicopters assigned to those facilities for drug interdiction.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST:

At the end of the bill add the following:

SEC. . VESSEL COASTAL VENTURE.

Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3978) is amended by inserting "COASTAL VENTURE (United States official number 971086)," after "vessels".

SEC. . VESSEL PRIDE OF MANY.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRIDE OF MANY (Canadian official number 811529).

SEC. . PROHIBITION OF NEW MARITIME USER FEES.

Section 2110(k) of title 46, United States Code, is amended by striking the last sentence.

SEC. . SENSE OF CONGRESS REGARDING OIL SPILL RESPONSE ACTIONS.

It is the sense of the Congress that to ensure that liability concerns regarding response actions to remove a discharge of oil or a hazardous substance, or to mitigate or prevent the threat of such a discharge, do not deter an expeditious or effective response, the President should promulgate guidelines as soon as possible under the Oil Pollution Act of 1990 and other applicable Federal laws clarifying that a person who is not a responsible party (as that term is used in that Act) and who takes any response action consistent with the National Contingency Plan (including the applicable fish and wildlife response plan) or as otherwise directed by the President to prevent or mitigate the environmental effects of such a discharge or a threat of such a discharge should not be held liable for the violation of fish and wildlife laws unless the person is grossly negligent or engages in a willful misconduct.

Mr. GILCHREST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment, and we are prepared to accept it on our side.

Mr. DeFAZIO. We would be happy to accept the gentleman's amendment. We have no problem.

Mr. GILCHREST. Mr. Chairman, I thank the gentlemen for agreeing to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. GILCHREST).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PICKETT

Mr. PICKETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKETT:

At the end of the bill add the following:

SEC. . VESSEL NORFOLK.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessel NORFOLK (United States official number 1077852) before January 1, 2001, if—

(1) before that date the vessel undergoes a major conversion (as defined in section 2101 of title 46, United States Code) in a shipyard located in the United States; and

(2) the cost of the major conversion is more than three times the amount the owner of the vessel paid to purchase the vessel.

Mr. PICKETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. PICKETT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment and we are prepared to accept it on our side.

Mr. DEFAZIO. Likewise on our side, Mr. Chairman. We have no reservations.

Mr. PICKETT. Mr. Chairman, my amendment would provide Jones Act status to a vessel that is U.S.-built, U.S.-owned, and U.S.-flagged, but which is not eligible for the coastwise trade of the United States because at one time it was flagged foreign.

Simply stated, my amendment would provide a Jones Act waiver for the tug "*Norfolk*" before January 1, 2001 only if before that date the vessel undergoes a major conversion in a shipyard located in the United States and the cost of this major conversion is more than three times the amount the owner of the vessel paid to purchase the vessel. I emphasize again that the vessel is U.S.-built, U.S.-owned, and U.S.-flagged.

I offer the amendment on behalf of Bay Gulf Trading Company, a locally owned Virginia corporation with its headquarters and principal place of business in Norfolk, Virginia. Jerry McDonald, a former U.S. Navy captain, is the chairman of the company. Bay Gulf is wholly owned by U.S. citizens. It is a small business that owns and operates 8 tugs and 10 tanker barges, and employs about 75 persons.

The Merchant Marine Act of 1920 provides that a U.S. vessel once sold foreign or placed under foreign registry cannot engage in U.S. coastwise trade. Only by special legislation can such a vessel built in the United States, flagged foreign, and reflagged in the United States be documented by the coast guard with a coastwise trade endorsement.

The *Norfolk*—built in 1975 at Mangone Shipyard, Houston, Texas—subsequently it was Norwegian flagged and American Bureau of Shipping classed until 1994. During the early 1990's it was sold and reflagged in Italy. In late 1995, the vessel experienced an extensive fire off the coast of Italy. Much of the interior spaces above the main deck were gutted. It was sold "as is" to a company in Ontario, and was towed from Italy to Canada. Repairs were never completed.

Bay Gulf acquired the vessel in December 1998. The tug was the only American built large tug available anywhere in North America. Bay Gulf proposes to use the tug for anchor handling, coastal/ocean towing, and salvage duties. The necessary repair work—estimated cost of $3 million—will be done in the Norfolk area by Norfolk shipyards and contractors. The work is estimated to cost $3 million, which is more than three times the amount the owner of the vessel paid for the purchase of the tug.

Mr. Chairman, existing U.S. law—the Wrecked Vessels Act of 1994—permits the Secretary of Transportation to issue a certificate of documentation with a coastwise endorsement for any foreign-built vessel wrecked on the coasts of the United States when purchased by a citizen of the United States and thereupon repaired in a shipyard in the United States if the repairs are equal to three times the appraised salved value of the vessel. My amendment applies this standard in the case of the *Norfolk*, which is a U.S.-built vessel. So, I would argue that this amendment is eminently fair.

There is clearly no surplus of large anchor handling vessels in the U.S. coastwise trade. Based upon the best information that I can obtain, only one U.S. flagged, coastwise certified 8000 horsepower tug is available on the market, and it is not an anchor handling tug.

Mr. Chairman, I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. PICKETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOBIONDO:

At the end of the bill, add the following:

SEC. . DRUG INTERDICTION.

(a) VESSEL SHORE FACILITIES.—In addition to amounts otherwise authorized by this Act, there are authorized to be appropriated to the Secretary of Transportation $20,000,000 for fiscal year 2000 for the acquisition, construction, rebuilding, and improvement of shore facilities for Coast Guard vessels used for drug interdiction operations.

(b) ACQUISITION OF COASTAL PATROL CRAFT.—If the Department of Defense does not offer, by not later than September 30, 1999, seven PC–170 coastal patrol craft for the use of the Coast Guard pursuant to section 812(c) of the Western Hemisphere Drug Elimination Act (title VIII of division C of Public Law 105–277), there are authorized to be appropriated to the Secretary of Transportation, in addition to amounts otherwise authorized by this Act, up to $210,000,000 for fiscal years 2000 and 2001 for the acquisition of up to six PC–170 coastal patrol craft, or the most recent upgrade of the PC–170 coastal patrol craft, for use by the Coast Guard.

Mr. LOBIONDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Mr. Chairman, my amendment is very straightforward. It allows the Coast Guard to purchase six PC–170 coastal patrol boats, adding funding to the Coast Guard budget already approved by the full committee.

Mr. Chairman, the Coast Guard's ability to effect drug interdiction is tied to this amendment. The Coast Guard with this amendment will bring six fast, highly maneuverable vessels to the front lines of the drug war in roughly 1 year's time. With the intensity that we hear of drugs coming into this country, Mr. Chairman, this is an opportunity for my colleagues to be able to do something about it. We all want to talk, every Member of Congress, about how tough we are on drugs. We all talk about how the Coast Guard is the front line of drug interdiction. We all talk about how important it is to give them the resources. Mr. Chairman, this is an opportunity to give the Coast Guard the resources they need.

I want to thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Oregon (Mr. DEFAZIO) and I also want to thank the gentleman from New Jersey (Mr. PASCRELL) and all the members of the committee for their help with this particular amendment. I urge full support of the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would say to the distinguished vice chairman of the subcommittee, we have examined this and we strongly support this amendment.

Mr. DEFAZIO. Mr. Chairman, if the gentleman will yield, we support the amendment. We do not want to see the Coast Guard trying to perform this difficult and dangerous mission with equipment that is not suitable. This is the right equipment for this mission. We are supportive of the amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, for far too long we have fought the war on drugs as if it were a short-term conflict. It is not. It is a long-haul conflict. We must make a 20-year commitment to drug interdiction operations. This amendment will help us do that. We support the amendment on this side.

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) for his support.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 113, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO) will be postponed.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UPTON:

At the end of the bill add the following:

SEC. . GREAT LAKES LIGHTHOUSES.

(a) FINDINGS.—The Congress finds the following:

(1) The Great Lakes are home to more than 400 lighthouses. 120 of these maritime landmarks are in the State of Michigan, more than in any other State.

(2) Lighthouses are an important part of Great Lakes culture and stand as a testament to the importance of shipping in the region's political, economic, and social history.

(3) Advances in navigation technology have made many Great Lakes lighthouses obsolete. In Michigan alone, approximately 70 lighthouses will be designated as surplus property of the Federal Government and will be transferred to the General Services Administration for disposal.

(4) Unfortunately, the Federal property disposal process is confusing, complicated, and not well-suited to disposal of historic lighthouses or to facilitate transfers to nonprofit organizations. This is especially troubling because, in many cases, local nonprofit historical organizations have dedicated tremendous resources to preserving and maintaining Great Lakes lighthouses.

(5) If Great Lakes lighthouses disappear, the public will be unaware of an important chapter in Great Lakes history.

(6) The National Trust for Historic Preservation has placed Michigan lighthouses on their list of Most Endangered Historic Places.

(b) ASSISTANCE FOR GREAT LAKES LIGHTHOUSE PRESERVATION EFFORTS.—The Secretary of Transportation, acting through the Coast Guard, shall—

(1) continue to offer advice and technical assistance to organizations in the Great Lakes region that are dedicated to lighthouse stewardship; and

(2) promptly release information regarding the timing of designations of Coast Guard lighthouses on the Great Lakes as surplus property, to enable those organizations to mobilize and be prepared to take appropriate action with respect to the disposal of those properties by the Federal Government.

Mr. UPTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Chairman, I rise first to thank my kind colleagues the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee; the gentleman from Maryland (Mr. GILCHREST) who has been very understanding as we have worked through this language; the gentleman from North Carolina (Mr. COBLE), always a friend of the Coast Guard; and also my Great Lakes colleagues, the gentleman from Michigan (Mr. STUPAK) in particular; the gentleman from Michigan (Mr. BARCIA) and others that I conferred with before I offered this amendment this afternoon.

Mr. Chairman, I rise in offering this amendment to protect Great Lakes lighthouses. As I am sure the chairman is aware, lighthouses are a very important part of Great Lakes culture and they stand as a testament to the importance of shipping in the region's political, economic and social history.

In Michigan alone, the U.S. Coast Guard plans to designate approximately 70 of these structures as surplus Federal property and turn them over to the GSA for disposal. Unfortunately, the standard Federal property disposal process is very confusing, complicated, and it does not facilitate transfers to nonprofits. This is especially troubling because in many cases, a local, not-for-profit historical organization has dedicated tremendous resources to preserving and maintaining those lighthouses.

In the city of South Haven, Michigan, this very situation occurred only last year. For years, the Coast Guard leased an historical lighthouse keeper's dwelling to the Michigan Maritime Museum that was going to be used as a curatorial center for maritime artifacts. The property was taken away from the museum, turned over to the GSA for disposal and after many months the GSA offered to sell the property back to the museum for $300,000. My colleagues have to be aware that they will be seeing this type of situation again and again as the Coast Guard hands these properties to the GSA for disposal.

Fortunately, a group of Michigan historical preservation leaders have formed a group known now today as the Michigan Lighthouse Project which is dedicated to lighthouse preservation and maintenance. I am glad to report that the Coast Guard has been working hand in hand with the Michigan Lighthouse Project and I applaud their current cooperation and encouragement for their continued involvement.

This amendment states that the Coast Guard shall continue to offer advice and technical assistance to organizations in the Great Lakes region which are dedicated to lighthouse stewardship. Specifically the Coast Guard is urged to promptly release information related to the timing of when a property is going to be excessed by the GSA. That is needed so that organizations can mobilize and be prepared to take action.

Mr. Chairman, I wish that this amendment might be able to go further, but I know that we are going to have some discussions when this bill goes to conference. It is my hope that this body will accept this amendment so that not only the Coast Guard but GSA and other Federal agencies will create a fairer and equitable Federal disposal process that in fact recognizes the historic nature of lighthouses and their wonderful contribution to Great Lakes history.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this and we are pleased to accept this amendment on our side.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the gentleman's amendment. Lighthouses are a matter of particular interest and importance to this Committee on Transportation and Infrastructure. The very first public works authorized by the very first Congress was done by the predecessor of our today Committee on Transportation and Infrastructure when that Rivers and Harbors Committee authorized the Fort Henry Lighthouse in 1790. Lighthouses have been a critical part of our navigation system in America not only for waterborne navigation but also from the mid 1920s to the mid 1930s, the Lighthouse Service provided the first navigational guide, aids to aviation navigation on land for airborne transportation.

□ 1430

It was the first nighttime guidance system provided by the lighthouse service to aviation.

For those and for so many other reasons lighthouses have such a fascination for the American public, a point of nostalgia. They are national treasures. They are linked to our maritime heritage. They are landmarks for travel and tourism, and where abandoned and replaced by our modern aids to navigation, lighthouses serve a multitude of purposes including benefits to local economy.

The CHAIRMAN pro tempore (Mr. Hefley). The time of the gentleman from Michigan (Mr. Upton) has expired.

(On request of Mr. Oberstar, and by unanimous consent, Mr. Upton was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, in my own congressional district the City of Two Harbors lighthouse along the north shore of Lake Superior in the Coast Guard Authorization Act last year was conveyed to the local Two Harbors and Lake County Historical Society which will be responsible for the upkeep of the facility while the Coast Guard maintains the light itself, and soon we are going to have a major bicycling event along the north shore from Duluth to another historic landmark, the Split Rock Lighthouse when we, hopefully this summer, convene the Split Rock century, arrived from Duluth to Split Rock and back.

Lighthouses serve many, many purposes. The gentleman's amendment will give the Coast Guard the authority it needs to further the conveyance of lighthouses to non-profit organizations that will have the resources, and the will and the desire to preserve these national treasures, and I compliment the gentleman from Michigan on this amendment.

Mr. UPTON. Just to finish up my time, Mr. Chairman, I appreciate the gentleman's support. I know that it has been there from the very onset, and we worked in a very strong bipartisan basis to make sure this was done, and as I live along the Great Lakes in St. Joseph, Michigan, and I think about all the harbors all the way up to Mackinaw and Lake Superior, these are needed, they are very precious, and this amendment, I think, will really help to preserve those in the future.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. Upton) has expired.

(By unanimous consent, Mr. Upton was allowed to proceed for 1 additional minute.)

Mr. UPTON. But as I think about all these lighthouses in so many different ports throughout the Great Lakes, Mr. Chairman, they are something that needs to be preserved, and we think about, too, the safety of all those boaters. Whether one sails across Lake Michigan at night, or Lake Superior, Lake Erie, Lake Huron, they are important, and they stand as a beacon for every community in terms of historical significance, and I appreciate the gentleman's support and also that of my Michigan colleagues that were instrumental in getting this amendment adopted.

Mr. Chairman, again I appreciate the help of the full committee here in helping me prepare the amendment and the time this afternoon.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. Upton).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6(f) of rule XVIII, the recorded vote on the amendment offered by the gentleman from New Jersey (Mr. LoBiondo), if ordered, will be a 5-minute vote.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHUSTER. Mr. Chairman, it is my understanding we are rolling votes, and I know the gentleman from Pennsylvania (Mr. Greenwood) wants to move to strike the last word. Are we not rolling votes now?

The CHAIRMAN pro tempore. The Chair was not aware of additional debate. Without objection, the gentleman from Pennsylvania may strike the last word.

Mr. SHUSTER. Except the gentleman wants to move to strike the last word I believe.

The CHAIRMAN pro tempore. Without objection, the gentleman from Pennsylvania (Mr. Greenwood) is recognized for 5 minutes prior to conducting the recorded vote.

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I move to strike the requisite number of words.

I want to stand in support of this legislation particularly because the managers saw fit to include a provision of mine which exempts the vessel, *The Pride Of Many*, from Section 27 of the Merchant Marine Act of 1920. It is popularly referred to as the Jones Act. As my colleagues know, the Jones Act prevents all foreign-built vessels from participating in domestic, coastal and intercostal trade.

In 1975 the Youth Services Agency of Pennsylvania was established. This is a not-for-profit agency, and it runs four alternative community-based high schools for at-risk youth. The students who are referred to the agency either by their home high school after having established a pattern of negative behavior or by court order. The mission of the agency is to expose at-risk youth to a variety of activities and opportunities in an effort to help these students overcome social and/or personal hindrances so that they can achieve their full emotional, physical, intellectual and spiritual potential.

In an effort to provide the 500 students in this program with a sense of accomplishment, self worth and the need for self-discipline, they are being taught how to man a Canadian-manufactured tall ship similar to the famous *Niña*, *Pinta* and the *Santa María* which they christened *The Pride Of Many*.

Additionally, the vessel will assist in the youths' involvement in port-to-port community service activities. Not only will the nearby communities benefit from their efforts, but it will also contribute to the youths' realization of the importance of community.

In order to assure that the goals of the Youth Services Agency of Pennsylvania are realized, *The Pride Of Many* needs to be allowed to participate in commercial activities that will offset the expense of the vessel.

Mr. Chairman, the Youth Service Agency of Pennsylvania has already provided many tangible benefits for the local community and its students, and I know that *The Pride Of Many* will help continue their effort of good work. I ask all Members of the House join with me in support of this legislation.

RECORDED VOTE

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which a recorded vote was ordered.

This will be a 15-minute vote and will be followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 0, not voting 5, as follows:

[Roll No. 53]

AYES—428

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Hyde
Largent
Myrick
Pitts
Whitfield

□ 1455

So, the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LOBIONDO

The CHAIRMAN pro tempore (Mr. HEFLEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 4, not voting 5, as follows:

[Roll No. 54]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam

Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—4

Paul
Royce
Sanford
Sensenbrenner

NOT VOTING—5

Houghton
Largent
Myrick
Pitts
Whitfield

☐ 1507

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HEFLEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes, pursuant to House Resolution 113, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the time for a recorded vote on the question of passage of H.R. 975.

The vote was taken by electronic device, and there were—ayes 424, noes 7, not voting 2, as follows:

[Roll No. 55]

AYES—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence

Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—7

Chenoweth
Doolittle
Paul
Pombo
Royce
Sanford
Sensenbrenner

NOT VOTING—2

Myrick
Pitts

☐ 1525

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 820, the bill just passed.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 820, COAST GUARD AUTHORIZATION ACT OF 1999

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 820, including corrections in spelling, punctuation, section number, and cross-referencing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REDUCING VOLUME OF STEEL IMPORTS AND ESTABLISHING STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 975, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were--yeas 289, nays 141, not voting 3, as follows:

[Roll No. 56]

YEAS—289

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berkley
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Cannon
Capps
Capuano
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hefley
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Larson
LaTourette
Lazio
Lee
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pombo
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—141

Archer
Armey
Baker
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Berman
Biggert
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Burr
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Dicks
Dooley
Doolittle
Dreier
Dunn
Ehlers
Eshoo
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Goodlatte
Goss
Granger
Green (WI)
Hall (TX)
Hastings (WA)
Hayworth
Herger
Hill (MT)
Hoekstra
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
John
Johnson (CT)
Johnson, Sam
Kind (WI)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
Leach
Levin
Lewis (CA)
Linder
Lofgren
Lucas (OK)
Manzullo
McCollum
McCrery
McDermott
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Nethercutt
Northup
Ose
Oxley
Packard
Paul
Pickering
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Reynolds
Rohrabacher
Royce
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Spence
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Upton
Walden
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wilson
Wolf

NOT VOTING—3

Myrick
Pitts
Vento

☐ 1534

Mr. HAYWORTH changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VENTO. Mr. Speaker, I was unavoidably detained for Roll Call Vote No. 56 on March 17, 1999. Had I been present for this vote on H.R. 975, the Steel Recovery Act, I would have voted "yes."

CONGRATULATIONS TO AMERICAN COLLEGE OF SPORTS MEDICINE ON NEW HEADQUARTERS IN INDIANAPOLIS

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I rise today to congratulate the American

College of Sports Medicine on the completion of a vast new addition to its headquarters building in Indianapolis.

In the early 1980s, Indianapolis' corporate leaders and city officials advanced a visionary plan to make the city the amateur sports capital of the Nation.

We have had immense support from the corporate community in Indianapolis. On December 15, 1983, Mayor William Hudnut broke ground for the ACSM National Center, which has become one of the anchor projects of the Canal area redevelopment. He referred to it as "A cornerstone in the Amateur Sports Capital."

Mr. Speaker, I want to congratulate the American College of Sports Medicine on the completion of a vast new addition so that it would be able to advance the immense amount of work that it has done in terms of sports medicine.

The new wing will accommodate a videoconferencing center and more office space for the growing staff at the national headquarters of the world's premier sports medicine and exercise science organization.

The ACSM is a worldwide leader in the advancement of sports medicine, exercise science, physical activity, and health. The ACSM works closely with diverse organizations, including the Centers for Disease Control and Prevention, the American Heart Association, and the Department of Health and Human Services. The ACSM is an association of people and professions sharing a commitment to explore the use of medicine and exercise to make life healthier for all Americans. ACSM is an organization founded in 1954 and committed to the diagnosis, treatment, and prevention of sports-related injuries and to the promotion of physical activity. ACSM's mission is to promote and integrate scientific research, education, and practical applications of sports medicine and exercise science to maintain and enhance physical performance, fitness, health, and quality of life.

ACSM is the largest sports medicine and exercise science association in the world. Its more than 17,500 members worldwide work in a variety of medical specialties, allied health professions, and scientific disciplines. College members are divided into the following three categories: medicine, basic and applied science, and education and allied health.

The ACSM Board of Trustees was approached with a proposal to relocate its National Center from Madison, Wisconsin to Indianapolis. The Trustees agreed to move the American College of Sports Medicine to Indianapolis, lending the organization's considerable prestige to the city's growing reputation as the home of amateur sports in the United States.

In October of 1984, the building was ready for occupancy, thanks to major contributions from Lilly Endowment, Krannert Charitable Trust, City of Indianapolis, William B. Stokely Jr. Foundation, Eli Lilly Company Foundation, The Quaker Oats Company, and Nautilus, along with those from generous ACSM members.

In 1998, the College broke ground for a much-needed expansion to its Canal headquarters, dramatically increasing its programs and activities. The expansion, finished in January 1999, now houses a state-of-the-art videoconferencing center and several other amenities that support its worldwide reputation as the "gold standard" for sports medicine and exercise science. A 35-person staff and $6 million budget round out its Indianapolis presence.

ACSM's important work and innovations have improved the quality of life for Hoosiers and all Americans. I congratulate the organization on all of its accomplishments and for the significant contributions it continues to make to the Indianapolis community.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORT OF HOUSE RESOLUTION 99, CONDEMNING LACK OF HUMAN RIGHTS IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, the House Committee on International Relations at this time is marking up a very important resolution condemning the Cuban government, the dictator Castro, for its latest and ongoing Stalinist crackdown against the internal opposition and the independent press.

Among the scores and scores and scores of well-known dissidents and independent press members who have been arrested in recent weeks are the most distinguished members of the internal opposition in Cuba, and the four best known and also very distinguished members of the internal opposition, Felix Bonne Carcasses, Marta Beatriz Roque Cabello, Vladimioro Roca Antunez, and Rene Gomez Manzano. These individuals were tried in a farcical and secret proceeding on March 1, and only a few days ago, this week in fact, Castro announced the sentences: 5 and 4 and 3½ year sentences for those dissidents.

Now, the internal opposition is working intensely and valiantly in Cuba to draw international attention to Castro's deplorable human rights violations and continues to strengthen and grow in its opposition to the dictatorship. At this time of great repression, it is indeed proper and necessary that the international community, as this Congress is doing at this time and will do next week, demonstrates its firm and unwavering support and solidarity with the internal opposition and the independent press.

What is remarkable and unexplainable and condemnable is that while, correctly so, even many of Castro's best commercial allies, such as Canada and the European Union and Latin American states, have rightfully condemned Castro's recent crackdown, and the government of Spain is reevaluating its decision to send the king of Spain there in the next weeks, and the members of the Ibero-American Summit are reevaluating their decision to go to the summit in Havana later on this year, while all that is taking place based on this crackdown by the Cuban dictator, what is the Clinton-Gore administration doing?

The Clinton-Gore administration has reiterated its intent to send the Baltimore Orioles to Cuba. I know that is unbelievable at this stage as well as in ultimate bad taste. I would say it demonstrates a perfidious bad faith. Because while the Clinton-Gore team says that it is a people-to-people exchange, the Baltimore Orioles will be going to Cuba to a stadium filled by Castro's people. Castro will decide who gets to go to the stadium, Castro will be at the stadium, and he will receive the public relations banquets that will be provided to him by virtue of the fact of this diplomatic gesture of the Clinton-Gore administration.

So I call upon the Clinton-Gore administration to stop its hypocrisy. If the administration is going to condemn the crackdown, condemn the crackdown. They should not say they are going to condemn the crackdown and then say they are sending the Baltimore Orioles, which is what they are doing. So I denounce that as hypocritical, and I denounce that as unconscionable.

At this time, more than ever, the Cuban people deserve and merit and require the unwavering support of the international community, including the government of the United States. I call upon this government to act in a way consistent with its moral and legal obligations to stop its hypocrisy; to cancel this game of Mr. Angelos and the other supercapitalists who want to go and do business with the apartheid economy of Castro, and to say that this is not the time, while the dictatorship is in its last gasps, to be sending little baseball games for the pleasure, entertainment and publicity feast of a moribund dictatorship.

So if there is any dignity left in that White House, I say cancel the Orioles' little game and be consistent with the ethical and constitutional and legal requirements of the moment and stand with a people who have suffered for 40 years and are deserving of the same democracy and self-determination and human rights that has spread throughout the rest of the hemisphere.

Mr. Speaker, It is a privilege for me to join my distinguished colleague ILEANA ROS-LEHTINEN in sponsoring this important and timely resolution along with its other distinguished sponsors from both sides of the isle.

The Cuban dictatorship's repressive crackdown against the brave internal opposition and the independent press must be condemned in the strongest possible terms. The internal opposition and independent press of Cuba have our profound admiration and firm solidarity.

This resolution by the United States House of Representatives condemns Castro's stalinist crackdown on the brave internal opposition and the independent press, and demands of the Cuban dictatorship, as the entire international community must, the release of all political prisoners, the legalization of all political parties, labor unions and the press, and the scheduling of free and fair, internationally supervised elections.

Martin Luther King rightfully declared that an injustice anywhere constitutes an affront to justice everywhere. Now more than ever it is incumbent upon the entire international community, as the U.S. House of Representatives is hereby doing, to demonstrate its firm solidarity with the oppressed people of Cuba and with the brave Cuban internal opposition and the independent press.

□ 1545

WAR POWERS RESOLUTION

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, last week the House narrowly passed a watered-down House concurrent resolution originally designed to endorse President Clinton's plan to send U.S. troops to Kosovo. A House concurrent resolution, whether strong or weak, has no effect of law. It is merely a sense of Congress statement.

If last week's meager debate and vote are construed as merely an endorsement, without dissent, of Clinton's policy in Yugoslavia, the procedure will prove a net negative. It will not be seen as a Congressional challenge to unconstitutional presidential war power. If, however, the debate is interpreted as a serious effort to start the process to restore Congressional prerogatives, it may yet be seen as a small step in the right direction. We cannot know with certainty which it will be. That will depend on what Congress does in the future.

Presently, those of us who argued for Congressional responsibility with regards to declaring war and deploying troops cannot be satisfied that the trend of the last 50 years has been reversed. Since World War II, the war power has fallen into the hands of our presidents, with Congress doing little to insist on its own constitutional responsibility. From Korea and Vietnam, to Bosnia and Kosovo, we have permitted our presidents to "wag the Congress," generating a perception that the United States can and should police the world. Instead of authority to move troops and fight wars coming from the people through a vote of their Congressional representatives, we now permit our presidents to cite NATO declarations and U.N. resolutions.

This is even more exasperating knowing that upon joining both NATO and the United Nations it was made explicitly clear that no loss of sovereignty would occur and all legislative bodies of member States would retain their legal authority to give or deny support for any proposed military action.

Today it is erroneously taken for granted that the President has authority to move troops and fight wars without Congressional approval. It would be nice to believe that this vote on Kosovo was a serious step in the direction of Congress once again reasserting its responsibility for committing U.S. troops abroad. But the President has already notified Congress that, regardless of our sense of Congress resolution, he intends to do what he thinks is right, not what is legal and constitutional, only what he decides for himself.

Even with this watered-down endorsement of troop deployment with various conditions listed, the day after the headlines blared "the Congress approves troop deployments to Kosovo."

If Congress is serious about this issue, it must do more. First, Congress cannot in this instance exert its responsibility through a House concurrent resolution. The President can and will ignore this token effort. If Congress decides that we should not become engaged in the civil war in Serbia, we must deny the funds for that purpose. That we can do. Our presidents have assumed the war power, but as of yet Congress still controls the purse.

Any effort on our part to enter a civil war in a country 5,000 miles away for the purpose of guaranteeing autonomy and/or a separate state against the avowed objections of the leaders of that country involved, that is Yugoslavia, can and will lead to a long-term serious problem for us.

Our policy, whether it is with Iraq or Serbia, of demanding that if certain actions are not forthcoming, we will unleash massive bombing attacks on them, I find reprehensible, immoral, illegal, and unconstitutional. We are seen as a world bully, and a growing anti-American hatred is the result. This policy cannot contribute to long-term peace. Political instability will result and innocent people will suffer. The billions we have spent bombing Iraq, along with sanctions, have solidified Saddam Hussein's power, while causing the suffering and deaths of hundreds of thousands of innocent Iraqi children. Our policy in Kosovo will be no more fruitful.

The recent flare-up of violence in Serbia has been blamed on United States' plan to send troops to the region. The Serbs have expressed rage at the possibility that NATO would invade their country with the plan to reward the questionable Kosovo Liberation Army. If ever a case could be made for the wisdom of non-intervention, it is here. Who wants to defend all that the KLA had done and at the same time justify a NATO invasion of a sovereign nation for the purpose of supporting secession? "This violence is all America's fault," one Yugoslavian was quoted as saying. And who wants to defend Milosevic?

Every argument given for our bombing Serbia could be used to support the establishment of Kurdistan. Actually a stronger case can be made to support an independent Kurdistan since their country was taken from them by outsiders. But how would Turkey feel about that? Yet the case could be made that the mistreatment of the Kurds by Saddam Hussein and others compel us to do something to help, since we are pretending that our role is an act as the world's humanitarian policeman.

Humanitarianism, delivered by a powerful government through threats of massive bombing attacks will never be a responsible way to enhance peace. It will surely have the opposite effect.

It was hoped that the War Powers Resolution of 1973 would reign in our president's authority to wage war without Congressional approval. It has not happened because all subsequent Presidents have essentially ignored its mandates. And unfortunately the interpretation since 1973 has been to give the President greater power to wage war with Congressional approval for at least 60 to 90 days as long as he reports to the Congress. These reports are rarely made and the assumption has been since 1973 that Congress need not participate in any serious manner in the decision to send troops.

It could be argued that this resulted from a confused understanding of the War Powers Resolution but more likely it's the result of the growing imperial Presidency that has developed with our presidents assuming power, not legally theirs, and Congress doing nothing about it.

Power has been gravitating into the hands of our presidents throughout this century, both in domestic and foreign affairs. Congress has created a maze of federal agencies, placed under the President, that have been granted legislative, police, and judicial powers, thus creating an entire administrative judicial system outside our legal court system where constitutional rights are ignored. Congress is responsible for this trend and it's Congress' responsibility to restore Constitutional government.

As more and more power has been granted in international affairs, presidents have readily adapted to using Executive Orders, promises and quasi-treaties to expand the scope and size of the presidency far above anything even the Federalist ever dreamed of.

We are at a crossroads and if the people and the Congress do not soon insist on the reigning in of presidential power, both foreign and domestic, individual liberty cannot be preserved.

Presently, unless the people exert a lot more pressure on the Congress to do so, not much will be done. Specifically, Congress needs a strong message from the people insisting that the Congress continues the debate over Kosovo before an irreversible quagmire develops. The President today believes he is free to pursue any policy he wants in the Balkans and the Persian Gulf without Congressional approval. It shouldn't be that way. It's dangerous politically, military, morally, and above all else undermines our entire system of the rule of law.

UNTIMELY DEATH OF HIGH SCHOOL BASKETBALL STAR, JOHN STEWART

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today to express my support and sympathy for the family of John Stewart, a young Indianapolis man who promised to bring glory to the game of basketball. Unfortunately and most tragically, last Friday night he collapsed at a basketball game and died from an undetected enlarged heart.

John Stewart just turned 18 years old, was an amazing young man gifted with enormous natural talent and he used those talents to the fullest. He was very friendly, had a good sense of humor. He was loved by both students and teachers at Lawrence North High School. He measured a full 7 feet tall and tipped the scales at nearly 300 pounds.

From 1995 to 1997, John was a ball boy for the Indiana Pacers. The Pacers continued to provide John Stewart with shoes even after his days with the team because his feet were so large his family had a hard time finding shoes that would fit him. It was reminiscent of Shaquille O'Neal, who had given his shoes to a young man not because they could not afford to buy size 16–17 shoes but because in the marketplace those sizes were very difficult to locate. John Stewart had led Lawrence North 24 to 2, with 22 points and 13 rebounds. The third-quarter numbers were 10 points and 7 rebounds.

The case of John Stewart reminds us how imperative it is to understand before kids enter the world of athletics, especially something as strenuous as basketball, that they have to have a thorough heart evaluation to forego a cardiac condition called hypertrophic cardiomyopathy. It is a disease of the heart that has some genetic tendencies. It causes a very enlarged heart. The normal treatment for that, of course, is to avoid strenuous physical activity.

John Stewart was second-ranked Lawrence North's star center. He collapsed Friday during the Wildcats' Class 4A regional championship game with Bloomington South at Columbus. Unfortunately, he never regained consciousness. He had also been awarded a scholarship to attend the University of Kentucky during the next school season.

So I wanted to say on behalf of the many people who will not have an opportunity to express their support for the John Stewart family, his mother, his father, his sisters, his brothers, his aunts and his grandparents, and to all of the students who are in shock and in bereavement at Lawrence North that there is a passage of scripture that often refers to a situation like this in that "death has no democracy, it visits anyone regardless of what their ages are."

But it could be that John Stewart's life was cut off prematurely to alert this Congress, this country, to the need for allowing children to have thorough heart examinations before they go in. The passage of scriptures says that perhaps John may have laid down his life so that others may live.

In closing, Mr. Speaker and Members of the House, I would simply recall for the John Stewart bereaved family at this time the words that the poet who reminds all of us, "for every drop of rain that falls a flower grows"; and certainly John Stewart has brought in the rain where a flower will grow, and said, "somewhere in the darkest night a candle glows."

John Stewart's remains will be laid to rest on Friday. And unfortunately, I cannot attend the Hershey event with my colleagues because I will be attending John Stewart's going home services if you will. But he does remind me that for every drop of rain that falls a flower grows and somewhere in the darkest night that a candle glows.

I know wherever John Stewart's spirit is at this time, regardless of the pain that his departure has left, that his candle will continue to glow through the minds and the hearts of the John Stewart family and the Lawrence North High School community.

TRADITIONAL COUNTRY FOR SIX DECADES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise today to pay tribute to a small radio station with a big voice which has been broadcasting for six decades in Missouri. In Warrenton, Missouri, a small but growing community, Bill and Merle Zimmerman first established KWRE–AM–73, a radio station to serve the residents of east central Missouri 50 years ago. Playing tunes by Marty Robbins, Dottie West, and Jim Reeves, KWRE Radio officially hit the air waves in 1949 and has remained true to its motto of playing traditional country music ever since.

I would like to take these few minutes, Mr. Speaker, to honor those at this humble radio station who have reached out to people in Warren County, as well as Lincoln, Montgomery, Gasconade and Franklin Counties, deep in the heartland of Missouri's Ninth Congressional District.

Now, despite the demands of running a modern station, those at KWRE have maintained traditional homegrown values as their core operating method. As such, they have proven over the last 50 years that America still wants to hear wholesome traditional values and classic country songs.

In 1962, this hometown tradition was carried on by Vern and Lillian Kasper. The Kaspers bought KWRE Radio and were able to modernize the broadcast facilities, increase the community services offered by the station, and air award-winning editorials and other public service programs.

Those responsible for maintaining KWRE's traditional country image are people like Phil Summers, who brings a vast array of characters and endless trivia tidbits to the station's morning show each weekday. His award-winning show ranks as one of the best entertainment and local news shows in east central Missouri.

Mr. Speaker, I would also like to highlight the quality of KWRE's morning programming. And currently, I and other locally-elected officials are regular guests on Mike Thomas' weekday "Livewire" program. "Livewire" is actually just that, a live wire. It covers a range of topics, from local school issues to international relations and everything in between. Every other week I am honored to be a guest on the "Livewire" show and help inform the listeners in east central Missouri about legislative action taking place here in our Nation's Capitol and how it affects folks at home.

Overall, there are several programs on KWRE that focus primarily on news and information. The station broadcasts at least 15 daily news broadcasts to all six counties in east central Missouri.

In addition to providing top-notch newscasts, KWRE is also known for its broadcast of agricultural information. And having grown up on a family farm in Missouri, I know firsthand how important it is to have up-to-date market information and how useful it can be for local farmers and those involved in agribusiness. KWRE does this as well as any and better than most.

Finally, Mr. Speaker, KWRE also acts as the public service medium to inform its listeners about upcoming nonprofit events listed on its free bulletin board. KWRE–73 Sports is the hometown sports voice for area schools, broadcasting approximately 60 high school football and basketball games each school year. The station broadcasts a live weekly sports show, "Instant Replay," aimed at keeping the fan and sportsman in-the-know.

In summary, KWRE accommodates all ages of east central Missouri's residents whether it is the annual Senior

Citizens Fair and Exposition or the annual Children's Christmas Party giving away thousands of dollars in toys to area children. The canned goods given for admission are distributed to local charities in time for Christmas delivery.

In conclusion, I want to express my admiration for those who have helped to maintain the hometown tradition since 1949. I wish KWRE in Warrenton, Missouri, all the best in their 50th anniversary celebration and hope they can continue to provide such wholesome, hometown coverage for east central Missouri for decades to come.

□ 1600

SUPPORT AMERICAN FARMERS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, as we proceed with our work on Budget 2000, I want to take this occasion to pose the following question: Are we doing everything we need to do to support our American farmers? That is a question we all need to seriously think about.

In 1998, the agriculture sector of the economy suffered through one of the worst years in American history. Drought and other weather conditions, coupled with extremely low prices, significantly affected many producers in my home State, Texas. Farm and ranch production values declined more than $2.4 billion from 1997 in Texas. The resulting loss in agribusiness income is an $8 billion blow to the State's overall economy, mostly to the small rural communities like I represent in the 15th Congressional District.

Nationally, from 1996 to 1997, net farm income dropped 6.8 percent from $53.4 billion to $49.8 billion. Economists forecast a 15.7 percent drop from $197 billion to only $42 billion in 1998. To say the least, these declines are dramatic.

While weather conditions will hopefully improve, the current price situation for crops and livestock remains bleak. Virtually every commodity has continuing low prices, with little prospect for improvement.

When the Congress passed the 1996 Federal Agriculture Improvement and Reform Act, certain other issues were to be addressed. Those included: Passage of fast track negotiating authority, relief of government regulatory burdens, and the repeal of capital gains taxes and death taxes. In the 3 years since the passage of the FAIR Act, those promises have not been kept. I mention all of this because I feel it is important to constantly be mindful of how vital agriculture is to our country. When disasters occur, yes, action is taken to respond to them, but what we saw last year was too little, too late. That is not a philosophy to which I subscribe.

Mr. Speaker, much more needs to be done for America's farmers, and the time to do it is now, as we are now working on the budget. Let us help provide a safe and secure future for our farmers. Agriculture is a vital part of our economic fiber in our country, and the men and women who comprise America's farming community are important to our Nation's character. It is our responsibility to make sure that they survive and that they have an opportunity to prosper. Let us provide an environment in which they can.

Mr. Speaker, I would like to close my remarks by tossing out two thoughts for consideration. They evidence why we absolutely need to do the right thing. In the next 30 years, the world's population will increase by 2.5 billion and the demand for food will double. Who is going to feed them? Everybody eats.

PROJECT LABOR AGREEMENTS PORTEND GREAT COST TO ANGELENOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I wear on my lapel just above the pin signifying that this is the 106th Congress a pair of black horn-rimmed glasses representing the memory of the late great Arizona Senator Barry Goldwater. Goldwater brought a simple, plain-spoken candor to public life, and, Mr. Speaker, I think it was typified by his straightforward declaration that as an American, people should have the right to join a union but they should likewise have the right not to join a union if they so desire. And mindful of some perilous trends in public policy, I rise on this occasion this afternoon.

California is the next-door neighbor of Arizona, and the Los Angeles Unified School District is contemplating a move that portends great cost to the citizens of Los Angeles and portends a trend that should be fought by all means at the Federal level. I speak of project labor agreements. This is what is being proposed in Los Angeles. This comes to school construction. "The contractor recognizes the council and its affiliated unions as the exclusive bargaining representatives for the employees engaged in project work covered by this agreement."

Mr. Speaker, in the LA Daily News on the editorial page, it is noted that "even a school board member who often sides with the teachers union can't turn a blind eye to this outrage." What is outrageous? Well, quite simply this fact, Mr. Speaker: The estimates are that this plan could increase construction costs by 10 to 15 percent in the district.

Now, lest you think this is only something that Los Angelenos should be concerned about, Mr. Speaker, I would commend to your attention something this House once saw in April of 1998, the Vice President of the United States, he who last week claimed that he was the father of the Internet, he who infamously claimed 2 years ago that there was no controlling legal authority given the outrage of alleged campaign donations to the Clinton-Gore team from foreign governments including the People's Republic of China, well, this selfsame Vice President announced that the Clinton-Gore team would aggressively pursue linking Federal projects to union construction firms.

Now, ladies and gentlemen, I believe that everyone should have the right to apply to do work and if a union shop is the bidder that is accepted based on its quality of work, that is well and good. But here is the problem with union-only agreements as the Vice President promised to Boss Sweeney and others: Not only is the blatant payoff, Mr. Speaker, but in fact it will end up costing the American taxpayer across the width and breadth of our annual budget an additional $5 billion a year.

Now, mindful of the florid rhetoric and the feel-good attitude that the President brings when he steps to this podium annually to offer his State of the Union message and mindful that sadly his rhetoric does not always square to reality, I would invite the President and the Vice President and others who claim that project work, or union-only agreements, would somehow be beneficial to step up and defend spending an additional $5 billion of taxpayers money. Because, you see, Mr. Speaker, there is a better way, indeed to use the President's term, there is a third way, but that would involve truth and merit rewards.

And again I say, lest there are those who misunderstand, if it is a union shop that steps forward with the best ability to do the work, well, then God bless them and they should be awarded a contract on their merits. But to restrict or to claim that this government or indeed any other governmental entity will deal only with union shops is to circumvent freedom of choice, freedom of association and fiscal responsibility. For to paraphrase Goldwater and perhaps change his phraseology, I believe that union firms have a right to bid on a contract but I also believe that open shop firms should have that same right. And if an open shop can do the work better, then they should be selected.

FOREIGN OIL REVERSAL ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, it was a year ago today that I rose on this House floor to raise a concern with my colleagues with what is happening in the oil patch in our country. We are in the process of losing our domestic oil industry, which I believe is to our great detriment down the road and in fact today. The domestic oil industry, those small producers, those wells that are producing 2.2 barrels per day on the average, are currently being shut down and closed in. Since 1997, a little more than a year ago, we have lost over 41,000 jobs in the United States with more than 136,000 oil wells shut down. In my State of Kansas alone, the job loss is someplace between 5 and 8,000, with a loss of revenue this year of $955 million.

If the problem we face with our economy is not great enough, it is perhaps superseded by the problems we will face strategically in the future. The U.S. dependence on foreign oil continues to rise. We had problems, those of us who are old enough to remember the early 1970s, with long lines at the gas station and the oil embargo. At that time our foreign oil imports were only 36 percent of our U.S. consumption, while today 57 percent of the oil consumed in the United States is derived outside the United States. That estimate is expected to rise to 70 percent in about 10 years. We have set the stage for significant and serious problems in defending our country and in our strategic reserves.

Mr. Speaker, this issue needs the attention of the administration, of the Department of Energy and of the President of the United States. It also could use the attention of Members of Congress. Yesterday, I introduced legislation along with several other Members of Congress, the gentleman from Mississippi (Mr. PICKERING), the gentleman from Texas (Mr. SESSIONS), and the gentleman from Oklahoma (Mr. WATKINS), and this legislation mirrors legislation introduced last week by the distinguished Mr. DOMENICI.

This bill attacks the issue of foreign dependence upon energy, and by suggesting that when 60 percent of our consumption is derived from foreign sources that the administration, the President of the United States, must begin a process to determine the extent of the problems created by our foreign dependency on oil, must report to Congress those difficulties, his assessment, and must make recommendations to Congress to what we can do to minimize our dependence on foreign oil, issues such as tax reduction, regulatory relief and conservation measures. We have also included in this bill many proposals to react to the days in which the oil and gas industry was considered highly profitable and Congress and the administration then decided to, in a sense, gouge that industry, to take away its profits. And today when western Kansas crude is priced at $8 or $9 a barrel and the costs of breaking even for that production is $16, it is time to reduce, eliminate the tax policy in this country that discourages marginal well production and discourages this industry from remaining alive and solvent.

Mr. Speaker, I hope that over the course of the next few days and over the course of the next few weeks, Congress will begin to focus on the fact that we are losing an important industry in our country but perhaps more importantly focus on the fact that we are selling short our future, our children's future, our grandchildren's future by our reliance upon oil from other countries. It is clear that we spend billions of dollars protecting our foreign supplies but next to nothing in protecting domestic production.

Perhaps as troublesome to me as anything is the idea that the so-called surplus that results in this price of oil is derived from the fact that we are importing oil from Iraq. So on one hand we are trying to contain Saddam Hussein's activities and on the other hand we are providing the financial resources for him to pursue those activities, and at the same time we are hurting our own men and women employed in the oil and gas industry in the United States of America.

Mr. Speaker, I urge support of H.R. 1117.

□ 1615

MEETING THE NEEDS OF OUR VETERANS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I rise today on behalf of the veterans in my district, Congressional District 1 in the State of Nevada. I represent Las Vegas, Nevada. Let me tell my colleagues a little bit about it. I have got the fastest growing district in the United States. I have the fastest growing veterans population in the United States. There are only three States that have an increasing veterans population in this country: Florida, Arizona and the State of Nevada. A preponderance of those veterans that are moving to those three States are coming to the State of Nevada. Let me tell my colleagues what the problems are.

First, I will tell my colleagues during my campaign the veterans took me under their wing and educated me about the problems that they are facing. We developed a relationship that transcends politics, and we become very close family, we become friends, and I have come here to be an advocate on their behalf.

In the State of Nevada, in southern Nevada, we have a wonderful new veterans' clinic, we have a wonderful new hospital, we have wonderful state-of-the-art equipment, and we have a brand new cemetery.

Let me tell my colleagues what we do not have. We do not have enough doctors, and there is not enough funding to hire doctors. I have got incidents after incidents of older veterans who come to the clinic because they have medical problems and they cannot get in to see a doctor. I have one incident of a veteran that has a lump, and when he went to the veterans' clinic to have a biopsy, he was told that he could not see a doctor, he could not get that biopsy for 5 months. Nobody, nobody, should have to go through the pain and anguish of not knowing what their medical condition is, particularly a veteran who has given so much and sacrificed so much on behalf of this country.

We do not have enough nurses in Nevada. I do not have enough technicians to work that wonderful new equipment. So the medical equipment that would help these veterans sits idle because there is no one that knows how to work the equipment.

I have a wonderful new cemetery, as I stated, but let me tell my colleagues I do not have enough equipment and there is not enough personnel to bury those veterans that are dying in southern Nevada, and as our veterans population ages, as those veterans keep coming to retire in southern Nevada, what am I to tell those families that are suffering because they have just lost a loved one? Do I tell that family during their most horrible time of need that we cannot bury their loved one because we do not have enough personnel at the cemetery? We do not have enough equipment to do this last act of honor for this great veteran? I cannot in good conscience do that.

Mr. Speaker, I do not have enough money for counselors, so when I have veterans that are coming to southern Nevada that need counseling because they have got a drug abuse problem, because they are suffering from alcoholism or they are roaming the streets of southern Nevada, downtown Las Vegas, because they are homeless that we do not have enough caring in this country, we do not have enough concern for these veterans to make sure that we do not have adequate counseling and help in their time of need?

The President's flat line budget that he submitted to Congress was wholly inadequate to serve the needs of the veterans in this country. I am opposed to it, but I fear that the meager increase that we have proposed here in Congress is also inadequate to meet the needs of our veterans in this country. The $1.9 billion that has been passed by the Committee on Veterans' Affairs, a committee that I sit on and am honored to serve on, will not begin to make a dent in the problems that we are suffering and we are facing in southern Nevada.

I ask all of my colleagues to join with me to vote in favor of the alternative proposal, one that is supported by all of the veterans groups across our great country, to add $3.2 billion to the President's budget so that we can finally provide the services that our veterans justly deserve, that we have a responsibility to provide and one that all Americans who owe these great veterans our lives, our liberties and our American way of life. Let us unite together and help our veterans in their hour of need.

KOSOVA KILLINGS CALLED A MASSACRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, last Thursday the House very wisely passed a resolution giving the President the authority to send U.S. troops to Kosova as a part of NATO, and at the time many of us arguing in favor of the resolution said that it was necessary for the United States to be a leader of NATO and to show that we are the leader and to have 4000 of our troops, if necessary, participate in the NATO peacekeeping force which would only be 15 percent of the total and which would in essence be a poster child for burden sharing. When I got up to the floor, as did many of my colleagues, we talked about genocide and ethnic cleansing and said that it was important for NATO to have a presence in Kosova in order to prevent ethnic cleansing.

Today in the front page of the Washington Post there is unfortunately an article which says "Kosovo Killings Called a Massacre," and I just wanted to read some of the article and then ask to have the entire article put into the RECORD, but the article starts off by saying:

An independent forensic report into the killings of 40 ethnic Albanians in the Kosovo village of Racak in January has found that the victims were unarmed civilians executed in an organized massacre, some of them forced to kneel before being sprayed with bullets according to western sources familiar with the report. The findings by Finnish forensic experts set to be released Wednesday in Pristina, the Kosovo capital, contradicts claims by officials of the Serb led Yugoslav government that the dead were armed ethnic Albanian separatists or civilians accidentally caught in a cross-fire between government security forces and separatist rebels. Western officials have blamed the killings on government police.

It has been apparent for many years now, but especially during the past several months, that ethnic cleansing and genocide has been going on in Kosova, and by the way I say "Kosova" because that is the way 92 percent of the people who live there who are ethnic Albanians pronounce it. They pronounce it "Kosova" and in my estimation, if that is what the people who live there call their land, that is what I call it. We have said that ethnic cleansing and genocide has been going on, and that is why it is just so important for NATO to be there. People who say that it is not in our vital interests, I would argue that it is in our vital interests to stop genocide and also in the U.S.,vital interest to prevent a larger outbreak of the war which would surely, if given a chance, suck in many neighboring countries, including the potential to suck in NATO allies of Turkey and Greece and Bulgaria and other countries as well. And so that is why the U.S. has a vital interest.

But I wanted to come to the floor today to point out the ethnic cleansing and the genocide and to say that when the United States has the ability to help prevent these kinds of atrocities we ought to do it.

Again this is an independent panel. This is not some panel that is hired by one side or another. This is an independent panel, independent forensic report, and it is what we said all along, that these are innocent civilians, unarmed civilians, men, women and children who are being ethnically cleansed who are being killed by the Serbian led forces under Slobodan Milosevic, who in my opinion is a war criminal and should be prosecuted by the International Tribunal at the Hague.

Mr. Speaker, I place the entire article into the CONGRESSIONAL RECORD at this time:

[From the Washington Post, March 17, 1999]

KOSOVO KILLINGS CALLED A MASSACRE—SOME VICTIMS SHOT WHILE ON THEIR KNEES

(By R. Jeffrey Smith)

ROME, March 16—An independent forensic report into the killings of 40 ethnic Albanians in the Kosovo village of Racak in January has found that the victims were unarmed civilians executed in an organized massacre, some of them forced to kneel before being sprayed with bullets, according to Western sources familiar with the report.

The findings by Finnish forensic experts, set to be released Wednesday in Pristina, the Kosovo capital, contradict claims by officials of the Serb-led Yugoslav government that the dead were armed ethnic Albanian separatists or civilians accidentally caught in a cross-fire between government security forces and separatist rebels. Western officials have blamed the killings on government police.

Because of the extreme sensitivity of the case, leaders of the European Union, which sponsored the probe, have asked the forensic team to withhold some of its most potentially inflammatory findings when its members appear at a news conference Wednesday, officials said.

The request, they say, was made out of concern that the results will further polarize the two sides in the Kosovo conflict and impede the Belgrade government's acceptance of a peace agreement for the Serbian province at talks underway in France.

One Western official said the German government, which holds the rotating chairmanship of the European Union, had ordered the Finnish team not to release a summary of its probe, which includes details about how some of the victims appeared to have died. Instead, at Bonn's request, the team agreed to release only the voluminous summaries of autopsies it helped conduct on bodies of the victims.

The killings on Jan. 15 at Racak, an ethnic Albanian village southwest of Pristina, outraged the world and became a turning point in the year-long conflict between security forces and the Kosovo Liberation Army, the main ethnic Albanian rebel group fighting for Kosovo's independence from Serbia, the dominant republic in the Yugoslav federation.

NATO leaders condemned the killings at the time and renewed their threat to carry out punitive airstrikes against Yugoslav military targets. Days later, both sides in the conflict agreed to take part in peace talks in France sponsored by the United States, Russia and four west European nations.

On Monday, ethnic Albanian negotiators pledged to sign a draft peace agreement that would provide substantial autonomy to Kosovo, while Belgrade officials have continued to object not only to the language of the proposed political settlement, but also to a provision mandating deployment of 28,000 NATO-led troops in Kosovo to enforce its terms.

The forensic team's investigation, based on an examination of evidence at the site and autopsies conducted jointly with Yugoslav government pathologists, determined that 22 of the victims were slain in a gully on the outskirts of Racak, precisely where their bodies were found on the morning of Jan. 16. The gully is so narrow that these victims could only have been shot deliberately at close range, the sources said.

Although the bodies of some other victims in the village were moved into homes or a mosque before international observers arrived, the forensic experts were able to determine where all but four of the 40 victims had died. From the pattern of the bullet wounds on their bodies and other evidence—such as their civilian clothing and possessions—the team found no reason to conclude they were killed accidentally or were members of the Kosovo Liberation Army, said the sources, who asked not to be identified.

Western officials say the team found that the angle of the bullet wounds in the victims' bodies was consistent with a scenario in which some of them were forced to kneel before being sprayed with gunfire from automatic weapons. This "spray pattern" finding is among the sensitive details that officials said may be withheld at Wednesday's news conference. Wounds on the bodies of some other victims evidently suggest they were shot while running away, the sources said.

On Jan. 16, U.S. special envoy William Walker, head of an international monitoring mission in Kosovo, described the killings as a massacre by government forces, and Yugoslav officials ordered him out of the country. The order was later suspended after the West threatened punitive action.

Western sources subsequently disclosed that telephone conversations between top Yugoslav and Serbian officials about the slayings showed that the officials explicitly sought to contrive an explanation for the killings that would shift blame away from security forces.

The Yugoslav government invited the Finnish forensic team to conduct the investigation at a time when many countries were demanding an inquiry by the International War Crimes Tribunal in The Hague. Yugoslavia has refused to cooperate with the tribunal or recognize the legitimacy of its mandate over matters of Yugoslav territory, so the Finns were accepted as compromise.

Officials in Belgrade, aware of the potential impact the forensic report might have on foreign sentiment about the conduct of its army and paramilitary forces, have mounted sustained propaganda campaign to cast the forensic team's conclusions in a favorable, and, according to the sources, highly misleading light.

An article in today's editions of Politika, a Belgrade newspaper connected to the government, claimed for example that the team had established that all the victims all had fired weapons before their deaths and that the bodies of all of them had been moved. The chief public prosecutor for Serbia, Dragisa Krsmanovic, alleged similarly last week that forensic tests showed the victims all had been shot from a distance. As a result, he said, government troops could not be prosecuted for their actions in Racak.

The forensic team searched but found no evidence to support these claims. On the other hand, its findings cast doubt on the assertion of some Western officials, including Walker, that the bodies has been deliberately mutilated by government troops.

Although 45 people reportedly were slain at Racak, the Finnish team was given access to only 40 bodies. The investigators learned that at least five more bodies, including those of at least two women, were removed from the area and presumably were buried in a cemetery south of Racak, along with as many as seven others who apparently were wounded during the assault and died later.

AMERICA'S FARMERS FIGHTING FOR THEIR LIVELIHOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I am here today because our American family farmers are suffering. While the general economy is strong, the U.S. agricultural economy continues to experience significant declines in agriculture commodity prices that began over a year ago. The price declines experienced by wheat and cattle producers over the last couple of years have expanded now to all of the feed grains, oil seed, cotton, pork and now the dairy sectors at record all-time lows. Farm income is expected to fall from $53 billion in 1996 to $43 billion next year, nearly a 20 percent decline.

Mr. Speaker, last week I met with a number of farmers just from Ohio. One left me with a letter that I would like to read tonight. It says:

> DEAR MS. KAPTUR: The purpose of my Washington, D.C. trip is twofold. Not only am I here today representing Ottawa County, but as a wife and partner of an Ottawa County farmer. I am very concerned about the plight of America's farmers. I can remember as a youngster back in the late 1940s all the farmers, eight full-time farmers within just 2 miles of here who lived on our road in northwest Ohio. They had dairy cows, hogs and chickens. At the present time within that same two miles there is only one full-time farmer. Since our numbers are dwindling and the American farmer only makes up 1.8 percent of our population, the American farmer is fast becoming an endangered species.
>
> I want to know what is going to happen to the American farmer, and does Washington and our Nation really care? With the way our grain prices are falling and our costs are increasing, how is a present-day farmer going to continue and also encourage new generations to enter the farming profession? The prices are lower now than during the 1940s.
>
> With the combination of low prices and the loss of productive agricultural ground to urban sprawl, most farming operations will cease to exist. Where is our Nation going to obtain its food? If the United States relies in greater and greater measure on foreign countries to supply its food needs, their food checkoff day will surpass the February 9 date.
>
> Since U.S. consumers have never gone hungry, they have no concept if they lose the American farmer, their safe food supply could diminish or be completely cut off. How long can the average American farmer afford to spend $168,000 for just one piece of equipment?
>
> With the statistics that I am enclosing the American farmer will not be able to stay in business. Therefore agriculture will not be one of America's major industries. We are fighting for our livelihood and need yours and Congress' help.
>
> Does anybody care? Does anybody even know?
>
> Regards,
>
> DEE.

She also left me with a breakdown of their family farming operation, which I will place in the RECORD, but basically what it shows is their total production cost last year was $375,000, including what they had to pay for running their land, the cost of producing corn, the cost of producing soybeans and wheat, however their total income was only $317,430, leaving them with a negative income last year of $57,570.

The question to be addressed is how today's or tomorrow's farmer is going to continue to produce food for a Nation in the world if he or she cannot purchase needed equipment and meet the costs of doing business. How many other Americans have to purchase equipment like combines which retail at $211,000 minus dealer discounts equaling about $168,000 less trade-ins on equipment. So that leaves them with about $111,000 to finance for 10 years at 8.75 percent interest for an annual payment of $17,204.

□ 1630

How will they continue to make that payment when their negative income prohibits them from showing any profit?

There is an increasing concentration throughout agriculture today. This concentration is severely distorting the market signals that farmers use to know what to produce, when to produce and how to make a profit. This concentration is hurting the marketplace and free competition. These market conditions are deeply hurting our family farms and threatening the economic stability of real communities across our country.

Dee asks, what can we do? First I say Congress, this Congress and this executive branch, must recognize the faces of rural America and understand the crisis out there. We must increase market transparency on prices and we should revisit freedom to farm and provide these farmers who provide our food with the safety net against these kinds of international market manipulations.

THERE IS A CRISIS ON THE AMERICAN FARM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, I want to commend my colleague, the gentlewoman from Ohio (Ms. KAPTUR), for the comments she has just made regarding the crisis on the American farm. Representing the State of North Dakota in this body, a congressional district that has more production acres for agriculture than any other district in the House of Representatives, I can only affirm all too well the truth of what she is saying.

There is a crisis on the farm. If we do not act as a Congress and act quickly, the face of farming in this country will be changed. We will move from agriculture production primarily based with family farmers to vast corporate farms, changing forever the way our food is produced and a way of life in much of our country.

The critical element that has made the low commodity prices so particularly hard on our farmers relates directly back to a change made by this Congress in the farm bill that we are presently under.

In 1948, Congress acted to establish some measure of price protection for farmers, recognizing that there is going to be great volatility in the prices commodities will bring given any number of circumstances, but more recently it has been the ebb and flow of demand in the global marketplace.

The prior policy for farm programs has been that the United States Government has got the capacity to backstop individual farmers to protect them from the worst ravages of loss when prices fall through the floor. The last farm bill changed all that. We no longer afford our farmers any price protection. We have protected the Treasury of the Federal Government but we have left the fortunes of individual families out there on the farmsteads completely exposed to the ebb and flow of market prices.

The Asia financial collapse has absolutely destroyed commodity prices in this country. Small wonder. Japan, our number one export market for small grains, down 10 percent; Korea, number 4 market, off one-third, and so it goes.

So we have much more supply relative to market and prices' fall, and this time without a safety net. Small wonder in year two of the new farm bill its critical weakness was already glaringly exposed and exposed to such a dimension that in a bipartisan way we had to quickly get some money out of the Treasury and commit it to farmers in the shape of a disaster bill passed last fall in light of the national dimensions of the crisis in agriculture we had seen.

We have more to do this Congress. Do not think for one second that that disaster bill passed in October forestalls a total catastrophe in farm country without further action.

The first thing we must do is pass the supplemental. The White House has advanced an appropriations request that will afford absolutely critically needed loan money and guaranteed loan money available so that a number of farmers can get in the fields this spring that otherwise will not have operating capital to do so and that for others still they will be able to restructure their financial situation in such a way that they will be able to cashflow, whereas otherwise they would not be able to cashflow.

Let me say something about cashflow, however. In my neck of the woods, given the commodities we produce, primarily small grains, one can get in today's market prices enough at the elevator to cover the costs that have been invested in that product. Therefore, lenders this spring are engaging in what is called equity lending; equity lending.

It does not sound all that bad but let me say what it means. It means that farmers are reducing their net worth. They are having to capitalize their assets because they cannot even make enough on the sale of their crop for what it takes to grow the crop.

We need to come back and visit this whole safety net for farming issue. We need to make some changes in the farm bill. It has fallen short and we now see where. Farmers need price protection. We need to make certain that there is a measure of price protection restored. Otherwise, we are going to be in this situation spring and fall every single year. Mark my words on this. We are going to have emergency supplemental bills in the spring and we are going to have disaster bills at harvest time trying to prop up America's farmers.

Let us not leave them hanging on the next action of Congress acting in such an ad hoc way every spring and every fall. Let us restore a safety net for America's farmers. Anything else will be catastrophic for the family farmers of this country.

THE RUMSFELD COMMISSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, this special order hour by the Republican majority is one occasion upon which we will take the opportunity to discuss the issue of national missile defense, particularly as it relates to legislation that is expected to pass on this House floor tomorrow, certainly to be debated, and we will kick off that event with an unprecedented joint bipartisan meeting on the House floor, at which we will receive a briefing and a report from the commission known as the Rumsfeld Commission.

The Rumsfeld Commission is one which was commissioned by this Congress to look into the issue of national ballistic missile defense, to ascertain the complexity of the threat that looms over the United States of America from a potential intercontinental ballistic nuclear missile attack.

Most Americans are unaware that the United States possesses no capability or capacity to stop a single incoming intercontinental ballistic missile. We cannot stop it. If any of the rogue nations that we are concerned about were to launch an attack of a single missile against the United States, it would take approximately a half-hour for that missile to reach us and there is nothing we would be able to do to stop it. That is an alarming reality that the Rumsfeld Commission report exposed and used as a basis to warn this Congress that we must begin to move forward on implementing a national ballistic missile defense policy.

The report is also one that we took to Russia over the weekend. I am joined by one of my colleagues who was part of an 8-member delegation that left for Russia on Friday, had an opportunity to brief the Russian Duma on the status of nuclear missile threats from rogue nations and also to address some of the opportunities for misinterpretation, I should say, that should be expected by our Russian counterparts in the legislative branch in Russia.

Our purpose was to do three things. One was to walk them through the Rumsfeld Commission report, to give to them the unclassified version of the briefing that we will receive here tomorrow and to do that prior to the vote that takes place. That was remarkable in and of itself. I think the briefing went a long way to helping the United States and Russia maintain the strong bond of friendship that we have established but do so in a way that allows us to continue to move forward with protecting the American people.

The second thing we hope to accomplish, and I believe successfully did, is to suggest to the Russians that our efforts to move forward on a national missile ballistic defense program is not motivated by any fear or concern about the Russian people or any hostility by the country of Russia.

The third item that we focused on was to suggest to the Russians that in an age of rapid technological advances, there is much to be gained through cooperative efforts to try to reduce the missile threat around the world; to, in fact, move us to that day off into the future that we all envision where nuclear missiles, intercontinental ballistic missiles, can one day become a thing of the past, where we can effectively, through the advances of technology, diplomacy and partnership, render nuclear missiles obsolete.

Now that is a distant dream but one that is imminently possible, and I think it was an important opportunity again, first of all, to explain our legislation to the Russians before we cast the vote on the House floor, and we actually accomplished that before the Senate voted just yesterday to pass their version of the measure off of the Senate floor, and finally to reassure the Russian Government and our counterparts in the Duma that the extension of friendship and partnership that we have really strived to establish since the fall of Communism in the old Soviet Union is something that we are serious about and we can maintain that friendship and, as I said earlier, go forward with establishing a missile defense program for our people.

Mr. WICKER. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I will not be able to participate during the whole hour but I do want to thank the gentleman from Colorado (Mr. SCHAFFER), for entering into this special order. We are going to be joined by my friend, the gentleman from Arizona (Mr. HAYWORTH) in a few moments and perhaps others.

My friend, the gentleman from Colorado (Mr. SCHAFFER) has made a number of very important points. We are going to have an important debate tomorrow afternoon in this House of Representatives on a real threat against the United States and against the citizens of our country, and I think the American people will be watching us in this debate. I want everyone in this body to understand how important it is.

Also, as the gentleman says, we have an opportunity as House Members, tomorrow morning at 9:30 eastern time, to have a very important briefing. It is a closed briefing, but I would say to my colleagues that are within the sound of my voice we may have constituents coming in, we may have subcommittee hearings, and I know that we will be pulled at from many, many areas, but there is no more important place that my colleagues could be tomorrow morning at 9:30 than to hear former Secretary Rumsfeld and the members of his bipartisan commission about the very real threat that we have from incoming intercontinental ballistic missiles where our United States cities, our United States citizens, now have absolutely no protection. Hear me. We now have absolutely no protection from these incoming missiles.

We now have a threat that has changed, the world situation has changed, and the briefing that we will have from Secretary Rumsfeld will be very important tomorrow.

As the gentleman from Colorado mentioned, he and I just returned last night from a long weekend trip to Russia, where we met with members of the Russian Government, members of the Russian parliament, the Duma, to brief them on the unclassified portions of this Rumsfeld report. We were joined on this trip by former Secretary Rumsfeld and two other members of his commission, former Director of Central Intelligence, the former director of the CIA under this administration, under the Clinton administration, Jim Woolsey, and former Under Secretary of State Bill Schneider, who served in the Reagan and Bush administrations.

This is a bipartisan delegation that represented the Rumsfeld Commission in Moscow just this past weekend, and the entire Rumsfeld Commission, consisting of 9 members, was bipartisan, patriotic Democrats and Republicans, who were unanimous, Mr. Speaker, unanimous in their bipartisan conclusions that the United States faces an imminent threat from missiles coming in principally from rogue nations.

□ 1645

Nations like North Korea which has already shown us that they can launch a multi-stage missile. They have shown us in recent tests. Countries like Iraq and Iran whose stated policies are hostile to the United States of America.

So we do not need to be alarmists in this Congress, but we need to tell the American people the facts, and I think the American people who listen to our debate and the Members of Congress tomorrow afternoon who listen to our debate will conclude that this bipartisan commission of people who have been there, who know what they are talking about, who have been on the frontline in Republican administrations and Democratic administrations, protecting our Nation against foreign threats, these people are telling the truth. The threat is very real; it could come within 5 years, where cities are subject not only to intentional attacks from rogue nations, but accidental missile launches or unauthorized attacks.

So I am pleased to join the gentleman from Colorado (Mr. SCHAFFER) in this discussion. As I say, I will probably not be able to be here for the entire hour, but I believe we have a message that perhaps has not sunk in with the American people. But there is a threat, and this Congress will act tomorrow to begin to answer this very real threat.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Colorado, and I would echo the sentiments of both the gentleman from Mississippi and the gentleman from Colorado.

Mr. Speaker, in the beautiful preamble to the Constitution, a Constitution we have sworn to uphold and defend against all enemies, foreign and domestic, there is the mission statement, if you will, to use the parlance of the late 1990s, that it is the role of we, the people, to provide for the common defense. And there is no clearer mission and no clearer mandate than the current world condition as explained by the Rumsfeld Commission.

The gentleman from Mississippi is quite right. Republicans and Democrats, acting foremost as Americans, evaluated the threat of rogue States such as North Korea, Iran, Iraq, and came away with the chilling evaluation, as widely reported in the press, though perhaps not with the emphasis in hindsight that should have been required, that within 5 years time, these rogue nations would have at their disposal weapons of mass destruction; specifically, intercontinental ballistic missiles, that could strike at the heartland of the American Nation, and this is what we confront.

My colleagues also mentioned, Mr. Speaker, the assumption and the false impression that exists in the minds of many that the continental United States and Alaska and Hawaii are already protected from such an attack. Sadly, Mr. Speaker, that is not yet the case. I should pause here, especially given the tenor of the times and the revelations of unauthorized transfers of technology to the Chinese government, and sadly, the alleged political misconduct of the Clinton-Gore administration, to underscore what has happened, because in the parlance of the politically correct, sadly, our commander in chief from time to time is factually challenged. Mr. Speaker, he stood here at the rostrum 2 years ago in his State of the Union message and said to the American Nation, who looks to its President for reassurance and truth, two qualities, Mr. Speaker, that sadly have been sorely lacking, the President offered a classic Clintonian statement when he said, quote, Tonight, no Russian missiles are aimed at America's heartland, or words to that effect.

That led the distinguished Democratic Senator from Nebraska, Mr. KERREY, in a subsequent appearance on NBC's Meet The Press to say well, yes, that is true, but those missiles can be reprogrammed in a matter of minutes.

I acknowledge that reality not to cast aspersions on the Russian Federation or members of the Duma with whom my colleagues met this weekend, but to point out that sadly, in this age of presidential leadership, all Americans have to parse the statements of our commander in chief.

So we are faced with this dilemma: How best to provide for the common defense and protect our citizenry from attack from any quarter, but especially the threat of rogue nations. And indeed, the headlines today ring out the irony of a curious state of conduct with the outlaw Nation that is North Korea.

Indeed, as the gentleman from Mississippi will recall, before we were sworn in to the 104th Congress, as part of this new common sense conservative majority, the then Secretary of Defense William Perry came to brief us at a breakfast sponsored by the gentleman from California (Mr. HUNTER) and I was privileged to ask the first question of then Secretary Perry, and I asked the Secretary why the Clinton administration was insistent on sharing any form of nuclear technology with the North Koreans. And to sum up the Secretary's reply to me: I needed a further briefing.

No, Mr. Speaker, I did not need a further briefing. It is common sense that if the stove is on, one does not put one's hand on the eye of the stove or one will get burned. One does not play with matches, one does not play with fire. And continuing this curious indulgence of the North Koreans is now the announcement heralded by this administration that the U.S., at long last, will be granted inspection of sites in North Korea. But, there is a caveat there, because the grand leader of the North Koreans, Kim Jong-il, has a Nation wracked with famine, and while this great constitutional republic has proper humanitarian impulses to help feed people of the world stricken by disaster inside that closed and sadly retro Stalinist state, Kim Jong-il and his military leaders continue apace their development of intercontinental ballistic missiles, and as my colleague from Mississippi pointed out, now the North Koreans possess technology that can strike America's heartland.

Mr. WICKER. Mr. Speaker, if the gentleman will yield, the gentleman from Arizona has made a number of absolutely correct statements about the missile threat, both from the former Soviet Union, now the Federation of Russia, as well as the rogue States. But it is important for our colleagues, Mr. Speaker, and for all Americans to understand that the missile technology, the intercontinental ballistic missiles previously owned by the Soviet Union and aimed at us have not been utterly destroyed.

I think a lot of people perhaps even listing to the President of the United States in his speech from this very room might misunderstand the situation. Those missiles are still there, and they can be reprogrammed as the Democratic Senator, responding to the President of the United States, correctly pointed out. So that threat is still there.

Now, we have every reason to be optimistic about our new relationship with the Soviet Union. We have some joint initiatives with them on housing, hopefully which will constitute a win/win situation with the United States investment community, the Russian people, and stability worldwide. We are involved in some joint efforts with Russia on space technology, and I applaud that.

But the missiles are still there, and elections are going to be held in Russia in December of 1999 for the Duma, the Russian parliament. We hope that people who support our continued openness and steps toward friendship will be elected in December of this year, but we do not know that. Presidential elections will be held in the federation of Russia early in the year 2000. We do not know the result of that election. So we are still in a very dangerous world and the Russian missiles are there. But it is not because of the Russian missiles that the Rumsfeld Commission has come forward. And we were there, the gentleman from Colorado (Mr. SCHAFFER) and I, and a bipartisan delegation from this body, we were there to point out the true facts to our colleagues from the Russian parliament, that the United States is threatened by rogue nations and perhaps by an unauthorized or accidental launch.

We also pointed out, Mr. Speaker, to our colleagues in the Russian Duma that we are asking for the very type of missile shield which Russia presently has around its capital city of Moscow. Russia presently has the technology that we are asking for to protect our cities, and it is only fair and only right, and it is actually our constitutional duty, as the gentleman has already pointed out, to take the necessary steps under the changed world situation to protect Americans from whatever threats as they arise.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, that is something that of course our delegation knew, but I think it was reemphasized during this visit, is that the Russians have been engaged in an incremental strategy over the years of deploying ground-based radar stations, missile interceptors, as well as a civil defense network designed to protect the capital city of Moscow.

Now, this is really one of the weaknesses of the ABM Treaty that we are under, because we here in the United States, under that treaty, are restricted from constructing a missile defense system that is comprehensive in nature, that can protect the entire country. In Russia it is a very different story because the majority of the Russian people live in the capital city. In fact, the defense structure that they have established it is estimated can protect upwards of 70 percent of the Russian people. But the ABM Treaty only allows us to protect a point, a place. Would it be Washington, D.C., would it be New York, would it be Denver, would it be San Francisco, would it be L.A.? Imagine the political difficulty in deciding which part of the country we would defend in a similar way that the Russians are able to. It is a very perplexing question.

Mr. WICKER. Mr. Speaker, if the gentleman will yield, the gentleman is saying that 70 percent of the population of Russia is now protected by a missile defense system and not one American city or citizen is protected by a similar system.

Mr. SCHAFFER. Mr. Speaker, that is precisely the case. It is only the reason why, as the gentleman from Arizona mentioned earlier, last summer it was when our satellites were beaming down immediate data to our analysts in the Air Force primarily, in the space program, they watched in almost horror as they were watching in real time data being transmitted on a missile launch that we detected from Korea that was of a heat signature we had never recognized out of North Korea. It was a trajectory we did not recognize. It was at a speed we did not recognize. They instantaneously realized and came to the conclusion that North Korea had a 3-stage rocket which had not been announced to the world. Our intelligence community had failed to warn the United States or even to detect that North Korea had this capacity. And with a lightweight warhead, that Taepo Dong missile, as it was soon to be called, has a radius capacity of about 6,000 miles. That means North Korea announced to the world that day the ability to land a missile on the North American continent within about a half-hour of launch time. Now, that shocked us because we cannot stop it.

But over in Russia, however, 70 percent of their people are potentially protected from that kind of a launch. And the North Koreans are not stopping at the Taepo Dong I missile. They are now working on the Taepo Dong II missile which will also be of similar design, a 3-stage rocket with a heavier payload, and continue to possess the ability of longer range and more precise targeting over time. That is a very real threat.

I might also point out that members of the Russian Duma had heard information before. They know, for example, that North Korea, Libya, Iran, Iraq are countries that are moving forward on development; they know that Pakistan and India have experimented with underground detonations, but they have never, as members of the legislative branch in Russia, they do not have the leverage that we do in the United States Congress to demand this kind of information to inform themselves about these threats.

The information we took over to the Russian Duma and delivered to the Russian parliamentarians was quite an elaboration that I do not think they were prepared to hear or expected to hear. I think in the long run, let us be frank, the Russian parliamentarians are not thrilled to see the United States move forward in a policy direction that would have us defend ourselves. They like the current imbalance. That is to their strategic advantage.

□ 1700

But I think we did a successful job, one of erasing some of the misinformation and the misinterpretation that is possible with the vote we are going to take tomorrow, and, secondly, alerting them to the very valid reasons that we as Americans have over the emerging threat of these rogue nations.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I commend my colleagues the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Mississippi (Mr. WICKER) and others, including our very good friend, the gentleman from Pennsylvania (Mr. WELDON), who lead the delegation to the former Soviet Union, the Russian Federation.

Again, I think it is important to underscore the unprecedented nature of such a visit, American legislators meeting with their Russian counterparts to explain and cut through the haze of disinformation and other impulses that may linger from the Cold War that, in the situation which we find ourselves, there is a legitimate stake in self-defense for this constitutional republic, for our American Nation, and for the American people.

I might also point out, as genuine as the threat is from North Korea, the area in and around the Persian Gulf remains an area of grave and great concern. Given the proximity of Israel to that region of the world, indeed given the Scud attacks on Israel, this administration proposed a few years ago that the Israelis might want to have a missile defense.

That begs the question, Mr. Speaker, if it is good enough for the Russian people, and as my colleagues have pointed out, some 70 percent of the Russian population is effectively covered with this type of missile defense system, if our own administration and State Department, Mr. Speaker, would say it is good enough for the Israelis and they should work on a comparable system, then certainly the American people deserve such protection. We must underscore the fact that it currently does not exist.

Now, Mr. Speaker, I am well aware of the fact that there continues to be a somewhat curious debate in the realm of international law about enforcement of a treaty such as the Anti-Ballistic Missile Treaty, or ABM Treaty, from more than a quarter century ago ratified by the United States Senate.

In our new world situation, we call that entity with whom we dealt at that time now today the former Soviet Union. The Soviet Union has ceased to exist and, indeed, in everyday parlance, just as marriage vows customarily end with the term "till death do you part," when one entity is dissolved, it is my belief, and I believe a reasonable test and a reasonable assumption and assertion, that that treaty likewise or at least the involvement with the Soviet Union and the strictures of the ABM Treaty ceases to exist because now we are dealing with a new Russian federation.

But, again, I want to salute my friends who took the time and had the courage to go talk to our Russian counterparts in a spirit of candor.

We might also point out, Mr. Speaker, as relevant again as today's headlines, there have been reports of the possibility of a similar computer crisis that we hear about in this country under the guise of Y2K. There are concerns about Russian computers.

We welcome the chance to break down the barriers and ensure that there would be no unintended launch from any type of computer malfunction. But if it were to happen, is it not the role of this Congress and the American people to make sure that this Nation is adequately protected? Sadly, on this day, at this hour, in this Chamber, we have to point out that, for the American Nation, no such missile defense exists.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I would like the gentleman from Mississippi (Mr. WICKER) to expound on the point of the relevance of the ABM Treaty to the vote tomorrow because the ABM Treaty has acknowledged weaknesses.

Mr. WICKER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the gentleman from Arizona has begun a discussion which I think will continue for months and even years in this Congress and in this Nation concerning the ABM Treaty. I think he has made a very logical point in that the Soviet Union no longer exists.

Other very learned scholars who have looked at the issue have concluded that the deployment of our missile defense program in the United States would not violate the ABM Treaty. That is to be decided later.

We do need to point out for the sake of our colleagues that will be voting tomorrow that there is nothing in the legislation tomorrow that has anything to do with the ABM Treaty at all. Indeed, it does not discuss the ABM Treaty, yes or no. It simply says, very, very simply, in a very short piece of legislation, that it is the policy of the United States to deploy a national missile defense system.

I think it is also important for us to point out that, despite the niceties of the ABM Treaty, we are going to take steps in this Congress to protect our people, to protect the citizens and cities and communities of the United States and provide for the common defense.

If the ABM Treaty eventually has to be renegotiated, if there has to be further diplomatic conversations between these signatory parties or between new states that have sprung up in place of those signatory parties, we will do that.

But our first and foremost responsibility, Mr. Speaker, is to realize the threat, as the Rumsfeld Commission is going to point out to us in our session tomorrow and as we will be learning in the debate and, having realized that threat, to do our duty, our duty to provide for the defense.

The gentleman from Arizona mentioned the Middle East and the very real conflict that we have seen there in recent years. Certainly we know we wish it were not so. But we know that Saddam Hussein is the sworn enemy of the United States.

Here is what Mr. Saddam Hussein had to say about the United States of America, "Our missiles cannot reach Washington. If they could reach Washington, we would strike if the need arose." Saddam Hussein, 1990.

Listen to this quote from Abul Abbas, head of the Palestinian Liberation Front: "Revenge takes 40 years. If not my son, then the son of my son will kill you. Someday, we will have missiles that can reach New York."

Mr. Speaker, this House, this Congress, and I hope this administration is going to take the necessary steps to answer these threats, to answer the very real facts which will be presented to us tomorrow, and to make sure that our people can live as safely as possible in this very dangerous world.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I would like to add one more quote from an American. This is a student who just e-mailed me the following message yesterday, and I want to share it with my colleagues.

It says, "Dear Congressman SCHAFFER, I do not know if this has come up to the floor yet," and how timely that it will come to the floor tomorrow. "I do not know if this has come to the floor yet. However, I have become aware of the existence of this bill and wish to encourage its support." She referenced the bill a little earlier. "The bill entitled the American Missile Defense Protection Act calls for enacting stronger measures to protect our magnificent country from missile attacks. Please research this issue and act and vote in support of it. Thank you. God bless."

This is a constituent from Fort Collins, Colorado, my district back home. This letter is indicative of what most Americans feel about this topic when they learn the details of our current state of military readiness and defense preparation, when they learn about the issues that are at stake, when they learn about the imbalance that is swiftly balancing against us.

I think these are the voices that need to be heard on this House floor, particularly tomorrow, over and above all of the hesitations, the concerns, the placations that are coming out of the White House right now and others throughout the country who believe that this defenseless posture that we are in today is something that should continue. We have the opposite view.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado for sharing that message from his constituent in Fort Collins. Mr. Speaker, it points out the unique nature both of this special order and the ability that our constituents have, not only from our individual districts, but indeed from coast to coast and beyond to e-mail, fax, phone their Member of Congress, Mr. Speaker, Republican or Democrat, we are all Americans, to ask their Member of Congress to move forward with this missile defense system. It is vital. It is necessary. It is long overdue.

There is nothing better than the input of those concerned citizens rising to this cause, Mr. Speaker, and alerting their respective Member of Congress in much the same way as I would take this time, Mr. Speaker, again to invite Members from both parties tomorrow to listen to the classified briefing on this floor from former Defense Secretary Rumsfeld and others who join him on the Commission.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I just point out the timeliness of the announcement we just heard from the Committee on Rules in bringing the bill to the floor for debate. This is very relevant matter that we are discussing here today.

Members of this Congress and citizens throughout the country need to come to grips very quickly with the question of what is it we are going to stand for as a country when it comes to defending our borders.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for filing that rule so that that debate can take place on this House floor tomorrow.

The world remains a dangerous place. Even as media outlets such as the capable news network offer their, at times, controversial documentary treatment of the Cold War as if it is and anachronism or a relic, the fact is the world does remain a dangerous place.

The rogue states, as the gentleman from Mississippi (Mr. WICKER) pointed out, the avowed enemies of this country who make no bones about their yearning, their desire to deploy weapons of mass destruction against the world's lone remaining superpower and the very ideals this constitutional republic embodies.

So, again, in full view of the oath we take to the Constitution of the United States and our trusted responsibility with the American people as their constitutionally elected representatives, we must answer this clarion call and make provisions for a missile defense system.

Because, sadly, again, as shocking as it may be to the American people, despite some flowery phrases, there is currently no such system. This Congress will have to take steps tomorrow.

I would also point out to the gentleman from Colorado (Mr. SCHAFFER), as he is well aware, the developments again echoing through the headlines of the major newspapers, the unlawful transfer of technology to the People's Republic of China, and the fact sadly that reports indicate the Communist Chinese have been only too eager to share this technology with rogue States.

Mr. Speaker, this time on the floor affords us not only the responsibility and opportunity to communicate with all of our constituencies, and indeed with the American people, but, Mr. Speaker, this also affords us the time to speak to those who monitor the proceedings on these floors who, quite frankly, wish us ill or fail to understand that the very freedoms we cherish in this society are not, in fact, weaknesses.

□ 1715

The despots of this world look at free and open debate as a form of weakness, a form of inertia, of immobilization that would somehow prevent or abridge our proper responses.

I think particularly of the Communist Chinese. I think of the bellicose threat from the Chinese defense minister of a couple of years ago with reference to the Taiwan question when the Chinese, in provocative fashion, as the Taiwan government was holding free and fair elections, the Chinese conducted exercises and shooting missiles just off the coast of Taiwan, and the provocative statement, Mr. Speaker, by the Chinese defense minister with reference to our great Nation, saying, oh, well, we believe the Americans value Los Angeles more than they value Taiwan.

How are we to interpret that statement, Mr. Speaker? How can we interpret that but as a threat to this Nation?

As I explained to the consul for the Chinese government from Los Angeles, who visited Phoenix and sought me out for a meeting expressing his goal of friendship, I said, Mr. Speaker, to the consul, then let us speak as friends.

And let there be no mistake, none of our adversaries around the world, in any regime, in any place, should ever confuse the will and the resolve of the American people once fully informed and rallying to a cause. This is such a cause. This is such a moment, to take legitimate steps to protect our Nation.

And though at times, because of previous actions and whatever reluctance on the part of this administration to follow through effectively in dealing with foreign governments and others, make no mistake this Congress takes seriously, Mr. Speaker, its constitutional role and its oversight of the executive branch and the need to protect the American people. And this constitutional republic will prevail because we understand that in a free society the eternal price of liberty is vigilance.

I yield to my friend from Colorado.

Mr. SCHAFFER. The gentleman is precisely right about the importance not only of our efforts to contain the flow of technology and missile-related components in and among other countries, but it is our own participation in the proliferation of missiles which is something we should be concerned about as well.

Let me raise something that came up at the meetings in Russia just 2 days ago in Moscow. I was part of the delegation that was meeting with members of the Duma.

We had several meetings, but the most memorable one took place Monday afternoon, and we were talking about the concern we have for the transfer of technology from the Russians, either willingly or outside of their own laws, to some of these rogue nations. One of the scientists who was there said to all of us, well, it is our impression that it is the United States that is contributing to the proliferation of their own enemies and the enemies of Russia as well.

This took us aback for a moment, until we realized the validity of his concern. We could certainly understand his point of view. And this goes back, and it has actually been documented in the Rumsfeld report, goes back to February 15 of 1996 when a Chinese Long March space launch vehicle, carrying a western satellite, exploded. The post-failure review involving U.S. aerospace companies led to the transfer of sensitive information regarding rocket engineering.

That was an effort by the United States to send information to the Chinese to help them perfect their long-range launch capability.

It goes on to say that in the spring of 1996 the United States sold supercomputers to China's Academy of Sciences, which historically has participated in that country's effort to develop missiles. In 1996 we sold supercomputers to the Russians for a nuclear weapons design lab.

It was no surprise, I suppose, or should have been no surprise to our President that the symbolic gesture by the Chinese took place on July 1 of 1998, just last year, when China tested the motor of its new DF-31 intercontinental ballistic missile during the visit from our President. They tested the motor of this new-age missile while our President was there in a symbolic gesture to show that they are emerging on an international, and not only emerging, but they are moving forward very dramatically and drastically in the development of new missile defense technology.

I see I am joined by another member of our delegation who was there, and it might be instructive at this point to talk a little bit about the Russian Duma itself and the members of the Duma, how they relate to us as a country. Because for too long, frankly since the fall of communism, our relationships with the emerging republic of Russia have been at the executive level, our President and State Department relating directly with the Russian president, Boris Yeltsin and his administration, ignoring wholly the importance of the democratically elected members on a representative basis of the Russian Duma.

Now, in relation to what we understand and know here through our system, the legislative branch in the Russian government is less powerful and has less direct influence over the day-to-day lives and affairs of Russian politics, and there is tremendous strain between the presidency of Russia and the Russian Duma.

Our real hope, I think as Americans, for reaching out to the Russian people and forging a relationship that promotes free markets, that promotes true democracy, that promotes the kinds of economic reforms, such as property rights, homeownership and so on, is through a relationship with this body, the Congress of the United States, and members of the democratically elected Russian Duma.

The Russian Duma is where we will find the rising Democrats. This is where we will find the individuals who are in favor of these kinds of market driven reforms. It is also the place where we will find the folks who most vehemently reject the old ways of communism that we find so prevalently in the Russian presidency today. That is where many of the old Communists went after the Soviet Union fell apart.

It is the Russian Duma that really could use some support and assistance in elevating the stature and their prominence in the role of Russian politics, and it is where we should look.

It is why, I think, the visit that we made, an historic visit, was so important. Because it really did involve the Russian Duma in an important national issue for themselves in a way that they have never been afforded before. And I think it will go further in our efforts as a country to assure the Russians that our desire for long-term partnership and friendship, and to see the Russians move forward in the economic reforms that will result in peace and stability are, in the end, not only in their best interests but in our best interests.

It is important to understand that within the context of this bill passing tomorrow that the President of the United States prefers to deal with the President of Russia and the old line Communists that are part of that administration, the old way of doing business in Russia, which is resented by the majority of the Russian people and rejected by the majority of the Russian people. Our effort in this Congress should be to reach out to those new Democrats, the new free marketeers that are getting elected with greater frequency in the Duma.

With that, I yield to the gentleman from Indiana (Mr. HOSTETTLER), who joined us in that delegation returning last evening.

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Colorado for his time and indulgence and the point he makes, along with the gentleman from Arizona, that this was truly an unprecedented journey and an historic journey.

As the gentleman pointed out, we are in the process of exposing the Russian Duma to more and more Members of Congress. This was my first time ever to visit that great country of Russia, to talk to them very frankly about our need to defend our people from a possible limited nuclear strike by some rogue nation.

It is as a result of our discussion with Duma members, by our recognizing the Duma and dealing with the Duma, who very similar to our House of Representatives are elected by democratic process by their constituents in their regions, and represented in other ways according to their constitution, which is vitally important, that we recognize the importance of a constitutional form of government and Democratically elected representations as a vital part of that government. The Duma can see, just like themselves, that we represent our constituents. We are representative of the individuals.

I tell people, when they ask me about this job, I tell them that if they want to know what America is like they should just look at the U.S. House of Representatives. We are a picture of America. And if we look at the Duma the same way we will see what Russia is like. And very many times, when we see this executive branch to executive branch dialogue and discussion, we miss that from time to time by not seeing the elected representatives from the various regions.

The meeting was vitally important because it is necessary that the Duma understand our resolve to join them in the belief that it is the obligation of the Federal Government, both in Russia and in the United States of America, according to our Constitution, Article I, Section 8, to defend the United States of America. And that is what H.R. 4 tomorrow is all about, to make it the policy of the United States to develop and deploy a national missile defense system.

It is important to note, and I am sure the gentleman has already done this in this discussion, that Russia already has such a system that is ABM compliant, a ground-based system situated on the outskirts of Moscow, and that has the capability of protecting a majority of their citizens.

I made the point in our press conference yesterday, and the point has been made time and time again on this floor by the gentleman from Pennsylvania (Mr. WELDON), whose single-handed activity in this area, with the support of a lot of the rest of us, and especially the chairman on the Committee on National Security, the gentleman from South Carolina (Mr. SPENCE), and other members on that committee, that we have got to move to a situation where we at least do what the Russian government has done for their people, and that is to try to defend and protect American lives.

Not one U.S. citizen residing in the United States of America is protected at all from an accidental or other type of launch of a ballistic missile against the United States of America. Not one person. We do not have a system. The American people believe that we do.

One reporter asked the question, as the gentleman from Colorado remembers, at the press conference, the reporter from the Baltimore Sun asked the question that if Russia has this capability, and they have for years, and the United States of America does not have that capability, and it has been the policy of the United States of America and the Federal Government in the past to not protect our people from ballistic missile attack, who in the world made that decision?

It is this debate, this special order that is going to bring to light as we begin to head back to our districts during the April recess, where we get to talk about important issues that may be on the front page from time to time; the budget, which is vitally important, maintaining a balanced budget, reducing the tax burden on American families, doing the right thing with regard to Social Security, but adding another issue to the vitally important issues that we deal with in this country, to make sure that the American people know where we are and where we need to go from here.

I thank the gentleman for his time and hope to continue this dialogue.

Mr. SCHAFFER. Well, the press conference that we had yesterday was in Moscow, yesterday morning, 8 hours earlier than it is here. And the gentleman is precisely right, that is the ultimate question that the American people need to ask is, well, where was it along the lines we decided to stand back, while the Russians were able to see off into the future enough to construct a national missile defense system for approximately 70 percent of their people, that we decided to do nothing?

It is faith that has been placed, for about 6 years in Washington now, in the notion that our intelligence gathering capacity and our diplomatic cooperation with other countries was all we needed to prevent these kinds of hostilities from taking place. But it was the five detonations in Pakistan, when we were looking right at the site and our intelligence community had no idea that those detonations were about to take place; the inability for us to prevent similar kinds of retaliatory tests in a friendly country, India, the largest democracy in Asia, when we could not stop that; and then also, on top of that, the launch that we spoke about earlier, the Taepo Dong missile from launch out of North Korea, which we had no idea even existed. Those events, stacked upon one another, opened our eyes in America.

□ 1730

That is what my colleagues will find in the Rumsfeld report that shows very clearly that we significantly, as a country, underestimated the threat of these rogue nations, we have severely misrepresented the threat to the American people and understated the threat that confronts us.

Frankly, if we had started this project back when President Reagan suggested it, deploying a national missile defense system would have been cheaper, first of all, and it would have been in place today with technology that is superior to all, second to none. And we do not have that now. Here we are, in 1999, headed into the new century with, as the gentleman from Indiana (Mr. HOSTETTLER) mentioned, the ability for us to stop not a single intercontinental ballistic missile.

Yesterday it was announced by the White House that they changed course and are willing to support a ballistic missile defense system as designed by the Senate. This is a remarkable change. The President did stand up at the roster right behind the gentleman from Arizona (Mr. HAYWORTH) just earlier this year and said, "we need a national missile defense program," but he has opposed early drafts of our versions here to at least set a policy to actually move the country in that direction, move beyond the hollow words that can so easily be spoken during a short visit.

I ask the gentleman from Arizona (Mr. HAYWORTH), what do you make of the traumatic transformation, the turnaround of the President of the United States, as the Senate overwhelmingly adopted on a bipartisan basis the Senate version of a missile defense policy bill?

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Let my say to my colleague the gentleman from Colorado (Mr. SCHAFFER) and my friend the gentleman from Indiana (Mr. HOSTETTLER), Mr. Speaker, that we welcome this intellectual elasticity within the administration. We saw it a couple of years ago with reference to historic welfare reform. We saw it last year when it came to the Taxpayers Bill of Rights and cleaning up through oversight the Internal Revenue Service that indeed 30 minutes prior to the Secretary of Treasury coming to our Committee on Ways and Means, on which I serve, that the administration changed course.

And we welcome it. We understand that the burden of international leadership rests uneasily on the shoulder of this President. Perhaps it is because so often his rhetoric fails to square with reality. But we welcome this change of heart, even if it is what is in essence the last nanosecond of the eleventh hour.

But while we welcome that, let us also reassure the American people, Mr. Speaker, that we offer these grim realities not to promote panic or fear but a policy change and a conviction that we must adequately defend our Nation against all threats but especially the growing threat of a rogue state or an accidental launch of an intercontinental ballistic missile.

And so it is in that spirit, even given the dramatic changes in attitude from the administration, perhaps also prompted in the wake of media revelations about the problems in China, we welcome this change and we look forward to working with all Members of this House, Republicans and Democrats, to act first and foremost as Americans and provide for the common defense of.

Mr. SCHAFFER. Mr. Speaker, in the final few minutes I have left, I yield to the gentleman from Indiana (Mr. HOSTETTLER) to sort of wrap up our special order and I will close in the last few seconds.

Mr. HOSTETTLER. Mr. Speaker, I would just add that the journey that several of us made, a bipartisan delegation to Russia, to talk about these issues is vitally important. Because, as the point was made, that when the former Soviet Union decided to deploy such a missile, they did not, neither were they obligated to come to the United States of America, to Washington, D.C., to sit down with Members of the House of Representatives, sit down with Members of Congress, to inform us that they were going to do it and why they were going to do it.

That is what this Congressional delegation did just this past week in taking members of the Rumsfeld Commission, Chairman Rumsfeld, former CIA director James Woolsey, and Dr. Bill Schneider to show the Russian Duma, and therefore the Russian people, that we want to be open with them because we see tremendous opportunity, tremendous prospects and potential for a growing relationship, both economic and otherwise, with the people of Russia.

And the way that we are going to do that is to be more open with them. But while we are more open with them, as the gentleman from Arizona (Mr. HAYWORTH) so appropriately pointed out, we are to remind them that it is our obligation to follow the Constitution of the United States and defend the people of the United States against any threat that may be over the horizon. That is our foremost obligation according to the Constitution.

Plurality of the delegated powers of Congress deal with that national defense. We will do that and we will do that, hopefully, with the cooperation and understanding of our friends in Russia. But we will do it nonetheless.

I thank the gentleman from Colorado (Mr. SCHAFFER) for this opportunity to talk about this vitally important issue not only to us today but to our children tomorrow.

Mr. SCHAFFER. Mr. Speaker, I will close with the following thought and in an effort to urge our colleagues, all of our colleagues, to be here on the House floor tomorrow morning for an unprecedented briefing on the nature of the missile defense or the threat to the United States and say that the administration has dramatically changed its perspective when confronted with the truth and the facts of this report.

The same administration which opposed a national missile defense program just this year said the following, the Secretary of Defense: "There is a threat and the threat is growing, and we expect it to soon pose a danger not only to our troops overseas but also to Americans here at home."

That change of heart was inspired by the Rumsfeld Commission report, which can be summed up in the following way: "Concerted efforts by a number of hostile nations to acquire ballistic missiles with biological or nuclear payload pose a growing threat to the United States, its deployed forces, and its friends and allies." That is the seminal statement of the report of the Commission to assess the ballistic missile threat to the United States, which was unveiled July 15 of 1998.

This is a vitally important issue. This is one of the most critical issues confronting our country. It is one that I call upon all Members to view and to consider with great seriousness and in great detail before casting not only the vote to establish policy, which we expect to accomplish tomorrow, but to then be prepared to follow up with the secondary and tertiary steps of moving this country forward toward providing the same kind of defense that the Russian people have seen fit to provide for themselves, a national defense program to protect the American people.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, DECLARATION OF POLICY OF THE UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

Mr. REYNOLDS (during the special order of Mr. SCHAFFER), from the Committee on Rules, submitted a privileged report (Rept. No. 106–69) on the resolution (H. Res. 120) providing for consideration of the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense, which was referred to the House Calendar and ordered to be printed.

PROTECTING SOCIAL SECURITY FOR THE WOMEN OF AMERICA

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, Democratic women of Congress are so concerned about the potential for harming Social Security that we will see during this hour a number of us come to the floor to alert our colleagues and the women of our country about the very high stakes for them as to what we do with Social Security.

Let me emphasize that this is the highest stake game, if I may call it that, of all during the 106th Congress because we have a chance to protect and secure the most popular and one of the most important programs that our country has ever had the good sense to create.

I approach this issue from the peculiar perspective of an official who served as chair of the Equal Employment Opportunity Commission under President Carter, a post that gave me a very special concern about the gap between men and women's wages.

When we are speaking of Social Security, of course, we are speaking first and foremost of women who have smaller wages than men and, of course, women who have no wages whatsoever. For that reason, we have introduced a resolution in the Congress that recognizes the unique effects that proposals to reform Social Security almost surely will have on women.

Three-quarters of unmarried and widowed elderly women rely on Social Security for over half of their income. So when we deal with Social Security, when we tamper with it, who should be in our mind's eye first and foremost are women because they are so disproportionately affected.

Everyone is aware of the low statistic that is used over and over again that we who are women are, according to what year you look at, in the 1990s, 70 percent, 74 percent, 72 percent of men's income. I want my colleagues to look at the 1997 figures. $24,973 for full-time, year-round wages for women, compared to $33,674 for full-time, year-round wages for men. Those figures are very important for what women can do with their disposable income today.

But I want to focus us on what that means for women 20 years from now, 30 years from now, and longer. Because it translates directly into too little money to live on when they are elderly; and for that reason, it means that today, at least, those women can count on a progressively structured Social Security system that will keep them from abject poverty. And in case we believe that that is crying wolf, let us not forget that most of the credit for cutting poverty for the elderly really belongs to Social Security.

As recently as 1959, 35 percent of the elderly were poor. By 1979, we had gotten it to only 15 percent. And in 1996, it was 11 percent. And when we say the elderly are poor, who we are really talking about are elderly women.

I have given my colleagues the wages for full-time, year-round workers. But only 56 percent of women are in this category at all. Seventy-two percent of men are in this category. And we can see how that would translate into retirement income.

In essence, we are not talking about retirement when we talk about Social Security; we are talking about a family protection system. Because not only are the main beneficiaries women who have almost no work history, but they include disabled family members and deceased family members.

For all of the talk about private accounts, there is almost no talk about how to deal with people who have no accounts or people whose accounts would be very shallow because they have so little work history.

We need to protect Social Security in the name of America's women, not change it. We need to shore it up, not shift it. It is structured now to help the elderly who fit the profile of the average elderly woman. That is who we have in mind. That is why it is progressive. That is why it is inflation adjusted. That is why it has lifetime benefits. That is why it has dependent benefits.

The shift to personal accounts, of course, takes away the progressivity that has been critical to lifting elderly women out of poverty. And in personal accounts they get what they put in, if that, plus what the market gives them, if anything.

Let us start with where women are. Women put in less as workers or of course as housewives, where they stand to lose altogether. The progressive formula now in place for Social Security means higher benefits to low earners. That translates into women.

I do not think we want to say to America's women we want to have them depend on the market when we consider the fluctuations up and down in their income. If we say that to women, we in effect are saying to women they lose.

□ 1745

And homemakers, above all, beware, because this system has you in mind even before it has working women in mind of any description, including those who work part-time. It is homemakers, women who have spent their working life caring for a family, who are the major beneficiaries of the present structure of the Social Security system. Above all, we should remember that the market has no spouses or widows benefits.

Women have two characteristics that mean that they must insist that any new system retain them when any new structures are put in place. One, of course, is less earnings. And the other is living longer. Imagine, living longer can hurt you. It certainly can hurt you if you have a system that is different from our own because you could exhaust your retirement income. You can never exhaust your Social Security income. Moreover, less earnings is going to be true for the foreseeable future. We hope not forever. Women spend 15 percent of their careers out of the labor force.

Finally, let me say that I am sorry to inform you that the gap in life expectancy between men and women is not likely to decrease. By the year 2030, for example, the actuaries tell us that there will be almost no decrease in that gap, which means that women are going to continue to live longer. Men may live longer as well, but this gap is going to be here and that gap translates into a need for income from somewhere. We are not going to get it from the market. We do get it now from Social Security.

Any change in the Social Security system ought to, therefore, be sure to bear in mind that it is a system that involves your mothers and your grandmothers, your aunts and your female cousins. We want to protect men every bit as much, but the demographic facts of life, the actuarial facts of life, are that it is women who stand to be the biggest losers.

Mr. Speaker, I am pleased to yield to the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Speaker, when I last rose to speak, I told you a little bit about my district. I represent southern Nevada which is Las Vegas, Nevada. I represent the fastest growing district in the United States. I have the fastest growing veterans' population. I also have the fastest growing population of women seniors in the country.

Women comprise over 60 percent of all Social Security beneficiaries. Therefore, women in Nevada would feel significantly the impact of any changes to the current Social Security system. It is my job, it is my responsibility to ensure that their financial security is not undermined. Instead, that it is strengthened.

Like most Nevada women, I fear that privatization of the Social Security system would risk the retirement benefits of millions of female beneficiaries throughout the country.

As an example, I would like to profile someone that I have known since I was a young girl, a woman that I represent who lives in Las Vegas. Mrs. Lois Olsen is currently existing on her and her husband's Social Security benefits. Sadly, her wonderful husband Fred is suffering a life-threatening illness, a toxic reaction to his medication. He is in the hospital as I speak. During this difficult time, Mrs. Olsen is thinking about how she would live if she were to lose her husband and half of her benefits. Will she be able to afford the upkeep of her mobile home? Will she have to choose one day between buying food to eat or prescription drugs to live? While these are agonizing concerns, Mrs. Olsen knows that the current Social Security system will not allow her to plummet into poverty. Mrs. Olsen, however, is not so sure about the future, not so sure how privatization of the Social Security system would affect her daughters and her granddaughters. She fears privatization, because it lacks the built-in protections for women that our current system now has.

There are reasons why our Social Security system is the most successful social insurance program in the world. It provides a guaranteed benefit that lasts as long as you live. It is a guaranteed benefit that is risk-free. And it is a guaranteed benefit that is annually updated based on the cost of living adjustments.

Strengthening Social Security based on these fundamental components may not be easy, but the majority of southern Nevadans believe that a risk-free, guaranteed benefit is worth fighting for. It is worth working for. They all cannot be here to fight for this issue and to work for this issue. They have sent me here as their voice. That is why what we do not want to happen is have a privatization solution that puts women in particular in uncertain and unstable situations during their senior years.

There are substantive reasons why women fear privatization. Women earn only about 74 percent of what men earn. Based on this factor alone, women like Mrs. Olsen would have much less to invest than any other Americans. We also know that women spend roughly 11.5 years out of the workforce caring for their children and their families. This reduces retirement benefits once again. Finally, it is well known that women live an average of 7 years longer than men. These factors dictate that women would receive far smaller monthly retirement checks should we privatize the Social Security system. Without Social Security benefits, the majority of elderly women in our great Nation would be plummeted into poverty.

At this time, when Congress is considering Social Security reform, it is important that we remember the spirit and the reason for which it was created. It is a guaranteed benefit to ensure that when someone like Mrs. Olsen retires, she will not live in poverty. It is a guaranteed benefit to ensure that when heart-wrenching circumstances like death and disability, when they occur, and they unfortunately do, that the surviving spouse will have means to survive.

I urge my colleagues to stand firm, to protect and strengthen our current Social Security system that President Franklin Roosevelt vowed would defend Americans against a poverty-ridden old age. When one realizes that two out of every three seniors depend on Social Security for more than half of their income, it is easy to understand why we must strengthen this program. It is our Nation's most successful social program. It is worth saving. It is worth protecting. It is worth fighting for. Let us prove to all of our constituents, to all Americans, that we can work together for the common good. Let us protect women, seniors, the disabled and our children, all of whom depend on this very important program.

The people of my district, the people from Las Vegas, like to gamble. We are used to it. But Social Security is an issue that they are not willing to gamble with. Privatization of the Social Security system would be like playing Russian roulette with their lives. Their lives are important enough and valued enough for us in this country that we must not play Russian roulette with them.

My constituents have sent me a message loud and clear. They tell me, Do not privatize Social Security. Do nothing that will take the "security" out of Social Security.

Ms. NORTON. Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my esteemed colleague the gentlewoman from the District of Columbia (Ms. NORTON) for yielding, and I am so pleased to participate today, because as we grapple, and we are, and we will and we must, grapple with this issue of Social Security, one of the most critical aspects of the analysis is recognizing the unique role that this wonderful program, securing the lives of our seniors, plays in the lives of women. As has been stated, more than half of the recipients of Social Security, 60 percent, are women. And we women depend on these benefits for a longer time and for a greater proportion of our income than do men. In addition, the poverty rate among women over 65 would nearly triple if Social Security were taken away. For these reasons, we must think very carefully before radically changing Social Security from a government safety net to a private investment program. Social Security is especially important to women senior citizens during this discussion for several reasons. The bottom line is that the benefits are disproportionate. Currently, women receive fewer benefits than do men.

This is for several reasons, as I mentioned. First, women continue to earn less than men. Currently the average woman earns about 75 percent of what the average man makes in annual earnings. Second, the man's connection to the workplace is very strong and firm. The woman's connection to the workplace is much more tenuous. Women are much more likely to interrupt their careers to stay home and raise children, or to stop working in order to provide care for elderly parents and other relatives. On average, women spend 11.5 years out of the workforce during their working lives. These two factors mean that building a personal savings is more difficult for women. Recent studies show that on average a woman's pension is worth only slightly more than half of a man's pension. Women also live an average of 7 years longer than men do and therefore run a much higher risk of exhausting any personal savings and, therefore, must rely on Social Security for almost all of their retirement income in so many instances.

The underlying idea behind Social Security has been that in concert with a company's pensions or today's 401(k) plans and personal savings, Social Security should be one of the three legs for a family's retirement stool. This remains as important today as when this program, Social Security, was started in the 1930s. Converting the program to just another retirement program based strictly on earnings would do a disservice to millions of women and increase the already high rate of poverty among elderly, single, widowed women.

I am committed to working with my colleagues who join us on the floor today, and we are determined to ensure that Social Security is made solvent for the long term, and that any reforms take into consideration the very unique role of all of the women in our economy.

Ms. NORTON. I thank the gentlewoman for those comments and yield to yet another gentlewoman from California.

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from Connecticut (Ms. DELAURO) and the gentlewoman from Florida (Mrs. THURMAN) for all of their work on strengthening and improving our Social Security system and paying particular attention to the needs of women.

Right now, we have a plan from the President to strengthen the future of Social Security. In contrast, the majority party supports a plan that would replace Social Security with a complicated system of individual accounts that would benefit high-income individuals, particularly men, and endanger the parts of Social Security such as the standard of living index that are so very important to women.

Being just a few years shy myself of legal retirement age, I have a good idea how women across the Nation are feeling about the safety net of Social Security. I know that many retired women count on Social Security income to meet their basic needs, food, clothing, shelter. Twenty-five percent of unmarried women rely on Social Security benefits as their only source of income.

☐ 1800

A recent GAO report showed that 80 percent of women living in poverty were not, and I would like to emphasize "were not" poor before their husbands died. Because a woman lives an average of 7 years longer than a man, the danger of her golden years turning into years of poverty and struggle is very real.

In this great country, women earn 76 cents for every dollar a man earns. In fact, women earn much less than men over their lifetime because even those in high-paying positions tend to leave the work force to give birth, to raise a family and to care for parents. This means many women must truly depend on their Social Security benefits. If we privatize Social Security, as some people want to do, this could cut spousal benefits by at least one-third because women earning less over the course of a career have much less to invest. Also, because women generally live longer, annuity companies could shrink their monthly benefits and privatization would not adjust benefits annually for the cost of living.

This is not the first time women in Congress have gathered together to talk about the special needs of women, and I am sure it will not be the last time. But with Social Security the stakes are high and the issues are complicated. We cannot proceed with reforming our Social Security system without addressing how each and every proposal will affect women. We need to seize this day to ensure that Social Security reform includes the unique and overwhelming needs of women in this Nation.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for her comments, and I yield now to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, to my great colleague from the District of Columbia (Ms. NORTON), to the gentlewoman from Connecticut (Ms. DELAURO) and the other women who have come together for this special order on women and Social Security, I thank them very much. As a newly-elected Member of this body, I welcome the opportunity to speak to this most important issue.

As a member of the baby boom generation, I have benefitted from social changes that have made it easier for women to achieve success in the work force. Women of my generation have enjoyed opportunity never realized by previous generations in this country. Blessed with the ability to pursue my goals and dreams, it is my pleasure to join my colleagues in this debate to ensure the security of our mothers, grandmothers, our own daughters and granddaughters.

Women typically outlive their mates. This is not ground breaking news, but it does mean that there is a greater population of single women over 65. These women live an average of 19 years past the age of 65 and need expensive prescription medicines, deserve quality care from physicians and still must make ends meet at home.

A comfortable retirement is something every American looks forward to and deserves. For many women retirement years are not what they expect. Unlike most men, women of a retirement age do not usually have a pension on which they can rely. Women who do earn a pension find their income is significantly less than men on the average of nearly 5,000 annually.

Here is the problem:

The average income of women over 65 in 1996 was nearly $9,300, while a man over 65 in 1996 had an income of about $16,200. For those who cannot tell, men over 65 in 1996 earned almost twice what women did during the same time.

We all know there is a difference in pay between men and women, but having such a difference in retirement pay is dangerous. I commend President Clinton for addressing the pay and equity in the State of the Union and look forward to his action.

We talk about a surplus exhaustively, but at the same time there are single women in this country living in poverty. The percentage of women living in poverty who are either divorced or separated is nearly 28 percent, and those who have never been married living in poverty is above 23 percent.

The problem is not going to fix itself. Although wages for women have increased over time, they are still less than most men. Data shows that of 1997 women earn 74 percent of the wages of men for full-time work.

There are several programs we consider to help older women on Social Security and Medicare. As a body, I urge my colleagues to strengthen the survivor benefits aspects of Social Security. Today nearly 74 percent of the widows receive benefits based upon the earnings of a deceased spouse. We must not take away a widow's benefits in our efforts to alter Social Security and the Medicare system. We need to prevent proposals seeking to withdraw Social Security and Medicare dollars prior to retirement.

The women we talk about living on Social Security and Medicare are mothers and grandmothers. In some case we are talking about women who are providing primary child care for grandchildren or other relatives. In other cases women work several jobs simultaneously to provide for their families over the years.

Unfortunately, these jobs might have been either part-time or for short periods of time, not allowing for a pension. The traditional role of woman as a caregiver for both child and parent means that many women are now at a huge disadvantage. This is especially true for minority women. African Americans and Hispanics over the age of 65 are 2 to 3 times likely to be living in poverty.

Part of the reason for this race poverty rate is the fact that their income has been traditionally less for minorities. For every dollar a white household has earned, the black family earns 27 cents while Hispanic families earn 30 cents. This history of inequity makes retirement extremely difficult on minority women trying to live on Social Security and Medicare. These women have cared for their families, and now we must provide the care they need.

We urge our colleagues to give them better Social Security and Medicare benefits. We must ensure that they can eat, that they are healthy and that they are able to afford the things needed to live and continue to mother us. By helping women on Social Security and Medicare now we will help those women who will be on the rolls in the future.

Mr. Speaker, I thank my colleagues for the opportunity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The balance of the hour allocated by the minority leader may be controlled by the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I want to say thank you to my colleagues, my colleague from Ohio. Let me say a thank you to my colleague, the delegate from Washington, D.C., who took the charge of this special order with my having to do something else for a few minutes, but it is a great turn out of Members on this floor today on an issue and an area that is critical particularly at this point because we are at the threshold of discussing where Social Security is going for the next 75 years, and, as part of this effort, women, and the effects currently of Social Security on women and what happens when the Social Security system changes is incredibly important and critical to women in our society. So I thank my colleagues so much for participating and for their good words.

Mr. Speaker, I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I want to express my deepest appreciation to the Women's Caucus for taking the time this afternoon and engaging discussion on Social Security.

Somewhere along the line of our political discourse the whole subject of Social Security has become one of enormous breadth, there is a sense of urgency that hangs on to this issue as people discuss it, notwithstanding the fact that I often tell my constituents who are most worried, and these are generally the elderly women that come together in various organizations; I tell them that Social Security is perfectly safe now, it will be probably in some fiscal strain in the year 2014, but it is the year 2032 when the whole system will come to a financial standstill because there will be insufficient moneys. For the first time Congress has an opportunity to really look at this issue, and to debate it and to come up with some long-term solutions for the financial security of this system.

I am here today because I know that the elderly women in my State are very deeply concerned about this issue. They receive mail, they belong to all sorts of elderly organizations that continue to tell them about the crisis, and they have this mounting fear that truly they are not being dealt with fairly. Their number one concern, of course, is that we do nothing to jeopardize the stability of the benefits they are now receiving on a monthly basis. The benefits may be very low and insufficient, but they do not want any sort of discussion or formulation of a new plan which will in any way jeopardize their opportunities to survive, and this is what brings us to the floor tonight to debate this issue, because women across America have the greatest stake in this whole debate on Social Security. They are the ones that are most dependent upon the Social Security monthly benefits. It may not be very much, but they depend upon it, and therefore we have to pay special concern to this population and make sure that whatever formulation arises out of this debate, that that very minimal, modest monthly benefit that they are now enjoying is in no way jeopardized.

So when we get to the discussion of privatization, immediately their concerns are even more exacerbated because they are concerned about what this means. Putting the assets of Social Security into a private sort of investment; how are they going to be able to handle it? What do they know about the stock market? And how are they going to be able to make the decisions should that be the course that we take? So, they feel very much in jeopardy, and we need to take into consideration the fact that whatever plan we come up with does not leave this very large group of Americans in quandary, in jeopardy, in fear of losing the benefits they now enjoy.

Social Security today pays cash benefits to 44 million retired, disabled and other dependents and survivors. That is a very large constituency that we are affecting every time we talk about a, quote, solution in the long view. One out of 6 Americans receives Social Security. Social Security benefits make up half of the income of 66 percent of Americans over age 65. That is a very large part of our constituencies, and the important thing to remember however we feel about the system, that it has kept these individuals out of poverty.

Mr. Speaker, if we did not have Social Security, these individuals, at least 50 percent of them, would be in poverty today, and those are the individuals for which we must have special concern. Sixty percent of all Social-Security-aged recipients are women, and so we stand today here as members of the Women's Caucus of this Congress because we have a special responsibility to acknowledge our debt, our obligation, our responsibility to the 60 percent of these recipients who are female. Seventy-two percent of the Social Security recipients aged 85 and over are women, and the population is aging, women live longer, and therefore the older our population grows. The women basically have lower benefits because for many, many years they were child bearing, child rearing, they could not get a job, and what jobs they could get were very low paying, and therefore the benefits are very low, and therefore they make up the lower sector of our benefit scale.

So overall the history of the women's participation in the Social Security program is as very low income beneficiaries, very much on the verge of the poverty category, very vulnerable, so whatever proposals this Congress deals with, we plead as special representatives of this constituency, as spokespersons of the Women's Caucus, that this House pay special heed to the concerns, considerations, agonies and concerns of the women of America.

□ 1815

To this point, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding me this time. I hope the Congress will heed the words of the Women's Caucus.

Ms. DELAURO. Mr. Speaker, I want to thank the gentlewoman from Hawaii (Mrs. MINK) for her comments. If I might, the gentlewoman pointed out some very specific issues that face women directly and talked about some statistics. I think it is important just to get a few more of those statistics on to the record here that are truly incredible about women's dependency on the Social Security system. Women make up roughly half of America's population. They account for 60 percent of Social Security beneficiaries.

As has been pointed out, three-quarters of widowed and unmarried elderly women rely on Social Security for over half of their income. The median income of women over 65 in 1996 was around $9,300. Men over 65 have a median income of approximately $16,200, twice that, almost twice that, of women.

Older white women had a median personal income of $9,900. Older black women's median income equaled approximately $7,100. One-fifth of older black women received less than $5,000 and nearly three-fourths had annual incomes under $10,000. Older Hispanic women's median income equaled around $6,400. Thirty-two percent had personal incomes under $5,000, and 80 percent had incomes under $10,000.

Women are so dependent on this system that at their peril, and our future peril, if we are not mindful of these kinds of statistics and how we have to have a system which allows for women today to be beneficiaries of a Social Security system, and that if we change it radically and we move to this privatization effort, that women will, in their older years, be placed further and further and further in poverty, because women are living longer and they earn less and they are in and out of that work force because of family needs. Whether it is for their children or whether it is for their older parents these days, women find themselves caught in between.

So I thank the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker will the gentlewoman yield?

Ms. DELAURO. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Speaker, another important point, a lot of women feel, well, we are getting ahead, equal opportunity. We are going to college, we are getting better jobs, but the statistic that is really glaring is that the average female college graduate earns less than the average earned by a male high school graduate.

Now that shows the income disparity. We all know that the formula for Social Security is based upon income. So right off, the women, even the college graduates, are getting much less under Social Security than the men and therefore our special concerns have to be noted.

GENERAL LEAVE

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Ms. LEE. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentlewoman from California.

Ms. LEE. Mr. Speaker, I just want to thank my colleagues, the gentlewoman from Connecticut (Ms. DELAURO) and the gentlewoman from District of Columbia (Ms. NORTON) for making sure that women are put front and center in this debate on Social Security.

So often women have been really an afterthought in the public policy debates of this United States Congress.

In his State of the Union address, President Clinton vowed to use a major portion of the Federal budget surplus to strengthen Social Security. The President has given us a plan which will secure Social Security to the year 2055. Now, I wholeheartedly endorse the President's guiding principles in reforming Social Security. He said when we judge any plan to save Social Security, we need to ask whether it cuts the poverty rate among single elderly women and other groups in our society that are at risk.

Social Security has been instrumental in reducing poverty in the United States. It often has been the only source of income which has kept the elderly women and people of color out of poverty.

As was pointed out earlier, 60 percent of older Social Security recipients are women who earn less than men and are more likely to depend on Social Security for most, if not all, of their retirement income. Thirty-one percent of elderly African Americans and 28 percent of Latinos have been lifted out of poverty because they received Social Security benefits.

Privatizing Social Security should not be an option. We have witnessed the stock market go up and down. It makes no sense, in fact it is wrong, to put any portion of a person's Social Security subject to the whims and the uncertainty of the stock market.

We also must not forget that Social Security is an insurance program, not simply a source of retirement. The system provides life and disability insurance, which guarantees protection for families and workers. Without this protection, many American workers, especially women and people of color, would be doomed to live under poverty conditions.

Social Security is the essence of America's social insurance program. This Congress must pass a plan to preserve Social Security for women, for people of color, for all Americans. Our mothers, our grandmothers, our great grandmothers, our aunts, our sisters, our nieces and, yes, our daughters are relying on us to secure their future.

Ms. DELAURO. Mr. Speaker, I want to thank the gentlewoman from California (Ms. LEE) for her remarks and especially her last commentary, which was really eloquent. This is a responsibility that we have, and those of us who are engaged in the debate which is happening now, and part of the reason for the special order, is public education. I am not sure the extent to which the public knows that we are engaged in a very serious and will be in a serious debate about the future of Social Security, and I am not sure that there is a great body of knowledge out there that understands what the risks are for women and that whatever problems we may have with the Social Security system, if women are left unprotected because the current progressive benefit formula is no longer there, and that is people earn less who now have more and that women are dependent or likely to be dependent and that will go away if there is privatization and there is, in fact, a cost of living every single year on Social Security and if it is privatized and money goes into an account, there is no longer a cost of living, it is at the whim of the stock market that they will be engaged and, in fact, that over the lifetime of retirement that every month they get that annuity that goes away as well.

For all the difficulties that people may have, again, as the gentlewoman's commentary stated, it is just our sworn obligation and it is the valves that we hold that make this so important an issue for women in this country. I thank the gentlewoman very, very much for participating tonight.

Ms. SCHAKOWSKY. Mr. Speaker, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentlewoman from Illinois, a new Member of this body, not a new Member to these issues, and someone who is not afraid to stand up and be counted on a whole variety of issues.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding me this time.

Mr. Speaker, it is fitting that the gentlewoman says that this is really an educational process because I have to say as I have myself been looking into this issue I have found so many really startling facts about the way that Social Security has changed the life of women and how women in our society depend so heavily on Social Security.

As the gentlewoman mentioned, this is a woman's issue. Sixty percent of the Social Security beneficiaries are women. In my district, I have the largest concentration of elderly people living alone. Most of those people are women and they rely heavily on Social Security.

We know that one out of every four unmarried older woman relies on Social Security for all of their income. That is a pretty startling fact right there. That we are talking about Social Security, everybody knows we do not get rich off Social Security and yet one out of every four women is relying on Social Security for all of their income. Imagine if there were any cut in that what would happen, how the poverty level would soar.

We know that despite recent gains that women are still discriminated against in terms of income. Women earn 74 cents for every dollar that men earn, but in Illinois it is even worse. Women earn 72 cents for every dollar that men earn.

Women are more likely to have gaps in their employment, and I did not know this but the average woman spends over 11 years out of the work force on average because women still bear the majority of responsibility for caring for children and family members with illness and chronic diseases. So their employment history is more spotty.

Women are less likely to receive private pensions. Only 38 percent of women have pensions compared to 57 percent for men, and even when women do have pensions, private pensions, they are liable to be much lower.

Women are more likely to be part-time workers, work in service and retail industries that do not offer pensions, change jobs more frequently and therefore they are less likely to be vested in pension plans.

Older women are less likely to be wage earners. Another surprising fact to me, 37 percent of women beneficiaries have no earning history at all. The majority, 63 percent of women beneficiaries, receive wife's or widow's benefits on their husband's earnings. So what we find is that the Social Security system really does work for women.

Social Security benefits that women receive are guaranteed for life. Unlike private individual accounts, Social Security benefits are safe, reliable, guaranteed for life.

I think it is worth pointing out that never in the history of the United States has a Social Security check not shown up for lack of payment by the government. It may not show up for other reasons at the post office box, but it has never not shown up because the government has not issued a Social Security check. This is a totally reliable system.

Social Security benefits protect against inflation as many other plans do not. Because of the cost of living increases that are built into Social Security, women have an anti-poverty protection right there. Private investments do not protect against inflation or devalued investments.

Women live an average of 7 years longer than men. Private accounts place women in danger of outliving their accumulated funds. Under private accounts, women could live their most vulnerable years in extreme poverty.

So I am just so glad that the President has made as a top priority using the surplus funds to make sure that we have a Social Security system that is going to be there when I retire, that is there for many of us in the baby boom generation who are worrying about elderly parents, making sure that those benefits are going to be there for them.

As my colleague, the gentlewoman from California (Ms. LEE) said, as to our daughters, and our children as well, we want to make sure that into the future that women can rely on that. Obviously we want to see those wage gaps closed. We want to see women earning as much as men. We want to make sure that women can rely on Social Security being there when they retire.

Ms. DELAURO. Mr. Speaker, I want to thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her comments. An issue that we are not talking about here tonight but we will sometime very soon is all about pay equity and the Paycheck Fairness Act, a piece of legislation that is there which the President has endorsed, which talks about women only making 74 cents on the dollar. That is true for professional women, for all women.

Women have to work an extra four months in order to make the same amount of money that men do; clearly not fair. These things are not separate and because women earn less, in fact that if we went to a system where there was investment that they are going to have less money to invest because of the way our system is structured today.

□ 1830

So that is an important issue, one which we will talk about at another time.

I yield to the gentlewoman.

Ms. SCHAKOWSKY. Mr. Speaker, it is true that because of wage discrimination during working years that women carry that disadvantage with them into retirement years, and that is why Social Security is so important. Also, as the gentlewoman said, the fact that it has a progressive system of payment helps to ameliorate somewhat the fact that women have these lower pay scales.

Ms. DELAURO. Mr. Speaker, reclaiming my time, I have an 85-year-old mother and she once said to me, and not too long ago, she said, you know, Rosa, these were supposed to be the golden years, she said, but, they are the lead years.

She was just generally expressing the frustration that many elderly women face. But it is not only my mother, my mother's generation, it is our generation, it is our children's generation. And they are not women's issues, neither the paycheck fairness bill nor what we are talking about tonight with Social Security and its effect on women. These are family issues. And it in fact speaks to where our values lie, because if one does have an elderly parent, an elderly mother, and if this system works against them, where do they turn? They turn to their families, if they have families, and hopefully they do, that they are not out there by themselves; they turn to you, they turn to me, and they turn to others. They are going to need help.

That means that we owe an obligation to our parents to be able to take care of them. Our children are going to owe an obligation, feel an obligation to us if this system changes. We all want for our children the very best so that they are able to make their future and their lives and to be able to succeed. No one wants to be a burden or a drain, the same as my mother feels that way, and I am sure the gentlewoman's folks do. We do not want to do that to our kids. We want to maintain some dignity, some independence, and that is what Social Security has meant to people in this country, and particularly with what we are talking about tonight with women in this country.

Mr. Speaker, I want to thank the gentlewoman again for sharing in the Special Order with me this evening.

We are going to try to continue this effort of raising the issues that are important, and particularly with regard to Social Security, over the next several months. This debate will be ongoing.

I have introduced a resolution in the House which has now been cosponsored by 108 Members to keep the spotlight on this issue. The resolution calls on the Congress and the President to take into account the unique obstacles that women face when considering proposals to reform Social Security. We are also going to ask all 108 cosponsors to join in signing a letter to the Speaker of the House and to the chairman of the Committee on Ways and Means to help us to bring this resolution to the floor of the House for a vote, because what it does is to elevate and talk about the importance of this issue.

Each of us, and men and women in this body, I believe, need to take this message, not only deliver it here on the floor of the House, from the well of the House, but we need to take it each to our own districts. We have an obligation to engage the public and to be involved in a public education campaign about Social Security and about its effects on women. That is what we are going to try to do over the next several months in this body.

Mr. Speaker, I would like to say for the reasons that have been talked about here tonight, it is critically important.

I now yield some time to the gentlewoman from Florida (Ms. BROWN).

BUDGET FOR VETERANS SERVICES

Ms. BROWN of Florida. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I would like to take a few minutes today to talk about the budget for veterans services. Today, before the Committee on Veterans Affairs, the Disabled American Veterans expressed their disappointment with the dangerously low funding levels for veterans services.

As the latest issue of DAV Magazine tells us, we are in a budget disaster. DAV is a member of the Independent Budget, which has helped us in finding the places in the proposed VA budget that are dreadfully underfunded.

I agree that the flatline budget in a period of serious health cost inflation is a budget reduction, and a flatline budget with important new initiatives is also a budget reduction. We are all talking about giving away the budget surplus. Let us keep in mind that there is no surplus when all of the bills have not been paid. Let me repeat that. There is no surplus when all of the bills have not been paid, and we owe our veterans.

This budget leaves $3 billion unpaid, and we in Congress bear the final responsibility for this. This past Monday, those of us on the committee who saw this need, spelled it out in detail in our "Additional and Dissenting Views and Estimates."

Just last week, the gentleman from Illinois (Mr. EVANS), the ranking Democratic member of the Committee on Veterans Affairs, attempted to introduce a proposal calling for and adding $3 billion to the administration budget and was not allowed to do so by the committee majority. This is not a partisan effort. It is simply a statement of dollars and common sense, and we would welcome Republican support.

We do need $3 billion more for our veterans who put their lives on the line for our freedom and only want what is rightfully theirs. A lot of us talk about how we support the veterans, but talk is cheap. It is important that we walk the walk for the veterans who have given to us in their prime their service to the country. It is time for us to stand up for the veterans.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we discuss various plans for saving Social Security, we must take into account the specific concerns of women. Women represent 60% of older Social Security recipients. Women must be able to depend on Social Security as a foundation for economic security.

Any proposals for Social Security reform must maintain the safeguards for women. Changes in the guaranteed benefit structure would make women more vulnerable to poverty.

The poverty rate for elderly women is higher than that of men. In 1997, the rate for women was 13.0% compared to 7.0% for men. Among elderly unmarried women, the poverty rate is 19%. Without Social Security benefits, the poverty rate for elderly women would be 52.2%. For women of color, the poverty rate is higher than that for white women. Approximately 30% of African American women 65 years and older live in poverty. The percentage for Hispanic women is 28% compared to 11% of older white women.

Women are living longer than men at an average of six years and exhaust other retirement income resources sooner. Thus, women become more dependent on Social Security as they get older. Three-fourths of unmarried and widowed elderly women rely on Social Security for more than half of their income.

Although working women earn more than past generations, women earn an average of 75 cents for every dollar earned by men. There is a disproportionate effect of the wage gap on women of color. While white women earn 71.9% of the earnings of white men, African American women receive 62.6% and Hispanic women receive 53.9%. Women also tend to work in traditionally lower-paid occupations such as sales, clerical and service positions. Women of color are highly represented in these low-wage earning occupations.

Women spend an average of 11 years out of the workforce to care for children or elderly parents. Because of these care giving responsibilities, women change jobs more often than men. Overall, this means that women typically receive less than Social Security when they become eligible for benefits.

Women work more part-time and temporary jobs than men and are less likely to receive a pension. When women do receive pensions, their pensions are worth less than those received by men.

Social Security must make women feel secure as they approach retirement. We need to propose changes such as a benefit formula that is generous to low-wage earners, yearly cost of living increases, and survivor benefits for the lower earning spouse. We must consider these concerns as we propose to reform the Social Security system.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to today to address the needs of women, especially young widows, as we debate the future of Social Security. I know personally what it is like to be widowed at a young age. My husband, Dennis, was killed by a gunman and my son was seriously injured when I was 50 years old. I spent weeks taking care of my son in the hospital nursing him back to health. At that point the last thing on my mind was my future income security.

But as my son's condition improved, the financial consequences of my husband's death became more and more real. I had worked for many years as a nurse, but took time off to raise my only child. I thought to myself, will I have enough money to pay my son's hospital bills? How will I get by once Kevin is back on his feet? How will I pay my mortgage, buy groceries and make car payments?

These are thoughts that thousands of women have each year when their spouse dies young, be it from violence or sickness. Think of the two widows of the Capitol police officers tragically killed here last summer. If it weren't for the fund established by our Capitol Hill community, would they have the means to provide for their children and pay their bills? Scores of women everywhere ask themselves this same question every day.

As we debate the future of Social Security, it is critical that we take the different circumstances of women into account. Women are more than half of the population. They are also a significant majority of those 62 and over. And when it comes to Social Security, we are often left behind and at a disadvantage. Many women take lower paying or part-time jobs that do not provide pensions. Women earn less than men. Women do not spend as much time in the workforce as men. Women live longer than men by an average of seven years. And the list goes on.

The unique challenges faced by all women are even worse for young widows. For example, many women take time off to raise children and work at lower paying jobs or part-time jobs. They expect their husbands to work enough time to establish their retirement. It's part of being in a partnership.

This is not a Democratic or Republican issue. We should not let politics get in the way of doing what is right. Millions of women—those on Social Security right now and those who will depend on it in the future—are depending upon us to keep this program strong and accessible. We must address their needs.

Ms. DeLAURO. Mr. Speaker, I thank the gentlewoman for her comments and for her passion with regard to what is happening to veterans in our country.

Mr. Speaker, with my remaining time, let me just say that we will continue to focus our time and effort on talking about issues that we believe are relevant to the people in this country and focus our time and attention on Social Security and its effects on women.

SOCIAL SECURITY AND ITS IMPORTANT BENEFITS TO WOMEN

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, Social Security is this Nation's foremost family protection plan. As the 106th Congress considers proposals to reform the current Social Security system, it is critical that we take the different circumstances of women into account.

I have several examples of women that have faced problems in their elder years and have relied heavily on Social Security. I am just going to put them in the RECORD. But I would like to point out that women earn less than men. For every dollar men earn, women earn 74 cents, which translates into lower Social Security benefits. In fact, women earn an average of $250,000 less per lifetime than men, considerably less to save or invest in retirement.

Women are half as likely than men to receive a pension. Twenty percent of women versus 47 percent of men over age 65 receive pensions. Further, the average pension income for older women is $2,682 annually compared to $5,731 for men.

Women do not spend as much time in the workforce as men. In 1996, 74 percent of men between the ages of 25 and 44 were employed full time, compared to 49 percent of women in that age group.

Women spend more time out of the paid workforce than men do in order to raise families and take care of aging parents, and this is reflected in their Social Security payments. Women live longer than men by an average of 7 years. Social Security benefits are the only source of income for many elderly women. Twenty-five percent of unmarried women, widowed, divorced, separated or never married, rely totally on Social Security benefits as their only source of income.

Not only will these women find themselves widowed, they are likely to be poor. A recent report by the General Accounting Office showed that 80 percent of women living in poverty were not poor before their husbands died. The financial outlook for elderly women is pretty grim. The poverty rate among elderly women would be much higher if they did not have Social Security benefits.

In 1997, the poverty rate among elderly women was 13.1 percent. Without Social Security benefits, it would have been 52.2 percent. For elderly men the poverty rate is much lower at 7 percent. If men did not have Social Security benefits, the poverty level among them would increase to 40.7 percent.

Social Security's family protection provisions help women the most. Social Security provides guaranteed inflation protection, lifetime benefits for widows, divorced women, and the lives of retired workers. Mr. Speaker, 63 percent of female Social Security beneficiaries aged 65 and over receive benefits based on their husband's earning records, while only 1.2 percent of male beneficiaries receive benefits based on their wive's earning records. These benefits offset the wage disparity between women and men.

Mr. Speaker, as we move forward with reform of our Nation's Social Security system, we must remember that women face special challenges. It is my hope that many of the contributing economic factors, such as pay inequity, will soon be eliminated. In the meantime, Congress must take the economic well-being and security of women into account when discussing reform.

Women are clearly at a disadvantage when facing retirement, and poor, elderly women have the most at stake in the Social Security debate. Any reform that is enacted must keep the safety net intact. Our mothers, our daughters and our granddaughters are counting on us.

Mr. Speaker, I have additional documents that I will submit for the RECORD at this time.

Social Security is this nation's foremost family protection plan. As the 106th Congress considers proposals to reform the current Social Security system, it is critical that we take the different circumstances of women into account.

Lucy Thomas' story illustrates many of the key issues.

Mrs. Thomas is 83 years old. She worked for 35 years as a waitress, earning less than minimum wage. At the same time, she reared two daughters, and cared for both her father as he became increasingly disabled with rheumatoid arthritis, and for her grandmother, a farm woman who had virtually no income. She now depends solely on Social Security—$650 a month. At age 71, she moved in with her daughter, Marilyn, because she could no longer work outside the home to supplement her Social Security income.

As a waitress and a bartender, Thomas and her husband barely made enough money to pay for their daily living expenses. Mrs. Thomas does not have a pension, nor does she have income-generating savings. Her current income consists of about $8,000 a year from Social Security. She is one of the nation's elderly poor. Of that amount, $1,600 is used for secondary health coverage. Last year she paid an additional $1,000 in medical costs and another $1,400 for a hearing aid. In the fall, a bout with stomach ulcers forced her to pay over $200 for prescription drugs. Her daughter purchased most of her clothing and paid for her room and board for the past 12 years. Social Security is a real factor in her ability to survive with some dignity in her old age.

Mrs. Thomas' story is not unique. Many women come to rely heavily on the Social Security System when they retire, for a number of reasons:

Women earn less than men. For every dollar men earn, women earn 74 cents, which translates into lower Social Security benefits. In fact, women earn an average of $250,000 less per lifetime than men—considerably less to save or invest in retirement.

Women are half as likely than men to receive a pension. Twenty percent of women versus 47 percent of men over age 65 receive pensions. Further, the average pension income for older women is $2,682 annually, compared to $5,731 for men.

Women do not spend as much time in the workforce as men. In 1996, 74 percent of men between the ages of 25 and

44 were employed full-time, compared to 49 percent of women in that age group. Women spend more time out of the paid work force than do men in order to raise families and take care of aging parents.

Women live longer than men by an average of seven years. Social Security benefits are the only source of income for many elderly women. Twenty five percent of unmarried women (widowed, divorced, separated, or never married) rely on Social Security benefits as their only source of income. Not only will these women find themselves widowed, they are likely to be poor. A recent report by the General Accounting Office (GAO) showed that 80 percent of women living in poverty were not poor before their husbands died.

The financial outlook for elderly women is pretty grim. The poverty rate among elderly women would be much higher if they did not have Social Security benefits. In 1997, the poverty rate among elderly women was 13.1 percent. Without Social Security benefits it would have been 52.2 percent. For elderly men, the poverty rate is much lower, at 7 percent. If men did not have Social Security benefits, the poverty level among them would increase to 40.7 percent.

Social Security's family protection provisions help women the most. Social Security provides guaranteed, inflation-protected, lifetime benefits for widows, divorced women, and the wives of retired workers. Sixty three percent of female Social Security beneficiaries age 65 and over receive benefits based on their husbands earning records, while only 1.2 percent of male beneficiaries receive benefits based on their wives' earning records. These benefits offset the wage disparity between women and men.

As we move forward with reform of our nation's Social Security system, we must remember that women face special challenges. It is my hope that many of the contributing economic factors—particularly pay inequity—will soon be eliminated. In the meantime, Congress must take the economic well-being and security of women into account when discussing reform.

Women clearly are at a disadvantage when facing retirement. And poor, elderly women have the most at stake in the Social Security debate. Any reform that is enacted must keep the safety net intact. Our mothers, our daughters, and our granddaughters are counting on us.

INTRODUCTION OF H.R. 1129

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii, Mrs. MINK, is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce a bill important to all students—H.R. 1129. Last Congress we passed legislation that allows students to deduct interest paid on student loans. The reason we did so was to make it easier for all Americans to bear the enormous costs of a higher education, and I supported this effort wholeheartedly.

My bill improves this law by removing the current 60-month limitation period for deducting student loan interest. Currently, you can deduct interest on a student loan only if it is within 60 months of when the loan first came due. Simply put, this limitation means that if the student loan is older than five years, you cannot take a tax deduction.

This limitation needs to be removed. Higher education has become increasingly expensive and is creating a financial burden on graduates well beyond the first five years of graduation. In just the last 10 years, total costs at public colleges has increased by 23% and at private colleges by 36%. According to the General Accounting Office, this means that over the last 15 years, tuition at a public 4-year college or university has nearly doubled as a percentage of median household income. Thus, it is becoming harder and harder for students to graduate from college or graduate school without the help of student loans.

Students that graduate with student loan debt start out a few steps behind those without it. It is harder for them to save for emergencies or to invest money for their future. And it is harder for them to meet day-to-day expenses. This tax deduction will help.

We, in the Congress, can send the message that we value higher education and recognize the financial responsibility students have made by allowing the student loan interest deduction for the life of the loan.

This will do two things: It will encourage individuals to go to college or graduate school, and it will reduce the cost of an education. I believe very strongly, Mr. Speaker, that the way to achieve the American dream is through education and that everyone should have this opportunity.

It is absolutely essential that we continue to invest in our most important asset—our children. I urge my colleagues to support my bill, H.R. 1129.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PITTS (at the request of Mr. ARMEY) for today, on account of illness.

Mrs. MYRICK (at the request of Mr. ARMEY) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

Mr. CALVERT, for 5 minutes, on March 18.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. GOSS, for 5 minutes, on March 18.

Mr. FOSSELLA, for 5 minutes, today.

Mr. GARY MILLER of California, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 540 (S. 494).—*To amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.*

ADJOURNMENT

Mrs. MALONEY of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 18, 1999, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1082. A letter from the Assistant Secretary, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Child Care Access Means Parents in School Program Notice of final priority and invitation for application for new awards for fiscal year (FY) 1999—received March 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1083. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Determination

That Pre-existing National Ambient Air Quality Standards for PM-10 No Longer Apply to Ada County/Boise State of Idaho [ID23-7003; FRL-6237-9] received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1084. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon [OR-61-7276; FRL-6307-5] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1085. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Kentucky; Approval of Revisions to Basic Motor Vehicle Inspection and Maintenance Program [KY108-9904a; FRL-6307-8] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1086. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Authority for Hazardous Air Pollutants; Chromium Emissions from Hard and Decorative Chromium Electorplating and Chromium Anodizing Tanks; State of California [FRL-6236-9] Recevied March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois [IL180-1a; FRL-6308-2] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and promulgation of Implementations; Ohio Designation of Areas for Air Quality Planning Purposes; Ohio [OH121-1a;] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1089. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for Emissions of Volatile Organic Compounds (VOCs) from Wood Furniture Coating Operations and Ship Building and Repair Operations [TX99-1-7389a; FRL-6239-5] received March 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1090. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (St. Mary's, West Virginia) [MM Docket No. 97-245, RM-9202] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1091. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sheridan, Wyoming and Colstrip, Montana) [MM Docket No. 98-134, RM-9271] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1092. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Policies and Rules for Alternative Incentive Based Regulation of Comsat Corporation [IB Docket No. 98-60] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1093. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 54-99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1094. A letter from the Director, Defense Security Cooperation Agency, transmitting the FY 1998 security assistance information for the annual report on Military Assistance, Military Exports, and Military Imports; to the Committee on International Relations.

1095. A letter from the Comptroller General, transmitting the Comptroller General's 1998 Annual Report; to the Committee on Government Reform.

1096. A letter from the Comptroller General, transmitting a list of General Accounting Office reports from the previous month; to the Committee on Government Reform.

1097. A letter from the Chief Counsel, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1098. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Hart-Scott-Rodino Act Formal Interpretation 15: Limited Liability Companies—received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1099. A letter from the Assistant Secretary of Labor, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [No. 13-99] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1100. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules for Certain Reserves [Revenue Ruling 99-10] received March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1101. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 99-18] received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 1141. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes (Rept. 106-64). Referred to the Private Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 15. A bill to designate a portion of the Otay Mountain region of California as wilderness (Rept. 106-65). Referred to the Private Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 449. A bill to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes (Rept. 106-66). Referred to the Committee of the While House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 120. Resolution providing for consideration of the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense (Rept. 106-69). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 509. A bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; with an amendment (Rept. 106-67). Referred to the Private Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 510. A bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest (Rept. 106-68). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Florida:

H.R. 1141. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. YOUNG of Alaska (for himself, Mr. Tauzin, Mr. Pombo, Mr. Peterson of Pennsylvania, Mr. Doolittle, Mrs. Chenoweth, Mr. Radanovich, Mr. Cannon, Mr. Shadegg, Mr. Schaffer, Mr. Walden of Oregon, Mr. Hastings of Washington, Mr. Simpson, Mr. Hansen, Mr. McKeon, Mr. Herger, Mr. Hill of Montana, Mr. Gallegly, Mr. DeLay, Mr. Thomas, Mr. Baker, Mr. Skeen, Mr. Thornberry, Mrs. Cubin, Mr. Calvert, and Mr. Bonilla):

H.R. 1142. A bill to ensure that landowners receive treatment equal to that provided to the Federal Government when property must be used; to the Committee on Resources.

By Mr. GILMAN (for himself, Mr. Gejdenson, Mr. Houghton, Mr. Hall of Ohio, Mr. Bereuter, Mr. Goodling, Ms. Ros-Lehtinen, Mr. Payne, Mr. Rohrabacher, Mr. Lantos, Mr. Oberstar, Mr. Bilbray, Mr. Meehan, Mr. Delahunt, Mr. Andrews, Mrs. Meek of Florida, Mrs. Morella, Mr. Pomeroy, Mr. McHugh, Mr. Filner, Mr. Tancredo, Mr. Brown of Ohio, Mr. Faleomavaega, Mr. LaFalce, and Mr. Greenwood):

H.R. 1143. A bill to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes; to the Committee on International Relations.

By Mrs. CHENOWETH (for herself, Mr. Pomeroy, Mr. Traficant, Mrs. Bono, Mr. Shows, Mr. Phelps, Mr. Mica, Mr. Herger, Mr. Chambliss, Mr. Hill of Montana, Mrs. Emerson, Mr. LaTourette, Mr. Sessions, Mr. Bartlett of Maryland, Mr. McHugh, Mr. Norwood, Mr. Doolittle, Mr. Watts of Oklahoma, Mr. Hall of Texas, Mr. Hunter, Mrs. Thurman, Mr. Rohrabacher, Mr. Smith of New Jersey, Mr. Weller, Mr. Watkins, Mr. Edwards, Mr. Sanders, Mr. Regula, Mr. Evans, Mrs. Cubin, Mr. Weldon of Florida, Mr. Coburn, Mr. Kucinich, Ms. Kaptur, and Mr. Thune):

H.R. 1144. A bill to amend the Federal Meat Inspection Act to require that all meat and meat food products, whether domestic or imported, bear a label notifying the ultimate purchaser of meat and meat food products of the country of origin of the livestock that is the source of the meat and meat food products; to the Committee on Agriculture.

By Mrs. BONO (for herself, Mr. Abercrombie, Mr. Bartlett of Maryland, Mr. Bilirakis, Mr. Bishop, Mr. Bonior, Mr. Boyd, Mr. Brown of California, Mr. Brown of Ohio, Mrs. Capps, Mr. Chambliss, Mrs. Chenoweth, Mr. Condit, Mr. Cunningham, Mr. Davis of Florida, Mr. DeFazio, Mr. Delahunt, Mr. Deutsch, Mr. Diaz-Balart, Mr. Everett, Mr. Foley, Mr. Goss, Mr. Hastings of Florida, Ms. Hooley of Oregon, Mr. Horn, Mr. Hunter, Ms. Kaptur, Mr. Kildee, Ms. Kilpatrick, Mr. King, Mr. Kucinich, Mr. Leach, Ms. Lofgren, Mr. Mica, Mr. George Miller of California, Mr. Miller of Florida, Mrs. Mink of Hawaii, Mrs. Myrick, Mr. Ney, Mr. Peterson of Pennsylvania, Mr. Pomeroy, Mr. Quinn, Ms. Rivers, Ms. Ros-Lehtinen, Mr. Sanders, Mr. Sensenbrenner, Mr. Shaw, Mr. Shows, Mr. Smith of New Jersey, Mr. Stump, Mrs. Thurman, Mr. Traficant, Mr. Weldon of Florida, and Mr. Wexler):

H.R. 1145. A bill to require that perishable agricultural commodities be labeled or marked as to their country of origin and to establish penalties for violations of such labeling requirements; to the Committee on Agriculture.

By Mr. PAUL (for himself, Mr. Hall of Texas, Mr. Ney, Mr. Doolittle, Mr. Pombo, Mr. Norwood, Mr. Bartlett of Maryland, Mr. Stump, Mr. Duncan, and Mrs. Chenoweth):

H.R. 1146. A bill to end membership of the United States in the United Nations; to the Committee on International Relations.

By Mr. PAUL:

H.R. 1147. A bill to sunset the Bretton Woods Agreement Act; to the Committee on Banking and Financial Services.

By Mr. PAUL:

H.R. 1148. A bill to abolish the Board of Governors of the Federal Reserve System and the Federal reserve banks, to repeal the Federal Reserve Act, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LEVIN (for himself, Mr. Greenwood, Ms. Hooley of Oregon, Mr. George Miller of California, Mr. Frost, Mrs. Morella, Mrs. Maloney of New York, Mr. Sandlin, and Ms. Slaughter):

H.R. 1149. A bill to amend titles XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. Castle, Mr. Goodling, Mr. Hastert, Mr. Boehner, Mr. Petri, Mr. Ballenger, Mr. McCollum, Mr. Barrett of Nebraska, Mrs. Roukema, Mr. McKeon, Mr. Hoekstra, Mr. Sam Johnson of Texas, Mr. Upton, Mr. Talent, Mr. McIntosh, Mr. Graham, Mr. Souder, Mr. Peterson of Pennsylvania, Mr. Sawyer, Mr. Roemer, and Mr. George Miller of California):

H.R. 1150. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 2000, 2001, 2002, and 2003, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MENENDEZ:

H.R. 1151. A bill to amend title 49, United States Code, to require air carrier baggage liability to be not less than $2,500 per passenger; to the Committee on Transportation and Infrastructure.

By Mr. BEREUTER (for himself, Mr. Lantos, Mr. Berman, and Mr. Pitts):

H.R. 1152. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia; to the Committee on International Relations.

By Mr. COOK:

H.R. 1153. A bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may request a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. Traficant, Mr. Romero-Barcelo, Mr. Jenkins, Mr. LaTourette, Mr. Spratt, Mr. Rush, Mr. Hayworth, Mr. Largent, Mr. Costello, Mr. Faleomavaega, Mr. Holden, Mr. Kasich, Ms. DeLauro, Mr. Engel, Mr. Wamp, Mr. Kucinich, Ms. Dunn, Mr. Hefley, Mr. Pastor, Mr. Bereuter, Mr. Nethercutt, and Mr. Regula):

H.R. 1154. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of their income tax overpayments, and to make other contributions, for the benefit of units of the National Park System; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 1155. A bill to amend the Immigration and Nationality Act to require the Attorney General to provide for special consideration concerning the English language requirement with respect to the naturalization of individuals over 65 years of age; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 1156. A bill to amend the Immigration and Nationality Act to establish a Board of Visa Appeals within the Department of State to review decisions of consular officers concerning visa applications, revocations, and cancellations; to the Committee on the Judiciary.

By Mr. HERGER (for himself, Mr. Minge, Mr. Smith of Michigan, Mr. Peterson of Minnesota, and Mr. Ramstad):

H.R. 1157. A bill to require appropriate off-budget treatment of Social Security in official budget pronouncements; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL of Montana:

H.R. 1158. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Irrigation Project, Montana; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Lampson, Mr. Horn, Ms. Dunn, Mr. Shows, Mrs. Thurman, Mr. LaFalce, Mr. Cunningham, Mr. Gilman, Mr. Bilbray, and Mr. McGovern):

H.R. 1159. A bill to improve the Federal capability to deal with child exploitation; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE (for himself, Mr. Evans, and Mr. Stupak):

H.R. 1160. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for the marked graves of certain individuals; to the Committee on Veterans' Affairs.

By Mr. LEACH (for himself, Mr. LaFalce, and Mrs. Roukema):

H.R. 1161. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on the Judiciary, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself, Mr. Rogers, Mr. Whitfield, Mrs. Northup, Mr. Fletcher, and Mr. Lucas of Kentucky):

H.R. 1162. A bill to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge"; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself, Mrs. Morella, Mr. Frank of Massachusetts, Mr. Moran of Virginia, and Mr. Shays):

H.R. 1163. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for expenses for providing an appropriate environment on the business premises for employed mothers to breastfeed or express milk for their children; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. English, Mr. Jefferson, and Mr. Matsui):

H.R. 1164. A bill to provide for assistance by the United States to promote economic growth and stabilization of Northern Ireland and the border counties of the Irish Republic; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS (for himself, Mr. Schaffer, and Mr. Tancredo):

H.R. 1165. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes; to the Committee on Resources.

By Mr. MEEHAN (for himself, Mr. King, Mr. Crowley, Mrs. McCarthy of New York, Mr. Kennedy of Rhode Island, Mr. Payne, Mr. Menendez, and Mr. Pascrell):

H.R. 1166. A bill to authorize the President to enter into a trade agreement concerning Northern Ireland and certain border counties of the Republic of Ireland, and for other purposes; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. Young of Alaska, Mr. Kildee, Mr. DeFazio, Mr. Faleomavaega, Mr. Abercrombie, Mr. Romero-Barcelo, Mr. Underwood, Mr. Kennedy of Rhode Island, Mr. Inslee, Mr. Hayworth, Mr. McDermott, Ms. Pelosi, Mr. Brown of California, Mr. Oberstar, Mr. Filner, Mr. Pastor, Mr. Frank of Massachusetts, Mr. Martinez, Ms. Stabenow, Mr. Towns, Mrs. Mink of Hawaii, Mr. Pickering, Mr. Allen, Mr. Stupak, and Mr. Frost):

H.R. 1167. A bill to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mr. Weldon of Pennsylvania, Mr. Hoyer, Mr. Andrews, Mr. McNulty, Mr. Abercrombie, Mr. Baldacci, Mr. Bishop, Mr. Bonior, Mr. Boucher, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mr. Burr of North Carolina, Mr. Coyne, Mr. Cummings, Mr. Deutsch, Mr. Doyle, Mr. Ehrlich, Mr. English, Mr. Etheridge, Mr. Farr of California, Mr. Forbes, Mr. Frank of Massachusetts, Mr. Gilman, Mr. Green of Texas, Mr. Hastings of Florida, Mr. Holden, Mr. Holt, Ms. Eddie Bernice Johnson of Texas, Mr. Kanjorski, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. Klink, Mr. Kucinich, Mr. Larson, Mr. Lewis of Georgia, Mr. LoBiondo, Ms. Lofgren, Mr. Lucas of Kentucky, Mrs. McCarthy of New York, Mr. McDermott, Mr. McHugh, Mr. McGovern, Mr. Mascara, Mr. Matsui, Mr. Menendez, Mr. Metcalf, Mrs. Napolitano, Mr. Ney, Mr. Oberstar, Mr. Pallone, Mr. Payne, Mr. Pickett, Mr. Quinn, Mr. Rahall, Mr. Ramstad, Mr. Reyes, Mr. Sweeney, Mr. Taylor of Mississippi, Mr. Terry, Mr. Upton, Mr. Weygand, Mr. Wise, Mr. Young of Alaska, Mr. Frost, Mrs. Morella, Ms. Jackson-Lee of Texas, Mr. Ford, Mr. Rothman, and Ms. McKinney):

H.R. 1168. A bill to authorize the Director of the Federal Emergency Management Agency to make grants to fire departments for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABO (for himself, Mr. Oberstar, Mr. Shows, Mr. Sandlin, and Mr. Frost):

H.R. 1169. A bill to amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SABO (for himself, Mr. Frost, Mr. Shows, Mr. Sandlin, and Mr. Brady of Pennsylvania):

H.R. 1170. A bill to amend title 5, United States Code, to make available under the health benefits program for Federal employees the option of obtaining coverage for self and children only, and for other purposes; to the Committee on Government Reform.

By Mr. SABO:

H.R. 1171. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to provide for public financing of House of Representatives general election campaigns, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. Lewis of Georgia, Mrs. Johnson of Connecticut, Mr. Clyburn, Mr. Houghton, Mrs. Thurman, Mr. McCollum, Mrs. Meek of Florida, Mr. Borski, Mr. Weygand, Mr. Blagojevich, Mr. Sandlin, Mr. Murtha, Mr. Smith of New Jersey, Mr. Bishop, Mrs. Kelly, Ms. Kilpatrick, Mr. Ehrlich, Mr. Etheridge, Mr. Gejdenson, Mr. Bliley, Mrs. Lowey, Mr. Goode, Mr. Hinchey, Mr. Sabo, Ms. DeLauro, Mr. Frost, Mr. Peterson of Minnesota, Mr. Price of North Carolina, Mr. Snyder, Mr. Delahunt, Mr. Walsh, Mr. Olver, Mr. Deutsch, Mr. Peterson of Pennsylvania, Mr. Ford, Mr. Bonior, Ms. Eddie Bernice Johnson of Texas, Ms. Lofgren, Mr. Gutknecht, and Mr. Weldon of Pennsylvania):

H.R. 1172. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Ways and Means.

By Mr. WATT of North Carolina (for himself, Mrs. Clayton, Mr. Clyburn, Mr. Sanders, Mr. Cummings, Mrs. Jones of Ohio, Mr. Scott, Mr. Frank of Massachusetts, Ms. Lee, Mr. Thompson of Mississippi, Mr. Brown of California, Mr. Hastings of Florida, and Mr. Davis of Illinois):

H.R. 1173. A bill to provide that States may use redistricting systems for Congressional districts other than single-member districts; to the Committee on the Judiciary.

By Mr. WELLER (for himself, Mrs. Thurman, Mr. Lewis of Kentucky, and Mr. Hefley):

H.R. 1174. A bill to amend the Internal Revenue Code of 1986 to reduce from 24 months to 12 months the holding period used to determine whether horses are assets described in section 1231 of such Code; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. Bereuter, Mr. Rohrabacher, Mr. Gejdenson, Mr. DeLay, Mr. Lantos, Mr. Burton of Indiana, Mr. Brown of Ohio, Mr. Smith of New Jersey, Ms. Ros-Lehtinen, Mr. Hunter, Mr. Chabot, Mr. Tancredo, Ms. Pelosi, Mr. Cunningham, Mr. Cox, Mr. Berman, Mr. Faleomavaega, Mr. Burr of North Carolina, Mr. Ackerman, and Mr. Martinez):

H. Con. Res. 56. Concurrent resolution commemorating the 20th anniversary of the Taiwan Relations Act; to the Committee on International Relations.

By Mr. BARR of Georgia:

H. Con. Res. 57. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued honoring the 100th anniversary of the Junior League; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Ms. Pryce of Ohio, Mr. John, Mr. Romero-Barcelo, Mr. Rush, Mr. Berman, Mr. Baldacci, Mr. Abercrombie, Mr. Gutierrez, Mr. Hall of Ohio, Mr. Andrews, Mr. Filner, Mr. Pascrell, Mr. Luther, Mr. Payne, Mr. Holt, Mr. Rangel, Mr. McGovern, Mrs. Meek of Florida, Mrs. Christensen, Mr. Shows, Ms. Kilpatrick, Mr. Sessions, Mr. Borski, Ms. Lofgren, Mr. Rothman, Mr. Taylor of Mississippi, Mr. Fossella, and Mr. Frost):

H. Con. Res. 58. Concurrent resolution recognizing the importance of veterans to the United States and expressing support for the goals of Veterans Educate Today's Students (VETS) Day; to the Committee on Veterans' Affairs.

By Mr. PAYNE (for himself, Mr. Crowley, Mr. Borski, Mr. Meehan, Mr. King, Mr. Neal of Massachusetts, and Mr. McGovern):

H. Con. Res. 59. Concurrent resolution condemning the brutal killing of Rosemary Nelson; to the Committee on International Relations.

By Mr. FROST:

H. Res. 119. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. WATTS of Oklahoma:

H. Res. 121. A resolution affirming the Congress' opposition to all forms of racism and bigotry; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Bliley, Mr. Kuykendall, Mr. Wolf, Mr. Sununu, Mr. Hulshof, Mr. Ballenger, Mr. Hansen, and Mr. Jenkins.

H.R. 38: Mr. McKeon.

H.R. 45: Mr. Shaw and Mr. Thornberry.

H.R. 48: Mr. Aderholt.

H.R. 50: Mr. Packard.

H.R. 51: Mr. Taylor of Mississippi.

H.R. 73: Mr. Hunter and Mr. Brady of Texas.

H.R. 106: Mr. Peterson of Pennsylvania.

H.R. 107: Mr. Duncan, Mr. Peterson of Pennsylvania, and Mr. Tancredo.

H.R. 110: Mr. Goode.

H.R. 111: Ms. Velázquez, Mr. Bilbray, Mr. Gillmor, Mr. Hill of Montana, Mr. Manzullo, Mr. Diaz-Balart, Mrs. Northup, Mr. Buyer, and Mr. Lucas of Kentucky.

H.R. 133: Mr. Payne and Mr. Gejdenson.

H.R. 205: Mr. Goode.

H.R. 206: Mrs. Clayton and Mr. Crowley.

H.R. 230: Ms. Carson, Mr. Stupak, and Mr. LaFalce.

H.R. 274: Mr. Wynn and Mr. Boehlert.

H.R. 275: Mrs. Emerson.

H.R. 324: Mr. Burr of North Carolina.

H.R. 372: Mr. Weiner.

H.R. 403: Mr. Stupak and Mr. Faleomavaega.

H.R. 425: Mr. Shows, Mrs. Jones of Ohio, Mr. Frost, Mr. Brady of Pennsylvania, Mrs. Mink of Hawaii, Mr. Sabo, Mr. Gutierrez, Mr. Pastor, Mr. Hinchey, Mr. Underwood, Mr. McGovern, Mr. LaFalce, Ms. Slaughter, and Mr. Meeks of New York.

H.R. 461: Mr. Peterson of Pennsylvania, Mr. Bilirakis, and Mr. Herger.

H.R. 464: Mr. Weldon of Florida.

H.R. 516: Mr. Fletcher.

H.R. 534: Ms. Pryce of Ohio.

H.R. 537: Mrs. Kelly.

H.R. 538: Mr. Martinez and Mr. Vento.

H.R. 547: Mr. Ackerman.

H.R. 548: Mr. Ortiz.

H.R. 573: Mr. LaTourette, Mr. Cook, Mr. Shuster, Mr. Price of North Carolina, Mr. Rahall, Mr. Pascrell, Mr. Bateman, Mr. McKeon, Ms. Eshoo, Mr. Bonior, Mr. Ballenger, Mr. Shimkus, Mr. Hayes, Mr. Chambliss, Mr. Stearns, Mr. Rothman, Mr. Dickey, Mr. Wicker, Mr. LaHood, Mrs. Myrick, Mrs. Bono, Mr. Hoyer, Mr. Gordon, Mr. Romero-Barcelo, Mr. Weiner, Mr. Wexler, Mr. Menendez, and Mr. Crowley.

H.R. 575: Mr. Boehner and Mr. Petri.

H.R. 576: Mr. Fattah and Mr. Dixon.

H.R. 577: Mr. Shows and Mr. Manzullo.

H.R. 580: Mr. Levin and Mr. Matsui.

H.R. 586: Mr. Gejdenson.

H.R. 589: Mr. Hostettler.

H.R. 590: Mr. LoBiondo and Mr. Gibbons.

H.R. 629: Mr. LaFalce, Mr. Walsh, Mr. Frost, Mr. Olver, Mrs. Jones of Ohio, Ms. Schakowsky, Mr. McGovern, and Mr. Hinchey.

H.R. 632: Mrs. Maloney of New York, Mr. Gonzalez, and Mr. Everett.

H.R. 670: Mr. Gibbons, Mr. Boehlert, and Mr. Snyder.

H.R. 679: Mrs. Morella, Mr. Barrett of Wisconsin, and Mr. Farr of California.

H.R. 685: Mrs. Mink of Hawaii.

H.R. 691: Mr. Frost.

H.R. 701: Mr. Wynn, Mr. Riley, Mr. Taylor of North Carolina, and Mr. Isakson.

H.R. 741: Mr. Largent.

H.R. 798: Mr. Holt, Ms. Slaughter, and Mr. Wexler.

H.R. 815: Mr. Goodling.

H.R. 817: Mr. Manzullo.

H.R. 833: Mr. Condit, Mr. Cramer, Mr. Deutsch, Mr. Linder, Mrs. Myrick, Mr. Nethercutt, Mr. Peterson of Pennsylvania, Mr. Terry, and Mr. Weldon of Florida.

H.R. 841: Mr. Shadegg.

H.R. 850: Mr. Gary Miller of California, and Ms. Norton.

H.R. 860: Mr. Allen.

H.R. 872: Mr. Scott, Mr. Frost, Ms. Pelosi, Mr. Berman, Mr. Vento, and Mr. George Miller of California.

H.R. 881: Mr. Ewing, Mr. Hostettler, Mr. Manzullo, Mr. Shows, and Mr. Terry.

H.R. 886: Mr. Tierney.

H.R. 894: Mr. Sensenbrenner.

H.R. 896: Mr. Shows and Mr. English.

H.R. 900: Mr. Doyle, Mr. Strickland, Ms. Stabenow, Mr. Farr of California, Mr. Cummings, and Mr. Delahunt.

H.R. 914: Mr. Gonzalez.

H.R. 924: Ms. Rivers, Mr. Graham, Mr. Shows, Mr. Gejdenson, Mr. Hinchey, and Mr. Rahall.

H.R. 932: Mr. Frost, Mr. Matsui, Mr. Hinchey, Mrs. Christensen, Mr. Brown of Ohio, and Mr. Pastor.

H.R. 950: Mrs. Capps, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. Waxman, Ms. Stabenow, Mr. Olver, Mr. Borski, and Ms. Norton.

H.R. 957: Mr. Cooksey, Mr. LaHood, Mr. LoBiondo, Mr. Thompson of California, Mrs. Northup, Mr. Hansen, Mr. Hoekstra, Mr. Goode, Mr. Wynn, Mr. Canady of Florida, Mr. Edwards, Mr. Hill of Indiana, Mr. Rogers, Mr. Wicker, Mr. Hinchey, Mr. Camp, Mr. Riley, Mr. Barcia, Mr. John, Mr. Lucas of Kentucky, Mr. Sweeney, Mrs. Mink of Hawaii.

H.R. 969: Mr. Graham.

H.R. 987: Mrs. Roukema, Mr. Ramstad, Mr. Pickering, Mr. Porter, Ms. Dunn, Mr. Sununu, Mr. Coble, Mr. Fossella, Mr. Knollenberg, Mrs. Emerson, Mr. Chambliss, Mr. Isakson, Mr. Graham, and Mr. Upton.

H.R. 991: Mr. Brown of California and Ms. Slaughter.

H.R. 999: Mr. Horn.

H.R. 1000: Mr. Sherwood, Mr. Taylor of Mississippi, Mr. Gary Miller of California, Mr. Cummings, Mr. Boehlert, Ms. Danner, Mr. DeMint, Mr. DeFazio, Mrs. Kelly, Mr. LaHood, and Mr. Bachus.

H.R. 1001: Mr. McDermott, Mr. Matsui, Mr. Aderholt, and Mr. Houghton.

H.R. 1003: Mr. Shows and Ms. Kilpatrick.

H.R. 1005: Mr. Shows.

H.R. 1008: Mr. Buyer, Mr. Taylor of Mississippi, Mrs. Christensen, and Mr. Hayworth.

H.R. 1011: Mr. Capuano.

H.R. 1032: Mr. Stump, Mr. Ney, Mr. English, Mr. Dickey, Mr. Hostettler, and Mr. Lewis of Kentucky.

H.R. 1053: Mr. George Miller of California, and Mrs. Mink of Hawaii.

H.R. 1080: Mr. Menendez, Mr. Traficant, and Ms. Eddie Bernice Johnson of Texas.

H.R. 1082: Mr. Hinchey, Mr. Rangel, and Mr. Romero-Barceló.

H.R. 1097: Mr. Frank of Massachusetts and Mr. Hinchey.

H.R. 1111: Mr. Wolf, Mr Moran of Virginia, and Mr. Davis of Virginia.

H.R. 1113: Mr. Capuano.

H.J. Res. 9: Mr. Holden and Mr. Ryan of Wisconsin.

H. Con. Res. 7: Mr. Shows, Mr. Bachus, Mr. Upton, Mr. Ney, Mr. Campbell, Mr. Whitfield, Mr. Wolf, Mrs. Thurman, Ms. Danner, Mr. Dooley of California, Mr. Kuykendall, Mr. Leach, Mrs. Kelly, Mrs. Mink of Hawaii, Mr. LaTourette, Mr. Riley, Mr. Hall of Ohio, Mr. Hostettler, Mr. Martinez, Mr. McHugh, Mr. Dixon, Mrs. Morella, Mr. Filner, Mr. Bentsen, Mr. Bereuter, Mr. Nadler, Mrs. Emerson, Mr. Herger, Mr. Barrett of Wisconsin, Mr. Smith of Washington, Mr. Weller, Mr. Paul, Mr. Sherman, Mr. Blumenauer, Mr. Rothman, Mr. Walsh, Mr. Barrett of Nebraska, Mr. Gordon, Mr. Pastor, Mrs. Capps, Mr. Berman, Ms. Kaptur, Mr. Ose, Mr. Hill of Indiana, Mr. Bonior, and Mr. Farr of California.

H. Con. Res. 37: Mr. Forbes, Mr. Ackerman, Mr. Brown of Ohio, Mr. Crowley, Mr. Dixon, Mr. Hastings of Florida, Mr. Greenwood, Mr. Waxman, Mr. Rohrabacher, and Mr. Gilman.

H. Con. Res. 51: Mr. Berman.

H. Con. Res. 54: Mr. Lantos, Ms. McCarthy of Missouri, Mr. Borski, Mr. Calvert, Mr. McNulty, Mr. Hyde, Mrs. Napolitano, Mr. Udall of Colorado, Mr. Rodriguez, Mr. Hill of Indiana, Mr. Baird, Ms. Berkely, Ms. Velázquez, Mr. Gonzalez, Mr. Wu, Mrs. Lowey, Mr. Moore, Mr. Udall of New Mexico, Mr. Rothman, Ms. Schakowsky, Mr. Rangel, Mr. Lewis of Georgia, Mr. Fossella, Mr. Salmon, Mr. Nadler, Mr. Dooley of California, Mr. Etheridge, Mr. Hoyer, Ms. Pelosi, Mr. George Miller of California, and Mr. Ackerman.

H. Res. 16: Mr. LaHood.

H. Res. 41: Mr. Burr of North Carolina, Mr. Hayes, Ms. Lofgren, and Mr. Taylor of North Carolina.

H. Res. 59: Mr. Goss, Mr. McInnis, Mr. Tanner, Mr. Berman, Mr. Borski, Mr. Pickett, and Mr. Gillmor.

H. Res. 79: Mr. Hyde.

H. Res. 82: Mr. McDermott and Mr. Gonzalez.

H. Res. 89: Ms. Slaughter, Mr. Clement, and Mr. Gordon.

H. Res. 94: Mr. Cooksey, Mr. Hastings of Washington, Mr. Hilliard, Mr. Pastor, and Ms. Slaughter.

H. Res. 99: Mr. Porter, Mr. Hyde, Mr. Markey, Mrs. Meek of Florida, and Mr. Goodling.

H. Res. 107: Mr. Wexler, Mrs. Lowey, Mr. Kind, Mrs. Thurman, Mr. Barrett of Wisconsin, Mr. McGovern, Ms. Slaughter, Ms. Schakowsky, Ms. Kilpatrick, and Mr. Frost.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4

Offered By: Mr. Allen

(Amendment in the Nature of a Substitute)

Amendment No. 1: Strike all after the enacting clause and insert the following:

That it is the policy of the United States to deploy, subject to authorization and appropriations, a ground-based national missile defense that—

(1) has been demonstrated to be operationally effective against the threat as defined as of the time of such deployment and as projected for a reasonable period of time thereafter;

(2) does not diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to the United States, including negotiated reductions in Russian nuclear forces; and

(3) is affordable and does not compromise the ability of the uniformed service chiefs and the commanders of the regional unified commands to meet their requirements for operational readiness, quality of life of the troops, programmed modernization of weapons systems, and the deployment of planned theater missile defenses.

SENATE—*Wednesday, March 17, 1999*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, we celebrate Saint Patrick's Day. It seems appropriate to have a Gaelic blessing and then one of Patrick's prayers.

May the road rise up to meet you,
May the wind be always at your back,
May the sun lie warmly upon Your face,
May the rain fall softly on your fields,
And until we meet again,
May the Lord hold you
In the hollow of His hand.

Let us pray: Gracious Lord, we remember the words with which St. Patrick began his days. "I arise today, through God's might to uphold me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's hand to guard me, God's way to lie before me, and God's shield to protect me." In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, this morning the Senate will be in a period for morning business until 11 o'clock. Following morning business, the Senate will resume consideration of Senate bill 257, the national missile defense bill. Under the consent agreement reached yesterday, that agreement includes a limited number of amendments that may be offered to the bill and also limits debate time on each amendment.

In light of this agreement, the leader is hopeful the Senate will complete action on this legislation by early this afternoon. Following disposition of the bill, the leader has indicated the Senate may begin consideration of a Kosovo resolution and/or the supplemental appropriations bill. Therefore, Members should expect votes throughout today's session and during the remainder of this week. I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senate will now proceed to a period for morning business.

Mr. VOINOVICH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio is recognized.

THE BIRTH OF VERONICA KAY VOINOVICH

Mr. VOINOVICH. Mr. President, I want to bring to the Senate's attention the fact that we welcomed a new citizen into Ohio last night at 11:57, and that new citizen is my second grandchild, Veronica Kay Voinovich. Veronica is our second grandchild. Her grandmother and I welcome her and so do her other grandparents, Warren and Alice Fish. I apologize for not being in Cleveland last night for her birth, but it was necessary for me to be here to do the work of the Senate and to represent the people of Ohio and, hopefully, through those votes do something for her and the rest of the citizens of our great State.

DAVID B. COOPER

Mr. VOINOVICH. Mr. President, America's journalism pool got a little smaller last week as David B. Cooper, one of Ohio's most respected journalists, hung up his typewriter.

For almost 22 years, Dave was a powerful voice in Ohio, in charge of editorials and op-eds as the associate editor for the Akron Beacon Journal. Over the length of his career, Dave was never known to mince words or pull punches. He was brutally honest when he didn't think someone—usually a politician—was living up to expectations. And usually you didn't have to be reminded twice—you got the message. I will say that many politicians from the State of Ohio, including yours truly, worked very, very hard to live up to Dave's high expectations of us.

Dave's principles always shone through in the topics he wrote about. His analysis was precise and he showed genuine care about the issues in and subjects of his columns. And he worked hard to make sure that he was easily understood.

Dave's legacy is his journalistic leadership at the national, state and local level. He was outstanding. He began his career 44 years ago, writing for the Raleigh News and Observer and the Winston-Salem Journal and Sentinel during the 1950's and 1960's. In 1968, he started his association with Knight-Ridder newspapers by accepting a position with the Detroit Free Press.

It wasn't until 1977 that Dave saw the light and realized his calling was in the State of Ohio with the Akron Beacon Journal. The Ohio journalism corps has truly been enhanced with his presence.

I have enjoyed a wonderful relationship with Dave. He didn't always agree with me—and I certainly never expected him to—but he was always fair. In fact, I always looked forward to reading Dave's editorials just to find out how he thought my administration was doing.

For the last 2 years, Dave and I have shared something in common—we're both grandfathers, although I'm a little newer at being one than he is. There is sort of an unspoken bond between grandfathers that is readily apparent in the smiles we wear and the glint in our eye, as we regale others with the exploits of our precious little ones. Dave has four grandchildren and I know that he is more proud of them than any editorial or column he has written. In fact, Dave's best writing has been about his grandchildren!

One of the great things about the relationship Dave and I have is our mutual love of fishing. Many times when we've been talking about topics of the day, we've gone off the subject talking about fly-fishing techniques, favorite streams, or the one that got away.

Dave and I have done some fishing together, but not nearly enough. And even though Dave and his lovely wife Joanne are moving to California, I look forward to doing more fishing with him in the years to come.

And while I prefer polka, Dave loves jazz. Dave knows more about jazz—jazz records, jazz singers, and jazz history—than anybody I know. I suspect that his knowledge of jazz surpasses all but a few journalists in America. He even has a jazz radio show in Akron! He has written about jazz extensively and he never tires of speaking about it.

Mr. President, I want to close by saying I have immense respect for Dave. He is and always has been a true professional. And although I am sorry to see him retire, I am confident that the citizens of Akron have not heard the last from him.

Dave and I will always be friends. I wish him well as he and his wife Joanne embark on their new life together.

I notice that my colleague, Senator DEWINE, is on the Senate floor, and I yield the floor to him.

The PRESIDENT pro tempore. The Senator from Ohio, Senator DEWINE, is recognized.

Mr. DEWINE. Mr. President, I join my colleague and friend, Senator VOINOVICH, in paying tribute to one of the leading figures in the history of journalism in the State of Ohio. My good friend Dave Cooper is retiring after 22 years as editor of the editorial and opinion pages of the Akron Beacon Journal.

David B. Cooper began as a reporter with a genuine love for political journalism. After reporting for the Raleigh (North Carolina) News and Observer and Winston-Salem Journal and Sentinel, he joined the Detroit Free Press—where he moved over to the writing of editorials.

In 1977, the Akron Beacon Journal hired Dave to run its editorial and opinion pages. In that capacity, he has been more than just a principled observer and commentator on the political life of Ohio and America—he has also been a powerful force in the cultural life of his community.

Indeed, some of his best writing has been on music. In fact—since 1994—he has hosted a weekly jazz program on radio station WAPS.

The same feeling that infuses his writing and commentary on jazz is present in his political writing. Dave knows that if all you want is accuracy, you have merely to know your subject. And believe me, Dave knows the stuff he writes about! But he also knows that if you want to go beyond that—beyond mere accuracy toward the kind of deep understanding that goes to the heart of an issue—you must not just know, but love, your subject.

That's the kind of work that creates positive change in a community. It is the type of work that Dave has done.

Dave Cooper says his pet peeve is "politicians who are pompous." And that really reflects Dave's personality—he doesn't do what he does for his own ego; he does it to help people understand things. He does it to make a real difference. And that's why he holds people in public life to the same high standard.

I am proud to call Dave Cooper my good friend, and I wish him and Joanne well as they begin a new life.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Chair recognizes the Senator from New Mexico for 10 minutes.

Mr. BINGAMAN. Thank you, Mr. President.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 638, S. 639, and S. 640 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCING SOCIAL SECURITY WITH GENERAL REVENUES

Mr. KERREY. Mr. President, I rise today to talk about the financing of the Social Security program. The President's plan to reserve the surpluses for Social Security has presented us with an opportunity to have a discussion about the way Social Security is currently financed—and to have a debate about how we want to finance the Social Security system in the future.

I want to say at the outset that some of my colleagues on both sides of the aisle have closely examined the President's proposal to infuse the Social Security system with general revenues—and decided not to support a financing reform mechanism that does not lead to structural reforms. For my colleagues on the Democratic side who have decided not to support general revenue transfers to Social Security, this is a politically difficult position to support—but a commendable one.

With his plan to reserve the surpluses for Social Security, the President has helped me to understand for the first time that the Social Security program is facing a serious funding problem in the year 2013. I now realize that in 2013, the payroll tax dollars flowing into the Social Security program will no longer be large enough to fund the current level of benefits. As a result, the Social Security Administration will start cashing in its trust fund assets—those special-issue Treasury bonds—to pay for Social Security benefits.

The Treasury has to make good on these bonds by giving Social Security a portion of general revenues. This means that starting in 2013, Social Security beneficiaries have a claim on not only the payroll tax dollars, but also the income tax dollars of working Americans. Let me say that again, Mr. President. Starting in 2013, Social Security beneficiaries have a claim on both the payroll tax dollars and the income tax dollars of working Americans. So as not to mislead, let me say that these beneficiaries will also have a claim on other general revenues, such as corporate income tax dollars. Furthermore, in order for the Treasury to make good on these obligations without cutting discretionary spending, it is likely Congress will either have to raise income taxes or return to deficit spending.

Now under current law, this infusion of general revenues into Social Security is scheduled to end in 2032—at which point a future Congress will have to decide whether to raise payroll taxes or cut benefits. The President's proposal allows this Congress to pass the responsibility for enacting reform off to the Congress convening in 2055. Furthermore, what the President proposes to do is to fund a substantially larger portion of the program with income tax dollars. In fact, he is turning a funding problem into a funding virtue by guaranteeing that future income tax dollars will continue to fund Social Security benefits until 2055. This means that the baby boomers will have an even larger claim on future tax dollars.

On how many future income tax dollars do the boomers have a claim? Well, in fact, the Social Security actuaries have quantified for us exactly how many more general revenues will be given to the Social Security program as a result of the President's plan. According to the actuaries, Social Security beneficiaries already have a claim on general revenues worth $6.45 trillion in nominal dollars. President Clinton will commit an additional $24.765 trillion in general revenues to the Social Security program between the years of 2015 and 2055—for a total of $31.215 trillion in general revenues.

You heard me correctly, the President's plan commits an additional $24.765 trillion of general revenues—$4.85 trillion in constant 1999 dollars—to pay for Social Security benefits—above and beyond the 12.4 percent payroll tax that is levied on all workers. This chart demonstrates that in any given year we will be committing up to $2 trillion of general revenues for Social Security benefits. If you look at this in terms of constant 1999 dollars, we are talking about $200 to $300 billion of general revenues that will be committed to Social Security each year in the 2030s, 2040s, and 2050s. If you look at it in terms of a percentage of GDP, the Clinton plan will divert general revenues worth 1.5 percent of GDP to Social Security for each year from 2032 through 2055. That is a general revenue transfer each year nearly as large as the entire defense budget.

Now it may come as a surprise to my constituents watching this at home to hear that the President is committing massive amounts of future general revenues to Social Security. And the reason they aren't aware of this fact is because he has made no effort to inform them. He has cleverly hidden his proposal behind the rhetoric of "saving the surplus for Social Security." If the President wants to openly make the case for funding more Social Security benefits through income tax dollars, let me be the first to encourage an open and honest debate on that very subject. In fact, it is a very Democratic argument to fund Social Security through the more progressive income tax rather than the regressive payroll tax. But I encourage him to enter this debate candidly and to explain to the American public the tradeoffs of infusing general revenues into the Social Security program.

I have heard the group of us who are working on substantive Social Security reforms—Senators MOYNIHAN, BREAUX, GREGG, and SANTORUM—referred to as the "Pain Caucus" because we advocate structural reforms to the system through benefit changes or future payroll tax adjustments. Well, we believe less in pain than in truth in advertising. The President also has a great deal of pain in his plan—a hidden pain in the form of income tax increases that will be borne by future generations of Americans. I strongly disapprove of a plan that provides a false sense of complacency that Social Security has been saved by this nebulous and vague idea of "saving the surplus"—while failing to disclose the real pain that will be imposed on future generations.

Let me talk for a moment about the history of the Social Security program and its financing. The idea of a Social Security program was first discussed by Frances Perkins as a means for providing the widows of coal miners a financial safety net. Today, the Social Security program provides an intergenerational financial safety net to retirees and the disabled, and their spouses, survivors, and dependents. Social Security has always been financed by a tax on payroll. When the program began, the total payroll tax was 1 percent of the first $3,000 of earnings—paid for by both the employer and employee. Today, all covered employees pay a Social Security payroll tax that is equal to 6.2 percent of the first $72,600 of their annual wages. In addition, the employer must pay an additional 6.2 percent payroll tax on the first $72,600 of each employee's wages.

The excess Social Security payroll tax income has always resided in a trust fund. Through the 1970s, this trust fund generally had only enough assets to pay for about one year's worth of benefits. The 1977 Social Security amendments marked the first time that the trust funds were allowed to accrue substantial assets—though this accrual was not necessarily deliberate.

During the 1983 reforms, Congress made this implicit accrual of assets explicit—and declared its goal to be the prefunding of the baby boom generation's Social Security benefits. Congress tried to pre-fund the baby boom generation by accelerating the payroll tax rate schedule increases that were agreed to in the 1977 amendments, by covering all federal government and non-profit employees, and by raising the payroll tax rate on the self-employed.

Not surprisingly, several Presidential administrations took advantage of the overflowing Social Security coffers—and used an overlevy of the payroll tax to fund both the general operations of government and expensive income tax cuts. Many of the payroll tax dollars that flowed into the trust funds were immediately borrowed to pay for tanks, roads, and schools. Many of these payroll tax dollars were also used to offset major income tax breaks. Is it any surprise that Reagan was able to afford a reduction in the top marginal tax rate from 70 to 50 percent in 1981 and from 50 to 28 percent in 1986 in the wake of the payroll tax hikes of 1977 and 1983?

The irony is that the story has now come full circle. While former Presidents financed income tax cuts with payroll tax hikes, Mr. Clinton now wants to maintain a lower-than-necessary payroll tax rate by increasing future income tax revenues.

Mr. President, one of my goals today is to make clear my desire that this Congress and this President have an honest debate about how to finance Social Security. But one of my other goals today is to talk about the need to reform the program to improve the lives of our Nation's minimum wage workers. As many of my 206,278 Nebraska constituents collecting old-age Social Security benefits can attest—Social Security is not a generous program. In fact, the average old-age benefit in Nebraska is under $750 a month. When you factor in rent, food, prescription drug benefits, and part B premiums, $750 is not a generous benefit.

As many of my colleagues may know, the size of a retiree's Social Security check depends on a number of important factors—how much you worked, how much you earned, and at what age you retire. In order to determine your monthly benefit, the Social Security Administration takes all of this information and applies a complicated benefit formula designed to replace a portion of the monthly income to which you have become accustomed over the course of your life. This replacement formula is not very generous for low-wage, low-skill workers or for workers who have been in and out of the workforce sporadically. The way it works is that Social Security will replace 90 percent of the first $505 of average indexed monthly earnings (AIME) over your lifetime; plus 32 percent of the next $2,538 of earnings; and 15 percent of any earnings over $3,043 per month.

Complicated? Yes. But what this means is that a worker who has been consistently in the workforce and has had lifetime annual earnings of $10,000 per year will receive a Social Security benefit check of about $564. This is not substantial—and barely livable. What I propose to do is change the benefit formula to replace a larger portion of the income of these low-income, low-skilled workers who play a very important role in our service economy. And I propose doing this in a cost neutral way. By simply changing the replacement formula, we can boost that workers' monthly income by 22 percent.

What I have tried to show this morning is that we need to have an honest and open debate about the way we want to finance the Social Security program. We also need to have a candid and constructive discussion about Social Security reforms that will improve the retirement security of all working Americans—including those working Americans who are toiling away at low-paying service sector jobs. I believe that Congress and the President can and should work together to achieve real structural reforms in the program—and do so in a way that helps low-income Americans and that shares costs across all generations.

Mr. President, Harry Truman had a sign on his desk which read: "The buck stops here." Unfortunately, what this President's plan is saying is that the buck stops there—in 2055.

Our generation has a historic opportunity to make some sacrifices now, so that our children and grandchildren may benefit from our having served this nation. The sacrifices we make may not be as dramatic as those of the generation that lived during Harry Truman's Presidency, but they will have a significant impact on the future of our Nation.

I thank the Chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 16, 1999, the federal debt stood at $5,639,342,063,058.30 (Five trillion, six hundred thirty-nine billion, three hundred forty-two million, sixty-three thousand, fifty-eight dollars and thirty cents).

One year ago, March 16, 1998, the federal debt stood at $5,530,456,000,000 (Five trillion, five hundred thirty billion, four hundred fifty-six million).

Five years ago, March 16, 1994, the federal debt stood at $4,550,473,000,000 (Four trillion, five hundred fifty billion, four hundred seventy-three million).

Ten years ago, March 16, 1989, the federal debt stood at $2,737,640,000,000 (Two trillion, seven hundred thirty-seven billion, six hundred forty million).

Fifteen years ago, March 16, 1984, the federal debt stood at $1,465,672,000,000 (One trillion, four hundred sixty-five billion, six hundred seventy-two million) which reflects a debt increase of more than $4 trillion—$4,173,670,063,058.30 (Four trillion, one hundred seventy-three billion, six hundred seventy million, sixty-three thousand, fifty-eight dollars and thirty cents) during the past 15 years.

FLATHEAD IRRIGATION ACT OF 1999

Mr. BURNS. Mr. President, yesterday I introduced a bill to transfer the operation of an irrigation project in Montana from the Bureau of Indian Affairs to the local irrigators. This is a bill, which has been before Congress before, but has been changed to address the concerns expressed by the BIA and groups which have opposed this legislation in the past.

Years of management by the Bureau of Indian Affairs has led to a project in poor physical condition. Rather than being an asset for the government and the users, the Flathead Irrigation is rapidly becoming a liability. Using current estimates, the project is in need of $15 to $20 million worth of repair and conditioning. Government managers admit that costs associated with rehabilitation of this project could be as much as 40 percent higher than if the project were under local control.

The irony of this project however, is the fact that studies on locally owned irrigation projects in Montana and Wyoming show that the costs of operation and maintenance of the Flathead project are some of the highest in the Rocky Mountain Region the condition of the project may be worst in that same region. What do these people, and for that matter the taxpayer, get for the higher costs associated with the current management? Not much if anything at all.

Let's take a moment here to see what local control of this irrigation project would mean to the irrigators and to the taxpayer. First of all, local control will mean increased accountability of the monies collected by and used in the operation of the Flathead Irrigation Project. At the current time the BIA is unable, or unwilling, to provide basic financial information to the local irrigation districts. This despite the fact that the local farmers and ranchers pay 100% of the costs to operate and maintain the project. At the same time, the current management cannot even deliver a year-end balance of funds paid by the local irrigation users.

Local control will also create savings over the current operation management. By using these savings the local management could be used to restore the Flathead Irrigation Project to a fully functioning, efficiently operating unit.

Without the transfer to local control, the residents of the Flathead face an uncertain future. This irrigation project is located in one of the most beautiful valleys in western Montana. Current trends in agriculture have put farmers and ranchers in a difficult position. Montana farmers and ranchers have always been land rich and cash poor. In the case of this valley in Montana, this is the rule and not the exception. They live in an area that is being changed daily due to the number of summer home construction, because of the beauty and a temperate climate for Montana.

The family farmers and ranchers in this area continue to face economic pressures from outside. Which has led to a number of folks packing up and subdividing their land for residential home sites. Those who have packed up and left the area, have taken their land and subdivided it for the residential development, removing the land from agricultural production.

The subdivision of the land has a number of negative impacts on this valley and Montana and the Nation. The landscape is dotted with magnificent homes which impacts on the landscape and open spaces, and of course wildlife. Another of the major impacts is on the local and state economies and governments. Agriculture land in Montana pays approximately $1.29 in property taxes for every dollar invested by the local government for services. Residential subdivisions only pay approximately $0.89 for every dollar they receive in local government services.

Preservation of the small family farm and ranch in the Mission, Jocko and Camas valleys in Montana is dependent upon local control. As local control of the Flathead Irrigation Project will provide these hard working Americans an opportunity to control and have input on the costs associated with the operation of this vital water source.

ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, the past year has seen far-reaching developments which bring the dream of peace in Northern Ireland closer than at any time in our lifetimes.

Today, the Friends of Ireland in Congress is releasing its annual St. Patrick's Day Statement. The Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to a United States policy that promotes a just, lasting and peaceful settlement of the conflict, which has taken more than 3,100 lives over the past 30 years.

I believe the Friends of Ireland statement will be of interest to all of our colleagues who are concerned about this issue, and I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY THE FRIENDS OF ST. PATRICK'S DAY 1999

On this St. Patrick's Day 1999, the friends of Ireland in the United States Congress join with the 44 million Americans of Irish ancestry in commemorating an extraordinary year for the people of the island of Ireland. We are proud of the dramatic progress achieved in last year's Good Friday Agreement. We commend those who contributed to this historic agreement.

The Agreement is a unique opportunity to end a tragic conflict which has caused needless tragedy and destruction. It holds out the promise of a new beginning, honorable and realistic, for all involved. The Agreement was endorsed decisively by the people in both parts of the island of Ireland as a clear democratic mandate to their political leaders. We call on all those leaders to implement that mandate fully and fairly, and to embrace the opportunity for peace offered by the Agreement with courage, imagination and empathy. History will not deal kindly with those who fail to do so.

We are pleased to welcome to Washington over the St. Patrick's Day period many of those who were central to the success of the negotiations leading to the Good Friday Agreement. We particularly welcome the Taoiseach, Bertie Ahern, whose outstanding commitment and leadership, both during the negotiations, and in the succeeding months, have been deservedly recognized. We also pay tribute to Prime Minister Tony Blair, Secretary of State for Northern Ireland Marjorie Mowlam, Minister for Foreign Affairs David Andrews, the leaders of the Northern Ireland political parties, and many other Irish and British Government officials for their courage and determination to reach agreement despite the opposition they faced.

We congratulate John Hume and David Trimble on the award of the Nobel Peace Prize in recognition of their efforts for peace. We take pride in the contribution made to the peace process by President Clinton and many other leaders in the United States. We especially salute our former colleague, Senator George Mitchell, for his indispensable leadership, and welcome the recent establishment by the U.S.-Ireland Alliance of the Mitchell Scholarships in his honor. We welcome the generous $3 million contribution of the Irish Government to this scholarship fund, announced by the Taoiseach last September during our President's visit to Ireland. We also welcome the Irish Government's support of the John F. Kennedy Center for the Performing Arts, through a grant to promote the Festival of Irish Arts, in May 2000.

Ireland has given to America in many ways, including men to fight our battles from the Revolutionary War to Desert Storm. In appreciation for these services, and as a special tribute to 12 Irish citizens who gave their lives as members of the U.S. Armed Forces in the Vietnam War, we are pleased to note that the Vietnam Veterans Memorial Fund's travelling wall, called the Wall that Heals, will be making a tour of Ireland from April 16 to May 3 this year.

This July, we look forward to welcoming the first 4,000 young men and women who will enter the United States under special visas provided by the Irish Peace Process and Cultural Training Program Act of 1998. The visa will allow these young adults from both communities an opportunity to experience America's unique blend of cultural diversity and economic prosperity. After their visit, they will return home providing the crucial skill base needed to attract private investment in their local economies. That Congress initiated and passed this visa with unanimous support is evidence of our continuing bipartisan commitment to supporting the Good Friday Agreement.

We believe the most crucial task now facing the Irish and British Governments and all the political leaders in Northern Ireland is to build momentum for the full implementation of the Agreement.

Inevitably, there will be continuing difficulties to surmount in resolving this deep and longstanding conflict. We believe the implementation of the Agreement offers the best way forward and the best yardstick to judge the policies and actions of those struggling to overcome these difficulties. We do not believe that the goals of the Agreement can be served by inaction or procrastination in implementing its provisions. Those who take political risks for the implementation of the Agreement can be assured of our consistent support.

Following last month's decision by the Assembly to approve the designation of the Northern Ireland Departments and the list of cross-border bodies, and the signing last week by the United Kingdom and Ireland of the historic treaties to set up the institutions, it is vital that this decision be implemented without delay. Progress in all of these areas is, of course, dependent on the establishment of the multi-party Executive, as provided in the Agreement. We are dismayed at the delay in establishing the Executive, and urge it be established as soon as possible. It is the best way to create conditions for progress on other difficult issues, including the problem of decommissioning.

The carnage inflicted on the town of Omagh last August was a grim reminder that, in spite of all that has been achieved, there are those who still do not recognize the futility of violence. The cowardly murder of Rosemary Nelson this week reminds of the urgency of the task at hand. The horror of these actions unites all the people of Ireland and Great Britain, and friends of Ireland everywhere, in a determination that such methods will be totally repudiated and will never succeed. We also condemn, in the strongest terms, the practice of sectarian attacks, punishment beatings, and other acts of violence. These actions are a violation of fundamental human rights, and serve only to promote further division and recrimination. Against this background of irresponsible and unacceptable reliance on violence, we commend all those who, notwithstanding the pressures caused by these attacks, refuse to be diverted from the pursuit of peace and political progress.

We have in the past consistently drawn attention to the importance of developing a police organization in Northern Ireland capable of attracting and sustaining the support of all parts of the community. We welcome the creation of the Patten Commission to propose new arrangements for policing, accountable to and fully representative of the society. A major responsibility rests on the members of the Commission on this vitally important issue. Their mandate from the Agreement should lead to far-reaching change and we look forward to their report later this year.

We attach particular importance to the provisions in the Good Friday Agreement which promote a new respect for human rights. Such respect is essential if the commitment to equality, which lies at the very heart of the undertaking, is to be given practical effect. We are heartened by progress in relation to the Human Rights Commissions and look forward to the development of close cross-border co-operation on this vital issue. We also hope to see early progress on the review of the criminal laws, and the dismantling of emergency legislation.

We are concerned by evidence of the lack of protection for lawyers active on human rights cases in Northern Ireland, as described by the Special Rapporteur of the UN Commission on Human Rights, and urge an early response to calls for an independent inquiry into the murder of Belfast lawyer Pat Finucane. We will also continue to follow closely the progress of the inquiry into the tragic events of Bloody Sunday in Derry in 1972.

As preparations for this year's marching season begin, we note with concern that, despite efforts to encourage dialogue, the situation at Drumcree remains disturbing. We call on all involved to uphold the decisions of the Parades Commission.

The Friends of Ireland welcome the strong support which President Clinton and both parties in Congress have given to the peace process, and to the full implementation of the Good Friday Agreement, including the continuing support for the International Fund for Ireland. We salute the parties on what has been achieved thus far and believe that with commitment and determination, and a readiness to seek accommodation, the remaining differences can be overcome.

As we prepare to enter the new century, the parties to the Good Friday Agreement have a truly historic opportunity to achieve peace with justice for the benefit of all generations to come. As always, we in the Friends of Ireland stand ready to help in any way we can.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

House: Dennis J. Hastert, Richard A. Gephardt, James T. Walsh.

Senate: Edward M. Kennedy, Daniel Patrick Moynihan, Christopher J. Dodd, Connie Mack.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended for another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR JOHN BREAUX

Mr. REID. Mr. President, I rise today to talk about a man who is a Member of this body who has devoted his entire adult life to public service. Today I speak of Senator JOHN BREAUX of Louisiana. I do that today because there are a number of things that have been written since yesterday, when the Medicare Commission made their report. I think lost in the information that has been produced is the fact that Senator BREAUX has spent tireless hours, weeks, and months on this one proposal.

When I came to the Congress in 1982, Senator BREAUX had already been a Member of the House of Representatives for 10 years. He came to the House of Representatives when he was 28 years old. As I said, he has served his entire adult life in public service. Even prior to coming to the House of Representatives, Senator BREAUX had worked on a congressional staff.

Here is a man who could have been a success, as he has been as a Member of the House of Representatives and the Senate, in anything he wanted to do. He had a fine record as a student. He could have made a lot of money practicing law, but he decided to devote his life to public service. I think too often we lose sight of what people do to contribute to the public good.

In my estimation, no one has contributed to the public good more than Senator JOHN BREAUX in the years he has been a Member of the House of Representatives and the Senate. If there is a difficult problem, JOHN BREAUX has to be called in to work on that problem.

This is an example. He was called to be the Cochairman of the Medicare Commission, a very difficult job, but there was someone needed who understood the finances of this country; and that includes the tax structure of this country, that includes the very difficult health care delivery system we have, not only for those people who are not seniors, but particularly seniors, people who are on Medicare. I think we tend to forget how complex Medicare is and how important it is to the well-being of this country.

Mr. President, I served as a member of a county hospital board when Medicare came into being in the 1960s; 1966 through 1968 I served on that board. Prior to Medicare coming into being, about 40 percent of everyone that entered our hospital who were seniors had no health insurance of any kind. And that is the way it was around the rest of the country.

Today, though, Mr. President, over 99 percent of seniors have health insurance. That is because of Medicare. Senator BREAUX understood this very difficult problem. That is why he was asked to be the Chairman of this Commission.

Of the 17 members of this Commission, 10 of them agreed as to what should be done. I am not going to get into the merits of what the findings of the Commission were other than to say it was very difficult. Ten people agreed to the findings because of the diligent work of Chairman BREAUX.

I repeat, he did not spend hours on this program; he did not spend days—he spent weeks of his time. When other people were doing other things with their constituencies at home or taking a little time off from the rigors of this body, he was devoting his time to working on Medicare.

I mention that because not only was Senator BREAUX called in to be the Chair of the Medicare Commission, he has also done a number of other difficult things. We in the West understand the Wallop-Breaux legislation which established a program for restoring our coastal areas in the country. It set damages for boats that damaged the environment. It is a very important part of the environmental movement that has taken place in this country. Senator BREAUX was at the forefront of that. The legislation is named after him.

When, in 1993, we needed to pass a bill, the Budget Deficit Reduction Act, we needed to pass a bill that would put this country on a sound financial footing, one of the persons that worked on this to make sure that this was able to be accomplished was Senator BREAUX. He worked on the energy part of that legislation. Being from the State of

Louisiana, he knew that area as well as anyone.

As a result of his good work on that, enough votes were gathered on the Democratic side of the Congress to pass that legislation. Without his work it could not have happened, and we would not be in the economic situation we are in today where we have reduced a series of 30 to 40 years of yearly deficits to now where we are having a surplus, where we are talking now about what we are going to do with the budget surplus.

A lot of what we are talking about today is the direct result of work in that legislation and other pieces of legislation by Senator BREAUX.

In short, I want to make sure that Senator BREAUX and the people of Louisiana understand our appreciation for the work that he has done with his Medicare Commission and what he has done as a Member of Congress generally.

I have worked as a legislator on the State level, and back here now for going on 17 years. I think JOHN BREAUX is really an example we can all look to. I repeat, if a difficult problem arises, we call upon JOHN BREAUX to be part of the consensus building. Legislation is the art of compromise, the art of consensus building. And no one stands for being a good legislator more than Senator JOHN BREAUX.

As far as the Medicare problem he worked on, as a result of his leadership, it is going to mean a great deal to this country. As Senator BREAUX has said, the battle is not over. He said, "I'm going to keep working on this issue as long as I'm in Congress."

So I again extend my appreciation and applause and recognition to Senator JOHN BREAUX for the good work that he did on this legislation. I do not know of anyone that could have accomplished what he did. It was a masterful piece of work. The people of the State of Nevada and this country should be as appreciative as we are of the work that he has done.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL MISSILE DEFENSE ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 257, which the clerk will report.

The bill clerk read as follows:

A bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

The Senate resumed consideration of the bill.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota—North Dakota.

Mr. DORGAN. Mr. President, I am from one of those Dakotas.

The PRESIDING OFFICER. The distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, thank you very much for your generous description.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. I ask unanimous consent, on behalf of a colleague, that the privileges of the floor be granted to the following member of Senator BIDEN's staff: Ms. Joan Wadelton, during the pendency of the National Missile Defense Act, S. 257. And the request is for each day the measure is pending and for rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, thank you.

Mr. President we are now returning to the National Missile Defense Act of 1999, which is a very important policy issue before the Senate. My expectation is we will complete work today. I had noticed two amendments; and I shall not offer the amendments today, to the relief of those who are counting the amendments that are ahead of us.

But I did want to take the floor to at least describe especially the substitute amendment, because while I will not offer it to this bill, this is really a debate about policy. This policy will not mean anything until it is funded.

The real debate will be on the appropriations, it seems to me. What is it we want to buy and pay for? We can talk until we are blue in the face, but if we are not willing in an appropriations process to pay for a policy, it is not going to be deployed.

Let me talk a bit about that. My substitute amendment will be something that I will likely offer during an appropriations debate and will wait until that day for a vote.

The proposition before the Senate offered by my colleague, Senator COCHRAN, is very simple. Yesterday, I was holding something from Senator LOTT and when I was referring to Senator COCHRAN I called him Senator LOTT, for which I apologized. I certainly know the difference, and I respect both of them immensely. Senator COCHRAN has offered a proposal on the floor of the Senate that says it shall be the policy of this country to deploy a national missile defense system as soon as technologically feasible. In other words, notwithstanding other issues, as soon as it is technologically feasible to put a national missile defense system in place, we should do so.

What is this national missile defense system? We had one once, 24 years ago, in my home State. This country built the only antiballistic missile system that was ever built in the free world. Members ought to see the concrete that was poured, this huge concrete building in northeastern North Dakota, a sparsely populated region of our State, where the ABM, antiballistic missile, system was built. In today's dollars it costs about $20 billion. It was declared operational 1 day and mothballed the very next day. It produced a lot of good jobs in northeastern North Dakota as a result, a lot of construction, a lot of building.

But what did we get for our money? And was a national ballistic missile defense system feasible 24 years ago? The answer, I suppose, is yes. We had a national ballistic missile site built and declared operational 24 years ago, so it was feasible. It used a different technology. The proposition was if we were attacked by some incoming missile from some hostile power, we would send up these antiballistic missiles with nuclear warheads on our missiles and we would shoot off a nuclear warhead somewhere in the heavens and we would destroy all the incoming missiles. That was the technology then, and we built it—paid a lot of money for it—and it was declared mothballed the day after it was operational.

Now the proposition is that the national missile defense is a different kind of technology. It has the ability to hit a bullet, a speeding bullet, with another bullet. That is the proposition. We have had a lot of tests—a few successful, most unsuccessful. It is a very difficult proposition.

The experts in the Department of Defense tell us that they have spent as much money as they can spend to pursue the technology to build a national missile defense system, but the technology does not yet exist. Now, when the technology does exist, what kind of consideration should exist in terms of its deployment?

Russia has a lot of weaponry; Russia, of course, is the dominant country in what was the old Soviet Union. Their weaponry consists of a great many nuclear warheads on top of intercontinental ballistic missiles and bombers. We need to be concerned about those. As a result of that, we have engaged with the old Soviet Union and now Russia in a regime of arms reductions. Arms control talks resulted in START I and START II. The Russians, we hope, are prepared very soon to adopt START II. We have already done so.

As a result of all of that, yesterday I held up part of the wing of a Russian bomber. Last year, I held up a metal flange from the door of, I believe, an SS-19, an intercontinental ballistic missile that held a nuclear warhead, a missile aimed at the United States. Yesterday, I held up at this desk a wing strut from a Russian bomber; one would have expected in the cold war that the only way you would hold a piece of a Russian bomber in your hand is if somebody shot it down in hostile action. That wasn't the case. I held up a piece of a wing from a bomber from Russia that used to carry nuclear weapons that would threaten our country because the wing was sawed off that bomber.

Who sawed the wing off of the bomber? Was a wing shot off in hostile aerial combat? No, not at all. It was sawed off as the bomber was on the ground, because part of the agreement between us and the Soviet Union is that they would reduce the number of missiles, reduce the number of warheads, reduce the number of bombers, and so would we. The result is these arms reductions have resulted in significant reductions in the number of nuclear warheads, the number of missiles, the number of bombers, the number of delivery systems. That is a success.

I also talked last fall about the Russian launch of a number of intercontinental ballistic missiles early in the morning, and as those Russian missiles lifted off in the early morning and pierced into the sky, one could have wondered what on Earth was happening in our world—a launch of significant numbers of ICBMs by the Russians. But it didn't worry the United States because those missiles were launched and destroyed in the area by prior agreement—part of arms control, something we agreed upon—that they destroy their missiles.

Isn't it much better to destroy their missiles by taking them apart, pinching the metal and putting them in a warehouse, or sawing the wings off their bombers? Isn't it better to destroy a weapon before it is used? That is precisely what arms control is all about.

The question I ask about this country's national missile defense policy is not whether we should have one—we likely will have a national missile defense system at some point, some day, when it is technologically feasible, when it is financially practical, when it will not injure our arms control agreements and not threaten future agreements. We will likely have some kind of national missile defense system. We will likely have it because many are worried that a rogue nation now—not Russia, but a rogue nation; Saddam Hussein or North Korea testing medium-range missiles—a rogue nation gets ahold of an ICBM and puts a nuclear weapon on top of an ICBM and aims it at this country and fires it. What kind of a catcher's mitt do we have to intercept it and prevent it from hitting our country? We do not have some sort of technological catcher's mitt that goes into the heavens and intercepts that missile. Therefore, we need to have it, we are told. We didn't have that kind of a catcher's mitt to intercept missiles all during the cold war.

How did we avoid having a missile fired at us by the Soviet Union? By an arsenal in the cold war that assured anyone who attacked us with nuclear weapons would be vaporized and destroyed immediately. That convinced virtually anyone who would have thought about launching a nuclear attack against this country, that convinced them it was very unwise to do so. No one would launch a nuclear attack against this country.

Some might say that might still be the case. But suppose a madman in charge of some rogue nation who gets one ICBM; ought we not have the capability of intercepting that? The answer is yes. That is one of the threats.

If you take a look at the kind of threats, one of the threats is that a rogue nation will get ahold of an ICBM—it is not likely but it could happen. They are more likely to get ahold of a cruise missile, which is much more prevalent—of course, the national missile defense system will not intercept a cruise missile—that could be launched off the coast about 20 or 50 miles, fly a few hundred feet above the ground. That is not what this is designed to protect against.

Another area of threat is a suitcase nuclear bomb stuck in the trunk of an old rusty car at a New York City dock to terrorize this country. It doesn't do much about that. Another threat of mass destruction is a vial of the deadliest biological threats put on a subway in a major city.

We have a variety of threats, not the least of which is that a foreign ruler, of a bizarre nation will get ahold of an intercontinental ballistic missile, but if that happens will we have a mechanism to intercept it? The answer is yes, I believe, we will. But we must do what we are doing now with substantial research and development into developing a technology that works, and then deploying it in a sensible way that says we are deploying a technology that works in a manner that is cost effective—not a blank check, not a break-the-bank approach—a technology that will work to offer real protection in a way that offers it at an affordable price and doing so in a way that will not jeopardize our arms control agreements that now reduce nuclear weapons.

The amendment I had intended to offer says:

(A) It is the policy of the United States to develop for potential deployment an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(b) It is the policy of the United States to deploy a national missile defense system if that system—

(1) is well managed, proven under rigorous and repeated testing, and cost-effective when assessed within the context of the other requirements relating to the national security interest of the United States;

(2) is deployed in concert with a variety of additional measures to protect the United States against attack by weapons of mass destruction, including efforts toward arms reduction and weapons nonproliferation issues; and

(3) is deployed in a manner that contributes to a cooperative relationship between the United States and Russia with respect to a reduction in the dangers to both countries posed by weapons of mass destruction.

A final point: I want everybody to understand that I have supported and will continue to support substantial research and development on the issue of protecting against a missile attack against this country. That has never been the issue. The issue here is, when shall it be deployed and with what confidence will the American people feel they are protected?

Now, to make one point about the last issue, one Russian missile, an SS-18, with 10 reentry vehicles—or 10 warheads—will not be able to be blocked by this national missile defense system. One MIRVed SS-18 will be able to defeat this national missile defense system because this system is designed to provide some kind of technological catcher's mitt to go up and grab one, two, three, perhaps four or five incoming warheads—but not 10.

And so, as we proceed, we need to understand what we are doing, what the limits are, and how we should proceed in a manner designed to protect the efforts that now exist to destroy the SS-18s that Russia has in their silos through massive reductions in delivery systems and nuclear warheads. Anything we do in this country to upset that capability, to upset arms control regimes, to upset the progress we have made under Nunn-Lugar, the kind of stability that exists when you bring down the number of arms between the two major superpowers, anything we do to upset that, I think, would not be in this country's interest.

Let me end where I began and say I was intending to offer this amendment, but I don't think I will offer it today inasmuch as two amendments were accepted yesterday to the Cochran legislation. I don't necessarily view those amendments quite the same as others do. Nonetheless, the feeling is that some of those amendments offer the capability of saying, yes, deployment must also be consistent with our arms control issues with the Russians and others and must not injure those efforts. It must be consistent with something that relates to sensible costs. This cannot be a blank-check approach. So I understand that, and because of those two amendments, I think it is better to leave this issue at this point and come back another day on the appropriations side to further discuss this policy.

Now that the Senator from Mississippi, Senator COCHRAN, is on the floor, let me again say to him, I don't quarrel with the question of whether we ought to be aggressively pursuing this issue about a national missile defense. We should. We have had robust research and development. In fact, last fall, $1 billion was added—it wasn't asked for, but it was added—to DOD in the emergency legislation for national missile defense. I don't quarrel with a robust research and development effort. Nor would I quarrel with deployment. But deployment cannot stand alone. Deployment decisions by this country must be decisions made concurrent with issues about its impact on arms control, about not only the technological feasibility of being able to deploy a national missile defense system, but also the cost-effectiveness of it and a range of other issues.

So, Mr. President, I shall not offer the two amendments that I had protected. I thank the Senator from Michigan for his good work on this legislation. I thank the Senator from Mississippi for raising important questions and for his courtesy.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise with many in this Chamber who have risen and will rise to commend our distinguished colleague from Mississippi for his untiring leadership on this issue. It has been my privilege to work with him over these past months and to work with my distinguished colleague from Michigan, Mr. LEVIN, in having our committee address these issues and reporting the bill to the floor.

Mr. President, I wish to convey to the Senate my strong support for S. 257, which was introduced again by Senators COCHRAN and INOUYE. This is a very important and timely bill which deserves overwhelming support in the U.S. Senate. S. 257 was referred to the Senate Armed Services Committee early this year, and after consideration, the bill was reported out of committee favorably on a bipartisan basis.

Mr. President, even once S. 257 is enacted, the administration and Congress will decide, on an annual basis, how much to spend on NMD, pursuant to the normal authorization and appropriations process. Such spending decisions will be informed by the best information available each year regarding technical progress in the program and the status of the threat.

I also heard that S. 257 would make no contribution to the development or deployment of an NMD system. I do not agree, most respectfully. Commitment to the deployment of an NMD system will have two crucial impacts on the security of the United States.

First, it will signal to the nations that aspire to possess ballistic missiles with which to coerce or attack the United States that to pursue such capability is a waste of both time and resources of that nation. In this sense, commitment to an NMD system would have a deterrent effect on proliferation.

Second, if some aspiring states are not deterred and commit to deploy an NMD system, it would ensure that American citizens and their property are protected from limited missile attack, to the best of our capability. I use the word "ensure" the American citizens. We can only offer our best technical protection. I am not sure any ensurance absolutely can be devised.

In addition to convincing the rest of the world that we are serious about defending the U.S. against rogue missile threats, S. 257 will make it clear to the American people that we are truly serious about this undertaking. This is important, in particular, for those in Government and industry who are now working so hard to make an NMD system a reality. Nothing could be more important to them than a clear signal that we are seriously behind them and that this is not just another false start.

On August 31, 1998, North Korea tested the Taepo Dong 1 missile over Japan and demonstrated the capability to deliver a small payload to U.S. territory. Technically, that is feasible. This event demonstrated that the proliferation of technology expertise and hardware with which to build a long-range ballistic missile is accelerating rapidly.

As the Rumsfeld Commission reported:

> The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the [greater] Intelligence Community [of our country].

To its credit, the administration has now acknowledged the existence of this threat and has taken significant steps to address it. I commend Secretary of Defense Cohen for his decision to increase funding for NMD by $6.6 billion over the Future Years Defense Program.

In my view, however, these developments fundamentally change the rationale supporting the "3+3" policy. This policy has been based on a perceived need to gather more information on the ballistic missile threat, on NMD program affordability, and on technology maturity, before making a deployment decision. The administration has now indicated that the threat is all but here.

It has also budgeted funds needed to implement the deployment decision, implicitly confirming that the program is affordable. The administration's only remaining decision criteria for which additional information is needed relates to technology development. S. 257 makes clear that the deployment would only proceed once the technology is mature. There is no apparent reason to further delay a deployment decision.

Although the United States must engage Russia with caution and respect—and I underline "with caution and respect"—I do not believe that postponing an NMD deployment decision will facilitate negotiations to change the ABM Treaty. Delay only perpetuates uncertainty about our position and creates the potential for misunderstanding. If Russia does not believe that we are serious about an NMD deployment, it will have no incentive to cooperate, in my judgment, in these talks. Once a firm commitment to NMD deployment has been announced, only then will Russia seriously engage in negotiations to modify the ABM Treaty.

We must never forget that treaty was between the United States and the then-Soviet Union, the only superpowers that had intercontinental ballistic missile technology. And it is against that background that we must review the revisions of this treaty. It is in the national interest of the United States of America. There are many places today in the world where other capabilities to develop these missiles are rapidly progressing. It is in our national interest to modify that treaty at this time. I do not say abolish it. I say carefully modify it.

The United States must make it clear that the decision to deploy an NMD decision is based on a threat not envisioned at the time the ABM Treaty was negotiated. I was then Secretary of the U.S. Navy, and I was in Moscow when the ABM Treaty was signed. I have a vivid recollection of that backdrop.

The United States, however, must make it equally clear that it will proceed with deployment of an NMD system whether or not Russia agrees to modify the ABM Treaty. The only way to clearly send such a signal is by a change in U.S. policy. In my view, the best way to send that signal is by enacting S. 257.

Mr. President, in summary, I believe the need for the deployment of NMD is compelling. I believe it is equally clear that we must modify our policies so everyone knows where we stand on NMD deployment. We must send this signal to our potential enemies, to Russia, and, indeed, to ourselves. And I do not put Russia in the context of a potential enemy; other nations I was referring to in that statement. The threat exists, and continues to grow. S. 257, which clearly indicates the commitment to deploy NMD, will ensure the United States is prepared to meet that threat.

Mr. President, I am going to pose a question or two to my good friend and distinguished colleague from Michigan, Mr. LEVIN, who is the ranking member of the Senate Armed Services Committee on which we serve together. But over our 21 years in the Senate, it is interesting that Senator LEVIN, Senator COCHRAN, and I all came to the Senate at the sametime. Senator COCHRAN, however, is senior to me. I will always respect him for that, and he reminds me on a daily basis. But nevertheless, we came together. We have many, many times in those 21 years debated on this glorious floor of the U.S. Senate the issues relating to arms control. All too often, regrettably, Senator COCHRAN and I are on one side and Senator LEVIN on the other.

But I remember not so long ago in the context of the expansion of NATO that I tried as forcefully as I could to resist that expansion. That is history now. The decision was made by this body to go forward and accept three new nations. I stated from this very chair that I would support that. So the debate is over. But it is interesting to go back and look at some of the statements made in the context of NATO expansion and see how they relate to this very debate that we are having today.

Many of those who stood on this floor defending expansion—my good friend from Michigan was among them—now argue that we must not declare our policy to deploy a national missile defense system. I ask the question, Should the Senate be more concerned about Russia's opposition to NMD than we were to Russia's opposition to NATO expansion? It is a fair question.

I am reminded of the statements by Secretary of State Albright to the Foreign Relations Committee. And I happened to have been in the room at the time she made it. I quote:

> Russian opposition to NATO enlargement is real. But we should see it for what it is:

A very interesting statement, "But we should see it for what it is."

> a product of old misperceptions about NATO, and old ways of thinking. . . . Instead of changing our policies to accommodate Russia's outdated fears, we need to encourage Russia's more modern aspirations.

If we simply deleted Secretary Albright's reference to "NATO enlargement," and substitute the term "NMD," I think we would have an interesting quote. If I may, I respectfully revise the statement of my good friend, the Secretary of State, to read: "Russian opposition to NMD is real. But we should see it for what it is: a product of old misconceptions about NMD and old ways of thinking. . . . Instead of changing our policies to accommodate Russia's outdated fears, we need to encourage Russia's more modern aspirations."

Secretary Albright also indicated to the Foreign Relations Committee that NATO enlargement would in no way jeopardize START II, as some of my colleagues have argued the National Missile Defense Act would do. Once again, if we substitute the term "NMD" for the term "NATO enlargement," I think it would be about right. I quote:

> While I think this prospect [Duma ratification to START II] is by no means certain, it would be far less so if we gave the Duma any reason to think it would hold up [NMD] by holding up START II.

I just hope that at some point my good friend from Michigan might reply to the observations of his good friend, the Senator from Virginia.

I say with respect to the President, Secretary of State, and others that this is an example of the difficulty that we are having with continuing confrontations between this administration and the Congress of the United States, most particularly the Senate, on very, very serious foreign policy concerns.

Mr. President, today we are facing tremendous uncertainties in Kosovo, and trying to address major decisions as to whether to use force should the talks not be successful in Paris. The outcome of that situation could definitely relate to the future of our work and our commitment of over $9 billion in Bosnia.

We have a serious problem with China today as to the degree that we continue or not continue our relations with China given this tragic case of espionage, the allegations of which are being studied by this body with great care, and, indeed, by the committee over which I am privileged to be Chair.

I can count other serious foreign policy considerations. Here we are debating this missile defense legislation, and we are now seeing under the leadership of Senator COCHRAN, and, indeed, greater and greater bipartisanship which is evolving on the other side of the aisle, a consensus coming about to pass this critical piece of legislation.

I say to the administration that they have to select more carefully the battles they wish to wage with the Congress for fear of losing them all. This is a battle which should have been recognized by the administration months ago as one not to be waged with the intensity that this one has experienced. That same fervor and intensity should be applied to the other major issues before us, whether it is Kosovo, Bosnia, or China, and not have the attention of the U.S. Senate so reflected to resolve this.

But, nevertheless, I thank, again, the distinguished leader from Mississippi for his tireless work. I think that this bill will emerge with the strongest bipartisan support. To some extent I think the amendments have helped. But I have studied both of them carefully. Both of the votes were 99 to 0. I think that that tells a story in and of itself, but nevertheless I wish our managers well.

I see my distinguished colleague from Michigan about to seek recognition. I just wonder if the Senator has a comment about my NATO observations, I say to my good friend from Michigan.

Mr. LEVIN. Mr. President, my good friend from Virginia is very wise and perceptive. Indeed, I do have a comment. He asked the question whether the Senate is more concerned about Russian reaction to national missile defense than about Russian reaction to NATO expansion. And, of course, there is a huge difference. In one case we have a treaty with Russia. It is called the Anti-Ballistic Missile Treaty. And before we pull out of that treaty, or unilaterally act in a way that is in violation of that treaty, we ought to consider the ramifications.

The point is we have a treaty with Russia that has made possible significant nuclear arms reduction. We had no such treaty with Russia relative to NATO; quite the opposite—our NATO treaty was against the former Soviet Union. Russia wasn't part of any NATO treaty. Its predecessor, the Soviet Union, was the problem against which that NATO treaty was created. So this is a day-and-night comparison. Surely, when you have a treaty with someone, before you unilaterally breach it or threaten to breach it, you should consider the consequences of that. We have such a treaty with Russia. The opposite was true with NATO. So the difference is a 180-degree difference.

Mr. WARNER. Mr. President, I wish to remind my colleague that we had, in the course of that debate on expansion in the same time period, led the way for Russia to begin to work with NATO, and while it wasn't a formalized treaty as such, it was a very interesting and unique arrangement between Russia and NATO whereby Russia would have a forum in which it could express its concerns and hopefully work cooperatively.

Mr. LEVIN. The Senator is exactly correct. And that is precisely what we are now doing relative to our treaty with Russia, with the Anti-Ballistic Missile Treaty. We are sitting down with Russia now and seeing whether we can't negotiate a modification in that treaty which would permit two things to happen: 1, the deployment of a national missile defense should we decide to deploy it; and, 2, continuing nuclear arms reductions which have been provided for—in effect, permitted—under the Anti-Ballistic Missile Treaty. So that is exactly what we are trying to do now.

But any comparison between the situation of having a treaty relationship with somebody and having a treaty which was aimed against that person, it seems to me, is an inapt comparison. I just wanted to briefly comment on it.

Mr. WARNER. Mr. President, if I may, did the Senator from Michigan have a chance to see a rather interesting comment by Mikhail Gorbachev and how he referred to the NATO expansion as being an act that was in contravention of his clearest of understandings with the leaders of this country, the United States, at that time?

Mr. LEVIN. I did. I believe that our leaders have denied such an agreement with Mr. Gorbachev, and we would be happy to dig up the difference relative to that.

Mr. WARNER. Mr. President, if I could ask one other question of my distinguished colleague from Michigan, he refers to negotiations, and indeed I think those negotiations have been ably conducted by a former member of our Armed Services staff, Mr. Robert Bell, for whom the Senator from Michigan and I have respect, having worked with him through the years. But how many such negotiations have taken place over what period of time, I ask my friend?

Mr. LEVIN. I think those negotiations began just a few weeks ago. And I was urging the administration in the middle of last year to begin those discussions and those negotiations. So the actual preliminary discussions I think began in February. As far as I am concerned, it would have been better to begin those discussions before that, and I had urged the administration last year to begin them. But as I understand it, there were informal discussions which had occurred before this recent visit that the Senator from Virginia, my good friend, has referred to.

Mr. WARNER. Mr. President, my recollection is that this had been going on for at least 2 years. Whether you caption it as informal versus today being formal, we will have to look at the record, but this has been going on for 2 years without any real, I think, "concrete"—and that is the famous word that the old Soviet Union and now Russia use—results. And I believe the initiative by the Senator from Mississippi and what I anticipate will be the passage of this bill by the Senate will give the proper incentive to get those negotiations completed in a mutually satisfactory way.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I would agree that the bill as it now stands, with an amendment which adopts as a policy of the United States to continue to negotiate arms reductions with Russia, is indeed going to be an incentive to those discussions because it no longer threatens to just unilaterally breach a treaty between ourselves and Russia.

On the first point, however, I would disagree with my dear friend from Virginia. I believe the discussions with the Russians on our National Missile Defense program did not begin until last year, and the informal discussions relative to modifications in the ABM Treaty did not occur until February. I believe, in fact, I wrote the administration—and I think I shared my letter with my friend from Virginia—I wrote the administration I believe in August urging that these discussions and negotiations take place.

Mr. President, in 1993 the administration, the Clinton administration, just as it came into office, terminated the defense and space talks which dealt precisely with modifications of the ABM Treaty. I think we can produce a record how this debate on the ABM Treaty has gone on for a very, very long time without any productive or concrete results.

Mr. LEVIN. The debate on the ABM Treaty has gone on since before the treaty was up here for ratification.

Mr. WARNER. I am talking about, Mr. President, the negotiations between the administration and Russia on such modifications as we felt were necessary for various aspects of our missile defense program.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The discussions between us and the Russians relative to the demarcation line, for instance, between a theater missile defense and strategic defense, the defense against strategic missiles has, indeed, been going on a long time.

Mr. WARNER. That is correct.

Mr. LEVIN. That is not the issue, though, that we have been discussing here this morning. The issue we have been discussing here this morning is whether or not we can work out with the Russians a modification of the ABM Treaty such as to permit us to deploy what is admittedly covered now by the treaty, namely a limited National Missile Defense system.

The discussions which have been referred to by my friend from Virginia had to do with the question of what is or is not covered by the treaty as it is currently written: What is the correct demarcation between those missile defenses which are covered by the treaty and those missile defenses which are not? And, indeed, he is correct; those demarcation discussions have been going on with the Russians, and indeed there was an agreement relative to the proper demarcation line. But the discussions relative to modifying the treaty so that we could deploy a limited national missile defense against what is admittedly covered by the treaty are discussions which have only begun in a preliminary manner in February of this year and informally began, I believe, last year.

Mr. WARNER. Mr. President, I say to my good friend that is correct. An agreement was reached between Russia and the United States, and it is interesting that agreement has never been submitted to the Senate, although I and other Senators have repeatedly called for it. This is another example where I think the Senate needs to assert itself more strongly in areas of foreign policy, and this is one of those areas which is very clearly in need of a show of strength by the Congress, through the Senate, to assert its really coequal right under the Constitution to deal with issues of foreign policy. And that is why I so strongly support the legislation.

Mr. LEVIN. What is intriguing—Mr. President, I do not know who has the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, what is intriguing is, in fact, we did assert our position relative to the correct demarcation line, and indeed we put it in law, and indeed the demarcation line which was adopted by this administration and Russia followed what we had put into law. So we had asserted what our position was as the U.S. Senate and, if my memory is correct, as a Congress, because I believe the language ended up in the final authorization bill as to where that demarcation line should be. The agreement which was reached indeed—my understanding is and my recollection is—followed the demarcation line which the Congress had set forth in that authorization bill.

So it is nothing new for Congress to assert its involvement in these kinds of issues. We should. We have. We should be partners with the administration on this issue. I believe this bill as amended—I know it is now acceptable to the President with these amendments—represents the effort to come up with a more bipartisan approach to these critical national security issues.

Mr. WARNER. Mr. President, if I may, I say to my good friend, the Bush administration was close to changing the ABM Treaty pursuant to negotiations with Russia to deploy a limited NMD. I draw that to my colleague's attention. When the Clinton administration came in, it terminated these talks in 1993 and, indeed, downplayed significantly the need for an NMD system.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wonder if my friend from Virginia would join in a colloquy, if possible, to try to flesh out a couple of issues.

Mr. WARNER. I will be happy to.

Mr. KERRY. Mr. President, let me begin my question to him by saying I, with many others here, am cognizant of the threat that has now been more realistically defined and is more present. I think most people feel a safety measure with the capacity that might save Hawaii or some other sector of the United States from some accidental, rogue, or unauthorized launch, makes sense in theory. And I certainly support that. But many people have expressed concerns. I know the Senator from Virginia has long been a member of the Arms Control Observer Group, long been involved in these issues, and has a great sensitivity to the perceptions of other countries which often drive arms races and the building of weapons.

I assume, based on that experience, the Senator from Virginia will acknowledge that if the United States proceeded in some way that altered the perception of another country—be it Russia or China or someone with whom we are currently trying to cooperate—that could, indeed, have an impact on the weapons they might build or, ultimately, on the security of the United States itself.

Is that a fair statement of how perceptions operate in arms races?

Mr. WARNER. Mr. President, I readily concede that misconceptions can arise. But Russia today, while President Yeltsin still holds, let's say, the trappings of office, is largely guided by Mr. Primakov. I have had the opportunity to deal with him through the years, as has, I think, my good colleague from Massachusetts, likewise.

Let me tell you, Mr. Primakov is not a man who doesn't fully understand exactly the nature of this debate and the need for the United States of America to prepare for its defense, not necessarily against Russia, but against other nations emerging with this threat. I do not think, in the context of this debate on this amendment, a misconception could arise, given Mr. Primakov's extensive experience. He will soon be visiting the Nation's Capital as a guest of our President. I am hopeful that I, and perhaps the Senator from Massachusetts and others, can have an opportunity to engage him, as we have in years past, in a colloquy on a wide range of issues. He is a very well informed and a very astute individual.

So in this particular instance, I do not believe that is a serious problem, I say to the Senator.

Mr. KERRY. Mr. President, if I could further continue the colloquy—and I thank the Senator for his answer—I concur with his judgment about Mr. Primakov. I have had the pleasure of having a discourse or two with him. He is a very thoughtful and articulate person who understands the nature of this. But that is not to say that other politicians, other wings of other various ideologies, do not try to use these kinds of issues to play politics within their countries. Nor is to it say that conceivably—and I am only talking about the possibilities here, because it is important for us to put any deployment issue or any future procurement issue in the context of these realities—China could also make certain determinations with respect to this. Is that not also a fair judgment?

Mr. WARNER. Senator, as a generality, I think you speak with fairness on this issue. But, again, I wish to just try to limit my remarks as to this specific piece of legislation, although prior to coming on the floor I did make what I felt were some constructive criticisms. The administration should begin to pick its fights with the Congress on foreign policy issues. This is one that should have been reconciled some time back, quietly, and acknowledging that it was in the interests of the United States to proceed as we are now doing on this legislation, and save its full force and effect for other issues, whether they are Kosovo or China or Bosnia or whatever they may be.

Mr. KERRY. Mr. President, again, I appreciate the answer and I appreciate the sensitivity the Senator has shown, as to how we might have gotten here otherwise. I cannot disagree with him with respect to that. But, by the same token, there has been a push here to try to achieve certainty with respect to technology, technological feasibility governing an issue of deployment. There are a lot of questions about what kind of system we might or might not really be building.

The early concepts that surrounded this entire debate envisioned a system that did more than simply address the question of a rogue missile or an accidental launch or even a few individual missiles. The best estimate of the threat from North Korea, in 15 or 20 years, is still dealing with minimalist numbers. Always, when we are debating in the context of Russia or in the context of China, we are dealing with multiple numbers, and the system you need to deal, with any reality, with those kinds of potential adversaries—I underscore "potential"; we view neither of them that way today, as the Senator has said—but the kind of system that would be needed to deal with that is a system that most people make the judgment is technologically so expensive and so complicated—because it requires the SWIR intercept capacity at boost phase, it requires the capacity to go exoatmospheric for a certain phase, you have to hand off for the next phase for LWIR capacity for tracking, the capacity to distinguish between multiple decoys—all of this gets into such a zone of expense and of arms deterrence imbalance that a whole series of other questions have to be put on the table.

So what we are talking about, in terms of a system, is really a critical, critical component of what we might be willing to deploy and what might ultimately work and what we might even be able to afford realistically.

Mr. President, let me say also, if you developed a system that had all of the capacity I just defined—it could distinguish between decoys, it could actually hit at the level that gave you an assurance that you have the kind of protection you are trying to achieve—you have actually shifted the entire balance of power, because you have created a near first strike capacity, if not a perfect first strike capacity. If you can shoot down anything that comes at you, then clearly you have changed the balance of power. So we are not making ourselves more secure necessarily. Plus, everyone in the business knows that we are talking, in that case, about intercontinental ballistic; they will simply go cruise missile, go underneath or any other alternatives. The notion that we are making ourselves, in the long run, somehow very significantly safer by building this larger system, I think, is a debate we put aside some time ago.

I come to the floor supportive of the notion that we are in a new world today. I appreciate what the Senator said about thinking about Madeleine Albright's language of how you perhaps change, together with other countries, to meet that new world. But that new world, to me, is quite delimited. It is a new world that seeks to protect us against a rogue, against accidental or unauthorized. That is a very limited kind of system. It is one that we ought to be able to negotiate, if we can develop it with China, with Russia, with other people, all of whom have a similar kind of threat to think about with respect to unauthorized or accidental or rogue launches.

I simply want to make it part of the record of this debate that that is my understanding of the direction we ought to be going in—and I hope and think it is the understanding of the Senator from Virginia—that we do not rush headlong into the building of a system that simply creates greater unrest, greater instability, greater question marks and, I might add, is measured against a $60 billion expenditure that to date, even in the THAAD program, has not shown success. There isn't anybody who won't tell you that when you are switching from THAAD into the intercontinental ballistic, you are moving into levels of complexity so much higher in terms of intercept and distinguishing capacity.

It is my judgment that while we ought to proceed, I hope the Senate is going to contemplate this in the context of really building stability in our relationships and also in trying, as diligently as we can, to negotiate with these other countries the process by which we will move forward.

Mr. WARNER. Mr. President, I have listened carefully to my colleague's remarks. I wish to make very clear, at the end of this colloquy, page 2 of the bill:

> It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

It is simply a system constrained to those particular threats. I think the Senator said those same threats face other nations, notably Russia and China. It seems to me in the common interest that this go forward.

I thank the Chair, and I thank my colleague.

Mr. KERRY. Mr. President, I thank the Senator.

I think, again, that the clarification here is important because, obviously, we come to this through the experience of a very large expenditure and a very different kind of concept than was contemplated. I think it is vital, as we proceed forward, that technological feasibility not be the only judgment which we will use as we proceed forward. I think the amendment which has thus far been accepted, the notion that the Senate now embraces the continued efforts to have negotiated reductions with Russia and that we do not want to upset that, is a very important statement that puts into context the down sides if we don't proceed with the sensitivity which most of us feel is so important here.

I thank the President, and I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Jacob Bylund, an intern in my office, for consideration of S. 257 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that a member of my staff, Clint Crosier, be granted the privilege of the floor for the remainder of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I rise today to express my wholehearted, overwhelming, passionate, and unwavering support of the National Missile Defense Act of 1999.

Finally, after years of fighting to get this legislation to a point where we can pass it, we appear to have succeeded. I sincerely hope it is not too late. The President had promised to veto this bill if we passed it. I was glad to hear last night that he has now dropped his veto threat. Unfortunately, his pledge comes a little late and still falls far short of the full support that we need to truly protect our citizens.

As Chairman of the Armed Services Committee's Subcommittee on Strategic Forces, I have devoted myself wholeheartedly to the cause of missile defense for many years. It has always troubled me that the President of the United States has refused to engage us and help us to pass a bill to defend the United States of America and its citizens from ballistic missile attack. It has been especially troubling in recent days, with news that data on our most sophisticated nuclear warhead may have been stolen by China—which may have already used this information to perfect their own warheads on missiles aimed this very minute at the United States.

The President seems to believe we need to let Russia have a vote on whether or not we choose to protect ourselves from blackmail and coercion from China, Iraq, Iran, and North Korea. With all due respect, I am not interested in having the Russians determine whether or not we should protect ourselves. I am more interested in having us determine whether or not we should protect ourselves.

The administration tells us that there are four critical criteria that must be met before we can decide whether to deploy a national missile defense: threat, technology, operational effectiveness, and cost. Let's look at these four issues; first, the threat. The Administration's national missile defense agenda is based upon, I believe, a false assumption that we will have plenty of warning to respond to the threat.

We can't base the security of the United States of America on our ability to detect and predict existing or emerging threats around the world. And we do not have to—it is here even as we speak. The administration can no longer ignore the threat. It is real, it is dangerous, and it is here now, today, this moment.

In May of 1998, India conducted three nuclear tests that shocked the world, and even worse, surprised our intelligence community. Ten days later, Pakistan conducted their own nuclear test.

In July of 1998, a bipartisan commission headed by Don Rumsfeld, former Defense Secretary, came to some very startling assertions. Here is what he said:

> Hostile nations such as North Korea, Iran, and Iraq are making concerted efforts to acquire ballistic missiles with biological or nuclear payloads that will be able to inflict major destruction on the U.S. within five years of a decision to acquire such capability. And further, the U.S. might not even be aware if or when such a decision has been made.

That is a pretty sobering analysis, Mr. President.

He went on to say:

> The threat from rogue countries is evolving more rapidly than U.S. intelligence has told us, and our ability to detect a threat is eroding because nations are increasingly able to conceal important elements of their missile programs. The U.S. faces a missile threat from hostile states with little or no warning.

The Rumsfeld Commission was bipartisan, and its conclusions were unanimous. Yet the entire report was downplayed by the administration. It was dismissed as paranoid, alarmist, and out of touch with current intelligence estimates. But only 2 months later, 2 months after the Rumsfeld report, the North Koreans shocked the world with the launch of a three-staged Taepo Dong missile over Japan.

This signaled their progress toward the Taepo Dong 2 that could hit the continental United States. Some in the Senate have been willing to write off Hawaii and Alaska because they are not continental. I notice that the Senators from Alaska and Hawaii were not willing to write themselves off, however. They were early advocates and supporters and cosponsors of this legislation in both political parties.

Not to be outdone, after North Korea, Iran tested their own new generation missile within weeks of the Rumsfeld report. On February 2 of this year, CIA Director George Tenet testified before the Senate Armed Services Committee:

> I see a real possibility that a power hostile to the United States will acquire before too long the ability to strike the U.S. homeland with weapons of mass destruction.

In an interview with Defense Week on 23 February, Lieutenant General Lyles, Chief of the BMD organization, said:

> We now have indications that the threat is growing, and certainly there is little doubt that this threat will be there around the year 2000.

The CIA recently reported that China has at least a dozen nuclear missiles aimed at U.S. cities right now.

I say to my colleagues, the threat is here. How much more warning do we need?

Let's go to the technology and the operational effectiveness issues that the President and some of this bill's critics have talked about. They say that this bill would require a deployment before the technology is ready. But technology and operational effectiveness are the cornerstones of this legislation. No one is suggesting we deploy a system before it is ready. How can we deploy something before it is ready? How can we deploy something that doesn't work? And yet we have had a big debate on this terminology. The Senator from Mississippi has done a good job, I think, in shooting holes in that false argument.

I honestly do not understand what the debate between "technologically possible" and "operationally effective" is all about. This is what the bill says:

> . . . to deploy as soon as technologically possible an effective national missile defense. . . .

It is pretty clear. When the technology allows us to build an effective system, we deploy it. Is that too much for the American people to expect from their elected leaders, who are sworn to protect and serve them? Are we going to build a system, know that it is effective, but then not deploy it? I do not think so. If we had something that was technologically possible and operationally effective and we didn't deploy it, I think our constituents would be a little upset with us.

There are also those who claim it is simply too hard to, as they say, hit a bullet with a bullet. If we all had that attitude, we would still be using bows and arrows to defend ourselves. We certainly would not have the technology that we have today in stealth and missiles and lasers if we adopted that "can't do" attitude.

Just 2 days ago at White Sands, we did successfully intercept a missile target with a Patriot-3 missile, proving we can hit a bullet with a bullet. The only problem is that when you hit the bullet with the Patriot, you are hitting it pretty close to you. What we want to do is hit that bullet long before it gets anywhere near us.

The third issue the administration wants to base a deployment decision on is affordable cost. Boy, there is a bureaucratic attitude if I ever heard one. That statement is—frankly, with all due respect to those who made it—unconscionable. On February 2, Director Tenet told the Senate Armed Services Committee:

> North Korea's Taepo Dong 1 launch last August demonstrated technology that, if further developed, could give Pyongyang the ability to deliver a payload to the western edge of the United States of America.

To put it bluntly, North Korea will soon be able to strike San Diego, Los Angeles, San Francisco, Portland, and Seattle with nuclear, chemical, and biological weapons—and the President is telling us he is worried about the cost? He is worried about the cost? What is the cost of one of those missiles hitting one of those cities? What in the world is he talking about? I wish he had been as worried about having a spy continue to operate in one of our weapons labs for 3 years without doing anything about it.

I note that the combined population of just the five cities I mentioned is 30 million people. The total population from San Diego to Seattle is 50 million people. What is the cost of losing 30 to 50 million people to that kind of missile attack? With all due respect, is the President willing to go out there and look those 50 million people in the eye and say, "We're going to check this out to see if it is affordable"? I say, if we are worried about money, then let's take money out of someplace else in the budget and protect 50 million people along the western coast of the United States of America.

The President wants to tell U.S. citizens we cannot protect them from weapons of mass destruction until we figure out how much it might cost. I say it is the opposite. We have to defend our citizens, and worry later about the cost.

This is not an imagined threat. The CIA recently reported that China now has a dozen missiles aimed at the United States. We have all heard the reports of the Chinese general who, in 1996, warned that if we chose to defend Taiwan, we had better be willing to sacrifice Los Angeles. This, from a nation that the administration says we must engage. Those are pretty tough words from a country that we are supposed to be engaging. Maybe we ought to disengage a little bit from China when it threatens us with nuclear attack and steals our nuclear secrets from our lab at Los Alamos.

Cost is a matter of relative priorities, Mr. President. As Senator SESSIONS pointed out recently, the cost of a 3-year deployment to Kosovo could reach 50 percent of what this administration plans to spend on national missile defense. We have already spent as much in Bosnia in the past 3 years as an entire NMD program is estimated to cost. Priorities, I say to my colleagues, priorities. Kosovo, Bosnia or 50 million people along the coast of the United States? We know what the President has chosen as his priority. What is the Senate going to choose for its priority?

Let's go to the last issue, the ABM Treaty of 1972, the bible for some people in this body. The biggest fear is that we are going to undermine the ABM Treaty. What ABM Treaty? We signed the ABM Treaty with the U.S.S.R. The last time I looked, there was no U.S.S.R.

On the 20th anniversary of the ratification of the treaty, President Nixon said:

> The ABM Treaty has been overtaken by the cold war's end.

Dr. Kissinger, the primary architect of the treaty, said in 1995 in testimony before the Congress that the time had clearly come to:

> . . . consider either amending the ABM Treaty or finding some other basis for regulating the U.S.-Russian strategic relationship. The ABM Treaty now stands in the way of our ability to respond in an effective manner to the proliferation of ballistic missiles, one of the most significant post cold war threats.

That came from the architect of the treaty. He is saying that the treaty stands in the way of our ability to defend ourselves.

Even Secretary of Defense Cohen recently said before the Senate Armed Services Committee that we may have to consider withdrawing from the ABM Treaty.

I am not advocating withdrawing at this point. I am just insisting that we not let the treaty harm our national security.

How absurd would it be for us to continue to honor the treaty with Russia, preventing us from protecting ourselves from weapons of mass destruction, while all other nuclear-capable countries of the world would be free to develop their own missile defense? What would that do to American security if we could not defend ourselves, but our enemies could? Does that make sense? Am I missing something here? I just do not understand the foreign policy of this administration.

In conclusion, it would be indefensible to the American people to concede that the threat of rogue missile attacks is real and credible, but offer only a self-imposed weak defense against it. It is unconscionable. If the threat to the American people is real, then the defense against these attacks must be real; not only that, it must be aggressive, full-scale and monumental. Whatever resources are necessary, the American people deserve to be defended.

Some in the minority claim that the passage of this bill might lead to a new arms race with the Russians. But everyone knows that any missile defense currently in development would not upset the balance of power between Russia and the United States. NMD will provide defense against only limited and rogue attacks, not against incoming Russian missiles.

What about Russia's proliferation of missile technology to rogue states? Between technology transfers to Iran, India, and perhaps even China, Russia is a large part of the reason we are here debating this bill today, because they are selling their technology around the world. Proliferation is already a growing threat, independent of this bill.

Mr. President, we must pass this bill. This is not a partisan issue. It is an issue of national security. And the defense of the American homeland against a real and growing threat of ballistic missiles and our national security depends on it.

I urge my colleagues to pass this bill, and to do it today.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, thank you.

AMENDMENT NO. 74

(Purpose: To modify the policy)

Mr. BINGAMAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 74.
>
> On page 2, strike lines 7 through 11 and insert the following:
>
> It is the policy of the United States that a decision to deploy a National Missile Defense system shall be made only after the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation of the Department of Defense, has determined that the system has demonstrated operational effectiveness.

Mr. BINGAMAN. Mr. President, let me explain my amendment and then hopefully discuss with the two managers, the chief sponsor of the bill, my friend from Mississippi, and the manager on the Democratic side, my friend from Michigan, their understanding of what the underlying bill provides and the appropriateness of my amendment.

We had a hearing the other day in the Armed Services Committee. Mr. Gansler was there, and he testified that the administration's plan, with regard to this national missile defense program, is to handle this as they would handle other major weapons programs, weapons systems: that is, they would proceed with development, but they would not go the next step, they would not go into full production and deployment until they had done the necessary operations tests to determine the effectiveness of the system.

I have had some concerns, frankly, about this legislation. I opposed this in the last Congress because of those concerns, concerns that we were, in this legislation, changing those ground rules on the Department of Defense and saying to them, "No, you should not do the appropriate testing. In this case, you should go ahead and proceed to deploy the system regardless of how ready it is for prime time."

I guess that has been the concern that has prompted me to offer this amendment. In private discussions with the manager of the bill, the sponsor of the bill, he has assured me that he does not see it that way. I want to just ask, if I could, the Senator from Mississippi if he could just respond to a question sort of directly on this.

I was encouraged, frankly, by the statements I just heard from the Senator from New Hampshire, where he said that it is his understanding and his intention, clearly, by this legislation, that we would not be requiring the Department of Defense to do anything by way of full production or deployment until they were convinced that this weapons system was operationally effective. Is that the understanding of the Senator from Mississippi also?

Mr. COCHRAN. Mr. President, if the Senator would yield, it seems to me clear from the language in the bill that we contemplate the development of a system that is effective. We use that word—an "effective" ballistic missile defense, and that the deployment would take place when it is technologically possible. So when the technology is matured, it is proven to work, and we know the missile system would be effective to defend against ballistic missile attack. That is what the sentiment is. That is the policy that is reflected in the language that is used in the bill.

So that is consistent with the intent that this Senator has, as an author of the bill. And in discussing it with other cosponsors, I think that is the sentiment of the Senate and would be reflected in future authorization and appropriations measures. That is another part to this as well. And one of the concerns, I think, with the amendment that the Senator has sent to the desk is that it could be construed, with a delegation of authority to the executive branch, to remove Congress from the decisionmaking process. We think Congress has a very important role to play in oversight and also in the authorization of deployment and the funding of deployment decisions that will be made in this weapons system development and deployment.

So those are my reactions, my sentiments. I hope that they are not inconsistent with the concerns of the Senator from New Mexico. And I really do not think they are.

Mr. BINGAMAN. I thank the Senator from Mississippi very much for that explanation. I agree with him that clearly Congress needs to maintain its oversight of this program, as well as all other programs. And this is a very high priority for many of us here in Congress and everyone, I think, who is concerned about national security issues. So I would not want, by my amendment, to bring into question the ability of Congress to maintain that oversight. I do not believe the language of my amendment does that.

I am encouraged to hear that the Senator believes that operational effectiveness is an essential part of what has to be established before we go ahead and actually deploy something.

I want to just ask, in order to sort of complete the circle here, my good friend, the ranking member on the Armed Services Committee, which I have the privilege of serving on, Senator Levin, if he has any thoughts about the underlying bill.

Again, I guess the question is, Is there, in the language of the underlying bill, essentially a requirement that the Department of Defense treat this weapons system and this program the way it treats other major programs; and that is, to put them through the appropriate operational tests before they go forward with any deployment?

Mr. LEVIN. To my good friend from New Mexico, I say there is no prohibition in this bill against them using the regular procedures. So it is my assumption they would use those procedures given the absence of any prohibition.

Secondly, the word "effective" that is in the bill, it seems to me, does include the critical operational effectiveness concept which the Senator has referred to. Indeed, the word "effective" could cover a number of elements of effectiveness, but surely one of them is, I believe—and the sponsor of the bill has just confirmed this, I believe—that "operational effectiveness" would be included in the concept of "effectiveness."

Mr. BINGAMAN. I appreciate that explanation as well.

The Senator from Mississippi, I see, is on the floor. If he has any additional comment, I would be anxious to hear it.

Mr. COCHRAN. Mr. President, if the Senator would yield, I appreciate his allowing me to comment further.

So the Record is complete, I would like to read into the Record some comments that I wrote down after considering the amendment of the Senator from New Mexico.

This bill is intended to establish a broad policy, stating the intent of the United States to defend itself against limited ballistic missile attack. It does not seek to micromanage the Defense Department's conduct of the program. It gives the Department of Defense flexibility in determining whether the national missile defense system is effective and technologically ready for deployment. That decision will be made with congressional involvement and oversight provided by the appropriate committees.

The Under Secretary of Defense for Acquisition and Technology has stated in testimony before the Armed Services Committee that the criteria to be used by the Defense Department in making such determinations are tailored to the needs of individual programs and the urgency of the threat they are intended to address.

So I think with those further statements we show what we consider to be the meaning of the bill, the effect of the bill, and its relationship between the Congress and the administration.

Mr. BINGAMAN. I thank the Senator from Mississippi for that additional explanation.

Mr. President, in order that I not delay or further confuse the Record, let me take those assurances that I have heard from the Senator from Mississippi and the Senator from Michigan and state that I do believe with those assurances the bill does provide for this requirement that operational effectiveness be demonstrated. That has been my primary concern as we considered this bill in the previous Congress, and I am glad to have that resolved.

AMENDMENT NO. 74 WITHDRAWN

Mr. BINGAMAN. Mr. President, I will at this point withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 74) was withdrawn.

Mr. LEVIN. Mr. President, let me just thank the Senator from New Mexico. He has raised a very important issue which was the subject of major discussion at the Armed Services Committee the other day; that is, the importance that any weapon system, before it is deployed, be shown to be operationally effective. I think his sensitivity to that issue has been longstanding, and I want to thank him for clarifying the Record relative to this bill.

So that it is clear to Senator Bingaman and to all of the Members, the word "effective" in the bill includes the concept of operational effectiveness. There are other elements of effectiveness which could also be covered, but surely it includes the operational effectiveness concept which the Senator has championed for so long.

I thank the Senator.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise today to support S. 257, the National Missile Defense Act, and to thank my friend and colleague, the distinguished senior Senator from Mississippi, for his continued leadership on this issue—not today, not last year, but over a sustained period of time—to help educate America as to why this issue is so important to our future. I thank the cosponsor of this bill, Senator INOUYE from Hawaii, who has joined over the years with Senator COCHRAN in leading the debate and, hopefully, moving this body to a decisive action today on passing the National Missile Defense Act.

Mr. President, the security of the American people is the first and most important responsibility of the National Government. One of the primary threats facing our national security in the 21st century is the proliferation of weapons of mass destruction and advanced, sophisticated missile technology.

Surveys show that many Americans think our Armed Forces can shoot down any missile fired at the United States today. As the debate has pointed out over the last few days, that, in fact, is not the case; it is a myth. We don't have a missile defense system today, we won't have a missile defense system tomorrow, and we won't have a missile defense system next year. Yet the nations who are developing their own weapons of mass destruction are not waiting. Last year, two new countries entered the nuclear club, India and Pakistan. Other nations whose motives are less than friendly toward the United States and our allies are aggressively pursuing these weapons and the ability to launch, the ability to deliver, a nuclear weapon.

As technology spreads throughout the world, the threat increases not only from rogue states but also from terrorist organizations. For years, America was assured by our intelligence agencies that the ability to strike the U.S. mainland by any rogue state was years away and that we would easily have enough time to develop a new missile defense system before that possibility would occur.

Last July, a bipartisan commission headed by the distinguished former Secretary of Defense, former Chief of Staff to the President, former Member of the House of Representatives, Don Rumsfeld, sounded an alarm: All was not quiet on the ballistic missile front. The Rumsfeld Commission examined the emerging and current ballistic missile threat to the United States. As Secretary Rumsfeld testified last October before the Senate Foreign Relations Committee:

> We concluded unanimously that we are now in an environment of little or no warning.

The Rumsfeld Commission report contains several alarming conclusions.

One, Russia and China continue to pose threats. Both possess intercontinental ballistic missile capability of reaching the United States mainland. We must be prepared for the possibility of an accidental launch—an accidental launch. In addition, and even more deadly in terms of the threat it poses, both Russia and China have emerged as major suppliers of technology to a number of rogue nations and other countries.

Two, the Rumsfeld Commission found that North Korea and Iran could each pose a threat to the United States within 5 years of a decision to do so.

Three, Iraq was estimated to be certainly within 10 years of posing a threat. Whether we have been effective at limiting this development with our airstrikes is unknown in Iraq because Iraq is now able to continue its work without the oversight of UNSCOM inspectors. These nations are not isolated; they work together. As Secretary Rumsfeld stated with regard to North Korea:

> They are very, very active marketing ballistic missile technologies.

Iran alone received technology assistance from Russia, China, and North Korea, which gives it a wider array of options.

And perhaps one of most striking comments made by Secretary Rumsfeld in his testimony in October was one that rang true with plain, straightforward common sense. Again I quote Secretary Rumsfeld:

> We have concluded that there will be surprises [deadly surprises]. It is a big world, it is a complicated world, and deception and denial are extensive. The surprise to me is not that there are and will be surprises, but that we are surprised that there are surprises.

The Rumsfeld Commission report was greeted with some skepticism by the intelligence community. Then on October 31 of last year, the myth that technology was years away was shattered when North Korea launched a Taepo Dong I missile, a three-stage rocket, over Japan and into the Pacific. This is a missile that, with upgrades, could have delivered a small payload, a nuclear payload, to Hawaii or Alaska. We know that the North Koreans are in the advanced stage of developing a Taepo Dong I intercontinental missile with the capability of delivering a nuclear payload to the American interior.

Finally, last month the CIA reversed itself saying the threat was real, imminent, and very dangerous. In testimony before the Senate Armed Services Committee, CIA Director George Tenet stated:

> I can hardly overstate my concern about North Korea. In nearly all respects, the situation there has become more volatile and more unpredictable.

Why has it taken us this long to wake up to the threats facing our Nation? How many more intelligence reports and missile test firings do we need? Vast oceans in time protected America at the beginning of World War II. Oceans in time will not protect America today. Time has run out.

I was very pleased to see news reports this morning, Mr. President, that President Clinton has dropped his threat now to veto this bill. However, the administration continues to raise concerns about whether a national missile defense system fits within the framework of the 1972 ABM Treaty with the old Soviet Union—the imploded Soviet Union, a country that no longer exists.

Much has been made by the opponents of this bill on how Russia would perceive our development of a national missile defense. I visited Russia in December. I spent 10 days in Russia and met with leaders throughout Russia. I was in Siberia. I asked about this question. This question is about the relevancy of our national interest, as all questions of national security are about the relevancy of our national interest, as Russia's questions are about their national interest. The Foreign Relations Committee will hold a hearing on the ABM Treaty in April, and a continued set of hearings on into May, leading up to the June 1 deadline by which Chairman HELMS has asked the administration to submit the ABM Treaty amendments.

It is completely inconsistent for the administration to raise concerns about building a national missile defense system under this current 1972 treaty and then not submit the ABM Treaty amendments to the Senate. This administration has yet to send amendments to the ABM Treaty, nor has it given any indication that it will. The President should submit amendments and allow the Senate to debate this issue. We need to determine whether this 1972 treaty is still relevant to America's security in the 21st century. The security of our people cannot be held hostage to an outdated treaty with a country that no longer exists. The most fundamental responsibility of this Government, of each of us who have the privilege to serve in this body, is to assure the freedom and security of this Nation; to do less not only abrogates our responsibility, but makes us less than worthy of serving the people of this country.

As Secretary Rumsfeld stated:

> The new reality makes threats such as terrorism, ballistic missiles, and cruise missiles more attractive to dictators. They are cheaper than armies and air forces and navies. They are attainable. And ballistic missiles have the advantage of being able to arrive at their destination undefended.

We need an effective missile defense system, and we need to get at it now.

I conclude with what President Reagan said in 1983. He said:

> If history teaches anything, it teaches simple-minded appeasement or wishful thinking about our adversaries is folly—it means the betrayal of our past, the squandering of our future, and the squandering of our freedom.

Mr. President, I urge my colleagues to support the National Missile Defense Act, S. 257.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 75

(Purpose: To require a comparative study of relevant national security threats)

Mr. HARKIN. Mr. President, I have an amendment that I will offer and then I will engage in a colloquy with the distinguished Senator from Mississippi. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 75.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. 4. COMPARATIVE STUDY OF RELEVANT NATIONAL SECURITY THREATS.

(a) REQUIREMENT FOR STUDY.—Not later than January 1, 2001, the President shall submit to Congress the comparative study described in subsection (b).

(b) CONTENT OF STUDY.—(1) The study required under subsection (a) is a study that provides a quantitative analysis of the relevant risks and likelihood of the full range of current and emerging national security threats to the territory of the United States. The study shall be carried out in consultation with the Secretary of Defense and the heads of all other departments and agencies of the Federal Government that have responsibilities, expertise, and interests that the President considers relevant to the comparison.

(2) The threats compared in the study shall include threats by the following means:

(A) Long-range ballistic missiles.

(B) Bombers and other aircraft.

(C) Cruise missiles.

(D) Submarines.

(E) Surface ships.

(F) Biological, chemical, and nuclear weapons.

(G) Any other weapons of mass destruction that are delivered by means other than missiles, including covert means and commercial methods such as cargo aircraft, cargo ships, and trucks.

(H) Deliberate contamination or poisoning of food and water supplies.

(I) Any other means.

(3) In addition to the comparison of the threats, the report shall include the following:

(A) The status of the developed and deployed responses and preparations to meet the threats.

(B) A comparison of the costs of developing and deploying responses and preparations to meet the threats.

Mr. HARKIN. Mr. President, again, for the information of Senators, I intend to withdraw this amendment after talking about it and engaging in somewhat of a colloquy with Senator COCHRAN, and I think Senator LEVIN also wanted to speak on this.

Basically, let me describe what the amendment does. It requires that not later than January 1 of 2001, the President will submit to Congress a comparative study. It is a study that would provide a quantitative analysis of the relevant risks and the likelihood of the full range of current and emerging national security threats to the territory of the United States.

This says:

> It shall be carried out in consultation with the Secretary of Defense and the heads of all other departments and agencies of the Federal Government that have responsibilities, expertise, and interests that the President considers relevant to the comparison.

Then I listed a number of items, including long-range ballistic missiles; bombers and other aircraft; cruise missiles; submarines; surface ships; biological, chemical, and nuclear weapons; and any other weapons of mass destruction that are delivered by means other than missiles, including covert means and commercial methods, such as cargo aircraft, cargo ships, trucks, and any other means.

I would like to describe what I am getting at here. As we look at the bill before us, S. 257, which is kind of narrowly drawn in terms of ballistic missile defense, we seem to be getting kind of overfocus on this, a focus that if only we build some kind of a ballistic missile defense system, it will secure us from the weapons of mass destruction that threaten us. But I am not so certain that is really the major threat that we face, and whether or not all of the money put into that, all of our eggs into that basket, so to speak, really would protect us from what I consider to be more viable and determinable threats to our national security.

For example, what about some of the key threats we hear about every day? Well, I have a chart that lists some of the typical types of national security threats facing our Nation today.

Mr. President, I ask unanimous consent to print the chart in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

NATIONAL MISSILE DEFENSE: NO SOLUTION TO KEY THREATS

	National missile defense solution	Theater missile defense solution
Truck bomb attack on U.S	Ineffective	Ineffective.
Chemical weapons attack in U.S	do	Do.
Biological weapons attack in U.S	do	Do.
Cruise missile attack on U.S	do	Do.
Bomber attack on U.S	do	Do.
Loose nukes in former Soviet Union	do	Do.

Mr. HARKIN. For example, a national missile defense system would be ineffective against a truck-bomb attack on the United States. Of course, we have had some experience, regrettably, in that area. It would not be effective against a chemical weapons attack in the United States. Now, we haven't had that, but Japan has. What about biological weapons that would be delivered by a terrorist? No small threat. It seems like there is an anthrax incident every week here in the country. Again, if there is an anthrax scare, the first line of defense is going to be the local police and firefighters struggling to deal with the threat, and our State and local public health officials, and other health care people.

However, a national missile defense system is no solution to combat this very viable threat. The list goes on with a cruise missile attack. It is much cheaper for a country to engage in; it would be launched offshore. Yet, a national missile defense would be ineffective. Even a bomber attack, coming in under our radar screens, would be ineffective for missile defense; and even some of the "loose nukes" in the former Soviet Union, if in fact there were to be warheads smuggled out of the Soviet Union and enter the country by boat, plane, or truck across our borders. A missile defense is totally ineffective. Also listed is the theater missile defense, which would also be ineffective against those threats.

General Shelton of the Joint Chiefs of Staff agrees and has said:

> There are other serious threats out there in addition to that posed by ballistic missiles. We know, for example, that there are adversaries with chemical and biological weapons that can attack the United States today. They could do it with a briefcase—by infiltrating our territory across our shores or through our airports.

I am just concerned that we are focusing so much on this national ballistic missile defense that we are forgetting about these other more determinable and viable threats.

My amendment seeks to provide for a study, sort of a comparative study, and a quantitative analysis of these risks: What is the risk of a ballistic missile attack on the United States? What is that? And what is the risk of, say, a biological weapons attack on the United States? What do we have, either deployed or in development, to protect against each one of those?—thinking about the relative risk. I wanted this study to be done by January 1, 2001, before we go rushing down the road investing more billions of dollars into a ballistic missile defense that would prove absolutely defenseless against these other viable threats.

That is what I was seeking to do with this amendment.

I have had some conversations with the Senator from Mississippi about this. I yield for any colloquy that we might engage in on this.

Mr. COCHRAN. Mr. President, with respect to the amendment of the Senator from Iowa, I thank him for discussing the amendment with managers before offering it. As I understand the amendment, it calls for a report on a wide variety of threats facing the United States. S. 257, the pending legislation, is intended to address one of these threats—a limited ballistic missile attack against us for which we have no defense.

While these other threats are important, they are not the subject of this bill. We have tried to keep this bill focused on a specific policy question—whether the United States will defend itself against ballistic missile attack. We have tried not to entangle this question in the details of other defense issues, however important they may be.

If a report on the many other threats from weapons of mass destruction would be useful, the defense authorization or appropriations bills would be appropriate vehicles for directing such reporting requirements. As a matter of fact, it is our understanding that a similar requirement for a study is being conducted and is being complied with in response to a directive in the intelligence authorization bill for fiscal year 1999.

In conclusion, just because there are some threats that we cannot defend against perfectly doesn't mean we should not defend against others.

So, while being sympathetic with the suggestion that the Senator is making, we think this can be accomplished; the goal can be accomplished that he has pointed out by using the vehicles of the Intelligence Committee authorization, as is now being done to some extent, and the authorization and appropriations bills that will later be considered by the Senate this year.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I appreciate the remarks of my friend from Mississippi. I understand that in the intelligence community that they only look at possible threats but they don't make a comparative analysis, nor do they deal with the status of how the United States counters the threats.

Again, I am saying we need also to engage those agencies on the front line, not just the Pentagon. But I am talking about the Department of Justice, FBI, and HHS—all of these agencies that handle biological, chemical threats. We need to engage them in this comparative quantitative analysis.

Again, I want to make it clear to my friend from Mississippi that I basically was not going to support the bill because I felt that the words "technologically feasible" in the bill and saying that we should deploy as soon as technologically possible—that that was kind of putting the cart before the horse.

I was also concerned a little bit about what this might mean for further negotiations on arms control, our START II and possibly the START III, and the ABM Treaty. But with the adoption of the Landrieu amendment last night, I think that puts a balance here. I don't mind the research and stuff that goes into looking at a possible ballistic missile defense. I think we have to examine all of these. But it has to be done in a balanced way and in a way that sort of takes into account what those threats are to our national security on kind of a quantitative basis without putting everything in just sort of one basket, so to speak.

But I think with the adoption of the Landrieu amendment that it is much more balanced. And I therefore support the bill. I wanted to offer this amendment to try to again put that balance in the bill while looking at these other possible threats. I understand what the Senator says—that perhaps this is more amenable, or a more likely prospect for the armed services authorization bill. I take that in good faith.

I spoke with the chairman of the Armed Services Committee, Senator WARNER, and also ranking member, Senator LEVIN, about this. I think I can represent that Senator WARNER was open to the idea, without knowing more about it and without having had an opportunity to really fully look at it.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield.

Mr. LEVIN. Mr. President, I would like to briefly make a statement before asking the question, so he doesn't lose his right to the floor.

The Senator has put his finger on a very significant issue—and it is one that all of us should struggle with, and many of us have struggled with. His effort here is to focus the attention of this body on a range of threats that we face. And to attempt to see if we can't get a better handle on the likelihood of those threats actually emerging is a very important action on his part. The chart he has used demonstrates what the problem is. There are many threats which are much more likely than a ballistic missile attack against us for which we have no defense. Perhaps we should devote resources to those, and then what would be the relationship between the costs of defending against those more likely threats compared to the cost of defending against a missile attack of the kind that could come from North Korea, theoretically.

General Shelton phrased the issue this way. This was on January 5. He said:

> . . . there are two aspects of the National Missile Defense [issue] that we have to be concerned with. Number one is: is the technology that allows us to deploy one that is an effective system, and within the means of this country money-wise?

This is General Shelton, Chairman of our Joint Chiefs saying this.

> Secondly is the threat and whether or not the threat, when measured against all the other threats that we face, justifies the expenditure of that type of money for that particular system at the time when the technology will allow us to field it?

Those are the factors that the Chairman of our Joint Chiefs wants to consider, and those are some of the issues which the good Senator from Iowa is addressing our attention to.

I asked General Shelton to give us what we call a "threat spectrum" and asked him to try to give us a continuum of threats in terms of the most likely and less likely.

The least likely is in the upper right-hand corner, strategic missile attack, 6,000 Russian warheads. The next least likely is the rogue missile. The next least likely, major theater wars, such as in Korea. The next least likely is information wars, attacks on our satellites, or our power systems, or similar assets. The next least likely, but now becoming more and more likely, are terrorist attacks in the United States, some of which for instance the Senator from Iowa is talking about, and then terror attacks abroad, regional conflicts, and so forth.

This is the issue which the Senator from Iowa is really focusing our attention on today. But his amendment goes significantly beyond this chart, which, by the way, was prepared by General Shelton. The amendment of the Senator from Iowa would get us into a greater element of comparative risk in terms of trying to get a range of likelihood of the risks, not just whether one risk is more likely than another. But his amendment, the way it is drafted, would consider how much more or how much less likely is one threat than another.

That is very valuable information, and General Shelton is attempting to work on that issue now. But the amendment of the Senator from Iowa puts it in a very precise and useful form.

In addition, it would be very helpful for us to know what would the range of costs be to defend against the various threats, if we can do so. And all I can do is assure my good friend from Iowa that we on the Armed Services Committee will take a good look at his amendment. It has my very strong support, and as he mentioned, the chairman of the Armed Services Committee said he would be open to such an amendment on the defense authorization bill.

I think that is a very appropriate place for the amendment to go, and I think he would find, hopefully, bipartisan support on the committee for this kind of a study, because it really addresses an issue which I think every Member of this body would like to see addressed.

I thank him for his effort and assure him of my support on the armed services bill. As a member of the Intelligence Committee, I would support an expansion of what we are doing to include the kind of factual analyses for which his amendment would call.

I thank him for the amendment and just assure him, if he does not offer it here, there will be a major effort to get it or something very close to it on the authorization bill.

Mr. HARKIN. Mr. President, I thank my friend from Michigan, the ranking member on the Armed Services Committee, a leader in this area and, obviously, way ahead of me on this topic, who has done a lot of research and work on this. I appreciate that and the kind of information he has given out with this chart he has developed. In taking that assurance, I would withdraw my amendment.

How much more time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. HARKIN. I will just take about 5 more minutes.

I cannot resist the opportunity to talk a little bit about this concept of the ballistic missile defense system. I was just reading the history of what happened in France prior to World War II. I got to thinking; someone described this ballistic missile defense as sort of our new Maginot Line, so I said I want to find out about the Maginot Line, really what it was.

Louis Snyder wrote the "Historical Guide to World War II." It is a basic reference work for anyone studying the history of World War II. I recommend that my colleagues read through this volume of history, especially the story of the Maginot Line.

In the late 1920s and 1930s, France constructed a huge series of fortifications on its border with Germany. It was named after Andre Maginot, French minister of war who started the project. A huge workforce constructed the fortifications that were considered impregnable by the French military. More than 26 million cubic feet of cement was used to build a series of giant pillboxes, gun turrets, and dragons teeth. Elevators led to underground passages that included living quarters, hospitals, cafeterias, and storehouses. It sounds like our missile silo bunkers.

More than $1 billion was spent by the French military. That is in 1930s dollars. Factored today that would be $12 billion they spent to build the Maginot Line, and from a nation much smaller than the United States. It was truly an awesome endeavor intended to thwart a great threat to France; that is, an invasion by Germany.

Of course, there was just one problem. The German military high command were no fools. They developed an adequate counter. They simply went around the Maginot Line. By going through Belgium, the Maginot Line proved almost useless in defending the French homeland, and it did nothing to counter the blitzkrieg tactics used by the Germans to counter static defenses.

I might also add here that Gen. Charles de Gaulle, who I believe was not a general at that time but a colonel, opposed the Maginot Line, but the French Government, I am sure, probably in sort of a working relationship with concrete people and builders and those who wanted to make a lot of money building this huge fortification, decided to go down that road. Charles de Gaulle warned of the blitzkrieg coming and that the Maginot Line would do nothing to protect them against it.

I think the analogy of the Maginot Line to ballistic missile defense is startling. Are we going to spend tens of billions of dollars on a defense against a single threat? Will our enemies simply go around the ballistic missile defense, our Maginot Line? Of course, they will. The counter is simple. Truck bombs, weapons of mass destruction slipped into our country by plane, boat, or truck would all go around the ballistic missile defense.

Perhaps some of my colleagues want a simple answer to real and potential threats from around the world. We want a simple silver bullet defense against a dangerous world. We may spend billions of dollars for this new Maginot Line, but the result will be the same as it was for the French 60 years ago. Life is just more complicated than what a national missile defense could counter.

In fact, the Maginot Line analogy applies, I think, to the psychology of missile defense. As Louis Snyder wrote, "The French public, too, had an almost mystical faith in the Maginot Line and believed its defense to be absolute and total."

Mr. President, I hope we don't fall in the same trap, but ever since star wars started under the Reagan administration, we have had this sort of concept that we could build some kind of a dome over the United States that would be impregnable, that would totally and fully protect all of our citizens. That is mythical. There is no such dome. A truck bomb, a terrorist attack by boat, a suitcase, anthrax poisoning, that missile shield would never protect us from anything such as that.

So I hope and trust that the authorizing committee will take a look at all these other threats, I think much more real, much more determinable, and I believe much more effectively countered other systems than a national ballistic missile defense system.

So that, again, was the purpose of my amendment. It was to try to bring balance. I appreciate the fact that this bill is focused on one area. But I still believe that this is the way we ought to go if we are going to make any rational decisions around here on how we spend our taxpayers' dollars on defense.

I think we need this kind of study, and I appreciate what Senator LEVIN has said. I appreciate his leadership. In my conversation with Senator WARNER from Virginia, the chairman, he was open to this, and I hope and trust that the Armed Services Committee will proceed down that line and provide us with the kind of balanced information we need on the Appropriations Committee before we go down this road of spending billions of dollars on a ballistic missile defense.

AMENDMENT NO. 75 WITHDRAWN

Mr. President, with that, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 75) was withdrawn.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I start out by extending my appreciation and praise to the Senator from Mississippi, Senator COCHRAN, who has done an incredible job on this legislation. He has, for years, advocated a capability of this Nation to defend itself against missile attack. Without his dedication and hard work we would not be here today. The Senator from Mississippi has performed a signal service, not only for the people of Mississippi but the people of this Nation, including all 50 States rather than just 48. I thank him for the marvelous job he has done.

I also think it is worthy of note that the persuasiveness of his arguments have caused the administration to significantly shift their position on this very important issue. So, again, my congratulations to the Senator from Mississippi and my sincere appreciation.

Mr. President, the question of whether to deploy defenses against ballistic missiles has been a contentious and unresolved issue for over 40 years. As a result, Americans today are vulnerable to destruction by a missile attack on our soil. The bill before us today, the National Missile Defense Act of 1999, resolves this national policy debate by calling for the deployment of an effective missile defense system when technologically possible to protect our citizens from the threat of a ballistic missile attack on the U.S.

Secretary of Defense Bill Cohen announced in January that the Clinton Administration, after years of discounting the existence of a missile threat to the U.S., will now support and provide the necessary funding for development and deployment of a ballistic missile defense system. On the surface, this appears to be one of the President's more propitious policy reversals. Yet, the Clinton Administration threatened to veto this bill, which establishes in law the missile defense policy the Administration now claims to support.

While I am pleased that the Administration has lifted its veto threat, I question the interpretation of the passage of yesterday's amendment that reportedly provided the basis for this latest reversal of position. The United States should proceed with deployment of a missile defense system irrespective of whether Russia agrees to reduce its nuclear force levels in accordance with the START II agreement. How many times do we have to point out that the requirement for missile defenses is predicated upon a much broader threat that the Administration apparently still doesn't fully comprehend.

Mr. President, since its inauguration, the Clinton Administration has demonstrated an approach to national defense that can only be described as disengaged and minimalist. Administration officials have sought not to maximize our military strength within reasonable fiscal constraints, but to find ways to minimize defense spending at the expense of military capability and readiness, and in so doing, they have endangered our future security.

Our late colleague and a man I greatly admired, Senator John Tower, stressed time and again that the size and composition of our Armed Forces, and thus the amount of our budgetary resources that are devoted to defense, must be determined by the level and nature of the threat. The Clinton Administration's long-standing opposition to missile defenses, as well as its continued refusal to provide adequate levels of defense spending, are the complete antithesis of Senator Tower's sound advice. Consequently, our nation is vulnerable right now to the threat of an accidental or unauthorized missile launch from Russia or China, and will be vulnerable to additional threats in the near future from North Korea and other rogue nations implacably hostile to America and governed by unpredictable leaders.

Mr. President, one of the principal reasons for our country's vulnerability to ballistic missile attack is not lack of money or technology. It is the 1972 ABM Treaty.

In the 1960s, at the height of the Cold War, then-Secretary of Defense Robert McNamara developed the theory of Mutual Assured Destruction as a means of deterring nuclear war between the U.S. and the Soviet Union. This concept relied on the assumption that, so long as both the U.S. and the Soviet Union were confident of their ability to retaliate against each other with assurance of enormous destruction, nuclear war would be averted and there would be no incentive to build more offensive nuclear weapons.

The 1972 Anti-Ballistic Missile Treaty was an essential component of this "balance of terror" concept. It prohibits the deployment of effective defensive systems which were perceived as undermining the concept of mutually assured destruction. In effect, the ABM Treaty was designed to keep the citizenry of both the U.S. and the former Soviet Union equally vulnerable to destruction in a nuclear exchange.

The ten years following ratification of the ABM Treaty, however, witnessed the greatest expansion of Soviet offensive strategic nuclear forces in history, destroying the basic premise of the MAD doctrine, and the ABM Treaty as well. Yet, the Treaty's proponents cling to it with an almost theological reverence.

It was President Reagan who finally called into question the wisdom of continuing to deprive ourselves of missile defenses in the face of overwhelming evidence that the Soviet Union was pursuing the capability of launching a debilitating strike against the U.S. His March 1983 speech set the stage for the first serious discussion of defensive systems in over a decade. If his vision of a global system was technologically and financially unrealistic, his dream of protecting the American public from the threat of foreign missiles was prescient, and the Strategic Defense Initiative—the butt of many a joke by arms control theorists—was instrumental in bringing down the Soviet Union without firing a shot.

Since work began in earnest in the Reagan Administration to develop missile defenses for our nation, the threat has changed. The end of the Cold War and the emergent threat of ballistic missile proliferation have fundamentally altered the approach this country must take to the issue of missile defenses. In fact, the imperative to deploy effective systems is greater now because of the unpredictability of the potential threats.

Throughout the Bush Administration, as our overall defense strategy and budget were being adjusted to reflect the changes in the world, so too was our plan for ballistic missile defenses revised to address the changed threat.

Unfortunately, the Clinton Administration has retained allegiance to the outmoded ABM Treaty and, over the years, has significantly cut the funding and restricted the objectives of the ballistic missile defense program.

Remember, back in 1994, when the President evoked considerable laughter from his audience at a campaign rally when he said:

> Here's what they [the Republicans] promise . . . we're going to increase defense and we're going to bring back Star Wars. And then we're going to balance the budget.

The Clinton Administration's attitude for the past six years has been to ridicule efforts to develop and deploy a system to effectively defend our nation against a ballistic missile strike. The result has been a significant and dangerous delay in ending the "terror" of a nuclear strike.

Now, the President has belatedly agreed, at least rhetorically, to the agenda he formerly ridiculed. While I applaud the President's words, I remain more than mildly skeptical about his true commitment to protecting our nation from the clear threat of missile attack.

The President's budget proposal, which was submitted to the Congress on February 1, proves skeptics correct.

While the President was pledging more funding for development of a national missile defense system on one hand, his other hand was taking $250 million out of the program to pay for the Wye River Agreement. At the same time, the Administration decided to push back the deployment date for missile defenses from 2003 to 2005, with no justifiable reason for doing so.

If the President is truly getting serious about missile defense, why would he show us the money, and then snatch it back and slip the deployment date two additional years beyond its already much-delayed timetable?

Another indication of the Administration's disingenuous embrace of missile defenses are the qualifications attached to its support in two areas: questions about the nature of the threat, and continued deference to the restrictions of the ABM Treaty.

No fewer than 30 times over the last several years, President Clinton has gone before the public and boasted that, thanks to his policies, the American people, for the first time since the dawn of the Cold War, can go to sleep at night without the threat of missiles targeted against their country. Clearly, the Administration has been existing in a virtual state of denial about the expanding and diverse threat of ballistic missiles.

I urge the President to take another look at the report of the Commission to Assess the Ballistic Missile Threat to the United States, known as the Rumsfeld Commission. It is a completely nonpartisan and very sobering look at the threats we face. The Commission concluded that the threat is here now, and that traditional methods of determining the nature and scale of the threat need to be examined.

The Rumsfeld Commission's meticulous examination of the growing threat to the U.S. of ballistic missiles, with its emphasis on the difficulties inherent in determining when serious threats will appear and the tendency of such threats to materialize sooner than anticipated, should have shaken the White House out of its fatuous complacency. Apparently, that is not the case.

A recent article in Inside the Pentagon pointed out that, even after the Rumsfeld Commission report was released in July 1998, the Administration predicted the absence of a rogue nation threat, excepting North Korea, before 2010. And in a February 3 letter to the Chairman of the Senate Armed Services Committee, the President's National Security Advisor, Sandy Berger, wrote that, prior to a decision to deploy a national missile defense system, "the President and his senior advisers will need to confirm whether the rogue state ballistic missile threat to the United States has developed as quickly as we now expect. . . ."

Apparently North Korea's launch last August of an intercontinental ballistic missile over Japan, Iran's ongoing efforts with Russian assistance to develop such a missile, and Iraq's continuing efforts in that regard do not constitute a threat.

Equally disturbing is the Administration's view of the ABM Treaty. In his February 3 letter, Mr. Berger reiterated that "the ABM Treaty remains a cornerstone of strategic stability"—a reminder that we are dealing with an Administration that is imbued with an unquestioned adherence to an outdated treaty. While I am mindful of arguments that deployment of national missile defenses may be perceived by some nations as a potentially hostile act, theories of nuclear deterrence that were of questionable value during the Cold War clearly do not apply today or in the foreseeable future and should not be permitted to stand in the way of going forward.

If the Administration supports deployment of an effective national missile defense system, it cannot remain wedded to the ABM Treaty. Make no mistake, the ABM Treaty was intended to and does preclude our ability to deploy nation-wide missile defenses. Construction of a missile defense facility at the one treaty-permissible site cannot be expanded for national coverage without violating the terms of the treaty. While the original 1972 treaty permitted each country two sites, it stipulated that they had to be deployed so as to preclude even regional coverage.

Deploying a national missile defense system, therefore, requires either unilateral abrogation of the ABM Treaty or an expeditiously negotiated revision of it. As the treaty clearly prohibits us from providing for the common defense—our most fundamental constitutional responsibility—I urge the Administration to proceed without delay to achieve the needed changes to the treaty, or move for its abrogation.

Questionable in its utility even at the time it was negotiated, the ABM Treaty was signed with a totalitarian regime that no longer exists and which violated the treaty at every opportunity. Its day is past. If Russia will not agree to negotiate changes to the treaty that will permit deployment of national missile defenses, then we must exercise our authority to withdraw from the treaty to protect our national interests.

Mr. President, let me take a moment to talk about the larger problem, of which the Administration's refusal to recognize the clear threat posed by proliferating ballistic missile development is but one aspect.

I have long been critical of many aspects of the Clinton Administration's national security policies. This is an Administration that has never been comfortable with the conduct of foreign policy, and so has little grasp of the role of military force in guaranteeing our place in world affairs. Both our policies and the force structure needed to support them seem to be decided in this Administration on the basis of what we can afford after taking care of all other priorities, instead of what is necessary to protect our interests.

We can honestly debate the merits of the numerous contingencies to which the Administration has deployed military force, but no one can deny that the combination of over 10 years of declining defense budgets and longer and more frequent force deployments has stretched the Services perilously close to the breaking point. What is at risk, without exaggeration, are the lives of our military personnel and the security of the United States.

After years of denying the obvious, in the face of compelling testimony before Congress from the Joint Chiefs of Staff, the Administration has finally begun to concede that we have serious readiness problems in our Armed Forces. Those of us who have been criticized for sounding alarm bells about military readiness now have the empty satisfaction of seeing the Administration admit there is more to maintaining a strong defense than their history of falsely promising to do so.

After six years of short-changing the Armed Forces, the President proposed adding money to the defense budget—another stunning policy reversal—for readiness, modernization, and even national missile defense. Once again, though, his rhetoric far exceeds his actions.

Last fall, the President asked for $1 billion in immediate, emergency funding to redress readiness problems—a mere drop in the bucket compared to what the Service Chiefs said was required. Congress added another $8 billion, but then wasted most of that on pork-barrel spending. The result—a band-aid solution to a serious readiness crisis.

The same minimal approach is reflected in the President's budget submission for Fiscal Year 2000. After promising a budget increase of $12.6 billion, the President only asked for $4.1 billion in his budget request, and most of that will be needed to pay for ongoing contingencies in Bosnia and southwest Asia and desperately needed military pay raises and benefits. The rest of the so-called increase comes from "smoke and mirrors", like anticipated lower inflation and fuel costs, cuts in previously funded programs, and an economically unsound incremental funding plan for military construction projects. And even if everything works as planned, the Administration budget short-changes the military next year and every year thereafter.

There is a pattern here, Mr. President, of promising everything and delivering very little. Whether it's protecting our citizens from a ballistic missile attack, or maintaining modern, prepared armed forces, this President seems incapable of following through on his commitments.

Mr. President, I am uncomfortable with a conclusion that the President does not care about the common defense. I must assume, instead, that he simply fails to understand the imperative of establishing policies and providing needed resources to protect our nation's interests and our citizens.

The National Missile Defense Act of 1999 establishes a national policy that we must protect Americans from a clear and present danger—the threat of ballistic missile attack. The President was correct to withdraw his veto threat and join with the Congress to put in place both the policy and the resources that will make our citizens safe.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I rise in support of S. 257. Although this bill is not as comprehensive or detailed as I would prefer, I have come to the conclusion that S. 257, as amended, sends an important signal of our country's commitment to defending itself from ballistic missile attack from a rogue state.

As my colleagues are aware, I am an advocate for national missile defense, and have authored legislation that has advanced the NMD program. I urge the Administration to include funding in the budget that would allow for NMD deployment, and am pleased that $6.6 billion was added to the future years defense plan for this purpose.

Increasingly, I am convinced that we need NMD sooner rather than later. Last July, the Rumsfeld Commission reported that several rogue states could develop an ICBM capable of threatening our country before we expect it. Recent missile tests by North Korea and Iran have confirmed the essence of the Rumsfeld panel's findings. I was disturbed by these developments, but have long said that we should be prepared before we are surprised.

Our country needs to move forward aggressively with NMD. But because our NMD program does not exist in a vacuum, it needs to be guided by what I call three common sense criteria: compatibility with arms control, affordability, and use of proven, tested technology.

As introduced last year S. 257 did not address these concerns, and its authors were refusing to entertain amendments. For these reasons, in 1998 I opposed this measure.

I am pleased that the bill's authors decided to support improving S. 257 through the amendment process. With the addition of the amendments offered by Senators COCHRAN and LANDRIEU, today I am prepared to support S. 257. Allow me to briefly discuss the impact of these amendments.

Yesterday the Senate, on a 99-0 vote, approved an amendment offered by Senator COCHRAN that will ensure that considerations of affordability and use of proven technology will not be neglected. By stating that funding the NMD will be subject to Congressional authorization and appropriations, the Cochran amendment indicates that no final decisions about deployment, funding levels, or the system's technological maturity have been made. I thank my esteemed colleague from Mississippi for his comments on this point during his colloquy with Senator BINGAMAN earlier today. Let me repeat: as amended, S. 257 is not the final word on NMD cost and use of proven technology.

Even more significant was the amendment offered by the distinguished ranking member of the Armed Services Committee's Strategic Forces Subcommittee, Senator LANDRIEU. In affirming that it is our nation's policy to pursue continued negotiated reductions to Russian nuclear forces, the Landrieu amendment makes unmistakably clear that as our NMD program moves forward we will take into account our arms control agreements and objectives. Because there can be little hope of Russian agreement to further nuclear reductions in the absence of continued United States support for the ABM Treaty, following through on the Landrieu amendment will require continued adherence to the ABM Treaty.

I would also like to note that I have been assured by the President's advisors that in no way will S. 257 be interpreted by our nation's arms control negotiators as a repudiation of the ABM Treaty. Administration officials continue to make it clear that the ABM Treaty remains the "cornerstone of strategic stability," and that the Administration has a "strong commitment to the ABM Treaty."

I cannot understate the importance of these amendments. Without them, I would again vote against S. 257.

It is true that I would have preferred that the Senate would today be passing a more comprehensive NMD bill, one that is more explicit about the importance of our arms control agreements and offers specific guidance on affordability, system component selection, and technology development and deployment. It is my intention to introduce legislation which will describe in more detail how the NMD program should proceed.

For the time being, however, I regard S. 257 as a constructive contribution to our NMD program. It will do no harm to our nation's security, and will put our nation's potential enemies on notice that we are working aggressively to establish a defense against ICBMs. As amended, S. 257 will also help ensure that concerns of arms control, cost, and use of proven technology will be carefully considered. This is a good bill, and will have my support.

Mr. LUGAR. Mr. President, during the Cold War, the United States co-existed with the Soviet Union in a strategic environment characterized by high-risk but low-probability of a ballistic missile exchange between the two countries involving nuclear, chemical and biological weapons.

Today, however, with the dissolution of the Soviet Union and the end of the cold war, the opposite is the case—we live in a lower-risk but higher-probability environment with respect to ballistic missile exchanges. In other words, even as the probability of a large-scale nuclear exchange between the United States and Russia has mercifully declined, the probability that one or several weapons of mass destruction might be used to attack the American homeland or American forces at home or abroad has increased.

Indeed, absent a U.S. response to the proliferation of ballistic missiles and weapons of mass destruction that is as focused, serious, and vigorous as America's cold war deterrent strategy to protect the American homeland and the West, Americans can anticipate the threatened as well as the actual use of diverse weapons delivery systems to attack the U.S. homeland in the future.

Missile defense must be a part of that response. For that reason, I am pleased to be an original cosponsor of the legislation before us and commend Senator COCHRAN for his leadership on this issue.

Let me explain my strong support for this bill.

Missile defense is not a silver bullet that, by itself, can adequately protect the United States from the enhanced threats posed by ballistic missile proliferation and the spread of weapons of mass destruction. But it is an important component that gives added credibility to the other elements of our strategy.

I approach the response to these threats to American security through the prism of "defense in depth." There are three main lines of defense against emerging ballistic missile threats and weapons of mass destruction. Together, they help form the policy fabric of an integrated defense in depth.

The first line of defense is preventing proliferation at potential sources abroad. The second is deterring and interdicting the flow of illicit trade in these weapons and materials. The third line of defense is "homeland defense" and involves programs that run the gamut from preparing domestically for WMD crises to protection against limited ballistic missile attacks.

With respect to the initial line of defense, the United States is implementing programs that address the threat posed by weapons of mass destruction at the greatest distance possible from our borders and at the most prevalent source, the former Soviet Union. While much more remains to be done, the Nunn-Lugar Scorecard is impressive. Nunn-Lugar has facilitated the destruction of 344 ballistic missiles, 286 ballistic missile launchers, 37 bombers, 96 submarine missile launchers, and 30 submarine launched ballistic missiles. It also has sealed 191 nuclear test tunnels. Most notably, 4,838 warheads that were on strategic systems aimed at the United States have been deactivated. All at a cost of less than one-third of one percent of the Department of Defense's annual budget. Without Nunn-Lugar, Ukraine, Kazakstan, and Belarus would still have thousands of nuclear weapons. Instead, all three countries are nuclear weapons-free.

The second line of defense against these threats involves efforts to deter and interdict the transfer of such weapons and materials at far-away borders. Nunn-Lugar and the U.S. Customs Service is working at the borders of former Soviet states to assist with the establishment of export control systems and customs services. In many cases these nations have borders that are thousands of miles long, but local governments do not have the infrastructure or ability to monitor, patrol, or secure them. These borders are particularly permeable, including points of entry into Iran on the Caspian Sea and other rogue nations.

We must continue to plug these porous borders abroad. These nations are seeking our help and it is in our interests to supply it. Secure borders in this region of the world would strengthen our second line of defense and serve as another proliferation choke-point.

The third line of defense involves the United States preparing domestically to respond to these threats. That is the purpose of the 1996 Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Act. This law directs professionals from the Department of Defense, Federal Bureau of Investigation, Department of Health and Human Services, the Federal Emergency Management Agency, and others to join into partnerships with local emergency professionals in cities across the country. The Pentagon intends to supply training and equipment to 120 cities across the country over the next four years. To date, 52 metropolitan areas have received training to deal with these potential threats.

We must take those steps necessary to protect the American people from these threats and Nunn-Lugar and Nunn-Lugar-Domenici make powerful contributions to our efforts. We have made significant progress in reducing these threats and constructing a defense-in-depth. But a complete defense-in-depth must include protection from missile attack.

I was pleased to see this commonsense, bipartisan approach to the missile defense issue embodied in the Cochran bill. The bill states: "It is the policy of the United States to deploy as soon as technologically possible a national missile defense system capable of defending the territory of the United States against limited ballistic missile attack."

This bill offers a new approach to the missile defense policy debate. It does not specify a specific system architecture or deployment dates which have bogged down previous legislative proposals.

The national missile defense system promoted both in this legislation would not be capable of defending against thousands of warheads being launched against the United States. Rather, we are planning a system capable of defending against the much smaller and relatively unsophisticated ICBM threat that a rogue nation or terrorist group could mount as well as one capable of shooting down an unauthorized or accidentally launched missile.

At minimum, the recent revelations over Chinese nuclear espionage suggests that China is intent on building its military capabilities to a point that exceeds the projections and assessments of the U.S. military and intelligence community. The Cox committee findings have done for American appreciation of the potential Chinese nuclear threat what the Rumsfeld Commission did for our knowledge of North Korean and Iranian capabilities. And like the latter, the former may highlight the need to review the impact of such enhanced nuclear capabilities on our existing assumptions and requirements with respect to a limited ballistic missile defense system. Illicit acquisition and testing of the design for the W–88 nuclear warhead strongly suggests that the Chinese are modernizing their strategic force and using such tests to develop mobile missiles to possibly penetrate missile defense.

Acquisition of United States nuclear warhead technology will give China a major boost in its strategic capability when added to other recent improvements to its long-range missiles. Indeed, possession of the design of the W–88 would have helped China advance toward key strategic goals. Equally important, China's possession of the design of advanced United States warheads poses a proliferation risk. Such warheads have features that could prove useful to aspiring nuclear weapons states. In brief, if China shared W–88 warhead design information with nations like North Korea, Pakistan, or Iran, they could develop and deploy a more potent nuclear force in a shorter period of time.

Lastly, lighter, smaller warheads in the Chinese nuclear arsenal will increase the range of Chinese missiles and make it easier for submarine-launched ballistic missiles to hit the United States. And this, in turn, could make a strategic difference if the United States and China were once again to come to odds over Taiwan. Certainly, it could have an impact on the efficacy of any American plans to include Taiwan—or Japan for that matter—in any regional missile ,defense system.

In short, these recent revelations should force us to reconsider a number of the assumptions and resulting requirements that underlie our thinking both on theater as well as national missile defense. The recent report by the Rumsfeld Commission raised serious doubts about the core assumptions that undergird administration policy for developing a national missile defense systems and for considering amendments to the ABM Treaty. The Cox committee report not only called into question other core assumptions but also the requirements for an effective, if limited, national missile defense system.

The Rumsfeld Commission took an independent look at the critical question of warning time and not only dissented from the intelligence community's estimates but struck at the core of the administration's "3+3" policy by finding that a ballistic missile threat to the United States could emerge with little or no warning over the next 5 years.

Even before the Rumsfeld Commission issued its report, Senator COCHRAN, along with Senator INOUYE, introduced the legislation before us. It directs the deployment of effective anti-missile defenses of the territory of the United States as soon as "technologically feasible." By making a missile defense deployment decision dependent on technical readiness as opposed to intelligence estimates about emerging threats and warning time, this legislation appeared to many to take an approach to missile defense that is fundamentally different from the administration's policy. Indeed, critics of the Cochran bill have gone out of their way to try and paint major differences with the administration's policy.

The Cochran bill attempts to determine whether and how our current policy on national missile defense should be changed in light of the growing disutility of warning time and intelligence estimates as triggers for deployment decisions. While critics may argue that the Cochran bill neither provides a clear answer to that question or a clear policy alternative to that of the administration, it does propose that a deployment decision rest on more than whether a national missile defense system simply is "technologically feasible". The Cochran bill also sensibly insists that the national missile defense system be effective "against limited ballistic missile attacks (whether accidental, unauthorized, or deliberate)" before it is deployed.

The Cochran bill is a statement of intentions, not a policy map, and it represents not an escape from but rather a recognition of the difficult intelligence and policy problems with respect to the kinds of emerging ballistic missile threats, the time-frame for their emergence, and what we should do about them.

So the Cochran bill recognizes that there will remain the tough policy and intelligence questions that cannot be ducked. The 1972 ABM Treaty was intended to preclude the kind of nationwide missile defenses that could undermine the credibility of a large second strike deterrent, using measures based on technology over 25 years ago. In 1999, both the threats and the technology have changed. The threat posed by the proliferation of ballistic missiles is clearest, ant the ABM Treaty should not be allowed to interfere with programs to deploy effective defenses.

Equally important, there is nothing in the Cochran bill that would prevent us from engaging the Russians in discussions about modifying the ABM Treaty to permit effective national defenses against the kinds of missile attacks that should constitute the post-cold-war threat of concern to both countries. If these exchanges are not successful, then consideration can be given to withdrawing from the agreement.

Finally, critics of the Cochran bill complain both about the timing of the bill as well as the message its sends to the Russians. Three points are worth making. First, for the critics there is never a good time to take up missile defense and in this they are joined by the Russians. And to the great surprise of absolutely no one, the Russians have announced that the Duma might be prepared to take up START II again. With Russian Prime Minister Primakov on his way to Washington, I would say that the timing is just about right.

The administration must be more forthcoming with Russia on the issue of missile defense. It must explain to Moscow that this defense is not meant as a threat or an attempt to neutralize Russia. Rather, we are attempting to protect ourselves from the machinations of rogue states and terrorist groups. In my trips to Russia and in visits with Russian legislators and members of the Yeltsin Government, I have continued to inform them of a simple fact: America will protect itself.

The Russians—and the world—need to understand that we will proceed with non-proliferation, domestic preparedness, and missile defense to protect the American people against an attack from a rogue state or terrorist group or an accidental or unauthorized attack by another nation.

Secondly, Russian nuclear reductions and eliminations are continuing and even accelerating with American help despite the absence of START II ratification. To the extent that those eliminations become constrained, it will be for reasons of resources, not lack of Duma approval of START II.

Thirdly, critics of the Cochran bill would argue that the congressional expression of intent embodied in the legislation regarding deployment of a limited missile defense system will prejudice any chances of negotiating appropriate adjustments in the ABM Treaty with the Russians to accommodate such defenses. There I disagree! It is precisely because many Russians have doubted the serious intent of the Clinton administration in actually proceeding with a limited deployment under the "3+3" plan that we have been treated to dire predictions out of Moscow about the "end of arms control" were the United States to ultimately proceed with missile defense.

Rather than prejudicing any opportunity to negotiate changes in the ABM Treaty, I believe that the statement of intent embodied in this legislation to ultimately defend ourselves against limited ballistic missile attacks is a prerequisite to successful ABM modification negotiations. It has never been our technological prowess nor our ability to amass and apply resources to a problem that the Russians have doubted; it has been our political will that has been suspect in Russian eyes when the choices to be made were difficult ones.

In conclusion, the ballistic missile threat to our security interests is real. But it is also complex. The Cochran bill recognizes these realities. But the bill also recognizes that it is not the only threat we face nor can it be addressed in isolation from other major security issues and policies.

As Senator COCHRAN said, this legislation represents not the end of the missile defense policy and program debate but rather the beginning. If I recall correctly where the two parties stood on the issue of missile defense even a year or two ago, I am struck by the efforts of a few dedicated Members on both sides to bridge the gap in our legislative approaches in the interest of addressing the growing vulnerability of the American homeland to ballistic missile attacks. We have come a considerable distance in the last year in narrowing our differences. Senate passage by a strong majority of this expression of policy intent with regard to the ultimate deployment of an effective limited missile defense system is a measured but essential first step.

Mr. BYRD. Mr. President, the security of this nation in an increasingly insecure world remains the highest priority of the United States government. To that end, we support and finance the most powerful military in the world. Our troops have the most advanced weapons available. We have gifted and dedicated military strategists at the helm.

And yet we remain vulnerable, in some ways perhaps more so today than we were at the height of the Cold War. The increased sophistication, radicalization, and financial acumen of terrorist organizations have escalated the threat of terrorist attacks on U.S. soil. The increased interdependence and complexity of computer networks has intensified the threat of potentially devastating cyber attacks on critical defense and domestic communications systems. And despite the end of the Cold War, the proliferation of nuclear weapons technology, particularly among rogue states, has brought with it a renewed threat of nuclear attack on our homeland.

North Korea, Iraq, and Iran are all working furiously to produce nuclear weapons systems that could threaten the sovereign territory of the United States. To our dismay, we have discovered that North Korea, one of the most belligerent outlaw nations in the world, is much further along than previously thought in its efforts to produce a nuclear warhead capable of reaching our shores. The threat from North Korea is sooner rather than later; here rather than there. China, with whom our relations are increasingly strained, has boasted of its possession of a ballistic missile that could reach Los Angeles. Russia, with an arsenal of thousands of nuclear weapons left over from the Cold War, is faced with a crumbling military infrastructure and increasingly empty assurances regarding the security of its nuclear stockpile.

In short, we are living in dangerous times. The Administration has taken a number of steps in recent months to accelerate its efforts to protect the U.S. mainland from attack. As part of that effort, the President has budgeted an additional $6.6 billion dollars to develop a National Missile Defense, or NMD. The legislation that we are considering today, S. 257, the National Missile Defense Act of 1999, puts the United States Senate firmly on record as endorsing the urgency of that program. As a result of several carefully crafted amendments that have been overwhelmingly adopted, this bill has gained strong bipartisan support. Senators COCHRAN, LEVIN, LANDRIEU, and the many others who have worked to reach consensus on this bill are to be commended.

I support the National Missile Defense Act of 1999 as amended. But, from the vantage point of many years of experience, I also offer a few words of caution. Let us not allow the determination to press for a ballistic missile shield to blind us to other, perhaps greater, threats of sabotage. The technology exists, and is available to those same rogue nations, to develop and deploy chemical and biological weapons without the need for a ballistic missile delivery system. A few vials of anthrax, a test tube full of the smallpox virus, some innocuous canisters of sarin gas, could wreak chaos of unimaginable proportion in the United States. These threats are as real as the threat of a ballistic missile attack, and, if anything, more urgent.

A second cautionary note: let us not allow our eagerness to develop a missile defense system blind us to the cost of developing such a system. In our zeal to erect a national missile shield, the danger exists of committing such a vast array of resources—money, people, research priorities—that we could shortchange other necessary initiatives to protect our national security. We need a balanced national security program, of which a missile defense is but one element.

We have gone down the road of throwing money at this threat before, with the ABM system in the 1970's and SDI in the 1980's. Both efforts cost us billions of dollars, oceans of ink, years of wasted effort. Neither, in the end, made one iota of difference to our national security. Technological feasibility should be the starting point, not the defining element, of a missile defense system. Let us learn from the past. Invest wisely. Test carefully. Assess constantly. This is not the arena in which to allow partisan politics or political one-upmanship to hold sway. This is a matter of far too great consequence to this and future generations. The bipartisan negotiations and the spirit of compromise that have marked the Senate debate over this bill give me cause to hope that this time, we will do it right. Let us continue to work together toward an effective, realistic, and prudent national defense system.

Finally, let us not for a moment forget the importance of working actively and diligently to reduce the number of existing nuclear warheads and curb the proliferation of nuclear weapons. A national missile defense system that precipitates a global arms race is in no one's best interest.

We cannot safely assume that today's geopolitical alliances will be the same tomorrow. A weak and politically chaotic Russia may be not seen as much of a threat to our security today—at least not intentionally—but as it has done before, the situation in Russia could change in the blink of an eye. We have at hand the means and the will and the opportunity to work with Russia to reduce nuclear warheads. Yes, we must take all necessary precautions to protect our security, but we must not be so shortsighted as to let this opportunity for meaningful arms control be muscled aside through misguided belligerence.

With care and planning, we can make progress in both arms control and missile defense. How well we will succeed on both fronts remains to be seen, but S. 257 as amended is a good first step.

Mr. HATCH. Mr. President, there is little doubt that the moment of truth regarding a missile defense of U.S. territory is fast approaching.

The need for it was not unseen. Since 1983, there has been a steady flow of evidence that the post-cold-war era would not be the single superpower cakewalk that many expected. In place of the single adversary nuclear threat, we see a fragmented threat environment populated by mentalities more given to terrorism than the mass attack, direct confrontational strategies of the cold war.

The cloudy grasp that we have of the true threat is not helped by the Clinton administration. They lack a strategic approach to a threat that they don't really know or understand.

They rely on the prevention policies. Arms control and non-proliferation agreements are of questionable value. Disarmament assistance to the former Soviet Union has not kept nuclear, missile, or warhead technology from slipping abroad and has had its most adverse impact on our own U.S. steel workers and the United States rocket launch industry. United States industry has been encouraged to purchase Russian launch vehicles, technologies, and services to keep them from slipping out of the country. The administration is reluctant to squelch illegal Russian steel imports into the United States for fear of causing civil strife among Russian steel workers. Multilateral export controls are not multilaterally enforced, and the framework agreement with North Korea is neither a framework for cooperation nor an agreement.

Second, there is deterrence. However, there is sufficient doubt in the world today about this administration's resolve to use force.

This leaves us with the third element of administration missile defense policy: the missile defense force itself. Supposedly, that is our fall back position when prevention and deterrence fail. But when the force structure depends on a strategy that does not address a threat because the threat is unknown, one seems forced toward the very disturbing conclusion that the easiest way to avoid the messier aspects of the problem, like tampering with the ABM Treaty, is simply to politicize the threat. For too long it has appeared that this administration underestimates the threat in order to preserve the sanctity of a treaty increasingly irrelevant to the contemporary threat environment.

Let me say more about this last issue. In starker terms this means denial, even wishing the real threat away. One would think that it was embarrassing enough for the Clinton threat team to make the sudden and very recent admission that there is a missile threat to U.S. territory. And, by the way, this now includes Alaska and Hawaii, which the administration had chosen to place outside of U.S. territorial boundaries to give academic weight to its anti-development and deployment arguments. If they are seriously seeking the truth, they do not demonstrate it by re-examining the ABM Treaty restraints. Here the administration has a rare opportunity for leadership on a badly understood and very divisive issue. The President acknowledged just this January that, with the long-range missile threat to U.S. territory better understood, progress on developing our defenses would be pursued by renegotiating rather than abandoning the ABM Treaty.

I do not intend to await the outcome of administration negotiations on ABM modifications and amendments, which will take some time given traditional Russian Duma management of the treaty ratification process. In the meantime, I will urge the strongest possible pursuit of conceptual strategies, like the sea-based missile defense force, as well as land-force and space-based missile defense components.

Inaction is eclipsing administration options. Since I join many colleagues as well as other experts outside of official circles in believing China, Russia, Iraq, Iran, India, Pakistan, and South Africa, among others, have real threat capabilities, I want something done by way of creating a viable defense of U.S. territory. For this very reason, I have joined my good friends, Senators COCHRAN and INOUYE as a cosponsor of the National Missile Defense Act of 1999.

Mr. KENNEDY. Mr. President, on balance, I believe this legislation deserves bipartisan support. There is a clear need to do more to protect our country from the threat of missile attacks. This bill avoids most of the problems of previous versions and is consistent with our responsibility to continue working with Russia to reduce the immense threat from their nuclear arsenal.

The bill declares that it is the policy of the United States to deploy a limited national missile defense system as soon as it is technologically possible, but it also stresses that it is the policy of the United States to continue to negotiate with Russia to reduce our nuclear arsenals.

There is no doubt that the United States is facing a growing threat to our country and our interests from rogue nations that possess increasingly advanced missile technology. We must prepare for these threats more effectively by making greater investments in research and development to produce a missile defense system able to defeat these threats.

But, before we decide to actually deploy such a system, we must ask ourselves the following questions:

What is the specific threat we are countering with this system?

Will the system be effective?

What impact will the deployment of the system have on the nuclear arms reduction and arms control agreements we currently have with the Russians?

What will be the cost of the system?

The Rumsfeld Report in 1998 clearly demonstrated the growing missile threat from rogue nations. In spite of international agreements to control the spread of missile technology, these nations are resorting to whatever means it takes to acquire this capability. Because of this growing threat, we must do more to decide whether a defense is practical and can deliver the protection it promises.

Many of us continue to be concerned that the step we are about to take could undermine the very successful nuclear arms reduction treaties and other arms control agreements that we have with Russia. Our purpose in developing a limited national missile defense system is not directed at Russia. It is intended to protect our country against the growing missile threat from rogue nations.

Russia's strategic nuclear force would easily overpower the limited missile defense system that is currently proposed. But the fact remains that the United States and Russia are parties to the Anti-Ballistic Missile Treaty. Without changes to that treaty, our ability to fully test and deploy this defense system cannot occur.

The ABM Treaty is also the foundation for the SALT I and SALT II nuclear arms reduction treaties, which paved the way for the START I and START II treaties. The Russian Duma is again preparing to debate the ratification of the START II treaty, and will do so when Russian Prime Minister Primakov returns from his visit to the United States. President Clinton has already sent a delegation to Russia to discuss changes in this treaty. We must work closely with the Russians to make mutually acceptable changes to the ABM Treaty in order to accommodate a missile defense system. The ABM Treaty is simply too important to abandon.

We also need to work with Russia to develop a joint early warning system, so that false launch alarms can be avoided. We need to strengthen the Cooperative Threat Reduction programs at the Department of Defense. We need to strengthen the Nuclear Cities programs and the Initiaitve for Proliferation Prevention program at the Department of Energy so that we can reduce the danger that nuclear material will end up on the hands of rogue nations or terrorists.

Finally, we must continue to strengthen other counter-terrorism programs. It is far more likely that if terrorists use nuclear, chemical, or biological weapons against Americans at home or abroad, they will be delivered by conventional methods rather than by a ballistic missile launch from another country. These threats must weigh at least equally—if not more heavily—in our defense decisions.

These are very important defense decisions that go to the heart of our national security. I look forward to working with my colleagues to ensure that we counter these threats in the most effective ways in the years ahead.

Mr. BROWNBACK. Mr. President, I am pleased to express my support for S. 257, the National Missile Defense Act of 1999. As an original cosponsor, I want to impress upon the Members of the Senate that now is the time for passage of this bill.

For over 200 years, the United States has been fortunate to enjoy a high level of security provided by, among other things, our geographic location. In the past, the Atlantic and Pacific oceans have served well in preventing a direct attack on the United States. However, as we approach the twenty-first century and new technology, we find that the proliferation of missile technology has taken this geographic sanctuary away from us.

S. 257 will establish that it is the policy of the United States to deploy as soon as is technologically possible an effective national missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

This bill focuses on one important factor for conditioning deployment: technological capability. Other important factors exist including cost, threat, and treaty commitments. These factors, while important, should not be the final determining factor in deciding on national policy to deploy a missile defense.

I am concerned about the cost of such a weapon system and will continue to carefully monitor the costs of a NMD system. However, with this bill, we are not just addressing concerns about protecting America's interests around the globe, but about protecting the American homeland itself. We are not talking about foreign lands and obscure interests, or about some distant, remote, or highly unlikely threat. We are talking about preventing ballistic missiles from shattering the communities in which we all live—we are talking about protecting our families, our cities, and our nation from potential destruction at the hands of a rogue regime anywhere around the world.

The threat of a ballistic missile attack on the United States is real. We face a growing threat from rogue nations which have increased their capabilities due to increased access to missile technology; as demonstrated by the recent successful flight test demonstrations of North Korea, and the flow of technology from Russia to Iran. These countries are making investments to do one thing—intimidate their neighboring states, the U.S. and our allies.

For example, North Korea is working hard on the Taepo Dong 2 (TD-2) ballistic missile. Our national technical experts have determined this missile can reach major cities and military bases in Alaska. They further state that lightweight variations of this missile could reach 6,200 miles; placing at risk western U.S. territory in an arc extending from Phoenix, Arizona, to Madison, Wisconsin. This includes my home state of Kansas.

As if that weren't enough, North Korea poses an additionally even greater threat to the United States, because it is a major seller of ballistic missile technology to other countries of concern, such as Iran and Iraq, Syria and others.

These countries have regional ambitions and do not welcome the U.S. presence or influence in their region. Acquisition of missile weapon systems is the most effective way of challenging the United States.

Mr. President, we should not and must not wait for these weapons to be used against us, the stakes are too high. We must move forward with the development and deployment of a national missile defense to protect our shores from hostile attack.

The bill will send a clear message that we are determined to defend ourselves and will not be deterred from our national and international commitments. An effective and dependable system must be in place before such a threat can be used against us, or the results could be disastrous. We will not get a second change.

The Department of Defense has requested funding to develop a viable missile defense system. I encourage the administration not to back away from this critical defense issue. The world has changed; we must move ahead and change the way we think about the defense of our nation.

It has been argued on this floor that the adoption of S. 257 will make reductions in nuclear weapons more difficult and would place the United States in breach of the ABM Treaty. I too am concerned about honoring our treaty commitments. However, this bill states our intent to protect our homeland. We will have ample time to continue to work with Russia on these treaty issues, and I am confident we will reach an equable position. We must be clear, the threat goes beyond our agreements with other countries.

America has a leadership role in the world. We represent the hope for peace and opportunity. I believe this is one of the most important defense issues facing the United States. To vote against this bill would be to ignore the number one responsibility of the Federal government—the defense of our nation.

Mr. JEFFORDS. Mr. President, the spectrum of emerging missile threats to our national security cannot be ignored. I am very concerned about the implications of the North Korean missile recently launched over Japan. Research and testing on similar missile systems likely continue in Iran, Iraq, China, and other countries. These circumstances suggest that the Senate should carefully consider our ability to appropriately counter these threats.

I am concerned, however, that the existing national missile defense (NMD) technology has not yet proven to be effective, could be very expensive to deploy and has the potential to adversely affect Anti-Ballistic Missile treaty negotiations with Russia. These concerns should serve to caution us against premature deployment of NMD systems. However, I am now satisfied that amendments to the bill address these concerns. One amendment makes funding for deployment subject to the annual appropriations process and therefore up to Congress to set the appropriate level each year. Another amendment provides that the United States will continue to seek reductions in Russian nuclear forces, and the Administration now states that it can move cautiously on deployment so as to stay within our commitments to the ABM treaty. The bill has consequently become a policy guiding deployment, rather than a decision to deploy.

I have long supported a full program of research, testing and development and resisted a premature decision to deploy. I hope that research will lead to some technological breakthroughs or ways to counter ballistic missiles. Their proliferation, especially in the hands of irresponsible leaders such as North Korea's Kim Jung Il, requires that we actively investigate possible defenses, but we must not rush to build, at great cost, the first system that passes a flight test. There is still a great deal of research and development work to be done.

The fledgling NMD systems now being contemplated for deployment simply do not compare in priority to many of our other military needs, such as our need to immediately recruit, train and retain quality men and women for our military. This is why the Soldiers', Sailors', Airmen's and Marines' Bill of Rights, the military pay, education and benefits bill, was the first major legislation considered this session, and it swiftly passed the Senate with overwhelming support. Well-educated Americans in uniform comprise the foundation upon which we maintain the strong defense of this country. While the Senate unanimously agreed on the urgency of enacting this legislation, it still has found no way to pay for it. In my mind this takes priority over deployment of expensive and unproven NMD technology.

Given the competing demands on our finite budget and the high costs to deploy a NMD system, we cannot afford to get it wrong. I hope that this vote will not be seen as endorsement of a rush to deployment, but rather a set of policy guidelines governing an eventual decision to deploy. I will do what I can to ensure this ultimate decision is not made in haste.

Mr. DODD. Mr. President, I rise to express my views on the National Missile Defense bill as it was amended yesterday. I am glad that Senator COCHRAN and Senator LEVIN were able to agree to changes in this bill. The unanimous votes on the amendments and nearly unanimous vote on final passage are tributes to Senator COCHRAN's and Senator LEVIN's resolve to seek common ground on this important issue that has long divided this body along party lines. Thankfully, instead of a partisan battle, the Senate produced a strong statement of this nation's resolve to develop and deploy a national missile defense system in the context of other budget priorities, national security concerns, and the U.S.-Russian arms control process.

The initial bill stated that the United States would deploy a national missile defense system as soon as technologically possible. I stood with the administration and this nation's military leaders in opposing that legislation because it did not consider other important factors such as cost, the specific missile threat, effectiveness of the system, and the impact on the arms control process.

The amendments that were added address some of those other issues. The first amendment explicitly requires that the national missile defense program be subject to the annual authorization and appropriations process despite the bill's requirement to deploy a system "as soon as technologically possible." The amendment stresses the fact that this nation is not committed to giving the missile defense program a blank check. In other words, notwithstanding the Senate's commitment to protect this nation against rogue state missiles, this body will balance the importance of national missile defense with other national security priorities. For example, we have an attack submarine fleet that continues to shrink as the result of a low build rate. That issue and many others need to be considered by our national defense leadership. Furthermore, the first amendment highlights the fact that this body will balance the need for a national missile defense system with the need to provide our citizens with strong and effective domestic programs.

The second amendment, sponsored by Senator LANDRIEU, was absolutely necessary for the passage of this legislation. The amendment reminds us that the United States remains wholly committed to nuclear arms control. The ABM Treaty and START Treaties are basic elements of nuclear arms control, and this bill is not meant to impinge on the effectiveness of those treaties. This nation will not ignore, but instead seek modifications to, the ABM Treaty to allow for a limited national missile defense system. Also, this nation awaits ratification of START II by the Russian Duma and looks forward to agreement on the provisions of START III.

In sum, this legislation does not alter the administration's present policy with respect to national missile defense. This nation will develop and deploy a national missile defense system, but the costs of the system, the specific rouge nation missile threat, the impact on arms control, and our technological ability to field such a system will all be carefully considered. For those reasons, I have decided to support this bill.

Mr. SESSIONS. Mr. President: I rise to make a few remarks concerning S. 257, The National Missile Defense Act.

S. 257 will establish that it is the policy of the United States to deploy as soon as it is technologically possible an effective National Missile Defense (NMD) system capable of defending the territory of the United States against limited ballistic missile attack whether accidental, unauthorized, or deliberate.

Many have asked why would we want to do this as soon as technologically feasible. The answer finally came earlier this year when the Administration finally admitted that the Threat is here and now, not some indefinite number of years down the road.

The Threat, is upon us. According to CIA Director George Tenet's testimony on February 2, page 6, "theater-range missiles with increasing range pose an immediate and growing threat to US interests, military forces, and allies—and the threat is increasing. This threat is here and now."

If we look at what the Iraqi's have or will have in the near future, why would we delay given that we are conducting an aggressive air campaign against Iraqi air defense targets daily?

If we look at the improvements the Chinese have made in their missile program at our expense, why would we delay waiting for the Chinese to prove in some scenario yet undefined that they have the capability to destroy an American city or two?

If we look at the proliferation of technology leaving Russia to rogue states because they provide the hard currency to Russian scientists that the West cannot, why then would we wait?

There are some who say that we should wait and work the ABM problem out with the Russians. They say that if we move forward with a deployment this will make the Russians angry. Mr. President, the Russians have strongly objected to any US deployment to Kosovo, yet I do not see the Administration holding back on its desire to send upwards of 4000 troops to the region. Isn't protection of the United States more important than Kosovo?

Our goal in the effort to deploy a National Missile defense System has two crucial impacts on our security:

First, it will signal to nations that aspire to possess ballistic missiles with which to coerce or attack the United States that pursuit of such capabilities is a waste of both time and resources.

Second, if some aspiring states are not deterred, a commitment to deploy an NMD system will ensure that American citizens and their property are protected from a limited attack.

The Rumsfeld Commission report stated that, "the warning times the US can expect are being reduced. Under some plausible scenarios the US might have little or no warning before operational deployment." This is a statement from a very creditable commission. It suggests that America ought to move quickly to defend itself. A NMD system deployed now is the step in the right direction. We cannot afford to debate the "what could be's or should be's any longer." This Congress must act, and act now. I doubt if the American public would forgive this Congress if a situation arises for which we are not prepared.

Lastly, I have a comment about the Chinese spying incident. I have been in two meetings with Secretary Richardson in the last two days. My feeling on this issue is:

We have now learned of improved Chinese Missile guidance system capability due to US computers—sold to the Chinese by two US firms.

Chinese spying has provided that nation with the instructions on how to fabricate compact warheads (MIRV's)

Both of these acts should never have happened.

Mr. President, America cannot tolerate continued slackness in security and we need to press forward with protecting our nation—not tomorrow, not next month, not five years from now. We need to move the NMD program forward as soon as technically feasible.

Mr. ROBB. Mr. President, I support a national missile defense. I have voted—repeatedly—to fund research and development that would make such a defense not just a theoretical hope but a reality. In the past, however, I have also opposed legislation identical to S. 257, the National Missile Defense Act of 1999 as it was introduced. I voted against it when it was reported from the Armed Services Committee. I did so, even though I unequivocally support providing our nation a real defense against missile attack, because I believed that as introduced the bill would not advance that objective and could possibly move us in the opposite direction. While it is imperative for the United States to deploy a defense against missile attacks by North Korea and other rogue nations, it is equally imperative that we consider affordability, operational effectiveness, and treaty implications when determining how best to proceed on such a major acquisition program.

Mr. President, the Department of Defense, in testimony before the Armed Services Committee, has made it very clear that we can't accelerate the national missile defense program beyond what we're doing right now even if we spend significantly more money on it. Yet the original legislation implied that money is no object, that we should forgo our basic responsibility of getting the best defense possible for the taxpayer's dollar. I am concerned—as are many of our colleagues—about numerous, severe problems our military faces today, that can be resolved with proven technologies. Our forces are operating at OPTEMPOS unheard of even during the Cold War. Their equipment is often older than the operators, and spare parts are regularly in short supply. It is no wonder that we are facing one of the most pressing recruiting and retention challenges since the hollow force of the seventies. Passing blank check legislation is not, in my view, responsible, and not in the best interest of our military.

Fortunately, changes were made to the original legislation that addressed some of my concerns. The Cochran amendment subjects national missile defense deployment to the normal authorizing and appropriating process, allowing us to retain fiscal control over the program. This reinforces the need to ensure that any system we approve be affordable and operationally effective before deployment.

Mr. President, the bill in its original form was silent on arms controls. It is clear from hearing the comments of several Senators in support of this bill that they believe the ABM Treaty is of marginal consequence when compared to deploying a missile defense capability. The virtual certainty that the Russians will retain thousands of nuclear warheads if we undermine the ABM Treaty has been brushed aside as a minor annoyance. No matter that the existence of these thousands of additional weapons greatly increases the likelihood of the kind of accidental launch that a national missile defense would defend against. No matter that, by undermining the strategic arms control process, we prompt China and other nations—including so-called rogue regimes—to develop or expand their nuclear arsenals and create the very kind of threat that our limited missile defense is supposed to protect against.

The Landrieu amendment, by reinforcing the need for continued arms reduction efforts with the Russians, addressed this short-coming in the original legislation.

As a result of these modifications, I am now willing to support this bill. I caution, however, that this legislation really accomplishes nothing that will have a meaningful, positive impact on the pace and quality of our missile defense development efforts. While it is appealing to declare a policy, such a declaration doesn't move us closer to the goal, and may in fact cause the American people to gain a false sense of security. We should acknowledge the risk that we could be giving the American people the false impression that by passing this legislation we are somehow approving deployment of a protective shield to safeguard them from nuclear missile attack. At best we'll get a very limited defensive capability. At worst, we will have spent tens of billions on top of the $40 to $80 billion already spent on missile defense since 1983, our troops will continue to struggle with a high OPTEMPO and inadequate equipment due to inadequate funding, the Russians will not honor START II limits—even after ratification of the treaty, and we will have a system that is not operationally effective.

Regardless of the outcome of the vote on this legislation, we will continue to develop a missile defense to protect our nation. The issue surrounding missile defense is not that we don't want such a system—the problem is we don't yet know how to build one we can afford. I remind my colleagues of the Pentagon's dramatic claims of success by our Patriot missile batteries during the Gulf War. It was only after the war that we learned that there were very few if any effective intercepts of the Iraqi Scuds. The technology wasn't here then and it has a long way to go today—especially when it comes to ICBMs.

And we should not let our focus on providing such a defense divert our attention away from the other crucial element in protecting America from missile attack: reducing the number of missiles aimed at our nation. A number of colleagues shared my concern about the effect of this legislation on our efforts to reduce the Russian arsenal through the START II process.

Mr. President, I will support this legislation because we have addressed the largest potential down-sides and because I support the objective of providing our nation with an effective missile defense, but we still have a long way to go before we actually solve the challenges we face and we ought to be up front with the American people in describing where we are in this process.

Mr. KOHL. Mr. President, none of us who sit here in the Senate today is unaware of the potential dangers that face this country from rogue nations with ballistic missiles carrying weapons of mass destruction. There are many nations around the world that are eagerly pursuing weapons that can reach the United States and deliver devastating damage. I, like many of my colleagues, was stunned when I heard the news that North Korea had launched a three stage rocket with technology that many in the intelligence community had said the North Koreans would not possess for many years. All this evidence leads me to agree with Secretary Cohen when he says that the threat to the United States is "real and growing." Because of the danger we face, and our solemn vow to protect this nation, I will vote to support Senator COCHRAN's bill, S. 257, to deploy a missile defense as soon as technologically possible.

With threats looming on the horizon it would be irresponsible not to pursue the development and deployment of a national missile defense. The Administration has responded to the threat by expanding the program. The President has increased funding by $6 billion over five years. They will make a decision next year whether an effective national missile defense can be deployed by 2005. Negotiations with the Russians have already begun in an effort to reach agreement on amendments to the Anti-Ballistic Missile Treaty. The President has now reversed his previous opposition to this bill by withdrawing his veto threat. The United States is moving forward on missile defense, and this legislation will add momentum.

However, I do have reservations about this bill. A national missile defense system is not a sure thing. Currently there is no technology capable of destroying an ICBM, and we don't know when the technology will be developed. But we do know that developing this technology will be costly. To date we have spent almost sixty-seven billion dollars on developing missile defenses since the early 1980's without anything to show for it. I am concerned that by making a decision to build a system as soon as technologically possible the Congress may commit itself to an expensive project that the General Accounting Office has deemed "high risk." The Pentagon is infamous for underestimating the cost of weapons systems. Right now the Administration plans on spending ten billion dollars over six years on NMD, but I expect that as the project moves forward the cost will rise. We must be careful not to let our commitment to missile defense blind us from our duty to oversee this program and guard against waste and profligate spending so common in the Department of Defense.

While I am very concerned about the costs of the program and the impact on our relations with Russia, I believe we should build a national missile defense to protect our nation in this dangerous and uncertain time. The United States should move swiftly, but with prudence, to safeguard our citizens from the threats of rogue nations and the fear of accidental launches.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, was there a unanimous consent agreement that the Senator from Mississippi wanted to propound?

Mr. COCHRAN. Mr. President, if the Senator will yield, we were trying to nail down a time for a vote on final passage at 2. Why don't you go ahead and use whatever time you want to use.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I rise to speak today on the floor of the U.S. Senate to express my opposition to this resolution that is before us.

I may be standing alone on this vote. I hope not. I appreciate the efforts of my colleague from Louisiana to offer an amendment that would ensure that this bill states, or this resolution, because that is really what it is, that it is still the policy of the United States to pursue arms reduction negotiations. I think that was an important statement. I do not honestly and truthfully believe that that amendment is enough. It does not directly tie a decision to deploy a national missile defense directly to its impact on arms reduction agreements. That is what I am worried about.

I think my good friend, the Senator from Michigan, had it right in his substitute amendment—before a decision to deploy, the administration and the Congress should review the impact of that decision on nuclear arms reductions and on arms control agreements.

I think this is right. The decision to deploy—and that is what this resolution instructs us to do—should be made carefully, at the right time, after we are sure of its impact on important arms control and arms reduction decisions. I know my colleague from Michigan, who I think is one of the truly great Senators, has concluded that the Landrieu language is sufficient, but I have to respectfully disagree.

This resolution talks about deploying missile defense. I have supported in the past efforts to develop such a system to at least do research, but I have never voted for a resolution that says we go forward with deployment.

I would not oppose, again, the research and the focus on the possibility of needing a missile defense system if this was done hand in hand with an emphasis on the importance of arms reduction agreements. But I do not believe that this resolution before us is at all evenhanded in this respect.

Our colleague from Mississippi, a colleague for whom I also have a great deal of respect, Senator COCHRAN, was quoted in the Washington Times today saying that the Landrieu amendment was an important step—and he meant this in very good faith; he means everything in good faith—of an important national security goal. But the inclusion of the national missile defense policy and arms reduction policy in the same bill "does not imply that one is contingent on the other."

I think they should be, and that is why I do not think the language is sufficient. That is why I will vote against this bill.

Actually, I do not know whether to call it a bill or a resolution. There is no money. It is just a statement. We say this will be the policy. It is a declaration by the Senate.

We ought to be focusing on the reduction of existing missiles. We ought to be focusing on nonproliferation efforts to stop the spread of existing technology of weapons of mass destruction. We should not be saying that it is the policy of the United States to spend billions of dollars on unproven systems to defend ourselves against phantom missiles from hypothetical rogue states.

We have spent already $120 billion on this antimissile defense system. I heard my colleague from Arizona, who is a colleague for whom I have tremendous respect, talking about some of the ways in which he thinks the administration has been a bit disingenuous about how we can balance the budget and spend money here or do this, that, and the other. I understand what my colleague was saying. In all due respect, I have to raise questions about this.

First of all, I have to say that I believe that this vote today is a profound mistake. I think the vote today, if it is an overwhelmingly strong vote for this resolution, jeopardizes years of work toward achieving nuclear arms control and arms reduction, and that will not increase our security. That will not increase the security of my children or my grandchildren.

I am very concerned about our national defense. I am very concerned about our security. I am very concerned about the security of my children and my grandchildren. I believe the best single thing we can do to assure that security is to maintain a commitment to arms control agreements.

Some of my colleagues do not agree with what we did with the ABM Treaty. They are not so focused on where we need to go with the START agreements. I argue that these arms control agreements and everything and anything we can do to stop the proliferation of these weapons and to engage the former Soviet Union—Russia today—in arms control agreements, reducing the nuclear arsenals, less missiles, less warheads, less of a possibility of a launching of these weapons is what is most in our national security. I do not believe that this resolution takes us in that direction at all.

There is a distinction between talking about the development of a missile defense system and actually the language in this resolution which talks about deploying. There is a distinction between saying we only go forward, but before a decision to deploy, the administration and the Congress should review the impact of this decision on nuclear arms reductions and arms control agreements.

There is a distinction between such language, and I believe what the amendment that my colleague from Louisiana offered yesterday, which says that it is our policy to pursue arms reduction negotiations—oh, how I would like to see a connection. Oh, how I want to see a nexus. You cannot imagine how much I want to vote for a resolution like this, which is going to have such overwhelming support, and I would if I did not believe that what is only a resolution will be used next year when we come to authorization and appropriations to say that there was unanimous—no, there won't be unanimous support; there will be at least one vote against it—near unanimous support to go forward with missile defense. And then the request will come in for the money.

What will the cost be? This resolution, or this piece of legislation, should be called the "Blank Check Act," because that is what we are doing. We are authorizing a blank check for tens of billions, maybe hundreds of billions of dollars for all I know, for a missile defense system in the future. At what cost?

Mr. President, $120 billion already, tens of billions of dollars a year, I don't know how long in the future, is going to go for a missile defense system, and this vote is going to be used as the rationale for doing so. Maybe not with this administration, because I think the administration has made it clear it is committed to an arms control agreement. But what about the next administration? I hope it will be a Democratic administration, but I do not know and I do not want to vote for a blank check for tens of billions of dollars for such a system which I think puts into jeopardy arms control negotiations and arms control reductions.

Mr. President, for a senior citizen in the State of Minnesota who cannot afford to pay for a drug that has been prescribed by her doctor—this is a huge problem for elderly people in our country, many of whom are paying up to 30 percent of their annual monthly budget just for prescription drugs—for that senior citizen to not be able to afford a prescription drug that her doctor prescribes for her health is a lot bigger threat to her than that some missile is going to hit her in the near future or in the distant future.

Yet, we are being told that we cannot afford to make sure we have prescription drug costs for elderly citizens in this country. But now what we are going to do, I fear, is adopt a resolution that will be used later on as a rationalization and justification for spending tens of billions of dollars on top of $120 billion for unproven systems to defend us against phantom missiles from hypothetical rogue states.

Our focus should be on the arsenal of nuclear weapons that Russia has now and how we can have arms control agreements with Russia. We ought not to be putting ABM and START in jeopardy. We ought not to be putting arms control in jeopardy. We ought not to be putting our efforts at stopping the proliferation of weapons of mass destruction in jeopardy, and I believe that is what this resolution does. That is my honestly held view. The administration has apparently changed its position. I wish they had not.

My colleague from Michigan, Senator LEVIN, has a different interpretation. I think he believes that this resolution puts the emphasis that needs to be there on arms control reductions. I hope and pray he is right. I think he believes this resolution has language, through the annual review process in appropriations bills, that makes it clear that this has to be technologically feasible to go forward. I hope he is right. But, quite frankly, I do not think that is really what this resolution says.

I am not going to err on the side of voting for a resolution that now gives credibility to spending tens of billions of dollars, over the years to come, on a questionable missile defense system that puts arms control agreements in jeopardy and does not speak to the very real national security that we have in our own country.

I would like to finish this way, Mr. President. Since I heard some of my colleagues on the other side talk about the President's budget, I would like to ask my colleagues, What exactly do you propose to do with your budget caps, your tax cuts, and wanting to increase the Pentagon budget $140 billion over the next 6 years?

And that goes for far more than just increasing the salaries of our men and women in the armed services, who should have their salaries increased; and that is much more far-reaching than just dealing with quality-of-life issues for men and women in the armed services, who deserve all our support in that respect. Now we are talking about laying the groundwork, on top of $120 billion that has already been spent, for tens of billions of dollars. This could end up being $40 billion-plus just for this missile defense system.

So my question is, After we do this, what do you say to senior citizens in your State who say, "Can't you make sure that we can afford prescription drug costs?" I know what you are going to say. "We can't afford it." What are you going to say to people who say, "Can't you invest more in our children in education?" We are going to say, "We can't afford it."

What do you say to people in the disabilities community who were in my office yesterday, saying, "Can't you invest in home-based health care so that we can live at home in as near as normal circumstances as possible with dignity?" We are going to say, "We can't afford it." What are we going to say to people who say, "We can't afford affordable housing"? We are going to say, "We can't afford it."

I will tell you something: the real national security of our country is not to vote for this resolution that could very well put arms control agreements in jeopardy. And I am not willing to err on that side. If we do that, it will be a tragic mistake. It will be a tragic mistake for all of our children.

The real national security for our country is to not spend billions of dollars on unproven systems to defend us against phantom missiles from hypothetical rogue states. The real national security for our country will be the security of local communities, where there is affordable child care, there is affordable health care, there is affordable housing, people find jobs at decent wages, and we make a commitment to education second to none so that every boy and every girl can grow up dreaming to be President of the United States of America. That is the real national security of our country.

Mr. President, I think this resolution is a profound mistake. And if I am the only vote against it, so be it, but I will not vote for the resolution.

I yield the floor.

Mr. President, my colleague, Senator STEVENS, had made the request he be able to speak right after I finished. I do not see him right now, but could I ask unanimous consent that he be allowed to speak next? I know he was anxious to do so. He should be here in a moment.

Mr. COCHRAN. Mr. President, if the Senator would yield, I think Senator STEVENS is planning to speak. I was going to suggest the absence of a quorum. Here is our colleague from Michigan. He may want to use some time on the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I support the passage of this bill with the two amendments we have adopted. We have made a number of very important changes in the bill which now cause me to support the bill because, very specifically, we now have two policies that are set forth in the bill, no longer just one.

The first amendment that we have adopted, which was an amendment saying that the funding for national missile defense is subject to the annual authorization and appropriation of funds for this system, makes it clear explicitly, specifically, that this bill does not authorize anything. This is not an authorization of anything. It is not an appropriation of funds.

Perhaps somebody could argue before that amendment was adopted that this bill did authorize or did commit us to appropriate funds. But after the adoption of that first amendment yesterday, it cannot be argued that this authorizes anything or appropriates funds for any system.

This bill now states two policies of the United States. That is very different from a bill which commits us to authorize funds or to appropriate funds for a particular system.

So the first amendment made an important difference. It is an amendment which the Senator from Mississippi offered with a number of cosponsors on both sides of the aisle. It seems to me it made it very clear that we are not committing to deploy a national missile defense system in this bill. We are stating now two policies in this bill. The first amendment I referred to makes it clear that the authorization to deploy a national missile defense system would come only if and when we act on funding to deploy such a system through the normal authorization and appropriation process. We are not doing that in this bill.

One of the things this bill says is, before a deployment decision is made, there must be an effective system. That word "effective" clearly means, in the view of the military—and I think reasonably—an operationally effective system. That is one of the clear meanings of the word "effective" in this bill. And there was a colloquy earlier today between the Senators from Mississippi and New Mexico relating to that issue. An effective national missile defense system means, among other elements of "effectiveness," an operationally effective system.

The second amendment that has made a major change and a major improvement in this bill is the Landrieu amendment. Until Senator LANDRIEU's amendment was adopted, this bill ignored the crucial importance to our national security of continuing reductions in Russian nuclear weapons. Without the Landrieu amendment, this bill would have put nuclear reductions at risk—reductions that have been negotiated before and are now being implemented, reductions that have been negotiated before and are hopefully about to be ratified in the Duma.

Without the Landrieu amendment, this bill ignored those reductions. It would have put such reductions at risk and increased the threat of proliferation of weapons of mass destruction. That greater threat would have resulted from the larger number of nuclear weapons being on Russian soil, with the greater likelihood, in turn, that there would be leakage of such weapons to a terrorist state or a terrorist group.

The Landrieu amendment adds a second policy to this bill. It is a most crucial policy statement, that it is our policy to seek continued negotiated reductions in Russian nuclear forces. This critically important change in the bill states that we understand the value of continuing the nuclear arms reductions which have been negotiated before and that, hopefully, will continue to be negotiated in START III, and that those reductions improve our security by reducing the numbers of nuclear weapons on Russian soil.

Mr. President, without those two amendments, I would not have supported this bill. As I stated in my opening statement, it is critically important, in my opinion, that we continue to see reductions in nuclear weapons in this world, and most specifically, reductions in nuclear weapons in Russia.

I think many of our colleagues, if not all of us, see the importance of those reductions. Now we have a specific policy statement equal to the policy statement relative to deploying an effective limited national missile defense subject to authorization and appropriations. The second policy statement which is critically important says that it is the policy of the United States to continue to negotiate reductions in the number of nuclear weapons on Russian soil.

Because of these amendments, the President's senior national security advisers will now recommend that the President not veto the bill if it comes to him in this form. That is an important measure of the significance of these changes in this bill. The White House has not changed its position on national missile defense anymore than I have.

The bill has been changed in two significant ways. I think the bill has been vastly improved. It has been improved because of the efforts of many people. I want to thank the Senator from Mississippi, the author of this bill, for his cooperation in including both the Cochran amendment and the Landrieu amendment. And I particularly want to commend and thank the Senator from Louisiana, Senator LANDRIEU, who is now the ranking member on the Strategic Forces Subcommittee of the Armed Services Committee, for her hard work and her dedication in bringing about the adoption of an amendment which made such an important difference in this bill.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Alaska.

Mr. STEVENS. Mr. President, I am here today to join two of my closest friends, Senators COCHRAN and INOUYE, to support this bill that is before the Senate. I believe that Senator COCHRAN and Senator INOUYE have championed this measure for some time now in the face of very strong opposition. I am pleased to see that opposition is now fading away.

I cannot fathom anyone being opposed to deploying the defenses that are necessary to protect this Nation. Recent events clearly warn that our Nation must prepare for the worst possible scenario. We have watched reports that India and Pakistan have detonated nuclear devices. Each of these countries have very solid, demonstrated capabilities in building ballistic missiles. Our U.S. intelligence community admitted surprise after those demonstrations.

Unrest in Indonesia and turmoil in other Pacific nation economies demand the attention of the United States and the world. Those nations increasingly look to develop or acquire a range of ballistic missiles. The threat that troubles me the most is North Korea. North Korea's missiles can already reach parts of Alaska and Hawaii, and perhaps beyond.

When I visited North Korea 2 years ago, I was struck by the contrast there. Their people live a life of sacrifice, but many of their limited resources are diverted to military investments. The United States should not underestimate the determination of the North Koreans nor the risks the threats pose to the United States and our Pacific allies.

Now, new reports indicate that North Korea may launch another rocket, possibly a satellite or possibly a longer-range ballistic missile. The world's ability to monitor North Korea now is limited. We all know that. Certainly almost no one in the intelligence community anticipated the recent launch of the multistage booster that we saw.

Just as in World War II, the first to be threatened in the Pacific will be the States of Hawaii and Alaska. My constituents, the residents of Alaska, ask me, Why should it not be the policy of the United States to deploy a national missile defense system as soon as it is technically feasible? I can state categorically that after my recent trip home I know Alaskans want these defenses now.

Indeed, the Alaska Legislature has already passed a joint resolution calling on the President of the United States to deploy a national missile defense system. I know, as more Americans recognize that this threat is here today—and I believe the whole country will wonder what is wrong with us; I believe they are going to even wonder why we have to have this debate this long on this issue.

I am confident that Members of the Senate should be familiar with the congressionally established commission of evaluating the ballistic missile threat to the United States, known as the Rumsfeld Commission, which completed a thorough review of the missile technologies existing in other countries. More importantly, that Commission recognizes the fact that missile technologies are increasingly available to any nation with money and determination to use them.

Protecting our Nation requires building a national missile defense system that will protect every square inch of every State, including Alaska and Hawaii, and the 48 contiguous States. When this issue first came before the Defense Appropriations Subcommittee, the administration projected a system that would defend almost all of the 48 States but did not include Alaska and Hawaii and the tips of Maine and Florida. At that time, I expressed concern about that. I am pleased to see we all are now considering a truly national missile defense system.

In recent weeks, I was fully briefed on the Defense Department's efforts to develop a national missile defense, a defense which would provide our Nation's only capability against these missiles. I have been reassured of the commitment to protect all 50 States by Lieutenant General Lyles, the Director of the Ballistic Missile Organization. I can also tell the Senate that some of the best engineers in this Nation are working on the current national missile defense program under the direction of Brigadier General Nance, a very capable officer and knowledgeable program manager.

I believe this team, and any of the ballistic missile defense organization program managers, would tell the Senate that building this defense system is technically feasible today. That is good news. We have it within our reach and our means to build a missile defense system to protect our entire Nation from ballistic missiles.

Last year, we added $1 billion as emergency funds for the development of the missile defenses to protect the United States as well as its deployed forces. This Cochran-Inouye bill makes clear that these funds are available only for enhanced testing, accelerated development, construction, integration, and infrastructure efforts in support of ballistic missile defense systems.

The taxpayers' money being made available on an emergency basis was put up for the purpose of encouraging the availability of this system and to reward success in the efforts. I believe we have to have the ability to defeat the threat that is posed by ballistic missiles as soon as possible. Many Senators will recall the criticisms made last year of our ballistic missile defense programs—too little testing, schedules that didn't ask for the dollars available, and many other concerns expressed.

I am pleased to report to the Senate that the $1 billion emergency increase has become a catalyst for the national missile defense program—allowing this program to add testing, fully fund development, and to rebut the critics who say it is not possible for such a system to be deployed.

The administration has stated that it will match these funds and budget the necessary additional funds to develop and deploy a national missile defense system. I am still concerned that the funds budgeted by the administration, however, will allow a missile defense system to be deployed about 2005.

On March 14, 1995, Defense Secretary Perry testified before our Defense Appropriations Subcommittee that:

> On the national missile defense system, that system would be ready for deployment in 3 years on the basis of this program projection, and then 3 years later than that it would be operational.

He said it would be operational in 3 years.

> So we are about 6 years away from deployment of national missile defense systems.

That was 1995. In responding to my question during a hearing in June of 1995, Lt. Gen. Malcolm O'Neill noted Secretary Perry's promise and went on to add:

> I think the timeframe (Secretary Perry) talked about was 3 years of development and then 3 years to deploy. So that would mean a 2001 scenario, and that would get a system in position before the Taepo Dong 2.

Mr. President, that is the Korean missile that we are all so worried about now. The Taepo Dong 2 is ready now but we are still developing a system. The national missile defense system that should be in place by 2001 will not be there in 2001, and we were promised an operational national missile defense system as early as 2001. As one who has watched this system now develop over a period of years, I have been frustrated that it has slipped now, apparently, to 2005. The track record is one of continual delays and slips as far as the deployment date is concerned.

I believe that this Nation must get ahead of the threats. The risks are too great.

Again, I basically come here to commend these two Senators for their very hard work on this bill.

Senator COCHRAN and Senator INOUYE deserve the entire support of the Senate. I am pleased that these matters which had previously looked like they might delay this bill might be resolved. I congratulate the managers of this bill and its author for their wisdom and determination. I hope the Senate will proceed rapidly to approve it.

Mr. MURKOWSKI. Mr. President, I rise in strong support of S. 257, the National Missile Defense Act of 1999. This is an extremely important initiative, which really goes to the heart of our national security policy. The bill simply declares that it is the policy of the United States to deploy, as soon as technologically possible, a national missile defense system which is capable of protecting the entire territory of the United States from a limited ballistic missile attack.

Why is this important? For one, because most Americans mistakenly believe that we already have a system in place which can intercept and shoot down incoming missiles. We do not. While we can, in some instances, tell in advance if an adversary is likely to launch a ballistic missile strike at the United States, our ability to thwart the attack is limited to diplomatic efforts or, alternatively, to a quick strike military capability of our own.

In the case of an unauthorized or accidental missile strike, we have no deterrent capability. Imagine the horror, Mr. President, of knowing a missile strike against an American city was underway and there was nothing we could do to stop it.

This is the same bill that Senate Democrats filibustered twice during the 105th Congress. So, why the change of heart? I think that the main reason is that they can no longer sustain the argument that we do not face a threat credible enough to justify deployment of a national missile defense system. They now acknowledge that we face a number of real threats from many different parts of the globe. Most of these threats are the byproduct of 6 years of flawed administration foreign policy initiatives which have actually increased, not decreased, the likelihood of the post-cold-war threat.

What are the threats that we currently face? China comes to mind. While I for one do not consider China an adversary, I am particularly concerned by the wide range of espionage allegations connected to China. First, our military experts believe that China's missile guidance capabilities were enhanced significantly by the Loral/Hughes incidents. And more recently, there are chilling allegations that China has stolen some of our most closely held secrets on miniaturizing warhead technology, thereby exponentially increasing the threat that China poses to the United States and many of our key allies in the Asia/Pacific theater.

Last summer, it was widely reported that 13 of China's 18 long-range strategic missiles are armed with nuclear warheads and targeted at American cities. What's more Chinese officials have suggested that we would never support Taiwan in a crisis "because the United States cares more about Los Angeles than it does Taipei." If this type of declaration, on its own, is not justification for deploying a national missile defense system, Mr. President, than nothing is.

Let's examine the case of North Korea. This is a country which continues to defy rational behavior, and which seems to be encouraged by this administration's bankrupt North Korea policy. Just yesterday, Secretary Albright announced that the United States would pay North Korea hundreds of millions in food aid to gain access to an underground facility north of Pyong Yong which we believe is connected to their nuclear regime. Plain and simple bribery at it's best.

Last year, North Korea fired a multi-stage missile over Japan. No warning and unprovoked. Why? Presumably to show that they have the capability.

Iran and Iraq speak for themselves. Additional concerns are the inability of the former Soviet Republics to keep good track of the ICBM's which they inherited from the breakup of the Soviet Union. Be it accidental or deliberate, if these weapons fall into the wrong hands, we will have new foreign policy concerns the likes which none of us have ever seen or will care to address.

We are vulnerable, Mr. President, and we need to act to prevent a catastrophe of horrific proportions. The best way to do this is to do what should have been done long ago—deploy a national missile defense system.

There are a number of ballistic missile defense programs at various stages of development. Ideally, the United States would pursue a dual track system, namely a sea-based system which could be deployed to various theaters as the need arises. The aim here being to protect our troops and allies which may be at the front line of a confrontation. And a ground based system based in Alaska, which is the only place in all the United States from which true, 100 percent protection of all the United States and her territories can be achieved.

By basing a system in Alaska, we will have the added advantage of being close to both the Asian and European theaters. Our aim should be not only to intercept a launched missile, but in being able to intercept it in the still early stages—preferably while it is still over the territory of the aggressor country.

As many of my colleagues are aware, we have 80,000 American troops in the Asia/Pacific theater alone. Many of these troops are already well within the range of current North Korean missile capability. As their missile development program advances, we can expect American lives and American soil to be exponentially at risk. We simply cannot stand idly by and wait. We need to be prepared, so that we can protect the American people from such a strike, be it deliberate, unauthorized or accidental.

Finally, Mr. President, there are those who argue that S. 257 should be rejected because it sends the wrong signal to Russia and raises flags about the future of the ABM Treaty. Let me say unequivocally that this is not about Russia, and the Russians know it! The ABM Treaty was a product of a different era, an age when the United

States and the Soviet Union were alone in their ability to launch intercontinental ballistic missiles. This age passed quickly with the breakup of the Soviet Union, and a much more unsettling world has been left in her place. Today, there are many, many threats and ignoring them will not make them go away.

This is not about Russia. This is about the United States and our constitutional and moral duty to protect the people whom we have been elected to represent. Mr. President, I strongly support this measure and commend Senators COCHRAN and INOUYE for their untiring efforts to see that this bill becomes law.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in opposition to the bill. Could the Chair inform me of the time limitations, if any on, debate?

The PRESIDING OFFICER. There are no time limits on debate.

Mr. DURBIN. Mr. President, I can recall this concept when it was first suggested by President Reagan. It was a concept that was alluring. The notion that we could somehow put a protective umbrella of defense over the United States against nuclear missiles would certainly be an effort that would allay the fears of many that a missile might be launched from some nation like Russia. This idea of a strategic defense initiative, Star Wars, or whatever you might characterize it as, has always had a certain appeal to me and I am sure to anyone who hears it. I have been skeptical from the start as to whether or not this was feasible. Now I think there are more fundamental policies that should be addressed.

First, let us take a look at the history of the early part of the century.

After World War I, the French—determined never to let the Germans invade their country again—set up a series of "impregnable" fortifications along their border from Switzerland to Belgium called the Maginot Line. When Hitler decided to invade France he passed north of the Maginot Line via Belgium, swept behind the line, and captured it from behind. France was totally defeated in 6 weeks.

The national missile defense plan is our Maginot Line. It would give us a false sense of security and be completely ineffective in countering threats that simply go around it—like the terrorist with chemical, biological or nuclear weapons in his suitcase. It could be totally overwhelmed by intercontinental ballistic missiles (ICBMs) held by Russia, and its existence would encourage nuclear countries to defeat it with devastating force. The star wars Strategic Defense Initiative in the 1980's faced these same problems. The current plan is "star wars lite," a shrunken relic of the cold war.

THE ROGUE STATES

No one is underestimating the capacity for so-called rogue nations to act in ways that seem irrational to us. However, in deciding that we must spend billions of dollars to build a missile defense system to protect ourselves against these third-rate powers, we are making one of two assumptions. Either we are tacitly admitting that we would not respond to an attack by one of them against us with overwhelming force—whether nuclear or conventional—or else we are assuming that these leaders are so crazy that they would risk the destruction of their nations and the loss of their own power or lives for one shot at the United States.

The leaders of the rogue nations, like Iraq and North Korea, may be isolated and seem irrational to us, but survival, not suicide, has been their overarching goal. It is much more likely that terrorists would do these nations' dirty work for them in a way that is difficult to link to a particular nation, to avoid a retaliatory strike. National missile defense would not help against terrorist attacks, which are far more likely to be delivered by truck than by missile.

The danger of missile attacks from rogue nations is much more acute against our military forces in the Persian Gulf and Asia than against U.S. cities.

During the gulf war we made it quite clear that if Saddam Hussein used his weapons of mass destruction against our forces, he would suffer an overwhelming response. He did not use those weapons. We have made it clear to the whole world that we will respond to any use of weapons of mass destruction against us, while leaving the type of weapon, nuclear or convention, ambiguous.

Our massive arsenal should be as capable of deterring a rogue nation as it was to deter the Soviet Union for 50 years. Are thousands of weapons now ineffective against one or two or three or four or five missiles in North Korea or some other country?

Nonetheless, the enormous cost in lives of even one missile strike against one U.S. city, no matter how unlikely, could lead us to decide to deploy a national missile defense system at some point in the future—if that would mean that our country would be more secure. That is why Congress has consistently supported research into missile defense technology for theater and national applications. We should continue to research with deliberate speed and reasonable funding, but we must not make the decision to deploy prematurely. We must not make the leap which this resolution would lead us to.

ARMS CONTROL IMPLICATIONS

Deciding to deploy a missile defense system without getting Russian agreement to changes in the Anti-Ballistic Missile (ABM) Treaty not only would in effect abrogate that treaty, it would also be the end of the Strategic Arms Reduction Talks (START) process that is the basis for the strategic stability between the United States and Russia. Strategic stability means that neither side is willing to engage in a first strike against the other.

If a missile defense system is deployed without regard to its effect on strategic stability with Russia, our own security will be imperiled. The United States and Russia still have thousands of nuclear warheads poised to launch at each other with just a few minutes between targeting and launch. If arms control breaks down because of our deployment of a missile defense system, we would be encouraging nuclear countries to use multi-warhead ICBMs to defeat it. It would seem a fairly irrational decision on our part to trade away a strategic balance that has kept the peace for 50 years in order to protect us against a hypothetical threat. The threat of 6,000 Russian and some 400 Chinese missiles is not hypothetical.

We are at peace with Russia and the cold war is over. A first strike seems quite unlikely at this time. The danger today is from an unauthorized launch from Russia, or, because parts of Russia's early warning system do not work, that Russian leaders could falsely think the United States had started a first strike and would launch a retaliatory strike. A national missile defense system could not stop those missiles.

Since Russia is having difficulty maintaining its nuclear arsenal now, it is in our vital national interest to see reductions in the number of missiles on both sides—rather than pursuing a policy that would put the START process on ice and could lead to redeploying multiple warheads instead.

Our broader nuclear nonproliferation goals could also be undermined by the demise of arms control. The grand bargain forged when the Nuclear Nonproliferation Treaty (NPT) was negotiated was that the nuclear countries would work toward nuclear disarmament, in return for the non-nuclear countries foregoing them.

If we take a unilateral action that undermines the START process, there will be no grand bargain, and we will have no argument against any country, including the rogue states, acquiring nuclear weapons.

The Maginot Line of national missile defense will not only encourage countries to go around it, or to overwhelm it, it could also become the Trojan Horse that lets our enemies into the nuclear club.

COSTS

While we must make this decision on its merits, we cannot ignore the costs of making it. We have spent over $40 billion on national missile defense since 1983 with virtually nothing to show for it. That figure does not include the $52 billion spent before 1983 on various missile defense systems, like the Nike and Safeguard systems of the 1960's and 1970's. Estimates vary greatly on how much a limited missile defense system would cost, and these estimates depend greatly on what system would be chosen. I think it is safe to say that no one really knows yet how much a system would cost.

I listened to the debate earlier today from some of my colleagues. One of them raised the specter of vulnerability of nations on the west coast as well as Hawaii in terms of attack from new members of the missile nuclear club. One of the people speaking said if we know that threat is out there, and we know the damage that could take place, isn't it a given that we would spend any amount of money to protect our coast? Isn't that a responsibility? That is an interesting argument, and it certainly is one that would suggest that we would spend any amount of money on this national missile defense system, that there are no limits to spending.

In fact, as I read it, the only limitation in this bill is that it has to be somehow technologically possible to have a national missile defense system. I would like to suggest that it is interesting that this would be the standard which we would use to determine defense spending.

I wonder if I introduced a resolution into the Senate which asks if it would be the policy of the United States to spend as much money as necessary if we found that it was technologically possible to cure cancer, how many votes we would get on the floor of the U.S. Senate. We have made more progress in the war against cancer than we have on any national missile defense system. Yet, when it comes to that kind of courage with respect to virtually every American family, that is not considered really food for thought or even an issue for debate. The same question could be asked when it comes to education. If it is technologically possible to educate children in America better, should we make it our policy to spend whatever is necessary to achieve that? I doubt that I could muster a majority vote in the Senate for that suggestion. Or the elimination of drugs in America, if it is technologically possible to end the scourge of drugs in our country, should we spend whatever is necessary?

I have given you three examples which come to mind, and many more could be produced. But it is interesting to me that when it comes to defense spending we apply standards which are totally different than the priorities which many Americans would identify as important to us and important to all families.

In May 1996 the Congressional Budget Office estimated that it would cost $31-60 billion through 2010 to acquire a system outlined in the Defend America Act of 1996, plus an additional $2–4 billion per year to operate and maintain it. The National Security Council estimated that a two-site, ground-based system would cost $23 billion to deploy. The General Accounting Office reported that the Ballistic Missile Defense Office estimated that limited deployments in North Dakota and Alaska would cost between $18–28 billion. The Congressional Budget Office estimated that it would cost $60 billion to build a "high end system," including space-based lasers. Given the history of defense cost over-runs, it is quite likely that these figures are the floor, not the ceiling of what these costs may be.

No matter how many amendments are adopted—and some I have supported, and some are very good—the bottom line is the U.S. Senate with this vote is virtually giving a blank check to this project. There are no limitations on cost. As long as it meets the threshold requirement of being technologically possible, it can go forward.

We must not forget that, if we push ahead with deploying a national missile defense system without seeking Russian agreement with changes to the Anti-Ballistic Missile Treaty, the nuclear arms reduction process will be moribund.

Let me salute my colleagues in the House.

Senator LANDRIEU offered an important amendment that at least reiterates America's commitment to negotiating some type of disarmament. I support it. Virtually every Member did. I think that is a positive step. But to simply adopt that amendment and ignore the bill that is before us, I think, is folly. We have to be consistent. We have built into this bill an inconsistency. On the one hand, we are going to move forward with the national missile defense system, even if it violates existing treaties, and then an amendment which says we are going to continue to negotiate these START treaties. I don't know what the negotiating partner would believe, if they read this bill after this debate.

That means we would also be bearing the costs of maintaining our current level of 6,000 nuclear weapons, instead of being able to reduce to START II levels of 3,500 warheads, or START III levels of 2,500 warheads, or even 1,000 warheads. We now spend about $22 billion on maintaining and supporting our current nuclear force levels, including $8 billion per year maintaining nuclear warheads.

Would it not be in the best interests of the United States of America and its future to continue the arms control negotiations to reduce the nuclear warheads not only in the United States but around the world? I think that is the best course of action. I am afraid this bill is inconsistent with that strategy.

In March 1998, the Congressional Budget Office estimated that reducing warheads to START II levels by the end of 2007 would save $700 million per year through 2008 and about $800 million a year in the long run (in constant dollars). Making these reductions by 2003 would yield an additional $700 million through 2008.

Reducing warheads to START III levels would save $1.5 billion per year in the long run, provided weapons platforms are also retired. If warheads were reduced to 1,000, savings would increase to $2 billion per year in the long run. Talk about a peace dividend. This $2 billion per year savings—25 percent of the current costs of maintaining nuclear warheads—does not include huge savings that would result if nuclear platforms, such as submarines, were retired to reflect the reduced number of warheads.

Thus, in considering the costs of deciding to deploy a national missile defense system, we must add not only the $35-60 billion or more that it would cost to deploy it, but also the opportunity cost of billions of dollars every year of foregone savings from not being able to reduce our nuclear arsenal.

If Russia reverts to deploying multiple warhead missiles in response to our decision to deploy a national missile defense system, we may then feel that we must do the same—potentially creating a new arms race. The cost fighting the proliferation of nuclear weapons that could occur if the Nuclear Nonproliferation Treaty is undermined is incalculable.

Deciding today that it is our policy to deploy a national missile defense system is an expensive and bad idea that will lower, not improve our national security.

I yield the remainder of my time.

Ms. SNOWE. Mr. President, I rise in strong support of S. 257, the National Missile Defense Act of 1999. I am also honored to serve as an original cosponsor of this bill since it makes a straightforward but vital statement of policy regarding the core mission of the Defense Department to protect the United States from an accidental or deliberate ballistic missile attack.

Our bill this year, introduced on a bipartisan basis once again by the distinguished Senators from Mississippi and Hawaii, establishes a guideline without dictating its implementation. The so-called Cochran-Inouye measure simply urges the United States to deploy "as soon as it is technologically possible" a national missile defense system.

Why should Congress pass a sentence-long policy endorsing the deployment of national missile defenses? We float in an ocean of evidence that documents the emerging threat of a multistage ballistic missile attack against the United States.

Last summer, former Defense Secretary Donald Rumsfeld led a distinguished bipartisan panel in finding that North Korea and Iran, thanks to the support of Chinese and Russian technicians, could hit the far western territories of the United States with a multistage rocket by 2003. Iraq, the commission also informed us, could obtain this capability in a decade.

Several months before the completion of the Rumsfeld Report, the Air Force released an updated ballistic missile threat assessment noting that the number of countries producing land-attack cruise missiles will increase from two to nine early in the next decade.

A 1995 National Intelligence Estimate cautioned that about 25 countries could threaten U.S. territory in less than 14 years if they acquired launch and satellite capabilities from the sky or seas.

Two years later, the CIA Director testified that Iran could have a medium-range ballistic missile by 2007. The following year, India and Pakistan exploded more powerful nuclear devices, and a North Korean multistage rocket soared over Japan.

The nonpartisan Congressional Research Service informs us that 21 countries overall possess or have ready access to chemical warheads. Another 10 nations harbor or seek inventories of biological weapons.

And among all of these states, only four lack the ballistic missiles to fire these terrifying munitions. Several more countries without weapons of mass destruction, such as Afghanistan, Algeria, Belarus, Bulgaria, Ukraine, and Yemen, nevertheless have the launchers to deliver them far beyond their borders.

Senators COCHRAN and INOUYE wisely recognize this real and expanding security threat while leaving the scientific and budgetary issues involved with the deployment of missile defensive hardware to the technicians of the Pentagon who have devoted their careers to this cause.

But the Congress as a whole must take responsibility for framing priorities of policy, and no priority could loom larger than the protection of our homeland. And on this fundamental front, supporters of the Cochran-Inouye bill have extensive reinforcements.

The first reinforcement comes from the President of the United States. A 1994 Executive order declared that nuclear, biological, and chemical weapons proliferation poses an "unusual and extraordinary threat" to our national security.

Another reinforcement comes from the President's deputies. Echoing the main theme of a bill still opposed by the administration, General Joseph Ralston told the Senate Armed Services Committee last summer that the Pentagon would field a national missile defense system as soon as "technologically practical."

In this fiscal year 2000 budget submission statement increasing missile defense accounts by $6.6 billion over 5 years, Secretary Cohen concluded that such programs remained "critical to a broader strategy seeking to prevent, reduce, deter, and defend against weapons of mass destruction."

If the Secretary of Defense tells Congress that curbing the capacity of rogue governments to assault the United States is a "broad" security "strategy," who can doubt that the administration already has a policy of making a missile defense system operational sooner rather than later?

While this evidence of proliferation mounts by the month, our colleagues from the minority have blocked the Senate from exercising its majority will on the pending legislation because they believe that it would undermine the 1972 Anti-Ballistic Missile (ABM) Treaty between the United States and the Soviet Union.

But this bill addresses the prospect of a destructive weapons attack at any time of any intensity from any source. It primarily reflects the Second and Third World missile launch capabilities of tomorrow, not just the cold war arsenals of yesterday.

These capabilities also do not always discriminate on the basis of nationality. Russia, just as unpredictably as America, could one day fall under the threat of attack from a rogue state.

So instead of rejecting a fundamental statement of national defense, we should modernize the ABM Treaty in partnership with Moscow to ensure that both countries enjoy adequate protection against an accidental or deliberate ballistic missile strike.

As the President's Acting Under Secretary of State for Arms Control told a Senate Governmental Affairs Subcommittee nearly 2 years ago, "the determinant of our national missile defense program . . . is going to be what the threat requires." And the Threat, Mr. President, requires both the United States and Russia to prepare workable defensive networks.

At the same time that we build safeguards against attack, we must support the thirty-year negotiating process, pursued by administrations of both parties, of reducing and eliminating the prime agents of attack: long-range nuclear weapons.

For this reason, I was pleased to join Senator LANDRIEU in sponsoring an amendment to S. 257 reinforcing the United States arms control process with Russia. Despite Moscow's economic difficulties, a demoralized Russian Strategic Rocket Forces Command still maintains thousands of nuclear warheads subject to an accidental launch and the black markets of the Third World.

Our amendment, endorsed on a rollcall vote by 99 Senators, simply reaffirms the "policy of the United States to seek continued negotiated reductions in Russian nuclear forces."

As a result, S. 257 now provides America with the best defense: a twin policy to deflect a short-notice missile strike against our homeland and to redouble our efforts at reducing the size and lethality of the world's two largest nuclear arms inventories.

Finally, Mr. President, I want to highlight the relationship between an affordable and robust national missile defense system and our military modernization agenda.

We pursue modernization to harmonize technology development with anticipated security threats. Missile defense programs embody this process since the president and his experts have diagnosed an evolving but real threat in ballistic arms proliferation.

Modernization objectives require us to build new systems against a new ballistic missile threat that is less graphic than the one posed by the Soviet Union, but just as menacing to our strategic interests and economic vitality.

In this light, Mr. President, a national missile defense system will bring the United States to the threshold of defense modernization. The Cochran-Inouye bill fully acknowledges that the architecture, components, and the budget for this program, like any other one scrutinized by Congress, must pass the test of practicality without jeopardizing other important priorities such as the Pentagon's planned increase in procurement spending to $60 billion by 2001.

Beyond this responsibility, however, we have the obligation to reconcile public policy with the evidence of arms proliferation.

Let's listen to the president, his analysts, his Defense Secretary, and his scientists.

Let's awaken to an uncertain world rumbling with launchers, warheads, and satellites whose range and power grow by the year.

And let's understand that the treaties of yesterday fail to help us shield the country against the potential attacks of tomorrow.

The statement of policy proposed by the Cochran-Inouye bill would represent a compelling step by Congress to counter the growing ballistic missile threat to America's most precious assets: her land and her people. I therefore urge all of my colleagues to vote in favor of the National Missile Defense Act of 1999.

Ms. LANDRIEU. Mr. President, the need for a national missile defense system is real. The North Korean Taepo Dong tests, the Iranian Shahab III project and the uncertainty resulting from unexpected nuclear tests in India and Pakistan underscore the palpable threat that we now confront. Today, we signify that the United States has no intention to allow its foreign and national security policies to be held hostage to weapons of terror. In this sense, this bill will provide a real incentive against nuclear proliferation. By embracing a system of counter-measures that will grow progressively stronger in the next century, we tell the North Koreans, the Iranians and any other country thinking of threatening this nation with ballistic missiles, that those efforts will fail. They may as well spend their modest resources on something constructive for their people, because the United States intends to commit whatever resources necessary to ensure our security. That we will be able to send this message with bipartisan resolve, makes it that much stronger.

I would also like to thank my colleagues Senators LEVIN and COCHRAN for providing their leadership, guidance and wisdom on this issue. It was their flexibility and negotiation that made yesterday's amendment possible. The amendment that we adopted by a vote of 99 to nothing shows the consensus that this body shares regarding the importance of nuclear arms control. By setting deployment of a limited national missile defense and future reductions of nuclear stockpiles on equal footing, this legislation emphasizes the complimentary nature of those two key national security concerns. They are equally important, and we cannot lose site of one for the other.

Finally, I think the compromise we have reached will signal to our Russian partners that we are serious about maintaining the progress that we have achieved. A limited national missile defense is not a threat to Russia, I would not support such an act. Instead this bill helps move both countries beyond cold war thinking. It should hearten the Russian Government to know that we will deploy a missile defense system which preserves the Russian nuclear deterrent. Again, it demonstrates how far our countries have come. It is concrete evidence that we have moved beyond a national security policy centered on containing Russian influence and countering every Russian capability.

Mr. President, I am very proud of this legislation and proud of this institution. I hope that we will use the momentum gained here for further bipartisan efforts to address serious threats to our national security.

Mr. President, I thank my ranking member, Senator LEVIN, and our sponsor, Senator COCHRAN, and my colleague, Senator SNOWE for working through this important piece of legislation.

Thank you, Mr. President.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I understand from both sides that those who are listed under the order to permit them to offer amendments do not intend to offer the amendments, and I know of no other Senators who are seeking recognition. I would suggest that we have come to the time when we could have third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. ASHCROFT). The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—3

Durbin
Leahy
Wellstone

The bill (S. 257), as amended, was passed, as follows:

S. 257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Missile Defense Act of 1999".

SEC. 2. NATIONAL MISSILE DEFENSE POLICY.

It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

SEC. 3. POLICY ON REDUCTION OF RUSSIAN NUCLEAR FORCES.

It is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I have an amendment at the desk to the title of the bill and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the title to read as follows: "The Cochran-Inouye National Missile Defense Act of 1999".

The PRESIDING OFFICER. The question occurs on agreeing to the amendment to amend the title.

The amendment was agreed to.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for that kind gesture and express again my appreciation for his assistance in the development of the legislation and the passage of this bill.

By this vote, the Senate has done what has never been done before. It has passed legislation making it the policy of the United States to deploy a national missile defense system capable against rogue-state threats as soon as the technology to do so is ready.

By this action, the Senate has sent an unmistakable message around the world:

To rogue states, that America will marshal its technological resources and refuse to be vulnerable to their ballistic missile threats of coercion;

To our allies, that the United States will continue to be a reliable alliance partner;

To other nations, that no country will have any form of veto over America protecting its security interests;

To those working on the development of a national missile defense, that their work is valued and the system will be deployed just as soon as it is ready to protect America;

And most of all, to the American people, who will no longer have cause to wonder if their Government intends to fulfill its most fundamental responsibility.

In my opening statement I said we have heard many statements that have been made to reassure us about the willingness of the United States to defend itself. But there is always an "if" attached—if the threat appears, if we can afford it, if other nations give us their permission. By our actions today, we have removed what Winston Churchill called "the terrible ifs."

Without doubt, there will be other challenges ahead for national missile defense. There will be test failures as well as successes, but we will not be deterred from continuing to test until we develop a system that works.

There will be discussions with other nations on arms control issues. But now these discussions will not begin with the question of whether America will protect itself. By this vote we have taken the necessary first step to protecting the United States from long-range ballistic missile attack.

I thank the distinguished Senator from Michigan, Mr. LEVIN, the ranking minority member on the Armed Services Committee, for his cooperation as floor manager for the minority. I also thank all Senators who came to the floor to speak on the bill, and especially those Senators who cosponsored the bill. And finally, I thank my staff members, Mitch Kugler and Dennis Ward, whose excellent assistance to me and other supporters of this legislation has been very helpful indeed.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY TO SENATOR DANIEL PATRICK MOYNIHAN

Mr. BYRD. Mr. President, today we celebrate the life of the patron saint of Ireland known popularly as Saint Patrick. Saint Patrick's given name was actually Maewyn and he was born in Wales about 385 A.D. Many of us, whether we have a drop of bonafide Irish blood or not, will have donned something green today, in honor of the great spirit and rich traditions of the Irish people, and of their substantial contributions in all walks of life to this, their adopted homeland.

Right here in the Senate we can see the brilliant legacy of the Irish gene pool personified in the physical presence of some of our most outstanding Members.

I note that one of these sons of Ireland celebrated his 72nd birthday on yesterday—merely a young lad in my eyes. That illustrious son of Ireland is none other than the Honorable DANIEL PATRICK MOYNIHAN. Although I am honored to wish this amazing gentleman the happiest of birthdays, my heart hangs heavy with the knowledge that all too soon this incredible man will be leaving this body. He has announced his retirement from the United States Senate, commencing with the end of this Congress.

In this coming year, we will celebrate his life and his achievements, but I cannot emphasize enough what a loss this body will have suffered when the senior Senator from New York, Mr. MOYNIHAN, no longer graces this Chamber. He is, quite literally, irreplaceable.

PAT MOYNIHAN is, in every sense of the word, a giant. He has written more books than most of us have read. Often his observations have been astoundingly prophetic. From his towering intellect, to his wry wit, to the breadth of his experience in governing, to his contributions to his country, and to the world, Senator MOYNIHAN is almost without parallel in our times. He is that rare commodity to which superlatives may be applied without hesitation, and in complete honesty. Time will only enhance his legacy and his reputation.

When my own time comes to leave this august body or even to leave this beautiful blue sphere we call the great, good earth, I will count among my proudest, most important and enjoyable experiences, that of having served with the gentleman from New York.

So today, on St. Patrick's Day, I thank his ancestral nation for sending this phenomenal gentleman to us, and I congratulate DANIEL PATRICK MOYNIHAN for a life of excellence. What pride we have in him as one of our own, what pride, indeed.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIM FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION ACT

Mr. McCAIN. Mr. President, we are seeking a UC, which I expect to get sometime relatively soon—at least I hope so. If not, we will have just had a good discussion. But I think we are fairly near to making sure that it is agreeable to all Senators.

In the meantime, the Senator from Virginia is missing a very important hearing that concerns some China issues. I would like to have him recognized at this time since he has to leave the floor.

The issue is a short-term extension of 60 days of the FAA authorization, with two amendments. We are awaiting approval from the other side of the aisle before we proceed.

I yield the floor so that the Senator from Virginia can speak.

Mr. WARNER. Mr. President, I thank my colleague.

Mr. President, Senator McCAIN and I met with the majority leader, Senator LOTT, in the past day or so to discuss the bills relating to the Nation's airports. I specifically in each of these meetings raised those pieces of legislation that pertain specifically to National and Dulles Airports. The Senator and I have worked together for decades. We are old shipmates in some respects; slight difference in time, but, nevertheless, shipmates. We have our differences.

The purpose of this legislation today is to enable, at the request of the majority leader, a short-term, 60-day measure to go forth to extend existing legislation. But I have filed two bills with the Senate. I am going to ask now that the second bill be made a part of this extension of 60 days.

There are approximately some $200 million currently in escrow for the combined reconstruction programs at National and Dulles Airports. That sum is yet to be disbursed. I am working to get it disbursed.

So, for the moment, Senator McCAIN and I have agreed, together with Senator LOTT, that $30 million of that fund can now be released subject to adoption by the Senate of this legislation, and, of course, with the concurrence in the House; but can be released to begin some very needed projects at these airports.

Mr. President, I am going to depart the floor. I have to go to the Senate Intelligence Committee. Senator McCAIN will put this amendment in on my behalf. I think he is going to be a cosponsor on it. But essentially we are making some progress towards the release of these funds.

I thank the distinguished chairman and my good friend.

I will enter no objection to the 60-day legislation going forward.

I thank the Chair.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Arizona.

Mr. McCAIN. Mr. President, as the Senator from Virginia leaves the floor, I will support his amendment, which allows the Metropolitan Washington Airports Authority to collection $30 million of the PFC charge and Airport Improvement Funding Program to complete projects at the Reagan National and Dulles Airports. Full funding for those projects has been delayed until we are able to put in place our corresponding agreement on the reauthorization of the FAA.

Mr. President, I have no desire to hold up progress at either airport. I will be proposing, if we get agreement from the other side, the amendment on behalf of Senator WARNER. We have reached an agreement.

I thank the Senator.

Mr. WARNER. Mr. President, I thank my colleague.

I think it would be wise, I say to our distinguished chairman of the Commerce Committee, to advise the Senate with regard to the discussions he has had with me and others as to the future timing of the major piece of legislation in which I have another very specific interest.

Mr. McCAIN. Mr. President, I believe that we should be able to pass this FAA reauthorization in its entirety very quickly through the floor of the Senate. We spent 2 weeks on it last year. This bill is fundamentally the same as it was last year. I am hopeful that the majority leader will seize the time after the recess to spend a day or so on it.

I would like to remind my colleague from Virginia that we reached an agreement on flights from Reagan National, Chicago O'Hare, Kennedy, and LaGuardia, the slot-controlled airports last year. And also we had agreement on the perimeter rule.

It is not that we can't reach agreement, because we already did. It appears to me that, with the agreement of the majority leader, sometime well within the next 30 days we should get this passed, because we would have to go to conference with the House. As you know, the House bill may contain some rather controversial provisions, including taking the entire aviation trust fund off budget, which is an issue which will be addressed, frankly, by the majority leader, and the chairman of the Budget Committee and others, because it is one that transcends aviation itself.

I thank the Senator.

Mr. WARNER. Mr. President, on that point, when the major piece of legislation comes up, as I advised the majority leader himself, I will likely have further amendments to that piece of legislation. We discussed that the other day.

I thank the Chair. I yield the floor. I thank my colleague.

Mr. McCAIN. I thank the Senator from Virginia.

Mr. President, I want to support this proposal to reauthorize the aviation improvement fund for 2 additional months. The Aviation Improvement Program is the Federal program that provides much-needed grants to airports throughout the country. This program will expire on March 31, unless Congress takes some type of action to keep the program going.

I remind my colleagues that the majority leader has scheduled to take up the budget all of next week, and it is my understanding that there is a recess after that. So I think we would be well to get this 2-month extension passed today, if we could, since the other body will have to pass it as well. The only change that would be made would be, as we just discussed with the Senator from Virginia, that some of the money that is not being used at this time would proceed with projects at the Reagan National and Dulles Airports.

This two-month extension will give the Congress enough time to complete work on comprehensive aviation proposals that are working their way through each chamber. As my colleagues are aware, the Commerce Committee recently reported out S. 82, the Air Transportation Improvement Act. That bill includes numerous provisions that would help the federal government to maintain and improve the safety, security, and capacity of our nation's airports and airways. Furthermore, S. 82 would make great strides in enhancing competition in the airline industry—something that is much needed.

Mr. President, I want to point out again that one of the reasons why we should not have a lengthy extension reauthorization is that there are several provisions in the bill that directly affect airline safety. It is not in our interest not to have those provisions enacted into law, not to mention the compelling need that we have to modernize our air traffic control system.

I would prefer to have the Senate take up consideration of S. 82 rather than this short-term extension. But I understand that there is other important business pending before the Senate that prevents us from debating it at this time. Given these existing time constraints and the looming expiration of the AIP, there simply may not be enough time for both chambers to pass comprehensive aviation legislation. Therefore, this extension has become necessary.

Nevertheless, I look forward to bringing the complete reauthorization bill to the Senate floor for a full debate as soon as possible. Because S. 82 is very similar to the Federal Aviation Administration (FAA) reauthorization bill that passed the Senate last year by a vote of 92 to 1, I am confident that we will be able to move it swiftly soon after the Easter-Passover recess.

Despite the immediate need for this extension, the Senate and House are close to meeting our mutually shared goals of enacting significant legislation to improve the state of aviation in this country. A few weeks should give everyone more than enough time to complete this effort.

I would now like to outline what is contained in this short-term extension of the AIP. Most important, it would allow the FAA to continue supporting important safety and capacity projects at hundreds of airports around the nation. It also includes several technical amendments requested by the FAA to ensure that the program can be properly managed until we have the opportunity to reauthorize it on a multiyear basis. Authorizations would also be provided for the FAA's Operations account and its Facilities and Equipment programs through the end of this fiscal year.

In addition, this proposal would extend the Aviation Insurance Program, which is commonly known as war risk insurance. This program provides insurance for commercial aircraft that are operating in high risk areas, such as countries at war or on the verge of war. Commercial insurers usually will not provide coverage for such operation, which are often required to further U.S. foreign policy or national security policy.

This short-term extension would also correct a technical oversight related to the Military Airport Program, which provides grants for the conversion of military aviation facilities to civilian use. When the AIP was extended for six months in last year's omnibus appropriations bill, the MAP was not specifically reauthorized. Consequently, the program is not currently eligible to receive funds. This extension would remedy the situation.

I also want to express my appreciation to Majority Leader LOTT and the leadership of the Appropriations Committee for allowing this AIP extension to move through the Senate so quickly.

I know the Senate schedule is quite full. I strongly urge my colleagues to support this 2-month extension of the AIP. It will give us sufficient time to fulfill our larger responsibility to enact substantive aviation legislation. I think we owe it to the American people to keep aviation policy high on our list of national priorities.

Mr. President, I would like to address the amendment that I will offer on behalf of Senator WARNER, if we get agreement to move forward on this legislation.

I support his amendment, which is $30 million for the passenger, use of the passenger facility charge for the Airport Improvement program funding that is applied to complete projects at Reagan National and Dulles Airports. Full Federal funding for these projects will be delayed until we are able to put in place our corresponding agreement on new flights at Reagan National.

To his credit, my colleague from Virginia has demonstrated that certain capacity-related, perhaps safety-related projects at National and Dulles should not remain unfunded. I agree we should not allow our negotiations to get in the way of these improvements.

Mr. President, my new colleague from Illinois, Senator FITZGERALD, has been involved in this issue for some time. Senator FITZGERALD has previously represented a district in the Illinois State Legislature, the residents of which had a significant involvement in this issue. There are some complicated issues out in the State of Illinois concerning the need for or not the need for an additional airport in Illinois. That has somewhat complicated this issue as regards to Chicago O'Hare Airport.

I have had several meetings with Senator FITZGERALD.

Senator FITZGERALD is doing his utmost to see if we can't arrive at a reasonable resolution of this issue. I appreciate his immediate attention to this issue, and I am impressed with his in-depth knowledge of this important situation.

I look forward to working with him during the period, if we are able to pass it, of this 2-month extension.

I note that my friend from Virginia, Senator ROBB, is here. He and I have had a great deal of friendly combat on this issue, and I hope that Senator ROBB would agree to this 2-month extension so that we can continue this friendly but very spirited discussion that he and I have been having for several years. Since Senator ROBB has arrived in the Chamber, I will reserve the remainder of my remarks and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. ROBB. I thank the Chair. I thank my friend from Arizona. And he is, indeed, my friend. On most issues we are as one, particularly as it relates to our Nation's defense, and many other areas, sometimes taking on some tough issues.

This is one of those areas where we disagree. We have a fundamental disagreement with respect to the scope of the legislation that we passed some 13 years ago, and whether or not Congress should still have its hands in and control of the local regional airport authority. But I thank my friend from Arizona for not offering an amendment that I was told about an hour ago he was going to offer which would in effect have told the local airport authority not only that they could not have their nominees approved, that they had to have additional slots and change the perimeter, but tell them exactly how to spend the money that they were going to get.

I thank my friend from Arizona for not doing that because that, frankly, would be an additional insult to the authority that Congress granted to the local authority some 13 years ago. We are going to have a significant discussion about the wisdom of Congress meddling in the local airport authority's jurisdiction to determine its own fate and make its own decisions with respect to the number of flights, the impact that the number of flights has on noise pollution, on safety, on the convenience of customers, and a number of other factors that are involved, and whether or not we ought to allow the two airports, working together, to work out a plan that helps both of them grow and both of them to serve the greater Metropolitan Washington area.

But for now, recognizing that there is a longstanding, legitimate need to release some of the airport improvement funds, I thank my friend from Arizona for at least allowing us to get what I understand—and I haven't still read the entire amendment—is about $30 million, which is $10 million more than we had a little while ago and with less strings attached. For increasing the number—it is not the $200 million that the airports are owed, but it is $30 million that will allow them to get started on much delayed, very important projects, particularly out at Dulles International—I thank my friend from Arizona for this modified amendment.

I join not only my friend from Arizona, but the distinguished senior Senator from Virginia and urge its passage as soon as it is the will of the Senate to do so. With that, Mr. President, I thank the Chair and, again, I thank my friend from Arizona. We will have more opportunity to discuss the full merits of this legislation at a later time.

Mr. McCAIN. Mr. President, I would like to say to my friend, Senator ROBB, that it shows I am just an easy mark and pushover; whatever the Senator from Virginia and the good folks out at the Metropolitan Washington Airports Authority want, I always try to do. I am sure the Senator is aware of that.

Seriously, I do look forward to this debate with Senator ROBB. We may never agree on it, because I know how strongly held his views are, and I believe he is reflecting the views of many of his constituents. But I do want to emphasize that the respectful level of debate, the friendship that exists between us, I think, has been important to me because this has been very emotional. My motives have been probably impugned more than in some years about why I support this legislation.

My friend from Virginia has never alleged anything but that we just have different views, and I am very appreciative of that. And I know that the other aspect of the approach of the Senator from Virginia is that he is willing, and has shown in the past an eagerness to debate the issue openly and fairly, taking whatever time is necessary, and then we put it to a vote of the Senate.

That is the way we should work around here, and that is the way, to my knowledge, the Senator from Virginia has always operated. So I thank the Senator from Virginia.

I yield for the Senator from Virginia.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, if I might respond to the Senator from Arizona, I thank him for his compliments. I do have enormous personal respect for him. It has not been personal. I disagree with him not on the basis of whatever motivation he has, but on the impact that it has on the regional authority that this institution authorized some 13 years ago and on which I worked during the end of my term as Governor with then former Governor Holton, then-Secretary of Transportation Elizabeth Dole, then-Senator WARNER, then other members of the local delegation, and others. But it is a merit-based discussion, and I do look forward to having that with Senator McCAIN at the appropriate time. But for right now it is important to have the $30 million available to us.

Again, I thank my friend from Arizona.

With that, Mr. President, I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. McCAIN. I ask unanimous consent that it now be in order to proceed to the consideration of S. 643, which is at the desk. I further ask that it be considered under the following limitations: 30 minutes for debate on the bill equally divided in the usual form; the only first-degree amendment in order to the bill be an amendment by Senator WARNER regarding airport funding, and the debate on that amendment be limited to 30 minutes equally divided in the usual form; no other amendments or motions be in order to the bill. I further ask unanimous consent that following the disposition of the above-listed amendment, the bill be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 643) to authorize the Airport Improvement Program for 2 months, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 76

(Purpose: To release $30 million of the funds available to the Metropolitan Washington Airports Authority for passenger facility fee/airport development projects)

Mr. McCAIN. Mr. President, I made my remarks already about the necessity for this bill, so I would like to now send to the desk the amendment offered by Senator WARNER, for himself, and Mr. ROBB.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. WARNER, for himself, Mr. McCAIN, and Mr. ROBB proposes an amendment numbered 76.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . RELEASE OF 10 PERCENT OF MWAA FUNDS.

(a) IN GENERAL.—Notwithstanding sections 49106(c)(6)(C) and 49108 of title 49, United States Code, the Secretary of Transportation may approve an application of the Metropolitan Washington Airports Authority (an application that is pending at the Department of transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000 of the amount that otherwise would have been available to the Authority for passenger facility fee/airport development project grants under subchapter I of chapter 471 of such title.

(b) LIMITATION.—The Authority may not execute contracts, for applications approved under subsection (a), that obligate or expend amounts totalling more than the amount for which the Secretary may approve applications under that subsection, except to the extent that funding for amounts in excess of that amount are from other authority or sources.

Mr. MCCAIN. Mr. President, rather than take up the time of the Senate on this amendment, I have described it, both Senators from Virginia have described it, so I note there is no further debate on the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MCCAIN. I yield the remainder of my time; on behalf of the other side, I yield the remainder of their time.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 76) was agreed to.

Mr. MCCAIN. Mr. President, finally, I look forward to bringing forward the complete reauthorization bill to the Senate as soon as possible for debate. It is very similar to the FAA reauthorization bill that passed the Senate last year by a vote of 92 to 1. I am confident we will be able to move it soon after the Easter/Passover recess.

Mr. President, we are committed to getting this done. I will not reopen the debate with Senator ROBB, as I mentioned. But it was a Federal law that caused a situation where, according to the Department of Transportation, the General Accounting Office, and every other outside organization in this Nation that has observed this situation, they all agree that in the present situation, where the perimeter rule is in place and the slot rule is in place, there is a decrease in competition and higher air fares. That is indisputable. That is indisputable: higher air fares, less competition.

We have had a tremendous increase in complaints by people from all over the country about the air service in America today. Many of those complaints are a direct result of a lack of competition, because the one thing we know, no matter where a service is provided, in what area of the public sector, if there is not competition, there is a commensurate decrease of service. That happens to prevail whether it be selling hamburgers or whether it be department stores or whether it be public transportation or the cable industry or any other. And when we have the deplorable conditions which have provoked an outcry all over America, which has then motivated Senator HOLLINGS, Senator WYDEN and me, with almost unanimous agreement from the entire Commerce Committee, to introduce a bill called the Passengers Protection Act, then it is clear there is something badly wrong with the service that is provided in America today.

You can trace it back to lack of competition. When you are the only game in town, you can give about whatever service you want to give. That is the case at National Airport, because there is no fear that there will be additional flights to compete with those that are flying out of National Airport. So I believe very strongly we need to lift this congressionally approved perimeter rule.

I will say, without referring to anything that has happened in the past, it is more than coincidental that it happens to reach the western edge of the runway at the Dallas-Fort Worth Airport. But I will not go into that debate and discussion at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MCCAIN. Mr. President, to complete the unanimous-consent agreement, I ask consent that following the disposition of the amendment, that the bill be read a third time and the Senate proceed to a vote on passage of the bill with no intervening action or debate.

I finally ask consent that following that vote, the Senate proceed to the consideration of Calendar No. 15, H.R. 99, and all after the enacting clause be stricken and the text of S. 643, as amended, be inserted in lieu thereof, and the bill be read a third time and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is on the bill.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent the vote take place at 4:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield the remainder of my time, and I yield the remainder of Senator HOLLINGS' time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, in the couple of moments remaining before the 4:15 vote, I rise in strong support of the 2-month extension of the Federal Aviation Administration's Airport Improvement Program. The AIP, as it is known, Airport Improvement Program, is absolutely basic to virtually all of our Nation's airports, and in rural States it is particularly important.

We were unable to complete our work on this last year for a variety of reasons that I am not going to dwell on, but I do want to emphasize how important it is that we pass this 2-month reauthorization extension.

Airports in West Virginia, South Dakota, I would presume Wyoming, and all other places are going to need this money in the planning of runway projects, in terms of resurfacing and repairing runways, infrastructure. And all of that is tremendously important.

I think people often tend to underestimate the power of the growth of the aviation industry and the enormous consequences that go along with that. We tend to think that it is a large industry, but we do not really know whether it is growing or not that much. It is one of the most dynamic. It is not up there quite with the Internet in its growth, but it is not that far behind. Americans are flying in absolute record numbers, and the growth in air traffic alone will be just under 4 percent for each of the next 12 years. People are getting on airplanes: 600 million people this year in this country. That is going to go up to 820 million in several years. When you get that kind of growth, you cannot just leave what you have been using in place unchanged and unrenovated. It has to be modern. It has to work. It has to be safe.

This year the FAA, and in particular its Airport Improvement Program, is being forced to do this kind of improvement work in a very piecemeal fashion. That is not good. That is not safe. It is not modern and, when you are playing around with the world of aviation, it is very, very unwise. The short-term extension is what we are doing, frankly, because that is the best we can do. It doesn't mean it is the best that we could do; it is the best that we can do. In Congress, sometimes, you have to do that.

I am very committed, as I know Chairman MCCAIN is, Senator HOLLINGS, and Senator GORTON, to enacting a full and comprehensive reauthorization of the FAA and airport improvement bill this year. That will come. There will be discussions and controversy, but that will come. We passed a bill out of the Commerce Committee, so we are on our way on that.

We have other things we have to look at. We have to look at the modernization of the FAA system itself, our air traffic control system. We happen to have an absolutely superb individual, Mr. President, running the FAA in the person of Jane Garvey—absolutely superb. In working with her, you can just see all kinds of good things happening. But we have to reauthorize so that we can get on to modernizing our air traffic control system, modernizing certain parts of the FAA itself, its institutional structure, and dealing with the whole question of how we allocate aviation dollars.

For the moment, what we need is what we have at hand, the pending measure, a 2-month extension of the reauthorization. I hope soon my colleagues will go along with that.

I thank my friend, the distinguished Presiding Officer. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is, Shall the bill, S. 643, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The bill (S. 643), as amended, was passed, as follows:

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interim Federal Aviation Administration Authorization Act".

SEC. 2. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking from "$1,205,000,000" through the period and inserting "$1,607,000,000 for the 8-month period beginning October 1, 1998.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking "March" and inserting "May".

(c) LIQUIDATION-OF-CONTRACT AUTHORIZATION.—The Department of Transportation and Related Agencies Appropriations Act, 1999 is amended by striking the last proviso under the heading "Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)" and inserting "*Provided further*, That not more than $1,300,000,000 of funds limited under this heading may be obligated before the enactment of a law extending contract authorization for the Grants-in-Aid for Airports Program beyond May 31, 1999.".

SEC. 3. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

Section 48101(a) of title 49, United States Code, is amended by adding at the end thereof the following:

"(3) $2,131,000,000 for fiscal year 1999.".

SEC. 4. FAA OPERATIONS.

Section 106(k) of title 49, United States Code, is amended by striking from "$5,158,000,000" through the period and inserting "$5,632,000,000 for fiscal year 1999.".

SEC. 5. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 6. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "March" and inserting "May".

SEC. 7. MILITARY AIRPORT PROGRAM.

Section 124 of the Federal Aviation Reauthorization Act of 1996 is amended by striking subsection (d).

SEC. 8. DISCRETIONARY FUND DEFINITION.

(a) AMENDMENT OF SECTION 47115.—Section 47115 of title 49, United States Code, is amended—

(1) by striking "25" in subsection (a) and inserting "12.5"; and

(2) by striking the second sentence in subsection (b).

(b) AMENDMENT OF SECTION 47116.—Section 47116 of such title is amended—

(1) by striking "75" in subsection (a) and inserting "87.5";

(2) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

"(1) one-seventh for grants for projects at small hub airports (as defined in section 41731 of this title); and

"(2) the remaining amounts based on the following:".

SEC. 9. RELEASE OF 10 PERCENT OF MWAA FUNDS.

(a) IN GENERAL.—Notwithstanding sections 49106(c)(6)(C) and 49108 of title 49, United States Code, the Secretary of Transportation may approve an application of the Metropolitan Washington Airports Authority (an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000 of the amount that otherwise would have been available to the Authority for passenger facility fee/airport development project grants under subchapter I of chapter 471 of such title.

(b) LIMITATION.—The Authority may not execute contracts, for applications approved under subsection (a), that obligate or expend amounts totalling more than the amount for which the Secretary may approve applications under that subsection, except to the extent that funding for amounts in excess of that amount are from other authority or sources.

The PRESIDING OFFICER. Under the previous order, H.R. 99 is amended by substituting the text of S. 643, is read a third time, and passed.

The bill (H.R. 99) as amended, was passed.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA'S WTO ACCESSION AND THE VISIT OF PREMIER ZHU RONGJI

Mr. BAUCUS. Mr. President I rise to offer some thoughts on our relations with China, and in particular the prospects of China's WTO membership, as the visit of Premier Zhu Rongji to the United States next month approaches.

CONTEXT OF RELATIONSHIP

Let me begin, however, with some context.

During this decade, the Senate and the country as a whole has had an intense debate on China policy. Participants in this debate have taken radically different views on the prospects of our relationship, and on the trade, security and human rights policies we should adopt in it.

But virtually all participants have held one basic assumption: that is, that economic growth in China will inevitably continue at a very rapid rate for many years to come, and that consequently, China is a "rising" regional power which is likely to become a superpower economy and military power on a par with ourselves.

For some time I have been skeptical of this assumption. In the past year, as the Asian financial crisis has affected China more and more deeply, another possibility has become quite clear: China's immediate future may be one of protracted economic difficulties and social instability rather than unbroken ascendance.

Within the past year, China's growth appears to have dropped significantly. Foreign investment commitments have dropped. Signs of financial crisis have emerged in Guangdong Province. China's exports overall seem to have dropped due to the contraction of Asian economies.

And unemployment in cities has risen sharply.

This has coincided with growing strains in our relationship. A number of Chinese actions—notably arrests of a number of people associated with the Chinese Democracy Party, and a series of statements by Chinese officials about American research on theater missile defense—have raised a great deal of concern, and rightly so.

These have been combined with inflammatory reports in the press on clandestine Chinese efforts to gain access to American military technology, including nuclear weapons design.

U.S. RESPONSE

How do we respond?

First of all, we should not simply set these issues aside and we should not be intimidated. In our bilateral relationship, I do not, for example, agreed with those who say that spying—especially in areas as sensitive as nuclear technology—is a natural and tolerable activity by foreign governments and that the only fitting response is better security in the U.S. Spying is intolerable and a breech of national security of this magnitude deserves the most serious attention and swiftest of action.

And I do not agree with Chinese contentions that policies to defend American troops abroad, our treaty allies and our homeland from missile attack are destabilizing and provocative.

And with respect to Taiwan, our goal must always be prevention of conflict in the Strait, and the more China threatens Taiwan with missiles, the more Taiwan will need to provide for security against missiles.

Likewise, we should continue to develop our relationship with our Asian allies and the Pacific region generally.

Special priorities this year should be ratification of the newly developed defense guidelines in our alliance with Japan; passage of the legislation allowing joint military exercises with the Philippine Senate; conclusion of the negotiations toward a commercial agreement and normal trade relations with Vietnam; and broader efforts toward economic recovery in Asia.

At the same time, however, we should avoid seeing the present strains in relations with China as signs of inevitable confrontation. They likely reflect growing fears of domestic unrest and loss of confidence in China's future strength, rather than an arrogance born of security and success.

And while we should be firm, we must also avoid being wilfully provocative or unwilling to seek out common interests.

U.S. INTERESTS IN WTO ACCESSION

That brings me to the largest single item of common interest on our agenda: China's potential accession to the WTO.

Such an accession would have immense potential benefits for both America and China.

From our perspective, it can create a more reciprocal trade relationship; promote the rule of law in China; and accelerate the long-term trend toward China's integration into the world economy and the Pacific region.

This integration is, we should always remember, immensely important to our long-term security interests.

To choose one example, twenty-five years ago China would likely have seen the Asian financial crisis as an opportunity to destabilize the governments of Southeast Asia, South Korea and perhaps even Japan. Today it sees the crisis as a threat to its own investment and export prospects and has thus contributed to IMF recovery packages and maintained currency stability.

Thus China's policy has paralleled and complemented our own; and as a result, the Asian financial crisis remains an economic and humanitarian issue rather than a political and security crisis.

From China's perspective, WTO entry has the long-term benefits of strengthening guarantees of Chinese access to foreign markets and promoting competition and reform in the domestic economy; and the short-term benefit of creating a new source of domestic and foreign investor confidence at a time of immense economic difficulty.

COMMERCIALLY MEANINGFUL ACCESSION ESSENTIAL

Neither of us, however, will win the full benefits of WTO accession unless the accession agreement is of commercially meaningful quality.

Thus Congress should be vigilant about the details of such an agreement. Broadly speaking, this means:

Significant tariff reductions and other measures to liberalize trade in goods;

Market access for agriculture, including the elimination of phony health barriers of Pacific Northwest wheat, citrus, meats and other products.

Liberalization of service sectors including distribution, telecommunications, finance, audiovisual and others;

This requires a lot from China. It is not entirely clear that China will make a commercially meaningful offer to us. And if they do not, we should be willing to wait rather than push forward with this accession.

ACCESSION MUST BE JUDGED ON TRADE POLICY MERITS

However, if they are ready to make such an offer, the United States should clearly be willing to say yes. That should include the permanent normal trade relations we offer virtually all WTO members.

Congress would, of course, have to vote on permanent normal trade relations. Because Congress already holds all the cards with respect to the Normal Trade Relations vote, I am concerned about proposals to create a second vote, which would delay accession by requiring a prior vote on admission. This raises a number of troubling questions.

First, I think we need to be prepared to move quickly if and when we get the desired commercially acceptable accession package—simply put, we must be prepared to strike when the iron is hot. Such an important step should not be hamstrung by requiring a separate vote by Congress.

Second, the proposal raises constitutional and precedential questions. Congress has not voted on any of the previous 100 GATT and WTP accessions since 1948, since WTO accessions are executive agreements which generally require no U.S. concessions.

But most important, a vote on WTO accession would more likely be a judgment on the immediate state of our overall relationship with China than on the trade policy details of the accession.

China's accession to the WTO is about whether China is ready to trade openly and fairly with the United States. Whether China will accept rule of law and abide by that rule of law.

In effect, we would likely hold a set of unilateral trade concessions by China to the United States hostage to every other concern we have about China—from human rights to security, environment, labor policies and much more. The likely result would be an immense loss to the United States. Therefore, I do not favor such a proposal and will oppose it on the floor.

CONCLUSION

In conclusion, Mr. President, China policy must not be considered simply in isolation.

Premier Zhu's visit offers us an immensely important opportunity, both to right the overall course of our relationship and to conclude the specific talks over WTO membership for China on the right, commercially meaningful basis. I welcome this and hope our colleagues will do the same.

But this relationship is only one piece—important, but only one piece—in our broader relationship with the Pacific region and our Asian allies.

If we are to develop these other relationships carefully; if we are firm with China when necessary but also willing to seek out areas of common interest; if we react to difficult periods with confidence in our own strength and commitment to our own interests, we can expect a very good future.

I am fully confident that this is what we will do because we have some very important opportunities here to be sure to secure that relationship.

I thank the Chair and I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—S. 544

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to Calendar No. 28, S. 544, the supplemental appropriations bill, and the only tobacco amendments be relative to the Medicaid tobacco recoupment provision.

I further ask that Senator SPECTER be recognized to offer an earmarking amendment, that all debate conclude on the amendment this evening, with the exception of 90 minutes to be equally divided, and the Senate resume the amendment on Thursday at 9:30. I further ask that the vote occur on or in relation to the earmarking amendment at 11 a.m. on Thursday and that no further amendments be in order prior to that 11 a.m. vote.

I further ask that following that vote Senator HUTCHISON of Texas be recognized to offer her amendment relative to Kosovo.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. In light of that agreement, there will be no further votes this evening. However, Senators will be reminded that the next vote will occur at 11 a.m. on Thursday.

I thank the chairman of the committee, the managers of the bill, and the Senator from West Virginia for being ready to go, on relatively short notice, on this important matter.

I yield the floor, Mr. President.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

Mr. STEVENS. Mr. President, is the supplemental bill before the Senate?

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

> A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, this afternoon the Senate will consider a supplemental appropriations bill that includes both emergency and non-emergency spending for the fiscal year.

Over the past 3 months, the Office of Management and Budget has transmitted to Congress several supplemental budget requests, totaling $2 billion.

These requests seek funding for agricultural relief, implementation of the Wye River Accords and recovery in Central America from the damage caused by Hurricane Mitch.

Each of the subcommittees has examined the requests under their jurisdiction, and closely reviewed other emergent agency needs.

In addition, the administration proposed deep cuts in defense funds to offset additional foreign assistance sought for Jordan, Israel and the Palestinian Authority.

This proposed offset re-opened issues settled in the omnibus bill in October, and violated the spirit of the firewalls that govern discretionary spending for fiscal year 1999.

In total, the bill reported by the committee provides $1.538 billion in emergency appropriations and $332 million in non-emergency appropriations.

These new appropriations are matched by $1.87 billion in rescissions and program deferrals.

The recommendations made by the committee nearly double the administration's request for agricultural relief, providing a total of $285 million.

That bill proposes $100 million in funding this year for Jordan, to provide additional support for a vital ally during a period of transition and tension in the region.

The deferral of the remaining $800 million in funding to implement the Wye agreements does not reflect opposition to that request.

After consultation with the administration, it was determined that those amounts can await consideration later this year. This committee has a long record of support for the Middle East Peace Process—our friends in the region know they can count on us.

The amounts requested for Hurricane Mitch relief respond to the truly desperate conditions facing our neighbors in Central America.

The Department of Defense, and the U.S. Southern Command, led by Gen. Charles Wilhelm, deserve great credit for their efforts to respond to the immediate crisis late last year.

We must backfill the amounts spent by the Department to ensure our ability to respond to future crises is not diminished—especially in respect to drawdown authorities and overseas humanitarian assistance.

In addition, we must address the needs of our friends in Honduras, Guatemala, El Salvador, Nicaragua, and the Dominican Republic to rebuild from this disaster. These funds provide a good first step in that effort.

Recognizing the considerable amount of emergency spending provided in the omnibus bill in October, I recommended that all new appropriations in this bill be offset by rescissions of other available funds.

These rescissions include defense and non-defense discretionary appropriations, mandatory appropriations, emergency appropriations and funding deferrals.

There were very few good choices to consider. I'm sure every Member here might have assembled a different mix of offsets.

These rescissions, totaling $1.868 billion, reflect an effort to balance competing needs.

Only defense funds were rescinded to offset defense spending, and only non-defense amounts to balance the non-defense spending.

Some of these will be controversial, but our intention is to reduce only funds that are not likely to be obligated this year, or are of a low priority.

We are at or over the budget caps for 1999. We have no headroom or flexibility to make any non-emergency appropriation unless it is fully offset in both budget authority and outlays.

For that reason, any amendment to this bill must be accompanied by offsets. I must insist that even emergency spending amendments be accompanied by budget authority offsets.

Finally, many Members have raised various legislative amendments this week.

I hope that controversial amendments can again be deferred. Every Member has a right to propose amendments, but this is a supplemental appropriations bill, and deals with some very real emergency needs.

In my judgment, we need to complete final action and try to send this bill to the President before the Easter recess which commences a week from tomorrow. I believe we must pass the bill in the Senate this week to meet that schedule.

Mr. President, compared to previous emergency supplemental appropriations bills presented to this body, this bill does not respond to the kind of domestic disasters we faced in 1997 or 1998.

This is a modest bill, that is fully offset in terms of new budget authority.

It extends an important hand of friendship and support to our neighbors in Central America, and a closer partner in the Middle East Peace Process, Jordan.

Mr. President, it is our goal to complete this bill by Friday, no later than 11 a.m.

I yield for my good friend from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, S. 544, the Emergency Supplemental Appropriations and Rescissions Bill for Fiscal Year 1999, as reported by the committee, recommends appropriations which total some $1.9 billion, of which approximately $1.6 billion is designated as emergency spending pursuant to

Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Very importantly, in Title I of the bill, the Committee unanimously approved provisions that I included to establish the Emergency Steel Loan Guarantee Program. This initiative is designed to respond to record levels of foreign steel imports that have been illegally dumped in U.S. markets. As a result of these imports, more than 10,000 American jobs have been lost, and the United Steelworkers of America estimates that another 100,000 jobs are in peril nationwide. In my home state of West Virginia, nearly 800 men and women have been laid off from Weirton Steel. Three domestic producers have already filed for bankruptcy, and others are in dire financial straits.

If the U.S. steel industry goes under, not only will there be lost jobs, but there will also be lost communities; the domestic industrial base that underpins our security will be irreparably weakened; and the nation's defense readiness will be diminished.

This initiative, cosponsored in Committee by Senators SPECTER, DURBIN, SHELBY, and HOLLINGS, would create a revolving fund to give domestic steelmakers a sorely needed infusion of capital. The program, which is fully compliant with international trade laws, would give cash-strapped companies access to the funding they may need to keep their furnaces burning and keep workers on the job until proper trade mechanisms can be implemented to end this crisis. The loan guarantees would help to bolster the financial security of a threatened industry that is critical to this nation's economic base and domestic security.

Specifically, the guaranteed loan program would provide qualified U.S. steel producers with access to a two-year, $1 billion revolving guaranteed loan fund. The minimum loan that would be guaranteed for a single company at any one time would be $25 million, and the aggregate amount of loans that would be guaranteed for a single company over the duration of the program would be $250 million. A board, to be chaired by the Secretary of Commerce, would oversee the program and would have flexibility to determine the specific requirements for awarding the guaranteed loans. The Act protects taxpayers by requiring that a reasonable assurance for the repayment of the loans exists, and that the loans would bear market interest rates.

Finally, in Title I, the committee increased FEMA's emergency disaster assistance funding by $313.6 million, while at the same time reducing a like amount from HUD's Community Development Block Grant emergency funding. The VA/HUD Subcommittee was concerned over HUD's failure to implement an effective emergency disaster relief program. The committee felt that FEMA could more appropriately respond to unmet disaster needs throughout the nation.

Title II of the bill contains a number of appropriations for regular supplemental budget requests of the administration, including: NOAA operations research and facilities activities, $3,900,000; Salaries and Expenses of the Supreme Court, $921,000; Bureau of Indian Affairs, $1,136,000; Office of the Special Trustee for American Indians, $6,800,000; Corporation for Public Broadcasting, $18,000,000; and Military Construction for the Army National Guard, $11,300,000.

For each of these regular supplementals, offsets have been included in the bill.

Title II also provides non-emergency supplemental appropriations of $210 million for the Department of Defense to reimburse the DOD for its assistance in Central America, as well as $80 million in non-emergency appropriations for the salaries and expenses of the Immigration and Naturalization Service to cover increased costs of handling the large influx of aliens from Central American countries. Both of these items have been requested by the administration as emergency spending, but the Defense and Commerce/Justice/State Subcommittees chose to fully offset these appropriations and to include them in Title II as non-emergency spending.

I note that Title II also contains a number of general provisions, one of which, Section 2008, extends the Airport Improvement Program which under present law, would expire on March 31, 1999. Additionally, section 2011, is a general provision which prohibits the Federal Government from recouping any of the savings to the Medicaid program achieved by the States as a result of their tobacco settlements.

Title III of the bill contains rescissions sufficient to offset all of the emergency appropriations contained in the bill. It is my personal view that emergency spending for natural disasters and for unanticipated military spending, such as the operations in Desert Fox and Kosovo, as well as the military's assistance to the disaster victims in Central America need not be offset. In fact, I participated in the creation of the provisions in the Balanced Budget and Emergency Deficit Control Act, which allow emergency spending to be provided in order to respond to natural disasters and other types of emergencies without having to come up with offsets to pay for those unpredictable events. The emergency designation was negotiated as part of the Budget Enforcement Act of 1990, in large part because the discretionary budget caps established there, and which have remained in place each year since, are very tight. I have never felt that the American people should be required to pay for spending which appropriately qualifies as emergency relief under that Budget Enforcement Act. If that is to be the case, we need not have gone to the trouble of adopting the emergency provisions I have just described.

Regarding the specific rescissions proposed in Title III of the bill now before the Senate, I know that a number of Senators have concerns about one or the other of those rescissions. I am certain that the concerns of those Senators will be expressed as the Senate progresses with this bill.

I urge my colleagues to help the managers of the bill, the distinguished chairman, Senator STEVENS, and myself, in expediting completion of Senate action in time to meet with the other body and complete conference action on the bill prior to the upcoming Easter recess.

I especially commend the work of the distinguished chairman of the Appropriations Committee, Mr. STEVENS. For many years, I have worked with the Senator from Alaska. I have always found him to be evenhanded, courteous, congenial, cooperative, and very able in handling the difficult legislation on the floor, in committee and in conference. He is my friend, has been my friend through the years, and will always be my friend. I consider it a great privilege and an honor, indeed, to be able to stand by his side and express support for this legislation. I count it a privilege to work with him. He is one of the finest Senators with whom I have ever had the pleasure of serving. I have served with almost 300 Senators in my time here. I say that without any reservations. I salute him, believe in him, trust him, and can count him not only as my friend but as a very fine Senator. The people of Alaska are to be commended for sending him here and sending him back repeatedly.

The assistance provided in this bill to the people of this country, as well as those in Central America, is desperately needed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I say to my friend, I was looking around to see who he was talking about when he was talking about that kind, benevolent and calm fellow, but I do thank you for your courtesy and kindness. It is a pleasure to work with you. Mr. President, I studied under Senator BYRD so long I think I imitate his ways. I have tried to anyway.

Mr. President, it is now time to have an amendment offered by the Senator from Pennsylvania, Mr. SPECTER. It is my hope, and I want to announce to the Senate it is my hope, we will get an agreement tomorrow that will require amendments to this bill to be filed no later than 5 o'clock. We don't have that agreement yet. It has not been cleared. But if we are to finish this bill and get it ready to go immediately to the House after the House passes their bill on Monday, it will be necessary to complete this bill on Friday. I am hopeful we will complete it in time to allow those people who have to catch planes to go West, so they can make their schedules.

I yield to the Senator from Pennsylvania. There is a time agreement for tomorrow on this amendment, is my understanding, but there is no time limit this evening. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Pennsylvania.

AMENDMENT NO. 77

(Purpose: To permit the Secretary of Health and Human Services to waive recoupment of Federal government medicaid claims to tobacco-related State settlements if a State uses a portion of those funds for programs to reduce the use of tobacco products, to improve the public health, and to assist in the economic diversification of tobacco farming communities)

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of myself, Senator HARKIN, Senator JEFFORDS, and Senator KENNEDY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. HARKIN, Mr. JEFFORDS, and Mr. KENNEDY, proposes an amendment numbered 77.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 35, strike line 13 and all that follows through line 24 on page 36 and insert the following:

SEC. 2011. WAIVER OF RECOUPMENT OF MEDICAID TOBACCO-RELATED RECOVERIES IF RECOVERIES USED TO REDUCE SMOKING AND ASSIST IN ECONOMIC DIVERSIFICATION OF TOBACCO FARMING COMMUNITIES. (a) FINDINGS.—Congress makes the following findings:

(1) Tobacco products are the foremost preventable health problem facing America today. More than 400,000 individuals die each year as a result of tobacco-induced illness and conditions.

(2) Each day 3,000 young individuals become regular smokers. Of these children, 1,000 will die prematurely from a tobacco-related disease.

(3) Medicaid is a joint Federal-State partnership designed to provide health care to citizens with low-income.

(4) On average, the Federal Government pays 57 percent of the costs of the medicaid program and no State must pay more than 50 percent of the cost of the program in that State.

(5) The comprehensive settlement of November 1998 between manufacturers of tobacco products and States, and the individual State settlements reached with such manufacturers, include claims arising out of the medicaid program.

(6) As a matter of law, the Federal Government is not permitted to act as a plaintiff in medicaid recoupment cases.

(7) Section 1903(d) of the Social Security Act (42 U.S.C. 1396b(d)) specifically requires that the State reimburse the Federal Government for its pro rata share of medicaid-related expenses that are recovered from liability cases involving third parties.

(8) In the comprehensive tobacco settlement, the tobacco companies were released from all relevant claims that can be made against them subsequently by the States, thereby effectively precluding the Federal Government from recovering its share of medicaid claims in the future through the established statutory mechanism.

(9) The Federal Government has both the right and responsibility to ensure that the Federal share of the comprehensive tobacco settlement is used to reduce youth smoking, to improve the public health, and to assist in the economic diversification of tobacco farming communities.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting "(A)" before "The"; and

(2) by adding at the end the following:

"(B) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products (as defined in section 5702(d) of the Internal Revenue Code of 1986) and States, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers, if (and to the extent that) the Secretary finds that following conditions are met:

"(i) The Governor or Chief Executive Officer of the State has filed with the Secretary a plan which specifically outlines how—

"(I) at least 20 percent of such amounts recovered or paid in any fiscal year will be spent on programs to reduce the use of tobacco products using methods that have been shown to be effective, such as tobacco use cessation programs, enforcement of laws relating to tobacco products, community-based programs to discourage the use of tobacco products, school-based and child-oriented education programs to discourage the use of tobacco products, and State-wide awareness and counter-marketing advertising efforts to educate people about the dangers of using tobacco products, and for ongoing evaluations of these programs; and

"(II) at least 30 percent of such amounts recovered or paid in any fiscal year will be spent—

"(aa) on Federally or State funded health or public health programs; or

"(bb) to assist in economic development efforts designed to aid tobacco farmers and tobacco-producing communities as they transition to a more broadly diversified economy.

"(ii) All programs conducted under clause (i) take into account the needs of minority populations and other high risk groups who have a greater threat of exposure to tobacco products and advertising.

"(iii) All amounts spent under clause (i) are spent only in a manner that supplements (and does not supplant) funds previously being spent by the State (or local governments in the State) for such or similar programs or activities.

"(iv) Before the beginning of each fiscal year, the Governor or Chief Executive Officer of the State files with the Secretary a report which details how the amounts so recovered or paid have been spent consistent with the plan described in clause (i) and the requirements of clauses (ii) and (iii).".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to amounts recovered or paid to a State before, on, or after the date of enactment of this Act.

Mr. SPECTER. Mr. President, parliamentary inquiry. It is my understanding that the unanimous consent agreement provides for argument, debate this afternoon, and then 90 minutes equally divided tomorrow morning, between 9:30 and 11?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. So, whatever time is used this afternoon does not count against the 90 minutes which will be equally divided tomorrow?

The PRESIDING OFFICER. There are 90 minutes tomorrow.

Mr. SPECTER. Mr. President, this amendment seeks to require that the States allocate a portion of the funds recovered under the tobacco settlement for purposes relating to tobacco—smoking cessation education for children, 20 percent; and some 30 percent to be allocated for public health matters.

The origin of this issue arose when there was a settlement in November of last year where 46 States agreed to accept $206 billion over 25 years. The settlement grew out of lawsuits that primarily sought the recovery of Medicaid costs, although there is a contention that there were some other allegations in the cause of action. The current law requires the States to share Medicaid recoveries from third parties with the Federal Government. The Federal Government's share of Medicaid costs is generally 57 percent, but varies from State to State.

Under the existing law, only the States have the authority to bring suits for the recoveries. During the course of the litigation, the States, as I understand the legal documents, released all of the claims which the Federal Government would have for these Medicaid funds. An amendment to the appropriations bill was offered by the distinguished Senator from Texas, Senator HUTCHISON, to provide that all of the funds would be paid over to the States, specifically prohibiting the Federal Government's recoupment of funds recovered by States from the tobacco companies.

At the appropriations markup, some concerns were expressed by this Senator and by others. On Monday of this week, March 15, we held a hearing, participated in by Senator HUTCHISON and myself, where we heard from the Governor of Kentucky and the attorneys general of Pennsylvania, Texas, and Iowa. At that time, the assertion was made by the Governor and the three attorneys general that all of these funds should be retained by the States, and a representation made that there were other claims involved in the settlement besides Medicaid funds.

Senator HARKIN and I worked together to craft the amendment which is now before the Senate, joined, as I noted, by Senator JEFFORDS and Senator KENNEDY; Senator HARKIN and I taking the lead because of our positions as chairman and ranking member of the appropriations subcommittee having jurisdiction over the Department of Health and Human Services.

It is a fact that we are very limited in the funding which is available for health care. Our subcommittee has a budget which has to be divided among education matters and also the Department of Labor, which implicates many issues of worker safety, so that every dollar is of vital importance and we must make an application to purposes of health care.

The problem of tobacco in America is well recognized and the statistics are really very, very stark. Some 400,000 people die each year from tobacco-related illnesses. Approximately 5 million Americans under 18 are projected to die from smoking if the current trend continues. Some $72 billion a year constitute the health care expenditures in the United States on tobacco-related illnesses; some $7.3 billion annually total Medicaid payments directly related to tobacco, and between $1.4 and $4 billion constitute expenditures for infant health and developmental problems caused by mothers who smoke. It is a matter of overwhelming importance.

There is a very pervasive mantra in America today that the Federal Government should not dictate to the States how the funds are to be used. In accordance with the principles of federalism, I believe in leaving as much control as is possible to the State governments and also to local governments, as they carry out their responsibilities.

But when you have a very major settlement involving $206 billion and where the Federal Government has a very strong claim to 57 percent of those monies and the existing law provides that an allocation shall be determined by the discretion of the Secretary of Health and Human Services, it is my view that it is preeminently reasonable to ask States to make a commitment to spend at least a portion of these funds—50 percent, I think, would be a reasonable sum—on matters which are related to tobacco. The cause of the damages involves tobacco, and that is why we are asking that 50 percent be allocated, as we have said—20 percent for smokers cessation and education; and 30 percent for public health programs.

We do not propose an elaborate series of regulations, we do not propose micromanaging in any way what the States will be doing, but require only a certification from the States. We have already seen announcements from officials in a number of States on plans to spend these monies for other purposes; for example, for highways. Highways are very important. States would have latitude to spend part of the money for highways, but certainly should not have unfettered discretion to spend the total sum of the money on highways. Other funds are proposed to be spent for mental health services—here again, a very, very important item. Perhaps some of the mental health services are reasonably related to tobacco causes. That contention can be made and may well be honored.

Another State official is talking about eliminating the State debt, which is certainly a worthwhile matter. Again, 100 percent of the funds ought not be used for that purpose, nonrelated to tobacco. Other proposals are to increase teacher pay. Perhaps some of that is allocable for drug education. In another State, the officials propose using the funds to finance tax relief. That, again, is a worthwhile objective, but there ought to be some assurance that on a matter like this, some of the funds ought to be used for tobacco-related purposes.

Other States propose scholarships, which may be related, if the educational portion is to be assigned to tobacco-related education. We see that in the very short term, there are a great many purposes where the States have a need for funds where they would like to have unfettered discretion. In a perfect world, we would like to see them have $206 billion. But with a very, very substantial Federal claim, there ought to be at least some allocation for public health, which we are proposing in this amendment.

If this legislation is not enacted, it is possible that there could be very bitter, protracted, and expensive litigation, with the Federal Government asserting its claim under existing law, which could take a great deal of time. The Governor of Kentucky and three attorneys general who testified on Monday at the hearing and I agreed that we ought to try to resolve the matter so they would know what is going to happen and their planning would be firm. This, we think, is a preeminently reasonable approach to a very, very difficult issue.

I am joining with my colleagues, Senator TOM HARKIN, Senator JIM JEFFORDS, and Senator KENNEDY in introducing an amendment to the fiscal year 1999 supplemental appropriations bill concerning the State tobacco settlements. In November 1998, 46 States agreed to a settlement with the tobacco industry that totals $206 billion over 25 years. If focused in the right direction, these settlement funds could serve as a significant resource for improving the quality of life in the 21st century.

Each year, the total health care expenditures in the USA directly related to smoking is $72 billion. $7.3 billion is spent by Medicaid for smoking-related illnesses. Smoking-related diseases claim an estimated 430,700 American lives each year. Despite all of what we know about the consequences of smoking, it is estimated that every day 3,000 young people become regular smokers and it is believed that approximately 89 percent of smokers begin to smoke by or at the age of 18. And finally, it is reported that cigarette smoking kills more Americans than AIDS, alcohol, car accidents, violence, illegal drug use, and fires combined.

On March 15, 1999, the Labor, Health and Human Services, and Education Subcommittee, which I chair, held a hearing to discuss the State tobacco settlements. We heard from the National Governors' Association, States' Attorneys General, a teen smoking prevention advocacy group, and the Deputy Administrator of the Health Care Financing Administration to review the policy implications of how the tobacco settlement funds will be used and whether the Federal Government should receive a share of these funds for programs to reduce the use of tobacco products as well as programs for the public health.

Michael Hash, Deputy Director of the HCFA, testified that the comprehensive settlement of November 1998 between manufacturers of tobacco products and States, and the individual State settlements reached with these manufacturers, included claims arising out of the Medicaid program. Mr. Hash explained that as a matter of law, the Federal Government is not permitted to act as a plaintiff in Medicaid recoupment cases. 42 U.S.C. section 1396a provides that "the State or local agency administering such plan will take all responsible measures to ascertain the legal liability of third parties . . . to pay for care and services available under the plan. . . ." The statute further gives the State the authority to "pursue claims against such third parties." The Department of Justice, in interpreting this statute, has determined that the State has the sole power to take action against third parties, and that the Federal Government has no authority to take this action. During his testimony, Deputy Director Hash further explained that Section 1903(d) of the Social Security Act specifically requires that the State reimburse the Federal Government for its pro rata share of Medicaid-related expenses that is recovered from liability cases involving third parties.

In a letter addressed to me dated March 15, 1999, Secretary Shalala expressed the Administration's strong opposition to the provision approved by the Senate Appropriations Committee as part of the FY 1999 supplemental appropriations bill that would prohibit the Federal Government from recouping its share of the Medicaid funds from the settlement with the tobacco companies. She noted that "by releasing the tobacco companies from all relevant claims that can be made against them subsequently by the states, the settlement effectively precludes the federal government from recovering its share of Medicaid claims in the future through the established statutory mechanism." Specifically, in section XII of the Master Settlement Agreement, the States and tobacco companies agreed to the following:

> Under the occurrence of State-Specific Finality in a Settling State, such Settling State shall absolutely and unconditionally release and forever discharge all Released Parties from all Released Claims that the Releasing Parties directly, indirectly, derivatively or in any other capacity ever had, now have, or hereafter can, shall or may have.

During the hearing, we also heard from representatives of the states. Governor Paul Patton of Kentucky and Attorney Generals' Mike Fisher of Pennsylvania, John Cornyn of Texas and Tom Miller of Iowa argued that because the states took the risk and burden of the tobacco lawsuits on their own, they are entitled to all of the tobacco funds.

While I agree with the Governor and Attorney Generals' that the Federal Government should not micromanage the use of the funds, I am not prepared to turn all of this money over to the states carte blanche to use on matters unrelated to tobacco. Several of my colleagues have proposed creating a bureaucratic system that would strictly dictate how the states must spend the tobacco funds. I do not think this is a wise approach. However, I think it is entirely appropriate for the Federal Government to set general standards to ensure that the federal share of the tobacco funds is spent to advance the public health.

Medicaid is a joint Federal-State partnership designed to provide health care to citizens with low-income. On average, the Federal Government pays 57 percent of the costs of the Medicaid program, and no State must pay more than 50 percent of the cost of the program in that State. The Federal government has both the right and the responsibility to ensure that the federal share of the comprehensive tobacco settlement is used to reduce youth smoking, to improve the public health and to assist in the economic diversification of tobacco farming communities.

The amendment that I am introducing today would require states to use at least 20% of the total funds received in the settlement for tobacco reduction and education programs. Further, my amendment would require states to use at least 30% of the total funds received in the settlement for public health programs or to assist tobacco farmers. The amendment contains a provision that these funds must supplement and not supplant funds already being spent on similar activities in the State. Finally, in order to ensure that we do not create an unnecessary bureaucracy to implement this program, each Governor would merely have to certify to the Secretary of HHS each year how the funds have been used.

It is vital that we act now to ensure that these funds are used to protect public health. During the discussion which is currently occurring in the states on how to use the tobacco funds, a wide variety of uses have been proposed. Specifically, I understand that states have plans to spend funds on roads, mental health services, to assist tobacco farmers, and to eliminate the State debt, increase teacher pay, other proposed uses include financing tax relief, and using these revenues to fund a new Merit Award Trust Fund. While all of these goals may be noble, I am convinced that states, who sued tobacco companies to reimburse state health costs as a result of smoking, have a fiduciary duty to use these funds to reduce smoking and to support public health.

The Federal Government has both the right and the responsibility to ensure that the federal share of the comprehensive tobacco settlement is used to reduce youth smoking, to improve the public health and to assist in the economic diversification of tobacco farming communities. I urge my colleagues to support this amendment.

I ask unanimous consent to print a March 15, 1999, letter from Secretary Shalala.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, March 15, 1999.

Hon. ARLEN SPECTER,
Chairman, Appropriations Subcommittee on Labor, HHS, Education and Related Agencies, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am writing to express the Administration's strong opposition to the provision approved by the Senate Appropriations Committee as part of the FY 1999 supplemental appropriations bill that would prohibit the federal government from recouping its share of Medicaid funds included in the states' recent settlement with the tobacco companies. The Administration is eager to work with the Congress and the states on an alternative approach that ensures that these funds are used to reduce youth smoking and for other shared state and national priorities.

Under the amendment approved by the committee, states would not have to spend a single penny of tobacco settlement funds to reduce youth smoking. The amendment also would have the practical effect of foreclosing any effort by the federal government to recoup tobacco-related Medicaid expenditures in the future, without any significant review and scrutiny of this important matter by the appropriate congressional authorizing committees.

Section 1903 (d) of the Social Security Act specifically requires that the states reimburse the federal government for its pro-rata share of Medicaid-related expenses that are recovered from liability cases involving third parties. The federal share of Medicaid expenses ranges from 50 percent to 77 percent, depending on the state. States routinely report third-party liability recoveries as required by law. In 1998, for example, states recovered some $642 million from third-party claims; the federal share of these recoveries was $400 million. Over the last five years, federal taxpayers recouped over $1.5 billion from such third-party recoveries.

Despite recent arguments by those who would cede the federal share, there is considerable evidence that the state suits and their recoveries were very much based in Medicaid. In fact, in 1997, the states of Florida, Louisiana and Massachusetts reported the settlement with the Liggett Corporation as a third-party Medicaid recovery, and a portion of that settlement was recouped as the federal share.

Some also have argued that the states are entitled to reap all the rewards of their litigation against the tobacco industry and that the federal government can always sue in the future to recover its share of Medicaid claims. This argument contradicts the law and the terms of the recent state settlement. As a matter of law, the federal government is not permitted to act as a plaintiff in Medicaid recoupment cases and was bound by law to await the states' recovery of both the state and federal shares of Medicaid claims. Further, by releasing the tobacco companies from all relevant claims that can be made against them subsequently by the states, the settlement effectively precludes the federal government from recovering its share of Medicaid claims in the future through the established statutory mechanism. The amendment included in the Senate supplemental appropriations bill will foreclose the one opportunity we have under current law to recover a portion of the billions of dollars that federal taxpayers have paid to treat tobacco-related illness through the Medicaid program.

The President has made very clear the Administration's desire to work with Congress and the states to enact legislation that resolves the federal claim in exchange for a commitment by the states to use that portion of the settlement for shared priorities which reduce youth smoking, protect tobacco farmers, assist children and promote public health. I would urge you to oppose efforts to relinquish the legitimate federal claim to settlement funds until this important goal has been achieved.

Sincerely,
DONNA E. SHALALA.

Mr. SPECTER. Mr. President, I note the presence of my distinguished colleague, the Senator from Iowa, on the floor. I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I want to commend and congratulate Senator SPECTER, my chairman, for taking the lead on this issue, for holding the hearings, doing all the work that is necessary to get the information that we need to come up with this amendment. Senator SPECTER has certainly been the lead in addressing this very vital issue of health in the United States, medical research, and all that goes along with making our people healthier citizens.

He has always taken a lead on this one issue of how we get tobacco use down among teenagers, which is one of the most serious health risks in our society today. I want to thank Senator SPECTER for taking the lead on this amendment. It is a very, very, very important amendment. The repercussions of this single amendment alone could do more to enhance the health of our young people in the future than perhaps anything we are going to do this year. I will get into more about that later, but this single amendment, if adopted, I maintain, will do more to enhance the well-being and health of our future citizens—the kids today—10, 15, 20 years from now, 30 years from now, than anything that we will do this year.

Why do I say that? Look at this chart. This really illustrates what is happening today and continuing to happen with the consumption of tobacco. Tobacco kills more Americans than alcohol, car accidents, suicides, AIDS, homicides, illegal drugs and fires, all combined. I use this chart a lot because I think it just spells it out in stark detail. Add up everything from alcohol to homicides to AIDS and illegal drugs. How much money do we spend every year fighting illegal drugs? Compare it to how many people die of tobacco-related illnesses. It is minute.

This is what we are going after—cutting down the illnesses and deaths caused by tobacco uses in this country. It is an epidemic. Tobacco also imposes a heavy financial cost, $50 billion a year estimated in health costs alone. And a big portion of that is borne by Federal taxpayers, who, as the Senator from Pennsylvania pointed out, pay over half the cost of Medicaid. The average, as he said, is 57 percent. Sometimes it goes as high as 77 percent. In no case is it less than 50 percent of the Federal taxes used to fund the Medicaid programs in the States.

I want to commend the States for their efforts to recover the costs that they and the Federal Government have borne related to tobacco. What our amendment does, as the Senator from Pennsylvania very correctly pointed out, is simply require the States to use 20 percent of the total settlement on reducing tobacco use, mainly going after teen smoking, because if we know we can get it there, we solve the problem, but just to use 20 percent of that and 30 percent for public health programs—again, public health broadly; we did not spell it out, we did not try to micromanage—or for tobacco farmer assistance, to help some of the tobacco farmers in some of our States in their transition away from growing tobacco to doing something else.

Again, our amendment did not in any way dictate specific programs the states can spend the money on. It did not require the Federal Government have a role in designing any initiative the states undertake. This amendment simply sets broad, common sense parameters on a portion of the funds.

The Congressional Budget Office has estimated that the Federal share of the State's tobacco settlement would total $14 billion over the next 5 years. That is a lot of money, $14 billion.

I know there are some who are saying that the Federal Government had no role in these lawsuits; therefore, no right to these funds. I heard that argument made in the committee when the amendment was adopted. That is not true. If it were true, we would not be here today.

Keep in mind that Medicaid is a Federal-State partnership. The Federal Government pays over 50 percent of the cost of each State's Medicaid Program. But here is the real clincher. Under the Social Security Act, it is the responsibility of the States to recover any costs caused by third parties. In fact, the law says that only the States can file such suits.

It is really kind of, I think, shading the truth a little bit to say the Federal Government was not involved in the lawsuits. The Federal Government could not be involved in the lawsuits. By law, only the States can file such suits. Then the Medicaid law requires a State to turn back to the Federal Government its share of any money the State recovers. That is the law.

A, the Social Security Act says it is the responsibility of the States to recover any costs caused by third parties.

B, the law says only the States can file such lawsuits.

C, Medicaid law says the States then have to turn back to the Federal Government its share of any Federal money that they recover.

All right. What happened? The States settled this case with the tobacco companies, and in November of 1998, when the States settled this case, even those that did not include a Medicaid claim in their suit, waived their right to any future claims under Medicaid.

Think about that. If the States, in conjunction with the tobacco companies—and I have to hand it to the tobacco companies, they have great lawyers; they have the best—they negotiated with the States that if you settle for $206 billion over 25 years, we will agree to that if you waive your right to any future claims under Medicaid.

The States said, "We waive our rights." By waiving their rights, they waive our rights, the Federal Government's rights, to go out and reclaim any of those Federal tax dollars that went out. So the States have, by using the law, precluded us on the Federal end from reclaiming any of these moneys.

It is just not right. Federal taxpayers have provided over 50 percent of those Medicaid payments to those States. As I said, the law requires the States to file those lawsuits and only the States can file those lawsuits. The States then must, under the law, return those funds to the Federal Government. Yet, they made an agreement with the tobacco companies to waive all of their rights and, thus, waiving our rights.

Turning over all of the Federal share of the tobacco settlement to the States without any requirement that a penny of the funds be used to reduce teen smoking defies common sense. The whole purpose of this effort was to protect our kids and to cut down on smoking. Now that the States have settled with the tobacco companies, it only makes sense to use some of those moneys to strengthen the public health system and to fight tobacco use.

As the Senator from Pennsylvania said, I have to ask the questions: Did the States file their lawsuits against the tobacco companies because the tobacco companies were not building highways in their States?

Did the States file a lawsuit against the tobacco companies because they were not building enough prisons in their States?

Did the States file the lawsuit against the tobacco companies because you, tobacco companies, were not building a sports arena in our State?

Did they file the lawsuit because you, tobacco companies, were not building enough highways in our State?

No, that was not the basis of the lawsuit. The basis of the lawsuit was the health impact on its citizens from smoking.

Now we hear from the States, oh, now they want to use the money for highways, they want to use the money to build some prisons, they want to use the money to build a sports arena, they want to use the money for tax relief, and on and on and on and on and on. That was not the basis for the lawsuits.

The basis for the lawsuits were to recoup the costs that Medicaid spent taking care of the health impacts of smoking on our people. It had nothing to do with paving a highway or building a prison or anything else.

Again, we are not even saying that the States have to use their money for that. If the States want to use their share of the money to build a prison, that is their business. I can tell you, if I were a citizen of a State, and our State legislature and Governor were spending money that way, I would be vocal about it in my State, and I assume other people would be in their States. But that is not for us here at the Federal level. It is for us at the Federal level to say how about the Federal portion. What should you do with that? Should we be allowed to build highways with it when the basis of the lawsuit had to do with the health impact and the deaths of people that we paid for on Medicaid to take care of them because they got hooked on tobacco, because they were lied to by the tobacco companies?

All we are saying is that the Federal share be used to attack tobacco use and to protect the public health. How much are we saying? Fifty percent: 20 percent to reduce teen smoking, 30 percent for a broad variety of public health programs to reduce smoking or to assist farmers, to assist the tobacco farmers.

No State receives less than 50 percent of its Medicaid money from the Federal Government. Some States receive as high as 77 percent. The average is 57 percent. So actually we are being somewhat generous in this amendment. We are not saying you have to spend even all of your Federal moneys.

Some States are going to get a windfall. Those States that are getting 70 percent of their Medicaid moneys paid for by the Federal Government, if our amendment is adopted, will have at least 20 percent of that Federal money that they can use as they see fit. Rather than trying to draw the line in each State, we just settled on the 50 percent and said that is fair for everybody. It gives some States, I will admit, a bit of a windfall. Again, it does not take away from any State any more than the Federal shares that they already get.

Mr. President, this is a bipartisan, common sense amendment. I hope all of our colleagues can support it. It will be a dramatic step forward in saving lives and protecting children and saving billions of dollars in future health care costs.

I know you are going to hear talk about how all the Governors support the Hutchison amendment that was added in committee. By the way, it should not even be on this bill. It should be in the Finance Committee. All the Governors support it. I said to myself, "If I was Governor, I probably would support it, too." But I am not a Governor.

I represent my State, but we all have to represent the national interest here. More than that, we have to represent the interest of those people who are getting hooked on tobacco and what this tobacco lawsuit was all about. So I think we ought to keep that in mind as the debate goes forward. I know we will hear some more this evening, but tomorrow morning we will have more debate on the amendment and we will have more to say at that time.

Again, what we have to keep in mind is the basic underlying fact: Why was the lawsuit brought? On what basis? On the health basis, Medicare expenditures to pay for the sickness and illness and death of people. Who put the money into Medicaid? The Federal Government, 57 percent average; States, 43 percent average.

Law requires the States to file the lawsuits. Law requires the States to return to the Federal Government the Federal Government share of those lawsuits.

Law—only the States can file those lawsuits.

Settlement facts—States settle with the tobacco companies and strike a sweetheart deal, where they waive all of our rights to ever sue again under Medicaid to recoup those costs—waive our rights. Think about that. That is why this amendment is so important, Mr. President. If this amendment is adopted, it will have a big impact on cutting down on health care costs in the future. That is what it is all about.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise in opposition to the plan of the Senator from Iowa to mandate to the States how they will spend the money they won in litigation against tobacco companies. It went on for quite a number of years. The State attorneys general gradually, through various different theories of law—and there were lots of different theories—won those lawsuits and achieved a tremendous settlement. Basically, the tobacco companies, at some point, just capitulated and agreed to pay billions of dollars.

At this point, the Federal Government may or may not have a claim upon that money. Senator HUTCHISON of Texas has introduced legislation, which I intend to support, which would say that that money would stay with the States. They won it in the litigation. It is part of their settlements. They should keep it. And the Federal Government is not claiming it.

I understand the Senator's idea—and I know he has the highest motives behind it—is to tell the States how they should spend portions of that money, primarily under the theory that it was Medicaid money, and the Federal Government put money into Medicaid, a big chunk of the money is paid by the Federal Government for Medicaid. But let me just say why I think we would be better off not doing that.

First of all, in all the settlements, as I understand it, only one settlement, Florida's, mentions Medicaid. A large number of the cases mentioned Medicaid in their lawsuits, but a lot of them were based on other causes of action against the tobacco companies: RICO, the racketeering charges; antitrust violations—unjust enrichment was the one in Mississippi, which I thought was astounding, to win several billion dollars on the old common law theory, equity theory, of unjust enrichment. In fact, they filed it in an equity court and did not even have a jury trial. They eventually settled it without even a trial occurring.

But at any rate, that money goes to the States, and it is their money. I suggest that the States already are planning how to spend it. I understand in Texas, according to Senator HUTCHISON, who will be back on the floor shortly, they have antismoking educational campaigns planned.

Alabama has, I believe, a good program. It is called Children First. It is a program to deal with dropouts, to deal with teen smoking and drinking and drug abuse and problem kids, preschool programs, a comprehensive plan to deal with juvenile crime and violence and delinquency, and to help place children first. The funding for it will come from the settlement of this lawsuit. They are counting on doing that.

To mandate them to spend it on entirely a new set of proposals they have never given any thought to would complicate Alabama's freedom to spend the money they won the way they want to spend it. I really believe it would be a terrible burden on the State of Alabama. I think that is going to be true in every State where these settlements have taken place.

So what we have is the Federal Government saying, "If we can't have the money, and if we're going to lose on this amendment"—and Senator HUTCHISON has bipartisan support for it, and I am confident it will pass—"if we're going to lose on this amendment, if we don't get to bring it into our Treasury so we can spend it and do what we want to do with it, we'll just declare how the States have to spend it. By the way, if you don't satisfy us, the Secretary of HHS, Secretary Shalala, can cut off your Medicaid funding or deny you benefits under these settlements in the future."

So I just believe that that isn't what we need to be doing here. I do not think that is good public policy. I believe that these States are already at this moment planning how to spend it.

And, by the way, these mandates are not easily achievable. Presumably, a State, to get money under it, would have to call a special session of their legislature—have to call a special session. And what if they did not want to vote to do that? What if good and decent State legislators said: We don't want to do these percentages that the Senator has just proposed. We don't want to spend our money just like that. We would like to spend it on Children First. We would like to spend it on delinquency camps or alternative schools. We want to do it on various other projects that are not precisely what is mandated here. Maybe they are already spending money on programs mandated here.

I salute the Senator from Texas. I believe she has the right approach. We need to let this money go, give it up. We did not file the lawsuits; the States filed the lawsuits. We did not win the lawsuits; the States won the lawsuits. The tobacco companies agreed to pay the money to the States. And they are going to spend it for what they believe is best for their people. I think we ought to follow that.

I want to mention one other thing. I am uncomfortable with this deal in which the Secretary of HHS would be able to review the allocation of the funds by the States and given the power to cut off funds to the States if they did not precisely allocate it as this proposal would allocate it. I do not think that is the kind of power we need to have over the States.

I think this is good legislation. The Senator from Texas, I know, will be returning to the floor in just a moment, and she will be making further comments on it. I thank the Chair for his attention and I yield the floor.

Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Will the Senator withhold that?

Mr. SESSIONS. Yes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have not gone into this argument before. In the committee, in dealing with this supplemental, I did vote for the Hutchison amendment. I voted for it because I do believe that, because of the circumstances of this series of settlements coming after the failure of the Congress to pass the tobacco legislation, we should not force the States to turn the money over to the Federal Government as required by law.

The Social Security Act does provide that—I ask unanimous consent that this section 1903(d)(3) be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 1903(D)(3)

(3) The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to medical assistance furnished under the State plan shall be considered an overpayment to be adjusted under this subsection.

Mr. STEVENS. This section states:

> (3) The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to medical assistance furnished under the State plan shall be considered an overpayment to be adjusted under this subsection.

Clearly, that has required other States to make payments to the Federal Government to restore the amounts of money that were paid under the Federal plans and recovered by State litigation.

The difficulty with the position that I understand the Senator has just taken, Senator SESSIONS, is that the States did file their cases, but Section 1902(a)(9)(A) of the Social Security Act says:

> . . . the State or local agency administering such plan will take all reasonable measures to ascertain the legal liability of third parties (including health insurers, group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act. . . .

And it sets forth the duty of the State to take that action, and since we have assigned that duty to the State, the Federal Government cannot take that action.

As a consequence, while I believe that Senator HUTCHISON's amendment is correct, that we should not take this money from the States at this time, I do believe that the requirement that the States show that they will spend the money in the way envisioned by the Social Security Act is a fair compromise, and it is my intention to support the amendment offered by the Senator from Pennsylvania in order to try to see to it that we have that consideration.

Failure to do so will exacerbate the future bills that we will present to the Senate which will have to seek money to make the payments for the programs that the State will not undertake unless that requirement is there. That money, incidentally, is projected in both the President's budget and in past budgets adopted by the Senate.

So if this money stays in the hands of the State, and there is no obligation to comply with existing law, we will be in the position where we will have to come up and find more money—in effect, break the caps on the Health and Human Services bill, which is the bill that is now the largest bill that we will prepare for the Congress this year; the largest bill is no longer Defense, it is the Health and Human Services bill.

That bill is under severe stress for the future and cannot afford to see this money stay in the State hands and the money be spent in the way envisioned by the recovery; really, a recovery for moneys spent by the States using Federal taxpayer's funds in the past. If the State diverts those funds to other endeavors, we will have to make that up in future appropriations bills, in my judgment.

I intend to support the amendment of Senator SPECTER and Senator HARKIN to require the States to show that they will, in fact, make those payments. As I understand it, it will not take a great deal of trouble on behalf of the States to show that they are doing that. I think many States are doing that.

I understand my State has taken the position that they don't like Senator SPECTER's amendment. I sometimes have duties here that are contrary to that of the Governors in terms of trying to see to it that fairness is provided as far as the use of funds from the recovery that comes about because of actions such as the States have taken, and my State was one of them—to pursue those who have brought about the great expenditures for health care that we had to face because of the scourge of excessive smoking.

I do believe that this amendment is on the right track. I intend to vote for it. I put my friends on notice that I do not believe that it is inconsistent with the position of supporting the Hutchison amendment in the first place, because I think the States should retain the money and the States should make the plan of how the money should be spent. The power of the Secretary of Health and Human Services is to approve that plan, not to dictate how it is to be spent.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, we will have time tomorrow to speak on the amendment by Senator SPECTER and Senator HARKIN, but I think it is important that we understand what we are talking about. The Federal Government had nothing to do with the lawsuits that were brought by the States. In fact, the States asked for Federal help. They asked for Federal guidance, and they got none.

It was only after the States had settled with the tobacco companies and all States were covered that the Health Care Financing Administration decided that these suits were based on Medicaid and, therefore, the Federal Government should be able to take the average of the Medicaid expenditures from the States from these tobacco settlements. It came up with a figure of 57 percent. They are relying on the part of the law that says the States are responsible for recovering Medicaid overpayments or mistakes in billing; or if a person is covered with private insurance and they get Medicaid coverage, the States would go after the private insurance companies to pay these Medicaid costs.

The Health Care Financing Administration is using that law to say that the tobacco settlement should be covered for Medicaid, and they are coming in and saying to the States that the tobacco settlement that was made should not be allowed to be kept by the States and, in fact, they want to withhold 57 percent.

The amendment that is before the Senate today would take 50 percent and tell the States how to spend this money. It doesn't even tell the States that they have to spend it on Medicaid. We are not even now talking about what the Health Care Financing Administration had hoped to get in the first place, and that is help on Medicaid payments. They are just saying that big brother Federal Government is going to tell the States that they must spend the money on health care or tobacco cessation programs or helping tobacco farmers, and they are going to allocate 50 percent of the State's money for these purposes.

Let's take the State of Ohio as an example. Say that the State of Ohio has a legislature that meets every other year. They are not in session. All of a sudden we have a Federal mandate that the States spend 50 percent of their hard-earned money on these specific program purposes and the Secretary of HHS says to the State of Ohio, "I'm very sorry, but your program doesn't meet my standard so I'm going to withhold your Medicaid money." The legislature is not in session, the programs are in place. Is the legislature going to have to come into special session to try to determine how they are going to change the program to meet this test? They are going to have to because no State can absorb the loss of their Medicaid money, and, most certainly, they are not going to leave people on the streets unserved by Medicaid.

This is going to be duplicated all over America if this amendment passes. Nobody is thinking about what happens after the Federal Government says, "This is simple, this is simple. We will say you have to spend 20 percent on tobacco cessation and 30 percent on the health-related or tobacco farmer aid programs." They don't say what happens after we pass this broad general guideline. But what happens is, we are going to have standards, we are going to have regulations, we are going to have certifications, and all of a sudden they have what always happens in Washington, and that is we are going to have the Federal Government encroaching on the States rights with the States' money, earned by the States; and we are going to have costly regulations and bureaucracy, and then we are going to have crisis after crisis after crisis in States that are not going to meet the test of Health and Human Services Secretaries for 25 years to come, who will be able to hold on to the Medicaid money if we don't keep the underlying bill intact.

The underlying bill is very simple. It just says that the Federal Government will not encroach on the States at all. The States are using this money for very different purposes. Most of the States—in fact, almost all of the States—did not sue on Medicaid, and if your purpose is to help Medicaid, this amendment doesn't do it.

So I hope that we can keep it simple. I hope that we can allow the States to do what they have sued to recover and achieve their purposes. Some States sued on health care. Some States sued on consumer fraud. Some States sued for RICO. There were a myriad of causes of action. But the fact of the matter is, it is the States that sued.

So I say to the distinguished chairman of the committee, if he wants to help Medicaid, this amendment doesn't do it. If he wants to help Medicaid, what he needs to do is add another amendment that requires the money go to Medicaid. He thinks that if we pass this amendment, it will keep the State budgets from growing. It won't keep the States' budgets from growing at all in Medicaid costs. What we are talking about here is 20 percent going for tobacco cessation programs and 30 percent going for health care or tobacco farmers.

So I hope, if the purpose is to give Medicaid money, that we will have a different amendment. The amendment that is before us today will be costly, it will cause more bureaucracy, more regulation, and it will cause crises in States if they don't meet the Secretary's test of what the program should be. And this Secretary of Health and Human Services will have a different interpretation, perhaps, than the next Secretary of Health and Human Services. So the States are going to fashion a program that meets Secretary Shalala's needs today, and 2 years from now they are going to have to fashion a new set of programs in order not to have the money jerked out from under their noses when they have counted on this money because their tobacco settlement was made by the States.

We have time to talk about this tomorrow. I hope Members will consider the havoc that this would wreak on the States and the fact that it will not help the Federal Government. It is putting a strain on that which has no relationship to the problem that is being alleged. If the problem is that we aren't going to share Medicaid, how are we going to help tobacco farmers and meet the Medicaid needs? It is not going to work.

This is not an amendment that has been thought through, and we have not thought of what is going to happen 2 years from now, and 4 years from now, and 6 years from now. I hope that Senators will understand that this will wreak havoc on our States. It is an encroachment on States rights, and it will not help the Federal coffers at all.

I thank the Chair. I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise in support of an amendment that is to be offered by Senators SPECTER and HARKIN relative to the tobacco settlement funds and the question of Federal recoupment.

First, let me say that I have been involved in the tobacco issue on Capitol Hill for almost as long as I have been here. As a Member of the House of Representatives, I introduced legislation to ban smoking on airplanes, and I have addressed this issue from so many different angles that I believe I have some knowledge on the subject.

Having said that, I have to tell you that I stand here in admiration of the 42 State attorneys general who had the political courage and foresight to file these lawsuits against the tobacco giants in an effort to recoup some of the money that had been spent on tobacco-related disease and death in their States. In my own home State, our attorney general, Jim Ryan, was one of those. I have saluted him privately and I do it publicly. I am happy they did this. The money they have recouped is going to be an important resource for the State of Illinois and all of the other States.

In addition, they have forced the tobacco companies to make some major changes in the way they sell the product. Perhaps, we will see—I hope in the not-too-distant future—a decline in the number of young people who have become addicted to tobacco products. It is truly a frightening statistic to consider the impact on America's public health when you consider the percentage of high school students, and even younger, who are taking up smoking. But now that we have recovered money from the tobacco companies, the debate now is how it should be spent. I have tried to come up with a reasonable approach to it. I salute my colleagues, Senators SPECTER and HARKIN, for what I consider to be a reasonable approach as well.

Mr. President, I ask unanimous consent to be shown as a cosponsor of the Specter-Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Having said that, Mr. President, let me try to explain, if I can, the predicament we face. Many of the States that filed lawsuits against tobacco companies tried to recover in those lawsuits moneys that had been spent for Medicaid. Medicaid is, of course, health insurance for the poor and disabled. Across the United States, on average, out of every dollar spent on the Medicaid health insurance program, 57 cents of it comes from Washington, and 43 cents comes from the local State.

In my State of Illinois, it is a 50/50 split. But including all States, it is an average of 57 percent coming from the Federal Government. Now, we send the money to the States and ask them to administer the Medicaid funds. We also say to the States that if there are lawsuits to be filed relative to Medicaid, it is your responsibility as a State to do it. They are obligated to recoup any cost that they recover in these lawsuits against third parties back to the Federal Government, proportionately based on the Federal Government's contribution.

So the suggestion that a State would file a lawsuit against the tobacco company claiming expenditures for Medicaid funds and recover, and then be asked to send some of that money back to Washington is not a novice suggestion. It is not radical. It is what happens by normal course. That is what has happened in the past.

But there have been some who have argued that when it comes to the tobacco settlement we should suspend that and say that the moneys recovered by the States against the tobacco companies for Medicaid expenditures should belong entirely to the States and not come back to the Federal Government at all. I have a problem with that inasmuch as I am concerned about how the money will be spent by the States.

Some Senators have come to the floor and said it is really none of our business. The States filed the lawsuit; let them spend the money the way they want. I think that is the wrong way to approach this. The lawsuits were filed because of a public health problem with tobacco. The money that was recovered—at least a portion of it—is Federal in nature. I think it is reasonable for us to say that the money recouped from these tobacco companies should at least be spent for the public health purposes of the lawsuit. That is what the Specter-Harkin, and now Durbin, amendment seeks to achieve.

I am also concerned, because, as part of their settlement, many of the States relinquished their right to file claims in the future against tobacco companies for Medicaid expenditures. In other words, they said they would give up the right of the Federal Government to recover funds under Medicaid against tobacco companies in the future. They have, in fact, surrendered a right of the Federal Government. I think that is noteworthy, because it means that, basically having settled these future claims, we have no opportunity to pursue them if we wanted to. The Federal Government has paid, and will continue to pay, one-half or more of Medicaid costs associated with treating tobacco-caused diseases, even though the States have now waived the Federal Government's right to any further tobacco-related Medicaid recovery. This further underscores the Federal right to have, if not a share of the settlement proceeds, at least a voice in how they are spent.

Let me say that the States routinely follow the requirements of the Medicaid statutes when it comes to money that they collect.

For those who argue that the tobacco suits should be treated somewhat differently, let me give them some evidence to consider.

In March 1996, five States—Florida, Louisiana, Massachusetts, Michigan, and West Virginia—settled a lawsuit with the Liggett tobacco company. In fiscal year 1996 and fiscal year 1997, the total reported to HCFA, the Federal agency, as the Federal share, was $465,359. This is the precedent for a Federal claim for the tobacco proceeds.

It is important to keep in mind that if we don't recoup this money from the State in some form, we also create a budget problem on our own.

The Congressional Budget Office estimates, for scoring purposes, that we would recover from State tobacco suits $2.9 billion over 5 years and $6.8 billion over 10 years. Any legislation that allows the States to keep all the funds is going to require some more on our part to offset this budget priority, this budget assumption.

Having said that, let me try to address my point of view on what I believe the Specter-Harkin amendment will achieve.

It is less important to me who spends the money from the Tobacco companies than how it is spent. It is not as important to me that a Federal agency achieve the results so much as the results are achieved. And the results I am seeking are several.

First, it reduces the number of young people who are taking up tobacco and becoming addicted to it. Ultimately, one out of three die. If we can bring that percentage down by innovative, creative, and forceful State programs, that is all the better as far as I am concerned.

But I worry about suggestions in the underlying Hutchison amendment that we not be specific in terms of what we ask of the States. I am happy to see that the amendment that has been proposed by Senators SPECTER and HARKIN will try to address this by putting 20 percent of the proceeds into tobacco control to reduce the number of young people who are addicted to the product. I think that is sensible.

Second, I think it is reasonable to ask that a portion of the money recovered go toward public health purposes, particularly children's health programs. And it is my understanding that the Specter-Harkin amendment does that. It says that another 30 percent will go for those purposes.

This is consistent with the National Governors' Association, which I already identified, as their priorities at their 1999 winter meeting for the tobacco settlement money. Let me quote from the statement that they released:

> The Nation's Governors are committed to spending a significant portion of the settlement funds on smoking cessation programs, health care education and programs benefiting children.

The Specter-Harkin-Durbin amendment seeks to follow the recommendations of the National Governors' Association—to say the Federal Government will not claim a share of these proceeds so long as they are spent for this purpose, and then to make certain that we are doing something with the money that is consistent with the goals of the initial litigation.

It would be troubling to me, and to many others who have been involved in this battle for a long time, if the net result of the tobacco lawsuits by the States should result in a windfall to the State treasuries and are spent on other things that really forget these important elements, important priorities of smoking cessation, as well as children's health care.

So I will be supporting the amendment being offered by Senators SPECTER and HARKIN.

I can tell you that when the American people were asked through a poll conducted by the American Heart Association last November, that 74 percent of the voters supported at least half of the Medicaid dollars to go to tobacco addiction treatment and to efforts to educate teens about the dangers of tobacco.

I am hoping that Members on both sides of the aisle will join us in this bipartisan amendment to the supplemental appropriations bill.

At this point, I yield my time on this issue.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

I believe the Senator from Illinois has a resolution and a discussion that he wants to put forward about St. Patrick, of all things, if you can imagine that. Of course, that is a very worthy cause.

I yield the floor.

Mr. DURBIN. Mr. President, I thank the Senator from Kansas.

THE GOOD FRIDAY PEACE AGREEMENT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 64, introduced earlier today by myself.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> A resolution (S. Res. 64) recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, as the Senator from Kansas has noted—and, Mr. President, your tie notes—today is St. Patrick's Day, and it is a fitting time to remember not only the Irish heritage, which so many Americans—over 40 million—claim, but also as equally important is the significant progress that has been made in this island nation over the last several months to finally bring peace. Tributes, of course, could be given to so many different people.

Today, we were meeting with Taoiseach Bertie Ahern, as well as

President Clinton, and the leaders from Northern Ireland, as well as the Republic of Ireland, celebrating their courage and the fact that they have received the Nobel Peace Prize for their endeavors, and really making certain that we double our resolve so that peace can come to that land.

The Good Friday Peace Agreement that was entered into and initiated about a year ago outlined the political settlement to three decades of political and sectarian violence in Northern Ireland. It also reminds us, too, that there is a lot of hard work to be done to complete this agreement.

Over the last 30 years, more than 3,200 people have died in Northern Ireland and thousands more were injured. In 1997, the British and Irish Governments sponsored peace talks, chaired by our former colleague, Senator George Mitchell, and attended by eight political parties.

Senator Mitchell will be receiving an award this evening at the White House from the President and representatives of Ireland for his amazing role in bringing about this peace process. It is a much-deserved accolade.

An agreement was reached on April 10, 1998, that includes the formation of a Northern Ireland Assembly, a North/South Ministerial Council, and a British-Irish Council. The agreement also contains provisions on human rights, decommissioning of weapons, policing, and prisoners. Voters in both Northern Ireland and the Republic of Ireland approved the agreement on May 22. Elections to the new assembly were held on June 25. Enabling legislation has been passed by the Irish and British Parliaments, the necessary international agreements have been signed, and many prisoners have been released.

However, some contentious issues still remain before the agreement is implemented. In addition to former Senator George Mitchell, the Clinton administration and many Members of Congress and Senators have played a positive role in the peace process. Again, the parties have turned to the United States for leadership and mediation. Many party leaders from Northern Ireland will be at the White House this evening. Let me also say I attended last night a special tribute to one of our colleagues, Senator TED KENNEDY. The American-Ireland Fund presented him with their Man of the Year Award for his extraordinary contribution toward this peace process throughout his career in the U.S. Senate.

This resolution which we are considering today is cosponsored by 34 of my colleagues. It recognizes the historic first anniversary of the Good Friday peace agreement, encourages the parties to move forward to implement it, and congratulates the people of the Republic of Ireland and Northern Ireland for their courageous commitment to work together for peace. I appreciate my colleagues' support of this resolution, and I hope it will add another constructive measure of support for the meetings going on at the White House today.

I am glad the Senate, when it enacts this resolution, will be on record this year to not only celebrate the legacy of Ireland and the legacy of St. Patrick, but to look to the future of that great country, a future in peace, a future as one people.

Mr. KENNEDY. Mr. President, I strongly support this timely resolution and its tribute to the courage and vision of the political leaders of Northern Ireland who have given that land an extraordinary opportunity for peace.

By signing the historic Good Friday Peace Agreement last April, leaders such as John Hume, David Trimble, Gerry Adams, and others launched a new era of peace and reconciliation for all the people of Northern Ireland. And I commend as well the indispensable contributions to the peace process by President Clinton, our former Senate colleague George Mitchell, Prime Minister Bertie Ahern of Ireland and Prime Minister Tony Blair of Great Britain.

The goal of the peace process is to end thirty years of violence and bloodshed in Northern Ireland, reduce divisions between Unionists and Nationalists, and build new bridges of opportunity between the two communities. Through this process, they have committed themselves to finding the needle of peace in the haystack of violence—and they are finding it. When those of lesser vision urged a lesser course, the leaders in Northern Ireland acted boldly. They tirelessly dedicated themselves to the pursuit of peace, and they made difficult political choices to bring their noble vision of a peace agreement to reality.

As we all know, there are still miles to go before the victory of lasting peace is finally won. But because of what they accomplished, there is better hope for the future. They have made an enormous difference, perhaps all the difference, for peace. Their achievement in the Good Friday Peace Agreement has changed the course of history for all the people in Northern Ireland.

The task now facing all of us who care about this process is to build greater momentum for full implementation of the Agreement. There has been welcome recent progress. Last month, the Northern Ireland Assembly approved the designation of the Northern Ireland Departments and the group of cross-border bodies. Last week, Britain and Ireland signed historic treaties for closer ties. Prisoners have been released. The British have reduced their troop levels to the lowest point in twenty years. We are also heartened by the establishment of the Human Rights Commissions.

Full implementation of the Agreement offers the best way forward and the best yardstick to judge the policies and actions of all involved. The goal of peace is best served by prompt action on the Agreement. Those who take risks for peace can be assured of timely support by President Clinton, Congress, and the American people.

Mr. DURBIN. Mr. President, at this point I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 64) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 64

Whereas Ireland has a long and tragic history of civil conflict that has left a deep and profound legacy of suffering;

Whereas since 1969 more than 3,200 people have died and thousands more have been injured as a result of political violence in Northern Ireland;

Whereas a series of efforts by the Governments of the Republic of Ireland and the United Kingdom to facilitate peace and an announced cessation of hostilities created an historic opportunity for a negotiated peace;

Whereas in June 1996, for the first time since the partition of Ireland in 1922, representatives elected from political parties in Northern Ireland pledged to adhere to the principles of nonviolence and commenced talks regarding the future of Northern Ireland;

Whereas the talks greatly intensified in the spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was critical to the success of the talks;

Whereas on Good Friday, April 10, 1998, the parties to the negotiations each made honorable compromises to conclude a peace agreement for Northern Ireland, which has become known as the Good Friday Peace Agreement;

Whereas on Friday, May 22, 1998, an overwhelming majority of voters in both Northern Ireland and the Republic of Ireland approved by referendum the Good Friday Peace Agreement;

Whereas the United States must remain involved politically and economically to ensure the long-term success of the Good Friday Peace Agreement; and

Whereas April 10, 1999, marks the first anniversary of the Good Friday Peace Agreement: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the first anniversary of the Good Friday Peace Agreement;

(2) salutes British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern and the elected representatives of the political parties in Northern Ireland for creating the opportunity for a negotiated peace;

(3) commends former Senator George Mitchell for his leadership on behalf of the United States in guiding the parties toward peace;

(4) congratulates the people of the Republic of Ireland and Northern Ireland for their courageous commitment to work together in peace;

(5) reaffirms the bonds of friendship and cooperation that exist between the United States and the Governments of the Republic of Ireland and the United Kingdom, which ensure that the United States and those Governments will continue as partners in peace; and

(6) encourages all parties to move forward to implement the Good Friday Peace Agreement.

Mr. BROWNBACK. Mr. President, I have a series of items I need to go through and a discussion I want to have, but I understand the Senator from Michigan has some comments to make, so I yield the floor to the Senator from Michigan.

TOBACCO RECOUPMENT

Mr. ABRAHAM. Mr. President, I thank the Senator from Kansas. I wanted to just briefly speak in relationship to the Harkin-Specter amendment with regard to the tobacco recoupment issue and the issue of exactly what should happen to the funds that the States are now entitled to receive as a result of the legal settlement that was achieved between 46 States and the tobacco companies.

Mr. President, this, to me, should be a pretty clear-cut result. The States entered into this litigation. They did all the work. They made the case persuasively. They were finally able to prevail on the merits, in terms of convincing the other side to engage in a settlement. So, for those reasons, it does not seem to me to be particularly difficult to conclude that the benefits, the proceeds, the settlement moneys ought to go to the States. I believe, since the States did this on their own and since the States are certainly quite knowledgeable about the needs of their constituents, that we should allow them not only to be the recipients of those funds but we should give them the discretion to make the decisions that are necessary as to what priorities to set in spending those dollars.

Let me just begin briefly with the basic case itself. The States joined together. The Federal Government did not play a role in the technical sense, or as a party to the proceedings. Indeed, in his State of the Union Address the President even indicated he was directing the Department of Justice and the Attorney General to bring a separate litigation on behalf of the people of the United States against the tobacco companies. Presumably, one would not bring that case if one did not think that the States' decisions were separate from any kind of Federal component.

Once the States won, of course, money became available. Unfortunately, at that point the Federal Government, through the Health Care Financing Administration, is attempting to intercede in the President's budget to a very substantial degree, trying to wrest control of a substantial portion of those dollars. As I recall, roughly 60 percent of the first 5 years' revenues to the States which, under the President's budget, would, instead, be diverted to Washington. The basis for their claim is, in my judgment, a weak one, predicated on the argument that Medicaid overpayments are to be returned to the States. This is not a Medicaid overpayment from the Federal Government. This is a settlement between the States and these tobacco companies, a settlement fairly reached and a settlement based on the States' belief that their citizens had been in some ways the victims of the illnesses relating to tobacco.

That said, we have now moved to a slightly different stage. In the content of this supplemental appropriation bill is language which would make it absolutely and explicitly clear that the States will receive these dollars. Now, we have before us an amendment that says: OK, if the States are going to get the money they still have to spend it on the priorities set by bureaucrats in Washington. Indeed, it is my understanding that the proposed amendment would essentially place the Secretary of Health and Human Services in a position to determine what programs qualify for, and whether States are in compliance with, these Federal mandates for 25 years. Basically, what this amendment says is approximately 50 percent, 50 percent of the settlement moneys have to be spent the way Washington dictates, and that the Secretary of Health and Human Services will decide not only what that dictation means but whether the States have done it. The States will be required to engage in extensive recordkeeping and an annual process of appealing for approval, the same kind of bureaucratic redtape that costs money and complicates, in my judgment, far too many things we do already.

If the Secretary of Health and Human Services, and it's not just this Secretary but any Secretary over the next quarter of a century, doesn't agree with the States, they can then veto, in effect, the States' expenditures costing the States as much as approximately $123 billion during that time.

The bottom line is, I think, a fairly simple one. Who knows best what the needs of the States are, the States themselves or bureaucrats in the Department of Health and Human Services? I believe the States do. I think we can trust the States to make the right decisions as to how to spend the moneys derived from the tobacco settlements. That is assuming, of course, that we have any right to tell them in the first place. I do not even acknowledge that. But assuming there even was a right of the Federal Government in some respect, I just cannot imagine why anybody here in Washington is going to do a better job than people at the State level in making these judgments.

The priorities that have been set which relate to such things as counteradvertising or youth awareness or public health priorities, are priorities virtually every State has already set for themselves. Many of the States, including I believe my own, have done great things along the way to try to discourage smoking by young people and to address public health needs. If they have done that well, the notion that they now have to spend new moneys recouped through this settlement on these programs at least in my judgment would be a grievous error.

So it comes back to something we talk about a lot around here: Who should set priorities and who knows best? In my view, the people at the local and State level, on issues and problems like this, do know best. They ought to make the decisions as to how the money, which was rightfully won by them in these lawsuits, ought to be spent. And we in Washington ought to be happy that there is going to be an abundance of resources going to the States to address the top priorities of those States.

The notion that we have to dictate how 50 percent or even 30 percent or 10 percent of these dollars have to be spent, I think both, A, incorrectly presumes that somehow we had a stake in the lawsuit and, B, that, somehow we know better. I believe it has been proven time after time that we do not know better, particularly in these types of matters which obviously have peculiarities that differ from State to State.

So, for those reasons I rise in opposition to the amendment. I look forward to working with the Senator from Texas and with a variety of other Senators who have been working together as cosponsors of the legislation that is included in the supplemental appropriation bill, to make sure that first and foremost the States get access to all the money won in the settlements and that, second, the States have the right to make the decisions as to how to spend those dollars.

So, Mr. President, I hope we will be successful in preventing agreement to this amendment. I look forward to working on this until it is completed.

I yield the floor.

REPORT OF THE CONGRESSIONAL COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES

Mr. BROWNBACK. Mr. President, I want to make note of a report that came out today that is one, I think, we are going to be seeing and hearing quite a bit more about in the U.S. Senate. It was a report of the Congressional Commission on Military Training and Gender-Related Issues.

I rise today to briefly comment on the status of the report and the testimony that was submitted today by the members of the Congressional Commission on Military Training and Gender-Related Issues, a hearing that took place in the House Armed Services Committee. While not the final report of this commission, the initial report does give indications as to their findings and, I think, warrants some discussion in the U.S. Senate.

A number of Members will recall, last year we had a spirited discussion about gender-integrated barracks during basic training. The discussion was centered around issues of, is this the most effective way to train our young men and women in the services, to have gender-integrated barracks? These are young men and women just entering into the military. They are going through basic training. There are a lot of difficult issues that they are facing, as they are being trained into a fighting force. Then on top of that, we put them in the same barracks together at night, after they have been side by side during the day. Ask yourself, are you going to be asking for problems if you have got young men and women who are put into the same barracks, right after a long day, next to each other with not a lot of other diversions at night?

We have had, unfortunately, a report of many instances of sexual harassment that have taken place, and worse, in these gender-integrated barracks. I am not speaking about basic training. I am talking about the barracks.

The report that came out today notes some progress in improving that sexual harassment and other problems that we have experienced with gender-integrated barracks during basic training, but it still invites the question of, why do we even ask for any problems at all? They are saying, the problem level is down, but why are we asking for problems at all by having these integrated barracks during basic training? Why don't we separate the genders during basic training? That was the point that a number of us made last year. A lot of people thought, let's put it off until this report. The report notes we have some progress, but we still have problems.

I think this hearing that was held today and the preliminary report that was issued merit a full hearing taking place in the U.S. Senate Armed Services Committee to review this very issue. Is this the best way? Is this the right way, and is this the way that is leading to more problems than we need to confront of the current policy of integrating the sexes in their barracks during basic training?

I think not. We will continue to have problems we just do not need to invite. I hope that the Senate will take this on as a serious problem as we start to deal with the report that comes out today.

AMTRAK "CITY OF NEW ORLEANS" DERAILMENT

Mr. LOTT. Mr. President, millions of Americans awoke yesterday to the tragic news of the derailment of the Amtrak "City of New Orleans" passenger train in Bourbonnais, Illinois. Late Monday night, the train, bound for New Orleans from Chicago, struck a tractor trailer at a highway/railroad crossing, throwing the two locomotives and 11 of the 14 cars off the tracks. More than 100 of the 196 passengers, 18 crew members, and two off-duty Amtrak employees were injured. At least eleven passengers were killed, including three Mississippians.

Both Tricia and I are keeping the families of the victims of this terrible tragedy in our prayers, especially the Bonnin and Lipscomb families of DeSoto County, Mississippi. June Bonnin of Nesbit, Mississippi was diagnosed with what doctors described as incurable cancer five years ago. However, her strong faith in God kept her going and inspired others around her. She and her granddaughter, Jessica Tickle of Memphis, Tennessee, are in God's hands now, and her daughter Ashley was severely injured. Rainey and Lacey Lipscomb, two young sisters from Lake Cormorant, Mississippi, also perished in this crash. We grieve with these families for their loss.

Mr. President, a group of students and adults from Clinton High School and Covenant Christian School in Clinton, Mississippi riding that train were returning to Mississippi after a spring-break ski trip. These young teenagers were jolted into a nightmare situation as some of the train's locomotives and cars overturned, split open, and caught fire.

I want to recognize the reactions of two of those students during this catastrophe. Clinton High School students Michael Freeman and Caleb McNair quickly recovered from the initial shock of this crash and went to the aid of their fellow students and passengers. The Jackson, Mississippi newspaper reported today that Michael located an escape route through a side window, which was now at the top of their overturned passenger coach, built a ladder from broken seats, climbed out, and pulled his fellow students out to safety. Meanwhile, Caleb searched the coach for his fellow students. They had rescued more than a dozen students by the time emergency personnel arrived on scene. Michael then assisted one of the injured students to a telephone so she could notify her parents.

Mr. President, the actions of these two young men may have prevented the other students from suffering additional injury or even death. Their reaction during this unexpected and disorienting event was truly commendable, as was the response by local, state, and Federal emergency personnel, Amtrak, and the Red Cross.

It is unfortunate that the Nation's awareness of the dangers of road/railway crossings tends to be raised by tragedies such as this, only to fade as time passes. Drivers who fail to heed rail intersection warnings place not only themselves at risk, but others as well. More needs to be done to prevent such accidents. I intend to work with my colleagues this year to do just that.

MESSAGES FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 774. An act to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program.

H.R. 807. An act to amend title 5, United States Code, to provide portability of service credit to persons who leave employment with the Federal Reserve Board to take positions with other Government agencies, and for other purposes.

H.R. 819. An act to authorize appropriations for the Federal Maritime Commission for fiscal year 2000 and 2001.

H.R. 858. An act to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 24. Concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

The message further announced that pursuant to section 3 of Public Law 94-304, as amended by section 1 of Public Law 99-7, the Speaker appoints the following Members of the House to the Commission on Security and Cooperation in Europe: Mr. WOLF of Virginia, Mr. SALMON of Arizona, Mr. GREENWOOD of Pennsylvania, and Mr. FORBES of New York.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 540. An act to amend title XIX of the Social Security Act to prohibit transfers or discharges to residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medical Program.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 807. An act to amend title 5, United States Code, to provide portability of service credit to persons who leave employment with the Federal Reserve Board to take positions with other Government agencies, and for other purposes; to the Committee on Governmental Affairs.

H.R. 819. An act to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001; to the Committee on Commerce, Science, and Transportation.

H.R. 858. An act to amend title 11, District of Columbia Code, to extend coverage under the whistleblower protection provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978 to personnel of the courts of the District of Columbia; to the Committee on Governmental Affairs.

MEASURE PLACED ON THE CALENDAR

The following concurrent resolution was read and placed on the calendar:

H. Con. Res. 24. Concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2222. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Oregon" (FRL6307-5) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2223. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Kentucky; Approval of Revisions to Basic Motor Vehicle Inspection and Maintenance Program" (FRL6307-8) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2224. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; State of California" (FRL6236-9) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2225. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan: Illinois" (FRL6308-2) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2226. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Ohio: Designation of Areas for Air Quality Planning Purposes; Ohio" (FRL6234-3) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2227. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding emissions standards for furniture coating operations and ship building and repair operations in Texas (FRL6239-5) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2228. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Uniformed Financial Reporting Standards for HUD Housing Programs; Technical Amendment" received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2229. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Disposition of HUD-Acquired Single Family Property; Final Rule" received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2230. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Electronic Submission of Required Data by Multifamily Mortgagees to Report Mortgage Delinquencies, Defaults, Reinstatements, Assignment Elections, and Withdrawals of Assignment Elections" (FR–4303) received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2231. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination in Programs and Activities Receiving Assistance Under Title I of the Housing and Community Development Act of 1974" (FR–4092) received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2232. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Due Date of First Annual Performance Report Under the Native American Housing Assistance and Self-Determination Act of 1996" (RIN2577–AB93) received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2233. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Home Equity Conversion Mortgages; Consumer Protection Measures Against Excessive Fees" (FR–4306) received on February 9, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2234. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to support the sale of two Boeing 737–700 aircraft to Royal Air Maoc; to the Committee on Banking, Housing, and Urban Affairs.

EC–2235. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's report on base salary structures for Executive and Graded employees for 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2236. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket FEMA–7707) received on March 10, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2237. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weapons of Mass Destruction Trade Control Regulations: Implementation of Executive Order 13094" received on February 17, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2238. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report on the impact of the requirements for double-hull tankers; to the Committee on Environment and Public Works.

EC–2239. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report on Department of Defense reimbursement of contractor environmental response action costs; to the Committee on Environment and Public Works.

EC–2240. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for Catesbaea melanocarpa" (RIN1018–AE48) received on March 12, 1999; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 243: A bill to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes (Rept. No. 106–18).

S. 291: A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District (Rept. No. 106–19).

S. 292: A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance (Rept. No. 106–20).

S. 356: A bill to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes (Rept. No. 106–21).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 366: A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail (Rept. No. 106–22).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 382: A bill to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. No. 106–23).

H.R. 171: A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes (Rept. No. 106–24).

H.R. 193: A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System (Rept. No. 106–25).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 92: A bill to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse."

H.R. 158: A bill to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin Federal Courthouse."

H.R. 233: A bill to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building."

H.R. 396: A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

S. 67: A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building."

S. 272: A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

S. 392: A bill to designate the Federal building and United States courthouse located at West 920 Riverside Avenue, in Spokane, Washington, as the "Thomas S. Foley Federal Building and United States Courthouse," and the plaza at the south entrance of that building and courthouse as the "Walter F. Horan Plaza."

S. 437: A bill to designate the United States courthouse under construction at 338 Las Vegas Boulevard South in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse."

S. 453: A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the "Hurff A. Saunders Federal Building."

S. 460: A bill to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse."

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Gary S. Guzy, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2004.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 638. A bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 639. A bill to prevent truancy and reduce juvenile crime; to the Committee on Health, Education, Labor, and Pensions.

S. 640. A bill to establish a pilot program to promote the replication of recent successful juvenile crime reduction strategies; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. Durbin, Mr. Dodd, and Mr. Feingold):

S. 641. A bill to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Roberts, Mrs. Hutchison, Mr. Burns, Mr. Breaux, Mr. Hatch, Mr. Kerrey, Mr. McConnell, Mrs. Feinstein, Mr. Craig, Mr. Sessions, Mr. Allard, Mr. Lugar, Mr. Gramm, Mr. Campbell, Mr. Hagel, Mrs. Murray, and Mr. Grams):

S. 642. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Finance.

By Mr. McCAIN:

S. 643. A bill to authorize the Airport Improvement Program for 2 months, and for other purposes; read twice.

By Mr. INOUYE:

S. 644. A bill for the relief of Sergeant Phillip Anthony Gibbs; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 645. A bill to amend the Clean Air Act to waive the oxygen content requirement for reformulated gasoline that results in no greater emissions of air pollutants than reformulated gasoline meeting the oxygen content requirement; to the Committee on Environment and Public Works.

By Mr. ROTH (for himself and Mr. Baucus):

S. 646. A bill to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself and Mr. Graham):

S. 647. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. Grassley):

S. 648. A bill to provide for the protection of employees providing air safety information; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROTH (for himself and Mr. Baucus):

S. 649. A bill to amend the Internal Revenue Code of 1986 to provide increased retiremnet savings opportunities, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE (for himself and Mr. Kennedy):

S. 650. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of the Federal Government; to the Committee on Health, Education, Labor, and Pensions.

S. 651. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Health, Education, Labor, and Pensions.

S. 652. A bill to amend the Occupational Safety and Health Act of 1970 to protect employees against reprisals from employers based on certain employee conduct concerning safe and healthy working conditions; to the Committee on Health, Education, Labor, and Pensions.

S. 653. A bill to amend the Occupational Safety and Health Act of 1970 to further protect the safety and health of employees; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE:

S. 654. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT (for himself, Mr. McCain, Mr. Stevens, Mr. Burns, Mrs. Hutchison, Mr. Frist, Mr. Mack, Mr. Murkowski, Mr. Warner, Mr. Shelby, Mr. Bennett, Mr. Inhofe, Mr. Sessions, and Mr. Grams):

S. 655. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. Cleland, Mr. Abraham, Mr. Allard, Mr. Ashcroft, Mr. Baucus, Mr. Bond, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Campbell, Ms. Collins, Mr. Coverdell, Mr. Craig, Mr. Crapo, Mr. DeWine, Mr. Domenici, Mr. Enzi, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Helms, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Johnson, Mr. Kyl, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. Murkowski, Mr. Nickles, Mr. Reid, Mr. Roberts, Mr. Roth, Mr. Santorum, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, and Mr. Warner):

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon) as indicated:

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. MOYNIHAN, Mr. DODD, Mr. FITZGERALD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. REID, Mr. STEVENS, Mrs. BOXER, Mr. LIEBERMAN, Mr. LEAHY, Mr. LEVIN, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. CLELAND, Mr. TORRICELLI, Mr. GRAMS, Mr. SANTORUM, Mr. DASCHLE, Ms. MIKULSKI, Mr. KERREY, Mr. COCHRAN, Mr. DORGAN, Mr. THURMOND, Ms. LANDRIEU, Ms. COLLINS, Mr. BURNS, Mr. MCCAIN, Mr. LOTT, Mr. BAYH, Mr. VOINOVICH, Mrs. LINCOLN, Mr. BINGAMAN, and Mr. WYDEN):

S. Res. 64. A resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 65. A resolution to authorize testimony, document production, and legal representation in Dirk S. Dixon, et al. v. Bruce Pearson, et al; considered and agreed to.

S. Res. 66. A resolution to authorize testimony, documentary production, and representation of employees of the Senate in United States v. Yah Lin "Charlie" Trie; considered and agreed to.

S. Res. 67. A resolution to authorize representation of Secretary of the Senate in the case of Bob Schafer, et al. v. William Jefferson Clinton, et al; considered and agreed to.

By Mrs. BOXER (for herself and Mr. BROWNBACK):

S. Res. 68. A resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan; to the Committee on Foreign Relations.

By Mr. ASHCROFT:

S. Con. Res. 18. A concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. ABRAHAM, Mr. BROWNBACK, Mr. REID, Mr. BURNS, Mr. TORRICELLI, Mr. CLELAND, and Mr. FEINGOLD):

S. Con. Res. 19. A concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 638. A bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SAFE SCHOOL SECURITY ACT

By Mr. BINGAMAN:

S. 639. A bill to prevent truancy and reduce juvenile crime; to the Committee on Health, Education, Labor, and Pensions.

TRUANCY PREVENTION AND JUVENILE CRIME REDUCTION ACT

By Mr. BINGAMAN:

S. 640. A bill to establish a pilot program to promote the replication of recent successful juvenile crime reduction strategies; to the Committee on the Judiciary.

SAFER COMMUNITIES PARTNERSHIP ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce three measures that are linked together by a common theme—the desire to create a safer environment for young people to grow up in.

Two of these bills are designed to help communities better combat juvenile crime and the related problem of truancy. The third proposal will help better protect students from violence in the school building through the use of technology.

It's clear that in order to create a safer environment for young people, we must not only reduce the number of children who commit crimes, but also the number of children who are victims of crime.

Before I outline these specific bills, I'd like to put them in a larger context. Mr. President, I'd like to spend just a minute discussing the broader question of what children need—in addition to safe surroundings—in order to grow into healthy, productive adults.

Let me start by describing my own childhood. I grew up in a small mining town in southwestern New Mexico called Silver City. Both my parents were teachers, so naturally a top concern was that I got a solid education. Fortunately, the local schools were good, and when I graduated with my classmates from what is now Silver High, we felt we could compete with just about any other student in the country.

Silver City was also relatively safe. People tended to know their neighbors and while no town is completely crime-free, we felt secure in our homes, around town, and in school.

Finally, Silver City was by no means a wealthy town. But I'm sure I'm not the only one who grew up optimistic that a person could work hard, achieve a decent standard of living, and support their family without fear that one turn of bad luck would put them out on the streets.

In short, Mr. President, Silver City was a pretty good place to grow up. In fact, we used to feel sorry for people in neighboring states where the quality of life was not so good.

Even today, New Mexico is blessed with rich cultural diversity, tremendous natural beauty, strong families and a sense of tradition. All of these things make New Mexico a wonderful place to live. Each time I go home I'm astonished at the number of new people who are moving there, no doubt for some of these very reasons.

And yet, Mr. President, some things seem to have changed since I was a kid in New Mexico. I seem to hear more and more frequently from parents who tell me how hard it is to raise a child in a state where crime and unemployment rates are high, yet family income and school graduation rates are low. Where alcohol and drug abuse are widespread, but health insurance and treatment options are scarce.

Those of us from New Mexico know that a Washington-based study ranking our state as the worst place to raise children can not be taken at face-value. And yet, there is a troubling reality we must face. In many ways, our state is failing to provide what is needed to ensure all of our young people have the necessary foundation to grow into healthy, productive adults. In several key respects, New Mexico has fallen behind the other states we used to feel sorry for.

So, Mr. President, as we stand on the brink of a new century, I rise today to urge that we recommit ourselves—as elected officials, as community leaders, as parents, and as citizens— to better meeting the needs of people growing up in our state and to setting higher goals for New Mexico's future.

I began by saying that a child needs to grow up safe from harm. That means safe from family violence, safe from gang warfare, and safe in school. But a child has other needs that must be met as well. I'd like to mention three other areas that I believe are cornerstones to strong foundation for any child.

The first of these is economic security. If a child is living in poverty, or on the edge of poverty, it is very difficult for anything else to fall into place.

A child should grow up in a family whose economic circumstances are stable. This stability comes first and foremost from parents with decent job opportunities. It also comes from a family's ability to successfully juggle numerous economic demands—and to adapt to change, the only certainty in today's global economy. Our efforts in this area should center on creating more high-wage jobs and on giving families the tools to manage the unpredictable forces that can throw them into financial turmoil.

The second cornerstone is education. In America, a quality public education has long been the great leveler between the haves and the have-nots. Children need access to a quality education that will give them the skills to achieve a good standard of living.

A quality education system is one characterized by accountability and flexibility. Accountability means that clear goals are set for things like student achievement and teacher quality, information is readily available on student progress toward these goals, and schools are held accountable for this progress. Flexibility means that schools have the resources and the ability to adapt to meet the needs of students—particularly students at risk of dropping out.

Third, children must have access to affordable, quality health care. A child who is sick cannot go to school—cannot be expected to learn. And yet according to the Children's Defense Fund, no state has a greater percentage of uninsured children than New Mexico.

We have to ensure that this health care is not only promised, but delivered—and that it is just as available to rural areas as it is to urban ones.

In the coming weeks, I intend to introduce legislation and pursue strategies in each of these remaining three areas—that I hope will begin to help parents provide a strong foundation for their children. All of us who grew up in New Mexico have fond memories of those days, and we want to assure that feeling for future generations of New Mexicans so that they can grow up, raise their families, and build a future in our state.

Mr. President, I'd now like to describe the three bills I am introducing today.

While adult crime rates are declining in many areas, the juvenile crime rate continues to rise—especially drug-related crime. But there is some hope, and there are good solutions out there. Not too long ago, I heard about the success the City of Boston had in getting control of their serious juvenile crime problem. In 1992, Boston had 152 homicides—a horrendous statistic. Realizing the community had to come together to work on a common solution, the City of Boston developed and implemented a collaborative strategy to address their crime problem. Boston's strategy was very successful, and between 1995 and 1997, their homicide rate dropped significantly. Most notably, they went two years without a single juvenile homicide.

Boston got law enforcement, community organizations, health providers, prosecutors, and even religious leaders working together to tackle different aspects of juvenile crime.

The Boston strategy worked because it got people from different organizations working together on a specific set of goals—like taking guns away from felons, using probation officers to help identify and apprehend probation violators, and providing alternatives to children to keep them from getting into trouble in the first place.

Boston recognized that juvenile crime affects the entire community, and a community that pulls together to address it will have a better chance of success.

The legislation I am introducing today, called the Safer Communities Partnership Act, is patterned after a bill authored by Senator KENNEDY. It provides funding for communities that want to implement this "Boston" strategy. And because there is no one-size-fits-all approach that works for every community, this bill provides the flexibility to integrate this strategy into the crime-fighting efforts already occurring at the local level.

The next two proposals have two goals: (1) to keep kids in school, and (2) to keep kids in school safe.

Although truancy is often the first sign of trouble in the life of a young person, this problem has long been overlooked. Truancy not only indicates a young person's disinterest in school, it often indicates that a young person is headed for a life of crime, drugs and other serious problems.

It is clear that truancy and crime go hand-in-hand—44 percent of violent juvenile crime takes place during school hours and 57 percent of violent crimes committed by juveniles occur on school days. Most of these crimes take place at a time when we expect young people to be in school.

In most cases, parents are not aware that their children are truant. We all have to do a better job of notifying parents when kids skip school. In fact, most studies indicate that when parents, educators, law enforcement and community leaders all work together to prevent truancy at an early stage, school attendance increases and daytime crime decreases.

The Truancy Prevention and Juvenile Crime Reduction Act I am introducing today authorizes $25 million per year for local partnerships to address truancy. The funds can be used for a variety of purposes. They can be used to create penalties for truants and parents when truancy becomes a chronic problem. They can be used by schools to acquire the technology needed to automatically notify parents when their children are absent without an excuse.

Not only do we need to keep our young people in school, we need to keep our students in school safe! Most of us understand the importance of protecting our assets, yet we have neglected to protect our biggest investment of all: our school children. The third and final bill I am introducing today is intended to do just that.

We all remember the horrible tragedies that struck Jonesboro, Arkansas, Paducah, Kentucky, and other communities within the last year. At a time when violent crime in the nation is decreasing, one in ten public schools reported at least one serious violent crime during the 1996–97 school year. The school yard fist fight is no longer a child's worst fear: 71 percent of children ages 7 to 10 say they worry about being shot or stabbed. A violent environment is not a good learning environment.

Educators and law enforcement know that one way to prevent crime in our schools is through the use of technology. The Safe School Security Act would establish the School Security Technology Center at Sandia National Laboratories and provide grant money for local school districts to access the technology. Because Sandia is one of our nation's premier labs when it comes to providing physical security for our nation's most important assets, it is fitting that they would be chosen to provide security to school districts throughout our nation.

The latest technology was recently tested in a pilot project involving Sandia Labs and Belen High School in Belen, New Mexico and the results were astounding. After two years, Belen High School reported a 75 percent reduction in school violence, a 30 percent reduction in truancy, an 80 percent reduction in vehicle break-ins and a 75 percent reduction in vandalism. Moreover, insurance claims due to theft or vandalism at Belen High School dropped from $50,000 to $5,000 after the pilot project went into effect. Clearly, the cost of making our schools safer and more secure is a good investment for our nation.

Mr. President, these three bills represent only a small fraction of what should be done to ensure that children grow up safe. There is much more I hope we can do this year. For instance, no discussion of the safety of children would be complete without acknowledging the problem of drug and alcohol abuse, which is not only a problem for many young people, but is often a source of family violence committed by addicted parents.

In recent weeks, we have seen the community of Española in northern New Mexico begin to come to terms with a very serious heroin problem. In other parts of the state, federal, state and local officials are combating an increase in production and trafficking of methamphetamines, or meth. And of course, the problem of alcohol abuse continues to plague communities big and small, urban and rural.

All of these problems must be approached on two fronts—from the law enforcement side, and from the treatment side. Last year we obtained an increase of over one million dollars for New Mexico-based efforts to stop the drug trade along the Mexican border, and I recently joined in introducing a measure that will help local law enforcement crack down on the production and distribution of methamphetamines.

On the treatment side, Congress this year will update the budget for all federally-funded drug and alcohol treatment programs through the reauthorization of SAMHSA. I have already secured a commitment from the head of this agency to travel to northern New Mexico, and I plan to play a leading role in ensuring adequate funding for treatment facilities in underserved areas like our state.

Mr. President, in closing I'd like to say that I am not the only person interested in working to make New Mexico a better place to grow up. There are valiant efforts underway all across the state, and I commend those who are striving to make a difference. But this is not something that can occur overnight. This is a long term effort that requires cooperation between all levels of government, community leaders, average citizens, and of course, parents.

As we prepare to close the book on the 20th century, I'd like to suggest a new horizon for our state that will give us the time to make the progress we all want to make. We are a little more than 12 years away from New Mexico's 100th anniversary as a state of these United States. This anniversary will occur on January 6, 2012. I say we set our sights beyond the turn of the century and focus on that year—2012. Then we can set high goals for New Mexico and the future of our children, knowing we have 12 more years to do all we can to meet them. New Mexico can still be a great place to grow up, if we all work together toward that goal.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe School Security Act of 1999".

SEC. 2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast, of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $2,850,000 for fiscal year 2000;

(2) $2,950,000 for fiscal year 2001; and

(3) $3,050,000 for fiscal year 2002.

SEC. 3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.".

SEC. 4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truancy Prevention and Juvenile Crime Reduction Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Truancy is often the first sign of trouble—the first indicator that a young person is giving up and losing his or her way.

(2) Many students who become truant eventually drop out of school, and high school drop outs are two and a half times more likely to be on welfare than high school graduates, twice as likely to be unemployed, or if employed, earn lower salaries.

(3) Truancy is the top-ranking characteristic of criminals—more common than such factors as coming from single-parent families and being abused as children.

(4) High rates of truancy are linked to high daytime burglary rates and high vandalism.

(5) As much as 44 percent of violent juvenile crime takes place during school hours.

(6) As many as 75 percent of children ages 13 to 16 who are arrested and prosecuted for crimes are truants.

(7) Some cities report as many as 70 percent of daily student absences are unexcused, and the total number of absences in a single city can reach 4,000 per day.

(8) Society pays a significant social and economic cost due to truancy: only 34 percent of inmates have completed high school education; 17 percent of youth under age 18 entering adult prisons have not completed grade school (8th grade or less), 25 percent completed 10th grade, and 2 percent completed high school.

(9) Truants and later high school drop outs cost the Nation $240,000,000,000 in lost earnings and foregone taxes over their lifetimes, and the cost of crime control is staggering.

(10) In many instances, parents are unaware a child is truant.

(11) Effective truancy prevention, early intervention, and accountability programs can improve school attendance and reduce daytime crime rates.

(12) There is a lack of targeted funding for effective truancy prevention programs in current law.

SEC. 3. GRANTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means a partnership between 1 or more qualified units of local government and 1 or more local educational agencies.

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) QUALIFIED UNIT OF LOCAL GOVERNMENT.—The term "qualified unit of local government" means a unit of local government that has in effect, as of the date on which the eligible partnership submits an application for a grant under this section, a statute or regulation that meets the requirements of section 223(a)(14) of the Juvenile Justice and Delinquency and Prevention Act of 1974 (42 U.S.C. 5633(a)(14)).

(4) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or any Indian tribe.

(b) GRANT AUTHORITY.—The Attorney General, in consultation with the Secretary of Education, shall make grants in accordance with this section on a competitive basis to eligible partnerships to reduce truancy and the incidence of daytime juvenile crime.

(c) MAXIMUM AMOUNT; ALLOCATION; RENEWAL.—

(1) MAXIMUM AMOUNT.—The total amount awarded to an eligible partnership under this section in any fiscal year shall not exceed $100,000.

(2) ALLOCATION.—Not less than 25 percent of each grant awarded to an eligible partnership under this section shall be allocated for use by the local educational agency or agencies participating in the partnership.

(3) RENEWAL.—A grant awarded under this section for a fiscal year may be renewed for an additional period of not more than 2 fiscal years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—Grant amounts made available under this section may be used by an eligible partnership to comprehensively address truancy through the use of—

(A) parental involvement in prevention activities, including meaningful incentives for parental responsibility;

(B) sanctions, including community service, or drivers' license suspension for students who are habitually truant;

(C) parental accountability, including fines, teacher-aid duty, or community service;

(D) in-school truancy prevention programs, including alternative education and in-school suspension;

(E) involvement of the local law enforcement, social services, judicial, business, and religious communities, and nonprofit organizations;

(F) technology, including automated telephone notice to parents and computerized attendance system;

(G) elimination of 40-day count and other unintended incentives to allow students to be truant after a certain time of school year; or

(H) juvenile probation officer collaboration with 1 or more local educational agencies.

(2) Model programs.—In carrying out this section, the Attorney General may give priority to funding the following programs and programs that attempt to replicate one or more of the following model programs:

(A) The Truancy Intervention Project of the Fulton County, Georgia, Juvenile Court.

(B) The TABS (Truancy Abatement and Burglary Suppression) program of Milwaukee, Wisconsin.

(C) The Roswell Daytime Curfew Program of Roswell, New Mexico.

(D) The Stop, Cite and Return Program of Rohnert Park, California.

(E) The Stay in School Program of New Haven, Connecticut.

(F) The Atlantic County Project Helping Hand of Atlantic County, New Jersey.

(G) The THRIVE (Truancy Habits Reduced Increasing Valuable Education) initiative of Oklahoma City, Oklahoma.

(H) The Norfolk, Virginia project using computer software and data collection.

(I) The Community Service Early Intervention Program of Marion, Ohio.

(J) The Truancy Reduction Program of Bakersfield, California.

(K) The Grade Court program of Farmington, New Mexico.

(L) Any other model program that the Attorney General determines to be appropriate.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of fiscal years 2000, 2001, and 2002.

S. 640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safer Communities Partnership Act of 1999".

SEC. 2. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) In General.—

(1) Establishment.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (referred to in this section as the "program") to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime and reducing drug and alcohol abuse among juveniles, patterned after successful State juvenile crime reduction strategies.

(2) Program.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (referred to in this section as "coalitions");

(B) in conjunction with the Secretary of the Treasury and the Secretary of Health and Human Services, provide for technical assistance and training, in addition to data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) Administration.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint or designate an Administrator (referred to in this section as the "Administrator") to carry out the program.

(4) Program authorization.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) Composition.—The coalition shall consist of 1 or more representatives of—

(i) the local or tribal police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) State or local probation officers;

(iv) religious affiliated or fraternal organizations involved in crime prevention;

(v) schools;

(vi) parents or local grass roots organizations such as neighborhood watch groups;

(vii) social service agencies involved in crime prevention;

(viii) a juvenile or youth court judge; and

(ix) substance and alcohol abuse counselors and treatment providers.

(B) Other participants.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include 1 or more representatives of—

(i) the United States Attorney's office;

(ii) the Federal Bureau of Investigation;

(iii) the Bureau of Alcohol, Tobacco and Firearms;

(iv) the Drug Enforcement Administration;

(v) the business community; and

(vi) researchers who have studied criminal justice and can offer technical or other assistance.

(C) Coordinated strategy.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers;

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism; and

(vi) ensure that a program is in place to divert nonviolent juvenile offenders into substance or alcohol abuse treatment, the successful completion of which may result in a suspended sentence for the offense, and the unsuccessful completion of which may result in an enhanced sentence for the offense.

(D) Accountability.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and that receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) Priority.—In awarding grants under this section, the Attorney General shall give priority to coalitions representing communities with demonstrated juvenile crime and drug abuse problems.

(6) Grant amounts.—

(A) In general.—The Administrator may award a grant to an eligible coalition under this section, in an amount not to exceed the lesser of—

(i) the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year; and

(ii) $400,000.

(B) Nonsupplanting requirement.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) Suspension of grants.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) Renewal grants.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(7) Permitted use of funds.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(8) Congressional consultation.—

(A) In general.—Two years after the date of implementation of the program established in this section, the Comptroller General of the United States shall submit to Congress a report reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities.

(B) Contents of report.—The report submitted under subparagraph (A) shall include—

(i) an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime; and

(ii) recommendations regarding the efficacy of continuing the program.

(b) Information Collection and Dissemination With Respect to Coalitions.—

(1) Coalition information.—For the purpose of audit and examination, the Attorney General—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Attorney General shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2000 through 2003, of which—

(A) not less than $1,000,000 in each fiscal year shall be used for coalitions representing communities with a population of not more than 50,000; and

(B) not less than 2 percent in each fiscal year shall be used for technical assistance and training under subsection (a)(2)(B).

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated pursuant to this subsection may be derived from the Violent Crime Reduction Trust Fund.

By Mr. SARBANES (for himself, Mr. DURBIN, Mr. DODD, and Mr. FEINGOLD):

S. 641. A bill to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENHANCED CREDIT CARD DISCLOSURES

•Mr. SARBANES. Mr. President, I rise today to introduce legislation on a subject that was the focus of considerable discussion last fall, during the Senate's consideration of bankruptcy reform legislation.

During that debate, the Senate examined whether the increased rate of consumer bankruptcies in the Nation resulted solely from consumers' access to an excessively permissive bankruptcy process, or whether other factors also contributed to this increase. Ultimately it concluded that the record increase in bankruptcy filings across the nation is due not only to the ease with which one can enter the bankruptcy system, but also to the unparalleled levels of consumer debt—especially credit card debt—being run up across the country. As Senator DURBIN noted in his opening statement on the bankruptcy reform bill last fall, and as the CBO, FDIC, and numerous economists have found, the rate of increase in bankruptcy filings is virtually identical to the rate of increase in consumer debt.

This is not a coincidence. Rather, increased bankruptcies proceed directly from the fact that Americans are bombarded daily by credit card solicitations that promise easy access to credit without informing their targets of the implications of signing up for such credit.

During last fall's debate, the Senate also concluded that irresponsible borrowing could be reduced, and many bankruptcies averted, if Americans were provided with some basic information in their credit card materials regarding the consequences of assuming greater debt. A consensus emerged that credit card companies have some affirmative obligation to provide such information to consumers in their solicitations, monthly statements, and purchasing materials, in light of their aggressive pursuit of less and less knowledgeable borrowers.

As a result of this emerging consensus, last year's Senate bankruptcy bill—S. 1301—contained several provisions in the Manager's Amendment addressing credit card debt, and requiring specific disclosures by credit card companies in their payment and solicitation materials. These provisions, which I sponsored along with Senators DODD and DURBIN, were vital to the Senate's success in adopting balanced bankruptcy reform legislation that placed responsibility for the surge in consumer bankruptcies on debtors and creditors alike, and enabled the Senate to pass its bankruptcy bill by the overwhelming margin of 97–1.

Unfortunately, the House-Senate conference committee struck these disclosure provisions from its final conference report, leaving the bankruptcy bill again a one-sided document that failed to account for the role credit card companies play in the accumulation of credit card debt and in increased consumer bankruptcy rates. As a result of the conference committee's actions, the conference report died in the waning days of the 105th Congress, amid pledges by the majority to resurrect it in the early days of the 106th Congress.

Mr. President, if we are indeed going to enter again into a debate on bankruptcy legislation in the 106th Congress, it remains my firm belief that Congress must address both sides of the consumer bankruptcy equation—both the flaws in the bankruptcy system that make it easy for people to declare bankruptcy even if they have the ability to pay their debts, and the lending practices that encourage people on the economic margins to accumulate debts that are beyond their ability to repay.

I therefore rise today to introduce legislation that is similar, though not identical, to the language included in last year's Senate bankruptcy bill. It is my hope that this bill will stimulate discussion about the responsibilities of lenders in the bankruptcy equation, and that, when the time comes to debate bankruptcy reform, the nature and extent of these responsibilities will be a large part of the discussion.

In short, this legislation amends the Truth in Lending Act to require credit card companies to disclose the following basic information in each monthly statement:

(1) The required minimum payment on a consumer's monthly balance;

(2) The number of months it will take to pay off that balance if the consumer makes minimum monthly payments;

(3) The total cost, with interest, of paying off that balance if the consumer continues to make only minimum monthly payments; and

(4) The monthly payment amount if the consumer seeks to pay off the balance in 36 months.

The legislation also requires that when a debtor purchases property under a credit card plan, the retailer must disclose to the debtor, if applicable:

(1) That the creditor now has a security interest in the property;

(2) The nature of the security interest;

(3) How the security interest may be enforced in the event of non-payment of the credit card balance; and

(4) That the debtor must not dispose of the secured property until the balance on that account is fully paid.

My bill calls for the Federal Reserve Board to promulgate model forms for these disclosures and, finally, requires credit card companies to provide to the Fed, and the Fed to Congress, data regarding credit card solicitations.

This bill is not about restricting access to credit. Rather, it is about providing consumers with the information they need to make intelligent choices about whether to assume more debt. It advances the goal of consumer responsibility that should be at the heart of any efforts at bankruptcy reform by Congress, and I therefore urge my colleagues to review this legislation carefully and to draw upon it when—if—the issue of consumer bankruptcy reemerges in the 106th Congress.•

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ROBERTS, Mrs. HUTCHISON, Mr. BURNS, Mr. BREAUX, Mr. HATCH, Mr. KERREY, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. CRAIG, Mr. SESSIONS, Mr. ALLARD, Mr. LUGAR, Mr. GRAMM, Mr. CAMPBELL, Mr. HAGEL, Mrs. MURRAY, and Mr. GRAMS):

S. 642. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Finance.

FARM AND RANCH RISK MANAGEMENT ACT

• Mr. GRASSLEY. Mr. President, today, along with Senator BAUCUS and others, I am introducing the Farm and Ranch Risk Management Act of 1999. This bill gives farmers a necessary tool to manage the risk of price and income fluctuations inherent in agriculture. It does this by encouraging farmers to save some of their income during good years and allowing the funds to supplement income during bad years. This new tool will more fully equip family farmers to deal with the vagaries of the marketplace.

Farming is a unique sector of the American economy. Agriculture represents one-sixth of our Gross Domestic Product. It consists of hundreds of thousands of farmers across the nation, many of whom operate small, family farms. These farms often support entire families, and even several generations of a family. They work hard every day to produce the food consumed by this country and by much of the world.

Yet, farming remains one of the most perilous ways to make a living. The income of a farm family depends, in large part, on factors outside its control. Weather is one of those factors. In 1997, for instance, the income of North Dakota farmers dropped 98% due to flooding. Weather can completely wipe out a farmer. At best, weather can cause a farmer's income to fluctuate wildly.

Another factor is the uncertainty of international markets. Iowa farmers now export 40% of all they produce. But what happens, for example, when European countries impose trade barriers on beef, pork and genetically-modified feed grain? And what happens when Asian governments devalue their currencies? Exports fall and farm income declines through no fault of the farmer, but because of decisions made in foreign countries.

Today, farm families face their most severe crisis since the 1980's. Forces beyond the control of the individual farmer have led to record low prices for grain and livestock. The outlook for these families is dismal. Above normal production in 1998 led to nearly unprecedented grain surpluses. In fact, the USDA predicts soybean carry-over stocks will be 95% higher for the 1998–99 marketing season than for the same period last year—the largest since 1986. With this much grain in the bins, a quick recovery in grain prices is highly unlikely.

At present, the only help for these farmers is a reactionary policy of government intervention. The USDA recently committed $50 million in direct aid to hog producers to help them combat the current crisis. In his State of the Union Address, the President pledged additional support for farmers. While we must do all we can to help farmers pull through the current crisis, we must also realize that this aid is merely a short-term solution. Why must farm families wait for a crisis before getting the help they need?

Mr. President, the bill I am introducing today is a proactive measure that will help farmers prevent future crises on their own. It equips them with the ability to offset cyclical downturns that are inherent in their profession without government intervention. In that way, this bill is complementary with the philosophy of the new farm program. Many farmers I have talked to are pleased with the new program, which returned business decisions to the farmers, not bureaucrats at the Department of Agriculture, and not elected officials. Under the new program, farmers determine for themselves what to plant according to the demands of the market. Likewise, the Farm and Ranch Risk Management Act allows the farmer to decide whether to defer his income for later years and when to withdraw funds to supplement his operation.

The volatile nature of commodity markets can make it difficult for family farmers to survive even a normal business cycle. When prices are high, farmers often pay so much of their income in taxes that they are unable to save anything. When prices drop again, farmers can be faced with liquidity problems. This bill allows farmers to manage their income, to smooth out the highs and lows of the commodity markets.

Mr. President, I will take just a moment to explain how the bill works. Eligible farmers are allowed to make contributions to tax-deferred accounts, also known as FARRM accounts. The contributions are tax-deductible and limited to 20% of the farmer's taxable income for the year. The contributions are invested in cash or other interest-bearing obligations. The interest is taxed during the year it is earned.

The funds can stay in the account for up to five years. Upon withdrawal, the funds are taxed as regular income. If the funds are not withdrawn five years after they were invested, they are taxed as income and subject to an additional 10% penalty.

Essentially, the farmer is given a five-year window to manage his money in a way that is best for his own operation. The farmer can contribute to the account in good years and withdraw from the account when his income is low.

This bill helps the farmer help himself. It is not a new government subsidy for agriculture. It will not create a new bureaucracy purporting to help farmers. The bill simply provides farmers with a fighting chance to survive the down times and an opportunity to succeed when prices eventually increase.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm and Ranch Risk Management Act".

SEC. 2. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following new section:

"SEC. 468C. FARM AND RANCH RISK MANAGEMENT ACCOUNTS.

"(a) DEDUCTION ALLOWED.—In the case of an individual engaged in an eligible farming business, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year to a Farm and Ranch Risk Management Account (hereinafter referred to as the 'FARRM Account').

"(b) LIMITATION.—The amount which a taxpayer may pay into the FARRM Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible farming business.

"(c) ELIGIBLE FARMING BUSINESS.—For purposes of this section, the term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(d) FARRM ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'FARRM Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) All income of the trust is distributed currently to the grantor.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a FARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(e) INCLUSION OF AMOUNTS DISTRIBUTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

"(A) any amount distributed from a FARRM Account of the taxpayer during such taxable year, and

"(B) any deemed distribution under—

"(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

"(ii) subsection (f)(2) (relating to cessation in eligible farming business), and

"(iii) subparagraph (A) or (B) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

"(2) EXCEPTIONS.—Paragraph (1)(A) shall not apply to—

"(A) any distribution to the extent attributable to income of the Account, and

"(B) the distribution of any contribution paid during a taxable year to a FARRM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

"(3) EXCLUSION FROM SELF-EMPLOYMENT TAX.—Amounts included in gross income under this subsection shall not be included in determining net earnings from self-employment under section 1402.

"(f) SPECIAL RULES.—

"(1) TAX ON DEPOSITS IN ACCOUNT WHICH ARE NOT DISTRIBUTED WITHIN 5 YEARS.—

"(A) IN GENERAL.—If, at the close of any taxable year, there is a nonqualified balance in any FARRM Account—

"(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

"(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

"(B) NONQUALIFIED BALANCE.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

"(C) ORDERING RULE.—For purposes of this paragraph, distributions from a FARRM Account shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits. For purposes of the preceding sentence, income of such an Account shall be treated as a deposit made on the date such income is received by the Account.

"(2) CESSATION IN ELIGIBLE FARMING BUSINESS.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business, there shall be deemed distributed from the FARRM Account (if any) of the taxpayer an amount equal to the balance in such Account at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business.

"(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of this section:

"(A) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

"(B) Section 408(e)(4) (relating to effect of pledging account as security).

"(C) Section 408(g) (relating to community property laws).

"(D) Section 408(h) (relating to custodial accounts).

"(4) TIME WHEN PAYMENTS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made within 3½ months after the close of such taxable year.

"(5) INDIVIDUAL.—For purposes of this section, the term 'individual' shall not include an estate or trust.

"(g) REPORTS.—The trustee of a FARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by those regulations.".

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

"(18) CONTRIBUTIONS TO FARM AND RANCH RISK MANAGEMENT ACCOUNTS.—The deduction allowed by section 468C(a)."

(c) TAX ON EXCESS CONTRIBUTIONS.—

(1) Subsection (a) of section 4973 of such Code (relating to tax on certain excess contributions) is amended by striking "or" at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) a FARRM Account (within the meaning of section 468C(d)), or".

(2) Section 4973 of such Code is amended by adding at the end the following new subsection:

"(g) EXCESS CONTRIBUTIONS TO FARRM ACCOUNTS.—For purposes of this section, in the case of a FARRM Account (within the meaning of section 468C(d)), the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FARRM Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed.".

(3) The section heading for section 4973 of such Code is amended to read as follows:

"SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC.".

(4) The table of sections for chapter 43 of such Code is amended by striking the item relating to section 4973 and inserting the following new item:

"Sec. 4973. Excess contributions to certain accounts, annuities, etc.".

(d) TAX ON PROHIBITED TRANSACTIONS.—

(1) Subsection (c) of section 4975 of such Code (relating to prohibited transactions) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR FARRM ACCOUNTS.—A person for whose benefit a FARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such Account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FARRM Account by reason of the application of section 468C(f)(3)(A) to such Account.".

(2) Paragraph (1) of section 4975(e) of such Code is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) a FARRM Account described in section 468C(d).".

(e) FAILURE TO PROVIDE REPORTS ON FARRM ACCOUNTS.—Paragraph (2) of section 6693(a) of such Code (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) section 468C(g) (relating to FARRM Accounts).".

(f) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter E of chapter 1 of such Code is amended by inserting after the item relating to section 468B the following new item:

"Sec. 468C. Farm and Ranch Risk Management Accounts.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.•

• Mr. BAUCUS. Mr. President, I rise today to join my colleague Senator GRASSLEY in introducing the Farm and Ranch Risk Management Act of 1999.

The American farm is the cornerstone of our rich cultural heritage. Yet farming remains one of the most perilous ways to make a living. A family farmer's income depends on good weather and strong international markets. When either of these two factors turn negative, farmers have few tools at their disposal to cushion the blow.

Farm families are now suffering record low prices on grain and livestock in the most severe farming crisis since the 1980's. Who could have imagined back in 1996 when Congress passed the Freedom to Farm Act that wheat prices would drop from $4.50 a bushel to $2.81 a bushel by September 1998? As wheat and other agricultural commodity prices dipped to record lows, America's producers have been stranded without a safety net, causing a severe financial crisis.

I sincerely hope that 1999 will be the "Year of Recovery" for our battered farm economy. I believe we can make this happen by focusing on three goals:

We must pry open foreign markets to agricultural products.

We must help agricultural producers at home.

We must install a permanent safety net to help producers weather times of crisis.

In two other bills I have introduced, I have proposed changes to the crop insurance program in order to help rebuild this safety net for farmers. Today's introduction of the Farm and Ranch Risk Management Act is another step in this re-building process. The FARRM Act is a pro-active measure that would give farmers a five-year window to manage their money. It allows them to put aside up to 20% of their annual income for up to 5 years in a tax-deferred FARRM account. They only pay taxes on the amount set-aside when it is withdrawn from the account.

The FARRM bill allows the farmer to help himself. It allows farmers to manage their incomes, to smooth out the highs and lows of the commodity markets. It is not a new subsidy, nor is it a new government program. It is simply a new tool farmers can use to cope with an uncertain world. It provides American farmers with a fighting chance to survive the down times with an opportunity to enjoy their success during the good times.

I believe the FARRM Act is an essential strand in the safety net we must weave to protect our nation's farm families. I urge my colleagues to support the bill.●

By Mrs. FEINSTEIN:

S. 645. A bill to amend the Clean Air Act to waive the oxygen content requirement for reformulated gasoline that results in no greater emissions of air pollutants than reformulated gasoline meeting the oxygen content requirement; to the Committee on Environment and Public Works.

ELIMINATING MTBE

● Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to enable the U.S. Environmental Protection Agency to eliminate the additive, MTBE, from gasoline. The goal in this bill, as in my previous three bills (S. 266, S. 267 and S. 268) is to eliminate MTBE from drinking water.

Under this bill, the U.S. Environmental Protection Agency could waive the two percent reformulated gasoline oxygenate requirement of the Clean Air Act in any state if gasoline with less than two percent or with no oxygenates does not result in greater emissions than emissions from reformulated gasoline containing two percent oxygenates.

MTBE or methyl tertiary butyl ether is added to gasoline by some refiners in response to federal Clean Air Act requirements that areas with the most serious air pollution problems use reformulated or cleaner-burning gasoline. This federal law requires that this gasoline contain two percent by weight oxygenates. MTBE has been the oxygenate of choice by some refiners.

The Clean Air Act's reformulated gas requirements have no doubt helped reduce emissions throughout the United States, but the two percent oxygenate requirement has imposed limitations on the level of flexibility that U.S. EPA can grant to states and limited the flexibility of refiners in making clean gasoline.

I am very troubled to learn from a March 16 article in the Sacramento Bee that the gasoline refiners were aware of MTBE's dangers long before it was approved for use in California. Researchers in Maine pointed out MTBE's harms in 1986. The Bee reporter, after studying industry research documents, quotes a 1992 industry scientific paper: "MTBE plumes are expected to move faster and further than benzene plumes emanating from a gasoline spill. Moreover, the solubility of MTBE is nearly 25 times that of benzene and its concentration in gasoline will be approximately 10 times greater."

A spokesman for the Oxygenated Fuels Association is also quoted as saying that the chemical properties that make MTBE problematic in water "were widely known" in the 1980s.

Bob Reeb, of the Association of California Water Agencies, is quoted as saying, had they known of MTBE's adverse effects, "We would have fought like hell to keep it out of gasoline. It appears to be a classic case of placing corporate profits above public health."

The Sacramento Bee article is appended to my statement.

A number of authorities have called attention to MTBE's harm and have called for prompt action.

The American Medical Association House of Delegates and the American Public Health Association approved resolutions calling for a moratorium on the use of MTBE in 1994—1994!

The University of California released a five-volume study in November 1998, and recommended phasing out MTBE. UC found that "there are significant risks and costs associated with water contamination due to the use of MTBE." The University of California study says: "If MTBE continues to be used at current levels and more sources become contaminated, the potential for regional degradation of water resources, especially groundwater basins, will increase. Severity of water shortages during drought years will be exacerbated."

The UC study says that oil companies can make cleaner-burning gasoline that meets federal air standards without MTBE and that they should be given the flexibility to do that. The UC study found that "there is no significant additional air quality benefit to the use of oxygenates such as MTBE in reformulated gasoline, relative to" California's reformulated gasoline formula.

The California Environmental Protection Agency on February 19, 23, 24 held two public hearings on the University of California report. A total of 109 people spoke at the hearings and 987 written comments (including mine) were submitted as of today, and the comment period is still open. Of the 109 speakers, 12 supported continued use of MTBE. Cal EPA is still reading the written comments.

A June 12, 1998 Lawrence Livermore National Laboratory study concluded that MTBE is a "frequent and widespread contaminant" in groundwater throughout California and does not degrade significantly once it is there. This study found that groundwater has been contaminated at over 10,000 shallow monitoring sites. The Livermore study says that "MTBE has the potential to impact regional groundwater resources and may present a cumulative contamination hazard."

The Association of California Water Agencies has detected MTBE in shallow groundwater at over 10,000 sites in the state and in some deeper drinking wells. Their December 1998 study documented MTBE contamination in many of the state's surface water reservoirs, pointing to motorized recreation as a major source.

The environmental group, Communities for a Better Environment, issued a report this month calling for a ban on MTBE in our state because it has contamined groundwater, drinking water and land.

I have received letters and resolutions opposing MTBE from 56 California local governments, water districts, and air districts.

In higher concentrations, MTBE smells like turpentine and it tastes like paint thinner. Relatively low levels of MTBE can make drinking water simply undrinkable.

MTBE is a highly soluble organic compound which moves quickly through soil and gravel. It, therefore, poses a more rapid threat to water supplies than other constituents of gasoline when leaks occur. MTBE is easily traced, but it is very difficult and expensive to cleanup. California water agencies say it costs $1 million to cleanup per well and $5 million plus for reservoirs.

Contamination of drinking water MTBE continues to grow. A December 14, 1998 San Francisco Chronicle headline calls MTBE a "Ticking Bomb."

The Lawrence Livermore study says that ground water has been contaminated at over 10,000 sites in my state.

South Lake Tahoe has closed 14 wells and is implementing a ban on personal watercraft. Ten plumes of MTBE released by gas stations (some from a hose torn loose, some from spills, some from underground tanks) have caused the shutdown of 35% of the districts' drinking water wells, eliminating nearly one-fifth of its water supply since September 1997. The levels of groundwater contamination there are as high as 1,200,000 parts per billion. The South Tahoe Public Utility District has spent nearly $1 million in non-budget funds on MTBE.

The February 5 Sacramento Bee reported that MTBE has been detected 30 miles away from Lake Tahoe, that "it apparently made its way to the reservoir through South Lake Tahoe's wastewater export system. . . Six service stations working to clear MTBE from contaminated areas have been discharging water into the sewer system after a treatment process." The article quotes Dawn Forsythe, a Tahoe authority: "It's going all the way through the sewer system, through the treatment system, through the export pipeline, across a stream and now it's in the reservoir."

MTBE has been detected in drinking water supplies in a number of cities including Santa Monica, Riverside, Anaheim, Los Angeles, San Francisco, Sebastopol, Manteca, and San Diego. MTBE has also been detected in numerous California reservoirs including Lake Shasta in Redding, San Pablo and Cherry reservoirs in the Bay Area, and Coyote and Anderson reservoirs in Santa Clara.

Drinking water wells in Santa Clara Valley (Great Oaks Water Company) and Sacramento (Fruitridge Vista Water Company) have been shut down because of MTBE contamination.

In addition, MTBE has been detected in the following surface water reservoirs: Lake Perris (Metropolitan Water District of Southern California), Anderson Reservoir (Santa Clara Valley Water District), Canyon Lake (Elsinore Valley Municipal Water District), Pardee Reservoir and San Pablo Reservoir (East Bay Municipal Utility District), Lake Berryessa (Solano County Water Agency).

The largest contamination occurred in the city of Santa Monica, which lost 75% of its ground water supply as a result of MTBE leaking out of shallow gas tanks beneath the surface. MTBE has been discovered in publicly owned wells approximately 100 feet from the City Council Chamber in South Lake Tahoe. In Glennvile, California, near Bakersfield, MTBE levels have been detected in groundwater as high as 190,000 parts per billion—dramatically exceeding the California Department of Health advisory of 35 parts per billion.

While many scientists say we need more definitive research on the human health effects of MTBE, the U.S. EPA has indicated that "MTBE is an animal carcinogen and has a human carcinogenic hazard potential."

Dr. John Froines, a distinguished UCLA scientist, testified at the California EPA hearing on February 23 as follows:

> We in our report have concluded the cancer evidence in animals is relevant to humans.
>
> There are "acute effects in occupationally-exposed workers, including headaches, dizziness, nausea, eye and respiratory irritation, vomiting, sensation of spaciness or disorientation and burning of the nose and throat."
>
> MTBE exposure was associated with excess cancers in rats and mice, therefore, multi-species," citing multiple, "endpoints, lymphoma, leukemia, testicular cancer, liver and kidney.
>
> All four of the tumor sites observed in animals may be predictive of human cancer risk.

He further testified:

> The related question is whether there is evidence which demonstrates the animal cancers are not relevant to humans. The answer developed in detail in our report is no. There is no convincing evidence that the data is specific to animals. That is our conclusion. Nobody has come forward to tell us a basis to change that point of view.

These, to me, are troubling statements from a reputable authority.

While the data is incomplete, we do know that MTBE is showing up in other states. U.S. EPA funded a study by the University of Massachusetts last year, which was not able to collect data from every state, but which reported that 25 states have reports of private drinking water wells contaminated with MTBE. Nineteen states reported public drinking water wells contaminated with MTBE. EPA experts concluded, "MTBE detections by most state programs is common" and "MTBE may contaminate groundwater in unexpected locations and in unexpected ways, such as at diesel fuel sites or from surface dumping of small amounts of gasoline." (Soil and Groundwater Cleanup, August/September 1998, "Study Reports LUST Programs Are Felling Effects of MTBE Releases.")

Here are some examples of problems in other states:

> A Maine survey found that 15 percent of drinking wells had detectable amounts of MTBE and 5,200 private wells may contain MTBE above the state's drinking water standard.
>
> MTBE has contaminated the well water for over 200 homes in New York.
>
> In Blue Bell, Pennsylvania, MTBE was detected in tap water, suspected from a leak from a gas station tank.
>
> Texas, with over 21,000 leaking underground fuel tanks, is finding MTBE in drinking water.
>
> MTBE has been detected in drinking water in Kansas and Virginia.

Clearly, MTBE is a problem in many states.

The California Air Resources Board in 1994 adopted a clean gas formula that is called a "predictive model," a performance-based program that allows refiners to use innovative fuel formulations to meet clean air requirements.

The predictive model provides twice the clean air benefits required by the federal government. With this model, refiners can make cleaner burning gasoline with one percent oxygen or even no oxygen at all. The federal two percent oxygenate requirement limits this kind of innovation. In fact, Chevron, Tosco and Shell are already making MTBE-free gasoline.

Since the introduction of the California Cleaner Burning Gasoline program, there has been a 300-ton-per-day decrease in ozone forming ingredients found in the air. This is the emission reduction equivalent of taking 3.5 million automobiles off the road. California reformulated gasoline reduces smog-forming emissions from vehicles by 15 percent.

I have now offered to the Congress 4 approaches to getting MTBE out of our drinking water.

I introduced S. 266 on January 20, a bill to allow California to apply its own clean or reformulated gasoline rules as long as emissions reductions are equivalent or greater. California's rules are stricter than the federal rules and thus meet the air quality requirements of the federal Clean Air Act. This bill is the companion to H.R. 11 introduced by Rep. BILBRAY on January 6, 1999.

S. 267, my second bill, requires the U.S. Environmental Protection Agency to make petroleum releases into drinking water the highest priority in the federal underground storage tank cleanup program. This bill is needed because underground storage tanks are the major source of MTBE into drinking water and federal law does not give EPA specific guidance on cleanup priorities.

The third bill, S. 268, will move from 2006 to 2001 full implementation of EPA's current watercraft engine exhaust emissions requirements. The California Air Resources Board on December 10, 1998, adopted watercraft engine regulations in effect making the federal EPA rules effective in 2001, so this bill will make the deadline in the federal requirements consistent with California's deadlines. In addition, the bill will require an emissions label on these engines consistent with California's requirements so the consumer can make an informed purchasing choice. This bill is needed because watercraft engines have remained essentially unchanged since the 1930s and up to 30 percent of the gas that goes into the motor goes into water unburned.

Dr. John Froines, testified that in California, ". . . essentially every citizen of California is breathing MTBE daily."

MTBE is not needed to produce clean air. By allowing the companies that supply our state's gasoline to use good science and sound environmental policy, we can achieve the goals set forth by the Clear Air Act, without sacrificing California's clean water. I believe U.S. EPA should give all states this flexibility.

MTBE is not needed. Refiners can make gasoline that is clean—Chevron, Tosco and Shell are already doing that in my state.

MTBE is an animal carcinogen and a potential human carcinogen.

Let's end it.

Mr. President, I ask unanimous consent that the text of the bill and article from the Sacramento Bee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR CERTAIN REFORMULATED GASOLINE.

Section 211(k)(2)(B) of the Clean Air Act (42 U.S.C. 7545(k)(2)(B)) is amended—

(1) in the first sentence, by striking "The oxygen" and inserting the following:

"(i) REQUIREMENT.—The oxygen"; and

(2) in the second sentence—

(A) by striking "The Administrator" and inserting the following:

"(ii) WAIVERS.—The Administrator";

(B) by striking "area upon a" and inserting the following: "area—

"(I) upon a";

(C) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(II) if the Administrator determines, by regulation, that reformulated gasoline that contains less than 2.0 percent by weight oxygen and meets all other requirements of this subsection will result in total emissions of ozone forming volatile organic compounds and toxic air pollutants, respectively, that are not greater than the total emissions of those compounds and pollutants resulting from reformulated gasoline that contains at least 2.0 percent by weight oxygen and meets all other requirements of this subsection.".

[From the Sacramento Bee, Mar. 16, 1999]

MTBE RISK TO DRINKING WATER WAS KNOWN FOR YEARS

(By Chris Bowman and Patrick Hoge)

America's fuel industry knew about the risk to drinking water from MTBE years before domestic refineries more than doubled the chemical's volume in gasoline, but manufacturers marketed the product as an environmental improvement anyway.

In technical papers and conference presentations, environmental engineers for refineries and government regulators alike predicted that MTBE could become a lingering groundwater menace as its usage increased.

Sixteen years before MTBE-rich gasoline was approved for statewide use in California to combat air pollution, oil companies knew from their first experience with the fuel additive in New England how quickly methyl tertiary butyl ether can migrate from leaking storage tanks to drinking water wells, company records and technical journals show.

At the time, the pollution specialists stressed that MTBE was in many ways more worrisome than gasoline's cancer-causing benzene.

"MTBE plumes are expected to move faster and further than benzene plumes emanating from a gasoline spill," three Shell researchers said in an internal 1992 paper. "Moreover, the solubility of MTBE is nearly 25 times that of benzene, and its concentration in gasoline will be approximately 10 times greater."

These papers, recently obtained by The Bee, have renewed importance today in California where the spotlight on the fuel controversy is about to turn on industry.

Later this month, Gov. Gray Davis is expected to announce that MTBE presents a public health threat and should be phased out of California, sources in his administration say. Such an action would not end the public debate, but rather shift it to the question of who will pay to clean up MTBE and how much cleanup should occur.

Even if the synthetic compound were banned overnight—a highly unlikely prospect—California would still have to defend its water supplies for many years against MTBE-laced groundwater from past fuel leaks.

MTBE is a key component of a "cleaner-burning gasoline" that has been used in most of California's 27 million vehicles for the past three years. While the gasoline has been credited for removing 300 hundred tons of tailpipe poisons every day in the state, it also has created a Pandora's box underground.

Increasingly, the compound has found its way into underground reservoirs, in stormwater runoff, in recreational lakes and in wells across the country. In California, MTBE has contaminated 10,000 groundwater sites and tainted Tahoe, Donner, Shasta and several other lakes. It also has knocked out wells in several communities. In South Lake Tahoe, more than a dozen wells have been shut down due to MTBE contamination.

While scientists are still studying MTBE's health effects—the federal government classifies it as a "possible" cancer-causing agent in humans—minute amounts of the pollutant can spoil wells by imparting a bitter taste and solvent-like ordor.

Already some marina-related businesses have taken an economical hit due to water utilities banning fuel-spitting power craft from reservoirs tapped for drinking water. Filtration plants can't remove MTBE without expensive treatment upgrades.

But the biggest MTBE bill is yet to come, and, one way or another, consumers will ultimately pay for it. That will be in the cleanup of MTBE-laden fuel that has spilled and leaked from pipelines and storage tanks. The restoration is expected to take many years, at a cost of tens of millions to hundreds of millions of dollars a year, a major University of California study recently concluded.

Makers of gasoline and MTBE put the onus on tank owners and the environmental officials who regulate the tanks and the fuels.

Officials at Shell Oil Co. headquartered in Houston told The Bee that its 1992 paper describing the environmental downside of MTBE was hardly news.

"(It) was in the public domain and already accessible to regulators," the company said in a prepared statement. A spokeswoman said it was based on information disseminated at a 1986 pollution control conference co-sponsored by the American Petroleum Institute.

In the 1980s, the chemical properties making MTBE problematic in water "were widely known," said Charlie Drevna, chief spokesman for Oxygenated Fuels Association, which represents makers of MTBE and other oxygen-bearing fuel components. "What wasn't known was that the (underground storage tank) program in this country was in total shambles."

But the leaking tanks problem has been widely reported for at least the past decade when the U.S. Environmental Protection Agency ordered the tanks replaced or upgraded. Most major brand gasoline stations in California complied by the federal deadline last December.

California motorists have been paying for a good part of the cleanups from leaking tanks since 1992. They pay about 1.2 cents per gallon at the pump toward a $180 million-a-year state cleanup fund that reimburses mostly small businesses.

The argument that industry should bear more responsibility for the MTBE pollution is beginning to grow. In the past few months, attorneys suing oil companies on behalf of individuals and utilities over MTBE pollution in California, South Carolina and Maine have joined forces. The common allegation is that the oil companies knew or should have known that adding more MTBE to gasoline posed a major threat to drinking water sources.

"It would have been astonishing for corporations of this size and complexity not to have known the risk that an additive to a product that would become so widespread would pose to the environment and to the public," said Victor Sher, a Sacramento attorney representing the South Tahoe Public Utility District.

Sher said his lawsuit, filed in 1999, is the first in the nation by a public water supplier that goes after fuel makers on grounds of product liability.

While the environmentally troublesome properties of MTBE were noted in technical papers from the oil industry and federal regulators, Sher said he has yet to find evidence that the oil industry ever raised those problems before policy-makers as they deliberated the rules for the cleaner-burning gasoline.

"They should have been telling the regulators, and they should have been looking for alternatives," Shea said.

Shell Oil officials say EPA regulators had plenty of notice in the 1980s, well before 1992 when refiners began to substantially increase the chemical's use to meet the new federal cleaner-burning fuel rules.

"The literature then available indicated to government regulators, manufacturers of MTBE and to gasoline manufacturers, including Shell, that the then perceived benefits outweighed the then perceived risks," the company statement said.

Liability aside, the knowledge of MTBE's downside could have changed what ended up in the gas tanks of millions of motorists. The gasoline additive is now the fourth top selling chemical in the United States, with more than 9 million tons of it sold annually.

Water suppliers say they certainly would have raised a fuss.

"We would have fought like hell to keep it out of gasoline," said Bob Reeb, of the Association of California Water Agencies. "It appears to be a classic case of placing corporate profits above public health."

If that's the case, Assembly Speaker Antonio Villaraigosa, D-Los Angeles, said, "We can make the argument that this industry has a very high level of responsibility to provide the cleanup of this contamination."

MTBE's critics point out that the trail of responsibility can be traced back at least to 1986 when three researchers from Maine laid out the basic characteristics of MTBE in discussion today: that it moves farther and faster in groundwater, last longer, and is much more difficult to filter out than other gasoline compounds.

The presentation was at a Houston conference attended by dozens of regulators and industry scientists on ground-water pollutants. It was sponsored by the American Petroleum Institute and the National Well Water Association.

Two of the Maine paper's authors said their presentation didn't seem to make much of an impact on regulators and industry.

"There just seemed to be a feeling that there wasn't anything that was necessary to do now, which puzzles me in retrospect," said Peter Garrett, one of the authors. "I think it was because MTBE was hailed as being the chemical of the future because of its potential to cut down on air pollution."

Co-author Marcel Moreau, now an expert on underground tanks, said all of the technical information about the chemical's characteristics was freely supplied by ARCO.

But as momentum was building on Capitol Hill toward requiring oxygenated compounds like MTBE in gasoline to combat smog, no such environmental concerns surfaced in the public debate either from industry, environmentalists or regulators, according to interviews with key participants.

MTBE's many critics express amazement that a chemical could have been introduced into the environment on such a massive scale with so little data on its toxicology or behavior in the environment.

When first added to premium gasoline in 1979, scientists had produced no studies on MTBE's long-term health effects.

"It is astonishing that such a technological process could have been started without sufficient technological information that would have enabled us to expose possible adverse health effects of the compound," wrote Fiorella Belpoggi, lead researcher in a 1995 investigation of MTBE's cancer-causing potential.

The recent study of MTBE done by the University of California similarly found that regulators did not do enough to assess MTBE's potential environmental impacts before allowing its huge rise.

In California, health officials testified recently before the state Legislature that they did not realize that MTBE posed a major groundwater threat until 1995, when Santa Monica reported contamination of one of its wells.

Ironically, companies like ARCO continued to spend lavishly in 1996 to promote MTBE as an environmentally friendly product that made gasoline burn cleaner.

The lack of toxicology data remains even today, more than three years after MTBE's introduction in California on a massive scale.

Industry representatives insist that expensive upgrades of underground tanks already mandated under law will curtail the MTBE problem.

But others say evidence shows too many other ways that MTBE can get into water wells.

James Giannopoulos, principal engineer with the state Water Resources Control Board, made a similar point during a recent MTBE hearing in Sacramento.

"Even a small failure rate of the more than 50,000 upgraded tanks, we believe constitutes a good water quality reason to eliminate MTBE from gasoline," he said.•

By Mr. ROTH (for himself and Mr. BAUCUS):

S. 646. A bill to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities, and for other purposes; to the Committee on Finance.

RETIREMENT SAVINGS OPPORTUNITY ACT OF 1999

• Mr. ROTH. Mr. President, one question many Americans ask themselves is this: Will I have enough to live on when I retire. According to a study published by the Employee Benefit Research Institute, about one third of Americans are not confident that they will have enough to live on in their retirement years. Social Security is an important component of an individual's retirement income, but savings—whether through personal accounts or through employer-provided retirement plans—will help provide for a better life at retirement. Another troubling factor is that if you are employed by a small business you are far less likely to be eligible for a retirement plan. There must be ways to get more Americans interested in providing for their retirement years and to get small businesses interested in providing retirement benefits for their employees. This is a concern that spreads across party lines; everyone knows that there must be incentives for promoting retirement savings.

Despite these concerns, we have a strong system of tax favored savings plans in place. For savings through the workplace, there are 401(k) plans, 403(b) plans and 457 plans, each of which can be sponsored by different types of employers. For individual savings, there is either the traditional IRA or the Roth IRA. And all these different savings vehicles have different limits on how much individuals can save. However, our current system can do more and the limitations that we placed on retirement savings in times of budgetary restraints should be re-examined now. In addition, we should capitalize on some of the successful savings incentives and use them to broaden our savings base.

Both Senator BAUCUS and I are pleased to introduce a new bill, the Retirement Savings Opportunity Act of 1999, which will build upon the strengths of our current system, yet provide new opportunities for people to save for retirement. In addition, this bill would also increase the incentives that would help small businesses start and maintain retirement plans for its employees. These are issues that Senator BAUCUS is very concerned about and I join him in providing these important incentives for small businesses. The provisions of this bill are as follows:

Increase IRA dollar limit. The maximum contribution limit for IRAs (both traditional IRAs and Roth IRAs) is $2,000. This limit, which has been in place since 1982, has never been indexed for inflation. If the IRA limit were indexed for inflation it would be close to $5,000. In this bill, the limit for all IRAs (both traditional IRAs and Roth IRAs) will be increased to $5,000 per year. In addition, this limit will be adjusted annually for cost of living increases, in $100 increments, so that the amount that taxpayers can save with an IRA will never again be reduced due to the impact of cost of living increases.

It is important to remember who makes IRA contributions. An estimated 26 percent of American households how own a traditional IRA, according to a 1998 survey by the Investment Company Institute. In 1993 (the most recent year for which comprehensive aggregate data is available) 52 percent of all IRA owners earned less than $50,000. This same group made about 65 percent of all IRA contributions in 1985.

We know that people at all income levels are limited by the $2,000 cap on contributions. For example, IRS statistics show that the average contribution level in 1993 for people with less than $20,000 in income was $1,500. Clearly this means that there were lower income people who wanted to make contributions of more than the $2,000 limit.

In addition, IRAs are the only tax-favored savings vehicle for many taxpayers. According to the Bureau of Labor Statistics, only 48 percent of individuals who work in small business establishments were eligible for any retirement plan in 1994. This is a problem that both Senator BAUCUS and I try to address elsewhere in this bill by providing greater incentives to business for establishing employer-sponsored retirement savings plans. However, regardless of the incentives that we may provide, not all employers will establish retirement plans for their employees. Furthermore, not all employees will stay with one employer long enough to receive a benefit. Under current law, the maximum amount that an individual can save is too low to provide adequate savings for retirement. In order to spur an increase in savings, we believe that an increase in the IRA limit is warranted.

Increase IRA income caps. There are different and confusing caps on contributions to traditional and Roth IRAs. They are as follows:

Tax deductible contributions to traditional IRAs. If an individual is an active participant in an employer provided pension plan, the amount of a deductible contribution that an individual can make is confusing. First of all the $2,000 contribution amount is reduced if the adjusted gross income of the taxpayer is over $51,000, if the taxpayer is filing a joint return. If the taxpayer is a single or head of household filer, the $2,000 contribution amount is reduced if adjusted gross income exceeds $31,000. These income limits are scheduled to increase annually until the year 2007 when the joint filer limit will be $80,000 and the single and head of household filer limit will be $50,000. Married taxpayers who file separately are precluded from making deductible contributions if their adjusted gross income is above $10,000, unless the couple has not lived together for the entire year. Finally, if an individual is not an active participant in an employer's plan and the individual's spouse is, an individual is not able to make a deductible contribution to an IRA if the couple's income is $150,000 or above. These are too many restrictions.

The bill will eliminate these conflicting and confusing income limits for deductible IRAs. What this will mean is that all individuals who have earned income can make full deductible contributions to a traditional IRA. In addition, a homemaker without earnings will be able to make IRA contributions.

Contributions to Roth IRAs. A full $2,000 contribution can only be made to a Roth IRA if a single taxpayer's adjusted gross income is less than $95,000 and married taxpayer's adjusted gross income is less than $150,000. If a taxpayer is married and files separately from his or her spouse, the taxpayer cannot make a Roth IRA contribution if his or her adjusted gross income exceeds $10,000, unless they live apart for the entire year. The bill will eliminate these income limits for Roth IRA contributions, so that all taxpayers can make a contribution to a Roth IRA. Remember, however, that a taxpayer cannot make a full contribution to a Roth IRA and also make a full contribution to a traditional IRA; amounts contributed to one type of IRA reduce the amounts that can be contributed to the other type of IRA.

Conversion to Roth IRAs. In order to convert to a Roth IRA, an individual's adjusted gross income must not exceed $100,000 regardless of whether the individual is married filing jointly or single. Married individuals who are filing separately cannot convert to a Roth IRA, unless they live apart for the entire year. The bill will raise the income cap for conversions to $1 million.

The current income limitations relating to IRAs are needlessly complex and are confusing to taxpayers. As we heard at the recent Senate Finance Committee hearing on retirement savings, these limits are confusing to taxpayers with the result that taxpayers do not fully utilize these products. By eliminating these income limitations, which affect only a small percentage of taxpayers, we can increase the use of IRAs. When Congress restricted the deductibility of IRA contributions in 1986, the IRS reported that the level of IRA contributions fell from $38 billion to $14 billion in 1987.

Will taxpayers increase the amount of their savings to IRAs if the savings opportunities were increased? According to a 1997 survey conducted on behalf of the Savings Coalition, increasing the IRA limits would result in more savings for retirement. Sixty-four percent said that they would increase the rate of their personal savings with IRAs.

Economic studies also have shown that increasing the tax incentives for savings should result in substantial increases in savings due to increases in the net return. See, for example, Lawrence H. Summers, "Capital Taxation and Accumulation in a Life Cycle Growth Model," American Economic Review, 71, September 1981. The staff of the Joint Committee on Taxation noted in its description of Present Law and Background Relating to Tax Incentives for Savings prepared for the Finance Committee hearing (JCX-7-99), there are many reasons for this increase in savings due to increased limits, including the psychological incentives to save and the increased advertising by banks and other financial institutions of tax-benefitted savings vehicles may influence people's savings decisions.

Increase other dollar-based benefit limitations. Currently, the maximum pre-tax contribution to a 401(k) plan or a 403(b) annuity is $10,000. In addition, the maximum contribution to a 457(b) plan (a salary deferral plan for employees of government and tax exempt organizations) is $8,000. Finally, the maximum contribution to a SIMPLE plan (a simplified defined contribution plan available only to small employers) is $6,000. These limits are indexed for cost of living increases. There has traditionally been a differential in contribution limits among the various types of plans: IRAs (which are individual plans) having the lowest limits; SIMPLE plans having a greater limit—but not as much as a 401(k) plan; and 401(k) and 403(b) plans having the highest limits, but the greatest number of regulations. Since the IRA limit will be raised to $5,000, the bill will increase limits for 401(k) and 403(b) plans to $15,000 and for SIMPLE plans to $10,000; thereby continuing the differential. The limit for 457(b) plans for government employees will increase to $12,000.

As stated before, there is a clear need to increase the IRA limit above the current $2,000 contribution level. But increasing that level without increasing the savings opportunity levels for employer provided plans will result in some business owners eliminating their employer provided plans and saving only for themselves in an IRA. By increasing the employer provided plan limits, business owners will still have the incentive to maintain a plan for employees if only to avail themselves of the higher plan limits for employer provided plans.

This does not mean that business executives can automatically take advantage of these higher contribution limits. First, it is important to remember that contributions can only be made on the first $160,000 of compensation. In addition, in order for a business owner or other highly compensated employee to take advantage of these limits, a number of non-highly compensated employees must also benefit under the plan. An example should show how these non-discrimination rules work. In a company, there is one person—let's say the owner of the business—who makes over $160,000 and that person wants to contribute the full $15,000 to the company 401(k) plan. He could only contribute the full $15,000 if (i) low paid employees as a group contribute 8% of their compensation to the 401(k) plan, (ii) all low paid employees receive a fully vested contribution from the employer equal to 3% of their compensation or (iii) all low paid employees would be eligible to receive matching contributions of 100% of their contribution to the 401(k) plan of their first 3% contribution and 50% of their next 2% of compensation contribution. Clearly, business owners and high paid employees cannot benefit with this new higher contribution limits unless the amount of savings that low paid people make—either on their own or with the help of the employer—increases.

Roth 401(k) or 403(b) plan. We have heard testimony before the Finance Committee that the results of the first year of the Roth IRA has been successful. And we have all seen the television and print ads touting the benefits of the Roth IRA. The opportunity for tax-free investment returns has clearly caught the fancy of the American people. In less than five months after the Roth IRA became available, the Investment Company Institute estimated that approximately 3 percent of American households owned a Roth IRA. In addition, the survey found that the typical Roth IRA owner was 37 years old, significantly younger than the traditional IRA owner who is about 50 years old, and that 30 percent of Roth IRA owners indicated that the Roth IRA was the first IRA they had ever owned. This bill will harness the power of the Roth IRA and give it to participants in 401(k) plans and 403(b) plans.

Companies will have the opportunity to give participants in 401(k) plans and 403(b) plans the ability to contribute to these plans on an after-tax basis, with the earnings on such contributions being tax-free when distributed, like the Roth IRA. More than the maximum Roth IRA contribution amount can be contributed under this option; employees would be limited to the maximum 401(k) or 403(b) contribution amount. The regular non-discrimination rules that apply to 401(k) and 403(b) plans will also apply to these after-tax contributions. Consequently, in order for business owners and highly compensated employees to take full advantage of these new savings opportunities, low paid employees must also benefit.

The regular distribution rules (rather than the Roth IRA distribution rules) would apply to these types of plans. However, these after-tax accounts could be rolled into a Roth IRA when the individual retires. And unlike Roth IRAs, there would not be an opportunity for 401(k) or 403(b) plan participant to convert their current 401(k) and 403(b) account balances into the new non-taxable balances.

Catch-up contributions. This provision will provide an additional savings opportunity to those individuals who are close to retirement. According to a study by the Employee Benefit Research Institute, older workers tend to have their contributions constrained by maximum limits which are either plan limits on how much can be contributed or legal limits on how much can be contributed. EBRI believes that this is probably due to the fact that they are more focused on retirement and are thus more likely to contribute at a higher level. We all know that there can be other pressing financial needs earlier in life—school loans, home loans, taking time off to raise the kids—which limit the amount that we may have available to save for retirement. The closer that we get to retirement, the more we want to put away for those years when we are not working. However, the current law limitations on how much may be contributed to tax qualified savings vehicles may restrict people's ability to save at this time in their lives.

The bill will give those who are near retirement—age 50—the opportunity to contribute an additional amount in excess of the annual limits equal to an additional 50% of the annual limit. Catch-up contributions will be allowed in 401(k) plans, 403(b) plans, 457(b) plans and IRAs. For IRAs, this will mean that someone age 50 could contribute $7,500 each year rather than $5,000.

For employer provided plans, the catch contribution will be available to anyone who is age 50 or above and who is limited in the amount that he or she can contribute to the plan by a plan limit, the maximum contribution limit or the nondiscrimination rules that apply to highly paid employees. This additional catch-up contributions to employer provided plan will not be subject to the normal non-discrimination rules for other contributions. Consequently, if a highly paid employee is limited by the nondiscrimination rules to only contributing $9,000 to a 401(k) plan, the employee will be able to contribute an additional $7,500 annually in the years after he attains age 50. This way, an employee is able to make contributions to provide for his or her retirement security when he or she is best able to afford to make these contributions and not be limited because other younger employees do not make contributions.

Small business incentives. According to the most recent Bureau of Labor Statistics figures, only 48 percent of employees in a small business are likely to be covered by any retirement plan, while 78 percent of employees of large or medium size businesses are likely to be covered. Since employees of small businesses are less likely to be covered by a retirement plan, we needed to find incentives for small businesses to want to establish plans. This is an issue that Senator BAUCUS is particularly interested in and these small business incentives represent some of his ideas on how to expand the small business market for retirement plans. The bill will assist small businesses in establishing retirement plans in the following ways:

Tax credit for start-up costs. A nonrefundable tax credit of up to $500 would be available to small businesses with up to 100 employees to defray the administrative costs of establishing a new retirement plan. This credit would only be available for the first three years of operation of the plan. This credit could be carried back for one year or forward for 20 years (the general business credit carryover rules).

Tax credit for contributions. A nonrefundable tax credit equal to 50% of employer contributions made on behalf of non-highly compensated employees would be available to small businesses with 50 or less employees during the first 5 years of a plan's operation. Only contributions of not more than 3% of compensation are eligible for the credit. This credit could be carried back for one year or forward for 20 years.

Small business defined benefit plan. This plan will provide employees of small businesses with a secure, fully portable, defined retirement benefit without imposing the complex rules and regulations of normal defined benefit plans. This plan, called the Savings Are For Everyone (SAFE) plan, will provide a fully vested benefit that is fully funded, using conservative actuarial assumptions. The benefit will be based on an employee's salary and years of service and could be structured so that years of service prior to the establishment of the plan can be used in determining the benefit—which helps older, long service employees. The SAFE plan is meant to complement the successful SIMPLE defined contribution plan that is available for small businesses.

Elimination of 25 percent of compensation limitation. Currently, the maximum amount that can be contributed to a defined contribution plan on behalf of an individual participant is the lesser of $30,000 or 25 percent of compensation. This includes both employee contribution and any matching contributions or profit sharing contributions made by the plan sponsor. This bill will eliminate the 25 percent of compensation limit, so that the maximum contribution that is made on behalf of any individual is $30,000. With the additional savings opportunities provided for all employees under this bill, it would be much more likely for employees—especially low paid employees—to exceed this 25 percent of compensation limitation. This change will make sure that those employees will not be limited in fully providing for their retirement security, especially, if the employer also contributes toward the employee's retirement plan.

Tax deduction for employee deferrals. Under current law, an employee pre-tax deferral is treated as employer contribution and is subject to the limits on how much an employer can take as a tax deduction on qualified plan contributions. With the increased amount of pre-tax savings that we anticipate employees will make after enactment of this bill, there is a concern that the maximum limit on deductible contributions will be reached. This bill will permit employer to fully deduct any employee pre-tax deferrals, without regard to the maximum limit on deductions. Other employer contributions to a plan, however, will continue to be subject to this deduction limitation.

IRA contributions to an employer plan. The bill gives employers the opportunity to accept traditional IRA contributions as part of their regular employer plan. In addition, it gives employees the ability to have IRA contributions made directly to the employer-sponsored IRA as a payroll deduction. One advantage of using an employer plan as an IRA account is that the administrative costs in an employer plan are usually much less than the costs in a privately maintained plan. Another advantage is that contributions to the IRA will be made on a payroll deduction basis, which makes it more likely that the contributions will be made.

Full funding limit increase. Defined benefit pension plans are also an important source of retirement income. Currently, amounts that can be deducted as contributions to a pension plan is limited to the lesser of the actuarial funding requirement amount or 150 percent of the current liability amount of the plan. The current liability amount does not take into account projected pension benefits. This 150 percent of current liability limitation is eliminated in this bill. This will result in better funded pension plans, since the artificial limitation of 150 percent of current liability no longer applies.

Both Senator BAUCUS and I hope that other Senators will join us in this effort to increase savings opportunities for all working Americans.•

• Mr. BAUCUS. Mr. President, I rise to join my colleague, Senator ROTH, Chairman of the Senate Finance Committee and fellow Montanan, in introducing this important bill. Mr. President, I have agreed to join Chairman ROTH in introducing this bill for one reason—I believe we must increase the level of personal savings in our country.

Personal savings have been on a precipitous decline during the last 2 decades. Net personal savings have dropped from 9.3% of Gross Domestic Product in the 1970's to one-half of one percent in 1999. This is the lowest rate of personal savings since 1933. If we are to reverse this decline, and help Americans plan for their retirement years, we must create a culture of savings in our country.

The Retirement Savings Opportunity Act is one piece of a much broader effort to reverse this trend. Another important part of this puzzle is represented by the package of regulatory reforms I have been working on with Senators GRAHAM and GRASSLEY, in a bill that will be introduced shortly. Yet another approach is represented by the President's proposal to create Universal Savings Accounts for all working Americans. I support the President's commitment to dedicate a portion of our projected budget surpluses to helping Americans save for their retirement, though I am modifying his proposal to take advantage of our existing pension system and enhance it. All of these proposals, when taken together in a comprehensive package, will help Americans of all income levels save for the future.

My particular concern is in pension coverage for small businesses and their employees. Less than one in every five Americans working for small businesses have access to pension plans through their workplace. This represents 40 million working Americans who do not have pension coverage. And since virtually all of the net new jobs being created in this country are being created by small businesses, their retirement security must not be neglected. We simply must make it easier for small businesses to start pension plans, and to provide pension coverage to their employees.

I am particularly pleased with the small business incentives included in the Retirement Savings Opportunity Act. This bill contains a tax credit to help defray the administrative costs small businesses incur when they start up new pension plans. It also includes an additional tax credit as an incentive for small business owners who contribute money on behalf of their employees into new plans. Finally, the bill includes a new, simplified defined benefit plan for small businesses. These are not by any means the only ways we can help small businesses provide pensions for their workers, but they are a good start down that road. The increased limits that are included in the bill will also help this process by making it easier for employers to save, thus making it more likely they will also provide benefits to their lower paid workers.

I am very excited that we are finally engaging in a public policy debate about retirement security. Only by elevating this debate to the highest levels will we be able to make the changes necessary to truly make the American dream a reality for everyone. We must help Americans make their Golden Years truly golden, so they can look forward to a secure financial future. This bill, as part of a comprehensive solution that includes other proposals directed toward lower-income workers, will help make retirement security a reality for all Americans.•

By Mr. MACK (for himself and Mr. GRAHAM)

S. 647. A bill to provide for the appointment of additional Federal district judges in the State of Florida, and for other purposes; to the Committee on the Judiciary.

THE FLORIDA FEDERAL JUDGESHIP ACT OF 1999

• Mr. MACK. Mr. President, I come before the Senate today with my esteemed colleague and friend, Senator GRAHAM, to introduce the Florida Federal Judgeship Act of 1999. I would not be here today if I did not wholeheartedly believe that the problem facing the court system in the Middle and Southern Districts of Florida is one of the most acute judgeship problems in the nation. If judicial resources are not increased in these two districts, the problem will become irreversible. Mr. President, the situation that presently exists in Florida rises to the level of an emergency and thus, the problem needs attention today.

The legislation that Senator GRAHAM and I are introducing would create seven new judgeships for the state of Florida. The Middle District would receive five new permanent judgeships, and the Southern District would receive two new permanent judgeships. These numbers were officially recommended by the United States Judicial Conference earlier this week.

The Middle District of Florida is nearly 400 miles, spanning from the Georgia border on the northeast side to the south of Naples on the southwest coast of Florida. This district includes, among others, the cities of Jacksonville, Orlando, and Tampa. The Southern District encompasses Ft. Lauderdale and Miami, along with other cities in the southern portion of the state.

Additional judgeship positions have not been created for these districts since 1990. Since this time, the Middle District alone has had a 62 percent increase in the total number of cases filed. Moreover, Florida's population has increased nearly twice as fast as the nation during the 1990s. By 2025, the United States Census Bureau projects Florida will surpass New York as the third largest state with 20.7 million residents.

Each year, Florida becomes a winter home to people from all over the United States and the world. In addition, the Middle and Southern Districts are home to major tourist attractions such as Disney World, Universal Studios, Sea World, Busch Gardens, and South Beach. The heavy flow of both winter residents and tourism, along with Florida's growing number of permanent residents, causes the needs of these two judicial districts to be unique in this nation.

In addition, the Middle District contains the federal correctional center at Coleman. When the penitentiary is completed in Spring 2001, this will be one of the largest prison complexes in the country and the largest in the state of Florida. The capacity at Coleman will be approximately 4,700 inmates and all complaints filed by these prisoners regarding the facilities and their individual care will be sent to the Middle District for resolution.

To add to the problem, a portion of the Middle District has been designated a High Intensity Drug Trafficking Area. While I am pleased that Florida will be receiving additional assistance in the war against drugs, we also must recognize that this law enforcement initiative is expected to dramatically impact narcotic related arrests and therefore, prosecutions in the Middle District.

Thus, it is apparent that without the addition of new judges, access to justice will no longer be swift in the Middle and Southern Districts. To provide Floridians with a safe environment and access to justice, a court system must be put in place which can handle the demands of this dynamic and growing part of our country. Accordingly, I urge the Judiciary Committee and the full Senate to consider and pass this legislation expeditiously.•

• Mr. GRAHAM. Mr. President, I am extremely pleased to join with my distinguished colleague from Florida, Senator MACK, in introducing the Florida Federal Judgeship Act of 1999. This legislation will create seven additional U.S. District Court judgeships in Florida—two in the Southern District and five—in the fast-growing Middle District of Florida.

I want to thank Senator ORRIN HATCH, chairman of the Senate Judiciary Committee, for his recognition of the overcrowding problem facing Florida's federal district courts and for his good-faith pledge to work with Senator GRASSLEY to consider this issue early this year. I look forward to working with all my Senate colleagues in considering this important issue.

Because our number of judgeships is too small to meet the increasing demand of Florida's rapidly growing population, judges face overwhelming caseloads. Prosecutors and law-enforcement personnel are stymied in their efforts to mete out swift justice. Civil litigants are forced to endure unreasonable waits to bring their cases to resolution.

Mr. President, make no mistake: Florida's federal courts are in the midst of a full-blown crisis. Prominent legal and judicial officials all over Florida have told us that this is not a tenable situation. But Floridians are not alone in their concern about overcrowded court dockets in the Southern and Middle Districts of Florida. Yesterday, March 16th, the Judicial Conference of the United States—the principal policy-making body of the federal judiciary, which is chaired by the Chief Justice of the Supreme Court and composed of federal judges from throughout the United States—asked Congress to create 33 permanent and 25 temporary additional district judgeships. Senator MACK and I are introducing our bill so that Congress can meet the needs of Florida by providing the additional judicial resources needed for these two U.S. District Courts to meet their increasing caseload.

On three previous occasions since 1976, Congress has authorized new Federal judgeships in numbers that each time exceeded the request of the Judicial Conference thus recognizing the dire needs of our court systems. The last recommendation, made in March of 1997, followed recommendations that were unheeded in September of 1992 and September of 1994. There have simply been no new judgeships since December 1, 1990. We cannot allow this new request to go unheeded again.

Mr. President, many states have justifiable concerns about overcrowded federal district court dockets. However the urgent nature of Florida's judicial crisis makes our state a special case. Its Southern and Middle Districts deserve immediate attention for three main reasons.

First, Florida has one of the highest caseloads per judge in the nation, a condition that has continued to worsen over the last year. Currently, the Judicial Conference has proposed all recommendations for increased judgeship based on weighted filings—a number that takes into account both the total number of cases filed per judge and the average level of case complexity. Currently the standard for each Federal district judge is 430 weighted cases per year. When the caseload exceeds 430, that district is entitled to be reviewed for purposes of an additional judge.

As of September 30, 1998, the Southern District's weighted filings stood at 608 per judge. This is 41 percent above the standard and 18 percent above the national average of 516 weighted filing per judge. In the Middle District, the story was even worse—805 weighted filings per judge, a figure that ranks sixth highest in the entire nation. Middle District's weighted filings per judge from September 1996 to September 1998, a two year period, jumped from 45 percent above the standard to 87 percent above the standard and 56 percent above the national average.

As of January 30, 1999, over 1,100 criminal defendants have cases pending in the Middle District. The story is even worse on the civil side of the docket, where more than 5,900 cases have yet to receive final disposition. Florida's caseload isn't going to experience a slowdown in growth anytime soon, and the judicial backlog will get worse unless Congress takes preventative action for the long-term.

Second, this legislation recognizes that Florida's largest federal judicial districts are responsible for a massive area that includes nearly 80 percent of Florida residents. Last year the state's population reached 15 million, growing 15.9 percent since the 1990 census of 12.9 million. The Southern and Middle Districts combined jurisdiction stretches from key West—the southernmost city in the continental United States—north to include Miami, Ft. Lauderdale, West Palm Beach, Melbourne, Fort Myers, Sarasota, Tampa, St. Petersburg, Orlando, and Jacksonville.

Between 1980 and 1995, the Middle District grew by a whopping 52%. It is expected to increase by an additional 21% in the next decade. However, since 1990, the last time the Judicial Conference recommended and Congress approved more judges for Florida, our U.S. District Courts have not received any additional resources from the federal government to cope with that growth.

Third, this proposal will assist the work of law enforcement officials and personnel. If we are committed to ensuring that criminals face punishment in a swift manner, we must be willing to provide resources to all aspects of the judicial system.

In both of these districts, drug prosecutions and other serious criminal cases make up a large percentage of the overall caseload. For example, both the Southern and Middle Districts contain High intensity Drug Trafficking Areas (HITDAs). These anti-drug zones generate a substantial number of lengthy, multi-defendant prosecutions, and the additional judges will help law enforcement officials and prosecutors in their fight against drug crimes.

In addition, federal prosecutors and law enforcement officials throughout Florida, but especially in the Southern District, are being forced to spend more time combatting the cheats, fly-by-night operators, and other criminals who are engaged in a systematic campaign to defraud Medicare and other health care programs. It has been estimated that nearly twenty percent of all Medicare dollars spent in South Florida are lost to fraud. In fact, nearly 30 percent of all Medicare fraud nationwide takes place in Florida.

Mr. President, it is vital that we act quickly to resolve this crisis. From 1990, in Middle District, and 1993, in Southern District, the total number of filings have gone up 62 percent. With a state population growth rate predicted to exceed 300,000 residents per year, these trends are unlikely to reverse. The addition of these judgeships will still leave both districts well above the weighted filings per judgeship standard.

U.S. Federal District Courts are the first stop for all citizens involved in the federal judicial system. Most federal cases are disposed at this level and it is essential that these citizens have their claims heard in a timely manner. Congress and the White House must be vigilant in their shared responsibility for recommending, nominating, and confirming federal judicial nominees. Senator HATCH's leadership, and his determination to address Florida's special needs, are very much appreciated by the residents of our state.

Our legislation is simple, sound, and will serve the interests of all Floridians. I look forward to working with Senator MACK and members of the Judiciary Committee on this matter. I urge all my colleagues to support the passage of this much needed legislation. Further delay in this matter will only serve to deny timely justice for thousands of crime victims and civil litigants in Florida's Southern and Middle Judicial Districts.

I ask unanimous consent that a letter I have received from Chief Judge Edward B. Davis of the Southern District of Florida be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF FLORIDA,
Miami, FL, February 23, 1999.

Hon. D. ROBERT GRAHAM,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to reaffirm our need for the two additional judgeships this court has been seeking since 1995. The Judicial Conference approved that request in 1996 and reaffirmed it in 1998. It did so based on the weighted filings per judgeship. During the last three years, the weighted filings per judgeship have averaged 601 which is 171 filings above the standard of 430 per judgeship.

The Conference Committee on Judicial Statistics again analyzed the Judiciary's judgeship needs last year and again recommended to the Judicial Conference the two additional judgeships. The following are the highlights of that analysis:

Since 1993, filings have increased by more than 50%. Most of the increase has been in civil cases which have risen 62 percent;

Prisoner petitions have nearly doubled since 1993;

Criminal filings have fluctuated over the last five years, growing to a high of 102 per judgeship in 1996 (this figure will be even higher in the present statistical year based on current trends);

The heavy criminal caseload is reflected in both the weighted filings and the number of lengthy trials;

Over the last three years, the Court has averaged 34 trials per year in excess of 10 days, with an average of 9 in excess of 20 days (almost 10% of the Federal Judiciary's total);

With the addition of two judgeships, the Court's weighted filings per judgeship would only fall to approximately 520, still well above the standard of 430.

I also note that in the Southern District we: had 57% more criminal trials than the next highest district (Central California) in the federal system; and had more criminal cases pending in 1998 in the Southern District than in 92 other federal district courts and in the entire 1st and 7th Circuits.

Despite your incredible assistance in filing our judicial vacancies, we have not had a full complement of Judges since October of 1988. I think the ongoing impact of the vacancies and the above data continues to support this Court's need for the two additional judgeships that were requested in 1995 as part of the 1996 Biennial Judgeship Survey.

If you have any questions or need additional information, please telephone me at (305) 523–5150.

Sincerely,

EDWARD B. DAVIS,
Chief Judge.●

By Mr. KERRY (for himself and Mr. GRASSLEY):

S. 648. A bill to provide for the protection of employees providing air safety information; to the Committee on Health, Education, Labor, and Pensions.

AVIATION SAFETY PROTECTION ACT

• Mr. KERRY. Mr. President, today I am introducing the Aviation Safety Protection Act of 1999 with Senator GRASSLEY to increase overall safety of the airline industry by establishing whistleblower protection for aviation workers. I am honored to work on this important issue with Senator GRASSLEY, who has long been a leader on whistleblower legislation.

The Occupational Safety and Health Act (OSHA) properly protects both private and federal government employees who report health and safety violations from reprisal by their employers. However, because of a loophole, aviation employees are not covered by these protections. Flight attendants and other airline employees are in the best position to recognize breaches in safety regulations and can be the critical link in ensuring safer air travel. Currently, those employees who work for unscrupulous airlines face the possibility of harassment, negative disciplinary action, and even termination if they report violations.

Aviation employees perform an important public service when they choose to report safety concerns. No employee should be put in the position of having to choose between his or her job and reporting violations that threaten the safety of passengers and crew. For that reason, we need a strong whistleblower law to protect aviation employees from retaliation by their employers when reporting incidents to federal authorities. Americans who travel on commercial airlines deserve the safeguards that exist when flight attendants and other airline employees can step forward to help federal authorities enforce safety laws.

This bill would provide the necessary protections for aviation employees who provide safety violation information to federal authorities or testify about or assist in disclosure of safety violations. This legislation provides a Department of Labor complaint procedure for employees who experience employer reprisal for reporting such violations, and assures that there are strong enforcement and judicial review provisions for fair implementation of the protections.

I want to acknowledge the leadership of Representative SHERWOOD BOEHLERT, Republican from New York, and Representative JAMES CLYBURN, Democrat from South Carolina, who have introduced the companion bill in the House. I also want to thank the Administration for their support of this legislation.

This bill will provide important protections to aviation workers and the general public. I urge my colleagues on both sides of the aisle to join Senator GRASSLEY and me in supporting it.

Mr. President, I ask unanimous consent that the test of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Safety Protection Act".

SEC. 2. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 421 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"§ 42121. Protection of employees providing air safety information

"(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee of the air carrier or the contractor or subcontractor of an air carrier or otherwise discriminate against any such employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file or cause to be filed, a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(3) testified or will testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—

"(A) IN GENERAL.—In accordance with this paragraph, a person may file (or have a person file on behalf of that person) a complaint with the Secretary of Labor if that person believes that an air carrier or contractor or subcontractor of an air carrier discharged or otherwise discriminated against that person in violation of subsection (a).

"(B) REQUIREMENTS FOR FILING COMPLAINTS.—A complaint referred to in subparagraph (A) may be filed not later than 90 days after an alleged violation occurs. The complaint shall state the alleged violation.

"(C) NOTIFICATION.—Upon receipt of a complaint submitted under subparagraph (A), the Secretary of Labor shall notify the air carrier, contractor, or subcontractor named in the complaint and the Administrator of the Federal Aviation Administration of the—

"(i) filing of the complaint;

"(ii) allegations contained in the complaint;

"(iii) substance of evidence supporting the complaint; and

"(iv) opportunities that are afforded to the air carrier, contractor, or subcontractor under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—

"(i) INVESTIGATION.—Not later than 60 days after receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

"(ii) ORDER.—Except as provided in subparagraph (B), if the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the findings referred to in clause (i) with a preliminary order providing the relief prescribed under paragraph (3)(B).

"(iii) OBJECTIONS.—Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order and request a hearing on the record.

"(iv) EFFECT OF FILING.—The filing of objections under clause (iii) shall not operate to stay any reinstatement remedy contained in the preliminary order.

"(v) HEARINGS.—Hearings conducted pursuant to a request made under clause (iii) shall be conducted expeditiously and governed by the Federal Rules of Civil Procedure. If a hearing is not requested during the 30-day period prescribed in clause (iii), the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) Final order.—

"(A) Deadline for issuance; settlement agreements.—

"(i) In general.—Not later than 120 days after conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order that—

"(I) provides relief in accordance with this paragraph; or

"(II) denies the complaint.

"(ii) Settlement agreement.—At any time before issuance of a final order under this paragraph, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the air carrier, contractor, or subcontractor alleged to have committed the violation.

"(B) Remedy.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the air carrier, contractor, or subcontractor that the Secretary of Labor determines to have committed the violation to—

"(i) take action to abate the violation;

"(ii) reinstate the complainant to the former position of the complainant and ensure the payment of compensation (including back pay) and the restoration of terms, conditions, and privileges associated with the employment; and

"(iii) provide compensatory damages to the complainant.

"(C) Costs of complaint.—If the Secretary of Labor issues a final order that provides for relief in accordance with this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the air carrier, contractor, or subcontractor named in the order an amount equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant (as determined by the Secretary of Labor) for, or in connection with, the bringing of the complaint that resulted in the issuance of the order.

"(4) Frivolous complaints.—A complaint brought under this section that is found to be frivolous or to have been brought in bad faith shall be governed by Rule 11 of the Federal Rules of Civil Procedure.

"(5) Review.—

"(A) Appeal to court of appeals.—

"(i) In general.—Not later than 60 days after a final order is issued under paragraph (3), a person adversely affected or aggrieved by that order may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of that violation.

"(ii) Requirements for judicial review.—A review conducted under this paragraph shall be conducted in accordance with chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order that is the subject of the review.

"(B) Limitation on collateral attack.—An order referred to in subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(6) Enforcement of order by Secretary of Labor.—

"(A) In general.—If an air carrier, contractor, or subcontractor named in an order issued under paragraph (3) fails to comply with the order, the Secretary of Labor may file a civil action in the United States district court for the district in which the violation occurred to enforce that order.

"(B) Relief.—In any action brought under this paragraph, the district court shall have jurisdiction to grant any appropriate form of relief, including injunctive relief and compensatory damages.

"(7) Enforcement of order by parties.—

"(A) Commencement of action.—A person on whose behalf an order is issued under paragraph (3) may commence a civil action against the air carrier, contractor, or subcontractor named in the order to require compliance with the order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the order.

"(B) Attorney fees.—In issuing any final order under this paragraph, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party if the court determines that the awarding of those costs is appropriate.

"(c) Mandamus.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(d) Nonapplicability To Deliberate Violations.—Subsection (a) shall not apply with respect to an employee of an air carrier, or contractor or subcontractor of an air carrier who, acting without direction from the air carrier (or an agent, contractor, or subcontractor of the air carrier), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

"(e) Contractor Defined.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.".

(b) Conforming Amendment.—The analysis for chapter 421 of title 49, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"42121. Protection of employees providing air safety information.

(c) Civil Penalty.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking "subchapter II of chapter 421," and inserting "subchapter II or III of chapter 421,".●

By Mr. WELLSTONE (for himself and Mr. Kennedy):

S. 653. A bill to amend the Occupational Safety and Health Act of 1970 to further protect the safety and health of employees; to the Committee on Health, Education, Labor, and Pensions.

SAFER WORKPLACES ACT OF 1999

By Mr. WELLSTONE:

S. 654. A bill to strengthen the rights of workers to associate, organize and strike, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

RIGHT-TO-ORGANIZE ACT OF 1999

● Mr. WELLSTONE. Mr. President, I rise today to introduce two pieces of legislation that I believe would represent a giant step forward for working Americans. The first bill, which I am calling the "Safer Workplaces Act of 1999," contains four provisions that would extend health and safety protections for workers in the workplace. The second bill, the "Right to Organize Act of 1999," would go a long way toward correcting some of the flagrant abuses of the law that have resulted in workers being denied their right to organize and bargain collectively.

THE SAFER WORKPLACES ACT OF 1999

In recent years some of my colleagues have argued that the Occupational Safety and Health (OSH) Act already goes too far in protecting the right of employees to work in a safe and healthy environment. I have a different view. I believe that, in several fundamental ways, the OSH Act does not go far enough.

There are still too many workers injured on the job in America today. There are still too many tragic cases of workers losing their lives because their employers deliberately chose to break the law. When workers go to work in the morning, they have every right to expect that they'll come home at night in one piece—not maimed or killed on the job because of their employer's wrongdoing. I don't think that's a lot to ask.

Of course it's not. In fact, I know many of my Republican friends couldn't agree more. This is not, and should not be, a partisan issue. The four provisions of my "Safer Workplaces Act," which I am also introducing individually as separate legislation, have all enjoyed bipartisan support in the past. I don't see any reason why they shouldn't enjoy bipartisan support in this Congress, as well. I hope we can sidestep some of the more bitter controversies surrounding the OSH Act and focus instead on meaningful changes that will make a real difference in the lives of American workers.

The first provision in my Safer Workplaces Act, which I am introducing separately as the "Safety and Health Whistleblowers Protection Act," would encourage employees to step forward and identify hazards in the workplace without fear of retaliation from their employers. In theory, workers are already protected from retaliation under Section 11(c) of the OSH Act, but we know that this protection is all too often meaningless. As Assistant Secretary of Labor Charles Jeffress recently testified before the Employment, Safety, and Training Subcommittee, "The provisions in place today in Section 11(c) of the Act are too weak and too cumbersome to discourage employer retaliation or to provide an effective remedy for the victims of retaliation."

Many, if not most, employees are simply afraid that they'll be punished or fired if they complain. And they have every reason to be afraid. In 1997 the Labor Department's Inspector General, Charles C. Masten, concluded that

> Workers, particularly with small companies, are vulnerable
>
> to reprisals by their employers for complaining about

> unsafe, unhealthy work conditions. The severity of the discrimination is highlighted by the fact that for 653 cases included in our sample, nearly 67 percent of the workers who filed complaints were terminated from their jobs.

The IG further found that workers who complain to their employer first—rather than to OSHA—are particularly vulnerable; that workers in small firms are the most vulnerable; that employer retaliation is often severe, most frequently in the form of firing; that OSHA procedures to investigate complaints are inadequate; that there are significant delays in OSHA's decisionmaking in 11(c) cases; and that the Department is failing to seek effective remedies for employees.

GAO reached similar conclusions. Of the Compliance Safety and Health Officers (CSHOs) surveyed by GAO, 26 percent thought workers have little or no protection when they report violations to OSHA. According to almost 50 percent of these officers, workers themselves believe they have little or no protection. But only 10 percent thought workers faced no real danger of retaliation.

When employees are too intimidated to identify workplace dangers, we end up with workplaces that are more dangerous than they should be. The Labor Department Inspector General concluded that, "Based on the worker termination rates in the 11(c) cases, many employers are not receptive to requests for abatement of workplace hazards and feel free to discipline workers who seek abatement." So hazards go unreported and more workers get injured or killed.

The problems with Section 11(c) are widely acknowledged. In the 103rd Congress, the House Education and Labor Committee issued a stinging critique of current law, and many of its criticisms were echoed by OSHA itself in 1998. These are some of the shortcomings they identified. There's too little time for workers to file a complaint, since many don't even learn of their legal rights within 30 days of retaliation. There's no protection for employees who refuse to work when they have good reason to think they're in danger. Workers have to rely on the Department to take their cases to court, and there are no real time limits for doing that. While their cases are pending, workers have no job and no paycheck. And there are no penalties for employers who retaliate against workers.

My legislation is designed to correct these flaws. It gives workers 6 months, rather than 30 days, to file a grievance for retaliation. It protects not only workers who report unsafe conditions, but also employees who refuse to work when they have good reason to think they might be harmed or injured. To expedite the process, my bill provides for prompt hearings before an administrative law judge. It would allow dissatisfied workers to then take their case to a federal appeals court themselves, not having to rely on the Department. And it would provide for reinstatement during these proceedings, as well as compensatory damages and exemplary damages when the employer's behavior has been particularly outrageous.

These common-sense improvements should not be contentious or controversial. In fact, a bipartisan consensus has already emerged in support of similar whistleblower reforms. In July 1988, Reagan Administration Secretary of Labor Ann McLaughlin recommended legislation allowing airline employees to refuse work when they have a reasonable belief that they might be injured or killed, as well as providing a six month grievance filing period, hearings before an administrative law judge, and a temporary reinstatement remedy. Labor Secretary Elizabeth Dole agreed that "limitation periods shorter than 180 days have proved too short for effective protection of whistleblower rights."

In 1989 President Bush said that reinstatement must be available for whistleblowers in cases involving waste, fraud, and abuse because "Standard make-whole remedies * * * will be meaningless, in practice, if whistleblowers are crushed personally and financially while legitimate complaints are caught in procedural limbo." In 1991, Gerard Scannell, Assistant Secretary for OSHA under President Bush, testified that "we know there is a need to improve whistleblower protection and we have been working closely with the Congress on this issue."

In the 104th Congress, Republican Congressman CASS BALLENGER introduced an OSHA reform bill that would have strengthened whistleblower protections by lengthening the grievance filing period from 30 to 60 days, and by giving employees the right to take their cases to court if the Labor Department refuses to act.

Republicans and Democrats agree that Section 11(c) is woefully inadequate and cries out for immediate reform. To ensure a safe and healthy work environment for all workers, we must count on employees to actively participate in identifying and correcting workplace hazards. But they're not going to do that if it means putting their jobs on the line. It's that simple. These courageous individuals need more protection, not less, and that's what my legislation is all about.

The second provision of my Safer Workplaces Act, which I am introducing separately as the "Wrongful Death Accountability Act," would make it a felony to commit willful violations of the OSH Act that result in death of an employee. Unbelievably, these criminal violations are only a misdemeanor under current law. Under virtually every other federal safety and health or environmental statute, by contrast, criminal violations are a felony.

Because the penalty is so insignificant, the Justice Department rarely prosecutes. There are not a lot of cases where willful violations lead to the death of an employee, but some of them involve egregious behavior that needs to be prosecuted. We need to send a message. Employers who cause the death of their employees by deliberately violating the law should be held accountable with something more than a slap on the wrist.

Before a recent hearing of the Employment, Safety, and Training Subcommittee, Assistant Secretary of Labor Charles Jeffress testified, "We would urge that these violations not be classified as misdemeanors, but felonies, which carry with them the possibility of incarceration for periods in excess of one year. Classifying willful workplace safety and health violations that lead to an employee's death as misdemeanors is woefully inadequate to address the harm caused. Classifying such crimes as felonies would more justly reflect the severity of the offense."

This is another reform that has enjoyed bipartisan support in the past, and deserves bipartisan support in this Congress. In 1990 the Bush Administration testified in support of making these criminal violations felonies. Several Republicans on the Labor Committee—Brock Adams, Jim Jeffords, and David Durenberger—all supported such legislation.

The third provision of the Safer Workplaces Act, which I am introducing separately as the "Federal Employees Safety Enhancement Act," would extend full OSHA protections to employees of the federal government. Federal employees have been excluded from OSHA coverage for almost 30 years. While a 1980 executive order required federal agencies to comply with OSHA standards, it provides no real enforcement authority.

As Assistant Secretary of Labor Charles Jeffress recently testified before the Employment, Safety, and Training Subcommittee, "the OSH Act currently does not adequately protect Federal employees. * * * OSHA has little ability to require positive change on the part of public employees. As a consequence, this limited authority hinders OSHA's success in reducing illness, injuries, and fatalities on the job."

Again, this is a common-sense reform that should be bipartisan and uncontroversial. In 1994, Republican Congressman CASS BALLENGER proposed to cover federal employees in his OSHA reform legislation. Last year, under the leadership of Senator ENZI, the Senate voted unanimously to extend OSHA coverage to the U.S. Postal

Service. On introducing his Postal Employees Safety Enhancement Act of 1998, Republican Senator ENZI indicated that all federal employees should ultimately be covered: "This important legislation is an incremental step in the effort to ensure that the 'law of the land' applies equally to all branches of government as well as the private sector—and everything in-between."

Finally, my Safer Workplace Act would also extend OSHA protections to employees of state and local government. State and local public employees are now covered only if their state happens to have a state plan. But in 27 states that do not have a state plan, 8.1 million state and local public employees are not protected by OSHA.

There's no reason why these employees should be treated as second-class citizens. They face workplace hazards just like workers in the private sector, sometimes more. Their health and their lives are just as much at risk as those of private sector workers. In fact, in 1997, 624 public sector workers were killed on the job. In several states, the injury rate is higher for public employees than for private sector employees.

At a recent hearing of the Employment, Safety, and Training Subcommittee, Assistant Secretary of Labor Charles Jeffress testified. "There are numerous examples of on-the-job tragedies that occurred primarily because safety and health protections do not apply to public employees. These tragedies could have been prevented by compliance with OSHA rules."

Once again, this is a common-sense, bipartisan proposal. The Bush Administration supported OSHA coverage for state and local public employees in 1991. I understand there is interest on the other side of the aisle in this particular provision, and I welcome it.

Taken together, the four provisions in this legislation would make a real difference for American workers. Fewer of them would be exposed to workplace hazards, fewer would be injured or harmed on the job, and fewer would be forced to pay with their lives. The Safer Workplaces Act would encourage employees to be involved in identifying workplace hazards and correcting them before tragedy occurs. It would deter employers from putting their employees lives' in danger through deliberate violations of the law. And it would give federal employees and state and local public employees the same health and safety protections that workers in the private sector have long enjoyed. This is a sensible package of bipartisan reforms, and I would encourage my colleagues on both sides of the aisle to join me in passing this legislation in the 106th Congress.

THE RIGHT-TO-ORGANIZE ACT OF 1999

As Ranking Democrat on the Health, Education, Labor and Pensions (HELP) subcommittee with jurisdiction over the National Labor Relations Act (NLRA), I am also introducing legislation that would more fully recognize the right of American working men and women to organize and bargain collectively.

Workers across America who want to organize a union and bargain collectively with their employer are finding that the rules are stacked against them in crucial ways. This is clear to any labor organizer, and to many workers who have made the effort. To give workers a fair chance to organize and bargain collectively, we need fundamental labor law reform.

My "Right-to-Organize Act of 1999" will target some of the worst abuses of labor law that have become increasingly common in recent years. First, employees are being subject to flagrant coercion, intimidation, and interference during certification election campaigns. Second, employers are simply firing employees who attempt to organize a union, and they're doing so with virtual impunity. In fact, despite the fact that the NLRA prohibits firing of employees for trying to organize a union, as many as 10,000 Americans lose their jobs each year for doing just that. The 1994 Dunlop Commission found that one in four employers illegally fired union activists during organizing campaigns. And third, there is a growing problem of employers refusing to bargain with their employees even after a union has been certified.

The Right-to-Organize Act of 1999 tackles these problems with the following provisions:

First, it would help employees make fully informed, free decisions about union representation by providing labor representatives and management equal opportunity to disseminate information to employees.

Second, it would expand the remedies available for employees who are wrongfully discharged—for union organizing, for example. Specifically, it would expand the remedies available to the National Labor Relations Board to include three times back pay, and it would allow employees to recover punitive damages in district court when the Board has determined that they were wrongfully discharged.

Third, if protecting the right to join a union and bargain collectively is to have any meaning, there must be safeguards to ensure that newly certified unions have a reasonable opportunity to reach an agreement with their employer. My legislation would provide for mediation and arbitration when employers and employees fail to reach a collective bargaining agreement on their own within 60 days of a union's certification.

While these provisions are all much-needed to level the playing field. I am the first to admit that much more still needs to be done. This legislation is very much a work in progress. I will be considering additional provisions to strengthen the authority of the National Labor Relations Board's (NLRB) to sanction willful violations of the law and to prevent abuses that too often string out election campaigns for months and months while worker representatives are thoroughly intimidated, organizers are fired, and the organizing campaign dies an early death.

I believe very strongly that the Right to Organize is terribly important—not only for the workers who want to join together and bargain collectively, but for all Americans. One of the most important things we can do to raise the standard of living and quality of life for working Americans, raise wages and benefits, improve health and safety in the workplace, and give average Americans more control over their lives is to enforce their right to organize, join, and belong to a union. We know that union workers are able to earn up to one-third more than non-union workers and are more likely to have pensions and health benefits. That's why more than four in ten workers who are not currently in a union say they would join one if they had the chance.

When workers join together to fight for job security, for dignity, for economic justice and for a fair share of America's prosperity, it is not a struggle merely for their own benefit. The gains of unionized workers on basic bread-and-butter issues are key to the economic security of all working families. Upholding the Right to Organize is a way to advance important social objectives—higher wages, better benefits, more pension coverage, more worker training, more health insurance coverage, and safer workplaces—without drawing on any additional government resources.

I believe that the Right to Organize is one of the most important civil rights and human rights causes of the 1990s. Unfortunately, this cause has received too little attention in this Congress. I hope I can do something to remedy that situation, but this legislation is only a first step.

By Mr. LOTT (for himself, Mr. McCAIN, Mr. STEVENS, Mr. BURNS, Mrs. HUTCHISON, Mr. FRIST, Mr. MACK, Mr. MURKOWSKI, Mr. WARNER, Mr. SHELBY, Mr. BENNETT, Mr. INHOFE, Mr. SESSIONS, and Mr. GRAMS):

S. 655. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; to the Committee on Commerce, Science, and Transportation.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1999

Mr. LOTT. Mr. President, today I am introducing legislation to combat the growing and costly fraud of title washing. Title fraud is a deceptive practice that costs consumers more than $4 billion dollars annually and places millions of structurally defective vehicles back on America's roads and highways. These are millions of unsafe cars and trucks sharing the roads with your loved ones.

The National Salvage Motor Vehicle Consumer Protection Act encourages states to adopt uniform titling and registration standards to protect used car buyers from unknowingly purchasing totaled and subsequently rebuilt vehicles. It is a sound and reasonable measure that enhances consumer disclosure and aids state motor vehicle administrators throughout the nation by giving them identical points of reference to describe salvage vehicles.

Let us be very clear on this, there are no uniform definitions and standards in place today and this leads to a hodgepodge of disclosure approaches throughout the country. Unscrupulous automobile rebuilders take advantage of inconsistencies in state titling definitions and procedures to purchase damaged vehicles at a low cost, rebuild them, oftentimes by welding the front and back of two different cars together, and then retitling the vehicle in another state. The new "clean" title bears no indication of the vehicle's previous damage record. As a result, consumers in your states are being sold previously totaled cars and trucks without having any knowledge that the vehicle they purchased, sometimes at a very high price, was severely damaged. A vehicle where only minor damage could cause it to fall apart. The unwitting purchasers of these vehicles experience significant economic loss. They and other motorists may also suffer bodily harm from these wrecks on wheels.

Mr. President, the title branding bill offered today will promote greater disclosure to potential used car buyers than occurs today. It establishes uniform definitions for salvage, rebuilt salvage, nonrepairable, and flood vehicles based upon the recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee. This congressionally mandated task force, overseen by the U.S. Department of Transportation, included the U.S. Attorney General's Criminal and Civil Justice Divisions, State motor vehicle officials, motor vehicle manufacturers, auto dealers, recyclers, insurers, salvage yard operators, scrap processors, the U.S. Treasury Department, police chiefs and municipal auto theft investigators, and other interested and affected parties. The uniform definitions and standards contained in this bill are theirs, not mine. Their recommendations are based on a wealth of day-to-day experience dealing with consumer fraud, vehicle titling, and automobile theft. The Salvage Advisory Committee's recommendations struck an appropriate balance between consumers' economic interests and their personal safety.

The National Salvage Motor Vehicle Consumer Protection Act requires rebuilt salvage vehicles to undergo a theft inspection in addition to any required state safety inspection. To further promote disclosure to potential used car buyers, the legislation also requires rebuilt salvage vehicles to have a decal permanently fastened to the driver's doorjamb and a sticker would be affixed to the windshield disclosing the vehicle's status. Additionally, a written disclosure statement must be provided to buyers and the vehicle's title would be branded with the statement "rebuilt salvage."

The bill also requires that the brands included on state vehicle titles be carried forward to each state where the vehicle is retitled.

So if your state wants to add additional requirements—they can. And these items will be a permanent part of the title.

In an effort to take aim at automobile theft, the bill requires the tracking of Vehicle Identification Numbers (VIN) of irreparably damaged vehicles. This provision ensures that VINs are not simply swapped from damaged cars to stolen cars to mask their identity.

Mr. President, Congress came very close to enacting title branding legislation last year. The original Senate measure received the formal bipartisan support of 57 Senators, and a similar bill passed the House of Representatives by a vote of 333 to 72. Throughout the legislative process, a number of significant changes were made to the bill to address the concerns expressed by consumer groups and some state attorneys general.

The title branding bill before you today retains all of the changes approved by the House of Representatives last October and it includes additional pro-consumer, pro-states rights modifications received from states and the Administration.

Under this revised bill, states are free to adopt disclosure standards beyond those provided for in the bill. Let me say again that nothing in this bill prohibits states from providing unlimited disclosure to their citizens. This important legislation merely creates a basic minimum national standard while giving participating states the flexibility to adopt more stringent provisions and additional disclosure requirements.

The bill also does not create a federal mandate on the states as some big government advocates would have it. My colleagues are well aware that the Supreme Court ruled in *New York* v. *United States* [505 U.S. 144 (1992)] that states cannot be forced by Congress to execute programs that should be administered by the U.S. government. In the New York decision, the Justices upheld "access incentives" which allow states to decide whether they want to use federal standards.

This legislation follows the Supreme Court's ruling by offering incentive grants, as proposed by the U.S. Department of Transportation, to states that voluntarily choose to participate in the uniform titling regime for salvage vehicles. Thus, states that enact the bill's uniform titling definitions and procedures will be eligible for conformance funding. They can use the authorized funds to issue new titles, to establish and administer vehicle theft or safety inspections, for enforcement activities, and for other related purposes. While I believe most states will decide to participate in this completely voluntary program, rest assured no state will be penalized for choosing not to participate, or for adopting only some of the bill's provisions.

I would also like to point out that the revised bill no longer links state adoption of uniform titling standards to the National Motor Vehicle Title Information System (NMVTIS) funding or participation. Again, there is no penalty for nonparticipation.

The bill merely identifies and defines the minimum number of terms that should be used by states to characterize damaged vehicles. The use of nationally and consistently recognized terms will help consumers make informed decisions wherever they purchase a used vehicle. Whether in Mississippi, Utah, Florida, Montana, Texas, Virginia or any other participating state.

Mr. President, let me tell our colleagues this bill is about a commission's recommendations. Quite frankly, I took the recommendations from a commission created by Congress and codified their ideas. The ideas of the experts. The ideas of all the stakeholders. As we all know, many commission reports gather dust. I do not want this one to gather dust because motorists could be driving used cars which are literally wrecks. This is the commission's bill and I am proud to be associated with its sponsorship.

The bill fully adopts the federal task force's "salvage" vehicle definition as a vehicle that sustains damage in excess of 75% of its pre-accident value. This figure is lower than the House's proposal during the 105th Congress which would have set the uniform salvage threshold at 80%. The revised bill also gives states the flexibility to establish an even lower threshold if they choose. A state may set its salvage threshold at 70%, for example. The bill does not, however, set the uniform standard at an arbitrarily low minimum salvage threshold, such as 65%, when no state in the union currently has such a standard. No state. Not one.

The bill defines a flood vehicle as one that suffers water damage that inhibits the electrical, computerized, or mechanical functions of the vehicle. This definition expands upon the recommendation of the Advisory Committee by taking into account real world experience. State's found that merely being exposed to water alone does not in and of itself threaten the structural integrity, safety, or value of a vehicle. A car or truck should not be branded a flood vehicle just because its carpeting and floor mats are wet. If it were the case, none of us would drive our cars through the rain or snow. It is only when water damage impairs a vehicle's operating functions and the electrical, mechanical or computerized components have not been repaired or replaced, that the vehicle should be classified as a flood vehicle. The revised bill also goes beyond the task force's recommendations by including any vehicle acquired by an insurer as part of a water damage settlement.

A nonrepairable vehicle is one that is incapable of being driven safely and has no resale value except as a source for parts or scrap. This is similar to the nonrepairable definition used by California, our nation's largest state. This is also the common sense definition the Advisory Committee wisely chose in lieu of an arbitrary percentage based definition that would force otherwise repairable vehicles into the scrap heap. It should be noted that only five states have a percentage based nonrepairable definition. I find it troubling that these same five states have been far less successful in reducing automobile thefts than the nation as a whole and accident related deaths higher than the forty-five states that do not have a percentage based nonrepairable definition. Coupled with the negative economic effects on consumers, these are additional reasons not to adopt a percentage based definition for nonrepairable vehicles.

Mr. President, my colleagues should also be aware that this legislation allows states to use additional terms in their titling regimes such as "reconstructed", "unrebuildable", and "junk vehicles" in addition to the terms defined in this measure. If a state that chooses to conform to the federal standard also wants to use a percentage based definition to describe a "parts only" vehicle, it can use a term synonymous to nonrepairable.

The National Salvage Motor Vehicle Consumer Protection Act also allows states to cover any vehicle, regardless of age. It allows older vehicles to be designated as a "older model salvage vehicle." This is a change recommended by a state attorneys general representative to provide states with even more flexibility. Again, the age of a vehicle is no longer an issue under this revised title branding bill.

This legislation even grants state attorneys general the ability to sue on behalf of consumers victimized by rebuilt salvage fraud and to recover monetary judgments for damages that citizens may have suffered.

Two new prohibited acts are included in the bill—one related to failure to make a flood disclosure and the other related to moving a vehicle or title across state lines for the purpose of avoiding the bill's requirements.

Mr. President, I have just gone over a number of changes that I incorporated into the bill. I have reached out to accommodate a number of issues, but there is a point where making changes defeats the purpose of the bill which is to promote consumer disclosure through uniformity.

Mr. President, this bill does nothing to inhibit a consumers ability to pursue private rights of actions available under state law. Moreover, states are free to continue or adopt new civil and criminal penalties against individuals or companies that defraud consumers. The bill does not, however, negatively impact the already overburdened Federal courts. This bill is about disclosure. If your son or daughter is buying a used car, you want them to know right up front whether the vehicle they are about to purchase has been severely damaged. Getting relief after several years of litigating in a U.S. Court does not protect consumers. It does not turn the clock back for someone who has been killed or seriously injured in a structurally unsafe vehicle.

Mr. President, I would also like to reiterate some key points concerning The National Salvage Motor Vehicle Consumer Protection Act:

State participation is completely voluntary. V-O-L-U-N-T-A-R-Y.

There is no preemption of state law. None whatsoever. None. None. None. State legislatures can fully enact the bill's provisions, enact only some of the uniform definitions and standards, or take no action whatsoever.

States that choose to participate in the minimal uniform definitions and standards identified in this bill will be entitled to conformance funding.

There is no penalty for non-participation by a state. None whatsoever. None. None. None. And, no linkage to state National Motor Vehicle Title Information System (NMVTIS) funding or participation.

It mirrors recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

The bill's definitions and standards are the minimum necessary for a voluntary uniform salvage titling framework. M-I-N-I-M-U-M.

This legislation does not force states to adopt standards or definitions that not even one state currently has in place.

The bill does not unnecessarily devalue vehicles or cause otherwise repairable automobiles to be junked. This is key because some will talk about greater protection, but these proposals threaten the car's value for no good reason and this makes no sense

The revised bill includes many additional technical corrections provided to me by the U.S. Department of Transportation, the National Association of Attorney's General, and others. I want to personally thank them for their time and effort in going over the bill with me—line by line. Their thoughts were invaluable and helpful. Throughout the legislative process, I have made several good faith efforts to reach out to all groups interested in this legislation and where possible, I included reasonable changes in the bill.

It is widely supported by state motor vehicle administrators, law enforcement agencies, state legislators, consumers, and the automobile and insurance industries. Widely supported.

Experts on the front lines, those who deal with titling issues everyday, have described other proposals that have been floated recently as confusing, or overly complex, or unworkable, or unwise, or counter productive. In many instances, these proposals have been flatly rejected by state legislatures.

The National Salvage Motor Vehicle Consumer Protection Act represents a fair, balanced, and workable approach to dealing with the issue of title fraud. It provides a voluntary framework for states to provide much needed disclosure to potential used-car purchasers. It would help close the many loopholes that exist in state titling rules. This measure maintains a state's ability to provide more disclosure, to take direct and timely action against dishonest parties, and to adopt more stringent rules and procedures should they decide to do so. It is both pro-consumer and pro-states rights. This bill protects the safety and well-being of consumers and motorists across America.

I urge the more than fifty of my colleagues from both sides of the aisle who formally supported this title branding legislation during the last Congress to cosponsor this important bill again. I ask the rest of my colleagues also to protect their constituents by lending their support to this much needed consumer protection measure.

The time has come for Congressional action. Repeated hearings have been held on this issue in both chambers over several years. The record is clear. Title fraud is a significant problem across the country. It continues unabated. The solution is more consumer disclosure based on the use of appropriate and rational national standards. This legislation is a win-win solution for consumers, states, and industry.

You know the time has come for Congressional action when the Department of Transportation's crash test cars are rebuilt, title washed, and back on America's roads and highways. Remember, these are deliberately wrecked vehicles. Yes, the time has come for action.

Let us work together to move this measure forward. To keep dishonest rebuilders from taking advantage of even one more used car purchaser in your state.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Salvage Motor Vehicle Consumer Protection Act of 1999".

SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE REQUIREMENTS.

(a) AMENDMENT TO TITLE 49, UNITED STATES CODE.—Subtitle VI of title 49, United States Code, is amended by inserting a new chapter at the end:

"CHAPTER 333—AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS

"Sec.
"33301. Definitions.
"33302. Passenger motor vehicle titling.
"33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles.
"33304. Report on funding.
"33305. Effect on State law.
"33306. Civil penalties.
"33307. Actions by States.
"33308. Incentive Grants.

"§ 33301. Definitions

"(a) DEFINITIONS.—For the purposes of this chapter:

"(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the same meaning given such term by section 32101(10), except, notwithstanding section 32101(9), it includes a multi-purpose passenger vehicle (constructed on a truck chassis or with special features for occasional off-road operation), a truck, other than a truck referred to in section 32101(10)(B), and a pickup truck when that vehicle or truck is rated by the manufacturer of such vehicle or truck at not more than 10,000 pounds gross vehicle weight, and it only includes a vehicle manufactured primarily for use on public streets, roads, and highways.

"(2) SALVAGE VEHICLE.—The term 'salvage vehicle' means any passenger motor vehicle, other than a flood vehicle or a nonrepairable vehicle, which—

"(A) is a late model vehicle which has been wrecked, destroyed, or damaged, to the extent that the total cost of repairs to rebuild or reconstruct the passenger motor vehicle to its condition immediately before it was wrecked, destroyed, or damaged, and for legal operation on the roads or highways, exceeds 75 percent of the retail value of the passenger motor vehicle at the time it was wrecked, destroyed, or damaged;

"(B) is a late model vehicle which has been wrecked, destroyed, or damaged, and to which an insurance company acquires ownership pursuant to a damage settlement (except in the case of a settlement in connection with a recovered stolen vehicle, unless such vehicle sustained damage sufficient to meet the damage threshold prescribed by subparagraph (A)); or

"(C) the owner wishes to voluntarily designate as a salvage vehicle by obtaining a salvage title, without regard to the level of damage, age, or value of such vehicle or any other factor, except that such designation by the owner shall not impose on the insurer of the passenger motor vehicle or on an insurer processing a claim made by or on behalf of the owner of the passenger motor vehicle any obligation or liability.

Notwithstanding any other provision of this chapter, a State may use the term 'older model salvage vehicle' to designate a wrecked, destroyed, or damaged vehicle that does not meet the definition of a late model vehicle in paragraph (9). If a State has established or establishes a salvage definition at a lesser percentage than provided under subparagraph (A), then that definition shall not be considered to be inconsistent with the provisions of this chapter.

"(3) SALVAGE TITLE.—The term 'salvage title' means a passenger motor vehicle ownership document issued by the State to the owner of a salvage vehicle. A salvage title shall be conspicuously labeled with the word 'salvage' across the front.

"(4) REBUILT SALVAGE VEHICLE.—The term 'rebuilt salvage vehicle' means—

"(A) any passenger motor vehicle which was previously issued a salvage title, had passed State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, has passed the State safety inspection in those States requiring a safety inspection pursuant to section 33302(b)(8), has been issued a certificate indicating that the passenger motor vehicle has passed the required safety inspection in those States requiring such a safety inspection pursuant to section 33302(b)(8), and has a decal stating 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' affixed to the driver's door jamb; or

"(B) any passenger motor vehicle which was previously issued a salvage title, had passed a State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, and has, affixed to the driver's door jamb, a decal stating 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria' in those States not requiring a safety inspection pursuant to section 33302(b)(8).

"(5) REBUILT SALVAGE TITLE.—The term 'rebuilt salvage title' means the passenger motor vehicle ownership document issued by the State to the owner of a rebuilt salvage vehicle. A rebuilt salvage title shall be conspicuously labeled either with the words 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' or 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria,' as appropriate, across the front.

"(6) NONREPAIRABLE VEHICLE.—The term 'nonrepairable vehicle' means any passenger motor vehicle, other than a flood vehicle, which is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap only or which the owner irreversibly designates as a source of parts or scrap. Such passenger motor vehicle shall be issued a nonrepairable vehicle certificate and shall never again be titled or registered.

"(7) NONREPAIRABLE VEHICLE CERTIFICATE.—The term 'nonrepairable vehicle certificate' means a passenger motor vehicle ownership document issued by the State to the owner of a nonrepairable vehicle. A nonrepairable vehicle certificate shall be conspicuously labeled with the word 'Nonrepairable' across the front.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(9) LATE MODEL VEHICLE.—The term 'Late Model Vehicle' means any passenger motor vehicle which—

"(A) has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked, destroyed, or damaged, or any of the six preceding years; or

"(B) has a retail value of more than $7,500. The Secretary shall adjust such retail value by $500 increments every 5 years beginning with an increase to $8,000 on January 1, 2005.

"(10) RETAIL VALUE.—The term 'retail value' means the actual cash value, fair market value, or retail value of a passenger motor vehicle as—

"(A) set forth in a current edition of any nationally recognized compilation (to include automated databases) of retail values; or

"(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment.

"(11) COST OF REPAIRS.—The term 'cost of repairs' means the estimated retail cost of parts needed to repair the vehicle or, if the vehicle has been repaired, the actual retail cost of the parts used in the repair, and the cost of labor computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

"(12) FLOOD VEHICLE.—

"(A) IN GENERAL.—The term 'flood vehicle' means any passenger motor vehicle that—

"(i) has been acquired by an insurance company as part of a damage settlement due to water damage; or

"(ii) has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water, except where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined—

"(I) to have no electrical, computerized, or mechanical components which were damaged by water; or

"(II) to have one or more electrical, computerized, or mechanical components which were damaged by water and where all such damaged components have been repaired or replaced.

"(B) INSPECTION NOT REQUIRED FOR ALL FLOOD VEHICLES.—No inspection under subparagraph (A) shall be required unless the owner or insurer of the passenger motor vehicle is seeking to avoid a brand of 'Flood' pursuant to this chapter.

"(C) INSPECTION MUST BE BY INDEPENDENT PARTY.—A motor vehicle repairer or motor vehicle dealer may not carry out an inspection under subparagraph (A) on a passenger motor vehicle that has been repaired, or is to be sold or leased, by that repairer or dealer.

"(D) EFFECT OF DISCLOSURE.—Disclosing a passenger motor vehicle's status as a flood vehicle or conducting an inspection pursuant to subparagraph (A) shall not impose on any person any liability for damage to (except in the case of damage caused by the inspector at the time of the inspection) or reduced value of a passenger motor vehicle.

"(b) CONSTRUCTION.—The definitions set forth in subsection (a) only apply to vehicles in a State which are wrecked, destroyed, or otherwise damaged on or after the date on which such State complies with the requirements of this chapter and the rule promulgated pursuant to section 33302(b).

"§ 33302. Passenger motor vehicle titling

"(a) CARRY-FORWARD OF STATE INFORMATION.—For any passenger motor vehicle, the ownership of which is transferred on or after the date that is 1 year after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1999, any State receiving funds under section 33308 of this chapter, in licensing such vehicle for use, shall disclose in writing on the certificate of title whenever records readily accessible to the State indicate that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'older model salvage', 'unrebuildable', 'parts only', 'scrap', 'junk', 'nonrepairable', 'reconstructed', 'rebuilt', or any other symbol or work of like kind, or that it has been damaged by flood, and the name of the State that issued that title.

“(b) NATIONALLY UNIFORM TITLE STANDARDS AND CONTROL METHODS.—Not later than 18 months after the date of the enactment of the National Salvage Motor Vehicle Consumer Protection Act of 1999, the Secretary shall by rule require any State receiving funds under section 33308 of this chapter, in licensing any passenger motor vehicle where ownership of such passenger motor vehicle is transferred more than 2 years after publication of such final rule, to apply uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles. Such titling standards, control procedures, methods, and information shall include the following requirements:

“(1) A State shall conspicuously indicate on the face of the title or certificate for a passenger motor vehicle, as applicable, if the passenger motor vehicle is a salvage vehicle, a nonrepairable vehicle, a rebuilt salvage vehicle, or a flood vehicle.

“(2) Such information concerning a passenger motor vehicle's status shall be conveyed on any subsequent title, including a duplicate or replacement title, for the passenger motor vehicle issued by the original titling State or any other State.

“(3) The title documents, the certificates, and decals required by section 33301(4), and the issuing system shall meet security standards minimizing the opportunities for fraud.

“(4) The certificate of title shall include the passenger motor vehicle make, model, body type, year, odometer disclosure, and vehicle identification number.

“(5) The title documents shall maintain a uniform layout, to be established in consultation with the States or an organization representing them.

“(6) A passenger motor vehicle designated as nonrepairable shall be issued a nonrepairable vehicle certificate and shall not be retitled.

“(7) No rebuilt salvage title shall be issued to a salvage vehicle unless, after the salvage vehicle is repaired or rebuilt, it complies with the requirements for a rebuilt salvage vehicle pursuant to section 33301(4). Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. Any such anti-theft inspection program shall include the following:

“(A) A requirement that the owner of any passenger motor vehicle submitting such vehicle for an anti-theft inspection provide a completed document identifying the vehicle's damage prior to being repaired, a list of replacement parts used to repair the vehicle, and proof of ownership of such replacement parts, as may be evidenced by bills of sale, invoices, or, if such documents are not available, other proof of ownership for the replacement parts. The owner shall also include an affirmation that the information in the declaration is complete and accurate and that, to the knowledge of the declarant, no stolen parts were used during the rebuilding.

“(B) A requirement to inspect the passenger motor vehicle or any major part of any major replacement part required to be marked under section 33102 for signs of such mark or vehicle identification number being illegally altered, defaced, or falsified. Any such passenger motor vehicle or any such part having a mark or vehicle identification number that has been illegally altered, defaced, or falsified, and that cannot be identified as having been legally obtained (through bills of sale, invoices, or other ownership documentation), shall be contraband and subject to seizure. The Secretary, in consultation with the Attorney General, shall, as part of the rule required by this section, establish procedures for dealing with those parts whose mark or vehicle identification number is normally removed during industry accepted remanufacturing or rebuilding practices, which parts shall be deemed identified for purposes of this section if they bear a conspicuous mark of a type, and applied in such a manner, as designated by the Secretary, indicating that they have been rebuilt or remanufactured. With respect to any vehicle part, the Secretary's rule, as required by this section, shall acknowledge that a mark or vehicle identification number on such part may be legally removed or altered as provided for in section 511 of title 18, United States Code, and shall direct inspectors to adopt such procedures as may be necessary to prevent the seizure of a part from which the mark or vehicle identification number has been legally removed or altered.

“(8) Any safety inspection for a rebuilt salvage vehicle performed pursuant to this chapter shall be performed in accordance with nationally uniform safety inspection criteria established by the Secretary. A State may determine whether to conduct such safety inspection itself, contract with one or more third parties, or permit self-inspection by a person licensed by such State in an automotive-related business, all subject to criteria promulgated by the Secretary hereunder. Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. A State requiring such safety inspection may require the payment of a fee for the privilege of such inspection or the processing thereof.

“(9) No duplicate or replacement title shall be issued unless the word 'duplicate' is clearly marked on the face thereof and unless the procedures for such issuance are substantially consistent with Recommendation three of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

“(10) A State shall employ the following titling and control methods:

“(A) If an insurance company is not involved in a damage settlement involving a salvage vehicle or a nonrepairable vehicle, the passenger motor vehicle owner shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable, before the passenger motor vehicle is repaired or the ownership of the passenger motor vehicle is transferred, but in any event within 30 days after the passenger motor vehicle is damaged.

“(B) If an insurance company, pursuant to a damage settlement, acquires ownership of a passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company or salvage facility or other agent on its behalf shall apply for a salvage title or nonrepairable vehicle certificate within 30 days after the title is properly assigned by the owner to the insurance company and delivered to the insurance company or salvage facility or other agent on its behalf with all liens released.

“(C) If an insurance company does not assume ownership of an insured's or claimant's passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall notify—

“(i) the owner of the owner's obligation to apply for a salvage title or nonrepairable vehicle certificate for the passenger motor vehicle; and

“(ii) the State passenger motor vehicle titling office that a salvage title or nonrepairable vehicle certificate should be issued for the vehicle,

except to the extent such notification is prohibited by State insurance law. The notices shall be made in writing within 30 days after the insurance company determines that the damage will require a salvage title or a nonrepairable certificate and that the vehicle will be left with the owner.

“(D) If a leased passenger motor vehicle incurs damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the lessor shall apply for a salvage title or nonrepairable vehicle certificate within 21 days after being notified by the lessee that the vehicle has been so damaged, except when an insurance company, pursuant to a damage settlement, acquires ownership of the vehicle. The lessee of such vehicle shall inform the lessor that the leased vehicle has been so damaged within 30 days after the occurrence of the damage. Nothing in this subparagraph requires that the requirements for notification be contained in the lease itself, as long as effective notice is provided by the lessor to the lessee of the requirements.

“(E) Any person acquiring ownership of a damaged passenger motor vehicle that meets the definition of a salvage or nonrepairable vehicle for which a salvage title or nonrepairable vehicle certificate has not been issued, shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired. The requirements of this subparagraph shall not apply to any scrap metal processor which acquires a passenger motor vehicle for the sole purpose of processing it into prepared grades of scrap and which so processes such vehicle.

“(F) State records shall note when a nonrepairable vehicle certificate is issued. No State shall issue a nonrepairable vehicle certificate after 2 transfers of ownership.

“(G) When a passenger motor vehicle has been flattened, baled, or shredded, whichever comes first, the title or nonrepairable vehicle certificate for the vehicle shall be surrendered to the state within 30 days. If the second transferee on a nonrepairable vehicle certificate is unequipped to flatten, bale, or shred the vehicle, such transferee shall, at the time of final disposal of the vehicle, use the services of a professional automotive recycler or professional scrap processor who is hereby authorized to flatten, bale, or shred the vehicle and to effect the surrender of the nonrepairable vehicle certificate to the State on behalf of such second transferee. State records shall be updated to indicate the destruction of such vehicle and no further ownership transactions for the vehicle will be permitted. If different than the State of origin of the title or nonrepairable vehicle certificate, the State of surrender shall notify the State of origin of the surrender of the title or nonrepairable vehicle certificate and of the destruction of such vehicle.

“(H) When a salvage title is issued, the State records shall so note. No State shall permit the retitling for registration purposes or issuance of a rebuilt salvage title for a passenger motor vehicle with a salvage title without a certificate of inspection, which complies with the security and guideline standards established by the Secretary pursuant to paragraphs (3), (7), and (8), as applicable, indicating that the vehicle has passed the inspections required by the State. This subparagraph does not preclude the issuance of a new salvage title for a salvage vehicle after a transfer of ownership.

“(I) After a passenger motor vehicle titled with a salvage title has passed the inspections required by the State, the inspection official will affix the secure decal required pursuant to section 33301(4) to the driver's door jamb of the vehicle and issue to the owner of the vehicle a certificate indicating that the passenger motor vehicle has passed the inspections required by the State. The decal shall comply with the permanency requirements established by the Secretary.

“(J) The owner of a passenger motor vehicle titled with a salvage title may obtain a rebuilt salvage title or vehicle registration, or both, by presenting to the State the salvage title, properly assigned, if applicable, along with the certificate that the vehicle has passed the inspections required by the State. With such proper documentation and upon request, a rebuilt salvage title or registration, or both, shall be issued to the owner. When a rebuilt salvage title is issued, the State records shall so note.

“(11) A seller of a passenger motor vehicle that becomes a flood vehicle shall, prior to the time of transfer of ownership of the vehicle, give the transferee a written notice that the vehicle has been damaged by flood, provided such person has actual knowledge that such vehicle has been damaged by flood. At the time of the next title application for the vehicle, disclosure of the flood status shall be provided to the applicable State with the properly assigned title and the word ‘Flood’ shall be conspicuously labeled across the front of the new title.

“(12) In the case of a leased passenger motor vehicle, the lessee, within 15 days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

“(13) Ownership of a passenger motor vehicle may be transferred on a salvage title, however, a passenger motor vehicle for which a salvage title has been issued shall not be registered for use on the roads or highways unless it has been issued a rebuilt salvage title.

“(14) Ownership of a passenger motor vehicle may be transferred on a rebuilt salvage title, and a passenger motor vehicle for which a rebuilt salvage title has been issued may, if permitted by State law, be registered for use on the roads and highways.

“(15) Ownership of a passenger motor vehicle may only be transferred 2 times on a nonrepairable vehicle certificate. A passenger motor vehicle for which a nonrepairable vehicle certificate has been issued can never by title or registered for use on roads or highways.

“(c) ELECTRONIC PROCEDURES.—A State may employ electronic procedures in lieu of paper documents whenever such electronic procedures provide the same information, function, and security otherwise required by this section.

“(d) NATIONAL RECORD OF COMPLIANT STATES.—The Secretary shall establish a record of the States which are in compliance with the requirements of subsections (a) and (b) of this section. The Secretary shall work with States to update this record upon the enactment of a State law which causes a State to come into compliance or become noncompliant with the requirements of subsections (a) and (b) of this section. Not later than 18 months after the enactment of the National Salvage Motor Vehicles Consumer Protection Act of 1999, the Secretary shall establish a mechanism or mechanisms to identify to interested parties whether a State is in compliance with the requirements of subsections (a) and (b) of this section.

“§ 33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles

“(a) WRITTEN DISCLOSURE REQUIREMENTS.—

“(1) GENERAL RULE.—Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a rebuilt salvage vehicle shall, prior to the time of transfer of ownership of the vehicle, give the transferee a written disclosure that the vehicle is a rebuilt salvage vehicle when such person has actual knowledge of the status of such vehicle.

“(2) FALSE STATEMENT.—A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

“(3) COMPLETENESS.—A person acquiring rebuilt salvage vehicle for resale may accept a disclosure under paragraph (1) only if it is complete.

“(4) REGULATIONS.—The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under paragraph (1).

“(b) LABEL REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall by regulation require that a label be affixed to the windshield or window of a rebuilt salvage vehicle before its first sale at retail containing such information regarding that vehicle as the Secretary may require. The label shall be affixed by the individual who conducts the applicable State antitheft inspection in a participating State.

“(2) REMOVAL, ALTERATION, OR ILLEGIBILITY OF REQUIRED LABEL.—No person shall willfully remove, alter, or render illegible any label required by paragraph (1) affixed to a rebuilt salvage vehicle before the vehicle is delivered to the actual custody and possession of the first retail purchaser.

“(c) LIMITATION.—The requirements of subsections (a) and (b) shall only apply to a transfer of ownership of a rebuilt salvage vehicle where such transfer occurs in a State which, at the time of the transfer, is complying with subsections (a) and (b) of section 33302.

“§ 33304. Report on funding

“The Secretary shall, contemporaneously with the issuance of a final rule pursuant to section 33302(b), report to appropriate committees of Congress whether the costs to the States of compliance with such rule can be met by user fees for issuance of titles, issuance of registrations, issuance of duplicate titles, inspection of rebuilt vehicles, or for the State services, or by earmarking any moneys collected through law enforcement action to enforce requirements established by such rule.

“§ 33305. Effect on State law

“(a) IN GENERAL.—Unless a State is in compliance with subsection (c) of section 33302, effective on the date the rule promulgated pursuant to section 33302 becomes effective, the provisions of this chapter shall preempt all State laws such a State that receives funds under section 33308 of this chapter, to the extent they are inconsistent with the provisions of this chapter or the rule promulgated pursuant to section 33302, which—

“(1) set forth the form of the passenger motor vehicle title;

“(2) define, in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms ‘salvage’, ‘nonrepairable’, or ‘flood’, or apply any of those terms to any passenger motor vehicle (but not to a passenger motor vehicle part or part assembly separate from a passenger motor vehicle); or

“(3) set forth titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle.

“(b) EXCEPTIONS.—

“(1) PASSENGER MOTOR VEHICLE; OLDER MODEL SALVAGE.—Subsection (a)(2) does not preempt State use of the term—

“(A) ‘passenger motor vehicle’ in statutes not related to titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle ; or

“(B) ‘older model salvage’ to designate a wrecked, destroyed, or damaged vehicle that is older than a late model vehicle.

“(2) PRIVATE LAW ACTIONS.—Nothing in this chapter may be construed to affect any private right of action under State law.

“(c) CONSTRUCTION.—Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in section 33301, shall not be deemed inconsistent with the provisions of this chapter. Such disclosures shall include disclosures made on a certificate of title. When used in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any definition of a term defined in section 33301 which is different than the definition in that section or any use of any term listed in subsection (a), but not defined in section 33301, shall be deemed inconsistent with the provisions of this chapter. Nothing in this chapter shall preclude a State from disclosing on a rebuilt salvage title that a rebuilt salvage vehicle has passed a State safety inspection which differed from the nationally uniform criteria to be promulgated pursuant to section 33302(b)(8).

“§ 33306. Civil penalties

“(a) PROHIBITED ACTS.—It is unlawful for any person knowingly to—

“(1) make or cause to be made any false statement on an application for a title (or duplicate title) for a passenger motor vehicle or any disclosure made pursuant to section 33303;

“(2) fail to apply for a salvage title when such an application is required;

“(3) alter, forge, or counterfeit a certificate of title (or an assignment thereof), a nonrepairable vehicle certificate, a certificate verifying an anti-theft inspection or an anti-theft and safety inspection, a decal affixed to a passenger motor vehicle pursuant to section 33302(b)(10(I), or any disclosure made pursuant to section 33303;

"(4) falsify the results of, or provide false information in the course of, an inspection conducted pursuant to section 33302(b)(7) or (8);

"(5) offer to sell any salvage vehicle or nonrepairable vehicle as a rebuilt salvage vehicle;

"(6) fail to make any disclosure required by section 33302(b)(11);

"(7) fail to make any disclosure required by section 33303;

"(8) violate a regulation prescribed under this chapter;

"(9) move a vehicle or a vehicle title in interstate commerce for the purpose of avoiding the titling requirements of this chapter; or

"(10) conspire to commit any of the acts enumerated in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (9).

"(b) CIVIL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined a civil penalty of up to $2,000 per offense. A separate violation occurs for each passenger motor vehicle involved in the violation.

"§ 33307. Actions by States

"(a) IN GENERAL.—When a person violates any provision of this chapter, the chief law enforcement officer of the State in which the violation occurred may bring an action—

"(1) to restrain the violation;

"(2) recover amounts for which a person is liable under section 33306; or

"(3) to recover the amount of damage suffered by any resident in that State who suffered damage as a result of the knowing commission of an unlawful act under section 33306(a) by another person.

"(b) STATUTE OF LIMITATIONS.—An action under subsection (a) shall be brought in any court of competent jurisdiction within 2 years after the date on which the violation occurs.

"(c) NOTICE.—The State shall serve prior written notice of any action under subsection (a) or (f)(2) upon the Attorney General of the United States and provide the Attorney General with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting an action, the Attorney General shall have the right—

"(1) to intervene in such action;

"(2) upon so intervening, to be heard on all matters arising therein; and

"(3) to file petitions for appeal.

"(d) CONSTRUCTION.—For purposes of bringing any action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(e) VENUE; SERVICE OF PROCESS.—Any action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(f) ACTIONS BY STATE OFFICIALS.—

"(1) Nothing contained in this section shall prohibit an attorney general of a State or other authorized State official from proceeding in state court on the basis of an alleged violation of any civil or criminal statute of such State, including those related to consumer protection.

"(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

"§ 33308. Incentive Grants

"(a) GENERAL AUTHORITY.—The Secretary of Transportation shall make a grant to each State that demonstrates to the satisfaction of the Secretary that it is taking appropriate actions to implement the provisions of this chapter.

"(b) GRANTS.—Pursuant to subsection (a), a grant to carry out this chapter in a fiscal year shall be provided to each qualifying State in an amount determined by multiplying—

"(1) the amount authorized for the fiscal year to carry out this chapter, by

"(2) the ratio that the amount of funds apportioned to each qualifying State under section 402 of title 23, United States Code, for the fiscal year bears to the total amount of funds apportioned to all qualifying States under section 402 of title 23, United States Code, for such fiscal year, except that no State eligible for a grant under this paragraph shall receive less than $250,000.

"(c) USE OF GRANTS.—Any State that receives a grant under this section shall use the funds to carry out the provisions of this chapter, including such conformance related activities as issuing titles, establishing and administering vehicle theft or salvage vehicles safety inspections, enforcement, and other related purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this chapter $16,000,000 for fiscal year 2000.

"(2) AVAILABILITY OF FUNDS.—Funds authorized by this section shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of chapters for part C at the beginning of subtitle VI of title 49, United States Code, is amended by inserting at the end the following new item:

"333. AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS .... 33301".

SEC. 3. AMENDMENTS TO CHAPTER 305.

(a) DEFINITIONS.—

(1) Section 30501(4) of title 49, United States Code, is amended to read as follows:

"(4) 'nonrepairable vehicle', 'salvage vehicle', 'flood vehicle', and 'rebuilt salvage vehicle' have the same meanings given those terms in section 33301 of this title.".

(2) Section 30501(5) of such title is amended by striking "junk automobiles" and inserting "nonrepairable vehicles".

(3) Section 30501(8) of such title is amended by striking "salvage automobiles" and inserting "salvage vehicles".

(4) Section 30501 of such title is amended by striking paragraph (7) and redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(b) NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM.—

(1) Section 30502(d)(3) of title 49, United States Code, is amended to read as follows:

"(3) whether an automobile known to be titled in a particular State is or has been a nonrepairable vehicle, a rebuilt salvage vehicle, a flood vehicle, or a salvage vehicle;".

(2) Section 30502(d)(5) of such title is amended to read as follows:

"(5) whether an automobile bearing a known vehicle identification number has been reported as a nonrepairable vehicle, a rebuilt salvage vehicle, a flood vehicle, or a salvage vehicle under section 30504 of this title.".

(c) STATE PARTICIPATION.—Section 30503 of title 49, United States Code, is amended to read as follows:

"§ 30503. State participation

"(a) STATE INFORMATION.—Each State receiving funds appropriated under subsection (c) shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System established or designated under section 30502 of this title.

"(b) VERIFICATION CHECKS.—Each State receiving funds appropriated under subsection (c) shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of—

"(1) communicating to the operator—

"(A) the vehicle identification number of the automobile for which the certificate of title is sought;

"(B) the name of the State that issued the most recent certificate of title for the automobile; and

"(C) the name of the individual or entity to whom the certificate of title was issued; and

"(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

"(c) GRANTS TO STATES.—

"(1) In cooperation with the States and not later than January 1, 1994, the Attorney General shall—

"(A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and

"(B) determine for each State the cost of making titling information maintain by that State available to the operator to meet the requirements of section 30502(d) of this title.

"(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.

"(d) REPORT TO CONGRESS.—Not later than October 1, 1999, the Attorney General shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Attorney General shall describe the impediments that have resulted in the State's failure to meet the requirements.".

(d) REPORTING REQUIREMENTS.—Section 30504 of title 49, United States Code, is amended by striking "junk automobiles or salvage automobiles" every place it appears and inserting "nonrepairable vehicles, rebuilt salvage vehicles, flood vehicles, or salvage vehicles".

SEC. 4. DEALER NOTIFICATION PROGRAM FOR PROHIBITED SALE OF NONQUALIFYING VEHICLES FOR USE AS SCHOOLBUSES.

Section 30112 of title 49, United States Code, is amended by adding at the end thereof the following:

"(c) NOTIFICATION PROGRAM FOR DEALERS CONCERNING SALES OF VEHICLES AS SCHOOLBUSES.—Not later than September 1, 1999, the Secretary shall develop and implement a program to notify dealers and distributors in the United States that subsection (a) prohibits the sale or delivery of any vehicle for use as a schoolbus (as that term is defined in section 30125(a)(1) of this title) that does not meet the standards prescribed under section 30125(b) of this title.".

By Mr. HATCH (for himself, Mr. CLELAND, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BOND, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KYL, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. NICKLES, Mr. REID, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND and Mr. WARNER):

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

FLAG PROTECTION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, it is with great honor and reverence that I rise today with my friend and colleague, Senator CLELAND, to introduce a bipartisan constitutional amendment to permit Congress to enact legislation prohibiting the physical desecration of the American flag.

The American flag serves as a symbol of our great nation. The flag represents our country in a way nothing else can; it represents the common bond shared by an otherwise diverse people. Whatever our differences of party, race, religion, or socio-economic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our nation.

Supreme Court Justice John Paul Stevens reminded us of the significance of our unique emblem when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Throughout our history, the flag has captured the hearts and minds of school teachers, construction workers, police officers, grandmothers, and public servants. Who can forget the image of Neil Armstrong and Buzz Aldrin planting the American flag on the moon? At that moment, the flag stood not only for the triumph of American know-how and the courage of Americans to explore the unknown, but also for freedom. It was a statement that whatever Americans do, we do to promote liberty, equality, and justice.

And, what of those children who recite the "Pledge of Allegiance" every morning in classrooms all across America? They are pledging to be good citizens, honest and loyal and just. In pledging allegiance to the flag, they are affirming their belief in "liberty and justice for all."

And, throughout our history, men and women in uniform have drawn courage from our flag and gave their lives for the values it symbolizes. No matter the era, no matter the color of uniform—whether Army green, Air Force blue, or Navy white—no matter the theater of battle—whether at Gettysburg, San Juan Hill, Iwo Jima, Korea, Da Nang, or the Persian Gulf—our men and women had one common bond: the American flag.

Consider the example of Army Corporal Joseph Quintero, a prisoner of the Japanese during World War II. Quintero secretly led a group of POWs in obtaining red, white, and blue material to make an American flag. The flag lifted the hearts of the Americans who were suffering from malnutrition, overwork, and physical abuse. When American planes started to attack the prison camp, Quintero waived Old Glory and the planes stopped the attack and saved numerous American lives. Even in the worst of conditions, Joseph Quintero knew the value of the American flag.

From my home State of Utah, there is the courageous example of Lt. William E. Hall, whose fearless actions in the Battle of the Coral Sea earned him the Congressional Medal of Honor. Lieutenant Hall attacked a Japanese aircraft carrier and then Japanese planes in a series of highly dangerous engagements. Though seriously wounded, Lt. Hall guided his plane back to a landing strip marked by the American flag.

General Schwarzkopf in a speech before Congress thanked the American people for their support of our troops in Operation Desert Storm, stating: "The profits of doom, the naysayers, the protesters and the flag-burners all said that you wouldn't stick by us, but we knew better. We knew you'd never let us down. By golly, you didn't."

We respect the sacrifices of our men and women in uniform because we respect what they died for. They did not give their lives for ground, prestige, wealth, or a monarch. They sacrificed their lives for freedom, opportunity, and justice—all represented by our nation's flag of 50 stars and thirteen stripes. Through the American flags at Arlington National Cemetery, on the Iwo Jima Memorial, and at every school yard, we honor those sacrifices. But there are those who do not.

In 1984, Greg Johnson led a group of radicals in a protest march. He doused an American flag with kerosene and set it on fire as his fellow protestors chanted: "America, the red, white, and blue, we spit on you." While traditional First Amendment jurisprudence would protect Johnson's ability to speak and write about the flag, it did not protect his ability to physically destroy the flag.

But, in 1989, the Supreme Court abandoned the history and intent of the First Amendment by creating a new standard that made no distinction between oral and written speech about the flag and disrespectful conduct toward the flag. In *Texas* v. *Johnson*, five members of the Court, for the first time ever, overturned a conviction based solely on physical conduct toward the American flag. The majority argued that the First Amendment had somehow changed and that it now prevented a state from protecting the American flag from acts of physical desecration. When Congress responded with a federal flag protection statute, the Supreme Court, in *United States* v. *Eichman*, used its new and changed interpretation of the First Amendment to strike it down by a 5–4 vote.

Under this new interpretation of the First Amendment, it is assumed that the people, their elected legislators, and the courts can no longer distinguish between speech and conduct. Because of this assumed inability to make such distinctions, there are those who argue that our freedom to express political ideas is wholly dependent on treating Greg Johnson's burning of the American flag exactly like oral and written speech.

This ill-advised argument fails because its basic premise—that legislatures and courts cannot distinguish between oral and written expression and disrespectful physical conduct—is so obviously false. It is precisely this distinction that legislatures and courts did make for almost 200 years. Just as judges have distinguished which laws and actions comply with the constitutional command to provide "equal protection of the laws" and "due process of law," so too have judges distinguished between free speech and destructive conduct, and have limited the latter.

Destructive conduct, such as breaking down the doors of the State Department, may be a way of expressing one's dissatisfaction with the nation's foreign policy objectives. Laws, however, can be enacted preventing such actions in large part because there are alternatives that can be equally powerful. I should also note that right here in the United States Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries.

Moreover, the people themselves did not elevate the act of flag desecration to a constitutionally protected status, which the Supreme Court did in Johnson and Eichman. Such an extreme view was never drafted by the Congress or ratified by the people. Indeed, such a protection is contradicted by the original and historic intent of the First Amendment. Thus, in this Senator's view, the Supreme Court erred in Johnson and in Eichman.

It has also been argued that another flag protection statute could pass constitutional muster under the "fighting words" doctrine. In R.A.V. v. City of St. Paul, however, the Supreme Court expanded the newly created, so-called "right" to burn the flag by stating that any statute that specifically targeted the American flag for protection was unconstitutional, regardless of the "fighting words" doctrine. Thus, a constitutional amendment is the only means left to protect the flag.

It has been argued that a constitutional amendment to protect the flag should be "content neutral" and prohibit not only disrespectful destructions of the flag, but all destructions of the flag. Such an amendment would sweep too broadly by prohibiting the ceremonial disposal of a flag and the traditional printing of regimental names on the flag. In short, a "content neutral" amendment misses the point. It is the traditional constitutional protection for the dignity of the flag that must be restored, not a new broad ban on any conduct with a flag that should be created. Only a narrowly tailored amendment can accomplish this honorable purpose.

The amendment that Senator CLELAND and I propose affects only the most radical and disrespectful forms of conduct towards the American flag. The amendment will leave untouched the current constitutional protections for Americans to speak their sentiments at a rally, to write their sentiments to their newspaper, and to vote their sentiments at the ballot box. The amendment simply restores the traditional and historic power of the people's elected representatives to prohibit the disrespectful physical destruction of the flag.

Further, it is clear that restoring legal protection to the American flag will not place us on a slippery slope to limit other freedoms. No other symbol of our bipartisan national ideals has flown over so many of our battlefields, cemeteries, school yards, and homes. No other symbol has been paid for with so much of our countrymen's blood. No other symbol has encouraged so many ordinary men and women to seek liberty and justice for all.

In recent months, my colleagues on both sides of the political aisle have called for a new bipartisan spirit in Congress. This amendment fits the bill. Restoring legal protection to the American flag is not, nor should it be, a partisan issue. Including Senator CLELAND and myself, 57 senators, both Republicans and Democrats, have joined as original cosponsors of this amendment.

Over 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African-American Women's Clergy Association all support the flag protection amendment. Forty-nine state legislatures have passed resolutions calling for constitutional protection for the flag. Last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 310-114, and will pass it again this year.

Mr. President, I am very honored to be a cosponsor with my dear friend from Georgia, Senator CLELAND. I appreciate the efforts he has put forth in this battle. Having served in the military as he has done with such distinction and with courage, he has earned the right to speak for the protection of the flag.

I am, therefore, proud to rise today and introduce a constitutional amendment that will restore to the people's elected representatives the right to protect one unique national symbol, the American flag, from acts of physical desecration.

Mr. President, I ask unanimous consent that the text of the proposed amendment be included in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 14

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

"ARTICLE —

"The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

Mr. CLELAND. Mr. President, I want to first thank my dear friend and colleague, the distinguished chairman of the Judiciary Committee, Senator HATCH. His dedicated leadership on this important matter is unparalleled and, without it, we would not have been able to gain all of the support we have for this important legislation. I am proud to say that the resolution regarding the flag protection amendment Senator HATCH and I are introducing today has 57 original co-sponsors, and I am hopeful that we will be able to bring this important matter to a final vote in the Senate this year.

As I have stated many times before, I am a strong supporter of a Constitutional amendment to prohibit the physical desecration of the United States flag. The amendment we are proposing is simple. It simply vests Congress with the authority to protect the flag through statute. We need not fear that the states will create a hodgepodge of flag protection statutes. Instead, Congress can create one uniform statute for the entire nation.

I understand the concerns that others have about the impact on the First Amendment that this bill might have, and as a veteran who risked his life in Vietnam to protect the principles of freedoms that Americans hold sacred, I am a strong supporter of the First Amendment. However, I believe that an amendment to protect the flag is an acceptable limitation in order to protect the most sacred of American symbols. I strongly believe that the societal interest in preserving the symbolic value of the flag outweighs the interest in an individual choosing to physically desecrate the flag. The flag unites Americans as no symbol can. The flag is sacred. Those who would desecrate the flag would desecrate America and the freedoms that we hold inviolate.

I cannot presume to know the importance of the American flag for each individual American. But I can say without doubt, that it is the only unifying symbol that the vast diversity of this great nation has. No matter one's age, religion, culture, ethnicity, race, or gender—every American is represented by the United States flag and the flag undoubtedly bonds Americans together.

The tradition of the flag goes back to this country's birth. Indeed, it even inspired our national anthem. Until the Supreme Court struck down a state flag protection law in Texas versus Johnson in 1989, there have always been state and federal laws protecting the flag from acts of physical desecration. In fact, flag protection can be traced back to our founding fathers who strongly supported the government's protection of the flag. James Madison and Thomas Jefferson, who were instrumental in framing the Constitution, recognized that protecting the flag and preserving the First Amendment were consistent. They often spoke out against desecration of the flag and sought to protect the sovereignty interest in the flag. Both Madison and Jefferson considered that a defacement of the flag should be a violation of the law. In fact, Jefferson believed that such a violation should invoke a "systematic and severe" course of punishment for persons who violated the flag.

I do not profess to be a constitutional scholar. But I, like many Americans, do not agree with the Supreme Court's ruling in *Texas* v. *Johnson*, and *United States* v. *Eichman* which struck down statutes protecting the United States flag as unconstitutional violations of the First Amendment right to free speech. I respect the wisdom of the Justices of the Supreme Court, yet I was saddened that we no longer were able to rely upon statutory authority to protect the flag.

I was especially saddened in light of the views expressed by some of the most learned scholars in American jurisprudence. Several Supreme Court Justices over the years have issued opinions recognizing the importance of protection of the flag, including Justices Harlan, Warren, Fortas, Black, White, Rehnquist, Blackmun, Stevens, and O'Connor. These Justices have each supported the view that nothing in the Constitution prohibits the states or the federal government from protecting the flag. Perhaps Chief Justice Rehnquist explained it best in his dissent in Texas versus Johnson which was joined by Justices O'Connor and White, when he said:

> [t]he American flag . . . throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have. I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States, which make criminal the public burning of the flag.

Nonetheless, the current Supreme Court view stands. That is what brings us here today. In an attempt to protect the flag, Congress has been forced to enact a constitutional amendment. The House has twice overwhelmingly passed resolutions that would begin the formal process of amending the Constitution to protect the flag. Unfortunately, it has been the Senate that has blocked these efforts. However, the vote has always been close in the Senate and I am hopeful that we will succeed this year.

The will of the people in this matter is clear. The polls continue to show that more than 80 percent of the American people believe that Congress should act to protect the flag and that it is worth amending the Constitution to do so. The Supreme Court decision in Texas versus Johnson in effect invalidated the laws in 48 states and the District of Columbia that prohibited flag desecration. Since the Supreme Court's decision, 49 of the 50 State legislatures have adopted resolutions asking Congress to send the flag protection amendment to the States for ratification. I believe we ought to let the American people decide. Therefore, I lend my full support to efforts to send this initiative back to the States and American people for ratification.

Although support for government action to protect the United States flag comes from all sectors of the American public, I have been particularly moved by the voices of our veterans who have fought and died to defend the freedoms guaranteed to all Americans in the Constitution. The U.S. flag is a manifestation of those freedoms and holds particular significance to those who have risked their lives to protect this country and the flag which embodies them. In fact, in many cases the U.S. has presented the Medal of Honor to veterans for their uncommon valor in protecting the flag in times of war. As Justice Stevens said in his dissenting opinion in Texas versus Johnson:

> The freedom and ideals of liberty and ideals of liberty, equality and tolerance that the flag symbolizes and embodies have motivated our nation's leaders, soldiers, and activists to pledge their lives, their liberty and their honor in defense of their country. Because our history has demonstrated that these values and ideals are worth fighting for, the flag which uniquely symbolizes their power is itself worthy of protection from physical desecration.

The military has always used the flag to honor those who fought and died to protect our freedoms. We honor the members of our armed forces by draping a flag over the coffin of a slain soldier, placing a flag near a soldier's grave, or displaying a flag on Memorial Day and Veterans' Day. To permit people to physically desecrate the flag diminishes the honor we bestow upon them and tarnishes its value and the brave service of those individuals who fought to defend it.

As Chief Justice Harlan once said, "love both of the common country and of the State will diminish in proportion as respect for the flag is weakened." Perhaps my colleagues who do not agree with me upon this issue will believe that I have overly dramatized the meaning of the flag, but for me personally, who fought to defend the principles of freedom we hold sacred, the protection of the flag which represents them cannot be ignored. I believe we must use this opportunity to show the world that we reaffirm our commitment to the ideals the flag stands for and what so many Americans fought for.

Mr. ASHCROFT. Mr. President, I rise today in support of the proposed amendment to the United States Constitution to prevent desecration of our great national symbol. I want to thank Chairman HATCH for his continuing dedication to this issue, and I want to applaud him for reintroducing the flag amendment today. I believe that our nation's symbol is a unique and important part of our heritage and culture, and worthy of respect and protection. In 1995, I was an original co-sponsor of an amendment to the Constitution designed to protect the symbol of our nation and its ideals. When that resolution was defeated narrowly, we vowed that this issue would not go away and it has not. I stand here, again, today to declare the necessity of protecting the Flag of the United States of America and what it represents.

Throughout our history, the Flag has held a special place in the hearts and minds of Americans. As the appearance of the Flag has changed with the addition of stars as the nation has grown, its core meaning to the American people has remained constant. It symbolizes an ideal, not just for Americans, but for all those who honor the great American experiment. It represents a shared ideal of freedom, sacrifice, morality, history, unity, patriotism, loved ones lost, the American way of life and even America itself. The Flag stands in this chamber and in our court rooms; it is draped over our honored dead; it flies at half-mast to mourn those we wish to respect; and it is the subject of our National Anthem, our National March and our Pledge of Allegiance. America's inability to demand a modicum of respect for the flag leads not only to the desecration of our nation's symbol, but of the important values upon which this nation was founded. As the Chief Justice noted in his dissent in Texas versus Johnson (1989), "[t]he American flag, then, throughout more than 200 years of our history, has come to be the visible symbol embodying our nation. . . . Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have."

There can be little doubt that the people of this country fully support preserving and protecting the American Flag. During a recent hearing that I chaired on "The Tradition and Importance of Protecting the United States Flag" held by the Subcommittee on the Constitution, Federalism, and Property Rights, the witnesses noted that an unprecedented 80% of the American people supported a constitutional amendment to protect the flag. The people's elected representatives reflected that vast public support by enacting Flag protection statues at both the State and Federal levels. In fact, 49 State Legislatures have passed resolutions asking Congress to send a constitutional amendment to the States for ratification. Regrettably, the Supreme Court thwarted the people's will—and discarded the judgment of state legislatures and the Congress that protecting the Flag is fully consistent with our Constitution—by holding that, as far as the Constitution is concerned, the American Flag is just another piece of cloth for which no minimum of respect may be demanded. As a consequence, that which represents the struggles of those who came before us, our current ideals, and our hopes for years to come, cannot be recognized for what it truly is—a national treasure in need of protection.

Further, the question must be asked, what is the legacy we are leaving our children? At a time when our nation's virtues are too rarely extolled by our national leaders, and national pride is dismissed by many as arrogance, America needs, more than ever, something to celebrate. At a time when our political leaders labor under the taint of scandal, we need a national symbol that is beyond reproach. America needs its Flag unblemished, representing more than any person or any partisan interest, but this extraordinary nation. The Flag, and the freedom for which it stands, has a unique ability to unite us as Americans. Whatever our disagreements, we are united in our respect for the Flag. We are in need of healing. We should not allow the healing and unifying power of the Flag to become a source of divisiveness.

The protection that the people seek for the Flag does not threaten the sacred rights afforded by the First Amendment. I sincerely doubt that the Framers intended the First Amendment of the Constitution to prevent state legislatures and Congress from protecting the Flag of the nation for which they shed their blood. At the time of the Supreme Court's decision, the tradition of protecting the Flag was too firmly established to suggest that such laws are inconsistent with our constitutional traditions. Many of the state laws were based on the Uniform Flag Act of 1917. No one at that time, or for 70 years afterwards, felt that these laws ran afoul of the First Amendment. Indeed, the Supreme Court itself upheld a Nebraska statute preventing commercial use of the Flag in 1907 in Halter versus Nebraska. As the Chief Justice stated in his dissent, "I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States which make criminal the public burning of the flag."

Nor do I accept the notion that amending the Constitution to overrule the Supreme Court's decisions in the specific context of desecration of the Flag will somehow undermine the First Amendment as it is applied in other contexts. This amendment does not create a slippery slope which will lead to the erosion of Americans' right to free speech. The Flag is wholly unique. It has no rightful counterpart. An amendment protecting the Flag from desecration will provide no aid or comfort in any future campaigns to restrict speech. Moreover, an amendment banning the desecration of the Flag does not limit the content of any true speech. As Justice Stevens noted in his dissent in Johnson versus Texas, "[t]he concept of 'desecration' does not turn on the substance of the message the actor intends to convey, but rather on whether those who view the act will take serious offense." Likewise, the act of desecrating the Flag does not have any content in and of itself. The act takes meaning and expresses conduct only in the context of the true speech which accompanies the act. And that speech remains unregulated. As the Chief Justice noted, "flag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others."

In sum, there is no principal or fear that should stand as an obstacle to our protection of the Flag. Unfortunately, at no other time in history has our country so needed such a symbol of sacrifice, honor, unity and freedom. It is my earnest hope that by amending the Constitution to prohibit its desecration, this body will protect the heritage, sacrifice, ideals, freedom and honor that the Flag uniquely represents.

ADDITIONAL COSPONSORS

S. 168

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 168, a bill for the relief of Thomas J. Sansone, Jr.

S. 329

At the request of Mr. ROBB, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 355

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 355, a bill to amend title 13, United States Code, to eliminate the provision that prevents sampling from being used in determining the population for purposes of the apportionment of Representatives in Congress among the several States.

S. 376

At the request of Mr. BURNS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Oregon (Mr. WYDEN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 391

At the request of Mr. KERREY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 396

At the request of Mr. HUTCHINSON, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 396, a bill to provide dollars to the classroom.

S. 429

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 502

At the request of Mr. ASHCROFT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 502, a bill to protect social security.

S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 529

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 529, a bill to amend the Federal Crop Insurance Act to improve crop insurance coverage, to make structural changes to the Federal Crop Insurance Corporation and the Risk Management Agency, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 541

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 562

At the request of Mr. HARKIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 609

At the request of Mr. MURKOWSKI, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 609, a bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under the Act, and for other purposes.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 630

At the request of Mr. BURNS, the name of the Senator from Montana (Mr. BAUCUS) was withdrawn as a cosponsor of S. 630, a bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Irrigation Project, Montana.

S. 636

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's participation in the World Health Organization.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week."

SENATE RESOLUTION 50

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of Senate Resolution 50, a resolution designating March 25, 1999, as "Greek Independence Day: A Day of Celebration of Greek and American Democracy."

SENATE CONCURRENT RESOLUTION 18—EXPRESSING THE SENSE OF CONGRESS THAT THE CURRENT FEDERAL INCOME TAX DEDUCTION FOR INTEREST PAID ON DEBT SECURED BY A FIRST OR SECOND HOME SHOULD NOT BE FURTHER RESTRICTED

Mr. ASHCROFT submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 18

Whereas homeownership is a fundamental American ideal, which promotes social and economic benefits beyond the benefits that accrue to the occupant of the home;

Whereas homeownership is an important factor in promoting economic security and stability for American families;

Whereas it is proper that the policy of the Federal Government is and should continue to be to encourage homeownership;

Whereas the increase in the cost of housing over the last 10 years has been greater than the increase in family income;

Whereas, for the first time in 50 years, the percentage of people in the United States owning their own homes has declined;

Whereas the percentage of people in the United States between the ages of 25 and 29 who own their own home has declined from 43 percent in 1976 to 38 percent today;

Whereas the current Federal income tax deduction for interest paid on debt secured by a first home has been a valuable cornerstone of this Nation's housing policy for most of this century and may well be the most important component of housing-related tax policy in America today;

Whereas the current Federal income tax deduction for interest paid on debt secured by second homes is of crucial importance to the economies of many communities;

Whereas the continued deductibility of interest paid on debt secured by a first or second home has particular importance in promoting other desirable social goals, such as education of young people; and

Whereas the Federal income tax deduction for interest paid on debt secured by a first or second home has been limited twice in the last 6 years, and was further eroded as a result of the Omnibus Budget Reconciliation Act of 1990: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted.

SENATE CONCURRENT RESOLUTION 19—CONCERNING ANTI-SEMITIC STATEMENTS MADE BY MEMBERS OF THE DUMA OF THE RUSSIAN FEDERATION

Mr. CAMPBELL (for himself, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. ABRAHAM, Mr. BROWNBACK, Mr. REID, Mr. BURNS, Mr. TORRICELLI, Mr. CLELAND, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

Whereas the world has seen in the 20th century the disastrous results of ethnic, religious, and racial intolerance;

Whereas the Government of the Russian Federation is on record, through obligations freely accepted as a participating state of the Organization on Security and Cooperation in Europe (OSCE), as pledging to "clearly and equivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone . . .";

Whereas at two public rallies in October 1998, Communist Party member of the Duma, Albert Makashov, blamed "the Yids" for Russia's current problems;

Whereas in November 1998, attempts by members of the Russian Duma to formally censure Albert Makashov were blocked by members of the Communist Party;

Whereas in December 1998, the chairman of the Duma Security Committee and Communist Party member, Viktor Ilyukhin, blamed President Yeltsin's "Jewish entourage" for alleged "genocide against the Russian people";

Whereas in response to the public outcry over the above-noted anti-Semitic statements, Communist Party chairman Gennadi Zyuganov claimed in December 1998 that such statements were a result of "confusion" between Zionism and "the Jewish question"; and

Whereas during the Soviet era, the Communist Party leadership regularly used "anti-Zionist campaigns" as an excuse to persecute and discriminate against Jews in the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns anti-Semitic statements made by members of the Russian Duma;

(2) commends actions taken by members of the Russian Duma to condemn anti-Semitic statements made by Duma members;

(3) commends President Yeltsin and other members of the Russian Government for condemning anti-Semitic statements made by Duma members; and

(4) reiterates its firm belief that peace and justice cannot be achieved as long as governments and legislatures promote policies based upon anti-Semitism, racism, and xenophobia.

Mr. CAMPBELL. Mr. President, although Communism released its oppressive grip on the people of Russia nearly ten years ago, its fingerprints of racism and ethnic intolerance persist. Today, I call the attention of my colleagues to the troubling surge of anti-Semitic rhetoric by the Russian Duma's Communist Party leaders who have sought to place the blame of Russia's social and economic ills on its Jewish community. As the new co-chairman of the Helsinki Commission, I am submitting a resolution to help address this disturbing situation. This resolution is a companion to H.Con.Res. 37 which was introduced by Congressman CHRIS SMITH, Chairman of the Helsinki Commission.

In October of last year, General Albert Makashov, Communist Party member of the Duma, insulted and threatened the Jewish community with physical retribution for what he asserted as being a cause of Russia's current instabilities. When other members of the Duma sought to censure General Makashov for his comments, Communist party members blocked the measure on two different occasions and the Duma failed to condemn his statements. Then in December, Viktor Ilyukhin, Communist Party member and Chairman of the Security Committee, asserted that the Jews were committing 'genocide against the Russian people'. He further referenced the influence of President Yeltsin's 'Jewish entourage' and called for ethnic quotas in these posts to counter Jewish influence.

It is imperative that the Russian Duma be sent a clear message that these expressions of racism and ethnic hatred will not go unnoticed by the U.S.

Today, I am joined by Senators LAUTENBERG, ABRAHAM, SMITH of Oregon, BROWNBACK, TORRICELLI, REID, CLELAND, BURNS, and FEINGOLD in submitting a resolution which condemns these anti-Semitic statements made by the Russian Duma. It likewise commends the actions taken by those in the Duma who sought to censure the Communist Party leaders and commends President Yeltsin for his forceful rejection of the statements. This resolution also reiterates the firm belief of the Congress that peace and justice cannot be achieved as long as governments and legislatures promote policies based upon anti-Semitism, racism, and xenophobia.

In light of Prime Minister Yevgeny Primakov's upcoming visit to the U.S., this resolution is especially timely. I urge my colleagues to support this important resolution which underscores the U.S. commitment to religious freedom and human rights.

Mr. LAUTENBERG. Mr. President, I rise today in support of the resolution condemning anti-Semitic statements by Russian political leaders and commending President Yeltsin and others for raising their voices against such hateful speech.

Anti-Semitism in Russia is not a new phenomenon. Throughout Russia's history, Jews have often been singled out for persecution during times of crisis. It happened in the seventeenth century, when a reign of terror was unleashed against Jews in Eastern and Central Europe, and it happened in the pogroms of World War I, when entire Jewish communities were annihilated. In short, when there's trouble in Russia, Jews are usually the first to be blamed. Anti-Semitic comments coming from high-ranking officials in Russia in recent months are particularly worrisome. They come at a time when Russia should be overcoming its troubled past and rejoining the world community by honoring freedom of religion, free speech and other human rights.

The anti-Semitic statements made by prominent Russian officials are well known by now: Last November, retired General Albert Makashov blamed the country's economic crisis on "yids." In an open letter, Gennady Zyuganov, the Communist Party chief, voiced his belief of a Zionist conspiracy to seize power in Russia. Another top Communist lawmaker, Viktor Ilyukhin, accused Jews of waging "genocide" in the country.

Officials in the Russian government have criticized these statements. Yet not so long ago, Russian President Yeltsin went ahead with a summit with his counterpart, Belarus president Alexander Lukashenko, who himself blamed Jewish financiers and political reformers "for the creation of the criminal economy." Alexander Lebed, a top contender for the presidential post in the 2000 elections, has also made negative remarks about several religious groups.

We in Congress have asked senior Administration officials to lodge our protests against the anti-Semitic comments made by Russian leaders. During her recent trip to Moscow, Secretary Albright did exactly that and received assurances that anti-Semitism has no place in Russia. The Administration will have another opportunity to voice our concern when Vice President GORE receives Russia's Prime Minister Primakov next week.

I will closely be watching events in Russia to ensure the government is in compliance with its international human rights commitments. There has been concern that the country's religion law, passed in 1997, cedes too much authority to local officials. The omnibus appropriations bill for 1999 directs a cutoff of Freedom Support Act aid to Russia unless the President determines and certifies that Moscow hasn't implemented statutes, regulations or executive orders that would discriminate against religious groups. That certification must be made by late April. I hope certification, as well as the International Religious Freedom Act, passed last year, will be strong incentives for Russian leaders to reverse a troubling anti-democratic trend.

As you know, in 1989 I authored legislation making it easier for Jews and members of other persecuted religious groups in the former Soviet Union to obtain refugee status in the United States. I introduced this law because I felt deeply that religious freedom was a basic human right, which was anathema under the Soviet system of government. Recent events in Russia convince me my legislation remains very necessary and I will be asking my colleagues to support an extension again this year.

During a trip to Poland last year, President Kwasniewski and Prime Minister Buzek reached out to the Jewish community to help bridge the gap between Poles and Jews. This is a difficult and long-term process, but at least leaders across the political spectrum are making a real effort to heal wounds and create a more welcome climate for Jews in Poland. I welcome President Yeltsin's rejections of anti-Semitism and I hope more members of the Duma will speak out in this manner.

I want also to pay tribute to Parliamentarian Galina Starovoitova, a steadfast supporter of human rights and democracy, who was shot dead last November in the entry way of her St. Petersburg apartment building. Ms. Starovoitova, a non-Jew, was a leading voice in condemning anti-Semitism in Russian society. Her courage will be sorely missed.

Congress understands Russia cannot be a great democracy until it makes progress in human rights, and doesn't revert to past practices. Russia's leaders must come to the same conclusion. We must all work together to reach a common goal—helping Russia integrate into the international community.

Mr. President, I urge all my colleagues to support this timely resolution.

SENATE RESOLUTION 64—RECOGNIZING THE HISTORIC SIGNIFICANCE OF THE FIRST ANNIVERSARY OF THE GOOD FRIDAY PEACE AGREEMENT

Mr. DURBIN (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. MOYNIHAN, Mr. DODD, Mr. FITZGERALD, Mr. SCHUMER, Mr. REID, Mr. STEVENS, Mrs. BOXER, Mr. LIEBERMAN, Mr. LEVIN, Mr. WELLSTONE, Mr. ROCKEFELLER, Mr. CLELAND, Mr. TORRICELLI, Mr. GRAMS, Mr. SANTORUM, Mr. DASCHLE, Ms. MIKULSKI, Mr. KERREY, Mr. COCHRAN, Mr. DORGAN, Mr. THURMOND, Ms. LANDRIEU, Ms. COLLINS, Mr. BURNS, Mr. MCCAIN, Mr. LOTT, Mr. BAYH, Mr. VOINOVICH, Mrs. LINCOLN, Mr. BINGAMAN, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 64

Whereas Ireland has a long and tragic history of civil conflict that has left a deep and profound legacy of suffering;

Whereas since 1969 more than 3,200 people have died and thousands more have been injured as a result of political violence in Northern Ireland;

Whereas a series of efforts by the Governments of the Republic of Ireland and the United Kingdom to facilitate peace and an announced cessation of hostilities created an historic opportunity for a negotiated peace;

Whereas in June 1996, for the first time since the partition of Ireland in 1922, representatives elected from political parties in Northern Ireland pledged to adhere to the principles of nonviolence and commenced talks regarding the future of Northern Ireland;

Whereas the talks greatly intensified in the spring of 1998 under the chairmanship of former United States Senator George Mitchell;

Whereas the active participation of British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern was critical to the success of the talks;

Whereas on Good Friday, April 10, 1998, the parties to the negotiations each made honorable compromises to conclude a peace agreement for Northern Ireland, which has become known as the Good Friday Peace Agreement;

Whereas on Friday, May 22, 1998, an overwhelming majority of voters in both Northern Ireland and the Republic of Ireland approved by referendum the Good Friday Peace Agreement;

Whereas the United States must remain involved politically and economically to ensure the long-term success of the Good Friday Peace Agreement; and

Whereas April 10, 1999, marks the first anniversary of the Good Friday Peace Agreement: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the first anniversary of the Good Friday Peace Agreement;

(2) salutes British Prime Minister Tony Blair and Irish Taoiseach Bertie Ahern and the elected representatives of the political parties in Northern Ireland for creating the opportunity for a negotiated peace;

(3) commends former Senator George Mitchell for his leadership on behalf of the United States in guiding the parties toward peace;

(4) congratulates the people of the Republic of Ireland and Northern Ireland for their courageous commitment to work together in peace;

(5) reaffirms the bonds of friendship and cooperation that exist between the United States and the Governments of the Republic of Ireland and the United Kingdom, which ensure that the United States and those Governments will continue as partners in peace; and

(6) encourages all parties to move forward to implement the Good Friday Peace Agreement.

SENATE RESOLUTION 65—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 65

Whereas, in the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*, Civil No. 97-998 (Cass Cty., N.D.) pending in North Dakota state court, testimony has been requested from Kevin Carvell and Judy Steffes, employees of Senator Byron L. Dorgan;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Senators and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Kevin Carvell, Judy Steffes, and any other former or current Senate employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Byron L. Dorgan, Kevin Carvell, Judy Steffes, and any other Member or employee of the Senate from whom testimony or document production may be required in connection with the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*

SENATE RESOLUTION 66—TO AUTHORIZE TESTIMONY, DOCUMENTARY PRODUCTION, AND REPRESENTATION OF EMPLOYEES OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 66

Whereas, in the case of *United States* v. *Yah Lin "Charlie" Trie*, Criminal No. LR-CR-98-239, pending in the United States District Court for the Eastern District of Arkansas, documentary and testimonial evidence are being sought from the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Committee on Governmental Affairs, acting jointly, are authorized to produce records of the Committee, and present and former employees of the Committee from whom testimony is required are authorized to testify, in the case of *United States* v. *Yah Lin "Charlie" Trie*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent present and former employees of the Senate in connection with the testimony authorized in section one.

SENATE RESOLUTION 67—TO AUTHORIZE REPRESENTATION OF SECRETARY OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas, in the case of *Bob Schaffer, et al.* v. *William Jefferson Clinton, et al.*, C.A. No. 99-K-201, pending in the United States District Court for the District of Colorado, the plaintiffs have named the Secretary of the Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Secretary of the Senate in the case of *Bob Schaffer, et al.* v. *William Jefferson Clinton, et al.*

SENATE RESOLUTION 68—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TREATMENT OF WOMEN AND GIRLS BY THE TALIBAN IN AFGHANISTAN

Mrs. BOXER (for herself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 68

Whereas more than 11,000,000 women and girls living under Taliban rule in Afghanistan are denied their basic human rights;

Whereas according to the Department of State and international human rights organizations, the Taliban continues to commit widespread and well-documented human rights abuses, in gross violation of internationally accepted norms;

Whereas, according to the United States Department of State Country Report on Human Rights Practices (hereafter "1998 State Department Human Rights Report"), violence against women in Afghanistan occurs frequently, including beatings, rapes, forced marriages, disappearances, kidnapings, and killings;

Whereas women and girls in Afghanistan are barred from working, going to school, leaving their homes without an immediate male family member as chaperone, visiting doctors, hospitals or clinics, and receiving humanitarian aid;

Whereas according to the 1998 State Department Human Rights Report, gender restrictions by the Taliban continue to interfere with the delivery of humanitarian assistance to women and girls in Afghanistan;

Whereas according to the 1998 State Department Human Rights Report, women in Afghanistan are forced to don a head-to-toe garment known as a burqa, which has only a mesh screen for vision, and women in Afghanistan found in public not wearing a burqa, or wearing a burqa that does not properly cover the ankles, are beaten by Taliban militiamen;

Whereas according to the 1998 State Department Human Rights Report, some poor women in Afghanistan cannot afford the cost of a burqa and thus are forced to remain at home or risk beatings if they go outside the home without one;

Whereas according to the 1998 State Department Human Rights Report, the lack of a burqa has resulted in the inability of some women in Afghanistan to get necessary medical care because they cannot leave home;

Whereas according to the 1998 State Department Human Rights Report, women in Afghanistan are reportedly beaten if their shoe heels click when they walk;

Whereas according to the 1998 State Department Human Rights Report, women in homes in Afghanistan must not be visible from the street, and houses with female occupants must have their windows painted over;

Whereas according to the 1998 State Department Human Rights Report, women in Afghanistan are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers;

Whereas according to the 1998 State Department Human Rights Report, women in Afghanistan are forbidden to enter mosques or other places of worship; and

Whereas women and girls of all ages in Afghanistan have suffered needlessly and even died from curable illnesses because they have been turned away from health care facilities because of their gender: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should instruct the United States Representative to the United Nations to use all appropriate means to prevent the Taliban-led government in Afghanistan from obtaining the seat in the United Nations General Assembly reserved for Afghanistan so long as gross violations of internationally recognized human rights against women and girls persist; and

(2) the United States should refuse to recognize any government in Afghanistan which is not taking actions to achieve the following goals in Afghanistan:

(A) The effective participation of women in all civil, economic, and social life.

(B) The right of women to work.

(C) The right of women and girls to an education without discrimination and the reopening of schools to women and girls at all levels of education.

(D) The freedom of movement of women and girls.

(E) Equal access of women and girls to health facilities.

(F) Equal access of women and girls to humanitarian aid.

AMENDMENTS SUBMITTED

NATIONAL MISSILE DEFENSE ACT OF 1999

BINGAMAN AMENDMENT NO. 74

Mr. BINGAMAN proposed an amendment to the bill (S. 257) to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack; as follows:

On page 2, strike lines 7 through 11 and insert the following:

It is the policy of the United States that a decision to deploy a National Missile Defense system shall be made only after the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation of the Department of Defense, has determined that the system has demonstrated operational effectiveness.

HARKIN AMENDMENT NO. 75

Mr. HARKIN proposed an amendment to the bill, S. 257, supra; as follows:

At the end, add the following:

SEC. 4. COMPARATIVE STUDY OF RELEVANT NATIONAL SECURITY THREATS.

(a) REQUIREMENT FOR STUDY.—Not later than January 1, 2001, the President shall submit to Congress the comparative study described in subsection (b).

(b) CONTENT OF STUDY.—(1) The study required under subsection (a) is a study that provides a quantitative analysis of the relevant risks and likelihood of the full range of current and emerging national security threats to the territory of the United States. The study shall be carried out in consultation with the Secretary of Defense and the heads of all other departments and agencies of the Federal Government that have responsibilities, expertise, and interests that the President considers relevant to the comparison.

(2) The threats compared in the study shall include threats by the following means:

(A) Long-range ballistic missiles.

(B) Bombers and other aircraft.

(C) Cruise missiles.

(D) Submarines.

(E) Surface ships.

(F) Biological, chemical, and nuclear weapons.

(G) Any other weapons of mass destruction that are delivered by means other than missiles, including covert means and commercial methods such as cargo aircraft, cargo ships, and trucks.

(H) Deliberate contamination or poisoning of food and water supplies.

(I) Any other means.

(3) In addition to the comparison of the threats, the report shall include the following:

(A) The status of the developed and deployed responses and preparations to meet the threats.

(B) A comparison of the costs of developing and deploying responses and preparations to meet the threats.

INTERIM FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT

McCAIN (AND ROBB) AMENDMENT NO. 76

Mr. McCAIN (for himself and Mr. ROBB) proposed an amendment to the bill (S. 643) to authorize the Airport Improvement Program for 2 months, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. . RELEASE OF 10 PERCENT OF MWAA FUNDS.

(a) IN GENERAL.—Notwithstanding sections 49106(c)(6)(C) and 49108 of title 49, United States Code, the Secretary of Transportation may approve an application of the Metropolitan Washington Airports Authority (an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000 of the amount that otherwise would have been available to the Authority for passenger facility fee/airport development project grants under subchapter I of chapter 471 of such title.

(b) LIMITATION.—The Authority may not execute contracts, for applications approved under subsection (a), that obligate or expend amounts totalling more than the amount for which the Secretary may approve applications under that subsection, except to the extent that funding for amounts in exceed of that amount are from other authority or sources.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

SPECTER (AND OTHERS) AMENDMENT NO. 77

Mr. SPECTER (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. KENNEDY, and Mr. DURBIN) proposed an amendment to the bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and other purposes; as follows:

Beginning on page 35, strike line 13 and all that follows through line 24 on page 36 and insert the following:

SEC. 2011. WAIVER OF RECOUPMENT OF MEDICAID TOBACCO-RELATED RECOVERIES IF RECOVERIES USED TO REDUCE SMOKING AND ASSIST IN ECONOMIC DIVERSIFICATION OF TOBACCO FARMING COMMUNITIES. (a) FINDINGS.—Congress makes the following findings:

(1) Tobacco products are the foremost preventable health problem facing America today. More than 400,000 individuals die each year as a result of tobacco-induced illness and conditions.

(2) Each day 3,000 young individuals become regular smokers. Of these children, 1,000 will die prematurely from a tobacco-related disease.

(3) Medicaid is a joint Federal-State partnership designed to provide health care to citizens with low-income.

(4) On average, the Federal Government pays 57 percent of the costs of the medicaid program and no State must pay more than 50 percent of the cost of the program in that State.

(5) The comprehensive settlement of November 1998 between manufacturers of tobacco products and States, and the individual State settlements reached with such manufacturers, include claims arising out of the medicaid program.

(6) As a matter of law, the Federal Government is not permitted to act as a plaintiff in medicaid recoupment cases.

(7) Section 1903(d) of the Social Security Act (42 U.S.C. 1396b(d)) specifically requires that the State reimburse the Federal Government for its pro rata share of medicaid-related expenses that are recovered from liability cases involving third parties.

(8) In the comprehensive tobacco settlement, the tobacco companies were released from all relevant claims that can be made against them subsequently by the States, thereby effectively precluding the Federal Government from recovering its share of medicaid claims in the future through the established statutory mechanism.

(9) The Federal Government has both the right and responsibility to ensure that the Federal share of the comprehensive tobacco settlement is used to reduce youth smoking, to improve the public health, and to assist in the economic diversification of tobacco farming communities.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting "(A)" before "The"; and

(2) by adding at the end the following:

"(B) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products (as defined in section 5702(d) of the Internal Revenue Code of 1986) and States, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers, if (and to the extent that) the Secretary finds that following conditions are met:

"(i) The Governor or Chief Executive Officer of the State has filed with the Secretary a plan which specifically outlines how—

"(I) at least 20 percent of such amounts recovered or paid in any fiscal year will be spent on programs to reduce the use of tobacco products using methods that have been shown to be effective, such as tobacco use cessation programs, enforcement of laws relating to tobacco products, community-based programs to discourage the use of tobacco products, school-based and child-oriented education programs to discourage the use of tobacco products, and State-wide awareness and counter-marketing advertising efforts to educate people about the dangers of using tobacco products, and for ongoing evaluations of these programs; and

"(II) at least 30 percent of such amounts recovered or paid in any fiscal year will be spent—

"(aa) on Federally or State funded health or public health programs; or

"(bb) to assist in economic development efforts designed to aid tobacco farmers and tobacco-producing communities as they transition to a more broadly diversified economy.

"(ii) All programs conducted under clause (i) take into account the needs of minority populations and other high risk groups who have a greater threat of exposure to tobacco products and advertising.

"(iii) All amounts spent under clause (i) are spent only in a manner that supplements (and does not supplant) funds previously being spent by the State (or local governments in the State) for such or similar programs or activities.

"(iv) Before the beginning of each fiscal year, the Governor or Chief Executive Officer of the State files with the Secretary a report which details how the amounts so recovered or paid have been spent consistent with the plan described in clause (i) and the requirements of clauses (ii) and (iii).".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) apply to amounts recovered or paid to a State before, on, or after the date of enactment of this Act.

HUTCHINSON AMENDMENT NO. 78

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —REQUIREMENT FOR CONGRESSIONAL APPROVAL OF ADMISSION OF CHINA TO WTO.

SEC. 01. PRIOR CONGRESSIONAL APPROVAL FOR SUPPORTING ADMISSION OF CHINA INTO THE WTO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States may not support the admission of the People's Republic of China as a member of the World Trade Organization unless a provision of law is passed by both Houses of Congress and enacted into law after the enactment of this Act that specifically allows the United States to support such admission.

(b) PROCEDURES FOR CONGRESSIONAL APPROVAL OF UNITED STATES SUPPORT FOR ADMISSION OF CHINA INTO THE WTO.—

(1) NOTIFICATION OF CONGRESS.—The President shall notify the Congress in writing if he determines that the United States should support the admission of the People's Republic of China into the World Trade Organization.

(2) SUPPORT OF CHINA'S ADMISSION INTO THE WTO.—The United States may support the admission of the People's Republic of China into the World Trade Organization if a joint resolution is enacted into law under subsection (c) and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives the notification referred to in paragraph (1).

(c) JOINT RESOLUTION.—

(1) JOINT RESOLUTION.—For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the support of the United States for the admission of the People's Republic of China into the World Trade Organization.".

(2) PROCEDURES.—

(A) IN GENERAL.—A joint resolution may be introduced at any time on or after the date on which the Congress receives the notification referred to in subsection (b)(1), and before the end of the 90-day period referred to in subsection (b)(2). A joint resolution may be introduced in either House of the Congress by any member of such House.

(B) APPLICATION OF SECTION 152.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to a joint resolution under this section to the same extent as such provisions apply to resolutions under section 152.

(C) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) CONSIDERATION BY APPROPRIATE COMMITTEE.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (C).

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

SEC. 03. CONFORMING AMENDMENT.

Section 125(b)(1) of the Uruguay Round Agreements Act (19 U.S.C. 3535(b)(1)) is amended by striking ", and only if,".

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Full Energy and Natural Resources Committee to consider the results of the December 1998 plebiscite on Puerto Rico.

The hearing will take place on Thursday, May 6, 1999, at 9:30 a.m., in room SH–216 of the Hart Senate Office Building.

For further information, please call James Beirne, Deputy Chief Counsel at (202) 224–2564 or Betty Nevitt, Staff Assistant at (202) 224–0765.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and

Power of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, April 6 at 10:30 a.m., at the Hood River Inn in Hood River, OR.

The purpose of the hearing is to conduct oversight on the process to determine the future of the four lower Snake River dams.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Ms. Julia McCaul or Colleen Deegan at 202–224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 17, 1999. The purpose of this meeting will be to review the current status of the Federal Crop Insurance Program and explore the various proposals to expand and/or restructure the program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Full Energy and Natural Resources Committee to consider Nuclear Waste Storage and Disposal Policy, including S. 608, the Nuclear Waste Policy Act of 1999.

The hearing will take place on Wednesday, March 24, 1999, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

For further information, please call Karen Hunsicker at (202) 224–3543 or Betty Nevitt, Staff Assistant at (202) 224–0765.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider pending business Wednesday, March 17, 9 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on loss of open space and environmental quality Wednesday, March 17, 10:30 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COCHRAN. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, march 17, 1999, beginning at 10 a.m., in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Committee on Energy be authorized to meet during the session of the Senate on Wednesday, March 17, 1999, at 10 a.m. to hold a joint hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 17, 1999, at 2 p.m., to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 17, 1999; at 9:30 a.m., for a hearing on the Independent Counsel Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 17, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 17, 1999, at 9:30 a.m., to conduct a Hearing on S. 400, the Native American Housing Assistance and Self-Determination Act Amendments of 1999. The Hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. COCHRAN. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Disabled American Veterans. The hearing will be held on Wednesday, March 17, 1999, at 10 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 17, 1999, at 2:30 p.m., to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 17, 1999, at 2 p.m., in open session, to receive testimony on tactical aircraft modernization programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m., on Wednesday, March 17, 1999, in open session to review the efforts to reform and streamline the Department of Defense's acquisition process.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BOARD

• Mr. CLELAND. Mr. President, today I am addressing the Senate to express my view on the importance of maintaining a regulatory system that has resulted in a renaissance of the nation's rail freight railroads, which are so critical to the economic vitality of my state of Georgia.

In Georgia, we depend heavily on railroads to bring us raw materials and to carry our finished goods to market. Two major railroads, CSX and Norfolk Southern, operate more than 3,500 miles of rail line in Georgia, and service is provided over more than 1,000 miles of track by regional and local railroads. More than 3 million carloads of such commodities as coal, minerals, and pulp and paper are carried through Georgia every year, and more than 6,000 Georgians are directly employed in the rail industry.

The importance of railroads in my state reaches much deeper than the customers they serve and the citizens they employ, however. As a member of the Small Business Committee, I am particularly aware of the numerous small businesses throughout my state—including hundreds of logging and sawmill operations that produce crossties—which depend for their livelihood on railroads having the financial resources to undertake infrastructure maintenance and improvements. If the railroads do not have the resources for that investment, these small businesses—as well as rail shippers and employees—will suffer.

This financial strength has not always been there. Indeed, the rail industry has undergone a remarkable resurgence from the late 1970s, when much of the industry was in bankruptcy and facing nationalization. The foundation of this resurgence has been the statutory changes made under the Staggers Rail Act of 1980. This bipartisan legislation lifted much of the regulatory burden that was stifling the industry, and permitted the railroads to compete in the marketplace for business, make contracts with customers, and use differential pricing to support the enormous capital investment they require for safe, efficient operations. These are basic activities engaged in by businesses across the nation, activities which had been denied the railroads for nearly a century.

The results have been little short of amazing. A moribund industry has come back to life, investing $225 billion in its infrastructure, and providing good jobs to a quarter of a million employees. And, while the industry has had capacity constraints and other difficulties in some areas in providing the high level of service customers deserve, I believe the industry is committed to making needed investments and working with its customers to do better.

Despite the rail industry's gains, there are current efforts to turn back the clock and reimpose some of the destructive regulatory interventions which in the past hindered the railroads' ability to operate efficiently and price their services competitively. If we do so, we will be heading right back from where we have come: inefficient, poorly-performing railroads that were not dependable carriers of goods. We cannot afford that, if our nation's businesses are to grow and remain globally competitive.

Reauthorizing the Surface Transportation Board (STB), which administers the statute regulating the industry, is an important goal of the Senate Commerce Committee, and it is an objective that I endorse. Only by having a stable regulatory agency in place, can we ensure the continued application of the law in a balanced manner that takes into account the need to enable the railroads to earn enough to maintain their infrastructure, while ensuring fair rates for shippers. Indeed, the railroads are one of the most capital intensive industries in our nation, and despite their increased viability, they still fall short of the capital necessary to sustain and improve their plant and equipment. I support the current economic regulatory regime that has served the nation well by sparking this rail rebirth. At the same time, I intend to carefully evaluate issues brought to the Committee's attention by rail labor organizations as this review goes forward.

We must ensure that our railroads can operate in ways that allow them to maximize their growth and earn a sufficient rate of return. Our shippers and the businesses that supply the rail industry need dependable, economically sound carriers to transport their goods and to buy their products. Rail employees need a safe, fair and efficient system in which to work. These are mutually interdependent objectives, and I look forward to working with my colleagues to achieve sound policy determinations that satisfy these objectives.•

AMERICAN LUNG ASSOCIATION HEALTH ADVOCATES OF THE YEAR

• Mr. ABRAHAM. Mr. President, I rise today to congratulate Dr. Samuel R. Dismond Jr. and HealthPlus of Michigan for their strong commitment to health, education and the well-being of the Genesee Valley area.

Dr. Dismond is the current chief of staff at Hurley Medical Center. Throughout his distinguished medical career, he has served on a number of influential boards. Dr. Dismond has also been recognized numerous times for his contributions to the medical profession. By supporting his community and actively promoting research in health related fields, Dr. Dismond has made a difference in a number of patient's and associate's lives.

HealthPlus of Michigan has worked tirelessly to promote lung health within their organization and their community, including efforts to help any willing employee or patient quit smoking. This was accomplished by offering various smoking cessation and behavioral support programs. However, the biggest step HealthPlus has taken was instituting guidelines requiring every physician affiliated with HealthPlus to inquire about his or her patient's smoking status during each visit and to track it within their permanent medical records. Also, the physician must encourage every smoker to attempt to stop smoking. HealthPlus has also donated money to the American Lung Association so that they might help to teach area children about asthma.

It is with great pleasure that I announce to the U.S. Senate Dr. Samuel R. Dismond as the recipient of this year's American Lung Association "1998 Individual Health Advocate of the Year" and HealthPlus as the "1998 Corporate Health Advocate of the Year." These awards will be presented at the 16th annual Health Advocate of the Year Awards Dinner on March 18, 1999 in Grand Blanc, Michigan. I extend my sincerest congratulations to Dr. Dismond and HealthPlus of Michigan.•

THE 10TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

• Mr. ROCKEFELLER. This week marks the 10th anniversary of the Department of Veterans Affairs, which elevated the Veterans Administration (previously an independent federal agency) to cabinet-level status. This move capped the gradual evolution of a governmental response to the needs of veterans—beginning with the Plymouth colony's first pension law in 1636, and proceeding through a variety of federal bureaus with shared responsibility for ministering to veterans, before those agencies were unified into one.

The creation of the Department of Veterans Affairs has both a real and a symbolic meaning. By raising the agency to cabinet level, the Nation's chief veterans' advocate—the Secretary of Veterans Affairs—was literally given a seat at the table with all other major executive agencies, and direct access to the President. Symbolically, veterans were accorded "a voice at the highest level of government," in the words of former VA Secretary Jesse Brown. This is as it should be for the second largest agency of the federal government, whose sole mission is to serve those whose sacrifices are the very backbone of the freedoms we all enjoy.

As current VA Secretary Togo D. West, Jr., has said, "Cabinet status has brought many benefits; but is has also brought increased obligations." The VA plays a major role nationally in the fields of health care, education, insurance, and housing. As the Nation's budget is divided up, it is important that VA be on a level playing field with other federal departments to effectively safeguard our veterans' interests.

I want to take this opportunity to salute the many talented, caring, and dedicated employees of the Department who are at the heart of its operations. I know they labor under a heavy workload, particularly in this era of tightening budgets. We must ensure they have the resources they need to carry out their mission.

The Department's 10th anniversary marks a happy milestone, a decade of growth and accomplishments. My warmest congratulations to all who share in this achievement.•

GREAT LAKES CHAMBER MUSIC FESTIVAL TRIBUTE

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the Great Lakes Chamber Music Festival, a dynamic organization which has made an incredible contribution to Michigan's culture. The Chamber's concerts have really left their imprint on our State, with some twenty concerts in and near Detroit each year, many of which occur in the venues of the Festival's sponsors—St. Hugo of the Hills Catholic Church, Temple Beth El, and Kirk in the Hills. Additional concert locations range from the Detroit Zoo to the Detroit Institute of Arts. The Festival is administered by Detroit Chamber Winds & Strings, which performs a number of the concerts. But today, I would like to take a moment to officially welcome the Chamber to our nation's capital for what is expected to be a stellar performance in the Library of Congress on Friday evening.

The Great Lakes Chamber Music Festival was born in 1994. The Festival is sponsored by three religious institutions, representing Catholic, Jewish, and Protestant faiths, and Detroit Chamber Winds & Strings, a prominent chamber music ensemble.

Pianist James Tocco has been Artistic Director of the Festival since its inception. A native Detroiter, Mr. Tocco has brought a rotating contingent of world-class musicians to the Festival, creating an event of national significance. The list of performers reads like a long "Who's who" in chamber music, including Ruth Laredo, Peter Oundjian, Paul Katz, Miriam Fried, Gilbert, Kalish, Philip Setzer, the St. Lawrence Quartet, Peter Wiley, Ida and Ani Kavafian, and others. The Festival provides a major educational initiative to assist ensembles emerging to professional stature. Entitled the Shouse Institute, this program brings groups from throughout the world to Detroit for performances and coachings by Festival artists. These young artists attend the Festival tuition-free and receive complimentary lodging.

So in welcoming the Great Lakes Chamber Festival to Washington, D.C., and thanking all of those from the Chamber that made this possible, I also would like to single out Gwen and Evan Weiner, dear friends of our family who introduced the Chamber to me and who have played a critical role in enhancing cultural life in Michigan, as well as Harriet Rotter, another close friend who has contributed a great deal of time and energy to this effort. Gwen, Evan, Harriet, and the many others who are involved with the Chamber Festival are sterling examples of community leadership at its best, and I am pleased they are here today. Finally, I would be remiss if I did not acknowledge the hard and dedicated work of Maury Okun, the Chamber Festival's Executive Director, an invaluable member of the Chamber Festival team.

Again, I want to commend all those involved in making The Great Lakes Chamber Music Festival a tremendous success, and extend my warmest wishes and best of luck for the concert Friday night and in the future.•

DOUG SWINGLEY'S WINNING OF THE ALASKAN IDITAROD SLED DOG RACE

• Mr. BURNS. I rise today to bring attention to Doug Swingley's second victory in the Alaskan Iditarod. Doug hails from Simms, Montana, where he raises and trains his dogs.

As you all know, the Alaskan Iditarod is a grueling dog sled race from Anchorage to Nome, Alaska. The race covers 1,161 miles and is run in some of the harshest weather in the world.

Doug Swingley began mushing in 1989 with plans of running the Iditarod. He ran his first Iditarod in 1992 and was the top-placing rookie hat year. He has competed in every Iditarod race since 1992 and won the event for the first time in only his third attempt. I am sure that Doug's second victory will disappoint my good friends Senators STEVENS and MURKOWSKI, because Doug is the only non-Alaskan to win the Iditarod. He has proven that a kid from Montana can take on our friends from the North and beat them at their own game and win.

Like his first victory, Doug pulled his team away from the competition, and showed incredible speed through the final stages of this demanding race. I am impressed by his dedication and hard work, and I am proud to know that Montana is full of people like Doug.•

EDUCATION FLEXIBILITY PARTNERSHIP ACT

• Mr. FRIST. Mr. President, as the primary sponsor of S. 280, the Education Flexibility Partnership Act (Ed-Flex), I am pleased that the Senate passed this legislation by a 98 to 1 margin on March 11, 1999. In addition, the House of Representatives passed the companion bill on the same day by a vote of 330 to 90. This bicameral, bipartisan support for Ed-Flex is a positive first step for education reform in the 106th Congress.

This first step in education reform is desperately needed. Critics of our education system note that the federal government provides only seven percent of funds in education, but requires 50 percent of the paperwork. In addition, more often than not, well-intentioned federal programs come with stringent regulations and directives which tie the hands of school officials and teachers. As the Chairman of the Senate Budget Committee's Task Force on Education, I have heard the pleas from states and localities for greater flexibility in administering federal programs in exchange for increased accountability. This theme has been echoed as I travel around Tennessee visiting schools and holding education roundtable discussions for teachers, principals, superintendents, parents, school board officials, and other interested members of the community.

The First Ed-Flex bill passed by Congress will provide greater flexibility coupled with increased accountability for our nation's schools. Specifically, this bill will allow every state the option to participate in the enormously popular Ed-Flex demonstration program already in place in twelve states. The twelve state currently participating in the program are: Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, New Mexico, Ohio, Oregon, Texas, and Vermont.

Ed-Flex frees responsible states from the burden of unnecessary, time-consuming federal regulations, so long as states are complying with certain core federal principles, such as civil rights, and so long as states are making progress toward improving their students' performance. Under the Ed-Flex program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements that interfere with state and local efforts to improve education. To be eligible, a state must waive its own regulations on schools. It must also hold schools accountable for results by setting academic standards and measuring student performance. Using this accountability system, states are required to monitor the performance of local education agencies and schools that have received waivers, including the performance of students affected by these waivers. At any time, either the state or the Secretary of Education can terminate a waiver.

The twelve states that currently participate in Ed-Flex have used this flexibility to allow school districts innovate and better use federal resources to improve students outcomes. For instance, the Phelps Luck Elementary School in Howard County, Maryland used its waiver to provide one-on-one tutoring for reading students who have the greatest need in grade 1–5. They also used their waiver to lower the average student/teacher ratio in mathematics and reading form 25/1 to 12/1.

A Texas statewide waiver to allow more flexible use of Federal teacher training funds has allowed districts to better direct professional development dollars to those areas where they are needed most. In Massachusetts, a school that had been eligible for Title I funding in the past was ineligible for the 1997–98 school year, but was expected to be eligible again for 1998–99. Massachusetts was able to use Ed-Flex waiver authority to give the school a one-year waiver and assure continuity of service rather than disrupt services for a year.

Support for Ed-Flex is broad. The President has called for Ed-Flex expansion, as well as others including the Secretary of Education, the National Governors' Association, the Democratic Governors' Association, the U.S.

Chamber of Commerce, the National Education Association, and the National School Boards Association.

Ed-Flex is a move in the right direction. We must empower States and localities by giving them the flexibility they need to best combine Federal resources with State and local reform efforts. I am pleased that the 106th Congress has acted quickly on my bill to ensure that every State will have the opportunity to participate in this successful program. Ed-Flex is a commonsense, bipartisan plan that will give States and localities the flexibility that they need while holding them accountable for producing results.

Now, the challenge for this Congress is to build on Ed-Flex's themes: flexibility and accountability. As we consider the Reauthorization of the Elementary and Secondary Education Act later this year, we must continue the push to cut red tape and remove overly-prescriptive Federal mandates on Federal education funding. At the same time, we must hold States and local schools accountable for increasing student achievement. Flexibility, combined with accountability, must be our objective. The end result of our reform effort must spark innovation—innovation designed to provide all students a world-class education.•

TRADE FAIRNESS ACT OF 1999

• Mr. ABRAHAM. Mr. President, I rise to cosponsor S. 261, the Trade Fairness Act of 1999. I believe this legislation is crucial to our attempts to save American jobs from unfair competition and dumping.

Specifically, Mr. President, we must implement this legislation to protect our steelworkers from imports dumped into our domestic markets by our Russian, Asian and Brazilian competitors.

American steelworkers have proven that they are our nation's backbone. They provide the materials on which our shipping, manufacturing, indeed our entire industrial base rely. In my state's Upper Peninsula two mines, the Tilden and the Empire, employ almost 2,000 Michiganians. Last year the workers in these mines produced over 15 million tons of iron ore pellets. They paid $8 million in taxes. Time and again they have stood up for America, and it is time for America to stand up for them.

We must stand up for these hard working men and women, Mr. President, because they face a very real threat to their livelihoods. Let me cite a few numbers. By October of last year Japan had already doubled its imports to the United States from the year before. Just in that month of October, Japan sent 882,000 tons of steel to the United States, an all-time record. Finally, in that month alone 4.1 million net tons of steel were imported to the United States.

The reasons for this steep increase in imports are threefold. First, the Federal Reserve's longstanding tight money policy produced actual deflation in commodity prices, deflation from which our steel industry has yet to recover. Second, the Asian, Russian and Brazilian economic crises are forcing those countries to rely on exports to keep their economies afloat. The U.S. is the world's biggest market, and so they have targeted us. Third, the International Monetary Fund convinced these countries to raise interest rates and devalue currencies, which allowed their steel to undercut our prices.

Combined, these factors have encouraged the unfair trade practice of dumping, selling steel in the United States at prices below the cost of production. This practice threatens disastrous consequences for our steelworkers and for our economy. Already, Mr. President, 10,000 workers have been laid off, with more than twice that many put on reduced hours.

We cannot stand by while American workers lose their jobs. We cannot abide the unfair trade practice of dumping. We have worked hard—these men and women have worked hard—to build a prosperous America. We cannot sacrifice them to pay for bureaucrats' mistakes, be they in Washington, Tokyo, or Moscow.

Mr. President, I have never made a secret of my strong, free-trade views. But free trade must also be fair trade. Our laws already recognize this principle. After all, we already have trade laws on the books intended to deal with these kinds of issues. It is time to enforce them. In addition, however, I believe the fact that these trade laws are not being enforced shows the need for reform.

That is why I am cosponsoring the Trade Fairness Act. This legislation will lower the threshold for establishing injury to our industries so that we may more effectively protect them from unfair trade practices.

Under this law imports that have a causal link to substantial injury in an industry will trigger action. Substantial injury will be determined by the International Trade Commission, considering "the rate and amount of the increase in imports of the product concerned in absolute and relative terms; the share of the domestic market taken by increased imports; changes in the levels of sales, production, productivity, capacity utilization, profits and losses, and employment."

In addition, this legislation establishes a comprehensive steel import permit and monitoring program modeled on similar systems in Canada and Mexico. The program would require importers to provide information regarding country of origin, quantity, value, and Harmonized Traffic Schedule number. The legislation also requires the Administration to release the data collected to the public in aggregate form on an expedited basis.

The information provided by the licensing program will allow the Commerce Department and the steel industry to monitor the influx of steel imports into the U.S. Presently, it is very difficult to obtain timely information regarding the volume of steel that enters the country. It usually take 2-3 months before specific figures can be obtained. This makes it very difficult to gauge the extent of the problem when the damage is occurring.

Mr. President, this legislation provides us with the tools we need to protect working Americans from unfair foreign competition. It will prevent undue hardship while upholding the standards of free, fair and open trade.

I urge my colleagues to support this important legislation.•

AUTHORIZING LEGAL REPRESENTATION IN DIRK S. DIXON, ET AL. VERSUS BRUCE PEARSON, ET AL.

AUTHORIZING LEGAL REPRESENTATION IN UNITED STATES VERSUS YAH LIN "CHARLIE" TRIE

AUTHORIZING REPRESENTATION OF SECRETARY OF THE SENATE IN BOB SCHAFFER, ET AL. VERSUS WILLIAM JEFFERSON CLINTON, ET AL.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the immediate consideration of 3 legal counsel resolutions which are at the desk and numbered as follows: S. Res. 65, S. Res. 66, and S. Res. 67.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolutions.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and statements of explanation appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 65

Whereas, in the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*, Civil No. 97-998 (Cass Cty., N.D.) pending in North Dakota state court, testimony has been requested from Kevin Carvell and Judy Steffes, employees of Senator Byron L. Dorgan;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288(a) and 288(a)(2), the Senate may direct its counsel to represent Senators and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now therefore, be it

Resolved, That Kevin Carvell, Judy Steffes, and any other former or current Senate employee from whom testimony or document production may be required, are authorized to testify and produce documents in the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senator Byron L. Dorgan, Kevin Carvell, Judy Steffes, and any other Member or employee of the Senate from whom testimony or document production may be required in connection with the case of *Dirk S. Dixon, et al.* v. *Bruce Pearson, et al.*

Mr. LOTT. Mr. President, S. Res. 65 concerns a request for testimony in a civil action pending in North Dakota state court. The plaintiffs in this case claim that defendant Pearson defrauded them into paying him money in return for promises to alleviate plaintiff' tax liability on an investment. In particular, plaintiffs claim that defendant Pearson misrepresented the frequency and nature of his contacts with two members of Senator DORGAN's staff. Counsel for the plaintiffs wish to depose the two staff members to test the accuracy of the defendant's representations about their meetings. Senator DORGAN has approved testimony and, if necessary, production of relevant documents by his staff in connection with this action.

This resolution would permit these two members of Senator DORGAN's staff, or any other current or former employees of the Senate, to testify and produce documents for use in this case.

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 66

Whereas, in the case of *United States* v. *Yah Lin "Charlie" Trie*, Criminal No. LR–CR–98–239, pending in the United States District Court for the Eastern District of Arkansas, documentary and testimonial evidence are being sought from the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Committee on Governmental Affairs, acting jointly, are authorized to produce records of the Committee, and present and former employees of the Committee from whom testimony is required are authorized to testify, in the case of *United States* v. *Yah Lin "Charlie" Trie*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent present and former employees of the Senate in connection with the testimony authorized in section one.

Mr. LOTT. Mr. President, S. Res. 66 concerns a request for testimony in a criminal trial brought on behalf of the United States against Yah Lin "Charlie" Trie, in the United States District Court for the Eastern District of Arkansas. Mr. Trie, who was one of the principal subjects of the campaign finance investigation conducted by the Committee on Governmental Affairs in 1997, is under indictment for obstructing the Committee's investigation, according to the indictment, by instructing another individual to destroy and withhold documents under subpoena by the Committee.

This resolution would authorize present and former staff of the Committee to testify in this matter, which is scheduled for trial in April 1999, with representation by the Senate Legal Counsel, and would authorize the chairman and ranking minority member of the Committee, acting jointly, to produce records of the Committee, except where a privilege should be asserted.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 67

Whereas, in the case of *Bob Schaffer, et al.* v. *William Jefferson Clinton, et al.*, C.A. No. 99–K–201, pending in the United States District Court for the District of Colorado, the plaintiffs have named the Secretary of the Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend officers of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Secretary of the Senate in the Case of *Bob Schaffer, et al.* v. *William Jefferson Clinton, et al.*

Mr. LOTT. Mr. President, S. Res. 67 concerns a civil action commenced in the United States District Court for the District of Colorado by Representative BOB SCHAFFER and three other individuals against the President of the United States, the Secretary of the Treasury, the Secretary of the Senate, and the Clerk of the House, seeking judicial intervention in the payment of salaries to Members of both Houses.

The action seeks declaratory and injunctive relief against the operation of the Ethics Reform Act of 1989, which provides for the automatic adjustment of the compensation of Members of Congress on an annual basis to reflect changes in employment costs in the preceding year, as calculated by the Bureau of Labor Statistics. This is the same annual cost-of-living adjustment paid to Federal judges and senior executive branch officials and is timed to coincide with the annual January 1 adjustment of the general civil service schedule. The issue presented in this action was the subject of a lawsuit brought in 1992 by another Member of the House of Representatives, who sought unsuccessfully to enjoin the 1993 congressional COLA, based on the then newly-ratified 27th Amendment.

This resolution authorizes the Senate Legal Counsel to represent the Secretary of the Senate and to seek dismissal of this action in order to defend the Secretary's ability to continue to carry out his duty under the law to disburse congressional compensation payable pursuant to the Constitution and Federal statute.

CONTINUED CONSIDERATION OF THE NOMINATION OF DAVID WILLIAMS

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the Governmental Affairs Committee be allowed continued consideration of the nomination of David Williams for Treasury Inspector General for Tax Administration until April 6, 1999. I further ask that if the nomination is not reported on or by that date, the nomination be immediately discharged and placed back on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 8 and 14.

I finally ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORDThere being no objection, the I21 was ordered to be printed in the RECORD; that the President be immediately notified of the

Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF ENERGY

T.J. Glauthier, of California, to be Deputy Secretary of Energy.

SMALL BUSINESS ADMINISTRATION

Phyllis K. Fong, of Maryland, to be Inspector General, Small Business Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, MARCH 18, 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 18. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of the Specter amendment to S. 544, the supplemental appropriations bill, under the provisions of the previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, the Senate will reconvene at 9:30 a.m. and immediately resume consideration of the Specter amendment, with 90 minutes remaining for debate equally divided. At the conclusion of debate time, approximately 11 a.m., the Senate will vote on, or in relation to, the amendment. Following that vote, Senator HUTCHISON of Texas will be recognized to offer her amendment relative to Kosovo. Further amendments may be offered during Thursday's session to the supplemental bill, with the hope of finishing the bill by early evening. Therefore, Members should expect rollcall votes throughout Thursday's session, with the first vote beginning at 11 a.m.

ST. PATRICK, PATRON SAINT OF IRELAND

Mr. BROWNBACK. Mr. President, today is St. Patrick's Day. It is interesting to me that when people think of St. Patrick's Day, they think of Irish, of Ireland and green and spring and those sorts of things, much more than we think of St. Patrick.

I was looking up today and asking for some information on St. Patrick himself.

St. Patrick of Ireland—this is on a web site. It is fascinating. I do not think most people realize about St. Patrick, but he is one of the world's most popular saints, as people know, along with St. Nicholas and St. Valentine. The day is one cherished by everyone, particularly the Irish.

There are many legends and stories of St. Patrick. This is his story. I will go through it briefly.

He was born around 385 in Scotland, probably Kilpatrick. His parents were Romans living in Britain in charge of the colonies. As a boy of 14 or so, he was captured during a raiding party and taken to Ireland as a slave to herd and tend sheep. Ireland at this time was a land of Druids and pagans. He learned the language and practices of the people who held him.

During his captivity, he turned to God in prayer, and he wrote:

> The love of God and his fear grew in me more and more, as did the faith, and my soul was rosed, so that, in a single day, I have said as many as a hundred prayers and in the night, nearly the same.
>
> I prayed in the woods and on the mountains, even before dawn. I felt no hurt from the snow or ice or rain.

Patrick's captivity lasted until he was 20, when he escaped after having a dream from God in which he was told to leave Ireland by going to the coast. There he found some sailors who took him back to Britain, where he was reunited with his family.

He had another dream—and this is just fascinating and miraculous to me—in which the people of Ireland were calling out to him, "We beg you, holy youth, to come and walk among us once more." This, again, was the land where he was enslaved and from which he escaped.

He began his studies for the priesthood. He was ordained by St. Germanus, the Bishop of Auxerre, whom he studied under for years.

Later, Patrick was ordained a bishop and was sent to take the Gospel to Ireland where he had been enslaved. He arrived in Ireland on March 25, 433. One legend says that he met a chieftain of one of the tribes who tried to kill Patrick. He converted the chieftain after he was unable to move his arm and so he became friendly to Patrick.

Patrick began preaching the Gospel throughout Ireland, converting many. He and his disciples preached and converted thousands and began building churches all over the country. Kings, their families, and entire kingdoms converted to Christianity when hearing Patrick's message.

Patrick by now had many disciples, several of whom were later canonized, as was St. Patrick.

Patrick preached and converted all of Ireland for many years. He worked many miracles and wrote of his love for God in confessions. After years of living in poverty, traveling, and enduring much suffering, he died March 17, 461. He died at Saul, where he had built the first church.

That is the story of St. Patrick, the patron saint of Ireland.

ORDER FOR ADJOURNMENT

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment, under the previous order, following the remarks of Senator FRIST.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ROBERT LAWRENCE INMAN

Mr. FRIST. Mr. President, on March 4, 1999, Robert Lawrence Inman, or "Coach Inman," as he was known to his friends—and everyone who ever met him was his friend—"slipped the surly bonds of earth," and, I am sure, passed into the waiting arms of his Lord and Savior.

He left behind a loving family. He left behind a grateful community. He left behind two generations of Nashville youth, including my own, who learned much more from Coach Inman than how to succeed on the athletic field.

They learned that kindness is contagious, that a smile is a wonderful gift, that the path to success is paved not with lesson plans and study guides but with encouragement and with support. They learned that life is not about just winning or losing, but about being the best that you possibly can be.

At his funeral last Saturday, at the First Methodist Church in Franklin, TN, the pews were literally packed with people whose lives he had touched in so many personal ways: Fellow teachers from the Ensworth School in Nashville, where he taught for over 30 years, fellow coaches from the Harpeth Valley Athletic Conference—a local sports league he founded for seventh and eighth graders—and family and friends and, of course, students, young and old. For almost all of them, graduation was not the end of their friendship; it continued through college and through marriage and through children of their own.

They literally packed the pews; they lined the walls; they billowed over from the balcony; they crammed the choir loft; they spilled out into the vestibule and literally overflowed into the street—all in an outpouring of love and enthusiasm for a man whose love for children was boundless.

What made him so special? Students of all ages who remembered him last week answered that question far better than I ever could. Their words:

> He was always smiling. His smile alone would make you feel better.

Another said,

> He always had a story to tell to motivate you—and if he didn't, he'd make one up.

Said another,

> He liked to tell jokes and play tricks to make you laugh.

And yet another,

> He always showed he cared—whether it was just a word of welcome, or something much more serious—like tending to injuries in body and spirit.

Realizing that learning does not just end at the school door, Coach Inman started a tradition of outdoor education, initially in the glorious mountains over East Tennessee. There were camping trips with students, all where the students could practice problem-solving or study the stars or really just be together and have a good time.

When some of his students suggested that, "Well, we should have one more outing after graduation," then began the famous Inman "Out West" trip, an excursion into the truly great outdoors of Mount Rushmore and the Grand Canyon and the Redwood Forest.

Each summer these trips would be the focal point for scores of children. In fact, several of the Frist family children, including my own son Harrison, shared Coach Inman's "Out West" adventure—a time that I know they will never forget.

What did they learn from him? Well, in the words of one little girl:

> I learned how special it is to stand at the top of the Grand Canyon and realize that—like the water—if we try hard enough, and stay at it long enough, we too can create our own wonders. . . .
>
> I learned that—every now and then—you should stop to look at an old tree because it has learned how to reach up to the clouds and still keep its roots in the earth. . . .
>
> I learned that beauty is everywhere . . . how nice it feels to fall asleep to the sound of a stream . . . how bright the moon can look from the top of a mountain.
>
> I learned that there is a way to teach people without lecturing, and that sharing with someone who you are and where you've been is one of the best gifts that you can give. . . .
>
> I learned that love isn't about conditions . . . that there are good people in the world.

And she continued:

> If it hadn't been for Coach Inman, his words wouldn't be the ones I still hear when I'm afraid or nervous telling me that I can do anything and that there are people who will support me—even if I fall.
>
> If I could build a mountain, or paint a sky to tell him how much a part of my life he is, then the mountain would stretch out past the clouds and the sky would be the color of smiles and laughter and it would tell him that I love him.

Mr. President, children weren't the only ones who appreciated Robert Inman. He was six times honored by the Peabody College of Vanderbilt University as an outstanding educator. Singer Amy Grant—herself a former Inman student—donated the funds necessary to refurbish the Ensworth Elementary gym on the condition it be named for Coach Inman.

Commenting on this gift at his funeral, his friend and fellow teacher, Nathan Sawyer, noted that the Egyptian pharaohs believed that if their names were written somewhere they would live forever. Thus, he said, every time a stranger sees that name over the gym and asks who it was that was so honored, the Robert Inman story will begin again.

True enough. But I think he needn't worry. For as the poet Albert Pike said:

> What we have done for ourselves alone dies with us; what we have done for others and the world remains and is immortal.

At a time when there is so much concern about the state of American education, so much concern about the quality of teachers, the lack of good and virtuous example, it is reassuring to know that there was a teacher of the caliber and the character of Robert Inman.

To his loving wife, Helen—who shared his life and his passion for children—and to their three wonderful sons, Michael, Matthew, and John—our love and support. Although Coach Inman is no longer with us, his memory will live on in the inscription over the gym, on the football fields, on the basketball courts, at the wrestling matches, at the track meets, but most of all in the minds and in the spirits and the hearts of all the children he touched; children who, indeed, are better people because there was a teacher who cared, a teacher named Robert Lawrence Inman.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, March 18, 1999.

Thereupon, the Senate, at 6:52 p.m., adjourned until Thursday, March 18, 1999, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17, 1999:

DEPARTMENT OF ENERGY

T.J. GLAUTHIER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF ENERGY.

SMALL BUSINESS ADMINISTRATION

PHYLLIS K. FONG, OF MARYLAND, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

EXTENSIONS OF REMARKS

BOSTON IRISH FAMINE MEMORIAL

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. MOAKLEY. Mr. Speaker, it is fitting that on the feast on St. Patrick I rise to pay tribute to the Irish community of Boston and Massachusetts for building a poignant memorial to commemorate the 150th anniversary of the Irish Famine. The Boston Irish Famine Memorial sits at the corner of Washington and School Streets, near Downtown Crossing, just a few blocks from where Famine Irish refugees originally settled in the 1840s. The memorial's place along the city's Freedom trail serves as a constant reminder of what the Irish and others sought when they braved oceans and continents to reach the United States of America.

Ireland's Famine, which lasted from 1845 to 1849, drove over 100,000 Irish refugees to the shores of Boston, where they arrived impoverished, sick, and traumatized by one of the great catastrophes of the 19th Century. Their rise from famine to fame is one of the great American success stories.

The Boston Irish Famine Memorial committee was headed by Thomas J. Flatley, an Irish immigrant who came to this country in 1950 from County Mayo. Mr. Flatley's reputation as a generous contributor to and tireless advocate of Irish and religious causes is well know in Massachusetts. He and his committee were able to draw upon hundreds of friends from the greater Boston community to raise one million dollars to build the park. Donations came from individuals and large corporations alike, and ranged from $5,000 to $50,000.

The committee was comprised of leading members of greater Boston's Irish community, and included college presidents and bank presidents, professors and writers, musicians and artists, and representatives of the major Irish Organizations throughout the state.

Massachusetts artist Robert Shure designed the Memorial, which features twin bronze statues depicting the odyssey of the Irish immigrant from tragedy to triumph. Mr. Shure is a well-regarded artist whose works include the bust of George Washington at the Washington Memorial in Washington, as well as the Korean War Memorial in the Charleston Navy Yard, Boston.

The unveiling of the Boston Irish Famine Memorial last June 28 attracted over 7,000 people, and included Ireland's Minister of State Seamus Brennan, Ireland's Ambassador to the United States Sean O. Huiginn, Massachusetts Governor Paul Cellucci and Boston Mayor Thomas Menino. Bernard Cardinal Law, head of Boston's Catholic Archdiocese, blessed the memorial. Also present that day were the ordinary people of Boston's neighborhoods—South Boston, Charlestown, Dorchester, Brighton—many of them descendants of the Famine generation. For them, it was a day of remembrance and redemption.

It is worth noting that the committee invited representatives from the African, Asian, and Jewish communities to participate in the ceremonies. The Irish Memorial is more than the story of the Irish succeeding in the United States, it is a parable of becoming American. Since the unveiling, thousands of people from all walks of life have visited the Memorial, to reflect upon the story it represents. Last October Ireland's President Mary McAleese visited the site while in Boston.

The committee's success in building this memorial park in just over two years will soon be matched by the second phase of its humane and practical mission. It is currently working to establish an Irish Famine Institute in Boston to raise relief funds for people in countries still afflicted by famine around the world today. The Institute will also seek to honor missionaries and health care workers toiling in famine countries in the spirit of the late Mother Theresa.

"The Irish love to help others in need," Flatley says. "We want the Institute to serve as a beacon of hope for those people still suffering from hunger and disease a full century and a half after Ireland's Great Huger occurred. The Institute will give to others what the Irish themselves sought when they came to Boston—compassion and a helping hand."

These words underscore the spirit of the Irish community of Massachusetts and indeed Irish people everywhere. I offer my heartfelt thanks and congratulations to the Boston Irish Famine Memorial committee for this tremendous undertaking.

TRIBUTE TO HERBERT M. TANZMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. PALLONE. Mr. Speaker, on Thursday, March 25, the Highland Park Conservative Temple and Center will present the coveted Chaver Award for exemplary community service to Mr. Herbert M. Tanzman. I am honored to join the Temple in paying tribute to Mr. Tanzman, a leader in civic and Jewish community affairs for many years.

Herbert Tanzman's association with and service to the Highland Park Conservative Temple and Center goes back to his Bar Mitzvah in 1935. In the years since, he has been a member of the Board of Trustees for 44 years, has held the posts of Vice President and Temple Finance Committee Chairman, participated on the Rabbinical Search Committees, and has serve for over 40 years as Gabbai. In recognition of this life of service, he was named to the select group of honorary Life Members of the Board of Trustees.

Beginning with the time he served his country in World War II, Herbert Tanzman has maintained a distinguished legacy of community service. For his service in WWII's Naval Aviation unit, Mr. Tanzman was awarded the Navy Air Medal. A combat veteran of the Battle of Iwo Jima, he has served as Commander of the Veterans Alliance, Commander of Jewish War Veterans Post 133 (New Brunswick, NJ), member of the National Executive Committee of the JWV, National Representative and National Foreign Affairs Chair of JWV of the USA, and Executive Board member of the Navy League.

Mr. Tanzman has demonstrated his leadership through every facet of his life. He has enjoyed a successful career as director for the Real Estate firm of Jacobson, Goldfarb and Tanzman Associates. He rose to the ranks of leadership in his profession to President of the New Jersey Real Estate Commission. He also demonstrated his commitment to his community as a Councilman and Mayor of Highland Park. He served on the State of New Jersey County and Municipal Government Study Commission, and the Board of Directors of the New Jersey State League of Municipalities.

In his tireless efforts to further the causes of human rights, the dignity of the individual, inter-group relations, and a prosperous community for all, Mr. Tanzman has been affiliated with a diverse range of organizations and causes. He has been active in the Job Corps, United Community Services and the Raritan Valley United Jewish Appeal. He has served as the National Liaison Officer to the Catholic War Veterans, and as National Civil Rights Chairman and National Legislative Chairman and National Chairman of American Indian Affairs. He has helped to build the civic life of his community and his country as a member of the Executive Committee and Board of Directors of United Community Services, Trustee of the Middlesex-Somerset Chapter of the Multiple Sclerosis Association, Board member of Job Corps, member of the Board of Directors of YMHA, Chairman of the Building Fund Campaign, and member of the Board of Directors of the Central New Jersey Jewish Home for the Aged. He currently serves as National Vice Chairman and National Campaign Cabinet Member of Israel Bonds, and has served as an Executive Board member of the Greater Monmouth Jewish Federation. He is also President of the Ocean Cove Condominium Association in West End, NJ.

Mr. Tanzman is the recipient of the Jerusalem Covenant Award, the Humanitarian Award of the National Conference of Christians and Jews, the Ben Gurion Award, Israel's coveted Sword of the Haganah Award for record-breaking achievement in bond sales, and, together with his son, Roy, the Family Achievement Award of the State of Israel Bonds, which he received last year at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the International Prime Ministers Club dinner in Palm Beach, Florida.

He and his wife, the former Mildred Siegel, have been married for over fifty years and are the parents of three children and grandparents of seven. Roy Tanzman, an attorney, is married to Brenda, and they are the parents of Jill and Brett. Roy and Brenda are previous recipients of the Chaver Award. Jeffrey Tanzman, a chiropractor, and his wife Micki (Cohava) are the parents of Danielle, Arielle, Aviv and Shira. Their daughter, Maxine, a psychotherapist, is the wife of Jack Bock and they are the parents of Noah.

Mr. Speaker, Herbert Tanzman has dedicated much of his life to serving others. His dedication to family, community and country, and his abiding love and devotion to serving the Jewish people and the State of Israel, are exemplary, and inspiration to us all. It is an honor for me to pay tribute to this outstanding leader and to wish him continued happiness and success.

PERSONAL EXPLANATION

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. HOSTETTLER. Mr. Speaker, on rollcall vote No. 51, I was on official Congressional business in Russia, and could not be present. Had I been present, I would have voted "nay" on this vote to pass H.R. 774.

COMMEMORATING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT, H. CON. RES. 56

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. GILMAN. Mr. Speaker, I am proud to introduce today a resolution commemorating the 20th anniversary of the Taiwan Relations Act (TRA). It is right and fitting that the House of Representatives makes note of this important piece of legislation which serves as the basis for continued commercial, cultural, security and other relations between the United States and Taiwan.

The Taiwan Relations Act was passed into law on April 10, 1979 and has served as a critical element in preserving and promoting ties between the United States and Taiwan. The TRA has been instrumental in maintaining peace and stability in the Taiwan Strait since its enactment in 1979. It is my hope that the TRA will continue to serve to ensure that the future of Taiwan be determined by peaceful means. Regrettably, the People's Republic of China (PRC) has refused to renounce the use of force against Taiwan.

The United States is pleased with the flourishing on Taiwan of a fully-fledged, multi-party, democracy fully respecting human rights and civil liberties. It is hoped that Taiwan will serve as an example to the PRC and others in the region in this regard and will encourage progress in the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with Taiwan in the years ahead for the mutual benefit of the peoples of the United States and Taiwan.

I am pleased to have this opportunity to introduce this legislation and invite my colleagues in the House of Representatives to support this Resolution commemorating this distinctive piece of legislation and the unique ties between the peoples of the United States and Taiwan.

HONORING MARIAH MARTIN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SCHAFFER. Mr. Speaker, today I recognize a young student for her devotion and award-winning community service. On February 4, 1999, Mariah Martin was named one of Colorado's top honorees in the 1999 Prudential Spirit Awards program, an annual honor bestowed upon the most impressive student volunteers.

Mariah is a seventeen-year-old junior attending Poudre High School in Fort Collins, Colorado. Although her own education is foremost, Mariah divides her free time educating area youth. As a member of the Moose International Youth Awareness Program, Mariah has the opportunity to work with many different children's programs. Through these meetings, Mariah realized the importance of teaching positive lifestyles at an early age. As a result, Mariah took the initiative in designing her own curriculum. In January of 1998 her ideas were presented in the form of a nine-week education and self-esteem program for second grade students. The program includes activities on self-esteem, drug and alcohol prevention, smart decision making, healthy habits, problem solving and violence prevention. Success has led Mariah and her program to be invited into five more classes of second grade students.

At a time when many statistics suggest a downward trend in youth community service, the Prudential Spirit of Community Award creates a positive influence in honoring and rewarding outstanding individuals like Mariah. In only four years, the program has become the nation's largest youth recognition effort based solely on community service, with more than 50,000 youngsters participating. Programs such as Prudential's, reinforce community service at an early age.

Mr. Speaker, it is my privilege to congratulate Mariah Martin and all of the Prudential Spirit of Community Awards winners. With confidence, I look forward to their leadership in America.

CONGRATULATING FRESNO CRIME STOPPERS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce a Fresno Bee article on the Fresno Crime Stoppers. Crime Stoppers has been a valuable asset in fighting crime in Fresno.

"A televised Fresno Crime Stoppers recently won first place for best re-enactment of a crime for cities with a population of 250,000 to 1 million in a worldwide competition.

More than 300 cities around the world took part in the contest, judged by Crime Stoppers International, which rates entries on their creativity and authenticity. The Fresno entry was a re-enactment of robbery and homicide at the Ritz Bar in Fowler last year. Two representatives of Crime Stoppers received a plaque at the Crime Stoppers conferences in Gillette, Wyoming.

Crime Stoppers is published in The Fresno Bee to help Fresno County law enforcement agencies capture crime suspects. The Bee features a Crime Stoppers page, which began in January 1998, and is published every other month. The full-page Crime Stoppers layout contains names and photographs of the 24 most wanted suspects sought by Fresno County's law enforcement agencies and a 24-hour confidential hot line to report tips.

In July 1998, the Crime Stoppers hot line led to the arrests of 27 fugitives. The suspects were arrested on charges ranging from spousal abuse to drug sales to assault with a deadly weapon. Tipsters collected $3,600 in rewards. Callers who provide anonymous tips that lead to arrests can collect as much as $1,000 in reward money. Callers are not required to testify in court.

Mr. Speaker, I rise today to introduce The Fresno Bee article, "Fresno Crime Stoppers Wins First-place Award." This Organization is a valuable asset to Fresno. I urge my colleagues to join me in wishing the Fresno Crime Stoppers many years of continued success.

IN MEMORY OF SISTER LEONA NIEBERDING

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of one of the most influential teachers of my life, Sister Leona Nieberding.

Sister Leona entered the Congregation of St. Joseph from St. Ignatius parish when she was 18 years old. Two years later, she was given her first teaching assignment at St. Joseph school in Canton, Ohio. This began a life of total dedication to the ministry of the education of young people. Over her 77 years as an educator, she taught at five different schools in the Cleveland area: St. Joseph, St.

Vincent de Paul, St. Aloysius, St. Ignatius, and St. Angela Merici. She also served as principal at St. Aloysius and St. Vincent de Paul.

Sister Leona worked hard to prepare young people for life, guiding them spiritually as well as intellectually. She demonstrated to her students the practical applications of spiritual guidance and ethical conduct in everyday life. Sister Leona was known for her devotion to young people and her insistence that they understand the importance of education and live up to her high expectations of them. In 1979, the Kiwanis Club of Fairview Park recognized her outstanding efforts by honoring her as the "Teacher of the Year."

Sister Leona, however, never sought credit for her deeds. She often organized the resources of her parish to ensure that the needy families were provided with food and clothes, without taking any credit for the work. These selfless personal efforts did not go unnoticed. Her service is in the finest tradition of nuns of the Congregation of Saint Joseph, who dedicate their lives to serving God and their fellow parishioners.

Throughout her 96 years, Sister Leona touched the hearts and souls of many. We have suffered a great loss in her passing, but those of us who were lucky enough to have known her are better people for having shared in her special gifts. Sister Leona will never be forgotten.

THE INTER-AMERICAN DEVELOPMENT BANK: HELPING TO EXPAND OPPORTUNITIES IN THE HEMISPHERE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, the Inter-American Development Bank was established in 1959 with the purpose of helping to develop economic markets in Latin America and the Caribbean. Its original membership included 19 Latin American and Caribbean countries and the United States. Today, it boasts a membership of 46 countries, 28 within the region and 18 in Europe, Asia, and the Middle East. The Bank has committed itself to financing projects that seek to improve the lives of our neighbors within the region by promoting small business, supporting state modernization projects with the purpose of strengthening democratic systems, and complementing ongoing public sector and economic reforms which focus on energy, transportation, and communications systems.

In an era of increased trade globalization and market diversification, the Inter-American Development Bank has played an essential role in helping expand competitive trade markets for Latin American and Caribbean countries. By 1997 in fact, the Bank had approved 2,456 loans totaling $84 billion to help these countries work towards economic integration. As part of the Free Trade of the Americas process, the Inter-American Development Bank had been a key force in implementing strategies to support sub-regional integration and provide support for the FTAA Working Groups.

IDB's programs have served to strengthen the Western Hemisphere by helping to expand trade, diversify exports, and increase competitiveness. As the Inter-American Development Bank celebrates its 40th year of service, I commend their dedication to mobilizing resources for the region and for its role as a catalyst for social and economic development within the Hemisphere.

CENTRAL NEW YORK WORLD WAR I VETS HONORED BY FRENCH GOVERNMENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. WALSH. Mr. Speaker, on Wednesday, March 24, 1999 at the Syracuse, New York Veterans Administration Medical Center, two Central New York constituents of mine, both veterans of World War I, will be honored by the French government with a presentation of the National Order of the Legion of Honor, that country's highest honor.

As Chairman of the VA/HUD Subcommittee on Appropriations, I am extremely proud to know that these American warriors will be decorated in this way for their role in winning the war on French soil. They reflect the bravery and courage of thousands of young Americans who dutifully represented our nation and freedom-loving people everywhere.

They are David Ginsburg and Eugene Lee, two men who left as teens and returned to their community in Syracuse to continue on with their lives, raise families, and cherish freedom even more—knowing that they had done their duty to country, and that they had seen the darker side of mankind, but also the rewards of valor.

In 1917, David Ginsburg, who will celebrate his 101st birthday on April 18 this year, enlisted in the National Guard 4th Ambulance Company, a unit that was part of the American Expeditionary Forces sent to Mexico to capture Pancho Villa. After returning to the U.S., the unit was sent to France while World War I raged. After the war, Mr. Ginsburg joined the Marine Corps and served for 16 years. Today he is believed to be the oldest living Marine Corps Drill Instructor. He has been an active member of the Jewish War Veterans Post 131. He returned to civilian life in Syracuse to work for more than 35 years for the Eastwood, Netherland and Seneca Dairies.

Also in 1917, Eugene Lee, who will celebrate his 100th birthday on the very day of this ceremony, enlisted in the Marine Corps. Among the first Marines sent to France, he was wounded while fighting the Germans at Belleau Wood on June 6 and 7, 1918. Following recovery, he served in Germany with the Army of Occupation. He was one of the last American troops to return home after the war. He was awarded the Purple Heart and Silver Star for Heroism. Mr. Lee returned home and worked 42 years for New York Lighting Company, which today is Niagara Mohawk.

We applaud these two individuals on the occasion of this great commemorative honor. I also want to thank the French government for making this award.

RETIREMENT TRIBUTE TO ROGER J. DOLAN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Roger J. Dolan on the occasion of his retirement from the Central Contra Costa Sanitary District and recognizing him for his many years of dedicated public service.

Roger has enjoyed a career marked with many personal and professional achievements. During his time with the East Bay Municipal Utility District, Roger was responsible for the pilot investigation of physical, chemical, and biological processes which established the design criteria for a 120 million gallon per day high purity oxygen activated sludge process. He supervised the design of this $85 million plant, and managed its construction.

Since becoming the general manager-chief engineer of the Central Contra Costa Sanitary District in 1977, Roger Dolan has developed a nationally recognized household hazardous waste facility, and a 45 million gallon per day secondary treatment plant with sludge incineration, ultra-violet disinfection and water reclamation.

While Roger's achievements have won him the praise and respect of his colleagues and peers, these deserving benchmarks cannot overshadow his consistent commitment to environmental protection and his exemplary stewardship of our natural resources. His pursuit of technological innovation in the field of wastewater treatment and water recycling, and his promotion of scientific research into the methods of protecting the waters, fish and wildlife in the San Francisco Bay, are the hallmarks of his career for which I am most thankful.

I know I speak for all the Members of this Chamber when I wish Roger J. Dolan a very happy and healthy retirement, and when I thank him for the many contributions he has made to our community.

TRIBUTE TO CHARLES MANDEL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. PALLONE. Mr. Speaker, on Thursday, March 25, the Highland Park Conservative Temple and Center will present the coveted Chaver Award for exemplary community service to Mr. Charles J. Mandel. This is a richly deserved honor, and I am proud to join in paying tribute to Mr. Mandel for his tireless service to the temple and to our community.

Mr. Mandel, known as Charlie to his many friends, has certainly left his mark on the temple, both in terms of the physical facility, as well as in his service to temple community. He can frequently be seen with a screwdriver or a hammer or a tape measure in his "golden hands." But Charlie Mandel's fingerprints go far deeper. He has been affiliated with the Highland Park Conservative Temple and Center since 1953. After officially joining the temple in 1955, he was appointed Gabbai, and continues in that position to this day as Senior Gabbai. He was elected to the Temple Board of Trustees in 1955, and continues to serve on the board where he has also held the posts of recording secretary and financial secretary. In recognition of his loyalty and commitment, he was granted honorary life membership to the Board of Trustees, a position held by only four other people.

Mr. Mandel has been active on the Religious Committee, House Committee, Bazaar Committee, and has had the unique experiences of serving on the Rabbinical Search Committees for both Rabbi Yakov Hilsenrath and Rabbi Eliot Malomet. In addition, he was Chairman of the "Special Fundraising Committee" for 40 years.

Charles Mandel was born in Jersey City, where he graduated from William L. Dickson High School in 1936. He then went on to Rutgers University and received a bachelor of science degree in ceramic engineering in 1938. He served as plant manager and ceramic engineer with the Willett Company for 42 years. Following his retirement, he is continuing in his professional capacity as a consulting engineer for New Jersey Porcelain Company and Lenape Products Company in Trenton, NJ.

Mr. Mandel is a member of the New Jersey Ceramic Association, the Highland Park Committee on Aging and the Rutgers Alumni Association. Married to the former Gussie Siegel for over 58 years, they are the proud parents of three children and four grandchildren. Dr. Matthew Mandel, an endodontist, is married to Lynn and the father of Alexander. Their daughter, Madeline Crass, a school teacher, is the mother of Scott. Robert Mandel, a businessman, married to Rayne, is the father of Levi and Benjamin.

PERSONAL EXPLANATION

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. HOSTETTLER. Mr. Speaker, on rollcall vote No. 50, I was on official Congressional business in Russia, and could not be present. Had I been present, I would have voted "yea" on this vote to pass H.R. 819.

SEVENTH ANNIVERSARY OF ISRAELI EMBASSY BOMBING IN ARGENTINA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. GILMAN. Mr. Speaker, few Americans would associate Latin America with Middle East terrorism; however, the reality is that we do have Middle East terrorist activity in our very own backyard. Not long ago, I led a congressional delegation to South America, and many Members learned for the first time of Hizbollah's active presence developing funding support and other bases of operations for its international terrorist goals.

Sadly, today is the seventh anniversary of the 1992 terrorist bombing of the Israeli Embassy in Buenos Aires, Argentina. That cowardly, deadly terrorist attack took 29 lives, and injured more than 200. It has been seven years since this savage and ruthless act of terror, directed against Jewish targets in Argentina, caused the murder of these innocent victims. It destroyed the diplomatic mission of the state of Israel, plunged the largest Jewish community in South America into perpetual fear, and threatened the civilized world. In fact, this horror was compounded two years later when the AMIA Jewish community center in Buenos Aries was destroyed by a terrorist car bomb.

Both of these brutal crimes have remained unsolved. After years of investigation, little substantive progress has been made in apprehending those responsible. Accordingly, I urge the Argentinean government to vigorously continue to pursue those investigations.

Relatives of the 29 victims of the Israeli Embassy bombing, including Ralph and Helen Goldman, American citizens in New York, who lost their son David Ben Rafael in the attack, will never reclaim their loved ones, or recover from this tragic loss. Our hearts are with the Goldmans and with the other families as we memorialize their children, mothers, fathers, sons and daughters, who were killed in these bombings. The entire civilized world has been brutalized. With each act of terror, freedom and liberty suffers defeat. With every act of terrorism left unsolved, democracy and justice are diminished.

The United States remains in the forefront in the war against terrorism. We implore the international community to join in this battle. We urge Argentina to uphold global standards against international terrorism and help solve these crimes which claimed the lives of so many in the Jewish community.

We pay tribute to the victims of the Israeli Embassy and AMIA bombings. They will not be forgotten. Together we can best honor their memory by solving the crimes which claimed their lives, bringing their murderers to justice, and creating an environment which assures that terror will not claim any additional victims. The U.S. has provided assistance and support to the government of Argentina in that effort.

A Jewish tradition states, "Justice, justice shalt thou pursue." This is an American ideal as well as a universal humanitarian imperative.

HONORING COLORADO GIRLS STATE BASKETBALL 2A CHAMPIONS—FOWLER HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Fowler High School girls basketball team on their impressive Colorado State 2A Championship. The victory, a 57–43 win over Swink High School, was a superb contest between two talented and deserving teams. In championship competition, though, one team must emerge victorious, and Fowler proved themselves the best in their class—truly second to none.

The State 2A Championship is the highest achievement in high school basketball. This coveted trophy symbolizes more than just the team and its coach, Greg Fruhwirth, as it also represents the staunch support of the players' families, fellow students, school personnel, and the community. From now on, these people can point to the 1998–1999 girls basketball team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to this town and school will see a sign proclaiming the Girls State 2A Championship, and know something special had taken place there.

The Fowler basketball squad is a testament to the old adage that the team wins games, not individuals. The combined talents of these players coalesced into a dynamic and dominant basketball force. Each team member also deserves to be proud of her own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the youth in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursuing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Fowler players, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to this team as they move forward from their State 2A Championship to future endeavors.

CONGRATULATING MEHER CHEKERDEMIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Meher Chekerdemian on receiving the Third Annual Armenian Education Foundation's Educator of the Year Award. Mr. Chekerdemian has been an outstanding educator for many years.

The Armenian Educational Foundation (AEF) has a proud history of supporting educational causes. The AEF is on a journey to recognize the fine educators who have performed above and beyond the call of duty, and have contributed immensely to the betterment and quality of life for Armenian students. The role that an educator plays is of critical importance to the future.

Meher Chekerdemian has spent 32 years with Fresno Unified School District as a teacher, counselor, vice-principal, and principal. He holds a bachelor of arts degree in Social Studies, a master of arts degree in Education from California State University, Fresno (CSUF) and various credentials and certificates. Currently Meher is the Executive Director of the

Fresno Consolidated Charter, Association of California School Administrators and a part time faculty member at CSUF. He has been a member, vice-chair, and chairman of various education committees and councils and has served as Chairman of the Board of Regents of the Armenian Schools under the auspices of the Western Prelacy Armenian Apostolic Church. Meher is an active member of several Armenian organizations and has received many awards and honors from organizations such as the Fresno City Council PTA, Fresno City Youth Development Program, Armenian Community Schools of Fresno and Holy Trinity Armenian Apostolic Church of Fresno.

Mr. Speaker, I rise today to congratulate Meher Chekerdemian on receiving the Armenian Educational Foundation's Educator of the Year Award. Meher has been an outstanding educator for many years. I urge my colleagues to join me in wishing Meher Chekerdemian many years of continued success.

IN HONOR OF GREEK INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Greek Independence Day, March 25th.

The fall of Constantinople in 1453 to the Ottoman Empire brought a halt to the important leadership role of Greeks. Their heritage remained important, however, for others around the world. Tsarist Russia emulated the Orthodox and imperial models of Byzantium. Classical Greece offered inspiration and guideposts for the flowering of the Renaissance. And the influence of Classical Greece on the founding fathers of American independence is universally known.

During the rule of the Ottoman Empire, the Greek people never lost sight of their distinct identity and deep devotion to their Orthodox Church, whose clergy played a critical function in maintaining their language and religion. As the eighteenth century ended, the Greeks began organizing a struggle for their freedom. On March 25, 1821, Bishop Germanos called for all to join the campaign for Greek independence. Despite overwhelming odds, thousands of Greeks throughout the region responded to this inspiring call and fought heroically.

The combination of Greek sacrifice and bravery with the help of foreign volunteers succeeded by the end of the 1820s in establishing an independent Greek state. It was a struggle that caught the world's attention, in large part because of the admirable ideals of freedom and revived opportunities for a heroic peoples. We cherish and honor these same ideals today. The Greek-American community offers a cultural bridge between the two countries and takes pride that Greek ideals contributed to America's revolution before Greeks themselves had the chance to follow a related and successful campaign for freedom.

My fellow colleagues, please join me in celebrating Greek Independence Day.

CHIEF JIMMIE L. BROWN RETIRES FROM MIAMI-DADE POLICE DEPARTMENT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute to one of Miami-Dade County's finest, a man who has valiantly defended the streets of our cities for over thirty years, Miami-Dade County Police Chief Jimmie L. Brown.

A special celebration will soon be held in honor of Chief Brown's long devotion and commitment to defend and protect our South Florida streets. For the last 30 years, Chief Brown has served in law enforcement, his latest assignment being Chief of Special Investigations. He also serves as church pastor, radio show host, adjunct professor and consultant, always being instrumental and positively influential to many in the community. As a soldier in the U.S. Air Force, Chief Brown was awarded a Bronze Star and Air Force commendation medals for service in Vietnam.

General Robert E. Lee once said, "duty is the sublimest word in our language. Do your duty in all things. You cannot do more. You should never wish to do less." These words embody the kind of exemplary life that Chief Brown conducted as he always lived a life of sacrifice and service.

Chief Brown additionally volunteers his time and energy to a host of other community organizations and affiliations. Having received over 100 awards from professional and civic groups, as well as having earned an honorary Doctor of Divinity degree from International Seminary, Chief Brown will retire in April and will be missed greatly by all members and employees of the Miami-Dade Police Department.

FRIENDS OF IRELAND

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. WALSH. Mr. Speaker, in the spirit of St. Patrick's Day, I am inviting all my colleagues to become a Friend of Ireland. The Friends of Ireland is a bipartisan Congressional organization established in 1981 by the late Speaker, Thomas "Tip" O'Neill. Every successive Speaker has carried on the tradition with Speaker HASTERT and Minority Leader GEPHARDT serving as honorary Chairmen of the group.

The purpose of the Friends of Ireland is to increase the bonds of friendship and understanding between the American people and the people of Ireland. We look for a peaceful solution to the problems of this troubled land. Our organization is open to all members of the 106th Congress who share its principles and has attracted widespread support over the years. There are also several Senators who are members of the Friends.

Over the years, the statements of support for peace in Ireland, condemnations of human rights abuses, assistance to the International Fund for Ireland and general expressions of goodwill have made a difference. The voice of the United States Congress is listened to very attentively in Ireland both in the Republic and in the North.

I would like to share with you this year's St. Patrick's Day Statement:

Statement by the Friends of Ireland St. Patrick's Day 1999

On this St. Patrick's Day 1999, the friends of Ireland in the United States Congress join with the 44 million Americans of Irish ancestry in commemorating an extraordinary year for the people of the island of Ireland. We are proud of the dramatic progress achieved in last year's Good Friday Agreement. We commend those who contributed to this historic agreement.

The Agreement is a unique opportunity to end a tragic conflict which has caused needless tragedy and destruction. It holds out the promise of a new beginning, honorable and realistic, for all involved. The Agreement was endorsed decisively by the people in both parts of the island of Ireland as a clear democratic mandate to their political leaders. We call on all those leaders to implement that mandate fully and fairly, and to embrace the opportunity for peace offered by the Agreement with courage, imagination and empathy. History will not deal kindly with those who fail to do so.

We are pleased to welcome to Washington over the St. Patrick's Day period many of those who were central to the success of the negotiations leading to the Good Friday Agreement. We particularly welcome the Taoiseach, Bertie Ahern, whose outstanding commitment and leadership, both during the negotiations, and in the succeeding months, have been deservedly recognized. We also pay tribute to Prime Minister Tony Blair, Secretary of State for Northern Ireland Marjorie Mowlam, Minister for Foreign Affairs David Andrews, the leaders of the Northern Ireland political parties, and many other Irish and British Government officials for their courage and determination to reach agreement despite the opposition they faced.

We congratulate John Hume and David Trimble on the award of the Nobel Peace Prize in recognition of their efforts for peace. We take pride in the contribution made to the peace process by President Clinton and many other leaders in the United States. We especially salute our former colleague, Senator George Mitchell, for his indispensable leadership, and welcome the recent establishment by the U.S.-Ireland Alliance of the Mitchell Scholarships in his honor. We welcome the generous $3 million contribution of the Irish Government to this scholarship fund, announced by the Taoiseach last September during our President's visit to Ireland. We also welcome the Irish Government's support of the John F. Kennedy Center for the Performing Arts, through a grant to promote the Festival of Irish Arts, in May 2000.

Ireland has given to America in many ways, including men to fight our battles from Revolutionary War to Desert Storm. In appreciation for these services, and as a special tribute to 12 Irish citizens who gave their lives as members of the U.S. Armed Forces in the Vietnam War, we are pleased to note that the Vietnam Veterans Memorial Fund's traveling wall, called the Wall that Heals, will be making a tour of Ireland from April 16 to May 3 this year.

This July, we look forward to welcoming the first 4,000 young men and women who will enter the United States under special visas provided by the Irish Peace Process and Cultural Training Program Act of 1998. The visa will allow these young adults from both communities an opportunity to experience America's unique blend of cultural diversity and economic prosperity. After their visit, they will return home providing the crucial skill base needed to attract private investment in their local economies. That Congress initiated and passed this visa legislation with unanimous support is evidence of our continuing bipartisan commitment to supporting the Good Friday Agreement.

We believe the most crucial task now facing the Irish and British Governments and all the political leaders in Northern Ireland is to build momentum for the full implementation of the Agreement. Inevitably, there will be continuing difficulties to surmount in resolving this deep and long-standing conflict. We believe the implementation of the Agreement offers the best way forward and the best yardstick to judge the policies and actions of those struggling to overcome these difficulties. We do not believe that the goals of the Agreement can be served by inaction or procrastination in implementing its provisions. Those who take political risks for the implementation of the Agreement can be assured of our consistent support.

Following last month's decision by the Assembly to approve the designation of the Northern Ireland Departments and the list of cross-border bodies, and the signing last week by the United Kingdom and Ireland of the historic treaties to set up the institutions, it is vital that this decision be implemented without delay. Progress in all of these areas is, of course, dependent on the establishment of the multi-party Executive, as provided in the Agreement. We are dismayed at the delay in establishing the Executive, and urge it be established as soon as possible. It is the best way to create conditions for progress on other difficult issues, including the problem of decommissioning.

The carnage inflicted on the town of Omagh last August was a grim reminder that, in spite of all that has been achieved, there are those who still do not recognize the futility of violence. The cowardly murder of Rosemary Nelson this week reminds of the urgency of the task at hand. The horror of these actions unites all the people of Ireland and Great Britain, and friends of Ireland everywhere, in a determination that such methods will be totally repudiated and will never succeed. We also condemn, in the strongest terms, the practice of sectarian attacks, punishment beatings,and other acts of violence. These actions are a violation of fundamental human rights, and serve only to promote further division and recrimination. Against this background of irresponsible and unacceptable reliance on violence, we commend all those who, notwithstanding the pressures caused by these attacks, refuse to be diverted from the pursuit of peace and political progress.

We have in the past consistently drawn attention to the importance of developing a police organization in Northern Ireland capable of attracting and sustaining the support of all parts of the community. We welcome the creation of the Patten Commission to propose new arrangements for policing, accountable to and fully representative of the society. A major responsibility rests on the members of the Commission on this vitally important issue. Their mandate from the Agreement should lead to far-reaching change and we look forward to their report later this year.

We attach particular importance to the provisions in the Good Friday Agreement which promote a new respect for human rights. Such respect is essential if the commitment to equality, which lies at the very heart of the undertaking, is to be given practical effect. We are heartened by progress in relation to the Human Rights Commissions and look forward to the development of close cross-border co-operation on this vital issue. We also hope to see early progress on the review of the criminal laws, and the dismantling of emergency legislation.

We are concerned by evidence of the lack of protection for lawyers active on human rights cases in Northern Ireland, as described by the Special Rapporteur of the U.N. Commission on Human Rights, and urge an early response to calls for an independent inquiry into the murder of Belfast lawyer Pat Finucane. We will also continue to follow closely the progress of the inquiry into the tragic events of Bloody Sunday in Derry in 1972.

As preparations for this year's marching season begin, we note with concern that, despite efforts to encourage dialogue, the situation at Drumcree remains disturbing. We call on all involved to uphold the decisions of the Parades Commission.

The Friends of Ireland welcome the strong support which President Clinton and both parties in Congress have given to the peace process, and to the full implementation of the Good Friday Agreement, including the continuing support for the International Fund for Ireland. We salute the parties on what has been achieved thus far and believe that with commitment and determination, and a readiness to seek accommodation, the remaining differences can be overcome.

As we prepare to enter the new century, the parties to the Good Friday Agreement have a truly historic opportunity to achieve peace with justice for the benefit of all generations to come. As always, we in the Friends of Ireland stand ready to help in any way we can.

Friends of Ireland Executive Committee:
DENNIS H. HASTERT,
RICHARD A. GEPHARDT,
JAMES T. WALSH,
EDWARD M. KENNEDY,
DANIEL PATRICK MOYNIHAN,
CHRISTOPHER J. DODD,
CONNIE MACK.

INTRODUCTION OF TRIBAL SELF-GOVERNANCE AMENDMENTS OF 1999

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today I am introducing the "Tribal Self-Governance Amendments of 1999" and am pleased that 22 of our colleagues have cosponsored the legislation. My bill makes permanent a demonstration project that exists under current law which gives Indian tribes who meet certain criteria, such as experience in government contracting, accounting, and management capability, the right to take over the operation of Indian Heal Service (IHS) hospital, clinics, and other health programs. The demonstration program, called Self-Governance, already is permanent for programs in the Interior Department and is an outgrowth of the original Self-Determination Act contracting authority.

The aim of the Self-Governance program is to pare down the layers of federal bureaucracy governing Indian affairs. Giving Indian tribes direct control over IHS programs has made the tribes more accountable to their members, and has resulted in a more efficient and innovative operation of health programs than had been administered by federal officials in the past.

The Self-Governance program allows tribes with two or more existing contracts with the IHS to combine them into one "compact", redistribute funds among programs where justified by need, and tailor or redesign various health programs to fit specific tribal needs.

This legislation truly helps further tribal sovereignty. I believe it is one thing to talk about legal theories contained in law books but it is quite another to see how tribal control and operation of these health programs have resulted in improvement of health care to Indian people. This legislation provides Indian Tribes with the opportunity to provide services and care for their own people. Further, this legislation will help reduce federal bureaucracy and give more local control over federal programs.

Similar legislation passed the House last Congress but was not acted on in the Senate. I urge speedy consideration of this important legislation.

THE CITIZENS' CHOICE ACT

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SABO. Mr. Speaker, most Americans and Members of the House of Representatives agree that our campaign finance system must be reformed. During this Congress, I hope we will be able to build on last year's progress by passing legislation to give ordinary Americans a greater voice in campaigns for the U.S. House.

Reforming our campaign finance system is one of the most difficult problems before Congress. In the past, sweeping comprehensive reform has yielded a multitude of unintended consequences. Our campaign system is complex, and it will not yield to easy solutions or quick fixes. That is why I am introducing legislation that takes a small but important step in the right direction—toward limiting campaign spending and leveling the playing field between challengers and incumbents.

My bill, the Citizens' Choice Act, creates a voluntary system of publicly financed general elections to the U.S. House of Representatives. Under my bill, a House of Representatives General Election Trust Fund would be funded by a voluntary $5 check-off on income tax returns, and would consist of one account per political party in every congressional district. Candidates who accept money from this fund must agree to spend no more than $600,000 on their campaigns. The spending limit would be waived if a candidate's opponent refuses to participate in the public funding and raises at least $100,000. My bill also includes a blanket prohibition on all House general election candidates from loaning more than $50,000 to their own campaigns.

My bill addresses the most common criticism of public financing proposals: taxpayers should not subsidize the campaigns of candidates they oppose. That is why I would allow people to choose which party would receive their tax dollars. This eliminates the problem, while creating greater opportunity for citizens to get involved in the electoral process.

Mr. Speaker, some Members are too ready to believe that citizens strongly oppose public financing. I believe it is time for Congress to take another look at public financing of campaigns. Widespread frustration with our current system has grown to the point that Americans demand new solutions. People want fair campaigns, and I believe the American people will understand that an appropriate combination of public financing and spending limits is an effective way to govern our campaign system. I also believe citizens will welcome the opportunity to support our political system through my proposed check-off.

I urge my colleagues to look beyond any preconceived notions they may have about public financing of campaigns, and support legislation that gives citizens a choice in financing our electoral process.

NEW GUIDELINES RELEASED BY COUNCIL ON CHIROPRACTIC PRACTICE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. PALLONE. Mr. Speaker, on October 1, 1998, the Council on Chiropractic Practice released new guidelines on chiropractic practice. These guidelines represent the culmination of a three year effort involving practicing chiropractors in 12 countries.

Titled "Vertebral Subluxation in Chiropractic Practice," the document has qualified for inclusion in the National Guidelines Clearinghouse, a project of the Agency for Health Care Policy and Research.

An estimated 40 million Americans utilize chiropractic health care services. These guidelines will improve the quality and value of chiropractic services for these citizens. I want to acknowledge the Council on Chiropractic Practice, the World Chiropractic Alliance, and the Chiropractic Leadership Alliance of New Jersey for playing instrumental roles in their development. I commend them for their hard work in developing these guidelines and their dedication to improving patient care.

AN ARTICLE WORTH READING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. GILMAN. Mr. Speaker, last Thursday's Washington Post (3/11/99) contained an op-ed piece entitled "Lies About China" by Michael Kelly, the editor of the National Journal, in which he outlines the failure of the administration's China policy and the latest of a long series of dangerous Chinese action.

The article appeared on the day that the House International Relations Committee was holding a hearing regarding the 40th anniversary of the Communist Chinese illegal occupation of Tibet and the full House was considering whether to send U.S. troops into Kosovo.

The issue of Tibet represents what eventually happens when a nation is conquered and absorbed by a hostile neighbor and the world ignores the fact. The people, their culture, religion, and government are destroyed and the world eventually pays the price by having a new powerful belligerent actor on the world scene.

Kosovo represents an opportunity for the world to deal with aggression appropriately at the beginning of the crises before a much more dangerous situation faces the world.

Accordingly, I ask my colleagues to note Mr. Kelly's article and to consider the ramifications of how we should respond to powerful undemocratic regimes that threaten the stability of the world community. I ask that the article be included in the CONGRESSIONAL RECORD.

[From the Washington Post, Mar. 11, 1999]

LIES ABOUT CHINA

(By Michael Kelly)

President Clinton's China policy, a mess of corruption and carelessness and naivete, is collapsing under the weight of its own fraudulence, exposing the nation Clinton calls America's "strategic partner" as a threat to America's security and a thief of America's nuclear secrets, and exposing also the president and senior administration officials for their efforts to minimize and hide this unwelcome fact.

For the past six years, the White House has lied about China. It pretended, against all evidence, that the People's Republic was sincere in its promises to curb its persecution of democrats, Catholic priests, Tibetan monks, pregnant women and other enemies of the people. It pretended that China was sincere also in its promises to curb its spread of weapons of mass destruction. It pretended not to understand that China regarded the United States as enemy number one in its campaign to achieve regional dominance, particularly over Taiwan.

The days of pretense are dwindling down to a precious few. In February the PLA installed perhaps as many as 100 ballistic missiles on the Chinese coast opposite Taiwan. That led to new calls in Congress that the United States proceed with a plan to erect a theater missile defense system protecting Japan, South Korea and Taiwan.

In the first week of March, Secretary of State Madeleine Albright went to Beijing and attempted to appease Chinese fury over the threat that the United States would defend Taiwan against missile attack. The Washington Post quoted a senior Chinese official as saying Albright, in her private meetings, had "tried to 'pacify'" China, telling officials, "Please don't worry, don't overreact," and assuring them that it would take the United States a decade to put any missile defense system in place. For her troubles, Albright won sneers and threats. "If some people intend to include Taiwan under theater-missile defense, that would amount to an encroachment on China's sovereignty and territorial integrity," said Foreign Minister Tang Jiaxuan.

Meanwhile, the New York Times, elaborating on earlier stories in the Wall Street Journal and The Washington Post, gave front-page play to a bombshell.

In April 1996, Energy Department officials informed Samuel Berger, then Clinton's deputy national security adviser, that Notra Trulock, the department's chief of intelligence, had uncovered evidence that showed China had learned how to miniaturize nuclear bombs, allowing for smaller, more lethal missile warheads. And it appeared that the Chinese had gained that knowledge through the efforts of a spy at the Los Alamos National Laboratory. Berger was told the spy might be still in place.

The White House took no action. In April 1997 the FBI recommended measures to tighten security at the laboratories. No action. In July 1997 Trulock and other Energy Department officials gave Berger a fuller briefing, and Berger in turn briefed Clinton.

But Trulock's warning came at an awkward time. The administration was on the verge of the 1997 "strategic partnership" summit with Beijing. It was also facing congressional investigations into charges that the People's Republic had illegally funneled money into the 1996 Clinton-Gore campaign. Very awkward, really.

So Berger buried the embarrassment. He assigned National Security staffer Gary Samore to look into things, and Samore asked the CIA to come up with a theory of the case other than Trulock's. The CIA dutifully reported that Trulock's analysis was an unsupported "worst-case" scenario and Samore dutifully told Berger that no one could really say where the truth lay.

Wen Ho Lee, the suspected spy, beavered on at Los Alamos. Leisurely, the security council prepared a new plan to tighten security at the labs. Leisurely, finally, in February 1998, Clinton formally ordered the reforms into effect. Curiously, Energy Secretary Federico Pena never followed the order. The reforms were not instituted until Bill Richardson, Pena's successor, did so in October 1998—30 months after Trulock's first warning, 18 months after the full alarm, nine months after Clinton's directive.

In the meantime, the administration did everything it could to keep things buried. The Times reports that the House Intelligence Committee asked Trulock for a briefing in July 1998. Trulock asked for permission from Elizabeth Moler, then acting energy secretary. According to Trulock, Moler told him not to brief the committee because the information might be used against Clinton's China policy. Moler told the Times she doesn't recall this.

The White House's secret would have remained secret had it not been for a select investigative committee headed by Republican Rep. Christopher Cox. Cox's committee unearthed a pattern of more than two decades of Chinese nuclear spying, including the Los Alamos case. The secret leaked. On March 8, Richardson fired Wen Ho Lee.

Yet still the White House seeks to hide what truth it can. A declassified version of the Cox committee's 800-page bipartisan report is scheduled to be released late this month—happily enough, just days before a Washington visit by China's prime minister. The White House is waging a desperate rearguard campaign to force the Republicans to redact evidence about the administration's suspiciously deleterious approach to the Los Alamos spy case and also evidence suggesting linkage between Clinton's China policy reversal and campaign contributions from parties desiring that reversal.

But these tactics will probably fail. An angered Republican leadership is considering taking the matter to the full House, where an unexpurgated report could be voted out over Democratic objections. Good. Let a thousand flowers bloom.

HONORING THE WIGGINS HIGH SCHOOL WRESTLING TEAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Wiggins High School wrestling team of Wiggins, Colorado, on their impressive and record-breaking Colorado State Class 2A Championship. This team dominated the competition, amassing 228 points in the Colorado State Wrestling Tournament, easily breaking the previous record held by Moffat County. This demonstration of individual and team prowess has set the standard by which all future Class 2A grapplers will be measured, and takes its place among the legendary Colorado sports accomplishments.

The State Class 2A Championship is the highest achievement in high school wrestling. This coveted trophy symbolizes more than just the team and its coach, John Pensold, as it also represents the staunch support of the players' families, fellow students, school personnel and the community. From now on, these people can point to the 1998–1999 Wiggins wrestling team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to this town and school will see a sign proclaiming the Class 2A State Wrestling Championship, and know something special had taken place there.

This wrestling team is a testament to both dedicated teamwork and outstanding individual talent. The combined talents of the Wiggins wrestlers coalesced into a dynamic and dominant force. Each team member also deserves to be proud of his role. The individual champions include: Jeramy Kyte (119 lbs.), Levi Dyess (130), Mike Miller (171), and Rudolfo Mendez (215). These match winners, along with the rest of the Wiggins team, are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the youth in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursuing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Wiggins team, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to this team as they move forward from their State 2A Championship to future endeavors.

IN HONOR OF STANLEY SHEINBAUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. KUCINICH. Mr. Speaker, I rise to honor Stanley Sheinbaum, one of the great beacons of liberal thought and socially responsible practice. Today, we mark the accomplishments of this great American, who has singularly left the mark of conscience on the history of modern America.

Stanley Sheinbaum's long career of good works in the public interest began with his revelations of CIA early and active presence in Vietnam. He then organized and coordinated the legal defense team in the Pentagon papers trial. He served as the Chairman of the American Civil Liberties Union Foundation of Southern California and as a member of the ACLU National Advisory Council for over 25 years. He has given freely of his expertise and time to the Center fcr Law in the Public Interest, People for the American Way, and California Common Cause. And he was consulting editor for the thought-provoking political journal, Ramparts.

Stanley Sheinbaum also made his mark on American politics as a Democratic Party activist. He served as a McGovern Delegate from California to the 1972 Democratic Convention and was instrumental in organizing substantial resources for the McGovern Presidential Campaign.

Stanley Sheinbaum's peacemaking influence has been felt at the local and the international levels as well. He was President of the Board of Police Commissioners and initiated needed reforms after the civil unrest caused by the Rodney King incident. He was also one of the early diplomatic pioneers who worked to bring Chairman Yassir Arafat into negotiations in a powerful effort to resolve the Israeli-Palestinian conflict. He also served on the board of Americans for Peace Now and the International Center for Peace in the Middle East.

Stanley Sheinbaum has demonstrated how one can be an effective advocate for justice at every level of life: local, state, national and international. He is a great visionary and a great American.

IN HONOR OF THE LATE JOSEPH W. DORSEY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to Joseph W. Dorsey, an outstanding public servant and a close personal friend, who passed away March 15. Joe Dorsey was that rarest of individuals who always placed the interests of his community above his own.

Joe served honorably in the Army Air Corps during World War II, and afterward returned to his hometown of Collingdale, Pennsylvania. He felt a strong duty to help maintain his town as a solid place to live, work and raise a family. From that time forward, Joe became a tireless worker for his community and the local Republican Party.

He served as president of the Borough Council and as tax collector in Collingdale. From 1966–1972, he represented the 162nd district in the Pennsylvania House of Representatives. At that time he was elected Delaware County's Clerk of Courts, later becoming director of the new Office of Judicial Support. In each of these important positions, Joe exhibited strong leadership and he ably represented the interests of local citizens and taxpayers.

Joe was equally committed in his service to the Republican Party. Beginning as a local committeeman, he rose to become chairman of the Collingdale Republican Party and leader of his legislative district. Three times he served as a delegate to the Republican National Convention. Joe's commitment to Republican ideals, and his ability to bring out the vote on election day, made him one of the most influential leaders in my Congressional district. In fact, he managed several of my Congressional campaigns, including my election to Congress in 1986. I counted heavily on Joe for his political acumen and his knowledge of grassroots political organizing.

Joe's community service was varied, as well. He was a 40-year member of the Collingdale Fourth of July Association, a lifetime member of Collingdale Fire Company 1 and 2, and a member of the Collingdale VFW and American Legion. Joe owned an insurance business in his hometown, and he provided outstanding service to many of the municipalities and businesses in his area.

To Joe Dorsey, community service wasn't an option. It was a responsibility, and it was an honor. Whenever his neighbors called upon him, Joe was always there. There aren't enough Joe Dorseys in our local communities anymore, and his presence will be greatly missed.

I extend my deepest condolences to Joe's wife, Mae, to whom he was married for nearly 54 years, and to his daughter, Dorothy, who has served as my office manager since my election to Congress over 12 years ago. To them, Joe was a loving husband and devoted father. To me, he was a loyal friend and trusted advisor.

Mr. Speaker, I ask my colleagues to join me in a tribute to Joseph W. Dorsey for his selfless dedication to his community and his country.

LEGISLATION TO HELP THE HORSE INDUSTRY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. WELLER. Mr. Speaker, I join with my colleagues, Representatives KAREN THURMAN, RON LEWIS and JOEL HEFLEY to introduce legislation that will end the unfair treatment of horses under the federal tax laws compared to other livestock and business assets. Under present law, gain from the sale of virtually every capital asset—except horses—qualifies for capital gain treatment once it has been held for one year. The holding period for horses, however, is two years. We think this unfair to an important industry.

There is no reason to treat horses differently than other capital assets. The horse industry provides sport, recreation and entertainment for millions. This industry has an economic impact on the U.S. economy of $112 billion and supports 1.4 million jobs. It pays $1.9 billion in taxes to all levels of government. In my state of Illinois the horse industry has an economic impact of $3.8 billion and supports 50,000 jobs. However, the racing and breeding industry has struggled over recent years because of the proliferation of various gaming venues. As a result, race tracks have not been able to pay purses large enough to cover the expense of racing a horse. Making the capital gains holding shorter will give some help to these owners who are suffering because purses are too low.

This provision was apparently put in the tax code in 1969 as an anti-tax shelter provision. Since then there have been numerous changes in the tax laws, in particular the passive loss limitations, which have eliminated virtually all so-called "tax shelters." This tax provision has discriminated against Illinoisans and others for long enough. Whatever the rationale was for making the holding period for horses different, it has outlived its usefulness.

It is time to change the tax laws in this area. I welcome other members to join us in this effort by cosponsoring this important legislation.

EXPANDING CHILDREN'S HEALTH CARE COVERAGE

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SABO. Mr. Speaker, one out of every seven children is growing up without health insurance. These 11.6 million children—including 76,000 in my home state of Minnesota—are less likely to get preventive care to keep them healthy, or see a doctor when they get sick. This lack of health insurance coverage can have lasting effects. For example, children whose ear infections go undiagnosed and untreated can suffer from permanent hearing loss.

Sadly there are signs that the prognosis for the health of America's children is getting worse. The percentage of children covered by private insurance has declined from 71.5% in 1990 to 67% in 1997. Additionally, premium costs for family coverage are on the rise, placing health insurance beyond the reach of an increasing number of working families.

It is time for all of us to commit to solving this problem. Today, I am introducing two bills that would move us in the direction of a comprehensive solution.

First, I am introducing the Children's Health Coverage Improvement Act of 1999. This legislation would make children's-only policies widely available at group rates to employees who are already covered by a group policy. Federally regulated self-insured health plans would be required to offer these policies as one of the options available to covered employees.

Many low-income working families simply cannot find room in the family budget to pay the increasingly large premiums for family policies. Moreover, many financially-strapped single parents cannot afford to pay family premiums designed to cover two adults plus children. Kids-only policies could provide an answer for these hard-working and hard-pressed families.

This legislation is sensitive to employers' concerns that they cannot assume further insurance costs. Instead of requiring an employer to shoulder a specified portion of insurance costs, this bill allows the dynamics of the group insurance market to create affordable children's-only policies for the dependents of group health plan beneficiaries.

I am also introducing a second bill to enhance the well-being of federal employees' children. This legislation would allow enrollees in the Federal Employees Health Benefits Program (FEHBP) to purchase an employee and children-only benefit option at a lower cost than current family coverage options.

My bill would help those federal employees who, because of cost, defer purchasing family health coverage. The bill authorizes the Office of Personnel Management to offer group-rated employee and children only coverage to enrollees of the FEHBP.

There is a real need for a health insurance product that better addresses the needs of low-income and non-traditional families than family policies that are currently available. Group-rated employee and children-only policies would help meet this unfilled need.

Shoring up the decline in employer-sponsored health care is one way to help get kids insured. America's 11,600,000 uninsured children need help. It's time for all of us—in the private and public sector—to pitch in and make sure they get it.

IN HONOR OF DEAN PAUL O'CONNOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Dean of the Faculty of Law of the University of Dublin, National University of Ireland, The Honorable Paul O'Connor. Dean O'Connor is the guest of honor at the twentieth annual Donahue & Scanlon St. Patrick's Day Party.

Dean O'Connor received primary and postgraduate degrees in law at University College Dublin, the largest law school in Ireland, before qualifying at the Irish Bar in 1976. He was then awarded a fellowship to study at the University of Pennsylvania where he graduated with a Masters in 1978. After practicing briefly in Philadelphia, he returned to his alma mater to take up his first teaching post. Dean O'Connor specializes in the subjects of Criminal Law, Evidence, and Family Law, and he is widely published in each of these areas. In 1986, he resumed his academic acquaintance with the United States as a Fulbright Fellow at the University of Michigan where he studied comparative matrimonial property regimes.

Dean O'Connor has guest lectured in Europe, the United States and Australia. He is a board member of both the Irish Centre for Commercial Law Studies, and the leading Irish law journal, The Irish Jurist. He is also currently a member of the Solicitors profession's Future of the Legal Profession Committee.

My fellow colleagues, please join me in honoring the accomplishments of Dean Paul O'Connor.

HONORING "MR. HOMES ASSOCIATION"

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today with sadness to remember and honor a legendary person from my district, Mr. Harry Brandel, Jr. Mr. Brandel died last week after a long fight with cancer.

He was known as "Mr. Homes Association" because he led the Palos Verdes Homes Association for more than three decades. He relinquished this position only when forced to by poor health.

Under Harry's leadership, the community established strict development standards, helping to preserve its extraordinary beauty, low density, and high quality residential ambiance. Harry leaves behind a legacy of beauty and protection that will outlast many generations.

Harry also left his footprint on the city's political life. He was known as a skilled politician, brokering consensus on many controversial development issues. He could do this with his low-key approach and his ability to be friends with his adversaries. This past January, Harry was honored by the city council as the community's longest serving public official. From one public official to another, it is a fitting remembrance, and one to which we should all aspire.

DIRECT CHECK FOR EDUCATION ACT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mrs. EMERSON. Mr. Speaker, when I talk with parents, teachers principals and school administrators throughout Southern Missouri, it becomes very clear that much needs to be done to strengthen our local school systems. Aging facilities, increasing class sizes, and tight funding are placing a tremendous strain on the quality of education available for our children. And no two school districts are alike in their specific needs. Whether it's building new classrooms, repairing a hole in the gymnasium roof, hiring more teachers, or acquiring new computers or test books, only the parents, educators, and locally elected school boards really know what priorities need to be met in their schools.

There is no question that our local school districts are faced with significant challenges in preparing our children for the future. Unfortunately, our current federal education programs falling well short in assisting our communities to succeed. One of the problems is that 35 percent of federal education funds are spent on meeting the operation budgets of the more than 760 federal education programs spread out between 39 different agencies. This means that only 65 cents of each education dollar is actually making it to our classrooms. This diversion of funds is particularly burdensome on rural communities. Southern Missouri's school districts are limited in local funding options and we simply need more of our federal education dollars returned to us.

Another significant problem is the burdensome federal regulations and mandates that tie schools' hands and cut into educators' valuable teaching time. According to Vice President Gore's National Performance Review, if a local school district decides to apply for a Department of Education grant, the entire process takes 26 weeks and 487 steps from beginning to end. That's 6 months and countless hours spent on applying for a grant—all without any guarantee that the funds will be approved. I have heard from teachers in Southern Missouri who personally spend up to three days out of the week writing grants and filing out paperwork. This is time that our teachers—who are already overloaded with large classes and limited resources—could be dedicating to planning lessons, teaching their classes, and reviewing student's work. It seems to me that our education system needs fewer bureaucrats in Washington crunching numbers and dreaming up federal mandates and more teachers in our local schools educating our children.

I introduced legislation that begins to address the problems of funding and over regulation in our nation's education policy. My legislation—known as the: "District Check for Education Act," or simply "Direct Check"—would consolidate several Department of Education competitive grant programs and return federal education dollars directly to the local school or school district based on the number of students served. "Direct Check" funds are not tied to any burdensome federal regulations or mandates, and they can be used for purchasing text books, computers and technology, teachers' salaries, and classroom construction or renovation. Other allowable uses of these funds include literacy programs, job training initiatives, and drug and alcohol programs.

Education is a national priority, but it is a local responsibility. It has always been carried out and implemented at the local level. The bottom line is that no Department of Education bureaucrat who lives and works in the city of Washington, DC or its suburbs can possibly understand the educational needs of our children in rural Southern Missouri. My "Direct Check" bill empowers local school districts by giving them the control and flexibility to use federal education dollars in a way that best meets their priorities for improving the education system for their children. And by freeing up resources and giving them directly to local school districts, we can help preserve and strengthen our American public education tradition as we head into the 21st Century.

TRIBUTE TO MRS. ELLA YON STEVENSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mrs. Ella Yon Stevenson of Norway, South Carolina. Today, I gladly join the community in celebration of her 100th birthday.

Mrs. Stevenson was born in Orangeburg County in the town of Norway, South Carolina on March 17, 1899. She is the daughter of the late Glen and Henrietta G. Yon. As a child, she attended Norway Public Schools. Mrs. Stevenson joined Bushy Pond Baptist Church of Norway, South Carolina at a very early age. She enjoyed singing in the choir until her health prevented her from participating. She is strongly committed to her church and community. To this day, Mrs. Stevenson continually offers support to her neighbors, friends, and family.

Mrs. Stevenson cherishes her family. She married the late George W. Stevenson. They had four sons: George Stevenson, Jr., James Stevenson, Authur Stevenson, and Levern Stevenson (all deceased), and two unique daughters, Clara Mae Stevenson Pough and Reather Bell Stevenson Pough. Mrs. Stevenson has 34 grandchildren, 50 great grandchildren, and 48 great-great grandchildren. She currently resides with her daughter Reather Bell in North, South Carolina.

Please join me in recognizing Mrs. Ella Yon Stevenson as she celebrates her 100th birthday today.

REMARKS OF SECRETARY OF STATE MADELEINE K. ALBRIGHT ON THE ACCESSION TO NATO OF POLAND, HUNGARY AND THE CZECH REPUBLIC

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. LANTOS. Mr. Speaker, last Friday at the Harry S. Truman Presidential Library in Independence, Missouri, Secretary of State Madeleine K. Albright president over the ceremony marking the final step in the accession of Poland, Hungary, and the Czech Republic to membership in the North Atlantic Alliance. This was a historic occasion as these three former members of the Warsaw Pact, an alliance which was established to counter the North Altantic Treaty Organization, were now joining as full members of this western alliance.

Mr. Speaker, it was most appropriate that the ceremony marking full accession to NATO took place at the Harry S. Truman Presidential Library. It was under the far-sighted and thoughtful leadership of President Truman that NATO was established fifty years ago this year. We mark not only the 50th anniversary of the establishment of NATO, but also the 10th anniversary of the fall of the Berlin Wall and the collapse of Soviet dominance in Central and Eastern Europe.

If any one individual deserves credit for the end of communist domination in Europe and for the end of the Soviet empire, Mr. Speaker, it is President Harry Truman. He was the President who made the critical decisions in the early days of the cold war; he was the President under whose leadership the policy of containment was enunciated; and he was the President who established the critical institutions which were the basis of U.S. policy throughout the cold war. His successors—from Dwight Eisenhower to Ronald Reagan and George Bush—were simply implementing the fundamental policy that was enunciated, initiated, and put in place by Harry Truman.

Mr. Speaker, the accession to NATO of Poland, Hungary and the Czech Republic at the Truman Library was a quintessentially "American" event—the United States Senator who introduced our Secretary of State, my friend and colleague from Maryland, BARBARA MIKULSKI, is Polish-American; I had the honor of participating in that event and, as my colleagues know, I am a native of Budapest, Hungary; and, of course, our Secretary of State, Madeleine K. Albright who presided on this occasion, was born in Prague in the Czech Republic.

The remarks on this festive occasion by our Secretary of State, Mr. Speaker, provide an outstanding statement of the U.S. government policy that underlies this landmark addition of new members to NATO. Secretary Albright's speech also provides an excellent summary of the importance of the first half century of the NATO alliance as well as a discussion of its future. I ask that Secretary Albright's remarks be placed in the RECORD, and I urge my colleagues to read and give them thoughtful attention.

SECRETARY ALBRIGHT: Thank you, Senator Mikulski, for that wonderful and personal introduction, and thank you for your great friendship. I want to thank you and your colleagues, Senators Roth and Smith and Representatives Skelton, Lantos, and McCarthy for your bipartisan leadership on behalf of NATO and NATO enlargement. You have helped to make history, because without your support we would not be here today.

Minister Kavan, Minister Martonyi, and Minister Geremek, excellencies from the diplomatic corps, Admiral Gough, General Anderson and other leaders of our armed forces, officials of the Truman Library—thank you for remembering my daughter—honored guests, colleagues, and friends, today is a day of celebration and re-dedication and remembrance and renewal.

Today we recognize in fact what has always been true in spirit. Today we confirm through our actions that the lands of King Stephen and Cardinal Mindszenty, Charles the Fourth and Vaclav Havel, Copernicus and Pope John Paul II reside fully and irrevocably within the Atlantic community for freedom. And to that I say, to quote an old Central European expression, "Hallelujah." (Applause.)

History will record March 12, 1999, as the day the people of Hungary, the Czech Republic and Poland strode through NATO's open door and assumed their rightful place in NATO's councils.

To them I say that President Clinton's pledge is now fulfilled. Never again will your fates be tossed around like poker chips on a bargaining table. Whether you are helping to revise the Alliance's strategic concept or engaging in NATO's partnership with Russia, the promise of "nothing about you without you," is now formalized. You are truly allies; you are truly home.

This is a cause for celebration not only in Prague, Budapest and Warsaw, but throughout the Alliance. For the tightening of transatlantic ties that we make today inspired the vision of translatlantic leaders half a century ago. That generation, which in Dean Acheson's famous phrase was "present at the creation," emerged from the horror of World War II determined to make another such war impossible. They had seen—and paid in blood—the price of division; so their policies were inclusive. They wanted to help build a transatlantic community of prosperity and peace that would include all of Europe.

But between the 1947 offering of the Marshall Plan and the forgoing of NATO two years later, it became evident that the reality of their times did not match the boldness of their vision. The Iron Curtain descended, and across the body of Europe, a brutal and unnatural division was imposed. Now, due to bravery on both sides, that curtain has lifted, and links that should have been secured long ago are being soldered together.

Today is evidence of that. For this morning, NATO is joined by three proud democracies—countries that have proven their ability to meet Alliance responsibilities, uphold Alliance values and defend Alliance interests.

Since the decision to invite new members was first made, President Clinton has argued that a larger NATO would make America safer, our Alliance stronger and Europe more peaceful and united. Today, we see that this is already the case. For NATO's new members bring with them many strengths. Their citizens have a tradition of putting their lives on the line for liberty: Witness Hungary's courageous freedom fighters in 1956; the students who faced down tanks in the streets of Prague 12 years later; and the workers of Gdansk whose movement for Solidarity ushered in Europe's new dawn.

As young democracies, these countries have been steadfast in supporting the vision of an integrated Europe. Their troops are serving alongside NATO forces in Bosnia. And each is contributing to stability in its own neighborhood.

As a daughter of the region, and a former professor of Central and East European affairs, I know many Americans have not always had the understanding of this region that they now do. Earlier this century, when Jan Masaryk, son of the Czech President, came to the United States, an American Senator asked him, how is your father; and does he still play the violin?

Jan replied, sir, I fear that you are making a small mistake. You are perhaps thinking of Paderewski and not Masaryk. Paderwski plays the piano, not the violin, and was President not of Czechoslovakia, but of Poland. (Laughter.)

Of our Presidents, Benes was the only one who played; but he played neither the violin nor the piano, but football. In all other respects, your information is correct. (Laughter.)

Later, after his father had died and World War II had been fought, Jan Masaryk became Czechoslovak Foreign Minister—my father's boss. It soon became clear that the revival of Czechoslovak democracy and Czechoslovak aspirations to be part of the West would be short-lived.

Czechoslovakia was also invited to join the Marshall Plan. However, Foreign Minister Masaryk was summoned to Moscow and told that Czechoslovakia had to refuse the invitation. He returned to Prague to tell his colleagues, "I now know I am not the Foreign Minister of a sovereign country."

Masaryk's statement reminds us of another great gift the Czech Republic, Poland and Hungary bring to our Alliance for freedom: the living memory of living without freedom.

NATO's success has enabled generations protected by the Alliance to grow up and grow old under democratic rule. For that, we are enormously grateful.

But we must also guard against a danger. For there is a risk that to people who have never known tyranny, an Alliance forged before they were born to counter an enemy that no longer exists, to defend freedoms some believe are no longer endangered, may appear no more relevant than the fate of Central Europe did to some of our predecessors 60 years ago.

The Truman Library is a fit place for plain speaking. So let me speak plainly now. It is the job of each and every one of us, on both sides of the Atlantic, to bring home to the generations of today and tomorrow the compelling lessons of this century.

We must never fall back into complacency or presume that totalitarianism is forever dead or retreat in the face of aggression. We must learn from history, not repeat it. And we must never forget that the destinies of Europe and North America are inseparable; and that this is as true now as it was when NATO was founded 50 years ago.

Of course, there will always be differences between Europe and America. We have been aptly called cousins, but we will never be mistaken for clones. Today, there are splits on trade and other issues—some of which are quite controversial. But do not exaggerate, these are differences within the family.

However, I think I can speak for each of my Alliance colleagues when I say that on the central questions that affect the security and safety of our people, our Alliance is and will remain united, as it must. For the hopes of future generations are in our hands. We cannot allow any issue to undermine our fundamental unity. We must adapt our alliance and strengthen our partnerships. We must anticipate and respond to new dangers. And we must not count on second chances; we must get it right—now.

This requires understanding that the more certain we are in preparing our defense, the more certain we may be of defending our freedom without war. NATO is the great proof of that. For its success over five decades is measured not in battles won, but rather in lives saved, freedoms preserved and wars prevented. That is why President Truman said that the creation of NATO was the achievement in which he took the greatest pride.

Today we, too, have grounds for pride. For NATO enlargement is a sign that we have not grown complacent about protecting the security of our citizens. The nations entering our alliance today are the first new members since the Cold War's end, but they will not be the last. For NATO enlargement is not an event; it is a process.

It is our common purpose, over time, to do for Europe's east what NATO has already helped to do for Europe's west. Steadily and systematically, we will continue erasing without replacing the line drawn in Europe by Stalin's bloody boot.

When President Clinton welcomes his counterparts to Washington next month to mark NATO's 50th anniversary, they will affirm that the door of the Alliance does remain open; and they will announce a plan to help prepare aspiring members to meet NATO's high standards.

But enlargement is only one element in our effort to prepare NATO for its second 50 years. The Washington Summit will be the largest gathering of international leaders in the history of Washington, D.C. It will include representatives from NATO and its partner countries—44 in all—and it will produce a blueprint for NATO in the 21st Century.

Our leaders will, I am confident, agree on the design of an Alliance that is not only bigger, but also more flexible; an Alliance committed to collective defense, and capable of meeting a wide range of threats to its common interests; an Alliance working in partnership with other nations and organizations to advance security, prosperity and democracy in and for the entire Euro-Atlantic region.

The centerpiece of the Summit will be the unveiling of a revised strategic concept that will take into account the variety of future dangers the Alliance may face.

Since 1949, under Article V of the North Atlantic Treaty, the core mission of our alliance has been collective defense. That must not change, and will not change. NATO is a defensive alliance, not a global policeman.

But NATO's founders understood that what our alliance commits us to do under Article V is not all we may be called upon to do, or should reserve the right to do. Consider, for example, that when French Foreign Minister Robert Schuman signed the North Atlantic Treaty, he characterized it as "insurance against all risks—a system of common defense against any attack, whatever its nature."

During the Cold War, we had no trouble identifying the risks to our security and territory. But the threats we face today and may face tomorrow are less predictable. They could come from an aggressive regime, a rampaging faction, or a terrorist group. And we know that, if past is prologue, we face a future in which weapons will be more destructive at longer distances than ever before.

Our alliance is and must remain a Euro-Atlantic institution that acts by consensus. We must prevent and, if necessary, respond to the full spectrum of threats to Alliance interests and values. And when we respond, it only makes sense to use the unified military structure and cooperative habits we have developed over the past 50 years. This approach shouldn't be controversial. We've been practicing it successfully in Bosnia since 1995.

We are also taking steps, as we plan for the summit, to ensure that NATO's military forces are designed, equipped and prepared for 21st Century missions. And we expect the Summit to produce an initiative that responds to the grave threat posed by weapons of mass destruction and their means of delivery.

Clearly, NATO's job is different now than when we faced a single monolithic adversary across a single, heavily-armed frontier. But NATO's purpose is enduring. It has not changed. It remains to prevent war and safeguard freedom. NATO does this not only by deterring, but also by unifying. And let no one underestimate its value here, as well. For if NATO can assure peace in Europe, it will contribute much to stability around the globe.

The history of this century and many before it has been marked by shifting patterns within Europe as empires rose and fell, borders were drawn and redrawn, and ethnic divisions were exploited by aggressors and demagogues. Twice this century, conflicts arose which required American troops to cross the Atlantic and plunge into the cauldron of war.

NATO and NATO's partners have closed that book and are authoring a new one. In collaboration with regional institutions, we are encouraging the resolution of old antagonisms, promoting tolerance, ensuring the protection of minority rights and helping to realize, for the first time in history, the dream of a Europe whole and free.

So let us not hesitate to rebut those who would diminish the role of our alliance, dispute its value, or downplay the importance of its unity and preparedness. For if NATO does not respond to the 21st Century security challenges facing our region, who will? If NATO cannot prevent aggressors from engulfing whole chunks of Europe in conflict, who can? And if NATO is not prepared to respond to the threat posed to our citizens by weapons of mass destruction, who will have that capability?

The 20th Century has been the bloodiest and most destructive in human history, and despite the Cold War's end, many threats remain. But we have learned some hard lessons from this history of conflict, and those lessons underlie all our planning for the Washington Summit.

We know that when the democracies of Europe and America are divided, crevices are created through which forces of evil and aggression may emerge; and that when we stand together, no force on Earth is more powerful than our solidarity on behalf of freedom.

That is why NATO is focused not only on welcoming new members, but also on strengthening its valuable partnerships with Russia, Ukraine and Europe's other democracies. Their inclusion and full participation in the transatlantic community is essential to the future we seek. For NATO's purpose is not to build new walls, but rather to tear old walls down.

Five years ago, while serving as U.S. Permanent Representative to the UN, I traveled with General Shalikashvili to Central and Eastern Europe, to outline President Clinton's plan for a Partnership for Peace. That concept continues to deepen and pay dividends for countries whether or not they aspire to NATO membership. Today, former adversaries are talking to each other, training with each other, carrying out missions together, and planning together for the future. By fostering that process, we prevent potentially dangerous misunderstandings, address present problems and lay a solid foundation for future cooperation.

We also remind ourselves, that although NATO stands tall, it does not stand alone. The EU, OSCE and NATO and its partners form the core of a broader system for protecting vital interests and promoting shared values.

We learned in Bosnia earlier this decade how vital such a system is. We face a test of that system now in Kosovo, and we welcome Russian Foreign Minister Ivanov's efforts in Belgrade today to help achieve our common goal.

There, together, we have backed diplomacy with tools ranging from humanitarian relief to OSCE verifiers to the threatened use of NATO force. Together, we have hammered out an interim political settlement which meets the needs and respects the rights of all concerned.

When talks resume next week, we must be firm in securing this agreement. We must be clear in explaining that a settlement without NATO-led enforcement is not acceptable because only NATO has the credibility and capability to make it work. And we must be resolute in spelling out the consequences of intransigence.

To those abroad and in my own country who have raised doubts, I reply that the plan we and our partners have developed is not risk-free. But we prefer that risk to the certainty that inaction would lead to a renewed cycle of repression and retaliation, bloodletting and ethnic cleansing. The path we have chosen for our alliance in Kosovo is not easy; but it is right. It serves NATO interests, and it upholds the values of our alliance for which it was created and which we will defend.

Today, as NATO embarks upon a new era, our energy and vision are directed to the future. But we are mindful, as well, of the past. For as we welcome three new members, we have a debt we cannot fail to acknowledge.

In this room today are ambassadors and foreign ministers and generals and members of Congress. In this room, there is great pride and good reason for it. But let us never forget upon whose shoulders we stand. We pay homage to our predecessors and to the millions of soldiers and sailors and aviators and diplomats who, throughout the past half-century, have kept NATO vigilant and strong.

We pay homage, as well, to those who fought for freedom on the far side of freedom's curtain. For the Berlin Wall would be standing today; the Fulda Gap would divide Europe today; the Warsaw Pact would remain our adversary today, if those who were denied liberty for so long, had not struggled so bravely for their rights.

Let us never forget that freedom has its price. And let us never fail to remember how our alliance came together, what it stands for, and why it has prevailed.

Upon the signing of the North Atlantic Treaty, President Harry Truman referred to the creation of NATO as a "neighborly act." "We are like a group of householders," he said, "who express their community of interests by entering into an association for their mutual protection."

At the same time, Canadian Secretary of State Lester Pearson said, "The North Atlantic community is part of the world community, and as we grow stronger to preserve the peace, all free men and women grow stronger with us."

Prime Minister Spaak of Belgium added, "The new NATO pact is purely defensive; it threatens no one. It should therefore disturb no one, except those who might foster the criminal idea of having recourse to war."

Though all the world has changed since these statements were made, the verities they express have not. Our alliance still is bound together by a community of interests. Our strength still is a source of strength to those everywhere who labor for freedom and peace. Our power still shields those who love the law and still threatens none, except those who would threaten others with aggression and harm. Our alliance endures because the principles it defends are timeless and because they reflect the deepest aspirations of the human spirit.

It is our mission now, working across the Atlantic, to carry on the traditions of our alliance and prepare NATO for the 21st Century. To that end, we take a giant step today. And we look forward with confidence and determination to the historic summit in Washington and further progress tomorrow.

Thank you all very much.

(Applause)

GROWING RELIGIOUS INTOLERANCE IN THE HEART OF EUROPE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SMITH of New Jersey. Mr. Speaker, in the coming days the participating States of the Organization for Security and Cooperation in Europe (OSCE) will conduct in Vienna, Austria, a Supplementary Meeting on Freedom of Religion with the intent to discuss some of the key human rights concerns raised at the 1998 Human Dimension Implementation Meeting. The United States has a sincere interest in the deserved attention the OSCE is bringing to violations of religious liberty.

As Chairman of the Helsinki Commission (which has the mandate to monitor compliance with the Helsinki Accords), I continue to be concerned with the growing evidence that religious intolerance is on the rise and violations of this precious freedom are cropping up among the stalwart participating States of the OSCE. This trend is especially noteworthy in Western Europe, in countries such as France and Belgium, where the parliaments have issued, respectively, reports listing a variety of religious groups and institutions as "dangerous sects." The French, Belgian, and Austrian Governments have also established governmental centers to advise citizens which religious groups meet government criteria as a bona fide religion. If I may, Mr. Speaker, I want to take a moment and share with my colleagues these alarming initiatives so that we may consider what these actions portend for all peoples of faith.

The clearest and most comprehensive commitments on religious liberty found in any international instrument are enunciated in the OSCE documents. Non-interference in the affairs of religious communities is central to the OSCE understanding of religious liberty. The tendency of a number of European governments to establish themselves as the determiner of the rightness or wrongness of a particular belief is in direct contravention to this principle. In addition, OSCE States have committed to eliminating and preventing discrimination based on religious grounds in all fields of civil, political, economic, social and cultural life. Other commitments include the freedom to profess and practice one's religion alone or in community, the freedom to meet with and exchange information with co-religionists regardless of frontiers, the freedom to freely present to others and discuss one's religious views, and the freedom to change one's religion.

Over the past three years, the parliaments of France, Belgium, and Germany each established commissions to study "dangerous sects and cults" that have contributed to the discrimination and harassment of targeted groups. For example, an investigative report undertaken by the French Parliament in 1996 contained a list of "dangerous" groups in order to warn the public against them. Suspect activities, according to the report, include "recruitment" through evangelistic outreach and distribution of tracts, activities clearly within the internationally recognized right to free expression. Similarly, the Belgian Parliament's 1997 report had a widely circulated informal appendix that listed 189 groups and included various allegations against many Protestant and Catholic groups, Quakers, Hasidic Jews, Buddhists, and the YWCA. In Belgium, the unofficial appendix appears to have gained significance in the eyes of some public officials who reportedly have denied access to publicly rented buildings for Seventh Day Adventists and Baha'i because they were listed in the appendix.

Equally alarming, the French, Belgian, and Austrian Governments, as well as a number of state governments in Germany, have set up hotlines for the public and, through government-sponsored "information centers," distribute information on groups deemed by the government to be "dangerous." Characterizations of religious beliefs by these government information centers and publication of unproven and potentially libelous materials have already caused problems for a number of minority religious groups. Such government action presumes that religious beliefs and spiritual convictions can be objectively analyzed by government bureaucrats in their consumer protection role. These information centers contradict the OSCE commitments to "foster a climate of mutual tolerance and respect," and excessively entangle the government in the public discussion on the viability of particular religious beliefs.

A few months ago, in October 1998, the French Prime Minister's office created the "Interministerial Mission to Battle Against Sects," which by its very name, suggests confrontation with religious minorities rather than tolerance. The Interministerial Mission's mandate includes the responsibility to "predict and fight against actions of sects that violate human dignity or threaten public order."

This is the latest example of how the French Government has taken steps which have negative effects on religious liberty. In 1996, the French Parliament placed the Institut Theologique de Nimes, a mainstream Baptist seminary closely connected to the Luther Rice Seminary in Atlanta, Georgia, on its list of so-called "sects." Since then, libelous articles about the Institut have been published in newspapers. The articles were based on hearsay of dubious origin. In addition, the church connected with the Institut recently reported that a loan application was rejected for the reason that the church is on the Parliament's "sect" list. Members of the Institut have also apparently suffered discrimination from people in the region; according to report, at least one church member has lost her job due to her attendance.

Since the 1997 Belgian Parliament's report with the unofficial appendix listing 189 groups, the Belgian Government has moved ahead with plans to establish an "Advice and Information Center on Dangerous Sects." It is my understanding that this center should be fully operational by the latter part of this year. According to Belgian officials at the Ministry of Justice, the new center will distribute official government views on the groups identified by the Parliament and may expand its inquiries to other groups not previously listed. A coalition of Belgian religious groups registered their concern at a press conference held in May 1998 in Brussels and continues to oppose the Belgian Government policies toward religious groups.

In Austria, a law restricting religious freedom became effective in January 1998. The law requires that a religious group prove a 20-year existence in Austria, have a creed distinct from previously registered groups, and have a membership of at least 0.02% of the population or 16,000 members before they are granted full rights under law. The Austrian Government's opinion that the government must "approve" religious belief before it is available for the public reveals a shocking retreat from democratic principles which encourage the free exchange of ideas and quality before the law for all religions or beliefs.

The tendency to increase control over religion or belief groups extends to Europe as a whole. Pan-European institutions such as the Council of Europe's Parliamentary Assembly and the European Parliament have in the last year debated the role of government in controlling "sects." The tone of these discussions has been ominous and proposals include instituting even more government controls over minority religions.

The people of the United States are deeply committed to religious liberty. The 105th Congress overwhelmingly passed the International Religious Freedom Act of 1998. This act establishes an Ambassador at Large for International Religious Freedom and a nine-member Commission on International Religious Freedom who will monitor the status of religious freedom in foreign countries. Additionally, the Act encourages the President of the United States to become more thoroughly involved by regularly reporting to Congress on the state of religious liberty and by requiring the President to take specific actions against countries which violate this freedom.

Let me emphasize that the Act mandates U.S. Government action against not only countries engaged in persecution of religious believers, but also mandates U.S. Government action against countries that are actively intolerant of religious groups or those that allow societal intolerance to exist. The intolerant actions of Western European governments squarely are in the purview of the Act. The Commission, the Ambassador at Large, and the President are mandated to focus on issues of religious intolerance, and I encourage them to focus on the actions taken by Western European governments in light of international law and international commitments on religious liberty.

Clearly the actions taken by the Governments of France, Belgium, Germany, and Austria call into question the commitment those countries made to "foster a climate of mutual tolerance and respect." I urge the Administration to continue raising these issues with the Governments of Western Europe to ensure through law and governmental practice that religious freedoms for minorities are protected.

GOOD FRIDAY TRADE AND INVESTMENT ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. McDERMOTT. Mr. Speaker, we're here today because we share a common goal. We all want the peace process in Northern Ireland and the Irish Republic to work.

As hard as it is to get folks to sign a peace agreement. It's even harder to make sure that it gets fully implemented.

We feel strongly that the best chance we have to ensure the Good Friday Peace Agreement is fully implemented is by creating jobs and economic growth.

The legislation we are introducing today is the first comprehensive effort by the United States to create real jobs and real investment in Northern Ireland and the border counties of the Irish Republic.

Our legislation uses existing trade and investment tools to stimulate tangible economic assistance to the people of Northern Ireland and the border counties. Faced with continued resistance to the Irish free trade efforts of the past, we concluded that a fresh attempt to fashion legislation that could address European reticence while quickly delivering meaningful trade and investment assistance to Northern Ireland and the border counties was in order.

The legislation provides for the creation of a $300 million Overseas Private Investment Corporation (OPIC) equity fund. Such a fund generates private sector focus and interest in Northern Ireland and the Border area and makes sure that women entrepreneurs have meaningful access to that funding. We believe that the multiplier effect from such a fund could generate a total $1.2 billion in new private investment.

Our legislation also relies on the Generalized System of Preferences (GSP) to assist Northern Ireland's exporters to grow their economy and job base. For those of you who don't know, the United States Generalized System of Preferences (GSP) provides preferential duty-free entry for approximately 4,500 products from 149 designated beneficiary countries and territories.

GSP lowers the tariff rate for goods being imported into the United States. GSP already is in place for portions of the European Union. Because beneficiary designees are not required to change import policies. GSP designation for Northern Ireland and the border counties of the Irish Republic would not require them to seek an amendment from the EU or the Treaty of Rome.

Finally, the legislation relies on the International Fund for Ireland to increase funding for projects that will create rapid job growth in the private sector. The bill recommends six projects for funding and support that will provide both immediate and mid-term job generating growth.

We feel strongly that now is the time for the U.S. to send a clear, serious and solid signal of support to the parties in Northern Ireland that are struggling to implement the peace agreement.

Stimulating real job creation through improving access to our marketplace and encouraging private investment would send a strong signal to everyone that the price of peace could very well be prosperity.

THE COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT ACT OF 1999

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. OSE. Mr. Speaker, I rise today to introduce the Colusa Basin Watershed Integrated Resources Management Act of 1999.

The Colusa Basin drainage area consists of 1,036,000 acres—1,620 square miles—in northern California within Glenn, Colusa and Northern Yolo Counties. The Colusa Basin Drainage District embodies more than 600,000 acres of the Sacramento Valley, spanning from Knights Landing in the south to Orland in the north, with the Sacramento River and the Sierra foothills forming the east and west boundaries.

Flooding in Colusa Basin causes approximately $4.9 million in property damage each year. In 1995, a major flood did an estimated $100 million in damage to private and public property. The costs of these floods are borne by residents, local agencies and the Federal Government. Large-scale traditional flood-control methods are not cost effective in the Basin. Instead, local authorities are focused on small-scale structural and non-structural flood control remedies that would produce flood protection at a reasonable cost and have the added benefit of being environmentally acceptable.

The Colusa Basin and the Bureau of Reclamation have jointly developed an integrated plan that would provide flood protection for cities and agricultural areas by reducing peak runoff flooding along streams; capture storm water for local uses, groundwater recharge, and wildlife purposes; improve water quality; reduce land subsidence; and improve the quality and quantity of fish and wildlife habitat in the region.

The program includes the construction of 11 small, off-stream, environmentally sound foothill reservoirs and 10,000 acres of new wetlands and riparian habitat. This bill is supported by a wide range of interests, including local farm bureaus, cities and counties in the Colusa Basin, irrigation districts, the CALFED Bay-Delta program and conservation groups such as the California Waterfowl Association, among others.

I urge my colleagues to join me in supporting this bill, and build upon the bipartisan coalition of cosponsors committed to improving flood control, water quality, and wildlife habitat in northern California.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. LEWIS of Kentucky. Mr. Speaker, I would appreciate having the following statement printed in the CONGRESSIONAL RECORD in the appropriate place: Mr. Speaker, on March 16, 1999, I was returning from Moscow where I participated in meetings with leaders of the Russian Duma as part of a Congressional Delegation trip led by my colleague, the Honorable CURT WELDON. The purpose of our trip was to discuss missile defense issues and specifically H.R. 4. As a result, I missed Rollcall votes 51, 52 and 53. Had I been present, I would have voted YES on all three votes.

Rollcall No. 50—H.R. 891, Federal Maritime Commission Authorization Act.

Vote—"Yes."

Mr. Speaker, the Maritime Commission provides needed protections for U.S. shippers and carriers through its oversight and licensing activities. I support this bill which allows the Commission to improve services, address the Y2K computer problem, and continue its mission.

Rollcall No. 52—H.R. 774, Women's Business Center Amendments Act.

Vote—"Yes."

Mr. Speaker, I support H.R. 775 which will allow more women to benefit from the Women's Business Center program currently operated by the Small Business Administration. This measure simplifies matching fund requirements and increases authorization levels for the program making it easier for communities to establish centers that will educate and encourage small business growth.

Small businesses in this country exemplify the true meaning of what is called the "American Dream". This measure takes another step toward preserving that dream by encouraging more Americans to start their own business.

Rollcall No. 52—H. Con. Res. 25.

Vote—"Yes."

Mr. Speaker, I recently met with Prime Minister Netanyahu and other Israeli leaders who are working in earnest to gain a peaceful solution along the West Bank. These efforts include negotiations about the formation of a permanent Palestinian State.

Recent statements by PLO Leader Yassir Arafat, regarding his willingness to declare an independent Palestinian State along the West Bank, are threatening those fragile negotiations. Should Mr. Arafat follow through on his statement, he will be violating the Oslo accords and dragging the peace process towards hostility. I support this non-binding resolution expressing the sense of Congress that decisions about the Palestinian controlled land along the West Bank must be made through the negotiation process. It also states that Congress opposes any attempts, outside of the negotiation process, to establish a Palestinian State. The agreements made through the peace process must be upheld by all parties involved.

TRIBUTE TO WALNUT CREEK LIONS CLUB

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mrs. TAUSCHER. Mr. Speaker, today I congratulate the Walnut Creek Lions Club as they celebrate their 75th Anniversary. Since its founding in April 1924, the Walnut Creek Lions Club has provided immeasurable services to the citizens of Contra Costa County. I am proud to honor them as they celebrate their 75 years of dedication to the betterment of their community and the world at large.

Mr. Speaker, as you may know, Lions are committed to sharing their success by helping those less fortunate than themselves. Created in 1917 by Melvin Jones in Chicago, Lions Clubs International now enjoys over 44,000 clubs worldwide, with a membership of 1.4 million in more than 185 countries. In 1925, Helen Keller challenged the Lions to become "knights of the blind in the crusade against darkness". Thus began the Lions Clubs' renown for their sight-related programs, including SightFirst, the world's largest blindness prevention program. The motto of every Lion, however, is simply "We Serve", which eloquently expresses the true mission of this community service club.

Please join me in recognizing the Walnut Creek Lions Club as they celebrate their 75th anniversary. Their service-minded spirit is inspirational and I am honored that they are a part of my constituency.

EXPRESSING THE SENSE OF CONGRESS THAT A POSTAGE STAMP SHOULD BE ISSUED HONORING THE 100TH ANNIVERSARY OF THE JUNIOR LEAGUE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. BARR of Georgia. Mr. Speaker, I rise today to announce the introduction of a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued honoring the 100th Anniversary of the Junior League.

One of my constituents, in Georgia, Ms. Martina Goscha, a dedicated and long time member of the Cobb Marietta, Junior League, brought this important issue to my attention.

The Junior League was founded in 1901, in New York City, by Mary Harriman. The Association was launched for those more fortunate in helping those more in need. Volunteers would work in settlement houses on New York's Lower East Side to improve child health, nutrition, and literacy.

The Junior League's efforts caught on, and in 1912 the Junior League expanded to Montreal. In 1914, the Junior League of St. Louis marched for women's suffrage and was active in World War I efforts by selling bonds and working in Army hospitals. In 1921, 30 Junior Leagues joined to form the Association of Junior Leagues International (AJLI) to collectively advance their work.

As the AJLI expanded, its chapters became more involved in addressing urban issues; developing programs in education, housing, and social services. Among countless other issues, the AJLI has been active in collaborating on juvenile delinquency with the National Commission on Crime and Delinquency, and the U.S. Department of Justice.

In 1989, the Association received the President's Volunteer Action Award. In 1990, the AJLI launched a massive immunization campaign in four countries. Currently, 193,000 women are members of the AJLI, dedicated to improving their communities through effective action and leadership of trained volunteers.

Mr. Speaker, I ask my colleagues to join me today in supporting this concurrent resolution. The 100th Anniversary of the AJLI celebrates a century of community service by volunteers dedicated to community service, leadership and achievement.

HONORING INGLEWOOD BAPTIST CHURCH ON THE OCCASION OF ITS 75TH ANNIVERSARY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Inglewood Baptist Church in Nashville, Tennessee, on the occasion of its 75th Anniversary.

Inglewood Baptist Church was constituted on March 9, 1924, and came about as a result of the personal vision of Mr. and Mrs. R.J. Overall, Sr. who initially met with thirty members for Bible study in a personal residence located at 2330 Shelton Avenue on November 18, 1923.

These original charter members included: Mr. and Mrs. R.J. Overall, Sr., Mr. Robert J. Overall, Jr., Mrs. Ellen DeMontbreun, Ms. Mattie DeMontbreun, Mr. and Mrs. J. E. Hardaway, Mr. and Mrs. John R. West, Ms. Hattie Mae West, Mr. and Mrs. R. L. Morrison, Mr. and Mrs. J. Burton, Mr. Edwin Ragan, Ms. Florine Ragan, Mr. Finis E. Smith, Mrs. Patie Gwynn, Mrs. Ennis Eagan, Mrs. J.L. White, Mr. Walter Roach, Mrs. W. Nelson, Mr. and Mrs. C. O. Reed, Mr. and Mrs. W. A. Caldwell, and Mr. T. L. Cummings. These fine individuals came together to constitute a New Testament Church under the name of Inglewood Baptist Church, over seventy-five years ago.

Inglewood Baptist Church is to be commended for its outstanding contributions to the community over the years, including the biblical qualities of Bible study, prayer, fellowship, Christian education, evangelism and missions, as well as its continuing cooperation with the Southern Baptist Convention.

This congregation should further be commended for its commitment to world-wide missions through its annual giving to the Cooperative Missions Program of the Southern Baptist Convention and the missionaries the church has supported such as Archie and Margaret Dunaway, Dr. J. Mansfield, and Ethel Bailey.

Inglewood Baptist Church must also be recognized for its ongoing leadership as a ministry and outreach center serving Inglewood and the greater Nashville area while continuing a tradition of excellence through commitment to the future.

The Inglewood Baptist Church and its membership have served as outstanding examples of faithfulness and brotherly love to all of Middle Tennessee. I wish them the best on their 75th Anniversary.

REGARDING THE AGRICULTURE ECONOMY

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. PHELPS. Mr. Speaker, let me begin by thanking my colleagues Ms. KAPTUR, and the Ranking Member on the Agriculture Committee, Mr. STENHOLM, for gathering us here to talk about the agriculture economy. There is perhaps no more timely or pressing issue facing our nation's farmers and the legislators who represent them in Washington, and I am grateful to have the opportunity to participate in this discussion.

The importance of agriculture to the families and economy of Illinois' 19th District cannot be overstated, and I am proud to serve on the Agriculture Committee, where I hope to have a role in shaping our nation's agriculture policy. Every one of the communities I represent is deeply impacted when agriculture experiences tough times, and these are some of the toughest in recent memory.

The pork industry is in the midst of a crisis, and prices are also low for other commodities that are critical to my district, such as corn and soybeans. The Natural Resource Conservation Service in Illinois is facing a major budget shortfall that will likely necessitate office closures of month-long furloughs of all of the state's NRCS employees. Farmers are experiencing undue delays in receiving disaster assistance and other USDA payments, and Farm Service Agency offices throughout the country are understaffed and overworked.

I urge my colleagues to recognize the urgency of this situation and hope we can work together to find both short- and long-term solutions to the problems that plague our agriculture community.

I believe one way we can help is by exempting agricultural products from trade sanctions. The health of America's agriculture economy is largely dependent on foreign markets, and our farmers should not bear the brunt of our sanctions policy.

Another issue that must be addressed is the efficacy of the crop insurance program. Too many vulnerable farmers are not being protected under this program, and I am eager to find a way in which we can ensure the affordability of crop insurance for those at high risk, while making the program attractive to those at low risk, all at a cost the federal government can bear. I am pleased that the President's budget includes several preliminary proposals for crop insurance reforms, and I look forward to building on these initiatives to develop a system that is strong and effective.

Let me mention one more issue of critical importance to Illinois farmers, namely ethanol. The ethanol industry has generated significant economic activity throughout rural America and created thousands of high-paying U.S. jobs. At the same time, the use of ethanol has reduced air pollution, oil imports, and our trade imbalance, all at a net savings to the federal government. I am anxious to help our corn growers find new markets for ethanol. This is a product with far-reaching benefits . . . to agriculture, to our environment, and to all American consumers.

Again, Mr. Speaker, I want to thank Ms. KAPTUR and Mr. STENHOLM for demonstrating their commitment to American agriculture and urging us to speak out on this important issue. I hope we can use the momentum generated today to begin solving the problems facing our agriculture economy and to ensure that the agriculture industry of which we have always been so proud in this country remains strong for generations to come.

SOCIAL SECURITY REFORM

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. CUMMINGS. Mr. Speaker, our nation's social security system has traditionally been a "safety net" to citizens hoping to lead long and fruitful lives. However, changes in our society's economic and social conditions warrant reform.

The facts are clear. The Trust Fund will be depleted by 2032.

As such, the current debate is not about the necessity of reform, but what structural revisions will preserve the system long term.

I believe that reform should be synonymous with "guarantee"—guaranteed minimum benefits for decades to come. Reforms that do not ensure system solvency or include pension or private savings plans without such a guarantee are, frankly, indefensible.

Today, I urge my colleagues to support reform that, as Franklin Roosevelt said best, ". . . take[s] care of human needs" throughout the next millennium.

TRIBUTE TO DOROTHY DARROW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to honor Dorothy Darrow who, for the last 30 years, has served as the Secretary of the Delta County Republican Party. In this capacity, Dorothy has won both the esteem and admiration of everyone, including myself, who has had the privilege of working with her. As Dorothy moves on from her position in the party, I would like to pay tribute to her and thank her for her many years of dedicated service.

First elected to the post of party secretary on February 7, 1969, Dorothy served with great distinguish as secretary where she was chiefly responsible for coordinating and organizing the multiple activities of the local party.

In doing so, Dorothy played an integral part in the success of both the party and its candidates for three decades.

Mr. Speaker, like those within the Delta Republican Party, I am truly grateful to Dorothy for her years of self-less service. She has been a wonderful asset to the local party, myself and other Republican candidates, as well as the Delta community at-large. As Dorothy ends her tenure with the Delta County Republicans, I would like to congratulate her on a job well done and wish her all the best in all of her future endeavors.

PERSONAL EXPLANATION

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. PETERSON of Minnesota. Mr. Speaker, during roll call vote No. 52 on H. Con. Res. 24, I was unavoidably detained. Had I been present, I would have voted "yes."

FEDERAL RESERVE BOARD RETIREMENT PORTABILITY ACT

SPEECH OF

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. SCARBOROUGH. Mr. Speaker, as the Chairman of the House Subcommittee on the Civil Service, I was pleased to introduce H.R. 807. As amended, this legislation addresses serious problems that affect a small number of Federal Reserve employees who transfer to other federal agencies and also federal employees who move from federal agencies to the Federal Reserve. This measure also ensures that the access provision of the Veterans Employment Opportunities Act of 1998 will be implemented as Congress intended it to be.

The Federal Reserve Board maintains two retirement systems of its own. Both are similar to the retirement systems that cover most federal employees. One is comparable to the Civil Service Retirement System (CSRS), and the other is structured like the Federal Employees Retirement System (FERS).

Despite these similarities, there are also distinct differences between the Federal Reserve's programs and these federal retirement systems. One difference is how they are financed. The Federal Reserve programs are backed by real assets, stocks and bonds, that have appreciated to create a substantial corpus from which benefits may be paid. In fact, the Federal Reserve's retirement fund is so over funded that it has not had to make any contributions to it since 1986. The CSRS and FERS systems, in contrast, are "invested" only in IOUs drawn on the taxpayers. Consequently, despite continuous employee and agency contributions, annuities are mainly paid from current tax revenue, and the Civil Service Retirement and Disability Fund is woefully under funded; its unfunded liability exceeds a half a trillion dollars.

There is also a difference between how employees who transfer between the Federal Reserve and other agencies are treated under the FERS system. Employees who transfer into the Federal Reserve receive credit under the Federal Reserve's FERS-like plan for their other federal service. But FERS does not provide reciprocal treatment to Federal Reserve employees who transfer to positions in other agencies.

Mr. Speaker, this is unfair. H.R. 807 will provide the retirement portability that is currently lacking. Under it, those employees who participate in the Federal Reserve's FERS-like retirement will receive FERS credit for their Federal Reserve years when they transfer to another federal agency. In short, this legislation provides reciprocity. Without this correction, former Federal Reserve employees would receive smaller annuities upon retirement than they otherwise should.

H.R. 807 also fixes another problem that was brought to the Civil Service Subcommittee's attention after we held a hearing on the Federal Reserve's retirement programs and marked up the bill at subcommittee. Under current law, Federal employees participating in the Thrift Savings Plan (TSP) who transfer to the Federal Reserve Board, are not permitted by law to withdraw funds from their TSP accounts. Current law specifies that employees "must separate from Government employment" in order to be entitled to withdraw funds. However, employment at the Board is considered to be "Government employment." Therefore, employees who transfer to the Federal Reserve and are covered by its Thrift Plan may not withdraw the funds in their TSP accounts.

I amended this bill when it was marked up by the Committee on Government Reform to correct this problem. H.R. 807 now allows Federal employees who have transferred or will transfer to the Board to move the funds in their TSP accounts to the Board's Thrift Plan. I believe that this technical correction, along with the portability language in the underlying bill, are appropriate and necessary remedies to ensure Board employees fair treatment under current law.

Mr. Speaker, I am also very pleased to support section 4 of this measure. Section 4 was added to the bill by my good friend from Florida, Mr. MICA, who chaired the Civil Service Subcommittee during the last two Congresses. This provision will ensure that the Administration will implement the access provision of the Veterans Employment Opportunities Act of 1998 as Congress intended it to.

Unfortunately, Mr. Speaker, OPM's interpretation of that Act undermined the very reason Congress adopted the access provision: to open competition for previously restricted jobs. OPM ruled that agencies cannot appoint veterans selected under the access provisions of that Act to the competitive service unless they already have competitive status. Instead, OPM instructed agencies to appoint these veterans to the excepted service under Schedule B. Many veterans fear that if they are appointed as excepted service employees, as OPM's guidance requires, they will, in effect, be placed in dead end jobs.

This fear is not unfounded. As excepted service employees, these veterans would not be eligible to compete for other agency jobs under internal agency promotion procedures. That is manifestly unfair and directly contrary to congressional intent. The access provision of the Veterans Employment Opportunities Act intended to open up employment opportunities for veterans and to provide those selected under it with the same rights as their co-workers. Any other result is totally unacceptable.

The men and women who have served our nation under arms should not be relegated to second-class status when hired into the civil service. Section 4 makes sure that they will not.

Mr. Speaker, this bill has strong support on both sides of the aisle. I want to thank the distinguished Ranking Member of the Civil Service Subcommittee, the gentleman from Maryland, Mr. CUMMINGS, for his strong support for this measure. I commend the majority and minority leaders of the Committee on Government Reform, Chairman DAN BURTON and Ranking Member HENRY WAXMAN, for expediting committee approval of H.R. 807 and for their support. I also want to express my appreciation to Mr. MICA, the distinguished gentleman from Virginia, Mr. DAVIS, the distinguished gentlelady from Maryland, Mrs. MORELLA, and the distinguished gentlelady from the District of Columbia, Ms. NORTON, for their strong support.

I urge all Members to support this bill.

IN RECOGNITION OF THE ACHIEVEMENTS OF THE CANTON MIGHTY EAGLE HIGH SCHOOL BAND

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to acknowledge the hard work, discipline and deserved achievements of the Canton High School Band—from my Fourth District in Texas. Besides numerous awards and recognitions, the Mighty Eagle Band has been chosen to represent the State of Texas, today, St. Patrick's Day, by performing in Dublin, Ireland—in that city's St. Patrick's Day Parade.

The young men and women of this band have participated in and won a multitude of competitions every year since 1993. More recently, the Canton Band was named the third overall band in the State of Texas. Along with this honor, came an invitation to perform in Dublin, Ireland, on St. Patrick's Day. As if the many hours of sacrifice and discipline exhibited by these young men and women—was not enough—they managed to raise an amazing $200,000 in order to pay for their trip.

Mr. Speaker, as evidenced by their many achievements and awards, the Canton ISD music program emphasizes responsibility, accountability and service to others. Obviously, these youngsters have internalized these characteristics in their search for success. As we adjourn today, let us do so in honor of the Canton Mighty Eagle Band and their numerous merited accolades.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America. I submit the following articles into the CONGRESSIONAL RECORD.

BLACK DOCTORS' ORGANIZATION PULLS CONVENTION FROM SEATTLE, CONSIDERS BALTIMORE

SEATTLE(AP).—A group representing 20,000 black physicians is withdrawing its 2001 convention from Seattle, citing the state's passage in November of an anti-affirmative action initiative.

"Such legislative enactment (of Initiative 200) is counter to the basic tenets upon which the National Medical Association was founded more than 100 years ago," NMA executive director Lorraine Cole said Tuesday in a statement.

The association, headquartered in Washington, D.C., will relocate its convention. It listed potential sites as Denver, Miami, Nashville, Orlando, Philadelphia, New York and Baltimore.

The convention was scheduled for the Washington State Convention Center July 27-Aug. 2, 2001. Between 8,000 and 10,000 people usually attend, said NMA spokeswoman Tomeka Rawlings.

"It's their loss," said John Carlson, of Bellevue, who headed the petition drive to put 1-200 on the ballot.

"Unless their organization was founded on the tenets of racial quotas and preferences, they are seriously misreading Initiative 200 because that's all that prohibits," he added.

Mayor Paul Schell plans to ask the association to reconsider, spokeswoman Vivian Phillips said.

"He feel it's quite unfortunate," Phillips said of the association's action. "Seattle did not vote in favor of 1-200. In fact, it was overwhelmingly defeated in Seattle."

The National Association of Black Journalists said before the election that passage of the initiative might be reason for a minority journalists' group to withdraw its conference, scheduled for Seattle this summer.

However, the group UNITY: Journalists of Color voted two days after the Nov. 3 election to keep the convention in Seattle, despite passage of 1-200. The UNITY '99 conference is scheduled July 7-11 at the Washington State Convention Center.

The group said in a news release that passage of 1-200 "cries out for the need to educate the public about affirmative action."

Besides the NABJ, the UNITY group includes the National Association of Hispanic Journalists, the Native American Journalists Association, and the Asian American Journalists Association. Their memberships total more than 6,000.

Initiative 200 was approved by nearly 60 percent of the state's voters, but a majority within the city voted no. It bars state and local governments from giving preferential treatment to women and minorities in contracts, jobs or public higher education.

WHAT IS THIS GROUP THAT HAS EMBROILED LOTT?

COLUMBIA, S.C. (AP)—Behind a wooden partition in a back room of the Lizard's Thicket restaurant, about 30 members of the Council of Conservative Citizens—many wearing Confederate battle flag pins and belt buckles hovered over plates of fried catfish and chocolate cream pie as Dennis Wheeler laid out the struggle before them.

Wheeler, a freelance writer from Atlanta opened last week's meeting with a reading from Revelation about the beast that "opened his mouth in blasphemies against God." Among those blasphemies, he told the group, is a "Yankee radicalism" known as equalitarianism.

"(I)t is exactly this philosophy that our Confederate forefathers fought against in the War Between the States," said Wheeler, head of a council chapter in Georgia. "The current mark of the beast is the equalitarian religion which names as sins racism, sexism, anti-Semitism and homophobia, among others, rather than the Ten Commandments."

The only blacks within earshot were the waitresses and busboys working the tables on the other side of the partition.

Just what is the Council of Conservative Citizens? It was formed 13 years ago, it claims 15,000 members and lately it's been in the news since Sen. Trent Lott and Rep. Bob Barr landed in hot water after it was revealed they had addressed the group.

But what else? Is it a reincarnation of the old White Citizens Councils, as some suggest? Is it a white supremacist group?

"We are not racists," insists South Carolina director Frances Bell, citing her American Indian background and noting the group has some Jewish members.

Is the council merely an organization so devoted to free speech and assembly that it refuses to silence racist or bigoted views?

The questions have sent Lott, R-Miss., and Barr, R-Ga., scurrying for cover. The chairman of the Republican National Committee has called on GOP members, including national committee member Buddy Witherspoon of Columbia, to quit the organization that calls itself the "active advocate for the no longer silent conservative majority."

Gordon Baum, the St. Louis attorney who runs the group, says attacks on the council—especially by people like law professor Alan Dershowitz—are liberal diversions to take the heat off President Bill Clinton. "It all has to do with protecting Billy's butt," he said.

"Why are they so afraid of us?" Baum said in a telephone interview last week, noting that the council is best known for opposing affirmative action and quotas and defending the Confederate battle flag against those who would remove it from public display.

He answered his own question: "Because these are all politically incorrect (stances), and they would prefer that we would not have a voice. I mean, neither the Republicans nor the Democrats will touch these issues, and they're afraid of the people out here's growing discontent with the parties."

But to the Rev. Joseph Lowery, who founded the Southern Christian Leadership Conference along with the Rev. Martin Luther King Jr., the group is "the Ku Klux Klan with a coat and tie."

"What they stand for sounds like just a recycled White Citizens Council," the Atlanta preacher said, "A cocklebur by any other name is just as thorny."

In fact, some of the group's original members came from the old Citizens Councils of America, a pro-segregation group formed as a response to the 1954 Supreme Court decision integrating public schools.

Baum was its Midwest field organizer and Robert "Tut" Patterson its founder. Patterson now writes a column for The Citizen Informer newsletter for Baum's group.

Mark Potok, a researcher for the Southern Poverty Law Center in Montgomery, Ala., said the Council of Conservative Citizens is more dangerous than the KKK or neo-Nazis because it has been "successfully masquerading as a mainstream conservative organization."

"They're not going to produce a Timothy McVeigh; they are much more interested in genuine political power than in any kind of violence or terrorism," Potok said. "I mean, Timothy McVeigh can kill 168 people, but he is never going to be elected your senator or president or congressman. So, yeah, on a political level they're much more dangerous."

Indeed, the group claims as dues-paying members dozens of elected officials, from local school boards to state legislatures. It does not, however, claim ex-Klan leader and sometime GOP candidate David Duke, who caused Baum considerable discomfort in November by showing up at a national board meeting in Jackson, Miss.

The group's Web site welcomes visitors to "join the vast right-wing conspiracy!"—an ironic reference to Hillary Clinton's comment about who was behind the impeachment effort—and offers such publications as a pamphlet revealing "the ugly truth about Martin Luther King."

The South Carolina chapters have fought to keep the Confederate battle flag flying over the state capital and criticized The Citadel for not playing "Dixie" often enough during functions at the military college.

"Being pro-white is not equal to being anti-black," said Rebekah Sutherland, an executive committee member from Aiken who ran for state school superintendent last year. "It's OK to be white, isn't it? That's what this group is about. It's OK to be white."

Don MacDermott, a Birmingham, Ala., city councilman and Council of Conservative Citizens member, campaigned with his chapter last year against a proposed 1-cent sales tax that he felt would go to fund "just a bunch of wish lists for some local bureaucrats." He said he wouldn't belong to the organization if he felt it was racist.

"The chapter I belong to is definitely not," he said. "They're just some well-grounded beliefs in conservative values. Most of the group I'm involved with were Ronald Reagan supporters in 1976."

A.J. Parker, a siding contractor who is director of the group's North Carolina chapter, doesn't like being condemned for the views of a few members.

"Why should I pay for deeds that took place 100 years ago, or even 50 years ago?" he said during a break from burning brush in front of his Asheville home. "They've tried to identify us with David Duke and people like that, and anybody who speaks out against affirmative action and quotas and immigration, they're automatically tagged with that dirty brush."

But critics point to anti-Semitic postings on the group's Web site, and to Informer columns like this from Patterson last fall:

"Western civilization with all its might and glory would never have achieved its greatness without the directing hand of God and the creative genius of the white race. Any effort to destroy the race by a mixture of black blood is an effort to destroy Western civilization itself."

Baum noted that the Informer has a disclaimer, "like all newspapers."

"It was there; we can't lie. We did not endorse it," he said. "Our people don't walk in lock step. Organizing conservatives is like herding cats."

But Dick Harpootlian, chairman of the South Carolina Democratic Party, offered a different animal analogy: "Birds of a feather flock together."

"If David Duke and those kinds of folks are showing up at those meetings, they obviously have some interest in them," he said.

"There's a fight for the heart and soul of the Republican Party. Is it the party of Lincoln or the party of extremes? So far, the extreme's winning."

U.S. Rep. Robert Wexler, D-Fla., is calling on members of Congress to denounce the Council of Conservative Citizens. "They can hide behind whatever curtain they want to hide, but we know what they are," Wexler said in a telephone interview.

Baum said the debate has devolved into a kind of '90s McCarthyism, where guilt by association is the order of the day.

"Really, Trent Lott's involvement wasn't other than what he would do with any larger constituent group," Baum said. "I mean, to us it's sending a signal that any political figure should not meet with conservatives. I mean, they did this with the Christian Coalition; they did it with the pro-life movement. They've tried to demonize them."

The Council of Conservative Citizens meeting last Saturday in Columbia was supposed to be open. But when members learned an Associated Press reporter planned to attend, the executive board voted to close the partition.

"They're all afraid," Mrs. Bell said. "People are afraid they'll lose their job if their name comes out."

But Wheeler exhorted the back-room crowd to "look at our duty. . . .

"The war for the hearts and the minds of the people must be won before the political war can be won."

DEFENDANTS DENY WOMAN'S CLAIM OF RACIAL DISCRIMINATION IN HOUSE DEAL

INDIANOLA, MISS. (AP)—The defendants in a federal racial discrimination lawsuit have asked the U.S. District court to dismiss the case.

The suit, filed by Sunflower County assistant district attorney Felecia Lockhart, claims Community Bank of Indianola and others conspired in 1995 to prevent her from purchasing a home in a predominantly white neighborhood. Lockhart is black.

Defendants include Community Bancshares of Mississippi, which does business as Community Bank of Mississippi; Freddie J. Bagley, the bank's president in Indianola; Thomas Colbert and James T. Mood.

In documents filed this week, the defendants denied any wrongdoing and asked that the lawsuit seeking $1.5 million in damages be dismissed. Lockhart brought the action following an unsuccessful attempt to purchase the house from Mood, an officer at the bank in Indianola, and his wife.

Lockhart claims Mood was coerced into breaching the contract to sell the House and that, specifically, "certain shareholders and/or directors" of the bank were objecting to the deal.

In seeking dismissal, the defendants said they had dealt with Lockhart at all times in a non-discriminatory manner.

They claim Lockhart wrote a letter to Mood wrongfully accusing him of breach of contract, demanding repairs he could not pay for and demanding he compensate her for more than $2,800 of unspecified expenses in the sale contract.

Defendants also maintain that Mood was warned that "further steps" would be taken if he failed to hand over the more than $2,800.

They also said none of Mood's superiors at the bank "ever said one word to him about attempting to get out of the sale, much less coerced or sought to pressure him."

STATEMENT ON THE PEACE PROCESS IN NORTHERN IRELAND

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. LAZIO. Mr. Speaker, I rise today in recognition of the ongoing peace process in Northern Ireland. For nearly a year now, we have walked down a path leading toward the permanent resolution of the more than 30 years of acrimony in Northern Ireland. The "Good Friday Peace Agreement" was hailed internationally as "the best chance in a generation for peace," and was passed last April with a remarkable 85 percent majority. As is often true with any worthwhile endeavor, the road to our ultimate goal may not always be smooth, nor direct. It is now, however, during this time of uncertainty and difficulty, when progress seems painstakingly slow and obstacles appear overwhelming, that our efforts should be redoubled. We should take heart in the accomplishments of this past year and weigh carefully the actual value of realizing a permanent peace before allowing any one stumbling block to derail this important process.

The recognition given to John Hume, head of the SDLP, and David Trimble, First Minister of the Northern Ireland Assembly, in receiving the Nobel Peace Prize was a reassuring step toward memorializing the extraordinary achievements made by the proponents of peace. We should not forget, however, the many other people, without whom this process would not have even been possible. Prime Ministers Bertie Ahern and Tony Blair, Gerry Adams of Sinn Fein, British Secretary Mo Mowlam and many others, on both sides of the issue, as well as the Atlantic, were instrumental in propelling the cause of peace in a region weary of constant strife. We should also remember the 3,200 people who have lost their lives during more than three decades of violence; for their memories will serve us well in motivating all people who are concerned, as I am, with enhancing the efforts to bring a lasting tranquility to Ireland. This Tranquility is of special concern to the people of New York, the State for which I hold the honor of representing, as we have one of the largest Irish populations outside of their homeland.

Unfortunately, along with this timely recognition of accomplishment, there must also be the increased vigil of those that would attempt to destroy the peace process that has been so carefully cultivated. We are reminded, yet again, of the cost of not succeeding by the tragedy which occurred just days ago, when Mrs. Rosemary Nelson was brutally murdered by a loyalist paramilitary group. Mrs. Nelson was an important participant in the peace process, an accomplished barrister, and a mother of young children. Her murder was a cowardly act that illustrates so clearly that the time has long passed for these last few violent thugs to heed the demands of the overwhelming majority of their countrymen and lay down their arms, once and for all.

The complexity of the discord in Northern Ireland that has proven so baffling to peace seekers for a generation, will not be solved by the mere signing of one document. It will only be realized by a thorough adherence to and completion of the measures outlined in the Good Friday Agreement and mandated by the people of Ireland. As the first anniversary of the agreement approaches, all sides have the opportunity, if not the obligation, to make real progress toward its implementation. The paramilitary factions must be demobilized and disbanded immediately if there is to be a genuine and lasting peace. All parties to the process must now rely on the increased dialogue and the new, conciliatory tone of the talks to transform any future disagreements from violent altercations into intelligent debate and then, hopefully, lasting harmony. A harmony that will one day remove the ubiquitous and pernicious words "The Troubles" from the vernacular of a generation of Irish, both in their homeland and in America.

LANDOWNERS EQUAL TREATMENT ACT OF 1999

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today Congressman TAUZIN, Congressman POMBO and I, joined by more than 20 cosponsors, are introducing the Landowners Equal Treatment Act of 1999. The purpose of this bill is to insure that private property owners are compensated when their land must be used by the federal government as habitat for endangered or threatened species. The United States Constitution in the 5th Amendment states "nor shall private property be taken for public use, without just compensation." The Supreme Court has said that the right to be compensated for the taking of private property for a public use is a fundamental constitutional right on the same level as the right to free speech and free exercise of religion.

There are some in our country who no longer revere or respect the rights of private property owners. Their view is that using land for wildlife habitat is more important than protecting the right to own and control the use of private property. However, the purpose of our bill of rights is prevent the current whims of the majority from infringing on the rights of each individual in our country to certain liberties and freedoms guaranteed in our constitution. One of the most important of these is the full rights of ownership of private property, which includes the right to use and enjoy the fruits of ownership of property.

Over the last several years, bills have been introduced to insure that property owners are protected by requiring compensation when property is taken, to insure that property owners have the right to bring suit to protect their own property rights, and to make property rights lawsuits less cumbersome. Certainly, landowners can file suit for compensation under the Constitution, but as you know these lawsuits are so expensive, time consuming and difficult, that ordinary citizens lose their land or their right to compensation because they cannot afford these lawsuits. Yet, the Clinton administration, has consistently opposed any and all efforts to protect private property rights.

However, the Clinton administration has vigorously sought compensation for impacts on government lands when other public agencies must make use of them. This bill guarantees that private landowners, who enjoy the protections of the Bill of Rights, receive equal treatment with government agencies, which do not have the protections of the Bill of Rights.

On February 4, 1999 I chaired a hearing on the Minnesota Valley National Wildlife Refuge. During the course of that hearing, we learned of a Federal Aviation Administration statute and regulation, that allowed the Fish and Wildlife Service to receive "compensation" for the lost "use" of refuge lands due to off-site impacts from aircraft overflights. The law requires the Secretary of Transportation to avoid or minimize impacts on public lands when approving construction of federal transportation projects. The Clinton administration is interpreting this law and rule to require that the Transportation Department first avoid impacts, then minimize impacts and if that can't be done to compensate for the impacts. This resulted in the Fish and Wildlife Service receiving an agreement for compensation of more than $26 million to be paid from revenues of the local airport through charges on airport users.

The way that the Fish and Wildlife Service and the FAA interpret whether they are "using" public lands that requires the payment of compensation is through a definition of "constructive use". According to the FAA "A 'constructive use' can occur when proximity effects, such as noise, adversely affect the normal activity or aesthetic value of an eligible Section 4(f) property—even though there may be no direct physical effect involving construction of transportation facilities."

A "constructive use" can occur where there is no physical presence or invasion of the property, but where the landowner's use is so limited by the imposition of the use by the public for habitat, that for all practical purposes the landowner can no longer use his own lands. Examples of this have occurred on an all too frequent basis. Our committee has heard testimony that the federal government has prevented homebuilders from constructing on their property because it is habitat for marsh rabbits, mice and rats. Farmers have been prevented from farming because of the presence of rats and fairy shrimp. Ranchers are being told to halt cattle grazing because of the presence of rare plants or birds. Schools have been halted due to the use of local lands because it is habitat for pygmy owls. And private timber owners are being told to put timber lands off limits to further uses because of the presence of owls, marbled murrelets, and salmon.

The Clinton administration would argue that it is not a taking of property if only a small part of the property is put aside for habitat because the landowner still has other property they can use. However, in the Minnesota Valley National Wildlife Refuge, the airport noise only affected a small part of the property and yet the full compensation was paid for the impact on the portion of the property that was affected. Landowners ought to receive the same treatment and the same right to be compensated for the use of their property whether it affects the entire parcel or only a portion of the parcel.

The bill that we introduce today will insure that private property owners are compensated on the same basis as the Fish and Wildlife Service. It only deals with the requirement of the Endangered Species Act that habitat of species be protected, even when that habitat is someone's private property. It would require the same sequencing as is currently applied to public lands—first avoid using private property for public use, if that is not possible, then minimize the impacts and if that is not possible mitigate through compensation. The bill defines what a public use is in the same manner that the FAA has defined it to include a "constructive use". It then lists the types of actions under the ESA that would be within the definition of use or constructive use. These are actions that result in the land being used as habitat by the government to the detriment of the property owner. The landowner would be compensated for any portion of land taken.

The fact is that this bill will help not only private property owners but also our nation's endangered plants and animals. The right way to protect endangered species is through cooperative and voluntary efforts of private property owners. Most private property owners are delighted to provide a home to the nation's wildlife when the rights of the private property owner are respected. However, when the federal government forces landowners through coercion or threats of prosecution to set aside valuable land for nonuse because it is habitat, landowners will have no incentive to protect habitat for wildlife. Protecting private property rights is the right thing to do for people and wildlife.

HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SHAW. Mr. Speaker, all across America, in the small towns and great cities of this country, our heritage as a nation—the physical evidence of our past—is at risk. In virtually every corner of this land, homes in which grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of abandonment and decay.

In the decade from 1980 to 1990, Chicago lost 41,000 housing units through abandonment, Philadelphia 10,000, and St. Louis 7,000. The story in our older small communities has been the same, and the trend continues. It is important to understand that it is not just the buildings we are losing. It is the sense of our past, the vitality of our communities and the shared values of those precious places.

We need not stand hopelessly by as passive witnesses to the loss of these irreplaceable historic resources. We can act, and to that end I am introducing today with a bipartisan group of my colleagues the Historic Homeownership Assistance Act.

This legislation is almost identical to legislation introduced in the 105th Congress as H.R. 1134. It is patterned after the existing Historic Rehabilitation Investment Tax Credit. That legislation has been enormously successful in stimulating private investment in the rehabilitation of buildings of historic importance all across the country. Through its use we have been able to save and re-use a rich and diverse array of historic buildings: landmarks such as Union Station in Washington, D.C.; the Fox Paper Mills, a mixed-used project that was once a derelict in Appleton, WI; and the Rosa True School, an eight-unit low/moderate income rental project in a historic building in Portland, Maine. In my own State of Florida, since 1974, the existing Historic Rehabilitation Investment Tax Credit has resulted in over 325 rehabilitation projects, leveraging more than $238 million in private investment. These projects range from the restoration of art deco hotels in historic Miami Beach, bringing economic rebirth to this once decaying area, to the development of multifamily housing in the Springfield Historic District in Jacksonville.

The legislation that I am introducing today builds on the familiar structure of the existing tax credit but with a different focus. It is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. Only those persons who rehabilitate or purchase a newly rehabilitated home and occupy it as their principal residence would be entitled to the credit that this legislation would create. There would be no passive losses, no tax shelters, and no syndications under this bill.

Like the existing investment credit, the bill would provide a credit to homeowners equal to 20 percent of the qualified rehabilitation expenditures made on an eligible building that is used as a principal residence by the owner. Eligible buildings would be those that are listed on the National Register of Historic Places, are contributing buildings in National Register Historic Districts or in nationally certified state or local historic districts or are individually listed on a nationally certified state or local register. As is the case with the existing credit, the rehabilitation work would have to be performed in compliance with the Secretary of the Interior's standards for rehabilitation, although the bill would clarify the directive that the standards be interpreted in an manner that takes into consideration economic and technical feasibility.

The bill also makes provision for lower-income home buyers who may not have sufficient federal income tax liability to use a tax credit. It would permit such persons to receive a historic rehabilitation mortgage credit certificate which they can use with their bank to obtain a lower interest rate on their mortgage. The legislation also permits home buyers in distressed areas to use the certificate to lower their down payment.

The credit would be available for condominiums and co-ops, as well as single-family buildings. If a building were to be rehabilitated by a developer for sale to a homeowner, the credit would pass through to the homeowner. Since one purpose of the bill is to provide incentives for middle-income and more affluent families to return to older towns and cities, the bill does not discriminate among taxpayers on the basis of income. It does, however, impose a cap of $40,000 on the amount of credit which may be taken for a principal residence.

The Historic Homeownership Assistance Act will make ownership of a rehabilitated older home more affordable for homeowners of modest incomes. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax roles, while strengthening their income and sales tax bases. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

Mr. Speaker, this bill is no panacea. Although its goals are great, its reach will be modest. But it can make a difference, and an important difference. In communities large and small all across this nation, the American dream of owning one's home is a powerful force. This bill can help it come true for those who are prepared to make a personal commitment to join in the rescue of our priceless heritage. By their actions they can help to revitalize decaying resources of historic importance, create jobs and stimulate economic development, and restore to our older towns and cities a lost sense of purpose and community.

I urge all Members of the House to review and support this important legislation, and I look forward to working with the Ways and Means Committee to enact this bill.

PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement:

Mr. GREEN of Wisconsin. Mr. Chairman, I came to the House floor today ready to use my vote to help Congress play a constructive role in the public debate over authorizing U.S. ground forces to take part in a NATO peacekeeping operation in Kosovo. I want to thank you for scheduling this debate today because I believe it is time for this body to reclaim its rightful role in the formulation of our nation's foreign policy and military affairs.

I certainly did not come to the House floor with a closed mind regarding an active role for the United States in securing a real, lasting peace in this region of the world. I wanted to vote for a responsible resolution that, without micromanaging the actions of our commander-in-chief, established several clear parameters and goals—not only for the deployment of U.S. troops, but also for future U.S. policy in the area.

Let me also say that I am not an isolationist, and recognize that as the world's sole remaining superpower, unique demands may be placed upon our military resources. The type of conflict that is the subject of today's debate is the very type that NATO must be prepared to deal with in modern times. As Serb atrocities and retaliation by Kosovar Albanians escalates, Kosovo's civilian population continues to suffer and the region inches ever closer to a larger conflict that threatens to engulf other sections of southeastern Europe.

But to involve U.S. troops in this operation without laying out clear guidelines and objectives—both for the peacekeeping forces and for future U.S. policy—would serve little purpose other than to place American fighting men and women adrift in harm's way. That is why it is with mixed emotion I must report to my colleagues that I cannot vote for this proposal as it stands today.

For our troops and for our nation, I believe we as policymakers must have the following before we can responsibly deploy ground forces:

1. A guarantee that NATO alone will supervise any Kosovo deployment—without involvement of the United Nations or other organizations that have demonstrated their incapacity to effectively handle similar situations;

2. A guarantee that U.S. troops will serve under U.S. command—not under the command of any foreign power;

3. A report outlining the amount and type of U.S. military personnel and equipment required for the operation, as well as the cost of those resources and the deployment's overall effect on military readiness;

4. A clear mission for our ground forces, explicit rules of engagement, and a realistic military timeline and exit strategy; and

5. Most important, an overall U.S. policy that recognizes Slobodan Milosevic's role as a violent and destabilizing influence for all of southeastern Europe—a policy aimed squarely and firmly at removing Milosevic from power.

The administration, unfortunately, has failed to make its case before Congress—a Congress that wants to help build a lasting peace, a real peace. There is still time for the Administration to craft a responsible policy. The crisis in Kosovo is not of recent origin. There has been plenty of time to help the American people to understand why America's sons and daughters should travel to this troubled land, to understand what it is they will do, to understand when it is that they will come home to their loved ones.

Thanks to today's robust debate, we have before us a resolution that requires many of the provisions I've previously discussed. In my opinion, however, without addressing the other conditions I've raised, the resolution remains inadequate. Without any indication from the administration that each of these conditions will be met before the deployment of ground troops to Kosovo, I have no choice but to vote "nay" on H. Con. Res. 42.

FREE TRADE ISN'T FREE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SHUSTER. Mr. Speaker, as a cosponsor of H.R. 975, the Bipartisan Steel Recovery Act, and an avid supporter of our American steel industry and its workers I am submitting an opinion piece which I sent to newspapers in my district at the end of January as it relates to current global trade practices and the struggles of the American steel industry.

Today cheap steel imports are flooding the U.S. market, decimating the U.S. steel industry. America's steel workers are being laid off in droves, causing tremendous personal hardship for these workers and their families. Is this just an unfortunate but acceptable consequence of our global economy, or is this a serious problem which illustrates the need for a new socioeconomic paradigm?

I went to Congress a free trader, embracing Ricardo's Theory of Comparative Advantage—a very valid economic theory which states essentially that the industries of each nation should produce that which they produce most efficiently and trade those products with other nations that produce other goods more efficiently. His theory still makes economic sense—if all you care about is economic theory. But as the current steel crisis demonstrates his theory has two fundamental flaws.

First, governments don't let pure economic competition decide what products their industries will produce, export or import. Nations decide to subsidize certain products because they deem it in their national interest for a variety of reasons: to protect vital industries, create jobs, and achieve national pride, to name just a few. Other nations decide to throw up barriers, direct and indirect, to achieve a national interest by selling their products overseas below cost or by keeping foreign products out.

Second, nations may well decide that importing goods at the lowest price is not the only or most important consideration in determining how open their markets should be. Unemployment carries enormous costs, direct and indirect. Welfare, unemployment compensation, retirement contributions, and the agonizing destruction of families which are torn asunder from the ravages of the inability to support their families, are societal costs that go far beyond economic measure.

So it is time for a new socioeconomic paradigm. To work, Ricardo's Theory of Comparative Advantage needs to be modified to include both the relative costs of production in different countries and the national interests relating to international trade. Can the United States retain its preeminence in the world if its steel industry is weakened by artificially low-cost foreign competition? Can we remain strong if our aviation or ocean shipping industry is dependent upon foreign planes and ships in times of national emergency? On a more personal level, do the benefits of lower-priced shirts and shoes from third world countries outweigh the costs of welfare, unemployment compensation, and the family pain caused by chronic employment? Simplistic 19th century free trade solutions no longer serve our country well. Nor would a blind protectionist policy that blocks most foreign trade. It's time for a more complex balancing of economic benefits realized through foreign trade and the legitimate national interest in preserving a strong domestic economy.

Balanced international trade with reciprocal open markets is a worthy economic policy so long as our vital national interests are preserved. But that calls for a much more complex socioeconomic policy than either Democratic or Republican administrations have embraced to date.

NATIONAL PARKS CHECK-OFF ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. DUNCAN. Mr. Speaker, today, I introduced the National Parks Check-off Act because of my concern about the condition of our national parks.

This same legislation was reported out of the Resources Committee during the 105th Congress with bipartisan support having 80 cosponsors.

The National Parks Check-off Act will amend the Internal Revenue Code and require that Federal income tax forms contain a line which will allow taxpayers to donate one or more dollars to the National Park Service. This legislation will provide more money for the care of our national parks and there will be no cost to the federal government.

A study released by the National Parks and Conservation Association found that 8 out of 10 people surveyed would be willing to increase their tax contribution by $1 to benefit the National Park System.

During a House Resources Committee hearing during the 105th Congress Allan Howe, from the National Park Hospitality Association, testified that:

> Over the last three years the Presidential Check-Off has raised over $200 million. While there is considerable interest in presidential elections every four years, there is a continued and sustained interest in our National Parks, which should yield even more support.

I agree, and I believe if this bill is passed millions of dollars could be raised to address the $4–$6 billion backlog that our parks currently face.

During the 105th Congress, this legislation was supported by organizations such as the National Park and Conservation Association, America Outdoors, the American Hiking Society, the Friends of the Great Smoky Mountains, the National Tour Association and many others.

I hope my colleagues will join me by cosponsoring this most important legislation which will help preserve our national treasures for future generations.

TRIBUTE TO BEN OLSEN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to a young man who, at the age of just 21, has begun to make a strong mark in his field of endeavor. Ben Olsen, from Middletown, PA, has, within one year of becoming a professional soccer player, accomplished things that many older players must surely envy.

On February 21, in just his second game for the United States National Team, Ben scored his first international goal against Chile in Ft. Lauderdale, FL. He played the full 90 minutes as a wing midfielder, a position which requires not only great skill, but a remarkable work ethic, since he is required to play both offense and defense. This great responsibility means that at the international level, he is likely to run between 6–9 miles per game. He is a true "two-way" player who demonstrates great skill in addition to defensive tenacity. He is, at different times in a game, a quarterback, wide receiver, running back, linebacker, and defensive back.

In just a year of professional play, Ben has proven that he has the right mix of intelligence, speed, skill, and aggression that is the hallmark of an international-caliber player. Each time he takes the field in an American uniform, it is obvious when you watch him play that he truly recognizes the honor of representing his country. He exemplifies the finest American traditions of hard work, teamwork, and desire to succeed.

Indeed, he has been successful. In his first year with DC United in Major League Soccer, Ben played every game and won Rookie of the Year honors. Additionally, he was instrumental in helping his team accomplish something an American team has never done: win the CONCACAF Cup, the tournament which determines the best team in North America. This win gave United the right to challenge the winner of the Copa Libertadores, the champion of South America. In what is considered to be one of the great upsets in 1998, DC United defeated Vasco da Gama, the South American champion which hails from Brazil. That Vasco, a world-renowned club, has existed for over 100 years and United for just three made the win even more amazing. The fact that Ben Olsen, a veritable youngster in the game, played such an integral part in the victory was even more astounding.

Ben has accomplished much already, but the true mark of this young man is that he is hungry for more success, and that he understands the importance of being a professional athlete in today's society. After each game, he stands with his teammates and performs the traditional yet noble gesture of applauding the fans for their support. This simple demonstration, unique to soccer, reminds us all of the good in sports. And for fans of Ben Olsen, of Middletown, PA, it provides a reminder that here is an athlete to whom American youth can look for a role model.

SHADY LANE ELEMENTARY SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. ANDREWS. Mr. Speaker, I rise today to commemorate a great day, on which I was fortunate to learn from some of our wisest teachers: kindergarten students. On March 1, 1999, I had the opportunity to read to kindergarteners at the Shady Lane Elementary School in Deptford, New Jersey.

Ms. Martha Wilson's kindergarten class is an outstanding group of young people. I was delighted to help promote reading to young children, and I greatly enjoyed the chance to meet the students in Ms. Wilson's class.

I wish the best of luck to the following kindergarteners who shared this special day with me at the Shady Lane School: Courtney Callahan, Nicholas Battee, Jaimie Beekler, Destiny Bingham, Brian Buck, John Childress, Robert Kilcourse, Kody McMichael, Marisa Peters, Matthew Raively, Deborah Robinson, Karen Sabater, Donald Smith, Richard Smith, Marcus Smith, Ayana Thomas, Jessica Welch, George Williams, and Nylan Wolcott.

INTRODUCTION OF THE PRODUCE CONSUMERS' RIGHTS-TO-KNOW ACT

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mrs. BONO. Mr. Speaker, today I am pleased to introduce the Produce Consumers' Right-to-Know Act, H.R. 1145. The text of the bill is substantially similar to legislation that was introduced by my late husband, Representative Sonny Bono during the 105th Congress, H.R. 1232. When I joined Congress, I was honored to have the opportunity to work on this important bill last year with many distinguished leaders in Congress including the gentlemen from California (Mr. HUNTER and Mr. CONDIT), the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from Ohio (Ms. KAPTUR), just to name a few outstanding individuals. Now, it is appropriate to begin this work again in the hope that we in Congress can help all consumers and families across our country learn the basic information about the fruits and vegetables they bring home.

THE GLOBAL FOOD MARKETPLACE

The reality today is that food is a global product. The General Accounting Office reported last year that our country receives more than 2.5 million shipments of imported fresh fruits and vegetables annually (see GAO Report No. 98–103). I believe strongly in the global economy, because I believe that the U.S. and American consumers always win in a global marketplace.

My one qualification regarding this belief is that rules for trade are fair. Fair trade is an essential element of commerce in any millennium. A coordinate element of trade policy for the next millennium must be a global standard. Harmonization is important. Country-of-origin labeling for fresh produce legislation is part of the current harmonization effort. Twenty-two of our trading partners have some type of produce country-of-origin labeling or marking requirement. These nations include, Canada, Mexico, Japan, and many members of the European Union. There is no intent or means to discriminate against anyone or trading partner with this bill. The office of legislative counsel has incorporated into this bill language clarifying that this labeling reform applies equally to imported as well as domestically grown produce. Otherwise, this text is based on the amendment to the Senate Agriculture Appropriations bill that was offered last year by the Senator from Florida (Mr. BOB GRAHAM).

LABELING: SIMPLE, SOUND, AND INEXPENSIVE

Briefly, it is worth pointing out that U.S. law already encourages the labeling and marking of fresh fruits and vegetables. The boxes of imported produce, for example, are required to indicate country-of-origin information. These boxes go to the grocery store or retailer, but are often left in the back room. Thus, while this valuable information travels to the store, it does not always make it to the mom, dad, or other consumer at the point of sale.

As our Founders envisioned, the states are great laboratories for ideas. In Florida, the state enacted produce country-of-origin labeling more than twenty years ago. The Florida experience is a marked success. Two major Florida supermarket chain stores have reported that this common-sense customer service costs each store less than $10 per month. I am informed that the total cost for more than the 25,000 retail stores in Florida is less than $195,000 annually. It is an easy, low-cost policy that has reaped enormous benefits for consumers by giving them a right to know at the grocery store. In addition, it has helped the stores better market their produce.

THE AMERICAN PUBLIC WANTS THIS VALUABLE INFORMATION

The honest truth laying at the core of this bill is that the people back home in our districts are curious and just want to know this valuable information. Today, virtually everything in the supermarket bears its place of origin, except meat and produce. A CBS/Public Eye Poll taken last year showed that about 80 percent of the American public favor country-of-origin labeling. Why? So that they can have this useful information. There are many ways for consumers to use this information. Individuals who are concerned about international affairs and human rights can know if they are—and hopefully avoid—buying a product that may come from a regime that supports nondemocratic or even racist policies, have poor child labor practices, or anything else from a range of legitimate other concerns.

It is relevant to give another example of how this is important on a practical level. This is called "trace back." In March of 1996, for example, there was a very serious problem with Guatemalan raspberries that were imported into twenty-states, including my home state of California. These fruits were making people sick through cyclospora, a very serious parasite that invades the small intestine and causes extreme diarrhea, vomiting, weight loss, and severe muscle aches. The Centers for Disease Control (CDC) headquartered in Atlanta, Georgia issued an advisory for people not to eat Guatemalan raspberries until the problem could be investigated, contained and eradicated. The average American was unable to find out from what country were the raspberries in the grocery store. In the absence of labeling, concerned shoppers had no choice but not to buy any raspberries. This hurts consumers by limiting choice. It hurts growers from all the other countries with which we import. The current policy also hurts supermarkets, grocery stores, and family businesses of all sizes.

CONCLUSION

Unfortunately the nay-sayers have dismissed the importance of this common-sense practice all too quickly. Curiously, it is said that giving the American consumer the information at the shelf or bin is somehow superfluous or confusing. I remind you that this information is already in the back of the store as required by current law.

I am very curious to see who will rise to oppose this legislation. Are there Members who do not want any families, children, or women to have the basic right to know from where come the fresh fruit and vegetables they are serving at home? Are there Members who want keep this information from consumers? Are there members who want our citizens to have different information from their foreign counterparts? It is my hope that this is not the case. Certainly, the Members who have cosponsored this bill answered this question decisively and in support of everyday Americans.

There is nothing in this legislation that is intended to be or shall prove discriminatory or protectionist. Information is the most important tool for consumers who have a right-to-know. The information that will be easily displayed through this bill on a shelf or bin will empower consumers. And we will certainly continue to import and enjoy produce from around the world, as it is often the only source for fresh produce when our growing season ends.

This is common-sense legislation that will lead to a uniform trade policy and benefit all consumers. I thank all of the Representatives and Senators who have supported this policy in the past and those Members who are joining me today as original cosponsors.

REMEMBERING HENRY HAMPTON "EMINENT FILM—MAKER"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. CLAY. Mr. Speaker, Henry Hampton, my friend and fellow student at St. Nicholas Catholic School in St. Louis, Missouri, was a prominent film-maker who shaped the American documentary world. While at St. Nicholas, a very small school with 100 students in grades K–12, I was a high school student and Hampton was a grammar student. Hampton went on to graduate from Washington University in St. Louis. For 30 years right up until his death on November 22, 1998, Hampton raised the American conscience through such award winning documentaries as Eyes on the Prize, Voices of Freedom: An Oral History of America's Civil rights Movement, The Great Depression, America's War on Poverty, Malcolm X: Make it Plain, and Breakthrough: The Changing Face of Science in America. In all Hampton produced or was responsible for more than 60 major films and media projects for the public and private sectors. Through film, Hampton became a civil rights leader as well as an educator.

Among his many industry awards and community honors are the prestigious duPont-Columbia and Peabody awards for excellence in broadcast journalism, as well as six Emmys and an Academy Award nomination. Also, Hampton received the 1993 Ralph Lowell Award, considered the highest recognition in public television, presented by the Public Broadcasting Service and the Corporation for Public Broadcasting. In 1994, Hampton received the first Harold C. Fleming Award recognizing "a lifetime of service in the field of political participation and community education against hatred in politics." In 1995, he received the first Heinz Family Foundation Award in the field of arts and humanities. I commend to our colleagues the January–February 199 About . . . Time article, title "An Eye for the Prize," which tells of the great contributions of Hampton.

AN EYE FOR THE PRIZE

THROUGH THE ART OF FILM AND STORY, HENRY HAMPTON CELEBRATES THE SWEEP OF AFRICAN-AMERICAN STRUGGLES AND CREATIVITY

By Wanda S. Franklin

The one thing he did right was the day he started to fight. With cameras and lights. Producers and editors. Historians and history's forgotten soldiers," Boston Globe columnist Derrick Z. Jackson wrote in a tribute to the life and works of Henry Hampton, on November 28, six days after the eminent film-maker died. Now, many African Americans and others inspired by Hampton's legacy are beginning to take an accounting of his work.

As founder and president of Blackside, Inc., Hampton made uniquely important contributions to the body of American documentary film over the past 30 years right up until his death on November 22, 1998. He leaves behind a tremendous legacy that not only shaped the world of documentary film, but also the American conscience.

'I believe in the power of the arts to create positive change," said Hampton, the creator and executive producer of the award-winning multi-part documentary, Eyes on the Prize. The series, released in two installments (with six episodes in 1987 and another eight episodes in 1990), won the prestigious duPont-Columbia and Peabody awards for excellence in broadcast journalism, as well as six Emmys and an Academy Award nomination. Eyes on the Prize is regarded as the definitive film record of America's civil rights movement. Hampton also co-authorized the companion volume, Voices of Freedom: An Oral History of America's Civil Rights Movement.

In his years at Blackside, Hampton produced or was responsible for more than 60 major films and medial projects, including several for J. Walter Thompson advertising agency, the United States National Institute of Mental Health and the United States Department of Commerce.

Through his filmmaking, Hampton became a messenger, even a propagandist for justice, equity and fairness. The stories he produced became political weapons and tools for learning.

Hampton was executive producer for all of Blackside's PBS film projects including. The Great Depression, America's War on Poverty, Malcolm X: Make it Plain, and Break-Through: The Changing Face of Science in America. His efforts presented unfold stories behind America's most critical issues—leadership, the nature of democracy and freedom of expression.

He worked around personal disabilities and other illness. Hampton was struck by photo at the age of 15. He also battled lung cancer and pericarditis before he died from a bone marrow disease which arose from a treatment for the lung cancer. Perhaps his suffering became his grace. Henry Hampton refused to be a victim. He learned how to listen without being judgmental.

From the late 1960s through 1990, Hampton chaired the Museum of Afro American History's board of directors, leading that organization's campaign to acquire and restore the African Meeting House on Boston's Beacon Hill, the oldest standing African-American church building in the United States.

Hampton's thirteen honorary degrees include one from his alma mater, Washington University in St. Louis, Brandeis University, Boston College, and most recently from Tufts University in Boston. Among his many industry awards and community honors is the 1993 Ralph Lowell Award, considered the highest recognition in public television, presented by the Public Broadcasting Service and the Corporation for Public Broadcasting. In 1994, Hampton received the first Harold C. Fleming Award recognizing "a lifetime of service in the field of political participation and community education against hatred in politics." In 1995, he received the first Heinz Family Foundation Award in the field of arts and humanities.

The success of his productions and numerous awards speak to his strengths as a visionary and storyteller, as well as to his superb filmmaking style. Hampton once said of Eyes on the Prize, "I like big stories. One of the problems with history is that often you get marvelous small stories. But if you don't put them in a larger frame, they don't have as much impact. Eyes on the Prize was successful beyond my wildest dreams because it took history that people thought they knew and gave it a sweep. We hit these high stories along the way and showed how they are part of a rising tide," he told Paul Kahn during an interview for Very Special Arts Massachusetts. VSAMASS is a non-profit organization that seeks to create and promote opportunities in the arts and cultural mainstream for people with disabilities.

Hampton's ability to see and evaluate the strength and beauty in ordinary people and to powerfully document their struggles and accomplishments within the course of history is what made his work so memorable. He saw the value in the work of the foot soldiers as well as the leadership and acknowledged both. The "prize" was inherent in the struggle for one's beliefs.

By presenting those powerful little stories of the "faces of the unfamiliar" was how Hampton "unveiled black people as civilized warriors" and captured "the depth of commitment of freedom marchers who went to jail with none of the publicity given to movement leaders," wrote Jackson.

A challenge was also issued in Jackson's Boston Globe column on behalf of the independent filmmaker. "Although Hampton has passed from us, I believe his eyes and spirit are cast down toward us. He is watching to see how we protect the prize. He is watching to see how well we hold on," Jackson wrote.

Unique aspects of history are sure to be repeated again when another of Hampton's works, I'll Make Me a World: A Century of African-American Arts, premiers nationally on PBS February 1–3, 1999, at 9 p.m. ET (check your local listings). A production of Blackside, Inc., in association with Thirteen/WNET, this unprecedented six-hour documentary series celebrates the extraordinary achievements of the African-American creative spirit in the 20th century.

The work captures the stories behind 100 years of tumultuous struggle for identity, equality and self-expression by the artistic talent in the African-American community. "This production is a soaring, celebratory and informative journey into the powerful interaction between African-American culture and the larger American society," Hampton said after completing the documentary.

I'll Make Me a World: A Century of African-American Arts is the last production completed by the late filmmaker. However, Hampton was at work on two other major projects. Hopes on the Horizon: The Rise of the New Africa, a ten-part film project covering developments in Africa from 1945 to the present, is scheduled to be completed in 2001. The African American Religious Experience was completing the research and development stage and is expected to go into production this spring. This project examines the shifting role of churches that are being challenged to meet the spiritual needs of young people. These projects will be continued by the Blackside Inc. production team.

I'll Make Me a World: A Century of African-American Arts definitely presents another extraordinary work by Hampton, documenting compelling stories of struggle and creativity in the black arts experience. The series gives voice to the jazz, blues and rap that have defined American music, and the fiction and poetry that have challenged conventional ideas about family, community, race and democracy. It also showcases powerful visual images, from canvas to movie screen that have interpreted the African-American experience as well as the innovative dance and theater that have created new forms of expression embraced by enthusiastic audiences worldwide.

I'll Make Me a World is narrated by Vanessa L. Williams. The star-studded roster of artists, critics and scholars who will offer insightful commentary and analysis also includes Quincy Jones, Alice Walker, Wynton Marsalis, Gwendolyn Brooks, Bill T. Jones, Jacob Lawrence, Amiri Baraka, Spike Lee, Ben Vereen, Melvin Van Peebles, Cornel West and other on-screen witnesses.

I'll Make Me a World: A Century of African-American Arts is a rich tapestry of sights and sounds highlighting black artists of every creative discipline whose distinctive talents have shaped American culture in the 20th century. What the viewer will see over the course of the three evenings is a profile of musicians, writers, visual artists, actors, dancers and filmmakers who forever changed who we are as a nation and a culture.

Each episode is divided into two, one-hour segments. The series begins at the turn of the century with the artistry of the first generation of African Americans born into freedom and moves toward the Harlem Renaissance.

In the opening hour, "Lift Every Voice" profiles the careers of artists such as vaudeville stars Bert Williams and George Walker, who struggled to transcend the racial stereotypes of the minstrel tradition and reclaim true elements of black culture. In New Orleans, talented musicians create the innovative and exuberant sounds of ragtime and jazz, music that comes to be identified as quintessentially American. Also, a powerful new medium—film—allows black filmmakers such as Oscar Micheaux to make motion pictures that present the complexities of African-American life at a time when many white filmmakers were promoting dangerous racial stereotypes.

The second hour, "Without Fear or Shame," takes viewers from World War I through the Jazz Age to the Great Depression. This segment also reveals the intense debate that arises during the Harlem Renaissance between community leaders who want to use the arts to uplift the race and some younger African-American artists concerning what art should express—blacks in the best portrayals possible or the complex reality of life in the black community. The works of Langston Hughes, Zora Neale Hurston and the women blues singers "Ma" Rainey and Mamie Smith are highlighted in this segment.

"Bright Like a Sun," the opening segment of the second episode, shows African-American artists adapting to life during the years of the Great Depression and World War II. Viewers will see how artists such as sculptor Augusta Savage, jazz legends Dizzy Gillespie and Charlie Parker and actor/singer/activist Paul Robeson steadily expand their visions to produce works filled with new energy and fueled by a new-found autonomy. Robeson uses his art to fight for social justice. Savage teaches art and develops and nurtures the talent of youngsters, such as Jacob Lawrence. Gillespie, Parker and other young musicians create Bebop—a controversial and innovative style of music that transforms jazz from popular entertainment into a recognized art.

The fourth, hour segment, "The Dream Keepers," explores an era of firsts for African Americans in the arts and other areas and their impact on the nation as they overcome racial barriers. Some groundbreaking achievements include Arthur Mitchell's debut performance with the New York City Ballet as the first black male dancer in a major American ballet company; and Lorraine Hansberry's A Raisin in the Sun, the first play written by an African-American woman to debut on Broadway. At the same time, an artist such as James Baldwin, chooses exile in Paris as he struggles to launch his literary career.

The last evening concludes with a look at the Black Arts Movement of the 1960s and how black artists continue to redefine and revolutionize not only African-American culture, but American culture with their new sense of black pride and self-determination.

"Not a Rhyme Time," the first hour segment, shows black artists making inroads in Hollywood, Broadway and in popular music, most notably by way of the Motown sound. A cultural revolution begins as this new sound dominates the airwaves. Visual artists such as Romare Bearden, Faith Ringgold and others offer an alternative vision in representations of black art that challenge the aesthetics, power and ultimately the very existence of the so-called "mainstream." By the 1980s, Alice Walker writes about a black woman's quest for independence in The Color Purple and wins both the Pulitzer Prize and the outrage of some African Americans who condemn the images of black families she presents in her novel. In the last hour, "The

Freedom You Will Take" explores the contemporary cultural landscape that is transformed by the power of African-American film, performance, dance, rap music and spoken word art forms. Spike Lee is acknowledged for his role in ushering in a new wave of independent films by and about African Americans. Viewers are also introduced to members of the younger generation of visual and literary artists who dare to challenge convention.

"People have looked to Henry Hampton's work for a broader understanding of our culture and history," says Tamara E. Robinson, vice president and director of national programming for Thirteen/WNET. "Airing this series is a tribute to his legacy. It will give viewers insight into some of the most provocative artistic contributions of the 20th century," she concludes.

To keep the spirit of I'll Make Me a World's impact alive long after the series ends, and to provide more information for use in and out of the classroom, Blackside Inc. has added an educational component that includes a website http://www.blackside.com. This comprehensive database includes a 20th century chronology of African-American art; profiles of the artists featured in the series; descriptions of dance, film, literature, music, theater and visual art education programs for students in grades K–12. The website will also contain biographies, video clips and transcripts of further in-depth interviews with the artists featured in the series as well as classroom activities for middle and high school students and teachers.

Major production funding for I'll Make Me a World was provided by the Ford Foundation, the National Endowment for the Arts, the National Endowment for the Humanities, the Corporation for Public Broadcasting, public television viewers and PBS. Additional funding was provided by the LuEsther T. Mertz Charitable Trust, Lila Wallace-Reader's Digest Fund, Dan Rothenberg, Geraldine R. Dodge Foundation, National Black Programming Consortium, Joyce Foundation, Camille O. Cosby and William H. Cosby, Jr.

CONGRESSMAN RECEIVES LETTER FROM CHRISTIANS OF NAGALAND: AMERICA SHOULD SUPPORT SELF-DETERMINATION IN SOUTH ASIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. TOWNS. Mr. Speaker, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, recently delivered to me a letter from the government-in-exile of Nagaland praising my previous statement of February, 11 on the oppression of Christians in India. The letter also calls for self-determination for all the nations of South Asia.

In the letter, the Prime Minister of Nagaland quotes Secretary of State Albright as a supporter of self-determination. On February 24, the Washington Post quoted the Secretary of State as saying, "ethnic groups demanding independence should be allowed to have their own nations." Currently, there are 17 freedom movements within India's borders. Yet the government of India refuses even to allow the Sikhs of Khalistan, the Christians of Nagaland, the Muslims of Kashmir, and the people of the other nations they occupy to decide this issue in a free and fair vote, the way that democratic countries decide these things. Instead, they have resorted to state terrorism against the people in these occupied nations.

Recently, there has been a wave of violence against Christians in India. Christians are merely the target of the moment. Sikhs, Muslims, Daltis (dark-skinned aboriginal people), and others have been subjected to similar violence.

Numerous Christian churches and other religious facilities have been destroyed since Christmas by Hindu extremists affiliated with the ruling BJP. A missionary and his two young sons were burned to death. Nuns have been raped. Priests have been murdered. A Christian religious festival was broken up by gunfire. Is this Indian secularism?

The Indian government has killed more than 200,000 Christians since 1947 and the Christians of Nagaland, in the eastern part of India, are involved in one of 17 freedom movements within India's borders. India has murdered more than 250,000 Sikhs since 1984 and over 60,000 Muslims in Kashmir since 1988, as well as many thousands of other people.

The holiest shrine in the Sikh religion, the Golden temple in Amritsar, was attacked by the Indian government. Gurdev Singh Kaunke, who was serving as Jathedar of the Akal Takht, the highest Sikh religious official, was killed in police custody by being torn in half. The police disposed of his body. He had been tortured before the Indian government decided to kill him. The very highly revered Babri mosque was destroyed by Hindu militants.

Next month marks two occasions, falling on the same day, that should bring these issues into focus: the 300th anniversary of the Sikh Nation and the birthday of Thomas Jefferson. It is an ironic coincidence that these anniversaries fall at the same time.

Thomas Jefferson was one of the leading voices for American independence and wrote the Declaration of Independence, which sets out the philosophical basis for the freedom that we built into our Constitution and that we enjoy today. In light of this religious oppression and the statements of Secretary Albright and others, I urge the Congress to take strong measures in support of self-determination in South Asia. We should put ourselves on record in support of a free and fair plebiscite in Punjab, Khalistan, in Kashmir, in Nagaland, and everywhere that people are demanding the right to determine their own future. We should impose the sanctions appropriate under the law for countries that practice religious oppression and violence. We should strongly urge the President to declare India a terrorist state. Finally, we should cut off U.S. aid to India until it begins to behave like a democracy and respects basic human rights, including the right to self-determination.

Mr. Speaker, I would like to place the letter from the Prime Minister of Nagaland in the RECORD.

PRIME MINISTER (ATO-KILONSER),
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF NAGALAND,
March 12, 1999.

Hon. EDOLPHUS TOWNS,
House of Representatives,
Washington, DC.

(Through our good friend Dr. Gurmit Singh Aulakh, President, Council of Khalistan, 1901 Pennsylvania Ave. NW, Suite 802, Washington, DC 20006)

RESPECTED SIR: Dr. Gurmit Singh Aulakh sent us the proceedings and debates of the 106th Congress (First Session) dated Washington, 11 February 1999. We have gone through your presentation, Hindu Nationalist Continue To Attack Christians in "Secular" India, with much appreciation and love.

In the light of the assertion of the truth made by U.S. Secretary of State Madeleine Albright "that ethnic groups demanding independence should be allowed to have their own nations" (as told to the Washington Post in Paris on 24 February 1999), your statement that "we should openly declare U.S. support for self-determination for all the peoples of the subcontinent. By these measures we can help bring religious freedom and basic human rights to Christians, Sikhs, Muslims, and everyone else in South Asia" makes a lot of sense. Indeed, this is what the Indian-suppressed peoples have been wishing for all these years.

That, Sir, the principled stand you and other policy-makers of the U.S. have taken in this all-important matter has inspired many nationalities and ethnic groups that continue to languish in the merciless world of religious persecution and political suppression. Kindly accept the heartfelt gratitude of the Naga people.

Even as the Naga people pray with renewed hearts for their suffering brothers and sisters belonging to the Christian, Dalit, Muslim and Sikh communities, it is our request that you persevere in your fight for the rights of these oppressed nations and peoples to freedom and justice. May God bless you richly in your endeavor.

Respectfully yours,

TH. MUIVAH.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 18, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on Medicare fraud issues.
SD-124

MARCH 22

10 a.m.
Judiciary
Youth Violence Subcommittee
Criminal Justice Oversight Subcommittee
To hold joint oversight hearings to review the Department of Justice firearm prosecutions.
SD-226

1 p.m.
Aging
To hold hearings to examine the quality of care in nursing homes.
SH-216

1:30 p.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on securities fraud on the internet.
SD-342

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold closed and open hearings on Department of Defense policies and programs to combat terrorism.
SR-222

MARCH 23

9 a.m.
Aging
To hold hearings on a proposal to support family care givers.
SD-106

9:30 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on issues relating to internet gambling.
SD-226

Governmental Affairs
Investigations Subcommittee
To resume hearings on securities fraud on the internet.
SD-342

10 a.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings on Sudan's humanitarian crisis and the United States response.
SD-419

2 p.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings on Elder Abuse.
SD-430

2:30 p.m.
Foreign Relations
To hold hearings on pending calendar business.
S-116, Capitol

MARCH 24

9:30 a.m.
Indian Affairs
To hold hearings on S. 399, to amend the Indian Gaming Regulatory Act.
SR-485

Commerce, Science, and Transportation
To hold hearings on telecommunication broad band issues.
SR-253

Environment and Public Works
To hold hearings on voluntary activities to reduce the emission of greenhouse gases.
SD-406

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings on S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SD-226

Rules and Administration
To hold hearings on campaign contibution limits.
SR-301

Energy and Natural Resources
To hold hearings to examine nuclear waste storage and disposal policy, including S. 608, to amend the Nuclear Waste Policy Act of 1982.
SD-366

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345, Cannon Building

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on active and reserve military and civilian personnel programs and the future years defense program.
SR-222

2 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 323, to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area; S. 338, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior; and S. 568, to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions.
SD-366

Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings on the effect of State ethics rules on federal law enforcement.
SD-226

Foreign Relations
European Affairs Subcommittee
To hold hearings on issues relating to the European Union, focusing on internal reform, enlargement, and a common foreign policy.
SD-419

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine littoral force protection and power projection in the 21st century.
SR-232A

MARCH 25

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the economic impacts of the Kyoto Protocol to the Framework Convention on Climate Change.
SD-366

10 a.m.
Foreign Relations
To hold hearings on issues relating to United States-Taiwan relations.
SD-419

Commission on Security and Cooperation in Europe
To hold joint hearings to examine certain issues concerning the return of property confiscated by fascist and communist regimes to their rightful owners in post-communist Europe.
2255, Rayburn Building

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation dealing with modernizing air traffic control programs.
SR-253

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia
Subcommittee
To hold oversight hearings to examine multiple program coordination in early childhood education.
SD–342

2 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on satellite reform issues.
SR–253

APRIL 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the published scandals plaguing the Olympics.
SR–253

Indian Affairs
To hold oversight hearings on the implementation of welfare reform for Indians.
SR–485

APRIL 21

9:30 a.m.
Indian Affairs
To hold oversight hearings on Bureau of Indian Affairs capacity and mission.
SR–485

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings to review the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.
SD–366

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.
SH–216

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.
345, Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, March 18, 1999*

The House met at noon.

Father Martin G. Heinz, Director of Vocations, Diocese of Rockford, Rockford, Illinois, offered the following prayer:

Almighty Father, Creator of all things, we admire the work of Your hands and Your power in the world. We beg Your blessings as we raise our minds and hearts to You at the beginning of this congressional day. We ask Your guidance on all that we shall do and say over the resolutions passed and the conversations that bring us to our decisions. In all this, may we give honor and glory to You. You who protect our land, You who protect our people. Through this country's laws may its citizens grow in character and develop with dignity. May we grow in fidelity to Your wisdom so that this country may grow in the knowledge of Your love. Inspire our work in such a way that we never lose sight of our ultimate goal, the people of this country, strengthened through You, because of the laws we pass. We ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. LANTOS) come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 257. An act entitled "The Cochran-Inouye National Missile Defense Act of 1999".

S. 643. An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

The message also announced that pursuant to Public Law 83-420, as amended by Public Law 99-371, the Chair, on behalf of the Vice President, reappoints the Senator from Arizona (Mr. MCCAIN) to the Board of Trustees of Gallaudet University.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minutes on each side.

TRIBUTE TO RICHARD CARDWELL

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, Richard Cardwell from Des Moines, Iowa, is a hero. Richard, a retired plumber, is a wiry, muscular man from a lifetime of tugging on stubborn pipes. In his work he has been bitten many times by animals but he did not hesitate when he saw a dog mauling a man on the ground.

There was blood everywhere when Richard jumped out of his car. The man on the ground was protecting his neck from the vicious jaws of the dog and was losing a lot of blood from bites on his arms and head. Richard grabbed a stick and started hitting the Rottweiler.

Afterwards, Robert Jones, the victim of the dog's attack, said this about his scary experience: "That dog was just putting the finishing touches on me when Richard Cardwell came along. If it hadn't been for him, I'd have been a goner."

Richard is a brave guy. He risked his own life for another's. That huge dog could have gone for his throat. And while saving a life may be the first for Richard, it is not the first time he has come to the rescue. In fact, he once made a house call on a Christmas day to save my frozen house.

Mr. Speaker, we need more good neighbors like Richard Cardwell.

INTRODUCTION OF RESOLUTION TO LOCATE AND SECURE RETURN OF ZACHARY BAUMEL

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, events are moving so fast that there is always a danger we will forget about our citizens who are missing in action. There is one such American citizen missing in action in the Middle East for the last 17 years.

A large group of my colleagues across the political spectrum join me in introducing this resolution calling on the Department of State to locate and secure the return of this American citizen, Zachary Baumel. We are asking the State Department to contact all governments concerned, and we are asking the Department of State to take into account the actions of all governments with respect to this issue in extending economic and other aids to countries in the region.

I ask all of my colleagues to cosponsor this legislation to bring this lost American, missing in action, back to his family.

VOTE "YES" ON H.R. 4

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, three out of four Americans, 75 percent, believe the United States already possesses the ability to defend itself from a missile attack. I think it is only fair to inform them that we cannot. Here in America we may have little or no warning of a ballistic missile attack that is launched just offshore by some terrorist or rogue nation.

Speaking of rogue nations, North Korea, Iraq and Iran have all improved and accelerated their ballistic missile programs to threaten the U.S. and its allies. China already has numerous long-range missiles aimed at U.S. cities, all using stolen U.S. technology.

There is no doubt that the threat is real. What is in doubt is whether Congress has the commitment to deploy a national missile defense system to engage and counter this threat.

Our path is clear, we must be committed and we must do our duty to defend America. I urge my colleagues to support this effort. Vote "yes" on H.R. 4, and let us provide the safety for our Nation, for our communities, for our homes, for our families and giving America the capability to defend ourselves from a ballistic missile attack.

MILOSEVIC SHOULD BE ARRESTED, NOT NEGOTIATED WITH

(Mr. TRAFICANT asked and was given permission to address the House

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the killing in Kosovo goes on. Ethnic Albanians continue to be slaughtered in cold blood. Despite all of this, Congress continues to believe that a deal can be made with this madman Milosevic.

Beam me up, Mr. Speaker. Uncle Sam should not be leading efforts to negotiate with Milosevic. Uncle Sam should be leading efforts to arrest Milosevic for genocide and for war crimes.

Let me tell this to my colleagues. A CIA report said 10 years ago that if Kosovo is not granted independence, there will be death all over, including America someday. Uncle Sam should support independence for Kosovo and NATO should enforce it.

I yield back all the deals Milosevic has broken, and I yield back all those dead bodies that continue to be piled up, executed in cold blood.

U.S. ARMED FORCES CONTINUALLY ASKED TO DO MORE WITH LESS

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I would like to offer an example of the United States Armed Forces continually being asked to do more with less.

Within the district I represent, the Second District of the great State of Kansas, resides the 190th Air Refueling Wing of the Kansas Air National Guard. This wing is responsible for a variety of support operations around the world. In the past year, under the stress of continued deployment, the wing has sent personnel and aircraft to Iceland, to Germany, to France, to Turkey, and to Alaska as well.

However, Mr. Speaker, the newest KC–135 aircraft used by the 190th was built in 1963. 1963. The oldest aircraft was built in 1956. The President's budget forces the wing to use that aircraft until 2040. That would make the existing aircraft nearly 80 years old.

Mr. Speaker, would my colleagues be comfortable flying into a military confrontation in an 80-year-old aircraft? I doubt that we would. So we must not ask our young pilots to go into combat in an aircraft that would be considered antique in any other area.

We must increase defense spending to give our military personnel the equipment they need to remain the world's premier military force.

U.S. VULNERABLE TO BALLISTIC MISSILE ATTACK

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, there is a common saying in conservative circles about how people tend to start out in life as a liberal, and end up conservative having lived for a while. It is called being mugged by reality.

Well, it appears America has finally been mugged by reality on the issue of missile defense. Just last summer the Clinton administration insisted over and over again that a national missile defense system was not needed. We were assured that rogue nations were many years away from developing a ballistic missile threat that could reach our shores. Woops!

In a stunning turnaround, the White House has suddenly adopted the Republican view that the United States is indeed vulnerable to ballistic missile attack. Rogue nations such as Iran, Iraq, North Korea, and Communist China have missile capabilities which far exceed the administration's earlier estimates.

Upon pulling its head up out of the sand, the administration has now been mugged by reality. The only question now remains, did it happen soon enough?

DANGERS OF GHB

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise again this morning to really encourage the House to move quickly to pass legislation to make illegal GHB. I have a bill, the Hillory J. Farias Date Rape Drug Prevention Act, H.R. 75, that I urge my colleagues to support.

But I rise this morning to tell my colleagues the story of a young man by the name of Steve Brown from Illinois who overdosed on this dangerous drug back in September of 1998. He almost lost his life because the police, the paramedics, nor the emergency room doctors were aware of the harmful effects of GHB.

Mr. Brown was a body builder who had used GHB as a recreational drug for years. Unfortunately, on that day in September, he took a dosage of the drug that proved to be almost fatal. He was found by his sister, Diane Brown, unconscious and unresponsive. When she called the paramedics she told them about his history with GHB, because they had no knowledge of what he had ingested.

She also had to inform the emergency room doctors of the drug.

Steve was unconscious for five hours. While in this state, his sister called her parents to tell them that they needed to travel to Illinois. His mother, unsure of what condition her son would be in when she arrived later said, "I had to pack a dress for my only son's funeral." Thank goodness her son survived this ordeal.

This near-tragedy should be a lesson to all of us about the dangers of GHB. Unless it is scheduled under the Controlled Substances Act soon, we may hear about more stories of young people who died unnecessarily because we did not act.

I would like to thank Ms. Diane Brown for calling my office to share her story. I know that this experience has been painful for her family, but I am grateful that she felt compelled to speak out against GHB. I wish her family the best as they try to work through this situation.

I ask my colleagues to support my bill so that we can assure Ms. Brown and her family that we do not want this drug to hurt another person. I want to send a message to those who would argue that this drug is safe, that it is not and that it can be deadly.

Mr. Speaker, this drug is being manufactured by the bathtub loads. It is on the internet. We must hold hearings. And I am delighted with the interest of my colleagues on the Committee on Commerce and the Committee on the Judiciary to work together to stop the killing and the overdose of this dangerous unknown drug that has no taste and no smell that our young people are using. Mr. Speaker, let us get to work.

OPPOSITION TO DEPLOYMENT OF MISSILE DEFENSE SYSTEM HAS BEEN A MISTAKE

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, it is increasingly obvious that those who have obstructed the deployment of a missile defense system have seriously miscalculated the risks to our Nation.

Hostile, often referred to as rogue, nations now possess the technology to threaten our neighborhoods and our cities and our towns with advanced weapons and advanced delivery systems.

Yesterday, we saw a shift. Senate Democrats, who had previously obstructed a missile defense system, have now finally seen the light and have come to their senses recognizing that risk. I welcome their belated support, I only pray that it is not too late.

Our first and foremost duty to our constituents is a strong national defense. Let us hope that those in this House who have obstructed a national defense system will join their Senate colleagues and come to their senses too, recognizing that we must fulfill our constitutional duty to defend the Nation.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR BUDGET RESOLUTION FOR FISCAL YEAR 2000

Mr. REYNOLDS. Mr. Speaker, the Committee on Rules is planning to meet the week of March 22 to grant a rule which will limit the amendment process for floor consideration of the budget resolution for fiscal year 2000. The Committee on the Budget ordered the budget resolution reported last night and is expected to file its committee report sometime over the next few days.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 4 p.m. on Tuesday, March 23.

As it has done in recent years, the Committee on Rules strongly suggests that Members wishing to offer amendments offer complete substitute amendments.

Members should also use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their amendments are properly drafted and scored, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

□ 1215

DECLARATION OF POLICY OF THE UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 120 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 120

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit.

SEC. 2. Upon receipt of a message from the Senate transmitting H.R. 4 with Senate amendments thereto, it shall be in order to consider in the House a motion offered by the chairman of the Committee on Armed Services or his designee that the House disagree to the Senate amendments and request or agree to a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a closed rule for H.R. 4, the National Missile Defense bill. The rule provides for 2 hours of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Armed Services.

The rule provides for one motion to recommit with or without instructions.

Finally, the rule provides that it will be in order, upon receipt of a message from the Senate transmitting H.R. 4, with Senate amendments, to consider in the House a motion offered by the chairman of the Committee on Armed Services or his designee that the House disagree to the Senate amendments and request or agree to a conference with the Senate.

Mr. Speaker, H.R. 4 is a simple, one-sentence bill declaring that it is the policy of the United States to deploy a national missile defense. During remarks at the U.S. Military Academy at West Point in my home State of New York, President Ronald Reagan said that "a truly successful army is one that, because of its strength and ability and dedication, will not be called upon to fight, for no one will dare provoke it."

Indeed, President Reagan's policy of peace through strength was the beginning of the end of the Cold War and established the United States as the world's only remaining superpower.

But the end of the Cold War did not bring about the end of a lasting threat to our Nation's security and our people's safety, which is why I rise today in support of the rule and the underlying bill, H.R. 4, which will establish a national missile defense system.

Mr. Speaker, my colleagues, "eternal vigilance," wrote Jefferson, "is the price of liberty." Yet our current national missile defense has neither the ability nor the technology to ensure that either our safety or our liberty is held in the United States.

Even as we sit at the dawn of the next century, the United States could not defend itself against even a single incoming ballistic missile.

Mr. Speaker, that fact bears repeating. Our current national defense could not shoot down even one incoming ballistic missile let alone the thousands that stand ready to point toward our Nation's borders.

According to the Rumsfeld Commission, the threat to America and her people from a ballistic missile attack is not only very real but even greater than once expected. Besides thousands of nuclear warheads on ballistic missiles maintained by Russia, China has more than a dozen long-range ballistic missiles targeted at the United States, and countries like North Korea and Iran are developing ballistic missile technology and capability much more rapidly than once believed.

Another astonishing fact is that the overwhelming majority of the American people, some 73 percent, is unaware of the threat to their country, their homes, and their families. They believe we already have the technology to knock down and defeat a ballistic missile attack. We do not.

The American people are entitled to know the truth, just as they are entitled to us doing something about it to ensure their safety and their lives. They are also entitled to know the facts about the cost of a national missile defense. And the facts are that the current national missile defense plans account for one-half of 1 percent of anticipated defense spending from fiscal year 2000 through 2005 and less than 2 percent of the Department of Defense's entire modernization budget during these years.

The threat of a ballistic missile attack is real, as real as our resolve must be to protect all Americans by deploying a national missile defense.

Mr. Speaker, my colleagues, President Reagan taught us that we could be victorious against the Cold War threat of nuclear annihilation by adopting a policy of peace through strength. Now we must be victorious against the threat of a ballistic missile attack by adopting a policy of peace through security, the security that a national missile defense will provide our country and our citizens.

I would like to commend the Committee on Armed Services chairman, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Pennsylvania (Mr. WELDON), chairman of the Subcommittee on Military Research and Development, for their hard work on this very important measure.

I urge my colleagues to support this rule and to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague the gentleman from New York (Mr. REYNOLDS) for yielding me the customary half-hour.

Mr. Speaker, I rise in opposition to this closed rule. The Committee on Rules has reported a series of bills to the floor under open rules in the last couple of months. But if the truth be told, Mr. Speaker, those bills could have been considered under the suspension of the rules and did not really have to come to the floor at all.

Now, when the House is about to consider legislation that is of paramount importance to every man, woman, and child in the country, the Republican party has reported out a closed rule.

What we heard earlier today during our closed session reinforces the significance of this issue. Yet we are being asked to consider it under a closed rule. For this reason, Mr. Speaker, I cannot support this rule.

Mr. Speaker, the Republican majority refuses to allow even one amendment on this bill. We asked for an additional hour of debate on the bill but that was not allowed. What is at stake here, Mr. Speaker, is the future and well-being of this Nation. Yet my Republican colleagues do not want to take the time to fully debate and air this issue.

I cannot support this closed process, and I strongly urge every Member of this body who supports the democratic ideals of free and open debate to oppose this closed and unfair rule.

The ranking minority member of the Committee on Armed Services yesterday indicated that, while he is opposed to the amendment that was proposed by the gentleman from Maine (Mr. ALLEN), he felt that the amendment should be considered by the House. The Allen amendment seeks to clarify that any national missile defense system must be proven to work before it is deployed and that any deployment decision must be weighed against other military as well as civilian priorities.

Allowing the House to consider an amendment like the Allen proposal is really not too much to ask, Mr. Speaker. Yet my Republican colleagues seem to think that allowing an alternative to their proposal to be heard on the floor is indeed too much to ask.

Mr. Speaker, if the Republican Party is really interested in changing the atmosphere in this House, we do not have to go up to a mountainside and smoke a peace pipe. All we have to do is be fair about the rules and allow the Democrats to participate on the floor.

Mr. Speaker, I see little evidence of that on this rule, and I urge my members to defeat this unfair, closed rule so that we can have an open debate on the entire issue.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the ranking member that yesterday the gentleman from California (Mr. DREIER) outlined that there would be more than ample debate in the hour that we have on the rule now, in the two hours of debate, and the hour on consideration of the conference resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank my friend from New York, a new member of our committee and a valued member of our committee, for yielding me this time.

Today we embark on a crucial debate directly relevant to the lives of all American men, women, and especially our children. I would argue that the Congress of the United States has no more significant duty than to ensure the greatest level of protection for our national security.

With the dawn of the next century just a few short months away, we face a future that is bright with opportunity and promise, some of which we are realizing today, but a future that is also vulnerable to attack, including specifically missile attack, by those who would do us harm.

And let us be clear. Those who would do us harm inhabit many quarters of this ever-shrinking world. Many are actively seeking to develop and deploy the technology to provide themselves a ballistic missile capability to use against the United States of America.

We do not pursue this debate today to scare people, but rather to engage them in an open-eyed assessment of the world as it is. We all might wish to believe President Clinton's pronouncement that no American child is currently being targeted by a missile, but that is unfortunately not exactly a true statement.

Sadly, the 1964 election year Johnson campaign ad of a little girl playing in a field of flowers backdropped by an atomic cloud is still vivid and still a sickening possibility in today's world. Beyond the state of affairs today, there is also the reality that the world's bad guys are moving quickly and with the sense of purpose toward a tomorrow when they can wreak havoc and cause damage with weapons of mass destruction or mass casualty targeted against Americans and our interests.

I have always advocated investment in the eyes and ears capabilities of U.S. intelligence so we can have as full a picture as possible about the threats we face as we develop policies to protect ourselves. We need not only to know about the missiles but also about the plans and the intentions of the Saddam Husseins and Khadafis, Khomenis and Kim Jong Ils of the world today.

Some might say that since the Cuban missile crisis we have not focused enough on these threats in recent years, perhaps because the policymakers did not want to see the dangers. But, Mr. Speaker, our intelligence says unequivocally that the threat is real, growing, and much more immediate than some had thought. So I strongly believe we must commit ourselves to putting in place a missile defense program as soon as practical.

Mr. Speaker, H.R. 4 is a deceptively simple bill. Its entirety is only one sentence. But the 15 words that comprise the operative text of H.R. 4 speak volumes to the entire planet that we will not shy away from the tough challenge of making America and her people safe from a missile attack.

Support this rule and vote for H.R. 4 and do America a favor.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, the American people may be surprised to know that although we have not declared it our policy to do so, we have already spent $120 billion of taxpayers' money for a nuclear umbrella which does not exist for a threat which has never materialized.

I propose that we can save the taxpayers at least another $120 billion by announcing to the world that we already have a nuclear umbrella. Who is going to know the difference? Latter-day Dr. Strangeloves are running around the Capitol today saying the sky is falling and we ought to buy a net to catch it. Save the taxpayers money.

Here is a prototype nuclear umbrella. This has about as much of a chance of repelling raindrops as the real thing would have in stopping nuclear missiles if scientific evidence is to be believed. Now, if we buy into the fear mongering, what is next? Duck-and-cover drills? Loyalty pledges? Red scare number 2? The second Cold War?

We have already proven that we can leave the post-Cold War world in peace not through preparing for war but through dedicated nuclear nonproliferation.

□ 1230

Let us work for peace and let us be brave and strong and true in defense of democratic values here at home and around the world.

Vote against the rule and vote against H.R. 4.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

This debate today is going to be a serious debate. I think we ought to set the tone early. I reject as a Member of this Congress trivializing this issue with an umbrella, because 28 young Americans 8 years ago came home in body bags because we had no system to defend against. And to say that somehow an umbrella with nothing there is the way we are going to discuss this issue is absolutely disgusting to me because half of those young men and women came from my State. It is not a joke to hold an umbrella up with nothing there and say this is what we are doing.

We have no defense today against any missile system. It is a national priority that this Congress needs to address. And to trivialize this debate as has been done in this body for 30 years has got to come to an end. I think we should treat this debate with more sincerity and dignity than that.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, even though I have opposed it in the past, I will vote for a missile defense system today. The first reason is the Russian spy who defected to America warned us that China is determined to destroy America. Since then, China has stolen our military secrets and China has missiles aimed at America. Russia has missiles that could reach America. North Korea has missiles that can reach America. India, Pakistan, Iran, all have nuclear capability.

But the main reason for my vote here today is very simple: Our misdirected foreign policy. It is so misdirected that if you threw it at the ground, it would miss.

Check this out. Most-favored-nation trade status for China is debated on economic merits. Beam me up. With a $70 billion trade surplus, China is buying nuclear attack submarines and missiles with our money and has them aimed at American cities. How stupid can you be, Congress? How stupid can we be?

I have no choice today. I do not believe Congress has a choice. These policies have placed America in great danger and these policies have placed my constituents, my neighbors, my family, my friends at great risk.

Let me say one last thing. National defense and security is our number-one priority, and you cannot protect America with the neighborhood crime watch. I am changing my vote. I am voting for the missile defense system for the United States of America.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I agree with the gentleman from Pennsylvania who spoke that this debate should not be trivialized. That is why I deplore seriously the refusal of the Republican leadership to make this open to amendment.

Yes, this is a serious subject and it ought to be given full discussion and not trivialized. But what trivializes this more than the arrogant refusal to allow any amendment? The question is not simply a missile defense or not but what sort? Under what circumstances? With what tradeoffs? With what information?

The Republican leadership ran for office to take over the House a few years ago with a long list of ways in which they were going to be better, more democratic. What we have seen since is a systematic striptease in which the Republicans have systematically discarded every pretense to ethical superiority in running the House. Term limits was, of course, one of the first to go as a serious effort. But now we have a pattern. We saw it last year when we debated impeachment. We see it now that we are debating a missile defense. The more important the subject, the less there will be democratic debate on the issue.

As the ranking member of the Committee on Rules pointed out, on noncontroversial measures of little significance, the Republicans are willing to give us open rules. They would undoubtedly be willing to give away ice in February—in Alaska—but when it comes to fundamental issues of great importance, political advantage and partisan maneuvering displaces commitment to democratic ideals.

The gentleman from Maine has a thoughtful alternative to the Republican proposal. It will be able to be brought up in the recommittal, because they have not yet figured out a way to snuff that one out, but there might have been other amendments. The recommittal, you only get one. There might have been other variations.

There are a number of important issues here. One is, what are the costs of this? Yes, there are people who are worried about a threat from missiles from overseas. There are 75-year-olds worried because they cannot afford to pay for the medicine that would keep them alive. There are people who live in neighborhoods who are afraid they do not have enough police protection; people who are afraid of unsafe transportation; people who are threatened by environmental hazards. We are operating in an era of limited resources. Billions and billions of dollars that go for this system are billions that will not be spent for other matters.

There are Members in this House who have told people they want to increase housing, they want to improve environmental conditions, they want to work harder to provide prescription drugs for people on Medicare. Yet they are going to vote today for a measure that might preempt all of those and not give us a chance to debate them. Where are the chances to have amendments?

The gentleman from New York who is presiding for the majority pointed out to the gentleman from Massachusetts, he quoted the gentleman from California, there are going to be 4 whole hours of debate. The gentleman's generosity is unbounded. We can debate it. But no amendments are in order. So I guess I congratulate the majority for not having abrogated the first amendment to the Constitution. They will let us talk. But where are the amendments? Where is the legislative process? No, it should not be trivialized.

By the way, this whole bill, so-called, as the gentleman from Florida said, it is a one-sentence bill. This one-sentence bill in and of itself it seems to me is of some dubious value, but even if it is simply a statement of policy, if that is considered important, why can we not debate what the impact would be on other forms of arms reduction treaties? Why can we not debate what the opportunity costs are in other funding? Why can we not debate whether or not we should do more of a study about technical feasibility?

Are we talking about protecting every inch of the United States? Well, how much is that going to cost? How feasible is it? What are the chances that money spent there will be successful as opposed to money spent in fighting disease, in fighting crime, in fighting in other theaters with conventional research?

North Korea is a threat. We have ground troops in North Korea who are at risk. Would this money be better spent in beefing up a conventional capability? Those are all significant subjects, none of which can be part of this debate. I take it back. They can be part of the debate. I do not mean to be ungracious. The gentleman from New York has kindly allowed us to talk about them. But an amendment to affect the bill, an effort to write them into policy, no, the Republicans will not have that, because it would spoil the partisan nature of this event.

The question is not simply yes or no on missile defense. That is wholly unintelligent. The question is what kind of missile defense? Under what circumstances? Is it feasible? At what cost? The Republicans quite carefully made sure that none of those could be the subject of an amendment. Because what they want out of this, apparently, is a political statement, not a genuine democratic debate.

By the way, I hope the argument is not that, "Gee, we don't have time." This House has been languorous. We have not done very much. We could debate more of these things. But it is a refusal on the part of the majority to allow serious issues to be debated.

What we have, yes, is a trivialized debate. It has been trivialized by the calculated decision of the majority to make this a political exercise and to refuse to allow any amendments which will raise any of the serious issues that ought to be debated. And so in advance they have devalued the statement they hoped to get because they have deprived us of the chance to do it.

Unfortunately, it is not an isolated incident. We could not debate censure versus impeachment. We cannot debate the specifics of the decision factors that go into this whole question. This is a group apparently that is determined to leave as its legacy in running the House of Representatives a refusal to allow the most important questions to come before the public to be debated in a serious and thoughtful fashion. So they will get their political victory today, but it will come at the price of an informed effort to try and come forward with a policy that truly deals with the complexities and the specific questions involved.

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER), one of the leading experts on our Nation's defense.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

My colleagues, we have a time in the oversight committee when the Secretary of Defense and the Chairman of the Joint Chiefs appear before the House Committee on Armed Services as they appear before a number of committees.

Sitting there with the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Pennsylvania (Mr. WELDON) and the other members of the committee, I usually ask as a first question, this question of our Secretary of Defense. I ask, "Could you stop, could the United States of America stop a single incoming ballistic missile today should it be coming in at an American city?" The answer is always "no." And yet most Americans think that we do have some kind of a defense.

Interestingly, if the Russian defense minister was sitting there at the witness table, he would be able to say "yes," because the Russians do have missile defenses. They have the defenses that are allowed by the ABM treaty. They have interceptors which are tipped with nuclear devices that can go off when incoming missiles come in proximity of their cities that they have decided to protect under the ABM system. They also have what are known as SA–10 and SA–12 missile defense systems which they advertise in open literature as having capability against not only airplanes but ballistic missiles.

They, like a lot of other people in the world, understand something that the Weldon bill tries to make us understand, and that is this: We live in an age of missiles. Back in the 1920s, Billy Mitchell tried to prove to us that we lived in an age of air power. To do that, he sank a number of ships, American ships, and I believe one large German ship that had been captured. It infuriated the U.S. Navy because the U.S. Navy wanted to live in the past and they did not want anything that threatened the funding for their battleships and they thought that air power would do that. And so Billy Mitchell was a great advocate for air power. He argued for the development of air power by the United States, we refused to develop it in a timely way, and we paid to some degree the price for that in World War II. But his argument to some degree did get a few wheels spinning and we had more in World War II than we would have had if Billy Mitchell had not gone out there, ultimately getting court-martialed for the crime of saying that the United States was not ready for a conflict.

Well, today we live in an age of missiles. And for my friends that act like it is an impossible thing to shoot down a missile with a missile, that is not true. The missiles that came in on the American troops in Desert Storm and killed a number of them were ballistic missiles. They were slow ballistic missiles. But we did shoot down some of those ballistic missiles with our Patriot missile batteries. We have now upgraded those. So we have shot down the slower ballistic missiles. Our adversaries are making faster and faster missiles. My point is that we have shot down already the slower ballistic missiles and, yes, we do have the capability, if we decide to deploy.

Now, the other side throws this back at us. They say we have spent $120 billion and we have not deployed anything. Well, that is because we have always spent that money under the condition that nothing could be deployed and now it is thrown back in our face that we have not deployed. The Weldon bill mandates deployment. It puts us all on the same page, it gives us a national purpose, and hopefully we will move forward and defend America.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

□ 1245

Mr. McGOVERN. Mr. Speaker, I rise today in opposition to this rule and to the bill, H.R. 4. I would have preferred the opportunity to debate an amendment that outlined what criteria and conditions need to be met before we pursue a policy to deploy a national missile defense system, an amendment like the one my colleague from Maine (Mr. ALLEN) wanted to offer. That opportunity has been denied by this closed rule.

Mr. Speaker, today we are rushing to embrace a bad idea. Today we are debating the deployment of a national missile defense system that does not work, costs too much, undermines and violates our arms control treaties, is aimed towards the wrong threat, will make us more vulnerable, not more secure, and will likely lead to a new arms race. A lot of figures regarding the cost of a national missile defense system will be thrown around in today's debate, but what is not in dispute is that over 40 years we have already spent over $120 billion in trying to develop a missile defense, 70 billion of that since President Reagan announced his Star Wars program in 1983, and we still have absolutely nothing but a failure to show for those tax dollars. This technology has failed 14 out of 18 tests for problems far less sophisticated than what is required by national missile defense. In short, we have a $120 billion failure on our hands. General Shelton of the Joint Chiefs of Staff said just last year spending more money on national missile defense will only amount to a rush to failure, and yet the supporters of H.R. 4 want us to throw good money after bad and spend, at minimum, another 10.5 billion on this failed project.

At a time when we are struggling to find money for Pell grants and Federal aid to send our kids to college, when we are struggling to find money to fully fund the Federal share of the Individuals With Disabilities Education Act, when we are struggling to find funds to protect our environment, to repair our infrastructure and to revitalize our neighborhoods, cities and towns, we seem to have no problem finding enough money for this fabulously expensive project.

Mr. Speaker, those of us who are expressing our reservations about this system are not trivializing this issue. We are raising legitimate concerns about the technical feasibility of this project, the costs and the implications of a national missile defense system. Mr. Speaker, I do not believe it is fiscally responsible to support H.R. 4. I think this is a bad idea. I think this could have a destabilizing effect on our national security. I urge my colleagues to oppose this closed rule and to oppose H.R. 4.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I do not believe that the American people want to hear procedural arguments or partisan jockeying. What they care about is our national security, and that is why I rise today in strong support of this rule and strong support of H.R. 4. I do so for one reason. I believe it must be our policy to deploy a national missile defense.

As my colleagues know, Mr. Speaker, the real surprise today is not the bipartisan support that I believe will emerge in this House later on but that took us so long to get here. Mr. Speaker, I was shocked and saddened when I saw the results of a recent poll conducted by the Center for Security Policy. Their survey of 800 registered voters revealed a number of very troubling public misconceptions. When asked hypothetically about a ballistic missile system and if it were fired at the U.S., 54 percent of those polled believe we could destroy that missile before it caused any damage. Over half of those polled believe we were capable of protecting ourselves from a ballistic missile attack, and of course the sad reality is that we cannot. And when respondents learned this fact that we could not, 19 percent were shocked or angry, 28 percent said they were very surprised, 17 percent said they were somewhat surprised.

Mr. Speaker, I do not know what I find more troubling, the fact that so many people incorrectly believe that we can protect ourselves from missile attack or the lack of outrage on the part of so many leaders of the fact that we cannot.

Mr. Speaker, the evidence is overwhelming, the threat of attack is increasing. Concerns over Russia's control over its nuclear arsenal continue to grow. China continues to develop weapons of mass destruction. North

Korea recently demonstrated that its missiles are capable of striking Alaska and Hawaii. And as we know, Iran and Iraq are working to develop missile technology that will threaten the Middle East and southern Europe.

We are no longer in the era of two superpowers kept in check by mutually assured destruction. The threats of today and tomorrow come from rogue states, in some cases nations with arsenals controlled by persons who we have to admit are blind with their hatred of the U.S. The harsh reality is that we are vulnerable. It is time that this Congress and this President got serious and made it the stated policy of our government to deploy a missile defense system. It would be reckless for us to stick our heads in the sand, it would be reckless for us to ignore the threats we face today, and worse yet, the threats we will face tomorrow if we fail to act. Let us make it this country's stated goal that we will deploy a national missile defense system that will protect us from those who seek to do us harm.

Mr. Speaker, I urge my colleagues to support this rule, to support H.R. 4.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Massachusetts for yielding this time to me.

Mr. Speaker, I rise in opposition to this legislation. Sixteen years ago Ronald Reagan stood in this Hall and articulated a vision. We, the United States, or Luke Skywalker? And the Soviet Union was the Evil Empire, and we were going to build a Star Wars system, an umbrella over this country that would render the intercontinental ballistic missiles of the Soviet Union useless, impotent and obsolete, in his words. And of course the whole scheme was concocted by ET, not the cuddly little alien from the Spielberg movies, but the original ET, Edward Teller, his vision. In the years since then Star Wars went from the star dust and moon beams of Reagan's rhetoric to become a giant pork barrel in the sky. In fact, we have spent approximately $50 billion on missile defense over the last 15 years with virtually nothing to show for it.

But I have some good news for my colleagues on the other side of the aisle. The Cold War is over. We won. The Soviets never used their weapons.

Now it was not because of Star Wars, because of course there was no Star Wars in the 1980's, and there was no Star Wars in the 1990's. The reason that we won was that we had a superior political and economic and military strategy apart from Star Wars because it never existed, and now, since their internal contradictions have led to the collapse of the Soviet system, for some reason or another the majority believes that we should take up the Star Wars prequel 3 months before the new George Lucas film hits the theaters. This resolution gives us a preview of things to come, and we need to give it two thumbs down. According to the GOP script, despite the end of the Cold War we are still going to deploy missile defenses. Why? Because, we are told, there are new ballistic missile threats from North Korea, and Iraq or China because, we are told, we need to defend against accidental nuclear war at a cost of tens of billions of dollars.

This is a bad idea. The North Koreans are starving to death, and we routinely bomb the heck out of Saddam Hussein with impunity. Saddam Hussein had weapons of mass destruction, chemical weapons. Did he use them against us when our troops were heading towards Baghdad? No, he did not. Do my colleagues want to know why? Because we would wipe him off the face of the earth, that is why. We have overwhelming massive retaliatory capacity. If either side, any country, ever used weapons of mass destruction against us, we would destroy them. The greater threat from Korea, the greater threat from Iran is that they will put a nuclear weapon onto a freighter, put it right into the Seattle or the Boston or the San Diego port and just detonate it. We will not know where it is coming from, and we will not be able to identify the source. That is our greater threat by far, and if at any time they want to use any other means, then we will be able to give massive retaliatory response capacity to that problem.

The problem with the Republicans is, yes, the Cold War is over, but they still want Star Wars. They have arms race amnesia. They have forgotten everything but their favorite weapon system. But the real danger from the Republican plan is not the tens of billions of dollars which we are going to waste, but rather that it could touch off a new arms race between us and the Russians or the Chinese.

As the Duma meets to determine whether or not they are going to ratify the START II treaty which would result in the elimination of 3200 strategic weapons, do we really want to be talking about the deployment of a ballistic missile system that would make them even more vulnerable to a first strike from the United States? Do we want the Chinese to think that we are going to build a defensive system that allows us to attack them and they cannot attack us back? Do we not think that they are going to go to a new round of offensive weapons by an emboldened right wing military in both countries and other countries around the world that will result in us having to spend tens of billions of other dollars? When we make a step like the Republicans ask us to do today, we not only waste tens of billions of dollars, but we wind up ultimately undermining our security because of the investment made by our potential enemies in weapons which could actually hurt the United States of America.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to my Democratic colleague, the gentleman from New Jersey (Mr. ANDREWS) in the House Republican majority's continued spirit of bipartisanship.

Mr. ANDREWS. Mr. Speaker, there is no Member of this House who has done more to promote the rights of fairness to the minority than the gentleman from Massachusetts (Mr. MOAKLEY) and I commend him and thank him for that, but on this issue on this day I respectfully part company with him. I think this rule strikes the appropriate balance in the tension between the powers of the President as Commander in Chief and our powers and duties to set broad policy for this country. I think it would be a terrible mistake for us to micromanage a serious military strategy issue like this, and I believe that an open rule in this sort of circumstance would invite that kind of micromanagement.

I also believe that it would be an equally serious mistake for us to abrogate our responsibility and not take a position as to where our country should go in this issue. The process that begins with this legislation on this day gives us that opportunity beginning with our opportunity to offer a motion to recommit today, but, more importantly, after today, after today when decisions about how to deploy, what to deploy, when to deploy, under what circumstances to deploy will be debated and worked out in the actions of the House Committee on Armed Services, in its bills that come to this floor over the next several years and probably decades.

I certainly understand and revere the rights of the minority, but in this case I believe that the essential constitutional balance prevails, and that balance calls for us to set broad policy, which we will do in this bill by casting our vote and for the President, as our Commander in Chief, to execute that policy as he or some day she sees fit.

I support the rule as I will support the bill in the debate hereafter.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the assistant to the Democratic leader.

Ms. DELAURO. Mr. Speaker, I rise in opposition to the rule essentially because the rule prohibits amendments which, if adopted, will strengthen the bill and our Nation's long term security.

Yesterday in the other body, in the Senate, it unanimously passed its national defense bill with two important amendments. It conditioned a national missile defense deployment on annual authorizations and appropriations, it affirmed the United States policy to seek further cuts in Russia's nuclear arsenal. This was the right thing to do. It was a responsible thing to do.

The gentleman from Maine has authored a thoughtful amendment which should be debated in this body. That is what our responsibility is as a legislative body.

I support the Pentagon's plans to consider a national missile defense system at the turn of this century. We need to plan to guard against future long-range strategic missiles and a possible laser attack, but any system must be both affordable and capable of protecting all of our national security interests.

□ 1300

Pentagon leaders have emphasized over and over again that a rushed job would be, and I quote, a rush to failure that would cost taxpayers millions of dollars, jeopardize U.S. national security.

General Shelton, Chairman of the Joint Chiefs of Staff, said just last month, and I quote, that the simple fact is that we do not yet have the technology to field a national missile defense. He went on to say, and I quote, the Chiefs question putting additional billions of taxpayers dollars into fielding a system now that does not work or has not proven itself, end quote.

Our first priority must always be the long-term safety and security of American families. Without a guarantee of success, our national missile defense system may not be able to protect Americans from the threat of ballistic missiles that rogue nations like Iran and North Korea are expected to have developed by 2002.

I urge my colleagues to oppose the rule or to allow for this body to take up thoughtful amendments on this very critical and important issue. Oppose rash legislation that threatens to jeopardize our future national security.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in strong support of this bill and the rule. As this resolution states, the U.S. must deploy now and not just develop a national missile defense system but deploy it. This resolution and debate hopefully will spur the deployment because, as has been noted so forcefully here today, we are now defenseless against a single ballistic missile launched against American soil.

Defending our Nation against attack is so fundamental a responsibility of ours and the stakes that we are talking about are so high, that I think it is important that we better understand how our country, with its great military, has gotten into our predicament of being defenseless.

The American people need to know. The answer is that since Ronald Reagan introduced the idea of missile defense over 15 years ago, every reason in the world has been found to delay. For one, we have heard the threat discounted. In 1995, the administration predicted that no ballistic missile threat would emerge for 15 years. This past August, the administration again assured Congress that the intelligence community would provide the necessary warning of a rogue state's development and deployment of a ballistic missile threat to the United States. Then that same month, that same month, North Korea test-fired its Taepo-Dong missile. The sophistication of this missile unfortunately caught our intelligence community by surprise.

North Korea, impoverished, unstable North Korea, a regime about which the Director of Central Intelligence recently said that he could hardly overstate his concern over and which in nearly all respects, according to him, has become more volatile and unpredictable, may soon be able to strike Alaska and Hawaii, not to mention our allies and U.S. troops in Asia.

Ominously, North Korea is continuing its work on missile development. This is the very threat that was supposed to be 15 years away. Even before this rosy assessment last July, Iran tested a medium range ballistic missile. Iran is receiving aid from Russia. Not surprisingly, the bipartisan Rumsfeld Commission recently concluded that the threat posed by nations seeking to acquire ballistic missiles and weapons of mass destruction, quote, is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community.

The fact is that we live in a world where even the most impoverished nations can develop ballistic missiles and warheads, especially with Russia's aid, and thus I ask the Members to support the rule and this resolution.

This by no way is said to disparage our intelligence efforts. Instead, we just need to appreciate that these threats are difficult to detect, and that we need to react in defense. Pearl Harbor caught us by complete surprise. We have no excuse with today's missile threat.

The second excuse to delay is the ABM Treaty.

Faced with the very real threats we've heard about, I'm at a complete loss as to why our country would let an outdated treaty keep us from developing a national missile defense system. Essentially, this Administration has allowed Russia to veto our missile defense efforts. This is the same country, Russia, that is contributing to missile proliferation by working with Iran.

Fortunately, Secretary of Defense Cohen has suggested that we would not be wedded to the ABM Treaty (Jan. 20)—that this treaty would not preclude our deployment of a defensive system. But this is only a step toward the deployment we need, and others in the Administration persists in calling the ABM Treaty "the cornerstone of strategic stability" (Berger, Feb. 8 letter).

I believe we need to get beyond a treaty that keeps us from defending our territory in the face of a very real threat—a treaty, I might add, that the Soviets secretly violated. And renegotiating this treaty in a way that still precludes us from deploying the best missile defense system we can—allowing for a dumbed-down system—which is what the Administration is suggesting, is simply not acceptable.

The fact is that the Russians have nothing to fear from us. The United States doesn't start wars. To forgo defending our territory because we're afraid of what the Russians or others may say about our defensive actions is indefensible.

Third, we hear that a national missile defense system is too costly. Yes, we have made an investment in missile defense since Ronald Reagan launched his initiative, though this has been a small fraction of what American industry invests in research each year. But let's be honest here, defense is not free. And there have been some failures. But since when does success come without failure? Entering the twentieth century, the United States is the wealthiest, most technologically advanced country in the history of the world. There is no reason beyond the ideology of arms control, complacency or worse not to deploy a national missile defense now.

Before World War II, many people were stuck in a similar mindset. Leaders in England and elsewhere didn't want to develop advanced defensive weaponry. One leader stood alone though, pushing for England to develop its technology, including radar, in the cause of its national defense. His efforts encountered much resistance. Many said that there could be no defense against air power. There was some outright opposition from those who favored disarmament, including Prime Minister Stanley Baldwin, seeing disarmament as a way of better dealing with Germany. Well, history has told us that the dark days England soon after suffered through would have been much darker if England had not had Winston Churchill. Radar, by the way, which Churchill tirelessly pushed, was critical to winning the Battle of Britain.

Sometimes it's not easy exercising foresight and taking preemptive action. But I cannot think of a more pressing issue for this Congress to address than defending our nation against the emerging threat of ballistic missiles. I commend the authors of this important resolution and hope it receives overwhelming support from this body.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I appreciate the gentleman from Massachusetts (Mr. MOAKLEY) yielding time to me.

Mr. Speaker, I rise in support of the resolution but I am going to oppose the rule because I think the Allen amendment should have been put in order. I wish we would have had an opportunity, like the Senate did, to take amendments on this important national security issue.

Having said that, I do want to compliment my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Missouri (Mr.

SKELTON) and those people who have tried to work to make this into a bipartisan issue. I want to remind my colleagues, I have been on the Subcommittee on Defense for 21 years. I was there in 1983 when Ronald Reagan announced his effort to build a national missile defense system.

I happen to believe that we always have to have defense priorities. My number one defense priority today is theater missile defense. When we deploy our troops in all these countries, whether they are in the Middle East or whether they are in Saudia Arabia, wherever they are, Bosnia, we want to be able to have a credible theater missile defense system in place.

It was not until just this week that Patriot 3 had its first success. So as we come to this decision on national missile defense, I must point out to my colleagues that we still do not have the technology in place to deploy such a system, and that is why we are going to have to continue the research, continue to look at this on the year-by-year basis and, again, my hope is that the first thing we get done is theater missile defense to defend our troops.

I do believe there is a threat out there and I do believe that warning times are less than they used to be and many countries are proliferating and building ballistic missiles.

We are also going to have to work out a relationship with the Russians. This is not going to be accepted by them. We are going to have to negotiate with them. So hopefully, if we can deal with these issues, then we can go forward and have a system like this. I think we have to go into this with our eyes open.

Mr. REYNOLDS. Mr. Speaker, I inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York (Mr. REYNOLDS) has 9½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 5½ minutes remaining.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I rise in support of this rule and in strong support of the underlying piece of legislation. I represent the area of Florida that includes Cape Canaveral and the issues of ballistic missiles and space technology and aerospace technology is of tremendous interest. I ran in 1994 originally for Congress in support of deploying a missile defense system.

To those people who would say right now that we do not have something that is technically capable, I would say to them it depends on how one wants to define that. The Russians have had a missile defense system for 30 years. We currently have the Patriot system online. The technology is there. The debate is over how good it will work.

In my opinion, we should deploy the best system that we are capable of deploying now. After seeing the Rumsfeld report and personally reading the Cox report, I would say we need to make a commitment to not only deploy the best system we are capable of deploying now but to plan on upgrading that system within the next 10 years to a better, more sophisticated system, because the threat is real and the threat is great.

As parents, we are responsible for taking care of our kids and making sure they have good manners and making sure they get fed, but it would be very irresponsible if we left the front door unlocked and the window open every night allowing somebody to come in to rob, steal and commit mayhem.

What good is it for us in this country if we are going to do all of these wonderful things for Social Security and for education in America and all of the other proposed good things that we are going to do while we leave New York, Los Angeles, Boston, Miami, Philadelphia and all the great cities of this country vulnerable?

The Chinese have already said that we would not be willing to risk those cities in defense of Taiwan, and we already know, from reading the New York Times, that the Chinese have acquired the most sophisticated weapons systems.

Support the bill. Support the rule.

Mr. REYNOLDS. Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. WELDON), who I have had the occasion to recognize as one of the leading experts on missiles.

Mr. WELDON of Pennsylvania. Mr. Speaker, let me thank my distinguished colleague for his leadership on the rule. I also want to pay my respects to my good friend, the ranking Member on the Committee on Rules, who is a real gentleman.

Mr. Speaker, I want this debate to be focused on factual information and not rhetoric and so I am going to go through the comments made by my colleagues in opposition to this rule one at a time.

We heard from the gentleman from Massachusetts. He said this was a Republican partisan effort. When I introduced this bill last August, I reached out to the Democrat side. The bill had 24 Democrats and 24 Republicans when I dropped the bill in, because I did not want it to be a partisan battle. There were some in my party who criticized me for that.

When I introduced the bill in this session of Congress, Mr. Speaker, it had 28 Democrats and 30 Republicans. In fact, when it passed the Committee on Armed Services, the vote was 50 to 3, with Democrats joining Republicans in support. This has been a totally bipartisan process.

Mr. Speaker, amendments could have been offered. The gentleman from Maine (Mr. ALLEN) could have offered an amendment. He chose not to. Now, are we being unfair, Mr. Speaker?

At the Committee on Rules yesterday there were two people who wanted amendments, one Republican and one Democrat. I opposed both because each would have taken the bill to an extreme position that perhaps would not have been the clear-cut debate that we need on this issue, which is whether or not to move forward.

Some say there has been no debate. Mr. Speaker, in the 5 years I have controlled the Subcommittee on Military Research and Development, there have been over 60 hearings, briefings, classified sessions. For someone to say there has been no debate is just a case where they do not understand what in fact has transpired.

One of my colleagues on the other side said the cost. Let us look at the cost, Mr. Speaker. We have spent $9 billion in Bosnia already. The administration's estimate for the cost of NMD is $6 billion. So we are going to spend more to protect peace in Bosnia than we are to protect our own people.

In fact, we are spending $10 billion this year on environmental cleanup, $10 billion on environmental cleanup versus the administration's estimate of $6 billion for an NMD system.

The gentleman from Massachusetts (Mr. MARKEY) said this is going to jeopardize our relationship with Russia. I say hogwash. If one wants to know what is going to jeopardize our relationship with Russia, Mr. Speaker, ask the administration why they cancelled the funding for the only joint Russian-American missile defense initiative that we have last October, the Ramos project.

When we were in Russia this past weekend, that is what the Russians were concerned about, that this administration cancelled all the funding for the only joint program to build confidence that we have.

Ask the administration why they cancelled the Ross-Mamaedov talks back when they took office in 1993. It was President Bush who started those talks because Yeltsin said, let us work together. What did this president do? When he came into office in 1993, he cancelled the talks and said, no, we are not going to work together in missile defense.

If one wants to talk about instability, ask the arms control crowd. The arms control crowd who was arguing against our bill today, and I am glad they are because this is what they are, this was a chart that they had inserted in a national magazine on the debate about missile defense. One of my Russian friends read this to me and he said, "Curt, I understand what you are trying to do but this is what is going to be all over Russia."

The arms control crowd, the Natural Resources Defense Council, has a chart saying destroy Russia, killing 20 million people. This is the kind of rhetoric that inflames the Russian side, not what we are doing. I ask my colleagues to support the rule and to support the bill in a true bipartisan fashion.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN), the producer of the amendment.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, this House should defeat this rule. It is a closed rule that silences an important voice in the national missile defense debate, and that voice is the voice of the Joint Chiefs of Staff. General Hugh Shelton, the Chairman of the Joint Chiefs, said in testimony before the Committee on Armed Services of the House last month that, and I quote, the decision to deploy a national missile defense system will be based on several factors, the most important of which will be assessments of the threat and the current state of the technology.

□ 1315

H.R. 4 does not address threat or technology, or cost, or arms control. I asked the Committee on Rules to make in order an amendment I drafted, but that request was denied. The amendment provided that it would be the policy of this country to deploy a national missile defense that is proven to be effective. In other words, the system needs to work.

Second, that it would not diminish our overall national security. We have the task of making sure that we develop and we proceed with strategic nuclear arms reduction talks with Russia. Third, that it would not compromise other critical defense priorities. We have to pay attention to our troops, and as the gentleman from Washington (Mr. DICKS) said a few moments ago, a theater missile defense to protect our forward-deployed troops is vitally important.

This is the position, the amendment I proposed, I believe is the position of the Joint Chiefs of Staff and I am dismayed that their views were shut out.

Now, H.R. 4 came up in the Committee on Armed Services, but it is interesting. The gentleman from Pennsylvania (Mr. WELDON), the distinguished chairman of the Subcommittee on Research and Development, said I did not offer this amendment in committee. Well, the truth is, I did not offer the amendment in committee because we had not even held a hearing with General Lyles. This bill was marked up in committee before we heard from General Lyles on that day.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Did the gentleman have an opportunity to offer an amendment in committee?

Mr. ALLEN. I certainly did.

Mr. WELDON of Pennsylvania. I thank the gentleman.

Mr. ALLEN. But I chose not to exercise that right, because I wanted to hear from the military as to their opinions.

Does it make sense for us to commit to a program before we hear from the office that executes that program?

H.R. 4 would deploy a national missile defense system before we have tested the system, before we know whether or not it works. My amendment, however, was not designed to kill this system. On the contrary, it was designed to make sure that a national missile defense system would work.

First, national missile defense must be demonstrated to be operationally effective against the threat as defined as of the time of the deployment and as we can project for a reasonable time into the future. Does anyone disagree that we should test national missile defense before we buy it?

Second, national missile defense should not diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to this country, including negotiated reductions in Russian nuclear forces. Does anyone disagree on seeking further Russian disarmament?

Third, national missile defense must be affordable and not compromise readiness, quality of life of our troops, weapons modernization, and theater missile defense deployment. Does anyone disagree with these critical defense priorities?

H.R. 4, however, is silent on each one of these priorities. We should defeat this closed rule and allow Members the opportunity to vote to recognize that there are real world considerations for national missile defense deployment. That is the opportunity the Senate had; that is the opportunity that we should have in this House and well. I urge a "no" vote.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to thank the gentleman, because I just want to comment on the strangeness of my colleague from Pennsylvania's understanding of parliamentary procedure.

My objection was, and my assertion that this has been made partisan, was due to the refusal to allow the gentleman's amendment to come up on the floor of the House, the House of Representatives, the whole body, the body that represents the people.

The gentleman from Pennsylvania's answer, was well, he could have offered it in committee. That is another one of those gracious concessions that is offered only because it could not have been withheld. There are under our rules no way to stop an amendment from coming up in committee.

But the notion that because the rules allow amendments to be offered in committee, and the gentleman said he withheld because there had not yet been a hearing held that he wanted have to take place, that that is some justification for shutting off discussion of this amendment and a vote on this amendment as an amendment, not as a recommittal, on the floor of the House, makes no sense.

This is the place where the ultimate Democratic decisions are made, and the notion that oh, okay, one could have offered an amendment in committee, committees are not wholly representative of the House. They are not supposed to be. This is the body in which public policy is supposed to be discussed, and the majority's refusal to allow a fair debate and vote as an amendment on the gentleman's proposal is what makes this unduly partisan, in my judgment.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts. I urge my colleagues to vote "no" on this rule.

Mr. REYNOLDS. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker I rise in strong support of this rule, and I would like to begin by complimenting the newest member of the Committee on Rules, the gentleman from New York (Mr. REYNOLDS), who I think in a tough situation has done an extraordinarily good job in dealing with this in, as he pointed out when he recognized the gentleman from New Jersey, in a very bipartisan way. I am very encouraged by that.

I also want to say that as we look at this issue, it is obvious to me that we have a number of experts; Mr. WELDON has done a wonderful job on this, I think about the U.S. Constitution. There are no more important words in the U.S. Constitution than the five words in the middle of the preamble: "Provide for the common defense."

In light of that, it seems to me that a 15-word bill, which is exactly what this is, is the right thing for us to do. One is either for it, or one is against it. That is really what it comes down to.

So I think that we have had full consideration in committee. Both the chairman of the Committee on Armed Services and the ranking minority member talked about the debate that took place in the Committee on Armed Services, and my friend from Massachusetts is right. There should be the opportunity on this floor for the gentleman from Maine (Mr. ALLEN) to offer his amendment. And guess what?

Back in 1994 when we won this majority, we very proudly made an important change in the Rules of the House. Now, he and I came together in 1980, and on numerous occasions, at least a couple of times a year, the opportunity to offer a motion to recommit was in fact denied to us when we were in the minority. When we made this rules change in 1994, we decided that it would be, in fact, a rule of the House that the minority would have an opportunity to offer a motion to recommit. And guess what? The Allen amendment can be made in order under the motion to recommit that we have.

Now, we have this hour of debate on the rule; we are going to have, in fact, 3 hours of debate.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, is the chairman of the Committee on Rules telling us that in his judgment now, the motion to recommit, which has 10 minutes of debate and which is often cast in a very partisan way, and it is better than nothing.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I was just going to say that we are going to have 3 hours of debate. Now, if the decision is made at this moment that the motion of the gentleman from Maine (Mr. ALLEN) is the one that the ranking member of the committee wants to offer as a recommittal motion, for that entire 3 hours of debate, the opportunity is there, the opportunity is there for a full and open discussion on this issue.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, under the Rules of the House as I understood them, if the amendment of the gentleman from Maine (Mr. ALLEN) had been made in order, we could have had debate on that amendment, and then we would have also had a motion to recommit.

Mr. DREIER. Mr. Speaker, if I could reclaim my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I apparently misunderstood the gentleman saying that he would yield. I thought the gentleman said he would yield.

Mr. DREIER. May I reclaim my time.

Mr. FRANK of Massachusetts. I apologize for misunderstanding when I thought the gentleman said he was going to yield.

Mr. DREIER. Mr. Speaker, I did yield. The gentleman said that he wants to have a debate, and we are going to have debate. In fact, 3 hours of debate can take place on the Allen amendment if you all so choose. So the idea that the opportunity to offer it has been denied is crazy, because we changed the rules in 1994 to make that order.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. Mr. Speaker, may I make a couple of points as we conclude this debate on the rule?

Mr. FRANK of Massachusetts. Mr. Speaker, of course the gentleman may conclude. He controls the time.

Mr. DREIER. Mr. Speaker, I thank the gentleman very much.

What I want to say is if we look at the report that has come forward from the Rumsfeld Commission which was presented to us on the House floor today in a closed meeting, the declassified segment of that makes it obvious. It says, the Rumsfeld Commission, the ballistic missile threat to the United States is broader, more mature, and evolving more rapidly than reported in estimates and reports in the intelligence community.

Now, what does that say? It says that as we look at this threat that is there from Pakistan, Iran, Iraq, North Korea, Russia, China, it is obvious that this is the most responsible thing for us to do. So that is why I will say again, one is either for it or one is against it. This reminds me of the debate that we had in the 1980s.

Again, I congratulate my friend, the gentleman from New York (Mr. REYNOLDS) for the great job that he has done on this.

Mr. FORD. Mr. Speaker, I rise today out of concern that the majority is not allowing amendments on this important legislation. Yesterday the Administration and the Senate were able to compromise on a similar measure, simply because the Senate Majority Leader provided the room to compromise. Unfortunately, such leadership is absent today in the House.

I don't have to remind my colleagues of the importance of this decision today. As most of you know, I am the youngest member of the House. Many people have tried to find a name for my generation, because in earlier times there was the World War I generation, the World War II generation, and the Vietnam Generation. There are no wars to name us by.

Why is that? Because we have learned how to work with other nations to reduce the threat of armed conflict between the great powers. We have learned that effective diplomacy, backed by the threat of the use of force, can help defuse this threat among members of the international community.

Of course, the threats posed by rogue states such as Iraq and North Korea—who have been ostracized by the international community—have dramatically changed the rules. I believe that we need to prepare for the asymmetric threats posed by nuclear, chemical, and biological weapons. However, we should not act impetuously.

The Administration has requested that we amend H.R. 4 in order to make clear that the decision to deploy a missile defense system is contingent on a variety of factors, including an assessment of the costs and feasibility of the project. The rule, however, prevents us from taking this sensible step. Instead, it asks that the House make the decision for the President after 2 hours of debate, without any consideration of what such a project entails.

The rule also prevents us from reaffirming our commitment to the 1972 Anti-Ballistic Missile Treaty. It jeopardizes the adoption of the START II treaty by the Duma in Moscow. Indeed, the Russian parliament is also addressing concerns over weapons of mass destruction. To show our support for strategic arms reduction, we ought to demonstrate our commitment, yet we are unable to do so because of this rule.

As the legislative branch, we have a right to be involved in foreign policy decisions. Yet we need to use this right responsibly.

We learned in the 1980s that relentlessly pursuing the goal of a national missile defense system without any realistic assessment of the costs involved is a bad way to make foreign policy.

By not allowing amendments, the majority is again acting in their own political interests, not the interests of sensible, prudent policy. Mr. Speaker, I oppose this rule.

Mr. REYNOLDS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 185, not voting 9, as follows:

[Roll No. 57]

YEAS—239

Aderholt
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley

Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—185

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Archer
Boehner
Burton
Buyer
Clyburn
Coburn
Frost
Myrick
Payne

☐ 1343

Messrs. BOSWELL, KLECZKA, MATSUI, BISHOP, HINCHEY and MORAN of Virginia changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, during rollcall vote No. 57 on H. Res. 120, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 120, I call up the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 4 is as follows:

H.R. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to deploy a national missile defense.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 120, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 1 hour.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before beginning, I would like to remind all Members who attended this morning's briefing with the Rumsfeld Commission that the briefing was classified. Accordingly, during the next several hours of debate, Members should take extreme care not to discuss any of the details or specifics of what they heard.

Mr. Speaker, H.R. 4 is a 15-word bill stating, and I quote, "That it is the policy of the United States to deploy a national missile defense." The bill is clear in its intent, elegant in its simplicity and reflects a bipartisan belief that all Americans should be protected against the threat of ballistic missile attack.

Mr. Speaker, the biggest frustration of my life, as chairman of the Committee on Armed Services, has been to persuade our own government to protect our own citizens from nuclear attack. This is a threat that is not sometime in the future, it is a threat that is here this minute. As a matter of fact, the threat has already passed.

There is a scenario about President Yeltsin of Russia getting on the hot line to our President and saying the following: "Mr. President, some dumb fool has pushed the wrong button over here and we've got an intercontinental ballistic missile with 10 multiple reentry vehicles on it heading your way. We can't call it back, we can't shoot it down, and thought you ought to know about it."

The President calls over to the people in the Pentagon and tells them what he has heard and tells them to take care of it. They have to tell him, "Mr. President, we can't defend against that one intercontinental ballistic missile launched by accident."

That is not way out. That could happen. It could have already happened. As a matter of fact, a few years ago, the Norwegians launched a weather rocket in Norway. The sensors in Russia mistook that launch for a launch of an intercontinental ballistic missile from us on them, and they were literally minutes away from launching an attack against our country in retaliation; minutes away before they had it sorted out and called it off. That is what we are facing today. That is the threat. It is right here.

We have been trying to warn this administration and the American people of the dangers we face. I think back in history of all the many warnings that we had before Pearl Harbor. Those warnings were not heeded, and we see what happened. We have had many warnings to date on all sides of the many threats we face from throughout this world, of all kinds. The warnings are not being heeded.

We tried to pass a national missile defense back in 1995, the 1996 Defense Authorization bill. The President vetoed it. We have tried to do some other things since that time. We have had to try to take one step at a time to bring the administration to the realization of what is happening and what we need to do to properly defend this country.

After the President vetoed that bill, he said that there was no threat facing this country; we did not need a national missile defense. As a matter of fact, he even had the CIA issue a National Intelligence Estimate which politicized the issue and was phrased this way: "Aside from the declared nuclear powers, it will be 10 or 15 years before rogue nations, other nations, will develop a capability." I said to myself, "That is misleading. These other countries can buy the capability from the countries which have it right now. They do not have to do it as an indigenous thing on their part."

I remember calling up the Director of the CIA at that time and trying to get him to change that National Intelligence Estimate to more clearly reflect the true state of affairs. He would not do it. So we had to appoint this Rumsfeld Commission, a bipartisan commission, to study the question and come back and give us an independent assessment of the threats we face.

After studying the seriousness of the question over a period of about a year, they came back, in a bipartisan way, unanimously, and said that instead of us having to be concerned about 10 or 15 years away from the threat, we would have little or no warning of a system deployed somewhere else that could impact on us in that way.

Even after the report came out, the administration still maintained that they would go on with the 3-by-3 policy they had, which meant they would study the question for 3 more years and, at the end of that time, if the threat was real, then we would decide whether or not to deploy the system.

So here we are today, after all this time, one step at a time, now trying to get them to utter that one word: Deploy.

North Korea's launch of a 3-stage ballistic missile last August was one of a number of disturbing events that confirmed the Rumsfeld Commission's findings and compelled the Administration to concede that the threat was not a decade away. Earlier this year, Secretary of Defense Cohen publicly confirmed the Administration's updated perspective on the threat in stating [quote] "that there is a threat and the threat is growing." [unquote]

Technology has matured to the point where it is feasible to move forward with plans to deploy a national missile defense system. There will always be test failures and there will always be technological challenges. But Americans have never shied away from a challenge, and this is certainly no reason not to proceed in the face of a threat that gets worse by the day. And as this week's successful PATRIOT missile test demonstrated, missiles can intercept other missiles.

Even with Congress adding funding to missile defense programs during the past four years, the Administration has just recently recognized that its own budgets were inadequate. To its credit, the Administration has budgeted, for the first time, a level of funding intended to support an initial deployment of a national missile defense system. And just to put cost in perspective, the cost of a national missile defense system, by the Administration's own estimates, will comprise less than one percent of the overall defense budget, and less than two percent of our military modernization budget over the next five years.

Mr. Speaker, national missile defense is necessary, feasible, and affordable. But in spite of the growing consensus that the threat is real, progress on technology development, and increased funding, the Administration has steadfastly refused to commit to actually *deploy* a national missile defense. H.R. 4 fills this void and will put this House on record making an important commitment to each and every American that they will be defended.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina (Mr. SPRATT) be recognized to manage, at the end of my statement, the balance of the time on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4, a bill to declare it the policy of the United States to deploy a national missile defense.

Many of my colleagues know me as a strong advocate for a strong national defense, maybe even doctrinaire when it comes to taking care of our troops. Fair enough. As my colleagues should also know, my support does not extend to all things defense, nor is it without qualification. Today's topic, national missile defense, is a case in point.

For some 15 years, I have been concerned that various proposals for deploying a national missile defense system were unjustified and too expensive. Further, I believe that any effort to do so would siphon needed resources from what I considered to be higher priority defense needs. Thus, I have not been among the voices advocating deployment of a national missile defense system. Instead, while others have been speaking passionately on the subject over the years, I have been listening.

I am persuaded by the facts from current intelligence estimates and the events of the past year, Mr. Speaker, that the technology needed to develop an ICBM capable of delivering a warhead of mass destruction against large portions of the United States is today in the hands of at least one so-called "rogue" actor. Worse, much of the needed technology has been demonstrated. And, as my good friend and former colleague, Ron Dellums, would say, "I can see lightning and I can hear thunder." Accordingly, I now believe it is not only possible, but probable, that significant portions of the United States will be threatened by ICBM delivered warheads of mass destruction sometime before the year 2005; time the administration now says it needs to deploy a suitable, limited national missile defense system.

I also believe that $6.6 billion included in the administration's fiscal year 2000 future years defense plan for national missile defense deployment related activities recognizes this threat development and tacitly acknowledges that the administration also views the ultimate deployment of a limited national defense missile system as inevitable.

Mr. Speaker, the issue is not just about a national missile defense system, nor can it be. To successfully defend America from an ICBM delivered threat, we need to act on a potential threat of a missile over its entire life; not just the last 15 minutes to do so.

Priority must be given to our first line of defense: Aid and diplomacy, counterproliferation programs, and arms control agreements. Although not perfect, these programs work and are relatively cheap. More importantly, by reducing or preventing the number and sophistication of ICBMs that might threaten us, they make national missile defense system technically feasible. Deterrence also works, and since these forces already exist, it is the logical second line of defense.

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Finally, I now think deployment of a limited national defense system, as a third and final line of defense, is as advisable as it is inevitable. At the same time, however, I believe we must guard against the national missile defense program that undercuts the first and second lines of defense.

This brings us to H.R. 4, a simple declaration that we are committed to ultimately deploying a national missile defense, period. It is an opportunity to move past the philosophical debate that has divided us, to move past who is and who is not willing to defend America. Therefore, I must admit to my disappointment with the administration for considering this legislation to be unnecessary and withholding their support on that basis. Nevertheless, it is significant that its concerns do not rise to the level of a veto threat. Thus, I would ask my colleagues to keep this fact in mind during deliberations here today.

In my opinion, H.R. 4 does not go beyond the administration's program for a limited national missile defense in any way. According to the Congressional Budget Office, H.R. 4 will not increase missile defense costs one cent. More importantly, it does not compel a national missile defense system architecture that is incompatible with the ABM Treaty. Equally important, Mr. Speaker, it does not mandate a deployment date or condition. Thus, it does not generate a rush to failure by calling for deployment of an inadequately tested or ineffectual system.

The new realty is that a lot has changed since the strategic defense initiative debate was joined some 16 years ago. A lot has changed since last year, and yesterday's truths are no more. So I ask my colleagues to approach H.R. 4 with an open mind, try to consider it as a good-faith effort to establish a bipartisan consensus, and I will repeat this, a bipartisan consensus on defending America. That is what I believe it is.

Mr. Speaker, our most distinguished colleagues on the subject of missile defense, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT), two respected Members who have in the past been disagreeing on this issue, have joined together in a significant collaboration to provide us with a rare and distinct opportunity to rise above our differences and move the national missile defense debate forward on a less philosophical and less partisan basis. For the good of the country and for the good of this institution, I believe in the strongest possible terms that we should seize this opportunity, Mr. Speaker, and pass H.R. 4.

I want to thank the gentleman from Pennsylvania (Mr. WELDON) and I want to thank the gentleman from South Carolina (Mr. SPRATT) for coming together to write and draft H.R. 4 and provide us with this historic opportunity.

Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 4.

Today I rise in support of H.R. 4, "A bill to declare it to be the policy of the United States to deploy a national missile defense." Let's face the fact that the ballistic missile threat is not, I repeat, is not decreasing, it's here now and growing. The deployment of a national missile defense system is necessary for protection from rogue nations such as North Korea and Iran.

Alaska is still on the front line, as it was during the cold war, but today's threat is from the increase of important military technology, including nuclear, chemical, and biological weapons and ballistic missiles. In recent years, ballistic missiles and weapons of mass destruction technologies have increased at an alarming rate. In fact, rogue states such as North Korea and Iran have arsenals which are growing by the day. Alaska is within the sites of these rogue nations.

Residents of Alaska are concerned about the fact that there is no protection from the threat of a ballistic missile attack. The Alaska state legislature recently passed a resolution calling on the President and Congress to provide for the common defense of our nation and the deployment of a national missile defense system. We not only owe it to Alaskans to protect them from the threat of a ballistic missile attack, but to the entire United States.

Today, we can deliver on a policy that will move the defense of our nation forward. I urge your support of H.R. 4.

Mr. Speaker I include for the RECORD a copy of the Alaska House Joint Resolution.

HOUSE JOINT RESOLUTION NO. 8 IN THE LEGISLATURE OF THE STATE OF ALASKA

A resolution relating to a national ballistic missile defense system.

Be it resolved by the legislature of the State of Alaska:

Whereas the collapse of the Soviet Union has rendered obsolete the treaty constraints and diplomatic understandings that limited the development and deployment of weapons of mass destruction and their delivery systems during the Cold War; and

Whereas the world has consequently witnessed during this decade an unprecedented proliferation of sophisticated military technology, including nuclear, chemical, and biological weapons and ballistic missiles; and

Whereas the United States has recognized that it currently has no means of protecting all of its citizens from attack by these new threats and has initiated a program to develop and deploy a national ballistic missile defense system; and

Whereas four locations in the state are currently being considered as sites for deployment of the intercept vehicles for this system; and

Whereas each of these locations provides the unmatched military value of a strategic location from which Americans living in all 50 states can be defended as required by the United States Constitution; and

Whereas, throughout Alaska's history as a territory and a state, Alaska's citizens have been unwavering in their support of a strong national defense while warmly welcoming the men and women of our armed forces stationed here;

Be it resolved, That the Twenty-First Alaska State Legislature calls upon the President, as Commander In Chief of the Armed Forces of the United States, to provide for the common defense of our nation by selecting an Alaska site for the deployment of the national ballistic missile defense system.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Floyd D. Spence, Chair, Committee on Armed Services, U.S. House of Representatives; the Honorable John Warner, Chair, Committee on Armed Services, U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Mr. SPENCE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of our Subcommittee on Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the distinguished chairman for yielding, and I want to thank both him and our distinguished ranking member the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPRATT) for their leadership in working to bring a solid bipartisan resolution to the House floor.

I want to set the tone, Mr. Speaker, for the debate and why we are here, so I want to outline for my friends why we are offering this bill at this time.

It was back in 1995, Mr. Speaker, that the President of the United States vetoed our Defense Authorization bill: and in his veto message, one of the key elements that he referred to was that our intelligence community does not foresee a missile threat in the coming decade. This is President Clinton. And he went on to say that we should not force an unwarranted deployment decision then, which we had in our bill, again with a bipartisan vote, and so he vetoed the legislation.

Since that point in time, Mr. Speaker, the intelligence community, in support of the Rumsfeld Commission's findings, which were briefed to Members of Congress on the House floor today in an unprecedented 90-minute closed session, has stated the threat is here now.

In fact, the intelligence community publicly has said that North Korea, with their test of a three-stage Taepo Dong rockets on August 31 of last year demonstrated that it can put a small payload with a chemical or biological or small nuclear warhead into the heartland of the U.S., not to just Alaska or Hawaii, but to the heartland of the U.S. That is the first time we ever faced such a threat.

With the Rumsfeld Commission and intelligence community now in total agreement on the threat then, the question is, let us make a deployment decision so that we can move forward. Unfortunately, the administration has chosen not to do that. This is the statement of Defense Secretary Bill Cohen on February 1 of this year. This statement says, and I would ask my colleagues to look at this, "If the President decides that the deployment should go forward," if he decides, "next June the President would make that decision."

This bill, make no mistake about it, is a clear and definitive difference between the administration's policy of waiting a year until June and us making that decision right now. We need to make that decision now. It does not mean we know the architecture, how long it will take. It does not mean that we should immediately abandon the ABM Treaty or have the Russians in fact think we are trying to back them into a corner. Because some who will support this bill want to keep the ABM Treaty until we can negotiate with the Russians. So the bill was written in such a way as to allow a number of Members in each party to support it.

Let me talk for a moment since we have now identified the fact that the threat has been verified by the intelligence community. Some would say, what about the cost? As I mentioned during the debate on the rule, we have today spent $9 billion on Bosnia protecting the Bosnians and the people in the Balkans.

This system the President is proposing would be less than or, at most, equal to what we will spend in the Balkans, less than what we spend each year on environmental cleanup, less than one half of one percent of our total defense acquisition budget.

The third issue that is raised is this will destabilize our relationship with the Russians. We heard that repeatedly. This past weekend, eight of us, two Democrats and six Republicans, along with Don Rumsfeld, former Defense Secretary, the former CIA Director Jim Woolsey for President Clinton, and Bill Schneider, former Deputy Secretary of State, traveled to Moscow and we briefed the Duma on why we are doing this. This is not about destabilizing our relationship.

I encourage my colleagues to support this bipartisan resolution and vote "yes."

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise today in strong opposition to H.R. 4. Simply stated, this bill is wrong. It does nothing to advance our technological capability to protect America. And even worse, it could reverse ongoing efforts to dismantle Russia's nuclear arsenal.

Today's vote would wager America's national security. Our Nation would be dependent on a nonexistent system that has failed 14 out of 18 recent tests. If this bill actually becomes law, it will lock us into automatic deployment of a national missile defense system without regard to cost to our taxpayers or the system's effectiveness or its impact on relations with our allies.

This bill is a blank check to defense contractors and a hollow promise to Americans who are rightly concerned about our national security. However, instead of spending billions of dollars committing to deploy a system that is unlikely to work undermining our national security, we should focus on defense initiatives we know will make American families safer, conducting tougher arms control and verification measures, continuing the dismantling of Russia's nuclear weapons, engaging in a coordinated effort against terrorism, and making sure our troops have the training, equipment, and quality-of-life programs that they need and deserve.

Finally, this vote really sends the wrong message at the wrong time. Why, Mr. Speaker, are we pushing this vote just days before the Russian Prime Minister is set to arrive in Washington in the midst of U.S. efforts to negotiate modifications to the ABM Treaty and just as the Russian Duma has asked President Yeltsin to start the ratification process for START II?

We must be vigilant in our attempt to keep efforts on track to reduce nuclear weaponry. We must not allow this bill to turn back the clock on these efforts. For these reasons, I urge the House to reject H.R. 4, reject the automatic deployment of weapons derived of latter-day Star Wars mentality, and, if necessary, call on the President to veto this bill.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense Appropriations.

Mr. LEWIS of California. Mr. Speaker, I would like to very much express my appreciation to our chairman, the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON) for the wonderful work they have done. And congratulations to both the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) for their bipartisan effort.

Mr. Speaker, I rise in support of H.R. 4. This morning prior to the start of this debate, every Member had the opportunity to be briefed on the growing threat to Americans from ballistic missiles. What is extremely alarming is the emerging threat posed by North Korea and Iran. As we know, both countries are of particular concern because they are actively seeking to develop medium- to long-range ballistic missiles. In fact, with regard to North Korea, the Rumsfeld Commission issued a clear warning. Their report said:

> There is evidence that North Korea is working hard on the Taepo Dong 2 (TD-2) ballistic missile . . . the TD-2 could be deployed rapidly . . . This missile could reach major cities and military bases in Alaska and the smaller, westernmost islands in the Hawaiian chain. Light-weight variations of the TD-2 could fly as far as 10,000 km, placing at risk western U.S. territory . . . from Phoenix, Arizona, to Madison, Wisconsin.

The actual launch of a three-stage Taepo Dong 1 in August 1998, just a month after that report was issued, served as unambiguous demonstration of North Korea's capability. The threat emanating from unfriendly rogue nations like North Korea is why I strongly support this legislation.

Unfortunately, opponents of this bill argue that the U.S. is not ready to deploy missile defense and that the system is not technically mature. Others will say, the system is too costly and that the bill mandates deployment and ignores important issues such as the threat environment, ABM treaty implications and START agreements. To those who oppose this legislation on these grounds, I say the language of the bill is simple. It states: "That it is the policy of the United States to deploy a national missile defense."

What is important is that it does not say that missile defense should be deployed before it is ready or technically mature. It does not say that the U.S. should deploy a missile defense system regardless of cost or that policy makers should ignore the threat environment. Perhaps most important, the bill does not say that the U.S. should abrogate the Anti-Ballistic Missile (ABM) Treaty nor does it say the U.S. should abide by the treaty.

H.R. 4 simply says the Congress and the Administration are committed to protecting American citizens against ballistic missile attack.

The White House says that it wants to protect the American people against the emerging long-range threat and asserts that the decision to deploy National Missile Defense will be based on four factors: (1) the threat environment; (2) the cost of the system; (3) treaty implications, and; (4) the technology and operational effectiveness of the system.

If handled in an expeditious manner, it is my view that this is not an unreasonable list of considerations. In fact, as Chairman of the Appropriations Subcommittee on Defense I will be very interested in the cost of the system.

Therefore, I believe this bill is an opportunity to get bipartisan agreement on a critical policy and yet it is flexible enough to allow for continued discussion on matters concerning cost, technology and treaty implications.

The time is right to secure an agreement on the policy of protecting our citizens against a potential limited ballistic missile attack. I commend Mr. WELDON for introducing this legislation and I strongly urge Members to vote for the bill.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding me this time.

Mr. Speaker, there is a scripture that I believe in that goes this way: It says, "If you are prepared, you shall not fear."

As a member of the Committee on Armed Services, the Cox Commission, and a former member of the Committee on Intelligence, I find this a very interesting debate that we find ourselves in.

I remember the early 1980s we were standing here debating something called the MX missile. I noticed how many people stood up and said, this will enhance the risk and buildup and we should not do it. That did not happen. Then later on we got into something we called "nuclear freeze," and some people stood on floor and said, if we do that, the other nations will have to go along with this, as the Soviet Union. Fortunately, we did not do that one either.

Then we got into something called Krasnoyarsk, and that is where many people were saying they do not have that radar in violation of the treaty. It turned out they did. And when they came down, they even acknowledged that they did.

Now we find ourselves in a position where people are standing up and saying, Mr. Speaker, the Cold War is over. There is nothing more to worry about. Where have they been? What about Iraq, Iran, China, Korea, all of these particular areas that are still doing these things?

I think it interesting as we hear the President and other dignitaries stand up and they say there are no missiles pointed at the United States. Past Director of the CIA, Jim Woolsey, stood up at one time and made this statement. "How long would it take to reprogram those missiles?" He used this example. He said, "As long as it takes my arm to go from here to there." So big deal that they are not programmed at us. Basically, they think that we think that they are.

Does anyone in their right mind actually think Saddam Hussein if he had these weapons of mass destruction would not use them against the United States of America? What is it they need? The weapon of choice in a rogue nation happens to be a missile. They do not need big armies. They do not need big navies. They do not need a big air force. So what do they need? They need a missile. And we know they have a missile. They need a warhead. And we know that they have a warhead. And we know that they have a guidance system.

I would urge my colleagues to support the resolution and this bill.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, most Americans have lived their entire lives under the threat of nuclear Armageddon. At the conclusion of the Cold War, many hoped that threat would subside. But today rogue states are developing ballistic missiles and weapons of mass destruction.

China has at least 18 ICBMs capable of hitting the United States and is stealing our nuclear secrets. Russia has thousands of tactical and strategic nuclear weapons, and that society is fraying at the edges in its ability to control each military unit that possesses nuclear weapons and to control each of its scientific institutes is not assured.

Further, in addition to the risk of ICBMs, smuggling things into the United States is demonstrably easy. A nuclear weapon is smaller in many cases than a child. And one could only imagine a Saddam Hussein holding a press conference in Los Angeles where one of his agents unveils that they have snuck into my city a dummy nuclear weapon while, God forbid, holding a press conference in Baghdad displaying a real nuclear weapon.

Missile defense can be one element of our security, and this bill is broad enough to encompass a cost-effective approach toward missile security. But it is also broad enough so that it could be interpreted as spending all of our available security resources on missile defense. We instead must devote some of those to diplomatic efforts to ensure international support of nonproliferation.

□ 1415

We must spend resources on counterintelligence. We must spend resources on domestic security so we are confident that biological poisons cannot be surreptitiously entered into our water supply. We must spend funds on border security so that the chance that a nuclear weapon that is sought to be smuggled into America is caught in that process is at least as good as the possibility that an ICBM aimed at America would be destroyed. We must cooperate with Russia as well.

Mr. Speaker, I look forward to the adoption of this resolution and its reasonable interpretation.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of this bill and commend the leadership for bringing this issue to the floor today. I thank my colleagues on the other side of the aisle who will have the courage to vote to declare it the policy of the United States to deploy a national missile defense.

Mr. Speaker, in my district, Colorado Springs is ground zero for the missile launch warning and tracking system for the United States military. I have visited the incredible facilities at NORAD, Cheyenne Mountain, the U.S. Space Command, and Schriever Air Force Base on many occasions.

In fact, on one occasion when I visited NORAD, they put me in front of a monitor and they simulated an attack on the United States. A missile came over the polar region from the Soviet Union and they told me what that missile was, what its explosive power was, where it was going to hit, and I said, "This is magnificent. This is state of the art. What do we do now?" And they said, "Nothing." They said we might be able to warn, give a short warning to some of the people that are going to be killed by it, but not enough warning for them to escape. We can do nothing. I do not think most of the American people realize that.

I wonder how it sits with the American people. I wonder how my colleagues who are opposed to this policy can look their constituents in the eye and say, "We shouldn't try to build a system to protect you and your families."

I have listened to the arguments coming from the President over the years who has opposed this and others and they make some points. We need to consider all of these points. But, Mr. Speaker, to not even try sickens me. I hope all Members will, when considering their vote on H.R. 4, think about the people that sent them here to represent them but also sent them here to protect them from things like this.

That building across the river over there that we call the Defense Department, I have always thought it curious that we called it the Defense Department but it cannot defend us against the number-one threat to America today.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding me this time. I want to congratulate the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Pennsylvania (Mr. WELDON) for their bipartisan and tireless effort to bring this legislation to the floor and thank our committee leadership, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), for giving us this opportunity.

The Constitution says that one of our foremost responsibilities is to provide for the common defense. I do not think there is a Member here who does not hold in his or her heart that responsibility very highly. But there will be those who argue that this is not the right way to provide for the common defense. I respectfully submit that they are wrong. This is the right way to provide for the common defense. Some say that the risk is not there or we are exaggerating it. I believe that our best judgment from our best intelligence compels us to conclude otherwise. Some say the technology will not work yet. They are right. But the technology for virtually every major weapons system did not work in the early stages. The technology for our space program did not work in the early stages. The technology of corporate America rarely works in the early stages. Technology never works if you do not try. This is about trying to make this technology work.

Others will say that other priorities should take precedence over this provision for the common defense. There are other important priorities. There is no priority more important than defending this country from attack. Because nothing else we do is possible if we fail to defend the country from attack. And how much are we asking to invest in this? Over the next 5 years, we will spend about $10 trillion of the taxpayers' money to develop this country on education, health care, transportation, all the other things that we do. This program will spend about one-tenth of 1 percent of that amount of money. The other 99.9 percent will be otherwise spent.

This is a wise choice. I urge my colleagues to support this bill.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the distinguished chairman of the Committee on National Security for yielding me this time and for bringing this measure to the floor at this time.

I am pleased to express my strong support for this important legislation, H.R. 4, a bill which declares our Nation's policy to be able to deploy a missile defense.

Each of us, after hearing this morning the findings of the Rumsfeld Commission, more fully understands the extensiveness and the seriousness of our national security concerns. Each of us understands that the ballistic missile threat is growing and presents not only a danger to our men and women deployed overseas but also now to our citizens here at home. Each of us understands that today our Nation does not have the capability to defend ourselves against a ballistic missile attack.

Today, we take important action to address this threat. Coupled with the vote in the Senate yesterday, we can now assure the American people that we are moving ahead with the deployment of an appropriate national missile defense shield.

Today's vote is timely for another reason. Just yesterday, a senior White House official concluded that Chinese espionage at our U.S. nuclear labs facilitated their efforts to modernize China's nuclear capability, thereby improving the ability of Chinese missiles to strike American cities.

Even more alarming is the possibility that China will pass on nuclear secrets to other nations, such as Pakistan and North Korea, as it has repeatedly done before.

Many deserve credit for this vote today, but I want to single out the gentleman from Pennsylvania (Mr. WELDON) who has tirelessly and steadfastly worked to educate all of us and the American people on the necessity to deploy a ballistic missile defense system.

Mr. Speaker, H.R. 4 is a simple, straightforward, 15-word bill. But its simplicity belies the profound implications it has for our Nation. Accordingly, I urge all Members to fully support this legislation.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, as a new Member of Congress and as a mother and as a grandmother, I take deadly seriously the decision to commit the United States to the deployment of a missile defense system. I see this proposal as nothing more than the beginning of Cold War II. And for me it is not just about the money, and it is not just about whether an antimissile defense system works, although we have already spent $55 billion and we still have not developed a technology that will work, and it is not just about whether it is truly defense. The fact is that America's borders and ports are open to penetration at much less cost and much less risk. So even if we could develop a bullet that could hit a bullet, it still remains not the best and most direct route from here to security.

We should begin that journey by canceling plans to proceed with the deployment of a national missile defense system, because it is in our security interest to do so. Then we could put more emphasis on measures to reduce strategic arsenals around the world. For example, we could apply some of those billions of dollars to programs like the Nunn-Lugar program to assist the Russians in dismantling nuclear weapons. Make no mistake about it, a military buildup, which is what this is, brings us closer to war.

My granddaughter, Isabelle, celebrated her first birthday this week. For her sake, we must put our energy, our resources, our intelligence and our dollars into actively, proactively pursuing peace.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, I think there is one thing that housewives and our other citizens across the Nation need to know, because I have sat in focus groups and listened to them say over and over again that they thought that there was a defense. And interestingly, the mothers of this Nation seem to be the most outraged when the moderator tells them, no, there is no defense. They say, "Well, that's outrageous. Of course our country has a defense against incoming ballistic missiles."

Now, it has been argued over and over that we have spent $120 billion and we have not produced or built any system. Well, that is because every bill that we have put forward that has authorized expenditure of money has specifically kept that money from going toward production. We have said in every authorization bill and every appropriation bill, you can research, you can do all kinds of analysis, you can't build anything. So now the opponents of national missile defense say, well, we haven't built anything. Well, that is right, and that is why the bill of the gentleman from Pennsylvania (Mr. WELDON) is on the floor today, to move the country forward in a unified manner and build something. And for those folks like the gentlewoman who just spoke who say that they will rely on mutually assured destruction, the problem that we have now is that it appears that there are certain people on this globe like Mr. Khadafi who will take that bet. They will go along with mutually assured destruction. Mr. Khadafi has said that if he had the missiles when we backed him down in the Gulf of Sidra, he would have fired on New York City. Unfortunately, because of arms sales and the proliferation of missile technology, Mr. Khadafi may well soon have the ability to carry out what he has stated that he will do.

Now, can we hit a bullet with a bullet? Well, yes we have done that. In fact, when Adolf Hitler fired the first missiles, those slow cruise missiles that he called buzz bombs at London in World War II, within a few weeks we designed a system to hit those slow-moving bullets with other bullets, with real bullets, and shoot them down. When we had American troops shot at by those Scuds, which are ballistic missiles, we hit those bullets with bullets, albeit slow bullets, we shot them down. Can we shoot down faster bullets? Absolutely. With a computing power that is millions of times above what it was just 10 or 12 or 15 years ago, of course we have that capability. But as long as we have conditions in our authorization bills that say you can research and develop forever but don't ever build anything, of course we never will build anything.

Finally, every time a threatening system has come before this country, has faced this country, whether it was the advent of the machine gun, or the tank, or radar, or enemy aircraft, we have built defend against those systems to protect our people. If we do not build a system to defend against incoming ballistic missiles, we will have turned down that most important duty for the first time in our history.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I rise in opposition to H.R. 4. I think we all know and I think the American people know that the issue before us is as much about politics as it is about a meaningful debate over national security policy. It appears to me that the Republican Party views missile defense as a good issue for the year 2000 elections. How else could we find ourselves in the sorry position of being asked to write a blank check to build a system that is unproven, that threatens to undermine the arms control efforts of the last six administrations, that could easily be thwarted, that could lead to a second nuclear arms race, and would divert billions of dollars from other neglected defense and nondefense programs?

This is certainly a prime example in my opinion of dumb public policy. Apart from squandering billions of dollars on a system that has not been successfully tested, this proposal poses a threat to our national security in three other ways: First, it provides a false sense of security while doing nothing to combat perhaps our most pressing security threat, which is terrorism. A rogue state or a terrorist group is far more likely to deliver a bomb or a chemical or biological attack in a suitcase, a subway train, as was done in Japan, or in a Ryder truck.

Second, it will divert resources from other neglected defense programs. Over the past several months, we have heard compelling and professional testimony from the heads of all uniformed services on many other emerging threats to our armed forces, from laser technology that can blind our pilots to sophisticated computer attacks. And every one of the service chiefs has spoken of the immediate need to provide adequate pay and benefits for our most important military asset, our people in the military service, thousands of whom still depend on food stamps to provide for their families.

□ 1430

Instead of addressing these issues today, here we are debating spending billions and billions and billions of taxpayers' dollars for the return of Star Wars.

Third, deploying a national missile defense system jeopardizes the START process.

To quote one commentator: "The only thing this national missile defense system is ever likely to intercept is billions of taxpayer dollars."

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 4, and I want to thank the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) for their leadership in getting this bill to the floor.

As my colleagues know, I grew up at a time when we had a worldwide threat. I can remember when I was going to school and our teachers would call drop drills, and we had to dive under our desk and turn away from the windows. We lived in constant threat of nuclear attack. Lately that threat has seemed to have disappeared, and the President said in the State of the Union that we were safe, that we were not under any threat of nuclear attack, and polls say that 70 percent of the people of our country feel that we are safe from nuclear attack.

But I want to thank the gentleman from Pennsylvania (Mr. WELDON) for making the truth known and the gentleman from South Carolina (Mr. SPRATT) for joining him in a bipartisan way.

Mr. Speaker, we do not live in a safe world. The defense of our Nation, which is one of our fundamental responsibilities in the Constitution, is an issue that should unite all Americans regardless of ideology. Less than 1 percent of our defense budget is spent on research to develop a national missile defense capability, yet the threat we are facing is growing. Russia and China are selling missile technologies to nations such as Iran and North Korea bringing these last two countries closer to producing their own missiles.

The threat to our national security and the security of our citizens is real. We do not have drop drills now, but perhaps we should until we get this missile defense system deployed.

H.R. 4, which was passed overwhelmingly by the House Committee on Armed Services, is an appropriate response to this threat. I urge a yes vote on H.R. 4.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, maybe I am just too simple, but today's debate, today's argument for an extended missile defense system, takes me back to the 1950s when I was in school. At least weekly while I was in grade school every student and our teachers went under our desks to practice protection against the atom bomb. Mr. Speaker, I can assure my colleagues we have a false sense of security, and it all came from these exercises. Now I question just how safe we could be with this missile defense technology against rogue States.

Mr. Speaker, what are we really investing in? I fear what we will be investing in is a false sense of security. I would suggest that instead we invest in true security. We can spend our scarce Federal dollars on technologies to protect us from the unknown, or we can use these scarce resources to keep our country secure by investing in humanitarian relations with other nations around the world.

For example, if we want to get serious about our nation's defense, we should be investing in programs that will prepare us to confront the international challenges we actually face and keep nuclear materials out of the hands of terrorists and rogue nations. This is a more effective tool for nonproliferation than Star Wars will ever be. This is where we should be investing our scarce dollars.

There is an even greater way that we can invest and that we can ensure national security. We can invest in our children. Education is truly the cheap defense of our Nation and all nations. By investing in education of our children, we will ensure that they are prepared for a high-tech global economy, they will be prepared to work for peace, and they will know that weapons of mass destruction and ballistic missiles can destroy every human being on this Earth.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, thanks to the work of the gentleman from Pennsylvania (Mr. WELDON), the chairman of the committee, the gentleman from California (Mr. HUNTER), others and the Rumsfeld Commission, no one seriously questions whether we are threatened today by the spread of missiles, nor does anyone question whether that threat is going to grow in the future. No one seriously questions whether the American people want and in fact demand a defense against those missiles, which even the administration now seems to acknowledge.

Mr. Speaker, if the national security is the first responsibility of the Federal Government and if protecting the homeland of the United States and the people of the United States is the first job of national security, then I do not know of any program that ought to be higher on the priority list than this one. The question is do we in Congress and does the administration really mean what we say in this resolution? Are these words merely a way to try to deal with a political problem and the polls, or do they mean something, and are they going to be backed up with action?

Since 1983, we have heard a million excuses about how we could not do this or we should not do this. Even today we hear excuses. But we cannot give Russia or anyone else a veto over our right to defend ourselves, we cannot be afraid of test failures, and we certainly cannot be fooled by those few people who say that by weakening ourselves we are really making ourselves stronger.

Mr. Speaker, the time for excuses has ended. The time for action is now. The time to back up these words with real actions that protect the American people is today.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, this debate is about whether, after spending $140 billion on missile defense programs over the last 40 years, we continue to spend billions more. But this debate is about much more than that. Given the fact that there is a limited amount of funds available for our needs, let me tell my colleagues what this debate is also about. This debate is whether millions of senior citizens today who cannot afford the prescription drugs they need to ease their pain or stay alive are going to get those prescription drugs or whether we continue to spend even more on the military. That is what this debate is about.

This morning, Mr. Speaker, I attended a committee meeting with representatives of all of the veterans organizations, and they said what is absolutely true, that this Congress has been disgraceful in ignoring the needs of our veterans and our Veterans Administration hospitals, and they are begging us for a few billion dollars more to protect our veterans so that we do not turn them away from our VA hospitals. But over and over again we hear there is no money available for our veterans; but, yes, there is $150 billion more available over the next 5 years for military spending.

And we have young families all over America who look forward to sending their kids to college; no money available for Pell grants, yet more money available for Star Wars, for B–2 bombers, for every defense system that the military industrial complex wants.

Now I have heard that we are spending very little so far on defense, on understanding, on research for the missile defense program. If we have $300 billion in the defense budget now and we do not even have a Soviet Union out there to oppose us, why do we not take some of that money rather than asking us for more? The United States today spends $300 billion, NATO spends $200 billion, North Korea spends less than $3 billion.

Take what we have and spend it wisely.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, most Americans believe the United

States military has the ability to defend our country against a ballistic missile attack. However today the United States does not have the capability to shoot down one single ballistic missile.

Mr. Speaker, I ask why have we failed to develop this capability? Is it because the threat of a ballistic missile attack disappeared with the fall of the Soviet Union? Absolutely not. Since the end of the Cold War, the threat of a ballistic missile attack against the United States has become more serious and more difficult to anticipate. Through the continued proliferation of key missile technologies by China and Russia, rogue nations around the globe have acquired long-range ballistic missile technology that now puts the United States in jeopardy.

Mr. Speaker, in 1995 the current administration did not foresee a long range ballistic missile threat for at least a decade. The administration's opinion has now changed. General Lester Lyles, the Pentagon's Director of the Ballistic Missile Defense Organization, confirmed the threat to the American people by saying this, and I quote:

> We are affirming the threat, it is real today and it is growing.

Mr. Speaker, these are not reassuring words, and they are disturbing words that relay a disheartening message to the American people. Detractors of a missile defense system spread the rumors and the myths that a national missile defense system would cost too much to deploy. It has cost this administration an estimated $19 billion over 6 years to support its peacekeeping missions. Compare that to the estimated $10 billion that it will cost the United States over the next 6 years to protect American lives from a long-range ballistic missile attack.

Mr. Speaker, China, North Korea, Iran, Iraq, Libya have all acquired the technology to deploy ballistic missiles against the United States. H.R. 4 is the first step that must be taken if the United States wishes to protect its population against an existing ballistic missile threat.

I commend the diligent work done by my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I rise today in strong support of H.R. 4 and urge its support by my colleagues. This is a simple resolution that above all else is a statement about the reality of the world in which we live. I was pleased to join the gentleman from Pennsylvania (Mr. WELDON), my colleague on the other side, in a very important trip to Russia this past weekend with the gentleman from Texas (Mr. TURNER), who will speak on this issue as well. We delivered a message to the Russian Duma about ballistic missile defense and the fact that we will protect the shores of this country. This is not a violation of our treaty with Russia.

The Cold War is over, but the threat is there. Listen to the words of the Rumsfeld Commission. We have invested billions of dollars in technology to try to protect the shores of this country. The only responsible thing to do is to now deploy. To vote for deployment is to begin to protect the shores of this country from missile threats from rogue nations. It is our responsibility to do so.

I thank the gentleman from Pennsylvania (Mr. WELDON), I thank the gentleman from South Carolina (Mr. SPRATT) for their leadership, and I urge Members to support H.R. 4.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, the Cold War is over, and yet America is less safe. Here are the facts. Iran conducted its first flight test of a medium range ballistic missile last year, an entire year earlier than the intelligence community had predicted. North Korea continues to develop and test a ballistic missile with long-range capabilities that would pose a direct threat to much of the continental United States. In 1996, a Chinese general threatened the destruction of Los Angeles, and today China has 13 of its 18 missiles pointed at United States cities.

Mr. Speaker, our national security is threatened, and to the surprise of most Americans our United States military cannot destroy one, not one incoming missile.

Americans are just now learning the frightening truth. The Clinton administration has lulled the United States citizens into a false sense of security. How can we afford to send U.S. troops to Bosnia and now Kosovo, but we cannot find the money to protect America against a missile attack? The fact is the costs to deploy a national missile defense capability will amount to less than the amount this administration has spent on peacekeeping deployments over the past 6 years.

Mr. Speaker, a vote for H.R. 4 is a vote to protect and defend the citizens of this great Nation.

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Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, one out of every five children lives in poverty. Over 40 million Americans have no health insurance. One out of every three public schools is falling apart. Spending billions of dollars on missile defense does nothing to solve these problems.

In the words of Dwight D. Eisenhower, every gun that is made, every warship launched, every rocket fired signifies a theft from those who hunger and are not fed, those who are cold and are not clothed.

President Eisenhower, a Republican, had the experience and the wisdom to appreciate the cost of the military to our society. It is the price we paid during the Cold War because we had to.

Mr. Speaker, that threat is no more. There is no need for a missile defense, for spending billions of dollars on some pie in the sky boondoggle.

This May, the sequel to the film Star Wars will be released. It is called The Phantom Menace.

Mr. Speaker, today we are debating whether to build a sequel to Ronald Reagan's Star Wars system. It too should be called The Phantom Menace.

This Phantom Menace defense system will cost at least $20 billion and protect us against a threat that simply does not exist.

It is time to recognize the peace dividend, to redirect our priorities and invest in our people, not in weapons.

Make no mistake, a dollar more for missile defense is a dollar less for health care, for education and for food. This Phantom Menace missile defense system will not educate the unlearned. It will not provide hope for the hopeless, food for the hungry or medicine for the sick.

I urge my colleagues, do not choose bullets over babies, bombs over books, missiles over medicine.

Let it be the policy of our great Nation to beat our swords into plowshares, to invest not in the instruments of war but in the dividends of peace, in education and health care, in hope and opportunity, in our children, our families and our future.

Vote no on the remains of a bygone age. Vote no on this resolution.

Mr. SPENCE. Mr. Speaker I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I rise in very strong support of H.R. 4. Recent showdowns with Iraq and North Korea are a stark reminder that the fall of the Soviet Union has not led to an absence of threats to our national security. Indeed we still live, and as people have said, in a very dangerous world. We must continue to make this Nation's defense our number one priority.

While the United States has conducted research on missile defense for years and possesses the technology to protect the American people from a ballistic missile attack, most Americans are outraged to discover that political foot-dragging has prevented such a defense system from being put in place.

Clearly, it is time for Congress and the President to make a commitment to deploy a national missile defense.

Additional excuses and further delay will only weaken our national security and endanger American lives.

With rogue nations like Iran, Iraq and North Korea working feverishly to develop weapons of mass destruction and the missile technology to deliver them inside the United States, there is simply no justification for leaving the American people vulnerable any longer. Cast votes in favor of a strong, secure America. Vote for H.R. 4.

Mr. SPRATT. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, I have followed this issue for a long time, since chairing a panel of the Committee on Armed Services in the mid-1980s on SDI for 4 years, and I want to put this whole matter in some context, explain to my friends who do not understand why I am supporting this simple bill.

In March of 1983, Ronald Reagan launched the strategic defense initiative, and with it a charged debate. The arguments over the old perennials of the Cold War, the ASATs and the B-2 and the MX, ended long ago but this one smolders on. Unlike any other weapons system I have seen in the time that I have served here, this one has become a political totem. Its advocates not only disagree with its opponents but they accuse them of leaving the country vulnerable to missile attack. They diminish the fact that deterrence worked for all of the Cold War and they act as if missile defenses were almost off the shelf, available to shield the country, the whole country, from attack, when this capability is far from proven and may never be attained.

On the other hand, opponents accuse the advocates of firing up the arms race again. They give too little credit to the advantages of defending ourselves against nuclear attack and moving away from massive retaliation, mutual destruction, complementing deterrence with defense.

Today, the House takes up that missile defense debate again, this time with a resolution that is notable for its brevity, if nothing else, that it is the policy of the United States to deploy a national missile defense system. Of course the United States has deployed a national missile defense system.

We spent $15 billion in today's money building Sprint and Spartan and setting up Safeguard at Grand Forks, North Dakota, only to shut the system down in 1976. Even then the Pentagon did not quit spending in missile defense.

In the year Reagan made his speech and launched SDI, the Pentagon put $991 million in its budget for missile defense and that sum was budgeted to rise annually to $2.7 billion by 1988, most of it to go for protecting MX missiles in their silos.

After the eighties, the mid-eighties, the defense budget, as all of us know, barely kept up with inflation. With Ronald Reagan pushing it, SDI kept on increasing, rising so fast that within 4 or 5 years of his speech SDI was the largest item in the defense budget, a big defense budget.

At nearly $4 billion, SDI was getting almost as much as the entire research and development account of the United States Army.

Sixteen years have passed and the Defense Department has spent some $50 billion on ballistic missile defense and has yet to field a strategic defense system. Now by anybody's reckoning, that is real money.

It is hard to claim, with this much spent, that the absence of a deployed system is due to the lack of commitment. The problem is more lack of focus than a lack of commitment or lack of funding. Plus the fact, the plain hard fact, that this task is harder than Ronald Reagan ever realized.

Early on, the architects of strategic defense decided that it had to be layered; one layer would not do. The system had to thin out some missiles in the boost phase as they rose from their silos. It had to take out some reentry vehicles in the mid-course as they traveled through space, and the remainder had to be taken out as they descended in the atmosphere to their targets.

So the Pentagon developed a whole family of systems. There was the Endo-atmospheric interceptor, and Exo-atmospheric interceptor, a terminal interceptor. There was Space-Based Kinetic-Kill Vehicles which later became Brilliant Pebbles. All of those were kinetic killers, which meant they were designed to collide head on with their targets.

Since hitting a target that is moving 7 kilometers a second is a daunting task, to say the least, SDI put some money into an alternative technology: Directed energy.

At one time, the SDI program supported five different laser systems, space-based and ground-based. Since missile defense requires better acquisition of targets, better tracking, and a means of discriminating real targets from decoys, SDI had to put money into those systems, too. We developed a pop-up system, known as the GSTS. We developed space-based infrared sensors first known as Space and Missile Tracking System, now known as SBIRS Low and SBIRS High.

We even went into interactive discrimination with an esoteric technology called the neutral particle beam, which would have been based in space.

Now let me emphasize, not all of these pursuits took us down blind alleys. Not all of this money was wasted, not by any means. The ERIS, for example, was bypassed for a better interceptor but the projectile that the Army developed for the ERIS, the Exo-atmospheric interceptor called the LEAP, is now on the top of the Navy's upper tier system. It has been used there.

The Army has a system called the THAAD, which intercepts in the atmosphere. In the atmosphere, there is a lot of friction. That system, the THAAD, has a sapphire window aperture on it developed for the HEDI.

So we have used the technology for other systems and it has evolved forward. We have made progress with this $50 billion.

After the Gulf War, SDIO eventually evolved into BMDO, and BMDO had theater missile defense and strategic defense, a bigger plate and less money. It decided it had to put its money where it would pay off so it started taking assessment of what worked and what did not work. The first thing they did was discard lasers because lasers were too futuristic. Ground-based lasers are hard to propagate in the atmosphere without distortion. Space-based lasers in fixed orbits are easy to counter attack, hard to power. They were discarded.

Boost-phased interceptors are also vulnerable to attack if they are in fixed orbit in space, and given the fact that there have to be so many on target on station all the time, we need thousands of them, literally thousands launched to do the job.

Even if all of these problems could be overcome, for boost-phased interceptors they could still be outrun by missiles like the SS-24 which had a boost-phase burnout time of 180 seconds.

Why go through all of this? Because it shows the frustration of these efforts. We are not here today because we have not had the will to do it. We have spent the money. We have pursued these things. We simply have not yet been able to prove that the system can work.

Where we have ended up is with ground-based interceptors, mid-course interceptors. These have the merit of being treaty compliant. They are technically mature. They are clearly the best candidate to go first, but nobody should think that they answer Ronald Reagan's dream. The first problem they face today and 15 years ago is countermeasures in the form of decoys and chaff and RVs that are attached to and enveloped in balloons which lure the interceptors off course.

The next is a limiting condition that the SDIO acknowledged in the 1992 report. Because of the radiation and the heat and the electromagnetic effects that are generated when an RV is destroyed with a nuclear warhead inside it, SDIO decided that it could not postulate the destruction of more than 200 oncoming RVs at any given time.

If we were attacked by an adversary as sophisticated as Russia, with an arsenal as large and diverse as theirs, the first wave attack could easily exceed 200 RVs. So nobody should assume that we are anywhere close to protecting the whole American continent from ballistic missiles. We are not even close to that.

Now, H.R. 4 says it is our policy to develop a national missile defense. The mid-course interceptor is clearly the candidate for this mission. This is not a system, however, that will render nuclear weapons impotent and obsolete. If we have learned anything over the past 16 years, we have learned that a leakproof defense is so difficult it may never be attained.

H.R. 4 calls for a national missile defense, but the committee report acknowledges that this is a system that will protect us against limited strikes. By limited strikes what we mean is up to 20 oncoming RVs.

There is a legitimate concern, I think, that Russia may react adversely to this but, in truth, Russia has nothing to be concerned about here because this system would not begin to defend us against the threat that the Russians still pose to us. That is why we should not push too hard. That is why we should not be talking about breaching the ABM Treaty, because START II and START III are still more important to us, to our security, than launching this NMD system with its limited effectiveness.

The merit of this bill to me is, as I have said, not what it says but what it does not say. It is simple. It does not say that the technology is in hand. It does not try to prescribe what we should do. It leaves that to be worked out in time. It just commits us, focuses us on a deployable system.

It does not mandate a date for deployment. It does not call for the revision of the ABM Treaty. It simply says, let us focus on getting something done. Let us see if we cannot bring to fruition a system that will at least give us limited protection against a ballistic missile attack.

Then we can, first of all, reap some return on the $50 billion we have spent. Secondly, with a treaty compliant system we can tell what its potential is, test its practical potential. That is the only way we can find out if we can overcome the countermeasures of decoys and balloons and all the other things that can lure these interceptors off track.

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Thirdly, this technology that we are talking about is not on a continuum with theater missile defense, and we all agree in this House that that is something we should do, having seen the consequences of it in the Gulf War.

Finally, if we do this, we will have a system, if it has proven its mettle, that may give us some protection against an accidental strike, which could happen; against a rogue attack, which could be threatened. It may give us some protection, and it will certainly give us something that we can learn from and build upon and, as I said, reap some investment.

I support this bill finally in the hope that we can put BMD on a bipartisan footing. Theater missile defense enjoys bipartisan support, we all support it. National missile defense has been a bone of contention. What we sought in this bill was something that we could all come to common ground on. I am not just advocating that we build anything. National missile defense needs to stand the test of any weapons system. It ought to be put to rigorous testing, made to prove that it can hold this country harmless against a limited missile attack. If a strategic defense can rise to this mettle, I think we should buy it and deploy it. If it cannot, there is nothing in this bill that says we should buy a dud.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER), a very valuable member of our committee.

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just returned from Russia where I joined a bipartisan delegation of my colleagues in communicating the intent of H.R. 4 to members of the Russian Duma.

Although Russia is skeptical of America's intent to deploy a national missile defense, I can tell my colleagues that a limited national missile defense would not undermine Russia's nuclear deterrent. In fact, Russia still has a strategic nuclear arsenal of over 7,000 warheads. Even if Russia ratifies and complies with START II, they will still be able to sustain a strategic force of 3,500 warheads. If the U.S. had a national missile defense system similar to what Russia already has deployed outside of Moscow, Russia's strategic missile force could still overwhelm such a defensive U.S. system.

The fact is, we have no missile defense system to defend against any incoming ballistic missile, whether that missile is part of a limited or accidentally launched attack from a rogue nation such as North Korea or Iran, or an accidental launch from Russia or China. Russia, not the U.S., is the only country that currently maintains the world's only operational ballistic missile defense system for their country.

Even if the 1972 ABM Treaty were still legally valid, it at least allows for deployment of a limited national missile defense system at a single site in the U.S., a deployment that this administration has consistently opposed, up until recently, through and through. I find it shocking, though not really surprising, that Russia has the only real missile defense system, and that they do not really want to change the ABM Treaty, and yet the U.S. gets criticized for not cooperating with Russia.

The fact is, our bipartisan delegation to speak to the Russian Duma this past weekend was all about the U.S. Congress taking the initiative to cooperate with and give advanced notice to Russia regarding our intent to enact a national missile defense policy for the United States, a national missile defense system to protect our cities, our businesses, our families, our children, from a missile carrying a nuclear, chemical, or biological warhead that could flatten an entire metropolitan area with one strike.

Mr. Speaker, I support H.R. 4, and I thank the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Research and Development, and the gentleman from South Carolina (Mr. SPENCE), the chairman of the full Committee on Armed Services, for advancing the goals of the Constitution: to provide for the defense of our Nation.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

The consideration of this bill is the story of an overwhelming, but rather hollow, victory, and a total policy failure. This Star Wars scheme is, first, a technological failure, failing one test after another, again and again. This system assumes the capability, as U.S. Air Force General Lester Lyles said, of "hitting a bullet with a bullet" in outer space. And indeed, it would be not one bullet, but many bullets, coming down over this entire 50 United States. That would be a challenge even for Superman.

Well, the system has failed to do that. It represents more political mythology than technological reality.

Star Wars is, secondly a failure for the taxpayer, a failure of over $100 billion wasted on this program. And now our Republican friends tell us that for a mere $184 billion more, we can deploy this defective system. They are wrong. It is wrong to assume that if we waste enough taxpayer money, we can purchase absolute security.

For indeed, this Star Wars scheme represents a failure also for true national security. It diverts very precious resources away from other military needs and other nonmilitary needs that are at the heart of maintaining ours as the most powerful country in the world. More importantly, this scheme jeopardizes our efforts to reduce nuclear armaments and endangers those agreements we have already negotiated, such as the Anti-Ballistic Missile Treaty.

Our paramount security goal should be to reduce the nuclear threat, not to raise false promise that we will live happily ever after in the event of a nuclear attack. Forsaking that paramount goal constitutes a tragic failure by this Congress.

Mr. SPENCE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise in strong support of H.R. 4.

This morning, this House received a top secret briefing from the independent commission to assess the ballistic missile threat to the United States. Now, maybe my colleague who just spoke from Texas was not at that briefing and if he was not, then I recommend he go read that report, because they discussed the findings that led them to conclude unanimously that ballistic missile threats from North Korea, Iran, Iraq, China, have developed far more rapidly than predicted in recent years by our intelligence community, and pose a serious threat to the United States.

Now, while many of us in this House have long championed deployment of a national missile defense capable of defeating at least a limited or accidental attack on our Nation, this legislation represents this Congress' first concrete expression of support for such a deployment.

Mr. Speaker, there is no question the threat is real. Last August, North Korea flight-tested a 3-stage Taepo Dong I missile. Though the missile's third stage failed, the launch raised serious concerns. Our intelligence community revised its previous estimates of North Korea's capabilities, concluding that with the resolution of some tech issues, the next generation of the North Korean missile, the Taepo Dong II now under development could soon target not just Alaska and Hawaii, but could reach the rest of the United States, depending on the size of its payload. Meanwhile, North Korea has gone ahead actively pursuing nuclear weapons.

It is no small matter that the same regime that launched this missile has simultaneously allowed hundreds of thousands of its own citizens to perish from famine. That shows the regime's desperation to develop this capability and should raise concerns here about their willingness to use it. Unfortunately, today we have no capability to defeat the threat from missile threat.

Secretary Cohen has called the launch in North Korea another strong indicator that the United States in fact will face a rogue nation missile threat to our homeland against which we will have to defend the American people.

I congratulate my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) for their efforts, and I urge my colleagues' support of this bill.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I rise as a cosponsor of this legislation, and I want to say at the outset that I commend my chairman the gentleman from Pennsylvania (Mr. WELDON) of the Committee on Military Research and Development for his leadership in this area. I was very pleased that this legislation passed the Committee on National Security by a vote of 50-to-3.

This legislation is one that received a boost and a wakeup call this last August when North Korea launched a missile containing a third stage. We know from the reports of the intelligence community that North Korea is working on a missile that has the capability and will have the capability of reaching the continental United States. In July, the Commission to assess the ballistic missile threat to the United States, the Rumsfeld Commission, concluded that rogue nations like Iran, Iraq and North Korea are moving much faster than we had previously known in the development of intercontinental ballistic missile capability.

The risk of inaction is unacceptable. One thing that we have always done as Americans is stood strong in terms of making America the strongest nation in the world. It is unacceptable to know that within a short period of years, the Second Congressional District of Texas could be 32 minutes away from the delivery of an intercontinental ballistic missile from North Korea. The time for action is now.

The development of a missile system, a defensive missile system will take many years. The gentleman from Pennsylvania (Mr. WELDON) has wisely in this bill simply stated, "It shall be the policy of the United States to deploy a missile defense system." The timing, the technology, the cost is left yet to be determined. Now is the time for action. The price of peace and security is high, but the cost of inaction and the cost of vulnerability is much higher.

Mr. Speaker, I commend the gentleman from South Carolina (Mr. SPENCE), the gentleman from South Carolina (Mr. SPRATT), and the gentleman from Missouri (Mr. SKELTON) for their leadership in this legislation.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentlewoman from California (Mrs. BONO), a member of our committee.

Mrs. BONO. Mr. Speaker, today I rise in support of H.R. 4. As a cosponsor of H.R. 4, I want to give my colleagues the reasons why I support this important legislation.

First, the threat to the United States of a ballistic missile strike is real, according to the findings of the bipartisan Rumsfeld Commission, and the President's own Secretary of Defense said that the ballistic missile threat is real and growing.

Second, we are on the way to developing a technology for national ballistic missile defense. This legislation does not say what technology is to be used or implemented. Current technology relies on mature ground-based methods. All we need to do is to have the political will and courage to perfect this technology so that it be counter a limited ballistic missile strike.

Third, we can afford to do this. The current budget picture shows that for $10 billion we can implement a national ballistic missile defense which would counter a limited strike. I think this is a small price to pay to help ensure that Americans sleep better at night.

Fourth, we are no longer bound by the 1972 ABM Treaty. When this treaty was signed, it was signed with the former Soviet Union. That union no longer exists, making the agreement moot. However, let us assume for the moment that the ABM Treaty was still in effect. The treaty was signed to deter both countries from implementing a ballistic missile defense on the premise that if both countries were defenseless to a major ballistic missile attack, neither country would strike. All we are asking for in this bill is to make it the policy of the United States to counter a limited missile attack from a rogue state. We still will not have the defenses to protect us from Russia's 7,000 strong nuclear arsenal, even though I would argue that ought to be our policy. These are just some of my reasons for supporting this bill.

However, the most important reason why I am supporting this bill is because today's world is more hostile than it was 20 years ago. Twenty years ago, we knew who our enemies were and containment was possible. Today, with the end of the Cold War, former Soviet nuclear scientists market their skills to rogue nations so that they can survive. North Korea has demonstrated that they have long-range missile capability which threatens the U.S. territory, and of course Iran.

These are not safe times, and for those who would argue that a nation would be stupid or insane to launch a missile at the last remaining superpower, I say to them, do you want to make that bet on behalf of the American people?

No, Mr. Speaker, the vote we cast today sends a clear message to those rogue nations who would do our people harm. I cast this vote for the people of the 44th Congressional District, for my family, and my country.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time. At the outset let me say how much respect I have for the gentleman from South Carolina (Mr. SPRATT), the gentleman from Missouri (Mr. SKELTON), and my friend the gentleman from South Carolina (Mr. SPENCE).

I have, in light of their support of this proposal, examined my position, which has been in opposition over this during the years that I have been in the Congress, and I have not been able to bring myself to support this, having reviewed the literature on this leading up to our debate today.

A national missile defense system, an impenetrable shield, a marginal line in the sky. Well, the simple fact is, any anti-missile shield can be overwhelmed even if it works perfectly, which we do not know that it does work perfectly. In fact, all the evidence speaks to the contrary. The latest testing that we have on this indicates the success ratio is very, very marginal. But even if it works perfectly, we design it to shoot down 10 missiles simultaneously and an enemy can render it useless by launching 20. If we design it to shoot down 100 missiles, then they will launch 200.

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In the end, spending tens of billions of dollars to build a missile defense shield makes about as much sense to me as erecting a chain link fence to keep mosquitos out of one's backyard.

But today we are being asked to sign a blank check for a Star Wars system that could cost tens of billions of dollars according to the Congressional Budget Office. My colleagues on this side of the aisle primarily have said and argued that we need this, but, yet, we cannot afford in the budget debate that we will have in just a few days on this floor $5 billion to fix our national schools. They say we cannot afford to help seniors pay for costly prescription drugs.

They even go so far as to say that we cannot afford to buy weapons, weapon-grade plutonium from the Soviet Union to keep it from falling in the hands of terrorist or rogue states. I want to repeat that again because I think that is terribly important. In next week's supplemental appropriation that we will bring to the floor, the Republicans plan to cut funding to buy up to 50 tons of plutonium from the Russian's nuclear stockpile.

So I ask my colleagues, does it make more sense to prevent the spread of this material now while it is still on the ground rather than to wait for it to be turned into missiles and then to spend billions of dollars trying to catch it while it is hurdling through the sky? I think not.

We ought to redesign, make sure our computers work well, take care of the Y2K computer bug problem first and then deal with this in the future. I hope my colleagues will vote against this.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, let me just say I am proud of what the Congress is doing this week. Like the balanced budget agreement, like the first tax cuts in 16 years, like the real welfare reform, like all the other elements in the contract with America, we are here once again taking the lead on an important issue. Only this one may be the most important issue of them all.

Some happy day in the future, when we are all elderly and retired, we will find ourselves tucking a grandchild in for the night. Unlike our own generation, when we were young, that child will be going to sleep in his bed safe from any foreign attack because this Congress made the decision to deploy a national missile defense.

We are going to be able to smile and say to that child, "we gave you a defense that defends." The best anyone could give us was the advice to duck and cover.

But missile defense is about more than making American children safe in their beds. I believe it will advance the cause of freedom around the world. It will do so by taking away one of the most horrible props that modern dictatorships use to intimidate their own people, the terror weapon.

Missiles today are prestige items. Any dictator that owns them can appear more powerful and enduring. If he cannot win the affection of his own people, his missiles can at least instill in them a measure of respect.

A dictator knows that, by making the world quake before his ability to attack foreign cities, his own people will look on him with fear and awe. He also knows that he and his regime can thrive in the atmosphere of international tension that he himself creates.

In this way, having a crude but invincible missile can help a dictator maintain control over his own people, even if he threatens far away American civilians.

If our goal is to transform dictatorships into democracies, we must deny them the ability to build effective terror weapons. Once they realize they cannot get respect by threatening acts of war, they may choose to win respect in the old fashioned way, through the simple dignity that any government earns when it is freely elected by its own people.

Mr. Speaker, radical rogue regimes are the greatest threat to our security today. Whether they are driven by insane ideologies or ethnic rage, they share intense anti-Americanism. Mr. Speaker, they hate us. They hate us not only for our success and our power, but even more so for our democracy. They know that our ideals of freedom and individual rights are poison to their petty little tyrannies.

These regimes are nasty enough when armed with car bombs. Imagine them armed with nuclear-tipped ICBMs.

As I said during last week's Kosovo debate, we need an entirely new policy for dealing with these pariahs. The administration's approach of containment, engagement, arms control and negotiation is not working. Like the Reagan doctrine of the 1980s, we need a policy dedicated to replacing these regimes with democratic alternatives.

Missile defense, because it takes away a prop dictators can use to survive, is part of that policy. That is one reason I support it today.

Mr. Speaker, just as that grandchild in our future should sleep soundly in the knowledge that American technology has made him safe from these evil threats, the otherwise intimidated citizens of tyrannical regimes should take heart as well. They should know that, thanks to America, the military delusions of their misguided leader are as obsolete as their political theories. From this, these oppressed people can take courage to resist and to seek their own freedom.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds to ask the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, a question.

Mr. Speaker, this is the budget resolution that the Budget Committee passed out yesterday. It provides $205 billion less than the President requested. It is essentially flat from 2004 to 2009, the very period and years when this system will be purchased and deployed. How can we pay for it with a cut like that?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I will just say that I appreciate these numbers. I studied them. While on the surface our numbers may seem smaller than the President's, I take greater confidence in our budget committee's numbers because they are real.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in support of this bill.

While developing a national defense system should be a priority, we need to ensure that any potential system is dependable, reliable, and fiscally responsible. More importantly, we need to also step up our investment in nuclear nonproliferation programs.

Mr. Speaker, the best way to stop a ballistic missile attack is to stop the missiles from being developed and deployed in the first place. We need a balanced approach to protect American families. We need increased investment in nonproliferation programs like nuclear cities and IPP to prevent attack and investment in systems like national missile defense to ensure our survival if prevention programs fail.

I will vote for this legislation. But before we spend billions of dollars of American taxpayer money to deploy it, we must have proof that it is going to work.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, just on the budget issue, we really ought to deal with it. My colleague made a good point here. Let me also add, and my colleague is well aware that over the past 4 years, it was this Congress, this Republican Congress, who gave the Defense Department over $20 billion more than the President asked for because of the gross underfunding of the budget.

It is easy for a President to project a massive increase when he is no longer in office. After he has decimated defense spending for a continuing period of 6 years, it is easy for him to say, well, when I am out of office, we are going to increase the top number by a significant margin. He is not going to be here to be held accountable.

The fact is that this Congress, and I might add, in a strong bipartisan vote, Democrats were adamant in supporting our position, increase the defense budget over the past 4 years by almost $25 billion more than this administration requested.

Now that is not pie in the sky pipe dreams after the President is out of office. That is, in fact, what we did.

Mr. Speaker, I thank the gentleman from South Carolina for yielding me this time.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I brought with me a potential terrorist weapon of mass destruction delivery device. It might be classified. Close your eyes. Here it is. A briefcase like this was brought into a hearing by a biological weapons expert in the Rayburn Building, full of aerosol canisters, capable of deploying anthrax, killing everybody on Capitol Hill, many people in Washington, through security 2 weeks ago.

There are other probable terrorist or rogue state delivery devices. If it is a nuclear threat, it will probably be a truck coming across the Mexican border, maybe like the two tons of cocaine that come across every day in trucks. Or it might be a ratty old freighter that is registered anonymously in a Third World country like Panama under a flag of convenience that steams into New York Harbor with a stolen hydrogen bomb.

The question is: Will the future leader of the rogue state assure the annihilation of his or her people for all time by launching a single or even a dozen or two dozen missiles at the United States of America? Within 30 seconds, we know where the missile came from, and they are targeted within 3 minutes by the most massive nuclear force on earth. They will be destroyed.

That is the power of our proven defense, the ability to withstand the attack of any aggressor and respond with awesome force. It worked against the Soviet Union for 30 years with thousands of hydrogen bombs. It certainly will deter the pathetic tiny unproven arsenals of North Korea and other rogue states. Do not waste billions on fantasy protection. Vote no.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise in strong support of H.R. 4, a bill that declares as our policy the deployment of a national missile defense. Without national security, there can be no Social Security or education opportunity.

I want to commend my colleagues, Democrats and Republicans alike, many of whom I serve with on the Committee on National Security, for their commitment to the strong national missile defense and for bringing it to the attention of the American people. They have pressed forward over the last 7 years and remain scorned by an administration message that preys on our Nation's false sense of security. Today my colleagues' efforts are about to pay off as we establish a policy to defend our Nation and her people from a missile attack.

I would be remiss if I did not mention the very telling vote taken on missile defense in the Senate yesterday. Ninety-seven Senators supported this legislation.

Mr. Speaker, what strikes me as odd is that this same body, no different in political composition, failed to reach cloture on missile defense legislation a mere 6 months ago. Mr. Speaker, why the sudden change? What are we to believe?

Has the threat to our national security grown so ominous in 6 months that the left and the administration believe the moment is right to embrace a policy of national missile defense? Or has the President been playing politics with the security of the American people?

Mr. Speaker, from one end of my district to the other, my constituents are concerned with our national defense, and they know there is no function in the Federal Government more important than ensuring our Nation's security.

I am pleased that the President and his allies have joined us in a policy that assures all Americans and American generations to come that they can sleep safer under a blanket of missile defense. Mr. Speaker, the administration's actions speak louder than words. Delays in the past have been irresponsible. Delays in the future are simply dishonest and unacceptable.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am concerned today that Congress is being asked to make a significant policy change, committing billions of dollars to unproven technology at a time when there are a legion of serious questions that have been raised about many aspects of our defense preparedness and national security.

We live in a dangerous world beset with economic, social, political, and religious unrest. We are the most powerful Nation in the world and the most technologically advanced. Yet we simply cannot do everything.

Security for Americans at home and abroad and keeping peace around the world involves making difficult choices. Rushing through this proposal, one whose costs and consequences are understood by no one, and is not integrated with all our other military and foreign policy needs, is not a policy I can support.

□ 1530

This bill hardly seems the right thing to do in terms of using our defense dollars in the most effective way possible, and I urge a "no" vote.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, as a cosponsor, this Member rises in support of the resolution. If this Member can bring any special relevance to the debate it is probably through my focus on missile development and threats from and for Asia through my chairmanship of the Subcommittee on Asia and the Pacific of the Committee on International Relations, and through the background gained as a member of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, chaired by the gentleman from California (Mr. COX).

The latter puts limits on what I can say here today, but it surely reinforces my support for the resolution. However, I support this measure because the threats from a limited missile attack are here, now, very real, and potentially very disastrous for our citizens, who are right now undefended against this threat.

Contrary to what over 70 percent of the American people believe, we and our forces abroad do not have defense capabilities against even a single ballistic missile. Let me say it again, this U.S. does not have defense capabilities against a single ballistic missile.

Is an NMD technologically possible? Yes, it clearly will be technologically feasible. Just 3 days ago, in the skies over New Mexico, the U.S. Army successfully, in effect, hit a bullet with a bullet.

This NMD proposal is not about a rehash of former President Ronald Reagan's Strategic Defense proposal, a nation-wide ballistic missile defense system proposal that some insisted on negatively labeling as "Star Wars." This defense system would offer protection against an accidental or unauthorized ICBM launch or against a limited ICBM attack by a rogue nation.

The Center for Strategic and International Studies reported that the third stage of the North Korean Taepo Dong missile launched on August 31, 1998, travelled over 3,000 miles. Prudhoe Bay, Alaska, a major source of U.S. oil, is within that range. The Washington Times reported that a newer missile under development, the Taepo Dong–2, will have a range greater than 6,000 miles and could be deployed soon after the turn of the century. Several hundred thousand of the nine million people living in Los Angeles, California SMA, for example, are within that range and would die.

Mr. Speaker, we are all well aware of the bottom line in the Rumsfeld Commission Report and recent North Korean missile tests. The possibility of the Democratic People's Republic of Korea (DPRK), North Korea, using an ICBM to threaten U.S. interests is real. Parts of Alaska, Hawaii, and U.S. allies in the Pacific are vulnerable, now. Today, we need to be concerned about what a North Korean ICBM, armed with just a conventional warhead, would do to Prudhoe Bay, Alaska, a major source of U.S. oil. The 48 contiguous states of the U.S. will also become vulnerable to this threat by 2002. By 2002, our concern will be about what a North Korean ICBM, armed with a weapon of mass destruction—nuclear, biological, or chemical weapon—would do to hundreds of thousands of people among, for example, the nine million people living in Los Angeles SMA. It is only a matter of time until that vulnerability exists unless we act and even if we act now and technological hurdles are handled, there will be years of unprotected vulnerability.

For those of you who still question the threat, this Member would remind you that Secretary of Defense William S. Cohen has confirmed that North Korea had demonstrated that it has achieved long-range missile delivery system capability and that it appears that North Korea is not complying with the freeze imposed on its nuclear weapons development program. He also acknowledged that Russia's aging and sporadically maintained missile systems create the nightmarish possibility of an accidental launch. Former Commander in Chief of all U.S. forces in the Pacific, Admiral Joseph Prueher, has confirmed that North Korea is developing a capability that could potentially reach the western-most reaches of the U.S. with an ICBM. Former Secretary of Defense William Perry, the President's special advisor on North Korea, states that North Korea is moving forward with its nuclear weapons program. Japan's Defense Agency believes North Korea has already deployed some of at least 30 medium-range ballistic missiles. It is only a matter of time.

Some of you will argue that a National Missile Defense (NMD) system will do nothing to deter less traceable means of delivering a weapon of mass destruction, such as a suitcase or truck bomb. While that may be true, our law enforcement agencies serve admirably as our defense against and deterrent of close-in terrorist attacks. Contrary to what over 70% of Americans believe, we do NOT have defense capabilities against even a single ballistic missile. Let me say that, again. The U.S. does NOT have defense capabilities against even a single ballistic missile. There is no secret, silver bullet in our arsenal that will stop an ICBM, and there is no alternative to NMD to effectively deal with a limited ICBM threat.

NMD, like its anthithesis—ICBMs, is less about launching than it is about basic deterrence. It removes from the negotiating table what might otherwise be a trump card that could lead to extortion, if not outright blackmail, by a rouge nation. NMD counters this eventuality. As a world leader, we owe this to our allies. To the rogues we owe nothing.

Hoping, or expecting, that a "disarmament solution" or "containment" will eliminate or protect us against the emergingly diverse missile threat just isn't realistic; it holds out a very dangerous false hope. The world and technology are not standing still, and no amount of "hoping" on our part will make it so. There are no indigenous ballistic missile development programs. In fact, there is substantial cooperation among developing countries, themselves. Even if all the help from the U.S., Russia, China, Europe, and Asia were ended, developing countries would still move forward toward ballistic missile capability. The West, alone, is educating nearly 100,000 foreign graduate students, most of them in technical fields. In the process, we are educating cadres of essentially all the countries of the world; some of them surely do have the increased capacity to develop ballistic missiles and weapons of mass destruction. Intelligence collecting is getting more difficult and intelligence compromises continue to occur. We must recognize that we will not be successful in plugging every hole and we cannot ignore the reality that increasingly sophisticated threat will confront us in the 21st century.

We are in an environment, potentially, of little or no warning. Meanwhile, the Administration has reluctantly begun to acknowledge the threat while simultaneously throwing down obstacles, such as the Anti-Ballistic Missile (ABM) Treaty, and changing their 3 plus 3 policy to a 3 plus 5 policy. NMD deployment might occur in 2005, even in the face of claims that the threat will extend beyond Alaska and Hawaii to the 48 contiguous United States as early as 2002 (three years before the possibility of NMD deployment).

To those that say that NMD is destabilizing, unannounced missile launches, especially those with aggressive trajectories, are even more destabilizing. Further launches will be further destabilizing, long before the Administration's current 2005 projected NMD deployment date.

This Member is not advocating blindly stepping up the time line, would that be possible. In fact, there are significant hurdles to overcome, just from a technological perspective. Hitting a missile traveling at about 15,000 miles per hour, or somewhere between three to five miles per second, is certainly an impressive challenge. However, this Member certainly believes that the technical difficulties can be overcome. Many of the impossibilities of the past have yielded to imagination and innovation. The academic critics are not entertaining practical solutions to their willing despair, not because they are unable to but, because they do not want to and because it is not being demanded of them. To those that question the technological feasibility of this effort, this Member would remind them of the following from the late President John F. Kennedy:

> We choose to go to the moon in this decade and do the other things, not only because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one which we intend to win. . . .

Iran, with more than 66 million people and the proud heritage of the Persian Empire that once ruled everything from Libya to India, today is using its oil wealth to build a new center of power in the Middle East. Teheran has been boasting for two years that it already has the most powerful missile force in the Middle East.

Last July, the Rumsfeld Commission concluded that the extraordinary level of resources Iran is using to develop its own ballistic missiles poses a substantial and immediate danger to the U.S., its vital interests and its allies. The Rumsfeld Commission reported that Iran is making "very rapid progress" on the Shabab–3 medium-range ballistic missile. That was July 15, 1998. One week later, on July 22, 1998, Iran conducted a flight test of the Shabab–3, continuing an ambitious missile development program that was initiated and pursued during Iran's war with Iraq during the years 1980 to 1988. Not waiting for more tests, President Mohammed Khatami ordered 15 Shabab–3s to be produced by the end of March 1999. The mobile launchers are ready and Iranian soldiers have been training for months to deploy the missile, which is expected to become operational this year. Iran's next missile, the Shabab–4, which is modeled on the Russian SS–4 intermediate-range ballistic missile, is projected to have a range of 1,300 miles, reaching southern and central Europe. U.S. and Israeli officials estimate that, with continuing help from entities in Russia and China, the Shabab–4 could be in service by 2001. Work also is under way on a long-range missile that with a nuclear warhead could be a serious threat to Western Europe and the United States. The Rumsfeld Commission noted that advance warning of such a missile may be zero.

Iran has chemical weapons, is conducting research in biologicals, and is pursuing a very aggressive nuclear weapons program that is close to success. The Rumsfeld Commission reported that, because of significant gaps in our human intelligence efforts, the U.S. is unlikely to know whether Iran possesses nuclear weapons until after the fact. This is reminiscent of the surprise nuclear detonations that occurred in India and Pakistan. Iran is expected to be the next declared nuclear state.

Director of Central Intelligence, George Tenet, has warned that Russia is backsliding on commitments to the U.S. to curb the transfer of advanced missile technology to Iran. Especially over the past six months, Russia has continued to assist the Iranian missile effort in areas ranging from training to testing to components. Iran's ability to take advantage of its existing ballistic missile infrastructure to develop more sophisticated and longer-range missiles is being aided by the crucial roles being played by Russia, China, and North Korea.

Would Iran resort to extortion? This Member need only remind you of the Iranian hostage crisis of 1979–80.

While Chinese Premier Zhu Rongji scoffed at some Western reports claiming a major economic crisis is brewing in China, he acknowledged that the East Asian recession had affected China more seriously than expected. Former Commander in Chief of all U.S. forces in the Pacific, Admiral Joseph Prueher acknowledges that China, with its shaky economy, growing unemployment and burgeoning military might, has problems. Prueher views China's latest crackdowns on dissidents as symptoms of weakness rather than strength.

During the March 1996 Taiwan straits crisis, China fired short range missiles north and south of Taiwan. In late 1998, China's army conducted military exercises with simulated missile firings against Taiwan and also, for the first time, conducted mock attacks on U.S. troops in the region. With respect to the most recent overt threat to Taiwan, the Chinese protest is disingenuous on its face. The Chinese Government knows that we should no more apologize for the theoretical consideration of including Taiwan in plans for missile defense than we did for including South Korea in similar plans. Our having agreed in principle that Taiwan might someday rejoin China does not mean that we would ever allow such a unification to be coerced.

Taiwan claims that China has deployed more than 100 additional ballistic missiles in PRC provinces close to the Straits of Taiwan. This would more than triple the number of missiles previously positioned in that area. China must understand that the use of "coercion," missile rattling, to bring Taiwan and PRC together will not work. Likewise, the U.S. is sensitive to concerns that a "shield" might embolden Taiwan to avoid serious negotiations with the PRC. At this time, there are no firm U.S. plans to provide Taiwan with a full-scale missile defense system of its own, but we must not be intimidated from actively considering a Taiwanese inquiry or request under the threatening circumstances developing across the Taiwan Straits.

Mr. Speaker, the North Korean missile launch adds credence to allegations that China has not done everything in its power to discourage North Korean effort to develop weapons of mass destruction and ballistic missile capability. When we complain, China criticizes our concern. Nevertheless, China, more than any other country, can exert more influence over North Korea to dissuade it from further development of these weapons. China's own recent aggressiveness toward Taiwan and its apparent ineffectiveness in discouraging North Korean nuclear and missile development programs have not only raised our legitimate concerns but also sent alarms around the world. Our friends and allies recognize the reality of the threat from and for the Asia Pacific region.

Controversially, President Clinton's comments that the Administration views China as a strategic partner in the Asia Pacific region is particularly unsettling. If Chinese moves are left unchecked, the possibilities of misperceptions regarding American intentions—even by China itself—will multiply. These kinds of misperceptions can cause wars, as when, many suggest, during a January 1950 speech to the National Press Club, Secretary of State Dean Acheson unwittingly encouraged the attack that began the Korean War by failing to specify that South Korea was inside the American zone of interest. Contrary to internal issues like human rights and gray areas like assisting Pakistan, Chinese bases in the Paracels and the Spratlys are clearly matters with international implications. The United States should lose no time in examining China's expansion of its installations on these islands and, if appropriate, questioning Chinese intentions. The Administration should keep in mind that the consequence of not confronting China expansionism today is very likely to lead to a far more dangerous world in the years to come.

China's own recent aggressiveness and its apparent ineffective efforts to discourage North Korean nuclear and missile development programs have sent alarms around the world. This Member can personally attest that, everyday, in the Taiwanese media, there is discussion of the need for ballistic missile protection. These concerns are a ground swell from the Taiwanese citizens in the streets and from the media, not generated entirely, by any means, by the Taiwanese Government. Taiwanese demands for U.S. ballistic missile defense assistance are directly attributable to China's reluctance to influence North Korea. They also trace to recent allegations about Chinese espionage successes, to Chinese military construction activity in the South China Sea, and, as reported in the New York Times, China's actions to dramatically increase the number of short-range ballistic missiles along the country's coastline near Taiwan. With respect to increased interest in ballistic missile defense systems in Japan, Taiwan, and the Republic of Korea, which the Chinese threaten, China has no one to blame but itself.

The greatest threat to peace and security in Asia is Kim Jong-Il's DPRK, North Korea. North Korea remains the country most likely to engage in bloody extortion or to involve the U.S. in a large-scale regional war over the near term. Kim Jong-il's regime's foremost concern is self preservation. He appears to have increased his reliance on the military and draconian security measures to maintain his position and control of the populace. If he is willing to do this to his own people, how can you doubt that he would not hesitate to resort to extreme measures, even against South Korean, Japanese, or U.S. citizens?

Gen. John Tilelli, Commander in Chief of the United Nations Command and of the U.S. Forces in Korea, concurs with the CIA Director's recent remarks to the Senate Armed Services Committee that ". . . concern for North Korea can hardly be overstated and that . . . in nearly all respects, the situation there has become more volatile and unpredictable." In his view, the Kim regime will sacrifice everything to keep itself in power. We remain in a situation wherein Kim Jong-il could decide at any moment his prospects are so bleak that his best chance for survival is to use his military rather than risk losing that capability, forever.

The North Korean military—the fifth largest in the world—is the embodiment of North Korea's national identity. Without the military, the regime is simply not viable. Over the last four decades the leadership has specifically designed and tailored the size, organization, equipment, and combat capabilities of the military to support attainment of their reunification goal. With military expenditures at 25% of GDP, the North Korean People's Army includes an air force of over 860 combat jet aircraft, a navy of more than 800 ships, over 1 million active duty soldiers, over five million reserve troops, a huge artillery force, tremendous special operations capabilities, hundreds of theater ballistic missiles, (primarily Scuds), and weapons of mass destruction.

How does the DPRK reconcile widespread famine with "gross" levels of spending to support the lavish lifestyle of the DPRK leadership and defense? Its citizens don't matter, except as pawns of the leadership and the military.

The greatest threat is the possibility that the Kim regime will couple its ballistic missile program with an unchecked nuclear program. The possibility of a successful North Korea nuclear break-out strategy is too dangerous to risk. Unchecked, the Kim regime's missile program will ultimately threaten U.S. vital interests in other parts of the world as North Korea sells its only viable export to hostile nations. It is believed that Pakistan has already been a customer, purchasing missile know-how from North Korea for its medium-range Ghauri missile, which was test fired for the first time last year. The Ghauri has been described as closely resembling the North Korean Nodong missile.

We will not pay tribute to the modern-day Barbary pirates in North Korea. The Clinton Administration has fallen into the dangerous pattern of accepting the extortion demands made during the negotiations with the North Koreans. Despite the gravity of the situation, this Member is forced to conclude that the Administration's response to the military threats of the North Koreans to extort money, humanitarian aid or other concessions is a shameful, un-American violation of this country's principles. Unfortunately, North Korea has learned that irresponsible behavior and confrontation results in U.S. humanitarian aid and other benefits. That rogue country is now the largest recipient of U.S. aid in Asia.

Fueled by its own paranoia and fear, the DPRK claims that a "passive" NMD is a sign of U.S. movement toward a goal of "global domination." This Member would say to the DPRK that, simply by virtue of being the only superpower, much of what the U.S. does ends up being perceived as dominating, even though the U.S. has no such intentions. If there are concerns about global intentions, this Member believes they should be focused on the DPRK. The DPRK Korean's People's Army gathered in late February to renew their loyalty to Kim Jong-il by declaring an oath that "under the leadership of the supreme Commander Kim Jong-il they would . . . make the glorious Kim Jong-il era shine all over the world with arms." This followed an event earlier in the month where DPRK citizens were told they should defend Kim with their lives and "prepare themselves to be heroes through human bomb attacks and soldiers ready for suicidal explosion." The Clinton Administration is perpetuating, if not aiding and abetting, a regime that is clearly hostile. We went down this path in the late 1930s, reaching that path's bitter end on December 7th, 1941. This Member expects that we would not be so naive, again.

Mr. Speaker, in conclusion this Member supports H.R. 4 for several reasons. First, H.R. 4 signals the Department of Defense (DoD) and those involved in the ballistic missile defense program that they should pursue NMD, in earnest. It raises the relative importance of NMD among the many DoD projects, enabling higher prioritization of resources and increasing the focus on research, development, test and evaluation activity.

Another factor influencing this Member's support for NMD is that there is no higher responsibility placed upon Congress by the U.S. Constitution than providing for the defense of the United States, its territory, and its citizens. The possibility of a small-scale missile attack upon the people and territory of the United States is real, and significant. The lack of any U.S. capability to defend against such an attack is equally real, and significant. With regard to a limited intercontinental ballistic missile attack, the U.S. is defenseless! Maintaining the defenseless status quo can only lead to one place, and is not acceptable.

This legislation neither imposes deadlines, for either development or deployment, nor alters the position of the Administration. It does nothing to abrogate the Anti-Ballistic Missile (ABM) treaty or to alter the foundation of the U.S. policy—dissuasion, denial, deterrence, and defense—regarding proliferation of weapons of mass destruction. In fact, it leaves open the possibility to develop a complementary NMD/ABM relationship, as well as the potential to explore cooperative missile defense and non-proliferation efforts with Russia. Yet, this bill provides a clear and necessary policy and announces America's resolve, to develop its missile defense capabilities, to America's friends and foes, alike.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today I will vote for H.R. 4, which declares that it is the policy of this country to deploy a national missile defense system. I am concerned that this bill is too narrow and could have been much better.

I believe, in declaring this national policy, we must also consider the following: Secretary Cohen has stated that a national missile defense deployment might require modifications in the ABM Treaty. Such a modification may upset our delicate diplomatic balance with the Russians, who have already indicated opposition to such a move.

We must be in a position to continue negotiations with Moscow to cut our nuclear arsenals, and amendment to the ABM Treaty would threaten that effort.

A national missile defense policy must also not undermine or compromise the military preparedness of our troops or the planned deployment of theater missile defense systems by redirecting much needed resources.

Mr. Speaker, this body should have had an opportunity to debate those issues. We must have sufficient defense for our borders. As North Korea and Iran expand their capabilities, we must be prepared, but we must not let the steps we take, designed to bolster the security of this country, undermine the delicate international security balance at the same time.

Mr. Speaker, I believe it should be the policy of this country to deploy a national missile defense. This bill should have gone farther to address these additional concerns. The safety and security of this country depends, in large part, on how well we are prepared to deal with decentralized military power as well as with a number of rogue states. A policy supporting a national missile defense is a step in the right direction.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, we have no ballistic missile defense system. The administration opposed it; vetoed it.

Before World War II, many people were stuck in a similar mindset. Leaders in England and elsewhere did not want to develop advanced weaponry. One leader stood alone, though, pushing for England to develop its technology, including radar, in the cause of national defense. His efforts encountered much resistance. Many said that there could be no defense against air power. There was some outright opposition from those who favored disarmament, including Prime Minister Stanley Baldwin, as a way of dealing with Germany.

Well, history has told us that the dark days England soon suffered through would have been much darker if England had not had Winston Churchill and had not developed radar. Radar, which Churchill tirelessly pushed, was critical to winning the battle of Britain.

Sometimes it is not easy exercising foresight and taking preemptive action, but I cannot think of a more pressing issue for this Congress to address than defending our Nation against the emerging threat of ballistic missiles.

I commend the authors and especially our chairman for this important resolution.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to H.R. 4 because the legislation fails to acknowledge that the choice to deploy a national missile defense system is an extraordinarily complex one. It must be based on effectiveness, threat, cost and other efforts to reduce threats to this country.

Some say a national missile defense system should be deployed as soon as possible, no matter what the consequences are. There are others who say that a national missile defense should never be deployed, no matter what the threat is. All I am saying here is that the system should be deployed only if it is proven to work, if the threat truly warrants it, if the cost does not undermine our ability to train and equip our troops, and if it does not prevent further reductions in offensive nuclear weapons arsenals.

Some of the proponents today here are saying we have to decide now, and they have cited other weapon systems. But with other weapon systems we test them before we fly them. We test them before we buy them.

This is not just my view. This is the view of the our Nation's top military leaders. In speaking earlier today, I mentioned General Shelton and Secretary of Defense Cohen. Let me quote General Lester Lyles, who is the Director of the Ballistic Missile Defense Organization. He said at the time of a deployment decision we will also assess the threat, the affordability of the system, and the potential impact on treaty and strategic arms reduction negotiations.

Congress trusts the Joint Chiefs on readiness, we trust them on troop pay, so why do we not trust them on national missile defense?

H.R. 4 is only 15 words long. We can vote for these 15 words and feel good, but the promise is a hollow, empty one. Fifteen words cannot solve the immense technological challenge of hitting a bullet with a bullet. Fifteen words cannot make hit-to-kill technology hit the target more than 26 percent of the time and only 13 percent of the time in outer space.

The era of budget deficits is over, and so must be the era of avoiding tough choices. We must be honest with the public on what it will take to deploy a national missile defense. How much will it cost to test, build and operate over a period of years? Will it improve our security or lead to a dangerous new arms race? Will it work?

I had an amendment that recognized these important considerations, but it was denied by the Committee on Rules. Some Members here today have said the only thing standing between today and deployment is political will. One Member said the problem is political footdragging. I disagree. The problem is more than that. It is technology, it is physics, it is money, it is the real world.

I am under no illusion about what the outcome of this debate will be today, but I ask Members to think about this decision; think about at the end of the day whether these 15 words will do anything to solve the immense technical challenges of national missile defense. We cannot afford this bill. I urge Members to vote "no".

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise in strong support of establishing a national missile defense system.

We live in a new foreign policy world where uncertainty instead of order reigns. That uncertainty has been exacerbated by the mismanagement of our foreign affairs by this Administration.

The Clinton Administration has failed to develop and implement a comprehensive, long-term strategy of advancing American interests. The lack of such a policy has allowed the world's tyrants to increase their military capabilities, especially in the area of developing the ability to deliver offensive ballistic missiles against our nation, against our interests, and against our allies.

It is foolish to think our nation can stand pat on our ability to defend our nation and our interests against such threats.

Refusing to develop a missile defense for our nation would not be a mistake, it would be malfeasance of office.

We have been elected to protect our citizens and our nation. Passing H.R. 4 will begin the process of developing the proper missile defense system.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Fort Worth, Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, there is an old axiom that says it is good to be forewarned and forearmed because preparation is half the battle. Today, as America stands at the threshold of a new millennium, we must prepare ourselves for a new century, new challenges, and, yes, new dangers.

Today, America stands as the world's lone superpower; victorious in two world wars, several regional conflicts and a Cold War. Yes, America is winning the battles, but the war has yet to be won; the war against terrorism, the war to keep America safe from attack in an increasingly unsafe world. It is a war we cannot afford to lose.

The single most important step we can take to ensure our national security is to make a full commitment to ballistic missile defense. So long as there is one nuclear weapon anywhere in the world, America must be prepared to defend herself.

H.R. 4 takes an important step in the struggle to keep America safe and secure. This legislation simply states that it will be the policy of the United States to develop and deploy a missile defense system as soon as possible. No more delays, no more demagogueing.

Fifteen years ago, critics told Ronald Reagan that a ballistic missile defense was not possible. Every time someone would tell President Reagan we were years away from having technology, he would say, let us get started.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. SKELTON. Mr. Speaker, we should update ourselves; update ourselves on the facts, update ourselves on the arguments. Conditions change. The Rumsfeld Commission report, which was a bipartisan report, tells us of the threat. We had a very thorough briefing this morning in this room.

The North Korean missile launch across Japan this last August is a fact that we need to consider. Current intelligence estimates from the intelligence community of our country tell us that we need to update our thoughts. That is why the arguments of today must be updated. We are not giving this debate in yesteryear.

According to the Congressional Budget Office, this bill will not increase missile defense costs a penny, it will not compel a national missile defense architecture that is incompatible with the ABM Treaty, it does not mandate a deployment date or condition. We must, we must, pass this bill.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, in the last 3 days I have attended two really historic events.

For the first time in our history, Members of the Congress, and I was privileged to be one of them, went to Russia to brief members of the Duma there. We briefed them on the emerging missile threat and we took with us three of the top members of the commission.

Just this morning I attended another really historic event. For only the third time in the last two decades we had a classified briefing in this chamber. Again, it was on the emerging ballistic missile threat.

For too long our citizens have been unprotected, totally unprotected. Even a single intercontinental ballistic missile could not be shot down. We cannot leave our people unprotected any longer. It is incumbent on us that we proceed with all due haste to develop a ballistic missile defense system that many of our people think we now have in place, and which, as a matter of fact, the Russians do have in place such a system, fairly robust system, that will protect about 70 percent of their people.

It is high time we get on with the task of protecting our people. I rise in strong support of this bill.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, it is an interesting situation we find ourselves in. A closed rule with no opportunity for amendment, a bill that is barely several lines, and a policy that is ready to jeopardize a consistent process of containing a threat which has 6,000 to 8,000 missiles that could rain down upon the United States, jeopardizing ABM, jeopardizing START, in order to prepare for potentially a threat if the North Koreans could develop a missile that could get to our shores.

Now, I think we ought to prepare for that. Estimates vary. We have spent $77 billion, we have gone through Brilliant Pebbles, we have gone through a number of different machinations. We do not have anything that works. So rather than a policy and an honest debate, we come here today to ram through a line, giving no opportunity for amendment, with a statement, as the Russians today consider START treaties, consider reduction, not theoretical or potential weapons against the United States, but as they consider reducing the number of actual warheads pointed at the United States.

Russia today is a partner in that reduction. I do not know what happens 1 year or 2 down the line in a Russia that has been so rocked by economic calamity. Let us not forget the main issue here. Six thousand to eight thousand warheads in the former Soviet Union and Russia, and possibly, maybe, maybe in 1 year, maybe in 2 years, we will have a technology that maybe will be able to prevent it. And for that, we may jeopardize cutting a deal with the Russians.

I think this is a grave mistake. Give us a chance to amend this, to include that we stay within the guidelines of the treaties that we have signed. If the Russians were here today violating treaties they had signed, every Member would be in this well objecting.

On the other hand, we have language here today the people feel, well, the Russians will have to learn. We may learn the wrong lesson from this action.

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Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, most Americans think that we have the ability to defend ourselves against incoming missiles. America has no ballistic missile defense capability. None. Today we take the right first step to address that extraordinary vulnerability.

I just want to take a minute to thank my colleagues, the gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. SPENCE), and that band of dedicated Members who over many years now have focused on America's need for a missile defense system. It is too bad they were not heard sooner.

Now rogue nations do have intercontinental missile capability. Easy-to-have chemical warhead capability. Not hard for some to reach biological warhead capability. And soon it will be nuclear. Too bad we did not hear sooner.

I urge strong support for this legislation.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding.

Let me say that exactly the point is that we do not have a capable national missile defense, one that works. We do not have that. And everybody readily admits it is not the lack of money and not for lack of will. We have spent billions and billions of dollars on research and development and testing to get to the point where we still do not have a system that works.

It is not in the best interest of the national security of this country to prematurely deploy or make a decision to deploy a system. It does not work. There is no prospect that it will work any time soon. There is no prospect that a high-speed missile at a high altitude is going to be hit by another item, or bullet, as they call it.

The fact of the matter is that to decide to deploy now, as opposed to decide to continue to research and test until we know we have something that works, sends the wrong message. We should be about nonproliferation. We should be about making sure that Russia decreases the amount of missiles that it has. We should be about bringing other people into the nonproliferation regime and making sure that we defend our country, we have no national security interest, and ignorant children, unhealthy families, or seniors having an undignified retirement.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I wish at this time to commend the chairman, the gentleman from South Carolina (Mr. SPENCE), the ranking member, the gentleman from Missouri (Mr. SKELTON), and the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) for their long-standing work on this issue.

Mr. Speaker, the threat for ballistic missiles is clear and present. The current administration has finally admitted that the United States is facing a very current, very real threat. However, waiting too long to deploy a missile defense system poses a risk to the American people that is unacceptable.

How many ballistic missiles, either with or without biological, chemical or nuclear warheads, have to be targeted at American cities or American forces overseas before we take action?

I urge my colleagues to support this bipartisan bill which commits the United States to deploying a national missile defense system. Given the demonstrated threat here and now, I do not believe that we should delay the deployment of a missile defense system any longer than necessary. We must do all we can to protect America from ballistic missile threat, and this bill puts us on the right track.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the very distinguished gentleman from South Carolina (Mr. SPRATT) for yielding.

I rise to oppose H.R. 4. The national missile defense as proposed would not be effective. It would be costly to deploy and easily circumvented.

My colleagues, we do not have to read much history to be reminded of the Maginot Line, the so-called impenetrable wall that has become the symbol of misguided defense policy.

The proposed missile defense system probably would not work as designed, and wishing will not overcome physics. It could be confused with decoys. It could be bypassed with suitcase bombs and pickup trucks and sea-launched missiles. It would be billions of dollars down the drain. But it is not just a diversion of precious resources that we are told are not available for health care, for smaller class sizes, for modern school facilities, for securing open space for taking care of America's veterans.

No, it is worse than a waste. Simple strategic analysis will tell us that provocative yet permeable defenses are destabilizing and they lead to reduced security. In fact, the more technically affected the system turned out to be, the worse the idea would be because of its increase in instability and the damage done to our efforts to reduce Russia's weapons.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I rise in strong support of this resolution. I also commend the chairman and the gentleman from Pennsylvania (Mr. WELDON) and others who have worked so hard to bring this to the floor.

During these and other debates in Congress, essentially what we are doing is establishing priorities. Make no mistake, the number-one priority of this Congress should be to maintain our national security and a strong defense.

Today there is an emerging ballistic missile threat to our Nation, and, in plain English, too many nations will soon have the ability to reach our shores with weapons of mass destruction.

We must stand firm and we must stand united to defend ourselves in face of this real threat. To do otherwise simply will be to ignore history, to misunderstand the nature of tyrants, to play a game and a major role I believe in weakening our national security.

Right now, America cannot defend itself against a ballistic missile attack. This resolution, while long overdue, is right for a safe and secure America. I urge its strong support.

Mr. SPRATT. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from South Carolina (Mr. SPRATT) has 4½ minutes remaining. The gentleman from South Carolina (Mr. SPENCE) has 11½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I emphatically support H.R. 4 as offered by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT).

The bill is simple in its articulation that Congress take the lead on this important issue and declare it to be the policy of the United States to deploy a national missile defense.

As a member of the Committee on Armed Services and the sole representative of the people of Guam, our fellow American citizens who are today directly threatened by missiles in East Asia, I am continually aware of the dangers faced in our uncertain global environment. The U.S. does not currently have a system in place to defeat any inbound ICBM or, for that matter, defend a strategic theater against such a threat.

We know only too well the potential for destruction these weapons hold. This last August, when North Korea sent a three-stage Taepo Dong I over the Japanese homeland, a wakeup call was heard loud and clear here in Washington. Finally, the gentleman from Alaska (Mr. YOUNG) and I introduced a resolution condemning this event. For many years, our intelligence community underplayed this event. And thanks to the work of the Rumsfeld Commission, we now have indeed confirmed some of our worst fears.

Mr. Speaker, the threat against our Nation from missiles is here today, and the people of Guam today are at risk from the wrath of rogue states and the accidental launch. This bill is sound in that it will allow our Nation to seriously confront this issue in terms of policy as well as in our laboratories.

The development of a national missile defense does not violate the ABM Treaty because the system envisioned cannot deflect against a massive strategic attack of thousands of missiles. The national missile defense is meant to protect the national homeland against accidental launch or a limited attack by a rogue nation. This is the system I support.

Mr. Speaker, I support H.R. 4 because it cuts to the core of the issue. It honestly recognizes that there is a threat facing our Nation, States, and territories today and we are finally going to do something about it. On behalf of the people of Guam, I support this bill for the safety and defense of all Americans.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I come before my colleagues in support of H.R. 4 this afternoon and thank the chairman of the committee and the gentleman from Pennsylvania (Mr. WELDON) for the work they have done on this bill.

No one wants a nuclear version of the shocking surprise attack that America suffered on December 7, 1941, at Pearl Harbor. I am glad, then, that on a daily basis the administration is moving closer to support for deployment of a national missile defense system. We use the words like "limited" and "rogue" nations. However, there is no official list of so-called "rogue" nations.

Any deployment plan that does not protect us against all known current weapons is a roll of the dice with our national security. If we are serious about deployment, here is one litmus test. We must start testing major systems frequently, three or four times a year. Slipping into a schedule of once every 9 to 12 months is not acceptable.

Let us give our program managers the funding and political freedom to try and fail and then try again quickly. We must get serious about this. I ask my colleagues to support H.R. 4.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I thank the chairman very much for yielding. Mr. Speaker, I rise in strong support of H.R. 4, the National Missile Defense Act.

First of all, contrary to public opinion polls, we are completely defenseless against a missile attack in this country. It is not good news that we bring to the American people, but the American people deserve to know where the rubber really meets the road on this issue. We have absolutely no system in place, and the public must be aware of this. Now, these same polls show that that same American public believes that our first dollar should go to defend against a missile attack.

Secondly, contrary to what President Clinton said in his speech before this Congress 2 years ago, in which he wrongfully stated that no missiles were pointed at our children, our Nation is indeed in danger of ballistic missile attack.

A recent report, the executive summary of the Rumsfeld Commission, has confirmed that this threat is "broader, more mature and evolving more rapidly than reported. . ." and moreover that the United States would have "little or no warning" to counter a missile attack.

Even the President's Secretary of Defense William Cohen has publicly stated that "the ballistic missile threat is real and is growing."

Finally, contrary to arguments on the Floor today, a ballistic missile defense system is not a budget buster. The cost to deploy initial missile defense capability will amount to less than the amount that we have spent on peacekeeping deployments over the past six years. Moreover, considering the real risk of mass destruction and loss of life that we would eliminate, the cost for a missile defense system is small.

Mr. Speaker, in the current reality, it is unconscionable to continue without a declarative national policy calling for the deployment of a missile defense system. I urge all of my colleagues to vote in favor of this critical legislation.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President keeps vetoing missile defense systems as unwarranted. He says a missile defense system would waste billions of dollars.

It is the duty of this Congress and the President to provide protection against rogue nations who have delivery systems and nuclear weapons, and it is not a waste of money. What most Americans do not know is that we have no defense. Right now we cannot even stop one incoming missile.

North Korea, China, Iran, Iraq are true threats today. How many more missiles need to be pointed at our cities, our homes, and our families before the administration decides the threat is real?

Mr. Speaker, every American must be protected from the threat of missile attacks. They have the right to feel safe. That is what freedom means. That is what America is all about. And it is the duty of this Congress to protect our country. That is why we must pass this legislation.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4, the National Missile Defense Act. In the past, our Nation relied on its oceans to protect it from threats from Europe or Asia. In the more recent past, we relied on the strategy of mutually assured destruction to prevent missile threats from the Soviet Union. Neither of these deterrent options are available today.

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Today, a number of rogue terrorist states are working to build intercontinental missiles that will be able to reach America's heartland from the farthest reaches of the earth. As more and more nations like Iraq and North Korea rush to develop the capability of launching not only nuclear but chemical and biological weapons into America's heartland, it is imperative that we develop a defense against them. We avoided nuclear war with the Soviet Union through a policy of deterrence. But the world knows that we have no deterrent today. We spent billions developing and researching a national missile defense system. It is time to stop studying the problem and begin deploying the system.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, national missile defense is essential, especially after the Communist Chinese have availed themselves of America's most deadly nuclear weapons secrets and, of course, upgraded their rockets with American technology. Yet this administration still labels the Communist Chinese as our strategic partners and continues its closely held policy, its plan, for extensive military exchanges with Communist China. Even after their espionage ring was at long last revealed, the Peoples's Liberation Army delegation is still scheduled to go to Sandia nuclear weapons laboratory. Despite the opposition of the United States Army, a Chinese military delegation will observe their training exercises of the 3rd Infantry Division and the 82nd Airborne Division.

The Communist Chinese are engaged in an unprecedented modernization of their military and a missile buildup. There are those who would leave us defenseless to the Communist Chinese and turn a blind eye to this threat. This administration cannot be trusted to protect the United States. We must act and do it here in Congress.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support as a proud cosponsor of H.R. 4, because the threat of a missile attack against the United States is real, it exists today, and it will grow in the future. It is crucial that we defend Americans in their homes, children in their schools, men and women at their workplaces against a ballistic missile attack.

H.R. 4 is a vital first step toward protecting our own citizens here at home, but in addition to the commitment to deploy, we need to deploy as soon as technologically possible. There is no other legitimate reason to delay deployment.

The administration and some of my colleagues have proffered only very weak objections. They cite obsolete and irrelevant treaties. They question whether there even is a threat in the face of obvious threats. Some worry that the cost of a missile defense system might crimp other programs as though we should spend money on the program of the day rather than protecting American lives.

Mr. Speaker, the threat is real, the time is now, we must commit to deployment as soon as technologically possible. I urge my colleagues to vote in favor of this bill and to continue to take the steps necessary so that we in fact deploy a system to protect Americans in our homeland.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to our Top Gun, the gentleman from California (Mr. CUNNINGHAM), someone who knows something about missiles.

Mr. CUNNINGHAM. Mr. Speaker, why is this important now? In 1995, they found out there was a mole in our national labs. He had been operating during Carter, during Ronald Reagan and George Bush and also Bill Clinton. In 1996, the President was told of this. Nothing has happened. The mole was just arrested last week. That is a national security threat.

Even worse, the White House, against the insistence of the National Security Agency, DOD and DOE, let China have three capabilities which are very important to this country and others as well. One was missile boost capability. North Korea and the nations that proliferate like China and Russia give this to Iran, Iraq and North Korea. They can now reach the United States. The second is MIRV. The Chinese stole small nuclear capability, and now they can put it on the tip of a missile in multiple launch. Targeting is also very deadly. They can hit the fourth apartment on 332nd Street in New York City now.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 4, cosponsored by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT). Like many of my colleagues, I support this bill both for what it says and for what it does not say. This bill does not say when a national missile defense system must be deployed nor how a national missile defense system would be deployed nor where it would be deployed. The gentleman from Pennsylvania and the gentleman from South Carolina have very intelligently left those decisions for the future.

Some critics of deploying this system argue that the technology is not proven. National missile defense will use the same hit-to-kill technology, the equivalent of hitting a bullet with a bullet which was proven on Monday as one of DOD's hit-to-kill missile defense programs, the PAC-3, successfully showed that this technology can work. The PAC-3 interceptor successfully destroyed its target over White Sands Missile Range last Monday.

I hope the President signs this bipartisan bill. We need to send a strong message to our citizens, to our troops, to our allies and especially to our enemies that we are serious about national missile defense.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I think there are a lot of thank-yous to go around: The gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. SPENCE), the gentleman from South Carolina (Mr. SPRATT) and all the people who forged this bipartisan bill. There is a wave of bipartisanship sweeping the Congress for our military. It is long overdue. It is something to be proud of. It is something to congratulate each other over. The President is going to sign the bill. This is what the American people want, addressing real needs and real threats. It is a real threat to this country.

Other speakers have spoken of threats in terms of terrorist activity. They are real, too. We need to do more. We have cut our military by 40 percent in personnel and equipment. We need to do more to counter those threats. But this is a real threat.

Another threat is having quality men and women manning these systems. We have done a lot to deter people from staying in the military. We can come together in pay and benefits in a bipartisan fashion to make sure that not only we have a missile defense system but we have the quality people that we need to maintain these systems in the next century. That is the challenge for this Congress. Let us rise to the occasion. I hope there is more of this over time where we come together to make sure America is strong.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me quickly close by giving everyone the reasons that I support this bill. First of all, it allows us to realize a return on the investment of more than $50 billion that we have already sunk in ballistic missile defense.

Secondly, it supports ground-based interceptors, the best candidate. They are treaty compliant and they fit very easily into the infrastructure of radars that we have already got that will need to be upgraded that are basically already installed, and also into the infrastructure of space-based sensors, SBIRS Low and SBIRS High, that we are going to build, anyway, and deploy because they are a complement to theater missile defenses. They help them acquire and track their targets better.

Thirdly, it will focus our efforts on completing the one form of strategic defense that can be developed and deployed in the short run. In doing this, in making this investment, we will be making an investment on technologies that are common to theater missile defense which are also kinetic-kill interceptors like the interceptor we will be building. It will also promote the THAAD and the Navy's Upper Tier.

Finally, if it is proven capable, these ground-based interceptors will give us a defense against rogue attacks and accidental attacks. I think that is a threat that exists and is emerging and possibly expanding. It will give us also a working system that we can learn from and build upon. But I want to stress "if proven capable." It has not been done yet. NMD, national missile defense, needs to be put to the test, rigorous testing, made to prove that it can hold this country harmless against a limited missile attack. If it can do that, then I think it is worth buying. If it cannot, I would emphasize there is nothing in this bill that requires us to develop and deploy a system that will not protect us.

I would say one final thing, because yesterday we marked up the budget resolution in the House Committee on the Budget. Next week it will be on the floor. This system will not come cheap. It does have the advantage of being an incremental investment on top of a huge investment we have already made, but I am really dubious that the budget resolution coming to the floor next week has enough room to accommodate the cost of this system and at the same time buy an F-22 and a Joint Strike Fighter and V-22 and the Comanche and all the other procurement items that will be coming to fruition at the same time that this bill would call for deployment of a ballistic missile defense system.

On the evening of March 23, 1983, President Reagan went on television to marshal support for his defense budget. His words would be forgotten, except for a question he popped at the end:

> What if . . . people could live secure in the knowledge that their security did not rest on the threat of instant retaliation to deter a Soviet attack, but that we could intercept and destroy strategic ballistic missiles before they reach our own soil or that of our allies?

Reagan answered that question by launching the Strategic Defense Initiative (SDI), and with it, a charged debate. The arguments ended over the old perennials of the cold war—the MX, ASATs, the B–2—years ago, but the argument over missile defense smolders still. Unlike any other system, missile defense has become a political totem. Its advocates not only disagree with its opponents; but thinking they can score politically, they accuse them of leaving the country vulnerable to missile attack. They diminish the fact that deterrence worked for all of the cold war, and act as if missile defenses are available to shield the whole country from attack, when this capability is far from proven and may never be attained. On the other hand, opponents accuse advocates of firing up a new arms race. They give little credit to the advantages of defending ourselves from attack and moving away from massive retaliation and mutual destruction, and complementing deterrence with defense.

Today, the House starts the missile defense debate again, this time with a resolution notable for its brevity. It consists of a single sentence stating: "That it is the policy of the United States to deploy a national missile defense."

The United States has deployed a national missile defense system. We spent $15 billion (in today's money) building Sprint and Spartan and setting up Safeguard at Grand Forks, ND, only to shut the system down in 1976. Even then, the Pentagon did not quit spending on missile defense. In the year Reagan launched SDI, the Pentagon put $991 million in its budget for missile defense, and that sum was budgeted to rise annually to $2.7 billion by 1988. Most of it was for terminal defenses to protect MX missile silos.

After the mid-1980's the defense budget barely kept up with inflation. But with Reagan promoting it, SDI kept on increasing, rising so fast that within 4 years of his speech, SDI was the largest item in the defense budget. At $4 billion a year, SDI got almost as much as the Army's entire account for research and development.

Sixteen years have passed, the Defense Department has spent almost $50 billion on ballistic missile defense, and it has yet to field a strategic defense system. By anybody's reckoning, this is real money. It's hard to claim, with this much spent, that the absence of any deployed system is due to a lack of commitment. The problem is more a lack of focus than funding—plus the fact that the task is tougher than Reagan ever realized.

Early on, the architects of strategic defense decided that it had to be layered. The system had to take out some missiles in the boost phase, as they rose from their launch pads; some re-entry vehicles in the mid-course, as they traveled through space; and the remainder in the atmosphere as they descended to their targets. So, the Pentagon sank money into a family of systems: the High Endo-atmospheric Defense Interceptor (HEDI); the Exo-atmospheric Re-entry Vehicle Interceptor System (ERIS); and two boost-phase interceptors, one known as the Space-Based Kinetic-Kill Vehicle (SBKKV), the next more cleverly called "Brilliant Pebbles." All of these were "kinetic killers," designed to collide with their targets. But since intercepting a target moving 7 kilometers per second is a challenge and subject to countermeasures, SDI supported directed energy as an alternative. In fact, SDI was at one time funding at least five different lasers, ground-based and space-based.

Missile defense demands earlier acquisition and better tracking of targets and a means of discriminating real targets from decoys. So, SDI put money in popup infra-red sensors known as the Ground-Based Surveillance and Tracking System (GSTS) and space-based infra-red sensors known as the Space and Missile Tracking System (SMTS) and now known as Space-Based Infrared Sensors (SBIRS) Low. It even tried interactive discriminators as esoteric as a neutral particle beam, based in space.

Not all of these pursuits were blind alleys, and by no means was all of the money wasted. The ERIS, for example, was by-passed for a better interceptor. But the projectile built by the Army for the ERIS was adopted by the Navy for its theater missile interceptor. By the same token, the Army's theater missile interceptor has a sapphire window, developed for the HEDI as a heat-resistant aperture to see within the atmosphere, where friction produces terrific heat.

After the gulf war, SDIO evolved into BMDO (Ballistic Missile Defense Organization), and its charter was broadened to include theater defense as well. With billions of dollars spent on research, BMDO began to assess what was feasible. Laser systems were deemed futuristic, too far over the horizon. Ground-based laser beams were hard to propagate through the atmosphere without distortion, and space-based lasers were hard to power and protect from attack. Boost-phase interceptors orbiting in space were also vulnerable to attack, technically challenging, and expensive to deploy, given the number needed for enough always to be on station. Even if all these problems were overcome, boost-phase interceptors could be outrun by missiles with fast-burn boosters, like Russia's SS–24, a mobile missile with a booster burn-out time of 180 seconds.

Emphasis shifted, therefore, to the ground-based systems. Since interdiction in the atmosphere is hard to do, the endo-atmospheric interceptor was sidetracked, and the whole mission devolved to mid-course interceptors. These have the merit of being treaty-compliant and technically mature, and are clearly the best candidate to go first. But no one should think they answer Ronald Reagan's dream. The first problem they face are counter-measures in the form of decoys, chaff, and re-entry vehicles (RV's) enveloped in balloons, which lure the interceptors off course. The next is a limiting condition SDIO acknowledged in a 1992 report. Because of the radiation, heat, and electromagnetic effects generated when RV's are destroyed and exploded, SDIO decided that it could not postulate the take-out of more than 200 re-entry vehicles by mid-course interceptors. If our country were attacked by an adversary with an arsenal as large and sophisticated as Russia's, the first wave could easily include more than 200 warheads, and even with a smaller attack, the same problem could thwart tracking with infrared sensors and radar.

H.R. 4 says that it is our policy to deploy a national missile defense. Although not identified, the mid-course interceptor is the clear candidate for this mission. This is not a system, however, that will "render nuclear weapons impotent and obsolete," in the words of President Reagan. If we have learned anything over the past sixteen years, we have learned that a leak-proof defense is so difficult, it may never be attained. H.R. 4 calls for a "national missile defense," and the committee report makes it clear that this means a system to protect us against limited strikes. By "limited" strikes, the committee report means that the objective system should take out up to 20 oncoming warheads. This is the near-term goal, and even it is not ready to deploy.

There is legitimate concern about how Russia may react to this push for deployment. In truth, the system this bill anticipates will not defend us against a concerted attack by a nation with an arsenal as large and diverse as Russia's, not in the near future anyway. If it can be shown to work, it should defend us against rogue or accidental strikes and some unauthorized strikes, and Russia should have no objection to that.

This level of missile defense seems to be within our reach, but it is not yet within our grasp. Secretary Cohen has just added $6.6 billion to BMD recently and put his support behind national missile defense (NMD), but he warned that the technology is "challenging" and "highly risky." Look at our experience so far with theater missile defense (TMD) systems. They are not comparable one-to-one to NMD, but when the Army's Theater High Altitude Area Defense System (THAAD) is 0–5 in testing, and the Navy's Upper Tier is 0–4, we should be wary of just presuming that a ground-based interceptor can travel thousands of miles into the exo-atmosphere and hit an RV four feet long.

The merit to me in this one-sentence bill is not what it says but what it does not say. It recognizes that the technology of missile defense has yet to be tested and proven, and it does not presume to say what will be deployed, when it will be deployed, or where it will be deployed.

This bill does not mandate a date certain for deployment. There is no threat now that requires us to rush development and testing or to settle for a substandard system just to say we have deployed something. In 1991, the Senate imposed on us in conference a "Missile Defense Act" which made it a national "goal" to deploy a missile defense system by 1996. It is now 1999, and nothing has been deployed, which shows the folly of legislating deployment dates.

This bill also does not mention the Anti-Ballistic Missile (ABM) Treaty. Everyone knows that we are developing ground-based interceptors that are treaty-compliant. This bill does not specify the number of interceptors or where they will be deployed, and it does not need to—not yet. We will not enhance our security by pushing NMD so hard that we derail Strategic Arms Reduction Treaty (START) II and doom START III. Unlike past bills, H.R. 4 also does not tell the Administration what it must negotiate with the Russians, and it should not. For now, compliance with the ABM Treaty is necessary to ratifying START II and negotiating START III. If we are concerned about the spread of nuclear weapons, or the risk of unauthorized or accidental attack, or the cost of maintaining our strategic forces at START I levels, both treaties are important—probably a lot more important to our near-term security than a limited missile defense system. The treaties are important also to the long-run role of the missile defense, because nuclear warheads in the United States and Russia must be lowered to a couple of thousand on each side if national missile defense is ever to become an effective complement to deterrence.

If this bill's attraction is its brevity, it's fair to ask, "What purpose is served by passing it?" I know some think this bill is to stiffen the resolve of the Clinton administration, but I don't think that's necessary. The Clinton administration has put a billion dollars a year into developing a ground-based system, and for the last several years, Congress has generally acquiesced in that level of spending. This year the

President's budget includes funds for deploying an NMD which amount to a plus-up to $6.6 billion or a total of $10.5 billion over FY 1999–FY 2005. That sounds like a system taking shape to me, and that's one of the reasons I support deployment as our objective. At this level of effort, we should be thinking about a deployable system, and not more viewgraphs to go on the shelf.

If anything, it may be the House that needs to check its resolve. Yesterday, the House Budget Committee reported a Budget Resolution that takes $205 billion out of the President's defense budget for the years 2004–2009. This is the very time period when the system this bill supports will be ready to deploy, along with a host of others: the Army's THAAD, the Navy's Upper Tier, PAC–3, the F–22, the F–18 E & F, the Comanche, the V–22, and the JSF. You cannot load on to this full plate ballistic missile defense—ground-based interceptors, SBIRs Low and SBIRs High, radar upgrades, and BMCCC—and pay the billions it will cost with a defense budget that's flat-funded for six years, from 2004–2009.

I think there is an emerging threat and there are good reasons for developing ballistic missile defenses, but let's not fool ourselves. Like all weapon systems, missile defense will not come cheap, and when the time comes to buy it, rhetoric won't pay the bills.

In summary, here are my reasons for supporting this bill:

(1) It allows us to realize a return on the investment of nearly $50 billion made already on ballistic missile defense.

(2) It supports ground-based interceptors that are treaty-compliant and fit easily into an infrastructure of ground-based radars that are already installed and space-based sensors (SBIR's Low and High) that are already being developed for targeting theater missile interceptors defenses and tactical intelligence.

(3) It focuses BMDO on completing the one form of strategic defense that can be developed and deployed in the short-run, and further develops technologies on a continuum with theater missile defense systems, particularly THAAD and Navy Upper Tier.

(4) If proven capable, ground-based interceptors will give us some defense against rogue and accidental attacks and a working system to learn from and build upon. The best way to find if midcourse interceptors can discriminate decoys from real RV's is to build and test the actual interceptors and the target and guidance systems.

(5) Finally, I support this bill in the hope that we can put BMD on a bipartisan footing. TMD enjoys bipartisan support; NMD has been a bone of contention. Now that the technology is taking shape and showing promise, NMD needs to stand the test of any weapons system. It ought to be put to rigorous testing, and made to prove that it can hold this country harmless against a limited missile attack. If strategic defense can prove its mettle, I think we should buy it and deploy it. If it can't, nothing in this bill requires us to buy a dud.

Mr. SPENCE. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. WELDON), coauthor of this bill who is mainly responsible for us being here today.

Mr. WELDON of Pennsylvania. Mr. Speaker, first of all I want to applaud the level of debate today on this issue and thank Members from both sides for their diligence in focusing on this issue. I want to applaud the integrity of the opponents of this issue. And I want to point out the difference between the opponents in this body who stood up and focused on their opposition and the opponents in the other body who twice stopped a similar bill from getting up to a vote and then had the audacity to change and vote for it on the Senate floor yesterday. So I applaud the opponents who have a logical and philosophical difference with what we have done here and I applaud them for taking the steps to oppose it, even though I disagree with them.

I do take issue with those who say that we do not care about human concerns. Mr. Speaker, I am a teacher. I spent 7 years teaching in the public schools of Pennsylvania and for 3 of those years I ran a chapter 1 program serving those children with educational and economic deprivations. I support education. I support human services and needs. But what do we tell, Mr. Speaker, the families of those 28 young Americans who came home in body bags? They were hit by a missile. Do we tell them that we are not going to pursue a defense? Do we tell them that there is some other more important priority after they volunteered to serve our Nation?

We have no choice but to pursue missile defense, Mr. Speaker, because that is the weapon of choice by rogue nations. I do take issue with those who say that we are trying to harm our strategic relationship with Russia. For the last 20 years since graduating from college with a degree in Russian studies, I have focused on Russia. I have been there 18 years and I have been focusing on ways to provide more economic stability with that nation. That is not a reason for us to deny protection for our people. We need to provide this system to protect Americans. It is time for us to vote. Not to provide cover for Members.

If Members support the President's policy of waiting a year and then deciding whether or not he should deploy, vote against this bill. But if they feel as we do, it is time based upon the threat and based upon the changing world to move in a new direction, where instead of threatening each other with long-range missiles, we begin developing a new relationship where we defend ourselves and our people and our troops. I happen to think as a teacher and a person very concerned about human issues that that is the right thing to do as we approach the new millennium.

I ask my colleagues to oppose the motion to recommit and support this bill to provide protection for our people.

Ms. PELOSI. Mr. Speaker, I rise in opposition to H.R. 4, the Missile Defense Bill. I think we all agree that this is a vitally important issue to the American people. That is why I am disappointed by the Republican Leadership's decision to deny any member the basic right of introducing an amendment to this bill so we may have a full and open debate.

For example, the closed rule under which we are debating this bill blocks the amendment from my good friend from Maine, Representative ALLEN. The Allen amendment proposes ideas I believe my Republican colleagues would support. The Allen amendment specifies that the United States deploy a National Missile Defense that is operationally effective and that a National Missile Defense System not jeopardize other efforts to reduce threats to the United States. If we can not agree on these points, then I fear we are farther apart then I imagined.

The future of this country depends on a strong economy and a strong military. Neither is possible without an educated populace. That means that everyday, we have to make difficult decisions about where we spend our money and that we must be wise when deciding such matters. Therefore, we must not rush to deploy any missile defense system that will not guarantee our protection.

This debate involves many complex issues. Lest some of my colleagues have forgotten, one of our potentially most significant foreign relations accomplishments over the last 30 years was our agreement with the former Soviet Union to reduce the size of our nuclear arsenals. I am talking about the Anti-Ballistic Missile Treaty and the START II and III nuclear arms reduction proposals. And I say they are potentially significant because I worry that if we pass the current version of H.R. 4, we would be in violation of the ABM Treaty and force the Russian Duma to fail to ratify START II. Additionally, as far as Russia is concerned, do we really want to put pressure on a country trying to stabilize its fragile economy by tempting it to respond to our actions.

I agree with my colleagues who believe that a new threat to our security has emerged and that we have a responsibility to address that threat. As a member of the Intelligence Committee, I know as well as anyone that the potential for a rogue state to strike our shores may exist in the near future. However, it would be irresponsible for us to rush to meet that potential threat by spending money on something that one, is not even technologically possible and two, even if it were possible, would not end the threat.

Mr. Speaker, we do not need a missile defense. If we need anything, we need a strong non-proliferation policy. If my colleagues only want a missile defense, then they will have the chance to vote for that today. However, if they truly want to protect the American people, then they will only settle for something that also attempts to stop other, more realistic, threats to our safety, such as cruise missiles or smuggled bombs. The missile defense systems being considered do not adequately address these possibilities. The remarks of Secretary Cohen are very poignant here. The Secretary acknowledged that the Joint Chiefs of Staff worry more about a suitcase bomb going off in one of our cities and that very few countries would launch an Intercontinental Ballistic Missile aimed at the United States, knowing that they would face virtual elimination.

I urge my colleagues to vote no on H.R. 4.

Mr. CALVERT. Mr. Speaker, I support of H.R. 4 and would like to discuss one of the most important issues currently facing our nation. Many rogue states have already proven their ability to attack the United States via long-range missile capability or nuclear-weapons program and others are known to be close to obtaining this capability.

The United States cannot fully prevent other nations from obtaining missile technology, allowing them the capability to launch missiles that may reach our borders. During their recent dispute with Taiwan, China threatened to bomb Los Angeles; North Korea recently launched a three-stage rocket over Japan; and a published CIA report determined that they will soon have the technology to reach the west coast of the United States. Knowing that the Chinese have the capability to attack my district in California, and that the North Koreans are not far behind, compounded by the fact that we have nothing to protect us from attack, strikes fear into the hearts of my constituents and me.

For the Clinton Administration to have delayed making a National Missile Defense System a top priority is a tragic mistake. To rely on the ABM Treaty, an archaic, outdated agreement with a country that does not even exist any longer, shows that our nation's security needs are a low priority for this Administration.

Our federal government is responsible for the general defense of our nation. The post-Cold War world is littered with dangerous, rogue nations that either possess or are pushing toward development of nuclear weapons. North Korea and China have already illustrated the capability to threaten the U.S., but they will not be the last. If we have one Saddam or bin Laden with nuclear missile capability, they could kill millions of American citizens under our current defense security posture.

Right now, Mr. Chairman, we can insure that this nightmare never becomes reality. I hope that my colleagues on both sides of the aisle will support this important bill and make it a priority to deploy a national missile defense system. It is my personal belief that such a system should play to our technological strengths and should include a sea-based element. Sea-based anti-missile systems would provide flexibility to protect our forces around the world as well as the 50 states.

Further, we must have the courage to modify, or even scrap, the ABM Treaty when it is in our supreme national interest to do so. Mr. Chairman, defense is never provocative and weakness is never wise. We must pursue a national missile defense immediately.

Mr. EVERETT. Mr. Speaker, the resolution before us today is very simple and straightforward. H.R. 4 states that it is the policy of the United States to deploy a national missile defense system. Most Americans would be puzzled by this, because it is a widely held misconception that we have an anti-ballistic missile defense system in place to protect the United States from any incoming missile; either an accidental launch from Russia, or an intended launch from China or any number of rogue nations.

Yes, we spent $40 billion in the 1980's for research and development of the Strategic Defense Initiative (SDI). However, liberal naysayers and the media criticized the program for being a threat to the former Soviet Union, while trivializing and demonizing the program as "Star Wars." Once the Berlin Wall fell and the Soviet Union collapsed, the collective wisdom of liberal policy makers convinced the public that such a missile defense system was no longer needed; the program was allowed to fade into a meager research effort.

Unfortunately, here we are today still facing a formidable nuclear weapons arsenal of more than 7,000 warheads in the former Soviet Union. Moreover, the development of a ballistic missile capability in China, coupled by the intent of North Korea, Iran and Pakistan to briskly pursue advanced ICBM programs places the United States and the world at great risk. In addition, rogue states led by Iraq, Libya and Syria are pursuing ambitious ballistic weapons programs of their own. These sobering realities were again presented to each of us this morning by the threat analysis of the Rumsfeld Commission.

However, President Clinton is opposed to this bill. According to the Statement of Administration policy, the Clinton Administration opposed this resolution for two reasons; they oppose the commitment to deploy a missile defense system and they are concerned about violating the Anti Ballistic Missile (ABM) Treaty. I cannot understand this Administration's reluctance to fully defend the American people, nor their concerns about complying with a treaty that we made with a country that no longer exists.

Mr. Speaker, it's high time that the policy of the United States is to fully defend our nation from all threats, including incoming ballistic missiles. We are very close to achieving the technological challenge and capability of a "hitting a bullet with a bullet." We must not allow the Administration's reluctance to get in the way of protecting Americans; let's support this legislation.

Mr. PITTS. Mr. Speaker, I rise today to speak to American families. Tonight, as you sleep, we cannot adequately protect you and your children from a ballistic missile attack from rogue nations, let alone Russia or China.

We simply must protect American families. It is our duty—that is why we are here today. Deploying a national missile defense to protect American families simply makes sense.

The Administration's current arms control strategy has failed miserably, while rogue nations progress in developing long-ranges missiles capable of carrying nuclear, chemical, or biological warheads.

In addition to the established nuclear powers of China and Russia, the Administration has tried, and failed, to prevent Russia from aiding Iran's progress in missile technology and guideane systems. The Administration has failed, too, in Iraq and North Korea. India and Pakistan have established themselves as members of the nuclear club, and Cuba is now being helped by Russia with its own reactor.

According to the Rumsfeld Commission, rogue nations like North Korea and Iran will be able to inflict major destruction on the U.S. within about five years of a decision to acquire such a capability. Further, rogues can import technology from Russia and China and greatly decrease acquisition times and increase secrecy.

Today, rogue nations don't need to develop weapons of mass destruction, they merely need to purchase them.

Despite the overwhelming evidence of the rogue nation threat, the Administration continues to downplay the threat, delay funding and deployment of a national missile defense, and risk the life of every American. This is unacceptable.

It is time for the Administration and Congress to make preserving our security and our freedom a priority. It makes no sense at all to grant Russia or China a say in our policy to defend ourselves.

We have the technology, designs, and intelligence. All we need is the straight forward policy, and we can begin to deliver on our constitutional duty to adequately defend American families.

We can no longer afford to follow the Administration's policy of mutual assured destruction. Rather, we must have a policy of defending American families.

Vote for H.R. 4 today, and support a policy that will provide for deployment of a national missile defense.

Mr. PACKARD. Mr. Speaker, today we are discussing a matter of national security and national protection. H.R. 4, calls for the prompt deployment of a national missile defense system. This legislation is long overdue.

According to a congressional advisory panel report from July of 1998, missile threats are widely and drastically underestimated. Our enemies are working aggressively to develop ballistic missile systems capable of carrying weapons of mass destruction. Iran, North Korea, China, and others are all developing missile systems for one purpose: to target the United States. We cannot afford to let this threat go unchecked.

Mr. Speaker, nothing is worth more than the safety of our citizens. Yet our critics claim that development of a national missile defense system is too costly. Nothing could be further from the truth. The cost to deploy an initial National Missile Defense capability will amount to less than the amount the United States has spent on peacekeeping deployments over the past 6 years.

In 1995, President Clinton vetoed legislation similar to that which we are debating today. In his veto message, the President called the deployment of a national missile defense "unwarranted." Today, the President has indicated that he will sign our legislation. I am relieved that the President has finally agreed with my Republican colleagues and I on this issue.

Mr. Speaker, this is an issue which should need little debate. I urge my colleagues to support a national missile defense and vote in favor of H.R. 4.

Mr. HORN. Mr. Speaker, when John F. Kennedy committed our Nation to sending a man to the moon by the end of the 1960s, he was not ambiguous and he did not hedge. He committed this Nation to a hard-to-reach goal with the knowledge that American ingenuity and hard work could get the job done. He was right then and we are right now to set this goal before us.

The spread of ballistic missile technology—combined with the spread of chemical, biological, and potentially nuclear technology—to nations openly hostile to the United States and our allies has introduced a new threat and new dimension to American security.

The spread of this threatening technology has occurred at a rate faster than was predicted just recently by our intelligence community. This fact requires an immediate response to protect our Nation sooner rather than later.

The technology underpinning a national missile defense system is unproven today. Much work remains to be done before a working system can be deployed. However, unless we treat this threat and our response seriously and proceed with a firm commitment to deployment, we will leave ourselves vulnerable to our most dangerous and unpredictable enemies.

Protection from this threat must be treated with the highest degree of seriousness. National missile defense must be undertaken in conjunction with other defense needs. Failure to commit to the deployment of this protection for our Nation will mean that it is undertaken with too little funding and too little attention to deploy a missile defense system in time to respond to existing and emerging threats.

Our first priority must be to ensure the protection of our Nation and our armed forces defending American interests abroad. Some have said that this system might not stop all attacks. Should our response be to provide no protection? Of course not. I do not agree with that response and neither should you. Vote for H.R. 4 and protect our citizens from the actions of irresponsible nations.

Ms. BROWN of Florida. Mr. Speaker, I believe that we should wholeheartedly support House Concurrent Resolution 42, a resolution to support the sense of Congress that the President is authorized to deploy U.S. troops as a part of a NATO peacekeeping operation to implement a peace agreement in Kosovo.

I am very disappointed in Congress' reluctance to commit an American contingent of 4,000 troops to serve as peacekeepers in an attempt to stabilize the region. At the same time members of Congress are debating the U.S. position, American negotiators are in France struggling to negotiate a settlement palatable to both sides. Although I do believe that an open debate about troop deployment in Kosovo before the American public is necessary, now is not the appropriate time to carry on such debate, given the extreme fragility of the peace process.

Indisputably, peace in the region is in the best interests of the United States. Noncompliance with our obligation to the organization and lack of support for our European allies, may in turn lead them to forgo the peace process as well, a move that will negatively affect our relationship with Europe, as well as future joint military endeavors.

Although NATO was originally established for the purpose of deterring Soviet aggression in Europe, the Alliance is still a necessary vehicle to neutralize aggressors on the continent. This is especially true in the context of leaders such as Slobodan Milosevic, whose political ambitions have the potential to disrupt regional political, social, and economic harmony. Indeed, even though political changes brought about by the end of the cold war have altered NATO's original purpose, the organization still plays a meaningful role in the region by promoting political, social, and economic ties among European nations. Certainly, the United States, as a major participant in the organization, has a strategic and humanitarian interest in preventing the conflict from spinning out of control.

Undeniably, there is ample evidence to demonstrate that if the situation is left untended, the conflict in Kosovo will draw in Albanians from four surrounding regions—Macedonia, Montenegro, northern Greece and Albania—further destabilizing the region, increasing the number of refugees, infecting Greek-Turkish relations, and souring relations between member countries of NATO. One cannot profess concern about the future of NATO and the stability of Southern Europe, while standing idly by, declining to react to this alarming state of affairs.

If members of the KLA eventually accept the terms laid out by European and American negotiators, I believe without reserve that America should participate by contributing peacekeeping troops. Since the deal calls for the Europeans to commit 25,000 troops, and the U.S. only 4,000, it is they who are assuming the majority of the responsibility, which, in and of itself, is in the best interests of our country. The U.S. is, and must remain, an influential player in Europe, and therefore cannot remain entirely aloof from taking on a major role in the brokering of a deal between the warring parties. Unquestionably, the contribution of 4,000 troops is within the means and the interests of the United States.

Mr. VENTO. Mr. Speaker, I rise today in strong opposition to this legislation that will push the United States down a slippery slope and lock us into an automatic deployment of a national missile defense system. This system is a highly speculative policy with regards to cost and effectiveness. The best defense is a smart defense. The U.S. needs not just smart weapons, but smart soldiers. This decision contributes to neither. H.R. 4 will siphon off important resources that should focus on ensuring that our troops have the equipment and the training they need to maintain our security. The advocates for "Star Wars" or strategic defense initiatives can change the names, but not the facts! What kind of message are we relaying to our constituents back home? Congress should not be in the business of writing a blank check for yet another version of "Star Wars." A pipe dream which commits to spending over $100 billion without any assurance of success and evidence that such action will erode effective disarmament and weapons agreements such as the 1972 Anti-Ballistic Missile Treaty (ABM). Today, their is a long agenda of real needs. Too many schools are crumbling down and overcrowded, much environmental cleanup is needed, veterans are in need of adequate health care and the future of the Social Security and Medicare Insurance are crying for attention. Investments in our people today must surely take priority over such questionable spending policies that is intended by this version of the national missile defense measure.

Why rush to give blanket authority for deployment of a national missile defense at an unspecified cost? The United States has already spent over $120 billion on missile defense research and development, including $67 billion since President Ronald Reagan's "Star Wars" initiative. Recent systems tests have failed 14 out of 18 times and Joint Chiefs of Staff Chairman General John Shelton recently stated that the United States does not yet have the technology to field a national missile defense. In addition, the Clinton Administration recently proposed spending $10.5 billion over the next five years to step-up research of a workable system. Furthermore, many scientists inside and outside of the government testify that any system, no matter the sophistication, would be relatively easy for an enemy to circumvent at far less cost. And worse yet, this initiative would lead to a renewed qualitative arms race to defeat such a national missile defense system.

Nonetheless, H.R. 4, a 15-word measure, would give blanket endorsement by the House, mandating automatic missile defense deployment without regard to taxpayers, regardless of its impact on global stability and regardless of whether or not it actually would be effective. This bill will provide a false sense and illusion of security and waste important tax dollars that could better serve people programs or even real defense needs.

Clearly, this 15-word bill would fundamentally undermine international arms control and disarmament agreements which have effectively preserved and advanced U.S. and global security over the past three decades. Furthermore, this bill sends the wrong message to Russia and other nations at a crucial time. It would seriously damage relations with Russia, violate the ABM, jeopardize the ratification of the START II Treaty by the Russian Duma and undermine decades of efforts to advance national and international security through arms control and disarmament agreements. This could stimulate an escalating nuclear arms race with China which would view such a deployment as a threat to its current limited nuclear deterrent. An end to Russian nuclear disarmament, the decommissioning and disassembly of nuclear weapons and a nuclear arms race with China and others would undermine U.S. security far more than the alleged threat from rogue nations such as North Korea or Iran. H.R. 4 will reverse the ongoing successful arms reductions initiatives and in fact reverse U.S. policy that has been in place for 4 decades.

Mr. Speaker, during this debate I've heard many, too many different explanations of what these 15 words mean, I guess that they mean whatever an individual may claim, but I've no doubt that this action will be interpreted as the green light to spend hundreds of billions of dollars to in fact move forward beyond the $10 billion that is already planned by the Clinton administration. This is not a benign matter, it is the renewal of a path to policy well traveled. An engraved invite to develop, spend and undercut existing treaty agreements. The wrong policy path.

The recent threats we face from North Korea and other rogue nations do not require the deployment of a national missile defense system. The United States has faced the threat from long-range missiles for 40 years. We should continue to do what we can to control the spread of this technology and to gain agreements, such as the nuclear power accords achieved with North Korea in the last 4 years. But, it is much easier for a terrorist group or rogue nation to smuggle nuclear devices or biological weapons across our borders than to develop huge ballistic missiles under the watchful eye of our satellite systems. Locking-in deployment does nothing about the real threats we face today. A missile defense looks up at the sky for missiles when we should be looking on the ground for terrorists in a panel truck.

Technology for a national defense system is actually more sophisticated, not less than some other forms, because of the shortened timeframe, low trajectory, and limited ability to detect such weapons deployment and activation.

This total initiative seems to cast Congress and this issue into a political ploy more designed for emotion than rational decision making. Frankly, the spread of knowledge of weapons of mass destruction is in fact the real world that we must live with. The United States of America has, in many instances, been the source of that knowledge. Isn't it time to stop or at least slow down the merry-go-round? Maybe it is time to review the film, "Dr. Strangelove." As many of you know, this film addresses the consequences and results of actions such as this. The basic problem is changing mindsets and attitudes to realize that we share vulnerability, not to pretend and falsely promise what cannot be achieved. We live in a interdependent world. The path to more security is found in addressing the problems, not pretending that we can build a wall around the United States and be isolated and impervious to events and developments in other nations.

I urge all members to vote no on H.R. 4.

Mr. KOLBE. Mr. Speaker, the development of a national missile defense is vital and I support this resolution. The bottom line is that this is a natural evolution for our defense.

Once upon a time, our ancestors built walls of stone to defend themselves from swords and arrows. As military weapons have evolved, so must our defenses. While some in this chamber raise legal, treaty-oriented objections to this bill, we know that the reality of our age is that a missile attack on U.S. soil by some rogue nations may soon be technically achievable and perhaps politically desirable.

We don't have to go far back in time to understand this. We all know that the single bloodiest moment for American servicemen and women in the Gulf War was the moment an Iraqi Scud landed on the barracks occupied by our forces.

If anyone doubts that a despotic leader would take an opportunistic chance to launch a missile attack at American soil—even as merely a demonstration strike or as a symbolic strike, consider the SCUD missile attacks on Israel. While there was clearly no military advantage to be gained through that action, Sadam Hussein launched those attacks to prove that he could, and to see if it would rouse support from other nations.

Given those circumstances, we have no choice but to embrace the policy declared in this bill and move forward with the development of a national missile defense system.

This is not a threat that will pass. The Rumsfield Commission has opened our eyes to the reality that this is not a situation we can postpone. The responsible action at this moment in history is to rally the political support necessary to make a national missile defensive system available to protect the American people as soon as possible.

Ms. BALDWIN. Mr. Speaker, in May, George Lucas will release the next Star Wars sequel. I can hardly wait to see it. Apparently I am not alone, since today we'll vote on our own sequel to Star Wars. Unlike Mr. Lucas and 20th Century Fox who can be confident it will be a hit and a money maker, all we know is that our Star Wars sequel will cost a lot of money—$50 billion and counting. As for whether it will be a hit, hit-to-kill technology is nowhere near feasible.

Now when 20th Century Fox makes a big, expensive movie they usually go with a proven formula for success. When they gamble, they may end up with Waterworld or Ishtar. The United States cannot afford an expensive flop.

When 20th Century Fox isn't sure they have a hit, they bring in focus groups and maybe edit or reshoot some footage. It usually won't cost too much. We won't have that option.

I rise today in opposition to H.R. 4, a bill that would make it the policy of the United States to deploy a national missile defense system. I do not know if it should be the policy of the United States to deploy such a system. I think few of us do. Because we have not had a national debate yet.

We don't know what it will cost.

We don't know what the impact will be on our future nuclear arms reduction negotiations with the Russians.

We don't know the impact on Anti-Ballistic Missile treaty.

And we don't know if it will work.

We need a national debate on a national missile defense. A couple of hours today will not engage the American people in this important debate.

I wish the majority had allowed a genuine floor debate ion the Allen Amendment to establish the criteria for deployment. If the House is going to establish this policy, we need to have clear deployment criteria. We should not take this step until National Missile Defense:

(1) has been demonstrated to be operationally effective against the most significant threat identified at the time of such deployment (and for a reasonable period of time thereafter);

(2) does not diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to the United States, including negotiated reductions in Russian nuclear forces; and

(3) is affordable and does not compromise the ability of the uniformed service chiefs and the commanders of the regional unified commands to meet their requirements for operational readiness, quality of life of the troops, programmed modernization of weapons systems, and the deployment of planned theater missile defenses.

We are doing the American people no favor by rushing this bill through the Congress so that we can say we're addressing the perceived threat. Let's take our time, get it right, and use our constituents' tax money wisely.

That will make our Star Wars the kind of blockbuster that every American will want to see.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to express support for H.R. 4, and I will vote in favor of this legislation. We certainly should not fail to explore the possibilities of protecting the United States from missile attack from enemies across the globe.

But, we must also make a realistic assessment of the threats we face and consider how we can best use our resources. While the threat of a hostile missile attack exists, the far greater threat comes from terrorism, whether domestic or international, and whether sponsored by rogue individuals, organizations or states. The weapons of mass destruction I most fear are not intercontinental ballistic missiles traveling through the stratosphere, but those coming across our land and sea ports and delivered by an aerosol can, suitcase or panel truck.

To protect against such asymmetrical threats we must devote appropriate resources to Customs, the Immigration and Naturalization Service, and even the Coast Guard. These agencies are our nation's first line of defense along our borders and major ports of entry. More personnel and better technology are needed if we want to defend against terrorists trying to smuggle into the United States weapons of mass destruction. We want more commerce with our neighbors and international trading partners, yet we do not provide adequate resources to the very agencies tasked with managing the trade.

Just this week federal authorities, including the INS, arrested 15 people on charges of operating an immigration fraud ring that helped members of an alleged Iranian terrorist group enter the United States illegally. Several years ago, a cargo ship owned by a Chinese shipping company and destined for the United States was boarded off the California coast and a cache of firearms was discovered. With current resources and technology are we able to stop an illegal weapons or known dangerous persons from entering the United States?

The administration has included in its budget $10.5 billion for fiscal years 1999 through 2005 for national missile defense. I say in addition to this money we devote more resources to those dedicated individuals on our nation's borders and ports of entry who manage our international trade and face potential threats everyday.

Mr. DELAHUNT. Mr. Speaker, each day, Members of this House debate how to save Social Security and Medicaid. How to cut taxes. How to stay within mandated spending caps. All to make sure that we only spend tax money on things we need—and things that work.

Now comes the missile defense bill. Before casting this vote, let's review what we know—and what we don't know—about this proposal.

We do know that we already have a national missile defense—the threat of swift and disproportionate retaliation with our own nuclear weapons.

We don't know if an anti-ballistic system will work—which is why almost no-one will attest to its reliability. Even the Chairman of the Joint Chiefs has said that "we do not yet have the technology to field a national missile defense."

We do know that an anti-ballistic system cannot defend against the most probable form of attack. The likeliest 21st-century enemies will use cheap, hard-to-trace methods to kill Americans, like gassing subways or poisoning reservoirs.

We do know it would be expensive. We've already spent $120 billion, and estimates now approach $200 billion more.

But we don't know where this money will come from. Do we sacrifice veterans' benefits, or home health care? Education or environmental protection?

We do know that this bill undermines years of progress with the one country whose missiles actually pose a threat—Russia. For decades, we've negotiated to reduce Russia's nuclear arsenal. The Russian parliament is considering deeper cuts. But Russia sees an American missile defense as a direct threat to its own deterrent and a reason to abandon nuclear arms reductions.

We don't know if Russia can even maintain its current force level without an accident—Besides setting back years of diplomacy, this bill could actually increase the risk of an accidental launch as Russia tries to manage a missile force with its crumbling infrastructure.

We do know that this bill could begin a new arms race. Other nations may feel so threatened that they will seek to develop weapons to counteract our missile defense.

In short, we are asked today to authorize enormous sums of public money to nullify years of arms control. To risk re-igniting the arms race. All for a defense system that may not work. To protect us from a threat that may not materialize.

It doesn't take New England frugality to recognize that we can do better, and I urge my colleagues to join me in voting "no."

Mr. BROWN of California. Mr. Speaker, I will vote against H.R. 4, a bill committing the United States to deploy a national missile defense system as a matter of national policy.

I will not repeat the arguments against passing the bill, since such arguments have little impact on most Members. Frankly, leaders on both sides are supporting the bill largely because they think that it is a good political strategy or that failure to do so may be used against them in the next election. These are not ignoble motives. In fact, concern for our national defense is a very noble motive, and I deeply respect those of my colleagues who express this concern.

However, during the 1960's and 1970's when similar arguments were made to deploy an ABM system, or to escalate the Vietnam war, Presidents and their advisors made the same supportive arguments aware that they could not be justified. They reversed themselves, recanting their former words only when the American people came to understand the unwinnability of a ground war in Asia in a situation where no vital U.S. interests were at stake and the futility of a missile arms race, either offensive or defensive, against the U.S.S.R. In the face of great odds both the United States and the U.S.S.R. moved toward arms control and reduction and toward cooperation in a growing number of economic and political areas.

I am confident that the leaders of the nations of the world have passed the era of even considering nuclear war as a viable option. For a rogue nation or a terrorist group to deliver a nuclear device by means of a ballistic missile, whose launch point can be precisely detected, amounts to national suicide, even if it were to evade the proposed U.S. missile defense system.

Our efforts today should be focused on eliminating the causes of war, of which the largest is economic inequality and endemic poverty around the world. A small fraction of the cost of the missile defense system would give us a good start on such a program.

Ms. DEGETTE. Mr. Speaker, I rise today in opposition to H.R. 4, and urge my colleagues to vote in favor of the motion to recommit. H.R. 4 is a bill whose time has not come. It is a bill whose time, arguably, may never come. As General Hugh Shelton, the Chairman of the Joint Chiefs of Staff, said in February of this year, "The simple fact is that we do not yet have the technology to field a national missile defense. We have, in fact, put some $40 billion into the program over the last 10 years. But today we do not technologically have a bullet that can hit a bullet." General Shelton, testifying only 44 days ago before the House Armed Services about this issue, continues: "The technology to hit a bullet with a bullet remains elusive."

Yet today the House is considering legislation that presumes this technology does exist, when it in fact does not. H.R. 4 presumes this missile defense system can be developed and deployed, when in fact after tens of billion dollars in research, in General Shelton's words, it "remains elusive." If General Shelton's summation is not simple enough, I offer an analogy which easily explains my opposition to H.R. 4: the cart should not be put before the horse. The decision to deploy a National Missile Defense system should not be made until there is a clear capability to address a potential national security threat.

How many times has a defense technology been rushed to the field in a spectacular shower of funding from Congress, only to be declared obsolete on the day when the last bolt is tightened or just as a system is declared "fully operational"? With all the good intentions of this Congress to take steps to preserve national security, there are too many questions regarding the readiness of this technology to consider beginning deployment of a National Missile Defense.

Let our research scientists, engineers and military commanders finish their job, first. If there is a national security threat that can be addressed with a proven national missile defense technology, bring that evidence before Congress, and then let's decide whether or not it makes sense to deploy such a system. But until then, I urge my colleagues to not get ahead of the horse.

Equally as troubling to me is the fact that H.R. 4 in its brevity fails to recognize the arms control gains we have made under the Anti-Ballistic Missile Treaty. The deployment of a system as prematurely proposed by this bill may in fact put us in noncompliance with this treaty, a treaty that has slowed arms development for nearly 30 years. I worry that this bill could send the wrong message to Russia and China, who might likely see it as a signal to start the arms race again. It might also be viewed by other nations as an invitation to join in.

As H.R. 4 is silent on these issues, it provides an oversimplistic policy for an extremely complex, interdependent group of concerns. The 15-word, one sentence policy statement in H.R. 4 grossly trivializes the importance of this issue of national defense. Without serious consideration of the full ramifications of this policy, and without the opportunity to amend this bill to do justice to this national security issue, I cannot support this bill.

Mr. DICKS. I rise in support of H.R. 4 the Weldon-Spratt National Missile Defense bill. I am a cosponsor of the bill and urge my colleagues to support it. At the same time, I strongly support the amendment offered by TOM ALLEN, which was not allowed on the floor, which clarifies that we will not deploy a system unless we know that it works. The Allen amendment also makes clear that the readiness and Theater Missile Defense (TMD) of our troops is our top priority. We may have an opportunity to vote for this sensible alternative as a motion to recommit, and I urge my colleagues to support it.

Even as we pass this bill we need to come clean with the American people. We have not been able to make National Missile Defense work, and at this time, we don't have a system to deploy. We are developing this system as fast as we can, in fact, we may be pushing the technology too hard. But significant challenges remain. We have experienced a series of failures with our medium-range THAAD system. If we can't even do THAAD, how are we going to do National Missile Defense, where the targets are much faster and much more sophisticated? The Army successfully tested the shorter range PAC–3 missile defense system this week. And we all hope that THAAD will be back on track with a successful test next month. But we shouldn't kid ourselves here. We have a long way to go to get a National Missile Defense system. Fortunately we have good people working on the problem.

We should also be honest with the American people on what we are talking about deploying. This will not be the leak proof missile defense shield that Ronald Reagan dreamed of when he founded the Strategic Defense Initiative. We are no closer to achieving a leak proof defense against Russian missiles today than we were in 1983. Instead, we are developing a system designed to deal with the limited and relatively unsophisticated threats presented by countries like Iran and North Korea. I believe developing a defense against these threats is necessary and appropriate. And by voting for H.R. 4, Congress will signal its intent to deploy such a system if it works.

But it will not change the fact that Russia, the old Soviet Union, maintains thousands of nuclear weapons, which they can launch against the United States at will. And for this reason, I cannot support those who advocate abandoning the ABM treaty which has been the cornerstone of strategic arms reduction. Deploying a National Missile Defense system will improve our national security, but nothing can compare to the importance of implementing START II, and negotiating a START III agreement with Russia. We should not abandon the ABM treaty in our haste to protect against the North Koreans of the world.

Missile defense has proved to be a tough nut to crack. We have been trying to deploy a workable national missile defense system since the 1960's and have spent tens of billions of dollars, without success. This bill today signals that Congress is deadly serious about solving this problem. But it will not change the fact that national missile defense is difficult. And it should not push us to abandon arms reduction with the Russians.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to support H.R. 4, the National Missile Defense Act, and to thank my colleagues CURT WELDON, JOHN SPRATT, and Chairman FLOYD SPENCE for their leadership on this issue. It is important that the House consider this bill today in an effort to educate America as to why this issue is so important to our future.

Mr. Speaker, I have long believed that the security of the American people is the primary and most important responsibility of the Federal Government. In recent years we have learned that one of the biggest threats facing that security is the proliferation of weapons of mass destruction and more importantly the dissemination of sensitive missile technology into the hands of our potential adversaries.

Recent polls indicate that many Americans think our military forces can currently shoot down any missile fired at the United States. Well, Mr. Chairman, as the debate has pointed out here today, this is not the case. The United States does not have a missile defense system today and we won't have a missile defense system tomorrow unless this Congress acts responsibly to direct our military to develop one. H.R. 4 is the first step toward beginning this process.

If there is one thing I have learned since being elected to Congress is that many nations, large and small, are developing their own weapons of mass destruction and are moving ahead with potential use. Just last year, two new countries entered the nuclear arms race. Pakistan and India. And, many more nations much less friendly towards the United States continue to pursue the ability to launch weapons of mass destruction.

As this technology spreads throughout the world, the need for a national missile defense is increased. The United States can not sit by and wait for the next country or terrorist organization to threaten the United States. We must be proactive and develop our own system to combat that threat.

According to the bipartisan Rumsfeld Commission the ballistic missile threat to the United States "is broader, more mature and evolving more rapidly than reported in estimates and reports of the intelligence community." Even more alarming is that the simple fact that the United States may have "little or no warning" before a ballistic missile threat materializes. To quote Secretary Cohen, "the ballistic missile threat is real and is growing."

As a member of the National Security Appropriations Committee, I have learned first hand that we must act now. The cost to deploy an initial National Missile Defense should not deter us from our responsibility. It has been estimated that, in reality, this initial step will amount to less than the amount the United States has spent on peacekeeping deployments over the past six years. A national missile defense is an investment worth making. If we can spend over $11 billion on a "peacekeeping" mission in Bosnia over the past four years, we can surely establish a proper missile defense.

In closing Mr. Speaker, the ballistic missile threat to the United States is real. It is not 5 years away. Congress needs to move forward and deploy a National Missile Defense system to provide the fundamental security that Americans deserve. H.R. 4 provides that framework and I urge all my colleagues to support this important bill.

Mr. LARSON. Mr. Speaker, I rise in support of this resolution. From the end of World War II to the end of the cold war and the fall of the Berlin Wall, our generation has been witness to some of the greatest social changes and upheavals in history. We no longer face a world fenced off by two superpower nations. Today we are a global community facing a new and real threat from small rogue nations and their ability to launch an attack directly on American soil.

I support this proposal because I want to protect my three young children. However, my support comes with certain reservations. If we can stand together to support this proposal to protect our children, we must also stand together and enact legislation to provide our children with access to technology in the classrooms, as well as the training and education in our public schools to ensure they remain competitive in the new digital economy. As the 21st century approaches we are facing the uncharted territory of the information age. We must do all we can for this next generation of Americans.

The SPEAKER pro tempore (Mr. SUNUNU). All time for debate has expired.

The bill is considered read for amendment.

Pursuant to House Resolution 120, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ALLEN. Yes, I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ALLEN moves to recommit the bill H.R. 4 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

That it is the policy of the United States to deploy a ground-based national missile defense, with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense, that—

(1) has been demonstrated to be operationally effective against the threat as defined as of the time of such deployment and as projected for a reasonable period of time thereafter;

(2) does not diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to the United States, including negotiated reductions in Russian nuclear forces; and

(3) is affordable and does not compromise the ability of the uniformed service chiefs and the commanders of the regional unified commands to meet their requirements for operational readiness, quality of life of the troops, programmed modernization of weapons systems, and the deployment of planned theater missile defenses.

☐ 1615

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes in support of his motion to recommit.

Mr. ALLEN. Mr. Speaker, I want to begin by commending both the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) for the work they have done on this issue. This is a case where there are some of us who respect and admire their expertise in this area but do disagree on the substance of the policy, that it is the right one for this country. It is certainly true that the threat that has evolved with rogue nations is different from what it was perceived to be a number of years ago, and it is appropriate to consider the responses to that. But I would point out a couple of facts.

One is that even the system that is being proposed today is a very limited defense system that would only deal, as a practical matter, with the threat from rogue nations and not provide the broader security that perhaps some believe.

But the objection that I have primarily is this:

This system has not been tested. We do not know whether or not it will work, and I believe that the decision to deploy should follow and not proceed; the testing, that would show whether or not we have a viable system here.

The motion to recommit has three parts. The motion provides that it is the policy of the United States to deploy a ground-based national missile defense that, number one, has been demonstrated to be operationally effective against the threat as perceived at the time we come to a decision on deployment. The gentleman from Pennsylvania (Mr. WELDON) said the President's policy, and he is correct, is to deploy some time next year after we have had some tests. Let me first mention a couple of things:

We need to know we should not commit to deploying a national missile defense until we know it works. This is extraordinarily difficult technology, hitting a bullet with a bullet. The first intercept test will be held in the summer of 1999, this year, but the first fully integrated test of the entire system will not be held until the winter of 2001. That is a long time off, and a lot can happen during that time. Missile defense has been a program where we have run the risk of rushing to rush ahead with the system before it is fully tested. There are new tests that have been added which are appropriate, but we still, I think, need to wait and to see how the test works before we move ahead with the decision to deploy.

The second part of the motion provides that the motion to the committee would provide that the system would not be deployed if it would diminish the overall national security of the United States by jeopardizing other efforts to reduce threats to the United States including negotiated reductions in Russian nuclear forces. We really need to make sure that we handle this matter appropriately so that the great threat of all of the nuclear weapons still available in Russia are managed and controlled and that we do not do anything to jeopardize our ability to deal with that task.

The third part of the motion is that the system must be affordable and not compromise readiness quality of life, weapons modernization, and exceedingly importantly, theater missile defenses needed to protect our troops and our war ships that are forward deployed. The costs are, as my colleagues know, subject to great debate, but last year in June the GAO estimated the cost of 18 to 28 billion to develop, produce, deploy and operate a national missile defense system through 2006. The truth is we really do not know how big a cost we have, but it is in the amount of billions and billions of dollars.

With that, Mr. Speaker, I would say it is my hope that colleagues will want more detail, want more testing, want more understanding, that they will support the motion to recommit.

Mr. Speaker, I yield to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise to support the motion to recommit, and I would just like to remind our colleagues that our Nation must maintain a defensive posture, but not at any cost.

> The Joint Chiefs of Staff have pleaded for increased funding for spare parts, training, troop and quality of life initiatives . . . not deployment of a national missile defense.

And if we look at the requests from the Joint Chiefs of Staff, those requests are that this Congress funds spare parts, training of troops and quality of life initiatives.

As my colleagues know, this Congress has not yet supported the bailout funds for the disaster in Central America, and I was just there a week ago, and I want to remind this Congress that 21 nations responded to that, including ours, but we have not sent one dime of assistance, Mr. Speaker. No missile defense system will ever protect this country from a nation in poverty.

We have not yet saved social security, we have not reduced class size, we have not provided for health care for all Americans, Mr. Speaker. In our zeal to protect our democracy we were actually jeopardizing our democracy by failing to protect our domestic tranquility.

Mr. Speaker, I urge my colleagues to support the motion to recommit.

Mr. SPENCE. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I began my remarks today by pointing out the frustrations I have in trying to protect our people, the frustrations of having to fight our own people to protect our own people. That frustration has carried over today on the floor of this House. We have people who resist the temptation to protect our own people. We are trying to drag people, screaming and yelling, to that point where they will have to protect our own people.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, let me just respond to my friend, the gentleman from California (Mr. FARR). What he does not tell our colleagues is that we have spent $19 billion in contingency funds out of our defense budget for deployments that were never budgeted for over the past 6 years. Nineteen billion dollars, all over the world, $9 billion in Bosnia; all of that money came out of a defense budget that was already shrinking. So, we have made a commitment.

We should oppose the Allen motion to recommit. H.R. 4 is a simple, straightforward bill with bipartisan support; the Allen motion is not. It is complicated, it is hard to understand. H.R. 4 does not mandate a system architecture which is why the gentleman from South Carolina (Mr. SPRATT) and I worked together. His amendment would, in fact, say we must have a ground-based system. It precludes a system that perhaps one day could use our AEGIS technology. H.R. 4 addresses the serious threats we face today, not unknown threats that may emerge down the road. We cannot predict what they will be. Operational effectiveness should be key in determining. The Allen motion mandates operational effectiveness prior to establishing a policy. Mr. Speaker, that is ridiculous. If we had done that, we would not have the Poseidon program, we would not have Trident, we would not have the AIM-9 side winder, we would not have AMRAAM, we would not have the Hawk. What a ridiculous way to try to fund defense needs by saying we are going to have the operational effectiveness prior to establishing a policy.

The Allen motion also could give Russia a veto over our own NMD policy. No foreign Nation should have the ability to have a veto over us. If an arms control agreement gets in the way, then we have got to renegotiate that treaty or we have got to do what is best for our people, not allow another Nation to hold us hostage.

H.R. 4 establishes and indeed is a high priority, it is got bipartisan support, and it is time for us to vote on this issue, to cut through the rhetoric; yes, if my colleagues are in favor, no, if they are not. I urge my colleagues to oppose the Allen substitute and to vote in favor of H.R. 4.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ALLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 152, nays 269, answered "present" 1, not voting 11, as follows:

[Roll No. 58]

YEAS—152

Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Skelton
Stabenow
Strickland
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Weygand
Woolsey
Wu
Wynn

NAYS—269

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Spratt

NOT VOTING—11

Boehner
Burton
Buyer
Clyburn
Coburn
Doolittle
McCarthy (MO)
McKeon
Myrick
Stark
Stupak

□ 1642

Messrs. BISHOP, TAUZIN, CONDIT, EHLERS and Ms. LEE changed their vote from "yea" to "nay."

Messrs. PALLONE, KIND, RAHALL, OWENS and Ms. KILPATRICK and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. STARK. Mr. Speaker, during rollcall vote No. 58 on the Allen motion to recommit with instructions, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. MCKEON. Mr. Speaker, due to District Business, I missed rollcall No. 58. Had I been present, I would have voted "no."

The SPEAKER pro tempore (Mr. SUNUNU). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPENCE. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 317, nays 105, not voting 12, as follows:

[Roll No. 59]

YEAS—317

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—105

Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Blumenauer
Bonior
Brady (PA)
Brown (CA)
Brown (OH)
Capuano
Carson
Clay
Clayton
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gejdenson
Gephardt
Gutierrez
Hilliard
Hinchey
Holt
Hooley
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Kind (WI)
Kucinich
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Markey
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Miller, George
Minge
Mink
Moakley
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Phelps
Rahall
Rangel
Rivers
Roybal-Allard

Rush
Sabo
Sanders
Sawyer
Schakowsky
Serrano
Slaughter
Strickland
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—12

Boehner
Burton
Buyer
Clyburn
Coburn
McCarthy (MO)
McKeon
Meehan
Myrick
Ortiz
Stark
Stupak

□ 1701

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCKEON. Mr. Speaker, due to district business, I missed rollcall No. 59. Had I been present, I would have voted "yea."

Stated against:

Mr. STARK. Mr. Speaker, during rollcall vote No. 59 on H.R. 4, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes No. 58 and No. 59, on H.R. 4, I was unavoidably detained. Had I been here I would have voted "nay" on rollcall vote No. 58, a motion to recommit with instructions. Had I been here, I would have voted "aye" on rollcall vote No. 59, final passage of H.R. 4.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall votes 58 and 59 on March 18, 1999, I was unavoidably detained. Had I been present, I would have voted as follows: on rollcall vote 58, "yea" and on rollcall vote 59 "yea."

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4, the bill just passed.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 472, LOCAL CENSUS QUALITY CHECK ACT

Mr. DREIER. Mr. Speaker, I rise to inform the House of the Committee on Rules' plans in regard to H.R. 472, the Local Census Quality Check Act.

H.R. 472 was favorably reported by the Committee on Government Reform on Wednesday, March 17.

The Committee on Rules may meet next Tuesday to grant a rule which may require that the amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table by the close of legislative business next Tuesday, March 23. Amendments should be drafted to the bill as ordered reported by the Committee on Government Reform, a copy of which may be obtained from the Subcommittee on the Census.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of Parliamentarian to be certain that their amendments comply with the rules to the House. It is not necessary to submit amendments to the Rules Committee or to testify as long as the amendments comply with House rules.

A "Dear Colleague" letter announcing this potential amendment process was mailed to all Member offices today.

LEGISLATIVE PROGRAM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I rise to inquire about next week's schedule, and I yield to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I am pleased to announce that we have concluded legislative business for the week. There will be no votes tomorrow, Friday, March 19.

On Monday, March 22, the House will meet at 2 p.m. for a pro forma session. Of course there will be no legislative business and no votes that day.

On Tuesday, March 23, the House will meet at 9:30 a.m. for the morning hour and 11 a.m. for legislative business. Votes are expected after noon on Tuesday, March 23.

On Tuesday, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices.

Also on Tuesday, March 23, the House will take up H. Res. 101. It is a privileged resolution on committee funding.

On Wednesday, March 24, and the balance of the week, the House will meet at 10 a.m. to consider the following legislative business: H.R. 1141, a bill making emergency supplemental appropriations; H.R. 472, the Local Census Quality Check Act; and the budget resolution.

Mr. Speaker, we expect to conclude legislative business by 2 p.m. next week on Friday, March 26.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. PALLONE), my friend, for yielding to me.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from New York. If I could just ask in terms of a little more specifics, will we definitely be in next Friday, or is it possible we would conclude the business earlier than that?

Mr. LAZIO. Mr. Speaker, if the gentleman will yield, I would say that, right now, it appears that we will be in on Friday, particularly because we are taking up the budget resolution this week, and it looks like that will be taken up on Thursday. Right now it looks like the votes very probably are going to be on Friday, but we should be out by 2 p.m. on Friday.

Mr. PALLONE. Mr. Speaker, I thank the gentleman. Let me ask in terms of the legislative business, the supplemental, the census, the budget bill. Does the gentleman have any more specifics in terms of when he would expect each of those to be considered on Wednesday, Thursday, or Friday, or the order?

Mr. LAZIO. Mr. Speaker, if the gentleman will yield, we will have the committee funding resolution up on Tuesday. We expect on Wednesday we will have H.R. 1141, the supplemental will be up on the floor, and we expect that to be voted on Wednesday.

On Thursday, we expect the budget resolution to be up and possibly the census legislation, the Local Census Quality Check Act. We expect right now, again, to conclude business by 2 p.m. on Friday with votes probably on the budget on Friday.

Mr. PALLONE. On Friday. Mr. Speaker, one more thing. In terms of any late nights, is the gentleman from New York expecting any late nights?

Mr. LAZIO. Mr. Speaker, if the gentleman will yield, right now it is very difficult to tell. I think, if there are any late nights, it probably will be Thursday evening because of the budget resolution and the possibility of the census.

So Thursday, right now, it looks like it is the only late evening. But of course it depends on the pace that we keep and our ability to move our legislative work during this week.

Mr. PALLONE. Mr. Speaker, I thank the gentleman.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I would like to direct a question to the gentleman from New York (Mr. LAZIO). Last week, I observed the gentleman from Michigan (Mr. BONIOR) rise and ask the gentleman from Texas (Mr. ARMEY) if it would be possible to delay votes on Tuesday to accommodate West Coast members.

If I leave my district at 6:00 in the morning, I can barely make it here by 5:00 in the evening. That is common to many people who live on the West Coast. I realize the gentleman can walk to his district in that time period. This is a problem. It is a real problem.

So I scheduled to come in on Monday afternoon. My plane was canceled. So I took the first plane out on Tuesday morning. I find, when I get here at 4:30 that the House concluded business at 2:30 in the afternoon, and I missed the votes, as did some other people from the West Coast. I saw the gentlewoman from Wyoming (Mrs. CUBIN) from not even quite the west coast on the plane on Tuesday also.

I would hope that the majority will consider this schedule in the future. I would further note, and no one should take offense at this, because even though my name is DEFAZIO, my mother is an O'Shea, and I come from the O'Sheas and Crowleys, I note that, on Wednesday, the House of Representatives delayed all votes until after 3 o'clock this afternoon because there was a Saint Patrick's Day parade in New York.

Now for some reason, we can delay all the proceedings of the House of Representatives until after 3 o'clock in the afternoon for a joyous occasion, a parade, but for regular business and accommodating the schedules of West Coast Members, who constitute a significant minority of this body, they apparently can do nothing.

Mr. Speaker, I would just ask the gentleman if there is any consideration going to be given on that side to putting those votes, the two or three votes that were done by 2:30 in the afternoon later in the day on Tuesday?

Mr. LAZIO. Mr. Speaker, will the gentleman from New Jersey (Mr. PALLONE) yield?

Mr. PALLONE. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Speaker, I would say, first of all, I am very sympathetic to the gentleman's plight. I am lucky enough to live in New York and be able to shuttle down here. There is difficulty. The majority and the minority have been working with Members to try to increase the predictability of the schedule. There has been more sensitivity.

This week in particular, there will be no votes on Monday. We will not come in until 12 o'clock, or we expect no votes until 12 o'clock on Tuesday. We will be out by 2 p.m. on Friday. Of course, 2 weeks thereafter we will be in recess. So we have a difficult week in terms of trying to ensure that a budget resolution and some other legislation is done in a 4-day period.

I can only tell the gentleman that we are trying to be sensitive to those colleagues who are on the West Coast. There has been some significant modification of the schedule to reflect that sensitivity over the last several weeks. I think that we are going to continue to try and work on it.

But, again, this week in particular, we have a 4-day week. We are not in at all on Monday, and we have the 2 weeks of recess thereafter. It is important that we get our work done. We will do the best that we can.

Mr. DEFAZIO. Mr. Speaker, will the gentleman from New Jersey yield further?

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I am pretty sure of next week before a recess. But, again, just pointing to this week, votes were done by 2:30 on Tuesday. Clearly, the House could have gone in at 4 o'clock in the afternoon and been done by 6:30 on Tuesday and accommodated Members from the West Coast.

Then on Wednesday, we reversed the entire schedule and did not vote until after 3:00 because of a parade for people on the East Coast. I mean, some of us might have liked to go to Saint Patrick's Day parades on the West Coast, but the gentleman would have had to give us 2 days to do it. In any case, I do not see great sensitivity in last week's schedule. I hope, after we come back from the recess, they can do a little better by West Coast Members.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from New York (Mr. LAZIO). Hopefully we can look into that after that recess.

Mr. LAZIO. Mr. Speaker, if the gentleman will yield, I will be happy to, and we will continue to try and show sensitivity for this issue.

The other point, of course, in all of this is to make sure that the committees have Members here on both sides of the aisle. There has been concern expressed by the committee chairmen, so that Members are here, they attend to their business, we get our work done, it is on the legislative floor here. We will try to work to ensure that there is better predictability and good communication on both sides of the aisle.

ADJOURNMENT TO MONDAY, MARCH 22, 1999

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. SANFORD of South Carolina,
Mr. DOOLITTLE of California,
Mr. CAMPBELL of California,
Mr. PITTS of Pennsylvania, and
Mr. RYAN of Wisconsin.

There was no objection.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Without objection, and pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. GEPHARDT of Missouri.

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 17, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 801(b)(6) and (8) of Public Law 100–696, I hereby appoint the following individual to the United States Capitol Preservation Commission: Mr. Pastor, AZ.

Yours Very Truly,
RICHARD A. GEPHARDT.

☐ 1715

REPORT OF CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MILLER of Florida) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith a report of the Corporation for Public Broadcasting. This report outlines, first, the Corporation's efforts to facilitate the continued development of superior, diverse, and innovative programming and, second, the Corporation's efforts to solicit the views of the public on current programming initiatives.

This report summarizes 1997 programming decisions and outlines how

Corporation funds were distributed—$47.9 million for television program development, $18.8 million for radio programming development, and $15.6 million for general system support. The report also reviews the Corporation's Open to the Public campaign, which allows the public to submit comments via mail, a 24-hour toll-free telephone line, or the Corporation's Internet website.

I am confident this year's report will meet with your approval and commend, as always, the Corporation's efforts to deliver consistently high quality programming that brings together American families and enriches all our lives.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1999.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR DEMOCRACY, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 15th Annual Report of the National Endowment for Democracy, which covers fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1999.*

PRAISE TO STUDENTS FROM COVENANT CHRISTIAN AND CLINTON HIGH SCHOOLS FOLLOWING AFTERMATH OF AMTRAK TRAIN CRASH

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, today I stand before the American people and my colleagues to comment on the fatal Amtrak train crash that occurred earlier this week. I am saddened this terrible tragedy took place. In their slumber, over late night snacks and conversations, fellow Americans aboard Amtrak's City of New Orleans were jolted into a reality of death and injury.

Today we mourn with our fellow Americans. In particular, I pause to offer condolences to fellow Mississippians who suffered losses in this crash. We pause to give thanks for life while seeking to understand why bad things happen. The American family stands with all those who have suffered.

Out of the tragedy came several stories of heroism. We can find the strength and endurance of the American spirit in many of the passengers who worked to protect and save the lives of others during this crash. I want to tell my colleagues about students from Mississippi who were on this train.

Young Mississippians from Covenant Christian School and Clinton High School were returning from a spring break trip. Out of the chaos and heartbreak, these Mississippi teenagers went to work securing the safety and well-being of fellow passengers. These students were courageous, caring, heroic, and brave.

I want all Americans to know about these teenagers from Clinton High School and Covenant Christian School. Why? Because we can all stand a little taller and feel a little better about our Nation and our future.

Mr. Speaker, I provide the names of these students for inclusion in the RECORD.

List of Students: Danielle Bell, Drew Bilbo, Chris Carter, Suzanne Cole, Emily Diffenderfer, Tim Farrar, Michael Freeman, Anna Fulgham, Stephanie Ly, Jeff Sartor, Shadia Slaieh, Jessica Switzer, Anshika Singh, Caleb McNair, Melissa Watson, and Christina Bomgaars.

Chaperones: Delores Bell, John Farrar, and Phyllis Hurley.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCING LEGISLATION TO BRING FEDERAL GOVERNMENT UP-TO-DATE ON WATER RESOURCE MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, one of the characteristics of a livable community is the desire to promote the safety, health, and economic security of our families.

Today, in the newspapers around the country, people read of the expected flooding that is about to occur this spring. I, obviously, come from an area of the Pacific Northwest that will be particularly hard hit, although we are often under water even in the best of times, and it may be less of a wrenching experience for some of us than around the country.

We are going to watch for an unusually harsh spring in the Pacific Northwest, in the Southwest, in the East, and it is an item that the Federal Government has been concerned about for a number of years. The Federal Government has been a partner working to protect against flood damage since 1960. Over $40 billion Federal dollars have been invested in this effort.

Ironically, the losses from flood damage today, adjusted for inflation, are three times greater than before we started in 1960 and spent the $40 billion. Why? In part, because we have not been as wise as we should have been in the expenditure of these funds. We have taken rivers across the country, we have narrowed and channelized them, we have encouraged people to live up to the river's edge with a false sense of security, we have paved over half our Nation's wetlands and, consequently, in many of these areas, there is simply no place for the water to go.

The result of our Federal disaster policy has been massive damage to a number of the same properties at a great cost to the taxpayer. One home in Houston that is appraised at less than $115,000 has received over $800,000 in federal flood insurance in less than 20 years.

There is, in fact, a smarter way to promote community livability. I have introduced legislation today, with the gentleman from Maryland (Mr. GILCHREST), H.R. 1186, to bring the Federal Government up-to-date on water resource management.

The current system simply does not work well. The Corps of Engineers does cost-benefit analysis that simply does not recognize the benefit of flood damage avoided by moving communities out of harm's way and it, consequently, produces a flawed analysis.

Likewise, Federal financial assistance has a current cost-share formula that penalizes communities that make special efforts to develop and implement hazard mitigation and floodplain management.

Lastly, we do not give communities enough flexibility to fine-tune the projects that we have previously authorized.

As a result, on the books we have projects that are often expensive and do not adequately address the threat in today's needs, and communities are not allowed to be involved in this process directly.

Our legislation, H.R. 1186, would correct all of these items. It changes the cost-benefit ratio to fully reflect the benefits including avoided costs of moving people out of harm's way. It will provide the same financial incentives for the low-cost, innovative, less intrusive approaches to floodplain management as if people are going to use traditional dams, dikes and levies.

Finally, it will allow the private and public local partners, who are working with the Corps of Engineers and the Federal Government, to provide cost-effective solutions and to be able to refine and fine-tune those plans without having to go back through the reauthorization process.

We talk a lot on the floor of this House about reducing Federal redtape. This is a simple item that we, by legislation, can permit our communities to avoid the costs and consequences of trying to crawl back through the legislative process or, worse, build simply a project that we know will fail.

As we watch the flooding that is about to occur this spring across the country, I hope that we will think about how the Federal Government needs to be a more constructive partner for livable communities. I strongly urge my colleagues to join the gentleman from Maryland (Mr. GILCHREST) and me in the sponsorship of H.R. 1186.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. FOSSELLA. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. CALVERT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ENVIRONMENTAL INJUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, I rise tonight to bring to the attention of the American people what I think is a great injustice that is occurring in our country. It is injustice that seeks to pit community against community, color against color and the American people against one another. It is an injustice that we are witnessing in my district in Staten Island, but it is injustice that I have little doubt we will be battling throughout the Nation before long.

The controversy centers around the seemingly innocuous-sounding policy advanced by the Environmental Protection Agency known as "environmental justice". In theory, this legal doctrine is supposed to reflect the notion that all communities, regardless of race or ethnicity, should share equally in the burdens and risks of environmental protection policies. It sounds reasonable, except, of course, until the theory is applied.

Over the years, the policy has been twisted like a pretzel, so that today, lawyers and activists now believe that different people deserve different treatment or, more precisely, that some people are more equal than others.

Earlier this month, for example, top Federal officials from the Environmental Protection Agency, Department of Transportation, Housing and Urban Development, and even the White House Council on Environmental Quality came to New York for a daylong tour of waste transfer stations in the South Bronx. They came to see for themselves and to hear the residents who claim that these facilities pose an environmental injustice on their community.

Let me add that I have no problem with them going to the South Bronx.

The morning after the tour, the EPA and the White House Council on Environmental Quality organized an unprecedented 8-hour public hearing in which residents had the opportunity to voice their outrage over the existence of the transfer stations. At the conclusion of the event, and at a speed in which I have never seen the Federal Government act, the White House Council on Environmental Quality announced that it would undertake an environmental justice investigation in the South Bronx.

This is, quite possibly, the most clear-cut hypocrisy on the part of the EPA that I have ever witnessed. At its core, the doctrine of environmental justice defies the most fundamental American principles of equality and justice. Why? Because while the White House Council on Environmental Quality mobilized its top officials for a tour of the South Bronx, granted a predominantly minority community, it never considered traveling just a few miles to Staten Island, which just happens to be a predominantly white community, to see one of the most horrific examples and nightmares of the 20th century known as the Fresh Kills Landfill.

To me, Mr. Speaker, it was an insult to every resident of Staten Island and a slap in the face to the hard working people of my district, who have been burdened for 50 years by this 3,000 acre, 150-foot-high illegal garbage dump, the largest in the country. This facility is not only the largest in our country, but one of, so legend has, one of only two man-made structures visible from outer space.

Recognizing the absurdity of any investigation on waste disposal in New York without a full and comprehensive discussion of Fresh Kills, I filed my own complaint with the EPA for an environmental justice review on Staten Island. In the days since, the silence from the EPA and the White House Council on Environmental Quality has been deafening.

It should also not be forgotten that for the South Bronx and every other borough in New York City, waste would be continually moving through transfer stations en route to a destination out of state, whereas at the Fresh Kills Landfill the trash literally sits and rots in our community forever.

The EPA and the White House Council on Environmental Quality failed to see the hypocrisy of fighting tooth and nail against a waste transfer station or transfer stations in the South Bronx because it would be located in a minority community but, at the same time, requiring a community like Staten Island to accept nearly 10 billion pounds of garbage every year.

Let there be no mistake. If the EPA or a State or local agency finds a particular facility poses a health risk to a community, the agency should mitigate or eliminate that risk, regardless, regardless, of the race or ethnicity of the residents of the neighborhood. But a governmental policy that takes skin color into account does not do justice, environmental or otherwise, to Americans, nor should it be funded with our tax dollars.

The fact is that 234 billion, I say billion, pounds of raw garbage is no less offensive because it sits rotting in a community that is predominantly white. I believe this country stands for equality for all. If something adversely affects someone, it does not matter if they are black, Hispanic or white. If it is bad for one, it is bad for all.

It may come as a surprise to advocates of environmental justice, but thousands of Staten Islanders of all races and ethnicities live within one mile of the Fresh Kills Landfill. Much like me, they do not see color when looking at garbage, they just see trash, and they know hypocrisy when they smell it.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida (Mr. GOSS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MY COMMITMENT TO CROP INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, low commodity prices, disease and weather-related problems, coupled with declining export opportunities and weak demand, have taken a devastating toll on Colorado's agriculture industry. Farm income has fallen dramatically over the past 2 years, and it is difficult to predict how soon it might rebound. While Congress recently helped stave off disaster in rural America, with an emergency assistance package, it is evident gaping holes exist in federal crop insurance as a viable safety net.

In 1996, Congress passed the Freedom to Farm Act, allowing producers the flexibility to adjust crop acreage in response to both economic and agronomic factors, while providing farms a safety net through market transition payments, loan rates, and crop insurance.

Recently, some have suggested Congress return to the old system of deficiency payments and production quotas, and take action to increase loan rates and extended loan maturities in order to improve low commodity prices.

□ 1730

But because the international marketplace has grown so rapidly and because American exports of any particular commodity represent such a small percentage of world production, reducing acreage in the United States no longer has much effect on world market prices.

U.S. wheat exports, for example, only account for approximately 5 percent of global production. The future of Colorado's farm profits does lie outside U.S. borders. I will continue my work in Congress to guarantee fair and abundant trading opportunities overseas for our producers and their commodities.

As this progresses, however, we must also ensure a viable safety net exists for farmers and ranchers in countering the effects of unexpected market disruptions and natural disasters. I am working alongside the chairman and other Members of the House Committee on Agriculture to develop a better, more comprehensive risk management program which will provide incentives for farmers to participate while protecting against losses and low market prices.

This plan will allow the market to work without artificially raising consumer prices, without pricing us out of the export market, without acreage or production controls, and while adhering to Federal budget constraints. Furthermore, this crop insurance program must allow producers to recover their cost production in the case of natural disasters but also encourage and reward the production of the harvesting of crops.

Reforming the current risk management system will take a lot of hard work and the interaction between Colorado producers, the Congress, and the President. But in order for farmers and ranchers to survive and thrive in market-driven systems, an adequate safety net must exist to account for unforeseen and uncontrollable losses. I will continue my work in Congress to ensure Colorado farmers and ranchers have this necessary option.

GIVE AMERICAN SAMOA ITS COMMEMORATIVE POSTAGE STAMP

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today and I will continue to do so in the coming weeks to express my utter dismay and disappointment with the United States Postal Service.

On April 17, 1900, the traditional chiefs of the South Pacific Islands of Tutuila and Aunu'u agreed to become a part of the United States and the United States flag was raised on what is now known as the U.S. Territory of American Samoa. Since that time, the residents of American Samoa have been proud of their affiliation with this great Nation and have demonstrated their loyalty and patriotism in countless way.

Mr. Speaker, April 17 is known as Flag Day in American Samoa and it is the biggest holiday in the territory. Flag Day celebrations are not limited to American Samoa. Flag Day is celebrated throughout the United States wherever there is a sizeable Samoan community. American Samoans in Hawaii, California, Nevada, Utah, Alaska, Washington, and other parts of the United States pause each year on this important date to celebrate this monumental occasion in its history.

Unbeknownst to many Americans, Mr. Speaker, April 17 of next year will mark the 100th year in which this South Pacific territory, U.S. territory, has had a political relationship with the United States. And the local government leaders have been preparing for this centennial celebration for the last 3 years.

Three years ago, American Samoa's governor and myself began the process of requesting that a U.S. postage stamp be issued to commemorate the centennial of American Samoa joining the part of the American political family. The Postal Service responded to our 1996 request for a stamp by saying we were too early to apply for consideration. We again asked last year, and we were told we applied too late. We have also been told that the Postal Service just does not recognize territorial events.

Having researched the issue, which expected America Samoa to be treated like any other American jurisdiction in this regard. States which have had centennials of their statehood commemorated recently on postage stamps include the States of Wisconsin, Tennessee, Iowa, Utah, Florida, and Texas.

The Postal Service also issues stamps to commemorate such territorial acquisitions as the Louisiana Purchase, and the acquisitions of the territories of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

America Samoa, Mr. Speaker, is the only U.S. territory left which voluntarily joined the United States. We have waited 100 years for a commemorative stamp, and the Postal Service is still making excuses. Mr. Speaker, how much longer do we have to wait?

Mr. Speaker, this is absurd. I ask my fellow Americans to write and to e-mail the U.S. Postal Service to give American Samoa its centennial postage stamp.

Mr. Speaker, the Postal Service's conduct in handling this matter is clearly inconsistent with past Postal Service practices. The Postal Service has issued commemorative stamps for flowers like roses, comic strips, horses, and even a foreign country like Australia. Yet here, when the request is one for recognition of a celebration of a political union with the United States territory, the first of such stamp for an American territory, the Postal Service saw fit to reject the request on grounds that it would not add to its so-called balanced stamp program.

Many Americans do not realize this, Mr. Speaker, but American Samoa was a major staging area for some 40,000 soldiers and Marines in World War II. Thousands of Samoa's sons and daughters served proudly in the military service.

Mr. Speaker, this is absolutely ridiculous, and I appeal to my fellow Americans to write to the Postal Service, tell them why we should have a postage stamp. We need a postage stamp, and I think we could ask for no less.

The per capita rate of enlistment in the U.S. military services is as high as any state or territory; for decades American Samoa served as a Naval coaling station for our ships in the Pacific; during World War II, American Samoa was the staging point for 30,000 U.S. marines involved in the Pacific theater; the territory was the first land some astronauts came to during the Apollo missions, including the now famous Apollo 13 mission; and American Samoa produces more NFL player per capita than any jurisdiction in the U.S. with approximately 15 Samoans currently playing professional ball.

In the 1990's, stamps were issued in recognition of the Federated States of Micronesia (1990), the Commonwealth of the Northern Mariana Islands (1993), the Republic of the Marshall Islands (1990), and the Republic of Palau (1995), all of which were territories in recent memory.

Mr. Speaker, with this history of recognizing centennials of statehood, acquisitions of territories and other important events in the political history of every other territory, I ask the U.S. Postal Service why not American Samoa?

Mr. Speaker, I am here today to tell you that there is no balance. There is no logic. There is no equality in treatment. The Postal Service is acting in a manner that is totally inconsistent with its past practices and decisions. How else can you explain the inconsistent actions the Postal Service has taken regarding treatment of U.S. territories.

Perhaps American Samoa stands a better chance of convincing the Postal Service to issue a commemorative stamp if it reframed the current request as one asking for a stamp to commemorate the 100th anniversary of the special relationship between the Samoan Fruit Bat and the United States. The Postal Service has seen fit to issue stamps for a variety of issues and causes, including birds, and perhaps this change in approach will bolster our chances for success.

To achieve balance in representation, Mr. Speaker, is a very difficult task. Reasonable persons with reasonable expectations will disagree about what reasonably balanced means. However, this is not the situation here. The Postal Service is being totally unreasonable on these facts.

I understand that decisions about which stamp requests to approve and which stamp requests to reject are difficult decisions to make and that in the end there will always be a person or group who will not be happy with such decisions. I respect the fact that the Postal Service cannot please everyone. I have no qualms with these aspects of the stamp-approval process. I do, however, have serious concerns and reservations when decision-making processes yield results that do not logically follow based on established precedent.

Mr. Speaker, it is inequitable and unreasonable to deny American Samoa what the Postal Service has routinely granted other U.S. territories and states.

I will not stand by idly, Mr. Speaker, when my constituents, the people of American Samoa—people who are deeply patriotic and appreciative of the relationship American Samoa shares with our Republic—are unequitably treated by a semi-independent agency of our Federal Government. Neither will my colleagues in the House and Senate. Numerous Members of Congress have written to the Postal Service urging the Postal Service to treat American Samoa's request in the same manner it has treated similar requests by the other territories. Despite these efforts to persuade, using precedent and reason, the Postal Service to this day refuses to issue a commemorative stamp honoring the 100th anniversary of the union between the U.S. and American Samoa.

Mr. Speaker, I urge my colleagues to do what is right, what is just, what is fair, and what is reasonable on these facts. Nothing more. I ask that you join the people of American Samoa in urging the Postal Service to reconsider its position and to grant American Samoa's request for a postal stamp commemorating the 100th anniversary of its political union with the United States.

COMMITTEE ON THE BUDGET REVISIONS TO AGGREGATE SPENDING LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio, Mr. KASICH, is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the aggregate spending levels set by the interim allocations and aggregates printed in the RECORD on February 3, 1999, pursuant to H. Res. 5 for fiscal year 1999 and a revised allocation for the House Committee on Appropriations to reflect $1,030,000,000 in additional new budget authority and $430,000,000 in additional outlays for defense and non-defense emergency spending. This will increase the allocation to the Appropriations Committee to $573,828,000,000 in budget authority and $576,909,000,000 in outlays for fiscal year 1999.

The House Committee on Appropriations submitted the report on H.R. 1141, the Emergency Supplemental Appropriations and Rescissions for Fiscal Year 1999 which includes $1,030,000,000 in budget authority and $430,000,000 in outlays for defense and non-defense emergency spending.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation.

Questions may be directed to Art Sauer or Jim Bates at x6–7270.

FISCAL RESPONSIBILITY IN WASHINGTON, D.C., AND SECURITY FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. FLETCHER) is recognized for 5 minutes.

Mr. FLETCHER. Mr. Speaker, I want to talk to my colleagues tonight about our work to secure America's freedom.

First, I am pleased to be part of the Committee on Budget that has finally delivered what the American people want, fiscal responsibility in Washington and security for all Americans. It is a budget that achieves one of the most important goals, one of my most important goals: Assuring that no one will be left behind as we enter the 21st century.

Our priorities are very simple, yet they are very important: Preserving Social Security, paying down the debt, establishing farm security, increasing funding for education and defense, and providing tax relief for American families. These are issues that are important to the folks back home in Kentucky, as well as to the folks across America.

Last light we passed a budget out of committee that locks away 100 percent of the Social Security surplus, including every penny of the Social Security tax as well as the interest, to preserve and protect Social Security and Medicare. For the first time in over a generation, Social Security will be used for one thing and one thing only, our Nation's retirees.

The President's plan would have only saved 62 percent while spending the rest on more Government programs. The difference, he would have locked up $1.3 trillion, but we are locking up $1.8 trillion and still providing $800 billion in tax cuts for all Americans.

My health care amendment was also included in this budget. It addresses two key issues critical to central Kentucky and to America: The availability of home health care for Medicare recipients and addressing the need to provide accessible and affordable health care. I would encourage the President and my colleagues to work together for this important reform.

The President has already blocked Medicare reform and proposed $9 billion in Medicare cuts. Let us put people ahead of politics and provide the highest quality of health care for all Americans.

We also focused on the needs of farm families in Kentucky. This budget includes $6 billion to address the critical issue of crop insurance. We are upholding our commitment by securing these important funds, while the President did not secure a dime of increases for our family farms and our tobacco farmers in Kentucky.

Most importantly, we have achieved all of these important priorities and goals while living within the balanced budget agreement and paying down the national debt.

Ultimately, this budget is about making sure the American dream is not gambled away here in Washington. I hope we can pass this historic budget next week in this House with bipartisan support. I will look forward to supporting the budget when it is considered in the full House. It is a budget that is about truth, priorities, fiscal restraint, and hope.

Additionally, we moved to secure America's freedom. Economic, social, and educational security are all very important. However, what is a balanced budget, a strong economy, tax relief, or anything else for that matter without an adequate national defense?

Unfortunately, missile attacks could threaten every security that we work so hard to protect and the freedom that we all have taken for granted. We need to be concerned about this and focused on the growing number of rogue nations who are working to acquire capabilities to strike at our cherished freedoms.

We all know that, for the most part, times are good. That is why it is important and this is a perfect time to address this concern. I am pleased we have taken this important step today. It is a step toward establishing a national missile defense system for this great Nation. Most importantly, it is a step toward providing each and every American with a sense of security, a strong national defense, the best educational system possible, economic, health and retirement security. These are the securities that matter each and every day to this great country.

Let us stay on course and deliver on each of these important issues. Our parents, children, and grandchildren deserve nothing less.

EMERGENCY SUPPLEMENTAL SPENDING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last week the Committee on Appropriations passed the Emergency Supplemental Spending Bill that will provide desperately needed aid to defend America's farmers against depression-level prices, as well as to provide desperately needed assistance to the disaster struck nations in Central America.

This Congress now needs to move quickly to meet our obligations to our family farmers and to the devastated nations south of our border. I am also pleased to see this spirit of compassion alive in my hometown of Toledo, Ohio.

This past Monday, a delegation of 45 Toledo volunteers, including our Mayor Carlton Finkbeiner, traveled to Honduras to help the victims of Hurricane Mitch. Volunteers versed in housing construction are working with care to build 600 homes in Marcovia. At the same time, volunteers with health care training are joining with the International Medical Corps and Catholic Relief Services to provide victims with basic health care in Catacamas, Choluteca, and Marcovia.

These goodwill ambassadors from Ohio's Ninth District deserve recognition in this well of the House today. I commend them for their wonderful efforts to bring aid to a devastated region and assistance to our fellow citizens in this hemisphere. I echo their call for action by this Congress on the Emergency Supplemental Bill to help the devastated people of Honduras and Central America but also our farmers here at home.

Let this Congress be as humanitarian as the people of Toledo, Ohio.

AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DEMINT) is recognized for 5 minutes.

Mr. DEMINT. Mr. Speaker, in the next 5 minutes, I want to ask my House colleagues and the people watching at home to help me write a new chapter in the American story. Over the next years, we will be the authors of this new chapter. Tomorrow our children will live this story.

As a father of four, nothing could make me feel more secure than knowing that this story includes my children pursuing their dreams and living a life free from dependency on government. Surely, all of us want our children and grandchildren to live in a place where freedom's lamp shines brightly for all people.

This is how the American story has read for nearly three centuries. This story began with a band of freedom-loving people who escaped oppression to form a new land of liberty. It is a story of exploration and new beginnings, a story of faith, enterprise, tragedy, and success. Its pages are filled with the names of heroic men and women like Patrick Henry, Frederick Douglass, Susan B. Anthony, and others. It is also filled with lesser known names but no less special: The mothers, fathers, grandparents, teachers, coaches, doctors.

We, in every line, in every chapter, the American story is filled with a Nation defined by its people, governed by its citizens, and preserved by those who love freedom. But too many are still uneasy about our future.

□ 1745

We lie awake at night worrying about tomorrow. Will our paychecks be enough to cover the bills? Will Social Security be around when we retire? Will we be able to provide the health care our elderly parents need and deserve? Will our children get the education they need to succeed in the next century?

We have the ability to give every American more security. But we will have no security, no hope, no opportunity if we trade away our liberty to achieve that security. I believe the gravest threat to our country is from those who promise security in return for our freedom. They promise security in exchange for more of our money and more control of our lives. Some of those in government even act as if they were elected to manage our lives. I believe we were elected to provide a framework of freedom so Americans can manage their own lives. We were also elected to provide a safety net for those in need when families, communities and States are unable to help. But the need for this safety net does not require the confiscation of our freedoms. We must remember that in America, we are most secure when we are most free, when we are in control of our lives.

Many believe that the debates in Congress are about which party is for Social Security, Medicare, education and the environment. The fact is we are all for these things. Every Member of the House wants to provide a strong and bright future for our country. The real debate in this Congress day in and day out is about who is going to control your life, you or the government.

Many of us here who call ourselves the GOP believe in a government of the people. This means, as it has for three centuries, that the government is controlled by you and your family, not the other way around. We believe in the GOP that we can secure the future for every child when we have an education system that is controlled by parents, teachers and local communities. And we will secure the future for every senior when we guarantee their Social Security benefits today and move towards giving their grandkids a choice to own and control their own Social Security accounts. We believe that we will secure the future for every older American when they have even greater access to quality health care and can choose their own doctors and make their own health care decisions. We will secure the future for our Nation when we rebuild our national defense and can control our borders and live free of the fear of missile attacks. And we will secure the future for every working American when we let them keep more of what they earn, a lot more.

Now is the time for us to write our chapter about America, an America that is free and secure and controlled by its people. Let no one edit the American story in a way that makes us dependent on the government or politicians. Let us write about a people that can overcome every challenge, education, jobs, health care, retirement, whatever we face. May our families live freer today than they did yesterday, and may we sustain a Nation that is dependent only upon God and the blessings of freedom.

Mr. Speaker, that is my prayer for this Congress and that is my prayer for this Nation.

THE FARMERS' PLIGHT

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, at the Farm Resource Center, a national crisis line for farmers, those seeking help cannot get through. The line is busy.

Small farmers and ranchers are struggling to survive in America. In fact, small farmers and ranchers are a dying breed. And because they are a dying breed, quality and affordable food and fiber for all of us are at risk.

Passage of the 1996 farm bill sounded the death knell for many of our Nation's farmers and ranchers. Farmers and ranchers, able to eke out a living from the land in past years, now find it almost impossible to break even. Most are losing money and fighting to stay in the farming business.

And the crisis line is busy.

We are all aware of the problems tobacco is having, particularly in my State, North Carolina. But, in North Carolina, according to a recent news report, the State top farm commodity, hogs, have experienced a 50 percent drop in prices since 1996. Wheat is down 42 percent. Soybeans are down 36 percent. Corn, 31 percent; peanuts, 28 percent. Turkey and cotton prices are down 23 percent since 1996. In fact, Mr. Speaker, there is no commodity in North Carolina that makes money for farmers.

And the crisis line is busy.

In 1862, the year that the Department of Agriculture was created, 90 percent of the population farmed for a living. Today, American producers represent less than 3 percent of the population. By 1992, there were only 1.1 million farms left in the United States, a 45 percent decline from 1959. North Carolina only had 39,000 farms left in 1992, a 23 percent decline. In 1920, there were over 6 million farms in the United States, and close to a sixth, 926,000, were operated by African Americans. In 1992, the landscape was very, very different. Only 1 percent of the farms in the United States were operated by African Americans, 1 percent, 18,816, a paltry sum when African Americans comprise more than 13 percent of the population.

In my home State of North Carolina, there has been a 64 percent decline in minority farmers just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992. All farmers are suffering under this severe economic downturn.

Very recently while in my district I spoke with a farmer who was working off the farm, not to earn extra money but to earn enough money to save his family farm. He makes no money from his farm for himself. He loses money from his farm. Taking a job off the farm was the only thing he could do, he said, to save his farm and pass it on to his children. He makes no money from his farm, other than to save his farm. This man is 70 years of age.

And the crisis line us busy.

Farmers and farm families deserve a chance, a chance for the dwindling number of farmers and ranchers who feed us, provide us clothes and fiber. We should also make sure they have an opportunity to make a living.

Before the Freedom to Farm bill of 1996, the farm price safety net was a shield against the uncertainty and the fluctuation of commodity prices. When the farm bill was passed, we referred to it as Freedom to Fail. I am sad to report that our admonitions have been far too accurate. We must now correct that error. We must indeed not only provide emergency funds but policies must be changed so we can meet those vulnerabilities.

If we do nothing about the real problems facing these hardworking citizens, they may not be there for us. That in turn will hurt all of us if there are no farmers to feed us and to clothe us.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GOSS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Colorado (Mr. SCHAFFER) who I understand properly claimed my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HAITI: BRING OUR TROOPS HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, over the weekend it was reported that the commander of U.S. troops in Latin America has recommended that troops stationed in Haiti be brought home. For most Americans, it will probably come as a surprise to learn that we still actually have troops in Haiti. Indeed, there has been little public discussion of Haiti in the years since U.S. troops helped end a coup and return President Aristide to office down there. In the years since this dramatic operation, the situation in Haiti has gotten worse and what was once touted as the crown jewel of the Clinton administration's foreign policy is now an utter failure. Haiti has been without an effective government for almost 2 years, the judiciary is weak and the legislative branch has been effectively shut down and boarded up. The Haitian executive branch has taken a number of actions outside the constitution and caused concern to those working to consolidate democracy for our island neighbor. The political situation has grown even more tense in recent weeks following the gruesome political murder of Haitian Senator Toussaint, the attack on Senator Chery and the attack on a leading rights advocate. These ongoing attacks are the culmination of a long-standing campaign of intimidation and violence against Haitian and American individuals who are working hard in support of the rule of law, free and fair elections and economic improvement in that impoverished country.

In the midst of these troubling developments, there have been two U.S. actions of note: First, the refusal of the Clinton administration to certify Haiti as meeting its obligations in the war on drugs, in other words, they cannot do their job on that. And, second, the recommendation by General Wilhelm that we terminate the U.S. troop presence in Haiti. General Wilhelm had this to say and I quote: "As our continuous military presence in Haiti moves into its fifth year, we see little progress toward creation of a permanently stable internal security environment. In fact, with the recent expiration of parliament and imposition of rule by presidential decree, we have seen some backsliding. Though our military mission in Haiti was accomplished in 1994, we have sustained a presence that on any given day during 1998 averaged about 496 military personnel."

General Wilhelm goes on to say that he would "categorize our presence as being a benevolent one. Through a variety of humanitarian assistance and other local outreach programs, our troops have undertaken infrastructure development projects and provided urgently needed medical and dental care for the impoverished Haitian population. These contributions have been made at a cost to the Department of Defense. By our calculations, our military presence in Haiti carried a price tag of $20,085,000 for 1998."

The General concludes: "However, at this point I am more concerned about force protection than cash outlays. The unrest generated by political instability requires us to constantly reassess the safety and security environment in which our troops are living and working. I have recommended that we terminate our permanent military presence in Haiti."

General Wilhelm's recommendation was bolstered by General Hugh Shelton, the Chairman of the Joint Chiefs of Staff. Shelton has testified before Congress that he was "looking very hard at the Haiti operation and drawing that 350 down to a much lesser number" given the troop commitments around the world and the proposal to deploy U.S. troops to Kosovo.

While Generals Wilhelm and Shelton limited their comments to their area of responsibility, overseeing the deployment and readiness of the U.S. military, it is clear that this issue has far broader implications. Respected columnist David Broder reached the following conclusion: "The lesson is not that we should never be peacekeepers; rather, that there has to be a peace to keep. Sending in the military to impose a peace on people who have not settled ancient quarrels has to be the last resort, not the standard way of doing business."

Mr. Speaker, many respected individuals are calling on the Clinton administration to get our troops out of Haiti and begin rethinking its efforts to use our soldiers to impose peace on those who do not want it. This is not a good policy. It does not work. I believe the administration would do itself and America credit to heed the advice of these people who I think have made better suggestions that far outpace the Clinton foreign policy.

MAKING RESEARCH AND DEVELOPMENT TAX CREDIT PERMANENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, this week a number of my colleagues in the New Democratic Coalition have come before the House to talk about a very important tax issue, and that is the need to make the R&D tax credit a permanent part of our tax law.

I would like to join with them in urging all of our colleagues to support taking a credit that has been a consistent part of our tax law but is always designed to be eliminated and then at the last minute is extended, to instead make that a permanent part of our tax law.

I have three major points, the first of which is the importance of research and development for all Americans. I think Americans are acutely aware that we live a life that is more wealthy, that we are in better financial position than 90 percent of the world. And most Americans, if asked what is the single greatest reason why Americans live so much better than those in Bangladesh or Honduras would say that it is because of our high levels of education and technology. We must do everything possible to advance our technology further and to advance the education of our workforce.

☐ 1800

Perhaps the best example of the importance of research technology and science is illustrated by this chart which focuses on just one industry, an industry that barely existed a decade ago, that did not have a name 2 years ago, and that is the information technology industry. As this chart illustrates, over a third of all of the economic growth in this country came in that one industry, and we now sit at the beginning of a new century, a new century that will be, I think, marked as the Information Age, yet even before we begin this new century over a third of our economic growth is dependent upon an information technology industry that exists in large part because of the research and development conducted by American corporations.

The second point I wish to make is that not everything that is good and desirable is necessarily worthy of a tax credit, but tax credits are particularly appropriate where an activity engaged in by one company or individual provides benefits not only for those who are footing the bill, but benefits to society at large. A company that does research and development benefits not only itself, but our entire society and the world as a whole. Yes, a portion of the benefits of that technology will be reaped by the company that conducts it for they will seek a patent to defend their intellectual property. But many advances in technology achieved by our research projects are not patentable, and even those that are will become owned by the people of the world as a whole when the patent expires.

Furthermore, research project not only leads to a particular patent or a particular technology, it increases the general level of scientific education of those engaged in the project and increases the level of science in our society as a whole. Most economists would agree that where an activity provides such major external benefits, beneficial externalities to use the economics term, it is deserving of societal help, encouragement and, in this case, a tax credit.

Finally, there is the issue of whether we should continue to renew the credit on a yearly or several-years-at-a-time basis or make it a permanent part of our Tax Code. Keep in mind that the purpose of this tax credit is to encourage companies to do more research than they would otherwise. As a CPA and a tax lawyer in private practice for many years, I was witness to the strange process by which a provision in our tax law leads to a change in corporate behavior. Some day sociologists and anthropologists will study this process. It is a process in which a tax expert has to explain to the others in the company what the tax law provision provides and what benefits would be reaped on the tax return from engaging in a particular project, in this case a research project.

There are two types of research and development that are eligible for the credit. The first is the kind of research project that would be done any way. Often research is done and the company is not even aware of the R&D tax credit until the next March or April 15th when they complete their tax return. The other type of research is that research that is conducted because the company is counting on getting the credit. It is that second area where the R&D tax credit actually achieves its purpose.

Yet I repeat my words. The company is counting on getting the credit. How can a company count on getting a tax credit for a multiyear large research and development project if by its very terms the R&D credit is supposed to expire at the end of this year or the end of next year? The R&D tax credit can achieve its purpose, and that purpose is to expand the amount of research done in our country only if companies can count on it.

Now no provision of our tax law is guaranteed to be there forever. But certainly a provision which by its own terms is going to expire in a year or two is particularly ephemeral. If instead we make the R&D tax credit a permanent part of our laws, then companies will rely upon it, their R&D budgets will reflect not only the possibility that the credit might be there in the many years that the R&D project continues, but the extreme likelihood that it will continue to be there since it is a permanent part of our tax law.

Mr. Speaker, I look forward especially in this year when we are enjoying for the first time the fruits of the fiscal discipline that this Congress has exercised, I look forward in this year of surplus to take this step of making the R&D tax credit a permanent part of our law.

REDUCING THE NUMBER OF INFANT DEATHS IN ONONDAGA COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, the topic that I would like to discuss tonight is an issue of great importance in my home community of Onondaga County in which the city of Syracuse resides and I have represented now for 10 years in the Congress. When I first came to Washington back in 1988, we had the unfortunate distinction of having one of the highest infant mortality rates in the country. In 1987, 87 newborns died before they reached their first birthday. Over the 1987 to 1989 period, an average of 68 infants in the county, or 10 out of every thousand died, again before they reached their first birthday.

These are horrifying statistics, and what makes it even worse, Mr. Speaker, is that the proportion of these deaths fell most heavily upon the minority community.

Last year we through now 10 years of concerted work and effort and coordination and caring, we have some excellent news to report. While even one death is unacceptable, we have succeeded in reducing our infant mortality rate in Onondaga County by over 50 percent. This remarkable change did not happen without a concerted effort. A number of devoted people and organizations contributed. I have always felt that the best government will sponsor a partnership between local, state and Federal governments, and special initiatives undertaken by local communities and the private sector, and in central New York we proved this to be the case. The efforts which have been successful in reducing the number of infant deaths in Onondaga County began in the early 1990's.

As a member of the Select Committee on Children, Youth and Families, I encouraged and was successful in bringing a former colleague of mine from New York, Mack McHugh, and others to hold a field hearing for that committee in Syracuse back in 1990. We had witness testimony from public health officials, physicians, nurses and parents about strategies for insuring healthy babies in upstate New York. As a result of these hearings, a number of projects were undertaken in the county with the goal of reducing infant death and increasing birth weight at the time of birth.

Since that time, a number of these projects have proved to be very effective in dealing with infant mortality. Dr. Jim Miller and his successors, including Dr. Lloyd Novick, Commissioner of Health in Onondaga County, should be credited for the innovative efforts to address this issue by creating initiatives to reduce the instance of infant mortality and low birth weight babies. One of these programs is called Healthy Start. It works to reduce both infant mortality and adolescent pregnancy. Adolescent pregnancy and infant mortality are interrelated, births to young women who are not physically or psychologically prepared to give birth or to adequately raise the child. Adolescents often cannot provide the care necessary to ensure the health of infants and often get into the system too late. Healthy Start realizes that by addressing the issue of teen pregnancy the instance of infant mortality can be dramatically reduced. Low birth weight, as we know, is a key factor in the health of newborns, and all efforts were targeted toward healthy pregnancies and early intervention.

Healthy Start is dependent on the work of many partners in the local community: hospital staff, university health professionals, case workers, local schools, task forces. All can provide health education and care to adolescents and their parents and must include State, county and Federal health agencies and officials.

Doctor Sandy Lane is the Syracuse Healthy Start project director. She and her staff are to be commended for the committed efforts that they have made. She has been very modest about her program's ability to create the success. She credits involvement of local groups, partner agencies and the help of the Health Department programs and strongly praises the important Federal program, WIC, Women, Infant, Children, the feeding program to provide nutrition for both women and those children.

Syracuse Healthy Start funding is a combination of Federal, State and local funding. Over 4 and a half million dollars of Federal money have come in to the program through the Department of Health and Human Services, the Health Resources and Service Administration. Healthy Start also looks to Blue Cross and Blue Shield and to New York State Department of Health to obtain supplemental funds. The program has been largely successful because of these efforts.

Another such program is the Adolescent Risk Reduction Initiative. This seeks to address the issues of adolescent pregnancy and sexually transmitted diseases. It seeks to promote responsibility in sexual reproductive decision-making and parenting. The presumption is that responsible parents are better able to provide for the health of their children. Ways in which adolescent risk reduction initiative works provides for pure leadership, training youths to be responsible for themselves and to teach their peers to be responsible. Education on health issues. Parent workshops to get the parents involved.

Mr. Speaker, having not concluded my remarks, I ask that the remainder be included in the RECORD, and I end by saying that any community in America that is struggling with this terrible condition should have hope. You can do it, too. Healthy babies are worth the effort. It just requires commitment, coordination and a lot of caring.

EXCHANGE OF SPECIAL ORDER TIME

Mr. ROYCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York (Mr. FOSSELLA).

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

DEFENDING OUR NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, today on this House floor we passed House Resolution 4 which states that the U.S. must deploy and not just develop a national missile defense system, and we must deploy now and not leisurely aim to deploy at some point in the future, and the reason for that is because our country is so vulnerable. The resolution that we debated here today hopefully will spur the development because, as we noted here today, we are now defenseless against a single missile coming into the United States. Defending our Nation against attack is so fundamental a responsibility of ours and the stakes that we are talking about are so high that I think it is important that we understand how our country with its great military has gotten into our predicament of being defenseless.

The American people need to know. The answer is that since President Reagan introduced the idea of missile defense over 15 years ago, every reason in the world has been found to delay. For one, we have heard that the threat itself, we have heard the threat being discounted. In 1995 the administration predicted that no ballistic missile threat would emerge for 15 years. This past August the administration again assured Congress that the intelligence community could provide the necessary warning of a rogue state's development and deployment of a ballistic missile threat to the United States. Then that same month, that same month North Korea test fired its Taepo Dong missile. The sophistication of this missile unfortunately caught the intelligence community by surprise. North Korea, impoverished, an unstable North Korea, a regime about which the director of Central Intelligence recently said that he could hardly overstate his concern about it and which in nearly all respects, according to him, has become more volatile and unpredictable, may soon be able to strike Alaska and Hawaii, not to mention our allies and U.S. troops in Korea.

□ 1815

Ominously, North Korea is continuing its work on missile development, and this is the very threat that was supposed to be 15 years away.

Even before this rosy assessment, last July Iran tested a medium range ballistic missile. Iran is receiving aid from Russia.

Not surprisingly the bipartisan Rumsfeld Commission recently concluded that the threat posed by nations seeking to acquire ballistic missiles and weapons of mass destruction, and I quote from the report, is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community, unquote.

The fact is that we live in a world where even the most impoverished nations can develop ballistic missiles and warheads, especially with Russia's aid, and then there is an expanding and ever-more sophisticated Chinese missile force.

This, in no way, is said to disparage our intelligence efforts. Instead, we just need to appreciate that these threats are difficult to detect and that we need to react. Pearl Harbor caught us by complete surprise. We have no excuse with today's missile threat.

The second excuse that we have heard for delay is the ABM Treaty. Faced with the very real threats that we have heard about, I am at a complete loss as to why our country would let an outdated treaty keep us from developing a national missile defense system.

Essentially, the administration has allowed Russia to veto our missile defense efforts. This is the same country, Russia, that is continuing to proliferate missiles by working with Iran.

Fortunately, Secretary of Defense Cohen has suggested in January that we would not be wedded to the ABM Treaty. He said that this treaty would not preclude our deployment of a defensive system, but this is only a step toward the deployment we need.

Others in the administration persist in calling the ABM Treaty the cornerstone of strategic stability. The ABM Treaty has an escape clause, and I believe we need to get beyond a treaty that keeps us from defending our territory in the face of a very real threat, a treaty, I might add, that the Soviets secretly violated. Renegotiating this treaty in a way that still precludes us from deploying the best missile defense system we can, allowing for a dumbed-down system, which is what the administration is suggesting, is simply not acceptable.

The fact is that the Russians have nothing to fear from us. The United States doesn't start wars. To forgo defending our territory because we're afraid of what the Russians may say about our defensive actions is indefensible.

Third, we hear that a national missile defense system is too costly. Yes, we have made an investment in missile defense since Ronald Reagan launched his initiative, though a small fraction (some $40 billion) of what American industry invest in research each year. But let's be honest here, defense is not free. And there have been some failures. But since when does success come without failure. Entering the twentieth century, the United States is the wealthiest, most technologically advanced country in the history of the world. There is no reason beyond the ideology of arms control, complacency or worse not to deploy a national missile defense now.

LOOKING AT DISTRICT OF COLUMBIA WITH FRESH EYES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, it has been my habit to come to the floor occasionally in order to report to this body concerning your Nation's capital. There is a special responsibility that the House and the Senate have for the Nation's capital and it is not possible to get a real sense of what is happening in this city, even when in it, to see it in perspective, without the kind of information that I try to give periodically to this body, as we go off to Hershey, Pennsylvania, for our second bipartisan retreat.

Therefore, I want to discuss this evening an issue and a place about which I am sure there is agreement that bipartisanship should always be the order of the day. It is, after all, the seat of our government, the home of more than a half million people, the place where all of us want to do all we can to make it the proudest seat of government we can.

What I would ask of this body, what I think the District has a right to ask of this body, what I think the people of the District of Columbia, the mayor and the city council have a right to ask of this body, is that it look at the District with fresh eyes for, Mr. Speaker, there is a new city, if ever there was one, before your eyes. It is a city where there is a new mayor. It is a city where there is a new city council and where there is a new control board.

I am most appreciative that as the 106th Congress convened, the Speaker, the gentleman from Illinois (Mr. HASTERT), received the new mayor, Anthony Williams, and me, and we had a very good and encouraging discussion. The same was true of the chairman of the Committee on Appropriations, the gentleman from Florida (Chairman YOUNG); and the gentleman from Oklahoma (Mr. ISTOOK). The gentleman from Oklahoma (Mr. ISTOOK) has gone into the District over the last few weeks to see for himself the city that now comes under his appropriations subcommittee jurisdiction. I have gone as well, and the mayor, to visit the chair of the Senate District appropriations subcommittee, and the mayor has met with the chairman of the Oversight Committee for the District, Mayor GEORGE VOINOVICH, himself a former mayor, the mayor of Cleveland.

May I say that I continue to work, and in the bipartisan manner that he and I have long ago established, with the chairman of the Subcommittee on the District of Columbia, the gentleman from Virginia (Mr. DAVIS), and that has been a most fruitful partnership and we think it is a model for what we should be trying to achieve in the way of bipartisan cooperation when we meet beginning tomorrow in Hershey.

I should indicate to Members that the gentleman from Virginia (Mr. DAVIS) has agreed to sponsor, with me, a reception for Mayor Anthony Williams here in the House on April 13, in room 2226 Rayburn. We are doing that simply because we think Members would want to meet the new mayor of the District of Columbia, about which I am sure we have read a great deal and heard a great deal.

It is seldom that a city experiences the kind of change your capital has experienced over the last few months. The city has had a control board because, like Cleveland and New York and Philadelphia, it had financial problems, although I must say that the financial problems that the District had were almost inevitable because it was carrying State functions and no city in the United States carries State functions.

May I say how appreciative I am, the elected officials are and the residents are, that in its wisdom Congress removed at least some of those State functions, the most costly ones, the ones that no city could carry, medicaid or at least part of medicaid; courts; removed pension liability that was built up when the Congress was in charge of the District, enabling the District to breathe and to get control of its finances. We are most grateful for the understanding that that was a necessary obligation of the Federal Government.

What we have got in place essentially is an entirely new team. The control board is new. Except for one member, the vice chair, Constance Neumann, who served so well on the last control board, all the other members are new, appointed by the President.

There is, as I have said, a new mayor and there is a revitalized city council. Even the new mayor brings something very different from what mayors usually bring to the office. This mayor served as chief financial officer and, thus, is himself partly responsible for the rise of the District once again to economic strength. He, in effect, served an apprenticeship for becoming mayor doing what it is that mayors most have to do, and that is balancing a budget and getting control of your finances.

The city council has some of the same members. They are members who have proven themselves to want to exercise oversight and they are joined by others who were elected precisely because the city now demands oversight and accountability, a check on the executive from its city council.

So I ask this body to regard this as morning for the District. It is morning again. It is like it is outdoors today; it is spring; it is a new season with a whole new set of actors in place. All I ask of this body is it leave behind any sense of the District as it was and give these new players a chance to show what they can do.

I believe that they not only will do so, I think if one reads your morning papers in the District each day one will see that they are doing so. I invite everyone to flip through the Metropolitan Section every once in awhile to see that I am, I believe, right on this.

The District is clearly realigning itself, first for its own residents and then, of course, because it wants the Congress to understand that it is a new city.

What I am asking of the Congress is that the Congress realign itself so that it is ready to meet a new city. I want to say a word about what I mean by a new city because I am not this evening speaking rhetorically.

The city not only has a new administration, it has a new administration because it has a new political culture. The reason it has a new mayor, a new city council, is because there was a voter driven reaction to the state in which the city found itself. It was not driven by Congress. It was not driven by any outside force. It was driven by the circumstances that District residents found for themselves. Essentially, it was driven by a loud and virtually unanimous cry of enough from residents. That is why I say there is a change in the political culture, the kind of change that I think is permanent precisely because it has been driven from the bottom, precisely because of its reaction to what voters and residents felt on a daily basis about their city and they wanted it to be better. They wanted it to be better not because this body insisted so but because they had to live with it every day and because these people who were in charge were people they could either keep in charge or take from their posts, and they have selected among them, and I believe selected wisely.

I am very pleased that all of the signals from Congress have been that this body, Senate and House, does understand that this is a new city and should be treated accordingly. I am very pleased with the bipartisan approach to the city's issues that we have seen thus far, and there is evidence that I will allude to shortly.

I come to report today in a different spirit than I have come to the floor sometimes on the District. I do not come in complaint. I do not come to say, let the District be the District, let democracy reign in the Nation's capital the way it does every place else. I come to say that I am grateful for the way in which Congress is stepping back and letting the District do what I believe it is doing very well already.

I certainly hope, and I must say based on our conversations with the leadership I do believe, that I will not experience an appropriation this year that is anything like the appropriation I experienced last year where I stood for 10 hours on this floor. Even though there was before this body a consensus budget and almost no changes were made in the budget itself, I stood on this floor for 10 hours while Members pasted one or another anti-democratic attachment on the D.C. appropriation, an appropriation that comes here with only money raised from the taxpayers of the District of Columbia and, by right, should not be here at all.

□ 1830

I had to stand here and fight back, for the most part unsuccessfully, amendments that Members might have wished to put on to their own district, but certainly had no right to put undemocratically on to mine. This occurred even though everybody could see that the District was on the mend. The former mayor had said he was not going to run again, the budget was in order, and yet the budget became a vehicle for Members' desires having nothing to do with the wishes of the residents of the District of Columbia. I am hoping that the new cast of characters, if nothing else, will get the respect of this body so that our budget comes through, budget with our own money, without attachments, and I have no reason to believe that that will not be the case this year.

I raise it because there is no reason, as I have said to the Speaker, and as I have said to our appropriators, why the District should not be the first, rather than the last, budget that comes from this House where, after all, it is not the money of the Federal Government, it is the money of District residents.

The City was closed down for a week during the government shutdown. In the middle of its own financial crisis, one can imagine the bitterness that was left with District residents when, as far as they were concerned, it was their money and it should not have been up here at all. The delays in our budget cost us in interest, when we have to borrow, because of the uncertainty the market believes is there when what our council and our mayor have done has to go to yet another legislative body and one not as familiar with the City because it is not their particular budget.

Some of my colleagues were not here, so I raise it so that they know what has happened in the past, and so that we can make what I hope will be a clean break with that kind of past.

I believe that there is signal evidence that that kind of break has already been made. As the session opened, I introduced the first of a series of bills. The series is called Democracy Now, and the first bill was called D.C. Democracy 2000. It seeks to sunset the control board, the board that was necessary when we got into financial trouble early, because we are no longer in financial trouble, and it sought to return some powers that were taken from the mayor and the city council to the mayor and the city council.

While the second part of the bill was not ripe because the new administration had no track record, the part that would sunset the control board, that is; I believe that the first part was ripe, and that there was no reason why the take-charge new mayor of the District should not have what it takes to rebuild the City. To his credit and with much appreciation from me, the gentleman from Virginia (Mr. DAVIS), the chairman of the subcommittee, took the first part of my bill and brought it through subcommittee and then the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), through full committee, and then on to this floor where it easily passed in the House as well; and I am pleased to report this evening that my bill, or the first part of my bill, which, in fact, became a Davis-Norton bill, has become PL106–1. That "dash 1" means it is the first bill of the 106th Congress to be signed by the President of the United States.

How appropriate that the first bill that a Democratic mayor signed was a bill that the Republican House and Senate passed to return democracy to the mayor, to the mayor and the city council. We are most appreciative. We think it bodes well for the Congress and for the District, and it is what I mean when I say the District has to realign itself and the Congress has to realign itself, and I believe that that shows that both bodies are, in good faith, trying to do exactly that.

Now, I did not and have not yet pushed for the second half of D.C. Democracy 2000, as I have indicated, because I think it is only fair to ask even a new mayor who has the confidence of the House to get his own track record before our sunset or seek to have the control board to sunset a year early. My, how I would wish, however, that as the year 2000 dawns, the District of Columbia can be free of any oversight, except this Congress. That would mean that the control board would go a year early.

Mr. Speaker, let me indicate why I think that should happen. It is not simply because we have a new mayor in which I believe everybody, residents of the District of Columbia and Congress alike have confidence, it is because the evidence is already on the table. The Congress, through the control board statute, indicated that the District could be rid of the control board if, at the end of four years, the City had a balanced budget.

Let me tell my colleagues what the record is. The District has already had not one balanced budget, and that was three years ahead of time, but three balanced budgets plus surpluses in each of those three years. Mr. Speaker, a $185 million surplus in 1997; a $444.8 million surplus in fiscal year 1998, and the City projects a $158 million surplus for fiscal year 1999. As if that were not enough in the way of surpassing the expectations of the Congress, we had put into the revitalization package that this body passed taking over State functions in 1997 a provision that would allow the District to borrow in the fourth year if it had a balanced budget on the one hand, but we had not quite been able to get rid of, an operating deficit that it has been carrying now for years. But the District of Columbia is going to be able to eliminate its $322 million operating deficit from its own revenues without any borrowing.

This is strong evidence that the District has not only met, but surpassed, congressional expectations and is no longer in an emergency or crisis status, and when one is no longer in an emergency status, one no longer needs a control board. A control board is an emergency mechanism; it is not a security blanket. No city gets it, or must have it, unless it is in an emergency.

The District has pulled itself out of a financial crisis in a way no one would dare to have predicted a couple of years ago. Nevertheless, I can understand that to pass the second half of Democracy 2000, the burden is going to be on me, it always is, and therefore, I have not requested of the gentleman from Virginia (Mr. DAVIS) even hearings, yet, on the second half of that bill that would sunset the control board. Rather, with a new administration that took office only in January, it is only fair to let the mayor get his steam up, show what he can do, and then have hearings and see whether or not this bill can pass the House and the Senate.

Is the evidence on the table that this new mayor is in charge of the City and does not need any oversight from anyone except the voters of the District of Columbia? I think the evidence is very clear already. I think we need to see it continue for a few more months, but it is very clear already. Members have come up to me, came up to me after this first big snow the other day and told me that they noted the very quick and efficient way in which the streets were cleaned, and that it was in contrast to some other experiences that they had had.

Let me cite the way in which the new administration gets hold of problems, because he cannot promise us that there are not huge numbers of problems left over. The real question is, is he in charge of them? Does he gain control of them? Do we have an administration that knows how to get rid of problems? Because the fact of problems are going to be there for some time.

An example is an article in the Washington Post, a series, exposing problems in homes for retarded people. The District did a very good thing in taking retarded people and other disabled people out of a huge monstrosity of an institution, taking them out of institutionalized care and spreading these disabled people in homes around the City. Well, The Washington Post did what they were supposed to do. They went around and looked at these homes and these homes have been in existence now for 3 or 4 years and they are private homes all around the City run by contractors, and it found evidence that some of them are not treating retarded people very well, and that is itself, I will not say criminal, but it is pretty close to it when we consider that we are talking about people that are pretty close to helpless. There was a time when there would be exposure of problems like that and then we would wait to hear word that something had happened.

Well, the articles ran a couple of days ago. This morning's paper said that the mayor has moved in already to debar two of the contractors in two of the homes, and to move the people out.

That is what I mean by "take charge." That is what the Congress cannot do, what the control board cannot do; that is what only a fully empowered mayor can do and what, with his powers fully intact, he is now doing.

Mr. Speaker, there are many, many examples of management progress in the City. Let me just take two, the first being perhaps the institution most exposed to the public and about which the public most cares because they affect their lives so directly: Schools. This may be the institution in the District where the Congress has had the greatest concern, the public schools. To say they have done very poorly is to speak far too lightly of schools that deserve nothing but contempt for what they had done to our children.

What has happened in the District now is that a new, bold, energetic, collegial superintendent named Arlene Ackerman has come to the superintendency and things began to happen immediately. Her Summer Stars program will probably be a model for the country where she took children and said, in order to eliminate social promotion, they were to go to summer school and that if one wanted to get ahead, one could also go to summer school so that the children were not stigmatized, and that there would be a ratio of 15 children to every teacher, a very low ratio. Here is the kind of summer school that no one has ever seen much of. It was over-subscribed, and in the morning, children were put to very intensive reading and math instructions, and in the evening, or afternoons, she was able to get funding from private sources to take these youngsters all around the region to cultural and fun activities that would otherwise have been unavailable to them.

Even before she began with the Summer Stars program, she had so changed the regime in the schools with respect to how teachers were to confront their job that the scores in every grade had risen significantly. It can be done if we have the right people in charge.

Arlene Ackerman is so good that I am sure some Members would like to steal her, and we will not let that happen. Because that kind of progress from a school system that was in the gutter, it was so bad, to so quickly see it come up in the hands of somebody who knows what she is doing is precisely what this City has needed.

□ 1845

Let me take another agency that of course is of great, great concern; the police department. The District went out and did a nationwide search and got itself a first-class police chief. They got him from a much larger city, Chicago.

They got a police chief whose reputation has been made in community policing. No approach is more popular in this body than community policing where we put the police on the ground. They get to know people. They get to deal with problems at the ground level, and we get rid of crime.

Chief Ramsey has brought his community policing and his management style from Chicago to the District, and we are already seeing the kind of control and innovation that had been absent for too long.

For example, the Chief, instead of having what we used to in most cities, which is the command sitting in headquarters, has moved the command into the field so that one can hold cops accountable, because the command is not somewhere downtown. The command is right there in the neighborhood.

This man means it when he says community policing. That does not mean just a cop on the street. It means everybody is involved in community policing.

Troubled police department. Slow to take down crime. It is finally going down significantly in the District, and it was before even this police chief came. But here is a man who knows how to keep that progress going, with a real live management style that trucks no excuses.

An example, he found a police department that, according to, again, a series of articles, had excessive shootings. Again, the Washington Post, just as it did a series on how retarded people were treated in group homes, earlier did a series that showed that the police department, albeit before Chief Ramsey, came to the city a few months ago, had one of the highest excessive shooting rates in the country. High crime rate, and our cops were apparently using their guns and firing them more than they should. This flowed from a whole set of problems, including too little training.

What the Chief did seems to me is an example for all of us who are public officials. He believed that, if his internal affairs unit took this evidence that was in the paper, of shootings that had occurred, allegedly, excessively over the years; and if he did his own investigation, that the public would not have the greatest confidence in a police department investigating itself concerning these accusations.

So he went to the Justice Department, and he asked the Attorney General if she would assign some objective investigators to look at the problem of excessive shootings. One, had they occurred? Had they been excessive? What should be done about them?

Here, you have the opposite of what people have come to expect in many cities, no cover-up, but rather a police chief pulling the covers off and saying investigate us and tell us what should be done. If that does not inspire confidence in the police department, nothing will.

But, Mr. Speaker, there is wholesale confidence in the various sectors in this city. There is great and new business confidence. The First Lady was, just a few days ago, at an event in the District, attended by the great corporations and small businesses of this region, that was about efforts that they had made over the past year on their own to raise money for a real private/public partnership with the District. It was very encouraging to see how private business in the city and in the region were responding to the new District of Columbia of which I speak.

One such response I must bring to your attention, Don Graham, the publisher of the Washington Post, and business leaders in the region and in the city came to see the gentleman from Virginia (Mr. DAVIS) and me about an idea that they were themselves going to match.

They noted that we have only one small public open admissions university in the District. So if one does not fit that university, one has no other public university in the District the way they would if they lived in Virginia or Maryland or New York or California.

They proposed that a youngster in D.C. be able to go to public universities elsewhere, such as Virginia, with the Federal Government paying the difference between in State tuition and the out-of-State cost.

So that would mean, for example, at the University of Virginia where it costs $16,000 if one lives out of State, but only about $5,000 if one lives in the State, that a youngster from D.C. could go for the $5,000. Boy has this been greeted with hallelujah in the District of Columbia.

There are many sacrifices that people make to live in the District of Columbia. One is that, when one's kids get to be college age, there is no public university except an open admission one, and a very important open admission one, but it certainly does not fit every student. Students have flocked to this idea.

In order to make clear that this proposal was meant to take nothing from the need to build our own open admissions city university, I have achieved an agreement with the chairman that our open admissions city university would itself get a grant that would be an annual grant so that it can assist the university in its own rebuilding.

So there is going to be a win-win situation here. For youngsters who remain in the District, and many of them who graduated from our schools will have to remain here and will want to remain here, there will be a University of the District of Columbia which has some added money on an annual basis.

For youngsters who want to go out of the District of Columbia, the District of Columbia College Access Act, cosponsored by me, introduced by the gentleman from Virginia (Mr. DAVIS), will provide a subsidy so that the parents, the families will have to pay only the in-State tuition cost.

Meanwhile, these business leaders have not just come to us and said come up with some Federal money. They have already raised $15 million themselves to supplement youngsters who, indeed, go to college anywhere in the United States, including in the District of Columbia, whether or not they take advantage of this in State tuition subsidy.

So that means that if one, for example, wants to go to the University of Virginia, somehow one's family gets the $5,000, that is, the in-State tuition rate, one still has a lot to come up with if one is going to live outside the District. This private fund will be functionally necessary for many to even take advantage of the Davis-Norton bill that would subsidize in-State tuition.

The name of our act is the D.C. College Access Act. The name of the private program is the D.C. College Access Program. So they are a kind of coherent approach with a subsidy for tuition from the Federal Government and a subsidy for living expenses and for expenses that prepare these youngsters for college that makes sure that they remain there once they get there. So it is just the kind of synergy that the Congress likes to encourage.

But this time, the notion of the in-State tuition, Federally subsidized, and the notion of the private subsidy have come from the business community. That is what I mean when I say there is confidence in this city. It is coming from every sector. It came first from the voters who elected a whole new set of actors or at least the many of whom were new. It comes from the Congress, which has already passed a bill to return powers to the mayor and the city council. We see that it comes also from the business community.

The question of new money for the District is still on the table, because, while the Federal Government has taken over the most costly State functions, the District has lost population. Like most big cities, the difference is, if one loses population from Chicago or Baltimore, if one loses population from Atlanta or New York, there is a State to back one up. We have nobody but ourselves. We are orphans.

Therefore, we do not pretend that we are permanently in the best shape. We know we are now with the good economy. We also know that we are going to have to find other revenue sources.

But the mayor agrees with me that the first thing that the new mayor should do is, not come to the Congress and say give me some money; that if I believe the mayor needs to have a track record in order for the Control Board to sunset early, I also believe the mayor has to have a track record and has to devise an approach before he can come here and say he needs more money.

He was the first to agree with this. He had no intention of coming to ask for more money. Even though, in order to get the State functions taken back by the Federal Government, we had to turn in our Federal payment. So we do not get any Federal payment, which means that the 25 million visitors who come to the District of Columbia every year have the services paid for essentially out of the pockets of the people I represent. They are in a city with a declining population.

At some point, we have got to design an approach to make sure that the District is able to handle this as it is handling it now. The importance of the revitalization package which took the State functions cannot be underestimated.

The mayor is not asking for more money at this time. I am sure that we will have conversations over the next few years with how to increase revenue in the District.

Meanwhile, look at what the mayor has just done this week. He has come forward with a very bold budget that is itself a policy document that is a paradigm for what a budget ought to be. Whether one agrees with this budget or not, the fact is it is a budget unlike budgets the District of Columbia has seen for a long time, because it points to new directions and does not simply indicate where money will be spent. If that is all a budget document is, it simply plugs in dollar signs for what is already there, that is not what the District needed.

Some parts of it are already very controversial, like the proposal to sell the existing campus of the University of the District of Columbia, Northwest, and move that campus to Southeast, use the money as an endowment for the University of the District of Columbia and put it beside a new technology high school and Department of Employment Service office.

All of that looks like it is an interesting idea. There is great concern in the university about moving them to a part of the city which has had some crime and other problems. There is also a problem because the land is not owned by the District of Columbia. So I am not sure if this is feasible.

I am sure of this, it is the counterproposal that the District of Columbia ought to be debating. It is proposals that are bold that it ought to be debating, even if it decides that is not what they ought to do.

What we do not need is simply to put forward budgets like we have put forward in the last 10 years, budgets that one year look like they did before and the year before. We have got to wake up and smell the coffee and say, yeah, now that I have seen that, I like it or I do not like it.

In the democratic exchange between the counsel, the mayor, and the public, this matter will be settled, and there and only there must it be settled. This body, I am sure, does not want to have anything to do with a proposal that is as complicated as that. It is not for us to say I have no idea where I stand on it.

Do my colleagues know what I am waiting for, I am waiting for the hearings in the city council so I can find out whether it is feasible, whether it does make sense, in the same way that I wait for hearings in this body before I know where I stand on important breakaway issues.

The mayor's budget is full of such breakaway proposals. He wants D.C. agencies to compete with private sector for city contracts. He knows he must work with city unions and city workers in order for that to work.

I am sure I do not need to tell him that no one can support it unless he brings the workers in because he is an expert in management and bringing management and policy together.

I am sure that the two will come together because this kind of composition, where it has worked in other cities, and, very often, if not most often, indeed, the public workers who know the job have in fact won the contract. So there is nothing to fear but fear itself if we have a level playing field and if everybody gets around the table and designs the process together.

The mayor has put a priority on increasing funding for D.C. public schools and youth programs. I love the part of the mayor's program that says he wants to increase after-school programs.

□ 1900

I cannot think of anything the mayor could do that could be more important. There we get youngsters and we capture them so they do their homework, we capture them so that they are not latchkey kids, we capture them so that they are in a safe and productive place between the hours of 3 and 6, or whatever they turn out to be, and those are the hours when youngsters get into trouble or commit crimes. So it takes care of so many things at one time, and he has put a priority there.

He has a bold proposal to provide health insurance for almost 40,000 poor uninsured residents so that they do not cost the city money by going to emergency rooms, and so that, in fact, they get health care early rather than later, at much greater expense to the city.

He wants to restructure the city's debt using the savings to cut taxes on small businesses. To do that, of course, would begin to reinvigorate our small business sector.

The mayor has one budget request that, thus far, I believe, is being received well. I do not have a specific indication from the appropriators yet, because I am sure they want to study it, but somehow we got into our appropriation a requirement that the District have two reserve funds. Now, the District does not mind having one, but having two is a bit much.

There is a provision that the District have a reserve fund of up to $250 million. A lot of money, but I think it is right to do so, so that we carry that reserve fund so that we can use it on a rainy day. Then there is something else that, probably, Congress did not mean to be in there. The two never, it seems to me, never came together. And that is a reserve fund for $150 million put away for each year. So that would just build up. The District would have $350 million the second year and so forth.

I do not think the Congress really meant to have the District build up that kind of reserve. I think it meant to have the District do what every other city does, and that is to have a healthy reserve fund, the way the reserve fund of up to $250 million would be. So the mayor is saying that he would like to be relieved of the second $150 and do the first $250.

I strongly support that. Because if the mayor is not able to produce something in investment to the city, if he is not able to say, I am giving some of this back to a city that has sacrificed so much during the hard fiscal crisis years, he is not going to be able to do the hard job of continuing to streamline the city and to make it a more efficient city.

I do not think anybody meant to have the District simply build up reserves that grow and grow and grow while no investment or little investment is made in the city itself. And given the mayor's own proven track record for fiscal prudence, I hope that this proposal will be given every consideration.

As it is now, because the mayor does not know and because of his own careful and honest budgeting, he has one budget with the $150 million in it and one budget without the $150 million. We are going to ask the Congress to relieve us of this complication; take the $150 million out, be satisfied with the $250 million, and let the mayor do his job.

Mr. Speaker, I have today introduced a D.C. Budget Autonomy Act and a D.C. Legislative Autonomy Act that goes along with the mayor's budget, and I introduced it precisely because the mayor's budget came forward this week. It is a take-charge budget that I thought made the case for the District of Columbia Budget Autonomy Act.

The legislation simply says that, particularly because there is no Federal payment any longer, when the District passes its balanced budget, especially now with the control board in place, that should be it. It should not have to come here to an appropriation committee and to the Senate to an appropriation committee, which has no appropriation for the District of Columbia.

Remember, the District clause would still allow the Congress to intervene into the budgetary process in any way it saw fit. So it could still come to the floor and say, I want to change this or that, or I want to do whatever about it without the budget coming over here. Meanwhile, the District budget could go into effect when it was passed and would not hinge upon when we pass our appropriations.

This would save the District money; save it an inestimable amounts of time, and I have put that in today because I believe the mayor, in good faith, has come forward with the kind of prudent, exciting budgeting that the Congress wanted to see, and I believe the Congress ought to respond in kind by saying, it is his budget, we believe in devolution, we are going to show it by letting him do his budget his way without our intervention. Remember, we are talking about a city that has run a surplus for 3 years, when this body expected to have a balance only after 4 years.

The second bill is a Legislative Autonomy Bill, because I am sure most of the Congress is unaware that after a piece of legislation is passed it has to come here and sit for 30 or 60 days, depending on the kind of legislation it is. The problem with that is that these 30 or 60 days have to be legislative days, so that the District legislation cannot become final often for months, because the Congress does not sit in blocks of 30 legislative days at one time.

It creates havoc in the District government. It has to go through a Byzantine process just to get its laws to go into effect when passed, and then they are not truly in effect. Unnecessary all together since, again, Congress could, whenever it wanted to, simply come to the floor, introduce a bill to overturn a piece of legislation. Republican and Democratic Congresses alike, out of over 2,000 bills only 3 have been overturned in 25 years of Home Rule.

The Congress has the power. It can always use it. Congress does not need the hold in order to effectively do so. The hold creates havoc in the District. It means that the District is streamlining its process, we are not streamlining our relationship to the District. We ought to respond to what the District is doing by letting the District's bills stay with the District, letting the District's budget stay with the District, unless we decide that we want to intervene, in which case the District clause of the Constitution gives this body every opportunity to come forward. That is all we ought to need. The congressional power is still intact.

I want to thank the leadership on both sides for the way in which the District, the new District, if I may be so bold, has been received. I know I speak for Mayor Anthony Williams and City Council Chair Linda Cropp when I say there is a great feeling of hope and very good feeling toward the Congress in the District. There is the very same, as we have already seen, here in the Congress, because the Congress has already passed very important legislation to return powers to the District.

I would hope that Members would come for just a few minutes on April 13 to the reception that I am having for the mayor. The chairman of our subcommittee, the gentleman from Virginia (Mr. DAVIS), is joining me in sponsoring that reception. He is as pleased as I am with the way in which the city is proceeding, I think I can say without fear of contradiction. The reception will be held in Room 2226 Rayburn, and Members will be receiving an invitation.

Expect me to come back, sometimes in 5 minutes, occasionally for a full hour, to give my colleagues some real sense of what the city, where my colleagues all meet, is doing to meet its own expectations and, by doing so, to meet my colleagues' expectations.

THE 2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MILLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MILLER of Florida. Mr. Speaker, I rise today to address an issue of great importance to this country, and that is the upcoming 2000 census.

In 12 months we will be having forms in the mail to everybody in this great country to complete for the decennial census, something that has been conducted since Thomas Jefferson conducted the first census in 1790. The census is critical to the Democratic system that we have in this country. It is the DNA of our democracy. And we need to do everything we can to have the most accurate and trusted census that can be done.

In 1990, we missed 1.6 percent of the American people in that count, and we need to try to do better. A problem in the past has been something called a differential undercount, where some segments of the population do not get counted as high a percentage as other segments. For example, American Indians are hard to count, and we need to put special efforts to go out and count the American Indian. And for all the other segments of our population that are hard to count, whether it is immigrants, or inner-city minorities.

It is the right thing to do for this country, because it is the right thing that everybody should count, and we need to put all the resources into making the year 2000 census the best ever.

When Thomas Jefferson conducted the first census back in 1790, they did not have a mail system that would deliver the census forms. It was done by horseback going out and finding people. They obviously missed people in 1790, and they have missed people ever since then. But every year we should try to do as good as we can.

The Clinton administration came up with a new plan this time around. They proposed to use sampling. The original plan was that they were going to count 90 percent of the population and use sampling and guesstimating for the other 10 percent. A very risky plan; very dangerous plan, in my opinion. It was destined to fail because it would not be trusted by the American people. We not only have to have the most accurate census possible but we must have it trusted by the American people.

To go out and use polling techniques to estimate the population just will not work in this country. It is too important of an issue. And it was illegal. The Constitution is very clear; it calls for an actual enumeration. We, the Republican majority, told the administration it was illegal. And in an agreement in October-November of 1997, it was agreed to proceed to court, to let the court decide whether it was legal. This past January the Supreme Court ruled that it is an illegal plan, for purposes of apportionment, the 90 percent population count.

And so, thank goodness, the court decided before the Clinton administration had proceeded all the way to conduct an illegal census. We had been telling them for years it was illegal; it was wrong. But it finally took the Supreme Court to tell them it was illegal.

Now the Clinton administration has decided, well, it is only illegal for apportionment. We will do a second sample for purposes of redistricting, which is drawing the lines within a State.

Apportionment is concerned with the number of representatives each State will have. So that has been resolved. That has been decided, and the administration has agreed to go ahead and do a full enumeration for that. But redistricting and apportionment go together. We cannot separate them. But what they want to do now is have a second set of numbers.

Now, just imagine what this will be like. Two numbers. A two-number census. Never been done in history. The Census Bureau has been saying for years we cannot do a two-number census. It is wrong. I agree with the Bureau. But political pressure was brought to bear on the Census Bureau, sadly. The Census Bureau should not be influenced by politics, but they are very much being influenced this year. And that is very sad for the Census Bureau today and certainly for years to come that they have allowed political pressure to let them make bad public policy decisions.

This is bad public policy. Just think, my home of Bradenton, Florida, is going to have two numbers, one set of numbers will be for approval by the Supreme Court and another set of numbers will be the Clinton numbers. Because what the President wants to do is do the full enumeration, that will be the full count, and then adjust those numbers to say these are the other set of numbers. Two sets of numbers for the same date. And the census date is April 1 of 2000.

How confusing can it get? It is going to be so controversial and so tied up in the courts that it is going to mess up redistricting throughout the country. Not just for Congress but, as I said, this is the DNA of our democracy, because most elected officials in America are having districts drawn based on the census. So every State representative, every State Senator, school board member, county commissioner, city council person who represents a district, where they have to divide up by population, are going to have those districts tied up in courts for years to come.

□ 1915

It will be an absolute disaster. So it is terrible policy that this administration is proceeding along the lines of something that is illegal. It is illegal, and we have been telling them for years it has been illegal. I do not know what legal advice they are getting. Because reapportionment and redistricting are in effect the same thing.

What is going to make it even more illegal is that the results of these adjusted numbers are less accurate. The statistics are not valid. Because when they go to redistricting, what they do is they work with census blocks. They do not work with the city population numbers. They work with blocks. And a block may have 20 homes. It may have 50 homes.

Now, in the big city it may have an apartment high-rise and they could have a thousand or so people in it or more of course. But most of them are smaller. There are millions of census blocks in this country. And so what they are going to do is use a sample of 300,000 units to adjust all the millions of census blocks in the country. It makes no sense.

Even the Academy of Sciences, would has been politically used in this case sadly, a very distinguished, reputable organization that has been politically manipulated, they have even said that a sample size of 300,000 for redistricting purposes is marginally acceptable at statewide populations if you take the total State population of Arizona or Florida, but when we get down to within the State, it will lead to considerable variability.

This is snake oil that has been peddled by the Democratic party that this is going to solve all their problems. It is not going to solve any problems because the courts are going to throw it out. It is illegal. So how they use it if it is going to be thrown out in the courts?

So it is a sad situation that efforts we are making to try to improve the census are being opposed because all they want to do is sample, sample, sample. They have this one-track mind. And all I can tell them is it is illegal, unconstitutional, and it is wrong. And it is bad statistics.

I used to teach statistics for years in college. I know something about statistics. They can use statistics and they can manipulate them. My first lecture in statistics, when I was teaching at Georgia State University in Atlanta for years, was how to lie with statistics and it was on different channels and methods of how to do that.

When you use a measurement of central tendency, which is the mean, medium, and mode, they are different numbers; and we can say, which is better to describe it, the medium number or the mean number or the modal number? And it is used all the time.

Davis-Bacon, by the way, they use the modal number and it gets a higher dollar amount. It is interesting what number they choose to manipulate. So we have some serious problems with the administration, the dangers we are going to have with a failed census.

We introduced the ACT program, I have introduced, which are 10 measures to improve the census and I am going to go over those in a few minutes because it is going to I think help improve the census. And we had a big markup yesterday.

But my colleague the gentleman from Arizona (Mr. HAYWORTH) has joined me on floor. We had two field hearings this past few months, one in Miami in December, and we were out in January in Arizona. And as I said earlier, the most undercounted population we are dealing with are the American Indians. And one of the concerns we had is how do we improve the count on American Indians.

I am from a beautiful Gulf Coast area on the Gulf Coast of Mexico, a very different area from the large district that the gentleman from Arizona (Mr. HAYWORTH) represents. But by going to the area and having a field hearing in Arizona and listening to tribal leaders, it was very enlightening to understand and see their concerns. So we really appreciate the effort my colleague made to make it possible for the gentlewoman from New York (Mrs. MALONEY), the ranking member of the committee, and myself to be there.

Mr. Speaker, I am glad to have my colleague the gentleman from Arizona (Mr. HAYWORTH) with me today, and I yield to him.

Mr. HAYWORTH. Mr. Speaker, I thank my friend the gentleman from Florida (Mr. MILLER) for yielding. And I would likewise thank the chairman for his willingness to come to the youngest of the 48 contiguous States, the great State of Arizona, which did not enter this Union until Valentine's Day of 1912 in the administration of one William Howard Taft.

I might also point out that the Sixth Congressional District, which I am honored to represent, is an area in square mileage almost the size of the Commonwealth of Pennsylvania, from the hamlet of Franklin in the south just there alongside the New Mexico border in southern Greenlee County, from Franklin north to Four Corners, the only point geographically common to four States in our Union, west of Flagstaff and south again to Florence, a district that continues to grow with a sizable portion of metropolitan Maricopa County.

And indeed, according to the latest studies of population there, last year Maricopa County, Arizona, welcomed 86,000 new residents, second only to Los Angeles County, California. So it is a growing area, experiencing much the same growth that my friend from Florida can attest for his sunshine State.

But in the Grand Canyon State and indeed throughout the United States of America, Mr. Speaker, there are grave concerns. I certainly yield to my colleague from Florida in terms of his knowledge of statistics and his background as a man of science and an educator in talking about statistics. And I am reminded, I believe the line was from Mark Twain, "statistics do not lie but liars occasionally use statistics."

I would echo the observation of my friend from Florida that is seriously disturbing. It has been frustrating enough to see the lack of personal responsibility on the part of this administration, certainly personal conduct of the President of the United States, the misguided, if not arrogant, admonition of the Vice President of the United States when discussions of his own misconduct came up when he said, "my legal counsel informs me there is no controlling legal authority," not only an absurdity but close indeed, Mr. Speaker and my colleagues, to an obscenity in terms of its arrogance. And moving past that, recent revelations involving the unlawful transfer of technology to the People's Republic of China, resulting today in a vote by this House to at long last approve a missile defense.

The committees of this Congress must continue their vigilance and their oversight of serious matters involving the lack of propriety in terms of soliciting campaign donations from the People's Republic of China and subsequently action taken to transfer technology to that nation's military, putting Americans at risk.

But now my colleague from Florida has pointed out the latest outrage. My colleagues, we all take an oath to uphold and defend the Constitution of the United States; and when we raise our right hands and take that oath, that oath means something. It means that we all recognize the Constitution and the wonderful tools our Founders gave us to make us a Nation of laws and not of men, sadly, events of this past year which seem to indicate the opposite, that we are a Nation of one man's whims and not of law.

I would refer us to article 1, section 2, quoting now the actual enumeration. "Shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years in such manner as they shall by law direct," speaking of this legislative prerogative.

We should also point out with our constitutional republic, our system of three separate and coequal branches of government, there is an arbiter, an interpreter. The judiciary branch. And the ultimate authority is, of course, the Supreme Court of the United States.

And as my colleague from Florida pointed out earlier, and as we must continue to reiterate, the Supreme Court of the United States, in January of this year, banned sampling, banned this hocus-pocus, indeed in a phrase that General Eisenhower used for a lot of scientific ledger domain, he called it sophisticated nonsense, the Supreme Court banned this type of inventive counting or projections or sophisticated nonsense and said to all of us, whether the President of the United States, Mr. Speaker, or a Member of Congress, or any citizen in this country, and most specifically, he who is directed to in fact be the director of the census, that, no, there will not be sampling. Instead, there will be an actual enumeration, as the Constitution calls for.

And yet the arrogance and, by any fair measure, dare I say the lawlessness, is so rampant that they would have a director of our census essentially thumb his nose at the Supreme Court of the United States, at the Congress of the United States, and then say to the American people, well, the Constitution may call for an actual enumeration but, gee, that is just not good enough. Because to fit our partisan designs, and let us speak plainly, Mr. Speaker, in a town enshrouded, as I have said before, with almost a perspective borrowed from that Hans Christian Anderson fairy tale dealing with the emperor's new clothes, when people fail to understand realty or fail to square up to it, let us understand this: Sadly this administration, it would seem, can only measure its so-called legacy, to use the term of the punditocracy, its so-called legacy in political terms and somewhere along the line something has gone terribly, terribly wrong. Because, in our constitutional republic, honest convictions deeply held articulated in this chamber with free debate are held amongst political adversaries or opponents.

But somehow, sadly, some folks in this town have changed that to start to think of the majority in Congress as their sworn enemy. How else are we to interpret the provocative action of the director of the census, who says to the Supreme Court, well, you may have told us that the Constitution says sampling is banned based on your opinion, but we are going to double count.

Mr. Speaker, if the double-talk were not enough from this bunch at the other end of Pennsylvania Avenue, now we are treated to a double count. And what they are saying, in an arrogant and dangerously partisan fashion, is that an actual enumeration of citizens mandated by the document to which we all swear our allegiance when we take our oath of office and validated, amplified again by the findings of the Supreme Court of this Nation in January, somehow that is not good enough. And they, in their arrogance and in their desire to shape a legacy born of any means necessary politically, will invent people, will invent numbers, will supplement their double-talk with a double count. It is tragic that we have reached such a stage.

Mr. MILLER of Florida. Mr. Speaker, reclaiming my time, it is so frustrating dealing with this administration to have a Clinton set of numbers and a Supreme Court approved set of numbers. We have been telling them for years it is illegal. I do not know where they get their legal advice, but their lawyers are telling them bad information.

We had an agreement with them, it was signed into law back in October-November of 1997, to be prepared for a full enumeration. And they would not even do that. They were not getting prepared. And they were so arrogant as saying, our lawyers are right and we are going to win this or the Supreme

Court will rule after the census is done and then we will win it that way.

I kind of feel sorry for the professionals over at the Census Bureau today because there are some good professionals there and they are being driven by political pressure from the White House to do things that are bad public policy, bad science and statistics, and it is illegal. And it is an embarrassment for the real professionals that are over there that the politics weigh so heavy on them. Because ultimately it is going to be declared illegal.

What they are saying is apportionment is illegal but then they are going to do redistricting with a separate set of numbers, and the courts are going to rule there the same thing.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would further yield, I would like to take advantage of his expertise and his study of this issue and his leadership as the chairman, the subcommittee most accountable for the census and in terms of Congressional oversight and execution of such account.

We have established the sad reality that, for a variety of reasons, starting and in fact ending at the top, that is at the other end of Pennsylvania Avenue, with our chief executive and his already well-established lack of regard for the statutes and the laws of the land, that this is going to continue apace.

□ 1930

I was wondering if my friend from Florida in laymen's terms could explain the deficiencies of sampling. It has been described to me as almost inventing people, or projecting numbers based on a count and then to actually cease a count and start an extrapolation.

Could he put it in laymen's terms so those of us who join these proceedings and our citizenry from coast to coast could understand this a little better?

Mr. MILLER of Florida. We are talking about using sampling. Sampling, we all use it for polling. We read the polls in the newspapers all the time. Politicians use them all the time. Marketing companies will use polling. Polling and sampling is used when you do not have enough time or money to take a full census, which is a full count. But the Constitution requires a full count every 10 years. In between, we will use sampling. It has got an appropriate role because you cannot go out and count everybody every year. The plan that has now been proposed the way it would work is, they would do the full count as best they could. Then they would take a sample of 300,000 units, housing units, and use those numbers to then adjust the 270 million people in this country.

You have population numbers for the State of Florida, the State of Arizona, you will have it for the city of Phoenix, the county of Maricopa County, the county of Manatee County or Sarasota County. But then it gets down to the numbers that you use for redistricting are small units, the smallest units. And if you look at how they draw them on a computer map, these are census blocks. How do you go and adjust a census block with 20 housing units in it based on a sample of 300,000 nationwide?

What is going to happen is, in your area of Phoenix, they are going to take population estimates from Utah and New Mexico, probably California and Nevada, lump them together and then they are going to come back and adjust your census block where you live in Arizona.

Mr. HAYWORTH. Let me see if this analogy works, because from time to time, the attorneys might say, there is a preponderance of physical evidence that I battle with my physique, the scale. This almost sounds like in lieu of weighing myself on a calibrated scale, that I take my two youngest children, aged 8 and 5, because, after all, they possess DNA, which is a part of me, and they have my hereditary characteristics and to achieve a desired weight, I would put them on the scales and then extrapolate based on statistical samples such as the ideal height and weight charts, the actuarial tables we see from different life insurance companies, and rather than take an actual number from the scale, through statistical legerdemain, we would project a desired outcome. Is that an apt analogy?

Mr. MILLER of Florida. Yes. The idea is, they are going to do something called adjustment this time around. It is a little different from the original sampling plan. They are going to do adjustment. The real set of numbers, so your scale shows you have a weight of 190 pounds, and I am being very generous.

Mr. HAYWORTH. That is the desired weight. Thanks very much.

Mr. MILLER of Florida. That is your desired, your goal. But then they will come back, they are going to adjust a number. They say, well, your scale shows 193, but we think because your shoes are heavy and your tie weighs so much, we are going to jump that up to 247. That is how they are going to adjust. They are doing it a little different than the sample originally proposed.

Mr. HAYWORTH. So it is as if we had the scales and the thumb rather than, well, perhaps the heavy hand of government is going to rest on that scale to produce the desired outcome based on political pressure from the White House and the marching orders that the Director of the Census has been given to maximize numbers in such a way, devoid of actual enumeration, to produce a desired outcome.

Mr. MILLER of Florida. That is a good description.

Mr. HAYWORTH. In fact, since we are dealing with a crowd, of course, who give us different definitions for the word "is" and the meaning of the word "alone," who tell us that China should be our strategic partner although we know now in the fullness of time that strategic partnership dealt with a particular presidential campaign, this Clinton-Gore team's reelection effort in 1996, now we have a new definition of counting and a new definition of what the census should be. So we are getting all of this double talk and followed by a double count from this crowd down at the Census Bureau.

Mr. MILLER of Florida. That is very sad, because we need to have the census to be successful and the most accurate numbers possible, but it has got to be trusted by the American people. As I say, every city councilperson in this country, county commissioner, State representative, State senator, Member of the House of Representatives, their districts are going to be drawn based on these numbers. If they do not trust those numbers, they are not going to trust the system. Our democracy really is fundamentally at stake in this issue.

The gentleman actually said the Clinton administration is not high on the trust scale, whether it is in the foreign policy area with China, how you take a deposition, it raises a question, can you trust these numbers? If you have a set of numbers that are approved by the Supreme Court and a set of numbers that Clinton has manipulated to get to, which ones are you going to take? It is logical you are going to take the Supreme Court set of numbers, but they are going to try to force cities and counties and State legislatures to use these manipulated numbers. That is wrong.

Mr. HAYWORTH. If the gentleman will yield on that point, I should make the point, Mr. Speaker, that just yesterday I was contacted by members of the Arizona legislature concerned about this. Indeed, in recent weeks, officials of county government nationwide and from the various cities have visited Washington. All of the mayors and the county executives and the State legislators with whom I have spoken have expressed grave concerns about the machinations of this administration and its apparent willingness once again, quite frankly, to disobey the law of the land.

So, Mr. Speaker, again in our constitutional republic, given the magnificent ability to freely express ideas, and mindful of this free flow of information from coast to coast and to Alaska and Hawaii, once again, Mr. Speaker, we have to call the American people to action.

There are those when I first came here, Mr. Speaker, who spoke of some sort of revolution. Our Vice President, the same Vice President who claimed just last week he was the father of the

Internet and he has cleared all sorts of new ground with a double ax in his farming days, that selfsame Vice President speaks of a reinvention of government.

Mr. Speaker, I believe quite frankly both of those labels miss the mark. I believe what we should be about in this Congress, whether conservative or liberal, Republican or Democrat, what we should be about is a restoration, not a revolution, not a reinvention but a restoration, and that is to say that we should take quite literally what our Founders said to be the law of the land. We stand here at the outset of every congressional session, those of us who have been honored with election, and we take an oath to uphold the Constitution. It calls for enumeration, counting of citizens. The Supreme Court has upheld it, and yet this crowd on the other end of Pennsylvania Avenue wants to ignore it. I think my colleague from Florida is correct to point out the concerns of the cities, the counties and State governments in this regard, and, Mr. Speaker, I would call on the great grassroots of America to let their thoughts be known.

There is one other question I have for my colleague from Florida. I have heard talk, again from what I call the punditocracy, all the folks who show up on television to offer their opinions of the day and offer them in a variety of columns on the opinion-editorial pages of papers around the country, I have heard that again this political mission is so important to our current President that he may be willing to shut down the government over this issue. Is there some veracity to that possibility?

Mr. MILLER of Florida. It was reported in the New York Times recently that, last fall, in order to get Democratic support for that omnibus appropriation bill, the President sent a letter to the gentleman from Missouri (Mr. GEPHARDT), the minority leader, saying that he will veto any legislation that keeps them from doing sampling. That means the upcoming appropriation bills that fund the census, but it not only funds the census, that particular bill will fund the FBI, the State Department, the embassies around the world, the Drug Enforcement Agency, the Border Patrol, the Weather Bureau. He has said he will veto anything that keeps him from being able to do sampling, which is illegal.

Mr. HAYWORTH. I just have a thought, if my friend from Florida would yield. We hear so much talk in this city about civility, and, of course, we should recognize that the first rule of civility is telling the truth. But apart from that, we also hear how there should be bipartisanship. Indeed today on this floor at long last, despite the best efforts of liberals in this Chamber to drag their feet and delay and oppose a strategic missile defense system, at long last this Congress had a bipartisan vote saying it will be the mission of this country to act in its own self-defense for a strategic missile system. Perhaps, Mr. Speaker, it would be good for our friends on the other side of the aisle to join us in true bipartisanship.

Now, of course, Washington, and sadly members of the press corps here have a very interesting definition of what is bipartisan. In this town, to hear the liberal community speak, whether from the printed page or from the political rhetoric of the other side, bipartisanship means the majority abandoning the goals for which it was elected to be made malleable and reshaped by the whim of the minority. I do not believe that definition of bipartisanship, as prevalent as it may be in some Georgetown parlors and down the street at the headquarters of the Democratic National Committee, is really an operative definition of bipartisanship. Far better that our friends who seek civility opt for the truth and join us in an intellectually rigorous, honorable and honest count, enumeration for the census as called for in our Constitution and as reaffirmed this past January by the Supreme Court. I think that would be a step toward true civility. That would be a step toward true bipartisanship. I would say tonight that we reach out and extend our hand to say, let us preserve the Constitution. Here is another chance to stand up for the rule of law, here is another chance to act like statesmen. Join us in following the edicts of the Constitution and the decisions of the Supreme Court.

Mr. MILLER of Florida. We talk about truth and working together. Yesterday we marked up seven bills in the Committee on Government Reform to improve the census. We mentioned one that involves trust and local officials that we have talked about, the mayors and commissioners that we have been hearing about from our district. That is something called post-census local review. It was used in 1990. What it is, is after the census is started, the local communities get a chance to verify the housing units in their area. They have a final check on the numbers before they become published numbers, to catch mistakes. Because mistakes are made. We had a hearing on this. The gentleman from Wisconsin (Mr. PETRI) was talking about up in his district, a whole ward, a mistake was made and it was left out. The idea is let the local communities have one last chance to look at the numbers and verify the housing units in their community, their city, their county, whatever the jurisdictional area we are talking about. It makes sense. It is a trust factor.

They are opposed to it. The President sent a letter, he will veto us. It was done in 1990. It cost $7 million in 1990. We are not talking about a huge sum of money. But it gives a trust, a chance for the local cities. The National League of Cities is supporting this, the National Association of Towns and Townships is supporting this, all kinds of mayors. They have gotten to the big city mayors. Mayor Archer of Detroit added 45,000 people in 1990. Wow, that is a lot of people. Now he is opposed to it. But it is an optional thing. You do not have to participate. Detroit got 45,000 people going through the program the last time. If Mayor Archer does not want to participate, let him not participate. As a matter of fact, we may even put in the legislation that Mayor Archer and the city of Detroit cannot participate, I do not know. But it is amazing. They have sold snake oil to the Democratic big city mayors because they have said, "We're going to get sampling, it will solve all our problems, it will add all these extra people to your cities if you will let us use sampling, so you need to oppose post-census local review."

They do not trust their local officials? I know it is a pain. They would have to deal with all the mayors, the city managers, the county commissioners. But they are opposing it and Clinton is going to veto the bill. It will probably be on the floor of the House maybe this coming week and we will be able to debate it.

□ 1945

I am anxious again for the Democrats to explain: Oh, we do not trust the mayors, we do not trust these city managers to look at our numbers of housing units.

I am in a growing area, the gentleman from Oklahoma has all this growth. New developments are going in all the time, new streets, new houses. Who knows best where they are? You know who knows best? They know over at the Census Bureau in Washington. We do not know back home.

Mr. HAYWORTH. And moreover, my colleague from Florida made mention of the fact that I am also honored to represent more Native Americans than any other Member of Congress in the United States; indeed almost one quarter of the population of the Sixth Congressional District of Arizona is American Indian; and, as was pointed out in the hearings held in Phoenix, many of those Native Americans live in remote areas, areas where they are known, for example, on the great and sovereign Navajo Nation, in areas with a lack of population density; but those in the chapter houses, in the local units of government, tribal government at its most basic, know where the people live, you see, because it is where they grew up.

But what a metaphor for the two different attitudes that exist now in the final days of the 20th century in Washington, D.C. You have the new majority, which believes that one size does not fit all, that our policies should not be Washington bureaucrat driven, that we should not check common sense or the power of observation at a department level door or a cubicle in Washington, D.C., that instead we should turn to local experts, to those who are living their daily lives in their locales, in their communities, with special challenges who acknowledge that Phoenix, Arizona, is a different place from Phoenix City, Alabama.

And then on the other hand, we have our friends on the left who continue to embrace this outmoded notion that only Washington knows best, that somehow inside this Beltway, within the parameters made possible by the Potomac, that only those who sit here and work at a desk in a cubicle for the Federal Government have the answer, and how dare mayors, and city councilmen, and county executives, and State legislators and those closer to the situation and the true meaning of federalism, how dare they, as duly elected officials, weigh in knowing traffic patterns, knowing housing patterns, knowing their cities, towns, boroughs and counties, how dare they step up when instead we can have people in Washington who can guess and guess through statistical legerdemain of the very clever way to produce a desired political outcome.

Indeed, as our good friend and colleague, the gentleman from Ohio and chairman of the Committee on the Budget (Mr. KASICH) says, this common sense majority is all about transferring money, power and influence out of the hands of Washington bureaucrats and back home to people who live their daily lives and now again in a most reckless transparently political and lawless fashion the crowd on the left wants to say: Washington knows best, we are going to continue the doubletalk, have a double count and twist and shape the equations and numbers for our own desired ends.

It is sick, it is cynical, and, Mr. Speaker, I reflect on a term that was coined when I was growing up in describing another liberal administration in this town in its conduct of foreign policy and a variety of other issues. In the late 1960's there was talk of a credibility gap. Mr. Speaker, how sad it is that in the case of this crowd we have a credibility canyon. Indeed rhetorically it rivals the splendor of the Grand Canyon within the boundaries of my great State. In Washington, D.C. there is this credibility canyon whether in terms of personal responsibility, or boastful claims or arrogant assertions that someone is above the law or, in another fashion, there is no controlling legal authority.

Now again we are confronted with the incredible swath and distance, the gulf between the objective truth and the sick, cynical, political manipulation of victimhood and arrogance that says: We are above the law. We are not going to listen to the Supreme Court. We are not going to listen to the American people. But in a most cynical fashion we will twist the numbers and come up with account that achieves its desired ends, and that is basically the debate in full flower we are seeing.

The question is one of trust. As my colleague from Florida says: Who do you trust? At long last, Mr. Speaker, who can you trust? Good people can disagree. This is not about the merits of disagreement. This is about the designs of a sick, cynical scheme and a bald face grab for power.

Mr. MILLER of Florida. As I mentioned, we in the committee yesterday marked up bills to improve the census, and you would think they would want to have the ideas of Congress, like the post-census local review. Give those local officials like they had in 1990 a chance to have a quality check.

Another issue: They are opposing, and let me tell my colleagues this. They are opposing making the census form available in numerous languages and Braille. They said we are going to put it in five languages besides English, and if you know of another language, tough. You have to call an 800 number, and hopefully you will find somebody who can translate. And if you are blind, you know, tough. I mean what do you do?

That is so sad. They are opposed to it. It is not that difficult to make available forms for those that request it to get these forms.

I was in Miami. We had a hearing back in December. The gentlewoman from Florida (Mrs. MEEK) has about 150,000 Haitians in her district. Now a lot of them have not learned English yet, and how do they fill out a form?

Our colleague, the gentleman from California (Mr. HORN) from Long Beach, he has about 50,000 Cambodians in his district. Now how do they fill out a form if an elderly person? Now somebody would say, oh, they should not be counted, but everybody living in this country gets counted. It is required by our United States Constitution. And here is amazing; this is the Democratic party that wants to reach out to everybody, and they are refusing to publish the seven questions, only seven questions, in these languages, and one of our bills is to put it out in 33 languages plus Braille rather than the five languages. Their argument is, well, our five languages, we get 99 percent of the people. Well, 1 percent of the American people is 2.7 million people, and we only missed 1.6 percent of the population last time.

Why are they afraid to do that? I mean it is the Republicans are out there trying to make it more accessible, to have everybody fill out the form, and so I mean it is so frustrating that they say we are perfect, we do not make mistakes, and we are all professionals and, you know, do not micromanage. Well, do not micromanage? They are the ones that spent a billion dollars over the past 7 years on a illegal plan, and it was not until January that they, you know, we got hit in the head. They realized, yes, it was illegal, and they said that is the reason we are going to go to two numbers.

I mean it is an amazing organization to deal with, and these other ideas we are proposing. It was another one they are opposed to is, and this has support from General Accounting Office and at one time the Academy of Sciences supported it. We get one form in the mail, and, you know, hopefully everybody returns it, we get as many as we can returned. But if you send the second form as a reminder, it will increase response rates by 6 or 7 percent.

They tried that out when they did what is called a dress rehearsal last year in Sacramento and Columbia, South Carolina. They will get a 6 or 7 percent improvement on response rate. That is about 19 million people. That many fewer forms have to be filled out. And they are opposed to it. They are going to fight it, and the President is going to veto it. He is going to veto those 33 languages. He is going to veto post-census review.

I do not understand their logic. It is so frustrating.

I mean even we had one program we debated for probably 45 minutes yesterday in committee. It is something called Census In The School program. It is a good program, and I hope when it becomes available that you can go to your schools and promote it, especially when you go to the Indian schools which we visited when we were in your district. It was really kind of neat to see the Indian schools there because what the Census In School form is is going to be a form that is going to be sent out to the teachers of elementary schools, in elementary schools, and selected teachers in middle and secondary schools that teach geography. I think government, math, I think three different categories, and the idea is they will get a request. If they want to participate in the program, send back a card, and they will get maps and materials, and it is a good way to teach a civics lesson, and, you know, they can teach mathematics, they can teach geography. There are lots of things kids can learn about the census and the Constitution on it, if the teachers want to. So we are going to make it available.

The Census Bureau was only going to make it available to 20 percent of the schools, and we think it is a good program. So we commend them and say we think it should be made available to everybody, all the schools. They are contracting it out, so it is not like extra work for them.

There is a group called Scholastic, Inc., that has got the contract, and it is just a matter of sending the letter to all these teachers, and if they like it, send back a card. And they fought us, and fought us, and fought us yesterday over that issue, and they finally agreed to let it go by voice vote.

And I understand. I said, "Are you opposed to 60 percent of the teachers receiving this? Why are you opposed to the possibility of helping kids?" We can get Members of Congress to go to schools in their district to help promote it. It is something that is good civics, it is good public policy, and you know they finally gave in and voice voted. It was amazing.

Mr. HAYWORTH. If the gentleman from Florida will yield for a second, this is very interesting because once again we see the gulf between rhetoric and reality because our President and liberal Members of this House come to this floor, and indeed the President of the United States stood at this rostrum a couple of months ago and told us how important education was and how we should put our children first. And of course now we find that our children, as they go to sleep at night, are within the target range of Chinese missiles, and, moreover, that the liberal minority in this House actually does not want to utilize a great civics lesson and participation in understanding the role constitutionally of the decennial census, that as its name implies, comes but once every 10 years, and to miss this historic opportunity when the claims constantly are of concern for the children and wanting to improve education. And again, it is yet another sad piece of evidence in this credibility canyon which is come to exist in Washington D.C., certainly not as splendid as our Grand Canyon, but one that we will have a long time trying to reconcile.

Mr. MILLER of Florida. One of the other ones that was interesting in the debate yesterday, and this came out of our hearing out in Phoenix and in Miami, and one of the things that the tribal leaders, for example, and representatives of communities in Miami like the Haitian community and such is they want to say we want to help, we want to give, you know, and their best and most knowledgeable about whether it is their tribe or their community in Miami or Detroit or wherever, but we need some help. What can, you know, the Census Bureau do for us? What can the government do for them?

One idea we came up with is a partnership program, it is a grant program, matching grant program for $26 million. It is not a huge amount of money, you know, for the entire country, but it is a one-shot deal so that if the tribes and we need some help within our tribe to go out and, you know, get the people to fill out the forms, or if the Haitian community wants to get, you know it can be nonprofit groups, it can be governmental groups. They can request a grant, and they say all these excuses. Census Bureau, we are not into the grant making business. Okay. Well, let the Commerce Department do it, Commerce Department which oversees, of course, the Census Bureau. They give grants all the time, let them do it. What is wrong with it? What is the harm of it? This is what we find out in field hearings in Phoenix and in Florida, and they fought us on it and fought us on it, and they finally reluctantly said it is not even worth the trouble.

Mr. HAYWORTH. Well, my friend from Florida has cleared up one mystery. There are many citizens around this country that really wondered about the function of the Commerce Department to begin with. So at least now we know that the Commerce Department is the Cabinet level agency that has authority over the census.

So, that is important to know, that there is that very important and vital function, but my colleague from Florida is quite right. I can recall in our hearing in Phoenix and in our visit to the Gila River Indian community and meeting with the school kids and the citizens of the health clinic and those who are involved in the tribal council that here are people who appreciate the notion of self government and sovereignty who are willing to count and willing to meet those challenges and eager to do so. And then you have the situation like just occurred in the committee where actually one has to pull teeth with the minority side to move to reasonable, rational positions to bring about the desired goal of a full count or at least what should be the desired goal of a full count.

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Mr. MILLER of Florida. There is one bill that the minority did support and this is one that the gentlewoman from Florida (Mrs. MEEK) was pushing and I was supportive of, and this is something that came out in the hearings in Phoenix also with the tribal leaders, is to be able to hire the people go out and do the knocking on doors and helping count those who do not fill out their forms and get them back in. We need to get local people to do that work.

Who better than to get the native Indian to go out on their reservation and do their counting and knock on doors? They are the ones who are going to trust their friends and neighbors. In some cases these people may be on some type of welfare-type benefit, a medicaid program or something like that and these are temporary jobs, only going to be around for a few months and so to get them to be able to work those jobs temporarily without losing those benefits would be very desirable.

So the gentlewoman from Florida (Mrs. MEEK) introduced legislation which, of course, I cosponsored and we passed yesterday, and I have to give credit to the gentlewoman from Florida (Mrs. MEEK) for pushing this legislation, the Democrats.

There are a lot of people who have concerns about this because as the gentleman who is on the Committee on Ways and Means knows, welfare reform which was passed in 1996 gave the States the power. So the real problem we are having with this is, and the people are challenging us on it the most is, we are taking away power from the States. Let them decide. The States, I would assume, are willing to do it.

The question is, do we mandate it out of Washington? The fact is, the gentlewoman from Florida (Mrs. MEEK) did this, and I went along with it, we pushed it and luckily we got it and hopefully we can get it passed by the House. If not, we can get a sense of Congress to push it along and get the States to do it because it is good public policy and we should all agree that we want the local native Indians on their reservation. They do not want to go to the next reservation necessarily, and they are not going from their reservations to the Haitian community in Miami either. That is one good thing we hopefully will get out of this.

Mr. HAYWORTH. As we discovered in working with Native American groups and other concerned constituencies in the field hearings in Phoenix, we have many Indian communities. While some enjoy an economic boom and take advantage of new economic opportunities, I was meeting earlier today with a group of high school students who came to see me from the Close-up Foundation, from the Navajo Nation and understand, Mr. Speaker, that unemployment on the sovereign Navajo nation, an area in geographic size almost the size of the State of West Virginia, transcending the boundaries of four of our sovereign states, unemployment on the reservations can top and exceed 50 percent in some cases. So jobs, be they temporary, are welcome and indeed there would be a lot of people.

This is one of the topics we addressed today, what happens for economic empowerment because as we all know and as I remarked to the Navajo Tribal Council when I was honored to address that assembly in Window Rock, Arizona, the Navajo Nation capital, the greatest social program in the world is a job.

Mr. MILLER of Florida. Right.

Mr. HAYWORTH. To have this opportunity, I salute the gentlewoman from Florida (Mrs. MEEK) and while there may be some questions of jurisdiction and some details to iron out with the Nation's governors and the respective States and the whole notion of TATNF, Temporary Assistance to Needy Families, and what we are doing here, if we can vet those concerns and make a workable proposition come out, well, then this is to be welcomed. Let us seize on this aspect. Salute our colleague, the gentlewoman from Florida, from the other side of the aisle and say that example should be followed because it is inevitable that we may not agree on every jot and tittle of policy but that is the example of true bipartisanship, to work together to try to solve a problem, not to try a maneuver for political advantage or to say we are going to ignore the rulings of the Supreme Court and the Constitution somehow does not count. So my friend is right to give credit where credit is due and that should be an example of true bipartisanship and civility.

I look forward to working with the gentleman to try to iron out some of these problems of jurisdiction.

Mr. MILLER of Florida. I appreciate that. Our visit to Arizona was very enlightening because every area is different in this country. The gentleman's district is very different from the district of the gentlewoman from Florida (Mrs. MEEK), and again the gentleman's district is going to be very different from my district in southwest Florida where we have lots of retirees and beautiful beaches along the Gulf of Mexico and a different environment.

The gentleman has desert. We have beautiful beaches and mangroves and some swamps in our area, too. We have to be able to understand the diversity of our great country, and that applies to the census. I learned a lot, such as every Indian on the reservation does not have a mailbox. They do not have a street. The streets are not even named, as explained, in some areas. It is just dirt paths off into these reservations, but everybody needs to be counted.

There is no excuse for people not to be counted. People do not trust the Federal Government, as we well know. So we have got to build up trust in the system. Each of us, as leaders, we have to be part of that process but, of course, the administration in their procedures they are going through now are breaking down that trust factor.

We do share a common goal that we want everybody to be counted. There is the problem of the differential undercount and we should do everything we can, and that is the reason we have introduced legislation. I do not know why they would oppose making it available in languages for people that are undercounted. Why do they not want to let people that are blind and need braille make it available in braille? They say, no, it is too much trouble.

This is a huge effort. This is going to be $6 billion or so total being spent. It is a giant undertaking, and the bottom goal that we should all share, and I think we all do share, is get the best count possible. Every person living in this great country counts and we need to put the resources into it. This Republican Congress, for the past couple of years, has put more money and resources in the census than the President has asked. We are willing to put those resources in there because we want it done right, and that is so fundamental. The administration is just playing games.

Mr. HAYWORTH. It is interesting because it evokes another visit to the political dictionary and the lexicon of terms that we find in vogue in our Nation's capital. We hear a lot of talk about compassion. When we stop and think about it, Mr. Speaker, how best can we define compassion? We hear a lot of rhetoric on the left about it.

I think a lot of us would view compassion with two words; an attitude rather than a definition. True compassion means everybody counts. So if everybody counts, why not count everybody? Why not live up to the standards of our constitution in Article I Section 2? Why not follow the decision of our Supreme Court? Why not employ true compassion and make sure everybody counts by counting everybody?

Mr. MILLER of Florida. I completely agree. That is a great way, as we conclude this discussion this evening, to explain what we are really trying to accomplish, is just count everyone because everyone counts in this great country.

There is no excuse for somebody not being counted. We need to build trust with all segments of our population and commit the resources it takes to do that, because that magical date of April 1 of 2000 is when we need to get everybody counted, about 270 million people in this great country, a huge undertaking.

They say it is the largest nonmilitary undertaking and mobilization in American history that will be taking place next year and we need to put all the resources we can into it. I am looking forward to the complete count.

I appreciate the gentleman joining me here this evening to have a chance to discuss this critical issue.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. FOSSELLA) to revise and extend their remarks and include extraneous material:)

Mr. ROYCE, for 5 minutes, today.

Mr. FLETCHER, for 5 minutes, today.

Mr. DEMINT, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. WALSH, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On March 17, 1999:

H.R. 540. To amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, March 22, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1102. A letter from the Secretary of Defense, transmitting the 1999 Department of Defense Annual Report to the President and the Congress, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on Armed Services.

1103. A letter from the Secretary of Defense, transmitting Notification of intent to obligate funds for test projects for inclusion in the Fiscal Year 1999 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

1104. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Financial Reporting Standards for HUD Housing Programs; Technical Amendment [Docket No. FR–4321–F–05] (RIN: 2501–AC49) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1105. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Equity Conversion Mortgages; Consumer Protection Measures Against Excessive Fees [Docket No. FR–4306–F–02] (RIN: 2502–AH10) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1106. A letter from the Assistant to the Board, Federal Reserve Board of Governors, transmitting the Board's final rule—Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds [Regulation Y; Docket No. R–0948] received February 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1107. A letter from the Assistant to the Board, Federal Reserve Board of Governors, transmitting the Board's final rule—Risk-Based Capital Standards: Construction Loans on Presold Residential Properties; Junior Liens on 1- to 4-Family Residential Properties; and Investments in Mutual Funds. Leverage Capital Standards; Tier 1 Leverage Ratio (RIN: 3064–AB 96) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1108. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vehicle Certification; Contents of Certification Labels for Multipurpose Passenger Vehicles and Light Duty Trucks [Docket No. NHTSA–99–5047] (RIN: 2127–AG65) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Delaware—Transportation Conformity Regulation [DE036–1018a; FRL–6303–4] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to National Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, and Electric Arc Furnaces Constructed After August 17, 1983 [AD–FRL–6234–8] (RIN: 2060–AH95) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Definitions of VOCs and Exempt Compounds [DE041–1019a; FRL–6238–7] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Greeley Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of a Related Revision [CO–001–0029a; FRL–6236–7] received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1113. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Inspection Manual—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1114. A letter from the Secretary of Energy, transmitting the Strategic Petroleum Reserve Plan Amendment No. 5, which allows the Department of Energy to use all the authorities under the Act to acquire oil for the Strategic Petroleum Reserve, including federal royalty oil; to the Committee on Commerce.

1115. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Frequently Asked Questions About the Statement of the Commission Regarding Disclosure of Year 2000 Issues and Consequences to Public Companies—received March 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1116. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption of the Securities of the Kingdom of Belgium under the Securities Exchange Act of 1934 for Purposes of Trading Futures Contracts on Those Securities [Release No. 34–41116, International Series Release No. 1186, File No. S7–15–98] (RIN: 3235–AH46) received March 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1117. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—Changes To Quality Assurance Programs (RIN: 3150–AG–20) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1118. A letter from the Director, Defense Security Cooperation Agency, transmitting a copy of Transmittal No. 99–0A, which relates to the Department of the Army's proposed enhancements or upgrades from the level of sensitivity of technology or capability of defense article(s) previously sold to Singapore, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

1119. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1120. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Bureau for International Narcotics and Law Enforcement Affairs; Prohibition on Assistance to Drug Traffickers [Public Notice 2840] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1121. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the FY 1998 Annual Report on U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union; to the Committee on International Relations.

1122. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions and Deletions—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1123. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Marion, Indiana, Nonappropriated Fund Wage Area (RIN: 3206–AH60) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1124. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Marion, Indiana, Nonappropriated Fund Wage Area (RIN: 3206–AH60) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1125. A letter from the Secretary of the Interior, transmitting notification of the opening in the position of Special Trustee for American Indians; to the Committee on Government Reform.

1126. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues where a refund or recoupment is appropriate, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1127. A letter from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting the Department's final rule—Migratory bird hunting; Regulations to increase harvest of Mid-continent light geese (RIN: 1018–AF25) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1128. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations [Docket No. 9901040001–9001–01; I.D. 111398D] (RIN: 0648–AM05) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1129. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 961204340–7087–02; I.D. 020999F] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1130. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations; Technical Amendment [Docket No. 970129015–8123–06; I.D. 042798B] (RIN: 0648–AI84) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1131. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting a report on the Apportionment of Regional Fishery Management Council (RFMC) Membership in 1998 prepared by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; to the Committee on Resources.

1132. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule—Classification and Program Review: Team Meetings [BOP–1068–F] (RIN: 1120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1133. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule—Birth Control, Pregnancy, Child Placement and Abortion [BOP–1030–F] (RIN: 1120–AA31) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1134. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, transmitting the Service's final rule—Interim Designation of Acceptable Receipts for Employment Eligibility Verification [INS No. 1947–

98] (RIN: 1115–AE94) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1135. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs [FHWA Docket No. FHWA–98–3379] (RIN: 2125–AE34) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1136. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation Equity Act for the 21st Century; Implementation Guidance for the Interstate Highway Reconstruction/Rehabilitation Pilot Program; Solicitation for Candidate Proposals—received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1137. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming Model O–540–F1B5 Reciprocating Engines [Docket No. 98–ANE–73–AD; Amendment 39–11019; AD 99–03–05] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7 Series Airplanes [Docket No. 98–NM–295–AD; Amendment 39–11021; AD 99–03–07] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1139. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–60 SHERPA Series Airplanes [Docket No. 98–NM–289–AD; Amendment 39–11020; AD 99–03–06] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Model 60 Airplanes [Docket No. 98–CE–126–AD; Amendment 39–11024; AD 99–03–11] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1141. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, –700IGW, and –800 Series Airplanes [Docket No. 98–NM–362–AD; Amendment 39–11022; AD 99–03–08] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1142. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company, Inc. AE 2100A, AE 2100C, and AE 2100D3 Series Turboprop Engines [Docket No. 98–ANE–83–AD; Amendment 39–11023; AD 99–03–09] (RIN: 2120–AA64) received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1143. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29454; Amdt. No. 1911] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1144. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29455; Amdt. No. 1912] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1145. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Linden, NJ [Airspace Docket No. 98–AEA–46] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1146. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Oroville, CA [Airspace Docket No. 98–AWP–10] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1147. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Metropolitan Oakland International Airport, California; Correction [Airspace Docket No. 98–AWP–22] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1148. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Anchorage, Elmendorf Air Force Base (AFB) Airport, AK Establishment of Class E Airspace; Anchorage, Elmendorf AFB Airport, AK [Airspace Docket No. 98–AAL–23] received February 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1149. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Conformance of the Western Rivers Marking System with the United States Aids to Navigation System [USCG–1999–5036] (RIN: 2115–AF14) received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1150. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Chico, FL [CGD08–99–006] (RIN: 2115–AE47) received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1151. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Miscellaneous Amedments To Rules Of Practice and Procedure [Docket No. 98–21] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1152. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Differential Earnings Rate for Mutual Life Insurance Companies [Notice 99–13] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1153. A letter from the Director, Defense Security Assistance Agency, transmitting a report on deliveries under Section 540 of P.L. 104–107 to the Government of Bosnia-Herzegovina, pursuant to Public Law 104–107 section 540(c); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 70. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes (Rept. 106–70). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. Gilman, Mr. Gejdenson, Mr. Abercrombie, Mr. Ackerman, Ms. Berkley, Mr. Berman, Mr. Blunt, Mr. Burton of Indiana, Mrs. Capps, Mr. Cardin, Mr. Crowley, Mr. Deutsch, Mr. Diaz-Balart, Mr. Dixon, Mr. Dreier, Mr. Engel, Mr. Faleomavaega, Mr. Foley, Mr. Forbes, Mr. Frank of Massachusetts, Mr. Franks of New Jersey, Mr. Frost, Ms. Granger, Mr. Green of Texas, Mr. Hastings of Florida, Mr. Hayworth, Mr. Hoeffel, Mr. Holden, Mr. Horn, Mr. Hoyer, Mrs. Kelly, Ms. Kilpatrick, Mr. Lazio, Mr. Levin, Mr. Lewis of California, Mr. LoBiondo, Mrs. Lowey, Mrs. Maloney of New York, Mr. Mascara, Mrs. McCarthy of New York, Mr. McGovern, Mr. McNulty, Mr. Meehan, Mrs. Meek of Florida, Mr. Menendez, Mr. Moore, Mrs. Morella, Mr. Nadler, Mr. Pallone, Mr. Pitts, Mr. Porter, Mr. Rangel, Mr. Rodriguez, Ms. Ros-Lehtinen, Mr. Salmon, Mr. Saxton, Mr. Sessions, Mr. Sherman, Mr. Shows, Mr. Smith of New Jersey, Mr. Stump, Mr. Sweeney, Mr. Talent, Mr. Tancredo, Mr. Thompson of Mississippi, Mr. Waxman, Mr. Weiner, Mr. Wexler, Mr. Brady of Pennsylvania, Mr. Bentsen, Mr. Bryant, Mr. Hinchey, and Mr. Rothman):

H.R. 1175. A bill to locate and secure the return of Zachary Baumel, an American citizen, and other Israeli soldiers missing in action; to the Committee on International Relations.

By Mr. WELLER (for himself, Mr. Bentsen, and Mr. Ney):

H.R. 1176. A bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself, Mr. Riley, Mr. Paul, Mr. Coburn, Mr.

Frank of Massachusetts, and Mr. Burton of Indiana):

H.R. 1177. A bill to amend the Internal Revenue Code of 1986 to allow health insurance premiums to be fully deductible, whether or not a taxpayer itemizes deductions; to the Committee on Ways and Means.

By Mr. COBURN:

H.R. 1178. A bill to amend section 922 of chapter 44 of title 18, United States Code, to protect the rights of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1179. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary.

By Mr. LAZIO (for himself, Mr. Waxman, Mr. Bliley, Mr. Dingell, Mrs. Johnson of Connecticut, Mr. Matsui, Mr. Bilirakis, Mr. Brown of Ohio, Mr. Ramstad, Mr. Cardin, Mr. Greenwood, Ms. Baldwin, Mr. Camp, Mr. Stark, Mr. Pickering, Mr. Pallone, Mr. Foley, Mr. Levin, Mr. Bilbray, Mr. Tanner, Mrs. Morella, Mr. Doggett, Mr. Horn, Mr. Murtha, Mr. Upton, Mr. Strickland, Mrs. Kelly, Mr. Hoeffel, Mr. Boehlert, Mr. Boucher, Mr. Kolbe, Ms. McCarthy of Missouri, Mr. Frelinghuysen, Mr. Markey, Mr. Barrett of Wisconsin, Mr. Gordon, Mr. Rush, Mr. Wynn, Mr. Meehan, Mr. Delahunt, Mr. Barcia, Mr. Green of Texas, Mr. Klink, and Mr. Jefferson):

H.R. 1180. A bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1181. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. Spence, Mr. Smith of New Jersey, Mr. Quinn, Mr. Everett, Mr. Hayworth, Mrs. Chenoweth, Mr. LaHood, Mr. Hansen, Mr. McKeon, Mr. Gibbons, Mr. Talent, and Mr. Bilirakis):

H.R. 1182. A bill to amend title 38, United States Code, to expand and improve the Montgomery GI Bill by creating an enhanced educational assistance program for enlistments or reenlistments of four years active duty service, and by eliminating the reduction in pay for basic educational benefits; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. Brown of California, Mrs. Morella, Mr. Green of Wisconsin, Mr. Cook, Mrs. Biggert, and Mr. Kuykendall):

H.R. 1183. A bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes; to the Committee on Science, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself and Mrs. Morella):

H.R. 1184. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 2000 and 2001, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO:

H.R. 1185. A bill to modify the requirements for paying Federal timber sale receipts; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself and Mr. Gilchrest):

H.R. 1186. A bill to direct the Secretary of the Army to include primary flood damages avoided as benefits for cost-benefit analyses for Federal nonstructural flood damage reduction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Brown of Ohio, Mr. Upton, Mrs. Thurman, Mr. Serrano, Mr. McCrery, Mr. Kleczka, Ms. Dunn, Mr. Coyne, Mr. English, Mr. Matsui, Mr. Foley, Mr. Neal of Massachusetts, Mr. Nussle, Mr. Tanner, Mr. Portman, Mr. McNulty, Mr. Tauzin, Mr. Waxman, Mr. Lazio, Mr. Towns, Mr. Pickering, Ms. Eshoo, Mr. Boucher, Ms. DeGette, Mr. Green of Texas, Mr. Pallone, Mr. Sawyer, Mr. Strickland, Ms. Pryce of Ohio, Mr. Frost, Mr. Sessions, Mr. Hall of Ohio, Ms. Slaughter, Mr. Ackerman, Mr. Allen, Mr. Baird, Mr. Baker, Mr. Baldacci, Mr. Barcia, Mr. Bentsen, Ms. Berkley, Mr. Bishop, Mr. Boehlert, Mr. Bonior, Mr. Borski, Ms. Brown of Florida, Mr. Brown of California, Mr. Canady of Florida, Mr. Clay, Ms. Danner, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Ehlers, Mr. Farr of California, Mr. Filner, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Gibbons, Mr. Gillmor, Mr. Gonzalez, Mr. Graham, Mr. Gutierrez, Mr. Hilleary, Mr. Hilliard, Mr. Hinchey, Mr. Hoeffel, Mr. Istook, Mr. Jenkins, Ms. Eddie Bernice Johnson of Texas, Ms. Kaptur, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kind, Mr. King, Mr. Kucinich, Mr. LaFalce, Mr. Lampson, Mr. Larson, Mr. Leach, Mr. Lucas of Oklahoma, Mr. Lucas of Kentucky, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Mascara, Mrs. McCarthy of New York, Mr. McGovern, Mr. George Miller of California, Mrs. Morella, Mr. Nadler, Mr. Ney, Mr. Oberstar, Mr. Olver, Mr. Ortiz, Mr. Paul, Mr. Payne, Mr. Peterson of Pennsylvania, Mr. Pomeroy, Mr. Price of North Carolina, Ms. Rivers, Mr. Rodriguez, Ms. Roybal-Allard, Mr. Sabo, Mr. Sanders, Mr. Sandlin, Mr. Schaffer, Mr. Shays, Mr. Shows, Mr. Simpson, Ms. Stabenow, Mrs. Tauscher, Mr. Taylor of North Carolina, Mr. Thune, Mr. Vento, Mr. Walsh, Mr. Wamp, Mr. Watkins, Mr. Watt of North Carolina, Mr. Weygand, Mr. Wise, and Mr. Camp):

H.R. 1187. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services furnished by registered dietitions and nutrition professionals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Ms. Brown of Florida, Mrs. Clayton, Mr. Costello, Mr. Crowley, Mr. Green of Texas, Mr. Hinchey, Ms. Jackson-Lee of Texas, Mr. Lantos, Ms. Norton, Mr. Paul, Ms. Ros-Lehtinen, Mr. Sandlin, Mr. Towns, Mr. Traficant, and Mr. Weiner):

H.R. 1188. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of tuition and related expenses for postsecondary education; to the Committee on Ways and Means.

By Mr. COBLE (for himself and Mr. Berman):

H.R. 1189. A bill to make technical corrections in title 17, United States Code, and other laws; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. Klink, Mr. Upton, Mr. Dingell, Mr. Gillmor, Mr. Stupak, Mr. Peterson of Pennsylvania, Mr. Sawyer, Mr. Sherwood, Mr. Barrett of Wisconsin, Mr. Buyer, Mr. Brown of Ohio, Mr. Wolf, Mr. Visclosky, Mr. Bonior, Mr. Gilchrest, Mr. Minge, Mr. Souder, Mr. Barcia, Mr. Goodling, Mr. Pickett, Mr. Kanjorski, Mr. Holden, Mr. Hoeffel, Mr. Doyle, Mr. Traficant, Mr. Kildee, Mr. Kleczka, Mr. Leach, Mr. Burton of Indiana, Mr. Rush, Mr. Taylor of Mississippi, Mr. Borski, Ms. Rivers, Mr. Mascara, Mr. Coyne, Mr. Pastor, Mr. Strickland, Mr. Levin, Mr. Hostettler, Ms. Stabenow, Mr. Pease, Mr. Weldon of Pennsylvania, Ms. Baldwin, Mr. Green of Texas, Mr. Pitts, Mr. Kucinich, Ms. Kilpatrick, and Mr. Markey):

H.R. 1190. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Commerce.

By Mr. DAVIS of Illinois:

H.R. 1191. A bill to designate certain facilities of the United States Postal Service in Chicago, Illinois; to the Committee on Government Reform.

By Mr. HEFLEY (for himself, Mr. TAYLOR of North Carolina, Mr. SKEEN, Mr. NORWOOD, Mr. BONILLA, Mr. PAUL, Mr. CANADY of Florida, Mr. ISTOOK, Mr. SCHAFFER, Mr. GRAHAM, Mr. SAM JOHNSON of Texas, Mr. HANSEN, and Mr. NETHERCUTT):

H.R. 1192. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. WALSH (for himself, Mr. BILIRAKIS, Mr. WAXMAN, Mr. DEAL of Georgia, Mr. COBURN, Mr. UPTON, Mr. ACKERMAN, Ms. KILPATRICK, Mrs. KELLY, Mr. SHOWS, Mrs. MORELLA, Mr. MCHUGH, Mr. DUNCAN, Mr. SHERMAN, Mr. MCNULTY, Mr. FROST, Mrs. MALONEY of New York, Mr. BALDACCI, Mr. BERMAN, Mr. WEYGAND, Mr. QUINN, Mr. FRELINGHUYSEN, Mr. KLECZKA, Mr. OLVER, Mr. FOSSELLA, Ms. DELAURO, Mr. GEJDENSON, Mr. LEWIS of Georgia, Mr. YOUNG of Alaska, Mr. PASTOR, Mr. DIXON, Mrs. JOHNSON of Connecticut, Mr. FALEOMAVAEGA, Mr. POMEROY, Ms. ROS-LEHTINEN, Mr. ENGLISH, Mr. FARR of California, Mr. STRICKLAND, Mr. PAYNE, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. ROTHMAN, Ms. SLAUGHTER, Mrs. CAPPS, and Mr. FOLEY):

H.R. 1193. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Commerce.

By Mr. LEWIS of Kentucky (for himself, Mr. NUSSLE, Ms. PRYCE of Ohio, Mr. TERRY, Mrs. MINK of Hawaii, Mr. SHOWS, Mr. HAYWORTH, Mr. BEREUTER, Mr. BOUCHER, Mrs. MYRICK, Mr. RAMSTAD, Mr. BURTON of Indiana, Mr. MCCRERY, Mr. HEFLEY, Mr. MARTINEZ, Mr. SCHAFFER, Mr. PAYNE, Mr. DELAY, Mrs. NORTHUP, Mrs. CAPPS, Mr. MCINNIS, and Mr. BLILEY):

H.R. 1194. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCRERY (for himself, Mr. TANNER, Mr. FOLEY, Mr. FARR of California, Mr. ABERCROMBIE, Mr. TALENT, Mr. RAMSTAD, and Ms. DUNN):

H.R. 1195. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mrs. JOHNSON of Connecticut, Mr. MATSUI, and Mr. ENGLISH):

H.R. 1196. A bill to amend the Internal Revenue Code of 1986 to repeal the 60-month limitation on the amount of education loan interest which is allowable as a deduction; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1197. A bill to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets; to the Committee on Government Reform.

H.R. 1198. A bill to amend the District of Columbia Home Rule Act to eliminate Congressional review of newly-passed District laws; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 1199. A bill to prohibit the expenditure of funds from the Land and Water Conservation Fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the United States Fish and Wildlife Service to create the refuge; to the Committee on Resources.

By Mr. MCDERMOTT (for himself, Mr. CONYERS, Mr. SANDERS, Mr. NADLER, Mr. HINCHEY, Mr. SERRANO, Mr. FATTAH, Mr. OLVER, and Mr. COYNE):

H.R. 1200. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA:

H.R. 1201. A bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California (for himself, Mr. GOSS, Mr. BLAGOJEVICH, Ms. PELOSI, Mr. CAMPBELL, Mr. FARR of California, Mr. SHERMAN, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Mr. BERMAN, Mrs. MORELLA, Mr. HALL of Ohio, Ms. HOOLEY of Oregon, Mr. FRANK of Massachusetts, Mr. LANTOS, Ms. SCHAKOWSKY, Mr. WYNN, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. FILNER, Mr. LEACH, Mr. DEUTSCH, Mr. PORTER, Mr. WEXLER, Mr. WAXMAN, Ms. KILPATRICK, Mr. GEJDENSON, Mr. STARK, Mr. DEFAZIO, Mr. PASCRELL, Mr. DIXON, Mr. BENTSEN, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. DELAHUNT, Mr. SHAYS, Mr. MARKEY, Mr. TIERNEY, Mr. CASTLE, Mr. LAZIO, Mr. BEREUTER, Ms. RIVERS, Mr. BARRETT of Wisconsin, Mr. BONIOR, Ms. WOOLSEY, Mr. FRANKS of New Jersey, Mr. OLVER, Mr. PALLONE, Mr. MCGOVERN, and Mr. GILMAN):

H.R. 1202. A bill to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 1203. A bill to encourage the International Monetary Fund to fully implement transparency and efficiency policies; to the Committee on Banking and Financial Services.

By Mr. STENHOLM (for himself and Mr. WATKINS):

H.R. 1204. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the importation of crude oil and petroleum products; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. BROWN of Ohio, Mr. QUINN, Mr. BARRETT of Wisconsin, Mr. KUCINICH, Mrs. THURMAN, Mr. BONIOR, Ms. KILPATRICK, Ms. STABENOW, Ms. RIVERS, Mr. MARKEY, Mr. HOLDEN, Mr. LUTHER, and Mr. KIND):

H.R. 1205. A bill to prohibit oil and gas drilling in the Great Lakes; to the Committee on Resources.

By Mr. TERRY (for himself and Mr. LUCAS of Oklahoma):

H.R. 1206. A bill to transfer the impact aid program to the Department of the Treasury and to provide for the procurement of services by nongovernmental personnel for the performance of the functions of the impact aid program; to the Committee on Education and the Workforce.

By Mr. VENTO (for himself, Mr. RAHALL, Mr. HINCHEY, Mr. FARR of California, and Mr. GEORGE MILLER of California):

H.R. 1207. A bill to prohibit the United States Government from entering into certain agreements or arrangements related to public lands without the express prior approval of Congress; to the Committee on Resources.

By Mr. WYNN:

H.R. 1208. A bill to amend title 31, United States Code, to require the provision of a written prompt payment policy to each subcontractor under a Federal contract and to require a clause in each subcontract under a Federal contract that outlines the provisions of the prompt payment statute and other related information; to the Committee on Government Reform.

H.R. 1209. A bill to amend the Small Business Act to provide a penalty for the failure by a Federal contractor to subcontract with small businesses as described in its subcontracting plan, and for other purposes; to the Committee on Small Business.

H.R. 1210. A bill to provide for continued compensation for Federal employees when funds are not otherwise available due to a lapse in appropriations; to the Committee on Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. GEPHARDT, Mr. DELAY, Mr. BONIOR, Mr. HYDE, Mr. FROST, Mr. COSTELLO, Mr. EVANS, Mr. SHOWS, Mr. MOORE, Mr. HILL of Indiana, Mr. MALONEY of Connecticut, Mr. JENKINS, Mr. ROMERO-BARCELO, Mr. MCKEON, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. ENGEL, Mr. ENGLISH, Mr. TALENT, Mr. MCCRERY, Mr. FILNER, Mr. KILDEE, Mr. SPRATT, Mr. BAIRD, Mr. BROWN of Ohio, Mr. TRAFICANT, Mr. BOUCHER, Mr. BLAGOJEVICH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHN, Ms. KILPATRICK, Mr. FARR of California, Mr. CROWLEY, Ms. LOFGREN, Mr. DICKEY, Mr. FOSSELLA, Mr. BATEMAN, Mr. BUYER, Mr. RAHALL, Mr. COYNE, Mr. BALDACCI, Mr. GREEN of Texas, Mrs. CAPPS, Mr. NEY, Mr. CLYBURN, and Mr. LUTHER):

H. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that a series of commemorative postage stamps should be issued honoring veterans service organizations across the United States; to the Committee on Government Reform.

By Mr. CAMPBELL:

H. Con. Res. 61. Concurrent resolution expressing the sense of the Congress that all Chinese people, including the people of Taiwan, deserve to be represented in international institutions; to the Committee on International Relations.

By Mrs. CUBIN:

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. Nethercutt, Mr. Walden of Oregon, Mrs. Chenoweth, Mr. Simpson, Mr. Young of Alaska, Mr. Hansen, Mr. Pombo, Mr. Radanovich, Mr. Skeen, and Mr. Doolittle):

H. Con. Res. 63. Concurrent resolution expressing the sense of the Congress opposing removal of dams on the Columbia and Snake Rivers for fishery restoration purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself, Mr. Lazio, Mr. Coburn, Mr. Bliley, Mr. Bilirakis, Mr. Dingell, Mr. Brown of Ohio, Mr. Barrett of Wisconsin, Mr. Green of Texas, Mrs. Capps, Mr. Wynn, Mr. Pallone, Mr. Waxman, Ms. DeGette, Ms. Eshoo, Mr. Norwood, Mr. Upton, Mr. Pickering, Mr. Greenwood, Mrs. Maloney of New York, Mrs. Kelly, Ms. Granger, Ms. Kilpatrick, Mr. Filner, Mrs. Mink of Hawaii, Ms. Jackson-Lee of Texas, Mr. Gutierrez, Mr. Frost, Mr. Sherman, Mr. Smith of Washington, Mr. Meehan, Mr. Sanders, Mr. Spratt, Mr. Horn, Ms. DeLauro, Mr. Clement, Mr. Abercrombie, Ms. Pelosi, Ms. Lee, Mr. Baldacci, Ms. Stabenow, Mrs. Christensen, Mr. Cramer, Mr. Shows, Mr. Jefferson, Mr. Bentsen, Mrs. Morella, Mr. George Miller of California, Mr. Kuykendall, Mr. Foley, Mr. Hinchey, Mr. Borski, Mr. Lampson, Mr. Neal of Massachusetts, Mr. Smith of New Jersey, Mr. Boswell, Mr. Serrano, Mr. Crowley, Mr. Weldon of Florida, Mr. Weygand, Mr. Watkins, Mr. Riley, Mr. Romero-Barcelo, Mr. Condit, Ms. Rivers, Mr. McNulty, Mr. Traficant, Mr. Spence, Ms. Carson, Mr. Ryun of Kansas, Ms. Norton, Mrs. Napolitano, Mr. Rodriguez, Mr. McHugh, Mr. Ney, Mr. Young of Alaska, Mr. Nadler, Mr. Bachus, Ms. Lofgren, Mrs. Myrick, Mrs. Lowey, Mrs. Clayton, Mr. Davis of Illinois, Mr. Largent, Mrs. Meek of Florida, Ms. Woolsey, Mrs. McCarthy of New York, Mr. Lantos, Mrs. Roukema, Mr. Matsui, Mr. Thompson of California, Ms. Ros-Lehtinen, Ms. Roybal-Allard, Mr. Ford, Mr. Faleomavaega, Mrs. Biggert, Mr. Bonior, Mr. Sandlin, Mr. Cummings, Mr. Calvert, Mr. Frank of Massachusetts, Mr. Shadegg, and Mr. Boehlert):

H. Con. Res. 64. Concurrent resolution recognizing the severity of the issue of cervical health, and for other purposes; to the Committee on Commerce.

By Mr. RODRIGUEZ (for himself and Mr. Ortiz):

H. Con. Res. 65. Concurrent resolution encouraging the people of the United States to reflect upon and celebrate Tejano music and other forms of Latin music, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WELDON of Florida (for himself, Mr. Aderholt, Mr. Barrett of Nebraska, Mr. Boyd, Mr. Lampson, Mr. Kucinich, Mr. Talent, and Mr. Wexler):

H. Con. Res. 66. Concurrent resolution expressing a declaration of space leadership; to the Committee on Science, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself, Mr. Stenholm, Mr. Baird, Mr. Berry, Mr. Shows, Mr. Boyd, Mr. Thompson of California, Mr. Tanner, Mrs. Maloney of New York, Mrs. Tauscher, Mr. Holden, Ms. Danner, Mr. Moore, Mr. Levin, Mr. Udall of New Mexico, Mr. Udall of Colorado, Mr. Wu, and Ms. Berkley):

H. Res. 122. A resolution providing for consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes; to the Committee on Rules.

By Mr. CALLAHAN:

H. Res. 123. A resolution recognizing and honoring the crewmembers of the U.S.S. ALABAMA (BB-60) and the U.S.S. ALABAMA Crewmen's Association; to the Committee on Armed Services.

By Mr. DAVIS of Illinois (for himself, Mr. Meeks of New York, Mr. Gephardt, Mr. Payne, Mr. Fattah, Mrs. Clayton, Ms. Kilpatrick, Mr. Hilliard, Mr. Owens, Ms. Jackson-Lee of Texas, Mr. Hastings of Washington, Mr. Ford, Mr. Clay, Ms. Eddie Bernice Johnson of Texas, Mr. Jefferson, Ms. Carson, Mr. Jackson of Illinois, Mr. Clyburn, Ms. Waters, Mr. Conyers, Mrs. Meek of Florida, Ms. Brown of Florida, Mr. Thompson of Mississippi, Mr. Cummings, Mr. Hinchey, Ms. Norton, Ms. Lee, Ms. McKinney, Mr. Wynn, Mrs. Christensen, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Towns, Mr. McDermott, Mr. Dixon, Mr. Watt of North Carolina, Mr. Bonior, Mr. Lewis of Georgia, Mrs. Mink of Hawaii, Mr. Scott, Ms. DeGette, Mr. Rush, Mr. Waxman, and Mr. Rangel):

H. Res. 124. A resolution condemning acts of police brutality and use of excessive force throughout the country; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Canady of Florida, Mr. Pombo, Mr. Rogers, Mr. Weldon of Florida, Mr. Baird, Mr. Andrews, Mr. Isakson, Mr. Graham, Mr. Ryun of Kansas, Mr. Moran of Kansas, and Mrs. Fowler.

H.R. 14: Mr. McKeon, Mrs. Emerson, Mr. Terry, Mr. Packard, Mr. Shays, and Mr. Tancredo.

H.R. 25: Mr. LaFalce, Mr. Gilman, Mrs. Maloney of New York, Mr. Meehan, and Mr. Martinez.

H.R. 53: Mr. Green of Texas.

H.R. 70: Mr. Gallegly and Mr. Simpson.

H.R. 72: Mr. Hansen.

H.R. 82: Mr. Rahall, Mr. Goode, and Mr. Bonior.

H.R. 116: Mr. Gordon and Mr. Watt of North Carolina.

H.R. 142: Mr. Souder, Mr. Canady of Florida, Mr. Ryan of Wisconsin, and Mr. Shadegg.

H.R. 166: Mr. Knollenberg.

H.R. 170: Mr. Gejdenson, Mr. Boucher, Mr. King, Mr. Bliley, Mr. Ehrlich, Ms. Eddie Bernice Johnson of Texas, Mr. Rothman, Mr. Ford, Mr. Scarborough, Mr. Bryant, Mr. Holt, and Ms. Berkley.

H.R. 175: Mr. Wicker, Mr. Hilleary, Mr. Everett, Mrs. Kelly, Mr. Quinn, Mr. Calvert, Mr. Blumenauer, Mr. Ford, Mr. Bonilla, Mr. Jones of North Carolina, Mr. Hinchey, Mr. Hinojosa, Ms. Stabenow, Mr. Sisisky, Mr. Lewis of Kentucky, Mr. Pickett, Mr. Watt of North Carolina, Mr. Dickey, Mr. Lucas of Kentucky, Mr. Luther, Mr. Gary Miller of California, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Ms. Woolsey, and Ms. Berkley.

H.R. 179: Ms. Berkley.

H.R. 198: Mrs. Northrup and Mr. McKeon.

H.R. 218: Mr. Pombo and Mr. Coble.

H.R. 228: Mr. Wise.

H.R. 275: Mr. Wolf.

H.R. 289: Mrs. Ros-Lehtinen.

H.R. 315: Ms. Brown of Florida.

H.R. 351: Mr. Terry, Mr. Boehlert, Mr. Reynolds, Mr. Callahan, and Mr. Green of Texas.

H.R. 355: Mrs. Napolitano, Mr. Hyde, Mr. Gallegly, Ms. Brown of Florida, and Mr. Diaz-Balart.

H.R. 357: Mr. Kleczka, Mr. Martinez and Ms. Berkley.

H.R. 390: Mr. Ackerman, Mr. Rangel, Mr. Deutsch, Mr. Pallone, Mr. Maloney of Connecticut, and Mr. Vento.

H.R. 405: Mr. Phelps and Mr. Rush.

H.R. 412: Mr. Rogers.

H.R. 417: Mr. Sanders, Ms. Berkley, and Mr. Campbell.

H.R. 430: Ms. Lofgren, Mr. Reyes, and Mr. Ewing.

H.R. 483: Ms. Berkley.

H.R. 531: Mr. Oberstar, Mr. Lewis of Kentucky, Mr. DeMint, Mr. Taylor of North Carolina, and Mr. Foley.

H.R. 541: Mr. Kleczka, Ms. Berkley, and Mr. Capuano.

H.R. 555: Mr. Frost, Mr. McDermott, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, and Mr. Barrett of Wisconsin.

H.R. 557: Mr. Hutchinson.

H.R. 568: Mr. Evans.

H.R. 570: Mr. Hostettler and Mr. Paul.

H.R. 571: Mr. Pickering.

H.R. 573: Ms. Berkley, Mrs. Roukema, Mrs. Napolitano, Mrs. Capps, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Turner, Mr. Cardin, Mr. Thompson of California, Mr. Hall of Texas, Mr. Tanner, Mrs. Wilson, Mr. Franks of New Jersey, Mr. Berman, Mr. Sessions, Mr. Blunt, Ms. Velázquez, Ms. Pryce of Ohio, Ms. Ros-Lehtinen, Mr. Watkins, Mr. Archer, Mr. Ortiz, Mr. Lazio, Mr. Holt, and Mr. Metcalf.

H.R. 582: Mrs. Mink of Hawaii.

H.R. 583: Mr. Bryant and Mrs. Morella.

H.R. 597: Mr. Hoeffel, Mr. Becerra, Mr. Bilirakis, and Ms. Berkley.

H.R. 601: Mr. Gallegly and Mr. Diaz-Balart.

H.R. 608: Mr. Sweeney.

H.R. 614: Mr. Phelps and Mr. Peterson of Minnesota.

H.R. 621: Mr. Barrett of Wisconsin and Mr. Thornberry.

H.R. 639: Mr. Weldon of Florida.

H.R. 640: Mr. Filner.

H.R. 654: Mr. UPTON.

H.R. 664: Mr. WEINER, Mr. DEFAZIO, Mr. BROWN of California, Ms. BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. SISISKY, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. BERKLEY.

H.R. 688: Mrs. MYRICK, Mr. EVERETT, Mr. LINDER, Mr. ADERHOLT, and Mr. NETHERCUTT.

H.R. 728: Mr. DEAL of Georgia and Mr. SHOWS.

H.R. 735: Mr. CALVERT.

H.R. 742: Mr. BROWN of Ohio, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HINCHEY, Mrs. MINK of Hawaii, Mr. TURNER, and Mr. UNDERWOOD.

H.R. 749: Mr. BURTON of Indiana and Mr. COX.

H.R. 750: Ms. DEGETTE.

H.R. 756: Mr. PETRI and Mr. GRAHAM.

H.R. 771: Mr. HASTINGS of Florida and Mr. GIBBONS.

H.R. 773: Mr. DAVIS of Florida, Mr. CUMMINGS, and Mrs. THURMAN.

H.R. 777: Mr. CLYBURN.

H.R. 785: Mr. LATOURETTE, Mrs. MORELLA, Mr. FOLEY, Mr. NETHERCUTT, and Mr. SHOWS.

H.R. 789: Mr. KENNEDY of Rhode Island and Mr. BLILEY.

H.R. 804: Mrs. KELLY, Mr. BARRETT of Nebraska, and Mr. FOLEY.

H.R. 809: Ms. GRANGER, Mr. UNDERWOOD, Ms. NORTON, and Mr. FROST.

H.R. 833: Mr. BARR of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mrs. NORTHUP, and Mr. PASTOR.

H.R. 835: Mr. POMBO, Mr. MOORE, Ms. SANCHEZ, Mr. HOEFFEL, and Mr. GILLMOR.

H.R. 838: Mr. KIND, Mr. PAUL, Mr. WEYGAND, Mr. THORNBERRY, Mr. UNDERWOOD, Mr. DOOLEY of California, Mr. SNYDER, Ms. VELÁZQUEZ, Mr. BLAGOJEVICH, Mr. GREEN of Texas, and Mr. FORD.

H.R. 842: Mr. RADANOVICH and Mr. HAYES.

H.R. 845: Mr. BONIOR, Mr. SANDERS, Mr. GREEN of Texas, and Mr. SANDLIN.

H.R. 852: Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mr. ADERHOLT, Mr. HINCHEY, Mr. ENGLISH, Mr. WYNN, Mr. HASTINGS of Washington, Mr. EWING, Mr. BEREUTER, Mr. QUINN, Mr. BROWN of California, and Mr. CHAMBLISS.

H.R. 860: Mr. WATT of North Carolina.

H.R. 864: Mr. KENNEDY of Rhode Island, Mr. HILLEARY, Mr. ROTHMAN, Mr. SKEEN, Mr. EVERETT, Mr. HINCHEY, Mr. MCKEON, Mr. BISHOP, Mr. BONIOR, Mr. SABO, Mr. POMEROY, Ms. DEGETTE, Mr. JONES of North Carolina Mr. LEWIS of Kentucky, Mr. SISISKY, Mr. MOAKLEY, and Mr. HINOJOSA.

H.R. 870: Mr. TANCREDO, Mr. SHOWS, Mr. CALLAHAN, and Mr. PAUL.

H.R. 876: Mr. TERRY, Mr. TIAHRT, and Mr. PAUL.

H.R. 883: Mr. HAYES, Mr. DREIER, Mr. SHERWOOD, Mrs. NORTHUP, Mr. UPTON, Mr. BUYER, and Mr. BATEMAN.

H.R. 886: Mr. WATT of North Carolina.

H.R. 888: Mr. QUINN, Mr. FRANKS of New Jersey, Mr. INSLEE, Mr. OBERSTAR, Mr. MCGOVERN, and Mr. VENTO.

H.R. 948: Mr. BLUNT.

H.R. 950: Mr. BONIOR and Ms. RIVERS.

H.R. 961: Ms. DANNER, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. SANDLIN, Mr. ROMERO-BARCELO, Mr. MCNULTY, Mr. FROST, and Mr. CROWLEY

H.R. 963: Mr. KILDEE, Mr. JACKSON of Illinois, Mr. UNDERWOOD, Mr. NETHERCUTT, Mr. INSLEE, and Mr. KIND.

H.R. 980: Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COOKSEY, Mr. BENTSEN, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. HILLIARD, Ms. KAPTUR, Mr. TERRY, Mr. SENSENBRENNER, Mr. SOUDER, Mr. CROWLEY, Mrs. NAPOLITANO, and Ms. BERKLEY.

H.R. 1006: Mr. WATKINS.

H.R. 1008: Mr. BAKER and Mr. ACKERMAN.

H.R. 1043: Mr. VENTO.

H.R. 1046: Mr. TERRY, Mr. LOBIONDO, Mr. FROST, and Mr. KLECZKA.

H.R. 1050: Ms. WOOLSEY.

H.R. 1053: Ms. KILPATRICK.

H.R. 1070: Mr. WEXLER, Mr. ALLEN, Mr. GREEN of Texas, Mr. CUMMINGS, and Mrs. THURMAN.

H.R. 1074: Mr. TAUZIN, Mr. UPTON, Mr. TERRY, and Mr. TALENT.

H.R. 1075: Mr. DEUTSCH, Mr. SANDLIN, and Mr. BLUMENAUER.

H.R. 1076: Mr. SANDLIN, Mr. GONZALEZ, and Mr. BLUMENAUER.

H.R. 1082: Mr. PASTOR, Mr. EVANS, Ms. RIVERS, and Mr. LAMPSON.

H.R. 1083: Mr. PRICE of North Carolina, Mr. HASTINGS of Washington, and Mr. MALONEY of Connecticut.

H.R. 1091: Mr. THOMAS, Mr. CRANE, Mr. MCCRERY, Mr. ENGLISH, Mr. HAYWORTH, Mr. SHOWS, and Mr. POMBO.

H.R. 1092: Mr. BROWN of California, Mr. GARY MILLER of California, Mr. FARR of California, Mr. GALLEGLY, Mrs. THURMAN, Mr. MCKEON, and Mr. GONZALEZ.

H.R. 1093: Mrs. KELLY, Mr. SCOTT, Mr. MENENDEZ, Mr. LEVIN, Mr. HINCHEY, Mrs. MALONEY of New York, Ms. PELOSI, Mr. DIXON, Mr. MATSUI, Mr. CUMMINGS, Ms. BALDWIN, Mr. MEEHAN, Mr. JEFFERSON, Mr. INSLEE, Mr. HASTINGS of Florida, Mr. TERRY, Mr. MCHUGH, Mr. BILBRAY, Mr. MINGE, Mr. MCNULTY, Mr. LUCAS of Kentucky, Mr. WISE, Mr. BENTSEN, Mr. ANDREWS, Mr. RODRIGUEZ, Ms. MCKINNEY, Mr. WHITFIELD, Mr. BISHOP, Mr. HOLT, Mr. HUNTER, Ms. HOOLEY of Oregon, Mr. LEWIS of Kentucky, Mr. LEACH, Mr. PHELPS, and Mr. SMITH of Washington.

H.R. 1096: Mrs. CAPPS and Mr. MALONEY of Connecticut.

H.R. 1102: Mr. FROST.

H.R. 1106: Mr. BISHOP.

H.R. 1111: Mr. BLUNT, Mr. LAHOOD, Mr. GILMAN, Mr. HOBSON, Mrs. BIGGERT, and Mr. SESSIONS.

H.R. 1116: Mr. YOUNG of Alaska, Mr. BARCIA, Mr. MCCRERY, Ms. GRANGER, Mr. HILL of Montana, Mr. PETERSON of Pennsylvania and Mr. SHOWS.

H.R. 1130: Mr. BRADY of Pennsylvania

H.R. 1139: Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. KIND, Mr. MARTINEZ, Mr. PASTOR, Mr. REYES, Mr. SABO, Mr. SNYDER, Mr. STARK, Mr. TOWNS, and Ms. WATERS.

H.R. 1159: Mr. GREEN of Texas.

H.R. 1168: Mr. BROWN of Ohio, Ms. HOOLEY of Oregon, Ms. MCCARTHY of Missouri, Mr. COSTELLO, Mr. MALONEY of Connecticut, Mr. BLAGOJEVICH, and Mr. PASTOR.

H.J. Res. 25: Mr. TIAHRT, Mr. STUMP, Mr. NORWOOD, and Mr. CROWLEY.

H.J. Res. 33: Mr. SCARBOROUGH, Mr. LUTHER, Mr. HILLIARD, Ms. BERKLEY, and Mr. ISAKSON.

H. Con. Res. 8: Mr. WOLF.

H. Con. Res. 22: Mr. EHRLICH, Mr. SHERMAN, Mr. DOOLITTLE, and Mr. WEXLER.

H. Con. Res. 31: Mr. MARKEY, Mr. OWENS, and Mr. WEYGAND.

H. Con. Res. 39: Mr. ISTOOK, Mr. BONILLA, and Mr. COMBEST.

H. Con. Res. 43: Mr. CALVERT.

H. Con. Res. 51: Mr. SNYDER, Mrs. NAPOLITANO, and Mr. LUTHER.

H. Res. 20: Mr. GARY MILLER of California.

H. Res. 35: Mr. LOBIONDO, Mr. DAVIS of Florida, Mr. VENTO, Mr. PAYNE, Ms. RIVERS, Mr. GREEN of Texas, and Ms. JACKSON-LEE of Texas.

H. Res. 41: Mr. BRYANT, Mr. CROWLEY, and Mr. NEAL of Massachusetts.

H. Res. 59: Mr. WISE and Mrs. ROUKEMA.

H. Res. 60: Mrs. CLAYTON, Mr. DIXON, Mrs. THURMAN, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, and Mr. FROST.

H. Res. 93: Ms. JACKSON-LEE of Texas and Mr. FALEOMAVAEGA.

H. Res. 97: Mr. RUSH and Ms. NORTON.

SENATE—*Thursday, March 18, 1999*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, Dr. Gordon Reed, Sardinia Presbyterian Church, Sardinia, SC.

PRAYER

Dr. Gordon Reed offered the following prayer:

May we pray?

Almighty God, God of fathers before us, it is by Your grace and gracious hand that we have been given this land of freedom and plenty. And we humbly pray that we may prove ourselves to be a people who acknowledge You and Your goodness, and who are eager to do justly, love mercy, and to walk humbly with our God. Bless this dear land we love with honorable and upright leaders in government, industry, education, and public life.

Save us from all of our enemies and foes who would conquer and destroy us. Save us from internal strife, discord, and confusion, from pride and arrogance, and from moral disintegration. Teach us to love and respect each other, who come from such diverse backgrounds, that we may truly be one Nation under God.

We especially pray for these to whom we have entrusted the authority and power of government. Grant them wisdom, courage, and the humility to confess that all authority comes from above. May their deliberations and decisions be guided by Your almighty hand and tempered with charity toward one another. May they ever be mindful that "sin is a reproach to any people, but righteousness exalts a nation."

In our times of prosperity, fill us with gratitude. In our times of want and trouble, fill us with trust. And when we must endure Your chastening hand because of our waywardness, give to us a spirit of true repentance and humility. Grant us peace within and enable us to be peacemakers among the nations of this world. We ask this in the name of and by the authority of the Prince of Peace. Amen

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 544, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Specter amendment No. 77, to permit the Secretary of Health and Human Services to waive recoupment of Federal government medicaid claims to tobacco-related State settlements if a State uses a portion of those funds for programs to reduce the use of tobacco products, to improve the public health, and to assist in the economic diversification of tobacco farming communities.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, there will now be 90 minutes remaining on the Specter amendment, No. 77, to be equally divided.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, before proceeding with this amendment, I have been asked to make this statement on behalf of the majority leader.

This morning, the Senate will immediately resume consideration of the supplemental appropriations bill. Under the order, there will be 90 additional minutes for debate on the pending Specter amendment, No. 77.

All Senators are, therefore, notified that the first vote this morning will be at approximately 11 a.m., if all debate is used. Following that vote, additional amendments are expected, and Senators should anticipate rollcall votes throughout today's session. Any Senators intending to offer amendments to this legislation are encouraged to notify the managers so that they can be scheduled for consideration.

I thank my colleagues for their attention.

AMENDMENT NO. 77

Mr. SPECTER. Mr. President, I found on my desk this morning a "Dear Colleague" letter entitled, "Oppose the Specter-Harkin Amendment That Seizes $123 Billion in State Funds."

Instead of outlining the provisions of the Specter-Harkin amendment, I would just refer my colleagues to this "Dear Colleague" letter signed by the opponents, and tell them that the amendment is exactly contrary to what is in this "Dear Colleague" letter, so that by reading the letter, they can just conclude the opposite, and they will have a statement of what the pending amendment is.

Before dealing in detail with the "Dear Colleague" letter, or this misstatement, permit me to outline in very general terms that the pending amendment has been offered by the chairmen and ranking members of the two Senate committees which are charged with authorization of appropriations for the Department of Health and Human Services. Senator JEFFORDS, the chairman of the authorizing committee, and Senator KENNEDY, the ranking member, are cosponsors of the amendment which has been offered by Senator HARKIN, the ranking member on the appropriations subcommittee which has the responsibility for appropriations for the Department of Health and Human Services, and the subcommittee which I have the honor to Chair.

We must survey—the four of us in our positions as chairmen and ranking members—the health needs of America in a very, very constrained budget. We have seen the budget resolution, which has come out of Budget Committee, and the limitations on discretionary funding. Our subcommittee has the responsibility for funding not only the Department of Health and Human Services, but also the Department of Education and the Department of Labor, where so many vital programs for worker safety are involved.

So our responsibility is a very heavy one. As we have observed, the settlement with the States is in excess of some $200 billion over a 25-year period. The thought immediately came to mind that these funds, which have been obtained from settlements on tobacco issues, could be used and should be used in very large part, frankly, if not entirely, for health purposes.

In the Appropriations Committee meeting, an amendment was offered by the distinguished Senator from Texas, Senator HUTCHISON, to have the Federal Government relinquish all claims to these funds, and have these funds paid entirely to the State governments.

I can understand the popularity of this kind of an amendment.

It is backed by all 50 Governors; it would be shocking if it weren't. It is backed by all 50 State legislatures; it would be shocking if it weren't. It is backed by all State attorneys general; again, it would be shocking if it were not.

I support the proposition that there ought to be minimal strings, minimal requirements mandated by the Federal Government, especially in the context where we mandate requirements and do not fund them.

Last week, we passed the Ed-Flex bill to give flexibility to the States. But I submit to you that it is fundamentally different to say that where there are Federal appropriations for a specific purpose, there ought to be latitude for State governments and local governments to figure out how to spend those funds, contrasted with saying that all of $200 billion-plus ought to go to the States to spend as they choose, when some States have already made an announcement that they intend to use these funds, at least in part, for highway construction or for debt retirement.

When a settlement is reached on matters of this sort by State governments and officials representing the States, those funds realistically are impressed with the trust, where the claims are brought because of damages due to public health, due to tobacco. There is a specific purpose that the lawsuits were started, and that was to redress public claims on these important areas. Even without a Federal direction limiting, in some way, or articulating a portion of these funds to go for medical purposes, it is my legal judgment that those funds are impressed with the trust. I would not be surprised to see that, if the State governments undertake spending on items far afield, they may face a class action or taxpayer suits or people who have been injured by tobacco seeking to impress that trust.

We had a hearing in the appropriations subcommittee this Monday. Our subcommittee took up the issue on an emergency basis to try to see if we could find some area for resolution. We heard testimony from the Governor of Kentucky and the attorneys general of Pennsylvania, Texas, and Iowa. Those four witnesses all emphasized the desirability of having some resolution of this issue so that they could make plans for their budgets.

I agree with that proposition. A very forceful letter was filed by the Secretary of Health and Human Services, Donna Shalala, strenuously objecting to having the money paid over to the States, because the Federal law gives her the authority to make an allocation as to how much of those funds should be deducted from the Federal obligation to the States on Medicaid.

The States have the obligation under Federal law to sue to collect on claims that Medicaid has. And the States have the authority—and exercise the authority—to release the tobacco companies from liability to the Federal Government. That is provided for under existing Federal law. So for those who say that the Federal Government can bring lawsuits, it simply is not so, because those claims have all been released.

It may be, Mr. President, that we are in an area where largely, if not entirely, the States will recognize the duty to use these settlement proceeds for tobacco-related purposes. The distinguished attorney general of Pennsylvania, Mike Fisher, who testified on Monday, outlined a program for the use by Pennsylvania of $11.3 billion. I believe that, in conjunction with our distinguished Governor Tom Ridge, there will be a program to use these funds for tobacco-related purposes. But it is not sufficient to say that States may recognize this obligation, because States may not recognize the obligation, as we have already seen from preliminary indications of spending these funds on unrelated purposes—debt reduction and highway construction.

In a "Dear Colleague" letter that has been circulated today, which I referred to earlier, the statement is made:

> The Specter-Harkin amendment will require every Governor—each year—for the next 25 years to submit a plan to Washington asking for permission on how to spend fifty percent of the State's own money.

That is flatly wrong.

It is true that there is a 20-percent requirement for smoking cessation education to try to dissuade youngsters from smoking and a 30-percent requirement on medical plans. But there is no need for Governors to submit a plan to Washington asking for permission on how to spend that money, that 50 percent. That is a matter where the Governors only have to tell the Department of Health and Human Services how the money was spent after in fact it is spent. They don't have to submit a plan, and they don't have to ask for prior authorization.

The "Dear Colleague" letter further says:

> This is a classic "Washington Knows Best" policy, an unprecedented Federal power grab.

In a sense, it is complimentary to call it an "unprecedented Federal power grab." Considering all the Federal power grabs that have been recorded historically, this is really a gentle nudge to the States, saying that here we have funds realized from a tobacco settlement with a statement of policy that 50 percent ought to be used for a specific purpose.

On the 50 percent, it is actually on the low side. The facts show that some 50 percent of the funds involved here come from Medicaid, so that the percentage could have been substantially higher.

So, Mr. President, it is my hope that we will have a statement of congressional policy on this vote today which will, in a very gentle way, without regulations, without the requirement of submitting the plan to Washington, simply say to the Governors that at least 50 percent ought to be used for tobacco-related purposes, such as education to discourage children from smoking, where we see a very high rate of juvenile smoking and overwhelming statistics of deaths resulting from juvenile smoking—where we have a reasonable amount allocated for that educational purpose, and a reasonable amount—some 30 percent—allocated not only for public health measures but also for aiding smoking cessation.

Mr. President, I ask unanimous consent that a letter supporting my amendment from the American Lung Association dated March 17, 1999, and a letter of support from the Campaign for Tobacco-Free Kids dated March 18, 1999, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN LUNG ASSOCIATION,
March 17, 1999.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The American Lung Association is pleased to support the legislation you are introducing with Senator Harkin that requires states spend the federal share of tobacco settlement funds on tobacco and health purposes. The American Lung Association is a strong supporter of the Medicaid program. However, if the decision is made to forego the federal share of the Medicaid recovery, legislation like your proposal must be enacted to ensure that the funds are spent on tobacco control, prevention and cessation activities and health programs. It would be extremely shortsighted not to use these resources to reduce the cause of the disease that led to the need for the recovery in the first place.

We favor your approach and the similar proposal by Senators Kennedy and Lautenberg (S. 584) because they require tobacco settlement dollars to be invested in tobacco control and improving the public health.

Effective tobacco education, prevention and cessation programs will help reduce the horrible toll tobacco takes on American families. Reducing tobacco use also will help reduce the enormous cost to taxpayers that tobacco-related disease imposes. Investing funds in the public health programs will improve the health of millions of Americans. We also support efforts to help tobacco growing communities diversify their economies.

To ensure their efficacy, the American Lung Association supports rigorous federal review, evaluation and oversight of tobacco control programs. Congress should contain Medicaid costs and promote public health by affirming the authority of the Food and Drug Administration to regulate tobacco products, implementing a vigorous national advertising and education program to counter the tobacco industry's marketing efforts and by enacting other policies and programs to reduce tobacco use.

The American Lung Association looks forward to working with you to enact strong legislation to combat the addiction, disease and death caused by tobacco.

Sincerely,

FRAN DU MELLE,
Deputy Managing Director.

CAMPAIGN FOR TOBACCO-FREE KIDS—NATIONAL CENTER FOR TOBACCO-FREE KIDS,
Washington, DC, March 18, 1999.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The Campaign for Tobacco-Free Kids fully supports your amendment to the supplemental appropriations bill to require states to spend 20 percent of the money they receive from their settlements with the tobacco companies on comprehensive programs to prevent tobacco use. The Federal government has a legitimate claim to a share of the settlement money and should condition its waiver of the federal share on states funding effective tobacco prevention programs.

Investing in tobacco prevention will save lives and money. the evidence continues to build that statewide tobacco prevention strategies are effective in reducing tobacco use. Several states already have tobacco prevention campaigns and have reduced overall smoking levels within their borders at a faster rate than elsewhere in the country. And while youth smoking rates have risen dramatically nationwide, they have decreased or increased much more slowly in these states. Just this week, results were released showing decreases in teen smoking in Florida less than a year after that state's comprehensive tobacco program was launched.

In addition to saving lives, decreasing tobacco use will save money. Public and private direct expenditures to treat health problems caused by smoking annually total more than $70 billion. Aggressive tobacco prevention initiatives in every state would reduce these costs for federal and state governments as well as for businesses and individuals. Requiring the states to devote resources to solving the tobacco problem will save federal dollars in the future.

We heartily endorse your efforts to ensure that funds from the tobacco settlement are used to address the reason for the lawsuits in the first place—reducing the number one preventable cause of death in this country. Thank you for standing up for America's kids.

Sincerely,

MATTHEW L. MYERS,
Executive Vice President and
General Counsel.

Mr. SPECTER. Mr. President, how much time has been consumed?

The PRESIDING OFFICER. The Senator has spoken for 12 minutes.

Mr. SPECTER. I thank the Senator.

Does the Senator from Hawaii, who was on the floor first, seek recognition on this issue?

Mr. AKAKA. Mr. President, I would like to speak on the emergency supplemental and rescissions bill.

Mr. SPECTER. Mr. President, in that case, I yield 5 minutes to the Senator from Rhode Island on this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank the Senator from Pennsylvania for yielding the time, and I also commend him and Senator HARKIN for their amendment to this supplemental bill. They have done something that I think is incredibly important, and that is to provide some emphasis on smoking cessation and also public health in the use of the funds from the tobacco settlements that the States are beginning to receive.

The amendment by Senator SPECTER and Senator HARKIN strikes a very reasonable balance between the desires of the Governors to use these funds and also the willingness of the Federal Government to forgo its share of the tobacco settlement, and also the need to ensure that we do have in place significant tobacco prevention activities, as well as being able to meet other public health priorities. This amendment reserves 25 percent of the overall settlement to these priorities—smoking cessation and public health—and allows 75 percent of the funds to be spent at the discretion of the States. I think this is an appropriate way to deal with the proceeds of the tobacco settlement.

When we consider the fact that the basis of these claims rested upon Medicaid spending by the States, and we also consider the significant contribution the Federal Government makes to the Medicaid Program, it is not unrealistic—in fact, it is entirely appropriate—that we would be able to, and should be able to, lay out some broad guidelines as to the use of a small portion of the settlement funds. I can't think of any more appropriate topic of concern at every level of government than the reduction of smoking in this society.

Let's step back a minute. This process of suing the tobacco companies, this process that led to the settlements, is not about getting some money for new highways or new types of programs at the State level. It started with the realization that smoking is the most dangerous public health problem in this country and we have to take concerted steps to do that. The suits resulted in a settlement, financially, but it won't result in the effective eradication, elimination, or reduction of smoking unless we apply those proceeds to smoking cessation programs and other public health initiatives that are critical to the health and welfare of this country.

We know that each day more than 3,000 young people become regular smokers. We also know that 90 percent of those who are long-term smokers began before they were 18 years old. So there is a critical need for more and more efforts particularly targeted at youngsters to ensure that they do not start the habit of smoking, and by requiring a certain portion, a rather small portion, of the proceeds of these settlements to that end is, again, not only sensible but it is compelled by the crisis we face in the public health area of smoking in the United States.

One of the other things that we must also recognize is that this settlement represents a concession, an acknowledgement by the tobacco industry that their marketing practices were sinister, that they targeted young people, and that, in fact, their product causes disease and death. And in that context we have to respond with some of these funds to recognize the public health impact of smoking overall. On both the law and the logic, it seems to me entirely appropriate that this amendment should not only be debated but passed.

I think we have to recognize, too, that what the amendment proposes is not some type of grandiose Federal program. It simply directs the Governors and the legislatures in their own way, form, and fashion to use these funds for very broad programmatic initiatives in public health which encompass such things as smoking cessation.

So this is not an overwhelming usurpation of State and local prerogatives by the Federal Government; it is a common way to deal with problems that got us here in the first place, the fact that smoking, particularly youthful smoking, is one of the major public health crises in this country.

I believe Senator SPECTER and Senator HARKIN have balanced and complemented the way in which States are using these funds.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REED. Their efforts are complementing what States are doing. Our Lieutenant Governor, Charles Fogarty, is proposing this initiative.

I hope we can all stand behind this amendment, and I thank the Senator for yielding me time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have two speakers on the amendment, but I know Senator AKAKA wants to speak on the bill. I would like to ask him if he could take 5 minutes—and then let us get back to the amendment—equally divided from Senator SPECTER's side and my side.

Mr. AKAKA. Mr. President, I thank my friend from Texas for yielding me this time. I want her to know that I will be speaking on the emergency supplemental and rescissions bill.

Mrs. HUTCHISON. I understand that the Senator was not aware we had set aside this time by unanimous consent for the amendment. So I am happy to give him 5 minutes equally divided between Senator SPECTER's side and my side, if he will do that, and then allow us to go back to the amendment under the current unanimous consent agreement. Is that acceptable?

Mr. AKAKA. I certainly would accept that, and I thank my friend from Texas.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise to express my concern on the FY 1999 emergency supplemental and rescissions bill. I support disaster relief for Central America and the Caribbean, emergency relief for America's farmers in crisis, and aid to Jordan to implement the Wye River agreement. It is important that these priorities be funded.

My concern is that one of the budget offsets to pay for this bill pits these important foreign and domestic needs against the needs of the country's poorest families—something that Hawaii's poorest families can ill afford. This supplemental bill seeks to defer $350 million in funding from "unobligated balances" under the Temporary Assistance for Needy Families (TANF) Program until fiscal year 2001. The language in the bill requires deferral of portions of states' unobligated TANF funds.

The deferral is based on the states' share of total unobligated funds. Preliminary estimates show this means Hawaii would not be able to spend about $800,000 of its TANF funds until fiscal year 2001.

It is my understanding that my friend from Alaska, chairman of the Appropriations Committee, Senator STEVENS, is working to find a different offset so that the $350 million in TANF funds will not have to be deferred. I strongly encourage him in these efforts and urge that this be done.

In the meantime, we all know that TANF replaced the Aid to Families with Dependent Children welfare program in 1996. I am a critic of the TANF Program for failing to provide an adequate safety net for low-income families. However, I am adamant that full funding must continue to go to the states to assist welfare families and their children. No part of it should be deferred to offset supplemental spending.

The term "unobligated," may seem self-explanatory. Anyone may think that a $350 million deferral of unobligated funds under the bill would apply to funds that have simply not been spent under this program. Proponents would argue that welfare rolls have fallen so far that this money is not needed by states, which is why it remains unobligated. However, Mr. President, we know that funding decisions by state and local governments take time. Transfers of expenditures must go through a process. States often commit funding to counties and local governments that is not transferred immediately, so the amount is not taken off the states' books.

The fact is many states rely heavily on these unobligated funds and have already committed them for a wide variety of uses, such as distribution to counties and local agencies, "rainy day" funds for contingencies such as economic downturns that swell the rolls and leave states without enough money until the next federal payment, transfers into child care and social services activities, or other basic expenses to help low-income families become self-sufficient.

My state of Hawaii continues to plan uses for all available funds to provide child care services to our TANF families so that they can be given a chance to continue at their jobs and make it work. Hawaii is doing this the right way, instead of simply looking at the numbers and acting to drop welfare recipients off their rolls. Hawaii is truly "teaching them to fish," so that they truly achieve self sufficiency.

Deferring release of TANF funds for a number of years and using the $350 million for emergency spending violates the agreement made when TANF was passed. I have a letter here from Governor of Hawaii, Benjamin Cayetano, dated March 12th, that describes the agreement between Governors, Congress, and the administration that the entitlement nature of the old AFDC Program would be replaced with a set amount of funding to states under TANF. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 12, 1999.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR AKAKA: I am writing you today to express concern about information I have received which predicts Congress will attempt to cut the funding for the Temporary Assistance for Needy Families (TANF) Program this year. My concern is that there was an agreement between the Governors, Congress, and the Administration that the entitlement nature of the Aid to Families with Dependent Children (AFDC) Program would disappear in favor of a set amount of funding in block grant form under TANF.

The funding under TANF is not overly generous. If fact, in Hawaii, we have not experienced a decrease in the welfare population and every dollar is needed.

I have been told that Congress may be viewing unspent TANF allocations as a surplus that could be used to fund other initiatives. This is being discussed even though child poverty has increased since the passage of Welfare Reform.

While I cannot speak for other States, I can assure you we are trying very hard to assist welfare recipients to become employed and self-sufficient. It appears many States may have tightened their eligibility criteria, but have not been successful in getting welfare recipients employed. If this is the case, the States will be needing their TANF allocation to address the continuing hardships of these families.

I hope you will agree that the TANF funding needs to be safeguarded to provide States with the necessary resources to assist welfare families. Thank you for your attention to this matter. Your strong support is greatly appreciated.

With warmest personal regards,
Aloha,

BENJAMIN J. CAYETANO.

Mr. AKAKA. To use TANF funding as an offset abrogates this agreement. I hope my colleagues, the appropriators, are working to keep this agreement intact. Hawaii and other states need this money to assist poor families.

And of all states, Hawaii needs assistance the most.

Mr. President, our Nation is enjoying the longest peacetime expansion in American history—yet Hawaii is not benefiting from this expansion. While the country is enjoying the lowest unemployment in nearly 30 years and tremendous job creation, Hawaii is losing jobs and its people are having a difficult time finding work at a living wage. Our unemployment rate is at 5.7 percent as of November 1998—well above the country's average of 4.3 percent. Bankruptcy filings increased more than 30 percent form 1997 to 1998. Retail sales fell 7 percent from $16.3 billion in 1997 to $15.2 billion in 1998. These are some recent economic indicators. Hawaii has been suffering from an economic downturn for most of this decade. As if this were not enough, my state has had to endure the worst of all states from the economic crisis in Asia. The Aloha State welcomed 11 percent fewer tourists from Japan and other parts of Asia in 1998. If anything should be slated for emergency funding, Hawaii should.

With all of this need, you can see why $800,000 in TANF funding means a lot to my state. The number of families in Hawaii receiving assistance under this program has increased since the new law was passed. According to the Hawaii Department of Human Services, as of January, 1999, 16,575 single-parent families and 7,119 two-parent families were on the rolls, for a total of 23,694 families receiving assistance. This represents an increase of more than 2,000 families since 1995 when the number of families receiving assistance was 21,480. Hawaii's numbers have increased because of the tough economic conditions we are now enduring.

Hawaii needs every bit of our TANF funding to make sure that our poor families continue to be self-sufficient. This is stated in the letter I submitted earlier from Governor Cayetano. We have not put our unobligated balances aside for a rainy day fund because we do not have enough of it—we need to use every dollar we have for caseloads now.

Once again, I urge my colleagues on the Appropriations Committee and the gentleman from Alaska, Chairman STEVENS, to continue working to find another $350 million offset for this emergency supplemental bill, rather than defer much-needed TANF funds.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. AKAKA. I thank the Chair. I thank the Senator from Texas for yielding me time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, will the Senator from Texas yield me 5 minutes at this point?

Mrs. HUTCHISON. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Mr. President, one of the ways in which the Congress of the United States has been the bane of every Governor and State legislator in the United States of America is its constant willingness to impose unfunded mandates on States and on local communities. We constantly pass laws that tell States and local communities what they are to do, but we rarely pass appropriations sufficient to cover the costs of carrying out those duties.

Just last week we debated the overwhelming unfunded mandate that is included in our rules relating to the education of special needs students, and, in fact, we moved, at least slightly, in the direction of funding some portion of those unfunded mandates. Here, on the other hand, we have the exact mirror image of an unfunded mandate originally imposed by the Congress of the United States. Here we are asked, in this amendment, to decide that billions of dollars recovered by almost every State in the Union in tobacco litigation against tobacco companies will be appropriated, effectively, by the Federal Government, unless the States agree on the way in which we think that money ought to be spent.

Mr. President, 50 percent of all recoveries that the States have made, pursuant to this amendment, must be spent in accordance with this amendment, and detailed regulations are promulgated by the Federal Government for every State in the country. Every Governor will have to make a new application every year for 25 years and meet these requirements or will, in effect, lose an amount of money equal to 50 percent to 100 percent of the money that State has already recovered in an action in which the United States of America was not a party at all.

That is fundamentally unfair. It makes an assumption, an unwarranted assumption, that these were Medicaid claims that were presented by the States of the United States. My attorney general, the attorney general of the State of Washington, Christine Gregoire, one of the three or four leaders of this effort, brought and prosecuted a case through much of the trial period, before it was ultimately settled, without the slightest mention of Medicaid. There were all kinds of fraud and contract and tort claims connected with this litigation, quite independent of Medicaid claims on the part of the various States of the United States of America. Last year, this body spent weeks debating whether or not we should control the settlements that the States were making. We ultimately abandoned that effort and left it entirely to the States.

As a consequence, we have absolutely no right, at this point, to tell the States how they are to spend their money. Many are already engaged in extensive and sometimes successful antismoking efforts. Many have priorities that are different than the priorities here in the U.S. Senate. But if Members of the U.S. Senate want to control the spending in their own States, money that their own States have recovered, they should run for the State legislature, not for the Senate of the United States.

The position taken by the Senator from Texas and her companion, the Senator from Florida, a position that was accepted by the Senate Appropriations Committee, is the right and just position. This money was recovered by the States, this money belongs to the States, and the spending of this money should be determined by each of the 50 States of the United States of America.

It is no more difficult than that. It is as simple as that. We have already imposed too many unfunded mandates on the States by our substantive legislation here. Let's not do essentially the same thing by telling States that money they have already recovered has to be spent on our priorities, rather than their own. Support the position of the Senator from Texas and Florida. Reject this amendment.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 10 minutes to my distinguished colleague from Iowa, Senator HARKIN.

Mr. HARKIN. Mr. President, again I thank my friend and my colleague and my leader, Senator SPECTER, for bringing forth this amendment, which is common sense and which goes to the heart of what the smoking problem in America is all about. It is about health.

I might just say, at the outset, really the provision in the supplemental bill we are talking about should not even be on the supplemental. It is not an appropriations measure. It more appropriately ought to be in the Finance Committee, but it was slipped in as a rider on the appropriations bill, the amendment offered by the Senator from Texas, Senator HUTCHISON.

What Senator HUTCHISON's amendment says is all the money already recouped by the States in their settlement with the tobacco companies should be kept by the States and they can do with it whatever they want to do with it. That is all right as far at the State's money goes.

I have no problem with that. But that also includes the Federal share of Medicaid. As I have continually pointed out, under the Social Security Act the States are required to go after recoupments in Medicaid from third parties. In fact, they are the only ones who can sue for third party recoupment. The Federal Government is preempted from doing that. Only the States can do that. So they act as an agent for the Federal Government and recoup them. Keep in mind, the law states, regarding any money recouped by the States for Medicaid, the Federal portion has to be returned to the Federal Government.

We have to keep in mind what we are talking about here. Are we talking about the fact that the tobacco companies didn't build a number of highways in Texas? Or that they did not build prisons in Alabama? Or they did not build a sports arena in Michigan—or on and on and on? No. That is not why these lawsuits were brought. They were brought because tobacco is the biggest killer we have in America today. You add up alcohol, accident, suicide, homicide, AIDS, illegal drugs, fires—add them all up and tobacco kills more a year than all of these combined.

What has this tobacco debate been about, that we have been here for years and years on end debating? That is what it is about. Tobacco is hooking young people, getting them addicted. And the tobacco companies have lied and lied and lied, year after year, and covered up, and fought with powerful money and powerful interests here in Washington to keep us from doing what we need to do to protect the public health. That is what it is all about.

Now, the CDC estimates that smoking among high school students has risen 32 percent since 1991—32 percent. The tobacco companies say they are going to cut down on their advertising to kids and stuff. If they really want to do that, get rid of the Marlboro Man. You don't see the Marlboro Man disappearing, do you? No, he is still out there. And the Virginia Slims and all that kind of stuff is still out there; the Marlboro gear—that is all out there. They are still hooking kids.

Tobacco, an estimated $50 billion a year in health care costs alone, and a big portion of that is borne by the Federal taxpayers who finance over half the costs of Medicaid.

Again, to repeat for emphasis' sake, what does the Specter amendment do? It only would require the States to use 20 percent of the total settlement to reduce tobacco use and 30 percent for public health programs or tobacco farmer assistance, helping some of our tobacco farmers, and we would then waive the Federal claim to the tobacco settlement funds. We do not dictate what the States spend their money on. If the States want to take their portion and build a sports arena, that is up to the voters of that State. I can tell you if it happened in my State, I would be on the side of any other taxpayers in my State, suing the Governor or anybody else who was spending the money that way, because I think that money is held in trust for the very purposes which I just enumerated, and that is to cut down on smoking and to help the public health.

CBO estimates the Federal share would be about $14 billion over 5 years. Others are saying that the Federal Government had no role in these lawsuits. I just covered that.

Under the Social Security Act, it is the responsibility of the States to recover any costs and, in fact, the law states that only the States can file such suits.

I want to correct something that was said last night by my colleague from Alabama, Senator SESSIONS. He claimed that only one State had filed suit to recover tobacco-related Medicaid costs. Sorry. That is wrong. In fact, the following States had Medicaid claims in their lawsuits: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Iowa, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Washington and Wisconsin—all had Medicaid claims in their lawsuits.

I think this is really the crux of it—whether or not a State included a Medicaid claim isn't the issue. The fact is every State that settled in November of 1998, and that included all 50 States and the territories, even those that did not include a Medicaid claim in their suit, waived their right to recover tobacco-related Medicaid costs in the future. Why do you think that was put in the settlement? If, in fact, the lawsuits were not about Medicaid, why do you think that the tobacco companies came in and insisted, as a condition of the settlement, that the States had to waive their right for any future suits based on Medicaid? It is curious. If that is not what this was all about, why did they put that in there? Because the tobacco companies, smart lawyers that they have got, knew this is what it is about. It is about health care. It is about hooking kids on smoking.

They could see that the States are going to get all this money. What do the States want to do with it? They want to reduce debt. They want to build prisons and highways. They want to reduce taxes.

How many are going to use it to cut down on what the tobacco companies are most afraid of? What they are afraid of is losing young people who would not be smoking, who won't take up the habit. That is what they are afraid of. That is why they put it in there. Not only did the settlement waive the right of the States forever to sue to recoup for Medicaid, it waives our rights, the Federal Government's rights to sue. Why? Because under the Social Security law, only the States can sue for recoupment under third parties. When they waive their right, they waive our rights. The States, in making this deal with the tobacco companies, have effectively taken away the right of the Federal Government to go into court and to go after tobacco companies to get the Federal taxpayers' share of the money for the health care costs of Medicaid. That is what it is about.

The provision put in by the Senator from Texas says let them have it. Let the States have all this money. If they want to build highways, let them build them. I tell my colleagues, I know where the tobacco lobby is on this one. The tobacco lobby is foursquare for this provision in the bill, because they do not want States spending money to cut down on teen smoking. Some States will. I compliment and commend the Governor of my own State of Iowa who has said that they will use a large portion of this for education, intervention, cutting down on youth smoking. How much, I do not know, a large portion of it.

Again, this is a bipartisan, commonsense amendment. For the life of me, I do not know why anyone would oppose it, unless it is under some theory that we can't tell the States what to do with this money. I don't want to tell the States what to do with their money, but when the Federal taxpayers provide over 50 percent of Medicaid monies to the States and we are paying 50 billion bucks a year in health-related costs and much of that through Medicaid, then I think we have a right and an obligation to say that some portion of that money that is Federal money ought to go for health-related purposes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. For example, in Maine, I am told the Governor wants to use it for a tax cut. In Michigan, the Governor wants to use the settlement for college scholarships; no funds for tobacco prevention. The Nevada Governor wants it for college scholarships. New Hampshire's Governor wants the money for education; no proposal on tobacco. In New York, the Governor wants to spend 75 percent for debt relief. In South Dakota, the Governor wants money for prisoners, nothing on tobacco. In Rhode Island, the Governor wants money to cut the car tax. That is all well and good, but that is not what this is about.

I say to my friends, we have a statement of policy from the Executive Office of the President which says, referring to the emergency supplemental bill, S. 554:

> Were the bill to be presented to the President with the Senate Committee's proposed offsets and several objectionable riders discussed below, the President's senior advisers would recommend that he veto the bill.

One of the provisions:

> A provision that would completely relinquish the Federal taxpayers' share of the Medicaid-related claims in the comprehensive State tobacco settlement without any commitment whatsoever by the States to use those funds to stop youth smoking. Federal taxpayers paid more than half, an average of 57 percent of Medicaid smoking-related expenditures. The Administration believes that the States should retain those funds but should make a commitment that the Federal share of the settlement's proceeds will be spent on shared national and State priorities: to reduce youth smoking, protect tobacco farmers, improve public health and assist children.

So there we have it. If this amendment stays in there untouched, the President's senior advisors will recommend a veto.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to thank my Scottish cousin, Senator GRAHAM, for letting me go first so I can go back to the Budget Committee.

I am very happy to be here and join both Senator GRAHAM of Florida and my colleague from Texas in strongly opposing this amendment.

The idea that the Federal Government is trying to seize $18.9 billion from the States to spend in Washington, DC, when we had nothing to do with their settlement and when we were in the process of trying to impose our own taxes and, in fact, when the President has in his budget the imposition of new taxes on tobacco, is absolutely outrageous.

The amazing thing is the President proposes taking the money away from the States and then giving them a bunch of money, but then telling them how to spend it.

This amendment is the height of absurdity. In my State, this amendment would tell Texas that we have to spend $4 billion on smoker cessation. We could literally hire thousands of people and have a personal trainer for each person who are chewing tobacco or dipping snuff. Why should the Federal Government have the right to tell the States how to spend this money?

I suggest our colleagues read the tenth amendment of the Constitution—powers not specifically delegated to the Federal Government are reserved to the several States and to the people.

This amendment is an outrageous power grab. Where we in Washington, the day before yesterday, were trying to be the school board for all America, now we are trying to tell the States how to get people to stop smoking, when we have done a very poor job of it in the Federal Government. We are trying to tell the States how to spend their money. Somewhere this has got to stop. My suggestion to our colleagues is, if you want to run the schools in America, quit the Senate and go run for the school board.

If you want to be a State legislator, leave the Senate and run for the State senate or the State house or run for Governor. Our job is not to tell the States how to spend their money.

This is an outrageous amendment. I just cannot understand the logic of this, other than the belief that only we know what is best. The idea that we on the floor of the Senate will tell Texas how they have to spend $4 billion over this period is absolutely absurd—that Texas has to file a report every year with Health and Human Services, and then they have to approve how Texas is spending its own money that the Federal Government had nothing to do with, had no part in claiming, no role in the settlement. In fact, in the President's budget this year where he tries to reclaim this money, he is talking about imposing a tobacco tax. Are we going to let the States tell us how to spend that money? I think not.

I congratulate my colleague from Texas. This is an amendment that deserves to be defeated overwhelmingly. I hope 80 or 90 of our fellow Senators will vote against this amendment. Again, if you want to tell Texas how to spend its money, quit the Senate, move to Texas, establish residence, run for the State legislature; if you can get elected, go at it. But do not get elected from another State and come here and try to tell our State or any other State how to spend its money.

The Federal Government needs to butt out. We have plenty of our own problems to deal with here. Social Security is going broke, Medicare is going broke quicker, and what are we doing? The day before yesterday, we were trying to run all the schools in the country as a national school board. Today we are trying to spend money in every State to tell them how to deal with their tobacco settlements.

It seems to me we are running away from real problems that we ought to be solving and trying to find somebody else's problems to solve where we don't have any responsibility if things go bad.

Again, I congratulate my colleague from Texas. I congratulate the Senator from Florida. I thank him for letting me come in and speak at this time. I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold, does the Senator from Texas yield to the Senator from Florida?

Mrs. HUTCHISON. I yield 10 minutes to my colleague.

Mr. GRAHAM. Mr. President, I thank my colleague and Teutonic cousin for his kind remarks and for his comments against this misguided amendment.

First, I strongly support the original purpose of this legislation, which is to provide relief to our neighbors in the Central American countries and the Caribbean which were so devastated last year by a series of hurricanes.

I had the opportunity to visit Honduras, Nicaragua, El Salvador, and Dominican Republic which were primarily affected by those hurricanes and can testify that the need is great and that the humanitarian assistance which the United States has already provided, and which this legislation will allow us to continue, has been of immeasurable value and has added to the strength of the relationship between the United States and those affected countries.

I also strongly support the tobacco recoupment amendment which was added in the Appropriations Committee by my colleague, the Senator from Texas. In addition to the wisdom of the amendment, there is a sense of urgency to move forward with this. Many State legislatures are meeting as we meet this week. Many of those legislatures are well along toward their adjournment date. Many of those States are awaiting our action on this issue to make a determination as to what is the most appropriate way to utilize funds that have been secured through the tobacco settlement for purposes that will benefit their citizens.

We need to resolve this issue and resolve it in a way that has been suggested by the amendment recommended by the Appropriations Committee, which is that the Federal Government keep its hands off this money which has been secured solely as a result of the actions of the States.

Let me give a brief history of this issue, with particular focus on the State of Florida, which was one of the first four States to secure an individual settlement with the tobacco industry.

Under the leadership of our departed friend and colleague, Lawton Chiles, the Florida Legislature amended its law to allow a specific statute to be passed, under which the State brought litigation against the tobacco industry. At the time that occurred, Governor Chiles wrote a letter to Attorney General Janet Reno suggesting that the Federal Government join in the lawsuit—not join in the lawsuit as it relates to any specific claim, such as the Medicaid claim, but, rather, join in the lawsuit to advance Federal interests that were at stake. I will talk later about what those Federal interests are.

This is the letter—and I quote it in part—dated June 6, 1995, which was sent from the Attorney General to the Governor of Florida:

> DEAR GOVERNOR CHILES: Thank you for your letter concerning the possibility of the Department of Justice participating in the State of Florida's lawsuit against cigarette manufacturers. As you know, similar suits have been filed by the States of Mississippi, Minnesota and West Virginia. At my request, the Department's Civil Division has been monitoring the tobacco litigation. Thus far, we have not been persuaded that participation would be advisable. We will continue to actively monitor these cases, however, and will reconsider this decision should circumstances persuade us otherwise in this regard.

There were no subsequent reconsiderations, and the Federal Government essentially said, "We will stand apart from these States' efforts." Stand apart until the States, having spent enormous amounts of money, effort, and political resources now have secured a settlement.

At this point, the Federal Government wishes to invite itself back into this litigation by, in the President's budget proposal, taking half the money and having the Federal Government spend it or, in this amendment proposal, having the Federal Government serve as the parent for the States and tell them how to spend their tobacco settlement money.

The assumption of this legislation started with another letter from Washington which went to the States which stated, in effect, that the Federal Health Care Financing Administration was going to initiate an administrative collection procedure under an arcane provision of the Social Security statute—specifically, 1903(D)(3)—in which it would recoup a substantial portion of the States' settlements.

The specific language which was relied upon by the Federal Health Care Financing Administration is the language which states:

> The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to medical assistance furnished under the State plan. . . .

Mr. President, I argue that that statute, which is the basis of the Federal efforts to recoup, is inapplicable to the tobacco litigation. What that statute was intended to do was, in the case where a State had, for instance, overpaid a provider and subsequently received a repayment, that a portion of that repayment that was related to the percentage of the Federal Medicaid share under the State Medicaid plan would go back to the Federal Government.

This was not recovered pursuant to any State health care plan. It was recovered based on litigation brought by the States on a variety of claims against the Federal Government. And that is the first of two fundamental erroneous assumptions behind this amendment. And that first assumption is that 100 percent of the collections that the States have made were as a result of the Medicaid claims; and, therefore, that the Federal Government can legitimately assume the right to control its share or 50 percent of those funds. That assumption is just fundamentally incorrect.

First, Florida's causes of action included a violation of the State's RICO statute, the Racketeer-Influenced and Corrupt Organizations statute. Fourteen other States filed a similar RICO claim. Remedies available to the States under RICO statutes are enormous: disgorgement of profits and treble damages. I argue that these claims far exceed any money damages available under the Medicaid claim.

Twenty-eight States filed claims under violations of consumer protection laws. Remedies include significant monetary penalties per violation—per sale of each pack of cigarettes—plus disgorgement of profits. For instance, the Missouri remedy allows for a penalty of $1,000 per pack of cigarettes sold. The Oregon remedy was up to $25,000 per violation, which could have potentially totaled billions of dollars.

Thirteen States filed under public nuisance. In Iowa, the remedy requested was equal to not the profits made through cigarette sales, but the price of cigarettes sold in each year involved.

Twenty States filed antitrust claims. Available remedies again include disgorgement of profits and treble damages.

In three States, the courts dismissed the Medicaid claims—Indiana, Iowa, and West Virginia. So those States' claims could not have included a Medicaid component because it had been rejected by the courts prior to the settlement.

Further, the State of Florida, which did have a Medicaid claim among all of its other claims, estimates that at most only 10 percent of its entire settlement could have been attributed to Medicaid.

I ask the Senator from Texas if I can have an additional 5 minutes.

The PRESIDING OFFICER (Mr. SANTORUM). Does the Senator from Texas yield an additional 5 minutes?

Mrs. HUTCHISON. I am happy to yield an additional 5 minutes to the Senator from Florida. If he can take any less than that, we have other Members signed up for the time. Thank you.

Mr. GRAHAM. So Mr. President, the first assumption that all this money was generated by Medicaid claims is fundamentally inaccurate.

The second assumption, which is that unless Washington acts the States will fritter this money away, is a fundamental assault against the principles of Federalism: That we are a Nation in which political power is divided between the States and the Federal Government, and that we have a respectful appreciation of the responsibility of our State partners.

In the case of the State of Florida, through the use of the initial tobacco settlement money, 250,000 children who previously did not have financing for health care now have that financing. That was proposed by former Governor Lawton Chiles. Current Governor Jeb Bush has suggested the establishment of an endowment so that these funds would be protected in perpetuity and the interest earnings from that endowment would be used for a variety of children's and seniors' programs. That not only indicates the care with which the States are using, but the fact that it is a bipartisan issue, the appropriate use of these funds.

Let us face it, those State officials, those Governors, those State legislators are just as much accountable to the voters as we are. And should they act in a way that the voters consider to be inappropriate, they will suffer the consequences of those actions.

Mr. HARKIN. Will the Senator yield?

Mr. GRAHAM. Let me complete my final comments, and then I will yield.

Mr. HARKIN. OK.

Mr. GRAHAM. Mr. President, what we have at stake here is that the Federal Government is dealing with the wrong issue at the wrong time. It is time for the Federal Government to move on. The way in which the Federal Government should move on is by pursuing its own litigation against the tobacco industry rather than trying to steal a portion of the State settlement.

I was, therefore, very pleased that the President, in his State of the Union Message, indicated that it was the intention of the Federal Government to pursue precisely such a course of action.

Let me say, Mr. President, that for those of us, like Senator HARKIN and others, who joined last year in an effort to craft a bipartisan tobacco bill, we recognize that the most significant way in which we will reduce teenage smoking is to increase the price of cigarettes. Every other technique to reduce teenage smoking pales in comparison with increasing the price. The Centers for Disease Control has estimated that for every 10-percent increase in the price of cigarettes, there will be a 7-percent reduction in smoking by teenagers.

The Federal Government's potential claims against the tobacco industry are much greater than the States. The Medicare Program is much larger than Medicaid. The Federal Government has all the array of antitrust and RICO claims which the States so successfully pursued.

What we need to be encouraging the administration to do is to aggressively carry out the direction of the President to effectively bring action against the tobacco industry. And those will be the funds that will be 100 percent under the control of the Federal Government for the purposes that it considers most appropriate.

My own feeling is that we ought to use a substantial share of those Federally derived funds from successful litigation against the tobacco industry to add to the solvency of the Medicare trust fund, and then to use a portion of those to assist in financing what the American people desperately want, which is a prescription drug benefit, a major share of which will go to dealing with the illnesses generated by tobacco use.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAHAM. So Mr. President, I appreciate the leadership that the Senator from Texas has provided. I appreciate her generosity and time. I urge the defeat of this amendment.

Mr. McCAIN. Mr. President, I rise today in support of this amendment offered to earmark a portion of the tobacco settlement proceeds for health and anti-smoking programs. The use of the money for these purposes goes to the very heart of my support for the global settlement a year ago and my reason for sponsoring a bill to implement the settlement.

It was never my intention or understanding that this money would be used for building roads, prisons, or to simply inflate the government's coffers. It was my understanding and intent that the money would be used primarily to fight the evils of the tobacco industry and to keep 3,000 kids a day from starting to smoke.

I am also a strong proponent of states' rights. In considering this amendment, it is my understanding that no federal approvals are required, but only that reports be filed demonstrating that the funds are being used in programs designed to achieve the public health goals of the litigation. This information is important for Congress and the Administration to have so that we can continue to evaluate the need for federal legislation addressing any issues not covered by the settlement agreement. If the states are successful in achieving what the litigation and settlement set out to achieve, then there will be no need for additional action. If not, we can revisit the issues.

I do not perceive this amendment as requiring federal approval of all state spending or programs, but as an informational requirement. I am certainly open to further discussion on how to best ensure that the money is being spent as intended, to keep kids from smoking.

I hope that we will continue the dialogue on this very important issue and that we can reach consensus on how to ensure that the settlement funds are used to protect kids, if not today, then as the bill progresses to the House and conference.

Mr. KENNEDY. Mr. President, I am very concerned about a number of provisions in the supplemental appropriations bill.

First, I strongly oppose the offsets included in this bill, which will take money away from programs that help the most vulnerable Americans.

Before I discuss the specific offsets, let me begin with a reminder—emergency supplemental funds do not need to be offset. This is the law and it is grounded in the understanding that Congress needs to act expediently when disaster strikes. Emergencies are just that, emergencies, and they require swift action and the ability to release funds quickly. We do not need offsets to provide essential assistance to Central America, our farmers, or U.S. steel workers.

Nevertheless, a series of offsets have been proposed that will hurt the most vulnerable Americans, low-income children and families and immigrants. Included in their offset package, are proposals to defer $350 million in Temporary Assistance to Needy Funds (TANF), a $285 million cut in the Food Stamp Program, and a $25 million recision in INS programming which will reduce INS' ability to provide immigration benefits and services. A $40 million cut in INS border enforcement is also being proposed.

Taking from one poor, vulnerable community to pay for the needs of another is unacceptable. We must draw the line here to prevent the raiding programs that help poor children and families.

In 1996, when the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was passed, Congress gave states the authority and flexibility to design their own unique programs to help low-income families move from welfare-to-work. The TANF program provides fixed block grants to the states totaling approximately $16.5 billion annually. TANF is a new program that supports a wide array of services. States are using their funds to assist needy families, strengthen job preparation, and promote self-sufficiency. Across the country, states and social service agencies are developing and implementing the best strategies to move their clients from welfare to self-sufficiency.

In addition to giving states the authority to develop their own assistance programs for low-income families, Congress also gave them the power to carry forward unobligated TANF funds for future use. States were expressly given the ability to tap into unspent funds at any point during the five-year block grant period, to optimize flexibility and meet their own unique needs and circumstances. In FY98, states obligated or spent 84% of the total federal funds received. Nineteen states have obligated 100% of their FY98 TANF funds.

The Republican Leadership seems to have confused "unobligated" with "unneeded." Nothing could be further from the truth. There are a variety of reasons why some states have unobligated funds. Many states have specifically set aside part of their funds in a "rainy day" account. This reflects wise planning. The strong economy and low unemployment rates which we are currently enjoying may not last forever. These states will be prepared because they have set aside sufficient funds to protect themselves if the economy turns downward.

Other states have experienced large caseload declines but require further state legislative action to reprogram funds from cash assistance to other investments, such as child care and job training, which promote work and end dependency. Other states have proceeded slowly because they chose to engage in careful planning and needs assessment research before embarking on innovative new efforts to move people from welfare to work. Now, they are ready to utilize their funds, and now the feds are trying to take back these funds.

Let me also point out that unobligated funds are not surplus funds. These funds are essential to the overall success of welfare reform. Many of the families remaining on welfare face substantial barriers to employment including lack of educational and workforce skills, substance abuse, domestic violence, and disability. States anticipate that greater investments will be required if families are going to successfully transition from welfare-to-work. As an increasing number of families with infants and young children move into the work force, the need and competition for child care, particularly during evening hours, will continue to expand. Without assistance, many states will not be able to provide needed services to low-income families.

Now, just a few years after dramatically overhauling the welfare system, the Republican Leadership wants to take $350 million in unobligated TANF funds to offset some of the expenses incurred by the Emergency Supplemental Act. This is unacceptable. Congress told states to spend their money carefully, to engage in thoughtful long-term planning, and that they could keep their unobligated funds, and here we are two years later, changing the rules of the game.

The Republican Leadership also wants to take $252 million from the Food Stamp Program base appropriations level. Senate appropriators contend that these funds would otherwise be unspent. Once again, the Republicans are taking a short-sighted approach. First, assuming these funds are unspent, they are not unneeded. The current base appropriations level provides an important cushion to meet unanticipated need. Second, recently released statistics on hunger and undernutrition suggest that we need to reinvest in food assistance programming. Hunger is still an urgent problem. The recent decline in food stamp use from 28 million to under 19 million does not mean that hunger is no longer a significant concern. Just a few weeks ago the Urban Institute reported that one-third of America's children are in families grappling with hunger and food insecurity.

We cannot let this happen. We cannot take any more money from programs that help children and needy families. Furthermore, Congress must uphold its commitment to the states—federal money pledged to the states should not be taken away, especially when emergency funding is available without offsets.

Another disturbing aspect of the Supplemental is the inclusion of the Hutchinson Medicaid Amendment. This issue does not belong in an emergency appropriations bill. If approved, the long-term cost to Medicaid of this amendment would be approximately $140 billion. No serious consideration has been given to the enormous impact that could have on national health policy. Instead of being used to deter youth smoking and to improve the nation's health, the language in the Committee bill would permit states to use these federal Medicaid dollars to pave roads, to build prisons and stadiums, and to fund state tax cuts. Those are not appropriate uses for Medicaid dollars. Congress has a vital interest in how those federal dollars are used.

Fifty-seven cents of every Medicaid dollar spent by the states comes from the federal government. The cost of Medicaid expenditures to treat people suffering from smoking-induced disease was at the core of state lawsuits against the tobacco industry. While the federal government could legally demand that the states reimburse Washington from their settlements, I believe the states should be allowed to keep one hundred percent of the money. However, the federal share must be used by the states for programs that will advance the goals of protecting children and enhancing public health which were at the heart of the litigation and are consistent with the purposes of Medicaid. That would be an eminently fair and reasonable compromise of this contentious issue.

While there were a variety of claims made by the states against the tobacco industry, the Medicaid dollars used to treat tobacco-related illness constituted by far the largest claim monetarily, and it formed the basis for the national settlement. As part of that settlement, every state released the tobacco companies from federal Medicaid liability, as well as state Medicaid liability. Medicaid expenditures heavily influenced the distribution formula used to divide the national settlement amongst the states. In light of these undeniable facts, the dollars obtained by the states from their settlements cannot now be divorced from Medicaid. States are free to use the state share of their recoveries in any way they choose. However, Congress has a clear and compelling interest in how the federal share will be used.

States should be required to use half of the amount of money they receive from the tobacco industry each year (the federal share) to protect children and improve public health. At least thirty-five percent of the federal share would be spent on programs to deter youth smoking and to help smokers overcome their addiction. This would include a broad range of tobacco control initiatives, including school and community based tobacco use prevention programs, counter-advertising to discourage smoking, cessation programs, and enforcement of the ban on sale to minors. Three thousand children start smoking every day, and one thousand of them will die prematurely as a result of tobacco-induced disease. Prevention of youth smoking should be, without question, our highest priority for the use of these funds. Reducing youth smoking would, of course, result in a dramatic savings in future

Medicaid expenditures. The state settlements provide the resources to dissuade millions of teenagers from smoking, to break the cycle of addiction and early death. We must seize that opportunity.

The remainder of the federal share should be used by states to fund health care and early learning initiatives which they select. States could either use the additional resources to supplement existing programs in these areas, or to fund creative new state initiatives to improve public health and promote child development.

Smoking has long been America's foremost preventable cause of disease and early death. It has consumed an enormous amount of the nation's health care resources. Finally, resources taken from the tobacco companies would be used to improve the nation's health. A state could, for example, use a portion of this money to help senior citizens pay for prescription drugs, or to provide expanded health care services to the uninsured. Funds could be used to support community health centers, to reduce public health risks, or to make health insurance more affordable.

For years, the tobacco companies callously targeted children as future smokers. The financial success of the entire industry was based upon addicting kids when they were too young to appreciate the health risks of smoking. It is particularly appropriate that resources taken from this malignant industry be used to give our children a better start in life. States could use a portion of these funds to improve early learning opportunities for young children, or to expand child care services, or for other child development initiatives.

Congress has an overwhelming interest in how the federal share of these dollars is used. They are Medicaid dollars. They should not be used for road repair or building maintenance. They should be used by the states to create a healthier future for all our citizens, and particularly for our children.

These problems with the supplemental need to be fixed. Congress shouldn't let emergency assistance get bogged down by these extraneous provisions. A clean supplemental should be approved as quickly as possible so that this aid can go out quickly to those in greatest need.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to the amendment offered by Senators SPECTER and HARKIN that is based on a "Washington Knows Best" policy. Under this amendment, every Governor—each year—for the next 25 years would be required to submit a plan to Washington asking for permission on how to spend fifty percent of the state's own money. I'm voting "no" to this "Washington Knows Best" amendment.

My state of Iowa stands ready to receive $1.7 billion over the next 25 years for its share of this landmark settlement. Iowa began a thoughtful process years ago to establish a framework to guide the state on how to utilize these new resources should the state succeed with its case against the tobacco industry. Two years ago, after much state and local deliberation, the Iowa Legislature passed laws establishing a governing framework. Now that success has come for Iowa, it is prepared. Among top priorities for the use of these new funds are increased medical assistance and programs to reduce teen smoking. Furthermore, Iowa's Governor Vilsack enthusiastically advocates a number of new initiatives for combating teen smoking, including an initiative to spend $17.7 million of its settlement money on tobacco prevention and control programs. I am confident in the leadership of our Governor and State Legislature in deciding how to best spend its resources for the well-being of Iowans.

The states are entitled to the full amount of their settlement. Years ago, the states began to organize their case against the tobacco industry. They sought assistance from the federal government in their efforts, but received none. The states took on all the risk, and invested all of the time, money and energy. They have been rewarded for their commitment to the case with a landmark settlement. It is unfair for Congress, at this very late stage, to dip into the state's multi-billion dollar settlement. What's more, last year Congress made attempts at a federal settlement but failed. Congress is in no position to interfere with what the states have independently accomplished.

Mr. CRAIG. Mr. President, as a cosponsor of Senator HUTCHINSON'S bill to protect the states' claims on the funds from the settlement that they negotiated with the tobacco industry. I oppose the Harkin-Specter amendment.

I am not a lawyer, and maybe that's why I'm not particularly impressed by all the legal hairsplitting we've been hearing from the government's lawyers about their claim to these funds. But you don't have to be a lawyer to recognize unfairness when you see it.

In fact, I think my little granddaughter would recognize the story that's unfolding in Washington today: it's called the "Little Red Hen." As my colleagues probably will recall, this story is about some people doing all the work and other people, who didn't lift a finger to help, wanting to share in the product of that work.

In this case, we have the states who initiated lawsuits against the tobacco industry, who took all the risks, who received no assistance from the federal government in making their claims, and who ultimately succeeded in negotiating the historic Master Settlement Agreement last November. Now that the work has been done by these 46 little red hens, and the other four who negotiated individual settlements, the federal government wants to sweep in and take over.

Mr. President, I do not think what we have here is an attempt to assert legal rights, but an attempt to assert control. Quite simple, the federal government wants to direct the spending of these funds by the states, despite the fact that this effort is likely to provoke more litigation, which in turn will only prevent the funds from being used to benefit the health or welfare of any state's residents. I do not think the federal government has the law on its side, and I know it doesn't have the equities or even common sense on its side.

At this point, I ask unanimous consent to have printed in the RECORD a letter from Idaho Attorney General Al Lance, objecting to the attempted money grab.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Boise, ID, January 13, 1999.

Hon. LARRY CRAIG,
U.S. Senate, Washington, DC.

Re: Idaho tobacco settlement monies.

DEAR SENATOR CRAIG: You are no doubt aware that Idaho settled its lawsuit against the tobacco defendants. Under the settlement agreement, Idaho is set to receive annual payments totaling $711 million over the first 25 years of the settlement. Now that the settlement is complete, it is my understanding that the Clinton Administration intends to lay claim on a significant portion of settlement monies for its own use. This is wrong. I ask that you help Idaho protect itself from this money grab by supporting appropriate federal legislation.

Idaho was one of 40 states that filed suit against various tobacco defendants, alleging violations of various state statutes. In Idaho's complaint we sought reparation for damages incurred by the State, as well as civil penalties, costs, and fees as a result of the defendants' actions. We alleged as damages the increased Medicaid costs attributable to tobacco use, which Idaho has spent, as well as the increased insurance premiums attributable to smoking that the State has paid for its state employees. We sought civil penalties under our consumer protection laws.

Section 1903(d) of the Social Security Act provides that a State must allocate from the amount of any Medicaid-related recovery "the pro-rata share to which the United States is equitably entitled." Relying upon this statute, it is our understanding that the Health Care Financing Administration will be taking the position that Idaho's settlement payments represent a credit applicable to Idaho's Medicaid program, regardless of whether the monies are received directly by the State's Medicaid program. This should not be so.

It is not equitable for the federal government to take the fruits of the states' efforts. This is particularly true in this case. Idaho filed its suit, took significant risks, and fought for significant changes in how the tobacco industry will market its products. What did the Clinton Administration do in this regard with the federal government's vast resources? Nothing.

I have great confidence that Idaho's Legislature will properly determine how Idaho's tobacco proceeds should be spent. I am sure you share that trust as well. That will not happen, however, if the federal government is allowed to take that money and spend it as it pleases. I ask for your assistance in making sure that does not happen.

Sincerely,

ALAN G. LANCE,
Attorney General.

Mr. CRAIG. I wholeheartedly agree with Attorney General Lance's confidence that the Idaho state legislature is quite capable of properly determining how Idaho's share of the tobacco settlement should be spent.

It is my strong hope that the Senate will defeat this amendment and allow my state's legislature, and those of the other 49 states, to make these decisions without interference.

Mrs. MURRAY. Mr. President, we have a difficult decision before us. I believe most, if not all of us, hope the states will do the right thing and spend the tobacco litigation money to stop underage smoking, reduce adult smoking, and provide critical public health services. I know I am unequivocally committed to those objectives and will therefore support the Specter-Harkin amendment to ensure they do so.

That said, I want the states to have the greatest degree of flexibility and discretion in allocating these settlement funds to the health needs of their residents as possible. This amendment does just that. It broadly requires states to spend 20 percent of the settlement on programs to reduce the use of tobacco products, including enforcement, school education programs, and advertising campaigns. It also requires 30 percent to be spent on public health.

If we do not reduce smoking and stop at least some of the 3,000 new kids per day from smoking, the federal taxpayer will end up the loser. That is why we should have a voice in directing use of these funds. The Medicare Trust Fund is financially solvent only until 2009, so we need to do everything possible to reduce overall health care costs. If one state does not reduce the deadly impact of smoking, the federal taxpayers will foot the bill. So, all American taxpayers have a big stake in reducing smoking. They have the right to push all states to save their tax dollars by reducing health care costs.

Still, the Specter-Harkin amendment targets only a portion of settlement dollars; just that portion that could be attributed to the federal share of Medicaid. Because Medicaid is a federal-state partnership and the settlement includes claims arising out of this program, federal taxpayers have a valid claim to make in how those settlement dollars are spent.

I am proud of my home state of Washington. It has already made a commitment to public health and smoking reduction. The Specter-Harkin amendment only reinforces what my state has done. Once again Washington state is a leader on protecting public health and saving the premature death of five million of today's children. I have attached a letter I received from the Western Pacific Division of the American Cancer Society urging me to support this amendment for these very reasons, to support the "health of our kids and our families."

I also continue to support Senator HUTCHINSON's work to ensure the states receive the credit they deserve: They have scored a major victory for public health. The success of the Attorney's General in their settlement with the tobacco companies is unprecedented. I applaud them and especially Washington's Attorney General, Chris Gregoire, who has been a champion in this cause.

The federal government must not rely on the states to do all of its work for them. It is the responsibility of the federal government to recover Medicaid funds and I will urge the Administration to move forward with necessary litigation. The federal government must seek restitution from the tobacco companies for the years of lies and deception that have resulted in the premature deaths of millions of Americans. Smoking-related illnesses are still the number-one killer of Americans.

I am pleased Senators SPECTER and HARKIN could find the appropriate balance between the rights of the states to enjoy their well-deserved settlement funds and the rights of federal taxpayers to ensure those funds are spent to protect the public health and reduce their future tax obligations under Medicare and Medicaid by reducing the cost of tobacco-related illnesses.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Parliamentary inquiry. How much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. HARKIN. Parliamentary inquiry. How much time do we have left?

The PRESIDING OFFICER. Ten minutes 11 seconds.

Mrs. HUTCHISON. Does the Senator from Iowa wish to go at this time? Because if not, Senator VOINOVICH was next in line for our side.

The PRESIDING OFFICER. Time is controlled by the Senator from Pennsylvania.

Who yields time?

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. VOINOVICH. Mr. President, as a former Governor, I introduced my own tobacco recoupment legislation. I am pleased to be an original cosponsor of Senator HUTCHISON's and Senator GRAHAM's bipartisan legislation.

Under this settlement, the tobacco companies agreed to pay 46 States, including Ohio, $206 billion over 25 years. Four other States previously won a $40 billion settlement. Ohio was slated to receive $9.8 billion over 25 years, beginning with $400 million in 2000 and 2001.

I just want you to know that the Nation's Governors are adamantly opposed to imposing restrictions on State funding. I have distributed a letter from the chairman and vice chairman of the National Governors' Association. It will be on the desk of all of the Senators expressing their adamant opposition to the amendment.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION,
March 17, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR MAJORITY LEADER AND SENATOR DASCHLE: As the Senate moves forward with consideration of the Emergency Supplemental Appropriations bill, we write to inform you of the nation's Governors' strong support for language now included in the bill that would protect state tobacco settlement funds. In addition, we are adamantly opposed to any amendments that would restrict how states spend their tobacco settlement money. The settlement funds rightfully belong to the states, and states must be given the flexibility to tailor the spending of the tobacco funds to the needs of their citizens.

There is a proposal under consideration, the Harkin/Specter amendment, to require states to earmark 20 percent of the settlement funds for smoking cessation programs, and an additional 30 percent for health care programs. Governors are adamantly opposed to any restrictions on the tobacco settlement funds, but even more so to this proposal, because it obligates state tobacco settlement funds to federal programs or to specific state programs only if approved by the Secretary of HHS.

Furthermore, although the nation's Governors agree with the goal of substantially reducing smoking, we are strongly opposed to earmarks on smoking cessation on the basis that it represents unsound public policy. There are already four major initiatives that are going into effect to reduce smoking.

1. The price of tobacco products has already increased between 40 cents and 50 cents per pack. Additional price increases may come over time as companies attempt to hold profit margins and make settlement payments. These price increases will substantially reduce smoking over time.

2. The tobacco settlement agreement already contains two major programs funded at $1.7 billion over ten years dedicated to reducing smoking. $250 million over the next ten years will go towards creation of a national charitable foundation that will support the study of programs to reduce teen smoking and substance abuse and the prevention of diseases associated with tobacco

use. An additional $1.45 billion over five years will go towards a National Public Education Fund to counter youth tobacco use and educate consumers about tobacco-related diseases. The fund may make grants to states and localities to carry out these purposes.

3. The settlement agreement has a significant number of restrictions on advertising and promotion. The settlement prohibits targeting youth in tobacco advertising, including a ban on the use of cartoon or other advertising images that may appeal to children. The settlement also prohibits most outdoor tobacco advertising, tobacco product placement in entertainment or sporting events, and the distribution and sale of apparel and merchandise with tobacco company logos. Further, the settlement places restrictions on industry lobbying against local, state, and federal laws. Over time, these restrictions on tobacco companies' ability to market their products to children and young adults will have a major impact on smoking.

4. States are already spending state funds on smoking cessation and will substantially increase funding as the effectiveness of programs becomes established. Many states have already invested years in program design, modification, and evaluation to determine the best ways to prevent youth from taking up cigarette smoking and helping youth and adults quit smoking. Governors and states are highly motivated to implement effective programs. We see the human and economic burdens of tobacco use every day in lost lives, lost wages and worker productivity, and medical expenditures for tobacco-related illnesses.

All of these initiatives are likely to substantially reduce tobacco consumption. It would be foolish to require large expenditures over the next 25 years to such programs without a good sense of how these initiatives will reduce the current level of smoking. Any additional expenditures for smoking cessation must be carefully coordinated with these other four major policy initiatives as they will cause smoking behavior to shift dramatically. Furthermore, while there have been some studies on the effectiveness of alternative smoking cessation programs, the "state of the art" is such that we just do not know what types of programs are effective. States are still in the process of experimentation with effective methods of preventing and controlling tobacco use; there is no conclusive data that proves the efficacy of any particular approach.

Governors feel it would be wasteful, even counterproductive to mandate huge spending requirements on programs that may not be effective. Governors need the flexibility to target settlement funds for state programs that are proven to improve the health, welfare, and education of their citizens to ensure that the money is wisely spent. Furthermore, the federal government must maintain its fiscal commitment to vital health and human services programs, and not reduce funding in anticipation of increased state expenditures.

We strongly urge you to vote against the Harkin/Specter amendment and support flexibility for states to tailor the spending of the tobacco funds to the needs of their citizens.

Sincerely,

Gov. THOMAS R. CARPER,
Chairman, State of Delaware.
Gov. MICHAEL O. LEAVITT,
Vice Chairman, State of Utah.

Mr. VOINOVICH. The proposition is clearly unsupportable, for the following reasons:

First of all, States filed complaints that included a variety of claims—consumer protection, racketeering, antitrust, disgorgement of profits and civil penalties for isolations of State laws.

Medicaid was just one of the many issues in many cases. Furthermore, State-by-State allotments were determined by the overall health care costs in each State and not based on Medicaid expenditures—not based on Medicaid expenditures.

Medicaid was not even mentioned in some cases. As a matter of fact, in Ohio the Medicaid claim was thrown out of court. The Federal Government was invited to participate in the lawsuits, but the Federal Government declined. States bore the risk of initiating the suits and the burden of the unprecedented lawsuits against a well-financed industry. It was not until after the States prevailed that the Federal Government became interested.

The tobacco settlement negotiated between attorneys general and the tobacco companies is completely different from the agreement that failed to pass in the 105th Congress.

With the failure of that legislation, the States were forced to proceed with their own State-only lawsuit and settlement.

States must be given the flexibility to tailor their spending to the unique needs of their citizens. And States will spend their funding on a variety of local needs—health, education, welfare, smoking cessation programs.

Many Governors, through their state-of-the-State speeches or proposed legislation, have already committed publicly to spending these funds for the health and welfare needs of their citizens.

The majority of the Governors have already made commitments to create trust funds and escrow accounts that will ensure that the tobacco settlement funds are spent on health care services for children, assistance for growers in the States that will be affected, education, and smoking cessation.

Two major programs—this is really important—in the settlement are already dedicated to reducing teen smoking and educating the public about tobacco-related diseases. Two hundred and fifty million dollars will create a national charitable foundation to support the study of programs to reduce teen smoking and substance abuse and prevent diseases associated with tobacco use. An additional $1.5 billion will create a National Public Education Fund to counter youth tobacco use and educate consumers about tobacco-related diseases.

In addition, the settlement agreement has significant restrictions on advertising and promotion—such as bans on advertising and lobbying against local, State, and Federal laws—which will have an impact on youth smoking. In other words, the tobacco companies can no longer lobby against legislation that will deal with cessation of use of tobacco.

States are already spending State funds on smoking cessation. They don't need the Federal Government to put a mandate in place. There is simply no way that States can spend 20 percent of these funds on smoking cessation programs. These programs cannot absorb this level of funding. As smoking levels decline, as expected under the settlement, it will become impossible for States to spend this level of funding effectively.

This amendment forces States to spend an incredible—listen to this—$49 billion on just one objective: Denying them the ability to use these funds to best meet the needs of their citizens. The notion that the compassion and wisdom of Washington exceeds that of our State capitals is not only wrong, it is offensive. The Governors and the local government officials in this country care as much about smoking cessation as the Members of this Congress.

I will never forget during welfare reform the people who were telling us that we didn't care as much about people as the people in Washington. They said it would be a race to the bottom. The fact of the matter is, it is a race to the top.

Mr. President, I think we should overwhelmingly defeat this amendment. It is not appropriate for this piece of legislation.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time remains?

The PRESIDING OFFICER. The Senator from Texas has 7 minutes 37 seconds.

Mrs. HUTCHISON. I yield Senator BROWNBACK up to 3 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 minutes.

Mr. BROWNBACK. I thank the author of this amendment from Texas, as well as our colleague from Florida.

The idea that we would tell the States how to spend this money from this litigation is absolutely wrong. It is just wrong on its face. The people who are proposing it, I respect their motivation; they are trying to reach out and save lives and to stop these health problems. I think their motivation is appropriate, but the direction and the apportionment that is taking place on the States is the wrong way to do it.

In every State in the country that has been a part of this litigation, there is now ongoing a healthy and vigorous debate about how best to spend the tobacco settlement funds. It is happening in Kansas, my State. I am being contacted by the Kansas Legislature in very strong terms. "Do you not think that we care about what happens to the people here? Do you not have enough problems in Washington to deal with, that you have to tell us what to do with this? We are the ones who brought this litigation forward." They are quite offended that we would try to direct them and tell them what to do with these funds that they pursued in litigation and that they need. They are offended as well because they think we don't believe they know what is best for Kansans.

I agree with them. I laud my colleague from Texas, Senator HUTCHISON, in what she is doing. I note, as well, that in Kansas in the debate and in the funding proposal that we have, 50 percent of all the funds to Kansas are going to children's health care program funds for prevention and cessation. We are putting in 50 percent which was enacted in the legislature. But we should not require them to go to HCFA after they have appropriated the money and see if they agree or see if they are going to have to do something different.

With almost unprecedented unanimity, every State Governor, Attorney General, and State legislature has directly backed the Hutchison-Graham language. In fact, in many cases it is the No. 1 Federal issue for the 106th Congress by a number of these groups. I applaud my colleague. The debate is happening at the right place now. We should not impose a "Washington knows best" approach.

Mrs. HUTCHISON. I yield up to 4 minutes to the Senator from Kentucky.

Mr. MCCONNELL. I thank the Senator from Texas for her outstanding leadership on this issue. As has been stated by all the speakers, basically this is an amendment to tell the States how to spend money that they achieve through a settlement with the tobacco industry. Not only money, but a huge amount of money—$40 billion—just on tobacco use reduction advertising and programs.

To contrast that with the advertising budgets of private enterprise in this country, "Advertising Age" said U.S. companies spend a total of $208 billion on advertising all of their products last year. The top 100 advertisers spent a total of $58 billion last year. In California and New York, this would mean $5 billion worth of ads to each of those States; in Pennsylvania, $2.25 billion worth of ads; and in my State, $700 million worth of ads.

Mr. President, this would be one of the most massive advertising campaigns in the history of the country, probably the most massive in the history of the country—public or private. Because advertising rates in my home State are not particularly high, that could translate into over 1,000 days of nonstop TV commercials. That is almost 3 years. And we think political campaigns go on too long.

Contrast this with all Federal Government drug control spending of $16 billion. Members get the picture. If the Specter amendment were approved, we would have the Federal Government spending more money, by far, attacking a legal product than the Clinton administration currently spends in its war on drugs. There is $40 billion targeted at tobacco use, $16 billion against illegal drug use. It makes a person wonder if it would be better to simply pay America's 40 million smokers $1,000 apiece to quit. Send them $1,000 checks each, to quit. It would be a lot cheaper than what we have before the Senate.

As has been stated by other speakers, the National Governors' Association has strongly committed itself to supporting antitobacco programs in the respective States. The States know better how to spend this money and will do so efficiently through existing State mechanisms. If the Federal Government dictates how the States should spend the money and the mechanisms are not there, the States will have to create them—creating even more bureaucracy.

The final outrage is that this amendment requires the elected Governors of the States to report to Secretary Shalala on how they are going to spend their money. This is truly an egregious effort by the Federal Government to dictate to the States how they ought to spend money that they are entirely entitled to under any system of justice.

Let me repeat: This calls for a $40 billion advertising campaign against a legal product, yet the Federal Government currently spends only $16 billion in its illegal drug enforcement effort.

The Hutchison proposal is the correct one. This amendment should be defeated.

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes 11 seconds, and the Senator from Texas has 40 seconds.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Parliamentary inquiry. Rather than just waiting here, whose time is being used?

The PRESIDING OFFICER. The time of the Senator from Pennsylvania is running. If neither side is yielding time, time will have to be deducted equally between both sides.

Mrs. HUTCHISON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Unless the Senator gets unanimous consent, time will be deducted equally.

Mrs. HUTCHISON. I ask unanimous consent that my 40 seconds be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank my chairman and friend from Pennsylvania for his leadership on this issue.

Again, let's cut through all the arguments, all the smoke and the haze, if you will. What is this about? It is about public health. It is about cutting down on youth smoking. That is what it is about.

Now, my friend from Florida—with whom I wanted to engage in a colloquy, but I understand he had to go to a committee meeting—pointed out that a lot of the States sued on different bases—RICO, racketeering, prices—but 32 States, including Florida, included Medicaid. As any good lawyer can tell you, it is the old "spaghetti theory" of suing. You just throw the spaghetti at the wall, and whatever sticks, that is what you go on. They just threw a bunch of stuff in there when they sued to recoup from the tobacco companies.

But it is interesting to note that, in the final settlement, the States waived their rights in the future to sue to reclaim any moneys under Medicaid. Why was that put in there? I will tell you why. Because the tobacco companies wanted it in there, because it not only precluded the States from suing, it precludes the Federal Government from recouping Federal shares of money for the health costs that we pay out in Medicaid to take care of people who are sick and dying of tobacco-related illnesses. That is what this is all about.

Some say we should not mandate to the States how to spend their money. We are not trying to do that. The basis of this is public health. At least a portion of the Federal moneys—not even all of it—ought to go to smoking cessation programs and for a variety of other public health programs.

The Senator from Pennsylvania knows as well as I do—we sit on the Appropriations Committee as chairman and ranking member—we have a lot of public health needs out there. We are getting shortchanged. I know States have needs for highways, bridges, sports arenas, prisons and things like that; but I daresay they did not bring these suits against the tobacco companies because the tobacco companies weren't building enough highways or sports arenas or prisons or anything else. What they brought it on was the health problems that tobacco companies are causing their people.

Well, I might also point out that, in the previous settlement with the Liggett tobacco company, some States did give back their portion of that settlement to the Federal Government, covering the Medicaid portions of those costs. I don't have the exact figures, but I believe Florida was one of those States—Florida, Louisiana, and Massachusetts were the three States that returned some of that money. So that is really what this is about.

I know the Governors have weighed in on this, both Democrats and Republicans. Well, I can understand their point. They are trying to get as much money as they can for their States; that is their responsibility. But it seems to me that we have to look at the national picture and what this is all about. It is about health care and cutting down on teen smoking. That is what this is really about.

To cut through all the smoke and haze, let us do our responsibility to the Federal taxpayers, to the Medicaid Program, and give some guidance and direction—not explicitly saying how the States have to spend it; let them use their wisdom—but give them guidance and direction and say that at least 20 percent has to be used for smoking cessation and 30 percent for a broad variety of other public health measures, including helping tobacco farmers switch from that crop to others. It is the only decent thing to do.

I reserve the time I have. How much time do I have?

The PRESIDING OFFICER. The Senator from Pennsylvania has 4 minutes 31 seconds.

Mr. HARKIN. I yield that back to the Senator from Pennsylvania.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, since all time has been used, except for maybe 5 minutes—40 seconds for the opponents and 4½ minutes or so for the proponents—I would like to use leader time to state my position on this issue.

This morning I happened to be listening to one of the Washington, DC, all-news radio stations. There was an ad on there done by the Lieutenant Governor of Maryland, Kathleen Kennedy Townsend, speaking about the importance of tobacco cessation campaigns. Now, I wondered who paid for that, how that was being supported. Why was a Lieutenant Governor—a candidate for Governor—being used in this ad? It relates to this whole debate. I think probably the State of Maryland is paying for that campaign, or maybe it is a campaign unrelated to all this. But the point there is that there is already a lot being done, and there is going to be a lot more done in the smoking cessation campaigns by the States.

Mr. President, this is a very fundamental argument. It goes to the heart of the broader question: Does the Federal Government have the great wisdom reposing here in the Secretary of HHS, or do States have a certain modicum of wisdom of their own?

Frankly, I trust the Governor of Pennsylvania and the legislature in Pennsylvania. I trust the Governors of Iowa and Illinois, and the legislature in Ohio, and in my own State, to make the best decision for the people in that State. There are those here who think the Federal Government has to review this, the Federal Government has the answer, the Federal Government must direct how this money is spent. I don't agree with that. That is the fundamental argument here on this issue and on a lot of others, as well.

First, a little history. How did this all begin? Well, whether you agree with it or not, or whether I like it or not, it began in my State of Mississippi. An attorney general developed this lawsuit and, to their credit, they did a fantastic job. The Federal Government wasn't involved. The Federal Government could not find a way to get involved. They did it. It was Mississippi, Florida, Texas, Washington State, all across the Nation. The States, through their attorneys general and their lawyers, did the job and they got settlements. They got the money. They won the issue.

Now, the Federal Government shows up and says, oh, by the way, give me that. The truth of the matter is, there are many people in this city who think all of that money, or somewhere between 50 and 77 percent of that money, should come to Washington, even though the Federal Government did nothing to win this settlement. They weren't a positive force. But they have the temerity to show up and say the law requires this or that and they want that money. I want to emphasize again that you are talking about a very substantial portion of that money.

Now, I want to submit for the Record—I don't know if they are already in the Record—a letter I received from the National Governors' Association, signed by Governor Carper of Delaware, a Democrat, and Michael Leavitt, the Republican Governor of Utah, addressed to Senator Daschle and myself.

I ask unanimous consent that this letter be printed in the Record, along with a letter I received from Secretary Shalala.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Governors Association,
March 17, 1999.

Hon. Trent Lott,
Majority Leader,
U.S. Senate,
The Capitol,
Washington, DC.

Hon. Thomas A. Daschle,
Minority Leader,
U.S. Senate,
The Capitol,
Washington, DC.

Dear Majority Leader and Senator Daschle: As the Senate moves forward with consideration of the Emergency Supplemental Appropriations bill, we write to inform you of the nation's Governors' strong support for language now included in the bill that would protect state tobacco settlement funds. In addition, we are adamantly opposed to any amendments that would restrict how states spend their tobacco settlement money. The settlement funds rightfully belong to the states, and states must be given the flexibility to tailor the spending of the tobacco funds to the needs of their citizens.

There is a proposal under consideration, the Harkin/Specter amendment, to require states to earmark 20 percent of the settlement funds for smoking cessation programs, and an additional 30 percent for health care programs. Governors are adamantly opposed to any restrictions on the tobacco settlement funds, but even more so to this proposal, because it obligates state tobacco settlement funds to Federal programs or to specific State programs only if approved by the Secretary of HHS.

Furthermore, although the Nation's Governors agree with the goal of substantially reducing smoking, we are strongly opposed to earmarks on smoking cessation on the basis that it represents unsound public policy. There are already four major initiatives that are going into effect to reduce smoking.

1. The price of tobacco products has already increased between 40 cents and 50 cents per pack. Additional price increases may come over time as companies attempt to hold profit margins and make settlement payments. These price increases will substantially reduce smoking over time.

2. The tobacco settlement agreement already contains two major programs funded at $1.7 billion over ten years dedicated to reducing smoking. $250 million over the next ten years will go towards creation of a national charitable foundation that will support the study of programs to reduce teen smoking and substance abuse and the prevention of diseases associated with tobacco use. An additional $1.45 billion over five years will go towards a National Public Education Fund to counter youth tobacco use and educate consumers about tobacco-related diseases. The fund may make grants to states and localities to carry out these purposes.

3. The settlement agreement has a significant number of restrictions on advertising and promotion. The settlement prohibits targeting youth in tobacco advertising, including a ban on the use of cartoon or other advertising images that may appeal to children. The settlement also prohibits most outdoor tobacco advertising, tobacco product placement in entertainment or sporting events, and the distribution and sale of apparel and merchandise with tobacco company logos. Further, the settlement places restrictions on industry lobbying against local, state, and federal laws. Over time, these restrictions on tobacco companies' ability to market their products to children and young adults will have a major impact on smoking.

4. States are already spending state funds on smoking cessation and will substantially increase funding as the effectiveness of programs becomes established. Many states have already invested years in program design, modification, and evaluation to determine the best ways to prevent youth from taking up cigarette smoking and helping youth and adults quit smoking. Governors and states are highly motivated to implement effective programs. We see the human and economic burdens of tobacco use every day in lost lives, lost wages and worker productivity, and medical expenditures for tobacco-related illnesses.

All of these initiatives are likely to substantially reduce tobacco consumption. It would be foolish to require large expenditures over the next 25 years to such programs without a good sense of how these initiatives will reduce the current level of smoking. Any additional expenditures for smoking cessation must be carefully coordinated with these other four major policy initiatives as they will cause smoking behavior to shift dramatically. Furthermore, while there have been some studies on the effectiveness of alternative smoking cessation programs, the "state of the art" is such that we just do not know what types of programs are effective. States are still in the process of experimentation with effective methods of preventing and controlling tobacco use; there is no conclusive data that proves the efficacy of any particular approach.

Governors feel it would be wasteful, even counterproductive to mandate huge spending requirements on programs that may not be effective. Governors need the flexibility to target settlement funds for state programs that are proven to improve the health, welfare, and education of their citizens to ensure that the money is wisely spent. Furthermore, the federal government must maintain its fiscal commitments to vital health and human services programs, and not reduce funding in anticipation of increased state expenditures.

We strongly urge you to vote against the Harkin/Specter amendment and support flexibility for states to tailor the spending of the tobacco funds to the needs of their citizens.

Sincerely,

GOV. THOMAS R. CARPER,
Chairman, State of Delaware.
GOV. MICHAEL O. LEAVITT,
Vice Chairman, State of Utah.

WASHINGTON, DC,
March 15, 1999.

Hon. TRENT LOTT,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LOTT: I am writing to express the Administration's strong opposition to the provision approved by the Senate Appropriations Committee as part of the FY 1999 supplemental appropriations bill that would prohibit the Federal Government from recouping its share of Medicaid funds included in the states' recent settlement with the tobacco companies. The Administration is eager to work with the Congress and the states on an alternative approach that ensures that these funds are used to reduce youth smoking and for other shared state and national priorities.

Under the amendment approved by the committee, states would not have to spend a single penny of tobacco settlement funds to reduce youth smoking. The amendment also would have the practical effect of foreclosing any effort by the Federal Government to recoup tobacco-related Medicaid expenditures in the future, without any significant review and scrutiny of this important matter by the appropriate congressional authorizing committees.

Section 1903(d) of the Social Security Act specifically requires that the States reimburse the Federal Government for its pro-rata share of Medicaid-related expenses that are recovered from liability cases involving third parties. The Federal share of Medicaid expenses ranges from 50 percent to 77 percent, depending on the State. States routinely report third-party liability recoveries as required by law. In 1998, for example, states recovered some $642 million from third-party claims; the Federal share of these recoveries was $400 million. Over the last five years, Federal taxpayers recouped over $1.5 billion from such third-party recoveries.

Despite recent arguments by those who would cede the Federal share, there is considerable evidence that the State suits and their recoveries were very much based in Medicaid. In fact, in 1997, the States of Florida, Louisiana and Massachusetts reported the settlement with the Liggett Corporation as a third-party Medicaid recovery, and a portion of that settlement was recouped as the Federal share.

Some also have argued that the States are entitled to reap all the rewards of their litigation against the tobacco industry and that the Federal Government can always sue in the future to recover its share of Medicaid claims. This argument contradicts the law and the terms of the recent State settlement. As a matter of law, the Federal Government is not permitted to act as a plaintiff in Medicaid recoupment cases and was bound by the law to await the States' recovery of both the State and Federal shares of Medicaid claims. Further, by releasing the tobacco companies from all relevant claims that can be made against them subsequently by the States, the settlement effectively precludes the Federal Government from recovering its share of Medicaid claims in the future through the established statutory mechanism. The amendment included in the Senate supplemental appropriations bill will foreclose the one opportunity we have under current law to recover a portion of the billions of dollars that Federal taxpayers have paid to treat tobacco-related illness through the Medicaid program.

The President has made very clear the Administration's desire to work with Congress and the States to enact legislation that resolves the Federal claim in exchange for a commitment by the States to use that portion of the settlement for shared priorities which reduce youth smoking, protect tobacco farmers, assist children and promote public health. I would urge you to oppose efforts to relinquish the legitimate Federal claim to settlement funds until this important goal has been achieved.

Sincerely,

DONNA E. SHALALA,
Secretary of Health and Human Services.

Mr. LOTT. The Governors say:

> . . . we are adamantly opposed to any amendments that would restrict how States spend their tobacco settlement money.

They point out that 20 percent of the settlement funds, under this amendment, would have to go for smoking cessation, and then another 30 percent for health care programs. But also what the States do has to be approved by the Secretary of Health and Human Services. Why? What do they have at HHS that the various States don't have, and why can't they decide on their own what is best for their people?

They say in their letter they are opposed to earmarks on smoking cessation on the basis that it represents unsound public policy.

They then go on to say that there are many things already being done. In fact, the settlement agreement contains two major programs funded at $1.7 billion over 10 years dedicated to reducing smoking, and $250 million over the next 10 years will go toward the creation of a national charitable foundation that will support the study of programs to reduce teen smoking. An additional $1.45 billion over 5 years will go toward the National Public Education Fund to counter youth tobacco use and educate consumers about tobacco-related diseases.

So there is a great deal already being done. There is a significant number of restrictions in the settlement with regard to advertising and promotion of smoking. The States are already, on their own, spending funds for the smoking cessation campaign.

The Governors need flexibility. That is what they say. In one State, perhaps, they need more money for smoking cessation. Fine. Perhaps they need more money for child health care. I think under this amendment that would be fine. But in another State perhaps they need it for HOPE scholarships, like Governor Engler in Michigan has been talking about. Or perhaps in another State, like my own, they want to use these funds for juvenile detention facilities, which, by the way, would be smoke-free. But there is a real need there. Let the States make those decisions.

Again, I want to point out that in the letter from Secretary Shalala she notes that the Federal share of Medicaid expenses ranges from 50 to 77 percent. And they don't want anything to happen here that would not allow them to come back around later and try to get more, or large, chunks of this money.

I think that is typical Federal Government arrogance: "We have the solutions. We have the greater knowledge." I fundamentally reject that. I think the people closer to the problems are closer to the people, whether it is the farmers, or the children, or health care needs of the children in their States. I represent one of the poorest States in the Nation. We have tremendous needs for our children based on problems of poverty. We have needs across the board. We know what those needs are better than some all-powerful Federal Government.

So I just want to urge that this amendment be defeated.

I don't think, by the way, that every year for the next 25 years the States should have to submit their plan to the Department of Health and Human Services. Maybe the next Department will be headed by a Republican-appointed Secretary of HHS. "Frankly, I don't care, my dear." I think the States can do this on their own. The Federal Government wants the money. Or, if they don't get the money, they want to control it.

That is one of the reasons I am glad to serve in the Senate today—so I can fight just such ideas as this, that the Federal Government has the answers and should have the control. We should reject this amendment and allow the States to do what is best for their people. They know what the needs are. They will provide the right decision.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator KENNEDY has been tied up in committee. He has requested 1 minute. I am anxious to see how the distinguished Senator from Massachusetts will handle the single minute. I yield 1 minute to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Senator, and the Chair.

Mr. President, let me just add my voice in support of the Specter-Harkin amendment. Basically, as we all know, the States have waived the Federal Medicaid rights. So they understand that there are Federal interests. I think it is pretty understandable to all of us, because we understand how the Medicaid Program was established.

The really compelling interest that was successful in the States that brought about the settlement in the first place related to the health hazards that individuals were afflicted with. This seems to me to be an eminently fair and reasonable balance between the Federal interests and the State interests. It seems to be focused in the areas of health care, and also the prevention of smoking. I think that is basically what the families of this country want. It makes a good deal of common sense. It is consistent with what this whole battle has been about, and this is a well targeted, well thought out, and a very compelling amendment to be able to do so.

One of the most disturbing aspects of the Supplemental is the inclusion of the Hutchinson Medicaid Amendment. This issue does not belong in an emergency appropriations bill. If approved, the long-term cost to Medicaid of this amendment could be as high as $125 billion. No serious consideration has been given to the enormous impact that cost could have on national health policy. Instead of being used to deter youth smoking and to improve the nation's health, the language in the committee bill would permit states to use these federal Medicaid dollars to pave roads, to build prisons and stadiums, and to fund state tax cuts. Those are not appropriate uses for Medicaid dollars. Congress has a vital interest in how these federal dollars are used.

Fifty-seven cents of every Medicaid dollar spent by the states comes from the federal government. The cost of Medicaid expenditures to treat people suffering from smoking-induced disease was at the core of state lawsuits against the tobacco industry. While the federal government could legally demand that the states reimburse Washington from their settlements, I believe the states should be allowed to keep one hundred percent of the money. However, the federal share must be used by the states for programs that will advance the goals of protecting children and enhancing public health which were at the heart of the litigation and are consistent with the purposes of Medicaid. That is what the Specter-Harkin amendment would accomplish. I am pleased to be an original cosponsor of it. It is a fair and reasonable compromise of this contentious issue.

While there were a variety of claims made by the states against the tobacco industry, the Medicaid dollars used to treat tobacco-related illness constituted by far the largest claim monetarily, and it formed the basis for the national settlement. As part of that settlement, every state released the tobacco companies from federal Medicaid liability, as well as state Medicaid liability. Medicaid expenditures heavily influenced the distribution formula used to divide the national settlement amongst the states. In light of these undeniable facts, the dollars obtained by the states from their settlements cannot now be divorced from Medicaid. States are free to use the state share of their recoveries in any way they choose. However, Congress has a clear and compelling interest in how the federal share will be used.

In exchange for a waiver of the federal claim, states should be required to use half of the amount of money they receive from the tobacco industry each year to protect children from tobacco and improve the nation's health. If the funds are used in that way, this investment will dramatically reduce future Medicaid expenditures.

Under the Specter amendment, at least twenty percent of a state's recovery would be spent on programs to deter youth smoking and to help smokers overcome their addiction. This would include a broad range of tobacco control initiatives, including school and community based tobacco use prevention programs, counter-advertising to discourage smoking, cessation programs, and enforcement of the ban on sale to minors. Three thousand children start smoking every day, and one thousand of them will die prematurely as a result of tobacco-induced disease. Prevention of youth smoking should be, without question, our highest priority for the use of these funds. The state settlements provide the resources to dissuade millions of teenagers from smoking, to break the cycle of addiction and early death. We must seize that opportunity.

An additional thirty percent would be used by states to fund health care and public health programs which they select. States could either use the additional resources to supplement existing programs in these areas, or to fund creative new state initiatives to improve health services.

Smoking has long been America's foremost preventable cause of disease and early death. It has consumed an enormous amount of the nation's health care resources. At long last, resources taken from the tobacco companies would be used to improve the nation's health. A state could, for example, use a portion of this money to help senior citizens pay for prescription drugs, or to provide expanded health care services to the uninsured. Funds could be used to support community health centers, to reduce public health risks, or to make health insurance more affordable.

For years, the tobacco companies callously targeted children as future smokers. The financial success of the entire industry was based upon addicting kids when they were too young to appreciate the health risks of smoking. It would be particularly appropriate for resources taken from this malignant industry to be used to give our children a healthier start in life.

Congress has an overwhelming interest in how the federal share of these dollars is used. They are Medicaid dollars. They should not be used for road repair or building maintenance. They should be used by the states to create a healthier future for all our citizens.

I thank the Senator from Pennsylvania for yielding this time.

Mr. SPECTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. SPECTER. I yield myself 2 minutes.

Mr. President, in response to the comments by the distinguished majority leader on the obligation under this amendment to submit a plan, it is simply not so; States do not have to submit the plan to the Federal Government. All the States have to do is submit a "report" which shows how the funds "have been spent." So there is no obligation to submit a plan.

When the distinguished majority leader talks about the temerity of the Federal Government, there is enough temerity on all sides to go around. But that is not the issue here. The States brought the lawsuits, because that is what the law requires, and the States have an obligation to abide by the decision of the Secretary of Health and Human Services, who makes the allocation.

Here we have litigation which has brought a settlement on tobacco-related causes. This is a modest approach on spending, indicating broad standards for State compliance, and only 50 percent related to tobacco. If no legislation were enacted on specifics, these funds would certainly be impressed with the trust.

When the majority leader talks about spending the funds for juvenile detention, that is very important. But that is simply not related to tobacco. When there is talk about using it for debt reduction of the States, that is very important. But it is not related to tobacco causes. These are funds produced from a tobacco settlement, and if the States do not use these funds in this way, my legal judgment is that these funds are impressed with a trust enforceable by any citizen of the State. But this is an accommodation which will allow a reasonable amount of the moneys to be used for tobacco-related purposes.

I reserve the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I believe that this amendment is the worst of all worlds. It would require every State every year for 25 years to submit a plan about how it is going to spend its own money. What happens if a State legislature is not in session and the Secretary of HHS says, "I don't think your plan meets my standards for tobacco cessation or health programs," and the State legislature is then in the position of losing Medicaid funds and having to call a special session to either change its programs to meet the requirements of the Secretary of HHS, or take the hit, or not serve its own people under Medicaid?

Mr. President, this is State money, it is not Federal money. There is no relationship between Medicaid in many of these State lawsuits.

I hope my colleagues will reject this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute.

Mr. SPECTER. Mr. President, in conclusion—the most popular words of any speech—this proposal is a very modest approach on a multibillion-dollar—$200 billion—settlement that has been brought by the chairmen and ranking members of the committees in the Senate charged with allocating funds for Health and Human Services. There is no plan which has to be submitted by the Governors. That is repeated again and again. All the Governors have to do is say how they will spend the money. I agree with the principle of leaving maximum flexibility to the States when we make allocations. But this is for a generalized purpose, and that is all we are asking for here. In light of the very substantial budgetary shortfalls, this money ought to be used, at least in part, 50 percent for the purposes of solving the problems caused by tobacco.

I yield the remainder of my time.

Mrs. HUTCHISON. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 71, nays 29, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—71

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bryan
Bunning
Burns
Campbell
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Domenici
Dorgan
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kerrey
Kerry
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Moynihan
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—29

Akaka
Baucus
Boxer
Breaux
Byrd
Chafee
Cleland
Daschle
DeWine
Dodd
Durbin
Feingold
Harkin
Jeffords
Kennedy
Kohl
Landrieu
Lautenberg
McCain
Mikulski
Murkowski
Murray
Reed
Reid
Sarbanes
Specter
Stevens
Wellstone
Wyden

The motion to lay on the table the amendment (No. 77) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. Mr. President, I move lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, it is not my intention to object, but there is a matter to clear up with the leadership, if I may have 30 seconds.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. My preference is to continue the quorum call. I understand it has been agreed to by my colleague.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Texas, Mrs. HUTCHISON, is recognized to offer an amendment relative to Kosovo.

Mr. STEVENS. Mr. President, I ask unanimous consent that that matter be set aside and that the Senator from Arkansas be recognized for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Senator from Alaska.

NATIONAL WOMEN'S HISTORY MONTH

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to National Women's History Month. I am proud to have the privilege of being the youngest woman ever elected to serve in this great body. And I want to use the occasion of Women's History Month to recognize just a few women from Arkansas who are paving roads for others to follow. I want to thank the many women who have blazed trails for years before me in order to secure a more prominent role for women of all professions, race, or faiths. In my home state of Arkansas, there are many such examples of women who deserve notoriety.

Judge Bernice Kizer of Fort Smith was one of the first 5 women to enroll in the University of Arkansas Law School. After a brief time in private practice, she was elected to represent Sebastian County in our state legislature. During her tenure in the Arkansas General Assembly, Judge Kizer had the distinction of being appointed the first woman chairman of any legislative committee and the first woman member of the Legislative Council. She served in that capacity for 14 years, and then returned home to Sebastian County to become the first woman elected a judge in my home state of Arkansas. Judge Kizer's accomplishments are even more monumental when you understand that over the course of her 33 year career in public service, she was elected by Arkansans on 10 separate occasions without ever accepting one single campaign contribution. At the age of 83, Judge Kizer still serves as an active member of the Sebastian County Democratic Party. Judge Kizer paved the way for so many Arkansas women who are now involved in either the legislative or judicial branches of our government. On the Arkansas Supreme Court, Justice Annabelle Clinton Imber holds one of the courts seven seats. Secretary of State Sharon Priest and State Treasurer Jimmie Lou Fisher serve as two of Arkansas' constitutional officers. Today, Arkansas has 20 women who serve in our legislature.

Community service and philanthropy are two vital components of life in many of the small rural communities in Arkansas and women have helped lead the way to improve our quality of life. My home State of Arkansas ranks third in the nation for philanthropic giving. The gifts given to the people of Arkansas have consisted of civic centers, art centers, and classroom equipment just to name a few by women like Helen Walton, Bess Stephens, and Bernice Jones. These gifts have had a significant impact on the lives of all of the areas residents. Whether it be insuring a warm meal to a hungry child in the early morning or after school activities, these women have looked beyond their own world and reached out to others in need. My mother has always told me that the kindest thing you can do for someone is to do something nice for their children. And as a young mother, believing that to be true, I am grateful to these and all community activists who take the time to care for the less fortunate.

Numerous Arkansas women have ventured into previously uncharted territories and established themselves as leaders in the business communities. These women, like Patti Upton, founder of Aromatique, Inc. have served as an inspiration to our state's growing number of young women who want to pursue business careers. Patti, who began this home fragrance endeavor in her kitchen in 1982, has turned a personal hobby into an inspiring professional growth opportunity. As the current President and CEO of what has become one of the nation's leading home fragrance companies, Patti has most recently begun to share her success with the rest of the State. Under her leadership, Aromatique created a line of products that include potpourri, candles, soaps and other products that are appropriately named "The Natural State." All proceeds from this product line go to support the Arkansas Nature Conservancy and recently Aromatique surpassed the million dollar mark for contributions back to this civic organization.

Arkansas is the home of other women who have had dramatic effects in the business world. Diane Heuter is President and CEO of St. Vincent Health System and Julia Peck Mobley is CEO of Commercial National Bank in Texarkana.

Mr. President, I am so proud to be able to stand here today in this historic Chamber and proclaim my full support and participation in National Women's History Month. There is no doubt that women across this Nation have made very significant contributions to our lives. Sometimes those contributions are subtle and some times they are significant, but none the less worthy of recognition. Let us celebrate the invention of bullet proof vests, fire escapes, or wind shield wipers, all of which can be credited to women in our history, as ways to promote and encourage women of future generations to rise to the level of success that I have spoken of here today. From this great Chamber, to State legislative chambers, from the boardroom to the classroom, from corporate headquarters to local Head Start, women make a difference.

I am grateful for the opportunity afforded to me by those who have gone before me, and I hope in my tenure in the United States Senate to pave the way for many more young women from the great State of Arkansas.

I yield back the remainder of my time. Thank you, Mr. President.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the matter of the order governing the amendment of the Senator from Texas be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 80

(Purpose: To defer section 8 assistance for expiring contracts until October 1, 1999)

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 80.

Inset on page 43, after line 15:

"PUBLIC AND INDIAN HOUSING

"HOUSING CERTIFICATE FUND

"(DEFERRAL)

"Of the funds made available under this heading in Public Law 105-276 for use in connection with expiring or terminating section 8 contracts, $350,000,000 shall not become available until October 1, 1999.".

On page 42, strike beginning with line 10 through the end of line 21.

Mr. STEVENS. Mr. President, this is an amendment that deals with the provision in the bill that was reported from the committee that deferred spending from the temporary assistance to needy families account.

This will defer, instead, monies from the section 8 fund of HUD. There is approximately $1.2 billion in that account. This will defer for 1 year the use of $350 million in that account. It replaces the TANF amendment in the bill. Under that amendment, we deferred until 2001 the availability of funds which are transferred to the States.

Because of the misunderstanding about that fund, I want to explain why we use that fund in the first place. I am once again alarmed over the misinformation that has been spread by some people in that entity, that agency, to try and make it look like somehow or other we took monies away from States or any specific State.

In the first place, these grant awards are made quarterly. Actual cash outlays are made, but they are not transferred to the States until the States make expenditures in their TANF programs, the Temporary Assistance to Needy Families. In other words, the States first make the payments, and we pay it back. Some people, in the House in particular, have said this is a way that the States can use this money for a piggy bank. In no way can they take this money and put it into another bank account and draw interest on it if they comply with the law. That is one report I have heard—that we are preventing States from taking the money to put it into their own accounts.

We checked and we found that there was between $3 billion and $3.5 billion at the close of fiscal year 1998 in this fund. There are two quarters that have not even been distributed yet of this fiscal year 1999. And it is clear that the States have spent some money, and there is plenty of money to meet the States' expenditures and their requests for reimbursement of those expenditures. But this is not a fund that the States can come to willy-nilly and transfer the funds to their accounts.

Secondly, Mr. President, we deferred this money from obligation in this fiscal year—really until 2001, October 1, 2001.

The States would not—the bill that was reported from the committee—lose any of their funds. We, pursuant to the entitlement that was authorized, agreed that Federal funds, taxpayers' funds, in the amount of $16.5 billion, from 1997 through 2002, would be placed in this account, to be available to reimburse States for the expenditures they made for Assistance to Needy Families.

Nothing in what the Appropriations Committee did harmed that program at all. But because by October 1 another $16.5 billion would have been added to $3 billion to $3.5 billion in that account—and there has never been a drawdown at the rate that would make those funds needed within that period of time.

This is not a rainy day fund. We have been told that some people have said that States take these monies and put them in a rainy day fund to use at a later date. But the law says they can only get them to reimburse expenditures. If the administration is allowing this fund to be used as a rainy day account or a piggy bank account, it is wrong.

We have had so many calls from so many States, including my own. And I see the Senator from New York is here, and I know that they have been besieged because of their population base. Of course, they are eligible for more money from this account, more than anyone other than California. But it depends on how much they spend before they can get it back.

We made the decision to offset this bill. This is the first time we have offset totally a supplemental emergency bill. I have said to our committee, we ought to offset emergency funds with prior appropriated emergency funds and nonemergency funds with nonemergency prior appropriated funds. I think we are going to have a little discussion about that here on the floor.

But clearly what we have done, Mr. President, is we have used this bill to reprogram prior appropriated funds. These funds that were appropriated to the TANF account are sitting there waiting for the States to spend money and then come and ask for it to be repaid. The process is so rapid that the administration has not paid the first two quarters of this year yet. So this is not something we have interfered with by deferring money until the second fiscal year. Because, as I said, this account would get $16.5 billion credited to it on October 1.

What we have done is, in order to avoid this controversy—and we do not need a controversy on this bill. We need to get it done. This bill, in my opinion, is a very important bill. It will provide money for assistance because of a great natural disaster in a neighboring country in this hemisphere. The President asked us to declare that an emergency. We have taken the declaration of emergency through as far as the outlay categories are concerned, because it is very difficult to score under the budget process outlays that come from emergency accounts.

We have not taken an emergency declaration through on those things that we believe are nonemergency in terms of the authorization process. So by that I mean, I fail to understand how we should extend the concept of emergency appropriations to natural disasters off our shores. We should be able to find the money, if we want to be good humanitarian members of this hemisphere, to assist our neighbors.

I believe we should assist them. But I do not believe we should use the laws that were intended to demand taxpayers' funds immediately to meet natural disasters or declared emergencies by the President of the United States within the boundaries of our United States.

So Mr. President, I offer this amendment in the spirit of compromise, to try and take away this battle that I saw coming over the use of TANF funds. No one supports the concepts of this Temporary Assistance to Needy Families. We all know it replaced the old Aid to Families with Dependent Children, the AFDC program, that assisted so many States, including mine for so many years.

But this now is a block grant program that works in conjunction with the welfare-to-work concepts, and that is very vital for the States. We know that. And I think the fear that was engendered in those States that somehow or other we might not keep the commitment that was made, that if they make those expenditures we would repay them according to the formula under the law that was passed in 1996, the Welfare Reform Act, is unfortunate and wrong.

I hope that someone in the administration is listening. One of these days I will find some way to tweak the nose of the people who keep doing this, because they did it in the terms of border guards last week, and now they are doing it in terms of the States themselves in terms of the comments that have been made that somehow or other we were taking money that the States were entitled to; we were deferring money that they were entitled to, which they would never get under the process of the law anyway until the time we deferred the expenditures.

As a matter of fact, some people on this side of the aisle have argued with me to say this is not a full offset because I know that I am offsetting the expenditures under this bill against a fund that would never be expended this year. That is partially true. That is why we have declared an emergency, as far as the outlays, and we have admitted that, and we have said that is the only way we can do it. But we need to do it. I hope, in particular, my new friend from New York will understand that we are doing this to meet his objections and others, and we do so in the spirit of compromise.

Thank you, Mr. President.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

First, I want to, on behalf of Senator MOYNIHAN and myself, thank Chairman STEVENS, as well as Senator BYRD, for their assistance in removing the $350 million offset from the TANF, Temporary Assistance for Needy Families, account, which would have deferred the funds until 2002.

Mr. President, I and many others in New York feared that this offset set us off on the wrong course, that it would run counter to the intention of the welfare reform bill which allowed States to set aside TANF funds for use at a later date when welfare rolls would rise, such as during a future recession.

My State, as the chairman knows, was particularly affected. The State was the source of nearly a quarter, about $80 million, of the $350 million that was offset. So I am pleased that the alternative offset would shift some HUD funds from one fiscal year to the next, funds that never would have been used. We have checked with both the administration as well as our side on Housing and on Banking and on Appropriations, and they agree with that.

I say to the chairman that I appreciate very much the spirit of compromise in which this was offered. I understand his view and I will bring that message back to our State. The people of New York will now be breathing a sigh of relief that this has been replaced.

I also thank the Senator from Pennsylvania, Mr. SANTORUM, who worked with me on this. He found his State in a similar position as ours. At least for my first foray into the Senate legislative process, it has been a bipartisan and productive effort. For that, I very much thank the chairman for his understanding of our needs and yield back the remainder of my time.

Mr. STEVENS. Mr. President, I am going to ask for adoption of the amendment but I will not move to reconsider because there may be some who want to discuss this, too. I will make a motion to reconsider this later today. May I reserve the right to make that later today?

The PRESIDING OFFICER. That motion can be made today or any of the next 2 following days.

Mr. STEVENS. I shall make it this afternoon, and I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 80) was agreed to.

AMENDMENT NO. 81

(Purpose: To set forth restrictions on deployment of United States Armed Forces in Kosovo)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 81.

Mr. STEVENS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 58, between lines 15 and 16, insert the following:

TITLE RESTRICTIONS ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN KOSOVO

SEC. 01. SHORT TITLE.

This title may be cited as the " Act of 1999".

SEC. 02. DEFINITION.

In this title, the term "Yugoslavia" means the so-called Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 03. FUNDING LIMITATION.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense, including funds appropriated for fiscal year 1999 and prior fiscal years, may be obligated or expended for any deployment of ground forces of the Armed Forces of the United States to Kosovo unless and until—

(1) the parties to the conflict in Kosovo have signed an agreement for the establishment of peace in Kosovo;

(2) the President has transmitted to Congress the report provided for under section 8115 of Public Law 105–262 (112 Stat. 2327); and

(3) the President has transmitted to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

(A) a certification—

(i) that deployment of the Armed Forces of the United States to Kosovo is in the national security interests of the United States;

(ii) that—

(I) the President will submit to Congress an amended budget for the Department of Defense for fiscal year 2000 not later than 60 days after the commencement of the deployment of the Armed Forces of the United States to Kosovo that includes an amount sufficient for such deployment; and

(II) such amended budget will provide for an increase in the total amount for the major functional budget category 050 (relating to National Defense) for fiscal year 2000 by at least the total amount proposed for the deployment of the Armed Forces of the United States to Kosovo (as compared to the amount provided for fiscal year 2000 for major functional budget category 050 (relating to National Defense) in the budget that the President submitted to Congress February 1, 1999); and

(iii) that—

(I) not later than 120 days after the commencement of the deployment of the Armed Forces of the United States to Kosovo, forces of the Armed Forces of the United States will be withdrawn from on-going military operations in locations where maintaining the current level of the Armed Forces of the United States (as of the date of certification) is no longer considered vital to the national security interests of the United States; and

(II) each such withdrawal will be undertaken only after consultation with the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives;

(B) an explanation of the reasons why the deployment of the Armed Forces of the United States to Kosovo is in the national security interests of the United States;

(C) the total number of the United States military personnel that are to be deployed in Kosovo and the number of personnel to be committed to the direct support of the international peacekeeping operation in Kosovo, including ground troops, air support, logistics support, and intelligence support;

(D) the percentage that the total number of personnel of the United States Armed Forces specified in subparagraph (C) bears to the total number of the military personnel of all NATO nations participating in the international peacekeeping operation in Kosovo;

(E) a description of the responsibilities of the United States military force participating in the international peacekeeping operation to enforce any provision of the Kosovo peace agreement; and

(F) a clear identification of the benchmarks for the withdrawal of the Armed Forces of the United States from Kosovo, together with a description of those benchmarks and the estimated dates by which those benchmarks can and will be achieved.

(b) CONSULTATION.—

(1) IN GENERAL.—Prior to the conduct of any air operations by the Armed Forces of the United States against Yugoslavia, the President shall consult with the joint congressional leadership and the chairmen and ranking minority members of the appropriate congressional committees with respect to those operations.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(B) JOINT CONGRESSIONAL LEADERSHIP.—The term "joint congressional leadership" means—

(i) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives; and

(ii) the Majority Leader and the Minority Leader of the Senate.

SEC. 04. REPORT ON PROGRESS TOWARD MEETING BENCHMARKS.

Thirty days after the date of enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a detailed report on the benchmarks that are established to measure progress and determine the withdrawal of the Armed Forces of the United States from Kosovo. Each report shall include—

(1) a detailed description of the benchmarks for the withdrawal of the Armed Forces from Kosovo;

(2) the objective criteria for evaluating successful achievement of the benchmarks;

(3) an analysis of the progress made in achieving the benchmarks;

(4) a comparison of the current status on achieving the benchmarks with the progress described in the last report submitted under this section;

(5) the specific responsibilities assigned to the implementation force in assisting in the achievement of the benchmarks;

(6) the estimated timetable for achieving the benchmarks; and

(7) the status of plans and preparations for withdrawal of the implementing force once the objective criteria for achieving the benchmarks have been met.

SEC. 05. STATUTORY CONSTRUCTION.

Nothing in this title restricts the authority of the President to protect the lives of United States citizens.

Mr. STEVENS. Mr. President, I ask unanimous consent the amendment now be laid aside and no call for regular order, except one made by myself or the mover of the amendment, the Senator from Texas, serve to bring back the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 82 THROUGH 88, EN BLOC

Mr. STEVENS. Mr. President, I have a package of amendments that have been cleared and I would like to say for the record what they are. They are:

An amendment by Senator MCCAIN to extend the Aviation Insurance Program through May 31, 1999.

An amendment by Senator GRASSLEY providing $1.4 million to expedite adjudication of civil monetary penalties by the Health and Human Services Appeal Board. It also provides for an offset for that amount of $1.4 million.

We have Senator SHELBY's amendment which makes a technical correction to title IV.

We have an amendment by Senator BYRD making a technical correction to the Emergency Steel Loan Guarantee Program in the bill.

An amendment by Senator FRIST and Senator THOMPSON providing $3.2 million for repairs to Jackson, TN, Army aviation facility damaged by a tornado in January. It also provides for an offset in the same amount.

An amendment by myself for a technical correction to the current year, 1999's Commerce-Justice-State bill, and provides for rules on the taking of Beluga whales.

I send these amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, Mr. MCCAIN, Mr. GRASSLEY, Mr. SHELBY, Mr. BYRD, Mr. FRIST and Mr. THOMPSON, proposes amendments numbered 82 through 88, en bloc, as follows:

AMENDMENT NO. 82

(Purpose: To extend the aviation insurance program through May 31, 1999)

At the appropriate place, insert the following:

SEC. 17. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "March 31, 1999." and inserting "May 31, 1999.".

AMENDMENT NO. 83

(Purpose: Expediting adjudication of civil monetary penalties by the Department of Health and Human Services Appeals Board)

On page 29, insert after line 10:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for "general departmental management", $1,400,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

On page 42, line 8, strike $3,116,076,000 and insert $3,114,676,000

On page 42, line 9, strike $164,933,000 and insert $163,533,000.

Mr. GRASSLEY. Mr. President, I am offering this amendment to speed up adjudication, by the appeals board of the Department of Health and Human Services, of appeals from nursing facilities of civil monetary penalties levied by the Health Care Financing Administration (HCFA) for violations of standards established pursuant to the Nursing Home Reform Act of 1987. Currently, there is a substantial backlog of some 701 such cases. Delay in final adjudication of such cases subverts the purpose and effect of civil monetary penalties, delaying corrective action, and improvements in the quality of care offered by nursing facilities. Delays in adjudication of these cases also burdens nursing facilities through additional legal fees and the perpetuation of uncertainty caused by unresolved disputes.

The number of such cases filed each year by nursing facilities has increased each year since 1995, the year when regulations for the Nursing Home Reform Act's enforcement standards went into effect. Currently, as I noted earlier in my statement, there are 701 such cases pending.

Mr. President, the steady increase in appeals of civil monetary penalties since 1995 shows the effect of increased use, by the States and HCFA, of the enforcement regulations which went into effect in 1995. Nevertheless, in hearings I held in the Special Committee on Aging last July, the General Accounting Office reported that nursing facilities providing poor quality of care regularly escaped sanctions which could cause care to be improved. The pattern seemed to be that a facility would be sanctioned for poor quality of care, be required to attest in writing through a plan of correction that steps had been taken to improve care, and then be found deficient on the next visit from State officials. This pattern often continued for long periods of time. And when sanctions such as civil monetary penalties were levied by HCFA, the sanctioned facilities would appeal, causing lengthy delays in final resolution of the case.

One week before my July hearings, President Clinton launched a variety of new initiatives designed to improve the quality of care in nursing facilities. Among those new initiatives was one designed to eliminate paper compliance with quality standards and to proceed more quickly to sanctions for those homes with a history of poor care.

The upshot of oversight by the Special Committee on Aging and the Presidential initiatives is that there has been a substantial increase thus far in 1999 of appeals of civil monetary penalties by nursing facilities.

Certainly, facilities have the right to appeal sanctions levied by HCFA. But it is also important that appeals be heard and resolved in a reasonable amount of time. Delay subverts improvement in the quality of care in nursing facilities as real deficiencies go uncorrected. Delay also slows the development of precedents which would clarify outstanding issues. Slow development of such precedents encourages facilities and their legal representatives to file appeals because guidance as to the worthiness of an appeal is lacking. And, as the body of precedents becomes more complete, adjudication of cases becomes speedier.

The root problem has been that the departmental appeals board does not have sufficient resources to keep up with the increase in new cases, to say nothing of working off the current backlog of cases. I am given to understand that, at the present time about 25 new cases are filed with the appeals board each week. As will be clear from the table I am attaching to my statement, the number of cases decided each year has averaged around 23 for the last 3 years. Clearly, the board is swamped and needs help.

The President's budget for fiscal year 2000 proposes $2.8 million for the board. Were the Congress to provide those funds, it will certainly take time for the appeals board to gear up and begin to speed up adjudication of appeals.We can't wait to begin addressing this problem, Mr. President. The amendment I offer would provide $1.4 million to be made available through the supplemental appropriation we are now considering. I have not proposed to provide the full $2.8 million the President's budget proposes for the next fiscal year because the appeals board could not effectively spend that amount in what remains of the fiscal year. Therefore, I have essentially prorated that amount over the time remaining in this fiscal year.

AMENDMENT NO. 84

At the appropriate place in the bill, insert:

Sec. . Title 49 Recodification Correction.—Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4329), is repealed.

AMENDMENT NO. 85

(Purpose: To make a technical correction)

On page 16, strike beginning with line 12 through page 23, line 8, and insert the following:

Emergency Steel Loan Guarantee Program. (a) Short Title.—This section may be cited as the "Emergency Steel Loan Guarantee Act of 1999".

(b) Congressional Findings.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the U.S. steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) Definitions.—For purposes of this section—

(1) the term "Board" means the Loan Guarantee Board established under subsection (e);

(2) the term "Program" means the Emergency Steel Guaranteed Loan Program established under subsection (d); and

(3) the term "qualified steel company" means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, after January 1, 1998.

(d) Establishment of Emergency Steel Guaranteed Loan Program.—There is established the Emergency Steel Guaranteed Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) Loan Guarantee Board Membership.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce, who shall serve as Chairman of the Board;

(2) the Secretary of Labor; and

(3) the Secretary of the Treasury.

(f) Loan Guarantee Program.—

(1) Authority.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) Total guarantee limit.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section may not exceed $1,000,000,000.

(3) Individual guarantee limit.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed $250,000,000.

(4) Minimum guarantee amount.—No single loan in an amount that is less than $25,000,000 may be guaranteed under this section.

(5) Timelines.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(6) Additional costs.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $140,000,000 to remain available until expended.

(g) Requirements for Loan Guarantees.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan; and

(4) the company has agreed to an audit by the General Accounting Office, prior to the issuance of the loan guarantee and annually while any such guaranteed loan is outstanding.

(h) Terms and Conditions of Loan Guarantees.—

(1) Loan duration.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) Loan security.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) Fees.—A qualified steel company receiving a guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(i) Reports to Congress.—The Secretary of Commerce shall submit to Congress annually, a full report of the activities of the Board under this section during fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) Salaries and Administrative Expenses.—For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) Termination of Guarantee Authority.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(l) Regulatory Action.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) Emergency Designation.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress.

AMENDMENT NO. 86

(Purpose: To increase, with a rescission, the supplemental appropriations for fiscal year 1999 for military construction for the Army National Guard)

On page 30, line 1, strike "$11,300,000" and insert "$14,500,000".

On page 43, line 12, strike "$11,300,000" and insert "$14,500,000".

AMENDMENT NO. 87

At the appropriate place in the bill, insert:

Sec. . Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000 shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and Cook Inlet Marine Mammal Commission.

AMENDMENT NO. 88

At the appropriate place in the bill, insert:

Sec. . Funds provided in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (P.L. 105-277, Division A, Section 101(b)) for the construction of correctional facility in Barrow, Alaska shall be made available to the North Slope Borough.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 82 through 88) were agreed to.

Mr. STEVENS. Mr. President, the Senator from Arkansas, Mr. Hutchinson, is here and he will offer an amendment. After he has presented his amendment, I state to the Senator it will be my intention to move to table his amendment.

I ask unanimous consent that the vote on that motion to table and the vote on the motion to table the Harkin amendment occur at 2:30.

Mr. HARKIN. Torricelli.

Mr. STEVENS. Torricelli/Harkin amendment occur at 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 89

(Purpose: To require prior congressional approval before the United States supports the admission of the People's Republic of China into the World Trade Organization)

Mr. HUTCHINSON. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. Hutchinson] proposes an amendment numbered 89.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PRIOR CONGRESSIONAL APPROVAL FOR SUPPORTING ADMISSION OF CHINA INTO THE WTO.

(a) In General.—Notwithstanding any other provision of law, the United States may not support the admission of the People's Republic of China as a member of the World Trade Organization unless a provision of law is passed by both Houses of Congress and enacted into law after the enactment of this Act that specifically allows the United States to support such admission.

(b) Procedures for Congressional Approval of United States Support for Admission of China Into the WTO.—

(1) Notification of congress.—The President shall notify the Congress in writing if the President determines that the United States should support the admission of the People's Republic of China into the World Trade Organization.

(2) Support of China's admission into the WTO.—The United States may support the admission of the People's Republic of China into the World Trade Organization if a joint resolution is enacted into law under subsection (c) and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives the notification referred to in paragraph (1).

(c) Joint Resolution.—

(1) Joint resolution.—For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the support of the United States for the admission of the People's Republic of China into the World Trade Organization.".

(2) Procedures.—

(A) In general.—A joint resolution may be introduced at any time on or after the date on which the Congress receives the notification referred to in subsection (b)(1), and before the end of the 90-day period referred to in subsection (b)(2). A joint resolution may be introduced in either House of the Congress by any member of such House.

(B) Application of section 152.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to a joint resolution under this section to the same extent as such provisions apply to resolutions under section 152.

(C) Discharge of committee.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) Consideration by appropriate committee.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and

Means or the committee has been discharged under subparagraph (C).

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

Mr. HARKIN. Mr. President, parliamentary inquiry, if I might.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I am just trying to find out from the Senator, is there a time allotment or not?

Mr. STEVENS. When the Senator finishes, I will make a motion to table. It should be about 1 o'clock.

Mr. HARKIN. I just didn't know——

Mr. STEVENS. Mr. President, we have not asked for a time limitation on the Senator making his presentation, but he knows that as soon as he finishes, I will make a motion to table.

Mr. HARKIN. The Senator is going to table both at 2:30?

Mr. STEVENS. Mr. President, I will make a motion to table the amendment of the Senator from Arkansas, and after the Senator from Iowa, I will make a motion, but I got unanimous consent that those votes occur at 2:30.

Mr. HARKIN. That is fine with me. I just wanted to make sure.

Mr. BAUCUS. Mr. President, who has the floor?

Mr. STEVENS. The Senator from Arkansas has the floor.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. BAUCUS. Mr. President, will the Senator yield for a question—for a parliamentary inquiry?

Mr. HUTCHINSON. I will be glad to yield.

Mr. BAUCUS. I understand the distinguished Senator from Alaska is saying he is going to move to table. I would like to speak on the amendment, but the Senator is moving to table as soon as the Senator is finished.

Mr. STEVENS. Mr. President, I would be pleased if the Senator would agree to try to reach a time agreement on that, because we have other Senators wishing to offer amendments this afternoon also.

Mr. President, may I ask the Senator, first, that the Senator yield to me? I apologize.

Mr. HUTCHINSON. I will be glad to yield to the distinguished chairman.

Mr. STEVENS. How much time would the Senator like to have?

Mr. HUTCHINSON. I think for my presentation I probably only need 15 minutes. If there are those who speak against the amendment, I would like to yield proportionally then.

Mr. STEVENS. Mr. President, if I still have the floor, how much time does the Senator from Montana seek?

Mr. BAUCUS. I was thinking of 10, 15 minutes.

Mr. STEVENS. Could we have an agreement that there be 30 minutes on this amendment? Is the Senator from Montana speaking against the amendment?

Mr. BAUCUS. I am speaking against the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object——

Mr. STEVENS. I am seeking a limitation of 30 minutes on the amendment, that the time following that time to be—I will make a motion to table, only a motion to table be in order.

The PRESIDING OFFICER. Is there objection? Without objection——

Mr. STEVENS. Mr. President, I am informed that Senators ROTH and MOYNIHAN wish to speak, and I ask unanimous consent that the time be expanded to 40 minutes to be followed only by a motion to table offered by me.

Mr. HUTCHINSON. Reserving the right to object.

Mr. STEVENS. Forty-five minutes. The Senator wants to close.

Mr. HUTCHINSON. I suspect the others the Senator mentioned are going to speak in opposition. There are some who might want to speak in favor. If we are going to extend the time afforded Senators who want to speak against, I think we might have trouble extending the time with that restriction.

Mr. STEVENS. Mr. President, I do desire to limit the time if possible, so we can have a vote when the Senate comes back out of that conference.

Could we agree to 30 minutes on a side? Is there objection to 30 minutes on a side? I renew my request——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The agreement then is 1 hour equally divided?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I thank the Chair.

This is a very straightforward amendment that simply says that before China can be admitted to the World Trade Organization, there will have to be a joint resolution passed by the Congress supporting that accession of China to the World Trade Organization.

It is very simple. It is simply saying we should have a voice in this. We should not have the administration arbitrarily and unilaterally making a very, very significant and major decision without the input of the U.S. Congress and this body. It does not prejudge what should happen. It does not say whether China should be in or not. There may be very compelling arguments that could be presented in such a debate. But it does say that before China is admitted to the World Trade Organization, every Senator in this body ought to have an opportunity to look at the evidence and have a say in the outcome of that debate. That is why we need this amendment, because Congress needs to, once again, assert its constitutional responsibility in the area of foreign commerce.

I believe we must do it now for a couple of reasons. It is the only opportunity we are going to have before the recess, and our only opportunity before Zhu Rongji visits this Nation next month. He will come during our Easter recess. So, if Congress is going to have any kind of statement on this, if we are going to be able to take any kind of action on this, we must take it now.

I know some of my colleagues will say this should have gone through committee. In an ideal world I would agree. It is very straightforward. I do not think it would require a great deal of debate, as to whether someone is for it or against it, but ideally that is where it should have gone. But, once again, the stream of negotiations that have taken place in recent weeks between our country and the Chinese Government, with our officials going to China—Deputy Treasury Secretary Larry Summers, Secretary of State Albright, U.S. Trade Representative Charlene Barshefsky have all been making repeated trips to China—negotiating, obviously; attempting to broker a deal on the World Trade Organization accession of China.

If we wait for an announcement by the administration that a deal has been reached, an announcement by the administration that the outlines of an agreement have been reached, we will make China's membership in the WTO a fait accompli. Any effort to stop it after the fact, after the negotiations are completed and after an agreement has been announced, I think will be too late for this body to really make a difference.

The amendment is, as I said, very straightforward. It would require a joint resolution to be passed before the United States could support admission of China into the WTO. Again, it does not preclude our support for China's entry. It simply sends a clear statement that Congress should be involved in the process of deciding U.S. support for China's accession into the WTO. The administration should not make any hasty deals with China. We must give careful consideration to the timing as well as to the consequences of Chinese accession. Congress must be thoroughly involved in that debate.

We cannot negotiate a trade deal with the most populous nation in the world, and, as we hear so often, the largest market in the world, in a vacuum. There are certain facts that we must face; there is a political environment in which all of these negotiations are occurring. The Chinese have used espionage to obtain important nuclear secrets from the United States. That is a matter that must be fully investigated. I believe it will be. I believe the appropriate oversight committees are moving expeditiously to investigate. But it certainly is not going to happen before we go out on the Easter recess. We may have hearings next week, but we will not see the end of this, we will not have all the facts on the table, before the Easter recess and before Zhu Rongji visits this country.

Another fact that faces us is our trade deficit with the Chinese is at an alarming all-time high of $56.9 billion for 1998. It is rising exponentially every year. That reality ought to cause us to pause before we see the administration rush into a WTO deal. The Chinese continue to keep many of their markets closed, particularly to our agricultural sector, our farmers, who are in such crisis.

The Chinese have signed and blatantly disregarded the International Covenant on Civil and Political Rights and have engaged in a widespread crackdown on prodemocracy activists in China, effectively silencing all political dissent. We cannot give WTO membership in a vacuum, ignoring all other realities that face us. The 1999 State Department report on China, released in the last few weeks, demonstrably proves China's ignoring of the very covenant on civil and political rights that they signed last year. If we cannot trust them to live up to a human rights covenant that they signed, how can we assume they are going to live according to the rules and the obligations of the World Trade Organization? There is an issue of trust. They have not justified the trust we would show in placing them in the World Trade Organization.

Article I of the Constitution gives Congress express power over foreign commerce. There is no question but that this is our right. There is no question in this Senator's mind that it is our responsibility to step forward and say: WTO membership for China will not be granted without a debate in the House and Senate and a joint resolution.

There are serious questions that the House and the Senate need to address. For us to sit back and go off on our Easter vacation, to go off on recess, to hold our town meetings or to take our trips around the world, and to have been silent on this issue, I think, at this time, will be indefensible. I suspect there will be some kind of announcement on the U.S. position on China's membership in the WTO while we are gone. Then we would never have had the opportunity to debate very important questions.

I do not have all of the answers to these questions, but I know they are serious questions and I know the Senator from Montana, the Senator from Alabama, who was on the floor just a moment ago, and myself ought to have a right, before we have the United States taking a position on WTO membership, to debate that on the floor of the Senate, to thoroughly examine the questions that have not yet been answered.

One question I would have is this: Are we lowering the WTO bar for China, to rush them into membership?

Since 1995, four countries have completed negotiations on accession protocol: Ecuador, Mongolia, Bulgaria, and Panama. All four of these nations were required to eliminate, on the date of accession or with very short transitions, trade practices that were incompatible with WTO rules. That has been the standard. Since 1995 the four nations that have sought to enter the WTO have been required to eliminate their trade practices that were incompatible with WTO rules. But China has firmly and continuously and repeatedly said they want a different standard. They want a longer transition period. They do not want to meet those WTO rules at the time of or soon after their accession to the WTO. That is a question I believe this body deserves the opportunity to investigate and debate thoroughly before we announce a national position regarding China's admission.

Another question I think is a serious question for debate: Are we allowing China into the WTO before they have made the kind of market reforms to bring them into conformity with WTO standards? The administration argues if we will just let China in, we will have greater influence on China's reform efforts than we do now while they are outside of the World Trade Organization. I suppose that is debatable. But we ought to have the opportunity to have that debate.

In my estimation, our influence on China would be far greater before they are admitted to the World Trade Organization than afterwards. Our ability to influence the kind of reforms the World Trade Organization would desire will be far greater if we say you are going to accrue the benefits of trade under the WTO only after these market reforms have taken place, these trade barriers have been lowered. Reforms should first be enacted, changes should first occur, and then membership should be granted—not vice versa.

I think this question deserves debate: Can China be trusted on trade issues? When we look at our exploding trade deficit with China, can they be trusted on trade issues if admitted to the World Trade Organization, or will we admit them to the World Trade Organization and then find them cavalierly ignoring the standards and the rules of the World Trade Organization? Our administration's own Trade Representative Barshefsky stated in her testimony, a little over 2 years ago, in reference to China, that "China imposes new import barriers to replace those it removed." In other words, there can be the appearance of reform taking place, but if there are new barriers that are being erected while the old ones are being brought down, you really have not achieved the reforms necessary for World Trade Organization membership.

China has almost one-third of its industrial production controlled by the state. Almost two-thirds of urban workers are employed in state-owned enterprises. These state-owned enterprises are notorious for their ability to destroy wealth. Some economists estimate that it would be cheaper for China to close down their state-owned enterprises and keep paying the workers—close down the enterprises, go ahead and pay them their salaries, they would still come out ahead, than to keep operating. But because the state-owned enterprises would be vulnerable to foreign competition, the Chinese Government has a strong disincentive to the state-owned enterprises that are heavily subsidized through China's centralized and insolvent banking system.

One of the pledges that the Chinese Government made was that they would rapidly privatize the state-owned enterprises, shutting down those that they had to, privatizing others, allowing them to create capital by selling stock, but because of the recent economic downturn in China in which their robust growth rate has dropped appreciably, China now has backed off that pledge and has once again begun a round of bank loans to these very unprofitable, state-owned enterprises to subsidize them and to keep them in business.

This is backpedaling already on the kinds of reforms that would be expected if China were in fact ready for admission to the World Trade Organization.

Another question that this body needs to debate is, Should China be admitted as a developing country with far less stringent expectations and longer transition than allowed for other nations? That is what they desire. They say we are a developing Nation; therefore, we should be treated more leniently. They base their claim primarily upon their per capita gross domestic product. By every other measure, China is a major economic power in the world today and they want to be treated as such. They want to be recognized as a major economic power.

China will argue that as a developing country, they are entitled to use subsidies. They are entitled to put limits on exports and other policies to promote development of certain key industries such as automobiles and telecommunications and heavy industrial equipment.

China maintains that such programs are a part of China's industrial policy and not related to its application to the World Trade Organization. Many trade officials simply disagree with that assertion by the Chinese Government. That is a question and that is an issue the Senate should have the opportunity to debate, not after the fact but before China is admitted to the World Trade Organization and before the U.S. Government announces its position on Chinese accession.

A WTO paper, prepared in response to a request from Chinese negotiators, suggested that industrial policies in China and other countries could violate the basic principles of nondiscrimination and national treatment and other WTO rules. They are not in compliance. They are not ready to join the WTO. Political considerations should not be the driving force in rushing China into the WTO before they have made necessary reforms.

Another question I believe we should debate is this: Should China be given membership in WTO before Taiwan, which is simultaneously seeking membership? Will it be the position of the U.S. Government that we support the admission of People's Republic of China to the World Trade Organization while not yet supporting Taiwan's admission? Which one should be admitted first? I think that is an important issue. I think that is one my colleagues in the Senate deserve to have the opportunity to discuss thoroughly.

Many believe that once China is admitted, they will work feverishly to block Taiwan's entry, even though Taiwan is a much more developed Nation, has a much more developed economy, and an economy which is much more consistent with WTO rules. Yet without a vote of the Senate or a vote of the House, this administration is prepared to support the admission of China to the WTO before Taiwan's admission.

I believe this question deserves debate as well: Will a premature entry by China into WTO hurt American business interests? I know that large corporate interests in this country support China's immediate accession to WTO, but many business people in this country have serious concerns as to how China's admission to WTO will impact them. U.S. business interests often want permanent MFN for China and would like to use an agreement on WTO, I believe, as a means to push for this goal, but many of these business interests are also concerned that China's WTO accession, without meeting market access and other requirements, would seriously limit U.S. business access to the Chinese market for a long time to come. The very access that American business wants so desperately, we would be locked out of that access permanently or for a long duration should they be admitted to the World Trade Organization before they have met market access rules. As a result, many U.S. interests are pushing U.S. negotiators to remain firm, to stand pat, and not concede on the conditions of China's entry into the World Trade Organization.

I believe another question that this body needs to debate is, How will WTO admission for China affect jobs? Indeed, we should consider how it would affect our jobs here in the United States.

I remind my colleagues, contained in this very supplemental appropriations bill, which we are soon prepared to vote on, is a measure to assist the U.S. steel industry and the jobs that go with it. Some of those jobs are in my home State of Arkansas, Mississippi County, Blytheville, AR, the No. 2 ranked county in the Nation in steel production. According to the Department of Commerce, last year alone the U.S.-China trade deficit in iron and steel was a $161 million loser for the United States. The year before that the U.S. realized a steel trade deficit of $141 million, and in 1996 the deficit was $140 million. Each year the deficit in iron and steel increases dramatically.

My point is, this Congress should have a say in whether we allow an agreement to be made when our trade imbalance is what we experience, even without granting China World Trade Organization status.

At the appropriate time, I would like to see China join the World Trade Organization and abide by its rules. I do not believe China is ready at this time to go beyond paying lip service to the fundamental changes necessary for accession, though I know some of my colleagues do believe that they are ready. However, I believe we can all agree that we ought not make this decision hastily. The consequences are too great and long lasting and, just as importantly, we ought not let the executive branch make this determination unilaterally.

Article 1 of the Constitution gives to us, the Congress, the express power over foreign commerce. This decision is too important for us to cede that power, and this amendment is a means by which we can preserve our legitimate role in the legislative branch.

Mr. President, I reserve the remainder of my time, and I inquire how much time remains?

The PRESIDING OFFICER. There are 11 minutes 15 seconds remaining.

Mr. HUTCHINSON. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Arkansas raises obviously a very important question, and that is, essentially, the terms under which the United States should agree to help encourage China to be a member or accede to the WTO. It is obviously important because China, particularly in the next century, is going to be a very important country. It is now the largest country in the world, the most populous, the largest standing army, a nuclear power, one of the fastest growing "developing countries," thousands of years of history, a very proud people. We in the United States clearly must be very careful and clear headed in our relationship with such a country, particularly when the question arises as to the terms under which China would accede to the WTO.

It is also true that under the Constitution, the U.S. Congress provides that the Congress essentially set trade policy. That is true. But the use of power is a very important matter. Sometimes it is important to use power that is entrusted to one. Sometimes it is important to forebear the use of power that is entrusted to one.

Certainly, Congress has the authority to pass the amendment suggested by the Senator from Arkansas. But that is not the question. The real question is, Should Congress adopt that amendment?

In my judgment, it has the ring of simplicity which often sounds good, but when one thinks about it a little bit more deeply and what the consequences of that amendment would be, it, at the very least, causes people to pause and, in my judgment, causes Senators to not support the amendment.

I am reminded of a statement by H.L. Mencken, a famous Baltimore Sun journalist: "For every complicated problem, there is a simple solution, but it is usually wrong."

That is this case. There is a complicated problem—China and our trade relationship—and the simple solution to some degree is, "Congress should vote on whether to admit China to the WTO or not."

This would set new precedent, a groundbreaking and very alarming precedent. In each of the previous 110 cases where countries have acceded to the GATT, or to the WTO, there has not been a congressional vote. Congress has never voted on whether a country should accede to the GATT, currently to the WTO. That is an executive decision.

There is a good reason why Congress has not voted in the past. Essentially, it is for the reasons suggested already by the Senator from Arkansas, because if we were to vote on whether China should accede to the WTO, that vote would essentially be a vote not on WTO, but it would be a vote on our "overall China policy." It would include countless other relationships that we have with China.

The Senator from Arkansas already mentioned them. Human rights, for example. The Senator is very upset with China's human rights policy. He said that should be looked into. He implied looking into it in the context of this debate.

I, too, am upset with China's human rights policy. I daresay every Member of the Senate is upset with China's human rights policy. But are those issues considered in trade negotiations? Are they considered by the World Trade Organization? The Senator from Arkansas might think that they should be, but they are not considered in trade negotiations and in whether or not China is or is not meeting commercially acceptable principles under which it would properly be admitted to the World Trade Organization.

The Senator also mentioned the words "political environment." He said this issue has to be considered in the total political environment of our relationship with China. He mentioned espionage. That is a charged issue right now. I daresay that if the Congress were to vote in the next several months presumably on whether China should accede to the WTO, there would be an amendment on espionage, there would be an amendment on human rights, an amendment on labor relations, an amendment on the environment. I can think of countless subjects that would be included, by the design of certain Senators, in any decision by the Congress whether or not China should be admitted to the WTO.

It reminds me very, very much of the debate we already had with respect to China, and that is whether the Congress, when we come up with the annual MFN review—actually a lot of us like to call it normal trade relationship not most-favored-nation status. MFN is a gross misnomer. MFN is not at all what it implies. It is not most favored. In effect, it is least favored, because we have so many trade agreements with so many other countries under terms that are more beneficial than the bottom line terms of MFN.

During the MFN debate, or normal trade relations debate, we have had in this Congress, particularly several years ago, the question was whether we should pass in this Congress every June a conditional extension of MFN or nonconditional extension of MFN.

Those who argued for conditional extension said, "Well, we will continue MFN with China for another year if China abides by certain human right regimes, if China abides by certain nuclear technology transfer provisions, if China signs a comprehensive missile test ban treaty, if China"—all these other things.

In a sense, that debate became a debate about China and gave interest groups an opportunity—I use this term loosely—to kind of take off on or vent their spleens about a certain policy with which that Senator or interest group had a disagreement.

I have no problem with that. In fact, I support it. I support Members of the Senate and the House working vigorously to improve upon the relationship with China in each of the specific areas that we engage China, and there are many of them. Trade is one. Even within trade, there are many, many different levels. There are tariffs. There are distribution systems. There is access. There are all kinds of matters with which we have to deal.

Let's take national security, not very related to trade—indirectly but not directly. Our administration, other countries' administrations engage China on a host of national security issues.

Let's take the Taiwan Straits, for example. That is a separate matter. It is an extremely important issue. It is one that has become a bit sensitive in the last several days, but the U.S. Defense Department, the NSC, and our executive branch are working out with Taiwan, with China, and with Japan as much as possible the various interrelationships of that issue.

The main point is, those issues should be dealt with separately and on separate tracks. They should not be all subsumed in the one vote on whether China should be a member of the WTO.

I think it is also important to remember we have a lot of problems with China, but China has done a lot of good things, too.

What are they? Recently in the economic sphere, China, at great cost to itself, has not devalued its currency. China, in the last year, has been under tremendous pressure to devalue its currency so that it could sell more products overseas; it would help boost its economy. But China has not.

Why has China not devalued its currency? In many respects because the Americans have encouraged them, have asked them not to devalue. Why? Because if they were to devalue their currency, then the other southeastern countries—the baht in Thailand, the Indonesian currencies, North Korea—there would be great pressure on them to devalue further, which means that our exports will be that much more expensive, their exports to the United States that much less expensive, and the trade deficit we are all so worried about will be even worse.

China, at great cost to itself, has so far—that might change—not devalued the currency.

China has also signed the Comprehensive Test Ban Treaty. They signed it. That is a major step. That is good. China has helped provide more stability between India and Pakistan, particularly when those countries were starting to test missiles. It has been a very great help to us.

They also have begun to downsize their state-owned enterprises. That is not something we asked them to do, but at great cost to themselves, they are doing so, and that is a major effort.

There is banking reform.

The PLA, their army in China, which used to be a major competitor with companies in the United States, was not just an army, it was a manufacturing firm, an industry or a company making all kinds of products.

The PLA are going out of business. It is not entirely done yet, but they are going out of business. That is good. Even more fundamentally, let's think of this. What if this were 25 years ago and we were faced with the Asian currency turmoil, which did spread over to Brazil and over to Russia and has affected the whole world, as a matter of fact? If this were to have happened 25 years ago, I daresay that China would have used it as an opportunity to further destabilize—they could have used it as an opportunity to gain a strategic position in, say, Vietnam or in Burma, Thailand, maybe even in Japan, as they did 25 years ago when they exercised their power, but not in the economic sense.

Instead, today, 25 years later, when presented with this crisis, what has China done? It has not been a bad boy; it has been a good boy. China has, instead, downsized its state-owned enterprises as much as it possibly can. It is reducing its bureaucracy, cutting a lot of the dead wood. It is cutting back on the army dramatically. I was in China about a year ago talking with a general and all his colleagues who were being given the boot because the general officers corps, in addition to the lower ranks, was being cut back dramatically.

They are going through a lot of painful times. I am not going to stand here and apologize for China. We are very concerned about China. But instead, China is trying to be a player.

Why is WTO good for America and why is it good for China? WTO is good for America only under commercially acceptable principles. I must underline that forcefully. It is good for America because it will help encourage a greater rule of law in China, because there are commitments that China would have to agree to. It would help America because we could take China to the WTO.

The Senator from Arkansas has a concern whether we could "trust" China. I tell you, Mr. President, China will do more of what we wish if they are a member of WTO, at least on trade issues, because we can take China to the WTO.

The WTO is now much more impartial and more effective as a dispute settlement mechanism than it was under the old GATT, to be honest about it. The WTO as an institution is being tested now, particularly with respect to bananas and beef hormones, and some other issues—whether countries live up to it—but still it is a lot better than the old GATT, under which there was virtually no dispute settlement mechanism.

WTO is good for China, too. Why? Basically because it gives China status and more investment in China; it gives China the opportunity to be more of a player in the world economic scene. And that is all good. That is good for China; that is good for America.

We are so interrelated today economically, politically, socially that when one part of the world's economy collapses or goes south, it has effects everywhere. It affects the Senator's farmers. They have a harder time selling soybeans. It affects farmers in my State. They have a harder time selling wheat. That is why, when the Asian currency crisis occurred, at least in my State, our agricultural exports fell $50 million compared to the preceding year.

I must say, I think we have done a pretty good job as a country in managing, as near as we could, the currency crisis, which we did not cause. It was caused by a whole host of factors—essentially greed by a lot of creditors who did not look at financial statements closely anymore. But we have done a pretty good job managing. Secretary Rubin, Chairman Greenspan, Secretary Summers have done a good job of helping stabilize, as much as they possibly could, this turmoil.

Mr. President, the Senator also asked, "Well, gee, who should be admitted first, Taiwan or China?" That is a political issue. We should not look at this as a political issue. We should look at these countries on their merits. And if China does meet the commercially acceptable principles test closely, tightly, we should admit China. If they do not, we should not.

There are lots of different areas there that I wish to just briefly mention as to the test I think China should meet. I must say, Mr. President, I do not think this administration is going to send us a weak agreement. It would be foolish for them to agree to China's accession into the WTO under noncommercially acceptable terms. It would not make any sense. For one thing, it would be an outrage. Second, it would have an effect on MFN, a vote later. It would have an effect on fast-track proposals that may or may not come up. It just does not make sense. They will not do it.

One final point is this. The Senator wants a vote. The Senator is going to have a vote. It is on MFN extension, because, by definition, if the United States agrees, because China has met commercially acceptable principles, that China should accede to the GATT, then by definition this Congress must vote on whether to give China permanent MFN status.

There will be a vote. And obviously, if the U.S. Senate believes that the terms under which China is admitted are not acceptable, I daresay that this body will not agree to permanently extend MFN to China. So we ought to have a vote. The Senator wants a vote. By definition, there will be a vote.

But to have a second vote—and the second vote would be whether to admit—I say, would essentially be a referendum on China. It would not just be trade issues, it would be all the other issues, with all the other amendments that would come up, just as they did in the old MFN extension debate. Back then, after lots of gnashing of teeth and working ourselves through all this, what did the Congress do? The Congress agreed, the President agreed, that it made more sense to have unconditional extension of MFN rather than conditional.

What the Senator from Arkansas is essentially saying is, he wants conditional, he wants to have a vote on accession. And I would guess he also would like to have an opportunity to offer amendments on the pending bill. If the Senator says no amendments on the pending bill, that is another matter. I would like to hear the Senator's views on that—whether the Senator wants a straight up-or-down vote only on whether China should be a member of the WTO, whether he would oppose all amendments, whether he believes, frankly, there should be no amendments or not. That would be an interesting question.

Anyway, Mr. President, I made my main point, which is, let's have the vote, let's have the vote on MFN extension, not on the overall policy, because it has never happened before. In all the trade agreements that have been submitted to the WTO and in all the questions of accession to the WTO in the past—there have been 110 of them—never has a Congress voted, never.

And there are reasons. There are executive agreements. If we were to vote on it, particularly in this body, as a nonparliamentary form of government, it would be filled up with all different types of issues which are virtually unrelated to trade—very important issues: Human rights, national security, missile proliferation, nuclear proliferation, labor laws, environmental laws, but not WTO accession.

So I say, let's not vote for the Senator's amendment. Let's look at WTO when it comes up in the context of MFN. Then let's also work to engage China on all of the other issues on which we are dealing with China but on separate tracks, separate ways, because that is going to be a lot more effective. We should not link all this together. We should not link it together, but, rather, deal with these issues separately.

Thank you, Mr. President.

I yield the floor and I reserve the remainder of my time.

Mr. CHAFEE. Mr. President, I appreciate the concern of the Senator from Arkansas regarding the possibility of China's entry into the World Trade Organization (WTO). However, I do not believe his amendment is warranted, and urge the Senate to reject it.

The issue before us is the accession of China into the WTO. There is no question that China's accession into the world trading system carries important ramifications—not only for their economy, but for ours (and indeed, for those of all other WTO nations). Today, China is the world's third largest economy after the US and Japan, and the world's eleventh largest trading nation. US-China trade alone is more than $80 billion.

Clearly, because of these facts, we have much to gain by bringing China into the world trading system and subjecting her to the WTO rules and regulations. At the same time, we understand that bringing China into the system also will mean some changes for our own industries. However, as long as China is brought in according to appropriate terms and conditions, I believe we have far more to gain than to lose.

The China WTO accession negotiations have dragged on for 13 years now. Much of the delay is related to the periodic changes of mind by the Chinese government as to whether they really want to join or not. After all, it will mean enormous changes for them as well. At the moment, the Chinese appear very interested in concluding their accession. I believe we should take this opportunity to see what might be accomplished.

That said, the United States has said repeatedly that China may enter only—and I stress, only—on "commercially meaningful" terms. Despite the current Chinese enthusiasm for the negotiations, if it does not lead to a "commercially meaningful" agreement, then the administration cannot accept it.

That is a crystal clear fact. We in Congress has made clear that an agreement that is not "commercially meaningful" is unacceptable. USTR, Treasury, the State Department, and USDA know this. They fully understand that they will have one chance, and one chance only, to present us with an agreement. All the Chinese enthusiasm in the world cannot change that fact. Thus, I believe that the administration will not—and indeed cannot—bring home an accession agreement that does not meet those terms.

The amendment before us would have Congress vote on the accession of China. Yet that is not the process that we follow for accession of new WTO members. Since 1995, 12 countries have joined the WTO. Congress has not voted on any of them. This would be a bad precedent to send. It would open a whole hornet's nest of votes on China's policies, trade or otherwise. And, given that the administration knows that a bad deal will not pass muster here, I would argue that it's just not necessary.

I say to my colleagues: let's let the experts do their job. They have their guidance from Congress. The USTR team, led by our experienced and tough Special Representative Charlene Barshefsky, have been working on China accession for years, and know the issues inside out. I am confident that they won't—indeed, can't—let us down.

Mr. MOYNIHAN. Mr. President, I join with the distinguished chairman of the Finance Committee in opposing the pending amendment. I do agree with the senator from Arkansas that the Congress ought to take a close look at the terms of any agreement that is reached with China regarding its accession to the WTO. But that is already provided for in the law. Under section 122 of the Uruguay Round Agreements Act, the administration must consult with the appropriate committees with regard to the accession of any country to the WTO. Those consultations are now taking place. I am assured that Ambassador Barshefsky will meet with each and every Senator who has an interest in this matter.

Moreover, as a participant in the WTO's Working Party on the Accession of China, the United States already has an effective veto over China's admission if we determine that the protocol of accession and China's market access commitments are inadequate. Since the Working Party operates by consensus, we could simply block the approval of the Working Party report and that would be the end of the matter.

It is clear that bringing China within the WTO framework—and subject to the WTO's rules—would be in the United States' interest. China is ranked as one of the top ten exporting countries in the world (WTO report, 1997 ranking) and ranks as the 12th largest importer. It must certainly be to the benefit of the world trading system to have China abide by the same rules as others.

American farmers and businesses also have an interest in securing improved access to China's market, and the WTO accession negotiations may provide the best opportunity that we will have in a very long time.

Certainly the United States should not accept an agreement that would bend the rules for China. Nor should we settle for a minimal market access package. And we will not. But neither should we cut off the negotiations at this point, which I fear this amendment would do. In essence, it signals, at a minimum, great skepticism on the part of the United States Congress.

I urge my colleagues to vote against this amendment.

Mr. ROBB. Mr. President, whatever frustrations many of us may have right now regarding our bilateral relations with China, including allegations of Chinese espionage against our national labs, the deteriorating human rights situation in that country, the ballooning trade deficit, and more, we need to be careful about micro-managing the Executive as it conducts comprehensive negotiations over the terms of China's accession to the World Trade Organization (WTO).

Congress' voice ought to be heard on this subject, and it will be. The Jackson-Vanik amendment to the Trade Act of 1974 precludes granting unconditional MFN (permanent normal trade relations status) without a Congressional vote. By law, we will have the opportunity to carefully review and pass judgment on whatever agreement the Administration reaches with China, whenever that may occur: during Premier Zhu Rongji's visit next month, later this year, or perhaps years from now.

Ambassador Barshefsky and the other USTR officials negotiating directly with the Chinese deserve credit for appropriately consulting with Congress. Just yesterday lead negotiator Bob Cassidy reviewed in great detail with our staffs all aspects of the negotiations. Active consultations at this stage make sense, but the Senate directly intervening in the process by requiring a congressional vote on a WTO agreement with China—on the front and back ends of the protocol negotiations—is redundant, unnecessary, and tramples on Executive branch prerogatives. On those grounds, I support the tabling motion.

Mr. THOMAS. Mr. President, as the Chairman of the Subcommittee on East Asian and Pacific Affairs, I rise in opposition to the Hutchinson amendment and urge my colleagues to vote to table it.

I support China's accession to the WTO. I believe that it is in our own best interests to draw China further into the world community through fora such as the WTO. It will benefit the United States by creating a more-equal trade relationship between us, and will work to promote the rule of law in China. I also believe that it will benefit the United States by taking bilateral trade disputes which may pop up between us and making them multilateral, thereby minimizing the opportunity for those disputes to spill over and infect the rest of our relationship.

Of course, my support has an important caveat. China must accede on what are called "commercially acceptable principles." China cannot accede as a developing country in some areas, and a developed country in others, leaving it to China to determine which are which. If the time comes for China's accession, Mr. President, you can be sure that if I am not convinced that the terms of China's accession are commercially acceptable, I will be the first Member to rush to this floor to oppose accession.

This amendment though, Mr. President, is not about the mechanics of accession to the WTO. Rather, it is yet another thinly-veiled attempt by its author—one in a long series of attempts—to single China out and punish it for offenses—real or imagined—committed in other spheres. Let me be clear: there is no argument that there aren't problems in our relationship with China, serious problems that we need to address. But there are more appropriate ways to address those problems. WTO accession is a trade issue. It is not a human rights issue. It is not a military issue. It is not a technology or nuclear transfer issue. It is not an issue about how China treats Taiwan or Hong Kong or Tibet. The issue should not be linked under the guise of a WTO debate; we should not turn a decision on WTO into a referendum on the immediate state of our overall bilateral relationship.

In addition, the sponsor makes a great deal of only wanting to pass this amendment in order to afford the Senate the opportunity to debate and then vote on all the merits of China's accession should that time come. But Mr. President, we already have that opportunity. If and when China accedes to the WTO, that is not the end of the process. Congress still has to vote on extending permanent most-favored nation status to China. That debate will give the Senate, and the sponsor, ample opportunity to address all of the myriad issues surrounding China that he rightly feels are so important. It will give us a chance to raise concerns about human rights, military buildup, trade deficits, and all the rest. There is no need to afford ourselves the same opportunity twice.

In addition, Mr. President, requiring this second vote has no precedent. One hundred and ten countries have acceded to the WTO since 1948, and not once has the Senate required that we be afforded a separate vote on one of those accessions. But the Senator from Arkansas would like to single China out and set a different standard for that country's accession, to treat it differently than any other country that has come before it, or—presumably—would come after. I don't believe he can make a compelling case for doing so. Moreover, I am not convinced that giving ourselves veto authority in this manner over a trade agreement reached by the Executive Branch could pass constitutional muster.

For all these reasons, Mr. President, I urge my colleagues to oppose the amendment and support the motion to table of the Senator from Alaska.

Mr. ROTH. Mr. President, I rise to oppose the amendment offered by my distinguished colleague from Arkansas, Senator HUTCHINSON. Like him, I am deeply concerned about the issues he is attempting to address with this legislation—human rights violations and security concerns involving China, particularly the theft of scientific information from Los Alamos. I am concerned about China's military build-up, its continuing threats of force against Taiwan, and what is taking place in Tibet. I believe that appropriately addressing these issues is vitally important and I look forward to working with Senator HUTCHINSON and others to do so.

However, as chairman of the Finance Committee, I must oppose both the method and timing of this approach. It not only fails to allow the Senate to raise and address the sensitive issue of trade relations with China in the appropriate forum of the Finance Committee—a forum where the merits of such an amendment can be carefully studied and weighed against the best interests of our nation—but this approach also has tremendous foreign policy implications that need careful scrutiny.

Let me address the first concern. Trade negotiations and trade agreements go to the core of the Finance Committee's jurisdiction over trade matters. Together with Senator MOYNIHAN, I as Chair, and he as ranking member, are responsible, not only for the Committee's substantive role in the trade policy process, but also are the guardians of its prerogatives. The Committee was the first formed in the United States Congress when tariffs were the central source of revenue to a still new republic. Trade and tariff policy remain central to the Committee's role in the legislative process.

For example, the Finance Committee reported out a trade bill the first day of the 106th Congress. In addition, at my instigation, the Committee has launched a comprehensive review of America's trade policy, including the role that China's accession to the WTO would play in our trade policy.

Unfortunately, there has been no attempt to offer this legislation and lay it before the Finance Committee for its review. Nor has there been any attempt by its supporters to engage with the Committee in the process of our review of America's trade policy.

Instead, this amendment seems to be driven by the emotions of the moment toward a form of legislative anarchy. It has gone around the Finance Committee in a way that provides no time for the deliberations for which the Senate is designed. It attempts to move legislation of monumental importance to our trade and foreign policies on the back of a supplemental appropriations measure principally designed to help impoverished countries in Central America and to support the constructive role Jordan has played in the Middle East peace process.

Beyond these procedural concerns, I am deeply concerned about the underlying intent of this amendment. Is this bill being raised at this time out of a concern that our trade negotiators will not strike a deal that serves our commercial interests in China? Or is this bill being offered simply to hinder those negotiations in response to recent allegations of spying or the theft of secrets from Los Alamos?

I ask those questions because there seems to be a rush to pass this measure in advance of the visit of Zhu Rongji to the United States. It rests on the assumption that the United States will reach an agreement on WTO accession and that, by virtue of that deal, China will enter the WTO the day after Zhu leaves.

That is simply wrong. Everything we hear of the negotiations is that it will be difficult even to reach an agreement on U.S. access to China's market. I want to emphasize to my colleagues that a deal on market access, even if it is reached in time for the summit, is only one step along the road to China's accession to the WTO. The more difficult negotiations on when and how China will agree to be bound by the basic rules of the WTO remain. No protocol of accession will be approved until those negotiations are complete.

In other words, there is no reason to act precipitously on this measure. There is no reason to subvert the normal legislative processes to secure passage of this amendment at this time. Indeed, the Finance Committee is actively at work on trade matters as part of the trade policy review I have initiated. That is the appropriate venue for the initial discussion of this measure and any necessary refinements to my colleague's approach.

China has been the subject of intense concern to the Finance Committee. We have made it clear at every stage that constructive trade relations with China must offer concrete assurances of U.S. market access consistent with our national interest. We have also made it clear that there must be no rush to judgment or attempt to offer a politically-motivated deal to the Chinese simply because the White House wants a foreign policy "deliverable" to cap the upcoming summit meeting.

My impression from our discussion with Ambassador Barshefsky is that, while there has been considerable progress in recent days, there is still a considerable distance to go even before the United States could agree to a package on market access, much less the more difficult process of negotiating the actual protocols of accession.

Beyond these reasons, Mr. President, I oppose Senator HUTCHINSON's amendment on China's accession to the World Trade Organization because of the damaging precedent it would set for all future WTO accessions. It would dramatically undercut the United States' consistent position—under both Republican and Democrat presidents—that accession to the WTO and its predecessor organization, the GATT, is not a political decision, but is one we as Americans base simply on another country's willingness to be bound by the same rules that govern our other trading partners in the world trading system. It is quintessentially a commercial agreement that should be judged on its merits as such.

I also oppose this amendment as a matter of Senate procedure. I have always objected to attempts to legislate on appropriations measures. Offering substantive amendments to appropriations bills subverts the normal process of the Senate by which legislation is introduced, moved through the committee of jurisdiction with expertise on the matter, and moved to the floor.

Attempts to modify substantive law on the back of appropriations bills often results in the delay of the appropriations themselves. Whether my colleagues support the current supplemental or not, I think we would all agree that the bill deserves to rise or fall on its own merits, not as a result of extraneous and unrelated matters.

For all these reasons, I urge my colleagues to vote against Senator HUTCHINSON'S amendment.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, might I inquire as to how much time each side has remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes 15 seconds. The Senator from Montana has 9 minutes 52 seconds.

Mr. HUTCHINSON. Thank you, Mr. President.

If I might just briefly respond to a few of the points that my good friend from Montana made in his excellent statement.

It seems to me to be a difficult proposition to come to the floor of the Senate and argue that we should not have a debate and to argue we should not have a vote on the admission of China to the World Trade Organization. Yet that is the posture which the opponents of this amendment must be.

The Senator from Montana has said it would be an "alarming precedent"—I believe those are the exact words—that has never happened before. In many ways, China is unprecedented. They are unprecedented in their size, their population, and their impact upon world events. And in many ways the abuses that are currently going on by their government to their own people are unprecedented. It is unprecedented to have a nation in the World Trade Organization with 40 percent of the economy controlled by the state. That is unprecedented.

Perhaps that is a good reason to have a debate on this issue and have a vote on who should be admitted to the World Trade Organization, since it would be unprecedented for a nation of this size, with such a mixed economic system, to be admitted to the World Trade Organization. It is unprecedented to admit to this trade organization a nation that views us as a hostile power and, as evidence indicates, has aggressively spied on the United States and stolen nuclear secrets from the United States.

To say it is an "alarming precedent," I think is a great overstatement. In fact, if there was ever a reason to change the precedent, it would be because of China's behavior.

The Senator from Montana said amendments would certainly be messy. That is what democracy is about. That is what happens; that is what debates are about; that is what freedom is about. It might be messy; it might be unpleasant to vote on amendments that might be offered. But to respond to the question of the Senator from Montana, I am more than delighted to have a straight up-or-down vote with no amendments. If we were in the House of Representatives, we could have the Rules Committee provide such an order; we would have no amendments, and we would vote up or down on whether China ought to go into the World Trade Organization. I am delighted to have such an opportunity, and I make a commitment to that right now. If we have a unanimous consent, at the appropriate time, I support having a clean vote on China's accession to the World Trade Organization.

I was somewhat surprised to hear my colleague from Montana say China has not been a bad boy, they have been a good boy; a number of things they helped us with—Pakistan and India. They had signed international agreements. They had shown restraint.

They have been adjudged one of the greatest proliferators of weapons of mass destruction in the world today. In fact, they were a great contributor to the problems and the arms race that has developed between Pakistan and India.

Signed international agreements—indeed, they have signed international agreements. Last year, they signed the International Covenant on Civil and Political Rights, and since they signed that international agreement our State Department has adjudged their behavior on civil and political rights abysmal. They have a new and vicious and brutal crackdown upon the rights of their own people. That is the international agreement.

My colleague said they have shown restraint, not like the adventuresome nature of their politics 25 years ago; they have shown restraint. Well, I don't believe it is restraint for them to vigorously modernize their weapon systems and to vigorously seek American technology through legal and illegal means.

All of that aside, some of the questions were answered, but many of the questions I raised were not addressed at all and have nothing to do with anything other than trade and the economy. But they are questions that need to be debated, questions that need to be answered. Are we lowering the WTO bar for access to the Chinese? To say that we can deny them permanent MFN after the fact, after they have been admitted to the WTO, and that will be our vote, I think begs the question. There will be such international pressure for permanent MFN if we have already supported their admission to the WTO that it will be inexorable. It will be a fait accompli. But the evidence clearly is that we are setting a different standard for China.

In my discussions with the State Department over a year ago, they made it very clear to me that they were debating within the State Department whether we would have greater influence on China with them in at a lower standard, or out waiting for them to change and to make the necessary reforms. It is very clear that the administration has pursued the idea of lowering the standards so that China could be brought in prematurely. Admitting them as a developing country is changing the standards for China. These are issues which have not been addressed today in our debate but need to be addressed by the U.S. Senate.

I will not go through all of those questions again, but they are important questions. The Senate and the Congress should not keep "punting" on trade issues. We have a constitutional role. We are a coequal power with the executive branch. This is an opportunity for us to regain our voice on those very, very important issues that affect the lives of every American. The issue today is not do we want China in the WTO; the issue is do we want to have an opportunity to debate that and to vote on that. That is the issue.

I have said, and I will say again, I want China in the World Trade Organization at the right time and under the right circumstances. But I do not believe that we should allow the administration to make a unilateral decision coopting the constitutional right of the House and Senate to express itself on this very, very important issue.

I hope that this amendment will be passed, that we will have the opportunity at the appropriate time to vote yes or no on China's admission to the World Trade Organization. I hope that the reforms are made in China so that I could vote yes on that. I would like to see that, but I believe that we have the greatest leverage we will ever have in bringing about reforms before we concede ahead of time that they should go into the WTO.

I believe this is an eminently reasonable amendment because we are not prejudging what the outcome should be. We are simply saying we should have the right to vote. We should say yes or no—not trade negotiators in a vacuum apart from those who were elected by the people to represent.

I reserve the remainder of my time and I yield the floor.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Arkansas has a little under 4 minutes, and the Senator from Montana has a little under 10 minutes.

Mr. BAUCUS. I will take just 2 or 3 minutes before I yield back my time. We are getting into the repetitious stage.

Let me say that it is important to think about the precedent. Congress has never voted on this issue before. There are a lot of other countries that are going to be seeking membership in the WTO. They are basically former Soviet Union republics. Russia—name them. They all are going to be looking for membership in the WTO. If we start voting now on membership, I think we have to do the same for all the others, and they will get caught up in the other issues, too, that have already been discussed.

Frankly, the Senator from Arkansas made my case when he said that at this time we have the greatest leverage. It sounds to me as if the leverage he is talking about is on human rights. It is on lots of issues. I just think that we do not want to get to a debate on China policy if and when the U.S. executive branch seeks to have China become a member of the WTO.

I also suggest to my good friend from Arkansas it is a good opportunity for the Senator and all of us who are concerned about the terms of China's infamous WTO, the economic terms, to make our case very strenuously now with the administration, with Ambassador Barshefsky, with others in the administration, so that they do come up with terms that we would more likely agree with than not.

Now is the time. There are intense negotiations going on now. Premier Zhu Rongji is about to visit this country. I think it is Premier Zhu Rongji's visit to the United States which gives us "leverage," because he will want to come with an agreement. We should make use of that leverage by vigorously talking with the administration.

It has been a good debate and I think we should deal with all these issues of China separately, not in the context of WTO. I hope that the Senators would agree with the Senator from Alaska when he moves to table the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I yield back my time.

Mr. HUTCHINSON. Mr. President, I will take a moment, and then I will yield my remaining time.

I say that the leverage of which I speak—I think the Senator from Montana knows and agrees that the leverage is greater now before China goes into the World Trade Organization. The issues of which I speak deal primarily with trade issues. I hope we will use that leverage for human rights and nuclear nonproliferation across the board. But certainly there are trade issues that are critically important.

We have almost a $60 billion deficit with China. They have great barriers there, and we cannot lower the standards just so we can have a political announcement and have a gift that we are providing the Chinese by saying we are going to support your accession to the World Trade Organization.

I didn't want to offer this amendment today. I would much rather that this had gone through the committee. I would rather we had a different vehicle. But we are going out on Easter recess and the Premier is coming to this country. The negotiations are coming to a head. This is the only opportunity we have to ensure that we will have a voice on whether or not they should go into the WTO.

I urge my colleagues to support this amendment—not to table it but pass the amendment and let the administration know how seriously we take this issue, and that as a coequal branch of Government we should be able to approve or disapprove whether China goes into the WTO.

There are serious issues that were not raised in this debate. We have had a good debate, but there needs to be a much more thorough debate, with many more Members involved. That will take place at the appropriate time if this amendment is passed. I ask colleagues to support it at the appropriate time.

I yield the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, is all time yielded back?

The PRESIDING OFFICER. All time has been yielded back.

Mr. STEVENS. Mr. President, I am constrained to make a motion to table because I believe that this amendment, if not tabled, would take a considerable amount of time. I served in China in World War II. I would like to be involved at length in this debate, but this is not the time or the place for that debate.

I hope all Senators will understand that I make this motion merely to try to control this supplemental and get it ready for a conference at the earliest possible moment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, that will be postponed until 2:30.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I ask unanimous consent that the only amendment that would be in order between this time and 2:30 would be the Torricelli-Harkin amendment, that there be no second-degree amendments, and that if the Senators finish the use of their time prior to that time, the Senate stand in recess until 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 92

(Purpose: To terminate the funding and investigation of any independent counsel in existence more than 3 years, 6 months after the termination of the independent counsel statute)

Mr. TORRICELLI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mr. HARKIN, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. REID, proposes an amendment numbered 92.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, between lines 18 and 19, insert the following:

SEC. . LIMITATION OF FUNDING.

(a) IN GENERAL.—Effective December 31, 1999, funding authorized pursuant to the third and fourth provisos under the heading "SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" under the heading "LEGAL ACTIVITIES" under the heading "GENERAL ADMINISTRATION" in title II of Public Law 100–202 (101 Stat. 1329-9; 28 U.S.C. 591 note) shall not be available to an independent counsel, appointed before June 30, 1996, pursuant to chapter 40 of title 28, United States Code.

(b) PENDING INVESTIGATIONS.—Any investigation or prosecution of a matter being conducted by an independent counsel, appointed before June 30, 1996, pursuant to chapter 40 of title 28, United States Code, and the jurisdiction over that matter, shall be transferred to the Attorney General by December 31, 1999.

Mr. TORRICELLI. Mr. President, I rise today with my colleague from Iowa, Senator HARKIN, and on behalf of Senator DURBIN, Senator FEINSTEIN, and Senator REID of Nevada, to offer an amendment to bring some rational conclusion and fair determination to the issue of independent counsels in the U.S. Government.

I begin with a simple admission. In 1994, as a Member of the House of Representatives, I voted for and argued for the enactment of an independent counsel statute. I was not mindful then, as I am now, of the complete record and statements as to the likely outcome of the independent counsel statute.

Howard Baker, then a Member of this institution, argued that the independent counsel statute would "establish a virtual fourth branch of Government, and would substantially diminish the accountability of law enforcement to the President, the Congress, and the American people."

Acting Attorney General Robert Bork, warned: "What you are doing [with the independent counsel statute] is building an office whose sole function is to attack the executive branch throughout its tenure. It is an institutionalized wolf hanging on the flank of the elk."

Mr. President, I take no delight in admitting it, but it is inescapable. Mr. Baker, Mr. Bork, and other Members of this institution were right. And many of us in my party, and, indeed, President Clinton, who ultimately signed the law, were wrong.

It is now clear—I think unmistakably clear—that the independent counsel law, when it expires on June 30, 1999, will not be reauthorized. There is not only not the votes in this Senate or in the other body, but there is not a rationale based on the historic experience to allow this law to continue.

It brings me no pleasure to bring to the floor of the Senate the weight of the evidence that supports the conclusion that the law should expire. But it is overwhelming, and it isn't only Kenneth Starr. Independent counsels, from Walsh to Smaltz, have given us no choice but to close this unfortunate chapter. The list of abuses by independent counsels are daunting, and they are dangerous. Mr. Starr has no monopoly in his violations of law, ethics, or common sense. But the investigation that is now underway in the Justice Department of Judge Starr is still instructive. It teaches us a lot about the basic failings of this law, how it can be abused, and why the amendment that I offer today, along with Senator HARKIN, is of such value.

First, Mr. Starr apparently may have failed to inform the Attorney General about his contacts with Paula Jones' attorneys. Indeed, he may have misled the Attorney General on this issue.

Second, it is overwhelmingly clear that Mr. Starr, or his subordinates, leaked confidential grand jury information in direct violation of the Federal Rules of Criminal Procedures.

Third, it is possible that Mr. Starr may have used questionable prosecutorial tactics by making an offer of immunity to Ms. Lewinsky contingent on her not contacting her attorney.

These may not be the only violations of procedure or law, but they tell us something about the fact that there is something institutionally wrong with how the independent counsel statute has functioned.

I do not raise these things out of any vendetta against Mr. Starr, or his tactics, or his office, because this is an institutional problem. Indeed, in the last few years, Donald Smaltz has spent $7 million investigating former Secretary of Agriculture Michael Espy. Last year, after a 2-month trial, in which the defense never found it necessary to call a single witness, that $7 million investigation resulted in a jury acquitting Mr. Espy on each and every one of the 30 counts in the indictment.

C. David Barrett spent $7 million investigating former HUD Secretary Cisneros on allegations that he lied about payments to a former mistress. Mr. Barrett went so far as to indict the former mistress over misstatements on a mortgage application form. Nor is it limited to this administration.

In the previous administration, after a 6-year investigation, Lawrence Walsh indicted Casper Weinberger only 5 months before the 1992 Presidential election in either a moment of political convenience, or worse. Mr. Walsh had spent $40 million over 7 years in his investigation.

I believe it is now clear that, despite the best of intentions and our frustration with the Watergate experience, we now know the independent counsel statute is deeply flawed. It has created a prosecutor that is accountable to no one. It is a contradiction with the most basic lessons of our Founding Fathers in the Constitutional Convention. Indeed, in Federalist 51, Madison sums up the need for checks and balances of every office, every center of power in the Federal Government, with a simple phrase "Ambition must be made to counteract ambition."

Mr. Walsh, Mr. Barrett, Mr. Starr, and Mr. Smaltz are ambitious men, but their ambition is met with no countervailing power.

There is, in theory, in the Office of the Attorney General the opportunity to dismiss for cause, to hold accountable, but in the political realities of our time no Attorney General could exercise that authority against an independent counsel investigating an administration in which he or she is a component part.

The Congress does not even control the ability of oversight of expenditures. As a Member of the Senate, and as a member of the Judiciary Committee with oversight responsibilities for the Judiciary, for the operation of the Attorney General, I wrote to Mr. Starr and to the Justice Department asking about how this $50 million had been spent and received nothing but a vague reply with broad categories. Mr. Starr's office remains the only functioning office in the entire U.S. Government where the people's representatives cannot inform on behalf of the people how millions upon millions of dollars are spent. But mostly, I suppose, if the money were wasted and power were exercised responsibly but the net result was still a rising level of public confidence in public integrity, it might be worth the abuse or the expenditure. But this isn't the case either.

The independent counsel statute has not succeeded in removing politics from prosecution. It has brought a new element to politics, the hijacking of these offices, the use of them for their own political purposes, only now without oversight. Public confidence in the administration of justice has not only not improved but it has completely failed.

Now it is being argued that the law will expire and there will never be independent counsels again. I believe that is an accurate portrayal of the situation, but the current five independent counsels should simply be allowed to continue in their work. The question remains, how long and for how much?

Mr. Starr has suggested his investigation may go to the year 2001. He has the power for it to continue until the year 2010, 2020. When will Mr. Barrett complete his case, in this decade or the next? And, if $50 million was an outrage by the public for the expenditures of Mr. Starr, there is nothing between here and his expenditure of $100 million, $200 million. Is he the only person in the Federal Government who will retain the power to unilaterally spend unlimited sums of funds with no oversight for any purpose?

That is what brings me to the floor today with Senator HARKIN, to offer an amendment that allows Mr. Starr, Mr. Barrett, and the other three remaining independent counsels to continue with their investigation for 6 months after the expiration of the independent counsel statute on June 30. For the remainder of this year, they retain their authority, their budget appropriations, and they should complete their files and prepare their cases. During that 6 months, they should work with professional prosecutors in the Justice Department, the Public Integrity Section, as applicable, and prepare the transfer of their cases. The cases will continue. They will be in able hands with professional prosecutors, with ample resources.

This law is not intended to end any investigation. It will not end any investigation, but it will allow for the orderly transfer of these investigations and prosecutions within the Justice Department. Those two investigations which have not had independent counsels appointed for 3 years, involving Secretary Herman and Secretary Babbitt, are not affected by this amendment. It is our belief those independent counsels have not had at least 3 years to prepare their cases. We will give them every benefit: Take the time as independent counsels after the law has expired, prepare your cases, continue the prosecution if you have a case, or dismiss it if you do not. This amendment is reserved only for those cases where more than 3 years has expired and where, after the expiration of the independent counsel statute, there is a need to then proceed.

I believe this amendment is fair. It will help restore public confidence and allow the Congress to know the taxpayers' money is being spent properly. It will transition the Federal Government into the post-independent counsel statute method of dealing with these important questions.

I thank Senator FEINSTEIN and Senator DURBIN for joining with Senator HARKIN and with me in offering this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, with respect to my colleague from New Jersey and the other cosponsors of this amendment, I rise to oppose the amendment. I understand some of what has moved them to have the strong feelings they do that lead to this amendment, but I think it is certainly ill timed and ultimately ill advised.

I say it is ill timed because the Committee on Governmental Affairs, on which I am honored to serve as the ranking Democratic member, is in the middle of an inquiry, holding hearings on the fundamental question of whether to reauthorize the independent counsel statute, hearings which will continue for at least a month more. I think it is worth letting that process work what we hope will be its thoughtful and constructive way.

I know many of my colleagues oppose reauthorizing the statute, and that is true of Members on both sides of the political aisle, just as I am heartened by the fact that Members on both sides of the political aisle support the retention of the independent counsel statute or some version of it. I hope we can work together to develop a law that establishes the principles of independence of investigation when the highest officials of our Government are suspected of criminal behavior. It may take some time and some convincing. Most people believe this will not happen by the June 30 expiration date of the current statute. The statute, therefore, may lapse for a time while we work on this. But that would not be a catastrophe, because under existing law the independent counsel who are in effect now would continue to do their work.

Regardless of how the underlying question of whether we have an independent counsel—inside the Justice Department, outside the Justice Department—or not, is resolved, I believe it would be a serious mistake to single out, as this amendment does, what I gather to be four of the independent counsels for termination while their investigations are ongoing. In that sense, this amendment is not just a preemptive attack on the statute while we are still considering as a committee and as a body whether to reauthorize it, it is what might be called a personal attack on the most controversial independent counsels. In that sense, it actually cuts against the purpose of the statute in the first place, which was to provide for independence of investigation and prosecution. The fear was, when the statute was drafted and adopted in 1978 after Watergate, that prosecution—investigation of high-ranking officials of our Government would be interfered with by people in the executive branch who would be affected by those investigations.

There is a way in which this amendment puts Congress in a position of compromising the independence of these investigations. Under the amendment, all the independent counsel investigations besides the ones covered still operating after the law expires on June 30, would continue. It is not until they reach the 3-year deadline in the amendment, but until their work had been completed and their offices were terminated pursuant to the statutory provisions which are currently in effect.

There are two other ongoing independent counsel investigations begun in 1998 which, as my friend and colleague from New Jersey, I believe, just indicated, would never be affected—in fact, would never be affected by this amendment. Similarly, there may be other independent counsel currently operating under court seal, which we would therefore not know about, who would not be affected. And the Attorney General may appoint additional independent counsel before the statute expires on June 30. All of these would not be affected. This amendment as I understand it and read it, affects only four independent counsel: Kenneth Starr, David Barrett, Donald Smaltz, and Larry Thompson.

I am not rising to oppose this amendment because I want to defend the investigations that these four men have carried out. I do not want to. I don't need to. Some of the criticisms of their work may be valid; some may not be. But that is not the point, as I see it. The point is, and the question is: Do we in Congress want to set the precedent of terminating an ongoing separate branch investigation and prosecution for whatever the reason that it has aroused our opposition? I think this would be a bad precedent which smacks of violation of the separation of powers doctrine and values.

I know we maintain the power of the purse, and it is an important power, but it has to be exercised with great discretion and sensitivity, particularly when we are affecting one of the other branches of Government and particularly when we are affecting a branch of Government whose particular participants here are involved in controversial independent investigations. It was no accident that the framers of the Constitution went out of their way in a whole series of cases, including in the impeachment provisions in the Constitution which we have just come through, to make it very clear that Congress does not have the power to prosecute. That was one of the lessons the framers learned from their own history. So, as we remember in the impeachment provisions, and it was central to the decision that many of us made, that impeachment existed not to prosecute the President in that case.

That was something that the Constitution tells us could be done after an individual left office by the appropriate branch of government. I worry very much about the effect of the precedent that will be set here, understanding some of the concerns that motivatè the amendment, but thinking beyond the current situation. A precedent would be set for Congress to intervene and terminate independent criminal investigations and/or prosecutions. We do not have to do it. The law makes clear that there are others who can take these steps. The independent counsel statute itself contains a mechanism by which the Attorney General can remove any independent counsel, including these four, for cause. So far she has declined to use that authority. I think to some extent what is involved here is our respect for her right, as the Nation's chief law enforcement officer, to make the decision as to whether to use the power we have given her in statute to decide whether or not to remove these four independent counsel.

Why should we presume to replace our judgment for hers? The statute also contains a provision by which either the Attorney General, the independent counsel, or the special panel of three appellate judges can move to terminate an investigation, if its work has been substantially completed, whether or not the independent counsel himself thinks that is the case. This amendment makes an exception to those ongoing statutory provisions for four independent counsel. It is not the proper role of Congress, in my belief, to decide that certain prosecutors should be fired in the midst of their work. We should apply the same provisions of the law to those independent counsel whose investigations have displeased us, either because of the content or the length of the investigations, as we do for those that have not displeased us.

Even if this amendment's 3-year cutoff applied equally to all of the independent counsel, it may well constitute an unjustifiable interference in ongoing criminal investigations.

The independent counsel statute, as it exists today and as I mentioned earlier, grandfathers existing investigations, if the statute is not renewed, for a number of very good reasons. Among them are that after a prosecutor has spent time on a lengthy and complex investigation, he has built up a store of information, institutional memory, ongoing leads and relationships. Much of that would be lost if these cases were turned over to the Department of Justice midstream. Again and again, I have heard critics of the independent counsel statute complain of the inefficiencies involved in requiring newly appointed independent counsel to find office space and assemble staff before they begin their work, but we need to weigh carefully whether there are greater inefficiencies and greater harms involved in tearing apart these offices before they have finished their work. The inefficiencies, I think, would be compounded if we in Congress ultimately pass a statute to replace the current law.

The legislative process has barely begun on the question of whether or not to renew in its current form or some revised form the Independent Counsel statute. None of us, certainly not I, can say where this will lead. Perhaps a new independent counsel would have to be appointed and attempt to reconstruct the work that had been done. Before a new law is passed, it is not clear to me how the Attorney General would be expected to handle the investigations that would be returned to the Department at the end of the year.

Yesterday, in testimony before the Governmental Affairs Committee, the Attorney General promised to continue appointing independent counsel where necessary, pursuant to regulations, if the current statute expires.

The amendment before us may have the ironic effect of requiring the Attorney General to immediately appoint a new independent counsel to resume investigations and prosecutions that were already well underway towards completion, which I fear might mean not only a bad precedent and principle, but additional expenses as well.

Finally, Mr. President, the Attorney General declared yesterday that she is opposed to reauthorizing the independent counsel statute, but I think it is fair to say that she nonetheless saw dangers, problems implicit in the pursuit and purpose of the amendment before us now. I thought she urged us to reject it. At least she said it didn't make sense to her. I admire her forthrightness on both counts, though I disagree with her on one. Whether or not you support the independent counsel statute, I hope my colleagues will think twice before going on record and supporting the precedent of premature termination by Congress of prosecutors who are appointed to be independent guardians of justice, independent from the executive branch and independent from the legislative branch as well.

I thank my colleagues.

Mr. TORRICELLI. Mr. President, will the Senator yield?

Mr. LIEBERMAN. I will.

Mr. TORRICELLI. Mr. President, I thank the Senator for yielding.

I want to make certain that the record is complete and accurate. The Senator has suggested that it would be interfering with an ongoing criminal investigation. The Senator understands that in these 6 months, the independent counsel would have time to take their cases, as they are now prepared, and their relatively small offices and give them to professional prosecutors in the Justice Department who have been pursuing similar or more important cases for years. There is no diminution in resources, quality of personnel, or ability to pursue the case. Ironically, this is probably bad news for the potential defendants, because they are going to be facing much more experienced prosecutors.

I just wanted to make certain that was clear on the record and the Senator understood that.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Jersey. I do understand it. My reaction to it is that we are still taking from these offices that have been working on these cases and establishing a precedent for various reasons. It is a precedent that can be misused, as time goes on, of terminating an ongoing independent counsel prosecution by the individual, firing the individual who is doing it, turning it over to the Justice Department, which, of course, has many, many capable and experienced lawyers, but who have not been working on this case. Therefore, I think that it would suffer not only from redundancy and inefficiency, but most of all, I worry, no matter what we think about these four or the independent counsel statute, it would set a bad precedent of legislative intervention into independent investigation and prosecution.

Mr. TORRICELLI. Mr. President, will the Senator continue to yield for one more inquiry?

Mr. LIEBERMAN. I will.

Mr. TORRICELLI. The point was made, as well, as to whether or not this is an unconstitutional interference. The right of the Congress to reassign responsibilities, to reassign appropriations, of course, is an innate part of the function of Congress. The Senator from Connecticut, as did the Senator from New Jersey, I am sure, voted, for example, for the State Department reauthorization, the Department of Energy reauthorization, where we simply reassigned executive responsibilities as part of our constitutional power.

Finally, I, too, was there for the Attorney General yesterday. The Senator from Connecticut may remember, I asked her, in my concluding questions, whether or not the Justice Department had the resources to deal with these cases. She was confident they would and could deal with these cases so that justice was done and there was no diminution of effort in the pursuit of justice in these cases.

I simply want the RECORD to reflect that her answer was affirmative. I thank the Senator from Connecticut for yielding and apologize to the Senator from Iowa for taking the time.

Mr. LIEBERMAN. I thank my friend from New Jersey. I will speak for a moment more and then yield to the Senator from Iowa.

I think the Attorney General yesterday was asked two different questions, quite different, and didn't give inconsistent answers, but I think my interpretation was, she said that an amendment of this kind would be unwise. She did say that if it was agreed to, the Department, as the Senator from New Jersey has indicated, would be capable of picking up these cases.

Secondly, I want to indicate that I am not reaching a constitutional judgment that this is a violation of separation of powers. I have tried to be careful in my comments to state that. I do think it evokes separation of powers concerns and values. Taking the example that the Senator from New Jersey gives of reauthorization of State Department or Energy Department Offices, to me this would be a little bit like abolishing an assistant secretaryship in one of those Departments because we didn't like the work that the particular Assistant Secretary was doing and saying, turn it over to the Secretary of State or Secretary of Energy and let them do it the way they want to do it. While we have the power to do that and we have the power of the purse, it would set a precedent that could come back to haunt us.

I thank my colleagues, I thank my friend from New Jersey, and I yield to the Senator from Iowa.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I have listened with great interest to the arguments made by the author of the amendment, Senator TORRICELLI—of course, I am a cosponsor of the amendment—and the very lucid and well thought out arguments of my friend from Connecticut.

First I will respond to my friend from Connecticut by saying that he used the word "ill-timed" on a number of occasions in his argument. I quite disagree with my friend on that. I believe this is perfect timing.

What are we talking about here? We are on a supplemental appropriations bill. We are making some cuts someplace. We are spending money. We are trying to reach some emergency spending moneys that we need, and we are all looking for places to save money. Here is one place we can save some money. That is what this is about, too.

If there is one thing I continually hear from my constituents in Iowa and from people around the country, it is, "How much more money are you going to pour down that rat hole?" How much more money are we going to spend on these special prosecutors that go on and on and on? I think the timing is very appropriate right now, when we are on an appropriations bill talking about how much money we are spending and how much money we can save to meet critical needs in this country. I think it is very appropriately timed on this legislation.

Mr. President, the Starr investigation has been traumatic for this country, it has been divisive for our national fabric, and these gaping wounds need to be healed. The focus so far has been on allowing the independent counsel statute to lapse on the assumption that it will put an end to the episode. In reality, that is far from the case.

The independent counsel statute will lapse on June 30, but it does not put an end to the ongoing investigations. Keep in mind that the amendment offered by the Senator from New Jersey and others, of which I am a cosponsor, basically goes just to those investigations that have been ongoing for over 3 years. There are a couple that are less than 3 years. Our amendment does not touch them.

We are only answering the three—actually there are four. The Senator from Connecticut mentioned the fourth one. It caught me by surprise and I had to look it up. It turns out the fourth one is an ongoing investigation into Secretary of HUD Samuel R. Pierce. If I am not mistaken, he was Secretary of HUD under Ronald Reagan. They still have an investigation going on him. It just goes to show you, these things just go on year after year after year.

What we are saying is, if we have an independent counsel who has been operating for more than 3 years, in 6 months—by the end of this year—they have to close up shop and turn it over to the Justice Department.

We are not saying that no one will be let off. No appeal is going to be dropped. No valid investigative lead will be abandoned. The cases will be pursued in keeping with Justice Department rules by some of the most experienced prosecutors in the country.

Again, I point out there is little doubt that these cases will be under scrutiny internally at the Justice Department, certainly by the media and by the Congress.

We have a President, an Executive, of one party, Congress run by another party. I daresay there are going to be some checks and balances here. Anyone who thinks this can be smothered by the Justice Department does not recognize how this town works. What it will do is save us a lot of money, and that is what I keep hearing about from my constituents.

Until I started looking at this independent counsel law during the impeachment trial we had in the Senate, I had not paid all that much attention to it. In fact, I admit freely, when the extension passed in 1993, I was one of those who voted to extend it. I wish now I had not, because I think it has run amok. That is why I will be in favor of letting it expire on June 30.

In looking at this, I was trying to find out how Ken Starr could rack up a bill between $40 million and $50 million in less than 3 years. How could that be possible?

I began trying to find the line items where he was spending the money. Guess what I found out. We cannot get that information. I can go to the Department of Agriculture and I can find out where every last nickel they spend goes. I can go to the Defense Department and find out exactly where every nickel they spend goes. They have to line item everything. That is true of any branch of Government but not of the independent counsel. Believe it or not, you cannot find out where he is spending the money. All they have to put it under is general broad categories, summaries.

For example, here is a bill, and this came from the Los Angeles Times. They said they paid $30,517 for psychological analysis of evidence in the suicide of former White House lawyer Vincent Foster by the same Washington group that looked into the untimely death of rock musician Kurt Cobain. What is that all about?

Then there is $370 a month in parking. We do not know who for or what for, but it is there, $370 a month. Here is $729,000 on five private investigators who were hired to supplement dozens of FBI agents. What did it go for? Where did that money go? We do not know. Here is a report that Mr. Starr paid $19,000 a month in rent at a luxury apartment building for staff members—19,000 bucks a month? I would like to know what he was renting. Again, we do not know because we cannot get into the line items.

That is just another glaring deficiency in this huge loophole that we opened with the independent counsel law. It is, in fact, a fourth branch of Government with no checks and balances and no accountability to Congress.

Despite the fact that Mr. Starr made his referral to Congress, it was considered and dispensed with through a long, tortuous episode in the House and long, tortuous episode in the Senate with the impeachment trial. According to newspaper accounts, Mr. Starr has no plans to wind things down. In fact, there are indications he may keep the investigation going not for 1 year, not for 2 years, but for 3 more years. That is why we are offering our amendment; cut funding in 6 months for any independent counsel investigation that has been ongoing for 3 years or more. That is enough time.

The Starr investigation has been going now for almost 5 years, and I think we are pretty darn close to $50 million, maybe more by now. We are just saying, during these 6 months, to Mr. Starr and these other independent counsel, even the one who is investigating Samuel Pierce from the Reagan administration, it is time to put their books together and make any referrals for any additional action or investigations to the Attorney General.

This deadline gives plenty of time to the independent counsel to finish their work. And, again, if there is any problem, the American people can rest assured that these cases will be handled by a specialized office of the Justice Department that has been doing this for over 20 years.

I think we have all concluded that the independent counsel law is fatally flawed. Under these circumstances, it would be a mistake to let the Starr investigation continue on indefinitely without any end date, without any oversight, without any rein on prosecutorial excess, without any rein on money.

I think we ought to listen to people and let the country move on. Mr. Starr has had long enough to investigate Whitewater and Monica Lewinsky. The Senate considered the charges against the President. We dispensed with them. I think 6 months is long enough to wrap things up. Make the referrals he deems necessary so we can put this behind us.

Again, I just point out, Mr. President, that Mr. Starr is sort of like a gold-plated energizer bunny—his investigation keeps going on and on, and the money just keeps going up and up and up.

Twenty independent counsel investigations have been initiated since 1978, at a cost estimated at nearly $150 million. Here is one. Donald Smaltz began his $17 million investigation of former Ag Secretary Espy in November 1994. He filed 30 counts. The jury threw them all out. The jury threw them all out. He spent $17 million. What happened? Well, it sure ruined Agriculture Secretary Espy, I can tell you that; but the jury found him innocent—$17 million.

David Barrett began his investigation, which I understand is now around $7 million, of former Housing Secretary Cisneros in May of 1995.

So the bills just keep getting racked up. The independent counsel keep going, and the people of this country are wondering, What in the heck are we doing? Here we are on an appropriations bill, we are trying to scrounge every nickel, every penny we need to meet the critical needs of people in this country. We have it in the farm sector. We have a lot of critical needs in rural America, I can tell you that right now, with the devastating crop prices and livestock prices. And we are looking for money for some assistance for farmers. We can't find it. Yet we have millions for Ken Starr and for all these other investigators to just keep living in luxury apartments and running up the bills to the taxpayers with no accountability.

So that is why I think we have to do this. Six months is long enough. I do not know what the Governmental Affairs Committee will report out, when they report it out. It is my own observation that when this law expires on June 30 there are not the votes here to extend it. Some people may want to extend it, but I do not think there will be the 60-plus votes necessary to extend that law. But that does not make any difference; the ones that are going on now can just keep right on going. I just think it is time to heed the common wisdom of the people of this country and shut the spigot off and turn it over to the Justice Department by the end of the year.

I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, we at the Governmental Affairs Committee are, indeed, conducting hearings with regard to the independent counsel. The criticisms of the Independent Counsel Act have been many and well known for many, many years. The Act was passed in 1978. I was one of the ones who was critical of the idea that you could set somebody up totally separate and outside the process and not accountable in the very beginning.

A lot of my friends now who criticize the Act, of course, thought it was a very good idea back when the independent counsel were investigating the other party. All of the criticisms about Mr. Starr, of course, were applicable to Mr. Walsh's investigation, which went on longer, cost more than Mr. Starr's investigation back during previous administrations.

We should not look at this in terms of who is investigating whom. As I say, I have been critical of it all along. I still am. But the question is, Where is the power going to reside if you have a real conflict of interest? If you have a President of the United States who has been accused of serious misconduct, can his appointee, the Attorney General, investigate that with any credibility? I think for most of the Attorneys General we have had throughout our history, the answer is, yes, they have been people of great integrity. But what about the perception? Is that a good idea?

So if we do not have an independent counsel, we give it back to the employee of the President to investigate the President? That is an inherent conflict of interest. Attorney General Reno herself, the Department, the administration back in 1993, all agreed that was a bad idea, and they were for the independent counsel. Now, recent events, and Mr. Starr's criticism, has caused them to reverse on a dime and say that they have discovered structural defects in the statute.

The statute has been basically the same since 1978. They are just now discovering those structural defects in the statute. It looks an awful lot like the question of, Whose ox is being gored? But we are trying to stay away from too much of that.

I have been critical, of course, of this Justice Department in not appointing an independent counsel in the case that I feel calls out for it the most. We have a classic case with regard to the campaign financing scandal—one of the largest scandals we have ever had in this country—a classic case for why the independent counsel law was passed. Yet all these others have been appointed, but when it comes to the big guy, we do not have an appointment in that particular case.

But, that aside, we are trying to examine all sides of this: Should we continue the law? Should we not continue the law? And if we continue the law, should we modify it? All those are possibilities. All those are on the table. And we do not know what the result is going to be yet.

So along comes this amendment that is on the floor now—a terribly bad idea. Regardless of whether you are for the independent counsel statute or against the independent counsel statute, the idea that Congress should step in, either now, 3 months from now, or 6 months from now, and call to a halt investigations that have been going on for a year—not just Mr. Starr's investigations but other independent counsel—and say, "Congress knows best; we're going to get into the middle of these criminal investigations, and although we set up the independent counsel law that was passed in this U.S. Congress—they were duly appointed—we're going to call a halt to them because we don't like the people who are being investigated; we don't like the amount of money that you're spending," or all those newfound criticisms that we have been silent on up until now since 1978, is an extraordinarily bad idea.

The Congress has already determined that even if the independent counsel law lapses, these investigations that are ongoing should continue.

The Attorney General can ask the three-judge panel to call a halt to an investigation if she believes that it is justified. She has not done that. In fact, the Attorney General does not support this amendment. This amendment would say: Let's call a halt to all of it and give it back to the Attorney General.

I asked the Attorney General yesterday, in Governmental Affairs, just one question: "As a matter of policy, do you think it would be wise for Congress to terminate current ongoing investigations, regardless of what happens after that?" Attorney General Reno's response: "I think since these investigations are underway, they should probably be concluded under the current framework." So she doesn't support this amendment, an extraordinarily bad idea.

So it goes back to the Attorney General under this amendment, as I say, not just Mr. Starr's investigation, but the investigation with regard to Mr. Cisneros, for example, others, the Webb Hubbell investigation. All of that would be brought to an end and sent back to the Attorney General.

And she has two choices: She can either keep it and dispose of it herself, at a time when that Department probably has less credibility than it has had in many, many years; or she can launch a new investigation and call for a new special counsel to come in—extraordinarily expensive, wasteful, nonsensical, Mr. President; a very, very bad idea, whether or not you are for or against the extension of the Independent Counsel Act.

Congress should not be interjecting itself to terminate investigations at midstream when there is also a mechanism, if it is justified, for that to be done. So I sincerely hope that my colleagues will join me in opposing this amendment.

I yield the floor.

Mr. STEVENS. Mr. President, I intend to move to table this amendment. It is a very serious subject and we have had extensive hearings before the Governmental Affairs Committee, which Senator THOMPSON chairs. I do believe we will have to address this subject at a later time in the Senate, but this is not the time to do it.

Therefore, I move to table that amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I ask unanimous consent there be 2 minutes equally divided for explanation of the second amendment prior to the vote on the second amendment, that is, this amendment I have just moved to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent for 2 minutes between the two votes to explain the process that will occur after that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Is all time expired?

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 89

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I annouce that the Senator from Arizona (Mr. McCAIN), is necessarily absent.

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—69

Abraham
Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Byrd
Campbell
Chafee
Cleland
Cochran
Daschle
Dodd
Domenici
Durbin
Edwards
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Schumer
Smith (OR)
Stevens
Thomas
Voinovich
Warner
Wyden

NAYS—30

Ashcroft
Bunning
Burns
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Dorgan
Enzi
Feingold
Grassley
Hatch
Helms
Hollings
Hutchinson
Inhofe
Kyl
Lott
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Thompson
Thurmond
Torricelli
Wellstone

NOT VOTING—1

McCain

The motion to lay on the table the amendment (No. 89) was agreed to.

Mr. STEVENS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Alaska.

AMENDMENT NO. 92

Mr. STEVENS. Mr. President, under the agreement we have, there will be 1 minute on each side to explain the next amendment. Senator TORRICELLI will be first with that minute. Following that, I have 2 minutes to explain to the Senate what we have to do after this vote.

The yeas and nays have been ordered, Mr. President. I did order the yeas and nays.

But before that vote, Senator TORRICELLI is to be recognized for 1 minute. It is only 1 minute. I hope we could have order so the Senate can hear these Senators.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, before the Senate is the question of when the independent counsel statute expires. There is still the issue of the appropriations, and whether the poor continuing independent counsel will be able to spend, not just this year, but on into the future, $10 million, $20 million, $100 million.

We begin the orderly process, on 6-month notice, of moving those cases into the Public Integrity Section of the Justice Department where the Attorney General has assured us she is prepared to receive the cases. They will be pursued professionally and prosecuted to the full extent of the law. All we have provided for is the orderly transfer of those cases. Justice will be done. Every case will be pursued. It will be done within the Justice Department, and at long last there will be accountability of how much we spend.

If you have been asked by constituents: Isn't $50 million too much? Will it be $100 million? Will it be $200 million? This is the answer to your constituents' inquiry. It is control, but it also assures justice within the Department.

The PRESIDING OFFICER (Mr. FITZGERALD). The time of the Senator has expired. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, the Senate has previously determined if, in fact, the Independent Counsel Act is allowed to expire, investigations that are currently underway will be ongoing. Why did the Senate decide that? The obvious reason is it is a bad idea for the Congress to be terminating investigations in midstream and sending them back to Justice.

This amendment would reverse that previous determination that this body has made. They would send it back to Justice with choices: They would either have to shut down the investigation, make the determination themselves, which would be terrible in terms of appearance, or they would have to continue the investigation and bring somebody else in to do it, which would be terrible in terms of efficiency.

I asked Attorney General Reno in the Governmental Affairs Committee what she thought about it. She said, "I think, since these investigations are underway, they should probably be concluded under the current framework."

I suggest this is a very bad idea and should be defeated.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask for 2 minutes here to inform the Senate what procedure I hope we will follow at this time. We have a list of amendments here, some 70 amendments, but I do not expect them all to be offered. Particularly, I do not expect them all to be offered when you see what is going to happen to this amendment. I say that advisedly, after being advised by the proponents.

But, Mr. President, it is going to be my policy as the majority manager of this bill to move to table every amendment that is not cleared on both sides. This is an emergency measure. We are going home a week from Friday. Next week is all taken up with the budget. We either get this done now so we can go to conference with the House on Monday or Tuesday and bring it back before Friday, or we might as well forget about it.

So I respectfully inform the Senate I shall move, as the manager, to table every amendment that does not have bipartisan support. So, if you have an amendment on that list and you do not want to lose on it, now is the time to take it off.

Mr. GRAMM addressed the Chair.

Mr. STEVENS. Mr. President, I ask unanimous consent the yeas and nays that have been ordered be vitiated, and we take a voice vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, may I pose a question to the Senator?

Mr. STEVENS. Yes.

Mr. GRAMM. This is a motion to table the amendment?

Mr. STEVENS. Yes. The Senator will see we are going to voice vote it and it will carry.

Mr. GRAMM. With that assurance from the manager of the bill, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the motion.

The motion to lay on the table the amendment (No. 92) was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are prepared to go through any amendment that is going to be offered and give our advice as quickly as possible as to whether or not we will support that amendment. I urge Senators to bring the amendments to us. Senator BYRD and I will go over them immediately, and we can determine how many of those amendments we might have to vote on. As soon as the leader has made his request for a time agreement, we will go further into the operation here of the Senate before we finish this bill.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am curious to know what amendments might be coming up. Is there a list available we can look at? Obviously, they are not all going to be approved. It is my understanding, from what the manager said, if any amendment is objected to, then he will include that amendment in those to be tabled by voice vote?

Mr. STEVENS. I don't know about the voice votes, Mr. President, if the Senator will yield. I do know we will have a list here very soon. The leader will present it. That is what we are waiting for now. I do say we have a tentative list. We are trying to winnow that down, but if we can get agreement on that list, I think then we can proceed. I don't know whether we can get agreement on the list and that is what we are waiting for. But we will show you the list as soon as possible.

Mr. CHAFEE. Should we wait around here?

Mr. STEVENS. We should have that list within about 20 or 30 minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. I ask unanimous consent the privilege of the floor be granted to Ernie Coggins, a legislative fellow, during the pendency of the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 93, 94, 95, 96, 97, 98, EN BLOC

Mr. STEVENS. Mr. President, I am going to send to the desk a package of amendments.

The first is an amendment by Senators HELMS and MCCONNELL directing the Office of Inspector General, Agency for International Development, to audit expenditures for emergency relief activities.

The second is an amendment by Senator REID to provide an additional $500,000 for technical assistance related to shoreline erosion at Lake Tahoe, NV.

The next is an amendment by Senator KYL to provide an additional $5 million for emergency repairs to Headgate Rock hydroelectric project in Arizona.

Next is an amendment by Senators DOMENICI and REID making a rescission of $5.5 million to funds available to the Corps of Engineers to offset additional funds provided in the previous two amendments.

Next is an amendment by Senators JEFFORDS and BINGAMAN directing the Agency for International Development to undertake efforts to promote reforestation and other environmental activities.

Last is an amendment by Senator LEVIN allowing the President to dispose of certain material in the National Defense Stockpile.

These have all been cleared on both sides, and they are all fully offset.

I send the package to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. HELMS, Mr. MCCONNELL, Mr. REID, Mr. KYL, Mr. DOMENICI, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. LEVIN), proposes amendments Nos. 93 through 98, en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 93

(Purpose: Relating to activities funded by the appropriations to the Central America and the Caribbean Emergency Disaster Recovery Fund)

On page 8, line 22, insert before the proviso the following: "*Provided further*, That up to $1,500,000 of the funds appropriated by this heading may be transferred to 'Operating Expenses of the Agency for International Development, Office of Inspector General', to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of funds appropriated by this heading: *Provided further*, That $500,000 of the funds appropriated by this heading shall be made available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this heading: *Provided further*, That any funds appropriated by this heading that are made available for nonproject assistance shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations and to the notification procedures relating to the reprogramming of funds under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1):".

AMENDMENT NO. 94

Insert in the appropriate place:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General," $500,000 shall be available for technical assistance related to shoreline erosion at Lake Tahoe, NV caused by high lake levels pursuant to Section 219 of the Water Resources Development Act of 1992.

AMENDMENT NO. 95

Insert in the appropriate place:

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Water and Related Resources

For an additional amount for "Water and Related Resources" for emergency repairs to the Headgate Rock Hydroelectric Project, $5,000,000 is appropriated pursuant to the Snyder Act (25 U.S.C.), to be expended by the Bureau of Reclamation, to remain available until expended.

AMENDMENT NO. 96

Insert in the appropriate place:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

CONSTRUCTION, GENERAL

Of the amounts made available under this heading in P.L. 105–245 for the Lackawanna River, Scranton, Pennsylvania, $5,500,000 are rescinded.

AMENDMENT NO. 97

On page 9, line 10 after the word "amended" insert the following: ": *Provided further*, That the Agency for International Development should undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage, and to promote energy conservation through the use of renewable energy and energy-efficient services and technologies: *Provided further*, That reforestation and energy initiatives under this heading should be integrated with other sustainable development efforts".

AMENDMENT NO. 98

(Purpose: To authorize the disposal of the zirconium ore in the National Defense Stockpile)

On page 58, between lines 15 and 16, insert the following:

TITLE V—MISCELLANEOUS

SEC. 5001. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b).

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

Authorized Stockpile Disposal

Material for disposal	Quantity
Zirconium ore	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 93, 94, 95, 96, 97, and 98) were agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to S. 544, with the exception of the pending amendments; that they be subject to relevant second-degrees and that no other motions, other than motions to table, be in order.

I submit the list and, Mr. President, I believe the Democratic leadership has a copy of this list also.

The list of amendments is as follows:

AMENDMENT LIST FOR SUPPLEMENTAL

Domenici:
1. New Mexico southwest border HIDTA.
2. Oil/gas loan guarantee.
Specter/Durbin: Unfair foreign competition/trade fairness.
Hutchison: Kosovo.
Robb: Cavalese, Italy claims.
Stevens:
1. Non-Indian health service.
2. Glacier Bay compensation.
3. Relevant.
4. Relevant.
Hatch: Ethical standards for Federal prosecutors.
Gregg: Fishing permits.
Gorton:
1. Hardrock mining.
2. Power generation equipment.
Brownback/Roberts: Natural gas producers.
DeWine:
1. Counterdrug research.
2. Counterdrug funding.
Smith (NH): Kosovo.
Enzi:
1. States' rights.
2. Livestock assistance.
3. Livestock assistance.
4. Relevant.
Murkowski: Glacier Bay.
Ashcroft: Emergency assistance to USDA.
Bond:
1. Hog producers.
2. 1998 disaster.
Jeffords: Relevant.
Gramm:
1. Strike emergency designation.
2. Steel loan program (4 amendments).
3. Offsets (4 amendments).
4. Relevant.
Kohl: Bankruptcy technical correction.
Lincoln:
1. Debris removal.
2. CRCT.
Gorton: Loan deficiency payments.
Dorgan: Shared appreciation amendment.
Kohl: NRCS conservation operation funding.
Lott: 3 relevant amendments.
Lott: Rules.
DeWine: Steel.
Leahy/Jeffords: Funding for apple growers.
Cochran:
1. Relevant.
2. Relevant.
Grams: $3.4 million transfer within HUD.

Burns: Sheep improvement center.
Nickles: Emergency.
Craig: Agriculture sales to Iran.
Biden: Relevant.
Bingaman:
1. SoS Home care.
2. Energy related.
3. Ag related.
Byrd:
1. Relevant.
2. Relevant.
3. Relevant.
Daschle:
1. Ellsworth AFB.
2. Missouri River.
3. Firefighters.
4. Relevant.
5. Relevant.
6. Relevant.
7. Tobacco recoupment.
Dorgan: Grain sale to Iran.
Durbin:
1. Medicaid recoupment.
2. Kosovo (2nd degree).
3. Relevant.
Edwards: TANF.
Feinstein: WIC increase.
Feingold: Relevant.
Harkin:
1. Tobacco.
2. Relevant.
3. Relevant.
4. Relevant.
Johnson:
1. Relevant.
2. Relevant.
3. Relevant.
Kerry: Hard rock mining.
Kerrey: Flood control—Corps of Engineers.
Landrieu:
1. Central America—disaster fund.
2. Immigration.
3. Immigration.
Leahy: Apple growers.
Levin: Relevant.
Murray: Rural schools—class size fix.
Reed: OSHA Small farm rider.
Robb: Ski gondola victims.
Torricelli: Relevant.
Graham:
1. Micro Herbicide.
2. Sec. 3002—Counterdrug.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, and I will not, I will just describe the list for our colleagues to indicate that there are approximately 45 Republican amendments and approximately 35 Democratic amendments on the list just submitted, but I do not object. I support the request made by the majority leader.

Mrs. HUTCHISON. Reserving the right to object, I want to make sure I understand what the majority leader has put forward. The amendments would be amendable with relevant second-degrees; is that correct? Would substitutes also be allowed on amendments?

Mr. LOTT. Mr. President, in answering the question of the Senator from Texas, all first-degree amendments that are listed would be subject to relevant second-degree amendments, but if they are not on that list, then they would not be subject to relevant second-degree amendments. I guess that a second-degree amendment in the nature of a substitute would be in order.

The PRESIDING OFFICER. If it is relevant, it would be in order.

Mrs. HUTCHISON. Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Did we get agreement to that request? I will go ahead and complete the entire request. Let me say on the list of amendments, Senator DASCHLE is correct. There are apparently 80-something amendments on that list. I assume that a lot of them are defensive in nature and some of them can very likely be accepted. We have the two best managers, probably, in the Senate handling this bill—the Senator from Alaska, Mr. STEVENS, and the Senator from West Virginia, Mr. BYRD. I am sure they will go through that list like a knife through hot butter. But there are some on that list that certainly will have to be dealt with in the regular order. We will work on our side to get that list worked down, just as I am sure Senator DASCHLE will.

Mr. President, I further ask unanimous consent that following the disposition of the above-listed amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I further ask that the bill remain at the desk, and when the Senate receives the House companion bill, the Chair automatically strike all after the enacting clause, insert the text of S. 544, as amended, the House bill be advanced to third reading and the bill be passed, all without intervening action or debate.

I further ask that the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

For the information of those who might be wondering about that, the House has not yet acted on this supplemental. It is anticipated they will not act until Tuesday or Wednesday of next week. Therefore, we do not want to run this to final completion. This will allow us to stop at a critical point and wait for the House action and then go straight to conference.

Finally, I ask that the Senate bill be placed back on the Calendar and final passage occur no later than 11 a.m. on Friday, March 19, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I have just noted that there are approximately 90 amendments. I agree with the characterization of the majority leader that we have the two finest managers the Senate could put forth as we work through this bill, and I am sure that they will cut through those amendments like a knife through hot butter. As eternal an optimist as I am, I am still not optimistic at this point that we can complete work on all 90 amendments prior to 11 o'clock, so I will object.

I do ask for the cooperation of our colleagues in the hopes that we can finish this bill. Obviously, there is a great deal of work that yet needs to be done. If we work this afternoon and work hard, perhaps as early as this evening we might be able to finish, but let's give it our best effort and revisit the question of when we can go to final passage. So I object.

Mr. LOTT. Mr. President, I revise my unanimous consent request. It is the same as earlier stated, but I will delete the last phrase with regard to these words: "And final passage occur no later than 11 a.m. on Friday, March 19, and that paragraph 4, rule XII, be waived." Therefore, it will conclude with these words: "Finally, I ask that the Senate bill be placed back on the Calendar."

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE. Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, there is likely there will be an amendment offered relating to Kosovo. I would like to speak briefly on that subject, if I may, in the absence of any other Senator on the floor.

I note the distinguished chairman of the Appropriations Committee has just come to the floor. Does the chairman wish to take the floor?

Mr. STEVENS. Will the Senator yield?

Mr. SPECTER. I do.

Mr. STEVENS. Mr. President, the Kosovo amendment has been set aside temporarily. The meeting is going on in the leader's office. I wonder if the Senator knows that is going on and should participate in that.

Mr. SPECTER. I thank the chairman. I will participate. I want to make just a couple of comments.

Mr. President, the Kosovo matter again raises the issue about the respective power of Congress under the Constitution, the sole authority to declare war, and the authority of the President as Commander in Chief. This is a recurrent theme of consideration.

Within the course of the past year, we faced the issue of airstrikes, which were anticipated against Iraq in February of 1998. At that time, I wrote the President, and spoke on the floor of the Senate calling on the President to seek congressional authority, if action was contemplated there, because an airstrike was an act of war and only the

Congress of the United States has the authority to involve the Nation in war.

There are circumstances where the President has to act in emergency situations, where as Commander in Chief he must act in the absence of an opportunity for congressional consideration. At that time, there was adequate opportunity for congressional consideration. However, it was not undertaken, and that incident passed without any military action. We then had the events of this past mid-December where airstrikes were launched on Iraq. Again, on that occasion, I had written to the President of the United States urging that he make a presentation to the Congress as to what he wanted to do. Again, airstrikes constitute an act of war, and we have learned from the bitter experience of Vietnam that we cannot successfully undertake a war without the support of the American people. And the first action to obtain that support is from the Congress of the United States.

We have now been in Bosnia for a protracted period of time. Originally, this was supposed to be a limited engagement. That has been extended. Congress enacted legislation to cut off funds under certain contingencies. That has all lapsed, and we remain in Bosnia with very substantial expenditures. Fortunately, there has not been military action. So although there have been some casualties, it has not been as a result of a conflict.

We are looking at a situation in Kosovo which is enormously serious. I, again, urge the President of the United States to make a presentation to the Congress as to what he would like to undertake. The House of Representatives, by a fairly narrow vote, authorized some limited use of force in Kosovo. The headline featured was "President Gets Support That He Had Not Asked For". Presidents are very reluctant to come to the Congress with a request for authorization, because that may be interpreted to dilute their authority to act as Commander in Chief unilaterally without congressional authority.

I had filed a resolution on the use of force with missile and airstrikes, which would involve minimal risk and strike where there are no U.S. personnel placed in harm's way. I did that really to stimulate debate by Congress on what authorization there should be. But it is more than a matter of notification. The administration talks of notification, and very frequently even notification is a virtual nullity coming at a time when Congress has no opportunity to really be involved in the decisionmaking process.

I can recall back in mid-April of 1986 when President Reagan ordered the airstrike on Libya. The consultation was had—really notification, not consultation, the difference being that if you notify, you are simply telling Congress what has happened. If you consult, that has the implication that there may be some response from the administration depending on the congressional reaction. Both are vastly short of authorization, which is what the Constitution requires on a declaration of war.

But, in any event, in mid-April of 1986, congressional leaders were summoned to be told that the planes were in flight. There was a meeting with many Senators shortly after the attack occurred, there was quite an interesting debate between the Senator from West Virginia, Senator BYRD, and Secretary of State Schultz as to whether Congress could have had any effect, or whether congressional leaders could have had any effect, if they wanted to have an impact on that situation.

But when we take a look at what is happening now in Kosovo with a massing of forces, and we take a look at the terrain, we take a look at the air defense, we may be involved in more than missile strikes. And it is one thing to support missile strikes. It is quite another thing to support airstrikes. It all depends upon the facts and the circumstances in situations where the Congress needs to know more, and the American people need to know a great deal more.

So it is my hope that the President will address this issue, will tell the Congress of the United States what he would like to do in Kosovo, seek authorization from the Congress, and tell the American people what he has in mind.

I know from my contacts in my State of 12 million people that Pennsylvanians do not have much of an idea about what is involved in Kosovo. And there are very, very serious ramifications and questions as to what our posture would be with NATO, if we do not join NATO forces on something which is agreed to there. But, when nations of NATO act, they do not have our Constitution. They are aware of our Constitution. They are aware of the provisions of our Constitution, that only the Congress can declare war.

So if there is not congressional support, if there is not congressional action, they are on notice that they do not have a commitment in the Congress of the United States, a Constitutional commitment in the United States, to act. What the President may do unilaterally, of course, is a matter which has always been a little ahead of the process. It is a fact that frequently Congress sits by and awaits Presidential action.

If it is a success, fine. If it is a failure, then there may be someone to blame—the President, not the Congress.

But it is my hope the President will come to the Congress, tell the Congress what it is he wants, tell the American people what it is the President thinks ought to be done so we can have an understanding as to what is involved here. So we can have an understanding as to what the risks are, what the objectives are, what the end game is, and what the exit strategy is. Then we can make a rational decision.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have a progress report for the Senate. Our chief of staff, Mr. Cortese, has just informed me that we have approximately 20 of the 70 amendments that were listed on the agreement almost ready for presentation for approval on a bipartisan basis.

I am making this statement to appeal to Senators who have amendments on the list to bring them to our staff so we can review them now, and I hope that when we explain to them why we cannot take them, they will withdraw their amendments.

I am hopeful we can pursue a process and find a way to complete action on this bill by noon tomorrow. I do hope that will happen.

I will be able to present those other amendments to the Senate for approval on a bipartisan basis probably within an hour or so. Meanwhile, we cannot proceed all the way through the amendments unless the Senators give us their amendments to review. I know there are two committee meetings at this time, Mr. President. They are slowing down this process, and they are both trying to get bills out in order that they may be considered next week. We will just have to bear with the situation for a few more hours.

We intend to keep going on this bill, and that may mean late tonight, if necessary. If we had the cooperation of the Senate in presenting these amendments, I think we could tell the Senate by 6 or 6:30 the number of votes we will have to have and when they will occur.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, which will occur about 5 o'clock.

There being no objection, the Senate, at 4:37 p.m., took a recess subject to the call of the Chair.

The Senate reassembled at 5:31 p.m., when called to order by the Presiding Officer (Mr. SMITH of Oregon).

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, for the information of the Senate, I have been notified that we can ask unanimous consent to remove from the agreement list of amendments for this bill the Landrieu amendments on immigration, the Edwards amendment on TANF, and the Specter amendment on unfair foreign competition. I ask unanimous consent they be deleted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, these amendments have been withdrawn after consultation. I congratulate the Senators for their willingness to work with us and urge other Senators to come forward and tell us if they do not intend to offer their amendments. We are very close to proceeding with a package of amendments here. There is one last problem.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 100 THROUGH 110, EN BLOC

Mr. STEVENS. Mr. President, I shall send to the desk a package of amendments. Once again, they are amendments that have been cleared on both sides with the legislative committees as well as the subcommittees of appropriations with respect to the various jurisdictions.

The first amendment is by Senator DOMENICI to expand the jurisdiction of the State of New Mexico's portion of the Southwest Border High-Intensity Drug Trafficking Area.

Next is an amendment by Senator ROBERTS to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission.

Next is an amendment for myself to exempt non-Indian Health Service and non-Bureau of Indian Affairs funds from section 328 of the Interior Department and Related Agencies Appropriations Act for Fiscal Year 1999.

The next amendment is offered by Senator GRAMS to provide funding for annual contributions to public housing agencies for operating low-income housing projects.

Next is an amendment by Senator LINCOLN to provide for watershed and flood prevention debris removal.

Next is an amendment by Senator GORTON regarding loan deficiency payments for club wheat producers.

Next is an amendment for myself dealing with commercial fishing and compensation eligibility in Glacier Bay.

The next amendment is by Senator GORTON providing clarification for section 2002 of the bill regarding hardrock mining regulations.

Next is an amendment by Senator GORTON to expand the eligibility of emergency funding for replacement and repair of power generation equipment.

Next is an amendment by Senators LANDRIEU and DOMENICI to support homebuilding for the homeless in Central America.

Next is an amendment by Senator DASCHLE providing relief to the White River School District No. 4.

Finally, there is a second Daschle amendment to provide for equal pay treatment for certain Federal firefighters under section 545(b) of title V of the United States Code and other provisions of law.

Mr. President, I send these amendments to the desk and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments Nos. 100 through 110.

Mr. STEVENS. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 100

(Purpose: To expand the jurisdiction of the State of New Mexico portion of the Southwest Border High Intensity Drug Trafficking Area (HIDTA) to include Rio Arriba County, Santa Fe County, and San Juan County and to provide specific funding for these three counties)

On page 30, after line 10 insert:

Chapter 7

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional $750,000 is appropriated for drug control activities which shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico, and an additional $500,000 is appropriated for national efforts related to methamphetamine reduction efforts.

On page 44, after line 7 insert:

Chapter 9

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105-277) $1,250,000 are rescinded.

Mr. DOMENICI. Mr. President, I rise to offer an amendment to expand the State of New Mexico High Intensity Drug Trafficking Area (HIDTA) to include three counties in the north that are under siege from "black tar" heroin. This amendment designates Rio Arriba County, Santa Fe County, and San Juan County as part of the New Mexico HIDTA and provides $750,000 for the remainder of fiscal year 1999 to these counties to combat this serious drug problem. This amendment is fully offset for both budget authority and outlays according to the Congressional Budget Office.

Mr. President, this is part of an overall effort to combat the serious drug epidemic in northern New Mexico. Rio Arriba County leads the nation in per capita drug-induced deaths. The rate of heroin overdoses is reportedly three times the national average.

Last month, I held meetings with State and local officials and community representatives to assess the overall illegal drug situation in northern New Mexico. I am pleased to say that the State and the communities have been aggressive in trying to address this problem. Our task now is to marshal additional resources to the problem so that there is a comprehensive strategy to get this drug problem under control. This comprehensive strategy will include law enforcement, such as this HIDTA designation and the additional, targeted resources in my amendment, as well as programs for prevention, education, after school activities for our children, and treatment. It will take all of these steps, with prosecution and jail time for drug traffickers, to combat this drug epidemic in New Mexico.

I have also enlisted the assistance of Federal agencies in this battle. The Department of Justice law enforcement agencies can assist with the illegal trafficking of "black tar" heroin and other drugs, some of which are smuggled into the United States by illegal Mexican nationals. The Department of Health and Human Services is also a valuable ally in this fight through the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration. I am committed to marshaling both federal and state and local resources to tackle this serious problem.

This amendment also provides additional resources for a national program to crack down on illegal methamphetamine laboratories and trafficking. This is another serious drug problem for the nation, but my own home State of New Mexico, has seen a marked increase in these illegal activities. As a largely rural State, and so close to the border with Mexico, New Mexico has been inundated with methamphetamine. Many States are in this same predicament, and I applaud the subcommittee for boosting the resources for this important national effort.

Mr. President, illegal drug trafficking and use is a serious problem for our nation. In spite of the significant federal and state and local resources targeted to these illegal activities, the problem remains overwhelming in some of our communities and states. I urge the adoption of my amendment.

AMENDMENT NO. 101

(Purpose: To provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission)

At the appropriate place, insert:

SEC. . LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

"SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

"If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.".

Mr. BROWNBACK. Mr. President, I rise in support of an amendment offered by myself and Senator ROBERTS which will seek to provide fair and equitable treatment for Kansas gas producers. At a time when the oil and gas industry is suffering, the Federal Government has taken unnecessary action against gas producers in Kansas.

For almost two decades the Commission allowed gas producers to obtain reimbursement for payment of Kansas ad valorem taxes on natural gas. In a series of orders the Commission repeatedly approved the collection of the Kansas ad valorem tax, despite challenges by various pipelines and distributors. However, in 1993 the Commission changed its mind and decided that the Kansas ad valorem tax did not qualify for reimbursement to the producer, and in 1996 the D.C. Circuit Court determined that a refund was to be made retroactively.

This is another example of Federal preemption of State rights and of a regulatory agency that is out of control. Kansas gas producers are being penalized more than $300 million for abiding by regulations that the Commission had previously approved.

The Commission's decision will likely force small producers out of business, causing a slowdown in the production of natural gas which could have a tremendously negative impact on the Kansas economy.

This amendment that Senator ROBERTS and I have cosponsored will essentially relieve all gas producers from interest owed on the ad valorem tax. This amendment will save jobs, businesses, and loss of State revenue. I am hopeful that my colleagues will support this amendment and provide fair and equitable treatment for Kansas gas producers.

AMENDMENT NO. 102

(Purpose: to exempt non-Indian Health Service and non-Bureau of Indian Affairs funds from section 328 of the Interior Department and Related Agencies Appropriations Act for fiscal year 1999)

At the end of Title II insert the following:

"SEC. . Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 P.L. 105-277, Division A, Section 1(e), Title III) is amended by striking "none of the funds in this Act" and inserting "none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs"."

AMENDMENT NO. 103

(Purpose: To provide funding for annual contributions to public housing agencies for the operation of low-income housing projects)

On page 30, between lines 10 and 11, insert the following:

PHA RENEWAL

Of amounts appropriated for fiscal year 1999 for salaries and expenses under this heading in title II of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, $3,400,000 shall be transferred to the appropriate account of the Department of Housing and Urban Development for annual contributions to public housing agencies for the operation of low-income housing projects under section 673 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437g): *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

AMENDMENT NO. 104

(Purpose: To provide for watershed and flood prevention debris removal)

On page 5, line 9, strike "watersheds" and insert in lieu thereof the following: "watersheds, including debris removal that would not be authorized under the Emergency Watershed Program,".

AMENDMENT NO. 105

(Purpose: To prohibit the Secretary of Agriculture from assessing a premium adjustment for club wheat when calculating loan deficiency payments and to require the Secretary to compensate producers of club wheat for any previous premium adjustment)

Add at the appropriate place the following new section:

SEC. . (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

AMENDMENT NO. 106

At the appropriate place in title II, insert:

SEC. . GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277) is amended—

(1) in paragraph (1)—

(A) by striking "February 1, 1999" and inserting "June 1, 1999"; and

(B) by striking "1996" and inserting "1998"; and

(2) by striking "the period January 1, 1999, through December 31, 2004, based on the individual's net earning from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996" and inserting "for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period".

(b) OTHERS EFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

"(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide such funds as are necessary for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.".

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by inserting at the end the following new subsection:

"(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of subsection (a) and shall provide an opportunity for public comment on such interim final rule. The effective date of the prohibitions in paragraphs (2) through (5) of section (a) shall be 60 days after the publication in the Federal Register of a final rule for the federal implementation of subsection (a). In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.".

(d) Of the funds provided under the heading "National Park Service, Construction" in Public Law 105-277, $3,000,000 shall not be available for obligation until October 1, 1999.

AMENDMENT NO. 107

On page 12, line 15, after the word "nature" insert the following: ", and to replace and repair power generation equipment".

AMENDMENT NO. 108

(Purpose: To provide funds to expand the home building program for Central American countries affected by Hurricane Mitch)

On page 9, line 10, after the word "amended" insert the following: ": *Provided further*, That of the funds made available under this heading, up to $10,000,000 may be used to build permanent single family housing for those who are homeless as a result of the effects of hurricanes in Central America and the Caribbean".

AMENDMENT NO. 109

(Purpose: To provide relief to the White River School District #4.7-1)

At the appropriate place, insert the following:

SEC. . WHITE RIVER SCHOOL DISTRICT #4.7-1.

From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than $239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #4.7-1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

AMENDMENT NO. 110

(Purpose: To provide for equal pay treatment of certain Federal firefighters under section 5545b of title 5, United States Code, and other provisions of law)

At the appropriate place, insert the following new section:

SEC. . (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

Mr. STEVENS. Mr. President, as I said, they have been cleared through the whole process of legislative and appropriating subcommittees and cleared by Senator BYRD and myself as managers of the bill.

I ask that they be considered en bloc and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 100 through 110) were agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 111

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming and to prohibit the Secretary from approving class III gaming without State approval)

Mr. STEVENS. Mr. President, I send another amendment to the desk, and I ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. ENZI, for himself, Mr. SESSIONS, Mr. GRAMM, Mr. BRYAN, Mr. LUGAR, Mr. REID, Mr. VOINOVICH, Mr. BROWNBACK proposes an amendment numbered 111:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to eight months after Congress receives the report of the National Gambling Impact Study Commission, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(3) approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe.

(b) DEFINITIONS.—

(1) The terms "class III gaming", "Secretary", "Indian lands", and "Tribal-State compact" shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(2) the "report of the National Gambling Impact Study Commission" is the report described in section 4(b) of P.L. 104-169 (18 U.S.C. sec. 1955 note).

Mr. STEVENS. Mr. President, I ask for a voice vote on this amendment.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 111) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ACTION ON AMENDMENT NO. 111

Mr. STEVENS. Mr. President, I ask unanimous consent that the adoption of amendment No. 111 be vitiated and that the amendment be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Kerrey amendment on flood control and the Graham amendment on microherbicide be deleted from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 103, AS MODIFIED, 112, AND 113, EN BLOC

Mr. STEVENS. Mr. President, I ask unanimous consent that I may submit as one package:

A substitute to amendment No. 103, which was an amendment offered by Senator GRAMS. This is a technical amendment that we wish to have adopted in lieu of the amendment that has already been adopted to the bill, No. 103;

A second amendment by Senators DORGAN and CRAIG, which is a sense-of-the-Senate amendment regarding sales of grain to Iran;

And, a third amendment, which is an amendment by Senator GREGG on limitations on fishing permits, or authorizations for fishing permits.

I send these to the desk and ask unanimous consent that it be in order to consider them en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments numbered 103, as modified, 112, and 113, en bloc.

Mr. STEVENS. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 103, as modified, 112, and 113), en bloc, are as follows:

AMENDMENT NO. 103 AS MODIFIED

(Purpose: To provide funding for annual contribution to public housing agencies for the operation of low-income housing projects)

On page 30, between lines 5 and 6, insert the following:

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

Of amounts appropriated for fiscal year 1999 for salaries and expenses under the Salaries and Expenses account in title II of Public Law 105–276, $3,400,000 shall be transferred to the Community Development Block Grants account in title II of Public Law 105–276 for grants for service coordinators and congregate services for the elderly and disabled: *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

AMENDMENT NO. 112

(Purpose: To express the sense of the Senate that a pending sale of wheat and other agricultural commodities to Iran be approved)

At the appropriate place in title II, insert the following new section:

SEC. . SENSE OF THE SENATE: EXPRESSING THE SENSE OF THE SENATE THAT A PENDING SALE OF WHEAT AND OTHER AGRICULTURAL COMMODITIES TO IRAN BE APPROVED.

The Senate finds:

That an export license is pending for the sale of United States wheat and other agricultural commodities to the nation of Iran;

That this sale of agricultural commodities would increase United States agricultural exports by about $500 million, at a time when agricultural exports have fallen dramatically;

That sanctions on food are counterproductive to the interests of United States farmers and to the people who would be fed by these agricultural exports:

Now, therefore, it is the sense of the Senate that the pending license for this sale of United States wheat and other agricultural commodities to Iran be approved by the administration.

AMENDMENT NO. 113

At the appropriate place in title II, insert the following:

SEC. . LIMITATION ON FISHING PERMITS OR AUTHORIZATIONS

Section 617(a) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended by inserting—

(a) "or under any other provisions of the law hereinafter enacted," made "after available in the Act"; and,

(b) at the end of paragraph (1) and before the semicolon, "unless the participation of such a vessel in such fishery is expressly allowed under a fishery management plan or plan amendment developed and approved first by the appropriate Regional Fishery Management Council(s) and subsequently approved by the Secretary for that fishery under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)".

Mr. STEVENS. Parliamentary inquiry: Does that include the substitute replacement for the amendment already adopted, No. 103?

The PRESIDING OFFICER. Yes; it does.

Mr. STEVENS. I ask unanimous consent that these amendments be considered en bloc and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 103, as modified, 112, and 113) were agreed to.

Mr. STEVENS. I ask unanimous consent it be in order to reconsider the amendments en bloc, and that the motion be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent the measure pending before the Senate be temporarily set aside so we can have consideration of the Cuba rights resolution. I would like to turn the management of that over to Senator MACK of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MISGUIDED ANTITRUST CASE AGAINST MICROSOFT

Mr. GORTON. Mr. President, on Monday, my friend and colleague, the senior Senator from Utah, Mr. HATCH, came to the floor to respond to a statement that I gave a week or so earlier on the Justice Department's misguided antitrust case against Microsoft.

Mr. President, this has become something of a habit for the Senator from Utah and myself. We have debated that lawsuit since well before it was commenced, more than a year ago.

I am happy to state that I want to start these brief remarks with two points on which I find myself in complete agreement with Senator HATCH. First, during a speech on Monday, he joined with me in asking that the Vice President of the United States, Mr. GORE, state his position on whether or not this form of antitrust action is appropriate. I centered my own speech on the frequent visits the Vice President has made to the State of Washington and his refusal to take any such position. The Senator from Utah said:

> Government should not exert unwarranted control over the Internet, even if Vice President Gore thinks that he created it.

I am delighted that the Senator from Utah has joined me in that sentiment. Now there are at least two of us who believe that the Vice President of the United States should make his views known on the subject.

Secondly, the Senator from Utah, in dealing with the request by the Department of Justice that it receive a substantial additional appropriation for fiscal year 2000 for antitrust enforcement, stated that he is concerned about the value thresholds in what is called the Hart-Scott-Rodino legislation relating to mergers and feels that the minimum size of those mergers should be moved upward to reflect inflation in the couple of decades since that bill was passed, therefore, questions at least some portion of the request for additional appropriations on the part of the Antitrust Division.

As I have said before, I believe that it deserves no increase at all, that the philosophy that it is following harasses the business community unduly, and inhibits the continuation of the economic success stories all across our American economy but particularly in computer software.

Having said that, the Senator from Utah and I continue to disagree, though I wish to emphasize that my primary disagreement is with the Antitrust Division of the Department of Justice of the United States and this particular lawsuit.

The disagreement really fundamentally comes down to one point: Antitrust law enforcement should be followed for the benefit of consumers. The Government of the United States has no business financing what is essentially a private antitrust case. If there are competitors of Microsoft who think they have been unsuccessful and wish to finance their own antitrust lawsuits, they are entitled to do so. The taxpayers of the United States, on the other hand, should not be required to pay their money for what is a private dispute, primarily between Netscape and Microsoft.

That remains essentially the gravamen of the antitrust action that the Justice Department in 19 States is prosecuting at the present time.

There is only the slightest lip service given in the course of that lawsuit or by the senior Senator from Utah to consumer benefit. This is not surprising, Mr. President, because there is no discernible consumer benefit in the demands of this lawsuit.

Consumers have been benefited by the highly competitive nature of the software market. They are benefited by having the kind of platform that Microsoft provides for thousands of different applications and uses on the part of hundreds of different companies all through the United States.

This is not a consumer protection lawsuit. I may say, not entirely in passing, that I know a consumer protection lawsuit when I see one. I was attorney general of the State of Washington for 12 years. I prosecuted a wide range of antitrust and consumer protection lawsuits. But every one of those antitrust cases was based on the proposition that consumers were being disadvantaged by some form of price fixing or other violation of the law. I did not regard it as my business to represent essentially one business unhappy and harmed by competition for a more effective competitor.

The basis of my objection to this lawsuit is that it is not designed for consumer protection. It is designed to benefit competitors. Some of the proposals that have appeared in the newspapers for remedies in case of success, including taking away the intellectual properties of the Microsoft Corporation, perhaps even breaking it up, requiring advance permission on the part of lawyers in the Justice Department for improvements in Windows or in any other product of the Microsoft Corporation, are clearly anticonsumer in nature.

The lawsuit is no better now than the day on which it was brought. It is not designed to benefit consumers. It ought to be dropped.

I am delighted that at least on two peripheral areas of sometime controversy, the Senator from Utah and I now find ourselves in agreement. Regrettably, we still find ourselves disagreeing on the fundamental basis of the lawsuit. I am sorry he is on the apparent side of the Vice President of the United States and the clear side of the Department of Justice of the United States.

I expect this debate to continue, but I expect it to continue to be on the same basis. Do we have a software system, a computer system in the United States which is the wonder of the world that has caused more profound and more progressive changes in our society than that caused in a comparable period of time by any other industry, or somehow or another do we have an industry that needs Government regulation? I think that question answers itself, Mr. President, and I intend to continue to speak out on the subject.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN CUBA

Mr. MACK. Mr. President, I ask unanimous consent that S. Res. 57 be discharged from the Foreign Relations Committee and, further, that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 57) expressing the sense of the Senate regarding the human rights situation in Cuba.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MACK. Mr. President, I ask unanimous consent that there now be 1 hour, equally divided, on the resolution and that the only amendment in order be an amendment to the preamble which is at the desk.

I further ask unanimous consent that following the debate time, the resolution be set aside and the Senate proceed to a vote on the resolution, at a time to be determined by the two leaders.

I finally ask that following the vote on the adoption of the resolution, the amendment to the preamble be agreed to and the preamble, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Florida may proceed for 15 minutes.

Mr. MACK. Thank you, Mr. President.

Mr. President, I am pleased to have this opportunity today to speak about Cuba and why the United States must make every effort to pass a resolution in Geneva at the U.N. Human Rights Commission condemning the Cuban Government.

The reality which I seek to convey today is very simply stated. Fidel Castro continues to run Cuba with absolute power, based upon the failed ideals of the Marxist revolution that he led 40 years ago. He is a tyrant, a dictator, and an enemy of freedom, democracy, and respect for basic human dignity.

As many of my colleagues know, I have been reflecting on my Senate career lately as I weighed my decision on seeking another term. Let me share one of those memories with you right now.

It was October 19, 1987, when I announced my candidacy for the Senate. I traveled to Key West, the southern most point in the Continental United States, to make my announcement. I chose this location for one simple reason. I knew my passion for foreign policy arose from a deeply held conviction that America's freedom could not be taken for granted, that our freedom was not complete so long as others suffered under the yoke of tyranny. Only 90 miles from where I declared my aspiration to be a U.S. Senator in order to take part in the fight against the enemies of freedom, Fidel Castro ruled with a failed ideology and a cruel iron fist.

It seems that I have been in the Senate for a long time—10 years—but if I were to travel to Key West today, I am sad to say, I could still point toward Cuba and ask the same questions I did on October 19, 1987: What does it mean to live in peace if there is no freedom to worship God, no freedom to choose our livelihood, no freedom to read or speak the truth or to live for the dream of handing over a better life to our children and our grandchildren? Peace without freedom is false. The Cuban people are only free to serve their masters in war and in poverty.

Mr. President, I have many good friends in the Senate, and I have great respect for my colleagues. We share so much of our lives with each other each day. And even though we are divided on many issues, in our hearts there can be no division on our feelings for the suffering people of Cuba. The island so close to our shores serves as a tragic reminder of the human cost of tyranny and oppression and that freedom is not free.

Let me propose today that Fidel Castro has not changed in 10 years; in fact, he has not changed in 40 years. In the history books, 40 years can be covered in a single sentence. But in Cuba, it can also be an eternity.

I think about the 12 years since I made that speech. How many people have suffered and died needlessly in 12 years? How many screams of agony have reached for the heavens from Havana in 12 years? How many tears of sorrow and anguish have fallen in 12 years? I fear we will never know the true scale of suffering, even though it takes place so close to our shores.

Some of us have served in the Senate for a few years, some of us for 10 or 12, and some of us have been here for 30 years or more. Think what it must be like serving instead in one of Fidel Castro's prisons for all that time. In Cuba you could be imprisoned simply for doing what we do each day, and that is engage in the debate of ideas. Think about how different our lives would be if we lived in a similar environment.

I assure you, Mr. President, that the human spirit is a powerful thing. We know that throughout the world and throughout history mankind has struggled for freedom against the greatest of obstacles. That struggle lives, breathes, sweats, and thrives in Cuba today. But it does so at a great cost.

I have two short stories I want to share to demonstrate the price being paid in Cuba today.

There is a famous man known as Antunez. He began supporting freedom in Cuba in 1980. He has been in and out of prison for much of his adult life. As of February 1999, reports out of the prisons have him in poor health.

I want to read a quote from a letter he wrote and successfully smuggled out of Cuba 2 years ago. I quote:

> On March 15 [1997], it will be seven years that I have been imprisoned but I have yet to lose my faith and confidence in the final triumph of our struggle. I am proud and satisfied that they will have been unable to—and will never be able to—bend my will, because I am defending a just and noble cause, the rights of man and the freedom of my country.

A second story: I have recently seen a March 10, 1999, statement of Dr. Omar del Pozo, which I want to share with you today. He was a prisoner of conscience, sentenced to 15 years in prison for promoting democracy and civil society in Cuba. Through the intercession of Pope John Paul II, Dr. Pozo was released and exiled to Canada after serving 6 years of the sentence.

It is interesting to note the comments of a man who owes his freedom from Cuba's prisons to the Pope's visit to Cuba. Listen to what he has to say about the so-called changes taking place within the Cuban Government. And I am now quoting:

> In Castro's man-eating prisons, lives are swallowed, mangled, and spit out in what can only be described as his revolving-door of infamy. Some may claim that the fact that I am able to stand before you here today is because I am a product of engagement with Castro. While I am certainly grateful for the international outcry that created pressure on Castro to release me, it would be negligent of me not to recognize that as long as the dictator remains in power, there will continue to be political prisoners who are destined to become pawns to be handed over as tokens depending on the occasion. . . . my release in no way benefited the hundreds, perhaps thousands, of men and women who were left behind.

Dr. Pozo's statement certainly rings true—that the visit of the Pope and his personal release and exile from his home do not, counter to popular belief, indicate a new day in Cuba.

He continues on in his statement. Again, I quote:

> Forty years have passed, and a new millennium dawns, and still political prisoners exist in a country only 90 miles from the shores of the freest nation on earth. . . . In the confusion of cliches Cuba has become in the mass media: Castro and cigars, Castro and tourism, Castro and baseball, the terrible tragedy of Cubans and their legitimate needs and desires takes a backseat to the priorities set by the Comandante en Jefe and his regime. The truly tragic part is that there are some who, in the name of profit, are willing to compromise justice and play by his rules, with no regard for the welfare of the Cuban people.

Just as actions indicate no improvement in the Government of Cuba, one could argue that things are not really getting worse. In fact, the recent crackdown in Cuba is only a manifestation of the nature of the ruling regime. Again, let me quote from Dr. Pozo:

> These past days, I have heard even experienced Cuba observers question why Castro has raised the level of repression at this point in time, considering the many gestures of goodwill he has received internationally prior to and following the Papal visit. The only possible answer is that it is the nature of the beast. Castro cannot help it any more than he can help being a totalitarian dictator. It is who he is and will always be. It is because he is motivated by one thing and one thing alone: [and that is] absolute power. He wants to continue to stand on the backs of the Cuban people and he will persecute, torture and kill in order to accomplish his goal of being Cuba's "dictator for life." By now, everyone knows who Castro is and what he is capable of. From this point on, the field can only be divided between those who are willing to overlook his crimes and those who are not.

Again, I just point out, those were not my words. These are the words of an individual who was released from Castro's prison because of the pressure brought on by the international community and by the Pope's visit. What he is saying here is that nothing has changed as a result of the Pope's visit to Cuba. He is saying nothing has changed. And he is saying to us—not me saying, but he is saying to us—that "the field can only be divided [now] between those who are willing to overlook [Castro's] crimes and those who are not."

Mr. President, in conclusion, let me once again say freedom is not free, but it is the most valuable thing that we know; it is, in fact, the core of all human progress. Freedom has everything to do with our spiritual, physical, and political lives. Without it—without freedom—what would we do? It is important to think about this in order to appreciate the words of the brave men and women in Cuba fighting for freedom, because they are, after all, fighting for everything and paying a large price indeed.

I want to reach out to my colleagues today. We loathe tyranny and oppression. So let us stand united behind our delegation in Geneva; let us proclaim our views at the United Nations Human Rights Commission. Let us stand tall and speak with unity, conviction, and strength. Let us proclaim: "The United States of America abhors tyranny and loves freedom. We oppose the enemies of liberty and we support those struggling for LIBERTAD."

That, Mr. President, represents the meaning of this resolution in its entirety. I hope my colleagues will join me today in making this most important statement.

Thank you, Mr. President. I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Florida.

Mr. GRAHAM. Mr. President, I understand that we have 1 hour equally divided.

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, my friend and colleague, a friend and colleague who, unfortunately, has recently announced that his next phase of life is going to be someplace other than the Senate, started with the story of where he commenced his campaign to come to the Senate—in the beautiful, unique community of Key West. In addition to Key West's physical proximity to Cuba, Key West also has a history which is very intertwined with the long efforts of the people of Cuba to achieve freedom.

It was during the period of the Cuban civil war in the 1870s, 1880s and into the 1890s that many exiles left Cuba and came to Key West to find freedom and a place from which they could relaunch their efforts to achieve freedom in their homeland.

Jose Marti spoke many times in Key West to the exiled community of his dreams for a Cuba of independence and freedom. It is in Key West that there is the memorial for the USS Maine, the Tomb of the Unknown Sailor, for over 200 American sailors who were killed in Havana Harbor early in 1898—an event which contributed to the United States eventual declaration of war and involvement in what we refer to as the Spanish-American War. In Key West we find remnants of that long history of the yearning of the people of Cuba to live in freedom and independence.

After having won their independence in 1898, 60 years later, it was taken away from them. For four decades, they have lived under the oppressive rule of the dictator, Fidel Castro.

Last month, we recognized another dictatorship in this world, one that is not near to us but half a world away. The Senate passed a resolution calling for a condemnation of the human rights situation in China. We urged the United Nations Human Rights Commission to have that on their agenda at their soon-to-be-held meeting in Geneva. With this resolution, Senate Resolution 57, we take a similar position condemning the human rights situation in Cuba which, unfortunately, is considerably worse today than the situation in China.

This resolution calls on the President to make every effort to pass a resolution at the upcoming meeting of the United Nations Human Rights Commission condemning Cuba for its abysmal record on human rights. It also calls for the reappointment of a special rapporteur to investigate the human rights situation in Cuba.

Last year, for the first time in many years, no resolution on human rights in Cuba was passed by the United Nations Human Rights Commission. Perhaps this hiatus in U.N. condemnation of Cuba was due to the hopes that were raised as a result of the Pope's visit in January of 1998. Unfortunately, if that were the case, there has, in fact, been a significant worsening of the human rights situation in Cuba since the Pope's visit.

According to the independent group, Human Rights Watch,

> As 1998 drew to a close, Cuba's stepped up persecutions and harassments of dissidents, along with its refusal to grant amnesty to hundreds of remaining political prisoners or [to] reform its criminal code, marked a disheartening return to heavy-handed repression.

The Cuban Government also recently passed a measure known as Law 80 which criminalizes peaceful, prodemocratic activities and independent journalism, with penalties of up to 20 years in jail.

The State Department's Country Report on Human Rights Practices in Cuba for 1998 notes that the government continues to systematically violate the fundamental civil and political rights of its citizens. Human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers are routinely harassed, threatened, arrested, detained, imprisoned and defamed by the government. All fundamental freedoms are denied to citizens. In addition, the Cuban Government severely restricts worker rights, including the right to form independent trade unions, and employs forced labor, including child labor.

The most recent example of this horrible repression in Cuba is the trial of four prominent dissidents—Vladimiro Roca, Marta Beatriz Roque, Felix Bonne and Rene Gomez Manzano. They were all charged with sedition. After being detained for over 19 months for peacefully voicing their opinion, the trial of these four brave patriots has drawn international condemnation. To demonstrate the hideous nature of the Castro regime, Marta Beatriz Roque has been ill, believed to be suffering from cancer, and has been denied medical attention during her long period of detention.

During the trial, authorities have rounded up scores of other individuals, including journalists and dissidents, and jailed them for the duration of the trial. The trial was conducted in complete secrecy with photographers prevented from even photographing the streets around the courthouse. This trial reminds me of the worst days of Stalinist repression in the Soviet Union.

This week, Castro's dictatorship found the four dissidents guilty and sentenced them to terms ranging from 3½ to 5 years—5 years in prison for simply making a statement about democracy. This action has outraged the world.

This outrageous spectacle has caused even Castro's closest friends to rethink their relationship with Cuba. Canadian Prime Minister Chretien has indicated that Canada will review its entire relationship with Castro. The European Union issued a strong statement condemning this repression.

This is not the type of conduct that we have come to expect in our hemisphere, where Cuba remains the only nondemocratic government. This level of repression and complete disregard for international norms cannot be ignored. I hope that all of our colleagues will join my colleague, Senator MACK, and myself, in condemning the human rights situation in Cuba and calling for action at the United Nations Human Rights Commission.

Last month, we voted unanimously to support a resolution condemning human rights in China. Unfortunately, we have within 100 miles of our shores a situation in Cuba that is worse than that halfway around the world in China—a situation that deserves the full effort of our government to assure that it is not ignored by the international community.

I ask unanimous consent to have printed in the RECORD a series of newspaper items from the press in this country as well as in Europe, Latin America and in Canada, condemning the human rights abuses in Cuba.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Mar. 18, 1999]

FREE FOUR DISSIDENTS, EUROPE TELLS CUBA

(By Andres Oppenheimer)

The 15-country European Union issued a strong statement Wednesday calling for the release of four Cuban dissidents who received harsh sentences in Havana this week, while European and Latin American officials said they are rethinking their recent overtures to the island.

In a statement issued in Brussels, the EU said the Cuban dissidents, who received prison terms of between 3½ and 5 years for publishing a pamphlet criticizing the government, had been exercising the universally recognized right to freedom of expression. "The European Union cannot accept that citizens who do so be criminalized by state authorities," the statement said.

The four dissidents—Vladimiro Roca, Felix Bonne, Rene Gomez Manzano and Marta Beatriz Roque—are well known intellectuals who were arrested after publishing a manifesto titled The Homeland belongs to all.

The French news agency AFP reported Wednesday that Cuba's failure to release the four could lead to Cuba's exclusion from upcoming talks between the EU and African, Caribbean and Pacific Rim developing countries. EU officials were not available late Wednesday to comment on the report.

The EU recalled that it had expected the four dissidents to be released last year when it agreed to Cuba's request for observer status in its discussions with developing countries who are beneficiaries of Europe's Lome economic cooperation agreement.

"The EU therefore repeats its calls for the prompt release of the four and will continue to evaluate the development of this matter," the statement said.

"In addition, the EU wants to convey its disappointment at the fact that neither diplomats nor foreign news media were allowed to attend the trial of the dissidents, despite the fact that their relatives had been told that the trial would be open to the public," it said.

The EU also said it was concerned about the temporary detention and house arrest of several dozens people connected to the imprisoned dissidents and by new Cuban laws that "curtail the exercise of citizen's rights."

Although Cuba customarily rejects such denunciations as intervention in its internal affairs, the EU statement is considered significant because the European group has steadfastly maintained friendly diplomatic and trade relations with Cuba in the face of threats of retaliation from powerful critics of Cuba in the U.S. Congress.

The Helms-Burton Act, which imposes sanctions on countries investing in Cuban property confiscated from U.S. citizens, was aimed at some European investors but their governments have challenged the law and refused to back down.

In a telephone interview hours before the statement was released, Sweden's international cooperation minister, Pierre Shori, told The Herald that the recent developments in Cuba are "alarming." Shori said that "the toughening of the laws against dissidents goes against what the Cuban authorities have said in their dialogue with the European Union."

The EU statement came a day after Canada said it was reconsidering its support for Cuba's return to the Organization of American States (OAS) after Monday's sentencing of the four dissidents. Cuba's OAS membership was suspended in 1962.

The EU statement did not mention the possibility of excluding Cuba from the first European-Latin American summit, to be held June 28–29 in Rio de Janeiro. Fifteen European and 33 Latin American and Caribbean presidents, including Cuba's Fidel Castro, are expected to attend.

The EU condemnation of Cuba's latest crackdown against peaceful opponents, however, marks a possible reversal of the island's ties with the European Union, which had been warming up since 1996 and appeared ready for a significant improvement since Pope John Paul II's visit to the island last year.

Meanwhile, top officials from several Latin American countries—including Chile, Uruguay, Argentina and El Salvador—said their governments were rethinking whether to attend a summit of Ibero-American countries in Havana in November. Nicaragua has already announced it will not attend.

Latin American foreign ministers are to discuss participation at the Havana summit at a meeting in Veracruz, Mexico, on Friday. But a senior Mexican official said Mexico—which presides over the Veracruz meeting—

will oppose any effort to organize a boycott of the Cuba summit and that such a move "is not on the agenda."

[From the Financial Times, Mar. 17, 1999]

CUBA: TRADING PARTNERS PROTEST

(By Pascal Fletcher)

Cuba has jailed our well-known political dissidents accused of sedition, drawing condemnation from the U.S. and criticism from leading trade and investment partners Canada and Spain.

The jail sentences announced on Monday ranged from 3½ to five years and were less than those sought by the prosecution. But foreign diplomats said they still sent a strong message from Cuba's one-party Communist government that it would not tolerate opposition, even when it is peaceful.

Jean Chrétien, Canada's prime minister, who had asked Fidel Castro, Cuba's president, to release the four, described the sentences as "disappointing" and added his government would be reviewing the range of its bilateral activities with Havana. José Maria Aznar, Spanish premier, said the jail terms were a "step backwards" for human rights in Cuba.

The four—Vladimiro Roca, Félix Bonne, René Gómez and Martha Beatriz Roque—were convicted of inciting sedition after they criticised one-party communist rule, called for a boycott of elections and urged foreign investors to think twice about investing in Cuba.

Mr. Roca, the son of Cuban Communist party founder Blas Roca, was jailed for five years.

Mr. Bonne and Mr. Gómez each received four-year sentences and Ms. Roque three-and-a-half years. All had already been held for 20 months.

U.S. President Bill Clinton called for their immediate release, saying they had not received a fair trial.

[From the Washington Post, Mar. 2, 1999]

THE HAVANA FOUR

Vladimiro Roca, Martha Beatriz Roque, Felix Bonne, Rene Gomez: Note those names. They are dissidents in Communist-ruled Cuba who went to trial in Havana yesterday. These brave people were jailed a year and a half ago for holding news conferences for foreign journalists and diplomats, urging voters to boycott Cuba's one-party elections, warning foreigners that their investments would contribute to Cuban suffering and critcizing President Fidel Castro's grip on power. For these "offenses" the four face prison sentences of five, or six years.

Castro Cuba has typically Communist notions of justice. By official doctrine, there are no political prisoners, only common criminals. President Castro rejects the designation of the four, in the international appeals for their freedom, as "prisoners of conscience." Their trial is closed to the foreign press. Some of their colleagues were reportedly arrested to keep them from demonstrating during the trial.

Fidel Castro is now making an energetic effort to recruit foreign businessmen to help him compensate for the trade and investment lost by the continuing American embargo and by withdrawal of the old Soviet subsidies. He is scoring some success: British Airways, for instance, says it is opening a Havana service. Many of the countries engaged in these contacts with Cuba do so on the basis that by their policy of "constructive engagement" they are opening up the regime more effectively to democratic and free-market currents than is the United States by its harder-line policy.

The trial of the four provides a good test of this proposition. The four are in the vanguard of Cuba's small nonviolent political opposition. Acquittal would indicate that in this case anyway the authorities are listening to the international appeals for greater political freedom. But if the four are convicted and sentenced, it will show that the regime won't permit any opposition at all. What then will the international crowd have to say about the society-transforming power of their investment?

[From the Miami Herald, Mar. 11, 1999]

"THE SADNESS I FEEL FOR CUBA STAYS ON MY MIND"

(By Raul Rivero)

HAVANA.—From my cell I could see Tania Quintero, Cuba Press correspondent, her face shadowed by the cell's iron lines. From her cell, she could hear the hoarse voice of Odalys Cubelo, another Cuba Press correspondent. And one could feel the presence of Dulce Maria de Quesada, dissident, quiet and silent, sitting on the edge of the gray cement bed.

Not too far from this dark basement, where we were being held, the trial of the four members of the Working Group of Internal Dissidence was taking place.

Tania wanted to be present at the trial because she is a first cousin of Vladimiro Roca, one of the accused. Odalys wanted to cover the trial as a journalist, and Dulce Maria, a retired librarian and dissident, wanted to be there because she felt that she had the right to show a gesture of solidarity with the accused.

I also wanted to follow the trial as a journalist, as a Cuban citizen and as a friend of the four intellectuals being tried. Yet I was jailed with eight common prisoners accused of violence, assault, armed robbery and pimping.

Of course, many ideas crossed my mind, and I experienced many feelings during those 30 hours in jail. As days go by, however, it is the shame and sadness I feel for Cuba that stays on my mind.

I ask myself, what are these professional and decent women doing in a police-station cell? What is going on in Cuba that honorable daughters of this country, belonging to three different generations and from different political origins and upbringings, may be arrested on the streets and placed in a cell with women accused of prostitution and armed robbery?

I felt more pain for the imprisonment of those three friends than for my own jailing. This is because I perceived their punishment as a symbol anticipating a sacrificial pyre.

Tania and Odalys—like Marvin Hernandez, who had been imprisoned for 48 hours and began a hunger strike in Cienfuegos—have demonstrated professionalism, integrity and discipline while going through this exercise of independent journalism in Cuba.

A few hours after being relatively free to go home, I was to have a unique "meeting" with Marta Beatriz Roque Cabello [one of the dissidents being tried]. There she was in my living room, the brilliant economist who loves poetry and good music, wearing her prisoner's uniform—on my TV screen. A state broadcaster was insulting her, calling her a stateless person and a "marionette of imperialism."

Since Marta's "visit" was so peculiar, I almost commented aloud to her about a note that she sent me from the Manto Negro [Black Cloak] prison at the end of 1998. "Here we are," she had written, "without any apparent solution but with a lot of faith in God, because there is nothing impossible for Him."

Marta asked me to put together for her "some material on neoliberal business globalization and the financial crisis in Asia. I want to state my opinions on the subject." A strange request from a woman in prison, it's true. Marta's presence in the kind of Cuba that we have can be disquieting and odd.

Her note concluded: "Say 'hello' to Blanca and tell her I recall her great coffee. I hope God allows me to drink some of it soon, sitting in your living room."

There I had been with Tania, Odalys and Dulce Maria in the jail, and Marta later "came" to my home, and I couldn't even offer her coffee.

[From the London Economist, Mar. 6, 1999]

COSY OLD CASTRO?

Like any old trouper, Fidel Castro has a neat sense of timing, and surefooted ability to confirm both his friends and his critics in their views. It is three years since his air force cruelly shot down two unarmed planes sent provocatively towards Cuba by an exile group. The result was Bill Clinton's signature on the Helms-Burton act, tightening still further the American embargo against the island. Helms-Burton is not, in fact, the most damaging piece of such American law, but the regime hates it. It was no coincidence that last month Mr. Castro proposed, and his rubber-stamp legislature at once approved, fierce penalties for all who "collaborate" with the American government—or, specifically, with foreign media—in the effort to strangle Cuba's economy or upset its socialist system. The few brave Cubans who dare to criticise the regime, and even to publish their views abroad, said this was aimed at them. And, as if to confirm it, the regime chose this week to put on trial—for just one day, and almost out of public view—four of the best-known dissidents.

Their offense, among others, is to have published in mid-1997 a document entitled "*La Patria es de Todos*", "The Fatherland Belongs to All"—a claim deeply offensive to Mr. Castro's Communist Party, which likes to claim Cuba, its anti-colonial past and its present alike as exclusive party property. The four heretics were promptly arrested. Even though the new law was not applied to their case, they now risk sentences of years in prison, for the crime of telling the truth.

Mr. Castro has thus confirmed his admirers' unwavering belief in his unwavering addiction, after 40 years of power, to the basics of Stalinism. Cuba's official media, of course, approve; and even abroad the sort of lickspittles who 40–50 years ago swallowed the show-trials of Eastern Europe can be found to defend this fresh attack on those whom they smear as "so-called" dissidents (if not common criminals, nut-cases or both). More important, Mr. Castro has comprehensively thumbed his nose at outsiders who thought that, while reluctantly opening chinks of free-marketry into Cuba's economy he might also open chinks for free thought and free speech. These hopefuls included Pope John Paul, who came visiting 14 months ago, and whose visit did indeed win freedom (albeit mostly in exile) for some dissidents, and greater freedom for his church. Its inter-American bishops' conference was held last month in Cuba, for the first time. But even as the bishops met, the new gagging law was going through.

This renewed assault on free thought must worry those governments—in Latin America, in Canada and Europe—which argue that constructive engagement may get Mr. Castro to loosen his grip. An Ibero-American summit is due to be held in Cuba this year. Spain has talked of a royal visit, though the trials have already led it to rethink. Even Mr. Clinton has recently made some gestures towards Cuba's citizenry, if only to have its regime spit them back in his face.

The stick plainly does not work: the American embargo no more promotes freedom in Cuba today than for decades past. But neither, on current form, do dialogue, trade and investment, and the carrot of more if only Mr. Castro would let go a little. His successors may soften, hoping to preserve his achievements (yes, they exist) and their own power, while loosening the handcuffs of Marxist economics and thought-control. But the old ham himself, it seems, aims to hoof on.

[From the Globe and Mail, Mar. 3, 1999]

Cuba's Favourite Patsy

(By Marcus Gee)

Last April, Jean Chrétien flew down to meet Cuba's Fidel Castro, becoming the first Canadian prime minister to do so since 1976. By all accounts they got along famously. Mr. Chrétien praised Cuban-Canadian friendship and told a few jokes. Mr. Castro praised Cuban-Canadian friendship and told a few jokes. Mr. Chrétien had just one thing to ask of his host: Could Cuba please release four Cubans who had been jailed for criticizing the government.

On Monday, 10 months later, Mr. Castro gave his answer. He put the four on trial for sedition. Marta Beatriz Roque, Felix Bonne, Rene Gomez Manzano and Vladimiro Roca—the so-called Group of Four—face jail terms of up to six years for "subverting the order of our socialist state." Their crime: urging voters to boycott Cuba's rigged one-party elections and scolding foreign investors for propping up the Castro regime.

The decision to press on with the trial despite protests from Canada and others is yet another example of Mr. Castro's determination to crush all opposition to his ragged dictatorship. It is also final, definitive proof that Canada's Cuba policy has failed. With the opening of this caricature of justice, that policy lies gutted like a trout on a pier.

Ottawa calls its policy "constructive engagement." When it took office in 1993, Mr. Chrétien's government decided to step up contacts with Cuba. More high-level visits, more trade and investment, more development aid.

The idea was to set Canada apart from the United States, which has tried for years to bring down Mr. Castro with a trade embargo and other pressure tactics. The U.S. strategy had clearly failed; so Ottawa would try a gentler, more Canadian approach. By "engaging" Mr. Castro, we would win his confidence and persuade him of the error of his ways, meanwhile tweaking Uncle Sam's nose and winning a new market for Canadian exporters.

In a visit to Cuba in 1997, Foreign Minister Lloyd Axworthy persuaded Mr. Castro to let Canada help Cuba build a "civil society"—a favourite Lloydism. Canadian MPs would visit Cuba to impart their wisdom about parliamentary democracy. Canadian lawyers and judges would tell their Cuban counterparts how an independent justice system works. Canadians would even help Cuba strengthen its citizens' complaint process, a kind of national suggestion box.

All this came to pass. The practical effect on human rights in Cuba: zero. Mr. Castro's human-rights record remains the worst in the Americas. Cuba is still a one-party state where elections are a sham, the judiciary is still a tool of state oppression, independent newspapers and free trade unions don't exist, and more than 300 Cubans still languish in jail for "counter-revolutionary crimes."

Far from allowing a civil society to flourish, Mr. Castro has been cracking down. Just two weeks before the trial of the Group of Four, the rubber-stamp National Assembly passed a new anti-subversion law that sets penalties of up to 20 years in jail for anyone "collaborating" with the tough U.S. policy on Cuba. Clearly aimed at Cuba's tiny group of independent journalists, the law would make it a crime, for example, to talk to the U.S.-funded Cuban-language Radio Marti. Cuba's fear of bad press is so intense that it jailed a Cuban doctor for eight years after he talked to the foreign press about a dengue fever epidemic in the city of Santiago.

Mr. Castro's one concession to Canada, if it can be called that, has been to release a dozen or so political prisoners and let them come to Canada—in other words, to send them into exile. When Mr. Chrétien came tuque in hand to Havana last April, bleating about the value of "dialogue over confrontation," his host used him as a backdrop for a rant against the U.S. embargo, which he compared to genocide.

Yet his gains from the cozy relationship with Canada have been huge. His strategy for many years has been to drive a wedge between the United States and its allies on the Cuba issue. Helped by the stupid Helms-Burton law, which seeks to penalize foreign companies that do business with Cuba, he has been making new friendships in Europe, the Caribbean and Latin America. The friendship of Canada, a country renowned for championing human rights, is by far his biggest coup. And he didn't even have to ask.

In its summary of Canada's Cuba policy, the Department of Foreign Affairs explains why Cuba has been so keen on Canada's friendship. "Given our longstanding relations, Canada's status as a technologically advanced North American nation, and the lack of a heavily politicized agenda, Canada has been seen as a trusted interlocutor with a balanced perspective." Down at the pub, they call that a dupe.

Mr. GRAHAM. Mr. President, I ask unanimous consent to have printed in the Record a letter from the President of the AFL–CIO, John J. Sweeney, directed to Fidel Castro, dated March 5, 1999, condemning the human rights conditions in Cuba.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Federation of Labor and Congress of Industrial Organizations,
Washington, DC, March 5, 1999.

Dr. Fidel Castro,
President, Republic of Cuba, Plaza de la Revolucion, Havana, Cuba.

Dear Mr. President: The AFL–CIO, representing over 13 million working men and women in the United States, vigorously objects to your government's recent measures to silence all opposition in your country, including the passage of laws proscribing freedom of expression with the penalty of death, and increasingly violent physical attacks, arrests, and other forms of harassment perpetrated against pro-democracy activists.

Despite Pope John Paul's historic visit to your country, during which he asked the world to open itself to Cuba and for Cuba to open itself to the world, and the subsequent release of several political prisoners, these most recent measures promulgated and implemented by your government make for a giant step backward. A number of victims of this most recent wave of repression were independent trade union activists.

Some human rights activists have termed the recent campaign of repression as the most significant operation since the 1996 break-up of the Concilio Cubano. On March 1, security forces detained dozens of local activists and blocked foreign observers, including the chief U.S. Envoy to Havana, from attending the trial of the so-called "Group of Four." Vladimiro Roca the son of the deceased Cuban Communist hero Blas Roca, Marta Beatrize Roque, an economist, Felix Bonne, an academic, and Rene Gomez, an attorney, have been jailed for the past 19 months for holding news conferences for foreign journalists and diplomats, for urging voters to boycott your country's one-party elections, for warning foreigners that their investments would contribute to Cuban suffering and for openly criticizing the Communist Party. Such actions would be considered a normal exercise of freedom of expression in any democratic society. We also understand that the defendants are jointly accused of "other acts against the security of the state in relation with a crime of sedition." For these "offenses", the four defendants face prison sentences of five to six years. Although your government denies holding prisoners of conscience, it labels the four, as it does other opposition figures, as "counter-revolutionary" criminals.

The unwarranted arrests, threats and physical intimidation are in direct violation of the rights defined and protected by the United Nations' Universal Declaration of Human Rights, to which Cuba is a signatory.

The AFL–CIO respectfully requests that your government rescind these most recent measures of repression, as well as freeing the scores of prisoners of conscience who still inhabit your country's jails. The AFL–CIO also wishes to acknowledge and condemn the recent campaign of government-sponsored repression which victimized the individuals mentioned in the list which is enclosed. Although a number of these individuals have been released from state detention, they should never have been arrested in the first place.

Sincerely,

John J. Sweeney,
President.

Mr. HELMS. Mr. President, I commend our distinguished colleagues from Florida, Senators Bob Graham and Connie Mack, for their leadership in the bipartisan effort to defend the rights of the Cuban people.

Their Senate Resolution No. 57—of which I am a proud cosponsor—is a timely reminder to the administration that the United States must speak out clearly in behalf of those whose own voices are choked by communist repression—be they in China or Cuba. Our principled, consistent defense of human rights must be heard at the upcoming meeting of the U.N. Commission on Human Rights in Geneva.

In recent weeks, Fidel Castro has executed a brutal crackdown on courageous Cubans and independent journalists who seek freedom from the heavy-handed treatment imposed on them by the Castro government.

Just this week, he sentenced four prominent, peaceful dissidents to up to 5 years in prison for daring to criticize Castro's failed communist experiment.

There's nothing new about Castro's brutality. But the latest Castro crackdown is significant because it violates Castro's commitments to the Pope. The Pope asked Castro to "open up to the world" and to respect human rights. Castro's reply has now been heard: He gave a bloody thumbs-down to the Pope's plea.

The latest crackdown also comes despite years of Canadian coddling and European investment in Cuba. The Canadians' self-described "policy of engagement" has served to prop-up the Castro regime but has done nothing to advance human rights or democracy.

Thos who have urged unilateral concessions from the United States in order to nudge Castro toward change surely will now acknowledge that appeasement has failed—as it always does.

The U.S. response to this latest wave of repression must be resolute and energetic. We must invigorate our policy to maintain the embargo on Castro, while undermining Castro's embargo on the Cuban people.

We should make no secret of our goal: I myself have declared publicly and repeatedly that, for the sake of the people of Cuba, Fidel must go. And, whether he goes vertically or horizontally is up to him.

Since the Pope's visit to Cuba, I have urged the administration to increase United States support for Cuban dissidents and independent groups, which include the Catholic Church. Once again, I call on the Clinton administration to increase U.S. support for dissidents, to respect the codification of the embargo, and to work with us on this bipartisan policy.

Castro's recent measures make clear that he is feeling the heat from our efforts to reach out to the Cuban people. That is why Castro is trying to crush dissidents and independent journalists, who are daring to tell the truth about his regime. That is why he has made it a criminal offense for Cubans to engage in friendly contact with Americans.

Castro's cowardly brutality—when one pauses to think about it—shows that he is a weak and frightened despot. His cruelty should make us more determined than ever to sweep Castroism onto the ash heap of history.

Senate Resolution 57 calls upon the administration to use its voice and vote at the upcoming meeting of the U.N. Human Rights Commission to support a strong resolution that will condemn Castro's systematic repression and appoint a special rapporteur to document the regime's willful violations of universally recognized human rights.

Mr. TORRICELLI. Mr. President, I rise today in support of S. Res. 57, expressing the sense of the Senate regarding the human rights situation in Cuba.

I am pleased to join Senators GRAHAM, MACK and my other colleagues in support of this resolution. This is a timely resolution. As the U.N. Human Rights Commission is preparing to meet in Geneva later this month, we are witnessing a new crackdown on human rights in Cuba.

This week, four prominent dissidents were sentenced to jail terms ranging from three and a half to five years by the Cuban government. Their crime—exercising their right to speak and support a peaceful transition to democracy.

These courageous people, Vladimiro Roca, Rene Manzano, Felix Bonne, and Marta Beatriz Roque, were arrested for their peaceful criticism of the Communist Party platform. They were held over one year without being charged. They were tried in a closed door proceeding that violated all standards of due process. Scores of human rights activists and journalists were arrested before and during their trial to prevent demonstrations of support for the accused. Fidel Castro ignored calls from the Vatican and the Canadian government for their release. Yesterday, the European Union issued a strong statement calling for their release.

The trial prompted international outrage, but came as little surprise for those who have followed Castro's policy of eliminating peaceful dissent. The government regularly pursues a policy of using detention and intimidation to force human rights activists to leave Cuba or abandon their efforts. The four dissidents bravely rejected the Cuban government's offers to go into exile rather than face trial.

One year after the Papal visit, an event which many hoped would bring greater openness to Cuba, Fidel Castro has slammed the door closed on the world and on the Cuban people. 1999 has brought about no change in Castro's unyielding policy of stifling human rights. To the contrary, Castro is tightening his iron grip on the Cuban people.

First, he began the year by rejecting the Administration's expanded humanitarian measures. Among other initiatives, the measures establish direct mail service between the U.S. and Cuba, and expand remittances to individual Cuban families and charitable organizations. These measures, designed to ease the suffering of the Cuban people caused by 40 years of communism, were called acts of "aggression" by the Cuban government.

Second, a new security law for the "Protection of National Independence and Economy" was passed by the Cuban government in February. The law criminalizes any form of cooperation or participation in pro-democracy efforts. It imposes penalties ranging from 20 to 30 years, for those found to be cooperating with the U.S. government. Government officials have already warned human rights activists that violations are punishable under the new law.

And third, the State Department Country Reports on Human Rights Practices details the same human rights abuses as last year and the year before. One is hard-pressed to find any improvements. The Report repeats last year's finding that the Cuban government's human rights record remains poor. It reiterates the finding that the government continues to "systematically violate fundamental civil and political rights of its citizens." Security forces "committed serious human rights abuses."

The examples of human rights violations in the Report are numerous, and startling. Human rights activists are beaten in their homes and outside churches. People are arbitrarily detained and arrested. Political prisoners are denied food and medicine brought by their families. Even children are made to stand in the rain chanting slogans against pro-democracy activists.

I would, therefore, say to those countries seeking increased ties with Cuba—take a look at this record. Do not lend any credibility or legitimacy to a government that denies its people basic human rights, and punishes those seeking a peaceful transition to democracy.

While the Western Hemisphere gradually moves towards greater respect for human rights, Cuba remains mired in its communist past. Once again, it is the Cuban people who suffer.

This resolution demonstrates that the United States' Senate stands united, not divided, in condemning human rights abuses in Cuba. It also sends a strong message to not only the U.N. Human Rights Commission, but also to the Cuban people. We will stand with you and support you until the day that you are free.

I urge my colleagues to join me in support of this resolution.

Mr. MACK. There are no further speakers on my side, so I am prepared to yield back the remainder of my time.

Mr. GRAHAM. There are no other speakers on our side of the aisle, so I also yield back the remainder of our time.

The PRESIDING OFFICER. All time has expired.

Mr. MACK. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate resumed consideration of the bill.

AMENDMENT NO. 114

(Purpose: To transfer funds from the environmental programs and management account of the Environmental Protection Agency to the State and tribal assistance grant account)

Mr. STEVENS. Mr. President, I send to the desk an amendment which is one of the relevant amendments listed by the majority leader. It is on behalf of Senator CRAPO, dealing with the transfer of funds from the environmental programs and management account of the EPA to the State and tribal assistant grant account. This has been cleared on both sides, and I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. CRAPO, proposes an amendment numbered 114.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 58, between lines 15 and 16, insert the following:

SEC. 4. WATER AND WASTEWATER INFRASTRUCTURE PROJECTS.

Of the amount appropriated under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105-276), $1,300,000 shall be transferred to the State and tribal assistance grant account for a grant for water and wastewater infrastructure projects in the State of Idaho.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 114) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to remove from the list Senator DEWINE's amendment on steel and Senator MURRAY's amendment on rural schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent to send to the desk and consider, en bloc, the following amendments:

A Kohl-Harkin-Durbin amendment to provide funding for conservation technical assistance; a Bond-Durbin-Ashcroft-Grassley-Frist-Harkin amendment for additional funding for section 32 assistance to producers; a Byrd amendment to provide additional funding for rural water infrastructure; a technical amendment of my own' regarding the provision of emergency assistance made available for fiscal year 1999; a Feinstein-Boxer amendment to increase the emergency funds made available for emergency grants to low-income migrant and seasonal workers.

The last amendment deals with a $5 million increase which we believe is offset with the current bill. The others are offset.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 115 THROUGH 119, EN BLOC

Mr. STEVENS. Mr. President, I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments numbered 115 through 119, en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 115

(Purpose: To provide funding for conservation technical assistance)

On page 37, line 9 strike "$285,000,000" and insert in lieu thereof "$313,000,000".

At the appropriate place, insert the following:

"Sec. . Notwithstanding Section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by an agency of the Department of Agriculture in carrying out any conservation or environmental program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for $28,000,000, that includes designation of the entire amount of the request as emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. KOHL. Mr. President, today, along with Senators HARKIN and DURBIN, I introduce an amendment to add $28 million this fiscal year to the Conservation Reserve Program CRP, run by the Natural Resources Conservation Service, NRCS of USDA. The amendment is fully offset and acceptable to Senator COCHRAN and my colleagues on the other side of the aisle.

One of the benefits of my job is having an opportunity to travel many of the highways and backroads of the State of Wisconsin. And, I like so many other residents of my State, never tire of the landscape of rolling hills, grazing dairy cows, and handsome farms. In the last few years, dotted among these lovely farms, is a new sight—or, perhaps more accurately, a sight so old that not many of us have had a chance to experience it. There are patches of land where the native trees, grasses and flowers are growing again; where white tail deer and pheasant walk among wood violets and sugar maples the way they did 150 years ago. These pieces of land, restored to their original natural beauty, are living museums—reminders to ourselves and our children of the magnificence of Wisconsin's native landscape.

Much of this land restoration is due to the Conservation Reserve Program, a federal program that, in effect, rents land from farmers and restores it to its natural state. Wisconsin farmers have enthusiastically embraced this effort enrolling 72,000 acres of land in the CRP this year along. Altogether, the CRP has restored 600,000 acres of land in Wisconsin.

Despite this program's great success—in Wisconsin and rural areas across the country—a provision of the 1996 farm bill has inadvertently put the CRP in jeopardy. Section 11 of the farm bill capped the administrative costs that the USDA can pay out on any program. The provision was an attempt to slow some over-enthusiastic compute purchasing at the USDA. Unfortunately, it also capped the technical assistance allowed under the CRP in a way that will make it illegal for the CRP to identify or enroll new acres after May of this year. Our amendment today, by adding $28 million for these necessary administrative functions, will allow the CRP to continue its work.

Our offset today is from the food stamp reserve fund, and I want to say a word about that. Every year, we put aside more money than we anticipate we will need to cover our food stamps obligations. We do so in order to make sure that that very vital anti-hunger program is available even if demand increases because of an unexpected economic downturn. As the year progresses without such a downturn, it is appropriate and responsible budgeting to move some of those funds, which will not be needed, into areas where there is pressing needs.

That said, we still must keep a reasonable balance in reserve for food stamps, and in no way should this fund be viewed by others with amendments as a piggy bank.

The CRP is an example of an environmental program that successfully marries the interests of farmers, conservationists, and nature lovers. It is voluntary, it is local in direction, it is effective. I am glad we were able to agree to keep such a worthy program alive this year, and I thank my colleagues who have helped clear this amendment.

AMENDMENT NO. 116

(Purpose: To appropriate additional funds to the fund maintained for funds made available under section 32 of the Act of August 24, 1935, and to authorize the Secretary of Agriculture to waive the limitation on the amount of such funds that may be devoted during fiscal year 1999 to 1 agricultural commodity or product thereof, with an offset)

On page 2, between lines 20 and 21, insert the following:

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $150,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $150,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. ____ . The Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any 1 agricultural commodity or product thereof.

On page 37, line 9, strike "$285,000,000" and insert "$435,000,000".

Mr. ASHCROFT. Mr. President, I rise today to join the senior senator from Missouri, Senator BOND, in offering an amendment to help the plight of the hog farmers in the state of Missouri. Hog farmers in our home state, and across the nation, are experiencing a disaster outside of their control, much like a flood, drought, or disease. It was projected that 25 to 40 percent of Missouri's pork producers would lose their family farms if we do not take immediate and substantial action. That is why we have offered this amendment.

The statistics are devastating. Since June 1998, pork farmers experienced a roughly 70 percent decline in pork prices, from $40 per hundredweight to $9 per hundredweight. The 1998 average price was an astounding 30 percent below the average price in 1932. In 1933, market hogs brought $3.53 a hundredweight, which is $47.29 in today's dollars.

There was a $2.6 billion equity meltdown on hog farms across America, and Economist Glen Grimes, at the University of Missouri, projects that hog farmers will suffer another one billion loss in 1999.

Some hog farmers have told me that they would have been better off financially if their hogs had simply been destroyed by a natural disaster. At one point, the feed the hogs were eating was worth more than the hogs themselves. And not long ago, consumers were paying more for a canned ham than the 260-pound hog it came from.

To address this disaster on hog farms across America, the Administration committed $50 million to their plight. While this amount sends a message of support to hog farmers, it is inadequate in light of the severity of the crisis to our family farms.

The Missouri Farm Bureau and the Missouri Pork Producers requested our assistance, and we have responded. Today, Senator BOND and I are offering this amendment, which makes $250 million available for farmers struggling to survive the severe drop in pork prices. Under the amendment, the U.S. Department of Agriculture would be provided with $150 million new funds and would be given the authority to use another $100 million, that the USDA already has, to help hog farmers.

The amendment sends a clear and resounding message of support to Missouri's hog farmers. In my recent trips to Missouri, I met with numerous hog farmers and was alarmed to hear them say that many of them would have to sell the family farm if we do not act expediently. This situation demands action, and I have taken immediate action at the request of Missouri's family farmers.

It is the understanding of those of us that have offered this amendment today that the majority of the funds available to the Secretary of Agriculture will be used on behalf of our nation's pork farmers. Last year, all of the major commodity groups received disaster assistance, but the hog farmers received nothing.

In current law (Section 32 of the Act of August 24, 1935) the Department of Agriculture has broad authority to reestablish farmers' purchasing power by making payments, to encourage domestic consumption by diverting surpluses to low-income groups, and to encourage the export of farm products through producer payments or other means. However, the amount devoted to any one commodity shall not exceed 25 percent of the Section 32 funds. Most recently, the USDA recently used its Section 32 authority to make a $50 million direct cash payment to pork producers.

Our amendment adds $150 million to the USDA Section 32 Fund, to be used for hog farmers, and it waives the 25 percent cap on the USDA Section 32 Fund for the remainder of fiscal year 1999. These funds would be made available to help the current emergency situation in the pork industry.

In addition to today's amendment, I would also like to mention some of the initiatives that I have worked on with the Missouri Farm Bureau and the Missouri Pork Producers in order to address the pork crisis:

Initiated a request, with Senator BOB KERREY (D-NE), to U.S. Trade Representative Charlene Barshefsky successfully urging her to add European Union pork to the U.S. trade retaliation list against the EU's unfair trade practices.

Requested that the U.S. Government buy excess hogs from farmers and ship U.S. pork as emergency assistance to Central America.

Wrote to the Prime Minister of Canada urging him to resolve work stoppage in the Ontario pork packers plant so that Canada can slaughter its hogs instead of flooding our slaughter houses with Canadian hogs.

Wrote to the President and the Secretary of Agriculture requesting that they use all their authority to ensure that no unfair competition or antitrust practices exist in domestic pork markets. It concerns me that farmer's prices for hogs at the farm gate have plummeted while prices at the cash register have not dropped equally for the consumer.

Requested of the Administration an immediate moratorium on burdensome new federal regulations affecting hog producers, and wrote to the President to ease paperwork requirements placed on farmers and banks so that the money can quickly get to those who need it.

Introduced a congressional resolution (S. Con. Res. 4) with Senator MAX BAUCUS which demands that South Korea end its unfair trade practices and subsidies that hurt American pork producers. The resolution also urges the U.S. Trade Representative, the Secretary of Treasury, and the Secretary of Agriculture to take immediate action against such harmful Korean subsidies.

AMENDMENT NO. 117

(Purpose: To provide funding for rural water infrastructure)

On page 37, line 9 strike "$313,000,000" and insert in lieu thereof "$343,000,000".

On page 5, after line 20 insert the following:

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the costs of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, $30,000,000, of which $25,000,000 shall be for grants under such program: *Provided*, That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 118

At the appropriate place in the bill insert the following new section:

SEC. . Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 shall be provided by the Secretary of Agriculture directly to any state determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such state shall disburse the funds to individuals with family incomes below the federal poverty level who have been adversely affected by the commercial fishery failure or failures. *Provided*, That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress. *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

AMENDMENT NO. 119

On page 2, line 11, strike $20,000,000 and insert $25,000,000.

On page 2, line 13, strike $20,000,000 and insert $25,000,000.

On page 37, line 9, increase the amount by $5,000,000.

Mrs. FEINSTEIN. Mr. President, this amendment increases funding for USDA's Emergency Grants to Assistance Low-Income Migrant and Seasonal Farmworkers program by $5 million. The increase in funding is provided to cover additional needs, including a possible increase in WIC caseload as a result of the devastating citrus freeze which impacted California last December.

I understand the amendment has been agreed to on both sides, and I urge its adoption.

Mr. STEVENS. Mr. President, I ask for the adoption of these amendments en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 115 through 119) were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment entitled "1998 Disaster" for Senator BOND be deleted from the list and that an amendment listed for Senator ASHCROFT entitled "Emergency Assistance to USDA" be deleted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 120

(Purpose: To provide authority and appropriations for the Department of State to carry out certain counterdrug research and development activities)

Mr. STEVENS. Mr. President, I send to the desk an amendment for Senator DEWINE and others to provide authority and funds for the Department of State's counterdrug program. This amendment includes an appropriate offset for the additional spending that is authorized.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. DEWINE, for himself, Mr. BURNS and Mr. COVERDELL, proposes an amendment numbered 120:

On page 24, between lines 2 and 3, insert the following:

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $23,000,000, for additional counterdrug research and development activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

On page 27 increase the amount of the rescission on line 9 by $23,000,000.

On page 44, between lines 11 and 12, insert the following:

(b) Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105-277) is amended—

(1) in the first sentence—

(A) by striking "Secretary of Agriculture" and inserting "Secretary of State"; and

(B) by striking "the Agricultural Research Service of the Department of Agriculture" and inserting "the Department of State";

(2) in paragraph (5), by inserting "(without regard to any requirement in law relating to public notice or competition)" after "to contract"; and

(3) by adding at the end the following: "Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.".

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask that we proceed with the amendment at the desk.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 120) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, earlier today we had an amendment that I did not move to reconsider and I indicated I would move to reconsider at a later time.

The PRESIDING OFFICER. That was amendment No. 80.

Mr. STEVENS. And the purpose?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

To defer section 8 assistance for expiring contracts until October 1, 1999.

Mr. STEVENS. That amendment was agreed to. I move to reconsider the vote, and I ask unanimous consent that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 17, 1999, the Federal debt stood at $5,641,694,979,239.08 (Five trillion, six hundred forty-one billion, six hundred ninety-four million, nine hundred seventy-nine thousand, two hundred thirty-nine dollars and eight cents).

One year ago, March 17, 1998, the Federal debt stood at $5,536,664,000,000 (Five trillion, five hundred thirty-six billion, six hundred sixty-four million).

Five years ago, March 17, 1994, the Federal debt stood at $4,553,032,000,000 (Four trillion, five hundred fifty-three billion, thirty-two million).

Ten years ago, March 17, 1989, the Federal debt stood at $2,736,679,000,000 (Two trillion, seven hundred thirty-six billion, six hundred seventy-nine million) which reflects a debt increase of almost $3 trillion—$2,905,015,979,239.08 (Two trillion, nine hundred five billion, fifteen million, nine hundred seventy-nine thousand, two hundred thirty-nine dollars and eight cents) during the past 10 years.

CITY OF NEW ORLEANS CRASH

Mr. FITZGERALD. Mr. President, as my colleagues know, a tragic accident occurred in Bourbonnais, Illinois on Monday night when an Amtrak passenger train, the City of New Orleans, collided with a tractor trailer carrying steel rods. According to the National Transportation Safety Board, NTSB, a crew of 18 people and 196 passengers were aboard the City of New Orleans when the accident occurred.

Eleven people lost their lives in the accident, NTSB officials report. I wish to convey my deepest sympathy to the families of the victims and all others who have been touched by this tragedy. Illinois grieves with you.

I would also like to recognize the dedication of the local and State officials and citizens who have prevented this tragedy from becoming even worse. Local citizens worked through the night and into the early morning to locate victims, free them from the wreckage, and treat their injuries. Public safety officials from Bourbonnais, and from the communities and counties surrounding it, worked above and beyond the call of duty to save lives, rescue survivors, and prevent further harm from occurring.

Additionally, Federal officials from the Department of Transportation, the National Transportation Safety Board, the Highway Administration, the Railroad Administration, and Health and Human Services have traveled to Illinois to lend their expertise in the aftermath of this horrible accident.

And finally, nonprofit organizations like the American Red Cross have also served the victims, families, and friends associated with this accident. At times like this we remember the fragility of human life, and recognize the magnanimity of the human spirit. We commend the many volunteers and officials involved with the City of New Orleans accident. Their dedication to the welfare of those injured will be remembered in perpetuity.

Mr. COCHRAN. Mr. President, we were all saddened by the accident involving the City of New Orleans Amtrak train in Illinois on Monday night.

Several Mississippians lost their lives in the accident including June Bonnin of Nesbit, and Raney and Lacey Lipscomb of Lake Cormorant. I know my colleagues join me in extending our sympathy to their families.

Mr. President, as is so often the case, tragedies such as this can bring out the best in individuals. Based on information provided to my office, it appears that three of the students from Covenant Christian High School in Clinton, Mississippi, who were on the train, became heroes.

These students were part of a group of 15 students returning from a spring break trip to Canada. According to persons on the scene, Michael Freeman, Caleb McNair, and Jeffrey Sartor, all 17-year-old Clinton residents, quickly reacted to the situation.

With fire quickly approaching from a nearby car, Michael and Caleb opened a window and began rescuing people trapped inside the train. Jeffrey and Mrs. Phyllis Hurley, a chaperone who was injured herself, began helping people get out of the train too.

Caleb also assisted firefighters in getting elderly people to safety and getting a young girl freed from the wreckage. When firefighters and other help arrived, Michael was still on top of a car helping people from other cars over to the closest ladder and down from the train. Even after the young men were escorted to the side, they continued to help carry stretchers of wounded to safety.

Mr. President, I extend my sympathy to all the victims and their families affected by the tragedy, and I commend the efforts of these young people and the many firefighters and emergency personnel who acted to save lives and assist the victims.

CERTIFIED NONSENSE

Mr. GRASSLEY. Mr. President, here we go again. It seems that around this time every year we launch into certification follies. The occasion is the annual requirement that the administration report to Congress on the progress or lack of progress that countries are making in cooperating on combating drugs. This debate more recently gets personalized around the issue of the certification of Mexico.

There seems to be two basic elements in this affair: The acceptance by some in Congress that the administration only lies on certification therefore we should do away with the process and quit the pretense. And those who argue that it is unfair to judge the behavior of others and to force the President to make such judgments.

I do not think that either of these views is accurate or does justice to the seriousness of the issues we are dealing with. They are also not consonant with the actual requirements in certification.

On the first point. The annual certification process does not require the administration to lie. If an administration chooses to do so, it is not the fault of the certification process. And the fix is not to change the law to enable a lie. The fix is to insist on greater honesty in the process and compliance with the legal requirements.

Now, the Congress is no stranger to elaborate misrepresentations from administrations. Given that fact, this does mean that differences in judgment necessarily mean that one party to the difference is lying. In the past, I have not accepted all the arguments by the administration in certifying Mexico.

Indeed, self-evident facts make such an acceptance impossible and the administration's insistence upon obvious daydreams embarrassing. But I have, despite this, supported the overall decision on Mexico. I have done this for several reasons.

Before I explain, let me summarize several passages from the law that requires the President to report to Congress. There seems to be some considerable misunderstanding about what it says. The requirement is neither unusual nor burdensome. The President must inform Congress if during the previous year any given major drug producing or transit country cooperated fully with the United States or international efforts to stop production or transit. These efforts can be part of a bilateral agreement with the United States. They can be unilateral efforts. Or they can be efforts undertaken in cooperation with other countries, or in conformity with international law.

In making this determination, the President is asked to consider several things: the extent to which the country has met the goals and objectives of the 1988 U.N. Convention on illicit drugs; the extent to which similar efforts are being made to combat money laundering and the flow of precursor chemicals; and the efforts being made to combat corruption.

The purpose for these requirements is also quite simple. It is a recognition by Congress, in response to public demand, that the U.S. Government take international illegal drug production and trafficking seriously. That it make this concern a matter of national interest. And that, in conjunction with our efforts here and abroad, other countries do their part in stopping production and transit. Imagine that. A requirement that we and others should take illicit drug production and transit seriously. That we should do something concrete about it. And that, from time to time, we should get an accounting of what was done and whether it was effective.

I do not read in this requirement the problem that many seem to see. This requirement is in keeping with the reality of the threat that illegal drugs pose to the domestic well-being of U.S. citizens. Illegal drugs smuggled into this country by criminal gangs resident overseas kill more Americans annually than all the terrorist attacks on U.S. citizens in the past 10 years. It is consistent with international law. And it is not unusually burdensome on the administration—apart from holding it to some realistic standard of accountability.

I know that administrations, here and abroad, are uncomfortable with such standards. But that shilly shally should not be our guide. Congress has a constitutional foreign policy responsibility every bit as fundamental as the President's. Part of that responsibility is to expect accountability. The certification process is a key element in that with respect to drugs.

To seek to retreat from the responsibility because an administration does not like to be accountable is hardly sufficient ground for a change. To do so because another country does not like explaining how it is doing in cooperating to deal with a serious threat to U.S. national interests is equally unacceptable. To argue that we should cease judging others because we have yet to do enough at home is a logic that borders on the absurd. To believe that claims of sovereignty by some country trumps external judgment on its behavior is to argue for a dangerous standard in international law. To argue that we should bury our independent judgment on this matter of national interest in some vague multilateralized process is a confidence trick.

Try putting this argument into a different context. Imagine for a moment making these arguments with respect to terrorism. Think about the consequences of ignoring violations of human rights because a country claims it is unfair to meddle in internal matters.

When it comes to drugs, however, some seem prepared to carve out an exception. It offends Mexico, so let's not hold them accountable. The administration will not be honest, so let's stop making the judgment.

The administration, we are informed, does not want to offend an important ally. Really? Well, it seems the administration likes to pick and choose. At the moment, the administration is considering and threatening sanctions against the whole European Union—that is some of our oldest allies. And over what issue? Bananas. To my knowledge, not a single banana has killed an American. However serious the trade issue is that is involved, major international criminal gangs are not targeting Americans with banana peels. They are not smuggling tons of bananas into this country illegally. They are not corrupting whole governments.

So, what we are being asked to accept is that sanctions are an important national interest when it comes to bananas but not for drugs. That it is okay to judge allies on cooperation on tropical fruit but not on dangerous drugs. This strikes me as odd. Do not get me wrong. I am not against bananas. I believe there are serious trade issues involved in this dispute over bananas. What strikes me as odd is that the administration is prepared to deploy serious actions against allies over this issue but finds it unacceptable to defend U.S. interests when it comes to drugs with similar dedication and seriousness.

But let me come back to Mexico and certification. I have two observations. The first concerns the requirements for certification. I refer again to the law. That is a good place to start. The requirement in the law is to determine whether a country is fully cooperating. It is not to judge whether a country is fully successful.

Frankly, that is an impossible standard to meet. One that we would fail. I agree, that deciding what full cooperation looks like is a matter of judgment. But to those who argue that certification limits the President's flexibility, on the contrary, it gives scope to just that in reaching such a decision. It is a judgment call. Sometimes a very vexed judgment.

Nevertheless, one can meet a standard of cooperation that is not bringing success. In such a case, an over-reliance upon purely material standards of evaluation cannot be our only guide. How many extraditions, how many new laws, how many arrests, how many drugs seized are not our only measures for judgment. There are others. And in the case of Mexico there is a major question that must be part of our thinking.

Unless the United States can and is prepared unilaterally to stop drug production and trafficking in Mexico, then we have two choices. To seek some level of cooperation with legitimate authority in Mexico to give us some chance of addressing the problem. Or, to decide no cooperation is possible and to seal the border. The latter course, would involve an immense undertaking and is uncertain of success. It would also mean abandoning Mexico at a time of crisis to the very criminal gangs that threaten both countries. In my view, we cannot decertify Mexico until we can honestly and dispassionately answer this question: Is what we are getting in the way of cooperation from Mexico so unacceptable on this single issue that our only option is to tear up our rich and varied bilateral relationship altogether?

However frustrating our level of cooperation may be, I continue to think that we have not reached the point of hopelessness. And there are encouraging signs along with the disappointments. Having said this, I do not believe that we can or should forgo judgment on the continuing nature of cooperation. With Mexico or with any country. To those who would change the certification process I would say, let's give the process a chance not a change. Let's actually apply it. This does not mean in some rote way. But wisely. With understanding. With due regard to both the nuance of particular situations and a sense of responsibility.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL 1998—MESSAGE FROM THE PRESIDENT—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 15th Annual Report of the National Endowment for Democracy, which covers fiscal year 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1999.*

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102–356), I transmit herewith a report of the Corporation for Public Broadcasting. This report outlines, first, the Corporation's efforts to facilitate the continued development of superior, diverse, and innovative programming and, second, the Corporation's efforts to solicit the views of the public on current programming initiatives.

This report summarizes 1997 programming decisions and outlines how Corporation funds were distributed—$47.9 million for television program development, $18.8 million for radio programming development, and $15.6 million for general system support. The report also reviews the Corporation's Open to the Public campaign, which allows the public to submit comments via mail, a 24-hour toll-free telephone line, or the Corporation's Internet website.

I am confident this year's report will meet with your approval and commend, as always, the Corporation's efforts to deliver consistently high quality programming that brings together American families and enriches all our lives.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 18, 1999.*

MESSAGES FROM THE HOUSE

At 1:30 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 820. An act to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes.

H.R. 975. An act to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program.

The message also announced that pursuant to the provisions of public law 96–388, as amended by Public Law 97–84 (36- U.S.C. 1402(a)), the Speaker appoints the following Members of the House to the United States Holocaust Memorial Council: Mr. GILMAN of New York, Mr. LATOURETTE of Ohio, and Mr. CANNON of Utah.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 820. An act to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 334. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii (Rept. No. 106–26).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REED:

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 657. A bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts, and for other purposes; to the Committee on Finance.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, Mr. MCCAIN, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. GORTON):

S. 658. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. ROBB, and Mr. KERREY):

S. 659. A bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Ms. MIKULSKI, Mr. THURMOND, Mr. DASCHLE, Ms. COLLINS, Mr. JOHNSON, Ms. SNOWE, Mr. DORGAN, Mr. MACK, Mr. HOLLINGS, Mr. REED, Mr. CONRAD, and Mr. CRAPO):

S. 660. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. LOTT, Mr. SESSIONS, Mr. NICKLES, Mr. COVERDELL, Mr. CRAIG, Mr. KYL, Mr. ENZI, Mr. MCCAIN, Mr. HUTCHINSON, Mr. SANTORUM, Mr. BROWNBACK, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. GRASSLEY, and Mr. DEWINE):

S. 661. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. SNOWE, Mr. SMITH of Oregon, Mr. HARKIN, Mr. COCHRAN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. SARBANES, Mr. HOLLINGS, Mr. WELLSTONE, Mr. CLELAND, Mr. KENNEDY, Mr. JOHNSON, Mr. ROBB, Mrs. BOXER, Mr. REID, and Mr. KERREY):

S. 662. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; to the Committee on Finance.

By Mr. SPECTER:

S. 663. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. JEFFORDS, and Mr. BREAUX):

S. 664. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. 665. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. MCCAIN, Mr. DEWINE, Mr. HAGEL, Mr. GRAMS, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 666. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on Finance.

By Mr. MCCAIN:

S. 667. A bill to improve and reform elementary and secondary education; to the Committee on Finance.

By Mr. COVERDELL:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. Res. 69. A resolution to prohibit the consideration of retroactive tax increases in the Senate; to the Committee on Rules and Administration.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 70. A resolution to authorize representation of Senate and Members of the Senate in the case of James E. Pietrangelo, II v. United States Senate, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 657. A bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts, and for other purposes; to the Committee on Finance.

MEDICAL SAVINGS ACCOUNT EXPANSION ACT OF 1999

Mr. INHOFE. Mr. President, I am pleased to rise today to introduce the Medical Savings Account Expansion Act of 1999. There has been much said recently regarding the need to reform health care. I agree with many of my colleagues that health care is indeed in need of serious reform. However, the nature and the scope of reforms are open to debate.

During the health care debate of 1996, the Congress focused its efforts on attempting to provide the uninsured with insurance. Included in the legislation, Congress created a demonstration project in order to test the effectiveness of Medical Savings Accounts. However, in establishing the demonstration project, the Congress created numerous legislative roadblocks to the success of Medical Savings Accounts.

As we are all aware, Medical Savings Accounts combine a high deductible insurance policy and tax exempt accounts for the purpose of providing health care. MSA holders use these accounts to purchase routine health care services. When account holders spend all of the funds in their account and reach their annual deductible, their health insurance policy kicks in. If they don't spend all the money in the account, they get to keep what's left, plus interest for the following year.

The creation of Medical Savings Accounts was the result of a bipartisan coalition that many in the Senate worked long and hard to achieve. Medical Savings Accounts are really based on a simple principle that should be at the heart of the health care reform, that being, empowering people to take control of their own health care improves the system for everyone. Expanding MSAs is one small, but important, step in that regard. Providing individuals with an incentive to save money on their health care costs encourages them to be better consumers. The result is much needed cost control and consumer responsibility.

Mr. President, I think as the Congress begins to discuss health care reform this year, we must move away from the debate on the regulation and rationing of health care and focus our energies on providing health care to the uninsured. Instead of concentrating our efforts on reforms that will likely result in less health care, we should be trying to expand the opportunity for health care. At the same time, we must do so in a cost effective and market oriented way. MSAs meet that goal.

According to the General Accounting Office, more than 37% of the people who have opted to buy an MSA under the 1996 law were previously uninsured. That bears repeating; people who have previously been uninsured, are now buying health insurance. We need to make it possible for more people to obtain health care insurance. Now, compare those 37% of previously uninsured who now have health insurance with the projected 400,000 people who would lose their current health insurance if the Congress does something that would raise current health insurance premiums by just one percentage point and the argument becomes even stronger to expand the use of MSAs.

Mr. President, the legislation I am introducing today does just that, it makes Medical Savings Accounts more readily available to more people by eliminating many of the legislative and regulatory roadblocks to their continued success. The GAO report referred to earlier, points out that one of the key reasons why MSAs have not been as successful as originally thought is the complexity of the law.

Let me touch on a just few of the problems my legislation addresses. First is the scope of the demonstration project. Mr. President, I believe we should drop the 750,000 cap and extend the life of the project indefinitely. The 750,000 cap is merely an arbitrary number negotiated by the Congress. By lifting the cap and making MSAs permanent, we will be allowing the market to decide whether MSAs are a viable alternative in health insurance. The cap and the limited time constraint create a disincentive for insurance companies to provide MSAs as an option. The GAO study I cited earlier supports this conclusion. The majority of companies who offered MSA plans did so in order to preserve a share of the market. The result, few, if any, are aggressively marketing MSAs. If Congress is serious about testing the effectiveness of MSAs in the marketplace, we must free them from unnecessary and arbitrarily imposed restraints.

Second, under current law, either an employer or an employee can contribute directly to an MSA, but not both. The legislation I am introducing would allow both employers and employees to contribute to a Medical Savings Account. This just makes sense. By limiting who can contribute to an individual MSA, the government has predetermined the limits of contributions. I think many employers would prefer to contribute to an individual's health care account, rather than continue the costly, third-party payer system. By allowing both employers and employees to contribute to MSAs, we will be giving more flexibility to Medical Savings Accounts. That flexibility will allow more people to obtain MSAs and undoubtedly contribute to their success.

One of the arguments frequently made against MSAs is that they are for the rich. Certainly that is an understandable conclusion, given the fact that we limit who can contribute to MSAs. By lifting the contribution restrictions, individuals of all income levels will find MSAs a viable health care alternative.

As I travel throughout Oklahoma, a common complaint is the access to quality health care and the rising cost of health care. In my state, managed care is not always an option for many people in rural areas. However, Medical Savings Accounts are an option for many families because MSAs give them the choice to pursue individualized health care that fits their needs. These are the sorts of solutions that our constituents have sent us to Washington to find. They are not interested in more government. In fact, many want less. Yet, all we offer them is differing degrees of government intrusion in their lives.

Mr. President, the debate in the 105th Congress clearly demonstrated we are all concerned about access to health care, doctor choice, cost, and security. As the debate moves forward in the 106th Congress, I want to urge my colleagues to consider alternatives to further big-government and to be bold enough to pursue them.

Mr. President, I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Savings Account Expansion Act of 1999".

SEC. 2. REPEAL OF RESTRICTIONS ON TAXPAYERS HAVING MEDICAL SAVINGS ACCOUNTS.

(a) REPEAL OF NUMERICAL LIMITATIONS AND TERMINATION.—

(1) IN GENERAL.—Section 220 of the Internal Revenue Code of 1986 (relating to medical savings accounts) is amended by striking subsections (i) and (j).

(2) MEDICARE+CHOICE.—Section 138 of such Code (relating to Medicare+Choice MSA) is amended by striking subsection (f).

(3) CONFORMING AMENDMENT.—Section 220(c)(1) of such Code is amended by striking subparagraph (D).

(b) REPEAL OF RESTRICTIONS ON INDIVIDUALS WHO HAVE MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Section 220(c)(1)(A) of the Internal Revenue Code of 1986 (relating to eligible individual) is amended by inserting "and" at the end of clause (i), by striking ", and" at the end of clause (ii)(II) and inserting a period, and by striking clause (iii).

(2) CONFORMING AMENDMENTS.—

(A) Section 220(b) of such Code is amended by striking paragraph (4) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(B) Section 220(c)(1) of such Code, as amended by subsection (a)(3), is amended by striking subparagraph (C).

(C) Section 220(c) of such Code is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(c) REPEAL OF RESTRICTION ON JOINT EMPLOYER-EMPLOYEE CONTRIBUTIONS.—Section 220(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by striking paragraph (4), as redesignated by subsection (b)(2)(A), and by redesignating paragraphs (5) and (6) (as so redesignated) as paragraphs (4) and (5), respectively.

(d) 100 Percent Funding of Account Allowed.—

(1) In general.—Section 220(b)(2) of the Internal Revenue Code of 1986 (relating to monthly limitation) is amended to read as follows:

"(2) Monthly limitation.—The monthly limitation for any month is the amount equal to 1/12 of the annual deductible of the high deductible health plan of the individual as of the first of such month.".

(2) Conforming amendment.—Section 220(d)(1)(A) of such Code is amended by striking "75 percent of".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to months beginning after the date of enactment of this Act.

(2) Compensation limit repeal.—The amendments made by subsection (b)(2)(A) shall apply to taxable years beginning after December 31, 1999.

SEC. 3. REDUCTION IN HIGH DEDUCTIBLE PLAN MINIMUM ANNUAL DEDUCTIBLE

(a) In General.—Section 220(c)(2)(A) of the Internal Revenue Code of 1986 (relating to high deductible health plan) is amended—

(1) by striking "$1,500" in clause (i) (relating to self-only coverage) and inserting "$1,000", and

(2) by striking "$3,000" in clause (ii) (relating to family coverage) and inserting "$2,000".

(b) Effective Date.—The amendments made by this section shall take effect on January 1, 2000.

By Mr. GRAMM (for himself, Mrs. Hutchison, Mr. Domenici, Mr. Bingaman, Mr. Kyl, Mr. McCain, Mrs. Feinstein, Mrs. Boxer, and Mr. Gorton):

S. 658. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001; to the Committee on Finance.

PROTECTION OF U.S. BORDERS

Mr. GRAMM. Mr. President, on behalf of Senators Hutchison, Bingaman, Domenici, Kyl, McCain, Boxer, Feinstein, and Gorton, I am introducing legislation today which will authorize the United States Customs Service to acquire the necessary personnel and technology to reduce delays at our border crossings with Mexico and Canada to no more than 20 minutes, while strengthening our commitment to interdict illegal narcotics and other contraband.

This bill represents the progress that we made in this regard in the last Congress, and it builds on efforts that we initiated last year. This legislation passed the Senate unanimously on October 8, 1998, and a similar companion bill passed the House of Representatives on May 19, 1998 by a vote of 320–86. In addition to the resources dedicated to our nation's land borders, this bill also incorporates the efforts of Senators Grassley and Graham in adding resources for interdiction efforts in the air and along our coastline, provisions that were passed by the Senate in last year's bill.

I am very concerned about the impact of narcotics trafficking on Texas and the nation and have worked closely with federal and state law enforcement officials to identify and secure the necessary resources to battle the onslaught of illegal drugs. At the same time, however, our current enforcement strategy is burdened by insufficient staffing, a gross underuse of vital interdiction technology, and is effectively closing the door to legitimate trade.

At a time when NAFTA and the expanding world marketplace are making it possible for us to create more commerce, freedom and opportunity for people on both sides of the border, it is important that we eliminate the border crossing delays that are stifling these goals. In order for all Americans to fully enjoy the benefits of growing trade with Mexico and Canada, we must ensure that the Customs Service has the resources necessary to accomplish its mission. Customs inspections should not be obstacles to legitimate trade and commerce. Customs staffing needs to be increased significantly to facilitate the flow of substantially increased traffic on both the Southwestern and Northern borders, and these additional personnel need the modern technology that will allow them to inspect more cargo, more efficiently. The practical effect of these increases will be to open all the existing primary inspection lanes where congestion is a problem during peak hours and to enhance investigative capabilities on the Southwest border.

Long traffic lines at our international crossings are counterproductive to improving our trade relationship with Mexico and Canada. This bill is designed to shorten those lines and promote legitimate commerce, while providing the Customs Service with the means necessary to tackle the drug trafficking operations that are now rampant along the 1,200-mile border that my State shares with Mexico. I will be speaking further to my colleagues about this initiative and urge their support for the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Free Borders Act of 1999".

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR ENHANCED INSPECTION, TRADE FACILITATION, AND DRUG INTERDICTION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) Drug Enforcement and Other Noncommercial Operations.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)) are amended to read as follows:

"(A) $997,300,584 for fiscal year 2000.

"(B) $1,100,818,328 for fiscal year 2001.".

(b) Commercial Operations.—Clauses (i) and (ii) of section 301(b)(2)(A) of such Act (19 U.S.C. 2075(b)(2)(A)(i) and (ii)) are amended to read as follows:

"(i) $990,030,000 for fiscal year 2000.

"(ii) $1,009,312,000 for fiscal year 2001.".

(c) Air and Marine Interdiction.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)(A) and (B)) are amended to read as follows:

"(A) $229,001,000 for fiscal year 2000.

"(B) $176,967,000 for fiscal year 2001.".

(d) Submission of Out-Year Budget Projections.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

SEC. 102. CARGO INSPECTION AND NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND GULF COAST SEAPORTS.

(a) Fiscal Year 2000.—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $100,036,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) United States-Mexico border.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) $1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2–MeV) to 6,000,000 electron volts (6–MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(H) $600,000 for 30 fiber optic scopes.

(I) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate;

(J) $3,000,000 for 10 x-ray vans with particle detectors.

(K) $40,000 for 8 AM loop radio systems.

(L) $400,000 for 100 vehicle counters.

(M) $1,200,000 for 12 examination tool trucks.

(N) $2,400,000 for 3 dedicated commuter lanes.

(O) $1,050,000 for 3 automated targeting systems.

(P) $572,000 for 26 weigh-in-motion sensors.

(Q) $480,000 for 20 portable Treasury Enforcement Communication Systems (TECS).

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,923,500 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2000 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (Q) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (Q); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO AND UNITED STATES-CANADA BORDERS, FLORIDA AND GULF COAST SEAPORTS, AND THE BAHAMAS.

Of the amounts made available for fiscal years 2000 and 2001 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, $159,557,000, including $5,673,600, until expended, for investigative equipment, for fiscal year 2000 and $220,351,000 for fiscal year 2001 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border and a net increase of 125 inspectors to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Canada border.

(3) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(4) A net increase of 70 special agent positions, 23 intelligence analyst positions, 9 support staff, and the necessary equipment to enhance investigation efforts targeted at internal conspiracies at the Nation's seaports.

(5) A net increase of 360 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations.

(6) A net increase of 2 special agent positions to re-establish a Customs Attache office in Nassau.

(7) A net increase of 62 special agent positions and 8 intelligence analyst positions for maritime smuggling investigations and interdiction operations.

(8) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(9) The costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 104. AIR AND MARINE OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 101(c) of this Act, $130,513,000 shall be available until expended for the following:

(1) $96,500,000 for Customs aircraft restoration and replacement initiative.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $19,013,000 for marine vessel replacement and related equipment.

(b) FISCAL YEAR 2001.—Of the amounts made available for fiscal year 2001 under subparagraphs (A) and (B) of section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3) (A) and (B)) as amended by section 101(c) of this Act, $75,524,000 shall be available until expended for the following:

(1) $36,500,000 for Customs Service aircraft restoration and replacement.

(2) $15,000,000 for increased air interdiction and investigative support activities.

(3) $24,024,000 for marine vessel replacement and related equipment.

SEC. 105. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2000 and 2001 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals and performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 102 and 103 of this Act.

SEC. 106. COMMISSIONER OF CUSTOMS SALARY.

(a) IN GENERAL.—

(1) Section 5315 of title 5, United States Code, is amended by striking the following item:

"Commissioner of Customs, Department of Treasury.".

(2) Section 5314 of title 5, United States Code, is amended by inserting the following item:

"Commissioner of Customs, Department of Treasury.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 1999 and thereafter.

SEC. 107. PASSENGER PRECLEARANCE SERVICES.

(a) CONTINUATION OF PRECLEARANCE SERVICES.—Notwithstanding section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) or any other provision of law, the Customs Service shall, without regard to whether a passenger processing fee is collected from a person departing for the United States from Canada and without regard to whether funds are appropriated pursuant to subsection (b), provide the same level of enhanced preclearance customs services for passengers arriving in the United States aboard commercial aircraft originating in Canada as the Customs Service provided for such passengers during fiscal year 1997.

(b) AUTHORIZATION OF APPROPRIATIONS FOR PRECLEARANCE SERVICES.—Notwithstanding section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) or any other provision of law, there are authorized to be appropriated, from the date of enactment of this Act through September 30, 2001, such sums as may be necessary for the Customs Service to ensure that it will continue to provide the same, and where necessary increased, levels of enhanced preclearance customs services as the Customs Service provided during fiscal year 1997, in connection with the arrival in the United States of passengers aboard commercial aircraft whose flights originated in Canada.

TITLE II—CUSTOMS PERFORMANCE REPORT

SEC. 201. CUSTOMS PERFORMANCE REPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commissioner of Customs shall prepare and submit to the appropriate committees the report described in subsection (b).

(b) REPORT DESCRIBED.—The report described in this subsection shall include the following:

(1) IDENTIFICATION OF OBJECTIVES; ESTABLISHMENT OF PRIORITIES.—

(A) An outline of the means the Customs Service intends to use to identify enforcement priorities and trade facilitation objectives.

(B) The reasons for selecting the objectives contained in the most recent plan submitted by the Customs Service pursuant to section 1115 of title 31, United States Code.

(C) The performance standards against which the appropriate committees can assess the efforts of the Customs Service in reaching the goals outlined in the plan described in subparagraph (B).

(2) IMPLEMENTATION OF THE CUSTOMS MODERNIZATION ACT.—

(A) A review of the Customs Service's implementation of title VI of the North American Free Trade Agreement Implementation Act, commonly known as the "Customs Modernization Act", and the reasons why elements of that Act, if any, have not been implemented.

(B) A review of the effectiveness of the informed compliance strategy in obtaining higher levels of compliance, particularly compliance by those industries that have been the focus of the most intense efforts by the Customs Service to ensure compliance with the Customs Modernization Act.

(C) A summary of the results of the reviews of the initial industry-wide compliance assessments conducted by the Customs Service as part of the agency's informed compliance initiative.

(3) IMPROVEMENT OF COMMERCIAL OPERATIONS.—

(A) Identification of standards to be used in assessing the performance and efficiency of the commercial operations of the Customs Service, including entry and inspection procedures, classification, valuation, country-of-origin determinations, and duty drawback determinations.

(B) Proposals for—

(i) improving the performance of the commercial operations of the Customs Service, particularly the functions described in subparagraph (A), and

(ii) eliminating lengthy delays in obtaining rulings and other forms of guidance on United States customs law, regulations, procedures, or policies.

(C) Alternative strategies for ensuring that United States importers, exporters, customs brokers, and other members of the trade community have the information necessary to comply with the customs laws of the United States and to conduct their business operations accordingly.

(4) REVIEW OF ENFORCEMENT RESPONSIBILITIES.—

(A) A review of the enforcement responsibilities of the Customs Service.

(B) An assessment of the degree to which the current functions of the Customs Service overlap with the functions of other agencies and an identification of ways in which the Customs Service can avoid duplication of effort.

(C) A description of the methods used to ensure against misuse of personal search authority with respect to persons entering the United States at authorized ports of entry.

(5) STRATEGY FOR COMPREHENSIVE DRUG INTERDICTION.—

(A) A comprehensive strategy for the Customs Service's role in United States drug interdiction efforts.

(B) Identification of the respective roles of cooperating agencies, such as the Drug Enforcement Administration, the Federal Bureau of Investigation, the Coast Guard, and the intelligence community, including—

(i) identification of the functions that can best be performed by the Customs Service and the functions that can best be performed by agencies other than the Customs Service; and

(ii) a description of how the Customs Service plans to allocate the additional drug interdiction resources authorized by the Drug Free Borders Act of 1999.

(6) ENHANCEMENT OF COOPERATION WITH THE TRADE COMMUNITY.—

(A) Identification of ways to expand cooperation with United States importers and customs brokers, United States and foreign carriers, and other members of the international trade and transportation communities to improve the detection of contraband before it leaves a foreign port destined for the United States.

(B) Identification of ways to enhance the flow of information between the Customs Service and industry in order to—

(i) achieve greater awareness of potential compliance threats;

(ii) improve the design and efficiency of the commercial operations of the Customs Service;

(iii) foster account-based management;

(iv) eliminate unnecessary and burdensome regulations; and

(v) establish standards for industry compliance with customs laws.

(7) ALLOCATION OF RESOURCES.—

(A) An outline of the basis for the current allocation of inspection and investigative personnel by the Customs Service.

(B) Identification of the steps to be taken to ensure that the Customs Service can detect any misallocation of the resources described in subparagraph (A) among various ports and a description of what means the Customs Service has for reallocating resources within the agency to meet particular enforcement demands or commercial operations needs.

(8) AUTOMATION AND INFORMATION TECHNOLOGY.—

(A) Identification of the automation needs of the Customs Service and an explanation of the current state of the Automated Commercial System and the status of implementing a replacement for that system.

(B) A comprehensive strategy for reaching the technology goals of the Customs Service, including—

(i) an explanation of the proposed architecture of any replacement for the Automated Commercial System and how the architecture of the proposed replacement system best serves the core functions of the Customs Service;

(ii) identification of public and private sector automation projects that are comparable and that can be used as a benchmark against which to judge the progress of the Customs Service in meeting its technology goals;

(iii) an estimate of the total cost for each automation project currently underway at the Customs Service and a timetable for the implementation of each project; and

(iv) a summary of the options for financing each automation project.

(9) PERSONNEL POLICIES.—

(A) An overview of current personnel practices, including a description of—

(i) performance standards;

(ii) the criteria for promotion and termination;

(iii) the process for investigating complaints of bias and sexual harassment;

(iv) the criteria used for conducting internal investigations;

(v) the protection, if any, that is provided for whistleblowers; and

(vi) the methods used to discover and eliminate corruption within the Customs Service.

(B) Identification of workforce needs for the future and training needed to ensure Customs Service personnel stay abreast of developments in international business operations and international trade that affect the operations of the Customs Service, including identification of any situations in which current personnel policies or practices may impede achievement of the goals of the Customs Service with respect to both enforcement and commercial operations.

(c) APPROPRIATE COMMITTEES.—For purposes of this section, the term "appropriate committees" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

By Mr. MOYNIHAN (for himself, Mr. ROBB and Mr. KERREY):

S. 659. A bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes; to the Committee on Finance.

THE PENSION RIGHT TO KNOW ACT OF 1999

Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to provide greater disclosure to employees about the impact on their retirement benefits of pension plan conversions.

Recent media accounts have reported that many large companies in America are converting their traditional defined benefit pension plans to something called "cash balance plans." A cash balance plan is a hybrid arrangement combining certain features of "defined contribution" and "defined benefit" plans. Like defined contribution plans, they provide each employee with an account in which his or her benefits accrue. But cash balance plans are actually defined benefit plans, and therefore provide a benefit for life which is insured by the Pension Benefit Guaranty Corporation.

Cash balance plans, however, differ from other defined benefit plans in the calculation of benefits. Whereas the value of an employee's retirement benefit in a traditional defined benefit plan grows slowly in the early years and more rapidly as one approaches retirement, cash balance plans decrease this later-year growth and increase the early-year growth. Consequently, younger employees tend to do better under cash balance plans than under traditional plans, while older employees typically do worse. In some cases, upon conversion to a cash balance account an older worker's account balance may remain static for years—typically referred to as the "wear away" period.

It appears that very few workers who have experienced the conversion of their company retirement plan to a cash balance arrangement understand the differences between the old and new plans. Those who do often complain that the new plans treat older workers unfairly. One 49-year-old engineer profiled by the Wall Street Journal—a rare employee who knows how to calculate pension benefits—determined that his pension value dropped by $56,000 the day his company converted to a cash balance plan.

Even more disturbing are complaints from some employees that their employers obscured the adverse effects of plan amendments. When an employer changes the pension plan, the employees have a right to know the consequences. There should be no surprises when it is time to retire. Unfortunately, current law requires little in the way of disclosure when a company changes its pension plan. Section 204(h) of the Employee Retirement Income Security Act (ERISA) requires employers to inform employees of a change to a pension plan resulting in a reduction in future benefit accruals. But that is all. It does not require specifics. The 204(h) disclosure can be, and often is, satisfied with a brief statement buried deep in a company communication to employees. It is imperative that we increase these disclosure requirements regarding reductions in pension benefits.

The bill I am introducing today would require employers with 1,000 or more employees to provide a "statement of benefit change" when adopting plan amendments which significantly reduce benefits. The statement of benefit change would provide a comparison, under the old and new versions of the plan, of the following benefit measures: the employee's accrued benefit and present value of accrued benefit at the time of conversion; and the projected accrued benefit and projected present value of accrued benefit three years, five years, and ten years after conversion and at normal retirement age.

These benefit measures are standard concepts which will be well understood by pension administrators, actuaries and others who work with pensions. They will give the employee a clear picture of the difference between the old and new plans immediately, periodically over a ten-year period, and at retirement. The purpose of the three, five and ten-year comparisons is to disclose any "wear away" period, in which an employee would work without gaining any new benefits. Using these comparisons, employees can get a clear picture of the relative merits of the two plans.

In preparing this bill, my staff has consulted a number of actuaries and pension attorneys. I believe it is a good approach to resolving the problems I have discussed, and I am happy to work with others to incorporate suggestions to further improve the bill.

Of course, many call this measure as intrusive or unnecessary. Some employer groups have criticized the idea of requiring individualized benefits calculations for every employee, saying that this requires reviewing each employee's salary history. But that seems a strange complaint given that we are talking about cash balance plans, which already require highly individualized calculations. If an employer can provide personalized account balances under a cash balance arrangement, then the employer can provide such information for the old plan.

Moreover, recently completed regulations appear already to contemplate individualized comparisons. Regulation 1.411(d)-6, just finalized by the Internal Revenue Service, requires that in order to determine if a reduction in future benefit accrual is "significant," employers must compare the annual benefit at retirement age under the amended plan with the same benefit under the plan prior to amendment. Therefore, the concept of benefit comparisons is not a new one.

And indeed, some companies are proving by their actions that benefit comparisons are not unduly burdensome. Kodak, the prominent employer headquartered in Rochester, New York, recently announced that it will convert to a cash balance plan, and that it will give its 35,000 participants in the company-sponsored pension plan the choice between the old plan and the new. To help employees make an informed decision, Kodak will provide every plan participant with an individualized comparison of his or her benefits under the old and new versions of the plan. The company is also providing computer software that will allow employees to make the comparisons themselves. That is the difference between corporate behavior that is responsible and corporate behavior that is unscrupulous. As usual, Kodak sets a fine example.

I believe that such disclosure not only is in the best interest of employees, but also of the employer. Several class action lawsuits have been filed in the last three years challenging conversions to cash balance plans. These suits will likely cost hundreds of thousands, if not millions, of dollars in attorneys' fees. But with proper disclosure, they might not have occurred.

In closing, let me be clear about one thing. I take no position on the underlying merit of cash balance plans. Ours is a voluntary pension system, and companies must do what is right for them and their employees. But I feel strongly that companies must fully and comprehensibly inform their employees regarding whatever pension benefits the company offers. Companies have no right to misrepresent the projected benefit employees will receive under a cash balance plan or any other pension arrangement.

It is time to let the sun shine on pension plan conversions. I urge the Senate to support this important legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Right to Know Act".

SEC. 2. NOTICE REQUIREMENTS FOR LARGE PENSION PLANS SIGNIFICANTLY REDUCING FUTURE PENSION BENEFIT ACCRUALS.

(a) PLAN REQUIREMENT.—Section 401(a) of the Internal Revenue Code of 1986 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (34) the following new paragraph:

"(35) NOTICE REQUIREMENTS FOR LARGE DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.—

"(A) IN GENERAL.—If a large defined benefit plan adopts an amendment which has the effect of significantly reducing the rate of future benefit accrual of 1 or more participants, a trust which is part of such plan shall not constitute a qualified trust under this section unless, after adoption of such amendment and not less than 15 days before its effective date, the plan administrator provides—

"(i) a written statement of benefit change described in subparagraph (B) to each applicable individual, and

"(ii) a written notice setting forth the plan amendment and its effective date to each employee organization representing participants in the plan.

Any such notice may be provided to a person designated, in writing, by the person to which it would otherwise be provided. The plan administrator shall not be treated as failing to meet the requirements of this subparagraph merely because the statement or notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(B) STATEMENT OF BENEFIT CHANGE.—A statement of benefit change described in this subparagraph shall—

"(i) be written in a manner calculated to be understood by the average plan participant, and

"(ii) include the information described in subparagraph (C).

"(C) INFORMATION CONTAINED IN STATEMENT OF BENEFIT CHANGE.—The information described in this subparagraph includes the following:

"(i) Notice setting forth the plan amendment and its effective date.

"(ii) A comparison of the following amounts under the plan with respect to an applicable individual, determined both with and without regard to the plan amendment:

"(I) The accrued benefit and the present value of the accrued benefit as of the effective date.

"(II) The projected accrued benefit and the projected present value of the accrued benefit as of the date which is 3 years, 5 years, and 10 years from the effective date and as of the normal retirement age.

"(iii) A table of all annuity factors used to calculate benefits under the plan, presented in the form provided in section 72 and the regulations thereunder.

Benefits described in clause (ii) shall be stated separately and shall be calculated by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A).

"(D) LARGE DEFINED BENEFIT PLAN; APPLICABLE INDIVIDUAL.—For purposes of this paragraph—

"(i) LARGE DEFINED BENEFIT PLAN.—The term 'large defined benefit plan' means any defined benefit plan which had 1,000 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

"(ii) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

"(I) each participant in the plan, and

"(II) each beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)).

"(E) ACCRUED BENEFIT; PROJECTED RETIREMENT BENEFIT.—For purposes of this paragraph—

"(i) PRESENT VALUE OF ACCRUED BENEFIT.—The present value of an accrued benefit of any applicable individual shall be calculated as if the accrued benefit were in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

"(ii) PROJECTED ACCRUED BENEFIT.—

"(I) IN GENERAL.—The projected accrued benefit of any applicable individual shall be calculated as if the benefit were payable in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

"(II) COMPENSATION AND OTHER ASSUMPTIONS.—Such benefit shall be calculated by assuming that compensation and all other benefit factors would increase for each plan year beginning after the effective date of the plan amendment at a rate equal to the median average of the CPI increase percentage (as defined in section 215(i) of the Social Security Act) for the 5 calendar years immediately preceding the calendar year before the calendar year in which such effective date occurs.

"(III) BENEFIT FACTORS.—For purposes of subclause (II), the term 'benefit factors' means social security benefits and all other relevant factors under section 411(b)(1)(A) used to compute benefits under the plan which had increased from the 2d plan year preceding the plan year in which the effective date of the plan amendment occurs to the 1st such preceding plan year.

"(iii) NORMAL RETIREMENT AGE.—The term 'normal retirement age' means the later of—

"(I) the date determined under section 411(a)(8), or

"(II) the date a plan participant attains age 62."

(b) AMENDMENTS TO ERISA.—

(1) BENEFIT STATEMENT REQUIREMENT.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraphs:

"(3)(A) If paragraph (1) applies to the adoption of a plan amendment by a large defined benefit plan, the plan administrator shall, after adoption of such amendment and not less than 15 days before its effective date, provide with the notice under paragraph (1) a written statement of benefit change described in subparagraph (B) to each applicable individual.

"(B) A statement of benefit change described in this subparagraph shall—

"(i) be written in a manner calculated to be understood by the average plan participant, and

"(ii) include the information described in subparagraph (C).

"(C) The information described in this subparagraph includes the following:

"(i) A comparison of the following amounts under the plan with respect to an applicable individual, determined both with and without regard to the plan amendment:

"(I) The accrued benefit and the present value of the accrued benefit as of the effective date.

"(II) The projected accrued benefit and the projected present value of the accrued benefit as of the date which is 3 years, 5 years, and 10 years from the effective date and as of the normal retirement age.

"(ii) A table of all annuity factors used to calculate benefits under the plan, presented in the form provided in section 72 of the Internal Revenue Code of 1986 and the regulations thereunder.

Benefits described in clause (i) shall be stated separately and shall be calculated by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A) of such Code.

"(D) For purposes of this paragraph—

"(i) The term 'large defined benefit plan' means any defined benefit plan which had 1,000 or more participants who had accrued a benefit under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective.

"(ii) The term 'applicable individual' means an individual described in subparagraph (A) or (B) of paragraph (1).

"(E) For purposes of this paragraph—

"(i) The present value of an accrued benefit of any applicable individual shall be calculated as if the accrued benefit were in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

"(ii)(I) The projected accrued benefit of any applicable individual shall be calculated as if the benefit were payable in the form of a single life annuity commencing at the participant's normal retirement age (and by taking into account any early retirement subsidy).

"(II) Such benefit shall be calculated by assuming that compensation and all other benefit factors would increase for each plan year beginning after the effective date of the plan amendment at a rate equal to the median average of the CPI increase percentage (as defined in section 215(i) of the Social Security Act) for the 5 calendar years immediately preceding the calendar year before the calendar year in which such effective date occurs.

"(III) For purposes of subclause (II), the term 'benefit factors' means social security benefits and all other relevant factors under section 204(b)(1)(A) used to compute benefits under the plan which had increased from the 2d plan year preceding the plan year in which the effective date of the plan amendment occurs to the 1st such preceding plan year.

"(iii) The term 'normal retirement age' means the later of—

"(I) the date determined under section 3(24), or

"(II) the date a plan participant attains age 62.

"(4) A plan administrator shall not be treated as failing to meet the requirements of this subsection merely because the notice or statement is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted."

(2) CONFORMING AMENDMENT.—Section 204(h)(1) of such Act (29 U.S.C. 1054(h)(1)) is amended by inserting "(including any written statement of benefit change if required by paragraph (3))" after "written notice".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect in plan years beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1999, or

(ii) the date on which the last of the collective bargaining agreements pursuant to which the plan is maintained terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(B) January 1, 2001.

(2) EXCEPTION WHERE NOTICE GIVEN.—The amendments made by this section shall not apply to any plan amendment for which written notice was given to participants or their representatives before March 17, 1999, without regard to whether the amendment was adopted before such date.

(3) SPECIAL RULE.—The period for providing any notice required by, or any notice the contents of which are changed by, the amendments made by this Act shall not end before the date which is 6 months after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Ms. MIKULSKI, Mr. THURMOND, Mr. DASCHLE, Ms. COLLINS, Mr. JOHNSON, Ms. SNOWE, Mr. DORGAN, Mr. MACK, Mr. HOLLINGS, Mr. REED, Mr. CONRAD, and Mr. CRAPO):

S. 660. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals; to the Committee on Finance.

MEDICARE MEDICAL NUTRITION THERAPY ACT OF 1999

Mr. BINGAMAN. Mr. President, I rise today to introduce the Medical Nutrition Therapy Act of 1999 on behalf of myself, my friend and colleague from Idaho, Senator CRAIG, and a bipartisan group of additional Senators.

This bipartisan measure provides for coverage under Part B of the Medicare program for medical nutrition therapy services by a registered dietician. Medical nutrition therapy is generally defined as the assessment of patient nutritional status followed by therapy, ranging from diet modification to administration of specialized nutrition therapies such as intravenous or tube feedings. It has proven to be a medically necessary and cost-effective way of treating and controlling many disease entities such as diabetes, renal disease, cardiovascular disease and severe burns.

Currently there is no consistent Part B coverage policy for medical nutrition and this legislation will bring needed uniformity to the delivery of this important care, as well as save taxpayer money. Coverage for medical nutrition therapy can save money by reducing hospital admissions, shortening hospital stays, decreasing the number of complications, and reducing the need for physician follow-up visits.

The treatment of patients with diabetes and cardiovascular disease accounts for a full 60% of Medicare expenditures. I want to use diabetes as an example for the need for this legislation. There are very few families who are not touched by diabetes. The burden of diabetes is disproportionately high among ethnic minorities in the United States. According to the American Journal of Epidemiology, mortality due to diabetes is higher nationwide among blacks than whites. It is higher among American Indians than among any other ethnic group.

In my state of New Mexico, Native Americans are experiencing an epidemic of Type II diabetes. Medical nutrition therapy is integral to their diabetes care. In fact, information from the Indian Health Service shows that medical nutrition therapy provided by professional dieticians results in significant improvements in medical outcomes in people with Type II diabetes. For example, complications of diabetes such as end stage renal failure that leads to dialysis can be prevented with adequate intervention. Currently, the number of dialysis patients in the Navajo population is doubling every five years. Mr, President, we must place our dollars in the effective, preventive treatment of medical nutrition therapy rather than face the grim reality of having to continue to build new dialysis units.

Ensuring the solvency of the Medicare Part A Trust Fund is one of our most difficult challenges and one that calls for creative, effective solutions. Coverage for medical nutrition therapy is one important way to help address that challenge. It is exactly the type of cost effective care we should encourage. It will satisfy two of our most important priorities in Medicare: providing program savings while maintaining a high level of quality care.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Medical Nutrition Therapy Act of 1999".

(b) FINDINGS.—Congress finds as follows:

(1) Medical nutrition therapy is a medically necessary and cost-effective way of treating and controlling many diseases and medical conditions affecting the elderly, including HIV, AIDS, cancer, kidney disease, diabetes, heart disease, pressure ulcers, severe burns, and surgical wounds.

(2) Medical nutrition therapy saves health care costs by speeding recovery and reducing the incidence of complications, resulting in fewer hospitalizations, shorter hospital stays, and reduced drug, surgery, and treatment needs.

(3) A study conducted by The Lewin Group shows that, after the third year of coverage, savings would be greater than costs for coverage of medical nutrition therapy for all medicare beneficiaries, with savings projected to grow steadily in following years.

(4) The Agency for Health Care Policy and Research has indicated in its practice guidelines that nutrition is key to both the prevention and the treatment of pressure ulcers (also called bed sores) which annually cost the health care system an estimated $1,300,000,000 for treatment.

(5) Almost 17,000,000 patients each year are treated for illnesses or injuries that stem from or place them at risk of malnutrition.

(6) Because medical nutrition therapy is not covered under part B of the medicare program and because more and more health care is delivered on an outpatient basis, many patients are denied access to the effective, low-tech treatment they need, resulting in an increased incidence of complications and a need for higher cost treatments.

SEC. 2. MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(U) medical nutrition therapy services (as defined in subsection (uu)(1));".

(b) SERVICES DESCRIBED.—Section 1861 of such Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Medical Nutrition Therapy Services; Registered Dietitian or Nutrition Professional

"(uu)(1) The term 'medical nutrition therapy services' means nutritional diagnostic, therapy, and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(1)).

"(2) Subject to paragraph (3), the term 'registered dietitian or nutrition professional' means an individual who—

"(A) holds a baccalaureate or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics, as accredited by an appropriate national accreditation organization recognized by the Secretary for this purpose;

"(B) has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional; and

"(C)(i) is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed, or

"(ii) in the case of an individual in a State that does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.

"(3) Subparagraphs (A) and (B) of paragraph (2) shall not apply in the case of an individual who, as of the date of enactment of this subsection, is licensed or certified as a dietitian or nutrition professional by the State in which medical nutrition therapy services are performed.".

(c) PAYMENT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking "and" before "(S)", and

(2) by inserting before the semicolon at the end the following: ", and (T) with respect to medical nutrition therapy services (as defined in section 1861(uu)), the amount paid shall be 80 percent of the lesser of the actual charge for the services or the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician".

(d) EFFECTIVE DATE.—The amendments made by this section apply to services furnished on or after January 1, 2000.

Mr. CRAIG. Mr. President, today Senator BINGAMAN and I join to introduce a very important piece of legislation, the Medical Nutrition Therapy Act. I'm pleased to have the support of a number of Senators in introducing this legislation: Senators MACK, THURMOND, MIKULSKI, SNOWE, DASCHLE, COLLINS, JOHNSON, CRAPO, DORGAN, HOLLINGS, REED, and CONRAD. This bill simply expands Medicare Part B coverage to give seniors access to medical nutrition therapy services by registered dietitians and other nutrition professionals. Currently there is no direct coverage for services provided by registered dietitians, and, because they are uniquely qualified to provide medical nutrition therapy, beneficiaries are essentially denied access to this cost effective and efficacious form of care.

Nutrition is one of the most basic elements of life. From the moment we are born to the moment we die, nutrition plays a critical role. It influences how we grow, how our brain develops, how we feel, and how our bodies prevent and fight disease. For decades we have known that nutrition can influence the most serious life threatening diseases, such as cancer, heart disease, stroke, diabetes, and high blood cholesterol.

Experts have proven that proper nutrition may not only help prevent disease, but also is central to controlling and treating disease.

Medical nutrition therapy plays a major role in treating some of the most threatening illnesses. It significantly improves the quality of life of seriously ill patients. It also saves health care costs by speeding recovery and reducing the incidence of complications, resulting in fewer hospitalizations, shorter hospital stays, and reduced drug, surgery, and treatment needs.

Because medical nutrition therapy is not currently covered by Medicare Part B and because more and more health care is delivered on an outpatient basis, many patients are denied access to the effective, low-tech treatment they need, resulting in an increased incidence of complications and a need for higher cost treatments.

Medical nutritional therapy is an integral part of cost effective health care.

Our legislation would remedy this defect in Medicare Part B, improving health care and lowering costs. I invite all our colleagues to join Senator BINGAMAN and myself in working for this important reform.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. LOTT, Mr. SESSIONS, Mr. NICKLES, Mr. COVERDELL, Mr. CRAIG, Mr. KYL, Mr. ENZI, Mr. MCCAIN, Mr. HUTCHINSON, Mr. SANTORUM, Mr. BROWNBACK, Mr. INHOFE, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. GRASSLEY, and Mr. DEWINE):

S. 661. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

CHILD CUSTODY PROTECTION ACT

Mr. ABRAHAM. Mr. President, today, I along with 19 of my colleagues will be re-introducing the Child Custody Protection Act. This legislation will make it a federal offense to transport a minor across state lines to obtain an abortion if this action circumvents a state parental involvement law.

Last year, this bill received a majority of votes but fell short of the sixty votes needed for cloture. It is my hope that this year the Senate will listen to the 74 percent of Americans who favor parental consent prior to a minor girl receiving an abortion. This Baseline & Associates poll, conducted last summer, reveals that the American public favors parental consent laws and when asked specifically about this legislation, the American public is even more supportive. Eighty five percent of those who participated in the poll believed that minor girls should not be taken across state lines to obtain an abortion without their parents' knowledge.

These poll numbers reinforce what common sense already tells us: parents need to be involved with the major medical and emotional decisions of their children. When they are not involved, the health and emotional well being of their child is in jeopardy.

Last year, we heard from Joyce Farley, whose 13 year old daughter was raped, taken across state lines for a secret abortion by the rapist's mother, and dropped off 30 miles from home suffering from complications from an incomplete abortion. Mrs. Farley told of the trauma to her daughter from this stranger's actions. Luckily, Mrs. Farley found out about the abortion and could obtain appropriate medical care for her daughter. If this abortion had remained secret, Mrs. Farley's daughter's life could have been in danger.

Whatever one's position on abortion, every American should recognize the crucial role of parents in their minor child's decision whether or not to undergo this procedure. Parental notification and consent laws exist for a reason. While most such laws provide for possible judicial bypass, they by nature intend to protect the rights and integrity of the family. More than 20 states have recognized the need to protect both the minor and the integrity of the family and have parental involvement laws in effect. My legislation adds no new provisions to state-enacted parental involvement laws. It does not impose parental involvement requirements on states that have not passed such laws. The Child Custody Protection Act simply prevents the undermining of parental involvement laws in states that have them.

I hope my colleagues will support me in working to quickly pass this common sense legislation. I ask unanimous consent that the text of the bill and section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

"Sec.

"2431. Transportation of minors in circumvention of certain laws relating to abortion.

"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

"(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

"(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a law requiring parental involvement in a minor's abortion decision is a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors in circumvention of certain laws relating to abortion .... 2431.".

……

THE CHILD CUSTODY PROTECTION ACT—SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states that the short title of this bill is the "Child Custody Protection Act."

Section 2. Transportation of minors to avoid certain laws relating to abortion

Section 2(a) amends title 18 of the United States Code by inserting after chapter 117 a proposed new chapter 117A titled "Transportation of minors to avoid certain laws relating to abortion," within which would be included a new section 2431 on this subject.

Subsection (a) of proposed section 2431 outlaws the knowing transportation across a State line of a person under 18 years of age with the intent that she obtain an abortion, in abridgement of a parent's right of involvement according to State law. This subsection requires only knowledge by the defendant that he or she was transporting the person across State lines with the intent that she obtain an abortion. It does not require that the transporter know the requirement of the home State law, know that they have not been complied with, or indeed know anything about the existence of the State law. By the same token, it does not require that the defendant know that his or her actions violate Federal law, or indeed know anything about the Federal law. A reasonable belief that parental notice or consent, or judicial authorization, has been given, is an affirmative defense whose terms are set out in subsection (c).

Subsection (a), paragraph (1), imposes a maximum of 1 year imprisonment or a fine, or both.

Subsection (a), paragraph (2), specifies the criteria for a violation of the parental right under this statute as follows: an abortion must be performed on a minor in a State other than the minor's residence and without the parental consent or notification, or the judicial authorization, that would have been required had the abortion been performed in the minor's State or residence.

Subsection (b), paragraph (1) specifies that subsection (a) does not apply if the abortion is necessary to save the life of the minor. This subsection is not intended to preempt any other exceptions that a State parental involvement law that meets the definitions set out in subsection (e)(1) and (e)(2) may recognize.

Subsection (b), paragraph (2), clarifies that neither the minor being transported nor her parents may be prosecuted or sued for a violation of this bill.

Subsection (c) provides an affirmative defense to prosecution or civil action based on violation of the act where the defendant reasonably believed, based on information obtained directly from the girl's parent or other compelling factors, that the requirements of the girl's State of residence regarding parental involvement or judicial authorization in abortions had been satisfied. A minor's own assertion to a defendant that her parents knew or had consented would not, by itself, constitute sufficient basis to make out this affirmative defense.

Subsection (d) establishes a civil cause of action for a parent who suffers legal harm from a violation of subsection (a).

Subsection (e) sets forth definitions of certain terms in this bill.

Subsection (e)(1)(A) defines "a law requiring parental involvement in a minor's abortion decision" to be a law requiring either "the notification to, or consent of, a parent of that minor or proceedings in a State court."

Subsection (e)(1)(B) stipulates that a law conforming to the definition in (e)(1)(A) cannot provide notification to or consent of any person or entity other than a "parent" as defined in the subsequent section.

Subsection (e)(2) defines "parent" to mean a parent or guardian, or a legal custodian, or a person standing in loco parentis (if that person has "care and control" of the minor and is a person with whom the minor "regularly resides") and who is designated by the applicable State parental involvement law as the person to whom notification, or from whom consent, is required. In this context, a person in loco parentis has the meaning it has at common law: a person who effectively functions as a child's guardian, but without the legal formalities of guardianship having been met. It would not include individuals who are not truly exercising the responsibilities of parents, such as an adult boyfriend with whom the minor may be living.

Subsection (e)(3) defines "minor" to mean a person not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the parental involvement law of the State, where the minor resides.

Subsection (E)(4) defines "State" to include the District of Columbia "and any commonwealth, possession, or other territory of the United States."

Section 2(b) is a clerical amendment to insert the new chapter in the table of chapters for part I of title 18.

By Mr. CHAFEE (for himself, Ms. MIKULSKI, Mr. MOYNIHAN, Ms. SNOWE, Mr. SMITH of Oregon, Mr. HARKIN, Mr. COCHRAN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. SARBANES, Mr. HOLLINGS, Mr. WELLSTONE, Mr. CLELAND, Mr. KENNEDY, Mr. JOHNSON, Mr. ROBB, Mrs. BOXER, Mr. REID, and Mr. KERREY):

S. 662. A bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program; to the Committee on Finance.

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

- Mr. CHAFEE. Mr. President, I am pleased today to introduce legislation that will provide life-saving treatment to women who have been diagnosed with breast and cervical cancer. I am very proud of this legislation and want to thank everyone who worked so hard to put this bill together.

I want to take just a few minutes to explain what this legislation does. In 1990 Congress created a program, run by the Centers for Disease Control, to provide breast and cervical cancer screening for low-income, uninsured women. This program is run in all 50 states and is tremendously successful. The CDC screens more than 500,000 women every year, detecting more than 3,000 cases of breast cancer and 350 cases of cervical cancer.

The problem comes about when these women try to get treatment for the cancer. They are uninsured, and are not eligible for either Medicaid or Medicare. They must rely on volunteers and charitable providers to find treatment services. Treatment for many is delayed, and many do not receive the crucial follow-up care. Some never receive treatment and others are left with huge medical bills they cannot pay.

The legislation we are introducing today provides a simple solution to this problem. It gives states the option to provide those women, many of whom are mothers of young children, who are diagnosed with breast or cervical cancer under the CDC's screening program to obtain treatment through the medicaid program. The coverage would continue until the treatment and follow-up visits are completed.

This is a modest, low-cost solution to a life or death problem. It costs less than $60 million per year to provide this critical treatment. I hope very much that we will be able to pass this bill this year.

I ask that the legislation be printed in the RECORD.

The bill follows:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking "or" at the end;

(B) in subclause (XIV), by adding "or" at the end; and

(C) by adding at the end the following:

"(XV) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);".

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) Individuals described in this paragraph are individuals who—

"(1) are not described in subsection (a)(10)(A)(i);

"(2) have not attained age 65;

"(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

"(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (45 U.S.C. 300gg(c)).".

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (F)—

(A) by striking "and (XIII)" and inserting "(XIII)"; and

(B) by inserting ", and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(ii)(XV) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer" before the semicolon.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (x), by striking "or" at the end;

(B) in clause (xi), by adding "or" at the end; and

(C) by inserting after clause (xi) the following:

"(xii) individuals described in section 1902(aa),".

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

"PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

"SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) QUALIFIED ENTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

"(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

"(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

"(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period;

"(B) by an entity that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by the State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903(a)(5)(B).".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section".

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting ", for"; and

(ii) by inserting before the period the following: ", or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section".

(c) ENHANCED MATCH.—Section 1903(a)(5) of the Social Security Act (42 U.S.C. 1396b(a)(5)) is amended—

(1) by striking "an" and inserting "(A) an";

(2) by adding "plus" after the semicolon; and

(3) by adding at the end the following:

"(B) an amount equal to 75 percent of the sums expended during such quarter which are attributable to the offering, arranging, and furnishing (directly or on a contract basis) of medical assistance to an individual described in section 1902(aa); plus".

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance furnished on or after October 1, 1999, without regard to whether final regulations to carry out such amendments have been promulgated by such date.●

● Ms. MIKULSKI. Mr. President, I rise to join my distinguished colleagues, Senators CHAFEE, MOYNIHAN, SNOWE, and to introduce legislation providing breast and cervical cancer treatment services to women who were diagnosed with these cancers through the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). This bill would give states the option to provide Medicaid coverage for the duration of breast and cervical cancer treatment to eligible women who were screened through the CDC program and found to have these cancers. This is a bill whose time has come.

In 1990, I was proud to be the chief Senate sponsor of the Breast and Cervical Cancer Mortality Prevention Act which created the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) at the CDC. The time was right for us to create that program. Since its inception, the CDC screening program has provided more than 721,000 mammograms and 851,000 Pap tests to more than 1.2 million women. Among the women screened, over 3,600 cases of breast cancer and over 400 cases of invasive cervical cancer have been diagnosed since the beginning of the program. In Maryland alone, the state had provided more than 54,000 mammograms and 35,000 Pap tests, and diagnosed over 450 women with breast cancer and 15 women with invasive cervical cancer.

Now as we prepare to enter the 21st century, it is time for us to finish what we started and provide treatment services for breast and cervical cancer for women who are screened through this program. We made the down payment in 1990 and we've been making payments ever since, but it's time for the final payment. It is time to do the right thing. We screen the women in this program for breast and cervical cancer. But we don't provide the federal follow-up to ensure that these women are treated.

The CDC screening program does not pay for breast and cervical cancer treatment services, but it does require participating states to provide treatment services. A study of the program done for the Centers for Disease Control and Prevention found that while treatment was eventually found for almost all of the women screened, some women did not get treated at all, some refused treatment, and some experienced delays. While states and localities have been diligent and creative in finding treatment services for these women, the reality is that the system is overloaded. The CDC study found that when it came to treatment services, state efforts to obtain these services were short-term, labor-intensive solutions that diverted resources away from screening activities.

Of those women diagnosed with cancer in the United States, nearly 3,000 women have no way to afford treatment—they have no health care insurance coverage or are underinsured. One woman in Massachusetts reported that she cashed in her life insurance policy to cover the costs of her treatment. These women depend on the time of staff and volunteers who help them find free or more affordable treatment; they depend on the generosity of doctors, nurses, hospitals and clinics who provide them with free or reduced-cost treatment. In the end, thousands of women who run local screening programs are spending countless hours finding treatment services for women diagnosed with breast cancer. I salute the efforts of these individuals who spend their time and resources to help these women.

But we must not force these women to rely on the goodwill of others. These treatment efforts will become even more difficult as more women are screened by the NBCCEDP, which currently services only 12–15% of all women who are eligible nationally. The lack of coverage for diagnostic and treatment services has also had a very negative impact on the program's ability to recruit providers, further restricting the number of women screened. The CDC study also shows there are already additional stresses on the program as increasing numbers of physicians do not have the autonomy in today's ever increasing managed care system to offer free or reduced-fee services. While CDC has expanded its case management services to help more women get treatment, even CDC admits that "more formalized and sustained mechanisms need to be instituted to ensure that all women screened have ready access to appropriate treatment and follow-up." It is an outrage that women with cancer must go begging for treatment, especially if the federal government has held out the promise of early detection. We should follow through on our responsibility to treat the cancer that these women were diagnosed with through the CDC program.

That's why I've introduced this important legislation with my colleagues. This bill gives states the option to provide Medicaid coverage for the duration of breast and cervical cancer treatment to eligible women who were screened through the CDC program and found to have these cancers. This is not a mandate for states; it is the federal government saying to the states "we will help you provide treatment services to these women, if you decide to do so." By choosing this option, states would in effect, extend the federal-state partnership that exists for the screening services in the CDC program to treatment services.

I'm proud that my own state of Maryland realized the importance of providing treatment services to women who were screened through the CDC screening program. Maryland appropriated over $6 million in state funds to establish a Breast and Cervical Cancer Diagnostic and Treatment Program for uninsured, low income women. The breast cancer mortality rate in Maryland has started to decline, in part because of programs like the CDC program. But not all states have the resources to do what Maryland has done. That's why this bill is needed. It provides a long-term solution. Screening alone does not prevent cancer deaths; but treatment can. It's a cruel and heart-breaking irony for the federal government to promise to screen low-income women for breast and cervical cancer, but not to establish a program to treat those women who have been diagnosed with cancer through a federal program.

It is clear that the short-term, ad-hoc strategies of providing treatment have broken down: for the women who are screened; for the local programs that fund the screening program; and for the states that face increasing burdens. Because there is not coverage for treatment, state programs are having a hard time recruiting providers, volunteers are spending a disproportionate amount of time finding treatment for women, and fewer women are receiving treatment. We can't grow the program to serve the other 78% of eligible women if we can't promise treatment to those we already screen.

This bill is the best long-term solution. It is strongly supported by the National Breast Cancer Coalition representing over 400 organizations and 100,000's of women across the nation; the American Cancer Society, the National Association of Public Hospitals and Health Systems, the National Partnership for Women and Families, YWCA, National Women's Health Network, Oncology Nursing Society, Association of Women's Health, Obstetric, and Neonatal Nurses, the Rhode Island Breast Cancer Coalition, Y-ME, and Arm in Arm. I urge my colleagues to cosponsor and support this critical piece of legislation and make good on the promise of early detection.•

• Mr. MOYNIHAN. Mr. President, today, I join with my colleagues Senators CHAFEE, MIKULSKI, and SNOWE in introducing legislation to ensure that women with breast or cervical cancer will receive coverage for their treatment. The Federal Centers for Disease Control and Prevention (CDC) has a successful nationwide program—National Breast and Cervical Cancer Early Detection program—that provides funding for states to screen low-income uninsured women for breast and cervical cancer. However, the CDC program is not designed and does not have funding to treat these women after they are diagnosed.

The women eligible for cancer screening under the CDC program are low-income individuals, yet are not poor enough to qualify for Medicaid coverage. They do not have health insurance coverage for these screenings and for subsequent cancer treatment.

From July of 1991 to September of 1997, the CDC program provided mammography screening to 722,000 women and diagnosed 3,600 cases of breast cancer. During this same period, the program also provided over 852,000 pap smears and found more than 400 cases of invasive cervical cancer.

The CDC screening program has had to divert a significant amount of its resources from screenings in order to find treatment for the women found to have breast and cervical cancer. The lack of subsequent funding for treatment has, therefore, jeopardized the programs' primary function: to screen low-income uninsured women for breast and cervical cancer. Currently, the program screens only about 12 to 15 percent of all eligible women.

A study conducted at Battelle Centers for Public Health Research and Evaluation and the University of Michigan School of Public Health on treatment funding for women screened by the CDC program found that, although funding for treatment services were found for most of these women, treatment was not always available when needed. In addition, during the search for treatment funding, the CDC program lost contact with several women. The study also found that the sources of treatment funding are uncertain, tenuous and fragmented. The burden of funding treatment often fell upon providers themselves. Seeking charity care from public hospitals adds to hospitals' uncompensated care costs. It is no surprise that the National Association of Public Hospitals supports our bill to provide coverage for these women.

The legislation would allow states to provide treatment coverage for low-income women who are screened and diagnosed through the CDC program and who are uninsured. States will have the option to provide this coverage through its Medicaid program. States choosing this option would receive an enhanced match for the treatment coverage, similar to the federal match provided to the state for the CDC screening program. With this legislation, the Federal Government will follow through on its intent to assist low-income women with breast and cervical cancer.

Mr. President, the Senate has approved this proposal in the past. A similar provision was included in the Senate version of the Balanced Budget bill. I urge the Senate to again support this important legislation.•

By Mr. SPECTER:

S. 663. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

THE SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 1999

• Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill that would allow states to pass laws limiting the import of waste from other states. Addressing the interstate shipment of solid waste is a top environmental priority for millions of Americans, millions of Pennsylvanians and for me. As you are aware, Congress came very close to enacting legislation to address this issue in 1994, and the Senate passed interstate waste and flow control legislation in May, 1995 by an overwhelming 94–6 margin, only to see it die in the House of Representatives. I am confident that with the strong leadership of my colleagues Chairman CHAFEE and Senator SMITH, we can get quick action on a strong waste bill and pressure the House to conclude this effort once and for all.

As you are aware, the Supreme Court has put us in the position of having to intervene in the issue of trash shipments. In recent years, the Court has struck down State laws restricting the importation of solid waste from other jurisdictions under the Interstate Commerce Clause of the U.S. Constitution. The only solution is for Congress to enact legislation conferring such authority on the States, which would then be Constitutional.

It is time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. The legislation passed by the Senate in the 103rd and 104th Congresses would have provided much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the nation. According to the Pennsylvania Department of Environmental Protection, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, rising to 4.3 million tons in 1994, 5.2 million in 1995, and a record 6.3 million tons from out-of-State in 1996 and 1997, which are the most recent statistics available. Most of this trash came from New York and New Jersey, with New York responsible for 2.7 million tons and New Jersey responsible for 2.4 million tons in 1997, representing 82 percent of the municipal solid waste imported into Pennsylvania.

This is not a problem limited to one small corner of my State. Millions of tons of trash generated in other States find their final resting place in more than 50 landfills throughout Pennsylvania.

Now, more than ever, we need legislation which will go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am particularly concerned by the developments in New York, where Governor Pataki and Mayor Giuliani have announced the closure of the City's one remaining landfill, Fresh Kills, in 2001. I am advised that 13,200 tons per day of New York City trash are sent there and that Pennsylvania is a likely destination once Fresh Kills begins its shut-down.

On several occasions, I have met with country officials, environmental groups, and other Pennsylvanians to discuss the solid waste issue specifically, and it often comes up in the public open house town meetings I conduct in all of Pennsylvania's 67 counties. I came away from those meetings impressed by the deep concerns expressed by the residents of communities which host a landfill rapidly filing up with the refuse of millions of New Yorkers and New Jerseyans whose States have failed to adequately manage the waste they generate.

Recognizing the recurrent problem of landfill capacity in Pennsylvania, since 1989 I have pushed to resolve the interstate waste crisis. I have introduced legislation with my late colleague, Senator JOHN HEINZ, and then with former Senator Dan Coats along with cosponsors from both sides of the aisle which would have authorized States to restrict the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. I was pleased when many of the concepts in our legislation were incorporated in the Environment and Public Works Committee's reported bills in the 103rd and 104th Congresses, and I supported these measures during floor consideration.

During the 103rd Congress, we encountered a new issue with respect to municipal solid waste—the issue of waste flow control authority. On May 16, 1994, the Supreme Court held (6–3) in Carbone versus Clarkstown that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the Commerce Clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits. As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional.

I have met with county commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania and my office has, over the past years received numerous phone calls and letters from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. Since 1988, flow control has been the primary tool used by Pennsylvania counties to enforce solid waste plans and meet waste reduction and recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resource recovery facilities, and cocomposting facilities. In the absence of flow control authority, I am advised that many of these worthwhile projects could be jeopardized and that there has been a fiscal impact on some communities where there are debt service obligations.

In order to fix these problems, my legislation would provide a presumptive ban on all out-of-state municipal solid waste, including construction and demolition debris, unless a landfill obtains the agreement of the local government to allow for the importation of waste. It would provide a freeze authority to allow a State to place a limit on the amount of out-of-state waste received annually at each facility. It would also provide a ratchet authority to allow a State to gradually reduce the amount of out-of-state municipal waste that may be received at facilities. These provisions will provide a concrete incentive for the largest states to get a handle on their solid waste management immediately. To address the problem of flow control my bill would provide authority to allow local governments to designate where privately collected waste must be disposed. This would be a narrow fix for only those localities that constructed facilities before the 1994 Supreme Court ruling and who relied on their ability to regulate the flow of garbage to pay for their municipal bonds.

This is an issue that affects numerous states, and I urge my colleagues to support this very important legislation.•

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. JEFFORDS, and Mr. BREAUX):

S. 664. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence; to the Committee on Finance.

THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

• Mr. CHAFEE. Mr. President, all across America, in the small towns and great cities of this country, our heritage as a nation—the physical evidence of our past—is at risk. In virtually every corner of this land, homes in which grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of abandonment and decay.

In the decade from 1980 to 1990, Chicago lost 41,000 housing units through abandonment, Philadelphia 10,000 and St. Louis 7,000. The story in our older small communities has been the same, and the trend continues. It is important to understand that it is not just buildings that we are losing. It is the sense of our past, the vitality of our communities and the shared values of those precious places.

We need not stand hopelessly by as passive witnesses to the loss of these irreplaceable historic resources. We can act, and to that end I am introducing today the Historic Homeownership Assistance Act along with my distinguished colleagues, Senator GRAHAM of Florida, Senator JEFFORDS, and Senator BREAUX.

This legislation is patterned after the existing Historic Rehabilitation Investment Tax Credit. That legislation has been enormously successful in stimulating private investment in the rehabilitation of buildings of historic importance all across the country. Through its use we have been able to save and re-use a rich and diverse array of historic buildings: landmarks such as Union Station right here in Washington, DC, the Fox River Mills, a mixed use project that was once a derelict paper mill in Appleton, WI, and the Rosa True School, an eight-unit low and moderate income rental project in an historic school building in Portland, ME.

In my own state of Rhode Island, federal tax incentives stimulated the rehabilitation and commercial reuse of more than three hundred historic properties. The properties saved include the Hotel Manisses on Block Island, the former Valley Falls Mills complex in Central Falls, and the Honan Block in Woonsocket.

The legislation that I am introducing builds on the familiar structure of the existing tax credit, but with a different focus and a more modest scope and cost. It is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. Only those persons who rehabilitate or purchase a newly rehabilitated home and occupy it as their principal residence would be entitled to this new credit. There would be no passive losses, no tax shelters and no syndications under this bill.

Like the existing investment credit, the bill would provide a credit to homeowners equal to 20 percent of the qualified rehabilitation expenditures made on an eligible building which is used as a principal residence by the owner. Eligible buildings are those individually listed on the National Register of Historic Places or on a nationally certified state or local historic register, or are contributing buildings in national, state or local historic districts. As is the case with the existing credit, the rehabilitation work would have to be performed in compliance with the Secretary of the Interior's Standards for Rehabilitation, although the bill clarifies that such Standards should be interpreted in a manner that takes into consideration economic and technical feasibility.

The bill also allows lower income homebuyers, who may not have sufficient federal income tax liability to use a tax credit, to convert the credit to mortgage assistance. The legislation would permit such persons to receive an Historic Rehabilitation Mortgage Credit Certificate which they can use with their work bank to obtain a lower interest rate on their mortgage or to lower the amount of their downpayment.

The credit would be available for condominiums and coops, as well as single-family buildings. If a building is rehabilitated by a developer for resale, the credit would pass through to the homeowner.

One goal of the bill is to provide incentives for middle- and upper-income families to return to older towns and cities. Therefore, the bill does not limit the tax benefits on the basis of income. However, it does impose a cap of $40,000 on the amount of credit which may be taken for a principal residence.

The Historic Homeownership Assistance Act will make ownership of a rehabilitated older home more affordable for homebuyers of modest incomes. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax rolls, while strengthening their income and sales tax bases. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

In addition to preserving our heritage, extending this credit will provide an important supplemental benefit—it will boost the economy. Every dollar of federal investment in historic rehabilitation leverages many more from the private sector. Rhode Island, for example, has used the credit to leverage $252 million in private investment. This investment has created more than 10,000 jobs and $187 million in wages.

An increasing concern to many mayors, county executives and governors is the issue of urban sprawl. Wherein new housing is constructed on nearby farmland, older housing stock is abandoned. This legislation encourages the rehabilitation of that housing stock and will help curb urban sprawl.

The American dream of owning one's own home is a powerful force. This bill can help it come true for those who are prepared to make a personal commitment to join in the rescue of our priceless heritage. By their actions they can help to revitalize decaying resources of historic importance, create jobs and stimulate economic development, and restore to our older towns and cities a lost sense of purpose and community. I ask that a summary of this bill be printed in the RECORD.

The summary follows:

THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT—SUMMARY

Purpose. To provide homeownership incentives and opportunities through the rehabilitation of older buildings in historic districts.

Rate of Credit. 20% credit for expenditures to rehabilitate or purchase a newly-rehabilitated eligible home and occupy it as a principal residence.

Eligible Buildings. Eligible buildings would be buildings individually listed on the National Register of Historic Places or a nationally certified state or local register, and contributing buildings in national, state or local historic districts.

Maximum Credit: Minimum Expenditures. The amount of the credit would be limited to $40,000 for each principal residence. The amount of qualified rehabilitation expenditures would be required to exceed the greater of $5,000 or the adjusted tax basis of the building (excluding the land). At least five percent of the qualified rehabilitation expenditures would have to be spent on the exterior of the building.

Carry-Forward: Recapture. Any unused amounts of credit would be carried forward until fully exhausted. In the event the taxpayer failed to maintain his or her principal residence in the building for five years, the credit would be subject to ratable recapture.

Historic Rehabilitation Mortgage Credit Certificates. Lower income taxpayers, who may not have sufficient Federal Income Tax liability to make effective use of a homeownership credit would be able to convert the credit into a mortgage credit certificate which can be used to obtain an interest rate reduction on his or her home mortgage loan. For homes purchased in distressed areas, the credit certificate could be used to lower an individual's downpayment.

In many distressed neighborhoods, the cost of rehabilitating a home and bringing it to market significantly exceeds the value at which the property is appraised by the mortgage lender. This gap imposes a significant burden on a potential homeowner because the required downpayment exceeds his or her means. The legislation permits the mortgage credit certificate to be used to reduce the buyer's down payment, rather than to reduce the interest rate, in order to close this gap. This provision is limited to historic districts which qualify as targeted under the existing Mortgage Revenue Bond program or are located in enterprise or empowerment zones.•

• Mr. GRAHAM. Mr. President, today I join my good friend and colleague Senator CHAFEE in support of the Historic Homeownership Assistance Act. This bill will spur growth and preservation of historic neighborhoods across the country by providing a limited tax credit for qualified rehabilitation expenditures to historic homes.

In virtually every corner of this land, homes in which our grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of decay. Every year we lose thousands of historic housing units that are either demolished or abandoned. We are losing both physical structures and the historic past that these physical structures represent.

The Historic Homeownership Assistance Act will stimulate rehabilitation of historic homes while contributing to the revitalization of urban communities. The Federal tax credit provided in the legislation is modeled after the existing Federal commercial historic rehabilitation tax credit. Since 1981, this commercial tax credit has facilitated the preservation of many historic structures such as Union Station in Washington, DC. In my home state of Florida, the existing Historic Rehabilitation Investment tax credit has resulted in over 300 rehabilitation projects since 1974. These projects range from the restoration of art deco hotels in Miami Beach, to the preservation of Ybor City in Tampa and the Springfield Historic District in Jacksonville.

The tax credit, however, has never applied to personal residences. This legislation that Senator CHAFEE and I are cosponsoring is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. It is time we provide this incentive to homeowners to restore and preserve homes in America's historic communities.

Like the existing investment credit, this bill would provide a credit to homeowners equal to 20 percent of a qualified rehabilitation expenditure made on an eligible building that is used as a principal residence by the owner. The amount of the credit would be limited to $40,000 for each principal residence. Eligible buildings would be those that are listed individually on the National Register of Historic Places, or a nationally certified state or local register, and contributing buildings in national, state or local historic districts. Recognizing that the states can best administer laws affecting unique communities, the act gives power to the Secretary of the Interior to work with states to implement a number of provisions.

The bill also targets Americans at all economic levels. It provides lower income Americans with the option to elect a Mortgage Credit Certificate in lieu of the tax credit. This certificate allows Americans who cannot take advantage of the tax credit to reduce the interest rate on the mortgage that secures the purchase and rehabilitation of a historic home.

The credit would also be available for condominiums and co-ops, as well as single-family buildings. If a building were to be rehabilitated by a developer for sale to a homeowner, the credit would pass through to the homeowner. Since one purpose of the bill is to provide incentives for middle-income and more affluent families to return to older towns and cities, the bill does not discriminate among taxpayers on the basis of income.

Mr. President, the time has come for Congress to get serious about urban renewal. For too long, we have sat on the sidelines watching idly as our citizens slowly abandoned entire homes and neighborhoods in urban settings, leaving cities like Miami in Florida and others around the nation in financial jeopardy. This legislation affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax rolls, while strengthening their income and sales tax base. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

The Historic Homeownership Assistance Act does not reinvent the wheel. In addition to the existing commercial historic rehabilitation credit, the proposed bill incorporates features from several tax incentives for the preservation of historic homes. Colorado, Maryland, New Mexico, Rhode Island, Wisconsin, and Utah have pioneered their own successful versions of the historic preservation tax incentive for homeownership.

At the federal level, this legislation would promote historic home preservation nationwide, allowing future generations of Americans to visit and reside in homes that tell the unique history of our communities. The Historic Homeownership Assistance Act will offer enormous potential for saving historic homes and bringing entire neighborhoods back to life. I urge all my colleagues to support this important piece of legislation.•

By Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY):

S. 665. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee has 30 days to report or be discharged.

COVERDELL RETROACTIVE TAX BAN PACKAGE

Mr. COVERDELL. Mr. President, today I rise to offer a tax reform package to provide greater tax fairness and to protect citizens from retroactive taxation. This package includes three initiatives: a constitutional amendment called the retroactive tax ban amendment, a bill to establish a new budget point of order against retroactive taxation, and a proposed Senate Rule change.

The first, the retroactive tax ban amendment, is a constitutional amendment to prevent the Federal Government from imposing any tax increase retroactively. The amendment states simply "No Federal tax shall be imposed for the period before the date of enactment." We have heard directly from the taxpayers, and looking backward for extra taxes is unacceptable. It is not a fair way to deal with taxpayers.

In addition, I am introducing a bill that would create a point of order under the Budget Act against retroactive tax rate increases. Because amending the Constitution can be a very long prospect—just look at the decades-long effort on behalf of a balanced budget amendment—I believe this legislation is necessary to provide needed protection for American families from the destabilizing effects of retroactive taxation.

Finally, I am proposing a Senate Rule change making it out of order for the Senate to consider retroactive tax rate increases.

Both proposals, the point of order under the Budget Act and the Senate Rule change, are modeled after the existing House Rules preventing that body from considering retroactive taxation. In other words, by virtue of the fact that the House cannot consider legislation so too has the Senate been de facto unable to consider retroactive tax rate increases. Now is the time for the Senate to come forward and incorporate this fact in its proceedings.

It was clear to Thomas Jefferson that the only way to preserve freedom was to protect its citizens from oppressive taxation. Even the Russian Constitution does not allow you to tax retroactively. Retroactive taxation is wrong, and it is morally incorrect.

Families and businesses and communities must know what the rules of the road are and that those rules will not change. They have to be able to plan their lives, plan their families, and plan their tax burdens in advance. They cannot come to the end of a year and have a Congress of the United States and a President come forward and say, "All your planning was for naught, and we don't care."

I encourage my Colleagues to join me in protecting taxpayers from retroactive tax rate increases.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. MCCAIN, Mr. DEWINE, Mr. HAGEL, Mr. GRAMS, Mr. JEFFORDS, Ms. LANDRIEU, and Mr. LIEBERMAN):

S. 666. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on Finance.

AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA)

• Mr. LUGAR. Mr. President, I rise to introduce the African Growth and Opportunity Act (AGOA). I'm pleased to be joined by Senators MCCAIN, GRAMM, HAGEL, DEWINE and GRAMS as original cosponsors. Our bill is designed to provide a broad U.S. policy framework towards the nearly fifty countries in sub-Sahara Africa. Specifically, the bill seeks to develop active partnerships with African countries through a set of trade and investment initiatives and incentives in exchange for a commitment from those countries to make the transition to market economies.

For decades U.S. policy towards Africa was based largely on a series of bilateral aid relationships. Our involvement in Africa was influenced by strategic considerations inherent in the cold war. Our assistance programs targeted humanitarian crises and natural disasters and they helped nurture a variety of health, nutritional, educational and agricultural programs. As important as these programs have been, they have not promoted much economic development, fostered much self-reliance or promoted political stability for the vast majority of the people of sub-Sahara Africa. Nor have they particularly benefitted the American economy. For these reasons, it is long past due that the United States reevaluate this policy. That is the purpose of our bill.

Last year, a similar bill was introduced and passed in the House of Representatives but did not reach the floor of the Senate. The bill has been introduced last month in the House and the House committees have been active. Already, the bill is scheduled to be reported by both the Ways and Means and International Relations Committees very soon. I understand that it is scheduled for a floor vote in the House in the next several weeks.

The Administration supports this legislation because it mirrors its own initiatives on Africa. Indeed, President Clinton cited the initiative and the bill in his last two State of the Union addresses before the Congress. Virtually all African Ambassadors have endorsed this bill and are committed to working to pass and enact it this year. Our bill enjoys support within the American business community and among many non-governmental organizations involved in Africa.

Mr. President, the AGOA is intended to promote greater economic self-reliance in Africa through enhanced private sector activity and trade incentives for those countries meeting eligibility requirements and wishing to participate. The bill authorizes the President to grant duty-free treatment to certain products currently excluded from the GSP program, subject to the sensitivity analysis of the International Trade Commission. It extends the GSP program for Africa for 10 years, a provision which is important for long-term business planning.

The bill also would increase access to U.S. markets for African textiles and other products. It would remove U.S. quotas on African textile imports which now amount to less than one percent of our worldwide textile imports. The bill includes unusually strong transshipment language that is the toughest ever proposed. The U.S. International Trade Commission estimated last year that reducing tariffs on textiles from Africa would have a negligible effect on our economy but would give a high boost to Africa's fledgling manufacturing base. The jobs and foreign exchange earnings that would be gained in Africa under this initiative will enable Africans to purchase more products from the United States.

In my judgement, the AGOA is a modest bill which, if adopted, could have immodest results in Africa. It takes a long-term view and provides a policy road map for achieving economic growth and opportunity. It will take some time for the initiatives embedded in this legislation to have a measurable impact on economic growth in Africa. Nonetheless, we need to look ahead over the next decades and to assist wherever possible in the development of those areas that have not been successfully or fully integrated into the world economy. Much of Africa falls into this category. My bill is intended to help facilitate that transition. Strategic planning now will help create a better, more productive and prosperous future.

Mr. President, our bill includes a number of other attractive provisions. It includes two new private sector financed funds—an equity fund and an infrastructure fund both of which would be backed by the Overseas Private Investment Corporation (OPIC). If successful, these funds will lead to improvements in such areas as African roads, telecommunications and power plants each of which can accelerate economic activity in Africa. It includes provisions for enhanced visibility for Africa in our international deliberations on trade and finance and increased technical assistance for economic management. It establishes a Forum to facilitate high level discussions on trade and investment policies between the U.S. and Africa.

Most importantly, our bill signals the start of a new era in U.S.-African relations based less on bilateral aid ties and more business relationships, less on paternalism and more on partnerships, and one that builds upon the long term prospects of African societies rather than on short-term, reactive policies.

Many African societies have been undergoing impressive political and economic transformations. Africa's economic potential is substantial. There are more than 600 million people in sub-Sahara Africa, but Africa's share of foreign annual direct investment commands less than two percent of global direct investment flows. Much of that capital comes from Europe which has an established market and investment presence in Africa. Nonetheless, several African countries enjoy sustained economic growth at or above 6%, despite the strains in the global economy that began in Southeast Asia and spread to other parts of the world. Indeed, U.S. Trade with sub-Sahara Africa exceeds our trade with all the states of the former Soviet Union combined and the potential for expansion will grow as these economies expand and mature.

The enhanced trade and private investment benefits in the bill will be available to all African societies but especially to those countries which undertake sustained economic reform, maintain acceptable human rights practices and make progress towards good governance. These standards are similar to those applied in other parts of the world. Indeed, without these standards the private sector would be unlikely to invest in Africa.

The United States can play a significant role in helping promote Africa development. We have a historic opportunity to help integrate African countries into the global economy, to rethink dependency on foreign assistance and to help strengthen civil society and economic and political institutions. No one believes this bill is a panacea for Africa, but it is very much in our interests to play a constructive role in the evolving economic transition in Africa. If the United States has the vision to be a major player in Africa's economic and political improvement, we will also be a major beneficiary. If we are successful, Africa will provide new trade and investment opportunities for the United States. It will also improve the quality of life for a broader segment of the people of Africa, a goal we must all support and applaud.

Mr. President, I ask that the proposed African Growth and Opportunity Act (AGOA) and a section-by-section description be printed in the RECORD.

The material follows:

S. 666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "African Growth and Opportunity Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.
Sec. 3. Statement of policy.
Sec. 4. Eligibility requirements.
Sec. 5. Sub-Saharan Africa defined.

TITLE I—TRADE POLICY FOR SUB-SAHARAN AFRICA

Sec. 101. United States-Sub-Saharan Africa Trade and Economic Cooperation Forum.
Sec. 102. United States-Sub-Saharan Africa Free Trade Area.
Sec. 103. Eliminating trade barriers and encouraging exports.
Sec. 104. Generalized system of preferences.
Sec. 105. Assistant United States trade representative for Sub-Saharan Africa.
Sec. 106. Reporting requirement.

TITLE II—INTERNATIONAL FINANCIAL AND FOREIGN RELATIONS POLICY FOR SUB-SAHARAN AFRICA

Sec. 201. International financial institutions and debt reduction.
Sec. 202. Executive branch initiatives.
Sec. 203. Sub-Saharan Africa Infrastructure Fund.
Sec. 204. Overseas Private Investment Corporation and Export-Import Bank initiatives.
Sec. 205. Expansion of the United States and foreign commercial service in Sub-Saharan Africa.
Sec. 206. Donation of air traffic control equipment to eligible Sub-Saharan African countries.

SEC. 2. FINDINGS.

The Congress finds that it is in the mutual economic interest of the United States and sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa and that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment. To that end, the United States seeks to facilitate market-led economic growth in, and thereby the social and economic development of, the countries of sub-Saharan Africa. In particular, the United States seeks to assist sub-Saharan African countries, and the private sector in those countries, to achieve economic self-reliance by—

(1) strengthening and expanding the private sector in sub-Saharan Africa, especially women-owned businesses;

(2) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(3) reducing tariff and nontariff barriers and other trade obstacles;

(4) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(5) negotiating free trade areas;

(6) establishing a United States-Sub-Saharan Africa Trade and Investment Partnership;

(7) focusing on countries committed to accountable government, economic reform, and the eradication of poverty;

(8) establishing a United States-Sub-Saharan Africa Economic Cooperation Forum; and

(9) continuing to support development assistance for those countries in sub-Saharan Africa attempting to build civil societies.

SEC. 3. STATEMENT OF POLICY.

The Congress supports economic self-reliance for sub-Saharan African countries, particularly those committed to—

(1) economic and political reform;

(2) market incentives and private sector growth;

(3) the eradication of poverty; and

(4) the importance of women to economic growth and development.

SEC. 4. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A sub-Saharan African country shall be eligible to participate in programs, projects, or activities, or receive assistance or other benefits under this Act if the President determines that the country does not engage in gross violations of internationally recognized human rights and has established, or is making continual progress toward establishing, a market-based economy, such as the establishment and enforcement of appropriate policies relating to—

(1) promoting free movement of goods and services between the United States and sub-Saharan Africa and among countries in sub-Saharan Africa;

(2) promoting the expansion of the production base and the transformation of commodities and nontraditional products for exports through joint venture projects between African and foreign investors;

(3) trade issues, such as protection of intellectual property rights, improvements in standards, testing, labeling and certification, and government procurement;

(4) the protection of property rights, such as protection against expropriation and a functioning and fair judicial system;

(5) appropriate fiscal systems, such as reducing high import and corporate taxes, controlling government consumption, participation in bilateral investment treaties, and the harmonization of such treaties to avoid double taxation;

(6) foreign investment issues, such as the provision of national treatment for foreign investors, removing restrictions on investment, and other measures to create an environment conducive to domestic and foreign investment;

(7) supporting the growth of regional markets within a free trade area framework;

(8) governance issues, such as eliminating government corruption, minimizing government intervention in the market such as price controls and subsidies, and streamlining the business license process;

(9) supporting the growth of the private sector, in particular by promoting the emergence of a new generation of African entrepreneurs;

(10) encouraging the private ownership of government-controlled economic enterprises through divestiture programs; and

(11) observing the rule of law, including equal protection under the law and the right to due process and a fair trial.

(b) ADDITIONAL FACTORS.—In determining whether a sub-Saharan African country is eligible under subsection (a), the President shall take into account the following factors:

(1) An expression by such country of its desire to be an eligible country under subsection (a).

(2) The extent to which such country has made substantial progress toward—

(A) reducing tariff levels;

(B) binding its tariffs in the World Trade Organization and assuming meaningful binding obligations in other sectors of trade; and

(C) eliminating nontariff barriers to trade.

(3) Whether such country, if not already a member of the World Trade Organization, is actively pursuing membership in that Organization.

(4) Where applicable, the extent to which such country is in material compliance with its obligations to the International Monetary Fund and other international financial institutions.

(5) The extent to which such country has a recognizable commitment to reducing poverty, increasing the availability of health care and educational opportunities, the expansion of physical infrastructure in a manner designed to maximize accessibility, increased access to market and credit facilities for small farmers and producers, and improved economic opportunities for women as entrepreneurs and employees, and promoting and enabling the formation of capital to support the establishment and operation of micro-enterprises.

(6) Whether or not such country engages in activities that undermine United States national security or foreign policy interests.

(c) CONTINUING COMPLIANCE.—

(1) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor and review the progress of sub-Saharan African countries in order to determine their current or potential eligibility under subsection (a). Such determinations shall be based on quantitative factors to the fullest extent possible and shall be included in the annual report required by section 106.

(2) INELIGIBILITY OF CERTAIN COUNTRIES.—A sub-Saharan African country described in paragraph (1) that has not made continual progress in meeting the requirements with which it is not in compliance shall be ineligible to participate in programs, projects, or activities, or receive assistance or other benefits, under this Act.

SEC. 5. SUB-SAHARAN AFRICA DEFINED.

For purposes of this Act, the terms "sub-Saharan Africa", "sub-Saharan African country", "country in sub-Saharan Africa", and "countries in sub-Saharan Africa" refer to the following or any successor political entities:

Republic of Angola (Angola)
Republic of Botswana (Botswana)
Republic of Burundi (Burundi)
Republic of Cape Verde (Cape Verde)
Republic of Chad (Chad)
Democratic Republic of Congo
Republic of the Congo (Congo)
Republic of Djibouti (Djibouti)
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of Ghana (Ghana)
Republic of Guinea-Bissau (Guinea-Bissau)
Kingdom of Lesotho (Lesotho)
Republic of Madagascar (Madagascar)
Republic of Mali (Mali)
Republic of Mauritius (Mauritius)
Republic of Namibia (Namibia)
Federal Republic of Nigeria (Nigeria)
Democratic Republic of Sao Tomé and Principe (Sao Tomé and Principe)
Republic of Sierra Leone (Sierra Leone)
Somalia
Kingdom of Swaziland (Swaziland)
Republic of Togo (Togo)
Republic of Zimbabwe (Zimbabwe)
Republic of Benin (Benin)
Burkina Faso (Burkina)
Republic of Cameroon (Cameroon)
Central African Republic
Federal Islamic Republic of the Comoros (Comoros)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
Republic of the Gambia (Gambia)
Republic of Guinea (Guinea)
Republic of Kenya (Kenya)
Republic of Liberia (Liberia)
Republic of Malawi (Malawi)
Islamic Republic of Mauritania (Mauritania)
Republic of Mozambique (Mozambique)
Republic of Niger (Niger)
Republic of Rwanda (Rwanda)

Republic of Senegal (Senegal)
Republic of Seychelles (Seychelles)
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
United Republic of Tanzania (Tanzania)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)

TITLE I—TRADE POLICY FOR SUB-SAHARAN AFRICA

SEC. 101. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.

(a) DECLARATION OF POLICY.—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (in this section referred to as the "Forum").

(c) REQUIREMENTS.—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with the counterparts of such Secretaries from the governments of sub-Saharan African countries eligible under section 4, the Secretary General of the Organization of African Unity, and government officials from other appropriate countries in Africa, to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this Act including encouraging joint ventures between small and large businesses.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 4 not less than once every two years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than twelve months after the date of the enactment of this Act.

(d) DISSEMINATION OF INFORMATION BY USIA.—In order to assist in carrying out the purposes of the Forum, the United States Information Agency shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) LIMITATION ON USE OF FUNDS.—None of the funds authorized under this section may be used to create or support any nongovernmental organization for the purpose of expanding or facilitating trade between the United States and sub-Saharan Africa.

SEC. 102. UNITED STATES-SUB-SAHARAN AFRICA FREE TRADE AREA.

(a) DECLARATION OF POLICY.—The Congress declares that a United States-Sub-Saharan Africa Free Trade Area should be established, or free trade agreements should be entered into, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector development in sub-Saharan Africa.

(b) PLAN REQUIREMENT.—

(1) IN GENERAL.—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of entering into one or more trade agreements with sub-Saharan African countries eligible under section 4 in order to establish a United States-Sub-Saharan Africa Free Trade Area (in this section referred to as the "Free Trade Area").

(2) ELEMENTS OF PLAN.—The plan shall include the following:

(A) The specific objectives of the United States with respect to the establishment of the Free Trade Area and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and sub-Saharan Africa with respect to the Free Trade Area.

(C) A mutually agreed-upon timetable for establishing the Free Trade Area.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to the Free Trade Area.

(E) Subject matter anticipated to be covered by the agreement for establishing the Free Trade Area and United States laws, programs, and policies, as well as the laws of participating eligible African countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiation of the agreement or agreements for establishing the Free Trade Area.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiations of the agreement or agreements.

(c) REPORTING REQUIREMENT.—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

SEC. 103. ELIMINATING TRADE BARRIERS AND ENCOURAGING EXPORTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The lack of competitiveness of sub-Saharan Africa in the global market, especially in the manufacturing sector, make it a limited threat to market disruption and no threat to United States jobs.

(2) Annual textile and apparel exports to the United States from sub-Saharan Africa represent less than 1 percent of all textile and apparel exports to the United States, which totaled $54,001,863,000 in 1997.

(3) Sub-Saharan Africa has limited textile manufacturing capacity. During 1999 and the succeeding 4 years, this limited capacity to manufacture textiles and apparel is projected to grow at a modest rate. Given this limited capacity to export textiles and apparel, it will be very difficult for these exports from sub-Saharan Africa, during 1999 and the succeeding 9 years, to exceed 3 percent annually of total imports of textile and apparel to the United States. If these exports from sub-Saharan Africa remain around 3 percent of total imports, they will not represent a threat to United States workers, consumers, or manufacturers.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) it would be to the mutual benefit of the countries in sub-Saharan Africa and the United States to ensure that the commitments of the World Trade Organization and associated agreements are faithfully implemented in each of the member countries, so as to lay the groundwork for sustained growth in textile and apparel exports and trade under agreed rules and disciplines;

(2) reform of trade policies in sub-Saharan Africa with the objective of removing structural impediments to trade, consistent with obligations under the World Trade Organization, can assist the countries of the region in achieving greater and greater diversification of textile and apparel export commodities and products and export markets; and

(3) the President should support textile and apparel trade reform in sub-Saharan Africa by, among other measures, providing technical assistance, sharing of information to expand basic knowledge of how to trade with the United States, and encouraging business-to-business contacts with the region.

(c) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel exports to the United States—

(A) from Kenya within 30 days after that country adopts an efficient visa system to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of those visa systems.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for countries in sub-Saharan Africa. The President shall submit to the Congress, not later than March 31 of each year, a report on the growth in textiles and apparel exports to the United States from countries in sub-Saharan Africa in order to protect United States consumers, workers, and textile manufacturers from economic injury on account of the no quota policy.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) ACTIONS BY COUNTRIES AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President should ensure that any country in sub-Saharan Africa that intends to export textile and apparel goods to the United States—

(A) has in place a functioning and effective visa system and domestic laws and enforcement procedures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention, as provided in Article 5 of the Agreement on Textiles and Clothing.

(2) Penalties against exporters.—If the President determines, based on sufficient evidence, that an exporter has willfully falsified information regarding the country of origin, manufacture, processing, or assembly of a textile or apparel article for which duty-free treatment under section 503(a)(1)(C) of the Trade Act of 1974 is claimed, then the President shall deny to such exporter, and any successors of such exporter, for a period of 2 years, duty-free treatment under such section for textile and apparel articles.

(3) Applicability of united states laws and procedures.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws shall apply to imports from Sub-Saharan countries.

(4) Monitoring and reports to congress.—The Customs Service shall monitor and the Commissioner of Customs shall submit to the Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems described in subsection (c)(1) and paragraph (1) of this subsection and on measures taken by countries in Sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

(e) Definition.—For purposes of this section, the term "Agreement on Textiles and Clothing" means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 104. GENERALIZED SYSTEM OF PREFERENCES.

(a) Preferential Tariff Treatment for Certain Articles.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) Eligible countries in sub-saharan africa.—The President may provide duty-free treatment for any article set forth in paragraph (1) of subsection (b) that is the growth, product, or manufacture of an eligible country in sub-Saharan Africa that is a beneficiary developing country, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of imports from eligible countries in sub-Saharan Africa. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).".

(b) Rules of Origin.—Section 503(a)(2) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)) is amended by adding at the end the following:

"(C) Eligible countries in sub-saharan africa.—For purposes of determining the percentage referred to in subparagraph (A) in the case of an article of an eligible country in sub-Saharan Africa that is a beneficiary developing country—

"(i) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A); and

"(ii) the cost or value of the materials included with respect to that article that are produced in any beneficiary developing country that is an eligible country in sub-Saharan Africa shall be applied in determining such percentage.".

(c) Waiver of Competitive Need Limitation.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

"(D) Least-developed beneficiary developing countries and eligible countries in sub-saharan africa.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any eligible country in sub-Saharan Africa.".

(d) Extension of Program.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended to read as follows:

"SEC. 505. DATE OF TERMINATION.

"(a) Countries in Sub-Saharan Africa.—No duty-free treatment provided under this title shall remain in effect after June 30, 2009, with respect to beneficiary developing countries that are eligible countries in sub-Saharan Africa.

"(b) Other Countries.—No duty-free treatment provided under this title shall remain in effect after June 30, 1999, with respect to beneficiary developing countries other than those provided for in subsection (a).".

(e) Definition.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

"(6) Eligible country in sub-saharan africa.—The terms 'eligible country in sub-Saharan Africa' and 'eligible countries in sub-Saharan Africa' mean a country or countries that the President has determined to be eligible under section 4 of the African Growth and Opportunity Act.".

(f) Effective Date.—The amendments made by this section take effect on July 1, 1999.

SEC. 105. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR SUB-SAHARAN AFRICA.

(a) Sense of Congress.—It is the sense of the Congress that the position of Assistant United States Trade Representative for African Affairs is integral to the United States commitment to increasing United States—sub-Saharan African trade and investment.

(b) Maintenance of Position.—The President shall maintain a position of Assistant United States Trade Representative for African Affairs within the Office of the United States Trade Representative to direct and coordinate interagency activities on United States-Africa trade policy and investment matters and serve as—

(1) a primary point of contact in the executive branch for those persons engaged in trade between the United States and sub-Saharan Africa; and

(2) the chief advisor to the United States Trade Representative on issues of trade with Africa.

(c) Funding and Staff.—The President shall ensure that the Assistant United States Trade Representative for African Affairs has adequate funding and staff to carry out the duties described in subsection (b), subject to the availability of appropriations.

SEC. 106. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and not later than the end of each of the next 6 1-year periods thereafter, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this Act. The last report required by section 134(b) of the Uruguay Round Agreements Act (19 U.S.C. 3554(b)) shall be consolidated and submitted with the first report required by this section.

TITLE II—INTERNATIONAL FINANCIAL AND FOREIGN RELATIONS POLICY FOR SUB-SAHARAN AFRICA

SEC. 201. INTERNATIONAL FINANCIAL INSTITUTIONS AND DEBT REDUCTION.

(a) Better Mechanisms To Further Goals for Sub-Saharan Africa.—It is the sense of the Congress that the Secretary of the Treasury should instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Monetary Fund, and the African Development Bank to use the voice and votes of the Executive Directors to encourage vigorously their respective institutions to develop enhanced mechanisms which further the following goals in eligible countries in sub-Saharan Africa:

(1) Strengthening and expanding the private sector, especially among women-owned businesses.

(2) Reducing tariffs, nontariff barriers, and other trade obstacles, and increasing economic integration.

(3) Supporting countries committed to accountable government, economic reform, the eradication of poverty, and the building of civil societies.

(4) Supporting deep debt reduction at the earliest possible date with the greatest amount of relief for eligible poorest countries under the "Heavily Indebted Poor Countries" (HIPC) debt initiative.

(b) Sense of Congress.—It is the sense of the Congress that relief provided to countries in sub-Saharan Africa which qualify for the Heavily Indebted Poor Countries debt initiative should primarily be made through grants rather than through extended-term debt, and that interim relief or interim financing should be provided for eligible countries that establish a strong record of macroeconomic reform.

SEC. 202. EXECUTIVE BRANCH INITIATIVES.

(a) Statement of Congress.—The Congress recognizes that the stated policy of the executive branch in 1997, the "Partnership for Growth and Opportunity in Africa" initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress that this Partnership is a companion to the policy goals set forth in this Act.

(b) Technical Assistance To Promote Economic Reforms and Development.—In addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward—

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan participation in future negotiations in the World Trade Organization on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

SEC. 203. SUB-SAHARAN AFRICA INFRASTRUCTURE FUND.

(a) Initiation of Funds.—It is the sense of the Congress that the Overseas Private Investment Corporation should exercise the authorities it has to initiate an equity fund or equity funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation.

(b) Structure and Types of Funds.—

(1) Structure.—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) Capitalization.—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) Infrastructure fund.—One or more of the funds, with combined assets of up to $500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa.

(4) Emphasis.—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

SEC. 204. OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES.

(a) Overseas Private Investment Corporation.—

(1) Advisory committee.—Section 233 of the Foreign Assistance Act of 1961 (22 U.S.C. 2193) is amended by adding at the end the following:

"(e) Advisory Committee.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the use of an advisory committee to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the advisory committee shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The advisory committee shall terminate 4 years after the date of the enactment of this subsection.".

(2) Reports to the congress.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to the Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the advisory board established pursuant to such section.

(b) Export-Import Bank.—

(1) Advisory committee for sub-saharan africa.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (12) the following:

"(13)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

"(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

"(ii) The advisory committee shall make recommendations to the Board of Directors on how the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

"(iii) The advisory committee shall terminate 4 years after the date of the enactment of this subparagraph.".

(2) Reports to the congress.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to the Congress a report on the steps that the Board has taken to implement section 2(b)(13)(B) of the Export-Import Bank Act of 1945 (as added by paragraph (1)) and any recommendations of the advisory committee established pursuant to such section.

SEC. 205. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) Findings.—The Congress makes the following findings:

(1) The United States and Foreign Commercial Service (hereafter in this section referred to as the "Commercial Service") plays an important role in helping United States businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.

(2) During the 1980s, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in eight countries. By early 1997, that presence had been reduced by half to seven, in only four countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding five full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of United States businesses attempting to do business in sub-Saharan Africa.

(5) The Congress has, on several occasions, encouraged the Commercial Service to focus its resources and efforts in countries or regions in Europe or Asia to promote greater United States export activity in those markets.

(6) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) Appointments.—Subject to the availability of appropriations, by not later than December 31, 2000, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that—

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than ten different sub-Saharan African countries.

(c) Commercial Service Initiative for Sub-Saharan Africa.—In order to encourage the export of United States goods and services to sub-Saharan African countries, the Commercial Service shall make a special effort to—

(1) identify United States goods and services which are not being exported to sub-Saharan African countries but which are being exported to those countries by competitor nations;

(2) identify, where appropriate, trade barriers and noncompetitive actions, including violations of intellectual property rights, that are preventing or hindering sales of United States goods and services to, or the operation of United States companies in, sub-Saharan Africa;

(3) present, periodically, a list of the goods and services identified under paragraph (1), and any trade barriers or noncompetitive actions identified under paragraph (2), to appropriate authorities in sub-Saharan African countries with a view to securing increased market access for United States exporters of goods and services;

(4) facilitate the entrance by United States businesses into the markets identified under paragraphs (1) and (2); and

(5) monitor and evaluate the results of efforts to increase the sales of goods and services in such markets.

(d) Reports to Congress.—Not later than one year after the date of the enactment of this Act, and each year thereafter for five years, the Secretary of Commerce, in consultation with the Secretary of State, shall report to the Congress on actions taken to carry out subsections (b) and (c). Each report shall specify—

(1) in what countries full-time Commercial Service Officers are stationed, and the number of such officers placed in each such country;

(2) the effectiveness of the presence of the additional Commercial Service Officers in increasing United States exports to sub-Saharan African countries; and

(3) the specific actions taken by Commercial Service Officers, both in sub-Saharan African countries and in the United States, to carry out subsection (c), including identifying a list of targeted export sectors and countries.

SEC. 206. DONATION OF AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries (determined to be eligible under section 4 of this Act) air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

African Growth and Opportunity Act (AGOA)—Section-by-Section Summary

Policy. The AGOA establishes as U.S. policy the creation of a transition path from development assistance to economic self-reliance for those sub-Sahara countries committed to economic and political reform, market incentives and private sector growth. Eligibility requirements are established for participation in the programs and benefits of the bill. The bill will not require any cuts or increases in the USAID budget. The bill includes separate Trade and Foreign Policy Titles.

Free Trade Area. The AGOA directs the President to develop a plan for trade agreements to establish a U.S.-Sub Sahara Africa Free Trade Area to provide an incentive for increasing trade between the U.S. and Africa and to stimulate private sector development in the region.

Trade Initiative. The AGOA would eliminate quotas on textiles and apparel from Kenya and Mauritius after these countries adopt a visa system to guard against transshipment. It continues the existing no-quota policy in Africa through 2005. Further, it authorizes the President to grant duty-free treatment for certain products from Africa currently excluded from the GSP program, subject to an import sensitivity analysis by the ITC, and extends the GSP program for Africa for 10 years.

U.S.-Africa Economic Forum. The AGOA would establish a U.S.-Africa Economic Forum to facilitate annual high level discussions of bilateral and multilateral trade and investment policies and initiatives. The Forum would work with the private sector to develop a long term trade and investment agenda.

Equity and Investment Funds. The AGOA directs OPIC to create a privately-funded $150 million equity fund and privately-funded $500 Million infrastructure fund for Africa. Both funds would support innovative investment policies to expand opportunities for women and to maximize employment opportunities for the poor.

Greater Attention to Africa. The AGOA calls for at least one member of the board of directors of the EX-IM Bank and the OPIC to have extensive private sector experience in Africa. Both the Bank and OPIC would establish private sector advisory committees with experience in Africa and both would report periodically to the Congress on their loan, guarantee and insurance programs in Africa.•

• Mr. McCAIN. Mr. President, I rise today to support legislation introduced by my esteemed colleague, Senator LUGAR. The African Growth and Opportunity Act will create an historic new U.S. trade and investment policy for Africa.

It is regrettable that the public perception of Sub-Saharan Africa remains a region which is underdeveloped, poor, ravaged by famine and wars, and ruled by authoritarian leaders. This is not an accurate picture of today's Africa.

The Africa of the late 1990s is a continent struggling on the road to economic and political reform. Some 30 Sub-Saharan African countries are implementing economic reforms, including liberalizing trade and investment regimes, rationalizing tariff and exchange rates, and reducing barriers to investment and stock market development. In addition, more than 30 Sub-Saharan African countries are also in various stages of democratic transformation that will allow their citizens to have the same type of participation in their governments that, as Americans, we hold dear. Nigeria's recent election, despite its flaws, is a concrete example of the movement toward democracy in Africa.

The African Growth and Opportunity Act is an important piece of legislation designed to promote continued reform in Africa. The main strength of the bill is its reliance on trade incentives, not financial aid. These trade incentives are intended to result in the political and economic well-being of African citizens. American companies are given incentives to invest in these countries, and help them learn how to become members of the world marketplace. For many years, we have poured our financial resources into foreign aid programs that have met with limited success. This bill is based on the commonsense principle that if you give a nation a handout, you feed it for a day, but if you teach it to grow and trade, you assist it to reach permanent independence and self-reliance.

There is also a benefit for the United States in this legislation. Currently, United States' exports to Sub-Saharan Africa are $6 billion, which support 100,000 American jobs. However, the U.S. has only a 7 percent share in the African market, while Europe has a 40 percent share. More U.S. trade and investment in Sub-Saharan Africa will increase U.S. market share, and create more jobs here in the U.S.

More important, it should be pointed out that this legislation will foster interdependence and economic growth between countries that have been torn apart by war, disease, and harmful economic policies. By trading with the United States and each other, these nations will see the benefits of peace and stability to economic growth. An interdependent and democratic Africa will be less likely to suffer from civil strife.

I hope that my colleagues will join us in supporting this legislation that will open up a new chapter in U.S.-African relations.•

By Mr. McCAIN:

S. 667. A bill to improve and reform elementary and secondary education; to the Committee on Finance.

EDUCATING AMERICA'S CHILDREN FOR TOMORROW (ED–ACT)

Mr. McCAIN. President, centuries ago, Aristotle wrote, "All who have meditated in the art of governing mankind have been convinced that the fate of empires depends on the education of the youth." His words still hold true today. Educating our children is a critical component in their quest for personal success and fulfillment, but it also plays a pivotal role in the success of our nation economically, intellectually, civically and morally.

Like many Americans, I have grave concerns about the current condition of our nation's education system. If a report card on our educational system were sent home today, it would be full of unsatisfactory and incomplete marks. In fact, it would be full of "D's" and "F's." These abominable grades demonstrate our failure to meet the needs of our nation's students in kindergarten through twelfth grade.

Failure is clearly evident throughout the educational system. One prominent illustration of our nation's failure is seen in the results of the Third International Mathematics and Science Study (TIMSS.) Over forty countries participated in the 1996 study which tested science and mathematical abilities of students in the fourth, eighth and twelfth grades. Tragically, American students scored lower than students in other countries. According to this study, our twelfth graders scored near the bottom, placing 19th out of 21 nations in math and 16th in science, while scoring at the absolutely bottom in physics.

Meanwhile, students in countries which are struggling economically, socially and politically, such as Russia, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, we must make significant changes in our children's academic performance in order to remain a viable force in the world economy.

We can also see our failure when we look at the federal government's efforts to combat illiteracy. We spend over $8 billion a year on programs to eradicate illiteracy across the country. Yet, we have not seen any significant improvement in literacy in any segment of our population. Today, more than 40 million Americans cannot read a menu, instructions, medicine labels or a newspaper. And, tragically, four out of ten children in third grade cannot read.

For too long, Washington has been creating new educational programs which provide good sound-bites for politicians, make great campaign slogans, or serve the specific needs of select interests groups, but completely ignore the fundamental academic needs of our children. The time has come for us to free our schools from the shackles of the federal government and give them the freedom and the tools to educate children.

The first step is putting parents back in charge. Federal education dollars should be spent where they do the most good. The ED–ACT would funnel millions of dollars directly into our classrooms, rather than wasting education dollars on federal red tape. By sending federal elementary and secondary education funds directly to local education agencies (LEAs), schools will be able to utilize the funds for the unique needs of their students rather than wasting their time jumping through hoops for government bureaucrats. Giving the money directly to the LEAs with strong accountability requirements for the academic performance and improvement of our children is the right thing to do.

We must have higher learning expectations for our children, but we cannot and should not have these standards controlled at the national level. States and local communities must control the development, implementation and assessment of academic standards. This bill would prohibit federal funds from being used to develop or implement national education tests. National tests and standards only result in new bureaucracies, depriving parents of the opportunity to manage the education of their children.

ED-ACT strengthens and reauthorizes the successful Troops to Teachers program. As many of my colleagues know, the Troops to Teachers program was initially created in 1993 to assist military personnel affected by defense downsizing who were interested in utilizing their knowledge, professional skills and expertise as teachers. Unfortunately, the authorization for this program is set to expire at the end of this fiscal year.

Local school districts across the city are facing a shortage of two million teachers over the next decade, and the Troops to Teachers program is an important resource to help schools address this shortfall by recruiting, funding and retaining new teachers to make America's children ready for tomorrow, particularly in the areas of math, reading and science.

ED-ACT would also encourage states to ensure that all Americans are fluent in English, while helping develop innovative initiatives to promote the importance of foreign language skills. The ability to speak one or more languages, in addition to English, is a tremendous resource to the U.S. because it enhances our competitiveness in global markets. Multilingualism also enhances our nation's diplomatic efforts and leadership role on the international front by fostering greater communication and understanding between people of all nations and cultures.

ED-ACT provides educational opportunities for disadvantaged children by providing parents and students the freedom to choose the best school for their unique academic needs, while encouraging schools to be creative and responsive to the needs of all students. This three-year demonstration would allow up to ten states or localities to implement a voucher program empowering low-income parents with more options for their child's education. Parents should be allowed to use their tax dollars to send their children to the school of their choice, public or private. Tuition vouchers would give low-income families the same choice.

ED-ACT also creates additional financial opportunities for parents, guardians and communities to plan for the educational expenses of their children. First, it would increase the amount allowed to be contributed to a higher education IRA from $500 to $1,000 annually. Under current law, the maximum amount which could be saved for a child throughout their lifetime is $9,000, which would not cover the basic costs of tuition at a private institution, let alone books, foods and living expenses for a student. This amount barely covers the tuition at a public four-year institution, but that is before factoring in inflation, expenses, room and board. In my home state of Arizona, a four-year degree from one of the three state colleges costs about $8,800—and that is just for tuition, not books, food, room and board. In addition, ED-ACT allows a $500 tax credit for taxpayers who make a voluntary contribution to public or private schools.

This bill would also help develop better educational tools for our children by gathering and analyzing pertinent data regarding some of our most vulnerable students, while collecting information about how we can ensure the best teachers are in our classrooms.

Finally, the last section of the ED-ACT reduces the bureaucratic costs at the Department of Education by thirty-five percent no later than October 1, 2004. Far too many resources are spent on funding bureaucrats in Washington, D.C., rather than teaching our children.

Thomas Jefferson said, "The purpose of education is to create young citizens with knowing heads and loving hearts." If we fail to give our children the education they need to nurture their heads and hearts, then we threaten their futures and the future of our nation. The bill I am introducing today is an important step towards ensuring that our children have both the love in their hearts and the knowledge in their heads to not only dream, but to make their dreams a reality.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD, as follows:

S. 667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Educating America's Children for Tomorrow (ED-ACT)".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents; definitions.

TITLE I—EMPOWERING PARENTS AND STUDENTS

Sec. 101. Empowering parents and students.

TITLE II—PROHIBITION REGARDING FUNDING FOR DEVELOPING OR IMPLEMENTING NATIONAL EDUCATION STANDARDS

Sec. 201. Prohibition regarding funding for developing or implementing national education standards.

TITLE III—TROOPS-TO-TEACHERS PROGRAM

Sec. 301. Short title.
Sec. 302. Improvement and transfer of jurisdiction of troops-to-teachers program.

TITLE IV—ENGLISH PLUS AND MULTILINGUALISM

Sec. 401. English plus.
Sec. 402. Multilingualism study.

TITLE V—EDUCATIONAL OPPORTUNITIES FOR DISADVANTAGED CHILDREN

Sec. 501. Purposes.
Sec. 502. Authorization of appropriations; program authority.
Sec. 503. Eligibility.
Sec. 504. Scholarships.
Sec. 505. Eligible children; award rules.
Sec. 506. Applications.
Sec. 507. Approval of programs.
Sec. 508. Amounts and length of grants.
Sec. 509. Uses of funds.
Sec. 510. Effect of programs.
Sec. 511. National evaluation.
Sec. 512. Enforcement.
Sec. 513. Definitions.

TITLE VI—TAX PROVISIONS

Sec. 601. Credit for contributions to schools.
Sec. 602. Increase in annual contribution limit for education individual retirement accounts.

TITLE VII—DEVELOPING BETTER EDUCATION TOOLS

Sec. 701. Educational tools for underserved students.
Sec. 702. Teacher training.
Sec. 703. Putting the best teachers in the classroom.

TITLE VIII—EMPOWERING STUDENTS

Sec. 801. Empowering students.

(c) DEFINITIONS.—In this Act:

(1) COMPTROLLER GENERAL.—The term "Comptroller General" means the Comptroller General of the United States.

(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; PARENT; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms "elementary school", "local educational agency", "parent", "secondary school", and "State educational agency" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.).

(3) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the several States of the United States and the District of Columbia.

TITLE I—EMPOWERING PARENTS AND STUDENTS

SEC. 101. EMPOWERING PARENTS AND STUDENTS.

(a) DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year the Secretary shall award the total amount of funds described in paragraph (2) directly to local educational agencies in accordance with paragraph (4) to enable the local educational agencies to carry out the authorized activities described in paragraph (5).

(2) APPLICABLE FUNDING.—The total amount of funds referred to in paragraph (1) are all funds that are appropriated for the Department of Education for a fiscal year to carry out programs or activities under the following provisions of law:

(A) Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(B) Title IV of the Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(C) Title VI of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(D) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(E) Section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492).

(F) Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.).

(G) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(H) Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.).

(I) Part A of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.).

(J) Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7231 et seq.).

(K) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.).

(L) Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.).

(M) Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.).

(N) Part C of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7931 et seq.).

(O) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(P) Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.).

(Q) Part D of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8091 et seq.).

(R) Part F of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8141 et seq.).

(S) Part G of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8161 et seq.).

(T) Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

(U) Part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8271 et seq.).

(V) Part K of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8331 et seq.).

(W) Part L of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8351 et seq.).

(X) Part A of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8621 et seq.).

(Y) Part C of title XIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8671 et seq.).

(Z) Part B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.).

(3) CENSUS DETERMINATION.—

(A) IN GENERAL.—Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students that are in the school district served by the local educational agency for an academic year.

(B) PRIVATE SCHOOL STUDENTS.—In carrying out subparagraph (A), each local educational agency shall determine the number of private school students described in such paragraph for an academic year on the basis of data the local educational agency determines reliable.

(C) SUBMISSION.—Each local educational agency shall submit the total number of public and private school children described in this paragraph for an academic year to the Secretary not later than March 1 of the academic year.

(D) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under this subsection for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received if the agency had submitted accurate information under this subsection.

(4) DETERMINATION OF ALLOTMENTS.—From the total applicable funding available for a fiscal year, the Secretary shall make allotments to each local educational agency in a State in an amount that bears the same relation—

(A) to 50 percent of such total applicable funding as the number of individuals in the school district served by the local educational agency who are aged 5 through 17 bears to the total number of such individuals in all school districts served by all local educational agencies in all States; and

(B) to 50 percent of such total amount as the total amount all local educational agencies in the State are eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the fiscal year bears to the total amount all local educational agencies in all States are eligible to receive under such part for the fiscal year.

(5) AUTHORIZED ACTIVITIES.—

(A) IN GENERAL.—A local educational agency receiving an allotment under paragraph (4) shall use the allotted funds for innovative assistance programs described in subparagraph (B).

(B) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subparagraph (A) include—

(i) technology programs related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(ii) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials that—

(I) are tied to high academic standards;

(II) will be used to improve student achievement; and

(III) are part of an overall education reform program;

(iii) promising education reform programs, including effective schools and magnet schools;

(iv) programs to improve the higher order thinking skills of disadvantaged elementary school and secondary school students and to prevent students from dropping out of school;

(v) programs to combat illiteracy in the student and adult populations, including parent illiteracy;

(vi) programs to provide for the educational needs of gifted and talented children;

(vii) hiring of teachers or teaching assistants to decrease a school, school district, or statewide student-to-teacher ratio; and

(viii) school improvement programs or activities described in sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965.

(6) ACCOUNTABILITY.—

(A) LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under this section in any fiscal year shall make available for review by parents, community members, the State educational agency and the Department of Education—

(i) a proposed budget regarding how such funds shall be used; and

(ii) an accounting of the actual use of such funds at the end of the fiscal year of the local educational agency.

(B) SCHOOL.—Each school receiving assistance under this section in any fiscal year shall prepare and submit to the Secretary and make available to the public a detailed plan that outlines—

(i) clear academic performance objectives for students at the school;

(ii) a timetable for improving the academic performance of the students; and

(iii) methods for officially evaluating and measuring the academic growth or progress of the students.

(b) DIRECT AWARDS OF PART A OF TITLE I FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (3), the Secretary shall award the total amount of funds appropriated to carry out part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for a fiscal year directly to local educational agencies in accordance with paragraph (2) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The Secretary shall make awards under this section for a fiscal year only to local educational agencies that are eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

(3) AMOUNT.—Each local educational agency shall receive an amount awarded under this subsection for a fiscal year equal to the amount the local educational agency is eligible to receive under part A of title I of the Elementary and Secondary Education Act of 1965 for the fiscal year.

TITLE II—PROHIBITION REGARDING FUNDING FOR DEVELOPING OR IMPLEMENTING NATIONAL EDUCATION STANDARDS

SEC. 201. PROHIBITION REGARDING FUNDING FOR DEVELOPING OR IMPLEMENTING NATIONAL EDUCATION STANDARDS.

No Federal funds may be obligated or expended to develop or implement national education standards.

TITLE III—TROOPS-TO-TEACHERS PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "Troops-to-Teachers Program Improvement Act of 1999".

SEC. 302. IMPROVEMENT AND TRANSFER OF JURISDICTION OF TROOPS-TO-TEACHERS PROGRAM.

(a) RECODIFICATION, IMPROVEMENT, AND TRANSFER OF PROGRAM.—(1) Section 1151 of title 10, United States Code, is amended to read as follows:

"§1151. Assistance to certain separated or retired members to obtain certification and employment as teachers

"(a) Program Authorized.—The Secretary of Education, in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard, may carry out a program—

"(1) to assist eligible members of the armed forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

"(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1).

"(b) Identification of Local Educational Agencies and States.—(1)(A) In carrying out the program authorized by subsection (a), the Secretary of Education shall periodically identify local educational agencies that—

"(i) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

"(ii) are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, reading, special education, or vocational or technical teachers.

"(B) The Secretary may identify local educational agencies under subparagraph (A) through surveys conducted for that purpose or by utilizing information on local educational agencies that is available to the Secretary from other sources.

"(2) In carrying out the program, the Secretary shall also conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying certification or licensure requirements for teachers.

"(c) Eligible Members.—(1) The following members shall be eligible for selection to participate in the program:

"(A) Any member who—

"(i) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and

"(ii) satisfies such other criteria for selection as the Secretary of Education, in consultation with the Secretary of Defense and the Secretary of Transportation, may prescribe.

"(B) Any member—

"(i) who, on or after October 1, 1999—

"(I) is retired for length of service with at least 20 years of active service computed under section 3925, 3926, 8925, or 8926 of this title or for purposes of chapter 571 of this title; or

"(II) is retired under section 1201 or 1204 of this title;

"(ii) who—

"(I) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, has received a baccalaureate or advanced degree from an accredited institution of higher education; or

"(II) in the case of a member applying for assistance for placement as a vocational or technical teacher—

"(aa) has received the equivalent of one year of college from an accredited institution of higher education and has 10 or more years of military experience in a vocational or technical field; or

"(bb) otherwise meets the certification or licensure requirements for a vocational or technical teacher in the State in which such member seeks assistance for placement under the program; and

"(iii) who satisfies the criteria prescribed under subparagraph (A)(ii).

"(2) A member who is discharged or released from active duty, or retires from service, under other than honorable conditions shall not be eligible to participate in the program.

"(d) Information Regarding Program.—(1) The Secretary of Education, in consultation with the Secretary of Defense and the Secretary of Transportation, shall provide information regarding the program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title.

"(2) The information provided to members shall—

"(A) indicate the local educational agencies identified under subsection (b)(1); and

"(B) identify those States surveyed under subsection (b)(2) that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements.

"(e) Selection of Participants.—(1)(A) Selection of members to participate in the program shall be made on the basis of applications submitted to the Secretary of Education on a timely basis. An application shall be in such form and contain such information as the Secretary may require.

"(B) An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

"(i) In the case of an applicant who is eligible under subsection (c)(1)(A), not later than September 30, 2003.

"(ii) In the case of an applicant who is eligible under subsection (c)(1)(B), not later than four years after the date of the retirement of the applicant from active duty.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, reading, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, reading, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

"(B) have educational or military experience in another subject area identified by the Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (g) with respect to that member.

"(f) Agreement.—A member selected to participate in the program shall be required to enter into an agreement with the Secretary of Education in which the member agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

"(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under subparagraph (A) or (B) of subsection (b)(1), to begin the school year after obtaining that certification or licensure.

"(g) Stipend and Bonus for Participants.—(1)(A) Subject to subparagraph (B), the Secretary of Education shall pay to each participant in the program a stipend in an amount equal to $5,000.

"(B) The total number of stipends that may be paid under this paragraph in any fiscal year may not exceed 3,000.

"(2)(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (1), pay a bonus of $10,000 to each participant in the program who agrees under subsection (f) to accept full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

"(B) The total number of bonuses that may be paid under this paragraph in any fiscal year may not exceed 1,000.

"(C) In this paragraph, the term 'high need school' means an elementary school or secondary school that meets one or more of the following criteria:

"(i) A school with a drop out rate that exceeds the national average school drop out rate.

"(ii) A school having a large percentage of students (as determined by the Secretary in consultation with the National Assessment Governing Board) who speak English as a second language.

"(iii) A school having a large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

"(iv) A school at least one-half of whose students are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(v) A school with a large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(vi) A school located on an Indian reservation (as that term is defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)).

"(vii) A school located in a rural area.

"(viii) A school meeting any other criteria established by the Secretary in consultation with the National Governors Association.

"(3) Stipends and bonuses paid under this subsection shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) Reimbursement Under Certain Circumstances.—(1) If a participant in the program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service, the participant shall be required to reimburse the Secretary of Education for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

"(2) If a participant in the program who is paid a bonus under subsection (g)(2) fails to obtain employment for which such bonus was paid, or voluntarily leaves or is terminated for cause from the employment during the four years of required service, the participant shall be required to reimburse the Secretary for any bonus paid to the participant under that subsection in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

"(3)(A) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States.

"(B) A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary.

"(C) Any amount owed by a participant under paragraph (1) or (2) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(i) Exceptions to Reimbursement Provisions.—(1) A participant in the program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the armed forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary of Education.

"(2) A participant shall be excused from reimbursement under subsection (h) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary in consultation with the Secretary of Defense or the Secretary of Transportation, as the case may be.

"(j) Relationship to Educational Assistance Under Montgomery GI Bill.—The receipt by a participant in the program of any assistance under the program shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38 or chapter 1606 of this title.

"(k) Discharge of State Activities Through Consortia of States.—The Secretary of Education may permit States participating in the program authorized by this section to carry out activities authorized for such States under this section through one or more consortia of such States.

"(*l*) Assistance to States in Activities Under Program.—(1) Subject to paragraph (2), the Secretary of Education may make grants to States participating in the program authorized by this section, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members for participation in the program and facilitating the employment of participants in the program in schools in such States or consortia of States.

"(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed $4,000,000.

"(m) Limitation on Use of Funds for Management Infrastructure.—The Secretary of Education may utilize not more than five percent of the funds available to carry out the program authorized by this section for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

"(n) Definitions.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

"(2) The term 'alternative certification or licensure requirements' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.".

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1151 and inserting the following new item:

"1151. Assistance to certain separated or retired members to obtain certification and employment as teachers.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) Transfer of Jurisdiction over Current Program.—(1) The Secretary of Defense, Secretary of Transportation, and Secretary of Education shall provide for the transfer to the Secretary of Education of any on-going functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect the program authorized by section 1151 of title 10, United States Code, for the period beginning on October 23, 1992, and ending on September 30, 1999.

(2) The Secretaries shall complete the transfer under paragraph (1) not later than October 1, 1999.

(d) Reports.—(1) Not later than March 31, 2002, the Secretary of Education and the Comptroller General shall each submit to Congress a report on the effectiveness of the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)), in the recruitment and retention of qualified personnel by local educational agencies identified under subsection (b)(1) of such section 1151 (as so amended).

(2) The report under paragraph (1) shall include information on the following:

(A) The number of participants in the program.

(B) The schools in which such participants are employed.

(C) The grade levels at which such participants teach.

(D) The subject matters taught by such participants.

(E) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(F) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(G) The rates of retention of such participants by the local educational agencies employing such participants.

(H) The effect of any stipends or bonuses under subsection (g) of such section 1151 (as so amended) in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(I) Such other matters as the Secretary or the Comptroller General, as the case may be, considers appropriate.

(3) The report of the Comptroller General under paragraph (1) shall also include any recommendations of the Comptroller General as to means of improving the program, including means of enhancing the recruitment and retention of participants in the program.

(e) Authorization of Appropriations.—There is authorized to be appropriated for the Department of Education $25,000,000 for each of fiscal years 2000 through 2004 for purposes of carrying out the program authorized by section 1151 of title 10, United States Code (as amended by subsection (a)).

TITLE IV—ENGLISH PLUS AND MULTILINGUALISM

SEC. 401. ENGLISH PLUS.

(a) Findings.—Congress makes the following findings:

(1) Immigrants to the United States have powerful incentives to learn English in order to fully participate in American society and the Nation's economy, and 90 percent of all immigrant families become fluent in English within the second generation.

(2) A common language promotes unity among citizens, and fosters greater communication.

(3) The reality of a global economy is an ever-present international development that is fostered by trade.

(4) The United States is well postured for the global economy and international development with its diverse population and rich heritage of cultures and languages from around the world.

(5) Foreign language skills are a tremendous resource to the United States and enhance American competitiveness in the global economy.

(6) It is clearly in the interest of the United States to encourage educational opportunities for all citizens and to take steps to realize the opportunities.

(7) Many American Indian languages are preserved, encouraged, and utilized, as the languages were during World War II when the Navajo Code Talkers created a code that could not be broken by the Japanese or the Germans, for example.

(b) Sense of Congress.—It is the sense of Congress that—

(1) our Nation must support literacy programs, including programs designed to teach English, as well as those dedicated to helping Americans learn and maintain languages in addition to English;

(2) our Nation must recognize the importance of English as the unifying language of the United States;

(3) as a Nation we must support and encourage Americans of every age to master English in order to succeed in American society and ensure a productive workforce;

(4) our Nation must recognize that a skilled labor force is crucial to United States competitiveness in a global economy, and the ability to speak languages in addition to English is a significant skill; and

(5) our Nation must recognize the benefits, both on an individual and a national basis, of developing the Nation's linguistic resources.

SEC. 402. MULTILINGUALISM STUDY.

(a) FINDINGS.—Congress finds that—

(1) even though all residents of the United States should be proficient in English, without regard to their country of birth, it is also of vital importance to the competitiveness of the United States that those residents be encouraged to learn other languages; and

(2) education is the primary responsibility of State and local governments and communities, and the governments and communities are responsible for developing policies in the area of education.

(b) RESIDENT OF THE UNITED STATES DEFINED.—In this section, the term "resident of the United States" means an individual who resides in the United States, other than an alien who is not lawfully present in the United States.

(c) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall conduct a study of multilingualism in the United States in accordance with this section.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The study conducted under this section shall determine—

(i) the percentage of residents in the United States who are proficient in English and at least 1 other language;

(ii) the predominant language other than English in which residents referred to in clause (i) are proficient;

(iii) the percentage of the residents described in clause (i) who were born in a foreign country;

(iv) the percentage of the residents described in clause (i) who were born in the United States;

(v) the percentage of the residents described in clause (iv) who are second-generation residents of the United States; and

(vi) the percentage of the residents described in clause (iv) who are third-generation residents of the United States.

(B) AGE-SPECIFIC CATEGORIES.—The study under this section shall, with respect to the residents described in subparagraph (A)(i), determine the number of those residents in each of the following categories:

(i) Residents who have not attained the age of 12.

(ii) Residents who have attained the age of 12, but have not attained the age of 18.

(iii) Residents who have attained the age of 18, but have not attained the age of 50.

(iv) Residents who have attained the age of 50.

(C) FEDERAL PROGRAMS.—In conducting the study under this section, the Comptroller General shall establish a list of each Federal program that encourages multilingualism with respect to any category of residents described in subparagraph (B).

(D) COMPARISONS.—In conducting the study under this section, the Comptroller General shall compare the multilingual population described in subparagraph (A) with the multilingual populations of foreign countries—

(i) in the Western Hemisphere; and

(ii) in Asia.

(d) REPORT.—Upon completion of the study under this section, the Comptroller General shall prepare, and submit to Congress, a report that contains the results of the study conducted under this section, and such findings and recommendations as the Comptroller General determines to be appropriate.

TITLE V—EDUCATIONAL OPPORTUNITIES FOR DISADVANTAGED CHILDREN

SEC. 501. PURPOSES.

The purposes of this title are—

(1) to assist and encourage States and localities to—

(A) give children from low-income families more of the same choices of all elementary and secondary schools and other academic programs that children from wealthier families already have;

(B) improve schools and other academic programs by giving low-income parents increased consumer power to choose the schools and programs that the parents determine best fit the needs of their children; and

(C) more fully engage low-income parents in their children's schooling; and

(2) to demonstrate, through a competitive discretionary grant program, the effects of State and local programs that give middle- and low-income families more of the same choices of all schools, public, private or religious, that wealthier families have.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS; PROGRAM AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

(b) PROGRAM AUTHORITY.—The Secretary is authorized to award grants to not more than 10 States or localities, on a competitive basis, to enable the States or localities to carry out educational choice programs in accordance with this title.

SEC. 503. ELIGIBILITY.

A State or locality is eligible for a grant under this title if—

(1) the State or locality has taken significant steps to provide a choice of schools to families with school children residing in the program area described in the application submitted under section 506, including families who are not eligible for scholarships under this title;

(2) during the year for which assistance is sought, the State or locality provides assurances in the application submitted under section 506 that if awarded a grant under this title such State or locality will provide scholarships to parents of eligible children that may be redeemed for elementary schools or secondary education for their children at a broad variety of public and private elementary schools and secondary schools, including religious schools, if any, serving the area;

(3) the State or locality agrees to match 50 percent of the Federal funds provided for the scholarships; and

(4) the State or locality allows lawfully operating public and private elementary schools and secondary schools, including religious schools, if any, serving the area to participate in the program.

SEC. 504. SCHOLARSHIPS.

(a) SCHOLARSHIP AWARDS.—With funds awarded under this title, each State or locality awarded a grant under this title shall provide scholarships to the parents of eligible children, in accordance with section 505.

(b) SCHOLARSHIP VALUE.—The value of each scholarship shall be the sum of—

(1) $2,000 from funds provided under this title;

(2) $1,000 in matching funds from the State or locality; and

(3) an additional amount, if any, of State, local, or nongovernmental funds.

(c) TAX EXEMPTION.—Scholarships awarded under this title shall not be considered income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

SEC. 505. ELIGIBLE CHILDREN; AWARD RULES.

(a) ELIGIBLE CHILD.—In this title the term "eligible child" means a child who—

(1) resides in the program area described in the application submitted under section 506;

(2) will attend a public or private elementary school or secondary school that is participating in the program; and

(3) subject to subsection (b)(1)(C), is from a low-income family, as determined by the State or locality in accordance with regulations of the Secretary, except that the maximum family income for eligibility under this title shall not exceed the State or national median family income adjusted for family size, whichever is higher, as determined by the Secretary, in consultation with the Bureau of the Census, on the basis of the most recent satisfactory data available.

(b) AWARD RULES.—

(1) CONTINUING ELIGIBILITY.—Each State or locality receiving a grant under this title shall provide a scholarship in each year of its program to each child who received a scholarship during the previous year of the program, unless—

(A) the child no longer resides in the program area;

(B) the child no longer attends school;

(C) the child's family income exceeds, by 20 percent or more, the maximum family income of families who received scholarships in the preceding year; or

(D) the child is expelled or convicted of a felony, including felonious drug possession, possession of a weapon on school grounds, or violent acts against other students or a member of the school's faculty.

(2) PRIORITY.—If the amount of the grant provided under this title is not sufficient to provide a scholarship to each eligible child from a family that meets the requirements of subsection (a)(3), the State or locality shall provide scholarships to eligible children from the lowest income families.

SEC. 506. APPLICATIONS.

(a) APPLICATION.—Each State or locality that wishes to receive a grant under this title shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(b) CONTENTS.—Each such application shall contain—

(1) a description of the program area;

(2) an economic profile of children residing in the program area, in terms of family income and poverty status;

(3) the family income range of children who will be eligible to participate in the proposed program, consistent with section 505(a)(3), and a description of the applicant's method for identifying children who fall within that range;

(4) an estimate of the number of children, within the income range specified in paragraph (3), who will be eligible to receive scholarships under the program;

(5) information demonstrating that the applicant's proposed program complies with the requirements of section 503 and with the other requirements of this title;

(6) a description of the procedures the applicant has used, including timely and meaningful consultation with private school officials—

(A) to encourage public and private elementary schools and secondary schools to participate in the program; and

(B) to ensure maximum educational choices for the parents of eligible children and for other children residing in the program area;

(7) an identification of the public, private, and religious elementary schools and secondary schools that are eligible and have chosen to participate in the program;

(8) a description of how the applicant will inform children and their parents of the program and of the choices available to the parents under the program, including the availability of supplementary academic services under section 509(2);

(9) a description of the procedures to be used to provide scholarships to parents and to enable parents to use such scholarships, such as the issuance of checks payable to schools;

(10) a description of the procedures by which a school will make a pro rata refund to the Department of Education for any participating child who, before completing 50 percent of the school attendance period for which the scholarship was provided—

(A) is released or expelled from the school; or

(B) withdraws from school for any reason;

(11) a description of procedures the applicant will use to—

(A) determine a child's continuing eligibility to participate in the program; and

(B) bring new children into the program;

(12) an assurance that the applicant will cooperate in carrying out the national evaluation described in section 511;

(13) an assurance that the applicant will maintain such records relating to the program as the Secretary may require and will comply with the Secretary's reasonable requests for information about the program;

(14) a description of State or local funds (including tax benefits) and nongovernmental funds, that will be available under section 504(b)(2) to supplement scholarship funds provided under this title; and

(16) such other assurance and information as the Secretary may require.

(c) REVISIONS.—Each such application shall be updated annually as may be needed to reflect revised conditions.

SEC. 507. APPROVAL OF PROGRAMS.

(a) SELECTION.—From applications received each year the Secretary shall select not more than 10 scholarship programs on the basis of—

(1) the number and variety of educational choices that are available under the program to families of eligible children;

(2) the extent to which educational choices among public, private, and religious schools are available to all families in the program area, including families that are not eligible for scholarships under this title;

(3) the proportion of children who will participate in the program who are from families at or below the poverty line;

(4) the applicant's financial support of the program, including the amount of State, local, and nongovernmental funds that will be provided to match Federal funds, including not only direct expenditures for scholarships, but also other economic incentives provided to families participating in the program, such as a tax relief program; and

(5) other criteria established by the Secretary.

(b) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that, to the extent feasible, grants are awarded for programs in urban and rural areas and in a variety of geographic areas throughout the Nation.

(c) CONSIDERATION.—In considering the factor described in subsection (a)(4), the Secretary shall consider differences in local conditions.

SEC. 508. AMOUNTS AND LENGTH OF GRANTS.

(a) AWARDS.—The Secretary shall award not more than 10 grants annually taking into consideration the availability of appropriations, the number and quality of applications, and other factors related to the purposes of this title that the Secretary determines are appropriate.

(b) RENEWAL.—Each grant under this title shall be awarded for a period of not more than 3 years.

SEC. 509. USES OF FUNDS.

The Federal portion of any scholarship awarded under this title shall be used as follows:

(1) FIRST.—First, for—

(A) the payment of tuition and fees at the school selected by the parents of the child for whom the scholarship was provided; and

(B) the reasonable costs of the child's transportation to the school, if the school is not in the school district to which the child would be assigned in the absence of a program under this title.

(2) SECOND.—If the parents so choose, to obtain supplementary academic services for the child, at a cost of not more than $500, from any provider chosen by the parents, that the State or locality, in accordance with regulations of the Secretary, determines is capable of providing such services and has an appropriate refund policy.

(3) LASTLY.—Any funds that remain after the application of paragraphs (1) and (2) shall be used—

(A) for educational programs that help eligible children achieve high levels of academic excellence in the school attended by the eligible children for whom a scholarship was provided, if the eligible children attend a public school; or

(B) by the State or locality for additional scholarships in the year or the succeeding year of its program, in accordance with this title, if the child attends a private school.

SEC. 510. EFFECT OF PROGRAMS.

(a) TITLE I.—Notwithstanding any other provision of law, a local educational agency that, in the absence of an educational choice program that is funded under this title, would provide services to a participating eligible child under part A of title I of the Elementary and Secondary Education Act of 1965, shall provide such services to such child.

(b) INDIVIDUALS WITH DISABILITIES.—Nothing in this title shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(c) AID.—

(1) IN GENERAL.—Scholarships under this title are to aid families, not institutions. A parent's expenditure of scholarship funds at a school or for supplementary academic services shall not constitute Federal financial aid or assistance to that school or to the provider of supplementary academic services.

(2) SUPPLEMENTARY ACADEMIC SERVICES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a school or provider of supplementary academic services that receives scholarship funds under this title shall, as a condition of participation under this title, comply with the antidiscrimination provisions of section 601 of title VI of the Civil Rights Act of 1964 (42 U.S.C. 1681) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(B) REGULATIONS.—The Secretary shall promulgate new regulations to implement the provisions of subparagraph (A), taking into account the purposes of this title and the nature, variety, and missions of schools and providers that may participate in providing services to children under this title.

(d) OTHER FEDERAL FUNDS.—No Federal, State, or local agency may, in any year, take into account Federal funds provided to a State or locality or to the parents of any child under this title in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or locality or to a school attended by such child.

(e) NO DISCRETION.—Nothing in this title shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program under this title.

SEC. 511. NATIONAL EVALUATION.

The Inspector General of the Department of Education shall conduct a national evaluation of the program authorized by this title. Such evaluation shall, at a minimum—

(1) assess the implementation of scholarship programs assisted under this title and their effect on participants, schools, and communities in the program area, including parental involvement in, and satisfaction with, the program and their children's education;

(2) compare the educational achievement of participating eligible children with the educational achievement of similar non-participating children before, during, and after the program; and

(3) compare—

(A) the educational achievement of eligible children who use scholarships to attend schools other than the schools the children would attend in the absence of the program; with

(B) the educational achievement of children who attend the schools the children would attend in the absence of the program.

SEC. 512. ENFORCEMENT.

(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.

(b) PRIVATE CAUSE.—No provision or requirement of this title shall be enforced through a private cause of action.

SEC. 513. DEFINITIONS.

In this title—

(1) the term "locality" means—

(A) a unit of general purpose local government, such as a city, township, or village; or

(B) a local educational agency; and

(2) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE VI—TAX PROVISIONS

SEC. 601. CREDIT FOR CONTRIBUTIONS TO SCHOOLS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

"SEC. 25B. CREDIT FOR CONTRIBUTIONS TO SCHOOLS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions of the taxpayer for the taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $500 ($250, in the case of a married individual filing a separate return).

"(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the amount allowable as a deduction under section 170 (determined without regard to subsection (e)(1)) for cash contributions to a school.

"(2) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year."

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following:

"Sec. 25B. Credit for contributions to schools."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 602. INCREASE IN ANNUAL CONTRIBUTION LIMIT FOR EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 (defining education individual retirement account) is amended by striking "$500" and inserting "$1,000".

(b) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) of such Code is amended by striking "$500" and inserting "$1,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE VII—DEVELOPING BETTER EDUCATION TOOLS

SEC. 701. EDUCATIONAL TOOLS FOR UNDERSERVED STUDENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Limited data exists regarding Native American, Asian American and many other minority students.

(2) The limited data available regarding these students demonstrates potentially severe educational problems among Native American students and a decline in performance among Asian American students.

(b) STUDY AND DATA.—The Comptroller General shall conduct a study and collect data regarding the education of minority students, including Native American students, Asian American students, and all other students who are often combined in statistical data under the category of other, in order to provide more extensive and reliable data regarding the students and to improve the academic preparation of the students.

(c) MATTERS STUDIED.—The study referred to in subsection (a) shall examine and compile information regarding—

(1) the environment of the students;

(2) the academic achievement scores in reading, mathematics, and science of the students;

(3) the postsecondary education of the students;

(4) the environment and education of the members of the students' families; and

(5) the parental involvement in the education of the students.

(d) RECOMMENDATIONS.—The Comptroller General shall develop recommendations regarding the development and implementation of strategies to meet the unique educational needs of the students described in subsection (a).

(e) REPORT.—

(1) IN GENERAL.—The Comptroller General shall prepare a report regarding the matters studied, the information collected, and the recommendations developed under this section.

(2) DISTRIBUTION.—The Comptroller General shall distribute the report described in paragraph (1) to each local educational agency and State educational agency in the United States, the Secretary, and Congress.

(f) FUNDING.—The Secretary shall make available to the Comptroller General, from any funds available to the Secretary for salaries and expenses at the Department of Education, such sums as the Comptroller General determines necessary to carry out this section.

SEC. 702. TEACHER TRAINING.

(a) FINDINGS.—Congress finds that too often inexperienced elementary school and secondary school teachers or teachers with low levels of education are found in schools predominately serving low-income students.

(b) STUDY.—The Comptroller General shall conduct a study to determine whether requiring teacher training in a specific subject matter or at least a minor degree in a subject matter (such as mathematics, science, or English results in improved student performance.

SEC. 703. PUTTING THE BEST TEACHERS IN THE CLASSROOM.

It is the sense of the Senate that—

(1) the individual States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill;

(2) States in conjunction with the various local education agencies should develop their own methods of testing their teachers and other instructional staff with respect to the specific subjects taught by the teachers and staff, and should administer the test every 4 years to individual teachers;

(3) each local educational agency should give serious consideration to using a portion of the funds made available under section 101 to develop and implement a method for evaluating each individual teacher's ability to provide the appropriate instruction in the classroom; and

(4) each local educational agency is encouraged to give consideration to providing monetary rewards to teachers by developing a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, and that will encourage teachers to continue to learn needed skills and broaden the teachers' expertise, thereby enhancing education for all students.

TITLE VIII—EMPOWERING STUDENTS

SEC. 801. EMPOWERING STUDENTS.

The Secretary, not later than October 1, 2004, shall gradually reduce the sum of the costs for employees and administrative expenses at the Department of Education as of the date of enactment of this Act incrementally each year until the sum of the costs for employees and administrative costs are reduced by 35 percent.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Nebraska (Mr. KERREY), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 288

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 288, a bill to amend the Internal Revenue Code of 1986 to exclude from income certain amounts received under the National Health Service Corps Scholarship Program and F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

S. 296

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 335

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 364

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 364, a bill to improve certain loan programs of the Small Business Administration, and for other purposes.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 376

At the request of Mr. BURNS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 427

At the request of Mr. ABRAHAM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 428

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 428, a bill to amend the Agricultural Market Transition Act to ensure that producers of all classes of soft white wheat (including club wheat) are permitted to repay marketing assistance loans, or receive loan deficiency payments, for the wheat at the same rate.

S. 429

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 446

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 459

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

At the request of Mr. BREAUX, the names of the Senator from Maine (Ms. SNOWE), the Senator from Idaho (Mr. CRAPO), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 459, supra.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 597

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 597, a bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States.

S. 608

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 608, a bill to amend the Nuclear Waste Policy Act of 1982.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. GRAMM), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE RESOLUTION 54

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Resolution 54, a resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

SENATE RESOLUTION 68

At the request of Mrs. BOXER, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Nevada (Mr. REID), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 68, a resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

SENATE RESOLUTION 69—TO PROHIBIT THE CONSIDERATION OF RETROACTIVE TAX INCREASES IN THE SENATE

Mr. COVERDELL (for himself, Mr. HAGEL, Mrs. HUTCHISON, Mr. KYL, Mr. INHOFE, and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 69

Resolved,

SECTION 1. RULE OF THE SENATE PROHIBITING CONSIDERATION OF RETROACTIVE TAX INCREASES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that includes a retroactive Federal income tax rate increase.

(b) DEFINITION.—In this resolution—

(1) the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

(2) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.

(c) SUPERMAJORITY WAIVER.—

(1) WAIVER.—The point of order in subsection (a) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) EFFECTIVE DATE.—This resolution takes effect on January 1, 1999.

SENATE RESOLUTION 70—TO AUTHORIZE REPRESENTATION OF SENATE AND MEMBERS OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 70

Whereas, in the case of *James E. Pietrangelo, II* v. *United States Senate, et al.*, Case No. 1:99–CV–323, pending in the United States District Court for the Northern District of Ohio, the plaintiff has named the United States Senate and all Members of the Senate as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Senate and all Members of the Senate in the case of *James E. Pietrangelo, II* v. *United States Senate, et al.*

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

HATCH (AND OTHERS) AMENDMENT NO. 79

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. THURMOND, Mr. DEWINE, Mr. SESSIONS, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . COMPLIANCE WITH ETHICAL STANDARDS FOR FEDERAL PROSECUTORS.

Section 801 of title VIII of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105-277) is amended by striking subsection (c) and inserting the following:

"(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.".

STEVENS AMENDMENT NO. 80

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

Insert on page 43, after line 15:

"PUBLIC AND INDIAN HOUSING

"HOUSING CERTIFICATE FUND

"(DEFERRAL)

"Of the funds made available under this heading in Public Law 105-276 for use in connection with expiring or terminating section 8 contracts, $350,000,000 shall not become available until October 1, 1999.".

On page 42, strike beginning with line 10 through the end of line 21.

HUTCHISON AMENDMENT NO. 81

Mrs. HUTCHISON proposed an amendment to the bill, S. 544, supra; as follows:

On page 58, between lines 15 and 16, insert the following:

TITLE —RESTRICTIONS ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN KOSOVO

SEC. 01. SHORT TITLE.

This title may be cited as the " Act of 1999".

SEC. 02. DEFINITION.

In this title, the term "Yugoslavia" means the so-called Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 03. FUNDING LIMITATION.

(a) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense, including funds appropriated for fiscal year 1999 and prior fiscal years, may be obligated or expended for any deployment of ground forces of the Armed Forces of the United States to Kosovo unless and until—

(1) the parties to the conflict in Kosovo have signed an agreement for the establishment of peace in Kosovo;

(2) the President has transmitted to Congress the report provided for under section 8115 of Public Law 105-262 (112 Stat. 2327); and

(3) the President has transmitted to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

(A) a certification—

(i) that deployment of the Armed Forces of the United States to Kosovo is in the national security interests of the United States;

(ii) that—

(I) the President will submit to Congress an amended budget for the Department of Defense for fiscal year 2000 not later than 60 days after the commencement of the deployment of the Armed Forces of the United States to Kosovo that includes an amount sufficient for such deployment; and

(II) such amended budget will provide for an increase in the total amount for the major functional budget category 050 (relating to National Defense) for fiscal year 2000 by at least the total amount proposed for the deployment of the Armed Forces of the United States to Kosovo (as compared to the amount provided for fiscal year 2000 for major functional budget category 050 (relating to National Defense) in the budget that the President submitted to Congress February 1, 1999); and

(iii) that—

(I) not later than 120 days after the commencement of the deployment of the Armed Forces of the United States to Kosovo, forces of the Armed Forces of the United States will be withdrawn from on-going military operations in locations where maintaining the current level of the Armed Forces of the United States (as of the date of certification) is no longer considered vital to the national security interests of the United States; and

(II) each such withdrawal will be undertaken only after consultation with the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives;

(B) an explanation of the reasons why the deployment of the Armed Forces of the United States to Kosovo is in the national security interests of the United States;

(C) the total number of the United States military personnel that are to be deployed in Kosovo and the number of personnel to be committed to the direct support of the international peacekeeping operation in Kosovo, including ground troops, air support, logistics support, and intelligence support;

(D) the percentage that the total number of personnel of the United States Armed Forces specified in subparagraph (C) bears to the total number of the military personnel of all NATO nations participating in the international peacekeeping operation in Kosovo;

(E) a description of the responsibilities of the United States military force participating in the international peacekeeping operation to enforce any provision of the Kosovo peace agreement; and

(F) a clear identification of the benchmarks for the withdrawal of the Armed Forces of the United States from Kosovo, together with a description of those benchmarks and the estimated dates by which those benchmarks can and will be achieved.

(b) CONSULTATION.—

(1) IN GENERAL.—Prior to the conduct of any air operations by the Armed Forces of the United States against Yugoslavia, the President shall consult with the joint congressional leadership and the chairmen and ranking minority members of the appropriate congressional committees with respect to those operations.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(B) JOINT CONGRESSIONAL LEADERSHIP.—The term "joint congressional leadership" means—

(i) the Speaker of the House of Representatives and the Majority Leader and the Minority Leader of the House of Representatives; and

(ii) the Majority Leader and the Minority Leader of the Senate.

SEC. 04. REPORT ON PROGRESS TOWARD MEETING BENCHMARKS.

Thirty days after the date of enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a detailed report on the benchmarks that are established to measure progress and determine the withdrawal of the Armed Forces of the United States from Kosovo. Each report shall include—

(1) a detailed description of the benchmarks for the withdrawal of the Armed Forces from Kosovo;

(2) the objective criteria for evaluating successful achievement of the benchmarks;

(3) an analysis of the progress made in achieving the benchmarks;

(4) a comparison of the current status on achieving the benchmarks with the progress described in the last report submitted under this section;

(5) the specific responsibilities assigned to the implementation force in assisting in the achievement of the benchmarks;

(6) the estimated timetable for achieving the benchmarks; and

(7) the status of plans and preparations for withdrawal of the implementing force once the objective criteria for achieving the benchmarks have been met.

SEC. 05. STATUTORY CONSTRUCTION.

Nothing in this title restricts the authority of the President to protect the lives of United States citizens.

MCCAIN AMENDMENT NO. 82

Mr. STEVENS (for Mr. MCCAIN) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "March 31, 1999." and inserting "May 31, 1999.".

GRASSLEY AMENDMENT NO. 83

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 544, supra; as follows:

On page 29, insert after line 10:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for "general departmental management", $1,400,000, to reduce the backlog of pending nursing home appeals before the Department Appeals Board.

On page 42, line 8, strike $3,116,076,000 and insert $3,114,676,000.

On page 42, line 9, strike $164,933,000 and insert $163,533,000.

SHELBY (AND STEVENS) AMENDMENT NO. 84

Mr. STEVENS (for Mr. SHELBY for himself and Mr. STEVENS) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in the bill, insert:

SEC. . TITLE 49 RECODIFICATION CORRECTION.—Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4329), is repealed.

BYRD AMENDMENT NO. 85

Mr. STEVENS (for Mr. BYRD) proposed an amendment to the bill, S. 544, supra; as follows:

On page 16, strike beginning with line 12 through page 23, line 8, and insert the following:

EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This section may be cited as the "Emergency Steel Loan Guarantee Act of 1999".

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the U.S. steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Board" means the Loan Guarantee Board established under subsection (e);

(2) the term "Program" means the Emergency Steel Guaranteed Loan Program established under subsection (d); and

(3) the term "qualified steel company" means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, after January 1, 1998.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEED LOAN PROGRAM.—There is established the Emergency Steel Guaranteed Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce, who shall serve as Chairman of the Board;

(2) the Secretary of Labor; and

(3) the Secretary of the Treasury.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section may not exceed $1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed $250,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $25,000,000 may be guaranteed under this section.

(5) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(6) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan; and

(4) the company has agreed to an audit by the General Accounting Office, prior to the issuance of the loan guarantee and annually while any such guaranteed loan is outstanding.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to Congress annually, a full report of the activities of the Board under this section during fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(*l*) REGULATORY ACTION.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress.

FRIST (AND THOMPSON) AMENDMENT NO. 86

Mr. STEVENS (for Mr. FRIST for himself and Mr. THOMPSON) proposed an amendment to the bill, S. 544, supra; as follows:

On page 30, line 1, strike "$11,300,000" and insert "$14,500,000".

On page 43, line 12, strike "$11,300,000" and insert "$14,500,000".

STEVENS AMENDMENT NO. 87

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the Appropriate place in the bill, insert:

SEC. . Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000 shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and Cook Inlet Marine Mammal Commission.

STEVENS AMENDMENT NO. 88

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the Appropriate place in the bill, insert:

SEC. . Funds provided in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (P.L. 105-277, Division A, Section 101(b)) for the construction of correctional facility in Barrow Alaska shall be made available to the North Slope Borough.

HUTCHINSON AMENDMENT NO. 89

Mr. HUTCHINSON proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PRIOR CONGRESSIONAL APPROVAL FOR SUPPORTING ADMISSION OF CHINA INTO THE WTO.

(a) IN GENERAL.—Notwithstanding any other provision of law, the United States may not support the admission of the People's Republic of China as a member of the World Trade Organization unless a provision of law is passed by both Houses of Congress and enacted into law after the enactment of this Act that specifically allows the United States to support such admission.

(b) PROCEDURES FOR CONGRESSIONAL APPROVAL OF UNITED STATES SUPPORT FOR ADMISSION OF CHINA INTO THE WTO.—

(1) NOTIFICATION OF CONGRESS.—The President shall notify the Congress in writing if the President determines that the United States should support the admission of the People's Republic of China into the World Trade Organization.

(2) SUPPORT OF CHINA'S ADMISSION INTO THE WTO.—The United States may support the admission of the People's Republic of China into the World Trade Organization if a joint resolution is enacted into law under subsection (c) and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which the Congress receives the notification referred to in paragraph (1).

(c) JOINT RESOLUTION.—

(1) JOINT RESOLUTION.—For purposes of this section, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the support of the United States for the admission of the People's Republic of China into the World Trade Organization.".

(2) PROCEDURES.—

(A) IN GENERAL.—A joint resolution may be introduced at any time on or after the date on which the Congress receives the notification referred to in subsection (b)(1), and before the end of the 90-day period referred to in subsection (b)(2). A joint resolution may be introduced in either House of the Congress by any member of such House.

(B) APPLICATION OF SECTION 152.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to a joint resolution under this section to the same extent as such provisions apply to resolutions under section 152.

(C) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) CONSIDERATION BY APPROPRIATE COMMITTEE.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (C); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (C).

(E) CONSIDERATION IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

GRASSLEY AMENDMENT NO. 90

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 544, supra; as follows:

On page 29, insert after line 10:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for "general departmental management", $1,400,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

On page 42, line 8, strike $3,116,076,000 and insert $3,114,676,000.

On page 42, line 9, strike $164,933,000 and insert $163,533,000.

EXPLANATION AND JUSTIFICATION

This amendment provides an additional $1,400,000 for the Department of Health and Human Services Appeals Board. The amendment would require that this sum be used by the Appeals Board to reduce a backlog of appeals by nursing facilities of civil monetary penalties levied by the Health Care Financing Administration for infractions of the Nursing Home Reform Act of 1987.

The Department of Health and Human Services Departmental Appeals Board hears and decides cases on appeal from program units of the Department. Lack of sufficient resources to handle a rapidly increasing case load has lead to a large backlog of pending cases. The major contributor to this backlog is a substantial increase in appeals of civil monetary penalties levied by HCFA on nursing facilities. Appeals of CMPs have increased at an accelerating rate each year since 1995. The rate of increase has accelerated further since January, 1999, reflecting the enhanced oversight and enforcement of nursing facilities undertaken by HCFA following a Presidential initiative and hearings by the Special Committee on Aging. The backlog of appeals subverts the purpose and effect of civil monetary penalties, delaying corrective action and improvements in the quality of care by nursing facilities. Delay in adjudication of appeals is also a burden to nursing facilities.

ADMINISTRATION BUDGET PROPOSAL FOR FY 2000

The Clinton Administration proposed an increase of $2.8 million for FY 2000 for the Departmental Appeals Board. This amendment would speed up provision of those funds the Appeals Board could effectively use before the end of this fiscal year and thus permit the Appeals Board to begin immediately to take steps to reduce the backlog of appeals by nursing facilities.

DETAILS FOR DEPARTMENTAL APPEALS BOARD NURSING HOME CASELOAD

Year	Cases received	Closed no decision	Closed with decision	Pending
1996	335	101	22	212
1997	441	160	25	468
1998	483	303	22	626
1999[1]	196	117	4	701

[1] As of January 22, 1999.

Note that, although the number of new cases received each year has increased, the number of cases decided has not, indicating lack of resources sufficient to keep up with the increasing annual number of new cases. Currently, the Appeals Board is receiving about 25 new cases per week. In earlier periods 8 to 10 new cases per week were being received.

ROBERTS (AND BROWNBACK) AMENDMENT NO. 91

(Ordered to lie on the table.)

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 544, supra; as follows:

At the appropriate place, insert:

SEC. . LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

"SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

"If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.".

TORRICELLI AMENDMENT NO. 92

Mr. TORRICELLI proposed an amendment to the bill, S. 544, supra; as follows:

On page 45, between lines 18 and 19, insert the following:

SEC. . LIMITATION OF FUNDING.

(a) IN GENERAL.—Effective December 31, 1999, funding authorized pursuant to the third and fourth provisos under the heading "SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES" under the heading "LEGAL ACTIVITIES" under the heading "GENERAL ADMINISTRATION" in title II of Public Law 100-202 (101 Stat. 1329-9; 28 U.S.C. 591 note) shall not be available to an independent counsel, appointed before June 30, 1996, pursuant to chapter 40 of title 28, United States Code.

(b) PENDING INVESTIGATIONS.—Any investigation or prosecution of a matter being conducted by an independent counsel, appointed before June 30, 1996, pursuant to chapter 40 of title 28, United States Code, and the jurisdiction over that matter, shall be transferred to the Attorney General by December 31, 1999.

HELMS (AND MCCONNELL) AMENDMENT NO. 93

Mr. STEVENS (for Mr. HELMS for himself and Mr. MCCONNELL) proposed an amendment to the bill, S. 544, supra; as follows:

On page 8, line 22, insert before the proviso the following: "*Provided further*, That up to $1,500,000 of the funds appropriated by this heading may be transferred to 'Operating Expenses of the Agency for International Development, Office of Inspector General', to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of funds appropriated by this heading: *Provided further*, That $500,000 of the funds appropriated by this heading shall be made available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this heading: *Provided further*, That any funds appropriated by this heading that are made available for nonproject assistance shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations and to the notification procedures relating to the reprogramming of funds under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1):".

REID AMENDMENT NO. 94

Mr. STEVENS (for Mr. REID) proposed an amendment to the bill, S. 544, supra; as follows:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General," $500,000 shall be available for technical assistance related to shoreline erosion at Lake Tahoe, NV caused by high lake levels pursuant to Section 219 of the Water Resources Development Act of 1992.

KYL AMENDMENT NO. 95

Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill, S. 544, supra; as follows:

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources," for emergency repairs to the Headgate Rock Hydraulic Project, $5,000,000 is appropriated pursuant to the Snyder Act (25 U.S.C.), to be expended by the Bureau of Reclamation, to remain available until expended.

DOMENICI AMENDMENT NO. 96

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 544, supra; as follows:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

Of the amounts made available under this heading in P.L. 105-245 for the Lackawanna River, Scranton, Pennsylvania, $5,000,000 are rescinded.

JEFFORDS AMENDMENT NO. 97

Mr. STEVENS (for Mr. JEFFORDS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 9, line 10 after the word "amended" insert the following:

": *Provided further*, That the Agency for International Development should undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage, and to promote energy conservation through the use of renewable energy and energy-efficient services and technologies: *Provided further*, That reforestation and energy initiatives under this heading should be integrated with other sustainable development efforts".

LEVIN AMENDMENT NO. 98

Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 58, between lines 15 and 16, insert the following:

TITLE V—MISCELLANEOUS

SEC. 5001. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b).

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

Authorized Stockpile Disposal

Material for disposal	Quantity
Zirconium ore	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

GRAHAM (AND DEWINE) AMENDMENT NO. 99

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 544, supra; as follows:

On page 44, line 15, strike "Military," and insert "Military and those appropriated under title V of that division (relating to counter-drug activities and interdiction),".

DOMENICI AMENDMENT NO. 100

Mr. STEVENS (for Mr. DOMENICI) proposed an amendment to the bill, S. 544, supra; as follows:

On page 30, after line 10 insert:

CHAPTER 7

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional $750,000 is appropriated for drug control activities which shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico, and an additional $500,000 is appropriated for national efforts related to methamphetamine reduction efforts."

On page 44, after line 7 insert:

CHAPTER 9

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND (RESCISSION)

Of the funds made available under this heading in Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105-277) $1,250,000 are rescinded.

ROBERTS AMENDMENT NO. 101

Mr. STEVENS (for Mr. ROBERTS and Mr. BROWNBACK) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert:

SEC. —. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

"SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

"If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.".

STEVENS AMENDMENT NO. 102

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the end of Title II insert the following:

"SEC. . Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (P.L. 105–277, Division A, Section 1(e), Title III) is amended by striking "none of the funds in this Act" and inserting "none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs"."

GRAMS AMENDMENT NO. 103

Mr. STEVENS (for Mr. GRAMS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 30, between lines 10 and 11, insert the following:

PHA RENEWAL

Of amounts appropriated for fiscal year 1999 for salaries and expenses under this heading in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, $3,400,000 shall be transferred to the appropriate account of the Department of Housing and Urban Development for annual contributions to public housing agencies for the operation of low-income housing projects under section 673 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437g): *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

LINCOLN AMENDMENT NO. 104

Mr. STEVENS (for Mrs. LINCOLN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 5, line 9, strike "watersheds" insert in lieu thereof the following: "watersheds, including debris removal that would not be authorized under the Emergency Watershed Program,".

GORTON AMENDMENT NO. 105

Mr. STEVENS (for Mr. GORTON) proposed an amendment to the bill, S. 544, supra; as follows:

Add at the appropriate place the following new section:

SEC. . (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

STEVENS AMENDMENT NO. 106

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II, insert:

SEC. . GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277) is amended—

(1) in paragraph (1)—

(A) by striking "February 1, 1999" and inserting "June 1, 1999"; and

(B) by striking "1996" and inserting "1998"; and

(2) by striking "the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996" and inserting "for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period".

(b) OTHERS EFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

"(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide such funds as are necessary for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.".

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by inserting at the end the following new subsection:

"(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of subsection (a) and shall provide an opportunity for public comment on such interim final rule. The effective date of the prohibitions in paragraphs (2) through (5) of section (a) shall be 60 days after the publication in the Federal Register of a final rule for the federal implementation of subsection (a). In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.".

(d) Of the funds provided under the heading "National Park Service, Construction" in Public Law 105-277, $3,000,000 shall not be available for obligation until October 1, 1999.

GORTON AMENDMENT NO. 107

Mr. STEVENS (for Mr. GORTON) proposed an amendment to the bill, S. 544, supra; as follows:

On page 12, line 15, after the word "nature" insert the following: ", and to replace and repair power generation equipment".

LANDRIEU AMENDMENT NO. 108

Mr. STEVENS (for Ms. LANDRIEU) proposed an amendment to the bill, S. 544, supra; as follows:

On page 9, line 10, after the word "amended" insert the following: ":*Provided further*, That of the funds made available under this heading, up to $10,000,000 may be used to build permanent single family housing for those who are homeless as a result of the effects of hurricanes in Central America and the Caribbean".

DASCHLE AMENDMENTS NO. 109–110

Mr. STEVENS (for Mr. DASCHLE) proposed two amendments to the bill, S. 544, supra; as follows:

AMENDMENT NO. 109

At the appropriate place, insert the following:

SEC. . WHITE RIVER SCHOOL DISTRICT #4.

From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than $239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #4, #47–1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

AMENDMENT NO. 110

At the appropriate place, insert the following new section:

SEC. . (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations

Act, 1999 (as included in section 101(h) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

ENZI (AND OTHERS) AMENDMENT NO. 111

Mr. STEVENS (for Mr. Enzi for himself, Mr. Sessions, Mr. Grams, Mr. Bryan, Mr. Lugar, Mr. Reid, Mr. Voinovich, and Mr. Brownback) proposed an amendment to the bill, S. 544 supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to eight months after Congress receives the report of the National Gambling Impact Study Commission, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(3) approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe.

(b) DEFINITIONS.—

(1) The terms "class III gaming", "Secretary", "Indian lands", and "Tribal-State compact" shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory act (25 U.S.C. 2701 et seq.).

(2) the "report of the National Gambling Impact Study Commission" is the report described in section 4(b) of P.L. 104–169 (18 U.S.C. sec. 1955 note).

DORGAN (AND CRAIG) AMENDMENT NO. 112

Mr. STEVENS (for Mr. Dorgan, for himself and Mr. Craig) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II, insert the following new section:

SEC. . SENSE OF THE SENATE: EXPRESSING THE SENSE OF THE SENATE THAT A PENDING SALE OF WHEAT AND OTHER AGRICULTURAL COMMODITIES TO IRAN BE APPROVED.

The Senate finds:

That an export license is pending for the sale of United States wheat and other agricultural commodities to the nation of Iran;

That this sale of agricultural commodities would increase United States agricultural exports by about $500 million, at a time when agricultural exports have fallen dramatically;

That sanctions on food are counterproductive to the interests of United States farmers and to the people who would be fed by these agricultural exports:

Now therefore, it is the sense of the Senate that the pending license for this sale of United States wheat and other agricultural commodities to Iran be approved by the administration.

GREGG AMENDMENT NO. 113

Mr. STEVENS (for Mr. Gregg) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II, insert the following:

SEC. . LIMITATION ON FISHING PERMITS OR AUTHORIZATIONS

Section 617(a) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended by inserting—

(a) "or under any other provisions of the law hereinafter enacted," after "made available in the Act"; and,

(b) at the end of paragraph (1) and before the semicolon, "unless the participation of such a vessel in such fishery is expressly allowed under a fishery management plan or plan amendment developed and approved first by the appropriate Regional Fishery Management Council(s) and subsequently approved by the Secretary for that fishery under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)".

CRAPO AMENDMENT NO. 114

Mr. STEVENS (for Mr. Crapo) proposed an amendment to the bill, S. 544, supra; as follows:

On page 58, between lines 15 and 16, insert the following:

SEC. 4. . WATER AND WASTEWATER INFRASTRUCTURE PROJECTS.

Of the amount appropriated under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276), $1,300,000 shall be transferred to the State and tribal assistance grant account for a grant for water and wastewater infrastructure projects in the State of Idaho.

KOHL (AND OTHERS) AMENDMENT NO. 115

Mr. STEVENS (for Mr. Kohl, for himself, Mr. Harkin, and Mr. Durbin) proposed an amendment to the bill, S. 544, supra; as follows:

On page 37, line 9 strike $285,000,000" and insert in lieu thereof $313,000,000".

At the appropriate place, insert the following:

"SEC. . Notwithstanding Section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out any conservation or environmental program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for $28,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.".

BOND (AND OTHERS) AMENDMENT NO. 116

Mr. STEVENS (for Mr. Bond for himself, Mr. Durbin, Mr. Ashcroft, Mr. Grassley, Mr. Frist, and Mr. Harkin) proposed an amendment to the bill, S. 544, supra; as follows:

On page 2, between lines 20 and 21, insert the following:

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $150,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $150,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. . The Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any 1 agricultural commodity or product thereof.

On page 37, line 9, strike "$285,000,000" and insert "$435,000,000".

BYRD (AND STEVENS) AMENDMENT NO. 117

Mr. STEVENS (for Mr. Byrd for himelf and Mr. Stevens) proposed an amendment to the bill, S. 544, supra; as follows:

On page 37, line 9 strike "$313,000,000" and insert in lieu thereof "$343,000,000".

On page 5, after line 20 insert the following:

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the costs of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7

U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, $30,000,000, of which $25,000,000 shall be for grants under such program: *Provided*, That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

STEVENS AMENDMENT NO. 118

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 shall be provided by the Secretary of the Agriculture directly to any state determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such state shall disburse the funds to individuals with family incomes below the federal poverty level who have been adversely affected by the commercial fishery failure or failures: *Provided*, That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

FEINSTEIN (AND BOXER) AMENDMENT NO. 119

Mr. STEVENS (for Mrs. FEINSTEIN for herself and Mrs. BOXER) proposed an amendment to the bill, S. 544, supra; as follows:

On page 2, line 11, strike $20,000,000 and insert $25,000,000.

On page 2, line 13, strike $20,000,000 and insert $25,000,000.

On page 37, line 9, increase the amount by $5,000,000.

DEWINE (AND OTHERS) AMENDMENT NO. 120

Mr. STEVENS (for Mr. DEWINE for himself, Mr. BURNS, and Mr. COVERDELL) proposed an amendment to the bill, S. 544, supra; as follows:

On page 24, between lines 2 and 3, insert the following:

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $23,000,000, for additional counterdrug research and development activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

On page 37 increase the amount of the rescission on line 9 by $23,000,000.

On page 44, between lines 11 and 12, insert the following:

(b) Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105-277) is amended—

(1) in the first sentence—

(A) by striking "Secretary of Agriculture" and inserting "Secretary of State"; and

(B) by striking "the Agricultural Research Service of the Department of Agriculture" and inserting "the Department of State";

(2) in paragraph (5), by inserting "(without regard to any requirement in law relating to public notice or competition)" after "to contract"; and

(3) by adding at the end the following:

"Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Full Energy and Natural Resources Committee to consider Nuclear Waste Storage and Disposal Policy, including S. 608, the Nuclear Waste Policy Act of 1999.

The hearing will take place on Wednesday, March 24, 1999, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

For further information, please call Karen Hunsicker at (202) 224-3543 or Betty Nevitt, Staff Assistant at (202) 224-0765.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 24, 1999 at 9:30 a.m. to conduct a Hearing on S. 399, the Indian Gaming Regulatory Improvement Act of 1999. The Hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202-224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 24, 1999 at 9:30 a.m. in room SR-301 Russell Senate Office Building, to receive testimony on campaign contribution limits.

For further information concerning this meeting, please contact Tamara Somerville at the Rules Committee on 4-6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that hearings have been scheduled before the Committee on Energy and Natural Resources.

The hearings will take place on Tuesday, April 20; Tuesday, April 27, and Tuesday, May 4, 1999. Each hearing will commence at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearings is to receive testimony on S. 25, the Conservation and Reinvestment Act of 1999; S. 446, the Resources 2000 Act; S. 532, the Public Land and Recreation Investment Act of 1999; and the Administration's Lands Legacy proposal.

Because of the limited time available for each hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony of the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please contact Kelly Johnson at (202) 224-4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 18, 1999, at 9:30 a.m., in open session, to receive testimony on the Defense authorization request for fiscal year 2000 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 18, 1999, beginning at 10:00 a.m., in room 215, Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the sessions of the Senate on Thursday, March 18, 1999 and Friday, March 19, 1999. The purpose of these meetings will be to consider S. 326, the Patients' Bill of Rights, and several nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 18, 1999 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, March 18, 1999 at 10:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet at 2:00 p.m. on Thursday, March 18, 1999, in open session, to review the readiness of the United States Air Force and Army Operating Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CROP INSURANCE IMPROVEMENT ACT OF 1999

• Mr. BURNS. Mr. President, I rise today as one of the proud cosponsors of S. 629, the Crop Insurance Improvement Act of 1999, sponsored by Senator CRAIG. The issue of crop insurance reform is and will continue to be a primary issue for agriculture this session.

The language offered today brings important changes to crop insurance, especially for specialty crops. This bill drastically improves procedures for determining yields and improves the noninsured crop assistance programs. This bill, S. 629, also improves the safety net to producers through cost of production crop insurance coverage.

This is another important tool to reform the current crop insurance program into a risk management program, which will return more of the economic dollar back to the producer. It is vital to find a solution to provide a way for farmers and ranchers to stay in agriculture. They must ultimately regain the responsibility for risk management the Federal Government withdrew.

To help agricultural producers do that, the Federal Government must fix the current crop insurance program and make it one the producer can use as an effective risk management tool. Eventually, I envision a crop insurance program that puts the control in the hands of agricultural producers. It is the Federal Government's role to facilitate a program to unite the producer and the private insurance company.

It is of utmost importance that we get the producers of this country back on track. Crop insurance reform is one sure way to do that. I urge my colleagues here today to consider the positive effect crop insurance will and must have on the farm economy.

Mr. President, I look forward to working with Senator CRAIG on crop insurance reform. I will have some amendments forthcoming, that I believe will make this bill even more effective. I also plan to introduce a bill this session that I believe will make even larger strides in the area of crop insurance reform.•

DOMESTIC HUNGER

• Mr. LEAHY. Mr. President, I take this opportunity to briefly talk about the problem of hunger in our nation. I would also like to place into the CONGRESSIONAL RECORD two recent front-page articles from the New York Times, written by Andrew Revkin. These articles provide valuable insight into the growing demand for emergency food assistance that food banks around the country have been facing over the last couple of years.

Mr. President, as we approach the beginning of the next century, we have much to be proud of as a nation. The stock market has reached an historic 10,000 mark. We are in the midst of one of the greatest economic expansions in our nation's history. More Americans own their own homes than at any time, and we have the lowest unemployment and welfare caseloads in a generation. Not to mention the fact that for the first time in three decades, there is a surplus in the federal budget.

Yet, there are millions of Americans who go hungry every day. This is morally unacceptable. We must resolve to put an end to the pernicious occurrence of hunger in our nation. Hunger is not a Democrat or Republican issue. Hunger is a problem that all Americans should agree must be ended in our nation.

While it is true that food stamp and welfare program caseloads are dropping, hunger is not. As families try to make the transition from welfare to work, too many are falling out and being left behind. And too often, it is our youth who is feeling the brunt of this, as one out of every five people lining up at soup kitchens is a child.

Second Harvest, the nation's largest hunger relief charity, distributed more than one billion pounds of food to an estimated 26 million low-income Americans last year through their network of regional food banks. These food banks provide food and grocery products to nearly fifty thousand local charitable feeding programs—food shelves, pantries, soup kitchens and emergency shelters.

Just as demand is rising at local hunger relief agencies, too many pantries and soup kitchens are being forced to turn needy people away because the request for their services exceeds available food. Today I enter into the record stories detailing some of the problems that these local hunger relief agencies, as chronicled in the New York Times.

Last December, Peter Clavelle, Mayor of Burlington, Vermont, released the U.S. Conference of Mayors Annual Survey of Hunger and Homelessness. The Mayors reported that demand for hunger relief services grew 14 percent last year. Additionally, 21 percent of requests for emergency food are estimated to have gone unmet. This is the highest rate of unmet need by emergency food providers since the recession of the early 1990s. And this is not just a problem of the inner cities. According to the Census Bureau, hunger and poverty are growing faster in the suburbs than anywhere else in America. In my own state of Vermont, one in ten people is "food insecure," according to government statistics. That is, of course, just a clinical way to say they are hungry or at risk of hunger.

Under the leadership of Deborah Flateman, the Vermont Food Bank in South Barre distributes food to approximately 240 private social service agencies throughout the state to help hungry and needy Vermonters. Just last week, the thousands of Vermonters who receive food from the Food Bank came perilously close to finding out what life would be like without its support, when the roof of the Food Bank's main warehouse collapsed. Though the warehouse was destroyed, the need for food was not, and the Vermont Food Bank is continuing its operation while being temporarily housed in a former nursing home. I applaud the efforts of Deborah and all of the workers and volunteers of the Food Bank who are persevering over this huge obstacle and are keeping food on the table for many hungry Vermonters.

The local food shelves and emergency kitchens which receive food from the Vermont Food Bank clearly are on the front-line against hunger. And what they are seeing is very disturbing—one in four seeking hunger relief is a child under the age of 17. Elderly people make up more than a third of all emergency food recipients. We cannot continue to allow so many of our youngest and oldest citizens face the prospect of hunger on a daily basis.

Perhaps the most troubling statistic about hunger in Vermont is that in 45 percent of the households that receive charitable food assistance, one or more adults are working. Nationwide, working poor households represent more than one-third of all emergency food recipients. These are people in

Vermont and across the U.S. who are working, paying taxes and contributing to the economic growth of our nation, but are reaping few of the rewards.

Of the many problems that we face as a nation, hunger is one that is entirely solvable. It is my hope that my colleagues will read these articles, and that this body can then begin to take serious action during the 106th Congress, especially as we embark upon the fiscal year 2000 budget process, to end domestic hunger.

I ask that the two articles from the New York Times, dated February 26, and February 27, 1999 be printed in the RECORD.

The articles follow:

[From the New York Times, Feb. 27, 1999]

AS DEMAND FOR FOOD DONATIONS GROWS, SUPPLIES STEADILY DWINDLE

(By Andrew C. Revkin)

Ron Taritas was sitting in his office on the lake front in Chicago, phone in hand, dialing for donations. He was not having a very good day.

As one of four full-time brokers at Second Harvest, the country's largest nonprofit clearinghouse for donations to soup kitchens and food pantries, Taritas has the job of reeling in the grocery industry's castoffs—the mislabeled cans, outdated cartons and unpopular brands that will never make it to supermarket shelves.

But eight hours into this day, his best catch was 4,000 cases of Puffed Wheat, Raisin Bran, Honey Smacks and other cereals. Beyond that, all he had to show for his work was 32 cases of chocolate-crunch energy bars from a warehouse in Honolulu, 500 cases of bottled spring water from Tucson, Ariz., and 5,000 cases of Cremora from Columbus, Ohio.

"Some days," Taritas said, "it's like catching smoke."

These are anxious times at Second Harvest, the hub of America's sprawling system of church-basement soup kitchens and food pantries.

Over nearly two decades, that network has expanded to serve more than $1 billion worth of food each year to 20 million Americans. But now, as changes in welfare policy push many people away from the public dole, private charity is lagging even further behind in its efforts to feed the lengthening lines.

Part of the problem, by the charities' account, is rising demand on a system that was never really able to keep up in the first place. Last year, Second Harvest calculated that it would have to double the flow of food to supply everyone seeking help.

But the supply side has begun to hit hard times, too. Most troubling to the charities is the cooling of their traditional symbiotic relationship with America's food-making giants, in which millions of tons of surplus food products has flowed to people in need.

From the first, the key to that relationship was the industry's propensity for waste—and the charities' eagerness to make it go away, gracefully. But in the streamlining spirit of business in the late 1990's, the food makers are simply making fewer errors. And so there is less surplus food to pass along.

These days, a mantra of grocery manufacturers is "zero defects." Chicken not good enough for cutlets is pressed into nuggets; scraps not good enough for nuggets are pulverized into pet food. Sales figures from checkout scanners are fed daily to manufacturers, allowing factories to fine-tune their output to match demand.

And in the last few years, heaps of dented or out-of-date cans and cartons have become the basis for an estimated $2 billion-a-year market in "unsalable" food. Instead of being donated, damaged goods are exported to developing countries or resold at sharp discounts in suburban flea markets, unlicensed stores in rural areas or warehouse-style outlets.

Certainly, the grocery makers still turn out a lot of surplus food. But over the last three years, after rising steadily for more than 15 years, the donations that are the core of Second Harvest's business have fallen 10 percent. And while a glut of pork and the Asian economic crisis allowed the Federal Government to kick in an unexpected burst of unsold meat and produce last year, demand is increasingly outstripping supply.

Although the drop is not enormous, it has already begun to reverberate across the far-flung charity network. From Second Harvest to the regional food banks and then down to the local outlets, the charities have been forced to devise all manner of new strategies to keep the food coming. They are cutting new deals with the grocery makers. They are reaching out to farmers and fishermen. Mainly, they are spending more of their time and scant money chasing additional, but smaller, donations from local sources instead of big corporations.

Some food pantries and soup kitchens remain relatively flush. But across the country, thousands of others are cutting hours, limiting the size and frequency of handouts, rationing coveted items like hot dogs and peanut butter and seeking unorthodox supplements like road-killed deer, according to state and local surveys and Second Harvest reports. Some are even having to turn people away.

Last year, half the food charities in New York City cut the size of handouts at least part of the year, according to a survey by the New York City Coalition Against Hunger, a private group. Largely for lack of food, the coalition has begun counseling churches and synagogues against setting up new pantries and soup kitchens.

At the end of the emergency-food chain—the men, women and children standing in line at the church-basement door—that faltering flow of donations is calling into question the notion that private charity should, and can, soften the sting of losing public entitlements. These days, a lot of people in the food-banking business are worrying that a system created as a supplement to public aid is turning out to be an increasingly ineffective substitute for it.

THE CHARITY NETWORK: SOURCE IN A CRISIS IS NOW A MAINSTAY

Twenty-five years ago, the only food bank in New Jersey was Kathleen DiChiara, a homemaker from Summit who carted canned goods in her station wagon from food drives at churches to people in need. Around the country, food pantries and soup kitchens were almost unknown beyond Skid Row.

But as the deep recession of the early 1980's took hold, followed by the budget cuts of the Reagan era, growing numbers of people found themselves without adequate food. Dozens, and then hundreds, of soup kitchens and food pantries sprouted where none had been seen since the Depression.

Even so, Ms. DiChiara recalled, there was always a feeling that the crisis would pass: Congress would restore money for social programs; the economy would revive.

But while the economy rebounded and Congress provided relief for the poor, the demand for food handouts grew, along with the charity network. And by the late 1980's, people in the food-banking business had begun to realize that they were becoming a fixture on the American landscape—more a secondary safety net than an emergency source of food.

Today, Ms. DiChiara runs one of the biggest food-banking operations in the country, the Community Food Bank of New Jersey, with a fleet of trucks that each month distributes a million pounds of food out of a 280,000-square-foot warehouse. New York City, which had only three dozen pantries and soup kitchens in 1980, had 600 in 1992 and now has about 1,100. Across the nation, the food network is more than 40,000 soup kitchens and food pantries strong, with more than 3,000 paid employees and 900,000 volunteers.

Almost from the beginning, the food network formed a tight alliance with grocery manufacturers. The charities offered a perfect outlet, allowing manufacturers and stores to dispose of damaged or unsold goods, cut dumping costs, gain tax breaks and get some good publicity along the way.

Soon, the relationship was institutionalized in formal agreements, and food company executives joined the boards of Second Harvest and its regional food banks.

But all along, there was a queasy feeling that this cozy, co-dependent relationship could not last. Sooner or later, the food bankers knew, they would begin to pay for their reliance on the industry's prodigal past.

Soon after Thomas Debrowski became head of operations for the Pillsbury Company in 1991, the community relations people walked into his office in Minneapolis and presented him with records of the regular annual donation of several million pounds of flawed or unsold food to Second Harvest.

"They wanted to know if we wanted to increase it," Debrowski recalls. "I said, 'Increase? My objective is to give them nothing next year.' "

To an executive charged with burnishing the bottom line, in a business climate where everyone was on the prowl for greater efficiencies, the idea that millions of pounds of food was either failing inspection or going stale in warehouses was not acceptable. And before long, like most of the big food companies, Pillsbury instituted economies up and down the production line.

On the line for Green Giant Niblets brand corn, where workers once picked out discolored kernels by hand, electronic eyes now detect the rejects, and a puff of air blasts the offending kernel from the conveyer belt.

Shipping containers that tended to be crushed have been redesigned.

At a Minute Maid Hi-C fruit punch plant in Wharton, N.J., the process has been streamlined so that the raw ingredients arrive just 6 to 10 hours before a batch of juice is packaged, maintaining freshness and reducing the chance of a bad run. Where previously juice was not tested for quality until it had been canned, continual checks are now made for factors like sweetness, flavor, color and vitamin content right on the assembly line.

Improvements in marketing have paralleled those in manufacturing.

In the wasteful old days, new products were tested according to the Darwinian laws of the marketplace: A company would blanket the nation with the various new snack foods, for example, knowing that some were sure to fail. Only the fittest survived. The rest ended up in somebody's food bank.

Now, instead of "pushing" products out into the market, as industry argot would have it, the focus is on having them "pulled" into stores.

That means doing research to gauge consumer interests, testing products in carefully dissected markets before distributing them widely and tailoring production to sales. The result is far fewer stacks of failed experiments and formerly fashionable foods, like the oat bran cookies and muffins that became a staple at the nation's food banks after the fad faded in the early 90's.

Over all, what this means is that after rising steadily until 1995, when they reached 285 million pounds, annual donations from the big national food companies dropped to 259 million pounds in 1998.

To a certain extent, the food charities had become their own worst enemy by making waste so identifiable, said Janet E. Poppendieck, a Hunter College sociologist and author of a new book, "Sweet Charity: Emergency Food and the End of Entitlement" (Viking Press, 1998).

"No firm is going to continue to put labels on jars upside down so that there will be peanut butter at the food bank," she said.

'BANANA BOX DEALS': NEW COMPETITION FOR FLAWED GOODS

At the supermarket, the can or carton of soup or cereal that still fails to sell, or is dented after falling off a truck or store shelf, remains the biggest single source of food for the charity pipeline.

Now, in a shift that has the companies and the charities alarmed, more and more of these products are finding their way back out to paying customers.

Over the last decade, a host of "reclamation centers" have evolved as a way for supermarket chains to tally damage and charge manufacturers for losses. At the centers, leaky packages are thrown out, and any usable products are repacked in the rectangular cartons in which bananas are shipped. Some are donated to Second Harvest, particularly if the manufacturer requested that option. But, more and more, the cans and cartons are sold, at pennies on the dollar, to wholesalers who sell them yet again.

One recent posting on a Web site for salvaged goods, by a Massachusetts company called I-ADA Merchandise Marketing, made this offer: "Eight trailer loads of food from one of the leading department store chains in the U.S.A. All food is in date and has been gone through to discard any unmarketable merchandise. This is super clean merchandise. Packed in banana boxes. All boxes are full. You will not find a better banana box deal!!!!!"

In this trade, Second Harvest sees competition for a scarce resource. Companies like Lipton, Campbell Soup and Quaker Oats find themselves in a tug of war with their retailers over control of this damaged merchandise. With brand names they have nurtured for decades, the manufacturers fear liability and loss of consumer loyalty if a flea market shopper becomes ill after eating one of their products on this largely unregulated market. For their part, the retailers say the goods are their property to dispose of as they wish.

So far, this emerging market has not significantly slowed the flow of donated damaged goods to charities, but staff members at several large food charities project that it will. Indeed, clearly threatened by this booming trade, Second Harvest this year said it would enter the salvage business itself, offering to provide a secure final resting spot of damaged goods, distributing usable items only through its charity network and destroying anything that cannot be used.

REINVENTING THE DEAL: FACTORY RUNS FOR THE HUNGRY

Second Harvest and smaller food charities are trying a host of other strategies as they scurry to keep goods on charity shelves.

"Everyone knew the charities were going to be expected to do more now," Ms. DiChiara said. "What I'm finding is that we're expected to do more with less."

Until two years ago, Golden Grain, a pasta maker, donated thousands of pounds of noodles each month to the Greater Chicago Food Depository, the second largest food bank in the Second Harvest network. But donations fell after the company figured out how to grind up substandard pasta and feed it back through its machines, said the food bank's executive director, Michael P. Mulqueen.

Ultimately, the food bank and the pasta maker came up with a way to compensate for lost donations by running the factory at times of low market demand to create noodles just for the food bank, Mulqueen said. Pillsbury's Thomas Debrowski instituted a similar practice several years ago, and Minute Maid has begun making juice for Second Harvest. Some other companies, like Kraft, have shifted to cash donations.

Charities are also approaching farmers to scavenge leftover crops, conducting the Biblical "second harvest" for which the national group is named. The Clinton Administration last year announced plans for an ambitious campaign to glean some of the mountains of imperfect produce that now go to waste each year.

And last year, Second Harvest began distributing tons of Pacific Northwest fish that is caught in nets but cannot be sold because of Federal regulations controlling some fish stocks. The program, created with Northwest Food Strategies, a nonprofit group in Seattle, now sends frozen salmon, halibut and other fish around the country.

As always, canned-food drives by scouting groups and religious congregations are being employed, but they provide a fraction of the total flow, and the assortment of goods often does not contain the foods that are most needed—stew or cereal and the like.

At the Neighbor to Neighbor food pantry in Greenwich, Conn., there is a "gourmet section," which recently contained goose liver pate, lemon curd and bamboo shoots.

Over all, experience has produced a discouraging sense at Second Harvest and other food banks that whenever they identify a new source of food, it seems to dry up.

"You peck away," said James Barone, who is in charge of procuring supplies for Food for Survival, the main New York city food bank. "And it's a constant battle."

For several years, trucks and crews from Food for Survival have toured the Hunt's Point produce market in the Bronx each morning after the supermarkets or other retailers have bought their supply for the day, seeking donations of overripe tomatoes or wilted lettuce or whatever else is left.

But the city's greengrocers appear to have noticed, and they often now wait until the end of the morning sales period, then offer cash, at a lower-than-usual price, for goods that might once have found their way into the charity system.

LIMITS ON CHARITY: BARE CUPBOARDS AND SAYING NO

At the food pantry in the basement of St. Raymond's Roman Catholic Church in the Parkchester section of the Bronx, the impact of the irregular flow of goods is apparent as soon as you walk in the door.

There is the large sign on a bulletin board: "Alert. This food pantry is experiencing shortages. We reserve the right to limit quantities, limit the number of visits, extend the time between visits at any time and without prior notice."

And there are the plastic bags of canned goods, rice and cereal handed out to a steady stream of old people, young women and a few young men. These days, the volunteers making up the grocery bags have less to choose from, because of a backlog of orders at Food for Survival.

Even basics like bread and juice are lacking lately, said Priscilla DiNapoli, the program's paid coordinator. When the Kellogg's Corn Flakes run out, as they inevitably do, the workers hand out Department of Agriculture crisp rice cereal printed with a message encouraging users to extend their other meals with cereal.

The flow of food was not coming close to keeping pace with rising demand, as many as 1,500 clients a month, Ms. DiNapoli said. So last spring, instead of letting people return every two weeks, the agency began limiting them to one visit a month, she said. "We just don't have the food."

[From the New York Times, Feb. 25, 1999]

PLUNGE IN USE OF FOOD STAMPS CAUSES CONCERN

(By Andrew C. Revkin)

The nation's food stamp rolls have dropped by one-third in four years, leading to a growing concern that the decline is caused partly by needy people's hesitance to apply for benefits.

A vibrant economy is clearly a major reason that the number of people using food stamps fell to fewer than 19 million last November, from nearly 28 million people four years earlier. But some in Congress, at the Agriculture Department, which administer the food stamp program, and at private poverty groups say they feel that a significant number of people are not seeking help even though they still lack food and are eligible.

Some officials say they believe that stringent rules intended to put welfare recipients to work and reduce the welfare rolls may have also discourage people from seeking food stamps.

Some states and cities seeking to cut welfare rolls aggressively, for example, require applicants to search a month or more for a job before they can get benefits of any kind. Often, official say, people in need of emergency food aid simply walk out the door.

"The goal was to get people off welfare programs, but people may have failed to understand that the food stamp program is not a welfare program," said Shirley R. Watkins, the Under Secretary of Agriculture for food, nutrition and consumer service. "It's nutritional assistance."

In other cases, Ms. Watkins and other officials say, it may simply be the rising stigma surrounding public aid of all sorts that is keeping people from applying for food aid, the officials say.

The notion that too many people have abandoned food stamps has caused a flurry of activity at the Agriculture Department.

The department recently commissioned a study to understand a simultaneous rise in the demand on private food charities like church-basement food pantries and soup kitchens. The goal is to determine if some of these charity seekers are asking for handouts at private charities because they have lost access to public food aid, agriculture officials said.

Obtaining food stamps requires a simple showing of financial need, unlike other Federal benefits with more stringent regulations and requirements.

Medicaid has similar broad eligibility, and it too has recorded a similar unexplained drop in its rolls. Some officials have said that while this drop, too, can be attributed partly to the economy, some may also be the result of recipients believing, inaccurately, that once they are removed from welfare rolls, they are also ineligible for Medicaid.

Ms. Watkins said there were indications from states like Wisconsin that some people leaving welfare for low-wage work are not continuing to seek food stamps that could help them make it through the month.

Her misgivings are shared by some members of Congress from both sides of the aisle.

It is becoming apparent that the welfare reforms of 1996 did not anticipate how tightly access to food stamps was linked to access to welfare, said Representative Nancy L. Johnson, Republican of Connecticut and chairwoman of the House Ways and Means Subcommittee on Human Resources.

"We do think there's a problem here," Mrs. Johnson said. "We need to see why state systems don't seem to capture the food-stamp eligible population very well.

"When you make a big change in one system it's going to have ramifications for other systems," Mrs. Johnson said. "Some are positive. If people aren't getting food stamps because they're making more money, that's a good thing."

She said her committee was planning to hold hearings on the matter this year.

So far analysts have been able to gauge only roughly how many eligible people have left the food stamp program even though they need the aid. Last year, for example, the Congressional Budget Office calculated that 2.9 million such people left the food stamp rolls from 1994 to 1997. The budget office report, a projection of economic conditions through 2008, proposed that the rising stigma and barriers surrounding welfare offices could be driving eligible people away.

Whatever the reasons, no one disputes how drastically the program has shrunk, both in the number of people enrolled and in the cost of providing the aid. Since 1994, the cost of the food stamp program has fallen to $18.9 billion from $24.5 billion, according to the Agriculture Department.

But some conservative poverty analysts say the drop in food stamp rolls does not indicate a problem. Robert Rector, who studies welfare for the Heritage Foundation, a private group in Washington, said the drop was simply a recovery from a period through the early 1990's when access to food stamps and other assistance became too easy.

"In the late 80's and early 90's you had this notion of one-stop shopping, getting people on as many benefits as you could," Mr. Rector said."A lot of the decline now is hyped."

He said that Congress would do well to make food stamps less readily available, by instituting work requirements and other rules similar to those already imposed on other forms of assistance.

But Agriculture Department officials are pushing the states to be sure their welfare offices are in line with Federal rules, which require prompt processing of food stamp applications.

On Jan. 29, the administrator of the food stamp program, Samuel Chambers Jr., sent a letter to the commissioners of welfare and food stamp program in every state urging them to review their policies to make sure they do not violate Federal law.

Federal officials had been particularly concerned with the situation in New York City, where newly revamped welfare offices, now called job centers, were delaying food stamp applications and often directing applicants to private food pantries instead.

After a Federal judge last month ruled that the city food stamp process violated Federal law, the city promised to change its practices.

In recent days, the city made another, unrelated policy change that city officials say will trim several thousand people from food stamp rolls. Under the 1996 package of Federal welfare changes, single able-bodied adults can be cut off from food stamps after three months if they do not work at least 20 hours a week or participate in a workfare program.

Counties can seek waivers to the work requirement if they have high unemployment rates, and for two years the counties in New York City had all sought the waivers, preserving the food aid.

This year, though, the city has chosen not to seek the waivers, so that city residents who are single and able to work must find work or lose their food stamps, said Deborah Sproles, a spokeswoman for the city Human Resources Administration.

Yesterday, private groups focused on poverty issues criticized the city's decision, saying it could put as many as 25,000 people at risk of hunger. But, Ms. Sproles said, "this is part of the city's overall effort to start helping people gain self reliance."●

TRIBUTE TO MRS. SHELBY JEAN ("JEANIE") KIRK

● Mr. WARNER. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding civil servant, Mrs. Jeanie Kirk, upon her retirement from the Department of the Navy after more than 38 years of dedicated service. Throughout her career, Mrs. Kirk has served with distinction, and it is my privilege to recognize her many accomplishments and to commend her for the superb service she has provided the United States Navy and our nation.

Mrs. Kirk's retirement on 3 May 1999 will bring to a close almost four decades of dedicated service to the United States Navy. From 1960 to 1966, Mrs. Kirk was assigned to the Navy's Personal Affairs Division. From 1966–1968, she was assigned to the Navy's Casualty Branch. For the next 31 years of her service, Mrs. Kirk was a member of the Navy Awards Branch, starting as the Assistant Branch Head in 1968 and becoming the Branch Head in 1978. Throughout her tenure, she has become a well-known and beloved figure among the fleet, from seamen to admirals, among veteran organizations, such as the Congressional Medal of Honor Society, and individuals, such as survivors of the Pearl Harbor attack. She has assisted countless individuals in tracking, reinstating or garnering appropriate awards and recognition for their service to their country, during wartime and during peace. The letters of gratitude and appreciation she has received over the years for her tireless and dogged research on behalf of thousands of sailors and their families and friends would fill many cabinet drawers. Congressmen and women have benefitted from her briefings on the specific details of awards for their constituents and heeded her advice. Her opinion on Navy awards is honored as golden—decisive and accurate—in the halls of Congress as well as the Pentagon.

She is a recognized authority on the topic of Navy awards from the first Congressional Medal of Honor to the most recent new awards, such as the NATO medal, which honors the service of more than 45,000 personnel as peacekeepers in Bosnia. As the Executive Agent for the Department of Defense, she was responsible for inaugurating the Pearl Harbor Commemorative Medal to recognize the 50th Anniversary of the attack on Pearl Harbor.

Mrs. Kirk has been awarded the Superior Civilian Service and Distinguished Civilian Service Awards. She is a native of Rectortown, Virginia, and currently resides in Middleburg, Virginia.

Mrs. Kirk will retire from the Department of the Navy on May 3, 1999, after thirty-eight years of dedicated service. On behalf of my colleagues, I wish Mrs. Kirk fair winds and following seas. Congratulations on an outstanding career.●

NATIONAL MISSILE DEFENSE

● Mr. KERRY. Mr. President, this bill calls upon the United States to take a momentous step—the deployment of a National Missile Defense system—on the basis of one, and only one criterion: technological feasibility. This bill gives no consideration to the ramifications of deploying such a system on U.S. security, political and diplomatic interests.

It is true that missile technology is proliferating more rapidly than we could have predicted. And this is of grave concern to us all. Certainly, the proliferation of ballistic missile technology constitutes a serious threat to U.S. national security. The question before us is, Will deciding today to deploy a National Missile Defense system—as yet untested, unproven and un-paid for—advance our national security interests? The answer, in my view, is that it will not.

First, I believe this bill will undermine long-term U.S. national security interests, by placing too much emphasis on just one of the many threats we face today.

While the United States is enjoying a period of relative safety and security in world affairs, we must prepare to face a multitude of diverse challenges in the international security environment in coming years. These include: transnational threats, such as terrorism and drug trafficking; the proliferation of weapons of mass destruction; and the chaos of failed states, as we have seen in Somalia and the former Yugoslavia—just to name a few. The threat from ballistic missiles is one of many.

Ballistic missiles are a threat, because they are capable of delivering weapons of mass destruction to American soil. The United States has faced this threat for decades, posed by the nuclear arsenals of the Soviet Union and China. Russia and China maintain their ability to strike American soil. But even though both nations are today struggling through a period of great uncertainty, the threat to the United States of a ballistic missile attack from either nation is low.

The threat of a missile attack from a rogue state, such as North Korea or Iran, is obviously growing. Last fall, North Korea tested its new Taepo-Dong One missile, with a range of up to 3000 km. We also know the North Koreans are developing a Taepo-Dong Two missile, which could have a range two to three times greater. Pakistan has tested a 1500 km range missile. Iran is expected to have one of similar range in the near future.

But ballistic missiles are only one means of delivering weapons of mass destruction. Nuclear weapons can be delivered in trucks, ships, and suitcases; chemical and biological weapons can be delivered through the mail, dispersed in a crowded subway, or inserted into our water supply. These methods of delivery are far simpler, less costly, and far less detectable than ballistic missiles, and they pose a much more immediate threat to U.S. security. A National Missile Defense won't protect us from these threats.

The proposed NMD system would only allow us to defend ourselves against an unsophisticated long-range missile threat with a single warhead. We would not be able to defend against a missile that carried decoys along with the warhead. Multiple objects would readily defeat the proposed system. We would have no defense against a warhead containing chemical or biological agents divided into many small "bomblets" for better dispersion. This would simply overwhelm the NMD system. The NMD system would be ineffective against cruise missiles or missiles launched from air or sea platforms.

An NMD system also has very limited use as a deterrent to the threats we currently face. In the case of a ballistic missile attack, the perpetrator is readily identified, and U.S. retaliation could be swift and devastating. That alone is a serious deterrent, a much greater deterrent than a deployed NMD system. Deploying an NMD system would simply encourage potential adversaries to develop appropriate countermeasures or to pursue other, more effective means of attack. It is exactly this logic—that an NMD system would be more destabilizing than deterrent—that underpins our commitment to the ABM Treaty.

Which brings me to my second point. I oppose this bill because it will undermine decades of U.S. leadership in international efforts to reduce the nuclear danger.

A unilateral decision by the United States to proceed with a National Missile Defense would sound the death knell for the ABM Treaty, a development that is apparently quite welcome to many of my colleagues across the aisle. This is puzzling to me, because a U.S. signal that we intend to circumvent, violate or withdraw from the ABM Treaty would almost certainly kill prospects for Russian ratification of START II. This would delay any further reductions in the large remaining Russian nuclear force, a goal we have worked for decades to achieve.

I would remind my colleagues that, in 1991, the United States—under the leadership of President George Bush—reached agreement with Russia that it would legally succeed to all international treaties of the former Soviet Union. These include the UN Charter, the Nuclear Non-Proliferation Treaty, SALT/START, and others, as well as the ABM Treaty. If we refuse to recognize the validity of the ABM Treaty, we not only undermine the credibility of our past commitments to international arms control agreements—such as the Nuclear Non Proliferation Treaty—we also weaken U.S. leadership in future international efforts to stem the proliferation of weapons of mass destruction.

If we proceed with this legislation and deal a blow to international arms control efforts, we will have succeeded in fostering precisely the threats we intend to reduce. And furthermore, we can encourage this threat without ever deploying an NMD system, simply by establishing our intention to deploy an NMD system.

Finally, I have deep concerns about the technical feasibility, operational effectiveness and costs of the proposed NMD system.

I have consistently supported development of effective missile defense technology, and continue to do so. In particular, I have supported the development and deployment of effective theater missile defense systems, to protect our forces and our regional allies. But we have encountered tremendous technological challenges in trying to build defenses against these theater missile systems. We have spent billions of dollars and experienced many failures in our efforts to "hit a bullet with a bullet." The THAAD system has experienced five successive failures. Yet, THAAD is much simpler to develop than NMD.

On cost, the Administration's FY 2000 budget request calls for an additional $6.6 billion in new funding for National Missile Defense. This would bring total FY 1999–2005 funding for NMD to $10.5 billion. But the Defense Department does not anticipate that we will be able to test key components of the proposed system until 2003. If we encounter problems with this system that are the least bit similar to those we have seen in testing THAAD, we can expect delays well beyond the projected deployment date of 2005—and costs far above the $10.5 billion we are currently contemplating. And, while I have every confidence that American technological know-how will eventually produce a feasible system, I wonder: At what cost, and with how much real benefit to our national security, will this technological marvel be achieved?

In addition to the financial costs of deploying a feasible NMD system, we must also acknowledge the opportunity costs that pursuing this project will entail. America's leadership in world affairs relies on ready military forces. And the fact is, if we dedicate tens of billions of dollars to developing a National Missile Defense system, we will not be able to devote the resources and energy we should to ensuring the long-term readiness of America's fighting forces. At a time when the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have publicly and repeatedly expressed their concerns over our ability to attract and keep bright young men and women in the U.S. armed forces, I am not convinced that we should move NMD to the top of our list of defense priorities.

With so much at stake, it would be irresponsible for us today to commit to the deployment of a National Missile Defense system, without further consideration of the implications and potential consequences of that commitment. We must not devote these resources to defending against the wrong threat with the wrong system. We must not create a world where weapons of mass destruction proliferate because arms control agreements are no longer credible. And we must not become so focused on this one defense issue that we leave our nation defenseless against other, more imminent threats.

Mr. President, this legislation poses tremendous risks to our long-term national security interests.●

RECOGNIZING MR. LUTHER'S 3RD GRADE CLASS AT BEACHWOOD ELEMENTARY

● Mr. GORTON. Mr. President, I would like to recognize a truly outstanding feat by a 3rd grade class in Fort Lewis, Washington. Mr. Chris Luther's 3rd grade class at Beachwood Elementary School has not missed a spelling word on their weekly spelling tests for 25 weeks. Nearly a month ago, as my colleagues may remember, I announced an "Innovation in Education Award" program to recognize the important role individuals and communities play in the education of America's students.

This class and their teacher, Mr. Luther, are perfect examples of this principle in action.

This is a classroom of average kids, all with different backgrounds and abilities. Yet, Mr. Luther has found a way to encourage and tutor these students so they are all accomplishing equally praiseworthy work. The key has not been some magical formula rather, the success of these students comes from a concerted effort by Mr. Luther to boost their self-esteem, to enhance their memory skills, and to impress upon every child in the classroom that learning is important. Those strategies combined with the individual effort of each of his students has clearly paid off.

Mr. Luther's creativity to engage his students in learning extends far beyond spelling. Each year, he produces a "Math Relay" that involves some 2000 students from 88 local schools. This remarkable gathering combines physical activity and competition with math questions and answers. Not only does the size of the event speak highly of its success but, the fact that Mr. Luther handles the mind-boggling logistics of an event this size himself is further cause for recognizing this fine educator.

I applaud Mr. Luther's initiative, creativity and ability to encourage his students to succeed. It is the work of educators like Mr. Luther and the efforts of students like those in Mr. Luther's 3rd grade class who are making education work across America. That is why it is my pleasure to recognize Mr. Luther and his third grade class for their accomplishments and it is why I hope my colleagues will join me in supporting local educators.•

THE TALIBAN'S ABUSE OF WOMEN AND GIRLS IN AFGHANISTAN

• Mrs. BOXER. Mr. President, yesterday, Senator BROWNBACK and I introduced a resolution, S. Res. 68, condemning the treatment of Afghan women and girls by the Taliban. I hope my colleagues will join us in condemning the systematic human rights violations that are being committed against women and girls in that war-torn nation.

The Taliban militia seized control of most of Afghanistan in 1996 and now control about 90 percent of the country, including the capital, Kabul. This group imposes an extreme interpretation of Islam practiced no where else in the world on all individuals. It is especially repressive on women.

Before the Taliban assumed control of much of Afghanistan, women were highly involved in public life. They held positions in the government and worked as doctors, lawyers, nurses, and teachers. The picture could not be more different today. Today, under Taliban rule women in Afghanistan are denied even the most basic human rights: they cannot work outside the home, attend school, or even wear shoes that make noise when they walk. They must wear a head-to-toe covering called a burqa, which allows only a tiny opening to see and breathe through. Parents cannot teach their daughters to read, or take their little girls to be treated by male doctors. Mr. President, women have been stoned to death, beaten, and otherwise abused for "breaking" these harsh laws.

The Physicians for Human Rights recently conducted a study of 160 women in Afghanistan and their findings are horrific. One of those women, a 20 year-old woman interviewed in Kabul had the following story:

> Eight months ago, my two-and-a-half year old daughter died from diarrhea. She was refused treatment by the first hospital that we took her to. The second hospital mistreated her [they refused to provide intravenous fluids and antibiotics because of their Hazara ethnicity, according to the respondent]. Her body was handed to me and her father in the middle of the night. With her body in my arms, we left the hospital. It was curfew time and we had a long way to get home. We had to spend the night inside a destroyed house among the rubble. In the morning we took my dead baby home but we had no money for her funeral.

The study found that 77 percent of women had poor access to health care in Kabul, while another 20 percent reported no access at all. Of those surveyed, 71 percent reported a decline in their physical condition over the last two years. In addition, there was also a significant decline in the mental health of the women surveyed. Of the participants, 81 percent reported a decline in their mental condition; 97 percent met the diagnostic criteria for depression; 86 percent showed symptoms of anxiety; 42 percent met the diagnostic criteria for post-traumatic stress disorder; and 21 percent reported having suicidal thoughts "extremely often" or "quite often." In addition, 53 percent of women described occasions in which they were seriously ill and unable to seek medical care. 28 percent of the Afghan women reported inadequate control over their own reproduction.

S. Res. 68 calls on the President of the United States to prevent a Taliban-led government of Afghanistan from taking a seat in the United Nations General Assembly, so long as these gross violations of human rights persist.

Our resolution also urges the Administration not to recognize any government in Afghanistan which does not take actions to achieve the following goals: effective participation of women in all civil, economic, and social life; the right of women to work; the right of women and girls to an education without discrimination and the reopening of schools to women and girls at all levels of education; the freedom of movement of women and girls; equal access of women and girls to health care; equal access of women and girls to humanitarian aid.

Mr. President, I am shocked that women and girls in Afghanistan are suffering under these conditions as we approach the 21st Century. The United States has an obligation to take the lead in condemning these abuses.

I want to thank Senator BROWNBACK for joining me in introducing this legislation. He has been a strong voice for human rights and I know that he shares my passion for seeing an end to these abuses in Afghanistan.•

RESOLUTION TO COMMEND SENATOR J. ROBERT KERREY

• Mr. CHAFEE. Mr. President, I am pleased to join Senators DASCHLE and EDWARDS and the other cosponsors of this resolution commending our friend and colleague BOB KERREY on the 30th anniversary of the events giving rise to his receiving the Medal of Honor.

During my tenure as Secretary of the Navy, I had the honor and privilege of working with a great many brave men and women—citizens of all stripes who were willing to make the ultimate sacrifice to serve their country. One especially courageous naval officer was Lieutenant (j.g.) JOSEPH ROBERT KERREY.

Thirty years ago last Sunday in Vietnam, BOB KERREY lead a SEAL team mission aimed at capturing certain Viet Cong leaders. While leading this dangerous mission, he was badly wounded as a grenade exploded at his feet. Despite suffering massive injuries from this explosion and being in a state of near-unconsciousness, Lieutenant KERREY did not give up. He continued to lead his men, ordering them to secure and defend an extraction site.

For his heroism in combat, Lieutenant KERREY was awarded the Congressional Medal of Honor. And just what is this award? It is the highest award for valor in action that can be bestowed upon a member of the armed forces.

The Medal of Honor was created in the days of the Civil War through legislation sponsored by Senator James Grimes, chairman of the Senate Naval Committee, with the support of Navy Secretary Gideon Wells and President Abraham Lincoln. At that time, although serving in the military was required of all men, it had become clear that some servicemembers went "above and beyond the call of duty."

So, the first two hundred medals were presented to those who distinguished themselves in the Civil War by their gallantry in action and other qualities. Less than thirty-five hundred medals have been authorized to date, and just 158 are living today.

One of those 158 living recipients is a colleague of ours here in the Senate—a colleague I will surely miss upon my retirement. I think all Senators, and indeed all Americans, ought to take this moment to recognize BOB KERREY's heroic action on that day in 1969, when he displayed immense bravery in the face of overwhelming adversity.

Today—thirty years later—BOB KERREY continues to exhibit the kind of dedication and honor that earned him the Medal of Honor. Just one example of Senator KERREY's distinction as a Senator is the countless hours he had devoted to curbing the politically popular entitlement programs that have contributed so greatly to our staggering national debt. Taking on this issue isn't the easiest thing for an elected official to do—it is a task fraught with political danger. But BOB KERREY knows that it's the right thing to do for our nation, and that is why he continues to persevere.

My colleagues here today will provide numerous other examples of BOB KERRY's accomplishments as a U.S. Senator. Given his heroism during my tenure as Navy Secretary, these accomplishments come as no surprise. I am proud to be a cosponsor of this resolution, and thank Senators DASCHLE and EDWARDS for their leadership in bringing it to the Senate floor.•

NATIONAL MISSILE DEFENSE ACT

• Mr. BAYH. Mr. President, I rise today to discuss yesterday's overwhelming Senate vote in favor of the National Missile Defense Act of 1999. I was pleased to join with many of my colleagues in support of this legislation that will help to ensure that the United States does everything it can to defend itself from the threat of limited ballistic missile launches, both accidental and intentional. This legislation, which makes it the policy of the United States to deploy an effective national missile defense when technologically possible, takes an important first step toward providing a significant defense for all citizens of the United States against limited ballistic missile attacks.

As most of my colleagues know, today, the United States faces a serious, credible, and growing threat from limited ballistic missiles that could potentially carry nuclear, biological or chemical payloads. This new threat is not from Russia, our partner in many important arms control agreements. Instead, this threat comes from the increasing proliferation of ballistic missile technology. In particular, certain rogue states pose the greatest threat as they continue to push for—and make great progress in acquiring—delivery systems that directly threaten the United States. I do not believe that the threat from these rogue states, most of which have demonstrated a complete disregard for the well-being of their own citizens as they relentlessly pursue the acquisition of this ballistic missile technology, can be understated.

Mr. President, this new and emerging ballistic missile threat from rogue states was dramatically highlighted by the August 1998 Taepo Dong I missile launch in North Korea. This North Korean missile launch demonstrated important aspects of intercontinental missile development. Most importantly, the missile included multiple stage separation and the use of a third stage. This use of a third stage, in particular, was surprising to our intelligence community. Using a third stage gives this missile a potential range in excess of 5,500 kilometers, thus effectively making the Taepo Dong I an intercontinental ballistic missile.

Unfortunately, America's intelligence community did not expect the North Korean's to have the capability to make such a three stage missile. In fact, the most recent U.S. intelligence reports made prior to this Taepo Dong I launch claimed that no rogue state would have this capability for at least ten years.

Even before the North Koreans launched their Taepo Dong I missile last August, there were other disturbing reports that predicted the eminent ballistic missile threat to the United States. In July, the Commission to Assess the Ballistic Missile Threat to the United States, known as the Rumsfeld Commission, released its report. The Rumsfeld Commission was a bipartisan commission headed by former Defense Secretary Rumsfeld and other well respected members in the defense community. The Rumsfeld Commission warned of the growing ballistic missile threat that rogue states posed to the United States. The Rumsfeld Commission unanimously found that, "concerted efforts by a number of overtly or potentially hostile nations to acquire ballistic missiles with biological or nuclear payloads pose a growing threat to the United States, its deployed forces and its friends and allies."

The Commission reported further that, "The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community."

The launch of the Taepo Dong I missile and the findings of the Rumsfeld Commission are very troubling. It is clear that ballistic missile technology is progressing rapidly and proliferating just as rapidly and, consequently, the threat to the United States is real. It is no longer a perceived threat or a potential threat. It is not a threat that may come ten years down the road. This threat is tangible and it is here now. I believe that we have a moral responsibility to all Americans to do everything possible to defend the United States from this threat. Supporting this legislation, in my opinion, is an important step in providing a solid defense for the United States against limited ballistic missile attacks.

Moreover, S.257 is a responsible way to address the threat that the United States faces. In contrast to previous legislative efforts, most of which micro managed this policy by setting a fixed date for deployment and by dictating the exact type of missile defense system to be deployed, this legislation more properly lays out broad U.S. policy. The bill simply—but clearly—calls for deployment of an effective system once the technology is possible. No date for deployment is set. No requirement for a specific type of ballistic missile defense is outlined. By not dictating such requirements, this legislation responsibly allows for flexibility for our military experts to develop and deploy the best possible missile defense system. This language helps ensure that the United State will not rush into deployment with a substandard system—at a cost of billions of taxpayer dollars—just to be able to say we've deployed a limited missile defense.

Instead, this legislation will help ensure that the United States has deployed a system that has been thoroughly tested and proven operationally effective. I fully support this flexible approach.

Mr. President, let me briefly address the issue of cost. A lot has been said about how the original draft of this legislation could have bypassed future deliberations about how much the Pentagon should spend on missile defense. In effect, many critics of this legislation believed this bill would simply be providing a blank check for all future missile defense development and deployment efforts. I don't believe that is the case. This legislation does not preclude such important funding deliberations. However, I was very glad to support the amendment that Senator COCHRAN offered yesterday to make it absolutely explicit that Congress will fully debate the cost implications of a missile defense system in all annual defense authorizations and appropriations proceedings in the future. I plan to fully weigh the costs and benefits of missile defense in comparison to all other defense programs and to assess all potential threats to the United States at the time of those deliberations.

Finally, I am also pleased that the bill now calls for the United States to continue working with the Russians to reduce nuclear weapons. I strongly supported the amendment offered by Senator LANDRIEU which added this policy statement to S. 257. The United States and Russia have made great progress in reducing nuclear weapons over the past decade and both countries need to continue to do so. I think this statement of policy calling for continued efforts to reduce nuclear weapons is extremely important. We need to make it clear to ourselves, to all American citizens, to our allies, and to the world that not only does the United States plan to defend itself from the threat of limited ballistic missile attacks, but that the best protection we can offer our nation is a world in which the fewest possible weapons of mass destruction exist.

Again, I thank Senator COCHRAN and all the cosponsors for introducing this important piece of legislation and for allowing the modifications to be made that garnered broad bipartisan support. I believe it is entirely appropriate for Congress to make it the policy of the United States to deploy an effective missile defense when technologically possible. The National Missile Defense Act will help allow this Government to keep its most important covenant with the American people—to protect their life and liberty.

DRUG FREE BORDERS ACT OF 1999

• Mr. McCAIN. Mr. President, I rise in support of the Drug Free Borders Act of 1999, of which I am an original cosponsor. This legislation, identical to S. 1787 from the 105th Congress, authorizes funding for advanced sensing equipment for detecting illegal drugs before they can cross our border and emerge on the streets of America's cities. I would like to commend my good friend, Senator PHIL GRAMM, for once again taking the lead in introducing the Drug Free Borders Act during the 106th Congress.

Those of us who represent States bordering Mexico are particularly sensitive to the dangers implicit in failing to properly monitor traffic crossing that border. Yet, we also recognize that Mexico is one of our largest trading partners, and a country with which it is in our best interest to maintain as open a border as possible. It is a careful balancing act, but one that merits our greatest efforts.

While the effects of the North American Free Trade Agreement are being closely monitored by supporters and critics of that pact alike, it has become clear that NAFTA represents an important component of our international economic policy, contributing to the creation of 300,000 new American jobs since its passage. The agreement only went into effect in 1994, and it will likely be several more years before its full impact can be determined. The results from the first five years, however, unambiguously demonstrate that the agreement has a net positive impact on the U.S. economy.

But this bill is not about trade, it is about drugs, and about the measures that must be taken to ensure that we are doing everything we can to stem the flow of illegal drugs into our cities without impeding the flow of legitimate commerce. The key to finding that balance is the procurement of the equipment needed to expeditiously scan incoming cargo, not just on the U.S.-Mexican border, but at our other ports of entry as well—and I should point out the emphasis in this bill on your maritime ports of entry. The Drug Free Borders Act of 1999 represents an important and substantive step in that direction. Authorizing over $1 billion to beef-up Customs Department operations along our borders with Mexico and Canada, as well as at the maritime ports of entry, this legislation is a sound, responsible approach to enhancing this country's capabilities to interdict the flow of drugs before they reach our children.

Mr. President, I urge the support of all of my colleagues for the Drug Free Borders Act of 1999. This bill passed both Chambers of Congress last year, but fell victim to the vagaries of time, as the 105th Congress adjourned while the bill was still in conference. Its passage by both the Senate and the House of Representatives, however, clearly illustrates its broad bipartisan support, and I look forward to its passage into law during the current session of Congress.•

REFERRAL OF S. 623

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 623 be discharged from the Committee on Environment and Public Works and referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF SENATE REPRESENTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 70, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 70) to authorize representation of Senate and Members of the Senate in the case of James E. Pietrangelo, II v. United States Senate, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the Northern District of Ohio against the United States Senate and all Members of the Senate by a pro se plaintiff during the impeachment trial of President Clinton. The amended complaint improperly seeks judicial intervention directing Senators on how they should have voted on the question of whether to convict on the impeachment articles.

The action is subject to dismissal on numerous jurisdictional grounds, including lack of constitutional standing, political question, sovereign immunity, and the Speech or Debate Clause. This resolution authorizes the Senate Legal Counsel to represent the Senate and Senators in this suit to move for its dismissal.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 70) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 70

Whereas, in the case of *James E. Pietrangelo, II* v. *United States Senate, et al.*, Case No. 1:99–CV–323, pending in the United States District Court for the Northern District of Ohio, the plaintiff has named the United States Senate and all Members of the Senate as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Senate and all Members of the Senate in the case of *James E. Pietrangelo, II* v. *United States Senate, et al.*

DESIGNATING MARCH 25, 1999, AS "GREEK INDEPENDENCE DAY"

Mr. STEVENS. Mr. President, I ask unanimous consent that S. Res. 50 be discharged from the Judiciary Committee, and further, that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 50) designating March 25, 1999, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 50) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 50

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 1999, marks the 178th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 1999, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

DESIGNATING MARCH 21 THROUGH MARCH 27, 1999, AS "NATIONAL INHALANTS AND POISONS AWARENESS WEEK"

Mr. STEVENS. Mr. President, I ask unanimous consent that S. Res. 47 be discharged from the Judiciary Committee, and further, that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 47) designating the week of March 21 through 27, 1999, as "National Inhalants and Poisons Awareness Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be upon the table, and that any statements relating to S. Res. 47 appear in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 47) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 47

Whereas the National Inhalant Prevention Coalition has declared the week of March 21 through March 27, 1999, "National Inhalants and Poisons Awareness Week".

Whereas inhalant abuse is nearing epidemic proportions, with almost 20 percent of all youths admitting to experimenting with inhalants by the time they graduate from high school, and only 4 percent of parents suspecting their children of inhalant use;

Whereas according to the National Institute on Drug Abuse, inhalant use ranks third behind the use of alcohol and tobacco for all youths through the eighth grade;

Whereas the over 1,000 products that are being inhaled to get high are legal, inexpensive, and found in nearly every home and every corner market;

Whereas using inhalants only once can lead to kidney failure, brain damage, and even death;

Whereas inhalants are considered a gateway drug, leading to the use of harder, more deadly drugs; and

Whereas because inhalant use is difficult to detect, the products used are accessible and affordable, and abuse is so common, increased education of young people and their parents regarding the dangers of inhalants is an important step in our battle against drug abuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week";

(2) encourages parents to learn about the dangers of inhalant abuse and to discuss those dangers with their children; and

(3) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies and activities.

APPOINTMENT OF CONFEREES—H.R. 800

Mr. STEVENS. Mr. President, I move that the Chair be authorized to appoint conferees on the part of the Senate with respect to H.R. 800, the Ed-Flex legislation.

The motion was agreed to, and the Presiding Officer appointed Mr. Jeffords, Mr. Gregg, Mr. Frist, Mr. DeWine, Mr. Enzi, Mr. Hutchinson of Arkansas, Ms. Collins, Mr. Brownback, Mr. Hagel, Mr. Sessions, Mr. Kennedy, Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mr. Wellstone, Mrs. Murray, and Mr. Reed of Rhode Island conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—H.R. 975

Mr. STEVENS. Mr. President, I understand that H.R. 975 was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 975) to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program.

Mr. STEVENS. Mr. President, I now ask that the bill be read for the second time, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, MARCH 19, 1999

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Friday, March 19. I further ask consent that on Friday, immediately following the prayer, the Journal of the proceedings be approved to date and the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of this bill, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, for the information of all Senators, tomorrow morning the Senate will resume the supplemental appropriations bill.

At 9:45, I intend to call up an amendment on the list related to ethical standards. All Members should be on notice that a rollcall vote will occur on or in relation to that amendment shortly after the Senate convenes at 9:45. The vote should begin as early as 9:50 or 9:55 Friday morning. Any Member who intends to offer additional amendments should be prepared to remain on Friday in order to offer those amendments.

In addition, it is expected that on Monday the Senate will debate the Kosovo issue beginning at approximately noon and will resume the supplemental appropriations bill sometime late that afternoon. However, no rollcall votes will occur during Monday's session.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:33 p.m., adjourned until Friday, March 19, 1999, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 18, 1999:

DEPARTMENT OF DEFENSE

BRIAN E. SHERIDAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE HENRY ALLEN HOLMES.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be major

*HUSAM S. NOLAN, 4711
STEVEN C. SIEFKES, 0850
JAMES H. WALKER, 6006

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C, SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD G. COOK, 6452

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE W. LORD, 1026

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be major

THOMAS M. JOHNSON, 4319
FRANCIS J. LARVIE, 2033
*ANTHONY P. RISI, 3975

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be colonel

RANDALL F. COCHRAN, 2590
RUSSELL B. HALL, 6545

To be major

*REGINA K. DRAPER, 8890

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALFRED C. FABER, JR., 7450
MARGARET J. SKELTON, 4534
EDWARD L. WRIGHT, 4834

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DALE F. BECKER, 5713
JAMES R. O'ROURKE, 7024
JOHN J. SCANLAN, 3137
JOHN F. STOLEY, 6587

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

DENTAL CORPS

COL. KENNETH L. FARMER, JR., 7072

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

HAROLD E. POOLE, SR., 7952

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DON A. FRASIER, 6234

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LEO J. GRASSILLI, 6367

EXTENSIONS OF REMARKS

CONSTITUTIONAL AMENDMENT TO REMOVE THE SOCIAL SECURITY TRUST FUND AND MEDICARE OFF-BUDGET

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. TRAFICANT. Mr. Speaker, over the years, the Federal Government has raided the Social Security trust fund and Medicare and diverted the money earmarked for retirement and medical benefits to a host of other programs. This would be bad enough if Social Security faced no financial crisis. But the program is projected to start running cash-flow shortages around 2013, which makes the misuse of the trust fund unconscionable. I have recently introduced legislation calling for a constitutional amendment to remove the Social Security trust fund and Medicare off-budget. I encourage each of my colleagues to support this measure.

Supporters of the Social Security accounting system claim the trust fund is in fine shape, storing the surpluses in a massive fund that will ensure that benefit checks keep flowing until 2032. The truth is when Social Security's costs exceed tax receipts, the Government will have to raise taxes and/or borrow more money to help pay benefits.

Since 1983, Social Security has collected more in taxes than it spends on benefits and other costs. This year, the payroll tax surplus will total about $52 billion. By 2007, the cumulative surplus is estimated to be $435 billion.

In the past, these funds have been spent on everything from defense to welfare. In return, the trust fund has been issued nonmarketable Treasury bonds, which are merely promises to repay the money with interest at a later date in time. In short, IOU's from the Government to itself. To date, the IOU's in the trust fund total over $800 billion.

The best and only way to shield the Social Security and Medicare trust funds from spending raids is to exclude their funds from Federal budget calculations. Currently, several bills have been introduced that would do just that. However, none of those bills call for amending the U.S. Constitution to ensure that raiding the fund is impossible.

The fundamental goal of the Social Security and Medicare programs is ultimately to guarantee savings and medical coverage for retirees. The Federal Government has made a contract with the American people. Let's show that we are serious about addressing the retirement system's long term solvency problem. Again, I urge each member to support this constitutional amendment.

TRIBUTE TO JUSTIN JOSLIN AND ROGER BISHOP

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the humanitarian acts of Justin Joslin and Roger Bishop, two students of Sandia High School in Albuquerque, NM.

In November 1998 these two young men were driving around after school when they saw a slow-moving vehicle veer dangerously across oncoming traffic toward houses. The driver of this vehicle appeared passed out, her head tipped back against the seat. Without exchanging a word, both young men sprang into action to stop the car, saving the woman and possibly others, from injury. Justin stopped his car, and he and Roger jumped out and ran along opposite sides of the other vehicle. Roger grabbed the passenger's door, which was locked and Justin grabbed the drivers' door and was able to jump in. Justin pressed on the brake and put the vehicle in park. The 66-year-old driver had apparently fallen unconscious. She was treated at a local hospital and released.

Too many times we hear of bad news in our communities or situations that could have concluded better if someone would have acted with concern and compassion as these young men did. Justin Joslin and Roger Bishop showed that they care about others and are willing to act in a humanitarian way when they see a need.

TRIBUTE TO SERGEANT FIRST CLASS JAMES DOLAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Sgt. First Class James Dolan, of Jonestown, PA, who recently earned the title of Soldier of the Year for the Pennsylvania National Guard. SFC Dolan, who serves full-time at Fort Indiantown Gap in Annville, is the assistant inspector general for the PA Army National Guard.

This award is well-earned by an individual who carries himself with great professionalism and distinction in the finest traditions of our country's military history. The noncommissioned officers corps serves as the backbone of the army, and the benchmark that SFC Dolan has set is emblematic of the lofty standards traditionally set by our nation's noncommissioned officers. In order to achieve this honor, SFC Dolan was interviewed by evaluation boards who ranked his technical proficiency, leadership skills, and military knowledge and bearing.

This award was given to an excellent soldier who has maintained a brilliant military record. In addition to the almost 13 years he has spent in the National Guard, he served for 4 years in the Marine Corps, enlisting after graduating from high school. Despite his success, SFC Dolan remains modest, citing the exemplary work of other Pennsylvania Guardsmen. He is in quite a good position to determine the proficiency of his colleagues, as it is his duty to inspect unit readiness throughout the state. In this capacity, he helps review a third of the National Guard every year.

SFC Dolan, in the true spirit of the minuteman, initially joined the same National Guard unit in which his father served. He currently lives with his wife, Vincenta, who is also a member of the PA Guard, and their 10-month old daughter, Kaitlin.

The honor of the title of Soldier of the Year is a great one. That the award is in such good hands bodes well for the future of the Pennsylvania National Guard. The people of Pennsylvania can feel secure in the knowledge that men and women like SFC Dolan are working for them. It is an honor to pay tribute to him today.

HONORING COLORADO GIRLS STATE BASKETBALL 3A CHAMPIONS—EATON HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Eaton High School girls basketball team on their impressive State 3A Championship. The victory, a hard fought 50–47 win over Pagosa Springs High School, was a thrilling contest between two talented and deserving teams. In championship competition, though, one team must emerge victorious, and Eaton proved themselves the best in their class—truly second to none.

The State 3A Championship is the highest achievement in high school basketball. This coveted trophy symbolizes more than just the team and its coach, Bob Ervin, as it also represents the staunch support of the players' families, fellow students, school personnel and the community. From now on, these people can point to the 1998–1999 girls basketball team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to this town and school will see a sign proclaiming the Girls State 3A Championship, and know something special had taken place there.

The Eaton basketball squad is a testament to the old adage that the team wins games,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

not individuals. The combined talents of these players coalesced into a dynamic and dominant basketball force. Each team member also deserves to be proud of her own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the young in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursuing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Eaton players, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to this team as they move forward from their State 3A Championship to future endeavors.

CONGRATULATING ST. GREGORY THE ILLUMINATOR CHURCH OF FOWLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate St. Gregory the Illuminator Church of Fowler, CA, upon its re-opening. St. Gregory the Illuminator is the fourth oldest Armenian Church in the United States.

St. Gregory first opened its doors in 1906 as the Armenian Apostolic Church. The services were held in the Episcopal Church of Fowler, and officiated by Father Sahag Vartabed Nazaretian, pastor of the Holy Trinity Church in Fresno. During this time, the congregation of the St. Gregory Church consisted of 75 to 100 families.

In 1907, the First Divine Liturgy of the Armenian Apostolic Church was celebrated. Immediately following the liturgy, the congregation elected a board of trustees, their objective being the selection of a suitable site for a church building. On April 15, 1909, the present church site in Fowler was selected and purchased.

Construction of the church building on February 3, 1910. On April 17, the church was consecrated in a ceremony in the presence of a large congregation. The St. Gregory Church became the fourth established Armenian Apostolic Church in America, under the jurisdiction of the Diocese of the Armenian Church of North America.

Over the years, the original church building has expanded, and a church hall and Sunday school classes have been added. In 1993 the church decided to expand further. The site has since been enhanced by a park, basketball and volleyball courts, a playground and a courtyard, all of which are frequently used and enjoyed by parishioners. Most recently, construction has taken place to expand the sanctuary and church offices; a library and conference room have also been added. During this time of construction, services have been held in Markarian Hall, and a drastic increase in the congregation has been observed, making the re-opening of the sanctuary highly anticipated.

It is the memorable event that St. Gregory celebrates as it serves its third generation of Armenians, as well as many converts. It is the prayer of the parish that St. Gregory will be able to meet the challenge of inspiring those who worship in and make St. Gregory their spiritual home.

Mr. Speaker, I urge my colleagues to join me in congratulating St. Gregory the Illuminator Church of Fowler on its longtime service to the Christian community, and its efforts to serve better through expansion. May it long continue its growth and success.

UNITED CONFEDERATION OF TAINO PEOPLE DAY

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GUTIERREZ. Mr. Speaker, I rise today to speak about the taino people and the importance of observing the United Confederation of Taino People Day.

The Taino people are the descendants of the first Native Peoples of the Americas to greet Cristobal Colon (Christopher Columbus) in the year 1492, and have a distinctive spiritual and material relationship with the lands, territories, waters and coastal seas which they have traditionally been connected to, occupied and used from time immemorial.

The Taino people have the collective and individual right to identify themselves as indigenous, to be recognized as such, and to practice, revitalize, develop and transmit to coming generations the past, present and future manifestations of their distinct identity, ethnic, cultural and spiritual traditions, history, language, and customs.

The Taino people, beyond international and political borders, have taken positive steps for the recognition, promotion and protection of their collective and individual rights and freedoms, by organizing themselves for their spiritual, social, political, economic, and cultural enhancement.

The Taino people, being represented by indigenous organizations, such as Caney Quinto Mundo, Concejo General de Tainos Borincanos, Fundacion Social Luz Cosmica Taina, Presencia Taina, Taino Ancestral Legacy Keepers, Ciboney Tribe, and Cecibajagua, have in solidarity chosen representatives themselves and established the United Confederation of Taino People.

The United Confederation of Taino People is celebrating its first historic anniversary, which coincides with, and recognizes the United Nations International decade of the World's Indigenous Peoples, and the equinox that signals the beginning of the planting cycle that the Taino People have observed for thousands of years.

Mr. Speaker, March 27, 1999 is the United Confederation of Taino People Day. I encourage my colleagues and all of the people of the United States to observe that day with the respect and dignity it deserves and to learn more about the great contributions of this people to our country and civilization.

TRIBUTE TO ONORINA LEACH

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an honor received by Onorina Leach, Science Teacher at Highland High School, Albuquerque, New Mexico. Mrs. Leach was profiled in the November 1998 national magazine Cable in the Classroom for her innovative methods to use technologies in the classroom.

Mrs. Leach is a regular user of video in her science class. She has found that by supplementing the traditional text method of teaching she is able to reach different kinds of learners. Some students favor auditory and visual information processing. Mrs. Leach has found that to reach more students more effectively she must present the material in as many different ways as she can.

In addition to her responsibilities as a science teacher, Onorina Leach is the coach of Highland High School's United States Academic Decathlon team. Also, Mrs. Leach is using video to help prepare the Highland High School Decathlon team for competition. The students participating in the United States Academic Decathlon learn study skills, time-management skills and social skills. A compliment given to Mrs. Leach by a student she had years ago summarizes Ms. Leach's dedication to her students. "You know, Mrs. Leach, Academic Decathlon did not necessarily prepare me for graduate school, but it did prepare me for life."

Please join me in honoring and thanking Onorina Leach for the difference she is making in the lives of her students and to our great community of Albuquerque, New Mexico.

MY COMMITMENT TO FREE AND FAIR TRADE FOR AGRICULTURE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, Colorado agriculture increasingly depends upon the export market to expand sales and increase revenues. The expanding world trade in agriculture has a significant impact on both the U.S. trade balance and on specific commodities and individual farmers.

No sector of the U.S. economy is subject to more international trade barriers than agriculture. The import quotas, high tariffs, government buying monopolies and import bans imposed by other nations, coupled with the overwhelming number of trade sanctions and embargoes imposed on other countries by our own government, cost the American agriculture industry billions of dollars each year in lost export opportunities.

These barriers continue to grow in spite of the General Agreement on Tariffs and Trade (GATT) and the North American Free Trade Agreement (NAFTA). Without question, they are devastating the ability for American agriculture to effectively compete, particularly at a time when exports now account for 30% of U.S. farm cash receipts and nearly 40% of all agricultural production. It is abundantly clear, that in addition to free trade, America must guarantee fair trade.

The 1996 Freedom to Farm Act returned control of farming operations to producers in exchange for sharp restrictions on the level of government support. The goal was to provide U.S. farmers with the flexibility to run their operations according to the marketplace. But in exchange, the U.S. government has a clear responsibility to ensure that our farmers and ranchers have the ability to compete fairly against other exporters, not against foreign governments. I will continue my efforts in Congress to compel the executive branch to vigorously fight foreign trade barriers and utilize available tools such as the Export Enhancement Program and the Market Access Program to promote U.S. products abroad.

Furthermore, the State Department and the current administration must be forced to understand the economic consequences of utilizing food as a diplomatic weapon. Our farmers and ranchers cannot continue to bear the overwhelming burden of ineffective unilateral sanctions. The federal government should be required to identify funding sources to reimburse farmers for the reduction in prices caused by our government's actions, and this must occur before such actions are permitted to take place.

Agriculture is the bedrock of the American economy, and our agricultural productivity is the envy of the world. Assuring Colorado's farmers keep this edge in the global economy is one of my highest priorities in Congress.

COAST GUARD AUTHORIZATION ACT OF 1999

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes:

Mr. BONIOR. Mr. Chairman, the U.S. Coast Guard provides many valuable services to our country. Among them are ice rescues. As many of us along the Great Lakes know, the Coast Guard has saved countless lives and provided invaluable services to our communities.

In the district which I represent, Macomb and St. Clair Counties, recreational uses of Lake St. Clair, the St. Clair River, and Lake Huron are not just limited to summer activities. Ice fishing is a growing and popular recreational activity, but from time to time wayward fishermen find themselves in need of help.

Our communities do a great job in rescuing individuals from critical circumstances, but their rescue capacity could be greatly aided by a Husky Airboat stationed at the St. Clair Shores Coast Guard Station. As we consider the Coast Guard authorization bill, I hope the Coast Guard and committee authorizers will consider the import role the Coast Guard plays in ice rescues and will work toward providing adequate resources to satellite stations, like the one in St. Clair Shores, to fulfill their mission. I look forward to working with the Coast Guard and the committees of jurisdiction in this important matter.

THE WORK INCENTIVES IMPROVEMENT ACT

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. LAZIO. Mr. Speaker, I rise today to introduce a bill that has one goal and one goal only—enabling individuals with disabilities to pursue their desire to work. In today's workplace, less than one-half of one percent of disabled Americans successfully move from disability benefits to employment and self-sufficiency. A recent Harris Survey, however, found that 72 percent of Americans with disabilities want to work but nearly 75 percent of persons with disabilities are unemployed. What is the problem, here?

Let me tell you about a man from my district. He is a 39-year-old Navy Veteran from Bay Shore, NY. Several years ago, he worked on Wall Street with the hopes of becoming a stockbroker. Unfortunately, an accident in 1983 left him a quadriplegic. Because of his injury, this man relies on a tracheostomy to help him breath and speak.

He requires nurses or caregives to clean his tracheostomy and requires 24-hour home care to assist him bathing, dressing, housekeeping, and numerous other daily activities. This individual's physical challenge, however, does not inhibit his ability to become a stockbroker. Ten years after his tragic accident, he successfully passed the "Series 7" test, a grueling 6-hour exam, to become a licensed stockbroker. Except for Federal barriers, he would be a stock broker today. He cannot, however, because he would lose his Medicaid and Medicare, which he needs to survive.

His situation is not unique. His predicament is replicated all across this country—by the millions. Suffolk County, NY, alone has 261,000 disabled individuals—most of whom want to work. Yet, disabled Americans must choose between working and surviving. Federal benefit programs such as Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) provide benefits, including eligibility for health coverage through Medicare and Medicaid. Services that many disabled workers require, such as personal assistance, are often not covered by employer health care. So, when a disabled American secures a job and earns income, he or she may lose their government benefits and, subsequently, their health coverage.

This is why I have introduced the Work Incentives Improvement Act in the House of Representatives. The Federal Government should remove existing barriers and allow these individuals to work. Like all other Americans, disabled Americans deserve economic opportunity. They deserve the satisfaction that only a paycheck can bring. They deserve to be in control of their lives and have the peace of mind of independence and personal security. The Work Incentives Improvement Act takes significant steps toward reforming Federal disability programs, improving access to needed services, and releasing the shackles of dependency.

Look at today's disability program: more than 7.5 million disabled Americans receive benefits from SSI and SSDI. Providing assistance to these individuals costs the Government $73 billion a year—making these disability programs the fourth largest entitlement expenditure in the Federal Government. Now, if only one 1 percent, or 75,000, of the 7.5 million disabled adults were to become employed, Federal savings in disability benefit would total $3.5 billion over the lifetime of the individual. Removing barriers to work is a major benefit to disabled Americans in their pursuit of self-sufficiency, and it also contributes to preserving the Social Security trust fund.

The Work incentives Improvement Act would create new State options for SSDI and SSI beneficiaries who return to work to purchase the health care coverage they would otherwise be entitled to if they did not work. It would support a user-friendly, public-private approach job training and placement assistance for individuals with disabilities who want to work, and it provides for new ways to inform SSDI and SSI beneficiaries of available work incentives.

The man from Bay Shore, NY, said, "I want to work. I do not want to be a burden to taxpayers." The Work Incentives Improvement Act will help him become a successful stockbroker. When he does so, he hopes to open to open his own firm and hire people with disabilities.

Now is the time to make major progress toward removing barriers and enabling people with disabilities to work. Millions of Americans are waiting eagerly to unleash their creativity and pursue the American dream. They are waiting for us to act, Mr. Speaker. Let's act now.

PROVIDING FOR CONSIDERATION OF H.R. 975, REDUCING VOLUME OF STEEL IMPORTS AND ESTABLISHING STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM

SPEECH OF

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. FORD. Mr. Speaker, I rise today in support of the Bipartisan Steel Recovery Act of 1999. I believe this initiative provides a comprehensive approach to enforcing trade laws by stating clearly and forcefully that the United States does not and will not tolerate violations of trade laws by foreign corporations.

As we enter a new millennium, we must face and embrace globalism by ensuring that all our citizens have the skills required to compete in the international economy. Export-driven job growth ensures that our communities' living standards continue to rise.

The primary forces shaping our economy—globalization, digitalization, deregulation, and diversity—require that we consider a broader array of international trade and investment opportunities. The city of Memphis is considered America's Distribution Center, and trade liberalization will help us become the World's Distribution Center.

But, while I support free trade, I also support fair trade. When other countries employ unfair trading practices, we must respond in kind. The rules of the international trading system, as laid out in the World Trade Organization, are predicated upon fair trade. If a country violates these rules, the system itself suffers.

That is why we must respond forcefully when foreign firms are dumping their products in the United States at prices under the fair market value. That is why we must respond forcefully when huge import surges threaten American jobs. This bipartisan measure demonstrates to the rest of the world that there is a right way and a wrong way to pursue globalization.

The plight of Birmingham Steel, which operates a mini-mill in the Ninth District of Tennessee, is an example of how the current crisis is affecting working families in our country. In Memphis, Birmingham Steel employees manufacture steel that is eventually fashioned into wire rods. Since 1993, wire rod imports from non-NAFTA nations have increased 60 percent, and in the past 18 months these imports have increased by 16 percent. Surely, we need to rectify this situation.

We also need to be wary of the macroeconomic effects of the surge in imports. A recent Business Week article noted that the merchandise trade deficit widened by 25 percent in 1998, to a record $248 billion. Most of this can be attributed to surging imports, such as the steel surges from Brazil, Russia, and Japan. Economists agree that while the U.S. economy continues to prosper and grow, a ballooning current account deficit could prompt a correction in stock prices, a weaker dollar, and possibly even a recession. In other words, our unprecedented record of high growth—while keeping inflation and unemployment low—is jeopardized by import surges.

About two decades ago, the U.S. steel industry was widely criticized for lagging competitiveness, excessively high prices, and low labor productivity. Both management and labor realized that they had to reinvent the way steel was produced in the United States. They did so through reinvestment, streamlining, and hard work. The steel industry has since turned itself into one of the most admired, productive sectors of U.S. business.

Now, as world trading rules are being flaunted, it is time for us to come to the aid of this proud industry, an industry that is crucial to our national defense and our American heritage. Our steel workers deserve better. The world trading system deserves better. For these reasons, I am proud to be a cosponsor of the Bipartisan Steel Recovery Act of 1999.

INTRODUCTION OF A SENSE OF CONGRESS RESOLUTION REGARDING THE DAMS ON THE COLUMBIA AND SNAKE RIVERS

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. HASTINGS. Mr. Speaker, the people of the Pacific Northwest are currently engaged in a debate on the best way to ensure the survival and recovery of endangered and threatened salmon and steelhead. These fish are very important to the people of our region, and we are dedicated to ensuring their survival.

However, Mr. Speaker, ongoing studies by the U.S. Army Corps of Engineers and the National Marine Fisheries Service into the feasibility of removing federal dams to enhance fish runs have focused the fish recovery debate too narrowly. We do not need to choose between our economy and our salmon, which is precisely what those advocating the removal of dams are asking us to do. Instead, I believe we can have both a strong economy and healthy fish runs.

This Congress must make it clear that destroying the dams on the Columbia and Snake Rivers is not a "silver bullet" solution to restoring salmon runs. Losing the flood control, irrigation, clean power generation, and transportation benefits of these dams would be a grave mistake, and one not easily corrected. Instead, the federal government and the people of the Pacific Northwest must work together to address the entire range of factors impacting fish populations: habitat, harvest levels, hatcheries, dams, predators, and natural climate and ocean conditions.

Mr. Speaker, I am confident that the people of the Northwest will save our salmon. But we must do so in a realistic and comprehensive way, and not by grasping for easy answers. I encourage all my colleagues to who believe that we can balance human needs with the needs of endangered and threatened species to support this resolution.

IN HONOR OF STEVE POPOVICH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Steven Popovich, founder of the Cleveland International Record label.

Over the past 36 years Mr. Popovich has achieved considerable success in the music business by taking chances on artists and music at the fringes of the mainstream. For example, Popovich signed Meat Loaf to the Cleveland International label after Meat Loaf had been rejected by several record companies. After signing Meat Loaf, Popovich launched what is considered one of the most successful marketing campaigns ever. Popovich mixed the powerful CBS marketing department with grassroots efforts to make Meat Loaf a national icon.

Popovich's success with Meat Loaf provides just one example of how and why Popovich has been successful. Once he believes in someone he puts everything he has into making that person successful. This dedication has worked for Popovich regardless of the artist or type of music he is promoting.

In 1986 Popovich applied this formula to Polygram Nashville and turned the label into a success. Acts like Johnny Cash, Kris Kristofferson, the Everly Brothers, and Kathy Mattea signed with Popovich and Polygram Nashville.

Popovich also signed polka legend Frankie Yankovic, the Polka King, to the label. Yankovic won a Grammy for his 1986 album "70 Years of Hits", which Popovich co-produced. Yankovic and his polka music were quick hits in Nashville. Popovich has since started Our Heritage, a polka and ethnic music subsidiary of Cleveland International.

In the fall of 1998 Popovich, along with his son, Steve, Jr., Ed Shimborske, and Michael Seday, formed another subsidiary of Cleveland International, Grappler Unlimited. With Grappler Unlimited, once again, Popovich is focusing on music that is perhaps outside the mainstream—punk.

His ear for music that is outside the mainstream, and his willingness to dedicate himself to it and the musicians who perform it, has enabled him to be successful for over 36 years. With his son at his side, Steve will undoubtedly continue to help all types of great music find an audience.

Ladies and gentlemen please join me in honoring Steve Popovich.

THE POLKA PUNK ROCKER

By Laura Demarco

Steve Popovich made Meat Loaf a main course and helped tell the world "Cleveland Rocks." Now, he's looking to strike gold again with the ethnic music of his roots—polka—and the DIY spirit of his son's passion—punk rock.

The walls of Steve Popovich's office don't have to talk to tell his story. Mixed in among the rows of gold and platinum records hang "I love kieska" and "polka naked" bumper stickers. A "Cleveland Rocks" sticker decorates the window. His son's high school class photo hangs near a backstage snapshot of Bruce Springsteen and Billy Joel. A huge, psychedelic poster of Meat Loaf is framed near a smiling reproduction of Frankie Yankovic.

It's a scene as colorful and complex as the man himself. Each memento stands for a part of Popovich's life: Music mogul. Proud ethnic. Even prouder father. Genius Meat Loaf marketer. Polka promoter. The man who helped Ian Hunter tell the world "Cleveland Rocks."

He's also the busy head of two new subsidiaries of his Cleveland International Record label, the ethnic/polka Our Heritage * * * Pass It On line and the punk/metal offshoot, Grappler Unlimited.

Why polka and punk? Like the other music Popovich has championed through his 36-year music industry career, they're styles that often get overlooked. Both have a devoted core of fans who buy the records, wear the fashions and seek out the shows. Neither gets radio play nor respect in mainstream media. Then again, neither did a certain hefty singer, until Popovich made Meat Loaf a household name.

Popovich may look like anything but a music mogul in his jeans, Cleveland International T-shirt and Pat Dailey's baseball cap, but he has struck gold more than once by betting on the underdog. Today, he's trying it again.

COAL MINER'S SON

Popovich doesn't like to talk about the past. He's rather discuss what he's working on now—expanding Our Heritage * * * Pass It On and promoting Grappler's first band, Porn Flakes.

But to understand how Popovich got to this cluttered, homey midtown office, you have to look at where he came from.

Born in 1942 to a Serbian father and Croatian-Slovenian mother in the coal-mining town of Nemacolin, Penn., Popovich's early life was a long way from the Manhattan office buildings he would find himself in years later. His father was a miner who opened a grocery store in the last two years of his life. It was from him and another father figure, Popovich's lifelong friend, Father Branko Skaljac, that his love for music began.

"My dad played in a tamburitza band with his two brothers and a couple other guys. They always played music around the house and sang. Fr. Branko came and taught us tambura [a stringed Balkan instrument] every Thursday."

Looking back, Popovich sees the importance of music for people in a place like Nemacolin.

"I really believe polka was our people's Prozac," he says. "When they were working in the mines, factory jobs, they'd get depressed, so they'd throw on their music or pick up their accordion or tambura."

A few years after learning the tambura, another stringed instrument caught Popovich's attention: the upright bass. He formed a polka-rock band called Ronnie and the Savoys that played out at local hotels and the Masontown, Penn., Italian Club.

When Popovich's father died in 1960, he moved to Cleveland with his mother and sister, where they had family. He attended John Carroll on a football scholarship, but quit after a year, spending the next few year doing odd jobs.

Then in 1963, two articles in a paper he was reading caught his attention. The first was a notice that Columbia Records was opening a Cleveland warehouse. The second was a story saying one of his favorite polka artists, Cleveland's Frankie Yankovic, who recorded for Columbia, had been injured in a car accident.

"So I called Frank out of the blue and said 'hey you don't know me, but I play your music back in Pennsylvania. Can you get me an interview?'" says Popovich. "And he did that from his hospital bed. I never forgot that."

Popovich got the job ad thus began his music industry career; schlepping boxes around 80 hours a week for $30. On his nights off he would play with the Savoys, who had followed him up to Cleveland.

But with his strong work ethic, Popovich quickly climbed out of the warehouse. He soon found himself working promotions in the local Columbia office, and in 1969 was offered a promotions job in the label's New York office.

A year later, at age 26, Popovich became the youngest vice president of promotions ever at CBS Records (Columbia's parent company). While there, he worked with the label's roster, including rising stars Bruce Springsteen, Boz Scaggs and Chicago. He was the first and youngest recipient of the Clive Davis Award for promotion (named for the legendary president of CBS Records), and for two years in a row was named top promotion executive in the country by *Billboard*. Quite an accomplishment for a "hunky" (Popovich's slang term for ethnics) from a part of America most record execs not-so-fondly dub "fly-over country."

Promoting artists led to signing artists when Popovich became head of A&R (artists and repertoire) in 1974 at CBS subsidiary Epic. If his promotions career seemed remarkable, his time in A&R was even more impressive. Popovich presided over the signing of Michael Jackson, Cheap Trick, Boston, Ted Nugent and Southside Johnny & the Asbury Jukes. He also helped Steubenville's Wild Cherry, of "Play that Funky Music (White Boy)" fame, and Michael Stanley find a home on Epic. (Decades later, Popovich helped another local band when he took a tape of Dink to Capitol Records head Gary Gersh, who signed the band).

Sales at Epic rose from $12 million to over $100 million in three years under Popovich. He credits this to his ability to look for artists where other A&R pros never bothered. "Small-town America, I always try to represent that," he says. "What's going on with the blue-collar people . . . those have always been the fans."

Cleveland (International) rocks "Cleveland, in fact, back then did rock," says Popovich, leaning forward in this chair, the red sticker with the motto he brought to the world looming on the window behind him. "Through it sounds really trite and old fashioned to now even say the words 'Cleveland rocks.' "

For Popovich, this wasn't just a slogan. In 1976, he and two other CBS Records executive left New York to form an independent label called Cleveland International that was backed by Columbia.

"Cleveland was a very important market in those days," says Popovich. "It really was WMMS . . . they made a real big impact nationally. That was the reason I moved back here from New York. It was such a viable record breakout market that I thought basing a company here would be a good idea."

He was correct. Not seven months after the label started, Popovich signed another underdog no one else would be near, but one who soon put Cleveland International on the map.

"Meat Loaf was too fat, too ugly. His hair was too long, the voice was too operatic," says Popovich.

That's what the labels that passed on Meat Loaf thought. But the fans thought otherwise. The product of songwriter Jim Steinman, producer Tod Rundgren and a one-of-a-kind singer with a voice big enough to match his girth, Marvin Aday (a.k.a. Meat Loaf), Bat out of Hell is an album few rock fans can claim not to have heard—it has sold an astonishing estimated 28 million copies. But at the time New York attorney David Sonenberg was shopping it around, no one in the music business new what to think about it. So they just stayed away. Except for Popovich.

After signing Meat Loaf, Popovich embarked on what is regarded as one of the most successful marketing campaigns ever in the music industry. It included radical tactics, such as Popovich showing up at radio stations and retailers across the nation to drop off Meat Loaf tapes—an unheard of activity for a record company president. He also convinced CBS to make a $25,000 Meat Loaf promotional film for play in movie theaters—a noval idea will before the video age. He also battled CBS to put the full force of its marketing department behind the album. "Adroit marketing propels Meat Loaf up the charts," proclaims the Wall Street Journal in a 1978 front-page article that raved about Popovich's tactics.

But though he may have been the biggest, Meat Loaf wasn't the only act on Cleveland International. The label was also home to Ellen Foley, Ronnie Spector and others; it was the management company for Ian Hunter. It was Popovich who convinced the E Street Band to back Hunter on his 1979 You're Never Alone With a Schizophrenic record, which includes the now infamous "Cleveland Rocks."

LAWSUITS, TV SHOWS AND MEAT LOAF

"We were conveniently left out of it. Hey, people try to change history, but a fact's a fact," says Popovich.

He's referring to a recent VH–1 "Behind the Music" show on Meat Loaf that failed to mention of his role in the making of Mr. Loaf.

"It's been well documented everywhere, the historical role the marketing of that record played, the fact that it had been [rejected by] three or four other labels before we got it."

Popovich says that when he found out the show was in the works, he called the president of VH–1, John Sykes, whom he had worked with when Sykes was a promotions man for Columbia in Buffalo.

"I called him before it ran and said 'John, just tell the truth,' and [the show] didn't. He's the president of VH–1, he knows better."

When questioned about Popovich's absence, the producers of "Behind the Music" replied that "regrettably, in the course of telling a person's life story, someone always feels left out." Sykes did not return a call asking for a comment.

Why the black out? Considering that the show was obviously sanctioned by Meat Loaf, who appeared in multiple interviews, it could have something to do with a 1995 lawsuit that Popovich's Cleveland Entertainment Inc. filed against Sony Music Entertainment Inc. and CBS Records in Cuyahoga County Common Pleas Court. The suit alleged that Popovich was defrauded out of royalties for Bat Out of Hell through various devices, including fraudulently calculated royalties for the sales of CDs. Meat Loaf, who re-signed to Sony following the filing of Popovich's initial complaint, was expected to testify against Popovich at the trial.

But the suit never made it to court. Popovich, who sought $100 million, and Sony settled for a confidential amount last February. Ancillary litigation filed in New York federal court by Meat Loaf against Sony and Cleveland Entertainment was dismissed at the same time.

Today, Popovich will only say that his suit was settled "amicably." For the first time in two decades, Meat Loaf is off his plate—though Popovich says that as a result of his Sony lawsuit he does receive royalties from sales of Bat Out of Hell.

OLD WORLD

Popovich grabs a black-and-white photo off a pile of papers on his desk. "Here, look what I found," he says, talking to his son, Steve, Jr., who just walked into his office, a muscular, spiky haired, tattooed contrast to his father.

The photo shows a young boy, about 6-years-old, standing proudly, hands on his hips talking to a group of men around him. The men are Johnny Cash, Hank Williams Jr. and Cowboy Jack Clements. The boy is Steve, Jr.

"You're talking to them like you're Clive Davis," his father continues, laughing.

The photo was taken during Popovich's years as vice president of Polygram Nashville, a position he took in 1986.

"I had been through a pretty intense divorce . . . there had been a whole series of misadventures, including coming out of having one of the biggest acts in the world and ending up with very little," says Popovich about his decision to shut down Cleveland International. "The reality of that set in, and out of the blue an old friend of mine who took over Polygram in New York called and said 'hey, you want to have some fun,' and I was like, 'I'm ready for that.'"

In typical Popovich fashion, he took Nashville's least successful label and built it into a powerhouse, signing Johnny Cash, Kris Kristofferson and the Everly Brothers and turning Kathy Mattea into a star.

In not so typical Nashville fashion, Popovich signed his old friend, Frankie Yankovic—whose 1986 Grammy Award-winning album, 70 Years of Hits he co-produced—to the label. Yankovic became a quick favorite in Nashville, selling out concerts and recording one album, Live In Nashville.

But Popovich wasn't a country boy for long. In 1993, he returned to Cleveland.

"My son wanted to go to Lake Catholic High School to play football and wanted to see more of his mother. My family's up here, and I thought it was an opportune time to start another label."

It wasn't long before he revived Cleveland International, this time in partnership with Cleveland businessman and metalwork factory owner Bill Sopko, a friend since the '70s.

"The concept was to try to find some new people that the big companies were not interested in, to try to do something regionally," says Sopko. "And he would keep his ears open and possibly pick another winner. We're still trying to accomplish that."

Since Cleveland International's humble rebirth—it has a staff of two, including Popovich, who often even answers the company phone—the label has released 31 albums.

The diversity of sounds is striking: Danish pop-rock from Michael Learns to Rock to Hanne Boel; a Browns protest compilation called Dawg Gone; a Cockney folk duo called Chas and Dave; the cast album from the touring Woody Guthrie American Song production; Ian Hunter's 1995 Dirty Laundry; new releases from Polish polka king Eddie Blazonczyk; and the Grammy-nominated 1995 release by Frankie Yankovic and Friends, Songs of the Polka King. But it's his return to his ethnic roots that Popovich is most excited about.

"Maybe that's what I'm supposed to do at 56 years old. This is what I grew up with, so maybe as you get older what you grew up with becomes more important. Or maybe it's a reaction to the Sony-fication of the world," he says.

This roots revival has led Popovich to create Our Heritage . . . Pass It On, a mid-priced label he describes as "meant to reflect the ethnicity of Cleveland and the Midwest." So far, the label features releases by Cleveland crooner Rocco Scotti and the Here Come the Polka Heroes compilation, and Popovich plans to expand the variety of nationalities represented on the subsidiary. He's looking into working with Irish and Latin music groups, and he recently assisted Cleveland's Kosovo Men's Choir, a Serbian church group, in releasing a record on their own label that he may pick up for Our Heritage.

But while his first reason for Our Heritage may be his love for the music, it's not Popovich's only impetus. "I'd like to see this break through, and I'd be the king of polka records. If Sony wanted to deal with polka music, they'd have to come to me," he says.

He sees a real future in celebrating the past.

"There is a hunger for the Euro-ethnic. Whether it's in books, music or videos. I'm not saying on a titanic level at all, but there's something very interesting going on," he says.

To prove his point, he pops a video into the VCR next to his desk. Groups of brightly clad dancers emerge on the screen, doing a Croatian folk dance.

"You have this group [The Duquesne University Tamburitzans] in Pittsburgh, 35 born and raised in America Euro-ethnic kids who go and do two hours shows to standing ovations and play all over the country. And then you go see them after the show, and they're wearing their Nine Inch Nails T-shirts."

He pops in another video, and the screen is filled with polkaing twentysomethings.

"He pops in another video, and the screen is filled with polkaing twentysomethings.

"This goes on at Seven Springs on July 4th every year," he explains, refering to an annual polka-fest held at the Pennsylvania ski resort. "I'm the oldest one there.

"They should get PBS in Pittsburgh down there. This is America, man. If I say polka, people are like, 'the p word'. . . but you see the ages of these dancers. The whole floor's going nuts.

"We need someone with a TV camera. Someone interviewing these people about the history of this thing and why they love this. They don't hear it on the radio, they don't see it on TV, they don't see it on movie theaters, but it stays alive. Why? It's an underground thing and has been for the greater part of this century. That's what I love about it."

NEW WORLD

"Show her your tattoo, Pop," says Steve Popovich to his son, using the nickname they call one another.

Steve, Jr., in chain-clad baggy jeans and a button-down Adidas shirt, pulls up his sleeve to reveal the words Zivili Brace, Zivili Sestra, a Serbo-Croatian saying meaning roughly "to life brother, to life sister." It's also the name of a polka by Johnny Krizancic.

Like father, like son.

A cliché perhaps, but a saying that rings true for the Popoviches. Nineteen-year-old Steve, Jr. has just made his move into the music world, in partnership with his father and the owners of Toledo-based punk-metal label Sin Klub Entertainment, Ed Shimborske and Michael Seday. The four have just formed Grappler Unlimited, a subsidiary of Cleveland International.

Unlike Our Heritage, this label has nothing to do with Popovich's love for the Old World. It has everything to do with his love for the little boy who once stood talking to Johnny Cash and Hank Williams Jr.

Steve, Jr. was a major reason Sin Klub first caught his father's attention. Seday was dating Popovich's daughter, Pamela. He and Steve, Jr. became friends, and he took the younger Popovich to Toledo to see some of Sin Klub's bands, including a heavy rap-punk called Porn Flakes.

"Something just clicked, I was just drawn to it," says Steve, Jr. "It was like a disease. It was catchy, it really was."

Steve, Jr. was so impressed with Porn Flakes that he came back to Cleveland and, at age 16, promoted his first show, a concert at the Agora featuring Porn Flakes, Fifth Wheel, Cannibus Major and Cows in the Graveyard. He also told his father about what he saw. Steve, Sr. began to take notice of this young label that was taking the same kind of regional marketing approach that he had always practiced.

"Popovich started putting his hand into [Sin Klub] and helping us out, giving us advice. He was kind of like a father figure to the label," says Shimborske. "He helped throw his weight around a little, getting us some better shows."

"He admired the fact that we stuck it out for so long," he says. "Plus, I think he needed, or wanted, to kind of fill the void with his conglomeration of labels, as far as having a younger, more cutting-edge sound. A fresher, alternative sound."

Popovich admits appealing to a younger audience was a factor behind Grappler.

"We established a certain kind of image for Cleveland International, and I got a little concerned when people would think it was only a polka label," he says.

Grappler was finally formed in the fall of '98 with Porn Flakes as the first signing. Though in some ways the new subsidiary has a loose, family feel—Shimborske's parents help out with art and photo work, and Popovich once took Frankie Yankovic to Shimborske's grandparents' house for homemade pierogis—all four partners are very serious. Seday and Shimborske, who still run Sin Klub, are doing A&R and marketing. Steve, Jr. is doing promotions out of his father's office. And Steve, Sr. is doing what he can to help without trying to run the show.

"I don't want my rules to apply to that label. It's whatever they feel people their age want. These are three pretty talented guys who know the music business," he says. "They're real passionate, and that's the key word."

"Cleveland International funded it. I try to stay in the background and bring these guys along with what contacts I have."

So far this has meant making calls to radio stations on the label's behalf and taking the label's product to conventions. This week, Popovich, his son and Seday have taken Porn Flakes product to the Midem conference in France, the world's largest music-industry convention, in hopes of getting world licensing for the group.

Despite his connections, Popovich realizes it's not going to be easy to break Porn Flakes or any other new band. The times have changed since he started in the music industry, and different rules now apply. High-priced consultants who dictate playlists across the country rule contemporary radio, making a grassroots regional push like the one used with Meat Loaf almost impossible. And Cleveland is far from the music hub it was in the days when WMMS mattered.

"The problem is you have five major companies that control American radio. You have great local radio people still, people like Walk Tiburski and John Lannigan. The people are here. The ownership unfortunately is not here, and the consultants for the most part are not based here. They live in Washington, D.C. or Texas and are adding records in Cleveland, Ohio."

Still, Popovich predicts a future when radio might not matter that much.

"Mushroomhead is not on the radio, and they're packing bars. People love it, and they still manage to attract a crowd. It's beyond that now going into the next century. You don't need A&R people now. If you believe in what you do, get somebody to put up the money to press up a thousand records and put them in stores in consignment. If those records go away, get a thousand more. And then go on with your Website. You can start that way. Then at some point you need to be seen at South by Southwest or one of those New York gigs."

Popovich also has some forward thinking ideas about Cleveland International. He's talking about starting an Internet radio station and believes that to sell records you need to get them into unorthodox places, like hotel lobbies and drug stores, not just mega-record stores.

"I need a person who is a head of sales who has no rules, who can think into the next century," he says.

Still, there are some troublesome factors.

"It's a questionable time to be doing what I'm doing, given the fact that people can now make their own CDs and that there's MP3," says Popovich. "The industry's going through a lot of changes."

So why start Grappler?

"They're kind of keeping me in balance," he says. "There's a whole new world of 19-year-olds out there who don't necessarily love 'N Sync or Backstreet Boys or what MTV is trying to shove down their throats. I've always loved that end of the business. Most of the artists I dealt with no one believed in, in the beginning."

That's how he got all of those records on the wall.

GOVERNMENT SHUTDOWN PREVENTION ACT OF 1999

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GEKAS. Mr. Speaker, yesterday, the NFL owners approved the use of an "instant replay" system to review controversial calls in football games. Well, it looks like the NFL is one step ahead of Congress. The Government Shutdown Prevention Act would be an "instant replay" for the budget, so there is never a threat of a shutdown as the clock ticks down on the fiscal year. There have been innumerable "controversial calls" as budget negotiations have stalled and even completely broken down. The Government Shutdown Prevention Act allows appropriators to finish their work as funding levels automatically continue at the rate of the previous year: an "instant replay" that allows the Government to operate until a budget agreement is reached. An "instant replay" that allows senior citizens to get their social security checks on time, allows veterans to receive their benefits, and keeps federal workers on the job during budget negotiations. I'd say Congress ought to take a page out of the NFL play book and pass H.R. 142, the Government Shutdown Prevention Act.

MY COMMITMENT TO REPEALING THE JONES ACT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, American agricultural producers today do not have access to domestic deep-sea transportation options available to their foreign competitors. There are no bulk carriers operating on either coast of the United States, in the Great Lakes, nor out to Guam, Alaska, Puerto Rico, or Hawaii. This places Colorado producers at a competitive disadvantage because foreign producers are able to ship their products to American markets at competitive international rates whereas U.S. producers are not.

Colorado agricultural producers also need access to deep-sea transportation options because other modes of transportation are often expensive, unpredictable, or unavailable. The rail car shortage we experienced in 1997 could have been averted if just 2% of domestic agricultural production could have traveled by ocean-going vessel. With continued record harvests anticipated across our state, the bottlenecks and congestion on rail lines could easily happen again. This raises rail rates to artificially high levels at a time when commodity prices are already depressed. This in turn raises the costs of production, lowers income, and makes it more difficult for Colorado's producers to compete against subsidized foreign products.

The reason there are no domestic bulkers available to agriculture shippers is because of an outdated maritime law, known as the Jones Act, which as passed in 1920 in an effort to strengthen the U.S. commercial shipping fleet. This law mandates any goods transported between two U.S. ports must travel on a vessel built, owned, manned, and flagged in the United States—no exceptions. The domestic fleet has languished under the Jones Act because it is prohibitively expensive to build new ocean-going vessels in U.S. shipyards.

Only two bulkers have been built in U.S. shipyards in the last 35 years, which has left our country with the oldest fleet in the industrialized world. To contract for a new ship would cost an American operator over three times the international non-subsidized rate, almost assuring no new bulkers are built in the United States.

At a time when we should be fighting ever harder to open foreign markets, reduce unnecessary costs and regulatory burdens, and promote sales of American products, we should not be imposing artificial costs and burdens on Colorado's hardworking agriculture producers. I will continue my work in Congress to repeal the Jones Act and assure a more efficient and cost-effective system for transporting agricultural goods to market.

TRIBUTE TO THOMAS FERNANDEZ

HON. HEATHER WILSON

OF NEW MEXICO

G1IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an award won by Thomas Fernandez, a 12-year-old resident of our great community, Albuquerque, NM. Thomas Fernandez is the 1999 BMX Grand National Champion for his age group.

Thomas began competing when he was 4½ years old. He has more than 200 trophies displayed at his family's home in Barrio de Duranes. This is the second time Thomas has taken this prestigious national title. The first time was in 1992 at the age of 6.

Please join me in recognizing this achievement of Thomas Fernandez and wish him continued success.

OPPOSING COMMUNISM

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. DELAY. Mr. Speaker, I commend the following remarks given by Paul Harvey in a radio broadcast on March 16, 1999 to my colleagues.

[Excerpt from Paul Harvey News, March 16, 1999]

When Communism was threatening to take over the world there were Americans with divided allegiance. Communists had infiltrated some high places into the United States. A lean young traitor was able to walk out of the Supreme Court building with two character references in his briefcase.

In Hollywood individuals suspected of communist sympathies were blacklisted. Some were denied employment for years. Less well known is the Hollywood blacklist of ANTI communists and this one still exists.

March 21, next Sunday; in Los Angeles, California at the Dorothy Chandler Pavilion there will be a ceremony of support for the actors and actresses who have been blacklisted because they dared oppose communism. Adolph Menjou, Elia Kazan, and recognition for his red-white and blue colleagues: Writer Jack Moffitt, Richard Macaulay, Morris Ryskind, Fred Niblo, Junior. Albert Mannheimer who dared fight communists within the Screen Actors Guild.

Most of these who opposed communism never worked in Hollywood again. They represent the "other blacklist." And it is not limited to Hollywood.

All media include some whose patriotism is diluted and to whom anybody consistently on the right is anathema. They hated Reagan and still do.

Such is the "new discrimination" a new organization has taken root to protect the civil rights of the American right. The American Civil Rights Union chaired by Robert Carlson and with a board comprised of Bob Bork, Linda Chavez, Ed Meese, Joe Perkins, Ken Tomlinson.

In my professional experience there is less—left-right—polarization in our nation than ever in this century. But what it is is insidious, entrenched, tenacious. Until the day when there will be need for an ACLU or an ACRU . . . it is constructive that we now have both.

AFL–CIO MAKES GOOD SENSE ON TRADE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important issues on which many of us are now working is to forge policies which allow us to get the benefits of the global mobility of capital while dealing with the negative impacts that accompany that movement of money throughout the world in the absences of sensible, humane public policies.

No organization in America has done as much to articulate the important, principles that we need to follow in this regard than the AFL–CIO, and the statement on Trade and Deindustrialization issued by the AFL–CIO's executive Council last month is an excellent presentation of this problem. A significant number of us here in the House believe that unless we are able to embody these principles in legislation, the chances of adopting further trade legislation will be substantially diminished, an support for international financial institutions will be similarly negatively affected. Because the AFL–CIO does such a good job of spelling out the approach that is economically, morally and politically called for in dealing with the international economy, I ask that the Council's statement be printed here.

TRADE AND DEINDUSTRIALIZATION

The financial crisis that began in Asia more than a year-and-a-half ago continues and spreads. The countries hit first struggle to recover, and new countries succumb to the contagion. Millions of workers have lost their livelihoods in the crisis countries and hunger and poverty have grown alarmingly. The United States is not immune, and many American workers are already paying a high price for global turmoil.

It is clear that the crisis is neither temporary, nor easily fixed. The cause of the crisis is systemic, and solutions must go straight to the heart of a global trade and investment regime that is fundamentally flawed. Deregulated global markets, whether for capital and currencies, or for labor and goods, are not sustainable. They produce speculative, hot money explosions and a relentless search for lower costs that devastate people, overturn national economies and threaten the global economy itself. The so-called Washington consensus on "economic reform"—trade and investment liberalization, privatization, deregulation, and extreme austerity—is a recipe for instability, social strife, environmental degradation, and growing inequality, not long-term growth, development, and broadly shared prosperity.

The combination of the global financial crisis and long-term trends in trade and investment have inflicted deep wounds in the U.S. manufacturing sector. The United States has lost 285,000 manufacturing jobs since March of 1998. Trade-related job loss will likely grow in 1999, as the trade deficit in goods is projected to climb from about $240 billion in 1998 to close to $300 billion this year.

This trade imbalance is accelerating industrialization in a broad array of industries—steel, textile, apparel, auto, electronics, and aerospace. No region has escaped the ravages of the crisis. The impact is not only job loss, but also the quality and composition of jobs, and therefore the distribution of income. Despite the recent growth in wages, the typical American worker's real hourly compensation is lower today than it was almost a decade ago—even as productivity grew by 9 percent.

We must address these problems by insisting upon a set of principles that will guide our trade, investment, and development policies at home and in all of the multilateral fora. We will strenuously oppose any new trade or investment agreements that do not reflect these principles, and we will work to remedy the deep flaws in our current policies.

First, excessive volatility in international flows of goods, services, or capital must be controlled. Countries must retain the ability to regulate the flow of speculative capital in order to protect their economies from this volatility.

Second, we must not allow international trade and investment agreements to be tools which businesses use to force down wages and working conditions or weaken unions, here or abroad.

Third, we need to pay more attention to the kind of development we aim to encourage with our trade policy. Our current policies reward lower barriers to trade and investment, and encourage developing countries to dismantle domestic regulation. These policies encourage developing countries to grow by tapping rich export markets abroad, while keeping wages low at home. This focus on export-led growth short-changes developing countries and places undue burden on our market.

As Congress considers trade initiatives this year, and as the Administration prepares to host the World Trade Organization (WTO) ministerial in November, they must adhere rigorously to these principles. This requires that:

The U.S. government must radically reorder its priorities, so that our trading partners understand that enforceable worker rights and environmental protection are essential elements in the core of any trade and investment agreements. Unilateral grants of preferential trade benefits must also meet this standard. The African Growth and Opportunity Act and the proposed extension of NAFTA benefits to the Caribbean and Central America fall far short and are unacceptable.

We should strengthen worker rights provisions in existing U.S. trade laws and enforce these provisions more aggressively and unambiguously to signal our trading partners that failure to comply will not be tolerated.

The U.S. government must enforce the agreements it is currently party to, before looking to conclude more deals. China's failure to abide by the 1992 memorandum of understanding and the 1994 market-opening agreement must not go unchallenged, and China's recent jailing of trade unionists is yet more evidence that WTO accession should be denied. Congressional approval should be required for China's accession to the WTO.

Current safeguard provisions in U.S. law are clumsy and ineffective. We must strengthen and streamline Section 201 and the NAFTA safeguards provisions, so that we can respond quickly and effectively when import surges cause injury to domestic industries. Until this can be accomplished, we should be ready to take unilateral action to protect against import surges when necessary.

Immediate steps must be taken to address the flood of under-priced imported steel coming into our market. U.S. workers must not be the victims of international financial collapse.

Fast track—the traditional approach to trade negotiating authority—has been decisively rejected by Congress and the American people. Trade negotiations are increasingly complex, and Congress must have a stronger consultative role. Congressional certification that objectives have been met at each stage must be required before the negotiations can proceed. Both the process of negotiation and the international institutions that implement these agreements need to be more transparent and accessible to non-governmental organizations.

We need to address the problems faced by developing countries more directly, by offering deep debt relief and development funds as part of an overall program of engagement and trade. Trade preferences linked to improved labor rights and environmental standards change the financial incentives for countries seeking market access and increased foreign direct investment; debt relief and aid can help provide the resources necessary to implement higher standards.

The U.S. government needs to address the problems of chronic trade imbalances and offset agreements, whereby U.S. technology and jobs are traded for market access.

But before Congress and the Administration craft fundamentally different trade policies, we must take urgent steps to fix problems in our current trade agreements. NAFTA has been in place for five years now and has been a failure.

We must strengthen the labor rights protections in NAFTA, so that violations of core labor standards come under the same strict dispute settlement provisions as the business-related aspects of the agreement.

We must renegotiate the provisions on cross-border trucking access. It is clear that fundamental safety issues are far from being satisfactorily addressed. The safety of our highways must not be compromised for the sake of compliance with a flawed trade agreement.

The safeguard provisions in NAFTA have proven ineffective in the cases of auto and apparel imports, which have surged unacceptably since NAFTA's implementation in 1994. These provisions must be corrected. We must insist on an equitable sharing of automotive production among the three North American countries, so that all three countries can benefit from growth in the North American market, as well as sharing in its downturns. And we must ensure that the investment provisions of NAFTA, which grant new powers to corporations in their disputes with governments, are fixed and not used as a model for any future agreements.

In addition to fixing trade policy, we have to make sure that our policies toward investment, development, taxation, and the international financial institutions support economically rational, humane, and worker-friendly rules of competition. We must change the rules of the international economy, not so we can have more trade, but so we can build a better world, for working families here and abroad.

Finally, it is important to remember that the United States has the right to withdraw from trade agreements to which it is a party. The U.S. government should undertake an aggressive review of existing trade agreements to determine whether they adequately protect U.S. interests or whether the U.S. should exercise its withdrawal rights.

WOMEN'S BUSINESS CENTER AMENDMENTS ACT OF 1999

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 774, the Women's Business Center Amendments Act. This bill increases the authorization for the Women's Business Center Program from $8 million to $11 million in FY 2000.

I support this bill because the Women's Business Centers are instrumental in assisting women with developing and expanding their own businesses. The Centers provide comprehensive training, counseling and information to help women succeed in business.

Women are starting new businesses at twice the rate of men and own almost 40 percent or 8 million of all small businesses in the United States. Women of color own nearly one in eight of the 8 million women-owned businesses or 1,067,000 businesses.

Women start businesses for a variety of reasons. With the recent spate of corporate downsizing in large companies and the various changes in the marketplace, small businesses are becoming a vital part of the economic stability of the country.

Women often start businesses because they want flexibility in raising their children, they want to escape gender discrimination on the job, they hit the glass ceiling, and many desire to fulfill a dream of becoming an entrepreneur. We should encourage this current trend of women-owned businesses by supporting the Women's Business Center Amendment appropriation.

The Women's Business Centers offer women the tools necessary to launch businesses by providing resources and assistance with the development of a new business. This includes developing a business plan, conducting market research, developing a marketing strategy, and identifying financial services. The centers also offer practical advice and support for new business owners.

Access to this information is essential to success in small business. The Women's Business Centers provide a valuable service to aspiring entrepreneurs.

I urge my colleagues to support this bill.

ASSISTING SOCIAL SECURITY DISABILITY BENEFICIARIES IN THEIR RETURN TO WORK: THE WORK INCENTIVES IMPROVEMENT ACT OF 1999

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. MATSUI. Mr. Speaker, I am pleased to join my colleagues in the introduction of "The Work Incentives Improvement Act of 1999." This legislation is designed to help Social Security Disability Insurance and SSI beneficiaries participate more fully in our nation's economy. It provides new opportunities and new incentives for people with disabilities to return to the work force.

The Work Incentives Improvement Act of 1999 enjoys widespread support. It has gathered bipartisan sponsorship in the House and has already been approved by a bipartisan majority in the Senate Finance Committee.

Many, many beneficiaries urgently want to return to work and to make the most of their talents and abilities, but they are simply unable to do so for a variety of reasons. For instance, while people with disabilities possess the clear desire to work, they often require vocational rehabilitation, job training, or some other form of assistance in order to find a job and to hold that job over the long run. This bill would create incentives for providers of services to offer necessary assistance and to stay involved with the individual to assure as he adjusts to the work force.

At a hearing before the Ways and Means Social Security Subcommittee last week, the General Accounting Office reported that the single most important barrier to work for people with disabilities is the fear of loss of medical coverage. People with disabilities are discouraged from securing employment, as they lose not only their SSDI or SSI benefits but also their medical coverage if they are successful in returning to work.

This legislation would extend medical coverage for people with disabilities who wish to return to work. The bill that the House passed last year by an overwhelmingly bipartisan margin—the Ticket to Work and Self-Sufficiency Act—made admirable progress in this regard. But I believe we can, and should, do more. I look forward to working with my colleagues on the Commerce Committee to remove this barrier to work.

Rather than maintain the current barriers to work, we should strive to facilitate the transition back to the workforce for people with disabilities. Rather than penalize people with disabilities once they do return to work, we should ensure that they do not have to bear the costly burden of health insurance before they are able to do so. The Work Incentives Improvement Act accomplishes both those goals.

The Act would provide disability beneficiaries with a "Ticket to Work," which could be presented to either a private vocational rehabilitation provider or to a State vocational rehabilitation agency in exchange for services such as physical therapy or job training. The "Ticket to Work" would afford SSDI and SSI beneficiaries a much greater choice of providers and would thus enable them to match their particular needs with the capacities of private entities or public agencies more readily. Moreover, the Ticket program would spur providers, both public and private, to offer the most effective services possible, since, under the Ticket program, providers share in the savings to government that arise when a SSDI or SSI beneficiary returns to the workforce and no longer receives benefit payments.

The Work Incentives Improvement Act would also help to remove the most formidable obstacle that people with disabilities face in returning to work—the loss of their health care coverage. Last year's House-passed bill would have extended Medicare coverage for an additional two years beyond current law for individuals who leave the disability rolls to return to work. The Work Incentives Improvement Act that I am introducing today would build upon the foundation laid last year in a number of ways. First, it would extend Medicare coverage to 10 years for disability beneficiaries who return to work. Second, it would allow states to offer a Medicaid buy-in to people with disabilities whose incomes would make them ineligible for SSI.

Taken together, these provisions offer people with disabilities the support and the incentives they need as they strive to return to work. Consequently, I hope Members of both parties will join me and the other sponsors of the Work Incentives Improvement Act in enacting this innovative legislation this year and in helping to improve the lives of people with disabilities, people who want to work and who want to contribute, even more than they already do, to a brighter future for all Americans.

THE DISTRICT OF COLUMBIA BUDGET AUTONOMY ACT OF 1999 AND THE DISTRICT OF COLUMBIA LEGISLATIVE AUTONOMY ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia Legislative Autonomy Act of 1999 and the District of Columbia Budget Autonomy Act of 1999, continuing a series of bills that I will introduce this session to ensure a process of transition to democracy and self-government for the residents of the District of Columbia. The first provision of the first bill in my D.C. Democracy Now series, the District of Columbia Democracy 2000 Act (D.C. Democracy 2000), has already been passed and signed by the President as Public Law 106–1—the first law of the 106th Congress. This provision repeals the Faircloth attachment and returns power to the Mayor and City Council.

The Revitalization Act passed in 1997 eliminated the city's traditional, stagnant federal payment and replaced it with federal assumption of escalating state costs including prisons, courts and Medicaid, as well as federally created pension liability. Federal funding of these state costs involve the jurisdiction of other appropriations subcommittees, not the D.C. appropriations subcommittee. Yet, it is the D.C. subcommittee that must appropriate the District's own locally-raised revenue derived from its own taxpayers before that money can be used by the District government. My bill corrects an untenable position whereby a national legislature appropriates the entire budget of a local city jurisdiction. The District of Columbia Budget Autonomy Act would allow the District government to pass its own budget without congressional approval.

Congress has put in place two safeguards that duplicate the function of the appropriation subcommittees—the Chief Financial Officer (CFO) and the District of Columbia Financial Responsibility and Management Assistance Authority (Financial Authority). Today, however, the District has demonstrated that it is capable of exercising prudent authority over its own budget without help from any source except the CFO. In FY 1997, the District ran a surplus of $186 million. Last year, the District's surplus totaled $444 million, and the city government is scheduled to continue to run balanced budgets and surpluses into the future.

Budget autonomy will also help the District government and the Financial Authority to reform budgetary procedures by: (1) streamlining the District's needlessly lengthy and expensive budget process in keeping with the congressional intent of the Financial Authority Act to reform and simplify D.C. government procedures, and (2) facilitating more accurate budgetary forecasting.

This bill would return the city's budget process to the simple approach passed by the Senate during the 1973 consideration of the Home Rule Act. The Senate version provided a simple procedure for enacting the city's budget into law. Under this procedure, the Mayor would submit a balanced budget for review by the City Council with only the federal payment subjected to congressional approval. Under the Constitution's District clause, of course, the Congress would retain the authority to intervene at any point in the process in any case, so nothing of the prerogatives and authority of the Congress over the District would be lost ultimately. A conference compromise, however, vitiated this approach treating the D.C. government as a full agency (hence the 1996 very harmful shutdown of the D.C. government for a full week when the federal government was shut down). The Home Rule Act of 1973, as passed, requires the Mayor to submit a balanced budget for review by the City Council and then subsequently to Congress as part of the President's annual budget as if a jurisdiction of 540,000 residents were an agency of the Federal Government.

The D.C. budget process takes much longer compared to six months for comparable jurisdictions. The necessity for a Financial Authority significantly extended an already uniquely lengthy budget process. Even without the addition of the Authority, the current budget process requires the city to navigate its way through a complex bureaucratic morass imposed upon it by the Congress. Under the current process, the Mayor is required to submit a financial plan and budget to the City Council and the Authority. The Authority reviews the Mayor's budget and determines whether it is approved or rejected. Following this determination, the Mayor and the City Council (which also holds hearings on the budget) each have two opportunities to gain Authority approval of the financial plan and budget. The Authority provides recommendations throughout this process. If the Authority does not approve the Council's financial plan and budget on second review, it forwards the Council's revised financial plan and budget (containing the Authority's recommendations to bring the plan and budget into compliance) to the District government and to the President. If the Authority does approve the budget, that budget is then sent to the President without recommendations. The proposed District budget is then included in the federal budget, which the President forwards to Congress for consideration. The D.C. subcommittees in both the House and Senate review the budget and present a Chairman's mark for consideration. Following markup and passage by both Houses, the D.C. appropriations bill is sent to the President for his signature. Throughout this process the bill is not only subject to considerations of fiscal soundness but individual political considerations.

This procedure made a bad budgetary process much worse causing me to write a consensus budget provision in the President's Revitalization Act that allows the parties to sit at the same table and write one budget. Even so, instead of that budget becoming law then, the District remains without a budget for months, often after the beginning of the fiscal year.

Under the legislation I introduce today, the District of Columbia still remains subject to the full appropriations process in the House and Senate for any federal funds. Nothing in this bill diminishes the power of the Congress to "exercise exclusive legislation in all cases whatsoever" over the District of Columbia under Article I, section 8, clause 17 of the U.S. Constitution should it choose to revise what the District has done concerning locally raised revenue. Nothing in this legislation prevents any Member of Congress from introducing a bill that addresses her specific concerns regarding the District. The Congress should grant the District the power to propose and enact its own budget containing its own revenue free from Congressional control now during the period when the Authority is still the monitoring mechanism providing an important incentive to help the District reach budget balance and meaningful Home Rule.

The second bill I introduce today, the District of Columbia Legislative Autonomy Act of 1999, eliminates the congressional review period of 30 days and 60 days respectively, for civil and criminal acts passed by the D.C. City Council. Under the current system, all acts of the Council are subjected to this Congressional layover period. This unnecessary and undemocratic step adds yet another unnecessary layer of bureaucracy to an already overburdened city government.

My bill would eliminate the need for the District to engage in the byzantine process of enacting emergency and temporary legislation concurrently with permanent legislation. The Home Rule charter contemplates that if the District needs to pass legislation while Congress in out of session, it may do so if two-thirds of the Council determines that an emergency exists, a majority of the Council approves the law and the Mayor signs it. Emergency legislation, however, lasts for only 90 days, which would (in theory) force the Council to pass permanent legislation by undergoing the usual congressional review process when Congress returns. Similarly, the Home Rule Charter contemplates that the Council may pass temporary legislation lasting 120 days without being subjected to the congressional review process, but must endure the congressional layover period for that legislation to become law.

In actual practice, however, most legislation approved by the City Council is passed concurrently on an emergency, temporary and permanent basis to ensure that the large, rapidly changing city remains running. This process is cumbersome and inefficient and would be eliminated by my bill.

It is important to emphasize that my bill does not prevent review of District laws by Congress. The D.C. Subcommittee would continue to scrutinize every piece of legislation passed by the City Council if it wishes and to change or strike that legislation under the plenary authority over the District that the Constitution affords to the Congress. My bill merely eliminates the automatic hold placed on local legislation and the need to pass emergency and temporary legislation to keep the District functioning.

Since the adoption of the Home Rule Act in 1973, over 2000 acts have been passed by the council and signed into law by the Mayor. Only thirty-nine acts have been challenged by a congressional disapproval resolution. Only three of those resolutions have ever passed the Congress and two involved a distinct federal interest. Two bills to correct for any federal interest, rather than a hold on 2000 bills, would have served the purpose and saved considerable time and money for the District and the Congress.

I ask my colleagues who are urging the District government to pursue greater efficiency and savings to do your part in giving the city the tools to cut through the bureaucratic maze the Congress itself has imposed upon the District. Congress has been clear that it wants to see the D.C. government taken apart and put back together again in an effort to eliminate redundancy and inefficiency. Congress should therefore eliminate the bureaucracy in D.C. that Congress is solely responsible for by granting the city budgetary and legislative autonomy.

Only through true budgetary and legislative autonomy can the District realize meaningful self-government and Home Rule. The President and the Congress took the first step in relieving the District of costly escalating state functions in the Revitalization Act. This bill takes the next logical step by granting the District control over its own budgetary and legislative affairs. I urge my colleagues to pass this important measure.

HONORING MARIE THERESE DAMRELL GALLO

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. CONDIT. Mr. Speaker, I rise today to honor Marie Therese Damrell Gallo in recognition of her being awarded the Anti-Defamation League's Torch of Liberty Award for the Central Pacific Region. Marie has established standards for charity and voluntarism which are remarkable—all the while, gaining the admiration and love of the many people who have had the pleasure and enjoyment of working with her.

I'm proud to report that first and foremost in Marie's life is an incredibly strong commitment to her family. Marie married Bob Gallo in 1958 and together they have raised 8 children, and have 10 grandchildren.

Yet while raising her family, Marie never forgot her commitment to her friends of her community. In tribute to her many accomplishments, Marie has also received the Liberty Bell award from the Stanislaus County Bar Association, the Standing Ovation Award from the Modesto Symphony Guild, the Outstanding Women of the Year award from the Stanislaus County Commission for Women, and The Cross for the Church and the Pontiff Papal award from His Holiness, John Paul II.

The diversity and breadth of her interests and concerns are amazing. She has been the founder and chairwoman of innumerable fundraising events for charitable organizations, including the Modesto Symphony Guild's Holiday Overture, the American Diabetes Association of Stanislaus County's The Great Caper; the Opening Night Gala for the Central California Art League's Spring Show, the Bishop of Stockton's Celebration of Charity; An Evening Starring Loretta Young for the benefit of the Sisters of the Cross Convent; the YMCA of Stanislaus County's An Autumn Affair; and the Fashion Show for the benefit of St. Stanislaus School.

A native of Modesto, in my district in California's great Central Valley, Marie attended Lincoln Elementary, Roosevelt Junior High, and Modesto High School. She is a graduate of the College of Notre Dame and taught in the San Francisco school system before her marriage to Bob. Marie is an accomplished pianist and studied under Bernhard Abramowitsch at the University of California/Berkeley.

Mr. Speaker, Marie Gallo exemplifies the finest spirit of voluntarism and selfless dedication. I am proud to represent her in the Congress and ask that my colleagues rise and join me in honoring her.

TRIBUTE TO JACOB H. "BUD" BLITZER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the memory of Jacob H. "Bud" Blitzer. Bud was a man of integrity and tremendous resilience, who used his creativity, intelligence, humor, and a sense of fairness to navigate through a life of great challenges.

A victim of polio at age 27, Bud—never one for self-pity—became a successful businessman, consultant, educator, mentor, and all around mensch. Most important to him were the relationships he cultivated with family, friends, the I Have a Dream Foundation, and the many people fortunate enough to know him.

Bud, with his brother-in-law Len Milner, founded Integrated Ceilings, Inc., specializing in innovative architectural custom ceiling designs. He held many patents for designs which have enhanced numerous office buildings, retail stores, and homes. These innovations inspired an entire industry of ceiling design. He ran his company with the highest standards of honesty, quality, and excellence. This commitment was reflected by the employees of the company who were loyal and proud of their product and most of whom remained with the company throughout the entire time that Bud was its president and CEO.

Bud did not limit himself to his company. He also served as a mentor for many young entrepreneurs as they began their businesses as well as many people who were struggling with the challenges of life. One notable example was Tom Greene of the T.A. Greene Co., of whom Bud was known to have said, "I started out helping Tom, but in the end, it was he who helped me."

Bud was a jazz drummer in his youth, served as an officer in the Army Air Corps, and was founder and president of the Lightrend Co., prior to founding Integrated Ceilings, Inc. An avid sailor and a jazz enthusiast, a conversationalist par excellence, Bud's greatest gift was to make each person he spoke with feel special.

Our thoughts are with Bud's family: his wife Dalia; children Jamie and Rob, along with his wife Donna; sisters Barbara and Susan and their husbands George and Len; grandchildren Rebecca and Erica; two great grandchildren; nieces and nephews and many friends who were part of the extended family.

Mr. Speaker, distinguished colleagues, please join me in remembering a great friend and outstanding individual, Jacob "Bud" Blitzer.

TRIBUTE TO THE LADY BULLDOGS

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. HILL of Indiana. Mr. Speaker, I rise today to honor the Women's Basketball Team from New Albany High School. The Lady Bulldogs won the Indiana High School Athletic Association class 4A basketball championship last Saturday, completing a perfect season.

Congratulations go out to the entire team: Catrina Wilson, Jessica Dablow, Maria Rickards, Abigail Scharlow, Jessica Huggins, Kennitra Johnson, Erin Wall, Amanda Sizemore, Lacy Farris, Noreen Cousins, Andrea Holbrook, Regina Marshall, Brittany Williams, and Jihan Huggins.

I also wish to congratulate: the team's coach Angie Hinton, her assistant coaches Denise Parrish, Paul Hamilton, Joe Hinton and Katie Myers, team trainer Russ Cook, student manager Melissa Fisher, the athletic director at New Albany Don Unruh, and school principal Steve Sipes.

The Lady Bulldogs are the pride of southern Indiana. I join their families, friends, classmates and community in celebrating their great accomplishment.

RECOGNIZING THE IMPORTANCE OF NEW RESEARCH SUPPORTING THE BENEFITS OF MUSIC EDUCATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the importance of new research supporting the benefits of music education.

The arts as an academic discipline have long been seen as an essential component of education. Recent scientific studies confirm what teachers of old have always known—music and the other arts stimulate higher brain function. Music education has been shown to elevate test scores in other subjects, particularly math. The Statement of Principles is an important document; it outlines seven basic concepts that, if followed, will maximize the benefits of arts education for all children. I entered these same Statements into the CONGRESSIONAL RECORD on September 10 so my colleagues might have a chance to review them.

Mr. Speaker, there is a growing body of research demonstrating a causal link between the formal study of music and the development of spatial reasoning skills in young children. This past week new research from the University of California at Irvine has underscored this link by showing children who take piano lessons and play with newly designed computer software perform better on tests with fractions and proportional math than students not exposed to the piano lessons.

These findings are especially important when one considers that a grasp of fractions and proportional math is a prerequisite to math at higher levels, and children who do not master these areas of math cannot understand more advanced math critical to high-tech fields.

Music lovers like myself have long promoted music education as a way to inspire creativity, develop discipline, and cultivate an appreciation for the arts. Although we suspected gains in cognitive development, today we have the research to confirm it. I urge my colleagues to review the research and encourage families and educators in their Congressional districts to make music education a priority.

EXPRESSING OPPOSITION TO DECLARATION OF PALESTINIAN STATE

SPEECH OF

HON. HOWARD P. (BUCK) McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. MCKEON. Mr. Speaker, I rise in support of House Concurrent Resolution 24, which opposes the unilateral declaration of Palestinian statehood.

While the goal of achieving peace in the Middle East has long been elusive, we have in recent years seen progress where Israelis and Palestinians have come to the negotiating table to discuss their differences. This negotiating process should continue to be respected as the best means for Israelis and Palestinians to maintain a constructive dialogue on fundamental issues of concern. Unilateral actions that circumvent this process will only prolong potential solutions to the conflicts which have caused great harm to Arabs and Jews in Israel.

Approving the resolution before us today will convey an important message that the United States support continued negotiations as the best means to create lasting peace in a region where so much blood has been shed.

THE PENSION RIGHT TO KNOW ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. WELLER. Mr. Speaker, do we not have a responsibility to help our constituents understand their benefits? As a large portion of today's population is nearing retirement, employer-sponsored retirement plans have increased in importance. And many people do not understand their benefits. It is an even greater problem when an employer unilaterally changes that plan, and minimal explanation is given.

I have some real concerns in these situations, and I believe we need to help our constituents understand their benefits when they are changed. The Wall Street Journal recently highlighted some of the information disclosure problems when companies change from a traditional pension plan to a cash-balance plan.

One particular situation involved a company who changed their plan and merely informed the employees that a change had occurred. One 49-year-old employee decided to look into this further, because he was thinking about his retirement. He discovered that while he was not going to lose any benefits, he was also not going to accrue any benefits for several years under this new plan. It was only through his efforts to learn more about it that he discovered this.

Now, let me point out that it is not the employer's fault, but the law's. That is why I have joined with Senator MOYNIHAN in introducing companion legislation to correct this problem.

The Pension Right to Know Act, H.R. 1176, will require increased disclosure of information to employees about their pension plan. It would require an explanation to the employee as to how their pension plan will be affected by any plan change. It will require an individual benefit statement for each employee showing how they, in particular, will be affected by this change. For some the change will be beneficial, but for others the change could affect how they plan for the future.

My colleagues, I believe we need to protect our constituents who may be expecting one thing, and then receive something very different. As employers make changes from various retirement plans to cash-balance plans, employees are left not understanding what changes have been made to their retirement plan.

We can help our citizens who are nearing retirement and thinking about their retirement savings program—and we can help them to understand.

Mr. Speaker, let us do what we can to help employees understand their options.

Let us work together. Let us solve this problem, and let us solve it together.

APPRECIATION OF THE HONORABLE IMATA KABUA, PRESIDENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. UNDERWOOD. Mr. Speaker, last month I was privileged to travel with the House Resources Congressional Delegation to the Pacific Insular areas. Chairman DON YOUNG should be commended for providing this opportunity to Resource Committee members to educate themselves on the issues that confront the people of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and the Republic of the Marshall Islands. In this regard our trip was a success and I hope that my colleagues who were fortunate to join the Young CODEL—Rep. DANA ROHRABACHER, Rep. JOHN DOOLITTLE, Rep. COLLIN PETERSON, Rep. KEN CALVERT, Rep. ENI FALEOMAVAEGA and Rep. DONNA CHRISTIAN-CHRISTENSEN—have gained a better understanding of Pacific Insular issues.

I would like to extend my appreciation to the people and leaders of each destination that the Young CODEL visited for their warm welcome and island hospitality. In my remarks today I would like to submit, for the record, the statement of the President Imata Kabua of the Republic of the Marshall Islands. I want to express my gratitude for his collaborative efforts on behalf of his country to advance the economic, educational, social and political needs of his people.

I also want to take this opportunity to state that I share President Kabua's desire for the House Resources Committee and the Congress to work closely in the renegotiations of the Compacts of Free Association with the United States which will commence later this year. I am hopeful that all issues can be addressed in the renegotiations and that concerns of all affected parties will be taken into consideration.

STATEMENT OF PRESIDENT IMATA KABUA

U.S. CODEL MEETING WITH PRESIDENT KABUA AND HIS CABINET, FEBRUARY 20, 1999

Chairman Young, Members of the CODEL, staff, friends: It is indeed an honor and a pleasure for me to welcome you to the Republic of the Marshall Islands. After your long flight, I trust that you now have a better understanding of the vast distance of ocean and land that we cover every time we visit you in Washington, DC.

The people and government of the Marshall Islands have long considered the United States our close friend and ally. Our nations share commitments to freedom, democracy, world peace and well-being for all peoples. These shared commitments are enshrined in the Compact of Free Association, the U.S. Public Law that joined our nations in the strategic alliance.

As the President of the Marshall Islands, I can assure you that our nation is seriously committed to strengthening our mutually beneficial partnership.

Critical to our strategic partnership is our continued hosting of the already expanded military testing facilities on Kwajalein Atoll. I would be remiss if I failed to communicate to you that our relationship with the U.S. military is the strongest it has ever been. We continue to work closely with the Department of Defense to enhance the military's important efforts on the atoll and in the region.

Chairman Young, I want to personally thank you and the members of your Committee for your efforts at extending to the Marshall Islands the assistance that honors the objectives of the Compact.

Specifically, I want to thank you for extending the Pell Grant to our students, providing FEMA support to help us cope with natural disasters and for continuing to recognize the agricultural and resettlement needs of the communities harmed the most by the U.S. Nuclear Weapons Testing Program. These actions signal to the Marshall Islands that the United States values our bilateral relationship.

Education remains our top priority along with health services for our people. We value the Federal programs and assistance in these areas and assure you that accountability and proper administration will always be our main focus.

I also want to thank you for the resolution that Chairman Ben Gilman, Delegate Eni Faleomavaega and you introduced last Congress. House Concurrent Resolution 92 stands as a testimony to the success of the bilateral relationship.

In a few moments, you will be hearing more about the Nitijela's corresponding resolutions, and this parliamentary body's shared appreciation of the points so eloquently stated in H. Con. Res. 92.

The RMI Government looks forward to engaging the U.S. Government in productive discussions to address certain provisions of the Compact of Free Association. Our designated negotiator is ready to meet with your designee to begin our discussions as soon as possible. It is our hope that you can encourage the Administration to expedite the appointment of the U.S. chief negotiator so we can begin this dialogue.

In advance of the upcoming Compact negotiations, our government would like to work closely with your Committee, the Members of the U.S. Congress and the U.S. government to address some outstanding issues that need to be resolved, specifically the "changed circumstances" issue provided for in Section 177, Article IX of the Compact and concerns we have surrounding Section 111(d).

The first Compact has taught us that the relationship works and that its continuation is important to both nations. The second Compact challenges us to think about the most appropriate and effective means to build on our mutual security and economic and social needs.

I would also like to make the CODEL aware of some of the positive actions the RMI government has undertaken. We have initiated major reforms and taken concrete steps to ensure progress in our nation-building efforts.

Over the past five years, we have successfully streamlined government, created an environment conducive for private sector and foreign investment and have taken important steps in building our nation's infrastructure to sustain economic growth and prosperity.

These efforts are empowering our people to participate in the world economy. We strongly believe that our continued partnership will assist us in meeting the challenges of the next century.

The RMI has also been aggressively working with other mutual allies in the Pacific region. We have established strong diplomatic ties with many of our neighbors and mutual friends. These efforts are beginning to pay tremendous benefits in the form of economic assistance and private sector investment.

At this time, I want to welcome you and to extend my deep appreciation for this visit. I hope you return to Washington knowing that the Marshallese people are your friends and allies. We want you to enjoy yourselves while you are here and to take in our island hospitality and beauty.

THE ROAD TO DOW 10,000

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. OXLEY. Mr. Speaker, I would like to bring a Wall Street Journal column by Lawrence Kudlow to the attention of my colleagues. The subject is the strength of the stock market and the ongoing economic expansion.

The point of the piece is that sound economic policy making begets solid economic growth. Put more precisely, the absence of anti-growth policies allows free markets to flourish. Economic freedom in the form of low tax rates, deregulation, free trade, and restrained government spending leads to increased private investment, low inflation and a booming national economy.

Again Mr. Speaker, I commend the following column to the attention of all interested parties.

[From the Wall Street Journal, Mar. 16, 1999]

THE ROAD TO DOW 10,000

(By Lawrence Kudlow)

The Dow Jones Industrial Average stands at the threshold of yet another milestone, this time 10,000. Meanwhile the longest continuous prosperity in the 20th century, begun in late 1982 and, interrupted only by a short and shallow recession in 1990–91, continues apace. These facts are worth pondering, for a proper understanding of them can instruct us toward the best future economic policy.

The current stock market boom began in mid-1982 and is now the second longest in the century, exceeded only by the post-war 1949–68 cycle. Since August 1982 the Dow Jones average has appreciated 1,095%, or 615% in inflation-adjusted terms. The economy has posted a 3.2% yearly real rate of increase, while real corporate profits have expanded by 6% annually. Thirty-nine million net new jobs have been created, largely from nearly 11 million new business start-ups.

Roughly $25.7 trillion of new household wealth has been created, according to the Federal Reserve. Long-term Treasury bond yields, they key discount rate used to calculate the net present value of future corporate earnings, have dropped to 5.5% from roughly 15%. Inflation has fallen to almost zero from nearly 11%, even while the unemployment rate has dropped to 4.4% from 11%.

PESSIMISTIC GURUS

Yet since 1982 most economic and investment gurus have preached pessimism. For 17 years they have told the public that neither the bull market nor the prosperity can last, because of budget deficits, trade deficits, savings shortfalls, high real interest rate, capacity constraints, inadequate productivity, subpart real wages, inflation threats, Philips curves, market bubbles, income inequity, Asia, Russia and a variety of other reasons.

Yet the experts have been proved wrong; optimism has prevailed. Actually, the stock market itself is a much better measure of economic progress than a barrelful of government statistics. Market prices reflect the collective judgment of millions of profit-seeking individuals who buy and sell each day based on their expectations of future wealth creation.

Why has the outlook for wealth improved so dramatically? In a word, freedom. Freedom creates wealth, and wealth boosts stock prices. Economic freedom was decisively restored by policies launched during the 1980s. This led to a revival of the risk-taking and entrepreneurship that is so vital to a dynamic economy.

President Reagan's policies, which are mostly still in place today, removed the barriers to growth that made in 1970s the worst stock-market economy since the '30s. Strong disinflation restored purchasing power and reduced interest rates. In other words, the "inflation tax" on money was repealed. Personal and corporate tax rates were slashed, providing new incentives for work and entrepreneurship. All vestiges of wage, price and energy controls were eliminated, freeing up markets to allocate resources efficiently.

Industry deregulation begun by President Carter was services, airlines and later telecommunications. Organized labor excesses were curbed. Antitrust activism was shelved. Free trade was expanded between the U.S. and Canada.

The two biggest periods of the stock market's current prosperity have been 1982–87, when the industrial average moved up by roughly 219%, or 26.1% per year, and 1994 to the present, as the average has gained another 172%, or 22.5% a year. In between the market meandered, as Presidents Bush and Clinton raised taxes and imposed regulations.

But a steadfast Alan Greenspan brought the inflation rate down to virtually zero today from roughly 5% at the beginning of the 1990s. Along with bringing down interest rates, this has sharply lowered the effective tax rate on capital gains (which reflect inflation as well as real growth in the value of assets) to about 30% from 80%, providing a tremendous boost for the high-risk technology investment that has become the engine of our new information economy. In effect, Mr. Greenspan's disinflationary tax cut neutralized the Bush-Clinton tax hikes.

The Republican Congress elected in 1994 put an end to the high-tax and reregulatory policies of Mr. Clinton's first two years. Mr. Clinton himself morphed into a middle-of-the-road president who signed a capital gains tax-rate cut, welfare reform, a balanced budget plan, the Mexican free-trade agreement and other trade-expanding measures. All these actions helped the stock market to soar

Meanwhile, information technology took off. The capital gains tax cut and low interest rates intensified Schumpeterian gales of creative destruction. Low interest rates create much more patient investment money. Low discount rates also lead to high price-earnings multiples, something the stock market understands even if its critics do not.

The 1980s witnessed a technology surge, based mainly on advanced computer chips, cellular telephones and personal computers. In the 1990s all this was improved, but the big push has come from innovative and user friendly software and Internet commerce. Though the government's reports of gross domestic product take little account of these developments, the stock market knows full well how important these technologies will be to future earnings, productivity, real wages, growth and wealth creation.

In fact, a significant gap has opened between the performance of the Dow Jones Industrial Average, comprised mainly of old-economy companies, and the new-economy Nasdaq. Since 1990 the Nasdaq has outperformed the Dow by 271 percentage points. Over the past year, the Nasdaq has increased 36%, while the Dow has gained only 16%.

Amidst all the bull-market prosperity, another starting development has occurred: the emergence of a new investor class. Numerous surveys report that roughly half of all Americans own at least $5,000 worth of stocks, bonds and mutual funds. The investor class surely wishes to keep more of what it earns in order to bolster savings that can be invested in high-return stocks. This is why unlimited universal individual retirement accounts may be the sleeper tax issue of the next few years.

Roth IRAs—which currently invest after-tax deposits that will never be taxed again so long as the money is withdrawn at retirement—could be expanded to include redirected Social Security contributions and penalty-free withdrawals for health care insurance, education, home buying and employment emergencies.

This might be the single most popular tax reform among the shareholder class. By eliminating the double and triple taxation of saving and investment, this approach opens a back door to the flat tax, setting the stage for future tax cuts, individual ownership of Social Security contributions and other free-market policies.

OVERSIZED POWERS

What a difference a century makes. The 1890s saw a painful and costly depression that was principally caused by government policies such as high tariffs and an inelastic currency. Politicians reacted by discrediting free-market economics; in its place, they moved toward a regime of oversized government powers and diminished personal liberty—a movement that was interrupted only briefly in the 1920s.

From Theodore Roosevelt's trustbusting to Wilson's tax hikes, Hoover's tariffs, FDR's early entitlement programs, all the way to LBJ's Great Society and Nixon's funding of it, economic freedom suffered and prosperity was sporadic. The century was filled with Keynesian nostrums that seldom delivered the goods.

The dominant event of the late 20th century is the bull-market prosperity of the 1980s and 1990s. This was caused largely by a shift back to free-market economics, a reduction in the role of the state and an expansion of personal liberty. At the turn of a new century, taking the right road will extend the long cycle of wealth creation and technological advance for decades to come. By 2020 the Dow index will reach 50000, and the 10000 benchmark will be reduced to a small blip on a large screen.

NEBRASKA LEGISLATURE CALLS FOR FOUR-YEAR HOUSE TERMS

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. TERRY. Mr. Speaker, on March 3, 1999, the Nebraska Unicameral Legislature passed Legislative Resolution No. 10. The resolution petitions Congress to amend the Constitution to increase the terms of members of the House of Representatives to four years.

This is a matter that merits serious debate and consideration. I call the text of the Resolution to the attention of my colleagues, as follows:

NEBRASKA UNICAMERAL LEGISLATURE, NINETY-SIXTH LEGISLATURE,
Lincoln, NE, March 4, 1999.

Hon. LEE TERRY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN TERRY: I have enclosed a copy of engrossed Legislative Resolution No. 10 adopted by the Nebraska Unicameral Legislature on the third day of March 1999. The members of the Legislature have directed me to request that the petition be entered into the Congressional Record.

Please feel free to contact me with any questions you may have regarding Legislative Resolution No. 10.

With kind regards.

Sincerely,

PATRICK J. O'DONNELL,
Clerk of the Legislature.

Enclosure.

NINETY-SIXTH LEGISLATURE, FIRST SESSION, LEGISLATIVE RESOLUTION 10

Whereas, members of and candidates for the United States House of Representatives are elected every two years virtually requiring continual campaigning and fundraising; and

Whereas, the delegates to the 1788 Constitutional Convention discussed whether the term of office for a representative should be one year or three years and compromised on a two-year term; and

Whereas, communications systems and travel accommodations have improved over the last two hundred years which allows quicker and easier communication with constituents and more direct contact;

Whereas, the American people would be better served by having the members of the House of Representatives focus on issues and matters before the Congress rather than constantly running a campaign; and

Whereas, a biennial election of one-half of the members of the House of Representatives would still allow the American people to express their will every two years: Now, therefore, be it

Resolved by the members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Legislature hereby petitions the Congress of the United States to propose to the states an amendment to Article I, section 2, of the United States Constitution that would increase the length of the terms of office for members of the House of Representatives from two years to four years with one-half of the members' terms expiring every two years.

2. That official copies of this resolution be prepared and forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States and to all members of the Nebraska delegation to the Congress of the United States, with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

IN RECOGNITION OF THE FUTURE LEADERS OF COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the participants of my first annual Young Adults Leadership Conference held in Weld County, Colorado. On February 27, 1999, 18 teenage students spent the afternoon participating in a political and networking seminar. Later that evening the students utilized what they had learned at the Weld County Republican Party Lincoln Day Dinner.

I am honored to have met the following participants: Jeff Armour, Sara Asmus, Darrenn Call, DeaAnna Call, Donnell Call, Brady Duggan, Kevin P. Duggan, Casey Johnson, Darrick Johnson, Trent Leisy, Tia McDonald, Jenny Moore, Christopher S. Ong, Mary Beth Ong, Helena Pagano, Elizabeth Peetz, Timothy Romig, and Jeff Runyan.

I established the Leadership Conference to encourage political participation by the younger generation. At the conference, elected officials and community leaders led the students in discussing several different aspects of politics. Greeley Councilman Avery Amaya began the seminar with a discussion of local politics. Avery was followed by Bill Garcia, a political consultant, who spoke about political polls.

Lea Faulkner, a local media personality and former Greeley City Council member, conducted a hands-on learning experience about networking skills. The participants also had the opportunity to discuss issues with Colorado State Senator Dave Owen. Additionally, Anne Miller, Chairperson of the Colorado College Republicans invited the students to attend the College Republican's next meeting.

I, too, had the honor of visiting with the students. We discussed the importance of good communication and how all effective organizations must communicate well.

Mr. Speaker, I am proud to have met these young adults and am confident of their abilities to lead America in the future. This select group of young leaders has the integrity and values needed to ensure a virtuous Colorado and United States in the next century.

A VIRGINIA GENTLEMAN—RAYMOND R. "ANDY" GUEST

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. WOLF. Mr. Speaker, I want to share with our colleagues a recent editorial from The Winchester Star which so eloquently speaks about a true "citizen-legislator," Raymond R. "Andy" Guest of Front Royal, who has announced his retirement as a delegate in the Virginia General Assembly, where he served for nearly three decades.

I am proud to call Andy Guest my constituent and friend, and am grateful to have had the opportunity to work with him in public service to so many of the constituents we share from the Shenandoah Valley. On behalf of those people of the Valley, I wish Andy and His wife, Mary Scott, all the best wherever his path now as "citizen" leads.

[From The Winchester Star, March 2, 1999]

VIRGINIA GENTLEMAN—GUEST PERSONIFIED LEGISLATIVE TRADITION

It comes as no small surprise that when the time came for Raymond R. "Andy" Guest Jr. to announce his retirement from the General Assembly he was "overwhelmed" by "the history, the tradition" that surrounds anyone in Virginia's State Capitol. But then, Andy Guest is not "anyone"; 28 years a man of the House, he was emblematic of that tradition the Old Dominion so admires in her lawmakers, that of "citizen-legislator."

"To continue that tradition was a great honor," Mr. Guest said Sunday, roughly 24 hours after announcing his intention to leave the House, and the people, he served for nearly three decades.

However, the tradition to which he stood heir goes deeper than ties to Virginia. In a real sense, he was to the manner born; his father, Raymond Sr., also served in the General Assembly and was U.S. ambassador to Ireland. Thus, as his wife, Mary Scott, succinctly said. "He was born to be a public servant."

And, as a public servant, he will be dearly missed, by his peers no less than his constituents. Among the men and women with whom he engaged in the legislative hurly-burly he will be remembered as the gentleman he is.

"Sometimes we use the word . . . a little too freely," said House Speaker Thomas W. Moss, D-Norfolk, with whom Guest often tangled, "but I've never known him to be anything but a gentleman."

Likewise, said state Sen. H. Russell Potts Jr., R-Winchester: "We have lost a good man. His integrity and character exude the class that typifies a Virginia gentleman. He leaves a void that will never be replaced."

That "void" is considerable, in that Mr. Guest's voice was one of clear common sense and consistent conservatism, particularly of the fiscal variety. In his last session, he raised words of concern about the manner in which the state treats its surplus revenue (see editorial above). He is worried, as are we, that these dollars will be used to "grow the government," rather than as a tool to fund needed capital expenditures.

Such a concern was true to form. As a minority member of the legislature for most all his 28 years in the House—he was minority leader for six of them—Mr. Guest often found himself "chipping away" at the system in hopes that it would run better. Frequently, this took the form of legislation that bore witness to the needs of his constituents in the northern Valley. He relished in his efforts to make the bureaucracy respond to these needs and to "see things get done."

To be sure, Mr. Guest also will be remembered for his courage in combating lymphatic cancer while maintaining a watchful eye on the General Assembly's proceedings from his Richmond hospital bed. Thankfully, he says his decision to leave the House is not health-related, but simply predicated by a desire to attend to family and business interests and to, as they say, "smell the roses" a bit, perhaps while dove hunting and fly fishing, two particular loves.

His wife, Mary Scott, says that having Andy at home on more or less a regular basis will translate into more opportunities to enjoy the company of friends, sans the demands that politics brings.

"I'll be able to say . . . 'Let's have dinner on Friday or Saturday night and we won't have to talk politics,'" Mrs. Guest said.

Without a doubt, she knows her man far better than we, but we suspect that politics will never stray too far from the mind of Andy Guest. Citizen-legislators may retire, but when "tradition" is born in the blood, the passion seldom expires. Nor does the legacy, which, in this case, is considerable.

THE D.C. EQUALITY BEGINS AT HOME EFFORTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. NORTON. Mr. Speaker, I rise today to pay tribute to the local Equality Begins at Home events here in the District of Columbia that will take place during the week of March 21–27, 1999. I will be at the Bipartisan Congressional Retreat in Hershey, Pennsylvania on Sunday, March 21, when the District of Columbia's lesbian, gay, bisexual, and transgender (LGBT) residents kick off a week of lobbying and conscience raising at Freedom Plaza.

These events, with an emphasis on local needs, are taking place throughout the United States, but no jurisdiction has experienced more bigotry associated with sexual orientation than the nation's capital. This prejudice, I am happy to say, does not come from the people of the District of Columbia, or their locally elected representatives, who have enacted the most progressive and far-reaching protections in the country. Residents of every background in the District feel particular anger when, in violation of all of the principles of self-government, Congress injects itself to enact measures at odds with principles of equality and anti-discrimination that the residents of this city hold especially dear.

Each year, under congressional attack, I am forced to defend the District's domestic partnership law, a very modest provision designed to afford relatives or partners who live in the same household the opportunity to qualify for health benefits at no additional expense to the District government. Last year, I spent ten hours on the House floor defending the District's appropriation from anti-democratic attachments, more of them seeking to impose sexual orientation discrimination than any other type of attachment that was proposed and passed. We must keep these and other anti-gay provisions off this year's appropriation. The right to adopt children or to qualify for health insurance has everything to do with kids in need of homes or residents in need of health care, and nothing to do with the sexual orientation of our residents. The bigoted mischief done by Congress to the District in the name of homophobia has known no bounds. The city is now in court seeking to overturn the congressional attachment that prevents the release of the November ballot results determining whether District residents who are ill can use medically prescribed marijuana for medicinal purposes. Another amendment brimming with discrimination last year all but destroyed the District's successful needle exchange program, leaving this vital, life-saving program to a totally private group with little funding.

I very much appreciate the efforts of our dedicated and energetic LGBT community to educate Members concerning the injury done to individuals and the insult to self-government rendered by congressional anti-gay attachments. With Equality Begins at Home rallied to fight back, we will yet make the Congress understand that it must back off—back off bigotry against District residents whose sexual orientation differs from the majority, and back off the annual assault on the legislative prerogatives of the City Council.

Sadly, Mr. Speaker, this bigotry is not limited to anti-democratic legislation aimed at the LGBT community of the District. In the past year, this nation has been outraged at the inexplicable cruelty of the murders of two gay men in Alabama and Wyoming. These hate-inspired murders underscore the need to pass the Hate-Crimes Prevention Act (HCPA) and the Employment Non-Discrimination Act (ENDA) immediately. Another session of Congress must not go by without addressing both the crimes and the employment discrimination that emanate from sexual orientation. No other response is acceptable.

COMMEMORATING TEJANO MUSIC: 19TH ANNUAL TEJANO MUSIC AWARDS CELEBRATION

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. RODRIGUEZ. Mr. Speaker, I am proud to introduce legislation today that will recognize one of the unique sounds sweeping across the Nation today—Tejano music. All across America the sounds of tejano have become the music of choice. From deep in the heart of south Texas to the Great Plains, from the east coast to the west coast, the pulsating rhythms of a loud drumbeat, a bajo-sexto guitar and an ubiquitous accordian are taking over the Nation to the beat of Tejano.

During the last several years Tejano artists have captured a large percentage of the Latin music market and continue to rise in popularity. From the legendary Selena to the incomparable Little Joe the sweet sounds of Tejano continue to climb the American music charts with one hit after another. The sound of Tejano is the sound of a people. For those of us in south Texas, Tejano is the tradition and history of the people's thoughts, feelings and aspirations. Tejano is more than just the high energy mix of Rock 'n Roll, Country, Jazz and Rhythm & Blues, it is the music of our people that helps move us and express our emotions.

This week, the city of San Antonio—known as the Tejano capitol of the world—will be host to the 19th Annual Tejano Music Awards. The awards presentation will take place on Saturday, March 20, 1999, at the Alamodome in San Antonio and pay tribute to the best and brightest in the Tejano music industry.

A testament to the success of Tejano music and this annual awards show is the more than 40,000 people expected to attend the event this year. The Annual Tejano Music Awards, which began in 1980 with an enthusiastic 1,300 in attendance, is now one of our Nation's premier and fastest growing musical celebration.

Today, I offer up this resolution to commemorate the 19th Annual Tejano Music Awards and the spirit and history behind the music that will be celebrated and honored this week in San Antonio.

TRIBUTE TO MR. ARTHUR BOWERS, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mr. Arthur Bowers, Jr. In his hometown of Florence, SC, he is very active in community affairs and has made many kind and generous contributions to the local community. He continually offers support to his neighbors, friends, and family.

Mr. Bowers was born on December 2, 1918, in Ellenton, SC. He is the son of the late Arthur Bowers, Sr., and Mrs. Eldora Bowers Phinizy. He has two siblings: the late Estella Gantt and Isaiah Phinizy. On February 4, 1939, Mr. Bowers married the late Mary Cross Bowers. They had six children: Gladys, Dillie, Arthur, Jr., Loretta, Gloria, and Michael. In addition, Mr. Bowers has five grandchildren and one great-grandchild.

In 1979, Mr. Bowers retired after working for the railroad for over 37 years. He has been a member of the New Ebenezer Baptist Church for over 50 years where he still serves as chairman of the Deacon Board. Mr. Bowers is a member of various community organizations. In particular, he is associated with the Brotherhood of Sleeping Car Porters, the United Transportation Union, Hiram Masonic Lodge #13, and the Seaboard Fellowship Club. He also serves as organizer and chairman of the Carver and Cannon Streets Crime Watch, and chairman of the Scouting Committee at New Ebenezer Baptist Church.

Mr. Bowers is a remarkable citizen and a wonderful asset to the State of South Carolina. He follows a motto that provides insight into his good character, "If I can help somebody as I travel along life's highway, then my living shall not be in vain."

TRIBUTE TO CAPT. JOSEPH W. WARFIELD AND THE TEXAS STATE PILOTS' ASSOCIATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise to pay tribute to Capt. Joe Warfield on his retirement as president of the Texas State Pilots' Association. The Texas State Pilots' Association is the professional organization that represents our State-licensed maritime pilots. These professional mariners navigate ocean-going ships safely to and from the many important commercial ports in Texas.

I am proud that our State's largest port, the Port of Houston, is in my district. The Port of Houston is connected to the Gulf of Mexico by the 53-mile Houston Ship Channel. The Port of Houston is the busiest U.S. port in foreign tonnage, second in domestic tonnage and the world's eighth busiest U.S. port overall. More than 6,435 vessels navigate the Houston Ship Channel annually. It is largely because of the skill and viligance of professional state pilots such as Captain Warfield, that our vital waterborne commerce moves safely and efficiently through our state waterways.

Captain Warfield, an active Houston Pilot, served as president of the Texas State Pilots' Association from 1994 to 1998. He had been vice president of the association the previous 4 years. Captain Warfield is a graduate of Texas A&M University and has over 20 years of experience with the Houston Pilots. He has held numerous leadership positions within his pilotage association, including three years as Presiding Officer. On the national level, Captain Warfield is active in the American Pilots' Association. He was an APA Trustee for the State of Texas from 1994 to 1998 and served as a member of the APA's Navigation and Technology Committee for several years.

Mr. Speaker, I am honored to recognize the distinguished service to the Port of Houston and the State of Texas of Captain Joseph Warfield for his leadership and professional commitment to the safe dispatch of commerce on our waterways. We will miss his leadership, but we wish him well in his retirement.

INDIA'S COMMITMENT TO RELIGIOUS TOLERANCE

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, there have been a number of news stories recently about attacks on Christians in India. These attacks are deplorable and should be condemned. But even as we condemn them, we ought not to lose sight of the fact that the government of India has acted swiftly—in word and in deed—to also condemn the attacks and to take strong action against those who appear to be the perpetrators.

To date, there have been more than 200 people arrested in the two states, Gujarat and Orissa, where the violence has occurred. Both the two state governments and the central government have deployed extra manpower, particularly police and investigation support teams, into the regions. In Gujarat, where the attacks have ruined property, the state government has already authorized relief and compensation payments for damaged property.

Not only has the government of India acted against the alleged perpetrators, it has condemned them, publicly and repeatedly, in no uncertain terms. Prime Minister Vajpayee and President Narayanan, India's head of government and head of state respectively,, have spoken out against these crimes and those who would commit them. The Prime Minister even embarked on a one-day fast seeking a renewal of communal harmony, and did so on the January 30 anniversary date of the death of Mahatma Gandhi, India's revered leader, thereby tying his government's policies to Gandhi's ideals of non-violence and cultural diversity.

It is right for the Prime Minister to link his fast and the ideals of Gandhi. India is a diverse nation. Although it is predominantly a Hindu nation, Muslims, Christians, Sikhs, Buddhists and Jains freely practice their religions and have for centuries. It is important to note that these attacks, as heinous as they are, have only occurred in two states, which is home to only a small portion of India's Christian community. The vast majority of Christians live in parts of India that have not seen any signs of violence.

Mr. Speaker, let me close by noting that these attacks, terrible as they are, remind us that India itself remains a secular democracy, committed to the principles of individual tolerance and religious diversity. Its government has publicly demonstrated that commitment in recent weeks. It is to be commended for it.

A TRIBUTE IN MEMORY OF ROBERT H. HODGSON, JR.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. NORTON. Mr. Speaker, I rise today to remember a friend, Robert H. Hodgson, Jr., whose mortal remains will be laid to rest in the columbarium of his home parish, St. Paul's Episcopal Church, on K Street in the District of Columbia, this Saturday.

Rob was a native Washingtonian who was educated at the Campus School of Catholic University and Gonzaga College High School. Rob also earned a BA at Rice University. He died in his sleep on February 18.

Rob was passionately political and politically compassionate. He thrived in the turbulent seas of D.C., Anglican, and Gay and Lesbian politics. He worked with numerous District officials, including Council Chairwoman Linda Cropp, Councilman Harold Brazil, and Councilman James Graham; he served as treasurer of the Gertrude Stein Democratic Club, was a vocal board member of Episcopal Caring Response to AIDS, and an active volunteer in his parish's AIDS and homeless ministries.

Those who knew Rob will remember his fondness for gossip. Rob always had the "inside scoop," not only on the D.C. Council and the D.C. Democratic State Committee, but on numerous vestries within the Episcopal Diocese of Washington. Rob often used his skills as a raconteur to enliven a dull reception with the latest "dish."

Rob was not survived by his immediate family, but he had many friends, in particular, his life-long friend Mary Eva Candon and his confidant Parker Hallberg.

Mr. Speaker, I ask that this House extend its sympathy and condolences to the many friends of Rob Hodgson.

INTRODUCTION OF THE BREAST AND CERVICAL CANCER ACT BY MARY ANN WAYGAN

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. DELAHUNT. Mr. Speaker, standing in front of our nation's Capitol today was Mary Ann Waygan, a woman from Cape Cod, Massachusetts, who joined with Senators CHAFEE, MIKULSKI, and SMITH in introducing the Breast and Cervical Cancer Treatment Act. As an original cosponsor of the House version of this legislation, I would like to share with you her eloquent testimony of those affected by this tragic disease.

STATEMENT OF MARY ANN WAYGAN

Hello, my name is Mary Ann Waygan and I am the coordinator for the CDC Breast and Cervical Cancer Initiative for Cape Cod, Massachusetts.

Before I begin, I would like to thank Senators Chafee, Mikulski, Snowe and Moynihan for sponsoring this legislation. I would also like to thank Senator Smith for his support of this bill.

Clearly, the single largest problem facing the Breast and Cervical Cancer Screening Program today is finding resources and caregivers to provide treatment to the women who are diagnosed with breast or cervical cancer. The lack of treatment dollars is one of the biggest policy gaps in the program—and the problem is only getting worse.

The barriers to recruiting providers for charity care are growing, and funding for the treatment is an ad-hoc system that relies on volunteers, state workers and others to find treatment services. In the community, we go to tremendous ends to find treatment—and raise money to help pay for it. I've organized luncheons, bake sales, raffles—you name it. Anything to raise money for women who could not afford to pay out of pocket for treatment. Despite these efforts, all too often, we come up short.

Funding for treatment through the CDC program is the biggest problem I face as a coordinator and frankly a barrier to screening and detection. Funding for treatment is tenuous at best. Without passage of the Breast and Cervical Cancer Treatment Act, future funding for treatment for these women will remain uncertain.

I want to tell you one story in particular that clearly illustrates the problem some of these women face. A woman who lives in Buzzard's Bay, Massachusetts who was diagnosed with breast cancer through the CDC program.

Arlene McMann is a married woman in her early forties with two teenage sons and no health insurance.

When Arlene was diagnosed with breast cancer through the CDC screening program, she was devastated—not just with the diagnosis, but with the fact that she had no way to pay for the treatment she needed.

Faced with that situation, she and her husband were forced to use the $20,000 they had been saving for years to pay for their children's college tuition. In less than a year, that money was gone. After that, she and her husband were forced to go into debt to pay for her ongoing chemotherapy/radiation treatment and other procedures including a craniotomy and gall bladder surgery. They are now more than $40,000 in debt, were forced to move into a much smaller house and lost their dream of sending their sons to college without going into further debt.

The additional stress and pressure placed on Arlene and her husband by this situation has turned a difficult situation into an almost unbearable one. To make it even worse, Arlene recently found out that the cancer has spread to her hip, pelvis, lungs and liver.

Through all of this, Arlene has showed tremendous resolve. Despite being in pain and discomfort and forced to use a wheelchair, Arlene desperately wanted to be here today to share her story with you directly. She thought it was important for everyone to understand not just what the cancer had done to her, but what the effect of having to take on this incredible financial burden had done to her physical health, mental strength and family resources.

Due to her condition, Arlene's treatment finally is being paid because she qualified for disability. But to this day, Arlene is convinced that her cancer would not have spread had she been able to afford regular visits to an oncologist.

Arlene's energy and determination to fight this disease and remain positive are amazing. I feel lucky to know her and to have worked with her. I only wish that as the program coordinator, I could have done more—that I could have assured her that any treatment she needed would be paid for and that she wouldn't have to spend time dealing with bank statements, mortgages or packing boxes on top of everything else.

In summary, we hear over and over again that early detection saves lives. In actuality, early detection alone does nothing but find the disease; detection must be coupled with guaranteed, quality treatment to actually save lives.

We must pass the Breast and Cervical Cancer Treatment Act to make sure that screening and treatment always go together.

I would like to thank the National Breast Cancer Coalition for its leadership role in working to get this legislation passed and thank the members of Congress here today for sponsoring and supporting this legislation.

CENTRAL NEW JERSEY CONGRATULATES BRUCE SPRINGSTEEN ON HIS INDUCTION INTO THE ROCK AND ROLL HALL OF FAME

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. HOLT. Mr. Speaker, I rise today to direct the attention of my colleagues to the induction of central New Jersey's Bruce Springsteen into the Rock and Roll Hall of Fame last Monday.

From central New Jersey to central Europe, you need only mention the name "Bruce," to gain immediate recognition of this man's work. From classics like "Promised Land," "Backstreets," "Tenth Avenue Freeze-Out," and "Thunder Road," Bruce Springsteen's songs hold special memories for all of us. He is a storyteller whose songs are about loyalty, friendship, and remembering the past. Most of all, his songs are about—and are part of—the real lives of Americans.

In 1973, Bruce released his famous "Greetings From Asbury Park, N.J." album. It was followed by "The Wild, the Innocent and the E Street Shuffle." In 1975 Bruce followed up with "Born to Run" which is widely acclaimed as one of the finest rock and roll albums ever made.

In the late 1970's and early 1980's Bruce and his band continued with a string of modern rock classics—"Darkness on the Edge of Town," "The River," and the multi-platinum album "Born in the USA." In the past few years, Springsteen recorded his most successful solo song ever, "Streets of Philadelphia," earning himself more Grammy Awards and an Academy Award.

Springsteen's most recent record, "The Ghost of Tom Joad" won a Grammy Award for best contemporary folk album, and builds on the work that Bruce began in the 1980's with his critically-acclaimed album "Nebraska," in calling attention to, and building on, America's rich folk music heritage.

Despite his incredible success and worldwide fame, Bruce Springsteen has always stayed true to his central New Jersey roots and to the interest of music fans everywhere. Indeed, in an era of high ticket prices and prima donna stars, Bruce Springsteen has always dedicated himself to providing his fans with affordable, consistent entertainment. He has been dedicated to seeing that his music makes its way into the lives of people. That dedication has rightfully earned him the nickname, "The Boss."

Mr. Speaker, Bruce Springsteen has given a lot to New Jersey, to the lives of music lovers everywhere and to our nation's rich popular culture. We in central New Jersey are rightfully proud to call him a native son and take tremendous pride in his induction into the Rock and Roll Hall of Fame. I am proud to say that Bruce Springsteen is a constituent of mine.

I hope that my colleagues in the House will join me and other central New Jerseyans in extending our congratulations to Bruce Springsteen for this well-deserved honor.

INTRODUCTION OF THE WORK INCENTIVES IMPROVEMENT ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. STARK. Mr. Speaker, I am honored to co-sponsor the Work Incentives Improvement Act of 1999. This bill would remove the barriers to health insurance and employment inherent in the current disability insurance (DI) system, and enable many Americans to return to work. Disabled people have much to offer. It is time that we recognize and encourage them to participate as contributing members of society.

I am especially pleased to support the Medicare and Medicaid provisions of this bill. Without these programs, many people living with disabilities would not have access to the care that is so vital to their health and well-being. Because private health insurance is not affordable or available to them, even after returning to work, we must keep Medicare and Medicaid available to the working disabled.

There is one segment to the disabled population that I urge my colleagues to give special consideration: End Stage Renal Disease patients.

As you know, there are about 260,000 Americans on dialysis and another 80,000 who are dependent on a kidney transplant (with about 11,500 kidney transplants performed annually). About 120,000 dialysis patients are of working age (between 20 and 64), yet fewer than 28,000 are working.

The "USRDS Abstract of Medical Evidence Reports, June 1, 1996 to June 1, 1997," reveals that 38.1% of all dialysis patients 18–60 years of age were employed full time, part time, or were students before onset of ESRD.

But only 22.9% of ESRD patients in the same age group were employed full time, part time, or were students after the start of dialysis. This 15% (38.1% minus 22.9%) differential is the prime hope for return to work efforts.

Of the transplant patients, most (88%) are of working age, but only about half of them are working.

Section 102 of your bill provides Medicare coverage for working individuals with disabilities—but ESRD dialysis patients already have this protection. For transplant patients, Medicare does not cover their major health need—coverage of $8,000–$10,000 per year for immunosuppressive drugs—after 36 months.

Clearly, we should tailor some special provisions to this population.

I would like to suggest a series of ESRD return-to-work amendments that would save total government revenues in the long run. While these proposals may increase Medicare spending, they would reduce Social Security disability and Medicaid spending.

There are just preliminary ideas, and I hope that you and the renal community could refine these ideas prior to mark-up.

(1) A huge percentage of ESRD patients qualify for Medicaid. The disease is so expensive ($40,000–$60,000 per patient per year) and the out-of-pocket costs so high that it impoverishes many. For transplant patients, the cost of life-saving immuno-suppressive drugs alone can be $8,000, $10,000 or more per year. No wonder many are tempted to avoid actions which would disqualify them for help.

As part of general Medicare policy, I have always thought that we should cover pharmaceuticals and, in particular, indefinitely cover immuno-suppressive. It is madding to hear the stories of $80,000–$100,000 kidney transplants lost, because a patient couldn't afford the $10,000 per year of medicine.

I think a good case can be made to add to this bill coverage of immuno-suppressives indefinitely, to encourage people to leave Medicaid/Disability and return to work.

(2) Some ESRD facilities do a good social work job helping patients return to work. Others don't seem to even try. We should honor and reward those centers which, on a risk adjusted basis, are doing the best job of rehab in their renal network area.

The honor could be as simple as a Secretarial award of excellence and public recognition.

The reward could be something more tangible—a cash payment to the facility to each patients of working age who does not have severe co-morbidities which the center is able to help return to work (above a baseline—perhaps 5% of eligible patients). For example, if a center had 100 working age patients, it could receive a $1000 payment for each patient above 5 who had lost employment and is helped to return to work. This would be a phenomenally successful investment and would particularly compensate the dialysis center for the cost of vocational rehab and social work.

(3) Renal dialysis networks, which are designed to help ensure ESRD center quality, should be able to apply for designation as rehab agencies and for demonstration grants under this legislation.

The law spelling out the duties of Networks has a heavy emphasis on rehabilitation. Indeed, it is the first duty listed:

". . . encouraging, consistent with sound medical practice, the use of those treatment settings most compatible with the successful rehabilitation of the patient and the participation of patients, providers of services, and renal disease facilities in vocational rehabilitation programs;" [1]

I suspect that the 17 Networks vary widely in their emphasis on rehabilitation. Again, the Network(s) that do the best should receive recognition and share their success with the others.

(4) Kidney failure remains a medical mystery. It often happens very quickly, with no warning. But for thousands of others, there is a gradual decline of kidney function. I am told by medical experts that in many cases the descent to terminal or end-stage renal disease can be slowed by (1) nutrition counseling, or (2) medical treatment by nephrology specialists.

I hope that you will make it clear that the Medicaid (or Medicare) funds provided in this program to prevent disability could be used to delay the on-set of the devastatingly disruptive and expensive ESRD. Monies spent in this area would return savings many times over.

Also in the "preventive area," some of the leaders in the renal community are reporting exciting results from more frequent, almost nightly dialysis. Like frequent testing by diabetics for blood sugar levels, it may be that more frequent dialysis can result in a less disrupted life and better chance to contribute to the workforce. We should watch these medical developments and if there is a chance that some additional spending on more frequent, but less disruptive dialysis would encourage return to work, we should be supportive.

(5) Finally, I urge you to coordinate this bill with another proposal of the Administrative—skilled nursing facility employment of aides to help with feeding. As you know, last summer we received a GAO report on the horror of malnutrition and death by starvation in some nursing homes, due to a lack of staffing to take the time to help patients who have trouble eating and swallowing and who take a long, long time to eat (e.g., many stroke patients). A coordinated effort by the nursing home industry and ESRD centers to fill this minimum wage type position would help nursing home patients while starting many long-out-of-work ESRD patients back on the road to work.

Mr. Speaker, these are just a few, quick ideas. I am sure that experts in this field could suggest other steps to ensure that the ESRD program not only saves lives, but helps people have a good and productive life.

A TRIBUTE TO MARY MAHONEY'S OLD FRENCH HOUSE RESTAURANT

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise today to share with my colleagues news of two rather unique accolades for the celebrated Mary Mahoney's Old French House Restaurant in Biloxi, Mississippi .

Since opening its doors on May 7, 1964 in the refurbished Louis Frasier house that dates from 1737, this venerable establishment has been a Gulf Coast culinary landmark serving friends and travelers from near and far. The late Mary Mahoney and her dedicated family built their business on the tenets of excellent cuisine and service as well as an historically authentic Old South atmosphere, which over time has earned them international acclaim.

Among the numerous celebrities whose names grace their guest book are Sam Donaldson, Alexander Haig, Robert Redford, Denzel Washington, Randy Travis, and Dick Clark. During the Reagan Administration, Mary Mahoney catered a ceremony on the White House lawn for President and Mrs. Reagan and their guests.

All were impressed, but none left a more impressive gratuity than author John Grisham. In his recent bestseller, The Runaway Jury, Mr. Grisham compliments the restaurant by name and offers the reader a glimpse inside by having the judge in his novel host a fictional lunch for the jurors and court officers at "Mary Mahoney's". Through Mr. Grisham's narrative the reader gets to share in the "crab cakes and grilled snapper, fresh oysters and Mahoney's famous gumbo. . . ." He goes on to write, "By the time the jury was seated for the afternoon session, everyone present had heard the story of their splendid lunch."

Now a newly released book celebrates the restaurant's vivacious founder and guiding spirit. It is entitled, A Passion for People: The Story of Mary Mahoney and Her Old French House Restaurant. Written by Mississippi journalist and family friend Edward J. Lepoma, himself a regular in Mary's inner circle of guests, this photo-filled, loving memoir tells of the trials and ultimate triumph of a second generation American with a dream. The dream was that of creating a world class restaurant in Biloxi, Mississippi, where the dining experience would be matched by the warm ambiance that told all who visited, "Tonight, you are among friends."

With its quaint art-filled dining rooms, superior wine list, and captivating Southern charm and hospitality, Mary Mahoney's Old French House Restaurant provides a memorable evening for first-time and long-time guests, an excellent backdrop for the novelist, and is a source of civic pride for the citizens of Biloxi and the entire Mississippi Gulf Coast region.

HONORING LAUREN DEBOWES FOR OUTSTANDING ACHIEVEMENT IN DANCE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. DELAURO. Mr. Speaker, I am pleased to rise today to congratulate Lauren DeBowes for her outstanding achievements as an Irish dancer. A resident of New Haven, she will be representing Connecticut and the United States at the All World Irish Dance Championship in Ennis County Clare, Ireland.

Lauren is one of five young women in her age group from the New England area who will be making the trip to compete at the World Championship. With only 8 years of competitive dance experience under her belt, this is a truly impressive accomplishment. Teamed with her coach, John O'Keefe, Lauren performs both the soft dance and hard shoe dance, both of which have led her to success in several local competitions.

I was a tap dancer when I was young and can recall the thrill of recitals and concerts. I can only imagine the excitement that Lauren is feeling as she prepares for her trip to Ireland. Her hard work, dedication and enthusiasm has put her at a level to compete with the best in the world.

I would like to take this opportunity to extend my best wishes to Lauren as she celebrates her 16th birthday. This is certainly a special year. It is a pleasure for me to rise today and join with her family, friends, and the New Haven community to honor Lauren DeBowes for her tremendous accomplishments as an Irish dancer. Connecticut and the nation are indeed fortunate to be represented by such a talented young woman.

EXPRESSING OPPOSITION TO DECLARATION OF PALESTINIAN STATE

SPEECH OF

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Mr. BALDACCI. Mr. Speaker, I appreciate this opportunity to offer my remarks on both the substance of H. Con. Res. 24 and the context in which it is being considered. The Middle East peace process is at a critical stage, the Oslo Agreement will expire on May

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[1] Sec. 1881(c)(2)(A); see also (B) and (H).

4, 1999 and the legal framework for the peace process will come to an end. Despite the recent breakdown in negotiations, I applaud President Clinton and Secretary of State Albright for their tireless efforts towards achieving a lasting and just peace.

I agree with the majority of the text of H. Con. Res. 24 and therefore I supported it. The final status of the lands controlled by the Palestinian Authority should be determined under the auspices of Oslo or another framework. While Yasser Arafat may have the right to make unilateral declarations after Oslo, it will not be helpful to reaching peace and could inflame the violence that looms over the region every day.

However, I am disturbed by what H. Con. Res. 24 does not say. It does not condemn the "unilateral actions" taken by Israel in direct violation of Oslo and the Wye River agreements. It ignores the responsibilities and commitments made by the Netanyahu Administration. In short, it is not a balanced resolution.

In the coming months I will continue to support the Administration's efforts in the Middle East and offer my support for all those who truly seek peace in the region. I will also work with my colleagues in the House to craft more balanced resolutions that call on both sides to adhere to the letter and spirit of their commitments.

INTRODUCTION OF LEGISLATION TO EXPAND THE TAX DEDUCTION FOR STUDENT LOAN INTEREST PAYMENTS: ELIMINATING THE 60-PAYMENT RESTRICTION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today I am introducing legislation on behalf of myself, and Representatives JOHNSON (of Connecticut), MATSUI, and ENGLISH, to expand the student loan interest payment tax deduction.

As a college education becomes both increasingly expensive and increasingly important in getting a job and being a productive and active participant in our democratic society, we must continue to look for ways to help students pay for tuition and related educational expenses.

As a part of the Tax Payer Relief Act of 1997, the interest paid on student loans became eligible for an "above-the-line" deduction on Federal income taxes. This tax provision is just beginning to provide needed relief to many student borrowers.

However, under current law, only the first 60 loan payments are eligible for the deduction. Because student loan payments are typically made monthly, this means that students can deduct interest payments on their taxes for only 5 years of repayment, not including time periods spent in either forbearance or deferment.

Our legislation would simply lift the 60-payment restriction and allow borrowers to deduct interest payments for the entire period of repayment.

Extending the time limit on the tax deduction is one of the most direct and straightforward changes we can make in current law to relieve the increasing burden of student loan debt. Loans now comprise 60 percent of all postsecondary student aid, compared to just 45 percent 10 years ago.

Our legislation will be particularly helpful to students with high loan debt and those who choose to pay over longer periods. The latter group includes those who choose "income contingent repayment," that is those who make smaller payments over a longer period of time, especially those who maintain a commitment to lower-paying public service occupations.

Eliminating the 60 payment period also will ease difficult, confusing, and costly reporting requirements currently required for both borrowers and lenders. Thus far, these reporting requirements have proved so difficult that the IRS has already relaxed the rules for reporting during the 1998 tax year.

I look forward to working with my colleagues to pass this important legislation.

EXCELLENCE REWARDED AT BURBANK HIGH SCHOOL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize the academic decathlon team members, coaches, and parents at Burbank High School in my hometown, San Antonio, Texas. At the state Academic Decathlon competition for medium-size schools, Burbank placed third among 225 Texas high schools. This great accomplishment reflects the hard work and countless hours of preparation by students and school officials alike.

These students have demonstrated exceptional time management skills, self-discipline, and determination. They stayed focused on their priorities and set high standards for themselves. The City of San Antonio is proud of all nine members who received 14 individual medals in addition to the third-place team medal. Included in the team award was a gold medallion and a $250 scholarship for each team member.

I would like to thank the coaches and parents of these diligent students for all their efforts in making this accomplishment possible. These students have been successful because of their hard work and support from family and teachers. They are paving the way to a bright and exciting future.

A TRIBUTE TO ST. JOSEPH'S VILLAGE IN SELDEN, LONG ISLAND, NEW YORK

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. FORBES. Mr. Speaker, I rise today in this historic chamber to share with my colleagues the story of St. Joseph's Village in Selden, Long Island, New York. On Saturday, March 20, 1999, this special community, built by the Diocese of Rockville Center, will celebrate the 20th anniversary of its ground breaking. I stand here today in the People's House to talk about St. Joseph's Village because it embodies a unique spirit of community and cooperation; where its residents help each other and work to improve the lives of those in the surrounding community—even the world.

This Saturday evening, I have the privilege of helping the community pay tribute to a community within a community; St. Joseph's Village. Since its inception, 20 years ago, its 200 residents have made noteworthy contributions to an array of causes, from national charities to local food and clothing drives, and have improved the lives of individuals from around the world and at home on Long Island.

St. Joseph's Village began as an experiment. It was the first subsidized senior and disabled housing development built by the Diocese of Rockville Center on Long Island and, initially at least, a controversial plan. Many residents in this middle class area resisted the notion of a subsidized apartment complex in their community. But St. Joseph's Village proved to be an outstanding neighbor and a model for the developments that followed it. Villagers often visit the nearby Hawkins Elementary School and read to students. This unique program, called "Reading Buddies," pairs up seniors with young children for mutual literary enjoyment. Other seniors devote their time preparing and serving to their fellow senior citizens at the local Senior Nutrition Center. Sixty other residents organized a project to donate money each month to improve the lives of three underprivileged children living abroad in Third World nations.

Mr. Speaker, words can hardly express the deep debt of gratitude we on Long Island owe to the residents of St. Joseph's Village for all they have done to serve our community and improve the lives of our neighbors. I ask my Congressional colleagues to join me, the community and all who have benefited from their generosity in thanking the residents for all their good work. And on this day of their 20th anniversary, we wish them many more years of success and good fortune.

FAIRNESS FOR FOSTER CARE FAMILIES ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. LEWIS of Kentucky. Mr. Speaker, today I am introducing a bill that ensures that all foster care families are treated fairly under the Tax Code.

The Fairness for Foster Care Families Act simplifies the current rules for foster care payments and recognizes the increasing role that charitable tax exempt agencies and private for-profit agencies play in the placement of foster care children and adults.

In 1983, Congress amended the Internal Revenue Code to permit certain foster care families to exclude from taxable income payments they receive to cover the additional expenses incurred for caring for the individual. Unfortunately, the exclusion depended on a complicated analysis of three factors: the age of the foster care individual, the type of foster care placement agency and the source of the foster care payment.

Congress revisited the tax treatment of foster care payments in 1986. Although the process was simplified to an extent, some families were still left out. Those families could only receive a tax deduction if they maintained detailed expense records to support such deductions.

Under the Fairness for Foster Care Families Act, foster care providers would avoid this burdensome record keeping process. This bill guarantees that the payment is tax-free regardless of the age of the foster care individual or the type of agency that places the individual provided that the agency is licensed and certified by the State.

I hope my colleagues will join me in supporting this legislation.

HAPPY 300TH ANNIVERSARY TO THE SIKH NATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. DOOLITTLE. Mr. Speaker, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has brought it to my attention that on April 13, the Sikhs will be celebrating their 300th anniversary. Sikhs have been significant contributors to America in several sectors of life, but their anniversary is significant for another reason. The Sikh Nation is currently one of several nations struggling to reclaim its freedom from Hindu India.

It is an interesting coincidence that April 13, the Sikhs' anniversary, is also the birthday of Thomas Jefferson, the author of our Declaration of Independence. This symmetry of events highlights the Sikh Nation's desire to be free. It is time that the Sikhs enjoy the freedom that we enjoy here in America.

In the Declaration of Independence, Jefferson wrote that all people "are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it." In India, the government allows 70,000 Sikh political prisoners to rot in jail without charge or trial, some since 1984. They should be released on or before April 13 as a goodwill gesture. Instead, I fear that even more Sikhs will be endangered as "democratic, secular" India tries to maintain what it calls its "territorial integrity."

In the spirit of Jefferson, let the 300th anniversary of the Sikh Nation be an occasion to do whatever we can to support the Sikhs and the other nations of South Asia in their struggle to live in the glow of freedom. By stopping U.S. aid to India (which is one of the top five recipient countries) until human rights are universally respected, by declaring our support for self-determination through a free and fair plebiscite, and by imposing the same sanctions on India that we would impose on any other religious oppressor, we can share the blessings of liberty with the people of South Asia. This is the best thing that we can do to celebrate this important occasion with the Sikh Nation.

THE AMERICAN HEALTH SECURITY ACT OF 1999

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. McDERMOTT. Mr. Speaker, I rise today to once again introduce the American Health Security Act. The single payer plan I propose is the only plan before Congress that will guarantee health care universality, affordability, security and choice.

While this Congress lacks the political will to enact comprehensive health reform, the underlying needs for reform remain prevalent: health care costs are more unaffordable to more people and the number of people without health insurance continues to rise. These problems are compounded by increasing loss of health care choice and autonomy for those people who have insurance leading to disruptions in care and in relationships with providers.

The American Health Security Act I am introducing today embodies the characteristics of a truly American bill. It will give to all Americans the peace of mind—the security—to which all citizens should be entitled. It creates a system of health care delivered by physicians chosen by the patient. No one will have to leave their existing relationships with their doctors or hospitals or other providers. It is federally financed but administered at the state level, so the system is highly decentralized. And it provides new mechanisms to improve the quality of care every American receives.

The American Health Security Act (the Bill) provides universal health insurance coverage for all Americans as of January 1, 2000. It severs the link between employment and insurance. The federal government defines the standard benefit package, collects the premium, and distributes the premium funds to the states. The states, through negotiating panels comprised of representatives from business, labor, consumers and the state government, negotiate fees with the providers and the government controls the rate of price increases. The result is health care coverage that never changes when your personal situation does, never requires you to change the way you seek health care, and never causes disruption in your relationships with your providers.

The bill provides the coverage under a mechanism of global budgets to achieve controllable and measurable cost containment that will yield scorable savings over the next five years. Unlike other single-payer proposals of the past, it provides for almost exclusive state administration provided the states meet federal budget, benefit package, guarantee of free choice of provider, and quality assurance standards. This bill explicitly preserves free choice of provider by providing a mechanism for fee-for-service delivery to compete effectively with HMOs. It will not force Americans into HMO models.

The insurance mechanism of the American Health security Act is easy to use and understand. Quite simply, a patient visits the doctor or other provider. The provider then bills the state for the services provided under the standard benefit package and the state pays the bill on the patient's behalf, just as insurance companies pay medical bills on the patient's behalf now. The difference is that complicated and expensive formulas for patient copayments, coinsurance, and deductibles in addition to premium costs are eliminated.

The standard benefit package is in fact extremely generous. It covers all inpatient and outpatient medical services without limits on duration or intensity except as delineated by outcomes research and practice guidelines based on quality standards. It provides for coverage of comprehensive long-term care, dental services, mental health services and prescription drugs. Cosmetic procedures and other "frill" benefits such as private rooms and comfort items are not covered.

The extent of state discretion is substantial. The federal budget is divided into quality assurance, administrative, operating, and medical education components. The system is financed 86% by the federal government and 14% by the states. That federal pie is then apportioned among the states. For example, states with large elderly populations can be expected to require a larger volume of higher intensity services and will receive a larger federal contribution. However, the states are free to determine how that money is allocated among types of providers and to negotiate those allocations according to the state's individual needs, provided federal standards are met. The ability of HMOs to operate and compete on a capitated basis is preserved.

The states must demonstrate the efficacy of their methodologies or federal models will be imposed. However, states are not required to seek waivers in advance. While the federal government will not make separate allocations to states for capital and operating budgets, the states are free to allocate capital separately to assure adequate distribution of resources throughout the state and to develop their own mechanisms for doing so.

The financing package reflects the CBO scoring of this bill's predecessor, H.R. 1200, in the 103d Congress. The numbers were provided by the Joint Committee on Taxation (JCT) on the basis of the CBO scoring. Accordingly, the bill is fully financed. In fact, JCT estimates that the American Health Security Act will lead to deficit reduction approximating $100 billion per year by the year 2004.

Everyone will contribute to the health insurance system, except the very poor. Employers will pay 8.7% of payroll and individuals will pay 2.2% of their taxable income. A tobacco tax equal to $0.45 per cigarette pack is also imposed. These payroll deductions are lower than current insurance costs for most businesses and individuals, even while providing universal coverage and a more generous benefit package than exists in the private market today. The key is that the money necessary to provide coverage to people who cannot afford it comes from the administrative savings achieved through the elimination of the insurance company middle man. Americans are freed from the hassle of obtaining and keeping their insurance and have a federal guarantee that their health care costs will be paid for, regardless of who their employer is, where they move, or how their personal or family situation changes.

In addition to providing realistic and affordable financing, the bill provides quality assurance mechanisms that enhance system-wide quality and truly protect the consumer. It attempts to end the interference between doctor and patient. It establishes a system of profiling practice patterns to identify outliers on a systematic basis. Pre-certification of procedures and hospitalization (getting permission from insurers before your doctor can treat you) is prohibited except for case management of catastrophic cases.

Practice guidelines and outcomes research are emphasized as the main quality and utilization control mechanisms which gives physicians latitude to deviate from cookbook medicine where required for individual cases without going through intermediaries. Only if practitioners consistently deviate are they subject to review to ascertain the basis for the pattern of practice. This system includes mechanisms for education and sanctions including case-by-case monitoring when the review indicates serious quality problems with a specific provider.

The need for a 1:1 ratio of primary care physicians to specialists is explicitly set forth. Federal funding to graduate medical education is tied to achieving this ratio. Funding to the National Health Service is also provided to achieve this goal.

Special grants are provided to meet the needs of underserved areas through enhanced funding to the community health centers, both rural and urban, to enable outreach and other social support mechanisms. In addition, states have discretion to make special payment arrangements to such facilities to improve local access to care. It is anticipated that the revenue streams established for the public health service, community health centers, and education of primary care providers will double the primary care capacity of rural and other underserved areas in this country.

In summary, the American Health Security Act will provide all the citizens with the health care they need at a price both they and their country can afford. It is clear that we cannot afford the price of doing nothing.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

OFFICERS ACCUSED OF USING RACIAL SLURS, BREAKING BOY'S ARM

LAS VEGAS (AP).—Two Las Vegas off-duty police officers are accused of taunting schoolchildren with racial slurs and breaking the arm of a 12-year-old boy while arresting him.

The Metropolitan Police Department is investigating, and the mother of Parrish "Pookie" Young Jr., whose arm was broken, has contacted an attorney.

Police Department spokesman Lt. Rick Alba said Thursday the department began an internal investigation after the Wednesday morning incident though Tammy Lyons, Pookie's mother, has yet to file a complaint with the department's Internal Affairs Bureau.

Lyons' aunt, Caroline Lyons, said Pookie was cited for resisting arrest and impeding traffic, both misdemeanors. She said her great-nephew's arm was broken between the elbow and the shoulder.

Twelve-year-old Alex Solomon said the incident began when he, Dwayne Childs, 13, and Pookie met to go to school about 7 a.m. Wednesday. After making their morning trek to a doughnut shop, they walked to their school bus stop at Mojave Road and Charleston Boulevard.

Alex said their friend, Zaya Thompson, 12, had a can of potato chips, which she tossed to them. The can went into the street, Alex said, and he and Pookie chased after it. Then, he said, they started "play fighting"over it.

An unidentified woman stopped her car at that time and told them to stay out of the road because they could get hurt.

Just behind her was a Las Vegas police squad car and a white vehicle. An officer in uniform got out of the squad car, and another man, who identified himself as an officer, got out of the white vehicle.

The officers scolded the children for running into the street at the school bus stop, but Alex and another student, Candance Reynard, 11, said the officers then started using racial slurs. All the children involved in the incident are black.

One of the girls at the bus stop yelled an expletive to the officers. Another girl repeated the derogatory rebuff, and Pookie started laughing.

"I said, 'A-hahaha,'" the 12-year-old said. "One of the men said, 'This ain't no joke. Bring your little ass over here.'"

Pookie said he dropped his school books and walked toward the two. When he was within arm's reach, they grabbed him and slammed him against the police car, he said.

"Pookie walked over to the cop, to the car, and as he was walking over, as soon as he got near them, they took him," said Gary Hamilton, 26, who was driving the school bus the children were waiting to board.

"And one cop has his head down, and the other tried to get, I guess, what looked like an arm bar," he said, referring to a method of immobilizing someone's arms.

Pookie's left arm then "just gave away," Hamilton said. The officers then took Pookie to University Medical Center.

FREE SPEECH AT HEART OF CASE INVOLVING STUDENT DENIED LAW LICENSE

(By Tara Burghart)

EAST PEORIA, IL. (AP).—In three years of law school Matt Hale made decent grades, participated in student groups, played violin in two orchestras—and worked to revive a white supremacist group that advocates "racial holy war."

A state panel that reviews the "character and fitness" of prospective lawyers says that's reason enough to refuse Hale a law license. That ruling in turn has prompted debate about the balance between free speech and an attorney's obligation to uphold the nation's bedrock belief of equal justice under the law.

"The idea that I can't be lawyer because of my views is ludicrous. Plain and simple," Hale says, sitting in a home office where an Israeli flag serves as a doormat, swastika stickers decorate the walls and the flag of Hale's group, the World Church of the Creator, hangs from a window.

Hale's effort to gain a law license has attracted some unlikely supporters, including the Anti-Defamation League and renowned attorney Alan Dershowitz, who says he may help Hale appeal the inquiry panel's ruling.

"Character committees should not become thought police," Dershowitz said. "It's not the content of the thoughts I'm defending, it's the freedom of everybody to express their views and to become lawyers."

Hale, 27, grew up in East Peoria, a blue-collar town on the Illinois River. By his own account he was immersing himself by age 12 in books about Nazis and formed a "Little Reich" group at school. In high school and at Bradley University he attended "white power" rallies and sent letters filled with racial slurs to newspapers.

He also had a few brushes with the law, including a citation for littering after trying to distribute racist newspapers to homes in Pekin.

While attending Southern Illinois University law school Hale was elected head of the World Church of the Creator. The Anti-Defamation League says the group was one of the most violent of its kind in the early 1990s; one member was convicted of killing a black Gulf War veteran in 1991 in a Florida parking lot.

After the veteran's family won $1 million from the church in a lawsuit and its founder died, the church foundered, only to experience a resurgence under Hale, according to the league. Hale's claim of up to 30,000 supporters cannot be verified.

Hale graduated from SIU in May 1998, passed the bar exam and was hired by a Champaign law firm that now says it knew nothing about his views.

To receive a law license, Hale and other prospective lawyers are required to appeal before a judge or attorney working on behalf of the Illinois Supreme Court's committee on character and fitness who look for problems including dishonesty, criminal activity, academic misconduct or financial irresponsibility.

All but 25 of more than 3,000 applicants last year were approved at that initial stage.

Hale was not, and then a three-member inquiry panel voted 2–1 in December not to give him a license.

"The balance of values that we strike leaves Matthew Hale free, as the First Amendment allows, to incite as much racial hatred as he desires and to attempt to carry out his life's mission of depriving those he dislikes of their legal rights," panel members wrote.

"But in our view he cannot do this as an officer of the court."

Illinois officials say the last case similar to Hale's was in the early 1950s, when a law student refused to take an anti-Communist loyalty oath. The U.S. Supreme Court last considered a similar case in 1971, when two applicants for law licenses in other states would not reveal their political beliefs. The court ruled in their favor.

The Anti-Defamation League believes Hale shouldn't be denied a law license because of the "slippery slope" it creates, said Andrew Shoenthal, assistant director in the group's Chicago office.

For instance, Shoenthal asked, could a prospective lawyer who opposes abortion or supports school prayer be denied a license if a majority in his community held an opposite view?

The Illinois State Bar Association has yet to take a position on Hale's case, but spokesman Dave Anderson said the case "is a hot topic (among lawyers) right now, with spirited debate on both sides."

Hale, meanwhile, was fired in November by the law firm because he couldn't obtain a license. He lives with his parents in East Peoria, operating out of an office in their home.

When he's not talking about his white supremacist beliefs, Hale seems intelligent, polite, and articulate.

"I can't name a Hollywood movie that made white supremacists look good," he said. "We're always portrayed as hate mongers, villains, uneducated, missing all our teeth, having a shotgun in the backseat and chewing tobacco."

Hale is optimistic he'll get his license and plans to open a solo practice because no law firm is likely to hire him. His plans include challenging affirmative action laws and the littering law for which he was cited.

"For me, the true test of character is whether a person says what they think, which is what I have always done," Hale said. "I believe I show more character than most attorneys in that I actually practice what I preach."

STUDENT PLEADS GUILTY TO SENDING THREATENING E-MAILS

LOS ANGELES (AP).—A college student has pleaded guilty to federal civil rights charges that he e-mailed hate messages to dozens of Hispanics around the country.

Kingman Quon, 22, of Corona pleaded guilty Monday in federal court to seven misdemeanor counts of interfering with federally protected activities.

Specifically, he was accused of threatening to use force against his victims with the intent to intimidate or interfere with them because of their national origin or ethnic background.

It was only the second federal civil rights prosecution involving e-mail threats.

Quon could face up to seven years in prison and nearly $700,000 in fines when he is sentenced on April 26, although he is expected to receive a 2-year sentence under a plea bargain.

Quon, who was charged in January, remains free on bail pending sentencing.

Quon, a Chinese-American, said outside court that he "snapped" and sent the messages in March because he couldn't stand the pressures of being "a high-achieving college student."

He is a marketing major at California State Polytechnic University, Pomona.

Quon sent the same racially derogatory e-mail to 42 professors at California State University, Los Angeles and 25 students at Massachusetts Institute of Technology.

"The only reason you people are in state colleges is because of affirmative action," the message read.

One copy went to Assemblywoman Gloria Romero, D-Alhambra, a former Cal State psychology professor.

Quon also sent the message to employees of Indiana University, Xerox Corp., the Texas Hispanic Journal, the Internal Revenue Service and NASA's Ames Research Center.

Outside of court Monday, Quon apologized for the messages and asked the victims to forgive him.

The only other federal hate e-mail prosecution involved Richard Machado, 21, a naturalized citizen from El Salvador who flunked out of the University of California, Irvine. He was convicted last year of sending messages to 59 Asian students on campus, allegedly out of anger because he felt their good grades were raising the standard for others.

He was sentenced to a year in jail and was ordered to undergo racial tolerance counseling.

SPEEDY RULING SOUGHT FOR AYERS ISSUE AFFECTING USM-GULF COAST

JACKSON, MISS. (AP).—The State College Board will meet Thursday with its lawyers to discuss questions raised in a complaint over whether university expansion on the Gulf Coast will impact the historically black colleges.

Last week, plaintiffs in a long-running college desegregation lawsuit filed papers asking U.S. District Judge Neal Biggers Jr. of Oxford to hold up the University of Southern Mississippi Gulf Coast expansion.

Alvin Chambliss Jr., a law professor at Texas Southern University and lead attorney for plaintiffs in the lawsuit, questioned the admissions policies at USM/Gulf Coast operations.

Chambliss also said he feared the USM upgrades could interfere with state funding needed for court-approved remedies.

The desegregation case began in January 1975 when the late Jake Ayers Sr. of Glen Allan sued, accusing Mississippi of neglecting the state's three historically black universities—Jackson State, Alcorn and Mississippi Valley State. The U.S. Supreme Court ruled in 1992 that Mississippi operated a segregated college system.

USM wants $2 million for Gulf Coast expansions. That includes funds for USM-Long Beach and creation of a multi-university higher education center. The Legislature has not yet acted on the money.

"We all hope it doesn't hold up things," said College Board member Nan Baker of Winona. "A speedy ruling (from the judge) would be best for everybody concerned."

The College Board endorsed the USM/Gulf Coast expansion by a 7–5 vote last month. Critics say Mississippi can't afford what may become a ninth university.

Reports from the College Board did not spell out the racial makeup of USM/Gulf Coast programs, Chambliss said.

The USM plan would add 150 freshmen next fall to the Gulf Park campus at Long Beach and 750 freshmen and sophomores over a five-year period. The board plan also proposes a USM-led higher education center on the Gulf Coast. It would allow five universities including Jackson State and Alcorn State, and a community college, to teach classes.

"Persons from every sector of the Gulf Coast support what we are doing," said USM President Horace Fleming Jr. "We have support from leaders in the black community. We think it would help everybody."

Sen. David Jordan, D-Greenwood, is urging the Legislature to more than triple the $4.7 million the College Board is seeking for Ayers funding for the three historically black universities.

LEGISLATION FOR ACTION ON MISSING ISRAELI SOLDIERS—H.R. 1175 DIRECTS THE U.S. GOVERNMENT TO PRESS THIS MATTER WITH MID-EAST GOVERNMENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. LANTOS. Mr. Speaker, almost 17 years ago, three Israeli soldiers were captured in northeastern Lebanon following a tank battle with Syrian and Palestinian forces near the town of Sultan Yaqub. One of the men was Sgt. Zachary Baumel, an American citizen living in Israel. His parents also live in Israel and also are American citizens. The other two Israeli soldiers captured at Sultan Yaqub are Tzvi Feldman and Yehuda Katz.

According to press and intelligence reports, a pro-Syrian faction of the Palestinian Liberation Organization (PLO) had custody of these three men initially, but the faction later split from the PLO and took the three prisoners with them. Just hours after the soldiers were captured, western journalists in Damascus and Syrian radio reported that three Israeli soldiers were paraded through the streets of Damascus in a victory parade.

Over 10 years later, in 1993, the families of the MIAs hoped their ordeal might be over when Palestinian Authority Chairman, Yasser Arafat, returned half of Baumel's army dogtag to Prime Minister Yitzhak Rabin and promised to provide additional information regarding the MIAs of Sultan Yaqub. Over 5 years have passed since that time, and no additional information has been forthcoming from Chairman Arafat.

According to the Israeli newspaper Ma'ariv (April 24, 1994), French President Jacques Chirac raised the issue of the three prisoners during a visit to Lebanon. He reported on his conversations in Beirut: "I spoke to my friend, the Prime Minister of Lebanon, and he told me in no uncertain terms that only [Syrian President Hafez al] Assad knows what happened to the [Israeli] POWs." Syrian officials, however, have repeatedly denied knowledge of the missing men.

Syrian practice in the past has been to deny publicly holding such individuals. For example, the Syrians repeatedly denied knowledge of a group of Palestinians whom they held for over a decade; the Palestinian prisoners only became known when the Syrian government released them in 1995. On the basis of this experience with Syria, it is quite possible that these Israeli MIAs are still alive and under Syrian control.

Mr. Speaker, I have chosen to introduce this legislation today because this day holds great significance for the Jewish people. Today is the first day of the month of Nissan on the Jewish calendar. Nissan is a very important month because Jews from around the world celebrate Passover and join with their families in the observance of the holiday of freedom in this month.

It is in the spirit of this month that I ask my colleagues in the Congress to join me in helping Zachary Baumel, Tzvi Feldman, and

Yehuda Katz return to their homes. Sitting in the gallery today is Mrs. Miriam Baumel, Zachary Baumel's mother, whose tireless efforts on behalf of H.R. 1175 are a testament of her deep love for her son and her strong support for this legislation. Miriam and husband, Yona, have visited communities across the country and have met with numerous Members of Congress and congressional staff in their tireless effort to rally support for their son and to end this family tragedy.

I have confidence in this house's ability to do what is right. Mr. Speaker. The Baumel, Feldman, and Katz families should not have to spend one more night worrying about the fate of Zachary, Tzvi, and Yehuda.

H.R. 1175 directs the Department of State to raise the fate of these Israeli soldiers with the Palestinian Authority and leaders of the governments of Syria, Lebanon, and other countries in the Middle East in an effort to locate and secure the return of these soldiers. This legislation also specifies that U.S. aid to these governments "should take into consideration the willingness of these governments and authorities to assist in locating and securing the return of these soldiers." The State Department is directed to report to the Congress concerning these efforts.

Mr. Speaker, our legislation is introduced in the hope that we can find answers to the questions that have haunted the Baumel, Katz, and Feldman families for almost 17 years. I urge my colleagues to support this legislation and help to put an end to this tragedy.

H.R. 1175

To locate and secure the return of Zachary Baumel, an American Citizen, and other Israeli soldiers missing in action.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that

A. Zachary Baumel, an American citizen serving in the Israeli military forces, has been missing in action since June 1982 when he was captured by forces affiliated with the Palestinian Liberation Organization (PLO) following a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

B. Yehuda Katz and Zvi Feldman, Israeli citizens serving in the Israeli military forces, have been missing in action since June 1982 when they were also captured by these same forces in a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

C. These three soldiers were last known to be in the hands of a Palestinian faction splintered from the PLO and operating in Syrian-controlled territory, thus making this a matter within the responsibility of the government of Syria;

D. Diplomatic efforts to secure their release have been unsuccessful, although PLO Chairman Yasir Arafat delivered one half of Zachary Baumel's dog tag to Israeli government authorities; and

E. In the Gaza-Jericho agreement between the Palestinian Authority and the government of Israel of May 4, 1994, Palestinian officials agreed to cooperate with Israel in locating and working for the return of Israeli soldiers missing in action.

SEC. 2. ACTION BY THE DEPARTMENT OF STATE.

A. The Department of State shall raise the matter of Zachary Baumel, Yehuda Katz and Zvi Feldman on an urgent basis with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and with other governments in the region and other governments elsewhere which in the Department's view may be helpful in locating and securing the return of these soldiers.

B. Decisions with regard to United States economic and other forms of assistance to Syria, Lebanon, the Palestinian Authority, and other governments in the region and United States policy towards these governments and authorities should take into consideration the willingness of these governments and authorities to assist in locating and securing the return of these soldiers.

SEC. 3. REPORT BY THE DEPARTMENT OF STATE.

A. Ninety days after the enactment of this legislation, the Department of State shall deliver a report in writing to the Congress detailing its consultations with governments pursuant to section 2(A) of this act and United States policies affected pursuant to section 2(B) of this act. This report shall be a public document. The report may include a classified annex.

B. After the initial report to the Congress, the Department of State shall report in writing within 15 days whenever any additional information from any source relating to these individuals arises. Such report shall be a public document. The report may include a classified annex.

C. The reports to the Congress identified in paragraph (A) and (B) above shall be made to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate.

A SALUTE TO WILLIAM JOHNSON

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to share with my colleagues my esteem and regard for William Johnson, Business Manager of Laborers Union Local 113 in Milwaukee, Wisconsin. On March 20, his family, friends, union brothers and sisters, and admirers will gather to celebrate Bill Johnson's over 40 years of service to Milwaukee workers and to wish him well as his life begins a new chapter.

Bill returned to his native Alabama in 1955, an honorably discharged veteran of the United States Army. He stayed only a couple of weeks before he agreed to join his brother in Milwaukee.

When he arrived in Milwaukee, Bill Johnson found work, but he did not immediately find union representation. During the early days of America's struggle for civil rights, many of the union locals in town were not admitting African Americans. When he joined the Laborers' paving local that would eventually become Local 113, he had found a home.

Bill Johnson rose through the ranks to the position of Business Manager, ultimately responsible for contract negotiation and administration, personnel, and all of the union's other business. He has also served as Union Trustee for 30 years and is a trustee of the Laborers' Employers Cooperation Education Trust.

As a leader, Bill Johnson earned the respect of Local membership. He led by example, with dedication to the welfare and professional advancement of the membership. He always remembered that a successful union draws strength from its members just as they draw strength from the union.

After over 40 years, Bill Johnson is retiring as Business Manager of Laborers Local 113. His retirement from organized labor does not mean an end to his public service. Bill has been a longtime leader at Mt. Zion Missionary Baptist Church, and he presides over the church's economic and community development corporations. Under his direction, I know that these organizations will continue to work vigorously to bring housing and economic opportunity to Milwaukee's central city. Bill has also been active in leadership positions in the Milwaukee Jobs Initiative, the United Way of Greater Milwaukee, and Campaign for a Sustainable Milwaukee.

I am proud to join his colleagues, his friends, and his many admirers in expressing my gratitude to Bill Johnson for a lifetime of devoted service to Milwaukee's working families. I ask my colleagues to join me in saluting Bill and wishing him well as he embarks on a new course.

TRIBUTE TO THE BROOKLYN IRISH-AMERICAN PARADE COMMITTEE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Brooklyn Irish-American Parade Committee on the occasion of it's 24th Annual Brooklyn Irish-American Parade.

The Brooklyn Irish-American Parade highlights the cultural, education and historical accomplishments and contributions of Brooklyn's Irish-American community. The Annual Brooklyn Irish-American Parade serves as a celebration of Brooklyn's cultural diversity and richness and takes place in historic Park Slope on the hallowed ground of the Battle of Brooklyn and commemorates the Marylanders, Irish Freedom Fighters and Americans of other ethnic backgrounds who gave their lives to secure independence for all Americans. The Spirit of '76 was, and still is, the ideal of the Brooklyn Irish-American Parade.

The Parade Committee, it's officers and members, continue the memorialization of "The Great Famine" (An Gorta Mor) which caused the deaths of over 1,500,000 people in Ireland and tens of thousands as they traveled to America. During "The Great Famine", over 1,000,000 of Erin's sons and daughters emigrated to the United States through the port of New York.

The theme of this year's Parade is Wolfe Tone and The Good Friday Peace Accords. Wolfe Tone was an Irish Patriot and founder of the Society of the United Irishman, whose vision of Ireland was neither North nor South, neither Protestant nor Catholic, but one Ireland United and Free. The Good Friday Peace Accords, which were overwhelmingly supported by the people of the North and South, gave new hope for an end to sectarian violence and a peaceful resolution of political and social differences. The members of the Brooklyn Irish-American Parade Committee salutes with gratitude all the peacemakers who secured these accords for the people of Ireland, especially the untiring negotiations of former United States Senator George Mitchell.

This year's parade is dedicated to the memories of Johanna Cronin McAvey of County Cork, a founder of the Brooklyn Irish-American Parade Committee; Past Grand Marshals Paul O'Dwyer and Patrick McGowan, Past Aides to Grand Marshals Maureen Glynn Connolly, Tom Doherty, Eugene Reilly and Irene Stevens.

The Grand Marshal for the 24th Annual Parade is Sister Mary Rose McGeady, D.C., President and Chief Executive Officer of Covenant House who has dedicated her life to homeless children and their families. Sister McGeady has long been known as an innovator and beacon of good will to all those whose lives she has touched.

The Grand Marshall, her Aides Robert Hanley (Irish Culture) Pipe Major NYC Correction Department Pipe Band; Jane Murphy Parchinsky, Ladies AOH Kings County Board and Division 17; James Boyle (Irish Business) Snook Inn & Green Isle Inn; Bettyanne McDonough (Education) Emerald Society Board of Education; Patrick W. Johnson (Kings County AOH & Division 22); Geraldine McCluskey Lavery (Gaelic Sports/Young Irelands Camogie Team); Thomas Daniel Duffy (Grand Council, United Emerald Societies/ Housing Authority); Parade Chairperson Kathleen McDonagh; Dance Chairperson Charlie O'Donnell; Journal Chairperson James McDonagh; Raffle Chairperson Eileen Fallon; Parade Officers, Members and all the citizens of Brooklyn, have joined together to participate in this important and memorable event.

In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations and thanks to the Grand Marshall, her Aides, the Parade Officers and members of the Brooklyn Irish-American Parade Committee on the occasion of the Brooklyn Irish-American Parade Committee's 24th Annual Brooklyn Irish-American Parade.

IN HONOR OF J.C. PICKETT, M.D., PRESIDENT OF THE CALIFORNIA MEDICAL ASSOCIATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased today to honor the new California Medical Association (CMA) President, Dr. J.C. Pickett, of St. Helena, California.

Dr. Pickett has been a longtime leader in the Napa community, as well as throughout the State of California, and as native St. Helenan, I am extremely proud of my friend's outstanding accomplishments.

Born in West Virginia in 1926, Justus Cunningham (J.C.) Pickett received his B.A. degree from West Virginia University in 1956 and his medical degree from the Medical College of Virginia in 1958. He served as a surgical intern from 1958 to 1959, a surgical resident from 1959 to 1960, and an orthopaedic resident from 1960 to 1963, all at the Medical College of Virginia Hospitals.

Dr. Pickett was certified by the American Board of Orthopaedic Surgery in 1955 and became a Fellow of the American College of Surgeons in 1967 and the American Academy of Orthopaedic Surgeons in 1968. A retired colonel of the U.S. Air Force Reserve, he served in a number of important positions: as a clinical instructor at Ohio State University, as Chief of Staff and Chief of Surgery at Queen of the Valley Hospital in Napa, as a board member of the Napa County Chapter of the American Cancer Society, as orthopaedic consultant to Napa Valley College, and as team physician for Napa High School and Vintage High School. Dr. Pickett is also a member of the California Orthopaedic Association and the Western Orthopaedic Association.

Dr. Pickett served as President of the Napa County Medical Society from 1980 to 1981, as a member of the CMA House of Delegates from 1977 to 1990, and has been a member of CMA's Board of Trustees since 1990. In that capacity, he was Vice-Chair from 1994 to 1995, Chair from 1996 to 1997, and President-Elect from 1998 to 1999.

Despite his busy medical practice and dedication to his profession and patients, Dr. Pickett always finds time to spend with his wife Sandra, his three children, Justus Cunningham Pickett II, Carrie Laing Pickett, and John Eastman Brown Pickett, his two grandchildren Samantha and Joycelyn, and his beloved dog Murphy. Dr. Pickett is also well known to his friends, family, colleagues and patients as a highly skilled physician, gentleman farmer, infrequent golfer, and world class lover of crossword puzzles.

Mr. Speaker, I believe it is fitting and appropriate to honor the lifetime of service Dr. Pickett has given to his community, his state and his nation. Undoubtedly, there are many families in Napa County who are thankful each day for Dr. Pickett's service. Napa County is a health community and its resident can point to Dr. Pickett's service as one reason for this.

Mr. Speaker, I would like to personally commend Dr. Pickett on his dedication and meritorious service, and I wish him well this coming year as the new president of the CMA.

ADVANCE PLANNING AND COMPASSIONATE CARE ACT OF 1999

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. LEVIN. Mr. Speaker, on March 17, 1999 I reintroduced the Advance Planning and Compassionate Care Act of 1999, along with my colleagues Representatives JAMES GREENWOOD and DARLENE HOOLEY. This legislation intends to respond to the critical needs of the elderly and their families during often difficult times in their lives. As advancements in health care provide better care and extend life expectancy, we must also be cognizant of the care we provide in the last stages of an individual's life.

It is my hope that by addressing the needs of patients and families dealing with pain and medical difficulties at the end of life, we can focus attention on the constructive steps that can be taken to provide help and assistance to seniors and other Americans during this critical period. We should not allow end of life care to be eclipsed by the debate over physician assisted suicide. In my discussions with families and physicians, people are concerned with the quality of care and the type of information available during this difficult period of one's life.

The Advance Planning and Compassionate Care Act builds on the Patient Self-Determination Act enacted in 1990, which I sponsored, by strengthening many of its provisions. The Patient Self-Determination Act requires health care facilities to distribute information to patients regarding existing State laws on living wills, medical powers-of-attorney, and other advance directives so that individuals can document the type of care they would like to receive at the end of their lives. Since passage of that legislation, there has been an increase in the number of individuals who have advance directives. However, a Robert Wood Johnson study found that less than half of hospitalized patients who had advanced directives had even talked with any of their doctors about having a directive and only about one-third of the patients with advanced directives had their wishes documented in their medical records.

This legislation seeks to address these problems and improve the quality of information provided to individuals in hospitals, nursing homes and other health care facilities. It will encourage seniors and families to have more open and informed communication with health care providers concerning their preferences for end-of-life care.

Specifically, the bill requires that a trained professional be available, when requested, to discuss end-of-life care. It also requires that if a patient has an advance directive, it must be placed in a prominent part of the medical record where all doctors and nurses can clearly see it. In addition, the bill establishes a 24-hour hotline and information clearinghouse to provide consumers, patients and their families with information about advance directives and end-of-life decision making.

Included in this legislation is a provision designed to ensure that an advance directive which is valid in one State will be honored in another State, as long as the contents of the advance directive do not conflict with the laws of the other State. In addition, the bill requires the Secretary of Health and Human Services to gather information and consult with experts on the possibility of a uniform advance directive for all Medicare and Medicaid beneficiaries, regardless of where they live. A uniform advance directive would enable people to document the kind of care they wish to get at the end of their lives in a way that is easily recognizable and understood by everyone.

The Advance Planning and Compassionate Care Act also addresses quality end-of-life care by responding to the national need for end-of-life standards. It requires the Secretary of Health and Human Services, in conjunction with the Health Care Financing Administration, National Institutes of Health, and the Agency for Care Policy and Research, to develop outcome standards and other measures to evaluate the quality of care provided to patients at the end of their lives.

This legislation also responds to the serious crisis in pain care. As documented by the Institute of Medicine, studies have shown that a significant proportion of dying patients experience serious pain despite the availability of effective pain treatment. In addition, the aggressive use of ineffectual and intrusive interventions at the end of life may actually increase pain and eliminate the possibility for a peaceful and meaningful end-of-life experience with family and friends. This bill will improve the treatment of pain for Medicare patients with life threatening diseases.

Currently, Medicare does not generally pay the cost of self-administered drugs prescribed for outpatient use. The only outpatient pain medications currently covered by Medicare are those that are administered by a portable pump. It is widely recognized among physicians treating patients with cancer and other life-threatening diseases that self-administered pain medications, including oral drugs and transdermal patches, are alternatives that are equally effective at controlling pain, less costly and more comfortable for the patient. To address this inadequacy in coverage, the bill requires Medicare coverage for self-administered pain medications prescribed for outpatient use for patients with life-threatening disease and chronic pain.

The bill also focuses on the need to develop models to improve end-of-life care. The bill provides funding for demonstration projects to develop new and innovative approaches to improving end-of-life care provided to Medicare beneficiaries. It also includes funding to evaluate existing pilot programs that are providing innovative approaches to end-of-life care.

Mr. Speaker, the legislation we are proposing seeks to improve the quality of care for individuals and their families experiencing the last stages of life so they may do so together with dignity, independence and compassion.

SUMMARY: ADVANCE PLANNING AND COMPASSIONATE CARE ACT

SECTION 1. TITLE

Sec. 2. Development of Standards to Assess End-of-Life Care

The HHS Secretary, through HCFA, NIH, and AHPR, shall develop outcome standards and measures to evaluate the performance and quality of health care programs and projects that provide end-of-life care to individuals.

Sec. 3. Study and Recommendation to Congress on Issues Relating to Advance Directive Expansion

HHS will study and report to Congress on ways to improve the uniformity of advance directives.

Sec. 4. Study and Legislative Proposal to Congress

HHS shall study and report to Congress on all matters relating to the creation of a national, uniform policy on advance directives.

Sec. 5. Expansion of Advance Directives

Individuals in hospitals, nursing homes and health care facilities will have an opportunity to discuss issues relating to advance directives with an appropriately trained individual. Advance directives must be placed prominently in a patient's medical record.

This section also ensures portability of advance directives, so that an advance directive valid in one state will be honored in another state, as long as the contents of the advance directive do not conflict with the laws of the other state.

Sec. 6. National Information Hotline for End-of-Life Decision-making

HHS, through HCFA, shall establish and operate directly, or by grant, contract, or interagency agreement, a clearinghouse and 24-hour hot-line to provide consumer information about advance directives and end-of-life decision-making.

Sec. 7. Evaluation of and Demonstration Projects for Medicare Beneficiaries

HHS, through HCFA, will evaluate existing innovative programs and also administer demonstration projects to develop new and innovative approaches to providing end-of-life care to Medicare beneficiaries. Also, the Secretary shall submit to Congress a report on the quality of end-of-life care under the Medicare program, together with any suggestions for legislation to improve the quality of such care under that program.

Sec. 8. Medicare Coverage of Self-Administered Medication for Certain Patients with Chronic Pain

Medicare will provide coverage for self-administered pain medications prescribed for outpatients with life-threatening disease and chronic pain. (These medications are currently covered by Medicare only when administered by portable pump).

RED BANK MEN'S CLUB 50TH ANNIVERSARY: "UNITY—PAST, PRESENT, FUTURE"

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. PALLONE. Mr. Speaker, on Saturday, April 17, 1999, the members of the Red Bank, NJ, Men's Club will be celebrating their fiftieth anniversary with a formal dinner ball to be held at the PNC Arts Center in Holmdel, NJ. The theme for the evening, which will be chaired by Mr. Gary Watson, is "Unity—Past, Present and Future." Two of the Red Bank area's leading citizens, James W. Parker, Jr., M.D., and Donald D. Warner, Ed.D., will be honored at the ball.

Dr. James W. Parker, Jr., was born in Red Bank, where he attended the public schools and began his lifelong membership in the Shrewsbury Avenue AME Zion Church. He attended Howard University, graduating in 1940 with a B.S. degree, and earning his M.D. degree in 1944. He also attained the rank of First Lieutenant in the U.S. Army. After serving his residency in Norfolk, Va., he came back home to Red Bank and opened a private practice. The Korean War interrupted his career on the home front, as Dr. Parker went to serve his country as a Captain in Korea with a Battalion Air Station on the front line, and later in Japan. After the war, he returned to private family practice, as well as serving on the medical staff at Monmouth Medical Center in Long Branch, NJ, and Riverview Medical Center in Red Bank.

Dr. Parker was married to Alice Williams Parker in 1944. They have two children and four grandchildren. His community involvement has been and continues to be extensive, including service to the YMCA, the Red Bank Board of Health, the American Red Cross, the Red Bank Board of Education, where he served as vice President, the Monmouth County Welfare Board, which he chaired, the Monmouth College Trustees Board, the Monmouth County Office of Social Services Board and the Red Bank Community Service Board.

Last year, Dr. Donald D. Warner retired after 23 years of service as Superintendent of the Red Bank Regional High School District. Dr. Warner began his long and distinguished career in education 40 years ago, starting out as a classroom teacher. He earned his Bachelor's Degree at Temple University and his Doctor of Education Degree at the Pennsylvania State University. Over the years, he has received school and community awards too numerous to mention. In his nearly a quarter-century in the Red Bank area, he has taken on significant community and professional responsibilities, serving on various boards of trustees, foundations and task forces in Monmouth County and throughout the State of New Jersey.

A native of Pennsylvania, Dr. Warner now lives in Tinton Falls, NJ, with his wife Mercedes, a teacher in the Tinton Falls District. The Warners' three children have all achieved impressive success—not surprising, given the commitment to hard work and excellence instilled in them by both of their parents. Despite his retirement, Dr. Warner has remained active in community affairs, while a scholarship being established in his honor will further his legacy as an educator by providing opportunities for students to expand their educational opportunities for years to come.

Mr. Speaker, the Red Bank Men's Club has been instrumental over the years in supporting youth through scholarships for higher education. Many members of the Club serve as mentors and tutors for youth in the community. I congratulate the leaders and members of the Red Bank Men's Club, and wish them many years of continued success.

INTRODUCTION OF H.R. 1150, THE JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. CASTLE. Mr. Speaker, I am pleased to join with my colleague from Pennsylvania, Mr. GREENWOOD, to introduce H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act. It is essential that Congress join together to fight and reduce the rising rates of crime, particularly violent crime among children.

Our children are our most important resource. They are our future teachers, doctors, lawyers, engineers, and parents. We need to make sure that we do everything in our power to keep them safe from harm and prevent them from becoming involved in at-risk activities, such as drugs, alcohol abuse, and crime. In 1996 alone, there were over 100,000 arrests of children and youth under the age of 18 for violent crimes. Over 1,000 of those crimes were committed by those under the age of 10 and 6,500 were committed by youths between the ages of 10 and 12. In my home state of Delaware, one out of every five persons arrested in 1996 was a juvenile.

The key to lowering these statistics and stopping juvenile crime in its tracks is prevention and that is what we do in the Juvenile Crime Control and Delinquency Prevention Act. This bill acknowledges that most successful solutions to juvenile crime are developed at the state and local levels by people who understand the unique characteristics of youth in their particular area. H.R. 1150 goes a long way toward providing states and local providers with more flexibility in addressing juvenile crime by reducing burdensome state requirements and streamlining current law. Funds in H.R. 1150 can be used for prevention activities, including for hiring probation officers to monitor youth to ensure they abide by the terms of their probation. The bill also acknowledges that interventions and prevention activities such as educational assistance, job training employment services are effective tools in reducing and preventing juvenile crime. Also included in this bill is the Runaway Homeless Youth Act, which targets prevention as the best means to combat juvenile violent crime. H.R. 1150 authorizes programs to keep youth off the streets and away from criminal activity, so they will never even have the opportunity to become involved in violent crime. The Juvenile Crime Control and Delinquency Prevention Act provides the missing link in our efforts to combat juvenile crime.

Identical legislation to H.R. 1150 passed the House of Representatives by a vote of 413 to 14 last year. This widely supported legislation can go a long way in providing kids support when they are most in need.

REGARDING H. CON. RES. 60

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. DINGELL. Mr. Speaker, I am particularly pleased to introduce H. Con. Res. 60 telling the United States Postal Service that the Congress believes it should issue a series of commemorative postage stamps honoring veterans service organizations across the Nation.

As we are aware, this year, the Veterans of Foreign Wars of the United States will observe the 100th Anniversary of its founding. This important occasion represents the perfect opportunity to recognize the service of America's veterans, but the Postal Service has turned a deaf ear to numerous requests from veterans organizations, Members of Congress, and the American public to issue even a single stamp this year for this noble purpose.

There are numerous organizations that deserve commendation, including the American Legion, AMVETS, Blinded Veterans of America, Disabled American Veterans, Jewish War Veterans, Paralyzed Veterans of America, Vietnam Veterans of America, and the Polish League of American Veterans of which I am proud to be one. And, these organizations would be specifically honored with the V.F.W. The Postal Service should be doing all it can to make this happen. Veterans have fought for our liberties, they should not have to fight for appropriate recognition.

From the time of the Founding Fathers, American service personnel have sacrificed dearly to defend our country and its ideals. But their service is not confined to the battleground. Over time, veterans organizations have ably represented the interests of veterans in the Congress and State Legislatures across the Nation. They have established networks of trained volunteer service officers who have helped millions of veterans and their families secure the education, disability compensation, pension, and health care benefits they are entitled to receive as a result of their military service. Moreover, veterans service organizations have been deeply involved in countless local community service projects and have been constant reminders of the American values of duty, honor, and national service.

With more than 25 million veterans serving as living reminders of the greatness of our Nation, it is only fitting and proper that their dedicated and professional service in times of war and peace be celebrated in the unique and lasting manner by which the Postal Service has honored past heroes. The Postal Service has seen fit in recent years to memorialize flowers, dinosaurs, dolls, movie monsters, household pets, and even cartoons, but it has been intransigent regarding our veterans. This ought not be so.

I look forward to working with my colleagues—and the list of cosponsors indicates this is a serious matter on both sides of the aisle—to establish this momentous issuance.

COMMEMORATING THE ANNIVERSARY OF LEONARD AND GRACE PAULSON

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. THUNE. Mr. Speaker, I rise today to pay tribute to Mr. and Mrs. Leonard Paulson of Clark, South Dakota, on their fiftieth wedding anniversary. The Paulsons were married on March 19, 1949 at Garden City, South Dakota. There they lived, worked and raised six children, James, Sandra, David, Chantel, Bruce, and Lori. Leonard and Grace were exceptional role models for their family and strived to give their children a solid Christian home. And today, all six of their children reside in South Dakota with their families.

Throughout the past 50 years, Mr. and Mrs. Paulson have been active members of our community. As members of the St. Paul Lutheran Church, both Leonard and Grace served their fellow members through various church activities and organizations. Leonard also served on several agricultural and educational boards in the Clark County area, and continues to be a member of the Clark Lions Club. Grace continues to serve in the church, and is also active in the Clark Lady Lions Club.

Today, Mr. and Mrs. Paulson reside in the same farm house since the day of their marriage in 1949. They enjoy spending time with their children and grandchildren, both at their farm and at their cabin on Lake Kampeska.

Mr. Speaker, it is with great pleasure that I recognize this outstanding American couple. It is obvious to me that Leonard and Grace worked as a team to raise their family and give back to their community through service. The dedication they demonstrate to the institution of marriage and our community provides many Americans with an example to follow. I invite my colleagues to join in extending our congratulations on this milestone occasion to Leonard and Grace Paulson and with best wishes for health and happiness in the years ahead.

INTRODUCTION OF LEGISLATION REGARDING THE MEDICARE+CHOICE PROGRAM

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mrs. CUBIN. Mr. Speaker, today I am introducing a Concurrent Resolution to ensure that Medicare beneficiaries will continue to have access to the types of medical care they need. Regrettably, the Medicare+Choice regulations do not ensure that Medicare beneficiaries participating in the Medicare+Choice Program receive coverage for chiropractic services like they do under traditional Medicare.

Medicare beneficiaries have access to chiropractic services through Medicare Part B. When the Medicare+Choice Program was created, Congress stated its intention that all services covered under Medicare Parts A and B would be included in the program. It is unfortunate that the such services might not be available under the new program.

The Medicare+Choice program allows Medicare beneficiaries to participate in a managed care system. For many people, such a system will better meet their needs. It was also the intention of Congress, while expanding health care choices, to find cost-effective means of providing care.

I urge my colleagues in the House to join me in rectifying this problem by supporting this bill.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. BECERRA. Mr. Speaker, I was traveling on official business with President Clinton on his trip to Central America last week and therefore was unable to cast votes on March 10 and 11, 1999. The votes I missed on those days include rollcall vote 34 on Approving the Journal; rollcall vote 35 on passage of H.R. 540, the Nursing Home Resident Protection Amendments; rollcall vote 36 on Ordering the Previous Question; rollcall vote 37 on the Holt Amendment to H.R. 800, the Education Flexibility Partnership Act; rollcall vote 38 on the

Ehlers Amendment to H.R. 800; rollcall vote 39 on the George Miller amendment to H.R. 800; rollcall vote 40 on the Scott amendment to H.R. 800; rollcall vote 41 on passage of H.R. 800; rollcall vote 42 on passage of H.R. 808, the Short Term-Extension of Farm Bankruptcy Law; rollcall vote 43 on passage of H. Res. 32, a resolution Expressing Support for Open Elections in Indonesia; rollcall vote 44 on H. Con. Res. 28, a resolution Criticizing China for its Human Rights Abuses; rollcall vote 45 on Ordering the Previous Question; rollcall vote 46 on Agreeing to the Resolution; rollcall vote 47 to Sustain the Rule of the Chair; rollcall vote 48 on the Fowler Amendment to H. Con. Res. 42, a resolution on Peacekeeping Operations in Kosovo; and rollcall vote 49 on passage of H. Con. Res. 42.

Had I been present for the preceding votes, I would have voted "yes" on rollcall votes 34, 35, 37, 38, 39, 40, 42, 43, 44, and 49. I would have voted "no" on rollcall votes 36, 41, 45, 46, 47, and 48.

PERSONAL EXPLANATION

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. STRICKLAND. Mr. Speaker, on March 11, 1999, due to a prior personal commitment, I was unable to cast my vote on H. Con. Res. 42. Had this scheduling conflict not prevented me from being in the House on the evening of March 11, I would have voted the following: "Yea"—H. Con. Res. 42 [Roll No. 49]—on agreeing to the resolution—peacekeeping operations in Kosovo. "Nay"—H. Con. Res. 42 [Roll No. 48]—on agreeing to the amendment—Fowler of Florida to Gejdenson of Connecticut

SENATE—*Friday, March 19, 1999*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND.]

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, as this work-week comes to a close, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, and the presence of Your Spirit that fills us and gives us strength and endurance.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Give the Senators and all of us who work with them a perfect blend of humility and hope, so that we will know You have given us all that we have and are and have chosen to bless us this day. Our choice is to respond and commit ourselves to You. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank you.

SCHEDULE

Mr. STEVENS. Mr. President, this morning the Senate will resume consideration of the supplemental appropriations bill. The pending amendment is the Enzi amendment regarding Indian gaming. Unless an agreement can be worked out on this amendment, I intend to move quickly to table it in an effort to keep this bill moving forward. If an agreement is not reached, all Members should expect the first vote of today's session to be approximately at 10 a.m.

Following that vote, it is my hope that Members with amendments will come to the floor to offer debate on those amendments. With the budget resolution scheduled beginning next week, it is imperative that the Senate complete action on the supplemental bill in a timely fashion. The cooperation of all Senators will be necessary to achieve that goal.

The leader has stated that on Monday the Senate is expected to debate a Kosovo resolution for several hours, and then resume consideration of this supplemental appropriations bill. There will be no rollcall votes during Monday's session, according to the leader's statement.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, leader time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 544, which the clerk will report.

The bill clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 81, to set forth restrictions on deployment of United States Armed Forces in Kosovo.

Stevens (for Enzi) amendment No. 111, to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming and to prohibit the Secretary from approving class III gaming without State approval.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my intention to ask unanimous consent to adopt the Enzi amendment, or to seek a vote on it.

I suggest the absence of a quorum for the time being.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to introduce this amendment to the Supplemental Appropriations bill with my colleague, the distinguished Senator from Alabama, Mr. SESSIONS. This amendment is also cosponsored by Senator GRAMS of Minnesota, Senator BRYAN, Senator LUGAR, Senator REID, Senator VOINOVICH, and Senator BROWNBACK. This amendment has one very important purpose: to ensure that the rights of this Congress and all fifty states are not trampled on by an unelected Cabinet official.

The amendment is simple and straightforward. It extends the current moratorium on the Secretary of the Interior's ability to finalize the rules that were published on January 22d, 1998 until eight months after Congress receives the report of the National Gambling Impact Study Commission. Since the Commission is due to deliver its report to Congress no later than June 20th of this year, this moratorium would give Congress until as late as next February to consider the findings and advice of the commission we established to study the impact of gambling. This amendment also prohibits the Secretary of the Interior from approving any tribal-state gambling agreement which has not first been approved by the tribe and the state in question during this moratorium.

Mr. President, it is imperative that the current moratorium, which expires on March 31st, be extended. If it is not extended and the rules in question are finalized, the Secretary of the Interior would have the ability to bypass all fifty state governments in approving casino gambling on Indian Tribal lands.

Mr. President, this is the fourth time in two years the Senate has had to deal with this issue of Indian gambling, and I regret that an amendment is once again necessary on this year's Supplemental Appropriations bill. However, I believe it is imperative that Congress considers the recommendations of our own commission on gambling before allowing an unelected Cabinet official to make a major policy change in the area of casino gambling on Indian Tribal lands.

For the last two years, I have offered amendments to the Interior appropriations bills prohibiting Secretary Babbitt from approving any new tribal-state gambling compacts that had not first been approved by the State in accordance with the Indian Gaming Regulatory Act. Both of those amendments passed the Senate on voice votes. Both of these amendments were agreed to by the House in Conference. Only at the eleventh hour during negotiations with the White House was the length of the moratorium on last year's bill shortened to 6 months. The message we sent to the Interior Department through these amendments was clear. Congress does not believe it is appropriate for the Secretary of the Interior to bypass Congress and the states in an issue as important as whether or not casino gambling will be allowed within the state borders.

Mr. President, for the past two years when we have debated this issue there have been lobbyists who have tried to paint this amendment as a Las Vegas protection bill. There are some lobbying groups that are trying that same tactic again this year. I want everyone to be perfectly clear on this point. This amendment is designed primarily for those states that do not allow gambling—particularly those that do not allow electronic gambling and especially those states that do not allow slot machines. The interest in this amendment from gambling states stems simply from these members sincere desire to have the Indian Gaming Regulatory Act, or IGRA, enforced. Those states which have decided through their state legislatures or through the initiative process that they want casino gambling have also established regulations and procedures to monitor this activity. This amendment does not in any way minimize the serious need for proper enforcement of existing law.

Mr. President, the Chairman of the Indian Affairs Committee has introduced legislation to amend the Indian Gaming Regulatory Act. His committee has scheduled a hearing later this month to listen to testimony from a number of the parties involved in this debate. I applaud the senior Senator from Colorado for providing this forum. He has offered to consider my thoughts and recommendations as the committee goes through the proper legislative process of considering changes to existing law, and I look forward to providing some thoughts I have on possible changes to IGRA. I believe this is the proper manner to consider major changes to existing law. The committee should hold hearings and listen to the views of all the major parties involved, report a bill, and have a debate in the Senate and House on what legislation is most appropriate to fix any problems with the current statute.

In contrast with this process, Secretary Babbitt is attempting to bypass Congress and all fifty states with his proposed rules. This is a slap in the face to Congress, to all the State governments, and to all the Indian Tribes which have negotiated legitimate Tribal-State compacts with the States in which they are located. The Secretary's rules effectively punish those tribes which have played by the rules, and as such, will open the floodgates to an approval process based more on political influence than on proper negotiations between the states and the tribes. Who will be the winners under Secretary Babbitt's new regime? Will it be the Tribes that donate enough money to the right political party? In contrast, our amendment will make sure that the unelected Secretary of the Interior, Bruce Babbitt, won't single-handedly change current law. This amendment will ensure that any change to IGRA is done the right way—legislatively.

Actually, the timing of Secretary Babbitt's attempt to delegate himself new authority is rather ironic. Last March, Attorney General Janet Reno requested an independent counsel to investigate Secretary Babbitt's involvement in denying a tribal-state gambling license to an Indian Tribe in Wisconsin. Although we will have to wait for Independent Counsel Carol Elder Bruce to complete her investigation before any final conclusions can be drawn, it is evident that serious questions have been raised about Secretary Babbitt's judgment and objectivity in approving Indian gambling compacts.

The very fact that Attorney General Reno believed there was specific and credible evidence to warrant an investigation should be sufficient to make this Congress hesitant to allow Secretary Babbitt to grant himself new trust powers that are designed to bypass the states in the area of Tribal-State gambling compacts. Moreover, this investigation should have taught us an important lesson: we in Congress should not allow Secretary Babbitt, or any other Secretary of the Interior, to usurp the rightful role of Congress and the states in addressing the difficult question of casino gambling on Indian Tribal lands.

Mr. President, the Secretary has not given any indication in the 11 months since the independent counsel was appointed that he should be trusted with new, self-appointed trust responsibilities over Indian Tribes. On February 22d of this year, United States District Judge Royce Lamberth issued a contempt citation against Secretary Bruce Babbitt and Assistant Secretary of the Interior for Indian Affairs, Kevin Gover, for disobeying the Court's orders in a trial in which the Interior Department and the Bureau of Indian Affairs were sued for mismanagement of American Indian trust funds.

In his contempt citation, Judge Lamberth stated, and I quote,

> The court is deeply disappointed that any litigant would fail to obey orders for production of documents, and then conceal and cover up that disobedience with outright false statements that the court then relied upon. But when that litigant is the federal government, the misconduct is even more troubling. I have never seen more egregious misconduct by the federal government.

This conduct has raised such concern that both the Indian Affairs Committee and the Energy Committee have held hearings to call Secretary Babbitt to task for his mismanagement of these funds and his disregard for the rulings of a federal court. The Secretary's continued violation of his trust obligations to Indian Tribes should serve as a wake-up call to all of us in the Senate. This is not the time to allow the Secretary to delegate to himself new, unauthorized, powers.

I should add that lobbyists for the various tribes and representatives in the White House have made it abundantly clear that Secretary Babbitt fully intends to finalize his proposed rules once the current moratorium expires. Our only way to stop this effort is to attach another amendment on this Emergency Supplemental Appropriations bill. This is a real emergency! Let me assure you, if Secretary Babbitt has his way, there will be no need for the Tribes to resolve problems involving gambling and IGRA in and with their States.

I do believe that this issue could be resolved with hearings and a bill—actual legislation from Congress. But those hearings won't happen as long as the tribes anticipate the clout of a Secretary's rule that bypasses the states. Yes, the courts have ruled that current law—which was passed by Congress, not an appointed Secretary—gives an edge in the bargaining process to the States. But that process has worked. If there is a need to change that process, it should only be changed by a bill passed by Congress—not by rule or regulation.

I must stress that if we do not maintain the status quo, there will never be any essential involvement by the states in the final decision of whether to allow casino gambling on Indian Tribal lands. There will be no compromise reached. The Secretary will be given the right to bypass us, the Congress of the United States, and to run roughshod over the states.

Again, I would like to stress that this amendment does not amend the Indian Gaming Regulatory Act, but holds the status quo for another eleven months. Three years ago, Congress voted to establish a national commission to study the social and economic impacts of legalized gambling in the United States. One of the aspects the commission is currently analyzing is the impact of gambling on tribal communities. This commission is now winding down its work and is set to deliver its report to Congress no later than June 20th of this year.

It is significant that this commission—the very commission Congress created for the purpose of studying gambling—sent a letter to Secretary Babbitt last year asking him not to go forward with his proposed rules. I think it would be wise of this body to follow the advice of the very commission we created to study the issue of legalized gambling.

I want to emphasize again that we are the body that asked for this commission. We created the commission to look at all gambling. The American taxpayers are already paying for the study. The commission is nearing the end of its work. We need to let them finish. They have asked Secretary Babbitt not to make any changes while they do their work. My amendment would give them that time.

The Judicial Branch has already preserved the integrity of current law.

This amendment supports that. The President has twice approved my amendment, in the FY98 Interior appropriations bill, and in the FY '99 Omnibus Appropriations bill. I'm asking my colleagues to take the same "non-action" once again. The Committee on Indian Affairs must play a very important role here. They need to hold hearings and write legislation which specifically addresses this issue and then put it through the process. They will have time to do that if this amendment is agreed to. This amendment would support giving the Indian Affairs Committee and Congress, as a whole, time to develop an appropriate policy.

Mr. President, the Enzi-Sessions amendment is strongly endorsed by the National Governor's Association.

This amendment is also supported by the National Association of Attorneys General. We have also received a number of letters from individual state Attorneys General in support of this amendment. This amendment is also supported by the National League of Cities.

I want to point out that this amendment does not affect any existing Tribal-State compacts. It does not, in any way, prevent states and Tribes from entering into compacts where both parties are willing to agree on class III gambling on Tribal lands within a state's borders. This amendment does ensure that all the stakeholders must be involved in the process—Congress, the Tribes, the States, and the Administration.

Mr. President, a few short years ago, the big casinos thought Wyoming would be a good place to gamble. The casinos gambled on it. They spent a lot of money. The even got an initiative on the ballot. They spent a lot more money trying to get the initiative passed. I became the spokesman for the opposition. When we first got our meager organization together, the polls showed over 60 percent of the people were in favor of gambling. When the election was held casino gambling lost by over 62 percent—and it lost in every single county of our state. The 40 point swing in public opinion happened as people came to understand the issue and implications of casino gambling in Wyoming. That's a pretty solid message. We don't want casino gambling in Wyoming. The people who vote in my state have debated it and made their choice. Any federal bureaucracy that tries to force casino gambling on us will only inject animosity.

Why did we have that decisive of a vote? We used a couple of our neighboring states to review the effects of their limited casino gambling. We found that a few people make an awful lot of money at the expense of everyone else. When casino gambling comes into a state, communities are changed forever. And everyone agrees there are costs to the state. There are material costs, with a need for new law enforcement and public services. Worse yet, there are social costs. And, not only is gambling addictive to some folks, but once it is instituted, the revenues can be addictive too. But I'm not here to debate the pros and cons of gambling. I am just trying to maintain the status quo so we can develop a legislative solution, rather than have a bureaucratic mandate.

Mr. President, the rationale behind this amendment is simple. Society as a whole bears the burden of the effects of gambling. A state's law enforcement, social services, communities, and families are seriously impacted by the expansion of casino gambling on Indian Tribal lands. Therefore, a state's popularly elected representatives should have a say in the decision about whether or not to allow casino gambling on Indian lands. This decision should not be made unilaterally by an unelected cabinet official. Passing the Enzi-Sessions amendment will keep all the interested parties at the bargaining table. By keeping all the parties at the table, the Indian Affairs Committee will have the time it needs to hear all the sides and work on legislation to fix any problems that exist in the current system. I urge my colleagues to stand up for the constitutional role of Congress—and for the rights of all fifty states—by supporting this amendment.

Mr. President, I ask unanimous consent that the letters I referenced be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GAMBLING IMPACT
STUDY COMMISSION,
Washington, DC, August 6, 1998.
Hon. BRUCE BABBITT,
Secretary, U.S. Department of the Interior,
Washington, DC.

DEAR SECRETARY BABBITT: As you are aware, the 104th Congress created the National Gambling Impact Study Commission to study the social and economic impacts of legalized gambling in the United States. Part of our study concerns the policies and practices of tribal governments and the social and economic impacts of gambling on tribal communities.

During our July 30 meeting in Tempe, Arizona, the Commission discussed the Department's "by-pass" provision for tribes who allege that a state had not negotiated for a gaming compact in good faith. The Commission voted to formally request the Secretary of the Interior to stay the issuance of a final rule on Indian compacting pending completion of our final report. On behalf of the Commission, I formally request such a stay, and trust you will honor this request until you have had an opportunity to review the report which we intend to release on June 20, 1999. Thank you for your consideration.

Sincerely,

KAY C. JAMES,
Chairman.

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, March 16, 1999.
Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: We are writing on behalf of the National Governors' Association to urge you to co-sponsor and support the Indian gaming amendment to the Supplemental Appropriations bill sponsored by Senator Michael B. Enzi (R-Wyo.) and Senator Jeff Sessions (R-Ala.). This amendment would extend the current moratorium on the secretary of the U.S. Department of the Interior using federal funds for approving tribal-state compacts that have not been approved by the state, as required by law. The amendment would also prohibit the secretary from promulgating a regulation or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact or from going forward with any proposed rule on this matter in the near future.

The National Governors' Association is currently in discussions with Indian tribes and the U.S. Departments of Interior and Justice about negotiations on amendments to the Indian Gaming Regulatory Act of 1988. Meetings have already been held in Denver, Colorado and Oneida, Wisconsin. The nation's Governors strongly believe that no statute or court decision provides the secretary of the U.S. Department of the Interior with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. The secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or to exercise objective judgment in disputes between states and tribes. To avoid protracted litigation, we respectfully urge Congress to adopt the Enzi/Sessions amendment to extend the current moratorium and prohibit the secretary from issuing a final rule.

Thank you for your support of this amendment. Please contact us if you have any questions about our position on this matter, or call Tim Masan of the National Governors' Association at 202/624-5311.

Sincerely,

GOVERNOR THOMAS R.
CARPER, Delaware.
GOVERNOR MICHAEL O.
LEAVITT, Utah.

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, March 15, 1999.
Hon. MICHAEL B. ENZI,
Hon. JEFF SESSIONS,
U.S. Senate, Washington, DC.

DEAR SENATORS ENZI AND SESSIONS: We write in support of your proposed amendment to the FY '99 Emergency Supplemental Appropriations Bill, which would extend the existing moratorium on the Secretary of the Interior's proposed regulations on Indian gaming.

The Attorneys General continue to believe that there is no statutory authority for the Secretary's proposed procedures to allow tribes to obtain gaming compacts from Interior rather than by negotiations with the states. We believe that only amendments to the Indian Gaming Regulatory Act can create the power the Secretary asserts, and we believe that such amendments should occur only by way of agreement between states, tribes and federal interests.

Continuation of the existing moratorium on the proposed procedures will be a strong incentive for discussions on amendments, while allowing the moratorium to lapse would be likely to end the opportunity for mutually acceptable changes in the Act to emerge and instead set off another lengthy bout of litigation. The consensus of the Attorneys General is that discussions are preferable to litigation, and that continuation of the moratorium for as long as is necessary is the best incentive to achieve that goal.

Sincerely,

NELSON KEMPSKY,
Executive Director, Conference of Western Attorneys General.
CHRISTINE MILLIKEN,
Executive Director and General Counsel, National Association of Attorneys General.

NATIONAL LEAGUE OF CITIES,
Washington, DC, March 16, 1999.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN STEVENS AND SENATOR BYRD: I am writing to you on behalf of the National League of Cities (NLC) to urge you again to support the Enzi/Sessions amendment to the FY '99 Interior Emergency Supplemental Appropriations Bill which seeks to extend the moratorium on the implementation of procedures by the U.S. Secretary of the Interior until on or about February 20, 2000 or eight months after the national Gambling Impact Study Commission issues its report to Congress. It is of the utmost importance for Congress to hear and digest the Commission's findings prior to permitting any new regulations from becoming final. The current moratorium will expire on March 31, 1999.

NLC urges support of the Enzi/Sessions amendment in order to maintain the status quo of the Indian Gaming Regulatory Act (IGRA) and slow the creation of new trust land. While further legislation is required to remove the power of the Interior Secretary to administratively create enclaves that would be exempt from state and local regulatory authority, passage of this amendment would be an important first step in this process.

Because passage of the Enzi/Sessions amendment would slow the creation of new trust land in one narrow set of circumstances, NLC urges support of this amendment as a first step. The concept of allowing an appointed federal official to overrule and ignore state and local land use and taxation laws through the creation of trust lands flies in the face of federalism and intergovernmental comity.

The membership of the NLC has adopted policy which declares that: "lands acquired by Native-American tribes and individuals shall be given corporate, not federal trust, property status." This policy is advocated "in order that all lands may be uniformly regulated and taxed under municipal laws."

The Supreme Court has ruled that provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.* (IGRA) violate certain constitutional principles that establish the obligations, immunities and privileges of the states. The Interior Department appears to be determined to implement the remaining provisions of IGRA despite the fact that the Supreme Court decision really requires a congressional re-examination of the IGRA statute and the more general topic of trust land designation. For these reasons, the NLC strongly urges Congress to extend the current moratorium, as proposed by the Enzi/Sessions amendment at least until eight months after the National Gambling Impact Study Commission issues its report to Congress, or February 20, 2000.

Sincerely,

CLARENCE E. ANTHONY,
Mayor, South Bay, Florida.

CHRISTIAN COALITION,
Washington, DC, July 9, 1998.

PROTECT STATES' RIGHTS—VOTE FOR THE ENZI/SESSIONS AMENDMENT TO THE INTERIOR APPROPRIATIONS BILL

DEAR SENATOR: When the Senate considers the FY '99 Interior appropriations bill, an amendment sponsored by Senator Enzi (WY) and Senator Sessions (AL) is expected to be offered. This amendment would protect states' rights in negotiating tribal-state compacts, especially when negotiating casino gambling.

Under the Indian Gaming Regulatory Act, every state has the right to be directly involved in tribal-state compacts, without Federal interference. Every state also has the right, as upheld by the Supreme Court in the *Seminole Tribe of Florida* v. *Florida* decision, to raise its 11th Amendment defense of sovereign immunity if a tribe tries to sue the state for not approving a casino compact. However, in the wake of the Seminole decision, the Department of Interior has created new rules whereby a tribe can negotiate directly with the Secretary of Interior on casino gambling compacts and bypass a state's right to be involved. These new rules are a gross violation of states' rights. An unelected cabinet member should not be given sole authority to direct the internal activities of a state, especially with regards to casino gambling contracts.

Christian Coalition is also very concerned with the severe social consequences of casino gambling. There is much evidence that the rise of casino gambling leads to a rise in family breakdown, crime, drug addiction and alcoholism. With such staggering repercussions, it is vital that Tribal-State gambling compacts remain within each individual state and not be commandeered by an unelected federal official.

The Enzi/Sessions amendment would prohibit the Secretary of Interior, during fiscal year 1999, from establishing or implementing any new rules that allow the Secretary to circumvent a state in negotiating a tribal-state compact when the state raises its 11th amendment defense of sovereign immunity. It also prohibits the Secretary from approving any tribal-state compact which has not first been approved by the state.

Christian Coalition urges you to protect states' rights and vote for the Enzi/Sessions amendment to the FY '98 Interior appropriations bill.

Sincerely,

JEFFREY K. TAYLOR,
Acting Director of Government Relations.

Mr. CAMPBELL. Mr. President, I am opposed to the Enzi-Reid amendment on Indian gaming because it will continue the "stand-off" that exists between the tribes and states, preventing them from reaching fair gaming agreements.

There are members in the Chamber who are downright against gaming. That is not what this debate is about.

Under Federal law, tribes are limited to the types of gaming allowed under the laws of the State in which they reside. In my own State of Colorado as an example, there are two tribes, the Southern Ute and the Ute Mountain Ute. They are limited to slot machines and low-stakes table games, just as the other gaming towns in Colorado.

In Utah, State law prohibits all gaming: tribal, non-tribal or otherwise. The intention of the Federal law, IGRA, was that in States where gaming is limited or prohibited, tribes would be limited or prohibited from operating gaming as well.

But today's debate is about whether a Governor of a State can limit a type of business activity to certain groups simply by refusing to negotiate. That is unfair and un-American.

There are many tribes and States that have sat down and negotiated such agreements that are binding and effective.

There are some States that refuse to negotiate at all with tribes—leaving those tribes without the ability to conduct gaming and without the ability to generate much-needed revenues.

This is the core problem: whether accomplished through legislation, through the kind of secretarial procedures we are talking about today, or whether through tribal-State negotiations, these impasses should be brought to an end.

Let's not forget how we got here. In 1987, the Supreme Court ruled in Cabazon that unless a State prohibited gaming entirely, such as Utah and Hawaii now do, the State's regulations would not apply to gaming conducted on Indian lands within that State.

This caused a clamor by the States and a year later the Congress responded by passing the Indian Gaming Regulatory Act.

This act was a compromise and for the first time gave State governments a role in what kind of gaming would occur on Indian reservations within a State's borders.

In 1996, the High Court ruled in Seminole that tribes cannot sue States and require them to negotiate for gaming compacts. Some States, have used the Seminole case to refuse to talk to tribes completely.

That is unfair at the very least. As my colleagues know, I am a big supporter of tribal-State negotiations on matters from business development, to jurisdictional issues, to taxes. If it is good enough for tribes to have to negotiate, it is good enough for States as well.

So while I think that each State's public policy should determine the scope of all gaming conducted in that State, I also believe the current State of the law gives States what is in reality a veto over tribes in this field.

I was here in 1988, in fact, and helped write the IGRA legislation, and I can tell you it was never the intent of Congress to provide such a veto.

I should point out to my colleagues that in many cases non-Indian gaming is promoted and even operated by State governments, so there is an element of competition. I believe some States have refused to negotiate in order to preserve their monopoly on gaming.

To begin to address this situation, the Department of Interior has proposed a process that is based on the IGRA statute. Though the process does need refinement, I do not believe the secretary should be stopped from developing alternative approaches to these impasses.

Coming from a Western State, I am as supportive as anybody in this chamber of States rights, but those who say this process overrides the States are wrong.

Under the proposal, if a State objected to a decision made by the Interior Secretary, that State could challenge that decision in Federal court.

For those who fear the department is acting without oversight, I point out that Congress will have the authority to review any proposed regulations before they take effect.

As the proposal comes before the authorizing committees, any new regulations will get a careful review and if those regulations are found to be unacceptable, they simply will not pass. We will legislate a new approach if they do not pass.

I urge my colleagues to vote against this amendment and allow the regulatory and legislative process to work.

I yield the floor, Mr. President.

Mr. INOUYE. Mr. President, I rise in opposition to the amendment proposed by Senators ENZI, SESSIONS, GRAMMS, BRYAN, LUGAR, REID, VOINOVICH and BROWNBACK, which would impose a moratorium on the Interior Secretary's authority to promulgate final regulations or to issue a notice of proposed rulemaking related to procedures which would provide a means for securing a tribal-state compact governing the conduct of class III gaming on Indian lands.

Mr. President, in 1988, I served as the primary sponsor of the bill that was later enacted into law as the Indian Gaming Regulatory Act. That Act provides a comprehensive framework for the conduct of gaming on Indian lands, including a means by which the state and tribal governments, as sovereigns, may enter into compacts for the conduct of class III gaming on tribal lands.

The Act further provides that should a state and tribal government reach an impasse in the negotiations that would otherwise lead to a tribal-state compact, a tribal government or a state government could initiate a legal action in a federal district court pursuant to which a court could: (1) rule on the parties' substantive interpretations of law that gave rise to the impasse, thereby resolving the matter; or (2) order the parties to either resume negotiations or enter into a process of mediation.

However, in the intervening years, the United States Supreme Court has ruled that a state may assert its sovereign immunity to suit if a legal action is initiated by a tribal government, thereby divesting a federal court of its jurisdiction, and that the Congress lacks the authority to waive a state's Eleventh Amendment immunity to suit.

Since that time, various members of the Committee on Indian Affairs have proposed an array of alternatives to the Act's compacting process, but each time, either the states or the tribes have opposed these measures. So the Interior Secretary stepped into the breach, and invited comments on his authority to promulgate rules for an alternative means of securing the authority to conduct class III gaming on Indian lands.

This has been a constructive effort on the Secretary's part, for which he is to be commended.

Mr. President, twenty-one states have entered into compacts with tribal governments over the last eleven years. There are only a few states in which tribal-state negotiations have been frustrated, and this amendment effectively precludes those tribal governments that have yet to secure a compact, from exploring an alternative route, as prescribed by the Secretary, and gives the states an absolute veto power over tribal gaming—a result that the Act was clearly intended to avoid.

Not only does this amendment cut off the rights that tribes have under the Supreme Court's ruling in California v. Cabazon Band of Mission Indians, the amendment ties the Secretary's authority to the submittal of a Commission report that has no legal on these matters. The National Gambling Impact Study Commission was authorized to examine and assess all forms of gaming in the United States, as well as gambling-related issues, including the conduct of state lotteries.

Mr. President, there are many of us in the Congress who are opposed to gaming, and as Indian country well knows, I include myself in the ranks of those members. Hawaii is one of only two states in our Union that prohibits all forms of gaming. But I don't see anyone in this body proposing to impose a moratorium on the conduct of state lotteries until eight months after the Commission submits its report to the Congress.

Nonetheless, tribal government-sponsored gaming is most analogous to the lotteries operated by state governments. Federal law—the Indian Gaming Regulatory Act—clearly and unequivocally provides that tribal gaming revenues may only be used to support the provision of governmental services by tribal governments to reservation residents—both Indian and non-Indian.

Mr. President, I must take exception to some of the representations that have been made about this amendment. For instance, that the amendment "protects States' rights without harming Indian Tribes".

A right to conduct gaming free of any State involvement was confirmed by the United States Supreme Court in May of 1997. Let us be clear about this—what this amendment does is take away that right.

The proponents of this amendment also assert that their amendment would maintain "the status quo of the Indian Gaming Regulatory Act". However, we should be also equally clear about this—this amendment does not preserve the status quo. Rather it strips tribal governments of rights that have been confirmed by the Supreme Court, and rather than preserving the status quo, it vests the states with a right they never had under the rulings of the Supreme Court or any other Federal law—namely, a veto power over the conduct of gaming on tribal lands—lands and activities over which the states do not have the right to exercise their jurisdiction. This is what the Supreme Court has ruled. This amendment would subvert the rulings of the Supreme Court in this area, and I believe our colleagues in the Senate should be aware that the amendment does precisely that.

I would urge my colleagues to reject this amendment.

Mr. SESSIONS. Mr. President, I thank the Senator from Wyoming for allowing me to introduce this important amendment with him. I want to congratulate him for his good work on an issue that is, at its heart, a matter of great concern to those of us who believe that the Federal Government often goes too far in exerting its will on the individual States. I think that the legislation that we have adopted today is good legislation that recognizes the importance of protecting the ability of States to regulate gambling within their borders.

Allow me to briefly share some of my thoughts on the importance of this amendment. As Attorney General of Alabama, I cosigned a letter with 25 other Attorneys General that was sent to the Secretary of the Interior regarding his promulgation of the rules at issue today. Every one of the Attorneys General who signed this letter did so because we had come to the same legal conclusion: the Secretary of the Interior does not have the authority to take action to promulgate regulations allowing class III gambling in this manner. In fact, I believe that if the

Secretary of the Interior were to attempt to finalize this rule and take action, he would immediately be sued by States throughout this country in what would amount to expensive and protracted litigation. I feel the Secretary would lose these suits, and that this amendment offers us the opportunity to prevent such a waste of resources on both the State and Federal level from occurring.

This is an important issue for my State of Alabama, which has one federally recognized tribe and which has not entered into a tribal-State gambling compact. The citizens of Alabama have consistently rejected the notion of allowing casino gambling within the State. If the Secretary of the Interior is allowed to unilaterally provide for class III casino gambling for this tribe, where the State has not agreed to enter into a compact and against the expressed will of the people, he will also be unilaterally deciding to impose great burdens on local communities throughout Alabama. This is because the one federally recognized tribe in our State owns several parcels of property, and it is likely that once casino gambling was established in one area it would spread to others.

Let me share with you a letter that the Mayor of Wetumpka, whose community is home to one of these parcels of property, wrote me in reference to the undue burdens her town would face if the Secretary were to step in and authorize casino gambling. Mayor Glenn writes:

> Our infrastructure and police and fire departments could not cope with the burdens this type of activity would bring. The demand for greater social services that comes to areas around gambling facilities could not be adequately funded. Please once again convey to Secretary Babbitt our city's strong and adamant opposition to the establishment of an Indian gaming facility here.

Mayor Glenn's concerns about the costs to her community if the Secretary were able to exert this kind of authority have been seconded by other communities. Let me share with you an editorial that appeared in the Montgomery Advertiser. Montgomery is the state capital, and is located just a few miles from Wetumpka. The Advertiser wrote:

> Direct Federal negotiations with tribes without State involvement would be an unjustifiably heavy-handed imposition of authority on Alabama. The decision whether to allow gambling here is too significant a decision economically, politically, socially to be made in the absence of extensive State involvement. A casino in Wetumpka—not to mention the others that would undoubtedly follow in other parts of the State—has implications far too great to allow the critical decision to be reached in Washington. Alabama has to have a hand in this high stakes game.

Mr. President, the author of this editorial is correct. We should not allow the Secretary of the Interior to promulgate rules giving himself the authority to impose drastic economic, political and social costs on our local communities.

I would also like to address another issue in connection with the regulations the Secretary of the Interior has proposed. If the Secretary is allowed to exert this kind of power, he will be in a position to enrich selected tribes, potentially by millions of dollars, simply by stroking a pen. I do not think this is proper. This is a powerful capability. Imagine the conflict of interests that could arise as tribes lobby the Secretary to either approve, or disapprove, requests for class III casino gambling facilities. Indeed, the current Secretary of the Interior has already had his actions in similar instances brought under investigation to see if departmental decisions were influenced by campaign donations. This is unseemly, and unsound. I think we should ensure that States remain a vital part of the negotiating process to add legitimacy to decisions that are made.

Mr. President, this amendment has broad, bipartisan support. It has been supported by the National Association of Governors, the National Association of Attorneys General, the Christian Coalition and the National League of Cities. It is a reasonable, limited approach to this problem and, on a more fundamental level, ensures the proper respect for the role of States in deciding these issues. It reflects my public policy belief that gambling decisions should be made on a rational basis by the people of the State who would have to live with the results of that activity, rather than by the Federal Government. I am proud to be a cosponsor of this legislation, I welcome its inclusion in the Supplemental Appropriations legislation and I urge my colleagues to fight to preserve this provision during the conference negotiations with the House.

Mr. DOMENICI. Mr. President, last year, despite opposition from me, Senator CAMPBELL, Chairman of the Senate Committee on Indian Affairs and Senator INOUYE, Vice-Chairman of our committee, the Enzi amendment succeeded in suspending Secretarial authority to establish a regulatory route for Indian gaming compacts until March 31, 1999. This prohibition prevents the Secretary of the Interior from proceeding with a regulatory route for tribes who have asked states to negotiate compacts and find the state to be unwilling.

Tribes lost their right to sue states under the Indian Gaming Regulatory Act, IGRA, in 1996, when the Supreme Court, in the Florida Seminole case, determined that IGRA was unconstitutional in its provisions allowing tribes to sue states. The Supreme Court upheld states rights under the 11th Amendment.

If a state refuses to negotiate for compacts and that state allows gambling by any person for any purpose (all do in some form, except Utah and Hawaii), the Secretary of the Interior would have an alternative route to compacts, essentially negotiated through his Department, where he also has trust responsibility for Indian tribes.

New Mexico Indian tribes are opposed to the Enzi amendment, even though there is no immediate effect in New Mexico. As Governor Milton Herrera of Tesuque Pueblo wrote, "Section 2710 (d)(7)(B)(vii) of IGRA specifically allows tribes to go directly to the Secretary and ask for alternative procedures to conduct Class III gaming."

The Governor also objects to Congressional action on this issue without a hearing and as a violation of Senate Rule 16, which prohibits authorizing legislation in an appropriations bill.

Governor Herrera goes on to say,

> Gaming is to Indian tribes what lotteries are to state governments. Indian gaming revenues are used to fund essential government services including law enforcement, health care services, aid for children and elderly, housing and much-needed economic development. Through gaming, tribal governments have been able to bring hope and opportunity to some of this country's most impoverished people. Contrary to popular opinion, gaming has not made Indian people rich; it has only made some of us less poor.

As written, the Enzi amendment before us today would delay any Secretarial actions to develop alternative regulations until 8 months after the expected report from the National Commission on Gambling (June 1999), or until February of the year 2000. If this amendment fails, lawsuits are expected over whether the Secretary has the legal right to develop these regulations that essentially skirt states rights to object to compacts.

Mr. President, given the delicate balances between sovereign states and tribes in IGRA, I would rather see a judicial determination of the Secretary's rights under IGRA to develop such regulations. Like Governor Herrera has pointed out, without a hearing, it is difficult for the Senator to make this judgment. For these reasons, I remain opposed to the Enzi amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment. I ask for a voice vote on the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 111) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider that vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I was pleased to cosponsor the provision of the Senator from West Virginia for an Emergency Steel Loan Guarantee program when the Committee on Appropriations reported the bill to the Senate earlier this month. I felt then, as I do now, that many steel companies have suffered significant economic injury as a result of the illegal dumping of foreign steel. In my own State of Alabama, at least one steel mill I know of is now teetering on the brink of bankruptcy due to this illegal activity. I was, therefore, very pleased by the Senator from West Virginia's effort to address this problem and provide some short-term needed relief to our steel companies. I know Senator SESSIONS shares my support for this provision because of our concern with the plight of local steel mills in our State of Alabama.

Mr. SESSIONS. Mr. President, I too am concerned with the dilemma facing our local steel mills in Alabama and I want to commend the Senator from West Virginia for his leadership, working, in a bipartisan manner with Senators from all the steel-producing and other adversely affected states, to address the substantial economic injury that the illegal dumping of imported steel has caused across the country through an Emergency Steel Loan Guarantee program, which is to be part of the Emergency Supplemental appropriations bill, for the fiscal year ending September 30, 1999. My understanding is that the intent of the Emergency Steel Loan Guarantee program is to afford all qualified steel companies with the opportunity to obtain a loan guarantee, whether or not the company is now or is placed in a situation where it must seek to reorganize under Chapter 11 of the United States bankruptcy laws before the end of this year? Is my understanding of the program correct?

Mr. BYRD. The Senator is correct.

Mr. SHELBY. As you know, several companies have already been forced into bankruptcy because of the "critical circumstances" that these unprecedented levels of imports have caused—Acme, Laclede, and Geneva Steel come to mind—and that several other companies are in a distressed financial condition, including companies in West Virginia and Alabama. Senator SESSIONS and I have met with the workers of steel companies on numerous occasions since this crisis started last fall. We have been told that because of this dire situation, companies are no longer able to borrow money in the private sector because of the disruptive and uncertain market. In which they must operate and that the immediate implementation of the Emergency Steel Loan Program is essential to the continued viability of these companies. It is my understanding that this programs is specifically designed to encourage the private sector to make such loans available and that the Board will expedite its review of loan guarantee applicants that are in immediate need of such financial assistance.

Mr. BYRD. The Senator is correct. The Emergency Steel Loan program is designed to provide immediate access to necessary working capital and to allow companies to refinance long-term debt obligations on reasonable terms and conditions, which will improve their immediate cash flow positions so they can stay in business until this crisis passes. We do not want to have companies be deprived of on economic life-line when they are drowning and need a helping hand.

Mr. SESSIONS. As you know, the Senate Judiciary Committee, of which I am a member, spent a great deal of time last year examining the bankruptcy law and how to improve it for both doctors and creditors, I am particularly concerned that companies that seek to reorganize under Title 11 of the U.S. Code, are not precluded from obtaining a loan guarantee under this program since by definition the debts of such companies exceed their assets. Let me be specific, if a company does not have traditional forms of available "security," such as is defined in the 11 U.S.C. Sec. 101, would the Board consider an order of the federal bankruptcy judge finding that a guarantee is necessary to enable the company to operate its business or reorganize meets that requirement?

Mr. BYRD. The Senator is correct that the bill was written so that "security," as defined in the bill, would cover such a situation, however if further clarification is required we will work to address that and similar issues so that such companies are not excluded from the assistance provided in this emergency loan program.

Mr. SHELBY. Is it the Committee's intent that the Emergency Steel Loan Guarantee Program, established under S. 544, be made available to all qualified steel companies that satisfy the requisite security requirements in section (h)(2) at the time loan commitment is made as well as available at the time the loan becomes effective, regardless of whether or not a qualified steel company is now or could be required to reorganize under Chapter 11 of Title II of the U.S. Code?

Mr. BYRD. The Senator is correct, and if necessary we will clarify that further.

Mr. SESSIONS. The power of a United States bankruptcy court already provide that a court may issue any order that is necessary or appropriate to carry out its responsibilities of the bankruptcy law to protect the custody of the estate and its administration. Specifically, 11 U.S.C. Section 364 requires a debtor to obtain the permission of the court as a prerequisite to incurring additional credit. If a United States bankruptcy court determines that a qualified steel company under its jurisdiction requires the immediate access to a guarantee in an amount less that $25 million, would that company be precluded from participating in the program because it has an immediate need of a lesser amount of guarantee than specified in section f(4)?

Mr. BYRD. That was not the intent of the Committee and we would expect the Board to afford substantial deference to such a determination by a United States bankruptcy court and we will further clarify that if required.

Mr. BROWNBACK. Mr. President, in yesterday's RECORD, it did not reflect that I was an original cosponsor of the Roberts-Brownback amendments regarding gas producers that was adopted. I want to inform my colleagues that I was an original cosponsor and I understand the permanent RECORD will reflect that fact.

Mr. GRAMS. Mr. President, I rise today to thank the bill managers for accommodating me—and more importantly the elderly and disabled residents of the St. Paul Public Housing Agency—by accepting an amendment I was prepared to offer which is intended to right a wrong which has been imposed by the Department of Housing and Urban Development (HUD) upon elderly and disabled public housing residents in St. Paul, Minnesota, as well as nearly 50 other cities in America. As you may be aware, the Service Coordinator Program administered by HUD has succeeded where many Federal programs have failed. It has enabled some of our nation's most vulnerable citizens—the elderly and disabled—to live independently in public housing with dignity. Mr. President, most elderly and disabled public housing residents are not helpless individuals, but rather are people who simply need a little assistance doing the day to day tasks we all take for granted. However, without someone to help with these tasks, many of these people may be forced to move into more expensive assisted living or nursing facilities. The Service Coordinator Program provides basic support services to these residents to enable them to live independently.

Unfortunately, but not surprisingly, HUD has again proven its incompetence by bungling a recent round of funding of this popular and highly successful program. In a June 1998, funding announcement, HUD stated that the $6.5 million available for public housing agency service coordinators would be allocated through a lottery, but HUD also noted that expiring three year grants would be funded first before the general lottery. Unfortunately, the $6.5 million HUD set-aside was well short of the $9.9 million in applications received and rather that funding all renewals at a prorated level, HUD quietly selected some applicants through a lottery and rejected others.

Although this may simply seem like an inconvenient administrative glitch, to the residents of the St. Paul public housing agency which have thrived under this program, it is devastating. That is because St. Paul PHA was one of the fifty or so PHAs which were passed over by HUD. As a result of HUD's blunder, the St. Paul public housing agency will have to release three of their service coordinators within the next month, resulting in the disruption of countless elderly and disabled residents' lives.

In order to correct this problem, my amendment transfers $3.4 million from the Department of Housing and Urban Development administrative expenses account to fully fund the applications which HUD rejected due to their miscalculation. I believe this amendment appropriately keeps our promise to the elderly and disabled public housing residents with the burden being borne by the agency which created the problem.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein for not to exceed 10 minutes, and that this period expire at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO

Mr. BENNETT. Mr. President, I had not thought to address this subject, but the opportunity presents itself here and I find that I have reactions to this morning's newspaper that I would like to share with the Senate.

There were two things that happened yesterday, both of which are reported in this morning's paper. I think they come together with an interesting connection. The first one was a briefing held here in this building, on the fourth floor, on the issue of Kosovo and what the United States is about to do there. Attending that briefing, appropriately reported in this morning's paper, were the Secretary of State, Secretary of Defense, the President's National Security Adviser and the Chairman of the Joint Chiefs of Staff. Basically, they told us we are on the brink of going to war; that is, that the United States is prepared, with its NATO allies, to attack a country within its own borders to resolve a dispute among its own people in a way that the United States feels is appropriate.

There are those who have advised us to stay out of a civil war, not go in the borders of another sovereign nation in order to resolve the dispute within that nation. But let us assume the stakes here are high enough to justify disregarding that advice. The second piece of advice that we are given is, if you do go into a civil war, pick a side. It is not entirely clear to me, from attending the briefing, that we know exactly which side we are for and what outcome we want. Because the third advice that comes along is, if you are going to go into a civil war and you are going to pick a side, make sure it is going to win. Again, in the briefing we had yesterday I was not satisfied that those four representatives of the administration had demonstrated a compelling case.

But I do not rise to issue a challenge to them on those grounds. Instead, I rise because of the connection, as I say, between two events: No. 1, a briefing of the Senate of the United States on the eve of the United States committing an act of war; and, No. 2, a report as to what the President of the United States was doing last night. In this morning's newspaper we are told that the President conducted a boffo performance before a dinner made up of representatives of the press, that he received three standing ovations, and in the Style section of the Washington Post we are told some of his best one liners. This is why I find such a jarring disconnect between the President preparing one liners in the White House for a reporters' dinner and the President's advisers talking to the Senate about going to war.

During the briefing that we had in this building yesterday, prior to the United States committing an act of war, we were told that one of the reasons we had to go ahead with this action was because we had gone so far down the road, in consultation with our allies, it would damage our treaty obligations with our allies if we did not proceed. I must confess I was offended—indeed, perhaps outraged by that logic—not because of what it said about what the administration had done with respect to our allies, but because of what it said about what the administration had not done with respect to its constitutional responsibilities. In the Constitution of the United States, the power to declare war is vested in the Congress of the United States. Very clearly, very specifically, without equivocation, Congress shall declare war.

We are on the verge of actions that are the equivalent of the United States going to war. The justification we are receiving for taking those warlike actions is that the administration has made commitments to foreign governments. Why is the administration entering into conversations, consultations and other relationships with foreign governments about going to war and not talking to the Congress of the United States about going to war, instead, preparing one liners for a dinner with members of the press so the President can get standing ovations for his comedic abilities, the President competing with Bob Hope and David Letterman, while the United States is on the verge of sending its young men and women into harm's way in a situation which, according to the President's advisers, will "take casualties"?

The phrase, "we will take casualties," is a euphemism to say that Americans are going to be killed. They are going to come home in body bags, and they will be killed in a war that Congress has not declared. They will be killed in a war that takes place because the administration has consulted with our allies and is worried about embarrassing themselves with our allies but cannot bother to bring themselves to fulfill their constitutional responsibility to come to the one agency that, under the Constitution, has the authority to declare war—that is, the Congress of the United States.

Indeed, in that briefing we were told that American forces will face the most serious challenge militarily that we have faced since the gulf war, and some said the most serious air defenses we would face since the Second World War. Yet the administration does not bother to talk to Congress about this and gain congressional authority for these actions. Instead, the administration spends its time talking to our allies.

Don't make any mistake, I am not objecting to the fact that the administration has consulted with our allies. I think that is right and proper that we should do that. Don't they have any sense of proportion or constitutional responsibility in this White House? Don't they understand that the Constitution says Congress has the right to declare war, not the President?

The last time we went into major military confrontation was over the gulf war. At that time, the White House was in the hands of a Republican President. That Republican President, whom I consider a good personal friend and for whom I have the highest affection, was going down this same road. He was preparing to take America to war without a congressional authorization to do so. There were those in this body who stood and said, "Mr. President, you cannot take us to war without the approval of Congress."

President Bush and his advisers resisted that logic for a while. Interestingly enough, one of the Senators who spoke out most vigorously, saying to the President you have no right to take us to war without congressional authorization, is now the Secretary of Defense. Then-Senator Cohen said repeatedly, to his own administration and his own party, you cannot take us to war without congressional authorization.

I am delighted and pleased that ultimately President Bush came to realize that truth and that America did not go to war in the gulf without congressional authority. President Bush had made all of the same kinds of commitments to allies that we now hear that President Clinton has made to our NATO allies with respect to Kosovo. It would have been enormously embarrassing for President Bush had the Congress not approved his action. He risked that embarrassment because he recognized his constitutional responsibilities. He came to Congress. The vote was close. He ran the risk of losing that vote, but ultimately, the Congress approved America's going ahead with the gulf war. We went ahead with the gulf war.

Yes, we did take casualties, but we set a precedent that is in concert with the constitutional responsibilities that we all face. America could say we went to war with the proper constitutional authorization.

I fear we are on the verge of going to war without the proper constitutional authorization. I fear the President of the United States, because of his concern—if we can believe what we were told in the Capitol briefing yesterday—over our relationship with our allies, is not willing to risk his constitutional responsibility to come to Congress.

I wish that instead of perfecting his one liners for the correspondents dinner last night, the President had been working on a message to Congress. I wish the President of the United States would come before a joint session of the Congress and explain to us what vital national interests are at stake here and why it is necessary for the United States to consider attacking another sovereign nation.

Obviously, he must feel the reasons are compelling or he would not have gone so far down the road as he has already gone. Let him share those compelling reasons with the people of the United States. Obviously, he feels he has a case to make or he would not have pilots standing at the ready to begin bombing. Let him make that case before the Congress of the United States. Let him recognize that when he took an oath to uphold and defend the Constitution of the United States, similar to the oath that we took, he cannot ignore the phrase in the Constitution that says that Congress has the right to declare war, not the President. It could not be clearer.

The difference in the President's priorities could not be clearer. Instead of preparing a message to Congress, he was preparing comedic one liners for a correspondents dinner.

Do my colleagues know what one of those one liners was, Mr. President? It is one of the things that offended me the most, reading the paper this morning. He referred to the fact that the vote in the Senate on the impeachment trial had acquitted him and said, "If it had gone the other way, I wouldn't be here tonight." Then the appropriate comedic pause, and he said, "I demand a recount." Laughter.

Mr. President, I suggest, in the strongest terms I can muster, that the President should not be making light of the dangers of his appearing before a group of correspondents while his administration is in the process of preparing to send young Americans to their death. Flying over Kosovo with the air defenses that are embedded in those mountains firing at you is more dangerous than appearing before a group of correspondents who might write nasty columns about you. For the President to joke about the hazards of his appearing before that dinner on the eve of sending Americans into harm's way, where we are certainly going to see some of them come home in body bags, is to me deeply offensive.

Mr. President, I conclude with what is obvious about my position. The President of the United States has a constitutional duty before he sends Americans to war to come to the Congress of the United States and get some form of declaration of war. I believe he will abrogate his constitutional duty and violate his oath if he does not do that. Without his coming to us and without our adopting constitutionally accurate support for his actions, I will vote against everything that he proposes to do, against the appropriations.

I will vote in every way I can to say the President of the United States has violated his oath and violated the Constitution if he proceeds in the manner that we were informed about in our briefings yesterday.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair, and I wish the Presiding Officer a good morning.

INVOLVEMENT IN KOSOVO

Mr. MURKOWSKI. Mr. President, a good deal has been said in the last several days concerning our potential involvement as part of a NATO peacekeeping operation in Kosovo. Having had an opportunity to be briefed on several occasions by the Administration, I am concerned that we have not given enough consideration to what we will do if the initial plan fails, or is somehow miscalculated.

Further, I am astonished that we do not have an end game for this exposure of our young men and women whom we would send into battle. As we consider the consequences of involvement in the Kosovo matter, and my sympathy runs deep for those who are in harms way as a consequence of this continued conflict, I am terribly concerned for the American lives which would be in harms way if we send troops to Kosovo. I just don't think we can continue to be all things to all people.

There are certain times when we have to evaluate what is our appropriate role and when it is time to rally our allies in an efficient, effective coalition of support, of access, of supplies, some way short of a conflict.

When one looks at the armaments over there, we find Russian, we find Chinese, we find U.S., and we find European. As a consequence, had we taken steps some time ago to ensure that this sophisticated weaponry would not fall into irresponsible hands, we might have been able to avoid it. But we are down to a time when the administration obviously is reluctant to admit that, indeed, we are at the brink of entering into a war.

Some have suggested it could be the beginning of World War III. I am not going to dramatize, but do want to emphasize that I do not believe that we have given sufficient attention and strategic analysis to the alternatives to intervention, or to a withdrawal plan should we proceed to send troops to Kosovo. As a consequence, this Senator is not prepared to support an action at this time. I think the President of the United States owes it to the country, as well as to Congress, to come before the body with a clear-cut, committed plan that addresses the questions I have asked this morning.

I, as one Senator, want to put the White House on notice that support from this Senator from Alaska, at this time, is not there.

I also want to emphasize another point, Mr. President, concerning our potential intervention in Kosovo. We are about to enter into a recess at the end of next week and will not reconvene as a body until sometime in mid-April. Any action by the administration to send our troops, as a part of a NATO operation, into action during our absence, obviously puts the Congress in the position of having to support our troops—while we may not necessarily support the underlying action. Of course, we will want to support our troops, and we will support our troops.

But, because of the timing, we as a Congress must decide now—before our troops go in—whether or not we support this intervention. I encourage Members to express their opinions now, in fact plead that Members go on record with this issue, before we are asked to support our troops in Kosovo.

Mr. President, I see no other Member wishing to be recognized. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. BUNNING. Thank you.

PRESIDENT CLINTON SENDING AMERICAN SOLDIERS TO KOSOVO

Mr. BUNNING. In 1995, when I served in the House of Representatives, I and a large bipartisan majority supported a resolution which called for President Clinton to obtain congressional authorization before deploying troops to Bosnia. That resolution passed by a vote of 315 yeas to 103 nays.

Yet, despite that vote, President Clinton went ahead with a large-scale and long-term deployment of tens of thousands of troops to Bosnia without congressional authorization or any meaningful debate.

Back then, President Clinton spoke to us and promised us all that we would have a well-defined mission with a clear exit strategy. But even today there are no details on getting our troops out of Bosnia. We are still there and President Clinton has spent approximately $12 billion on that mission without ever including Bosnia funds in his budget.

As a result, he is draining crucial defense resources from other critical areas and further putting our soldiers in harm's way. We still have almost 7,000 troops in Bosnia and we are all unsure of what their exact mission really is and when, if ever, they can come home to their families. So much for a clearly defined mission and exit strategy.

But now, all I can say is, "deja vu" and "here we go again."

Right now, American troops are deployed all over the globe in over 30 nations on missions of questionable value and unclear rules of engagement. And now, President Clinton is about to scatter roughly 4,000 more troops to intervene in Kosovo under a NATO mission to enforce a peace agreement. But there is no peace agreement to enforce because one does not exist.

The Serbs and the Albanians have been fighting in this southern region of Serbia for centuries. So is it any surprise that earlier this week in France, the Serbs would not accept the Kosovo peace plan that their rival ethnic Albanians have agreed to sign?

I do not believe that any amount of American involvement is going to end these ethnic conflicts that have raged for centuries. We have tried to resolve this problem for three years and have gotten nowhere. I do not understand why we think we can end this civil war by sending 4,000 additional troops.

President Clinton has not given us any answers as to why sending these troops to Kosovo is so vital. President Clinton can tell us any time. But where is he? He has the bully pulpit.

I do not believe it is in our national security interest to get involved once again in another so-called peacekeeping mission in this region. In a few years, Kosovo will take its place in history books, along with Bosnia, Haiti and Somalia, as an example of a foreign policy that has no principled framework.

I want to hear from President Clinton as to why this region is of a national security interest to the United States and why he should risk the lives of our young troops by sending them to Kosovo.

And where is the European community in all of this? It seems as though we are risking the lives of our soldiers to clean up Europe's backyard. If anyone should take the lead on this intervention, it should definitely be from a European nation. This is Europe's problem, if anyone's, and not ours. Kosovo is not in our backyard.

An American soldier's job is to protect America's interests by destroying America's enemies on the battlefield. It is an insult to ask an American soldier to serve as a policeman under the umbrella of some international organization instead of the American flag.

There are many questions that President Clinton and his administration need to answer, and we are being left in the dark once again.

President Clinton, take these questions seriously.

When and how many troops are we deploying and how long will they be there?

What is their mission?

Will there be more troops deployed if our goals and missions are not met?

Will foreign commanders be commanding our troops under this NATO force?

What are the rules of engagement?

How will this mission be paid for, and will valuable dollars be pulled away from military readiness accounts to pay for this deployment?

What, if any, is our exit strategy?

As you have heard, President Clinton, I have many questions and I am not alone. You gave us no details and answers with regard to the Bosnia mission, and I fear we, as well, will be given very little, if any, details regarding our involvement in Kosovo.

But quite frankly, not getting answers from President Clinton does not surprise me.

I do not believe we have a compelling national interest to send troops to Kosovo. If they are sent, we all deserve answers from President Clinton before our troops are sent into another mess for years to come.

Our men and women in uniform are ready and willing to defend the interests of this great Nation, but not the interests of other nations. We cannot undermine the oaths they take when they are sworn into the military to serve this great Nation.

President Clinton, do your job, and let us know what is happening with Kosovo.

God bless our troops.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the period for morning business be extended until 11:45, under the same terms as previously granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Thank you, Mr. President.

SUPPLEMENTAL BUDGETS

Mr. THOMAS. I wanted to take an opportunity in morning business, Mr. President, to comment just a little bit on this whole business of budgeting; I guess more specifically, supplemental budgets and the problems that are there.

First of all, with respect to the budget that is before the Senate, I congratulate the leadership and the Appropriations Committee for the good work that they have done. I know that it is difficult. I think they have done a good job in seeking to offset the costs.

But I really believe that one of the things we need to change in the Senate is our method of budgeting, our method of supplemental budgeting particularly. First of all, in the broader sense, I am hopeful that we will consider this year the idea of a biennial budget, that we will come in at the beginning of the 2-year period, put down a budget, and have 2 years under which to operate so that in the second year we can do more of what we should be doing, and that is oversight of the expenditures of that budget.

I understand that under that circumstance there would be supplemental budgets, that you would probably be more likely to have one if you had the 2-year budget, but I think that is the thing we ought to be doing. Now we spend such a high percentage of our total time doing budgetary things and quite often bringing in things that are nonbudgetary on to budget bills. I think that is a mistake.

We are set up to have a Budget Committee. We are set up to have an Appropriations Committee that deals with the expenditures. We are set up to have committees of jurisdiction that are responsible for the policy. Unfortunately, many times we find that issues on policy come to the appropriations, particularly on supplementals, without ever going to the committee of jurisdiction, and we find ourselves with policy on Appropriations Committee measures, which I think is inappropriate.

There again let me say, I congratulate those who have been involved with this bill, because I think they have done a good job—something around $2 billion, I believe, that has been generally offset. And I know how difficult it is to keep the amendments from coming. Everybody sees that as an opportunity to put on there the things they have been seeking to do.

We talk about having surpluses; we talk about what we are going to do with those surpluses. The real issue before us, particularly if you are interested in keeping the size of the Federal Government under control, is spending and spending caps.

I am pretty proud of what has happened here in the Senate, in the Congress, over the last several years, when we have been able to have some spending caps, and we have been able to at least hold spending at a relatively level. Yet we have a surplus, and we begin to think, "Oh, we can do this." If you really want to keep control over the size of the Federal Government, if you really want to encourage governance to take place more at the State and local level, then we have to be very observant, I think, of spending caps.

There is a justification for emergency spending, certainly, when we have things like storms and earthquakes and so on, but emergency spending can also result in all kinds of things being called "emergency spending," and the result is we spend more than our caps.

So I think most people in Wyoming believe that $1.6 trillion is plenty of money. That is what our spending is. In the natural event, we spent last year about $20 billion in emergency spending, much of which would be very hard to really honestly identify as emergency spending. It was an "emergency" way to have more spending, encouraged by the administration, encouraged by this President. And his budget is going to cause us to consider that even more, where the President has cut down spending that needs to go on, to put in new spending in the hopes that the total spending will be increased.

So, Mr. President, I just think that is the wrong way to go. I do, again, appreciate our chairman trying to hold and offset spending. I voted against the supplemental bill last year even though obviously there are always things there that you would like to have happen.

I think we need to look very closely at this bill to make sure that spending is in fact offset or that it is indeed emergency spending.

Mr. President, I appreciate the opportunity to share some general feelings about our budgeting system and to urge that we take a very close look at what we do in terms of our total spending and how it has been impacted by these kinds of supplemental budgets.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Alaska is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 121 THROUGH 123, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk an amendment for Senator SESSIONS that deals with the Crop Loss Assistance Program. Senator SESSIONS' amendment is offered as one of Senator COCHRAN's relevant amendments in the agricultural area.

I also send to the desk an amendment on behalf of Senator COVERDELL making funds available for a scholarship fund in Honduras. Senator COVERDELL's amendment is offered as one of my relevant amendments on the list.

Finally, I send to the desk an amendment for Senator DASCHLE dealing with 801 housing at Ellsworth Air Force Base.

I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 121 through 123.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 121

(Purpose: To improve the crop loss assistance program)

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. . CROP LOSS ASSISTANCE.—(a) IN GENERAL.—Section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (section 101(a) of division A of Public Law 105-277), is amended—

(1) in subsection (a), by inserting "(not later than June 15, 1999)" after "made available"; and

(2) in subsection (g)(1), by inserting "or private crop insurance (including a rain and hail policy)" before the period at the end.

(b) DESIGNATION AS EMERGENCY REQUIREMENT.—Such sums as are necessary to carry out the amendments made by subsection (a); *Provided*, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

Mr. SESSIONS. Mr. President, I rise to speak regarding my amendment to improve the crop loss assistance program. I would like to begin by expressing my appreciation to Chairman STEVENS, Senator COCHRAN, Senator LUGAR, and Senator KOHL for their assistance in gaining an agreement on this amendment.

I believe this amendment will help provide much needed assistance to our Nation's farmers. In the fiscal year 1999 omnibus appropriations bill we provided emergency funds to the United States Department of Agriculture (USDA) to aid farmers who have suffered losses due to natural disasters in recent years. I believe the regulations that were promulgated by the USDA were inadequate to address the needs of many of our farmers.

Under the multi-year disaster assistance provisions contained in the fiscal year 1999 omnibus appropriations bill, farmers who experienced losses in three of the last five crop years (1994–1998) or 1998 alone were eligible for 25 percent of indemnities paid. Farmers would be paid the higher of the multi-year or single year loss but would not quality under both.

Many farmers in parts of Alabama experienced losses in two out of five years, or experienced devastating losses in years other than 1998 and so were ineligible for the disaster assistance. In addition, many producers experienced losses but did not meet the eligibility requirement since they may have had up to 35-percent losses but no insurance indemnity was paid that crop year.

Farmers may have also experienced a loss with a private crop policy such as rain and hail but did not have enough of a loss to trigger the indemnity. This amendment would require that USDA count indemnity losses by private policies such as rain and hail that were paid during the crop years 1994–1998 to be counted as a loss, under the three out of five year crop loss requirement.

In determining eligibility for the multi-year provisions, the Risk Management Agency, RMA, simply generated a list of producers by taxpayer ID and if their production records showed a loss for either 1998 or three out of the five preceding crop years, RMA determined they were eligible.

However, since these private crop policies are not offered under the Multi-Peril Crop Insurance program, MPCI, and purely a private contract between the insured producer and insurance company, RMA did not count these losses as qualifying under the multi-year provisions.

This amendment will simply provide equity for producers who might have experienced losses under their private policies such as rain and hail, but did not experience losses under the catastrophic or "buyup" policies. I believe this amendment will provide essential flexibility in the program so that farmers who have endured severe conditions in recent years can qualify for the assistance we provided in the omnibus bill last year.

I ask unanimous consent that a letter from me to Secretary Glickman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 25, 1999.

Mr. DAN GLICKMAN,
Secretary, Department of Agriculture,
Washington, DC.

DEAR SECRETARY GLICKMAN: I am writing regarding some concerns I have about the Crop Loss Disaster Assistance Program that was authorized by the Supplemental Appropriations for Fiscal Year 1999.

I am concerned about the regulations that have been formulated by the USDA with regards to this program. Congress provided these funds to aid farmers that have faced extreme conditions during the past few years. Having been contacted by several of my constituents, it has come to my attention that the program is not adequate in addressing many farmers needs. Although numerous farmers suffered significant losses in 1998, many still will not qualify for assistance under the provisions specifically designed to address 1998 losses due to disasters. Furthermore, the provisions relating to multi-year losses precludes many farmers from receiving the assistance they so desperately need, even when they had two devastating years. While I understand that these types of programs must have limits, I request that you investigate this disparity to determine if a possible solution is available.

I am also concerned about the disproportionate impact that the program will have on different geographic areas. While I am aware that different areas face distinct weather problems, I have some concerns that certain areas of the U.S. are going to receive a much larger portion of the assistance funds than other areas. I believe this could be due to the way the regulations were formulated. Again, I request that you investigate this inequity to determine if we are implementing the best system possible.

Thank you for your time and attention to this matter. I know we share the common goal of aiding the American farmer in the fairest and most equitable way possible. I would appreciate your contacting me or my office with any findings. If you have any questions or require more information, please feel free to contact John Little, my legislative counsel for this issue.

Very truly yours,

JEFF SESSIONS,
United States Senator.

AMENDMENT NO. 122

(Purpose: To make available funds for a scholarship fund for Zamorano Agricultural University in Honduras)

On page 8, line 21, by inserting after "Honduras:" the following: "*Provided further*, That, of the amount appropriated under this heading, up to $10,000,000 may be made available to establish and support a scholarship fund for qualified low-to-middle income students to attend Zamorano Agricultural University in Honduras:".

Mr. COVERDELL. Mr. President, I commend my colleague from Alaska for his leadership on this very important supplemental appropriations bill. It goes without saying that these funds are much needed both in our country and in the countries of Central America and the Caribbean affected by Hurricane Mitch. The funds will go to some of the neediest people in this hemisphere and will address immediate and long-term needs. I have traveled the region personally in the wake of this disaster, and I know that these resources are imperative to its economic viability and recent strong advances in freedom and democracy.

In considering this large assistance measure, however; we should recognize that there are problems in some of the recipient countries. In particular, we have heard of many difficulties with American companies trying to do business in the region. Currently, there are a group of Senators, led by the chairman of the Foreign Relations Committee, who are concerned about an airport project in Honduras and the government's apparent refusal to pay the American company performing the work. In the Dominican Republic, I have consistently been informed of problems the American energy sector is having in trying to do business in that country. While U.S. State Department personnel have been responsive and have tried to be helpful in providing consular assistance, a group of American energy companies still are having problems getting paid on time—or at all—under the terms of their established contracts. This is worrisome. It obviously hurts domestic confidence in investing in this region—or in these countries particularly.

I would appreciate it if the chairman would review the material I will provide him on these situations and consider developing report language to accompany this legislation which would address this recurring problem. In the language, I would like to encourage these countries to honor their contracts to the best of their abilities and to abide by the rule of law. If we are going to provide this infusion of resources, we need to assure that our companies operating in the region are treated fairly. It is certainly best for both us and the countries in which we invest. I thank the chairman for his leadership on this measure.

AMENDMENT NO. 123

(Purpose: To provide for the use at Ellsworth Air Force Base, South Dakota, of the amount received by the United States in settlement of claims with respect to a family housing project at Ellsworth Air Force Base, and to increase the amount of rescission of the "Operation and Maintenance, Defense-Wide" account of the Department of Defense)

On page 39, line 20, strike "$209,700,000" and insert "$217,700,000".

On page 58, between lines 15 and 16, insert the following:

TITLE V—MISCELLANEOUS

SEC. 5001. (a) AVAILABILITY OF SETTLEMENT AMOUNT.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) COVERED CLAIMS.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) SPECIFIED USES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103–121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to ⅞ of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 320)); and

(II) an amount equal to ⅛ of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

Mr. STEVENS. Mr. President, I ask that the amendments be adopted.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 121 through 123) were agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to strike the following amendments which are on the list of proposed amendments: Senator HATCH's amendment on ethical standards; Senator DEWINE's amendment on counterdrug funding; Senator ENZI's amendment, which is the first livestock assistance amendment; Senator FEINSTEIN's WIC increase amendment; Senator HARKIN's tobacco and two relevant amendments, leaving Senator HARKIN with one relevant amendment; and Senator BURNS' sheep improvement program.

I further ask unanimous consent that an additional slot be added to the list entitled "managers' amendment" for use by the managers—Senator BYRD and myself—for a final package of cleared amendments when we get to the end of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, to expire at 1 p.m. this afternoon, with Senators permitted to speak therein for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

KOSOVO

Mr. GREGG. Mr. President, I rise to speak about the issue of Kosovo. It is obviously a topic of extreme importance. It appears that the administration and the President have decided to use American military force in Kosovo in conjunction with NATO. This, to me, is a serious mistake.

I wish this administration had a set policy we could turn to and say, "This is why they have decided to do this." But they do not. In fact, the Kosovo decision has many parallels to the Haiti decision, and the Haiti decision, as we know, has turned into a complete disaster, costing millions of dollars—potentially, I think, billions of dollars—although luckily no American lives, but it has not corrected the problem in Haiti in any significant way.

Kosovo, on the other hand, has the potential of not only to cost billions of dollars, but also to cost American lives. It is a mistake to pursue a policy of using American force without a doctrine or a guideline or a theorem as to why you are using that force.

My belief is that before we use American force in this world today to address issues which are ethnically driven, religiously driven, or which involve civil war type of instances, which are the new threats we so often seem to get involved in—I am not talking about issues of terrorism, which is a separate issue, or state-sponsored terrorism, which is a separate issue. I am talking about regions of the world where we are seeing ethnic, civil, and political violence of such a nature that American forces are considered to be sent into that region.

It is my belief that before we make a decision to pursue the use of American force and put American lives at risk, we need to answer three basic questions.

The first question is this: Is there a national interest, is there an American interest, which is significant enough to justify risking American lives? Is there a national interest which can be clearly and concisely explained, if it has to be explained, regrettably, to a parent, to a wife, to a child of an American service man or woman who may lose their life because we have pursued the use of American force? Is there a definable American interest of such significance that we are willing to put at risk the cream of America's young people—our service individuals?

So far, this administration has set forth absolutely no presentation of doctrine or ideas or position which establishes that there is such an American interest. There may be a European interest, no question about that. Clearly, what is going on in that part of the world is horrific in many instances. But is there an American interest that justifies using American force and risking American life? We have not heard that explained to us.

If people are being indiscriminately killed by a group of thugs, then are we not also supposed to be in Georgia or Azerbaijan or Rwanda or any number of other places in this world? In fact, I think there was some tallying up of this, and there is something like 39 places in the world today where there is this type of activity going on, and some of it involving much larger deaths in the way of civilian casualties than is occurring in Kosovo. Of course, any death is a tragedy.

The fact is that there has to be a reason for Americans stepping in to try to stop that conflict. In this instance, we have not seen a differentiation that justifies us going into Kosovo versus going into some other of these 39 confrontations around the world. There has been no definition given to the purpose of the use of American military force, other than that this conflict appears on television. This conflict involves a European state. This conflict, therefore, maybe attracts more sympathy from a country which has always identified itself with Europe, but sympathy is not a good reason for putting at risk American lives.

The Balkans represent no strategic issue for the United States today of any significance. It is a strategic issue for the European nations, and it is a European issue which should be addressed by the European nations, but clearly there is no definable American purpose for going into Kosovo, and this administration has presented none.

I was at a briefing where I heard the Secretary of State say something to the effect, this might lead to World War III if we let this conflict ensue between Serbia and Kosovo, because she was referring back to World War II and World War I which started in this region of the world.

The dynamics of the world have changed. There are no alliances which are going to cause the domino effect that is going to bring the death of the Archduke of the Austro-Hungarian Empire into play with Germany, with Prussia. There are no such alliances that exist today. There is no Adolf Hitler who has the capacity to project force throughout Europe as a result of actions occurring in the Sudetenland of Czechoslovakia. In fact, the Balkans have been, for all intents and purposes, strategically bypassed.

There are other regions of the world where America has significant strategic interest—Iraq is obviously the most apparent at this time, but there are others also—where, if we have to use American force, we should use American force. But to use American force arbitrarily and simply because the region happens to be European and because it happens to be on television, and for no other apparent reason, is a very hard explanation to make, should American lives be lost, to the parent or the spouse or the child.

That is the first point we must test. The first test of engagement is, Is there a vital national interest for us? No, there is not. I want to come back to that because there are a couple of other points on that.

Let's go on to the second point. The second point is, Can the use of American force stabilize or terminate the conflict?

When we are looking at these racial, political, religious, civil war type situations, can the introduction of American force have a long, lasting effect? That has to be the second question. And if it cannot, then why would we put the force in?

I think anybody who has done even a cursory study of the Balkans knows that these folks, these cultures, regrettably, have a historic, almost a genetic, attitude which causes constant conflict and which creates tremendous antagonism which leads to violence between these different cultures.

I have tried to trace it back a little bit. I was reading the history of the Ottoman Empire. Ironically, it goes back, I think, to Kosovo and a battle that was fought, I think, in 1555 or 1585 where Solyman "the Great" fought the Serbs in Kosovo. In fact, just a few years ago, the Serbs dug up their hero of that battle and took his body all around Serbia as an expression of support for that battle and for their hatred of the Moslem empire which had caused that fight to occur. And those hatreds have developed and evolved and have gone forward in every generation, been passed down from generation to generation to generation.

We cannot understand it as Americans because we are a melting pot, and we do not have that type of hatred in our Nation. A lot of people came to the United States, however, to get away from it and immigrated here for that purpose.

But I remember, I worked in Montenegro one summer, and I would meet people—and this was back a long time ago, back in 1970-something—and I would meet people, the local folks who I was working with, and they would tell me, forthrightly, that as soon as Tito died there was going to be a genocide in that part of the world because the Serbs hated the Croatians. And it was just a matter of fact, a matter of their lives that as soon as this stabilizing force, Tito, died, this was going to occur. They knew it as a culture.

So what arrogance do we have as a nation, sitting here across the ocean, that we think we can project arms into a region, putting American lives at risk, and stabilize that region which has not been able to settle things out for hundreds of years—hundreds of years. I think it is foolish for us to presume that.

But equally important, I think we have to understand that, in this instance, to put American forces in there is essentially an act of war on our part, because this is a freestanding nation and Kosovo is a province of that freestanding nation. It is as if Canada decided to put troops in Vermont because New Hampshire and Vermont were not getting along. That may be too glib a statement, but the fact is, from a physical standpoint and a political standpoint, that is essentially the same situation. This is a nation which is at civil war. What if the English during our Civil War had decided to set troops down in North Carolina? I don't think the North would have taken that very well.

Granted, in this instance, the Serbs are led by a malicious and malignant individual who is acting in a manner which is outside, in many ways, the bounds of any type of confrontation that should occur in the 20th century or the 21st century. But the fact is, for us to put American troops in there will be legally, at least, an act of war because we will be invading a sovereign nation which is fighting within itself relative to a province in that nation which is trying to create independence, and we will be deciding to separate that country by our use of military force.

Of course, this administration has not come to this Congress and suggested that. In fact, this administration has not come to the Congress at all. It has violated all sorts of directives, but it has just marched down this road of arbitrary evolution into a position of confrontation in Serbia and Kosovo. It has set our prestige at risk without having any idea why our prestige should be at risk, in my opinion.

But that is the second point: Can you resolve the conflict by the use of American force? I would have to say that history tells us we cannot. A lot like Haiti. When we went into Haiti, a lot of people asked, Are we going to correct this situation? Is this going to improve this situation? Are we putting our people at risk? Are we spending all this money and getting something out of this that is better after we leave? Is it going to change the culture?

We have seen it did not. Haiti is back to almost the exact position it was before we put our troops in, except that it has absolutely no private enterprise now because we basically wiped out the private enterprise when we went in and closed all the private enterprise down and pushed it offshore. We wiped out their private sector workforce and capitalist base. So we actually put them in a worse position economically. And politically they are in the same position.

I suspect that no matter how long we put American troops in there—and there is no definition coming; and that is the third point of how long we will be there—no matter how long American troops are in that region, there will be no resolution of this problem by the introduction of American troops into that region which will have any long-term impact. They will be back at each other's throat as soon as the opportunity arises, unless we wish to stay there forever, which brings us to the third point.

The first point is: Is there a vital national interest for us? The second point is: Can the conflict be resolved by the use of American forces? The third point: Is there an exit strategy or are we committing Americans' tax dollars and the lives of American troops without any—any—idea as to how we are going to get out of this situation?

As far as I know, this administration has not really defined an entrance strategy. They have sort of stumbled into that, so, clearly, they have not found any exit strategy. In fact, if you ask them, all they have thought about is the first bombing raids. They have not even thought about the second—they may have thought about the second series of bombing raids, but they have not thought about what they do after that. There is no exit strategy. In fact, there is very little strategy at all other than what the military has been willing to do and has to do in order to prepare itself to execute public policy which is so haphazardly designed.

We could be there a long time. I mean, since 1385 or 1355, it has been 600 years. Are we going to stick around another 600 years in order to pacify this region? I think we might have to if our intention is to accomplish that goal.

And for what purpose? What is the national interest that justifies that? And remember, this is not like Haiti in many ways. This is a country where people do fight, where people are under arms. This is a country of military-type individuals. This is a country which fought the German army to a standstill; the greatest army in the world at the time they invaded, fought them to a standstill through guerrilla tactics. These are proud people, proud people and militaristic people. I know that. I was there for awhile. It was a long time ago, but I do not think they have changed. They do not seem to change much.

So where is this policy going? It appears that it is a policy that is undefined, that cannot give us a legitimate national reason, that cannot proclaim that the introduction of American forces will settle the situation. And it cannot give us a definition as to how they are going to get out of the situation once we get into the situation.

It is a bad policy. It is one that, unfortunately, puts many American lives at risk if it is pursued. But this administration seems insistent on going down that road. And I think that is wrong.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

A STUNNING REVELATION

Mr. BYRD. Mr. President, I read a remarkable article this week in the Hill newspaper concerning the distinguished Senator from Georgia, Mr. CLELAND. The article recounted events that occurred 31 years ago in Vietnam when then-Captain CLELAND was gravely injured in a grenade explosion. The injuries that he received in that horrible accident cost him his right arm and both of his legs, and very nearly cost him his life. He was 25 years old at the time, and just 1 month shy—just 1 month shy—of completing his tour of duty in Vietnam. Now, think of that. Just a month to go.

For more than three decades, MAX CLELAND lived with the crushing belief that his own carelessness had caused the accident, that the hand grenade that shattered his body and shattered his life had somehow fallen from his own web belt when he jumped from the helicopter. Most people in MAX CLELAND's situation would have been consumed with self-pity, even if they had had the grit to live. Think of that. The young Captain CLELAND certainly battled it. But as he has handled so many of the challenges that have marked his life since that terrible day in Vietnam, MAX CLELAND triumphed over the lure of self-pity. He triumphed over his injuries. He triumphed over self-doubt. He triumphed over bitterness.

MAX CLELAND could have given up after that accident in Vietnam. Most of us would have. But he did not. He turned his misfortune into the service of others. Three years after returning home from Vietnam, he was elected to the Georgia State Senate, becoming the youngest member and the only Vietnam veteran in that body. In 1977, he became the youngest administrator of the U.S. Veterans' Administration and the first Vietnam veteran to head that Agency. He returned to Georgia where, in 1982, he was elected Secretary of State. And, in 1996, he was elected to the U.S. Senate from Georgia.

Now, that is a remarkable record, a remarkable feat. It is remarkable for anyone to reach the Senate of the United States. Out of all the millions of people that are in America, there are 100 Senators—the same number that were in the original Roman Senate when Romulus founded that city on the banks of the Tiber. He created the Senate, made up of 100 of the wisest men, and he chose old men for that Senate.

So here is a man with the disadvantages that MAX CLELAND had to overcome, the struggle that he had to undergo daily and nightly, every hour of the day, even to live, and he made it to the U.S. Senate. In all of that time, he quietly blamed himself for the accident that so radically altered his life.

But last week, according to the report in the Hill, Senator CLELAND was stunned to learn from an eyewitness that the grenade that injured him was not one of his own, but had been lost by another soldier.

My wife and I are reading the Psalms. Every Sunday, we read it. Actually, we have completed the Psalms, and now we are in Ecclesiastes.

> Vanity of vanities, saith the Preacher, vanity of vanities; all is vanity.

In our reading of the Bible, we have already read the New Testament and we have read the Old Testament. We have come all the way down, as I say, to the Book of Ecclesiastes. From the 85th Psalm, I will quote two lines:

> Mercy and truth are met together; righteousness and peace have kissed each other.

Through his indomitable spirit, MAX CLELAND overcame the injuries he received as a young Army captain in Vietnam and conquered the temptation to succumb to self-pity. He is an inspiration to us all, and I hope that he finds a measure of peace and solace in the long-lost truth that was revealed to him this past week.

Mr. President, I ask unanimous consent that the article from the March 17 issue of the Hill, titled, "For Senator Cleland, a Searing Revelation After 31 Years," be printed in its entirety at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hill, Mar. 17, 1999]

FOR SEN. CLELAND, A SEARING REVELATION AFTER 31 YEARS

(By E. Michael Myers and Betsy Rothstein)

For 31 years, Sen. Max Cleland (D-Ga.) has labored under the belief that he was to blame for dropping the hand grenade that forever transformed his life.

It was an otherwise insignificant moment in a still-divisive war, a terrible instant when Cleland lost his legs, his right arm and, for the time being, his dignity.

But from the confusion of that moment—the bleeding, the flood of nausea, the blinding pain, the medics scrambling to patch him together—has emerged an unshakable notion: that he was most likely responsible for that act.

That is, until now.

The year was 1968. The war, Vietnam. The place, a valley called Khe Sanh.

The valley, only 14 miles from the demilitarized zone, was as dangerous as it was deceptive.

From the air, Khe Sanh was a bastion of streams, rolling hills, picturesque cliffs, lush vegetation and even a waterfall. On the ground, it was teeming with giant rats, razor-sharp grasses, precipitous grades and rivers with violent rapids.

Some 6,000 American Marines were holed up in Khe Sanh. Hiding in the hills surrounding the valley were North Vietnamese army troops. Nobody knew exactly how many. One estimate said 20,000. Another said twice that number.

The hills were so dangerous that supply convoys could not make it through Route 9, the main road into Khe Sanh. The Marines turned to helicopters for their shipments. But even that became so dangerous that C-130 planes had to swoop from the skies to drop supplies from the cargo bays.

Khe Sanh itself was hardly worth saving. Its strategic importance was so low that, when the Americans did finally capture it, they let it go again.

Instead, Gen. William Westmoreland feared another Dien Bien Phu, the 1954 battle which led to the French retreat from Vietnam. The sight of a brigade of Marines in body bags being hauled from Khe Sanh would have been a tragedy of awesome proportions.

That is why the general ordered Operation Pegasus, a large-scale joint Army-Marines rescue effort. Included in the operation was the Army's 1st Air Cavalry Division, the division of 25-year-old Capt. Max Cleland.

The tall son of a secretary and an automobile salesman from Lithonia, Georgia, had signed up for Reserve Officers' Training Corps at Stetson University, was trained in guerrilla warfare and had always ached to fight in an important battle.

After his first three months as a platoon leader of a signal battalion, he thought, "It didn't seem like much of a war."

So he volunteered for a dangerous new assignment that would take him to what he considered the nucleus of the war. He became communications officer with the 2nd Infantry Battalion of the 12th Cavalry with the Cav's 2nd Brigade.

Cleland's boredom quickly subsided. At one point during Operation Pegasus, he spent five days and five nights in a bomb crater 20 feet in diameter. In a letter to an aunt, he wrote, "If I ever make it back to the Atlanta airport, I'll be happy just to crawl home regardless of what shape I'm in."

Some of the hills around Khe Sanh were battlefields almost as harrowing as any in U.S. military history. Marines still boast of having survived battles known only as Hill 881 and Hill 861.

But the hill where Cleland's fate was decided—once east of Khe Sanh—would not become known for any great act of valor. Its strategic importance was as a communications relay station.

The 12th Cav's Maj. Maury Cralle, Cleland's commanding officer who was stationed in the rear, recalls that he had trouble communicating consistently with the front lines. A relay was needed.

On April 8, 1968, less than a week before the siege of Khe Sanh was broken and one month before his anticipated departure from Vietnam, Capt. Cleland accompanied his men by helicopter to the hill, arriving within minutes.

He had jumped from helicopters countless times before. Usually, there was nothing to it.

He jumped, and once clear of the spinning helicopter blades, turned, watching the chopper lift into the air. That's when he noticed the hand grenade resting on the ground.

Ordinarily, grenades only detonate when their pins are pulled. Somehow, this grenade's pin had become dislodged. All Cleland saw was the grenade.

"I went toward it," Cleland said in an interview with The Hill last week. "I didn't know it was live. It wasn't a heroic act. I just thought it was mine. I really didn't know where in the hell it came from."

The explosion threw Cleland backwards. His right hand and most of his right leg were gone, and his left leg was a bloody mass.

"The blast jammed my eyeballs into my skull, temporarily blinding me, pinning my cheeks and jaw muscles to the bones of my face," Cleland wrote in his 1980 memoir. "My ears rang with a deafening reverberation as if I were standing in an echo chamber."

For days, as he fought for his life, flashbacks of the incident haunted him. "Why had I pressed my luck? What was I trying to prove?"

For more than three months, he battled his condition in Walter Reed Army Medical Center in an orthopedics ward known as the "Snake Pit." It was there where he also battled his self-pity.

For years, Cleland has been inundated by the "awkward self-conscious stares of people."

"I have done that 'mea culpa' thing for a long time," he described last week. "Like, 'You were stupid to volunteer, you were stupid to go [to Vietnam], you were stupid to get blown up, you are stupid, stupid stupid.'"

His resolute spirit allowed Cleland to fight the self-doubts and to eventually serve as administrator of the Department of Veterans' Affairs under President Carter and win election to the Senate in 1996.

But as he rolled that critical event over and over again in his mind, one pervading thought stood still: "Somehow I had fumbled the ball."

Last week, Cleland was stunned when he received a phone call from a man named David Lloyd—a 60-mm mortar squad leader in "Charlie" Company of the 1st Brigade, 1st Regiment of the 1st Marine Division.

Lloyd told Cleland that the grenade that nearly killed him belonged to another soldier.

Lloyd, now a retired airline worker living in Annapolis, Md., told Cleland that he, too, had been stationed on that hill outside Khe Sanh that fateful day. Lloyd said he had watched as Cleland's helicopter came in for landing and, although he couldn't be sure, he believes he even took a photograph.

Lloyd provided The Hill with that photo, as well as evidence of his service in Charlie Company. Company-level documents could not be located for this article. But Marine Corps archival records confirm that one of his brigade's assignments was to set up a relay station outside Khe Sanh during the first two weeks of April 1968 for the Army's First Air Cavalry Division—Cleland's division.

Earlier this month, Lloyd was watching a program about combat medical corpsman on the History Channel in which the senator detailed his account of his injuries. For the first time, he learned that Cleland blamed himself for his injuries.

Lloyd was stunned. "He had said he had an accident, that he was always dropping things off his web belt, but that is not what happened," Lloyd described in an interview. "I was there, I know what happened."

Lloyd saw the explosion from his mortar pit 20 yards away and rushed up to Cleland's torn body.

"He was white as chalk," Lloyd said. "His pants were smoldering. It was devastating. I saw literally thousands of wounds in Vietnam. I never thought he would survive."

Lloyd cut off Cleland's shredded fatigues. He used a belt and medical wrappings to set a tourniquet around the bleeding stumps of his legs. Moments later, a Navy corpsman arrived on the scene and ordered Lloyd to help another wounded soldier who had numerous shrapnel wounds.

Said Lloyd of the second soldier: "He was crying, but I didn't think it was from the grenade fragments. He kept saying, 'It was my grenade, my grenade.' He was very upset."

Last Thursday, in the Senate Dining Room, Cleland and Lloyd met for the first time.

For a moment, the former Army captain's world turned upside down. "It is amazing, it is mind-boggling to go back to the most traumatic part of your life and have the furniture rearranged," Cleland said. "For 31 years, that has been the only story I really knew."

Slowly trying to digest the information Lloyd has given him, Cleland said,"I don't know whether this gives me relief or not. I guess it is better that way than if it had been my fault. It frees me up to a certain extent."

Still, for Cleland there are many unanswered questions.

"I think after you survive something traumatic, you wonder why the hell you are alive, why you were left and somebody else is taken. It is called survivor guilt.

"You wonder if God wants me here, why does He want me here, what is He out for?"

Cleland said he knows he is here only by the grace of God, good friends and people like Lloyd, who helped him when he was dying.

"I feel I am where the good Lord wants me. Otherwise I wouldn't be here, I would be on the Wall. Oh my God. Thirty-one years later, it wasn't my hand grenade at all, it was somebody else's? It's been a hell of a week."

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to proceed for my full 10 minutes, if necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPRINGTIME

Mr. BYRD. Mr. President, there is an old adage—and I have heard it many times, and so have you and our other colleagues—that, "March comes in like a lion and leaves like a lamb." That adage was certainly turned on its ear this year. March tiptoed in on little lamb's hooves, as soft and warm as a curly fleece, giving us all hope of an early, mild spring.

Aha. The smiles that have lighted up the faces here in the pages and the officers of the Senate and the employees of the Senate who sit before me here when I mentioned that word "spring."

In West Virginia, the center of the world—half the world on one side, half the world on the other—West Virginia, early daffodils pushed through great rafts of dried leaves washed up against old stone farmhouse foundations that jut like rocky reefs out of sunny hillsides. Oh, the iridescent sunsets and the viridescent hills that are West Virginia's. Bluebirds decorated telephone line perches while forsythia blossoms announced the awakening of the Earth.

Then the March lion roared with a vengeance, sending successive storm waves across the Nation. Snow buried the daffodils under a crystalline blanket of sparkling white. West Virginia was hit hard by these late storms, as were many other States. What was a boon for skiers and schoolchildren has been a real hardship for commerce and commuters.

But now, as the vernal equinox and the official first day of spring approaches, we can all look forward to the lion at last lying down with the lamb. It is time, as the poet Algernon Charles Swinburne (1837–1909), wrote in "Atlanta in Calydon":

For winter's rains and ruins are over,
And all the season of snows and sins;
The days dividing lover and lover,
The light that loses, the night that wins;
And time remembered is grief forgotten,
And frosts are slain and flowers begotten,
And green underwood and cover
Blossom by blossom the spring begins.

Once again, the warm sun encourages us to consider folding away our scarves, our gloves, and our overcoats, retiring the snow shovel to the shed, and pulling out instead the trowel and the seed packets.

How many of us have enjoyed looking at those seed packets and fancying ourselves as young farmers, how we would grow these cucumbers, or these tomatoes, or this lettuce, or these onions, or the potatoes?

What promise is contained in seed packets! What a joy. Reading garden catalogs during cold, dark winter days inspires small-scale gardeners like myself with dreams of grandeur. Ah, fancy myself growing these beautiful vegetables. Ah. I am sure that others have shared that pleasantry with me many times. A few tomato plants are all that I really have the time for, but for me those humble plants with the spicy scent, their soft leaves and glossy fruits—Better Boy, Big Boy, Beefsteak, Early Girl—a few tomato plants are all that I really have the time for, but for me, those humble plants with their spicy scent, their soft leaves and glossy fruits, serve each year to reconnect me with cycles of nature. In my few tomato plants, I share with farmers throughout the Nation worries about cold spells, early frosts, drought, excessive rainfall, fungus, and insect infestation. But, like those farmers throughout the Nation, I glory in the success of my efforts, and my family and neighbors—mostly my family—share in the bounties of those tomato plants.

How can one even dare to believe that there is no God, no Creator? Why do I put those tomato plants in the ground? Why? I have confidence that the Creator of man and the universe is going to make those tomato plants bear some fruit.

And this year I will delight in introducing the newest member of my family, too—I say to our distinguished leader, a new member of my family—a dainty great-granddaughter, Caroline Byrd Fatemi; wait until I introduce her to my garden. She was born just 2 weeks ago yesterday. So small and precious now, she will grow strong and happy in the sunshine. And perhaps someday she too will grow some tomatoes.

I do love the promise of the spring.

William Jennings Bryan spoke of the Father, the Creator:

> If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and to make it burst forth from its prison walls, will He leave neglected in the Earth the soul of man made in the image of his Creator?
>
> If He stoops to give to the rosebush whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope to the sons of men when the frosts of winter come?

I do love the promise of the spring. Every place is better for springtime's artistry. There exists no imposing monument of granite or marble that is not improved by a softening verdigris of springtime green, highlighted by bright blooms. Washington is at its best in April and May, under bright skies and tossing cherry blossoms, with all of its governmental mass leavened by leaves. Spring travels a little slower to the hillsides of West Virginia, but it is, perhaps, all the more cherished for blooming later. There, in the deep shadows of the hills where rhododendron thickets outline quiet chapels among the cathedral of the trees, greening springtime coincides in harmony with God's Easter promise of resurrection.

I encourage my colleagues, and everyone else, too, to shake off the last of the winter blahs and go outside. Go early in the morning when the birds sing in grand chorus, or in the blinding brightness of noon, or in the lilac serenity of evening, but go outside. Go outside and breathe in the scent of hyacinths and fresh-turned earth. Plant a garden. Plant a single tomato seedling and join in the great community of gardeners and farmers and lovers of the earth. But do enjoy the springtime. It resurrects the spirit.

I asked the Robin as he sprang
From branch to branch and sweetly sang
What made his breast so round and red
"Twas looking at the sun," he said.

And I asked the violets sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy,
They answered, "Looking to the sky."

I saw the roses one by one
Unfold their petals to the sun.
I asked them what made their tints so bright,
And they answered, "Looking toward the light."

I asked the thrush whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim.
He answered, "Looking up at Him."

Mr. President, I yield the floor.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. LOTT. Mr. President, will the Senator from Georgia allow me a brief action before he makes his statement, dealing with the schedule?

Mr. CLELAND. Mr. President, I gladly yield.

The PRESIDING OFFICER. The Senator from Mississippi, the majority leader, is recognized.

CONGRATULATIONS TO SENATOR BYRD ON THE BIRTH OF HIS GREAT GRANDDAUGHTER

Mr. LOTT. Mr. President, I want to express my happiness and congratulations to the distinguished Senator from West Virginia on the birth of his great granddaughter. One of the most memorable experiences I had in my life in the Senate was his beautiful and eloquent statement on the floor in recognition of June 20, 1998, the date of the birth of that fine young American, my grandson, Chester Trent Lott, III. So I know how much it means to Senator BYRD as his family continues to grow and expand, and what a lovely gift it is to have that great grandchild. I thank Senator BYRD for making us all aware of this. I am sorry my eloquence could never rise to the level of his on the birth of my grandson. But I will continue to work on that, I should say to Senator BYRD.

THE SMILING MAJORITY LEADER

Mr. BYRD. Mr. President, if the Senator will yield, I don't know about eloquence, but I can say that the Senator from Mississippi always carries a warm smile. I have not been noted for smiling. I once read a story by Nathaniel Hawthorne entitled, "The Great Stone Face." And so I usually think of myself, in the context of that story, as the great stone face. But the distinguished Senator from Mississippi is always bubbling with energy, always on the move, always wearing a smile, always with twinkling eyes. He brings a lift to the spirits of all of us. I congratulate him. I know that grandchild of his is always going to carry the picture in his little mind of that grandfather with that sparkling, radiant smile.

Mr. LOTT. I thank the Senator.

CONSULTATION WITH CONGRESS ON KOSOVO

Mr. LOTT. Mr. President, Senator BYRD and I, as a matter of fact, just came from an extended meeting with the President of the United States, where the joy of our grandchildren and great grandchildren was also uppermost in our minds, because we are talking about actions by our country, our Government, that affect the young people—a military action. While I always try to have that smile on my face, sometimes it is very serious, what we have to attend to. But I appreciate Senator BYRD's comments this morning to the President. I appreciate the President of the United States meeting with the leaders of Congress as we talk about the situation regarding Serbia and Kosovo. I thought it was a positive step.

The Senate, the Congress, must be involved and consulted if a decision is made to take military action, certainly if it is an action that could lead to being an act of war. And we will consider this very carefully. I think it is important this afternoon, and on Monday, the Senate be heard on this issue; that we have the time to discuss and debate, as a matter of fact, the merits and demerits of the plans in Kosovo, what risks are involved. I don't believe the American people now are properly informed about the situation as it now exists. The dynamics have definitely changed in the last few days.

We have gone from considering whether or not ground troops from the United States as a part of a NATO mission would be placed in a peaceable situation in Kosovo—to a situation where it appears that an agreed settlement is not going to be achieved and that the Serbian officials will not agree to have a NATO force come in a peaceful arrangement—to the possibility of airstrikes involving Serbian troops and Serbian sites. This is a very serious step. I think the Senate should have an opportunity to be briefed as we were on Thursday, as we meet with the President as we did today, and to continue to be involved in the dialog.

I believe the President needed to hear some of the things that he heard today. That is why these meetings are not one-way, they are two-way streets—to make sure that we as the people's representatives are being heard. We made the point, the Speaker and others made the point, that the President needs to address this issue with the American people, explain what the present circumstances are. The President will have a press conference this afternoon. I hope he will address it, and I hope there will be appropriate questions about exactly what the plans are for our military in the near term.

Does Senator BYRD wish me to yield on that point?

Mr. BYRD. Yes, if the distinguished majority leader would.

I am glad he has spoken as he has. I don't know how much the American people know about, really, what we face. And I am not sure I know, by any means. I am sure that Congress has certain constitutional responsibilities and that when it comes to sending American men and women into war, into conflict, into danger, Congress also bears part of the responsibility. I am fearful that in recent years especially, American Presidents in both parties have not recognized that fact, and they have, sent men and women into areas of peril without taking the Congress along with them.

I think we learned in Vietnam that unless the American people are behind an effort such as that, it cannot succeed. I believe that Congress ought to fulfill its duties. But I also believe that Congress has to take a stand and demand that its constitutional prerogatives be recognized. No President can carry on a war without the support of Congress or without the support of the American people. I am sure the distinguished majority leader feels the same way about it. We are on the edge of a great precipice here of national danger. And what is happening in the Balkans is something that should be of great concern to all of us and to the people of the world. It was from that area, may I say to my friend, that the Roman legions procured their fiercest fighters. There has been turmoil and fighting in that area of the world for hundreds and hundreds of years. We are seeing there today an individual, Mr. Milosevic, who has a strong will and who is absolutely ruthless in his determination to subjugate and to massacre and to exterminate other peoples.

The President needs to get out front and tell the American people why it is, if we are going to send our men and women into conflict there. If we are going to send planes in there, some of those planes may be shot down. Americans may be held hostage. Americans may be killed. The American people need to know what we are about to do and why and what the end game is and what the exit strategy is, what the motivations are, what the costs are going to be, before we get out there on a limb and have a lot of people killed.

I hope the President will take the lead. Sandy Berger or the Secretary of State or even the Vice President cannot speak for the one man in the country who is the President of the United States, whether he is a Democrat or Republican. The President has the responsibility to get out front, tell the American people what we face and if we are about to send men and women into war, and when this will end, if we ever go there, ever begin bombing. We need to know this. The President needs the Congress behind him. He can't do this alone. He needs the Congress behind him. He needs Republicans and Democrats. We can only be behind him if we understand what we are being asked to do. We don't really understand.

I compliment the majority leader and the minority leader for requesting—they should not have to request this—this hearing in the presence of the President of the United States. That is the man we need to hear from. He is the man who has to put his name on the line. He has to get out front. He has to tell the American people the truth, and he has to tell Congress. He has to keep Congress informed. He must not get out too far in front of Congress, because, otherwise, he will look behind him and wonder where the troops are one day, meaning the congressional battalions.

I thank the distinguished majority leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 81

Mr. LOTT. Mr. President, on behalf of the chairman of the Appropriations Committee, I now call for the regular order with respect to amendment No. 81.

The PRESIDING OFFICER. The clerk will report the pending amendment.

The bill clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON) proposes an amendment numbered 81.

AMENDMENT NO. 124

(Purpose: Prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations)

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending Hutchison amendment.

The PRESIDING OFFICER. The clerk will report that amendment.

The bill clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 124 to the amendment No. 81.

The amendment is as follows:

Strike all after the word SEC. and insert the following:

FINDINGS.—

The Senate Finds That—

(1) United States national security interests in Kosovo do not rise to a level that warrants military operations by the United States; and

(2) Kosovo is a province in the Federal Republic of Yugoslavia, a sovereign state:

SEC. . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending second-degree amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Lott amendment No. 124 prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia:

Trent Lott, Paul Coverdell, Bob Smith of New Hampshire, Jeff Sessions, Don Nickles, Charles E. Grassley, Sam Brownback, Tim Hutchinson, Michael B. Enzi, Bill Frist, Frank Murkowski, Jim Inhofe, Conrad Burns, Mitch McConnell, Ted Stevens, and Jim Bunning.

Mr. LOTT. Mr. President, the purpose of the procedure that I just undertook was to make sure we had an opportunity today and on Monday to begin to debate the issue surrounding Kosovo and to decide what the Senate's role should be and what action we will take. This may not be the amendment we wind up considering in the end, but to make sure that we have this opportunity for this debate, I thought it was essential we go ahead and take this action now.

I have been working with the minority leader for the last 2 days in an effort to try to reach an agreement with respect to the situation in Kosovo, as to how we could consider it and when that would be. Unfortunately, because of the evolving circumstances and because of the briefings that occurred on Thursday and again today, we have not been able to best decide how to proceed.

Therefore, I did call up the Hutchinson amendment, which primarily had to do with the things that would have to occur, information we would have to receive from the President before the deployment of ground troops in Kosovo. I then sent to the desk an amendment to that which said, basically, that military action could not be undertaken without the Senate having considered this issue. That is basically the Smith of New Hampshire proposal.

Again, I reiterate, so we can lock in the guarantee that we will have an opportunity to discuss this, a cloture motion was filed, but hopefully it won't be necessary to have this vote occur on cloture. We will need to continue to talk about how to proceed, how long we will need, what a vote would be, or to make the decision not to go forward with it would also be an option. I will continue to work with Senators on both sides of the aisle who wish to be heard on this to try to come to a conclusion about how we want to have this vote.

We also have the situation where next week the budget resolution will be taken up on Tuesday afternoon, and we have 50 hours of debate on that. It is our intent to complete action on that before we leave so that we can, for the first time in a long time, meet the April 15 deadline in having a budget resolution agreed to. We have a lot of work to do. I want to try to set this up.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that there now be 30 minutes equally divided, for debate only, on Tuesday, March 23, beginning at 11:45, and a cloture vote occur at 12:15 on Tuesday, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask the majority leader whether or not, given the fact it does not now appear that we will have votes on Monday and Senators will just be coming back, we could schedule the vote for 2:15, immediately following the caucus, so that we would have the opportunity to discuss this matter in caucus and decide what course of action we may take; 2:15, I think, would probably accommodate many Senators who might not otherwise have the opportunity.

Mr. LOTT. If the Senator would yield, I think that is a reasonable request. My only purpose in trying to get it to begin and be completed before the policy luncheon is so we could go right to the budget resolution right after lunch. I think to just have the vote right after lunch at 2:15 and then go to the budget resolution is a reasonable request. We will have Monday in which Senators can begin to express themselves. Senator BYRD and I just had a little colloquy. We will have more Members, I hope, available, as we go forward, and Senators are already calling to indicate they would like to be heard even this afternoon or Monday, to discuss this. We will have the opportunity Tuesday morning.

I want to say, again, we may decide to vitiate all of this. We are just not ready to go forward. If that is the case, then we will do so.

I will modify my request to say that—I would like to have the time still equally divided before the luncheon—the vote occur at 2:15 instead of 12:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE for his cooperation. I thank Senator CLELAND. I thought it was just going to be a couple of minutes. You have been very patient. Thank you for yielding this time.

Mr. President, I yield the floor.

GRATITUDE AND THANKS TO SENATOR BYRD

Mr. CLELAND. Mr. President, I want to say a word of gratitude and thanks to the distinguished senior Senator from West Virginia for several observations.

First of all, as the war clouds gather in the Balkans, hopefully this Nation and NATO will not be drawn into war. If we are drawn into war, I hope we will, as a country, keep in mind the axiom by Baron von Clausewitz that one must know the last step one takes in terms of war before one takes the first step. That should be fully debated here on the floor of the Senate.

The distinguished senior Senator from West Virginia had some wonderful observations about life itself and about spring.

I could not help but identify with his wonderful comments about his great granddaughter and his love for tomatoes and the things that grow in the spring. My father has a similar love for vegetable gardens and particularly for Better Boy and Big Boy tomatoes. I was very touched by Senator BYRD's comments about me, and I appreciate his thoughts immensely.

The last week or two has been fascinating in my life where I learned some things about my own experience in war that have, in effect, triggered a lot of the emotions of war and, hopefully, will lead to a deeper healing of the wounds I incurred there.

The story is in the Hill newspaper, and Senator BYRD was kind enough to enter that into the CONGRESSIONAL RECORD. I thank him personally for that, and it is an honor to be serving with him. He has been one of my personal heroes for many, many years.

I wanted to say those words, Mr. President, because we have an incredible human being with us in the Chamber, Senator BYRD, whose light and life continues to guide us all.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE KOSOVO COMMITMENT

Mrs. HUTCHISON. Mr. President, I am pleased that we are now going to talk about the Kosovo situation. I think it is a very fluid resolution that we have before us but, nevertheless, I think it is very important that we begin to talk about the situation there, because, frankly, in the last 24 hours, things have changed greatly. When the Serbs refused to sign the peace agreement, that started a different dynamic.

Many Members of Congress have been in constant meetings with members of the administration, including the President, about just where we are now, where is NATO, what are the commitments and, most important, I think from all of the meetings, it has become very clear that many Members of Congress want to know what is the totality of the commitment.

We are beginning to have to address the issue of what kind of hostile possibilities will there be if the NATO forces, which includes the United States, go forward into any kind of a military intervention in Kosovo.

We do not know what Milosevic is planning. I believe if President Milosevic starts to take human lives, that is going to trigger a very swift response.

I hope the President of Serbia will realize that he could solidify this Congress in a way that nothing else would if he decides that he is going to embark on that course, because I think our forces are ready to stop something that would be the annihilation of innocent people.

Mr. President, I think many are not prepared to go into a full-scale altercation with a sovereign country until we have looked at the entirety of that commitment. We need to know the entirety of the commitment of our allies and what we ourselves are willing to do in light of our own principles and our own standards for when we would put American troops into harm's way, into foreign conflicts, and into a situation in which there is no peace agreement. There is even a question of whether it is a real peace agreement if that peace agreement is arrived at through bombing.

This is a watershed period for our country, and the Members of Congress who have been participating in the meetings are trying to put before the President and the administration and the people of this country exactly what are our options.

I believe it is going to be very important in the next week or so that we do know what our commitments are, if we are going to propose to take any kind of hostile action, that we know what is the end game, what is the strategy, what is the commitment of dollars as well as potential lives. The President of the United States must come forward and not only inform Congress, not only work with Congress on these plans, but inform and work with the American people to explain exactly what is proposed and what will be the end game if we get into this kind of conflict.

Mr. President, this is a sobering time. I am pleased that my amendment is the pending business.

I am pleased that Senator LOTT has now offered a second-degree amendment, because we now have two options. We have the option of an up-or-down vote on whether we are ready to send troops into Kosovo, or we have a second approach, which is, if we are going to do this, let's have a plan.

Those are two options, and in the next 72 hours, I think it will become more and more clear what kind of approach we should take.

There is one thing that is certain today, and that is, the Congress of the United States has the power to declare war. I suggest that means the power to send our troops into harm's way for a long period of time if we are expecting a conflict. If this is the case, then it is imperative we talk about this issue up front, we have a full debate in the Senate and House of Representatives, that the people of America know what the plans are, know what the potential liabilities are, and the people of America realize what is at stake. There is no substitute for this kind of planning and this kind of communication.

So I am pleased that we are now on this amendment. I look forward to working with all the Members of the Senate so that everyone can be heard and so that, hopefully, we will be able to come to an agreement, but if not, a clear agreement that there will be a real vote and that Congress will play its constitutional role in what happens next; because I believe that what happens in Kosovo and the rest of the Balkans in the decisions that will be made in the next few weeks will perhaps have consequences for years to come in our country.

Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

KOSOVO

Mr. SPECTER. Mr. President, we face a matter of utmost seriousness as events are evolving with respect to Kosovo and the massing of a large amount of Serbian troops about to strike imminently, according to all reports. Ethnic cleansing is already being undertaken in the form of brutal attacks on people in Kosovo. Large numbers of people—according to media reports; and since confirmed—were lined up, asked to kneel, pistols placed behind their heads, and executed in cold-blooded murder. This follows a pattern of ethnic cleansing which has gone on for many years in Bosnia.

The United States is considering, in conjunction with NATO forces, air attacks. In the context of what is likely to go on in Kosovo, these are in fact, acts of war which call for authorization by the Congress of the United States under the U.S. Constitution.

We have seen in modern times this constitutional mandate violated by unilateral action by the President, arguably under his authority as Commander in Chief. It is true that he has substantial authority as Commander in Chief to act in times of emergency, but when Congress has an opportunity to deliberate and to consider the issue, it is the congressional authority and congressional responsibility to act if the United States is to be engaged in war.

Presidents are traditionally reluctant—unwilling really—to come to the Congress to ask for authorization because they do not want to make any concessions about what they consider to be their unilateral authority as Commander in Chief. That, in fact, was the tact taken by President Bush when he declined to come to Congress to ask for a resolution authorizing the use of force in 1991.

However, debate was undertaken. We had historic debates on this floor on January 10, 11, and 12. Finally, a resolution was passed in the House and passed in the Senate. The resolution which passed here was by a very narrow margin of 52–47. But the hand of the President was strengthened immeasurably by the congressional action.

We have seen the brutal historical fact of life that a war cannot be maintained—such as the Vietnam war—without public and congressional support. There was a Senate briefing yesterday by the Secretary of State, the Secretary of Defense, the National Security Adviser, and the Chairman of the Joint Chiefs of Staff outlining a number of the issues relating to possible military action in Kosovo. This morning, President Clinton met with a large group of Senators and Members of the House of Representatives in a session which lasted approximately 2 hours, going over a great many of these issues.

I believe it is fair to say that although there has been some dissent, most of those in attendance stated that they believe that acting against Serbia, a sovereign nation, in the context of this case does constitute an act of war and should require congressional authorization. I commend our distinguished majority leader, Senator LOTT, for taking steps today after that meeting occurred to try to bring this issue to a vote.

There is an amendment pending on the supplemental appropriations bill stating that there should not be airstrikes taken by the administration without prior congressional authority. I believe this is a very sound proposition.

In my view, it is very important that there be a national debate, and that there be an understanding by the American people of precisely what is involved if we undertake airstrikes in Kosovo. This is not a matter where the airstrikes can be limited to missile strikes which do not put Americans in harm's way. If there are airstrikes with aircraft, considering all of the factors at play here, there is a very, very serious risk of casualties. That is something which none of us takes lightly. Certainly the American people are very reluctant, as the American people should be, to see those kinds of risks undertaken; and the Congress is very reluctant—really, unwilling—to take those risks unless there is a clear statement of what our national interests are. And if they warrant that kind of military action.

The Constitution gives the sole authority to involve the U.S. Military in war to the Congress of the United States. One of the problems with this issue is that too often when confronted, there is a tendency on the part of the Congress—candidly—to duck. In February of 1998 when missile strikes were imminent against Iraq, they never came to pass. The Congress had an opportunity to debate and act on the issue and decided not to act.

Last fall, and again this past December, we had missile strikes against Iraq and, again, the Congress of the United States had an opportunity and authority to face up to that issue and decided not to act. Now, with the imminence of military action in Kosovo, in my view, it is imperative that this issue be debated by the Senate. It has been debated by the House of Representatives and they had a narrow, but favorable vote—a close vote—supporting peacekeepers, conditioned on a peace agreement being entered into. The agreement has not since happened, so that resolution is really irrelevant at this point.

But it is my hope that when the President addresses the Nation this afternoon at 4 o'clock, as he is scheduled to do, that will trigger a very extensive national debate. That is not the kind of debate that is going to be triggered by one Senator in an empty Senate Chamber speaking on C-SPAN 2, but the American people need to know what is involved. They need to know that there are risks involved, and there has to be the formulation of a national judgment to undertake this risk if we are, in fact, to move forward.

I have found in my contacts with people from my State of Pennsylvania that the people do not yet understand Bosnia, do not understand why we are there. We have the bitter experience of Somalia, when we saw the television picture of American soldiers being dragged through the streets, and we beat a hasty retreat.

We ought not to undertake military action in Kosovo unless we are prepared for the eventualities. I think it is a very useful matter to have the issue formulated in the Senate, to have debate on Monday and Tuesday, to follow up on the President's presentation, and to make a determination as to what our national policy should be. While bearing in mind that it is the role of the Congress to authorize the use of force if, in fact, it is to be undertaken.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVO

Mr. GORTON. Mr. President, for a short while today and on Monday and on Tuesday, we will debating a very short, clear, and concise proposal by the distinguished senior Senator from New Hampshire, Senator SMITH, relating to the use of American Armed Forces in combat in Kosovo and Yugoslavia.

Mr. President, I want to state as forcefully as I possibly can my support for that amendment. Senator SMITH states, I think with total accuracy, that the U.S. national security interests in Kosovo do not rise to a level that warrants military operations by the United States. It goes on to point out that any intervention on our part would be to engage the Armed Forces of the United States in a civil war inside the truncated but still nation of Yugoslavia.

Mr. President, there was an op-ed column in the Washington Post just 3 days ago in which the author set out three principles that struck me as totally sound and logical. Rule 1 is, don't involve yourself in a civil war; rule 2, if you do involve yourself in a civil war, take a side; rule 3, if you do involve yourself in a civil war and take a side, make certain that your side wins.

Mr. President, the proposed intervention in Kosovo on the part of the United States essentially violates all three of those rules. Clearly, it will involve us in a civil war. To a large extent, we will not have picked a side because we will not be promoting what those who are revolting against the Serbian authorities wish; that is to say, their independence. And we clearly aren't going in with the intention of winning in the sense of settling that conflict.

So we will follow the sorry example of this administration's military adventures so far: The billions of dollars we have spent in Haiti with troops still in that country now simply defending themselves, without having any discernible positive impact on that society; the low caliber war in which we have been engaged on and off in Iraq without any discernible prospect of removing Saddam Hussein from office; and our multibillion-dollar adventure in Bosnia, an adventure that has no end, because we are attempting to force people to live together who have no intention and no willingness to do so; and, now here in Kosovo we propose to do exactly the same thing.

Mr. President, I believe that the situation would be different and perhaps more justifiable if the President were to go all the way and to say that the service of freedom requires liberating people who no longer wish to be a part of Yugoslavia and helping them attain their freedom. But we are not doing that. We continue to promote the fiction that borders will not be changed.

The Secretary of State has justified this intervention on three grounds: that it is vital to the survival of NATO, a strange proposition when we have gotten NATO into this position largely ourselves and largely by accident; second, that there are humanitarian reasons to save the victims of this civil war, a justification which will also require us to enter a civil war in Africa, and perhaps in Afghanistan, and in Lord knows how many other places around the world; and the ancient domino theory that if we don't stop this fighting here, it will next go over into Macedonia, into Greece, and into Turkey. But if we were to defend Macedonia, at least we would be defending a sovereign nation.

Mr. President, I am convinced that before the President commits our Armed Forces to combat in Kosovo that he should be required to seek the advice and consent of both of the Houses of the Congress of the United States. I am convinced that this is a matter on which the views of this body should be known formally after a debate, and by a vote. I am convinced that the amendment sets the issues in this case in stark and appropriate context. And I am convinced, Mr. President, that we should vote in favor of that Smith amendment; that we should not risk the lives of members of our armed services and the prestige of the United States to an undefined cause for undefined and secondary ends in a way in which those ends are highly unlikely to be met, or at least highly unlikely to be met without a permanent investment in both our money and in our Armed Forces.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 18, 1999, the Federal debt stood at $5,639,558,556,809.78 (Five trillion, six hundred thirty-nine billion, five hundred fifty-eight million, five hundred fifty-six thousand, eight hundred nine dollars and seventy-eight cents).

One year ago, March 18, 1998, the Federal debt stood at $5,537,179,000,000 (Five trillion, five hundred thirty-seven billion, one hundred seventy-nine million).

Five years ago, March 18, 1994, the Federal debt stood at $4,554,111,000,000 (Four trillion, five hundred fifty-four billion, one hundred eleven million).

Twenty-five years ago, March 18, 1974, the Federal debt stood at $471,215,000,000 (Four hundred seventy-one billion, two hundred fifteen million) which reflects a debt increase of more than $5 trillion—$5,168,343,556,809.78 (Five trillion, one hundred sixty-eight billion, three hundred forty-three million, five hundred fifty-six thousand, eight hundred nine dollars and seventy-eight cents) during the past 25 years.

SAFE DRINKING WATER FOR RURAL AMERICA

Mr. BYRD. Mr. President, as the Congress works to provide billions of dollars to address a crisis affecting our neighbors abroad who have had their lives disrupted overnight by raging waters, I have become more and more concerned about another water-related crisis occurring every day in this nation. That crisis is the lack of a safe, reliable supply of drinking water for millions of rural American families. Since 1995, federal data outlining the sorry details of the safe drinking water crisis have been available and, yet, year after year, adequate funding for water and wastewater projects that would solve this crisis is not provided. Last night, my distinguished colleagues joined Senator STEVENS and me in sending a message to rural Americans that their crisis is not forgotten.

Yesterday evening, the Senate adopted an amendment offered by myself and Senator STEVENS to the supplemental appropriations bill that would provide $30 million in additional funds for rural water and wastewater systems. This money would benefit the neediest of rural communities that are affected by extreme conditions that increase the cost of constructing water and wastewater systems, that have a high incidence of health problems related to water supply and poor sanitary conditions, or whose residents are suffering from a high rate of poverty.

Within the $30 million in budget authority provided in this amendment, $5 million would be allocated for loans and $25 million for grants. The result would be a total program level of $55,303,000. The reality of this funding is that this year, an additional 25 or more communities throughout the United States would get some relief from the fear of an inadequate, unsafe supply of drinking water.

Safe, reliable drinking water is not an amenity. Safe drinking water is essential to the health and well-being of every American. All life as we know it depends on the necessary element of water.

Most Americans take safe drinking water for granted. Most Americans just assume that when they turn on the faucet, clean water will automatically flow out of the faucet. They assume that there will always be easy access to an unlimited supply of clean, safe drinking water.

The terrible truth is that, in the United States of America, the health of millions of men, women, and children is made vulnerable by their reliance on a possibly contaminated water supply.

According to statistics from 1998, approximately 2.2 million rural Americans live with critical quality and accessibility problems related to their drinking water, including an estimated 730,000 American citizens who have no running water in their homes. Let me repeat that—an estimated 730,000 people have no running water in their homes. An additional five million rural Americans are affected by grave, although less critical, water problems, such as water sources that are overtaxed or poorly protected, and by antiquated distribution systems. The very young and the elderly are placed at particular risk of illnesses caused by unsafe, unclean, drinking water, and many towns without a reliable supply of water cannot even protect residents from the threat of fire.

This funding provided in our amendment is desperately needed to address conditions in West Virginia and much of Appalachia, the Mississippi Delta, in rural and native Alaskan villages, the Colonias, and in Indian Reservations. Senator Stevens has been working hard to get the necessary funds for an authorized program for rural development in several Alaskan Native villages. I understand that while the U.S. Department of Agriculture (USDA) is trying to help, funding simply is not there for the water and wastewater systems that are the backbone of any development proposal. Our amendment specifically directs funds through the national reserve in an effort to serve the deserving families in Alaska in a timely manner.

In my own state of West Virginia, families in towns such as Pageton, Belington, and Crum must deal with the normal family worries of providing food, shelter, and a sound education to their children. Can you imagine the frustration that these families face every day in having to further protect their children from a foul or unreliable source of water! I am not talking about water that smells bad or tastes funny. I am talking about water that must be boiled before consumption, or that flows—when it flows—like opaque brown sludge from their taps. This is water not fit to wash a car, let alone to cook with or to mix with baby formula. That simply should not be, in a nation as rich in resources as we are.

A good part of the supplemental provides assistance for disaster recovery in other nations. This amendment reaches out to Americans in crisis. It gives hope to rural America that a brighter future lies ahead, a future flowing as bright and clear as the water out of their tap.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 975. An act to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Con. Res. 20. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009 (Rept. No. 106–27).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 422. A bill to provide for Alaska state jurisdiction over small hydroelectric projects (Rept. No. 106–28).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 668. A bill to encourage States to incarcerate individuals convicted of murder, rape, or child molestation; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. Breaux, Mr. DeWine, and Mr. Grams):

S. 669. A bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mr. Dodd):

S. 670. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 671. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 672. A bill to amend title XIX of the Social Security Act to extend the higher Federal medical assistance percentage for payment for Indian Health service facilities to urban Indian health programs under the Medicaid Program; to the Committee on Finance.

By Mr. LEAHY (for himself and Ms. Snowe):

S. 673. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FITZGERALD:

S. 674. A bill to require truth-in-budgeting with respect to the on- budget trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee report, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mr. Kerrey, Mr. Grassley, Mr. Thomas, Mr. Johnson, Mr. Conrad, Mr. Baucus, Mr. Harkin, Mr. Dorgan, Mr. Wellstone, Mr. Bingaman, Mr. Durbin, and Mr. Feingold):

S. 675. A bill to increase market transparency in agricultural markets domestically and abroad; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Con. Res. 20. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009; from the Committee on the Budget; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM:

S. 668. A bill to encourage States to incarcerate individuals convicted of murder, rape, or child molestation; to the Committee on the Judiciary.

AIMEE'S LAW

• Mr. SANTORUM. Mr. President, I rise today to introduce legislation to address the suffering of victims of repeat offenders.

My legislation, "Aimee's Law," is named after Aimee Willard, a college senior from suburban Philadelphia who was raped and murdered by a man released from prison in another state after serving time for a similar offense. This tragedy has made me aware of some very disturbing facts about sentencing and recidivism. For instance, more than 14,000 murders, rapes and sexual assaults on children are committed each year by felons who have been released after serving a sentence for one of those very same crimes. Moreover, convicted murderers, rapists and child molesters who are released from prisons and cross state lines are responsible for sexual assaults on more than 1,200 people annually, including 935 children. Furthermore, recidivism rates for sexual predators are the highest of any category of violent crime. Despite this, the average time served for rape is only five and one half years and the average time served for sexual assault is under four years. Also troubling is the fact that thirteen percent of convicted rapists receive no jail time at all.

With this in mind, I propose to use federal crime fighting funds to create an incentive for states to adopt stricter sentencing and truth-in-sentencing laws. Specifically, Aimee's Law will redirect enough federal crime fighting dollars from a state that has released a murderer, rapist, or child molester to pay the prosecutorial and incarceration costs incurred by a state which has had to reconvict this released felon for a similar crime. Indeed, laws regarding the horrific crimes of murder, rape and sexual assault are best enacted at the state level. However, the federal government bears a responsibility to ensure that federal taxpayer dollars are spent in such a manner as to reflect national views on national issues. This legislation uses federal monies to create incentives without intruding into a state's right and need to legislate on the problem of repeat offenders.

Representative MATT SALMON introduced this legislation last Congress and earlier this Congress. Representative SALMON's bipartisan bill currently has 66 cosponsors, including Majority Whip TOM DELAY and Democratic Caucus Chair MARTIN FROST. Moreover, it has been endorsed by Ms. Gail Willard, Aimee's mother, and numerous organizations such as the National Fraternal Order of Police, the National Rifle Association, the KlassKids Foundation, Justice For All, the National Association of Crime Victims' Rights, the Women's Coalition, and Kids Safe.

I urge my colleagues to support this legislation and help protect our communities from repeat offenders.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to printed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Aimee's Law".

SEC. 2. DEFINITIONS.

In this Act:

(1) DANGEROUS SEXUAL OFFENSE.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term "murder" has the meaning given that term in section 1111 of title 18, United States Code.

(3) RAPE.—The term "rape" means any conduct constituting unlawful sexual intercourse with another individual without the consent of such other individual.

(4) SEXUAL ABUSE.—The term "sexual abuse" has the meaning given that term in section 3509 of title 18, United States Code.

(5) SEXUAL CONTACT.—The term "sexual contact" has the meaning given that term in section 2246 of title 18, United States Code.

(6) SEXUALLY EXPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given that term in section 2256 of title 18, United States Code.

SEC. 3. REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.

(a) PENALTY.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in another State, the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(2) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State, the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(b) STATE APPLICATIONS.—In order to receive an amount transferred under subsection (a), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(c) SOURCE OF FUNDS.—Any amount transferred under subsection (a) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(d) CONSTRUCTION.—Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.

(e) EXCEPTION.—This section does not apply if an individual convicted of murder, rape, or a dangerous sexual offense has escaped prison and subsequently been convicted for an offense described in subsection (a).

SEC. 4. COLLECTION OF RECIDIVISM DATA.

(a) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(1) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(2) the number of convictions described in paragraph (1) that constitute second or subsequent convictions of the defendant of an offense described in that paragraph.

(b) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(1) the information collected under subsection (a) with respect to each State during the preceding calendar year; and

(2) the percentage of cases in each State in which an individual convicted of an offense described in subsection (a)(1) was previously convicted of another such offense in another State during the preceding calendar year.●

By Mr. COVERDELL (for himself, Mr. BREAUX, Mr. DEWINE, and Mr. GRAMS):

S. 669. A bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; to the Committee on Environment and Public Works.

THE FEDERAL FACILITIES CLEAN WATER COMPLIANCE ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to introduce legislation with the senior Senator from Louisiana, the senior Senator from Ohio, and the junior Senator from Minnesota. This legislation—the Federal Facilities Clean Water Compliance Act of 1999—will guarantee that the federal government is held to the same full range of enforcement mechanisms available under the Clean Water Act as private entities, states, and localities. Each federal department, agency, and instrumentality will be subject to and comply with all Federal, State, and local requirements with respect to the control and abatement of water pollution and management in the same manner and extent as any person is subject to such requirements, including the payment of reasonable service charges.

It has been over twenty-six years since the enactment of the Clean Water Act. This Act has been an effective tool in improving the quality of our nation's rivers, lakes, and streams. Over that period of time, however, states have not had the ability to impose certain fines and penalties against federal agencies for violations of the Clean Water Act. This is a double standard that should not be continued.

In 1972, Congress included provisions on federal facility compliance with our nation's water pollution laws in section 313 of the Clean Water Act. Section 313 called for federal facilities to comply with all federal, state, and local water pollution requirements. However, in 1992, the United States Supreme Court ruled in U.S. Dept. of Energy v. Ohio, that States could not impose certain fines and penalties against federal agencies for violations of the Clean Water Act and the Resource Conservation Recovery Act (RCRA). Because of this decision, the Federal Facilities Compliance Act (H.R. 2194) was enacted to clarify that Congress intended to waive sovereign immunity for agencies in violation of RCRA. Federal agencies in violation of the RCRA are now subject to State levied fines and penalties. However, this legislation did not address the Supreme Court's decision with regard to the Clean Water Act. The Federal Facilities Clean Water Compliance Act of 1999 makes it unequivocally clear that the federal government waives its claim to sovereign immunity in the Clean Water Act.

The federal government owns hundreds of thousands of buildings, located on millions of acres of land, none of which have to abide by the same standards as a private entity does under the Clean Water Act. This legislation simply ensures that the federal government lives by the same rules it imposes on everyone else.

I would like to thank Senator BREAUX, Senator DEWINE, and Senator GRAMS for cosponsoring this important legislation, and look forward to working with them and my other colleagues in the United States Senate on its speedy consideration.

Mr. BREAUX. Mr. President, I'm pleased to join Senator COVERDELL, Senator DEWINE and Senator GRAMS in introducing the "Federal Facilities Clean Water Compliance Act of 1999."

My primary reason for sponsoring the bill is to make the federal Clean Water Act equitable by requiring that it apply to and be enforced against the federal government.

Currently, states, local governments and the private sector do not have immunity from the act's enforcement. By the same principle, the federal government should not be granted such immunity from the clean water statute and this bill provides that parity.

The bill also provides that the federal government would be subject to all the same enforcement mechanisms that apply to states, local governments and the private sector under the Clean Water Act.

Fairness, safety, public health and environmental protection all dictate that Federal agencies should be held to the same standards for water pollution prevention and control as apply to states, local governments and the private sector.

Equity is ensured by our bill because all levels of government and the private sector would be treated the same under the Clean Water Act's enforcement programs. No one would be allowed immunity.

To paraphrase a well-known adage, what's good for states, local governments and the private sector in terms of clean water should be good for the federal government.

In addition to the provisions stated previously, the bill reflects the adage's fairness principle in another fashion.

The bill would hold the federal government accountable to comply not only with its own clean water statute, but also with state and local clean water laws. Again, equity would be upheld. And, safety, public health and environmental protection would be strengthened.

Other provisions are contained as well in the legislation which Senator COVERDELL, Senator DEWINE, Senator GRAMS and I are introducing today. For example, the EPA administrator, the Secretary of the Army and the Secretary of Transportation would be authorized to pursue administrative enforcement actions under the Clean Water Act against any non-complying federal agencies. It also includes provisions for federal employees' personal liability under the act's civil and criminal penalty provisions and a requirement that the federal government pay reasonable service charges when complying with clean water laws.

Over the years, the United States has made dramatic advances in protecting the environment as a result of the Clean Water Act. We have all benefitted as a result.

Today, I encourage other Senators to join Senator COVERDELL, Senator DEWINE, Senator GRAMS and me as cosponsors of the bill to bring equity to the clean water program and to make possible the expansion of its public and private benefits.

Mr. DEWINE. Mr. President, I rise today to join Senators COVERDELL, BREAUX, and GRAMS in introducing the Federal Facilities Clean Water Compliance Act of 1999. This legislation would hold the Federal Government accountable under the Nation's Federal water laws. Today, states, local governments and the private sector must all comply with each and every Federal, State, and local water requirement. The Federal Government does not.

Although Congress included provisions requiring Federal facilities to comply with the Nation's water pollution laws in 1972, the United States Supreme Court ruled that State governments could not impose certain fines and penalties against Federal agencies for violations of the Clean Water Act. While other legislation has forced the Federal Government to comply with other environmental statutes, Congress has not yet brought Federal facilities into compliance with the requirements on the prevention and control of water pollution.

This legislation, however, guarantees that the Federal Government is (1) held to the same enforcement mechanisms under the Clean Water Act as private entities, states, and localities; (2) complies with all of the Federal, State, and local requirements on the prevention and control of water pollution; and (3) is responsible for the payment of reasonable service charges.

The Clean Water Act celebrated its twenty-fifth anniversary two years ago. As a result, the entire nation has benefitted from cleaner water. In the interests of fairness, the Federal Government should not be granted immunity from the Nation's clean water laws any longer. For the sake of fairness, public safety and health, and environmental protection, the Federal Government should be held to the same standards for water pollution prevention and control as states, local governments and the private sector.

Mr. GRAMS. Mr. President, I rise today in support of the Federal Facilities Clean Water Compliance Act of 1999. I would like to thank Senator COVERDELL for bringing this important legislation forward again in the 106th Congress.

Quite simply, this legislation would force federal agencies to comply with the provisions of the Clean Water Act—something I believe most citizens assume already takes place. Unfortunately, when Congress passed the Clean Water Act in 1972, it left an out for federal agency compliance with the law by allowing them to claim "sovereign immunity" for protection against state actions or fines. So when federal agencies are not complying with provisions of the Clean Water Act, they can state in court that they are above the law.

I have always believed that the government must live under the same rules that it forces everyone else to live under. Any government which attempts to subvert the law or hide from responsibility by claiming "sovereign immunity" from environmental protection requirements, is a government that is above the people it serves, rather than a servant of the people. This legislation would reverse that trend, and force the federal government to waive sovereign immunity when a state brings an action under the Clean Water Act. And the bill ensures that any money that state receives as a result of such an action is placed back into programs that protect the environment or defray the costs of environmental protection or enforcement.

I believe it is important that federal agencies comply with the environmental standards Congress mandates everyone else must comply. By passing the legislation we are offering today, we can restore a degree of certainty to the American people and to our states and localities that their federal government is not exempt from protecting the environment and that their federal government is not above the law. That is why I am proud to cosponsor this legislation. I look forward to working with Senators COVERDELL, DEWINE, and BREAUX over the coming weeks and months in bringing this matter before the full Senate for debate and a vote.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 670. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes; to the Committee on Finance.

TAX CODE LEGISLATION

Mr. JEFFORDS. Mr. President, today I am introducing a bill that will eliminate unnecessary distinctions drawn by the Internal Revenue Code in the tax treatment of payments received by people who open their homes to care for foster children and adults. Currently, the law allows an exclusion from income for foster care payments received by some providers, while denying eligibility for the exclusion to other providers. My bill expands the law's exclusion for foster care payments. By simplifying the tax treatment of foster care payments, the bill will remove the inequities and uncertainties inherent in the current tax treatment.

Under current law, foster care providers are permitted to deduct expenditures incurred for the care of foster individuals. Providers must maintain detailed records to substantiate these deductions. In lieu of this detailed record keeping, section 131 of the Internal Revenue Code allows certain foster care providers to exclude from income the payments they receive for providing foster care. Eligibility for this exclusion depends upon a complicated analysis of three factors: the age of the person in foster care; the type of foster care placement agency; and the source of the foster care payments. For children under age 19 in foster care, section 131 permits providers to exclude payments when a State (or one of its political subdivisions) or a charitable tax-exempt placement agency places the individual in foster care and makes the foster care payments. For persons age 19 and older, section 131 permits providers to exclude foster care payments only when a State (or one of its political subdivisions) places the individual and makes the payments.

This bill will simplify these anachronistic tax rules by expanding the tax code's exclusion to include foster care payments for all persons in foster care, regardless of age. The exclusion will also be available when the foster care placement is made by a private foster care placement agency and even when foster care payments are received through a private foster care placement agency, rather than directly from a State (or one of its political subdivisions). To ensure appropriate oversight, the bill requires that the placement agency be either licensed by, or certified by, a State or a political subdivision thereof.

A qualified foster care payment under this bill must be made pursuant to a foster care program of a State or a political subdivision thereof. My intention is for this bill to cover the wide variety of foster care programs developed by States, some of which are part of larger State programs designed to provide a variety of home- and community-based services to individuals. These foster care programs place children—and in some cases adults—in homes of unrelated families who provide foster care on a full-time basis. Families providing foster care give those in their care the daily support and supervision typically given to a family member. Like traditional families, foster care providers ensure that foster children or adults have a healthy physical environment, get routine and emergency medical care, are adequately clothed and fed, and have satisfying leisure activities. Foster families provide those under their care with intellectual stimulation and emotional support that is all too often lacking in institutional or large congregate settings.

In some States, the State itself (or a political subdivision) administers both child and adult foster care programs. Many States, however, are increasingly entrusting administration of these programs to private placement agencies, approved through licensing or certification procedures, or government-designated intermediary tax-exempt organizations. Through the approval process, private placement agencies are accountable for their use of funds and for the quality of services they provide. The bill is intended to cover both those governmental foster care programs funded solely by State or political subdivision monies, and—especially in the case of adult foster care—programs funded by the federal government, typically through a State's Medicaid Home and Community-Based Waiver program approved by the federal government under 42 U.S.C. section 1396n(c).

While foster care for children has been in existence for decades, foster care for adults is a more recent phenomenon. Sometimes referred to as "host homes" or "developmental homes," adult foster care facilities have proven to be an effective alternative to institutional care for adults with disabilities. My home State of Vermont has been at the forefront of efforts to develop individualized alternatives to institutional care. In 1993, Vermont closed the state institution for people with developmental disabilities. Vermont has chosen to rely on foster families, so that people with developmental disabilities can live in homes and participate in the regular routines of life that most of us take for granted. The foster care model has provided people with disabilities a cost-effective opportunity for successful lives in communities, with valued relationships with their foster families that have developed over time.

Vermont authorizes local developmental service providers to act as placement agencies and to contract with families willing to provide foster care in their homes. The tax law's disparate tax treatment of foster care payments impedes these types of arrangements. Persons providing foster care for individuals placed in their homes by the government can exclude foster care payments from income. For providers receiving payments from private agencies, however, the exclusion is not available (unless the individual in foster care is under age 19 and the placement agency is a nonprofit organization). Because of the complexity of current law, providers often receive conflicting advice from tax professionals regarding the proper tax treatment of foster care payments they receive. In addition, these rules discourage willing families from providing foster care in their homes to persons placed by private placement agencies, thus reducing the availability of care alternatives.

Mr. President, this bill will advance the development of family-based foster care services, a highly valued alternative to institutionalization. I urge my colleagues to support it.

• Mr. DODD. Mr. President, I am pleased to again introduce with my colleague, Senator JEFFORDS, a critically important piece of legislation that will ensure fair treatment for individuals and families who provide invaluable care to foster children and adults.

Foster care providers are currently permitted to deduct expenditures made while caring for foster individuals if detailed expense records are maintained to support such deductions. However, section 131 of the Internal Revenue Code permits certain foster care providers to exclude, from taxable income, payments they receive to care for foster individuals. Who specifically is available for this exclusion depends upon a complicated analysis of three factors: the age of the individual receiving foster care services, the type of foster care placement agency, and the source of the foster care payments.

Section 131 permits foster care providers to exclude payments from taxable income only when a state, or one of its political divisions, or a charitable tax exempt placement agency places the individual and makes the foster care payments for children less than 19 years of age. However, for adults over the age of 19, section 131 permits foster care providers to exclude payments from taxable income only when a state, or one of its divisions, places the individual and provides the foster care payments.

Mr. President, I believe we must move to eliminate the inequities and needless complexities of the current system. Because states and localities across the country are increasingly relying on private agencies to arrange for foster care services for both children and adults, this inequity will only become more apparent. Presently, some foster care providers are understandably reluctant to contract with private placement agencies because current law requires such providers to include foster care payments as taxable income. In contrast, current law permits providers who care for foster individuals placed in their homes by government agencies to exclude such payments from taxable income. Current law, therefore, discourages families from providing foster care on behalf of private placement agencies, thereby reducing badly-needed foster care opportunities for individuals requiring assistance.

The bill Senator JEFFORDS and I introduce today will greatly simplify the outdated tax rules applicable to foster care payments. Under our proposed legislation, foster care providers would be able to avoid onerous record keeping by excluding from income any foster care payment received regardless of the age of the individual receiving foster care services, the type of agency that placed the individual, or the source of foster care payments. To ensure appropriate oversight, this bill will require the placement agency to be licensed either by, or under contract with, a state or one of its political divisions.

Mr. President, this legislation accomplishes what current law does not—consistent and fair treatment of families and individuals who open their homes and their hearts to foster children and adults. While this modest proposal was unfortunately not adopted in the last Congress, it is my hope that foster parents may soon realize equitable treatment with the passage of this important legislation.•

By Mr. LEAHY:

S. 671. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

MADRID PROTOCOL IMPLEMENTATION ACT

Mr. LEAHY. Mr. President, I am pleased to introduce implementing legislation for the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Protocol). Last Congress, I introduced an identical bill, S. 2191 which unfortunately the Senate did not consider.

This bill is part of my ongoing effort to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. The Protocol would help American businesses, and especially small- and medium-sized companies, protect their trademarks as they expand into international markets. Specifically, this legislation will conform American trademark application procedures to the terms of the Protocol in anticipation of the U.S.'s eventual ratification of the treaty. Ratification by the United States of this treaty would help create a "one stop" international trademark registration process, which would be an enormous benefit for American businesses. This bill is one of many measures I have introduced and supported over the past few years to ensure that American trademark holders receive strong protection in today's world of changing technology and complex international markets.

When I introduced this legislation last year, I also cosponsored S. 2193, legislation to implement the Trademark Law Treaty. S. 2193 simplified trademark registration requirements around the world by establishing a list of maximum requirements which Treaty member countries can impose on trademark applicants. The bill passed the Senate on September 17, 1998, and was signed by the President on October 30, 1998. I am proud of this legislation since all American businesses, and particularly small American businesses, will benefit as a result.

I have in the past supported legislation critical to keeping our trademark laws up-to-date. For example, last year I introduced S. 1727, which authorized a comprehensive study of the effects of adding new generic Top Level Domains on trademark and other intellectual property rights. This bill became law as part of the Next Generation Internet Research Act, S. 1609, which was signed into law on October 28, 1998. I also supported the Federal Trademark Dilution Act of 1995, enacted in the 104th Congress to provide intellectual property rights holders with the power to enjoin another person's commercial use of famous marks that would cause dilution of the mark's distinctive quality.

Together, these measures represent significant steps in our efforts to ensure that American trademark law adequately serves and promote American interests.

The legislation I introduce today would ease the trademark registration burden on small- and medium-sized businesses by enabling businesses to obtain trademark protection in all signatory countries with a single trademark application filed with the Patent and Trademark Office. Currently, in order for American companies to protect their trademarks abroad, they must register their trademarks in each and every country in which protection is sought. Registering in multiple countries is a time-consuming, complicated and expensive process—a process which places a disproportionate burden on smaller American companies seeking international trademark protection.

Since 1891, the Madrid Agreement Concerning the International Registration of Marks (Agreement) has provided an international trademark registration system. However, prior to adoption of the Protocol, the U.S. declined to join the Agreement because it contained terms deemed inimical to American intellectual property interests. In 1989, the terms of the Agreement were modified by the Protocol, which corrected the objectionable terms of the Agreement and made American participation a possibility. For example, under the Protocol, applications for international trademark extension can be completed in English; formerly, applications were required to be completed in French. It should be noted that the Protocol would not require substantive changes to American trademark law, but merely to certain procedures for registering trademarks. This implementing legislation is identical to legislation that passed the House last year and has been reintroduced this year as H.R. 769, by Representatives HOWARD COBLE (R-NC) and HOWARD BERMAN (D-CA). Indeed, H.R. 769 has already been reported favorably by the House Judiciary Subcommittee on Courts and Intellectual Property.

To date, the Administration has resisted accession to the treaty because of voting rights disputes with the European Union. The EU has sought to retain an additional vote for itself as an intergovernmental entity, in addition to the votes of its member states. I support the Administration's efforts to negotiate a treaty based upon the equitable and democratic principle of one-state, one-vote. However, in anticipation of the eventual resolution of this dispute, the Senate has the opportunity to act now to make the technical changes to American trademark law so that once this voting dispute is satisfactorily resolved and the U.S. accedes to the Protocol, "one-stop" international trademark registration can become an immediate reality for all American trademark applicants.

I ask unanimous consent that a copy of the bill and the sectional analysis be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Madrid Protocol Implementation Act".

SEC. 2. PROVISIONS TO IMPLEMENT THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS.

The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, as amended (15 U.S.C. 1051 et seq.) (commonly referred to as the "Trademark Act of 1946") is amended by adding after section 51 the following new title:

"TITLE XII—THE MADRID PROTOCOL

"SEC. 60. DEFINITIONS.

"For purposes of this title:

"(1) MADRID PROTOCOL.—The term 'Madrid Protocol' means the Protocol Relating to the

Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid, Spain, on June 27, 1989.

"(2) BASIC APPLICATION.—The term 'basic application' means the application for the registration of a mark that has been filed with an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

"(3) BASIC REGISTRATION.—The term 'basic registration' means the registration of a mark that has been granted by an Office of a Contracting Party and that constitutes the basis for an application for the international registration of that mark.

"(4) CONTRACTING PARTY.—The term 'Contracting Party' means any country or intergovernmental organization that is a party to the Madrid Protocol.

"(5) DATE OF RECORDAL.—The term 'date of recordal' means the date on which a request for extension of protection that is filed after an international registration is granted is recorded on the International Register.

"(6) DECLARATION OF BONA FIDE INTENTION TO USE THE MARK IN COMMERCE.—The term 'declaration of bona fide intention to use the mark in commerce' means a declaration that is signed by the applicant for, or holder of, an international registration who is seeking extension of protection of a mark to the United States and that contains a statement that—

"(A) the applicant or holder has a bona fide intention to use the mark in commerce,

"(B) the person making the declaration believes that person, or the firm, corporation, or association in whose behalf that person makes the declaration, to be entitled to use the mark in commerce, and

"(C) no other person, firm, corporation, or association, to the best of such person's knowledge and belief, has the right to use such mark in commerce either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods of such other person, firm, corporation, or association, to cause confusion, or to cause mistake, or to deceive.

"(7) EXTENSION OF PROTECTION.—The term 'extension of protection' means the protection resulting from an international registration that extends to a Contracting Party at the request of the holder of the international registration, in accordance with the Madrid Protocol.

"(8) HOLDER OF AN INTERNATIONAL REGISTRATION.—A 'holder' of an international registration is the natural or juristic person in whose name the international registration is recorded on the International Register.

"(9) INTERNATIONAL APPLICATION.—The term 'international application' means an application for international registration that is filed under the Madrid Protocol.

"(10) INTERNATIONAL BUREAU.—The term 'International Bureau' means the International Bureau of the World Intellectual Property Organization.

"(11) INTERNATIONAL REGISTER.—The term 'International Register' means the official collection of such data concerning international registrations maintained by the International Bureau that the Madrid Protocol or its implementing regulations require or permit to be recorded, regardless of the medium which contains such data.

"(12) INTERNATIONAL REGISTRATION.—The term 'international registration' means the registration of a mark granted under the Madrid Protocol.

"(13) INTERNATIONAL REGISTRATION DATE.—The term 'international registration date' means the date assigned to the international registration by the International Bureau.

"(14) NOTIFICATION OF REFUSAL.—The term 'notification of refusal' means the notice sent by an Office of a Contracting Party to the International Bureau declaring that an extension of protection cannot be granted.

"(15) OFFICE OF A CONTRACTING PARTY.—The term 'Office of a Contracting Party' means—

"(A) the office, or governmental entity, of a Contracting Party that is responsible for the registration of marks, or

"(B) the common office, or governmental entity, of more than 1 Contracting Party that is responsible for the registration of marks and is so recognized by the International Bureau.

"(16) OFFICE OF ORIGIN.—The term 'office of origin' means the Office of a Contracting Party with which a basic application was filed or by which a basic registration was granted.

"(17) OPPOSITION PERIOD.—The term 'opposition period' means the time allowed for filing an opposition in the Patent and Trademark Office, including any extension of time granted under section 13.

"SEC. 61. INTERNATIONAL APPLICATIONS BASED ON UNITED STATES APPLICATIONS OR REGISTRATIONS.

"The owner of a basic application pending before the Patent and Trademark Office, or the owner of a basic registration granted by the Patent and Trademark Office, who—

"(1) is a national of the United States,

"(2) is domiciled in the United States, or

"(3) has a real and effective industrial or commercial establishment in the United States,

may file an international application by submitting to the Patent and Trademark Office a written application in such form, together with such fees, as may be prescribed by the Commissioner.

"SEC. 62. CERTIFICATION OF THE INTERNATIONAL APPLICATION.

"Upon the filing of an application for international registration and payment of the prescribed fees, the Commissioner shall examine the international application for the purpose of certifying that the information contained in the international application corresponds to the information contained in the basic application or basic registration at the time of the certification. Upon examination and certification of the international application, the Commissioner shall transmit the international application to the International Bureau.

"SEC. 63. RESTRICTION, ABANDONMENT, CANCELLATION, OR EXPIRATION OF A BASIC APPLICATION OR BASIC REGISTRATION.

"With respect to an international application transmitted to the International Bureau under section 62, the Commissioner shall notify the International Bureau whenever the basic application or basic registration which is the basis for the international application has been restricted, abandoned, or canceled, or has expired, with respect to some or all of the goods and services listed in the international registration—

"(1) within 5 years after the international registration date; or

"(2) more than 5 years after the international registration date if the restriction, abandonment, or cancellation of the basic application or basic registration resulted from an action that began before the end of that 5-year period.

"SEC. 64. REQUEST FOR EXTENSION OF PROTECTION SUBSEQUENT TO INTERNATIONAL REGISTRATION.

"The holder of an international registration that is based upon a basic application filed with the Patent and Trademark Office or a basic registration granted by the Patent and Trademark Office may request an extension of protection of its international registration by filing such a request—

"(1) directly with the International Bureau, or

"(2) with the Patent and Trademark Office for transmittal to the International Bureau, if the request is in such form, and contains such transmittal fee, as may be prescribed by the Commissioner.

"SEC. 65. EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES UNDER THE MADRID PROTOCOL.

"(a) IN GENERAL.—Subject to the provisions of section 68, the holder of an international registration shall be entitled to the benefits of extension of protection of that international registration to the United States to the extent necessary to give effect to any provision of the Madrid Protocol.

"(b) IF UNITED STATES IS OFFICE OF ORIGIN.—An extension of protection resulting from an international registration of a mark shall not apply to the United States if the Patent and Trademark Office is the office of origin with respect to that mark.

"SEC. 66. EFFECT OF FILING A REQUEST FOR EXTENSION OF PROTECTION OF AN INTERNATIONAL REGISTRATION TO THE UNITED STATES.

"(a) REQUIREMENT FOR REQUEST FOR EXTENSION OF PROTECTION.—A request for extension of protection of an international registration to the United States that the International Bureau transmits to the Patent and Trademark Office shall be deemed to be properly filed in the United States if such request, when received by the International Bureau, has attached to it a declaration of bona fide intention to use the mark in commerce that is verified by the applicant for, or holder of, the international registration.

"(b) EFFECT OF PROPER FILING.—Unless extension of protection is refused under section 68, the proper filing of the request for extension of protection under subsection (a) shall constitute constructive use of the mark, conferring the same rights as those specified in section 7(c), as of the earliest of the following:

"(1) The international registration date, if the request for extension of protection was filed in the international application.

"(2) The date of recordal of the request for extension of protection, if the request for extension of protection was made after the international registration date.

"(3) The date of priority claimed under section 67.

"SEC. 67. RIGHT OF PRIORITY FOR REQUEST FOR EXTENSION OF PROTECTION TO THE UNITED STATES.

"The holder of an international registration with an extension of protection to the United States shall be entitled to claim a date of priority based on the right of priority within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property if—

"(1) the international registration contained a claim of such priority; and

"(2)(A) the international application contained a request for extension of protection to the United States, or

"(B) the date of recordal of the request for extension of protection to the United States is not later than 6 months after the date of the first regular national filing (within the meaning of Article 4(A)(3) of the Paris Convention for the Protection of Industrial Property) or a subsequent application (within the meaning of Article 4(C)(4) of the Paris Convention).

"SEC. 68. EXAMINATION OF AND OPPOSITION TO REQUEST FOR EXTENSION OF PROTECTION; NOTIFICATION OF REFUSAL.

"(a) EXAMINATION AND OPPOSITION.—(1) A request for extension of protection described in section 66(a) shall be examined as an application for registration on the Principal Register under this Act, and if on such examination it appears that the applicant is entitled to extension of protection under this title, the Commissioner shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office.

"(2) Subject to the provisions of subsection (c), a request for extension of protection under this title shall be subject to opposition under section 13. Unless successfully opposed, the request for extension of protection shall not be refused.

"(3) Extension of protection shall not be refused under this section on the ground that the mark has not been used in commerce.

"(4) Extension of protection shall be refused under this section to any mark not registrable on the Principal Register.

"(b) NOTIFICATION OF REFUSAL.—If, a request for extension of protection is refused under subsection (a), the Commissioner shall declare in a notification of refusal (as provided in subsection (c)) that the extension of protection cannot be granted, together with a statement of all grounds on which the refusal was based.

"(c) NOTICE TO INTERNATIONAL BUREAU.—(1) Within 18 months after the date on which the International Bureau transmits to the Patent and Trademark Office a notification of a request for extension of protection, the Commissioner shall transmit to the International Bureau any of the following that applies to such request:

"(A) A notification of refusal based on an examination of the request for extension of protection.

"(B) A notification of refusal based on the filing of an opposition to the request.

"(C) A notification of the possibility that an opposition to the request may be filed after the end of that 18-month period.

"(2) If the Commissioner has sent a notification of the possibility of opposition under paragraph (1)(C), the Commissioner shall, if applicable, transmit to the International Bureau a notification of refusal on the basis of the opposition, together with a statement of all the grounds for the opposition, within 7 months after the beginning of the opposition period or within 1 month after the end of the opposition period, whichever is earlier.

"(3) If a notification of refusal of a request for extension of protection is transmitted under paragraph (1) or (2), no grounds for refusal of such request other than those set forth in such notification may be transmitted to the International Bureau by the Commissioner after the expiration of the time periods set forth in paragraph (1) or (2), as the case may be.

"(4) If a notification specified in paragraph (1) or (2) is not sent to the International Bureau within the time period set forth in such paragraph, with respect to a request for extension of protection, the request for extension of protection shall not be refused and the Commissioner shall issue a certificate of extension of protection pursuant to the request.

"(d) DESIGNATION OF AGENT FOR SERVICE OF PROCESS.—In responding to a notification of refusal with respect to a mark, the holder of the international registration of the mark shall designate, by a written document filed in the Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person, or mailing to that person, a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.

"SEC. 69. EFFECT OF EXTENSION OF PROTECTION.

"(a) ISSUANCE OF EXTENSION OF PROTECTION.—Unless a request for extension of protection is refused under section 68, the Commissioner shall issue a certificate of extension of protection pursuant to the request and shall cause notice of such certificate of extension of protection to be published in the Official Gazette of the Patent and Trademark Office.

"(b) EFFECT OF EXTENSION OF PROTECTION.—From the date on which a certificate of extension of protection is issued under subsection (a)—

"(1) such extension of protection shall have the same effect and validity as a registration on the Principal Register, and

"(2) the holder of the international registration shall have the same rights and remedies as the owner of a registration on the Principal Register.

"SEC. 70. DEPENDENCE OF EXTENSION OF PROTECTION TO THE UNITED STATES ON THE UNDERLYING INTERNATIONAL REGISTRATION.

"(a) EFFECT OF CANCELLATION OF INTERNATIONAL REGISTRATION.—If the International Bureau notifies the Patent and Trademark Office of the cancellation of an international registration with respect to some or all of the goods and services listed in the international registration, the Commissioner shall cancel any extension of protection to the United States with respect to such goods and services as of the date on which the international registration was canceled.

"(b) EFFECT OF FAILURE TO RENEW INTERNATIONAL REGISTRATION.—If the International Bureau does not renew an international registration, the corresponding extension of protection to the United States shall cease to be valid as of the date of the expiration of the international registration.

"(c) TRANSFORMATION OF AN EXTENSION OF PROTECTION INTO A UNITED STATES APPLICATION.—The holder of an international registration canceled in whole or in part by the International Bureau at the request of the office of origin, under Article 6(4) of the Madrid Protocol, may file an application, under section 1 or 44 of this Act, for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration. Such an application shall be treated as if it had been filed on the international registration date or the date of recordal of the request for extension of protection with the International Bureau, whichever date applies, and, if the extension of protection enjoyed priority under section 67 of this title, shall enjoy the same priority. Such an application shall be entitled to the benefits conferred by this subsection only if the application is filed not later than 3 months after the date on which the international registration was canceled, in whole or in part, and only if the application complies with all the requirements of this Act which apply to any application filed under section 1 or 44.

"SEC. 71. AFFIDAVITS AND FEES.

"(a) REQUIRED AFFIDAVITS AND FEES.—An extension of protection for which a certificate of extension of protection has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Commissioner—

"(1) at the end of the 6-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, unless within the 1-year period preceding the expiration of that 6-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; and

"(2) at the end of the 10-year period beginning on the date on which the certificate of extension of protection was issued by the Commissioner, and at the end of each 10-year period thereafter, unless—

"(A) within the 6-month period preceding the expiration of such 10-year period the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with a fee prescribed by the Commissioner; or

"(B) within 3 months after the expiration of such 10-year period, the holder of the international registration files in the Patent and Trademark Office an affidavit under subsection (b) together with the fee described in subparagraph (A) and an additional fee prescribed by the Commissioner.

"(b) CONTENTS OF AFFIDAVIT.—The affidavit referred to in subsection (a) shall set forth those goods or services recited in the extension of protection on or in connection with which the mark is in use in commerce and the holder of the international registration shall attach to the affidavit a specimen or facsimile showing the current use of the mark in commerce, or shall set forth that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

"SEC. 72. ASSIGNMENT OF AN EXTENSION OF PROTECTION.

"An extension of protection may be assigned, together with the goodwill associated with the mark, only to a person who is a national of, is domiciled in, or has a bona fide and effective industrial or commercial establishment either in a country that is a Contracting Party or in a country that is a member of an intergovernmental organization that is a Contracting Party.

"SEC. 73. INCONTESTABILITY.

"The period of continuous use prescribed under section 15 for a mark covered by an extension of protection issued under this title may begin no earlier than the date on which the Commissioner issues the certificate of the extension of protection under section 69, except as provided in section 74.

"SEC. 74. RIGHTS OF EXTENSION OF PROTECTION.

"An extension of protection shall convey the same rights as an existing registration for the same mark, if—

"(1) the extension of protection and the existing registration are owned by the same person;

"(2) the goods and services listed in the existing registration are also listed in the extension of protection; and

"(3) the certificate of extension of protection is issued after the date of the existing registration.".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date on which the Madrid Protocol (as defined in section 60(1) of the Trademark Act of 1946) enters into force with respect to the United States.

MADRID PROTOCOL IMPLEMENTATION ACT—SECTION BY SECTION ANALYSIS

Section 1. Short Title

This section provides a short title: the "Madrid Protocol Implementation Act."

Section 2. Amendments to the Trademark Act of 1946

This section amends the "Trademark Act of 1946" by adding a new Title XII with the following provisions:

The owner of a registration granted by the Patent and Trademark Office (PTO) or the owner of a pending application before the PTO may file an international application for trademark protection at the PTO.

After receipt of the appropriate fee and inspection of the application, the PTO Commissioner is charged with the duty of transmitting the application to the WIPO International Bureau.

The Commissioner is also obliged to notify the International Bureau whenever the international application has been ". . . restricted, abandoned, canceled, or has expired . . ." within a specified time period.

The holder of an international registration may request an extension of its registration by filing with the PTO or the International Bureau.

The holder of an international registration is entitled to the benefits of extension in the United states to the extent necessary to give effect to any provision of the Protocol; however, an extension of an international registration shall not apply to the United States if the PTO is the office of origin with respect to that mark.

The holder of an international registration with an extension of protection in the United States may claim a date of priority based on certain conditions.

If the PTO Commissioner believes that an applicant is entitled to an extension of protection, he or she publishes the mark in the "Official Gazette" of the PTO. This serves notice to third parties who oppose the extension. Unless an official protest conducted pursuant to existing law is successful, the request for extension may not be refused. If the request for extension is denied, however, the Commissioner notifies the International Bureau of such action and sets forth the reason(s) why. The Commissioner must also apprise the International Bureau of other relevant information pertaining to requests for extension within the designated time periods.

If an extension for protection is granted, the Commissioner issues a certificate attesting to such action, and publishes notice of the certificate in the "Gazette." Holders of extension certificates thereafter enjoy protection equal to that of other owners of registration listed on the Principal Register of the PTO.

If the International Bureau notifies the PTO of a cancellation of some or all of the goods and services listed in the international registration, the Commissioner must cancel an extension of protection with respect to the same goods and services as of the date on which the international registration was canceled. Similarly, if the International Bureau does not renew an international registration, the corresponding extension of protection in the United States shall cease to be valid. Finally, the holder of an international registration canceled in whole or in part by the International Bureau may file an application for the registration of the same mark for any of the goods and services to which the cancellation applies that were covered by an extension of protection to the United States based on that international registration.

The holder of an extension of protection must, within designated time periods and under certain conditions, file an affidavit setting forth the relevant goods or services covered an any explanation as to why their nonuse in commerce is related to "special circumstances," along with a filing fee.

The right to an extension of protection may be assigned to a third party so long as the individual is a national of, or is domiciled in, or has a "bona fide" business located in a country that is a member of the Protocol; or has such a business in a country that is a member of an intergovernmental organization (like the E.U.) belonging to the Protocol.

An extension of protection conveys the same rights as an existing registration for the same mark if the extension and existing registration are owned by the same person, and extension of protection and the existing registration cover the same goods or services, and the certificate of extension is issued after the date of the existing registration.

Section 3. Effective Date

This section states that the effective date of the act shall commence on the date on which the Madrid Protocol takes effect in the United States.

By Mr. INOUYE:

S. 672. A bill to amend title XIX of the Social Security Act to extend the higher Federal medical assistance percentage for payment for Indian Health service facilities to urban Indian health programs under the Medicaid Program; to the Committee on Finance.

LEGISLATION TO EXTEND THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE TO URBAN INDIAN HEALTH PROGRAMS

● Mr. INOUYE. Mr. President, I rise today to introduce legislation that would correct an inequity in the current reimbursement rates for health care services provided to low-income Medicaid-eligible American Indians and Alaska Natives through the Indian Health Service (IHS) urban Indian health care programs.

Mr. President, currently, a 100 percent Federal medical assistance percentage (FMAP) applies for the cost of services provided to Medicaid beneficiaries by a hospital, a clinic, or other IHS facility, under the condition that the facilities are operated by the IHS, a tribe, or tribal organization. IHS facilities which are predominately located in rural areas are eligible to receive the 100 percent FMAP, while similar services provided through IHS programs located in urban areas receive only 50–80 percent reimbursement depending on the type of service provided.

This legislation would address this inequity by extending the Federal medical assistance percentage to payments for IHS facilities to urban Indian health care programs under the Medicaid program, and informal estimates indicate that equalizing the FMAP for IHS programs would cost $17 million over the next 5 years.

With few employment opportunities in tribal reservation communities, most Indians are literally forced to relocate and seek employment in cities, and as a result, roughly half of the total American Indian/Alaska Native population is now residing in urban areas. With that in mind, equalizing the Federal medical assistance percentage for health care provided to Medicaid-eligible Indians through the IHS urban Indian health care programs is essential.

Mr. President, I urge my colleagues to support this legislation.●

By Mr. LEAHY (for himself and Ms. SNOWE):

S. 673. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

THE OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 1999

Mr. LEAHY. Mr. President, today I am introducing the "Omnibus Mercury Emissions Reduction Act of 1999," a bill that I originally introduced during the 105th Congress. I am pleased that Senator SNOWE has agreed to co-sponsor the bill.

As United States Senators, we all have a responsibility as stewards for the nation and society we will be entrusting to our children and grandchildren. I became a grandfather for the first time a little over a year ago, and this duty has never been more real for me. The "Omnibus Mercury Emissions Reduction Act of 1999" is a comprehensive plan to eliminate mercury—one of the last remaining poisons without a specific control strategy—from our air, our waters and our forests. By eliminating mercury pollution from our natural resources, we will protect our nation's most important resource: the young Americans of today and tomorrow.

As we learned from the campaign to eliminate lead, our children are at the greatest risk from these poisons. How many future scientists, doctors, poets, and inspiring teachers have we lost in the last generation because of the toxics they have been exposed to in the womb or in early childhood? Just as with lead, we know that mercury has much graver effects on children at very low levels than it does on adults. The level of lead pollution we and our children breathe today is one-tenth what it was a decade ago. That figure by itself is a tribute to the success of the original Clean Air Act. We should strive to achieve no less with mercury.

Mercury is toxic in every known form and has utterly no nutritional value. At high enough levels it poisons its victims in terribly tragic ways. In Japan, victims of mercury poisoning came to be known as suffering from Minimata Disease, which took its name from the small Minimata Bay in which they caught fish for their food.

For years, the Chisso Company, a chlor-alkali facility that manufactured chlorine, discharged mercury contaminated pollution in the bay, which was consumed by fish and then by people. Their disease was terribly painful, causing tremors and paralysis, and sometimes leading to death. Thankfully, wholesale discharges of mercury like those in Minimata Bay have been eliminated. But a torrent of air pollution still needlessly dumps this heavy metal into the air of North America, poisoning lakes and streams, forests and fields and—most importantly—our children. Mercury control needs to be a priority now because of the neurological damage it causes.

This is not to say that men, women and children are doubled over in agony as they were three decades ago in Japan. Mercury pollution today is more subtle, but it is no less insidious. Wildlife are also being harmed. Endangered Florida panthers have been fatally poisoned by mercury. Loons are endangered as well. In Lake Champlain we have fish advisories for walleye, trout and bass even though we have relatively few mercury emissions within our own state borders. There are now 40 states that have issued fishing advisories for mercury; Vermont's and those of 10 other states cover all of the water bodies in these states. Nearly 1,800 water bodies nationwide have mercury fishing advisories posted. The number of water bodies with mercury advisories has doubled since 1993.

My fellow Vermonters are exposed to mercury and other pollutants that blow across Lake Champlain and the Green Mountains every day from other regions of the country. The waste incinerators and coal-fired power plants are not accountable to the people of Vermont, and therefore a federal role is needed to control the pollution.

That is part of the reason voters send us here. They expect Members of the Congress to determine what is necessary to protect the public health and the environment nationally, then to take the appropriate action. And in many cases, perhaps most, we have done that. But not when it comes to mercury.

Mr. President, what I propose is that we put a stop to this poisoning of America. It is unnecessary, and it is wrong. Mercury can be removed from manufactured products, and much of that has been done. Mercury can be removed from coal-fired powerplants, and now that should be done. With states deregulating their utility industries, this is the right moment and the best opportunity we will have for a generation to make sure powerplants begin to internalize the costs of their pollution. We cannot afford to give them a free ride into the next century at the expense of our children's health.

So, too, should mercury be purged from other known sources such as chlor-alkali plants, medical waste incinerators, municipal combustion facilities, large industrial boilers, landfills, and lighting fixtures.

My bill directs EPA to set mercury emission standards for the largest sources of mercury emissions. The bill requires reducing emissions by 95 percent, but it also lets companies choose the best approach to meet the standard at their facility whether through the use of better technology, cleaner fuels, process changes, or product switching.

The bill also gives people the right-to-know about mercury emissions from the largest sources. That should be the public's right. To facilitate the public's right-to-know and getting mercury containing items out of the waste streams that feed municipal combustion facilities, it also requires labeling of mercury containing items such as fluorescent light bulbs, batteries, pharmaceuticals. The bill also begins a phaseout of mercury from products, with exceptions possible for demonstrated essential uses.

We will hear a lot of rhetoric about how much implementing mercury reduction steps will cost. In advance of those complaints I want to make two points. First, when we were debating controls for acid rain we heard a lot about the enormous cost of eliminating sulphur dioxide. But what we learned from the acid rain program is that when you give industry a financial incentive to clean up its act, they will find the cheapest way. More often than not, assertions about the cost of controlling pollution grossly overestimate and distort reality. If you look at electricity prices of major utilities since the acid rain program was implemented, their rates have remained below the national average and some have actually decreased—even without adjusting for inflation. The mercury controls on coal-fired power plants contained in my bill may add a little over $2 dollars per month to the electric bill of the average residential consumer who receives power from a coal-fired plant. So, for the monthly cost of a slice of pizza or a hamburger and fries we can rein in the more than 50 tons of mercury that are being pumped into our air from power plants.

Secondly, and most importantly, the bottom line here should not be the cost of controlling mercury emissions, but the cost of not controlling mercury. While we may not be able to calculate how many Einstein's we have lost, if we lose one the price has been too high.

Let us make controlling mercury pollution one of our first environmental legacies of the 21st Century.

Mr. President, I ask unanimous consent that the text of the bill and an overview of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Mercury Emissions Reduction Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Mercury emission standards for fossil fuel-fired electric utility steam generating units.
Sec. 4. Mercury emission standards for coal- and oil-fired commercial and industrial boiler units.
Sec. 5. Reduction of mercury emissions from solid waste incineration units.
Sec. 6. Mercury emission standards for chlor-alkali plants.
Sec. 7. Mercury emission standards for Portland cement plants.
Sec. 8. Report on implementation of mercury emission standards for medical waste incinerators.
Sec. 9. Report on implementation of mercury emission standards for hazardous waste combustors.
Sec. 10. Report on use of mercury and mercury compounds by Department of Defense.
Sec. 11. International activities.
Sec. 12. Mercury research.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on the basis of available scientific and medical evidence, exposure to mercury and mercury compounds (collectively referred to in this Act as "mercury") is of concern to human health and the environment;

(2) pregnant women and their fetuses, women of childbearing age, children, and individuals who subsist primarily on fish, are most at risk for mercury-related health impacts such as neurotoxicity;

(3) although exposure to mercury occurs most frequently through consumption of mercury-contaminated fish, such exposure can also occur through—

(A) ingestion of drinking water, and food sources other than fish, that are contaminated with methyl mercury;

(B) dermal uptake through soil and water; and

(C) inhalation of contaminated air;

(4) on the basis of the report entitled "Mercury Study Report to Congress" and submitted by the Environmental Protection

Agency under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), the major sources of mercury emissions in the United States are, in descending order of volume of emissions—

(A) fossil fuel-fired electric utility steam generating units;

(B) solid waste incineration units;

(C) coal- and oil-fired commercial and industrial boiler units;

(D) medical waste incinerators;

(E) hazardous waste combustors;

(F) chlor-alkali plants; and

(G) Portland cement plants;

(5)(A) the Environmental Protection Agency report described in paragraph (4), in conjunction with available scientific knowledge, supports a plausible link between mercury emissions from anthropogenic combustion and industrial sources and mercury concentrations in air, soil, water, and sediments;

(B) the Environmental Protection Agency has concluded that the geographical areas that have the highest annual rate of deposition of mercury in all forms are—

(i) the southern Great Lakes and Ohio River Valley;

(ii) the Northeast and southern New England; and

(iii) scattered areas in the South, with the most elevated deposition occurring in the Miami and Tampa areas and 2 areas in northeast Texas; and

(C) analysis conducted before the date of the Environmental Protection Agency report demonstrates that mercury is being deposited into the waters of Canada;

(6)(A) the Environmental Protection Agency report described in paragraph (4) supports a plausible link between mercury emissions from anthropogenic combustion and industrial sources and concentrations of methyl mercury in freshwater fish;

(B) in 1997, 39 States issued health advisories that warned the public about consuming mercury-tainted fish, as compared to 27 States that issued such advisories in 1993;

(C) the total number of mercury advisories increased from 899 in 1993 to 1,675 in 1996, an increase of 86 percent; and

(D) the United States and Canada have agreed on a goal of virtual elimination of mercury from the transboundary waters of the 2 countries;

(7) the presence of mercury in consumer products is of concern in light of the health consequences associated with exposure to mercury;

(8) the presence of mercury in certain batteries and fluorescent light bulbs is of special concern, particularly in light of the substantial quantities of used batteries and fluorescent light bulbs that are discarded annually in the solid waste stream and the potential for environmental and health consequences associated with land disposal, composting, or incineration of the batteries and light bulbs; and

(9) a comprehensive study of the use of mercury by the Department of Defense would significantly further the goal of reducing mercury pollution.

(b) PURPOSES.—The purposes of this Act are—

(1) to greatly reduce the quantity of mercury entering the environment by controlling air emissions of mercury from fossil fuel-fired electric utility steam generating units, coal- and oil-fired commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants;

(2) to reduce the quantity of mercury entering solid waste landfills, incinerators, and composting facilities by promoting recycling or proper disposal of used batteries, fluorescent light bulbs, and other products containing mercury;

(3) to increase the understanding of the volume and sources of mercury emissions throughout North America;

(4) to promote efficient and cost-effective methods of controlling mercury emissions;

(5) to promote permanent, safe, and stable disposal of mercury recovered through coal cleaning, flue gas control systems, and other methods of mercury pollution control;

(6) to reduce the use of mercury in cases in which technologically and economically feasible alternatives are available;

(7) to educate the public concerning the collection, recycling, and proper disposal of mercury-containing products;

(8) to increase public knowledge of the sources of mercury exposure and the threat to public health, particularly the threat to the health of pregnant women and their fetuses, women of childbearing age, children, and individuals who subsist primarily on fish;

(9) to significantly decrease the threat to human health and the environment posed by mercury; and

(10) to ensure that the health of sensitive populations, whether in the United States, Canada, or Mexico, is protected, with an adequate margin of safety, against adverse health effects caused by mercury.

SEC. 3. MERCURY EMISSION STANDARDS FOR FOSSIL FUEL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS.

Section 112 of the Clean Air Act (42 U.S.C. 7412) is amended—

(1) by redesignating subsection (s) as subsection (x); and

(2) by inserting after subsection (r) the following:

‘‘(s) MERCURY EMISSION STANDARDS FOR ELECTRIC UTILITY STEAM GENERATING UNITS.—

‘‘(1) IN GENERAL.—

‘‘(A) REGULATIONS.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations to establish standards for the emission of mercury and mercury compounds (collectively referred to in this subsection as ‘mercury’) applicable to existing and new electric utility steam generating units.

‘‘(B) PERMIT REQUIREMENT.—Not later than 2 years after the date of enactment of this subparagraph, each electric utility steam generating unit shall have an enforceable permit issued under title V that complies with this subsection.

‘‘(C) PROCEDURES AND SCHEDULES FOR COMPLIANCE WITH STANDARDS.—Each electric utility steam generating unit shall achieve compliance with the mercury emission standards established under subparagraph (A) in accordance with the procedures and schedules established under subsection (i).

‘‘(2) STANDARDS AND METHODS.—

‘‘(A) MINIMUM REQUIRED EMISSION REDUCTION.—Subject to subparagraph (C), the emission standards established under paragraph (1)(A) shall require that each electric utility steam generating unit reduce its annual poundage of mercury emitted, as calculated under subparagraph (B), below its mercury emission baseline, as calculated under paragraph (3)(D), by not less than 95 percent.

‘‘(B) CALCULATION OF ANNUAL POUNDAGE OF MERCURY EMITTED.—

‘‘(i) IN GENERAL.—For each electric utility steam generating unit (referred to in this subparagraph as a ‘unit’) and each calendar year, the Administrator shall calculate the poundage of mercury emitted per unit for the calendar year, which shall be equal to the product obtained by multiplying—

‘‘(I) the fuel consumption determined under clause (ii) for the unit for the calendar year; by

‘‘(II) the average mercury content determined under clause (iii) for the unit for the calendar year.

‘‘(ii) FUEL CONSUMPTION.—The fuel consumption for a unit shall be equal to the annual average quantity of millions of British thermal units (referred to in this subparagraph as ‘mmBtu's’) consumed by the unit during the calendar year, as submitted to the Secretary of Energy on Department of Energy Form 767.

‘‘(iii) AVERAGE MERCURY CONTENT.—

‘‘(I) SPECIFIC DATA.—The average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy that characterize the average mercury content of the fuel consumed by the unit during the calendar year.

‘‘(II) ESTIMATED DATA.—If specific mercury content data from the Department of the Interior and the Department of Energy are not available, the average mercury content shall be estimated using the average mercury content of fossil fuel from mines or wells in the geographic region of each mine or well that supplies the unit.

‘‘(C) EMISSION TRADING WITHIN A GENERATING STATION.—

‘‘(i) IN GENERAL.—For the purpose of this subsection, taking into consideration the cost of achieving the emission reduction, the Administrator may allow emission trading among the electric utility steam generating units contained in a power generating station at a single site if the aggregate annual reduction from all such units at the power generating station is not less than 95 percent.

‘‘(ii) UNDERLYING DATA.—In carrying out clause (i), the Administrator shall use mercury emission data calculated under paragraph (3)(D).

‘‘(D) CONTROL METHODS.—For the purpose of achieving compliance with the emission standards established under paragraph (1)(A), the Administrator shall authorize methods of control of mercury emissions, including measures that—

‘‘(i) reduce the volume of, or eliminate emissions of, mercury through a process change, substitution of material or fuel, or other method;

‘‘(ii) enclose systems or processes to eliminate mercury emissions;

‘‘(iii) collect, capture, or treat mercury emissions when released from a process, stack, storage, or fugitive emission point;

‘‘(iv) consist of design, equipment, work practice, or operational standards (including requirements for operator training or certification) in accordance with subsection (h); or

‘‘(v) consist of a combination of the measures described in clauses (i) through (iv).

‘‘(3) PERMIT REQUIREMENTS AND CONDITIONS.—

‘‘(A) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall include—

‘‘(i) enforceable mercury emission standards;

‘‘(ii) a schedule of compliance;

‘‘(iii) a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring; and ‘‘(iv) such other conditions as the Administrator determines are necessary to ensure compliance with this subsection and each applicable implementation plan under section 110.

‘‘(B) MONITORING AND ANALYSIS.—

‘‘(i) PROCEDURES AND METHODS.—The regulations promulgated by the Administrator under paragraph (1)(A) shall prescribe procedures and methods for—

‘‘(I) monitoring and analysis for mercury; and

‘‘(II) determining compliance with this subsection.

‘‘(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

‘‘(iii) OTHER REQUIREMENTS.—

‘‘(I) IN GENERAL.—The requirements for monitoring and analysis under this subparagraph shall include—

‘‘(aa) such requirements that result in a representative determination of mercury in ash and sludge; and

‘‘(bb) such combination of requirements for continuous or other reliable and representative emission monitoring methods that results in a representative determination of mercury in fuel as received by each electric utility steam generating unit;

as are requisite to provide accurate and reliable data for determining baseline and controlled emissions of mercury from each electric utility steam generating unit.

‘‘(II) MINIMUM REQUIREMENT.—If, under subclause (I)(bb), the Administrator does not require an electric utility steam generating unit to use direct emission monitoring methods, the requirements under subclause (I)(bb) shall, at a minimum, result in representative determinations of mercury in fuel as received by the electric utility steam generating unit at such frequencies as are sufficient to determine whether compliance with this subsection is continuous.

‘‘(iv) EFFECT ON OTHER LAW.—Nothing in this subsection affects any continuous emission monitoring requirement of title IV or any other provision of this Act.

‘‘(C) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.—

‘‘(i) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements to ensure compliance with the permit terms and conditions.

‘‘(ii) CONFORMITY WITH OTHER REGULATIONS.—The monitoring and reporting requirements shall conform to each applicable regulation under subparagraph (B).

‘‘(iii) SIGNATURE.—Each report required under clause (i) and subparagraph (B)(iii) shall be signed by a responsible official of the electric utility steam generating unit, who shall certify the accuracy of the report.

‘‘(D) MERCURY EMISSION BASELINE.—

‘‘(i) IN GENERAL.—For each electric utility steam generating unit (referred to in this subparagraph as ‘unit’), the Administrator shall calculate the baseline annual average poundage of mercury emitted per unit, which shall be equal to the product obtained by multiplying—

‘‘(I) the baseline fuel consumption determined under clause (ii) for the unit; by

‘‘(II) the baseline average mercury content determined under clause (iii) for the unit.

‘‘(ii) BASELINE FUEL CONSUMPTION.—

‘‘(I) UNITS IN COMMERCIAL OPERATION BEFORE JANUARY 1, 1996.—For each unit that began commercial operation before January 1, 1996, the baseline fuel consumption shall be equal to the annual average quantity of millions of British thermal units (referred to in this subparagraph as ‘mmBtu's’) consumed by the unit during the period of calendar years 1996, 1997, and 1998, as submitted annually to the Secretary of Energy on Department of Energy Form 767 (referred to in this clause as ‘Form 767’).

‘‘(II) UNITS BEGINNING COMMERCIAL OPERATION BETWEEN JANUARY 1, 1996, AND 180 DAYS AFTER ENACTMENT.—Subject to subclause (III), for each unit that begins commercial operation between January 1, 1996, and the date that is 180 days after the date of enactment of this subparagraph, the baseline fuel consumption shall be based on the annual average of the fuel use data submitted on Form 767 for each full year of commercial operation that begins on or after January 1, 1996.

‘‘(III) UNITS IN COMMERCIAL OPERATION LESS THAN 1 YEAR AS OF 180 DAYS AFTER ENACTMENT.—For each unit that has not been in commercial operation for at least 1 year as of the date that is 180 days after the date of enactment of this subparagraph, the Administrator may determine an interim baseline fuel consumption by—

‘‘(aa) extrapolating from monthly fuel use data available for the unit; or

‘‘(bb) assigning a baseline fuel consumption based on the annual average of the fuel use data submitted on Form 767 for other units that are of similar design and capacity.

‘‘(IV) UNITS BEGINNING COMMERCIAL OPERATION MORE THAN 180 DAYS AFTER ENACTMENT.—For each unit that begins commercial operation more than 180 days after the date of enactment of this subparagraph, the application for a permit issued in accordance with paragraph (1)(B) for the unit shall include an initial baseline fuel consumption that is based on the maximum design capacity for the unit.

‘‘(V) RECALCULATION AFTER EXTENDED PERIOD OF COMMERCIAL OPERATION.—At such time as a unit described in any of subclauses (II) through (IV) has submitted fuel use data for 3 consecutive years of commercial operation on Form 767, the Administrator shall recalculate the baseline fuel consumption and make modifications, as necessary, to the mercury emission limitations contained in the permit for the unit issued in accordance with paragraph (1)(B).

‘‘(iii) BASELINE AVERAGE MERCURY CONTENT.—

‘‘(I) UNITS IN COMMERCIAL OPERATION BEFORE JANUARY 1, 1996.—In the case of a unit described in clause (ii)(I), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy that characterize the average mercury content of the fuel consumed by the unit during the 3-year period described in clause (ii)(I).

‘‘(II) UNITS BEGINNING COMMERCIAL OPERATION BETWEEN JANUARY 1, 1996, AND 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(II), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy that characterize the average mercury content of the fuel consumed by the unit during each full year of commercial operation that begins on or after January 1, 1996.

‘‘(III) UNITS IN COMMERCIAL OPERATION LESS THAN 1 YEAR AS OF 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(III), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy that characterize the average mercury content of the fuel consumed by the unit—

‘‘(aa) during the months used for the extrapolation under clause (ii)(III); or

‘‘(bb) based on the average mercury content of fuel consumed by other units that are of similar design and capacity.

‘‘(IV) UNITS BEGINNING COMMERCIAL OPERATION MORE THAN 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(IV), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy, or data submitted by the unit under subparagraph (B)(iii), that characterize the average mercury content of the fuel consumed by the unit based on the maximum design capacity for the unit.

‘‘(V) ESTIMATED DATA.—If mercury content data described in clauses (I) through (IV) are not available, the baseline average mercury content shall be estimated using the average mercury content of fossil fuel from mines or wells in the geographic region of each mine or well that supplies the unit.

‘‘(4) DISPOSAL OF MERCURY CAPTURED THROUGH EMISSION CONTROLS.—

‘‘(A) IN GENERAL.—

‘‘(i) CAPTURED OR RECOVERED MERCURY.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

‘‘(I) the hazards from mercury are not transferred from 1 environmental medium to another; and

‘‘(II) there is no release of mercury into the environment (as the terms ‘release’ and ‘environment’ are defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

‘‘(ii) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

‘‘(B) RESEARCH PROGRAM.—To promote permanent and cost-effective disposal of mercury from electric utility steam generating units, the Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques such as separating, solidifying, recycling, and encapsulating mercury-containing waste so that mercury does not volatilize, migrate to ground water or surface water, or contaminate the soil.

‘‘(5) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

‘‘(6) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

‘‘(A) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each electric utility steam generating unit.

"(B) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under paragraph (3)(C).".

SEC. 4. MERCURY EMISSION STANDARDS FOR COAL- AND OIL-FIRED COMMERCIAL AND INDUSTRIAL BOILER UNITS.

Section 112 of the Clean Air Act (as amended by section 3) is amended by inserting after subsection (s) the following:

"(t) MERCURY EMISSION STANDARDS FOR COAL- AND OIL-FIRED COMMERCIAL AND INDUSTRIAL BOILER UNITS.—

"(1) IN GENERAL.—

"(A) REGULATIONS.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations to establish standards for the emission of mercury and mercury compounds (collectively referred to in this subsection as 'mercury') applicable to existing and new coal- and oil-fired commercial and industrial boiler units that have a maximum design heat input capacity of 10 mmBtu per hour or greater.

"(B) PERMIT REQUIREMENT.—Not later than 2 years after the date of enactment of this subparagraph, each coal- or oil-fired commercial or industrial boiler unit shall have an enforceable permit issued under title V that complies with this subsection.

"(C) PROCEDURES AND SCHEDULES FOR COMPLIANCE WITH STANDARDS.—Each coal- or oil-fired commercial or industrial boiler unit shall achieve compliance with the mercury emission standards established under subparagraph (A) in accordance with the procedures and schedules established under subsection (i).

"(2) STANDARDS AND METHODS.—

"(A) MINIMUM REQUIRED EMISSION REDUCTION.—Subject to subparagraph (C), the emission standards established under paragraph (1)(A) shall require that each coal- or oil-fired commercial or industrial boiler unit reduce its annual poundage of mercury emitted, as calculated under subparagraph (B), below its mercury emission baseline, as calculated under paragraph (3)(D), by not less than 95 percent.

"(B) CALCULATION OF ANNUAL POUNDAGE OF MERCURY EMITTED.—

"(i) IN GENERAL.—For each coal- or oil-fired commercial or industrial boiler unit (referred to in this subparagraph as a 'unit') and each calendar year, the Administrator shall calculate the poundage of mercury emitted per unit for the calendar year, which shall be equal to the product obtained by multiplying—

"(I) the fuel consumption determined under clause (ii) for the unit for the calendar year; by

"(II) the average mercury content determined under clause (iii) for the unit for the calendar year.

"(ii) FUEL CONSUMPTION.—The fuel consumption for a unit shall be equal to the annual average quantity of millions of British thermal units (referred to in this subparagraph as 'mmBtu's') consumed by the unit during the calendar year, as submitted to the Secretary of Energy on Department of Energy Forms EIA–3 and EIA–846 (A,B,C).

"(iii) AVERAGE MERCURY CONTENT.—

"(I) SPECIFIC DATA.—The average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A) that characterize the average mercury content of the fuel consumed by the unit during the calendar year.

"(II) ESTIMATED DATA.—If specific mercury content data from the Department of the Interior and the Department of Energy are not available, the average mercury content shall be estimated using the average mercury content of coal mined or oil produced in the geographic region of each mine or well that supplies the unit.

"(C) EMISSION TRADING WITHIN A FACILITY.—

"(i) IN GENERAL.—For the purpose of this subsection, taking into consideration the cost of achieving the emission reduction, the Administrator may allow emission trading among the coal- and oil-fired commercial and industrial boiler units contained in a facility at a single site if the aggregate annual reduction from all such units at the facility is not less than 95 percent.

"(ii) UNDERLYING DATA.—In carrying out clause (i), the Administrator shall use mercury emission data calculated under paragraph (3)(D).

"(D) CONTROL METHODS.—For the purpose of achieving compliance with the emission standards established under paragraph (1)(A), the Administrator shall authorize methods of control of mercury emissions, including measures that—

"(i) reduce the volume of, or eliminate emissions of, mercury through a process change, substitution of material or fuel, or other method;

"(ii) enclose systems or processes to eliminate mercury emissions;

"(iii) collect, capture, or treat mercury emissions when released from a process, stack, storage, or fugitive emission point;

"(iv) consist of design, equipment, work practice, or operational standards (including requirements for operator training or certification) in accordance with subsection (h); or

"(v) consist of a combination of the measures described in clauses (i) through (iv).

"(3) PERMIT REQUIREMENTS AND CONDITIONS.—

"(A) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall include—

"(i) enforceable mercury emission standards;

"(ii) a schedule of compliance;

"(iii) a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring; and

"(iv) such other conditions as the Administrator determines are necessary to ensure compliance with this subsection and each applicable implementation plan under section 110.

"(B) MONITORING AND ANALYSIS.—

"(i) PROCEDURES AND METHODS.—The regulations promulgated by the Administrator under paragraph (1)(A) shall prescribe procedures and methods for—

"(I) monitoring and analysis for mercury; and

"(II) determining compliance with this subsection.

"(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

"(iii) OTHER REQUIREMENTS.—

"(I) IN GENERAL.—The requirements for monitoring and analysis under this subparagraph shall include—

"(aa) such requirements that result in a representative determination of mercury in ash and sludge; and

"(bb) such combination of requirements for continuous or other reliable and representative emission monitoring methods that results in a representative determination of mercury in fuel as received by each coal- or oil-fired commercial or industrial boiler unit;

as are requisite to provide accurate and reliable data for determining baseline and controlled emissions of mercury from each coal- or oil-fired commercial or industrial boiler unit.

"(II) MINIMUM REQUIREMENT.—If, under subclause (I)(bb), the Administrator does not require a coal- or oil-fired commercial or industrial boiler unit to use direct emission monitoring methods, the requirements under subclause (I)(bb) shall, at a minimum, result in representative determinations of mercury in fuel as received by the boiler unit at such frequencies as are sufficient to determine whether compliance with this subsection is continuous.

"(iv) EFFECT ON OTHER LAW.—Nothing in this subsection affects any continuous emission monitoring requirement of title IV or any other provision of this Act.

"(C) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.—

"(i) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements to ensure compliance with the permit terms and conditions.

"(ii) CONFORMITY WITH OTHER REGULATIONS.—The monitoring and reporting requirements shall conform to each applicable regulation under subparagraph (B).

"(iii) SIGNATURE.—Each report required under clause (i) and subparagraph (B)(iii) shall be signed by a responsible official of the coal- or oil-fired commercial or industrial boiler unit, who shall certify the accuracy of the report.

"(D) MERCURY EMISSION BASELINE.—

"(i) IN GENERAL.—For each coal- or oil-fired commercial or industrial boiler unit (referred to in this subparagraph as a 'unit'), the Administrator shall calculate the baseline annual average poundage of mercury emitted per unit, which shall be equal to the product obtained by multiplying—

"(I) the baseline fuel consumption determined under clause (ii) for the unit; by

"(II) the baseline average mercury content determined under clause (iii) for the unit.

"(ii) BASELINE FUEL CONSUMPTION.—

"(I) UNITS IN COMMERCIAL OPERATION BEFORE JANUARY 1, 1996.—For each unit that began commercial operation before January 1, 1996, the baseline fuel consumption shall be equal to the annual average quantity of millions of British thermal units (referred to in this subparagraph as 'mmBtu's') consumed by the unit during the period of calendar years 1996, 1997, and 1998, as submitted annually to the Secretary of Energy on Department of Energy Forms EIA–3 and EIA-846 (A,B,C) (referred to in this clause as the 'Forms').

"(II) UNITS BEGINNING COMMERCIAL OPERATION BETWEEN JANUARY 1, 1996, AND 180 DAYS AFTER ENACTMENT.—Subject to subclause (III), for each unit that begins commercial operation between January 1, 1996, and the date that is 180 days after the date of enactment of this subparagraph, the baseline fuel consumption shall be based on the annual average of the fuel use data submitted on the Forms for each full year of commercial operation that begins on or after January 1, 1996.

"(III) UNITS IN COMMERCIAL OPERATION LESS THAN 1 YEAR AS OF 180 DAYS AFTER ENACTMENT.—For each unit that has not been in commercial operation for at least 1 year as of the date that is 180 days after the date of enactment of this subparagraph, the Administrator may determine an interim baseline fuel consumption by—

“(aa) extrapolating from monthly fuel use data available for the unit; or

“(bb) assigning a baseline fuel consumption based on the annual average of the fuel use data submitted on the Forms for other units that are of similar design and capacity.

“(IV) UNITS BEGINNING COMMERCIAL OPERATION MORE THAN 180 DAYS AFTER ENACTMENT.—For each unit that begins commercial operation more than 180 days after the date of enactment of this subparagraph, the application for a permit issued in accordance with paragraph (1)(B) for the unit shall include an initial baseline fuel consumption that is based on the maximum design capacity for the unit.

“(V) RECALCULATION AFTER EXTENDED PERIOD OF COMMERCIAL OPERATION.—At such time as a unit described in any of subclauses (II) through (IV) has submitted fuel use data for 3 consecutive years of commercial operation on the Forms, the Administrator shall recalculate the baseline fuel consumption and make modifications, as necessary, to the mercury emission limitations contained in the permit for the unit issued in accordance with paragraph (1)(B).

“(iii) BASELINE AVERAGE MERCURY CONTENT.—

“(I) UNITS IN COMMERCIAL OPERATION BEFORE JANUARY 1, 1996.—In the case of a unit described in clause (ii)(I), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A) that characterize the average mercury content of the fuel consumed by the unit during the 3-year period described in clause (ii)(I).

“(II) UNITS BEGINNING COMMERCIAL OPERATION BETWEEN JANUARY 1, 1996, AND 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(II), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A) that characterize the average mercury content of the fuel consumed by the unit during each full year of commercial operation that begins on or after January 1, 1996.

“(III) UNITS IN COMMERCIAL OPERATION LESS THAN 1 YEAR AS OF 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(III), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A) that characterize the average mercury content of the fuel consumed by the unit—

“(aa) during the months used for the extrapolation under clause (ii)(III); or

“(bb) based on the average mercury content of fuel consumed by other units that are of similar design and capacity.

“(IV) UNITS BEGINNING COMMERCIAL OPERATION MORE THAN 180 DAYS AFTER ENACTMENT.—In the case of a unit described in clause (ii)(IV), the baseline average mercury content per mmBtu of fuel consumed by a unit shall be determined using the best available data from the Department of the Interior and the Department of Energy (as submitted to the Secretary of Energy on Department of Energy Form EIA–3A), or data submitted by the unit under subparagraph (B)(iii), that characterize the average mercury content of the fuel consumed by the unit based on the maximum design capacity for the unit.

“(V) ESTIMATED DATA.—If mercury content data described in clauses (I) through (IV) are not available, the baseline average mercury content shall be estimated using the average mercury content of coal mined or oil produced in the geographic region of each mine or well that supplies the unit.

“(4) DISPOSAL OF MERCURY CAPTURED THROUGH EMISSION CONTROLS.—

“(A) IN GENERAL.—

“(i) CAPTURED OR RECOVERED MERCURY.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

“(I) the hazards from mercury are not transferred from 1 environmental medium to another; and

“(II) there is no release of mercury into the environment (as the terms ‘release’ and ‘environment’ are defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

“(ii) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

“(B) RESEARCH PROGRAM.—To promote permanent and cost-effective disposal of mercury from coal- and oil-fired commercial and industrial boiler units, the Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques such as separating, solidifying, recycling, and encapsulating mercury-containing waste so that mercury does not volatilize, migrate to ground water or surface water, or contaminate the soil.

“(5) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

“(6) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

“(A) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each coal- or oil-fired commercial or industrial boiler unit.

“(B) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under paragraph (3)(C).”.

SEC. 5. REDUCTION OF MERCURY EMISSIONS FROM SOLID WASTE INCINERATION UNITS.

(a) SEPARATION OF MERCURY-CONTAINING ITEMS.—Section 3002 of the Solid Waste Disposal Act (42 U.S.C. 6922) is amended by adding at the end the following:

“(c) SEPARATION OF MERCURY-CONTAINING ITEMS.—

“(1) PUBLICATION OF LIST.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall publish a list of mercury-containing items that shall be required to be separated and removed from the waste streams that feed solid waste management facilities.

“(B) REQUIRED ITEMS.—The list shall include mercury-containing items such as fluorescent light bulbs, batteries, pharmaceuticals, laboratory chemicals and reagents, electrical devices such as thermostats, relays, and switches, and medical and scientific instruments.

“(C) LABELING REQUIREMENT.—

“(i) IN GENERAL.—Except as provided in clause (ii), to facilitate the process of separating and removing items listed under subparagraph (A), each manufacturer of a listed item shall ensure that each item is clearly labeled to indicate that the product contains mercury.

“(ii) BUTTON CELL BATTERIES.—In the case of button cell batteries for which, due to size constraints, labeling described in clause (i) is not practicable, the packaging shall indicate that the product contains mercury.

“(2) PLAN.—

“(A) REQUIREMENT.—Not later than 1 year after the date of enactment of this subsection, each person that transfers, directly or through a contractor, solid waste that may contain a mercury-containing item listed under paragraph (1) to a solid waste management facility shall submit for review and approval by the Administrator (or, in the case of a solid waste management facility located in a State that has a State hazardous waste program authorized under section 3006, the State) a plan for—

“(i) separating and removing mercury-containing items listed by the Administrator under paragraph (1) from the waste streams that feed any solid waste management facility;

“(ii) subject to the other requirements of this subtitle, transferring the separated waste to a recycling facility or a treatment, storage, or disposal facility that holds a permit under this subtitle;

“(iii) monitoring and reporting on compliance with the plan; and

“(iv) achieving full compliance with the plan not later than 18 months after the date of approval of the plan in accordance with subparagraph (B).

“(B) PLAN APPROVAL.—

“(i) DEADLINE.—The Administrator (or the State) shall determine whether to approve or disapprove a plan submitted under subparagraph (A) not later than 180 days after the date of receipt of the plan.

“(ii) PREFERENCE.—In determining whether to approve a plan, the Administrator (or the State) shall give preference to recycling or stabilization of mercury-containing items over disposal of the items.

“(C) AMENDED PLAN.—

“(i) SUBMISSION.—If the Administrator (or the State) disapproves a plan, the person may submit an amended plan not later than 90 days after the date of disapproval.

“(ii) APPROVAL.—The Administrator (or the State) shall approve or disapprove the amended plan not later than 30 days after the date of receipt of the plan.

“(D) PLAN BY ADMINISTRATOR (OR STATE).—

“(i) IN GENERAL.—If an amended plan is not submitted to the Administrator (or the State) within 90 days after the date of disapproval, or if an amended plan has been submitted and subsequently disapproved, the Administrator (or the State) shall issue a determination that it is necessary for the Administrator (or the State) to promulgate a plan for the person.

“(ii) Plan.—Not later than 180 days after issuing the determination, the Administrator (or the State) shall develop, publish in the Federal Register (or submit to the Administrator for publication in the Federal Register), implement, and enforce a plan that meets the criteria specified in subparagraph (A) and ensures that full compliance with the plan will be achieved not later than 18 months after the date of publication of the plan.

“(E) Enforceability.—Upon approval by the Administrator (or the State) of a plan submitted under subparagraph (A), or upon publication of a plan developed by the Administrator (or the State) under subparagraph (D), the plan shall be enforceable under this Act.”.

(b) Solid Waste Incineration Unit Mercury Emission Monitoring and Analysis.—Section 129(e) of the Clean Air Act (42 U.S.C. 7429(e)) is amended—

(1) by striking “Beginning (1) 36” and inserting the following:

“(1) In general.—Beginning (A) 36”;

(2) in the first sentence, by redesignating paragraph (2) as subparagraph (B); and

(3) by adding at the end the following:

“(2) Solid waste incineration unit mercury emission monitoring and analysis.—

“(A) Procedures and methods.—

“(i) In general.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations prescribing procedures and methods for—

“(I) monitoring and analysis for mercury emissions from solid waste combustion flue gases; and

“(II) determining compliance with this paragraph.

“(ii) Information.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

“(B) Permit requirements.—

“(i) In general.—Each permit described in paragraph (1) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements with respect to mercury to ensure compliance with the permit terms and conditions, including a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring.

“(ii) Signature.—Each report required under clause (i) shall be signed by a responsible official of the solid waste incineration unit or by a municipal official, who shall certify the accuracy of the report.

“(C) Establishment of maximum mercury emission rate.—

“(i) Determination by the Administrator.—Based on the reports required to be submitted under subparagraph (B)(i) 36 months, 39 months, and 42 months after the date of enactment of this subparagraph, the Administrator (or the State) shall make a determination as to whether the solid waste incinerator unit has achieved and is continuously maintaining a mercury emission rate of not more than 0.080 milligrams per dry standard cubic meter.

“(ii) Requirement of installation of controls.—If the mercury emission rate specified in clause (i) is not achieved and maintained over the period covered by the reports referred to in clause (i), or over any 2 out of 3 reporting periods thereafter, the Administrator shall require that the solid waste incineration unit install control equipment and techniques that will, within 3 years, result in a mercury emission rate by the unit of not more than 0.060 milligrams per dry standard cubic meter.

“(iii) Enforceability.—The requirements of this subparagraph shall be an enforceable modification to any existing or new permit described in paragraph (1) for the solid waste incineration unit.

“(D) Other requirements.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

“(E) Public reporting of data pertaining to emissions of mercury.—

“(i) In general.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each solid waste incineration unit.

“(ii) Source of data.—The emission data shall be taken from the monitoring and analysis reports submitted under subparagraph (B).”.

(c) Phaseout of Mercury in Products.—Section 112 of the Clean Air Act (as amended by section 4) is amended by inserting after subsection (t) the following:

“(u) Phaseout of Mercury in Products.—

“(1) Definition of manufacturer.—In this subsection, the term ‘manufacturer’ includes an importer for resale.

“(2) Prohibition on sale.—Beginning 3 years after the date of enactment of this paragraph, a manufacturer shall not sell any mercury-containing product, whether manufactured domestically, imported, or manufactured for export, unless the manufacturer has applied for and has been granted by the Administrator an exemption from the prohibition on sale specified in this paragraph.

“(3) Procedures for making exemption application determinations.—Before making a determination on an application, the Administrator shall—

“(A) publish notice of the application in the Federal Register;

“(B) provide a public comment period of 60 days; and

“(C) conduct a hearing on the record.

“(4) Criteria for exemption.—In making a determination on an application, the Administrator may grant an exemption from the prohibition on sale only if—

“(A) the Administrator determines that the mercury-containing product is a product the use of which is essential;

“(B) the Administrator determines that there is no comparable product that does not contain mercury and that is available in the marketplace at a reasonable cost; and

“(C) through documentation submitted by the manufacturer, the Administrator determines that the manufacturer has established a program to take back, after use by the consumer, all mercury-containing products subject to the exemption that are manufactured after the date of approval of the application.

“(5) Term of exemption.—

“(A) In general.—An exemption may be granted for a period of not more than 3 years.

“(B) Renewals.—Renewal of an exemption shall be carried out in accordance with paragraphs (3) and (4).

“(6) Publications in the Federal Register.—The Administrator shall publish in the Federal Register—

“(A) a description of each exemption application approval or denial; and

“(B) on an annual basis, a list of products for which exemptions have been granted under this subsection.”.

SEC. 6. MERCURY EMISSION STANDARDS FOR CHLOR-ALKALI PLANTS.

Section 112 of the Clean Air Act (as amended by section 5(c)) is amended by inserting after subsection (u) the following:

“(v) Mercury Emission Standards for Chlor-Alkali Plants.—

“(1) In general.—

“(A) Regulations.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations to establish standards for the direct and fugitive emission of mercury and mercury compounds (collectively referred to in this subsection as ‘mercury’) applicable to existing and new chlor-alkali plants that use the mercury cell production process (referred to in this subsection as ‘mercury cell chlor-alkali plants’).

“(B) Permit requirement.—Not later than 2 years after the date of enactment of this subparagraph, each mercury cell chlor-alkali plant shall have an enforceable permit issued under title V that complies with this subsection.

“(C) Procedures and schedules for compliance with standards.—Each mercury cell chlor-alkali plant shall achieve compliance with the mercury emission standards established under subparagraph (A) in accordance with the procedures and schedules established under subsection (i).

“(2) Standards and methods.—

“(A) Minimum required emission reduction.—The emission standards established under paragraph (1)(A) shall require that each mercury cell chlor-alkali plant reduce its annual poundage of direct and fugitive mercury emitted below its mercury emission baseline, as determined by the Administrator, by not less than 95 percent.

“(B) Control methods.—For the purpose of achieving compliance with the emission standards established under paragraph (1)(A), the Administrator shall authorize methods of control of mercury emissions, including measures that—

“(i) reduce the volume of, or eliminate emissions of, mercury through a process change, substitution of material, or other method;

“(ii) enclose systems or processes to eliminate mercury emissions;

“(iii) collect, capture, or treat mercury emissions when released from a process, stack, storage, or fugitive emission point, or through evaporation of a spill;

“(iv) consist of design, equipment, manufacturing process, work practice, or operational standards (including requirements for operator training or certification or spill prevention) in accordance with subsection (h); or

“(v) consist of a combination of the measures described in clauses (i) through (iv).

“(3) Permit requirements and conditions.—

“(A) In general.—Each permit issued in accordance with paragraph (1)(B) shall include—

“(i) enforceable mercury emission standards;

“(ii) a schedule of compliance;

“(iii) a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring; and

“(iv) such other conditions as the Administrator determines are necessary to ensure compliance with this subsection and each applicable implementation plan under section 110.

“(B) Monitoring and analysis.—

“(i) Procedures and methods.—The regulations promulgated by the Administrator under paragraph (1)(A) shall prescribe procedures and methods for—

"(I) monitoring and analysis for mercury; and

"(II) determining compliance with this subsection.

"(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

"(iii) EFFECT ON OTHER LAW.—Nothing in this subsection affects any continuous emission monitoring requirement of title IV or any other provision of this Act.

"(C) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.—

"(i) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements to ensure compliance with the permit terms and conditions.

"(ii) CONFORMITY WITH OTHER REGULATIONS.—The monitoring and reporting requirements shall conform to each applicable regulation under subparagraph (B).

"(iii) SIGNATURE.—Each report required under clause (i) shall be signed by a responsible official of the mercury cell chlor-alkali plant, who shall certify the accuracy of the report.

"(4) DISPOSAL OF MERCURY CAPTURED THROUGH EMISSION CONTROLS.—

"(A) IN GENERAL.—

"(i) CAPTURED OR RECOVERED MERCURY.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury that is captured or recovered through the use of an emission control or another method is disposed of in a manner that ensures that—

"(I) the hazards from mercury are not transferred from 1 environmental medium to another; and

"(II) there is no release of mercury into the environment (as the terms 'release' and 'environment' are defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

"(ii) MERCURY-CONTAINING WASTES.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury-containing wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

"(B) RESEARCH PROGRAM.—To promote permanent and cost-effective disposal of mercury from mercury cell chlor-alkali plants, the Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques such as separating, solidifying, recycling, and encapsulating mercury-containing waste so that mercury does not volatilize, migrate to ground water or surface water, or contaminate the soil.

"(5) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

"(6) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

"(A) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each mercury cell chlor-alkali plant.

"(B) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under paragraph (3)(C).".

SEC. 7. MERCURY EMISSION STANDARDS FOR PORTLAND CEMENT PLANTS.

Section 112 of the Clean Air Act (as amended by section 6) is amended by inserting after subsection (v) the following:

"(w) MERCURY EMISSION STANDARDS FOR PORTLAND CEMENT PLANTS.—

"(1) IN GENERAL.—

"(A) REGULATIONS.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator shall promulgate regulations—

"(i) to establish standards for the control of direct dust emission of mercury and mercury compounds (collectively referred to in this subsection as 'mercury') from crushers, mills, dryers, kilns (excluding emission from such burning of hazardous waste-containing fuel in a cement kiln as is regulated under section 3004(q) of the Solid Waste Disposal Act (42 U.S.C. 6924(q)), and clinker coolers at existing and new Portland cement plants; and

"(ii) to establish standards for the control of fugitive dust emission of mercury from storage, transport, charging, and discharging operations at existing and new Portland cement plants.

"(B) PERMIT REQUIREMENT.—Not later than 2 years after the date of enactment of this subparagraph, each Portland cement plant shall have an enforceable permit issued under title V that complies with this subsection.

"(C) PROCEDURES AND SCHEDULES FOR COMPLIANCE WITH STANDARDS.—Each Portland cement plant shall achieve compliance with the mercury emission standards established under subparagraph (A) in accordance with the procedures and schedules established under subsection (i).

"(2) STANDARDS AND METHODS.—

"(A) MINIMUM REQUIRED EMISSION REDUCTION.—The emission standards established under paragraph (1)(A) shall require that each Portland cement plant reduce its annual poundage of direct and fugitive mercury emitted below its mercury emission baseline, as determined by the Administrator, by not less than 95 percent.

"(B) CONTROL METHODS.—For the purpose of achieving compliance with the emission standards established under paragraph (1)(A), the Administrator shall authorize methods of control of mercury emissions, including measures that—

"(i) reduce the volume of, or eliminate emissions of, mercury through a process change, substitution of material, or other method;

"(ii) enclose systems, processes, or storage to eliminate mercury emissions;

"(iii) collect, capture, or treat mercury emissions when released from a process, stack, storage, or fugitive emission point;

"(iv) consist of design, equipment, manufacturing process, work practice, or operational standards (including requirements for operator training or certification) in accordance with subsection (h); or

"(v) consist of a combination of the measures described in clauses (i) through (iv).

"(3) PERMIT REQUIREMENTS AND CONDITIONS.—

"(A) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall include—

"(i) enforceable mercury emission standards;

"(ii) a schedule of compliance;

"(iii) a requirement that the permittee submit to the permitting authority, not less often than every 90 days, the results of any required monitoring; and

"(iv) such other conditions as the Administrator determines are necessary to ensure compliance with this subsection and each applicable implementation plan under section 110.

"(B) MONITORING AND ANALYSIS.—

"(i) PROCEDURES AND METHODS.—The regulations promulgated by the Administrator under paragraph (1)(A) shall prescribe procedures and methods for—

"(I) monitoring and analysis for mercury; and

"(II) determining compliance with this subsection.

"(ii) INFORMATION.—Application of the procedures and methods shall result in reliable and timely information for determining compliance.

"(iii) EFFECT ON OTHER LAW.—Nothing in this subsection affects any continuous emission monitoring requirement of title IV or any other provision of this Act.

"(C) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.—

"(i) IN GENERAL.—Each permit issued in accordance with paragraph (1)(B) shall specify inspection, entry, monitoring, compliance certification, and reporting requirements to ensure compliance with the permit terms and conditions.

"(ii) CONFORMITY WITH OTHER REGULATIONS.—The monitoring and reporting requirements shall conform to each applicable regulation under subparagraph (B).

"(iii) SIGNATURE.—Each report required under clause (i) shall be signed by a responsible official of the Portland cement plant, who shall certify the accuracy of the report.

"(4) DISPOSAL OF MERCURY CAPTURED THROUGH EMISSION CONTROLS.—

"(A) IN GENERAL.—

"(i) CAPTURED OR RECOVERED MERCURY.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury that is captured or recovered through the use of an emission control or another method is disposed of in a manner that ensures that—

"(I) the hazards from mercury are not transferred from 1 environmental medium to another; and

"(II) there is no release of mercury into the environment (as the terms 'release' and 'environment' are defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

"(ii) MERCURY-CONTAINING WASTES.—The regulations promulgated by the Administrator under paragraph (1)(A) shall ensure that mercury-containing wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

"(B) RESEARCH PROGRAM.—To promote permanent and cost-effective disposal of mercury from Portland cement plants, the Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques such as separating, solidifying, recycling, and encapsulating mercury-containing waste so that mercury does not volatilize, migrate to ground water or surface water, or contaminate the soil.

"(5) OTHER REQUIREMENTS.—An emission standard or other requirement promulgated under this subsection does not diminish or replace any requirement of a more stringent emission limitation or other applicable requirement established under this Act or a standard issued under State law.

"(6) PUBLIC REPORTING OF DATA PERTAINING TO EMISSIONS OF MERCURY.—

"(A) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific mercury emission data for each Portland cement plant.

"(B) SOURCE OF DATA.—The emission data shall be taken from the monitoring and analysis reports submitted under paragraph (3)(C).".

SEC. 8. REPORT ON IMPLEMENTATION OF MERCURY EMISSION STANDARDS FOR MEDICAL WASTE INCINERATORS.

(a) IN GENERAL.—Not later than December 31, 2000, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the extent to which the annual poundage of mercury and mercury compounds emitted by each medical waste incinerator in the United States has been reduced below the baseline for the medical waste incinerator determined under subsection (b).

(b) BASELINE.—

(1) USE OF ACTUAL DATA.—As a baseline for measuring emission reductions, the report shall use the mercury and mercury compound emission data that were submitted or developed during the process of permitting of the medical waste incinerator under the Clean Air Act (42 U.S.C. 7401 et seq.).

(2) LACK OF ACTUAL DATA.—If the data described in paragraph (1) are not available, the Administrator shall develop an estimate of baseline mercury emissions based on other sources of data and the best professional judgment of the Administrator.

SEC. 9. REPORT ON IMPLEMENTATION OF MERCURY EMISSION STANDARDS FOR HAZARDOUS WASTE COMBUSTORS.

(a) IN GENERAL.—Not later than December 31, 2000, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the extent to which the annual poundage of mercury and mercury compounds emitted by each hazardous waste combustor in the United States has been reduced below the baseline for the hazardous waste combustor determined under subsection (b).

(b) BASELINE.—

(1) USE OF ACTUAL DATA.—As a baseline for measuring emission reductions, the report shall use the mercury and mercury compound emission data that were submitted or developed during the process of permitting of the hazardous waste combustor under the Clean Air Act (42 U.S.C. 7401 et seq.).

(2) LACK OF ACTUAL DATA.—If the data described in paragraph (1) are not available, the Administrator shall develop an estimate of baseline mercury emissions based on other sources of data and the best professional judgment of the Administrator.

SEC. 10. REPORT ON USE OF MERCURY AND MERCURY COMPOUNDS BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than December 31, 2000, the Secretary of Defense shall submit to Congress a report on the use of mercury and mercury compounds by the Department of Defense.

(b) CONTENTS.—In the report, the Secretary of Defense shall describe—

(1) measures that the Department of Defense is carrying out to reduce the use and emissions of mercury and mercury compounds by the Department; and

(2) measures that the Department of Defense is carrying out to stabilize or recycle discarded mercury or discarded mercury-containing products.

SEC. 11. INTERNATIONAL ACTIVITIES.

(a) STUDY AND REPORT.—Not later than December 31, 2000, the Administrator of the Environmental Protection Agency, in cooperation with appropriate representatives of Canada and Mexico, shall study and submit to Congress a report on the sources and extent of mercury emissions in North America.

(b) REVIEW.—Before submitting the report to Congress, the Administrator shall submit the report for—

(1) internal and external scientific peer review; and

(2) review by the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365).

(c) REQUIRED ELEMENTS.—The report shall include—

(1) a characterization and identification of the sources of emissions of mercury in North America;

(2) a description of the patterns and pathways taken by mercury pollution through the atmosphere and surface water; and

(3) recommendations for pollution control measures, options, and strategies that, if implemented individually or jointly by the United States, Canada, and Mexico, will eliminate or greatly reduce transboundary atmospheric and surface water mercury pollution in North America.

SEC. 12. MERCURY RESEARCH.

Section 103 of the Clean Air Act (42 U.S.C. 7403) is amended by adding at the end the following:

"(l) MERCURY RESEARCH.—

"(1) ESTABLISHMENT OF PROGRAMS.—The Administrator shall establish—

"(A) a program to characterize and quantify the potential mercury-related health effects on high-risk populations (such as pregnant women and their fetuses, women of childbearing age, children, and individuals who subsist primarily on fish); and

"(B) a mercury public awareness and prevention program targeted at populations most at risk from exposure to mercury.

"(2) STUDY OF IMPLEMENTATION OF MEASURES TO CONTROL MERCURY EMISSIONS.—

"(A) ESTABLISHMENT OF ADVISORY COMMITTEE.—Not later than 3 years after the date of enactment of this subsection, the Secretary of Health and Human Services and the Administrator shall establish an advisory committee to evaluate and prepare a report on the progress made by the Federal Government, State and local governments, industry, and other regulated entities to implement and comply with the mercury-related amendments to the Clean Air Act (42 U.S.C. 7401 et seq.) made by the Omnibus Mercury Emissions Reduction Act of 1999.

"(B) MEMBERSHIP.—

"(i) IN GENERAL.—The advisory committee shall consist of at least 15 members, of whom at least 1 member shall represent each of the following:

"(I) The Department of Health and Human Services.

"(II) The Agency for Toxic Substances and Disease Registry.

"(III) The Food and Drug Administration.

"(IV) The Environmental Protection Agency.

"(V) The National Academy of Sciences.

"(VI) Native American populations.

"(VII) State and local governments.

"(VIII) Industry.

"(IX) Environmental organizations.

"(X) Public health organizations.

"(ii) APPOINTMENT.—The Secretary of Health and Human Services and the Administrator shall each appoint not fewer than 7 members of the advisory committee.

"(C) DUTIES.—The advisory committee shall—

"(i) evaluate the adequacy and completeness of data collected and disseminated by the Environmental Protection Agency and each State that reports on and measures mercury contamination in the environment;

"(ii) make recommendations to the Secretary of Health and Human Services and the Administrator concerning—

"(I) changes necessary to improve the quality and ensure consistency from State to State of Federal and State data collection, reporting, and characterization of baseline environmental conditions; and

"(II) methods for improving public education, particularly among high-risk populations (such as pregnant women and their fetuses, women of childbearing age, children, and individuals who subsist primarily on fish), concerning the pathways and effects of mercury contamination and consumption; and

"(iii) not later than 4 years after the date of enactment of this subsection, compile and make available to the public, through 1 or more published reports and 1 or more forms of electronic media, the findings, recommendations, and supporting data, including State-specific data, of the advisory committee under this subparagraph.

"(D) COMPENSATION.—

"(i) IN GENERAL.—A member of the advisory committee shall receive no compensation by reason of the service of the member on the advisory committee.

"(ii) TRAVEL EXPENSES.—A member of the advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the advisory committee.

"(E) DURATION OF ADVISORY COMMITTEE.—The advisory committee—

"(i) shall terminate not earlier than the date on which the Secretary of Health and Human Services and the Administrator determine that the findings, recommendations, and supporting data prepared by the advisory committee have been made available to the public; and

"(ii) may, at the discretion of the Secretary of Health and Human Services and the Administrator, continue in existence after that date to further carry out the duties described in subparagraph (C).

"(F) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established under this paragraph.

"(G) FUNDING.—The Secretary of Health and Human Services and the Administrator shall each provide 50 percent of the funding necessary to carry out this paragraph.

"(3) REPORT ON MERCURY SEDIMENTATION TRENDS.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall submit to Congress a report that characterizes mercury and mercury-compound sedimentation trends in Lake Champlain, Chesapeake Bay, the Great Lakes, the finger lakes region of upstate New York, Tampa Bay, and other water bodies of concern (as determined by the Administrator).

"(4) EVALUATION OF FISH CONSUMPTION ADVISORIES.—

"(A) IN GENERAL.—The Administrator shall evaluate the adequacy, consistency, completeness, and public dissemination of—

"(i) data collected by the Environmental Protection Agency and each State concerning mercury contamination of fish; and

"(ii) advisories to warn the public about the consumption of mercury-contaminated fish (referred to in this paragraph as 'fish consumption advisories').

"(B) IMPROVEMENT OF QUALITY AND CONSISTENCY.—In conjunction with each State or unilaterally, the Administrator shall implement any changes necessary to improve the quality and ensure consistency from State to State of Federal and State data collection, reporting, characterization of mercury contamination, and thresholds concerning mercury contamination in fish above which fish consumption advisories will be issued.

"(C) REPORTING.—Not later than 2 years after the date of enactment of this subsection and every 2 years thereafter, the Administrator shall prepare and make available to the public, through 1 or more published reports and 1 or more forms of electronic media, information providing detail by State, watershed, water body, and river reach of mercury levels in fish and any fish consumption advisories that have been issued during the preceding 2-year period.

"(D) EFFECT ON STATE AUTHORITY.—Nothing in this paragraph affects any authority of a State to advise residents of the mercury content of commercially sold foods and other products.".

OVERVIEW OF THE OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 1999

Why has Senator Leahy introduced the "Omnibus Mercury Emissions Reduction Act of 1999"?

Senator Leahy's concerns about the current and long-term environmental and health consequences in the United States resulting from the discharge of toxic chemicals into the environment are longstanding. He is particularly concerned about the effects of mercury. He is also concerned about transport of air pollution from other parts of the nation to the lakes, rivers, forests, and agricultural lands of Vermont.

EPA's "Mercury Study Report to Congress," mandated by the 1990 Clean Air Act, documents mercury pollution sources and troubling trends in mercury pollution in the United States.

Mercury is one of the last major pollutants without an overall pollution control strategy, and as a result it remains largely uncontrolled.

What are the key findings of the "Mercury Study Report to Congress"?

Scientific and medical evidence show that exposure to mercury and mercury compounds is harmful to human health, and concentrations of it in the environment are arising (e.g., in lake and river sediments).

Pregnant women and their developing fetuses, women of child-bearing age, and children under the age of 8 are most at risk for mercury-related health effects such as neurotoxicity.

Neurotoxicity symptoms include impaired vision, speech, hearing, and walking; sensory disturbances; incoordination of movements; nervous system damage very similar to congenital cerebal palsy; mental disturbances; and, in some cases, death.

Exposure to mercury and mercury compounds occurs most frequently through consumption of mercury-contaminated fish but can also occur through ingestion of methyl-mercury contaminated drinking water and food sources other than fish, and dermal uptake through soil and water.

The major sources of mercury emissions in the United States are coal-fired electrical utility steam generating units, solid waste combustors, commercial and industrial boilers, medical waste incinerators, hazardous waste combustors, chlor-alkali plants (which manufacture chlorine and sodium hydroxide), and Portland cement plants.

EPA's analysis of mercury deposits and transport, in conjunction with available scientific knowledge, supports a plausible link between mercury emissions from combustion and industrial sources and mercury concentrations in air, soil, water, and sediments.

The following geographical areas have the highest annual rate of deposition of mercury in all forms: the southern Great Lakes and Ohio River Valley; the Northeast and southern New England; and scattered areas in the South, with the most elevated deposition occurring in the Miami and Tampa areas and in two areas in northeast Texas.

The analysis of mercury deposits and transport supports a plausible link between mercury emissions from combustion and industrial sources and methyl mercury concentrations in freshwater fish. In 1997, 40 states have issued health advisories warning the public about consuming mercury-tainted fish, compared to 27 states in 1993. Eleven states have issued state-wide advisories, and 5 states have issued advisories for coastal waters. Mercury advisories have increased 98 percent from 899 in 1993 to 1,782 in 1998.

The presence of mercury in consumer products is of concern in light of the health consequences associated with exposure to mercury.

The presence of mercury in certain batteries and fluorescent light bulbs is of special concern, particularly given the substantial quantities of used batteries and fluorescent light bulbs that are discarded annually in the solid waste stream and the potential for environmental and health consequences associated with land disposal, composting, or municipal waste incineration.

Estimates of U.S. Annual Mercury Emissions Rates for the Largest Emitting Source Categories Source of Data: Mercury Study Report to Congress, December 1997

Coal Fired Utility Boilers: 52 tons per year
Solid Waste Combustors: 30 tons per year
Commercial/Industrial Boilers: 29 tons per year
Medical Waste Incinerators: 16 tons per year
Hazardous Waste Combustors: 7 tons per year
Chlor-Alkali Plants: 7 tons per year
Portland Cement Plants: 5 tons per year

Key features of the "Omnibus Mercury Emissions Reduction Act of 1999"

Directs EPA to promulgate mercury emissions standards and regulatory strategies for the largest emitting source categories: fossil-fuel fired electric utility steam generating units; fossil-fuel fired commercial and industrial boilers; solid waste combustors; chlor-alkali plants; and Portland cement plants.

Requires Reports to Congress: By EPA on progress in implementing mercury emission reductions for medical waste incinerators pursuant to existing regulations; by EPA on progress in implementing mercury emission reductions for hazardous waste combustors pursuant to existing regulations; by the Department of Defense on the use of mercury and mercury compounds by DoD.

Other features of "Omnibus Mercury Emissions Reduction Act of 1999"

Directs EPA to work with Canada and Mexico to inventory the sources and pathways of mercury air and water pollution within North America, and recommend options and strategies to greatly reduce transboundary atmospheric and surface water mercury pollution in North America.

Expanded research into characterizing the health effects of mercury pollution to critical populations (i.e., pregnant women and their fetuses, women of child bearing age, and children).

Requires safe disposal of mercury recovered through coal cleaning, flue gas control systems, and other pollution control systems so that the hazards emanating from mercury are not merely transferred from one environmental medium to another.

Requires annual public reporting (hard-copy publication and Internet) of facility-specific emissions of mercury and mercury compounds;

Requires labeling of mercury-containing items such as fluorescent light bulbs, batteries, pharmaceuticals, laboratory chemicals and reagents, electrical devices such as thermostats, relays, and switches, and medical and scientific equipment.

Begins a phase out of mercury from products. Exceptions may be made for essential uses.

Implementation of public awareness and prevention programs.

More consistent state-by-state information on mercury-related fish consumption advisories.

Expanded characterization of mercury sedimentation trends and effects in Lake Champlain, the Great Lakes, the Chesapeake Bay, the finger lakes region of upstate New York, Tampa Bay, and other major water bodies.

By Mr. FITZGERALD:

S. 674. A bill to require truth-in-budgeting with respect to the on-budget trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one committee report, the other committee have 30 days to report or be discharged.

TRUTH-IN-BUDGETING ACT OF 1999

• Mr. FITZGERALD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth-in-Budgeting Act of 1999".

SECTION 2. HONEST REPORTING OF THE DEFICIT.

(a) IN GENERAL.—Effective for fiscal year 2001, the President's budget, the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974, and the concurrent resolution on the budget shall include—

(1) the receipts and disbursements totals of the on-budget trust funds, including the projected levels for at least the next 5 fiscal years; and

(2) the deficit or surplus excluding the on-budget trust funds, including the projected levels for at least the next 5 fiscal years.

(b) ITEMIZATION.—Effective for fiscal year 2001, the President's budget and the budget report of the CBO required under section 202(e) of the Congressional Budget Act of 1974 shall include an itemization of the on-budget trust funds for the budget year, including receipts, outlays, and balances.●

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 312

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 312, a bill to require certain entities that operate homeless shelters to identify and provide certain counseling to homeless veterans, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 552

At the request of Mr. ALLARD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 552, a bill to provide for budgetary reform by requiring a balanced Federal budget and the repayment of the national debt.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 625

At the request of Mr. ROTH, his name was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 632

At the request of Mr. DEWINE, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. MURKOWSKI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Concurrent Resolution 17, a concurrent resolution concerning the 20th Anniversary of the Taiwan Relations Act.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Nebraska [Mr. KERREY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. ABRAHAM], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. GREGG], the Senator from Missouri [Mr. BOND], the Senator from Delaware [Mr. ROTH], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE CONCURRENT RESOLUTION 20—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2000 THROUGH 2009

Mr. DOMENICI, from the Committee on the Budget, reported the following original concurrent resolution:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

(a) DECLARATION.—

(1) IN GENERAL.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2000 including the appropriate budgetary levels for fiscal years 2001 through 2009 as authorized by section 301 of the Congressional Budget Act of 1974.

(2) FISCAL YEAR 1999 BUDGET RESOLUTION.—S. Res. 312, approved October 21, 1998, (105th Congress) shall be considered to be the concurrent resolution on the budget for fiscal year 1999.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2000.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.
Sec. 104. Reconciliation of revenue reductions in the Senate.
Sec. 105. Reconciliation of revenue reductions in the House of Representatives.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Reserve fund for fiscal year 2000 surplus.
Sec. 202. Reserve fund for agriculture.
Sec. 203. Tax reduction reserve fund in the Senate.
Sec. 204. Clarification on the application of section 202 of H. Con. Res. 67.
Sec. 205. Emergency designation point of order.
Sec. 206. Authority to provide committee allocations.
Sec. 207. Deficit-neutral reserve fund for use of OCS receipts.
Sec. 208. Deficit-neutral reserve fund for managed care plans that agree to provide additional services to the elderly.
Sec. 209. Reserve fund for Medicare and prescription drugs.
Sec. 210. Exercise of rulemaking powers.

TITLE III—SENSE OF THE CONGRESS AND THE SENATE

Sec. 301. Sense of the Senate on marriage penalty.
Sec. 302. Sense of the Senate on improving security for United States diplomatic missions.
Sec. 303. Sense of the Senate on access to medicare home health services.
Sec. 304. Sense of the Senate regarding the deductibility of health insurance premiums of the self-employed.
Sec. 305. Sense of the Senate that tax reductions should go to working families.
Sec. 306. Sense of the Senate on the National Guard.
Sec. 307. Sense of the Senate on effects of social security reform on women.
Sec. 308. Sense of the Senate on increased funding for the national institutes of health.
Sec. 309. Sense of Congress on funding for Kyoto protocol implementation prior to Senate ratification.
Sec. 310. Sense of the Senate on Federal research and development investment.
Sec. 311. Sense of the Senate on counter-narcotics funding.
Sec. 312. Sense of the Senate regarding tribal colleges.
Sec. 313. Sense of the Senate on the social security surplus.
Sec. 314. Sense of the Senate on the sale of Governor's Island.
Sec. 315. Sense of the Senate on Pell Grant funding.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,435,214,000,000.
Fiscal year 2002: $1,455,158,000,000.
Fiscal year 2003: $1,531,015,000,000.
Fiscal year 2004: $1,584,969,000,000.
Fiscal year 2005: $1,648,259,000,000.
Fiscal year 2006: $1,681,438,000,000.
Fiscal year 2007: $1,735,646,000,000.
Fiscal year 2008: $1,805,517,000,000.
Fiscal year 2009: $1,868,515,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: $ – 7,433,000,000.
Fiscal year 2002: $ – 53,118,000,000.
Fiscal year 2003: $ – 32,303,000,000.
Fiscal year 2004: $ – 49,180,000,000.
Fiscal year 2005: $ – 62,637,000,000.
Fiscal year 2006: $ – 109,275,000,000.
Fiscal year 2007: $ – 135,754,000,000.
Fiscal year 2008: $ – 150,692,000,000.
Fiscal year 2009: $ – 177,195,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,456,294,000,000.
Fiscal year 2002: $1,487,477,000,000.
Fiscal year 2003: $1,560,513,000,000.
Fiscal year 2004: $1,612,278,000,000.
Fiscal year 2005: $1,655,843,000,000.
Fiscal year 2006: $1,697,402,000,000.
Fiscal year 2007: $1,752,567,000,000.
Fiscal year 2008: $1,813,739,000,000.
Fiscal year 2009: $1,873,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,214,000,000.
Fiscal year 2002: $1,455,158,000,000.
Fiscal year 2003: $1,531,015,000,000.
Fiscal year 2004: $1,582,070,000,000.
Fiscal year 2005: $1,638,428,000,000.
Fiscal year 2006: $1,666,608,000,000.
Fiscal year 2007: $1,715,883,000,000.
Fiscal year 2008: $1,780,697,000,000.
Fiscal year 2009: $1,840,699,000,000.

(4) DEFICITS OR SUPLUSES.—For purposes of the enforcement of this resolution, the amounts of the deficits or surpluses are as follows:

Fiscal year 2000: $ – 6,313,000,000.
Fiscal year 2001: $0.
Fiscal year 2002: $0.
Fiscal year 2003: $0.
Fiscal year 2004: $2,899,000,000.
Fiscal year 2005: $9,831,000,000.
Fiscal year 2006: $14,830,000,000.
Fiscal year 2007: $19,763,000,000.
Fiscal year 2008: $24,820,000,000.
Fiscal year 2009: $27,816,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,635,900,000,000.
Fiscal year 2001: $5,716,100,000,000.
Fiscal year 2002: $5,801,000,000,000.
Fiscal year 2003: $5,885,000,000,000.
Fiscal year 2004: $5,962,200,000,000.
Fiscal year 2005: $6,029,400,000,000.
Fiscal year 2006: $6,088,100,000,000.
Fiscal year 2007: $6,138,900,000,000.
Fiscal year 2008: $6,175,100,000,000.
Fiscal year 2009: $6,203,500,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,510,000,000,000.
Fiscal year 2001: $3,377,700,000,000.
Fiscal year 2002: $3,236,900,000,000.
Fiscal year 2003: $3,088,200,000,000.
Fiscal year 2004: $2,926,000,000,000.
Fiscal year 2005: $2,742,900,000,000.
Fiscal year 2006: $2,544,200,000,000.
Fiscal year 2007: $2,329,100,000,000.
Fiscal year 2008: $2,099,500,000,000.
Fiscal year 2009: $1,861,100,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $468,020,000,000.
Fiscal year 2001: $487,744,000,000.
Fiscal year 2002: $506,293,000,000.
Fiscal year 2003: $527,326,000,000.
Fiscal year 2004: $549,876,000,000.
Fiscal year 2005: $576,840,000,000.
Fiscal year 2006: $601,834,000,000.
Fiscal year 2007: $628,277,000,000.
Fiscal year 2008: $654,422,000,000.
Fiscal year 2009: $681,313,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $327,256,000,000.
Fiscal year 2001: $339,789,000,000.
Fiscal year 2002: $350,127,000,000.
Fiscal year 2003: $362,197,000,000.
Fiscal year 2004: $375,253,000,000.
Fiscal year 2005: $389,485,000,000.
Fiscal year 2006: $404,596,000,000.
Fiscal year 2007: $420,616,000,000.
Fiscal year 2008: $438,132,000,000.
Fiscal year 2009: $459,496,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2000 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $288,812,000,000.
(B) Outlays, $274,567,000,000.
Fiscal year 2001:
(A) New budget authority, $303,616,000,000.
(B) Outlays, $285,949,000,000.
Fiscal year 2002:
(A) New budget authority, $308,175,000,000.
(B) Outlays, $291,714,000,000.
Fiscal year 2003:
(A) New budget authority, $318,277,000,000.
(B) Outlays, $303,642,000,000.
Fiscal year 2004:
(A) New budget authority, $327,166,000,000.
(B) Outlays, $313,460,000,000.
Fiscal year 2005:
(A) New budget authority, $328,370,000,000.
(B) Outlays, $316,675,000,000.
Fiscal year 2006:
(A) New budget authority, $329,600,000,000.
(B) Outlays, $315,111,000,000.
Fiscal year 2007:
(A) New budget authority, $330,870,000,000.
(B) Outlays, $313,687,000,000.
Fiscal year 2008:
(A) New budget authority, $332,176,000,000.
(B) Outlays, $317,103,000,000.
Fiscal year 2009:
(A) New budget authority, $333,452,000,000.
(B) Outlays, $318,041,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $12,511,000,000.
(B) Outlays, $14,850,000,000.
Fiscal year 2001:
(A) New budget authority, $12,716,000,000.
(B) Outlays, $15,362,000,000.
Fiscal year 2002:
(A) New budget authority, $11,985,000,000.
(B) Outlays, $14,781,000,000.
Fiscal year 2003:
(A) New budget authority, $13,590,000,000.
(B) Outlays, $14,380,000,000.
Fiscal year 2004:
(A) New budget authority, $14,494,000,000.
(B) Outlays, $14,133,000,000.
Fiscal year 2005:
(A) New budget authority, $14,651,000,000.
(B) Outlays, $13,807,000,000.
Fiscal year 2006:
(A) New budget authority, $14,834,000,000.
(B) Outlays, $13,513,000,000.
Fiscal year 2007:
(A) New budget authority, $14,929,000,000.
(B) Outlays, $13,352,000,000.
Fiscal year 2008:
(A) New budget authority, $14,998,000,000.
(B) Outlays, $13,181,000,000.
Fiscal year 2009:
(A) New budget authority, $14,962,000,000.
(B) Outlays, $13,054,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $17,955,000,000.
(B) Outlays, $18,214,000,000.
Fiscal year 2001:
(A) New budget authority, $17,946,000,000.
(B) Outlays, $17,907,000,000.
Fiscal year 2002:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,880,000,000.
Fiscal year 2003:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,784,000,000.
Fiscal year 2004:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,772,000,000.
Fiscal year 2005:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2005:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2006:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2007:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2008:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.
Fiscal year 2009:
(A) New budget authority, $17,912,000,000.
(B) Outlays, $17,768,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $49,000,000.
(B) Outlays, $ – 650,000,000.
Fiscal year 2001:
(A) New budget authority, $ – 1,435,000,000.
(B) Outlays, $ – 3,136,000,000.
Fiscal year 2002:
(A) New budget authority, $ – 163,000,000.
(B) Outlays, $ – 1,138,000,000.
Fiscal year 2003:
(A) New budget authority, $ – 84,000,000.
(B) Outlays, $ – 1,243,000,000.
Fiscal year 2004:
(A) New budget authority, $ – 319,000,000.
(B) Outlays, $ – 1,381,000,000.
Fiscal year 2005:
(A) New budget authority, $ – 447,000,000.
(B) Outlays, $ – 1,452,000,000.
Fiscal year 2006:
(A) New budget authority, $ – 452,000,000.
(B) Outlays, $ – 1,453,000,000.
Fiscal year 2007:
(A) New budget authority, $ – 506,000,000.
(B) Outlays, $ – 1,431,000,000.
Fiscal year 2008:
(A) New budget authority, $ – 208,000,000.
(B) Outlays, $ – 1,137,000,000.
Fiscal year 2009:
(A) New budget authority, $ – 76,000,000.
(B) Outlays, $ – 1,067,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $21,520,000,000.
(B) Outlays, $22,244,000,000.
Fiscal year 2001:

(A) New budget authority, $21,183,000,000.

(B) Outlays, $21,729,000,000.

Fiscal year 2002:

(A) New budget authority, $20,747,000,000.

(B) Outlays, $21,023,000,000.

Fiscal year 2003:

(A) New budget authority, $22,479,000,000.

(B) Outlays, $22,579,000,000.

Fiscal year 2004:

(A) New budget authority, $22,492,000,000.

(B) Outlays, $22,503,000,000.

Fiscal year 2005:

(A) New budget authority, $22,536,000,000.

(B) Outlays, $22,429,000,000.

Fiscal year 2006:

(A) New budget authority, $22,566,000,000.

(B) Outlays, $22,466,000,000.

Fiscal year 2007:

(A) New budget authority, $22,667,000,000.

(B) Outlays, $22,425,000,000.

Fiscal year 2008:

(A) New budget authority, $22,658,000,000.

(B) Outlays, $22,361,000,000.

Fiscal year 2009:

(A) New budget authority, $23,041,000,000.

(B) Outlays, $22,738,000,000.

(6) Agriculture (350):

Fiscal year 2000:

(A) New budget authority, $14,831,000,000.

(B) Outlays, $13,660,000,000.

Fiscal year 2001:

(A) New budget authority, $13,519,000,000.

(B) Outlays, $11,279,000,000.

Fiscal year 2002:

(A) New budget authority, $11,288,000,000.

(B) Outlays, $9,536,000,000.

Fiscal year 2003:

(A) New budget authority, $11,955,000,000.

(B) Outlays, $10,252,000,000.

Fiscal year 2004:

(A) New budget authority, $12,072,000,000.

(B) Outlays, $10,526,000,000.

Fiscal year 2005:

(A) New budget authority, $10,553,000,000.

(B) Outlays, $9,882,000,000.

Fiscal year 2006:

(A) New budget authority, $10,609,000,000.

(B) Outlays, $9,083,000,000.

Fiscal year 2007:

(A) New budget authority, $10,711,000,000.

(B) Outlays, $9,145,000,000.

Fiscal year 2008:

(A) New budget authority, $10,763,000,000.

(B) Outlays, $9,162,000,000.

Fiscal year 2009:

(A) New budget authority, $10,853,000,000.

(B) Outlays, $9,223,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2000:

(A) New budget authority, $9,864,000,000.

(B) Outlays, $4,470,000,000.

Fiscal year 2001:

(A) New budget authority, $10,620,000,000.

(B) Outlays, $5,754,000,000.

Fiscal year 2002:

(A) New budget authority, $14,450,000,000.

(B) Outlays, $10,188,000,000.

Fiscal year 2003:

(A) New budget authority, $14,529,000,000.

(B) Outlays, $10,875,000,000.

Fiscal year 2004:

(A) New budget authority, $13,859,000,000.

(B) Outlays, $10,439,000,000.

Fiscal year 2005:

(A) New budget authority, $12,660,000,000.

(B) Outlays, $9,437,000,000.

Fiscal year 2006:

(A) New budget authority, $12,635,000,000.

(B) Outlays, $9,130,000,000.

Fiscal year 2007:

(A) New budget authority, $12,666,000,000.

(B) Outlays, $8,879,000,000.

Fiscal year 2008:

(A) New budget authority, $12,642,000,000.

(B) Outlays, $8,450,000,000.

Fiscal year 2009:

(A) New budget authority, $13,415,000,000.

(B) Outlays, $8,824,000,000.

(8) Transportation (400):

Fiscal year 2000:

(A) New budget authority, $51,325,000,000.

(B) Outlays, $45,333,000,000.

Fiscal year 2001:

(A) New budget authority, $51,128,000,000.

(B) Outlays, $47,711,000,000.

Fiscal year 2002:

(A) New budget authority, $51,546,000,000.

(B) Outlays, $47,765,000,000.

Fiscal year 2003:

(A) New budget authority, $52,477,000,000.

(B) Outlays, $46,720,000,000.

Fiscal year 2004:

(A) New budget authority, $52,580,000,000.

(B) Outlays, $46,207,000,000.

Fiscal year 2005:

(A) New budget authority, $52,609,000,000.

(B) Outlays, $46,022,000,000.

Fiscal year 2006:

(A) New budget authority, $52,640,000,000.

(B) Outlays, $45,990,000,000.

Fiscal year 2007:

(A) New budget authority, $52,673,000,000.

(B) Outlays, $45,990,000,000.

Fiscal year 2008:

(A) New budget authority, $52,707,000,000.

(B) Outlays, $46,007,000,000.

Fiscal year 2009:

(A) New budget authority, $52,742,000,000.

(B) Outlays, $46,033,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $5,343,000,000.

(B) Outlays, $10,273,000,000.

Fiscal year 2001:

(A) New budget authority, $2,704,000,000.

(B) Outlays, $7,517,000,000.

Fiscal year 2002:

(A) New budget authority, $1,889,000,000.

(B) Outlays, $4,667,000,000.

Fiscal year 2003:

(A) New budget authority, $2,042,000,000.

(B) Outlays, $2,964,000,000.

Fiscal year 2004:

(A) New budget authority, $2,037,000,000.

(B) Outlays, $2,120,000,000.

Fiscal year 2005:

(A) New budget authority, $2,030,000,000.

(B) Outlays, $1,234,000,000.

Fiscal year 2006:

(A) New budget authority, $2,027,000,000.

(B) Outlays, $931,000,000.

Fiscal year 2007:

(A) New budget authority, $2,021,000,000.

(B) Outlays, $795,000,000.

Fiscal year 2008:

(A) New budget authority, $2,019,000,000.

(B) Outlays, $724,000,000.

Fiscal year 2009:

(A) New budget authority, $2,013,000,000.

(B) Outlays, $668,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2000:

(A) New budget authority, $67,373,000,000.

(B) Outlays, $63,994,000,000.

Fiscal year 2001:

(A) New budget authority, $66,549,000,000.

(B) Outlays, $65,355,000,000.

Fiscal year 2002:

(A) New budget authority, $67,295,000,000.

(B) Outlays, $66,037,000,000.

Fiscal year 2003:

(A) New budget authority, $73,334,000,000.

(B) Outlays, $68,531,000,000.

Fiscal year 2004:

(A) New budget authority, $76,648,000,000.

(B) Outlays, $72,454,000,000.

Fiscal year 2005:

(A) New budget authority, $77,464,000,000.

(B) Outlays, $75,891,000,000.

Fiscal year 2006:

(A) New budget authority, $78,229,000,000.

(B) Outlays, $77,189,000,000.

Fiscal year 2007:

(A) New budget authority, $79,133,000,000.

(B) Outlays, $78,119,000,000.

Fiscal year 2008:

(A) New budget authority, $80,144,000,000.

(B) Outlays, $79,109,000,000.

Fiscal year 2009:

(A) New budget authority, $80,051,000,000.

(B) Outlays, $79,059,000,000.

(11) Health (550):

Fiscal year 2000:

(A) New budget authority, $156,181,000,000.

(B) Outlays, $152,986,000,000.

Fiscal year 2001:

(A) New budget authority, $164,089,000,000.

(B) Outlays, $162,357,000,000.

Fiscal year 2002:

(A) New budget authority, $173,330,000,000.

(B) Outlays, $173,767,000,000.

Fiscal year 2003:

(A) New budget authority, $184,679,000,000.

(B) Outlays, $185,330,000,000.

Fiscal year 2004:

(A) New budget authority, $197,893,000,000.

(B) Outlays, $198,499,000,000.

Fiscal year 2005:

(A) New budget authority, $212,821,000,000.

(B) Outlays, $212,637,000,000.

Fiscal year 2006:

(A) New budget authority, $228,379,000,000.

(B) Outlays, $228,323,000,000.

Fiscal year 2007:

(A) New budget authority, $246,348,000,000.

(B) Outlays, $245,472,000,000.

Fiscal year 2008:

(A) New budget authority, $265,160,000,000.

(B) Outlays, $264,420,000,000.

Fiscal year 2009:

(A) New budget authority, $285,541,000,000.

(B) Outlays, $284,941,000,000.

(12) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $208,652,000,000.

(B) Outlays, $208,698,000,000.

Fiscal year 2001:

(A) New budget authority, $222,104,000,000.

(B) Outlays, $222,252,000,000.

Fiscal year 2002:

(A) New budget authority, $230,593,000,000.

(B) Outlays, $230,222,000,000.

Fiscal year 2003:

(A) New budget authority, $250,743,000,000.

(B) Outlays, $250,871,000,000.

Fiscal year 2004:

(A) New budget authority, $268,558,000,000.

(B) Outlays, $268,738,000,000.

Fiscal year 2005:

(A) New budget authority, $295,574,000,000.

(B) Outlays, $295,188,000,000.

Fiscal year 2006:

(A) New budget authority, $306,772,000,000.

(B) Outlays, $306,929,000,000.

Fiscal year 2007:

(A) New budget authority, $337,566,000,000.

(B) Outlays, $337,761,000,000.

Fiscal year 2008:

(A) New budget authority, $365,642,000,000.

(B) Outlays, $365,225,000,000.

Fiscal year 2009:

(A) New budget authority, $394,078,000,000.

(B) Outlays, $394,249,000,000.

(13) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $244,390,000,000.

(B) Outlays, $248,088,000,000.

Fiscal year 2001:

(A) New budget authority, $250,873,000,000.

(B) Outlays, $257,033,000,000.

Fiscal year 2002:

(A) New budget authority, $263,620,000,000.

(B) Outlays, $266,577,000,000.

Fiscal year 2003:

(A) New budget authority, $276,386,000,000.

(B) Outlays, $276,176,000,000.

Fiscal year 2004:

(A) New budget authority, $285,576,000,000.

(B) Outlays, $285,388,000,000.

Fiscal year 2005:

(A) New budget authority, $297,942,000,000.

(B) Outlays, $298,128,000,000.

Fiscal year 2006:

(A) New budget authority, $304,155,000,000.

(B) Outlays, $304,593,000,000.

Fiscal year 2007:

(A) New budget authority, $310,047,000,000.

(B) Outlays, $310,948,000,000.

Fiscal year 2008:

(A) New budget authority, $323,315,000,000.

(B) Outlays, $324,766,000,000.

Fiscal year 2009:

(A) New budget authority, $333,562,000,000.

(B) Outlays, $335,104,000,000.

(14) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $14,239,000,000.

(B) Outlays, $14,348,000,000.

Fiscal year 2001:

(A) New budget authority, $13,768,000,000.

(B) Outlays, $13,750,000,000.

Fiscal year 2002:

(A) New budget authority, $15,573,000,000.

(B) Outlays, $15,555,000,000.

Fiscal year 2003:

(A) New budget authority, $16,299,000,000.

(B) Outlays, $16,281,000,000.

Fiscal year 2004:

(A) New budget authority, $17,087,000,000.

(B) Outlays, $17,069,000,000.

Fiscal year 2005:

(A) New budget authority, $17,961,000,000.

(B) Outlays, $17,943,000,000.

Fiscal year 2006:

(A) New budget authority, $18,895,000,000.

(B) Outlays, $18,877,000,000.

Fiscal year 2007:

(A) New budget authority, $19,907,000,000.

(B) Outlays, $19,889,000,000.

Fiscal year 2008:

(A) New budget authority, $21,033,000,000.

(B) Outlays, $21,015,000,000.

Fiscal year 2009:

(A) New budget authority, $22,233,000,000.

(B) Outlays, $22,215,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $44,724,000,000.

(B) Outlays, $45,064,000,000.

Fiscal year 2001:

(A) New budget authority, $44,255,000,000.

(B) Outlays, $44,980,000,000.

Fiscal year 2002:

(A) New budget authority, $44,728,000,000.

(B) Outlays, $45,117,000,000.

Fiscal year 2003:

(A) New budget authority, $45,536,000,000.

(B) Outlays, $46,024,000,000.

Fiscal year 2004:

(A) New budget authority, $45,862,000,000.

(B) Outlays, $46,327,000,000.

Fiscal year 2005:

(A) New budget authority, $48,341,000,000.

(B) Outlays, $48,844,000,000.

Fiscal year 2006:

(A) New budget authority, $46,827,000,000.

(B) Outlays, $47,373,000,000.

Fiscal year 2007:

(A) New budget authority, $47,377,000,000.

(B) Outlays, $45,803,000,000.

Fiscal year 2008:

(A) New budget authority, $47,959,000,000.

(B) Outlays, $48,505,000,000.

Fiscal year 2009:

(A) New budget authority, $48,578,000,000.

(B) Outlays, $49,150,000,000.

(16) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $23,434,000,000.

(B) Outlays, $25,349,000,000.

Fiscal year 2001:

(A) New budget authority, $24,656,000,000.

(B) Outlays, $25,117,000,000.

Fiscal year 2002:

(A) New budget authority, $24,657,000,000.

(B) Outlays, $24,932,000,000.

Fiscal year 2003:

(A) New budget authority, $24,561,000,000.

(B) Outlays, $24,425,000,000.

Fiscal year 2004:

(A) New budget authority, $24,467,000,000.

(B) Outlays, $24,356,000,000.

Fiscal year 2005:

(A) New budget authority, $24,355,000,000.

(B) Outlays, $24,242,000,000.

Fiscal year 2006:

(A) New budget authority, $24,242,000,000.

(B) Outlays, $24,121,000,000.

Fiscal year 2007:

(A) New budget authority, $24,114,000,000.

(B) Outlays, $23,996,000,000.

Fiscal year 2008:

(A) New budget authority, $23,989,000,000.

(B) Outlays, $23,885,000,000.

Fiscal year 2009:

(A) New budget authority, $23,833,000,000.

(B) Outlays, $23,720,000,000.

(17) General Government (800):

Fiscal year 2000:

(A) New budget authority, $12,339,000,000.

(B) Outlays, $13,476,000,000.

Fiscal year 2001:

(A) New budget authority, $11,916,000,000.

(B) Outlays, $12,605,000,000.

Fiscal year 2002:

(A) New budget authority, $12,080,000,000.

(B) Outlays, $12,282,000,000.

Fiscal year 2003:

(A) New budget authority, $12,083,000,000.

(B) Outlays, $12,150,000,000.

Fiscal year 2004:

(A) New budget authority, $12,099,000,000.

(B) Outlays, $12,186,000,000.

Fiscal year 2005:

(A) New budget authority, $12,112,000,000.

(B) Outlays, $11,906,000,000.

Fiscal year 2006:

(A) New budget authority, $12,134,000,000.

(B) Outlays, $11,839,000,000.

Fiscal year 2007:

(A) New budget authority, $12,150,000,000.

(B) Outlays, $11,873,000,000.

Fiscal year 2008:

(A) New budget authority, $12,169,000,000.

(B) Outlays, $12,064,000,000.

Fiscal year 2009:

(A) New budget authority, $12,178,000,000.

(B) Outlays, $11,931,000,000.

(18) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $275,682,000,000.

(B) Outlays, $275,682,000,000.

Fiscal year 2001:

(A) New budget authority, $271,443,000,000.

(B) Outlays, $271,443,000,000.

Fiscal year 2002:

(A) New budget authority, $267,855,000,000.

(B) Outlays, $267,855,000,000.

Fiscal year 2003:

(A) New budget authority, $265,573,000,000.

(B) Outlays, $265,573,000,000.

Fiscal year 2004:

(A) New budget authority, $263,835,000,000.

(B) Outlays, $263,835,000,000.

Fiscal year 2005:

(A) New budget authority, $261,411,000,000.

(B) Outlays, $261,411,000,000.

Fiscal year 2006:

(A) New budget authority, $259,195,000,000.

(B) Outlays, $259,195,000,000.

Fiscal year 2007:

(A) New budget authority, $257,618,000,000.

(B) Outlays, $257,618,000,000.

Fiscal year 2008:

(A) New budget authority, $255,177,000,000.

(B) Outlays, $255,177,000,000.

Fiscal year 2009:

(A) New budget authority, $253,001,000,000.

(B) Outlays, $253,001,000,000.

(19) Allowances (920):

Fiscal year 2000:

(A) New budget authority, $−8,033,000,000.

(B) Outlays, $−8,094,000,000.

Fiscal year 2001:

(A) New budget authority, $−8,480,000,000.

(B) Outlays, $−12,874,000,000.

Fiscal year 2002:

(A) New budget authority, $−6,437,000,000.

(B) Outlays, $−19,976,000,000.

Fiscal year 2003:

(A) New budget authority, $−4,394,000,000.

(B) Outlays, $−4,835,000,000.

Fiscal year 2004:

(A) New budget authority, $−4,481,000,000.

(B) Outlays, $−5,002,000,000.

Fiscal year 2005:

(A) New budget authority, $−4,515,000,000.

(B) Outlays, $−5,067,000,000.

Fiscal year 2006:

(A) New budget authority, $−4,619,000,000.

(B) Outlays, $−5,192,000,000.

Fiscal year 2007:

(A) New budget authority, $−5,210,000,000.

(B) Outlays, $−5,780,000,000.

Fiscal year 2008:

(A) New budget authority, $−5,279,000,000.

(B) Outlays, $−5,851,000,000.

Fiscal year 2009:

(A) New budget authority, $−5,316,000,000.

(B) Outlays, $−5,889,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, $−34,260,000,000.

(B) Outlays, $−34,260,000,000.

Fiscal year 2001:

(A) New budget authority, $−36,876,000,000.

(B) Outlays, $−36,876,000,000.

Fiscal year 2002:

(A) New budget authority, $−43,626,000,000.

(B) Outlays, $−43,626,000,000.

Fiscal year 2003:

(A) New budget authority, $−37,464,000,000.

(B) Outlays, $−37,464,000,000.

Fiscal year 2004:

(A) New budget authority, $−37,559,000,000.

(B) Outlays, $−37,559,000,000.

Fiscal year 2005:

(A) New budget authority, $−38,497,000,000.

(B) Outlays, $−38,497,000,000.

Fiscal year 2006:

(A) New budget authority, $−39,178,000,000.

(B) Outlays, $−39,178,000,000.

Fiscal year 2007:

(A) New budget authority, $−40,426,000,000.

(B) Outlays, $−40,426,000,000.

Fiscal year 2008:

(A) New budget authority, $−41,237,000,000.

(B) Outlays, $−41,237,000,000.

Fiscal year 2009:

(A) New budget authority, $−42,084,000,000.

(B) Outlays, $−42,084,000,000.

SEC. 104. RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

Not later than June 18, 1999, the Senate Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary—

(1) to reduce revenues by not more than $0 in fiscal year 2000, $142,034,000,000 for the period of fiscal years 2000 through 2004, and $777,587,000,000 for the period of fiscal years 2000 through 2009; and

(2) to decrease the statutory limit on the public debt to not more than $5,865,000,000,000 for fiscal year 2000.

SEC. 105. RECONCILIATION OF REVENUE REDUCTIONS IN THE HOUSE OF REPRESENTATIVES.

Not later than June 11, 1999, the Committee on Ways and Means shall report to the House of Representatives a reconciliation bill proposing changes in laws within its jurisdiction necessary—

(1) to reduce revenues by not more than $0 in fiscal year 2000, $142,034,000,000 for the period of fiscal years 2000 through 2004, and $777,587,000,000 for the period of fiscal years 2000 through 2009; and

(2) to decrease the statutory limit on the public debt to not more than $5,865,000,000,000 for fiscal year 2000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. RESERVE FUND FOR A FISCAL YEAR 2000 SURPLUS.

(a) Congressional Budget Office Updated Budget Forecast for Fiscal Year 2000.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget forecast for fiscal year 2000 by July 15, 1999.

(b) Reporting a Surplus.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for fiscal year 2000, the Chairman of the Committee on the Budget shall make the adjustments as provided in subsection (c).

(c) Adjustments.—The Chairman of the Committee on the Budget shall take the amount of the on-budget surplus for fiscal year 2000 estimated in the report submitted pursuant to subsection (a) and—

(1) reduce the on-budget revenue aggregate by that amount for fiscal year 2000;

(2) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by that amount for fiscal year 2000; and

(3) adjust the instruction in sections 104(1) and 105(1) of this resolution to—

(A) reduce revenues by that amount for fiscal year 2000; and

(B) increase the reduction in revenues for the period of fiscal years 2000 through 2004 and for the period of fiscal years 2000 through 2009 by that amount.

(d) Budgetary Enforcement.—Revised aggregates and other levels under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates and other levels contained in this resolution.

SEC. 202. RESERVE FUND FOR AGRICULTURE.

(a) Adjustment.—If legislation is reported by the Senate Committee on Agriculture, Nutrition and Forestry that provides risk management and income assistance for agriculture producers, the Chairman of the Senate Committee on the Budget may increase the allocation of budget authority and outlays to that Committee by an amount that does not exceed—

(1) $500,000,000 in budget authority and in outlays for fiscal year 2000; and

(2) $6,000,000,000 in budget authority and $5,165,000,000 in outlays for the period of fiscal years 2000 through 2004; and

(3) $6,000,000,000 in budget authority and in outlays for the period of fiscal years 2000 through 2009.

(b) Limitation.—The Chairman shall not make the adjustments authorized in this section if legislation described in subsection (a) would cause an on-budget deficit when taken with all other legislation enacted for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(c) Budgetary Enforcement.—Revised allocations under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations contained in this resolution.

SEC. 203. TAX REDUCTION RESERVE FUND IN THE SENATE.

(a) In General.—In the Senate, the Chairman of the Committee on the Budget of the Senate may reduce the spending and revenue aggregates and may revise committee allocations for legislation that reduces revenues if such legislation will not increase the deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2000 through 2009.

(b) Budgetary Enforcement.—Revised allocations and aggregates under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 204. CLARIFICATION ON THE APPLICATION OF SECTION 202 OF H. CON. RES. 67.

Section 202(b) of H. Con. Res. 67 (104th Congress) is amended—

(1) in paragraph (1), by striking "the deficit" and inserting "the on-budget deficit or cause an on-budget deficit"; and

(2) in paragraph (6), by—

(A) striking "increases the deficit" and inserting "increases the on-budget deficit or causes an on-budget deficit"; and

(B) striking "increase the deficit" and inserting "increase the on-budget deficit or cause an on-budget deficit".

SEC. 205. EMERGENCY DESIGNATION POINT OF ORDER.

(a) Point of Order.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(b) Definition of an Emergency Requirement.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Form of the Point of Order.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) Conference Reports.—If a point of order is sustained under this section against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974, except that there shall be no limit on debate.

SEC. 206. AUTHORITY TO PROVIDE COMMITTEE ALLOCATIONS.

In the event there is no joint explanatory statement accompanying a conference report on the concurrent resolution on the budget for fiscal year 2000, and in conformance with section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget of the House of Representatives and of the Senate shall submit for printing in the Congressional Record allocations consistent with the concurrent resolution on the budget for fiscal year 2000, as passed by the House of Representatives and of the Senate.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR USE OF OCS RECEIPTS.

(a) In General.—In the Senate, spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that would use proceeds from Outer Continental Shelf leasing and production to fund historic preservation, recreation and land, water, fish, and wildlife conservation efforts and to support coastal needs and activities, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) Revised Allocations.—

(1) Adjustments for Legislation.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) Adjustments for Amendments.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) Reporting Revised Allocations.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR MANAGED CARE PLANS THAT AGREE TO PROVIDE ADDITIONAL SERVICES TO THE ELDERLY.

(a) In General.—In the Senate, spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to provide: additional funds for medicare managed care plans agreeing to serve elderly patients for at least 2 years and whose reimbursement was reduced because of the risk adjustment regulations, provided that to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) Revised Allocations.—

(1) Adjustments for legislation.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional level and spending aggregates to carry out this section. These revised allocations, functional levels, and spending aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) Adjustments for amendments.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and spending aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(d) Reporting Revised Allocations.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 209. RESERVE FUND FOR MEDICARE AND PRESCRIPTION DRUGS.

(a) Adjustment.—If legislation is reported by the Senate Committee on Finance that significantly extends the solvency of the Medicare Hospital Insurance Trust Fund without the use of transfers of new subsidies from the general fund, the Chairman of the Committee on the Budget may change committee allocations and spending aggregates if such legislation will not cause an on-budget deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) Prescription Drug Benefit.—The adjustments made pursuant to subsection (a) may be made to address the cost of the prescription drug benefit.

(c) Budgetary Enforcement.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 210. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE ON MARRIAGE PENALTY.

(a) Findings.—Congress finds that—

(1) differences in income tax liabilities caused by marital status are embodied in a number of tax code provisions including separate rate schedules and standard deductions for married couples and single individuals;

(2) according to the Congressional Budget Office (CBO), 42 percent of married couples incurred "marriage penalties" under the tax code in 1996, averaging nearly $1,400;

(3) measured as a percent of income, marriage penalties are largest for low-income families, as couples with incomes below $20,000 who incurred a marriage penalty in 1996 were forced to pay nearly 8 percent more of their income in taxes than if they had been able to file individual returns;

(4) empirical evidence indicates that the marriage penalty may affect work patterns, particularly for a couple's second earner, because higher rates reduce after-tax wages and may cause second earners to work fewer hours or not at all, which, in turn, reduces economic efficiency; and

(5) the tax code should not improperly influence the choice of couples with regard to marital status by having the combined Federal income tax liability of a couple be higher if they are married than if they are single.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that significantly reducing or eliminating the marriage penalty should be a component of any tax cut package reported by the Finance Committee and passed by Congress during the fiscal year 2000 budget reconciliation process.

SEC. 302. SENSE OF THE SENATE ON IMPROVING SECURITY FOR UNITED STATES DIPLOMATIC MISSIONS.

It is the sense of the Senate that the levels in this resolution assume that there is an urgent and ongoing requirement to improve security for United States diplomatic missions and personnel abroad, which should be met without compromising existing budgets for International Affairs (Function 150).

SEC. 303. SENSE OF THE SENATE ON ACCESS TO MEDICARE HOME HEALTH SERVICES.

(a) Findings.—The Senate finds that—

(1) medicare home health services provide a vitally important option enabling homebound individuals to stay in their own homes and communities rather than go into institutionalized care; and

(2) implementation of the Interim Payment System and other changes to the medicare home health benefit have exacerbated inequalities in payments for home health services between regions, limiting access to these services in many areas and penalizing efficient, low-cost providers.

(b) Sense of the Senate.—It is the sense of the Senate the levels in this resolution assume that the Senate should act to ensure fair and equitable access to high quality home health services.

SEC. 304. SENSE OF THE SENATE REGARDING THE DEDUCTIBILITY OF HEALTH INSURANCE PREMIUMS OF THE SELF-EMPLOYED.

(a) Findings.—The Senate finds that—

(1) under current law, the self-employed do not enjoy parity with their corporate competitors with respect to the tax deductibility of their health insurance premiums;

(2) this April, the self-employed will only be able to deduct only 45 percent if their health insurance premiums for the tax year 1998;

(3) the following April, the self-employed will be able to take a 60-percent deduction for their health insurance premiums for the tax year 1999;

(4) it will not be until 2004 that the self-employed will be able to take a full 100-percent deduction for their health insurance premiums for the tax year 2003;

(5) the self-employed's health insurance premiums are generally over 30 percent higher than the health insurance premiums of group health plans;

(6) the increased cost coupled with the less favorable tax treatment makes health insurance less affordable for the self-employed;

(7) these disadvantages are reflected in the higher rate of uninsured among the self-employed which stands at 24.1 percent compared with 18.2 percent for all wage and salaried workers, for self-employed living at or below the poverty level the rate of uninsured is 53.1 percent, for self-employed living at 100 through 199 percent of poverty the rate of uninsured is 47 percent, and for self-employed living at 200 percent of poverty and above the rate of uninsured is 17.8 percent;

(8) for some self-employed, such as farmers who face significant occupational safety hazards, this lack of health insurance affordability has even greater ramifications; and

(9) this lack of full deductibility is also adversely affecting the growing number of women who own small businesses.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that tax relief legislation should include parity between the self-employed and corporations with respect to the tax treatment of health insurance premiums.

SEC. 305. SENSE OF THE SENATE THAT TAX REDUCTIONS SHOULD GO TO WORKING FAMILIES.

It is the sense of the Senate that this concurrent resolution on the budget assumes any reductions in taxes should be structured to benefit working families by providing family tax relief and incentives to stimulate savings, investment, job creation, and economic growth.

SEC. 306. SENSE OF THE SENATE ON THE NATIONAL GUARD.

(a) Findings.—The Senate finds that—

(1) the Army National Guard relies heavily upon thousands of full-time employees, Military Technicians and Active Guard/Reserves, to ensure unit readiness throughout the Army National Guard;

(2) these employees perform vital day-to-day functions, ranging from equipment maintenance to leadership and staff roles, that allow the drill weekends and annual active duty training of the traditional Guardsmen to be dedicated to preparation for the National Guard's warfighting and peacetime missions;

(3) when the ability to provide sufficient Active Guard/Reserves and Technicians end strength is reduced, unit readiness, as well as quality of life for soldiers and families is degraded;

(4) the Army National Guard, with agreement from the Department of Defense, requires a minimum essential requirement of 23,500 Active Guard/Reserves and 25,500 Technicians; and

(5) the fiscal year 2000 budget request for the Army National Guard provides resources

sufficient for approximately 21,807 Active Guard/Reserves and 22,500 Technicians, end strength shortfalls of 3,000 and 1,693, respectively.

(b) Sense of the Senate.—It is the sense of the Senate that the functional totals in the budget resolution assume that the Department of Defense will give priority to providing adequate resources to sufficiently fund the Active Guard/Reserves and Military Technicians at minimum required levels.

SEC. 307. SENSE OF THE SENATE ON EFFECTS OF SOCIAL SECURITY REFORM ON WOMEN.

(a) Findings.—The Senate finds that—

(1) the Social Security benefit structure is of particular importance to low-earning wives and widows, with 63 percent of women beneficiaries aged 62 or older receiving wife's or widow's benefits;

(2) three-quarters of unmarried and widowed elderly women rely on Social Security for more than half of their income;

(3) without Social Security benefits, the elderly poverty rate among women would have been 52.2 percent, and among widows would have been 60.6 percent;

(4) women tend to live longer and tend to have lower lifetime earnings than men do;

(5) women spend an average of 11.5 years out of their careers to care for their families, and are more likely to work part-time than full-time; and

(6) during these years in the workforce, women earn an average of 70 cents for every dollar men earn.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) Social Security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their entire old age; and

(3) the Congress and the President should take these factors into account when considering proposals to reform the Social Security system.

SEC. 308. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH.

(a) Findings.—The Senate finds that—

(1) the National Institutes of Health is the Nation's foremost research center;

(2) the Nation's commitment to and investment in biomedical research has resulted in better health and an improved quality of life for all Americans;

(3) continued biomedical research funding must be ensured so that medical doctors and scientists have the security to commit to conducting long-term research studies;

(4) funding for the National Institutes of Health should continue to increase in order to prevent the cessation of biomedical research studies and the loss of medical doctors and research scientists to private research organizations; and

(5) the National Institutes of Health conducts research protocols without proprietary interests, thereby ensuring that the best health care is researched and made available to the Nation.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there shall be a continuation of the pattern of budgetary increases for biomedical research.

SEC. 309. SENSE OF CONGRESS ON FUNDING FOR KYOTO PROTOCOL IMPLEMENTATION PRIOR TO SENATE RATIFICATION.

(a) Findings.—Congress finds the following:

(1) The agreement signed by the Administration on November 12, 1998, regarding legally binding commitments on greenhouse gas reductions is inconsistent with the provisions of S. Res. 98, the Byrd-Hagel Resolution, which passed the Senate unanimously.

(2) The Administration has agreed to allowing at least 2 additional years for negotiations on the Buenos Aires Action Plan to determine the provisions of several vital aspects of the Treaty for the United States, including emissions trading schemes, carbon sinks, a clean development mechanism, and developing Nation participation.

(3) The Administration has not submitted the Kyoto Protocol to the Senate for ratification and has indicated it has no intention to do so in the foreseeable future.

(4) The Administration has pledged to Congress that it would not implement any portion of the Kyoto Protocol prior to its ratification in the Senate.

(5) Congress agrees that Federal expenditures are required and appropriate for activities which both improve the environment and reduce carbon dioxide emissions. Those activities include programs to promote energy efficient technologies, encourage technology development that reduces or sequesters greenhouse gases, encourage the development and use of alternative and renewable fuel technologies, and other programs justifiable independent of the goals of the Kyoto Protocol.

(b) Sense of Congress.—It is the sense of Congress that the levels in this resolution assume that funds should not be provided to put into effect the Kyoto Protocol prior to its Senate ratification in compliance with the requirements of the Byrd-Hagel Resolution and consistent with previous Administration assurances to Congress.

SEC. 310. SENSE OF THE SENATE ON FEDERAL RESEARCH AND DEVELOPMENT INVESTMENT.

(a) Findings.—The Senate finds the following:

(1) A dozen internationally, prestigious economic studies have shown that technological progress has historically been the single most important factor in economic growth, having more than twice the impact of labor or capital.

(2) The link between economic growth and technology is evident: our dominant high technology industries are currently responsible for 80 percent of the value of today's stock market, ⅓ of our economic output, and half of our economic growth. Furthermore, the link between Federal funding of research and development (R&D) and market products is conclusive: 70 percent of all patent applications cite nonprofit or federally-funded research as a core component to the innovation being patented.

(3) The revolutionary high technology applications of today were spawned from scientific advances that occurred in the 1960's, when the government intensively funded R&D. In the 3 decades since then, our investment in R&D as a fraction of Gross Domestic Product (GDP) has dropped to half its former value. As a fraction of the Federal budget, the investment in civilian R&D has dropped to only ⅓ its value in 1965.

(4) Compared to other foreign nations' investment in science and technology, American competitiveness is slipping: an Organization for Economic Co-opertion and Development report notes that 14 countries now invest more in basic and fundamental research as a fraction of GDP than the United States.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that the Federal investment in R&D should be preserved and increased in order to ensure long-term United States economic strength. Funding for Federal agencies performing basic scientific, medical, and precompetitive engineering research pursuant to the Balanced Budget Agreement Act of 1997 should be a priority for the Senate Budget and Appropriations Committees this year, within the Budget as established by this Committee, in order to achieve a goal of doubling the Federal investment in R&D over an 11 year period.

SEC. 311. SENSE OF THE SENATE ON COUNTER-NARCOTICS FUNDING.

(a) Findings.—The Senate finds that—

(1) the drug crisis facing the United States is a top national security threat;

(2) the spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy;

(3) effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use; and

(4) the percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(b) Sense of the Senate.—It is the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume the following:

(1) All counter-narcotics agencies will be given a high priority for fully funding their counter-narcotics mission.

(2) Front line drug fighting agencies are dedicating more resources for intentional efforts to continue restoring a balanced drug control strategy. Congress should carefully examine the reauthorization of the United States Customs service and ensure they have adequate resources and authority not only to facilitate the movement of internationally traded goods but to ensure they can aggressively pursue their law enforcement activities.

(3) By pursuing a balanced effort which requires investment in 3 key areas: demand reduction (such as education and treatment); domestic law enforcement; and international supply reduction, Congress believes we can reduce the number of children who are exposed to and addicted to illegal drugs.

SEC. 312. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES.

(a) Findings.—The Senate finds that—

(1) more than 26,500 students from 250 tribes nationwide attend tribal colleges. The colleges serve students of all ages, many of whom are moving from welfare to work. The vast majority of tribal college students are first-generation college students;

(2) while annual appropriations for tribal colleges have increased modestly in recent years, core operation funding levels are still about ½ of the $6,000 per Indian student level authorized by the Tribally Controlled College or University Act;

(3) although tribal colleges received a $1,400,000 increase in funding in fiscal year 1999, because of rising student populations, these institutions faced an actual per-student decrease in funding over fiscal year 1998; and

(4) per student funding for tribal colleges is only about 63 percent of the amount given to mainstream community colleges ($2,964 per student at tribal colleges versus $4,743 per student at mainstream community colleges).

(b) Sense of the Senate.—It is the Sense of the Senate that—

(1) this resolution recognizes the funding difficulties faced by tribal colleges and assumes that priority consideration will be provided to them through funding for the Tribally Controlled College and University Act, the 1994 Land Grant Institutions, and title III of the Higher Education Act; and

(2) the levels in this resolution assume that such priority consideration reflects Congress's intent to continue work toward current statutory Federal funding goals for the tribal colleges.

SEC. 313. SENSE OF THE SENATE ON THE SOCIAL SECURITY SURPLUS.

(a) Findings.—The Congress finds that—

(1) according to the Congressional Budget Office (CBO) January 1999 "Economic and Budget Outlook," the Social Security Trust Fund is projected to incur annual surpluses of $126,000,000,000 in fiscal year 1999, $137,000,000,000 in fiscal year 2000, $144,000,000,000 in fiscal year 2001, $153,000,000,000 in fiscal year 2002, $161,000,000,000 in fiscal year 2003, and $171,000,000 in fiscal year 2004;

(2) the fiscal year 2000 budget resolution crafted by Chairman Domenici assumes that Trust Fund surpluses will be used to reduce publicly-held debt and for no other purposes, and calls for the enactment of statutory legislation that would enforce this assumption;

(3) the President's fiscal year 2000 budget proposal not only fails to call for legislation that will ensure annual Social Security surpluses are used strictly to reduce publicly-held debt, but actually spends a portion of these surpluses on non-Social Security programs;

(4) using CBO's re-estimate of his budget proposal, the President would spend approximately $40,000,000,000 of the Social Security surplus in fiscal year 2000 on non-Social Security programs; $41,000,000,000 in fiscal year 2001; $24,000,000,000 in fiscal year 2002; $34,000,000,000 in fiscal year 2003; and $20,000,000,000 in fiscal year 2004; and

(5) spending any portion of an annual Social Security surplus on non-Social Security programs is wholly-inconsistent with efforts to preserve and protect Social Security for future generations.

(b) Sense of Senate.—It is the Sense of Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress shall reject any budget, that would spend any portion of the Social Security surpluses generated in any fiscal year for any Federal program other than Social Security.

SEC. 314. SENSE OF THE SENATE ON SALE OF GOVERNOR'S ISLAND.

It is the sense of the Senate that the levels in this resolution assume that the sale of Governor's Island should be completed prior to the end of fiscal year 2000.

SEC. 315. SENSE OF THE SENATE ON PELL GRANT FUNDING.

(a) Findings.—The Senate finds that—

(1) public investment in higher education yields a return of several dollars for each dollar invested;

(2) higher education promotes economic opportunity for individuals, as recipients of bachelor's degrees earn an average of 75 percent per year more than those with high school diplomas and experience half as much unemployment as high school graduates;

(3) higher education promotes social opportunity, as increased education is correlated with reduced criminal activity, lessened reliance on public assistance, and increased civic participation;

(4) a more educated workforce will be essential for continued economic competitiveness in an age where the amount of information available to society will double in a matter of days rather than months or years;

(5) access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

(6) for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education for students with financial need;

(7) over the past decade, Pell Grant awards have failed to keep pace with inflation, eroding their value and threatening access to higher education for the nation's neediest students;

(8) grant aid as a portion of all students financial aid has fallen significantly over the past 5 years;

(9) the nation's neediest students are now borrowing approximately as much as its wealthiest students to finance higher education; and

(10) the percentage of freshmen attending public and private 4-year institutions from families below national median income has fallen since 1981.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the President's proposed reductions in the Pell Grant program are incompatible with his proposed $125 increase in the Pell Grant maximum award;

(2) the President's proposed reductions should be rejected; and

(3) within the discretionary allocation provided to the Appropriations Committee, the maximum grant award should be raised, to the maximum extent practicable and funding for the Pell Grant program should be higher than the level requested by the President.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

SESSIONS AMENDMENT NO. 121

Mr. STEVENS (for Mr. Sessions) proposed an amendment to the bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

Sec. . Crop Loss Assistance.—(a) In General.—Section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (section 101(a) of division A of Public Law 105-277), is amended—

(1) in subsection (a), by inserting "(not later than June 15, 1999)" after "made available"; and

(2) in subsection (g)(1), by inserting "or private crop insurance (including a rain and hail policy)" before the period at the end.

(b) Designation as Emergency Requirement.—Such sums are necessary to carry out the amendments made by subsection (a): *Provided*, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

COVERDELL AMENDMENT NO. 122

Mr. STEVENS (for Mr. Coverdell) proposed an amendment to the bill, S. 544, supra; as follows:

On page 8, line 21, by inserting after "Honduras:" the following: "*Provided further*, That, of the amount appropriated under this heading, up to $10,000,000 may be made available to establish and support a scholarship fund for qualified low-to-middle income students to attend Zamorano Agricultural University in Honduras:"

DASCHLE (AND JOHNSON) AMENDMENT NO. 123

Mr. STEVENS (for Mr. Daschle for himself and Mr. Johnson) proposed an amendment to the bill, S. 344, supra; as follows:

On page 39, line 20, strike "$209,700,000" and insert "$217,700,000".

On page 58, between lines 15 and 16, insert the following:

TITLE V—MISCELLANEOUS

Sec. 5001. (a) Availability of Settlement Amount.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) Covered Claims.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) Specified Uses.—

(1) In general.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103–121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to ⅞ of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 320)); and

(II) an amount equal to ⅛ of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

LOTT AMENDMENT NO. 124

Mr. LOTT proposed an amendment to amendment No. 81 proposed by Mrs. HUTCHISON to the bill, S. 544, supra; as follows:

Strike all after the word SEC. . and insert the following:

FINDINGS.—

The Senate Finds That—

(1) United States national security interests in Kosovo do not rise to a level that warrants military operations by the United States; and

(2) Kosovo is a province in the Federal Republic of Yugoslavia, a sovereign state:

SEC. . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

ADDITIONAL STATEMENTS

TRIBUTE TO HUMANITARIAN AID IN CENTRAL AMERICA

• Mr. GRAHAM. Mr. President, I rise to offer a personal tribute to the countless Americans who personify the finest traditions of charity by giving much-needed humanitarian supplies to the storm-ravaged people of Central America.

We are a generous people. For centuries, we have responded to human needs, to end suffering and to help those who were afflicted by the wrath of nature.

I have just returned from Central America, where the devastation of Hurricane Mitch is still felt by millions, many of whom are children. In communities throughout this neighboring region, storm victims continue to lack basic food, shelter, clothing and medical care. Damage to roads and bridges hampers the ability to move goods to market, and to transport emergency supplies.

As a repeat visitor to Central America since Hurricane Mitch, I can personally attest to the widespread human suffering caused by this fierce storm. But I have also witnessed the outpouring of humanitarian assistance from the United States and its impact in Central America.

By any measure, the myriad acts of kindness by the American people to our neighbors in need have been inspirational to all those who deplore the hunger of a child or the suffering of the sick. The list of examples of the humanitarian response to Hurricane Mitch is indeed lengthy, but I would like to cite a few examples.

As we paused last fall to celebrate Thanksgiving, a young Floridian named Abhishek Gupta read news accounts of the poor and needy at home and abroad. This high school student, along with other young people, raised thousands of dollars for charities in Florida and to help the victims of Hurricane Mitch in Central America.

During the period between Christmas and New Year's Abhishek joined a medical mission to Honduras and Nicaragua, taking food, clothing and medical supplies.

Meanwhile, for years the American Nicaraguan Foundation has helped distribute donations in Nicaragua through local outlets, including Catholic relief groups. In response to Hurricane Mitch, the foundation purchased and received food and medicine for victims.

With transport help from the U.S. military, these supplies were part of the immediate response in November to hurricane devastation.

Rebuilding the hard-hit communities of Central America will be a long-term process, and much work remains to be done. But as we re-commit ourselves this year to continue to help victims of last year's hurricane, we should applaud the multitudes of kind-hearted and dedicated people who have given time and resources to assist our neighbors.•

EDUCATIONAL ACHIEVEMENT

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1998–99 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indiana. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "Hoosier Farmers—Global Impact." Considering the importance of our expanding global market-place, students were asked to select a country or region of the world that buys products from Hoosier farmers and then creatively describe the value of this relationship to both trading partners. I would like to submit for the RECORD the winning essays of Wyatt James Roth of Pulaski County and Jennifer Tarr of Orange County. As state winners of the Youth Essay Contest, these two outstanding students are being recognized on Friday, March 19, 1999 during a visit to our Nation's Capitol.

The essays are as follows:

CORN'S TICKET TO THAILAND

(By Jennifer Tarr, Orange County)

This little kernel of Indiana's corn is going places. It will travel halfway around the world to the Southeast Asian country of Thailand. Come along with me . . .

FIRST STOP: INDIANA FIELD

I grew up in a field in Indiana. Less government subsidies make farmers rely more on international trade for income. Indiana farms had $5.39 billion in sales receipts for all commodities ranking it 14th in U.S. sales. Indiana had 3.2% of all U.S. exports ranking it 9th. That's why I'm on my trip.

SECOND STOP: GRAIN BIN

Corn prices are only $1.80 per bushel. With 9.7 billion bushels harvested in 1997, about 1.4 billion bushels are being stored in these bins. We're here partly because exports are down due to the strong American dollar and declining values of foreign currency. In Thailand, the baht is off 58%. U.S. economic sanctions also hurt exports because it takes trade away from Indiana farmers.

THIRD STOP: GRAIN BARGE

I'm on my way! Part of Thailand's trade was cut back due to trade with Russia who is exporting crops for the first time since the Soviet breakup. This takes income from Indiana farmers.

FOURTH STOP: THAILAND TABLE

I'm at this table as supper, but my friends may be used for everything from food to gasoline. Farmers here will use us to feed poultry, their main farm product. Because 96% of the world lives outside of the U.S., we need to export Indiana goods to those markets to prosper. Trade with other countries is critical to being competitive in today's world.

It's been a wonderful trip! Everyone gained something. Thailand gained with food that they couldn't have grown and Indiana farmers gained with income in an unsteady market.

HOOSIER FARMERS—GLOBAL IMPACT

(By Wyatt James Roth, Pulaski County)

"Good morning, class," exclaimed social studies teacher, Mr. Beach. "Today's lesson should prove both interesting and educational for you. We have with us today, Mr. Toshitomo Kobiyashi, from Japan. He and I will be talking to you about agricultural products that we sell to Japan and how they help not only his country, but ours as well. First of all, let me explain that when we sell products to Japan or any other country, the process of a product leaving our country and going to another place is called exportation. Indiana farmers depend on the export of their farm products such as corn, soybeans, and wheat, along with beef and pork, for their livelihood."

"Yes, Mr. Beach, and we in Japan are very thankful for these products. My people used to rely on rice as a major source of food. This is still there, but we have also developed other tastes, one of which is the taste for red meat. We buy breeding stock from Indiana farmers, which is the reason I am in Indiana. I was sent here to buy hogs for breeding so that we can supply our people with pork."

"Mr. Kobiyashi, why doesn't your country raise all of these products in Japan so that you don't have to buy them from us?"

"Good question, young man! Japan is too small and too heavily populated to grow everything in its own country. That is why we depend on the United States so much for these products."

"Yes, class," added Mr. Beach, "Indiana farmers and Japanese consumers both benefit from our agricultural trade. Our farmers sell their products for cash and Japan buys them for consumption. This is called supply and demand."

"Ah, yes, Mr. Beach. It is a good trade. Thank you for having me and thanks to the Indiana farmers for the products that they grow. As we say in Japanese, Sianara!"

1998–99 DISTRICT ESSAY WINNERS

District 1: Wyatt Roth, Katie Jaskowiak.
District 2: Peter Rummel, Sarah Showalter.
District 3: Brian Blume, Ashley Sizemore.
District 4: Kurt Biehl, Ashley Height.
District 5: Cody Porter, Annie Morgan.
District 6: Drew Reissaus, Katherine Delph.
District 7: Anjelica Dortch.
District 8: Nicholas Reding, Katie Kugele.
District 9: Joey Smith, Jennifer Tarr.
District 10: Josh Robinson, Karla Roberts.

COUNTIES REPRESENTED

Allen: Rashon Thomas.
Cass: Brian Blume, Allison Henry.
Decatur: Nicholas Reding.
Dubois: Roger Lueken, Laura Begle.
Elkhart: Peter Rummel.
Franklin: Zachary Grubbs, Katie Kugele.
Hamilton: Drew Reissaus, Lisa Denning.
Howard: Matt Bell.
Jasper: Ryan Anderson, Ashley Sizemore.
Jay: Davis Bowen, Joanna Knipp.
Lake: Danny Pace.
Lawrence: Wendy McDonald.
Madison: Aaron Justison, Carey Justison.
Marion: Christopher Patton, Katherine Delph.
Monroe: Anjelica Dortch.
Newton: Brian Tatum, Kassie Koselke.
Noble: Joshua Butler, Sarah Showalter.
Ohio: Karla Roberts.
Orange: Jennifer Tarr.
Pulaski: Wyatt Roth, Julie Sehstedt.
Starke: Karl Hall, Amy Pflugshaupt.
St. Joseph: Joshua Lichtenbarger, Katie Jaskowiak.
Vermillion: Cody Porter, Annie Morgan.
Wabash: Kurt Biehl, Ashley Height.
Warrick: Joey Smith, Maggie Springstun.
Washington: Josh Robinson, Jennifer Goering.
Wayne: James McGuire, Victoria Rommer.•

EDUCATION-FLEXIBILITY ACT

• Mr. FEINGOLD. Mr. President, I was pleased to join 97 of my colleagues to vote in favor of the Education Flexibility Partnership Act, or Ed-Flex, last week. This bill expands the current federal Ed-Flex pilot program to all states and allows them to waive certain federal education requirements for local schools, so long as schools are accountable for making education improvements, and does so without altering federal requirements concerning health, safety and civil rights. It is my hope that Ed-Flex can help increase student achievement by serving as a catalyst for innovative school reform at the state and local levels.

Mr. President, while I am pleased the Senate passed the underlying Ed-Flex bill, I am disappointed that the bill includes amendments that would force local schools to choose between smaller classes and students with special needs. These amendments could undermine the important class size reduction program agreed to on a bipartisan basis last year. I was also deeply disappointed with the defeat of the Kennedy/Murray class size amendment, which would have built on the down payment of 30,000 teachers agreed to last year and finished the job by authorizing class size funding for the next six years.

My own State of Wisconsin has been a leader among the states trying to reduce class size in the early grades. Wisconsin's Student Achievement Guarantee in Education or SAGE class size reduction program, has proven conclusively that smaller classes make a difference in our children's education. SAGE officials want the Federal Government to be a partner in Wisconsin's effort to reduce class size. Federal funds are an important complement to Wisconsin's ongoing SAGE program and will ensure that SAGE continues to thrive. The rejection of the Kennedy/Murray amendment sends a discouraging message to schools in my State and across the nation that are just beginning to make decisions about how to implement the class size funds agreed to last year.

It is very unfortunate, Mr. President, that two critically important federal programs, funds for special education and to reduce class size, were pitted against each other during the Ed-Flex debate. I am fully committed to funding for special education, but not at the expense of funds to reduce class size. The promise of these critically important education funds affecting our nation's children should not fall victim to partisan maneuvers. Congress should not be choosing one over the other—both special education and class size are national education priorities. American parents should know those in Congress who pit these programs against each other are the friend of neither.

Finally, Mr. President, while I understand that Ed-Flex is not a panacea for America's education problems, I do believe it will improve the federal, state and local partnership needed to ensure our children receive the best quality education possible. I am confident that the conference committee will protect the class size funds agreed to last year and that Congress will vote on an improved version of Ed-Flex in the near future.•

TRIBUTE TO ALFRED TESTA, JR.

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Alfred Testa on his departure as the Director of Manchester Airport. Fred has been the Director of Manchester Airport since 1991. He has brought about tremendous and exciting change to the airport during his tenure and I am proud to have worked with him during his distinguished career.

Fred came to Manchester after serving as Deputy Director of T.F. Green Airport in Warwick, Rhode Island. He is a graduate of the University of Rhode Island with a B.A. in Political Science and earned his J.D. at Suffolk University Law School. He is an Accredited Airport Executive with the American Association of Airport Executives and is a regular lecturer on airport development, management and marketing.

Fred has been the driving force behind the substantial growth at Manchester Airport. When Fred began as

Manchester Airport's Director, the airport handled approximately 700,000 passengers a year and there were six commercial airlines that serviced the airport. Today, there are eleven commercial airlines based there, and last year, the airport served almost 2 million travelers. Fred's efforts have played a key role in the City of Manchester's nationally recognized renaissance.

Fred has worked closely with each member of the New Hampshire Congressional Delegation—educating, advising, and encouraging us to undertake a number of vital federal initiatives at the airport. He has vigorously pursued support for the Residential Sound Insulation Program; the New Passenger Terminal; the New Armed Forces Reserve Center; the Manchester Airport Access Road; and the Runway, Taxiway, Parking, Roadway and Terminal Improvements and U.S. Customs Service's at the renovated Ammon Terminal. It has been my great privilege to work with Fred on these and other important airport projects which have fundamentally changed for the better air transportation services for New Hampshire. Fred deserves the highest admiration and praise for these significant accomplishments.

Fred leaves Manchester Airport to become the Director of Philadelphia International Airport. Aldermen and the Mayor of Manchester have expressed high praise for the work Fred did for the City of Manchester, and I strongly agree. His leadership and effective advocacy for safe and efficient airline transportation will be fondly remembered by all New Hampshire citizens.

Once again, I would like to commend Fred Testa on his service to Manchester Airport and the State of New Hampshire. His work was greatly beneficial to the City and the State, and I wish him well. It has been a pleasure to represent Fred Testa in the United States Senate, and I am proud to call him my friend.●

TRIBUTE TO MARTIN SANTINI

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Martin Santini, an architect and planner who has literally helped New Jersey build and grow. His entrepreneurial spirit is to be commended as the firm he founded, Ecoplan, celebrates its 25th year in existence. Ecoplan is an award-winning architectural, planning, and design firm, whose clients include the State of New Jersey. His peers have recognized his talent, accomplishments, and contributions to the State as he has been elected as president of the New Jersey chapter of the American Institute of Architects. He is a registered architect in six States and licensed as a professional planner in the State of New Jersey.

After graduating with both Bachelor of Architecture and Master of Architecture, as well as an Urban Planning degree, Martin established his own firm in 1974. Ecoplan has been dedicated to providing quality design services and producing creative solutions that add lasting value to its client's projects. After 25 years of committed service, his firm has grown exponentially. Recently, Ecoplan was ranked as the 14th largest architectural firm in New Jersey by New Jersey Business Magazine. To date, Ecoplan has designed and built over 1,000 structures in the Tri-State region. As Ecoplan's president, Martin has been largely responsible for this success.

Martin and Ecoplan have served the State of New Jersey well. Ecoplan's clients include numerous municipalities, counties, boards of education, housing authorities, and police departments. They have served the public sector well by closely maintaining construction budgets and schedules, which are so important in Ecoplan has also served the private sector and various communities well, building schools, medical offices, YMCAs, condominiums, townhouses, apartments, single family homes, corporate headquarters, restaurants, commercial office buildings, warehouses, and a wide variety of additions, renovations, and interior design projects.

Martin and his firm have served the State of New Jersey by improving our schools, housing our citizens, and providing a workplace for our government employees. His dedication to the success of his firm and his steadfast commitment to his clients embody the entrepreneurial spirit. I am proud to recognize Martin's accomplishments and contributions today and I know he will continue to serve New Jersey well in the years to come.●

CONSUMER BANKRUPTCY ACT OF 1999

● Mr. ROTH. Mr. President, I rise today to ask that my name be added as a cosponsor to S. 625, the Bankruptcy Reform Act. It is clear that a reform of our consumer bankruptcy laws is called for. The United States is at the height of its prosperity, yet in these good economic times bankruptcy filings are at an all time high.

Of course, no matter how well the Nation is doing as a whole, individuals and individual families may need to fall back upon bankruptcy protection. The reforms included in the bipartisan Grassley-Torricelli proposal will not punish legitimate uses of the bankruptcy codes. Rather this bill will root-out what I agree are its illegitimate uses, and assert rights of consumers filing for bankruptcy. S. 625 also extends or authorizes several necessary bankruptcy judgeships, including one in Delaware, and reenacts farm bankruptcy laws among its provisions.

This bill also makes changes in the way that tax claims are handled in bankruptcy. As chairman of the Finance Committee, I have a strong interest in these tax-related provisions. As Senator GRASSLEY mentioned when he introduced the bill, we both expect to modify a number of the provisions at the appropriate time.

Mr. President, I am glad to join my friend and fellow Delaware Senator, JOE BIDEN, as a cosponsor of the Bankruptcy Reform Act. I look forward to its consideration on the Senate floor in the coming months.●

MEASURE PLACED ON THE CALENDAR—H.R 975

Mr. GORTON. Mr. President, I understand there is no further business to come before the Senate today. Therefore, I would like to say that I also understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 975) to provide for a reduction in the volume of steel imports, and to establish a steel import notification and monitoring program.

Mr. GORTON. I object to further consideration of the measure at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 16. I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, MARCH 22, 1999

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 noon, Monday, March 22. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period for morning business until 4 p.m., under the following guidelines: Senator NICKLES or his designee in control of the time between 12 noon and 1 p.m., Senator DURBIN or his designee in control of the time between 1 and 2 p.m., the remaining time between 2 and 4 p.m. to be equally divided between the majority and minority leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that at the conclusion of morning business the Senate resume consideration of S. 544, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will reconvene on Monday at 12 noon and begin a period of morning business until 4 p.m. The first 2 hours of morning business time have been reserved for general statements, with the second 2 hours reserved for the two leaders, with the understanding that statements during that time will be in relation to Kosovo.

Following morning business, the Senate will resume consideration of the supplemental appropriations bill. The leader has announced there will be no rollcall votes during Monday's session; however, it is hoped that Members who still have amendments to the supplemental bill will come to the floor on Monday to offer and debate those amendments. Any votes ordered with respect to the supplemental bill will be postponed to occur on Tuesday, at a time to be determined by the two leaders.

A cloture motion was filed today on the Lott second-degree amendment relating to Kosovo. That vote will occur on Tuesday at 2:15 p.m. The cooperation of all Senators will be necessary next week in order to finish the supplemental bill and the budget resolution prior to the Easter recess.

ADJOURNMENT UNTIL MONDAY, MARCH 22, 1999

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:32 p.m., adjourned until Monday, March 22, 1999, at noon.

CONFIRMATION

Executive nomination confirmed by the Senate March 19, 1999:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2004.

HOUSE OF REPRESENTATIVES—*Monday, March 22, 1999*

The House met at 2 p.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Charles Brooks.

"God bless our native land;
Firm may it ever stand
Through storm and night.
When the wild tempests rave,
Ruler of wind and wave,
Do thou our country save
By thy great might.
So shall our prayers arise
To God above the skies,
On whom we wait,
Thou who art ever nigh,
Guarding with watchful eye,
To thee aloud we cry;
God save the state!" Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. MICA) come forward and lead the House in the Pledge of Allegiance.

Mr. MICA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 800. An act to provide for education flexibility partnerships.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 800) "An Act to provide for education flexibility partnerships," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. BROWNBACK, Mr. HAGEL, Mr. SESSIONS, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, and Mr. REED, to be the conferees on the part of the Senate.

REPORT ON RESOLUTION PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 106TH CONGRESS

Mr. THOMAS, from the Committee on House Administration, submitted a privileged report (Rept. No. 106–72) on the resolution (H. Res. 101) providing amounts for the expenses of certain committees of the House of Representatives in the 106th Congress, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM STAFF MEMBER OF HON. PETER A. DeFAZIO, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Kathie Eastman, staff member of the Honorable PETER A. DEFAZIO, Member of Congress:

MARCH 19, 1999.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII (8) of the Rules of the House that I received a subpoena for a deposition duces tecum issued by the U.S. District Court for the District of Columbia in the case of *Jordan* v. *Sabretech, Inc.*

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

KATHIE EASTMAN.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. THOMAS) to revise and extend his remarks and include extraneous material:)

Mr. WICKER, for 5 minutes, on March 25.

ADJOURNMENT

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 23, 1999, at 9:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1154. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—2,4–D; Time-Limited Pesticide Tolerance [OPP–300800; FRL–6065–3] (RIN: 2070–AB78) received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1155. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carboxin; Extension of Tolerance for Emergency Exemptions [OPP–300798; FRL–6065–1] (RIN: 2070–AB78) received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1156. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maleic hydrazide; Extension of Tolerances for Emergency Exemptions [OPP–300796; FRL–6064–1] (RIN: 2070–AB78) received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1157. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Metolachlor; Pesticide Tolerances for Emergency Exemptions [OPP–300795; FRL–6062–5] (RIN: 2070–AB78) received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1158. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Due Date of First Annual Performance Report Under the Native American Housing Assistance and Self-Determination Act of 1996 [Docket No. FR–4419–F–01] (RIN: 2577–AB93) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1159. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Nondiscrimination In Programs and Activities Receiving Assistance Under Title I of the Housing and Community Development Act of 1974 [Docket No. FR 4092–F–02] (RIN: 2501–AC28) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1160. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Electronic Submission of Required Data by Multifamily Mortgagees To Report Mortgage Delinquencies, Defaults, Reinstatements, Assignment Elections, and Withdrawals of Assignment Elections [Docket No. FR–4303–F–02] (RIN: 2502–AH11) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1161. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Disposition of HUD-Acquired Single Family Property; Final Rule [Docket No. FR–4244–F–03] (RIN: 2502–AG96) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1162. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Morocco, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1163. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Child Care Access Means Parents in School Program Notice of final priority and invitation for applications for new awards for fiscal year (FY) 1999 (CFDA No. 84.335) received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1164. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Personnel Security Program Manual—March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1165. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Identifying Classified Information—received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1166. A letter from the Deputy Executive Secretary to the Department, Department of Health and Human Services, transmitting the Department's final rule—National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners: Charge for Self-Queries (RIN: 0906–AA42) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1167. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Light Vehicle Brake Systems [Docket No. NHTSA–99–5123] (RIN: 2127–AH55) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1168. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan and South Coast Air Quality Management Districts and San Joaquin Valley Unified Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District [CA 207–0136a FRL–6239–8] March 15,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1169. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa [IA 058–1058a; FRL–6308–5] received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1170. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District [CA 210–0133; FRL–6306–8] received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1171. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Protection of Human Subjects; Informed Consent; Technical Amendment [Docket No. 96N–0158] (RIN: 0910–AA60) received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1172. A communication from the President of the United States, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1173. A letter from the Secretary of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period October 1, 1997 through March 31, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1174. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List; Additions and Deletions—received March 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1175. A letter from the Deputy Associate Administrator for Acquisition Policy, Government Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Review of FAR Representations [FAC 97–11; FAR Case 96–013; Item I] (RIN: 9000–AH97) received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1176. A letter from the Secretary of Labor, transmitting a notification of an opening for the Assistant Secretary of Labor for policy; to the Committee on Government Reform.

1177. A letter from the Director, Office of Government Ethics, U.S. Office of Government Ethics (OGE), transmitting the Office's final rule—Standards of Ethical Conduct for Employees of the Executive Branch (RIN: 3209–AA04) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1178. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for Catesbaea melanocarpa (RIN: 1018–AE48) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1179. A letter from the Assistant Administrator, Department of Commerce, transmitting the Administration's final rule—National Oyster Disease Research Program and Gulf Oyster Industry Initiative: Request for Proposals for FY 1999 [Docket No. 990125030–9030–01] (RIN: 0648–ZA56) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1180. A letter from the Assistant Administrator, Department of Commerce, transmitting the Administration's final rule—Dean John A. Knauss Marine Policy Fellowship National Sea Grant College Federal Fellows Program [Docket No. 990125029–9029–01] (RIN: 0648–ZA55) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1181. A letter from the Assistant Administrator, Department of Commerce, transmitting the Administration's final rule—Sea Grant Industry Fellows Program: Request for Proposals for FY 1999 [Docket No. 990125031–9031–01] (RIN: 0648–ZA57) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1182. A letter from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska: Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 981222313–8320–02; I.D. 030399B] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1183. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 981222314–8321–02; I.D. 012999B] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1184. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Aquatic Nuisance Species Research and Outreach and Improved Methods for Ballast Water Treatment and Management: Request for Proposals for FY 1999 [Docket No. 990125028–9028–01] (RIN: 0648–ZA54) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1185. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Grant Technology Program: Request for Proposals for FY 1999 [Docket No. 990125032–9032–01] (RIN: 0648–ZA58) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1186. A letter from the Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Consideration of interlocutory rulings at final hearing in interference proceedings [Docket #: 990204043–9043–01] (RIN: 0651–AB03) received March 2, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1187. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Service's final rule—Regulations Concerning the Convention Against Torture [INS No. 1976–99; AG Order No. 2207–99] (RIN: 1115–AF39) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1188. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes [Docket No. 98–NM–375–AD; Amendment 39–11060; AD 99–05–12] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1189. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Oakdale, LA [Airspace Docket No. 94–ASW–03] received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1190. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of

Class E Airspace; Burnet, TX [Airspace Docket No. 98-ASW-48] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1191. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Austin, TX [Airspace Docket No. 98-ASW-49] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1192. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; San Angelo, TX [Airspace Docket No. 98-ASW-52] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1193. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Austin, Horseshoe Bay, TX and Revocation of Class E Airspace, Marble Falls, TX [Airspace Docket No. 98-ASW-51] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1194. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Taylor, TX [Airspace Docket No. 98-ASW-50] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1195. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Roswell, NM [Airspace Docket No. 98-ASW-53] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1196. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Ada, MN [Airspace Docket No. 98-AGL-63] received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1197. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes [Docket No. 98-NM-118-AD; Amendment 39-11049; AD 99-04-24] (RIN: 2120-AA64) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1198. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BMW Rolls-Royce GmbH Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines [Docket No. 98-ANE-74-AD; Amendment 39-11050; AD 98-24-03] (RIN: 2120-AA64) received February 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1199. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984 [Docket No. 98-26] received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1200. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Carrier Automated Tariff Systems [Docket No. 98-29] received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1201. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Licensing, Financial Responsibility Requirements, and General Duties For Ocean Transportation Intermediaries [Docket No. 98-28] received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1202. A letter from the Secretary of Commerce, transmitting the "National Implementation Plan For Modernization Of The National Weather Service For Fiscal Year 1999," pursuant to Public Law 102-567, section 703(a) (106 Stat. 4304); to the Committee on Science.

1203. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Business Loan Programs—received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1204. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice of Certain Transfers to Foreign Partnerships and Foreign Corporations [TD 8817] (RIN: 1545-AV70) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1205. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Change in Accounting Method for Deferred Compensation [Notice 99-16] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on March 19, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 472. A bill to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census (Rept. 106-71). Referred to the Committee of the Whole House on the State of the Union.

[Filed on March 22, 1999]

Mr. THOMAS: Committee on House Administration. House Resolution 101. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Sixth Congress; with an amendment (Rept. 106-72). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself and Ms. MCKINNEY):

H.R. 1211. A bill to authorize appropriations for the Department of State and related agencies for fiscal years 2000 and 2001, and for other purposes; to the Committee on International Relations.

By Mr. COMBEST (for himself, Mr. STENHOLM, Mr. EWING, Mr. BERRY, and Mr. COOKSEY):

H.R. 1212. A bill to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year; to the Committee on Agriculture.

By Mr. NEAL of Massachusetts (for himself, Mr. RANGEL, Mr. COYNE, Mr. LEVIN, and Mr. MATSUI):

H.R. 1213. A bill to amend the Internal Revenue Code of 1986 to promote expanded retirement savings; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 225: Mr. HASTINGS of Washington, Mr. DOOLEY of California, Ms. GRANGER, Mr. DELAHUNT, Ms. LOFGREN, Mr. HOSTETTLER, Mr. BURTON of Indiana, Ms. RIVERS, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. MCGOVERN, Mr. EVANS, Mr. LUTHER, Mr. BALDACCI, Mr. GARY MILLER of California, Mr. THOMPSON of Mississippi, Mr. BURR of North Carolina, and Mr. BROWN of Ohio.

H.R. 226: Mr. SHOWS, Mr. BROWN of California, and Mr. VENTO.

H.R. 353: Mr. CRAMER, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. MATSUI, Mr. SANDERS, and Mr. LAFALCE.

H.R. 423: Mr. MCCRERY and Mr. WATTS of Oklahoma.

H.R. 523: Mr. SHAYS.

H.R. 637: Ms. STABENOW, Mrs. CLAYTON, and Mr. LUCAS of Kentucky.

H.R. 716: Mr. BLAGOJEVICH, Mr. CAMP, and Mr. BLUNT.

H.R. 739: Mr. LUTHER, Mr. WYNN, Mr. HINCHEY, Mrs. THURMAN, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. ENGEL, Mr. NADLER, Mr. OLVER, Mr. SNYDER, Ms. BERKLEY, Mr. BISHOP, and Mr. BLAGOJEVICH.

H.R. 741: Mr. PICKERING.

H.R. 832: Mr. STUPAK and Ms. DANNER.

H.R. 855: Mr. ACKERMAN, Mr. KING, Mr. EVANS, and Mrs. KELLY.

H.R. 860: Mr. SISISKY.

H.R. 894: Mr. NUSSLE.

H.R. 985: Mr. WELDON of Florida, Mr. PACKARD, and Mr. SHOWS.

H.R. 1041: Mr. TERRY and Mr. NUSSLE.

H.R. 1064: Mr. GEJDENSON, Mr. HINCHEY, Mr. MCGOVERN, Mr. SNYDER, and Mr. OLVER.

H.R. 1071: Mr. MCGOVERN.

H. Con. Res. 37: Mr. ANDREWS, Mr. BASS, Mr. GREEN of Texas, and Mr. LAZIO.

SENATE—*Monday, March 22, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, the Venerable Norman H.V. Elliott, Archdeacon of South-Central Alaska, Episcopal Diocese of Alaska, Anchorage, AK. He is the guest of Senator TED STEVENS. We appreciate having him with us.

PRAYER

The Venerable Norman H.V. Elliott offered the following prayer:

Almighty God, in whom our Nation puts its trust, we give You humble and heartfelt thanks for the many blessings You have most graciously bestowed upon us. We especially give thanks for the men and women who had the zeal and courage to oppose oppression and to form a nation dedicated to obtaining and maintaining the ideals of freedom, security, and justice for all its people.

Help us, we pray, to gladly accept with the same zeal and courage the heavy burden You have laid upon us in our time to secure freedom from oppression for all people and to continue to strive for peace among all nations.

Guide the deliberations and decisions of the men and women called to the high office and grave responsibility of Senator and support them as they take up this burden and faithfully seek to serve You and this Nation.

We ask this in Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank the Chair.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will be in a period of morning business until 4 p.m. this afternoon. The first 2 hours have been reserved for general statements, with time controlled by Senators NICKLES and DURBIN. The remaining 2 hours are equally divided between the majority and minority leaders, with the understanding that the time will be used for statements in relation to the situation in Kosovo.

Following morning business, the Senate will resume consideration of the supplemental appropriations bill. The majority leader has announced there will be no rollcall votes during today's session. However, Members are encouraged to come to the floor to offer and debate amendments today to the supplemental bill with any votes ordered postponed until tomorrow.

Members are reminded that a cloture petition was filed on Friday to the Lott second-degree amendment relating to Kosovo, with that vote occurring at 2:15 p.m. on Tuesday.

I thank my colleagues for their attention and yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The able Senator from Alaska.

GUEST CHAPLAIN

Mr. STEVENS. Mr. President, I give my thanks to Dr. Ogilvie, our Senate Chaplain, for arranging the visit of my good friend, Father Norm Elliott. He was the pastor of the All Saints Episcopal Church in Anchorage and has been a close personal friend since the 1950s. We were both, at that time, residents of Fairbanks, AK.

In 1980, our guest chaplain officiated at my marriage when Catherine and I were married. He has also officiated at the wedding of my daughter Susan, my son Ted and my son Ben. In addition to that, he has christened my daughter Lilly and my granddaughters and my grandson John.

He has been more than a close friend. He also performed the memorial service for my first wife Ann and assisted at the dedication of the Ann Stevens Red Cross Building in Anchorage.

Father Elliott was born in England and came to Detroit as a child. He came to Alaska in 1951 at a time when our church considered service in Alaska as overseas duty. For half a century, he has ministered to the people of our State. He has spent time in many small towns and villages in Alaska, such as Nenana, Eagle, Venetie, Beaver and Point Hope, just to name a few. In 1980, at my request, he was appointed to serve on the Commission of Alaska Natives. Members of that Commission were appointed by President Bush and Alaska's Gov. Wally Hickel. Father Elliott and members of that Commission spent 3 years traveling through Alaska to help our native people identify solutions to unique problems they face.

Norm is also chaplain of the Port of Anchorage, and he is the Civilian Episcopalian Chaplain for our Armed Forces in Alaska.

He is truly a dedicated man, dedicated to the word of God and to helping others. I know that some, such as our distinguished President pro tempore, would recall that Father Elliott visited us once before when he gave the opening prayer in 1981.

I am delighted that a cherished personal friend and advisor has been able to visit us today. Again, I thank my good friend, the Chaplain of the Senate, for arranging that.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 4 p.m. Under the previous order, the time until 1:00 shall be in the control of the Senator from Oklahoma, Mr. NICKLES, or his designee.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, acting as Senator NICKLES' designee, I ask unanimous consent to proceed to speak about Kosovo for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

KOSOVO

Mr. ROBERTS. Mr. President, the American people should realize and understand that in his press conference just 2 days ago, President Clinton talked about the justification for United States-led airstrikes against Serbian troops in Kosovo and that today we are apparently within hours—within hours—of going to war. He acknowledged that our U.S. pilots would be put at risk. And last week, the Pentagon's top military commanders also warned those of us on the Senate Armed Services Committee that there could be U.S. casualties if NATO launches airstrikes in an effort to pressure President Milosevic to accept the peace agreement that has been drafted by the U.S. and its allies and apparently signed by the Kosovar Albanians.

General Michael Ryan, the Air Force Chief of Staff, said this:

> There is a distinct possibility we will lose aircraft in trying to penetrate those defenses.

Our Marine Corps Commandant Charles Krulak said:

> It is going to be tremendously dangerous. Serbian air defenses are mobile, the terrain is very tough and the weather cannot be underestimated.

General Krulak also said there were some bottom-line questions that still need to be answered: What is the end game? What happens if the Serbs do not come to the table after the first airstrike? How long will the strikes go on? Will our allies stay with us?

General Dennis Reimer, the Army Chief of Staff, also discussed the probability—and I emphasize the word "probability"—of sending 4,000 U.S. troops as part of the NATO peacekeeping force. He said:

> The current commitment on the ground remains a still-elusive peacekeeping argument. However, our troops earmarked for that are prepared.

General Reimer agreed with the chairman of the committee, Senator JOHN WARNER, who warned of the massing of Serbian troops on the border of Kosovo preparing for extensive ground operations.

Mr. President, my colleagues and the American public should understand, notwithstanding yet another round of last-minute diplomatic efforts by the administration's special envoy and the architect of U.S. policy in the Balkans, Richard Holbrooke, who is meeting with Mr. Milosevic as of today, the United States is preparing to go to war against the sovereign country of the Federal Republic of Yugoslavia, and this air attack is very likely to be followed by U.S. ground troops.

As former Senator Bob Dole said on "Meet the Press" yesterday, it is time for the U.S. to fish or cut bait in the Balkans.

Compounding the situation is the fact that the Russian Prime Minister, Mr. Primakov, a staunch opponent of airstrikes and an ally of Milosevic, will be in Washington tomorrow, and I think his visit really presents a unique problem. An attack during Primakov's visit would certainly not help repair frayed U.S. and Russian relations. However, he is not due to leave until Friday. In a real paradox, by meeting with Mr. Primakov this week and delaying the attack, the administration may well give Mr. Milosevic additional time to launch an offensive, an offensive, by the way, which is also happening now.

General Wesley Clark, the NATO commander, has warned time and again that if no accord is reached, the Serb forces will resume fighting on a very large scale, and that is happening.

As the debate showed in the House of Representatives several weeks ago, and as the debate also continues in this body as of today and tomorrow, many in the Congress are concerned and frustrated and torn. Some support airstrikes and some do not. Some support ground troops; more do not. But we all agree, I think, that the Congress and the American people certainly deserve a better explanation of the administration's policy in the Balkans.

It is not that we have not asked the administration for clarification. Last July, I offered an amendment to the defense appropriations bill that required the President to come before the American people and the Congress before he committed the U.S. to a military involvement in Kosovo. The amendment was not prejudicial. It simply required the President to make the case as to why intervention in Kosovo was in our vital national security interest.

The language contained in section 8115 of Public Law 105-262—and it is the law of the land—unambiguously states that none of the funds appropriated or otherwise made available under the act may be obligated or expended for any additional deployment of the Armed Forces of the United States unless and until the President, in consultation with the leadership of the Congress, transmits to Congress a report that includes the following:

No. 1: certification that the presence of those forces to be deployed is necessary to the national security interests of the United States;

No. 2: the reasons why the deployment is in the national security interest;

No. 3: the number of military personnel to be deployed;

No. 4: the mission and objectives of forces to be deployed;

No. 5: the expected time schedule for accomplishing the objectives of the deployment;

No. 6: the exit strategy;

No. 7: the costs;

And lastly,

No. 8: the anticipated effects on the morale, the retention and the effectiveness of United States forces.

Mr. President, although our United States pilots are about to take part in an air attack that will put them in harm's way, to be followed by some 4,000 ground troops, that report—that report—required by law—has not been submitted to the Congress.

Last week, in the briefing that was conducted by Secretary of State Albright, National Security Council Chairman Berger, and Secretary of Defense Cohen, I again asked if the report would be forthcoming. I asked if the latest briefing—requested, by the way, by our Majority Leader LOTT—served in lieu of the report. The response of Mr. Berger was unclear to me, but in past conversations in previous briefings he said the administration should and could answer all the questions involved, and that the report would be made "at the appropriate time."

With the attack imminent, it would seem now is the appropriate time. As a matter of fact, with all due respect to the administration, submitting such a report would not be difficult and it would be helpful. If the administration thinks—and they apparently think—that this is the case, that threats of military action may alter the behavior of the Serbs, of Milosevic, what clearer signal of intent to forcibly stop the violence against the Albanians than the President of the United States laying out the issues to Congress and the American people?

Perhaps we can do the administration a favor today. In answering these questions, required by public law, let us simply take public statements from the President and his Cabinet officers, as well as statements made in briefings to the Congress that have been reported in the public press.

As a Member of both the Senate Armed Services and Intelligence Committees, I want to emphasize there should not and cannot be any disclosure of military details of any proposed action, the timing of the action or the types or selection of various weapon platforms.

Let's take the reporting requirements—1, 2, and then 4. They ask the President to describe why deploying to Kosovo is in the national security interest of the United States as well as what specific objectives our forces will have once on the ground in the province.

They are of particular importance because it will be these goals for which our soldiers, sailors, airmen and Marines will be risking their lives. Let me put it another way. Should a father, a mother, a husband or a wife—or any family member—have to ask, "For what did my son or daughter, husband or wife, mom or dad die for?" the answers to these questions will have to suffice.

Questions Nos. 1 and 2:

Certify the presence of forces to be deployed is necessary to the national security interests of the United States and the reasons why the deployment is in the national security interest.

Here is the answer that I am suggesting to the Clinton administration. President Clinton, taken from President Clinton's press conference last Friday: It could be in the report. I am quoting the President:

> A part of my responsibility is to try to leave to my successors, and to our country in the 21st century, an environment in Europe that is stable, humane and secure. It will be a big part of America's future.

The President went on to say:

> As we prepare to act, we need to remember the lessons learned in the Balkans. We should remember the horror of the war in Bosnia, the sounds of sniper fire aimed at children, the faces of young men behind barbed wire, the despairing voices of those who thought nothing could be done. It took precious time to achieve allied unity there,

> but when we did, our firmness ended all that. Bosnia is now at peace.

I continue to quote the President:

> Make no mistake, if we and our allies do not have the will to act, there will be more massacres. In dealing with aggressors in the Balkans, hesitation is a license to kill. But, action and resolve can stop armies and save lives.

And then the President goes on to specifically talk about why he thinks this is in our national interest. And it should be made part of the report, if he would simply submit it to the congressional leadership. He said:

> We must also understand our stake in peace in the Balkans and in Kosovo. This is a humanitarian crisis, but it is much more. This is a conflict with no boundaries. It threatens our national interests. If it continues, it will push refugees across borders, and draw in neighboring countries. It will undermine the credibility of NATO, on which stability in Europe and our own credibility depend. It will likely reignite the historical animosities, including those that can embrace Albania, Macedonia, Greece, even Turkey. These divisions still have the potential to make the next century a truly violent one for that part of the world that straddles Europe, Asia and the Middle East.
>
> Unquestionably, there are risks in military action, if that becomes necessary. U.S. and other NATO pilots will be put in harm's way. The Serbs have a strong air defense system. But, we must weigh those risks against the risks of inaction. If we don't act, the war will spread. If it spreads, we will not be able to contain it without far greater risk and cost. I believe the real challenge of our foreign policy today is to deal with problems before they do permanent harm to our vital interests. That is what we must do in Kosovo.

Finally, the President said this:

> One of the things that I wanted to do when I became president is to take advantage of this moment in history to build an alliance with Europe for the 21st century, with a European undivided, strong, secure, prosperous and at peace. That is why I have supported the unification of Europe financially, politically, economically. That is why I've supported the expansion of NATO and a redefinition of its missions.

Here is another answer that the administration could include in the report to the Congress as justification for an attack on Serbia and whether or not this is in our vital national interest.

Secretary of State Albright: This is taken from press accounts of congressional briefings. Six reasons:

No. 1: the Balkans represent a bridge between Europe and the Middle East and therefore are of strategic interest.

No. 2: unless we stop this conflict, it will spin into Albania, Macedonia, Greece and Turkey. The First World War started there. Another could again.

No. 3: we have a humanitarian obligation to stop massacres and refugee flight.

No. 4: what we do in Kosovo has a direct bearing on what has been achieved in Bosnia.

No. 5: what we do in Kosovo represents our leadership role in NATO, the credibility of NATO; both relevant to the future of NATO into the next century.

And lastly, No. 6: it is in our national interest to oppose Serb aggression.

One more answer: Undersecretary of State Thomas Pickering, before the Senate Armed Services Committee, February 25, 1999:

> First, we have a clear interest in protecting stability in a key part of Europe and our investment in Bosnia. If we don't stop the conflict in Kosovo, it could draw in Albania and Macedonia, potentially threaten our NATO allies in Greece and Turkey and thereby divide the alliance.
>
> Second, we have an important interest in averting another humanitarian catastrophe in Kosovo. Continued conflict also would create new opportunities for international terrorists, drug smugglers and criminals.
>
> Third, America has a clear interest in ending years of Serb repression by strengthening democracy, upholding the rule of law including the valuable contribution of the International Criminal Tribunal for the former Yugoslavia and protecting human rights.
>
> Finally, persisting conflict in Kosovo would undermine NATO's credibility as the guarantor of peace and stability in the Balkans and U.S. credibility as one of the leaders of NATO.

Now, there, I have submitted the administration's report as to why this is in our national interest, a report that has not been forthcoming, by simply quoting the President, the Secretary of State, and the Undersecretary of State. Whether or not you think that adds up to a rationale as to why we should be going to war is another question, but at least it is there.

Question No. 3 that is required by public law: Please provide the number of military personnel to be deployed.

Answer: In numerous press reports, President Clinton and various defense officials have stated the United States will commit up to 4,000 troops for deployment to enforce a peace agreement. However, the number of U.S. personnel who provide intelligence, logistical support, extraction capability, and offshore platforms is not available.

Question No. 4: What are the mission and objectives of the forces to be deployed?

Answer: In regard to the airstrike, the press reports as of today state:

> NATO plans call first for a short, sharp demonstration airstrike consisting mainly of cruise missiles. [Casualty avoidance—those are my words not the press commentary.] If Mr. Milosevic does not submit, NATO, after additional consultation, [with our allies] plans to launch a sustained and rigorous bombing campaign that could last as long as a week.

The report went on to say:

> A combination of U.S. cruise missiles and up to 400 American and European fighter jets would attempt to take out Serbia's command and control structures and its air defense system and also to strip Serbia's military in Kosovo of its ability to attack Kosovo fighters.

Just for the record again, the same press reports stress senior U.S. military officers have warned the Congress the air mission over Serbia would be tremendously dangerous with a high risk of NATO casualties.

Question No. 5, as required in the report: The expected schedule for accomplishing the objectives of the deployment.

Answer: It is not available—or at least it is not available on all the press reports, the briefings, and the information I have been able to obtain in regard to this weekend and in many previous months.

Question No. 6: The exit strategy for the United States forces engaged in the deployment.

I want all of my colleagues to pay attention to this response; this is the exit strategy.

Answer: American negotiator Christopher Hill, in discussing the negotiated peace agreement, has stated in the press that under the agreement, Serbia would remain sovereign over Kosovo for the next 3 years. Under the NATO peacekeeping force, including the 4,000 Americans, the Kosovo Liberation Army would disband and the Serbs would withdraw all but security forces.

That is certainly not the case as of today. However, Under Secretary of State Thomas Pickering, again, in a very cogent and a very comprehensive briefing in response said before the committee February 25:

> With respect to our exit strategy, we have learned from our experience in Bosnia that we should not set artificial deadlines. Rather, we should seek to create the conditions for self-sustaining peace so that the timing and circumstances for the reduction and ending of the presence of an international military force is well defined. There are a series of core conditions—apparently what will have to take place in regard to Kosovo before the 4,000 troops—or how many would be deployed there as peacekeepers—could exit:

One, military stability including the swift and orderly departure of all Serb forces except those required for border security; two, replacement of Serb security forces with a functioning, local, representative police force; elections that meet international standards; and establishment of legitimate political institutions that would provide for substantial and sustained Kosovar autonomy.

That is a pretty tall order. That is a pretty tall order. We have seen the situation in Bosnia where we were to be there for 1 year; we have been there for 4 so far. It is now $10 to $12 billion. As we learned in the Balkans, time limits don't mean too much.

Question No. 7, as required by the amendment in the defense appropriations bill in regard to a report that has not been forthcoming: The costs associated with the deployment and the funding sources for paying these costs.

Answer: Assistant Secretary of Defense Kenneth Bacon on February 29:

We have calculated or estimated the cost of what it would be to send the U.S. portion of a peacekeeping force into Kosovo. That would be about $1.5 to $2 billion a year but no decision will be made on sending peacekeepers in until there is a peace agreement.

Again, the Under Secretary of State Thomas Pickering, who has been very candid before the Senate Armed Services Committee, "An additional important element"—now, just stop here for a minute. It will be $2 billion a year at least for 3 years and perhaps more.

Then, Under Secretary of State Thomas Pickering in a very candid statement said:

> An additional important element in ensuring an effective and sustainable agreement will be international assistance for Kosovo. The U.S. plans to make a substantial contribution to bolster European Union efforts. We have requested $50 million as part of the 2000 fiscal year budget request. We anticipate identifying additional funds needed to support the civilian implementation aspects of the agreement including funds to:
>
> Repair damaged infrastructure—

The thought has just occurred to me, if we have airstrikes in Kosovo and Serbia and we destroy the infrastructure, we are now making the promise to send funds to repair the damaged infrastructure—

> Stimulate economic growth in Kosovo through microlending;
>
> Support free elections;
>
> Assist in the establishment both of communal police units and an independent Judiciary system.

It seems to me, Mr. President, that will add up to a great deal more money than the $2 billion a year. I can find no statement by the administration as to how they will request these funds. I assume they would come under an emergency supplemental, very similar to the one we are discussing on the floor today.

Finally, question No. 8: The anticipated effects of the deployment on the morale, retention, and effectiveness of the United States forces.

While I think this is certainly needed, there is no answer that is available.

So that is it. Albeit, with very limited time and access to information over this weekend, and probably with some degree a lack of expertise, I have tried to piece together the response that the administration could make within a consultation requirement—a requirement again stated in public law—that would certainly help in the debate we are having today in regard to U.S. policy in the Balkans.

I have to say, with all due respect to the rationale behind this policy, I believe there are a great many more questions that remain that should have been answered before now, before, once again, U.S. credibility is on the line. As a matter of fact, last Friday the situation was summed up aptly by Mr. Fred Hiatt, a columnist with the Washington Post. The column was entitled "The Credibility Factor." I ask unanimous consent to have the full article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 21, 1999]

THE CREDIBILITY FACTOR

(By Fred Hiatt)

"It's well known," an administration spokesman said last week, that the President is "a tactician and not a strategist, and maybe looks to the next day and not the day after."

The official was talking about Yugoslav President Slobodan Milosevic. But the description seemed oddly apt for President Clinton, too. When the two face off, as they are now doing over Kosovo, that puts the United States at a disadvantage. A tactician with a free totalitarian hand will always have the initiative over one operating in a democracy.

This isn't to say that Clinton is the moral equivalent of Milosevic, one of the reprehensible war criminals of this decade. But Clinton is always inclined toward the easy, short-term win, the half-way solution; and he has been willing to sacrifice truth and to slight principle to achieve his daily victories.

Now, when he should be building support in Congress and among the public for a difficult but necessary confrontation, he is paying a price for that record. With good reason, many voters do not believe he has thought out the consequences of his Kosovo policy; in the post-impeachment era, many members of Congress do not believe him, period.

The tactical victories Clinton has achieved with deception are considerable. During the impeachment trial, it became almost a cliche to attack the President for not having come clean as soon as Ken Starr began nosing around. If he had just 'fessed up in the first place, went the refrain, the country would have been spared this long trauma.

As a matter of principle, of course that was true. But tactically Clinton was right and his critics were wrong. If Clinton had said back in January 1997 that, yes, he had been using the Oval Office for sexual encounters with an intern and, yes, he had lied about this under oath during a civil deposition and, no, he didn't consider oral sex to be sex—he might not have survived the week. But he lied about "that woman" and survived the week, and the next week, and the one after that.

You could say his tactical dissembling has paid off in foreign policy, too. When he was dispatching troops to Bosnia in 1995, he promised they'd be there for only one year. The promise helped him win acquiescence from a reluctant Congress, and there wasn't much Congress could do when one year rolled into another and the troops did not come home.

Sending troops was the right thing to do, and keeping them there beyond a year was right, too. Any maybe, given doubts in Congress and the country, Clinton's way was the only one that would have worked. Maybe honest leadership wouldn't have carried the day. We'll never know.

What we do know is that his method of operation—his search for the risk-free alternative, his reluctance to spend political capital, to fully confront or explain the long-term consequences of policy—has a cumulative, corrosive effect. Clinton wouldn't push for U.S. troops to arrest war criminals or assist in the return of refugees, so Bosnia is farther from real peace than it should be—and the troops will have to stay longer as a result.

Among foes such as Milosevic, Clinton's credibility diminishes with each unbacked threat, each inflated claim of success for pinprick bombings, each recall of military force even once dispatched. Diminished credibility means, in the long run, a greater likelihood that force will have to be used.

Now all these chickens—the diminished credibility abroad, the skepticism at home, above all the unwillingness to fashion a strategy—are coming to roost in Kosovo. Clinton has threatened to bomb Milosevic yet again. Maybe this time he means it. But then what? Clinton also has promised that U.S. troops will not be sent into a "non-permissive" environment. They will enter Kosovo, in other words, only when Milosevic welcomes them in.

"These are incompatible objectives," Sen. Gordon Smith said in an interview. A freshman Republican from Oregon who chairs the Senate Foreign Relations subcommittee on Europe, Smith is no isolationist; he has said he would support a dispatch of U.S. troops to Kosovo under the right circumstances. But he worries that Clinton has no credible plan.

Perhaps a round of U.S. bombing will compel Milosevic to call off his war against Kosovo civilians, sign a peace treaty and admit NATO troops. But what it if doesn't? What if Milosevic responds, instead, with a bloody crackdown in Pristina and villages through the province? Clinton, to assuage his fretful military commanders, has already promised not to follow air power with troops. But air power can't solve every problem.

If NATO bombs, Smith said, it should no longer pretend to be neutral. "The problem is Milosevic," he said. "If you go along that path, go to win."

Is Clinton prepared to see it through? On Friday he made a case for bombing, but did not explain what might come next, nor why those next steps would be worth the risk to U.S. life and treasure? Time enough tomorrow, or maybe the day after.

Mr. ROBERTS. In part he stated:

> Among foes such as Milosevic, Clinton's credibility diminishes with each unbacked threat, each inflated claim of success for pinprick bombings, each recall of military force even once dispatched. Diminished credibility means, in the long run, a greater likelihood that force will have to be used.
>
> Now all these chickens—the diminished credibility abroad, the skepticism at home, above all the unwillingness to fashion a strategy—are coming [home] to roost in Kosovo. Clinton has threatened to bomb Milosevic yet again. Maybe this time he means it. [I think he does.] But then what? Clinton also has promised that U.S. troops will not be sent into a "non-permissive" environment. They will enter Kosovo, in other words, only when Milosevic welcomes them in.
>
> "These are incompatible objectives." [He is quoting my colleague and my friend from Oregon, Senator GORDON SMITH, who said in an interview—and, by the way, Senator SMITH is the chairman of the Senate Foreign Relations Subcommittee on Europe] [he] is no isolationists; he has said he would support a dispatch of U.S. troops to Kosovo under the right circumstances. But he worries that [there is] no credible plan.
>
> Perhaps a round of U.S. bombing will compel Milosevic to call off his war against Kosovo civilians, sign a peace treaty and admit NATO troops. But what if it doesn't? What if Milosevic responds, instead, with a

> bloody crackdown in Pristina and villages throughout the province?

That is happening as I speak.

> Clinton, to assuage his fretful military commanders—who have good reason to fret—has already promised not to follow air power with troops. But air power can't solve every problem.
>
> If NATO bombs, [Senator] Smith said, it should no longer pretend to be neutral. "The problem is Milosevic," he said. "If you go along that path, go to win."

I certainly associate myself with the comments of Senator SMITH.

> Is Clinton [is this Congress and are the American public] prepared to see it through? On Friday, he made a case for bombing [and the intervention] but did not explain what might come next, nor why those next steps would be worth the risk to U.S. life and treasure. Time enough tomorrow, or maybe the day after.

That was the conclusion of the editorial.

I have questions, but I am not going to take too much time to go over all the questions I have as a result of the statements that have been made. But in regard to Kosovo, what is the end state? What do we want to see in Kosovo once we are done doing whatever it is we plan to do?

If we don't want to support the independence and secession of the Kosovars, why are we serving as their air force?

How do we know we have ever attained our aims?

What are the measures of merit?

How long might it take?

We have talked about an exit strategy. I think we should focus on strategy; that is, on what we are trying to achieve, through what means, and how do we know we are done?

I don't accept the argument in regard to NATO credibility, or that NATO credibility is on the line, as an answer to why we should go there. NATO's credibility is sky high. Just ask all the nations who want to get in.

How is bombing conducive to peaceful conflict resolution? Have we ever been able to bomb a country into submission so that they would agree with our point of view? What if initial strikes don't attain the desired effect? How far are we willing to go to compel the Serbs to bend to our will? What are the risks? Why send peacekeepers when there is no peace to be kept and neither side wants to compromise? It seems that is the case.

Why are we seeking to compel a sovereign nation—by the way, Yugoslavia was a founding member of the U.N.—to cede its territorial sovereignty to a guerrilla movement? What message does this send to other secessionists worldwide?

How do you explain supporting Yeltsin in fighting to keep Chechnya within the Russian Federation, at a cost of about 50,000 casualties—indeed, comparing the Russian action to the American Civil War and, by implication, Yeltsin to Lincoln—and bombing the Serbs for trying to keep their country together? That is a point of view.

Which of the many Kosovar factions are we supporting? How much top-down control and professional discipline do we expect from all sides involved?

The mission order for Bosnia, which has been referred to as a good case study for Kosovo, was, "Attack across the Sava River," and we went in with overwhelming force, which we then scaled down as the threat receded. We are doing it the other way regarding Kosovo. Why aren't we following that model? Remember the strategic insight of an 18-year-old Marine in Beirut: "If we are here to fight, we are too few; if we are here to die, we are too many."

All of these questions I have mentioned—some of which I share with a great deal of support from others—I think certainly should be debated, should certainly come to the floor. That has not been the case. I do hope the administration will submit their report soon. I hope they don't submit the report after the President has given the order and the troops are there, for at that time every Member of the Senate and House will certainly want to support our troops.

I worry about this, Mr. President. We are going to war. The President has spoken to the issue, other Cabinet officials have spoken to the issue, but many questions remain.

I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOBACCO SETTLEMENT FUNDS

Mr. WYDEN. Mr. President, I rise today to discuss an issue that is vital to improving health care in America—specifically, whether the States are actually going to use a portion of the billions of dollars they received in tobacco settlement funds to keep America's youngsters from starting to smoke. The Senate has discussed this issue over the last few weeks, but I think it may be appropriate to have a new context as we go forward with these discussions.

To get an indication of how the tobacco industry believes it is doing and why the Senate ought to be concerned about this issue, you can take a look at how the tobacco industry assesses its executives' job performance. Recently, the public got a look at information concerning the 1998 compensation packages for several of the CEOs of the major tobacco companies. The combined compensation package for the CEO of Philip Morris and the CEO of RJR equals $36 million.

Last week, Mr. President, you and I marked up the Federal budget in the Budget Committee with our colleagues, but even when you spend a week dealing with the Federal budget, $36 million certainly sounds like a lot of money.

I am not against CEOs being compensated for their work. My guess is that the CEOs, in this case, earn their salaries. I don't think they would be pulling down $36 million a year unless they were doing a pretty good job of keeping the ashtrays filled in America.

Now, the combined compensation packages for just these two CEOs is more than 39 of our States and the District of Columbia would have received under the legislation Congress voted on last week. Let me be clear. Two of the tobacco CEOs were making more money in 1998 than the vast majority of our States would have received for programs to keep young people from getting started with tobacco.

For example, my home State of Oregon would receive just over $15 million under the legislation which was considered last week. That is less than half of the CEOs' compensation. The State of Wyoming would have received $3.61 million, 10 percent of the combined compensation packages. I believe that the traditional targets of tobacco in harvesting new smokers—women, children, and minorities—are certainly worth 10 percent of the combined compensation for 1 year of these two executives.

Let us also remember that it is not just the money the tobacco industry is spending on high-priced executives that the Congress should be concerned about. There is another threat to our children, and that comes from the $5 billion the tobacco industry spent last year on advertising and marketing. That is $96.2 million every week, or $13.7 million every day. Again, that is far more than many of our States would have received to protect young people from smoking.

Last year, in the Senate Commerce Committee, I wanted to make sure that the individuals who had historically been targeted by the tobacco companies would have been eligible to receive funds for tobacco control and prevention programs. I wanted to make sure that just as the tobacco companies have poured billions of dollars into advertising in the inner cities and for ads targeted to children, the Federal Government would make a special effort to prevent smoking in those communities.

I continue to believe the Federal Government needs to play an activist role in assuring that populations which historically have been targeted by the tobacco industry would be armed with good information and good preventive kinds of services, so that the tobacco companies would know that our communities are fighting back.

Let me give you an example of some of the steps that the tobacco companies may be pursuing in the days ahead to circumvent efforts by the Federal Government such as those we discussed last week.

We know the tobacco companies are now test marketing cigarettes which produce less smoke so that individuals around the smoker will not be bothered in the same way as they were so often in the past. Yet, one of the cigarettes, the Eclipse, made by RJR, is showing even more signs of being dangerous to the smoker. With the Eclipse, the evidence shows that smokers may actually be breathing in glass fibers in addition to other carcinogens.

I think it is important that the Senate understand this as we go forward with further discussions about how the tobacco settlement funds are going to be used. If the Federal Government wishes to waive its portion of the billions of dollars involved in the tobacco settlement, let's make sure that at least a portion of this money—at least a modest portion—is used to protect future generations of Americans against the tobacco industry.

I hope the Congress won't pass up another opportunity to protect America's youngsters. I urge my colleagues to continue to try to assure that some portion of the dollars secured in the tobacco settlement are actually used for health services for American's children.

Mr. President, I ask unanimous consent that a chart prepared by the National Center for Tobacco-Free Kids which compares the compensation package of just two of the tobacco CEOs with the money that would have been received by the States under the Senate legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARISON OF AMOUNT STATES WOULD HAVE BEEN REQUIRED TO SPEND ON TOBACCO PREVENTION UNDER THE SPECTER-HARKIN AMENDMENT WITH CEOS' COMPENSATION FROM RJR AND PHILIP MORRIS

States	15% of tobacco settlement payments (millions per year)	20% of tobacco settlement payments (millions per year)	Combined total CEO's compensation for 1998 (millions)
Wyoming	$2.71	$3.61	$36
Alaska	3.72	4.96	36
South Dakota	3.80	5.07	36
Idaho	3.96	5.27	36
North Dakota	3.98	5.31	36
Delaware	4.31	5.74	36
Vermont	4.48	5.97	36
Montana	4.62	6.16	36
Utah	4.84	6.46	36
Nebraska	6.48	8.64	36
New Mexico	6.49	8.65	36
Hawaii	6.55	8.73	36
Washington, DC	6.61	8.81	36
Nevada	6.64	8.85	36
New Hampshire	7.25	9.67	36
Rhode Island	7.82	10.43	36
Maine	8.37	11.16	36
Arkansas	9.01	12.01	36
Kansas	9.07	12.10	36
Iowa	9.47	12.62	36
West Virginia	9.65	12.87	36
Oklahoma	11.28	15.04	36
Oregon	12.49	16.65	36
South Carolina	12.81	17.07	36
Colorado	14.92	19.90	36
Arizona	16.04	21.39	36
Alabama	17.59	23.45	36
Kentucky	19.17	25.56	36
Connecticut	20.21	26.94	36
Indiana	22.20	29.60	36
Virginia	22.26	29.67	36
Washington	22.35	29.80	36
Wisconsin	22.56	30.07	36
Louisiana	24.55	32.73	36
Maryland	24.61	32.81	36
Missouri	24.76	33.01	36
Mississippi	25.20	33.60	36
North Carolina	25.38	33.84	36
Tennessee	26.57	35.42	36
Georgia	26.72	35.62	36
Minnesota	37.02	49.36	36
New Jersey	42.09	56.12	36
Massachusetts	43.96	58.61	36
Michigan	47.37	63.16	36
Illinois	50.66	67.55	36
Ohio	54.83	73.10	36
Pennsylvania	62.55	83.40	36
Florida	80.40	107.20	36
Texas	94.20	125.60	36
New York	138.91	185.21	36
California	138.93	185.24	36

In 39 states and the District of Columbia the use 20% of their total settlement dollars is less than the combined compensation of the top two Tobacco industry CEOs Geoffrey Bible, of Philip Morris Inc. and Stephen F. Goldstone, of RJ Reynolds Tobacco. The compensation total includes base salary plus bonuses and stock options (source: USA Today, 3/19/99 & 3/16/99).

Mr. WYDEN. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Under the previous order, the time between 1 p.m. and 2 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use. If others arrive on the floor and I have exceeded my 10 or 12 minutes, I will yield to them.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE REPUBLICAN BUDGET

Mr. KENNEDY. Mr. President, this week we will have the budget for the Nation before the Senate for consideration. I want to speak now on that budget, and give special focus and attention to the concerns I have about how that budget was put together and its particular implications with regard to Social Security and to Medicare, and also with regard to other domestic priorities. Then I will express my concern on the priority that the Republican budget has given to tax cuts and how that relates to the Nation's priorities and to the Nation's needs.

Mr. President, the Republican FY2000 budget resolution fails to meet the nation's priorities.

It claims that it will extend the solvency of the Social Security Trust Fund. In reality, it would prevent President Clinton's proposed transfer of surplus funds to protect this important program for future generations.

The Republican budget claims that it will set aside money for Medicare. In reality, it squanders those funds to pay for a tax cut for the rich.

The Republican budget claims that it will improve education. In reality, it slashes funds for critical programs like Head Start, job training, and student aid to pay for increases in education.

On the subject of Social Security, the Republican budget is an exercise in deception. The rhetoric surrounding the budget itself conveys the impression that the majority have taken a major step towards protecting Social Security. In truth, they have done nothing to strengthen Social Security. Their budget would not provide one additional dollar to pay benefits to future retirees, nor would it extend the life of the trust fund by even one day. It merely recommits to Social Security those dollars which already belong to the Trust Fund under current law. That is all their so-called "lockbox" does.

By contrast, President Clinton's proposed budget would contribute 2.8 trillion new dollars of the budget surplus to Social Security over the next 15 years. By doing so, his budget would extend the life of the trust fund by more than a generation—to beyond 2050.

Not only does the Republican plan fail to provide the new revenue to extend the life of the Social Security trust fund, it does not even effectively guarantee that the existing payroll tax revenue will be used to pay Social Security benefits. In essence, there is a trapdoor in the Republican lockbox. Their plan would allow Social Security payroll taxes to be used to finance unspecified "reforms". This loophole opens the door to schemes to privatize Social Security by turning it over to the tender mercy of the private insurance industry. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts.

A genuine "lockbox" would prevent any such diversion of funds. A genuine "lockbox" would guarantee that those payroll tax dollars would be used to protect Social Security, not undermine it.

While the Republicans claim that they, too, support using the surplus for debt reduction, they are still unwilling to use it in a way that will help save Social Security for future generations. There is a fundamental difference between the parties on how the savings which will result from debt reduction should be used. The Federal Government will realize enormous savings from paying down the debt. As a result, billions of dollars which would have been required to pay interest on the national debt will become available each year for other purposes. President Clinton believes those debt savings should be used to strengthen Social Security. I wholeheartedly agree. But the Republicans refuse to commit those dollars to Social Security. Their budget does nothing to increase Social Security's ability to pay full benefits to future generations of retirees. Again, they are short-changing Social Security while pretending to save it.

Currently, the Federal Government spends more than 11 cents of every budget dollar to pay the cost of interest on the national debt. By using the Social Security surplus to pay down the debt over the next 15 years, we can reduce the debt service cost to just 2 cents of every budget dollar by the year 2014 and to zero by 2018. Such prudent fiscal management now will produce an enormous savings to the Government in future years. Since it is payroll tax revenues which made the debt reduction possible, those savings should, in turn, be used to strengthen Social Security when it needs additional revenue to finance the baby boomers' retirement.

Rather than paying interest to bondholding investors today, our plan would use that money to finance Social Security benefits tomorrow. This is analogous to the situation of a couple with young children and a mortgage. They know they will have a major expense 15 years down the road when their children reach college age. They use their extra money now to pay down their home mortgage ahead of schedule. As a result, in 15 years the mortgage will be greatly reduced or even paid off. Thus, the dollars that were going to pay the mortgage each month will be available to finance college for their children. In the same way the Federal Government is reducing its debt over the next 15 years so that it can apply the savings to Social Security in the future.

That is what the President's budget proposes. It would provide an additional $2.8 trillion to Social Security, most of it in debt service savings, between 2030 and 2055. As a result, the current level of Social Security benefits would be fully financed for all future recipients for more than half a century. It is an eminently reasonable plan, but Republican Members of Congress oppose it.

The budget Republicans have brought to the floor does not provide one new dollar to finance Social Security benefits. What it does provide is nearly 800 billion new dollars for tax cuts over the next decade. Tax cuts, not strengthening Social Security, is their first priority. Budgets speak louder than words. The actual Republican budget tells us much more candidly than their rhetoric about the GOP's goal of tax cuts at the expense of Social Security.

Mr. President, in addition to claims of extending the solvency of the Social Security trust fund, this budget would prevent the President's proposed transfer of surplus funds to protect important programs for future generations. The Republican budget claims that it will set aside money for Medicare, but in reality it squanders those funds to pay for a tax cut. This is unacceptable. Even worse is the Republican attempt to privatize Medicare—or use the crisis in Medicare financing that their budget will create as an excuse to promote their extreme agenda of slashing Medicare benefits and turning over the program to private insurance companies.

This is the same agenda that Republicans pursued unsuccessfully in 1995 and 1996, and it was the agenda rejected by President Clinton and Democrats in Congress and the American people. But now our Republican friends are at it again.

According to the most recent projections of the Medicare Trustees, if we do nothing else, keeping Medicare solvent for the next 25 years will require benefit cuts of almost 20 percent—massive cuts of hundreds of billions of dollars. The President's plan makes up that shortfall, without any benefit cuts, by investing 15 percent of the surplus in the Trust Fund. This investment avoids the need for any benefit cuts for at least the next 21 years. It also gives us time to develop policies that can reduce Medicare costs without also reducing the health care that the elderly need and deserve.

But Republicans in Congress have a different agenda. They want to use the surplus to grant undeserved tax breaks to the wealthiest Americans—and then use the Medicare shortfall as an excuse to slash the program and turn it over to private insurance companies.

Republicans on the Budget Committee had a clear opportunity to preserve, protect and improve Medicare. All they had to do was to adopt the President's proposal for investing 15% of the surplus in Medicare. Instead of protecting Medicare, they use the surplus to pay for billions of dollars in new tax breaks for the wealthy. You don't need a degree in higher mathematics to understand what is going on here.

Because the Republican budget does nothing to preserve and protect Medicare, their proposals add up to billions of dollars in Medicare cuts.

Every senior citizen knows—and their children and grandchildren know, too—that the elderly cannot afford cuts in Medicare. They are already stretched to the limit—and sometimes beyond the limit—to purchase the health care they need today. Because of gaps in Medicare and high health care costs, Medicare now covers only about 50% of the health care costs of senior citizens. On average, senior citizens spend 19% of their limited incomes to purchase the health care they need—almost as large a proportion as they had to pay before Medicare was enacted a generation ago. Many senior citizens have to pay even more as a proportion of their income. By 2025, if we do nothing, that proportion will have risen to 29%. Too often, even with today's Medicare benefits, the elderly have to choose between putting food on the table, paying the rent, or purchasing the health care they need.

The typical Medicare beneficiary is a single woman, seventy-six years old, living alone, with an annual income of approximately $10,000. She has one or more chronic illnesses. She is a mother and a grandmother. These are the women whose benefits Republicans want to cut to pay for new tax breaks for the wealthy. These are the women who will be unable to see a doctor, or will go without needed prescription drugs, or who will go without meals or heat, so that wealthy Americans earning hundreds of thousands of dollars a year can have additional thousands of dollars a year in tax breaks.

This is the wrong priority—and Americans know it is the wrong priority, even if Republicans in Congress do not.

We all recall that four years ago, Republicans in Congress also tried to cut Medicare to pay for new tax breaks for the wealthy. They sought to cut Medicare by $270 billion to pay for $240 billion worth of tax cuts for the wealthiest individuals and corporations. Under their proposals, senior citizens would have seen their premiums skyrocket—an additional $2,400 for senior couples over the budget period. The deductible that senior citizens pay to see a physician would have doubled. The Medicare eligibility age would have been raised to 67. Protections against extra billing by doctors would have been rolled back. Under the guise of preserving Medicare, Republicans also proposed to turn the program over to private insurance companies, and force senior citizens to give up their family doctors and join HMOs. But President Clinton and Democrats in Congress stood firm against these regressive proposals, and they were not enacted into law.

Now, Republicans on the Finance Committee and House Ways and Means Committee are at it again. They are already drafting new Medicare "reform" plans. No details have been revealed. But the funds already earmarked for tax breaks for the wealthy under the Republican budget proposal means that there is no alternative to the harsh cuts in Medicare. No wonder so many senior citizens believe that G.O.P. stands for "Get Old People." The Republican elephant never learns.

As we debate these issues this week, the Republican response is predictable. They will deny that they have any plans to cut Medicare. But the American people will not be fooled. They know that the President's plan will put Medicare on a sound financial footing for the next two decades—without benefit cuts, without tax increases, and without raising the retirement age. They also know that the Republican plan will take the surplus intended for Medicare and squander it on new tax breaks for the wealthy. They know that the Republican plan for Medicare is benefit cuts and additional burdens on the elderly, not the honest protection our senior citizens deserve.

This week, Democrats will offer amendments to assure that this year's budget protects Medicare, rather than destroying it. Under our proposals, all of the funds the President has proposed to devote to Medicare will be put into the Medicare Trust Fund. Our amendments will assure that Medicare will be solvent for the next 21 years, without benefit cuts or tax increases or raising the retirement age. Republicans will have a chance to vote on whether they are sincere about protecting Medicare—and the vote on our amendments will test whether they care more about senior citizens or the wealthy.

The choice is clear. The Congress must act to preserve the benefits that senior citizens have earned, instead of granting new tax breaks for the wealthiest Americans.

Just as important as preserving and protecting Medicare is improving it. And the most important single step we can take to improve Medicare is to provide prescription drug coverage for senior citizens. Medicare is a compact between workers and their government that says, "Work hard, pay into the system when you are young, and Medicare will provide health security in your retirement years." But that commitment is being broken every day, because Medicare does not cover prescription drugs.

When Medicare was enacted in 1964, coverage of prescription drugs by private insurance was not the norm—and Medicare followed the standard practice in the private insurance market. Today, ninety-nine percent of employment-based health insurance policies provide prescription drug coverage—but Medicare does not. Medicare is caught in a 35 year old time warp—and too many senior citizens are suffering as a result.

Too many seniors take half the pills their doctor prescribes, or don't fill needed prescriptions—because they simply cannot afford the high cost of prescription drugs. In 1983, before the most recent surge in drug costs, one in eight senior citizens said they sometimes had to choose between prescription drugs and food on the table. Too many elderly Americans are paying twice as much as they should for the drugs they need, because they are forced to pay the full price, while other Americans pay less because their health plans grant discounts.

As a result, too many senior citizens are ending up hospitalized—at immense cost to Medicare—because they are not receiving the drugs they need or are not taking them correctly. As we enter the new century, pharmaceutical products are increasingly the source of miracle cures for more and more diseases—but senior citizens will be left out and left behind if we do not act.

The 21st century may well be the century of life sciences. With the support of the American people, Congress is on its way to the goal of doubling the budget of the National Institutes of Health to support additional basic research, so that scientists can develop new therapies to improve and extend the lives of senior citizens and all citizens.

These miracle drugs save lives—and they save dollars too, by preventing unnecessary hospitalization and expensive surgery. All patients deserve affordable access to these medications. Yet, Medicare, the nation's largest insurer, does not cover out-patient prescription drugs, and senior citizens and persons with disabilities pay a heavy price for this glaring omission.

Up to 19 million Medicare beneficiaries are forced to fend for themselves when it comes to purchasing these life-saving and life-improving therapies. They have no prescription drug coverage from any source. Other Medicare beneficiaries have some coverage, but too often it is inadequate, unreliable and unaffordable.

Prescription drugs are the single largest out-of-pocket cost to the elderly for health services. The average senior citizen fills an average of eighteen prescriptions a year, and takes four to six prescriptions daily. Many elderly Americans face monthly drug bills of $100 to $200 or more. Some of the newer drugs that can produce miraculous results for those who can afford them cost $10,000 a year or more.

Misuse of prescription drugs results in preventable illnesses that cost Medicare an estimated $16–$20 billion annually, while imposing vast misery on senior citizens. What are needed are effective ways to encourage proper use. Large savings to Medicare will result if physicians, pharmacists and senior citizens are better educated about identifying, correcting, and preventing these problems.

Too often, elderly Americans skimp on their medicine—they take half doses or otherwise try to stretch their prescription and to make it last longer. This is not right. And it doesn't have to happen. If the prescription drugs they need are covered by Medicare, needless hospitalizations will be avoided and physician visits will be reduced.

The Senate Budget Committee recognized the need for prescription drug coverage by adopting a reserve fund for this coverage. But the Committee reserve fund is hedged with unacceptable conditions that could retard rather than enhance the cause of ensuring a meaningful drug benefit. The Congress can do better—and it must.

The provision in the budget resolution does not actually provide funds for a prescription drug benefit. Instead, it allows a prescription drug benefit to be enacted if certain conditions are met, but those conditions are far too limited.

Senior citizens need a drug benefit more than the wealthy need new tax breaks. Every senior citizen understands that—and so do their children and grandchildren.

Finally, it is vital that we continue to make investments in education programs that serve Americans of all ages. The Republican budget claims it will improve education. In reality, it slashes funds for critical programs like Head Start, job training, and student aid to pay for increases in education. It is vital that we continue to make investments in education programs which serve Americans of all ages. The Nation's children and families deserve the opportunity for a good education throughout their lives.

Student performance is rising across the nation by many indicators. The federal-state-local partnership is working—we shouldn't do anything to undermine it. Instead, we should do more to accelerate positive change.

Student achievement is improving. Performance on the National Assessment of Educational Progress has increased, particularly in reading, math, and science—critical subjects for success in learning. Average reading scores increased from 1994 to 1998 in 4th, 8th, and 12th grades. U.S. students scored near the top on the latest international assessment of reading, with 4th graders outperforming students from all other nations except Finland. Average performance in math has improved since 1978, with the largest gains made by 9-year-olds. Between 1992 and 1997, the combined verbal and math scores on the SAT increased by 15 points.

Students are taking more rigorous subjects than ever—and doing better in them. The proportion of high school graduates taking the core courses recommended in the 1983 report, A Nation At Risk, had increased to 52 percent by 1994, up from 14 percent in 1982 and 40 percent in 1990. Since 1982, the percentage of graduates taking biology, chemistry, and physics has doubled, rising from 10 percent in 1982 to 21 percent in 1994. With increased participation in advanced placement courses, the number of students who scored at the highest levels on AP exams has risen nearly five-fold since 1982, from 132,000 in 1982 to 636,000 in 1998.

But too many students in too many schools in too many communities across the country fail to achieve that standard. More children need to come to school ready to learn. More children need modern schools with world-class teachers. More students need opportunities for after-school programs. And more qualified students should be able to afford to go to college.

The Republican budget proposal is a welcome improvement over past years. Previous Republican plans drastically cut funding for education. In one of their first acts as the majority party in 1995, Republicans rescinded education funding by $1.7 billion and proposed to abolish the Department of Education. In subsequent years, they proposed to cut education by $3.9 billion and $3.1 billion. With the strong leadership of President Clinton, these cuts were never enacted, and Federal funding for education has steadily increased.

Republicans have finally begun to listen to the American people on education. The Senate Republican FY2000 Budget Resolution increases funding for elementary and secondary education by $2.6 billion over a freeze. But that increase in elementary and secondary education comes at an unacceptable and irresponsible cost. The Republicans proposed a reasonable increase in funding for elementary and secondary education, but at the same time they cut funding for critical programs like Head Start, job training, and aid for college students by at least 10 percent in FY2000 and by more than 20 percent in FY2004.

It is wrong to rob Peter to pay Paul, and it is wrong for the Republicans to propose this irresponsible budget.

It is irresponsible to increase funding for elementary and secondary education programs in order to improve the Nation's public schools and slash funding that helps young children and college students.

It is irresponsible to deny 100,000 children Head Start services that help them to come to school ready to learn.

It is irresponsible to eliminate 73,000 summer jobs and training opportunities for low-income young people.

It is irresponsible to jeopardize funding that helps make college more accessible and affordable for all qualified students.

It is irresponsible to ignore the needs of communities that need help in modernizing their school buildings. Schools across the nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education. Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $100 billion just to repair existing facilities nationwide.

It is irresponsible to do nothing to see that key education priorities will be met, such as reducing class size, improving teacher recruitment and training, expanding after-school programs, and ensuring strong accountability for how federal education dollars are spent.

Mr. President, a nation's budget is a reflection of its priorities. The nation's children and families deserve a budget that invests in their priorities—not the priorities of the right wing. Clearly, this Republican budget contains the wrong priorities for the nation's future. It gives priority to large tax cuts for the wealthy, instead of saving Social Security and Medicare, and at the expense of programs for college students, young children, and young adults. I urge my colleagues to oppose this misguided budget.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may proceed in morning business for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized for 20 minutes following the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRUTH IN BUDGETING

Mr. HOLLINGS. Mr. President, I remember the day when we had truth in budgeting. I will never forget when we promulgated in 1985, almost 15 years ago, the Gramm-Rudman-Hollings Act. At that time, we realized that Reaganomics was going up and away with respect to the growth of the debt and the accelerated interest costs upon that debt, not just necessarily the growth of the economy.

We got together on a bipartisan basis and, under the auspices of truth in budgeting, we came to the floor, and even though we had opposition on both sides early on—President Reagan opposed it, certainly over here the majority leader, the whip, and the chairman of the Budget Committee opposed it—on this side of the aisle, on 14 up-or-down votes, we got a majority of the Democrats on the basis of truth in budgeting.

Fifteen years later, we have gone to fraud in budgeting. It is all a political exercise that will bring us later in the year to what one might call a Mexican standoff. Then both sides will probably get together, hopefully, and, since the media will be covering them and they are moving into an election, do some saving of Social Security or at least some paying down of the debt. But I have a bill today, Mr. President, that actually requires us to save Social Security.

Let me mention that, once the government receives the moneys from the payroll tax under section 201 of the Social Security Act, it immediately buys special securities, 30-year T-bills. With those 30-year T-bills, of course, Social Security has the bond, or the IOU, the Government has the money, and obviously they have been spending that money for either increased spending or for tax cuts, but not for any paying down of the debt. The debt continues to go up.

Under section 201 in that particular instance, it is like having two credit cards. You have a Visa card and a MasterCard, and you want to pay off your MasterCard with your Visa card. So you pay down the public debt. Herein, let's say the Visa card is Social Security and the MasterCard is the public debt or Wall Street credit card. That is the crowd that does not want the sharp elbows of Government coming in and crowding out finance, running up interest costs and disturbing corporate finance.

When you take the Social Security credit card to pay down public debt, it is simply a transaction of increasing your Social Security debt. At the present time, the deficit in Social Security is some $730 billion in the red.

Mr. President, we did not intend that in 1983. In 1983, what we did was say: We are going to put in an inordinately high payroll tax in order to build up a surplus to take care of the baby boomers in the next generation.

That is exactly what we are not doing. We are crowding around on the floor saying, "Beware, beware, beware, the baby boomers, baby boomers." It is not the baby boomers, it is the adults on the floor of the Senate looting the fund if we keep the money in, as was intended in section 201 of the Social Security Act.

As Mr. Greenspan said, take Social Security outside the unified budget, do not have any unified budget and growth deficit, just have the national debt and the national deficit, one accounting, not two sets of books. That is what we called for. We wrote it into law under President Bush in November 1990. It is constantly disobeyed and is being disobeyed with the two budget proposals of the President and the Republicans now.

President Clinton's budget came to us. And I call it a fraud because everyone else has called it a fraud. What it did was say we are going to hedge a way against this so-called tax cut move on the Republican side politically, so we are going to save Social Security, we are going to take care of Medicare, and pay down the debt. They mean public debt. They know they can easily do that with the Social Security money.

Incidentally, we had a motion on President Clinton's budget in the Budget Committee, so I speak advisedly. The record will show it did not get a single vote, Democratic or Republican, for that President's budget.

Along comes the Republican budget, and you can see exactly what is going on. They are meeting with the candidate for President, Mr. KASICH, who knows better. He is the one, incidentally—I do not know if he is running as a Democrat or a Republican—he said if the 1993 tax increase and spending cut and paring down the size of Government, corporate downsizing, Government downsizing some 300,000—he said if this thing works, "I will change parties." I have not seen the distinguished Congressman recently, but I am waiting to, because I am going to ask him how he is running, as a Republican or Democrat. He promised to change parties and become a Democrat if it worked. It is working.

The Republican budget comes in now and they say, "We have to do better. We have the House and Senate. We want to take over the White House, so we want to give them a tax cut."

How do they do it? With a fraudulent budget. They go up and above, and my distinguished chairman of the Budget Committee on the Senate side, the Senator from New Mexico, knows better. I have worked with him. We are the two original members since 1974 of the budget process and the Budget Committee.

He comes in and he adds on almost $800 billion to the debt. In addition to adding to the debt, he comes around and says now, "We are going to direct in reconciliation that the chairman of the Finance Committee, the Finance Committee itself, come out with a tax cut." This is an absolute adulteration and fraud of the budget process. We intended—and it is right in the reconciliation provisions—that if you get to the end of the road—and you are always slightly over—you can increase some revenues here, there, or yonder, or you can cut some spending here, there, or yonder. You reconcile spending and revenue so you do what you say and say what you do to balance items in the budget.

Instead, now the Republicans are going to use reconciliation to cut the revenues. Here we are spending $100 billion more this fiscal year 1999 than we are taking in. Under current policy, it would be $90 billion more, but you can see already with this particular monkey shine in the face of reality, there is no chance of a tax cut and having a real budget. We have already come in with caps.

Last year we exceeded the caps by $12 billion. We exceed the caps $21 billion this year. Then we come and pass an $18 billion increase for military pay. That is $50 billion we ought to be looking for in either increased revenues or spending cuts. Rather, the wonderful Budget Committee, on a partisan basis—the Republican budget is a fraud—comes forward and says, Here it is—and we are amending the reconciliation in this particular process—and sends it to the floor directing the Finance Committee—and the chairman of the Finance Committee, incidentally, the distinguished Senator from Delaware, said: If we do not have a tax cut, it would be highway robbery. We've got money sloshing around up here.

Unfortunately, they also repeal the pay-go rule. This means they will not need an off-set to pay for their tax cut. When we debate the budget this week, the Republicans are going to ram it through the Senate—10 hours, 10 hours, and 10 hours. They can get it through in three days and back up all the roll calls. And they already have it greased on the Republican side to send it through. Instead of a Budget Committee exercising its responsibility to promote fiscal responsibility, this budget here is a fraud and promotes irresponsibility.

To those who say, Mr. President, what are you going to do if you pass the Hollings bill that sets aside the money in Social Security? It does not just sit there; it earns the highest amount allowed by law, just as it did for 33 years—from 1935 until 1968. The Social Security trust fund was sound. That is a requirement for all corporate endeavors, in that we make it a felony if you try to pay down the company debt with the pension fund.

The distinguished Presiding Officer, he heard me speak of Denny McLain the other afternoon. So I keep harping on it. Here we say in corporate America, if you engage in that kind of nefarious activity, it is a felony, and off you go to jail. But here you get the "Good Government Award." It is totally fraudulent what is going on. Neither side is giving. Both sides are out of reality and they are going merrily down the road as they are with the census, with no reconciliation. But be that as it may, there isn't any question that we can pay down the debt under current policy if we just stay the course.

That was my motion in the Budget Committee. You say, "All that big talk, HOLLINGS. What then would you do?" Look at the particular budget we have. Look at the economy we have. If you were the mayor of a city, if you were the Governor of a State, you would immediately say, "Well, let's stay the course. We don't want to let go of the firemen or the policemen. We don't want to start any new endeavors right now. Let's keep this economy growing."

All we have to do, as Mr. Greenspan finally testified, is do nothing, just hold the line, generally speaking, taking this year's budget for next year. By 2006, by that time, above Social Security surpluses, we would have regular surpluses, true surpluses. And that money could be used to pay down the debt.

I am not for the gamesmanship about public debt and the interest costs going down. That is a story out of the whole cloth. That is not going to happen. Right now, we owe $730 billion to Social Security. By the year 2013, we will owe Social Security $3 trillion—$3 trillion.

We are supposed to have, under the Greenspan Commission report and law as it now stands, $3 trillion in the bank. I know my distinguished friend from North Dakota is waiting to come here, but I want to make sure we understand the fiscal cancer this country has.

When Lyndon Johnson last balanced the budget, we only had to pay $16 billion in interest costs on the national debt—today, we pay $357 billion each year—almost $1 billion each day. And the interest costs go up, just like the price of energy and gas is going up now, as indicated in the morning paper. If those little interest costs go up, it will be over a billion dollars a day.

With the money we would save in interest costs on the national debt, I could give my Republican friends an $80 billion tax cut. I could give my Democratic friends $80 billion in increased spending. I could give Social Security $80 billion. I could give paying down the debt $80 billion. That is only $320 billion. We are going to spend that each year—next year and more. This country has fiscal cancer. That is the state of the Union. And in the best of times that we are all enjoying now, if we cannot get some kind of discipline in reality out of the process here in the Congress, I do not know how we are ever going to save it.

I thank the distinguished Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

SPRING PLANTING LOANS FOR FAMILY FARMERS

Mr. DORGAN. Mr. President, the agenda for the Senate this week is to continue on the supplemental appropriations bill. Then at some point this week we will go to the budget bill. My hope is that we will finish work on the supplemental appropriations bill. I understand that we are heading towards a vote tomorrow on cloture on a Kosovo amendment to the emergency supplemental appropriations bill. So we are off on a range of other issues, that being a foreign policy issue. We already had votes on tobacco and tobacco proceeds from the settlement, and so on.

But my hope is that one way or another we will get through the supplemental appropriations bill in order to provide the resources in that legislation for spring planting loans for family farmers. There are not very many weeks until our family farmers will be in the fields, and they need some operating loans to buy the seed and the fuel and to pay the expenses to do spring planting. And we have many farmers in North Dakota who are not, under current circumstances, going to be able to get loans from the Farm Service Agency unless we pass this supplemental bill.

So if we do not pass the supplemental appropriations bill this week, and we go home, then we are not in session the next 2 weeks, we are going to be leaving these farmers in pretty tough circumstances. Then this supplemental has to go through the House, the Senate, and go to the President for his signature. Frankly, the fate of a lot of family farmers rests on our ability to get this done.

Last week, a friend of mine announced that he was quitting farming, which I suppose is not such unusual news these days. A lot of farmers are quitting farming. This friend happens to be Elroy Lindaas, who is a State senator. Elroy is a wonderful fellow. He farms near Mayville, ND. I have been to the barn dance on his farm a good many times. I guess the last time was about 5 months ago. The barn dances that Elroy has are held up in the hayloft of a very large white barn.

Elroy and his wife have gone to various garage sales in and around Mayville over the years, and they would pick up a davenport here or a couch or a chair. So up in the hayloft of his barn he has this large expanse lined with very comfortable old chairs.

He has built himself a little stage. He plays guitar and he has neighbors that play musical instruments, as well. At this barn dance that he holds every year, they get a little band together. They hang some crepe paper. They get a couple hundred people who come up and fill the hayloft at the Lindaas barn.

On this farmstead, they have planted 120 consecutive crops. For 120 years they have planted crops on the Lindaas farm. But this year, the 121st year they won't be planting a crop because he is selling his farm this June.

Here is a farm that has been in that family for 120 years, passed from granddad to dad and son. Why does that farm at this point cease operation? Why does the family decide it cannot make it any longer? Here is a family farmer trying to do business, with prices for wheat and other grains at Depression-era prices. In constant dollars, the price they get for a bushel of wheat today is no different than it was during the Great Depression.

What does all this mean and what do we do about it all? The chart with this map shows what is happening in our country as we talk about the choices and priorities we will make in the supplemental appropriations bill and then the budget bill. This map shows those counties, which are marked in red, where we have had an outmigration of people. You will see the outmigration from the middle part of America, up and down the farm belt and especially in North Dakota. Up and down the entire farm belt in the Great Plains, we have an entire region of America that is being depopulated. People are leaving, not coming. Look at all of these counties, each of these in red are rural counties in which the population is leaving. These are the counties that have lost fifteen percent or more of their population in a fifteen-year period.

My home county, Hettinger County, ND, is probably a good example. Hettinger County, ND, is right here in Southwestern North Dakota. It, too, is marked in red. When I left Hettinger County there were 5,000 citizens living there. Now there are 3,000 citizens. The next county is Slope County. Both my home county and the next county are the size of Rhode Island, individually. Slope County has 900 people. A year ago or so they had seven babies born in the entire county.

What is happening with the depopulation of rural areas, with people moving out, not moving in? Elroy Lindaas, after 120 years of planting crops and making a family farm work, is saying, "I can't do it anymore."

What is happening? A lot of things. The Presiding Officer will not be surprised when I mention the current farm bill, which in my judgment, is a disaster. In fact, it is interesting that in 1995 when we discussed the Budget Act on the floor of the Senate, that budget bill provided the framework for changing the farm bill. The budget that year framed the requirements under which a new farm bill had to be developed. It was developed into what was called the Freedom to Farm bill.

Freedom to Farm had two parts to it. One part made a lot of sense. It gave farmers the freedom to plant what they chose to plant, not what the Federal Government allowed them to plant.

Second, it cut the tie between farm prices and government payments. The bill's sponsors said because farm prices were so good and so robust and healthy at that time, we would give a transition payment on top of the current strong market prices, and then farmers would be on their own. That payment would decrease over a number of years after which farmers would be on their own. That was essentially the theory of the program. It was called transitioning-the-farmers-out-of-a-farm program.

The problem is, farm prices didn't stay healthy and family farmers discovered very quickly that as commodity prices for wheat, feed grains and others began to collapse, there wasn't much of a price support for them. There wasn't a government program that said, "You are important. So, when commodity prices collapse, somehow we will build a bridge over that pricing valley to see if we can help you get across."

We have our farm people looking 2 years, 5 years, 7 years ahead. They hear the economists say prices aren't going to improve much. They say if that is the case and if the Federal Government is not going to help and doesn't care whether there are family farmers left, they will leave. That is what is creating the depopulation of a rural area.

It is also true that the ability to raise grain here and ship it to Asia has diminished, as the Asian financial crisis took away our export markets. It is true that this administration has not been nearly as aggressive as it should have been on the Export Enhancement Program. It is also true that, frankly, the Congress did not provide what the administration asked for on EEP. The administration, Congress, and the markets shaped the circumstances that now conspire in ways that say to farmers there is not much hope for you out here.

As we watch the depopulation of a major part of our country, let me make another observation. Those farmers that stay in business will harvest a crop this fall and receive a price that is pretty anemic. When the farmers get in the truck and haul the grain to the elevator, they will be told the food they produce doesn't really have much value. The farmers will scratch their heads and say, "I don't understand that."

This world adds a New York City in population every single month. Every single month another New York City in population appears on the face of this globe. At least a half billion people and probably far more than that go to bed every single night with an ache in their belly because they don't have anything to eat. Yet, we are telling our farmers that what they produce has no value. There is something fundamentally wrong with that.

Working on a bipartisan basis as a Congress, we have to find a way in this budget mechanism to say to family farmers that their presence in this country matters to America. It strengthens our country to have our food production produced by a network of broad-based economic owners, by our family farmers. It strengthens our country to have the family farm system existing in America.

We must decide and decide quickly that the current farm bill doesn't work. It must be changed. People say, "Do you want to go back to the old support prices?" I don't know. I am willing to discuss that. If you have a better idea, let me know. But, do you really want to go to any community in this area and say our nation's policy is more of the same? Do we want to keep seeing outmigration, and collapsed farm prices? Do we want to keep transitioning farmers out of farming?

Whatever ideas exist in this Chamber, I am willing to discuss. I have an idea for the first step. Let's take the caps off the price support loan rates and at least give farmers what the big print said it was going to give them in the farm bill, and what the fine print took away. Let's take the caps off the loan rates, and get the loan rates up to where they ought to be. That is the first step.

We have all the farm organizations around town who purport to support family farmers. I assume that is who is financing them. Yet, every single one has a different message about what ought to be done. Some do not support taking the cap off the loan rates. They don't have ideas, but they oppose those who do have ideas.

At some point, if we are going to save family farming for this country, we have to get together and find some kind of approach that will reconnect a decent income to those who produce.

This isn't the fault of family farmers. This is not their doing. They didn't cause the markets to collapse. They didn't cause the financial crisis in Asia. They didn't cause the unfair trade from Canada that allows a massive quantity of spring wheat and durum wheat to flood into our marketplace. They didn't cause that, and they ought not be victims.

They didn't cause the foreign policy problems that require us to have sanctions against other countries, or the foolish notion that we ought to have any sanctions at all on food and medicine. Farmers didn't cause that.

That is another step we ought to take. I don't say this suggesting that it will solve the farm problem, because it won't. We ought to decide all sanctions on food and medicine anywhere in the world ought to be ended. I may offer that to the budget resolution this week. Does anyone think Saddam Hussein or Fidel Castro missed a meal because we can't ship food to Cuba or Iraq? Not hardly. All that sanctions hurt are our farmers here in this country and poor people and hungry people abroad.

My point is we must pass this supplemental bill in order to allow some of these family farmers to get into the field this spring. Without it, many of them won't get into the field. Then we must fix this farm program because this farm program doesn't work. We must work on a range of other issues, including trade to deal with the unfair trade problems our farmers face. There are a whole series of other steps that we can and should take.

I want to mention this issue of priorities. I come from one of the most rural States in America, and our family farmers are in desperate trouble. Even as we debate these issues, we are told there is limited money available and we just can't do all of these things. If that is your priority, then farmers don't matter much.

I mentioned that in 1995 the genesis of the current farm bill originated here on the Senate floor in the Budget Act that was brought for a vote to the Senate. And so better farm policy could start this week here in the budget resolution that is brought to the Senate later this week.

Let's talk about what the priorities are. The majority party will bring a domestic budget mark to the floor this week that decreases domestic spending by slightly over $20 billion. The proposed mark of the Budget Committee will have a $9.1 billion increase for defense over that which was assumed in the Balanced Budget Act of 1997. So, in defense, their budget will provide $290 billion, a $9 billion increase. But, in other domestic discretionary spending, their budget would take $20 billion in cuts.

Now, last year in the fall, we passed some emergency aid for farmers. In that omnibus appropriations bill Congress provided aid for a range of things, including agriculture. $1 billion was added for the national missile defense program. $1 billion. It was money that wasn't asked for by the Defense Department. This money wasn't needed by the Defense Department. The Defense Department said it was spending money as rapidly as it could to find the technology and the solutions to hitting a bullet with a bullet, which is what the national missile defense program is.

The Defense Department said it really didn t have the capability of using any more money. The Congress said it didn't matter to them and demanded that they have $1 billion more. So $1 billion more emerged. I tried to get a few thousand dollars, a few hundred-thousand-dollars, or a few million dollars to deal with the emergencies in Indian housing and Indian health care. I couldn't do it. But $1 billion, which the Department of Defense didn't want, didn't ask for, and didn't need emerged mysteriously. In fact, it turns out that they could not even spend it.

Of the $1 billion, the Department of Defense could only find $150 million in uses in fiscal year 1999. Do you know what that was for? A third of it, amounting to $56 million was used for contract transition and rebaselining. Does anybody know what that is? Does that sound as if you are building a weapon? Contract transition and rebaselining. They are going to allocate another $50 million in the next fiscal year because they could not use it in the last fiscal year. They want to use $400 million on things other than national missile defense because they could not find a use for it in national missile defense.

This priority comes from a Congress that says that we don't have enough money and we can't help these farm folks. It doesn't matter that these farmers aren't doing very well. They say we can't help them much because we don't have the money.

My point is that this is about making choices. We have a responsibility to make thoughtful choices, good choices, choices that will strengthen our country. I find it more than a bit disappointing to discover that there is plenty of money for someone else's priorities, but not enough money to deal with what I think is a priority for this country such as the long-term economic health of family farming.

I want to also mention one contributing factor to the farm troubles in this country of ours. I mentioned trade just a moment ago. I want to go back to it because our prices have collapsed for a range of reasons. These are the prices that our farmers receive for grain when they haul it to the elevator. One of the reasons is that we have a trade policy in this country that is a terrible trade policy. We say to the rest of the world that we are for free trade, open trade, come and trade with us. Yet, we refuse to stand up and have any backbone at all to stand for our producers when we are the victims of unfair trade.

Let me give you an example. The Canadians continue to flood our country with their durum wheat and their spring wheat, undercutting our farmers' prices. Our nation can't seem to do a thing about it. For years now, it has gone on. I acknowledge that our Trade Ambassador and this President have taken some action, which is more than previous Presidents have done. Previous Presidents would not give the time of day to this issue. But this President's action and the action of the Trade Ambassador is far short of what it should be, and they know it.

I found it interesting when I was in Europe a few months ago and I picked up the paper. I read that we are going into a trade war with Europe over bananas. I am sitting there in Europe thinking, gee, that is strange. Let's see, where do we produce bananas in the United States? I guess maybe we produce a few bananas in Hawaii. But by and large, we don't produce bananas in the United States. So why do we have a Trade Ambassador prepared to go into a trade war over bananas, something we don't produce? I guess it is because U.S. corporations produce bananas in Latin America and they are trying to sell them to Europe. Europe won't let the bananas in, so we get all exercised and we are going to have a trade war over bananas.

I want to ask the Trade Ambassador this: If you are willing to go into a trade war over bananas, which we don't produce, would you be willing to take some reasonable action against countries that inundate our markets and cut our prices on something we do produce, such as spring wheat, durum, and barley? Why is it that we are willing to go to bat here and ratchet up a big trade dispute with Europe over bananas when we don't produce any real bananas. Yet, we seem unable, or unwilling, to take action against the Canadians, who clearly are violating our trade laws and who are causing massive dislocation in the center part of our country by undercutting our grain markets and hurting our family farmers.?

Oh, I have thought from time to time about getting a truckload of bananas and dumping it on the front steps of the USTR's office to say at least here you can see some bananas when you walk out. You won't see any in the fields and you won't see any banana trees anywhere you look in the continental United States. You have this big trade dispute going on over bananas, which you won't be able to find in most corners of this country. That would at least give our trade office a chance to see bananas. But I decided I could not afford to do that, and it would probably be a stupid stunt anyway.

Somebody needs to say: You are not thinking straight. If you want to stand up for the economic interests of this country, then stand up for things we produce. Then someone will say to me: Mr. Senator, you know there are some agricultural groups that support action against Europe on the banana issue? Yes, I am sure there are. We have dozens of farm organizations in this country who say they speak for farmers, and they wouldn't know a pair of coveralls from an oil rag. I mean, they wouldn't know a pickup truck from a razorback hog. In fact, they don't know much about farming. They are about agribusiness. They lobby under the name of farmers, but they really represent the agrifactories of this country.

I say to them: You are off supporting this dispute about bananas, and you are probably all upset that I am undercutting you. No, all I am interested in doing is getting the limited resources of the U.S. Trade Ambassador's office to start fighting for the economic interests of what we produce in this country. Things like wheat and steel? Sure, we have people concerned about steel. I will join them. How about focusing on wheat coming in from Canada at secret prices, sent to us by a state trading enterprise that would be illegal in this country? We send auditors up to Canada and they say, "We want information about what price you are selling for." They say, "We are sorry, we don't intend to give you any information at all." That is violative of our trade laws, and we ought to have a Trade Ambassador who will do something about that and a President who will join her to say it is time to stop that kind of unfair trade.

Well, Mr. President, my time is about over. I know that, as we begin the budget process this week and as we complete, hopefully, action on the supplemental this week, we will have a discussion about choices. I have talked a great deal about agriculture and the farm program.

Let me conclude by saying that one of the most significant choices we will make, in addition to those I have described, will be the issue of the broad choices of what we are able to do with the future surplus. One of the major choices will be to determine whether there will be reserves left from that surplus to invest in Social Security and to protect Medicare. I am especially concerned with the issue of Medicare, which is the major issue that represents the difference between the two budget resolutions that will be brought to the floor of the Senate.

That, I think, will be an aggressive and healthy debate and an appropriate one.

There are those who stood on this floor some 35 or so years ago and said that the Medicare Program would make sense for this country for senior citizens who had no health care. They found that insurance companies were not lining up to ask if they can insure older folks. They didn't run around looking for older folks to insure, because old folks aren't the kind of people you make money from. You insure young, healthy people, and make money from those folks.

Sixty percent of the senior citizens of this country had no health insurance, and we passed Medicare over the objections of many. Now, 99 percent of the senior citizens in this country have health care. They don't go to bed at night worried about whether their health circumstance will change in a way that will cause them very substantial trouble because they won't have the money to deal with their health care needs. Medicare relieves them of that kind of anxiety.

We must, it seems to me, commit ourselves, in the context of choices that we make in the budget this year and in future years, to the long-term financial future and solvency of both Social Security and Medicare. I think in the next 2 or 3 days we will have a robust, healthy, and aggressive debate on this. Perhaps the debate will include some who never liked Medicare in the first place, and who wouldn't vote for it now, if they had a chance. I have heard a couple of people suggest as much in recent years. But, there are those on that side and perhaps many of us on the other who believe very strongly that this is a program that has been very, very healthy for tens of millions of American people and who believe that we ought to continue to provide solvency for it in the long term.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN KOSOVO

Mrs. HUTCHISON. Mr. President, I rise today to talk about the situation in Kosovo. We have been watching this situation unfold for days, actually months—actually, you could say thousands of years. But it is coming to a head in the very near future, perhaps in hours. As I speak today, Richard Holbrooke is talking to Slobodan Milosevic and trying to encourage him to come to the peace table. I hope he is successful, and I know every American hopes that he is successful. But what I think we must talk about today is what happens if he is not.

What happens if Mr. Milosevic says, "No, I am not going to allow foreign troops in my country," and if he says he is going to move forward with whatever he intends to do in the governance of that country? I think we have to step back and look at the situation and the dilemma which we face, because there is no question, this is not an easy decision. What comes next?

Basically, the President has committed the United States to a policy in NATO to which he really does not have the authority to commit. The consequences are that we have to make a decision that would appear to walk away from the commitment he made without coming to Congress, and that is not a good situation. I do not like having to make such a choice, because I want our word to be good. When the United States speaks, I want our word to be good. Whether it is to our ally or to our enemy, they need to know what we say we will do.

But the problem here is, the President has gone out with a commitment before he talked to Congress about it, and now we have really changed the whole nature of NATO without congressional approval. We are saying that we are going to bomb a sovereign country because of their mistreatment of people within their country, the province of Kosovo, and we are going to take this action, basically declaring war on a country that should not be an enemy of the United States and in fact was a partner at the peace table in the Dayton accords on Bosnia.

So now we are taking sides. We are turning NATO, which was a defense alliance—is a defense alliance—into an aggressive, perhaps, declarer-of-war on a country that is not in NATO. Mr. President, I just do not think we can take a step like that without the Congress and the American people understanding what we are doing and, furthermore, approving of it.

There is no question that Mr. Milosevic is not our kind of person. We have seen atrocities that he has committed in Kosovo. But, in fact, there have been other atrocities committed by the parties with whom we are purporting to be taking sides. The Albanians have committed atrocities as well, the Kosovar Albanians. So we are now picking sides in a civil war where I think the U.S. security interest is not clear.

I think it is incumbent on the President to come to Congress, before he takes any military action in Kosovo, to lay out the case and to get congressional approval. What would he tell Congress? First of all, before we put one American in harm's way, I want to know: What is the intention here? What is the commitment? What happens in the eventuality that Mr. Milosevic does not respond to bombing, that he declares he is going to go forward without responding to an intervention in his country? What do we do then? Do we send ground troops in to force him to come to the peace table? And if we did, could we consider that is really a peace? What if NATO decides to strike and an American plane is shot down? What if there is an American POW? What then? What is our commitment then?

My concern here is that the administration has not looked at the third, fourth, and fifth steps in a plan. They have only addressed step 1, which is, we are going to bomb because they will not come to the peace table and accept the agreement that we have hammered out. I just say, before we go bombing sovereign nations, we ought to have a plan. We ought to know what steps 3, 4, and 5 are, because I believe Congress has a right to know what this commitment is. How many people from the United States of America are going to be put in harm's way? What is it going to cost and where is the money going to come from? Is it going to come from other defense accounts, so other places in the world where we have troops are put at risk? Is it going to come at the risk of our Strategic Defense Initiative? Just where is the money going to come from? Most of all, most important of all, what is the mission? How much are we going to be required to do and what is the timetable?

Mr. President, I would support a plan that would say when the two parties come to a real peace agreement, we would put our troops, along with our European allies in NATO, together in a peacekeeping mission of a short duration which would make sure that things settle down until we could have others rotate in and take our place. I would support a plan that went that far.

I would also support a plan of helping the Kosovars, but without putting American troops in harm's way. You know, the difference between the Clinton doctrine and the Reagan doctrine is that President Reagan would support freedom fighters with arms, with monetary contributions, with intelligence—many, many forms of support for freedom fighters—but he would never put a U.S. military person in the middle of a civil war. He would help, but he would not make that commitment.

Under the Reagan doctrine, therefore, we could help Afghan rebels and Nicaraguan freedom fighters. At the same time, we could also continue to remain strong in Europe and Asia because we could allocate our resources and we would not drain our resources in small civil conflicts in chosen places around the world.

What bothers me about what has been happening in the last 3 or 4 years is that we have been putting troops into civil conflicts in certain parts of the world but not all parts of the world. So every time we do it, it makes the decision not to do it somewhere else a little harder. We practically invaded Haiti and we still have 500 troops in Haiti today. We had 18 Army Rangers killed in Somalia in a mission that was ill-defined and was actually mission creep. The original mission of feeding starving people had been accomplished, but we didn't leave. We decided to capture a warlord, something our military is not trained to do and, therefore, the miscalculation cost us the lives of 18 great young Americans.

We have inserted ourselves into places like Haiti, Somalia and Bosnia, but we have not inserted ourselves into Algeria, where there are just as many atrocities as there have been in any place in the Balkans. We have not inserted ourselves into Turkey, where there is mistreatment of the Kurds. We aren't getting involved in the Basque separatist movement in Spain. We didn't step into Iran when the Ayatollah took over from the Shah and was assassinating almost every military leader that couldn't get out of the country, plus the religious minorities that were still there and their leadership. It is very difficult, when you start choosing where you are going to involve yourselves, to extricate yourself when there is no clear policy.

That is why so many of us in Congress are concerned and why we realize the dilemma. We understand that this is not an easy black and white decision. We are talking about a commitment that the President has made. I do not like stepping in and saying that we shouldn't keep a commitment the President has made. Overriding that great concern is the consequence of not requiring the President to have a plan and a policy that will set a precedent for the future. I think we could explain it by sitting down with our European allies and saying, first of all, if we are going to change the mission of NATO, this must be fully debated and fully accepted by every member of NATO within their own constitutional framework. If we are going to turn NATO from a defense alliance into an affirmative war-making machine, I think we need to talk about it.

I will support some affirmative action on the part of NATO, if we are able to determine exactly what would trigger that and not go off on one mission without having a precedent for a different mission and, therefore, creating expectations among more and more people that we will step in to defend the autonomy of a country such as Kosovo or Bosnia. We must not allow the expectations to be such that we are drawn into every conflict, because we will not be able to survive with the strength that we must have when only the United States will be the one standing between a real attack from a ballistic missile or a nuclear warhead or an invasion of another country where we do have a strategic interest. We cannot allow there to be so many questions because there is so little policy. That is the responsibility of Congress, to work with the President.

We will work together. Congress will work with the President to hammer out a new mission for NATO. We will always do our fair share in the world. We will never walk away from that. We have to determine what is our fair share, what is our allocation. I submit that the United States will always be the leader in technology, and we will create a ballistic missile defense that will shield not only the United States and our troops wherever they may be in any theater in the world, but we also will protect our allies, if we have the strength to go forward. We will not have the strength to go forward if we continue to spend $3 and $4 billion a year on conflicts that do not rise to the level of a U.S. security interest.

We must be able to choose where we spend our defense dollars so that we will all be protected, ourselves and our allies, from a rogue nation with a ballistic missile capability that can put a chemical or biological or nuclear warhead on it and undermine the integrity of people living in our country.

Mr. President, the consequences are too great for us to sit back and let the President commit U.S. forces in a situation that I can't remember us ever having before; that is, to take an affirmative military action against a sovereign nation that has not committed a security threat to the United States. Before we would sit back and let the President do that, I cannot in good conscience say, well, he has made the commitment, even though he didn't have the right to do it, so we have got to let him go forward. Perhaps if we aren't lucky and if Milosevic does not come to the table, we would have more and more and more responsibilities because of the potential consequences that could occur if he does not come to the table.

We must know what those consequences are and what we are prepared to do in the eventuality that an American plane is shot down, that we have an American prisoner on the ground or that we bomb and bomb and bomb and bomb and he still does not do what we have asked him to do. We have to determine what we do in that eventuality. I certainly hope that we will consult with the Russians so that this war does not escalate into something that we haven't thought about. If Russia decides to step in on the side of Serbia, we could have grief beyond what anyone is saying right now.

I hope the President will work with Congress to fashion a new mission for NATO that will have the full support of Congress and the American people. I believe we could do that, because I don't think we are far apart at all. We cannot do it on an ad hoc basis. We cannot all of a sudden attack another country on an ad hoc basis and call that a policy.

I hope the President will come together with Congress and have hearings. Let's hear from the American people on just what they believe is the role of the United States. Let's hear from Congress about what our commitments should be and what is a ready division of responsibility for keeping the world as safe as we can make it, given that 30 countries have ballistic missile technology, some of whom are rogue nations. Let us step back with our European allies and determine if this is the right decision to make, or are there other ways that we could be helpful to the Kosovar Albanians.

I remember hour after hour after hour, over a 2-year period, talking about letting the Muslims have a fair fight in Bosnia, because they didn't have arms when two of their adversaries did. We never took that step. Now there is a cease-fire in Bosnia, but there are also many years to go before we will know what the cost is and if it can be lasting, because today, Bosnia is still as ethnically divided as it ever was because it is not safe for the refugees to move back in.

One can say there is disagreement on just how successful was the Bosnian mission. We do not see fighting, but NATO has just toppled a duly elected president of one of the provinces. It is pretty hard to understand. I think it is tenuous that we would go in and forcibly remove an elected president while we are touting democratic ideals.

There was a way to go into Bosnia, but Kosovo is very different. Kosovo is a civil war in a sovereign nation. There are atrocities. There have been atrocities on both sides. We are picking one side, and we are doing it without a vote of Congress. I do not think we can do it. I do not think the President has the right to declare war, and under the Constitution, he certainly does not. And under the War Powers Act, it takes an emergency. This is not an emergency. We are not being attacked. United States troops are not in harm's way at this point.

We can take the time to talk about it, and the consequences are so great I think it is worth the time to set a policy that allows us to have some continuity for the next 25 years, so that our enemies and our allies will know what the greatest superpower in the world is going to do and they will not have to guess.

Mr. President, it is a dilemma, and I realize it is. I do not feel comfortable with the choice. I do not feel comfortable at a time when we have gone out on a limb, through our President who made a commitment for us, even though we were not part of it. Nevertheless, I would like to give the President that support, but it is worth it to take the time and do it right and ask the President to come forward to give us his plan, to tell us what happens when American troops are prisoners of war or on the ground or shot down. We need to know what we would do in that eventuality before we send them there. That is the least that we can expect.

I hope we can debate this resolution. I hope people will give their views. I have heard great debates already on it, not on the Senate floor, though. The time has come for us to have this debate, and let's vote up or down. There will be people voting on both sides in good conscience, seeing it a different way but with the same goal. So let's have that debate. Let's do it right. Let's don't haul off bombing an independent nation before the Senate and the House of Representatives has a plan and approves it or disapproves it. That is what our Founding Fathers intended when they wrote the Constitution, and it is more appropriate today than ever.

I hope we will do that, because then the American people will know what is going on and they will support it or not support it. If we are going to have a long-term commitment, which I hope we do not, but if we do, at least it will be with the support of Congress as Desert Storm was. That was a tough debate. People spoke from the heart on both sides. They took a vote, and Congress supported the President going into Desert Storm. That is the way it should be, Mr. President. That is the way it should be under our Constitution, under our democracy. That is the way our Government works. I hope it will again as we face the crisis today that could have very long-term consequences for our country and for every one of our young men and women in the field wearing the uniform of the United States of America. Their lives are worth a debate and a policy, and that is what we are going to try to give them in the next 24 hours.

I thank the Chair. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened to the Senator from Texas and, I must say, there are many Members of the Senate who have concerns about a range of these issues. But I will also say that one of my concerns is that as sensitive negotiations occur in Belgrade today with Mr. Holbrooke and others, a resolution that says "The United States national security interests in Kosovo do not rise to a level that warrants military operations" seems not to be the best of timing.

I understand all the points the Senator made. As she knows, we have had some discussions about NATO in the past. I am someone who voted against expanding NATO for a number of reasons. But NATO does exist. This country is a part of NATO, and NATO has indicated to Mr. Milosevic that there are consequences to his actions. The actions he has taken obviously include the slaughter of innocent civilians.

I am troubled, I guess, by having a resolution on the floor of the Senate at this moment. There will be a time and should be a time for a robust and aggressive discussion about what exactly is in our national security interest.

I was someone who was nervous about Bosnia. I would characterize the circumstances in Bosnia differently than the Senator from Texas did. There is not just a cease-fire there, there is a peace agreement in Bosnia, and this country went to Bosnia as a peacekeeper, not a peacemaker. We did not send American troops into Bosnia to create a peace that did not exist. We sent American troops in as part of a NATO contingent in Bosnia to keep a peace that already existed. Those of us who were watching what happened in Bosnia understood genocide was occurring in that area. We got involved through NATO. Frankly, it has worked to this point in a manner that has undoubtedly saved the lives of many in that region.

The Kosovo issue is, in many ways, as difficult and perhaps more difficult, and I do not know that airstrikes will have any impact at all. I honestly do not know. The Senator from Texas indicates that the President should consult with Congress, and she is absolutely correct about that. I know that there was a meeting on Friday. I was invited to a meeting at the White House on Friday, as were a number of my colleagues. I believe a bipartisan group of Members of Congress were at the White House on Friday when the President discussed the circumstances in Kosovo.

I, too, think consultation on these matters is required. Also required is a significant and robust debate about exactly what is in this country's national interest. The Senator from Texas has been very consistent on raising these questions over a long period of time.

However, it bothers me some that the timing of this particular amendment comes at exactly the moment that there are these discussions today in Belgrade with President Milosevic about the consequences of continuing to do what he is doing. Obviously, anybody has a right to offer any amendment. But I was, frankly, surprised to see the amendment that has been offered as a second-degree amendment. I understand that there will be a vote on a cloture motion tomorrow at 2:15 on this second-degree amendment. And this is a very difficult time for us to be essentially sending this message to Mr. Milosevic.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator from Texas.

Mrs. HUTCHISON. I just say to the Senator from North Dakota that I understand the concern about timing. And I could not agree with him more about the timing. But I will just point out that the amendment I offered was actually offered early last week as an amendment that I thought should be considered in a supplemental appropriations bill because, of course, it will require a supplemental appropriation. As you know, after the bill was laid down and other amendments were considered, this second-degree amendment was put on Friday. And now so much has happened in the last 48 hours that the timing is not perfect; there is no question about it.

I just say to the Senator from North Dakota that we have been trying to talk about this for quite a while. And the House took up an amendment 2 weeks ago that now is totally obsolete, because the Serbs have refused to come to the table. So I concede that the timing is bad, but I do not know when it gets better. We certainly are not going to influence Mr. Milosevic right this minute in that Mr. Holbrooke is talking to him right this minute.

But I do think that we have to have this debate, because if we do start an action before we have had this debate, and before the American people fully understand what the issues are and can weigh in, I do not think that would be acceptable, particularly if it is a long-term commitment. So I do not disagree at all with what seems to be very bad timing. I just do not know when it gets better.

Mr. DORGAN. If I might reclaim my time, the timing here is more than "less than perfect," as the Senator suggested. If I were involved in negotiations this afternoon in Belgrade with Mr. Milosevic, the Lott amendment would be of great concern to me, because I would expect that someone sitting across the table from me would say, "Well, you are offering threats of airstrikes, but I can tell you that at this moment there is legislation pending in the U.S. Senate to prohibit those very strikes you're suggesting represent the threat to me."

I only say that I wish at this point we could have found a way—or could still find a way—to have the kind of debate about what is in the national security interest, what is the role of NATO, all of the kinds of discussions that the Senator suggests. Clearly, those are discussions we should and will have. But I rose simply to say I think the timing of this amendment detracts from the ability of our negotiators to express the threat of NATO action.

If I were negotiating for our side, debating this amendment is probably the last sort of thing I would want to see happen, because I don't think it serves our negotiating interests.

I do not say that personally in terms of anybody who offered this. The Senator from Texas indicated that she introduced this discussion in the Appropriations Committee, of which I am a member. She is correct about that. But this most recent amendment was laid down, I believe, Friday, and a cloture motion filed on Friday; and that is what I am concerned about.

Mrs. HUTCHISON. The Senator is correct, it was laid down Friday. But this amendment does not prohibit the airstrikes. It just says that we must come to Congress first, that the President must come to Congress and present a full plan first. And I think that is warranted before this type of action would be taken in this very unusual circumstance.

But as the Senator said, it is coming to a head very quickly. This amendment was offered last week. The second-degree was also offered last week. So we are trying to have a clear plan, certainly, before we get into a situation which could be very long term, with very dire consequences. And I think the full debate is what we are looking for, not necessarily a cutoff, but certainly having all the facts before us before we make such an important decision.

Mr. DORGAN. I would just point out, sending American men and women into harm's way is something I think no President wants to do. We've had ill-fated incursions and actions taken by Republican Presidents and Democratic Presidents alike. The perfection of foreign policy is not the province of any one party.

I was sitting here—the Senator from Texas was talking about President Reagan—and I was recalling that I was in Congress when Americans in Beirut were killed by a truck bomb. There have been a lot of circumstances where we had to learn exactly how and when we involve ourselves. It is a lesson that is very hard to learn.

The folks who feel very strongly about American and NATO involvement in Kosovo will make the case that if the situation is not contained there, it will spread very quickly and we will have a very substantial, broader problem on our hands in Europe. My colleague from Delaware is waiting to speak. He knows a lot more about these issues and has been involved with them much longer than the combined service of myself and the Senator from Texas.

But I think all of us are probably nervous about these issues. We do not know exactly what the right approach might be. I only rose today to say that I am concerned about the timing of this debate. Just this afternoon sensitive negotiations are occurring in Belgrade with Mr. Milosevic. I hope Mr. Milosevic will hear at least one voice coming from this Congress, perhaps many voices, saying that the slaughter in that region of the world must stop—one way or the other.

With that point, let me yield the floor. I know my colleague, Senator BIDEN, is waiting to speak.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank my friend.

I want to begin by saying to Senator HUTCHISON, I think she is performing a valuable service. This debate needs to be undertaken. She and I have had very different views on the Balkans from the very outset. She, along with a majority of my colleagues, 3, 4, 5, 6 years ago, told me that bombing would not work in Bosnia and we should not be involved in Bosnia and they asked, "Why are we getting involved?" They were legitimate, real questions. And she could have turned out to be as right, though I think she and others have proved to be wrong.

No one knew then. I could not answer some of those questions then. I could not answer in 1992, when I came back from Bosnia and there was the report about what was happening in death camps, about the support of Milosevic across the Drina, with the VJ involved with the Serbs in Bosnia. I could not prove or convince people that there were massive massacres that had taken place and would be taking place. I could not convince anyone—either NATO or the President initially—that the longer we waited, the more the situation would deteriorate, and the harder it would be to put back together.

But the question I was always asked then is the one I am asked now as a vocal supporter of using force, along with NATO, to bomb Milosevic; and that is, people say to me now, "Well, BIDEN, tell me what the last step is. You tell me the first step now. Tell me what the last step is. You've got to have an end game here, BIDEN. If you're talking to the President of committing to a lift-and-strike policy in Bosnia"—that was 6 years ago, or more than that now, 7 years ago—"you've got to be able to tell us, if you lift the embargo and you engage in airstrikes, what happens?" The following are the contingencies—if you list them, they are all reasonable questions.

I say to my friend, the Presiding Officer and former Governor of Ohio, the truth of the matter is the world has changed so fundamentally that this calculus of what the last step will be is no longer relevant, especially if we try to answer it before the first step is taken. It leads to a policy of paralysis.

I remember arguing then with a man I had great admiration for then and do now, the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell. I remember him making the argument that unless we could submit front-end to put 300,000 troops in Bosnia, then we shouldn't put anybody in there. My argument was then and it is now that that thinking is an absolute policy for paralysis. I guarantee you that the world we are entering in the 21st century doesn't lend itself to that kind of calculus.

When there were two superpowers and we decided whether or not to go into Czechoslovakia when the Prague Spring was crushed, or when we decided whether or not we were going to invade the counteroffensive in Hungary when the Russian tanks rolled in, the calculus then was pretty clear. We could say if we responded, then there was a likely probability the Soviet Union would respond to our response, and there would be a likely possibility this would lead to World War III.

It was a reasonable calculus. We could do a cost-benefit analysis and ask if the cost of involvement was worth the possible payoff. And we do this balance, this calculus. We did this under Democrats and Republicans for 50 years and did it pretty darn well. Indeed, we won the cold war.

We are dealing with a different world now. We are not dealing with a group of people who are essentially cautious, who are part of a great empire, and who had scores of divisions along the Fulda Gap ready to roll into Western Europe if, in fact, war broke out. We are dealing now with a group of tin-armed dictators—malevolent, dangerous dictators.

In Iraq we are dealing with a man named Saddam Hussein. I heard when I urged, along with others, that we should bomb Saddam Hussein, "If you bomb Saddam Hussein, what is the second, third, fourth and fifth step you are likely to take?" We couldn't say then because these guys don't operate under the same rational basis that we do. They are cunning. They are smart. But they have fewer cards to play, and their cards are less obvious.

I approach things a little differently these days. I have been a Senator for 27 years, and I have been involved in foreign policy, deeply involved, for the bulk of that time here. I approach it this way now: Do we know what will happen if there is inaction? What happens if we don't act?

In Iraq, if we don't act, we know for certain Saddam Hussein acquires weapons of mass destruction. We know this because he has used poison gas before. We know he has used chemical weapons. We know he has invaded other countries. We know that he has been willing to sacrifice tens of thousands of his people in a war with Iran. So we know where this guy is likely to go if we do nothing.

We have a different calculus now. In a superpower world, the calculus involved fairly cautious actors. We did not have Russian troops invading Latin America. We did not have Russian troops, in the wake of the Cuban missile crisis, storming into Cuba. We did not have Russians looking for opportunities to have a Russian soldier confronting an American soldier. It was a pretty cautious group of folks we dealt with. Dangerous, bad, an evil empire, but pretty cautious.

How about today? What is the downside of not acting? I will argue in a moment that it is immense. It is immense and it is clear, as clear as anything you can prognosticate in international affairs.

We must remember that we are a European power. Whenever I am asked why we would consider keeping 4,000–7,000 troops in Bosnia to protect 100,000 people from being massacred, I respond by saying that for 54 years we have kept as many as 365,000 troops in Europe to prevent the subjugation of people. We now have 100,000 soldiers currently deployed in that theater. Why is the idea of using 2,000–4,000 of them to keep people of Kosovo from being subjugated and massacred such a radical intellectual breakthrough?

Were the United States of America not deeply involved in the affairs of Europe, how many in this Chamber think Europe would be able to avoid the instability that has characterized it for 300 years? Who is going to step to the fore? France? England? Germany? They are all great nations, all great allies, but they suffer from disabilities we do not. They have lived on the continent for an eternity. They have old and deep animosities and differences and allegiances. All of Europe has a history of dealing with Serbs and Moslems, Albanians, Kosovars, Bosniacs, Croats, and it affects significantly their latitude.

What might happen were America to leave? Ask the French whether they would like to see us pull up stakes and leave Europe, bring the boys and the women home. Ask anyone who has spent a lot of time dealing with European affairs what happens if the United States disengages.

As a student of history and a participant in history, I ask whether America has ever been able to keep its distance from an unstable Europe. Lucky Lindbergh thought it was a good idea. A lot of other people who were more deeply involved in the conduct of foreign affairs thought it was a good idea. This questions represents an historic isolationism versus internationalism debate we have had in this country for over 200 years. Internationalists are characterized as adventuresome by their critics, and isolationists are characterized as narrow and self-interested by their critics. But it is a healthy, long-term debate.

My friend asks whether or not I would be happy to yield for questions. I am always happy to yield for questions from the Senator from Pennsylvania. I am not always able to answer them, but if he has a question, I am happy to yield.

Mr. SPECTER. Mr. President, I broach this subject gingerly, as we have shared many hours together on the train ride from Washington to Wilmington, where he departs. He should go to Philadelphia, but he gets off at Wilmington. I sent the Senator a note, as he was in the middle of his discourse and I would not want to interrupt him if he chose to proceed with the line he had. However, there are a number of subjects that I think would be useful to discuss with the distinguished Senator from Delaware because he and I have discussed foreign policy, as well as many other subjects, on many occasions. We have agreed on many subjects—not always—and on many of our judgments.

The first subject that is on my mind is on the use of force in Kosovo. Specifically, the level of public understanding and support which is present at the moment. Senator BIDEN and I, along with 29 others, attended a meeting in the Oval Office on Friday to discuss the situation in Kosovo. The general concern uniformly present, was the level of public understanding of this issue and the level of public support, and the question of how much public support we needed in order to undertake these airstrikes. That would be the first subject on which I would be very interested in the views of the Senator from Delaware.

Mr. BIDEN. Mr. President, I will be happy to respond.

I think the Senator and I agree that there has hardly been any public knowledge or discussion of Kosovo. One of the reasons I am speaking on this matter is that I feel obliged to lay out the background on this issue: what is going on, what is at stake, why we must act, and the consequences of our action. I agree with what is implicit in the Senator's question: The American public has not been given sufficient facts to allow them to be informed as to whether or not the course of action the President wants to take is, in fact, wise.

I was telling my staff as I walked over here that, this weekend, I came out of a 5 o'clock mass, and a friend of mine—a very informed fellow, who is, I think, a supporter—pulled me aside on the steps of the church and said, "JOE, look, you may be right, and I tend to trust your judgment in foreign policy; but I have tried my best to read everything I could." I listened, and he used this phrase: "I listen to MacNeil/Lehrer Newshour every night, and I am waiting to hear somebody explain to me this deal in Kosovo. I know you spent a lot of time, JOE, on the Bosnia thing, but isn't this different? Explain it to me."

Then, the Wednesday before, I was at a St. Patrick's Day function where we raised money for a fund in the name of a deceased mayor, and a very intelligent fellow, a graduate of Annapolis named Healy, a premiere builder in our State, said, "Joe, I'm a Republican"—I hope I am not going to get him in trouble—"but I've been liking you for a while. JOE, for God's sake, don't go down this bombing route." Then I started to explain some things to him and didn't change his mind, but he said, "I didn't know that."

These are two illustrations, and I think you could probably canvas the gallery here and ask them how much they have heard about Kosovo and what do they know, and whether they believe what we are apparently about to undertake makes any sense. The very sure answer to your short question is that, no, the public is not sufficiently informed.

At our recent meeting at the White House, you will recall that I, and I think the Senator from Pennsylvania and others, stood up repeatedly and said, "Mr. President, ultimately, you must educate the public." The President told us that in his first news conference he was going to lead with Kosovo.

But I have said to him and to the national security adviser, as well, that I believe the President has to address the Nation. I think the President should go on television at prime time, and take a half hour and literally, with a map and a pointer, sit there and say: This is Kosovo, this is why it is important, this is what happens if we don't act. When we act, if we do, we think we will bring about the following result. American forces probably will be killed, but possibly not. None were in Bosnia, but this is a much more sophisticated air defense system in possession of the VJ. They are much more sophisticated militarily than we faced anywhere with a bombing campaign in Bosnia, and it is possible that American forces will be hurt.

Mr. SPECTER. If the Senator would yield for a follow-up question, when the Senator from Delaware spoke at the meeting last Friday, he referred to the issue of the likelihood of casualties. When I had an opportunity to speak, I did, too. We both made the same point, although you made yours with more emphasis, which is not uncharacteristic.

I suggested to the President——

Mr. BIDEN. I will take that as a compliment.

Mr. SPECTER. It is a compliment.

I suggested to the President that he be very direct on the problems and the risks, because if there is to be public understanding, the public ought to be informed about the risks.

When the Senator from Delaware spoke, and he has repeated it today so it is not something I am telling out of a quasi-private meeting, he used the word "probably," as opposed to the word "possibly." The Senator and others including myself all emphasized the point that there had to be public awareness as to what was going on in Kosovo.

The President has made a start. He led off his news conference with the topic, but he did not give a 30-minute speech in detail. That would be a short speech considering the complexity of this subject. This which raises the question as to what is the level of public understanding, which I think is a very important factor in letting me go to a second subject, if I may.

The first part of this is hypothetical. If the President knew he would get an affirmative vote in a resolution from Congress on the use of force in Kosovo would he be wise to seek it? Would it strengthen his hand to have an affirmative vote? I, as the Senator from Delaware, do not like to deal with hypotheticals, but we have to on some occasions. So I ask my colleague about his view as to whether the President would welcome an affirmative vote if he knew he would get one, and would his hand be strengthened if he had congressional authorization before he took military action.

Mr. BIDEN. Mr. President, I will respond by saying two things. I will answer the second part of his question first, which is very easy. Clearly, his hand would be strengthened if he had one.

Second, the first part of the question: Would President support it?

I also said in my statement to the President and our colleagues that I believe the Congress should—should—be confronted with a specific piece of legislation authorizing the use of force. I think it is constitutionally wise and politically necessary that be done.

Mr. President, such a congressional vote will spark the very debate on this floor that I think is needed to further inform the American public about what is at stake.

By the way, I called the White House after we had our meeting with the President and reiterated that I hoped he would send up a resolution. He did not. So I wrote one. I was prepared to attempt to amend Senator HUTCHISON's amendment. But, in the meantime, as is his prerogative, the majority leader came in and offered a second-degree amendment to Senator HUTCHISON's. So I now have no ability to amend her amendment.

I am told that we are going to vote on cloture. If we get cloture—and I hope we will get cloture—then there will be an up-or-down vote on the Lott-Smith amendment. That amendment says that the President can't take any action in Yugoslavia until funds are authorized. I would prefer having an up-or-down vote on that notion.

My resolution says, "The President is authorized to use the United States Armed Forces for the purposes of conducting air operations and missile strikes against the Federal Republic of Yugoslavia, Serbia and Montenegro, pursuant to a decision of the North Atlantic Council Treaty Organization in order to achieve the objectives in section 2."

Through my resolution, I want us to step right up to our constitutional task of deciding whether or not to authorize the use of force.

I am the guy, by the way, who, in a very contentious meeting with President Bush, insisted that we have hearings in the Foreign Relations Committee on a resolution for the use of force in the Persian Gulf war. I believe that is a congressional prerogative.

One might argue that the President doesn't need congressional authorization. I think he does. In my view, a President is always better equipped and better advised to go into a risky operation if the American people know what is at stake.

My experience, Mr. President, is that Senators and Congressmen do not like to be counted. Keep in mind that I have been here for six Presidents. We in Congress don't like to be counted on issues of war and peace—Democrats or Republicans—because if, in fact, the risky business the President wishes to undertake succeeds, we all want to be able to say, "Good idea, Mr. President. I was with you." If it fails, Congress wants the luxury of saying, "I told him. He never should have done that. Bad idea."

I came out of the so-called Vietnam war generation. The only thing most everybody in my generation can agree on is that a foreign policy of this great nation cannot be sustained very long without the informed consent of the American people.

Mr. SPECTER. Mr. President, if the Senator will yield again, first, I can confirm the contentious meeting. In fact, I can confirm that the Senator from Delaware was present in many contentious meetings, not only with President Bush but others. Those were the meetings where some light was shed.

I was interested to note the generational difference by the Senator from Delaware, and he indeed associated himself with the Vietnam war. I would choose to associate myself with the Persian Gulf war.

Mr. BIDEN. I think that is appropriate.

Mr. SPECTER. I don't want to move to a generation older. I would like to move to a generation younger.

When my colleague talked about submitting a resolution, he was very artful, as he always is. He said it will be constitutionally wise and politically necessary. Then he moved on to say that he believes the President has a constitutional duty, although an argument could be made on the other side. As usual, the Senator from Delaware anticipated the next line of inquiry as to whether this military action is an act of war. I believe this is a subject which really could use some elaboration and some discussion between not only the Senator from Delaware and myself but others in this not totally filled Chamber.

When the Senator from Delaware refers to the pending amendment offered by the Senator from Texas, Mrs. HUTCHISON, and the second-degree amendment offered by the Senator from New Hampshire, Senator SMITH, I believe the Senator from Delaware will be interested to know that the majority leader had looked for an approach where a substitute might be offered by the leader of the Democrats and where a substitute might be offered by Senator LOTT.

It may well be that Senator LOTT would be interested and perhaps agreeable—obviously, I cannot speak for Senator LOTT—to having the Biden amendment proposed as he has articulated. There might be an agreement by the majority leader, which I would certainly endorse, to have an up-down vote without a two-stage procedure and without having to go to a cloture vote.

For the people who are watching on C-SPAN II, a cloture vote means that there would be a vote to try and limit the debate. It requires a supermajority of 60. This would enable us to vote on the resolution, however it is articulated.

There are three items on which I would like the response of the Senator from Delaware. Let me name them and then come back to the one. Let me name them in inverse order.

Should we have the vote strictly on a resolution without a two-step procedure, as the Senator from Delaware articulates it?

Question No. 2: What are the considerations?

What is the argument that he doesn't have to come to Congress, that we are not implicating a constitutional requirement for congressional authorization to undertake this military action, if it is an act of war?

Let me deal with the most immediate question; that is this business of a cloture vote. I am, frankly, a little surprised to see the necessity to go to a cloture vote, although I do not question anybody who seeks to. I really do question this particular cloture vote. It might be something that is worth discussing, whether it is appropriate to have a filibuster over the issue of the use of force. A matter of this magnitude which involves a Constitutional authority, separation of powers, a provision of the Constitution of which there is none any more important.

So let me specify the question for the consideration of the Senator. Is it appropriate for a filibuster to be staged to bar the Senate from voting on whether to authorize or deny the President authority to use force?

Mr. BIDEN. Mr. President, let me be precise. It is legally permissible but unwise. Let me explain what I mean.

I think the reason for the cloture vote is not because the majority leader expects anyone to filibuster. It is a tool that he has learned and has sharpened and honed very well to gain control and maintain control of the agenda and provide for the inability of anyone to amend whatever he wishes us to vote on. That is what this is about.

This has nothing to do with anyone filibustering. Indeed, I have not heard a single person suggest a filibuster. It has to do with the leader using, skillfully, as he does, the tools to be able to control the agenda of the Senate and determine what we will vote on, how long we will debate, and if we will debate.

If the Lott-Smith amendment prevails and is attached to the supplemental, I predict that the entire supplemental will fail. If that happens we will never have any action on Kosovo or the supplemental for the near term. That is my guess.

There is some confusion in the House, because they thought, as the President thought, that there would be an agreement between the Kosovars and the Serbs as a consequence of the meetings in France. They concluded that they should debate whether or not we would place American forces on the ground, as offered by the President, if there was a peace agreement.

But there is no peace agreement. So someone introduced an amendment—a freestanding bill on the House side—thinking they could pass a prohibition on the use of any American forces to implement any peace agreement signed. That was voted down.

Again, the public and a lot of our colleagues are not adequately informed on this. The headlines when the House voted were: House Supports Use of American Forces In Kosovo. That is not quite true. The House said it would permit a deployment in a permissive environment.

Now we are going to vote in the Senate on something completely different, something that may produce a very ambiguous result. The Lott-Smith amendment bars all funding for the purpose of conducting military operations by Armed Forces of the United States in Serbia and Montenegro.

What does that mean? Does that mean that, under our Constitution, if this passes with the supermajority necessary to overcome a sure presidential veto, that airstrikes are not permissible because bombs cost money and they are going to be dropped on parts of Serbia? I suspect it does. Rather than take such an ambiguous vote, we should not shirk our responsibility here.

Mr. SPECTER. Will the Senator yield for an additional question?

Mr. BIDEN. I sure will.

Mr. SPECTER. The Senator has gone through a discussion as to what Senator LOTT may have intended by the cloture motion, by the amendments pending, and by—as the Senator from Delaware characterizes it—our arcane procedure.

Mr. BIDEN. I could be wrong, but that is my reading of it.

Mr. SPECTER. It may be we can move ahead and structure a freestanding resolution which has been discussed, maybe two resolutions, one by Senator DASCHLE on behalf of the Democrats, one by Senator LOTT on behalf of the Republicans, and vote.

But let me come to the question that I think is by far the most important, which the Senator from Delaware had broached. That is the question about whether there is a constitutional requirement for congressional authorization.

As I look at the proposed military action, what has been described constitutes an act of war. The Constitution gives the President extensive authority, as Commander in Chief, but gives the Congress the sole authority to involve the United States of America in war—to have a declaration of war. That constitutional authority by Congress has been very, very significantly eroded.

Korea is perhaps the best example. I had occasion recently to pick up Margaret Truman's biography on President Truman and, seeing at least her version as to what President Truman faced in 1950, I wondered if the positions I have taken have been correct. But I stand by them, that there ought not to be the use of force without congressional authorization. The use of force was authorized prior to the Gulf war in a historic debate which occurred on this floor back on January 10, 11 and 12 of 1991.

I agree with the distinguished Senator from Delaware when he says the Members of Congress like to avoid votes on these issues. We faced an imminent airstrike last February in Iraq, February of 1998, and we chose not to decide the issue. At that time airstrikes were not made. In December of 1998, the Congress had ample opportunity to decide the question about airstrikes which did occur in mid-December over Iraq. Again, the Congress decided not to take up the issue. When we took up the issue of use of force in 1991, it came in a very unusual procedure, where the Senator from Iowa, Senator HARKIN, raised a procedural point the day we swore in Senators who were elected or reelected in November of 1990, so we took up the question.

So my view—and I have expressed it a number of times on this subject—is that however the matter is resolved, it ought to be resolved by the Congress. This subject has not really had the appropriate kind of discussion and debate.

So, I now ask the question in a specific form to the Senator from Delaware. What are the arguments in favor of the President's position not to require congressional authority? Does the Senator from Delaware agree with the proposition that I have articulated, that the Constitution does require Congressional authority before military force is used in bombing in Kosovo?

Mr. BIDEN. Mr. President, you can tell the Senator from Pennsylvania and I are friends because I am happy to have his extended questions, because his questions always shed light on the subject.

I agree with everything he said so far. Let me be specific. When there is a Republican President, the Republicans argue the President doesn't need congressional authority. When there is a Democratic President, all of a sudden the Democrats support the President's unilateral war-making power.

Let me give you the argument that could be made by scholars as to why the President has the constitutional authority to act absent our approval.

They would argue that our actions in Kosovo are not an act of war. But as the Senator knows, the war clause does not require an act of war; it requires a use of force, a use of force that constitutes an offensive action. They would argue that this is defensive in nature. Presidents do that all the time. Remember why President Reagan invaded Grenada. To save medical students. That was the reason. That was the thin reed upon which he held his entire rationale, because everyone acknowledges that if it is an emergency or it is to defend American citizens and their property, it could be done.

In Kosovo, the argument could be made that there are U.S. personnel on the ground who would be in harm's way. If we do not take action, the roughly 40,000 Serbian troops near Pristina could threaten the small number of American forces in Macedonia. I can picture the argument being put together by the President's legal counsel. Because the American forces in Macedonia are now in jeopardy, there was a requirement to act to save them.

There also could be an argument made that airpower would be used for the purpose of protecting American personnel in Belgrade. The President could argue that Milosevic, with a long history of genocidal acts and acts of brutality, is about to move on American personnel. That is the nature of the argument that could be made.

There is also an argument, which I think is totally specious, that, this qualifies as an emergency. The Founding Fathers, in this Senator's view, clearly contemplated emergency situations where the President would have to use force. That is why they gave Congress the power to "declare" war rather than "make" war. They did not want to tie the President's hands in the context of an emergency.

Another argument being made, which is not accurate but is made all the time by people justifying Presidential action in an area of making war or using force, is that there are 200 years of precedent. They will list hundreds of times where American forces were used without prior congressional authorization. It is a specious argument, in my view, but it is one that has credibility only as a consequence of its repetition. That is the other argument that will be used.

People will cite Libya. Did the President have a right to go in? I found Senator HUTCHISON's rendition of history fascinating, because her memory of Reagan and my memory of Reagan were fundamentally different. I don't mean it critically. I mean it factually. She said Reagan never put American forces in harm's way. Well, hell, they flew all the way from England, all the way across the Iberian Peninsula, and bombed the living devil out of Libya. Was that a declaration of war? Most Senators said it basically worked. It cowed the Libyan dictator for a while, and no American got hurt.

I cite that not to be critical of anything President Reagan did, but to point out that we often hear the precedence argument used. They say the Congress didn't do anything then. Therefore, that makes it constitutional. Yet there is a seamless fabric to the Constitution. Action, no matter how often repeated, cannot make an unconstitutional undertaking constitutional. That argument has been put forward by this administration and at least six other Presidents.

I might point out that the Lott proposal, the very thing we are going to vote on, may also be unconstitutional. It bars Defense Department funds for the purpose of conducting military operations by the Armed Forces of the United States. The only exceptions to the funding restrictions are (1) intelligence activities, including surveillance; (2) the provision of logistics support; and (3) any measure necessary to defend U.S. Armed Forces against immediate threat. Note that this third exception would give the President the excuse I just mentioned.

So the Lott proposal is flawed in two respects. First, as a constitutional matter, it is unnecessary. The Constitution already bars offensive military action by the President unless it is congressionally authorized. If Congress adopts the Lott amendment, it would imply that the President has carte blanche to take offensive action anywhere unless Congress makes a specific statement to the contrary.

We are telling the President he can't do something that the Constitution already says he can't do. Then we build in exceptions, exceptions that give him authority beyond what, in my view and the view of most constitutional scholars, he is entitled to as a matter of constitutional law.

Let me repeat the exceptions he builds. The amendment provides for providing intelligence activities. As the Senator knows, that can involve U.S. personnel. They may be all sitting up in Rhein-Main Air Force Base, or sitting in Italy. They may be on AWACS aircraft at a distance that can't be shot down. I do not know. It also could include spotters. It can include people on the ground. It could include U.S. military aircraft flying in Kosovo airspace, but not participating in the actual strikes.

Secondly, it provides for a provision of logistical support. That could include logistical support in the theater. If I were the President's lawyer on this one, I would say, Mr. President, don't worry about this sucker passing. You are OK. You can work this one out. You don't have to fight Congress on whether using force is constitutional. With this amendment, you can do what you want.

Thirdly, it excludes any measure necessary to defend forces against an immediate threat. Well, I guarantee you the argument will be made that once NATO decides to move, all those forces in Macedonia are in harm's way. Not only there, but American forces a little bit across the Drina River in Bosnia would also be in harm's way.

I guarantee you that the argument will be made, if this were to become law, that the Lott amendment gives the President the authority to bomb and use force.

Mr. SPECTER. If the Senator will yield on this point.

Mr. BIDEN. Sure.

Mr. SPECTER. When the Senator goes over the sections, they are so comprehensive as to make any prohibition meaningless.

Mr. BIDEN. I think so.

Mr. SPECTER. Which is one of the grave difficulties of having a resolution which prohibits Presidential action, but tries to accommodate to some special circumstance. In the articulation of the circumstances, it renders it absolutely meaningless and gives such latitude to the President, which may well be more latitude than he has under the Constitution.

I come back for purposes of a question, which I am about to ask, what the Senator from Delaware has had to say about the many occasions where force has been used, where acts of war have been undertaken. I agree totally that simply a recitation of those occasions does not establish a constitutional norm. One of the grave difficulties is that as the Congress sits silent, the Senate sits silent again and again and again. There has been such a total erosion of the constitutional requirement that the Congress has the authority to declare war. The situation as to emergency, which is used so frequently to justify Presidential action, is totally absent here.

This may be the clearest kind of case which we have seen where there has been time for a Congress to deliberate, to consider, and to act. I believe that the missile strikes in December of 1998 against Iraq should have required prior congressional authorization. But an argument can be made, tenuous as it is, that we are still operating under the resolution for the use of force from January of 1991. I think it is wrong, but one can make that argument.

When you talk about Libya, you may talk about the element of surprise, injecting some element of emergency. I do not want to get involved as to whether that is justifiable or not. But if you take the present circumstance, where the situation of Kosovo has been building up for days, weeks, and months, and where there has been ample opportunity for the issue to be considered by the Congress and where the President has not taken the case to the American people, and where debate in the Senate only draws three Senators—we are honored the Senator from Virginia, the chairman of the Armed Services Committee, has joined us.

I join what the Senator from Delaware has had to say about the debate we had on the War Powers Act in 1983, where I asked then-chairman of the Foreign Relations Committee, Senator Percy, a series of questions as to whether Korea was an act of war, or Vietnam was an act of war, developing at that time a requirement for constitutional authorization.

We then had a very spirited debate with the Senator from Virginia, the Senator from Delaware, the then-Senator from Georgia, Senator Nunn, and many others on January 10 and 11 in 1991. That is the kind of consideration we ought to have now.

I believe it is possible we can articulate a resolution like the resolution of the distinguished Senator from Delaware so you do not have the prohibition and all these exceptions clauses where we do not know what we are talking about. If you have a resolution denying the use of funds and then exceptions, it is totally unintelligible.

If we have to delay the budget resolution, this matter is of sufficient importance that we can do the budget resolution next week. We might impede upon the recess. We can get that done and have the kind of debate we need.

I thank my colleague from Delaware for yielding and for the erudition which he has brought to this subject, as he teaches constitutional law and talks about this substantive matter to acquaint the American people as to what the constitutional law requires. I yield back to him so he can go on with his speech. I want to hear the substance as to why he thinks we ought to be undertaking these military strikes as a matter of national security, as a matter of national policy, as a matter of vital national interest, especially in the context where he says that the American people are not really informed, they are not really in a position to be supportive of this matter at this time.

Mr. BIDEN. I thank the Senator. I will respond——

Mr. WARNER. Mr. President, I wonder if I can interpose a question to both my colleagues.

Mr. BIDEN. Mr. President, I would be delighted to do that, but I want to warn anybody who comes to the floor, I came to the floor to deliver what I thought to be, if not enlightened, a comprehensive rationale for why I think we should act. I am happy to stay here as long as possible, and I am happy to delay giving that speech, but as long as the Senator realizes that when we finish our discussion, it is going to take me 20 to 25 minutes to deliver this speech.

One of the arguments here that no one has laid out sufficiently—I am not sure I am capable of it—is why we should do what the President is seeking to do, why we should do what NATO has voted to do, and why we should be either for or against doing that.

We did discuss here a very important subject about whether or not it is constitutionally permissible to use force absent congressional consent.

All I am suggesting is that the President and those of us who support the use of airpower in conjunction with NATO should lay out why that action is in America's interest. What are the costs, what are the risks, what are the benefits, and why should we do it? Those who disagree with our position should lay out in one place, where people can go to the record, why they think we should not do that. There are legitimate arguments in opposition beyond the constitutional arguments in opposition to the use of force in Kosovo.

As long as the Senator understands that, I am happy to yield for questions. I do not want to keep him here to have to listen to my speech. When we conclude this colloquy, if I do not lose the floor, I will be delivering that speech.

I am happy to yield for a question.

Mr. WARNER. Mr. President, I am going to take 1½ minutes to pose a question.

Mr. BIDEN. Mr. President, the Senator should take as much time as the Senator wants.

Mr. WARNER. Again, we all draw on our experiences in life. I served overseas in Korea with an air unit, as a combat officer, I might say. Right now, I am trying to put myself—and I hope my colleagues put themselves—into a cockpit and we are strapped in, as these young Americans are right now, strapped in waiting for an order, which could come in the next hour.

Having met with the President the other day with my two colleagues here on the floor, I am convinced that he is going to join other NATO leaders and give that order at an appropriate time if the current mission of diplomacy by another courageous man, Mr. Holbrooke, is not successful.

I hope we can start to focus pretty quickly, not so much on all the historical parts of this important issue, like sovereignty and constitutionality, but on what we are going to do to support our military. It seems to me that this body at this time has to look itself in the eye and say these men and women are about to fly, about to take risks with our allies, and I think it is essential that the Congress of the United States be on record as supporting them. I will address that in such opportunity as I may have following my distinguished colleague's speech.

Mr. BIDEN. Mr. President, in response to the Senator's question, for technical purposes, I agree with him 100 percent. I am an admirer of the Senator from Virginia, in no small part because he was in combat, because he was in the military and because he knows, I suspect, what it feels like sitting there, figuratively speaking, strapped in waiting for an order.

I am always very reluctant to argue a position that may get somebody killed, may get somebody maimed, may get someone put in a prison camp. And men like Senator KERREY, a Congressional Medal of Honor winner, and Senator MCCAIN, who argued against my position for years on Bosnia—not Kosovo; Bosnia—when men who are brave like that, men like DANNY INOUYE, Senator CHAFEE, and Senator HOLLINGS, my seatmate, when they have questions about this, I take it very, very seriously.

Mr. WARNER. If the Senator would allow me to make one clarification to your statement. I want to make it clear I said I served with others who were in combat. I was a ground officer who helped strap them in, who checked their radios and their communications.

Occasionally, I did get to ride along with them in a back seat, but I never put myself in the combat category with those brave men who, day after day, were strapped in to fly combat. But I lived with them, slept there in the same tents, ate in the same mess, used to go up and observe what they had to do.

But let me tell you, I think we have to put ourselves in that cockpit right now as if we were qualified to be in combat and show that the Congress of the United States wants to support them. I think that is absolutely essential.

Mr. BIDEN. Mr. President, I did not mean to misrepresent. I have great respect for the Senator. I know he was Secretary of the Navy. He also is more informed in a personal sense about this—not, I am reluctant to say, not the issue; I think I am as informed as he is, or quite frankly, as anybody on the floor—but in terms of all that goes into a young man's or woman's head as they are about to take off the deck of that carrier or off that piece of concrete, or whatever the mission.

But let me suggest that I will lay out for you why I personally am willing to do something that I am not happy about doing; and that is, vote to support asking the brave young women and men of our military, in this case the fliers—Navy, Marine, Air Force—to risk their lives. And it is a real risk. There is a probability someone is going to get hurt.

Mr. WARNER. I look forward to listening very attentatively to hopefully most of it. I think it is important we do lay out the case. I will allude to, I think, much the same case that you do. But I do believe it is essential to this Senate to pass on the Smith amendment, if that is what is before us at this time; and then it seems to me that someone could possibly come on with a resolution like, as I understand, the Senator from Delaware, which clearly focuses on the issue: Do we or do we not support the use of force by the U.S. military together with our allies in this frightful situation in Kosovo?

Mr. BIDEN. Thank you.

Mr. President, let me begin my more formal remarks by referring to the concluding remarks I made on this floor on October 14, 1998, immediately after the agreement between Ambassador Holbrooke and the President of Yugoslavia, Slobodan Milosevic, was made public.

I said at that time:

> [W]e must never again allow racist thugs like Milosevic to carry out their outrages while the alliance dawdles.

Referring to the just concluded agreement, I further stated:

> [W]e must brook no more opposition from Milosevic on its implementation. To use a domestic American term, we must adopt a policy of "zero tolerance" with [this] Yugoslav bully.
>
> Many of us had hoped that the mistakes that enabled the Bosnian horrors to take place would teach us a lesson.
>
> Unfortunately, we have repeated many of those errors and have thereby allowed Milosevic and his storm troopers to repeat their atrocities in Kosovo.
>
> Twice is enough. There must not be a third time.

I do not cite that to suggest any air of erudition, Mr. President. I cite that to say my position—right or wrong—has been consistent since the day this agreement has been signed.

Mr. President, from the bottom of my heart, I regret to report that there has been a third time. There have been more massacres, have been violations of the agreement, and both the massacres and the violations are continuing as we speak; indeed, as I speak at this moment. Let's look at the disgraceful record.

Everybody forgets that we are operating in the context of Holbrooke-Milosevic agreement, an agreement that has been signed on by our allies and our friends. The President has been saying for the last month and a half that if Milosevic does not sign on to an agreement, assuming that the Kosovars do sign on, we will bomb. For an unusual thing, NATO already acted. NATO got together and debated this issue. And NATO members all voted unanimously to use airpower if in fact one side or the other did not—did not—agree. So what happened here is, there is an agreement. The context of this whole debate is that agreement in 1998.

Immediately following the Holbrooke-Milosevic agreement, machinery was set in place to prevent a recurrence of massacres that had already occurred in Kosovo and in Bosnia the previous years and to move toward an interim agreement on the future status of Kosovo.

On October 25, 1998, the Yugoslav Government and the North Atlantic Treaty Organization fleshed out the Holbrooke-Milosevic agreement, authorizing exact numbers—exact numbers—of troops, the so-called VJ, and Serbian Interior Police, so-called MUPs, who are a bunch of thugs, would be able to be in Kosovo province. The agreement also specified the garrisons to which they were to be restricted.

That was signed by NATO and Milosevic, and a cease-fire took effect, monitored by unarmed NATO aircraft, and international compliance verifiers were allowed into Kosovo.

Like his ideological model earlier in this century, Milosevic has treated most of this agreement as a "scrap of paper." The Yugoslav Government has flagrantly violated the limits stipulated in the October agreement. Rather than the 12,500 regular army troops and the 6,500 special police called for—a total of 19,000—there are presently 40,000 Yugoslav soldiers and Serbian special police forces in the province of Kosovo, in clear violation of the agreement.

As for the cease-fire called for—it is a total joke. Milosevic was afraid to refuse entry of the international verifiers or to shoot down NATO planes. So as a result, we have a documented ongoing pattern of warfare, both against units of the Kosovo Liberation Army, but especially against Kosovar civilians.

There have been countless massacres, but the most widely publicized one was perpetrated by the Serbs on January 15, 1999, in the village of Racak. There 45 Kosovar Albanian civilians—women and children—were slaughtered. The Serbs, of course, asserted that they all had been KLA fighters who had either been killed in combat or shot while fleeing.

Unfortunately for the Serbs, a Finnish-led team of forensic experts that examined the bodies reported unequivocally that the victims had been forced to kneel and had been executed by being riddled with small-arms fire.

They got down on their knees. These bullet wounds were in the back of their heads. They were executed, just like they did in Bosnia, just like Hitler did in World War II.

Just yesterday, Mr. President, 10 Kosovars were massacred by Serbs in the village of Srbica. During the past 10 days, the Yugoslav Army and the Serbian special forces have gone on the offensive, seizing the high ground above roads and railroads, moving in their most modern weaponry, including M–72 and M–84 tanks, and conducting a search and destroy mission against Kosovar villages suspected of harboring KLA sympathizers.

The net result is a new flood of refugees so great that their number is now approaching 450,000—450,000 the number reached last fall.

I might remind my colleagues, the only difference was, last fall when it reached that number, folks were able to flee to the mountains because they were not full of snow, they were able to hide. One of the reasons for the urgency that was being argued in the negotiations by Mr. Holbrooke was—and we all seem to agree—was that winter was coming and all these folks would die. Well, it is winter there now.

Mr. President, the tragic events of Kosovo have a clear historical causality which I will summarize now. Kosovo is considered by Serbs to be the heartland of their civilization. There, in the year 1389, on the so-called Blackbirds Field near present-day Pristina, the medieval Serbian knights were defeated by the Ottoman Turks, which led to more than five centuries of Turkish domination of the Balkans.

It was a courageous fight. They saved Christianity and the rest of Europe, but the bottom line was, they lost. And the bottom line was that the Balkans for 500 years were dominated by Turkey and many parts became Moslem.

The Albanians, however, also claim Kosovo as their own and, in fact, can trace their habitation there even further back than the south Slavs, the Serbs.

As a result of the policies of the Communist dictator of the former Yugoslavia, Marshal Tito—whom I had the interesting pleasure of having lunch with in his private residence in Split, Yugoslavia, with now deceased Ambassador Averell Harriman, one of the most interesting encounters I ever had in my career—the former Yugoslavian dictator, Marshal Tito.

In 1974, the Kosovar Albanians were granted the status of an autonomous region within the Republic of Serbia because of this history. Basically, the Albanians were allowed local control, while border security and foreign relations remained under the control of Belgrade. In the next 15 years, the percentage of Serbs in the Kosovo population dropped from approximately one-quarter to less than one-tenth. At the time this agreement was reached—this autonomy was granted by Tito in 1974—one out of four people living in the province of Kosovo were Serbs; three out of four were Albanians living within Serbia. They were basically Moslem, and the others were Orthodox Christians. Since that time, it has become 10–1; only 1 in 10 are Serbs.

Now, this has occurred for several reasons: A much higher birth rate among the Kosovar Albanians than among local Serbs; "buyouts" of many Serbian homesteads by Kosovars, some of whom earned hard currency abroad; and some harassment of Serbs by Kosovars, although nothing approaching the ethnic cleansing that is now being carried out by the Serbs.

Meanwhile, in Serbia proper, an ambitious young Communist politician named Slobodan Milosevic engineered a coup against the communist leadership of Serbia. He needed a vehicle to consolidate his power, and the time-honored vehicle used by most rogues is rabid nationalism. He needed to be able to spread his newly consolidated power to the Serb-inhabited regions of Yugoslavia outside of Serbia. So in a famous speech in 1989—he would have done proud any demagogue who has ever arrived on the political scene, and I am not referring to anyone here, I am referring to those folks who don't make it usually—in 1989, on the 600th anniversary of the Battle of Blackbirds Field, to which I earlier referred, Milosevic traveled to Kosovo and delivered a rabble-rousing speech in which he promised that no Serb would ever be pushed around by anyone again anywhere in the world, notwithstanding the fact that it was a hard case to make that that was happening.

On March 23, 1989, without the consent of the people of Kosovo, Milosevic amended the Constitution of Yugoslavia, revoking the autonomous status that they had had for roughly the past 15 years.

The following year, the parliament and the government of Kosovo were abolished by further unlawful amendments to the Constitution of Yugoslavia.

A thoroughgoing purge of ethnic Albanians in Kosovo followed. Thousands of hard-working citizens were summarily fired from their civil service positions, and the Serbian Government denied funding to basic institutions of Kosovo society.

It is absolutely necessary to note the reaction of the Kosovars to these massive violations of their human and civil rights. What was that reaction initially? Under the leadership of Dr. Rugova, the Kosovars—and he is a Kosovar—the Kosovars set up a parallel, unofficial system of governance. They set up schools, hospitals, and other institutions that make society run. Mr. President, under Dr. Rugova's leadership, the Kosovars held to a policy of nonviolence for nearly seven years. I do not know any other example elsewhere of such self-restraint anywhere in recent years.

The United States recognized that Kosovo was a tinderbox that could explode at any time. For that reason, former President George Bush sent a warning to Mr. Milosevic at Christmas 1992, the so-called Christmas warning. Keep in mind, the Kosovars had not used violence; they were still peacefully trying to piece together their society. On Christmas of 1992, the three Senators in this Chamber at the moment were all here at the time—not in the Chamber—and President Bush, a Republican President, issued the Christmas warning that said the United States was prepared to intervene militarily if Serbia attacked the ethnic Albanians in Kosovo.

Mr. STEVENS. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. STEVENS. Is that the quote from President Bush's statement?

Mr. BIDEN. No; it is not a quote; it is a paraphrase.

Mr. STEVENS. I urge the Senator to quote.

Mr. BIDEN. As a matter of fact, I am about to come to that quote.

President Bush's warning was contained in a letter delivered to Milosevic and General Panic, the commander of the Yugoslavian Army. The New York Times and the Associated Press quoted Bush's letter as saying: "In the event of conflict in Kosovo caused by Serbian action, the United States will be prepared to employ military force against the Serbians in Kosovo and in Serbia proper."

Let me read it again: "In the event of conflict in Kosovo caused by Serbian action, the United States will be prepared to employ military force against the Serbians in Kosovo and in Serbia proper."

Perhaps because of this Christmas warning, Milosevic refrained from an all-out military assault on the Kosovars, contenting himself with the legal repression that I described earlier.

The Kosovars waited in vain for the West to help. They hoped that their plight would be placed on the agenda of the Dayton peace negotiations in November of 1995, but having been warned by Milosevic that he would walk out if Kosovo were brought up, the West, under this President, President Clinton, and our NATO allies, restricted the talks to Bosnia and Herzegovina.

So, finally, in late 1996, armed Kosovar resistance began on a small scale under the loosely organized Kosovo Liberation Army, abbreviated UCK in Albanian, but as KLA in the West. Gradually, the KLA escalated to larger attacks by February of 1998. Let me review the bidding again here, and I will get the letter, or the news accounts quoting the letter, if I can, for my friend from Alaska, and I will enter it into the RECORD.

Now, what happened? In 1989, this genocidal leader of Yugoslavia, named Milosevic, had seized power and attempted to consolidate Serbs throughout the former Yugoslavia. He made a speech on the 600th anniversary of Blackbirds Field near Pristina to enrage and bring up the blood of every Serbian living in the region. It worked very well in Bosnia. It got them going in Bosnia and, as well, in Kosovo. Then he, under the Serb Constitution, by most accounts, unconstitutionally amended the Constitution, taking away the autonomy that Tito had granted to Kosovo in 1974. But even when that was done, the Albanian Serbs did not use force or violence. They were headed by a guy named Dr. Rugova, who said they would, by nonviolent means, attempt to reestablish their societal institutions, allowing them their dignity and their right to work.

In the meantime, Milosevic comes in and he heads down from Belgrade and the orders are essentially: fire them all. Fire them all. All of the civil service jobs were eliminated, all of the schools were shut down, the language was not allowed, and so on. Still, the Kosovars did not use force. Still, they attempted, through peaceful means, to regain their autonomy. And with the help of President Bush—I can only surmise this, I can't read Milosevic's mind, but knowing what a coward he is, based on what he has done in the past, I expect that the Christmas warning by President Bush kept him from using the force he wanted to.

Dr. Rugova came to me and others and said, "Get us into Dayton. While this is being discussed, get us on the agenda." We made a mistake, in my view. We said, "No; you are not on the agenda; this is just about Bosnia. This is about Bosnia and nothing else." And so when peaceful means began to fail, and had clearly failed in late 1996, seven years later, the Kosovar resistance called the Kosovo Liberation Army—the UCK or the KLA, whatever you would like to call it—began to engage in larger attacks, a la the IRA.

Milosevic then saw an opportunity. Having been humiliated in his aggressive wars against Slovenia in the spring of 1991, and Croatia in the summer of 1995, and having seen the Bosnian Serb puppets routed in the fall of 1995 and forced to accept a compromise settlement in Dayton, the Yugoslav dictator needed another crisis to divert the Serbian people's attention from the massive failure of his authoritarian, Communist economic and political policies.

So what did he do? He did what is often done. He found a common enemy. He appealed to this naked, rabid nationalism and used the suppression of the KLA as a justification, as his vehicle, attempting in the process to drive the ethnic Albanian population out of large areas of Kosovo. What have been the results?

To date, approximately 2,000 Kosovar Albanians and Serbian civilians have been killed. More than 400,000 Kosovar Albanians have been driven from their homes, including tens of thousands during the past 10 days. Thousands of homes in hundreds of villages in Kosovo have been razed to the ground. One-quarter of Kosovo's livestock has been slaughtered and 10 percent of its arable land burned. A food blockade has been imposed upon large segments of the Kosovar population.

The world has taken note of this. The United Nations Security Council has passed two important resolutions—Nos. 1160 and 1199—in 1998, decrying the repression and calling for an end to it. Milosevic publicly agreed to the U.N. demands and has cynically continued his state terrorism.

Mr. President, why should we be surprised by this? We saw it repeated and repeated in Bosnia, until we had the nerve to act.

What is at stake for the United States in all of this? In the interest of time, I will come back to the floor at a more appropriate time to enlarge upon this. But I will say that our entire policy in Europe since the end of World War II has been to promote stability through the spread of democracy. In order to create the security conditions for this development in Western Europe, we created NATO in 1949, and for 50 years this alliance has provided an umbrella under which our allies have survived and prospered.

Since the end of the Cold War, it has been our policy to extend this zone of stability eastward in Europe by three methods.

First, we have agreed to a well-conceived, measured enlargement of NATO, which has already brought Poland, Hungary, and the Czech Republic into the alliance.

Second, NATO has entered into partnerships with many countries in the region, which in time will probably yield additional alliance members, which also in the short run has created productive relationships with a great power like Russia.

Third—and here is where Kosovo comes in—we have determined to oppose directly the aggressive policies of demagogues like Milosevic who are trying to foment ethnic and religious hatred.

We know, as NATO knows, that its credibility is on the line in Kosovo. We have warned Milosevic countless times to halt his fascist aggression. We have cooperated with our NATO allies, and with Russia, in fashioning a fair interim settlement for Kosovo.

We know that if Milosevic's scorched-earth policy of "ethnic cleansing" is allowed to continue, the inevitable result will be a massive tide of refugees, which would destabilize fragile democracies in Macedonia and Albania. We also know that Milosevic is itching for the excuse to overthrow the democratic and reformist government of Montenegro, which is a direct challenge to his authoritarian communist rule in Yugoslavia.

We also know that the ultimate nightmare—which is not impossible by any means—is a widening of the hostilities to include NATO members Greece and Turkey, who have different interests in this outcome.

Mr. President, the national interests of the United States are directly threatened by the continued aggressive actions of the Yugoslav Government in Kosovo.

For that reason, Mr. President, I think we should do what I said earlier, which is, introduce a resolution authorizing air operations, in conjunction with the Activation Order voted on by the North Atlantic Council of NATO.

I urge my colleagues to support that resolution.

I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, I commend the majority leader and Senators HUTCHISON and SMITH for bringing this matter to the Senate floor today. With fighting escalating in Kosovo, with the Serbs refusing to sign a peace agreement, and with U.S. military air units, together with those of our allies, poised to strike, it is important, if there is time, for the Senate to address this situation.

Under most contingencies, the U.S. military should not be sent into harm's way without the support of the American people and the Congress. Our nation has learned, from recent contingencies that, without such support, when casualties occur, a clamor could begin to "bring our troops home." We witnessed that in Somalia; we could see that again in Kosovo. Our military deserves our support. I say to my fellow Senators, if you were sitting in a cockpit, ordered to carry out strikes against the Serbian military, you would like to know that the Congress, the elected representatives of the people, is with you, supporting your mission and concerned for the risks you are taking.

I first visited Kosovo in August of 1990 on a delegation headed by Senator Robert Dole. I commend this brave veteran for his mission to the Balkan region in the past few weeks in the cause of peace. His efforts contributed to the securing of signatures by the Kosovar Albanian delegation on a peace agreement.

During my visit to Kosovo in 1990, I saw first-hand the oppression of the Kosovar Albanians by the Serb authorities. I returned to the region most recently in September of 1998, traveling through Kosovo with Ambassador Christopher Hill and elements of a courageous international observer group called KDOM.

Since last March we have all closely followed developments—indeed the humanitarian tragedy—in this troubled region. And since last September, when NATO first threatened the use of force against Milosevic, NATO credibility has been on the line. We are now at a defining moment in this crisis.

Since September, I have been outspoken in my support for the use of U.S. ground troops as part of a NATO-led force to implement a peace agreement that is in place relative to Kosovo. In my view, such a military force is necessary—once a peace agreement is reached—if the parties to the agreement are to have the confidence necessary to be bound by the provisions of such a peace agreement. And I believe U.S. participation in such a force is necessary if we are to maintain our status as the leader of the NATO Alliance.

My greatest concern has been and continues to be that a deterioration of the situation in Kosovo could undermine the modest gains we have achieved in Bosnia—at a cost of over $8 billion to date to the American taxpayer; and could lead to problems in neighboring Macedonia, Montenegro, Albania, and perhaps Greece and Turkey.

In addition, I share with all Americans concern for the humanitarian tragedy we have witnessed—are now witnessing—in that troubled land.

But what happens if a peace agreement remains elusive, which is now the situation with which we are faced. It is one thing to deploy troops into a permissive environment for the purpose of overseeing the implementation of a peace agreement. It is quite another to use military power—air—to compel a sovereign nation to sign an agreement to end what is essentially an internal civil war.

There are many questions that must be addressed. The most important question is, what happens if bombing does not succeed? There are very few operations, historic examples, where air power alone has succeeded in meeting our military objectives. Some have made the argument here today that air strikes were the key to bringing the Bosnian Serbs to the peace table in Dayton. I had the opportunity to visit with two people last week who were intimately involved in the Bosnia crisis—former British Defence Secretary Michael Portillo and former U.N. High Representative in Bosnia, Carl Bildt. Both of these men told me that air strikes were an important part, but not the decisive factor in ending the fighting in Bosnia. History records that the Croatian offensive against the Serbs, and the fact that the parties were all exhausted from fighting were of equal significance to the important air campaign by the United States and our allies. Today, that is not the case in Kosovo—the parties there are, regrettably, ready to fight.

My point is,—there is risk in relying on air strikes, alone, to stop the fighting in this crisis. We must know what our next steps will be and how far we are ready to go with other initiatives to stop the fighting in Kosovo. If this first military action is taken—which in my view this contingency is tantamount to an act of war—what comes next and how far we are willing to go? We must have in mind not simply our first step, but our second, third or fourth steps before we commit U.S. troops.

While one of my main concerns in this is the credibility of NATO now that we have threatened military action for many months, we must ask ourselves what happens to NATO credibility if the air strikes fail to accomplish their objectives? That would be a devastating blow to the Alliance if we take the drastic step of attacking a sovereign nation, and are not successful in the ultimate objective.

What of the credibility of the United States and our leadership on the continent of Europe, in military as well as economic or diplomatic partnerships? What of the credibility of the U.S. military as a partner in other actions? There are important issues that can be debated in the context of the pending amendment.

The Smith amendment provides that the Congress must be on record as supporting this operation before we commit the U.S. military to the crisis in Kosovo. I agree. We owe it to the men and women of the Armed Forces to act on this issue. For that reason, I will support the Smith amendment and vote for cloture on this amendment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 544, which the clerk will report.

The bill clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 81, to set forth restrictions on deployment of United States Armed Forces in Kosovo.

Lott amendment No. 124 (to amendment No. 81), to prohibit the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 124

Mr. STEVENS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The present business is amendment No. 124 offered by the majority leader.

Mr. STEVENS. The amendment to the Hutchison amendment?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. The Kosovo question is the pending issue.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I have listened with interest at the statements made by the distinguished Senator from Delaware. And he has some very good points. My memory of the conversations that were held at the time President Bush made the statement that the Senator from Delaware referred to was that the President was talking about racial cleansing, or genocide, on the part of the Serbs versus the Kosovo population—not just a military incident, but an act of genocide, but an act of racial cleansing in the magnitude of a national aspect.

There is no question that there is a dispute here. And the Senator from Delaware has heard my comments that I made to the President. I believe that article V of the NATO agreement does not authorize bombing in Serbia.

I was very interested over the weekend to listen to people talk on the radio and television about Yugoslavia. It seems that we are slipping back now, that it is a Yugoslav question, not just a Serb-Kosovo question, that is being raised now by the media. But in any event, I think this would be the first time in the history of NATO that NATO has taken offensive action against a nation that has a dispute within its borders. I think it is a horrendous proposition that the Serbs are presenting to Kosovo. "Either leave, or be exterminated."

But the question really is, What is the proper justification for this action at the present time? If it is genocide, then I think we have really ample cause to be involved. If it is a matter of relocation of people within a nation, based upon whatever power the nation claims to relocate people within their boundaries, it is a different issue.

I must admit to being torn, as one who has attended the NATO meetings many, many times in the past, of what will be the future of NATO, if this action is taken.

I think the threat that President Bush made is the threat that all Americans would support; that is, that we would use military force to retaliate against a nation that instituted a process of racial cleansing, racial extermination within its borders, to the extent that it was contemplated at the time.

But I have to also raise the question: Where were we in Cambodia? Where were we in Ethiopia? Where are we going to be as this type of process continues in Africa? And we are reading more and more about that. Even this last weekend, juxtaposed to the story about Kosovo, is the story about the new racial cleansing commencing once again in Ethiopia.

It is not an easy issue. And I think it is one that we ought to pursue, because, from the point of view of this Senator, I do not like to set the precedent that an administration informs a foreign nation to sign an agreement, or, if you do not sign the agreement, we are going to bomb until you do. That to me is a precedent of which I don't want to be a part.

If we make a statement, as President Bush made, that if you engage in a process that is really against a whole concept of humanity, we are going to be first in line to punish you for doing it. Somehow or other, there is a place here where we can find a common position and support taking action as a nation. But, for myself, I just revolt at the concept that we are going to send people out to negotiate peace agreements, or whatever other kind of agreement it is, and authorize them to say, "Unless you agree with us, we are going to bomb you, and we are going to bomb you until you change your mind, and, if you do not change your mind, within our period of time, we are going to bomb you again." In this instance, the process would require taking down the air defenses of another nation in order that we might attack the forces that are on the ground.

I assume that most Members of the Senate have been there now and know what they are talking about. This is the most mountainous country of Europe. It is a place where, as I recall, some 20-odd divisions under the command of Adolf Hitler got just absolutely tied down by the actions of the people there on the ground. Of course, they didn't have the precision bombing we have now. They didn't have the automated systems that we have now and unmanned systems that can wreck havoc on any nation.

The question, really, to me is, "Are we to offer the use of military power to carry out a threat of a negotiating team based upon their interpretation of the reasons behind a foreign nation's unwillingness to enter into an agreement that we sponsor?" Or, are we going to take action, as I said, on behalf of humanity to prevent the extermination of a race? To me, there is a great gulf between those two positions.

I intend to continue to raise the question with the President and his representatives about the constitutional power to make these threats, and then carry them out as threats as opposed to making a national statement—as President Bush did, as I understand it—that if there is a process of extermination going on, or racial cleansing going on, we will not stand idly by and watch that process, and we will use our military power.

I don't know whether the Senator from Delaware sees the difference in the two circumstances. But, as far as I am concerned, we are still on the first base. And that is we are asked to support the concept of using force—our force, mainly unmanned—to coerce the Serbs into signing an agreement. They have refused to sign that. As a sovereign nation, they have that right. If they take the action that is contemplated, and that many people feel they are going to take—that is, to enter into a process of racial extermination—then it is an entirely different question. I do hope that the Senate will remember that as we are considering the majority leader's amendment tomorrow.

It does seem to me that we are still on the question of should we use force to coerce the Serbs into signing the agreement that they do not want to sign. It is perhaps a distinction without a difference to some people. But it is a great difference to me.

Mr. BIDEN. May I respond, Mr. President?

Mr. STEVENS. Yes.

Mr. BIDEN. I think the way that the Senator phrased it, I can understand how he arrives at this issue as he does. I would argue that it is a distinction without much of a difference.

For example, the distinguished chairman talks about extermination justifying our action but relocation not. Historically, that is a distinction without a difference in terms of genocide. Historically, that is a distinction without a difference. In Bosnia, it was a distinction without a difference. This guy has a track record. The track record is clear. The track record is documented. The track record is obvious. So it is not a significant leap from President Bush's letter, which said: If they move against the Kosovars. We could argue, and President Bush could enlighten us what he meant by that, but the truth of the matter is he has moved against the Kosovars, and he is moving as we speak against the Kosovars. And a half-million people up in the mountains is a pretty big deal.

Second, with regard to this notion of forcing a peace agreement on someone by saying, "If you don't sign, we will in fact bomb," that would make sense, I would argue, if in fact we were arguing about a border dispute, if we are arguing about whether or not they were to pay reparations, if we were arguing about whether or not they are going to sell oil or whatever. It is not about that. It is about genocide and ethnic cleansing. The whole purpose of the agreement, the only reason why the rest of Europe—of NATO—agrees with us that there is a need for force on the ground in Kosovo, is to prevent—prevent—prevent ethnic cleansing; prevent the systematic isolation of Albanians, Moslem Kosovars, Moslem Serbs.

So I understand the technical point the chairman is making. I do not understand the practical difference. This agreement that was signed onto relates to a framework that will assure the international community that this thug is not going to engage in the genocide he already has, the ethnic cleansing he has been promoting since 1989, and the thing for which we have a tribunal in the Hague. His military leadership, his puppets, are on the indictment list of the people engaged in this.

I acknowledge that it has not reached the proportions it did in Bosnia. I acknowledge that 43 men and women forced to kneel down and have guns pointed to the backs of their heads and have their brains blown out is not enough to say it is genocide countrywide. But it sure is enough, in my view anyway, to get the tickler file moving a little bit and saying: Wait a minute, what happened after that when they did that in Bosnia? What happened after that when the intercepted communications we have between Milosevic and Karadzic and others in Bosnia said, "Go get them, boys." Do we wait for Srebrenica to recur in Pristina? Do we wait for that?

What the international community said, I say to my friend from Alaska—international? Let me be more precise. The contact group in NATO—they said, "We do not. We learned a lesson here. We are not going to wait until he does that in Kosovo. We are going to work out an agreement." So they went outside Paris in some fancy old castle and they sat down and negotiated. And the idiot KLA, like the IRA, scuttled it initially because they threatened the Kosovar negotiators who were up there negotiating this agreement.

But keep in mind the purpose of the negotiation. The only reason to put international forces on the ground in Kosovo—the only reason, none other—is to guarantee personnel and institutions that will prevent Milosevic from being able to do what President Bush was worried he would do and threatened him that, if he did do it, he would use force. So there is a distinction, I acknowledge, between preemptively making this case based upon recent historical record and waiting until it happens.

But I will just say only one thing to my friend, who has forgotten more—and I mean this sincerely—he has forgotten more about our national defenses, has forgotten more about the conduct of war and the way to pursue it, than I am going to learn; and I acknowledge that. I mean that sincerely. But the one thing I am prepared to bet—prepared to bet my career on it—is if we do not act, I will bet my colleagues anything they wish to, within two years—within I think eight months, by the time the snows fall next winter—there will be genocide, documented, on a large scale, in Kosovo.

My only argument is I think NATO is correct and the President is correct. I believe President Bush was correct in saying that we are going to stop you from doing that.

The mechanism picked by the community, by NATO, was this peace agreement. That is the purpose of it. It was not to extract from Milosevic money, commitment, borders—anything else. It was to say: We are setting these folks in place to guarantee that you keep your promise that you are not going to eliminate these folks.

I understand the difference. I have enormous respect for my friend from Alaska, but that is the basis upon which the Senator from Delaware believes we should act, knowing full well what he says. I do not say it lightly, and never having been in combat myself, as my friend from Alaska has been, I want him to know I do not say lightly risk these young women and men. Because it is a risk. He was there in the room. We were both there with the President. I indicated that I thought the President, based on the intelligence community reports and also based upon the briefings I have received from the military, that it is probable—not possible, probable—that some American flier is going to lose his or her life. So I do not say it lightly, but I think it is balanced off against whether or not we set a chain reaction in place, again, where we watch genocide. Either we have to act at a higher price or don't act and see it spread.

I thank my colleague for his time. I know he has other business he wants to get to.

Mr. STEVENS. No, Mr. President, this is the pending business. If the Senator is finished?

Mr. BIDEN. I am. I yield the floor.

Mr. STEVENS. I will go on a little bit and let him know my fears, as I expressed to the President, if we go after those air defenses. I hope Serbia knows if we go after them we will get them. There is no question in my mind we have absolute capability to totally destroy the air defenses of Serbia. After having done so, though, I wonder how are we going to get him to sign the agreement. If he doesn't sign the agreement, then I assume we are going to carry out the threat, and we are going to bomb his tanks. And we can do that, too. And then, if he doesn't sign the agreement, we can start bombing his people. And we can do that, too. All without involving our airmen yet. We can do all that without involving our airmen.

But the time is going to come when we are going to have to use manpower in the air or on the ground, and that is war. We ought to make up our mind. What the President is deciding is to commit an act of war. It is not covered by article V. I do not think there would be any hesitancy in President Bush, that he was threatening war. If you are threatening war in this country, that means you get a resolution, you get approval of the Congress. Only Congress can declare war.

Mr. BIDEN. If the Senator will yield, I agree with you.

Mr. STEVENS. I hope you do. But what is more, as I see it, once you do that, once you lay down the air defenses of a country, once you cripple their military—remember who is around them, a bunch of people who would like to find them crippled. Pretty soon you are going to have other people coming in there. We will be protecting the Serbs, before this is over.

People just do not understand. We are finally going to have to put people on the ground and when we get people on the ground—how long have they been in Germany since we conquered Germany? We still have men and women in uniform in Germany pursuant to a peace agreement that was entered into 50 or more years ago. That is what I told the President. Mr. President, these people are going to be there 50 years if you do this. If you are going to do it, you better have the support of the American people before you do it. And the way you get the support of the American people is to have their Representatives here in Congress stand up and say yes, I am ready to vote for a declaration of war.

I told the President, if he can show me that there is a concept of inhumanity, of absolutely racial cleansing, ethnic extermination, I will introduce his resolution of war. I told him that. But short of that, I do not see we should authorize a negotiator to go over to a foreign conference and say: Tell them if they don't agree with what you tell them to do, we will bomb them. If they do not agree after that, we will bomb them again. That is using our Armed Forces as a process of negotiation, not for the purpose that we maintain our military. We maintain our military to defend this Nation and to carry out our national interests abroad, not as an arm of negotiators and not to give the Presidency a feeling that all they have to do is enter into a series of negotiations, and if they fail, then use the military and bomb away. There is more to it than just bombing. There is more to it than just using Tomahawks or unmanned weapons. There is the concept of what is the followup. I say if we do that, if we take out their air defenses, we will be involved in trying to manage the Serbian military for the rest of my lifetime. I think I am going to live a little while, Mr. President. It does seem to me that it is wrong the way we are approaching this.

We ought to look at what is in our national interest. If our national interest requires us to use military power, Congress should authorize them to use it. But the Presidency should not use our military power to carry out negotiations. That is wrong. I still maintain that the way it is being approached this time is wrong.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment Senator STEVENS for the statement he just made. I think he is exactly right.

I want to follow those comments and read from the paper what the purpose of this proposed bombing strike is. This is the front page of the New York Times quoting Secretary Albright. She says:

> Mr. Milosevic has a stark choice. That choice was for him to agree to the settlement signed in Paris last week by the ethnic Albanians who make up most of Kosovo's population or face NATO air strikes.

In other words, Mr. Milosevic has to agree to the peace settlement, and he never has agreed to it, but if he doesn't agree to it, he is going to be bombed.

Bombing is an act of war. So our Secretary of State and our President on Friday have said they support this agreement. The Serbs agree to this settlement that NATO has negotiated and that the Kosovars have now signed, or else they are going to be bombed.

I made the comment Sunday, I said that is a crummy way to start a war. I look at that as us starting the war. Are the Serbians right now at war against Kosovo? No, Kosovo is actually part of Serbia. It has been for hundreds of years. Is there a lot of fighting, a lot of tension? Yes. The Kosovo Liberation Army, for a little over a year, has been attacking Serbian forces for the purpose of independence for Kosovo. As a matter of fact, there was a celebration in one of the towns that was attacked in the last 2 days, a celebration recognizing the fact that about a year ago in February was the first martyr for the KLA, the Kosovo Liberation Army.

The goal of the Kosovo Liberation Army isn't autonomy. The goal of the Kosovo Liberation Army is independence. They have been fighting for independence. They have been attacking Serbian police in the process, and they have been killing some. Then Serbia usually responds with a lot more force. They have a lot more force. They have a bigger army. They have tanks, and they have killed a lot of people. I am not saying any of this is right. I am just saying this shouldn't be a purpose for the United States to go to war, to initiate bombing, because Serbia has not yet signed on to a peace accord that we think is the right thing to do.

I, for one, have serious reservations about it. What is the peace agreement that we have decided they have to accept? It is autonomy for Kosovo, and the second part of it is stationing 28,000 foreign troops in Kosovo.

Again, Kosovo is part of Serbia. We are telling them, you must agree to this or you are going to be bombed. I think that is using NATO's air force as a bargaining tool to try to bomb them into submission to a peace accord that they do not want to sign. Most sovereign nations wouldn't want to sign onto a deal that would put 28,000 foreign troops on its soil.

I think the administration is wrong in this area. Don't get me wrong. I think Milosevic is a tyrant. I think he is guilty of a lot of bad things. That still doesn't mean that I think we should go to war with Serbia. If we start a massive bombing campaign, we are going to war.

I think Senator STEVENS is right. The Constitution says Congress shall declare war. Our forefathers showed great wisdom. They did not want to get involved in a lot of wars. They knew that the elected representatives—the Congress, House Members and Senate Members—would be very reluctant to do so because we would be sending our constituents that we represent into war, so we wouldn't do it lightly. Granted, we also say in the Constitution the President is Commander in Chief, and he has the authority, and we give him that authority, to respond if U.S. lives, U.S. interests are at stake, but that is not the case. And something has to happen before Congress has a chance to convene and pass a declaration of war. We have all kind of assumed that.

Frankly, this President has tried to expand that power and I think even abused that power in saying he has the right to agree to an international force that is going to conduct a war.

NATO has never done that. Senator STEVENS is exactly right. NATO is a defensive alliance, and it has been successful. It was formed to make sure that if Soviet aggression against our European allies would happen, that we would all work together to repel that aggression. The very fact that we had significant forces in training and integrated training, demonstrates it has been a successful alliance. Never has NATO gone in to say we are going to go into another country that is not threatening neighboring countries, not threatening part of the alliance, and conduct military affairs to quell a civil war.

If we conduct bombing, if NATO conducts bombing into Serbia, we are going to be on the side of the KLA, the Kosovo Liberation Army. I said before, their goal is not autonomy; their goal is independence.

I will tell my colleagues, there are some of our allies who have very serious problems about that happening. The Greeks primarily have serious reservations about the wisdom of that. I just wonder how well thought out this has been, or if we conduct the bombing, what happens?

I have heard President Clinton say we want to restore stability in the Balkans. It may be just the opposite result. We may start bombing and the Serbs may really escalate their attacks. I will read a comment from an article in today's New York Times:

> The Yugoslav foreign minister told CNN, "We are not looking for confrontation," but his country considers any NATO force dispatched to Kosovo to be an aggression against sovereign territory, Yugoslavia.

Other reports were that if the NATO forces would strike into Serbia, they would use that as an excuse to be more aggressive against the KLA. They might try to strike against the United States, but they hopefully won't have very much success against our airplanes. U.S. planes are going to be too high and too fast, too sophisticated to attack. They will see the United States is now taking sides with the Kosovars and so instead of attacking the United States, where they can't really be successful, they will be attacking the Kosovars. Instead of stopping violence and bringing stability and peace to the region, we might be escalating the war. We might be starting the war.

I mentioned that to President Clinton. I do not want to see us start the war, but if we start bombing we may turn a guerrilla effort, that is going on right now between the KLA and Serbs, into a full-fledged war between the Serbs and Kosovo and see the loss of life greatly escalate, yet still not be successful. Just because we bomb does not mean that Serbia is going to say, OK, fine, you can bring the 28,000 troops in and station them in Kosovo. They may not agree with that. They may escalate their warfare. You may have a greater loss of life.

Then we are going to have another decision. Are we going to go after that 40,000 Serbian military force that is in Kosovo? Are we going to be attacking those tanks? Are we going to be attacking the platoons? Are we going to be going after those people? You can do only so much, as we all know, with airpower. How deeply engaged in this civil war are we going to become? Again, if our purpose was to bring about peace and stability, can that really happen, if we ignite that type of warfare throughout Kosovo and into Serbia?

I am afraid we may be starting something we can't get out of; I am afraid we might be there for years and years and years.

I have heard some of my colleagues say, wait a minute, President Bush was for this. I haven't heard President Bush say that he was for this. In December of 1992, President Bush issued a warning to Mr. Milosevic: Don't you dare go in and start genocide against the Kosovars or there will be a price to be paid.

Frankly, I supported that. It worked. It worked for one reason—because I think Mr. Milosevic respected President Bush, which is more than what I can say at the present time on U.S. leadership, or even NATO leadership. That is regrettable. But also I didn't hear President Bush, in December of 1992, saying he wanted to have a multinational peacekeeping force stationed in Kosovo, occupying Kosovo. He didn't say that.

He just let him know that if he started a very significant genocide in Kosovo, there would be a price to be paid. I do not mind if this President lets Mr. Milosevic know that. If he started slaughtering a large number of people, yes, there would be a military action against him. It does not mean we are going to be occupying Kosovo with 28,000 troops. I think that signal can be sent.

That is not what I am reading in the paper. Today I read in the paper that Mr. Milosevic must agree to the settlement signed in Paris last week by ethnic Albanians that make up most of Kosovo's population or face NATO airstrikes. In other words, we are going to be striking if they do not agree to a peace agreement, and that calls for autonomy for Kosovo and calls for stationing 28,000 troops in their country.

I believe that is unrealistic. I do not think that is the right negotiation. I do not think you can bomb another country into submitting to a peace plan. If they did, we would be putting 28,000 troops, in my opinion, into very hostile territory. They would be vulnerable to sniper fire, and that is not a very good situation either.

I have very, very strong reservations about deploying U.S. ground forces into Kosovo. I have told that to the President. I think that is a serious mistake. I hope we will not do it. That is part of the peace plan.

A lot of people are not aware of it. They seem to think we are trying to bring Milosevic to the peace table. I want him to come to the peace table. I want him to sign a peace agreement. I want him to have peace in Kosovo. But what this administration is saying is, unless he agrees to the plan that has already been agreed to by NATO and the Kosovars, including the deployment of 28,000 troops, we are going to begin bombing him.

Are we going to keep on bombing him until he agrees to the stationing of 28,000 troops in Kosovo? I do not think that is realistic. Then if we station 28,000 troops there, one, they are vulnerable to attack because it is a hostile area and, two, they will have to be there for a long, long time.

This area does have a history of fighting that goes back for many, many centuries. The Ottoman Empire, the Hapsburg Empire, 1389, the war in Kosovo—they have been fighting for centuries. There is real ethnic violence there. There are real problems, and I understand that.

I do not think you can station U.S. peacekeeping forces everywhere in the world where there is violence. There are reports that 80-some-odd people were killed in the last few days in Borneo; 50-some were killed in Russia by 1 bomb. I heard my colleague from Delaware say in 1 village, 40-some people were assassinated, murdered, or they were killed. I do not know that we have seen the autopsy reports. We do not know whether they were carrying guns or not. They were shot point blank. We heard that. I do not know that to be the case.

There are lots of atrocities when you start fighting, and we know that. I know we had a civil war in this country 130 years ago, and we had hundreds of thousands of Americans who were killed. I am glad we did not have other countries intervening in our Civil War. I just think that would have been a mistake. I know both sides were trying to get the French and the British involved, but I am glad they did not get involved.

I seriously question the wisdom of us getting involved in this war, or if we are going to get involved in this one, why we are not getting involved on behalf of some of the Kurds in Turkey, where the loss of life has been some 37,000 in the last several years. Or what about in Sudan, where there have been over a million people massacred in the last 10 years? What about in Burundi, where 200,000 people have been murdered? I could go on and on.

We have to be very, very cautious when we start deploying U.S. forces around the world. In some cases, we have done it with very noble intentions, but it has not worked. It did not work in the early eighties in Lebanon. It did not work in Somalia. We had to bring our troops back and, unfortunately, we brought back a lot of our troops in body bags.

Again, I urge my colleagues to think seriously about what we are doing. For crying out loud, let's not be threatening bombing because the Serbs have not signed on to a peace accord that we somewhat arrogantly say, "This is what you have to do, and if you don't agree, you're going to be bombed." I do not think you can bomb a country into submission to sign a peace agreement, especially one that also says they have to agree to foreign troops stationed on their soil for an indefinite period of time. That is a mistake.

I compliment my friend from Alaska for his statement. Also, Mr. President, I reiterate that Congress needs to assert its constitutional prerogative, and that is that Congress has the right under article I, section 8, of the Constitution to declare war. Our forefathers did not want to make it easy for us to be involved in foreign entanglements, and they wanted Congress, i.e., the support of the American people, to be involved before we would ever do so. I think they were exactly right.

If President Clinton wants to initiate this effort, he should be asking Congress for a declaration of war. I think we, as leaders in Congress, should cooperate to bring that resolution to the floor and have a debate, a discussion, and have a vote.

Right now we have been talking about an amendment: No funds will be used for this combat or airstrikes or stationing troops until or unless Congress authorizes it. That may be the most expedient way of getting this up for a vote.

I personally would like to see a straight resolution, just like we had in the Persian Gulf war, which we voted on in January of 1991, which authorized the use of force in the Persian Gulf. We had a very significant debate. Most of my colleagues who were here at the time said that probably was the most important vote they ever cast.

I would like for us to have that. That resolution, I say to my colleagues, passed by a vote of 52 to 47, but it was significant, it was intense. We knew what we were talking about. We had significant debate on it. It was a healthy debate, and Congress supported the resolution. Airstrikes, I tell my friends and colleagues, started shortly after that resolution.

I do not think we are ready for that in this case in Kosovo today. The administration needs to make their case. They then should request a resolution of authorization—we should prepare one or they should prepare one—and we would vote on it. I hope we will do that before hostilities are initiated by NATO; i.e., the United States.

Mr. President, I thank my friend and colleague from Alaska for his indulgence, and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the following amendments be removed from the list at the desk: Senator DURBIN's Medicaid recoupment amendment, Senator KOHL's bankruptcy technical correction amendment, and Senator LOTT's rules amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending amendment be set aside so that we may consider other amendments that are in order under the previous order.

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, I know Senator FEINGOLD wishes to make a statement, and I wish to accord him that privilege.

Mr. FEINGOLD. Mr. President, I rise today to add my thoughts to this critical debate about the potential deployment of United States troops to Kosovo as part of a NATO peacekeeping mission. I commend the Senator from Texas, Senator HUTCHISON, for her commitment to ensuring that the Members of this body have the opportunity to fully debate this important issue.

I also commend the Senator from New Hampshire, Senator SMITH, for his work on this issue, and I share his contention that the President should seek congressional authorization prior to ordering a deployment to Kosovo.

Mr. President, like all of us, I am gravely concerned about the situation in Kosovo. More than 2,000 people, including women and children, have been killed since the fighting between ethnic Albanians and Serb security forces escalated just over a year ago. Hundreds of thousands of people have been forced to flee from their homes and hide in the woods during the cold winter months. Those that are able to return to their villages often find their possessions looted and their homes burned. Recent television news reports have shown Serb police shamelessly waiving to the cameras as they steal televisions and other valuables from the deserted homes of ethnic Albanians before setting the homes on fire.

Even today, as peace talks have adjourned without an agreement, the violence continues in Kosovo. I am pleased that four representatives from the Kosovar Albanian delegation last week signed the so-called Rambouillet agreement. However, I am alarmed that the government in Belgrade continues to offer ultimatums and to deploy troops and tanks in Kosovo. The continued defiance of President Slobodan Milosevic and other Serb leaders is very troubling. Once again, NATO has threatened airstrikes against Belgrade if the Milosevic government does not comply with the will of the international community. Once agains, Belgrade has refused.

Last week, the Organization for Security and Cooperation in Europe evacuated its observers from Kosovo in anticipation of possible NATO airstrikes. The violence in Kosovo has continued, with the aggression from both sides of this conflict.

As we debate this important issue, United States Special Envoy Richard Holbrooke is again in Belgrade attempting one last time to convince President Milosevic to cease his operations against the Kosovar Albanians and embark on a path to peace. Although I commend Mr. Holbrooke for his efforts, and hope, of course, that he is successful, I am skeptical.

Mr. President, I firmly believe that it is critical for Congress to take an active role in the debate and decision to send our men and women in uniform into any potentially hostile situation. As our constituents' voices in matters of policy, we in Congress must fully debate this important issue and vote up or down on whether or not to authorize such a deployment.

While I am pleased that the European members of NATO are taking the lead on the proposed deployment to Kosovo to implement the Rambouillet agreement, I have serious concerns about the United States participation in the form of U.S. troops in that mission.

No matter how one feels about the conflict in Kosovo or about the future of that province, under current American policy Kosovo is considered part of Serbia, comprising, along with Montenegro, the Federal Republic of Yugoslavia. Yugoslav President Slobodan Milosevic had made it abundantly clear that NATO troops are not welcome on what he refers to as "Serb territory," and he has begun to amass troops along the border with Macedonia, where approximately 12,000 NATO troops are already currently deployed.

In addition, for the moment, there is no peace to be kept by the peacekeeping force. While the Kosovar Albanian delegation in France has signed the Rambouillet agreement, the Serbs remain adamant that they will not sign the agreement unless the Kosovar Albanians and the Contact Group accept their latest demands. Many observers see this as a stalling tactic on the part of the Serbs, since they are demanding changes to text that already has been agreed upon.

It is into this very uncertain situation and environment that the President has proposed to deploy 4,000 United States troops.

Mr. President, with great regret, I have concluded that I must oppose the deployment of U.S. troops to Kosovo at this time. I am compelled to do so for several reasons.

First, the potential for harm to our men and women in uniform is too great, and there is too much uncertainty surrounding the proposed deployment. The continuing violence in Kosovo, coupled with the mobilization of Serb troops in the area, fosters a volatile environment into which our troops should not be deployed. The fact that the Serbs are not presently willing to sign the Rambouillet agreement or allow NATO troops into Kosovo makes it hard to believe that there will be any peace at all for foreign troops to keep.

Second, since 1995, I have vigorously opposed the deployment of U.S. troops to Bosnia. One can draw disturbing parallels between the deployment to Bosnia and the proposed deployment to Kosovo. The administration, in my opinion, has again failed to make the case to the American people and to the Congress for the deployment of U.S. ground troops in the Balkans. As with the Bosnia mission, there is no clear set of goals beyond "maintaining" a currently nonexistent peace, there is no timetable for withdrawal, no cost estimate, and no exit strategy.

Mr. President, I have come to the floor of the Senate many times in the last 3 years to talk about the U.S. deployment to Bosnia. I have consistently opposed that deployment and have supported a number of attempts to end it. I cannot help but think that this proposed deployment to Kosovo is another in the long line of ill-fated and seemingly unending peacekeeping missions that this administration has chosen to undertake without the explicit authorization of the Congress.

Last week in the Washington Post, columnist David Broder wrote, "Sending in the military to impose a peace on a people who have not yet settled ancient quarrels has to be the last resort, not the standard way of doing business." I agree with Mr. Broder. Peacekeeping should be the exception, not the rule. I ask unanimous consent that the full text of Mr. Broder's column be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, I am seriously concerned that the administration has cited the Bosnia mission as some kind of positive precedent for a deployment to Kosovo—or anywhere else. In my view, the mission to Bosnia should not be a precedent for anything. The deployment to Bosnia has resulted in, of course, some real benefits for the people of that region, but it has resulted in less favorable consequences for the United States. However, the lack of clear goals and a timetable for U.S. withdrawal, and the glaring absence of an exit strategy, now more than 3 years later, and more than $9 billion after the initial deployment, remain troubling.

Let me repeat that. We were promised that the troops would be out of Bosnia in 1 year, that the troops would be home by December of 1996; and after we were promised that, we would spend at the most $2 billion. Our troops are still there, and it has cost over $9 or $10 billion. And now they do not even talk about getting out on any date certain. Any new deployment to the Balkans must not unduly add to the spiraling cost American taxpayers are being asked to bear for our already very, very expensive mission in Bosnia.

I do not want to see the mistakes of Bosnia repeated in Kosovo at the expense of our men and women in uniform. Our armed services have served very admirably in the Balkans. They and their families and fellow citizens have a right to know the details of the proposed deployment before it happens.

Third, I am concerned that the proposed deployment to Kosovo could set a new precedent for international peacekeeping. As we prepare to mark NATO's 50th anniversary, the topic of continued out-of-area NATO deployments for peacekeeping is a valid point of concern. How do we justify United States participation in NATO missions in Bosnia and Kosovo but not in international deployments in Rwanda, Sierra Leone, or the Congo, where many of the same tragic types of occurrences have been occurring for several years? Violent civil wars have shredded the fabric of civil society around the globe, but it doesn't seem to me, after observing this for over 6 years, that we have a clear principle for deciding where and when to intervene. No such principle emerges from the observation and the justifications for both the Bosnia and Kosovo proposed intervention.

Finally, I am concerned about the deployment of our men and women in uniform to Kosovo because our troops are already stretched too thin around the globe. Currently, there are more than a quarter-million American troops deployed in foreign areas, from Haiti, to Bosnia, to the Persian Gulf, to the Korean peninsula. When I talk to my constituents, they are startled to hear that there is something like a quarter-million American troops, approximately 250,000 American troops, stationed around the world at this time.

I commend again our men and women in uniform for their service to our country. I cannot, however, support a policy that overcommits our American troops abroad, especially when the situation into which they would be sent in Kosovo is so very uncertain. Again, there will be more debate on this, and I think that is terribly important.

I conclude my remarks by thanking the Senators from Texas and New Hampshire for their work on this issue. I am also pleased that the House of Representatives took an opportunity to debate this extremely important issue and that the Senate has followed suit today.

Again, I regret that I am unable to support the deployment of U.S. troops to Kosovo at this time.

EXHIBIT NO. 1

[From the Washington Post, Mar. 17, 1999]

BEFORE WE SEND IN THE TROOPS . . .

(By David S. Broder)

Last Saturday, two days after the House of Representatives had narrowly defeated a resolution opposing the deployment of U.S. troops as part of a NATO peacekeeping force in Kosovo, The Post's Douglas Farah reported some disquieting news about a previous peacekeeping mission to Haiti.

The chief of the U.S. Southern Command, Gen. Charles E. Wilhelm, had told a closed session of a House subcommittee last month he wanted the troops removed from Haiti because the continuing instability of that poverty-stricken island nation put them at too grave a risk, according to a transcript of the hearing obtained by Farah.

You may be forgiven if you are surprised to learn the Army is still in Haiti. It has been more than four years now since the September day in 1994 when President Clinton sent a force of 20,000 troops onto the island. There was immense relief when last-minute negotiations cleared the way for their arrival; when they left their bases, they expected to have to fight their way ashore. But the brutal generals running the country backed down, and soon were replaced—thanks to U.S. force—by elected president Jean-Bertrand Aristide.

Neither Aristide nor his successor, Rene Preval, has been able to bring peace or democracy to Haiti. Factional fighting has immobilized the government and stymied efforts at economic recovery. And now that the factionalism has provoked assassinations and bombings reminiscent of the bad old days, the 500 U.S. troops still in Haiti spend much of their energy just trying to protect themselves against those they came to help.

It would be difficult for the Clinton administration to accept the general's call for a pullout, for it would concede the failure of a peacekeeping mission regularly touted as one of the signal achievements of recent years.

It would be especially embarrassing at the very moment when the administration is trying to squelch opposition in Congress—fed by such foreign policy luminaries as Henry Kissinger—to sending 4,000 U.S. troops to Kosovo in a new peacekeeping mission.

Two days before peace talks resumed between the Serb forces occupying Kosovo and the rebel forces who claim to speak for the 90 percent Albanian population of the province, bombs planted by unknown persons killed at least seven people—a reminder of how far from peace Kosovo is.

During House debate, the question repeatedly raised was what assurance the administration could give that once the troops were sent into Kosovo, they would ever be able to get out. The response was that without NATO troops on the ground, the killing would go on, and without U.S. participation, our European NATO allies would not go it alone.

This was the latest manifestation of what might be called the Wilsonian conundrum. It was Woodrow Wilson, in the aftermath of World War I, who most boldly asserted the doctrine that the United States would not only use its might to protect its national interests against any external threats but would aid the struggle for democracy, freedom and self-determination of oppressed people wherever it was being fought.

Wilson's ambitions were almost instantly repudiated by the Senate in the debate over the League of Nations, but his ideas have influenced almost all his successors from FDR through Clinton. Under the slogans of human rights, liberation of captive nations or peacekeeping, they have tried—with only intermittent success—to lift American foreign policy beyond the crass calculations of power politics and into the exalted realm of morality and justice.

What we have learned, I think, is that all those good values cannot be imposed at the point of a gun—even if the gun is held by an American soldier who wants nothing in return but a safe trip back home.

Peace cannot be built unless and until the warring parties have exhausted themselves with bloodshed and are ready to take the responsibility on themselves to turn a new page. No better example can be found this Saint Patrick's Day than Northern Ireland, where decades of sectarian violence blessedly have given way to a shaky peace.

The United States, led personally by Clinton, played an honorable and vital role in bringing about that change. But it did so at the conference table, using diplomats, not troops.

The lesson is not that we should never be peacekeepers; rather, that there has to be a peace to keep. Sending in the military to impose a peace on people who have not settled ancient quarrels has to be the last resort, not the standard way of doing business.

Mr. STEVENS. Mr. President, in view of the posture taken by the other side of the aisle, as I understand it, we will not take up any other amendments until we dispose of this amendment, which I understand. I will pursue the closing arrangement for the Senate so that we might put Senators on notice that there will be no other amendments considered today and that we will close.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 19, 1999, the federal debt stood at $5,640,185,158,295.15 (Five trillion, six hundred forty billion, one hundred eighty-five million, one hundred fifty-eight thousand, two hundred ninety-five dollars and fifteen cents).

One year ago, March 19, 1998, the federal debt stood at $5,537,630,000,000 (Five trillion, five hundred thirty-seven billion, six hundred thirty million).

Fifteen years ago, March 19, 1984, the federal debt stood at $1,465,615,000,000 (One trillion, four hundred sixty-five billion, six hundred fifteen million).

Twenty-five years ago, March 19, 1974, the federal debt stood at $471,306,000,000 (Four hundred seventy-one billion, three hundred six million) which reflects a debt increase of more than $5 trillion—$5,168,879,158,295.15 (Five trillion, one hundred sixty-eight billion, eight hundred seventy-nine million, one hundred fifty-eight thousand, two hundred ninety-five dollars and fifteen cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2241. A communication from the Managing Director for Administration, Overseas Private Investment Corporation, transmitting, pursuant to law, the report of a rule entitled "Production of Nonpublic Records and Testimony of OPIC Employees in Legal Proceedings" (RIN3420-AA02) received on March 8, 1999; to the Committee on Foreign Relations.

EC–2242. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Motion to Reopen: Suspension of Deportation and Cancellation of Removal" (RIN1125-AA23) received on March 16, 1999; to the Committee on the Judiciary.

EC–2243. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exceptions to the Educational Requirements for Naturalization for Certain Applicants" (RIN115-AE02) received on February 22, 1999; to the Committee on the Judiciary.

EC–2244. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Standards of Ethical Conduct for Employees of the Executive Branch" (RIN3209-AA04) received on March 12, 1999; to the Committee on Governmental Affairs.

EC–2245. A communication from the Director of the Division of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, the Department's report on the Public Health Service Commissioned Corps Retirement System for fiscal year 1997; to the Committee on Governmental Affairs.

EC–2246. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated March 3, 1999; to the Committee on Governmental Affairs.

EC–2247. A communication from the Chair of the Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's report on the Secretary of Health and Human Services' report concerning the development and implementation of a Medicare prospective payment system for home health agencies; to the Committee on Finance.

EC–2248. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Customs Regulations" (T.D. 99-24) received on March 4, 1999; to the Committee on Finance.

EC–2249. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections Regarding Customs Organization" (T.D. 99-27) received on March 4, 1999; to the Committee on Finance.

EC–2250. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rate" (Rev. Rul. 99-16) received on March 15, 1999; to the Committee on Finance.

EC–2251. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Congressional Review of Market Segment Specialization Program Audit Techniques Guides" received on March 12, 1999; to the Committee on Finance.

EC–2252. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Oshkosh Truck Corporation v. United States" (Fed. Cir. 1997) received on March 12, 1999; to the Committee on Finance.

EC–2253. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits" received on March 9, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2254. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket 97F–0412) received on March 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2255. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Protection of Human Subjects; Informed Consent; Technical Amendment" (RIN0910–AA60) received on March 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2256. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Ear, Nose, and Throat Devices; Classification of the Nasal Dilator, the Intranasal Splint, and the Bone Particle Collector" (RIN98N-0249) received on March 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2257. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research" received on March 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2258. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Graduate Assistance in Areas of National Need" (34 CFR 648) received on March 15, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2259. A communication from the Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Demonstration Projects to Ensure Students With Disabilities Receive a Quality Higher Education" (CFDA No. 84.333) received on March 15, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-2260. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Assistance to States for Education of Children with Disabilities Program" (RIN1820-AC40) received on March 12, 1999; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 361. A bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest (Rept. No. 106-29).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 426. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes (Rept. No. 106-30).

S. 430. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes (Rept. No. 106-31).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 449. A bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property (Rept. No. 106-32).

S. 330. A bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes (Rept. No. 106-33).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself, Mr. McCain, Mr. Smith of New Hampshire, Mr. Kerry, Mr. Lugar, Mr. Coverdell, Mr. Lieberman, Mr. Lautenberg, Mr. Ashcroft, Mr. Torricelli, Mr. Kennedy, Mr. Schumer, Mr. Allard, and Mr. Santorum):

S. 676. A bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action; to the Committee on Foreign Relations.

By Mr. LUGAR:

S. 677. A bill to amend the Immigration and Nationality Act to provide a limited waiver of a requirement for reimbursement of local educational agencies for the costs of foreign students' education in certain cases; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABRAHAM (for himself, Mr. Crapo, Mr. Santorum, Mr. Gramm, and Mr. Inhofe):

S. Res. 71. A resolution expressing the sense of the Senate rejecting a tax increase on investment income of certain associations; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. McCain, Mr. Smith of New Hampshire, Mr. Kerry, Mr. Lugar, Mr. Coverdell, Mr. Lieberman, Mr. Lautenberg, Mr. Ashcroft, Mr. Torricelli, Mr. Kennedy, Mr. Schumer, Mr. Allard, and Mr. Santorum):

S. 676. A bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action; to the Committee on Foreign Relations.

Mr. CAMPBELL. Mr. President, today I continue to voice my support for the Middle East peace process and my work on behalf of soldiers Missing in Action and Prisoners of War. During the last Congress, I introduced the Missing Service Personnel Act, provisions of which were signed into law to restore critical Department of Defense procedures for identifying and recovering POW/MIAs. The Act ensures that our government is and will do everything in its power to return those lost during times of conflict. Last month, I introduced S. 484, the "Bring Them Home Alive Act of 1999" which creates a significant incentive for foreign nationals to return any possibly surviving American POW/MIAs.

Mr. President, today I introduce legislation that continues my support for POW/MIAs and assists our Israeli allies in their efforts to learn the fate of several soldiers who were overtaken by Syrian forces in June 1982. I am pleased to be joined in this effort by Senators Torricelli, McCain, Kerry of Massachusetts, Smith of New Hampshire, Lugar, Coverdell, Lieberman, Lautenberg, Ashcroft, Kennedy, Schumer, Allard, and Santorum. This bill is a companion to legislation which Congressmen Lantos, Gilman, and 65 other members introduced in the House.

Reports indicate that three soldiers of an Israeli tank crew were captured by Syrian forces at the 1982 battle of Sultan Yaqub in northern Lebanon. These men were later paraded through the streets of the Syrian capital of Damascus. They were never seen nor heard from again. Zachary Baumel, an American citizen and sergeant in the Israeli Defense Forces was one of those men. For over sixteen years, the Syrian government and the leadership of the PLO have failed to cooperate in the effort to determine their fate. In 1993, Yasser Arafat produced the most tangible link to the missing men, returning half of Baumel's identification dog tag. For the last five years, however, no additional information has been forthcoming.

The bill I introduce today requires the State Department to raise this issue with the Syrian government and leaders of the Palestinian Authority and provide the Congress with a report on the information that has been uncovered. It also requires that Palestinian and Syrian cooperation in this effort be a factor in the consideration for future U.S. assistance.

This legislation is a targeted approach to address the unique and compelling merits of this case in which an American-born Israeli soldier and his comrades remain unaccounted for in a time of war. As Americans know all too well, the bitter legacy of missing soldiers and POWs can haunt a nation and interfere with efforts to build better relations between former enemies. Clearly, resolving the issue of the MIAs can only strengthen American efforts to make Middle East peace into a reality.

This is the first week of the Jewish month of Nissan—the month of the Jewish holiday of Passover—the ancient festival that celebrates freedom. I can think of no time that is more appropriate to propose this legislation, and to hopefully begin a process that will help to resolve the fate of Zachary Baumel and his comrades after so many years.

I ask unanimous consent that the bill be printed in the Record and I urge my colleagues to support passage of this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) Zachary Baumel, a citizen of the United States serving in the Israeli military forces, has been missing in action since June 1982 when he was captured by forces affiliated with the Palestinian Liberation Organization (PLO) following a tank battle with Syrian forces at Sultan Ya'akub in Lebanon.

(2) Yehuda Katz and Zvi Feldman, Israeli citizens serving in the Israeli military forces, have been missing in action since June 1982 when they were also captured by these same forces in a tank battle with Syrian forces at Sultan Ya'akub in Lebanon.

(3) These three soldiers were last known to be in the hands of a Palestinian faction splintered from the PLO and operating in Syrian-controlled territory, thus making this a matter within the responsibility of the Government of Syria.

(4) Diplomatic efforts to secure their release have been unsuccessful, although PLO Chairman Yasir Arafat delivered one-half of Zachary Baumel's dog tag to Israeli government authorities.

(5) In the Gaza-Jericho agreement between the Palestinian Authority and the Government of Israel of May 4, 1994, Palestinian officials agreed to cooperate with Israel in locating and working for the return of Israeli soldiers missing in action.

SEC. 2. ACTIONS BY THE SECRETARY OF STATE.

(a) RESPONSIBILITY OF SECRETARY OF STATE.—The Secretary of State shall raise the matter of Zachary Baumel, Yehuda Katz, and Zvi Feldman on an urgent basis with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and with other governments in the region and other governments elsewhere which in the Secretary's view may be helpful in locating and securing the return of these soldiers.

(b) COOPERATION AS A FACTOR IN DETERMINATIONS OF ASSISTANCE.—Decisions with regard to United States economic and other forms of assistance to Syria, Lebanon, the Palestinian Authority, and other governments in the region, and United States policy towards these governments and authorities, should take into consideration the willingness of these governments and authorities to assist in locating and securing the return of these soldiers.

SEC. 3. REPORTS BY THE DEPARTMENT OF STATE.

(a) INITIAL REPORT.—Ninety days after the date of enactment of this Act, the Secretary of State shall submit a report in writing to Congress detailing the Secretary's consultations with governments pursuant to section 2(a) and the changes in United States policies made pursuant to section 2(b). The report shall be a public document and may include a classified annex.

(b) SUBSEQUENT REPORTS.—After the initial report to Congress, the Secretary of State shall submit a report in writing to Congress within 15 days whenever any additional information from any source relating to these individuals arises. The report shall be a public document and may include a classified annex.

(c) CONGRESSIONAL RECIPIENTS OF REPORTS.—The reports to Congress identified in subsections (a) and (b) shall be made to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate.

By Mr. LUGAR:

S. 677. A bill to amend the Immigration and Nationality Act to provide a limited waiver of a requirement for reimbursement of local educational agencies for the costs of foreign students' education in certain cases; to the Committee on the Judiciary.

LIMITED WAIVER OF COST REQUIREMENTS FOR FOREIGN STUDENTS

Mr. LUGAR. Mr. President, I rise today to introduce a bill that will permit local school officials the opportunity to waive the cost requirements of foreign students studying in our public high schools in the United States on F-1 visas. The law now mandates that all foreign students who are not in a government-funded exchange program pay or reimburse the local school district the cost of their education.

In those public school districts flooded with foreign students who pay no taxes, this requirement makes good sense. However, in those school districts which enroll a small number of foreign students or experience little or no burden, there may be no desire for tuition reimbursement. The decision to enroll and to require cost reimbursement should be made at the local level. Current law, however, does not permit this local discretion. The bill I am introducing today will allow local school districts the chance to waive the requirement that foreign students pay for the cost of their education. The decision to waive or not waive this requirement should be made at the grassroots level where the problem, if any, exist, not in Washington. My bill seeks to preserve this principle. It would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

Foreign exchange students bring knowledge, cultural exposure and understanding to American students, schools and communities. I have been a proponent of cultural and educational exchanges and have supported most international exchange programs over the years—both those which bring foreign visitors here and those which send American students, scholars and practitioners abroad. Most recently, my office participated in the Congress-Bundestag program. An intern from Germany worked in my office for several weeks and learned about how a Senate office functions. I remain committed to these exchange programs. They bring enormous benefits to our country as well as to the individuals.

In 1996, I supported the Illegal Immigration Reform and Immigrant Responsibility Act. This law states that as of November 30, 1996, IIRIRA prohibits any alien from receiving an F-1 student visa to attend a public elementary school, grades K-8, or a publicly-funded adult education program unless they pay the unsubsidized, per capita cost of their education in advance. My bill would not change current law relating to elementary schools or adult education. It would not pertain to students on formal, government-funded international exchanges such as those managed by the State Department, the USIA and many other federal government agencies. It would simply allow high school officials to waive the cost of the education of high school-level foreign students if that was their own choice.

Several municipalities have "Sister City" arrangements between American cities and cities in foreign countries. One valuable component of these arrangements is an exchange program for high school students enabling American youth to spend a year in a foreign high school while students from abroad spend a year in a high school here. No tuition is generally exchanged under the sister city agreement, but current U.S. law states that visitors to our country must pay the unsubsidized cost of their education, even though American students attending schools abroad are exempted from the cost requirement.

Along the Alaska-Yukon, Alaska-British Columbia and U.S.-Mexican borders there are schools serving very remote communities on both sides of the border. After enactment of the 1996 law, Canadian or Mexican students were no longer eligible to enter the United States to attend local public schools even though governments and the local school districts agreed to enroll the students.

Many school districts choose to enroll one or two exchange students a year. Reciprocal exchange agreements are beneficial and host families enjoy these students in their homes. American exchange students attending schools in Germany, for example, are not subjected to the same tuition requirements for their schooling, yet they gain an understanding of German history and culture and benefit from their travels. Currently, U.S. law requires foreign students to pay their tuition before they arrive in the United States. The extra paper work, the upfront costs and the extra burden these requirements place on foreign students tend to undermine the purpose of cultural exchanges.

I remain mindful to past abuses of F-1 visas and am sympathetic to the burden that large enrollments of foreign students place on American public schools. My purpose in introducing this bill today is not to weaken the law as it currently reads, but to provide an outlet for our schools to have an opportunity for enrolling international exchange students.

Last year, I was successful in getting similar legislation passed in the Senate. Unfortunately, it was dropped in conference. This bill has the support of many Senators, of the Department of Education, Department of State and the USIA as well as most U.S. non-governmental organizations interested in immigration, student exchanges, public education. It is my hope that the Senate will once again pass this bill.

Mr. President, I ask that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITED WAIVER OF REIMBURSEMENT REQUIREMENT FOR CERTAIN FOREIGN STUDENTS.

Section 214(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(1)), as added by section 625(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-699), is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by striking "(l)(1)" and inserting "(l)(1)(A)"; and

(4) by adding at the end the following new subparagraph:

"(B) The Attorney General shall waive the application of subparagraph (A)(ii) for an alien seeking to pursue a course of study in a public secondary school served by a local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) if the agency determines and certifies to the Attorney General that such waiver will promote the educational interest of the agency and will not impose an undue financial burden on the agency.".

ADDITIONAL COSPONSORS

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 227

At the request of Mr. COVERDELL, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 227, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 296

At the request of Mr. FRIST, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 296, A bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 333

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 376

At the request of Mr. BURNS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 395

At the request of Mr. ROCKEFELLER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

S. 425

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 425, a bill to require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 528

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 528, a bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Louisiana (Mr. BREAUX), the Senator from Iowa (Mr. GRASSLEY), the Senator from Delaware (Mr. BIDEN), the Senator from Georgia (Mr. COVERDELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Utah (Mr. HATCH), the Senator from Oregon (Mr. SMITH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 575

At the request of Mr. CLELAND, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 575, a bill to redesignate the National School Lunch Act as the "Richard B. Russell National School Lunch Act."

S. 655

At the request of Mr. LOTT, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CAMPBELL, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Concurrent Resolution 19, a concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 71—EXPRESSING THE SENSE OF THE SENATE REJECTING A TAX INCREASE ON INVESTMENT INCOME OF CERTAIN ASSOCIATIONS

Mr. ABRAHAM (for himself, Mr. CRAPO, Mr. SANTORUM, Mr. GRAMM, and

Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 71

Whereas the President's fiscal year 2000 Federal budget proposal to impose a tax on the interest, dividends, capital gains, rents, and royalties in excess of $10,000 of trade associations and professional societies exempt under section 501(c)(6) of the Internal Revenue Code of 1986 represents an unjust and unnecessary penalty on legitimate association activities;

Whereas at a time when the Government is projecting on-budget surpluses of more than $800,000,000,000 over the next 10 years, the President proposes to increase the tax burden on trade and professional associations by $1,440,000,000 over the next 5 years;

Whereas the President's association tax increase proposal will impose a tremendous burden on thousands of small and mid-sized trade associations and professional societies;

Whereas under the President's association tax increase proposal, most associations with annual operating budgets of as low as $200,000 or more will be taxed on investment income and as many as 70,000 associations nationwide could be affected by this proposal;

Whereas associations rely on this targeted investment income to carry out exempt-status-related activities, such as training individuals to adapt to the changing workplace, improving industry safety, providing statistical data, and providing community services;

Whereas keeping investment income free from tax encourages associations to maintain modest surplus funds that cushion against economic and fiscal downturns; and

Whereas corporations can increase prices to cover increased costs, while small and medium-sized local, regional, and State-based associations do not have such an option, and thus increased costs imposed by the President's association tax increase would reduce resources available for the important standard-setting, educational training, and professionalism training performed by associations: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject the President's proposed tax increase on investment income of associations as defined under section 501(c)(6) of the Internal Revenue Code of 1986.

• Mr. ABRAHAM. Mr. President, I am joined today by Senator CRAPO in introducing a Sense of the Senate Resolution rejecting a new tax proposed by the Clinton administration. As part of the administration's fiscal year 2000 budget proposal, this tax would be levied on the investment income earned by nonprofit trade associations and professional societies. This proposal, which would tax any income earned through interest, dividends, capital gains, rents and royalties in excess of $10,000, imposes a tremendous burden on thousands of small- and mid-sized trade associations and professional societies currently exempt under 501(c)(6) of the Internal Revenue Code.

The administration would like us to believe that this tax is targeted to a few large associations, affecting only those "lobbying organizations" which exist as tax shelters for members and to further the goals of special interests. Mr. President, nothing could be further from the truth.

This new tax would affect an estimated 70,000 registered trade associations and professional societies. The bulk of these associations operate at a state and local level, many of whom perform little, if any, lobbying function. In fact, associations rely on investment income to perform such vital services as education, training, standard setting, industry safety, research and statistical data, and community outreach. Through association-organized volunteer programs, Americans contribute more than 173 million volunteer hours per year, at a value estimated at over $2 billion annually.

These organizations already contribute millions in taxes for any activities which place them in competition with for-profit businesses. Yet the administration would like to impose a new tax on income earned outside of the competitive business environment, income which is used to fund functions serving the public welfare. Unlike for-profit corporations, investment income does not go to shareholders, individuals, or other companies. Associations do not have the liberty of simply raising prices, as do ordinary corporations, to cover increased costs.

Mr. President, faced with an additional increase in taxes of $1.44 billion over the next five years, many associations will be forced to cut back on important services, and some may not survive an economic downturn without the small cushion their investments provide.

Without such services provided by associations, the Government will be forced to step in, increasing expenditures and creating additional Government programs and departments.

During a time when the Government is projecting on-budget tax surpluses of more than $800 billion over the next 10 years, it is unconscionable that we allow the administration to levy a new tax on these nonprofit organizations.•

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Monday, March 22, 1999, at 1:30 p.m. for a hearing on the topic of "Securities Fraud On The Internet."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 2 p.m. on Monday, March 22, 1999, in closed/open session to receive testimony on Department of Defense policies and programs to combat terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC SUBCOMMITTEE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Strategic Subcommittee of Committee on Armed Services be authorized to meet on Monday, March 22, 1999, at 9 a.m. in open session, to receive testimony on National Security Space Programs and Policies, in review of the defense authorization request for fiscal year 2000 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE AND CRIMINAL JUSTICE

Mr. STEVENS. Mr. President, I ask unanimous consent that a joint hearing, before the Subcommittees on Youth Violence and Criminal Justice Oversight of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Monday, March 22, 1999 at 1 p.m. to hold a hearing in room 226 of the Senate Dirksen Office Building on: "Review of DOJ Firearm Prosecutions."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 22, 1999 at 1 p.m. in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TUNISIA NATIONAL DAY

• Mr. WARNER. Mr. President, I rise today to congratulate the Government and the people of Tunisia on the occasion of their annual National Day celebration, March 20, which this year marks the 43rd anniversary of their independence from France. While the Republic of Tunisia is only 43 years old, the Tunisian nation has a long rich history, dating back to ancient Carthage.

Accompanied by the senior U.S.–NATO military commander responsible for the region, I was privileged to visit Tunisia last April. At the request of Admiral Lopez, I met with top government and military officials in the company of U.S. Embassy officials in hopes of integrating U.S. and Tunisian actions and efforts in Europe.

The United States and Tunisia go back a long way. In 1797, our two nations signed a treaty of peace and friendship. Among other things, this treaty called for "perpetual and constant peace." Indeed, for the past 200 years, our two nations have enjoyed such a relationship. During World War II, Tunisia's nationalist leaders suspended their struggle against France in order to support the Allied cause: they knew which side in that war was fighting for the values they held dear. During the tense cold war years, Tunisia was one of America's most reliable allies in the Mediterranean, and Tunisia's friendship proved of tremendous benefit to the Sixth Fleet.

Since the end of the cold war, Tunisia has continued to be a friend and ally of the United States. Tunisian President Zine El Abidine Ben Ali has been very active in supporting the Middle East peace process. He has also sought to open his country's economy to greater U.S. investment, a goal that has gotten a recent boost from our own State Department, which has proposed a new trade partnership with the countries of North Africa, including Tunisia. Our military ties with Tunisia also remain strong. Just last month Defense Secretary William Cohen visited Tunisia and discussed a number of issues of mutual interest, including the Iraqi situation, the Middle East peace process and the Lockerbie bombing.

I think it is safe to say that few of our Nation's bilateral relationships have been broadly and consistently positive for so long. I hope my colleagues will join me in congratulating Tunisia on its National Day and in honoring this great friend of the United States.•

JAMES D. WOOD, P.E.

• Ms. MIKULSKI. Mr. President, I am proud that one of my constituents, James D. Wood of Abingdon, Maryland, is a finalist for the National Society of Professional Engineers' Federal Engineer of the Year Award.

Mr. Wood is a Program Manager for the U.S. Army Center for Health Promotion and Preventive Medicine, Aberdeen Proving Ground, Maryland. He has made significant and lasting contributions to resolve complex air quality issues and enhance environmental auditing efforts at DOD installations throughout the world over the past two decades. His extraordinary technical skills, dedication to the engineering profession, superlative leadership, and personal commitment to subordinates distinguish him as a premier air quality expert in the Department of the Army.

Mr. Wood was instrumental in directing responses to air quality crises affecting U.S. forces, including assessing and mitigating health risks to U.S. peacekeepers in Bosnia. He is one of the foremost authorities on environmental auditing in the Army.

A member of the National Society of Professional Engineers, he has served in key leadership roles and on the Board of Directors of the Maryland Society of Professional Engineers, and in every leadership position of its Susquehanna Chapter during the past 15 years. His selfless efforts to promote engineering awareness of high school students are superb.

Wood holds a B.S. in chemical engineering from the University of Missouri-Rolla, a M.S. in environmental engineering from the Johns Hopkins University, and a M.S. in engineering management from the Florida Institute of Technology.•

YELLOWSTONE COUNTY AGENT JOHN RAMNEY'S 37 YEARS OF PUBLIC SERVICE

• Mr. BURNS. Mr. President, I rise today to recognize Mr. John Ramney, a fellow Montana, who has spent 37 years in public service as an Agriculture Extension Agent for Yellowstone County, Montana. Over this period he has helped farmers, downtown business folks and the media with agricultural-related questions, in a professional manner that is a role model for exemplary public service today.

Mr. Ramney's career served Montana's agriculture industry with a unique quiet dedication not usually seen today. He began his career as a county agent in training in Thompson Falls and Great Falls, Montana. He then became a 4-H Agent with the Yellowstone County Extension Office in 1961. After serving as an assistant county agent in training in Billions for six years, he became a full fledged County Agent for Yellowstone County.

His job has involved educating the agricultural producers in Yellowstone County, Montana to enhance their productivity. He has done this primarily by providing information from research done at Montana State University or other experiment stations. He has also conducted numerous meetings and workshops to strengthen the farmers' knowledge and capabilities as Yellowstone County moved from a rural to a more urban county. In addition, he tirelessly maintained personal contacts with local farmers to ensure their understanding about crops, livestock, farm machinery, and land leases were up to date.

Over his almost 40 years as a County Agent, Mr. Ramney always acted in a positive and helpful manner. He said that even though he has answered many, many questions over the years, he has learned that everyone who calls or stops by teaches him something. For example, he noted that a lot more calls were looking for information that people heard about from other universities and experimental stations in other parts of the country. With the advent of better communications, farmers knew more about what was happening in Oklahoma, North Dakota, South Dakota, Wyoming, and Nebraska. As Mr. Ramney said, "They ask for it and I hunt for information wherever it might be." Ms. Mary Zartman, Personnel Director of the Montana State University Extension Service stated, with the news of Mr. Ramney's retirement, "He'll be a hard act to follow." Please join with me in recognizing an unusual American and a great Montanan.•

TRIBUTE TO SPECIAL AGENT STEVEN J. PIROTTE

• Mr. KOHL. Mr. President, for the past two years, the Bureau of Alcohol, Tobacco and Firearms' Office of Legislative Affairs has been under the able leadership of Steven J. Pirotte. Special Agent Pirotte has served as the Executive Assistant to the Director of ATF since the beginning of 1997, and in that capacity, has provided conscientious service to many Members of Congress and their staffs, my own included.

Steve is moving to a new challenge on April 18, when he reports to his new post of duty as the Division Director and Special Agent in Charge of ATF's Boston Field Division, with oversight over ATF's functions in Massachusetts, Vermont, Connecticut, Maine, Rhode Island, Northern New York and New Hampshire. His honest counsel, assistance, and expertise will be missed by all of us who have worked with him.

Special Agent Pirotte began his career with the Bureau of Alcohol, Tobacco and Firearms in 1975 in Falls Church, Virginia, later serving posts of duty in Washington, D.C., Winchester, Virginia, and Denver, Colorado. From 1986 to 1989, he served as Group Supervisor for the Mid-Atlantic Organized Crime Drug Enforcement Task Force and coordinated all OCDETF investigations in the two field divisions and 26 offices throughout the Mid-Atlantic states, including Pennsylvania, Delaware, Maryland, and Virginia.

He served three years on ATF's National Response Team, served as supervisor with the Metropolitan Area Task Force for the Office of National Drug Control Policy, and just prior to his current assignment, served as Assistant Special Agent in Charge of ATF's Charlotte, North Carolina Field Division, overseeing bombing, church arson, firearms trafficking and cigarette diversion investigations.

Members of Congress have been well served with Steve at the helm of ATF's Legislative Affairs office, and we wish him well in his new position.•

SMALL BUSINESS INVESTMENT IMPROVEMENT ACT OF 1999

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 22, which is S. 364.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 364) to improve certain loan programs of the Small Business Administration, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I rise today in support of the Small Business Investment Improvement Act of 1999. I am pleased to report the bill received unanimous support of my colleagues on the Committee on Small Business, when we voted to report the bill on February 5, 1999. This is important legislation for one simple reason: it makes more investment capital available to small businesses that are seeking to grow and hire new employees.

In 1958, Congress created the SBIC program to assist small business owners obtain investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $100,000–$2.5 million have to look elsewhere. SBIC's are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nation's best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, Federal Express received a needed infusion of capital from two SBA-licensed SBIC's at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America Small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufactures utility truck bodies in St. Clair, MO. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business (CFB) Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided $500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Mr. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of $10 million and 115 employees. SBIC program success stories like Ms. Huntter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program. Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity Investment capital.

Last year, the Senate unanimously approved a bill similar to the bill that is now before the Senate. Today's bill includes two technical changes in the SBIC program. The first change removes a requirement that at least 50 percent of the annual program level of the approved participating securities under the SBIC Program be reserved for funding with SBIC's having private capital of not more than $20 million. The requirement became obsolete following SBA's imposition of its leverage commitment process and congressional approval for SBA to issue 5-year commitments for SBIC leverage.

The second technical change requires SBA to issue SBIC guarantees and trust certificates at periodic intervals of not less than 12 months. The current requirement is 6 months. This change will give maximum flexibility for SBA and the SBIC industry to negotiate the placement of certificates that fund leverage and obtain the lowest possible interest rate.

The Small Business Investment Improvement Act of 1999 clarifies the rules for the determination of an eligible small business or small enterprise that is not required to pay Federal income tax at the corporate level, but that is required to pass income through to its shareholders or partners by using a specified formula to compute its after-tax income. This provision is intended to permit "pass through" enterprises to be treated the same as enterprises that pay Federal taxes for purposes of SBA size standard determinations.

The bill would also make a relatively small change in the operation of the program. This change, however, would help smaller, small businesses to be more attractive to investors. SBIC's would be permitted to accept royalty payments contingent on future performance from companies in which they invest as a form of equity return for their investment.

SBA already permits SBICs to receive warrants from small businesses, which give the investing SBIC the right to acquire a portion of the equity of the small business. By pledging royalties or warrants, the small business is able to reduce the interest that would otherwise be payable by the small business to the SBIC. Importantly, the royalty feature provides the smaller, small business with an incentive to attract SBIC investments when the return may otherwise be insufficient to attract venture capital.

Lastly, the bill increases the program authorization levels to fund participating securities. In fiscal year 1999, the authorization level would increase from $800 million to $1.2 billion; in fiscal year 2000, it would increase from $900 million to $1.5 billion. The two increases have become necessary as the demand in the SBIC program was growing at a rapid rate. Higher authorization levels are necessary if the SBIC Program is going to meet the demand for investment capital from the small business community.

Mr. President, this is a sound bill, which has the unanimous support of all 18 members of the Committee on Small Business. On February 2, 1999, a similar version of this legislation passed the House of Representatives by a vote of 402–2. I strongly urge my colleagues in the Senate to vote in favor of the Small Business Investment Improvement Act of 1999.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read for the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 364) was read the third time.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Small Business Committee be discharged from further consideration of H.R. 68, and that the Senate proceed to its consideration. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 364 be inserted in lieu thereof; that the bill then be read for the third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to this legislation appear at appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 68), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 68) entitled "An Act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Improvement Act of 1999".

SEC. 2. SBIC PROGRAM.

(a) IN GENERAL.—Section 308(i)(2) of the Small Business Investment following: "In this paragraph, the term 'interest' includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or increased future revenue of the small business concern receiving the business loan.".

(b) FUNDING LEVELS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking "$800,000,000" and inserting "$1,200,000,000"; and

(2) in subsection (e)(1)(C)(i), by striking "$900,000,000" and inserting "$1,500,000,000".

(c) DEFINITIONS.—

(1) SMALL BUSINESS CONCERN.—Section 103(5) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)) is amended—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), and indenting appropriately;

(B) in clause (iii), as redesignated, by adding "and" at the end;

(C) by striking "purposes of this Act, an investment" and inserting the following: "purposes of this Act—

"(A) an investment"; and

(D) by adding at the end the following:

"(B) in determining whether a business concern satisfies net income standards established pursuant to section 3(a)(2) of the Small Business Act, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

"(i) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this subparagraph), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(ii) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation;".

(2) SMALLER ENTERPRISE.—Section 103(12)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(12)(A)(ii)) is amended by inserting before the semicolon at the end the following: "except that, for purposes of this clause, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

"(I) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this clause), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(II) the net income (so determined) less any deduction for State (and local) income taxes calculated under subclause (I), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation".

(d) TECHNICAL CORRECTIONS.—

(1) REPEAL.—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by striking paragraph (13).

(2) ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking "6" and inserting "12".

(3) ELIMINATION OF TABLE OF CONTENTS.—Section 101 of the Small Business Investment Act of 1958 (15 U.S.C. 661 note) is amended to read as follows:

"SEC. 101. SHORT TITLE.

"This Act may be cited as the 'Small Business Investment Act of 1958'.".

Mr. STEVENS. Mr. President, I finally ask consent that S. 364 be placed back on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 23, 1999

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, March 23. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved and the Senate resume consideration of S. 544, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent that the time between 10 a.m. and 12:30 p.m. be equally divided between the leaders, or their designees, for debate on the Lott second-degree amendment relating to Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. on Tuesday to allow for the weekly caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, the Senate will reconvene tomorrow at 10 a.m. and resume consideration of the Lott amendment to the supplemental appropriations bill. Under the previous order, the time until 12:30 will be equally divided for debate on the amendment.

The Senate will then recess until 2:15 p.m. for the policy lunches and upon reconvening will proceed to vote on the motion to invoke cloture on the Lott amendment. Following that vote, it is hoped that the Senate will begin consideration of the fiscal year 2000 budget resolution. Therefore, Members should expect rollcall votes throughout Tuesday's session, with the first vote to occur on cloture at 2:15.

ADJOURNMENT

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:12 p.m., adjourned until Tuesday, March 23, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 1999:

FEDERAL MARITIME COMMISSION

JOSEPH E. BRENNAN, OF MAINE, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2003, VICE WILLIAM D. HATHAWAY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

ROBERT J. VAUGHN, 3327

To be lieutenant colonel

CHARLES E. BUCHANAN, 5825
JAMES F. BUGLEWICZ, 2028
DUANE L. JONES, 3570
HAROLD M. MC DONALD III, 1271
KEVIN C. SMITH, 0463
KENNETH V. VOLMERT, 9232

To be major

DAVID H.T. KIM, 1564
MARK E. NUNES, 4462
DAVID J. REES, 9488
JACK F. ROCCO, 4582
TODD B. SILVERMAN, 6864

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

GERALD F. BUNTING BLAKE, 1400
CHARLES W. CAMPBELL, JR., 0799
STEPHAN B. CHRISMAN, 5579
DAVID S. DOUGHERTY, 9344
JAMES R. EBERT, 8753
JAMES E. HANSEN, 6972
ROBERT B. HULL, 0985
CHRISTIAN L. MAEDER, 0444
JOHN A. REYBURN, JR., 1816
FREDERICK W. RUDGE, 4734
ROBERT L. TRAMALONI, 6689
STANLEY F. UCHMAN, 0354
MICHAEL J. WHITE, 6179
DAVID C. WILLIAMS, 4588
BUJUNG ZEN, 3155

To be lieutenant colonel

ROBERT C. ALLEN, 6750
ANTHONY H. ARNOLD, 3341
BERNADETTE C. ARROYO-KEMP, 7333
JEFFERY F. BAKER, 6291
DAUGLAS E. BEAKES, 9969
JAMES H. BERRO, 1928
MARCUS P. BEYERLE, 4889
JEFFERY M. BISHOP, 0747
JAMES C. BLOOM, 4043
DEBORAH J. BOSTOCK, 7711
ROBERT M. BUCHSBAUM II, 4922
STEPHEN M. BURNS, 0578
WALTER R. CAYCE, 4909
CEDRIC C. CHENET, 5345
JAY A. CLEMENS, 7455
LOUIS A. DAGOSTINO, 6740
DOMINIC A. DEFRANCIS, 7411
ROBERT M. DIXON, 7474
RUSSELL W. EGGERT, 0962
BRIAN J. FINLEY, 7463
CRAIG A. FLICKINGER, 5709
RUSSELL G. GELORMINI, 9724
DAVID C. HALL, 4384
KAREN L. HARTER, 6741
PETER J. HEATH, 9044
GEORGE M. HILGENDORF, JR., 9948
NEIL C. HUFFMAN, 8095
JOSE E. IBANEZ PABON, 3459
JAMES L. JOHNSON, 9194
HARVEY E. KELLEY, 9982
JAMES E. KING, JR., 0466
MICHAEL A. KOCH, 9171
JOHN KUSSMAUL, JR., 3613
JANICE L. LEE, 9446
RUSSELL M. LINMAN, 8347
DAVID J. LOUIS, 1159
MARK F. LUPPINO, 4448
CHARLES W. MACKETT, 3532
THOMAS L. MC KNIGHT, 9240
EVELYN MENDEZ, 1310
THEODORE A. MICKLE, JR., 2268
PAUL F. MONTANY, 4612
ANDREW R. MONTEIRO, JR., 2571
PAUL S. MUELLER, 8441
EMMET P. MURPHY, 6825
ANTONIO NELSON, 2516
DANNY W. NICHOLLS, 3832
KEVIN M. NOALL, 9655
KEITH J. ODEGARD, 1653
MARTIN G. OTTOLINI, 4701
MICHAEL S. PANOSIAN, 5555
DAVID L. PAUL, 2860
LEE E. PAYNE, 6332
ROBERT PERSONS, 9492
JAMES PETTEY, 9622
RONALD PEVETO, 7086
DANGTUAN PHAM, 9233

ROBERT H. POINDEXTER, 3955
KENNETH G. REINERT, 2647
DOUGLAS J. ROBB, 4098
JAMES L. RUSHFORD, 1571
BRADLEY S. RUST, 4397
VICENTE E. SANCHEZ CASTRO, 1566
MICHAEL G. SCHAFFRINNA, 0125
CARL G. SIMPSON, 4805
JILL L. STERLING, 3999
JAMES R. STEWART, 8142
LARRY TABATCHNICK, 9669
JOHN J. TAPPEL, 9556
JULIA H. TOWNSEND, 7488
ANTHONY J. VANGOOR, 7234
SCOTT W. VANVALKENBURG, 2359
JAMES M. WATSON, 2663
JOSEPH M. WEMPE, 4565
NORMA I. WESTERBAND, 1376
STEVEN L. WIRE, 1620
MYGLEETUS W. WRIGHT, 3872

To be major

EDDY L. BUFFKIN, 1207
JON D. HAYWOOD, 5530
JOHN J. HIGGINS, 7576
JAMES F. KELLEY, 5364
ROBIN M. KING, 8647
JEFFERY A. RENSHAW, 1000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. JOHN G. COBURN, 3232

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, medical corps

COL. JOSEPH G. WEBB, JR., 9082

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

COL. JOSEPH COMPOSTO, 3413

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

WILLIAM D. CATTO, 2394
TONY L. CORWIN, 1553
ROBERT C. DICKERSON, JR. 2458
JON A. GALLINETTI, 2221
TIMOTHY F. GHORMLEY, 8863
SAMUEL T. HELLAND, 6309
LEIF H. HENDRICKSON, 5598
RICHARD A. HUCK, 7508
RICHARD S. KRAMLICH, 9829
TIMOTHY R. LARSEN, 0233
BRADLEY M. LOTT, 8545
JERRY C. MC ABEE, 4874
THOMAS L. MOORE JR. 2551
RICHARD F. NATONSKI, 9548
JOHNNY R. THOMAS, 0605

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CRAIG R. QUIGLEY, 1769

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U. S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

CLIFFORD A. ANDERSON, 9278
WALTER L. BANKS, 1281
VICTOR A. BARRIOS, 6617
JOSEPH E. BELL, 1307
JERRY R. BOSTER, 5363
MICHAEL O. BRUNNER, 5917
CARL A. BURKINS, 1907
THOMAS W. CARROLL, 8801
JEFFREY L. CIMA, 4350
TIMOTHY M. CIOCCO, 8511
JOSE L. CISNEROS, 4229
JOHN C. COLUCCI, 2226
JOHN A. DONNELL, 6679
DAVID K. FLICK, 3605
JAMES R. GARNER, 3339
CHARLES R. GILLUM, JR. 5847
DOUGLAS K. GLESSNER, 7900
RICHARD A. GOODWIN, 7932
RAYMOND D. GOYET, JR. 1640
WILLIAM B. HALE, 1640
STEVEN M. HARRISON, 5136
GEOFFREY M. HENDRICK, 4640
DIEGO HERNANDEZ, 8665
TUNG HO, 3828
LAWRENCE J. HOLLOWAY, 8384
HUGH J. HUCK, III, 2395
MICHAEL A. HURNI, 4156
JOKER L. JENKINS, 4205
CARTHER F. JORGENSEN, 5272
JARED A. KEYS, 1922
KEITH A. KNUTSEN, 9822
ROBERT A. KOONCE, 7732
ROBERT H. LEDOUX, III, 7208
BRYAN J. LETHCOE, 3268
MICHAEL A. McCARTNEY, 4041
JOHN J. McCRACKEN, 9540
JAMES L. MINTA, 6319
JAMES D. MINYARD, 7489
DANA A. NELSON, 1449
EUGENE J. NEMETH, 8027
MARK J. OBERLEY, 1794
MARK H. OESTERREICH, 8551
DEAN T. RAWLS, 5367
ROBERT T. REZENDES, 7479
DAVID G. SCHAPPERT, 4144
SCOTT B. SEAL, 5398
BRENT E. SMITH, 7750
GERHARD A. SOMLAI, 6687
DAVID W. SPANKA, 0740
JOHN W. SPRAGUE, 1598
ANDREW B. ST JOHN, 1374
EDWARD J. STOCKTON, 1573
ROBERT J. STOWE, 3394
KAI O. TORKELSON, 3434
VINH X. TRAN, 5774
DANIEL T. TREM, 9190
DAVID M. TRZECIAKIEWICZ, 7888
JOSEPH M. TURK, 1399
THOMAS L. WILLIAMS, 3254
ERIC P. WOELPER, 2467
SAMUELL T. WORTHINGTON, 3053
STEPHEN G. YOUNG, 4459

EXTENSIONS OF REMARKS

CONGRATULATIONS TO SPEAKER HASTERT

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. HASTERT. Mr. Speaker, I submit the following letter for the CONGRESSIONAL RECORD.

MARCH 14, 1999.

Hon. DENNIS HASTERT,
Speaker of the United States House of Representatives, Washington, DC.

DEAR MR. SPEAKER HASTERT: With praise and thanks to Almighty God we wish to congratulate you on your elevation to Speaker of the House of Representatives. As priests in the Diocese of Rockford and currently stationed at Holy Angels Catholic Parish in Aurora, Illinois, it is with great joy that one so close to us has been appointed to such a position of responsibility. We know you will fulfill your duties with dignity and grace.

Mr. Philip Kaim is now studying for the priesthood for our diocese. He is particularly proud of your achievement. We are praying for him as we are sure you are, as well.

With every good wish in the Lord Jesus we remain,

Rev. GERALD KOBBEMAN.
Rev. DANIEL DEUTSCH.
Rev. BRIAN GEARY.

HONORING JOAN AND STANFORD ALEXANDER—DISTINGUISHED LEADERSHIP AWARD 1999 RECIPIENTS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Joan and Stanford Alexander for their outstanding contributions to the American Israel Public Affairs Committee in both Houston and nationally.

An underlying principle of AIPAC is that dedicated individuals can make a difference in Israel's future by strengthening relations between America and Israel. The Alexanders' work on behalf of this goal is nothing short of exceptional. The Melvin A. Dow Distinguished Leadership Award was established in 1998 to honor those individuals who have had a powerful impact on the Houston pro-Israel community. On March 29, 1999 AIPAC presents the Melvin A. Dow Distinguished Leadership Award to Joan and Stanford Alexander.

The Alexanders embody leadership and altruism that is inspiring. Joan and Stanford have been highly involved with AIPAC for many years, both on local and national levels. Joan served as South Texas State co-Chair, promoting grassroots awareness of the organization, and both are instrumental in the growth of its membership base. They also have participated in the National Council and currently serve on the National Executive Committee, where they work with top AIPAC leadership from across the country in establishing AIPAC national policy and objectives. Additionally, they have played a major role in the University of Houston Jewish Studies Program, the Houston Food Bank, S.E.A.R.C.H. House of Tiny Treasures and Dress for Success. Through their efforts of lobbying and educating key elected officials, the Alexanders have developed outstanding personal relationships with members of Congress, the Administration, and State officials as well.

The Alexanders have been involved in AIPAC for over two decades. They have recognized that Israel's security could not be guaranteed by philanthropy alone and the involvement of the United States Congress would be vital to maintaining Israel's economic prosperity and national security in the Middle East. Whether hosting Senators in their home to discuss policy issues or traveling to Washington, DC, to lobby a Congressman, the Alexanders are activists who have turned their passion for the State of Israel into action on behalf of a strong alliance between the two countries in whose ideals and foundations they so strongly believe.

It is a great tribute to Joan and Stanford Alexander that AIPAC is bestowing them with the 1999 Melvin A. Dow Distinguished Leadership Award. Their achievements are an inspiration to the numerous leaders who work tirelessly to strengthen our community and our relations with the state of Israel.

Mr. Speaker, I congratulate Joan and Stanford Alexander on receiving the Melvin A. Dow Distinguished Leadership Award. Their service to our country and Houston will not be forgotten.

MATHEW SILVINO ROMAN ACHIEVES EAGLE SCOUT RANK

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an outstanding young man, Mathew Silvino Roman, who has distinguished himself by achieving the rank of Eagle Scout in the Boy Scouts of America. He will be recognized for this honor in May.

I am proud to join the chorus of Mathew's family and friends in congratulating him on attaining this high honor. The Boy Scouts really do teach lessons in life and build a foundation for responsible citizenship. This achievement gives young men a solid start on college and adulthood.

Mathew has a sense of adventure, perhaps the most telling legacy of the Boy Scouts in America. His activities show him to be a leader and a young man who knows what is important in life. He has even added the "Ad Altari Dei" Medal to his vast collection; it is the Catholic Church's religion medal in scouting.

Mathew is a young scientist, with a flare for musical talent. He has consistently made outstanding grades throughout his school years, including his current advanced classes.

This is a young man dedicated to the finest tradition of citizenship, faith, service, scholarship, and talent. Please join me in commending this new Eagle Scout.

THE 100TH ANNIVERSARY OF THE BOROUGH OF FLORHAM PARK, COUNTY OF MORRIS, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to congratulate the people of the Borough of Florham Park, County of Morris, New Jersey, as they commemorate the 100th anniversary of the incorporation of their community.

Florham Park was founded on March 20, 1899, but history of this community began in 1708. In that year, John Campfield of Newark and John Hopping of Elizabethtown and his family settled here. This growing settlement was a legal part of larger township; first Whippany then Hanover Township in 1718, then Chatham Township, until it was founded 100 years ago as the Borough of Florham Park.

After the Revolutionary War, the settlement grew into a prosperous farming community. High quality brooms from broomcorn became the trademark of the community. These brooms could be found on doorsteps in Newark, New York City, and Trenton. The community became better known as Broomtown in the end of the 18th century.

In the later part of the 19th century the southeastern part of Morris became an attractive vacation resort. Hamilton McKeon Twombly and his wife Florence Vanderbilt and Dr. Leslie D. Ward built their large estates in this community and opened part of them to the public. Not favoring high taxes, these two men petitioned to create their own town that was made a legal entity on March 20, 1899.

The new borough began with a population of 800 with 170 legal voters. The community had only an active volunteer Fire Department and truck house, the Little Red School House, Calvary Chapel, a Post Office and St. Elizabeth's Academy.

In Florham Park's first 100 years it has blossomed into a well-rounded suburban town. The community now consists of a municipal building, four shopping centers, three public schools, two assisted-living facilities, a post office, an excellent library, a recreational facility, and it hosts Fairleigh Dickinson University and St. Elizabeth's College and Academy.

Mr. Speaker, for the past 100 years the Borough of Florham Park has prospered as a community and continues to flourish today. By all accounts, it will continue to prosper in the future and I ask you, Mr. Speaker, and my colleagues to congratulate all residents of Florham Park on the special anniversary year.

A TRIBUTE TO THE STONY BROOK ROTARY CLUB ON ITS 50TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1999

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Stony Brook Rotary Club, an invaluable community service organization that is celebrating its 50th anniversary. For the past half century the Stony Brook Rotary Club has lived up to the spirit of Rotary International by serving the needs of the children and elderly, and the disadvantaged of this Eastern Long Island community.

The charities and community programs that the members of the Stony Brook Rotary Club support have a profound effect on the quality of life of so many of my neighbors here on Long Island. In the interest of time, I can name but a few, they include the Rotary International Student Exchange Program, scholarships for local high school students, Meals on Wheels, the Salvation Army, Boy Scouts and Girl Scouts, the Comsewogue Youth Bureau, Special Olympics to Crime Stoppers and regular food drives.

In its first fifty years of existence, the members of the Stony Brook Rotary Club's singular significant service to the community is its outstanding work in the Gift of Life Program and the Polio-Plus Drive. The Gift of Life Program is a humanitarian effort providing life-saving open heart surgery to children from infancy to 21 years of age, with many of the children coming from underdeveloped countries where such surgery is nonexistent. The Stony Brook Rotary Club contributes its time and resources to the care and welfare of these children, and works with the World Health Organization to reduce the threat of polio to children in Third World countries through the Polio-Plus Drive.

The Stony Brook Rotary Club was founded in May 1949 when the Port Jefferson Rotary Club sponsored the formation of a new club in the growing Three Village community. Here on the East End of Long Island, just as they do across America, we treasure the close-knit, community spirit of our towns and villages, where neighbors help each other through times of need. Mr. Speaker, Stony Brook is a community where residents are committed to helping those in need, whether it's feeding a hungry child, helping a talented student afford a college education or caring for an elderly neighbor.

That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting the Stony Brook Rotary Club on its 50th anniversary. For half a century, the Rotary Club has done more than just help neighbors who need it, or provide opportunities for their children. The Rotary Club has also provided the citizens of Stony Brook the opportunity to express their strong love for their community by getting involved and by helping their neighbors. Congratulations to the Stony Brook Rotary Club, and may it enjoy many more happy anniversaries to come.

SPECIAL RECOGNITION OF PROLOGUE, INC.

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to praise the vision, tireless work, and unwavering commitment of the men and women of Prologue, Inc. For the past twenty-five years, Prologue, Inc. has provided an invaluable service to thousands of Chicago residents, especially in the Uptown, Edgewater, Lawndale, Woodlawn, Englewood, and South Shore communities.

Through its high school diploma program, Prologue, Inc. has assisted hundreds of out-of-school youths and older adults to receive their high school diplomas or their GED. In the past fifteen years, Prologue, Inc. has provided adult education and English as a Second language classes to more than 1000 adults.

Prologue, Inc. has also established an intergenerational alternative education program, and has provided community-based educational, counseling, and referral services for low-income juvenile offenders.

Furthermore, more than 200 low-income families will have an opportunity to participate in Prologue's citywide welfare-to-work initiative. Through this program, families in need will have the opportunity to receive employment training and placement assistance.

Prologue, Inc. is a champion for Chicago families. This community-based organization is improving the quality of life for thousands by helping to deliver a brighter future to those in need.

DECLARATION OF POLICY OF THE UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4. This bill declares it to be the policy of the United States to deploy a national missile defense.

This bill continues this body's tradition and mission to provide for the safety and security of our democracy and its citizens. If we can develop a system that can prove itself, in rigorous testing, capable of protecting this country from a limited missile attack, then I think we should support this project. I support this bill because of the importance of America's national security.

In recent years, ballistic missile and weapons of mass destruction technologies have proliferated at an alarming rate. The threat presented by these technologies, particularly from rogue states such as North Korea, Iraq, Libya and Iran, is growing more serious by the day. During the 105th Congress a bipartisan commission of national security experts was established to examine the threat to U.S. security. The commission's conclusions released in July 1998, indicate the threat posed to the United States by nations seeking to acquire ballistic missiles and weapons of mass destruction "is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the intelligence community." In its conclusion the commission highlighted that the United States might have little or no warning before a ballistic missile threat is known.

While the growing threat is sobering, we should be realistic in our pursuit of a national missile defense. At present Mr. Speaker, we do not have a system ready for deployment. In five tests of the anti-missile interceptor known as THAAD, anti-missile interceptors have failed to hit a single target. We are a long way from being able to defend against a deliberate attack by a well-armed adversary let alone an accidental launch.

I support this bill not because of the near term reality of a missile defense system but because of the growing threat to our national security. I further support this bill because of its limited scope. The bill does not say what will be deployed, when it will be deployed, or where it will be deployed. It would be imprudent for Congress to rush the technological development of a system, which remains unproven. If we deploy a system just for the sake of deploying a system we would be doing a grave disservice to the American people.

In addition to deploying a system, which is cost effective and reliable, we also must consider the effect of a national missile defense on current treaties. We cannot push a national missile defense system so as to undermine the Strategic Arms Reduction Treaty (START II) or the potential to further reduce weapons of mass destruction in future treaties.

In adopting today's bipartisan bill, this body is signaling its commitment to the future defense of our Republic. Missile defense is but one prong of a successful strategy against weapons of mass destruction that has been followed by the Clinton Administration and this Congress. The first prong of this strategy is the prevention of threats through arms control and nonproliferation treaties. Included in the first prong is disarmament assistance to the former Soviet Union and multilateral export controls. The second prong of our defense has been deterrence by maintaining the strength of the U.S. armed forces.

I would have preferred to have the opportunity to vote for the Allen amendment. This amendment would have ensured that the deployment of a national missile defense was based on technology, threat and affordability.

While I support this resolution, I will be monitoring the progress of the development of the national missile defense system to ensure that it does not become a reckless waste of the American taxpayer's money. I would prefer to see a cost-effective system, which is ground based. Mr. Speaker, all Americans are concerned about the security of our nation and the protection of its citizens.

As we proceed with the development of the national missile defense we should not lose sight of the successes which the first two prongs of our strategy have had in the defense against weapons of mass destruction. We would also be unwise not to heed the warnings of our intelligence community; this is why I will support the development of a national missile defense.

CURTIS RATCLIFF REMEMBERED AS FRIEND OF TAXPAYERS

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1999

Mr. TAYLOR of North Carolina. Mr. Speaker, Buncombe County, Western North Carolina and America lost a true leader this week, R. Curtis Ratcliff. "Curt" was a leader in Buncombe County government for nearly two decades and fighter for the taxpayers. I am honored to share with my colleagues The Asheville Citizen Times of March 18th appreciation of Curt.

[From the Asheville Citizen Times, Mar. 18, 1999]

RATCLIFF REMEMBERED AS FRIEND TO TAXPAYERS

(By Barbara Blake)

LEICESTER—R. Curtis "Curt" Ratcliff was a man who ruffled plenty of political feathers during his 16 years at the helm of Buncombe County government. But few would argue with the fact that he was a champion of the "little man" and a passionate advocate for county taxpayers.

Ratcliff, who died Monday at age 69, had friends and foes in the political arena. But community leaders who worked with Ratcliff during more than two decades in public service said Wednesday he was a man of his word, a tireless proponent of fiscal responsibility and a friend to the community.

"Sure, there were partisan politics," said former County Commissioner Doris Giezentanner, one of many Democrats who squabbled with the Republican leader during his four terms as chairman of the county board.

"That always happens on a mixed board or even one that is one party or another," Giezentanner said. "But it's quickly forgotten; I will always remember Curtis as a kind, generous person even when we differed politically."

Ratcliff, who served as commission chairman from 1972 until he was defeated in 1988 by UNCA political science professor Eugene Rainey, differed politically with a lot of elected officials over the years—sometimes even those of his own party, if they seemed to favor citizens inside rather than outside the city of Asheville.

Former Asheville Mayor Louis Bissette was one of them—a Republican, but a champion of the city's interests in divisive issues like the revamping of the city-county water agreement.

"There were some very difficult issues that arose during the 1980s between the city of Asheville and Buncombe County," Blasette said. "But even in the midst of those emotional times, I always found you could depend on Curt Ratcliff's word, and he always acted in what he believed to be the best interests of the people of Buncombe County."

Tom Sobol, current chairman of the board, was a newcomer during Ratcliff's last term, 1984–88. One of two Democrats—with Giezentanner—on the five-member commission, Sobol clashed frequently with the Republican leader.

"Even though I was in the minority party, Curt was always up front and totally honest with me on every issue that came up," Sobol said. "We had different political philosophies, but he was always up front about where he was going to be (on an issue) and what was going to happen."

Ratcliff also kept his door open to the freshman commissioner and offered help when it was needed.

"I never went into Curt's office that he wouldn't take time to explain to me the workings of some county government problem I had a question about," Sobol said. "That meant a great deal to me, that he would take time to deal with me when he didn't have to."

Former Republican Commissioner Jesse Ledbetter, who served two terms with Ratcliff, said the long-time chairman was "an advocate for the little people of Buncombe County, particularly those living outside the city."

"During this century, I do not know of a better friend to the taxpayers than Curt Ratcliff was," Ledbetter said. "He was always very meticulous in the wise use of public funds, and in safeguarding all public assets."

"He was a good friend in every way," Ledbetter said.

EMPLOYEE PENSION PORTABILITY AND ACCOUNTABILITY ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 22, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing the Administration's pension proposals contained in its fiscal year 2000 budget submission to the 106th Congress. These proposals build on previous efforts to improve the chances for every American to have a secure retirement of which an adequate level of retirement income is a crucial factor. The proposals are aimed at making it easier for employers to offer pension plans, and for employees to retain their pension benefits when switching jobs. Proposals to encourage small businesses to establish pension plans, and to encourage more individuals to utilize retirement accounts are included. In addition, the Administration's pension proposals also contain numerous simplification initiatives.

As we all know, it is assumed that every worker will have retirement income from three different sources—social security, private pensions, and personal savings. This so-called three-legged stool does not exist for many workers, either because they work for employers who do not offer a pension plan, or the benefits offered are inadequate, or because some employees earn too little to save for their retirement on their own. While the 106th Congress is expected to address the problems of the social security system, it is imperative that this Congress expand and improve the private pension system as well.

Many workers, like federal workers in FERS, are eligible to save for their retirement through social security, a defined benefit plan, a defined contribution plan, and hopefully through personal savings. In general, employers in the private sector, however, have moved away from offering defined benefit plans, much to the detriment of overall retirement savings. Since 1985, the number of defined benefit plans has fallen from 114,000 to 45,000 last year. The number of defined contribution plans, conversely, has tripled over the last twenty years. While defined contribution plans have the advantage of being highly portable, and are an important source of savings, it is also important to remember that defined contribution plans were intended to supplement, rather than be a primary source of, retirement income.

In addition, we cannot ignore the fact that women and minorities face special challenges in obtaining adequate retirement savings. For women, this is directly related to employment patterns. Women are more likely to move in and out of the workforce to take care of children or parents, work in sectors of the economy that have low pension coverage rates, and earn only 72 percent of what men earn. Fifty-two percent of working women do not have pension coverage, and 75 percent of women who work part-time lack coverage. For minorities, lack of pension coverage and a lower pension benefit level is often related to low wages. While 52 percent of white retirees receive an employment-based pension at age 55, only 32 percent of Hispanic Americans and 40 percent of African Americans receive such pensions.

While these problems cannot be solved overnight, it is necessary for us to make improvements in the pension system whenever there is an opportunity. I believe we have been provided with just such an opportunity in this Congress, and we should seize that opportunity. The Administration's proposals incorporated into this bill take an important step forward. I encourage my colleagues to join me in making improved pensions a reality for many American workers.

THE EMPLOYEE PENSION PORTABILITY AND ACCOUNTABILITY ACT OF 1999

SECTION BY SECTION

Section 1. Short Title.

This legislation is entitled the Employee Pension Portability and Accountability Act of 1999.

Section 2. Payroll Deduction for Retirement Savings.

This section is intended to promote increased retirement savings among employees. Employees could elect to have contributions, up to a total of $2,000, withheld during the year from their paychecks and contributed to an IRA. Under this Section, employees who are eligible for a deductible IRA could elect to have pre-tax contributions withheld by their employer and deposited to their IRA. These IRA contributions generally would be excluded from taxable income on the W–2 rather than deducted from income on the individual's tax return. However, the amounts would be subject to employment taxes (FICA) and would be reported as contributions to an IRA on the employee's Form W–2. If at the end of the year, the employee is determined not to be eligible for any portion of the $2,000 contribution, the employee would be required to include such amounts as income for that taxable year.

The legislative history under this Section also would clarify that employees not eligible for a deductible IRA could use payroll deductions of after tax amounts as contributions to a nondeductible IRA or Roth IRA. Such an arrangement would not constitute the employer sponsoring a plan.

The provision would be effective for taxable years beginning after December 31, 1999.

Section 3. Credit for Pension Plan Startup Costs of Small Employers.

The credit provided under this Section is intended to be an additional incentive to employers, especially small employers who may not otherwise establish a plan because of high start-up costs. Under this Section, the employer could claim a credit for up to three years after establishing a new qualified defined benefit plan or defined contribution plan including a section 401(k), a SIMPLE, SEP, or IRA payroll deduction arrangement. The credit for the first year of the plan is 50 percent of up to $2,000 in administrative and retirement education expenses. For the second and the third year, the credit would be 50 percent of up to $1000 of such expenses.

For purposes of the credit, an eligible employer is one who employs no more than 100 employees in the preceding tax year and the compensation of each employee was at least $5,000 for the year. The employer would be eligible only if such employer did not have a retirement plan prior to establishing the new plan. In addition, the new plan must cover at least 2 employees, and must be made available to all employees who have worked with the employer for at least three months.

The credit is effective beginning in the year of enactment and would be available only for plans established on or before December 31, 2000. Thus if an eligible employer established a plan in the year 2000, the credit would be available for the years 2000, 2001, and 2002.

Section 4. Secure Money Annuity or Retirement Trusts (SMART).

This Section creates a simplified defined benefit plan. As in all defined benefit plans, contributions are made by the employer. The plan would be available to employers with no more than 100 employees who received at least $5,000 in compensation in the prior year. In addition, the employer could not have maintained a defined benefit plan or money purchase plan within the preceding five years. The plan generally would be available to all employees who have completed two years of service with the employer and earned at least $5,000 in compensation. Like all other qualified plans, contributions to the SMART plan would be excludable from income, earnings would be accumulated tax-free, and distributions at the time the distribution is made would be subject to income tax (unless rolled over). Participants would be guaranteed a minimum annual benefit upon retirement, but could receive a larger benefit if the return on the plan assets exceeds specified conservative assumptions. The employee would be guaranteed a minimum annual benefit upon retirement which would be equal to 1 or 2 percent of the employee's compensation plus a minimum rate of return of 5 percent. The minimum annual benefit would be computed based on the employee's average compensation with the employer, the number of years worked, and the percentage elected by the employer. Thus, an employee with 25 years of service, whose average salary was $50,000, and whose employer elected a 2 percent benefit would receive an annual benefit of $25,000 at retirement (age 65). The guaranteed benefit requirement could result in some employers making additional contributions to the employees' account if the rate of return plus the contributions do not produce sufficient assets to pay the minimum guaranteed benefit. If the rate of return exceeds 5 percent, the employee would receive a benefit greater than the minimum guaranteed benefit. The Pension Benefit Guaranty Corporation (PBGC) would provide insurance to ensure the payment of the guaranteed benefit.

To permit catch-up contributions on behalf of workers (especially workers nearing retirement age) for the years a retirement plan was not available, an employer could elect a benefit equal to 3 percent of compensation for the first 5 years the plan is in existence. This higher percentage would be elected in lieu of 1 or 2 percent and would have to be made available to all employees. The maximum amount of compensation that could be taken into account for purposes of determining the annual benefit would be $100,000 indexed for inflation.

Employees would immediately vest in the contributions made and the earnings that accrue under the plan. Benefits in the account would be treated as all other qualified pension plans, i.e., the contributions or earnings would not be taxable to the employee in the year made (or earned) and the employer would be permitted to deduct currently the contributions made to the plan. Distributions from the plan would be taxable to the employee upon distribution except where the balance is directly rolled over from a SMART plan to another SMART plan by the trustee of the plan.

The provision would be effective for calendar years beginning after December 31, 1999.

Section 5. Faster Vesting of Employer Matching Contributions.

This section changes the vesting requirement for employer contributions. Under current law, employer matching contributions vest after either 5 years cliff vesting or 7 years graded vesting. Under the 5-year vesting, an employee becomes fully vested (i.e., full rights) to employer contributions after the employee has completed five years of service with the employer. If the years of service is less than 5 years, the employee does not vest in any portion of the contributions. Under 7-year graded vesting, the employee becomes fully vested to the employer contributions in increments of 20 percent, which begins after the employee completes three years of service, and is fully vested after seven years of service. Under this provision, the 5-year cliff and the 7-year graded vesting schedules would be modified to provide for 3 year cliff vesting and 6 year graded vesting. The 6 year vesting would begin after the employee has completed two years of service. The vesting schedules would apply for all employer matching contributions made under any qualified plan.

The provision would be effective for plan years beginning after December 31, 1999.

Section 6A. Pension Right to Know Proposals.

This provision would modify current law with respect to a written waiver of a survivor annuity. Under current law, the plan participant (not the spouse) is provided with a written explanation of terms and conditions of the survivor benefit. This provision would require that the same written information provided to the plan participant also is provided to the spouse. This would help the spouse to fully understand both his or her rights under the plan, and the full implication of a waiver of those rights.

This provision would be effective for plan years beginning after December 31, 1999.

Section 6B. Right to Know Pension Plan Distribution Information.

This provision would require employers who use one of the 401(k) safe harbor plan designs to provide employees with sufficient notice that would afford them the real opportunity to make an informed decision regarding electing to contribute (or modify a prior election) to the employer-sponsored plan. The employee would be provided at least a 60-day period before the beginning of each year and a 60-day period when he or she first becomes eligible to participate. In addition, the current requirement that employers notify eligible employees of their rights to make contributions, as well as notify them of the employer contributions formula being used under the plan, would be modified to require that such notice be given within a reasonable period of time before the 60-day period, rather than before the beginning of the year.

This provision would be effective for plan years beginning after December 31, 1999.

Section 7. Mandatory 1 Percent Employer Contribution Required Under Alternative Methods of meeting Nondiscrimination Requirements for 401(k) Plans.

This Section modifies 401(k) matching formula safe harbor by requiring that, in addition to the matching contribution, employers would make a contribution of 1 percent of compensation for each eligible non-highly compensated employee, regardless of whether the employee makes elective contributions. This contribution shows the value of tax-deferred compounding. This provision would not apply where the employer uses the safe harbor design under which the employer contributes 3 percent of compensation on the behalf of each eligible employee without regard to whether the employee makes an elective contribution.

This provision would be effective for plan years beginning after December 31, 1999.

Section 8. Definition of Highly Compensated Employees.

Under current law, a highly compensated employee is defined as an employee who was a 5 percent owner of the employer at any time during the preceding year, or had compensation of $80,000, and if the employer elects, was in the top-paid group of employees for the preceding year. An employee is in the top-paid group if the employee was among the top 20 percent of employees of the employer when ranked on basis of compensation paid to employees in previous years. This Section eliminates the top-paid group from the definition highly compensated employee. Thus, the level of compensation earned or ownership determines whether the employee is highly compensated.

This provision would be effective for plan years beginning after December 31, 1999.

Section 9. Treatment of Multiemployer Plans under section 415.

This Section would repeal the 100 percent-of-compensation limit, but not the $130,000 limit for such plans. Also, it would exempt certain survivor and disability benefits from the adjustments for early commencement and participation, and service of less than 10 years.

This provision would be effective for plan years beginning after December 31, 1999.

Section 10. Full Funding Limitation for Multiemployer Plans.

This Section would eliminate the limit on deductible contributions based on a specified percentage of current liability. The annual dedication for contributions to such a plan would be limited to the amount by which the plan's accrued liability exceeds the value of the plan's assets.

This provision would be effective for plan years beginning after December 31, 1999.

Section 11. Elimination of Partial Termination Rules for Multiemployer Plans.

Under current law, when a qualified retirement plan is terminated, all plan participants are required to become 100 percent vested in their accrued benefits to the extent those benefits are funded. In the case of certain "partial termination" that is not actual plan termination, all affected employees must become 100 percent vested in their benefits accrued to the date of the termination, to the extent the benefits are funded. Partial terminations generally occur when there is a significant reduction in workforce covered by the plan. This Section repeals the requirement that affected participants become 100 percent vested in their accrued benefits upon the partial termination of qualified multiemployer retirement plan.

This provision would be effective for partial terminations occurring after December 31, 1999.

Sec. 12. Rollovers Between Qualified Retirement Plans and Section 403(b) Tax-Sheltered Annuities.

Under current law, rules governing eligible rollover distributions do not permit rollover of funds from a section 403(b) tax-sheltered annuity to another type of qualified retirement plan. Amounts saved in a section 403(b) tax-sheltered annuity only can be rolled over to another section 403(b) tax-sheltered annuity. This Section would allow an eligible rollover distribution to be rolled over to a qualified retirement plan, a section 403(b) tax-sheltered annuity, or a traditional IRA. Also, an eligible rollover distribution from a section 403(b) tax-sheltered annuity, could be rolled over to another section 403(b) tax-sheltered annuity, a qualified retirement plan, or a traditional IRA.

This provision would be effective for distributions after December 31, 1999.

Sec. 13. Rollover of Contributions From Non-Qualified Deferred Compensation Plans of State and Local Governments to IRAs.

Current law does not permit participants of eligible non-qualified deferred compensation plans of States and local governments (section 457 plans) to roll over distributions from these plans to an IRA. This Section would allow participants of section 457 plans to roll over distributions from these plans to an IRA.

This provision would be effective for distributions after December 31, 1999.

Sec. 14. Rollover of IRA Contributions To A Qualified Retirement Plan.

Current law does not allow contributions made to an IRA, not including rollover contributions from a qualified retirement plan or a section 403(b) tax-sheltered annuity, to be rolled over to an employer-sponsored qualified retirement plan. This provision would allow individuals to roll over these traditional IRA contributions to a qualified plan, including section 403(b) tax-sheltered annuities.

This provision would be effective for distributions after December 31, 1999.

Sec. 15. Rollover of After-Tax Contributions.

Current law permits employees to make after-tax contributions to qualified retirement plans but they are not allowed to roll over distribution of these amounts either to an IRA or a qualified retirement plan. This provision would allow employees to roll over their after-tax contributions as part of an eligible rollover to a traditional IRA or an employer-sponsored qualified plan provided that the receiving plan or IRA provider agrees to track and report the after-tax portion of the rollover contribution for the individual.

This provision would be effective for distributions after December 31, 1999.

Sec. 16. Purchase of Service Credit in Governmental Defined Benefit Plans.

This provision would permit employees of State and local governments, particular teachers, who often move between States and school districts in the course of their careers to make tax-free transfers from their section 403(b) tax-sheltered annuities of governmental section 457 plans to purchase service credits under their defined benefit plan.

This provision would be effective for distributions after December 31, 1999.

Sec. 17. Modifications to Joint and Survivor Annuity Requirements.

This provision would modify current law to provide that retirement plans which are required to provide a joint and survivor annuity option must include the option under which the plan participant could elect to receive a lifetime benefit equal to at least 75 percent of the benefit, to be paid to the surviving spouse, the couple received while both were alive. Under current law, a joint survivor annuity provides for a benefit of 50 percent of the benefit received while both are alive.

This provision would be effective for plan years beginning after December 31, 1999, with an extended effective date for plans maintained pursuant to a collective bargaining agreement.

Sec. 18. Period of Family and Medical Leave Treated as Hours of Service for Pension Participation and Vesting.

This provision would allow leave taken by an employee under the Family and Medical Leave Act (FMLA) to be taken into account for purposes of (a) determining the employee's eligibility to participate in the employer-sponsored plan, and (b) vesting in benefits accrued to the employee's retirement account/plan.

This provision would be effective for plan years beginning after December 31, 1999.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 23, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 24

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine nuclear waste storage and disposal policy, including S. 608, to amend the Nuclear Waste Policy Act of 1982.

SD-366

Environment and Public Works

To hold hearings on voluntary activities to reduce the emission of greenhouse gases.

SD-406

Indian Affairs

To hold hearings on S. 399, to amend the Indian Gaming Regulatory Act.

SD-628

Rules and Administration

To hold hearings on campaign contribution limits.

SR-301

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.

345 Cannon Building

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on active and reserve military and civilian personnel programs and the future years defense program.

SR-222

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Secretary of the Senate, Sergeant at Arms, and the Congressional Budget Office.

SD-116

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of the Justice.

SD-124

Foreign Relations

Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold hearings on Colombia's threat to United States interests and regional security.

SD-419

Governmental Affairs

To resume hearings on the future of the Independent Counsel Act.

SH-216

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings to examine fee collection policies under the Securities Act of 1933 and Securities Exchange Act of 1934.
SD–538

Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings on S.J. Res. 3, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SD–226

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of the Army.
SD–192

2 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 323, to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area; S. 338, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior; and S. 568, to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions.
SD–366

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

Armed Services
Airland Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on Army modernization, and the future years defense program.
SR–222

Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings on the effect of State ethics rules on federal law enforcement.
SD–226

Foreign Relations
European Affairs Subcommittee
To hold hearings on issues relating to the European Union, focusing on internal reform, enlargement, and a common foreign policy.
SD–419

2:30 p.m.
Armed Services
Seapower Subcommittee
To hold hearings to examine littoral force protection and power projection in the 21st century.
SR–232A

MARCH 25

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the economic impacts of the Kyoto Protocol to the Framework Convention on Climate Change.
SD–366

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on issues relating to bioterrorism.
SD–430

10 a.m.
Foreign Relations
To hold hearings on issues relating to United States-Taiwan relations.
SD–419

Commission on Security and Cooperation in Europe
To hold hearings to examine certain issues concerning the return of property confiscated by fascist and communist regimes to their rightful owners in post-communist Europe.
2255 Rayburn Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the United States Coast Guard, Department of Transportation.
SD–124

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on issues relating to grade crossing safety.
SD–106

Appropriations
Treasury and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of the Treasury.
SD–138

Judiciary
Business meeting to consider pending calendar business.
SD–226

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Federal Communications Commission and the Securities and Exchange Commission.
S–146 Capitol

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold oversight hearings to examine multiple program coordination in early childhood education.
SD–342

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation dealing with modernizing air traffic control programs.
SR–253

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on the Wye Package and terrorist attacks of United States citizens in Israel.
SD–192

2 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on satellite reform issues.
SR–253

Judiciary
Youth Violence Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2000 for Office of Justice Programs, Department of Justice.
SD–226

YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings on Y2K compliancy issues, with regard to defusing United States and Russian nuclear concerns.
SD–562

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

APRIL 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the published scandals plaguing the Olympics.
SR–253

Indian Affairs
To hold oversight hearings on the implementation of welfare reform for Indians.
SR–485

APRIL 20

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.
SD–366

Indian Affairs
To hold oversight hearings on the implementation of the Native American Graves Protection and Repatration Act.
SR–485

APRIL 21

9:30 a.m.
Indian Affairs
To hold hearings on S. 401, to provide for business development and trade promotion for native Americans, and for other purposes.
SR–485

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings to review the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.
SD–366

APRIL 27

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.

SD-366

APRIL 28

9:30 a.m.

Indian Affairs

To hold oversight hearings on Bureau of Indian Affairs capacity and mission.

SR-485

MAY 4

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.

SD-366

Indian Affairs

To hold oversight hearings on Census 2000, implementation in Indian Country.

SR-485

MAY 5

9:30 a.m.

Indian Affairs

To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.

SR-485

MAY 6

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.

SH-216

MAY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on HUBzones implementation.

SR-485

MAY 19

9:30 a.m.

Indian Affairs

To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

SR-485

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

POSTPONEMENTS

MARCH 24

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on telecommunication broad band issues.

SR-253

SENATE—*Tuesday, March 23, 1999*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord of all nations, You have enabled the United States to become the most powerful Nation on Earth. By Your blessings, we are rich in natural resources and human potential. We have achieved military might. Help us to know where and when to use our influence or military intervention for the greatest good. Bless the Senators with great wisdom as they consider their votes today on the nature and extent of our Nation's involvement in the crisis in Kosovo. You have told us that if we ask for guidance, You will help us to know what is both wise and creative. Most of all, Lord, we ask You to heal the historic hatred and ethnic prejudices causing this crisis. In today's vote and in all that is said and done in this Senate, may we accomplish the goal of using power wisely. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, this morning the Senate will resume consideration of the supplemental appropriations bill. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders, or their designees, for debate on the Lott amendment regarding Kosovo.

The Senate will recess from 12:30 until 2:15 p.m. today to allow the weekly party caucuses to meet. Upon reconvening at 2:15, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the Lott amendment. Notwithstanding the outcome of the cloture vote, it is still anticipated that the Senate will turn to the consideration of S. Con. Res. 20, the budget resolution.

Therefore, Members should expect rollcall votes throughout Tuesday's session, with the first vote occurring at 2:15 p.m.

I thank my colleagues and I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 679 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 544, which the clerk will report.

The bill clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 81, to set forth restrictions on deployment of the United States Armed Forces in Kosovo.

Lott amendment No. 124 (to amendment No. 81), to prohibit the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

AMENDMENT NO. 124

The PRESIDING OFFICER. The time until 12:30 p.m. shall be equally divided between the two leaders or their designees on the Lott amendment No. 124.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, it appears that we are on the verge of sending American warplanes to bomb Serbian installations in and around Kosovo in an effort to force Yugoslav President Milosevic to accept the terms of a peace agreement that he has, so far, rejected. I stand on the floor of the Senate to express my strong opposition to this policy and warn the Administration that the United States may be blindly heading into a war whose outcome is far from pre-determined.

Mr. President, I believe the President has failed to articulate a rationale to the American people that can justify an act of war by NATO against Serbia. Nor do I believe that the Administration has demonstrated what vital interest justifies armed intervention.

When the President originally announced his plan to send 4,000 American soldiers to Kosovo as part of a larger NATO force, it was premised on the idea that the troops would be deployed, as in Bosnia, as a peacekeeping force. I had serious concerns about this commitment because it was not clear to me whether American troops would be stationed in Kosovo for a month, for a year, or for a decade. Nor did I believe that it was in our national interest to participate in this operation because I do not believe there is any vital interest of the United States that is at stake in this civil war. And I emphasize "civil war."

Mr. President, the peacekeeping commitment was made several weeks ago. In the intervening period, one thing has happened. There is no peace to keep.

Although the rebels in Kosovo have agreed to the terms of a peace agreement, the Yugoslavian government has rejected the terms of the agreement in part because it rejects the idea of having NATO troops police its sovereign territory in Kosovo.

Having failed to negotiate a peace agreement, the Administration has now changed its strategy. We are fueling up our warplanes, targeting our cruise missiles, and planning to launch air strikes against the Serbs in an effort to force Milosevic to accept the peace agreement. Never mind that the peace agreement he is being asked, or forced, to accept—could allow for the independent future of a province within his country.

Yes, Mr. President, this is an intervention by the United States in a civil war where rebels in one province seek independence. And by choosing to bomb the Serbians, we have directly taken the side of the Kosovo rebels.

Make no mistake, our air strikes against Serbian forces are strongly supported by the Kosovo rebels who have been fighting for independence. And by backing the rebels, the bombing will encourage the independence movement with the prospect that the borders of Kosovo and Albania ultimately will be redrawn along ethnic lines. Is that what our goal is? To break up a country?

Mr. President, American airstrikes are not going to be a cakewalk by any means. We have already been advised of this by our military.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The terrain in this area is heavily fortified with anti-aircraft emplacements. What will happen if American airmen are shot down by surface to air missiles? What happens if our bombing campaign does not force Milosevic to change his posture, just as our near-daily air strikes have done nothing to Saddam Hussein.

Are we willing to send in ground combat troops to convince Milosevic to accept the terms of the peace agreement? How many? 50,000? 100,000? 200,000? If we are unwilling to commit ground troops to force the terms of this so-called peace agreement, then I believe we should not commit a single American pilot.

Mr. President, I am sympathetic to the people in Kosovo who have been brutalized by Milosovic, just as my sympathy has run deep for the people throughout Yugoslavia who have known nothing but war for over a generation. But is our opposition to Milosevic reason enough to sacrifice American lives to an undefined cause? Milosovic is a terrorist; he is a killer. We should bring him to justice for crimes against humanity; but we should not engage in a war which will cost American lives and continue indefinitely.

Finally, Mr. President, I would simply remind my colleagues that from the outset I have been concerned that American involvement in Kosovo would become another Bosnia. I take it back. Knowing what I know now about the region, about the opposition, I am concerned that it will not be like Bosnia—and that many American lives will be lost in the process of enforcing an undefined objective.

Mr. President, I yield the floor, and I am pleased to yield to my friend from Idaho.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering S. 544, and the Lott amendment, No. 124, is under consideration at this point in time.

Mr. CRAIG. Is also the Smith-Craig amendment to the Lott amendment in order, or is the appropriate order at this time the Lott-Hutchison amendment?

The PRESIDING OFFICER. The Chair is under the impression that the Senator's language is incorporated into the Lott amendment, and, therefore, it would be prudent to debate that language at this time.

Mr. CRAIG. Thank you, Mr. President.

Mr. President, I am here to join my colleague from Alaska and others who have spoken with great concern about the situation in Kosovo, and as it transpires, some of our feelings and concerns about what this country might do, and most importantly, what this country should not do.

The Presiding Officer and I, on a weekly basis, engage ourselves in a telephone/radio conversation with a news program in Boise, ID. I was involved in that program yesterday morning, speaking about the atrocities in Kosovo, when I used the expression "human hatred." This is not a difference in policy. This is not even a difference between Serbia and Kosovo in territory. This is a difference spelled out by 300 years of hatred, hatred that had boiled up out of differences of religious beliefs, and it is a hatred that has prevailed in the region so long and had cost so many lives that it is almost incalculable. Certainly in this American's mind it is. I have never known hatred of that kind.

After that radio conversation was over, the emcee of that program asked if I would stay on the line and we visited privately. He reflected to me about how he and his wife had in their home an exchange student from Serbia. He said, "You know, Senator CRAIG, you were absolutely right to use the term 'hate.'" He said, "When we broached this subject with this young exchange student," I believe a junior in high school, he said, "we were astounded by the hatred that rolled up out of this young man. Because he believed that the only solution to the problem in Kosovo was to kill the Kosovars or to simply run them out of the country, and that if his forefathers had done that, they would have a peaceful nation today, and the only solution for peace in greater Serbia was just that."

That is exactly what Milosevic is doing as we speak. The term, for diplomatic reasons, is "ethnic cleansing." It is quite simple, what it is. It is: Either get out of my way or I'll kill you; or get out of my country or I'll kill you, even though the country you are being asked to leave has been your country for 4, 5, 6, 10—20 generations before you.

I think the current Presiding Officer and I would be hard put if somebody said: Idaho is not your home and you have to leave or we will kill you. That is what we are caught up in, those kinds of human dynamics. I must tell you, as an American I am drawn to the humanitarian arguments. It makes it very simple if you are drawn totally to those arguments to justify putting our men and women in uniform at risk.

But I am not totally drawn to those arguments because, if I am, then what the President is proposing to do at this moment might be justifiable if he would follow certain procedures. It is those procedures I think we must talk this morning. It is those procedures the Senate will vote on, or about, within a few hours. We are talking about U.S. military activity over and on the soil of Serbia, an independent, autonomous nation. That nation is at war at this moment. It is a civil strife over the province of Kosovo, which would be like the State of Idaho within the United States of America. We would not call that a world interest, if Idahoans were fighting the rest of the United States for Idaho's independence. I think the country would react violently if Great Britain or NATO or Russia, for that matter, sided with Idahoans against the United States if we were attempting to break loose from the United States of America.

Is that a reasonable parallel? Yes, I think it is, because that is the character of the political profile and the international structure in which we are about to engage ourselves. Kosovo is a place that most Americans could not find on a map, a place in which there is no direct American interest. I have defined its structure from a legal point of view, international point of view—a state sovereignty point of view. President Clinton has made it clear for some months that he will intervene there with an open-ended occupation force, perhaps preceded by airstrikes. That has been the context of the debate for the last good many months. Now we are associating ourselves with NATO as a partner of NATO. It appears that airstrikes may be imminent.

He has made it clear that he does not think he needs congressional authorization for such a mission. Why? The treaty relationship; our presence in NATO. That is the argument that he makes. I will have to tell you, though, I think we should not make the mistake of simply arguing that is how you justify a certain approach of the kind that this President is taking. The U.S. airstrikes would be an attack on a sovereign nation. The administration has, in fact, admitted that. The State Department Under Secretary Thomas Pickering confirmed that Kosovo is sovereign territory of Serbia, and that attacking the Serbs because they will not consent to foreign occupation of a part of their territory would be an act of war. Again, hearkening back to the relationship: If Idaho were attempting to break away as an independent State from the United States, that would be called a civil war within the boundaries of the greater United States and this country would look with great concern if a foreign nation were attempting to involve themselves on the side of Idahoans.

I have to think this administration's policy is inconsistent with constitutional government and the rule of law. Let us not forget the Constitution of the United States gives the sole power to declare war to the Congress, article I, section 8—not to the President, but to the Congress. Nothing in the laws or the Constitution of the United States suggests that a determination by the United Nations Security Council or the North Atlantic Treaty Organization is a substitute.

The proposed mission in Kosovo is contrary to the principle of national sovereignty and is a major step toward global authority. Just last year we debated the expansion of NATO. I opposed that expansion. I opposed it for the simple reason it did not begin to disengage the United States from an ever-increasing, larger presence in the European Continent. Quite the opposite, it seemed to be expanding our presence. Russia, at that time, was quite concerned that they saw an international organization growing on their border. Now, they were appeased by us saying: Remember, by treaty NATO is a defensive organization. Only if the nations of NATO were attacked would NATO respond. Yet, today, NATO is proposing a major offensive effort against the nation of Serbia, a longstanding friend and once a part of the greater Soviet Union. It is not by accident that the armaments that we would go up against are largely Russian armaments.

Now what are we to say to the Russians, "What we said about NATO last year is not true; NATO has become an offensive force, driven by a certain set of politics or international attitudes as to how the rest of the world ought to look"?

Can we justify an American national interest because this war might spread beyond the boundaries of Serbia? I am not sure we yet can do that. I am not sure this President has yet justified that or clearly explained to the American people, as he must, the role that the men and women of our armed services might play and the role that they would play in risking their lives. That is the issue at hand.

So, what kind of a precedent are we going to set with this action? All actions establish precedents, especially if they appear to be outside established law or proven law.

What country are we going to claim the right to attack next, if we determine that its behavior within its own boundaries, its own territory, is not up to some kind of international test or international standard? Should we attack Turkey to protect the Kurds, China to protect Tibet or Taiwan, India to protect the Muslims in Kashmir? It is reasonable for me to ask those questions on the floor, because today the President is contemplating participating in an attack on Serbia in behalf of the Kosovars.

Somalia, Haiti, Bosnia, and now Kosovo, these missions are profoundly damaging to our legitimate defense needs. This is not just a question of money or stretching defense dollars too far, although that factor will be considered as we debate defense budgets in the near future. Worse, it is an insult to the personnel in our Armed Forces who volunteer to defend America, not to go off on every globalist, nation-building adventure that our President appears to be willing to send them to. No wonder America's best are frustrated by the ever increasing changes in the role of our Armed Forces.

Putting American troops in a quagmire is something I know a little bit about. The Presiding Officer and I grew up in a period of American history where Americans were bogged in a quagmire in Southeast Asia, a quagmire that we finally simply had to drop our hands and walk away from, because we could no longer sustain it politically as a nation and we could no longer justify that another 1, 2, or 3 American lives should be lost, added to the list of over 60,000 young men and women of our age who lost their lives there.

I am not suggesting that Kosovo is that kind of fight, but I am suggesting that any long-term effort in the greater Yugoslavia that dramatically increases the role of the American soldier could put us at that risk.

Mr. President, I have asked some profound questions today and, I think, reasonable questions as to the role of this country in foreign policy and as to the role of the President as the Commander in Chief of our country.

Today we are debating and today we will vote on the right of the Congress to express its will to work with the President in shaping foreign policy. I understand how the Constitution works. I understand that our President is the chief foreign policy officer of our country. But when his foreign policy is questioned in the way that it is now being questioned, I think he has the responsibility not only to argue it clearly before the American people but to be willing to argue it here on the floor of the Senate.

Some of our leadership are at the White House as I speak, and they are listening to a President who is trying to convince them not to have the vote today here in the Senate. Quite the opposite should be happening. The President should be saying, let us debate this issue, let us vote this issue, and, more importantly, I will go to the American people and sell to them why America ought to be involved in Serbia or in Bosnia, that there are American interests there. He, the President, should lay them out, define them, clarify them and, therefore, justify the potential taking of American life that military adventure can always result in.

That is the responsibility of the Presidency, not to simply negotiate with NATO as a treaty organization and then come home to America and say: But we have already debated this, we are already involved in this, we can't back up now or it would implode NATO. Maybe NATO ought to be imploded, if it is becoming an offensive organization. Maybe it ought to step back and say: Wait a moment, we are by treaty only defensive. We should not become adventurists for the sake of a greater international philosophy on how greater Europe ought to be operated.

Having said all of that, let me close where I began. There are human atrocities. They are real, and they are horrible. We should engage ourselves in every way possible to help stop that kind of human atrocity, but then again, we didn't do that in Africa on many occasions, all just within the last 4 or 5 years. I am not sure why this is now so important when others were not. Is it because our allies have convinced us?

By the way, if we fly aircraft over Serbia, 58 percent, or a very large portion, the majority, of those aircraft will be ours. Is it because we are the ones who have the power and our European allies have convinced us to use that power in their behalf to stabilize their backyard? I am not sure.

I, like most Americans, am reasonably confused. I, like most Americans, have had to study to try to understand where Serbia is, where Kosovo is, what the politics of this region are. Those are the issues at hand.

This is not a vote that should be taken lightly. This could be the beginning of a very lengthy process, a very costly process, costly in human lives, American lives, and certainly in tax dollars.

Those are the issues at hand, Mr. President. Why should you shy from your responsibility as Commander in Chief of going to the American people to debate this and causing your people to come here to debate this, instead of in a close-door session at the White House, pleading with us not to take a vote on this issue?

Nobody should be embarrassed by an up-or-down vote. Nobody should be embarrassed by this kind of debate. It is our responsibility as a country. We cannot walk away from it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that time under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I yield myself such time as I may consume on the pending resolution.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, we have been discussing for several days in this Chamber a variety of legislative proposals concerning what we will and will not authorize the President of the United States to do with respect to the tragic situation that is unfolding, as we speak and gather in this Chamber, in Kosovo.

This is a very important debate. It is more important, in my view, however, to remind ourselves at the outset of any discussion of this issue of what has happened to the innocent people of Kosovo over the last year, in the absence of clear and convincing steps to signal the end of international inaction in the face of gross and continuing violations of human rights by the Milosevic regime.

For just a moment I want to focus, if I may, the hearts and minds of this country and those in this Chamber on the very desperate situation of the people who find themselves trapped in the province of Kosovo.

Today, ethnic Albanian villages across Kosovo are quite literally in flames. Heavy smoke from the homes of innocent civilians fills the skies of Srbica, Prekaz, Gornja Klina, and others.

As we debate these issues, a massive force of 40,000 Serb soldiers and paramilitary police are moving slowly, deliberately, and methodically from village to village to village, taking lives, burning homes, and forcing tens of thousands of innocent civilians to flee without food or shelter.

Can anyone doubt in the face of such continuing atrocities that the American people would oppose participation by the United States in NATO authorized air strikes. I hope not, and I don't believe so.

Each day we have delayed has meant the difference between life and death and between shelter and homelessness for tens of thousands of people. In just the last two days, since the ethnic-Albanians signed the peace agreement on Friday, Serb soldiers have forced another twenty to twenty-five thousand civilians from their homes, according to United Nations officials. Over the past week, the Serbs forced a total of 40,000 to run for their lives. The totals for the past year are almost incomprehensible: at the very least 2,000 are dead and 300,000 to 400,000 have been forced to leave their homes and seek refuge.

Mr. President, we were all shocked by the horrific discoveries last January, just two weeks apart, in the towns of Racak, where Serbs murdered 45 ethnic Albanians and Rogovo where they slaughtered 23 ethnic Albanians.

The first of these attacks came on Friday January 15th when, according to witnesses, Serbian soldiers and policemen, backed by armored personnel carriers, surrounded the village of Racak, rounded up the men and drove them up a hillside. On that hillside, the Serbs tortured and murdered 45 people, including a young woman and a 12-year-old boy. Many of the victims were older men, including one who was 70. All were dressed in civilian clothes. None were armed.

When international observers arrived in Racak the following day, the sight that awaited them was beyond comprehension—dozens of bodies lay where they fell at the bottom of a muddy gulch. Most had been shot at close range. Many bore the signs of unspeakable torture. Although the Serbs claimed that the victims were rebels, not one wore a uniform nor carried a weapon. Those who survived the attack on Racak fled into the hills where two infants soon died of the cold.

While it is sometimes difficult to assign blame for such horrors, this killing field, Mr. President, left no doubt as to the killers' identities. Western military forces intercepted radio transmissions in which Serbian officials acknowledge their culpability and international pathologists blamed the Serbs.

It was hard to believe at the time that Milosevic's genocide could become more heinous or more calculated. Yet the past week proved our nightmares true.

It is at times like these, Mr. President, that we are forced to reexamine the founding premises of this great Nation. When faced with massive and wholesale human rights abuses, we must bow to our conscience and to our founding fathers' recognition of the right of all people to life, liberty and the pursuit of happiness and act to preserve those rights wherever possible. Kosovo, Mr. President, is just such a case. We have the power, the responsibility, and the opportunity to act.

That is not always available to us. We have been told in recent days that we did not take similar actions on the Horn of Africa or in other places around the world where there were massive human rights abuses. That analysis is correct. The difference here is that we have the opportunity, we have the ability, and we have the structure with the NATO organization to respond to this situation. That opportunity was not available in every other place that we have seen similar, or even more severe human rights abuses. Here we have the opportunity and the chance to do something about it. The issue is whether we in this body will signal to the administration, to Mr. Milosevic, to ethnic Albanians, and to the rest of the world that we understand the difficult choices and we will step up and join with others to try to bring an end to the incredible abuse that is occurring at this very hour.

Thousands of refugees have already fled into Macedonia. As history has shown, instability in the Balkans can destabilize all of Europe, a region highly critical to American interests. I respectfully disagree with our colleague from New Hampshire, Mr. SMITH, who has offered this underlying resolution, when he states in his amendment that our national security interests in Kosovo do not rise to a level that warrants military operations by the United States and our NATO Allies.

The challenge to the United States in Kosovo is not merely humanitarian. It is also a question of regional peace and stability. Finally, it is a test of the relevancy of NATO in the post Cold War era. All of these bear directly on the national security of the United States.

We have yet to hear whether the last effort by Ambassador Holbrooke to convince the Serbs to relent will bear fruit. Although, in the next 5 or 6 minutes, we may have the final word on that. His success would, of course, be welcomed. If he doesn't, then the time has come to act in a manner consistent with that agreed to by NATO members—the United States being a full party to that action.

Following military action, I believe that Yugoslav President Milosevic may be prepared to reflect more soberly on the proposed peace agreement that remains on the table. That agreement, proposed by the United States and our allies and signed by Kosovo's ethnic-Albanians, is fair and even handed. It will rid Kosovo of the fear, death and destruction of Milosevic's forces while maintaining Yugoslav sovereignty over the province.

As part of the agreement, NATO has pledged to send a sizeable force to ensure that its precepts are carried out. Such a force is critically important as evidenced by the Serbs unwillingness to abide by the cease-fire agreement they signed last fall. While Milosevic pledged to withdraw his soldiers from Kosovo's villages and end his campaign of ethnic cleansing against the ethnic Albanians who live there, he clearly did neither. Milosevic's signature lacks credibility when it comes to Kosovo.

Congress must not constrain the President's ability to respond in the face of such atrocities, nor can it allow a pariah such as Milosevic to destabilize an entire region. The outrage at Milosevic's ethnic cleansing and disregard for international will should be viewed as a challenge to our nation as a whole, not simply to a President of another party.

Last year, our former colleague and Majority Leader, Bob Dole, traveled to Kosovo and Belgrade to assess the situation. Upon his return, he spoke of the atrocities perpetrated against civilians and the "major, systematic attacks on the people and territory of Kosovo."

We know now that the situation has only deteriorated.

One year ago, I was proud to join with my colleagues in crafting a bipartisan resolution calling on the United States to condemn Milosevic's ethnic cleansing in Kosovo. Today, I ask my colleagues, on both sides of the aisle, to join me once again in seeking to put an end to the bloodshed in Kosovo which will only happen when Milosevic understands that we truly mean business.

While we may not be entirely satisfied with all the exit strategies, we must send the message that this Nation can speak with one voice when we leave our shores to conduct foreign policy and make a difference in the lives of the people of Kosovo.

As I said last October, there is a time for words and a time for force.

We tried words in Dayton and we tried words last October. The cease-fire monitors tried words for five months and we tried words for weeks on end in Rambouillet, France. I am a great believer in negotiation and diplomacy, Mr. Milosevic has shown the world that he understands only one language. It is time we spoke to him in his native tongue.

The United States must demonstrate that it will carry forward with military action in the face of Serbian defiance. Congress should not weaken the projection of American power by suggesting that we do not stand behind the President. NATO's plans for air strikes, designed to stop the fighting and enforce the proposed peace agreement, have been complete for months. The United States has assumed leadership in this matter for the sake of the ethnic-Albanians facing Milosevic's genocidal plan and for the sake of regional stability.

If we play partisan politics with an issue as significant as this, we should also be prepared to accept that the consequences of our actions may be grave and irreversible.

I urge my colleagues to support the President and vote against the Smith amendment, an amendment that seeks to tie the President's hands and sends the wrong message to war criminals like Slobodan Milosevic.

I suggest the absence of a quorum, and I ask unanimous consent that the time be allocated to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, the United States is about to begin what very well might prove to be our most challenging and perilous military action since President Clinton took office. Many of our colleagues have come to the floor to express their grave and well-founded concern that we are embarking on a very dangerous mission without a clear sense of what will be required of us to achieve our objectives of autonomy for Kosovo and peace and stability in the Balkans.

Further, many of us cannot escape the nagging feeling that the United States and NATO credibility has been badly squandered by the Administration's many previous failures to impress upon Milosevic and the war criminals that make up his army that we are prepared to back up our rhetoric with action. Our threats of force have apparently lost their power to restrain the remorseless and blood-thirsty Serbian Government and military from giving full expression to their limitless brutality. Consequently, the level of force required to coerce Serbia into accepting a peace agreement has become all the greater, so great, in fact, that no one is entirely confident that Serbia can be coerced by the use of air power alone.

As the violence of an air campaign increases, so too does the risk to our pilots and to innocent people in Kosovo and Serbia. This will not, in all probability, be a casualty-free operation for the United States and our allies. And we must prepare ourselves and the American people for the likelihood that we will witness some heartbreaking moments at Dover Air Force Base. I hope I am wrong, but it would be irresponsible to pretend that the danger to our pilots in this operation is no greater than the danger we have encountered during our periodic cruise missile attacks on Iraq.

The President himself must deliver this message to the American people. He has not done so, and that, I agree, is a terrible derogation of his responsibilities as Commander in Chief. However, Members of Congress cannot evade our own responsibilities to speak plainly to our constituents about the great risks involved in this operation. We, too, must shoulder a share of the responsibility for the loss of American lives in a conflict that most Americans do not believe is relevant to our own security. That is why so many Senators are so reluctant to support this action and have spoken so passionately against it.

However, we also have a responsibility to speak plainly about the risks to America's security interests we incur by continuing to ignore Serbia's challenge to the will of NATO and the values of the civilized world. It is those risks that have brought me reluctantly to the floor to oppose those of my colleagues who would strip the President of his authority to take military action to defend our interests in Europe.

Two American Presidents have warned Serbia that the United States and NATO would not tolerate the violent repression of the movement by Kosovars to reclaim their autonomy. We have, time and again, threatened the direst consequences should Milosevic and his henchmen undertake the wanton slaughter of innocent life in Kosovo as they did in Bosnia.

President Clinton set two deadlines for Serbia to agree to the fair terms of a settlement in Kosovo or else face the direst consequences. I have been involved, one way or another, with U.S. national security policies for over 40 years. I cannot remember a single instance when an American President allowed two ultimatums to be ignored by an inferior power without responding as we threatened we would respond.

The emptiness of our threats is evident in the administration's more recent threshold for military action. In his press conference last week, President Clinton, acknowledging Serbia's scorched earth campaign in Kosovo, stated that the threshold for NATO military action had been crossed. Subsequent statements by administration officials, as quoted in the Washington Post, conceded that military action was unlikely "unless Yugoslav troops committed an atrocity."

Atrocities are the signature of the Serbian Army. There has been an uninterrupted pattern of atrocities since 1992, alternating with U.S. threats of force that were either not carried out or carried out so ineffectually that they encouraged greater bloodshed. The one occasion when force was applied convincingly, the result was the Dayton Accord.

We have dug ourselves a deep hole in which the world's only superpower can no longer manage a credible threat of force in a situation where our interests and our values are clearly threatened. As has been pointed out by many Senators, there is a realistic danger of this conflict destabilizing southern Europe, and threatening the future of NATO. And no one disputes the threat Serbia poses to the most fundamental Western motions of human rights. Our interests and values converge clearly here. We must not permit the genocide that Milosevic has in mind for Kosovo to continue. We must take action.

But I understand, all too well, the reluctance and outright opposition shared by many of my colleagues not only to air strikes but to the deployment of American troops in Kosovo as part of a peace agreement should we ever coerce Serbia into accepting the terms of that agreement.

Typically, the administration has not convincingly explained to us or to the public what is at stake in Kosovo; what we intend to do about it; and what we will do if the level of force anticipated fails to persuade the Serbs.

Should the Serbs acquiesce, and United States troops are deployed in Kosovo, the administration has not, to the best of my knowledge, answered the most fundamental questions about that deployment. What is the mission?; how will we know when it is accomplished?; what are the rules of engagement for our forces should Serbs or any force challenge their authority?

Thus, Congress and the American people have good reason to fear that we are heading toward another permanent garrison of Americans in a Balkan country where our mission is confused, and our exit strategy a complete mystery.

It is right and responsible for Congress to demand that the administration answer fully these elemental questions. It is right and responsible for Congress to debate this matter even at this time when we are trying to convince a skeptical adversary that this time we are serious about enforcing our will. I believe the administration should come to Congress and ask for an authorization of force. I believe that they would receive one.

Surely we are entitled to complete answers to the many questions about our eventual deployment of American peacekeepers to Kosovo in advance of that deployment.

But if the President determines that he must use force in the next hour, or the next day or within the week, I think it would be extraordinarily dangerous for Congress to deny him that authority or to constitutionally challenge his prerogatives as Commander in Chief. It seems clear to me that Milosevic knows no limits to his inhumanity and will keep slaughtering until even the most determined opponent of American involvement in this conflict is convinced to drop that opposition. But if we once again allow Milosevic to escape unharmed yet another American ultimatum, our mission will be made all the more difficult and dangerous.

Moreover, our adversaries around the globe will take heart from our inability to act in concert to defend our interests and values, and threats to our interests, from North Korea to Iraq, will increase accordingly.

Even the War Powers Resolution, legislation that I have always opposed, would allow the President to undertake military action for some time before he would be forced to secure Congress' agreement. I have long called on leaders from both parties to authorize Members to work together to repeal or rewrite this constitutionally suspect infringement of both the President's and Congress' authority.

But that, Mr. President, is a debate for another time. We are at the critical hour. American troops will soon be ordered into harm's way to defend against what I believe is a clear and present danger to our interests. That the President has so frequently and so utterly failed to preserve one of our most important strategic assets—our credibility, is not a reason to deny him his authority to lead NATO in this action. On the contrary, it is a reason for Congress to do what it can to restore our credibility. It is a reason for us to help convince Mr. Milosevic that the United States, the greatest force for good in history, will no longer stand by while he makes a mockery of the values for which so many Americans have willingly given their lives.

No, Mr. President, we must not compound the administration's mistakes by committing our own. We must do what we can to repair the damage already done to our interests. We must do what we can to restore our allies' confidence in American leadership and our enemies' dread of our opposition. We must do what we can to ensure that force is used appropriately and successfully. And we must do what we can to define an achievable mission for our forces, and to bring them home the moment it is achieved.

That should be our purpose today, Mr. President. Therefore, with an appreciation for the good intentions that support this resolution, I must without hesitation oppose it, and ask my colleagues to do likewise.

Mr. ASHCROFT. Mr. President, the possible deployment of United States troops to Kosovo demands the Senate's full attention and debate. I applaud the House of Representatives for addressing this issue in a timely manner, even though I do not support the House resolution authorizing the deployment of United States troops to Kosovo.

The pending deployment of United States troops to Kosovo is particularly ill-advised in light of the challenges and difficulties associated with our current mission in Bosnia. Now 2 years past the original deadline with no end in sight, the Bosnia operation has cost the United States over $8 billion in real dollars since 1992. Administration officials cannot identify an end-date for the Bosnia mission and have not been able to transfer the operation to our European allies. Progress in Bosnia has been painfully slow. In many ways the country remains just as divided as it was when the Dayton Accords were signed. Although Bosnia should be a poignant reminder of the limits of nation-building, the administration is considering another open-ended commitment of United States ground forces to the Balkans.

The violence and instability that has plagued the Balkans troubles me as it does every other Member of this body. Every Member of the Senate would like to see an end to the violence in Kosovo and a sustainable peace in Bosnia. But in addressing these difficult issues, the President and the Congress owe it to the American people to define a consistent policy for when their sons and daughters will be placed in harm's way. We have to define the American interests important enough to justify risking American lives. Unfortunately, the President has not done so in this case.

United States military deployments in the Balkans are not being driven by vital security interests, but humanitarian concerns that have not been defined clearly. As Henry Kissinger states, "The proposed deployment in Kosovo does not deal with any threat to United States security as this concept has traditionally been conceived."

U.S. humanitarian interests are important elements of America's foreign policy, but should not be considered alone as the basis for risking the lives of American soldiers. The violence in Kosovo is atrocious, but half a dozen other civil conflicts around the world offer more compelling humanitarian reasons for United States intervention. If United States troops are deployed to Kosovo where 2,000 people have died, why not to Sudan where a civil war has claimed 2 million casualties? Why not to Afghanistan or Rwanda or Angola where hundreds of thousands of people have died in civil wars that continue to this day?

Such questions underscore the need for a consistent policy which links the deployment of American troops to the defense of vital national security interests. The United States can and should provide indispensable diplomatic leadership to help resolve foreign crises, but we have to recognize the purposes and limits of American military power. The blood and treasure of this country could be spent many times over in fruitless efforts to reconstruct shattered nation states.

From Somalia to Haiti to Bosnia and now to Kosovo, I cannot discern a consistent policy for the deployment of United States troops. In a world full of civil war and humanitarian suffering, will American ground forces be deployed only to those conflicts that get the most media attention? The media cycle is no basis for a consistent foreign policy. The American people deserve better leadership from Washington for the prudent and effective use of U.S. military power.

The administration has not provided that leadership. The U.S. Armed Forces have been deployed repeatedly to compensate for a lack of foresight and discipline in our foreign policy. United States policy in the Balkans, for example, has dealt with symptoms of instability rather than the root of the problem. The administration has deployed peacekeeping forces to suppress ethnic conflict inflamed by President Milosevic but has missed opportunities to undermine Milosevic himself. A lack of diligence and resolve also can be seen in United States policy toward Iraq. Saddam is stronger today than at the end of the gulf war because the administration has not seized opportunities to undermine his regime.

The ill-defined deployment of United States troops to Kosovo only reinforces my concerns about the misuse of American military resources. We have been asking our military personnel to do more with less, and the strain is showing in troubling recruiting, retention, and readiness statistics. The dramatic increase in the pace of military activity has been accompanied—not with an increase in defense funding—but with a 27-percent cut in real terms since 1990. In this decade, operational missions increased 300 percent while the force structure for the Army and Air Force was reduced by 45 percent each, the Navy by approximately 40 percent, and the Marines by over 10 percent. Contingency operations during this administration have exacted a heavy cost (in real terms): $8.1 billion in Bosnia; $1.1 billion in Haiti; $6.1 billion in Iraq.

The Kosovo agreement pursued by the administration is laying the groundwork for another open-ended United States military presence in the Balkans. The administration's strategy for resolving the conflict in Kosovo could very well lead to the worst-case scenario of a broader regional conflict now being used to justify United States intervention. The Kovoso Albanians see the proposed settlement as a 3-year waiting period leading to an eventual referendum for independence. The Serbians strongly oppose such a step. That will guarantee United States troops will be in Kosovo for at least 3 years and most likely much longer when the inevitable fighting resumes over the question of Kosovo's status.

Mr. President, the credibility of the United States is on the line when we commit our military personnel overseas. When United States soldiers were killed in Somalia, the President could not justify the mission to the American people. The hasty U.S. withdrawal from that African nation cost America dearly in terms of international stature. As we consider a possible deployment to Kosovo, the lessons learned 6 years ago in Somalia should not be forgotten. The American people will not support a Kosovo deployment that costs American lives when America's vital security interests are not at stake. Yet American casualties are a very real prospect in Kosovo, as potentially both the Kosovo revels and Serbians will be firing on United States military personnel.

Not only is United States credibility at risk in Kosovo, the credibility of the NATO Alliance is in jeopardy as well. NATOs success in the past has been based on the clearly defined mission of the NATO Treaty: collective defense of a carefully defined territory. Now, the administration is transforming the alliance into a downsized United Nations with a standing army for peacekeeping operations. NATO's membership has been expanded this year, but the real expansion has occurred in the alliance mission to include operations never envisioned in the NATO Treaty.

Managing Europe's ethnic conflicts was not the reason NATO was established and not a basis on which it can remain a vital organization in the future. The American people have not understood our commitment to NATO—a military alliance for fighting wars—to be another arm of the United Nations for peacekeeping operations. Ill-defined missions for NATO will lead to more misguided U.S. military deployments, the erosion of U.S. support for NATO, and the speedy demise of the alliance itself.

The U.S. Armed Forces should be deployed only to defend the vital national security interests of the United States. The American people understand that we live in a dangerous world where U.S. interests must be defended. But they also have a strong aversion to fruitless nation-building exercises to resolve the world's ancient hatreds, and rightly so.

Our country has learned through painful sacrifice the high cost of nation-building. In spite of the difficulties surrounding the Bosnia mission, however, we are on the verge of taking on our second nation-building exercise in a region of the world that has been wracked by war for centuries.

In the post-cold-war world, there will be no lack of civil war and ethnic conflict with serious humanitarian implications. The United States should continue to work to alleviate suffering and facilitate peace in other countries, but deploying American forces to quell centuries-old ethnic conflicts is often the least effective and most unsustainable way to address these problems. I am opposed to the deployment of United States forces to Kosovo and urge my colleagues to vote for cloture on the Lott second-degree amendment prohibiting the use of funds for a Kosovo operation unless previously authorized by Congress.

Mr. JEFFORDS. Mr. President, the situation in Kosovo is cause for grave concern to all of us. One cannot read the press reports flooding out of Kosovo for the past many months and not be moved. The suffering of the people of Kosovo is tragic, and the potential for this conflict to spread and to destabilize the entire region is very real. Something must be done.

But before we commit ourselves to military action, we must be sure that any action we undertake has a good chance of achieving our primary objectives. I am concerned about the current course of action as outlined by the President and Secretary of Defense Cohen. I agree that we need to be part of a NATO effort to resolve the current impasse and put an end to the fighting. But we should not be contributing ground troops to that effort. Our European allies must take the lead on the ground, and we should support that effort with our superior air power and intelligence operations. Just as we take the lead on problems in this hemisphere, it is important that Europe take the lead in Kosovo.

The airwaves are now heavy with the talk of impending air strikes against Serbia following Yugoslav president Slobodan Milosevic's final rejection of the proposed peace plan. Milosevic refuses to allow NATO troops on Yugoslav soil, even though NATO has agreed that Kosovo should remain a province of Yugoslav and the Kosovar Albanians have signed on to the peace deal. The United States has put a great deal of effort into trying to achieve a political settlement in Kosovo. We have taken the lead in the negotiations, and the personal intervention of Secretary Albright, Ambassador Holbrooke and Former Senator Bob Dole has done much to advance the cause. But Milosovic remains intransigent and the violence continues to escalate. Both sides are now poised for an all-out military offensive. And United States-led air strikes against targets in Serbia are imminent.

I am uncomfortable with the tactic of launching a major military bombing campaign in order to force someone to the peace table. For two reasons, one, it rarely works; and two, real peace will only come when both sides realize they have more to gain by setting aside the military option. If they do not really want peace, there is little we can do to force them into it. Targeted air strikes without a synchronized campaign on the ground are unlikely to make a serious change in the strategic situation in Kosovo. Stopping a large-scale Serbian offensive for anything more than a short period of time is extremely difficult if one's only tool is a stand-off air campaign.

However, we must do something and do it soon. But our action must be with the equal participation of our European allies, with each partner contributing what they do best. In our case, that is aerial control and intelligence collection and analysis. I would not oppose that kind of American participation in a closely coordinated operation led by our European allies where the objectives, duration and methodology were clearly explained to Congress and the American people. I believe this is the only operation likely to meet with success in the long run. And we have no time to waste.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Eight minutes 40 seconds on your side; 37 minutes on the other side.

Mr. SMITH of New Hampshire. Mr. President, the legislation before us—which Senator LOTT has introduced—is an amendment which I drafted several weeks ago when I saw the administration lurching toward war in Yugoslavia. I believe that Congress should determine whether or not America should commit an act of war against a sovereign nation inside its own borders.

Regardless of what your view is on the conflict in Kosovo, I sense that most of my colleagues agree that Congress should take a position on any action in Kosovo. We simply cannot turn this or any other administration loose to commit acts of war around the world without the demonstrated support of the American people. We did that once in Vietnam. We know the results. Politicians stood here and debated it, and men and women died every day.

The purpose of my amendment is very simple. It simply requires Congress to debate, and then approve or deny, the use of military force in the Federal Republic of Yugoslavia. That is it, pure and simple. If you want the Congress to have a say in this, you should vote for my amendment. If you think the President should be able to go to war against a sovereign nation without the support of Congress, you should vote against my amendment.

This raises constitutional issues for some of my colleagues. I want to dispense with them right away. It is clear that the President has the power to commit U.S. forces to battle—this President or any other President—and he has the power to command them once they are committed. I interpret this authority as allowing the President to respond swiftly and unencumbered to an immediate threat to U.S. lives, liberty, or property.

We have seen in history, some of it recent, that a President can interpret this authority very loosely. But we also have seen that when Presidents use force in a way that they do not or cannot explain to the American people, and for a cause the American people do not in their gut support, that policy collapses. We saw it by the end of the war in Vietnam. We saw it in Somalia, in 1994. We saw it in Beirut in 1983. Republican and Democrat Presidents alike have learned this lesson.

It is entirely constitutional for the Congress to withhold funds from any activity of the Federal Government. It is the Constitution itself, Article I, Section 8, which gives us that power. This so-called power of the purse is a blunt instrument—there is no question about that—and one we should use sparingly, but it is sometimes the only instrument we in Congress have. It is why the administration must seek consensus, or at least some majority, in support of military hostilities.

So we should undertake an examination of this proposed action and then speak for the American people. We must consider our interests, the question of sovereignty, the nature of the conflict and the risks, and what we are trying to accomplish.

What are our interests? The administration has a hard time explaining why U.S. interests are at stake in Kosovo. This is not surprising. There are certainly no American lives at risk—not yet, at least. American liberty and American property are not threatened. It is not a humanitarian mission like the assistance we have given to Central America in the wake of Hurricane Mitch.

Nor is loss of life the administration's standard. Two thousand people have been killed in the fighting in Kosovo in the past year. That is a lot of people. However, in just 6 weeks in 1994, half a million Rwandans died. We didn't launch any cruise missiles in Rwanda, Mr. President. There, we did not launch any cruise missiles when half a million people died.

If anything, the administration's statements have added confusion to a very complex issue. During a recent Armed Services Committee hearing, I asked Under Secretary of State Thomas Pickering whether or not an attack on the Federal Republic of Yugoslavia would be an act of war. His response goes right to the heart of the problem I have with the actions of this administration. Here is what Mr. Pickering said:

> Well, an act of war, as you know, and I have recently found out, is a highly technical term. My lawyers tell me . . . that an act of war, the term is an obsolete term in anything but a broad generic sense. If you would say that Milosevic, in attacking and chasing Albanians, harassing, torturing, killing Albanians and sending them to the hills is anything but an act of war, I would certainly agree with you on that particular judgement. If, in fact, we need to use force to stop that kind of behavior and also to bring about a settlement which recognizes the rights of those people which have been denied, I would tell you that it might well be a war-like act, although the technical term "act of war" is something we ought to be careful to avoid in terms of some of its former meanings that have consequences beyond merely the use of the term.

That sounds like a pretty bureaucratic explanation to me, Mr. President, but I will tell you one thing: To the young men and women who are going to be asked to put their lives on the line in Kosovo, there can be no bureaucratic explanation about what a declaration of war is or is not. It is not the lawyers Mr. Pickering is referring to who are going to fight. It is not the lawyers who are going to be manning the aircraft. It is not the lawyers who are going to be captured as POWs. It is not the lawyers who have to go in and get those POWs if they are shot down. It is the young men and women of our Armed Forces. I was then, and I continue to be, absolutely astounded by Mr. Pickering's response.

The administration tells us that we must become involved in the internal affairs of Yugoslavia to prevent the spread of this conflict into neighboring nations, including perhaps NATO members. This is a bogeyman argument, and it is meant to scare us into resolving this conflict by using American military forces. It obscures the real issue: should American troops be placed at risk in an area of the world where we have no real interests which justify direct intervention? Risking U.S. troops in a war in Kosovo is far more dangerous to American interests than the small risk that the conflict would spread.

The argument is also made that the conflict in Kosovo threatens NATO and threatens American leadership of NATO. There is nothing in the North Atlantic Treaty that authorizes NATO to commit the kinds of actions we are talking about here. NATO is not an offensive alliance, it is a defensive alliance. As a matter of fact, it was created to prevent aggression against the sovereign nations of Europe. By using NATO to attack a sovereign nation, we are about to turn the alliance on its head.

We are only weakening the alliance by using its forces offensively in the Federal Republic of Yugoslavia. The core of the alliance has always been to protect members from attack, not to be peace enforcers, not to meddle in the internal affairs of a sovereign nation—no matter how despicable the acts that are being committed are—and certainly not to dictate a peace agreement under the threat of violence. By intervening in this civil war, I fear the alliance is not showing strength to the world, but weakness and confusion.

Mr. President, NATO expansion has already diluted NATO's strength. By becoming enmeshed in the internal affairs of the Federal Republic of Yugoslavia, the alliance is distancing itself further from its core mission, which is to ensure the protection of its members. Although I opposed and continue to oppose expansion of NATO, I am a supporter of NATO and its core mission. But if this is what NATO has become—a means of dragging the United States into every minor conflict around Europe's edges—then maybe we should get out of NATO.

We are about to begin a high-risk military operation—a war—against a sovereign nation. Not because Americans have been attacked, not because our allies have been attacked, but because we disapprove of the internal policy of the Federal Republic Yugoslavia. That policy is easy to disapprove, but that is a very low standard to apply the use of force. If we applied that standard around the world, we would be launching cruise missiles around the world.

The fundamental question is whether the lives of American soldiers are worth interfering in the internal affairs of a sovereign nation where there are no vital U.S. interests at risk. This is not Iraq in 1990, where a ruthless tyrant invaded a peaceful neighboring country. This is a case of a disaffected population revolting against its government. Is Milosevic a tyrant? Yes, absolutely. But his tyranny is happening inside his own nation.

We are dictating, under the threat of military action, the internal policy of Yugoslavia. We may not like that policy, but is that reason to go to war? Moreover, is it reason to let the President of the United States go to war without an act of Congress? That is the question before us today. It is a very serious question, and our actions in this body will have ramifications for many years to come. This very well may be one of the most important votes we make on the Senate floor this year.

The conflict in Kosovo is a civil war. Neither side wants to be involved in the peace agreement that we are trying to impose. It took weeks of arm twisting and coercion just to get the Kosovo Liberation Army to agree to the deal. The administration had to send our distinguished former leader, Bob Dole, to persuade them to accept the agreement.

Both the KLA and the Serbs still want to fight, and they will fight until they do not want to fight anymore. We will be using U.S. troops, not as peacekeepers, but as peace enforcers. There is a difference. Peacekeepers are there to assist the transition to stability. Peace enforcers are there as policemen to separate two parties who want to do nothing but fight. They are not interested in an agreement. They still want to fight. By jamming the agreement down their throats, the administration is not solving the problem. At best, it is delaying it.

Many proponents of military intervention in Kosovo cite World War I as a lesson as to the ultimate danger of a crisis in the Balkans. They have it exactly backwards. A Balkan war became a world war in 1914 not because there was strife, but because the great powers of that day allowed themselves to become entangled in that strife. We need to heed this lesson. We did not fight and win the Cold War just to be dragged into marginal conflicts like this one.

Why are the Balkans so prone to conflict? The main reason is that this is where Christianity and Islam collide. Strife along these lines has gone on virtually uninterrupted for a millennium. This is no place for America to get bogged down. I believe in America and American power, but these are conflicts that America cannot solve.

The administration is prepared to send our pilots into combat against a combat-hardened nation that is well equipped to defend itself from attack. Let there be no doubt—I will say it here now in this Chamber—let there be no doubt, American lives will be in danger. This act will result in the deaths of American servicemen. The Joint Chiefs testified before the Armed Services Committee last week. They tried to tell us, as carefully as they could.

General Ryan, Air Force Chief of Staff, said:

> There is a distinct possibility we will lose aircraft in trying to penetrate those defenses.

General Krulak, Commandant of the Marine Corps, said:

> It is going to be tremendously dangerous.

He went on to ask the same questions I have: What is the end game? How long will the strikes go on? Will our allies stay with us?

In the coming days, if air strikes do go forward, we need to be ready to answer the questions of the families of those young men and women who will not be returning from Yugoslavia. We have to be prepared to answer those questions. We can begin to answer them today: Are we prepared to fight in Yugoslavia month after month, slugging it out with the Serb forces in those mountains, losing Americans day after day? Are we prepared for that?

I want to say one thing about the troops. If we go in tonight or tomorrow, they will have my support. That is the way it should be. But I have an obligation to the Constitution, and under the Constitution, the U.S. Congress must decide whether or not we go to war. That is the purpose of my resolution.

Mr. President, I abhor the bloodshed in Kosovo. But as much sympathy as I have for those victims, we must remember that the Federal Republic of Yugoslavia is a sovereign nation. We can provide safe haven for those refugees as they exit Kosovo. We don't need to go to war.

Throughout the cold war, we fought to protect the rights of sovereign nations, and in 1991 we sent American soldiers to war to turn back the unlawful and immoral invasion of the sovereign nation of Kuwait. George Bush sought to defend a sovereign nation after it had been attacked, and he came before Congress to seek that authorization. He came before the Congress. And he barely got our approval.

George Bush risked losing a vote in Congress because he believed that the American people should comment on whether or not we would go to war. In that case, the nation of Iraq had attacked and conquered the sovereign nation of Kuwait. What a change in just eight years; here we are today, preparing ourselves to attack a sovereign nation, and the administration at this very minute is trying to avoid this vote.

This is a terribly difficult time for all of us. Having been in the Vietnam war, watching politicians who could not decide whether they wanted to support the troops or not, day after day, month after month, year after year, I don't want to see us get embroiled in another conflict the American people are going to lose their taste for after we start losing young men and women.

I just came back from a 4-day trip around the country—Louisiana, Alabama, and Colorado—talking to the troops. They are the best. They can handle anything we ask them to do. But they should not be asked to die in a conflict where the national security of this country is not at risk. This is exactly what they will be asked to do it if we go into Kosovo.

Mr. President, I urge my colleagues to carefully think about the implications of what we are about to do at 2 o'clock or so this afternoon. I urge my colleagues to support the Smith amendment.

I thank the Chair. I yield the floor.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, I ask unanimous consent to speak up to 5 minutes from the time of the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Mr. President, I rise today to address my thoughts on the situation in Kosovo. This is a very complicated and dangerous issue. There are no good alternatives, there are no good options, there are no good solutions. I have listened with great interest and great respect to my colleagues on both sides of the aisle, on both sides of the issue. Their perspectives have been important, they have been enlightening. The threads of who we are as human beings—in America's case, as leaders of the world, as leaders of NATO—are intertwined in this very complicated morass that we call the Kosovo issue.

With that said, I don't believe America can stand by and not be part of a unified NATO response to the continued slaughter in the Balkans. I say that mainly for three reasons.

First, the very real potential for this crisis widening and deepening is immediate and there will be consequences. If this goes unchecked and unstopped there is the real risk of pulling in other nations into an already very dangerous and complicated situation. I believe if this goes unchecked and unstopped we run the very real risk of the southern flank of NATO coming unhinged. We are on the border now of Macedonia, Macedonia being on the border of Greece.

Second, the humanitarian disaster that would result if NATO stood by and did nothing would be immense. The consequences of that humanitarian disaster would move up into Western Europe; nations will take issue and sides against one another in Europe. This would have consequences in the Muslim world. The humanitarian element of this, as much as the geopolitical strategic elements involved in this equation, are real. There would be tens of thousands of refugees pouring into nations all over Western Europe. This would further exaggerate the ethnic and the religious tensions that exist today.

The third reason I believe that the United States cannot stand aside and not be part of any NATO activity to stop the butchery in Kosovo is because if the United States is the only NATO member who refuses to deal with this problem—all other NATO members are committed to deal with this problem—if we are the only NATO member not part of this effort, it surely will be the beginning of the unraveling of NATO. If NATO does not deal with this crisis in the middle of Europe, then what is the purpose of NATO? What is the relevancy of NATO?

I have heard the questions, arguments, the debate, the issues raised about NATO being a defensive organization, the very legitimate questions regarding acts of war, invading sovereign nations. These are all important and relevant questions. However, I think there is a more relevant question: What do we use the forces of good for, the forces that represent the best of mankind, if we are going to be held captive to a definition that was written 50 years ago?

Every individual, every organization, every effort in life must be relevant to the challenge at hand. The consequences of the United States not being part of NATO in this particular effort would be disastrous. America and NATO's credibility are on the line here. I suggest to some of my colleagues who are engaged in this debate, where were they last fall? Where were they when Ambassador Holbrooke reached an agreement with President Milosevic in October? At that time, the United States and all nations in NATO gave their commitment that there would be a NATO military response if Milosevic did not comply with the agreement that he made on behalf of NATO with Ambassador Holbrooke.

Part of the debate we are having now—if not all of it—should have been done last fall. To come in now after the administration and our NATO partners are trying to bring together some peaceful resolution using the leverage of NATO firepower and the leverage of military intervention, for the Congress now to come in and undermine that is not the right way to have the Congress participate in its constitutional responsibility to help form foreign policy.

However, the President of the United States must take the lead here. I, too, have been disappointed in the President not coming forward to explain, to educate, on this issue. If the President feels this is relevant and important to America's interests, the President must come forward and explain that to the American people. He has thus far not done that. I understand that may be done today or tomorrow. I talked to Secretary Albright Sunday night and encouraged Secretary Albright, as I have others, to encourage the President to do that. Only the President can lead. Only the President can make the case as to why this is important for our country and explain the consequences of the United States doing nothing. The President must come before the Nation and explain why this military intervention in Kosovo is relevant and important, and why the very significant risk of life is worth it, why the significant risk of life is worth it.

I also want to point out that I have heard an awful lot of debate and conversation that we, the United States, would take on Milosevic. It is not just the United States. It is our 15—actually 18—other partners in NATO. I might add, too, that the Europeans have stepped into this with rather direct action and a call for arms in using and committing their ground troops and other military assets. So it is not the United States against Milosevic. It is NATO; it is the forces of good. We must not be confused by that difference.

The President has to explain all of this to the American public. Yes, there are great uncertainties and great risks at stake. But to do nothing would create a far worse risk for Europe, the United States, NATO, and I believe all over the world, because the United States' commitment and work and credibility is being watched very carefully by Saddam Hussein, the North Koreans, and others who would wish the United States and our allies ill. Actions have consequences. Nonactions have consequences.

Mr. President, history will judge us harshly if we do not take action to stop this rolling genocide. As complicated as this is, I hope that as we debate this through today, my colleagues will support the President on his course of action.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, before my colleague departs the floor, I wish to commend him for his final set of remarks. I listened very carefully. Those precise steps of reasoning were discussed in great detail beginning at 9:30 this morning up through 11:30 with the President and the Senate and House leadership. The very points that our colleague makes were reviewed and responded to by the President.

Time and time again—and I am sure you share this with me —I want to accord the highest credit to our colleague from Texas, Senator HUTCHISON, and our colleague from New Hampshire, BOB SMITH, and others, who have repeatedly over the past week or 10 days, through filing amendments and otherwise, brought to the attention of the Senate the urgency of this situation and the need to address it.

Today's meeting with the President was the second one, the previous one being last Friday of similar duration. Senator LOTT has tried his best to reconcile a rather complicated procedural situation together with Senator DASCHLE, and they are still conferring. We are going to address that in our respective caucuses here starting momentarily. I see—and I am speaking for myself now—a clear movement within the Senate to address this within the framework of a resolution. There are several working now whereby the American public can follow with much greater clarity exactly what is the issue before the Congress and how this body will respond to the challenge. It is an extraordinary one. The case—as you laid out—of inaction is just unacceptable to the world. We are about to witness a continuation, taking place at the moment, of ethnic cleansing of a proportion reaching those that we experienced in Bosnia.

A very courageous diplomat, Mr. Holbrooke, has made several excursions—I think the most recent completed within the hour —and all indications are that the situation, diplomatically, as much as it was, say, 72 hours ago, despite the best efforts of the United States, Mr. Holbrooke representing this country, but indeed he spoke for 18 other nations—the important consideration here is that there are 19 nations—16 in NATO and several others—who are locked with the determination not to let this tragedy continue. As the Senator said, the consequences of no action are far more understandable than the consequences of action. Now, the military action proposed is largely, I say largely, but almost exclusively, an air type of operation. Those pilots are taking tremendous risks.

The Senate Armed Services Committee, last Thursday, had all the Chiefs present. As the first indications of the concern in the Senate were beginning to grow through questioning by myself and other members of the committee, we had each Chief give their appraisal of the risk, and General Ryan, speaking for the air arms of our country, was unequivocal in saying this is dangerous, that these air defenses are far superior to what we encountered in Bosnia and what we are today encountering in Iraq, and this country runs the risk of casualties. What more could he say? He was joined by General Krulak, Chief of Staff of the Army, and the Chief of Naval Operations. All of them very clearly outlined the risks that their respective personnel would take—that, together with our allies.

Numerically speaking, about 58 percent of the aircraft involved will be U.S. Why? It is very simple. Fortunately, through the support of the Congress and the American people, we have put in place a military that can handle a complication such as this. I say "complication" because going in at high altitudes and trying to suppress ground-to-air munitions is difficult. It requires precision-bombing types of instruments, precision missiles, and many of the other nations simply do not have that equipment. But it is interesting, if we get a peace accord—and I have long supported the United States being an element of a ground force under the prior scenario where we had reason to believe that there would be a peace accord—and maybe there is a flicker of hope that it can be reached before force is used in this instance—but there the European allies would have about 80 percent of the responsibility, and the United States, I think by necessity, as leader of NATO, should have an element.

So another message that we have to tell the people is that the countries of the world—indeed NATO—are united. It is just not to be perceived as a U.S. operation. It is a consolidated operation by 19 nations. Milosevic should be getting the message now, if he hasn't already, that this is not just a U.S. operation. It is a combined operation of 19 nations.

Now, the proposed air operation is the best that our Joint Chiefs, in consultation with the North Atlantic Council and the respective chiefs of the NATO, can devise given that air assets are to be used. It is spelled out, I think, in a convincing way.

The President, again, went over this very carefully with the Secretaries of State and Defense, the National Security Adviser, and the Chairman of the Joint Chiefs present this morning. This operation, in stages, unequivocally I think, will bring severe damage to, first, the ground-to-air capabilities; and then if Milosevic doesn't recognize the sincerity of these 19 nations, then there will be successive air operations on other targets designed to degrade substantially his military capability to wage the war of genocide and ethnic cleansing taking place at this very minute throughout Kosovo.

In addition, as I am sure the Senator is aware, there are many collateral ramifications to this situation, which leads this Senator to think it is in our national security interest to propose action. I shall be supporting as a cosponsor the joint resolution as it comes to the floor this afternoon.

Right on the line I will sign and take that responsibility.

Mr. President, I ask unanimous consent that the time be extended for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is very important that this air operation degrade his capability to do further damage in Kosovo. But the instability in the region, as stated by the President this morning, in many ways parallels Bosnia, but could be considered more serious because of Greece, Turkey, and the spillover of the refugees into Macedonia and Montenegro. It is just not an isolated situation of repression and oppression by Milosevic against Kosovo civilians. They are now flowing in and causing great problems in these nations who are trying to do the best they can from a humanitarian standpoint to accept them.

So I always come back to the fact that this Congress went along with the President as it related to Bosnia. History will show that we were misled in certain instances by the President hoping we could be out by yearend. It had not been the case. But we are there, and the killing has stopped. How soon the economic stability of that country can create the jobs to give it some permanence we know not. But we could lose an investment of up to $8 billion or $9 billion that this Congress has authorized and appropriated through the years to bring about the degree of achievement of the cessation of hostilities in Bosnia if Kosovo erupts and spills over the borders in such a way as to undo what has been done over these years since basically 1991.

So there are many ramifications. It is difficult for the American people to understand all the complexities about the credibility of NATO and the credibility of the United States as a working partner, not in just this opposition, but future operations with our European nations. But they do understand quite clearly that genocide and ethnic cleansing, murdering, rape, and pillaging cannot go on. And we have in place uniquely in this geographic area the political organization in NATO, together with such military assets as are necessary to address this situation.

So it is my hope that the leaders will be able to resolve a very complex situation as it relates to the procedural matter before the desk and that we can have before the Senate this afternoon a resolution with clarity of purpose and clarity of how each Senator decides for themselves and speaking for the constituents about what the country should do.

I am convinced that the President has to go forward within 24 or 48 hours with the other NATO nations.

So I sort of put myself in the cockpit with those brave aviators, where you have been in a combat situation, Senator, many times, and you know that situation better than most of us. And you know how it is important to that soldier, sailor, or airman that has the feeling—or she in some cases—that this country is behind them and stands with them as they and their families take these risks.

I thank the Senator for the opportunity to have a colloquy with him on this important question. I commend him for his leadership on this and many other issues.

I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 682 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take just about 3 minutes now and I will speak longer than this later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, it seems we are moving irrevocably towards war in the Balkans. It appears that the U.S. forces along with NATO forces will soon be engaged in open warlike activity against Serbian forces. This Senator took the floor in January of 1991, prior to the engagement of our forces in the Persian Gulf, to state my feelings that before any President commits our troops to a military action of this nature, that President should seek the advice, consent, and approval of Congress.

Only Congress has the power to declare war; it is quite clear in the Constitution. It is this Senator's strong feeling that this President would be remiss, and we would be shirking our duties, if in fact we did not, today, set aside whatever other business this Senate has, to debate fully a resolution supporting or not supporting the use of our military force in Kosovo. That debate should be held today and the vote should be held today, or tomorrow, but as soon as possible, so we fulfill our constitutional obligations.

I said, in 1991, if the President were to engage in war in the Persian Gulf without Congress first acting, not only would it be a violation of the War Powers Act but I think it would be a violation of the Constitution of the United States. I still feel that way, regardless of whether it is President George Bush or President Bill Clinton.

So the sounds of war are about us. I am hearing the rumblings that our planes and our pilots might start flying soon, that bombs might start dropping soon. Our military people will be engaged in military activities of a warlike nature. Now is the time and here is the place to debate that. We cannot shirk our constitutional responsibilities. The debate should be held this afternoon. The vote should be held, no later than tonight or early tomorrow, on whether or not this Congress will support that kind of activity in Kosovo.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would ask if you will notify me when I have talked 6 minutes.

The PRESIDING OFFICER. Is the Senator requesting unanimous consent to extend the time?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HCFA'S A NO-SHOW

Mr. GRASSLEY. Mr. President, yesterday the Special Committee on Aging, which I chair, held a hearing on the government's oversight role in ensuring quality care in our Nation's nursing homes. The committee has been investigating systemic flaws in nursing home care for two years. A series of reports by the General Accounting Office and the HHS inspector general have now shown this to be a national problem.

The Aging Committee investigates in a bi-partisan manner. The rules of the committee require it. The committee's ranking member, Senator BREAUX, has very ably assisted the committee's work. His insightfulness and interest in issues affecting the elderly population has brought greater credibility to our work.

At yesterday's hearing, we learned much about the breakdown in the complaints process. In other words, when someone makes a formal complaint about the treatment of a loved-one in a nursing home. The various states operate the process. But the federal government has the ultimate responsibility to oversee it to make sure complaints are being addressed.

Yesterday we heard from two citizen witnesses who experienced firsthand a broken-down complaints process. Their stories were tragic, yet real. The committee, the government, and the public learned much from their testimony.

We also heard from the GAO and from the HHS IG.

The committee did not hear from the Health Care Financing Administration, or HCFA. HCFA is the federal agency charged by law to protect nursing home residents. HCFA must ensure that the enforcement of federal care requirements for nursing homes protects the health, safety, welfare, and rights of nursing home residents. Yet, HCFA was a no-show.

There is a very specific reason for yesterday's hearing, and this series of hearings. It's because the health, safety, welfare, and rights of nursing home residents are at great risk. Yet, the agency responsible was not here.

The committee invited the two private citizens in the public interest. Through their eyes, we saw a complaint process turned upside-down. It's a process that has put some nursing home residents at risk. Their testimony could help correct the process so others don't have to suffer the same wrongful treatment.

The reason HCFA wasn't here is puzzling, given the committee's focus on listening to citizen complaints. HCFA is an agency within the Department of Health and Human Services—HHS. HHS determined that HCFA should not show up because HHS witnesses do not follow citizen witnesses. That's their so-called policy.

In other words, HCFA—the organization that is supposed to serve our elderly citizens by protecting the health, safety, welfare, and rights of nursing home residents—was not here because its protocol prevents them from testifying after citizen witnesses.

Last Friday, when discussing this matter with HHS officials, my staff was told the following: "Our policy is that we testify before citizen witnesses."

Now, I have four comments on this. First, how serious is the Department about the problems we're uncovering in nursing homes when a protocol issue is more important than listening to how their complaints process might be flawed?

Second, I have conducted hearings, in which citizen witnesses go first, since 1983. Other committees have done the same. I don't recall any department at any hearing I conducted since 1983 that became a no-show, even when private citizens testified first. Especially for an issue as important as this.

Third, the Department may be trying to convince the public it cares. But this no-show doesn't help that cause. The public might confuse this with arrogance.

Finally, this situation yesterday could not possibly have illustrated better the main point of the hearing; namely, that citizens' complaints are falling on deaf ears. These witnesses traveled many miles yesterday. They were hoping that government officials—the very officials responsible—would hear their plea. Instead, what did they get? A bureaucratic response. Their agency-protectors were no-shows because of a protocol. Because of arrogance, perhaps.

So, we'll move forward with yesterday's testimony, learning how the nursing home complaint system is in shambles. And the agency responsible for fixing it wasn't here to listen. Of course, they can read about it once it's in writing—a process they are comfortable with.

Since I have been in the Congress, I have never taken partisan shots at an administration. I believe only in accountability. My heaviest shots were against administrations of my own party. The record reflects that very clearly.

The easy thing to do would be to take partisan pot shots over this. It's much harder to redouble our efforts, in a bipartisan way on the committee—which I intend to do—until HHS and HCFA get the message. When will HHS and HCFA hear what's going on out there in our nation's nursing homes? Perhaps when they learn to listen to the citizens we—all of us in government—serve. Until they get the message, these problems will get worse before they get better.

One key reason why HCFA's presence was important, yesterday, was to nail down just who is in charge. At our hearing last July, Mr. Mike Hash, HCFA's deputy administrator, told the committee that HCFA is responsible for enforcement for nursing homes. Yet in yesterday's written testimony submitted for the record, Mr. Hash says the states have the responsibility.

This needs to be clarified. Who's in charge, here? Is this why we're seeing all these problems in nursing homes? Because no one's in charge?

In my opinion, this matter has to get cleared up at once. Every day that passes means more and more nursing home residents may be at risk. The Department of HHS has to restore public confidence that it truly cares, that it's doing something about it, and that improving nursing home care is a higher priority than protocols for witnesses at a hearing.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, we are obviously dealing with very serious matters for the future of our country and our military men and women today. We want to make sure we proceed properly. We are looking at how to proceed on the Kosovo issue and the supplemental appropriations and be prepared for consideration of the budget resolution beginning tomorrow.

We have looked at a lot of options. Obviously, we have been talking among ourselves and the administration, and Senator DASCHLE and I have gone through a couple proposals.

Our conclusion is, at this time we should go forward with the cloture vote as scheduled. The cloture vote is on the Smith amendment, which is an amendment to the Hutchison amendment to the supplemental appropriations bill.

When that vote is concluded, depending on how that vote turns out, then we will either proceed on the Smith amendment or we will set it aside, if cloture is defeated, and work on the supplemental appropriations bill while we see if we can work out an agreement on language or how we proceed further on the Kosovo issue.

We thought the better part of valor at this time is to have the vote on cloture. Is that Senator DASCHLE's understanding, too? We will continue to work with the interested parties. A bipartisan group will sit down together and look at language to see if we can come up with an agreement on that language. We may be able to, maybe not. But we should make that effort. Then we also will press on the supplemental appropriations bill while we do that.

With that, Mr. President, I ask for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Lott amendment No. 124 prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia:
>
> Trent Lott, Paul Coverdell, Bob Smith of New Hampshire, Jeff Sessions, Don Nickles, Charles E. Grassley, Sam Brownback, Tim Hutchinson, Michael B. Enzi, Bill Frist, Frank Murkowski, Jim Inhofe, Conrad Burns, Mitch McConnell, Ted Stevens, and Jim Bunning.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 124 to S. 544, a bill making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Cochran

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Hutchison amendment, No. 81, be temporarily set aside under the same terms as previously agreed to with respect to the call for the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we will resume consideration of the supplemental appropriations bill with amendments in order as outlined in the consent agreement reached on March 19.

I should advise the Senate that there is beginning now a working group of Senators who will be working to determine if they can draft language for the resolution regarding the Kosovo situation. We still have pending the Hutchison amendment and the Smith amendment. And there will be a bipartisan effort to see if there can be some compromise language worked out or some language that might be voted on in some form before the afternoon is over.

In the meantime, we are working now toward an agreement with regard to consideration of the supplemental appropriations and beginning of the consideration of the budget resolution. The managers are here, and they are ready to begin to work on some amendments, I believe, which have been cleared. We hope that within the next 30 minutes we can enter into an agreement with regard to finishing the supplemental today, with Kosovo language being considered in the process as a possibility, and then begin tomorrow on the budget resolution.

With that, I yield the floor so that the distinguished chairman can begin to have these amendments considered that are ready to be cleared.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I now ask unanimous consent that there be stricken from the amendment list Senator HARKIN's relevant amendment, Senator JEFFORDS' three relevant amendments, and Senator REED's OSHA small farm rider amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 125, 126, AND 127, EN BLOC

Mr. STEVENS. Mr. President, let me state, so that everyone understands, that there is a sense-of-the-Senate amendment offered by Senator BINGAMAN regarding the use of sequential billing policy in making payments to home health care agencies under the Medicare Program; an amendment by Senators LEAHY, JEFFORDS, and COLLINS providing additional funds and an appropriate rescission to promote the recovery of the apple industry in New England; and the third amendment is offered by Senator LINCOLN to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year.

I send these amendments to the desk and ask for their immediate consideration, and ask unanimous consent that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> The Senator from Alaska (Mr. STEVENS) proposes amendments en bloc numbered 125 through 127.

The amendments (Nos. 125 through 127), en bloc, considered and agreed to are as follows:

AMENDMENT NO. 125

(Purpose: To express the sense of the Senate regarding the use of the sequential billing policy in making payments to home health agencies under the medicare program)

At the appropriate place, insert the following:

SEC. . FINDINGS AND SENSE OF SENATE REGARDING SEQUENTIAL BILLING POLICY FOR HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Section 4611 of the Balanced Budget Act of 1997 included a provision that transfers financial responsibility for certain home health visits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from part A to part B of such program.

(2) The sole intent of the transfer described in paragraph (1) was to extend the solvency of the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i).

(3) The transfer described in paragraph (1) was supposed be "seamless" so as not to disrupt the provision of home health services under the medicare program.

(4) The Health Care Financing Administration has imposed a sequential billing policy that prohibits home health agencies under the medicare program from submitting claims for reimbursement for home health services provided to a beneficiary unless all claims for reimbursement for home health services that were previously provided to such beneficiary have been completely resolved.

(5) The Health Care Financing Administration has also expanded medical reviews of claims for reimbursement submitted by home health agencies, resulting in a significant slowdown nationwide in the processing of such claims.

(6) The sequential billing policy described in paragraph (4), coupled with the slowdown in claims processing described in paragraph (5), has substantially increased the cash flow problems of home health agencies because payments are often delayed by at least 3 months.

(7) The vast majority of home health agencies under the medicare program are small businesses that cannot operate with significant cash flow problems.

(8) There are many other elements under the medicare program relating to home health agencies, such as the interim payment system under section 1861(v)(1)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)), that are creating financial problems for home health agencies, thereby forcing more than 2,200 home health agencies nationwide to close since the date of enactment of the Balanced Budget Act of 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) evaluate and monitor the use of the sequential billing policy (as described in subsection (a)(4)) in making payments to home health agencies under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) ensure that—

(A) contract fiscal intermediaries under the medicare program are timely in their random medical review of claims for reimbursement submitted by home health agencies; and

(B) such intermediaries adhere to Health Care Financing Administration instructions that limit the number of claims for reimbursement held for such review for any particular home health agency to no more than 10 percent of the total number of claims submitted by the agency; and

(3) ensure that such intermediaries are considering and implementing constructive alternatives, such as expedited reviews of claims for reimbursement, for home health agencies with no history of billing problems who have cash flow problems due to random medical reviews and sequential billing. '

AMENDMENT NO. 126

(Purpose: To appropriate an additional amount to promote the recovery of the apple industry in New England, with an offset)

On page 2, between lines 20 and 21, insert the following:

AGRICULTURAL MARKETING SERVICE

For an additional amount to carry out the agricultural marketing assistance program under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), $200,000, and the rural business enterprise grant program under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)), $500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 37, between lines 9 and 10, insert the following:

FARM SERVICE AGENCY

EMERGENCY CONSERVATION FUND

Of the amount made available under the heading "EMERGENCY CONSERVATION PROGRAM" in chapter 1 of title II of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 68), $700,000 are rescinded.

AMENDMENT NO. 127

(Purpose: To provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year)

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. . CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.—(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as "CRCPLUS") for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

Mr. STEVENS. Mr. President, I move to reconsider the votes by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have, I think, a process now to sort of relieve the roadblock, or remove the roadblock, on this supplemental bill and get it ready to go to conference tomorrow with the House. The House will pass this bill tomorrow. So I urge Senators to offer their amendments, and we will, to the best of our ability, take the Senators' amendments to conference, if at all possible.

AMENDMENT NO. 128

(Purpose: To eliminate any emergency designations from the bill and provide additional offsets from unused fiscal year 1999 emergency spending)

Mr. GRAMM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. GRAMM) proposes an amendment numbered 128.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) An additional amount of $2,250,000,000 is rescinded as provided in section 3002 of this Act.

AMENDMENT NO. 129 TO AMENDMENT NO. 128

(Purpose: To eliminate any emergency designations from the bill)

Mr. GRAMM. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. GRAMM), for himself, and Mr. NICKLES, proposes an amendment numbered 129 to amendment No. 128.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. . Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. GRAMM. Mr. President, a continuing problem with the emergency supplemental appropriations is that it is not paid for.

I would like to remind my colleagues—and I will try to be brief—that last year the President in the State of the Union Address took the hard and fast position that we should save Social Security first. The idea was that the whole surplus of the Federal budget should go to Social Security and should be used to reduce the outstanding debt of the Government.

As everyone remembers, in the waning hours of the session last year we passed an emergency appropriations bill that contained numerous non-emergency items. And the net result was to spend $21 billion—roughly one-third of the surplus—every penny of which was Social Security surplus. Therefore, in the words of the President, we had plundered the Social Security trust fund to fund all of these other programs of Government.

As I am sure everyone is aware, along with the budget that will come to the floor of the Senate immediately following disposition of the issue on Kosovo, we will consider a lockbox provision that requires a reduction in the debt held by the public by the amount of Social Security surplus. That will automatically lower the debt limit we will set by law each time we have a Social Security surplus. So the net result will be that each and every penny of the Social Security surplus will, in fact, be locked away, going to debt reduction in the name of Social Security. While none of that saves Social Security, it does mean that none of it is spent on general government and that we actually reduce the indebtedness of the Federal Government in the process.

Right in the face of this effort to lock away the Social Security surplus for Social Security, we found ourselves with an emergency supplemental appropriations bill which is not paid for. And, in fact, in its current form, the bill increases spending and therefore takes $441 million right out of the Social Security surplus in fiscal year 1999. And then, adding this year and the next 4 years, it would take almost $1 billion out of the surplus; $956 million would, in fact, be taken out of that surplus.

It seems to me we can't be credible talking about a lockbox to lock this money away for Social Security at the very same moment that we are spending the money.

So I have sent two amendments to the desk. One makes across-the-board reductions in the previous emergency bill we passed in areas other than agriculture and defense to such a degree that we pay for the $441 million. So the emergency supplemental at that point will be deficit neutral in fiscal year 1999.

The second-degree amendment, which I have submitted on behalf of myself and Senator NICKLES, because in fact it was his amendment that he reserved the right to offer—the second-degree amendment is an amendment which waives the emergency designation, which will mean that this $515 million of spending in the years 2000 through 2005, will count toward the spending caps in those years. So by spending the money now, we will lose the ability to spend that amount of money in future years.

These are two straightforward amendments which have one overriding virtue, and that is, they pay for the supplemental.

Let me say of my colleague, the Senator from Alaska, that I am very grateful he has decided to accept these amendments. I know this only means postponing the battle until conference.

There was a clever little poem I learned as a boy. And I am sort of ashamed to say that I forget exactly what the rhyme was. But it was, "He that is convinced against his will is unconvinced still." And I know that in this case, wanting to get on with this bill, our dear colleague, our loving colleague from Alaska, is convinced against his will to take these amendments, and I know he is unconvinced still.

But the point is, we would have the ability to go to conference with our bill fully paid for and with no emergency designation. That would put those of us who believe that this should be the way we do business in this country in a position in conference to try to sway others. On that basis, I will be willing, with the adoption of these amendments, to let the bill go to conference where, obviously, at that point this will be fought out again.

Let me conclude, before the Senator from Alaska changes his mind, by simply saying we are going to have to come to a moment of truth here. We cannot write budgets that say we are going to control spending and then continue to spend. We cannot lock away money for Social Security and then spend the money for Social Security. I know it is hard—when the President says one thing and does another—for Congress to say something and then actually do it because, obviously, it is easier to say it and not do it than it is to say it and then do it. But I do believe the American people have a higher standard that they apply to us, and I think the adoption of this amendment, especially if it can be held in conference, is a major step forward in getting credibility back into the budget.

On that basis I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Alaska.

Mr. STEVENS. Mr. President, my friend brought a smile to my face because I remembered Miniver Cheevy:

Miniver Cheevy, child of scorn,
Cursed the day that he was born.

He was born too late. Just think, I might have been chairman of the Appropriations Committee back in the days before the Budget Act, before scoring fights, when we just talked about what the country needed. Right? But it is one of those things.

Mr. GRAMM. But then you would be dead, Mr. Chairman.

Mr. STEVENS. No, Cheevy just hoped he had lived sooner. You understand? By definition, he is dead.

Mr. GRAMM. Oh, OK.

Mr. STEVENS. I cannot match the memory of my friend from West Virginia as far as poetry is concerned. I was trying to think of another poem I remembered that would have been appropriate, but right now I will say this:

Mr. President, here is the problem. We had a massive bill last fall. It had emergency monies appropriated that were outside the budget. Now we are reprogramming much of that money to new emergencies or to new programs which take the money away from the programs we appropriated for last fall. But now we are going to spend it somewhere else. OMB did not score that money last fall because it was outside the budget. Now the Senator from Texas has gone to the CBO and the CBO has scored that as money that is just being appropriated. We are really reprogramming appropriated money to new uses.

When they score it, they do not come up with budget authority, which is the problem of the legislative committees. They come up with outlays, which is our problem. We do not have the outlays. By definition, the money, if we leave it where it is, it is going to be spent. It is going to be spent unscored.

As a consequence, I have told the Senator from Texas, and I hope my friends from the other side of the aisle would agree, we will take this to conference. I made a commitment. I will sit down with the CBO and see if I can understand their point of view of why they should do this to us. Most people do not agree. It is only the Senate Appropriations Committee that is subject to this control. The House just waived the points of order. Over here, our bills are subject to points of order.

The amendment of the Senator would lead to dramatic cuts in several priorities that were funded in the omnibus bill as emergency issues and not scored on outlays. And we have a provision in this bill that says those monies will continue to not be scored as outlays if they are spent for the purposes we redesignated them for: Diplomatic security, to rebuild our embassies destroyed in Kenya and Tanzania, the funding that we put up for the U.S. Government's response to the Y2K computer problem. At my request last year, we went forward very early and the Senate started that process, $3.25 billion to deal with Y2K. It was not scored, and we are reallocating some of that. The agriculture relief from last year—again, it was an emergency. We are reprogramming some of that.

Above all, the FEMA disaster relief monies, all of those were not scored for outlays, Mr. President. But I understand what my friend is doing. He is trying to do the same thing we are trying to do, and that is preserve Social Security. I will be willing to do anything I can to preserve the position we have taken that Social Security funds not be touched. They were touched last fall. We are not touching them, we are reusing them. That is something the CBO cannot quite grasp right now, and I have said I will go sit down and talk to them. As a matter of fact, I will invite the Senator from Texas to come along so he will have a worthy advocate as we try to understand the new concepts of scoring outlays on monies that were already appropriated on an emergency basis.

I think the Senator from Texas raises some interesting points. I do hope we will be able to accept this. I have to tell the Senator from Texas that my decision to recommend these be taken to conference is still subject to being reviewed on the other side of the aisle, and I will have to defer the final approval of the amendment of the Senator until that time. But I will call him if there is any discussion to be had on his amendment.

I hope he agrees we set it aside temporarily while awaiting that response to my request. But I do intend to recommend the amendments of the Senator be taken to conference where we will explore them and try to see if we can accommodate what the Senator is trying to do without disturbing the process that we feel is our duty—to meet the emergencies as they are presented to us this year, not last year.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President and Senator STEVENS, before he leaves the floor, I am going to ask a question of the Senator from Texas on the speech that he just made, although it is not directly on point. I thank Senator GRAMM for the comments he made about Social Security and protecting it and the lockbox. He has explained the lockbox as legislation he has reviewed in my behalf, and described it as making it very difficult, if not impossible, to spend the Social Security surplus, because to do so one would have to increase the debt beyond that which is agreed upon, the debt held by the public, and in so doing they would need a supermajority.

Since the administration says they want to save the Social Security trust fund, do you have any idea—can my colleague imagine why the Secretary of the Treasury would be against it?

Mr. GRAMM. Yes, I can tell you I not only have an idea, I think it is clear there is only one reason anybody would be against it, and that is they want to say they are saving Social Security, but they do not want to do it. They want to have it both ways. They want to give great and flowery speeches about "Save Social Security first, save Social Security now," but when it gets right down to it, what the provision of my colleague in the budget does by changing the debt ceiling is it actually makes it impossible for them not to do it unless they can get 60 votes in the Senate to raise the debt ceiling. So the only reason they would oppose it is they do not intend to do it.

Mr. DOMENICI. That would require statute law to do what I have recommended and what my staff and I have worked out? We would have to bring that to the floor, and that will be another test after the budget resolution about how serious people are about not touching the Social Security trust fund; is that correct?

Mr. GRAMM. Anybody who is opposed to your bill is refusing to write into law in a binding manner what everybody pledges verbally to do. The provision of the Senator from New Mexico is an enforcement mechanism. And the only reason anybody would be against enforcing an antiplundering provision on Social Security is if they intend to plunder. I think that is what the whole issue is about.

Mr. DOMENICI. I ask one thing further. My colleague has been here working with me for most of my time on the Budget Committee, although I was there for a while when he was in the House working on budgets there. I have talked, heretofore, about whether or not we can lock up the Social Security trust fund. But it is my recollection that no legislation of the type that I propose has ever been suggested to the Congress as a means of not spending that money. Is that your recollection also?

Mr. GRAMM. Well, first of all, I don't know of any effort in the past, prior to 1979, when I came to the Congress. There had been no legislative action since 1979 that would have locked in a process to enforce debt reduction. This is the first in my experience of service in the Congress. My guess is there has never been a similar proposal before, but we do have an extraordinary circumstance. We have a President who is committed to saving Social Security money and using it for debt reduction. We have 100 Members of the Senate who say they are for it. Your amendment gives us a happy opportunity to marry all this up with a binding constraint. The question is, who is for real and who is not for real on this issue. That is what will be determined.

Mr. DOMENICI. I thank the Senator.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to put in the RECORD the scoring that we got on the supplemental bill as it came out of committee. It shows the problem. CBO showed we had $319 million in savings on outlays, and OMB said we had $567 million savings in outlays. OMB now has gone back and has changed the minuses to plus, and they say that we are over $441 million. It is because of a revision, I guess, of the way they have approached the bill.

Mr. President, I ask unanimous consent the scoring that we received on S. 544, as reported to the Senate, be printed in the RECORD and that it be followed by the Senator's chart, as of March 22, of scoring from CBO of the bill as it stands before the Senate today.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

FY 1999 SUPPLEMENTAL S. 544, AS REPORTED

[In millions of dollars]

	Senate bill		
	BA	CBO Outlays	OMB Outlays
OFFSETS			
Agriculture:			
Food stamp program	−285		
Net	−285		
Commerce-Justice:			
DoJ OIG	−5	−5	−5
INS enforcement & border affairs	−40	−32	−32
INS citizenship & benefits, immigr. support	−25	−20	−20
NOAA operations, research & facilities	−2	−1	−1
NOAA procurement, acquisition & constr	−2	−1	−1
Contributions to Int'l organizations	−22	−22	−22
Contributions to Int'l peacekeeping	−21	−21	−21
Int'l broadcasting operations	−1	−1	−1
Net	−118	−103	−102
Defense:			
Operations & maintenance, defense-wide	−210	−78	−155
Net	−210	−78	−155
Foreign Operations:			
Global environmental facility (GEF)	−60	−5	−5
Economic support fund	−10	−1	−1
Assistance for E. Europe & Baltic States	−10	−1	−1
Assistance for Newly Independent States	−10	−2	−1
Int'l organization and programs	−10	−9	−9
Net	−100	−18	−16
Interior:			
BLM management of lands & resources	−7	−5	−5
Net	−7	−5	−5
Labor-HHS-Ed:			
State unemployment service	−16	−16	−16
Education, research, statistics	−8	−2	−1
TANF (deferral)	−350		
Net	−374	−18	−17
Military Construction:			
BRAC	−11	−2	−3

FY 1999 SUPPLEMENTAL S. 544, AS REPORTED—Continued

[In millions of dollars]

	Senate bill		
	BA	CBO Outlays	OMB Outlays
Net	−11	−2	−3
VA-HUD:			
Emergency community development grants	−314	−1	−7
HUD management and administration	....	−5	....
EPA science and technology	−10	−4	−4
Net	−324	−10	−11
Chapter 1, title V, division B of P.L. 105–277	−23	−18	−18
Reduction in non-DoD emergency appropriations in division B of P.L. 105–277	−343	−67	−187
Reduction in non-defense discretionary spending from revised economic assumptions	−100	....	−53
Total	−1,894	−319	−567

IMPACT OF S. 544 (EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FY1999) ON DISCRETIONARY SPENDING

[Net Impact of Appropriations and Rescissions, in millions of dollars]

	Outlays, FY1999	Total outlays	Budget authority
S. 544 as Reported	+$275	+$719	0
Amendments Adopted	+166	+237	+$4
Current Total	+441	+956	+4

Preliminary Congressional Budget Office estimates as of March 22, 1999. Total outlays in future years may be affected by subsequent legislation.

Mr. STEVENS. I think it demonstrates that there is a legitimate battle here over people who make estimates. We have one group of estimators downtown, another group of estimators over in CBO. We have our own on the committee. We make estimates of what we are doing, and it is like three groups of lawyers. Fifty percent of them are wrong all the time. I say this as a lawyer.

As a practical matter, there is no answer to the Senator from Texas' approach, unless we just set them all down in the same room and say find a way to come to an agreement. In the final analysis, there are three computers working on this bill and, as they say, if you put stuff in, stuff is going to come out; right? That is the trouble. I am not sure what color the stuff is that the Senator from Texas is using, but it is coming out. It disagrees with our conclusions of what this bill means.

I am told that the other managers of the bill agree with my concept that this is something we should explore in conference, and we will give it our best review in conference. We are willing to accept the Senator's amendments now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the second-degree amendment is agreed to.

The amendment (No. 129) was agreed to.

The PRESIDING OFFICER. Without objection, the first-degree amendment, as amended, is agreed to.

The amendment (No. 128), as amended, was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the votes by which the amendments were agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 130

(Purpose: To maintain existing marine activities in Glacier Bay National Park)

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 130.

At the appropriate place in the bill, insert the following:

"SEC. . GLACIER BAY.—No funds may be expended by the Secretary of the Interior to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105–277), until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area has been resolved either by a final determination by the judiciary or by a settlement between the parties to the lawsuit."

Mr. MURKOWSKI. Mr. President, if I may have the attention of my colleagues, let me identify specifically what is intended by this amendment.

First of all, I should identify the specific area about which we are concerned. This is my State of Alaska. Over here on the right is Canada. We have our State Capitol here in Juneau. Just north of Juneau is an extraordinary jewel of our National Park Service called Glacier Bay. Glacier Bay is a pretty substantial area in size. It consists of about 3.3 million acres. That is about the size of 3 Grand Canyons or 4 Yosemites or 17 Shenandoah National Parks or 825 Gettysburgs. It is part of the State of Alaska which has about 33,000 miles of coastline.

Let me further identify specifically what Glacier Bay consists of relative to the map of Alaska which is before you.

We have in southern Alaska in the northern tip, before you cross the Gulf of Alaska to go up to the Anchorage area, the area specifically known as Glacier Bay National Park and Preserve. Over in this corner we have Gustavus, which is a small community, Bartlett Cove, where the Park Service has its concessions, and down here we have Chichagof Island, and over here, Juneau. The purpose of this map is to give the visitor some idea of the extraordinary size and attractiveness of Glacier Bay and the realization that there are absolutely no roads in this area, with the exception of this very short road from Gustavus, where there is an airfield, to Bartlett Cove. This is very rugged, glacier-bound terrain. The only entry is by vessel or aircraft flying over the area. There are kayaks, small boats, and so forth. The activity is monitored by the Park Service quite effectively.

If you look at the map of Alaska, you also find that this entire area of Canada has no outlet to the Pacific Ocean. That is from roughly Cordova down through Ketchikan, all this area of northern British Columbia, Whitehorse, the Yukon Territory. There is no access. But there is in Glacier Bay a very tiny area, at the Tarr Inlet, where a glacier occasionally recedes and provides a bit of real estate in Canada at the head of Glacier Bay. Of course, the difficulty is you cannot go through a glacier for access. I just point this out to you so you will have a little better view of the real estate, the topography, and so forth.

What we have before us in this issue is the traditional right of fishermen and subsistence gatherers who live in the area, either in Gustavus or Hoonah, which is a Native village. These are gatherers. What does that mean? To these people it is part of their heritage, part of their lifestyle.

Mr. President, we do not have any chickens in this particular area. It is pretty wet, pretty cold. So the Natives occasionally go in and gather sea gull eggs. Now, there is not much demand for sea gull eggs. The question of their continued right to go in and gather those eggs as well as fish is what this issue is all about, because the action by the Park Service would preclude traditional fishing and gathering, which has been going on here for hundreds of years.

The fishermen and subsistence gatherers really can't go someplace else. It is my opinion and that of my senior colleague, Senator STEVENS, that their rights should be respected.

What have we got that is different about this issue? The difference is the State of Alaska has indicated its intent to file suit and our Governor, Governor Knowles, has asserted claim to the submerged lands within the park. Granted, the Park Service has control of Glacier Bay National Park and Preserve. The State, under the Statehood Act, was given control of the inland waters. The question is, Who has jurisdiction over waters within the park? That is the issue.

The conflict today is that the Park Service is enforcing today an elimination of fishing and an elimination of subsistence gathering, but the State has indicated it intends to bring suit.

I have a press release by the Governor of the State of Alaska dated March 4 indicating the State's intent of bringing suit against the Interior Department over Glacier Bay fishing. It is titled, "Governor asserts claim to submerged lands within park." This matter is being brought before us today, because the existence of the suit suggests that until it is decided, the residents of the area should not be disallowed their conventional access for fishing and gathering.

In real terms, the delay does not jeopardize any park value. Gathering and fishing is fully regulated by the State of Alaska, the Department of Fish and Game, very effectively and very efficiently. All important fisheries are under the system that would prevent any increase—any undue effort on the resource. In the thousands of years that the Natives have been in the area, there has been no evidence of any resource problem.

Let me also identify a couple of other specifics here. This is a traditional Hoonah Tlingit village that existed at the turn of the century. You can see the fish drying on the racks and the homes, the summer camps, where the Native people resided. This picture was actually taken in Bartlett Cove in Glacier Bay.

The unfortunate part of this is, this village no longer exists. The Park Service eliminated it. The Park Service burned several Indian houses and smokehouses like this in the seventies. Again, this was a summer camp, a summer village.

The history of subsistence in Glacier Bay spans, as near as we can tell, Mr. President, about 9,000 years. The Tlingit name of the bay means "main place of the Huna people" or was referred to as the "Huna breadbasket," because they depended, if you will, for their livelihood on some of the renewable resources there.

As many as five Native strongholds once existed inside the park boundary, but, as I have indicated, the Natives were gradually forced out of their traditional places, and in the seventies the National Park Service burned down the Tlingit fishing camps like this in the park.

Limited fishing began back in 1885, long before Glacier Bay was named as a national park. Again, it is interesting to reflect on the claim of jurisdiction of the Park Service. Not only did they claim the inland waters, but they claimed 3 miles out along the Gulf of Alaska, from roughly Dry Bay, which is near Yakutat, 3 miles out into these rich fishing grounds, which have always been open for commercial fishing under the State department of fish and game. They have the enforcement capability, and that is the point of mentioning this, for 3 miles out, to close that as well.

Again, my appeal is, let the court determine who has control over the inland waters of the park, and let's get on with allowing the traditional gathering and limited commercial fishing activity that takes place there.

As we look at a couple of things that are dos and don'ts, this is no longer allowed under the Park Service proposal. One- or two-person family-operated boats are not welcome. They are not welcome in the park anymore. There is no good reason for it. They say they do not want a commercial activity. But this is what they do allow in the park: A 2,000-passenger cruise ship as big as three football fields. That is allowed. If that is not a commercial activity, I don't know what is. I happen to support it. You can look at the topography, the glaciers. There is no better way to see Glacier Bay National Park than from the deck of a cruise ship. But to suggest there is something wrong with the subsistence dependence of the Native people and something wrong with limited commercial fishing because it is commercial, and then to support what is truly commercial—the cruise ships—why, I think that is a grave inconsistency.

I think it is important to go back to what the local residents were assured they would have—the local residents of southeastern Alaska. They were assured, as local residents, that the Government would not eliminate traditional uses, including fishing and subsistence gathering. That certainly is not the case anymore, is it?

I think it is also important to recognize that while nationwide park regulations adopted in 1966 prohibited fishing in freshwater parks, these did not prohibit fishing in the marine or salt waters of Glacier Bay.

I wish I had this in chart. The Park Service proposes closing fisheries in Glacier Bay, as we have already ascertained. But what is their overall policy nationally? In Assateague Island National Seashore in Maryland and Virginia, the Park Service authorizes commercial fishing. Biscayne National Park in Florida, the Park Service authorizes commercial fishing. Buck Island Reef National Monument, U.S. Virgin Islands, commercial fishing is OK there. Canaveral National Seashore in Florida, fishing is OK there. Cape Hatteras National Seashore, North Carolina, commercial fishing is OK. Cape Kruzenstern National Monument in Alaska—way, way, way up here by Kotzebue—commercial fishing is OK there. Channel Islands, California, commercial fishing is OK. Fire Island National Seashore in New York, commercial fishing is all right. Gulf Island National Seashore, Mississippi, Alabama, and Florida, commercial fishing is OK. Isle Royale National Park in Michigan, commercial fishing is fine. Jean Lafitte National Historic Park, Louisiana, commercial fishing is OK. Lake Mead National Area, Nevada, fishing OK. Redwood National Park, California, commercial fishing is OK. Virgin Islands National Park, fishing is OK.

Why kick out just Alaska, a few residents who rely on their traditional gathering? That is the question. And another question is, What is the justification?

The fisheries consist of small numbers of small vessels, as I indicated. These are a type of traditional vessels, trollers, mom-and-pop—many are a lot smaller than that—fishing for salmon. But Glacier Bay is not a significant salmon spawning ground, because there are no major rivers. The water is very glacially silty and, as a consequence, anadromous fish do not use habitat in the upper parts of the bay. They move in here a little bit to feed, that's all. Mostly, we have some crab fishing, we have some halibut fishing that is seasonal, and some bottom fish. These fish, as I have indicated, are not under any threat. There is no danger to the resource. All are carefully managed for subsistence harvest by the State of Alaska, and most of them are under limited entry.

There is an argument out there that fishing is incompatible with such uses as sports fishing or kayaking, but these have been rejected by the various groups, the sport fishing groups, the kayak concessions, who favor continuation of limited commercial fishing and subsistence gathering.

What are we really talking about in numbers? Because the big Department of Interior comes down and says they are opposed to this. They want to eliminate this activity. But for the people, this is their livelihood. They have no place else to go. They appeal to the Senate. I, as one of the two Senators from Alaska, proudly represent them in their voice crying out for fairness, crying out for justice.

The Gustavus community has 436 residents; 55 are actually engaged in fishing. Gustavus is right here. Elfin Cove across the way, directly across, has 54 people. Out of those 54 people, 47 are engaged in fishing. Hoonah, a Tlingit Indian village, has 900 people, 228 involved in fishing. Pelican City, 187 residents, and 86 in fishing. That might not sound like much, but these are real people. This is their real lifestyle, and they are pleading for fairness and justice. I think we have an obligation to them.

Mr. President, let me just read a note from Wanda Culp, a Tlingit historian. This was written February 13, 1998. I quote:

> The 1980 ANILCA law has done more damage to the Tlingit use of Glacier Bay through National Park Service management. Since the 1925 establishment of Glacier Bay National Park, the National Park Service has been systematically eliminating the native people, the Tlingit people, out of Glacier Bay through their management practices.
>
> In the 1970s, the National Park Service destroyed the Huna fish camps, burned down the smoke houses when tourism began its importance in Glacier Bay.

That is a little bit of the history. I could comment on the fisheries at greater length. I could comment on the research that suggests that the French explorer, LaPerouse, in 1746, saw the local Tlingit fishing here. The park was established in 1916. But the Tlingit people have used it as a fishing camp as long as recorded or verbal traditional history of that proud people exists.

I know we are going to have objections relative to prior arrangements concerning Glacier Bay, and I hope my colleagues will note that in the amendment we address the issue of the crab fishing, and I should like to refer to that.

In the amendment, we specifically say "with the exception of the closure of the Dungeness crab fisheries under section 123(b) of the Department of Interior and Related Agencies Appropriations Act." This is a certain type of fishery, a crab fishery, and we concede that a previous agreement to close it is binding. So that crab fishery is closed. There is no question about that. Compensation for that closure was provided for, but has not yet been to fishermen.

The appeal to each and every Member is that while the State contests the question of who has jurisdiction in Glacier Bay, the Native people continue to be allowed to subsist and gather, and that the limited commercial fishery that is under the authority and management of the State of Alaska be allowed to continue.

Why deprive these people simply because this matter is going to be resolved in the courts of the United States, particularly—again, I would emphasize—when we have acknowledged the number of national parks, marine refuges, and so forth that commercial fishing is allowed to take place in. So if we get into a debate, as we may, about any reference to the Dungeness crab and the compensation issue, I want to make sure the RECORD reflects the reality that no binding agreement has been made on other fisheries in the bay. There was reference to allowing them to continue to fish without compensation for one generation. So we are accepting the agreement on the Dungeness crab, but we are asking respectfully that we be allowed to continue the other present practices within Glacier Bay until the court suit is settled.

You may wonder how this sits in the scheme of things, as we have expended a good deal of time and effort debating Kosovo and whether we should initiate an action there.

Well, here we are talking about a few real people in my State of Alaska, people who are out there whose lives and livelihoods, as they view it, are at risk. They are looking to us for relief. So by this amendment, I implore my colleagues to recognize equity and fairness; how these people have been, if you will, removed from their heritage by the Park Service, and now that heritage is about to be terminated inasmuch as it would remove subsistence activities.

I remind my colleagues that while there has been proposed remuneration for fishermen, there has never been any proposed remuneration for the subsistence-dependent Native people. So I encourage consideration be given to the merits of what we are asking. I think it is right. I think it is just. I think it is fair. If you consider the overall scheme of things, the Park Service, while managing Glacier Bay, for reasons unknown to me, has had a difficult time trying to determine what is, indeed, a commercial activity that is OK; namely, these large cruise ships, and what is no longer OK, which is a small fishing activity or the traditional rights of the Native people to gather in that area. There would be absolutely no harm done by allowing this moratorium to stand, if, indeed, it prevails, until such time as the courts resolve this issue once and for all as a consequence of the fact the State has seen fit to bring suit on who has jurisdiction over the inland marine waters.

I see some of my colleagues may wish to discuss this amendment. I am happy to respond to any questions.

I gather we are under no time agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. So if my colleagues want to talk about the amendment, I shall be pleased to respond to questions or comment a little later.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. MURKOWSKI. Yes. I intend to speak on this later though.

The PRESIDING OFFICER. The Senator yields the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my good friend from Alaska. After all, he is one of the two Senators who represent the State of Alaska, and he believes strongly in this matter.

Mr. President, this is the very same matter we discussed 6 months ago, exactly the same. This is one of those environmental riders which has popped up again. It is the Glacier Bay environmental rider. That is the environmental rider on the Interior appropriations bill of last year, a bill that never came before the Senate, I think, with all due respect to my good friend from Alaska, because a lot of Senators did not want to have those votes on those environmental riders. There were several of them. And so the whole Interior appropriations bill was then submerged into the omnibus appropriations bill, that giant and super granddaddy bill that came up before the House and Senate last year, and in that omnibus bill there was an agreement—this was a provision which was an agreement essentially between the White House and the Senator from Alaska, the chairman of the Appropriations Committee, Mr. STEVENS, on this matter. We have already dealt with this. There is an agreement. It was written into the law, and let me read you the agreement. This is the law. The agreement says very simply:

> The Secretary of Interior and the State of Alaska shall cooperate in the development and the management and planning for the regulation of commercial fisheries in Glacier Bay National Park.

On and on. Then it goes on to say:

> Such management plan shall provide for commercial fishing in the marine waters within Glacier Bay National Park outside of Glacier Bay proper and within marine waters within Glacier Bay as specified in paragraph . . .

Anybody who wants to can read all of the relevant provisions. Basically, the agreement is this: That fishing, commercial fishing, outside of Glacier Bay is fine.

It is fine. Even fishing next to the boundaries of Glacier Bay is fine. A commercial fishery within Glacier Bay was to have certain restrictions because there was a conflict between the national park values within Glacier Bay—for example, wilderness areas within Glacier Bay—and commercial fishing interests within Glacier Bay.

So we worked out an agreement—the White House and Senator STEVENS, the chairman of the Appropriations Committee—worked out an agreement, of which I read part. Other parts of the agreement are not quite as relevant as the parts I read. That is the essential nature of the agreement.

We have debated this before. This is not new. I stood on this floor several hours, with other Senators, debating other environmental riders. Izembek was an environmental rider; now we have Glacier Bay, another environmental rider. After several hours of debate on the Senate floor, we concluded debate because the Interior appropriations bill never came up. It was withdrawn. It was then subsumed into the large omnibus appropriations bill with the agreement that I just outlined between the White House and the senior Senator from Alaska.

Now, here we are all over again; same issue, same subject; nothing new.

I say to my colleagues, we have discussed this. We have debated it. We have reached an agreement on this issue. We are here now on the supplemental appropriations bill. We want to get this bill passed today so we can send it over to the other body and have a conference, come back, and be through with the supplemental appropriations this week.

Why prolong the Senate on an amendment which has already been debated, an amendment which has already been agreed to, in the sense that a compromise was worked out that recognized both the National Park interests and the wilderness interests—

which, after all, are American interests—in Glacier Bay on the one hand, with the fishing interests and particularly the indigenous interests on the other hand?

I say to my colleagues, we are hearing this argument all over again. We have an agreement. Essentially, what the amendment by the Senator from Alaska provides is to rescind that agreement. That is what the amendment does, rescind it. It is couched a little bit by saying rescind it and tell the State that it will be rescinded until the State of Alaska has resolved its lawsuit with the Federal Government—but we don't know when that will be; some lawsuits go on forever with appeals and so forth. It is essentially a recision of the agreement that we already agreed to.

The State of Alaska and the Department of Interior are now engaging in discussions as to what the management plan at Glacier Bay should be. Those are ongoing discussions. To override the agreement we have reached just because a couple weeks ago we heard that the State of Alaska intends to file a lawsuit—a suit which may or may not occur, a suit which may last for years; who knows if it will ever be finally terminated—and for us to then stop an agreement on that basis, I think, does not make a lot of sense, frankly.

I think it makes much more sense—and this is a bit presumptuous on my part—for the State of Alaska to, in good faith, sit down with the Department of Interior and see if they can work out any remaining issues. Certainly filing a lawsuit raises questions as to how feasible an agreement is, whether one can be reached. I say don't file the suit. Sit down with the Department of Interior and try to work it out. If in good faith the State of Alaska believes the Department of Interior is not acting in good faith, then we will see what we can work out at that point. We are not at that point. We are certainly not at that point when a lawsuit has been filed by the State of Alaska which only muddies the waters—no pun intended—on this whole issue.

I am not going to go into all the details of this because we have gone over it so many times and in so many hours, except to say this has been debated, this very subject. This is one of those environmental riders which, incredibly, has popped up again. We have reached an agreement; the White House and the senior Senator from Alaska reached an agreement. I say abide by the agreement, try to make that work. If it doesn't work, then we will see if we can resolve it later.

We all understand the Senator from Alaska is here standing up for the people at Glacier Bay, and I understand that. However, there is an agreement worked out in the omnibus appropriations bill. I say let's stand by that agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I reiterate some of the points that the Senator from Montana just made. I don't think anybody will dispute this. The facts are as follows: In last year's Interior appropriations bill, there was a provision prohibiting the Secretary of Interior from promulgating regulations affecting commercial or subsistence fishing in Glacier Bay. As the Senator from Montana said, first of all, the Department of Interior found that provision objectionable in the appropriations bill, so they worked out with the senior Senator from Alaska a compromise that was included in the omnibus appropriations bill.

In other words, this is "deja vu all over again." We have been down this road. We reached a compromise, a compromise between Alaska and the Department of Interior. I really have great difficulty understanding why we are revisiting this 6 months later. I guess it isn't quite 6 months.

What did the compromise do? It required the Secretary of the Interior and the State of Alaska to develop a management plan, and the Senator from Montana has just referred to that. The management plan would allow commercial fishing in the waters outside Glacier Bay and it would regulate a closed fishery within the bay. The compromise consists of this management plan. They are going to work on it together.

In addition, shortly after that, in the supplemental appropriations bill, there is an increase in compensation to the fishermen as a result of the compromise. In other words, the fishermen are receiving more money as a result of the compromise—the Federal Government is paying out money. We are doing our part of the bargain.

I hope that the Senator from Alaska, Senator MURKOWSKI, will not press this amendment. There is, as I say, the groundwork for a management plan and the State of Alaska has filed notice of an intent to sue within the past 2 weeks. They are in that suit; they are going to claim ownership over the submerged lands.

If they don't like the management plan that they work out, then they can go back to their suit. But I don't think we ought to be here debating this all over again just after we reopen everything. Can't we arrive at any conclusions around this place?

As I say, less than 6 months ago a deal was reached with the senior Senator from Alaska. My question to the chairman of the Energy Committee is, Why don't we stick with that agreement? Indeed, as I mentioned before, the Alaska fishermen have benefited from it because there have been payments to them pursuant to the compromise that was worked out.

Let me say I can totally understand the enthusiasm of the Senator from Alaska to get more. We all like more. It seems to me at some point we have to reach closure on these things. Indeed, as both of us have mentioned and referred to the compromise that seemed to settle this, the issues were exactly the same.

Mr. MURKOWSKI. If I may respond to my friend from Rhode Island, I think he is confusing or misinterpreting the intent of our amendment.

If one examines the amendment closely, there is a recognition of the deal that was made last year. That recognition is in line 5 where it says,

> . . . except the closure of Dungeness crab fisheries under Section 123(b) of the Department of Interior and Related Agencies.

We are abiding by that arrangement that was made and we are not changing that.

The crab fishermen, I might add, would much rather fish than be paid by the Federal Government not to fish. They are, in fact, being eliminated from their fishery in that particular part of Glacier Bay.

To suggest that we are changing the deal is, in fact, totally inaccurate and, again, is a misinterpretation.

I hope that my distinguished colleague will recognize that, indeed, there is a difference. First of all, the crab fishermen have not been paid one red cent by the Federal Government. They will, hopefully, be paid, but that has not occurred yet. We are talking about the balance of the fishery, which amounts to some bottom fish and some halibut.

We are also talking about something that is more important, which really, I say to the Senator from Rhode Island, is overlooked: What is the value of the subsistence to the dependent Native people who are being kicked out and eliminated? They are not receiving any remuneration or being taken care of in any deal. Would that be just, I ask my friend from Rhode Island, if it were his State? Would it be right if the indigenous people could no longer gather sea gull eggs when they don't have chickens? I mean that in a literal sense because, as the Senator is well aware, we don't have any chickens up there; it is too wet, too cold. They rely on a few sea gull eggs, and they have always been allowed to do that, for generation after generation. Is that justice?

Mr. CHAFEE. Mr. President, in last year's appropriations bill, there was language that went beyond the crabbers. It included a provision prohibiting the Secretary of the Interior from promulgating regulations affecting commercial or subsistence fishing. So that was the provision in last year's bill. The Department of the Interior found those, as I mentioned, provisions objectionable, so they worked out a compromise. The compromise was meant to cover the entire rider that was involved. It wasn't meant to settle the deal.

Mr. MURKOWSKI. That isn't what the amendment says.

Mr. CHAFEE. Which amendment?

Mr. MURKOWSKI. It eliminates the crab fishery. That was the arrangement made last year. Those fishermen are to be given remuneration for not fishing by the Federal Government. They would much rather fish.

Mr. CHAFEE. In other words, you exclude them?

Mr. MURKOWSKI. They are excluded, yes. That is the only agreement that has been made and binding for remuneration.

Mr. CHAFEE. There may not be provisions for remuneration, but the provisions that you originally had last year in your rider were encompassed within the deal with Senator STEVENS, and so the matter was settled as far as everybody goes, plus the admonition—I guess you can call it that—that they would reach this management plan—I don't know what has become of that—but also the State of Alaska proceeded to file suit in this thing anyway.

So it seems to me that what you are proposing here is to undo something that was agreed to last year—not just in connection with the crabbers, which you mentioned, but with the total package that you had in your rider last year. And so it was settled, it seemed to me. That is all I have to say.

Mr. MURKOWSKI. Well, Mr. President, perhaps I can enlighten my colleagues a little bit. I would be prepared to respond to questions. He refers to waiting for a management plan from the Park Service. We have that management plan, Mr. President. That management plan is quite explicit. It is to close the commercial activities associated with fishing. I encourage my colleague to recognize it for what it is. If you look at this picture, this is commercial fishing activity. They don't want commercialization of the park. I don't see my friends from Montana or Rhode Island commenting about this commercial activity, where 2,000 people are aboard this ship. That is a commercial activity. They are paying to come into Glacier Bay.

The management plan is a management dictate by the Department of the Interior to kick out the fishermen and to eliminate the Native people from Hoonah, Elfin Cove, and so on. There is not an awful lot of affection for the Park Service, which I think my friend from Montana, who knows something about rural America, understands when the Federal Government just comes in through a process of osmosis and dictates more and more attention.

Now, we have not changed this deal. Last year's deal eliminates the Dungeness crab for compensation. It is in the amendment. The other fisheries inside the bay were proposed to be closed—and this is what I think he is referring to—after one generation without compensation. They don't have any compensation. So basically, when you suggest that the State and Federal Government can work together on some kind of a management resolve, the Federal Government has spoken. It is kicking them out.

The Federal Government maintains that it has jurisdiction over the inland waters. The State has seen fit to indicate that it is going to file suit to determine who has jurisdiction. Make no mistake about it, Mr. President, the Federal Government and Department of the Interior has a philosophy of creeping bureaucracy where they extend their jurisdiction; and they can do it if the State is not successful in resolving its suit. They have jurisdiction 3 miles out from Federal land. Believe me, it is just a matter of time before they come around for Bartlett Cove and go out to Cape Spencer and north from Cape Spencer up toward Yakutat.

So we are accepting the Dungeness crab deal. But there is no justification for more—and I implore my colleagues to recognize this. Let the courts decide it, but for goodness sake, in the meantime, allow the Native people to continue what they have been doing for thousands of years; allow the limited commercial fishery to continue until such time as the court gets it resolved.

I would love to compromise on this, but there is no compromise with the Park Service. They want to eliminate the fisheries. The State has brought suit. That is what is new and different about this. My colleagues fail to recognize that the State is saying, OK, it is time to settle the jurisdiction issue. We have tried to negotiate and work out with the Park Service a management plan that would allow the State to continue to manage it. What does the Park Service know about managing fisheries? They have no biologists. The State of Alaska spends more than any other State on fishery biology; we are good at it. That is why we have fish. To suggest that the Park Service should enter into a process to generate expertise in this area is unreasonable, impractical and, finally, unnecessary.

We have nothing but creeping advancement by the Department of the Interior within our State because we are a public land State. But it is time that the people of Alaska express their views, and they have expressed their views through the Governor's announcement of the suit.

Again, it is not the same as 6 months ago. The lawsuit changes that. The omnibus bill, in spite of what my colleagues from Montana and Rhode Island have said, was not ever considered satisfactory; it was only considered to delay more sweeping closures. To suggest that this matter has been debated on this floor is totally inaccurate. It has not been debated before. This is to allow the judicial process to be completed, and that is what the suit is all about.

Again, in the interest of fairness, Mr. President, why does the Park Service say it is OK to commercially fish in Maryland, in Assateague; in Florida, Biscayne; in the Virgin Islands, Buck Island; in Canaveral, Florida; in Cape Hatteras, North Carolina; in Channel Islands, California; in Fire Island, New York; in Gulf Island, Alabama and Florida, on and on and on. But it is not OK anymore here. Here you have an added dimension. You have the people—the few hundred people who are dependent on Glacier Bay for a subsistence lifestyle and a small amount of commercial fishing.

We are not reneging on any deal, we are merely keeping people working—keeping people working, keeping people employed, keeping people productive while the jurisdictional issue is decided. What in the world is wrong with that? The courts are going to make this decision. But, for goodness' sake, let the people who are dependent on it for their lifestyle and their traditions continue.

Mr. President, I have gone on long enough. If there are some questions of my friend from Montana, I would be happy to answer.

Mr. BAUCUS. Mr. President, I have a few brief questions, if I might. The question is, Has the State of Alaska filed a lawsuit?

Mr. MURKOWSKI. No. As I indicated, the State indicated its intent to file a lawsuit and will be filing it late this summer or early this fall.

Mr. BAUCUS. Assuming they will file late this summer, or early this fall, on this issue, how long might that lawsuit be pending?

Mr. MURKOWSKI. I am sure the Senator from Montana would agree that neither he nor I has any idea. The point is, these people have had access to the park for thousands of years. And what difference does 6 months or a year make?

Mr. BAUCUS. Might that lawsuit conceivably take a couple, or 5, or 10 years before it is resolved? Is that possible?

Mr. MURKOWSKI. I hope it will not. I hope it will be very short.

Mr. BAUCUS. But it is possible.

Mr. MURKOWSKI. I don't know. We have had access since we became a State in 1959 and the Federal Government always recognized the state's management. They have technically allowed this to go on since 1959. Suddenly, under this administration, they are kicking us out.

So I don't know what a year, or 2, or 3, necessarily has to do with it. The point is, it is going to be resolved. If the State loses, it is all over.

Mr. President, let me conclude by explaining why it is important for the Senate to address this issue. Again, we should not put people on public assistance without a cause. That is what we are doing here with these subsistence dependents. We shouldn't second-guess the court. Let the court decide, and recognize that there are real people out there—real constituents of mine and yours—whose lives and livelihoods are really at risk, and they are looking to you and me for relief. This is all they have.

So I implore my colleagues to recognize the legitimacy of this.

It will be my intention, Mr. President, at the appropriate time, to ask for the yeas and nays, subject to whatever the joint leadership decides to do about future votes. But I will ask for a vote on the amendment.

I thank the Chair.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will be very brief. I don't know why this issue needs to go on forever. It is deja vu all over again.

The Senator from Alaska has admitted that his amendment has the effect of preventing the management plan from going into effect for years—5, 10, who knows how many years—because his amendment essentially says no funds may be expended by the Secretary of Interior to implement the plan until such time as the State of Alaska's legal claim over ownership and jurisdiction, et cetera, is resolved. Who knows how long that is going to take? That could take a long, long time. That would mean for up to many, many years that this issue remains unresolved.

We resolved this issue in the omnibus appropriations bill. It was resolved. The senior Senator from Alaska agreed with the White House on the compromise, recognizing, on the one hand, the interests of the national park and the wilderness area and, on the other hand, the fishing interests of the people who live in and about Glacier Bay. It has already been agreed to. There is a compromise agreed to by both sides—the Senator from Alaska, the senior Senator, Senator STEVENS, and the White House—in the omnibus appropriations bill. It has been agreed to.

So here we are now faced with an amendment which undoes that agreement. It very simply undoes that agreement by saying no funds may be expended with respect to any management plan in Glacier Bay until a lawsuit, not yet filed, is resolved. I say that we should go ahead with the plan. We should go ahead with working out the provisions of the plan. The State of Alaska can still file its lawsuit if it wants to. And that lawsuit may or may not change the result.

In addition, I might add, this is a national park. This is a wilderness area. This has very pristine values which all Americans want to protect. We do at the same time want to recognize—and do recognize—the interests of the fishermen in Glacier Bay; thus, the compromise. The compromise, the agreement, is already reached. It has been debated ad nauseam. So I am going to stop right here.

I urge the Senate to uphold the original agreement, which most Senators already agreed to when they voted for the omnibus appropriations bill last year.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I urge all of my colleagues to read my amendment and recognize the consideration that has been made to live by the agreement by recognizing that the closure of a Dungeness fishery under this section will occur as agreed to, and the balance of the fisheries have never been addressed on this floor or debated.

I conclude by referring to one remark, which my friend made concerning this beautiful wilderness and the opposition of commercial activity. Just look at this cruise ship with nearly 3,000 people on it, if you want to see the commercial activity and compare that to the sensitivity of my subsistence-dependent Native people whose lives are at risk as a consequence of not having an opportunity to pursue their traditional resources and their appeal to you and me for relief.

I have no further statements. I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may take up an amendment which I believe has been or will be cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 131

(Purpose: To authorize payments in settlement of claims for deaths arising from the accident involving a United States Marine Corps A–6 aircraft on February 3, 1998, near Cavalese, Italy)

Mr. ROBB. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Ms. SNOWE, Mr. LEAHY, Mr. BINGAMAN, Mrs. FEINSTEIN, and Mr. KERREY proposes an amendment numbered 131.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, between lines 11 and 12, insert the following:

SEC. 203. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

Mr. ROBB. Mr. President, I rise today not only in my capacity as a U.S. Senator but also as a former U.S. Marine and as a father.

Along with Senators SNOWE, LEAHY, FEINSTEIN, KERREY, BINGAMAN, and others, I am offering an amendment that will permit the United States to shoulder unambiguously its responsibility, uphold the honor of the U.S. military, both at home and abroad, and begin to ease the grieving of 20 families who lost their loved ones in a tragic accident near Cavalese, Italy, last year.

On February 3, 1998, a U.S. Marine Corps EA–6B Prowler was flying low and fast through the Italian Alps on a training mission. Just minutes from its scheduled return to base, the pilot suddenly caught a glimpse of a yellow gondola off to his right at eye level.

A split second later, he spotted the two cables that carried the gondola, and, fearing for his life, he put the plane into a dive. His action probably saved the lives of the four-member crew, but it was not enough to prevent the wingtip from clipping the cables.

Unaware of the devastation left in his wake, he completed his mission and returned the damaged plane to Aviano Air Base.

The plane's wing had stretched and then snapped the cables supporting the gondola, which was then 307 feet above the valley floor. Inside were 20 people;

among them, a Polish mother and her 14-year-old boy, seven German friends, and five Belgian friends, including an engaged couple.

I am told that those 20 people had just 8 seconds to live from the time the cable was struck. Eight seconds doesn't seem like a long time, unless you know you are going to die.

[Pause.]

That was eight seconds. The next day in Cavalese, Italy, a lone bell tolled. Shops "closed for mourning," a memorial mass was planned and skiing was halted out of respect for the dead. And the families of those dead spent their first day of grief.

One year later, Cavalese is once again teeming with tourists. The cable car has been rebuilt, and a memorial stone erected.

One year later, however, the United States has not yet acted to accept full responsibility for those twenty deaths. Following a lengthy court martial, the pilot of the jet was acquitted of any criminal wrongdoing. President Clinton reacted by stating that the United States would "unambiguously shoulder the responsibility for what happened." We need to follow those words with deeds. We need to accept our responsibility by compensating the families of the victims, quickly and fairly. While many factors contributed to this accident, and we may never know exactly which one was the proximate cause, we do know that it was our fault. They were our air crew. It was our plane.

Because there is no question whether the United States is responsible for the accident, the only question is whether we have the will to act honorably and settle the issue of compensating the families quickly—doing everything we can to not prolong their agony—for they have already suffered unspeakable grief.

Since last summer, I have repeatedly urged the Department of Defense to develop a mechanism that acknowledges our responsibility and allows the families to begin putting their lives back together. And I believe every official in the Department associated with this matter shares this desire to put the tragedy behind us. Unfortunately, the Department of Defense does not believe it has the authority to resolve these claims on its own.

This belief stems from the Department's conclusion that this case is governed solely by the Status of Forces Agreement, or SOFA, which regulates the relationship among the military forces of NATO allies. Following an accident in a host country involving a NATO ally, the SOFA requires injured third parties to file claims in the host country and pursue them as if the host country itself had caused the injury. Then, the claims are litigated or settled as the host country determines. Once a level of compensation is decided, the host country pays the claim and seeks reimbursement of 75% of that claim from the country at fault.

The Department of Defense has informed me of its belief that the SOFA provides the sole remedy in this case and that therefore the DoD does not have the authority to settle the claims of the families arising from this accident.

While I disagree with that conclusion, this amendment resolves the question. My amendment specifically grants the Department the authority they believe they presently lack, rather than forcing the families to wait to resolve this question in a judicial process that could take many years. The amendment allows the Secretary to settle the claims and sets aside $40 million for that sole purpose. It leaves to the Secretary the discretion to determine an amount of compensation, but limits the Secretary to offering no more than $2 million for any single claim. Further, it requires the Secretary to move quickly and resolve the claims within 90 days after enactment of this legislation. Finally, my amendment explicitly avoids interfering with the ongoing SOFA process.

This is an important point. The SOFA allows civil claims to be decided in the host country but criminal allegations to be decided in the country at fault. This structure protects local citizens in the host country from having civil claims decided on the "home turf" of the wrong-doer, while also protecting our troops from criminal prosecutions in another nation. Some have suggested that if we adopt this amendment, we put at risk this entire structure of the SOFA. I fail to see the logic of this assertion. I doubt any country would move to scrap the SOFA and begin trying members of our military in their courts simply because we offered a supplemental payment to own up to our responsibility for a tragic accident. In fact, I believe such an act of acknowledgment would have just the opposite effect, and reduce the tensions that the acquittal in this case have created. My belief is based in part on the fact that three of our NATO allies who lost citizens in this accident support this amendment. In fact, the ambassador from Belgium wrote to me that his country "would welcome each initiative that might contribute to a quick settlement of the claims of the victims' families. In that spirit, we fully support your proposed amendment to S. 544, the Emergency Supplemental Appropriations Act, and hope that your proposal will gain the necessary support in the U.S. Senate." He goes on to state his belief that this "legislative initiative is not incompatible with the SOFA-procedure." The German and Polish governments share this view.

I've been sensitive to the concerns of the Department of Defense regarding the importance of the SOFA, which is why the amendment speaks in terms of supplementing the SOFA, not displacing it. The SOFA has worked well for over forty years and I have no intention of disrupting that process with this amendment.

But we also need to consider the purpose of that process. In 1953, when the Senate Committee on Foreign Relations was considering the SOFA, they wrote that the structure of the claims process was "calculated to reduce to a minimum the friction that almost inevitably arises from [injuries caused by members of a foreign military] against members of the local population." In this case, however, I believe blind adherence to the perceived requirements of the SOFA is causing friction with our NATO allies, not reducing it.

The procedures established in the SOFA are designed to do justice. In this case, under these circumstances, justice is best served by having the United States take responsibility for the harm we've caused.

Last July, the Senate adopted unanimously a Sense of the Senate I offered stating that "the United States, in order to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by United States military aircraft" and that "without our prompt action, these families will continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability."

Since last July, each of our predictions have sadly been realized. Our allies, especially Italy where we have strategically important basing agreements, are outraged by our lack of accountability. They feel angry and betrayed. Americans everywhere cannot understand why we don't act to accept responsibility for the deaths of these 20 people. Editorial writers from the New York Times to the San Francisco Chronicle, the Cleveland Plain Dealer to the Atlanta Constitution have called for prompt and adequate compensation to the families of those who were killed.

Finally, I have met with many of the family members. Some have been pushed nearly into poverty, having lost their primary means of financial support. Last September, I met with three of the Belgian families, as well as the Polish doctor who would have been in the gondola with his wife and son if he had not strained a leg muscle and decided not to take the final run of the day. Last Thursday, I met with families of the German victims.

Having met personally with the families, I can tell you they are not angry with the United States, but they don't understand. They are grieving, but they are not greedy. They want accountability, but they are not vindictive. They simply want someone to be held responsible for the deaths of their children, their husbands, their wives.

That is what my amendment is about—responsibility. It is not about money. Compensation is no substitute for the companionship of a lost loved one. By resolving these cases now, however, the United States can clearly and unambiguously acknowledge its undeniable culpability in the deaths of these twenty people, something the families have so far sought without success.

In speaking with the families following the first court-martial, I have been struck by a single seemingly incomprehensible fact regarding its outcome. They were not so much determined that the pilot spend his life in jail. They simply sought closure on the question of who was responsible for the deaths of their loved ones so they could begin to cope with the loss. They also wanted the chance, at sentencing if it had come to that, to talk about those who had died. I invited them to do that when I met with them. As they described their children, I thought of my own. Last week, I asked the mother of one of the victims if she had a picture. She removed the locket from around her neck, with the photos of her dead son and his wife she keeps near her heart.

The Belgian families also shared pictures with me last September. I wanted to show those to you. Stefan, aged 28, shown here with his mother; and Hadewich, aged 24; and Rose-Marie, also aged 24. In an interview late last year, Rose-Marie's father said he drove by the graveyard every day, and said hello to his daughter. He explained why he did this: "It's easy. We have lost our daughter, but she is still a little bit alive there. To say hello to her is a way for me to ease the stress a little bit. And it is also a tribute to her. I say: Rose-Marie, you gave us so much love and joy, I am trying to give it back to you as much as possible."

Mr. President, I urge my colleagues to support this amendment and set aside $40 million for these families. To put that into some perspective, the plane involved in this accident cost some $60 million, and fortunately for us neither the plane nor the crew were lost.

In the Defense Appropriations bill last year, the Congress set aside $20 million to enable the town to rebuild its gondola, a project which has cost nearly $18 million to date. In fact, my amendment is modeled after Section 8114 of the bill we adopted last year, which set aside the $20 million from the Department of the Navy's Operation and Maintenance account to pay for "property damages resulting from the accident." The President has acknowledged that our willingness to set aside these funds has helped "speed the economic recovery process" of the town.

Here is a picture of that new gondola. Last year, the Congress passed an amendment to help rebuild the gondola our aircraft destroyed. This year, the Congress should pass an amendment to help rebuild the lives of the loved ones our aircraft destroyed. Let us show the world we care as much about loss of life as we do about loss of property.

I urge adoption of my amendment. The honor of the United States is at stake.

I yield the floor.

Ms. SNOWE. Mr. President, I rise as an enthusiastic co-sponsor of the Robb amendment to the fiscal year 1999 emergency supplemental appropriations bill.

By giving the Secretary of Defense the discretionary authority to compensate the families of the 20 victims of the tragic Marine Corps aircraft accident near Cavalese, Italy last Winter, Congress would close a moral gap between the United States and millions of grieving citizens in our allied countries.

The victims of the Cavalese accident came from six European countries, and the depth of this tragedy has led Secretary Cohen to appoint a panel under the leadership of retired Adm. Joseph Prueher to determine whether faulty training, mapping, or equipment malfunctions contributed to the plane's severing of a ski resort cable that led to the 20 innocent deaths.

Depending on the findings of the Prueher Commission, the judgment of Secretary Cohen, and the outcome of ongoing U.S. military litigation regarding the Cavalese incident, our amendment gives the Pentagon the flexibility to provide direct cash payments of up to $2 million per victim to the families of the deceased.

Under the Status of Forces Agreement, or SOFA, between the United States and each of its NATO Allies, we have already repaid the $60,000-per-victim amount given to the families by the Italian Government. In addition, the administration has agreed to furnish up to 75 percent of any wrongful death civil suit damages awarded to the families by the Italian courts.

But SOFA culpability applies only to the negligent acts of U.S. military personnel operating on the territory of an allied nation. The agreement does not apply to reckless activities that occur on U.S. territory but contribute to the causes of an accident overseas.

These possible activities in the Cavalese case, such as reliance on an insufficiently detailed map, a potentially malfunctioning aircraft altimeter, or inadequate pilot training, remain unresolved. But if conclusive findings show that developments on American soil had a relationship with the tragedy of Cavalese, SOFA would prohibit the United States from offering any further compensation to the families of the victims. In the meantime, the Italian litigation could end inconclusively and continue for several years.

Beyond our moral obligation on this matter, Mr. President, we have strong legislative precedents for the Robb amendment. The fiscal year 1999 Defense appropriations bill set aside $20 million for the property damage that the military plane caused at the resort.

In addition, the Senate unanimously adopted a resolution last summer calling for the United States to resolve the claims of the Cavalese victims "as quickly and fairly as possible."

Finally, this new funding would require no offsets, and the Congressional Budget Office has certified the Robb amendment as revenue-neutral.

Congress, Mr. President, acted wisely last year in compensating the Italians for the physical damage done at the ski resort. It should take similar action today to provide the Defense Department with legal authority for the compensation of the families who lost their loved ones in this tragedy.

I therefore urge all of my colleagues to support this amendment on a strong bipartisan basis.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Virginia for his courtesy in working with us to try to assure that the provisions regarding the timeframe for decision by the Secretary were not a mandate but, rather, a period of time within which the discretion conferred on the Secretary must be made. Under the circumstances of the changed form of this amendment that the Senator has now presented, one which I find we are all very sympathetic to, I am prepared now to accept this amendment and ask that the Senate allow this amendment to go forward.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. ROBB. Mr. President, I thank the Senator from Alaska for his effort to resolve this so that we can go forward. I very much appreciate that. We have been working with the Department of Defense and many others, but I particularly appreciate his willingness to accept the amendment at this point.

I have no additional debate, and I yield the floor.

Mr. STEVENS. Mr. President, I know this part of Italy. I know what the Senator is trying to do. I think there is a national obligation on our part to try to reach out as much as we possibly can under the circumstances. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 131) was agreed to.

AMENDMENT NO. 130

Mr. STEVENS. Mr. President, if I may, in connection with the debate that just took place involving my colleague, Senator MURKOWSKI, I would like to point out the statement that I made on October 21 of last year in connection with the proposal that was in the conference report regarding Glacier Bay commercial fishing. I made this statement about matters the way that we finally arranged them in that bill and the provision that was passed at my suggestion. I said:

> I view this compromise as an insurance policy, a safety net that offers better protection to Glacier Bay's fishermen than was offered by the draft Park Service regulations, but I do not view it as the end of the story. There are provisions that I do not like.

For that reason, I have cosponsored Senator MURKOWSKI's amendment this year.

I yield the floor.

Mr. BINGAMAN. Mr. President, I want to speak briefly about the amendment that Senator STEVENS just referred to. Senator MURKOWSKI's amendment related to Glacier Bay. Senator MURKOWSKI's amendment would prohibit the Secretary of Interior from expending any funds to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering within Glacier Bay National Park. This prohibition would continue under the language of the amendment. The prohibition would continue until the State of Alaska's claim to jurisdiction over ownership of the submerged lands in Glacier Bay were resolved, either by a final determination by the judiciary or by a settlement between the parties.

The amendment, as I understand it, would undo a compromise that Senator STEVENS entered into last year with Secretary Babbitt. Certainly it was understood by the Secretary of Interior as a compromise on last year's appropriation bill. In addition, Senator STEVENS has already included an amendment earlier this week in the supplemental appropriation bill which provides additional money to buy out commercial crabbing operations in Glacier Bay.

The issue of regulating commercial fishing in Glacier Bay is an extremely contentious issue. There were attempts in the last Congress to include an appropriations amendment that would have prohibited the Park Service from enforcing restrictions on commercial fishing in Glacier Bay National Park. The amendment was strongly opposed by the administration. The Secretary of Interior indicated that he would recommend the President veto the bill if the amendment was included. I have been informed that the Secretary of Interior will, if this amendment is included in the final version of this bill going to him, again recommend a veto.

The provision that was finally agreed upon last year between Secretary Babbitt and the Senator from Alaska, I understood, resolved the issue and provided the Park Service and commercial fishing operators with certainty as to future fishing operations in the park. If this current amendment is adopted, that certainty, of course, will be disrupted.

The amendment that is being offered this year would make major policy changes in the management of Glacier Bay. These changes should not be considered as part of this emergency spending bill.

As I am sure we all know, Senator MURKOWSKI is chairman of the appropriate committee to consider this legislation. I serve as the ranking member of that committee. What we should do is consider this matter in a hearing before that committee before bringing it to the Senate floor.

The amendment states that no funds may be expended by the Secretary to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park. This would mean that the Park Service would be completely unable to regulate commercial fishing operations within the park.

The amendment would appear to override wildlife and resource protections required by other laws, including the Endangered Species Act. For example, fishing is currently prohibited for four fish species which provide critical food resources for the endangered humpback whale. No other park in the country is prohibited from protecting its resources as this amendment would prohibit this park from protecting its resources.

The amendment states that the funding and enforcement prohibition is to remain in effect until the claim of jurisdiction of the State of Alaska claim "has been resolved either by a final determination of the judiciary or by settlement."

Last week, the State of Alaska filed a notice of intent to file a lawsuit, but it should be clear to all here, everyone should understand that there has not been a suit filed yet.

The amendment that has been offered would prohibit the Park Service from taking any actions to protect any of its resources from commercial or subsistence fishing or from subsistence gathering for the entire time period that this future lawsuit might be litigated.

Senator MURKOWSKI is claiming that the amendment simply allows local Native communities to gather seagull eggs from the park. However, unlike some other parks in Alaska, subsistence is not an authorized use in this park. If these types of fundamental changes to the Alaska National Interest Lands Conservation Act are required, then it should be considered in the normal legislative process. This is not simply a Native issue. The amendment would allow all Alaskans to collect plant and wildlife resources in the park and with the Park Service unable to regulate any of these activities.

In short, Mr. President, this amendment makes far-reaching policy changes in the law that applies to this particular national park. It is contrary to the policy that applies in all other national parks. It is contrary to the action we took last year, and it is one which I am constrained to oppose.

I hope the Senate will not adopt this amendment as part of the bill. If it is adopted, I am advised that the Secretary of the Interior will urge the President to veto the bill.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I see the Senator from Alaska on the floor. I am about to move to table the MURKOWSKI amendment and to give the Senator notice as to when he may or may not want to vote on this.

Mr. STEVENS. Mr. President, will the Senator withhold that? I understand my colleague would like to respond briefly before that motion is made. If the Senator will accord him that courtesy, I will appreciate it.

Mr. BAUCUS. Fine.

Mr. NICKLES. Mr. President, in 1995, the Department of Defense agreed to evaluate a British missile, the Starstreak, for use as a helicopter borne air-to-air missile as an inducement to the British Ministry of Defence to choose the U.S. Army Apache Longbow helicopter as its own attack helicopter over a competing European candidate. The British did indeed agree to buy the Apache.

Increasingly, military helicopters are being outfitted with air-to-air missiles that increase their lethality, a development that began with the Russian HIND helicopter. According to the Army Air to Air Mission Need Statement, the proliferation of technology available on the open market will make it likely that U.S. forces will encounter threat helicopters, fixed-wing aircraft, lethal unmanned aerial vehicles and cruise missiles. The Army believes the probability is increasing that Army helicopters will encounter an airborne threat and recognizes that Army helicopters need an improved air-to-air capability to counter that threat.

This is why the Congress has been directing the Army to fulfill its commitment to the British Ministry of Defence and its own air-to-air needs by conducting an operational test and evaluation of the Starstreak through a live fire side-by-side shoot-off of the Starsteak and the Army's preferred alternative, the air-to-air Stinger.

Mr. President, at this time I would like to engage the chairman and ranking member of the Appropriations Committee in a colloquy along with my colleague from Oklahoma and the distinguished senior Senator from Vermont.

Mr. INHOFE. I thank my colleague from Oklahoma. He and I have worked together on this issue over the past several years. We proposed that the Appropriations Committee address the issue of an operational test and evaluation in its bill and they did so after the Army failed to comply with report language that was included in the FY 1998 Defense Appropriations Conference Report. To me, it is clear that the Congress directed the Army, in bill language in Title IV of the FY 1999 Defense Appropriations Act, to begin the development of a test and evaluation plan during this fiscal year using the $15 million provided in Title IV as well as to commence work integrating the two candidate missiles on an AH-64D helicopter; and that the money could be used for no other purpose. Does the distinguished Chairman agree with me?

Mr. STEVENS. I do.

Mr. LEAHY. As a member of the Defense Appropriations Subcommittee, I am familiar with the Congress' involvement in this program and the specific provisions under discussion. The law requires that the Secretary of the Army make certain certifications concerning the missiles and the program prior to the conduct of the actual test. The required certifications must be made at the appropriate time, which is just prior to the actual live-firings. I understand that the requirement for these certifications has caused some confusion about what efforts the Army can take during Fiscal Year 1999. I believe the law is clear with respect to what the Army should be doing. The Army was directed to commence its efforts in Fiscal Year 1999. We believe that such efforts should include, at a minimum, development of a test plan and the letting of contracts, using the $15 million provided by the Appropriations Committee, to begin the systems integration work. Is this the Chairman's understanding also?

Mr. STEVENS. Yes it is.

Mr. INHOFE. I am very familiar with this issue and have discussed it at length with the Army. We expect that the Secretary of the Army will provide the requisite certifications at the appropriate time, which is just prior to the actual conduct of the live-fire tests. I know that in the case of Starstreak, the missile contractor must make certain modifications at its own expense in order to make the missile compatible for use at air speeds consistent with the normal operating limits of the Apache helicopter and consistent with the survivability of the aircraft. The missile contractor has briefed these fixes to the Army and informed the Army in writing that the fixes will be made at no expense to the United States. By the time the Army is ready to conduct actual live firings the Secretary will be able to make all the certifications required by law.

Mr. LEAHY. So, I ask the Chairman and Ranking Member of the Appropriations Committee, is there anything in the law to prevent the Army from releasing the FY 1999 funds and beginning the necessary efforts to conduct an operational test and evaluation?

Mr. STEVENS. No there is not.

Mr. BYRD. I have been listening to this colloquy. I agree with the Chairman, the Senator from Vermont as well as the distinguished Senator from Oklahoma.

Mr. LEAHY. I thank the Chairman and the Ranking Member.

TRANSFER OF SUPPLEMENTAL CDBG MONEY FROM HUD TO FEMA

Ms. SNOWE. Mr. President, I rise to engage the Senator from Missouri, Mr. BOND, the Chairman of the VA/HUD Subcommittee, in a colloquy.

Senator BOND and I have been working, for over a year now, to see that Maine and the Northeast have their needs from the January 1998 Ice Storm which devastated much of New England and upstate New York addressed.

Mr. BOND. The Senator is correct, and I know that neither of us thought we would be here, almost a year later, still trying to ensure that adequate funding was provided to the Northeast, as we felt we had provided for that in the FY98 Supplemental.

Ms. SNOWE. The Senator from Missouri has been a real champion for my state of Maine in our efforts to ensure that the money this Senate appropriated went to alleviate some of the costs from the Ice Storm which could not be covered by FEMA.

Mr. BOND. I appreciate the Senator's kind words. I did a colloquy on the Senate floor last March on this issue with the then junior Senator from New York, Mr. D'Amato, outlining the funding needs of the Northeast. In that colloquy we discussed the fact that of the $250 million the Senate was appropriating for HUD's Community Development Block Grant Program (CDBG), that $60 million was meant for Maine and the rest of the Northeast.

Ms. SNOWE. Of course in the conference the final funding figure was $130 million as the House had only appropriated $20 million.

Mr. BOND. Yes, the figure was smaller, but the fact remained that the Ice Storm, as the first big storm of the year, was the impetus for us to provide supplemental funding to the CDBG program to help Maine and other states cover the costs of the disaster where FEMA wasn't able to assist.

Ms. SNOWE. The FY98 Supplemental was signed into law on May 1. On November 6, the Department of Housing and Urban Development announced that it was giving Maine $2.1 million to address $80 million in unmet needs as reported by FEMA to HUD. Needless to say, this amount was wholly unacceptable, and I have been working with HUD to try and address this very serious situation, which has left Maine unable to fully address the costs of the disaster.

Mr. BOND. As the Senator and I have discussed, I also was dismayed at the treatment Maine and the other Northeast states received—the fact that the money was not provided until six months after the bill was enacted, and the fact that I have yet to receive an acceptable explanation from HUD as to the funding formula used to allocate the money. The Northeast's experience is one of several reasons why the bill before us today transfers the money to FEMA.

Ms. SNOWE. At one point in Maine more than 80 percent of the people in the State were without power. In fact, as Vice President GORE explained it, during a visit to Maine on January 15, 1998 "We've never seen anything like this. This is like a neutron bomb aimed at the power system." We asked for your assistance in obtaining money for the CDBG program because it would allow States to use the money for utility infrastructure costs, Maine's largest unmet need according to both FEMA, who listed it as first in their February 1998, "Blueprint for Action" and the Governor. With the transfer of the funding, will FEMA be able to provide funding for a State, like Maine, which wants to use the money to address the damage to the utility infrastructure in order to keep the utility rates—which are already the fourth highest in the country—from increasing to cover the storm costs?

Mr. BOND. The language will allow FEMA to assess and fund the States unmet needs, as determined by FEMA and the State.

Ms. SNOWE. Again, I wish to thank the Senator for his concern and hard work to help close this chapter in Maine's Ice Storm Disaster. I look forward to continuing to work with you, Mr. Chairman, HUD, and FEMA to ensure that Maine's disaster needs are finally addressed.

Mr. McCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation. This measure provides much-needed federal funding for foreign assistance, and recovery from the recent plague of natural disasters that have hammered many parts of the United States and its neighboring countries in recent months.

Mr. President, I am glad that the Appropriations Committee decided to reject the President's designation of this entire disaster supplemental appropriations bill as "emergency" spending. While the need for relief is clear, I believe it is important to provide offsets for any additional spending so that we avoid dipping into the surplus that is desperately needed to shore up the Social Security system and provide meaningful tax relief to American families.

Unfortunately, although well-intentioned, the Committee did not succeed in fully offsetting the costs of this bill. In future years, hundreds of millions of dollars in spending resulting from this bill will eat into future surpluses, whether we want to account for it or not. The better course would have been to fully offset all of the new spending in this bill, rather than continue the dangerous practice of profligate "emergency" spending.

Speaking of profligate spending, I regret that I must again come forward this year to object to the millions of unrequested, low-priority, wasteful spending in this bill and its accompanying report. This year's bill originally contained $72.25 million in pork-barrel spending. But, as usual, we added pork on top of pork through a litany of amendments. To make matters worse, many of these amendments were adopted without ever being seen by most Senators. This time around, we added an additional $13 million of pork-barrel spending to this already pork-laden spending bill.

Projections of surpluses into the foreseeable future should not lead to an abandonment of fiscal discipline. CBO now projects a non-social security budget surplus of over $800 billion over the next 10 years, but projections do not equate to "real" dollars until they actually materialize.

While each individual earmark in this bill may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars to low-priority programs.

I have compiled a list of the numerous add-ons, earmarks, and special exemptions provided to individual projects in this bill, such as:

Earmark of $50,000 for a feasibility study and initial planning and design of an effective CD ROM product to the Center for Educational Technologies in Wheeling West Virginia. The CD ROM product would complement the book We the People: The Citizen and the Constitution.

$1,136,000 earmarked for suppression of western spruce budworm on the Yakama Indian Reservation, and

$1,000,000 for construction of the Pike's Peak Summit House in Colorado.

I ask unanimous consent that a list of objectionable provisions be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS CONTAINED IN S. 544—EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR RECOVERY FROM NATURAL DISASTERS AND FOREIGN ASSISTANCE FOR FISCAL YEAR ENDING SEPTEMBER 30, 1999

BILL LANGUAGE

A $3,880,000 earmark for additional research, management, and enforcement activities in the Northeast Multispecies fishery, and for acquisition of shoreline data for nautical charts.

An earmark of $4,000,000 for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama.

A $2,200,000 earmark to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games to Wasatch County, UT, for both water and sewer.

Earmark of $50,000 for a feasibility study and initial planning and design of an effective CD ROM product to the Center for Educational Technologies in Wheeling, West Virginia. The CD ROM product would complement the book We the People: The Citizen and the Constitution.

REPORT LANGUAGE

Committee language recommending $20,000,000 for farm workers in areas of California and Florida impacted by natural disasters through the Emergency Grants to Assist Low-Income Migrant and Seasonal Farm workers Program.

An earmark of $2,000,000 in section 504 of the Rural Housing Insurance Fund Program, for very low-income repair loans, and to meet rural housing needs in Puerto Rico resulting from Hurricane Georges.

$12,612,000 for construction to repair damage due to rain, winds, ice, snow, and other acts of nature in the Pacific Northwest and Nevada.

$2,000,000 in emergency funding earmarked for the Holocaust Memorial Council.

Language urging FEMA to work to ensure that the City of Kelso, Washington, receives such assistance as is necessary and appropriate to compensate homeowners in the federally-declared disaster area impacted by the Aldercrest landslide.

An earmark of $20,000,000 for partial site and planning for three facilities, one which shall be located in McDowell, West Virginia, to house non-returnable criminal aliens being transferred from the Immigration and Naturalization Service (INS).

$921,000 earmarked for FY 1999 to fund the hiring and equipping of 36 additional police officers to staff the security posts established to improve security for the Supreme Court.

$1,136,000 earmarked for suppression of western spruce budworm on the Yakama Indian Reservation.

A $1,000,000 earmark for the Bureau of Land Management's Wyoming and Montana state offices to pay for activities necessary to process applications for Permits to Drill (APD) in the Powder River Basin.

$5,200,000 for eradication of the Asian Long-horned Beetle, from the Commodity Credit Corporation. $2,500,000 of this $5,200,000 is set aside for the Chicago, Illinois area.

Committee report language urging the Forest Service to transfer funds appropriated in the Interior and Related Agencies Appropriations Act of 1999 to Auburn University for construction of a new forestry research.

OBJECTIONABLE PROVISIONS ADDED ON AS AMENDMENTS TO S. 544

AMENDMENT PROVISION LANGUAGE

An earmark of $5,000,000 for emergency repairs to the Headgate Rock Hydroelectric Project in Arizona.

$239,000 to be used to repair damage caused by water infiltration at the White River High School in White River, South Dakota.

An earmark of $750,000 for drug control activities which shall be used specifically for the State of New Mexico, to include Rio Arriba County, Santa Fe County, and San Juan County.

Earmark of $500,000 for technical assistance related to shoreline erosion at Lake Tahoe, Nevada.

Language for funds for the construction of a correctional facility in Barrow, Alaska to be made available to the North Slope Borough.

The Corps of Engineers is directed to reprogram $800,000 of funds made available in Fiscal Year 1999 to perform the preliminary work needed to transfer Federal lands to the tribes and State of South Dakota and to provide tribes within South Dakota with funds for protecting invaluable Indian cultural sites.

Language to appropriate $700,000 under the Agricultural Marketing Act of 1946 and the Consolidated Farm and Rural Development Act to promote the recovery of the apply industry in New England.

An earmark of $2,000,000 for the regional applications programs at the University of Northern Iowa.

$1,000,000 for construction of the Pike's Peak Summit House in Colorado.

$2,000,000 earmark for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska.

Mr. McCAIN. Mr. President, I also wish to state my objections to a provision that creates a $1 billion loan guarantee program to support the domestic steel industry.

Specifically, this provision provides a loan guarantee of up to $250 million for any domestic steel company that "has experienced layoffs, production losses, or financial losses since the beginning of 1998." The purported reason for this program is to help steel companies suffering because of a flood of foreign steel. The measure, however, does not require that the losses relate to the so-called "steel crisis." The measure also fails to set terms, conditions or interest rates for the guarantees. Instead, it leaves these critical decisions to the discretion of the board making the loans. The only guidance given to the board is that the terms should be reasonable. These provisions are problematic and will eventually result in the taxpayer guaranteeing bad loans.

In the mid-sixties, the Economic Development Administration operated a similar program. The result of that program was disastrous for the taxpayer. Steel companies defaulted on 77% of the dollar value of their guarantees. An analysis of the loan program by the Congressional Research Service concluded that steel loans represent a high level of risk. Nevertheless, we are poised today to provide an additional $1 billion in guarantees.

I also have to question the need for such legislation. In a recent editorial, the Wall Street Journal declared "there really is no U.S. steel 'crisis'." They went on to note that several U.S.

companies are posting significant profits. For example, last year, Nucor earned $263 million, USX earned $364 million and Bethlehem Steel earned $120 million.

Finally, Mr. President I have problems with how this provision came before the Senate. The creation of a program like this on an appropriations bill is just wrong. The provision places at risk hundreds of millions of taxpayers' dollars. The Senate should have the opportunity to fully consider and debate this provision.

Mr. President, again, the amount of wasteful spending in this bill is less onerous than many other bills I have seen. However, I still must object strenuously to the inclusion of $85.5 million in pork-barrel spending. We cannot afford pork-barrel spending, even in the amount contained in this bill, because the cumulative effect of each million wasted is a million dollars robbed from the surplus or an additional million dollars in debt on which we must pay interest.

In the upcoming FY 2000 appropriations season, I look forward to working with my colleagues on the Appropriations Committee to ensure that we do not waste taxpayers dollars on projects that are low-priority, wasteful, or unnecessary, and that have not been evaluated in the appropriate merit-based review process.

OIL ROYALTY RIDER ON THE EMERGENCY SUPPLEMENTAL

Mrs. BOXER. Mr. President, I had planned to offer an amendment to repeal a special interest rider attached to the Emergency Supplemental Appropriations bill.

This rider prevents the Interior Department from acting to ensure that oil companies pay a fair royalty for oil drilled on public lands. My amendment would have stripped that rider—allowing the Interior Department to finalize their rule so that the taxpayers will receive the millions of dollars they are owed in royalty payments.

I have decided that while I still firmly believe that this rider should be stripped, because of recent action taken by the Interior Department, this amendment would not be timely. However, I would like to assure you that if I will block any future attempts to further delay this necessary and important rulemaking process.

Mr. President, this is a very simple issue.

For years, oil companies have been cheating the American taxpayers out of millions—if not billions—of dollars.

The Department of Interior took action to stop the cheating.

Now, Congress is preventing the Interior Department from stopping the cheating.

Just as the Interior Department was about to finalize a new rule to resolve arguments over royalties, here comes yet another rider on an unrelated must-pass bill to stop the new rule from going into effect.

So who benefits from this rider? Big Oil. And who loses? The American taxpayer.

We had this same debate last Congress. Some of my colleagues will say that this delay is necessary to force the Interior Department to listen to the oil companies.

Mr. President, the Interior Department has listened. In fact, in response to pressure from the Big Oil, the Interior Department has re-opened the comment period on the proposal to—once again—see if there is anything new.

Because of the Interior Department's action, it is unlikely that the Department will be able to finalize the rule before October 1, 1999 despite this rider. The rider is unnecessary and is just another attempt by Congress to bully the Interior Department.

The Interior Department has gone through a thoughtful and detailed process to get this rule done. The Interior Department has acted in good faith to respond to concerns of the oil industry and members of the Senate—meeting with Members of Congress on several occasions and reopening the comment period on the rule.

It is now time for the Congress to act in good faith and let the Interior Department proceed.

Mr. President, let me explain how royalty payments work. When oil companies drill on public lands, they pay a royalty to the federal government. This royalty is like paying rent. The oil companies want to use federal land or offshore tracts, so they pay rent—a percentage of the value of the oil—to the federal government to use this land. A share of this royalty is given to the state, and the remaining money is used by the federal government for the Land and Water Conservation Fund and the Historic Preservation Fund.

The oil companies sign an agreement to pay a fixed percentage of the value of the oil they produce on federal lands—12.5%. The question is 12.5% of what? It's that number that the big oil companies understate.

According to the signed agreement, that number for the value of the oil, "shall never be less than the fair market value of the production." But the oil companies are currently understating the value, and as a result, they underpay their royalties.

The debate is over how to determine the true value of oil. Is the true value of the oil the value that the oil companies themselves decide? Or is the true value of the oil the market price that one would pay if they actually purchased a barrel of oil? I agree with the Interior Department that the oil companies must base their royalty payments on the market price.

Currently, oil companies themselves determine the value of the oil and pay a royalty based on that value. The value determined by the companies is called the posted price and merely reflects offers by purchasers to buy oil from a specific area. It is just an offer to buy and does not represent any actual sale of oil.

Now you may be hearing from the oil companies that this proposed system is unfair and that it harms the small independent producers. The Department of Interior has informed me that the new regulations will only increase royalty payments for 5% of all the companies. This 5% is not your mom and pop operations—this is Shell, Chevron, Exxon, Texaco, Mobil, Marathon and Conoco. This is the large integrated companies that trade with their affiliates and have no actual sale of oil.

You may also hear from my colleagues that the oil companies are hurting. With oil prices the lowest they've been in decades, how can we increase their royalties? This isn't about increasing the royalties, this is about the American public getting their fair share—whatever the value. And with the Interior Department's proposed regulations, as oil prices fall, so does the royalty. It's all based on the market.

So in summation, to guarantee taxpayers a fair royalty payment in the future, the Interior Department proposed a simple and common sense solution: pay royalties based on actual market prices, not estimates the oil companies themselves make up. The new rule was proposed over 3 years ago. Since that time, the Department has held 14 public workshops and published 7 separate requests for industry comments on this rule—and three more public workshops are scheduled in the next month. High level Interior officials have met with Members of Congress and industry on several occasions and have made several changes to the regulations to address industry's concerns.

At some point the negotiating must stop and the Interior Department must be allowed to move forward with this fair rule.

This rider is outrageous. It saves the wealthiest oil companies in the world millions of dollars while shortchanging taxpayers and, in the case of California, our schoolchildren which is where my state's oil royalty payments go. What does this say about our nation's priorities?

The Interior Department's proposed regulations are fair and they are accurate. They are not based on the subjectivity of the big oil companies, but are based on actual market prices.

It is time that we end this flawed system of calculating royalties and move to an objective, market driven system. The Department of Interior has spent much time developing an equitable system and we should allow it to move forward.

While I am not offering my amendment this time, I am here to say that this cheating must stop and these riders must stop. Let the Interior Department do its job and move forward with these regulations.

Mr. President, I ask unanimous consent that a letter from the Secretary of the Interior, Bruce Babbit, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 18, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: I am writing to call on you and your colleagues to delete from the Fiscal Year 1999 Emergency Supplemental appropriations legislation the Senate provision extending the moratorium prohibiting the Department of the Interior from issuing a final rulemaking on the royalty valuation of crude oil until October 1, 1999.

Prior to a series of congressionally imposed moratoria, the Department was prepared to publish a final rule on oil valuation on June 1, 1998. On March 4, 1999, I announced that the Department would reopen the comment period for the federal oil valuation rule. On March 12, 1999, we formally reopened the comment period and announced a series of public workshops to discuss the rule in Houston, Texas, Albuquerque, New Mexico, and Washington, D.C.

We are committed to a constructive dialogue over the next few weeks as we seek new ideas that can help move the rulemaking process forward while ensuring that the public receives fair value for the production of its resources. Extension of the current moratorium, which ends on June 1, 1999, will not be conducive to constructive discussions.

Any action that further delays implementation of a final rule on oil valuation causes losses to the Federal Treasury of about $5.3 million per month. States, which use this money for education and infrastructure development, lose about $200,000 per month. In addition, potential delay of the proposed Indian oil valuation rule could cost Indian tribes and individual Indian mineral owners about $300,000 per month.

We urge you to delete the moratorium proposal and allow the rulemaking process to proceed. The process we have set in motion will ensure full and open consideration of all new ideas for resolving the concerns that have been raised and will lead to a solution that best meets the interests of the American public.

As you are aware, the Statement of Administration Policy on the Emergency Supplemental states that the President's senior advisers would recommend that he veto the legislation if it is presented with currently included offsets and objectionable riders.

Thank you for your continued involvement in this issue.

Sincerely,

BRUCE BABBITT.

TRANSFER OF SUPPLEMENTAL CDBG MONEY FROM HUD TO FEMA

Ms. COLLINS. Mr. President, I rise today to engage the Senator from Missouri, Mr. BOND, the Chairman of the VA/HUD Subcommittee, in a colloquy.

Senator BOND, you and I and the other members of the Northeast delegation have been working, for over a year now, to ensure that Maine and the Northeast have their needs from the January 1998 Ice Storm which devastated much of New England and upstate New York addressed.

Mr. BOND. The Senator is correct. It has been almost a year and I know that we are both extremely frustrated that we are still wrestling with using emergency CDBG funds for appropriations needs.

Ms. COLLINS. You have been a real champion for our state of Maine and of our efforts to ensure that the money this Senate appropriated went to alleviate some of the costs from the Ice Storm which could not be covered by FEMA.

Mr. BOND. I appreciate the Senator's kind words. I did a colloquy on the Senate floor last March on this issue with the then junior Senator from New York, Mr. D'AMATO outlining the funding needs of the Northeast. In this colloquy we outlined the history of the funding including the significant needs of Maine and New England.

In fact, as we both discussed at that time, the Ice Storm, as the first big storm of the year, was the impetus for us to provide supplemental funding to the CDBG program to help Maine and other states cover the costs of the disaster where FEMA wasn't able to assist.

Ms. COLLINS. For those that did not experience it, the devastation this storm caused in Maine is hard to imagine. Thick ice, in some cases up to ten inches thick, encased virtually every inch of the state and decimated our electric infrastructure. As a result of the Herculean efforts of hundreds of utility crews, power was restored to Maine after 17 long days. Like other Americans who have suffered natural disasters, Mainers need this assistance to recover from the costs incurred from the devastating blow nature dealt us.

Mr. BOND. As the Senator and I have discussed, I remain very concerned by HUD's treatment of Maine and the other Northeast states, especially the fact that initial funding was not provided until six months after last year's supplemental bill was enacted, and the fact that I have yet to receive an acceptable explanation from HUD as to the funding formula used to allocate the money. The Northeast's experience is one of several reasons why the bill before us today transfers the money to FEMA.

Ms. COLLINS. It is my sincere hope that FEMA will expedite this process and provide to Maine the assistance it has been promised by the current Administration and has been in need of for over one year. I wish to thank the Senator from Missouri for his continuing efforts on behalf of the people of Maine. He has truly been a champion in this long process, and his cooperation is greatly appreciated by the people of Maine.

ENVIRONMENTAL RIDERS IN THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. FEINGOLD. Mr. President, I rise today to express my concerns regarding two troubling sections of S. 544, the Supplemental Appropriations bill. Section 2002 further delays the promulgation of new regulations governing the management of hardrock mineral mining operations on federal public lands. Section 2005 extends the moratorium on the issuance of new regulations by the Minerals Management Service regarding oil valuation. I hope that all provisions which adversely affect the implementation of environmental law, or change federal environmental policy, will be removed from this legislation when it returns to the floor.

I want to note, before I describe my concerns in detail, that this is not the first time that I have expressed concerns regarding legislative riders in appropriations legislation that would have a negative impact on our nation's environment.

Mr. President, for more than two decades, we have seen a remarkable bipartisan consensus on protecting the environment through effective environmental legislation and regulation. I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility requires that I express my strong distaste for legislative efforts to include proposals in spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated by the federal agencies that carry out federal law.

Mr. President, the people of Wisconsin continue to express their grave concern that, when riders are placed in spending bills, major decisions regarding environmental protection are being made without the benefit of an up or down vote.

Wisconsinites have a very strong belief that Congress has a responsibility to discuss and publicly debate matters affecting the environment. We should be on record with regard to our position on this matter of open government and environmental stewardship.

Mr. President, I have particular concerns regarding Section 2002. I think this rider is another attempt to move us away from implementing new mining regulations. This is the third time, in as many years, that a rider has been put forward on this matter. The rider, as drafted, would delay the regulatory process for at least an additional 120 days beyond the final rider compromise language in the Omnibus bill which passed in October 1999. The Omnibus language says that the regulations can not be issued before September 30, 1999. There is no basis for arguing that the Interior Department would not have time to review the on-going National Academy of Sciences study on this topic, which the Omnibus language required to be completed by July 31, 1999.

The "3809" mining regulations, as they are called, are the environmental rules that govern hardrock mining on publicly owned lands.

The Federal Land Policy and Management Act of 1976 directs the Secretary of the Interior to "take any action necessary, by regulation or otherwise, to prevent unnecessary or undue degradation on the federal lands." The regulations in question are the Bureau of Land Management's promulgated in response to the requirements of this federal law.

The Emergency Supplemental Appropriations bill mining rider blocks the issuance of the final 3809 regulations certainly through the end of the fiscal year. The language further blocks the Administration from spending funds to seek public input on its new draft regulations until after the National Academy of Sciences issues its on-going study examining the adequacy of the existing patchwork of fedeal and state mining rules, as I mentioned earlier.

The rules are important, Mr. President, and so is the need to update them. Mining technologies, according to the Interior Department, have outgrown existing safeguards. The original regulations, released in 1981, have never been revised. Since that time, the mining industry has widely adopted new extraction technologies which raise environmental questions and concerns. One such technique, which caused grave concern two years ago in my state when it was proposed for use on private lands in the Upper Peninsula of Michigan, was the use of sulfuric acid mining.

In addition, Mr. President, existing regulations also need to allow the BLM to balance the fact that multiple activities take place on lands before permitting new mines. In determining whether a proposed mine is appropriate, BLM is not permitted to take into account other land uses that would be displaced by mining.

Finally, I believe that existing regulations don't do enough to require meaningful cleanup. Currently there is no requirement to restore mined lands to pre-mining conditions and they leave taxpayers paying for the mining industry's mistakes. To address this issue, I recently introduced legislation to repeal the percentage depletion allowance for mining on public lands and I set aside a portion of the increased revenue to be used to create an Abandoned Mine Reclamation fund. Any clean-up fund, however, needs good clean-up standards to put it to use.

In conclusion, I think that continued delay of these regulations is indefensible, and certainly inappropriate as part of a supplemental bill.

CROP INSURANCE REQUIREMENTS

• Mr. SESSIONS. I wish to thank Senator COCHRAN and Senator KOHL for agreeing to my amendment to provide fairness to the administration of the crop disaster program enacted by Congress last Fall. I also wish to thank Senator HARKIN for his interest in this issue.

Mr. KOHL. I thank the Senator for his remarks and would like to engage him and other Senators in a discussion regarding the purpose of the Senator's amendment and the overall policy considerations attached to it. When Congress enacted farm disaster legislation last Fall, we recognized the dire circumstances of farmers from both natural and economic conditions. Not only did that legislation recognize the problems farmers faced in 1998, but it also dealt with problems farmers have had over the past several years. From a policy perspective, it is well recognized that a sound, reliable risk management program, which includes crop insurance, needs to be established to avoid the inherently unfair and unpredictable ad hoc disaster programs of years past.

The amendment by the Senator from Alabama recognizes that crop insurance is available to farmers through both federally reinsured policies and policies based solely by private companies. His amendment modifies language included in last year's omnibus appropriations bill regarding the requirement that the Secretary not discriminate or penalize producers who have taken out crop insurance by stating the requirement applies to both federally reinsured policies and those offered solely by private companies. We all recognize the difficult times facing farmers and we want to see all farmers treated fairly and equally.

It is equally important that we do not take steps that inadvertently undermine our overall objectives for both long-term farm policy and immediate administration of the pending disaster payments. In accepting the amendment by the Senator from Alabama, we hope to continue a dialogue with him and other Senators as we approach conference to ensure the amendment is in the best interest of farmers.

Mr. HARKIN. I also want to thank the Senator from Alabama for his remarks and I want to associate myself with the remarks by my friend from Wisconsin. It is clearly our objective to make the administration of farm program as fair as possible, recognizing the geographical differences of agriculture in America.

Senator KOHL is correct in his observation that farmers need and deserve a reliable risk management program that will not be tied to the political winds of any given year. For that reason, we must do all we can to improve and promote the availability of crop insurance products to farmers across the country. I point out to my colleagues that farmers could have purchased federal catastrophic coverage for a cost of fifty dollars to cover an entire crop. That is a bargain and I am still troubled by the reluctance of some farmers to invest in that minimal amount. Had a farmer made that simple investment in recent years, the amendment by the Senator from Alabama would not be necessary.

I am also concerned, as is Senator KOHL, about the effect this amendment may have on administration of the pending farm disaster program. Secretary Glickman came under criticism lately when he announced that payments to farmers would not begin until this summer. I admonish my colleagues that we must take no action that would exacerbate that problem. Farmers in Iowa, in Wisconsin, and in Alabama all need assistance sooner rather than later.

Mr. KOHL. I agree with the remarks by my friend from Iowa and I would like to further note that farmers in Wisconsin are equally in need of assistance immediately. As we approach conference, I hope to stay in close contact with all interested Senators to ensure that nothing is done to overwhelm the Department's administration of the disaster program by imposing a new series of control and verification requirements. We want to be responsive to all Senators' interests, but we know farmers are looking for a responsive, and timely disaster program. As some have noted, many farmers believe we are past the period of a proper and timely response.

Mr. COCHRAN. I join my colleagues in approving the amendment by the Senator from Alabama and agree that we must proceed in a fair manner that will not disrupt the delivery of disaster payments to farmers. There is need for immediate and necessary relief from natural and economic losses. I will continue to work with the Senator from Alabama and my colleagues from Wisconsin and Iowa in order to address the concerns they have raised.

Mr. SESSIONS. Again, I thank the Senators.•

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE KOSOVO QUAGMIRE

Mr. INHOFE. Mr. President, it seems we are about to go to war with Yugoslavia. Our stated purpose is to stop the humanitarian disaster there caused by a civil war. If we do not act, we are told, innocent people will be killed, will be wounded, will be displaced from their homes. Indeed, over 2,000 have already been killed in the Kosovo civil war in just the last year. Many more have been uprooted. There are serious problems there. No one disputes that.

My question is, Where is the vital U.S. national interest?

The National Defense Council Foundation recently reported that there are at least 60 conflicts going on in the world involving humanitarian suffering of one kind or another. There are 30 wars being waged—civil wars, guerrilla wars, major terrorist campaigns. Many are driven by ethnic quarrels and religious disputes which have raged for decades, if not for centuries.

Just consider a partial list from recent years: 800,000 to 1 million people have been brutally murdered in Rwanda alone; tens of thousands killed in civil wars in Sudan, Algeria and Angola; thousands killed in civil war in Ethiopia; in January, 140 civilians killed by paramilitary squads in Colombia; including 27 worshipers slain during a village church service.

Why is there no outcry for these millions of people who are being brutally murdered in other places in the world, but we are all concerned about the humanitarian problems in Kosovo?

I have to say this, and I know it is very unpopular to say it, but I am going to quote a guy whose name is Roger Wilkins. He is a professor of history and American culture at George Mason University:

> I think it is pretty clear. U.S. foreign policy is geared to the European-American sensibility which takes the lives of white people much more seriously than the lives of people who aren't white.

Let me read a couple paragraphs from an article in the Minneapolis-St. Paul Star Tribune on January 31, 1999:

> But no one mobilized on behalf of perhaps 500 people who were shot, hacked and burned to death in a village in eastern Congo, in central Africa, around the same time. No outrage was expressed on behalf of many other innocents who had the misfortune to be slain just off the world's stage over the past few weeks.
>
> Why do 45 white Europeans rate an all-out response while several hundred black Africans are barely worth notice?

And this is all in that same timeframe.

Further quoting the Minneapolis-St. Paul Star Tribune:

> While U.S. officials struggled to provide an answer, analysts said the uneven U.S. responses to a spurt of violence in the past month illuminates not just an immoral or perhaps racist foreign policy, but one that fails on pragmatic and strategic grounds as well.

So now the President wants us to send the U.S. military into Kosovo, not to enforce a peace agreement—we do not have a peace agreement, as we were told 2 weeks ago—but to inject ourselves into the middle of an ongoing civil war, with no clearly defined military objective, no assurance of success, no exit strategy and great, great risk to our pilots and men and women in uniform.

We know that the Yugoslav leader, Mr. Milosevic, is a bad guy. No one disputes that. But are we absolutely sure that there are some good guys, too? Are there any good guys in the fight that stretches back over 500 years?

When I was in Kosovo recently, I was horrified as I was going through the main road—Kosovo is only 75 miles wide and 75 miles long, and there is one road going all the way through it. I was only able to see two dead people at the time. They turned them over and both of them were Serbs. They had been executed at pointblank range. And they were Serbs, not Kosovars, not Albanians. So the national interest here is not at all clear.

Let me quote Dr. Henry Kissinger, the former Secretary of State and National Security Adviser. In an op-ed piece in the Washington Post on February 24, Kissinger said he was opposed to U.S. military involvement in Kosovo. He is not unaware of the humanitarian concerns that the President and others talk about. Here are just a few of the highlights of what he said:

> The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived.
>
> Kosovo is no more a threat to America than Haiti was to Europe.
>
> If Kosovo, why not East Africa or Central Asia?
>
> We must take care not to stretch ourselves too thin in the face of far less ambiguous threats in the Middle East and Northeast Asia.
>
> Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea.

I think this is very, very significant, the last two points.

First of all, I have asked the Chairman of the Joint Chiefs of Staff, I have asked the Chiefs, I have asked the CINCs, the commanders in chief, this question: If we have to send troops into Kosovo—keep in mind that people may lie to you and say this is going to be an airstrike. Anybody who knows anything about military strategy and warfare knows you can't do it all from the air. You have to ultimately send in ground troops. So we are talking about sending in ground troops. That is in a theater where the logistics support for ground troops is handled out of the 21st TACOM in Germany. I was over in the 21st TACOM. Right now, they are at 110 percent capacity just supporting Bosnia. They don't have any more capacity. The commander in chief there said, if we send ground troops into Iraq or Kosovo, we are going to be 100 percent dependent upon Guard and Reserve to support those troops. And look what has happened to the Guard and Reserve now because of the decimation of our military through its budget, finding ourselves only half the size we were in 1991.

Right now, we don't have the capacity. We have to depend on Guard and Reserves, and in doing this we don't have the critical MOSs. You can't expect doctors in the Guard to be deployed for 270 days and maintain their practice, so we now have ourselves faced with a problem, a serious problem, and that is we cannot carry out the national military strategy, which is to be able to defend America on two regional fronts. We don't have the capacity to do it. If we could do it on nearly simultaneous fronts within 45 days between each conflict, then we go up from low-medium risk to a medium-high risk, which is translated in lives of Americans.

Going into Kosovo for an unlimited duration at who knows what cost, who knows the amount of risk, the risk will be higher.

I chair the readiness subcommittee of the Senate Armed Services Committee, Mr. President, and I can tell you right now that we are in the same situation we were in in the late 1970s with the hollow force. We can't afford to dilute our military strength anymore. And that is not even mentioning the immediate risk to our forces that they will face in Yugoslavia where the Serbs have sophisticated Russian-made air defense and thousands of well-trained and equipped troops motivated to fight and die for their country.

In recent testimony before the Senate Armed Services Committee, some of our top military leaders were very frank about what they expected for any U.S. military operation in Kosovo.

Air Force Chief of Staff General Ryan said, "There stands a very good chance that we will lose aircraft against Yugoslavian air defense."

Navy Chief of Staff, Admiral Johnson, said, "We must be prepared to take losses."

Marine Commandant, General Krulak, said it will be "tremendously dangerous."

And then George Tenet, the Director of Central Intelligence, said this is not Bosnia we are talking about, this is Kosovo where they are not tired, they are not worn out, and they are ready to fight and kill Americans.

So we are faced with that serious problem, Mr. President. We should not under any circumstances go into Kosovo. Our vital security interests are not at stake, where we don't have a clear military objective or an exit strategy, or where our policy doesn't fit into any coherent broader foreign policy vision.

So let me go back to my opening statement. Since we have no national security risks at stake, there must be another reason for our involvement. It is not humanitarian because of the following:

800,000 to 1 million killed in ethnic strife in Rwanda;

tens of thousands killed in civil wars in Sudan, Algeria, and Angola;

thousands killed in civil war in Ethiopia;

in January, 140 civilians killed by paramilitary squads in Colombia, including 27 worshipers slain during a village church service.

Why is there no outcry for U.S. involvement in these obvious humanitarian situations?

"I think it's pretty clear," said Roger Wilkins, professor of history and American culture at George Mason University. "U.S. foreign policy is geared to the European-American sensibility which takes the lives of white people much more seriously than the lives of people who aren't white."

Anyone who supports our sending American troops into Kosovo must be aware this will come back and haunt them. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, for the information of our colleagues, the majority leader will soon be coming over to make a unanimous consent request concerning the vote on a resolution dealing with Kosovo. I have been involved in the negotiations of the resolution. I might read it for my colleagues, for the information of my colleagues, and then I am going to state my opposition to it. But for the information of all of our colleagues, it is our hope and our expectation we would have a vote on this resolution in the not too distant future, possibly as early as 6 or 6:30 or 7 o'clock. So I wanted my colleagues to be aware of that.

Mr. President, this resolution authorizes the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia, Serbia, and Montenegro.

The resolution reads,

> *Resolved by the Senate and House of Representatives of the United States of America and Congress assembled, That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia, Serbia and Montenegro.*

It is very simple. It is very short. There are not a long list of "whereases," not a lot of confusion. It says we authorize the President of the United States to conduct airstrikes against Serbia.

I oppose this resolution. I will take a couple of minutes to explain my opposition. I understand and I have great respect for many of our colleagues who are supportive. I have joined with colleagues who went to the White House on Friday and also earlier today to talk to the President and hear his side of the issue. He tried to make a very strong case for airstrikes and for military intervention. He didn't convince me. I respect his opinion. I just happen to disagree with him.

Time and time again I ask, If we are going to war, why are we going to war? Make no mistake, if we conduct airstrikes against Serbia, we are going to war. I don't think we should do that lightly.

I tell my colleagues, the resolution that we are voting on, in my opinion, is a very important resolution. It is probably one of the most important votes we will conduct, certainly this session of Congress. Maybe Members will look back over their Senate career and it may be one of the most important votes Members will cast in their Senate career.

I urge my colleagues to vote no on this resolution. That means I think that we are making a mistake by conducting a bombing campaign in Serbia. A bombing campaign will also lead to ground campaigns. A lot of people have the false assumption that if we have airstrikes, that is it. Many times there has been a tendency by this administration—and maybe previous administrations as well—that we can do things by air and that will do it.

We had an air campaign, we had military strikes in the air against Iraq in December—I believe December 18, 19, and 20. It was a significant military operation. Why? Because we wanted to get the arms control inspectors back into Iraq. We bombed them like crazy. Guess what. We don't have any arms control inspectors in Iraq today, so air didn't do it. Saddam Hussein is now able to build weapons of mass destruction. The air campaign didn't change his policies one iota.

What about in Serbia? The whole purpose of this—I will read from yesterday's New York Times, an interview with Madeleine Albright, Secretary of State,

> Two days after President Clinton warned that the Serbs had gone beyond "the threshold" of violence in their southern province, Secretary of State Madeleine K. Albright said she was sending Mr. Holbrooke to present Mr. Milosevic with a "stark choice."
>
> That choice, she said, was for him to agree to the settlement signed in Paris last week by the ethnic Albanians . . . or face NATO air strikes.

In other words, if the Serbs don't sign on to the agreement that was negotiated in France, they are going to face airstrikes. In other words, we are going to be attacking a foreign country because they refused to allow an international force to be stationed in their country. That is what the Paris agreement is.

Some of our colleagues say they will vote for airstrikes but they won't vote for ground forces. The Secretary of State says we are going to bomb them until they agree to sign up to a peace agreement, a peace agreement that calls for stationing 28,000 international troops into Kosovo.

I just disagree. I don't think you can bomb a country into submitting to a peace agreement. That is more than coercion, and I don't think you get real peace by coercing somebody. Maybe cajoling people, maybe a little leverage here and there, but to say we will bomb your country until you sign a peace agreement is probably very shortsighted and not real peace, and to station the 28,000 troops into hostile territory I think would be a very serious mistake.

I have heard the President's arguments. I haven't made the argument this is not in our national interest, but I will say there is—I started to say a civil war is going on in Kosovo, but it is not even to the point of a civil war. There is certainly an armed conflict. There is guerrilla warfare going on. There has been sniping going on. There have been people killed on both sides. I think that is unfortunate, but it has been happening. But this is not the only civil conflict that is going on around the world. Yet in this conflict, we will take sides. Maybe if you declare it is a civil war going on, a total civil war going on in Kosovo—why should we be taking sides? Should we be the air force for the KLA, the Kosovo Liberation Army? Should we be trying to help them fulfill their goals?

Their goal is not autonomy; their goal is independence. They were somewhat reluctant to sign on to the France so-called peace agreement because they didn't want autonomy; they wanted independence. They will never be satisfied until they have independence. The French peace accords say we will insert this peacekeeping force of 28,000 troops for 3 years, we will have autonomy at that time, and then we are somewhat silent on what happens at the end of 3 years. If anyone has talked to the KLA, they know that the KLA wants independence. Should we be intervening to the extent of taking that side?

Some of my colleagues say if Serbia is really massing and having military actions against the KLA, instead of us just bombing, why don't we just give them some support? Why don't we give them some munitions and help them defend themselves? It is similar to the argument many of us made in Bosnia: Instead of sending troops, we wanted to take the arms embargo off and allow them to defend themselves. Senator Dole stood on the floor many times and said let's allow them to defend themselves.

Some people made that same argument today, dealing with the Kosovars. The problem is, the peace agreement that has been negotiated says we will disarm the KLA. I think the chances of that happening are slim, if nonexistent. They will hide the arms. We will not be successful in disarming, nor do I really think that we should. We will be very much involved in a civil war. We are taking the side of the Kosovars. Many of the Kosovars are great people and I love them and some are very peace loving, but there are some people on the other side, on the KLA side, who have assassinated and murdered as well.

I have serious, serious reservations about getting involved in a civil war. I have very strong reservations about the ability to be able to bomb somebody to the peace table and making them agree to a peace agreement that they were not a signatory to.

I am reminded by some of our friends and colleagues that this is a continuation of President Bush's policy. As a matter of fact, in December of 1992 President Bush—and he was a lame duck President at the time—issued a very stern warning to Mr. Milosevic: If he made a military move in Kosovo, there would be significant and serious consequences. Mr. Milosevic rightfully respected President Bush, and he didn't make that move. I supported President Bush in making that statement. I think he was right in doing so.

However, there is a big difference between that statement and saying we will move militarily if he moves aggressively against the Kosovars. There is a big difference between that and saying we will bomb you until you agree to a peace agreement, and part of that peace agreement is stationing 28,000 troops in Kosovo. There is a big difference. I hope our colleagues will understand that difference. That is one of the reasons I am vigorously opposed to this resolution. I don't think you can bomb a sovereign nation into submission of a peace agreement.

Let me mention a couple of other reservations that I have. Somebody said, What about the credibility of NATO? NATO, for 50 years, has helped sustain peace and stability throughout Europe. It has been a great alliance. That is true. NATO has been a great alliance. It has been a defensive alliance. NATO has never taken military action against a non-NATO member when other NATO countries weren't threatened. Now we are breaking new ground and we are moving into areas which I believe greatly expand NATO's mission far beyond the defensive alliance that it was created under.

Another reservation I have: The Constitution says that Congress shall declare war; it doesn't say the President can initiate war. The President started at least consulting Congress on Friday. He also consulted with Congress today, Tuesday. We understand that war is imminent. I don't consider that consultation. I remember about 4 weeks ago when Secretary of State Albright and Secretary of Defense Cohen briefed a few of us on the Paris negotiations, or the negotiations in France. They basically said: We are trying to get both sides to sign; we think maybe the Kosovars will sign, but the Serbs and Mr. Milosevic are not inclined to. But if we can get the Kosovars to sign, we will bomb the Serbs until they do sign.

I left there thinking, you have to be kidding. That is their policy? I want peace. I want peace as much as President Clinton. I want peace as much as Secretary Albright, throughout Yugoslavia, but I don't think by initiating bombing we will bring about peace. I am afraid, instead of increasing stability, it might increase violence.

There might be adverse reactions that this administration hasn't thought about. Instead of bringing about stability, it may well be that the Serbian forces are going to move more aggressively. In the last 24 hours, it looks like that may be the case. So instead of convincing Mr. Milosevic to take the Serbs out of Kosovo, they may be moving in more aggressively. It looks as if that is happening now. Instead of dissuading him from oppression on the Kosovars, he may be more oppressive, more aggressive, and he may run more people away from their homes and burn more villages. Instead of bringing stability, it may be bringing instability, and it may be forcing, as a result of this bombing, Mr. Milosevic—instead of his response being to move back into greater Serbia and away from Kosovo, he may be more assertive and aggressive and he may want to strike out against the United States. If airplanes are flying, he might find that is unsuccessful. I hope he has no success against our pilots and our planes, but if he is not successful against our planes, what can he be successful against? Maybe the KLA, or maybe he would be more aggressive in striking out where he can have results on the ground.

So by initiating the bombing, instead of bringing stability, we may be bringing instability. We may be igniting a tinderbox that has been very, very explosive for a long time. I hope that doesn't happen, but I can easily see how it could happen. I have heard my colleague, Senator INHOFE, allude to the fact that former Secretary of State Henry Kissinger alluded to that.

I will read this one sentence: "The threatening escalation sketched by the President to Macedonia, Greece and Turkey are, in the long run, more likely to result from the emergence of a Kosovo State." Well, the President, in this so-called peace accord, is supporting autonomy for Kosovo. I have already stated that the Kosovo Liberation Army doesn't want autonomy, they want independence. If they are an independent state, many people see that usually aligned with Albania and may be including the Albanians in Macedonia. So you have a greater Albania which would be very destabilizing, certainly, toward the Greeks and maybe other European allies. So the peace accord says we don't want independence for Kosovo, we just want autonomy.

Former Secretary of State Kissinger says maybe that makes it more dangerous and maybe violence would be escalated in that process. Instead of being a stabilizing factor, it may be an escalating factor. That is not just me saying that. That is Henry Kissinger and other people I respect a great deal saying that, also.

I am glad we are going to be voting on this resolution. We are going to have this vote—at least that is our expectation. I know the leader is going to propound a request before too long. It is important that we vote on this. It would be easy for this Senator, or any other Senator, to say we are never going to vote on this; we can stop this, and frankly, if you stop it long enough, maybe the President will be bombing and then you can say, hey, it doesn't make any difference, he already started bombing. I think that would be a mistake. We ought to have an up-or-down vote. Is this the right thing to do or not?

So I urge my colleagues to support the leader in his efforts to come to an agreement on a vote on this resolution. I, for one—I say "for one" because even though I am assistant majority leader, I have not asked one colleague to vote one way or another on this resolution. Some issues are too important to play partisan politics on. I am not playing partisan politics. I refuse to do so. These are tough votes.

I remember the vote we had on the Persian Gulf war in 1991, authorizing the use of force. We already had 550,000 troops stationed in the Persian Gulf ready to fulfill our obligations as outlined by President Bush to remove Saddam Hussein and the Iraqis from Kuwait. We had a good debate on the floor. It wasn't easy. It was a close debate and a close vote—52-47. I thought it was a good vote the way it turned out.

I am going to vote against this resolution because I think it is a mistake. Maybe I am wrong, and if bombing commences, I hope and pray that every single pilot will be returned safely, and that there will be peace and harmony and stability throughout Kosovo. But I am concerned that we are making a mistake. I don't believe you can bomb a country into submission and force them into a peace agreement that they determine is against their interest. I don't think you can bomb a country and say we are going to bomb you until you agree to have stationed 28,000 troops in your homeland. And this is Serbian homeland, and if you go back centuries, fighting has been going on in this country for centuries.

One other comment. Somebody said, "What about the atrocities?" I am concerned about the atrocities, but we have to look at what is in our national interest. There were 96 people killed in Borneo last weekend. In Turkey, something like 37,000 Kurds have lost their lives. They want independence. The Kurds in Iraq want independence; they want their own homeland. What about in Sudan where there have been over a million lives lost? What about Burundi, where 200,000 lives have been lost. Or Rwanda, where 700,000 lives have been lost?

We have to be very careful. We had a Civil War in this country 130-some years ago, and 600,000 Americans lost their lives. I am glad we didn't have foreign powers intervene in our Civil War. I think that would have been a mistake. I am afraid that we are making a mistake by intervening in the war now going on in Kosovo. I hope this resolution that we are getting ready to vote on is not agreed to. I urge colleagues to vote no on the resolution.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senate is about to be presented with a resolution authorizing the President of the United States to intervene in a civil war in the Republic of Yugoslavia—one of many civil wars taking place around the world, in which one dominant group is repressing, killing, and displacing a minority group within their borders.

Mr. President, the cause of this civil war is Mr. Milosevic, the dictator of Serbia and of the Yugoslav Republic. But nowhere in any of the administration's stated goals justifying this intervention is included the removal of Mr. Milosevic from his position of power. The goal is neither a stated nor an unstated goal. Therefore, we are about to engage in a civil war in which we do not go after the cause of the war.

Just a few years ago, the last occasion on which we debated authorizing the President of the United States to engage the Armed Forces of our country far from the borders of the United States, in Iraq, after its invasion of Kuwait, we made the determination, and after successfully removing the symptom, the invasion and occupation of Kuwait, that we would not remove the cause—Saddam Hussein. As a consequence of not going after the cause, we have been involved in either a cold or a hot war with Iraq ever since, at great cost in money to the United States, and at a considerable cost to our support for that cause around the world.

Mr. President, once burned, twice shot. Why, having learned during the war and its aftermath with Iraq that if you are going to use your Armed Forces, you ought to go after the cause, are we failing to do that in this case? Here, as far as I can determine from what I hear from the administration, our goals are as follows:

We hope by the use of our Armed Forces to be permitted to send ground troops to Kosovo for a period of a minimum of 3 years to enforce a peace that neither side in this civil war wishes. We will be there to enforce an autonomy for the Kosovars. That is not their ultimate goal, that ultimate goal being independence.

Is there the slightest chance that this will be a peaceable, casualty-free, 3-year occupation, at the end of which, having settled all of the problems of the Kosovars, we will come home? That certainly has not happened in Bosnia, even after all sides were totally exhausted by a civil war.

Those goals of being allowed to occupy Kosovo and enforce an autonomy that neither side wants are not goals justifying or warranting our American military involvement. They are not goals involving the vital security interests of the United States. In fact, if simply stopping a slaughter is a primary goal—and I believe that it is—there are far greater slaughters taking place in Sudan, in several countries in Africa, and in a number of other places around the world in which there has been no request on the part of the administration to intervene. No, Mr. President. This is an intervention that is highly unwise, highly unlikely to be successful, and not worth the investment of our money and lives, if it is successful, with the intermediate goals that the administration uses to justify it.

Mr. President, this Senate Gulf of Tonkin Resolution, this Senate first step into getting into a situation, the consequences of which we simply cannot envisage, and getting into it perhaps with less justification than there was in Vietnam in the midst of a cold war, getting into it to involve ourselves in a civil war that for all practical purposes has already gone on for 600 years, is not—I repeat, not—going to be settled by the United States of America in its intervention in a period of 2 or 3 years antiseptically cost free and casualty free.

With my colleague from Oklahoma, I believe it more than appropriate that we should be debating this resolution here tonight. I believe it more than appropriate that we should vote yes or no on whether or not we agree with the President. That President has finally grudgingly sent us a letter not asking for our authorization but for our support. This is an authorization. It is an authorization that the Senate of the United States, in its wisdom, should reject out of hand. This is not a matter for the use of the Armed Forces of the United States. This is not a matter demanded by our national security. This is not a way that we would even settle the civil war taking place in Kosovo today.

I hope my colleagues will vote with me and will reject this resolution of authorization.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I get confused by this because I think the analyses, although clearly heartfelt and searching, are totally out of proportion. This is Europe, not Asia. This is a place where we fought two world wars, where we got involved in the circumstances based upon the legitimate concern of the spread of communism. This is part of an industrialized world, not where we were in Vietnam. This is not a Tonkin Gulf Resolution, which was clearly open ended. This is closed ended. This is the circumstance. I find it fascinating—all these bad lessons we learned. What is the bad lesson we learned in Bosnia? We stopped bloodshed. We have 7,300 troops there. We have had as many as 365,000 troops in Europe to preserve stability and democracy in Europe for the past 54 years. We have 100,000 troops in Europe right now. We have 100,000 troops who sit there.

If, in fact, it is a bad idea, and it is an open-ended commitment to keep troops in Bosnia, to keep the peace with not a single American life having been lost, without the destabilization of the region, without Croatia and Serbia being at war, without a flood of refugees into Germany and into the rest of the area—if that is a bad idea—then we shouldn't even have anybody in all of Europe. This is about stability in Europe.

The idea of comparing this to Somalia—a life in Somalia is equally as valuable as a life in Kosovo. But the loss of a life in Somalia and the loss of a life in Kosovo have totally different consequences, in a Machiavellian sense, for the United States interests. If there is chaos in Europe, we have a problem. We are a European power. If, as a consequence of this, there is a flood of refugees into any of the surrounding—let's take Albania. Albania has a Greek population that is a minority population, where there is already a problem. If radicalized Albanian Kosovars are thrown out of Kosovo into Albania radicalizing that society—because, by the way, when they burn down your home, when they kill your mother, when they kneel your child on the ground and put a gun to the back of his head and blow it off, it tends to radicalize you. It tends to have that impact. We are talking about 400,000 to 800,000 refugees. What happens if, in fact, the flood of refugees goes rolling into Macedonia, where you have two-thirds of the population that is Slav, one-third Albanian? Just play out that little scenario for me. What happens in that region?

I will not take the time of the Senate to go through the litany of why this clearly is in our interest. But at least let's agree that this isn't anything like Vietnam in terms of our interests—like Africa, or like a whole lot of other places. We have an alliance called NATO. All 19 members of NATO are in agreement that this is necessary. All of Europe is united. All of Europe is united in that we have no choice but to deal with this genocidal maniac.

With regard to this notion of a peace agreement that this is designed—my friend from the State of Washington, I respectfully suggest, misstated the objectives of the administration. The objectives of the administration are the objectives of the rest of Europe—all 19 other nations as well as the contact group, I might add—and the objectives are these: To stop the genocide, stop the ethnic cleansing, stop the routing, stop the elimination of entire villages in Kosovo, to have some guarantee that the civil rights, civil liberties, life and liberty of the people living in that region, 2 million people, are somewhat secure.

Why do we do that? Beyond the humanitarian reasons, why we do that is, we know what happens if it spins out of kilter. We know what the downside is if the entire area is engulfed in this chaos. We also know from experience what happened in Bosnia. When we acted, when we put ourselves on the line, when we demonstrated that we would not allow it to "happen" again, it worked.

My friends say it isn't working in Bosnia, because, if we move through, all of a sudden everything will fly apart.

That was the case in most of Europe for 30 years. If we removed the troops in Europe in 1954, or 1958, the concern was all of Germany would go. The concern was all of Europe would go. So we held out. We decided that democracy tends to bring stability. I, for the life of me, do not understand why you can just cut out an entire—I wish I had a map here—segment of Europe and say it can be in flames and chaos, and it has no impact on us; it will have no impact on the alliance; it will have no impact on our national security. That I do not understand.

I do agree that this is not an easy choice. I do agree that to know exactly what to do is debatable, legitimately debatable. But I do not agree that the purpose of the administration is, as was stated, to hope to be permitted to send ground troops.

The only reason why the proposal that was put forward by 19 NATO nations in Europe was put forward was not because we want to put in ground troops. It was because we wanted a commitment that the genocide and ethnic cleansing in Kosovo would stop. I remind everybody, by the way, in 1989 and 1990 their rights were taken away. Their autonomy was stripped. During that first 7-year period, there was a policy of nonviolence on the part of the Kosovars led by a doctor named Rugova. And what happened was what some of us predicted: By failing to stop any of the actions of Milosevic and the ultranationalists in Serbia, one thing was bound to happen. Maybe it is because I am Irish I understand it. I watched it. We watched it historically for 80 years in Ireland. That is, when peaceful means fail and people continue to be cleansed, denied their civil rights and their civil liberties, denied the ability to work, denied the ability to worship, denied the ability to speak their language, they become radicalized. So all of a sudden Rugova found himself odd man out, as the KLA gained credibility and momentum, basically saying: You are not getting it done for us so we are going to use the violent means.

What do we think is going to happen if we walk away? The objective is to stop the oppression of men, women and children who are a minority in Serbia, but make up the majority in Kosovo; to say it will stop. The only way it will stop is one of two: Either Mr. Milosevic is denied the means to continue his oppression, or he comes to the table, agrees to stop it, and allows international forces in there to guarantee that he will stop it.

That is what this is about. You may not think that is a worthwhile goal. I understand that. I understand that. But this is not about the desire to send troops. It is about the desire to keep that part of the world from spinning out of control. I see two of my colleagues wish to speak so I will cease with the following comment.

Mr. STEVENS. Will the Senator yield to me for just a question?

Mr. BIDEN. I sure will.

Mr. STEVENS. I am constrained to go back to the time when we had the Persian Gulf crisis and we had Iraq in Kuwait, threatening to go into Saudi Arabia. What is the difference between that situation, where it actually had taken place, and this threat the Senator is describing in Serbia and in Kosovo now?

Mr. BIDEN. There is a big difference. The difference is it is in the center of Europe, No. 1. No. 2, if Europe in fact becomes destabilized, we are deeply involved in matters far beyond what is existing now.

I acknowledge to my friend, though, what was at stake in the Middle East was oil, was economic security, and was a lot of other things at the time. So it is, in fact, a legitimate point to make that that was a critical vote. I voted against that involvement—I am sure the next point my friend was going to make. I voted against that involvement. I insisted, along with others, there be a resolution to authorize the use of force.

But the argument I would make is, although you can argue it made sense to do what we did, it is a different reason why we moved; a different reason why it occurred; a different reason why it was necessary. It seems to me, comparing what we did in the gulf, comparing that to what we do here either for purposes of justifying action here or not justifying action here, is an inappropriate analogy. It stands on its own. It either made sense or it didn't make sense. It turns out it made sense to move in the gulf and I argue it makes sense for us to take this action now in the Balkans.

So, if I can conclude so my friend from Kentucky, who has been seeking the floor, can get the floor, Senator NICKLES started off a few moments ago pointing out that seven of us, assigned by the leadership, met to see whether we could work out a compromise resolution. Senator NICKLES pointed out that the resolution that we agreed to move with, assuming the procedural circumstances allowed it to be done, was one that was a straight-up authorization for the use of airpower in conjunction with NATO against Serbia and Mr. Milosevic. That was the language as to how to proceed that was agreed to.

Senator NICKLES indicated he would vote against that, notwithstanding the fact that he helped craft what the language would be. And that makes sense, by the way. He was trying to figure out what is the best, simplest, most straightforward way to get an up-or-down vote on what the President wants to do.

In the meantime, the President has sent us a letter asking for legislation to be able to do this. He has asked us whether or not we would support the use of airpower in conjunction with NATO. I think we should get, at the appropriate point, an up-or-down vote on that. I understand my friend from Alaska may have an amendment to that resolution, if it ever comes up freestanding, dealing with a prohibition of ground troops, but we should get to the business of dealing with that which we are getting at now. I hope through the leadership of the majority leader we can somehow clear the decks and get to a vote on the resolution.

Mr. WARNER. Mr. President, if the Senator will yield?

Mr. BIDEN. I will be happy to yield the floor.

Mr. WARNER. Mr. President, I worked with the Senator from Delaware and others you mentioned. You used the phrase, "we agreed to it." Yes, the group of six or seven did, but it was a recommendation to our respective leadership.

Mr. BIDEN. That is correct.

Mr. WARNER. I have, since that time, worked with Senator LOTT and we pretty well, I think, have this thing ready to be presented to the Senate. As you mentioned, our distinguished colleague from Alaska has possibly some thoughts on it that have not been completed yet—that are to be incorporated—but I want to be sure nothing has been agreed to. It is just a recommendation to the leadership. Our group did, I think, a very fine job in consolidating the thoughts of a number of us who have been working on this for several days. I am hopeful we can bring it up very shortly.

I know the Senator is looking for one Senator who was a part of that group to give his blessing to certain phraseology.

Mr. BIDEN. Mr. President, I appreciate the intervention by the Senator from Virginia. He is absolutely correct. Let me be even more precise. Seven of us agreed on the vehicle that we recommend to the leadership that we should be voting on. We agreed to that language. I came back with one of my Democratic colleagues, Senator LEVIN, spoke with the minority leader, and indicated that this is what we had agreed to. He indicated he thought that was an appropriate vehicle, appropriate way to proceed and I might add, some of the Senators in the room, although they agreed to the language, I want to make clear, were not agreeing to the substance of the language. They agreed that this is an appropriate test vote. This is an appropriate vote to determine whether or not the Senate agrees or disagrees with the President. Several of them—one of them at least—said, "I will not vote for it"; two of them said, "I will not vote for it but I agree this is how we should decide the issue."

I understand that the majority leader has to make a judgment as to what vehicle we use, when we use it, how we will use it, but I hope we can get an up-or-down vote on some direct vote.

Mr. WARNER. Mr. President, the Senator is correct. I think very shortly we will have a document to present to the Senate.

Mr. BIDEN. Mr. President, I thank the Senator.

Mr. BUNNING addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BUNNING. I am more than happy to yield.

Mr. STEVENS. Mr. President, I would like to have some parameter on these discussions so that we might get back to the bill and finish it this evening. Could I inquire of the Senator from Kentucky how long he intends to speak?

Mr. BUNNING. Not very long, Mr. President.

Mr. STEVENS. More than 10 minutes?

Mr. BUNNING. No.

Mr. STEVENS. I see Senator BROWNBACK. Does he wish to speak on this subject?

Mr. BROWNBACK. Mr. President, I would like to speak on Kosovo about 7 minutes.

Mr. STEVENS. I see that Senator WARNER's hand is up.

Does the Senator intend to speak also?

Mr. WARNER. Mr. President, I intend to address the remarks of my two colleagues. I am a cosponsor, with Senator BIDEN, and I have some very definite statements to make.

Mr. STEVENS. Mr. President, with due deference to my friend from Virginia, that matter is not pending before the Senate and the supplemental is. I wonder if the Senators would agree to some time limit so we can tell Members when we will get back to the bill.

Mr. WARNER. Mr. President, we want to accommodate the distinguished chairman. It is important that this colloquy ensues. The distinguished Senator from Kentucky is in opposition to me. I presume my colleague likewise is in opposition to the Senator from Virginia.

Mr. STEVENS. Mr. President, I ask unanimous consent that these Senators have 30 minutes to continue this discussion and at that time we return to the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Reserving the right to object, Mr. President, could we establish a discussion order?

Mr. STEVENS. He has 10 minutes.

Mr. WARNER. Mr. President, I would like to have the opportunity to, on occasion, interject, have a colloquy with both of you, not to exceed 10 minutes.

Mr. BROWNBACK. I agree to 10 minutes, as will the Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, this resolution which is about to come before the Senate will be something we should have voted on maybe 2 weeks ago. Unfortunately, we are voting on it under an extreme timeframe, and I think that is unfortunate for all of us.

If there are negotiations that have really gone on, it has been one-sided. The Serbs have never sat down and really negotiated in good faith with anyone. Only because they were asked to show up at the table, they showed up for a short time and left immediately. Now the debate has shifted and is not about peacekeeping, not about deploying peacekeepers anymore; it is about going to war with a foreign government. NATO, the United Nations, have never gone to war in a civil war situation. That is what we are about to do, and we have been consulted to the point of being told exactly what the President intends to do, whether or not—whether or not—we agree or disagree.

In 1991, President Bush came to the House and to the Senate and asked for specific resolutions to go to war to defend Kuwait against Iraqi invasion. It was a major vote to go to war in the House. It was a very narrow vote in the Senate. I think by five votes they voted to support President Bush.

I read on the Internet today what was supposed to be a private briefing that we all had at lunch by the Secretary of Defense and by the head of the Joint Chiefs of Staff. That private personal briefing was totally on the Internet this afternoon.

Let me tell my colleagues what it said so everybody in the United States can understand exactly what is going to happen. There will be two different types of airstrikes. There will be a preliminary airstrike—and this is on the Internet; all you have to do is look it up—two kinds of airstrikes to force Belgrade into accepting NATO ground troops.

The first strike would be a demonstration strike by air- and sea-launched cruise missiles to soften up Milosevic to know that we are really serious about this. Then there would be a pause to give the Serbian leadership a chance to realize that we are serious. If the Serbs do not comply, there would be a second wave of strikes that would be targeted to air defense and missile installations by the same type of military hardware. In fact, 55 percent, or a little less, of all of the airstrikes done will be 70 percent by U.S. hardware and, if we use aircraft, 54 percent of it exactly will be by U.S. aircraft.

This is in the middle of Europe. This is not at our borders in Mexico or Canada.

Mr. DOMENICI. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BUNNING. The second wave would be to take down the missile defenses.

Let me give you a little background. In 1991, we had a briefing in the House of Representatives by Dick Cheney, who was Secretary of Defense, and by Colin Powell, who was the head of the Joint Chiefs. They both said the same thing: The worst thing we can do is to send ground troops into Bosnia and Kosovo or any of that area, because of the logistics, because of the terrain, because of the weather. One of the things that they also said was that airstrikes would be very questionable. The reason they were going to be questionable was that the sophistication of the missile defenses and of the air defenses of the Serbs was much better than many other places. The terrain is much more difficult.

What we are doing is wrong. What the President asked us to do at the 11th hour is wrong. We should not be going into an independent nation's civil war and imposing our will, no matter what the situation is.

Now, the Senator from Oklahoma brought up many other places we could be intervening that we could save more lives—many places in Africa. If we expend the same amount of dollars like we are going to expend in Kosovo, we could save many more lives. This attack is premeditated and the Congress is an afterthought. They want us to agree to it after they have already decided to go.

This is a great institution, the Senate. I have come to love it in a very short time. These debates should be before the fact, not after the administration has already made up their mind to bomb. The same is true about sending ground troops.

I want to ask President Clinton these questions: What vital American security interests are at stake? What is the long-term strategy for the region? Not only do we bomb one wave and a second wave, and a third request is to send in 4,000 additional men and women from the United States in ground troops. What is the long-term strategy for the region? How do we get in and how do we get out? How long will the troops be deployed? What is their mission?

What is the mission they are supposed to accomplish?

Will we be forced to deploy more ground troops if the 4,000 are not sufficient?

Will foreign commanders be commanding our troops under NATO?

What are the rules of engagement?

How will the mission be paid for?

What valuable dollars will be taken away from military readiness accounts to pay for this?

What is our exit strategy?

President Clinton, you have not answered these questions. You have not come before the Congress of the United States and asked for our help. I think it is essential that you do so before you send one American into harm's way when you have not proven the need to do it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. WARNER. Mr. President, I wonder if I might use my 5 minutes and engage the Senator in a colloquy and then yield the floor.

Mr. BROWNBACK. Mr. President, I have to preside at 6.

Mr. WARNER. At some point, we have to have some rebuttal to the strong arguments on this side. I yield to the Senator.

Mr. BROWNBACK. Mr. President, I thank the Senator from Virginia very much. I am sorry to assert myself at this point, but I have to preside shortly.

Mr. President, I think the Senate and the American people, hopefully, heard a number of strong arguments questioning whether or not we should start this bombing campaign at this point in time.

Let me say categorically, I am concerned about the carnage that is taking place in Kosovo and in Europe and the number of people who are displaced that the newspapers put at 45,000, the number of people who have been killed, and the possibility of refugees in the surrounding area.

Let me also say that if our troops are engaged and are starting to bomb or are put there, I will support the troops. If they go to battle, I will support them. But this action at this point in time seems to me to be ill-advised. If the Senate has not been properly consulted, the American people have not been properly consulted and brought along, and we should back up and rethink what we are about to do in this area. We are making an act of war against a sovereign nation, with likely loss of U.S. life, and neither the Senate nor this Nation has been adequately consulted.

The Senator from Delaware previously spoke and talked about the objective is to stop oppression that is occurring. I am supportive of stopping oppression, but if we are looking at oppression, that occurs a number of places around the world.

If we want to stop oppression, I have a better suggestion. Let's engage in the Sudan, not with troops, not with bombing, but let's support the southern Sudanese. They have 4 million people displaced at the present time. Two million have had a loss of life, and there you have a government in Khartoum that is supporting terrorism in the surrounding region in Uganda, Eritrea, and Congo, that is expanding, that is a militant fundamentalist regime that seeks to do us harm. There you have a vital strategic United States interest.

If we want to stop oppression, let's supply and support the southern Sudanese. If that is what the objective is, then let's do something there where we can help save more lives, help more people, and also a vital and strategic U.S. interest.

I do not see us doing that. The situation taking place in Europe is a sad situation, but one where I really question whether we should put forth the loss of U.S. lives which is contemplated at this point in time.

Perhaps this can be explained over some period of time. Perhaps the administration can engage the American public and the Congress to get that kind of support. But I cannot give that at this point in time on the basis of the information I have to date.

Plus, what is the plan? The Senator from Kentucky just asked a number of very simple and very basic questions. Here is a Member of the Senate asking these sorts of simple and basic questions, saying, "I don't know the answers to these things." Nor do I.

Have we been sufficiently brought along and engaged and had discussions on these items that we can have such basic questions and not even know the answers to them? We have been told there is going to be a bombing campaign, maybe several ways of bombing. What if Mr. Milosevic does not blink at that point in time and says, "OK, we are going to support some kind of autonomy in Kosovo"? What then? What is the plan at that point in time? Are we engaging ground troops not in a peacekeeping but aggressive fashion? I do not think people will support that.

After Kosovo, is it Montenegro next where we will be going in and supporting, supplying people who want a separatist movement, if that were to happen in that region of the former Yugoslavia? What next? And what is the full plan?

We just do not have the answers to these questions, and we are about to take an act against a sovereign nation that is likely to result in the loss of U.S. lives.

Now is the time to debate and discuss and to back up and slow down on this, have the administration engage the American public, engage the Congress in answering the simple questions that my colleagues have put forward. Now is the time to do that.

I ask the President, please, let's have that sort of discussion on those sorts of specifics with the American public before we move in to what I think could be a very ill-fated, ill-timed, and inappropriate action at this point in time by the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Chair.

It is my hope to engage, through some questioning, my colleagues. The distinguished Senator from Kentucky left. I did not want an impression left with the Senate that nothing has been done on the complicated issues of Kosovo as related to Bosnia, as related to the region.

The Armed Services Committee has had a series of hearings, a series of briefings. The distinguished chairman of the Appropriations Committee knows of an amendment that the bill contained last year by Senator ROBERTS which outlined considerable work in this area. So I believe the Senate has addressed this issue off and on for some time.

The Armed Services Committee last week, when we had all four of the Service Chiefs up, we asked each one specifically, regarding the risk of this operation, what opposition they were going to meet in terms of air defense alone, and they replied it was significant, it was multiples of two or three of what had been experienced in Bosnia, which is being experienced almost every day in Iraq. We have had a considerable deliberation, I think, in various areas of the Senate. This is, of course, the first action.

It is my hope that very shortly, with the concurrence of the two leaders, Mr. LOTT and Mr. DASCHLE, we can send to the desk a relatively short resolution which will provide Senators with a clear up-or-down vote. I will just read a draft. It as yet has not been finally approved. It is submitted by Mr. BIDEN, myself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, and Mr. MCCONNELL. Those are the sponsors to date.

It reads:

> Concurrent resolution—Authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).
>
> *Resolved by the Senate . . .*
>
> That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

That clarity was achieved by a group of six of us. The distinguished majority whip, Mr. NICKLES, sort of had the unofficial job of presiding over the group. He made it clear from the beginning his opposition to this, but, nevertheless, I think we succeeded in devising what the Senate desired, and hope will be concurred in, in terms of bringing it up for further debate of this resolution.

I yield the floor.

Mr. DOMENICI. Mr. President, are we under some time agreement?

The PRESIDING OFFICER (Mr. BROWNBACK). The time agreements have expired.

Mr. DOMENICI. Thirty minutes has expired?

The PRESIDING OFFICER. The 30 minutes has expired.

Mr. DOMENICI. May I have 3 minutes? I ask unanimous consent that I have 3 minutes.

The PRESIDING OFFICER. There is no time limit now. The Senator can speak as he wishes.

Mr. DOMENICI. Then I will speak to my heart's content.

Mr. STEVENS. No. No. No.

Mr. DOMENICI. I say to the Senator, you don't think that should be the case? Who knows. My heart's content may be only 3 or 4 minutes on this issue.

Mr. President, I believe under the guise of the Constitution, which gives the President, as Commander in Chief, some very, very strong powers over what he does, where he places, and what he asks our military to do, that we are beginning now, in this President's administration, to go down the slippery path that the President can engage our military almost anywhere, any time, so long as it pleases him and he decides it is in our national interest.

I say, shame on the President. If this is such an important matter, why could he not trust the Senate and the House to ask us whether we concur?

Let me say, Mr. President—not the President who occupies the Chair, but our President down on Pennsylvania Avenue—with your last budget, we will have spent $12.3 billion in Bosnia—$12.3 billion. There was not even enough money in the defense budget. At one point we had to declare it an emergency, after 3 years of being involved, to pay for it, because to pay for it would have stripped our military of other things that they desperately need to be our strong military force.

What are we up to? We are going to take up the budget on the floor, and I predict that if we authorize, or do not authorize the President, he is going to do it anyway. And there will be Senators from the other side of the aisle who will stand up and want to take money out of the Defense Department to spend on domestic programs. But they will vote here tonight to send our men and women off to this war and claim they will never go in there.

But let me tell you, this is a very, very unintelligible plan. You cannot rationally accept the President's reasoning unless you conclude that they do not want to tell you where it is going to end up. It does not take a lot of sense to say airstrike No. 1 may not work, airstrike No. 2 may not work. We have been told by military experts years ago that airstrikes would not work in this area of the world.

So what then happens? That is the extent of our plan? Who believes that? I ask those who believe in the great United States of America, with its President leading the way, who sent the bombers in, sent in the stealth fighters, sent in the Tomahawk missiles—and the big leader who has caused all the trouble is not dead yet and will not quit, what are we going to do?

I asked the question already of the leaders representing the President, and they say there is no plan. Wait a minute. No plan? Well, NATO may have a plan, but America does not have a plan for the third phase, which is probably putting military men and women in harm's way.

What is NATO without America? They have just described, NATO without America in these airstrikes probably could not get the job done. The whole of NATO without us probably would not undertake it. So do you believe the third phase, which we do not want to talk about, is going to get done without America, if there is a third phase?

And will there be a third phase? I do not know. I have a hunch that phase 1, of airstrikes from a distance through Tomahawk missiles, and phase 2, with actual airplanes of one sort or another, may not work. I would think it would be fair for the President of the United States, since we have been at this issue for months—as it got worse they threatened and then pulled the threat—to ask the Senate, as George Bush did, and get concurrence. And if we did not concur, wouldn't it be a pretty good signal that we do not think it is right? What is wrong with that?

As I understand it, there will be an amendment, there will be a proposal, freestanding perhaps, asking that we concur with the President of the United States in airstrikes. I am not going to vote for it, because I do not think that is the end of it.

I ask one simple question: Is this not a declaration of war without asking us, who, under the Constitution, were given authority to declare war? Isn't it an invasion of a sovereign country by a military that is more than half American? I believe it is. You can make all kinds of rationalizations that it is not an invasion, but it is. Is it not a civil war? Yes, it is. Is it not a civil war of long lasting? It did not start last week.

These people have been at civil war for God knows how long. And they are going to be there after the airstrikes unless there is a large contingent of soldiers to keep the peace. Is that what we are going to do? Are we going to have soldiers in there under the third phase or the fourth phase? What if they just do not agree to a peace treaty after all these bombs? Do we walk away? I do not believe we will. From my standpoint, we never should have gone in.

So, Mr. President, I believe the President of the United States, once again, has waited so long that he has us right in a spot. He does it all the time. He has us in the spot that a terrible tragedy is going to occur unless we agree with him in the next 24 hours, or perhaps he even thinks unless you have already agreed with me today. But who knows, the Tomahawks may be flying tonight. At this point it is dark over there. And that is when they will start. Everybody knows that.

So I say to the President of the United States, since you like us to consider your prerogatives under the U.S. Constitution—and we do it all the time—why don't you consider ours? Why don't you ask us? And why don't you wait until we give you an answer? That seems fair to me. What we are doing is not fair to the Congress. And if it isn't fair to us, it is not fair to our people.

I yield the floor.

Mr. WARNER. Would the Senator yield for a moment of colloquy here?

Mr. DOMENICI. Sure.

Mr. WARNER. A group of us met this morning with the President. We had a very thorough exchange of views. Senator BYRD raised the issue of the President asking the Senate. I followed Senator BYRD and repeated the question. And he said orally: "Yes, I do want the support of the Senate, indeed, the Congress." And he has now sent a letter to the leadership of the Congress.

Mr. DOMENICI. What does it say?

Mr. WARNER. I say to the Senator, I will be happy to read it.

> Dear Mr. Leader: I appreciate the opportunity to consult closely with the Congress regarding events in Kosovo.
>
> The United States' national interests are clear and significant. The ongoing effort by President Milosevic to attack and repress the people of Kosovo could ignite a wider European war with dangerous consequences to the United States. This is a conflict with no natural boundaries. If it continues it will push refugees across borders and draw in neighboring countries.
>
> NATO has authorized air strikes against the Former Yugoslavia to prevent a humanitarian catastrophe and to address the threat to peace and security in the Balkan region and Europe. Mr. Milosevic should not doubt our resolve. Therefore, without regard to our differing views on the Constitution about the use of force, I ask for your legislative support as we address the crisis in Kosovo.
>
> We all can be proud of our armed forces as they stand ready to answer the call of duty in the Balkans.
>
> Sincerely,
>
> Bill Clinton.

I say to my colleague, what is the consequence if we do nothing, if we do nothing, if we stand there? Here we are, the leader of NATO. Here we are, the leader of so many agreements throughout Europe that have provided for the greater security of Europe in the past, throughout the history of NATO.

What do we say to the men and women of the Armed Forces who will be in the airplanes, perhaps as early as tomorrow some time? I am not predicting the hour, but it could be. What do we say to them? That the people of the United States, through their elected Representatives, are not supportive?

I know the strong arguments against going in. And I respect my colleague. But I say to my colleague, it has not been spoken, with clarity, as to what the consequences are if we do nothing. I predict it would be an absolutely disastrous situation in that region, that it could grow in proportion far beyond the crisis of the moment, and that at that juncture, if military action were required, it would require greater military force than envisioned by the limited airstrike, limited in the sense that that component of our arsenal and that of 18 other nations—this is a 19-nation operation—be required to stamp out a literal implosion of that whole Balkan region. I say to my good friend, I respect his views, but I think we also have to address what happens if we do nothing.

I recognize we are intruding on the time of the distinguished chairman of the Appropriations Committee and others. I know of no more significant issue than to send our people into harm's way, which requires the debate of the Senate. I shall stand here at every opportunity I can to give my views on why I think it is essential that we approve the actions as recommended.

Mr. DOMENICI. Mr. President, I don't believe Senator Warner, with all the respect that we hold for him, should stand on the floor of the Senate and say that anyone who votes that we should not go in there will not be in support of the military people who happen to go in there because the President prevailed.

As a matter of fact, most of the Senators who have supported the military of the United States to the highest extent over the years will probably be voting against sending them in, but will be right there supporting them, and the Senator knows that and they should know that.

I do my share in my little role as a budgeteer to see that the military gets sufficient money, and I will do that again this year. I hope you all come down here when people want to take the money away from them. Just because I don't like what they are doing doesn't mean I don't love the military and the men and women out there doing it. We will support them, but we have a right to warn the American people and tell them what this is all about.

If you say, What is going to happen if we don't? I ask you, what happened in the other countries of the world that had revolutions where hundreds of thousands of people were killed and we didn't go in because it wasn't in our national interest?

I happen to think that is the case here. It is not in our national interest.

Mr. WARNER. If I could reply, nothing in the remarks by the Senator from Virginia in this moment or earlier today from this period infer that a Senator voting against this proposed resolution in its draft form in any way does not support the men and women of the Armed Forces.

I simply say at this hour when we are trying to debate this, it would seem to me that those who can come and support this resolution—it is clearly in support of what they are about to do: they are likely to go.

I am convinced that the President has a resolve with the other leaders of NATO to go forth with this military mission. It is important that debate here in the Senate take place. Every Senator will vote his or her conscience, and I know that there will be 100 votes in support of the troops if they are called upon to take on this high risk together with their families.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. Crapo). The Senator from Nevada.

Mr. STEVENS. Mr. President, I have been waiting here for an hour. I was supposed to get the floor at 6:10.

Mr. REID. Mr. President, that is why I asked permission to get the floor. I am happy to yield to the Appropriations chairman. In fact, I will direct the question to the chairman of the Appropriations Committee.

I wanted to make an inquiry through the Chair to the manager of this bill and the chairman of the Appropriations Committee as to how we are coming on the supplemental emergency appropriations bill.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I think the Senator from New Mexico still has the floor.

Mr. DOMENICI. I will use only 1 minute.

Let me say, I had no reluctance to ask the distinguished chairman of the Armed Services Committee to read the President's letter. Without having seen it, I know it would not contain words saying "and if you do not vote in support I will not send them in." It merely said, "I sure would like to have you joining me."

President Bush didn't do that. He said, "Concur or we don't have a war." There is a big difference.

Mr. STEVENS. Mr. President, I yield to my friend for a comment or question or whatever he wants, but I want to get back to this bill.

Mr. REID. Mr. President, directing a question through the Chair to the chairman of the Appropriations Committee, could the Senator bring us up to date as to how we are doing on the underlying legislation; namely, the supplemental appropriations bill?

Mr. STEVENS. Mr. President, I am delighted to do that. I hope to get involved in this statement about Kosovo sometime tonight, and I think it will be a late night. Everybody ought to be on notice. I am going to try to finish the supplemental bill tonight.

We have the managers' package coming and it is being brought to me. I hope the people are listening right now. I am prepared to outline that. We do have an amendment that is pending, the Murkowski amendment. I understand the Senator from Montana will make a motion to table that and that will require a vote. We also have an amendment that I have been requested by the leader to offer concerning the question of rule XVI. I understand that may be objected to. We will have to see how to handle that when it occurs. I do believe we will have to handle it tonight. I have the managers' package of about 10 amendments that have been cleared on both sides and are being analyzed from the point of view of the budget. It would be my hope we could proceed with that matter now.

Mr. WARNER. Would the Senator allow me to make a unanimous consent request?

Mr. STEVENS. Yes. I am not saying I might not object to it, though.

Mr. WARNER. I am trying to put a record together for the benefit of all Senators. I simply ask unanimous consent to have printed in the Record the letter that President Bush sent the Senate in 1991, so each Senator can compare them.

Mr. STEVENS. Reserving the right to object, so long as the Senator also has printed at the same time for the RECORD the joint resolution that was adopted by a vote of 52–47, following President Bush's letter.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I shall not object because I drew up the resolution, if the Senator will look at the first name on it.

There being no objection, the letter and joint resolution were ordered to be printed in the RECORD, as follows:

[Letter dated January 8, 1991 from President George Bush to Hon. Thomas S. Foley, Speaker of the House of Representatives, requesting that the House of Representatives and the Senate adopt a resolution stating that Congress supports the use of all necessary means to implement U.N. Security Council Resolution 678]

THE WHITE HOUSE,
Washington, January 8, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The current situation in the Persian Gulf, brought about by Iraq's unprovoked invasion and subsequent brutal occupation of Kuwait, threatens vital U.S. interests. The situation also threatens the peace. It would, however, greatly enhance the chances for peace if Congress were now to go on record supporting the position adopted by the UN Security Council on twelve separate occasions. Such an action would underline that the United States stands with the international community and on the side of law and decency; it also would help dispel any belief that may exist in the minds of Iraq's leaders that the United States lacks the necessary unity to act decisively in response to Iraq's continued aggression against Kuwait.

Secretary of State Baker is meeting with Iraq's Foreign Minister on January 9. It would have been most constructive if he could have presented the Iraqi government a Resolution passed by both houses of Congress supporting the UN position and in particular Security Council Resolution 678. As you know, I have frequently stated my desire for such a Resolution. Nevertheless, there is still opportunity for Congress to act to strengthen the prospects for peace and safeguard this country's vital interests.

I therefore request that the House of Representatives and the Senate adopt a Resolution stating that Congress supports the use of all necessary means to implement UN Security Council Resolution 678. Such action would send the clearest possible message to Saddam Hussein that he must withdraw without condition or delay from Kuwait. Anything less would only encourage Iraqi intransigence; anything less would risk detracting from the international coalition arrayed against Iraq's aggression.

Mr. Speaker, I am determined to do whatever is necessary to protect America's security. I ask Congress to join me in this task. I can think of no better way than for Congress to express its support for the President at this critical time. This truly is the last best chance for peace.

Sincerely,

GEORGE BUSH.

JOINT RESOLUTION

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990;

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression;

Whereas, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace;

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored;

Whereas the United Nations Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the United Nations Charter;

Whereas, in the absence of full compliance by Iraq with its resolutions, the United Nations Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force Against Iraq Resolution".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) that those efforts have not been and would not be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 3. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

Approved January 14, 1991.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. REID. Will the chairman yield for a question?

Mr. STEVENS. I am happy to yield.

Mr. REID. I wonder if the chairman could attempt to get clearance from the two leaders—maybe one way to move this along is to vote on the underlying motion to table that will be made shortly.

Mr. STEVENS. I am pleased to do that, but we have to check with both sides to see about the timing. I hope the Senator will help me on that. I will check, also, to see if we can get an agreement as to when that should be.

At the present time, am I correct, Mr. President, the pending business is the Murkowski amendment?

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas is recognized for a parliamentary inquiry.

Mrs. HUTCHISON. Where in the line is the Hutchison amendment?

Mr. STEVENS. The Hutchison amendment was put aside. It is my understanding, I say to the Senator from Texas, it was put aside so we could proceed with the balance of the supplemental. It will be the last amendment to be considered. It could be called up by requesting the regular order by either the majority leader or myself.

Mrs. HUTCHISON. At some point following the Murkowski amendment, I would like the opportunity to address my amendment and set it aside.

Mr. STEVENS. Is my understanding correct that the amendment of the Senator from Texas is set aside?

The PRESIDING OFFICER. It is set aside, subject to being called back by the Senator from Texas or the Senator from Alaska.

Mr. STEVENS. Very well. Then the Senator has that right. It was not my understanding at the time, but I am prepared—I am not prepared to yield this floor until I can find out how we can get back to getting some votes and get these matters resolved and finish this bill tonight.

I know my colleague is seeking to be recognized. There was a Senator who was supposed to come over and make a motion to table the amendment of my colleague. As my colleague knows, I don't do that.

Mr. MURKOWSKI. Will the floor manager yield for a question?

The PRESIDING OFFICER. Will the Senator from Alaska yield to the Senator from Alaska?

Mr. STEVENS. Mr. President, it would be my pleasure at this time to yield briefly to my colleague for a question.

Mr. MURKOWSKI. What I am attempting to do is accommodate the floor manager by advising him that we are certainly ready for a vote on a tabling motion, so that you can advise Members of the scheduled for the balance of the evening. Maybe we can get a time certain.

Mr. STEVENS. I say to my friend and colleague that we are checking out the time of 6:45. I hope that clears. It is my understanding that Senator REID will make the motion to table the amendment of the Senator from Alaska. I could at this time start with the process of reviewing some of these amendments in my manager's package.

Mr. MURKOWSKI. I wonder if I could pretty much count on that. I would like to leave for about 20 minutes.

Mr. STEVENS. My friend can be assured that it won't happen before 6:45. Mr. President, I yield to the Senator from Nevada for the purpose of making a motion to table.

Mr. REID. Mr. President, on behalf of the Senator from Montana, Senator BAUCUS, I move to table the Murkowski amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote occur at 6:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 113 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent to vitiate Senate action on amendment No. 113 and ask that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have the manager's package that I mentioned, which includes 10 amendments. As I have said, we tried our best to clear these amendments throughout the Senate. I hope the Senate will agree to this package. It has been cleared on both sides.

First is an amendment by Senator HELMS to appropriate, with a corresponding rescission, funds for the U.S. Commission on International Religious Freedom. Second is an amendment by Senator GRASSLEY to appropriate, with a corresponding rescission, funds for regional applications programs, consistent with the direction and the report to accompany Public Law 105–277. Third is an amendment by myself to allow military technicians, while deployed, to receive per diem expenses. Fourth is an amendment by myself clarifying the intent of the fiscal year 1998 and 1999 Interior and related agency appropriations bills in relation to Pike's Peak Summit House. Fifth is an amendment by Senator GREGG in relation to an issue for renewal of fishing permits and fishing vessel operations. Sixth is an amendment on behalf of the minority leader dealing with reprogramming of funds by the Corps of Engineers. Seventh is an amendment by myself dealing with the authority to release aircraft by the Department of Defense. Eighth is an amendment on behalf of Senators ENZI and BINGAMAN providing funds and appropriate rescission for the Livestock Assistance Program. Ninth is an amendment on behalf of Senators BINGAMAN and ENZI providing emergency relief to the domestic oil and gas industry. Tenth is an amendment by Senator DOMENICI and others establishing an emergency oil and gas guaranteed loan program.

AMENDMENTS NOS. 132 THROUGH 141, EN BLOC

Mr. STEVENS. Mr. President, I send these 10 amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 132 through 141, en bloc.

The amendments are as follows:

AMENDMENT NO. 132

(Purpose: To appropriate, with a rescission, funds for the United States Commission on International Religious Freedom)

On page 30, between lines 10 and 11, insert the following:

CHAPTER 7

DEPARTMENT OF STATE RELATED AGENCY

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–282), $3,000,000, to remain available until expended: *Provided*, That the amount of the rescission under chapter 2 of title III of this Act under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" is hereby increased by $3,000,000.

AMENDMENT NO. 133

(Purpose: Climate research)

At the appropriate place, insert the following:

On page 24, line 2, after "expended." insert the following:

"*Provided further*, That from unobligated balances in this account available under the heading 'climate and global change research', $2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105–277."

On page 38, line 13, strike "$2,000,000" and insert "$1,000,000".

AMENDMENT NO. 134

(Purpose: To allow military technicians while deployed to receive per diem expenses)

On page 27, line 12, insert the following:

SEC. . Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5 may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in Section 1002(b) of title 37, United States Code.

AMENDMENT NO. 135

At the end of Title II of the bill insert the following:

"SEC. . A payment of $800,000 from the total amount of $1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, P.L. 105–83, and payments of $2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and $200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in Division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities."

AMENDMENT NO. 136

At the appropriate place in title II insert:

SEC. . Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

"(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both)"; and

(2) in subsection (b), by striking "subsection (a)(1)" and inserting "subsection (a)".

AMENDMENT NO. 137

At the appropriate place at the end of Title II, insert:

SEC. . The Corps of Engineers is directed to reprogram $800,000 of the funds made available to that agency in Fiscal Year 1999 for the operation of The Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and state of South Dakota, and to provide the Lower

Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

AMENDMENT NO. 138

(Purpose: To provide limited operational leasing authority to the Secretary of the Air Force)

In the appropriate place in the bill, insert the following new section:

"SEC. . OPERATIONAL SUPPORT AIRCRAFT MULTI-YEAR LEASING DEMONSTRATION PROJECT.

"(a) Authority To Lease.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.

"(b) Maximum Lease Term for Multi-year Lease.—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

"(c) Commercial Terms.—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a non-governmental lessor to a non-governmental lessee.

"(d) Termination Payments.—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

"(e) Obligation and Expenditure of Funds.—Nothwithstanding any other provision of law—

"(1) an obligation need not be recorded upon entering into a lease under this section, in order to provide for the payments described in subsection (d) above, and

"(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d) above, may be made from—

"(A) appropriations available for the performance of the lease at the time the lease takes effect;

"(B) appropriations for the operation and maintenance available at the time which the payment is due; and

"(C) funds appropriated for those payments.

"(f) Other Authority Preserved.—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.".

AMENDMENT NO. 139

(Purpose: To provide emergency relief to the livestock industry)

At the appropriate place in title II of the bill, insert the following:

"Sec. . For an additional amount for the Livestock Assistance Program under Public Law 105-277, $70,000,000. *Provided*, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

And:

An additional amount of $250,000,000 is rescinded as provided in Section 3002 of this Act.

AMENDMENT NO. 140

(Purpose: To provide emergency relief to the domestic oil and gas industry)

At the appropriate place in title II of the bill, insert the following:

"SEC. . DEDUCTION FOR OIL AND GAS PRODUCTION.

"(a) Deduction.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

"(A) increase oil or gas production from existing wells on public land;

"(B) drill new oil or gas wells on existing leases on public land; or

"(C) explore for oil or gas on public land.

"(b) Definitions.—For purposes of this section—

"(1) the term 'lessee' means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

"(2) the term 'public land' has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

"(3) the term 'qualifying well' means any well for the production of natural gas, crude oil, or both that is on public land and—

"(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

"(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

"(c) Sunset.—The Secretary of the Interior shall not allow a deduction under this section after—

"(1) September 30, 2000;

"(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude oil on the New York Mercantile Exchange closes about $18 per barrel; or

"(3) lessees have deducted a total of $123,000,000 under this section—whichever occurs first.

"(d) Administrative Costs.—For necessary expenses of the Department of the Interior under this section, $2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

"(e) Emergency Designation.—The entire amount made available to carry out this section—

"(1) shall be available only to the extent an official budget request for $125,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, and

"(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; and

An additional amount of $125,000,000 is rescinded as provided in Section 3002 of this Act.

AMENDMENT NO. 141

(Purpose: To establish an emergency oil and gas guaranteed loan program)

On page 23, between lines 8 and 9, insert the following:

SEC. . PETROLEUM DEVELOPMENT MANAGEMENT.

(a) Short Title.—This section may be cited as the "Emergency Oil and Gas Guaranteed Loan Program Act".

(b) Findings.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) Definitions.—In this section:

(1) Board.—The term "Board" means the Loan Guarantee Board established by subsection (e).

(2) Program.—The term "Program" means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) Qualified oil and gas company.—The term "qualified oil and gas company" means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their by-products as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) Emergency Oil and Gas Guaranteed Loan Program.—

(1) In general.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) Loan guarantee board.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury.

(e) Authority.—

(1) In general.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) Total guarantee limit.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section shall not exceed $500,000,000.

(3) Individual guarantee limit.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed $10,000,000.

(4) Minimum guarantee amount.—No single loan in an amount that is less than $250,000 may be guaranteed under this section.

(5) Expeditious action on applications.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) Requirements for Loan Guarantees.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office, before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) Terms and Conditions of Loan Guarantees.—

(1) Loan duration.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) Loan security.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) Fees.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(h) Reports.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) Salaries and Administrative Expenses.—For necessary expenses to administer the Program, $2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) Termination of Guarantee Authority.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) Regulatory Action.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) Emergency Designation.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, again, I say to the Senate that I appreciate the consideration of all concerned for having not objected in areas where they might have objected. The bulk of these amendments are amendments we will consider at length with the House. I hope we will be able to convince the House of their merit. We will also consider some of the objections that may be raised from Members of the Senate individually, from the administration, or from the Congressional Budget Office. We will do our best to have a bill that warrants the approval of the Senate.

Mr. REID. Will the manager yield for an inquiry?

Mr. STEVENS. Yes.

Mr. REID. It is my understanding that, other than the Kosovo amendment, there are no other amendments in order; is that true?

Mr. STEVENS. That is not quite true. We still have many amendments on the list. We are led to believe that no other amendments will be raised from that list based on the negotiations we have had so far, with one exception, and I have it in my hand. It is the majority leader's amendment.

AMENDMENT NO. 142

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. Stevens], for Mr. Lott, proposes an amendment numbered 142.

At the appropriate place, insert the following:

"that the presiding officer of the Senate should apply all precedents of the Senate under Rule 16, in effect at the conclusion of the 103rd Congress."

Mr. LOTT. This amendment is a very simple one. In March 1995, the beginning of the 104th Congress, the Senate overturned a ruling of the Chair with respect to legislation on an appropriations bill. Ever since that March day, Senators have not been able to raise a point of order against certain amendments offered to appropriations bills. Any amendment dealing with matters not addressed in the specific appropriations bill would no longer be subject to a point of order and therefore are always in order, regardless of the subject matter.

In this Senator's opinion, once that prohibition was lifted, the appropriations process was weakened by Senators on both sides of the aisle offering nonrelated amendments to very vital and time-sensitive appropriations bills. Having said that, I, along with the chairman of the Appropriations Committee, the ranking minority member and the Democratic leader have been attempting to resolve this and other issues we believe weaken the appropriations process. There are several resolutions pending in the Rules Committee that address some of these issues. However, final committee disposition has not been reached with respect to those resolutions.

Therefore, I think it is time for the Senate to take this first step toward strengthening the appropriations process and reinstating what had been a part of the Senate Rules for well over 100 years. The time is now and I hope all Senators will be able to support this initial but important step to a more responsible legislative process.

Mr. STEVENS. Mr. President, I might say to the Senate that I made the statement that the managers would object to any amendments that were not agreed to on both sides. We made an exception in that case for the leaders' amendments. We have taken the amendments from the distinguished minority leader. This is the last one of the majority leader. I understand there will be objection on the other side. Therefore, I will ask that it be set aside temporarily awaiting the majority leader's return, so he can decide what he wants to do with his amendment. He asked me to offer it.

I also state for the RECORD that although I did agree to make a motion to table on any amendments that were not agreed to on both sides, I made an exception in that situation for my colleague from Alaska, which I had cosponsored. That has been taken care of. My friend from Nevada made a motion to table that. We will let the Senate decide that issue. Other than that, as I understand it, we are in the situation that the last remaining matter is the amendment of the Senator from Texas.

I ask unanimous consent that the amendment of the majority leader be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I give notice to the Senate that following the vote on the tabling motion offered by the Senator from Nevada, I shall ask unanimous consent to vitiate the remainder of the amendments on the list, and the only remaining amendments will be Senator LOTT's amendment and the amendment of the Senator from Texas, the Kosovo amendment, which has to be disposed of one way or another for us to finish this evening. So at this time, does any Member have an amendment they wish to offer?

Mr. President, if not, let me take a couple minutes for myself on the Kosovo question. I am glad the Senator from Virginia has given me this. I was one of those that was invited to the White House this morning. As I approached the problem of listening again to the question of what we should do in Kosovo, I listened to a President that I think has made up his mind to initiate the air war.

I am a very pragmatic Senator. My feeling was that if that was going to go forward, the people who were going to carry out that order deserve the support of this Congress. But I also had the feeling that we should assure ourselves that none of the funds that we have made available to the Department of Defense in the past, or through this bill we are considering now, could be used for initiating a ground war in this area. I so stated to the President that while I had severe reservations about the air war, he is the Commander in Chief, and if he has made the decision that it is going to take place, we have no way to stop that. But we do have a way to signal to the men and women of the Armed Forces that we do understand they are subject to the commands of their Commander in Chief, and when they undertake fulfilling those commands by going outside the United States in particular to carry out the policies of this country, I think they deserve to know that the Congress supports them.

I therefore came back thinking we would have a joint resolution that the President would be asked to sign setting forth those two conditions which were ably set forth by Senator BYRD. Senator BYRD spoke ahead of me at that meeting, and he, strangely enough, made the statement that I had determined I was going to make at the meeting. The situation was that I returned thinking we would have a joint resolution.

We now will have before us a Senate concurrent resolution, which is a form that we all know does not require the signature of the President. I understand that is being done for reasons beyond our control. But we no longer have the resolution Senator BYRD originally discussed, and it is my understanding from talking to Senator BYRD that he has consented to consolidating that into a direct statement of one sentence. I expect that to be offered soon.

The second version I had intended to propose and Senator BYRD did propose was about the introduction of the Armed Forces of the United States into this area that I understand was to be deleted.

I am now informed by Senators BIDEN and WARNER that there is an agreement that that section will be put back into this concurrent resolution, which will once again contain the prohibition against funds to introduce ground forces of the United States into this area in a nonpermissive environment, meaning in terms of combat or in terms of imminent combat. They could go into a nonpermissive environment to carry out the procedure we thought we might be involved in, in terms of introducing 4,000 troops along with NATO in a peacekeeping effort. Section 2 of this resolution does not address that from the point of view of the intent of this Senator.

But I do want to make it clear that I believe this is probably the most dangerous area of the world for our Armed Forces to be involved. I know really of no place in the world I would fear more, as a pilot flying over those mountains with the ground-to-air defenses that I know exist there, as much as this area of the former Yugoslavia. It is, beyond question, the most complicated area for military activity, far beyond Bosnia and far beyond what we might have contemplated in World War II in Europe in terms of where we operated with American Armed Forces.

This area consumed several Nazi divisions—21. Is that correct, Mr. President? It consumed them, destroyed them, in terms of the action of the partisans in that area.

If this bombing does not bring about a cessation of the genocide we believe is going to take place or is taking place, then it is going to be a very, very difficult problem to decide what to do. And I think the Congress has to be involved before that plan is agreed to by the U.S. representatives and NATO.

Above all, I hope the message will go out to the people who represent this country in connection to NATO, they are not to make agreements about injection of Armed Forces of this country in a ground war before approval of the Congress. That, to me, would be unconscionable. And I am delighted my friends have agreed to put this section 2 in.

Mr. President, I just want to close with this. There is no other word. I used it with the President. I have a "gut feeling," a "deep gut feeling," that we have initiated something which will be very hard to control from now on. This will require the consideration and really the absolute concentration of every American to try to get out of this place without severe loss of life.

I urge the Members of Congress to understand that the President has made this decision. And it is not "if." It is "when." And when it happens, we have to be united behind our Armed Forces. That is all there is to it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank our colleague from Alaska.

There is an important provision we have incorporated in the draft resolution which Senator BIDEN and I have circulated among our colleagues. I think it is important, since it is not at the desk, that I just read it so that it can be reviewed by Senators.

Section 1 remains as I read it.

Section 2, which is a derivative of, again, work by the Senator from Alaska and, indeed, the distinguished Senator from West Virginia—the original concept of this was in drafts prepared by Senator BYRD earlier today. And I shall read it.

> None of the funds available to the Department of Defense (including funds appropriated for fiscal year 1999 or prior years) may be used for the introduction of ground forces of the Armed Forces of the United States into the Federal Republic of Yugoslavia (Serbia and Montenegro) in a non-permissive environment, with the exception of (1) any intelligence or intelligence-related activities or surveillance or the provision of logistical support or (2) any measures necessary to defend the Armed Forces of the United States or NATO allies against an immediate threat or to defend United States citizens in the area described in this resolution.

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mr. WARNER. Yes.

Mr. STEVENS. Mr. President, I believe Senator BYRD is correct that there should be a reporting requirement added to this. But I leave that for us to determine at a later time.

I thank the Senators involved, and, with the reinsertion of section 2, I ask that I be made a cosponsor of the resolution.

Mr. BIDEN. Mr. President, will the Senator yield for a brief comment? Because I know the Senator from West Virginia wishes to speak on this.

I want to be clear. I think the recommendation and the suggestion of the Senator from Alaska, which is consistent with what the Senator from West Virginia and he both said today to the President, is a good idea. I personally am prepared to accept that.

I just add one caveat. I need another 3 or 4 minutes to run the traps. I want to make it clear, I accept this. I accept this personally. I think it makes sense. But I have calls in to several of our colleagues as to whether or not, since they were part of this on our side, they will go with this. I am confident. I believe they will. But I just want to be absolutely clear, and I think we should proceed. But I see the Senator from West Virginia who wishes to speak. I think it is a great and significant commitment that he has made with regard to the nonpermissive piece of this. I think it makes sense.

Mr. STEVENS. Mr. President, I withhold my request to cosponsor until I know the section 2 is in the resolution.

The PRESIDING OFFICER. The Senator from Virginia holds the floor.

Mr. WARNER. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, may I inquire of the Senator how long he thinks it might be before we may be voting?

Mr. STEVENS. Mr. President, the Senator has inquired of me, and I am pleased to say by previous order we shall vote at 6:45 on a motion to table the Murkowski amendment. Following that, we hope to get back to the two other amendments. One is the amendment of the Senator from Texas on Kosovo, and the other one is the distinguished majority leader's amendment. I think we will dispose of them rather quickly and vote on the bill.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as if in morning business until the time of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KERRY. Mr. President, I also ask unanimous consent that Brendan O'Donnell of my staff be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

"STORM IN MY MIND"

Mr. KERRY. Mr. President, I want to speak for a few minutes today about a very special young man who has been working in my office as an intern over the last months and someone who has shared endless enthusiasm with me personally and with my staff, and who has taught a great many of us in my office in the extended Kerry political family a very important lesson about the ability of individuals to overcome learning disabilities and about the power of the human spirit.

Brendan O'Donnell has a terrific story to tell. He comes from a wonderful and loving family that has always encouraged him to set his goals high, to pursue his aspirations to the very best of his ability, and to refuse to allow any label or characterization of his potential to stop him. He is a young man who literally does not give up. Brendan's character, his determination, his terrific attitude and positive energy that drive his efforts are really something to behold, Mr. President. They are, in so many ways, the lasting imprint of his father, my friend and the friend of many of us on this side of the aisle, the late Kirk O'Donnell, and of his mother, Kathy Holland O'Donnell.

Kirk O'Donnell, many people may recall, was taken from us far too young, last year. I think all of us would agree that he left a lasting legacy, an imprint on all of our lives. Brendan, of course, will also tell you that one of the people who encourages him and gives him such a huge amount of confidence is his sister, Holly O'Donnell.

We have been very lucky to have Brendan on our team these past months, and I look forward to continuing for a long time to get to know this young man even better.

Brendan has written a speech for me about a subject that he believes is very important, and I agree with him it is. He thinks it is important that here in the Senate, and all across the country, in our homes, in our schools, that we start talking about the efforts we can make together, in partnership with one another, to help those with learning disabilities make the most of their own lives.

Brendan's remarkable achievements are testimony enough to what individuals with learning disabilities can achieve. His words on this subject, though, are really something special. I would like to share with you what Brendan wrote. He said:

> This is an important topic for kids today, kids like me. We should try to talk about learning disabilities and really get the point across—we can all be teachers about this subject. And we should all try to make a difference.
>
> I think that there should be a different name for learning disabilities. My Mom and I have thought a lot about this, and to me it's not a disability—it's just that I have something which causes a storm in my mind. When I look at something—I have to take my time and take it all in. People need to be understanding and make things clear to me. To do that, though, people need to know more about learning disabilities, whether they're kids or adults.
>
> People need to know that they should not look down at us. They should try extra hard to be nice to us and not make fun of us. We are the same as everyone else—and if someone takes the time to teach us, to work with us to help us understand, we can do whatever we want.
>
> Right now I don't think we do enough to help kids with learning disabilities. You don't see enough people with learning disabilities in the best jobs—even though they are bright enough, even though they are talented enough. This needs to change.
>
> It can happen, I think, if we have really good schools. I went to a high school called RiverView School. When you had a problem, when you needed special attention, they were willing to help.
>
> Our school did not believe in the kind of tests you put on paper—they thought it was best for us to push and test ourselves. That's what I do every day. I test myself.
>
> That's why I love to play sports. At our school anyone could play a sport. We had a cross country team, and a basketball team and swimming team and tennis team. And I learned a lot about swimming and trying my best when I played basketball and football.
>
> And now I want to push myself again. I want to go to cooking school, and learn to be a chef so that some day I can have a restaurant of my own in Massachusetts, in Scituate. It'll be hard to do—but I'll do it.
>
> I think there needs to be a program where kids with learning disabilities can learn how to do jobs in the real world, like cooking programs and art programs—progams so more kids can be like me. We can all try our best—and we can all do our best—if we help each other and if we care about each other. That's something I think we also need to take about in this country.

Those are Brendan's words, but I think he speaks for a lot of Americans, Americans who don't let anyone put limits on their potential, Americans who have dreams and do not give up. I agree with Brendan—each of us, in our own personal way, should do all we can to help those Americans who get up every day and do their best to overcome learning disabilities. And I thank Brendan for making that case better than any scientific study ever could.

I have been lucky to know Brendan O'Donnell, to be inspired by his strong will, his good nature, and his work ethic. I am proud of the work he has done in my office. I want to offer him my warmest wishes as he leaves us to pursue his ambitions. I am looking forward to the day when I can go to a restaurant in Scituate and know that Brendan O'Donnell is at once the owner and the chef, cooking up lobster and oyster for everyone. And I know that day will come because Brendan O'Donnell never gives up.

I yield the floor.

Mr. KENNEDY. Mr. President, I ask consent for 30 seconds?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I commend my friend and colleague for sharing with all of the Senate the really enormously sensitive, informed, and wonderful comments of Brendan. I, too, have known this young, extraordinary man, and know what a difference he has made in so many different lives. He really ought to be commended.

Brendan shared with the Senate, with all of us, these very eloquent words. I thank my friend and colleague, and join with him in commending Brendan and for all he has done, not only for my friend and colleague, but for all of those who are facing challenges in the area of learning disabilities.

Mr. KERRY. Mr. President, I thank my colleague, Senator KENNEDY. I particularly want to point out Brendan has just enjoyed his first floor privileges and has been able to listen to his own words on the floor of the Senate. I think that is a great accomplishment and great thrill for him.

I thank my colleagues, and I yield the floor.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 130

The PRESIDING OFFICER. It is now 6:45. By unanimous consent, the vote occurs on the tabling of the Murkowski amendment.

The yeas and nays have been ordered.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HARKIN. There is a vote now. What is the sequence of the votes that will take place?

The PRESIDING OFFICER. That is the only vote ordered, the motion to table the Murkowski amendment.

Mr. HARKIN. Further parliamentary inquiry. After that vote is taken, then the floor will be open for further discussion on the Kosovo issue?

Mr. STEVENS. We still have pending amendments, Mr. President.

The PRESIDING OFFICER. After that vote is taken, we will be on the Lott amendment, amendment No. 142.

Mr. HARKIN. Which is open for discussion?

The PRESIDING OFFICER. It is debatable.

Mr. HARKIN. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—40

Baucus
Biden
Bingaman
Boxer
Bryan
Chafee
Cleland
Collins
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Warner
Wellstone
Wyden

NAYS—59

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Kyl
Landrieu
Lincoln
Lott
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—1

Cochran

The motion to lay on the table the amendment (No. 130) was rejected.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 130) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. LEAHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order. There is a pending motion to reconsider.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. If the Senate will give us just a few minutes here, I ask unanimous consent that I may be allowed to yield to the Senator from Texas for 3 minutes to discuss her amendment.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized for 3 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

AMENDMENT NO. 81 WITHDRAWN

Mrs. HUTCHISON. Mr. President, the amendment that is the regular order is my amendment on Kosovo. A lot has happened since I offered this amendment early last week, because my amendment actually asks the President to come forward and tell us what he was going to do in Kosovo. This assumed a peace agreement. It assumes that we would have a plan put in place before we would take action in Kosovo.

Unfortunately, time has bypassed this amendment. Unfortunately, the President made up his mind, I think, before he ever talked to Members of Congress that we would bomb Kosovo. I think we are taking a very important step and one that I hope everyone will take seriously.

Bombing a sovereign country that has not threatened the United States of America is a very serious step. I think we also need to look at the NATO mission. We are changing the mission of NATO without debate, without a vote of Congress. We are turning NATO from a defense alliance to an alliance that has now decided it is going to take an offensive action against a country that is not in NATO. This is unprecedented.

So I do think the President needs to come to Congress with a plan. If we are going to take step 1, we need to know what steps 2, 3, and 4 are. We need to know what could happen and what circumstances would cause us to have more commitments in the Balkans.

Mr. President, I think it is premature for us to be doing what we apparently are going to be doing. But I think my amendment has been bypassed by time. So I am going to withdraw my amendment and let the supplemental appropriations bill go forward on the promise from our leadership that we will take up a bill on Kosovo that will have teeth, that will have an up-or-down vote, as Congress is required to do when we have this kind of action by our military forces.

So, Mr. President, I withdraw my amendment. I look forward to the debate. I look forward to Congress exercising its responsibility under the Constitution that if there is going to be a war declared, that it will be Congress that will declare it.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 81) was withdrawn.

AMENDMENT NO. 142 WITHDRAWN

Mr. STEVENS. Mr. President, I now ask unanimous consent to withdraw amendment No. 142 that I submitted on behalf of the leader.

The PRESIDING OFFICER. Without objection, it is so ordered. That amendment is withdrawn.

The amendment (No. 142) was withdrawn.

Mr. STEVENS. Mr. President, third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 544), as amended, was passed.

(The bill will be printed in a subsequent edition of the RECORD.)

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Is there not an order already entered that holds this bill now for the receipt of the bill from the House on the same subject?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Therefore, we are finished with the supplemental, correct?

The PRESIDING OFFICER. That is correct.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I send an amendment to the desk.

Mr. WARNER. Will the Senator yield so I can speak on behalf of the majority leader?

Mr. BIDEN. Sure. I withhold.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 21

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to the concurrent resolution sent to the desk regarding Kosovo and there be a time period, of which I think we will have a discussion first, for debate equally divided between the two leaders, no amendments or motions be in order. Further, I ask that following the time constraints the Senate proceed to vote on agreeing to the resolution, with no intervening action or debate.

Mr. President, for the convenience of Senators, I have——

Mr. STEVENS. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I have not put anything to the Chair yet. If I could just——

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. WARNER. Thank you. I will just place on the desks copies of it so Senators can have an opportunity to read it. We have now dropped the second section. We have gone back to the original provision, and I shall read it, and then Senators can have copies. "Concurrent Resolution, Authorizing"——

The PRESIDING OFFICER. The Senator has made a unanimous consent request. Is there objection?

Mr. WARNER. I am still in the process of making it, if I may, Mr. President, if that is agreeable.

Mr. WELLSTONE. Reserving the right to object. I am not clear what the request is.

Mr. WARNER. If I could just finish my comments, then I will be happy to entertain any objections or otherwise.

It is a concurrent resolution authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia, Serbia and Montenegro.

> *Resolved by the Senate (the House of Representatives concurring),* That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

The reason I have not formally proposed the UC is we are trying to determine the time that would be required by both sides.

Might I suggest a period of, say, 2 hours for purposes of debate?

Mr. BIDEN. Mr. President, I suggest that we need a lot less time than that. I suggest 30 minutes equally divided.

Mr. WARNER. Thirty minutes equally divided is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, my objection is still standing but I withdraw it.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. BIDEN. Parliamentary inquiry: Is the Senate concurrent resolution at the desk?

The PRESIDING OFFICER. It is at the desk.

Mr. BIDEN. It is at the desk.

The PRESIDING OFFICER. It has not been reported, however.

Mr. BIDEN. I suggest that it be reported.

AUTHORIZING THE PRESIDENT OF THE UNITED STATES TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 21) authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Parliamentary inquiry: How much time is involved?

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. STEVENS. Who is handling the opposition?

The PRESIDING OFFICER. The two leaders or their designees.

Mr. WARNER. I am, of course, in favor, as the cosponsor with Mr. BIDEN, so I suggest that the Senator from Idaho, Mr. CRAIG, be a manager.

Mr. BIDEN. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, this is a very straightforward concurrent resolution, but I think it bears reading again.

It says,

> Authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).
>
> *Resolved by the Senate (the House of Representatives concurring),* That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

It is straightforward and simple. It is a clear up-or-down vote on whether or not we support the action that is contemplated by the President, that NATO, through its action order—so-called action order—has authorized Solana to call for at his discretion and concurrence with the leaders of the 19 NATO countries.

I think we have debated this a lot. There are very strong views on this. I happen to think this is an authority that Congress should be giving the President, but at a minimum I think most of us agree that the President needs to hear from the Congress as to what our position is.

I strongly urge my colleagues to support this resolution.

I reserve the remainder of the time.

Mr. WELLSTONE. May I ask the Senator a question?

Mr. BIDEN. I am happy to respond to a question.

Mr. WELLSTONE. I thank my colleague.

Could my colleague, for the purposes of the legislative record, spell out the objective? The President is authorized to "conduct military operations." Could my colleague spell out what his understanding is?

Mr. BIDEN. My understanding of the objective stated by the President is that his objective is to end the ethnic cleansing in Kosovo and the persecution of the Albanian minority population in Kosovo and to maintain security and stability in the Balkans as a consequence of slowing up, stopping, or curtailing the ability of Milosevic and the Serbian VJ and the MUP to be able to go in and cause circumstances which provide for the likelihood of a half-million refugees to destabilize the region.

The objective at the end of the day: Hopefully, this will bring Milosevic back to the table. Hopefully, he will agree to what all of NATO said they wanted him to agree to, and hopefully that will occur. In the event that it does not occur, the objective will be to degrade his military capability so significantly that he will not be able to impose his will upon Kosovo, as he is doing now.

Mr. WELLSTONE. Mr. President, I thank my colleague for his response and would like to make it clear that I believe my support would be based upon these kinds of objectives.

Mr. BIDEN. I thank the Senator.

Does the opposition wish more time?

Mr. CRAIG. Mr. President, I stand in opposition to the Senate concurrent resolution and yield 2 minutes to Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President. I appreciate our colleague from Idaho recognizing me to speak briefly on this amendment.

I rise in opposition to this amendment to this resolution. I think this is an ill-advised, ill-timed, inappropriate action to take, given the situation that we have, given the potential and the actual probable loss of U.S. lives, the lack of involving the entire United States in this and saying to the American people: Why are we doing this? We don't know where it is going on step 2, step 3, and step 4.

This is step 1. We go in and we bomb a sovereign nation involved in a civil war. What if he doesn't fall back? What if Milosevic doesn't say: OK, I give up, and you can have autonomy in Kosovo? What if we go ahead into Montenegro and say we want to split off. Will the United States bomb and support Montenegro in that process?

This is a very, very serious step we are taking of such foreign policy, and we have not had sufficient debate about what the U.S. position is. This is not in our strategic and vital interest of what is taking place. Yet we are going to go forward and start a bombing campaign. We need to have a thorough, extensive debate here, involving the American people, as to whether or not this is in our vital and strategic interests. I submit that has not taken place to date. The administration has not brought the Congress along, and this is an inappropriate, ill-timed event and action for us to take and is not being supported by the American people.

For those reasons, I will be opposing this resolution.

Mr. BIDEN. Mr. President, I yield 2 minutes to the distinguished Senator from Massachusetts, Senator KERRY.

Mr. KERRY. Mr. President, I believe that the way we have arrived here is less than ideal. However, the choices we have are also not ideal. The choice of doing nothing is absolutely unacceptable.

While I will have more to say about the process by which we got here, there are powerful strategic, humanitarian, and historical reasons that the United States, in a broad-based, NATO-based effort, ought to be doing what it is engaged in.

I think it is important for all of our colleagues to reflect on the fact, this is not the United States acting unilaterally; this is all of the allies, all together, all of them coming together, with a preponderance ultimately of European involvement if there ever is a peace process to enforce.

I want to emphasize one thing with respect to the goals and objectives. I view these as very limited in their current structure. I view it as essentially an effort to try to minimize Milosevic's capacity militarily to ethnically cleanse. It is hoped that you might also secure the peace. It is hoped that you might also be able to move to a more broad-based enforcement process. But I don't view that as the essential objective. The essential objective is to minimize his capacity to work his will without any contravening forces that would equalize the battlefield, if you will, and minimize the capacity for ethnic cleansing. That is the overpowering strategic and, I think also, humanitarian interest here, and I think it is important for the Senate to stay focused on the limitations.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are in this situation because sometime last year the administration authorized our representatives of NATO to enter into an agreement that would allow NATO forces to conduct strike operations against the Serbs if they did not sign an agreement that was sought—the "peace agreement" so-called. That did not occur. Suddenly, we find that now here we are with one sentence, one sentence approving the concept of sending in airstrikes against that nation. We do not have a prohibition against the use of ground forces, and I told the President this morning I would support this resolution if it did.

But beyond that, I am constrained to say that I remember standing here on the floor in 1991 when Iraq invaded Kuwait, when racial cleansing was not only taking place, they were murdering people in public. They had taken over a nation and they were obviously going to go into Saudi Arabia. We were in the minority and we sought to support our President, and we got very little support. I put in the RECORD already the letter that President Bush sent. He said if the Congress did not agree, he would not dispatch forces. Today, I looked in the eye of a President that had already made up his mind on the air war. I seriously regret that we have not put a parameter around this war so it will prevent the use of our forces on the ground. I believe we are coming close to starting World War III. At least I know we are starting a process that is almost going to be never-ending, unless it never starts.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I cosponsor this resolution because, year after year, we have asked Europe to take the lead before we are leading in their own back yard, to become united, to take care of troubles before they spread. They have done so. They are now waiting for us. It has been asked, will our European allies stay with us? That is not the question. The question is whether we will now join our European allies who are waiting for us to sound a clear call that we will not permit ethnic cleansing to spread to destabilize a region and to destabilize Europe.

The stakes here are huge. The objective here, we should be very clear, is to reduce the military capability of Milosevic to "ethnically cleanse" Kosovo and thereby touch off a broader war and massive instability in Europe. That is our military objective—to reduce that military capability to ethnically cleanse Kosovo.

If we had acted earlier in Bosnia, we could have avoided that genocide. We did not act. NATO has now decided to act, and it is the future stability of Europe which we are going to help determine here tonight, as well as the support for our troops. It was asked of the President, "Request our support, Mr. President." We heard that at the White House over and over again. The President has now requested our support. Our military leaders have set forth a clear military objective. They have done so before the Armed Services Committee. They have done so before other committees and each of us. So now it is up to us to decide whether or not we will support our troops, and whether we will support NATO. The risks of not acting are greater than the risks of acting.

Mr. President, I believe it is important for the United States to participate in NATO air and missile strikes. NATO is ready to act because of the threat that the conflict in Kosovo could spread to the neighboring countries of Macedonia, Albania, and Bosnia and could involve nations such as Greece, Turkey, Bulgaria, Romania, and Hungary, and to prevent a humanitarian disaster.

I believe the military mission for our forces should be clearly and carefully stated as to reduce the military capability of the Serbian special police and

Yugoslav Army to ethnically cleanse Kosovo and touch off a broader war and major instability in Europe.

It is tempting and would be easy to justify NATO action against the Serbian police and Yugoslav Army forces as a way to punish Milosevic. He has destroyed the economy of former Yugoslavia; shut down its independent media; ousted all democracy-learning professors from its universities and substituted his cronies; has threatened President Djukanovic of the Yugoslav Republic of Montenegro, who favors democracy and a free market economy; has seized privately-owned property, including property owned by an American citizen; and has violated every agreement he has ever made, including, in particular, the Dayton Peace Accords and the October 12, 1998 agreement with Richard Holbrooke.

But it is the threat to regional peace and security that justifies NATO air strikes.

The United States is the leader of NATO and the credibility of NATO is on the line; the future stability of Europe is on the line; and the ethnic cleansing of the population of Kosovo is on the line. With all of these important interests on the line, I believe the United States must do its part, in cooperation with our NATO allies, to carry out air operations and missile strikes to reduce the military capability of the Serbian special police and Yugoslav Army to ethnically cleanse Kosovo and touch off a broader war and create major instability in Europe.

I have been a strong supporter of the development of the European Security and Defense Identity within NATO and I want to take particular note of the role that our NATO allies have been and are playing with respect to Kosovo. First of all, the Organization for Security and Cooperation in Europe or OSCE—a European dominated Organization of 55 nations—stepped up to the plate and established the Kosovo Verification Mission or KVM. The KVM has as its mission the monitoring of compliance with the October 1998 agreement negotiated between Ambassador Holbrooke and President Milosevic.

Because the OSCEs KVM is unarmed, NATO established an Extraction Force, which, as the name implies, is designed to come to the aid of KVM personnel and to remove them from situations in which their safety might be imperiled. The Extraction Force is led by a French general and is made up entirely of forces provided by our NATO allies. The United States has provided 2 military personnel to serve in the Extraction Force headquarters, but no combat forces. Once again, our NATO allies delivered.

When NATO was planning for a ground force to implement an interim peace agreement in Kosovo with the consent of the parties, it was decided that approximately 28,000 troops would be needed. Our NATO allies agreed to provide more than 24,000 troops. The United States would contribute less than 4,000 troops to that force. The on-scene commander for the force would have been a British general. The force contribution of our NATO allies would dominate the force. Once again, our NATO allies delivered. And the foreign ministers of Great Britian and France co-chaired the negotiations that provided the opportunity for a peaceful settlement of this crisis.

Finally, Mr. President, I want to describe my visit to Kosovo in November. In the course of that visit, I accompanied a U.S. Kosovo Diplomatic Observer Mission team on its daily tour that stopped in the village of Malisevo. Malisevo was a ghost town. The Kosovar Albanians who had previously lived there were afraid to return because of the damage that had been caused by the Serbian special police and Yugoslav Army and the continuing presence of Serbian police forces in the village. In order to conceal the extent of the destruction they had wrought, the Serbian forces had bulldozed a large square block of the village and carted off the debris. The bullet and shell holes in the remaining structures bore silent witness to the cruel way in which President Slobodan Milosevic's forces punished the civilian population in response to the resistance of the Kosovo Liberation Army or KLA.

Kosovo is the scene of a horrendous humanitarian disaster. The United Nations High Commissioner for Refugees estimated last week that at least 230,000 persons were displaced within Kosovo as a result of the conflict and a further 170,000 have fled from Kosovo in the past year. That adds up to a total of about 400,000 people who had fled their homes. That number increases on a daily basis as Milosevic's forces continue their rampage.

During my visit to Kosovo, I met with the political representative of the KLA, Adem Demaci, with the elected President of the Kosovo shadow government, Dr. Ibrahim Rugova, and with the editor of the Albanian language newspaper Koha Ditore, Veton Surroi.

My meeting with Adem Demaci, the then political representative of the KLA, who was first arrested in 1958 and, by his own admission has been fighting for Kosovo independence, ever since, had spent 28 years in Yugoslav jails for his campaign for independence for Kosovo, involved a friendly and occasionally heated discussion. He stated that he could not endorse any agreement that did not have a guarantee that the ethnic Albanians could decide their own future after three years. Mr. Demaci resigned his position in protest when Kosovar Albanian negotiators' agreed in principle to the agreement at Rambouillet.

Dr. Rugova, who has consistently espoused a policy of peaceful resistance, stated his preference for the agreement to provide a mechanism for the people to express their will at the end of three years but was flexible on that point since he was committed to reaching an agreement that would stablize the situation. Dr. Rugova and a number of his lieutenants participated as part of the ethnic Albanian negotiating team that went to Rambouillet.

Veton Surroi, who has courageously published an independent newspaper in Pristina, the capitol of Kosovo, expressed his concern about achieving an agreement in view of the difficulty he anticipated in reconciling the positions of the KLA and the Rugova camp. He was not optimistic. He also participated in the Rambouillet negotiations as a member of the ethnic Albanian team.

Mr. President, despite the Kosovar Albanians strong desire for independence, a goal which is supported by the international community and is not provided for by the Interim Peace Agreement, they signed that Agreement. The Yugoslav delegation, by contrast, has stonewalled and, as characterized by Mr. Verdine and Mr. Cook as co-chairmen of the negotiations, "has tried to unravel the Rambouillet Accords." And Slobodan Milosevic, when given a final chance to avoid NATO air and missile attacks, stubbornly continued his ethnic cleaning of Kosovo.

I will support the resolution, of which I am an original cosponsor, and I urge my colleagues to support it as well.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, we have heard the debate on this floor. Now what is at hand? How many questions have we asked ourselves? Are we crossing international boundaries to inflict heavy damage or to destroy the ability to make war in a sovereign nation? Are we not making war? Are we not using a treaty organization to participate in a civil war? Is there a possibility that we are being used to deal with a very acute and serious problem in the stability of a region?

No one should question the motive of any vote on this issue. Every Member of this body is capable of casting the hard vote. One cannot clear his or her conscience of the atrocities that have been committed, and one can see the desperation on the faces of those who are being displaced. But I say to you, the nations that are most affected must now assume the responsibility that confronts them. To ask us to participate in a civil war, which is not our character, is a lot to ask. Can we help? Yes, we can. We can do it in different ways. But to ask us to place our men and women in harm's way, to force submission of a people with deep resolve in an area where not very many folks have ever been beaten into submission, that is asking of us a great deal.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank my friend from Delaware. Mr. President, on Christmas Eve, 1992, President George Bush issued what is known as his "Christmas warning" to President Milosevic that if he attacked Kosovo, NATO would have to respond. We had President Clinton reinforce that threat as recently as last October. Milosevic signed a cease-fire agreement in which we again said to him, if you attack Kosovo, we will have to respond with force. What has happened? He is attacking Kosovo. The International Finnish Pathological Team said a massacre occurred there in January. Kosovar women and children were put on their knees and shot in the back of their heads.

Mr. President, if NATO does not act, and if the United States does not act to be consistent not just with the threats we have made to him, the warnings he has ignored, but the principles that underlie those warnings, it will be more than the Kosovars who will suffer irreparable damage at the hands of the Serbians; NATO will be irreparably damaged and so, too, will the credibility of the United States.

Mr. President, some of my colleagues say, "What's the plan?" There is a plan here and we have heard it. There is a response and we have options as we go along. But I ask, what will happen if we don't act? If we don't act, a massacre will occur. There is great danger of a wider war in Kosovo, wider even than the one that would have occurred if we left the conflict in Bosnia unattended. With all due respect to my friend and dear colleague from Alaska who suggested we may be beginning world war III—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LIEBERMAN. Mr. President, I ask the Senator for 30 seconds more.

Mr. BIDEN. I don't have it. I am sorry.

Mr. LIEBERMAN. I will finish by saying I think what we are doing in authorizing this action is making sure that world war III does not begin in the Balkans.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the Senator. I rise in opposition to the resolution. I have all the confidence in the world in the capability of our military. But I think this is an ill-advised mission. I heard my good friend from Delaware, and I also heard the Senator from Massachusetts use the word "hopefully." In fact, that word was used repeatedly. "Hopefully," the airstrikes will work. "Hopefully," the airstrikes will bring Milosevic to the bargaining table. "Hopefully," there will be a peace agreement.

The question I ask is, What if our best hopes are not realized? What if it doesn't work? What happens then? I raised that question to Secretary of Defense Cohen. I don't believe the answers were sufficient or satisfactory. There were far more questions than answers. The President has not made the case to the American people or to the Congress. We all know the great limits there are on airstrikes, the capability of airstrikes in changing behavior. There will be limits on these airstrikes and how successful they can be. Our hearts go out to those who are suffering, and they should. But I remind my colleagues that there are massacres taking place in many places in this world, including Sudan, where the level of carnage is far greater than what we have seen in Kosovo.

I asked the Secretary this afternoon what will be the cost in financial terms? To my dismay, there is no estimate of what kind of dollars or costs, budgetary costs there will be. But the far greater cost will be in potential American casualties. We all know that the probability is high that there will be the loss of American lives. So this afternoon I did a lot of soul searching. I thought about my 20-year-old son, Joshua.

If it were him going in, could I in my mind justify sending him in, and the tens of thousands of Joshes who are 20 years old?

I believe stability in the Balkans is not a satisfactory answer.

Mr. BIDEN. Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the resolution. I believe the danger of inaction—of doing nothing—greatly exceeds the dangers of action. What are the dangers of inaction? There are three, in my judgment.

First, disintegration of instability in a key part of Europe.

Second, the acceleration of existing humanitarian catastrophes, which we have all seen.

Third, the unloosening of bombs that tie us to NATO, bombs that cannot easily be renewed in the days ahead when the need for NATO cooperation will be ever greater than it now is.

So, for these three reasons, the dangers of inaction, I hope the resolution will be supported.

I thank the leader.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President.

Mr. President, first of all, let me declare that this is not a vote to support or not to support the troops. This is an authorization to the President to use military force against Serbia.

If this were an appropriations bill to support a mission already underway, a mission which the President had ordered American troops to engage in, there is no question that I assume all of us would have to support that and would not vote against an appropriation of funds—at least I would not vote against an appropriation of funds—to support the troops. That is not what is involved here. This is an authorization for the President.

Second, this is a vote to tell the President two things, I believe: No. 1, before you send American troops in harm's way, you need to have a dialog with the Congress and with the American people to explain two things.

No. 1, you need to explain why there is a direct threat to the national security of the United States. And there isn't in this case. And, No. 2, you need to explain how your plan is going to achieve the goals.

There are two goals there: to repeal an attack by Serbia against Kosovo and to force the Serbs to enter into a peace agreement.

The particular kind of military campaign planned here cannot achieve either goal, in my opinion. The quasi-police forces going into Kosovo are not easily stopped or impeded in their progress by cruise missiles. And, second, I suggest that the kind of plan here of a 48-hour, or similar hour, campaign with cruise missiles against Milosevic is not going to force him to his knees to invite peacekeepers into Kosovo. My guess is that he will, in fact, rebel against it rather than succumb to it.

For both of those reasons, I will vote "no" on the resolution.

Mr. BIDEN. Mr. President, parliamentary inquiry. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. BIDEN. I yield 1 minute to the Senator from Minnesota, and then 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. WELLSTONE. Mr. President, as a member of the Senate Foreign Relations Committee, I have for months been closely monitoring the situation in Kosovo, hoping and praying for a peaceful resolution to the crisis. I traveled there about 5 years ago, and have seen for myself the conditions under which millions of ethnic Albanians have struggled under increasing Serb repression. I have seen and visited with U.S. military personnel posted along the Macedonian border—including some very young men from my home State—and I am well aware of the stakes involved in this debate.

I and some of my colleagues have been briefed by Secretary Cohen, National Security Advisor Berger, Secretary Albright, Joint Chiefs of Staff Chairman Shelton and others recently about the very fluid and violent situation there.

Now that the Albanian Kosovars have signed the Rambouillet agreement, and the Serbs have forcefully rejected it, it is clear that the crisis has moved into a new phase. And now that the Serbs have in the last few days begun—slowly, brutally, methodically—to expand their grip on Kosovo with a massive force of an estimated over 40,000 Serb police and army regulars, the situation becomes more urgent with every passing hour. Those Serb forces have been burning homes, taking the lives of innocent civilians along with KLA insurgents, and forcing tens of thousands of innocent civilians to flee their homes without food and shelter. Just in the last few days, tens of thousands more civilians have been forced from their homes, with Serbian forces leaving their villages smoldering and in ruins behind them in what appears to be their brutal final offensive. While reports have been barred from many areas by Serb forces, it is clear what is going on there. Atrocities of various kinds have become the signature of Serb military forces in Kosovo, just as it was for years in parts of Bosnia.

In recent days, including in his press conference last Friday, the President has begun to articulate more clearly to Americans what he believes to be at stake there. The humanitarian disaster that's been unfolding of months, and has now been accelerated by the recent Serb onslaught, coupled with the serious concern that increased violence in Kosovo could spread throughout the region, must be addressed forcefully. While I know some of my colleagues believe strongly that the administration has not articulated forcefully, consistently and clearly the mission and goals of this use of force, and I still have some unanswered questions about the administration's military plans—including the precise timing and strategy for withdrawing U.S. and NATO forces from the region once their mission is accomplished, provisions made to protect United States forces against sophisticated Serb air defense systems, and likely casualties expected from any military action—I believe there is little alternative for us but to intervene with airstrikes as part of a NATO force.

I come to this conclusion, as I think many Americans have in recent days, reluctantly, and recognizing that all of the possible courses of action open to the United States in Kosovo present very serious risks.

But I am pleased that we are finally having a real debate on this question on the Senate floor. As Senators, I believe we should make it clear on the record what we believe our policy should be in Kosovo.

I have agonized over this decision, and consulted widely with those in Minnesota whom I represent, with regional political and military experts, and with others, and have tried to place in historical perspective what is at stake here for our Nation. I have tried, as I know my colleagues have, to weigh carefully the costs of military action in Kosovo against the dangers of inaction.

Mr. President, one thing that is clear is that the situation on the ground in Kosovo today is unacceptable and likely to worsen considerably in the coming weeks. The ongoing exodus as refugees flee this latest major military operation mounted by the Yugoslav Army over the last 3 weeks must be contained.

This conflict has created, by some estimates, more than 400,000 refugees. A spokesman for the United Nations High Commission for Refugees estimated that 20,000 have been displaced just in the last week by military operations, most of them in the mountain range just northwest of Pristina. As we all know, Milosevic has already carried out numerous massacres and other atrocities in Kosovo, including the killing of more than 40 ethnic Albanian civilians in the village of Racak in January.

Right now, there are tens of thousands of refugees on the move in Kosovo. These refugees are facing very basic problems of survival. They lack shelter. They need blankets and stoves. The fighting has knocked out the electricity and water supplies. There are people right now huddling in cellars, and in unfinished houses, with their families. According to an account in the New York Times, people who are refugees themselves are giving shelter to refugees. One family is giving shelter to 80 people.

Serbian forces that have been massed on the border of Kosovo are on the march, and it is widely believed that they are planning to accelerate their advance west into the heartland of the rebel resistance and the base of its command headquarters. The people of Kosovo are terrified of such a massive offensive. It is almost certain that we will soon be hearing more stories of massacres and displacements, of women and children and elderly men being summarily executed, and of further atrocities.

I have called for months for tougher action by NATO to avert the humanitarian catastrophe that has now been re-ignited by the latest Serb attacks. I find it hard to stand by and let Milosevic continue with his relentless campaign of destruction. But I also recognize the grave consequences which may follow if the U.S. leads a military intervention into this complicated situation.

The airstrikes proposed by NATO, if Milosevic does not relent and sign on to the peace agreement, will represent a very serious commitment. If NATO carries out these airstrikes, U.S. pilots will confront a well-trained and motivated air defense force that is capable of shooting down NATO aircraft. Serbian air defense troops are knowledgeable about U.S. tactics from their experience in Bosnia, are protected by mountainous terrain and difficult weather conditions, and are well-prepared and equipped to endure a sustained bombardment.

Air Force Chief of Staff Gen. Michael Ryan told the Senate Armed Services Committee last week that casualties are a "distinct possibility," and Marine Commandant Gen. Charles Krulak said. "It is going to be tremendously dangerous."

We not only risk losing our own pilots, but, even if our attacks are carefully circumscribed, we run the risk of killing innocent Serb civilians.

Before we decide to send our pilots into harm's way we must be certain that we have exhausted all diplomatic options and that we essentially have no other choice.

As I have grappled with this decision, I have tried to reduce it to its simplest form: Will action now save more lives and prevent more suffering than no action.

Despite the dangers, I have concluded that the NATO airstrikes which may soon be underway will save more lives in the long run than they will cost. I hope and pray that we do not suffer any American casualties in these air operations, and that innocent civilian casualties on both sides are kept to a minimum, but I fear that if we do not act now thousands will lose their lives in the coming months and years.

A decision to use force is also justified by reasons that go beyond humanitarian concerns. It has been argued by the Administration that an intense and sustained conflict in Kosovo could send tens of thousands of refugees across borders and, potentially, draw Albania, Macedonia, Greece, and Turkey into the war. We will not be able to contain such a wider Balkan war without far greater risk and cost. And we could well face a greater humanitarian catastrophe than we face now. I am not just talking about a geopolitical abstraction, the stability of the region. I am talking about the human cost of a wider Balkan conflict.

So as I see it, the immediate goal of NATO airstrikes would be to degrade Serbian military forces so that they could not seriously threaten the ethnic Albanians in Kosovo and also to force Milosevic into signing a peace agreement that could end the fighting in Kosovo and bring stability to the region.

I am not a Senator who supports military action lightly. I still hope this conflict can be settled without an actual military engagement. But I feel that we simply must act now to forestall a larger humanitarian crisis.

Mr. President, in the end my support for airstrikes in this situation arises from my deep conviction that we cannot let these kinds of atrocities and humanitarian disasters continue if we have it in our power to stop them. I believe that it is our duty to act. In this case we cannot shirk our responsibility to act. We cannot stand idly by. That's why I intend to support the President's decision.

Mr. President, I have agonized over this vote. But I very honestly and truthfully believe that if we do not take this action as a part of the NATO force that we will see a massacre of innocent people—men, women, and children. I do not believe that we or the international community can turn our gaze away from that.

Therefore, I rise tonight with concern, but, nevertheless, I want to say it as honestly and as truthfully as I can as a Senator from Minnesota. I do support this resolution. I hope and pray that our forces will be safe. I hope and pray that there will be minimum loss of civilian life. And I hope and pray that by our actions we can prevent what I think otherwise will be an absolute catastrophe.

I yield the floor. I thank my colleague.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. BIDEN. Mr. President, I would suggest we alternate back and forth.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from South Carolina, Mr. THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in opposition to the pending resolution.

NATO was formed to defend Europe against Soviet aggression, not to settle domestic problems. The NATO treaty was ratified with the advice and consent of the Senate. NATO's mission has clearly changed without congressional consultation. Whether for good or bad reasons, NATO combat power is being used to intimidate a sovereign country—Serbia—into signing a peace agreement on domestic problems.

What NATO has done in Bosnia should not be used as reasoning for U.S. action in Kosovo. President Clinton wrongly claims that NATO succeeded in Bosnia because of its air strikes and economic sanctions against Yugoslavia. In fact, it was the successful Croat ground offensive against Bosnian Serbs just before the 1995 Dayton agreement that forced Serbia's compliance with the peace agreement. Likewise, to resolve the problem NATO faces today, ground force will probably be required in Kosovo.

Today, the most important issue to the U.S. is our credibility in NATO. For NATO, it was credibility that pushed the majority of NATO members down the dangerous path toward military intervention. At home and abroad the President's problem is credibility. Likewise, it may be America's problem abroad. NATO has issued a clear ultimatum to a vicious aggressor. If Congress does not back U.S. efforts in NATO, will the credibility problem reflect on the United States? It may. However, these issues and questions come to us from the Administration's faulty policies. Such policies have resulted from timid piecemeal reasoning and lack tough-minded decision-making worthy of the problem at hand.

Bad national defense policy is about to get us into serious trouble—again. The list of the administration's failed peace missions is long and growing. I am unconvinced that trying to resuscitate these failed nation-states is in the U.S. vital interest. The costs of U.S. involvement in nation-building are not in our national interests and should be reduced. The price tag of the Bosnia mission, for example, has already hit $12 billion, with no end in sight. The question is simple: Is it in the United States' best interest to have our troops in imminent danger, preoccupied with defending themselves against people whom they have come to help, who have shown little inclination for reform at a great cost to America? This is the path down which the administration has taken the United States. We are now involved in a steady run of civil wars without clear solutions which involve failed nation-states. We will soon drown in this kind of foolishness. Stemming civil wars should not be the main strategic challenge for the United States. These kinds of misadventures do not really engage the strategic interest of the United States. Certainly, such ill-conceived adventures do arrogantly endanger our troops. I cannot support endangering our troops without good reason.

Mr. BYRD. Mr. President, our worst fears have been realized. Months of patient negotiations, bolstered by repeated threats of air strikes, have failed. Yugoslav President Slobodan Milosevic has defied the will and the prayers of the world and has turned his back on the prospect of peace in Kosovo. Indeed, he is intensifying his relentless assault on the ethnic Albanian population of the Serbian province of Kosovo. It was made clear to me and to many of us at the White House this morning that the question is no longer "whether" NATO will launch air strikes against Yugoslavia but "when." It is entirely possible that by the time these words are uttered, the machinery to launch an air offensive against Yugoslavia will have been put into motion.

This is a matter of immense importance and far-reaching consequence for the United States. Senior defense officials have warned that an air operation against Yugoslavia will be extremely dangerous for U.S. and allied forces. This is not Iraq. This is a rugged, mountainous region frequently shrouded in fog and protected by a sophisticated air defense system. If the United States sends aircraft into Yugoslav air space as part of a NATO strike force, we must understand—and accept—the risk of that operation. That risk includes the possibility of downed aircraft, American hostages, and American casualties.

An operation of this magnitude and risk should not be undertaken without the express support of Congress and the backing of the American people. We saw in Vietnam what happens when the will of the people is not taken into consideration.

Only the President can lead the way in this crisis. Only the President can rally the American people. Only the President can mobilize the troops. Only the President can unite our NATO allies. Only the President can explain to the American people the reasoning for his intended action and the risks attendant to it. I urged him last week to make his case to the people as well as to the Congress.

Mr. President, I again urged the President at the White House this morning to seek the support of the Congress for air strikes against Yugoslavia. I asked him to make that request in writing to the Majority and Minority Leaders of the Senate. I am pleased that he has done so. I commend him for recognizing the need to seek the support of Congress when the use of force is contemplated.

We do not know where this conflict will lead. The winds of war are blowing over Kosovo today. Who knows what fires those winds might fan. Bosnia. Montenegro. Macedonia. Albania. All are in danger of being drawn into a conflagration in the Balkans. With enough sparks, Greece and Turkey could be drawn into the inferno. Although the conflict in Kosovo is far from our doorstep today, it could spread quickly, as wildfires are wont to do. Today our credibility as a world leader is threatened. If the conflict in Kosovo spreads, much more than our credibility will be at stake. If we are to act at all, the time to act is now.

All we know for certain is that Slobodan Milosevic is a ruthless and desperate leader. If anything, his defiance of NATO and his repression of the Kosovo Albanians are increasing as his options dwindle. Violence is mounting in Kosovo, and thousands of ethnic Albanian refugees have already fled their homes and villages. The bloodshed has begun. Let us pray to God that it will not turn into a bloodbath.

The United States cannot stand idly by and watch the catastrophe unfolding in the Balkans. It is in our national interest to support stability in this volatile region, to prevent the downward spiral into violence and chaos, and to stem the humanitarian disaster spreading out of Kosovo like a contagion. Having raised the stakes so high, a failure to act decisively could have untold consequences.

The President may have the primary responsibility in the formulation and execution of foreign policy, but the Congress has an equally weighty responsibility, which is to authorize or refuse to authorize military action.

The resolution that we are currently considering, which was drafted by a bipartisan group of Senators, endorses air strikes, and only air strikes, against the Federal Republic of Yugoslavia. The goal of this resolution is twofold: to stop the violence in Kosovo before it escalates into all-out carnage, and to convince President Milosevic in the only terms he understands—brute force—to abandon his campaign of terror against the Kosovars.

Mr. President, my thoughts and prayers today are with the brave men and women of the United States military who are willing to put their lives on the line in order to save the lives of countless strangers in a strange land. And my thoughts and prayers are with their families, the parents, spouses, and children who will wait at home, fearing the outcome of every air strike, until this madman Milosevic can be brought to his senses. These are the people to whom we have a duty to show courage in the execution of our responsibility. My prayers are also with the President. His is a heavy burden of responsibility. The decisions he makes in the coming days will affect the lives of many Americans. He is embarked on a somber, sober, and serious undertaking, and I pray that he will find the strength and guidance to bear the burdens of office that will weigh heavily on his shoulders as he faces this crisis.

Mr. LAUTENBERG. Mr. President, I rise today to express my strong support for President Clinton's decision to use United States Armed Forces, together with our NATO allies, to stop the killing in Kosovo and help bring peace and stability to a troubled region of Europe.

International intervention to stop the killing and atrocities in Kosovo is long overdue. The United States, as the world's sole remaining superpower, must lead that international effort.

Mr. President, I firmly believe NATO must follow through on threats of air strikes unless Milosevic immediately ends his assault on the people of Kosovo and accepts the Contact Group's interim agreement. If we do not, Milosevic will pursue his kind of peace in Kosovo—through "ethnic cleansing."

Air strikes are a means to an end. I hope Belgrade will agree to sign the Contact Group's interim peace agreement, as the Albanian side has done, without further revisions.

President Clinton has decided and the Pentagon has planned to deploy about four thousand U.S. troops to participate in a NATO-led peacekeeping force to help implement the interim agreement, once it has been signed by both sides. I support this plan because I stand behind its goals. United States armed forces should participate in a peacekeeping force in Kosovo.

I support the President's determination that this must be a NATO-led force, with sufficient forces and appropriate rules of engagement to minimize the risk of casualties and maximize prospects for success.

U.S. participation is essential to the credibility of NATO's presence in Kosovo.

NATO's peacekeeping role is essential to the implementation of a peace agreement for Kosovo. And implementation of a peace agreement is essential to stop the killing—and end the atrocities in Kosovo—and allow people to return to their homes and rebuild their shattered lives.

But today we face a more immediate question: whether NATO should launch air strikes to stop the killing and end the atrocities in Kosovo.

In my view we must end Milosevic's reign of terror.

Some in this body have argued that these atrocities are an internal matter, that we should not get involved.

Others have said U.S. national security interests in Kosovo do not rise to a level that warrants military intervention.

I strongly disagree with those assertions.

Allow me, therefore, to remind my colleagues of the fundamental United States interests which are at stake here:

The first is U.S. credibility, going all the way back to the Christmas warning issued by President Bush and reaffirmed by President Clinton.

If we fail to act, our threats in other parts of the world will not be taken seriously, and we may find ourselves having to actually use force more often.

The second is the credibility, cohesion, and future of NATO. As the 50th anniversary Summit approaches, I believe we need to strengthen the Euro-Atlantic partnership.

Particularly when a crisis arises in Europe, we need to be able to act in concert with allies who generally share our interests and values and who have the capability to undertake fully integrated military operations alongside U.S. armed forces.

Third, we need to prevent this conflict from spreading. How can we expect Albania to stay out of the conflict as their kin are being slaughtered? What is to prevent citizens of Macedonia from joining up with different sides along ethnic lines? Would Bulgaria, and NATO allies Greece and Turkey, be drawn into a widening conflagration?

I don't claim to be able to fully predict what will happen if we do not act, but it seems to me we're better off stopping the conflict now than risking another world war sparked in the Balkans.

Finally, I would remind my colleagues that Milosevic and his police and military forces are killing people and driving them from their homes on the basis of their ethnicity—they are committing genocide. We have an obligation and a responsibility to act to stop genocide.

How can we stand by and allow these massacres to continue and claim to stand for what is right in this world?

The time has come to stop threatening and start making good on our threats. There is too much at stake.

I thank the Chair and yield the floor.

Mr. KERREY. Mr. President, I rise to discuss the crisis in Kosovo. President Clinton and our NATO allies are at the point of having no other option except to conduct air attacks against Yugoslav forces operating in and near the Yugoslav province of Kosovo. I regret we are at this point, but that doesn't change the facts. At this crucial moment, Congress should not tie the President's hands or give Mr. Milosevic the slightest reason to believe the United States will not join with its allies in airstrikes against the Yugoslav units that are burning and shooting their way through Kosovo as I speak. For this reason I will vote for the resolution.

A requirement to use military force often follows a failure of diplomacy. That is not the case in Kosovo; this Administration and our major European allies have worked hard to bring about a just and peaceful outcome in this Albanian-majority province which also has such powerful historic and emotional significance for Serbs. A just and peaceful outcome would have been possible, but for the unwillingness of the Milosevic regime to govern Kosovo on any basis other than force and fear. Common sense and appeals to higher motives did no good, and now force will meet overwhelming force in what can only be a tragic outcome for many Yugoslav soldiers.

The President is out of options, and we must support him and the aircrews who will carry out his orders. But I am under no illusions that airstrikes will fix the Kosovo problem. The best I hope for is that the airstrikes will bring Milosevic back to the table to accept a NATO-brokered agreement for a peaceful transition in Kosovo. Such an outcome would at least stop the killing and would accustom all in the region to the idea of an autonomous Kosovo. Even if we succeed to this extent—and it is by no means certain we will—the underlying instability in the region will persist.

The Kosovo problem is really the problem of a minority ethnic group, the Albanians of Serbia, who have not been fully accommodated. The Albanian minority in Macedonia has the same problem. Within Albania proper there is an ethnic Greek minority, and concern for that minority has created tension in the past between Greece and Albania. My point is not to induce despair about the complexities and complexes of this one small corner of the Balkans, but rather to encourage Congress and the Administration to see the region as a unity and work simultaneously in all the affected countries to promote solutions. Just fixing Kosovo won't do it, and I'm not confident we can do even that.

If airstrikes can begin a transition to a Kosovo settlement, the next step will be the insertion of a ground force to keep the transition peaceful. The Administration has proposed this force include about 4,000 American soldiers or Marines, and has promised to deploy this force only in a "permissive" environment—meaning a Kosovo in which at least the leaders of the various factions agree to the presence of our troops. Mr. President, the resolution before us does not deal with the question of ground troops. When that question does arise, I will oppose any deployment of U.S. personnel on the ground in Kosovo. The stability of the entire planet depends on the readiness and availability of the U.S. Armed Forces. We should not fritter them away in peacekeeping missions in countries which do not rise to the level of vital American interests. We should keep them ready for the contingencies that are truly in our league: Iraq and the Persian Gulf, the Koreas, Russian nuclear forces. Europe contains wealthy countries with the militaries that could take on local European missions like Kosovo. It is their problem, and they should step up to it.

Mr. President, several other reasons are raised to justify U.S. deployments to Kosovo. Some assert a "domino effect" from Kosovo will plunge Europe into war. After all, they say, World War I started in the Balkans. But the alliance systems, rival empires, and hair trigger mobilization plans of 1914 are nowhere apparent in today's Europe, so there is no need to fear a return of World War I. We are then told the instability could eventually cause war between Greece and Turkey. But Greece and Turkey could have fought over many things over the last forty years, most recently the Ocalan affair, and they did not. There are rational leaders in Athens and Ankara who know their own interests. Kosovo will not set them off.

As I said, the Administration should be praised for working for years on the thankless task of trying to bring peace to Kosovo. At this point, airstrikes are the last option available. The people of Kosovo, as well the Serbian people and all the people of the region, deserve a dignified, secure peace. Diplomacy, supported by U.S. and other NATO airpower and, when appropriate, European ground troops, should aim to bring this peace about. The United States should concentrate on the bigger problems which truly threaten us.

I yield the floor.

Ms. MIKULSKI. Mr. President, the Senate is now considering the gravest decision we are ever called upon to make. Do we send our troops into harm's way to defend America's values and interests? Do we use our military to seek to end the brutal repression in a faraway country?

After careful thought and serious discussions with our Secretary of State, the Chairman of the Joint Chiefs of Staff, and the Secretary of Defense, I will support U.S. participation in strategic NATO air strikes against Serbian military targets. Our objective is to stop the killing and to weaken Yugoslav President Milosevic's ability to further hurt the people of Kosovo. These objectives are crucial to achieving durable peace and security in Europe.

There are two primary reasons that I support the limited use of force. First of all, we must prevent further Serbian acts of genocide and ethnic cleansing. Serbian actions have resulted in terrible human suffering. The Serbs abolished the Parliament and government of Kosovo in 1990. In response, the Kosovar Albanians maintained a policy of nonviolent resistance for seven years. During this time, Milosevic ethnically cleansed Kosovo—driving over 400,000 people out of their homes and destroying hundreds of villages. For those who wouldn't flee, Milosevic sought to starve them out—destroying farm land and blockading the shipment of food.

Reports from last night indicate that further humanitarian catastrophes are imminent. Serbia is moving aggressively to overrun and drive thousands more ethnic Albanians from their homes. The Serbs have deployed 40,000 army and police units in Kosovo. Over the past weekend, over 10,000 Kosovars were forced to flee their homes fearing for their lives. And for good reason: a brutal Serbian attack on the village of Racak in January resulted in the death of 45 civilians.

Some of my colleagues have argued that we should consider military action only if further humanitarian atrocities occur. We cannot wait for genocide to occur before we act.

Our second goal must be to stop this war from spreading and from threatening stability and our national interests throughout central Europe. The ethnic tensions in Kosovo could spread to Albania, Macedonia and even to our NATO allies, Greece and Turkey. Serb actions threaten the stability of the entire region.

I would not support the use of military force unless we had first exhausted all other options. There are three ways that America can best exert our leadership. First, through diplomacy. There is no question that we have done everything possible to resolve the Kosovo crisis peacefully through diplomacy. Second, we can apply sanctions or rewards. We have applied sanctions to Serbia for many years with little tangible result. And third, we can use our military to fight for our interests and our values. That is the decision we face today. After exhausting diplomatic and economic options, do we now use our military to force the Serbs to end their intransigence and repression?

The military action proposed by President Clinton meets three principles I consider before supporting military action.

First of all, whenever possible, military action should be multilateral. In Kosovo, we will be acting as part of NATO—with the nineteen allies sharing the burden.

Second, the military actions should be strategic and proportional. We are authorizing air strikes against military targets—like bases, military storage depots, and command and control centers—and against key infrastructure—like roads and bridges that Serbs use to reinforce Kosovo.

And third, military actions must be intended to achieve a specific goal. In this case, we are seeking to prevent further atrocities and to weaken Milosevic's ability to hurt the people of Kosovo.

Mr. President, I am disturbed by the process that was initially established for this vote. The Senate should vote on whether or not to authorize the use of force. Plain and simple. Instead, we are asked to cast a cloture vote on a second degree amendment to an appropriations bill. That is not the way to conduct foreign policy in the Senate.

That is why I voted against cloture on this matter—and I will vote for a bipartisan resolution to authorize U.S. participation in NATO air strikes against Serbia.

Mr. President, I still hope that the Serbs will back down. But if they don't, the Senate must show that we back our troops one hundred percent. Our airmen have excellent training and the best equipment in the world. They will have the participation of our NATO allies. And they will have the prayers and support of the American people—who recognize their heroism.

Mr. BIDEN. Mr. President, I yield myself 1 minute. Of the 3 minutes remaining, I yield myself 1 minute, and I ask my friend from Virginia to close on behalf of the proponents.

There are a number of Senators who wished to speak today—Senator SPECTER, Senator HAGEL, Senator SMITH. There are a number of people who wanted to speak. In the interest of a limited time, we have been unable to do that. And I apologize for that.

But the reason why I think it is appropriate that the Senator from Virginia close the case for us is that no one has been more instrumental in bringing about the ability to vote up or down on this proposal as well as the outline of the proposal.

I thank him for his leadership.

I yield the remainder of the time under the control of the Senator from Delaware to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Thank you, Mr. President.

I thank my distinguished colleague from Delaware. We have joined together many times in our two decades-plus here to work on what we felt was absolutely essential in the best interests of the country. I respect every colleague and their votes, whichever way it goes. There has been, I think, a substantial debate—perhaps not as long as I hoped. But, nevertheless, we had the debate. And this is essential now. We could not have done it had it not been for the Senator from New Hampshire, Mr. SMITH, the Senator from Texas, Mrs. HUTCHISON, and the Senator from West Virginia, Mr. BYRD, and others who joined in to make this possible—and my good friend from Michigan, Mr. LEVIN. We made it happen.

But this started with this Senator last September when I made my second visit to Kosovo. Having come out of Bosnia and seeing that situation at that time, I have tirelessly worked on this issue ever since that period. And now I join my colleague from Delaware to make it happen.

But, Mr. President, my main concern has always been the investment of the American people through this Congress in Bosnia—8-plus years, $9-plus billion, which could be severely at risk if this area of the Balkans known as Kosovo and the environs thereto were to erupt and begin to take down what little progress we have achieved in Bosnia, and display before the world a magnitude of human suffering and ethnic cleansing and crimes of horrific nature.

So I know it has been a painful subject for many. But I honestly believe that by supporting this vote we are doing what is in the best interests of mankind.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 2 minutes to the senior Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I spoke at length today, so I will try very hard to not even use the 2 minutes.

Mr. President, this President has decided that he doesn't need our approval. This vote tonight has nothing to do with whether we agree or disagree, and we are sending that message to him, because he has already told us he is going to do it. So it is a different request. It is a request saying, "I am going to do this. Would you tonight concur that it is OK?"

What a difference a President makes. George Bush didn't do that when the United States had a far more serious problem dependent upon oil—oil in jeopardy in the Middle East, Iraq invades a sovereign country. And what does he do? He sends us a letter and says, "Would you concur, and if you do not I will not do it." Now that is the kind of true, dedicated President that gives credit to the elected representatives of the American people.

We talk about this great Senate. Well, there is a great House, also. And they deserve the right to pass judgment on this. And for us to sit around here tonight saying we finally made the point, and we are going to get to decide whether he is or isn't, that is just a hoax. I do not believe we ought to meddle in civil wars that have been going on for 800 years. We are not going to solve it unless we commit to have a military force on the ground for perhaps 100 years, because we are going to get involved through NATO. In fact, I think we ought to begin to ask our NATO general, we ought to begin to wonder how in the world does he get in the middle of these negotiations and then he makes commitments through NATO and we say we have to live up to what has been committed through NATO? I think we ought to be able to commit that, too. It is our law. It is not the other countries. They are putting in very little.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I yield 1 minute to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, as my good colleague from Virginia, I appreciate the conscientious nature of every vote that will be cast tonight. I was among those who visited with the President this morning and have struggled with this. I have concluded that I cannot vote for this resolution. It is a declaration of war. There are going to be casualties. This resolution will not bring about the adjusted behavior of Mr. Milosevic that is sought.

The lingering question throughout the day and throughout all the deliberations is: What is next? That question has not been answered and it will surely come upon us as a result of this vote tonight. This is a very grave decision we are making for which the prospects of a solution, as proposed in this resolution, are nil.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIDEN. Mr. President, I ask unanimous consent I be able to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I ask unanimous consent the letter from President Clinton to the leaders be printed in the RECORD.

Mr. STEVENS. It is already in the RECORD.

Mr. BIDEN. I understand it is, but I want to point out again where he says, "I ask for your legislative support as we address the crisis in Kosovo."

I point out I was here, too, during the gulf crisis. I recall we were not even going to hold hearings in the Foreign Relations Committee. I recall the President said he would not send up a request for authority until it was clear that the Congress was going to revolt. Every President, of the six while I have been here, has been reluctant to do so.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I had the letter read to us this afternoon. There is nothing in that letter that says he will not do it if we do not agree. That is the difference. It says: I ask, but I am going to do it anyway.

Mr. BIDEN. If the Senator will yield, neither did President Bush; he didn't say I will not do it if you do not do this. Let's get that straight.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I reclaim my time and yield the remainder of it to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 30 seconds remaining.

Mr. SMITH of New Hampshire. Mr. President, that is not very much time, but this is a very serious matter. It is a vote that I wanted. I have been asking for it for a number of days and weeks. Now we are here, and the President has already made up his mind. He didn't really care particularly one way or the other how the Congress felt, which is pretty much the way the foreign policy has been conducted. Thousands of people, hundreds of thousands have died in Rwanda. We are not firing missiles there. This is a mistake. This is a civil war. We are attacking a sovereign nation without a declaration of war and we are going to regret it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the concurrent resolution.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—FIRST CONCURRENT BUDGET RESOLUTION

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the first concurrent budget resolution at 9:30 a.m. on Wednesday and there be 35 hours remaining for debate as provided under the Budget Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In light of that agreement, the vote on the Kosovo resolution will be the last vote tonight. The Senate will start the budget resolution tomorrow. Obviously, hard work will be in order for the Senate to complete action on the budget resolution prior to the recess, but we must do that. Hopefully we could get it completed by Friday.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of a death in the family.

The PRESIDING OFFICER. (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—58

Abraham
Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Torricelli
Warner
Wellstone
Wyden

NAYS—41

Allard
Ashcroft
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—1

Cochran

The concurrent resolution (S. Con. Res. 21) was agreed to as follows:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I referenced earlier the significant help and leadership of the Senator from Virginia, but what I did not mention was the person who carried the ball on this side of the aisle, the Senator from Michigan, Senator LEVIN.

You know that old expression, success has a thousand fathers and mothers and failure is an orphan. Hopefully, I am not going to be praising him and others and it turns out that what we have done tonight is a mistake. I think it is not a mistake. I think it is necessary. I think it is going to make for the possibility of some peace in the region.

I want to tell the Senator from Michigan how much a pleasure it is to work with him. I mean with him. As my grandfather used to say, he is the horse that carried the sleigh. He is the guy who maneuvered us through all this to get to the resolution. I personally thank him and tell him how much I enjoyed working with him.

Mr. LEVIN. Will the Senator yield?

Mr. BIDEN. I yield the floor.

Mr. LEVIN. Madam President, I thank my friend from Delaware. His leadership is what carried this resolution to a bipartisan conclusion, along with the Senator from Virginia. I pay particular, really, homage to both of them. This is a very difficult vote for all of us, whichever side of this resolution we voted on. It is very important it be a bipartisan vote. It is important to our troops, first and foremost. It is important we send a bipartisan message to Milosevic so there not be any misunderstanding or miscalculation. The leaders in the effort to do that were the first two names on that resolution, and they are Senators BIDEN and WARNER.

I commend them for their leadership.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, while I opposed the concurrent resolution which was adopted this evening, I think it is very important that it be said, once again, that this resolution does in no way authorize the commitment of ground troops and that the President certainly—I think this Senator believes as many others do—needs to seek the counsel of the Congress if that day should become necessary, in at least the eyes of our Commander in Chief, that he consult fully with us on that issue.

Mr. BIDEN. Madam President, I concur with the Senator from Idaho on that score. I want to say just one more thing. This was a very difficult vote, and I echo the words that were stated by several people here. On these matters—and I give credit to Senator NICKLES, who is the No. 2 man on the Republican side—when we were negotiating, I asked him how many votes are for this. He said, "I did not whip this." In our jargon, we know that to mean: "I did not go out and count votes. This is not a partisan matter. This is something that should be left to the conscience of each Senator."

The fact of the matter is, when my colleagues came up to me before the vote started and said, "How many votes do you have?" I said to them, "I did not do it."

I did not know how many votes were here for this resolution, but I thought it was important that the Senate go on record exercising its responsibility in this area. I do not think the President has the authority to use force in this nature without our approval, a concurrent resolution, or any statement by us, assuming the House makes a similar statement, and meets the constitutional criteria that he has the authority.

But again I want to make it clear that I respect those who voted against it. There are very strong reasons to vote no. I think the reasons to vote yes are stronger. And no one, particularly the Senator from Delaware, can tell this Senate where this action is going to lead. It is a very tough call.

I am confident, in my view, that there is more of a danger in not acting than in acting, both constitutionally and practically. But I just want the record to reflect that everyone in this debate, including the discussion at the White House—the Presiding Officer is younger than the Senator from Delaware, as is the Senator from Louisiana, who is on the floor, is younger than the Senator from Delaware. I came here in 1973 as a Senator. I was 29 years old.

I remember one of the things that I resented the most keenly was that at the time, for those of us who opposed the Vietnam war, at least in some quarters on this floor, and at times with the then-sitting President, we were told we were giving, by our opposition, this great deal of help to the North Vietnamese; we were hurting our troops who were overseas; we were basically un-American for objecting to the war.

One of the generational changes that has taken place—I want the record to show this—sitting with a number of Senators and Congresspersons—I am guessing the number at 20—in the private residence this morning, the President of the United States said to us assembled he wanted to make one thing clear, that he respected the Congress voting. He knew some who opposed were going to be told that Milosevic is listening and he is going to take some confidence from this; he is going to somehow be emboldened by the opposition.

He said, "I want you to know I think you have an absolute right and obligation, if you believe that way, to object. I will never be one who will tell you that, notwithstanding he is watching this on CNN in Belgrade, that somehow you're undermining our effort. Were we to apply that standard," he said, "we would never be able to debate in this society the important issues."

So the reason I mention that is not to give particular credit to the President, although in this case he deserves it, but he came from that same generation. I think we have moved to a position here where we have debated, in the last several years, the major contentious issues relating to our peace and security, and that when the debate has been finished, when it has gone on, it has been cordial and it has not been partisan.

When it has been finished, there has been unanimity and support of American forces. The same occurred in the gulf. After the gulf, many of us voted no. I was one who voted no. And at the end of the day, we all said, once the Senate spoke, once the President spoke, once the Congress spoke, we would stay the course.

So I thank my friend from Idaho who was in opposition, my friend, the Presiding Officer, who had a different view on this to tell you. And I am not being solicitous. It is important for the American people to know we do not always disagree based on our partisan instincts here.

The judgments made by every Senator on this floor today were made with their intellect and their heart, on the direction that they thought was in the best interest of the country. I think the right outcome occurred, but I do not in any way—in any way—question the motivation, or am I so certain of my own position that I would be willing to guarantee either of my colleagues that they are wrong. I think they were wrong. I think I am right. But we are approaching this in the way we should, openly and in a nonpartisan way. I want to thank the Republican leadership for proceeding this way and thank my colleagues for the way in which we conducted this debate earlier.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank my colleague from Delaware for those remarks.

MORNING BUSINESS

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Monday, March 22, 1999, the federal debt stood at $5,642,227,279,510.37 (Five trillion, six hundred forty-two billion, two hundred twenty-seven million, two hundred seventy-nine thousand, five hundred ten dollars and thirty-seven cents).

Five years ago, March 22, 1994, the federal debt stood at $4,557,220,000,000 (Four trillion, five hundred fifty-seven billion, two hundred twenty million).

Ten years ago, March 22, 1989, the federal debt stood at $2,736,549,000,000 (Two trillion, seven hundred thirty-six billion, five hundred forty-nine million).

Fifteen years ago, March 22, 1984, the federal debt stood at $1,465,629,000,000 (One trillion, four hundred sixty-five billion, six hundred twenty-nine million).

Twenty-five years ago, March 22, 1974, the federal debt stood at $471,830,000,000 (Four hundred seventy-one billion, eight hundred thirty million) which reflects a debt increase of more than $5 trillion—$5,170,397,279,510.37 (Five trillion, one hundred seventy billion, three hundred ninety-seven million, two hundred seventy-nine thousand, five hundred ten dollars and thirty-seven cents) during the past 25 years.

GEORGE MITCHELL'S MEDAL OF FREEDOM

Mr. KENNEDY. Madam President, few individuals have made a greater contribution to the cause of peace in Northern Ireland than our friend and former Senate colleague, Senator George Mitchell. His leadership was indispensable in helping the political leaders of Northern Ireland achieve the historic Good Friday Peace Agreement of 1998.

Last Wednesday, on St. Patrick's Day, President Clinton presented Senator Mitchell with the nation's highest civilian honor, the Presidential Medal of Freedom. In accepting the award, Senator Mitchell demonstrated again why he has been so vital to the peace process. He spoke directly and movingly to the political leaders on both sides of Northern Ireland, many of whom were in the White House audience. He reminded them of how far they had come in their search for peace. He urged them to resolve the current difficulties and enable the peace agreement to continue to be implemented.

As he said so eloquently, "History might have forgiven failure to reach an agreement, since no one thought it possible. But once the agreement was reached, history will never forgive the failure to carry it forward."

SIXTIETH ANNIVERSARY OF BOONVILLE, MO, LIONS CLUB

Mr. ASHCROFT. Madam President, I am pleased to offer my enthusiastic congratulations to the Boonville, Missouri Lions Club which celebrates its 60th anniversary on April 17, 1999.

Long before President Bush spoke of a "thousand points of light," the Lions sparkled in Boonville. Over the years they have been recognized for their tireless work to aid both research and victims of sight and hearing impairments, diabetes, and other maladies. Always a strong force in local charities, they truly embody their motto: "We Serve."

The Lions Club of Boonville has enjoyed sixty years of achievement through good deeds and good fellowships. I salute them.

THE TENTH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. SPECTER. Madam President, I congratulate the Department of Veterans Affairs on its 10th anniversary of becoming a cabinet level department of the federal government. On March 15, 1989, the new Department of Veterans Affairs was established, headed by a Secretary of Veterans Affairs.

Over the past ten years, VA has worked hard to fulfill its commitments to our nation's veterans by providing benefits and health care to millions of Americans who have given so much to protect and defend our country and its liberties. Among VA's many contributions: VA research scientists and practitioners have led in the advancement of medical research and health care delivery; VA benefits such as home loans, life insurance and educational support have been immensely helpful in transitioning active duty military members back into civilian life; and VA disability payments aid veterans injured in the line of duty as partial compensation by a grateful nation for their many sacrifices.

As Chairman of the Committee on Veterans' Affairs, I will help ensure that VA sustains these many programs to meet the myriad needs of an aging veteran population. I am certain my colleagues share that commitment as well.

The mission of the VA, as enunciated by President Abraham Lincoln, is "To care for him who shall have borne the battle, and for his widow, and his orphan." Congratulations to the Department of Veterans Affairs, and may it continue to serve our nation well for years to come.

CONGRATULATIONS TO LIEUTENANT COLONEL ALLEN ESTES, P.E.

Mr. ASHCROFT. Madam President, congratulations to Lieutenant Colonel Allen Estes, P.E., for being selected as one of ten finalists for the National Society of Professional Engineers (NSPE) Federal Engineer of the Year Award. This is an intense engineering competition of highly trained and dedicated federal employees, both military and civilian. The candidates are accomplished in their education, service, and leadership to accomplish their agencies' missions. They have performed above and beyond their job descriptions and represent the best and the brightest among those who work for all the citizens of the United States.

Lieutenant Colonel Estes commands the 169th Engineer Battalion at Fort Leonard Wood, Missouri, where he oversees the training, discipline, and management of over 2,000 new soldiers a year in nine different military engineering occupational specialities. He contributes immeasurably to his community by teaching night courses to soldiers and donating that salary to charities and battalion activities. Lieutenant Colonel Estes is a pioneer in the application of system reliability and optimization techniques for engineering structures. His leadership, accomplishments, community service, and participation in professional organizations make him ideally suited for the Federal Engineer of the Year Award.

Other finalists for this award who deserve recognition are Gregory M. Cunningham, Gary M. Erickson, James D. Wood, George L. Sills, Georgine K. Glatz, Brent W. Mefford, Luis Javier Malvar, Lieutenant Kirsten Lea Nielsen, and Charles D. Wagner.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries, on March 22, 1999.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received yesterday were printed at the end of the Senate proceedings of March 22, 1999).

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MEASURE REFERRED

The Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following measure which was referred to the Committee on Foreign Relations:

S. Con. Res. 1. Concurrent resolution expressing the congressional support for the International Labor Organization's Declaration of Fundamental Principles and Rights at Work.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2261. A communication from the Director of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Program-Specific Guidance About Self-Shielded Irradiator Licenses" (NIREG–1556) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2262. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standard Review Plan on Foreign Ownership, Control, or Domination" received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2263. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Policy and Procedure for NRC Enforcement Actions; Interim Enforcement Policy for Generally Licensed Devices Containing Byproduct Material" (10 CFR 1.5) received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2264. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma" (FRL6312–5) received on March 16, 1999; to the Committee on Environment and Public Works.

EC–2265. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan and South Coast Air Quality Management Districts and San Joaquin Valley Unified Air Pollution Control District" (FRL6239–8) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2266. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Administrative Reporting Exemptions for Certain Radionuclide Releases" (FRL6309–3) received on March 15, 1999; to the Committee on Environment and Public Works.

EC–2267. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL6310–7) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2268. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills" (FRL6311–3) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2269. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Transportation Conformity Rule Amendment for the Transportation Conformity Pilot Program" (FRL6309–6) received on March 12, 1999; to the Committee on Environment and Public Works.

EC–2270. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Georgia State Implementation Plan" (FRL6306–2) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2271. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Phase 2 Emission Standards for New Nonroad Spark-Ignition Nonhandheld Engines At or Below 19 Kilowatts" (FRL6308–6) received on March 11, 1999; to the Committee on Environment and Public Works.

EC–2272. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Recourse Loan Regulations for Mohair" (RIN0560–AF63) received on March 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2273. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Recourse Loan Regulations for Honey" (RIN0560–AF62) received on March 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2274. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerance" (FRL6064–6) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2275. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dicloran; Extension of Tolerance for Emergency Exemptions" (FRL6065-6) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2276. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Maneb (manganous ethylenebisdithiocarbamate); Pesticide Tolerances for Emergency Exemptions" (FRL6067-9) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2277. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Extension of Tolerances for Emergency Exemptions" (FRL6063-9) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2278. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Establishment of Time-Limited Pesticide Tolerances" (FRL6068-4) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2279. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Extension of Tolerances for Emergency Exemptions" (FRL6064-2) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2280. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Pesticide Tolerances for Emergency Exemptions" (FRL6065-2) received on March 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2281. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report entitled "National Plan of Integrated Airport Systems, 1998-2002"; to the Committee on Commerce, Science, and Transportation.

EC-2282. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's report on the Baldrige National Quality Program's first 10 years; to the Committee on Commerce, Science, and Transportation.

EC-2283. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on safety considerations for transporting hazardous materials via motor carriers in close proximity to Federal prisons; to the Committee on Commerce, Science, and Transportation.

EC-2284. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes Equipped With General Electric CF6-80C2 Engines" (Docket 96-NM-66-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2285. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes" (Docket 98-NM-375-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2286. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Oakdale, LA" (Docket 94-ASW-03) received on March 04, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2287. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29475) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2288. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29474) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2289. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B-1 Helicopters" (Docket 94-SW-23-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2290. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 98-NM-76-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2291. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The New Piper Aircraft, Inc. PA-23, PA-24, PA-28, PA-32, and PA-34 Series Airplanes" (Docket 98-CE-110-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2292. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines AG (IAE) V2500-A1 Series Turbofan Engines" (Docket 98-ANE-76-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2293. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98-CE-100-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2294. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA. 315B, SA. 316B, SA. 316C, SA. 319B, and SE. 3160 Helicopters" (Docket 97-SW-14-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2295. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes" (Docket 98-NM-238-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2296. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD-900 Helicopters" (Docket 98-SW-34-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2297. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 97-NM-254-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2298. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98-CE-99-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2299. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company 17, 18, 19, 23, 24, 33, 35, 36/A36, A36TC/B36TC, 45, 50, 55, 56, 58, 58P, 58TC, 60, 65, 70, 76, 77, 80, 88, and 95 Series Airplanes" (Docket 98-CE-61-AD) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2300. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Neosho, MO" (Docket 99-ACE-11) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2301. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Crockett, TX" (Docket 99-ASW-03) received on March 4, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 507: A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 106–34).

By Mr. HELMS, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations" (Rept. No. 106–35).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 432: A bill to designate the North/South Center as the Dante B. Fascell North-South Center.

S. Res. 54: A resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

S. Res. 68: A resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

S. Res. 73: A resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 688. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation.

EXECUTIVE REPORTS ON COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

William Lacy Swing, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Nominee: Swing, William Lacy.

Post: Democratic Republic of the Congo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee

1. Self, none.

2. Spouse, none.

3. Children and Spouses Names: Brian (son), Nicole (daughter-in-law), Gabrielle (daughter), none.

4. Parents Names: (all deceased).

Baxter Dermot Swing/Mary Frances (Barbee) Swing.

5. Grandparents Names: (all deceased).

James Ruffin Swing/Bessie (Sowers) Swing—Lacy Lee Barbee/Anna (Jones) Barbee.

6. Brothers and Spouses Names: James (brother), ca $400–$500 annually to Republican National Committee over each preceding year.

Arlene (spouse), none.

7. Sisters and Spouses Names: Anna (sister), Lawrence (spouse), none.

Kent M. Wiedemann, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Nominee: Kent M. Wiedemann.

Post: Kingdom of Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, Kent M. Wiedemann, None.

2. Spouse, Janice L. Wiedemann, None.

3. Children and Spouses Names: Conrad K. Wiedemann, None.

4. Parents Names: Jean Hyatt Wiedemann, None. Mansell H. Wiedemann—Deceased.

5. Grandparents Names: Niles Hyatt—Deceased. Frances Pauwels—Deceased. Thomas Wiedemann—Deceased. Harriet Wiedemann—Deceased.

6. Brothers and Spouses Names: Dean Hyatt Wiedemann—Deceased.

7. Sisters and Spouses Names: Harold and Sandra Schroeder, None.

Robert A. Seiple, of Washington, to be ambassador at Large for International Religious Freedom. (New Position).

Nominee: Robert A. Seiple.

Post: Washington, D.C.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, None.

2. Spouse, None.

3. Children and Spouses Names: Chris, Army (Donald B. Hebb), Jesse, None.

4. Parents Names: Gertrude Seiple, Chris Seiple, None.

5. Grandparents Names, Deceased.

6. Brothers and Spouses names: Bill (Didi), None.

7. Sisters and Spouses Names: Christina (Dabney Wooldrige), None. Nancy (Rob Zins), None. Mary (Kevin Earl), None. Carole (John Kenney), None.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Mary A. Ryan, of Texas.

The following-named Career Member of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Richard Lewis Baltimore III.

The following-named Career Members of the Senior Foreign Service of the Department of Agriculture for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Warren J. Child.

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Mary E. Revelt.

John H. Wyss.

The following-named Career Members of the Foreign Service of the Department of Agriculture for promotion into the Senior Foreign Service to the class indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Weyland M. Beeghly.

Larry M. Senger.

Randolph H. Zeitner.

The following-named Career Member of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officer and Secretary in the Diplomatic Service, as indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Danny J. Sheesley.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. LEVIN, and Mr. BRYAN):

S. 678. A bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMS:

S. 679. A bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GORTON, Mr. ROBB, Mr. ABRAHAM, Mr. ASHCROFT, Mrs. BOXER, Mr. BREAUX, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, and Mr. GRAMM):

S. 680. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. LAUTENBERG, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. SARBANES, Mrs. MURRAY, and Mr. HOLLINGS):

S. 681. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS (for himself and Ms. LANDRIEU):

S. 682. A bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercounty Adoption, and for other purposes; to the Committee on Foreign Relations.

By Mr. BRYAN (for himself and Mr. REID):

S. 683. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for disposal; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 684. A bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United States Code, permanent; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 685. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REED, Mr. SCHUMER, and Mr. TORRICELLI):

S. 686. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufactures, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 687. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

By Mr. HELMS:

S. 688. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation; from the Committee on Foreign Relations; placed on the calendar.

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 689. A bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001, and for other purposes; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. REID, Mr. MURKOWSKI, Mrs. BOXER, Mr. KENNEDY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mrs. MURRAY):

S. 690. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 691. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. KYL (for himself and Mr. BRYAN):

S. 692. A bill to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI:

S. Res. 72. A resolution designating the month of May in 1999 and 2000 as "National ALS Awareness Month"; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, and Mr. DODD):

S. Res. 73. A resolution congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, Mr. MCCONNELL, Mr. HAGEL, Mr. STEVENS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. ROBB):

S. Con. Res. 21. A concurrent resolution authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro); considered and agreed to.

By Mr. DODD (for himself and Mr. GRASSLEY):

S. Con. Res. 22. A concurrent resolution expressing the sense of the Congress with respect to promoting coverage of individuals under long-term care insurance; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. LEVIN, and Mr. BRYAN):

S. 678. A bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SALVAGED AND DAMAGED MOTOR VEHICLE INFORMATION DISCLOSURE ACT

• Mrs. FEINSTEIN. Mr. President, today I am introducing legislation on behalf of myself and Senators LEVIN and BRYAN that will offer consumers protection against unknowingly purchasing a vehicle that has been rebuilt after sustaining substantial damage in an accident.

The sale of rebuilt vehicles that have been wrecked in accidents has become a major national problem. According to the National Association of Independent Insurers, about 2.5 million vehicles are involved in accidents so severe that they are declared a total loss. Yet, more than a million of these vehicles are rebuilt and put back on the road.

In a report to the state Legislature, the California Department of Consumer Affairs found, with respect to California alone "More than 700,000 structurally damaged and 150,000 salvaged vehicles are returned to streets and highways every year without a safety inspection, and they pose a potential hazard to all of California's twenty million unsuspecting motorists."

In many cases, "totaled" cars are sold at auction, refurbished to conceal prior damage, then resold to consumers without disclosure of the previous condition of the car. The structural integrity of these vehicles has been so severely weakened that the potential for serious injury in an accident is greatly increased.

In one case, a teenage who purchased a rebuilt wreck was rendered quadriplegic after an accident in which her vehicle rolled 360 degrees at about five miles an hour. The vehicle had been in a previous accident. It had been badly repaired and then resold without disclosure of its previous condition. The vehicle's roof was replaced after the first accident, but in the subsequent accident, the roof collapsed when the substandard welds failed.

In another incident, a mother purchased a Honda Prelude for her daughter's high school graduation. Although only hail damage was reported at the time of sale, the car had actually been totaled in Texas and rebuilt in Arkansas. The repair shop acknowledged that they had spent only about $3,000 on repairs, despite an insurance company's estimate of over $10,000 worth of damage. The inadequate repair resulted in the collapse of the right front suspension inflicting a debilitating head injury on the driver.

In yet another case of fraud, Jimmy Dolan bought a used Toyota from a dealership in Clovis, California. The odometer had only 19,000 miles on it and he was told the car was like new and in original condition. In fact, that was untrue. The previous owner had been involved in a serious accident that required $8,700 in repairs. After a series of problems with the car, the original owner took it back to the dealership and traded it in. The dealership then resold the car to Jimmy Dolan for almost $14,000.

After only a minor accident, Mr. Dolan found out the truth about his car. He managed to trace the car back to the original owner who described the extent of the damage. Despite having full knowledge of the vehicle's history, the dealership refused to give Dolan a refund. Eventually, he had to file a civil lawsuit to recoup his losses.

These are just three cases in which serious physical and financial losses were inflicted on innocent victims who unknowingly purchased a vehicles that had sustained major damage.

The bill that I am introducing will address the problem of rebuilt wrecks by: providing nationwide written disclosure for every vehicle sale of previous salvage and major damage; providing widespread coverage for all vehicles including vehicles of any age or value, motor homes, pickups, and motorcycles; allowing states to maintain existing salvage laws; strengthening the Federal rebuilt vehicle database to promote instant access to vehicle accident histories for consumers, dealers, and law enforcement; requiring certification by a qualified repair facility of the proper repair of any salvage vehicle before it is returned to the road.

This bill has been endorsed by the Attorneys General of California, Connecticut, Iowa, and Michigan. In a letter of support, Attorneys General Blumenthal, Lockyer, and Miller state that this bill "has strong disclosure requirements that will put consumers on notice before they agree to buy a car concerning any prior collision or flood damage."

They also state "We especially appreciate that this bill tracks the Resolution adopted in 1994 by the National Association of Attorneys General. That Resolution calls for the strong national standards and remedies that are provided for in this bill."

Mr. President, I submit this letter for the RECORD.

This bill also has the support of a number of consumer advocates including: Center for Auto Safety, Consumer Federation of America, Consumers for Auto Reliability and Safety, Consumers Union, National Association of Consumer Advocates, Public Interest, and U.S. Public Interest Research Group.

In a letter of support from the National Association of Consumer Advocates, Pat Sturdevant writes "This bill is entirely consistent with views of the major national consumer groups in that it would require disclosure of major damage to vehicles. Provide broad coverage of most used vehicles, prevent laundering or washing of titles to conceal prior damage, provide for effective criminal and civil enforcement, and provide a minimum standard of consumer protection while allowing states to offer stronger protection to their citizens."

I submit this letter for the RECORD.

The bill is also strongly supported by the Automotive Recyclers Association and the Auto Dismantlers Association.

Mr. President, there is no question that the sale of rebuilt vehicles is a major national problem. We need to insure that we provide the proper solution. I believe that this bill is that solution and I urge my colleagues to support it.

I want to thank the Senators from Michigan and Nevada for their assistance with this legislation. Their input and support has been invaluable to the development of this bill. I ask that letters in support of the bill be printed in the RECORD.

The material follows:

OFFICE OF THE ATTORNEY GENERAL,
STATE OF CONNECTICUT,
March 18, 1999.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Washington, DC.
Re: The Salvaged and Damaged Motor Vehicle Information Disclosure Act

DEAR SENATOR FEINSTEIN: We are writing in order to express our support for the Salvaged and Damaged Motor Vehicle Information Disclosure Act, a bill which we understand you and Senators Levin and Bryan intend to offer.

We are very aware of the harm caused to consumers who unwittingly purchase used cars that had sustained major damage. They not only pay far more than the vehicle's market value, they may be placing themselves and their families in danger.

Despite state efforts to vigorously enforce state laws requiring car sellers to make salvage and damage disclosures, the problem continues to be our nation's top consumer compliant regarding used car sales. It is right for Congress to act. However, in acting, Congress must protect consumers, while permitting the states flexibility to deal with this growing problem.

Your draft bill achieves those two major goals. It has strong disclosure requirements that will put consumers on notice before they agree to buy a car concerning any prior collision or flood damage. It uses definitions that provide strong baselines of protection, while permitting individual states to impose tougher standards, if that is their choice. It effectively deals with the problem of "title-washing" by ensuring that information about prior collision or flood damage remains on vehicle titles, regardless of the state of titling. Finally, it provides strong remedies, by subjecting violations to criminal penalties, civil law enforcement actions by state attorneys general, and substantial private civil remedies.

We especially appreciate that this bill tracks the Resolution adopted in 1994 by the National Association of Attorneys General. That Resolution calls for the strong national standards and remedies that are provided for in this bill.

Another reason we support this bill is that it follows the successful mode of the federal odometer law, originally enacted in the 1970's. That law provided for the same types of strong national standards and remedies found in your bill. States have relied on the federal odometer law to file many civil and criminal law enforcement actions against odometer spinners and have recovered millions of dollars in restitution for consumers. Strong federal and state enforcement, plus the private actions brought under the odometer law, have put a real dent in odometer fraud. We look forward to similar results as we join forces to tackle auto salvage fraud.

Thank you for your leadership on this issue. We look forward to working with you in the fight to protect used car buyers.

Very truly yours,
RICHARD BLUMENTHAL,
Attorney General of Connecticut.
BILL LOCKYER,
Attorney General of California.
TOM MILLER,
Attorney General of Iowa.

NATIONAL ASSOCIATION OF
CONSUMER ADVOCATES,
March 19, 1999.

DEAR SENATORS FEINSTEIN, LEVIN AND BRYAN: We are a consumer protection organization very concerned about the safety hazard posed by the resale of rebuilt wrecked cars. We strongly support the national salvage and damaged motor vehicle disclosure bill which you intend to offer because it will protect consumers against the unsuspecting purchase of a rebuilt wrecked car. This would require disclosure of major damage to vehicles, provide broad coverage of most used vehicles, prevent laundering or washing of titles to conceal prior damage, provide for effective criminal and civil enforcement, and establish a federal minimum standard of consumer protection while allowing states to offer stronger protection to their citizens. The bill is consistent with the recommendations embodied in the 1994 Resolution of the National Association of Attorneys General and adopted by the Attorneys General of all 50 states, so we anticipate that it will receive broad support from law enforcement.

We remain strongly opposed to competing legislation, which the Washington Post termed "controversial" and featured as a example of "special interest" legislation. That bill was opposed by the Attorneys General of 39 states, encountered major opposition in the House, and was removed from the Omnibus Appropriations package after objection by the White House. The current measure remains flawed, failing to cover more than half the used cars on the road, and eliminating many of the state law protections that consumers now have against unscrupulous sellers of rebuilt wrecks. Its definitions of "flood" and "nonrepairable" vehicles are extremely loose, and its standard of proof and weak and inadequate enforcement mechanism would do nothing to deter the fraudulent sale of dangerous rebuilt wrecks.

It can hardly be disputed that automobile salvage fraud is a serious problem which requires federal action. Each year, more than one million "totalled" cars are rebuilt and sold to unsuspecting consumers. These consumers need protection from salvage fraud. I am looking forward to continuing to work closely with leading state Attorneys General on this important public safety issue, and would welcome the opportunity to work with you and your staffs in obtaining the genuine reform which your pro-consumer bill will provide.

Sincerely yours,
PATRICIA STURDEVANT.•

• Mr. LEVIN. Mr. President, today I am introducing legislation along with my colleagues, Senators FEINSTEIN and BRYAN, that will protect consumers from the unscrupulous practice known as "title washing" the current practice of selling rebuilt wrecks to unsuspecting buyers. The objective of this legislation is to make it more difficult for unscrupulous auto sellers to conceal the fact that a vehicle has been in an accident by transferring the vehicle's title in a state with lower standards than where the vehicle is ultimately sold.

In developing this bill, Senators FEINSTEIN and BRYAN and I worked closely with national consumer protection groups and a number of state Attorneys General. We have crafted a bill that is truly consumer protective and sets high national standards that did not previously exist. We took great care to ensure that our bill would not preempt the rights of states to retain or enact laws that exceed the minimum federal standards in this bill.

National automobile salvage title legislation is needed because there is no uniform standard for when a vehicle must be declared salvage or nonrepairable. About 2.5 million cars are severely damaged in auto accidents each year. More than half of them are returned to the road. Many of these rebuilt cars are sold to unsuspecting consumers without disclosure of the car's prior history, increasing the chance of serious injury to the drivers and passengers of these rebuilt cars. The National Association of Attorneys General estimates that the sale of rebuilt or salvaged motor vehicles as undamaged, costs the motor vehicle industry and consumers up to $4 billion annually.

Currently, some states, like Michigan and California and others, have tough consumer protection laws dictating when a vehicle's title must be branded as salvage or nonrepairable, but other states do not. Unfortunately, unscrupulous people now take advantage of this lack of uniformity and take wrecked vehicles to states with low or no standards to retitle them and thus wipe out the vehicle's prior damage history.

Our bill would provide for uniform standards of nationwide seller disclosure for every vehicle sale of previous salvage and major damage vehicles, and ensure these title brands are carried forward with all titles each time the vehicle is sold. This proposal is consistent with the National Association of Attorneys General auto salvage resolution adopted in 1994.

This bill also has the support of Michigan's Attorney General, who wrote in a letter endorsing the bill,

> This bill will further empower consumers to have more information available in making an informed decision about what is generally their second most costly purchase, motor vehicles used for personal transportation. I urge Congress to enact this bill.

The salvage title requirements in our bill are modeled after the successful 25 year old federal odometer law which requires the milage of a vehicle to be disclosed before a vehicle can be transferred. This law requires each seller to fill out a statement on the odometer reading that verifies its accuracy and a vehicle buyer cannot get a state title without this disclosure on the title. Our bill would work in a similar manner.

Our bill is basically a disclosure bill. It requires that whenever a vehicle's title is transferred, the seller must disclose in writing to the buyer any accident history of the vehicle which includes: salvage, flood, nonrepairable or major damage. Our bill defines "salvage", "flood", "nonrepairable" and "major damage" to provide broad disclosure and to protect consumer safety. These definitions are consistent with recommendations from the state Attorneys General.

Mr. President, in conclusion, the sale of rebuilt wrecks to unsuspecting buyers is a serous problem and should be stopped as soon as possible. The Feinstein, Levin, Bryan bill will do just that by establishing uniform disclosure standards for all vehicle sales and requiring all states to carry forward this disclosure on the vehicle's title. Simply put, our bill will put an end to title-washing.

I ask that additional materials be printed in the Record.

The material follows:

Resolution Adopted by National Association of Attorneys General, March 20–22, 1994

MANDATORY DISCLOSURE OF SALVAGE HISTORY AND MAJOR DAMAGE TO MOTOR VEHICLES

Whereas, motor vehicles which are severely damaged or declared a "total" loss are often subsequently rebuilt or salvaged and then resold; and

Whereas, the fact that a vehicle is rebuilt or salvaged is material to any subsequent sale of the vehicle; and

Whereas, not all states require that a vehicle's salvage history be marked on the vehicle's title or that such a title brand be carried forward on new titles issued or that a vehicle's salvage history be disclosed to subsequent purchasers; and

Whereas, branding the title is an effective means of allowing dealers, subsequent purchasers and law enforcement authorities to track a vehicle's true history and has been supported by NAAG for tracking vehicles returned under state lemon laws; and

Whereas, it is estimated that the sale of rebuilt or salvaged motor vehicles as undamaged, costs the motor vehicle industry and consumers up to $4 billion annually;

Now, therefore be it *Resolved*, That the National Association of Attorneys General:

1. Supports federal legislation that:

a. creates a uniform definition of a "salvage vehicle" as a vehicle declared a total loss by an insurance company or where the retail cost to repair the vehicle exceeds 65 percent of its fair market value immediately prior to being damaged; and

b. requires that each transferor of a motor vehicle disclose to the transferee orally and in writing at or before the time of sale, whether the vehicle is a salvage vehicle and whether the vehicle has suffered major damage; and

c. requires that each applicant for a motor vehicle title disclose, on the application, whether the motor vehicle is a salvage vehicle and whether the vehicle has suffered major damage; and

d. requires that each motor vehicle title issued, conspicuously show whether the motor vehicle is a salvage vehicle and whether the vehicle has suffered major damage, if that information is disclosed on the title application or on any title previously issued by that state or another state; and

e. provides for recovery of actual damages, minimum statutory damages of $5,000 and attorneys fees, where appropriate, by consumers injured by violation of the statute, and

f. provides the civil enforcement by state Attorneys General which includes injunctive relief, civil penalties and restitution; and

h. provides for criminal penalties of up to $50,000 and imprisonment for up to three years for each willful violation; and

i. does not preempt state laws which provide greater protection for consumers as long as state provisions are not inconsistent with the federal law; and

2. Authorizes its Executive Director and General Counsel to make these views known to all interested parties.

State of Michigan, Department
of Attorney General,
Lansing, MI, March 19, 1999.

Re Salvaged and Damaged Motor Vehicle Information Disclosure Act

Hon. Carl Levin,
U.S. Senate, Washington, DC.

Dear Senator Levin: I am writing regarding your efforts to provide greater protection for American consumers who purchase used motor vehicles that have previously suffered major damage or been salvaged prior to being repaired, rebuilt and put back on the roadways. I believe that it is essential for consumers to be informed of the prior condition of their vehicle so that they may have all available material facts at their disposal in making an informed decision whether to purchase a motor vehicle.

Not only will your bill mandate disclosure of major damage or salvage conditions, but the bill will also provide an enforcement mechanism including damages and award of attorneys fees to victims, civil penalties and criminal sanctions. I also endorse the section of the bill that empowers state attorneys general to enforce this law through injunction relief or actions for damages.

This bill will further empower consumers to have more information available in making an informed decision about what is generally their second most costly purchase, motor vehicles used for personal transportation. I urge Congress to enact this bill.

Sincerely yours,

Jennifer M. Granholm,
Attorney General.●

By Mr. GRAMS:

S. 679. A bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes; to the Committee on Foreign Relations.

SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999

Mr. GRAMS. Mr. President, I rise this morning to introduce a bill dealing with the security of our embassies around the world.

Mr. President, we all remember the horrible day of August 17, 1998, when U.S. embassies in Dar Es Salaam, Tanzania and Nairobi, Kenya were destroyed by car bombs. We all mourn the passing of the 220 people who lost their lives to these heinous terrorist acts. But it is not enough to mourn. We in Congress have a separate responsibility—to conduct proper oversight to expose weaknesses in our embassy security requirements and to ensure the resources given to this Administration are being allocated in ways to maximize their effectiveness.

In reviewing the conclusions of the State Department Accountability Review Boards chaired by Admiral William J. Crowe, I was disturbed to find that they are strikingly similar to those reached by the Inman Commission which issued an extensive embassy security report 14 years ago. Clearly, the United States has devoted inadequate resources and placed too low a priority on security concerns.

And I regret to say, the President's response to the Crowe Report simply is not adequate. The Administration has asked the Congress to provide for an advance appropriation of $3 billion with no strings attached. That funding does not start next year, it starts in 2001. And the bulk of the money is proposed in the out years. Those kind of budget games shouldn't be played when the lives of U.S. government workers are at stake. It's wrong to state that embassy construction is a priority, while refusing to make funds available for that purpose.

As Chairman of the International Operations Subcommittee, which has oversight responsibilities for embassy security issues, I have looked into the mistakes that we made in the past, and I am committed to making sure they do not happen in the future. Our embassies are not vulnerable because we lack security requirements. They are vulnerable because over three-quarters of our embassies have those requirements waived. Now, I understand that when the Inman security standards were put forward in the 1980's, a number of existing embassies did not meet the criteria. But I was surprised to find many of the embassies built and purchased since that time do not meet the Inman standards either. While I do not want to micromanage the State Department's construction program, given State's record in this area, certain external constraints are warranted.

Unfortunately, under the Administration's plan, we are doomed to repeat some of the same mistakes that were made following the Inman recommendations. The funding structure makes it impossible to achieve efficiencies in embassy construction. There is just not enough funding in the next three years to permit a single contract to design and build an embassy or a single contract to build multiple embassies in a region. Furthermore, the back loading of the funding means it could be a decade before secure embassies are up and running. Clearly, that is not acceptable.

Mr. President, I am introducing a 5-year authorization bill that makes sure the money set aside for embassy construction and security is not used for other purposes. It provides $600 million a year, starting in fiscal year 2000. And the Secretary of State is going to have to certify these funds are being used to bring these embassies into compliance with specific security standards, because 14 years from now, I don't want any finger pointing. I don't want the Congress to revisit this matter and find that funds were diverted and U.S. personnel put at risk.

The security requirements in my bill reflect some of the lessons that we learned from Nairobi and Dar Es Salaam. While these requirements may not have prevented lives being lost in the bombings, they could prevent the loss of life in the future. For example, under my bill, the Emergency Action Plan for each mission will address threats from large vehicular bombs and transnational terrorism. And the "Composite Threat List" will have a section which emphasizes transnational terrorism and considers criteria such as the physical security environment, host government support, and cultural realities.

Furthermore, in selecting sites for new U.S. diplomatic facilities abroad, there will be a set back requirement of 100 feet and all U.S. government agencies will have be located on the same compound. State Department guidelines currently state that "[a]ll U.S. Government offices and activities, subject to the authority of the chief of mission, are required to be collocated in chancery office buildings or on a chancery/consulate compound." Unfortunately, these guidelines are often ignored. Indeed, after the August terrorist bombings, in violation of State Department guidelines, A.I.D. headquarters decided not to move its missions in Kenya and Tanzania into the more secure embassy compounds that are going to be built. A.I.D. only reversed itself after hearing from the Congress and U.S. officials in Kenya and Tanzania.

Working abroad will never be risk free. But we can take a number of measures, like these, to make sure that safety is increased for U.S. government workers overseas. We can also put forward requirements to ensure we have an effective emergency response network in place to respond to a crisis should one arise. My bill requires crisis management training for State Department personnel; support for the Foreign Emergency Support Team; rapid response procedure for assistance from the Department of Defense; and off-site storage of emergency equipment and records. These are prudent steps which should be taken to ensure we have an effective crisis management system in place if our embassies are attacked in the future.

My bill also calls for the Secretary of State to submit three reports to Congress. The first report would be a classified report rating our diplomatic facilities in terms of their vulnerablity to terrorist attack. The second report would be a classified review of the findings of the Overseas Presence Advisory Panel which would recommend whether any U.S. missions should be closed due to high vulnerability to terrorist attacks and ways to maintain a U.S. presence if warranted. The third report would be submitted in classified and unclassified form on the projected role and function of each U.S. diplomatic facility through 2010. It would explore the potential of technology to decrease the number of U.S. personnel abroad; the balance between the cost of providing secure buildings and the benefit of a U.S. presence; the potential of regional facilities; and the upgrades necessary.

Finally, my bill enables the President to award the Overseas Service Star to any member of the Foreign Service or any civilian employee of thegovernment of the United States who—after August 1, 1998—was killed or wounded while performing official duties, while on the premises of a U.S. mission abroad, or as a result of such employee's status as a U.S. government employee. These sacrifices for our nation by U.S. government workers abroad no longer should go unrecognized.

Mr. President, I believe with the approach outlined in my bill we can better ensure that we are providing a safe environment for U.S. government workers abroad. We can also be confident that should another terrorist attack occur, we will be ready for the aftermath. I understand that there is a trade-off between security and accessibility. But there are obvious steps that we should be taking to provide a higher level of security in this age of transnational terrorist threats. I hope this bill will not just provide a blueprint for the steps we must take now, but guidance on how we should proceed in the future. We must acknowledge the world is changing and doing business as usual is not going to work. We need to think outside the box and explore new ways to confront new challenges. I hope the State Department sees my bill as an opportunity rather than a burden. I am committed to making sure that embassy security is treated as a priority, and this bill is a good first step.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GORTON, Mr. ROBB, Mr. ABRAHAM, Mr. ASHCROFT, Mrs. BOXER, Mr. BREAUX, Mr. COCHRAN, Mr. CONRAD, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WARNER, Mr. WYDEN, and Mr. GRAMM):

S. 680. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, and for other purposes; to the Committee on Finance.

EXTENSION OF THE RESEARCH AND EXPERIMENTATION TAX CREDIT

• Mr. HATCH. Mr. President, I am pleased to join with my friend Senator

Baucus and many more of my esteemed colleagues in the Senate in introducing legislation that would permanently extend the research and experimentation tax credit.

As we enter the 21st century, we need to ensure that the United States remains the world's undisputed leader in technological and scientific innovation. The global economy is becoming increasingly competitive. We must move to ensure that our economy does not fall behind.

The research and experimentation tax credit is crucial to stimulating economic growth. The President emphasized the value of this credit by asking that it be extended in his budget. Additionally, Congress has recognized the importance of this tax credit by extending it nine times since 1981.

Now is the time to end the uncertainty surrounding whether or not the credit will continue to be extended or be allowed to lapse. We must guarantee to American business, our scientists, our engineers, and our citizens who depend on technological innovations every day, that we will make this tax credit permanent.

Mr. President, permanence is essential to the effectiveness of this credit. Research and development projects typically take a number of years and may even last longer than a decade. As our business leaders plan these projects, they need to know whether or not they can count on this tax credit. The current uncertainty surrounding the credit has induced businesses to allocate significantly less to research than they otherwise would if they knew the tax credit would be available. This uncertainty undermines the entire purpose of the credit. For the government and the American people to maximize the return on their investment in U.S. based research and development, this credit must be made permanent.

Studies have shown that the R&E tax credit significantly increases research and development expenditures. The marginal effect of one dollar of the R&E credit stimulates approximately one dollar of additional private research and development spending over the short-run and as much as two dollars of extra investment over the long-run.

In the business community, the development of new products, technologies, medicines, and ideas can result in either success or failure. Investments carry a risk. The R&E tax credit helps ease the cost of incurring these risks. Whereas foreign nations heavily subsidize research with public dollars, the United States has typically relied less on direct public funds and more on private sector incentives. The R&E tax credit has potential to be an even more effective incentive if it were made permanent.

I am aware that not every company that incurs research and development expenditures in the U.S. can take advantage of the R&E tax credit. As the credit matures and business cycles change, the current credit may be out of reach for some companies. To help solve this problem Congress enacted the Alternative Incremental Research Credit to help businesses that do not qualify for the R&E tax credit. To improve the effectiveness of this alternative credit, we have included a proposal to increase it by 1 percent.

Mr. President, I am aware that a permanent extension of this credit will be costly. However, when you consider the value that this investment will create for our economy, it is a bargain. Making this credit permanent will encourage more companies to locate their research activities within the United States. This will lead to more jobs and higher wages for U.S. workers. We must recognize that international competition is fierce. Many other countries offer significant enticements to prompt companies to move research activities within their borders. If we fail to ensure at least a level playing field, many companies will move their research activities abroad and we will lose many precious high-paying jobs.

Findings from a study conducted by Coopers & Lybrand show that workers in every state will benefit from higher wages if the R&E tax credit is made permanent. Payroll increases as a result of gains in productivity stemming from the credit have been estimated to exceed $60 billion over the next 12 years. Furthermore, greater productivity from additional R&E will increase overall economic growth in every state in the Union.

Mr. President, my home state of Utah is a good example of how state economies will benefit from the R&E tax credit. Utah is home to a large number of firms who invest a high percentage of their revenue on research and development. For example, between Salt Lake City and Provo lies the world's biggest stretch of software and computer engineering firms. This area, which was named "Software Valley" by Business Week, is second only to California's Silicon Valley as a thriving high tech commercial area.

In addition, Utah is home to about 700 biotechnology and biomedical firms that employ nearly 9,000 workers. These companies were conceived in research and development and will not survive, much less grow, without continuously conducting R&D activities.

In all, Mr. President there are approximately 80,000 employees working in Utah's 1,400 plus and growing technology based companies. Research and development is the lifeblood of these firms and hundreds of thousands like them throughout the nation.

If the credit is allowed to lapse, businesses will not be able to factor the credit into their long-term plans. This uncertainty causes businesses to under-invest in research. This may slow the development of the next computer chip, the next household convenience, the next generation of heart monitoring equipment, or a new drug that stops cancer. We must ensure stability so that our business leaders can count on the credit as they decide how much to invest in research and development.

Research and development is essential for long-term economic growth. Innovations in science and technology have fueled the massive economic expansion we have witnessed over the course of the 20th century. These advancements have improved the standard of living for nearly every American. Simply put, the R&E tax credit is an investment in economic growth, new jobs, and important new products and processes.

In conclusion Mr. President, if we decide not to make the R&E tax credit permanent, we are limiting the potential growth of our economy. How can we expect the American economy to hold the lead in the global economic race if we allow other countries to offer faster tracks than we do? Making the tax credit permanent will keep American business ahead of the pack. It will speed economic growth. Innovations resulting from American research and development will continue to improve the standard of living for every person in the U.S. and also worldwide.

Mr. President, simply put, the costs of not making the R&E tax credit permanent are far greater than the costs of making it permanent. As the next millennium closes in on us, we cannot afford to let the American economy slow down. Now is the time to send a strong message to to the world that America intends to retain its position as the world's foremost innovator.

I ask that the text of the bill be printed in the Record.

The bill follows:

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF RESEARCH CREDIT.

(a) Credit Made Permanent.—

(1) In general.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(2) Conforming amendment.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(b) Increase in Alternative Incremental Credit Rates.—Subparagraph (A) of section 41(c)(4) of the Internal Revenue Code of 1986 is amended—

(1) in clause (i), by striking "1.65 percent" and inserting "2.65 percent",

(2) in clause (ii), by striking "2.2 percent" and inserting "3.2 percent", and

(3) in clause (iii), by striking "2.75 percent" and inserting "3.75 percent".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to amounts paid or incurred after June 30, 1999.●

• Mr. BAUCUS. Mr. President, it is with great pleasure that I join with my colleague from Utah, Senator HATCH, and my other colleagues to introduce this bill, which is so critical to the ability of American businesses to effectively compete in the global marketplace. I am particularly pleased that this bill includes as original co-sponsors one-third of the members of this body. This bill is bi-partisan and bicameral. Companion legislation, introduced in the House by Representatives NANCY JOHNSON and ROBERT MATSUI, is co-sponsored by over one-quarter of the Members of the House.

Our Nation is the world's undisputed leader in technological innovation, a position that would not be possible absent U.S. companies' commitment to research and development. Investment in research is an investment in our Nation's economic future, and it is appropriate that both the public and private sector share the costs involved, as we share in the benefits. The credit provided through the tax code for research expenses provides a modest but crucial incentive for companies to conduct their research in the United States, thus creating high-skilled, high-paying jobs for U.S. workers.

The R&D credit has played a key role in placing the United States ahead of its competition in developing and marketing new products. Every dollar that the federal government spends on the R&D credit is matched by another dollar of spending on research over the short run by private companies, and $2 of spending over the long run. Our global competitors are well aware of the importance of providing incentives for research, and many provide more generous tax treatment for research and experimentation expenses than does the United States. As a result, while spending on non-defense R&D in the United States as a percentage of GDP has remained relatively flat since 1985, Japan's and Germany's has grown.

The benefits of the credit, though certainly significant, have been limited over the years by the fact that the credit has been temporary. In addition to the numerous times that the credit has been allowed to lapse only to be extended retroactively, the 1996 extension left a 12-month gap during which the credit was not available. This unprecedented lapse sent a troubling signal to the U.S. companies and universities that have come to rely on the government's longstanding commitment to the credit.

Much research and development takes years to mature. The more uncertain the long-term future of the credit is, the smaller its potential to stimulate increased research. If companies evaluating research projects cannot rely on the seamless continuation of the credit, they are less likely to invest in research in this country, less likely to put money into cutting-edge technological innovation that is critical to keeping us in the forefront of global competition.

Our country is locked in a fierce battle for high-paying technological jobs in the global economy. As more nations succeed in creating educationally advanced workforces and join the U.S. as high-technologically manufacturing centers, they become more attractive to companies trying to penetrate foreign markets. Multinational companies sometimes find that moving both manufacturing and basic research activities overseas is necessary if they are to remain competitive. The uncertainty of the R&D credit factors into their economic calculations, and makes keeping these jobs in the U.S. more difficult.

According to a study conducted by Coopers & Lybrand last year, making the R&D credit permanent will provide a substantial positive stimulus to investment, wage-growth, productivity, and overall economic activity for this country. Payroll increases from gains in productivity are estimated to total $64 billion over the period 1998 through 2010. In the year 2010 alone, the payroll increase is estimated to total nearly $12 billion.

Also according to the study, gross State Product, which is the basic measure of economic activity in a state, will rise overall by nearly $58 billion between 1998 and 2010 as a result of a permanent credit. Nearly three-fifths of this increase nationally is attributable to additional value added by industries that generally do not perform R&D themselves, but benefit from the R&D done by companies in other industries.

Gains in payroll and in Gross State Produce are not limited to states regarded as centers for technological innovation. Although such regions of the country certainly benefit from the credit, each and every state will profit in some measurable way from the credit since all sectors of the economy—agriculture, mining, basic manufacturing, and high-tech services—benefit from productivity improvements resulting from the additional research and development caused by the credit.

My own State of Montana is an excellent example of this economic activity. The total increase in payroll due to the R&D credit for the years 1998–2010 is estimated to be just over $250 million. The total increase in Gross State Product during this same period is expected to be $150 million. Neither of these increases place Montana in the top tier of States benefiting from the credit. However, looking beyond those numbers, the impact of the credit in Montana is substantial. In 1995, 12 of every 1,000 private sector workers were employed directly by high-tech firms in Montana. Almost 400 establishments provided high-technology services, at an average wage of $34,500 per year. These jobs paid 77 percent more than the average private sector wage in 1995 of $19,500 per year. Many of these jobs would never have been created without the assistance of the R&D credit. And many more jobs in Montana are dependent upon the growth and stability of the high-tech sector. Although the cumulative numbers may not be high in comparison with other States, the impact of the R&D credit on Montana's economy is clear.

Senator HATCH and I are not newcomers to this issue. We have jointly introduced bills to make the R&D credit permanent in numerous previous Congresses only to end up with extensions of one year or less. But I like to think that this year will be different. The hard work we have done to bring our budget into balance is finally beginning to pay off, and the projected budget surpluses gives us an opportunity to think carefully about how best to allocate our resources. We believe making the R&D credit permanent is a wise use of budget dollars because of the direct positive impact on economic growth and productivity. This is not just a corporate issue. This is a use of tax dollars that benefits all of us who are working to expand employment, increase wages and keep our Nation at the cutting edge of technological development. I sincerely hope we can make this year the year that the R&D credit becomes a permanent part of our tax code.

I urge my colleagues to support this legislation.•

• Mr. GORTON. Mr. President, technology is the driving force behind the U.S. economy, and investment in research and development is the driving force behind technology. Without research and development, the Internet would not exist. Without research and development, bone marrow transplants would not be saving lives. Without research and development, global satellite networks would not bring instantaneous news from around the world into our living rooms.

Quite simply, Mr. President, research and development encourages economic growth, creates jobs, and gives U.S. businesses an edge in today's competitive world marketplace.

That is why I am proud to be an original cosponsor of legislation introduced today by my colleagues Senator HATCH and Senator BAUCUS. This bill to make permanent the R&D tax credit will enable private businesses large and small to spend more of their resources on research and development. I have long been a strong supporter of the R&D tax credit and am delighted to join the effort to make it permanent.

As my colleagues know, the credit was first created in 1981 as a way to encourage the development of new and innovative commercial technologies and has been renewed nine times. Unfortunately, Congress has never made the tax credit permanent. Such a year to year uncertainty prohibits companies from making long-term R&D plans that take the tax credit into account. This lack of permanency leads inevitably to a lower rate of investment in research and development. That, Mr. President, slows U.S. innovation and economic growth, results in fewer jobs for Americans, and places U.S. firms at a competitive disadvantage to foreign companies.

Making the R&D tax credit permanent is one of the easiest and most effective measures we can take to boost the effectiveness and efficiency of the high tech industry.

The credit spurs economic growth. A recent study by Coopers & Lybrand found that every dollar of tax benefit generates as much as one dollar of additional private R and D spending in the short term and as much as two dollars of long-term R and D investment. The study concluded that over the 1998-2010 period, U.S. companies would spend 41 billion dollars more on research and development if the credit were made permanent. Further, innovations from that additional R and D investment would add more than 13 billion dollars a year to the economy's productive capacity by the year 2010.

The credit creates jobs. Because it is targeted primarily at salaries and wages of employees directly involved in research and experimentation, it is an incentive for companies to create and sustain high-skilled, high-paying jobs.

The credit helps U.S. companies compete. The R and D Tax Credit Coalition, a group of over 1000 American companies and 52 trade associations dedicated to making the tax credit permanent, argues that the credit is an essential tool for U.S. companies competing against foreign firms. Foreign companies often benefit from research and development subsidies from their governments. Such incentives lower the cost of R and D in foreign countries and give companies receiving the subsidies a competitive advantage over U.S. firms. According to the Coalition, U.S. corporate research and development spending lags far behind Germany and Japan as a percentage of sales. Making the tax credit permanent will go a long way to eliminate this disadvantage.

In my home state of Washington, hundreds of businesses, both large and small, use the R&D tax credit to develop new and innovative products and create jobs. In fact, Washington is making a name for itself as the home of a large and growing high technology industry. Last year, the American Electronics Association named Washington a "cyber state" and found that 45 out of every 1,000 private sector workers in the state are employed by high-tech firms. According to AEA, Washington leads the nation in high-tech wages with an average high-tech salary in the state of over 66 thousand dollars a year.

Not surprisingly then, we in Washington view the R&D credit as a valued complement to our state's economic development policies. In fact, the Coopers and Lybrand study estimates that the credit will increase Washington's Gross State Product by $1.4 billion and the state's payroll by $1.6 billion over the next decade.

The Hatch-Baucus legislation to make the R&D tax credit permanent will benefit Washington and every other state in the nation. It is a smart and effective piece of legislation. It spurs economic growth, creates jobs, and helps U.S. companies compete more effectively.

I am proud to be a cosponsor, and I urge my colleagues to join me in supporting innovation in America.•

• Mrs. FEINSTEIN. Mr. President, I rise today in support of the Research and Experimentation Tax Credit, introduced by the Senators from Utah and Montana. This bill addresses what is in my opinion a long-standing oversight in the tax code, and will create a permanent extension for the Research and Experimentation Tax Credit.

Indeed, this legislation is necessary because, despite a remarkable record of spurring innovation and success—it is regarded by many in the business world as the single most effective tool government has to help business—the 18 year old research and experimentation tax credit inexplicably remains a temporary provision of the tax code.

Economists have linked the tax credit to steady economic growth and productivity. Industry leaders have credited it with spawning private enterprise investments. It is especially important to high tech and emerging growth industries that are driving our economy. And, because it creates jobs and spurs economic activity, the research and experimentation tax credit helps to increase the tax base, paying back the benefit of the credit.

Yet, despite its many benefits, for 18 years the research and experimentation tax credit has remained a temporary tax provision requiring regular renewal. The President's budget request for FY2000 has, once again, only requested a one year extension of the credit.

In fact, since 1981, when it was first enacted, the Research and Experimentation Tax Credit has been extended nine times. In four instances the research credit had expired before being renewed retroactively and, in one instance, it was renewed for a mere six months.

This is not a process which is conducive to encouraging business investment in the innovative industries—high technology, electronics, computers, software, and biotechnology, among others—which will provide future strength and growth for the U.S. economy.

Earlier in this decade California was faced with its severest economic downturn since the Great Depression. Today, the California economy is healthy and vibrant, and it is so in no small part because of the critical role played by innovative research and development efforts in nurturing new "high tech" industries.

Today the 150 largest Silicon Valley companies are valued at well-over $500 billion, $500 billion which did not exist two decades ago. Much of this growth is a result of ability of companies to undertake long-rage and sustained research in cutting-edge technologies.

To give just one example: Pericom Semiconductor, located in San Jose, California, has expanded from a start-up company in 1990 to a company with over $50 million in revenue and 175 employees by the end of last year. Pericom is ranked by Deloitte Touche as one of the fastest growing companies in Silicon Valley. And, according to a letter I received from the Vice President of Finance and administration at Pericom, utilization of the research credit has been key to their success, enabling them to add engineers, conduct research, and expand their technology base.

I will enter into the RECORD letters I have received from several California companies regarding the benefits of the research and experimentation tax credit.

The new jobs created at companies like Pericom, Genetech, Intel, Lam, and Xylinx, along with a host of others, through utilization of the research and experimentation tax credit also create additional tax revenue, paying back the benefit of the tax credit.

Research and experimentation is the lifeblood of high technology development, and if we want to replicate the success of companies like Pericom across the country it is crucial that we create a permanent research and experimentation tax credit.

According to a 1988 study conducted by the national accounting firm Coopers & Lybrand, a permanent credit will increase GDP by nearly $58 billion (in 1998 dollars) over the next decade. The productivity gains from a permanent extension will allow workers throughout the nation to earn higher wages.

Whether it is advances in health care, information technology, or environmental design, research and development are critical ingredients for fueling the process of economic growth.

Moreover, aggressive research and experimentation is essential for U.S. industries fighting to be competitive in the world marketplace.

Right now American biotechnology is the world leader in developing effective treatments and biotech is considered one of the critical technologies for the twenty-first century. With other countries heavily-subsidizing research and development, it is critical that U.S.

companies also receive incentive to invest the necessary resources to stay on top of breakthrough developments.

Most biotech research and development efforts are long term projects spanning five to ten years, sometimes more. The uncertainty created by the temporary and sporadic extensions is incompatible with the basic needs of biotech innovation—providing companies with a stable time frame to plan, launch, and conduct research activities. In the case of a promising but financially intensive research project, such unpredictability can make the difference as to whether the project is completed or abandoned.

Anyone who has watched the growth of America's high tech sector in the past two decades—much of it in California—has seen first hand how research and development investment leads to new jobs, new businesses, and even entire new industries. And anyone who has benefitted from breakthrough products—from new treatments for genetic disorders to cleansing contaminated groundwater—has felt the effect of this tax credit.

Mr. President, I believe that the research and experimentation tax credit has proven its worth in creating new technologies and jobs, and in growing tax revenues for this country. It should not be imperilled by remaining a temporary credit, subject to termination because of the uncertainty of a given political moment. I urge my colleagues to support this bill and to create a permanent extension for the Research and Experimentation Tax Credit.

I ask that letter in support of the bill be printed in the RECORD.

The material follows:

PERICOM,
October 13, 1998.

Sen. DIANNE FEINSTEIN,
Washington, DC.

This is a letter to let you know how we are able to utilize the benefits of the Research and Development Tax Credit.

Pericom Semiconductor—located in San Jose, California—has expanded from a start-up in 1990 to $50M in revenue with 175 people as of September 1998. The savings that we obtain through the utilization of the research credit have enabled us to add engineers to help us expand our technology base. We were ranked as one of the fastest growing companies in Silicon Valley as a result of a Deloitte Touche survey.

The benefit to our country is that we export about 50% of our revenue to Asia Pacific and Europe. This helps with the balance of trade.

The engineers that we hire also pay their fair share of taxes so the benefit of the tax credit is paid back and I'm sure are more than revenue neutral. It enables them to buy goods and services which has the spiral effect of making our country that much stronger.

We respect your efforts on our behalf and view the extension as a must for us. There is no known reason not to pass it.

Sincerely,

PATRICK B. BRENNAN,
Vice President, Finance and Administration.

TEXAS INSTRUMENTS,
SILICON SYSTEMS, INC.,
Santa Cruz, CA, March 9, 1999.

Hon. DIANE FEINSTEIN,
Hart Senate Office Building,
U.S. Senate, Washington, DC

DEAR SENATOR FEINSTEIN: I write to you in my capacity as Santa Cruz Fab Director of Texas Instruments. Although we have operations throughout the United States, especially in Texas, we have significant operations in Santa Cruz, San Jose, Tustin and Santa Barbara, California. Thank you for your support for the Research and Development (R&D) tax credit and your efforts to make the credit permanent. We support the bill recently introduced by Reps. Johnson and Matsui. Making the R&D tax credit permanent is our top tax priority for 1999.

Texas Instruments is a global semiconductor company employing over 34,000 people worldwide. We are the world's leading designer and supplier of digital signal processing (DSP) and analog technologies, the engines driving the digitization of electronics. DSP is the enabler of products and processes yet to be imagined. It is a 3.9 billion dollar market today. It should hit 13 billion dollars within the next five years. If one adds mixed signal and analog products, the total market could be in excess of 60 billion dollars by the year 2002.

The R&D tax credit provides a significant incentive for companies to perform additional amounts of R&D activity. Given the inherent riskiness of this type of investment, the credit makes for sound tax policy. Because the R&D credit is primarily a wage credit, most of this additional investment is directly connected to the creation and maintenance of high-wage professional jobs.

Additionally, the creation of new products and broadening the scope of technical knowledge benefits Americans generally. We specialize in digital signal processing solutions, enabling the nation to be more efficient and more productive. Ultimately, the nation's employees will earn higher wages and pay more taxes because Texas Instruments and other California companies are investing in the future through research.

To best harness the incentive nature of the R&D tax credit, we believe that Congress should make the credit permanent. Texas Instruments and the entire high tech community would like to be able to rely upon the existence of the credit beyond the average six months to 1½ year extension that has characterized the treatment of the credit since 1986. This would allow us to devote even more resources to R&D activities, and quite possibly hire even more Californians.

There is another way to look at this: Congress and the Administration need to take steps to ensure that U.S. companies are equipped to compete in the international marketplace. In the semiconductor industry, we have always faced a continuing threat from foreign competitors such as those in Japan, Korea or Taiwan. The R&D tax credit is a step that helps U.S. companies as they compete in the global marketplace. It does this by encouraging R&D activities, which in turn result in greater employment opportunities.

As you know, high-technology firms have a critical role to play in the future of the nation, and we all need to work to keep businesses like ours here in the U.S. As the world quickly shifts to a service economy, high salary jobs that can sustain the American standard of living are becoming increasingly linked to high value-added, high-tech professions. Future economic growth and high employment require us to continue to nourish innovation while encouraging our employees to be as productive and creative as possible. Our nation has the potential to lead the world into a prosperous new century of growth, given appropriate federal policy—such as making permanent the R&D tax credit.

Again, thank you for all your previous efforts in support of the R&D tax credit. If there is any additional information that we can provide to you in support of this important provision, please feel free to contact me.

Sincerely,

JAMES D. JENSEN,
Santa Cruz Fab Director.●

● Mr. LIEBERMAN. Mr. President, I am pleased to join Senators HATCH and BAUCUS today in cosponsoring a bill to make the Research and Experimentation Tax Credit permanent. Technological innovation is the major factor driving economic and income growth in America today. A one percent increase in our nation's investment in research results in a productivity increase of 0.23 percent. Productivity increases are what allow us to increase wages and standards of living. The R&D undertaken by our companies today is too important to our economy and our wages to allow its encouragement through tax credits to be an unstable, haphazard effort varying from one year to the next.

Moreover, R&D has a significantly higher rate of return at the societal level than at the company level. There is a huge spillover effect from one person's or one company's innovation to other firms, other industries, and benefits to consumers. That is why government has a role in supporting R&D both directly through government funded research and through tax credits to private industry. All of society benefits from increased R&D. I strongly support making the R&D tax credit permanent so that our companies can engage confidently in long-term planning for sustained research investment.

I believe making the R&D tax credit permanent is a priority. I also feel we must strengthen the United States investment in R&D through other means as well. Senators FRIST, ROCKEFELLER, DOMENICI, GRAMM and I are sponsoring a bill, S. 296—with 29 cosponsors—to double federal investment in research over the next decade. Government labs and University labs undertake much of the basic research in this country. We need to nurture these incubators of basic research not only by increasing government support for them, but to encourage private sector support and financing of them. That is why Senators DOMENICI, BINGAMAN, FRIST and I support some reforms to the R&D tax credit that will encourage the private sector to partner with Government and University labs. We will shortly be introducing a bill to increase the benefits of the R&D credit to all companies, encourage research consortia, and give special attention to research investment by small businesses.

The reason we have been unable to make the R&D tax credit permanent is because it requires that the expenditures be scored for five years, thereby raising the budget costs. Extending the credit each year, sometimes at the last minute and sometimes retroactively, does not lower the cost to government, but increases the costs to industry by increasing its risk and uncertainty. Let's stop this charade and do what's right. Let's make it permanent.●

● Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues Senator HATCH and Senator BAUCUS in introducing legislation to permanently extend the research and experimentation (R&E) tax credit. This credit provides a major incentive to the private sector to invest in long-range, high-risk research. It has played, and continues to play an important role in fostering private-sector investment in research, driving innovation in our technology-based industries.

Economic studies have shown that for each dollar of lost tax revenue, the tax credit stimulates an additional dollar of R&E in the short term and two additional dollars in the long term. These research investments promote technological innovation, enhance job growth, and increase productivity, helping to maintain our nation's quality of life and economic strength and well-being.

The R&E tax credit was enacted in 1981, and since then has been temporarily extended nine times, for periods as brief as six months, and has been allowed to lapse at least three times before being renewed retroactively. This is simply not an acceptable situation, especially if we mean to create a business climate which encourages the private sector to fund as much R&E as possible in the U.S., and not to move these activities off shore to countries that offer more substantial tax and financial incentives. This is a particularly critical concern for our high-growth, research-intensive industries, such as those in the computer, telecommunications, and biotechnology sectors. These companies depend on the R&E tax credit to undertake and continue long-term research projects. To ensure the success of such projects it is essential that our support for industry research is both continuous and predictable—our future competitiveness in the world marketplace depends upon it.

The federal government is reducing its commitment to research and development. We therefore need to encourage the private sector to expand its investment in this area. By making the R&E tax credit permanent, so that companies can count on its availability from year to year in planning their research investments, we create an environment conducive to promoting investment in R&E. We must not allow a system characterized by the uncertainty of frequent expirations and renewals to continue. I therefore urge my colleagues to join me in support of this legislation to make the R&E tax credit permanent.●

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. LAUTENBERG, Mr. CLELAND, Mr. JOHNSON, Ms. MIKULSKI, Mr. SARBANES, Mrs. MURRAY, and Mr. HOLLINGS):

S. 681. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer, to the Committee on Health, Education, Labor, and Pensions.

BREAST CANCER PATIENT PROTECTION ACT

Mr. DASCHLE. Mr. President, today I am introducing the Breast Cancer Patient Protection Act of 1999, which requires health insurance plans to provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed to treat breast cancer.

This bill would prevent insurance companies and health maintenance organizations (HMOs) from forcing women to leave the hospital prematurely following a mastectomy or lymph node dissection or to have these treatments on an outpatient basis. Insurance company accountants should not make medical decisions without considering a doctor's judgments or a patient's needs. This legislation is part of my ongoing effort to protect patients and require that insurance companies deliver necessary, promised coverage. The Patients' Bill of Rights Act, S.6, also addresses these types of abuses, while providing a range of other important protections.

The Breast Cancer Patient Protection Act would guarantee women at least 48 hours of inpatient care following a mastectomy and at least 24 hours following lymph node dissection. These standards were designed in consultation with surgeons who specialize in this area and reflect the minimum amount of inpatient care necessary following these procedures. Patients, in consultation with their physicians, would be able to leave the hospital earlier if their situation warrants. The bottom line is still that insurers should allow coverage for the time necessary to ensure a proper recovery.

Over the last several years, the average length of hospitalization following a mastectomy has fallen from 4–6 to 2–3 days. Patients undergoing lymph node dissections in the past were hospitalized for 2–3 days. While some of the reductions in length of care may be the result of better medical practices, hospitalization is still critical for pain control, to manage fluid drainage, and to provide support and reassurance for women who have just undergone major surgery.

Nevertheless, some patients have been told that their health maintenance organization (HMO) will cover their major surgery only on an outpatient basis. These determinations have been made on the basis of studies by their own actuarial consulting firms. However, both American College of Surgeons and the American Medical Association have concluded that inpatient stays are recommended in many cases. Women suffering from breast cancer deserve to know that their insurance will cover care based on their medical needs rather than the coverage recommendations made by HMO actuaries.

My bill is a companion to H.R. 116, which was introduced in the House of Representatives by Congresswoman DeLauro. I would like to express appreciation to Congresswoman DeLauro, and to Senators FEINSTEIN, MIKULSKI and MURRAY, for their tireless efforts on behalf of breast cancer patients. All have been invaluable leaders who have inspired and challenged us to address the very real need for breast cancer treatment reform.

As we discuss the importance of ensuring quality care for breast cancer sufferers who have health insurance, it is also important to note that many women in the United States must fight this life-threatening disease without any health insurance at all. The Centers for Disease Control (CDC) funds breast and cervical cancer screening—in South Dakota, 1300 low-income women have been screened during the past 18 months—but there is no funding for actual treatment when that screening detects cancer. While the CDC effort is a critical part of the fight against cancer, it is ironic that those women who test positive for breast and cervical cancer may have no way to pay for the treatment they need.

With one in eight women expected to develop breast cancer, it is increasingly likely that all of our families will be affected by this devastating disease in some way. In South Dakota, 500 women will be diagnosed with, and 100 will die of, breast cancer in the next 12 months. Let us take this small step to ensure the experience is not complicated by insecurity and confusion over health insurance coverage. Let us put critical health care decisions back in the hands of breast cancer patients and their physicians.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to printed in the RECORD, as follows:

S. 681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast Cancer Patient Protection Act of 1999".

SEC. 2. COVERAGE OF MINIMUM HOSPITAL STAY FOR CERTAIN BREAST CANCER TREATMENT.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

"(a) REQUIREMENTS FOR MINIMUM HOSPITAL STAY FOLLOWING MASTECTOMY OR LYMPH NODE DISSECTION.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, may not—

"(A) except as provided in paragraph (2)—

"(i) restrict benefits for any hospital length of stay in connection with a mastectomy for the treatment of breast cancer to less than 48 hours, or

"(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours, or

"(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under subparagraph (A) (without regard to paragraph (2)).

"(2) EXCEPTION.—Paragraph (1)(A) shall not apply in connection with any group health plan or health insurance issuer in any case in which the decision to discharge the woman involved prior to the expiration of the minimum length of stay otherwise required under paragraph (1)(A) is made by an attending provider in consultation with the woman.

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

"(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

"(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

"(c) RULES OF CONSTRUCTION.—

"(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

"(A) to undergo a mastectomy or lymph node dissection in a hospital; or

"(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

"(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

"(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

"(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 713(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(e) LEVEL AND TYPE OF REIMBURSEMENTS.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(f) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

"(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

"(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

"(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

"(2) CONSTRUCTION.—Section 2723(a)(1) shall not be construed as superseding a State law described in paragraph (1).".

(B) CONFORMING AMENDMENT.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg–23(c)) is amended by striking "section 2704" and inserting "sections 2704 and 2707".

(2) ERISA AMENDMENTS.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

"(a) REQUIREMENTS FOR MINIMUM HOSPITAL STAY FOLLOWING MASTECTOMY OR LYMPH NODE DISSECTION.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, may not—

"(A) except as provided in paragraph (2)—

"(i) restrict benefits for any hospital length of stay in connection with a mastectomy for the treatment of breast cancer to less than 48 hours, or

"(ii) restrict benefits for any hospital length of stay in connection with a lymph node dissection for the treatment of breast cancer to less than 24 hours, or

"(B) require that a provider obtain authorization from the plan or the issuer for prescribing any length of stay required under subparagraph (A) (without regard to paragraph (2)).

"(2) EXCEPTION.—Paragraph (1)(A) shall not apply in connection with any group health plan or health insurance issuer in any case in which the decision to discharge the woman involved prior to the expiration of the minimum length of stay otherwise required under paragraph (1)(A) is made by an attending provider in consultation with the woman.

"(b) PROHIBITIONS.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not—

"(1) deny to a woman eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to women to encourage such women to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending provider because such provider provided care to an individual participant or beneficiary in accordance with this section;

"(4) provide incentives (monetary or otherwise) to an attending provider to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section; or

"(5) subject to subsection (c)(3), restrict benefits for any portion of a period within a hospital length of stay required under subsection (a) in a manner which is less favorable than the benefits provided for any preceding portion of such stay.

"(c) RULES OF CONSTRUCTION.—

"(1) Nothing in this section shall be construed to require a woman who is a participant or beneficiary—

"(A) to undergo a mastectomy or lymph node dissection in a hospital; or

"(B) to stay in the hospital for a fixed period of time following a mastectomy or lymph node dissection.

"(2) This section shall not apply with respect to any group health plan, or any group health insurance coverage offered by a health insurance issuer, which does not provide benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer.

"(3) Nothing in this section shall be construed as preventing a group health plan or issuer from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for hospital lengths of stay in connection with a mastectomy or lymph node dissection for the treatment of breast cancer under the plan (or under health insurance coverage offered in connection with a group health plan), except that such coinsurance or other cost-sharing for any portion of a period within a hospital length of stay required under subsection (a) may not be greater than such coinsurance or cost-sharing for any preceding portion of such stay.

"(d) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(e) Level and Type of Reimbursements.—Nothing in this section shall be construed to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(f) Preemption; Exception for Health Insurance Coverage in Certain States.—

"(1) In general.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 731(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

"(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

"(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

"(2) Construction.—Section 731(a)(1) shall not be construed as superseding a State law described in paragraph (1).".

(B) Conforming amendment.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)), as amended by section 603(b)(1) of Public Law 104-204, is amended by striking "section 711" and inserting "sections 711 and 714".

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)), as amended by section 603(b)(2) of Public Law 104-204, is amended by striking "section 711" and inserting "sections 711 and 714".

(C) Table of contents.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Standards relating to benefits for certain breast cancer treatment.".

(b) Individual Health Insurance.—

(1) In general.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2752 the following new section:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CERTAIN BREAST CANCER TREATMENT.

"(a) In General.—The provisions of section 2707 (other than subsection (d)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) Notice.—A health insurance issuer under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.

"(c) Preemption; Exception for Health Insurance Coverage in Certain States.—

"(1) In general.—The requirements of this section shall not apply with respect to health insurance coverage if there is a State law (as defined in section 2723(d)(1)) for a State that regulates such coverage that is described in any of the following subparagraphs:

"(A) Such State law requires such coverage to provide for at least a 48-hour hospital length of stay following a mastectomy performed for treatment of breast cancer and at least a 24-hour hospital length of stay following a lymph node dissection for treatment of breast cancer.

"(B) Such State law requires, in connection with such coverage for surgical treatment of breast cancer, that the hospital length of stay for such care is left to the decision of (or required to be made by) the attending provider in consultation with the woman involved.

"(2) Construction.—Section 2762(a) shall not be construed as superseding a State law described in paragraph (1).".

(2) Conforming amendment.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–62(b)(2)), as added by section 605(b)(3)(B) of Public Law 104–204, is amended by striking "section 2751" and inserting "sections 2751 and 2753".

(c) Effective Dates.—

(1) Group health insurance.—The amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) Individual health insurance.—The amendment made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

By Mr. HELMS (for himself and Ms. LANDRIEU):

S. 682. A bill to implement the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes; to the Committee on Foreign Relations.

HAGUE CONVENTION

Mr. HELMS. Mr. President, I send to the desk legislation that the distinguished Senator from Louisiana, Ms. LANDRIEU and I are introducing today, its purpose being to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption—a treaty pending before the Foreign Relations Committee.

Senator LANDRIEU and I have worked together on issues of adoption since her arrival in the Senate in 1997. I am genuinely grateful for her leadership on this issue.

According to the most recent statistics, in 1998 almost 15,774 children were adopted by Americans from abroad. The majority of the children were brought to the United States from Russia, China, Korea, and Central and South American countries. In my state of North Carolina, 175 children were adopted in 1996 from outside the United States.

The Intercountry Adoption Implementation Act will provide for the first time a rational structure for intercountry adoption. The act is intended to bring some accountability to agencies that provide intercountry adoption services in the United States, and strengthen the hand of the Secretary of State in ensuring that U.S. adoption agencies engage in efforts to find homes for children in an ethical manner.

Mr. President, I strongly support adoption. It is in the best interest of every child—regardless of his or her age, race or special need—to be raised by a family who will provide a safe, permanent, and nurturing home. However, it is also a process that can leave parents and children vulnerable to fraud and abuse.

For this reason, the legislation that Senator LANDRIEU and I are introducing today includes a requirement that agencies be accredited to provide intercountry adoption. Mandatory standards for accreditation will include ensuring that a child's medical records be available in English to the prospective parents prior to their traveling to the foreign country to finalize an adoption. (We are also requiring that agencies be transparent, especially in their rate of disrupted adoption and their fee scales.)

This legislation also places the requirements of implementing the Hague Convention with the U.S. Secretary of State. Some have advocated a role for various government agencies, but I believe that spreading responsibility among various agencies will undermine the effective implementation of the Hague Convention.

During hearings last year in the Foreign Relations Committee regarding international parental kidnaping, the Committee heard testimony regarding the difficulties of coordination among agencies in implementing the Hague Convention on the Civil Aspects of Parental Abduction. This situation provides a valuable lesson. As a result, our legislation tasks the Secretary of State with establishing accreditation criteria for adoption agencies.

The Foreign Relations Committee soon will schedule hearings to consider both the treaty and this legislation. I hope that these hearings will emphasize both the many benefits of intercountry adoption, but also several of the abuses that have resulted during this decade.

Ms. LANDRIEU. Mr. President, I am very proud to join with my friend and colleague, the senior Senator from North Carolina, in introducing the implementing legislation for the Hague Convention on Intercountry Adoption. As many Members know, Senator HELMS cares deeply about the welfare of children and knows personally of the joy of building a family through adoption. I commend him for his strong commitment, his leadership, and the very thoughtful work that he has put into this important piece of legislation.

In my office, I have a large black and white poster of a smiling infant crawling only in a diaper. On the baby's bottom, on the diaper, is a huge bull's eye. The text says simply, "Children always make the easiest targets."

Unfortunately, Madam President, that seems to be true in our legislative and budgetary process. They don't move very quickly, they are not very strong, they don't have very loud voices and they can't protect themselves. We need to help them do that.

It would have been easy for the chairman of the Senate Foreign Relations Committee to come to this floor on one of the dozens of other important treaties that he has pending before his committee. It would have required no effort to leave this relatively obscure treaty languishing in limbo for months or even years. Instead, Senator HELMS made this treaty a priority. I am very proud to join him as a lead democratic sponsor of its implementing legislation, which will benefit millions of children throughout the world, and families around the globe.

I have had the opportunity to meet with many foreign dignitaries on the subject of intercountry adoption, from China to Russia, to Romania. Many countries have indicated that the United States ratification of the Hague Convention is the single most important thing we can do to strengthen the process of intercountry adoption. The United States adopts more children than any other country in the world. Unfortunately, this Nation and other large receiving nations have been sending the wrong message about our intentions regarding adoption.

A nation like Romania, for instance, which has had a tortured history in the field of child welfare indicated the importance of this treaty by being the first nation to ratify. For that, they should be commended.

Other sending countries have similarly stepped up to the plate, while receiving nations remain inactive. We must change that.

Today, in the Senate, we send a new message to the world. The United States is serious about the Hague convention. We are serious about improving and reforming the intercountry adoption system, and we will encourage other nations of the world to join us in that effort.

Habitat for Humanity's Millard Fuller, a man who has accomplished a great deal in the last few years, has a credo for his organization. He says everyone deserves a decent place to live. He is right. With that simple, but bold vision, Habitat for Humanity has been an incredible success story, building homes around the world for millions of families.

This is another simple but bold idea. Every child deserves a nurturing family. This treaty doesn't guarantee that, but it will give millions of children their best chance for a family to call their own. Furthermore, it will give millions of would-be parents a better chance at the joy of parenthood. We cannot let arbitrary borders and national pride get in the way of this simple but powerful idea, that every child should have parents who can love and care for them. No child should have to be raised alone.

The Hague Convention, by normalizing the process of intercountry adoption, brings this bold idea a step closer to reality.

I will briefly touch upon several important pieces of this legislation. First, let me say that this treaty is not a Federal endeavor to take control of the adoption process. This system is working for the most, and in many parts of the country it works very well. The philosophy throughout has been to address the real need for reform of intercountry adoptions and leave the other debate to another day.

This bill, however, does make several changes which will revolutionize the status quo. First, the State Department will finally be given legislative authority to track, monitor and report on intercountry adoptions. We will have hard figures on disruptions, adoption fees, and most importantly, the number of American children who are adopted by people abroad.

Second, accredited agencies will need to provide some minimum services to continue operating in the intercountry field. Among these services are translated medical reports, 6 weeks of preadoption counseling, liability insurance and open examination of practices and records. By allowing public scrutiny in this area, we believe the Hague implementing legislation provides some basic consumer protection and will help eliminate the few bad actors who occasionally grab headlines in the arena of international adoption.

Another significant feature of this treaty is the adoption certificate which will be provided by the Secretary of State. With the certificate, INS procedures and State court finalizations will become routine and quick rather than involved and costly. This will be a welcome relief for many families across this country waiting for children to come home.

Americans provide loving families for nearly 15,000 children from around the world. If we pass this convention, those numbers are most certainly likely to increase, which will be an opportunity for families here in the United States, as well as many children who desperately need homes.

Every day, my colleagues speak eloquently from this floor about ways to help our children and families grow and become stronger, but rarely do we have an opportunity to do something which can have a significant impact on actually creating loving homes for children who have no one. This is such an occasion. We should not miss this historic opportunity.

I look forward to working with our chairman from North Carolina as this bill and treaty progress through the Senate in the months ahead. It is with high hopes that we proceed, hoping that we can pass a strong, bipartisan piece of legislation before the end of the year.

Madame President, the need to help children find loving homes, is as old as human history. You can look all the way back to Muhammad who stated that "the best house is the house in which an orphan receives care." I hope we can create many such houses with this bill. I would like to conclude with a quote I read in preparation for this speech that I found quite moving. It says that "orphans, other than their innocence, have no sin, and other than their tears, they have no way of communication. They cannot explain the wars, the struggles, the political disputes, or the geographical disputes which have all made them homeless, helpless, fearful, and alone. Human history has never seen such a large number of orphan children in this world. Mankind has never seen such a large number of people in comfort. If you follow any religion, it is your religious duty to take care of orphans. If you do not follow any religion, it is your observation toward humanity that should convince you to support them."

I ask unanimous consent that documents involving those nations that have signed the treaty be printed in the RECORD as well as those that have ratified the treaty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Following States Have Ratified The Hague Convention of 29 May 1993 On Protection of Children and Co-Operation In Respect of Intercountry:

Entry Into Force

Mexico, September 14, 1994, May 1, 1995
Romania, December 28, 1994, May 1, 1995
Sri Lanka, January 23, 1995, May 1, 1995
Cyprus, February 20, 1995, June 1, 1995
Poland, June 12, 1995, October 1, 1995
Spain, July 11, 1995, November 1, 1995
Ecuador, September 7, 1995, January 1, 1996
Peru, September 14, 1995, January 1, 1996
Costa Rica, October 30, 1995, February 1, 1996
Burkina Faso, January 11, 1996, May 1, 1996
Philippines, July 2, 1996, November 1, 1996
Canada, December 19, 1996, April 1, 1997
Venezuela, January 10, 1997, May 1, 1997
Finland, March 27, 1997, July 1, 1997
Sweden, May 28, 1997, September 1, 1997
Denmark, July 2, 1997, November 1, 1997
Total number of ratifications: 16,

The Following States Have Signed The Hague Convention of 29 May 1993 On Protection of Children and Co-Operation In Respect of Intercountry Adoption:

Costa Rica, 29 May 1993
Mexico, 29 May 1993
Romania, 29 May 1993
Brazil, 29 May 1993
Colombia, 1 September 1993
Uruguay, 1 September 1993
Israel, 2 November 1993
Netherlands, 5 December 1993
United Kingdom, 12 January 1994
United States, 31 March 1994
Canada, 12 April 1994
Finland, 19 April 1994
Burkina Faso, 19 April 1994
Equador, 3 May 1994
Sri Lanka, 24 May 1994
Peru, 16 November 1994
Cyprus, 17 November 1994
Switzerland, 16 January 1995
Spain, 27 March 1995
France, 5 April 1995
Luxembourg, 6 June 1995
Poland, 12 June 1995
Philippines, 17 July 1995
Italy, 11 December 1995
Norway, 20 May 1996
Ireland, 19 June 1996
Sweden, 10 October 1996
El Salvador, 21 November 1996
Venezuela, 10 January 1997
Denmark, 2 July 1997

Ms. LANDRIEU. It is my hope that we can work under the great leadership of Senator HELMS on this issue to pass this implementing legislation and the treaty to provide hope to millions of children in families that would welcome it.

By Ms. COLLINS:

S. 684. A bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United States Code, permanent; to the Committee on the Judiciary.

THE FISHERMEN'S BANKRUPTCY PROTECTION ACT

• Ms. COLLINS. Mr. President, today I am introducing a bill to make reorganization under Chapter 12 of the Bankruptcy Code applicable to family fishermen. In brief, the bill would allow family fishermen the opportunity to apply for the protections of reorganization in bankruptcy and provide to them the same protections and terms as those granted the family farmer who enters bankruptcy.

Like many Americans, I'm appalled by those who live beyond their means, and use the bankruptcy code as a tool to cure their self-induced financial ills. I have supported and will continue to support alterations to the bankruptcy code that ensure the responsible use of its provisions. All consumers bear the burden of irresponsible debtors who abuse the system. Therefore, I believe bankruptcy should remain a tool of last resort for those in severe financial distress.

As those familiar with the bankruptcy code know, business reorganization in bankruptcy is a different creature than the forgiveness of debt traditionally associated with bankruptcy. Reorganization embodies the hope that by providing business a break from creditors, and allowing debt to be adjusted, the business will have an opportunity to get back on sound financial footing and thrive. In that vein, Chapter 12 was added to the bankruptcy code in 1986 by the Senator from Iowa, Mr. GRASSLEY, to provide for bankruptcy reorganization of the family farm and to give family farmers a "fighting chance to reorganize their debts and keep their land".

To provide the "fighting chance" envisioned by the authors of Chapter 12, Congress provided a distinctive set of substantive and procedural rules to govern effective reorganization of the family farm. In essence, Chapter 12 was a recognition of the unique situation of family owned businesses and the enormous value of the family farmer to the American economy and our cultural heritage.

Chapter 12 was modeled on bankruptcy Chapter 13 which governs the reorganization of individual debt. However, to address the unique problems encountered by farmers, Chapter 12 provided for significant advantages over the standard Chapter 13 filer. These advantages include a longer period of time to file a plan for relief, greater flexibility for the debtor to modify the debts secured by their assets, and alteration of the statutory time limit to repay secured debts. The Chapter 12 debtor is also given the freedom to sell off parts of his or her property as part of a reorganization plan.

Unlike Chapter 13, which applies solely to individuals, Chapter 12 can apply to individuals, partnerships or corporations which fall under a $1.5 million debt threshold—a recognition of the common use of incorporation even among small family held farms.

Without getting too technical, I should also mention that Chapter 12 also contains significant advantages over corporate reorganization which is governed by Chapter 11 of the Bankruptcy Code. For example, Chapter 12 creditors generally may not challenge a payment plan that is approved by the Court.

Chapter 12 has been considered an enormous success in the farm community. According to a recent University of Iowa study, 74 percent of family farmers who filed Chapter 12 bankruptcy are still farming, and 61 percent of farmers who went through Chapter 12 believe that Chapter 12 was helpful in getting them back on their feet.

Recognizing its effectiveness, my bill proposes that Chapter 12 should be made a permanent part of the bankruptcy code, and equally important, my bill would extend Chapter 12's protections to family fishermen.

In my own state of Maine, fishing is a vital part of our economy and our way of life. The commercial fishing industry is made up of proud and fiercely independent individuals whose goal is simply to preserve their business, family income and community.

In my opinion, for too long the fishing industry has been treated like an oddity, rather than a business through which courses the life's blood of families and communities. This bill attempts to bridge that gap and afford fishermen the protection of business reorganization as it is provided to family farmers.

There are many similarities between the family farmer and the family fisherman. Like the family farmer, the fisherman should not only be respected as a businessman, but for his or her independence in the best tradition of our democracy. Like farmers, fishermen face perennial threats from nature and the elements, as well as changes to laws which threaten their existence. Like family farmers, fishermen are not seeking special treatment or a handout from the federal government, they seek only "the fighting chance" to remain afloat so that they can continue in their way of life.

Although fishermen do not seek special treatment from the government, they play a special role in seafaring communities on our coasts, and they deserve protections granted others who face similar, often unavoidable, problems. Fishermen should not be denied the bankruptcy protections accorded to farmers solely because they harvest the sea and not the land.

I have proposed not only to make Chapter 12 a permanent part of the bankruptcy code, but also to apply its provisions to the family fisherman. The bill I have proposed mirrors Chapter 12 with very few exceptions. Its protections are restricted to those fishermen with regular income who have total debt less than $1.5 Million, the bulk of which, eighty percent, must stem from commercial fishing. Moreover, families must rely on fishing income for these provisions to apply.

Those same protections and flexibility we grant to farmers should also be granted to the family fisherman. By making this modest but important change to the bankruptcy code, we will express our respect for the business of fishing, and our shared wish that this unique way of life should continue.•

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 685. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.

THE STATE WATER SOVEREIGNTY PROTECTION ACT

• Mr. CRAPO. Mr. President, I rise to introduce the State Water Sovereignty Protection Act, a bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regulate water, and for other purposes.

Since 1866, Congress has recognized and deferred to the States the authority to allocate and administer water within their borders. The Supreme Court has confirmed that this is an appropriate role for the States. Additionally, in 1952, the Congress passed the McCarran amendment which provides for the adjudication of State and Federal Water claims in State water courts.

However, despite both judicial and legislative edicts, I am deeply concerned that the administration, Federal agencies, and some in the Congress are setting the stage for ignoring long established statutory provisions concerning State water rights and State water contracts. The Endangered Species Act, the Clean Water Act, the Federal Land Policy Management Act, and wilderness designations have all been vehicles used to erode State sovereignty over its water.

It is imperative that States maintain sovereignty over management and control of their water and river systems. All rights to water or reservations of rights for any purposes in States should be subject to the substantive and procedural laws of that State, not the Federal Government. To protect State water rights, I am introducing the State Water Sovereignty Protection Act.

The State Water Sovereignty Protection Act provides that whenever the United States seeks to appropriate water or acquire a water right, it will be subject to State procedural and substantive water law. The Act further holds that States control the water within their boundaries and that the Federal Government may exercise management or control over water only in compliance with State law. Finally, in any administrative or judicial proceeding in which the United States participates pursuant to the McCarran Amendment, the United States is subject to all costs and fees to the same extent as costs and fees may be imposed on a private party.●

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REED, Mr. SCHUMER, and Mr. TORRICELLI):

S. 686. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

THE FIREARMS RIGHTS, RESPONSIBILITIES, AND REMEDIES ACT

Mrs. BOXER. Mr. President, I rise today to introduce legislation to protect the rights and interests of local communities in suing the gun industry. I am joined in this effort by Senators CHAFEE, LAUTENBERG, REED, SCHUMER, and TORRICELLI.

Frankly, I would prefer not to have to introduce legislation at all. But, it has become necessary because the gun industry has begun a concerted campaign to gag America's cities. In order to preserve local control and options, federal legislation is needed. The federal government must stand alongside our local communities to fight the gun violence plaguing too many of America's cities.

So far, five cities—New Orleans, Atlanta, Chicago, Miami-Dade County, and Bridgeport, Connecticut—have filed lawsuits against the gun industry. Many more are considering such lawsuits, including, in my State of California, San Francisco, Los Angeles, and Sacramento. These cities are suing because they are being invaded by guns.

Consider the city of Chicago. Chicago has one of the toughest handgun control ordinances in the country. And yet, this year, the Chicago police will confiscate some 17,000 illegal weapons. City officials acknowledge that's only a fraction of the guns on the streets. And there are now 242 million guns in America. That's almost one for every man, woman, and child in this country.

The result is that each year, guns cause the death of about 35,000 Americans. The number of handgun murders in this country far outpaces that of any other country—indeed, most other countries combined. Japan and Great Britain have fewer than one murder by a handgun per one million population. Canada has about three and a half per million people. But in the United States, there are over 35 handgun murders per year for every million people.

In my state of California alone, there are five times as many handgun murders as there are in New Zealand, Australia, Japan, Great Britain, Canada, and Germany combined. Yet those six countries together have ten times the population of California.

Over 11 years, nearly 400,000 Americans have been killed by gunfire. Compare that with the 11 years of the Vietnam War, where over 58,000 Americans died.

If this continues, the Centers for Disease Control estimates that in just four years, gun deaths will be the leading cause of injury-related death in America.

And for every American who dies, another three are injured and end up in an emergency room. The cost to our health care system is estimated to be between $1.5 billion and $4.5 billion per year. And 4 out of every 5 gunshot victims either have no health insurance or are on public assistance. U.S. News reported that one hospital in California—the University of California-Davis Medical Center—lost $2.2 million over three years on gunshot victims. That means you and I and all taxpayers are paying the bills.

That is why many cities want to sue. But, the NRA does not want to fight this in court. The gun industry wants to circumvent the legal process through special interest legislation—legislation imposed on our cities by big government.

To preserve local control and individual rights, federal legislation is needed. Today, I am introducing such legislation, known as the Firearms Rights, Responsibilities, and Remedies Act. This bill would ensure that individuals and entities harmed by gun violence—including our cities—have the right to sue gun manufacturers, dealers, and importers.

Specifically, my bill would create a federal cause of action—the right to sue—for harms resulting from gun violence. A gun manufacturer, dealer, or importer could be held liable if it "knew or reasonably should have known" that its design, manufacturing, marketing, importation, sales, or distribution practices would likely result in gun violence. But, this is not an open-ended proposition. The term "gun violence" is defined specifically as the unlawful use of a firearm or the unintentional discharge of a firearm. It would not be possible to sue for every gun sold—or even for all violence and deaths that result. A suit would only be possible if there is some negligence on the part of a manufacturer, dealer, or importer. I believe this language is broad enough to allow cities to pursue their claims, but not so broad as to open the floodgates for every gun-related death and injury.

Suits could be brought in federal or state court by States, units of local government—such as cities, towns, and counties—individuals, organizations, and businesses who were injured by or incurred costs because of gun violence. A prevailing plaintiff could recover actual damages, punitive damages, and attorneys fees.

I am not saying that the gun industry should be required to pay any particular amount of damages, and I am not advocating any particular theory that would hold the gun industry liable. What I am saying is that the gun industry should not be exempt from the normal course of business in America. The right to redress grievances in court is older than America itself—older than the Second Amendment to the Constitution. But the NRA is now pushing legislation in many states and here in Congress to say that the gun industry should get special rights and special protections. I believe that the gun industry should be treated like everyone else, and I believe that our cities should have their day in court.

My bill does not impose anything. It does not require anything. It is designed for one purpose: to preserve local control. As Jim Hahn, the City Attorney of Los Angeles, noted in a letter to me endorsing my bill, what many States are considering would "represent a significant intrusion into the authority of local governments." And my bill would, in the words of Alex

Penelas, the Mayor of Miami-Dade County, "preserve access to the courts for local governments and individual citizens."

Now, Mr. President, there have been questions raised about the constitutionality of this measure. It was not easy drafting a constitutional measure, but in working with Kathleen Sullivan, the Dean of Stanford Law School, and Larry Tribe of Harvard, I believe we have a bill that is constitutional.

Finally, Mr. President, let me just note a bit of irony in this whole debate. Some of the legislation that the NRA has worked so hard to defeat over the years—such as mandatory safety locks, smart technology, and product safety legislation—is the basis of some of these suits by the cities. If the NRA had let us pass such laws, they wouldn't be facing so many lawsuits today. The NRA and the gun industry do not want to be regulated and then they do not want to be held accountable. The NRA and the gun industry want to escape their responsibilities for what they are doing to America's cities—and all too often, to America's children.

I sometimes wonder if N-R-A stands for "No Responsibility or Accountability."

It has been said that some Americans have a love affair with guns. But we should not stand idly by when that love affair turns violent. Today we stand with America's cities to say enough is enough.

I ask unanimous consent that the bill and the letters from Mr. Hahn—as well as other letters of support from the City Attorney of San Francisco, the Mayor of Bridgeport, Connecticut, a letter from Ms. Sullivan and Handgun Control—be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Firearms Rights, Responsibilities, and Remedies Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the manufacture, distribution, and importation of firearms is inherently commercial in nature;

(2) firearms regularly move in interstate commerce;

(3) firearms trafficking is so prevalent and widespread in and among the States that it is usually impossible to distinguish between intrastate trafficking and interstate trafficking;

(4) to the extent firearms trafficking is intrastate in nature, it arises out of and is substantially connected with a commercial transaction, which, when viewed in the aggregate, substantially affects interstate commerce;

(5) gun violence results in great costs to society, including the costs of law enforcement, medical care, lost productivity, and loss of life;

(6) to the extent possible, the costs of gun violence should be borne by those liable for them, including manufacturers, dealers, and importers;

(7) in any action to recover the costs associated with gun violence to a particular entity or to a given community, it is usually impossible to trace the portion of costs attributable to intrastate versus interstate commerce;

(8) the law governing the liability of manufacturers, dealers, and importers for gun violence is evolving inconsistently within and among the States, resulting in a contradictory and uncertain regime that is inequitable and that unduly burdens interstate commerce;

(9) the inability to obtain adequate compensation for the costs of gun violence results in a serious commercial distortion to a single national market and a stable national economy, thereby creating a barrier to interstate commerce;

(10) it is an essential and appropriate role of the Federal Government, under the Constitution of the United States, to remove burdens and barriers to interstate commerce;

(11) because the intrastate and interstate trafficking of firearms are so commingled, full regulation of interstate commerce requires the incidental regulation of intrastate commerce; and

(12) it is in the national interest and within the role of the Federal Government to ensure that manufacturers, dealers, and importers can be held liable under Federal law for gun violence.

(b) PURPOSE.—Based on the power of Congress in clause 3 of section 8 of article I of the Constitution of the United States, the purpose of this Act is to regulate interstate commerce by—

(1) regulating the commercial activity of firearms trafficking;

(2) protecting States, units of local government, organizations, businesses, and other persons from the adverse effects of interstate commerce in firearms;

(3) establishing a uniform legal principle that manufacturers, dealers, and importers can be held liable for gun violence; and

(4) creating greater fairness, rationality, and predictability in the civil justice system.

SEC. 3. DEFINITIONS.

In this Act:

(1) GUN VIOLENCE.—The term "gun violence" means any—

(A) actual or threatened unlawful use of a firearm; and

(B) unintentional discharge of a firearm.

(2) INCORPORATED DEFINITIONS.—The terms "firearm", "importer", "manufacturer", and "dealer" have the meanings given those terms in section 921 of title 18, United States Code.

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means any city, town, township, county, parish, village, or other general purpose political subdivision of a State.

SEC. 4. FEDERAL CAUSE OF ACTION.

(a) IN GENERAL.—Notwithstanding any other provision of Federal, State, or local law, a State, unit of local government, organization, business, or other person that has been injured by or incurred costs as a result of gun violence may bring a civil action in a Federal or State court of original jurisdiction against a manufacturer, dealer, or importer who knew or reasonably should have known that its design, manufacturing, marketing, importation, sales, or distribution practices would likely result in gun violence.

(b) REMEDIES.—In an action under subsection (a), the court may award appropriate relief, including—

(1) actual damages;

(2) punitive damages;

(3) reasonable attorneys' fees and other litigation costs reasonably incurred, including the costs of expert witnesses; and

(4) such other relief as the court determines to be appropriate.

CITY OF LOS ANGELES,
March 22, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR BARBARA: I write to express my strong support for the Firearms Rights, Responsibilities, and Remedies Act which will assure the ability of local governments to sue the gun industry by creating a federal cause of action for claims brought against the gun industry. In so doing, the act is critical to the goal of making the gun industry accountable for the toll of gun violence on cities nationwide.

The City of Los Angeles is exploring litigation against the gun industry in order to recoup the City's costs in addressing gun violence. Therefore, any attempt on the state level to preclude local gun lawsuits would subvert cities and counties' efforts in this regard and would also represent a significant intrusion in to the authority of local governments. The creation of a federal cause of action is invaluable to guaranteeing that litigation remains available to cities and counties.

The Firearms Rights, Responsibilities, and Remedies Act represents a common-sense and reasonable approach to any attempt to bar gun lawsuits by cities and counties. I am pleased to offer my support for this important legislation.

Very truly yours,

JAMES K. HAHN,
City Attorney.

OFFICE OF THE MAYOR,
Miami-Dade County, FL, March 23, 1999.

Hon. BARBARA BOXER,
U.S. Senator, Washington, DC.

DEAR SENATOR BOXER: Thank you for your invitation to join you today in Washington, DC, as you announce legislation which will assist local governments, like Miami-Dade County, on our legal efforts to compel the gun industry to manufacture childproof guns. I regret that I am unable to join you personally to offer my support and gratitude for your efforts. Unfortunately, County business requires me to be in our State Capitol today.

On January 21, 1999, Miami-Dade County filed a lawsuit against the gun industry seeking to compel gun manufacturers to make safer, childproof guns. To achieve our objective we are hitting the gun industry where it hurts—in their wallets. Every year, gun violence and accidental deaths costs our community hundreds of millions of dollars. Until now, taxpayers have borne the responsibility for many of these costs while the gun industry has washed its hands of the blood of countless victims, including many children and youths. However, our efforts are not about money. In fact, if the gun industry agrees to make childproof guns, install load indicators on guns and change its marketing practices my community will crop its lawsuit.

As you know, legislation has been filed in the Florida Legislature that would not only preempt Miami-Dade County's lawsuit, but would also make it a felony for any public official to pursue such litigation. This NRA sponsored legislation is undemocratic and hypocritical. If passed, preemption legislation will effectively slam shut the doors of justice and trample on the People's right to access the judiciary in the name of defending the Second Amendment. Additionally, while some Tallahassee and Washington legislators claim to favor returning power to local governments, they are the first to support legislation which takes away our right to access an independent branch of government.

Clearly, the gun lobby is out of touch with the will of the people. Flordia voters, like Americans nationwide, have repeatedly sent a strong message that they favor commonsense gun safety measures. For example:

In 1991, Florida voters overwhelmingly supported requiring criminal background checks and waiting periods on gun sales;

Last November, 72% of Floridians voted to close the Gunshow Loophole, by extending criminal background check and waiting period requirements to gunshows and flea markets;

Just last month a New York jury found the gun industry civilly liable for saturating the market with guns.

Unfortunately, our prospects for success in defeating this misguided state legislation are dim. However, I am confident that the pressure on the gun industry to reform increase with each passing day. Your legislation will add additional pressure by sending a message to the gun lobby that they cannot block access to the courts by strong-arming state legislatures.

If successful, your legislation will preserve access to the courts for local governments and individual citizens who are demanding that the gun industry be held accountable for callously favoring corporate profits over our children's safety. I commend you for putting the public's interest ahead of the powerful special interests that seek only to protect a negligent industry that has ignored commonsense pleas to make childproof guns. Be assured I stand ready to assist you in advancing this significant legislation.

Sincerely,

ALEX PENELAS,
Mayor.

OFFICE OF THE CITY ATTORNEY,
San Francisco, CA, March 22, 1999.

Re proposed legislation

Senator BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I write to endorse your proposed legislation that will allow local governments to sue gun manufacturers, dealers, and importers. Each year in San Francisco we admit numerous gunshot victims to our hospitals with staggering costs to the general public. Sadly enough, all too often these victims are children and young people. The gun industry must be held responsible for its role in the emotional and financial distress caused to anyone affected by gun violence—including local government.

Your legislation would ensure that the normal legal processes can be brought to bear upon a significant public problem and that the gun industry would not be exempt from the usual course of business in America. For these reasons, I support your proposed legislation and commend you for your ongoing efforts to stand with America's cities and its people.

Sincerely,

LOUISE H. RENNE,
City Attorney.

BRIDGEPORT CITY HALL,
MAYOR JOSEPH P. GANIM,
Bridgeport, CT, March 23, 1999.

GANIM SUPPORTS BOXER GUN BILL

The following is Bridgeport Mayor Joseph P. Ganim's statement of support for Sen. Barbara Boxer's proposed federal legislation:

I am in full support of the legislation drafted by Sen. Boxer to allow people, groups or governments to exercise their constitutional rights to seek redress through the courts. I regret that I am not able to be in Washington as the Senator makes this important announcement.

Bridgeport is one of five cities across the nation to file a lawsuit against handgun manufacturers. We are seeking damages to help lessen the financial burden Bridgeport must carry due to the effects of gun violence in our City.

A handgun is the most dangerous weapon placed into the stream of commerce in the United States. Surprisingly, there are more safety requirements and regulations regarding the manufacture of toy guns than for real handguns.

Sen. Boxer's bill will allow cities, states and individuals to seek retribution for the economic strain that handgun violence has caused. We are facing high medical and public safety costs, but we are also battling drops in property value in areas where handgun violence is most prevalent.

Because of measures taken by the Georgia State Legislature and attempts by Rep. Bob Barr of Georgia in the U.S. Congress, Sen. Boxer's bill becomes even more critical and its passage even more important. This bill ensures that everyone will have the right to fight back and hold the gun manufacturers accountable for the damage their products have caused.

STANFORD LAW SCHOOL,
Stanford, CA, March 23, 1999.

Senator BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: You have asked me to review a draft of a bill to enact the Firearms Rights, Responsibilities, and Remedies Act of 1999, and to comment briefly upon its constitutionality. I am happy to do so, with the caveat that I am not in a position to comment upon the bill as a matter of tort or product liability policy.

The bill appears to me to be within the authority of Congress to enact under the interstate commerce power set forth in the United States Constitution, Article I, section 8. While the commerce power is not an unlimited one, Congress is empowered to regulate both the flow of interstate commerce and any intrastate activity that substantially affects interstate commerce. *United States* v. *Lopez*, 514 U.S. 549 (1995). While one might fairly question whether any incident of gun violence in and of itself constitutes an activity substantially affecting interstate commerce, the bill does not regulate gun violence but rather provides a federal cause of action against the negligent "design, manufacturing, marketing, importation, sales, or distribution" of guns. Sec. 4(a). The "design, manufacturing, marketing, importation, sales, or distribution" of guns plainly amounts to economic activity that in the aggregate may in Congress's reasonable judgment substantially affect interstate commerce. Moreover, providing a uniform federal avenue of redress for gun violence may in Congress's reasonable judgment help to avert the diversion and distortion of interstate commerce that, in the aggregate, accompanies any patchwork of separate state regulations of firearm sales. Congress is entitled to consider the interstate efforts of commercial gun distribution in the aggregate without regard to whether any particular gun sale that might be the subject of a civil action is interstate or intrastate in nature. *See, e.g., Wickard* v. *Filburn*, 317 U.S. 111 (1942) (regulation of home-grown wheat consumption); *Perez*, v. *United States*, 402 U.S. 146 (1971) (regulation of extortionate intrastate loan transactions).

Nor does the bill appear to intrude upon state sovereignty or the structural principles of federalism that are reflected in the United States Constitution, Amendment X. To be sure, one effect of the bill if enacted would be to allow cities or other local governments to sue for damages incurred as a result of gun violence, even if they are located in states that had sought, through state legislation, to bar such city-initiated lawsuits. But Congress remains free even within our federal system to regulate state and local governments under laws of general applicability, see *Garcia* v. *San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985), and the proposed bill does just that. Rather than singling out state or city governments for special advantage or disadvantage, the bill simply confers upon states and cities the same civil litigation rights as it does upon any other "organization, business, or other person that has been injured by or incurred costs as a result of gun violence." Sec. 4(a). Moreover, the proposed bill does not in any way "commandeer" the legislative or executive processes of state government in a way that might offend principles of federalism. *See Printz* v. *United States*, 117 S. Ct. 2365 (1997); *New York* v. *United States*, 505 U.S. 144 (1992). It does not require that any state adopt any federally authored law, but instead simply provides federal rights directly to individuals and entitites including but not limited to states and cities. To the extent that the proposed bill would permit civil actions to be brought in state as well as federal forums, it is entirely consistent with Congress's longstanding power to pass laws enforceable in state courts, *see Testa* v. *Katt*, 330 U.S. 386 (1947), a power that neither the *Printz* nor *New York* cases purported to disturb.

I hope these brief remarks are helpful in your deliberations.

Very Truly yours,

KATHLEEN M. SULLIVAN.

HANDGUN CONTROL INC.,
Washington, DC, March 23, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: On behalf of Handgun Control, I want to commend you for your continued leadership on gun violence prevention issues and to lend our support to the Frearms Rights, Responsibilities and Remedies Act of 1999.

Access to the courts is one of the most fundamental rights accorded our citizens and our communities. The legislation that is being introduced today will protect the right of cities and counties to seek redress in the courts for the gun violence that afflicts so many communities. Cities, like the citizens they represent, should be able to seek compensation for the damages that arise from the negligence or misconduct of the gun industry in the design, manufacture, sale and distribution of their product.

The gun lobby, of course, believes that manufacturers deserve special protection, that cities and counties should be legally prohibited from suing manufacturers so long as they don't knowingly and directly sell guns to convicted felons and other prohibited purchasers. Such a grant of immunity is not only unprecedented, it is wrong. The manufacture of firearms is not subject to consumer regulation. In fact, the Consumer Product Safety Commission is prohibited by law from overseeing the manufacture of guns. As an unregulated industry, gun manufacturers produce guns that all too often discharge when they are dropped. They design guns with a trigger resistance so low that a two-year old child can pull the trigger. Many guns lack essential safety features like a safety, a load indicator or a magazine disconnect safety. And, even though the technology for making guns unusable by children and strangers is readily available, virtually all guns are readily usable by unauthorized users. Time and time again, the gun industry has ignored legitimate concerns regarding consumer and public safety.

But, at the urgent request of the gun lobby, one state has already moved to prevent cities from filing complaints against gun manufacturers and similar bills have been introduced in at least ten states. A bill has even been introduced in Congress that would bar cities from filing any such action. Congress should move to ensure that the right of cities to seek redress in the courts will be preserved. The Firearms Rights, Responsibilities and Remedies Act of 1999 will do just that.

Sincerely,

SARAH BRADY,
Chair.

By Mr. HARKIN:

S. 687. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

ELIMINATING THE BACKLOG OF VETERANS REQUESTS FOR MILITARY MEDALS

Mr. HARKIN. Mr. President, I would like to take some time to address an unfulfilled obligation we have to our nation's veterans. The problem is a substantial backlog of requests by veterans for replacement and issuance of military medals. Today, I have introduced a bill, the "Veterans Expedited Military Medals Act of 1999," that would require the Department of Defense to end this backlog.

I first became aware of this issue a few years ago after dozens of Iowa veterans began contacting my State offices requesting assistance in obtaining medals and other military decorations they earned while serving the country. These veterans had tried in vain—usually for months, sometimes for years—to navigate the vast Pentagon bureaucracy to receive their military decorations. The wait for medals routinely exceeded more than a year, even after intervention by my staff. I believe this is unacceptable. Our nation must continue its commitment to recognize the sacrifices made by our veterans in a timely manner. Addressing this simple concern will fulfill an important and solemn promise to those who served to preserve democracy both here and abroad.

Let me briefly share the story of Mr. Dale Homes, a Korean War veteran. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years through the normal Department of Defense channels to get the medals her father deserved. Ms. Goff turned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve the issue favorably until September 1997.

Ms. Groff made a statement about the delays her father experienced that sum up my sentiments perfectly: "I don't think it's fair . . . My dad deserves—everybody deserves—better treatment than that." Ms. Groff could not be more correct. Our veterans deserve better than that from the country they served so courageously.

Another example that came through my district offices is Mr. James Lunde, a Vietnam-era veteran. His brother in law contacted my Des Moines office last year for help in obtaining a Purple Heart and other medals Mr. Lunde earned. These medals have been held up since 1975. Unfortunately, there is still no determination as to when Mr. Lunde's medals will be sent.

The numbers are disheartening and can sound almost unbelievable. For example, a small Army Reserve staff at the St. Louis Office faces a backlog of tens of thousands of requests for medals. So why the lengthy delays?

The primary reason DOD officials cite for these unconscionable delays is personnel and other resource shortages resulting from budget cuts and hiring freezes. For example, the Navy Liaison Office has gone from 5 or more personnel to 3 within the last 3 years. Prior to this, the turnaround time was 4–5 months. Budget shortages have delayed the agencies ability to replace employees who have left, and in cases where they can be replaced, the "learning curve" in training new employees leads to further delays.

Last year, during the debate over the Defense Appropriations bill, I offered an amendment to move the Department of Defense to end the backlog of unfulfilled military medal requests. The amendment was accepted by unanimous consent. Unfortunately, the Pentagon has not moved to fix the problem. In fact, according to a recent communication from the Army, the problem has only worsened. The Army currently cites a backlog of 98,000 requests for medals.

So today, I am introducing a bill to fix the problem once and for all. My bill directs the Secretary of Defense to allocate resources necessary to eliminate the backlog of requests for military medals. Specifically, the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem. In addition, this reallocation of resources is only to be made in a way that "does not detract from the performance of other personnel service and personnel support activities within the DOD." Representative LANE EVANS of Illinois has introduced similar legislation in the House of Representatives.

Veterans organizations have long recognized the huge backlog of medal requests. The Veterans of Foreign Wars supports my legislation. I ask that a copy of the letter of support be included in the RECORD.

Our veterans are not asking for much. Their brave actions in time of war deserve our highest respect, recognition, and admiration. My amendment will help expedite the recognition they so richly deserve. Our veterans deserve nothing less.

Mr. President, I ask unanimous consent that the text of the bill and a letter in support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Expedited Military Medals Act of 1999".

SEC. 2. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.
(2) The Bureau of Naval Personnel.
(3) The Air Force Personnel Center.
(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

SEC. 3. REPORT.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in section 2(a). The report shall include a plan for eliminating the backlog.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, February 11, 1999.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the 2.1 million members of the Veterans of Foreign Wars of the United States (VFW), I thank you for introducing a bill to eliminate the backlog in requests for the replacement of military medals and other decorations. This bill would address an unfilled obligation we have to our nation's veterans. The VFW realizes that the substantial backlog of requests by veterans for medals needs to be rectified in an auspicious manner.

If passed, the Secretary of Defense will make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to resolve the problem. The VFW believes that addressing this concern will fulfill an important and solemn promise to those who risked their lives serving their country.

The VFW thanks you for making veterans a number one priority. They deserve the best from the country they served so courageously.

Sincerely,

DENNIS CULLINAN,
Director, National Legislative Service.

By Mr. SARBANES (for himself, Mr. REID, Mr. MURKOWSKI, Mrs. BOXER, Mr. KENNEDY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mrs. MURRAY):

S. 690. A bill to provide for mass transportation in national parks and related public lands; to the Committee on Energy and Natural Resources.

TRANSIT IN PARKS (TRIP) ACT

Mr. SARBANES. Mr. President, today I am introducing legislation, entitled the "Transit in Parks Act" or TRIP, to help ease the congestion, protect our nation's natural resources, and improve mobility and accessibility in our National Parks and Wildlife Refuges. I am pleased to be joined by Senators REID, MURKOWSKI, BOXER, KENNEDY, MOYNIHAN, SCHUMER, KERRY, and MURRAY who are cosponsors of this important legislation.

The TRIP legislation is a new federal transit grant initiative that is designed to provide mass transit and alternative transportation services for our national parks, our wildlife refuges, federal recreational areas, and other public lands managed by three agencies of the Department of the Interior. I first introduced similar legislation on Earth Day, 1998 and, during consideration of the Transportation Equity Act for the 21st Century, or TEA-21, part of my original bill was included as section 3039, authorizing a comprehensive study of alternative transportation needs in our national park lands. The objective of this study is to better identify those areas with existing and potential problems of congestion and pollution, or which can benefit from mass transportation services, and to identify and estimate the project costs for these sites. The fiscal year 1999 Transportation Appropriations bill included $2 million to help fund this important study. I am pleased to report that much important research that will more fully examine the park transportation and resource management needs and outline potential solutions and benefits is underway.

Before discussing the bill in greater detail, let me first provide some background on the management issues facing the National Park System.

When the national parks first opened in the second half of the nineteenth century, visitors arrived by stagecoach along dirt roads. Travel through parklands, such as Yosemite or Yellowstone, was difficult and long and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our nation's great natural wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars has resulted in increasing damage to our parks. The Grand Canyon alone has five million visitors a year. It may surprise you to know that the average visitor stay is only three hours. As many as 6,000 vehicles arrive in a single summer day. They compete for 2,000 parking spaces. Between 32,000 and 35,000 tour buses go to the park each year. During the peak summer season, the entrance route becomes a giant parking lot.

In the decade from 1984 to 1994, the number of visits to America's national parks increased 25 percent, rising from 208 million to 269 million a year. This is equal to more than one visit by every man, woman, and child in this country. This has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut-out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than four million visitors a year; Yellowstone, which has more than three million visitors a year and experiences such severe traffic congestion that access has to be restricted; Zion; Acadia; Bryce; and many others. We need to solve these problems now or risk permanent damage to our nation's natural, cultural, and historical heritage.

My legislation builds upon two previous initiatives to address these problems. First is the study of alternative transportation strategies in our national parks that was mandated by the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. This study, completed by the National Park Service nearly five years ago in May 1994, found that many of our most heavily visited national parks are experiencing the same problems of congestion and pollution that afflict our cities and metropolitan areas. Yet, overwhelmingly, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads primarily for private automobile access.

Second, in November 1997, Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt signed an agreement to work together to address transportation and resource management needs in and around national parks. The findings in the Memorandum of Understanding entered into by the two departments are especially revealing:

> Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.
>
> In many National Park units, the capacity of parking facilities at interpretive or science areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.
>
> On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

The challenge for park management is twofold: to conserve and protect the nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments.

The Transit in Parks Act will go far to meeting this challenge. The bill's objectives are to develop new and expanded mass transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources, to prevent adverse impact on those resources, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. This new federal transit grant program will provide funding to three Federal land management agencies in the Department of the Interior—the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management—that manage the 378 various parks within the National Park System, including National Battlefields, Monuments and National Seashores, as well as the National Wildlife Refuges and federal recreational areas. The program will allocate capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national park lands. The bill authorizes $50 million for this new program for each of the fiscal years 2000 through 2003. It is anticipated that other resources—both public and private—will be available to augment these amounts in the initial phase.

The bill formalizes the cooperative arrangement in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection and funding of transit projects in national park lands. The projects eligible for funding would be developed through the TEA–21 planning process and selected in consultation and cooperation with the Secretary of the Interior. The bill provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. It is anticipated that the Secretary of Transportation would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are clearly appropriate candidates for significant transit projects under this section, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. Project selection should include the following criteria: the historical and cultural significance of a project; safety; and the extent to which the project would conserve resources, prevent adverse impact, enhance the environment, improve mobility, and contribute to livable communities.

The bill also identifies projects of regional or national significance that more closely resemble the Federal transit program's New Starts projects. Where the project costs are $25 million or greater, the projects will comply with the transit New Starts requirements. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

I firmly believe that this program can create new opportunities for the Federal land management agency to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA–21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

Mr. President, the ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin the final countdown to a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and federal recreational areas than by encouraging alternative transportation in these areas. My bill is strongly supported by the American Public Transit Association, the National Parks and Conservation Association, the Surface Transportation Policy Project, the Natural Resources Defense Council, the Community Transportation Association of America, the Environmental Defense Fund, American Planning Association, Bicycle Federation of America, Friends of the Earth, Izaak Walton League of America, National Association of Counties, National Trust for Historic Preservation, Rails-to-Trails Conservancy, Scenic America, The Wilderness Society, and the Environmental and Energy Study Institute, and I ask unanimous consent that the bill, and a section-by-section analysis, and letters of support be printed in the RECORD.

Mr. President, I urge my colleagues to support this important legislation and to recognize the enormous environmental and economic benefits that transit can bring to our national parks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transit in Parks (TRIP) Act".

SEC. 2. MASS TRANSPORTATION IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"§ 5339. Mass transportation in national parks and related public lands

"(a) POLICIES, FINDINGS, AND PURPOSES.—

"(1) DEVELOPMENT OF TRANSPORTATION SYSTEMS.—It is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

"(2) GENERAL FINDINGS.—Congress finds that—

"(A) section 1050 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) authorized a study of alternatives for visitor transportation in the National Park System which was released by the National Park Service in May 1994;

"(B) the study found that—

"(i) increasing traffic congestion in the national parks requires alternative transportation strategies to enhance resource protection and the visitor experience and to reduce congestion;

"(ii) visitor use, National Park Service units, and concession facilities require integrated planning; and

"(iii) the transportation problems and visitor services require increased coordination with gateway communities;

"(C) on November 25, 1997, the Department of Transportation and the Department of the Interior entered into a Memorandum of Understanding to address transportation needs within and adjacent to national parks and to enhance cooperation between the departments on park transportation issues;

"(D) to initiate the Memorandum of Understanding, and to implement President Clinton's 'Parks for Tomorrow' initiative, outlined on Earth Day, 1996, the Department of Transportation and the Department of the Interior announced, in December 1997, the intention to implement mass transportation services in the Grand Canyon National Park, Zion National Park, and Yosemite National Park;

"(E) section 3039 of the Transportation Equity Act for the 21st Century authorized a comprehensive study, to be conducted by the Secretary of Transportation in coordination with the Secretary of the Interior, and submitted to Congress on January 1, 2000, of alternative transportation in national parks and related public lands, in order to—

"(i) identify the transportation strategies that improve the management of the national parks and related public lands;

"(ii) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

“(iii) assess the feasibility of alternative transportation modes; and

“(iv) identify and estimate the costs of those alternative transportation modes;

“(F) many of the national parks and related public lands are experiencing increased visitation and congestion and degradation of the natural, historical, and cultural resources;

“(G) there is a growing need for new and expanded mass transportation services throughout the national parks and related public lands to conserve and protect fragile natural, historical, and cultural resources, prevent adverse impact on those resources, and reduce pollution and congestion, while at the same time facilitating appropriate visitor mobility and accessibility and improving the visitor experience;

“(H) the Federal Transit Administration, through the Department of Transportation, can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals to enhance the environment, improve mobility, create more livable communities, conserve energy, and reduce pollution and congestion in all regions of the country; and

“(I) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated mass transportation systems within and adjacent to national parks and related public lands is essential to conserve natural, historical, and cultural resources, relieve congestion, reduce pollution, improve mobility, and enhance visitor accessibility and the visitor experience.

“(3) GENERAL PURPOSES.—The purposes of this section are—

“(A) to develop a cooperative relationship between the Secretary of Transportation and the Secretary of the Interior to carry out this section;

“(B) to encourage the planning and establishment of mass transportation systems and nonmotorized transportation systems needed within and adjacent to national parks and related public lands, located in both urban and rural areas, that enhance resource protection, prevent adverse impacts on those resources, improve visitor mobility and accessibility and the visitor experience, reduce pollution and congestion, conserve energy, and increase coordination with gateway communities;

“(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide mass transportation systems to be operated by public or private mass transportation authorities, as determined by local and regional needs, and to encourage public-private partnerships; and

“(D) to assist in the research and development of improved mass transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of mass transportation services.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘Federal land management agency’ means the National Park Service, the United States Fish and Wildlife Service, or the Bureau of Land Management;

“(2) the term ‘national parks and related public lands’ means the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands managed by the Federal land management agencies;

“(3) the term ‘qualified participant’ means a Federal land management agency, or a State or local governmental authority, acting alone, in partnership, or with another Governmental or nongovernmental participant;

“(4) the term ‘qualified mass transportation project’ means a project—

“(A) that is carried out within or adjacent to national parks and related public lands; and

“(B) that—

“(i) is a capital project, as defined in section 5302(a)(1) (other than preventive maintenance activities);

“(ii) is any activity described in section 5309(a)(1)(A);

“(iii) involves the purchase of rolling stock that incorporates clean fuel technology or the replacement of existing buses with clean fuel vehicles or the deployment of mass transportation vehicles that introduce new technology;

“(iv) relates to the capital costs of coordinating the Federal land management agency mass transportation systems with other mass transportation systems;

“(v) involves nonmotorized transportation systems, including the provision of facilities for pedestrians and bicycles;

“(vi) involves the development of waterborne access within or adjacent to national parks and related public lands, including watercraft, as appropriate to and consistent with the purposes described in subsection (a)(3); or

“(vii) is any transportation project that—

“(I) enhances the environment;

“(II) prevents adverse impact on natural resources;

“(III) improves Federal land management agency resources management;

“(IV) improves visitor mobility and accessibility and the visitor experience;

“(V) reduces congestion and pollution, including noise and visual pollution;

“(VI) conserves natural, historical, and cultural resources (other than through the rehabilitation or restoration of historic buildings); and

“(VII) incorporates private investment; and

“(5) the term ‘Secretary’ means the Secretary of Transportation.

“(c) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—

“(1) IN GENERAL.—The Secretary shall develop a cooperative relationship with the Secretary of the Interior, which shall provide for—

“(A) the exchange of technical assistance;

“(B) interagency and multidisciplinary teams to develop Federal land management agency transportation policy, procedures, and coordination; and

“(C) the development of procedures and criteria relating to the planning, selection, and funding of qualified mass transportation projects, and implementation and oversight of the project plan in accordance with the requirements of this section.

“(2) PROJECT SELECTION.—The Secretary, after consultation and in cooperation with the Secretary of the Interior, shall determine the final selection and funding of projects in accordance with this section.

“(d) TYPES OF ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may contract for or enter into grants, cooperative agreements, or other agreements with a qualified participant to carry out a qualified mass transportation project under this section.

“(2) OTHER USES.—A grant or cooperative agreement or other agreement for a qualified mass transportation project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant or cooperative arrangement or other agreement to leasing arrangements that are more cost effective than purchase or construction.

“(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—The Secretary may not use more than 5 percent of the amount made available for a fiscal year under section 5338(j) to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified mass transportation project. Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

“(f) PLANNING PROCESS.—In undertaking a qualified mass transportation project under this section—

“(1) if the qualified participant is a Federal land management agency—

“(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with sections 5303 through 5305; and

“(B) the General Management Plans of the units of the National Park System shall be incorporated into the planning process;

“(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall comply with sections 5303 through 5305;

“(3) if the national parks and related public lands at issue lie in multiple States, there shall be cooperation in the planning process under sections 5303 through 5305, to the maximum extent practicable, as determined by the Secretary, between those States and the Secretary of the Interior; and

“(4) the qualified participant shall comply with the public participation requirements of section 5307(c).

“(g) GOVERNMENT'S SHARE OF COSTS.—

“(1) IN GENERAL.—The Secretary shall establish the Federal Government share of assistance to a qualified participant under this section.

“(2) CONSIDERATIONS.—In establishing the Government's share of the net costs of a qualified transportation project under paragraph (1), the Secretary shall consider—

“(A) visitation levels and the revenue derived from user fees in the national parks and related public lands at issue;

“(B) the extent to which the qualified participant coordinates with an existing public or private mass transportation authority;

“(C) private investment in the qualified mass transportation project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

“(D) the clear and direct benefit to a qualified participant assisted under this section; and

“(E) any other matters that the Secretary considers appropriate to carry out this section.

“(3) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the non-Federal share of the costs of any mass transportation project that is eligible for assistance under this section.

"(h) Selection of Qualified Mass Transportation Projects.—In awarding assistance for a qualified mass transportation project under this section, the Secretary shall consider—

"(1) project justification, including the extent to which the project would conserve the resources, prevent adverse impact, and enhance the environment;

"(2) the location of the qualified mass transportation project, to assure that the selection of projects—

"(A) is geographically diverse nationwide; and

"(B) encompasses both urban and rural areas;

"(3) the size of the qualified mass transportation project, to assure a balanced distribution;

"(4) historical and cultural significance of a project;

"(5) safety;

"(6) the extent to which the project would enhance livable communities;

"(7) the extent to which the project would reduce pollution, including noise and visual pollution;

"(8) the extent to which the project would reduce congestion and improve the mobility of people in the most efficient manner; and

"(9) any other matters that the Secretary considers appropriate to carry out this section.

"(i) Projects of Regional or National Significance.—

"(1) General authority.—In addition to other qualified mass transportation projects, the Secretary may select a qualified mass transportation project that is of regional or national significance, or that has significant visitation, or that can benefit from alternative transportation solutions to problems of resource management, pollution, congestion, mobility, and accessibility. Such projects shall meet the criteria set forth in paragraphs (1) through (4) of section 5309(e), as applicable.

"(2) Project selection criteria.—

"(A) Considerations.—In selecting a qualified mass transportation project described in paragraph (1), the Secretary shall consider, as appropriate, in addition to the considerations set forth in subsection (h)—

"(i) visitation levels;

"(ii) the use of innovative financing or joint development strategies;

"(iii) coordination with the gateway communities; and

"(iv) any other matters that the Secretary considers appropriate to carry out this subsection.

"(B) Certain locations.—For fiscal years 2000 through 2003, projects described in paragraph (1) may include the following locations:

"(i) Grand Canyon National Park.

"(ii) Zion National Park.

"(iii) Yosemite National Park.

"(iv) Acadia National Park.

"(C) Limit.—No project assisted under this subsection shall receive more than 12 percent of the total amount made available under this section in any fiscal year.

"(D) Full funding grant agreements.—A project assisted under this subsection whose net project cost is greater than $25,000,000 shall be carried out through a full funding grant agreement in accordance with section 5309(g).

"(j) Undertaking Projects in Advance.—

"(1) In general.—The Secretary may pay the Government's share of the net project cost to a qualified participant that carries out any part of a qualified mass transportation project without assistance under this section, and according to all applicable procedures and requirements, if—

"(A) the qualified participant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out that part of the project, the Secretary approves the plans and specifications in the same way as other projects assisted under this chapter.

"(2) Interest.—The cost of carrying out a part of a project referred to in paragraph (1) includes the amount of interest earned and payable on bonds issued by the State or local governmental authority, to the extent proceeds of the bond are expended in carrying out that part. However, the amount of interest under this paragraph may not exceed the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner that is satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) Cost change considerations.—The Secretary shall consider changes in project cost indices when determining the estimated cost under paragraph (2).

"(k) Project Management Oversight.—The Secretary may use not more than 0.5 percent of amounts made available under this section for a fiscal year to oversee projects and participants in accordance with section 5327.

"(l) Relationship to Other Laws.—

"(1) In general.—Except as otherwise specifically provided in this section, but subject to paragraph (2) of this subsection, the Secretary shall require that all grants, contracts, cooperative agreements, or other agreements under this section shall be subject to the requirements of sections 5307(d), 5307(i), and any other terms, conditions, requirements, and provisions that the Secretary determines are necessary or appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from the project assisted under this section.

"(2) Labor standards.—Sections 5323(a)(1)(D) and 5333(b) apply to assistance provided under this section.

"(m) State Infrastructure Banks.—A project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible mass transportation project under this chapter.

"(n) Asset Management.—The Secretary may transfer the Department of Transportation interest in and control over all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with property management rules and regulations of the department, agency, or instrumentality of the Federal Government.

"(o) Coordination of Research and Deployment of New Technologies.—The Secretary may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies that will conserve resources and prevent adverse environmental impact, improve visitor mobility, accessibility and enjoyment, and reduce pollution, including noise and visual pollution, in the national parks and related public lands. The Secretary may request and receive appropriate information from any source. This subsection does not limit the authority of the Secretary under any other provision of law.

"(p) Report.—The Secretary, in consultation with the Secretary of the Interior, shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate, on the allocation of amounts to be made available to assist qualified mass transportation projects under this section. Such reports shall be included in each report required under section 5309(p).".

(b) Authorizations.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

"(j) Section 5339.—

"(1) In general.—There is authorized to be appropriated to carry out section 5339 $50,000,000 for each of fiscal years 2000 through 2003.

"(2) Availability.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.".

(c) Conforming Amendment.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

"5339. Mass transportation in national parks and related public lands.".

(d) Technical Amendments.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356–357)) as subsection (p);

(2) in section 5328(a)(4), by striking "5309(o)(1)" and inserting "5309(p)(1)"; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal Transit Act of 1998 (112 Stat. 367)) as subsection (f).

Section-by-Section of the Transit in Parks Act

I. Amends Federal Transit laws by adding new section 5339, "Mass Transportation in National Parks and Related Public Lands."

II. Statement of Policies, Findings, and Purposes:

To encourage and promote the development of transportation systems for the betterment of national parks and related public lands and to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution and enhance visitor mobility and accessibility and the visitor experience.

To that end, this program establishes Federal assistance to certain Federal land management agencies and State and local governmental authorities to finance mass transportation capital projects, to encourage public-private partnerships, and to assist in the research and deployment of improved mass transportation equipment and methods.

III. Definitions:

(1) eligible "Federal land management agencies" are: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management (all under Department of the Interior).

(2) "national parks and related public lands": eligible areas under the management of these agencies.

(3) "qualified mass transportation project": a capital mass transportation project carried out within or adjacent to national parks and related public lands, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the national parks and related public lands and increase visitor mobility and accessibility.

IV. Federal Agency Cooperative Arrangements:

Implements the Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance, the development of transportation policy and coordination, and the establishment of criteria for planning, selection and funding of capital projects under this section. The Secretary of Transportation selects the projects, after consultation with the Secretary of the Interior.

V. Assistance:

To be provided through grants, cooperative agreements, or other agreements, including leasing under certain conditions, for an eligible capital project under this section. Not more than 5% of the amounts available can be used for planning, research and technical assistance, and these amounts can be supplemented from other sources.

VI. Planning Process:

The Departments of Transportation and the Interior shall cooperatively develop a planning process consistent with the TEA–21 planning process in sections 5303 through 5305 of the Federal Transit laws.

VII. Government's Share of the Costs:

In determining the Federal Transit Administration's share of the project costs, the Secretary of Transportation must consider certain factors, including visitation levels and user fee revenues, the coordination in the project development with a public or private transit authority, private investment, and whether there is a clear and direct financial benefit to the applicant. The intent is to establish criteria for a sliding scale of assistance, with a lower Government share for large projects that can attract outside investment, and a higher Government share for projects that may not have access to such outside resources. In addition, funds from the Federal land management agencies can be counted as the local share.

VIII. Selection of Projects:

The Secretary shall consider: (1) project justification, including the extent to which the project conserves the resources, prevents adverse impact and enhances the environment; (2) project location to ensure geographic diversity in both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities; (7) the reduction of pollution, including noise and visual pollution; (8) the reduction of congestion and the improvement of the mobility of people in the most efficient manner; and (9) any other considerations the Secretary deems appropriate. Projects funded under this section must meet certain transit law requirements.

IX. Projects of Regional or National Significance:

This is a special category that sets forth criteria for special, generally larger, projects or for those areas that may have problems of resource management, pollution, congestion, mobility, and accessibility that can be addressed by this program. Additional project selection criteria include: visitation levels; the use of innovative financing or joint development strategies; coordination with the gateway communities; and any other considerations the Secretary deems appropriate. Projects under this section must meet certain Federal Transit New Starts criteria. This section identifies some locations that may fit these criteria. Any project in this category that is $25 million or greater in cost will have a full funding grant agreement similar to Federal Transit New Starts projects. No project can receive more than 12% of the total amount available in any given year.

X. Undertaking Projects in Advance:

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted as the local share as long as certain conditions are met.

XI. Project Management Oversight:

This provision applies current transit law to this section, limiting oversight funds to 0.5% per year of the funds made available for this section.

XII. Relationship to Other Laws:

This provision applies certain transit laws to all projects funded under this section and permits the Secretary to apply any other terms or conditions he deems appropriate.

XIII. State Infrastructure Banks:

A project assisted under this section can also use funding from a State Infrastructure Bank or other innovative financing mechanism that funds eligible transit projects.

XIV. Asset Management:

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section in accord with certain Federal property management rules.

XV. Coordination of Research and Deployment of New Technologies:

This provision allows grants for research and deployment of new technologies to meet the special needs of the national park lands.

XVI. Report:

This requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

XVII. Authorization:

$50,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2000 through 2003.

XVIII. Technical Amendments:

Technical corrections to the transit title in TEA–21.

AMERICAN PUBLIC
TRANSIT ASSOCIATION,
Washington, DC, January 25, 1999.

Hon. PAUL S. SARBANES,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: Thank you for forwarding us a copy of the "Transit in Parks (TRIP) Act" which would amend federal transit law at chapter 53, title 49 U.S.C.

The Act would authorize federal assistance to certain federal agencies and state and local entities to finance mass transit projects generally for the purpose of addressing transportation congestion and mobility issues at national parks. Among other things, the bill would implement the Memorandum of Understanding between the Departments of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

We strongly supported that Memorandum of Understanding, and I am just as pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle APTA has been advocating for many years. In that regard, we will be reviewing your bill with APTA's legislative leadership.

We also look forward to participating in the study of these issues you were successful in including in TEA 21.

I applaud you for introducing the legislation, and look forward to continuing to work with you and your staff. Let us know what we can do to help your initiative!

Sincerely yours,

WILLIAM W. MILLAR,
President.

FEBRUARY 24, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: This letter expresses our support for the legislation you are introducing, the Transit in Parks Act, which provides a direct funding source for alternative transportation projects in our national parks and other federally-managed public lands. As you know, many of these areas are experiencing unprecedented numbers of visitors resulting in severe traffic congestion and degradation of some of the country's most valuable and treasured natural, cultural and historic resources.

Your bill's establishment of a new program within the Federal Transit Administration, dedicated to enhancing transit options in and adjacent to these park lands, can have a powerful, positive effect on the future integrity of the park lands and their resources by reducing the need for access by automobile, improving visitor access, and enhancing the visitor experience.

We appreciate your leadership, which has been critical in bringing attention to this emerging issue. The programs funded through TRIP will be a major building block in what we hope will be a broad effort to lessen the impacts of visitation on these most important natural areas. We look forward to working with you to move this legislation to enactment.

Sincerely,

American Planning Association; American Public Transit Association; Bicycle Federation of America; Community Transportation Association of America; Environmental Defense Fund; Environmental and Energy Study Institute; Friends of the Earth; Izaak Walton League of America; National Association of Counties; National Trust for Historic Preservation; Natural Resources Defense Council; Rails-to-Trails Conservancy; Scenic America; Surface Transportation Policy Project; The Wilderness Society.

NATIONAL PARKS AND
CONSERVATION ASSOCIATION,
Washington, DC, March 9, 1999.

Hon. PAUL SARBANES,
Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Parks and Conservation Association (NPCA) and its nearly 400,000 members, I want to thank you for proposing a bill that will enhance transit options for access to and within our national parks. NPCA applauds your leadership and foresight in recognizing the critical role that mass transit can play in protecting our parks and improving the visitor experience.

Visitation to America's national parks has skyrocketed during the past two decades, from 190 million visitors in 1975 to approximately 270 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to the parks. As more and more individuals crowd into our national parks—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Federal Transit Administration dedicated to enhancing transit options in and adjacent to the national parks will have a powerful, positive effect on the future ecological and cultural integrity of the parks. Your initiative will boost the role of alternative transportation solutions for national parks, particularly those most heavily impacted by visitation such as Yellowstone, Yosemite, the Grand Canyon, Acadia, Zion, and the Great Smoky Mountains. For instance, development of transportation centers and auto parking lots outside the parks, complemented by the use of buses, vans, or rail systems, would provide much more efficient means of handling the crush of visitation.

Equally important, the legislation will provide an excellent opportunity for the National Park Service (NPS) to enter into public/private partnerships with states, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that NPS currently has great difficulty accessing.

NPCA wholeheartedly endorses your bill as a creative new mechanism to fulfill the primary mission of the National Park System: "to conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

We look forward to working with you to move this legislation to enactment.

Sincerely,

THOMAS C. KIERNAN,
President.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, February 2, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR PAUL SARBANES: On behalf of the 450,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in the degradation of national park natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks as your bill would do is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system in many of our national parks will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Improved transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze which too often obliterates park vistas. To reduce the reliance on automobiles your bill would authorize the funding so our national parks can provide efficient and convenient transit systems which cost money to build and operate.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish public transit in the national parks.

Sincerely

CHARLES M. CLUSEN,
Senior Policy Analyst.

ENVIRONMENTAL DEFENSE FUND,
New York, NY, February 3, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: I am writing on behalf of the Environmental Defense Fund and our 300,000 members to express support for your bill, the Transit in Parks Act, which will provide dedicated funding for transit projects in our national parks. Too many of our parks suffer from the consequences of poor transportation systems: traffic congestion, air and water pollution, and disturbance of natural ecosystems.

Increased funding for attractive and effective transit services to and within our national parks is essential to mitigating these growing problems. A good working transit system in a number of our national parks will make the park experience not only more enjoyable for the many families that travel there, it will help improve environmental conditions. Having had the chance to experience the excellent transit system in Denali National Park, I know how much of a difference these systems can make.

Air pollutants that exacerbate respiratory health problems, damage vegetation, and contribute to haze which too often obliterates the views at our parks, will be abated by decreasing the number of cars and congestion levels in the parks. Improved transit related to our parks is key to diversifying transportation choices and access for the benefit of all who might visit our national park system.

We appreciate your leadership on this issue and your dedication to the health of our national parks. We look forward to working with you to move your legislation forward.

Yours truly,

FRED KRUPP,
Executive Director.

COMMUNITY TRANSPORTATION
ASSOCIATION OF AMERICA
Washington, DC, February 22, 1999.

Hon. PAUL SARBANES,
Committee on Banking and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: It is an honor to once again support your efforts to provide alternative transportation strategies in our national parks and other public lands. Our Association's over thirteen hundred members provide public and community transportation in many of the smaller communities which border these national treasures. We supported your proposal last year because we know as neighbors of these facilities how transportation alternatives will help keep these areas safe in the twenty-first century.

All of us know the danger that congestion and the increase in traffic pose for the future of these sites and locations. Your efforts in the past, and more importantly this year, are an important step forward to establish a dialogue on protecting these areas that help make America's natural beauty a continuous part of the nation's future. This work was urgent last year and it remains urgent today. We support your efforts because our need to begin is obviously overdue. Every day that we fail to protect these areas diminishes their future.

We will work with you any way we can to help make your proposed Transit in Parks legislation a reality. We look forward to helping you move this important work forward.

Sincerely,

DALE J. MARSICO,
Executive Director.

By Mr. KYL (for himself and Mr. BRYAN):

S. 692. A bill to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

INTERNET GAMBLING PROHIBITION ACT

• Mr. KYL. Mr. President, I rise to introduce the Internet Gambling Prohibition Act.

From the beginning of time, societies have sought to prohibit most forms of gambling. There are reasons for this—and they are especially applicable to gambling on the Internet today. Consider the following.

Youth. A recent New York Times article warned that "Internet sports betting entices youthful gamblers into potentially costly losses." In the same article, Kevin O'Neill, deputy director of the Council on Compulsive Gambling of New Jersey, said that "Internet sports gambling appeals to college-age people who don't have immediate access to a neighborhood bookie. . . . It's on the Net and kids think it's credible, which is scary."

Listen to the testimony of Jeff Pash, the Executive Vice President of the National Football League, before the Senate Judiciary Committee: "Studies . . . indicate that sports betting is a growing problem for high school and college students. . . . As the Internet reaches more and more school children, Internet gambling is certain to promote even more gambling among young people."

Families. Gambling often has terrible consequences for families and communities. According to the Council on Compulsive Gambling, five percent of all gamblers become addicted. Many of those turn to crime and commit suicide. We all pay for those tragedies.

Harm to Businesses and the Economy. Internet gambling is likely to have a deleterious effect on businesses and the economy. As Ted Koppel noted in a "Nightline" feature on Internet gambling, "[l]ast year, 1,333,000 American consumers filed for bankruptcy, thereby eliminating about $40 billion in personal debt. That's of some relevance to all of us because the $40 billion debt doesn't just disappear. It's redistributed among the rest of us in the form of increased prices on consumer goods. . . ." He continued: "If anything promises to increase the level of personal debt in this country, expanding access to gambling should do it."

Professor John Kindt testified before the House Small Business Committee that a business with 1,000 workers can anticipate increased personnel costs of $500,000 a year due to job absenteeism and declining productivity simply by having various forms of legalized gambling accessible.

Addiction. Internet gambling enhances the addictive nature of gambling because it is so easy to do: you don't have to travel; you can just log on to your computer. Professor Kindt has described electronic gambling, like the type being offered in the "virtual casinos" on the Internet, as the "hard-core cocaine of gambling."

As Bernie Horn, the Executive Director of the National Coalition Against Legalized Gaming, testified before the House Judiciary Subcommittee on Crime: "The Internet not only makes highly addictive forms of gambling easily accessible to everyone, it magnifies the potential destructiveness of the addiction. Because of the privacy of an individual and his/her computer terminal, addicts can destroy themselves without anyone ever having the chance to stop them.

Unfair payouts. As Wisconsin Attorney General James Doyle testified before the Senate Judiciary Committee, "[b]ecause [Internet gambling] is unregulated, consumers don't know who is on the other end of the connection. The odds can be easily manipulated and there is no guarantee that fair payouts will occur." "Anyone who gambles over the Internet is making a sucker bet," says William A. Bible, the chair of an Internet gambling subcommittee on the National Gambling Impact Study Commission.

Crime. Further, gambling on the Internet is apt to lead to criminal behavior. Indeed, "Up to 90 percent of pathological gamblers commit crimes to pay off their wagering debts." A University of Illinois study found that for every dollar that states gain from gambling, they pay out three dollars in social and criminal costs.

Cost. According to an article in the March 1999 ABA Journal, "Online wagering is generating a $600-million-a-year kitty that some analysts say could reach as high as $100 billion a year by 2006." I want to repeat that: "$100 BILLION a year." The article continues: "The number of Web sites offering Internet gambling is growing at a similar rate. In just one year, that number more than quadrupled, going from about 60 in late 1997 to now more than 260 according to some estimates." And a recent HBO in-depth report by Jim Lampley noted that virtual sports books will collect more money from the Super Bowl than all the sports books in Las Vegas combined.

This affects all of us.

Not every problem that is national is also necessarily federal. Internet gambling is a national problem AND a federal problem. The Internet is, of course, interstate in nature. States cannot protect their citizens from Internet gambling if anyone can transmit it into their states. That is why the State Attorneys General asked for federal legislation to prohibit Internet gambling. In a letter to the Judiciary Committee members, the Chairs of the Association's Internet Working Group stressed the need for federal involvement: "[M]ore than any other area of the law, gambling has traditionally been regulated on a state-by-state basis, with little uniformity and minimal federal oversight. The availability of gambling on the Internet, however, threatens to disrupt each state's careful balancing of its own public welfare and fiscal concerns, by making gambling available across state and national boundaries, with little or no regulatory control."

Further, in reaffirming his support for the bill, the former President of NAAG, Wisconsin Attorney General Jim Doyle, wrote: "Internet gambling poses a major challenge for state and local law enforcement officials. I strongly support Senator Kyl's Internet Gambling Prohibition Act. Prohibiting this form of unregulated gambling will protect consumers from fraud and preserve state policies on gambling that have been established by our citizens and our legislators."

In 1961, Congress passed the Wire Act to prohibit using telephone facilities to receive bets or send gambling information. [18 U.S.C. §1084.] In addition to penalties imposed upon gambling businesses that violate the law, the Wire Act gives local and state law enforcement authorities the power to direct telecommunication providers to discontinue service to proprietors of gambling services who use the wires to conduct illegal gambling activity. But, as pointed out in the March 1999 ABA Journal, "The problem with current federal law is that the communications technology it specifies is dated and limited." The advent of the Internet, a communications medium not envisioned by the Wire Act, requires enactment of a new law to address activities in cyberspace not contemplated by the drafters of the older law.

The Internet Gambling Prohibition Act ensures that the law keeps pace with technology. The bill bans gambling on the Internet, just as the Wire Act prohibited gambling over the wires. And it does not limit the subject of gambling to sports. The bill is similar to the one that the Senate, by an overwhelming 90–10 vote, attached to the Commerce-Justice-State Appropriations bill last year. Let me take a moment to explain the bill.

The bill covers sports gambling and casino games. Businesses that offer gambling over the Internet can be fined in an amount equal to the amount that the business received in bets via the Internet or $20,000, whichever is greater, and/or imprisoned for not more than four years. To address concerns raised by the Department of Justice, the bill (like the Wire Act) does not contain penalties for individual bettors. Such betting will, of course, still be the subject of state law.

The bill contains a strong enforcement mechanism. At the request of the United States or a State, a district court may enter a temporary restraining order or an injunction against any person to prevent a violation of the bill, following due notice and based on a finding of substantial probability that there has been a violation of the law. In effect, the illegal website will have its service cut off. I have worked with the Internet service providers to address concerns they raised about how they would cut off service, and, as a result, the provisions dealing with the civil remedies have been revised along the lines of the WIPO legislation.

In sum, the Internet Gambling Prohibition Act brings federal law up to date. With the advent of new, sophisticated technology, the Wire Act is becoming outdated. The Internet Gambling Prohibition Act corrects that problem.

I would like to take a moment to review the consideration of the bill during the last Congress. In July 1997, the Judiciary Subcommittee on Technology held a hearing on S. 474. A wide variety of people testified in support of the legislation: Senator RICHARD BRYAN; Wisconsin Attorney General Jim Doyle, the then-President of the National Association of Attorneys General; Jeff Pash, Counsel to the National Football League; Ann Geer, Chair of the National Coalition Against Gambling Expansion; and Anthony Cabot, professor at the International Gaming Institute.

Ann Geer stated that "Internet gambling would multiply addiction exponentially, increasing access and magnifying the potential destructiveness of the addiction. Addicts would literally click their mouse and bet the house."

As I noted earlier, Wisconsin Attorney General James Doyle testified that "gambling on the Internet is a very dumb bet. Because it is unregulated . . . odds can be easily manipulated and there is no guarantee that fair payouts will occur. . . . Internet gambling threatens to disrupt the system. It crosses state and national borders with little or no regulatory control. Federal authorities must take the lead in this area."

Additionally, in June, the Judiciary Committee held a hearing on FBI oversight at which I said to FBI Director Louis Freeh: "the testimony from other Department of Justice and FBI witnesses has supported our legislation to conform the crime of gambling on the Internet to existing law. And I would just like a reconfirmation of the FBI's support for that legislation." Director Freeh replied "yes, I think it's a very effective change. We certainly support it."

The Judiciary Subcommittee on Technology passed S. 474 by a unanimous poll and sent the bill to the full Committee for consideration. The Judiciary Committee passed S. 474 by voice vote.

In July 1998, by a 90 to 10 vote, the Internet Gambling Prohibition Act was attached to the Commerce-Justice-State Appropriations bill. In the House, the bill passed Representative McCOLLUM's Crime Subcommittee unanimously, but due to the lateness of the session, the bill failed to move farther in the House and was not included in the final CJS bill.

The bill has broad bipartisan support in Congress and the strong support of law enforcement. As I just mentioned, FBI Director Freeh has testified that the bill makes a "very effective change" to the law and the National Association of Attorneys General sent a letter supporting S. 474 to all Senators.

Further, the President of NAAG, Wisconsin Attorney General Jim Doyle, wrote a letter expressing his support of the bill: "Internet gambling poses a major challenge for state and local law enforcement officials. I strongly support Senator KYL's Internet Gambling Prohibition Act. Prohibiting this form of unregulated gambling will protect consumers from fraud and preserve state policies on gambling that have been established by our citizens and our legislators."

Florida Attorney General Bob Butterworth also wrote a letter stressing the support of the states for this bill: "The adoption of a resolution on this issue by NAAG represents overwhelming support from the states for a bill which, in essence, increases the federal presence in an area of primary state concern. However, it is clear that the federal government has an important role in this issue which crosses state as well as international boundaries."

In the 105th Congress, S. 474 was strongly supported by professional and amateur sports. The National Football League, the National Collegiate Athletic Association, the National Hockey League, the National Basketball Association, Major League Soccer, and Major League Baseball sent a joint letter of support to all Senators.

I would like to read a passage from this letter:

> Despite exiting federal and state laws prohibiting gambling on professional and college sports, sports gambling over the Internet has become a serious—and growing—national problem. Many Internet gambling operations originate from offshore locations outside the U.S. The number of offshore Internet gambling websites has grown from two in 1996 to over 70 today. It is estimated that Inernet sites will book over $600 million in sports bets in 1998, up from $60 million just two years ago. These websites not only permit offshore gambling operations to solicit and take bets from the United States in defiance of federal and state law but also enable gamblers and would-be gamblers in the U.S. to place illegal sports wagers over the Internet from the privacy of their own home or office.

The letter concludes: "We strongly urge you to vote in favor of S. 474 when it is considered on the Senate floor."

On behalf of the NCAA, Bill Saum testified in February before the National Gambling Impact Study Commission on the dangers of Internet gambling:

> Internet gambling provides college students with the opportunity to place wagers on professional and college sporting events from the privacy of his or her campus residence. Internet gambling offers the student virtual anonymity. With nothing more than a credit card, the possibility exists for any student-athlete to place a wager via the Intenet and then attempt to influence the outcome of the contest while participating on the court or the playing field. There is no question the advent of Internet sports gambling poses a direct threat to all sports organizations that, first and foremost, must ensure the integrity of each contest played.

Today, in the Judiciary Subcommittee on Technology, I chaired a hearing on Internet gambling. The testimony in today's hearing confirmed that Internet gambling is addictive, accessible to minors, subject to fraud and other criminal use, and evasive of state gambling laws. State Attorneys General from Wisconsin and Ohio asked for federal legislation to address the mushrooming problem of online gambling, and representatives of the National Football League and the National Collegiate Athletic Association expressed their concerns over the effect of Internet gambling on athletes, fans, and the integrity of sporting contests.

Mr. President, I would like to thank Senator BRYAN for his hard work on this bill. His support and assistance have been invaluable. I would also like to extend a special thanks to the NFL, NCAA, and the National Association of Attorneys General.

The Internet offers fantastic opportunities. Unfortunately, some would exploit those opportunities to commit crimes and take advantage of others. Indeed, as Professor Kindt stated on "Nightline," "Once you go to Internet gambling, you've maximized the speed you've maximized the acceptability and the accessibility. It's going to be in-your-face gambling, which is going to have severe detrimental effects to society. . . . it's the crack cocaine of creating new pathological gamblers."

Internet gambling is a serious problem. Society has always prohibited most forms of gambling because it can have a devastating effect on people and families, and it often leads to crime and other corruption. The Internet Gambling Prohibition Act will curb the spread of online gambling.●

ADDITIONAL COSPONSORS

S. 195

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 195, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit.

S. 317

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Virginia (Mr. ROBB), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 459

At the request of Mr. BREAUX, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 459, a bill to amend the

Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 531

At the request of Mr. ABRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 579

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 579, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia.

S. 629

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 629, a bill to amend the Federal Crop Insurance Act and the Agricultural Market Transition Act to provide for a safety net to producers through cost of production crop insurance coverage, to improve procedures used to determine yields for crop insurance, to improve the noninsured crop assistance program, and for other purposes.

S. 635

At the request of Mr. MACK, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. MACK), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE RESOLUTION 48

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of Senate Resolution 48, a resolution designating the week beginning March 7, 1999, as "National Girl Scout Week."

SENATE RESOLUTION 71

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of Senate Resolution 71, a resolution expressing the sense of the Senate rejecting a tax increase on investment income of certain associations.

SENATE RESOLUTION 73—CONGRATULATING THE GOVERNMENT AND THE PEOPLE OF EL SALVADOR ON SUCCESSFULLY COMPLETING FREE AND DEMOCRATIC ELECTIONS

Mr. DEWINE (for himself, Mr. COVERDELL, Mr. GRAHAM, Mr. DODD, and Mr. ROBB) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 73

Whereas on March 7, 1999, the Republic of El Salvador successfully completed its second democratic multiparty elections for President and Vice President since the signing of the 1992 peace accords;

Whereas these elections were deemed by international and domestic observers to be free and fair and a legitimate nonviolent expression of the will of the people of the Republic of El Salvador;

Whereas the United States has consistently supported the efforts of the people of El Salvador to consolidate their democracy and to implement the provisions of the 1992 peace accords;

Whereas these elections demonstrate the strength and diversity of El Salvador's democratic expression and promote confidence that all political parties can work cooperatively at every level of government; and

Whereas these open, fair, and democratic elections of the new President and Vice President should be broadly commended: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Government and the people of the Republic of El Salvador for the successful completion of democratic multiparty elections held on March 7, 1999, for President and Vice President;

(2) congratulates President-elect Francisco Guillermo Flores Perez and Vice President-elect Carlos Quintanilla Schmidt on their recent victory and their continued strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates El Salvadoran President Armando Calderón Sol for his personal commitment to democracy, which has helped in the building of national unity in the Republic of El Salvador;

(4) commends all Salvadoran citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in El Salvador;

(5) supports Salvadoran attempts to continue their cooperation in order to ensure democracy, national reconciliation, and economic prosperity; and

(6) reaffirms that the United States is unequivocally committed to encouraging democracy and peaceful development throughout Central America.

• Mr. DEWINE. Mr. President, I rise today to submit a resolution on El Salvador along with Senators COVERDELL, GRAHAM and DODD. This resolution congratulates the government and the people of El Salvador on successfully completing free and democratic elections on March 7, 1999.

On March 7, 1999 the Republic of El Salvador successfully completed its second democratic multiparty election since the signing of the peace accords in 1992. These elections, like the legislative elections in 1997 and the Presidential elections in 1994, were deemed free and fair by domestic and international observers. Moreover, the elections were conducted in an environment of peace, where all parties contested for the right to govern in a spirited political campaign.

This resolution today commends the government of El Salvador and most importantly the people of the country, who thought their participation in the political process have demonstrated the strength and diversity of El Salvador's democratic expression. It also congratulates Mr. Francisco Flores, President-elect, and Vice President-elect, Mr. Carlos Quintanilla-Schmidt for their electoral victory and for their commitment to democracy and to the continued progress of El Salvador.

This election further consolidates El Salvador's dramatic transformation in the seven short years since the signing of the peace accords. Today, El Salvador has moved from a country racked by civil war into a stable multiparty democracy. The country has attained a balance of power among the Executive, Judicial and Legislative Branches. It has enacted measures to guarantee the full respect of human rights and fundamental freedoms, and has adopted policies that strengthen municipal governments and provide much-needed social services to local communities.

The country has also undergone an equally dramatic economic transformation. Its economy, which suffered decades of decline, has become one of the fastest growing economies in the region. For the past eight years, the GDP in El Salvador has averaged 5.3 percent. Inflation, which averaged above 20 percent prior to 1992, now tops at 1.5 percent. El Salvador's privatization program is one of the most successful in the region. Moreover, it is considered today one of the best sovereign credit risks in Latin America.

All of these accomplishments are testament to the will of the Salvadoran people to put their past behind them and focus on creating a future of social stability and economic prosperity. It is also a testament to the political leadership of the Salvadoran government. When President Calderon Sol took office five years ago, he had the responsibility to assure full compliance with the peace accords, as well as keep the economy of El Salvador on the path of economic reform. He deserves today to be applauded by this body of Congress for his accomplishments and for leading his country successfully into the 21st century.

El Salvador's dramatic transformation is not unlike the changes that have taken place across Central America. Today marks the first time in the history of the region that all of Central America is at peace, implementing free market reforms and led by Democratic governments. For those of us who were in Congress during the 1980s, we know what a remarkable feat this is and how significant it is that we can today, in a bipartisan fashion, applaud the consolidation of democracy in El Salvador.

We should not take the strides that the region has taken for granted. The devastation brought by Hurricane Mitch has dealt a severe blow to the fortunes of the region. History has shown that natural disasters can be the breeding grounds for civil and political unrest and the erosion of civil liberties. I urge my colleagues to support the emergency aid package to the region that is currently on the Senate floor for debate. In addition, IO ask that we also pass the CBI enhancement bill so that these countries also have the opportunity to help themselves.

Mr. President, I congratulate and commend the people of El Salvador for continuing to move forward in a way that will bring our hemisphere together—and increase the likelihood that for all of us, the 21st century will be a time of peace, freedom, and prosperity.

SENATE CONCURRENT RESOLUTION 21—AUTHORIZING THE PRESIDENT OF THE UNITED STATES TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

Mr. BIDEN (for himself, Mr. WARNER, Mr. LEVIN, Mr. BYRD, Mr. MCCONNELL, Mr. HAGEL, Mr. STEVENS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. ROBB) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO PROMOTING COVERAGE OF INDIVIDUALS UNDER LONG-TERM CARE INSURANCE

Mr. DODD (for himself and Mr. GRASSLEY) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. RES. 22

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PROMOTION OF COVERAGE OF INDIVIDUALS UNDER LONG-TERM CARE INSURANCE.

(a) FINDINGS.—Congress finds the following:

(1) As the baby boom generation begins to retire, funding social security and medicare will put a strain on the financial resources of younger Americans.

(2) Medicaid was designed as a program for the poor, but in many States medicaid is being used for middle income elderly people to fund long-term care expenses.

(3) In the coming decade, people over age 65 will represent 20 percent or more of the population, and the proportion of the population composed of individuals who are over age 85, and most likely to need long-term care, may double or triple.

(4) With nursing home care now costing an average of $40,000 to $50,000 per year, long-term care expenses can have a catastrophic effect on families, wiping out a lifetime of savings before a spouse, parent, or grandparent becomes eligible for medicaid.

(5) Many people are unaware that most long-term care costs are not covered by medicare and that medicaid covers long-term care only after the person's assets have been exhausted.

(6) Widespread use of private long-term care insurance has the potential to protect families from the catastrophic costs of long-term care services while, at the same time, easing the burden on medicaid as the baby boom generation ages.

(7) The Federal Government has endorsed the concept of private long-term care insurance by establishing Federal tax rules for tax-qualified policies in the Health Insurance Portability and Accountability Act of 1996.

(8) The Federal Government has ensured the availability of quality long-term care insurance products and sales practices by adopting strict consumer protections in the Health Insurance Portability and Accountability Act of 1996.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by rapidly increasing long-term care costs and about the need for families to plan for their long-term care needs;

(2) the Federal Government should take all appropriate steps to inform the public that medicare does not cover most long-term care costs and that medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(3) the Federal Government should take all appropriate steps not only to encourage employers to offer private long-term care insurance coverage to employees, but also to encourage both working-aged people and older citizens to obtain long-term care insurance either through their employers or on their own;

(4) appropriate committees of Congress, together with the Department of Health and Human Services and other appropriate executive branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the congressional tax-writing committees, together with the Department of the Treasury, should determine whether modification of the tax rules for long-term care insurance is necessary to ensure that the rules adequately facilitate the affordability of long-term care insurance.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSION

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Public Health will be held on, March 25, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Bioterrorism. For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Emerging Threats and Capabilities be authorized to meet at 2:30 p.m. on Tuesday, March 23, 1999, in open session, to receive testimony on the proliferation threat and the Department of Defense's program and policies to counter it.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, March 23, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 2:30 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 23, 1999 at 9 a.m.–1 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Aging of the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 2 p.m. to receive testimony on the Older Americans Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 23, 1999 at 12 noon to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 23, 1999, to conduct a hearing on "Management Challenges at HUD."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Tuesday, March 23, 1999, for a hearing on the topic of "Securities Fraud On The Internet."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee be authorized to hold a hearing during the session of the Senate on Tuesday, March 23, 1999 at 10 a.m. in room 226, Senate Dirksen Office Building, on "Internet Gambling."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 1999 JAMES MADISON PRIZE

• Mr. MOYNIHAN. Mr. President, this past Friday, the Society for History in the Federal Government awarded its annual James Madison prize for the most distinguished article on an historical topic "reflecting on the functions of the Federal Government." This year, the award was presented to a member of my staff, Mark A. Bradley, for an article he wrote on the disappearance of the U.S.S. *Scorpion* (SSN 589).

The *Scorpion* was a Skipjack class nuclear submarine. In 1968, after a Mediterranean deployment with the 6th Fleet, the *Scorpion* was lost with all hands aboard about 400 miles of the Azores. It had been on a secret intelligence mission and the exact circumstances of the tragedy continue to be debated. Mr. Bradley's article recounts the events that led to the loss of the *Scorpion* and offers an insightful explanation of what might have caused the accident.

Our own Senator ROBERT C. BYRD for his masterly work on the Senate, historian Ira Berlin for his work on Emancipation in the American South, and the Manuscript Division of the Library of Congress, for its W. Averell Harriman project are all past Society for History in the Federal Government award winners.

As a Rhodes scholar, Mr. Bradley is no stranger to distinguished awards. He is an accomplished historian who, in his spare time, serves as the Associate Editor of Periodical, the Journal of America's Military Past, where his award winning article, "Submiss: The Mysterious Death of the USS *Scorpion* (SSN 589) appeared. We are proud of him and thankful that he has chosen to apply his talents here in the Senate in the service of the nation.

I ask that a portion of his award winning article be printed in the RECORD and intend to have the remainder of the article printed in the RECORD over the next several days.

The material follows:

SUBMISS: THE MYSTERIOUS DEATH OF THE U.S.S. "SCORPION" (SSN 589)

(By Mark Bradley)

At around midnight on May 16, 1968, U.S.S. *Scorpion* (SSN 589) slipped quietly through the Straits of Gibraltar and paused just long enough off the choppy breakwaters of Rota, Spain, to rendezvous with a boat and offload two crewmen and several messages. A high performance nuclear attack submarine with 99 men aboard, the *Scorpion* was on her way home to Norfolk, Virginia, after completing three months of operations in the Mediterranean with vessels from the Sixth Fleet and NATO. Capable of traveling submerged at over 30 knots, she expected to reach her home port within a week.

Upon entering the Atlantic, the *Scorpion* fell under the direct operational control of Vice Admiral Arnold Schade, the commander of the U.S. Navy's Atlantic Submarine Fleet. On May 20, he issued a still-classified operations order to the submarine that diverted her from her homeward trek and required her to move toward the Canary Islands and a small formation of Soviet warships that had gathered southwest of the islands. Under U.S. Naval air surveillance since May 19, this flotilla consisted of one Echo-II class nuclear submarine, a submarine rescue vessel, and two hydrographic surveys ships. Three days later, a missile destroyer capable of firing nuclear surface-to-surface missiles and an oiler joined the group.

At approximately 7:54 p.m. Norfolk time on May 21, the *Scorpion* rose to within a few feet of the rolling surface, extended her antenna, and radioed the U.S. Naval Communication Station in Greece. Her radioman reported that she was 250 miles southwest of the Azores Islands and estimated her time of arrival in Norfolk to be 1 p.m. on May 27. On that day, as the families of the crew gathered on Pier 22 in a driving rain and waited for their husbands and fathers to surface off the Virginia capes, the captain of the U.S.S. *Orion*, who was the acting commander of Submarine Squadron 6, the *Scorpion*'s unit, told Schade what the Vice Admiral secretly knew: the *Scorpion* had failed to respond to routine messages about tug services and her berthing location. After an intensive effort to communicate with the submarine failed, Schade declared a SUBMISS at 3:15 p.m. and launched a massive hunt.

Numbering over fifty ships, submarines and planes, the searchers retraced the *Scorpion*'s projected route to Norfolk and found nothing. What most in the Navy, including the crew's families, did not know was that Schade already had organized a secret search for the submarine on May 24 after she had failed to respond to a series of classified messages and, by May 28, he and others in the service's command believed the *Scorpion* had been destroyed. Highly classified hydrophone data indicated to them that she had suffered a catastrophic explosion on May 22 and had been crushed as she twisted to the ocean's floor.

On June 5, the Navy officially declared the submarine presumed lost and her crew dead. On June 4, the service's high command had established a formal court of inquiry chaired by Vice Admiral Bernard Austin (Ret), who also had headed the Navy's investigation into the 1963 loss of U.S.S. *Thresher* which had cost the lives of 129 men. After evaluating nearly 50 days of testimony, the Court concluded that it could not determine the exact cause for the *Scorpion's* loss. On October 28, 1968, the Navy found the *Scorpion's* shaattered remains in over 11,000 feet of water approximately 400 miles southwest of the Azores Islands. On November 6 Admiral Austin reconvened his court, which studied thousands of photographs taken of the wreckage by U.S.N.S. *Mizar*. After two more months of investigation, the Court again held that it could not determine precisely how the submarine had been destroyed.

Frustrated by their lack of any clear answers, the Navy's high command turned to the *Trieste II*, a specially designed deep water submersible capable of plunging down to the gravesite. Between 2 June and 2 August 1969, this bathyscape made nine dives to the *Scorpion*, photographing and diagramming her broken corpse. Although these efforts provided a clearer view of where she was and in what condition, they again failed to tell what had happened to one of the service's most elite warships. After thirty years, the *Scorpion's* fate still remains shrouded in mystery, a not so ironic end for a member of the silent service that spent her life on the shadowy front lines of the Cold War.

Launched on December 19, 1959, and commissioned on July 29, 1960, the *Scorpion* was built by General Dynamics' Electric Boat Division in Groton, Connecticut. One of six Skipjack class nuclear attack submarines, which combined a tear drop-shaped hull with a S5W reactor, the 252 foot *Scorpion* was capable of traveling over 20 knots while on the surface and over 30 knots while submerged. Her top underwater speed was more than 8 knots faster than that of U.S.S. *Nautilus*, the world's first nuclear submarine, launched in 1954, and twice that of the best World War II German U-boats. While the Nazis' Type XXI submarine, completed in 1944 could travel at a top speed of 16.7 knots for 72 minutes without resurfacing, the *Scorpion* could easily travel submerged at top speed for 70 days. These capabilities for high underwater speed and unlimited endurance gave the Navy new tactical abilities undreamed of in 1941–1945.

Although World War II had witnessed two great submarine campaigns, the first in the Atlantic where the Germans tried to sever England's supply lines and the second in the Pacific where the Americans assaulted the Japanese merchant fleet, the submarines of that period were strikingly similar to their World War I counterparts in submerged speed and endurance. Dependent upon diesel oil while traveling on the surface and batteries while underneath, these submarines were forced to spend the bulk of their time above water recharging, only submerging once they had spotted a target. Their reliance on two propulsion systems made them easy prey for air and surface attacks. Only near the war's end did Hitler's U-boats experiment with snorkels and more powerful batteries, and American submarines regularly employ sonar and radar. Even with these innovations, the United States Navy still lost nearly one-fifth of its submarine force while fighting in both theaters. The dropping of the atomic bomb changed all this and made possible not only one fuel system but also much greater underwater speed and endurance.

The Navy quickly seized upon these new capabilities and deployed its nuclear submarines in a variety of missions, particularly in gathering intelligence about the Soviet fleet. In 1959, President Dwight Eisenhower approved one of the most closely guarded intelligence operations ever mounted by the United States. Code named Operation HOLYSTONE, its original purpose was to use specially equipped submarines to penetrate Soviet waters to observe missile launches and capture readouts of their computer calculations. Later, they also were used to photograph and gather highly sensitive configuration and sound data on the Russian navy, particularly its submarines. This information was then used by intelligence analysts to track hostile warships by listening to their noise patterns and sound signatures.

While the *Scorpion* specialized in developing undersea nuclear warfare tactics, she also was used to collect intelligence. For instance, in the late winter and early spring of 1966, and again that fall, she was engaged in what the Navy has called "special operations." Her then-commanding officer received the Navy's commendation medal for outstanding service. Although much about her last mission remains a mystery—five out of the last nine messages sent to her between May 21 and May 27 from Norfolk are still classified top secret—it seems likely that the *Scorpion* was engaged in or had just completed a highly sensitive intelligence operation when she was lost.

According to the first Court of Inquiry's sanitized declassified report, the *Scorpion* had been diverted to shadow a Soviet flotilla engaged in a "hydroacoustic" operation. This means the Russians were also collecting and analyzing information derived from the acoustic waves radiated by unfriendly ships and submarines. The Navy would have been greatly interested in any activity of this sort, particularly given the Soviets' location off the Canary Islands and near the Straits of Gibraltar, the gateway to the Mediterranean.

The Soviets also may have been trying to gather intelligence on the Americans' highly secretive Sound Underwater Surveillance System (SOSUS), an elaborate global network of fixed sea bottom hydrophones that listened for submarines. First developed in 1950 and installed in 1954, SOSUS formed the backbone of the United States' anti-submarine detection capability. This system became even more crucial in the late 1960s as the Soviet Navy began shifting its focus away from protecting Russia's coastal waters to building a blue water fleet spearheaded by advanced hunter-killer and ballistic missile nuclear submarines. This forced the Pentagon to place a premium on intelligence about the Kremlin's undersea operations.

By 1968, the Americans had deployed a SOSUS network off the Canary Islands and were laying another off the Azores Islands. Both were aimed at tracking Soviet submarines nearing the Straits of Gibraltar and approaching the Cape of Good Hope. Any Soviet attempt to disrupt or penetrate SOSUS would have aroused a great deal of interest in Norfolk and may explain the Navy's decision to send the Scorpion toward the Canary Islands.

Whatever he last mission was, it appears likely that the *Scorpion* had completed her operational phase by 7:54 p.m. on May 21, when she broadcast her last position and estimated time of arrival in Norfolk. Operating under strict orders to maintain electronic silence "except when necessary", the *Scorpion* sent only this message after she left Rota. At the time of her last communication, she was approximately two hundred miles or six hours away from the Soviet formation she had been sent to monitor. Nearly twenty-four hours later, SOSUS and civilian underwater listening systems ranging from Argentina to Newfoundland picked up the shock of an underwater explosion along the *Scorpion*'s projected route followed by crushing sounds not unlike those recorded during the Thresher's destruction in 1963. According to these readouts, the entire episode lasted slightly over three months.

Applying sophisticated mathematics to these recordings and tracing the *Scorpion*'s presumed track and speed to Norfolk, the Navy designated an area of "special interest" for its search some 400 miles southwest of the Azores Islands. On May 31, the U.S.S. Compass Island, a navigational research ship, was dispatched to conduct an underwater survey and on October 28, 1968, the U.S.N.S. *Mizar*, another navigational ship with advanced photographic equipment, finally found the wreckage only three miles away from where SOSUS computers had estimated it to be. Broken into two pieces, the *Scorpion*'s remains lay in over 11,000 feet of water.

Deeply shaken and still reeling from the loss of the U.S.S. *Thresher* (SSN 593) five years earlier, the Navy began its postmorten with only the SOSUS readouts, the *Scorpion*'s operational history and the testimony of her former crew members. The first Court of Inquiry deliberated from 4 June 1968 until 25 July 1968 and examined 76 witnesses as it considered a broad array of fatal possibilities. First among these was that the Soviets had intercepted the *Scorpion* and finished her in an undersea dogfight. The Court discarded this theory after it examined the reports the intelligence community provided and found no evidence that the Soviet formation which the *Scorpion* had been sent to shadow had launched an attack or fired any weapons when SOSUS recorded the explosion. The Court also noted that there were no other Russian or Warsaw Pact vessels within 1,000 miles of the *Scorpion*'s last reported position.●

AVIATION SAFETY PROTECTION ACT

● Mr. GRASSLEY. Mr. President, I am pleased to join Senator KERRY in introducing the "Aviation Safety Protection Act of 1999." This legislation will grant whistleblower protection to aviation workers, thus helping to increase the safety of the aviation industry and the traveling public.

I have long been a supporter of whistleblower protection for government workers. This act will extend that protection to aviation workers. Airline employees play a vital role in the protection of the traveling public. They are the first line of defense when it comes to recognizing hazards and other violations which can threaten airline safety. These dedicated employees should not have to choose between saving the public or saving their own jobs. The extension of whistleblower protection will eliminate that unfair choice and will allow them to do what is right. What is right is to be able to tell airline management of aviation safety problems without fear of retaliation or losing their job.

I have been working with Senator KERRY and flight attendants on this vital legislation for the past several years. It was included in the last Congress in the FAA reauthorization bill. Unfortunately that bill was not passed into law. We are looking forward to working closely with Senator McCAIN and Congressman SHUSTER this year as the FAA reauthorization legislation moves through the Congress.

The traveling public expects and deserves the safest air travel system possible. Granting aviation employees whistleblower protection will fill a gap in the air travel system.

I join with Senator KERRY in urging my colleagues to cosponsor this legislation.•

MAX ROWE PAYS TRIBUTE TO OUR AMERICAN HERO, JOHN GLENN

• Mr. DURBIN. Mr. President, I rise today to share with my colleagues an article written by Max Rowe. On November 8, 1998, Mr. Rowe, a guest columnist for the Springfield Journal-Register, wrote an article paying tribute to John Glenn entitled, "Glenn is a hero for the ages."

Mr. President, I would like to speak for a brief moment about Mr. Rowe and some of his accomplishments. Max attended the University of Illinois where he received his B.A. and law degree (J.D.). Following his academic career at the University of Illinois, he furthered his education by pursuing a Master of Business Administration from the University of Chicago. After completing his education, Max went on to work for the Kirkland & Ellis law firm where he dedicated over 30 years of his life to his true passion, the practice of law. In 1995 Max was elected to the Illinois Senior Hall of Fame, and he volunteers part-time at the Memorial Medical Center in Springfield. On the side, he is a management consultant and writes for the Journal-Register.

I believe Max's life experiences inspired him to pay tribute to John Glenn, a man whom he respects so much, and a man who will keep withstanding the test of time, much like himself. John Glenn, one of his all-time heroes and someone I have had the honor to serve with in the Senate, is an inspiration to so many people in so many ways. To some he is a husband, a father, a grandfather, an astronaut, a United States Senator, or a Presidential candidate, but to all of us he is a true American hero.

Mr. President, I ask that the full text of Max Rowe's article, "Glenn is a hero for the ages," be printed in the RECORD.

The article follows:

[From the Springfield Journal-Register, Nov. 8, 1998]

GLENN IS A HERO FOR THE AGES

(By Max Rowe)

One of my all-time heroes is former and present astronaut John Glenn, who is now 77 years old and has just completed a mission with six other astronauts on the space shuttle discovery.

We senior citizens and those of you over 50 remember well when John Glenn blasted off Cape Canaveral into Earth orbit on Friendship 7 almost 37 years ago. In that five-hour mission he would orbit the Earth three times at an altitude of 100 miles, traveling at over 17,000 mph.

From start to finish the venerable and trusted Walter Cronkite covered the flight on our TVs, using words only, as there were no sophisticated cameras at Cape Canaveral or on board Glenn's space ship that could cover the actual flight. At lift-off Cronite yelled, "Go, baby!"

On board Friendship 7, John Glenn had only one simple, hand-held camera to snap shots out of his window. In Glenn's interviews after his splashdown, he kept using the word "pleasant" to describe his experience with zero gravity on his flight and his views of Earth. He is quoted as saying, "This free-floating feeling, I don't know how to describe it except that it is very pleasant. It's an interesting feeling. Sunset at this altitude is tremendous. I've never seen anything like this. It was a truly beautiful, beautiful sight."

Before Glenn's 1962 spaceflight, two Russians had orbited Earth, Glenn helped us catch up with (and eventually surpass) the Russians in spaceflight experience and technology.

On the afternoon of Oct. 29, 1998, I sat before my TV waiting through two short delays for the launch. At 1:20 p.m. "successful lift-off" put John Glenn and six other astronauts into an almost nine-day space flight on Discovery. What a contrast to his 1962 flight! Discovery has about a dozen high-tech cameras to keep NASA and us informed of every phase of the flight and thousands of controls and pieces of complicated, marvelous equipment to record everything from start to finish. At last we will learn, among other things, the effect of spaceflight on an older person and on the aging process.

John Glenn has been a role model for us all his life, serving with great distinction in World War II as a Marine combat flier on 59 missions. He has been decorated with 20 metals, including six Distinguished Flying Crosses and the Congressional Space Medal of Honor.

He married his childhood sweetheart in 1943 and has two children and two grandsons.

Glenn will retire in January 1999 after serving as a U.S. Senator from his home State of Ohio for 24 years. He has proven it is possible to be a happy and devoted family man in spite of living for so many years with fame and in the spotlight of Washington, DC.

I hope every American is as proud and thrilled as I was as John Glenn and his six companions headed off into space on their historic mission. John Glenn's return to space is important to all us senior citizens and to people over 50 years young, who will soon join our rapidly growing senior group. He is verifying that we are not "over the hill" and that with proper physical, emotional and mental activity, we still have many satisfying and useful years to live.

Before heading into space, Glenn spent over 500 hours in rigorous physical training to prepare himself for his very demanding space journey. Those of you who have been reading my earlier columns will remember that one of my recommendations for living to age 104 is regular, vigorous exercise. For most of us seniors, a 30-minute daily brisk walk will do wonders for our health and happiness.

The worldwide interest in this spaceflight will do much to heighten interest in space travel for the rest of us and help NASA's future programs and funding. Let's you and I make a date to fly to Mars in the year 2010!

God bless you and keep you safe, John Glenn. You truly have all "The Right Stuff!"•

RETIREMENT OF LSU SYSTEM PRESIDENT ALLEN COPPING

• Mr. BREAUX. Mr. President, this month marks the end of a distinguished and remarkable career in public education for the president of my state's flagship university. At month's end, Dr. Allen A. Copping will be retiring, leaving the post of president of the Louisiana State University System that he has held since March of 1985.

Dr. Copping's retirement is significant for several reasons. Under his able and dedicated leadership, the LSU System has enjoyed enormous growth and development and is recognized around the country as a leader in educational excellence in numerous fields of academic pursuit. Dr. Copping's fourteen-year tenure is significant for another reason: He will always be remembered as the first health scientist to hold the position as LSU president.

Allen Copping is a native of New Orleans, born in 1927 and educated in the city's public schools. After graduating from Loyola University with a Doctor's degree in Dental Surgery in 1949, Dr. Copping entered the U.S. Navy and served our country with distinction during the Korean Conflict. After the war, he returned to New Orleans, where he began a very successful dental practice and also landed on the faculty of the Loyola University School of Dentistry. In 1968, Dr. Copping joined the faculty of the newly created LSU School of Dentistry as an associate professor and, six years later, he was appointed the second dean of the LSU School of Dentistry.

As dean, Dr. Copping's leadership ability and his vision quickly caught the eye of the LSU Board of Supervisors, which chose him to head the LSU Medical Center as Chancellor in 1974, a position he held with distinction for the next eleven years. During his years at the helm of the Medical Center, Dr. Copping helped initiate a remarkable expansion in both the curricular offerings and in the physical facilities at the Center.

On March 18, 1985, Allen Copping became the third president of the LSU System and the fifteenth LSU president, a job that entailed the leadership and supervision of the eight campuses in the system and management of an annual budget of over two billion dollars.

During his tenure as LSU president, Dr. Copping guided the system through some very challenging years, highlighted by the development of the world-renowned Pennington Biomedical Research Center at Baton Rouge and the addition of the Health

Care Services Division of the LSU Medical Center.

Throughout his years at the helm of the LSU System, Dr. Copping enjoyed a well-deserved reputation as a man of extraordinary loyalty, honesty, compassion and sincerity who is unalterably devoted to public education and the well being of his native state of Louisiana.

Mr. President, on behalf of the citizens of my state, I wish to congratulate Allen Copping on a well-deserved retirement and offer my profound gratitude for the leadership that he has provided the LSU System over the past fourteen years. He will be missed, but I know that I and other public officials will continue to benefit from his wisdom and his commitment to providing a quality education that meets the needs of our country's most precious commodity—our young people. I wish Allen and Betty and their family all the best in this next and very exciting phase of their lives.•

GREEK INDEPENDENCE DAY

• Mr. SARBANES. Mr. President, it gives me great pleasure to rise in observance of Greece's 178th anniversary of National Independence. Today, we are here to pay tribute to Greek and American democracy, and to our shared commitment to peace and stability in the Balkans and Eastern Mediterranean.

On March 25, 1821, the Greek people initiated their victorious pursuit of liberty from four centuries of oppressive Ottoman rule. After nearly ten years of struggle against overwhelming odds, the Greeks accomplished this historic request, reaffirming their commitment to the individual freedoms that are at the heart of the Greek tradition.

From the beginning of their revolution, the Greeks had the support, emotional and material, from a people who had recently gained freedom for themselves: the Americans. Looking back at their triumphant march toward liberty, the American people followed with affinity the Greek pursuit for national independence. Since then, our two nations have remained firmly united by a shared commitment to democratic principles. These ties were reinforced by thousands of Greeks who came to America for greater economic opportunity. These immigrants and their descendants continue to make their own important and unique contributions to America's economic and political strength.

As a nation whose founders were ardent students of the classics, America has drawn its political convictions from the ancient Greek ideals of liberty and citizenship. And just as America looked to the Greeks for inspiration, Greek patriots looked to the American Revolution for strength in the face of their own adversity. The exuberance and passion of a young nation dedicated to freedom lifted the spirits of the Greek patriots, and reminded them of their long-standing democratic legacy.

As we enter the next century, it is appropriate that we retrace our common struggle to build societies based on individual rights, equality and the rule of law. During World War I, our nations forged a steadfast alliance to maintain peace in the Balkans. During the Second World War, Greeks heroically resisted the brutal Nazi regime, defeated Mussolini's troops, and contributed in no small part to the allied victory over the Axis Powers. At the Cold War's inception, President Truman and the American people committed to helping Greece rebuild their war-ravaged nation through the Marshall Plan. Greece continues to play an important role as a valued member of the international community within NATO and the European Union.

Today, as one of the few stable democracies in its region, Greece has played a stabilizing role throughout the Balkans and is helping its neighbors progress toward greater political and economic security. Greek economic modernization, along with its status as a member of the European Union, allow Greece to act as a model for and play a constructive role in the economic well being of its neighbors.

Mr. President, the new millennium promises an even stronger Greek-American relationship and further cooperation in the areas of our mutual interests. Through ties of blood and affection, as well as shared political goals and philosophical ideals, Greece has retained a special relationship with the United States. Therefore, on this important occasion, it is fitting that we remember this historical legacy and rededicate ourselves to the principles which inspired the free and democratic peoples of America and Greece.•

CENSUS

• Mrs. FEINSTEIN. Mr. President, I was troubled by a recent report in Roll Call which details a plan by House Republicans to devise a media campaign to support their efforts to shut down the government in order to restrict census sampling. I ask that this article be printed in the RECORD at the end of my statement.

Mr. President, the census is a critical issue for my State and for the nation. The census count determines how nearly 200 billion of federal funds are allocated. An inaccurate count means that these federal funds are misallocated.

According to a recent study by the nonpartisan General Accounting Office, the 1990 census undercounted the United States population by about 4 million people—or approximately 1.6 percent of the entire population.

Many states had undercounts above the national average. California's undercount was 2.7 percent; New Mexico's was 3.1 percent; Texas' 2.8 percent; and Arizona's 2.4 percent, just to name a few.

According to the GAO, 22 of the 25 large formula grant programs use census data as part of their allocation formula. Those funds are used for our schools, health care facilities, and transit systems. California was the most harmed because of the 1990 census undercount, losing nearly 2.2 billion in federal funds, or 2,660 per person missed.

In 1998 alone, California lost 198 million in federal funds for Medicaid; 9.4 million for foster care; 3.2 million for Social Security; 1.9 million for child care and development; and 1.1 million for vocational training. Millions more in federal dollars for adoption assistance, prevention and treatment of substance abuse, highway planning and construction, and other programs did not flow to California because of the inaccurate census.

Other states also suffer: Texas lost almost 1 billion because of the 1990 undercount, and Arizona, Florida, Georgia, and Louisiana each lost over $100 million.

Moreover, all areas and groups are not undercounted at the same rate, and some members of our society are more likely to be missed than others. According to the GAO, 5.7 percent of African-Americans were not counted in the 1990 Census. Nor were 5 percent of Latinos and 4.5 percent of Native Americans. Of the 835,000 people undercounted in California, most were minorities. Nearly half the net undercount—47 percent—were Hispanic. Twenty-two percent were African-American and 8 percent were Asian.

Such differences in census coverage introduce inequities in political representation and in the distribution of federal funds. Because Hispanics, African-Americans, and other minority groups had a larger undercount than whites in the 1990 Census—as in prior censuses—minorities and the communities in which they live have been disadvantaged in government programs in which population is an important factor in fund allocation.

This is an issue of basic fairness. Every American should be counted. And unless we can provide the Census Bureau with our support for an accurate census, and do so without any political intervention, then we run the risk of doing a grave injustice to our citizens.

Since the failed 1990 population count, the Census Bureau has worked with experts to design a more accurate census for 2000. The National Academy of Sciences, in three separate reports, concluded that the key to improving accuracy in the census is the use of sound statistical methods to count those missed during the conventional "head count." This involves detailed "statistical sampling" to determine the characteristics of those who are missed by the head count.

But for partisan reasons, some in Congress evidently prefer to ignore the expert advice and plan to shut down part of the government rather than see an accurate count. They argue that sampling is unnecessary. Unfortunately, during the Census 2000 Dress Rehearsal the undercount was 6.5 percent for Sacramento, California; 3.1 percent for the Menominee Indian Reservation in Wisconsin; and 9.1 percent for the entire state of South Carolina.

The magnitude of such undercounts and the implications for the 2000 Census that fails to correct the problem are particularly great for states with large and diverse populations, such as Florida, Texas, Arizona, New York, California and many others.

The Supreme Court has affirmed that sampling is required for purposes other than apportionment if 'feasible'.

The census should not be about politics. And Mr. President, I will oppose any efforts to include any restrictions on the ability of the Bureau of the Census to conduct the most accurate census possible. Anything else would simply be unfair.

The article follows:

GOP GIRDS FOR CENSUS BATTLE FIRST TO HOLD JOB, HE'S LEAVING FOR PRIVATE SECTOR

(By Jim VandeHei and John Mercurio)

Fearing the loss of two dozen House seats if his party blinks, Speaker Dennis Hastert (R–Ill.) has tapped former National Republican Congressional Committee Chairman Bill Paxon (N.Y.) to prepare GOP troops for a budget fight over the 2000 Census that could provoke a partial government shutdown.

At Hastert's request, Paxon huddled this week with NRCC Chairman Tom Davis (Va.), Republican media strategist Eddie Mahe and others to help devise a coordinated strategy to block President Clinton's plan to use sampling in the 2000 Census.

"I am one of a group of people trying to figure out how to keep Mr. Bill Clinton from imposing his political calculations on the census," Mahe said in an interview.

The impending battle will erupt in earnest next month when GOP leaders begin working on the funding bill for Commerce, Justice, State, the judiciary and related agencies. During last year's budget negotiations, Republicans and Clinton agreed to put off final decisions on whether to fund the use of sampling until this June, when the results of the Census Bureau's dress rehearsals would be available and the Supreme Court would have ruled on a much-anticipated legal challenge to sampling.

The budget fight follows the High Court's decision in late January that the bureau's plan to use sampling in the decennial for reapportionment of House seats violates the Census Act.

But according to pro-sampling Democrats' interpretation of Justice Sandra Day O'Connor's majority opinion, the federal government can, "if feasible," use sampling for the very different purpose of redistricting, or the redrawing of House district boundary lines, within each state.

Following the court's ruling, Census Bureau Director Kenneth Prewitt said the Clinton administration will seek an increased level of funding to conduct two counts—one using the GOP-backed practice of trying to count every American, the other using the Clinton-endorsed sampling.

Meanwhile, Democrats are trying to amend the Census Act to allow sampling for reapportionment, and Republicans will try to place language in the spending bill that would restrict funding for any sampling practices associated with the census.

The GOP plan, according to informed sources, likely will include a media campaign against Clinton's plan, which most House Democrats support.

It will also include a lobbying campaign to convince Republican Members to stand up to Clinton if he threatens to shut down the government to scare off opposition.

"Everybody knows this is 'do or die' for the party," said one GOP official familiar with the nascent strategy. "We're not going to back down on this."

That spending plan will include a provision preventing the bureau from using statistical sampling, which Hastert and Paxon fear will cost Republicans dozens of House seats in the new millennium.

"The Speaker and virtually every GOP leader believe no single vote will have greater ramifications on the future of the Republican majority than the vote to block President Clinton from changing the way we conduct the census," said one Hastert confidant.

But Democrats understand that if Clinton backs down, Republicans' chances of retaining their majority will increase.

He won't capitulate to GOP demands, according to senior Democratic leadership sources.

"They have never shown any weakness and I don't know why they would," said a top Democratic adviser, who insisted White House officials will shut down the government if Republicans refuse to back down.

Democrats said the Republican moves show they are preparing to allow this battle to result in a shutdown. A government shutdown in 1995 caused their party's support to plummet and ultimately led to a more conciliatory tone among House GOP leaders.

"They weren't able to convince the American people to believe they were justified in doing that in 1995, and I don't see how they would be able to do so in 1999," said Rep. HENRY WAXMAN (D–Calif.), the ranking member of the Government Reform Committee.

"If they do make it a partisan issue and close down three departments of government, they're going to need to spend a lot of money to try to convince people they're not being partisan again," Waxman said. "And I don't think they're going to succeed."

Rep. CAROLYN MALONEY (D–N.Y.), the ranking member of the Government Reform subcommittee on the census, said Democrats can turn back the Republican budget proposal by appealing to "at least 10 Republicans" to support sampling. So far, only three Republicans—Reps. CONNIE MORELLA (Md.), CHRISTOPHER SHAYS (Conn.) and NANCY JOHNSON (Conn.)—have sided with Democrats in the sampling battle.

"I truly believe there are at least 10 Republicans who truly care about their constituents and their country who would not go along with this."

But MALONEY said the GOP media plan "wouldn't surprise me. The Republican machine has been focussing like a laser beam on this subject in their attempts to make sure that blacks, Hispanics and Asians are not counted. It's wrong, and they should stop."

While talk of a government shutdown may be hyperbole by both sides, the political posturing underscores how contentious the upcoming budget debate will be.

Last Congress, Republican and Democratic leaders ended months of bickering over the census by delaying a final decision until after the election. They passed a six-month funding bill and agreed to tackle the tricky topic when the pressure of impending elections subsided and the Supreme Court had ruled on a legal challenge to the sampling plan.

The six-month funding bill expires in June, but HASTERT wants appropriators to start work soon, likely early next month, to provide leadership with as much as time as possible to avert a shutdown.

In the meantime, Paxon is working with several Members and strategists to develop a plan to win the public relations war over the census.

Besides Davis, Mahe and Paxon, House Administration Chairman BILL THOMAS (R-Calif.); Rep. DAN MILLER (R–Fla.), chairman of the Government Reform subcommittee on the census; and two GOP strategists, Bill Greener and Chuck Greener, are intimately involved in the strategizing, sources said.

Paxon's team is considering a paid media campaign to educate voters on the census issue in the weeks leading up to a final vote on legislation and a variety of communications ideas to prevent the PR debacle in the wake of the 1995 government shutdown, the sources said.

GOP leaders have not decided who will run the media campaign or who will pay for it.

In the meantime, HASTERT plans to hand more money to Miller and his census subcommittee to conduct an oversight investigation into how the administration is reacting to the Supreme Court decision on sampling.

He also plans to educate Members on the topic and lobby them to support the leadership's position.

Davis said GOP leaders don't anticipate more than one Republican defecting, though both SHAYS and MORELLA remain opposed to leadership's position, according to their spokesmen. "And we'll pick up some Democrats," he said, though he refused to list any possibilities.

THE CALENDAR

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following bills reported by the Environment and Public Works Committee: Calendar No. 53, S. 67; Calendar No. 56, S. 437; Calendar No. 57, S. 453; Calendar No. 58, S. 460; Calendar No. 59, H.R. 92; Calendar No. 60, H.R. 158; Calendar No. 61, H.R. 233; and Calendar No. 62, H.R. 396.

I further ask unanimous consent that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed at the appropriate place in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROBERT C. WEAVER FEDERAL BUILDING

The bill (S. 67) to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the "Robert C. Weaver Federal Building".

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Robert C. Weaver Federal Building".

Mr. MOYNIHAN. Madam President, it is fitting that we have passed this legislation to name the Department of Housing and Urban Affairs (HUD) Washington, D.C. headquarters after Dr. Robert C. Weaver, adviser to three Presidents, national chairman of the NAACP, and the first African-American Cabinet Secretary.

In 1961, President Kennedy appointed Dr. Weaver to head the Housing and Home Finance Agency, the precursor to the Department of Housing and Urban Development. In 1966, when President Johnson elevated the agency to Cabinet rank, he chose Dr. Weaver to head the department. Bob Weaver was, in Johnson's phrase, "the man for the job." He thus became its first Secretary, and the first African-American to head a Cabinet agency.

Dr. Weaver began his career in government service as part of President Franklin D. Roosevelt's "Black Cabinet," an informal advisory group promoting Federal job and educational opportunities for blacks. The Washington Post called this work—"the dismantling of a deeply entrenched system of racial segregation in America"—his greatest legacy. Indeed it was.

Bob Weaver was my friend, dating back more than 40 years to our service together in the administration of New York Governor Averell Harriman. Dr. Weaver was appointed Deputy Commissioner of Housing for New York State in 1955, and later became State Rent Administrator with Cabinet rank. It was during these years, working for Governor Harriman, that I first met Bob; I was Assistant to the Secretary to the Governor and later, Acting Secretary. Our friendship and collaboration continued through the Kennedy and Johnson administrations. Later, he and I served together on the Pennsylvania Avenue Commission.

Bob Weaver died in July 1997, at his home in New York City. When he died, America—and Washington, in particular (for he was a native Washingtonian)—lost one of its innovators, one of its true leaders. I was privileged to know him as a friend. He will be missed but properly memorialized, I think, if we can get this legislation to name the HUD building after him to President Clinton for his signature.

I wish to thank Senators BOXER, DURBIN, GRAHAM, HOLLINGS, KENNEDY, KERRY, ROBB, SARBANES, and SCHUMER, for cosponsoring S. 67, and I wish to thank the majority and minority leaders for scheduling its expeditious passage.

Madam President, I ask unanimous consent that my statement, a July 21, 1997 editorial in the Washington Post, and a July 19, 1997 obituary from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, July 19, 1997]

ROBERT C. WEAVER, 89, FIRST BLACK CABINET MEMBER, DIES

(By James Barron)

Dr. Robert C. Weaver, the first Secretary of Housing and Urban Development and the first black person appointed to the Cabinet, died on Thursday at his home in Manhattan. He was 89.

Dr. Weaver was also one of the original directors of the Municipal Assistance Corporation, which was formed to rescue New York City from financial crisis in the 1970's.

"He was catalyst with the Kennedys and then with Johnson, forging new initiatives in housing and education," said Walter E. Washington, the first elected Mayor of the nation's capital.

A portly, pedagogical man who wrote four books on urban affairs, Dr. Weaver had made a name for himself in the 1930's and 40's as an expert behind-the-scenes strategist in the civil rights movement, "Fight hard and legally," he said, "and don't blow your top."

As a part of the "Black Cabinet" in the administration of President Franklin D. Roosevelt, Dr. Weaver was one of a group of blacks who specialized in housing, education and employment. After being hired as race relations advisers in various Federal agencies, they pressured and persuaded the White House to provide more jobs, better educational opportunities and equal rights.

Dr. Weaver began in 1933 as an aide to Interior Secretary Harold L. Ickes. He later served as a special assistant in the housing division of the Works Progress Administration, the National Defense Advisory Commission, the War Production Board and the War Manpower Commission.

Shortly before the 1940 election, he devised a strategy that defused anger among blacks about Stephen T. Early, President Roosevelt's press secretary.

Arriving at Pennsylvania Station in New York, Early lost his temper when a line of police officers blocked his way. Early knocked one of the officers, who happened to be black, to the ground. As word of the incident spread, a White House adviser put through a telephone call to Dr. Weaver in Washington.

The aide, worried that the incident would cost Roosevelt the black vote, told Dr. Weaver to find the other black advisers and prepare a speech that would appeal to blacks for the President to deliver the following week.

Dr. Weaver said he doubted that he could find anyone in the middle of the night, even though most of the others in the "Black Cabinet" had been playing poker in his basement when the phone rang. "And anyway," he said, "I don't think a mere speech will do it. What we need right now is something so dramatic that it will make the Negro voters forget all about Steve Early and the Negro cop too."

Within 48 hours, Benjamin O. Davis Sr. was the first black general in the Army; William H. Hastie was the first black civilian aide to the Secretary of War, and Campbell C. Johnson was the first high-ranking black aide to the head of the Selective Service.

Robert Clifton Weaver was born on Dec. 29, 1907, in Washington. His father was a postal worker and his mother—who he said influenced his intellectual development—was the daughter of the first black person to graduate from Harvard with a degree in dentistry. When Dr. Weaver joined the Kennedy Administration, whose Harvard connections extended to the occupant of the Oval Office, he held more Harvard degrees—three, including a doctorate in economics—than anyone else in the administration's upper ranks.

In 1960, after serving as the New York State Rent Commissioner, Dr. Weaver became the national chairman of the National Association for the Advancement of Colored People, and President Kennedy sought Dr. Weaver's advice on civil rights. The following year, the President appointed him administrator of the Housing and Home Finance Agency, a loose combination of agencies that included the bureaucratic components of what would eventually become H.U.D., including the Federal Housing Administration to spur construction, the Urban Renewal Administration to oversee slum clearance and the Federal National Mortgage Association to line up money for new housing.

President Kennedy tried to have the agency raised to Cabinet rank, but Congress balked. Southerners led an attack against the appointment of a black to the Cabinet, and there were charges that Dr. Weaver was an extremist. Kennedy abandoned the idea of creating an urban affairs department.

Five years later, when President Johnson revived the idea and pushed it through Congress, Senators who had voted against Dr. Weaver the first time around voted for him.

Past Federal housing programs had largely dealt with bricks-and-mortar policies. Dr. Weaver said Washington needed to take a more philosophical approach. "Creative federalism stresses local initiative, local solutions to local problems," he said.

But, he added, "where the obvious needs for action to meet an urban problem are not being fulfilled, the Federal government has a responsibility at least to generate a thorough awareness of the problem."

Dr. Weaver, who said that "you cannot have physical renewal without human renewal," pushed for better-looking public housing by offering awards for design. He also increased the amount of money for small businesses displaced by urban renewal and revived the long-dormant idea of Federal rent subsidies for the elderly.

Later in his life, he was a professor of urban affairs at Hunter College, was a member of the Visiting Committee at the School of Urban and Public Affairs at Carnegie-Mellon University and held visiting professorships at Columbia Teachers' College and the

New York University School of Education. He also served as a consultant to the Ford Foundation and was the president of Baruch College in Manhattan in 1969.

His wife, Ella, died in 1991. Their son, Robert Jr., died in 1962.

[From The Washington Post, July 21, 1997]

ROBERT C. WEAVER

Native Washingtonian Robert C. Weaver, who died on Thursday in New York City at age 89, had a life of many firsts. Dr. Weaver served as a college president, Cabinet secretary, presidential adviser, chairman of the National Association for the Advancement of Colored People and as a director of the Municipal Assistance Corp., which helped save New York City from financial catastrophe. But his greatest legacy may be the work he did, largely out of public view, to dismantle a deeply entrenched system of racial segregation in America.

Before the landmark decade of civil rights advances in the 1960s, Dr. Weaver was one of a small group of African American officials in the New Deal era who, as part of the "Black Cabinet" pressured President Franklin D. Roosevelt to strike down racial barriers in government employment, housing and education. It was a long way to come for the Dunbar High School graduate who ran into racial discrimination in the 1920s when he tried to join a union fresh out of high school. Embittered by that experience, Bob Weaver went on to Harvard (in the footsteps of his grandfather, the first African American Harvard graduate in dentistry) to earn his bachelor's, master's and doctorate in economics. At another time in America, his university degrees might have led to another career path. For Bob Weaver in 1932, however, those credentials—and his earlier job as a college professor—made him an "associate advisor on Negro affairs" in the U.S. Department of the Interior.

Subsequent work as an educator, economist and national housing expert—and behind-the-scenes recruitment of scores of African Americans for public service—led to his appointment as New York State rent administrator, making him the first African American with state cabinet rank. President John F. Kennedy appointed him to the highest federal post ever occupied by an African American—the Housing and Home Finance Agency. Despite the president's support, however, the HHFA never made it to Cabinet status, because Dr. Weaver was its administrator and southern legislators rebelled at the thought of a black secretary. Years later President Lyndon Johnson pushed through the Department of Housing and Urban Development and named Robert Weaver to the presidential Cabinet.

For the nation, and Robert Weaver, the appointment was another important first. For many other African Americans who found lower barriers and increased opportunity in the last third of the 20th century, Robert Weaver's legacy is lasting.

LLOYD D. GEORGE UNITED STATES COURTHOUSE

The bill (S. 437) to designate the United States courthouse under construction at 338 Las Vegas Boulevard South in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LLOYD D. GEORGE UNITED STATES COURTHOUSE.

The United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, shall be known and designated as the "Lloyd D. George United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Lloyd D. George United States Courthouse".

HURFF A. SAUNDERS FEDERAL BUILDING

The bill (S. 453) to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the "Hurff A. Saunders Federal Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HURFF A. SAUNDERS FEDERAL BUILDING.

The Federal Building located at 709 West 9th Street In Juneau, Alaska, shall be known and designated as the "Hurff A. Saunders Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Hurff A. Saunders Federal Building".

ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE

The bill (S. 460) to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse," was considered, ordered to be engrossed for a third time, and passed; as follows:

S. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE.

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

HIRAM H. WARD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 92) to designate the Federal building and United States courthouse located at 251 North Main street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse," was considered, ordered to a third reading, read the third time, and passed.

JAMES F. BATTIN FEDERAL COURTHOUSE

The bill (H.R. 158) to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin Federal Courthouse," was considered, ordered to a third reading, read the third time, and passed.

RICHARD C. WHITE FEDERAL BUILDING

The bill (H.R. 233) to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building," was considered, ordered to a third reading, read the third time, and passed.

RONALD V. DELLUMS FEDERAL BUILDING

The bill (H.R. 396) to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building," was considered, ordered to a third reading, read the third time, and passed.

REFERRAL OF S. CON. RES. 1

Mr. CRAIG. Madam President, I ask unanimous consent that Senate concurrent resolution 1 be discharged from the Committee on Health, Education, Labor, and Pensions and referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE GOVERNMENT AND THE PEOPLE OF EL SALVADOR ON SUCCESSFULLY COMPLETING FREE AND DEMOCRATIC ELECTIONS

Mr. CRAIG. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 73, which was reported by the Foreign Relations Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) congratulating the Government and the people of the Republic of El Salvador on successfully completing free and democratic elections on March 7, 1999.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 73

Whereas on March 7, 1999, the Republic of El Salvador successfully completed its second democratic multiparty elections for President and Vice President since the signing of the 1992 peace accords;

Whereas these elections were deemed by international and domestic observers to be free and fair and a legitimate nonviolent expression of the will of the people of the Republic of El Salvador;

Whereas the United States has consistently supported the efforts of the people of El Salvador to consolidate their democracy and to implement the provisions of the 1992 peace accords;

Whereas these elections demonstrate the strength and diversity of El Salvador's democratic expression and promote confidence that all political parties can work cooperatively at every level of government; and

Whereas these open, fair, and democratic elections of the new President and Vice President should be broadly commended: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Government and the people of the Republic of El Salvador for the successful completion of democratic multiparty elections held on March 7, 1999, for President and Vice President;

(2) congratulates President-elect Francisco Guillermo Flores Perez and Vice President-elect Carlos Quintanilla Schmidt on their recent victory and their continued strong commitment to democracy, national reconciliation, and reconstruction;

(3) congratulates El Salvadoran President Armando Calderón Sol for his personal commitment to democracy, which has helped in the building of national unity in the Republic of El Salvador;

(4) commends all Salvadoran citizens and political parties for their efforts to work together to take risks for democracy and to willfully pursue national reconciliation in order to cement a lasting peace and to strengthen democratic traditions in El Salvador;

(5) supports Salvadoran attempts to continue their cooperation in order to ensure democracy, national reconciliation, and economic prosperity; and

(6) reaffirms that the United States is unequivocally committed to encouraging democracy and peaceful development throughout Central America.

ORDERS FOR WEDNESDAY, MARCH 24, 1999

Mr. CRAIG. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, March 24. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved, and the Senate then begin consideration of S. Con. Res. 20, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Madam President, tomorrow morning the Senate will begin consideration of the first concurrent budget resolution. Under the order, there will be 35 hours for consideration of the resolution. Any Senator intending to offer an amendment or amendments to the resolution should notify the managers to allow for an orderly process for the consideration of this measure. Rollcall votes can be expected throughout the day on Wednesday, and all Senators should anticipate busy sessions for the remainder of the week as we approach the Easter recess.

ORDER FOR ADJOURNMENT

Mr. CRAIG. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Louisiana, Senator LANDRIEU.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, I ask that I be added to the list of speakers for the evening.

Mr. CRAIG. I ask unanimous consent that the senior Senator from Pennsylvania be allowed to follow the Senator from Louisiana, and that following his remarks the Senate stand in adjournment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Louisiana is recognized.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 682 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Pennsylvania.

KOSOVO

Mr. SPECTER. Mr. President, I have remained after the conclusion of the vote to comment about the vote and about a very significant historical precedent which was established tonight. The Senate of the United States took up its constitutional responsibility to make a decision as to whether Congressional authority would be given for the United States to commit an act of war in Kosovo following a request by the President of the United States for such a vote.

In modern times, we have seen the erosion of the congressional authority to declare war. Tonight in the Senate, we reaffirmed the basic constitutional responsibility and authority of the Congress on that very subject, after the President had made a significant request for authorization to use force.

This action tonight follows the situation in January of 1991 when the Congress of the United States authorized the use of force in the Persian Gulf following a similar request by President Bush. I believe that this is of great importance historically as a precedent, to guide the future Presidents, that their authority as Commander in Chief does not extend to involving the United States in war. Where acts of war are involved, it is a matter for the Congress of the United States and not the unilateral action of the President of the United States.

On the merits of this evening's vote, it was a very difficult vote. It was the choice of two very undesirable alternatives. In voting aye and supporting the use of force, I chose what I considered to be the lesser of the undesirable alternatives.

The President in his letter today said that the United States national interests are clear and significant. I disagree with that conclusion by the President.

The President then went on in his letter to amplify those national interests. Yet the absence of a very strong purpose and reason underscores my conclusion that this is an extremely difficult question on U.S. national interests. The President's letter continues, the first line of the second paragraph says, "The United States national interests are clear and significant." The second line says, "The ongoing effort by President Milosevic to attack and repress the people of Kosovo could ignite a wider European war with dangerous consequences to the United States. This is a conflict with no natural boundaries. If it continues it will push refugees across borders and draw into neighboring countries."

That is a statement of possibility, but we know that this is intervention by NATO, including the United States, in what is essentially a civil war. The President then went on in the second paragraph to say, "NATO has authorized airstrikes against the former Yugoslavia to prevent a humanitarian catastrophe and to address the threat to peace and security of the Balkan region and Europe."

The President relies quite substantially upon the "humanitarian catastrophe", he may really be saying the use of force for humanitarian purposes, and it may be that this standard is a one which ought to be adopted. But I do suggest that this may be a departure from what has previously been recognized as U.S. policy to use force where there is a vital United States national security interest. If we look for humanitarian catastrophes, we can find them all around the world, and we have been criticized for not doing more at an earlier stage in Bosnia. We have been criticized for not doing more in Rwanda. There have been many criticisms leveled against the United States and the civilized world for not intervening on prior occasions. It may be that with such a thin statement of vital national interests, the authorization to use force in Kosovo really reflects a shifting standard. As the President articulates, "to prevent a human catastrophe."

(Mr. BROWNBACK assumed the Chair.)

Mr. SPECTER. Mr. President, several weeks ago, I filed a resolution for the use of airstrikes in Kosovo. This was essentially a vehicle to move the Senate of the United States to take up the issue of the use of force, to debate it and to decide the question. It has always been my view, as expressed in 1991 in the debate on the use of force in the Persian Gulf and, before that in 1983, where we debated the War Powers Act with respect to deployment of marines in Lebanon, that the constitutional issue of Congress' sole authority to declare war is of paramount importance.

I congratulate our leadership today for moving through a procedural morass, where we had a cloture vote—that is, a vote to cut off debate—on the resolution pending by the Senator from New Hampshire, Senator SMITH. Afterwards, in consultation, this resolution was crafted so the Senate could vote yes or no on this important issue. As noted by others, we did have a bipartisan vote of 58-41 in favor of the use of force, with some 17 Republicans joining 41 Democrats, making a total of 58, and 38 Republicans and 4 Democrats voting in the negative. There is a strong bipartisan showing by these figures.

It would have been vastly preferable, Mr. President, had President Clinton taken this issue to the American people at a much earlier stage so the American people could be aware of the consequences of this very, very important decision. The President did address the matter in the opening remarks on his press conference on Friday.

I concurred with what the Senator from Delaware said yesterday—when he and I debated or discussed the subject for about a half hour—this was most appropriately a subject for a 30-minute Presidential speech. The president should lay out the issue in great detail. There is a large concern on my part, and on the part of many others, that the American people are not really prepared for the consequences as to what may occur in Kosovo. There have been forceful statements that the risks are very, very high, and that the air defenses in Serbia are very strong.

It is important that the American people understand the substantial risks involved so we do not retreat as we did in Somalia. The way to guard against that is to build up a public understanding as to what the scenario is in Kosovo with as forceful an articulation as possible, and I repeat, much more forceful than the President's letter today. The President should articulate in great detail about the savagery of the assaults on people and the brutality and the ethnic cleansing which has gone on in Kosovo. Those details, I think, are a concern to the American people but they have not been stated in a way which really brings forth the magnitude of the human catastrophe in Kosovo so the American people would be willing to accept and undertake the risks that are involved in this matter.

But all of that is prologue. Now we have the authorization by the Senate for the use of force. On a very difficult question, I think it is the lesser of the undesirable alternatives, and featuring prominently is the desire of keeping NATO intact. We seem to have more support from our European allies on this matter than at any time in the past. Our precarious position on NATO has occurred because the administration has moved us into a position without congressional authorization to an executive commitment really, in effect, to support the NATO decision to use force in Kosovo.

To that extent, so that we do not have a breach of making NATO look bad and do not have a breach of making the United States look bad, which would in effect be a backdown, we are in a sense backing into the issue. But the more important aspect is the fact that the President did come to the Senate.

I was interested in the discussion with our distinguished senior Senator from West Virginia and to hear his comment where he had expressed to the President today the view that the President should not lean so heavily on Presidential prerogatives but should ask the Congress of the United States for authority to use force. The President has done so.

Now we have a very significant precedent which should be a clarion call to future Presidents not to exercise their authority as Commander in Chief and unilaterally engage the United States in war. The President should take this issue to the Congress of the United States and to the American people. The President should do this at an early time so the issue can be fully debated, not on a short time limit, as we had this evening.

It must be a source of some wonderment to people who were watching on C-SPAN II to see such an important issue debated in such a brief period of time with 2 minutes allotted to Senators to speak on the subject and 1 minute taken by the manager, the Senator from Delaware. There had been extensive debate yesterday, but we could have used even more time. Unfortunately, we were caught in the press with the budget resolution, which is first on the docket for tomorrow.

I thank the Chair for setting this extra overtime.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:49 p.m., adjourned until Wednesday, March 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 23, 1999:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

GARY L. VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2001, VICE DANIEL GUTTMAN.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT A. HARDING, 6107.

HOUSE OF REPRESENTATIVES—*Tuesday, March 23, 1999*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 23, 1999.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

CHIEF WASHINGTON LOBBYIST FOR THE CHINESE GOVERNMENT'S TRADE OFFICE, AN UNFORTUNATE CHOICE FOR A NATIONAL SECURITY POSITION

Mr. HAYWORTH. Mr. Speaker, I rise this morning to bring you news from home. In my case home is the Sixth Congressional District of Arizona, a district in square mileage almost the size of the Commonwealth of Pennsylvania, and now with the explosive growth in the Grand Canyon State a district that is home to well nigh one million Americans.

From the pages of the Holbrook Tribune-News, indeed from the editorial page of March 19, the headline reads, "This Story Needs More Attention." Paul Barger, the publisher of the Holbrook Tribune-News, writes, and I quote, "For some time there have been reports circulating regarding the possible theft of highly classified missile secrets from Los Alamos since the 1980s. The thefts were apparently discovered in 1995, and the person allegedly involved was allowed to resign recently. The matter has been kept quiet for what seem to be political reasons."

Paul Barger concludes, "It is sad that so much attention is given to issues of no real import while serious matters of our national security and America's future are glossed over." Thus, the headline from the editorial, "This Story Needs More Attention."

Among those who curiously seem to want to adopt a public posture of glossing over or indeed gloating in a sophomoric way about this troublesome, threatening and dangerous story, among those sadly includes the person who is the President of the United States.

At a radio and TV correspondents' dinner the other night, our own President joked that one of his favorite movies this year was, quote, Leaving Los Alamos; humor as it is defined in the last days of the 20th century. It boggles the mind.

Other matters glossed over, the past associations of the President's national security advisor. From yesterday's Washington Times on the op-ed page, Edward Timperlake and William C. Triplett, II, who coauthored the book the "Year of the Rat," setting forth the ample evidence of Chinese involvement in the Clinton-Gore reelection campaign in 1996, I read from their op-ed piece, headlined "Leaks on Berger's Watch," quoting now: "We believe that, for the national interest, President Clinton's national security advisor Samuel Sandy Berger should resign immediately.

"For the past 6 years, Mr. Berger has presided over a failed and ultimately corrupt policy toward the Chinese military that betrays both the democratic standards of the American people and the national security of the United States. He is the classic example of the wrong person in the wrong job at the wrong time.

"Right out of the starting gate, Mr. Berger was an unfortunate choice for a national security position with the government because of his prior role as the chief Washington lobbyist for the Chinese Government's trade office."

Let me repeat that. "Mr. Berger was an unfortunate choice for a national security position with the government because of his prior role as the chief Washington lobbyist for the Chinese Government's trade office.

"Having once had a personal financial stake in the promotion of pro-Beijing policies raises an immediate question of his present judgment and decision-making. If only for appearances, let alone personal ethics, he should have recused himself from anything connected to Beijing and its military ambitions.

"Instead, Mr. Berger seems to be around whenever, in our opinion, Clinton administration decisions are made that favor People's Republic of China trade ties over American national security interests."

Mr. Speaker, perhaps the most compelling indictment comes from one Dick Morris, the President's one-time top political advisor, and curiously a man whom the wire services often referred to as the disgraced Dick Morris back in the old days of 1996, when an illicit affair that violated one's marriage vows was something that brought disgrace on a person rather than added to their public opinion polls.

Here is what Dick Morris writes in his column last week in The Hill. Quoting now, "Sandy Berger is about as qualified to be national security advisor as I am. He's a political operative who had virtually no foreign policy experience before he became Tony Lake's deputy."

Mr. Speaker, this story need not be glossed over. The first constructive step is that Sandy Berger must go, and we must release the Cox Select Committee Report.

STOP THE NUCLEAR REGULATORY COMMISSION FROM SENTENCING SOUTHWEST TO NEARLY 300 YEARS OF RADIOACTIVE DRINKING WATER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. FILNER) is recognized during morning hour debates for 4 minutes.

Mr. FILNER. Mr. Speaker, I rise today to tell you of the danger faced by 25 million people who get their water from the Colorado River because of radioactive waste leaching from an abandoned mine waste pile that is located only 750 feet away from the Colorado River.

This deadly waste pile, abandoned by the Atlas Corporation, sits in the Moab Valley of southeastern Utah. The Colorado River, flowing past this site just south, provides water for 7 percent of the United States population, including Las Vegas, Arizona and the southern California urban areas of Los Angeles and the city I represent, San Diego.

Legislation that the gentleman from California (Mr. GEORGE MILLER) and I have introduced, H.R. 393, would move this contaminated pile away from the

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Colorado River. Yesterday, the Project on Government Oversight, known as POGO, released a report recommending moving the pile as the most reliable way to save the growing population of Nevada, Arizona and California from having the highly contaminated waste leak into their water supply for the next 270 years.

I pledge to continue to fight to move this pile, lest my constituents and most of the Southwest be forced to live under a sentence of radioactivity and contaminants in their drinking water for nearly 3 centuries. This is an unacceptable sentence and would likely be a death sentence for many. I cannot sit idly by while polluters and the Nuclear Regulatory Commission inflict this on innocent people.

Recently, this commission which, has jurisdiction over cleaning up the site, issued a Final Environmental Impact Statement stating that Atlas' plan to cap the radioactive pile is, quote, environmentally acceptable.

Is it environmentally acceptable to cover 10.5 million tons of uranium mill wastes with rock and sand where the river can reach it during the spring runoff and cause a public health crisis? With the pile only 10 to 20 feet above the underground water aquifer, highly concentrated ammonia will continue to seep into the ground water. If the runoff is bad for three endangered species of fish, as the Nuclear Regulatory Commission and the Fish and Wildlife Service acknowledge, it surely is deadly, over time, for our children and our grandchildren.

This POGO report details a clear problem with the NRC's jurisdiction of this pile, and our bill, H.R. 393, addresses this by removing the responsibility for the pile to the Department of Energy, which has the technology and experience with cleaning up sites and protecting public health.

When the Department of Energy has been involved with contaminated sites along the Colorado River, it moved, and did not just cap, the sites with uranium concentration levels of less than 2 milligrams per liter.

The uranium concentration levels at Moab which I am talking about exceed 26 milligrams per liter, and yet the NRC pushes forward with its plan, forcing the Fish and Wildlife Service to sign off on the sand capping plan just because the NRC lacks the authority to move this pile.

As the report illustrates, it is past time to move this deadly pile, and to move jurisdiction for moving it to the Department of Energy, which will get this life-and-death job done.

Mr. Speaker, I urge support for H.R. 393.

FOREIGN POLICY AMBIGUITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today out of great concern for the direction of our Nation's foreign policy, as President Clinton is on the brink of placing our Nation at war against the independent sovereign nation of Yugoslavia.

Mr. Speaker, let us not be mistaken. If the President issues orders to begin an air assault against Yugoslavia, the United States would, in effect, be at war with this country.

What will this war achieve? The President has yet to explain what our strategy is aimed to achieve. Will we bomb this country in order to force them to agree with a peace agreement that is not in effect?

What I fear is that this President has yet to think through the implications of an air attack and to think through a long-term strategy regarding this situation in Kosovo. Do Members of this body know what the administration plans to do if an air attack against Yugoslavia fails to force the Serbians to agree to a vague peace treaty?

Does the United States with NATO further escalate the bombing to attack fixed military targets around the Yugoslavian capital of Belgrade? Do we escalate our actions by placing ground troops in a hostile situation on the ground in Kosovo? Do we try to seal off a largely landlocked nation? Do we try to use military troops in the non-NATO nations of Romania and Bulgaria to enforce an embargo?

Mr. President, what happens if the Serbs in Bosnia react against any bombing and start attacking U.S. and NATO forces there? What if Russia reacts in some form in defense of Yugoslavia?

Mr. President, what is the idea for success here? Not just an end game but how are we going to achieve success? What if an American flier is shot down and captured?

Mr. Speaker, we are headed down a very dangerous road without any type of compass to guide our policy. To me, the lack of comprehensive foreign policy by this administration has led us to this hazardous point.

The President must come before our Nation and tell our Nation three things: What is the long-term strategy of the United States in Yugoslavia? What is the end-game to achieve military success in this operation? What actions will the President take if military actions fail to achieve any stated goals or if military action devolves into the loss of American lives?

Mr. Speaker, until the President communicates this message to the American people, the mission's success in Yugoslavia will be limited. I call on the President to let the American people know today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 9 o'clock and 44 minutes a.m.), the House stood in recess until 11 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLATTE) at 11 a.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

During this moment of prayer we remember those people who have dedicated their lives to doing the good works that help others in our communities. In the privacy of our own hearts we recall the names of those gracious and charitable people who strengthen the bonds of our common humanity and enhance and share the benefits and the glories of our world. O gracious God, as You inspire all people to use their abilities in ways that alleviate any pain or hurt and who help to make noble the lives of the needy, so inspire each of us to be Your messengers of reconciliation and Your heralds of kindness and of love. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. EVANS) come forward and lead the House in the Pledge of Allegiance.

Mr. EVANS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 68. An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HOYER, Maryland;
Mr. MARKEY, Massachusetts;
Mr. CARDIN, Maryland; and
Ms. SLAUGHTER, New York.

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LANTOS, California;
Mr. FROST, Texas.

There was no objection.

CHINESE TOP GUNS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Fallon Naval Air Station "Top Gun" school in Nevada recently had some important visitors.

No, they were not the U.S. Navy cadets. It was not our colleague the gentleman from California (Ace DUKE CUNNINGHAM). It was not the United States Air Force trying to gain an advantage. Mr. Speaker, it was the Chinese.

Even after knowing their latest espionage tactics, our Government granted about 20 communist Chinese an open-door visit to the Naval Strike and Air Warfare Center at Fallon Naval Air Station. Providing the Chinese communists with classified information about our military equipment, aircraft, tactics and operations is just sheer lunacy.

Why were they allowed to visit that facility? Who knows? This facility has trained 90 percent of our naval warfare pilots. Fallon Naval Air Station is not just a field in Nevada. It is a vital training link for our naval aviators worldwide.

If the American taxpayers could not be afforded the same high-level tour, why would this administration grant the communist Chinese a carte blanche visit?

Mr. Speaker, top gun Chinese are not the type of American exports I would expect from the United States Navy.

CHINA ANNOUNCES SUPPORT FOR MEMBERSHIP IN WORLD TRADE ORGANIZATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Chinese money must be an aphrodisiac because it seems that everybody is jumping in bed with the Reds here.

Check it out. Even though China tortures their own citizens, China threatens their neighbors, and China spies on everybody, China has announced that they have great support for membership in the World Trade Organization. In fact, China says, to boot, "Even the United States Trade Representative supports, number one, lower tariffs for China and, number two, China's membership in the World Trade Organization."

Beam me up, Mr. Speaker. The Trade Representative will not wise up until there is a Red Army tank shoved right up their foreign policy. I yield back a $70 billion projected trade deficit with China, who is buying intercontinental ballistic missiles and pointing them right at us.

DEMOCRAT DEMAGOGUERY ON THE BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, one would never know what is actually in the Republican budget proposal by listening to the other side. In fact, I do not even recognize our own budget after listening to what the other side is saying about it.

I guess it is Mediscare all over again with a lot of demagoguery on Social Security added on to it. On second thought, make that a lot of demagoguery on Social Security to go with it.

One has the impression that our friends on the other side of the aisle have not looked at the Congressional Budget Office report on our budget. Maybe they are getting their information about our budget from their own press releases.

Our budget reserves 100 percent of the retirement surplus for Social Security and Medicare. Let me repeat that for the benefit of any demagogues on the other side of the aisle who seem to have some difficulty with that fact. Our budget reserves 100 percent, again 100 percent, of the retirement surplus for Social Security and Medicare.

I urge my skeptical colleagues on the other side to call the CBO for themselves to verify this fact.

REPUBLICAN BUDGET PROPOSAL, RECIPE FOR COMPLETE FISCAL DISASTER

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Washington. Mr. Speaker, I rise, too, to talk about the budget that is coming to the floor this week, and I have some grave concerns about that budget in terms of fiscal discipline.

The budget the majority party is proposing has several elements to it. Massive tax cuts. At the same time, it also has massive spending increases. And unrelated to the budget, but at the same time related to the budget, there is no plan on the table for any sort of structural reform of our existing entitlement programs, so they will simply go on spending at their current rate.

Those three items, put together, are a recipe for complete fiscal disaster. We are so close to a balanced budget, we are so close to finally having a legitimate claim on being fiscally responsible, that I hate to see us lose it now.

One of the biggest problems, in response to the comments of the previous gentleman, yes, the existing trust funds, the money that is going into Social Security and Medicare, are protected. The problem is those trust funds will not last long under the current system. The spending will go way beyond those existing trust funds and place us into grave financial difficulties.

Medicare is scheduled to be bankrupt in 2008. Social Security is scheduled to go bankrupt in 2032. It is time to be fiscally responsible, and the Republican budget does not get us there.

UNION-ONLY REQUIREMENTS FOR CONSTRUCTION PROJECTS

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, I rise today to oppose union-only requirements for construction projects.

Vice President GORE wants to have all Federal projects done by union construction firms. Also, the Los Angeles Unified School District, near my congressional district, is considering requiring all of their new construction to be done only by union companies.

Union-only construction agreements may make political sense for some politicians, but they certainly do not make practical sense for our children in our schools.

PLAs do not guarantee lower costs, higher performance standards, or eliminate red tape. The union-only contracts only guarantee that the four out of five construction workers not represented by a union cannot work on the project.

It is un-American for our Government to say to someone who does not belong to a certain group or organization, "You are not good enough to compete for Federal money based on merit."

For those of us who agree that there should not be race-based discrimination, this is another form of discrimination. A person should not be denied a job because of his or her color. Neither should he or she be denied a job because they do not carry a union card.

I hope that the Vice President and the Los Angeles Unified School District will not put politics above our children. I encourage both of them to support freedom in the bidding of construction projects.

AMERICAN PUBLIC DOES NOT WANT PARTISAN BICKERING

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, as a member of the Committee on the Budget, I spent much of last week wondering why the majority party has chosen to move forward with a budget that is clearly divisive.

This morning the Washington Post reported, "Congress is set to begin a week of partisan bickering today over a budget that Republican congressional leaders expect will provoke a veto shutdown with President Clinton later this year when it results in appropriations bills."

It baffles me. Why start out on such a sour note? The majority is clearly welcoming a partisan battle without first trying to find some common ground and some room for partisan cooperation.

The American people have seen enough bickering to make them wonder what we are doing in Washington. The people I talk to want to make sure that we extend Medicare and Social Security. They want us to fight crime. They want us to help our schools. And they want us to create an even better business atmosphere. And the list goes on.

There are many things the American public wants us to accomplish, but partisan bickering is not one of them.

VOLUNTEER MIAMI

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, last year Miami-Dade County established a wonderful tradition when it implemented Volunteer Miami. This annual volunteer fair, made possible by Dr. Eduardo Padron, David Lawrence, Valerie Taylor and hundreds of dedicated volunteers from Greater Miami's nonprofit community and government service organizations, has awarded students and families the opportunity to truly make a difference.

Saturday, April 17, will kick off this year's Volunteer Miami-Dade Community Colleges' Wolfson Campus, where representatives from various organizations will be on hand to provide valuable information on how members of our community can lend their abilities and spare time for the benefit of all of south Florida.

Volunteering is a definitive way in which to promote a powerful force that enriches an individual and allows all of us to positively impact an entire community. By raising awareness on volunteerism and forming strong partnerships between deserving agencies and a corps of volunteers, positive change can and will be effected to make south Florida a better place in which to live and work.

I congratulate my alma mater, Miami-Dade Community College, for making Volunteer Miami a success.

PAIGE SECURITY SERVICES, INC.

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise today on a good news note to honor the accomplishments of a constituent of mine, Mr. Leonard Paige.

In November 1998, Mr. Paige realized his lifelong dream to make a difference in Africa with the signing ceremony of the first joint venture between a black-owned security firm in the United States and a black-owned security firm in South Africa.

The United States firm, Paige's Security Services, Inc., will facilitate the training and logistics for Paige's Security Services, Inc., in South Africa in a manner modeled upon the affirmative action programs here in the United States. The program is intended to assist the disadvantaged in that community.

Under Mr. Paige's able leadership, Paige Security Services, Inc., has garnered great recognition over its 10 years of service. It has been selected for three straight years by Inc. Magazine as one of the fastest growing private firms in the Nation and has been commended by Congress and the President of the United States.

Paige's Security Services, Inc., employs over 800 workers in the United States and Costa Rica, and the new affiliate in South Africa employs 300 people.

Thank you, Leonard Paige, for your leadership.

REPUBLICANS FOR LESS GOVERNMENT, MORE FREEDOM

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, we are going to bring our budget to the floor this week and it is going to be a great debate. And from what I am hearing from the other side, it is going to be entirely too partisan.

You see, we want to save 100 percent of all the revenues into the Social Security Trust Fund for just Social Security. They want to save 62 percent. It would be bipartisan to agree with them.

We want to keep within the spending caps of 1997. That is what gave us the revenue surpluses that we have, the discipline that we agreed to with the White House. What does the White House want to do in a bipartisan way? They want to spend $32 billion a year more than the caps.

We want to provide tax cuts. That is a very partisan effort on our behalf. When the Democrats were last in control, in a very partisan way, they gave us the largest tax increase in history. We would like to have the largest tax cut in history. That would be partisan.

We will save 100 percent of the Social Security Trust. And what is left over we want to give back to the American people. They want to spend it. That is the bipartisan thing to do.

We will pass our budget. The Senate will agree. There will be a great debate. But when it is all over, they will know that Republicans are for less government and more freedom, the Democrats are just for more government.

□ 1115

BUILDING ON BIPARTISAN CONGRESSIONAL RETREAT

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, last weekend we had the second bipartisan congressional retreat in Hershey, Pennsylvania. A lot of people helped in pulling that together. I want to commend the gentleman from Illinois (Mr. LAHOOD), the gentleman from Ohio (Mr. SAWYER), the planning committee, the staff at Hershey, the Pew Charitable Trust and the Aspen Institute who all helped in bringing Members on both sides of the aisle together, but I want to especially commend my colleagues who took the time out of their busy schedules to bring the family and the children and their spouses to the retreat so that we could get to know one another a little better and talk to one another. The goal of the retreat was simple, to try to make this great institution a more civil place in which to conduct the Nation's business. The format was also simple, get out of Washington, away from the media, bring the families in and the children and the spouses so that we could have some honest conversations across the aisle of how we could improve this great institution. Because it is a fundamental rule of human nature that the better you know someone and their spouse and their little children, a lot harder it is going to be to demonize that person than during the hot debates of the day. I think we made a good, honest attempt last weekend, Mr. Speaker. I hope we can now build upon that for the sake of this great Nation.

SOCIAL SECURITY AND THE DEBT LIMIT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, some people in Washington want to replace the current debt limit of this country with two limits, one for Treasury securities held by the public and one for IOUs held by Social Security and other trust funds. This is a bad idea that would send a message that debt owed to the trust funds is less important than debt owed to Wall Street.

Some want the new statistic so they can brag about reducing the debt held by the public. That would be true, but it does not matter because total government debt would keep rising. A new statistic on debt held by the public would hide this fact.

Others suggest that we could consider writing off the debt owed to the trust funds because that is just what government owes itself. That is wrong and that is dangerous.

I ask my colleagues to fight against any proposal to change the status of the debt held by the Social Security Trust Fund.

DOLLARS TO THE CLASSROOM

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, we must send 95 percent at least of the Federal funds for education to the classroom. This will result in an additional $800 million to be taken from the grasp of the bureaucrats and into the hands of teachers and parents.

Congress needs to give parents and school boards even greater control without increasing the bureaucracy. It takes about 18,000 Federal and State employees to manage 780 Federal education programs in 39 Federal agencies, boards and commissions that cost nearly $100 billion a year annually. It is not surprising that approximately 70 cents per dollar makes it directly to the classroom. If it does not happen in the classroom, nothing much is happening. I am a former schoolteacher and I can tell my colleagues that.

Parental involvement, not bureaucracies, must be central in any proposal to reform our education system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 70) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes.

The Clerk read as follows:

H.R. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Arlington National Cemetery Burial Eligibility Act”.

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) In General.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 2412. Arlington National Cemetery: persons eligible for burial

“(a) Primary Eligibility.—The remains of the following individuals may be buried in Arlington National Cemetery:

“(1) Any member of the Armed Forces who dies while on active duty.

“(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10, United States Code.

“(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

“(A) served on active duty; and

“(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

“(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

“(A) Medal of Honor.

“(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

“(C) Distinguished Service Medal.

“(D) Silver Star.

“(E) Purple Heart.

“(5) Any former prisoner of war who dies on or after November 30, 1993.

“(6) The President or any former President.

“(b) Eligibility of Family Members.—The remains of the following individuals may be buried in Arlington National Cemetery:

“(1) The spouse, surviving spouse (which for purposes of this paragraph includes any remarried surviving spouse, section 2402(5) of this title notwithstanding), minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

“(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

“(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

“(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

“(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

“(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

“(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

“(c) Disabled Adult Unmarried Children.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

“(d) Family Members of Persons Buried in a Group Gravesite.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

“(e) Exclusive Authority for Burial in Arlington National Cemetery.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

“(f) Application for Burial.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army or any other responsible official.

“(g) Register of Buried Individuals.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

“(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

"(h) Definitions.—For purposes of this section:

"(1) The term 'retired member of the Armed Forces' means—

"(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

"(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

"(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10, United States Code.

"(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95-202 (38 U.S.C. 106 note).

"(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.".

(b) Publication of Updated Pamphlet.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) Clerical Amendment.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

"2412. Arlington National Cemetery: persons eligible for burial.".

(d) Technical Amendments.—(1) Section 2402(5) of title 38, United States Code, is amended by inserting ", except section 2412(b)(1) of this title," after "which for purposes of this chapter".

(2) Section 2402(7) of such title is amended—

(A) by inserting "(or but for age would have been entitled)" after "was entitled";

(B) by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(C) by striking out "or would have been entitled to" and all that follows and inserting in lieu thereof a period.

(e) Effective Date.—(1) Except as provided in paragraph (2), section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

(2) In the case of an individual buried in Arlington National Cemetery before the date of the enactment of this Act, the surviving spouse of such individual is deemed to be eligible for burial in Arlington National Cemetery under subsection (b) of such section, but only in the same gravesite as such individual.

SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) In General.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

"§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

"The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

"(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

"(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

"(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

"2413. Arlington National Cemetery: persons eligible for placement in columbarium.".

(c) Conforming Amendment.—Section 11201(a)(1) of title 46, United States Code, is amended by inserting after subparagraph (B), the following new subparagraph:

"(C) Section 2413 (relating to placement in the columbarium in Arlington National Cemetery).".

(d) Effective Date.—Section 2413 of title 38, United States Code, as added by subsection (a), and section 11201(a)(1)(C), as added by subsection (c), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

(a) In General.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

"§ 2414. Arlington National Cemetery: authorized headstones, markers, and monuments

"(a) Gravesite Markers Provided by the Secretary.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

"(b) Gravesite Markers Provided at Private Expense.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

"(2) Such regulations shall ensure that—

"(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

"(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

"(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

"(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

"(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

"(c) Monuments.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

"(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

"(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

"(B) a particular military event.

"(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

"(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

"(B) in the case of commemoration of a particular military event under paragraph (1)(B), on the last day of the period of the event.

"(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

"2414. Arlington National Cemetery: authorized headstones, markers, and monuments.".

(c) Effective Date.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

SEC. 5. PUBLICATION OF REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 70.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 70, the Arlington National Cemetery Burial Eligibility Act, is an important bill that is strongly supported by veterans and their service organizations.

Except for a few minor changes, this bill is identical to H.R. 3211 which was passed unanimously by this House in March of 1998. The bill codifies many of the current regulations governing eligibility for burial in the cemetery and placement in the columbarium.

H.R. 70 would allow no waivers for burials at Arlington National Cemetery. It also eliminates eligibility for high-ranking government officials who are veterans but who do not meet the military service requirements of H.R. 70.

I want to express my appreciation to the gentleman from Illinois (Mr. EVANS) for his efforts on this bill, Mr. Speaker. We had some difficulty in scheduling a hearing and a markup at the subcommittee level and I appreciate the gentleman's cooperation in getting the bill through the Committee on Veterans' Affairs as quickly as we did.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 70. As a former Marine and as a member of the Committee on Veterans' Affairs since 1983, I know that Arlington Cemetery is sacred ground. Last year, however, the General Accounting Office told us that the eligibility requirements for burial at Arlington needed clarification. H.R. 70 addresses these concerns.

It would remove the ambiguity and guesswork from the eligibility process for burials at Arlington. Additionally, and this is very important, the bill would make it easier for the American people to understand the requirements of burial at our Nation's most revered cemetery. This is an excellent piece of legislation and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN) who is the chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to remind all of my colleagues that this is a bill that we looked at last year, indeed passed, and we are back at it again this year.

I want to point out that H.R. 70 is intended to bring order to the process of being buried at Arlington National Cemetery. As my colleagues will recall, similar legislation passed the House late last year by a vote of 412–0. Unfortunately, the Senate did not act on the bill prior to the 105th Congress adjourning.

To refresh the memories of returning Members and to explain the bill's intent to our newer colleagues, H.R. 70 would codify, with exceptions I will discuss shortly, existing regulatory eligibility criteria for burial at Arlington National Cemetery. Other than the persons specifically enumerated in the bill, no other person could be buried at Arlington. In general, eligible persons would include the following: Members of the Armed Forces who die on active duty; retired members of the Armed Forces, including Reservists who served on active duty; former members of the Armed Forces who have been awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross, Distinguished Service Medal, Silver Star, or the Purple Heart; also, former prisoners of war would be eligible; the President of the United States or any former President; members of the Guard/Reserves who served on active duty and are eligible for retirement but who have not yet retired; and the spouse, surviving spouse, minor child and at the discretion of the Superintendent of Arlington, unmarried adult children of those eligible categories I mentioned above.

The bill, H.R. 70, would eliminate the current practice of granting eligibility to Members of Congress and other high-ranking government officials who are veterans but who do not meet the distinguished military service criteria I just outlined. I want to point out, however, that Congress could at any time on a case-by-case basis enact a resolution on behalf of an individual whose accomplishments are deemed worthy of the honor of being buried at Arlington National Cemetery.

The bill also codifies existing regulatory eligibility standards for interment of cremated remains in the columbarium at Arlington. Generally, this includes all veterans with honorable service and their dependents, those that meet the requirements for burial in a VA national cemetery already.

Finally, the bill clarifies that only memorials honoring military service or events may be placed at Arlington and also establishes a 25-year waiting period for such memorials and their erection.

Mr. Speaker, Arlington National Cemetery is running out of space. Last year the subcommittee and about a dozen of our Members scheduled a visit to Arlington to see firsthand and in person the crowded conditions that exist. With the veteran population declining by 8 million through the year 2002, Arlington officials estimate the cemetery could be full by the year 2025. H.R. 70 is an excellent bill. I urge my colleagues to support it in a bipartisan fashion.

I would also like to thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their leadership on this issue.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, we have before us a bill that has come to us because of certain abuses that occurred in the granting of waivers. We asked the GAO, the Government Accounting Office, to look at that, and they confirmed that although the political abuses of waivers for burial at Arlington that were alleged did not occur, that most of these allegations were unfounded, there was a real need to clarify and write into law the eligibility rules for burial at Arlington National Cemetery. Up to a point, H.R. 70 does that very well and responds to GAO's concerns that standards for waivers have been inconsistently applied throughout the years. I am concerned, as are several members of the Committee on Veterans' Affairs, that this bill provides no realistic opportunity for our country to honor those unique Americans whose contributions are so extraordinary that burial at Arlington Cemetery would be entirely fitting.

When the full committee marked up H.R. 70 last week, I offered an amendment to give the Secretary of the Army the authority to approve the burial of those rare and special individuals whose contributions inspire our Nation and honor them in this way. Let me just remind the House about those people who are now buried at Arlington that would not be allowed to under this legislation.

We could not have honored Detective John Gibson, a member of the Capitol Hill police force who was killed in the line of duty last summer. We could not have honored Senator Robert Kennedy in this way; nor could we have honored Chief Justice of the Supreme Court Warren Burger or Associate Justice Thurgood Marshall, just to name a few.

The gentleman from New York (Mr. QUINN) talked about the potential of a congressional resolution, I mean, talked about introducing politics into this process. I suggested an amendment which would regularize that process, allow the publication of any waivers that were requested by the Secretary and try to regularize that. I think, and I hope, that the other body when we go to conference will be able to design such a waiver procedure that satisfies the very legitimate concerns that have been raised regarding waivers.

Mr. Speaker, I noted that the gentleman from Arizona talked about the support of veterans groups for this measure and one of the reasons behind bringing this up at this point in time. When we in our committee on March 11 considered our budget request to the Committee on the Budget, the veterans service organizations of this Nation had proposed what they called an independent budget, an independent budget which gave $3 billion more than the President did to satisfy our contract with our Nation's veterans. Unfortunately, this independent budget, which went beyond the chairman's recommendations and the majority's recommendation by $1.3 billion, was not even allowed to be voted on in our committee. We were not afforded the opportunity to vote on a budget supported by our Nation's veterans organizations. This budget, which was supported by the Democrats on the committee, tried to offset the unjustified low budget that the administration provided for the year 2000. We tried to say that the VA health care system was drastically underfunded and in danger of actual collapse. We tried to say that the GI bill was far short of realistic needs and failing as a readjustment benefit. We tried to say that desperately needed staffing increases included in this budget appeared to be phony, little more than transparent shell games. We tried to say that the national cemetery system has been underfunded for years and the money needed for basic repairs and upkeep was unavailable and we are not meeting our commitment to our Nation's veterans. Veterans were wronged by the administration budget, they were wronged by the majority on the Committee on Veterans' Affairs submission to the Committee on the Budget, and they were wronged by the budget resolution that is coming to us this week.

I ask that this House, in recognition of our Nation's veterans, in recognition of the brave men and women who we are honoring by this H.R. 70 today which says that only those who deserve to be buried in Arlington should be, as an honor to those brave men and women who are buried at Arlington, we should not vote for this budget resolution that is being brought to us this week. It drastically underfunds the veterans budget. The health care system that the VA has provided for our Nation's veterans is in danger of going under. We should vote down the budget resolution when it comes before us because of its failure to provide for our Nation's veterans.

Reluctantly I ask that H.R. 70 be approved today, but I hope that it is improved in the Senate.

□ 1130

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from Arizona, and I would just say as a quick comment before I start my statement, to the gentleman from California (Mr. FILNER), a good friend who I respect, that his complaints about the veterans' budget should have been made to the President of the United States because the President provided a budget that was underfunded, as the ranking member of our Committee on Veterans' Affairs said of the Veterans budget, it is a house of cards, and both he and I know that all during the testimony that all of us felt that the budget was inadequate. I hope in the future that the gentleman from California (Mr. FILNER) will take the time to sit in the Cabinet office and explain to Mr. Togo West, who is the Secretary of Veterans, how important it is to provide a budget that is properly funded. When the Secretary presents a budget to us all we should do is add or amend and not have to take a whole new rigorous approach and add more money like we did in our Veterans Committee.

So I compliment the gentleman from Arizona (Mr. STUMP) for taking the initiative in the face of many people in this House who think that our veterans are a declining population and they do not need additional services.

But I rise, Mr. Speaker, in strong support of H.R. 70, and commend our chairman for his leadership in tackling this question surrounding burial at the Arlington National Cemetery. The legislation we take up was developed on a bipartisan basis to set clear eligibility standards for burial at this hallowed national military cemetery. The House took up and passed a very similar bill in the last Congress. It is important, however, that the record be clear on what prompted that legislation.

Arlington Cemetery was created for one reason, to honor the memory of those who died as a result of their military service. Yet, as an in-depth Committee on Veterans' Affairs' investigation disclosed, there have been two possible routes to burial at Arlington. One route was to meet strict eligibility rules. The other was through the grant of a waiver or exception. The use of waivers has allowed burial of the remains of individuals who never even served in the military.

The waiver practice not only runs afoul of Arlington's historic roots, but it invites inconsistencies, favoritism and inequities. The waiver process has been a path for the very privileged and the well connected. Such a practice is not only intolerable in itself, but each exception deprives future survivors of a military burial at Arlington for their loved ones. The sad fact is that Arlington will run out of space for in-ground burials by the year 2025 unless it is expanded.

So, Mr. Speaker, it is altogether fitting, therefore, that this bill eliminate the waiver exception and codify appropriate standards.

Despite our committee's long work on this subject and a 412 to 0 vote on the 105th Congress, there are a few on the other side who said they want to amend this bill or change this bill, and perhaps in a way it is sort of a turnabout from that 412 to 0 vote we had in the 105th Congress. As they proposed, it would allow burial at Arlington for anyone whose act, service or contribution to the United States is extraordinary. That is what they would like to do. "Extraordinary" is the word they use over and over again.

Now "extraordinary" can mean a lot of different things to a lot of people. For example, I mean just to take an exaggerated example, Tom Brokaw wrote a great book that is at the top of the New York Times best sellers' list about the heroic acts of World War II. Would he, if this book was very popular, be allowed because of extraordinary achievement in the journalistic world? And, to take another exaggerated example, if Madonna who went around and entertained veterans hospitals for many years, would she be allowed because of extraordinary service? Or even Steven Spielberg, could he be buried at Arlington because of a future Private Ryan movie?

So, I think, as my colleagues know, those exaggerated examples show that this "extraordinary" status that is included in their language is really sort of a turnabout from what we are trying to specify here today.

So, Mr. Speaker, in conclusion I urge support for codifying the current eligibility requirements as proposed in H.R. 70. They do not consider how famous a veteran was, and frankly, Mr. Speaker, they should not. Our country can find other means to honor those who make great contributions in the sciences, the arts, the letters, the politics, the sports and other fields, no matter how extraordinary they may be. But Arlington, Arlington Cemetery belongs to our veterans, and we should keep it that way.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, last year I was one of the people that voted for this bill. We had had lengthy discussions at the committee about it, and I was part of the subcommittee, part of the investigation. The gentleman from New York (Mr. QUINN) and I went out and visited Arlington, and I voted for the bill the last time. I was one of the 412 to 0 that supported it because I thought we had assurances that there was going to be done, some work was going to be done on the bill to improve it.

The deal was some of the concerns that had been brought up. But we have now come almost, I guess, a year and a half or 2 years later, a year later certainly, and no work has been done, and the arguments are the same, and we have learned now two different things:

Number one, we have learned that the bill died on the Senate side. They did not take up the bill, I think because of concerns that have been expressed by the gentleman from California (Mr. FILNER) and some others that there is not wiggle room in this bill to allow for those extraordinary events that occur. The other thing that has occurred is, this last year, is the terrible tragedy that we had with the shooting of two of the Capitol Police officers, and one of them under this bill clearly would not qualify for burial at Arlington, and I know of very, very few people in this Nation who do not believe that Officer Gibson deserved burial at Arlington Cemetery for giving his life to protect every American who was in the Capitol that day and plans on coming to the Capitol, to protect this shrine of democracy.

So that is the problem I have with this bill this year. We have not learned from the events of the last year, and I think this is something that good faith people can work on.

Now the alternative we have been given under the language of this bill is that legislation could be passed. But we all know there are going to be situations that will occur when Congress is not in session, when we are in the August recess, when it is a week before a campaign and there has been a terrible tragedy. There is not going to be a special session of Congress called to deal with it.

Beyond the inconvenience and the problems of dealing with a family in a 3- or 4-day period of time when we are not in session is just the whole idea of thinking about dealing with a bill that has been filed with 10 cosponsors to open up Arlington to a specific member. Are my colleagues going to be the people that step forward and say, "I am going to vote against that family. They were not heroic enough." I do not think that is the kind of legislation that we are going to want to deal with down the line, so I personally think that legislation is an unsatisfactory resolution.

Another aspect of the bill I have problems with that we did not talk about much during committee is the fact that monuments in Arlington under this bill will be limited to military events only. That means that the monument that is there now for Challenger, for the Challenger disaster, the space shuttle disaster, under the language of this bill we could have no future monuments like that because the NASA mission is not a military event. I think that is unfortunate. I think the people that were in the space shuttle were clearly heroic folks.

In conclusion, I do not fault the intent of this bill. I think, as my colleagues know, to codify this, to make these rules known to people out in America, what it means to be buried at Arlington, I think that is a noble effort. The problem I have is we have not done the work on this side and we are going to turn our problem over to the Senate side. We are going over there saying we know this bill needs work, we have not figured out in 2 years how to do it, and we are going to say that we are satisfied sending the bill over knowing that there are American heroes down the line that we will want to have in Arlington that will not be eligible under the language of this bill, and I do not think that is what the House of Representatives ought to do.

Mr. QUINN. Mr. Speaker, will the gentleman yield just for the purposes of discussion on the floor?

Mr. SNYDER. I yield to the gentleman from New York.

Mr. QUINN. I want to, just for the record, Mr. Speaker, state that I share some of the same frustrations that my colleague shares. In fact, I think we agree on a great portion of the bill, H.R. 70, that we are looking at today. But I want to point out that between the last vote of 412 to 0 and today we did not have any discussion, we just did not reach agreement on some of the points that we are still stuck at today. There was some discussion, not a whole lot of it in between, but there was some discussion that took place.

I also want to say to my colleague, as I have said to the subcommittee and full committee and will say to the Members of the House, I share that same frustration about the timing of trying to make some kind of waiver happen for those extraordinary circumstances. So I disagree a little bit with my good friend and colleague, the gentleman from Florida (Mr. STEARNS) on our side that there may be some extraordinary circumstances. In the case of Officer Gibson, for example, we could have taken care of that, so to say that we could have not allowed Officer Gibson to be buried there is not exactly correct because we were back in session the following week or so, so that could have happened. In the case of Senator Kennedy, I am not sure and was not around. We have to check, if it was important, to see the schedule.

I am concerned, though, about the point my colleague brings up about timing and how we would deal with that kind of situation if we were not in session, if the Congress was out for a month or two or whatever that happens to be. I think the gentleman from Arkansas is correct. I think there are some circumstances when that may happen, and I also do not want to rule out the possibility that at some point in time others besides us might make that decision.

I do not have an answer for my colleague this morning, Mr. Speaker. I just want to say that I still share some of those frustrations with him, and I do not know if we are going to vote on this, I think shortly or later on today, to not hold it up, to try to find a way when we go to conference with the Senate, if there are some Members over there that feel strongly enough about it, I would not rule out some more discussion, I guess.

Mr. Speaker, I thank the gentleman for having yielded.

Mr. SNYDER. Reclaiming my time, if I might, I had hoped that we could have had these discussions at the subcommittee level, but it got snowed out in one of the great late winter snowstorms of 1999, but it was not rescheduled, and that is part of my frustration today. We immediately went to the full committee. That, in my opinion, did not allow for the kind of discussions that need to occur at the subcommittee level to improve the bill.

Mr. STEARNS. Mr. Speaker, will the gentleman yield for a question?

Mr. SNYDER. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, the gentleman from Arkansas talked about his desire to have it amended or changed to put in place the words "acts or service of extraordinary service."

Mr. SNYDER. If I may reclaim my time, Mr. Speaker, I did not speak about that today. I do not know that that is the option that the gentleman from California (Mr. FILNER) presented at the subcommittee level. I think there are—there are several possibilities.

For example, one possibility maybe should include, as my colleagues know, maybe twice a year, once a year, formal accounting, as my colleagues know, where we call up Arlington here to outline and discuss for us all the waivers this last year.

Another option ought to include, I think, an immediate public notification.

Another option may be that the Secretary of the Army could grant waivers after consultation with the ranking member and chairman of the Committee on Veterans' Affairs.

Another option may be to have some kind of formal notification list; as my colleagues know, fax numbers of all the VSOs and the subcommittee chairs and ranking members.

As my colleagues know, at 10 p.m. on a Saturday night the Secretary of the Army issued a waiver for this person. That kind of constant public scrutiny may deal with some of the concerns that we have had. So do not hang them on that particular there.

Mr. STEARNS. If the gentleman would yield just for another point, the point I was going to try to make in this discussion is we have never mentioned the word "heroics," as my colleagues know. We are talking about individuals that had heroic behavior in the service, and I think we should recognize that is the purpose and the value of Arlington Cemetery, is to recognize people who have extraordinary heroic behavior.

So that is the point I wanted to make, and I thank that gentleman for having yielded.

Mr. SNYDER. If the gentleman from Florida is offering that as amendment for extraordinary heroic behavior as a waiver, I think I can speak for the ranking member, we would accept that amendment.

Did I misunderstand the gentleman, Mr. Speaker?

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, our intention is today, should be and is focused on the heroic actions of those buried at Arlington National Cemetery, but I thank the gentleman from Florida (Mr. STEARNS) for bringing up the budget and also for his nomination to the President's Cabinet. I thank the gentleman, Mr. STEARNS, but I wish we would have had this debate at the committee. As my colleagues know, we were not allowed to. And Mr. STEARNS' criticism of the presidential budget is well founded, but that is history. The President made his suggestion. It is Congress' turn now.

Mr. Speaker, my colleague can yell at the President all he wants, as I have, but now the gentleman is accountable, and I am accountable, and this Congress is accountable by law and by Constitution for the budget.

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The gentleman voted for a budget which went $1.9 billion above the President's. We offered an amendment to go $3.2 billion above the President's. That was not just dollars. It was to maintain the integrity of the VA health care system and other benefit systems. So the gentleman voted for the $1.9 billion, not for the $3.2 billion.

The Republican budget that has come onto the floor this week, I think goes about $.9 billion above the President's. If the gentleman votes for that, that is his budget. It is not the President's anymore. It is the gentleman's and it is $2.3 billion below what the VSOs, the veterans service organizations, have suggested.

I say to the gentleman and I will say to the House later this week, if the gentleman votes "yes" for that budget resolution he is supporting a budget which is insufficient for veterans and the Veterans Administration. It undermines our contract with our Nation's veterans.

The gentleman now has an opportunity to stop yelling at the President and take responsibility for his vote, and I ask the gentleman, if he thinks that that budget is too low, as he says the President's was, vote "no" on the budget resolution. Join me in my recommittal motion which will ask for the independent budget's figure to be added to our budget resolution.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee, for the cooperation and the hard work he has done on this bill, as well as my two subcommittee chairmen, the gentleman from New York (Mr. QUINN) and the gentleman from Florida (Mr. STEARNS). They have put in an extraordinary amount of time.

I do not want to leave the impression that we have not worked on this bill since last year, as someone mentioned. We have worked a lot on this bill. We have made some technical changes. I have conferred with my counterpart, the chairman of the VA committee on the Senate side, and I think we had an excellent time.

Unlike last year, we kind of ran out of time, an election year, end of session. There simply was not enough time to work these differences out. I believe that will happen this time, Mr. Speaker, and I am going to see that it does, if it is within my power.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 70.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SMALL BUSINESS YEAR 2000 READINESS ACT

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 314) to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

The Clerk read as follows:

S. 314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Year 2000 Readiness Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the failure of many computer programs to recognize the Year 2000 may have extreme negative financial consequences in the Year 2000, and in subsequent years for both large and small businesses;

(2) small businesses are well behind larger businesses in implementing corrective changes to their automated systems;

(3) many small businesses do not have access to capital to fix mission critical automated systems, which could result in severe financial distress or failure for small businesses; and

(4) the failure of a large number of small businesses due to the Year 2000 computer problem would have a highly detrimental effect on the economy in the Year 2000 and in subsequent years.

SEC. 3. YEAR 2000 COMPUTER PROBLEM LOAN GUARANTEE PROGRAM.

(a) PROGRAM ESTABLISHED.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(27) YEAR 2000 COMPUTER PROBLEM PROGRAM.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'eligible lender' means any lender designated by the Administration as eligible to participate in the general business loan program under this subsection; and

"(ii) the term 'Year 2000 computer problem' means, with respect to information technology, and embedded systems, any problem that adversely effects the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date-dependent data—

"(I) from, into, or between—

"(aa) the 20th or 21st centuries; or

"(bb) the years 1999 and 2000; or

"(II) with regard to leap year calculations.

"(B) ESTABLISHMENT OF PROGRAM.—The Administration shall—

"(i) establish a loan guarantee program, under which the Administration may, during the period beginning on the date of enactment of this paragraph and ending on December 31, 2000, guarantee loans made by eligible lenders to small business concerns in accordance with this paragraph; and

"(ii) notify each eligible lender of the establishment of the program under this paragraph, and otherwise take such actions as may be necessary to aggressively market the program under this paragraph.

"(C) USE OF FUNDS.—A small business concern that receives a loan guaranteed under this paragraph shall only use the proceeds of the loan to—

"(i) address the Year 2000 computer problems of that small business concern, including the repair and acquisition of information technology systems, the purchase and repair of software, the purchase of consulting and other third party services, and related expenses; and

"(ii) provide relief for a substantial economic injury incurred by the small business concern as a direct result of the Year 2000 computer problems of the small business concern or of any other entity (including any service provider or supplier of the small business concern), if such economic injury has not been compensated for by insurance or otherwise.

"(D) LOAN AMOUNTS.—

"(i) IN GENERAL.—Notwithstanding paragraph (3)(A) and subject to clause (ii) of this subparagraph, a loan may be made to a borrower under this paragraph even if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $750,000.

"(ii) EXCEPTION.—A loan may not be made to a borrower under this paragraph if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $1,000,000.

"(E) ADMINISTRATION PARTICIPATION.—Notwithstanding paragraph (2)(A), in an agreement to participate in a loan under this paragraph, participation by the Administration shall not exceed—

"(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance exceeds $100,000;

"(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance is less than or equal to $100,000; and

"(iii) notwithstanding clauses (i) and (ii), in any case in which the subject loan is processed in accordance with the requirements applicable to the SBAExpress Pilot Program, 50 percent of the balance outstanding at the time of disbursement of the loan.

"(F) PERIODIC REVIEWS.—The Inspector General of the Administration shall periodically review a representative sample of loans guaranteed under this paragraph to mitigate the risk of fraud and ensure the safety and soundness of the loan program.

"(G) ANNUAL REPORT.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of the program carried out under this paragraph during the preceding 12-month period, which shall include information relating to—

"(i) the total number of loans guaranteed under this paragraph;

"(ii) with respect to each loan guaranteed under this paragraph—

"(I) the amount of the loan;

"(II) the geographic location of the borrower; and

"(III) whether the loan was made to repair or replace information technology and other automated systems or to remedy an economic injury; and

"(iii) the total number of eligible lenders participating in the program.".

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to carry out the program under section 7(a)(27) of the Small Business Act, as added by this section.

(2) REQUIREMENTS.—Except to the extent that it would be inconsistent with this section or section 7(a)(27) of the Small Business Act, as added by this section, the guidelines issued under this subsection shall, with respect to the loan program established under section 7(a)(27) of the Small Business Act, as added by this section—

(A) provide maximum flexibility in the establishment of terms and conditions of loans originated under the loan program so that such loans may be structured in a manner that enhances the ability of the applicant to repay the debt;

(B) if appropriate to facilitate repayment, establish a moratorium on principal payments under the loan program for up to 1 year beginning on the date of the origination of the loan;

(C) provide that any reasonable doubts regarding a loan applicant's ability to service the debt be resolved in favor of the loan applicant; and

(D) authorize an eligible lender (as defined in section 7(a)(27)(A) of the Small Business Act, as added by this section) to process a loan under the loan program in accordance with the requirements applicable to loans originated under another loan program established pursuant to section 7(a) of the Small Business Act (including the general business loan program, the Preferred Lender Program, the Certified Lender Program, the Low Documentation Loan Program, and the SBAExpress Pilot Program), if—

(i) the eligible lender is eligible to participate in such other loan program; and

(ii) the terms of the loan, including the principal amount of the loan, are consistent with the requirements applicable to loans originated under such other loan program.

(c) REPEAL.—Effective on December 31, 2000, this section and the amendments made by this section are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Year 2000 computer problem, commonly known as Y2K, has the potential to disrupt many of this Nation's small to medium-sized businesses at the turn of the century. The Y2K problem exists because many computers and embedded chips cannot process dates beyond December 31, 1999.

Although computer programmers have known about this problem since at least the late 1960s, many small business owners have not taken any action toward correcting any possible Y2K problems they may have. In fact, according to a recent study by the NFIB, a small business association, only one in four small business owners consider Y2K a serious problem.

Today we are considering a very important piece of legislation that will help small businesses achieve Y2K compliance. The Small Business Year 2000 Readiness Act, S. 314, requires the Small Business Administration to establish a limited-term loan program to assist small businesses in correcting Y2K computer problems. Any of the more than 6,000 lenders nationwide that are eligible to participate in SBA's 7(a) business loan program are eligible to participate in the Y2K loan program.

Under current law, the SBA may not guarantee more than $750,000 to any single borrower. This legislation establishes a limited exception to current law so that the SBA may exceed that amount by up to $250,000 for loans under the Y2K loan program.

Small businesses may use the proceeds of a loan for two purposes. First, a small business may use the loan to correct Y2K problems affecting its own information technology systems and other automated systems. For example, a small business is permitted to purchase or repair hardware or software or pay for consultants to repair its information technology systems.

Second, a small business may use the loan proceeds to provide relief from economic injury suffered as a direct result of its own Year 2000 problems or some other entity's Y2K problems.

The belief of many small businesses that the Y2K problem does not affect them because they do not own a large mainframe or PC is unrealistic. Many of these businesses rely on a wide range of suppliers and customers who use automated and computerized systems for production, inventory, shipping and billing purposes. If one of these links in a small business' supply and demand chain is broken due to a computer system that is not Y2K complaint, it could lead to irreparable damage to a business that lacks a large capital pool.

Other Y2K-related problems that could affect small businesses include interest calculation errors, bank account balance errors, and disruption of service on production lines. Additionally, in our continuously expanding marketplace, small business owners who have contact with overseas corporations need to discover whether or not their foreign trading partners are Y2K compliant.

There is one positive aspect of the Y2K problem, Mr. Speaker. We know what it is and we know when it will strike. Unlike other disasters that strike unexpectedly, American small businesses can prepare for this potential problem and, in fact, help to blunt its impact. The loan program established by the Small Business Year 2000 Readiness Act will be instrumental in preparing our Nation's small businesses for the turn of the century.

In closing, I would like to read a letter I recently received from one of my constituents which I believe clearly illustrates the problems small businesses may face in the Year 2000.

"Dear Congressman Talent: I own and operate a small payroll service bureau in your district providing payroll services for over 100 client companies and approximately 6,000 people. Our gross income in many cases is just 50 cents per check in this extremely competitive environment. It is my estimate that it will cost us about $27,000 to $35,000 to obtain the needed payroll software and computer hardware to become Y2K compliant.

"Obviously payroll checks issued for January of the Year 1900 are not likely to be cashable at many banks. None of my clients will stay with us without some assurance of valid checks come January 1, 2000, so not complying would mean the death of my company. It is going to take a significant portion of our revenues for several years to pay for the compliance we absolutely must have. This may mean going without an income for me, possibly pay cuts for my employees, and paying high loan interest rates for years.

"We are currently struggling to figure out a way to finance the upgrades needed to become compliant, instead of working on getting the equipment and software and becoming compliant. It will take us about 3 months to convert all records, even after installing equipment and software.

"I would ask that you and the House of Representatives move as quickly as possible to approve a matching bill to S. 314 already passed. Once any legislation passes, and the money finally comes down to my small business, I still face months of work to finish what you are starting.

"Thank you very much for your consideration of the immense pressures this issue has added to many small businesses already dealing with a host of other problems," and it is signed with a constituent's name.

That, I think, illustrates the reason why we have this bill before the House. I thank my friend, the ranking member of the committee, the gentlewoman from New York (Ms. VELÁZQUEZ) for her help.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 314, the Small Business Year 2000 Readiness Act. Providing small businesses with access to the capital they need to prepare themselves for the Year 2000 is important for the safety and soundness of our economy.

The Year 2000 problem is one of the most critical issues facing America's small businesses. It is not even January 1, 2000, and already some businesses are experiencing difficulties. Unless action is taken soon, the closer to this date we get, the more problems our Nation's businesses can expect.

Although no one knows for certain what impact Y2K will have, most experts believe that computer-related problems will be wide-ranging, from miscalculation in insurance and loan rates to brownouts caused by malfunctioning power plants. In fact, some equipment may stop working altogether. The economic impact could be disastrous not only for the United States but also for the global economy.

The overall cost to the American economy could be as high as $119 billion in lost output between now and 2001. In addition to this figure, the economic growth rate could slow, inflation could rise and productivity could drop. For small businesses, which may not have adequate resources to deal with this problem, the effects could be devastating. Estimates indicate that up to 7 percent of U.S. businesses will fail due to the lack of Y2K readiness. Clearly, something must be done to minimize the effects of the Year 2000 problem.

Despite all of this information and the dire forecast for the economy, a recent study conducted by the National Federation of Independent Businesses and Wells Fargo Bank found that fewer than 23 percent of small business owners consider Y2K a serious problem. Additionally, the report stated that only 41 percent addressed or planned to address this issue. There are many reasons for this, ranging from lack of understanding to inadequate resources.

Today's legislation tackles one problem faced by small businesses preparing for the Y2K: access to capital. S. 314, the Small Business Year 2000 Readiness Act, would remedy this by providing greater flexibility through the 7(a) program to help businesses deal with their readiness. This legislation will also increase the number and amount of loans available to small businesses. Repayment of loans will be structured to help businesses with their cash flow and in their planning for the coming year.

Mr. Speaker, we should all take the threat that the Year 2000 problem poses to our small business community very seriously. We must continue to work together to make businesses aware of the need to prepare for Y2K, and we must continue finding ways to help small businesses become ready.

S. 314 is a step in that direction. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to thank our distinguished ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for her work on this legislation.

Mr. Speaker, this is the sixth piece of legislation that the Committee on Small Business has brought before this House in these first months of the 106th Congress. We have moved all these measures on a bipartisan basis and in fact, so far, Mr. Speaker, we have been able to move our legislative agenda on a bicameral basis.

I would like to thank all the members of the committee for making the past few months a success for the committee. I also want to thank the committee staff on both sides of the aisle that worked so effectively to help our committee accomplish its goals.

I do not normally thank staff in these kinds of debates, Mr. Speaker, but I think it is appropriate given the fine work so far. On the Democratic staff, I would like to thank George Randels, Catherine Cruz-Wojtasik, Michael Klier and Michael Day. On the Republican staff, I would like to thank Charles Rowe, Meredith Matty, Dwayne Andrews, Stephanie O'Donnell, Larry McCredy, Paul Denham and Harry Katrichis.

This is a very important piece of legislation, Mr. Speaker, to help our small business community in dealing with what could be a very significant problem. I urge the House to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this bill, which encourages our small businesses to address the Y2K computer problem. I support S. 314 as a necessary support tool for small businesses dealing with Y2K.

This bill requires the Small Business Administration (SBA) to establish a new loan program that would give small businesses, who often do not have a great deal of money for capital investment, the opportunity to address the Y2K conversion in a responsible manner.

The Administration has gone through great pains to work through the Y2K bug, and to make sure that the United States survives the transition to next year with minimal discomfort. Among the programs that the Administration has created are several instituted by the SBA and the National Institute of Standards and Technology (NIST), which are aimed exclusively at getting small business on the track to Y2K Compliance.

These programs are vital in my district, and in areas throughout the country, where small businesses are responsible for providing many of the most important services to the community. In many urban neighborhoods, for instance, the largest grocery stores are the mom-and-pop shops on the corner—which would be called "convenience stores" in the suburbs. These small shops are, for many whom do not have cars or whom rely on public transportation, their only source for food and other necessary goods—and we simply cannot afford to have them shut down for any amount of time.

Most of the growth in our economy can be attributed to the revitalization of our small and medium-sized businesses, and we ought to ensure that no phenomenon, whether an act of God or the miscalculation of a computer designed decades ago, will curb that growth. I believe that this, simple bill, has the potential to do a great deal of good, and I, like my colleagues in the Senate, urge its passage.

Mr. TALENT. Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the Senate bill, S. 314.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1200

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 314.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

SMALL BUSINESS INVESTMENT IMPROVEMENT ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 68) to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Improvement Act of 1999".

SEC. 2. SBIC PROGRAM.

(a) IN GENERAL.—Section 308(i)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 687(i)(2)) is amended by adding at the end the following: "In this paragraph, the term 'interest' includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or increased future revenue of the small business concern receiving the business loan.".

(b) FUNDING LEVELS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking "$800,000,000" and inserting "$1,200,000,000"; and

(2) in subsection (e)(1)(C)(i), by striking "$900,000,000" and inserting "$1,500,000,000".

(c) DEFINITIONS.—

(1) SMALL BUSINESS CONCERN.—Section 103(5) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)) is amended—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), and indenting appropriately;

(B) in clause (iii), as redesignated, by adding "and" at the end;

(C) by striking "purposes of this Act, an investment" and inserting the following: "purposes of this Act—

"(A) an investment"; and

(D) by adding at the end the following:

"(B) in determining whether a business concern satisfies net income standards established pursuant to section 3(a)(2) of the Small Business Act, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

"(i) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this subparagraph), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(ii) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation;".

(2) SMALLER ENTERPRISE.—Section 103(12)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(12)(A)(ii)) is amended by inserting before the semicolon at the end the following: "except that, for purposes of this clause, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

"(I) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this clause), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(II) the net income (so determined) less any deduction for State (and local) income taxes calculated under subclause (I), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation".

(d) TECHNICAL CORRECTIONS.—

(1) REPEAL.—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by striking paragraph (13).

(2) ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking "6" and inserting "12".

(3) ELIMINATION OF TABLE OF CONTENTS.—Section 101 of the Small Business Investment Act of 1958 (15 U.S.C. 661 note) is amended to read as follows:

"SEC. 101. SHORT TITLE.

"This Act may be cited as the 'Small Business Investment Act of 1958'.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking my colleague, the ranking member of the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ) for her assistance in moving this bill, and her help in fashioning it.

The bill before us is almost identical to the measure which was passed by this House at the beginning of last month as the first bill passed through the 106th Congress. The other body acted on this legislation yesterday, and I am pleased to bring it before the House today for purposes of further action, and I hope and trust final passage.

The purpose of H.R. 68 is to make technical corrections to Title III of the Small Business Investment Act. That title authorizes the Small Business Investment Company program. Small Business Investment Companies, or SBICs, are venture capital firms licensed by the Small Business Administration. They use SBA guarantees to leverage private capital for small businesses. The technical corrections proposed by H.R. 68 will improve the flexibility of the SBIC program and allow increased access to this program by small businesses.

I just want to hit today, Mr. Speaker, the major changes of the underlying SBIC Act by H.R. 68.

First, H.R. 68 would change policies which currently reserve leverage for smaller SBICs. We thought at the time the bill was passed this would be necessary to give them a fair shake, but as a matter of fact, we are finding that the SBA's own policies are more than adequate in that regard, and that in fact this has the effect of hurting certain small businesses because it reserves too much of the leverage until the end of the year, so we need to repeal that.

H.R. 68 has a small authorization level for the participating securities segment of the SBIC program. The level would rise from $800 million to $1.2 billion in fiscal year 1999, and from $900 million to $1.5 billion in fiscal year 2000. That is necessary to meet rising demand.

H.R. 68 modifies a test for determining the eligibility of small businesses for SBIC financing, and basically puts S corporations on the same footing as other corporations, and allows them to participate equally in the program.

Finally, H.R. 68 will allow the SBA greater flexibility in issuing trust certificates to finance the SBIC program's investment in small businesses. Current law allows fundings to be issued every 6 months or more frequently. This inhibits the ability of the SBICs and the SBA to form pools of certificates that are large enough to generate serious investor interest, so H.R. 68 allows more time between fundings. That will permit the SBA and the industry to form larger pools for sale in the market.

The Senate's changes to H.R. 68 involve the further fine tuning of the legislation which originated here at the beginning of this Congress. The other body added a technical correction, eliminating the table of contents in the Small Business Investment Act. They reworded the language regarding the small business standard for SBIC investments, and they clarified the formula for addressing taxes so that it is clear that State taxes could not be deducted twice.

Those changes are all acceptable to the committee, to the ranking member and myself. I think they were good changes, if not really significant ones. I would urge the House to accept them.

Again, I want to thank the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff for their assistance in moving the measure before us. I also want to thank the chairman and ranking member of the Committee on Small Business in the other body, Senators KIT BOND and JOHN KERRY and their staffs, for their expeditious action on this important legislation.

I urge my colleagues to adopt the Senate amendments and support H.R. 68.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take this opportunity to thank the chairman for moving expeditiously this legislation. I rise in strong support of H.R. 68, the Small Business Investment Company Technical Corrections Act. Last month H.R. 68 was the first piece of legislation to pass the 106th Congress. Today, after the Senate has made some technical corrections which clarified the assumed tax provisions, we will once again pass this bipartisan legislation and send it to the President.

As a cosponsor of last year's bill and an original cosponsor of this legislation, I strongly support the improvements we are making to the Small Business Investment Act and the Small Business Investment Company program to date. These changes will only serve to make the SBIC program more efficient and responsive to the needs of small entrepreneurs.

There is no question that the value of the SBIC has been felt across this Nation. SBICs have invested nearly $15 billion in long-term debt and equity capital to over 90,000 small businesses. Over the years, SBICs have given companies like Intel Corporation, Federal Express, and American Airlines the push they needed to succeed. And because of SBICs, millions of jobs have been created and billions of dollars have been added into our economy.

Even as America experiences the longest period of economic growth in decades, there are still many disadvantaged urban and rural communities that are being left behind. One way of bringing economic development and prosperity to more Americans is through the SBIC program.

In fact, SBICs are such a powerful tool that the President's new economic initiatives for the distressed communities which he announced in his State of the Union Address is based on the solid framework of the SBIC program. Today's legislation answers the President's challenge and makes it easier for small businesses, especially in those targeted urban and rural areas, to access the capital that they need.

H.R. 68 ensures that the next Fedexes and AOLs of this country continue to have a fighting chance. The proposal is simple. By streamlining the process and increasing flexibility, SBICs will be able to creatively finance more businesses.

Recently we have also seen the SBIC program expand into new areas. Last year we witnessed the creation of two women-owned SBICs and the establishment of the first Hispanic-owned firm. The changes we are making today are part of an ongoing process that will enable us to provide creative financing to more small businesses more efficiently.

I am pleased once again to join the distinguished chairman in support of the proposed corrections, and I urge the adoption of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply would again encourage the House to concur in the Senate amendments to H.R. 68.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 68.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 68.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 751) to designate the Federal building and United States courthouse located at 504 Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse," as amended.

The Clerk read as follows:

H.R. 751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, shall be known and designated as the "Edward N. Cahn Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Edward N. Cahn Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 751, as amended, the Federal building and United States courthouse in Allentown, Pennsylvania, as the Edward N. Cahn Federal Building and United States Courthouse.

Judge Cahn was born and raised in Allentown, Pennsylvania. It is said Judge Cahn was quite a basketball star where he was part of the Allentown High championship team in 1951. He went on to attend Lehigh University, and graduated magna cum laude in 1955. Judge Cahn was the first Lehigh University basketball player to score 1,000 points during his collegiate career.

After graduating from Yale Law School, Judge Cahn returned to the Lehigh Valley. He was in the United States Marine Corps Reserve until 1964, and active in private law practice until 1974.

In 1975 President Ford appointed Edward Cahn to Pennsylvania's Eastern District Federal Court. For the next 23 years, Judge Cahn fairly and expeditiously administered the law from the Federal bench in Allentown, Pennsylvania, the only judge in the Third Circuit to work out of the Allentown courthouse.

In 1993 Judge Cahn was appointed the court's chief judge until his retirement in December, 1998. This is a deserving honor to an exceptional jurist and a local Lehigh Valley hero. I support this bill, and encourage my colleagues to support it, as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 751 is a bill to designate the Federal building and United States courthouse in Allentown, Pennsylvania, as the Edward N. Cahn Federal Building and United States Courthouse.

Judge Cahn has been serving the citizens of Allentown, Pennsylvania, and Lehigh county for four decades. He is a native of Allentown, and attended Lehigh University. He graduated Magna Cum Laude in 1955. After graduating from Yale in 1958, Judge Cahn was admitted to the Lehigh County Court in 1959.

In 1975 President Ford nominated him for the Federal bench in Pennsylvania's Eastern District Court. Judge Cahn worked from the Federal bench for the next 23 years in Allentown. Throughout his long, distinguished legal career Judge Cahn was known for his attention to detail and his fairness. He has been a mentor to others, impressing on other lawyers that all cases are important and deserving of attention. It is very fitting that we acknowledge the outstanding contributions of Judge Cahn by designating the courthouse in Allentown, Pennsylvania, in his honor.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Allentown, Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I rise today to urge my colleagues to pass H.R. 751, a bill I introduced to name Allentown's Federal courthouse for retired Judge Edward N. Cahn.

Judge Cahn, as a native of Pennsylvania's Lehigh Valley, has honored our community with his service as a Federal judge and the determination he has brought to everything that he has done.

The outpouring of community support to name Allentown's courthouse after Judge Cahn has been substantial and bipartisan. Judges, prosecutors, defenders, corporate attorneys, civil lawyers, and many others have asked that Judge Cahn be honored with this distinction. His childhood friend and colleague, Judge Arnold Rappoport, once said, "Whether it's being captain of the basketball team at Lehigh University or being in the Marines, he has a pioneering will to achieve. The energy and drive never changed."

Judge Cahn served on the Federal bench for 23 years, including 5 years as chief judge. As a jurist and a public servant, he instilled the virtue of fairness and equality under the law. He remains the only Federal jurist to come from Lehigh County lawyers. In fact, if it were not for Judge Cahn's influence and enormous efforts, Allentown may not now have this beautiful new courthouse. It is only fitting that this courthouse bear his name.

Beyond the physical structure of the building, Judge Cahn is widely helping with helping Lehigh Valley garner the respect and recognition it deserves within the Federal legal community. Judge Cahn's former law partner, John Roberts, says, the Federal bench has lost a star.

I agree, and I would like to take this opportunity to remind us all that we should not underestimate the importance of a community having representation on the Federal bench. It is something Judge Cahn always believed and stresses to this day.

Federal courts should be reflective of all constituents within their borders. Nothing can substitute for the personal knowledge and experience of living and working in a region. Judges who understand a region's customs and history better understand their jurists, plaintiffs, and defendants.

That is why the Lehigh Valley must have a trial judge on the Federal bench, and why I am committed to working with my colleagues to fill Judge Cahn's seat with a native of the Lehigh Valley.

In conclusion, Judge Cahn is already missed on the Federal bench, but perhaps naming the courthouse after him will serve as an enduring reminder of the contributions he has made to the administration of justice in Pennsylvania.

I would like to thank several people who have been very supportive of this measure: first, the gentleman from Pennsylvania (Mr. HOLDEN), a fellow member of the Pennsylvania delegation; the Committee on Transportation and Infrastructure, and its chairman, the gentleman from Pennsylvania (Mr. BUD SHUSTER), as well as the ranking member, the gentleman from Illinois (Mr. WILLIAM LIPINSKI); the Subcommittee on Buildings and Economic Development, and the chairman, the gentleman from New Jersey (Mr. BOB FRANKS), as well as the ranking member, the gentleman from West Virginia (Mr. ROBERT WISE). I would also like to thank the majority leader, the gentleman from Texas (Mr. DICK ARMEY) for his support in this.

Finally, I urge my colleagues to pass H.R. 751, and give honor to Allentown's courthouse and the man who made it possible.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution today, and I would like to commend my colleague, the gentleman from Lehigh Valley, Pennsylvania (Mr. TOOMEY) for bringing this legislation to the floor.

Before coming to Congress, Mr. Speaker, I had the great opportunity to serve as sheriff of Schuylkill County, Pennsylvania, for 7 years.

□ 1215

During that time period, I had a chance to get to know Judge Cahn, and I just wanted to say that he is an honest, sincere, hardworking person who has dedicated his life to serving, not only the people of Lehigh Valley but the people of Pennsylvania and the people of this great country. He has served with distinction on the bench, and his knowledge of law and his sense of fairness is beyond question.

I would just like to say that Judge Cahn so much deserves this honor today to have that beautiful courthouse in Allentown named after him for his distinguished service. I would like to wish Judge Cahn and his family many, many years of happy retirement. I am sure he is going to serve in senior status and continue to serve the people in Lehigh Valley.

Mr. Speaker, I want to lend my strong support and again thank the gentleman from Pennsylvania (Mr. TOOMEY), my friend from Lehigh Valley, for bringing this legislation to the floor. I agree with everything he said except that we will fill that vacancy in the Lehigh Valley right after we fill it with the judgeship from Berks County, Pennsylvania to take Judge Cahn's place.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. SHOWS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 751, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the 'Edward N. Cahn Federal Building and United States Courthouse'.".

A motion to reconsider was laid on the table.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 130) to designate the United States Courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse".

The Clerk read as follows:

H.R. 130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 40 Centre Street in New York, New York, shall be known and designated as the "Thurgood Marshall United States Courthouse".

SEC. 2. REFERENCES.

Any references in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Thurgood Marshall United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 130 designates the United States courthouse at 40 Centre Street in New York City as the "Thurgood Marshall United States Courthouse." Thurgood Marshall was born in Baltimore, Maryland. He graduated cum laude from Lincoln University in 1930 and graduated top of his class from Howard University School of Law in 1933.

Upon graduation from law school, Justice Marshall began his legal career with the National Association for the Advancement of Colored People. As chief counsel, he organized efforts to end segregation in voting, housing, public accommodations, and education. These efforts led to the landmark Supreme Court decision of Brown versus Board of Education, which declared segregation in public schools to be unconstitutional.

In 1961, Justice Marshall was appointed to the Second Circuit Court of Appeals by President Kennedy and four years later was chosen by President Johnson to be the first African American Solicitor General.

Two years later, in 1967, President Johnson nominated Justice Marshall to become the first African American Justice of the Supreme Court, where he served with distinction until his retirement in 1991.

Justice Marshall died in 1993 and laid in State in the Supreme Court building, a rare and privileged honor.

This is a fitting tribute to an honored jurist and a great historical figure. I support the bill and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 130 is a bill to name the Federal courthouse located at 40 Centre Street in New York City in honor of former Supreme Court Justice Thurgood Marshall. I thank the gentleman from New York (Mr. ENGEL) for introducing the bill and for his steadfast support of this legislation.

The career and character and contributions of Judge Marshall are without equal. His struggles for equality and dignity for all people were of historical proportions.

In 1961, President John Kennedy appointed Marshall as a judge on the United States Court of Appeals. Marshall was the first African American to receive such an appointment. President Johnson appointed Marshall as Solicitor General, and in 1967 he was appointed to the United States Supreme Court where he served until 1991.

As my colleagues know, Justice Marshall was born and brought up in Baltimore and graduated first in his class from Howard University Law School. The brilliance of his legal career is highlighted in the famous 1954 Brown versus Board of Education of Topeka case in which ration segregation in the United States public schools was declared unconstitutional.

Justice Marshall's visions for the future required constant and personal commitment by each citizens to racial equality. Justice Marshall has given to the American public an enduring symbol of hard work, determination, fairness, and honor.

Mr. Speaker, I am greatly honored and pleased to support H.R. 130.

Mr. FRANKS of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL), sponsor of the bill.

Mr. ENGEL. Mr. Speaker, I thank my friend from Mississippi for yielding me this time.

Mr. Speaker, I rise to encourage my colleagues to support H.R. 130. I am proud to be the sponsor of this bill, and this is a bipartisan bill, to name the Federal courthouse at Foley Square in Manhattan in New York City as the "Thurgood Marshall United States Courthouse."

By naming the Foley Square courthouse after Justice Marshall, Congress would send a signal to the American people and the entire world of the importance of the principle of equality under the law.

As my colleagues know, the late Thurgood Marshall was not only the first African American Justice of the United States Supreme Court, he also was one of the greatest trial and appellate lawyers in the history of our Nation. Through his skill, advocacy, and dedication to the cause of civil rights, he led the charge for equality, not only for African Americans, but for all Americans.

Thurgood Marshall was born July 2, 1908 in Baltimore, Maryland. After attending public schools in Maryland, he received his bachelor's degree from Lincoln University in Pennsylvania and his law degree from Howard University right here in Washington, D.C. where he graduated first in his class.

After handling a variety of private legal cases, Thurgood Marshall was appointed in 1936 as Special Counsel to the NAACP, the National Association for the Advancement of Colored People. Only 3 years later, Marshall founded the NAACP Legal Defense and Education Fund, one of the great protectors of civil rights in our country's history.

I would urge my colleagues commemorating the life of Thurgood Marshall today to cosponsor H. Con. Res. 33, my legislation, which commemorates the 90th anniversary of the founding of the NAACP.

While at the NAACP, Thurgood Marshall won 29 of 32 cases he argued before the United States Supreme Court. Most prominent of Marshall's victories of course was Brown versus Board of Education, that famous 1954 case, in which the Supreme Court struck down the separate but equal policy that was used to justify public school segregation that had been in effect since 1896.

While at the NAACP, Marshall also won important cases against discriminatory poll taxes, racial restrictions in housing, and whites-only primary elections.

In September 1961, after such a distinguished career with the NAACP, President John F. Kennedy appointed Thurgood Marshall as the first African American to sit as a judge on the United States Court of Appeals for the Second Circuit. He was later chosen by President Lyndon B. Johnson as the United States Solicitor General, also the first African American to hold this position.

On June 13, 1967, President Johnson appointed Thurgood Marshall to the Supreme Court. As the first African American Associate Justice, Marshall became known for his heartfelt attacks on discrimination,, unyielding opposition to the death penalty, and support for free speech and civil liberties.

As my colleagues know, the House passed this bill last year. We are considering it again today because it did not come to the floor of the Senate by the end of the session. I am hoping the Senate will immediately take up this bill after the House passes it.

Mr. Speaker, it is important to note the New York State Senate, the New York State Bar Association, and the New York State County Lawyers' Association, of which Marshall was a longtime member, have endorsed this bill. It is bipartisan, strong bipartisan support.

The courthouse at 40 Centre Street in New York has gone unnamed since its construction in 1935. I believe that identifying this courthouse with Justice Marshall would be a fitting commemoration of his life's pursuit of justice and equality under the law. The Thurgood family is delighted to have this important courthouse named after Justice Thurgood Marshall.

I urge my colleagues to offer this tribute to Justice Thurgood Marshall and to support H.R. 130. I just want to thank my colleagues, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New Jersey (Mr. FRANKS), and the gentleman from West Virginia (Mr. WISE), for their cooperation and strong support for this bill. I appreciate their collegiality very, very much.

Mr. SHOWS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democratic member on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Mississippi for yielding me this time.

Mr. Speaker, we gather here in this Chamber and with this bill before us to pay tribute and to honor a giant of the law and of the Constitution. In honoring Thurgood Marshall, we honor and pay tribute to all that is good and great in the history of democracy in America, for he personified what our American war revolution was all about, what the framers of the Constitution intended in writing this great and durable document, that all people are created equal and are entitled to equal justice under the law and in this Constitution.

Thurgood Marshall believed in that theme, believed in that promise, and made his life a crusade to make the promise of the Constitution alive, living, practiced in this democracy.

What we say here cannot add to the glory that is his and to the respect that generations owe him. We can only supplement what was a great, courageous, and inspiring life.

By naming a building, we hope that we in stone, in structure, and in all that goes on inside this great courthouse, perpetuate the ideals that made up the career and the life and the purpose of Justice Thurgood Marshall.

Mr. SHOWS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the chairman of the subcommittee and the ranking member for their attention to this naming bill.

How appropriate it is that the courthouse at Foley Square would be named for the man who sat there as a Second Circuit Judge and went on to the highest court, Thurgood Marshall. Of course the Foley Square courthouse is one of the preeminent courthouses in the United States in part because of some of the notorious cases that have been decided there, but also because of where it stands and what it has meant in history.

So to name a preeminent courthouse after a preeminent lawyer, a preeminent litigator, a preeminent Justice seems just right. In point of fact, Justice Thurgood Marshall was preeminent in so many ways, it is difficult to know now how he will be best remembered.

He spent many years on the Court. He was Solicitor General at an important high point of our history when the government was litigating cases involving race and other matters of signal importance to the constitutional development of our law.

Yet, I do not believe that the Justice will be remembered preeminently as a Justice or as a lawyer. I believe those are too small to encase his memory. I believe he will be remembered for what he did for American law itself. We are at a proud point in American law because the words equality under justice means something.

□ 1230

We did not get to that point, the law did not get to that point by itself. Equality under law was an empty phrase when Marshall began to practice law and when he and his cohorts at the NAACP, later to become the NAACP Legal Defense Fund, began to attack discrimination at its core.

Despite the carnage of the Civil War, the fact is that slavery was replaced by a system of law called Jim Crow. It was that system that Thurgood Marshall set his sights upon. He embarked upon the mission of filling the empty vessel, the words "equality under law," with true meaning. Marshall led a brilliant litigation strategy. Today, "separate but equal" is totally discredited, but it took years, gnawing at the roots of that doctrine, to finally overthrow that doctrine with Brown v. Board of Education.

When President Johnson sought to appoint Thurgood Marshall to his two important positions, he faced an uphill battle, and if I may say so, from members of his own party. And yet our law and our courts are richer because that battle was fought, and because Thurgood Marshall fought his battles for our law and for African Americans; ultimately, for all Americans, who now all accept "equality under law," with many more coming forward to claim that right than those who happen to be black.

For lawyers like me, Thurgood Marshall was nothing less than a role model, because there were so few African American lawyers in the 1960s when I came to the bar. He has since become not only a role model for my generation but an American legend in the law. It is most appropriate that he be honored in this way.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 130, to designate the court house on Centre Street in New York City as the "Thurgood Marshall United States Court House."

It is particularly auspicious that this legislation appears before the House of Representatives this week when much of the nation will learn, for the first time, of one of Justice Marshall's early cases on behalf of oppressed members of our society.

As a young attorney for the National Association for the Advancement of Colored People (NAACP), Thurgood Marshall went to Treasure Island in San Francisco Bay in September 1944 to observe the largest mutiny trial in the history of our nation. The accused men were sailors who had refused to continue loading highly explosive munitions at the Port Chicago Naval Magazine because a terrific explosion just a few weeks earlier had, without warning or explanation, killed 320 of their colleagues and destroyed this important naval facility. It was the largest home front loss of life of the war.

Marshall was concerned about the Port Chicago courts martial because all the accused men were blacks, men relegated to loading munitions on ships rather than firing them at the enemy solely because they were black. Men who lived in segregated housing, ate in segregated mess halls; men denied the post-traumatic leave typically granted. Indeed, benefits to the survivors of those black men killed in the explosion were reduced from $5,000 to $3,000 when southern senators learned the victims were blacks.

The Navy, dismissing the protests of the NAACP and others over the hypocrisy of asking segregated blacks to fight fascism abroad, denounced their sailors as having "exhibited the normal characteristics of negroes," and prosecuted them for mutiny. Fifty stood their ground and were sentenced to long jail terms, later reduced in the aftermath of the war. Following their convictions, Thurgood Marshall launched an impassioned effort to force the government to rescind the convictions, and he won some concessions: two dozen pieces of evidence were thrown out as tainted, but the convictions stood, and continue to stand today.

The Navy of the 1990s has proved equally resistant to revisiting the Port Chicago convictions. Directed by Congress to re-examine the case in 1992, Secretary of the Navy John Dalton admitted that there was "no doubt that racial prejudice was responsible for the posting of African-American enlisted personnel to the loading at Port Chicago." Then Secretary of Defense William Perry agreed that "prejudice in the first instance resulted in the assignment of African-American sailors to hard, dangerous work, but segregated them and denied them the dignity accorded to others in uniform." Like Dalton, however, Perry refused to overturn the convictions because, they asserted, the pervasive racism in the Navy and at Port Chicago was not documented in the actual trial proceedings.

I wonder how the courts ultimately would have treated Rosa Parks if they had refused to consider the context in which she defied the law and launched the civil rights campaigns of the 1950s. I wonder how history might be different if judicial officers reviewing records of sit-ins at lunch counters did not consider the environment in which those acts of defiance occurred.

The same is true of the Port Chicago case, and Thurgood Marshall knew it over a half century ago. Men who battled to enlist in the Navy to defend their country against fascism and racism were treated like second class citizens because of their race. They got second class jobs, second class training, and they got second class justice.

For decades, virtually all of the surviving Port Chicago "mutineers" have suffered their unjustified humiliation in silence, much as they suffered the anguish of official segregation and Navy policies that placed them in extreme risk without even a modicum of training. Bolstered by books and news coverage a decade ago, a few of these men—several now deceased—worked with Members of Congress to secure the Navy reviews and to successfully pass legislation in 1992 creating the Port Chicago National Memorial in California that honors the men who served and died at that facility.

A decade-long effort to secure the exoneration of over 250 black sailors who refused to resume loading the ships is gaining steam. A national law firm, Morrison and Foerster, has taken up the pardon appeal of Mr. Freddie Meeks of Los Angeles, and will hopefully be able to represent additional survivors and the families of those men who passed away without ever knowing that this day of reconsideration was coming.

The media also is finally paying attention to the travesty that followed the tragedy. The History Channel recently broadcast an hour-long show, produced by CBS, and the Learning Channel is set to air its own account on March 30th. NBC will nationally broadcast a made-for-TV movie, produced by actor Morgan Freeman, on March 28 that tells a fictionalized account of the Port Chicago story.

So it is fitting that, as the nation studies the Port Chicago case and the important role Thurgood Marshall played in challenging these unjust convictions, we meet here today to dedicate this building in his memory. Port Chicago was an early, and largely unknown, item in a distinguished legal and judicial career, and Justice Marshall surely deserves the honor we are about to confer on him.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill. This bill designates a United States courthouse in New York City as the "Thurgood Marshall United States Courthouse."

Thurgood Marshall worked for not only African Americans but for all Americans to establish and perfect a fundamental structure of individual rights. He succeeded in creating new protections under the law for women, children, prisoners, and the homeless. These groups owe a debt of gratitude to Thurgood Marshall for the increased protections that they enjoy as American citizens. Mr. Speaker even the press had Marshall to thank for an expansion of its liberties during the century.

Marshall was America's leading advocate of civil rights and led a revolution that has left an indelible mark on the American society as a whole. First as an attorney and then as the nation's first African American Justice on the Supreme Court, Marshall worked towards the integration of the races. He believed that through integration equal rights under the law could become a reality for all Americans.

In 1940, the NAACP created the Legal Defense and Education Fund, with Thurgood Marshall as its director and Counsel. During his tenure he coordinated the efforts of the NAACP to end racial segregation. His efforts culminated with the landmark 1954 decision Brown versus The Board of Education, which declared segregation of public schools illegal.

President Johnson would appointment Thurgood Marshall to the Supreme Court of the United States, making Justice Marshall the first African American justice to sit on the Court. As a justice Marshall worked to advance educational opportunity and to bridge the wide gulf of economic inequity between blacks and whites. He became a champion of affirmative action and other race conscious policies as a means to correct the damage from the horrors of racism.

Marshall's work as an attorney and as a justice would provide the framework for improvements in the equal rights of all Americans. President Johnson said at the time of appointing Marshall to the Supreme Court that it was "the right thing to do, the right time to do it, the right man and the right place." I say to you that in naming this Courthouse for Thurgood Marshall this body is using the right name and sending the right message.

Thurgood Marshall's name is synonymous with the struggle for equal rights in America. His legacy as an advocate for equal rights for all Americans is one that should be emulated, remembered and cherished.

Mr. Speaker; I ask my colleagues to support this measure and vote to designate this courthouse as the "Thurgood Marshall United States Courthouse."

Mr. CUMMINGS. Mr. Speaker, today, we honor Thurgood Marshall. Marshall was born and raised in the Congressional District I represent—Baltimore City, Maryland—and actually lived in a home which is about eight blocks from where I live now. We both attended Howard University and, more significantly, he was once turned away form the law school I attended and graduated from—the University of Maryland. As such, I am especially proud to honor Thurgood Marshall, as I share a common path with this historic figure.

In designating the Thurgood Marshall U.S. Courthouse in New York City, the nation also honors and praises this man for his civil rights achievements as a lawyer and for reaching the pinnacle of the U.S. justice system as the first African American Supreme Court Justice. I believe, however, that he should be revered most for his courage and independent judiciary and for breathing life into the text of the Constitution. He worked tirelessly to guarantee all Americans equality and liberty in their individual choices concerning voting, housing, education, and travel. It is an honor to recognize a man whose career is a monument to the judiciary system, and who has inspired others to continue his quiet crusade. I urge support for this legislation.

Mr. SHOWS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 130.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY KENNEDY CENTER

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 52) authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

The Clerk read as follows:

H. CON. RES. 52

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING USE OF EAST FRONT OF CAPITOL GROUNDS FOR PERFORMANCES SPONSORED BY KENNEDY CENTER.

In carrying out its duties under section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j), the John F. Kennedy Center for the Performing Arts, in cooperation with the National Park Service (in this resolution jointly referred to as the "sponsor"), may sponsor public performances on the East Front of the Capitol Grounds at such dates and times as the Speaker of the House of Representatives and Committee on Rules and Administration of the Senate may approve jointly.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Any performance authorized under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) ASSUMPTION OF LIABILITIES.—The sponsor shall assume full responsibility for all liabilities incident to all activities associated with the performance.

SEC. 3. PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—In consultation with the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate, the Architect of the Capitol shall provide upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for a performance authorized under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make such additional arrangements as may be required to carry out the performance.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to a performance authorized by section 1.

SEC. 5. EXPIRATION OF AUTHORITY.

A performance may not be conducted under this resolution after September 30, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey Mr. FRANKS) and the gentleman from Mississippi Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 52, introduced by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania Mr. SHUSTER), and cosponsored by the ranking member, the gentleman from Minnesota Mr. OBERSTAR), authorizes the use of the East Front of the Capitol for performances by the Millennium Stage of the John F. Kennedy Center for the Performing Arts. It is expected the performances are to take place on Tuesdays and Thursdays when Congress is in session, from Memorial Day through September 30, 1999.

The performances will be open to the public, free of admission charge, and the sponsors of the event, the Kennedy Center and the National Park Service, will assume responsibility for all liabilities associated with the event. The Architect of the Capitol will be responsible for some of the expenses associated with the performances. The Architect and the Police Board will make additional arrangements in complete compliance with the rules and regulations governing the use of the Capitol grounds. The resolution expressly prohibits sales, displays and solicitation in connection with the event.

This unique event allows the Kennedy Center to provide leadership in the national performing arts education policy and programs and to conduct community outreach, as provided for in its mission statement. By permitting these performances on the East Front, the Congress is assisting the Kennedy Center in fulfilling its important mission.

Mr. Speaker, I support the resolution, and I urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this resolution, which authorizes the use of the Capitol grounds for summer concerts presented by the John F. Kennedy Center. Consistent with other resolutions regarding the use of the Capitol grounds, the concerts will be free of charge and open to the public, and the sponsors will abide by the applicable rules and regulations.

On Tuesdays and Thursdays around lunchtime, the public will be treated with presentations of music, drama and dance by fine local and regional talent. This is a rare opportunity for a wide range of visitors and tourists to enjoy the offerings of the Kennedy Center. The 1998 summer series was a great hit and enjoyed by several hundred visitors, Capitol Hill residents, and hill Staff and Members.

I support House Concurrent Resolution 52 and look forward to the summer program.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota Mr. OBERSTAR), the ranking Democrat on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

The Kennedy Center at the Millennium Stage is truly one of the most remarkable innovations of the center and is the brainchild of the chairman of the center's board of trustees, Jim Johnson, and carried out brilliantly by president Larry Wilker.

The Millennium Stage operates 365 days a year, free to the public, and has entertained over half a million people, visitors to our Nation's Capital who can come to the Kennedy Center, to the Nation's center for the performing arts, and enjoy a free performance of the greatest array of talent that this Nation has to offer. It is an enjoyable, wonderful, uplifting experience for hundreds of thousands of visitors to our Nation's Capital as well as to residents of our Nation's Capital.

The resolution we bring to the House floor today will bring to the Capitol grounds this edition of the Millennium Stage and make it available here in the heart of the Nation's Capital.

It is a great privilege for me to serve, in my capacity as ranking member of the Committee on Transportation and Infrastructure, along with the chairman of our full committee, the gentleman from Pennsylvania Mr. BUD SHUSTER), on the board of trustees of the Kennedy Center. Together, we enthusiastically welcome to the Capitol grounds the Millennium Stage of the John F. Kennedy Center for the Performing Arts.

Mr. SHOWS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 52.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 1999 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 50) authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 50

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN THROUGH CAPITOL GROUNDS.

On June 11, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 1999 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 50 authorizes the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be conducted through the grounds of the Capitol on June 11, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution also authorizes the Architect of the Capitol, the Capitol Police Board and the D.C. Special Olympics, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The sponsor of the event will assume all expenses and liabilities in connection with the event; and all sales advertisements and solicitations are prohibited.

The Capitol Police will be hosting the opening ceremonies for the run starting on Capitol Hill, and the event will be free of charge and open to the public. Over 2,000 law enforcement representatives from local and Federal law enforcement agencies in Washington will carry the Special Olympics torch in honor of 2,500 Special Olympians who participate in this annual event, to show their support for the Special Olympics.

For over a decade the Congress has supported this worthy endeavor by enacting resolutions for the use of the grounds. I am proud to sponsor this resolution this year, and urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

This event needs little introduction. 1999 marks the 31st anniversary of the D.C. Special Olympics. The torch relay event is a traditional part of the opening ceremonies for the Special Olympics, which takes place at Gallaudet University in the District of Columbia.

Each year approximately 2,500 Special Olympians compete in over a dozen events, and more than one million children and adults with special needs participate in Special Olympic worldwide programs. The event is supported by literally thousands of volunteers.

The goal of the games is to help bring mentally handicapped individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self-esteem are the building blocks for these Olympic Games.

I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics. I urge passage of House Concurrent Resolution 50.

Mr. OBERSTAR. Mr. Speaker, the relay event is a traditional part of the opening ceremonies for the Special Olympics, which take place at Gallaudet University in the District of Columbia.

This year, approximately 2,500 special Olympians will compete in 17 events, and more than one million children and adults with special needs participate in Special Olympics worldwide programs.

The goal of the games is to help bring mentally disabled individuals into the larger society under conditions whereby they are accepted and respected. Confidence and self esteem are the building blocks for these Olympic games. Better health, coordination, and lasting friendships are the results of participation.

D.C. Special Olympics is the sole provider in the District of Columbia of these special services. No other organization provides athletic programs for citizens with developmental disabilities.

I support H. Con. Res. 50 and urge its passage.

Mr. SHOWS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 50.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service, as amended.

The Clerk read as follows:

H. CON. RES. 44

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the eighteenth annual National Peace Officers' Memorial Service, on the Capitol Grounds on May 15, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, in order to honor the more than 160 law enforcement officers who died in the line of duty during 1998.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized by section 1.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 44, as amended, authorizes the use of the Capitol grounds for the 18th Annual Peace Officers' Memorial Service on May 15, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate. The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Grand Lodge Fraternal Order of Police, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds. The Capitol Police will be the hosting law enforcement agency. The sponsor will assume all expenses and liability in connection with the event. The event will be free of charge and open to the public, and all sales advertisements and solicitations are prohibited.

This service will honor Federal, State and local law enforcement officers killed in the line of duty in 1998. This will be a time to remember our own slain Capitol Hill Police officers, Officers Chestnut and Gibson. It is a fitting tribute to the men and women who gave their lives in the performance of their duties.

Mr. Speaker, I support this measure and urge my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 44 authorizes the use of the Capitol grounds for this most solemn service. I strongly support this resolution which honors these police officers, men and women, who died in the line of duty during 1998. During last year, 152 very brave peace officers from the ranks of State, local and Federal service were killed in the line of duty. Twelve women officers are included in this number.

On average, one law enforcement officer is killed somewhere in America nearly every other day. Thousands of officers are assaulted and about 23,000 are injured.

Mr. Speaker, in 1962, President John Kennedy signed the law establishing National Police Week. May 15 is designated Peace Officers Memorial Day, and the Capitol Hill ceremony will take place on that day.

□ 1245

It is a day during which a grateful Nation will pay tribute to the sacrifice of all peace officers.

Mr. Speaker, I would like to recognize and honor three police officers in my own community who gave their lives in the line of duty. Lloyd Jones, Sheriff of Simpson County; Deputy Sheriff Tommy Bourne, Jefferson Davis County; and Deputy Sheriff J.P. Rutland, also of Jefferson Davis County. These brave men were family men, devoted fathers, dedicated husbands, and community leaders. The Nation's Capitol is an appropriate and fitting place to honor their memory and their noble service. As a caring Nation, we deeply appreciate their sacrifice.

I strongly support and urge passage of House Concurrent Resolution 44.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT) the author of the bill.

Mr. TRAFICANT. Mr. Speaker, I want to thank my distinguished colleague, and I want to thank the chairman, the gentleman from New Jersey (Mr. FRANKS), and the ranking member, the gentleman from West Virginia (Mr. WISE), for bringing this to the floor.

And I want to commend one of the most able staffs in the House who work on this type of business with very little fanfare, Rick Barnett and Susan Brita. We thank them for all their effort, having worked closely with this subcommittee for many years. The great job they do is appreciated.

As a former sheriff, the National Peace Officers' Memorial Day service has special meaning. Number one, the peace officer law enforcement memorial was a by-product of my chief of staff, Paul Marcone, who led the charge to build that.

I want to commend former Presidents Reagan and Bush for their efforts in helping all along the line to create a memorial for the slain law enforcement officers who have given their lives to help our Nation.

The second meaning, and a tragic one to say the least, is the loss of Sonny Litch, deputy sheriff during my term of sheriff, who was literally executed while transporting a prisoner. And til this day, justice I do not believe has been served, because I believe this man should be put to death, and that is an issue for another day.

But the 17th District of Ohio is not foreign to slain officers. And in the names on the Law Enforcement Memorial are the following eight who I would like to pay tribute to:

John R. "Sonny" Litch, Jr., my deputy, Mahoning County Sheriff's Office; John A. Utlak of the Niles Police Department; Richard Elton Becker of the

Poland Police Department; Charles K. Yates of the Poland Police Department; Ralph J. DeSalle, Youngstown Police Department; Paul Joseph Durkin, Youngstown Police Department; Millard Williams, Youngstown Police Department; and Carmen J. Renda, Jr., Youngstown State University Police; who have died in the line of duty.

In 1998, Mr. Speaker, more than 160 law enforcement officers were killed protecting our citizens, killed in the line of duty. The names of these brave men and women will be engraved on the walls of the National Law Enforcement Officers Memorial. And that is, at least, some semblance of recognition.

For the families here, in paying tribute on the 15th of May, it is an appropriate place for our Capitol to be used for this activity. It is important that, as a Nation, we make a special effort to show the surviving family members that their heroes did not die in vain and will be recognized for their great sacrifice and dedicated service.

So I commend all for helping. And hopefully, these numbers will be greatly reduced, and hopefully we will not lose any officer, but knowing the violence in the United States, we shall. But for those who have passed, we pay great tribute.

This is an appropriate piece of legislation. I ask for an "aye" vote.

Mr. Speaker, as the author of the resolution, I rise in strong support of H. Con. Res. 44 which authorizes the use of the U.S. Capitol grounds for the 18th annual National Peace Officers' Memorial Day Service. This very special ceremony is being conducted by the Fraternal Order of Police and their Auxiliary Services. It will be held on May 15 on the West Front of the Capitol.

In 1962 President John Kennedy signed the law establishing National Police Week. While the actual dates change every year, National Police Week is a seven-day period that begins on a Sunday, ends on a Saturday, and includes May 15, which is "Peace Officers Memorial Day."

As a former sheriff, the National Peace Officers' Memorial Day Service has special meaning. Unfortunately, I know what it is like to have a colleague killed in the line of duty. During my time as sheriff I lost a deputy, Sonny Litch, who was killed on October 22, 1981 while transporting a prisoner. His name is among the more than 14,000 names engraved on the National Law Enforcement Officers' Memorial here in Washington, D.C.

On May 15 a grateful nation will pay tribute to their sacrifice. I believe that the U.S. Capitol is an appropriate and fitting place to honor their memory and their noble service. It is important that we as a nation make a special effort to show the surviving family members of these heroes that the nation cares about the sacrifice these officers have made.

The service is an opportunity for law enforcement officers to develop close bonds with fellow officers from across the nation. The service also allows the survivors of officers killed in the line of duty to gain strength and comfort from others who have experienced and understand their grief. Everyone leaves that service knowing that law enforcement's service and sacrifice is deeply appreciated by a caring nation.

Once again, I strongly support the resolution and urge its adoption.

Mr. OBERSTAR. Mr. Speaker, President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day, and this year the memorial service will be held on the Capitol Grounds on Saturday, May 15th.

There are approximately 700,000 sworn law enforcement officers serving the American public today.

During 1997, 160 peace officers were killed in the line of duty.

In addition, approximately 65,000 officers are assaulted each year, with 23,000 sustaining serious injury. In July 1998, we experienced our officers' sacrifices first-hand when Capitol Police officers Jacob Joseph Chestnut and John Michael Gibson gave their lives in defense of the U.S. Capitol.

It is most fitting and proper to honor the lives, sacrifices, and public service of our brave peace officers.

I urge support and passage of H. Con. Res. 44.

Mr. SHOWS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 44, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 47) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, as amended.

The Clerk read as follows:

H. CON. RES. 47

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on July 10, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 47, as amended, authorizes the use of the Capitol grounds for the 58th annual Greater Washington Soap Box Derby qualifying races to be held on July 10, 1999, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution also authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association, sponsor of the event, to negotiate the necessary arrangements for carrying out the event in complete compliance with the rules and regulations governing the use of the Capitol grounds.

The event is open to the public and free of charge; and the sponsor will assume responsibility for all expenses and liabilities related to the event. In addition, sales, advertisements, and solicitations are explicitly prohibited on the Capitol grounds for this event.

The races are to take place on Constitution Avenue between Delaware Avenue and Third Street, Northwest. The participants are residents of the Washington Metropolitan Area and range in ages from 9 to 16. This event is currently one of the largest races in the country, and the winners of these races will represent the Washington Metropolitan Area at the National finals to be held in Akron, Ohio.

I support the resolution and urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to join the sponsor, the gentleman from Maryland (Mr. HOYER), in supporting House Concurrent Resolution 47, and acknowledge the efforts of the gentleman from Maryland (Mr. HOYER), who has been such a champion for his constituents for this event.

House Concurrent Resolution 47 authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby. Youngsters ages 9 through 16 construct and operate their own soap box vehicles. On July 10, 1999, these youngsters from the Greater Washington Area will race down Constitution Avenue to test the principles of aerodynamics.

Mr. Speaker, many volunteers donate considerable time supporting the event and providing this family-oriented, fun-filled day. The event has grown in popularity, and Washington is known as one of the outstanding race cities.

Mr. Speaker, I support House Concurrent Resolution 47, and I thank the gentleman from Maryland (Mr. HOYER) for bringing forward the resolution.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from Mississippi (Mr. SHOWS) for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Mississippi and Susan Brita in particular, not because the gentleman from Mississippi is not the most important as the ranking member but Susan Brita has been at this forever. We have worked closely with her and she knows much more about the soap box derby, I think, than anyone else on our side of the aisle. I know on the other side of the aisle there is great knowledge about it. I want to thank the Committee on Transportation and Infrastructure committee for bringing this bill forward.

Mr. Speaker, the soap box derby is a tradition in America. It has become a tradition on Capitol Hill. Because it is Capitol Hill, we need to give authorization. Allowing this to occur on Capitol Hill is an appropriate action that we take every year, because this is the kind of event that makes Americans proud, it gives young people a sense of responsibility and enterprise and it gives them also a sense of competition, all of which will redound to their benefit and redound to the benefit of the Nation.

Again, I thank the committee for reporting this bill out in such a timely fashion, and I thank in particular Susan Brita who does such an extraordinary job for all of us.

Mr. Speaker, for the last eight years, I have sponsored a resolution for the Greater Washington Soap Box Derby to hold its race here on the Capitol grounds along Constitution Avenue.

Two weeks ago, I proudly introduced H. Con. Res. 47 to permit the 58th running of the Greater Washington Soap Box Derby, which is to take place on July 10, 1999. This resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out the running of the Greater Washington Soap Box Derby.

In the past, the full House has supported this resolution once reported favorably by the full Transportation Committee. I ask for my colleagues to join with me, and Representatives ALBERT WYNN, CONNIE MORELLA, JIM MORAN, and FRANK WOLF in supporting this resolution.

Each year since 1992, the Greater Washington Soap Box Derby has welcomed over 40 contestants which has made the Washington, DC race one of the largest in the country. Participants range from ages 9 to 16 and hail from communities in Maryland, the District of Columbia and Virginia. The winners of this local event will represent the Washington metropolitan area in the national race, which will be held in Akron, Ohio on July 31, 1999.

The soap box derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility.

These are positive attributes that we should encourage children to carry into adulthood. The young people involved spend months preparing for this race, and the day that they complete it makes it all the more worthwhile.

I would like to thank BOB FRANKS, the chairman of the Public Buildings Subcommittee, and BOB WISE the ranking member for moving this legislation.

Much credit also goes to Chairman SHUSTER and Ranking Member OBERSTAR for being so supportive over the years. Finally, I would like to recognize Susan Brita who is such an asset to us all at the Public Buildings Subcommittee.

Mr. OBERSTAR. Mr. Speaker, the Soap Box Derby represents the best in "voluntarism", as volunteers from across the Greater Washington area, many of them parents of participating children, donate hours of time to provide an opportunity to learn, compete, and share in this family event.

Since 1992, this local event has tripled in size. Approximately 50 youngsters will join in the 58th running of the Soap Box Derby, here in Washington D.C., making this event one of the biggest in the country.

The 1997 super-stock DC winner came in second place at the national race.

Our thanks to the gentleman from Maryland, Mr. HOYER, for his attention to this event, and for his annual sponsorship of this resolution.

I support this resolution.

Mr. SHOWS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 47, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 751, H.R. 130, H. Con. Res. 52, H. Con. Res. 50, H. Con. Res. 44, and H. Con. Res. 47, the measures just approved by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT

Mr. SCARBOROUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 416) to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Retirement Coverage Corrections Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Applicability.
Sec. 4. Restriction relating to future corrections.
Sec. 5. Irrevocability of elections.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employee Who Should Have Been FERS Covered, But Who Was Erroneously CSRS Covered or CSRS-Offset Covered Instead

Sec. 101. Elections.
Sec. 102. Effect of an election to be transferred from CSRS to FERS to correct a retirement coverage error.
Sec. 103. Effect of an election to be transferred from CSRS-Offset to FERS to correct a retirement coverage error.
Sec. 104. Effect of an election to be transferred from CSRS to CSRS-Offset to correct a retirement coverage error.

Sec. 105. Effect of an election to be restored (or transferred) to CSRS-Offset after having been corrected to FERS from CSRS-Offset (or CSRS).
Sec. 106. Effect of election to remain FERS covered after having been corrected to FERS from CSRS-Offset (or CSRS).

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, But Who Was Erroneously Social Security-Only Covered Instead

Sec. 111. Elections.
Sec. 112. Effect of an election to become FERS covered to correct the retirement coverage error.
Sec. 113. Effect of an election to become CSRS-Offset covered to correct the retirement coverage error.
Sec. 114. Effect of an election to become CSRS covered to correct the retirement coverage error.

Subtitle C—Employee Who Should Have Been Social Security-Only Covered, But Who Was Erroneously FERS Covered, CSRS-Offset Covered, or CSRS Covered Instead

Sec. 121. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously FERS covered instead.
Sec. 122. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously CSRS-Offset covered instead.
Sec. 123. Uncorrected error: employee who should be Social Security-Only covered, but who is erroneously CSRS covered instead.
Sec. 124. Corrected error: situations under sections 121–123.
Sec. 125. Vested employees excepted from automatic exclusion.

Subtitle D—Employee Who Should Have Been CSRS Covered or CSRS-Offset Covered, But Who Was Erroneously FERS Covered Instead

Sec. 131. Elections.
Sec. 132. Effect of an election to be transferred from FERS to CSRS to correct a retirement coverage error.
Sec. 133. Effect of an election to be transferred from FERS to CSRS-Offset to correct a retirement coverage error.
Sec. 134. Effect of an election to be restored to FERS after having been corrected to CSRS.
Sec. 135. Effect of an election to be restored to FERS after having been corrected to CSRS-Offset.
Sec. 136. Disqualification of certain individuals to whom same election was previously available.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, But Who Was Erroneously CSRS Covered Instead

Sec. 141. Automatic transfer to CSRS-Offset.
Sec. 142. Effect of transfer.

Subtitle F—Employee Who Should Have Been CSRS Covered, But Who Was Erroneously CSRS-Offset Covered Instead

Sec. 151. Elections.
Sec. 152. Effect of an election to be transferred from CSRS-Offset to CSRS to correct the retirement coverage error.
Sec. 153. Effect of an election to be restored to CSRS-Offset after having been corrected to CSRS.

Subtitle G—Additional Provisions Relating to Government Agencies

Sec. 161. Repayment required in certain situations.
Sec. 162. Equitable sharing of amounts payable from the Government if more than one agency involved.
Sec. 163. Provisions relating to the original responsible agency.

TITLE II—GENERAL PROVISIONS

Sec. 201. Identification and notification requirements.
Sec. 202. Individual appeal rights.
Sec. 203. Information to be furnished by Government agencies to authorities administering this Act.
Sec. 204. Regulations.
Sec. 205. All elections to be approved by OPM.
Sec. 206. Technical and conforming amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Provisions to permit continued conformity of other Federal retirement systems.
Sec. 302. Provisions to prevent reductions in force and any unfunded liability in the CSRDF.
Sec. 303. Individual right of action preserved for amounts not otherwise provided for under this Act.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CSRS.—The term "CSRS" means the Civil Service Retirement System.

(2) CSRDF.—The term "CSRDF" means the Civil Service Retirement and Disability Fund.

(3) CSRS COVERED.—The term "CSRS covered", with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than those that apply only with respect to an individual described in section 8402(b)(2) of such title.

(4) CSRS-OFFSET COVERED.—The term "CSRS-Offset covered", with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, that apply with respect to an individual described in section 8402(b)(2) of such title.

(5) EMPLOYEE.—The term "employee" means an employee as defined by section 8331 or 8401 of title 5, United States Code, and any other individual (not satisfying either of those definitions) serving in an appointive or elective office or position in the executive, legislative, or judicial branch of the Government who, by virtue of that service, is permitted or required to be CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(6) EXECUTIVE DIRECTOR.—The term "Executive Director of the Federal Retirement Thrift Investment Board" or "Executive Director" means the Executive Director appointed under section 8474 of title 5, United States Code.

(7) FERS.—The term "FERS" means the Federal Employees' Retirement System.

(8) FERS COVERED.—The term "FERS covered", with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(9) GOVERNMENT.—The term "Government" has the meaning given such term by section 8331(7) of title 5, United States Code.

(10) OASDI TAXES.—The term "OASDI taxes" means the OASDI employee tax and the OASDI employer tax.

(11) OASDI EMPLOYEE TAX.—The term "OASDI employee tax" means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(12) OASDI EMPLOYER TAX.—The term "OASDI employer tax" means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI TRUST FUNDS.—The term "OASDI trust funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(14) PERIOD OF ERRONEOUS COVERAGE.—The term "period of erroneous coverage" means, in the case of a retirement coverage error, the period throughout which retirement coverage is in effect pursuant to such error (or would have been in effect, but for such error).

(15) RETIREMENT COVERAGE DETERMINATION.—The term "retirement coverage determination" means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(16) RETIREMENT COVERAGE ERROR.—The term "retirement coverage error" means a retirement coverage determination that, as a result of any error, misrepresentation, or inaction on the part of an employee or agent of the Government (including an error as described in section 163(b)(2)), causes an individual erroneously to be enrolled or not enrolled in a retirement system, as further described in the applicable subtitle of title I.

(17) SOCIAL SECURITY-ONLY COVERED.—The term "Social Security-Only covered", with respect to any service, means Government service that constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410), and that—

(A) is subject to OASDI taxes; but

(B) is not subject to any retirement system for Government employees (disregarding title II of the Social Security Act).

(18) THRIFT SAVINGS FUND.—The term "Thrift Savings Fund" means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Subject to subsection (b), this Act shall apply with respect to any retirement coverage error that occurs before, on, or after the date of enactment of this Act, excluding any error corrected within 1 year after the date on which it occurs.

(b) LIMITATION.—Nothing in this Act shall affect any retirement coverage or treatment accorded with respect to any individual in connection with any period beginning before the first day of the first applicable pay period beginning on or after January 1, 1984.

SEC. 4. RESTRICTION RELATING TO FUTURE CORRECTIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, any individual who, on or after the date of enactment of this Act, becomes or remains affected by a retirement coverage error may not be excluded from or made subject to any retirement system for the sole purpose of correcting such error.

(b) COORDINATION WITH OTHER LAWS.—

(1) IN GENERAL.—Nothing in this Act shall be considered to preclude any voluntary retirement coverage election made other than under this Act.

(2) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations which may be necessary to apply this Act in the case of any individual who changes retirement coverage pursuant to an election described in paragraph (1).

SEC. 5. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) under this Act by an employee or any other individual shall be irrevocable.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employee Who Should Have Been FERS Covered, But Who Was Erroneously CSRS Covered or CSRS-Offset Covered Instead

SEC. 101. ELECTIONS.

(a) Applicability.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead; or

(2) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

(b) Uncorrected Error.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1) to be FERS covered instead; or

(2) to remain (or instead become) CSRS-Offset covered.

(c) Corrected Error.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has been corrected, the employee affected by such error may elect—

(1) to be CSRS-Offset covered instead; or

(2) to remain FERS covered.

(d) Default Rule.—

(1) In general.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(2) CSRS not an option.—Nothing in this section shall be considered to afford an employee the option of becoming or remaining CSRS covered.

(e) Retroactive Effect.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 102. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO FERS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) Applicability.—This section shall apply in the case of any employee affected by an error described in section 101(a)(1) who elects the option under section 101(b)(1).

(b) Disposition of Contributions to the CSRDF.—

(1) Employee contributions.—

(A) Transfer to OASDI trust funds.—There shall be transferred from the CSRDF to the OASDI trust funds an amount equal to the amount of the OASDI employee tax that should have been deducted and withheld from the Federal wages of the employee for the period of erroneous coverage involved.

(B) Rule if there are excess CSRDF contributions.—

(i) In general.—Any excess amount described in clause (ii) that is attributable to an employee described in subsection (a) shall be forfeited.

(ii) Excess amount defined.—The excess amount described in this clause is, in the case of an employee, the amount by which—

(I) that portion of the employee's lump-sum credit that is attributable to the period of erroneous coverage involved, exceeds (if at all)

(II) the total of the amount described in subparagraph (A) plus the amount that should have been deducted under section 8422 of title 5, United States Code, from the pay of the employee for the period of erroneous coverage involved.

(C) Rule if lump-sum credit is less than total employee contributions to OASDI and CSRDF that should have been made.—

(i) In general.—

(I) Shortfall to be made up by agency.—If the amount described in subparagraph (B)(ii)(I) is less than the total amount described in subparagraph (B)(ii)(II), an amount equal to the shortfall shall be made up (in such manner as the Commissioner of Social Security shall prescribe) by the agency in or under which the employee is then employed, out of amounts otherwise available in the appropriation, fund, or account from which any OASDI employer tax or contribution to the CSRDF (as applicable) may be made, except as provided in subclause (II) or clause (iii)(I).

(II) Reduction for deposit due.—In any case in which a deposit is required under clause (ii), the amount required to be made up under subclause (I) shall be reduced by the amount of the deposit so required (but not below zero).

(ii) Deposit requirement.—

(I) In general.—To the extent that the shortfall under clause (i) is due to the any lump-sum credit received by the employee (for which an appropriate deposit under section 8334(d)(1) of title 5, United States Code, has not been made), the employee shall be required to repay an amount equal to the amount of such deposit, except as provided in clause (iii)(I).

(II) Treatment as a debt due.—If an employee fails to pay the amount required under subclause (I), that amount shall be recoverable by the CSRDF under the same authorities (including to waive a right of recovery) as described in section 114(b)(2). For purposes of any exercise of authority under the preceding sentence, the Director of the Office of Personnel Management shall be considered the head of the agency concerned.

(iii) Special rules.—

(I) Deposit for FERS deductions not mandatory.—Nothing in this subparagraph shall, in any situation described in clause (ii), be considered to require any agency make-up payment (or employee repayment) of any portion of the lump-sum credit (beyond any amount necessary in order to permit the transfer described in paragraph (1)(A)) which would be assignable to amounts that should have been deducted under section 8422 of title 5, United States Code, from pay of the employee involved.

(II) Authority to make FERS deposit.—An employee under this section who has received a lump-sum credit (described in clause (ii)(I)) may not be credited, under chapter 84 of title 5, United States Code, with any period of service to which that lump-sum credit relates unless the employee deposits into the CSRDF an amount equal to the percentage of such employee's basic pay (for such period of service) that should have been deducted under section 8422 of title 5, United States Code.

(D) Definition of lump-sum credit.—For purposes of this paragraph, the term "lump-sum credit" has the meaning given such term by section 8331 of title 5, United States Code, except as the context may otherwise indicate.

(E) Provisions relating to the application of this paragraph in other situations.—

(i) General authority.—To the extent necessary to permit the operation of this paragraph in any situation covered by any other provisions of this Act (which incorporate this paragraph by reference), any necessary technical and conforming amendments to this paragraph not otherwise specifically provided for (such as citations to appropriate provisions of law corresponding to provisions cited in this paragraph) shall be made under regulations which the Office of Personnel Management shall prescribe.

(ii) Special rule.—

(I) Deposits not precluded by FERS restriction.—Nothing in section 8424(a) of title 5, United States Code, shall, in any situation covered by this Act, prevent the making of any deposit (and crediting, for retirement purposes, of service for the corresponding period of time) to the extent that the deposit relates to the period of erroneous coverage involved.

(II) Exception.—The preceding sentence shall not apply in any situation in which the employee involved was erroneously FERS covered, and remained FERS covered after the rectification provided for under this Act.

(2) Government contributions.—

(A) Transfer to OASDI trust funds.—There shall be transferred from the CSRDF to the OASDI trust funds the excess of—

(i) the amount of the OASDI employer tax that should have been paid with respect to the employee for the period of erroneous coverage involved, over

(ii) the amount of the OASDI employer tax that may be assessed under section 6501 of the Internal Revenue Code of 1986 in connection with such employee, determined in such manner as the Secretary of the Treasury shall by regulation prescribe.

(B) Rule if CSRDF contributions actually made are less than total Government contributions to OASDI and CSRDF that should have been made.—

(i) In general.—If the total Government contributions to the CSRDF that were made with respect to the employee for the period of erroneous coverage involved are less than the amount described in clause (ii), an amount equal to the shortfall shall be made up (in such manner as the Commissioner of Social Security shall prescribe) by the agency in or under which the employee is then employed.

(ii) Description of amount.—The amount described in this clause is the total of—

(I) the amount required to be transferred under subparagraph (A), plus

(II) the amount that should have been contributed by the Government under section 8423 of title 5, United States Code, for such employee with respect to such period.

(iii) Source of payments.—Any amount required to be paid by an agency under clause (i) shall be payable out of any appropriation, fund, or account available to such agency for making Government contributions to the CSRDF or the OASDI trust funds (as appropriate).

(c) Makeup Contributions to the Thrift Savings Fund.—

(1) In general.—An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such

employee's behalf, in addition to any regular employee or Government contributions that would be permitted or required for the year in which the contributions under this subsection are made, an amount equal to the sum of—

(A) the amount determined under paragraph (2) with respect to such employee for the period of erroneous coverage involved;

(B) an amount equal to the total contributions that should have been made for such employee under section 8432(c)(1) of title 5, United States Code, for the period of erroneous coverage involved;

(C) an amount equal to the total contributions that should have been made for such employee under section 8432(c)(2) of title 5, United States Code, for the period of erroneous coverage involved (taking into account both the amount referred to in subparagraph (A) and any contributions to the Thrift Savings Fund actually made by such employee with respect to the period involved); and

(D) an amount equal to lost earnings on the amounts referred to in subparagraphs (A) through (C), determined in accordance with paragraph (3).

(2) Amount based on average percentage of pay contributed by employees during period of erroneous coverage.—

(A) In general.—The amount determined under this paragraph with respect to an employee for a period of erroneous coverage shall be equal to the amount of the contributions such employee would have made if, during each calendar year in such period, the employee had contributed the percentage of such employee's basic pay for such year specified in subparagraph (B) (determined disregarding any contributions actually made by such employee with respect to the year involved).

(B) Percentage to be applied.—

(i) In general.—The percentage to be applied under this subparagraph in the case of any employee with respect to a particular year is—

(I) the average percentage of basic pay that was contributed for such year under section 8432(a) of title 5, United States Code, by full-time FERS covered employees who contributed to the Thrift Savings Fund in such year and for whom a salary rate is recorded (as of June 30 of such year) in the central personnel data file maintained by the Office of Personnel Management; or

(II) if such average percentage for the year in question is unavailable, the average percentage for the most recent year prior to the year in question that is available.

(ii) Percentage contributed.—For purposes of clause (i)(I), the percentage of basic pay for each employee included in the average shall be determined by dividing the total employee contributions received into the Thrift Savings Plan account of that employee during such year by the annual salary rate for that employee as recorded in the central personnel data file (referred to in clause (i)(I)) as of June 30 of such year.

(C) Limitations.—In no event may the amount determined under this paragraph for an individual with respect to a year exceed the amount that, if added to the amount of the contributions that were actually made by such individual to the Thrift Savings Fund with respect to such year (if any), would cause the total to exceed—

(i) any limitation under section 415 or any other provision of the Internal Revenue Code of 1986 that would have applied to such employee with respect to such year; or

(ii) any limitation under section 8432(a) or any other provision of title 5, United States Code, that would have applied to such employee with respect to such year.

(3) Lost earnings.—

(A) In general.—Lost earnings on any amounts referred to in subparagraph (A), (B), or (C) of paragraph (1) shall, to the extent those amounts are attributable to contributions that should have been made with respect to a particular year, be determined in the same way as if those amounts had in fact been timely contributed and allocated among the TSP investment funds in accordance with—

(i) the investment fund election that was accepted by the employing agency before the date the contribution should have been made and that was still in effect as of that date; or

(ii) if no such election was then in effect for the employee, the investment fund election attributed to such employee with respect to such year.

(B) Investment fund election attributed.—For purposes of subparagraph (A)(ii), the investment fund election attributed to an employee with respect to a particular year is—

(i) the average percentage allocation of TSP contributions among the TSP investment funds from all sources, with respect to that year, except that the investment fund election attributed to contributions in years prior to 1991 shall be the G Fund; or

(ii) if such average percentage allocation for the year in question is unavailable, the average percentage allocation for the most recent year prior to the year in question that is available.

(C) Definition of investment fund election, etc.—For purposes of this paragraph—

(i) the term "investment fund election" means a choice by a participant concerning how contributions to the Thrift Savings Plan shall be allocated among the TSP investment funds;

(ii) the term "participant" means any person with an account in the Thrift Savings Plan, or who would have an account in the Thrift Savings Plan but for an employing agency error (including an error as described in section 163(b)(2));

(iii) the term "TSP investment funds" means the C Fund, the F Fund, the G Fund, and any other investment fund in the Thrift Savings Plan created after December 27, 1996; and

(iv) the terms "C Fund", "F Fund", and "G Fund" refer to the funds described in paragraphs (1), (3), and (4), respectively, of section 8438(a) of title 5, United States Code.

(4) Makeup contribution to be made in a lump sum.—

(A) In general.—Any amount to which an employee is entitled under this subsection shall be paid promptly by the agency in or under which the electing employee is (as of the date of the election) employed, in a lump sum, upon notification to such agency under subparagraph (B)(ii) as to the amount due.

(B) Board functions.—The regulations under paragraph (6) shall include provisions under which—

(i) each employing agency shall be required to determine and notify the Federal Retirement Thrift Investment Board, in a timely manner, as to any amounts under paragraph (1)(A)–(C) owed by such agency; and

(ii) the Board shall, based on the information it receives from an agency under clause (i), determine lost earnings on those amounts and promptly notify such agency as to the total amounts due from it under this subsection.

(5) Justices and judges; magistrates; etc.—The preceding provisions of this subsection shall not apply in the case of any employee who, pursuant to the election referred to in subsection (a), becomes subject to section 8440a, 8440b, 8440c, or 8440d of title 5, United States Code.

(6) Regulations.—The Executive Director of the Federal Retirement Thrift Investment Board shall prescribe any regulations necessary to carry out this subsection.

SEC. 103. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS-OFFSET TO FERS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) Applicability.—This section shall apply in the case of any employee affected by an error described in section 101(a)(2) who elects the option under section 101(b)(1).

(b) Effect of Election.—In the case of an employee described in subsection (a), the following provisions shall apply:

(1) Section 102(b) (relating to disposition of contributions to the CSRDF), but disregarding provisions relating to transfers to OASDI trust funds.

(2) Section 102(c) (relating to makeup contributions to the Thrift Savings Fund).

SEC. 104. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO CSRS-OFFSET TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) Applicability.—This section shall apply in the case of any employee affected by an error described in section 101(a)(1) who elects the option under section 101(b)(2).

(b) Same as in the Case of an Election To Ratify Erroneous CSRS-Offset Coverage.—

(1) In general.—The effect of an election described in subsection (a) shall be as described in section 101(b)(2), except that the provisions of section 102(b) shall also apply.

(2) Appropriate percentages to be used in determining employee and government contributions to CSRDF.—For purposes of paragraph (1), section 102(b) shall be applied by substituting "the relevant provisions of section 8334(k)" for "section 8422" and "section 8423".

SEC. 105. EFFECT OF AN ELECTION TO BE RESTORED (OR TRANSFERRED) TO CSRS-OFFSET AFTER HAVING BEEN CORRECTED TO FERS FROM CSRS-OFFSET (OR CSRS).

(a) Applicability.—This section shall apply in the case of any employee affected by an error described in paragraph (1) or (2) of section 101(a) who (after having been corrected to FERS coverage) elects the option under section 101(c)(1).

(b) Disposition of Contributions to the CSRDF.—

(1) In general.—The provisions of section 102(b) shall apply in the case of an employee described in subsection (a), subject to paragraph (2).

(2) No transfers for amounts already paid into OASDI, etc.—For purposes of paragraph (1), section 102(b) shall be applied in conformance with the following:

(A) No double payments into OASDI.—To the extent that the appropriate OASDI employee or employer tax has already been paid for the total period involved (or any portion thereof), reduce the respective amounts required by paragraphs (1)(A) and (2)(A)(i) of section 102(b) accordingly.

(B) Appropriate percentages to be used in determining employee and government contributions to CSRDF.—Substitute "the relevant provisions of section 8334(k)" for "section 8422" and "section 8423".

(C) Appropriate lump-sum credit to be used.—The appropriate lump-sum credit to be used under this subsection shall be determined in accordance with regulations to be prescribed by the Office of Personnel Management.

(D) Provisions to be applied with respect to the total period involved.—Substitute "total period involved (as defined by section 105)" for "period of erroneous coverage involved".

(c) Disposition of Excess TSP Contributions.—

(1) Government contributions.—All Government contributions made on behalf of the employee to the Thrift Savings Fund that are attributable to the total period involved (including any earnings thereon) shall be forfeited. For the purpose of section 8437(d) of title 5, United States Code, amounts so forfeited shall be treated as if they were amounts forfeited under section 8432(g) of such title.

(2) Employee contributions.—The election referred to in subsection (a) shall not be taken into account for purposes of any determination relating to the disposition of any employee contributions to the Thrift Savings Fund, attributable to the total period involved, that were in excess of the maximum amount that would have been allowable under applicable provisions of subchapter III of chapter 83 of title 5, United States Code (including any earnings thereon).

(d) Definition of Total Period Involved.—For purposes of this section, the term "total period involved" means the period beginning on the effective date of the retirement coverage error involved and ending on the day before the date on which the election described in subsection (a) is made.

SEC. 106. EFFECT OF ELECTION TO REMAIN FERS COVERED AFTER HAVING BEEN CORRECTED TO FERS FROM CSRS-OFFSET (OR CSRS).

(a) Applicability.—This section shall apply in the case of any employee affected by an error described in paragraph (1) or (2) of section 101(a) who (after having been corrected to FERS coverage) elects the option under section 101(c)(2).

(b) Disposition of Contributions to the CSRDF.—The provisions of section 102(b) shall apply in the case of an employee described in subsection (a), subject to the same condition as set forth in section 105(b)(2)(A).

(c) Makeup Contributions to the Thrift Savings Fund.—Section 102(c) shall apply, except that an agency shall receive credit for any automatic or matching Government contributions and any lost earnings paid by such agency as part of any corrections process previously carried out with respect to the employee involved.

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, But Who Was Erroneously Social Security-Only Covered Instead

SEC. 111. ELECTIONS.

(a) Applicability.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

(b) Uncorrected Error.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1), (2), or (3) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1)(A) in the case of an error described in subsection (a)(1), to be FERS covered as well;

(B) in the case of an error described in subsection (a)(2), to be CSRS-Offset covered as well; or

(C) in the case of an error described in subsection (a)(3), to be CSRS covered instead; or

(2) to remain Social Security-Only covered.

(c) Corrected Error.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, there shall be submitted to the Congress a proposal (including any necessary draft legislation) to carry out the policy described in paragraph (2).

(2) Policy.—Under the proposal, any employee with respect to whom the retirement coverage error described in paragraph (1), (2), or (3) of subsection (a) (as applicable) has already been corrected, but under terms less advantageous to the employee than would have been the case under this Act, shall be afforded a reasonable opportunity to obtain treatment comparable to the treatment afforded under this Act.

(3) Joint action.—This subsection shall be carried out by the Director of the Office of Personnel Management, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board and the Commissioner of Social Security.

(d) Default Rule.—In the case of any employee to whom subsection (b) applies, if the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) shall be deemed to have been elected on the last day of such period.

(e) Retroactive Effect.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 112. EFFECT OF AN ELECTION TO BECOME FERS COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) Applicability.—This section shall apply in the case of any employee affected by an error described in section 111(a)(1) who elects the option under section 111(b)(1)(A).

(b) Makeup Contributions to the CSRDF.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(1) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8422 of title 5, United States Code; and

(2) the Government contributions that should have been paid for the period of erroneous coverage involved under section 8423 of title 5, United States Code.

(c) Makeup Contributions to the Thrift Savings Fund.—Section 102(c) shall apply in the case of an employee described in subsection (a).

SEC. 113. EFFECT OF AN ELECTION TO BECOME CSRS-OFFSET COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) Applicability.—This section shall apply in the case of any employee affected by an error described in section 111(a)(2) who elects the option under section 111(b)(1)(B).

(b) Makeup Contributions to the CSRDF.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(1) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code; and

(2) the Government contributions that should have been paid under section 8334 of title 5, United States Code, for the period of erroneous coverage involved.

(c) Makeup Contributions to the Thrift Savings Fund.—

(1) In general.—Makeup contributions to the Thrift Savings Fund shall be made by the employing agency in the same manner as described in section 102(c) (but disregarding subparagraphs (B) and (C) of paragraph (1) thereof, and the other provisions of section 102(c) to the extent that they relate to those subparagraphs).

(2) Appropriate percentages, etc. to be used.—For purposes of paragraph (1), section 102(c) shall be applied—

(A) by substituting "section 8351(b)" for "section 8432(a)" and by substituting "CSRS covered and CSRS-Offset covered" for "FERS covered" in paragraph (2)(B)(i) thereof; and

(B) by substituting "section 8351(b)(2)" for "section 8432(a)" in paragraph (2)(C)(ii) thereof.

SEC. 114. EFFECT OF AN ELECTION TO BECOME CSRS COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) Applicability.—This section shall apply in the case of any employee affected by an error described in section 111(a)(3) who elects the option under section 111(b)(1)(C).

(b) Makeup Contributions to the CSRDF.—

(1) In general.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(A) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code; and

(B) the Government contributions that should have been paid under such section for the period of erroneous coverage involved.

(2) Agency to be reimbursed for certain amounts.—

(A) In general.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Secretary of the Treasury, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) Right of recovery; waiver.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) Treatment of amounts repaid or recovered.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation account from which the amount involved was originally paid.

(c) Makeup Contributions to the Thrift Savings Fund.—In the case of an employee described in subsection (a), makeup contributions to the Thrift Savings Fund shall be made in the same manner as described in section 113(c).

Subtitle C—Employee Who Should Have Been Social Security-Only Covered, But Who Was Erroneously FERS Covered, CSRS-Offset Covered, or CSRS Covered Instead

SEC. 121. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) In General.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is FERS covered instead.

(b) Automatic Exclusion From FERS.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is FERS covered.

(c) Disposition of Employee Contributions to the CSRDF.—There shall be paid to the employee, from the CSRDF, any lump-sum credit to which such employee would be entitled under section 8424 of title 5, United States Code, to the extent attributable to the period of erroneous coverage involved.

(d) Disposition of TSP Contributions.—

(1) Government contributions.—All Government contributions made on behalf of the employee to the Thrift Savings Fund that are attributable to the period of erroneous coverage involved (including any earnings thereon) shall be forfeited in the same manner as described in section 105(c).

(2) Employee contributions.—Notwithstanding any other provision of this section or any other provision of law, any contributions made by the employee to the Thrift Savings Fund during the period of erroneous coverage involved (including any earnings thereon) shall be treated as if such employee had then been correctly covered.

SEC. 122. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD.

(a) In General.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is CSRS-Offset covered instead.

(b) Automatic Exclusion From CSRS-Offset.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is CSRS-Offset covered.

(c) Disposition of Employee Contributions to the CSRDF.—There shall be paid to the employee, from the CSRDF, the lump-sum credit to which such employee would be entitled under section 8342 of title 5, United States Code, to the extent attributable to the period of erroneous coverage involved.

(d) Disposition of TSP Contributions.—In the case of an employee described in subsection (a), section 121(d)(2) shall apply.

SEC. 123. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS COVERED INSTEAD.

(a) In General.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is CSRS covered instead.

(b) Automatic Exclusion From CSRS.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is CSRS covered.

(c) Disposition of Contributions to the CSRDF.—

(1) In general.—In the case of an employee described in subsection (a), section 102(b) shall apply.

(2) Irrelevant provisions to be disregarded.—For purposes of paragraph (1), section 102(b) shall be applied disregarding the provisions of paragraphs (1)(B)(ii)(II) (to the extent they relate to amounts that should have been deducted under section 8422 of title 5, United States Code) and (2)(B)(ii)(II) thereof.

(d) Disposition of TSP Contributions.—In the case of an employee described in subsection (a), section 121(d)(2) shall apply.

SEC. 124. CORRECTED ERROR: SITUATIONS UNDER SECTIONS 121 THROUGH 123.

(a) In General.—Not later than 6 months after the date of enactment of this Act, there shall be submitted to the Congress a proposal (including any necessary draft legislation) to carry out the policy described in subsection (b).

(b) Policy.—Under the proposal, any employee with respect to whom the applicable retirement coverage error (referred to in section 121, 122, or 123, as applicable) has already been corrected, but under terms less advantageous to the employee than would have been the case under this Act, shall be afforded a reasonable opportunity to obtain treatment comparable to the treatment afforded under this Act.

(c) Joint Action.—This section shall be carried out by the Director of the Office of Personnel Management, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board and the Commissioner of Social Security.

SEC. 125. VESTED EMPLOYEES EXCEPTED FROM AUTOMATIC EXCLUSION.

(a) In General.—Nothing in this subtitle shall, by reason of any retirement coverage error, result in the automatic exclusion of any employee from FERS, CSRS-Offset, or CSRS if, as of the date on which notice of such error is given (in accordance with section 201), such employee's rights have vested under the retirement system involved.

(b) Vesting.—For purposes of this section, vesting of rights shall be considered to have occurred if the employee has (by the date as of which the determination is made) completed at least 5 years of civilian service, taking into account only creditable service under section 8332 or 8411 of title 5, United States Code.

(c) Elections.—

(1) Erroneously FERS covered.—Any employee affected by an error described in section 121 who is determined under this section to satisfy subsection (b) may elect—

(A) to be treated in accordance with section 121; or

(B) to remain FERS covered.

(2) Other cases.—Any employee affected by an error described in section 122 or 123 who is determined under this section to satisfy subsection (b) may elect—

(A) to be treated in accordance with section 122 or 123 (as applicable); or

(B) to remain (or instead become) CSRS-Offset covered.

(d) Effect of an Election To Be Transferred From CSRS to CSRS-Offset.—In the case of an employee affected by an error described in section 123 who elects the option under subsection (c)(2)(B), the effect of the election shall be the same as described in section 104.

(e) Default Rule.—If the employee does not make any election within the 6-month period beginning on the date on which the appropriate notice is given to such employee, the option under paragraph (1)(B) or (2)(B) of subsection (c), as applicable, shall be deemed to have been elected as of the last day of such period. Nothing in this section shall be considered to afford an employee the option of becoming or remaining CSRS covered.

(f) Retroactive Effect.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error to which the election relates.

(g) Special Rule in Case of Disability.—If, as of the date referred to in subsection (a), the employee is entitled to receive an annuity under chapter 83 or 84 of title 5, United States Code, based on disability, or compensation under subchapter I of chapter 81 of such title for injury to, or disability of, such employee, subsections (a) and (b) shall be applied by substituting (for the date that would otherwise apply) the date as of which entitlement to such annuity or compensation terminates (if at all).

(h) Notification.—Any notice under section 201 shall include such additional information or other modifications as the Office of Personnel Management may by regulation prescribe in connection with the situations covered by this subtitle, particularly as they relate to the consequences of being vested or not being vested.

Subtitle D—Employee Who Should Have Been CSRS Covered or CSRS-Offset Covered, But Who Was Erroneously FERS Covered Instead

SEC. 131. ELECTIONS.

(a) Applicability.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) FERS covered instead; or

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) FERS covered instead.

(b) Uncorrected Error.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1)(A) in the case of an error described in subsection (a)(1), to be CSRS covered instead; or

(B) in the case of an error described in subsection (a)(2), to be CSRS-Offset covered instead; or

(2) to remain FERS covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has been corrected, the employee affected by such error may elect—

(1) to be FERS covered instead; or

(2)(A) in the case of an error described in subsection (a)(1), to remain CSRS covered; or

(B) in the case of an error described in subsection (a)(2), to remain CSRS-Offset covered.

(d) DEFAULT RULE.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 132. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM FERS TO CSRS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(1) who elects the option available to such employee under section 131(b)(1)(A).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the excess of—

(A) the amount by which—

(i) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code, exceeds

(ii) the amount that was actually deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8422 of such title (and not refunded), over

(B) the amount by which—

(i) the amount of the Government contributions actually made under section 8423 of such title with respect to the employee for the period of erroneous coverage involved, exceeds

(ii) the amount of the Government contributions that should have been made under section 8334 of such title with respect to the employee for the period of erroneous coverage involved.

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Commissioner of Social Security, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation, fund, or account from which the amount involved was originally paid.

(c) DISPOSITION OF EXCESS TSP CONTRIBUTIONS.—Section 105(c) shall apply in the case of an employee described in subsection (a).

SEC. 133. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM FERS TO CSRS-OFFSET TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(2) who elects the option available to such employee under section 131(b)(1)(B).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 105.

SEC. 134. EFFECT OF AN ELECTION TO BE RESTORED TO FERS AFTER HAVING BEEN CORRECTED TO CSRS.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(1) who elects the option under section 131(c)(1).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 102.

SEC. 135. EFFECT OF AN ELECTION TO BE RESTORED TO FERS AFTER HAVING BEEN CORRECTED TO CSRS-OFFSET.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(2) who elects the option under section 131(c)(1).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 103.

SEC. 136. DISQUALIFICATION OF CERTAIN INDIVIDUALS TO WHOM SAME ELECTION WAS PREVIOUSLY AVAILABLE.

Notwithstanding any other provision of this subtitle, an election under this subtitle shall not be available in the case of any individual to whom an election under section 846.204 of title 5 of the Code of Federal Regulations (as in effect as of January 1, 1997) was made available in connection with the same error pursuant to notification provided in accordance with such section.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, But Who Was Erroneously CSRS Covered Instead

SEC. 141. AUTOMATIC TRANSFER TO CSRS-OFFSET.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

(b) UNCORRECTED ERROR.—If the error has not been corrected, the employee shall be treated in the same way as if such employee had instead been CSRS-Offset covered, effective retroactive to the effective date of such error.

(c) CORRECTED ERROR.—If the error has been corrected, the correction shall (to the extent not already carried out) be made effective retroactive to the effective date of such error.

SEC. 142. EFFECT OF TRANSFER.

The effect of a transfer under section 141 shall be as set forth in regulations which the Office of Personnel Management shall prescribe consistent with section 104.

Subtitle F—Employee Who Should Have Been CSRS Covered, But Who Was Erroneously CSRS-Offset Covered Instead

SEC. 151. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in subsection (a) has not been corrected, the employee affected by such error may elect—

(1) to be CSRS covered instead; or

(2) to remain CSRS-Offset covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in subsection (a) has been corrected, the employee affected by such error may elect—

(1) to be CSRS-Offset covered instead; or

(2) to remain CSRS covered.

(d) DEFAULT RULE.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 152. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS-OFFSET TO CSRS TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 151(a) who elects the option available to such employee under section 151(b)(1).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this

section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the amount by which—

(A) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code (by virtue of being CSRS covered), exceeds

(B) any amounts actually deducted and withheld from the pay of the employee for the period of erroneous coverage involved under such section (pursuant to CSRS-Offset coverage).

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Commissioner of Social Security, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation, fund, or account from which the amount involved was originally paid.

(3) DEPOSIT TO BE BASED ON AMOUNT OF REFUND ACTUALLY RECEIVED.—For purposes of applying sections 8334(d)(1) and 8339(i) of title 5, United States Code, in the case of an employee described in subsection (a) who has received a refund of deductions that are attributable to a period when the employee was erroneously CSRS-Offset covered, nothing in either of those sections shall be considered to require that, in order to receive credit for that period as a CSRS-covered employee, a deposit be made in excess of the refund actually received for such period, plus interest.

SEC. 153. EFFECT OF AN ELECTION TO BE RESTORED TO CSRS-OFFSET AFTER HAVING BEEN CORRECTED TO CSRS.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 151(a) who elects the option available to such employee under section 151(c)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—In the case of an employee described in subsection (a), the provisions of section 102(b) shall apply, except that, in applying such provisions—

(1) "the applicable provisions of section 8334" shall be substituted for "section 8422" in paragraph (1)(B)(ii)(II) thereof; and

(2) "the applicable provisions of section 8334" shall be substituted for "section 8423" in paragraph (2)(B)(ii)(II) thereof.

Subtitle G—Additional Provisions Relating to Government Agencies

SEC. 161. REPAYMENT REQUIRED IN CERTAIN SITUATIONS.

(a) IN GENERAL.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this Act unless repayment of the amount so received by such individual is waived in whole or in part by the Office of Personnel Management, and any amount not waived is repaid.

(b) REGULATIONS.—Any repayment under this section shall be made in accordance with regulations prescribed by the Office.

SEC. 162. EQUITABLE SHARING OF AMOUNTS PAYABLE FROM THE GOVERNMENT IF MORE THAN ONE AGENCY INVOLVED.

The Office of Personnel Management shall by regulation prescribe rules under which, in the case of an employee who has been employed in or under more than 1 agency since the date of the retirement coverage error involved (and before its rectification under this Act), any contributions or other amounts required to be paid from the then current employing agency (other than lost earnings under section 163(a)(2)) shall be equitably allocated between or among the appropriate agencies.

SEC. 163. PROVISIONS RELATING TO THE ORIGINAL RESPONSIBLE AGENCY.

(a) OBLIGATIONS OF THE ORIGINAL RESPONSIBLE AGENCY.—

(1) EXPENSES FOR SERVICES OF FINANCIAL ADVISOR.—The Office of Personnel Management shall by regulation prescribe rules under which, in the case of any employee eligible to make an election under this Act, the original responsible agency (as determined under succeeding provisions of this section) shall pay (or make reimbursement for) any reasonable expenses incurred by such employee for services received from any licensed financial or legal consultant or advisor in connection with such election.

(2) SPECIAL RULE.—Such regulations shall also include provisions to ensure that, to the extent lost earnings under the Thrift Savings Fund are involved in connection with a particular error, the original responsible agency shall pay (or reimburse any other agency that pays) any amounts to the Thrift Savings Fund representing lost earnings with respect to such error.

(b) ORIGINAL RESPONSIBLE AGENCY DEFINED.—For purposes of this Act, the term "original responsible agency", with respect to a retirement coverage error affecting an employee, means—

(1) except in the situation described in paragraph (2), the agency determined by the Office of Personnel Management to have made the initial retirement coverage error (including one made before January 1, 1984); or

(2) if the error is attributable, in whole or in part, to an erroneous regulation promulgated by the Office of Personnel Management, such Office.

(c) PROCEDURES FOR IDENTIFYING THE ORIGINAL RESPONSIBLE AGENCY.—

(1) IN GENERAL.—For purposes of this section, the original responsible agency, in any situation to which this section applies, shall be identified by the Office of Personnel Management in accordance with regulations which the Office shall prescribe.

(2) FINALITY.—A determination made by the Office under this subsection shall be final and not subject to any review.

(d) IF ORIGINAL RESPONSIBLE AGENCY NO LONGER EXISTS.—If the agency which (before the application of this subsection) is identified as the original responsible agency no longer exists (whether because of a reorganization or otherwise)—

(1) the successor agency (as determined under regulations prescribed by the Office) shall be treated as the original responsible agency; or

(2) if none, this section shall be applied by substituting the CSRDF for the original responsible agency.

(e) SOURCE OF PAYMENTS IF ERROR DUE TO ERRONEOUS OPM REGULATIONS.—In any case in which the Office of Personnel Management is the original responsible agency by reason of subsection (b)(2), any amounts payable from the Office under this section shall be payable from the CSRDF.

TITLE II—GENERAL PROVISIONS

SEC. 201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations under which Government agencies shall take such measures as may be necessary to ensure that all individuals who are (or have been) affected by a retirement coverage error giving rise to any election or automatic change in retirement coverage under this Act shall be promptly identified and notified in accordance with this section.

(b) MATTER TO BE INCLUDED IN NOTICE TO INDIVIDUALS.—Any notice furnished under this section shall be made in writing and shall include at least the following:

(1) DESCRIPTION OF ERROR.—A description of the error involved, including a clear and concise explanation as to why the original retirement coverage determination was erroneous, citations to (and a summary description of) the pertinent provisions of law, and how that determination should instead have been made.

(2) METHOD FOR RECTIFICATION.—How the error is to be rectified under this Act, including whether rectification will be achieved through an automatic change in retirement coverage (and, if so, the time, form, and manner in which that change will be effected) or an election.

(3) ELECTION PROCEDURES, ETC.—If an election is provided under this Act, all relevant information as to how such an election may be made, the options available, the differences between those respective options (as further specified in succeeding provisions of this subsection), and the consequences of failing to make a timely election.

(4) ACCRUED BENEFITS, ETC.—With respect to the (or each) retirement system by which the individual is then covered (disregarding the Thrift Savings Plan), and to the extent applicable:

(A) A brief summary of any benefits accrued.

(B) The amount of employee contributions made to date and the effect of any applicable disposition rules relating thereto (including provisions relating to excess amounts or shortfalls).

(C) The amount of any Government contributions made to date and the effect of any applicable disposition rules relating thereto (including provisions relating to excess amounts or shortfalls).

(5) THRIFT SAVINGS FUND.—With respect to the Thrift Savings Fund, the balance that

then is (or would be) credited to the individual's account depending on the option chosen, with any such balance to be shown both in the aggregate and broken down by—

(A) individual contributions;

(B) automatic (1 percent) Government contributions; and

(C) matching Government contributions, including lost earnings on each and the extent to which any makeup contributions or forfeitures would be involved.

(6) OASDI Benefits.—Such information regarding benefits under title II of the Social Security Act as the Commissioner of Social Security considers appropriate.

(7) Other Information.—Any other information that the Director of the Office of Personnel Management may by regulation prescribe after consultation with the Executive Director of the Federal Retirement Thrift Investment Board and such other agency heads as the Director considers appropriate, including any appeal rights available to the individual.

(c) Comparisons.—Any amounts required to be included under subsection (b)(4) shall, with respect to the respective retirement systems involved, be determined—

(1) as of the date the retirement coverage error was corrected (if applicable);

(2) as of the then most recent date for which those benefits and amounts are ascertainable, assuming no change in retirement coverage; and

(3) as of the then most recent date for which those benefits and amounts are ascertainable, assuming the alternative option is chosen.

(d) Past Errors.—All measures required under this section shall, with respect to errors preceding the date specified in section 204(e) (relating to the effective date for all regulations prescribed under this Act), be completed no later than December 31, 2001.

SEC. 202. INDIVIDUAL APPEAL RIGHTS.

(a) In General.—An individual aggrieved by a final determination under this Act shall be entitled to appeal such determination to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

(b) Notification Appeals.—The Office of Personnel Management shall by regulation establish procedures under which individuals may bring an appeal to the Office with respect to any failure to have been properly notified in accordance with section 201. A final determination under this subsection shall be appealable under subsection (a).

SEC. 203. INFORMATION TO BE FURNISHED BY GOVERNMENT AGENCIES TO AUTHORITIES ADMINISTERING THIS ACT.

(a) Applicability.—The authorities identified in this subsection are:

(1) The Director of the Office of Personnel Management.

(2) The Commissioner of Social Security.

(3) The Executive Director of the Federal Retirement Thrift Investment Board.

(b) Authority To Obtain Information.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this Act. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) Limitation; Safeguards.—Each of the respective authorities under subsection (a)—

(1) shall request only such information as that authority considers necessary; and

(2) shall establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 204. REGULATIONS.

(a) In General.—Any regulations necessary to carry out this Act shall be prescribed by the Director of the Office of Personnel Management, the Executive Director of the Federal Retirement Thrift Investment Board, the Commissioner of Social Security, the Secretary of the Treasury, and any other appropriate authority, with respect to matters within their respective areas of jurisdiction.

(b) Matters To Be Included.—The regulations prescribed by the Director of the Office of Personnel Management shall include at least the following:

(1) Former employees, annuitants, and survivor annuitants.—

(A) In general.—Provisions under which, to the maximum extent practicable and in appropriate circumstances, any election available to an employee under subtitle A, B, D, or F of title I shall be available to a former employee, annuitant, or survivor annuitant.

(B) Subtitle c situations.—Provisions under which subtitle C of title I shall apply in the case of a former employee.

(C) Subtitle e situations.—Provisions under which the purposes of this paragraph shall be carried with respect to any situation under subtitle E of title I.

(2) Former spouses.—Provisions under which appropriate notification shall be afforded to any former spouse affected by a change in retirement coverage pursuant to this Act.

(3) Procedural requirements.—Provisions establishing the procedural requirements in accordance with which any determinations under this Act (not otherwise addressed in this Act) shall be made, in conformance with the requirements of this Act.

(4) Authority to make actuarial reduction in annuity by reason of certain unpaid amounts.—Provisions under which any payment required to be made by an individual to the Government in order to make an election under this Act which remains unpaid may be made by a reduction in the appropriate annuity or survivor annuity. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the amount so required.

(c) Definitions.—For purposes of this section—

(1) the term "annuitant" means any individual who is an annuitant as defined by section 8331(9) or 8401(2) of title 5, United States Code; and

(2) the term "former employee" includes any former employee who satisfies the service requirement for title to a deferred annuity under chapter 83 or 84 of such title 5 (as applicable), but—

(A) has not attained the minimum age required for title to such an annuity; or

(B) has not filed claim therefor.

(d) Coordination Rule.—In prescribing regulations to carry out this Act, the Director of the Office of Personnel Management shall consult with—

(1) the Administrative Office of the United States Courts;

(2) the Clerk of the House of Representatives;

(3) the Sergeant at Arms and Doorkeeper of the Senate; and

(4) other appropriate officers or authorities.

(e) Effective Date.—All regulations necessary to carry out this Act shall take effect as of the first day of the first month beginning after the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 205. ALL ELECTIONS TO BE APPROVED BY OPM.

Notwithstanding any other provision of this Act, no election under this Act (other than an election by default) may be given effect until the Office of Personnel Management has determined, in writing, that such election is in compliance with the requirements of this Act.

SEC. 206. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Amendment Relating to Limitation on Sources From Which Contributions to the Thrift Savings Fund Are Allowed.—Section 8432(h) of title 5, United States Code, is amended by striking "title." and inserting "title or the Federal Retirement Coverage Corrections Act.".

(b) Description of Amounts Comprising the Thrift Savings Fund.—Section 8437(b) of title 5, United States Code, is amended by striking "expenses)." and inserting "expenses), as well as contributions under the Federal Retirement Coverage Corrections Act (and lost earnings made up under such Act).".

(c) Administrative Expenses.—

(1) Thrift savings plan.—Section 8437(d) of title 5, United States Code, is amended by inserting "(including the provisions of the Federal Retirement Coverage Corrections Act that relate to this subchapter)" after "this subchapter".

(2) CSRS, csrs-offset, fers.—Section 8348(a)(2) of title 5, United States Code, is amended by striking "statutes;" and inserting "statutes (including the provisions of the Federal Retirement Coverage Corrections Act that relate to this subchapter);".

(3) MSPB.—Section 8348(a)(3) of title 5, United States Code, is amended by striking "title." and inserting "title and the Federal Retirement Coverage Corrections Act.".

TITLE III—OTHER PROVISIONS

SEC. 301. PROVISIONS TO PERMIT CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) Foreign Service.—The Secretary of State shall issue regulations to provide for the application of the provisions of this Act in a like manner with respect to participants, annuitants, or survivors under the Foreign Service Retirement and Disability System or the Foreign Service Pension System (as applicable), except that—

(1) any individual aggrieved by a final determination shall appeal such determination to the Foreign Service Grievance Board instead of the Merit Systems Protection Board under section 202; and

(2) the Secretary of State shall perform the functions and exercise the authority vested in the Office of Personnel Management or the Director of the Office of Personnel Management under this Act.

(b) Central Intelligence Agency.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this Act in the same manner as if this Act were part of—

(1) the Civil Service Retirement System, to the extent this Act relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this Act relates to the Federal Employees' Retirement System.

SEC. 302. PROVISIONS TO PREVENT REDUCTIONS IN FORCE AND ANY UNFUNDED LIABILITY IN THE CSRDF.

(a) Provisions To Prevent Reductions in Force.—

(1) LIMITATION.—An agency required to make any payments under this Act may not conduct any reduction in force solely by reason of any current or anticipated lack of funds attributable to such payments.

(2) ALTERNATIVE REQUIRED.—In the circumstance described in paragraph (1), any cost savings that (but for this subsection) would otherwise be sought through reductions in force shall instead be achieved through attrition and limitations on hiring.

(b) PROVISIONS TO PREVENT UNFUNDED LIABILITY.—

(1) IN GENERAL.—For purposes of section 8348(f) of title 5, United States Code, any unfunded liability in the CSRDF created as a result of an election made (or deemed to have been made) under this Act, as determined by the Office of Personnel Management, shall be considered a new benefit payable from the CSRDF.

(2) COORDINATION RULE.—Paragraph (1) shall not apply to the extent that subsection (h), (i), or (m) of section 8348 of title 5, United States Code, would otherwise apply.

SEC. 303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS ACT.

Nothing in this Act shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this Act).

The SPEAKER pro tempore (Mr. BASS). Pursuant to the rule, the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

GENERAL LEAVE

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 416, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House, the Federal Retirement Coverage Corrections Act, is critically important to thousands of Federal employees. It has strong bipartisan support, and it is substantially similar to legislation the House passed in Congress last year. The Senate, however, did not act on that bill.

I want to begin by thanking my distinguished ranking member of the Subcommittee on Civil Services, the gentleman from Maryland (Mr. CUMMINGS), for his leadership on this very important issue. I know he is truly dedicated to bringing real relief to the victims of these errors.

I also want to thank my good friend the gentleman from Florida (Mr. MICA), who brought this problem to light and sponsored the legislation which actually passed this House in the 105th Congress.

I also commend the distinguished gentlewoman from Maryland (Mrs. MORELLA) and the distinguished gentlewoman from the District of Columbia (Ms. NORTON) for their leadership on this very important issue.

I also want to thank the distinguished chairman and ranking member of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), for their support.

Mr. Speaker, let me explain why it is so important for the House to again pass this bill. An estimated 1,000 Federal employees have been placed in the wrong retirement system because Federal agencies have made mistakes. The vast majority of these errors involve assignments to the Civil Service Retirement System or the Federal Employees Retirement System, generally referred to as FERS, but other agency mistakes wrongly excluded some employees from both retirement systems. Still others were enrolled in retirement when they did not qualify at all.

Now, when these errors are discovered, and not all of them have yet been discovered, current law requires that agencies move employees into the proper retirement system. But unfortunately, the corrections themselves sometimes prove to be harmful, especially to employees who are moved from the Civil Service Retirement System into FERS.

Now, unlike the Civil Service Retirement System, which is a stand-alone system, FERS consists of three components: Social Security; the FERS defined benefit; and the Thrift Savings Plan, or TSP. Without adequate TSP accounts, employees will not have an adequate retirement income. But current correction procedures do not replenish the victim's TSP. As a result, unless this Congress acts again, the victims of these errors will unfairly bear the burden of their own government's mistakes.

H.R. 416 provides a comprehensive solution to all of these problems. It rests on a few simple, straightforward principles. This bill recognizes that most victims of agency errors have a legal right to participate in one of the Federal retirement systems. Therefore, each of these victims should have the opportunity to elect placement in that system. They also have the right to receive a benefit that is comparable to what they would have earned in the absence of the Federal Government's error. Victims should also have the choice to remain in the system in which they were mistakenly placed.

Mr. Speaker, every victim should have a realistic opportunity to the retirement correction that best addresses their unfortunate circumstances. Therefore, this legislation will provide relief that will make the relief whole.

In fashioning the make-whole provisions in this bill, our subcommittee was guided by IRS requirements for private-sector employees facing comparable retirement errors. IRS procedures place the burden of employee make-whole relief on the employer, and not the employee.

The importance of this make-whole relief cannot be overemphasized. Without it, the choices offered by this bill would be nothing but a cruel hoax for many employees. Many lower-income employees and those who have been in the wrong system for a lengthy period of time would be especially hard hit.

This legislation also protects the integrity of Social Security Trust Funds. The amended bill before the House today does not, however, include certain amendments to the Social Security Act and tax provisions that were in the bill reported out by the Committee on Government Reform.

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Although desirable, these provisions were removed to expedite passage of this legislation in the House and to also facilitate the bill's consideration in the Senate. I will continue to work with my colleagues in the Senate to restore these provisions in the final legislation.

Mr. Speaker, H.R. 416 is critically important to Federal employees who have been victimized by these errors. I urge all Members to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to congratulate the gentleman from Maryland (Mr. CUMMINGS) and thank the gentleman from Florida (Mr. SCARBOROUGH) who explained this bill. It is hard for me to thank Mr. Nesterczuk, but I want to do that—I say that facetiously—for his efforts on this legislation as well. This obviously is a position that our Federal employees found themselves in not through their own fault but through the administrative oversight of their employer. Obviously we ought to act to make them whole. I appreciate the action of the committee.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the Subcommittee on Civil Service has moved quickly to schedule floor action on H.R. 416, the Federal Retirement Coverage Corrections Act. Though this bill passed the House during the 105th Congress, the Senate failed to act on it or its own bill, S. 1710, before adjournment. By moving expeditiously this year, we can get the bill through the House and have ample time left to work with the Senate to enact legislation that will bring relief to the hundreds of Federal employees who find themselves in the wrong retirement system. I want to give special thanks to the gentleman from Florida (Mr. SCARBOROUGH), the chairman of our subcommittee, for making sure that this bill came to the floor as fast as it has and for the bipartisan manner of cooperation that we have experienced.

This is a complex bill that up to now has included essential Social Security and tax provisions that fall within the jurisdiction of other committees. Unfortunately, these provisions cannot go forward at this time. Nonetheless, the gentleman from Florida and I have elected to bring the core of the bill to the floor now and will continue to work with our colleagues on the Committee on Ways and Means and the Senate Finance and Governmental Affairs Committees to iron out the differences between us.

Few things in life are more important to a working person than having an adequate and secure retirement plan in place to provide for their future or that of their loved ones. When a worker's retirement security is jeopardized by an employer's administrative error, tremendous emotional and financial pain can result, unless a remedy is available that assures its prompt and fair correction and avoids economic harm.

The Office of Personnel Management has a web site that explains the rationale for the Federal Government's establishment of the Civil Service Retirement System. It states, and I quote, "A strong retirement system is a significant part of the attraction to work for an employer, and the Civil Service Retirement System has allowed the Federal Government to attract and retain a professional and dedicated workforce."

The web site also conveys the words of a chairman of the former Civil Service Commission who noted that our retirement system should operate, and I quote, "for the mutual benefit of the government and employees, contributing more effectively than ever to good government, to good working conditions, and to happy retirements."

Employees caught in the wrong retirement system are far from happy. In 1997, the Subcommittee on Civil Service heard the testimony of four Federal employees who had been the victims of enrollment errors made by their employing agencies. In each case, the employee was initially placed in the Civil Service Retirement System, then years later informed that they should have been placed in the Federal Employees Retirement System. Afforded no recourse or options, these employees were dumped into FERS and confronted with the need to make thousands of dollars of retroactive payments into a newly established Thrift Savings Account.

I have seen the hurt and the pain this problem has caused. Let me put a real face on the issue for my colleagues. The Federal Times, a trade newspaper for Federal employees, recently featured Michael Garcia, acting chief information officer at the Minority Business Development Agency. Mr. Garcia's story provides a clear example of how your life can change when you are placed in the wrong retirement system. Mr. Garcia planned to retire in July 2000 at the age of 57. But like an estimated 18,000 other employees, his plans to retire are now uncertain because of a mistake his former agency made when it hired him 14 years ago. Garcia's former agency placed him in FERS when it opened in 1987. Garcia should have been placed in the older of the two retirement systems, CSRS. When the error was detected in 1993, he was moved to FERS. FERS participants can invest up to 10 percent of their salaries in the thrift plan, which includes a stock fund. The government matches their contributions up to 5 percent. Under current law, once an error is discovered, agencies are not allowed to leave employees in the system they thought they were in. Many who were moved to FERS late into their careers cannot afford to make up their missed investments with a lump sum payment. Garcia had been willing to borrow money to pay a lump sum. He said that he could never make up for the lost years with incremental catch-up contributions.

In the article, Mr. Garcia is quoted as saying, "They were negligent. I'm just fed up." His agency was negligent, and he should be fed up. Why should he have to borrow money for a mistake not of his own making?

Mr. Speaker, I reserve the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself 3 minutes.

I want to thank the ranking member again. The gentleman from Maryland (Mr. CUMMINGS) is obviously gifted and a very articulate spokesman for the issues that are important to him. I certainly have enjoyed working with him on this issue and other issues even in the last session like the Hunter-Scott bill and certainly expect a very productive session this year.

I wanted to also, like the gentleman from Maryland, cite a few real-life examples of how the inequities of the current law inflicts damage upon Federal employees and their ability to provide for themselves, for their retirement and even their children's future.

I want to start by citing one example. It is a situation described by the American Foreign Service Association. For about 10 years, a foreign service officer was erroneously enrolled in the wrong system. Now, when the error was discovered, he was told that he was going to have to contribute between $65,000 and $70,000 in catch-up payments to his TSP account. In addition to that retroactive contribution, they also said he would also have to keep up current contributions to his TSP. Mr. Speaker, few Federal employees, few Americans, could afford to meet those kind of burdens without great sacrifices. I think most of us would be forced actually to be put in a position where we would have to choose whether we were going to contribute to our own retirement or take care of such things as our children's education. It is a choice we should not put our Federal employees in.

The experience of two workers at the Portsmouth Naval Shipyard in Maine also demonstrate the difficulties faced by thousands of other employees. One example is a 60-year-old who had been planning to retire at the age of 62. He learned that he owed back Social Security taxes of $10,000 and would have to contribute $600 a month to TSP for the rest of his working career, because the agency placed him in the wrong Federal retirement system. Now, because of the agency's mistake, he was told he would also have to work until the age of 65. The other example is an employee who is in his mid 40s and owes more than $10,000 in back Social Security taxes. Only by jeopardizing his ability to pay for his son's college education will he be put in a position to establish an adequate TSP account.

Mr. Speaker, forcing innocent victims of the Federal Government's mistake to make a Hobson's choice between their own retirement security and their children's education is intolerable. Yet that is what is happening today and it is what will continue to happen unless Congress includes adequate make-whole relief. Without such make-whole relief, most employees will have no real choice at all. They will be forced into one system or another. That is why the make-whole relief in H.R. 416 is so imperative to this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I was very pleased to hear the gentleman from Florida put a face on the issue because I think that is very, very important that we do that. It is interesting that he cited a story from Maine.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maine (Mr. ALLEN), one of the hardest working members of our subcommittee.

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 416, the Federal Retirement Coverage Corrections Act. I want to commend both the chair of the subcommittee the gentleman from Florida (Mr. SCARBOROUGH) and the ranking member the gentleman from Maryland (Mr. CUMMINGS) for their determination to bring this bill to the floor at this time. The bill would provide relief to Federal employees who through no fault of their own were placed in the wrong Federal retirement plan. Some Federal agencies mistakenly placed thousands of Federal employees into the Civil Service Retirement System, or CSRS, when the employees should have been placed in the Federal Employees Retirement System, FERS. Often this error has not been discovered until an employee is on the verge of retirement. Once discovered, the employee faces a severe erosion of his retirement security.

I am going to come back to the two employees that the gentleman from Florida mentioned who work at the Portsmouth Naval Shipyard in Kittery, Maine. They were very surprised to discover this error, and they face a serious deterioration of their retirement reserves unless Congress passes this bill. These two employees were placed in CSRS 14 years ago but only recently did they discover that they should have been placed in FERS. Once they learned that, they were then required involuntarily to switch from FERS to CSRS, and, since they had not been making their Social Security payments, all their CSRS resources were transferred to Social Security to make up for what they would otherwise have been paying in FICA taxes. For one of the men, his $30,000 CSRS investment was all used to pay so-called back FICA taxes. Furthermore, these employees will likely have to pay FICA tax not withheld for overtime, awards and other compensation for which they had legitimately not paid FICA tax because they were in CSRS which did not require it. This may total another $10,000 to $15,000.

Finally, the FERS plan consists of three components, Social Security, a small defined benefit plan, and a Thrift Savings Plan contribution plan. Consequently, these employees will need to make substantial catch-up contributions to the Thrift Savings Plan if they want any sort of nest egg for retirement. These heavy TSP contributions and FICA tax payments quickly consume the paychecks of these employees. As a result, one employee will delay his retirement by 3 years and the other may have trouble financing his child's college education.

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Mr. Speaker, H.R. 416 will offer vital relief to these employees by making the agency responsible for their mistakes. The agency made the mistakes; the agency should be responsible. The bill requires the agency to make up both the agency's and the employee's lost contributions to the TSP.

These hard-working employees do not deserve to have their retirement plans wiped out by a employer's mistake. H.R. 416 offers relief for a problem they did not cause.

I want to thank both the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) for their work on this and leadership on this issue, and I urge my colleagues to support the bill.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a little earlier I mentioned Mr. Garcia, and Mr. Garcia had been placed, of course, in the wrong retirement system, and like numerous other federal employees, he had been forced to rearrange his life and his financial plans to address this problem.

Many without financial means have had to work beyond their retirement dates to build a full annuity. The Federal Retirement System was created to prevent just that, employees working into what should be their golden years, the years they rest, the years they travel, the years they take time out to spend with their grandchildren. The Federal Retirement Coverage Corrections Act would essentially permit those who have been the victims of an enrollment error to remain in the retirement system they were mistakenly placed in or to be covered by the system they should have been in. It would also hold the government financially responsible for making whole an effected employee's thrift savings account. Together these provisions would end the harm now being done by the existing rules governing the correction of these errors. To address my concern that the unanticipated costs of making an employee whole might cause agencies to rif its employees, I included a provision in the bill requiring that offsetting savings be realized through attrition and limitations on hiring.

There has been much debate over the cost to the government of making effected employees whole. The IRS Code requires that private sector employers bear the cost of correcting retirement errors. The Senate bill leaves it to the victimized employee to come up with the money to make themselves whole. That simply is not right. Our approach mirrors the private sector and is the fairest way to handle these problems. The longer it takes to enact this legislation, the more it is going to cause all effected parties. Federal employees who are in the wrong retirement system should not have to spend another year worrying about a problem that their agency created for them.

Mr. Speaker, I am committed to working with the Senate to reach agreement on the legislation that addresses all parties' concerns. These employees are waiting for us to act. Let us do so today, and again I want to thank the gentleman from Florida (Mr. SCARBOROUGH) and all the members of our subcommittee, our chairman, the gentleman from Indiana (Mr. BURTON), our ranking member of our full committee, the gentleman from California (Mr. WAXMAN).

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thousands of Federal employees, retirees and their families whose lives have been disrupted by bureaucratic errors are going to look again to this Congress to fix this problem. Many of them have suffered emotionally as well as financially, and I think it is time that we enact meaningful and fair relief during this Congress.

Mr. Speaker, H.R. 416 is strongly supported by the following employee organizations:

The American Federation of Government Employees,

The American Foreign Service Association,

The Federal Managers Association,

The Federally Employed Women,

The International Brotherhood of Boilermakers,

The National Association of Government Employees,

The National Federation of Federal Employees,

The Seniors Executives Association, and

The Social Security Managers' Association.

This is a bill that needs to pass in the best interests of every single Federal employee. It is the right thing to do, it is fair, and it is time that this House and, hopefully, this Senate, will step forward and do what is right.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and pass the bill, H.R. 416, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 434

Mr. SHOWS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 434.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SENSE OF HOUSE REGARDING FAMILY PLANNING PROGRAMS

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 118) reaffirming the principles of the Programme of Action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs.

The Clerk read as follows:

H. RES. 118

Whereas the United Nations General Assembly has decided to convene a special session from June 30 to July 2, 1999, in order to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development;

Whereas chapter II of the Programme of Action, which sets forth the principles of that document, begins: "The implementation of the recommendations contained in the Programme of Action is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights.";

Whereas section 7.12 of the Programme of Action states: "The principle of informed [consent] is essential to the long-term success of family-planning programmes. Any form of coercion has no part to play.";

Whereas section 7.12 of the Programme of Action further states: "Government goals for family planning should be defined in terms of unmet needs for information and services. Demographic goals . . . should not be imposed on family-planning providers in the form of targets or quotas for the recruitment of clients."; and

Whereas section 7.17 of the Programme of Action states: "[g]overnments should secure conformity to human rights and to ethical and professional standards in the delivery of family planning and related reproductive health services aimed at ensuring responsible, voluntary and informed consent and also regarding service provision": Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) no bilateral or multilateral assistance or benefit to any country should be conditioned upon or linked to that country's adoption or failure to adopt population programs, or to the relinquishment of that country's sovereign right to implement the Programme of Action of the International Conference on Population and Development consistent with its own national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights;

(2)(A) family planning service providers or referral agents should not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(B) subparagraph (A) should not be construed to preclude the use of quantitative estimates or indicators for budgeting and planning purposes;

(3) no family planning project should include payment of incentives, bribes, gratuities, or financial reward to any person in exchange for becoming a family planning acceptor or to program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(4) no project should deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any person's decision not to accept family planning services;

(5) every family planning project should provide family planning acceptors with comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method;

(6) every family planning project should ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and

(7) the United States should reaffirm the principles described in paragraphs (1) through (6) in the special session of the United Nations General Assembly to be held between June 30 and July 2, 1999, and in all preparatory meetings for the special session.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, H. Res. 118.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

This bill reaffirms the principles of the program of action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs. Mr. Speaker, I want to commend my good friend and colleague, the gentleman from Kansas (Mr. TIAHRT), for authoring this sense of the Congress resolution to affirm the voluntary family planning language that was adopted during House consideration of the fiscal year 1999 foreign operations appropriations legislation and later included as part of the Omnibus Appropriation Act of 1998.

As my colleagues know, the United Nations General Assembly will convene a special session from June 30 to July 2 of this year in order to review and appraise the implementation of the program of action of the International Conference on Population and Development. This resolution sends a message to that conference that it is the belief of the United States Congress that all family planning programs should be completely voluntary, avoid numerical targets and provide recipients complete information on methods and generally respect individual values and beliefs as well as national laws and development priorities.

Mr. Speaker, again I want to compliment my colleague from Kansas for offering this legislation. It is a timely resolution, it is well drafted, and it deserves the support of this House. I urge adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Over a year ago we had a debate on U.S. funding for family planning. Frankly, I was sad to see that a number of Members voted against that. About 17 of the original cosponsors of this resolution today, of the 23 Members who cosponsored this resolution, voted against the funding for AID to do family planning work. So I am happy to see them here today moving the abortion debate out of the family planning debate, and what is happening through the years all too often is people who oppose abortion end up opposing the funding for family planning, and it always confused me in the sense that, if we want to reduce the chances of abortion, make sure good family planning is available.

Mr. Speaker, there is nothing we can do for child survival, for the quality of life of especially some of the poorest countries, to make sure we maintain our leadership role in supporting family planning, and I am, frankly, hopeful by this resolution that we will see more cooperation on family planning and separate it from the debate on abortion. Some of us, like myself, are pro-choice and we think that that is obviously a woman has a right to decide with her doctor. We do not believe government ought to interfere with that. But if we can get an agreement on the family planning funds, we could certainly reduce the need for lots of abortions, and it is an area that we agree on.

Now, frankly, if I had written this resolution, I would have included other provisions than were included, but this resolution was written by the Republican majority. But for those of us on our side of the aisle, I think I speak for most of us that we want to make sure that child survival is increased and the space and number of children a mother has has a direct impact on child survival.

Mr. Speaker, voluntary family planning is at the heart of our program, and the folks at AID have done a great job historically in trying to lead that effort.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise in support of House Resolution 118, and I want to thank the gentleman from Ohio (Mr. CHABOT) for yielding to me.

I have introduced this resolution in anticipation of the meetings being held at the United Nations this week to prepare for the 5-year review of the progress made since 1994 International

Conference on Population and Development which was held in Cairo. The language of this resolution represents a compromise between myself and Population Action International. It is supported by Zero Population Growth, and it mirrors the language of the amendment I offered last year to the Fiscal Year 1999 Foreign Operations Appropriations Act. As my colleagues may recall, that language laid out the definition for "voluntary" in a context of U.S. funded family planning programs. That amendment was offered in the wake of disturbing news stories that spoke of women being forced to participate in family planning programs and in some instances were sterilized against their will, as my chart indicates.

Here we have several stories that were covered by the New York Times, the Wall Street Journal, the Miami Herald and the Sacramento Bee talking about occurrences in Peru where women were forced into sterilization.

The voluntary family planning amendment I offered last year was adopted on a voice vote and later enacted into law as part of last year's Omnibus Appropriation Act. While the voluntary family planning amendment enacted into law last year prevents U.S. dollars from being spent in family programs that are not administered in a voluntary manner, many programs worldwide still employ these same methods of coercion, incentives, bribes and quotas. For example, in Indonesia family planning clinics rely on threats and intimidation to bring women into their clinics. In Mexico hundreds of forced sterilizations have been documented, and medical personnel have been fired for their refusal to perform sterilizations. In addition, women refusing sterilization have been denied medical treatment. In Peru, as we said earlier, family planning programs use coercion, misinformation, quotas and sterilization for food efforts.

These terrible violations of human rights are the reason I have introduced House Resolution 118. The resolution reaffirms the emphasis that the U.S. has taken on giving women a choice and stating that it is Congress' belief that all family planning programs should be completely voluntary, that they should avoid numerical targets and provide recipients with complete information on the methods, including telling recipients whether the methods are experimental, and I think we can all agree that we should respect individual values and beliefs as well as national laws and development priorities.

Mr. Speaker, it is my hope that the House will adopt this resolution and send a strong message to the United Nations that we believe every family planning program in the world should be carried out in a truly voluntary manner as described by the definition added to the Omnibus Appropriations Act last year. I would ask my colleagues to please support House Resolution 118.

[From the New York Times, Feb. 15, 1999]

USING GIFTS AS BAIT, PERU STERILIZES POOR WOMEN

(By Calvin Sims)

LIMA, PERU, FEB. 14—For Magna Morales and Bernadina Alva, peasant Andean women who could barely afford to feed their families, it was a troubling offer but one they found hard to refuse. Shortly before Chirstmas, Government health workers promised gifts of food and clothing if they underwent a sterilization procedure called tubal ligation.

The operation went well for Mrs. Alva, 26, who received two dresses for her daughter and a T-shirt for her son. But Mrs. Morales, 34, died of complications 10 days after the surgery, leaving three young children and a husband behind. She was never well enough to pick up the promised gifts, and the family was told it could not sue the Government over her death because she had agreed to the procedure.

"When you don't have anything and they offer you clothes and food for your kids, then finally you agree to do it," said Mrs. Alva, a neighbor of Mrs. Morales in the northern village of Tocache. "Magna told them that her husband was against the idea, but they told her, 'Don't worry, we can do it right now, and tonight you will be back home cooking and your husband will never realize what happened.' "

Tales of poor women like Mrs. Morales and Mrs. Alva being pressed and even forced to submit to sterilization operations that have left at least two women dead and hundreds injured have emerged from small towns and villages across Peru in recent weeks in what women's groups, politicians and church leaders here say is an ambitious Government family planning program run amok.

Critics of the program, which was begun in 1995, charge that state health care workers, in a hurry to meet Government-imposed sterilization quotes that offer promotions and cash incentives, are taking advantage of poor rural women, many of whom are illiterate and speak only indigenous Indian languages.

The critics, who include many of the program's early supporters, say the health workers are not telling poor women about alternative methods of contraception or that tubal ligation is nearly always irreversible. They also charge that many state doctors are performing sloppy operations, at times in unsanitary conditions.

"They always look for the poorest women, especially those who don't understand Spanish," said Gregoria Chuquihuancas, another Tocache resident. "They make them put their fingerprint on a sterilization paper they don't understand because they can't read. If the women refuse, they threaten to cut off the food and milk programs."

While it remains unclear whether such actions were sanctioned by the Government or were the work of overzealous health workers—the Government denies there are sterilization quotas, though it acknowledges goals for budgetary purposes—independent investigations by members of the Peruvian Congress, the Roman Catholic Church, local journalists and a United States Congressional committee have chronicled dozens of cases of abuse.

"The Government's program is morally corrupt because nurses and doctors are under pressure to find women to sterilize, and the women are not allowed to make an informed decision," said Luis Solari, a medical doctor who advises the Peruvian Episcopal Conference, which speaks for the country's Catholic bishops.

"No one has the right to intervene in people's life this way," Dr. Solari said. "It's criminal."

From its inception, Catholic church leaders have vigorously opposed the family planning campaign because it promotes artificial forms of birth control, which the church disavows. Augusto Cardinal Vargas Alzamora of Lima has warned Catholics that they will be committing a "grave sin" if they resort to sterilization. Tubal ligation is still only the third most practiced form of contraception in Peru, after abstinence and the I.U.D., family planning officials say. Abortion is illegal.

The Government has vehemently rejected charges that it is conducting a campaign to sterilize poor women and says that all its sterilization operations are done with the patient's consent, as required by law.

Health Ministry officials, who spoke on condition of anonymity, said that in the last year the program had suffered from "lapses in judgment" by individual health care workers and doctors, who had been reprimanded. But the officials said that such cases were isolated incidents that had been blown out of proportion.

Reached on his cellular telephone, Deputy Health Minister Alejandro Aguinaga, who oversees the program, said he did not wish to speak with The New York Times.

Three years ago, when President Alberto K. Fujimori announced plans to promote birth control as a way to reduce family size and widespread poverty in Peru, family planning experts, feminists and even many opposition politicians expressed broad support for the initiative. But the mounting criticism of the sterilization has tarnished the image of the family planning program, one of the most ambitious in the developing world.

In 1997, state doctors in Peru performed 110,000 sterilizations on women, up from 30,000 in 1996 and 10,000 in 1995. Last year they also performed 10,000 free vasectomies on men, a slight increase over 1996. However, women remain the main focus of the Government's program because men are less likely to agree to sterilization, on the mistaken ground that the procedure could impair their virility.

Health Ministry officials estimate that the 1997 sterilizations will result in 26,000 fewer births in 1998. This is good news, they say, in a country where the fertility rate—the average number of children born per woman—is 3.5, compared with 3.1 for Latin America in general and 2 for the United States.

The rate is 6.2 children for Peruvian women who have little or no education and 7 children for those who live in rural areas. That compares with a rate of 1.7 children for women who have at least some college education and 2.8 for urban residents of all educational levels.

Concern over reports of forced sterilization has led to an investigation by the United States Congressional Subcommittee on International and Human Rights Operations, which is seeking to determine if money from the United States Agency for International Development was used in the Peruvian Government's campaign.

Officials in Washington said in a telephone interview that the agency had no role in the Peruvian Government's family planning program. They said that money and training for family planning services went directly to nongovernmental agencies in Peru that have no connection with the Government's program.

The officials said that they had deliberately taken steps to disassociate the agency from the Peruvian Government's family planning program after it became clear that, while well intentioned, it was too hurried and ambitious to avoid the pitfalls that it has now encountered.

Joseph Rees, the subcommittee's chief council, said that after a recent fact-finding mission to Peru he was convinced that no United States money was directly used to finance the Peruvian Government's campaign.

But he expressed concern that some money may have trickled through in the form of infrastructure, management or training support. Because some United States-sponsored food programs are operated from the same Peruvian Government medical posts that administer family planning in rural areas, Mr. Rees said that it was possible that some of this food could have been used to bribe women to undergo sterilizations.

"The bottom line here is whether the Peruvian Government is more interested in doing family planning or population control and whether the United States wants to risk being associated with a program where that notion is so far unclear," Mr. Rees said.

Meanwhile, despite the reported abuses, the number of women undergoing sterilization in Peru has remained steady. Preliminary figures for January indicate that at least 10,000 women underwent free tubal ligations by state doctors.

The opposition Renovación Party, a conservative group that has always objected to the program, says it has collected more than 1,000 complaints from women who say they were either injured by Government sterilization or pressured into agreeing to the operation.

Arturo Salazar, a Renovación congressman, said the Fujimori Government had given no thought to the long-term effect of so many sterilizations, which if left unchecked, he said, will severely diminish Peru's rural population, deprive the nation of security on its frontiers and impede economic development in the countryside.

But those issues are of little concern to Martha Eras, also of Tocache, who is struggling to care for her new baby girl, who was born in August despite the Government-sponsored sterilization that Mrs. Eras voluntarily underwent eight months earlier. It appears that the doctor was in such a hurry that he did not check to see if Mrs. Eras was pregnant.

"My husband joked that it was immaculate conception," she said.

[Excerpts from Population Research Institute Review]

PRI Petitions for Norplant Withdrawal

(By David Morrison)

On 24 July 1994 Wyeth-Ayerst itself promulgated a revised and greatly expanded set of guidelines for doctors and clinics involved in the sale and insertion of Norplant. These new guidelines went far beyond those which had originally been issued, mentioning no fewer than 23 new, separate adverse health conditions related to Norplant, including pseudo tumor cerebri, stroke, arm pain and numbness. Unfortunately this new information on adverse health conditions is alleged not to have been provided to the hundreds of thousands of women currently using Norplant, nor, it is further alleged, were physicians or clinics required to inform prospective Norplant users of this new information.

Sterilization in India

Kathy Rennie, Bloomington, IL

Recently, I was able to spend seven weeks in India and was so surprised at what I learned. I was able to spend some time in a small village where the people were very poor and was appalled to learn that all the women had been sterilized. These were young women with one or two children. When I inquired further about this, I was told that the government had paid them a large sum of money to be sterilized.

These women felt they had no choice but to take the money because they were so poor and they felt as if they were doing their duty to lower the population.

Norplant Alleged To Cause Blindness—Abuse of Women in Bangladesh and Haiti Documented

The side effects of having five-cylinders of synthetic progesterone implanted into one's arm were supposed to be minimal and to only occur in a few women. While Planned Parenthood Federation of America, in its fact sheet on Norplant, mentions "irregular menstruation . . . headaches, and mood changes" as "possible side effects," another PPFA publication, Norplant and You, suggests that "bleeding usually becomes more regular after nine to 12 months" and "[u]sually there is less blood loss with Norplant than with a normal period."

NORPLANT LINKED TO BLINDNESS?

Nothing in the Population Council literature about Norplant describes the horrors Patsy Smith, a mother in Houston, Texas, experienced:

"Three months after having Norplant inserted I started getting horrible headaches . . . like somebody was just grabbing my head and just squeezing it together as tight as can be squeezed; like someone had put a bomb in there and it was going to go off. I'd noticed that [my vision] being kind of blurry and after the months it got a little bit more blurry and things started looking like they were on top of each other."[1]

Although headaches are listed among the possible side effects for Norplant, the severity of the pain and the worrisome blurring of her vision led Patsy to visit noted neuro-opthalmologist Dr. Rosa Tang, who admitted her to a Texas hospital where she came to understand the seriousness of her condition.

Patsy has a condition called pseudo-tumor cerebri, where increased fluid pressure in the brain crushes the optic nerve. The damage in Patsy's case is severe; blindness in one eye and partial blindness in the other. Another such episode could take away her sight entirely.

In reviewing Patsy's medical history Tang came to suspect that Patsy's condition was related to the use of Norplant. She wrote to all the other eye specialists in Texas to ask if any of their patients on Norplant had exhibited similar symptoms. Over 100 cases were brought to her attention, including 40 women with blurred vision and eight women with conditions identical to Patsy's. The numbers startled Dr. Tang:

"It was very surprising for me because I had not seen any reports in the literature at this time of such a link between Norplant and pseudo-tumor cerebri and I was surprised of the fact that there were so many patients that seemed to be having the condition related to Norplant. I think that there is enough out there that there is a possibility of a link between the two [and] that a larger-scale study should be done if Norplant is to be continued."

If something as serious as pseudo-tumor cerebri was a possible side-effect of the implant, why weren't women being told? Why wasn't Wyeth-Ayerst, the company which produces Norplant for the Population Council, required to list this condition among the possible side-effects? Norplant is the result of almost 25 years of Population Council research. It has been tested on women in developing countries almost continuously since 1972. Surely something as serious as pseudo-tumor cerebri would have shown up during these lengthy and presumably rigorous trials. But how rigorous were the trials? Were they scientifically valid at all? Until recently no one was asking these questions. No one had heard of what had happened in trial sites such as Bangladesh and Haiti.

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THE TRIAL OF THE POOR

The Norplant trial carried out in the slum areas near Dhaka, Bangladesh, according to recent reports, as anything but objective and rigorous. In fact, women were enrolled in the trial without their knowledge or consent. Dr. Nasreen Huq, a physician who works with several non-governmental organizations in the poorer areas of Bangladesh, states:

"Participation in a clinical trial requires that the person who is participating in that trial understand that it is a trial, that the drug they are testing out is still in experimental stages. This requires informed consent. This was categorically missing."

Akhter reported that women who took Norplant ". . . fainted quite often, you know, which was not the case before." Other women complained that "[the family planners] were telling us we were supposed to be very happy after taking this Norplant, but why our life is like hell now?" Not only were these adverse side-effects not noted, desperate cries from the women to have the implants removed were simply ignored according to several women:

"In 6 months [I went to the clinic] about 12 times. Yes, about 12 times, I went to the clinic and pleaded 'I'm having so many problems. I'm confined to bed most of the time. Please remove it.' My health broke down completely. I was reduced to skin and bone. I had milk and eggs when I could, but that did me no good."

"I felt so bad, my body felt so weak, even my husband told me it was all very inconvenient . . . [My husband] says he'll get another wife tomorrow. I told the doctors. 'Please take it out, I'm having so many problems . . . I felt like throwing myself under the wheels of a car."

Many women found their way out of the trial blocked for lack of funds:

"I went to the clinic as often as twice a week. But they said. 'This thing we put in you costs 5,000 takas. We'll not remove it unless you pay this money.' Of course I feel very angry. I went to several other doctors and offered them money to take those things out, but they all refused. I went to three or four of them and they said these can only be taken out by those who put them in. They said that if they tried they might go to jail."

"One woman, when she begged to remove it, said 'I'm dying, please help me get it out.' They said 'OK, when you die you inform us, we'll get it out of your dead body,' so this is the way they were treated. In a slum area people are living in a very small, like 5 feet by 7 feet where at least five family members are living and these women are working outside. The most important resource they have is their own healthy condition."

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[1] All quotes in this story come from The Human Laboratory, a documentary produced by the British Broadcasting Corporation's Horizon series and aired in Britain on 8 November 1995.

"We have . . . information where these women have told us that they have sold their cow or the goat which was the only asset they had for treatment because she had to get well, otherwise the family can't survive, so in order to save her, they had to, you know, sell the cow or if they didn't want to treat her then she suffered, so the family was suffering either way. In every sense these people were totally torn. Their economic condition was torn, their family happiness was totally gone."

"I couldn't see. I couldn't look at things at a distance. I had trouble focusing. You know in the village we light oil lamps. I couldn't look at them. They looked like the sun, as red and large as the sun. If I looked into the distance, my eyes would water . . . If I went out of doors, my eyes became absolutely dark. I couldn't see anything at all as if my eyes had become affected by blindness."

The 1993 report on the Bangladesh trial contained no hint of these problems. It blandly stated that: "Norplant is a highly effective, safe and acceptable method among Bangladeshi women," claiming that less than 3 percent reported significant medical problems. The report did not mention women being denied removal of the implants or the problems with vision.

Haitian horror detailed similar problems were reported iN Haiti's Cit, Soleil (City of the Sun) by medical anthropologist Catherine Maternowska.

GLOBAL MONITOR: POPULATION CONTROL'S QUESTIONABLE ETHICS

(By Ruth Enero)

But what exactly is all the fuss about? To begin with the so-called anti-pregnancy vaccine, Australia introduced this type of drug in 1986. The intent was to trigger a given woman's body into producing antibodies to hCG (human chorionic gonadotropin), a hormone essential to pregnancy. Because the drug affects the immune system, it poses health risks, including damage to pituitary and thyroid glands, inappropriate immune responses, possible infertility, and more. Women can't remove this vaccine or stop its effects once they've been given it. Violations of medical ethics regarding the use of this drug on Indian women were documented in 1993, including blatant disregard for informed consent. The 1992 Nov/Dec issue of Ms. relates that in 1951 India was the first country in the world to launch an official family planning program. India received a major component of its anticipated social change by testing contraceptives that were financed largely by the U.S. Indian women participated in the testing of (among other drugs) implants of (two rod) Norplant 2 and (five rod) Norplant. Most were not aware they were participating in an experiment. For these women, there were no cautions about Norplant's carcinogenicity and other side effects. Partly because drug studies seek long-term data, women who developed medical problems (hemorrhagic bleeding, dizziness, weight gain, heart problems) from their implants found that early removal was not part of their "free" care.

QUINACRINE IN INDIA

Dr. Biral Mullick has begun sterilizing women from Calcutta and surrounding villages with quinacrine, even though the World Health Organization and female health groups warn that the method is unapproved and risky. According to the Sunday Times of India, poor women in Calcutta are initially lured into trying the procedure because of its afforability—the paper quotes a price of 35 rupees—and relative ease of use. "What these women do not know," the Times reports, "is that they are guinea pigs being used to test the efficacy of the drug; that they have been subjected a method not approved by any drug regulatory agency in the world."

According to Puneet Budim, an Indian gynecologist, none of these women in Mullick's and other clinics in the country are told they are part of a trial or what the risks might be. She alleges that they come into the clinics looking for a Copper T intrauterine device but walk out burned by the acid the tablets create when inserted into the womb. "Scores of private doctors and NGO's across the country, including a prominent doctor politician from Delhi, are involved in this unethical practice," Budim said. "It's a very disturbing development." (The Sunday Times of India, 16 March 1997.)

CUTTING THE POOR: PERUVIAN STERILIZATION PROGRAM TARGETS SOCIETY'S WEAKEST

(By David Morrison)

When the first sterilization campaign arrived in their little town of La Legua, Peru, Celia Durand and her husband Jaime were unsure they wanted to participate. Although they had discussed Celia's having the operation in the past, and had even researched its availability, they had begun to hear rumors about women damaged and even killed during the campaigns and Celia had decided she didn't want to be sterilized that way. Maybe sometime later she would do it; maybe in a hospital. Certainly not in the little medical post down one of La Legua's bare earth streets, with its windows opened wide to the dust, insects, and the smells from the pigs and other animals rooting and defecating the nearby streets and yards.

But then the campaign began and the Ministry of Health "health promoters" began to work her neighborhood. Going door to door, house to house, they repeatedly pressed the sterilization option. Interviewed later, her husband Jaime would recall the singular nature of the workers' advocacy. They wouldn't offer Celia any other contraceptive method, he reported. It was sterilization, nothing else. Many of the conversations centered around minimizing Celia's fears about having the procedure during the campaign. "Do it now," they said. "You may have to pay [to have it done] later." Other lines of argument included how "easy," "safe," and "simple" the procedure would be. And the workers persisted. Again and again they came to the family's home, refusing to accept 'no' for an answer, until finally Celia gave in and made an appointment. On the afternoon of July 3, 1997, she agreed, she would have the procedure.

Her mother, Balasura, worried and the two even quarreled about it. "Don't go, daughter, there is always time later." Balasura remembers saying. But Celia wanted the daily visits to end and, besides, the health workers emphasized the procedure's easy nature. "Don't worry, mama, I will be back in a couple of hours," she said as she left. That was the last time her mother saw her alive. Sometime during the procedure at the medical post, the surgeon caused enough damage to Celia that she slipped into a coma. Medical staff put off frantic visits from Celia's brother-in-law, mother and husband, finally moving her entirely out of the post and into a larger clinic in nearby Piura. It did no good. Celia died without every regaining consciousness.

Celia's story is just one of many which have resulted from a nationwide campaign which aggressively targets poor, working class and lower middle class women for surgical sterilization in often filthy circumstances and without adequately trained medical personnel. Although estimates of how many women may have been hurt in these campaigns are difficult to tabulate, a survey of reports about women who have suffered some injury, indignity, or coercion reveals a pattern stretching across Peru's length and breadth. Methods of coercion have included repeated harassing visits until women consent, verbal insults and threats, offers of food and other supplies made conditional upon accepting sterilization and making appointments for women to have the procedure before they have agreed to do so. Further, none of the Peruvian women interviewed by a PRI investigator reported having been adequately informed as to the nature, permanence, possible side-effects or risks of the procedure. "All they told her was how easy it was," Jaime said later. "No more."

* * * * *

CAMPAIGN BACKGROUND

According to both high-and-low level Peruvian sources, the Ministry of Health's family planning program was a mostly quiet and somewhat moribund affair prior to 1995. "It was just one of those things [the ministry] did," recalled one former high level official who served in the MOH when the sterilization campaign began. "They would give their pills, maybe make some IUD's and give some shots and that was it." Everything changed, sources agree, when the Peruvian legislature changed the National Population Control Law to allow sterilization as a means of family planning.

According to Peruvian legislators, the Fujimori administration used a mixture of pressure and dirty tricks to change the law. Long-standing supporters of Fujimori, even if they did not want to vote in favor of a broad sterilization mandate, were told they had to support the administration or face political reprisal.

2. Using incentives to fill sterilization quotas

As with women in India, Bangladesh and Pakistan, Peruvian women also reported being offered food, clothing and other things for themselves or for their children as a condition or an inducement to sterilization. Ernestina Sandoval, poor and badly in need of assistance after a string of weather problems cost first her husband's livelihood and eventually her home, reported being offered food in a government hospital but then being told in order to qualify for the food she would have to accept a sterilization. "They told me I had to bring a card from the hospital saying I had been ligated," she told a PRI investigator. "If I didn't agree to do this they wouldn't give me anything." Maria Emilia Mulatillo, another woman, reported that her daughter's participation in a program that supported children of low birth weight was made conditional upon her acceptance of a sterilization procedure. Likewise, Peruvian papers like El Comercio and La Republica have published stories of how "health promoters" have been paid or rewarded with special prizes if they manage to bring more than their quota of women for the procedure.

3. Lack of informed consent

None of the over thirty sterilized Peruvian women whom a PRI investigator interviewed, which included a number of women who said they were happy they had the procedure, reported having given anything like informed consent. None of them were told of the procedure's possible side effects, particularly when performed under the time and other constraints that mark the campaigns. None were told of the risks. Universally what the women reported was being told over and over again about the procedure's eventual benefits, speediness and ease. But, as critics have pointed out, merely being told one set of facts about a potential medical procedure cannot be considered as having been adequately informed about the procedure.

4. Sterilization the only method offered

Although supposedly committed to offering Peruvian women a wide-range of family planning choices, including sterilization, PRI's investigation found that the government sterilization campaigns were singleminded. None of the women sterilized in the campaigns that we interviewed (as opposed to those sterilized, for example, in hospitals) reported being offered any options other than sterilization. Most were adamant on that point because, like Celia Durand, they were unsure if they wanted to be sterilized at all and would have welcomed a chance to take another option. Several women, particularly those who had already begun in other government family planning programs like those using Depo-Provera (which must be injected every three months), told of being instructed to have the sterilization procedure because their current program was being curtailed. Later, when asked directly about why women were pulled off Depo-Provera and pressured to accept sterilization, Dr. Eduardo Yong Motta, former Minister of Health and now President Fujimori's health advisor, replied that "Depo costs too much," and that the Ministry had a problem with a method which a "woman might forget" or decide that she no longer wanted.

5. Medical histories not taken and post-operative care inadequate

None of the women sterilized in the campaigns that PRI interviewed reported having had any medical history taken prior to undergoing the sterilization procedure. This means that no one sat down with the women before the surgery to find out if any were experiencing medical conditions that might, in another circumstance, delay surgery. This is particularly important in light of the fact that the medical team was assembled and brought into a local area especially for the campaign. Familiar medical staff sterilized none of the women interviewed and thus, in some cases, no one was able to stop surgeries from proceeding in incidents where women were pregnant, menopausal or suffering from possibly complicating conditions. Post-operative care, particularly in cases leading to serious complications and even death, was sorely lacking. It was not uncommon for a woman to be rapidly sterilized in an unhygenic theatre in an afternoon and then sent home, feverish or still in pain, a few hours later.

The Ovrette Program in Honduras: Did USAID Endanger Honduran Children With an Unapproved Drug?

The Committee carried out an exhaustive investigation and discovered that the Health Ministry had issued a document entitled "Strategy for Introducing Ovrette." This document stated: "In order to avoid any misunderstandings which might jeopardize the distribution and harm family planning objectives, these instructions shall be implemented: 1) suppression of all literature from the boxes of medication at the central warehouse (prior to regional distribution) . . ."

In the Ovrette case in Honduras,USAID has been party to a flagrant violation of human rights through the imposition of a coercive and experimental population control program, has violated several Honduran laws and the constitutional rights of information, and has acted to the detriment of the health of Honduran mothers and children. The Ovrette incident should be thoroughly investigated in order to prevent such an imposition which can harm future generations not only in Honduras, but also in many other countries where such programs are implemented.

A Doctor Speaks out: What Happened to Medicine When the Campaign Began?

(Statement of Dr. Hector Chavez Chuchon)

My name is Hector Hugo Chavez Chuchon, and I am the president of the regional medical federation of Ayacucho, Andahuaylas, and Huancavelica in the Republic of Peru. This areas is the poorest in the country. I do not belong to any political group, and hope that the Peruvian government has as much success as possible in its enterprises. But, at the same time, I have the moral obligation to come forward and denounce wrongs there, where they are done.

I'd like to describe my work since the start of the tubal ligation and vasectomy sterilization campaign. There are approximately 200 doctors in my region. Some of them have come to declare and demand that the federation step forward to defend and to protest the "inhumane," massive, and expanding sterilization campaign, a campaign which imposes quotas on medical personnel. As proof of these quotas, I have this document which is available in the information packet that you have. These doctors do not like the way in which people are brought in for these surgical procedures, where information is poor, incomplete, and generally deficient. Also, the places where these operations are performed are, for the most part, unsuitable, and the personnel often insufficiently trained.

The Ministry of Health denies that there are campaigns and quotas referring to sterilizations, and absolves itself of its responsibility, without taking into account, among other things, that the doctors work under their orders. Doctors work under pressure from their superiors, are given quotas and submitted to other more subtle forms of pressure. It is also true that doctors work under very unstable employment conditions, and could easily lose their posts.

I would like to have the people of the United States understand what their government is doing in Peru. My country is very large, and we do not have more than 25 million inhabitants, which in no way calls for a brutal birth control campaign, especially not one of sterilization. The facts show that prosperous countries like Japan have a high population density. Even though they are geographically much smaller, and lack the natural resources of my country, they live prosperously. So, we can see that the most important thing for a country is its human resources, which can generate wealth and well-being. Therefore, I would like especially to say that if you want to help my country, do so by investing in education and job creation, and not using these millions of dollars for population control programs.

"Practically by Force"

(Statement of Avelina Nolberto)

As a poor mother of five underage children and separated from my husband who also lives in the city of Andahuaylas, I wash clothes to support myself and the children. During my work activities I got to know an obstetrician who works in the Social Security hospital of Ayacucho. I confided in her about the problems I had run into with my husband. Then she spoke to me about tubal ligation and, of course, I was against it, but after so many demands she convinced me, adding that my husband could come back at any moment and would once again fill me with children.

So on 16 October 1996 a worker, the sister of the obstetrician, arrived at my house telling me that it was free and I should take advantage of the opportunity since specialists from the Social Security hospital in Lima had arrived. I resisted, saying that I had to go to the market to cook lunch for my small children who were studying in school. I went to the market and stayed a long time. Upon my return I found her outside my house and she intercepted me saying that I was already scheduled for a ligation and that they would take me by taxi. That is how I arrived at the hospital practically against my will without any of my girls going in with me. This lady took charge of all the business in the hospital. This was the way I had the surgical intervention of a tubal ligation.

After the operation I was not able to recover. My stomach swelled and I had the sensation that all my intestines were burning. I could not expel intestinal gas. It was three in the afternoon on October 17, 1996. Then I began to worry because I entered the hospital totally healthy. When I went to the obstetrician to complain about my state of affairs, she became very insolent and said that she had nothing to do with this, and she had the audacity to tell me, "Don't be bothering me, as if I had dragged you in." After that, my children came searching for me desperately when they did not find me home. They found me in the hospital and that is how I left still very sick.

In the night of October 17, 1996 I had terribly strong colic and my entire stomach swelled with a terrible burning sensation that I could not stand. So when I woke up, my oldest daughter took me back to the Social Security hospital where they intervened on me again on October 18, 1996. When my family started to inquire about my health status, what was the problem I really had, no one could tell them anything concrete. When I was supposed to be asleep I heard the nurses whispering among themselves that when they operated to do the ligation they had cut my intestines. I was not able to recuperate so they tried again on November 10, 1996, but my condition kept deteriorating so they decided to send me on November 15, 1996 to the Social Security hospital of Lima at my daughter's insistence. There they did a complete cleaning of my intestines because a greenish liquid had formed and the doctor told me that I had septicemia. I left there on December 12, 1996 returning to my city without medicines to continue my treatment.

The doctors treating me refused to give me medicines when I asked because I have no insurance.

From that time I have not been able to recover, and given my precarious financial situation, I had to return to my husband so that he could look after the children. I still cannot go back to work like before. Relapsing again, I went to the hospital Maria Auxiliadora de San Juan de Miraflores in

Lima on November 4, 1997. I stayed there to be treated for what the doctor said was a perforated intestine. This was very expensive and I owe the hospital but do not have the ability to pay them back or to continue my treatment because of the expensive medicines needed. I am desperate from this situation. I cannot work to support my younger children. My oldest daughter, 20 years old, is studying and doing domestic work and is supporting me as much as she can. Now I am staying in the house where she works and the lady here has very kindly agreed to receive me with my young girls of 7 and 11 years old, and I have been given a great deal of help to recuperate.

Family Planning by the Numbers: quotas Haven't Gone Away, They Have Merely Changed Their Name

(By David Morrison)

Although officials with the US Agency for International Development deny the practice, current documents and training programs indicate that the Agency still uses quotas to evaluate so-called "family planning program."

WHY ALL THIS MATTERS

This entire issue can seem like mere numbers on a page until a situation like that of Peru appears. Then it becomes clear what USAID's continuing reliance on quotas has wrought. Hundreds of thousands of women in Peru and elsewhere have had to confront workers from government and other organizations who view them not as human being but rather as numbers to be entered into a report or a means of filling a quota.

Refugee Pop Control Advances: Destructive Guidelines Remain in Place Despite Alterations

(By Kateryna Fedoryka)

As human rights activists and humanitarian aid workers contend against the tide, the United Nations moves closer to promulgating guidelines that would subject refugee women to clinically irresponsible and dangerous procedures of fertility regulation and abortion. Scheduled for completion in April, UNHCR guidelines for "Reproductive Health in Refugee Situations" has been the center of a protracted struggle between the UNHCR, concerned NGOs, and US Congressman Chris Smith.

Initial drafts of the guidelines called for the introduction of a specifically reproductive health component into the emergency health care kits for refugee camps. Concern first arose among NGO participants in the preliminary drafting sessions when it became evident that the reproductive health kits were to include the so-called 'emergency contraceptive pill' (ECP), and a manual vacuum aspirator for use in early-term abortions. Objections centered on poor general hygiene, unskilled practitioners, and the lack of all but the crudest of operating facilities, which make safe and responsible administration and management of such procedures virtually impossible.

Following promulgation by the UNHCR, there will be a waiting period before the guidelines are submitted to the WHO, which has final oversight for medical operations in refugee camps. If signed into policy by the WHO, the regulations will go into effect immediately. Conditions in refugee camps will render impossible any attempt to prevent abuse. Population control will be imposed on poor refugees.

The aborting of refugee women under the euphemisms of "emergency contraception" and "uterine evacuation," as well as the maternal deaths that are an inevitable result of carrying out these procedures in unsanitary and inadequate medical conditions, will undoubtedly reduce the numbers of "vulnerable peoples" suffering in refugee camps. If the present efforts to halt ratification of these guidelines do not succeed, there will in fact be no more place of refuge for those who have until now been able to turn to the international community in their moments of greatest need.

Aiding a Holocaust: New UNFPA Program Designed To Tidy up One-Child Horror

(By Steven W. Mosher)

The United Nations Population Fund's (UNFPA) love affair with China's ruthless one-child policy continues. Despite overwhelming evidence of massive human rights violations stretching back two decades—and in violation of its own charter—the UNFPA has just quietly embarked upon a new $20 million program in China to assist its so-called "family planning program."

The program, which will be carried out in 32 Chinese counties, is being billed as an effort to replace direct coercion with the more subtle forms of pressure that the UNFPA commonly employs to stop Third World families from having children. Beijing has signed off on the four-year experiment. In the delicate phrasing of Kerstin Trone, UNFPA program director, "The Government of China is keen to move away from its administrative approach to family planning to an integrated, client-centered reproductive health approach . . ."

As well it might. For except within the population control movement itself, which continues to celebrate China's forceful approach, the one-child policy has become a byword for female infanticide, coerced late-term abortions, forced sterilization/contraception, not to mention a host of other horrific abuses that rival in sheer barbarity the worst of Nazi Germany.

Recent examples of such abuses abound. In the August 1997 edition of Marie Claire magazine, for instance, we find a report that China has "implemented [its] harsh birth control policy" in Tibet, including "forced abortions and sterilizations of Tibetan 'minority' women." Tibetan families are allowed one child in urban areas, two in rural areas. "Excess births" are illegal. As throughout China, it is legal to kill such "illegal" Tibetan babies in utero for the entire nine months of pregnancy, even as they descend in the birth canal. In sparsely populated Tibet, such a "family planning" program may properly be called genocidal.

Then, as reported in a previous issue of the Review, there is China's latest weapon in the war it is waging on its own people: Mobile abortion vans, each of which will be equipped with operating table, suction pumps, and . . . body clamp. According to Chinese officials, the government has plans to make 600 such vans to travel around the countryside doing abortions. Presumably such vehicles will be banned from the 32 counties in which the UNFPA will be responsible for keeping the birth rate down with its "integrated approach," but who can be sure?

Nafis Sadik, the Executive Director of the UNFPA, has let it be known that the Chinese government has agreed to suspend the one-child policy in the 32 counties during the four-year experiment. In her words, "In the project counties couples will be allowed to have as many children as they want, whenever they want, without requiring birth permits or being subject to quotas."

Whatever the truth of this statement, it is by itself a remarkable admission. For it has been the steadfast position of the Chinese government—and the UNFPA itself—that the one-child policy does not rely upon birth quotas and targets, nor does it require parents to obtain birth permits prior to having children. Targets and quotas, it should be noted, were banned by the Cairo population conference because they always lead to abuses.

But lest the Chinese people living in these counties take their newfound freedom to have children seriously, the Chinese government has retained the right to use economic pressure. Sadik: "[T]hey may still be subject to a "social compensation fee" if they decide to have more children that [sic] recommended by the policy." In other words, overly procreating parents will be fined into submission. That's hardly reproductive freedom.

And what of the ill-favored people in China's 2000 other counties? Counties where—we have it on the authority of Nafis Sadik herself—birth targets and quotas will continue to be imposed in defiance of world opinions. Counties where parents, on pain of abortion, must obtain birth permits for children prior to conceiving them. Counties where mobile abortion vans roll up and down rural roads, snuffing out the lives of wanted children while their mothers lie helpless in body clamps. And counties in oppressed Tibet, whose sparse populations of nomadic herdsmen are about to be further depleted by "family planning."

The Founding Charter of the UNFPA says "couples have the right to decide the number and spacing of their children." The Executive Director of that organization has now admitted that China's population-control dictators deny that right. Until that changes, until China abandons the whole oppressive apparatus of targets, quotas, and birth permits, the UNFPA should get out—and stay out—of China.

From the Countries: Aging Japanese; Birth-Control Trains and Sterilizations Everywhere—Japanese to be World's Oldest

Meanwhile, more than 16,500 handicapped Japanese women were involuntarily sterilized with government approval during the period from 1949 to 1995, government officials now have admitted. However, unlike other nations whose own sterilization agendas have recently come to light, Japan does not plan to apologize, offer compensation to the victims, or conduct an investigation.

Japan legalized sterilization in 1948 (while under American occupation) as a means of improving the race through control of hereditary factors. The law, which was revoked only last year, allowed doctors to sterilize people with mental or physical handicaps without their consent, after obtaining the approval of local governments.

(Sources: "Japan braces for life as world's oldest nation," Associated Press, 11 December and "Japan acknowledges sterilizing women," The Washington Post, 18 September, A 26.)

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AUSTRALIAN STERILIZATIONS

Surgeons in Australia's public health system have illegaliy sterilized more than 1,000 retarded women and girls since 1992, a government-commissioned report said.

The chief justice of Australia's family court, Alastair Nicholson said, "The research points to an irresistible conclusion that doctors are performing unlawful sterilizations on girls and young women with disabilities."

In 1992, Australia's High Court made such sterilizations illegal if they were not medically required, unless a court or tribunal granted permission. Since then, such permission has been granted only 17 times, the report for the federal Human Rights and Equal Opportunity Commission said. However, at least 1,045 women and girls were sterilized during that period, the commission said. The government Health Ministry called the figure "overstated," claiming that the true number of cases was only "one-fourth or one-fifth that."

(Source: The Washington Post, 16 December, A22.)

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AUSTRIAN STERILIZATIONS

The Austrian Ministry of Justice, following allegations by member of parliament Theresia Haidlmayr that thousands of women in mental institutions were being forcibly sterilized, promised on 28 August to curtail the rights of parents to authorize the sterilization of their handicapped children.

The judiciary's action was also in response to rumors in medical circles that Ernst Berger of the Rosenhugel Psychiatric Hospital for the Young in Vienna, was preparing a paper which would examine the questionable due process involved in the forced sterilization of young handicapped children in Austria. Berger's paper includes a case study of a 16-year-old mentally handicapped girl who was sterilized 4 years ago on the authority of her father, who was later found to have been sexually abusing her.

The administrative processing of such sterilizations, said Berger, "had a professionally unsound cynical character differing only superfically from the forced measures legitimized by the the [Nazi] laws to prevent hereditarily ill future generations.

(Source: The Lancet, 6 September, 723.)

Chinese Unveil "Mobile Abortion Clinics"

Delegates to the 23rd annual meeting of the International Union for the Scientific Study of Population (IUSSP) were treated to a macabre sight during their 11–17 meeting in Beijing. Chinese government officials drove one of the brand new "mobile abortion clinics" up to the parking lot of the building where the conference was being held. Delegates leaving their session were able to stop by the van's open rear doors and behold its small bed, suction pumps and body clamps up close.

"We plan to make 600 of these buses to travel around the countryside," said Zhou Zhengxiang," the "vice general manager" of the van's manufacturing company.

Human Rights advocates fear that the mobile clinics represent a further escalation in China's war against its own people's fertility, a war which has been characterized by forced abortion, sterilization and IUD insertion.

"I think the need for body clamps in this thing speaks for itself," said Steven Mosher, President of the Population Research Institute. "Women doing something voluntarily do not need to be held down with clamps."

Chinese government officials, as usual, denied the practice of forced abortion in the countryside, but this time their denials flew in the face of more candid admissions by the Chinese government from only a few months ago.

The news of 600 mobile abortion clinics may indicate a split policy on population control in China.

The Disassembly Lines, Part II: Indian Women Sterilized Under Industrial Conditions

(By James A. Miller)

AIR PUMPS AND ERRORS

The all-too-common primitive conditions at the camps were reported: air pumps for pneumoperitoneum, bricks to elevate the operating tables, gowns changed only at rest breaks, the lack of an anesthetist as part of the surgical team, the inadequate "sterilization" of instruments, the non-monitoring of patients' pulse and blood pressure during surgery, and the ignoring of regulations concerning the number of sterilizations to be performed per surgical team per day.

The report noted that the "government sponsored campaign to meet [quota] targets set for each state by end of the fiscal year . . . [led to] a uniformly high risk of deaths in camps [during the] campaign season and a markedly reduced risk in the balance of the year." Another factor contributing to "unsatisfactory outcomes" was the "speedy completion of the sterilizations . . . by the surgical teams who are anxious to return to their home base."

Although one could go on and on in like vein, perhaps the best overall summation of what is really going on in India's sterilization camps was the devastating reply of two Indian physicians to a glowing Lancet editorial endorsing the camps.

The doctors noted that in some cases "a bicycle pump [was] being used to create a pneumoperitoneum" for laparoscopic sterilization—a grim symbol of how medical standards have been lowered in the zeal to meet national sterilization targets."

They wrote of laparoscopes being "reused after a quick wash," of ordinary, non-sterile "air (not carbon dioxide)" being used to create a pneumoperitoneum, of the "high incidence of uterine perforations," of complications which "are rife" and a "case fatality rate as high as 70 per 100,000." [See above] They condemned the system in which "local authorities are under pressure to achieve set targets and the doctors are paid on a case basis," while "inducements (cash or otherwise) are routinely sanctioned to candidates for sterilization and the motivator is similarly rewarded."

Under such conditions, the doctors declared, "informed consent is certainly not obtained."

Post Documents Indian Horror

PRIZES

In the yard outside the sterilization center were "tables of prizes for the government workers who had brought in the most women. Three patients won the worker a wall clock, 5 a transistor radio, 10 a bicycle and 25 a black-and-white television."

At another camp in neighboring Saharanpur, the reporter noted that prior to the sterilization, blood samples were taken by a medical assistant who "pricked each woman's finger—using the same needle on all the women. . . ."

But how voluntary have been the individual decisions made by these millions to submit to being sterilized? During the 1970s, several million Indian men were forcibly vasectimized. Now, critics of India's sterilization program say it is still "inhuman because it relies on quotas, targets, bribes and frequently coercion. . . ."

These critics note that most of the women who are sterilized are poor and illiterate, and have been "lured to the government sterilization clinics and camps with promises of houses, land or loans by government officials under intense pressure to meet sterilization quotas."

V.M. Singh, a legislator from the State of Uttar Paradesh, declared that "[e]very single thing in my district leads to one wretched thing: Will the woman be sterilized?" Singh explained that "[p]eople are told if they want electricity, they will have to be sterilized. If they want a loan, they have to be sterilized."

Singh, who has complained about the situation to the state government, said that officials in his district and others along the border with Nepal, in order to meet their quotas, often "resort to bribing Nepalese women to travel to India for sterilizations."

The Post noted that the pressure for sterilization is especially acute in India's poor northern states, which "impose sterilization quotas on virtually every government employee in the district, from tax collectors to schoolteachers. If they don't meet the quota, they don't get paid," explained V.M. Singh.

For most village women, months of negotiation precede the trip from their simple mud huts to the stained sheets of the makeshift operating table. The discussions do not begin with medical personnel, however. Rather, it usually begins with a local government bureaucrat, the "motivator" who will be paid for each woman he can deliver, telling the husband that "if his wife undergoes a sterilization she will receive 145 rupees (about $4.60) and the family may qualify for materials for a new house, or a loan for a cow, or a small piece of land." And so another woman is off to a sterilization camp where she too can wind up on the "recovery room" floor.

The Disassembly Lines; Indian Women Sterilized Under Industrial Conditions

(By James A. Miller)

Editor's note: Population control is literally and figuratively dehumanizing. In India, thousands of women are being herded into mass sterilization camps, where surgeons mutilate their reproductive organs in assembly line-fashion under unsanitary conditions, sometimes using bicycle pumps as medical instruments, and where mortality rates reach as high as 500 per 100,000 sterilizations. This article, the first of two parts, focuses on one such sterilization camp in Kerala, India.

Written consent was obtained at this time and the women were seen affixing their signatures to some printed forms. However, very little about the sterilization procedure was explained to them, nor were any alternative options offered.

On average, it took just four to five minutes for the completion of this three-stage procedure. Since three women were going through the different stages simultaneously, the total time taken for all 48 women was just 128 minutes—i.e., two hours and eight minutes. The surgeon thus spent an average of only two minutes and 40 seconds per sterilization.

The linen on the three makeshift operating beds was never changed during the course of the day's surgeries. Moreover, the surgeon never once changed his gloves during the course of the 48 surgical procedures he performed. Unfortunately, this disregard for aseptic conditions is quite common in the Indian sterilization camps and has been reported often through the years.

POST-OPERATIVE CARELESSNESS

All of women who were sterilized had to walk by themselves back to hall, which now served as the post-operative ward. They lay on the nine available cots, usually two per cot. The rest were accommodated on bed sheets spread out on the unswept floor, five women per sheet.

As each woman lay down on a cot or a sheet, a nurse sprayed the area around the abdominal incisions with an antiseptic and dressed the small wounds. The women were provided with an antibiotic and a pain killer and were instructed to contact the local JPHN in case of any problems. No doctor examined or counseled the women after surgery.

As the number of women of women who had been operated on increased, the available space in the hall begin to shrink. The last of the women had to lie on a bed sheet at the entrance to the bathroom, which was being used extensively by the women and their attendants. Extensive seepage from this overused bathroom barely missed the feet of the women lying on the bed sheet near it.

While the operations were proceeding, the District Medical Officer (DMO) came to inspect the hospital. He condemned certain items of equipment which were being used. The JPHNs and JHIs at the camp took the opportunity to inform the DMO about the problem of non-payment of incentive money to their clients during the previous months. (An incentive payment of 145 Rs is paid to sterilization acceptors.) The JPHNs and JIHIs knew that the people they served were upset that the incentive payments had not been immediately disbursed, and they were worried that as word spread in the community they would find it difficult to "motivate" future clients.

The surgeon and his team left the camp by 3:45 p.m., shortly after completion of the operations. Most of the JPHNs and JHIs also left the camp immediately, leaving the women and their attendants to fend for themselves. By 4:30 p.m., many of the women began leaving the premises, although they could barely walk; none of them were permitted to stay in the building beyond 5 p.m.

DARK AND DIRTY BUSINESS

As for the operating theatre, sometimes the "flooring was dusty and unclean [and] the lighting . . . was very poor. . . ." At many places the artificial light which was available was "insufficient and uncertain because of drop[s] in voltage or power out[ages]." Nonetheless, at some of the camps the surgeons operated "round the clock through day and night with very scanty light—only one torch for two tables or so."

Usually there was a shortage of linen required for the numbers of women to be operated on, and the sterilization of instruments and linen was inadequate. Often the local nursing staff who assisted the operations seemed to be "assisting for the first time," which in fact was the case, as subsequent inquiry discovered. Moreover, the pre-operative preparation of the patients was so unsatisfactory that some of the women had apparently eaten recently and/or had not properly evacuated themselves, resulting in some even voiding on the operating table, causing a postponement in their sterilization.

Although the team of observers found the Kerala camp conditions "appalling," they were "not as bad as elsewhere in the country."

In many instances the sterilization camps were conducted in makeshift locations without even a thought to aseptic conditions. School classrooms have been used without any effort to disinfect them, and "rusted, broken down tables draped with soiled rubber sheets have been used as operating tables." Surgeries have been performed with "just one bucket of water for the surgeons to 'disinfect' their hands before operating." The same syringe has been used on all the clients.

With Friends Like These: Fertility Reduction Fails To Make Bangladesh Rich

(By Jacquelin Kasun)

The government does well to take very seriously what Messrs. Merrill and Piet say; according to US law, countries which receive US foreign aid must take steps to reduce their rate of population growth.

And the evidence suggests that the country is making a good faith effort in this regard. Fifty-three thousand family planning workers provide doorstep delivery of birth control services. Although the law restricts abortion to the saving of the mother's life, "menstrual regulation"—removal of the womb's contents without a prior test for pregnancy—is widely available, often performed by person with only "informal" training. The press also reports that government doctors perform illegal abortions in clinics without anesthesia or sanitation.

The government pays women about $3 each, plus a new saree, to be sterilized. Men receive $4 plus a new lungi. The Sun reports that the numbers go up just before the rice harvest, probably because people are hungriest then. The Sun also reported that women's sterilizations were being performed with quinacrine, which severely burns the fallopian tubes. The women are unaware of the risks until they suffer the consequences.

An aid-dependent poor country whose people are mostly illiterate, Bangladesh is an ideal place to test birth control methods. Eager grant seekers in the United States can support their research and their professional advancement by doing experiments in Bangladesh. Local women's rights groups, such as UBINIG and its intrepid leader Fairda Akhter, give evidence that Norplant providers refuse to remove the implant even when the women suffer debilitating side effects. Losing subjects from the sample spoils the results of the research. Removing implants also uses resources that could be used to insert them and meet the quotas.

Chinese Admit Policy is Coercive

Urban couples generally comply with the policy, the article reports, because they pay high fines and risk losing important benefits by having more than one child. In the countryside, where most Chinese live, enforcement is more difficult, the article maintains.

Rural officials are responsible for meeting family planning quotas. Some take bribes to neglect to report births. Some resort to terror and force to make sure the rules are followed. 'It would be better to have blood flow like a river than to increase the population by one' reads one rural slogan, according to a report by the Chinese newspaper International Trade News.

Women must get regular checkups and certificates to prove they are not pregnant. Those with unauthorized pregnancies are ordered to have abortions, the article reported.

The article declared that the highest birth rates are in China's poorest counties, where farmers still need their children's labor and rely on their support in old age. Those who have extra children are fined, but some are unable or unwilling to pay.

In many areas, the article declared, officials are turning to economics to help make their arguments. "If you want to get rich have fewer kids and raise more pigs," says one sign painted on a wall.

From the Countries: Quinacrine in India, Estonians Decline, More Condoms for Uganda, Quinacrine in India

Thousands of illiterate women in India and Bangladesh have been used as "guinea-pigs" without their knowledge in unauthorized trials of quinacrine, a derivative of quinine used to perform chemical sterilization by scaring and burning a women's fallopian tubes.

Although the "Q method" is illegal in India and has "no medical sanction" in Bangladesh, more than 10,000 women have been sterilized with quinacrine by a single medical practitioner in India's West Bengal state alone, with similar trials going on in Mumbai, Bangalore and Baroda; in Bangladesh's southeastern Chittagong district more than 5,000 women have been sterilized with quinacrine. In a documentary film on the "Q Method," a doctor at Delhi's Lady Hardinge Medical College admitted using quinacrine on women in Delhi.

A group of doctors under the aegis of the Contraceptive and Health Innovations Project (CHIP) in Karnataka, South India, completed a quinacrine sterilization trial on 600 women in July 1996, and are currently involved in a 2-year project Ato sterilize 25,000 women.

Health activists claimed that the U.S. Agency for International Development has "funded quinacrine supplies to India," along with a "zealous population control at any cost" international lobby. Since the quinacrine method requires no surgery or anesthetic, and no real follow-up, and costs only one dollar per case, it has become a favorite weapon for such groups.

Too Many People? Not by a Long Shot

(By Steven W. Mosher)

The most notorious example is China, where for a decade and a half the government has mandated the insertion of intrauterine devices after one child, sterilization after two children, and abortion for those pregnant without permission.

Btu the use of force in family-planning programs is not limited to China. Doctors in Mexico's government hospitals are under orders to insert IUDs in women who have three or more children. This is often done immediately after childbirth, without the foreknowledge or consent of the women violated.

Perhaps the practice in Peru, where women are offered 50 pounds of food in return for submitting to a tubal ligation, cannot properly be called coercive. Still, there is something despicable about offering food to poor, hungry Indian women in return for permission to mutilate their bodies. And the potential for direct coercion is ever present, given that Peruvian government doctors mut meet a quota of six certified sterilizations a month or lose their jobs.

Third World Population Growth: First World Burden?

(By Steven W. Mosher)

At the time the NSC report was written, India was in the middle of its infamous "compulsuasion" campaign. Although this strange word was an amalgam of compulsion and persuasion, the emphasis was definitely on the former. No longer was our congenial Indian villager merely to be given boxes of contraceptives with which to build temples. Instead, he was to be sterilized. Governments officials were assigned vasectomy quotas, and denied raises, transfers and even salaries until they had sterilized the requisite number of men.

At the same time it was privately commending India's programs, the NSC strongly cautioned against public praise. "We recommend that US officials refrain from public comment on forced-paced measures such as those currently under active consideration in India . . . [because that] might have an unfavorable impact on existing voluntary programs."

Statement of M. Graciela Hiliario de Rangel of Mexico

My name is Maria Graciela Hilario de Rangel. I am from the city of Morelia. I have had IUD's placed into me twice. The first time was ten years ago, when one was placed in me before I was released from the clinic. I later had it removed.

The second one was placed in me eight months ago after the birth of my baby. On this occasion, I repeatedly told the doctor that I did not want the device placed in me. He did not pay any attention to me and ignored my protests. He placed the device in me anyway.

Afterwards, the chief physician of the clinic told me he accepted responsibility for this act. I could place a complaint after I left the clinic, he said, but that his actions were protected by law. He did not tell me which law or when it was issued. I asked him for his name and he replied that he was Doctor Ildefornso Ramos Aguilar and that his office was in Morelia. He insisted that his doctors were authorized by law to place the devices and that the reason was to "protect" women.

I had the IUD removed 40 days later, but only after great difficulty. I went to the clinic several times, asking to have it removed, but each time I was sent away under the excuse that they did not thave the proper personnel to do it, or did not have the right instruments, or they had too many patients, or some other excuse. I finally told them I would not leave the clinic until they removed it. Only then did they remove it. I did not file a complaint against the clinic because the chief physician had told me that their actions were protected by law.

Family Planning: Population Control in Drag

(By David Morrison)

Later that decade, according to the US Agency for International Development, the military government of Bangladesh employed soldiers to round up women for IUD insertions, besides threatening to withhold schoolteachers' wages unless they began using contraception.

In the eighties, according to a British Broadcasting Corporation documentary, another US-funded "family planning" organization used US tax dollars to mislead Bangladeshi and Haitian women about Norplant's side-effects prior to insertion. Then, when the women became seriously ill, removal was refused.

During the same decade targets became common. Twenty-five countries, ranging from the Philippines to El Salvador, set monthly quotas for numbers of sterilizations. As they invariably do, these quotas led to US women being sterilized without their consent or under false pretenses as workers scrambled to meet them. In Bangladesh, women whose families were driven from their homes by flooding were told they would not receive international humanitarian assistance until they submitted to sterilization.

During the nineties, right to the present day, some Mexican government hospitals, according to sworn depositions collected by human rights activist Jorge Serrano, routinely sterilize or insert IUDs into women delivering their second or third child without their foreknowledge or consent, and (sometimes) even over their objections, immediately after giving birth. With the uterus expanded from childbirth, it is impossible to correctly size an IUD, which can embed in the uterine walls as the womb contracts. Then there is the well documented horror of forced abortion and sterilization promoted by the Chinese "one-child" policy, and supported by "family planners" like the United Nations Population Fund (UNFPA) and the International Planned Parenthood Federation (IPPF).

Sri Lankan Population Atrocities

In the Indian Ocean island state of Sri Lanka, female plant workers are being forced to undergo sterilization at government run clinics by health workers who are "concerned only with meeting official [population] targets."

Researcher Padma Kodituwakku of the Colombo-based "Women and Media Collective," produced the study which discovered the "dark side" to the government's program to keep the country's birth rate in check. Each of the sterilized women was paid 500 Rupees—US $12.50—to undergo the surgery, "ligation and resection of the [fallopian] tube."

Kodituwakku's research revealed that the predominately Sinhalese speaking health workers used "subtle coercions" to force minority Tamil-speaking women to agree to the operation to foil the birth of their third child. In every case investigated the woman was made to feel guilt for having so many children; they were "ignorant and irresponsible breeders" whose reproduction needed to be curbed.

Bad Blood in the Philippines? Possibly Tainted Vaccine May Be Tip of the Iceburg

(By David Morrison)

Philippine women may have been unwittingly vaccinated against their own children, a recent study conducted by the Philippine Medical Association (PMA) has indicated.

The study tested random samples of a tetanus vaccine for the presence of human chorionic gonadotropin (hCG), a hormone essential to the establishment and maintenance of pregnancy.

The PMA's positive test results indicate that just such an abortifacient may have been administered to Philippine women without their consent.

Individual women who have lost children to miscarriage after accepting the anti tetanus vaccine have already been found to have antibodies to hCG. Dr.Vilma Gonzales had two miscarriages after receiving the tetanus vaccine and became suspicious. She had her blood tested for anti-hCG antibodies and found, to her great sorrow, that these were present "in high levels." As she later told a British Broadcasting reporter:

"Women should have been told that the injection would cause miscarriage and, in the end, infertility. The Department of Health should have asked beforehand, so that only those who didn't want to have children had the injection. I really hope and pray to God that I will still have a baby and get a normal pregnancy. And I am still hopeful that the Department of Health will find an antidote to the antibodies as well."

The possibility that Philippine women were being covertly dosed with an abortifacient vaccine got widespread attention after Human Life International, an international pro-life group, reported on peculiar tetanus vaccination programs in the Philippines, Mexico and Nicaragua.

Current WHO-funded research in the United States, according to a leading researcher, has "moved on" from tetanus to diphtheria as the antigen link. For even greater efficiency and wider reach, the possibility of doing away with the antigen link altogether is also being explored.

But from the point of view of numerous Filipinas, the most disturbing allegation against Talwar is that he has, in the past, tested his abortifacient vaccines on women without first testing them on animals. Both Indian researchers and WHO officials are on record as declaring that such abuses have occurred. Their testimony has helped fire opposition to the vaccine, especially on the part of women's groups.

Mexican Sterilizations

More than 300 Mexican women have documented their experiences with forced sterilization at the hands of Mexican population controllers, and an activist group claims to have gathered evidence of "thousands" more.

"Women are being trampled. Their rights are being trampled," said Jorge Serrano Limon, director of Pro-Vida, the Mexican group which has been investigating the issue.

"Sterilizing our population against its will is a complete violation of human rights," he said. "We want to make an anguished appeal to the President to stop this genocide," he said. "We can't let it happen that after these campaigns we are going to have a sterile Mexico."

Pro-Vida held a press conference in Mexico City at which Rocio Garrido, a woman from the Puebla State, told of how she had been threatened with sterilization when she went to the hospital to deliver a baby.

Rocia reported that she later discovered an Intra-Uterine Device had been inserted into her womb without her consent. Hospital records back up her account. More than 40 other women from Puebla state sued the state health institute earlier this year for allegedly planting IUDs in them without their consent or knowledge. Some claimed to have been infected during the unauthorized procedures.

A spokesman for the Mexican Ministry of Health denied any government campaign to force women to be sterilized. (Mexico forcibly sterilizing, Reuters, 11 October 1996.)

Burn, Baby, Burn: Quinacrine Sterilization Campaign Proceeds Despite Risks

(By David Morrison)

This interpretation is supported by the coercion and dissembling that has surrounded quinacrine trials to date.

The largest clinical trial of the drug has taken place in Vietnam—a nation governed by a one-party dictatorship which is currently making a concerted push to lower the birth rate. Did Vietnamese women participate voluntarily in clinical trials, or were they coerced? There are allegations, made in a Vietnamese language publication called The Woman, that at least 100 of the participants in the Vietnamese study had quinacrine inserted without their knowledge during pelvic examinations. Faced with these and many other charges this study was suddenly halted in 1993.

There are also credible reports that ever-growing numbers of women are being sterilized without any standard drug trial protocol at all.

In Pakistan, for example, a Dr. Altaf Bashir of the Mother and Child Welfare Association in Faisalabad has reported sterilizing women with quinacrine at the rate of 100 a month. Most of the women were found in "street camps" or were otherwise tracked down and "motivated" by Bashir's staff.

Because so many women did not return to the clinics for the second insertion of the drug Bashir took up a single insertion approach, even though much of the available research so far argues against a single insertion being sufficient to cause complete sterility. An independent nurse practitioner who observed Bashir's work had this to say about it:

"Some patients are recruited at 'street camps' and given little information or time to fully understand and think about the implications of this type of procedure. Patients receiving treatment at regular clinic facilities receive a bit more information, but are not informed that this method has not been formally sanctioned for use in Pakistan. Insertions are primarily conducted by lady health workers (not doctors) with limited clinical skills necessary to rule out any underlying pathology. Essentially no follow up of these patients is conducted. The patient is told to 'return if she has any problems.' Those that don't return are assumed to have no problems, no pregnancies, etc. There is no mechanism established for follow up of these patients."

THE CASE OF THE DALKON SHIELD

(By James A. Miller)

Government officials, A.H. Robins executives and Pathfinder Fund administrators (among others) conspired in the early 1970's to dump hundreds of thousands of dangerous unsterilized contraceptive devices—unmarketable in the United States—into the developing world, according to a recent analysis of government and other documents. These devices were Dalkon Shields.

Robins' international marketing director wrote to USAID to interest it in placing "this fine product into population control programs and family planning clinics throughout the Third World." The deal was sweetened with a special discount: the company offered USAID the Shield in bulk packages, unsterilized, at 48 percent off the standard price!

One of the greatest hazards associated with the use of any IUD is the possibility of introducing bacteria into the uterus. Accordingly, all IUDs sold in the United States come in individual sterilized packages, with a sterile, disposable inserter for each device. The sale of non-sterile IUDs would be highly irregular in the United States, and would probably result in product liability suits.

Careful to preserve its image and to protect itself legally, Robins emphasized that USAID could not distribute the nonsterile Shields in the United States. A January 1973 Robins memo declared that the nonsterile form of Shields "is for the purpose of reducing price . . . [and] is intended for restricted sale to family planning/support organizations who will limit their distribution to those countries commonly referred to as 'less developed.' "

Robins expected practitioners in such countries to sterilize the Shields by the old-fashioned method of soaking them in a disinfectant solution, a procedure which, in the U.S., would border on malpractice. Moreover, Robins provided only one inserter for every 10 Shields, thus greatly increasing the possibility of infection.

Robins included only one set of instructions with every 1,000 Shields, and those were printed in just three languages, English, French and Spanish. Although the devices were destined for distribution in 42 countries, many of them Moslem and Asiatic, it is highly unlikely that they were read by more than a small number of people.

When USAID officials asked whether Dalkon Shields could be safely inserted by staff workers of remote family planning clinics, who would not have had the benefit of an American medical education, Robins replied that was no problem. This was not what the company had argued in the U.S., where it customarily countered reports of adverse medical reactions by blaming unqualified personnel, such as the occasional general practitioner, for inserting the device.

Ravenholt approved the deal. Hundreds of shoe box-sized cardboard cartons, each filled with 1,000 unsterilized Dalkon Shields paid for by the U.S. Treasury, left America's shores bound for clinics in Paraguay, El Salvador, Thailand, Israel and 38 other countries. The big Dalkon dump was on.

Altogether, USAID purchased and shipped more than 700,000 Dalkon Shields for use in the Third World. Slightly more than half of the Shields went to IPPF. The rest were provided to the Pathfinder Fund, the Population Council, and Family Planning International Assistance, all of whom were major grant recipients of USAID.

Although records are sparse and incomplete, Pathfinder's annual reports for fiscal years 1973 and 1974 disclose that it distributed at least 37,602 Dalkon Shield IUDs into the following countries: Indonesia (500), Kenya (5,000), Nigeria (1,000), Tunisia (5,200), Dominican Republic (4,000), El Salvador (2,000), Haiti (350), Jamaica (1,000), and Venezuela (5,000), Israel (500), Senegal (200), Indonesia (500), Tunisia (7,500), Mexico (1,152), Brazil (1,200), Chile (1,500), and Colombia (1,000).

Substantial but unknown quantities of Shields were also shipped by Pathfinder to India, Paraguay, Egypt, Singapore, and Thailand. Since the Dalkon dump of the early 1970's passed without notice, there is reason to be concerned that similar incidents could happen in the future, perhaps with Norplant.

"MARIA GARCIA": I HAVE WITNESSED MANY ABUSES

I am a medical professional who has worked in Mexican hospitals for several years. I am here today to tell you about the devastating results of U.S. family planning funding sent to Mexico.

Here in the United States, family planning is voluntary. But in Mexico, it is often literally forced on vulnerable women. I have witnessed many abuses.

One common practice I have seen is coerced IUD insertion. This occurs when a woman is about to have a baby. When she comes to the hospital, she is separated from her husband. She is not allowed to see him from the time of the initial exam until she is discharged six hours after delivery.

At the time of her initial exam, doctors ask "Que vas a hacer para que no te embarases otra vez?" "What are you going to do so you don't become pregnant again?" If she answers, "I plan to have more children" or "I plan to use the Billings Ovulation Method," this is not acceptable. The doctors will continue to harass her throughout her labor and delivery until she says that she agrees to use contraception or have a tubal ligation.

If she says that she is willing to use contraception or have a tubal ligation, this is noted in her medical chart so that medical personnel can reinforce her statement throughout her stay.

If she says "I don't know," she is offered two choices: an intrauterine device, known as an IUD, or sterilization. No other options are given.

None of the risks and complications of these two methods are explained to her. Therefore the patient who agrees cannot be said to have given her "informed consent."

The patient is also not asked her gynecological history. A history of repeated Population Research Institute Review 10 March/April 1997 vaginal infections, multiple sex partners, etc., are contraindications to the use of an IUD. But since there is no history taken these women are given IUDs regardless.

If a woman refuses to submit to either an IUD insertion or a tubal ligation, a steady stream of medical personnel, including doctors, nurses, and even social workers, pressures her to choose one of the two options. This pressure steadily increases as the time of the delivery approaches.

All this pressure occurs at a time when the woman is extremely vulnerable. The pain of labor she is experiencing weakens her resistance. I have seen women refuse to accept an IUD or sterilization four or five times during early stages of labor, only to give in when the pain and the pressure becomes too intense. In this way the woman is subjected to a form of torture, without actually having to torture her.

Any women in the audience who have gone through labor will agree that this practice is inhuman. Labor is not the time to be coerced into making possibly irreversible decisions about childbearing, especially when the husband cannot participate.

The more children a woman has, the more she will be pressured to submit to sterilization. After the third child, the pressure to accept tubal ligation is very intense.

Why are the IUD and sterilization the only options offered to women? Because these are once-and-done procedures. They do not require the continuing voluntary participation of the women in question. No further visits to the doctor are required.

The complaints of Mexican women suffering from IUD side effects are frequently ignored. Requests for removal are dismissed. Recently, a woman came to a clinic where I was working to ask that her IUD be removed. It had been inserted the previous month after the birth of her baby. The doctor in charge told her that the pain and abnormal bleeding that she was experiencing would disappear within several months. He refused to remove the IUD or even examine her. She came back the following week, begging to have it removed. I took it upon myself to remove it. Infection was already apparent. This woman is now faced with the possibility of further complications such as adhesions, pelvic inflammatory disease, or sterility serious side effects that may not be discovered until later, if ever.

Women have also been refused medical treatment unless they allow themselves to be sterilized. I recently saw a pregnant woman with a painful umbilical hernia. When she came to the hospital to deliver her baby, she wanted her hernia fixed at the time of delivery. The attending doctor refused to fix the hernia unless she agreed to have a tubal ligation. In other words, the threat of withholding medical attention was used to coerce her assent. The woman insisted that her husband did not want her to be sterilized. The doctor replied that her husband would never know. This conversation occurred in the delivery room just minutes before her baby was born. Can you imagine her dilemma? Despite her desire for more children, she agreed to be sterilized in order to receive much needed medical care.

What makes doctors and other medical personnel willing to violate women's rights and engage in substandard medical practices? Because they risk losing their jobs if they don't conform. Those who refuse to perform tubal ligations or involuntary IUD insertions are fired.

DR. STEPHEN KARANJA: HEALTH SYSTEM COLLAPSED

Our health sector is collapsed. Thousands of the Kenyan people will die of malaria whose treatment costs a few cents, in health facilities whose stores are stocked to the roof with millions of dollars worth of pills, IUDs, Norplant, Depoprovera, most of which are supplied with American money.

Special operating theatres fully serviced and not lacking in instruments are opened in hospitals for sterilization of women and some men. In the same hospitals, emergency surgery cannot be done for lack of basic operating instruments and supplies. Most of the women are sterilized without even knowing it is final. Some with only one child. Some are induced with financial assistance to accept sterilization. Horrified sterilized women now trot from hospital to hospital looking for reversal of the tubal ligation. This is breaking marriages especially when the single child or two succumb to the myriad tropical diseases with easy treatment that is not available.

Millions of dollars are used daily to deceive, manipulate and misinform the people through the media about the perceived good of a small family—while the infant mortality rate skyrockets. Some of this money is not used to educate people on basic hygiene, proper diet or good farming methods that would be useful development, but it appears that the aim of population controllers is to decimate the Kenyan people.

I am a practicing gynecologist in Kenya and I would like to share with you facts about some of the patients I see daily:

A mother brought a child to me with pneumonia, but I had not penicillin to give the child. What I have in the stores are cases of contraceptives.

Malaria is epidemic in Kenya. Mothers die from this disease every day because there is no chloroquine, when instead we have huge stockpiles of contraceptives. These mothers come to me and I am helpless.

I see women coming to my clinic daily with swollen legs—they cannot climb stairs. They have been injured by Depoprovera, birth control pills, and Norplant. I look at them and I am filled with sadness. They have been coerced into using these drugs. Nobody tells them about the side effects, and there are no drugs to treat their complications. In Kenya if you injure the mother, you injure the whole family. Women are the center of the community. The well-being of the family depends on the well-being of the mother.

Why do you not stop this money being used for contraceptives and use it instead to provide clean water, good prenatal and postnatal care, good farming methods and rural electrification. Do the American people know that the millions of dollars spent for population control are used in the ways I have described? Why does your government not deal directly with our government but instead uses a third party like IPPF, which has no respect for the values of our people and our laws?

USAID is the single biggest supporter and promoter of population control in Kenya. The programs it funds are implemented with an aggressive and elitist ruthlessness. In Kenya the targets are always the poor and the illiterate who are pressured and tricked into using dangerous drugs which are often banned in the west, or who are sterilized during childbirth without either their knowledge or consent.

If the funds you use to kill, maim, subjugate, dominate and break us to nothingness were used to cultivate our extraordinary resources, Kenya alone could feed more than half the African continent. Dear Americans, you cannot build your own security on the insecurity and degradation of others. You cannot build your own wealth on the poverty and destitution of people in the least developed nations.

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Why are the IUD and sterilization the only options offered to women? Because these are once-and-done procedures. They do not require the continuing voluntary participation of the women in question. No further visits to the doctor are required.

The complaints of Mexican women suffering from IUD side effects are frequently ignored. Requests for removal are dismissed. Recently, a woman came to a clinic where I was working to ask that her IUD be removed. It had been inserted the previous month after the birth of her baby. The doctor in charge told her that the pain and abnormal bleeding that she was experiencing would disappear within several months. He refused to remove the IUD or even examine her. She came back the following week, begging to have it removed. I took it upon myself to remove it. Infection was already apparent. This woman is now faced with the possibility of further complications such as adhesions, pelvic inflammatory disease, or sterility serious side effects that may not be discovered until later, if ever.

Women have also been refused medical treatment unless they allow themselves to be sterilized. I recently saw a pregnant woman with a painful umbilical hernia. When she came to the hospital to deliver her baby, she wanted her hernia fixed at the time of delivery. The attending doctor refused to fix the hernia unless she agreed to have a tubal ligation. In other words, the threat of withholding medical attention was used to coerce her assent. The woman insisted that her husband did not want her to be sterilized. The doctor replied that her

husband would never know. This conversation occurred in the delivery room just minutes before her baby was born. Can you imagine her dilemma? Despite her desire for more children, she agreed to be sterilized in order to receive much needed medical care.

What makes doctors and other medical personnel willing to violate women's rights and engage in substandard medical practices? Because they risk losing their jobs if they don't conform. Those who refuse to perform tubal ligations or involuntary IUD insertions are fired.

DR. STEPHEN KARANJA: HEALTH SYSTEM COLLAPSED

Our health sector is collapsed. Thousands of the Kenyan people will die of malaria whose treatment costs a few cents, in health facilities whose stores are stocked to the roof with millions of dollars worth of pills, IUDs, Norplant, Depoprovera, most of which are supplied with American money.

Special operating theatres fully serviced and not lacking in instruments are opened in hospitals for sterilization of women and some men. In the same hospitals, emergency surgery cannot be done for lack of basic operating instruments and supplies. Most of the women are sterilized without even knowing it is final. Some with only one child. Some are induced with financial assistance

to accept sterilization. Horrified sterilized women now trot from hospital to hospital looking for reversal of the tubal ligation. This is breaking marriages especially when the single child or two succumb to the myriad tropical diseases with easy treatment that is not available.

Millions of dollars are used daily to deceive, manipulate and misinform the people through the media about the perceived good of a small family—while the infant mortality rate skyrockets. Some of this money is not used to educate people on basic hygiene, proper diet or good farming methods that would be useful development, but it appears that the aim of population controllers is to decimate the Kenyan people.

I am a practicing gynecologist in Kenya and I would like to share with you facts about some of the patients I see daily:

A mother brought a child to me with pneumonia, but I had no penicillin to give the child. What I have in the stores are cases of contraceptives.

Malaria is epidemic in Kenya. Mothers die from this disease every day because there is no chloroquine, when instead we have huge stockpiles of contraceptives. These mothers come to me and I am helpless.

I see women coming to my clinic daily with swollen legs—they cannot climb stairs. They have been injured by Depoprovera, birth control pills, and Norplant. I look at them and I am filled with sadness. They have been coerced into using these drugs. Nobody tells them about the side effects, and there are no drugs to treat their complications. In Kenya if you injure the mother, you injure the whole family. Women are the center of the community. The well-being of the family depends on the well-being of the mother.

Why do you not stop this money being used for contraceptives and use it instead to provide clean water, good prenatal and postnatal care, good farming methods and rural electrification. Do the American people know that the millions of dollars spent for population control are used in the ways I have described? Why does your government not deal directly with our government but instead uses a third party like IPPF, which has no respect for the values of our people and our laws?

USAID is the single biggest supporter and promoter of population control in Kenya. The programs it funds are implemented with an aggressive and elitist ruthlessness. In Kenya the target are always the poor and the illiterate who are pressured and tricked into using dangerous drugs which are often banned in the west, or who are sterilized during childbirth without either their knowledge or consent.

If the funds you use to kill, maim, subjugate, dominate and break us to nothingness were used to cultivate our extraordinary resources, Kenya alone could feed more than half the African continent. Dear Americans, you cannot build your own security on the insecurity and degradation of others. You cannot build your own wealth on the poverty and destitution of people in the least developed nations.

[From the Wall Street Journal, Feb. 27, 1998]

IN PERU, WOMEN LOSE THE RIGHT TO CHOOSE MORE CHILDREN

(By Steven W. Mosher)

When a government team held a "ligation festival" to register women for sterilization in La Legua, Peru, Celia Durand resisted.

According to Mrs. Durand's now-widowed husband, Jaime, the 31-year-old mother of three was appalled at the pressure tactics government health workers used to induce women to have tubal ligations. Not only did they go house-to-house to round up candidates, but they paid repeated visits to those who refused to comply. Mr. Durand says they reassured his wife that the operation was "simple and quick," adding that she could "go dancing the same night."

Even though Mrs. Durand knew that the local health station was equipped with little more than an examination table, pressure from government health workers finally wore her down. On July 4, 1997, she reluctantly underwent surgery. Two weeks later she died from complications.

Celia Durand was part of a massive sterilization campaign by the government of President Alberto Fujimori. It is a classic case of the conflicts of interest and potential for ethical violations inherent in a government sponsored "family planning" program. What was originally sold to Peruvians as an altruistic program aimed at helping poor Peruvian women has evolved into an orchestrated attempt to control reproduction and to meet a goal of fewer Indian children in the countryside.

In June 1995 Mr. Fujimori announced that his government would "disseminate thoroughly the methods of family planning to everyone" in order to make "the women of Peru . . . owners of their destiny." What has happened since belies Mr. Fujimori's feminist sentiments.

Until October 1995, even voluntary sterilization was illegal in Peru. With Mr. Fujimori's backing, the Peruvian Congress legalized it. Soon the Ministry of Health, then headed by Eduardo Yong Motta, made sterilization its main method of "family planning."

In a Jan. 29 interview with David Morrison of the Population Research Institute, Dr. Yong Motta, now President Fujimori's health adviser, defended the practice of sterilizing women even if they had previously been using other contraceptives such as the injectable Depo-Provera. "Depo costs too much," Dr. Yong Motta said. "In addition. . . . a women might forget to come in for her shot or might not want to." (emphasis added)

By spring 1996 the Ministry of Health had set national targets for sterilizations, and health workers were being given individual quotas. The ministry has been aggressively targeting poor women in rural areas—which in practice means those of Indian or mixed descent—for sterilization. The medical director of the Huancavelica region, for instance, ordered in a written communiqué that "named personnel have to get 2 persons for voluntary surgical sterilization per month." According to this directive. "At the end of the year there will be rewards for the site that has . . . the greatest effort to bring in people."

To meet these targets, mobile sterilization teams travel throughout the countryside, holding "ligation festivals" and practicing the kind of coercion that Celia Durand experienced. In many areas health workers receive a bonus for each additional procedure, while they can lose their jobs if they fail to meet their quotas. As the Huancavelica directive notes, "At the end of the year each person will be evaluated by the numbers of patients captured."

Dr. Yong Motta openly defends quotas. "Of course the campaign has targets. . . . [Success is measured] through many methods, including numbers of acceptors versus nonacceptors." He admits the dangers of setting targets, but insists that "the campaign has been a success."

That Peruvian medical workers under heavy pressure to meet sterilization quotas should resort to coercion is hardly surprising. Knowing full well this danger, the 1994 Cairo Population Conference condemned the use of quotas or targets in birth control campaigns, an admonition Mr. Yong Motta and other Peruvian officials have now admitted ignoring.

Coercion takes various forms. First, there are repeated visits to the homes of holdouts. As one woman in La Quinta remarked, the workers came "day and night, day and night, day and night to urge me to undergo the operation."

Various bribes and threats are also employed. According to interviews in villages and press accounts in El Commercio, hungry women are offered the opportunity to participate in food programs, including programs supported by the U.S., if they agree to sterilization. Women already participating in food programs have been threatened with expulsion.

Rural women report that no mention is made of sterilization's health risks. Nor are they given the opportunity to choose alternative methods of family planning; indeed, women using contraceptives have been refused additional supplies. There have even been sterilizations performed on women without their consent, often during the course of other medical procedures. Victoria Espinoza of Piura has testified before a U.S. congressional committee that doctors at a government hospital told her she was sterilized—without warning or permission—during a Caesarean delivery. Her baby later died.

Dr. Yong Motta attempts to defend the pressure tactics. "If the Ministry of Health did not do the campaign house-to-house, people would not come," he asserts. As far as the repeat visits are concerned, "It was a doctor's responsibility to convince the patient into doing what was best and having [a tubal ligation]. Women in Peru have many children."

The U.S. has some responsibility for all this. It has been pushing population control in Peru for three decades. As congressional staffer Joseph Rees remarks, "We have enriched, encouraged, and thus emboldened the Ministry of Health to take decisive action where population growth was concerned."

Dr. Yong Motta is more blunt, saying that the U.S. Agency for International Development "is disqualified from objecting [to the sterilization campaign] because they have been helping in the family planning program from the first."

To understand how oppressive and intrusive Peru's family-planning program is, imagine how you'd feel if someone from the Department of Health and Human Service showed up on your doorstep bearing contraceptives—let alone an order to report for sterilization. Not all government-sponsored family planning programs are this coercive. But there is an element of intrusiveness common to them all. Instead of making poor women in Peru "owners of their destiny," Mr. Fujimori's birth control campaign paternalistically decides their reproductive destiny for all time.

STERILIZATION HORROR STORIES

Bangladesh—Women receiving sterilization and contraception were offered payment incentives of $3 each, plus a new saree. The government also pays incentives to providers for signing up women. Women consent to sterilization out of desperation for food. USAID endorses coercive incentives.

Honduras—USAID funds help implement coercive program for experiments with

Ovrette, an unapproved contraceptive bill. Warnings about the experimental drug's side effects on nursing mothers were hidden from the women in the program.

India—Family planning programs depend on quotas, targets, bribes and coercion. USAID funds sterilizations using Quinacrine which is illegal in India and scars/burns the fallopian tubes. Conditions are miserable at the USAID funded sterilization camps, there are primitive, unsanitary conditions and appalling mortality rates.

Indonesia—Family planning clinics rely on threats and intimidation to bring women into the clinics. Studies have shown that IUDs are inserted at gunpoint. The programs employ life-threatening denials of treatment and follow up care and offer an informed consent.

Kenya—Women are coerced into Norplant implantation and sterilization. Sterilized women are denied health care for debilitating complications. USAID is the biggest supporter of population control in Kenya.

Mexico—Hundreds of forced sterilizations are documented. Medical personnel are fired for their refusal to perform sterilizations. Women refusing sterilization are denied medical treatment.

Peru—Family planning programs are coercion, misinformation and quotas and sterilization-for-food efforts. Medical personnel must meet sterilization quotas and surgical staff are insufficiently trained and work under poor conditions. USAID sponsors family planning billboards signaling to Peruvian women that the family planning methods employed are U.S. sanctioned.

Philippines—USAID targets local governments with quotas as a condition for funding and encourages pharmaceutical companies to push contraceptives on unsuspecting Filipinos. Women are secretly injected with abortifacient while receiving tetanus vaccines.

TEXT FROM EMAILED ARTICLES AND OTHER TEXTUAL EXCERPTS

[From the Latin American Alliance for the Family—Press Release, Feb. 11, 1998]

U.S. GOVERNMENT ASKED TO WITHDRAW POPULATION CONTROL FUNDS FROM PERU FOLLOWING REPORTS OF MASSIVE HUMAN RIGHTS ABUSE

Amid ever-increasing evidence documenting coercive government population control efforts and sterilization campaigns in Peru, the Latin American Alliance for the Family (ALAFA) has called for the U.S. government to withdraw its financial support for Peru's population control efforts which have resulted in the deaths and injury of numbers of Peruvian women, mostly in very poor areas of the country.

Daniel Zeidler, director of the U.S. office of the Latin American Alliance for the Family, an international advocacy organization, following its own investigative efforts in Peru, said "Peru's population program is seriously violating human rights by pressuring and coercing poor women to be sterilized. Reports and testimonies abound of women being offered food in exchange for agreeing to be sterilized, health workers being pressured to reach government sterilization goals, women being sterilized without their consent or without full knowledge of the implications."

Numbers of women have died following sterilization procedures. Many women complain that after receiving a free sterilization they suffer serious medical complications and many times are not treated or are told by representatives of the same health system that gave them a free sterilization that the women must buy expensive medications that they cannot afford.

Medical experts have stated that the deaths and complications are due primarily to the poor sanitary and medical conditions under which these operations are performed.

Feminist and campesino leaders as well as Church and human rights leaders within Peru have denounced these campaigns.

Recently, a prestigious independent Peruvian human rights watchdog organization, the "People's Defender" recognized the validity of the human rights abuses and called upon the government to immediately reform the program.

The Peruvian government has denied the existence of a sterilization campaign and has minimized the complications, but has indicated it will make changes if necessary.

The involvement of U.S. funds in Peru's population control programs is currently being investigated by Congress. The chief staff person of the U.S. House of Representatives Subcommittee on International Operations and Human Rights, Joseph Rees, recently returned from Peru following a fact-finding mission in January. Rees met with feminist, human rights, religious and government leaders as well as interviewing numbers of victims. His official report to the subcommittee, issued February 10, 1998, was critical of USAID's involvement in Peru's family planning programming and recommends that the U.S. "discontinue all direct monetary assistance to the Government of Peru family planning programs until it is clear that the sterilization goals and related abuses have stopped and will not resume." The report also calls for the U.S. to "discontinue in-kind assistance" which might directly or indirectly facilitate the sterilization campaigns, and to "publicly" disassociate itself from the campaigns.

Zidler called on all those interested in human rights to contact both Congress and the President to urge them to publicly denounce these abuses to the government of Peru and to immediately suspend US population funds to Peru.

FACT SHEET NO. 1

SOME OF THE DEATHS RESULTING FROM STERILIZATIONS

Case of Juana Gutierrez Chero (La Quinta, Piura, Peru)—died at home approximately 10 hours after being sterilized; according to her husband she did not want to be sterilized, but the health workers kept coming to their house repeatedly to encourage her to be sterilized. Once she even hid from them. They came for her one day after her husband had left for work. They sent her home shortly after the operation. When her husband returned from work he found her very ill and in bed; he went off to the clinic to see if he could get help, but no one was there; Juana died that night at home about 2 am. (Testimony on video)

Case of Celia Ramos Durand (La Legua)—died about two weeks after undergoing a sterilization to which both she and her husband consented after being told it was a simple operation. According to the family, when she didn't return home from the clinic, the family went to look for her and were told she had been transferred to a hospital. They later found out she had gone into a coma as a result of the operation. (Testimony on video.)

Case of Magna Morales Canduelas (Tocache)—died 12 days after being sterilized. (El Comercio, Dec. 19, 1997)

Case of Alejandrina Tapia Cruz (Cajacay)—died one week after a sterilization operation. (La Republica, Dec. 7, 1997)

Case of Reynalda Betalleluz (Huamanga)—died day after sterilization (La Republica, Dec. 30, 1997)

Case of Josefina Vasquez Rivera (Paimas)—died day after sterilization (La Republica, Dec. 30, 1997)

STERILIZATION WITHOUT KNOWLEDGE OR CONSENT

Example: Case of Victoria Espinoza (Piura). Sterilized following a C-section. Baby also died. (Testimony on video)

FREE STERILIZATIONS, BUT PATIENT MUST PAY FOR COMPLICATIONS

Numbers of newspaper articles reported that women who suffered physical complications were required to pay for their medications. Many reported there was no follow-up by health workers.

FOOD IN EXCHANGE FOR STERILIZATIONS

Example: Case of Ernestina Sandoval (Sullana). She had been told by health workers that she could get free food by going to the local hospital. When she got there, she was told she had to be sterilized in order to receive the food. She refused. She was told she could get the food this month, but that next month she should not come back unless she was sterilized. (Testimony on video) Similar accounts of offering food in exchange for sterilizations have been reported in press accounts.

UNDERWEIGHT CHILD WITHDRAWN FROM GOVT. FOOD PROGRAM BECAUSE MOTHER REFUSED TO BE STERILIZED

Example: Case of Maria Emilia Mulatillo (Sullana). Her 2 year-old daughter was participating in a government food program, but after about two months, Maria was told she should be sterilized. She said she didn't want to be, yet the pressure on her continued, till finally she was told if she didn't get sterilized her child would be withdrawn from the program. She still refused to be sterilized and her child was then withdrawn from the program. (Testimony on video)

In order to get women to accept sterilization, health workers told women their contraceptive would no longer be available and they should get sterilized. (La Quinta)

YOU CAN'T LEAVE THE HOSPITAL UNLESS YOU'RE ON BIRTH CONTROL

Example: Case of Blanca Zapata Aguirre (Sullana). After giving birth she was told she had to have some type of birth control. She said she didn't want anything, but she was given a shot when she was sleeping. She was later told it was for birth control. (Testimony on video) Peru's government manual "Reproductive Health and Family Planning 1996–2000" calls for 100% birth control usage by women who have just given birth.

Charges of health workers go house to house, and then back, and back again pushing sterilization are common.

Health workers are reportedly pressured to meet their goals.

Some Health workers received 15–30 soles per sterilized woman (US $6–$12) according to Giulia Tamayo of Flora Tristan feminist organization. (La Republica, Dec. 30, 1997)

FACT SHEET NO. 2

LOTS OF NEWS COVERAGE IN PERU

16 major newspaper articles including numbers of investigative reports over a period of about one month (mid-Dec '97 to mid Jan '98) in the major newspaper EL COMERCIO. Other major newspapers also had significant coverage.) ALAFA has copies of many of these articles. It is impressive just to see the quantity of articles written.

SELECTED NEWSPAPER HEADLINES FROM EL COMERCIO, DEC., '97–JAN., '98

"Nurses Deceived Women in Order to Sterilize Them" (El Comercio, Jan. 26, 1998).

"Widowers Were Paid Not to Denounce Deaths of Sterilized Wives" (El Comercio, Jan. 24, 1998).

"Woman hospitalized for 3 months due to infection caused by sterilization" (El Comercio, Dec. 24, 1997).

"They sterilized woman who was one month pregnant" (El Comercio, Dec. 23, 1997).

"Woman received clothes for her children in exchange for sterilization" (El Comercio, Dec. 23, 1997).

"Food Programs Used to Get Women to be Sterilized" (El Comercio, Dec. 20, 1997).

"They Deceived Me" (Nurse comes to woman's house after husband had left for work and told the woman that her husband had said she should be sterilized; woman refused to believe it, and refused to go; when her husband returned he denied he had told the nurse that.) (El Comercio, Dec. 20, 1997).

"Children of Woman Who Died Following a Tubal Ligation Are in Total Abandon" (El Comercio, Dec. 19, 1997).

"Magna Morales Wasn't Sure, But the Donated Food Convinced Her" (El Comercio, Dec. 19, 1997) (Magna Morales died 12 days later following her sterilization.)

SOME OF THE INTERNATIONAL COVERAGE

LeMonde.
Miami Herald.
Assoc. Press.
France Press(?).
Radio Nederland.
BBC.

[From World, Feb. 20, 1999]

IT TAKES MORE THAN A VILLAGE TO DEPOPULATE ONE

SPECIAL REPORT FROM INSIDE KENYA'S TWO-CHILD POLICY: CONTRACEPTIVE FAMILY PLANNING AND ABORTION ADVOCACY MARK THE KIND OF "RELIEF" INTERNATIONAL RELIEF ORGANIZATIONS ENERGETICALLY IMPORT TO EAST AFRICA

(By Mindy Belz)

A large, dusty sign hovering over the used-clothing stalls of Kenyatta Market reads, "Marie Stopes International—family planning/laboratory services, maternal health, counseling services, curative services, gynecological consultation." Steps beckon to a second-floor clinic. It offers extended hours, six days a week, and the door is always open.

Inside, an American woman can inquire about receiving an abortion, if she will be discreet. "Do you have all forms of family planning here, or do you refer patients to a hospital or somewhere else?"

"Yes, all forms," replies a friendly African receptionist.

"If a person were pregnant, but wasn't sure she could go through with it . . ."

"You have to just say what it is you want," the receptionist interjects, leaning into the counter and lowering her voice.

"Could a pregnancy be terminated or would that have to be done somewhere else?"

"It can be done here."

Never mind that abortion in Kenya is illegal. Overseas charity organizations like the British organization Marie Stopes are the van-guard in changing Kenya's cultural reticence to killing unborn babies and limiting family size. They use enticing come-ons promoting "maternal health" and "comprehensive family planning." In East Africa and other developing regions of the world, they receive outsized budgets from multilateral agencies in the name of empowering women, improving health conditions, and preserving the environment.

At the behest of the UN Family Planning Association (UNFPA) and international groups including Marie Stopes, the International Planned Parenthood Federation (IPPF), and others, Kenya is embarking on an aggressive family planning program. The UNFPA was denied funding by the United States from 1985 until 1993 for support of China's coercive one-child policy. Its allocation from Washington restored in 1993 by the Clinton administration, the UNFPA is in the middle of a five-year, $20 million program to control Kenya's population. Not content with the dramatic reduction in Kenya's birth rate—which modern contraceptives already have achieved (from 8 children per woman in 1979 to just over 4 children per woman today)—the UNFPA and others are looking to reduce fertility further, to 2 children per woman by 2010.

"We have a two-child policy except in law," said Margaret Ogola, a Nairobi physician. "Practically the only kind of health care you get in this country centers on reproductive health and family planning."

UNFPA papers refer to a "decentralized" national population policy driven by the Kenyan government's National Council for Population and Development. But local direction is not the case, according to Dr. Ogola, who, as a representative for Kenya's Catholic Secretariat, is involved in regular consultations with NCPD. Funding for the NCPD, as for all Kenya's population projects, begins with funding from UNFPA, the World Bank, the World Health Organization, and overseas developers like the State Department's U.S. Agency for International Development (USAID).

From those sources also flow grant and contract awards to groups like Marie Stopes and to Kenya's IPPF affiliate, Family Planning Association of Kenya (FPAK). USAID does not list Marie Stopes as one of its beneficiaries, but FPAK received direct funding by USAID until 1997, according to FPAK director Stephen K. Mucheke. Mr. Mucheke told WORLD, "We work in collaboration with other organizations, and sometimes we may be funded by the same donor that is funded by USAID. We share the same implicit plans."

A little noticed amendment to last year's congressional budget bill should have put U.S. funding for UNFPA's quota-based program out of bounds. The Tiahrt amendment forbids U.S.-funded family planning programs from setting targets or quotas for number of births, sterilizations, or contraceptive prevalence.

Abortion, according to Mr. Mucheke, "is happening down the street. . . . From an official point of view, I am not supposed to say that there are groups like Marie Stopes performing abortions. What I would say is, if you want to know about products and procedures, ask a consumer."

In the UN lexicon, so-called private groups like FPAK are referred to as NGOs, or non-governmental organizations. The NGO consensus holds that most of the problems in the developing world can be solved with more contraceptives. Private pharmaceutical companies also get a piece of the action by contracting with NGOs and government agencies to supply the contraceptives. Groups like IPPF, which cried foul when U.S. judges tried to force Norplant on convicted drug users and child abusers, don't have a problem when it is women in the developing world under not government coercion, but their persuasion.

Common among NGOs, particularly in controversial issues involving family planning, is a practice of "stripping off" portions of a large grant to other organizations, in effect subcontracting services in a way that makes following the money a challenge. More common, contraceptive programs reside in programs with blander names.

Thus, even when the Christian relief organization World Vision surveyed its health officers worldwide on family planning issues last year, it found: "All responding NOs [national offices] are engaged in some type of family planning—related activity, either as a straightforward family planning or reproductive health project or buried within child survival, maternal health or women's health activities."

As a result of the contraceptive campaign, Nairobi residents are streetwise about birth control. Women who wear Norplant are teased on city buses for the "battery pack": the six-capsule implant, just inside a women's upper arm, is revealed when a woman reaches for an overhead strap during crowded commutes.

Shoppers at Kenyatta, a busy nexus between the slum area of Kibera and lower-to-middle class neighborhoods near the downtown area, know where to go for an abortion. They know about the "copper T" and "the loop," two different kinds of IUDs. And, like people everywhere, they dismiss much-touted condoms as impractical.

Even Christian women looking for inexepensive, safe, and acceptable contraceptives may be unknowingly referred to Marie Stopes, because it has been known to do some procedures, like tubal ligation, free of charge. The London-based organization gained a reputation for increasing the availability of both sterilization and abortion services in Bosnia and Croatia, countries that now report negative fertility rates.

In addition to performing actual abortions, Marie Stopes and other clinics, along with up to 90 percent of private OB-GYNs, peddle an abortifacient procedure called "menstrual regulation." Similar to what is known in the United States as dilation and curettage (D&C), in Kenya menstrual regulation can be performed as an office or clinic procedure. It is done when a woman misses a menstrual period but without benefit of a pregnancy test. No one knows how many abortions result from menstrual regulation. Even without that tally, in Kenya, according to UN statistics, "40 percent of all documented schoolgirl pregnancies terminate in abortion."

But none of it means that women who need help are well informed, according to Stephen Karanja, a long-time Nairobi gynecologist. Dr. Karanja, a Roman Catholic, served as secretary of the Kenya Medical Association and has practiced obstetrics and gynecology at Kenyatta National Hospital, Nairobi's largest public facility, as well as at Mather Hospital, a smaller, private, and Catholic facility. Dr. Keranja helped organize the city's Family Life Counseling Center and has been an activist in upholding Kenya's law banning abortion. In 1992 he opened a clinic at Kenyatta Market—50 yards from the entrance to Marie Stopes. He named it St. Michael's, in honor of the patron saint that does battle with forces of evil.

Most of the women Dr. Karanja sees at St. Michael's have been given no information and little follow-up in connection with the methods of birth control they are using. Last year at the clinic, he removed approximately 200 IUDs.

"Word of mouth has spread, and when women begin to have problems with IUDs, someone tells them to go to 'that crazy man on the hill and he will remove it,'" he said.

He keeps a sampling of those reclamations in a screwtop jar, and when he wants to give a graphic depiction of how women are served by Nairobi birth control providers, he spills the jar's contents across his desk. To a trained medical eye, the devices are throwbacks, copper coiled or loop-shaped IUDs that were taken off the U.S. market at least five years ago. The T-shaped devices had an extremely high failure rate; another IUD, copper 385, contained enough copper wire to be deadly toxic to a developing, tiny unborn child.

Dr. Karanja's patients tell him, in most cases, that the birth-control clinics that inserted the devices are not willing to remove them. "The services encouraged for poor women are those that are not repetitive," he said. "They are not something the women can decide themselves to change."

Catholics and evangelical Protestants disagree on where to draw the line on contraceptives. Both, however, see the pitfalls of a national family planning plan. "In our culture, that is why the message and the messenger have to go together. The church is still custodian of morality in Africa. These are deep-seated issues, and people need to be able to trust the messenger," said Peter Okaalet, Africa director of MAP International, a Christian medical relief group based in Brunswick, Ga.

"NGO work has come into acceptance because the government has let us down," Mr. Okaalet told WORLD. "We talk about Kenya as a country with 10 millionaires and 10 million beggars. With half the population living below the poverty line, NGOs are perceived as an answer."

Dr. Ogola agrees: "No individual, not even combined force of the churches—and it is a force to be reckoned with in this country—can compete with the massive propaganda and funding. The government has to wake up to the fact that its people are important and its policies have to be home-grown.

"We have to tell the government to resist. That is very hard when the government is broke and the donors are offering millions for family planning."

□ 1330

Mr. CHABOT. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in support of House Resolution 118, a resolution to reaffirm that this Congress is committed to the principle that all family planning, both in the United States and, as we are addressing in this resolution, abroad should be voluntary.

It is critical that we affirm this commitment to voluntary family planning because even this week there is a gathering at the United Nations to discuss a 5-year review of family planning and population development progress since the same Cairo conference 5 years ago.

Since this conference 5 years ago, we have heard some disturbing accounts of women around the world becoming victims of coercion by agents of the United Nations. These women's choices are being limited against their will.

Is this what so-called population control advocates really want, to tell these women, many of whom are poor and scared, that they can never again bear more children? Well, we have seen the evidence, and that is why it is important for Congress to speak up about this today.

For instance, in Peru, what has population control come to mean? Education? Money to buy clean sanitary medical conditions? Even lessons about potential contraception?

No. Instead, population control and family planning has come to mean forced, mandatory and coerced sterilization of poor Peruvian women.

Have these women chosen such paths for their reproductive futures? Have they been able to discuss options with their husbands and families?

No. Without notification and without consent, the international community has strayed from voluntary family planning and is instead actively pursuing targets and quotas and deciding for poor women what is best for them.

In Peru, as in many other locations around the globe, this has resulted in sterilizations, sterilizations in filthy, primitive conditions, just to meet a mandated quota.

Similarly, in the BBC documentary "The Human Laboratory," women told their stories about how U.S. taxpayer dollars were being used for family planning in Bangladesh, in Haiti. One woman begged to have a Norplant removed. She said, quote, "I am having so many problems. I am confined to bed most of the time. Please remove it. My health broke down completely." She eventually resorted to pleading, "I am dying, please help me get it out."

Here was the response. The clinic worker told her, quote, okay, when you die, you inform us and we will get it out of your dead body, end quote.

Many other women have complained of severe bleeding, blindness, migraine headaches. According to Farida Akhter, executive director of the Research for Development Alternatives in Bangladesh, quote, it is cheaper to use Third World women for such birth control experimental devices and methods than to use an animal in the laboratory in the West, end quote.

Through such grossly unjust experimentation, poor women have been robbed of the most important resource they have, their own healthy bodies. A woman's health is key to the survival of her entire family in many of these countries, and this must come to an end.

In the name of population control and under the guise of family planning, America and the United Nations have exported horror to women abroad. And our family planning advocates call this progress?

Mr. Speaker, we should be calling it by the most descriptive and accurate term that it is: Slavery.

I urge my colleagues to join in support of the Tiahrt resolution today. Reaffirm that all family planning programs should be completely voluntary. Help maintain the dignity of women around the world.

Mr. GEJDENSON. Mr. Speaker, I yield back the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we would urge adoption of the resolution. I think it is a very good resolution. I want to again thank the gentleman from Kansas (Mr. TIAHRT) for proposing it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I join my colleagues in support of House Resolution 118, which reaffirms the principles of the Programme of Action of the International Conference on Population and Development. This Programme of Action addresses the sovereign rights of countries and the rights of informed consent in family planning programs.

This resolution states that all family planning programs should be voluntary and completely informative on the various planning methods. Informed consent and voluntary participation are essential to the long-term success of any family planning program.

Family planning programs are an essential part of reproductive health care. Each year an estimated 600,000 women die as a result of pregnancy and childbirth most in developing countries, where pregnancy and giving birth are among leading causes of death for women of childbearing age.

With the current world population at over 5 billion and growing, we must support international family planning programs. Women in under-developed countries must have access to information that will allow them to make informed reproductive health decisions concerning contraception and the spacing of their children.

In supporting this Programme of Action, we support international reproductive health services and the sovereign right of other countries to make decisions concerning the well-being of their citizens.

Mrs. LOWEY. Mr. Speaker, I am pleased that the resolution we are debating today quotes from the Programme of Action of the International Conference on Population and Development. As many of my colleagues know, the ICPD met in 1994 and reached a consensus on a 20-year Programme of Action that makes an unprecedented commitment to women's rights and concerns in international population and development activities.

I applaud my colleagues for supporting the implementation of the Programme of Action. But since the authors of this resolution left out a good portion of the Programme, I'd like to fill in our colleagues about the rest of it, because it also deserves our strong support.

The Programme of Action calls for universal access to a full range of basic reproductive health services. It also calls for specific measures to foster human development, with particular attention to the social, economic, and health status of women. It supports integrating voluntary family planning activities with other efforts to improve maternal and child health to make the most effective use of our limited resources.

The resolution we are debating here today discusses the need to respect the religious and cultural realities of the countries in which we fund family planning activities. I agree. I also believed that we need to respect the rights of women around the world to make free and informed choices about their own reproductive health. And we need to help educate women and men to ensure that they have the information and resources they need to stay strong and healthy and to nurture healthy children.

In addition to supporting the portions of the Programme of Action included in the resolution we are debating today, the United States also must live up to the financial commitments it made at the ICPD.

To reach the Programme's year 2000 goal of providing $17 billion for international family programs worldwide—one-third of which would come from donor countries like the United States—the United States would have to triple its international family planning assistance.

Mr. Speaker, I am pleased that the authors of this resolution support the ICPD's Programme of Action. Now I look forward to working with them to implement all aspects of the Programme.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, House Resolution 118.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING HUMAN RIGHTS IN CUBA

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 99) expressing the sense of the House of Representatives regarding the human rights situation in Cuba, as amended.

The Clerk read as follows:

H. RES. 99

Whereas the United Nations Commission on Human Rights in Geneva, Switzerland, is an international mechanism to express support for the protection and defense of the inherent natural rights of humankind and a forum for discussing the human rights situation throughout the world and condemning abuses and gross violations of these liberties;

Whereas the actions taken by the United Nations Commission on Human Rights establish precedents for further courses of action and send messages to the international community that the protection and promotion of human rights is a priority;

Whereas the Universal Declaration of Human Rights which guides global human rights policy asserts that all human beings are born free and live in dignity with rights;

Whereas international human rights organizations, the Inter-American Commission on Human Rights, and the Department of State all concur that the Government of Cuba continues to systematically violate the fundamental civil and political rights of its citizens;

Whereas it is carefully documented that the Government of Cuba propagates and encourages the routine harassment, intimidation, arbitrary arrest, detention, imprisonment, and defamation of those who voice their opposition against the government;

Whereas the Government of Cuba engages in torture and other cruel, inhumane, and degrading treatment or punishment against political prisoners including the use of electroshock, intense beatings, and extended periods of solitary confinement without nutrition or medical attention, to force them into submission;

Whereas the Government of Cuba suppresses the right to freedom of expression and freedom of association and recently enacted legislation which carries penalties of up to 30 years for dissidents and independent journalists;

Whereas religious freedom in Cuba is severely circumscribed and clergy and lay people suffer sustained persecution by the Cuban State Security apparatus;

Whereas the Government of Cuba routinely restricts workers' rights including the right to form independent unions;

Whereas the Government of Cuba denies its people equal protection under the law, enforcing a judicial system which infringes upon fundamental rights while denying recourse against the violation of human rights and civil liberties;

Whereas in recent weeks the Government of Cuba has carried out a brutal crackdown of the brave internal opposition and independent press, arresting scores of peaceful opponents without cause or justification;

Whereas the internal opposition in Cuba is working intensely and valiantly to draw international attention to Cuba's deplorable human rights situation and continues to strengthen and grow in its opposition to the Government of Cuba;

Whereas at this time of great repression, the internal opposition requires and deserves the firm and unwavering support and solidarity of the international community;

Whereas the Congress of the United States has stood, consistently, on the side of the Cuban people and supported their right to be free: Now therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the repressive crackdown by the Government of Cuba against the brave internal opposition and the independent press;

(2) expresses its profound admiration and firm solidarity with the internal opposition and independent press of Cuba;

(3) demands that the Government of Cuba release all political prisoners, legalize all political parties, labor unions, and the press, and schedule free and fair elections;

(4) urges the Administration, at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, to take all steps necessary to secure international support for, and passage of, a resolution which condemns the Cuban Government for its gross abuses of the rights of the Cuban people and for continued violations of all international human rights standards and legal principles, and calls for the reinstatement of the United Nations Special Rapporteur for Human Rights in Cuba;

(5) declares the acts of the Government of Cuba, including its widespread and systematic violation of human rights, to be in violation of the charter of the United Nations and the Universal Declaration of Human Rights;

(6) urges the President to nominate a special envoy to advocate, internationally, for the establishment of the rule of law for the Cuban people; and

(7) urges the President to continue to actively seek support from individual nations, as well as the United Nations, the Organization of American States, the European Union, and all other international organizations to call for the establishment of the rule of law for the Cuban people.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 99.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 99, a resolution detailing the systematic violations of human rights by the Castro regime; a resolution rendering our unwavering support to the dissidence and internal opposition in Cuba; a resolution that restates the U.S. commitment to freedom, to democracy in Cuba; a resolution which calls for further U.S. and international resolve against the oppression and subjugation of the Cuban people.

As the U.S. delegation begins its work in Geneva for the 55th session of the United Nations Human Rights Commission, Mr. Speaker, it is imperative that they be empowered by the passage of this resolution, which is a bipartisan effort and a bipartisan message that the United States Congress cannot be silent on this issue and will not tolerate the abuses inflicted by the Castro regime against its own citizens.

This message we hope will be heard and received by the international community as a call to action against the deplorable human rights situation in Cuba. There is never a wrong time to condemn abuses inflicted upon our fellow human beings. It is always correct to speak out against injustice. There is never a wrong time to underscore the plight of hundreds of thousands of political prisoners or to underscore widespread cases of torture, of executions, of disappearance, of intimidation, of persecution, of forced exile throughout the four decades that Cuba has been under the brutal totalitarian dictatorship.

It is not only our moral obligation but the duty of the United States as a global leader and a vanguard of democracy.

My dear colleagues, the Castro regime has not changed. Let us not allow ourselves to be fooled by the facade created by the regime and its apologists. As Juan Tellez Rodriguez, independent Cuban journalist for the Freedom Agency, said earlier this year, "The government in Havana continues to close itself off to the world. It insists on its closed, oppressive political system. It does not even open up to its own people who suffer and die slowly."

Indeed, it seeks to silence the independent voices on the island because it realizes the power of the human spirit, of what individuals can accomplish when they are able to exercise their natural rights.

He goes on to say the Castro regime understands all too well the meaning of President Ronald Reagan's words when he said, "No arsenal and no weapon in the arsenals of the world are so formidable as the will and moral courage of free men and women."

So the Castro regime continues to use any method, any strategy, any action to stifle freedom of expression in an attempt to undermine the Cuban people's struggle for liberty and democracy in their island nation.

One of the most recent examples illustrating the repressive nature of the Castro dictatorship is the imprisonment, the trial and the sentencing of Cuba's best known dissidents, and they appear for our colleagues in the posters right in front of the well. Marta Beatriz Roque Cabello, Felix Bonne Carcases, Rene Gomez Manzano and Vladimiro Roca Antunez. These four brave Cubans were arrested in 1997 after petitioning the regime for immediate reforms and publishing a pamphlet entitled "The Homeland Belongs to Us All," whereby they describe their hopes for a free and democratic Cuba.

These four pictured above us languished in Castro's jails for more than 600 days without any charges filed against them, surviving inhumane treatment for almost 2 years, preparing to begin a hunger strike on March 16 if they were not brought to trial. So the Castro regime initiated the facade of a trial on March 1 amid a roundup and detention of dissidents. Last week, the regime sentenced Marta Beatriz, Felix, Rene and Vladimiro to varying prison terms merely for exercising their rights and for seeking to secure the rights for their fellow countrymen.

As we consider this House Resolution 99, I would like my colleagues to think about these four brave men and women. I would like for us to ponder upon the words written by Marta Beatriz Roque in a letter dated February 7 of this year and smuggled out of her prison cell. In it, she said, "I remain in my belief that the homeland belongs to all of us. Sufficient time has passed and there have been enough postponements. The time for liberty in this small prison will not wait. My brothers, I believe that we should not fear the shadows because their presence means that a light shines from a place not far away. Our struggle for our Nation's democratization already has been marked by this imprisonment. We have endured and passed the difficult test that will make us more persistent in our demands.

"I will be convinced of our cause's justice to my last breath. Even if we are sent to our deaths," she writes, "we already have made a mark in life and we always will be a symbol to all of the world of repression, despite the laughable defamation to which we have been subjected to by this regime."

From her jail cell, Marta Beatriz Roque closes her letter to her fellow dissidents by saying, "May God permit us to be together forever in the struggle."

With the sentencing of these four dissidents, Marta Beatriz, Felix, Rene and Vladimiro, the Castro regime thought that it would intimidate the internal opposition into silence and submission. Assuming it could stifle the struggle for freedom and muzzle self expression of the people, the regime believed that it would be able to continue manipulating public opinion in its favor in order to generate greater commercial ventures with foreign investors and governments that would help prolong its hold on power.

Perhaps others could turn a blind eye to the words of Marta Beatriz and other dissidents; to the articles by independent journalists which document the human rights abuses and the violations of civil liberties. The U.S. Congress, however, could not and must not.

The Cuban people need our unconditional support now more than ever. They need to know that the U.S. is unwavering in our commitment to a free and democratic Cuba; that we will not weaken our resolve amidst international pressure; that a superpower and global leader, as is the United States, will defend the rights of the oppressed against the oppressor.

Let us be the light that Marta Beatriz spoke of in her letter. Let us render our unequivocal support to her and to the fellow dissidents sentenced recently by the Castro regime merely for exercising their rights.

My dear colleagues, I ask that we protect the sanctity of the basic rights endowed upon all human beings; to support the Cuban people in their struggle to live free as individuals and as citizens, and I ask for a vote in favor of this resolution today.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after I conclude, I ask unanimous consent that the remainder of my time be given to the gentleman from New Jersey (Mr. MENENDEZ) for purposes of control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I rise in strong support of this resolution, and commend my colleagues from Florida and New Jersey for their leadership effort here.

As bad as our entire Cuba policy is, this is a resolution that makes sense. The four dissidents should never have been arrested in any way, and I join my colleagues in condemning the Cuban government for their continued failure to recognize what are internationally accepted standards for human rights.

Cuba is a country without a free press, without free labor unions, with no independent judiciary and no freedom of association. We might want to take our lead, though, for a general policy from the Catholic church, and that is that engagement can pay better dividends than the present confrontation which now goes on for better than 30 years.

In that 30 years, I think Fidel Castro has been able to use the embargo as an excuse for his failed policies and police state. Nothing will bring down Castro's government faster than direct contact with Americans on a daily basis.

I believe this resolution is right because we need to speak out every time Castro tries to slam the door on freedom and of expression in his country.

□ 1345

But I think the policy is wrong, because it gives Castro cover. We ought to join together and do what we did in the former Soviet Union and other places where there were repressive governments: Condemn their oppressive acts, and send Americans there to engage them, to show them the contrast of a great, free, and open society.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the distinguished gentlewoman from Florida for yielding time to me.

Mr. Speaker, anyone who has followed the long, tragic, sad history of the Castro regime in Cuba knows all too well the systematic violation of human rights employed by Castro to maintain his grip on power, his deadly grip on power.

The resolution before us calls on the Clinton administration to secure passage of a resolution at the United Nations Human Rights Commission that condemns the Cuban government for its gross abuses of human rights of the Cuban people.

Since the U.S. State Department agrees that "The human rights situation in Cuba remains deplorable," and recognizes that "the Cuban government has taken no significant steps towards political change," it seems to me that the Clinton administration would be eager to back up its rhetoric with some solid action. Making sure the international community does not let Castro's human rights abuses go unchallenged would be a very good place to start.

I encourage my colleagues to support this resolution, and I commend the sponsors for bringing this issue before the House. It is long overdue.

Mr. MENENDEZ. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN), who has been a strong supporter on behalf of human rights and democracy in Cuba.

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding time to me. Also, I thank the sponsor, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Mr. Speaker, I rise today in support of House Resolution 99, expressing the sense of the United States House of Representatives regarding the human rights situation in Cuba. I am proud to be an original cosponsor of this resolution.

The wrongful imprisonment by Fidel Castro of the group of four, four Cuban citizens who were speaking out about the need for peaceful change, peaceful transformation to a democracy in Cuba, and were jailed by Fidel Castro, is only the latest example of Fidel Castro's efforts to suppress the most basic human rights of the Cuban people. Jailing Cubans for speaking their conscience is unjust, it is wrong, and it is important for the United States of America and our Congress to condemn such actions.

However, let us step back for a minute, because not every American follows what is going on in Cuba every day, and ask ourselves, why are there human rights violations going on in Cuba? The answer is simple: Fidel Castro. Fidel Castro, a dictator, a totalitarian ruler, has decided that for the last 40 years, only he and he alone can decide the fate of the Cuban people. He says he is the only person in Cuba who God has given the right to rule over and decide the basic human rights of the Cuban people.

It is fundamentally undemocratic. It is fundamentally wrong. He is the last surviving totalitarian dictator in the Western Hemisphere. That is who Fidel Castro is. Even after 40 years of totalitarian rule, Fidel Castro will not give his people freedom.

All Fidel Castro has to do is hold free elections. If he is so popular, if his policies are so wise, then the people of Cuba will elect him. Why is he afraid to hold free elections? Because he is a totalitarian dictator who does not have the support of his people, and he knows it.

I am proud to be a supporter of this resolution that focuses the world's attention where it should be, on the refusal of one man, Fidel Castro, to give the millions of people in his country their freedom, the last totalitarian dictator in the Western Hemisphere.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman from Florida for this important resolution.

Mr. Speaker, I was thinking, as I heard the last speaker talk about the possibilities of challenging Castro on free elections, how we could challenge our president to build a bridge to the 21st century in Cuba, building a bridge on the foundation of free speech and free elections in Cuba.

As the gentleman from New Jersey said, let us talk about the 21st century. Let us talk about bringing Cuba into the world community. Let us be reminded of the long, long struggle for a free Cuba. Unfortunately, real progress is being threatened by businesses, by baseball owners, and by government officials who are too willing to engage in an appeasement policy in exchange for quick cash.

The arrest and recent sentencing of the "group of four" underscores what the Miami Herald has described as "a draconian new law setting 20-year sentences for dissidents who dare to support United States policies regarding Cuba."

The arrests also show the failure of this appeasement policy. Innocent people have been denied their most basic rights, their ability to speak freely and think freely about the government of Fidel Castro. So much for an engagement policy. Once again a permissive engagement policy has failed, just as our misguided engagement policy towards Communist China has failed, because the totalitarian police state of Castro must be toppled, not by trade but by a strong resolve.

Baseball owners, business owners and our own government officials should turn their backs on a quick financial gain and instead, fight for freedom in Cuba by maintaining a strong resistance against the policies of Fidel Castro. They are policies of dying decades, not the 21st century. Our vision must project forward, toward a free, strong, liberated Cuba.

Mr. MENENDEZ. Mr. Speaker, I yield 2 minutes to one of the leading human rights advocates in this Congress, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding time to me. I want to thank my friend, the gentleman from New Jersey (Mr. FRANKS) and commend my good friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this resolution.

Mr. Speaker, like many others in this body, I would be more than ready to start changing our policy towards Cuba if the pattern of human rights violations would not continue. It is an appalling phenomenon that Castro continues his policy of suppression, oppression, and persecution of the Cuban people, particularly those Cuban people who are crying out for a modicum of democracy and freedom. This resolution properly calls on our government to carry the ball in Geneva in denouncing the human rights violations of Cuba.

When I visited Cuba sometime ago, we had high hopes that the Castro government will recognize at long last that its policy of suppression, totalitarianism, and dictatorship are counterproductive. We were hoping that there might be some loosening, that there might be some opening up, that there might be some concessions towards a free press.

When the Pope visited Cuba we had high hopes that the precedent of his visit would lead to modification of policies. None of these things have happened, and given the circumstances, Mr. Speaker, I strongly urge all of my colleagues to join the sponsors of this resolution, of which I am one, in calling for freedom for the Cuban people, and denouncing Castro's continuing human rights violations.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to our colleague, the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, it is almost unbelievable that just 90 miles from the coast of the United States, one of two Communist dictators still existing in the world is present and still committing human rights atrocities, but that is a fact. Fidel Castro and his regime have been there for 40 years or so doing the same things they are doing today, and we in the United States and a lot of the others around the world still have not come to grips with this reality. Some want to engage in some false hope that they can have trade or communications or economic support in some way that will change the regime.

The fact is that that is not going to change. Nothing is going to change to give freedom of press, freedom of association, freedom of speech in Cuba until Fidel Castro is gone, until he is out of office.

The resolution we have before us today should be embraced by every member of this body. It is a simple resolution condemning Castro for another time, as we have done in the past, for all of his human rights atrocities, and reminding the world that he still is doing it.

What is more troubling to me than simply the fact that we are reminding folks and talking about it today is the fact that the administration has not come to grips with this; that there is still a failure and unwillingness to fully support the Helms-Burton law, to allow those who had lost their property to recover the cost and the losses when Castro took over, who still own that property; failure to recognize the true gravity of the Brothers to the Rescue operation, and the losses the victims and the families of those folks who lost their lives there suffered, and to allow, I hope they will allow this administration the collection of the recent judgment; the failure to recognize that Castro is truly a criminal in so many ways. Instead, we are going down a road so frequently of engagement that is not working.

We should internationally condemn him, the United States should condemn him, certainly this body today should condemn him for the human rights violations he continues to perpetrate.

In the strongest of words, I urge my colleagues to vote for this resolution, and to send a solid message of bipartisanship in condemnation of Fidel Castro and his regime and his human rights atrocities.

Mr. MENENDEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, allow me to take this unpopular position. I rise today to ask my colleagues to put aside some of the rhetoric and to begin to focus on the facts.

We are but 90 miles from Cuba, and we have countries from all over the world who have developed relationships now with Cuba and with Fidel. They are developing great resorts and they are doing business. Cuba wants to do business with the United States.

I do not know why we allow China and Germany and Great Britain and Canada and other places to be there doing business, helping to promote economic development in their own countries, while we stand and we cannot figure out how to work out some kind of a peaceful coexistence with Cuba and with Castro.

I think the time has come for us to recognize, we have to be about the business of talking about normalizing relations between the United States and Cuba. I met with dissidents on my trip there just 4 weeks ago.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to our colleague, the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, last month Fidel Castro pulled on the tattered scraps of his aging iron curtain to impose new restrictions on the rights of the Cuban people. Since then, nearly 100 dissidents have been arrested and detained. They have been held merely for speaking out against the Cuban dictatorship or discouraging the foreign investment that serves only to strengthen Castro's hand.

At the same time Castro is rounding up dissidents he is providing a safe haven for some of America's most heinous and cold-blooded fugitives. It is a tragic irony that a cop killer like Joanne Chesimard can live freely as a guest of the Castro regime while scores of Cuba's native sons and daughters languish in Cuba's gulags for violations of free speech.

This Congress must continue to voice our strong opposition to the degradation of human rights under Fidel Castro. I strongly urge my colleagues to support House Resolution 99, and I thank the gentlewoman from Florida for her continuing leadership.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support House Resolution 99, and to ask my colleagues, Republicans and Democrats, to do the same. This resolution concerns the forthcoming meeting of the U.N. Commission of Human Rights in Geneva, and support for a resolution at the Commission condemning Cuba's record on human rights.

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In 1996, I successfully presented the U.S. resolution on Cuba and Geneva at President Clinton's request, and I am pleased to come to the floor today to advocate support amongst my colleagues for this very important resolution.

Human rights is one issue for which there should be no division among Members of Congress. Regardless of my colleagues' views on U.S. policy towards Cuba, I believe that every Member of this institution believes that the Cuban people deserve the opportunity to exercise their basic human and civil rights: the right to peaceful dissent, the right to organize labor unions, the right to speak freely without fear of reprisal, and, most importantly, the right to choose their leaders. For 40 years Cubans have been denied those very basic human and civil rights by one man, Fidel Castro.

In recent weeks Castro has once again cracked down on human rights and democracy activists in Cuba. He announced a new law, the law called the "Law for the Protection of Cuba's National Independence and Economy," which authorizes extensive prison terms, up to 20 years, for dissidents and journalists found to be working "against the Cuban state." Just simply the writing of articles that may be at difference with the regime's view could cause them to be jailed and sentenced for two decades.

Last Monday, despite international appeals for their release, including an appeal from the Vatican, Castro's kangaroo court system sentenced the four well-known members of the Internal Dissident Working Group to prison terms ranging from 3½ to 5 years for their simple publication of a document entitled, "La Patria Es de Todos," The Homeland Belongs to All.

The entirety of their crime was to write this document and to share it with the diplomatic community and the foreign media. The document did not call for Cubans to take up arms or to violently oppose the regime. In fact, quite the contrary, the document suggested that Cuba needs to make space for civil society and embrace democratic institutions to avoid the spontaneous social violence that is likely to occur without such changes.

For this simple act, Vladimiro Roca, the son of the prominent communist leader and former combat pilot Blas Roca, was sentenced to 5 years in prison; lawyer and human rights activist Rene Gomez Manzano received 4 years in prison, as did Felix Bonne, an Afro-Cuban; and Marta Beatriz Roque, who suffers from breast cancer and has been denied medical treatment, sentenced to 3½ years. That was their crime, a simple document suggesting that peaceful change can take place in their country.

This resolution recognizes the ongoing abuses of human rights in Cuba, including restrictions on religious freedom. Some confuse that the Pope's visit has now suddenly permitted all religious freedom to take place inside of Cuba, and the answer is, that is clearly not the case. Even the Vatican has expressed their disappointment at the subsequent restrictions that continue to exist on the Catholic church and other denominations who do not even enjoy the opportunities of the Catholic church, limited as they are, that have been presented.

Arbitrary arrests and routine harassment of human rights activists and the torture and confinement, without adequate nutrition and medical care, of prisoners.

The resolution condemns Cuba's flagrant abuses of human rights and urges the administration to work toward a strong resolution condemning the Cuban regime for these abuses at the meeting of the UN Commission on Human Rights in Geneva this spring.

Lastly, the resolution calls on the administration to appoint a Special Rapporteur, one that has existed in the past, to advocate for the establishment of the rule of law for the Cuban people.

The point of this resolution is to send a message to Fidel Castro that the United States will not stand idly by when faced with intensifying violation of human rights in Cuba. But more importantly, this resolution is intended to send a message to the Cuban people that the United States stands in solidarity with them as they struggle to exercise the basic freedoms and rights that are guaranteed to them, not by the United States but by virtue of Cuba's signature on the Universal Declaration of Human Rights.

Lastly, and let me just say that I do not ask that Members take my word about the situation in Cuba, I just want to read to my colleagues a few excerpts from the State Department's Human Rights Report for last year.

It says: "The Government's human rights record remained poor. It continued systematically to violate fundamental civil and political rights of its citizens. There were several credible reports of death due to excessive use of force by the police. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed such abuses. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of the independent professional associations" struggling to create civil society inside of Cuba, "including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving" their own country.

"Prison guards and state security officials also subjected human rights and prodemocracy activists to threats of physical violence; systemic psychological intimidation; and with detention or imprisonment in cells with common and violent criminals, aggressive homosexuals, or state security agents posing as prisoners. Political prisoners are required to comply," political prisoners, these are just people who speak up for democracy and human rights, who do not enjoy what we are doing in this Chamber at this very moment, at this time, regardless of my colleagues' views, individuals who just simply speak up their mind are routinely put with common criminals and often are punished severely if they refuse.

"Detainees and prisoners often are subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims."

One of them, Wilfredo Martinez Perez, died as a result of his opposition to the Cuban regime. This is all the State Department Human Rights Report being quoted: "On March 30, police detained Wilfredo Martinez Perez, a member of a human rights organization, for disorderly conduct at a public festival near his home in Havana. Martinez's body was delivered to a funeral home in Guines the next day where his family and other witnesses claimed that his body showed contusions and bruises, which suggested that he died as a result of a beating while in police custody."

How convenient for the Cuban authorities, arresting someone who is simply at a public festival and delivering his body dead home the next day to his family.

That is the evidence, among others, that our colleagues need to decide on. That is the way in which they should cast their votes on this resolution. I cannot believe that those who support human rights in other parts of the world cannot support human rights inside of Cuba. Therefore, I expect them, as they speak in other parts of the world, to speak up today and to also cast their vote with us.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART), a prime sponsor of this legislation.

Mr. DIAZ-BALART. Mr. Speaker, what is it that we are condemning today? Among the many things that have already been mentioned in terms of human rights violations, we must add the law that Castro and his puppet parliament passed last month that the Cuban people, by the way, have coined with the definition of the "Titanic Law" because they know that the regime, as the tyrant knows as well and those around him, that the regime dictatorship is going down. So Cuban people have called it the "Titanic law," but, nevertheless, it is a savage law.

It threatens with up to 30 years of imprisonment anyone who cooperates with the United States, whatever that means; in other words, anyone who peacefully, according to the slanderous regime, advocates or works for a democratization of Cuba.

In addition, the regime arrested March 1 over 100 dissidents and journalists and took to trial the four best-known opposition leaders in the country and then sentenced them, as my colleagues have mentioned.

So these specifically are among the actions that we in Congress are condemning formally today. How are we doing it? We are condemning in the strongest possible terms the ongoing crackdown on internal opposition in the independent press, specifying that actions such as the sentencing of Rene Gomez Manzano and Vladimiro Roca and Marta Beatriz Roque and Felix Bonne, the sentencing of those four best-known opposition leaders and the crackdown must be condemned in the strongest possible terms, as also the crackdown on the brave independent press.

We also reaffirm the profound admiration and strong solidarity in support of the Congress of the United States of the internal opposition. We reaffirm our support for the Cuban people's right to be free by demanding three very clear specific actions of the Cuban dictatorship.

We demand that the Cuban dictatorship liberate all political prisoners, legalize all political parties, the press and labor unions, and agree to free and fair elections.

We, as my colleagues have stated, urge the administration as well to increase its efforts to secure a resolution of condemnation of the regime for its human rights violations in Geneva, and ask that the administration also appoint an official to advocate throughout the international community for the reestablishment of the rule of law in Cuba.

Today, the House of Representatives, Mr. Speaker, reaffirms its historic support for the Cuban people's right to be free, something that, to the credit and honor of this Congress, that Congress has done since 1898. So in the best tradition of the United States Congress, we stand once again with the Cuban people, demand freedom, free elections, democracy for the Cuban people, and reiterate to the world that we will continue to stand with the Cuban people until they are free, and they will soon be free.

Mr. MENENDEZ. Mr. Speaker, I ask the Chair what the remaining time is between the parties.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. MENENDEZ) has 3½ minutes remaining. The gentlewoman from Florida (Ms. ROS-LEHTINEN) has 3½ minutes remaining.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that, as we close this debate, I want to take note of the controversy that has been brewing throughout the last couple of weeks, and that is the issue of the Baltimore Orioles seeking to play baseball inside of Cuba.

It is ironic that, as we are debating human rights and democracy in Cuba here in this Chamber, that America's national pastime, which is one of the symbols of this country, would be used in such a way at a time in Cuba in which these four leading human rights activists have been imprisoned simply for peacefully speaking their mind in a document; at a time in which Castro passes a new law that is more repressive both in the civil rights of the Cuban people as well as to foreign journalists; at a time in which he expands the spy station in Lourdes which is used by Russians, who pay the Cuban regime to use their satellite monitoring facilities to monitor commercial and military activities in the United States; at a time that all these things take place, we are going to send a message to the world that it is okay to play ball with the dictatorship.

In terms of those ball players, I will echo once again what I have personally, along with some of my colleagues, have said to them; that the very rights that major league baseball players have in this country, the rights to collective bargaining, the rights to negotiate their contract and the conditions under which they work, the rights for which they even have the right to strike on and for which they have exercised those rights in this country in order to ensure the benefits that they believe that they are justly due, none of those rights exist for the Cuban people or for Cuban baseball players.

The Cuban national team is not there by choice. They are there ultimately because they must be there. They have no ability to negotiate any contract. They have no ability to be able to determine the nature under which they play. They have no ability to determine whether or not they will have the right to strike. None of that exists for them or for any Cuban worker.

Foreign companies that actually invest inside of Cuba, such as those that were mentioned by a previous speaker, that are doing business inside of Cuba are doing it with slave labor because they cannot hire a Cuban worker directly.

Those of us who stand here and are proud of our AFL–CIO voting records, are proud of standing on behalf of organized labor, are proud of the rights that working women have in this country to organize and collectively bargain and to seek a fair and decent wage on behalf of their work, those opportunities do not exist for the Cuban people, who ultimately are hired not by the companies that invest inside of Cuba, but the state sends the workers to the employer. The worker is paid with useless Cuban pesos while the state, the regime, gets paid by the foreign companies in hard dollars, and they are given a fraction of their wages which, in essence, is slave labor.

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So I hope that major league baseball understands that they are not promoting democracy inside Cuba when they go play ball. On the contrary, they are playing ball with a dictatorship.

Ms. ROS-LEHTINEN. Mr. Speaker, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague for bringing up that game, and perhaps our colleagues would be interested in knowing that in fact every Cuban-born baseball player now playing on our American teams have said, "We will not go to Cuba. We do not think that this is the correct signal." Because they have been there. They know the first person to politicize this national pastime of both the U.S. and the Cuban people is Fidel Castro himself. In fact, many of these players had been banned from playing baseball because Castro did not want them to participate in that sport. He feared for their defection.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. GILMAN), the chairman and the engine in our Committee on International Relations and proud sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me, and I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished chairman of our Subcommittee on International Economic Policy and Trade of the Committee on International Relations, for having introduced this important resolution, H. Res. 99, which condemns the repressive crackdown by the government of Cuba against the internal opposition and the independent press in Cuba.

This resolution expresses our solidarity with those brave individuals and calls on Cuba to release all political prisoners, to legalize the political parties, labor unions, the press, and to schedule free and fair elections in Cuba. And I am pleased to be among such a strong bipartisan list of cosponsors on this resolution.

East European diplomats have noted that Fidel Castro's Cuba reminds them of Stalin's Russia. And last week Fidel Castro reminded the world that they are right when a Communist court convicted and sentenced the four authors of the manifesto "The Homeland Belongs to Everyone" to hard time in prison. In a March 2 editorial the Washington Post wrote, "If the four are convicted and sentenced, it will show that the regime won't permit any opposition at all. What then will the international crowd have to say about the society-transforming power of their investments?"

The trial of these four was accompanied by the arrest of dissidents and the blocking of international access to the court.

This travesty follows closely on the heels of a so-called "Law to Protect the National Independence and Economy of Cuba." The Catholic lay group, Pax Chrisiti Netherlands, reported last month that the law "bans a broad range of civil activities, violates the right to freedom of press, assembly, opinion and expression. It brings the Iron Curtain back to Cuba. The new steps of the Cuban government shows its contempt for the numerous requests by the international community to give a clear signal of its commitment to internationally recognized human rights law and to reform the Cuban criminal code accordingly."

International reaction to the sentencing of these four dissidents has begun to take shape. Last year, during a high profile trip to Havana, Canada's Prime Minister Jean Chretien asked Castro to release the four. Last week, Canada's Foreign Minister, Lloyd Axworthy, faced sharp questions in the House of Commons with regard to this issue. Opposition leader Bob Mills demanded, "How can this government deny that its 20 years of soft power policy toward Cuba has been anything but a total failure?" And in his response, Axworthy suggested that developments like the jailing of the dissidents were "bumps on the road."

I think it is time for our Canadian and European allies to acknowledge Fidel Castro's contempt for them and to take a real stand. Their opportunity will come at Geneva sometime in early April.

The SPEAKER pro tempore (Mr. BASS). The time of the gentlewoman from Florida (Ms. ROS-LEHTINEN) has expired.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent for an additional 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is time for our Canadian and European allies to acknowledge Fidel Castro's contempt for them and to take a real stand. Their opportunity will come in Geneva sometime in early April when the U.N. Human Rights Commission is going to consider a resolution condemning Cuba's abuses.

I hope that our allies will not only vote for a strong resolution reinstating the special rapporteur, but will also sign on as cosponsors and help with the effort to win the necessary votes for passage of that resolution.

Regrettably, last year's U.S. sponsored resolution condemning Cuba was defeated. This was a major setback which the administration vowed to reverse. H. Res. 99 has strong support from both sides of the aisle and will send a loud clear signal to back our U.S. delegation to the 55th meeting of the U.N. Human Rights Commission.

On February 7, one of the four jailed dissidents, Marta Beatriz Roque, who suffers from untreated cancer, wrote to her fellow prisoners of conscience, "My brothers, I believe we should not fear the shadows because their presence means that a light shines from a place not far away."

With the news of Cuba's best known dissidents being sentenced fresh in our minds, all eyes should be on how the community of nations conducts itself at Geneva. Let a good resolution from the U.N. Human Rights Commission provide the light that Marta Beatriz Roque invoked.

Mr. Speaker, I urge my colleagues to unanimously support this resolution.

Ms. LEE. Mr. Speaker, I rise in strong opposition to H. Con. Res. 99. As one who historically has been an advocate for human rights and justice worldwide, I have serious concerns about H. Res. 99. I am fearful that this resolution, with its extreme and provocative language, will only introduce further tension into US–Cuba relations at this particularly unstable time.

The resolution will do nothing to improve the lives of the Cuban people and it will do nothing to improve relations between our two countries. It is more of the "tit for tat" policy that has been the map of failure in the past and represents more of the same for the future.

No one can justify or condone human rights violations anywhere in the world. Certainly, Cuba's recent crack down on its independent journalists and dissidents provokes serious concerns and criticism here and within the international community. However, like other nations, we need to take a rational approach to the current situation in Cuba, rather than support the extremist language in this resolution.

Since this resolution addresses the United Nations Human Rights Commission in Geneva, Switzerland, it is also important to recognize that last year, for the seventh year in a row, the UN General Assembly condemned the US economic embargo on Cuba by a vote of 157–2 and called on Washington to end its sanctions. Instead of discussing more legislation which increases the hostility between the US and Cuba and further isolates us from the United Nations and the rest of the world, we should be discussing legislation which addresses human rights for Cubans in total. This would include addressing one of the most egregious human rights offenses: the US's denial of food and medicine to the Cuban people.

If we are truly serious about assisting the Cuban people, we need to cultivate a sphere of influence on the island and a diplomatic relationship with the Government of Cuba. The unreasonable language in this resolution will only exacerbate hostility and further anti-American sentiment in Cuba, which will get us nowhere.

We should listen to Elizardo Sanchez, Cuba's leading human rights activist as he states: "The more the US pressures and threatens the Cuban government, the more defensive and recalcitrant it becomes. This is not the way to encourage an atmosphere that favors change."

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to talk about human rights. Not only in Cuba, but also in this country.

I believe in civil rights for all people, here and abroad. However, I want to caution my Colleagues who have come to this floor today to "Condemn Castro's Cuba" for his human rights record and remind my colleagues that we have yet to pass a resolution on the human rights of those victims of police brutality.

I ask my colleagues why it is so easy to "beat up" on Cuba and yet at the same time grant mainland China most favored nation status.

There is no doubt that Cuba needs improvement in realizing economic, social, civic, political and cultural rights. However, I remind my colleagues of the phrase, "those who live in glass houses . . ."

Furthermore, I ask my colleagues how this condemning resolution and how American hostility will actually help Cuba realize a better human rights record. How does that embargo assist Castro in realizing civil liberties of its citizens?

For the record, I want to make it clear that Human Rights Violations in this country are just as threatening to democracy as those in Cuba or anyplace else on the face of the earth.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, House Resolution 99, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 56) commemorating the 20th anniversary of the Taiwan Relations Act.

The Clerk read as follows:

H. CON. RES. 56

Whereas April 10, 1999, will mark the 20th anniversary of the enactment of the Taiwan Relations Act, codifying in public law the basis for continued commercial, cultural, and other relations between the United States and Taiwan;

Whereas the Taiwan Relations Act was advanced by Congress and supported by the executive branch as a critical tool to preserve and promote ties the American people have enjoyed with the people of Taiwan;

Whereas the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979;

Whereas when the Taiwan Relations Act was enacted in 1979, it affirmed that the United States decision to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas officials of the People's Republic of China refuse to renounce the use of force against democratic Taiwan;

Whereas the defense modernization and weapons procurement efforts by the People's Republic of China, as documented in the February 1, 1999, report by the Secretary of Defense on "The Security Situation in the Taiwan Strait", could threaten cross-Strait stability and United States interests in the Asia-Pacific region;

Whereas the Taiwan Relations Act provides explicit guarantees that the United States will make available defense articles and services necessary in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

Whereas section 3(b) of the Taiwan Relations Act requires timely reviews by United States military authorities of Taiwan's defense needs in connection with recommendations to the President and the Congress;

Whereas Congress and the President are committed by Article 3(b) of the Taiwan Relations Act to determine the nature and quantity of Taiwan's legitimate self-defense needs;

Whereas it is the policy of the United States to reject any attempt to curb the provision by the United States of defense articles and services legitimately needed for Taiwan's self-defense;

Whereas it is the policy set forth in the Taiwan Relations Act to promote extensive commercial relations between the people of the United States and the people of Taiwan and such commercial relations would be further enhanced by Taiwan's membership in the World Trade Organization;

Whereas Taiwan today is a full-fledged multi-party democracy fully respecting human rights and civil liberties and serves as a successful model of democratic reform for the People's Republic of China;

Whereas it is United States policy to promote extensive cultural relations with Taiwan, ties that should be further encouraged and expanded;

Whereas any attempt to determine Taiwan's future by other than peaceful means, including boycotts or embargoes, would be considered a threat to the peace and security of the Western Pacific and of grave concern to the United States;

Whereas in the spirit of the Taiwan Relations Act, which encourages the future of democratic Taiwan to be determined by peaceful means, Taiwan has engaged the People's Republic of China in a cross-Strait dialogue by advocating that peaceful reunification be based on a democratic system of government being implemented on the mainland; and

Whereas the Taiwan Relations Act established the American Institute on Taiwan (AIT) to carry out the programs, transactions, and other relations conducted or carried out by the United States Government with respect to Taiwan and AIT should be recognized for the successful role it has played in sustaining and enhancing United States relations with Taiwan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

That it is the sense of the Congress that—

(1) the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees for the provision of legitimate defense articles to Taiwan contained therein;

(2) the Congress has grave concerns over China's military modernization and weapons procurement program, especially ballistic missile capability and deployment that seem particularly directed toward threatening Taiwan;

(3) the President should direct all appropriate officials to raise these grave concerns about new Chinese military threats to Taiwan with officials from the People's Republic of China;

(4) the President should seek from leaders of the People's Republic of China a public renunciation of any use of force, or threat to use force, against Taiwan;

(5) the President should provide annually a report detailing the military balance on both sides of the Taiwan Strait, including the impact of procurement and modernization programs;

(6) the executive branch should inform the appropriate committees of Congress when officials from Taiwan seek to purchase defense articles for self-defense;

(7) the United States Government should encourage a regional high-level dialogue on the best means to ensure stability, peace, and freedom of the seas in East Asia;

(8) the President should encourage further dialogue between democratic Taiwan and the People's Republic of China; and

(9) it should be United States policy in conformity with Article 4(d) of the Taiwan Relations Act to publicly support Taiwan's admission to the World Trade Organization as soon as possible on its own merits and encourage others to adopt similar policies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 56.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 56, commemorating the 20th anniversary of the Taiwan Relations Act, and I want to thank the distinguished chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations, the gentleman from Nebraska (Mr. BEREUTER), as well as the gentleman from California (Mr. ROHRABACHER) and all the other cosponsors for their efforts in helping to bring this resolution to the floor today.

Mr. Speaker, I am proud to have introduced this resolution commemorating this landmark piece of foreign policy regulation. It is only appropriate that the House make note of the Taiwan Relations Act, which serves as a basis for continued commercial, cultural, security and other relations between our Nation and Taiwan.

The Taiwan Relations Act was adopted into law on April 10, 1979, and has served as a critical element in preserving and promoting ties between our Nation and Taiwan. The TRA has been instrumental in maintaining peace and stability across the Taiwan Strait since it was enacted in 1979, and it is my hope that the TRA will continue to serve to ensure that the future of Taiwan be determined by peaceful means. Regrettably, the People's Republic of China has refused to renounce the use of force against Taiwan.

Our Nation is pleased with the flourishing on Taiwan of a fully-fledged, multi-party democracy which respects human rights and civil liberties. It is hoped that Taiwan will serve as an example to the PRC and to others in the region in that regard and will encourage progress in the furthering of Democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with Taiwan in the years ahead for the mutual benefit of the peoples of the United States and for the peoples of Taiwan.

Mr. Speaker, this resolution has an impressive list of cosponsors, and I urge my colleagues in the House to support H. Con. Res. 56 commemorating this distinctive piece of legislation and the unique ties between the peoples of the United States and Taiwan.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I first want to congratulate the distinguished chairman of our Committee on International Relations, the gentleman from New York (Mr. GILMAN), for introducing this legislation, as well as the chairman of the Subcommittee on Asia and the Pacific, my good friend from Nebraska (Mr. BEREUTER), and all other colleagues who have cosponsored this legislation.

This legislation, Mr. Speaker, was necessary when the United States broke diplomatic relations with the Republic of China in Taiwan after establishing full diplomatic relations with the People's Republic of China 20 years ago.

The Taiwan Relations Act provides us with the mechanism for maintaining continued security, economic, cultural and political relations between the United States and Taiwan. It has been the key to maintaining close relationships between the American people and the people of Taiwan.

In the past 20 years, Mr. Speaker, Taiwan has undergone perhaps more dramatic change than any other country on the face of this planet. Taiwan has emerged from a long tradition of authoritarian rule and it has become a full-fledged political democracy, with free elections, free press, freedom of religion, and a multi-party democracy. Just a few years ago, the people of Taiwan participated, in the first time in the history of the Chinese people, in the direct and Democratic election of a president.

Taiwan has made incredible progress in the economic sphere. It is now viewed, properly, as one of the most successful economies on the face of this planet and is one of our key trading partners.

It is intriguing to note, Mr. Speaker, that while we are celebrating and commemorating the 20th anniversary of the Taiwan Relations Act, the 20th year of establishing full diplomatic relations between the People's Republic of China and the United States passed almost unnoticed. The reason, of course, is that the American people have severe reservations about the continuing oppression of human rights on the mainland of China.

House Concurrent Resolution 56 calls particular attention to the provisions of the Taiwan Relations Act which guarantee that the United States will continue to make available defense articles that are necessary for Taiwan's offense. In light of China's ominous military buildup in recent times of ballistic missile capabilities and other military resources directed at Taiwan, this provision is extremely important and I welcome that our resolution reaffirms our commitment to Taiwan's defense.

We also need to assure, Mr. Speaker, that Taiwan is able to participate in all international organizations. We particularly need to support the participation of Taiwan in the World Trade Organization. By every conceivable yardstick, Taiwan has earned the right to full and unrestricted membership in the World Trade Organization, and I call on our government to support Taiwan's membership.

I urge my colleagues to adopt this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of our Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, I thank the chairman for yielding me this time, and as chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations, this Member rises in support of H. Con. Res. 56, the resolution before the House commemorating the 20th anniversary of the Taiwan Relations Act.

Following President Carter's decision in 1979 to terminate relations with the Republic of China and diplomatically recognize the mainland People's Republic of China, a new American relationship with Taiwan was necessitated. As a result, the Taiwan Relations Act, often referred to as the TRA, was enacted on April 10, 1979, and continues today to serve as the basis for continued commercial, culture, and other relations between the United States and Taiwan.

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Much has changed since the enactment of the TRA. Taiwan has developed into a full-fledged multiparty democracy that respects human rights and civil liberties. Taiwan has grown into one of the strongest and most developed economies in East Asia and it is America's seventh largest export market.

Unfortunately, the rhetoric and military threats to Taiwan from the People's Republic of China have not abated. Indeed, from a technical military perspective that threat has actually increased, especially, it appears, in the last several months. Significant Chinese military exercises in the region have included live-fire exercises in March 1996 and the firing of two missiles that impacted near Taiwan.

Now there is an increased deployment of such offensive ballistic missiles in Fujian province, just across the strait from Taiwan. They clearly are there to threaten or act against Taiwan. Actually, according to recent newspaper reports, China has deployed more than 100 additional ballistic missiles in mainland provinces close to the Strait of Taiwan. This would more than triple the number of missiles previously positioned in that area.

House Concurrent Resolution 56 makes note of the Congress' grave concerns about these threats, seeks from the leaders of the People's Republic of China a public renunciation of the use of force or threat to use force against Taiwan, and reaffirms the United States' commitment to the TRA and the specific guarantees for the provision of legitimate defense articles to Taiwan contained therein. On this, the Congress and the U.S. Government should be clear. The resolution reaffirms that the policy of the United States remains the rejection of any attempt to curb the provision of defense articles and services by the United States which are legitimately needed for Taiwan's self-defense.

From diplomatic and legal perspectives, the relationship of the United States which it has maintained with Taiwan since 1979 is certainly unique. Yet in many ways our ties remain very normal and comprehensive. Indeed, they have been strengthened over the years, thanks to the solid foundation provided over the past 20 years by the Taiwan Relations Act and to the democratization of Taiwan by its leaders and its people. Thus, it is appropriate on the 20th anniversary for Congress to take the time to commemorate and reaffirm its commitment to the TRA and to Taiwan and its people.

This Member wants to thank the chairman of the Committee on International Relations, the distinguished gentleman from New York (Mr. GILMAN), for his interest in working with this Member on this 20th year resolution.

Mr. Speaker, I ask unanimous consent that I may claim the time of the gentleman from New York (Mr. GILMAN).

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like this Member, the chairman, of course, was here in 1979 and voted for enactment of the TRA. This Member also certainly welcomes the opportunity to work with the gentleman from New York (Mr. GILMAN) and with the gentleman from California (Mr. ROHRABACHER) in crafting House Concurrent Resolution 56. All three of us independently, I think, had resolved to raise this issue by our own initiatives, and in this legislative product we are joined by colleagues from both sides of the aisle.

Mr. Speaker, for example, and with emphasis, this Member wants to express his appreciation for the interest and support of the distinguished gentleman from California (Mr. LANTOS), the ranking Democrat on the Subcommittee on Asia and the Pacific, for cosponsoring H.Con.Res. 56 and for assisting this Member to facilitate our expeditious markup in both the committee and the subcommittee.

Mr. Speaker, H.Con.Res. 56 is a very timely resolution, given the concerns that many Members of the House, including this Member, have about the current direction in Sino-American relations. Our relations with Beijing are increasingly problematic. However, it is important for all to know, especially for Beijing to know when making its foreign policy calculations, that when it comes to U.S. relations with Taiwan there has been no weakening in our resolve to help the Taiwanese provide for their defense. The solid direction provided for by the TRA has helped provide consistency in the demonstration of our resolve.

Therefore, Mr. Speaker, this Member urges passage of H.Con.Res. 56.

Mr. LANTOS. Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER) for adding his prestige to this important resolution, and I thank the gentleman from New York (Mr. GILMAN), of course, for taking the lead in the sponsorship role and in expediting today's markup.

I thank the gentleman from California (Mr. LANTOS), of course, for his longtime support of human rights everywhere, but especially here concerning the Taiwan Relations Act and our confrontation with China on these very important and all-important human rights issues.

House Concurrent Resolution 56, commemorating the 20th anniversary of the Taiwan Relations Act, was originally introduced in the Senate by Senator FRANK MURKOWSKI and by myself in the House as House Concurrent Resolution 53, to send an unmistakable message from the United States Congress to the people of democratic Taiwan. The bipartisan cosponsorship also sends a strong message to the communist Chinese that Congress is unified in its stand to steadfastly stand by our democratic allies in Taiwan under the carefully crafted terms of the Taiwan Relations Act.

In recent years the balance of power in the Taiwan Strait has been altered by the unprecedented military modernization and missile buildup by the communist Chinese, who continue to threaten to take over Taiwan by force despite the fact that the Taiwan Relations Act commits them not to commit that act of force and violence in order to reunify Taiwan with the mainland.

This resolution calls for the United States to continue to provide adequate defense materials and support to Taiwan in order to assure that the future of Taiwan is determined by peaceful and democratic means. This is totally consistent with the letter and the spirit of the Taiwan Relations Act which, of course, was brought about 20 years ago today.

In effect, the resolution supports the cost of a cross-strait dialogue negotiating position of Taiwan President Lee that in order for a peaceful reunification to occur, Beijing must stop its threats of force and must implement real democratic government in mainland China.

This House Resolution does not explicitly state the need for Taiwan to be included in a regional missile defense system. However, due to the communists' growing missile arsenal, the inclusion of Taiwan in regional defense forums and in missile defense programs I believe is essential.

Having been in Taiwan during the recent legislative elections, I observed the enthusiastic participation of the majority of people in Taiwan in the democratic process. There should be no mistake, whether in the United States or in China, that we value the friendship of the courageous, democracy-loving people in Taiwan and, yes, those democracy-loving people on the mainland of China as well. We are committed to standing by them, and no matter what the bluster and bully of the communist regime that now controls the mainland, we will now stay true to these principles as were laid out in the Taiwan Relations Act.

The Taiwan Relations Act laid the foundation for peace and set in motion at the same time, 20 years ago, a democratization process. In Taiwan that democratization resulted in what even its former critics agree is now a full-fledged Western style democracy. This is a magnificent accomplishment for the people of Taiwan and something that we tip our hats to as well today.

Unfortunately, on the mainland of China there seems to have been a backsliding in just the opposite direction. Since the Tiananmen Square massacre of China's democratic movement, the mainland has retrogressed and has slid deeper and deeper into repression, militarization and belligerence.

The communists in Beijing have tried to sabotage the Taiwan Relations Act which, as I say, was the foundation laid for peace and democratization, and they tried to sabotage it through subtle changes, subtly implying that this does not apply any longer to the Taiwan Relations Act, and in some cases with some language that is just out and out confrontational, saying that the Taiwan Relations Act does not apply.

We are putting the communist Chinese on notice today that the Taiwan

Relations Act has brought peace, has brought stability to that area of the world, and we expect it to be followed to the letter. We will not see it changed subtly, we will not see it changed through confrontation, and any attempts to change the Taiwan Relations Act without another consultation agreement with all parties is considered an act of belligerency against the United States and an aggression upon the cause of peace in that part of the world.

We hope that by reaffirming this 20th anniversary, that we can step forward again with peace for another 20 years and hopefully a new democratization process that will include all of China.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution, which expresses the sense of Congress that the United States should reaffirm its commitment to the Taiwan Relations Act and the specific guarantees for the provision of legitimate defense articles.

The Taiwan Relations Act of 1979 linked the security interests of Taiwan to those of the United States. Since the adoption of this Act, the United States has made available to Taiwan those articles necessary for its self-defense.

In 1996, China displayed a show of force in the Taiwan Strait, it was not just the people of China and Taiwan that were ill at ease, but it was unsettling for the entire region. The balance of power in the Taiwan Strait has been of concern to the Congress. I have grave concerns over China's military modernization and weapons procurement program. China's ballistic missile capability and the deployment of these systems poses a present danger to the future stability in Asia. There is little doubt that the fragility of this situation poses a significant threat to the stability of the Pacific rim and to American interests in the region.

The Taiwan Relations Act was enacted by Congress to promote the American relationship with Taiwan and to ensure that the future of Taiwan would be determined by peaceful means. I understand that the relationship Taiwan and the Chinese government is a tense one. Rather than taking sides between the two governments, this resolution seeks to reduce that tension by asking China to abstain from the use of military force in resolving the dispute.

I encourage the President to express to China our concerns for the stability of the region, and the importance that any dispute be resolved in a peaceful manner.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 56, commemorating the 20th anniversary of the Taiwan Relations Act.

Mr. Speaker, the Taiwan Relations Act has provided a stable foundation for peace and security in the Taiwan strait for 20 years. Since 1979, when the Taiwan Relations Act was passed, Taiwan has grown into a full fledged, multi-party democracy with a free press and respect for human rights.

Additionally, the TRA has served both the United States and Taiwan well as the framework for our commercial relations. During the same twenty years, Taiwan has grown into an economic powerhouse and a major player in the global market. Even in the face of the Asian financial crisis, Taiwan continues to post impressive economic growth numbers. Through prudent economic policies that have kept foreign debt low and foreign exchange reserves high, Taiwan managed to post a 4.8% GDP growth rate last year.

Mr. Speaker, the Taiwan Relations Act also speaks to the commitment of the United States to support Taiwan's Legitimate self-defense needs and recognizes that Taiwan's future must be decided by peaceful means only. The resolution before us today notes that cross-strait discussions are ongoing and urges the People's Republic of China to renounce the use of force as a means.

Mr. Speaker, the Taiwan Relations Act has served the United States and Taiwan well as the policy framework that guides our relationship. I urge all my colleagues to recognize the success of the TRA and to support the resolution.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 56, a resolution commemorating the 20th anniversary of the Taiwan Relations Act and reaffirming Congressional support for that law.

For many years, I have been a strong supporter of the Taiwanese people. In the last Congress, I was proud to have cosponsored legislation urging Taiwan's membership in the World Health Organization and a resolution calling on Beijing to renounce the use of force in the Taiwan Strait. This year I look forward to playing a role in additional Congressional efforts to demonstrate America's continued strong support for Taiwan.

Taiwan's transition to a democratic state with a vibrant free market economy continues to be the rock on which Congressional support is based. Nothing in Asia has been more spectacular than the rapid, democratic political evolution in Taiwan. the formation of the opposition Democratic Progressive Party in 1986, President Chiang Ching-kuo ending martial law in 1987, President Lee Teng-hui's ending the state of civil war with China and the special emergency powers which controlled dissent in Taiwan in 1991, and electing a new National Assembly in 1992 were all dynamic milestones on the road to Taiwan's complete political reformation. Since then, elections, including last December's legislative and municipal elections, have further demonstrated the political sophistication of the Taiwanese electorate.

The emergence of a democratic Taiwan is one of the most encouraging developments in Asia, demonstrating to other states in the region which still linger under the control of one man or one party that the people can rule for themselves. Taiwan's success in managing the turbulence of last year's Asian economic crisis provides additional testimony to the strength of its institutions and people.

Last year's elections sent a strong signal to Beijing that a change in relations between Taiwan and China cannot be imposed by China's self-appointed rulers. I believe that China should renounce the use of force as a means to bring about unification.

I applaud the high level dialogue which has resumed between Taiwan and China. As we all know, Taiwan has extremely important economic and social ties with China. It would benefit both governments to take additional steps towards reducing cross Strait tensions. President Clinton's policy of engagement with China is the right policy. China is a critically important world power. We must engage China on economic, political, and security issues with the expectation that we can find a common ground for solving the world's problems. We need China's support if we are going to create an open international trading regime in which all countries benefit. We need China's support if we are going to prevent the proliferation of weapons of mass destruction. And we need China's support if we are going to ensure that the Asian region remains peaceful.

But as we seek to engage China and deepen our relations with China, our search for common ground should not come at the price of our commitment to Taiwan's democracy and prosperity. I have urged and will continue to urge the Administration to fulfill the commitment it made in its 1994 Taiwan policy review to seek membership for Taiwan in appropriate international organizations. Taiwan's singular political and economic achievements give it the potential to play a tremendous constructive role in the international community. Taiwan has offered to assist its neighbors in the recent Asian financial crisis. It could play more of a role if given the chance.

I would urge special consideration be given to finding a role for Taiwan in the World Bank, International Monetary Fund, and World Health Organization. But this year I think special emphasis should be placed on gaining Taiwan's membership in the World Trade Organization.

There has been much talk in recent weeks about the conclusion of a WTO accession agreement with China. I think we would all welcome a solid commitment by China to open its economy to fair trade and investment, but if such an agreement is not forthcoming, I think we should no longer hesitate to conclude an agreement with Taiwan. From all reports, Taiwan is just sentences away from completing the requirements for a WTO accession agreement with the United States. We should move rapidly to dot the "I's" and cross the "t's" for concluding the agreement and then press the other states to admit Taiwan even if China is not yet ready. If China does not want to be part of the international trading community, that is China's problem. It is not Taiwan's! And China should not be allowed to prevent Taiwan's entry into the WTO.

Just as it made no sense for the United States to pretend that China did not exist during the Cold War, it is equal nonsense to pretend that Taiwan does not exist in the post Cold War period.

As a senior member of the House International Relations Committee and as a Member on the Asia and Pacific Subcommittee, I promise to do everything I can to see that Taiwan and the Taiwanese people are not forgotten by the international community.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of the legislation before the House, which commemorates the 20th anniversary of the Taiwan Relations Act (TRA) while reaffirming the strong commitment of the United

States to provide for the legitimate defense needs of Taiwan under the TRA.

I commend the author of the resolution, the gentleman from New York, Mr. GILMAN, Chairman of the House International Relations Committee, and the Democratic Ranking Member, Mr. GEJDENSON, for moving this important resolution to the floor. I also recognize the Chairman and Democratic Ranking Member of the House International Relations Subcommittee on Asia-Pacific Affairs, Mr. BEREUTER and Mr. LANTOS, as well as Mr. ROHRABACHER, for their substantial contributions to formulation of the resolution. I am honored to join my colleagues on the House International Relations Committee as a co-sponsor in support of House Concurrent Resolution 56.

Mr. Speaker, the United States has had a long, close and enduring relationship with Taiwan dating back to the end of World War II. With our support, Taiwan has risen from the region's ruins of war to become one of the world's strongest economies and most vibrant democracies in Asia.

Clearly, Mr. Speaker, the people of Taiwan must be congratulated for the outstanding accomplishments of their thriving and prosperous democracy of 22 million people. All Americans should take pride in and share the achievements of our close friends.

At the heart of the relationship between Taiwan and the United States is the Taiwan Relations Act, which for two decades has laid the foundation for peace and stability in the Taiwan Strait.

When the security of our friends in Taiwan was threatened by the People's Republic of China (PRC) in Spring of 1996, I supported the Clinton Administration in sending the Nimitz and Independence carrier groups to the Taiwan Strait to maintain peace. China's missile tests and threatened use of force contravened the PRC's commitments under the 1979 and 1982 Joint Communiques to resolve Taiwan's status by peaceful means. The Joint Communiques, in concert with the Taiwan Relations Act, lay the framework for our "One China" policy, which fundamentally stresses that force shall not be used in resolution of the Taiwan question. It is clearly in the interests of the United States and all parties that the obligation continues to be honored.

Today, reports indicate that China has between 150 to 200 M–9 and M–11 ballistic missiles in its southern regions facing Taiwan, and has protested U.S. efforts assisting Taiwan's defense as a violation of China's sovereignty. To pre-empt any Theater Missile Defense (TMD) that might be deployed in the future, China is expected to increase these missile batteries to over 650.

Mr. Speaker, I find this situation unfortunate and ironic, as China has legitimate sovereignty interests to preserve with Taiwan, yet is providing the very justification for U.S. defensive intervention under the Taiwan Relations Act. If China truly desires to stop Taiwan from being included in plans for a U.S. Theater Missile Defense system for the Asia-Pacific region, then it should take immediate steps to defuse the crisis by scaling back its present deployment of ballistic missiles facing Taiwan, resuming the Cross-Strait Dialogue between Beijing and Taipei, and exerting influence with North Korea to curb development and proliferation of long-range missile technology.

Mr. Speaker, in citing in part to the Taiwan issue, there is growing sentiment in Washington bent on portraying China as the major enemy of and security threat to the United States. I do not support this view, as it is unnecessarily alarmist and runs the risk of poisoning our longterm relationship with the PRC while undercutting our mission to integrate China as a responsible member of the international community.

Nonetheless, Mr. Speaker, I am glad that the United States has demonstrated in recent years that the use of force by China against Taiwan will not be tolerated. The legislation before us reaffirms that fact, and the central role that the Taiwan Relations Act has played and will continue to play in ensuring U.S. commitment that Taiwan's status will be resolved peacefully by the governments on both sides of the Taiwan Strait.

Mr. Speaker, I strongly urge our colleagues to support the resolution before us.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge all my colleagues to support H. Con. Res. 56, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 56.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONCERNING ANTI-SEMITIC STATEMENTS BY MEMBERS OF THE DUMA OF THE RUSSIAN FEDERATION

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 37) concerning anti-Semitic statements made by members of the Duma of the Russian Federation, as amended.

The Clerk read as follows:

H. CON. RES. 37

Whereas the world has seen in the 20th century the disastrous results of ethnic, religious, and racial intolerance;

Whereas the Government of the Russian Federation is on record, through obligations freely accepted as a participating state of the Organization on Security and Cooperation in Europe (OSCE), as pledging to "clearly and equivocally condemn totalitarianism, racial and ethnic hatred, anti-Semitism, xenophobia and discrimination against anyone . . .";

Whereas at two public rallies in October 1998, Communist Party member of the Duma, Albert Makashov, blamed "the Yids" for Russia's current problems;

Whereas in November 1998, attempts by members of the Russian Duma to formally censure Albert Makashov were blocked by members of the Communist Party;

Whereas in December 1998, the chairman of the Duma Security Committee and Communist Party member, Viktor Ilyukhin, blamed President Yeltsin's "Jewish entourage" for alleged "genocide against the Russian people";

Whereas in response to the public outcry over the above-noted anti-Semitic statements, Communist Party chairman Gennadi Zyuganov claimed in December 1998 that such statements were a result of "confusion" between Zionism and "the Jewish question"; and

Whereas during the Soviet era, the Communist Party leadership regularly used "anti-Zionist campaigns" as an excuse to persecute and discriminate against Jews in the Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns anti-Semitic statements made by members of the Russian Duma;

(2) commends actions taken by members of the Russian Duma to condemn anti-Semitic statements made by Duma members;

(3) commends President Yeltsin and other members of the Russian Government for condemning anti-Semitic statements made by Duma members; and

(4) reiterates its firm belief that peace and justice cannot be achieved as long as governments and legislatures promote policies based upon anti-Semitism, racism, and xenophobia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 37.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 37 condemns anti-Semitic statements made by members of the Russian Duma and commends actions taken by fair-minded members of the Duma to censure the purveyors of anti-Semitism within their ranks. H. Con. Res. 37 further commends President Yeltsin and other members of the Russian Government for their rejection of such statements.

Finally, this resolution reiterates the firm belief of the Congress that peace and justice cannot be achieved as long as governments and legislatures promote policies or let stand destructive remarks based on anti-Semitism, racism, and xenophobia.

Mr. Speaker, with the fall of the ruble last August and the associated economic problems in Russia, there has been a disturbing rise in anti-Semitic statements by high Russian political figures. Unfortunately, anti-Semitism has always had a certain following in Russia; and it would be disingenuous of us to suggest that there is no anti-Semitism in the United States or other parts of the world. But I believe we cannot remain silent when members of the national legislature of Russia, a participating state of the OSCE and the Council of Europe, should state at a Duma hearing, as did the chairman of the Duma Security Committee, Mr. Ilyukhin, that Russian President Yeltsin's "Jewish entourage" is responsible for alleged genocide against the Russian people.

It is an affront to human decency that Duma member and retired General Albert Makashov, speaking twice in November 1998 at public rallies, should refer to "the Yids" and other "reformers and democrats" as responsible for Russia's problems and threaten to make a list and "send them to the other world."

Mr. Speaker, this man, and I have seen a tape recording of him, as a matter of fact I played it at a Helsinki Commission hearing that I chaired last January, has said, "We will remain anti-Semites and we must triumph." These are dangerous, hate-filled sentiments.

Mr. Speaker, it should be noted and clearly stated that President Yeltsin and his government have condemned anti-Semitism and other expressions of ethnic and religious hatred.

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There have been attempts in the Duma to censure anti-Semitic statements and those who utter them. However, the Duma is controlled, as we all know, by the Communist Party, where anti-Semitic statements are either supported, or at least tolerated, and these attempts to censure have failed. So we must go on the record and censure.

In fact, Communist Party Chairman Zyuganov has tried to rationalize anti-Semitic statements by fellow party members. He explains that the party has nothing against Jews, just Zionism. He has also stated that there will be no more anti-Semitic statements by General Makashov. But this is the same Mr. Zyuganov who has asserted that, and I quote, "too many people with strange-sounding family names mingle in the internal affairs of Russia." And this is the party that claims to inherit that internationalist mantle of the old Communist Party.

Mr. Speaker, on January 15 of this year, I chaired a Helsinki Commission hearing regarding human rights in Russia, at which time we heard testimony by Lyuda Alexeeva, a former Soviet dissident and chairperson of the Moscow Helsinki Group. She testified that the Russian people themselves are not anti-Semitic but that the Communist Party is tolerating this crude attitude among its ranks. She called upon parliamentarians throughout the world to protest in no uncertain terms the position of the Communist Party and its anti-Semitic leaders. Let us make that a priority for us today, to censure, to speak out so that the democratic forces in Russia, the decent people who are trying to create a civil society in Russia, are not silenced by these demagogues of hate.

I urge strong support for this resolution. We must go on record.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H. Con. Res. 37.

First, Mr. Speaker, let me congratulate my good friend from New Jersey who has taken the initiative in submitting this most important resolution, and let me identify myself with every single one of his comments.

Mr. Speaker, this afternoon, the United States is considering the possibility of taking military action in Kosovo which ultimately would be the result of racial, ethnic and religious hatreds. In this century, we have seen too many expressions of extreme racial, religious and ethnic statements leading to actions of persecution and discrimination and ultimately to genocide not to be painfully aware of the significance of statements of hate and violence being uttered in halls of parliament. We clearly cannot ignore the anti-Semitic statements emanating from some quarters of the Russian Duma.

Words are powerful, Mr. Speaker, and they have consequences. They can incite action. Words are usually the first step in a chain of events leading ultimately to genocide. The words that we have heard from some Duma members should outrage every civilized person in this country and elsewhere.

Our action must be to condemn such outrageous statements as our resolution does. But our resolution should also commend those in Russia, including President Yeltsin and some members of the Duma, who have spoken out against statements of hate.

I might mention parenthetically, Mr. Speaker, that one of the most courageous human rights advocates of the Duma, a courageous woman parliamentarian, was killed in cold blood in her apartment house just because she has spoken out against incitement to hatred and murder.

As Russia struggles through a very difficult economic period, Russian leaders must be particularly cautious and careful not to promote scapegoating in their society. It is, therefore, very heartening that some Russian leaders, particularly President Yeltsin, have spoken out against incitement to hatred, persecution and ultimately murder. It shows that there are some Russian leaders who clearly recognize that racism and anti-Semitism have no place in the modern Russian society.

This issue, Mr. Speaker, is very high on the agenda of our administration. Secretary Albright raised the matter during her recent trip to Moscow, and in a few hours when Vice President Gore will be meeting with Prime Minister Primakov, who is about to land, he will raise this issue as one of the most important issues of their upcoming discussions.

I strongly urge all of my colleagues to support H. Con. Res. 37.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I want to thank my good friend for his kind comments. This is another one of those vitally important human rights issues where we—Democrat, Republican, conservative, moderate and liberal—are speaking with one voice. Our friends in the Duma and other freedom-loving people need to know that, that we speak out boldly and forcefully against anti-Semitism.

The gentleman from California (Mr. LANTOS) remembers in the last Congress I chaired a hearing in our subcommittee on the alarming rising tide of anti-Semitism in Russia. Even then we saw the disturbing signs that anti-Semitism was bad and getting worse. It has become even worse than that in the last few months. We need to speak out very, very forcefully. I want to thank him for his great comments.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise to strongly support this resolution and to send a message that public officials making anti-Semitic statements, whether it is in Russia or anywhere else, is unacceptable and it is something that we are noting here in the United States and we will take action on these types of violations.

We do not take public expressions of anti-Semitism, of hatemongering of this kind, lightly. Anti-Semitism, as all ethnic-based hatred, is an ugly threat that cannot be ignored, and if we ignore it, we do so to our own jeopardy. The fact is, anti-Semitism and this type of hate rhetoric has gotten out of hand in the past and it could get out of hand in the future if in any way the civilized world refuses to take the actions that are necessary to make sure that we quarantine it, that we eliminate it, and that we condemn it with all of our strength.

I commend the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH) for providing leadership on this issue. These type of strong messages are heard. For the record, let me say a strong message certainly is important, but for the record I believe that we should warn Russia and others that we will not deal with those racist and anti-Semitic officials in Russia or anywhere else. For the record, I would suggest that the American ambassador should warn those public officials concerned that if those anti-Semitic statements do not end, there will be some action taken by the United States, and that if they repeat these anti-Semitic statements, perhaps the American ambassador should act to ensure that these public officials not receive any visas to the United States. I will put this on the record, that if indeed we hear more anti-Semitic statements coming out of public officials in Russia, or, I might add, anywhere else in the world, I will be happy to work with the gentleman from New Jersey and the gentleman from California to put in a law that requires our ambassadors to deny visas to anyone who has made an anti-Semitic statement after being warned that it is unacceptable.

The good people of Russia will be strengthened by our message today. We need to make sure that those good people know that we are not blaming them and that we want to work with them to make sure that the evil elements in their society do not get the upper hand. There is a good way to determine who an evil element is in a society. Certainly it is easy to tell when you see those are the people who are making anti-Semitic and racist and hate-filled remarks and trying to build animosity from one group to another based on their race, their religion or their ethnic background. If Russia is to be part of the civilized world, then anti-Semitism cannot be part of the public officials' dialog in that country. If Russia wants to be part of the western democracies and wants to build their country into an economic partner with the rest of the world, wants us to cooperate with them, they have got to earn our respect. We in this country do not respect anyone that permits this type of hatred to be uttered by public officials.

With that said, I stand in strong support of this resolution and add my voice to those of the gentleman from California and the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for his very eloquent statement and for reminding us that there is no welcome mat for purveyors of hate in this country. We will take him up on that. I think it is a very valid suggestion, I say to my friend.

Ms. SCHAKOWSKY. Mr. Speaker, I am proud that this Congress today has decided not to overlook the anti-Semitic statements made by members of the Russian Duma. Anti-Semitism is on the rise in Russia. The resolution we are considering today demonstrates our concern and our commitment to stop this trend.

For the people of my district, there is no option. Many are survivors or the descendants of those who survived an era filled with events that we must never allow to be repeated.

The recent surge of anti-Semitism in Russia is dangerously reminiscent of pre-Nazi Germany.

While we are condemning words spoken by Russian Duma members, we need to remember the effect just words have had in the past.

The anti-Semitic statements from the members of the Russian Duma scare me. They remind me of how easy it can be for history to repeat itself.

We need to act now to condemn these statements, to ensure that this country and the world never forget and never allow hateful words to lead to hateful deeds.

This resolution also commends President Yeltsin and other Russian Duma members, who have spoken out against these racist statements.

Mr. PORTER. Mr. Speaker, I rise today in support of the gentleman from New Jersey's resolution in bringing attention to anti-Semitic comments by members of the Russian Duma and condemning these comments.

A deeply disturbing situation is currently unfolding throughout Russia. Anti-Semitism is at all levels of Russian society. The rise in the neo-Nazi movement activity; anti-Semitic material readily available on the streets; the right wing party blaming the Jewish Community for the current economic crisis are all eerily reminiscent of earlier, horrific times. Such rhetoric propagating ethnic hatred must be stopped.

This anti-Semitic reign of terror is occurring in communities across Russia. Jews in towns such as Borovichi and Krasnodar have to watch television adds urging citizens to "take up arms and kill at least one Jew a day," walk past posters that read "Jews are garbage" and receive letters threatening them with death if they do not leave Russia. All the while, the local law officials request that the matter be disregarded.

Unfortunately, these actions are not limited to small communities. In Moscow this winter, the ultra-nationalist Russia National Unity Party (RNU) held a demonstration in the streets with the group dressing in their militant-style uniforms armed with swastika bands. The RNU boasts 50,000 members located in twenty-four regions of Russia.

These actions and statements of racial hatred are even more difficult to stem when they are being encouraged by people at the highest level of the Russian government. Not only has General Albert Makashov blamed the current economic crisis on the Jews, he advocates establishing a quota for the number of Jews allowed in Russia. The Duma has failed to censure General Makashov for his comments calling for the death of Jews and the Communist party fails to condemn or discipline him in any way.

President Boris Yeltsin has condemned General Makashov and others who have made similar comments, and for that I applaud him. Peace and justice will not reign in the world until governments at all levels stand up against policies and practices promoting anti-Semitism and racism. We in Congress must not allow the current efforts attempting to weaken religious freedoms in Russia to succeed at any level.

Mr. GILMAN. Mr. Speaker, House Concurrent Resolution 37 is an important statement on an important issue.

On this very day, Russian Prime Minister Yevgenii Primakov is scheduled to be arriving in Washington for official meetings here.

Unfortunately, back home in his native Russia, a virulent, ugly anti-Semitism is on the rise.

Let me simply refer to the statements made by two members of the Russian parliament—both of whom are members of the Russian Communist Party.

These specific statements are the reason why this House is considering this resolution today.

First, in October, Russian parliament member Albert Makashov said that the Jews in Russia should be rounded up and: "sent to the grave."

Makashov then went on to say in February that Russian Jews were:

> so bold, so impudent, because we're sleeping. . . . It's because none of us has yet knocked on their doors or —I will omit the word here out of courtesy to all those in attendance—on their windows. That's why they're such snakes and acting so bold.

Second, in December, Viktor Ilyukhin, another Communist member of parliament and, in fact, Chairman of its Security Committee, stated that the Jews were responsible for a "genocide" of the Russian people and that:

> the large-scale genocide would not have been possible if Yeltsin's entourage and the country's previous governments had consisted mainly of members of the indigenous peoples rather than members of the Jewish nation alone.

The leader of the Russian Communist Party, Gennady Zyuganov, refused to stand up to this flagrant anti-Semitism in his party's ranks, and instead tried to blame "haters of Russia" for "trying hard to force the so-called Jewish Question on us."

Last week, I sent letters to Secretary of State Albright and Russian Prime Minister Primakov—and I joined with other Members of Congress in a letter to Vice President GORE—stating my strong concern over such statements and over the vandalism done earlier this month to a synagogue in Novosibirsk in Russia.

The enactment of this concurrent resolution would be an important, further step in demonstrating the Congress' concern.

I believe it would be helpful to all those put at risk in Russia by this anti-Semitism if the House today were to pass this resolution and send a clear message of our concern to Russian Prime Minister Primakov during his scheduled visit here.

I support the measure and commend our colleague, Congressman SMITH, for sponsoring it.

Mr. SMITH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I want to commend my friend from California.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from New

Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 37, as amended.

The question was taken.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON HOUSE CONCURRENT RESOLUTION 68, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2000

Mr. SHAYS (during consideration of House Concurrent Resolution 37) from the Committee on the Budget, submitted a privileged report (Rept. No. 106–73) on the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, which was referred to the Union Calendar and ordered to be printed.

PROTECTING PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS SUPPLEMENTAL ENDORSEMENT FOR 1999 CROP YEAR

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1212) to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year, as amended.

The Clerk read as follows:

H.R. 1212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.

(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as "CRCPLUS") for the 1999 crop year for a spring-planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer a bill, H.R. 1212, with an amendment. This bill's timely passage is critical to thousands of American farmers who may otherwise be unable to buy appropriate levels of insurance on their 1999 crops. The amendment to the bill is noncontroversial and technical in nature.

Importantly, H.R. 1212, as amended, enjoys bipartisan support in the Congress, the administration's backing and does not cost the U.S. Treasury any money. I am pleased to be joined by the committee's ranking member, the gentleman from Texas (Mr. STENHOLM); chairman of the Subcommittee on Risk Management, Research, and Specialty Crops, the gentleman from Illinois (Mr. EWING); the gentleman from California (Mr. CONDIT); the gentleman from Arkansas (Mr. BERRY); the gentleman from Louisiana (Mr. COOKSEY); and the gentleman from Louisiana (Mr. JOHN) in offering this legislation.

The facts surrounding the need for this bill are complicated. But, in short, unless H.R. 1212 becomes law, thousands of farmers, by no fault of their own, will be left with three undesirable choices, staying with crop insurance policies that may not be economical for their operations, accepting catastrophic crop insurance that provides very low coverage, or settling for no crop insurance at all.

Mr. Speaker, leaving farmers in this predicament is unacceptable. That is why I am offering H.R. 1212. H.R. 1212 is straightforward. It provides a brief window of time up until April 12, 1999, in which farmers who are in this predicament may buy new crop insurance. The bill also permits affected farmers to transfer certain policies during the same period of time. The bill in no way interferes with private contracts.

While this bill is limited to providing immediate relief from a current problem, I want to assure my colleagues that the committee expects to thoroughly examine the underlying issues that led to this problem as we work to improve the crop insurance program for this year.

Mr. Speaker, I would ask my colleagues to support H.R. 1212, as amended, and urge its timely passage.

Mr. Speaker, I reserve the balance of my time.

□ 1500

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for House passage of H.R. 1212. I want to commend my colleague from Arkansas (Mr. BERRY) for all of the work he has done on this legislation. The bill offers a no-cost solution to a problem created by the interaction between Federal crop insurance and the private insurance industry.

Mr. Speaker, crop insurance law and regulations provide definitive dates for the sale or cancellation of crop insurance policies. The deadlines help to protect the taxpayer from costs associated with adverse selection. Without firm deadlines, producers could wait until the growing season has commenced, make an assessment as to their likelihood of harvesting a good crop, and then those who had a good crop would decline crop insurance and those likely to have a loss purchase it. Sales closing dates help prevent bad insurance outcomes and excessive taxpayer cost at the same time.

Mr. Speaker, this year many producers purchased a Federal crop insurance policy known as Crop Revenue Coverage, CRC, based on the belief that a related policy known as CRCPlus would be available under certain terms. The CRCPlus enhancement policy, while it modifies a producer's insurance coverage, is not approved, not backed and not regulated by the Federal Government.

Mr. Speaker, after the Federal deadline for sale or cancellation for the Federal CRC policy passed in many areas, the company offering CRCPlus made an announcement that the terms of the policy would be changed from what many producers had applied for. Since some producers purchased their Federal CRC policies so that they could take advantage of CRCPlus, under the initial terms they have ended up with insurance outcomes that differ from their intentions.

Mr. Speaker, the bill before us would allow any producer who had applied for a CRCPlus policy to change their coverage under the Federal crop insurance program. In order to guard against costs associated with adverse selection, the bill provides that a producer may only change to a federally-backed policy that provides equivalent or lower coverage. In addition, the bill provides a date certain after which these changes could no longer be made. With these provisions CBO estimates that the bill will not increase program cost.

Mr. Speaker, this bill provides a fair opportunity for producers to make adjustments to changes and circumstances which were beyond their control. I thank the chairman of the committee and other Members for responding quickly to this situation.

Again, I commend the gentleman from Arkansas (Mr. BERRY) for his efforts, and I urge my colleagues to vote for passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield as much time as he may consume to the gentleman from Louisiana (Mr. COOKSEY) who is a member of the committee.

Mr. COOKSEY. Mr. Speaker, H.R. 1212 provides a window of opportunity for hard-working farmers all over the United States, but particularly hard-working farmers that bought CRC Plus insurance, to buy new insurance to protect their 1999 crops. Farmers who bought this private CRCPlus policy as a supplement to federally-approved policy have been harmed because the coverage has been unilaterally reduced or altogether rescinded by the insurance company.

While Louisiana farmers and other farmers harmed in this situation can co-opt out of the CRCPlus policy and the Federal policy, the Federal policy it supplements, these farmers are left with little to no insurance if they do so because the last day to buy insurance has come and gone. H.R. 1212 helps Louisiana farmers and other rice farmers who are harmed in this ordeal by extending the time period to buy new crop insurance so that these farmers can buy the insurance coverage they need to protect their investment.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding this time to me, and I thank the chairman of the committee, the gentleman from Texas (Mr. COMBEST) and also the ranking member, the gentleman from Texas (Mr. STENHOLM) for their swift action regarding this matter.

I rise today because the farmers in the First Congressional District of Arkansas and across the country have basically been victims. They have been ripped off by the old bait-and-switch of an insurance company. We started getting calls about a month ago from farmers in our district that had been victims of this problem, and it has spread, Mr. Speaker, much beyond the First Congressional District of Arkansas.

The problems farmers have had with the CRCPlus have gone on far too long, and it is time for us to provide a legislated remedy so that they can have the necessary insurance that is available to them and give our farmers the option to not be victims, and hopefully to keep other farmers from being victimized by similar circumstances in the future.

Mr. Speaker, I urge the passage of the bill, H.R. 1212, Mr. Speaker, and I hope my colleagues will support it.

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the bill, H.R. 1212, that led to the need to bring this up in a very expeditious fashion. As the gentleman from Arkansas (Mr. BERRY) very well pointed out, it is a dilemma which is very unfortunate in that it occurred. One of the in-depth processes that the Committee on Agriculture is currently going through is looking how we might substantially improve the crop insurance program for coming years; failing that, a risk management tool, a very strong, adequate, sufficient crop insurance program is something that most farmers and farm groups and commodity groups across this country are suggesting that needs to take place, that it is currently deficient in the pending farm legislation.

It is somewhat sad, I think, that this has occurred primarily because one of the ideals that we are trying to put forward in considering crop legislation for the future and a crop proposal for the future and reform is to provide the opportunity for there to be some type of adequate revenue assurance measure that is an option for farmers in which to participate. Those farmers that have contacted the committee in the area in which this primarily has occurred, in the southern part of the United States, obviously do not currently have a tremendous amount of confidence in the program as it has worked there, and while I would suspect that future crop insurance programs and reform and legislation that would provide an adequate risk management from the revenue assurance aspect is something that would be very well accepted, I think it would probably be substantially crafted differently than this is.

So, I want to ensure those farmers out there who are in fact concerned about the process that, as I had indicated in my opening statement, the committee will look very carefully at the process that led up to the necessity to pass this bill today in very short order, in order to give those farmers an opportunity to make some choices that they went into with good faith, however after the end of the game, the rules were changed. We want to go back and give them the fourth quarter to be able to replay this and to bring into their own business decisions whatever works best for them, giving them some options.

We appreciate the fact that the department does support this concept, is willing to work with farmers trying to work through it, and because the deadlines that are imposed and the closing dates to purchase crop insurance have, in fact, expired, it is necessary to give them that option up to, as I mentioned, April 12, as the bill does. We are certainly hopeful that in a very expeditious fashion the Senate would consider this legislation and get it down to the department or down to the President for signature, which has been virtually assured, so that this matter could be dealt with this week, prior to the time that the Congress leaves for its Easter break, and that these farmers can be making these decisions.

But again I want to emphasize the fact that we will look very carefully at the conditions that led up to this particular problem, in trying to make for certain that farmers can be assured in the future, as this crop insurance program is revised and reformed, that in fact this is not a situation which they would have to be concerned about, and we will try to do everything we can from our committee to put into place all of the safeguards that would be necessary to protect those.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume, and continuing in the light of the statement of the gentleman from Texas (Mr. COMBEST), this particular problem that we are solving today with this legislation is indicative of some other, even larger problems associated with our current crop insurance program. We are finding now that there is widespread but not necessarily unanimous agreement that crop insurance as it is currently constituted, is inadequate to meet the needs of our farmers and ranchers around this country, and that is why I have been fully supportive of the gentleman from Texas' efforts this year to make revenue insurance, crop insurance/livestock insurance, the number one priority of our House Agriculture Committee this year, and I think we are finding now that there is substantial agreement.

I was in Crockett County, Tennessee yesterday with one of our colleagues, the gentleman from Tennessee (Mr. TANNER), over 300 farmers there, in which there was substantial agreement that crop insurance needs to be improved. And as we do this, I think it is important for our colleagues and all interested in this subject to realize that we are basically starting with a blank sheet of paper. We are finding that when we talk about crop insurance, that even those crops that have been covered, there are holes in the program. We also are finding that livestock producers have been left out as far as being even eligible to purchase coverage.

One of the things that we are finding now is that in light of the 1995–1996 farm bill that basically said to our producers, "produce for the market," removal of a lot of government activity regarding agricultural production, that there was also a promise that we were going to free up world markets. And as we all know now, we have not been able to pass Fast Track, we have had all kinds of difficulty in even getting the United States negotiators to the table in order to free up those markets so that we might produce.

That has now led us to another situation in which in the past crop insurance has been designed to care for weather-related disasters. We now are beginning to know that currency changes, whole regions of countries, when they have economic problems, it has affected our producers in ways in which no one in this body anticipated in the 1995–1996 area when we were passing this legislation.

So I use this opportunity today to say that this particular bill and the need for this bill today was caused inadvertently by a misinterpretation, misapplication of what some believe was current law. What we now have, the task for us, ahead of us, is to see that we do provide a crop insurance, revenue assurance program that will be adequate for our producers, whether they be crop, livestock or anyone in between. That is the challenge, and we hope later this year or certainly early next year it would be my hope that we would be able to bring comprehensive legislation to the floor of the House dealing with this particular problem.

With those comments, Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I would like to also extend my thanks to the ranking member, the gentleman from Texas, and also the chairman of the Committee on Agriculture who have brought this measure in an expeditious manner to us. This is a very important piece of legislation for the district of south Louisiana of which I represent, the rice capital of the world.

This is a situation that has cropped up and that has occurred by no fault of any of the producers, where they have acted in good faith to try to obtain the kinds of coverage they need, to make sure that they are covered for the problems that may incur similar to what happened last year. What this bill does, very simply, is open the time in which the farmers could actually reapply for some insurance and some other federally-covered insurance to protect them in this crop zone, so I urge final passage of this piece of legislation that is so important and was not brought upon by any of the producers' fault at any point in time.

So I commend the gentleman from Texas for bringing this legislation, again, and I urge strong support.

Mr. Speaker, I rise in strong support for H.R. 1212. I am a co-sponsor of this legislation and I have worked constantly on this problem since it surfaced approximately one month ago.

Mr. Speaker, before discussing the merits of this particular legislation, I would like to commend the Chairman and Ranking Minority Member on the House Committee on Agriculture, Mr. COMBEST and Mr. STENHOLM, for their leadership in ensuring that this issue received the prompt attention that it deserves.

We are here today, Mr. Speaker, because of a recent development concerning a private crop insurance policy provided primarily for rice. Namely, "CRCPlus" is a supplemental insurance product available only from America Agrinsurance (AmAg). This policy allowed producers to increase their Crop Revenue Coverage (CRC) revenue guarantee to provide a higher level of protection against major crop loss or a decline in market price. After the sales closing date for federal crop insurance policies had passed, AmAg changed the terms of the CRCPlus plan for producers that had applied for the supplemental coverage.

This situation, and the events that followed, has called into question the integrity of the Federal crop insurance program. The good faith efforts made by farmers to hedge their risk by participating in the crop insurance program, combined with the actions of AmAg, placed my rice farmers in a bad position—leaving them heavily and unnecessarily exposed or having them pay higher premiums for coverage they could have received elsewhere. Allowing this situation to proceed is the wrong message to send, especially at a time when many of us in Congress are attempting to strengthen the crop insurance programs.

Passage of this legislation will reopen the time period during which farmers who applied for CRCPlus insurance may buy additional federal crop insurance. This is intended to allow farmers who were affected by the decisions of AmAg concerning CRCPlus to adjust their crop insurance policies and obtain substitute insurance. Under this measure, these farmers would be eligible to buy federal crop insurance from other federally-approved insurers, with coverage up to the level of protection they would have had under the original CRCPlus policy in which they had applied.

These farmers would also be allowed to transfer to other insurers any basic federal crop insurance they have obtained through AmAg for other crops.

Without this legislation, farmers would not only remain heavily exposed, but would also be less trustful of crop insurance reform in the future. With this in mind, I urge Members to support H.R. 1212 and give the farmers the legislative fix that they need to address their risk concerns.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. PICKERING).

□ 1515

Mr. PICKERING. Mr. Speaker, I rise today in support of H.R. 1212, offered by my good friend, the chairman of the Committee on Agriculture, and I commend him for his leadership on this issue. I also want to recognize the ranking member, the gentleman from Texas (Mr. STENHOLM), as this is a bipartisan effort to address a very critical need for our American farmers.

Today, through no fault of their own, many hard-working Mississippi farmers are left with crop insurance that does not meet the needs of their farming operations or, even worse, they are left with no crop insurance at all. I share the chairman's view that leaving farmers in this predicament is unacceptable, and gladly, H.R. 1212 fixes that problem.

H.R. 1212 gives Mississippi farmers, and farmers throughout the country who have already been adversely affected by this ordeal, a new window of opportunity to buy the insurance coverage they need.

Mr. Speaker, American farmers borrow more money each year and every year than most of us borrow in a lifetime, to plant a crop so that we can all enjoy low prices at the grocery store and so that the whole world can eat. Each and every year this is an incredible gamble for each of the farmers, because markets may not even provide these farmers enough to pay back their loans or cover their costs of production. Worse yet, the weather could rob them of their crop completely.

H.R. 1212 offers our Nation's farmers the chance they need to protect this huge investment and gives them just a little peace of mind.

Mr. Speaker, I urge my colleagues to vote for this very timely and important piece of legislation.

I also want to join with my colleagues to say that this is just an interim fix, that the long-term crop insurance reform for a comprehensive solution is coming, and we need to all work with the same type of bipartisan consensus and effort to fix the underlying problem of an inadequate crop insurance program. I look forward to working with my colleagues on this and the long-term solution in the days to come.

Mr. MINGE. Mr. Speaker, I rise today in support of H.R. 1212, a bill to protect producers of agricultural commodities who apply for Crop Revenue Coverage PLUS supplemental endorsement of 1999 crop year.

This legislation will provide relief to farmers throughout the United States, including farmers in Minnesota, who had applied for a specific non-federal crop insurance policy whose coverage level changed or was expected to change after the sales closing date had passed. Without congressional intervention, these farmers would be forced to remain in financially detrimental crop insurance policies for the 1999 crop year with little possibility for recourse. In the current poor economic climate for farmers, it is vitally important that we in Congress do everything possible to provide farmers with opportunities to maximize their operations' profitability. H.R. 1212 will, at no cost to the Federal Government, allow producers to change their crop insurance coverage to products which will better serve their needs.

Given the increased importance of risk management tools under the 1996 farm bill, I commend the chairman and ranking member of the Agriculture Committee for bringing this matter before the House of Representatives for a timely resolution.

Mr. STENHOLM. Mr. Speaker, I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from

Texas (Mr. COMBEST) that the House suspend the rules and pass the bill, H.R. 1212, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1212, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AFFIRMING THE CONGRESS' OPPOSITION TO ALL FORMS OF RACISM AND BIGOTRY

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 121) affirming the Congress' opposition to all forms of racism and bigotry.

The Clerk read as follows:

H. RES. 121

Whereas the United States of America has been enriched and strengthened by the diversity and mutual respect of its people;

Whereas the injustices and inequities of the past continue to demand our forceful commitment, both as individuals and as an institution, to equal justice under law and full opportunity for every American;

Whereas a racist attack upon any group of Americans is an affront to every one who cherishes the promise of America and the values that sustain our democracy; and

Whereas every Member of Congress has a responsibility to foster the best traditions and highest values of this nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) insists that no individual's rights are negotiable or open to compromise; and

(2) reaffirms the determination of all its Members to oppose any individuals or organizations which seek to divide Americans on the grounds of race, religion, or ethnic origin; and

(3) denounces all those who practice or promote racism, anti-Semitism, ethnic prejudice, or religious intolerance; and

(4) calls upon all Americans of good will to reject the forces of hatred and bigotry wherever and in whatever form they may be found.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 121, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an important matter before us. I want to commend the gentleman from Florida (Mr. WEXLER) for causing this embarrassing substitute to be brought to bear. The scheduling and the substance of this resolution is an utter affront to all believers of civil rights and regular order in the House of Representatives. I appeal to every Member to vote against the underhanded processes involved in bringing H. Res. 121 to the floor this afternoon.

First, a word about bipartisan cooperation, since we have all come back from Hershey over the weekend. Without the courtesy of a simple phone call from the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), this bill was discharged from the committee with no hearing, no markup; another example of how Committee on the Judiciary Democrats are still being treated unfairly at every turn of the process, not even a single phone call. The leadership continues to mistreat what is almost an equal number of Democrats as Republicans in the House.

Secondly, this bill, I think, is intended to be serious but it is really just a joke. A generalized, amorphous, meaningless resolution is an idea taken from the gentleman from Florida (Mr. WEXLER) and is now so watered down as to be insulting.

It is a cover for those Republicans who do not want to condemn the Council of Conservative Citizens because so many Republican leaders have been associated with this racist group. They have cloaked themselves in mainstream conservatism, but it is masking an underlying racist agenda. Its leader is the former Midwest director of the White Citizens Council. Their web site reads like something out of the Third Reich.

What are we doing here today? I urge that the Members vote "no" on this resolution

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. CANADY) will control the 20 minutes on the majority side.

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, hatred expressed through racial, religious or ethnic prejudice is an affront to the institutions of freedom, equal justice and individual rights that together form the bedrock of the American republic.

We need no reminder that bigotry lives on in America. The heinous murder of James Byrd, Jr., shocked us all with the graphic portrait of racism in its most vile form. So this resolution before us is not meant to be a mere reminder, nor is it meant to single out for condemnation any one organization or individual.

To be so particular would be to commit a crime of omission by giving a pass to other groups that espouse prejudiced, racist views, in effect saying that their bigotry is not so offensive as to be worthy of our condemnation. The Southern Poverty Law Center says that 537 hate groups exist in the United States. We cannot possibly condemn each bigoted organization, person or act individually.

In any event, there is a better course to take. Today we can make one sweeping statement of principle that acknowledges the existence of bigotry, condemns those who promote or practice it, and affirms the rights of individuals of all races, religions and ethnic backgrounds.

Passing this resolution will not reverse the horrible tragedy of James Byrd's death, nor will it directly prevent future tragedies of the same sort. It will not eliminate the more subtle but more common kind of bigotry that rears its ugly head every single day, like when a man gets on a subway, when a man of a certain color gets on a subway car and instinctively sits next to the person of his color instead of a person of another color; or when a Jewish family on the block is not fully accepted by some of their Protestant neighbors; or when a Hispanic kid walks into a store and is watched under a suspicious eye.

Let us also celebrate the great strides we have made as a Nation and as a people in moving toward a more unified America. Let us salute great men and women like Frederick Douglass and Rosa Parks and John Lewis and Abraham Lincoln and Dr. Martin Luther King, Jr., as well as the millions of others whose names we do not know but whose efforts have torn down many of the walls that far too long divided us.

Every American must keep working toward that goal of a hate-free America. So today, in this Chamber, let us stand and be counted. Today let us condemn all forms of racial, religious and ethnic prejudice.

Some will say this afternoon that because this resolution did not name a certain group, did not specifically name certain groups, that this resolution has no bearing. Why do we make racism and bigotry that small? What happens is that if someone names a certain group? Then someone else will offer a resolution to name another group, and then somebody will organize another resolution to name another group. What we get, Mr. Speaker, we get a tit for tat, we get an eye for an eye and tooth for a tooth.

Let me remind my colleagues what Dr. King said. He said when we have an eye for an eye and a tooth for a tooth, it leaves America toothless and blind.

Let us carry on the fight for an America where Dr. King's dream can become a reality, an America where freedom rings crisply in the ears of every member of our national family, and an America where equal justice and equal opportunity are no longer mere goals but instead true hallmarks of our Nation's character. Please support this resolution.

Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I say to my good friend, the gentleman from Oklahoma (Mr. WATTS), who could not join the organization that he is covering up for, the Council of Conservative Citizens, if he applied, that this is not tit for tat.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. WEXLER), a distinguished attorney and a member of the Committee on the Judiciary who caused the Republicans to bring this forward.

Mr. WEXLER. Mr. Speaker, the resolution we are debating today is unfortunately nothing but a sham because it subverts the intent of the 147 Republican and Democratic cosponsors of the Wexler-Clyburn-Forbes resolution.

Our bipartisan resolution, House Resolution 35, was introduced seven weeks ago, and confronts head-on the ghosts of America's past, condemning the racism that has divided us as a Nation and exposing the insidious and hateful agenda of the Council of Conservative Citizens, the CCC.

The Watts resolution was introduced just Thursday. It has, I understand, no cosponsors. It confronts nothing. It was rushed to the floor today without committee consideration. The Watts resolution is designed only to derail our resolution and, if successful, hands the CCC an unconscionable victory.

Revealing the true identity of the Council of Conservative Citizens is the right thing to do. The CCC attempts to mask its hateful ideology by posing as a mainstream conservative organization, but the racist agenda of this group is undeniable. The CCC has directed its hatred towards millions of Americans, African Americans, Hispanic Americans, Jewish Americans, homosexuals, immigrants and virtually all minorities.

□ 1530

Listen, listen to what the leader of the CCC said about his group's strategy. I will replace his use of the N word with the word "blacks."

"The Jews are going to fall from the inside, not from the outside, and the "blacks" will be a puppet on a string for us. The power is not out there in the gun, it is inside Congress. . .We've got to do it from the inside."

The CCC is a wolf in sheep's clothing, and with racially motivated crimes on the rise, it is imperative that Congress go on record exposing them for the bigots they are. That is why the alternative resolution before us today is empty. It gives lip service to condemning racism, but it does not specifically cite the CCC, nor does it strengthen our civil rights laws. It does nothing real. It offers cover, not content.

In 1994 when this Congress voted overwhelmingly to condemn the racist, anti-Catholic, anti-Semitic speech of Khalid Abdul Muhammad of the Nation of Islam, there was no outcry about singling out one man for criticism. There was no rush to promote a generic statement about all racism, instead of identifying a specific and dangerous speech that had outraged millions of Americans.

So I guess what it all comes down to is that when it is a black person who is a racist it is okay for Congress to condemn him, but when it is a white person or a white group that is racist, then Congress does nothing, and we become, as the chairman, the gentleman from Illinois (Mr. HENRY HYDE) said in 1994, accessories by silence, by inaction.

I respectfully urge Members to vote no on House Resolution 121. Let us bring House Resolution 35 to the floor for a meaningful vote.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I would just say to my friend, the gentleman from Florida, that it is an amazing thing to me that over the last 4 years when I have been attacked, when I have had racist comments made about me, my friend from Florida never came to the floor and spoke up.

The gentleman from Michigan, when I have had racist attacks made against me by people in the white community back in Oklahoma, the State Democrat party back in Oklahoma, Slate magazine, which is a national magazine, no one ran to the floor to condemn that.

I think my resolution is much broader. My resolution condemns the New Order Knights of the Ku Klux Klan, the National Alliance, Aryan Nation, the CCC. Anybody that advocates these racist, bigoted, vile views is condemned in my resolution.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would let my good friend, the gentleman from Oklahoma (Mr. WATTS) know that I did not know he was attacked. If he was attacked in his home area, it was by right-wing zealots that may have been in the Council of Conservative Citizens.

But since the gentleman mentioned the names of these hate groups, why does the gentleman not put them in the resolution? Why do we not just debate them?

The gentleman spoke about no one came to his defense. I would have loved to have come to the defense of the gentleman from Oklahoma (Mr. WATTS).

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 121, which was introduced by the gentleman from Oklahoma (Mr. WATTS), affirms the opposition of the Congress to all forms of racism and bigotry. The resolution recognizes the grievous harm caused by racism, and emphasizes the responsibility of every Member of Congress to foster the best traditions and highest values of this Nation.

At the heart of the American experience is the ideal of respect for the dignity of the individual set forth in the Declaration of Independence. All men are created equal, and are endowed by their creator with certain unalienable rights.

This ideal has never been more eloquently expressed than by Dr. Martin Luther King, Junior. According to Dr. King, the image of God "is universally shared in equal portions by all men. There is no graded scale of essential worth. Every human being has etched in his personality the indelible stamp of the Creator. . . The worth of an individual does not lie in the measure of his intellect, his racial origin, or his social position. Human worth lies in relatedness to God. Whenever this is recognized, 'whiteness' and 'blackness' pass away as determinants in a relationship, and son and brother are substituted."

Dr. King explicitly linked this view of man and woman created in the image of God to the philosophical foundation of the United States. This is what Dr. King says about the foundation of America:

"Its pillars were soundly grounded in the insights of our Judeo-Christian heritage: All men are made in the image of God; all men are brothers; all men are created equal; every man is heir to a legacy of dignity and worth; every man has rights that are neither conferred by nor derived from the state, they are God-given."

These fundamental principles are at odds with any theory that distinctive human characteristics and abilities are determined by race. These principles condemn any effort to reduce individual human beings to the status of racial entities.

In this resolution, the House of Representatives recognizes that anyone, or any group, whether they are the Ku Klux Klan, the Aryan Nation, or the Council of Conservative Citizens, which fails to honor and respect these principles has attacked the very foundation of our Republic.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 13 seconds.

Mr. Speaker, as an original author of the Martin Luther King holiday bill, and one who worked and knew Dr. King, I am sure happy to see that at least the other side has been reading about King and have appropriate quotations to bring to this debate, falsely implying that he might not be supporting what we are trying to do.

The gentleman ought to name the organizations.

Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. MICHAEL FORBES), pointing out that he could not get time on the other side.

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the resolution before us belabors the obvious, that Congress is opposed to racism and hatred. The people watching this debate must be scratching their heads thinking, but surely this most American of all American institutions is already against racism and bigotry and the intolerant acts this that seek to divide us as a people.

Certainly an integral part of the charter of this place, it would seem evident, is our basic, unadulterated opposition to racism. So why this effort?

The resolution before us denounces "all those who practice or promote racism, anti-Semitism, ethnic prejudice, or religious intolerance." It is a general statement by Congress against racism and bigotry, where a specific one is not only warranted but demanded.

The need for a swift and sure condemnation of the activities of a specific group, in this case the Council of Conservative Citizens, is necessary because under the cloak of portraying itself as a Main Street grass roots organization dedicated to conservative ideals, the CCC further attempted to legitimatize itself by having Members of Congress appear before the group. Where its words and its rhetoric would never render this hate group credible, they sought to have Members of this very institution legitimatize their very illegitimate behavior.

It is worth noting that Members have denounced the group's activities. The CCC has been noted as a direct outgrowth of the White Citizens Council of the fifties and sixties, known as the White-Collar Clan. A glance at their web site, as we have heard previously, shows they continue an allegiance to promoting anti-Semitic, racist rhetoric and ideas.

When an organization or a group such as the CCC attempts to misuse the good offices of those who are elected to represent all the people, the Congress does have an obligation, I believe, to take decisive action against such groups.

In 1994, it has been noted that the Congress swiftly dealt with the hatemongering remarks of Khalid Muhammed when he appeared before Kean College. Three hundred and sixty-one to 34, his bigotry and hatred was denounced on the Floor of this very Chamber.

The matter before us restates an opposition to bigotry and hatred that should be evident. I might point out that later on, this body will also deal with a specific reference to anti-Semitic comments made by the members of the Russian Duma, so we do single out people when we feel they are wrong. Unfortunately, the resolution fails to repudiate an organization that sought legitimacy by involving Members of this great institution.

I would encourage reconsideration and allow House Resolution 35 to repudiate, as we hoped it would.

Mr. CANADY of Florida. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would respond to a couple of points made by the gentleman from Michigan.

In quoting Dr. King, I did not mean to imply that he would take one position or another in the controversy between the two sides here today. I simply quoted him for the fundamental proposition concerning the nature of racism and the nature of the political foundations of this country, and I believe that is something that all of us could agree on. I hope that we all would agree on it. I know that the gentleman from Michigan would agree with what Dr. King had to say, though he may disagree with the way it was used.

I would also point out that the gentleman from New York (Mr. FORBES) did not request time from this side, so the statement that the gentleman made that the gentleman from New York was unable to receive time from this side is simply untrue. If the gentleman had requested it, it would have been granted to him. No such request was made.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. CANADY), the chairman of the Subcommittee on the Constitution, on which I am proud to serve, for yielding time to me.

Mr. Speaker, I think it is time to just maybe sit back, stand back, take a deep breath, and think a little bit about the many things that we have in common on both sides of the aisle, and practice what is far too frequently lacking in this Chamber and in the surrounding hallways, and that is a little bit of consistency.

Mr. Speaker, the Minority Leader, the gentleman from Missouri (Mr. GEPHARDT) spoke on at least two occasions to a predecessor group of the CCC, associated therewith. He has since condemned groups such as the CCC, as I have and as I do. Yet, in those who rail against anybody who might have inadvertently spoken to this group, strangely silent is any criticism remotely similar to the criticism leveled at others if it just happens to be somebody on their side of the aisle.

So I would urge my colleagues on the other side of the aisle to practice a little consistency, both with regard to those people who might have spoken to such groups that we all have and always will condemn, as well as a little consistency with regard to those groups that we do condemn, such as the CCC.

Arguing that one person should be treated differently because of the color of their skin, the church in which they worship, the country of their birth, it always has been, on this side of the aisle and on that side of the aisle, and always will be wrong.

Our country fought a great Civil War, as a matter of fact, over such principles. Yet we still remain troubled today by a small number of Americans who persist in arguing against a color-blind society. Yes, those associated with and under the label of the CCC do that. We condemn them. I condemn them. I join my colleague from Florida in condemning them and my colleague from Michigan in condemning them.

I would certainly hope that they would believe in the sincerity of these remarks delivered in these hallowed halls by myself, the same as I have done in writing, just the same as they believe it when one of their colleagues condemns a group they might have spoken with, and found out later that they harbor views that are abhorrent to the minority leader, the gentleman from Missouri (Mr. GEPHARDT), just as they are abhorrent to me.

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So let us step back, practice a little bit of consistency, a little bit of fairness, and recognize that we have a great deal in common in supporting this resolution today.

Maybe it does not go as far as some Members would like, but I do think there is great merit in passing a resolution worded as the gentleman from Oklahoma (Mr. WATTS) has that goes far beyond simply condemning a specific group and being silent on other groups.

These matters are too important. We should support this. Condemn all racist views on whichever side of the political spectrum and put this matter to rest right now once and for all.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from South Carolina (Mr. CLYBURN), chairman of the Congressional Black Caucus.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I rise today in opposition to this resolution, not because of what it says, but because of what it fails to say and because of the procedure which brings this resolution to the floor and what that procedure says to all Americans.

Mr. Speaker, we have heard Dr. King quoted here pretty often today. I would like to share with my colleagues another quote from Dr. King. Dr. King wrote, as he sat in the Birmingham city jail, that "we are going to be made to repent in this generation, not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people."

I think that this resolution is silent over what we are here to denounce today. It is fine for us to reaffirm the obvious, but I think that the Congress must now condemn the kind of rhetoric, the kind of ideas, the kinds of thoughts that are being enunciated by the Council of Conservative Citizens.

The gentleman from Oklahoma (Mr. WATTS) has asked, why have we not defended him against certain similar instances. The fact of the matter is I do not remember the gentleman from Oklahoma defending me when the Council of Conservative Citizens attacked me in my last two campaigns. Probably he did not know I was attacked. Of course we did not know he was attacked either.

The fact is, though, we are here with 150 cosponsors with a resolution that we have asked to be brought to this floor to give all of us an opportunity to express our views on this group of people. We have not been granted that opportunity. I do not see where this resolution in any way takes away from what we are attempting to do.

So, Mr. Speaker, I believe that we should be today condemning specific expressions by a specific group, the Council of Conservative Citizens. I do not think that we can afford to ignore this kind of vile rhetoric in the climate in which we live, a climate of racial profiling, a climate of ethnic bashing, a climate of religious intolerance. It is time for us to speak up and stand up for those people that we are here to represent.

Mr. Speaker, I remember the words of Martin Niemoller of Germany who once wrote: In Germany, first they came for the Jews, and I did not speak up because I was not Jewish. Then they came for the Catholics. I did not speak up, because I was Protestant. Then they came for the trade unionists and the industrialists, and I did not speak up because I was not a member of either group. Finally, they came for me. And by that time, there was no one left to speak up.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise today in support of H. Res. 121, condemning hatred and bigotry in all forms. But I rise today with a certain amount of sadness about the nature of this debate. If my colleagues do not mind, I would like to talk in a personal way about my family and life experience as it comes to this issue and what my hope is for my service and my contribution to this body.

In 1963, the day I was born, my father was elected as county attorney in Jones County, Mississippi, one of the most violent and turbulent places in the country during the civil rights,initiative. During that period of time, he testified against the Imperial Wizard of the KKK, Sam Bowers.

In 1968, because of his stand against the Klan and against the violence, and because he testified against Sam Bowers, he lost his next election. But I can tell my colleagues that, as his son, I am very proud of what he did during that time. He left me a rich legacy, an example of courage. I hope I can do the same for my five boys.

In 1969, my first grade class was the first to be integrated in Mississippi. I want to be part of a new generation that brings reconciliation among our races.

This debate today, I am afraid, is not about reconciliation, and it is not about unity. It is about dividing. It is about personal destruction. It is about partisan advantage.

I hope we can all step back and look not only at the objective of racial reconciliation and condemning all bigotry and all hatred, but to see it this way, that this House, that this body can come together in everything we do with a true goal, a true purpose of reconciliation, of unity. Then this country and this House will be a better place because of it.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I was so moved by the gentleman from Mississippi (Mr. PICKERING). Could the gentleman from Mississippi explain how racial conciliation can come from the Council of Conservative Citizens, a racist group?

Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, we all know why we are here. We are here because of the Council of Conservative Citizens, a racist group. This resolution does not speak to that. It is silent. By its silence, it speaks volumes. It speaks volumes of this institution's refusal to confront racism.

The reason this institution refuses to confront racism is because it is uncomfortable for some Members here, and that is just too bad because, until we confront racism, it is going to continue. If we simply excuse it, whitewash it, apologize for it or ignore it, it is going to continue.

There is nothing wrong with the words in this resolution. They simply do not confront the real problem. I think it is ironic that on the same day that we have a resolution, in essence, condemning a member of the Duma for antisemitic comments that we do not do the same thing to confront racism in our own country. We are ready to condemn it in Russia, but we are not ready to condemn it here; and that is the tragedy of what we are doing today.

Mr. CANADY of Florida. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I would just say to the gentleman from Wisconsin (Mr. BARRETT) that I have felt racism. It is not fun. It is very uncomfortable.

So I would just say to the gentleman from Wisconsin, I believe I know his heart on this issue and I know that his motives are true or that they are in the right place, but we are talking about naming names. I would like for the gentleman from Wisconsin to name names as to who is uncomfortable with stating that racism is wrong.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to offer my support to H. Res. 121 denouncing all individuals and all organizations that would seek to perpetuate hate against any groups or individuals.

We are all aware that there has been a dramatic increase in the number of hate crimes perpetrated against minorities in the United States. Too often we hear in the news of acts of violence perpetrated against groups or individuals simply because of their race or ethnicity.

The recent incident in Jasper, Texas, resulting in the tragic death of James Byrd, remains a strong reminder that Congress needs to address these kind of crimes to ensure that those who commit them will be punished accordingly.

Many of us in the Congress who have witnessed such acts firsthand of bigotry, racism, and prejudice are deeply committed to doing all we can and all that is possible to diminish these acts committed by people who utilize prejudice to spread an agenda of hate among others simply because of differences of race, color, or creed that may exist between them.

The passage of this measure, H.R. 121, affirming the opposition of Congress to all forms of racism and bigotry, I think is an important first step toward recognizing such crimes as well as ensuring that at long last we may see the beginnings to an end of such unjust acts. Accordingly, I am pleased to lend my support to this measure and urge our colleagues to support it.

Mr. CONYERS. Mr. Speaker, I yield 5 seconds to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to respond to the gentleman from Oklahoma (Mr. WATTS). He asked me to name names. I said the institution. I think that this institution has an obligation to come out against racism. That is the name I name.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise in opposition to the Watts resolution. This is just another example of the Republicans trying to have their cake and eat it too. On one hand, they claim to be against racism, but the Republican leadership refuses to condemn the Council of Conservative Citizens, or CCC, a modern-day KKK.

By killing a resolution condemning the racism and bigotry of the Council of Conservative Citizens, the Republican leadership denied itself the opportunity to attack the problem of racism.

House Resolution 35, of which I am an original cosponsor, has 142 cosponsors, including 13 Republicans, as well as the support of a broad base of civil rights leaders, religious organizations, and conservative activists. This has never been brought to the floor.

House Resolution 121, which was dropped last Friday, was rushed to the floor without even a single cosponsor and does not mention this terrible group. Fellows, if it looks like a duck, walks like a duck, and quacks like a duck, it is a duck.

By killing a resolution condemning "the racism and bigotry espoused by the Council of Conservative Citizens," the Republican leadership denied itself the opportunity to attack the problem of this new, more subtle kind of racism head on, the type sponsored by the Council of Conservative Citizens.

This is just another example of the Republicans trying to have their cake and eat it too. On one hand, they claim to be against racism and attack it, yet on the other, members of their leadership have ties to the CCC, which is in reality, a new form of the KKK. In fact, the CCC is an outgrowth of the abhorrent "White Citizens Council," which helped enforce segregation in the 1950s and 1960s. With ties to the Ku Klux Klan and other white supremacist groups, the CCC promotes a blatantly racist agenda, while masking its true ideology by acting as a mainstream conservative organization. Indeed, I say that if it looks like duck, quacks like a duck, and walks like a duck, it is in fact, a duck.

I believe that House Resolution 121, which is merely a watered down version of House Resolution 35, was brought to the floor in order to shield the Republican party from criticism for their relationship with the Council of Conservative Citizens. Indeed, while House Resolution 35, which has 142 cosponsors, including 13 Republicans, as well as the support of a broad base of civil rights leaders, religious organizations, and conservative activists, was never brought to the House Floor. This resolution, which was dropped just last Friday, was rushed to the Floor without even a single cosponsor. I believe this is a completely inauthentic resolution, and is being utilized purely as a political ploy to blunt criticism of certain members of the Republican party for their affiliation with the Conservative Council.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), chairman of the House Committee on Rules.

Mr. DREIER. Mr. Speaker, I am very proud to join the gentleman from Oklahoma (Mr. WATTS) as a cosponsor of this important resolution condemning racism.

America was founded on the fundamental principle that God endowed each and every human being with an innate value and equality which stands above any man-made institution or authority.

This fundamental principle that human beings, with their rights and responsibilities, are the foundation upon which all good societies are built, is what has separated this great Nation from nearly every other civilization in history.

That said, we know human beings are flawed and that this country suffers from many of the same evils that we see tearing apart people and communities across the globe.

Racism divides us. Bigotry closes our minds and our hearts to others. Religious and ethnic intolerance eat away at our soul and reduce our humanity.

Therefore, we must repeat the message of racial and religious tolerance, not only to ourselves, but to our children who are the future.

We rise today unequivocally, not to state that our past is pure, not that we are without sin, not that we will not fail in the future, but that we will strive to live up to Abraham Lincoln's vision of America, "A nation conceived in liberty and dedicated to the proposition that all men are created equal."

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Mr. CONYERS. Mr. Speaker, I yield 5 seconds to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, to clear the record the minority leader has not spoken to the Council of Conservative Citizens. His civil rights record is excellent and he is a sponsor of the resolution condemning the CCC.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE), the dedicated civil rights and constitutional expert on the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the Committee on the Judiciary.

I imagine that the people of the United States are wondering what happens here? What have we wrought, Mr. Speaker? What have we brought about? We have our good friends, the Republicans, debating that they are against bigotry and racism, and I believe in their hearts and in their minds they are.

I had hoped, having visited the Gettysburg scene this past weekend, where the north and south rose up against each other, that we would come today on the floor of the House and join together as one voice against racism and bigotry, and that one voice is H.R. Resolution 35, the resolution by the gentleman from Florida (Mr. WEXLER) and the gentleman from South Carolina (Mr. CLYBURN) that specifically denounces the CCC.

I ask my colleagues, why can we not come together as one to recognize that racism and bigotry is wrong? In this instance it is one organization that has gone against Jews in anti-Semitism, denigrating American leaders like Abraham Lincoln and Martin Luther King. We lose today the spirit of unity and the reflection that the United States Congress stands as one by putting 121 over 35.

I ask the leadership to please bring us together and vote for H.R. 35. Bring it to the floor. We are not angry, we want to be one. The CCC should be denounced.

Mr. CANADY of Florida. Mr. Speaker, I would inquire of the Chair concerning the amount of time remaining on each side.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman Florida (Mr. CANADY) has 1½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 minute and 35 seconds remaining.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time.

My colleagues, it can now be perceived that this bill is a ruse; that it is totally characteristic of Republicans who want civil rights on the cheap in a futile attempt to show the country that they are really not Neanderthals. But when it comes to real substance, they attack civil rights laws at nearly every turn. We do not need meaningless words. We want action. But when it comes to real action, the Republican Congress turns its back.

When we try to raise the problem of civil rights laws being enforced, they respond by repealing key antidiscrimination laws.

We see the horrors of hate crimes every day. Jasper, Texas. James Byrd as an example. But we cannot move on hate crimes legislation.

We raise problems of police brutality, the spraying of 41 bullets into an unarmed black man. The tragic cases of Abner Louima and Mr. Diablo. We get no response from the committee that has jurisdiction. We could not even get funds for a hearing or a stenographer in Brooklyn, New York.

So we try to fully fund enforcement of civil rights laws at the Justice Department, but the Republican members of the Committee on the Judiciary turn their backs on us. And now they ask us in good faith to support these words. We cannot do it, my colleagues.

Mr. Speaker, I urge the rejection of H. Res. 121.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, again I repeat that hatred, expressed through racial, religious or ethnic prejudice, is an affront to the institutions of freedom, equal justice and individual rights that together form the bedrock of the American republic.

H. Res. 121 urges the House of Representatives to oppose all, A-L-L, all hate organizations, including the Council of Conservative Citizens and others. The New Order Knights of the Ku Klux Klan, the National Alliance, Aryan Nations, the National Association for the Advancement of White People, Knights of Freedom, and any other that would espouse the vile views that these organizations espouse needs to be rejected, and H. Res. 121 does that. I ask for its passage from my colleagues.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of my colleagues, Congressmen WEXLER, CLYBURN, and FORBES and urge the Speaker to pull H. Res. 121, which simply affirms Congress' opposition to all forms of racism and bigotry, and substitute for it H. Res. 35, which condemns specific acts and expressions of racism by specific individuals and groups such as the Council of Conservative Citizens (CCC). H. Res. 35 deals with an important issue that affects all Americans, regardless of race, gender or sexual orientation. We must denounce racism and bigotry because it is dividing our country. We cannot tolerate narrow-mindedness from anyone or any group.

We must denounce racism and bigotry! The Red Shirts, the Knights of the White Camellia, the Ku Klux Klan, and the Council of Conservative Citizens are all groups aimed at preventing equal protection under the law for all Americans—and we must denounce them specifically for their actions and their rhetoric.

The Ku Klux Klan was formed in 1866 and it was a secret body that soon reached throughout the South and part of the North. Some people formed the Ku Klux Klan to stop newly freed slaves from exercising their rights as citizens pursuant to the 13th, 14th, and 15th Amendments to the Constitution.

We must denounce racism and bigotry! Traditionally. Klansmen, as they call themselves, were masked and dressed in white, and usually operated under a cover of darkness. But today, this group has traded its robe and hood for suits, ties and briefcases. They have traded their billboards for Internet websites, but we still know them because their rhetoric of hate remains the same.

Historically these groups have singled out all Negroes, Catholics, Jews, and foreigners that displease them by threats, whippings, setting fires or anything that will make their victim submit to the terroristic threats.

We must denounce racism and bigotry! This resolution will serve as notice that Congress condemns racism and that it has no place in an orderly society. The Constitution of the United States guarantees every citizen the right to life, liberty and the pursuit of happiness. A prosperous American must develop a mutual respect and tolerance of diversity.

We must denounce racism and bigotry! America is a nation of migrants. A mosaic of different cultures and traditions, and that's why this is a great nation. We can no longer remain silent on this important issue. We can no longer ignore the fact that specific groups, like the CCC and the KKK, exist in this society and do nothing but foster hatred for humankind.

We must denounce racism and bigotry! Everyone must pull together to stamp out hate and bitterness. The Twenty-first century is upon us—all of Europe is unifying in a cooperative effort to work together for financial synergy, and we here still deal with groups unwilling to acknowledge that segregation has ended.

We must denounce racism and bigotry! We must become a testimony for and nation, under God with liberty and justice of all. We must come together as Americans to make the pledge of allegiance a reality for everyone.

We must denounce racism and bigotry! Racism has no place in America—we must begin to move beyond the color line—put aside our racial differences—move our country forward. Red, Yellow, Black, or White we are all precious in God's sight.

We must denounce racism and bigotry! it is essential that we vote NO on H. Res. 121 and I urge the House Leadership to schedule H. Res. 35 for a floor vote. Congress must take an active role through legislation and publicly state that acts of racism and bigotry are divisive tools that are utilized by small groups, including the CCC, to prevent unity and harmony amongst Americans.

We must denounce groups that organize simply to disseminate messages harmful to our society. Congress must act, in unison, not only to condemn racism and bigotry, but also to condemn acts of racism and bigotry. I urge each of you to vote to support H. Res. 35.

Mr. THOMPSON of Mississippi. Mr. Speaker, I will not waste time denouncing the CCC. This organization has already been exposed as the racist, hate-mongering, bigoted group that we all know it to be.

H. Res. 121 was brought before this body today as an attempt to "whitewash" real, meaningful legislation that will condemn a specific group for specific acts. It is not the altruistic piece of legislation Members on the other side of the aisle want you to think it is. To the contrary, it is a prime example that the CCC has been successful in achieving its goal of infiltrating the United States Congress.

All of a sudden, the reasons given by Republicans for their 1994 denunciation of Kalhid Mohammed don't apply to this legislation. Even today, the Republicans have said it is acceptable to condemn the members of a Russian organization for making anti-Semitic statements, but they won't allow the House to take the same action against an American group that has attacked blacks, Latinos, immigrants, homosexuals, and Jews.

Republican actions warrant a specific question, "What is the problem with denouncing the blatantly racist actions of an American group that has its roots planted in the cesspool of racial separatism and white supremacy?"

Maybe the answer to this question lies in statements made by Gordon Baum, the national CEO of the CCC. I think it explains why Republicans, especially Southern Republicans, refuse to distance themselves from this group:

When Jim Nicholson, RNC Chairman, asked Republicans to distance themselves from the group, Baum said, "He doesn't know what he is talking about."

Baum said that Nicholson is alienating key GOP voters: "The Wallace-Reagan Democrats are the ones who made the Republicans have enough votes to win. Without the Wallace-Reagan Democrats, the Republicans aren't going to have near the voting strength."

Baum contended Nicholson and other party leaders "are doing a pretty good job running them [white, working-class voters] off * * * Sometimes it's remarkable how dumb they are. They let the liberal media run their campaigns. They apparently don't even know why these people vote Republican half the time.

Lott recently has renounced the group, and Baum warned that the majority leader could pay a political price in his home State. "It could be [there will be a backlash]. If he keeps it up, if he keeps distancing himself from everything. A sizable segment knows the truth, that we are very much in tune with the people of Mississippi on most issues."

Mr. Speaker, H. Res. 121 is deceptive. It is a distraction, and it is doomed for failure. Once the Republicans finish trying to pass this farce of a bill off on the American public, I have a fence they can use the rest of their white wash on. That's about the only thing its good for.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and agree to the resolution, House Resolution 121.

The question was taken.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The postponed votes on the three earlier suspensions will be voted on following this vote. This will be a 15-minute vote followed by three 5-minute votes.

The vote was taken by electronic device, and there were—yeas 254, nays 152, answered "present" 24, not voting 4, as follows:

[Roll No. 60]

YEAS—254

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert

Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Everett
Ewing
Filner
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—152

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Bonior
Borski
Boswell
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Serrano
Shows
Sisisky
Skelton
Spratt
Stark
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—24

Blumenauer
Boyd
Clayton
Clement
Cramer
Crowley
DeFazio
Dicks
Engel
Eshoo
Etheridge
Forbes
Lofgren
Lowey
Maloney (NY)
McCarthy (NY)
Nadler
Price (NC)
Scott
Slaughter
Strickland
Tanner
Watt (NC)
Wise

NOT VOTING—4

Emerson
Lantos
Myrick
Stupak

□ 1630

Messrs. MOAKLEY, HINOJOSA, MALONEY of Connecticut, DINGELL, SANFORD and BARCIA changed their vote from "yea" to "nay."

Messrs. ROTHMAN, GREEN of Texas, SANDLIN, COSTELLO and McNULTY changed their vote from "nay" to "yea."

Ms. ESHOO and Messrs. BOYD, CRAMER and CROWLEY, and Ms. LOFGREN changed their vote from "yea" to "present."

Mr. NADLER, Mrs. CLAYTON, Mr. BLUMENAUER, Mrs. LOWEY, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. WISE and Mr. CLEMENT changed their vote from "nay" to "present."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. EMERSON. Mr. Speaker, on rollcall No. 60, I was unavoidably detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 70, by the yeas and nays;

H. Con. Res. 56, by the yeas and nays;

H. Con. Res. 37, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each of these three votes.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 70.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 70, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 2, not voting 3, as follows:

[Roll No. 61]

YEAS—428

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)

Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Filner
Snyder

NOT VOTING—3

Emerson
Myrick
Stupak

□ 1641

Mr. FILNER changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. EMERSON. Mr. Speaker, on rollcall No. 61, I was unavoidably detained. Had I been present, I would have voted "yes."

□ 1645

COMMEMORATING THE 20TH ANNIVERSARY OF THE TAIWAN RELATIONS ACT

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 56.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 56, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 429, nays 1, not voting 3, as follows:

[Roll No. 62]

YEAS—429

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas

Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—3

Myrick
Pickett
Stupak

☐ 1654

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCERNING ANTI-SEMITIC STATEMENTS BY MEMBERS OF THE DUMA OF THE RUSSIAN FEDERATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 37, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 37, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 63]

YEAS—421

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
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NOT VOTING—12

Buyer
Conyers
Cubin
Herger
Hilleary
Martinez
Myrick
Nussle
Scarborough
Stupak
Thomas
Thune

☐ 1701

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 63, I was inadvertently detained. Had I been present, I would have noted "yes."

Mr. THUNE. Mr. Speaker, I was unavoidably detained for rollcall vote 63 while meeting with constituents. I would like the RECORD to reflect that I would have voted "aye" on that vote for final passage of H. Con. Res. 37.

APPOINTMENT OF CONFEREES ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 800) to provide for education flexibility partnerships, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion to instruct conferees.

Mr. GOODLING. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. Points of order are reserved.

The Clerk will report the motion.

The Clerk read as follows:

Mr. CLAY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 800, an Act to provide for education flexibility partnerships, be instructed—

(1) to disagree to sections 6(b), 7(b), 9(b), and 11(b) of the Senate amendment, (adding new subsections to the end of section 307 of the Department of Education Appropriations

Act of 1999), which is necessary to ensure the first year of funding to hire 100,000 new teachers to reduce class sizes in the early grades; and

(2) to agree that additional funding be authorized to be appropriated under sections 8 and 10 of the Senate amendment for the Individuals with Disabilities Education Act, but not by reducing funds for class size reduction as proposed in sections 6(b), 7(b), 9(b), and 11(b) of the Senate amendment.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. CLAY) and the gentleman from Pennsylvania (Mr. GOODLING) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this motion would instruct the conferees to oppose the Senate amendment offered by Senator LOTT that reneges on last year's agreement to fund the Clinton-Clay class size reduction plan.

Last year we made a $1.2 billion down payment on a plan to help communities hire 100,000 new, well- qualified teachers over the next 7 years. All across this country, parents and students who are facing overcrowded classrooms are counting on Congress' commitment to reduce class sizes.

The Lott amendment reneges on this commitment, and cynically pits one group of parents against another for money that Congress has already designated to be spent for class size reduction.

All major education groups oppose this insidious attack on the class size reduction plan. The National Parents and Teachers Association, the American Federation of Teachers, the Chief States School Officers and the National Education Association, even Governor Ridge of Pennsylvania, according to press accounts, opposes the Lott amendment because it jeopardizes passage of the Ed-Flex bill.

Finally, Mr. Speaker, I believe President Clinton would veto a bill that undermines funding for class size reduction. These new teachers are needed in the early grades, to reduce class size to no more than 18 children. Achieving the goal of 100,000 new teachers will ensure that every child receives personal attention, gets a solid foundation for further learning, and is prepared to read by the end of the third grade.

Department of Education data shows that students in smaller classes in North Carolina, Wisconsin, Indiana and Tennessee outperformed their counterparts in larger classes. A study of Tennessee's Project Star found that students in smaller classes in Grades K through 3 earned much higher scores on basic skills tests. Based on this solid record of achievement, the Clinton-Clay class size reduction initiative should be granted a long-term authorization.

Mr. Speaker, this motion further instructs the conferees to insist that additional funding be appropriated for the Individuals with Disabilities Education Act, IDEA. Rather than forcing one vital program to compete for funds against another, we should instead pursue a greater overall investment in public education.

Mr. Speaker, I urge Members to support this motion and, by doing so, give both the class size reduction initiative and IDEA the opportunity to be funded at an appropriate level.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. BRADY of Texas). Does the gentleman from Pennsylvania (Mr. GOODLING) have a point of order?

Mr. GOODLING. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws the point of order.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to instruct conferees to drop the Lott amendment.

One does not usually go into a game showing how many aces they have and how many jokers they have. One usually does that when they get involved in the game or when they start their negotiating. One does not usually drop their amendments before they ever get there.

I have to kind of laugh about all of the rhetoric about IDEA. They have heard that speech that was just given for 23 years, and they did not get anything until 3 years ago. They were promised that if we give them from the Federal level 100 percent mandate in special ed, they will get 40 percent of the excess money to fund it; just the excess money to fund it. When I became Chair, they were getting about 6 percent. We will probably be up to about 12 percent; a long way from 40 percent.

Can we imagine what they could have done with class size reduction, what they could have done with refurbishing classrooms and building new classrooms, had they been getting millions and millions and millions of dollars extra year after year after year? They would not be looking to us.

They are smart enough out there now. They got burned on IDEA and burned badly, and they realize that that is the thing that drives their property tax up, up, up. That is the thing that takes all of their money away from being able to do all the things they want to do in reducing class size or anything else that they want to do to improve education in their district.

They are smart enough to know that they are not going to come here and say for one year we are going to give them 100,000 teachers. We are not going to pay for all the fringe benefits, et cetera; that is their responsibility. We will be gone in a year's time and then they are stuck. They would have put on those teachers.

Just like the big deal we are going to have 100,000 new police. How many stepped up to the plate? About one-third. Why? Because they would have put them on themselves if they had had the money, but they knew we would be gone and then they are stuck with them, and in all probability in a negotiation where they cannot get rid of them, even though they cannot find a way to pay for them.

□ 1715

So let us not use IDEA in this debate, because they know that that is a phony argument that we have heard before we became the majority for 20 out of 23 years.

What has the situation been in California? California said on their own, just as my Governor says on his own, we are going to reduce class size. They spent $1 billion last year, they are going to spend $1.5 billion this year.

What did they get? I will tell Members what they got. In the areas where they need the best teachers, they got mediocrity. That is all they got, and probably not very many with certifications; and even those with certifications, very little other than mediocrity, for $1 billion last year and $1.5 this year.

So let us not fall into the trap that somehow or other we will look out for IDEA down the line. That is the President's whole initiative. He cuts every program in his budget that works. Why? Because he has a feeling that, oh, the appropriators will come along and appropriate for that. He does not have to do that, he can get all these other silly ideas of what we do to improve education.

So let us not fall for it. Vote against the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of the motion to instruct conferees offered by my ranking member, the gentleman from Missouri.

As Members know, the Senate version of the Ed-Flex bill includes a provision which allows school districts to take funds targeted in last year's appropriation bill for class size reduction and use it for special education. This provision should be struck by the conferees and we should send that message today.

The Consortium for Citizens with Disabilities has written to the gentleman from Missouri (Mr. CLAY) supporting this motion that we instruct conferees.

Mr. Speaker, I include for the RECORD the letter from the Consortium.

The letter referred to is as follows:

CONSORTIUM FOR,
CITIZENS WITH DISABILITIES,
March 23, 1999.

Hon. WILLIAM CLAY,
Committee on Education and the Workforce,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE CLAY: On behalf of the members of the Education Task Force of the Consortium for Citizens with Disabilities, we write to you today in support of your motion to instruct conferees to strike the Lott Amendment to the Ed-Flex bill and to increase funding for the Individuals with Disabilities Education Act (IDEA).

CCD is gravely concerned that children with disabilities are being used as pawns in a political game. The Clay Motion to Instruct addresses this concern because it does not pit the interests of children with disabilities against the interests of their classmates.

Over the past three years, IDEA funding has grown by 85 percent. Unfortunately, given the increase in students in special education, the federal share accounts for only ten percent of the additional costs associated with educating students with disabilities. In the 1997 Amendments to IDEA, Congress recognized the need for additional support for general education. Now states can use twenty percent of new IDEA funds for general education activities. CCD supports this provision because it is designed to assist schools better meet their obligations to all students.

Every child in America benefits from increased education funding. CCD applauds the efforts of members of the House of Representatives and the Senate on both sides of the aisle who are committed both to securing additional funding for IDEA and to protecting the rights of children with disabilities to a free, appropriate public education. We urge members of the House of Representatives to support the Clay Motion to Instruct on the Ed-Flex bill.

Thank you for considering our views.

PAUL MARCHAND,
The Arc.
KATHERINE BEH NEAS,
Easter Seals.

Mr. Speaker, full funding of IDEA is a goal I have been committed to since I arrived in Congress. Do we need to provide 40 percent of the excess costs of educating a child with a disability? Absolutely. Should this be one of our priorities for Federal education funding? Absolutely.

As my chairman knows, I have joined him and my other colleagues in demanding additional funding for special education. Supporting the needs of disabled children and providing them with the chance to become productive, participating members of society is extremely important. However, it should not be at the expense of other Federal education programs.

Last year's appropriations bill created the class size reduction program, and recognized the commitment to hire 100,000 teachers over the next 7 years. That bill provided funding to hire the first 30,000 teachers, and put us on the path to reducing class size in grades 1 through 3 to an average of 18. This is an essential tool in the education reforms of States and localities. We should not jeopardize this funding only months before it is scheduled to go out.

The issue of IDEA funding is not a Democratic or a Republic concern. There has been strong bipartisan support for the substantial increases in funding for IDEA in recent appropriation bills, and I believe this will continue. I hope that the motion to instruct conferees of the gentleman from Missouri (Mr. CLAY) attracts the same type of support today.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to remind everyone that every study that has ever been printed has indicated that the number one issue as to whether a child does well or not is the quality of the teacher in the classroom; not the numbers, but the quality of the teacher.

Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the chairman of the Committee on Education and the Workforce for yielding time to me. I am pleased to be able to speak to this briefly.

I do rise in opposition to the motion to instruct conferees. We as House Members have, I think, done the right thing. I think we passed a good piece of legislation. Yes, I know there were some amendments from the other side that they would like to have had put in which were not put in, but essentially I think we have passed a good bill.

Let us remember what it was we passed, it was education flexibility. It really had nothing to do with IDEA per se. It had nothing to do with the 100,000 teachers per se. Over in the Senate, they have taken the whole provisions with the $1.2 billion for the reduction of class size, which is really the hiring of more teachers, and they have added a provision to allow IDEA to get involved with that.

That may or may not be a good thing to do. It is something which I think should be discussed at the conference. But I do not think we should have this motion to instruct conferees as part of that. I think it may upset the equilibrium enough so we might not even get to the conference on what is a good piece of legislation. I would hope we would remember that.

I think this is an instructive discussion we should have in terms of what we should do with respect to the conference. The bottom line is, we have a piece of legislation which was highly popular. We have a piece of legislation reported out of our committee with 33 yes votes and only 9 no votes. We have a piece of legislation which passed the House of Representatives just a week later which received 330 yes votes and only 90 votes against it. We have a piece of legislation which has been approved by each and every Governor of every State in the United States of America. We have a piece of legislation which the Secretary of Education and the President of the United States has said is a good piece of legislation.

There are differences between the House version and the Senate version, some of which are not touched in this motion to instruct conferees, which we are going to have to address as well.

This is a bipartisan bill. We have a very strong House position with respect to the bill. Quite frankly, I do not think getting involved in a technical motion to instruct conferees, to undermine what they have done in the Senate before we get there, that we can negotiate fairly as a House team, is the way to go.

I would encourage each and every one of us, Republicans and Democrats, to stand united in opposition to the motion to instruct conferees so we can go into that conference, get this bill done, and have a real achievement for the greater good of education in the United States of America.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Clay motion to instruct conferees on H.R. 800, to preserve our commitment to the class size initiative agreed to in last year's budget.

No one here disagrees with the need to provide additional funding for the Individuals with Disabilities Education Act program. However, we should not take away from other programs, like the class size initiative, in order to fund idea.

Our public schools have many critical needs, but we should not rob Peter to pay Paul. The Lott amendment as adopted by the Senate to their version of Ed-Flex allows localities to shift funds from the class size initiative to fund special education. We have seen continual efforts like this to shift funding from other educational accounts to IDEA without changing our bottom line investment in education.

Opponents of this educational funding shell game miss the point. The needs of students and schools are such that we cannot afford to back away from our commitment at the Federal level to properly fund public education.

Mr. Speaker, all students benefit where there is an appropriate student-to-teacher ratio. Discipline problems are minimized, the students receive the individual attention they need, students with special needs who are mainstreamed are able to participate in a more meaningful way because the teacher is able to give them the additional assistance they need.

I urge my colleagues to support the class size initiative and support the Clay motion to instruct.

Mr. Speaker, the gentleman from Michigan (Mr. KILDEE) introduced for the Record the letter from the Consortium of Citizens with Disabilities. I think it would be instructive to read the letter to the gentleman from Missouri (Mr. CLAY) on their behalf:

On behalf of the members of the Educational Task Force of the Consortium for Citizens with Disabilities, we write to you today in support of your motion to instruct conferees to strike the Lott amendment to the Ed-Flex bill and to increase funding for the Individuals with Disabilities Act.

CCD is gravely concerned that children with disabilities are being used as pawns in a political game. The Clay motion to instruct addresses this concern because it does not pit the interests of children with disabilities against the interests of their classmates.

Over the past three years, IDEA funding has grown by 85 percent. Unfortunately, given the increase in students in special education, the federal share accounts for only ten percent of the additional costs associated with educating students with disabilities. In the 1997 amendments to IDEA, Congress recognized the need for additional support for general education. Now States can use twenty percent of new IDEA funds for general education activities. CCD supports this provision because it is designed to assist schools to better meet their obligations to all students.

Every child in America benefits from increased education funding. CCD applauds the efforts of the Members of the House of Representatives and the Senate on both sides of the aisle who are committed both to securing additional funding for IDEA and to protecting the rights of children with disabilities to a free, appropriate public education.

We urge Members of the House of Representatives to support the Clay motion to instruct on the Ed-Flex bill.

Thank you for considering our views.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding time to me. I rise to speak in opposition to the motion to instruct the conferees.

If we take a look at simply what the Lott amendment does, it allows local schools and local administrators to make a very basic decision. It provides local school districts with a choice. It says, if you want to focus on reducing class size, you can use the money to reduce class size. But perhaps if you have already done that and your class sizes are small and you have a pressing need in special education, you can make that choice.

So it is a very simple process of saying, we are committed to providing additional resources, additional funding for education, but we believe that the decision needs to be made at the local level. That is what Ed-Flex is about. Ed-Flex is about moving decision-making to the local level, and it is about reducing red tape and bureaucracy so that we can actually move more dollars from the Washington bureaucracy into the classroom, and as we do that, we can address class size, we can address special ed, we can address teacher training, we can address technology, and a whole other range of problems and opportunities that local school districts face today.

Let us keep moving in the direction of enabling local administrators and local parents and local teachers to do what they believe is best for education in their school districts. Let us not hamper and hinder an education bill that is moving in the right direction by coming right back with the same old Washington model, which is more rules and regulations and directions.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise as a very strong supporter and coauthor of the education flexibility bill. The gentleman from Delaware (Mr. CASTLE) and I have worked for 8 months on this legislation that all 50 Governors want, that the President of the United States supports, that passed out of our committee in a bipartisan way 33 to 9, that passed the House Floor 330 to 90, and that passed the United States Senate by a vote of 98 to 1. This is very sound, innovative, bold educational reform that helps move public education forward in an innovative way.

As a strong supporter of this education flexibility bill, I also rise in support of the motion to instruct, and do so for two reasons.

One reason is because I want to have a clean bill, a simple bill that addresses education flexibility, which is about an old value and a new idea, pure and simple. It is about the old value of local control, local parents making decisions, and the new idea of added flexibility and accountability to students for student performance, and will remove the handcuffs of regulations and paperwork from the Federal and State levels if we see student performance increase.

Let us keep it to Ed-Flex, and not add on superfluous amendments to this very clean, very bipartisan, and very widely supported bill.

□ 1730

The second reason is, we should have a clean debate on the two issues included in the Lott amendment that we are debating and we are advocating that that be dropped in conference. One is IDEA funding, which I strongly support; and the second is more teachers, more quality teachers in our schools, which I strongly support.

We in Congress are not saying let us pick between fixing Medicare and fixing Social Security. We are saying let us fix both of them.

We should also be saying in education, the number one domestic issue in America today, let us address IDEA, the Individuals with Disabilities Education Act, and let us add more quality and certified teachers for what they should be teaching in our schools and insist on quality.

We should not pit these two programs against each other, Mr. Speaker. We should not play politics with those two programs when we have a clean and widely supported and hugely creative Ed-Flex bill.

Let us pass this Ed-Flex bill. Let us be bipartisan. Let us get this to the President's desk and then month by month and day by day let us debate these two worthy programs on their own merits.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

In response to my colleague and friend, the gentleman from Indiana (Mr. ROEMER), there is a difference between claiming this would be a clean bill and actually making it so that it does in real dollars what this hypothetically does.

The goal of Ed-Flex was to give flexibility to local school systems and States to have flexibility with their money. Senator LOTT's amendment in the Senate actually allowed flexibility in the money.

The Democratic motion to instruct conferees in article 2 says that additional funding be authorized. That is not real money. That is much like a sense of Congress that we should give more money. It deletes the part that actually gives the flexibility to the State and locals to choose.

The gentleman from Indiana said that Congress should not be dictating what the local school districts are doing between teachers and IDEA. Yet, at the same time, that is exactly, if this motion to instruct conferees would pass, what we are doing, because Congress should not dictate whether or not they should hire teachers. Congress should not dictate whether they should use it for IDEA. Congress should not dictate whether it is if computers. The point of Ed-Flex is to let the districts choose.

The Lott amendment gave flexibility so that, in last year's appropriations bills, not that they have to use it for IDEA, but that they can use it for IDEA in real dollars. This is real flexibility. How can my colleagues claim to be for this bill and yet instruct conferees before we even start that they cannot have flexibility with the appropriations.

The point of this bill is to give that local flexibility, especially since, on March 4, there was a Supreme Court decision regarding the health care related to school performance of Garrett Frey in Iowa. That health care is going to cost that school district $30,000 to $40,000 a year just for the nurse.

The party that was in control of this Congress for 40 years and during the whole period of IDEA did not put necessary funding in. We are only funding it at 12 percent. With this court decision, they needed even more. Here we have the opportunity to put the money in, and they are against allowing the schools the flexibility.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of the Clay motion to instruct conferees. I am on the Committee on Education and the Workforce, and I certainly have been working with both sides of the aisle to make sure that we had a good Ed-Flex bill go out. It troubles me greatly that now we are adding something else on that was not there in the beginning.

No more than an hour ago, I met with 25 students from New York Tech. These were students that certainly did very well because of IDEA. IDEA is something that helped my son get through high school and now college. So I can say that I am certainly a supporter of IDEA. I am certainly a supporter of bringing the funding up to 40 percent.

What scares me is that we are pitting this bill against another bill, IDEA and Ed-Flex. We should be working on all levels to give our children the best education that we can. We should not be fighting about this. Our children are at stake.

I do believe that we should be dealing with IDEA on a separate issue. We should be dealing with our teachers on a separate issue. Let IDEA go. Let it go forward to the schools and to the States with the intention of what Congress passed and also what the Senate passed.

Mr. Speaker, all of us on our committee care very much about the children. All of us on the Committee on Education and the Workforce want to do the right thing. Let us not start fighting about this, because the ones that are going to get hurt in the end are going to be our children. Let us not let politics get in the way of this. We just came back from Hershey, hopefully to get along with each other, and this is not the right way to start it.

I support Ed-Flex as it is. I certainly will support IDEA for full funding, and I support 100,000 new teachers. Most of us here will do that. Let us not tear it apart.

I ask my colleagues to support the Clay motion, and let us deal with all the other issues on a separate basis.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, we have heard a lot of discussion today about the issue of flexibility. We have heard speakers who oppose allowing the localities to make the choice as to whether to spend money on hiring new teachers or for IDEA, that this is somehow a superfluous amendment. Nothing could be less superfluous than this amendment. This is a very important issue for every school board in this country.

We have heard discussion about the issue of let us pick or we should not be picking. We are not making the choices here in Congress, nor should we be making the choices. The fact is, Mr. Speaker, that we should give local school boards the right to decide whether they need to reduce class size or whether they need to provide more funding for IDEA.

I support full funding of IDEA, but I am willing, if you will, to put my money where my mouth is and to say in this forum here that we should give local school boards every opportunity they possibly can to put scarce resources into IDEA. Indeed, Mr. Speaker, a vote for this motion is a vote to deny local school boards that option.

It does not pit one group against another. What it does is it gives the local school boards the opportunity to do what is best for their own constituencies. If class size is not the top priority for a local school board, then it should be something else. I think IDEA should be the highest funding priority for this Congress.

So, Mr. Speaker, I rise in opposition of the motion to instruct. I support very strongly the Lott amendment. It provides local school districts with an additional $1.2 billion, yes, to hire more teachers if they choose, and, yes, to provide more money for IDEA.

Please oppose this motion to instruct and send this bill to conference so that we can include the Lott amendment in the final of the version of the bill which we send to the President.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time.

Mr. Speaker, I rise in strong support of this motion to instruct, and I appreciate what people have said on the other side. But the fact of the matter is that the program to provide for 100,000 teachers over the next several years in the classrooms of this country is a program that was passed by this Congress. It is a high priority for the President of the United States. Now what we see is an attempt in the Senate to try and renege on that promise, to torpedo that program because the other side does not like the idea of using this money to reduce class sizes.

Now what they have decided to do is they are going to pit disabled children's education against the reduction in class sizes. This is a program for the purposes of reducing class sizes. Already one of the criticisms is that there is not enough money to do it properly.

So if some States do not want to use it for that purpose, then the money can be reallocated to the States who have a crying need to lower their class sizes, and they can get about that business. This is not a mandatory program. It is not required that one takes money from the Federal Government.

The notion that somehow that this is really about helping with IDEA, it is interesting that, in the budget resolution that the Republicans are going to bring to the floor, there was an attempt there to fully fund IDEA, and all of the Republicans voted against it.

So they say they are all upset that we have only funded 10 percent or 12 percent since we made the promise to fully fund the excess cost, and yet when they had the chance in the budget resolution to vote it for it, they voted against it.

So let us understand what is going on here. There is an attempt here to derail and deny a President a program that is very popular among parents, among school administrators and others to try and reduce class size, because reduced class size does appear to be having an impact.

I appreciate what the gentleman said, it is about the quality of teacher. Nobody has fought harder for the quality of teacher. But I have met an awful lot of good teachers, an awful lot of very good teachers who will tell my colleagues that it is very difficult to do their job when they are teaching 35 and 40 students at different grade levels.

The point is this, that the Senate can try and derail that presidential program, or we can deal with Ed-Flex straight up, which we ought to do.

So let us just understand that that is what is taking place here. This is not about IDEA other than to use it as a battering ram against the presidential program that many, many school districts are waiting to be able to take advantage of. Schools do not want to do it, then do not do it.

But the fact of the matter is that we should do full funding of IDEA. But when my colleagues had their opportunity to do it, they did not do it. We could have it in the budget resolution on the floor this week, but the choice was not to do that. The choice was to go off and fund star wars or whatever else they are doing with the money that they have.

So let us keep the two things separate and understand that this is about Ed-Flex. We ought to pass an Ed-Flex bill. We ought to send that Ed-Flex bill to the President of the United States, and we can come back, and we can keep our promise on the 100,000 teachers. Then we can deal with IDEA when the time comes for us to deal with that in the appropriations bill.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am surprised at the gentleman from California (Mr. GEORGE MILLER) who just preceded me. For 40 years, the Democrats controlled this House. The most they ever gave IDEA was 7 percent.

We came in. I was chairman of the committee that sat literally the school groups and the parent groups together with the gentleman from Pennsylvania (Chairman GOODLING), locked them in the room and said no bread or water until they come out.

My colleagues want to help IDEA? Listen to Alan Burson, San Diego city schools, a former Clinton appointee. The unions and the trial lawyers are ripping off IDEA. My colleagues give them more money, and the local trial lawyers are going to come in and rip them off. Talk to our new Governor, Gray Davis. Ask him what the problem is with IDEA. It is his number one problem.

We have a problem of losing good teachers. Carolyn Nunes just happens to be my sister-in-law. She is in charge and the director for all special education of all San Diego city schools. She is losing good teachers because the trial lawyers are forcing these teachers, who just want to help children, they want to help children, they are not trial lawyers, they are being forced into the courts, and they are leaving because they are getting battered by the trial lawyers. Help us. Help us combat that.

My colleagues talk about 100,000 teachers. My colleagues wanted 100,000 teachers in the President's bill, a big political move, but they wanted to raise taxes $139 billion. They wanted government to control it. We said no. No new taxes of $139 billion. We are going to send the money directly to the schools, and it is going to be under the caps. If my colleagues want to break the budget, be my guest. We feel that a balanced budget is necessary and to handle that.

Ed-Flex. It is amazing how difficult it is to pass a bipartisan bill that the President supports, that Republicans support. But yet there is those who still want government control, government control.

Look up www.dsausa.org. That is the Democrat socialist party. Look under the progressive caucus and their 12-point agenda: government control of health care, government control of education, government control of private property, to raise taxes the highest level ever, and cut defense by 50 percent. That is what we are fighting on here. We are trying to give flexibility, not bigger government.

□ 1745

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise in support of the motion to instruct.

We hear quite often these days that Americans are disenchanted with politics, disgusted with politicians, and feel disconnected from Washington, D.C. Is it any wonder, when the Senate leadership makes a commitment to reduce class size and tells schools to plan for those funds and then reneges on that promise? Is it any wonder that Americans do not trust politicians in Washington, D.C.?

Oregonians and Americans want class size reduction, not Senate amendments that take this historic measure away from our children. Nor do Americans want to pit a good public education for all children against a good education for special needs children. We can do both. We are a country that can afford to do both. We need to do both and we can afford to do no less.

Studies show that when we reduce class size in the early grades and give students the attention they deserve, the learning gains last a lifetime. Only 2 nights ago I was having dinner with two schoolteachers, and they were planning for next year. School districts right now are making their plans for next year. Right now. And they were uncertain whether they were going to get the funds for class size reduction. Now, they do not understand parliamentary procedure, but they are deeply concerned.

Each school year comes only one time in a child's life. Johnny will have only one pass at first grade. Sally will have only one pass at second grade. There will be only one pass at third grade for each child.

Decades ago we issued a promissory note to educate Americans with disabilities. Last year we issued a promissory note to America's children to reduce class size and to improve public education. To borrow a phrase, Mr. Speaker, when these children come back to this Congress to redeem those promissory notes, will we stamp them "insufficient funds"? We cannot do that. We cannot afford to do that.

Mr. Speaker, we can afford to educate all children and special needs children. Let us not put partisanship and political battles in front of real progress for America's schoolchildren. Let us honor the commitment we have already made to our schools. That way we start the effort to reduce class size and we keep a crucial promise we have made to our children.

Mr. GOODLING. Mr. Speaker, what is the division of time at the present time?

The SPEAKER pro tempore (Mr. BRADY of Texas). The gentleman from Pennsylvania (Mr. GOODLING) has 13 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 9½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), our newest member on the committee.

Mr. ISAKSON. Mr. Speaker, I rise in opposition to the motion to instruct, and as I listen to the debate from both sides, I think both sides would really agree with voting against instructing for the following reason.

For whatever its intention, this particular amendment forces us to take a choice between a direction of spending money on teachers or on IDEA, when in fact it was this House, when it passed the Educational Flexibility Act, which passed an act that in seven Federal programs, including Title I, gave waivers of local and State rules to local systems to spend money for the betterment of children. It did not deal with 100,000 teachers, nor did it deal with the funding of IDEA.

I think both sides understand that whether or not we continue the commitment on teachers will be dealt with later in authorization; whether or not we rise to fund IDEA will be dealt with later. But today this House has the chance to stand firm behind a bill that it passed which in fact caused the Senate to take action.

Notwithstanding whatever our opinion of the amendment may have been, we should leave here united behind the House message, which was flexibility to local schools, waivers of rules to allow them to be able to do what they think is best. Let us debate later, and at the appropriate time, how many more teachers we fund for the classroom or where the IDEA money comes from.

And just so it is clear, it is really not appropriate on an instruction to all of a sudden hire 100,000 teachers, spend $3.6 billion, which I understand is the cost, and not even consider the mandate of additional benefits and supplements to local systems, plus whether or not there will even be an ongoing commitment in the future.

I would submit that for us to continue what this House began, we should send back the message that we are for educational flexibility, we should have our conferees stand firm for that which we passed, and we should not place ourselves or anyone else in the position of picking over children or teachers, all for the sake of politics.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the chairman for yielding me this time.

It was interesting listening to this discussion today on a bill that is geared to give schools more flexibility. The first argument against was we should not rob Peter to pay Paul.

Now, as I looked at this bill or this language from Senator LOTT, it says "you may". It does not say "you shall". Now, if we are robbing Peter, that means we are taking it from him and we are giving it to Paul. That is not happening.

It is interesting who is doing the robbing. The language we are now being asked to include is robbing our communities of their wisdom, it is robbing our schools of fixing their priorities if they choose to.

Then we have the argument that we are trying to deny the President his program. I fault all governors and Presidents from adequately funding existing programs or fixing them. They are always wanting new ones because they can put their names on them. If we are in the business of legacies, then we are not in the business of helping schools.

The more flexibility we give to schools, I want to tell my colleagues, I have faith that education will improve. We are 7 percent of the money and 70 percent of the paperwork, teachers and administrators tell me. Are we the savior? No, we are the problem. So the more flexibility we give them, the more we allow local decision-making progress, the better the quality of education will be.

Nobody is robbing Peter to pay Paul. This language robs local districts to choose if their wisdom tells them they should.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, unfortunately, my colleagues have put the conferees on this side in a very difficult position, because what basically they have done is opened up a debate and a discussion that should not have been opened up. And I would imagine that these conferees from this side will be told quite a few things by the conference which otherwise would not have happened. Unfortunate. Poor judgment. Nevertheless, that is what has happened.

Mr. Speaker, I encourage everyone to vote "no" on the motion to instruct.

Mr. CLAY. Mr. Speaker, I yield myself the balance of my time.

In regards to that last statement, let me say that we on this side did not open this debate. It was Senator LOTT who opened the debate. And this motion to instruct will correct the debate that Senator LOTT opened.

Mr. Speaker, let me read something from the Secretary of Education, Richard Riley, in regards to this particular problem that we are dealing with. Secretary Riley says, "I am deeply disappointed that Congress took steps in the wrong direction over the last 2 days as it failed to make a long-term commitment to reduce class size. Both the House and the Senate had opportunities to let local school districts know that funds will continue to be available, so that over 7 years 100,000 teachers can be hired to reduce class sizes in grades 1 to 3 to 18 students per teacher. However, they did not only fail to do that but instead, in the case of the Senate, retreated from the bipartisan agreement reached last year. There is nothing more timely or important than giving parents and teachers the reassurance that their children will be able to learn in smaller classes."

And Secretary Riley says, "I urge Congress to drop the amendments that undermine last year's bipartisan agreement to reduce class size and reach agreement on the Ed-Flex bill with strong, responsible accountability provisions. It is unfortunate that the first education debate of this Congress ended in partisan efforts instead of addressing the serious issues confronting our Nation's schools. Our students, parents and teachers want, need and deserve better."

Mr. Speaker, I do not understand the switch in the Republican position on 100,000 new teachers to reduce classroom sizes. Last year the Republican leadership, including Speaker Newt Gingrich; the majority leader, the gentleman from Texas (Mr. DICK ARMEY); and chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. BILL GOODLING) gave glowing praise to the concept of 100,000 new teachers and voted to start on the 100,000 new teachers; voted for $1.2 billion to start funding the 100,000 new teachers.

On October 15 of 1998, President Clinton and congressional budget negotiators reached agreement on a bill for 1999. Among the programs included in that agreement was $1.2 billion invested to hire 100,000 teachers to reduce class sizes across America. Here is how the Republican leaders described the 100,000 teachers legislation at the time.

Former Speaker Newt Gingrich. "We said the local school board would make the decision. No new Federal bureaucracy, no new State bureaucracy, not a penny in the bill that was passed goes to pay for bureaucracy. All of it goes to the local school districts." Then House Speaker Newt Gingrich, a Georgia Republican, called it "A victory for the American people. There will be more teachers, and that is good for all Americans."

The majority leader, the gentleman from Texas (Mr. DICK ARMEY), when asked what he would say are the key Republican achievements of this bill, responded, "Well, I think quite frankly I am very proud of what we did and the timeliness of it. We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people are willing to work with us, so that we can let the State and local communities take this money, make these decisions, manage that money, spend the money on teachers as they saw the need, whether it be for special education or for regular teaching, with the freedom of choice and management and control at the local level, we thought this was good for America and good for the schoolchildren. We were very excited about the move toward that end."

That is the end of the quote of the gentleman from Texas (Mr. DICK ARMEY). They were excited about hiring 100,000 new teachers last October.

And the chairman of this committee, of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. BILL GOODLING). Let us see what he said about it. He said, "It is a huge win for local educators and parents who are fed up with the Washington mandates, red tape and regulation." He is talking about the mandating of 100,000 new teachers. That is his quote.

So, Mr. Speaker, I say to my colleagues, if they are for reducing classes, if they are for giving children more individualized attention, if they are for improving student achievement, they must support the Clay motion to instruct.

□ 1800

We should never pit one group of parents against each other to score political points. The disability community and the Chief States School Officers and the National PTA support this motion.

We have promised America's schoolchildren 100,000 new, well-qualified teachers. This motion demonstrates that we intend to keep that promise, and I ask my colleagues to support the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent for an additional 30 seconds since my name was used.

Mr. CLAY. Mr. Speaker, I object. He had his time. I object to the request.

The SPEAKER pro tempore (Mr. BRADY of Texas). Objection is heard.

Mr. PAYNE. Mr. Speaker, I rise in support of this motion to instruct. Mr. LOTT's amendment that was included in the Senate passed version of the Education Flexibility Partnership Act would gut the ability of schools to hire more teachers for our classrooms.

The Republicans would like you to believe that this amendment will help our schools more because funds would be reallocated toward special education. Pitting one education priority against the other is bad public policy and bad politics. This is an attempt by the Republicans to have American people believe that education is a priority in the GOP.

But if you look closely at the Budget they have come up with, it is obviously not the truth. While they may have increased education funding by $500 million above the 1999 level for elementary and secondary programs, they have decreased funds by cutting funds for the Pell Grants, Work Study and other programs for low-income college students.

Democrats and true education advocates know that the key to improving education in this country cannot be achieved by picking and choosing programs to adequately fund. We must ensure that the entire funding level for education programs is funded at an adequate level and only then will we see true improvements in achieving among our students. Americans must realize that we truly value all education initiatives and we do not pit one against the other.

I urge members to vote for this motion to instruct.

The Speaker pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Missouri (Mr. CLAY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 205, nays 222, not voting 6, as follows:

[Roll No. 64]

YEAS—205

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Barr
Gekas
Hooley
Myrick
Ros-Lehtinen
Stupak

☐ 1820

Messrs. CANNON, GARY MILLER of California, POMEROY, KNOLLENBERG and RYAN of Wisconsin changed their vote from "yea" to "nay."

Mr. KLECZKA changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BRADY of Texas). The Chair will announce the appointment of conferees later today.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-76) on the resolution (H. Res. 125) providing for consideration of the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 106TH CONGRESS

Mr. THOMAS. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 101) providing amounts for the expenses of certain committees of the House of Representatives in the 106th Congress, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 101

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $8,564,493; Committee on Armed Services, $10,599,855; Committee on Banking and Financial Services, $9,725,255; Committee on the Budget, $9,940,000; Committee on Commerce, $15,537,415; Committee on Education and the Workforce, $12,382,569.63; Committee on Government Reform, $21,028,913; Committee on House Administration, $6,307,220; Permanent Select Committee on Intelligence, $5,369,030.17; Committee on International Relations, $11,659,355; Committee on the Judiciary, $13,575,939; Committee on Resources, $11,270,338; Committee on Rules, $5,069,424; Committee on Science, $9,018,326.30; Committee on Small Business, $4,399,035; Committee on Standards of Official Conduct, $2,860,915; Committee on Transportation and Infrastructure, $14,539,260; Committee on Veterans' Affairs, $5,220,900; and Committee on Ways and Means, $11,960,876.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,175,983; Committee on Armed Services, $5,114,079; Committee on Banking and Financial Services, $4,782,996; Committee on the Budget, $4,970,000; Committee on Commerce, $7,597,758; Committee on Education and the Workforce, $6,427,328.22; Committee on Government Reform, $10,301,933; Committee on House Administration, $3,055,255; Permanent Select Committee on Intelligence, $2,609,105.06; Committee on International Relations, $5,776,761; Committee on the Judiciary, $6,523,985; Committee on Resources, $5,530,746; Committee on Rules, $2,488,522; Committee on Science, $4,453,860.90; Committee on Small Business, $2,094,868; Committee on Standards of Official Conduct, $1,382,916; Committee on Transportation and Infrastructure, $7,049,818; Committee on Veterans' Affairs, $2,497,291; and Committee on Ways and Means, $5,833,436.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,388,510; Committee on Armed Services, $5,485,776; Committee on Banking and Financial Services, $4,942,259; Committee on the Budget, $4,970,000; Committee on Commerce, $7,939,657; Committee on Education and the Workforce, $5,955,241.41; Committee on Government Reform, $10,726,980; Committee on House Administration, $3,251,965; Permanent Select Committee on Intelligence, $2,759,925.11; Committee on International Relations, $5,882,594; Committee on the Judiciary, $7,051,954; Committee on Resources, $5,739,592; Committee on Rules, $2,580,902; Committee on Science, $4,564,465.40; Committee on Small Business, $2,304,167; Committee on Standards of Official Conduct, $1,477,999; Committee on Transportation and Infrastructure, $7,489,442; Committee on Veterans' Affairs, $2,723,609; and Committee on Ways and Means, $6,127,440.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration.

SEC. 7. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution and the committee amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The text of the committee amendment in the nature of a substitute is as follows:

Committee amendment in the nature of a substitute:

Strike out all after the resolving clause and insert:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) In General.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $8,414,033; Committee on Armed Services, $10,342,681; Committee on Banking and Financial Services, $9,307,521; Committee on the Budget, $9,940,000; Committee on Commerce, $15,285,113; Committee on Education and the Workforce, $11,200,497; Committee on Government Reform, $19,770,233; Committee on House Administration, $6,251,871; Permanent Select Committee on Intelligence, $5,164,444; Committee on International Relations, $11,313,531; Committee on the Judiciary, $12,152,275; Committee on Resources, $10,567,908; Committee on Rules, $5,069,424; Committee on Science, $8,931,726; Committee on Small Business, $4,148,880; Committee on Standards of Official Conduct, $2,632,915; Committee on Transportation and Infrastructure, $13,220,138; Committee on Veterans' Affairs, $4,735,135; and Committee on Ways and Means, $11,930,338.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,101,062; Committee on Armed Services, $5,047,079; Committee on Banking and Financial Services, $4,552,023; Committee on the Budget, $4,970,000; Committee on Commerce, $7,564,812; Committee on Education and the Workforce, $5,908,749; Committee on Government Reform, $9,773,233; Committee on House Administration, $2,980,255; Permanent Select Committee on Intelligence, $2,514,916; Committee on International Relations, $5,635,000; Committee on the Judiciary, $5,787,394; Committee on Resources, $5,208,851; Committee on Rules, $2,488,522; Committee on Science, $4,410,560; Committee on Small Business, $2,037,466; Committee on Standards of Official Conduct, $1,272,416; Committee on Transportation and Infrastructure, $6,410,069; Committee on Veterans' Affairs, $2,334,800; and Committee on Ways and Means, $5,814,367.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,312,971; Committee on Armed Services, $5,295,602; Committee on Banking and Financial Services, $4,755,498; Committee on the Budget, $4,970,000; Committee on Commerce, $7,720,301; Committee on Education and the Workforce, $5,291,748; Committee on Government Reform, $9,997,000; Committee on House Administration, $3,271,616; Permanent Select Committee on Intelligence, $2,649,528; Committee on International Relations, $5,678,531; Committee on the Judiciary, $6,364,881; Committee on Resources, $5,359,057; Committee on Rules, $2,580,902; Committee on Science, $4,521,166; Committee on Small Business, $2,111,414; Committee on Standards of Official Conduct, $1,360,499; Committee on Transportation and Infrastructure, $6,810,069; Committee on Veterans' Affairs, $2,400,335; and Committee on Ways and Means, $6,115,971.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund of $3,000,000 for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration.

SEC. 7. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. The gentleman from California (Mr. Thomas) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration, for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, this funding resolution, House Resolution 101, for the 106th Congress is the fairest and the most equitable in distributing the resources to the committees in the recorded history of the House. More resources, staff, equipment and dollars are being provided to the minority in this resolution than in any other Congress. Speaker Hastert has provided more resources than former Speakers, including Speaker Foley, Speaker Wright, Speaker O'Neill, Speaker Albert, Speaker McCormick, Speaker Rayburn. I think you have got the idea. That also includes Speaker Gingrich in the 104th and the 105th Congress. Our commitment to the goal of two-thirds for the majority and one-third to the minority is closer than at any time in the recorded history of the House. And it is deserving of the Members' support.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this past weekend in Hershey, many of us implicitly pledged to rise above our party labels and work as one when issues of right and fairness demanded it. Today, just 2 days later, after Hershey, we face the first test of that premise. If we pass the test, I have no doubt that the 106th Congress will take a step in reducing the air of animus and acrimony.

I urge my colleagues on both sides of the aisle to support the motion to recommit that I will offer at the conclusion of this debate. Without altering the funding totals in House Resolution 101, my motion provides for a fair, one-third/two-thirds division of total committee resources between the majority and minority, and the complete discretion over the use of these resources.

I offer the motion, Mr. Speaker, because House Resolution 101 does not treat 212 Members of this body fairly, and, therefore, contravenes all that Hershey symbolizes. I might say, Mr. Speaker, that this minority is the largest minority in this century.

It was not that long ago that I could have counted on the current majority to support my motion to recommit. In a March 30, 1993 letter, signed by 31 Republican leaders, 17 of whom still serve in this body, they wrote then and I quote: "If congressional reform means anything, it means fairness to the minority in allocation and control of resources."

I ask my majority colleagues to consider that language of 31 of their leaders. They went on to say that "reform without fairness is merely shuffling the cards in a marked deck."

Their letter went on to say further, and I quote, "A ratio of one-third/two-thirds for all committee staff, investigative as well as statutory, is a sine qua non, an absolutely essential component of, the effort for bridging the institutional animosities that now poison our policy debates."

It was that criteria of fairness, that PAT ROBERTS and JENNIFER DUNN included in their amendments, and in their motions to recommit on the floor, for which every Republican, save one, DON YOUNG of Alaska, voted in 1993 and 1994, of those Republicans who still serve in this body.

□ 1830

Now let me make it very clear to my colleagues on my side of the aisle. To his credit, the gentleman from California (Mr. THOMAS) has fully adopted the one-third/two-thirds principle for the Committee on House Administration. I have thanked him for that, and I admire him for that. Since 1995 he has given our side one-third of the total funds, one-third of the staff, and control over our share of the resources.

Unfortunately, no other committee chairman has fully followed his lead. Frequently the chairman will speak of 30 percent as though it is the same as one-third. It is not. One-third equals 33.3 percent, not 30 percent, not 29.8, not 31. The 3.3 percent difference can add up to thousands of dollars in lost resources for the minority.

Again, I call my colleagues' attention to the definition of "fairness" incorporated in this statement, a definition that was then adopted by every Republican, save one, who was a Member of this body in 1993 and 1994, and is a Member today. However, when the chairmen talk about "fairness," they fail to explain why the minority does not control one-third of the nonsalary budget. That means whenever the minority staff needs to purchase a computer or a copy machine or a box of paper clips, it must ask the chairman for the money to make the purchase, a situation of which the then minority in 1993 and 1994 bitterly complained.

Often chairmen will claim that the minority receives one-third of the committee staff slots. That may in some instances be true, but if the minority does not also receive one-third of the total committed funding, the staff slots may be irrelevant. And if a chairman arbitrarily exempts any portion of a committee staff as nonpartisan administrative personnel even though these employees work full-time in the majority office, then the claim has been inflated.

Another refrain we hear to justify a less than perfect implementation of the one-third principle is that Democrats on some committees did not respect it when they were in the majority, and therefore it has taken time to "grow" their budgets to the full one-third. That argument may have worked in the 104th, and perhaps in the 105th, but very frankly it is time to do, Mr. Speaker, what they said on the minority side was fairness. That is the criteria that they set; that is the motion to recommit that I will offer. It is exactly like that offered by PAT ROBERTS in 1993 and the gentlewoman from Washington (Ms. DUNN) in 1994.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

I would only tell my friend from Maryland (Mr. HOYER) that perhaps he should have had the foresight to vote for that motion to recommit. Since he did not and no Democrat voted for it, they sent a pretty clear message that that was not something that they were for. Notwithstanding that, I think my colleagues will find that the new Republican majority has moved in that direction significantly.

Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. EHLERS), a very hard-working member of the committee.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me the time.

First of all, I believe this is an excellent resolution. We, as my colleagues know, had some problems the last few years on this particular issue, but it is in much better shape now than it has been in the past, both in terms of a fair distribution and allocation among the committees as well as a modest overall increase which will better allow the committees to do their work.

The remainder of my comments will deal with the issues raised by the previous speaker, which I believe are outlined the ideal that we are striving for. I have Several comments:

First, I have a chart here which reviews the historical development of relative staff allocation between the majority and minority on the various committees. My colleagues will note, as they look at the blue line which denotes, on this chart, the staff levels for the minority that designates the number of minority staff slots that are assigned for the various committees. The minority party resources are shown as a percentage, plotted on the left side, and the red lines indicate resources allocated to the minority. My colleagues can notice here a great jump as one goes from the Democratic-controlled House to the Republican-controlled House.

This jump is something that those of us in mathematics refer to as a step function. There is a discontinuity here. If any of my colleagues understand electronics, they will also recognize this as a diagram of the current flow through a transistor as a function of voltage. We can make a computer out of things like this! But that is not what we are doing here. We are simply pointing out a tremendous dislocation of resources allocated to the minority, comparing the Democratic leadership to the Republican leadership.

I think we deserve a great deal of credit for the improvement the Republicans made immediately upon assuming the majority, and for the continuous improvement we are making now, trying to reach the ultimate goal of 33 percent. We are actually getting fairly close.

The other factor I note is that in doing some research on this, I discovered a Roll Call newspaper article from 1989. I discovered somewhat to my surprise that the Committee on House Administration at that time had set a 20 percent ratio for the minority, which is of course off the bottom of my chart here and does not even begin to compare with what the Republicans have done for the minority in this Congress.

But what is really interesting in this article is a quote from the then-chairman of the Committee on the Judiciary, the gentleman from Texas, Mr. Brooks, who made the comment that he did not see why we even needed the 20 percent figure for the minority because, after all, the Democrats had no say in the staffing of the Republican-controlled executive branch. Following that argument, we of course should be below the 20 percent level now because we now have a Democrat President running the country, and why should we allow the Democrats more than 20 percent? Mr. Speaker, I think that reasoning is faulty, but it is indicative of some of the attitude some Democrats had at that point.

The point is simply that the Republicans have made a very good effort to achieve the goal of a two-thirds majority, one-third minority allocation of resources and staff slots. We are making good progress. Frankly, I hope we get there very soon, and we may be able to do that in the next funding cycle. But certainly no one can fault us for our efforts to achieve that goal. I am proud of what we have achieved, and we will continue to work in that direction.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. DAVIS), a member of the Committee on House Administration.

Mr. DAVIS of Florida. Mr. Speaker, our constituents sent us here to tend to their business and represent their views to the best of our abilities. This debate today is central to fulfilling that mission.

We talk about committee funding. What we are really talking about is whether Members of Congress have adequate resources to represent their constituents in committees, and much of the most important work in Congress, the fact-finding, takes place in committee.

The Democrat minority has made a very fair and responsible request. We make up 49 percent of the House of Representatives, and we are simply asking for one-third of the committee funding. As former Speaker Newt Gingrich once said, giving one-third of the funding to the minority is absolutely indispensable for bridging the institutional animosities that now poison our policy debates. We all know the damage this institution has suffered recently because of venomous partisan clashes. It is my sincere hope that these dark days are behind us and we can forge a stronger bond of trust to work together for the good of our Nation. A more just distribution of resources will take us down this path.

Let me cite the work of one committee as an example of why it is so important that we have the one-third ratio. The performance of the Committee on Government Reform and Oversight illustrates what can happen when there is nothing to rein in an overly zealous partisan agenda. The committee held few hearings, spent huge sums of money, duplicated resources available elsewhere, and even manipulated transcripts to advance their agenda. Had the minority had the opportunity and resources to participate more fully in the conduct of the committee's business, it might have been able to serve as a restraint on this committee's record.

Despite its record, this committee has asked for a 7 percent funding increase while freezing the minority's resources at 25 percent. This is unacceptable.

Back in 1995 the Committee on House Administration stated its goal was to have one-third funding, and the gentleman from California (Mr. THOMAS) has lived up to that goal. Unfortunately, several committees have not.

Let me close with two final points. There has been a lot of talk about what the Democrats did and what the Republicans have done. It is important to keep in mind that over 43 percent of the House Members serving here today, 189 Members, did not serve in this Congress prior to 1994. We are not so much interested in the history of who did what to who. We are interested in serving our constituents and moving forward.

One of my favorite sayings is: "Everybody is entitled to their own opinion, but not to their own version of the facts" And we all know, Democrats and Republicans, that one of the places where we can come together and minimize disagreement is agreeing upon what the facts are. Unless the Democrats have the staff support they need to do their work so we can come together on the fact-finding in the committees, then we cannot truly do what we were sent here to do, which is debate our opinions.

I urge my colleagues to vote against the resolution today and to support the Hoyer motion to recommit.

Mr. THOMAS. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I know there are a lot of Members who have not been here long and therefore their history is not as deep or as long as some others. I am going to introduce the new chairman of the House Committee on the Judiciary.

This is a headline from Roll Call, March 27, 1989. The headline says: "Six Committees Fail to Meet the New 20 Percent Minority Ratio Test." The Democrats were using a 20 percent goal. On the Committee on the Judiciary the ratio in 1989 was 82 percent to the majority, 18 percent to the minority. That is clearly unacceptable. But when we have to move funding of a committee the size and scope of this one, and this one was not alone, we have got to move over time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the chairman of the House Committee on the Judiciary, who is here to tell us what we are doing in the 106th Congress.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding this time to me.

This institution is charged with a critically important function. We are elected to adopt policy and to oversee its implementation. The enormity of this responsibility is sometimes forgotten as we go about our day-to-day business, but we all know that without the assistance of experienced staff we could not possibly keep ourselves sufficiently informed on the workings of a government that will spend nearly $1.8 trillion in the year 2000. The committees must be adequately funded and staffed if Congress is going to have any ability to make informed judgments as to the operation of that government or the existence of unmet needs.

Given the enormity of this task, I believe that the $180.4 million, 2-year budget that the Committee on House Administration has proposed for the 19 House committees will be money well spent. As chairman of the Committee on the Judiciary, I can personally attest to the invaluable role that committee staff plays in advising and preparing Members to make difficult policy choices that will shape the laws of our country.

But we cannot expect to attract and retain the high-quality, expert staff we need if we cannot afford to offer salaries that are competitive with the private sector. We must be able to reward good work with merit raises, and we must be able to pay cost-of-living increases when necessary.

Mr. Speaker, that is largely what the modest 1.5 percent yearly increase in this resolution will be used to fund, but beyond that we must make sure that we have sufficient staff to undertake our legislative and our oversight responsibilities.

In the 105th Congress, the Committee on the Judiciary was one of the most active committees in the House. We were referred over 15 percent of the total legislative measures introduced and were responsible for the enactment of 70 bills and 10 private laws. We anticipate the committee will continue if not increase this pace in the 106th Congress.

□ 1845

Statistics are not everything. Our charge is not to turn out legislation with the speed of light but to produce legislation that is thoughtfully and thoroughly considered so it will stand the political and legislative test of time.

A short listing of the issues we deal with in our committee shows the complexity and controversy of our agenda. For example, in the 106th we will take up bankruptcy reform which failed to be enacted in the last Congress. Other high-profile legislation we anticipate handling includes juvenile justice reform and encryption export controls. Religious freedom legislation and a victims' right constitutional amendment, complex and volatile issues that will be on our calendar. Criminalization of partial-birth abortions, employment preferences and set-asides, civil asset forfeiture reform, intellectual property and other high tech legislation are topics we will revisit.

The committees are constantly challenged with trying to stretch inadequate resources to cover all of these issues and more. If we are forced to spread our staff resources too thin, our work product will suffer. I am concerned that we do not have the resources both to continue our legislative pace and do meaningful oversight of agencies under our jurisdiction. That is why I have asked for additional staff to engage in comprehensive oversight of the $21 billion, 120,000 employee Department of Justice.

The Committee on the Judiciary's 2-year, $12.2 million budget allocation pales in comparison with the Federal resources we are charged with overseeing. The work of the committee is ultimately the work of the people, and we must not hamstring them by denying them adequate resources.

I applaud the Committee on House Administration for the well-crafted budget package we are considering and I strongly urge my colleagues to support it.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE), the distinguished ranking member of the Committee on Banking and Financial Services.

Mr. LAFALCE. Mr. Speaker, I rise in strong opposition to H. Res. 101, and I urge support for the motion to recommit with instructions offered by the gentleman from Maryland (Mr. HOYER) to guarantee the minority control of at least one-third of the resources of all committees and one-third of disbursements from the reserve fund.

One would think that it is fairly clear that if the ratio in the full House of Representatives is approximately 51 percent to 49 percent, that at the very least the 49 percent should have at least one-third of the human resource allocations and one-third of the funding, but that is not the case, and that is why this resolution is so inherently unfair.

I think that my Committee on Banking and Financial Services is probably in better shape than most with respect to fairness, but even in my own case we have severe difficulties.

For example, in 1994 our committee had 93 slots. The committee's work has increased exponentially and we have reduced the number of slots to 65. Assume that we could understand and accept that, but there is a difficulty. Of the 65 slots, we who have 49 percent of the vote have but 19 of the 65 slots. That is not fundamental fairness. That is not fundamental fairness at all.

It is very difficult to do the job if there are inadequate resources. What is the job that we have to do? Broad housing and economic development jurisdiction, expansive consumer jurisdiction, broad authority over the regulation of financial services firms, substantial economic policy responsibilities, broad authority over all of the international development institutions and global economic issues.

We have one staff person who handles all consumer and community development issues; one detailee who handles international economic issues, since we cannot afford to actually hire appropriate staff.

I recommend approval of the motion to recommit with instructions and defeat of the committee funding resolution.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), the new chairman of the Committee on Rules in the 106th Congress.

Mr. DREIER. Mr. Speaker, I rise to simply extend congratulations to the chairman of the Committee on House Administration, my very good friend the gentleman from California (Mr. THOMAS), and just say that he has led us very, very strongly in the direction of creating a very, very strong balance on this issue of minority representation.

Having served in the minority for so many years, we are very sensitive to that concern on this side of the aisle. I believe that the balance that has been struck is a very healthy one, and I hope that the House will move and pass this resolution so that we can begin to address a lot of the concerns that are out there.

Technologically, we need to make sure that the equipment is available. We need to have first class staff, and I think we have that, but we have to compensate them and I think that this measure does just that.

I thank my friend and congratulate him for his fine work.

Mr. HOYER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, on March 30, 1993, as I said earlier, 31 Republican leaders wrote to the gentleman from California (Mr. DREIER) and Mr. Hamilton in their capacity as cochairs of the Joint Committee on the Organization of Congress. The gentleman heard the "*sine qua non*" quote, that one-third of the resources were necessary to overcome the poisonous atmosphere that existed.

Did the gentleman agree with that premise?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I did. The problem that we faced was that we were never able to get that measure even considered on the House floor, and that was very frustrating for many of us.

Mr. HOYER. I will tell the gentleman that it was considered twice, on a motion to recommit by Mr. ROBERTS, and a motion to recommit by the gentlewoman from Washington (Ms. DUNN), and the chairman of the Committee on Rules voted for it twice. He will have the opportunity to vote for it a third time.

Mr. DREIER. Did my friend, the gentleman from Maryland, vote for it at that time, is the question that we need to ask? We welcome the gentleman to the fold.

Mr. HOYER. Mr. Speaker, the chairman of the Committee on the Judiciary talked about the necessity for resources. Also included in that motion to recommit was a cut of 25 percent of the resources available to the committees. We did not think that was wise at that time.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, standing before the House today is like deja vu. Two years ago, as the ranking minority member of the Committee on Government Reform, I argued that the House should reject the committee funding resolution because the majority allocated only 25 percent of the budget of the Committee on Government Reform to the minority.

I could make virtually the same statement today. The work of the Committee on Government Reform last Congress was extraordinarily partisan. The committee's campaign finance investigation was widely acknowledged to be one of the most unfair, abusive and wasteful investigations since the McCarthy hearings, and the most expensive congressional investigation in history.

As described by Norman Ornstein, a congressional expert at the American Enterprise Institute, and I am quoting him, the Burton investigation is going to be remembered as a case study in how not to do a congressional investigation.

At the outset of this Congress I hoped that things would have changed. In early January I wrote the gentleman from Indiana (Chairman Burton) and asked for three things: Fair rules for issuing subpoenas; fair subcommittee ratios; and a fair budget. Unfortunately, the majority rejected each of these requests.

The committee adopted rules that once again allowed the chairman to issue subpoenas unilaterally with no opportunity for the minority to appeal his decision to the full committee. The committee then adopted subcommittee ratios that once again gave the minority far fewer seats than we were entitled to, and today the majority is proposing another unfair budget.

The majority falsely claims that it is substantially increasing minority funding over the last Congress, but that is just an accounting gimmick. As this chart here indicates, the indisputable fact is that the committee Democrats are being allocated only 25.9 percent of the committee's budget, an increase of less than 1 percent over the last Congress, less than 1 percent.

It was 25 percent in the previous Congress; 25 percent in the Congress before that. In the year 2000, Democrats will receive 25.9 percent of the committee's budget. That is not reasonable progress toward the third by anyone's definition. It is not the 33 percent of the budget the majority adopted as House policy. I urge my colleagues to vote against this partisan and unfair resolution.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in 1999, the gentleman from California (Mr. Waxman) indicated that there was an accounting gimmick which was being used to distort the percentages. In 1992, the chairman of the Committee on Ways and Means at that time, Mr. Rostenkowski, stated that the committee had 14 shared administrative staff.

In 1994, in the markup, the gentleman from Texas (Mr. Frost) said it is inconceivable that other committees have no nonpartisan staff such as the receptionist, the calendar clerks, et cetera, who serve both the majority and the minority. Many committees have reported them to us.

The Democrats when they were in the majority routinely used the allocation of shared administrative staff. The problem is now, when we in the majority use it, it is somehow an accounting gimmick.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. Mica), a very valuable member of the committee.

Mr. MICA. Mr. Speaker, I thank the gentleman from California (Chairman Thomas) for yielding me this time.

Mr. Speaker, I think tonight what we have to deal with in Congress are the facts. I think the American people and the Members of Congress and history are interested in the facts.

The facts, my friend, are quite simple. In the 103rd Congress, under the Democrat majority, the Democrats expended $223 million to run the committees. The fact is, under the 106th Congress, we are expending $183 million, committee funding of $40 million less than when the Democrats controlled the House of Representatives.

The facts are that the numbers of staff in the 103rd Congress under the Democrat majority were 1,639. The facts are in this budget, proposed by the Republican majority, the staff positions are 1,153; 30 percent less staff.

In addition to staff levels that have been reduced, the Republican majority in these 4-plus years have privatized the dining room, privatized the barber shop, privatized the printing office, provided public parking, which is a new thing that we provided the public, in addition to cutting staff, cutting funding.

We even stopped the delivery of ice to Members' offices, long after refrigerators were instituted, with an additional 12 staff cuts. Those folks do not deliver ice anymore to us, even though we have refrigerators.

We did all of this and we did it fairly, because I stood up here in the 103rd Congress and held up a chart similar to this that said 55 to 5. We may recall, and history recorded it very well in the Congressional Record, and that was the staff ratios on the predecessor of the Committee on Government Reform, which was Government Operations, 55 to 5. I just made a new one for tonight. This is the ratio accorded to us.

In this budget, in fact, we give them 28 percent of the budget and 30 percent of the staff. If we just take a minute and look at the minority resource comparison, and these are the facts, my colleagues, 33 percent more we are providing. In the 103rd, there were only two. In the 106th Congress, the number of committees provided are now 9 with 33 percent of the staff; 25 to 32 percent was 12, is now 8; and less than 25 percent, in the 106th Congress, zero.

□ 1900

We are being fair. We are being evenhanded. We are equally distributing the resources in a very progressive manner. The score was 5 to 55 giving the old minority this ratio, very unfair. Today we see an equitable distribution. These are the facts and these are the figures, and this is what we must deal with, Mr. Speaker.

I believe the Republicans have done an excellent job in both allocating resources and at the same time addressing the concerns of the American people. That is cutting the staff and the expense and the bureaucracy in Washington and in this Congress.

Mr. HOYER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. John Conyers), the distinguished ranking member of the Committee on the Judiciary, and one of the senior members of the Congress of the United States.

Mr. CONYERS. Mr. Speaker, I would like to begin by thanking the gentleman from Maryland (Mr. Steny Hoyer) as the ranking member for doing such an excellent job of studying where we are getting to, not where we have been. I love these allusions back into the past, as if they are some guide or reason for injustices to continue into the present.

Now, as one of the most partisan—the ranking member of one of the most partisan committees in this Congress, I want to tell the Members that the funding and staffing problems go right to the core of many of our problems.

I quote the present chairman of this Committee on the Judiciary, the gentleman from Illinois (Mr. Henry Hyde), who has said, "Two-thirds and one-third ratios are used in the Senate, and I believe its realization in the House would enormously reduce the often acrimonious proceedings to which the House is subjected." And yet, and yet, even with some improvements at this late date, we are still trying to get somewhere near this goal.

I am very disappointed. I have little else to do but to urge that we accept the alternative that has been put out that states what everybody keeps saying they support, and yet will not get to. This goes beyond a recommit and final passage, this is the matter of simple fairness.

I, for one, am finding it more difficult to suffer through simple requests for publications, witness travel, stenographers, this is the Committee on the Judiciary, legal publications; no control over the funding. And here we now come, and even in impeachment it was the past Speaker that got us beyond the four out of 18 slots, if Members can believe it, for a committee on impeachment.

I come here very disappointed and not happy at all about the position that we find ourselves in in the 106th Congress. It is unnecessary. This has gone on, this partisanship that affects our resource and staff allocations, and it is now affecting our ordinary work.

For that reason, I am not able to support the proposal that is before us, and I really hope that we can turn this matter back until we get a further understanding of how we reach this very complex physicist's evaluation of one-third and two-thirds.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Michigan (Mr. CONYERS) who just spoke is on the Committee on the Judiciary now. I indicated that the ratio at that time was 82 percent majority to 18 percent minority on the Committee on the Judiciary, but actually, it was the Committee on Government Operations at that time, and that ratio was 85 percent majority and only 15 percent minority.

Let me also say that the Committee on the Judiciary is getting 10 new staff in this Congress. Rarely does a committee get double-digit increases in their staff, but the Committee on the Judiciary is getting 10 new staff. What is the split? Is it like it was in the old days, eight and two? No. Is it seven and three, the request that they are making? No. Is it six and four? No. Unprecedented in the history of this House, the majority is dividing 10 new staff, five to the minority and five to the majority, a 50/50 split.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), a member of the Committee on House Administration who has now spent enough years in the process of listening to this case to have that kind of institutional knowledge that so many of the Members do not share.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague, the gentleman from California (Mr. THOMAS), the chairman of our committee, for the excellent work he has done in bringing this resolution to the Floor for this Congress that really does bring about a continued effort for fairness for both parties as we try to do our legislative job.

Mr. Speaker, speaking of fairness, there has been an awful lot of it talked about on the Floor tonight. I have been here in the Congress for 8 years. I have spent 6 years on this committee dealing with this issue. Thankfully, the last session of Congress and this session we are dealing with a 2-year budget cycle. We have to go through a lot of this rhetoric every year. It is always acrimonious, because when one is in the minority they always feel like they should have more.

I think my friends on the other side of the aisle will acknowledge that we, the majority now, are treating the minority much more fairly than we were ever treated when we were in the minority.

The gentleman from Maryland (Mr. HOYER) and I had this discussion in the committee last week. When we took control after 1994 there was a great debate, and there were some on my side in the majority who wanted to treat the Democrats the way they treated us when we were in the minority. Many of us argued that, no, we should treat the minority in the House the same way that we had asked to be treated.

When we look at our efforts at trying to get committee funding for the minority up to the one-third goal, we have made a significant effort. So I think that as we now approach about 31 percent on average, with more than half of the committees at one-third or more, that we are making an honest effort and a good try toward the goal we set out.

We should not forget what is really more I think at the base of the problem and the argument that we are having tonight. It goes back to 1994, when we promised the American people in the Contract With America that we would cut committee funding by one-third.

In 1995, we did cut committee funding by one-third, cutting over $50 million out of the committees, reducing the number of slots. Even today, some 4½ years later, we are spending $40 million less this year than what was spent in 1994, the last year of the Democrat majority. So there is not as much money to go around.

But I remember quite clearly on the opening day of this session of the Congress, when the gentleman from Illinois (Speaker HASTERT) offered the olive branch to the minority leader, the gentleman from Missouri (Mr. GEPHARDT), saying, I think, I am going to do everything I can to go halfway, and maybe even more so at times.

I think what we are asking the entire House to do is to do more with less, to live within the constraints that we promised the American people we would do when we took the majority. The budgets are cut. We are trying to pinch our pennies. If we look at the budget over the next 2 years we will see that there is a 3 percent increase in total. That is 1½ percent per year, well below the rate of inflation.

We made that commitment to the American people that Congress could do more with less. We are trying to make that commitment and keep that commitment, and also at a time while we are treating the minority with the fairness that we had asked for.

Is it perfect? No, it is not. It was not perfect before and it will not be perfect even the next time. But our goal and our word to work towards that one-third goal is genuine, and I think that the minority understands as clearly as I do that we are doing much better in terms of the way we are treating them than the way we were being treated when we were in the minority.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD), the President of the incoming freshman class.

Mr. BAIRD. Mr. Speaker, I want to thank my colleague, the gentleman from Maryland, and speak today as someone who is new to this institution.

I have been listening for the past number of minutes to people recounting old battles and old wars and old perceived injustices. We are new as freshmen to this institution, our first term. When we came here at orientation we pledged on both sides, Democrats and Republicans, to work together in a spirit of bipartisanship and a spirit of fairness.

It is to that spirit of bipartisanship and fairness that I speak to my Republican colleagues today. I have to ask a simple question: If the ratio of Members in this House is divided 49 to 51, how is it possibly fair that the ratios in terms of funding for committees should be less than one-third to two-thirds? This is not, today, about injustices of the past. This is about a simple discussion of what is fair and what is right and how we should conduct ourselves.

I am calling today on my colleagues on both sides of the aisle, freshman Democrats and freshman Republicans, to ask a simple question: What is fair, and do we stand for fairness?

I would submit that the request that has been made as a minimum of one-third to two-thirds ratio is perfectly fair. In fact, it is factually quite imbalanced, but we are only asking one-third to two-thirds. I would call on my friends and colleagues from the Republican side to join with me and with the freshmen to achieve that balance which just a couple of years ago people asked to achieve, and which frankly is perfectly just, perfectly reasonable, and would set this institution on a true bipartisan course.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would tell the gentleman from Washington that in the spirit of Hershey, when a gesture is made, that gesture ought to be returned. Now, I would tell the gentleman that if he would examine the committee funding, there are a number of committees that exceed that one-third request that is being made: The Committee on House Administration, the Committee on the Budget, the Permanent Select Committee on Intelligence, the Committee on Science, the Committee on Transportation and Infrastructure, the Committee on Small Business, the Committee on Agriculture, the Committee on Veterans' Affairs, the Committee on Banking and Financial Services. One hundred sixty-seven Democrats sit on a committee that now meets the two-thirds/one-third ratio.

So I am not looking at the past, I tell my friend, the gentleman from Washington, I am looking at today. One hundred sixty-seven Democrats are now sitting on committees that meet that figure. The reason the other committees have not moved is that they had such an egregiously low base. We have made progress every Congress so that no committee is less than 25 percent, and we will continue to make progress.

It would seem to me that as a new Member, in the spirit of Hershey, if we reach out to one hundred sixty-seven Members of the Democratic Caucus, at least one would reach back and say, thank you, the two-thirds/one-third is appropriate, it is necessary. The one hundred sixty-seven Democrats, by their vote, can prove that what we are choosing to do is right and proper. It will be quite surprising to me if not one Democrat out of the one hundred sixty-seven reaches his or her hand across the aisle to say, you are doing what you committed to do, that which we never did.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I really would like to speak to my dear friends and colleagues on the other side of the aisle and state that, in the spirit of Hershey, a one-third/two-thirds split is totally fair, and builds on two votes that were taken on this floor that supported such action.

As my dear colleague just pointed out, there has been some progress, but when the majority created a new committee, the Census Committee, this would have been a perfect opportunity, an absolutely perfect opportunity to put forward the fair two-thirds/one-third division.

□ 1915

But what happened when they created a Subcommittee on Census is they only provided the minority with 25 percent of the resources, not 33.3 percent, but 25 percent of the resources. In the ratios of slots of Members assigned to the committee, it was terribly unfair, 11 to 4, 11 Republicans to 4 Democrats in the allocation of slots.

The census is supposed to be about fairness and fair counts. This would have been an opportunity to implement the one-third/two-thirds division. But my colleagues gave us 25 percent, the same as what my colleagues gave the Committee on Government Reform and Oversight over the past 6 years. There has been absolutely no movement.

I must say that the Republican funding resolution, which does include a 3 percent increase, does nothing to guarantee the minority a fair one-third/two-thirds split in resources.

The reserve fund is allocated at $3 million for the 106th Congress, but the Republicans are allocating $2.4 million to the Subcommittee on Census of the Committee on Government Reform, money that came out of the reserve fund in the 105th. Democrats are only getting 25 percent and again only four of the 15 slots.

I call upon my colleagues on both sides of the aisle in the spirit of Hershey to support fairness, the one-third/two-thirds split, the Hoyer amendment, and motion to recommit.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I tell the gentlewoman from New York (Mrs. MALONEY) that we are beginning in the name of Hershey, to call out. Perhaps we can bring it a little closer to home. I have a Roll Call editorial from earlier this month, March 4, which I think is quite succinct in summing up much of the debate that we have heard so far. The editorial says, "Quit Whining". It says, "The more we look at history, the less it appears the Democrats have much basis to whine."

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, what I told Roll Call, and what I repeat now, is that we are not whining. We are reminding our Republican colleagues, who said when they were in minority, that fairness was one-third of the resources of the committees. We are now reminding them of their statement and saying, if they want fairness, do fairness. Do it tonight.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ), ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for yielding me this time.

Mr. Speaker, I rise today in strong support of the motion to recommit. We should not make this a Republican issue or a Democratic issue. It is a simple matter of fairness. By adopting this motion, we will help both parties to better serve the American people.

I recently became the ranking member of the Committee on Small Business, and I must commend the gentleman from Missouri (Chairman TALENT) for the bipartisan manner in which he has run the committee. Even though we do not always agree on policy, the gentleman from Missouri (Mr. TALENT) has made every effort to accommodate both myself and my staff and to run the committee in a fair manner. Although we have had some difficulties with funding, once the gentleman from Missouri (Mr. TALENT) became aware of the problem, he worked to rectify it.

We are now working out our problems through the committee process, and I would like to commend the gentleman from Missouri for working with me to solve this problem. The bipartisanship of our committee should serve as an example to the rest of Congress.

However, too often committee funding has been used as a political tool. Too often the party in the majority has turned committee funding into a partisan issue. This must change.

I have told the gentleman from Missouri (Chairman TALENT) that the minority should control one-third of the committee's budget. This is only fair, and this is what this motion will do. As the ranking members, we are committing ourselves today to ensure that the minority party will be able to serve the Members and the American people.

I for one do not believe that access to periodicals, journals, computer software and basic office supplies should be turned into political game. These things are needed to properly run any office and to provide a basic level of service to those Members serving on a committee.

Six years ago, the Republican minority talked about using a one-third/two-thirds ratio as a way to help bridge the institutional animosity which too often plagues this body. Today we are asking them to deliver on this promise. I urge both sides of the aisle to support the motion to recommit.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER), one of our Members who I think has demonstrated a commitment to fairness throughout his career here.

Mr. ROEMER. Mr. Speaker, I want to thank the gentleman from Maryland for yielding me this time, and I rise in favor of the motion to recommit.

But first of all, I want to address what this debate is about. I do not need a chart. I do not need a graph. I do not need to put all kinds of statistics and facts and figures out there. This is very simple. It can be about one word, and that is fairness.

It is the fairness, if the Democrats represent 49 percent of this Chamber, they should get 49 percent of the funding. If Republicans represent 49 percent of the Chamber, they should get 49 percent of the committee funding. It is so critically important to be fair on this funding resolution for committee work.

Such scholars as Richard Fenno have said that the work of Congress is the work of its committees. We can have our partisan fights out here on the floor, and I hope we would be civil about it; but back in our committee rooms across the halls, I would hope that we could be bipartisan and fair about how we fund our committee staffs and our trips to our Districts and how we allocate funds to represent those Districts.

Woodrow Wilson, who was a scholar and a President, talked about the importance of committee work in representing our constituents. I hear time and time again from the other side about 1989 and what the Democrats did, and they admit it was wrong; in 1992 what the Democrats did, and they say it was wrong.

Mr. Speaker, we study history in order not to repeat the mistakes of the past and not to justify action today that is based on mistakes of yesterday.

I would hope both sides could come forward and commit, whether Democrats or Republicans have the majority, after the year 2000 elections, that we would agree simply on fairness to fund these committee resolutions at the percentage of the respective bodies on both sides.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentlewoman from Ohio (Ms. PRYCE), a member of the Committee on Rules and also a member of this new majority leadership team, to discuss this resolution.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in support of the committee funding resolution as fair and responsible legislation that will allow our committees to fulfill their policy, legislative and oversight responsibilities to all the American people.

I see no reason why any Member of the House should oppose this legislation.

First of all, this committee funding resolution is fiscally responsible. It provides a modest 3 percent increase in overall funding for our committees. That is a mere 1½ percent increase each year. This increase recognizes some of the modernization needs of our committees, while adhering to the principle of doing more with less.

This committee funding resolution is fair to the minority. It moves more committees toward the overall goal of allocating one-third of committee resources to the minority's control. In fact, nine committees of the 106th Congress will provide one-third or more of their resources to the minority. This compares to only two committees that met this goal in the 103rd Congress when Republicans were in the minority.

Under the Republican majority, 31 percent of staff is allocated to the minority, and 32 percent of staff salaries go to the minority. So I think the cries from the other side of the aisle that they are being mistreated and misused are just disingenuous or, at the very least, some people have very, very short memories.

Further, the committee funding resolution scales back the reserve fund to 62 percent. Instead of offering a tempting pot of overflowing dollars for committees to dip into, this reserve fund will serve as a true rainy day fund for the unanticipated needs that are likely to arise over the course of 2 years.

Finally, Mr. Speaker, it is important to point out how very far we have come since the Republicans took over control of Congress. This year's committee funding resolution is still $40 million less than the 103rd Congress. The overall number of committee staff is still 30 percent below the staff levels of the 103rd Congress. Again, we are doing more with less in the true spirit of government reform.

Above all, Mr. Speaker, there is much work which we, in a bipartisan way, must accomplish for the American people. Much of this work is done in our congressional committees by very talented, very hardworking staff on both sides of the aisle. We should pass this committee funding resolution to ensure that that work gets done. I urge support of this resolution.

Mr. HOYER. My understanding is, Mr. Speaker, that we have 3½ minutes remaining.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Maryland (Mr. HOYER) has 3½ minutes remaining. The gentleman from California (Mr. THOMAS) has 3½ minutes remaining.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Ohio (Ms. PRYCE) used the word "disingenuous," and then she changed it. I know she did not mean to cast any aspersions, nor do I.

The gentlewoman from Ohio, like 109 of her colleagues who were here in 1993, voted for the motion to recommit that I will offer. She voted that one-third of the resources represented fairness.

I will tell the gentlewoman from Ohio that, notwithstanding the representations of the gentleman from California (Mr. THOMAS), chairman of the committee, he and I disagree on the assertions. There is but one committee that provides one-third of the resources and control to the minority—just one. To his credit, it is the committee of the gentleman from California (Mr. THOMAS). No questions asked. As the gentleman from California has pointed out, it is really more than one-third of the resources, because we divided equally a staffer on the Joint Committee on Printing.

My friends, if we want fairness, we need to give fairness. It has been said that we did not do right. Let me accept that premise. Is it, therefore, to be like the Hatfields and McCoys—that you did not do right, so we are not going to do right, and we will continue to fight? We will continue to create a poisonous atmosphere, of which the gentleman from Illinois (Mr. HYDE) spoke, and of which 30 other Republican leaders in their letter spoke, when they—not the Democrats—but the Republicans said "one-third of the resources, not just staff, but of the resources available is fairness."

I am offering a motion to recommit, which was offered by the gentlewoman from Washington (Ms. DUNN) and Mr. ROBERTS. The gentlewoman from Washington (Ms. DUNN) said, and I will not quote it all, for my colleagues can see it here on the chart, "The American people have been clear about something else, as well, Mr. Speaker. They want fairness, bipartisanship, and responsibility in spending from their Congress."

She went on to say, "I want to use my time, Mr. Speaker, to talk about how, even at this 11th hour, the House could move toward fairness and reform taxpayers so earnestly desire." She said, therefore, among other things, "that we achieve the goal by limiting the majority to a 2 to 1 staff advantage." One-third/two-thirds.

□ 1930

I am going to offer that motion to recommit. I will pass out a sheet that will show my colleagues how they voted on it before. Only one Republican voted against that, and that was the gentleman from Alaska (Mr. YOUNG).

Mr. ROBERTS said in 1994, and I want all my colleagues to see this. This is Mr. ROBERTS. "If lightning strikes, and the sun comes up in the west, and Republicans take over Congress, we are going to do that for you. You will at least get one-third."

The Sun came up in the west, much to the chagrin of my side of the aisle, my colleagues. And my Republican colleagues said when it did, we would get one-third. It is time to redeem that promise. Vote for the motion to recommit that I offer, as previously offered by the gentlewoman from California (Ms. JENNIFER DUNN) and Senator PAT ROBERTS, then Congressman PAT ROBERTS.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

The gentleman from Maryland noted that that was former Representative PAT ROBERTS. He is not here to vote on the resolution or the motion to recommit. As a matter of fact, when the motion to recommit was presented previously, as has been indicated by the gentleman from Maryland, not one Democrat voted for the motion to recommit. Not one.

Had they been prescient about the sun coming up, maybe some of them would have, and then, of course, we would have accomplished our goal. It would have been locked in. But since they did not have the foresight, since they left us with 12 percent of the resources, 15 percent of the resources, 18 percent of the resources, when we became the majority we had to start building toward that one-third. We have built toward that one-third in every Congress we have been in the majority.

Under the leadership of the Speaker, the gentleman from Illinois (Mr. HASTERT), this majority, in House Resolution 101, is not repeating the mistakes of the past. This committee resolution is the fairest and most equitable in the recorded history of the House.

One hundred sixty-seven Democrats sit on a committee that divides the resources two-thirds, one-third. I would think that if my colleagues missed their opportunity on the motion to recommit to lock in two-thirds, one-third, some of my Democratic colleagues would be smart enough to lock in the two-thirds, one-third on those committees.

Give us some votes so that I can say yes, the Democrats get it. The more we work together, the more we are able to give my colleagues the two-thirds, one-third. Instead, my colleagues say we have to deliver all the votes.

The next time we do the committee resolution, this majority, in the 107th Congress, I am going to turn to these people and ask them what they need. Because we reached across the aisle in the spirit of Hershey and said 167 Democrats have got what they want. Give us one vote; we will return the gesture on the motion to recommit, just as my colleagues did on ours. But, please, on final passage, on this House Resolution, the fairest and most equitable in the history of the House, give us at least one Democrat.

Mr. Speaker, I include the following for the RECORD:

[From Rollcall, Mar. 4, 1999]

QUIT WHINING

The evidence suggests that Speaker Dennis Hastert (R-Ill.) really does mean to reach out to Democrats and make the House a less ferocious place than it was under ex-Rep. Newt Gingrich (R–GA). We suggest that Democrats stop grousing and meet him halfway—at least to the extent of not boycotting this month's Hershey, Pa., civility retreat.

Hastert is meeting regularly with Democrats on budget issues and is promising to permit votes on raising the minimum wage and campaign finance reform. Meanwhile, House Administration Chairman Bill Thomas (R-Calif.) may help Democrats gain a larger share of the budgets on the Judiciary and Government Reform Committees.

Democrats have been loudly complaining about membership ratios of committees and about committee budgets and some ranking members have cited the disparities as reasons they refuse to co-operate with leadership efforts to bring GOP and Democratic Members and their families together for the weekend of March 19–21 at Hershey.

The more we look at history, the less it appears the Democrats have much basis to whine—although they should note well how ill-used they feel and vow to do better by the Republicans should Democrats be returned to power in the House.

In 1993, when Democrats last were in the majority, Republicans held 41 percent of House seats, but Democrats accorded them an average of 24 percent of committee staff positions—falling to 13 percent on the old Government Operations Committee and 11 percent on Judiciary. Democrats now are complaining that they only control 25 percent of the resources on Government Reform and 23 percent on Judiciary.

Back then, Republicans complained that fairness demanded they get at least one-third of committee budgets and staff slots rather than less than one-fourth. By this standard, Democrats have little to which they can object—except on Judiciary and Government Reform where they get just a quarter of committee resources.

Funding ratios meet or nearly meet the one-third majority standard on Budget, Education and the Workforce, Rules, Veterans' Affairs and House Administration. On most other committees the GOP-Democratic ratio is nearly 70–30—not up to the ideal, but better than the 76–24 average back when Democrats ruled the House.

As we've noted before, the same basic situation prevails with committee assignments. Democrats say that they should have something like 48.5 percent of committee slots, reflecting their strength in the House, but actually have between 41 and 45 percent on major committees. In 1993, though, Republicans averaged 38 percent of the slots on major committees, not their 41 percent in the House.

We suggest that Democrats and Republicans talk about these problems, among others, at Hershey. Now that the Gingrich era is over—and in spite of the recent impeachment unpleasantness—it ought to be possible to begin solving them.

MINORITY RESOURCE COMPARISON—103rd CONGRESS VS 106TH CONGRESS

	Democratic Majority, 103rd Congress	Republican Majority, 106th Congress
33% or more	2	9
25% to 32%	12	8
Less than 25%	5	0

Committees with non-partisan staff, Armed Services and Standards of Official Conduct, are not listed.

Authorized by the Committee on House Administration.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to this Resolution, which sets the funding for our Committees here in the House. This resolution is an important one, because in many respects, with its passage, we begin to erode the spirit of bipartisanship that I had hoped would permeate the work of the 106th Congress.

When the Majority first took control of the House, we had expected that they would still respect the views, if not the voting power, of the Minority. Yet that has not been the case. Here, half a decade down the road from the "Contract with America," we see that the Minority is limited to just 28% of the House budget. This is appalling in light of the fact that we are just five votes short of holding a majority of our own. In fact, this resolution takes away almost half the value of our vote—and the value of the resources that we have for the constituents that we represent.

For those of you who believe that Committee funding makes little difference in how the policies of our country are forged I must note that the two Committees which reported the most partisan legislation, the Committee on Government Reform and the Committee on the Judiciary, have the worst funding ratios. As it stands in the current form of the resolution, the Judiciary Committee on which I sit, has approximately three-quarters of its resources dedicated to the Majority. As the Ranking Member of the Subcommittee on Immigration and Claims, I find that deeply disturbing because it means that theoretically, my staff is outnumbered three to one as it regards my Republican counterpart.

The Democratic alternative to this bill is much more palatable to our common sensibilities—although it still does not do all that it could to recognize our small numeric deficit. It simply asks that one-third of all Committee funds are designated for Minority use. The difference between the two resolutions is a mere 5%, surely a small price to pay to guarantee a more cooperative environment here in the House of Representatives.

I would hope that all of my colleagues would vote to defeat H. Res. 101, and for the Democratic alternative.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the committee amendment in the nature of a substitute and on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit House Resolution 101 to the Committee on House Administration with instructions to report promptly back to the House a resolution identical to the text of House Resolution 101 as amended by the House, except as follows:

(1) Strike sections 1, 2, and 3 and insert the following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SIXTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Sixth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, **$8,414,033** (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, **$10,342,681** (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Banking and Financial Services, **$9,307,521** (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, **$9,940,000** (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, **$15,285,113** (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, **$11,200,497** (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, **$19,770,233** (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on House Administration, $6,251,871 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence, $5,164,444 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $11,313,531 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $12,152,275 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $10,567,908 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $5,069,424 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $8,931,726 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Small Business, $4,148,880 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $2,632,915; Committee on Transportation and Infrastructure, $13,220,138 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $4,735,135 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $11,930,338 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

SEC. 2. FIRST SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1999, and ending immediately before noon on January 3, 2000.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,101,062 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, $5,047,079 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member: Committee on Banking and Financial Services, $4,552,023 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, $4,970,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, $7,564,812 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, $5,908,749 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, $9,773,233 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on House Administration, $2,980,255 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence $2,514,916 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $5,635,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $5,787,394 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $5,208,851 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $2,488,522 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $4,410,560 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Small Business, $2,037,466 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $1,272,416; Committee on Transportation and Infrastructure, $6,410,069 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $2,334,800 (⅓ of such amount, or such greater percentage as may be agreed by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $5,814,367 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

SEC. 3. SECOND SESSION LIMITATIONS

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2000, and ending immediately before noon on January 3, 2001.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,312,971 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Armed Services, $5,295,602 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Banking and Financial Services, $4,755,498 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Budget, $4,970,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Commerce, $7,720,301 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Education and the Workforce, $5,291,748 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Government Reform, $9,997,000 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on House Administration, $3,271,616 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Permanent Select Committee on Intelligence, $2,649,528 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on International Relations, $5,678,531 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on the Judiciary, $6,364,881 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Resources, $5,359,057 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Rules, $2,580,902 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Science, $4,521,166 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member; Committee on Small Business, $2,111,414 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Standards of Official Conduct, $1,360,499; Committee on Transportation and Infrastructure, $6,810,069, (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); Committee on Veterans' Affairs, $2,400,335 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member); and Committee on Ways and Means, $6,115,971 (⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member).

(2) Strike section 6 and insert the following:

SEC. 6. RESERVE FUND FOR UNANTICIPATED EXPENSES.

There is hereby established a reserve fund of $3,000,000 for unanticipated expenses of committees for the One Hundred Sixth Congress. Amounts in the fund shall be paid to a committee pursuant to an allocation approved by the Committee on House Administration. Of the amount allocated to a committee from the fund, ⅓ of such amount, or such greater percentage as may be agreed to by the chair and ranking minority member of the committee, to be paid at the direction of the ranking minority member.

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 205, nays 218, not voting 11, as follows:

[Roll No. 65]

YEAS—205

Abercrombie
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Brown (CA)
Cardin
Cox
Ganske
Goodling
Myrick
Neal
Sanchez
Saxton
Stupak

☐ 1952

Messrs. TOOMEY, BURTON of Indiana, and YOUNG of Alaska changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 210, not voting 8, as follows:

[Roll No. 66]

AYES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn

Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—210

Abercrombie
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Ackerman
Brown (CA)
Cardin
Cox
Myrick
Neal
Saxton
Stupak

□ 2010

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the Chair appoints the following conferees on the bill (H.R. 800) to provide for education flexibility partnerships:

Messrs. GOODLING, HOEKSTRA, CASTLE, GREENWOOD, SOUDER, SCHAFFER, CLAY, KILDEE, GEORGE MILLER of California, and PAYNE.

There was no objection.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to allow all Members 5 legislative days to revise and extend their remarks on House Resolution 101, just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR REAPPOINTMENT OF BARBER B. CONABLE, JR. AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 26) providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving the right to object, I yield to the gentleman from California, chairman of the Committee on House Administration, for the purpose of explaining the resolution.

Mr. THOMAS. I thank the gentleman for yielding. Mr. Speaker, this is in fact an appointment of regents of the Smithsonian Institution. There is a 17-member board. It is composed of the Chief Justice and the Vice President of the United States, three Members of the House of Representatives, three Members of the Senate, and nine citizens who are nominated by the Board and approved jointly in a resolution of Congress. This is the first of three joint resolutions that we will present, and as was indicated, this provides for the reappointment of our friend and former colleague, Barber Conable of New York.

Mr. HOYER. Mr. Speaker, proceeding under my reservation, we obviously will not object. We support not only this resolution but the next two resolutions that will be offered for the purposes of accomplishing the objectives set forth by the chairman. I will not object to the next two and will allow them to pass simply upon unanimous consent immediately upon being read.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 26

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Barber B. Conable, Jr. of New York on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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PROVIDING FOR REAPPOINTMENT OF DR. HANNA H. GRAY AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 27) providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Dr. Hanna H. Gray of Illinois on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR REAPPOINTMENT OF WESLEY S. WILLIAMS, JR. AS A CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the joint resolution (H.J. Res. 27) providing for the reappointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Wesley S. Williams, Jr. of the District of Columbia on April 11, 1999, is filled by the reappointment of the incumbent for a term of six years, effective April 12, 1999.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 1999 AND THE 5-YEAR PERIOD FY 1999 THROUGH FY 2003

The SPEAKER pro tempore. Under a previous order of the House, the Gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, to facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1999 and for the 5-year period fiscal year 1999 through fiscal year 2003.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of March 17, 1999.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by the interim allocations and aggregates printed in the RECORD of February 3, 1999, pursuant to H. Res. 5 for fiscal year 1999. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1999 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays of each direct spending committee with the "section 302(a)" allocations for discretionary action made under the interim allocations and aggregates submitted pursuant to H. Res. 5 for fiscal year 1999 and for fiscal years 1999 through 2003. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1999 with the revised "section 302(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 302(b) sub-allocation.

The fourth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Section 251 requires that if at the end of a session the discretionary spending, in any category, exceeds the limits set forth in section 251(c) as adjusted pursuant to provisions of section 251(b), there shall be a sequestration of funds within that category to bring spending within the established limits. This table is provided for information purposes only. Determination of the need for a sequestration is based on the report of the President required by section 254.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE INTERIM ALLOCATIONS AND AGGREGATES FOR FISCAL YEARS 1999 AND FOR FISCAL YEARS 1999 TO 2003

[Reflecting Action Completed as of March 17, 1999 (On-budget amounts, in millions of dollars)]

	Fiscal year 1999	Fiscal year 1999–2003
Appropriate Level (as authorized by H. Res. 5):		
Budget Authority	1,444,851	NA
Outlays	1,393,291	NA
Revenues	1,368,374	7,284,605
Current Level:		
Budget Authority	1,443,553	NA
Outlays	1,393,074	NA
Revenues	1,368,396	7,284,616
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	−1,298	NA
Outlays	−217	NA
Revenues	22	11

NA=Not applicable because appropriations Acts for Fiscal Years 2000 through 2003 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of any measure providing new budget authority for FY 1999 in excess of $1,298 million (if not already included in the current level estimate) would cause FY 1999 budget authority to exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

OUTLAYS

Enactment of any measure providing new outlays for FY 1999 in excess of $217 million (if not already included in the current level estimate) would cause FY 1999 outlays to exceed the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

REVENUES

Enactment of any measure that would result in any revenue loss of FY 1999 greater than of $22 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by the interim allocations and aggregates submitted pursuant to H. Res. 5. Enactment of any measure resulting in any revenue loss greater than $11 million for FY 1999 through

2003 (if not already included in the current level) would cause revenues to fall below the appropriate levels set by the interim allocations and aggregates submitted pursuant to H. Res. 5.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a) REFLECTING ACTION COMPLETED AS OF MARCH 17, 1999

[Fiscal Years, in millions of dollars]

House Committee	1999		1999–2003	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation			28,328	27,801
Current Level				
Difference			(28,328)	(27,801)
Armed Services:				
Allocation				
Current Level				
Difference				
Banking and Financial Services:				
Allocation				
Current Level				
Difference				
Education & the Workforce:				
Allocation			610	367
Current Level				
Difference			(610)	(367)
Commerce:				
Allocation				
Current Level				
Difference				
International Relations:				
Allocation				
Current Level				
Difference				
Government Reform & Oversight:				
Allocation			14	14
Current Level				
Difference			(14)	(14)
House Administration:				
Allocation				
Current Level				
Difference				
Resources:				
Allocation				
Current Level				
Difference				
Judiciary:				
Allocation				
Current Level				
Difference				
Transportation & Infrastructure:				
Allocation	1,205		10,845	
Current Level				
Difference	(1,205)		(10,845)	
Science:				
Allocation				
Current Level				
Difference				
Small Business:				
Allocation				
Current Level				
Difference				
Veterans' Affairs:				
Allocation			4,503	4,342
Current Level				
Difference			(4,503)	(4,342)
Ways and Means:				
Allocation			19,551	17,310
Current Level				
Difference			(19,551)	(17,310)
Select Committee on Intelligence:				
Allocation				
Current Level				
Difference				
Total Authorized:				
Allocation	1,205		63,851	49,834
Current Level				
Difference	(1,205)		(63,851)	(49,834)

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1999—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 302(B)

[In millions of dollars]

	Revised 302(b) Suballocations				Current Level Reflecting Action Completed as of March 17, 1999				Difference			
	Discretionary		Mandatory		Discretionary		Mandatory		Discretionary		Mandatory	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,587	14,002	41,058	33,087	19,608	19,784	41,058	33,087	6,021	5,782	0	0
Commerce, Justice, State	32,931	31,660	554	555	34,750	32,067	554	555	1,819	407	0	0
District of Columbia	491	484	0	0	620	619	0	0	129	135	0	0
Energy & Water Development	20,909	20,631	0	0	21,696	21,253	0	0	787	622	0	0
Foreign Operations	16,188	12,546	45	45	31,625	12,793	45	45	15,437	247	0	0
Interior	13,370	14,029	58	58	14,071	14,324	58	58	701	0	0	0
Labor, HHS & Education	81,927	80,556	220,443	221,446	83,767	82,542	220,433	221,446	1,840	1,986	0	0
Legislative Branch	2,360	2,340	94	94	2,559	2,365	94	94	199	25	0	0
Military Construction	8,235	9,061	0	0	8,660	9,157	0	0	425	96	0	0
National Defense	250,311	245,031	202	202	257,897	249,071	202	202	7,586	4,040	0	0
Transportation	11,939	39,933	682	678	12,344	40,261	682	678	405	328	0	0
Treasury-Postal Service	13,343	12,558	13,439	13,439	16,809	13,344	13,439	13,439	2,746	1,786	0	0
VA-HUD-Independent Agencies	70,681	80,411	21,540	21,254	71,311	80,512	21,540	21,254	450	101	0	0
Reserve/Offsets	0	0	0	0	(2,400)	(2,400)	0	0	(2,400)	(2,400)	0	0
Unassigned[1]	36,346	13,237	0	0	0	0	0	0	(36,346)	(13,237)	0	0
Grand Total	572,798	576,479	298,105	290,858	572,597	576,692	298,105	290,858	(201)	213	0	0

[1] Unassigned refers to the allocation adjustments provided under Section 314, but not yet allocated under Section 302(b).

SET FORTH IN SEC. 251(C) OF THE BALANCED BUDGET 7 EMERGENCY DEFICIT CONTROL ACT OF 1985

[$ in millions]

	Defense		Nondefense		Violent Crime Trust Fund		Highway Category		Mass Transit Category	
	BA	O	BA	O	BA	O	BA	O	BA	O
Statutory Caps[1]	280,287	272,192	287,550	274,702	5,800	4,953	NA	21,991	NA	4,401
Current Level	279,891	271,202	286,708	274,196	5,798	4,951	200	21,939	1,138	4,404
Difference	−396	−990	−842	−506	−2	−2	NA	−52	NA	3

[1] As adjusted pursuant to sec. 251(b) of the BBEDCA. Statutory caps include contingent emergencies not yet released by the President, but appropriated by Congress.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 1999.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1999. These estimates are compared to the appropriate levels for those items contained in Section 2 of House Resolution 5, which has been revised to include an allocation for the funding of emergency requirements, and are current through March 17, 1999. A summary of this tabulation follows:

[In millions of dollars]

	House current level	House resolution 5	Current level +/− resolution
Budget Authority	1,443,553	1,444,851	−1,298
Outlays	1,393,074	1,393,291	−217
Revenues:			
1999	1,368,396	1,368,374	+22
1999–2003	7,284,616	7,284,605	+11

Sincerely,

DAN L. CRIPPEN,
Director.

PARLIAMENTARIAN STATUS REPORT—106TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1999 AS OF CLOSE OF BUSINESS MARCH 17, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues			1,368,396
Permanents and other spending legislation	913,530	867,389	
Appropriation legislation	820,708	814,808	
Offsetting receipts	−294,953	−294,953	
Total previously enacted	1,439,285	1,387,244	1,368,396
Entitlements and Mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	4,398	7,839	
Totals:			
Total Current Level	1,443,533	1,393,074	1,368,396
Total Budget Resolution[1]	1,444,851	1,393,291	1,368,374
Amount remaining:			
Under Budget Resolution	1,298	217	
Over Budget Resolution			22

[1] Includes $1,030 million in budget authority and $430 million in outlays for the funding of emergency requirements.

Source: Congressional Budget Office.

EXCHANGE OF SPECIAL ORDER TIME

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Ohio (Mr. Brown).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

PUTTING PATIENTS BEFORE PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, since arriving in Congress over a year ago, I have been fighting for a real Patients' Bill of Rights. I am an original cosponsor of this landmark legislation to rein in health maintenance organizations, the HMOs, and to return decision-making power to patients and their doctors. I am committed to seeing that Congress take decisive action and pass this bill now.

The only way to make comprehensive HMO reform a reality is to work together in a bipartisan way. That is why I was so disappointed last July when powerful special interests overpowered patients and blocked efforts to bring such a comprehensive HMO reform bill to the floor. Instead, they rammed through a Band-Aid that would have done nothing to actually protect patients. Our health care system needs serious medicine, not a political placebo.

The American people deserve better.

As a nurse, I know firsthand the importance of health care that is accessible, of high quality, patient-centered health care. Basic patients' rights can often mean the difference between life and death.

As a Member of Congress, I was recently appointed to the House Committee on Commerce which oversees much of our Nation's health policy. If we are to accomplish anything in the field of health care, passing comprehensive managed care reform must be at the top of our agenda this session of Congress.

Medical decisions need to be made by patients and their doctors, and patients should have all of the information they need to make these critical decisions. These are the plain truths about health care.

Mr. Speaker, this historic measure will guarantee patients basic rights by allowing people to choose their own doctors, ending oppressive gag rules so patients have access to all critical treatment options and establishing health care quality and information standards which we can all follow. Most importantly, this bill will hold HMOs accountable by giving patients critical legal recourse when insurance companies deny necessary medical coverage. If patients can sue their doctors for poor care, they should be able to sue the big insurance bureaucrats who determine these cost-cutting decisions.

Mr. Speaker, last weekend I was privileged to join my colleagues on both sides of the aisle at the bipartisan retreat in Hershey, Pennsylvania. There people of many different philosophical political backgrounds talked about the need to restore civility to government and make our constituents proud. In the spirit of Hershey, I sincerely hope that all of our colleagues will work together to pass in this session a real Patients' Bill of Rights. By putting patients before profits, we can be a Congress that does something real and finally passes comprehensive managed care reform legislation now while we have the opportunity before it is too late.

PASS A PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to speak about reforming HMOs.

Last year I met a young mother in my hometown of Santa Fe. She was a single mother in her late twenties who was trying to raise a 7 year-old son while working full-time and attending school full-time as well. Now, as anyone will tell you, any young mother in this position would have her hands full. But what made this young woman unique was that her son had a serious medical condition that required access to very specific medical equipment and medication. She met with a family doctor who told them that her child could not lead a normal life without this very specific care. But when she went to her HMO to help pay for it, she received a letter saying her request had been denied. For months she tried to appeal, but it was to no avail. It was not until she threatened to wage a public relations campaign against the HMO and the local press that they reluctantly agreed to pay for the treatment. In the end it worked out for her and her young son, but for many, many more it does not.

Far too often, Mr. Speaker, we hear stories of patients who are left seriously ill or injured as a result of medical negligence by HMOs. These people find their lives in upheaval, not because of a medical mishap on an operating table, but rather because a profit-driven insurance company bureaucrat was more concerned with the bottom line than their well-being.

This must stop. We have got to put our partisan bickering aside and work towards a true bipartisan Patient Bill of Rights. The Patient Bill of Rights must allow doctors and patients to make the medical decisions. We must make sure that doctors and patients are once again allowed to make the medical decisions rather than insurance company bureaucrats. Provide the doctors, not the HMOs deciding the appropriate drugs for patients in their care. We must ensure that patients who have drug benefits can get the prescription drug their doctor judges they need even if the drug is not on the HMOs' approved list. Access to specialists: we must allow patients, when necessary, to receive referrals to specialists outside their health plan at no extra cost to them.

Specifically, Mr. Speaker, we must make sure that children have access to pediatric specialists. Holding HMOs accountable, we must provide patients with the ability to appeal treatment decisions through both internal and external grievance procedures, and we must give patients the right to hold insurance companies legally accountable when their treatment decisions result in injury or death to a patient.

Pass a comprehensive Patient Bill of Rights. It is the only way we will ever be able to once again put patients before profits.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BERRY. Mr. Speaker, I ask unanimous consent to have the special order time of the gentlewoman from Nevada (Ms. BERKLEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I stand here this evening in support of real managed care reform. We have all heard the stories, the countless stories, about people who have suffered because they were not allowed to make their own health care decisions in consultation with their doctors or other health care professionals, stories from people who have lost loved ones because someone behind a desk, not a doctor, made a bad decision. Congress needs to take action on passing bipartisan legislation to provide the American people with basic protections and basic guarantees when it comes to managed care.

Eighty percent of Americans with private health insurance, Mr. Speaker, are enrolled in managed care plans. In many cases, Americans are required to be enrolled in managed care plans because their employers have contracted with managed care companies to achieve cost savings. Congress should act this year to enact a law that contains the following five principles. Here is what we should do, and here is what the American people want:

As I have said before, patients and their doctors, not insurance company clerks, should make decisions about what care is medically necessary. The American people want insurance reforms to be overseen by the States, not by a federal bureaucracy. The American people want real reform that keeps their medical records confidential. They want real reform that includes meaningful protections, like the right to emergency room treatment as defined by any prudent lay person. They want real reform that includes meaningful accountability for a right without a remedy is no right.

Too many people have been denied care under their HMO policies or their managed care policies, and that should not be the way it is in this country. We have quality health care in America, but people have to be sure if they need a particular procedure, a particular operation or particular health care service, that they can have it.

There is widespread support on both sides of the aisle for some type of managed care reform. Every Member of this body voted for some type of reform last year. The American people want and support patient protections. It is imperative to the American people that they see action on managed care reform. Let us give the American people what they want, real managed care reform.

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EXCHANGE OF SPECIAL ORDER TIME

Mr. THUNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Kansas (Mr. MORAN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

IT IS HIGH TIME WE RESTORE THE TRUST AND CONFIDENCE OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this past weekend I was very disappointed to see our friends on the other side start down the same old track, and that is to try and turn Medicare into a political game. It became clear to me, and I hope that all of our friends will change their mind on that, but that they want to travel down the same old road we traveled before 2 years ago, when Republican proposals to reform Medicare were relentlessly attacked by our colleagues on the other side, only to be supported as part of the balanced budget agreement in 1997 and subsequently signed into law.

The very same reforms that were attacked as a matter of the fall campaigns were then agreed to later on in the year because it became clear that that was the only real solution and responsible thing to do to try and save Medicare for the next generation.

Here we go again. Our friends do not seem interested in a solution. They only want to inflame and scare the American people. How do I know that? Because last week the Medicare commission which was appointed by the President made its recommendations.

Interestingly enough, the two Democrat senators on the commission, Senators KERREY and BREAUX, led the way and then were sold out by the President's appointees on that very commission and blocked the reform proposals that had been laid out.

Why? Because, as the two of them said in a news report last week, it did not spend 15 percent of the surplus on Medicare. The Medicare commission came out with recommendations and proposals that would save $100 billion in Medicare over the course of the next 10 years, but because it did not spend 15 percent of the surplus on Medicare, the President's appointees blocked the commission's recommendations.

Why? I do not know. That is a good question, and I think the American people ought to ask the same question because there is a real matter of trust here when one looks at trying to solve a problem and come up with a sincere genuine solution rather than to demagogue an issue, as we saw again 2 years ago.

The Senate Committee on the Budget had a vote last week on the President's budget, the so-called proposal that would set aside 62 percent for Social Security, 15 percent for Medicare. The Senate Committee on the Budget voted down that proposal by a vote of 21 to zero. Even the President's allies in Congress in the Senate did not want to vote for the budget proposal that he had submitted.

This week, the Republicans will submit their own budget proposal which sets aside for the first time since 1969 all of the Social Security surplus, 100 percent, to be used for Social Security and Medicare and for retirement issues.

I think it is high time that we were honest with the American people. The President's budget spends the Social Security surplus, $220 billion over the course of the next 10 years. We preserve it by setting aside and walling off 100 percent of the Social Security surplus to be used for that purpose. I think this is a significant milestone in American politics, and it is high time that we did it.

It is high time that we restore the trust and confidence of the American people, and I hope that the American people are wise to the charade. Two years ago it was tried, perhaps to some degree it worked, but make no mistake about it; check the fine print, because I think that the American people will find that when they do that they will see that they have been sold a bill of goods.

This week when we debate this proposal that would set aside and preserve 100 percent of the surplus that we are going to see in this country over the course of the next 10 years for Social Security and Medicare, and not buy into the myths and the same old same old deja vu all over again tactics that have been tried by the other side, I hope we can work together constructively to find reforms in Medicare that will preserve that program and make it viable not only for this generation of Americans but for generations of Americans to come.

PATIENT BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, it is long time past that the Congress needs to act and act quickly on managed care. Individuals and families are increasingly apprehensive about how they will be treated when they are sick.

A survey last year found that an astonishing 80 percent of Americans believe that their quality of care is often compromised by their insurance plan to save money, and too often their beliefs are well founded.

The Patient Bill of Rights introduced by the gentleman from Michigan (Mr. DINGELL) and Senator KENNEDY last Congress would have ended these particular problems, but we had some difficulties and were not able to pass a particular piece of legislation.

The managed care plan needs to be passed and we need to look at it this year and not allow it to continue. Managed care reform is needed by all Americans, especially those in minority communities.

Let me just highlight one area of concern, access to specialists. The need for specialists is critical for individuals who suffer chronic illnesses. Diabetes, for example, is a disease rampant among a lot of individuals but specifically disproportionately hits Hispanic populations. Many do not know that it is a truly treatable disease and that one needs to have access to specialists in order to be able to treat some of those items.

I do not know if everyone recognizes it, but diabetes is a treatable disease. It is something that can be prevented. With some recent studies, we can identify some of the problems early in life, but we let it go. One of the greatest causes of this particular disease is blindness and loss of limbs.

According to the Center for Disease Control and prevention, every year approximately 16 million people suffer from diabetes alone. Of these, 1.2 million alone are Mexican Americans.

We see the same problem with cervical cancer. Hispanic women especially are disproportionately affected by the disease that is completely preventable also, yet there is limited access to the proper specialists in this area.

We all recognize the growing population of elderly in this country and the need to look at coming up with some appropriate managed care systems.

Without adequate care and medical supervision, diabetes and those with cervical cancer suffer grave consequences. It is a shame because these illnesses can be treated and prevented.

Too often today, managed care is mismanaged care. Decisions on health care should be made by doctors and their patients, and not the insurance company or their accountants or those individuals that are looking at the profit margins.

We appeal to the Republicans, and we appealed last year and this year we again appeal to the Republicans, to allow us to go back to the constituency and allow us to do the changes that need to take place.

The Republicans will say that the Congress passed managed care reform last year. I would ask, what have we had? No real reform, but it is a simple truth. The fact is that we need reform and it needs to happen now.

What we passed here on the House floor was only the fleeting shadow of real reform. Real reform would have included guaranteed access to needed health care specialists and, as I mentioned before, access to emergency room services, continuity of care protection and access to a meaningful and timely appeals process, both internally and externally.

We should take a page out of the book of the Texas State legislature. At the State legislature in Texas we passed managed care reform legislation that addressed the real needs of Texans. There was a scare that this reform would drive up insurance rates. In fact, insurance rates were raised a modest $2.00.

Contrary to popular belief, the HMO liability law has not flooded the courthouse with new lawsuits. It has actually diverted lawsuits and saved money by using an independent review process and solving problems before they go to the Court. About half of the cases in Texas that are reviewed have led to partial or complete overturns of the HMO decisions.

Now it is time for us to pass real managed care reform. It is up to us to come to the plate. It is up to us to make sure that those individuals have access to health care the way they should. It is up to us to make sure that they can see the doctor that they choose to see and not who they want to send them to. It is up to us to make sure that we have a system that is responsive and addresses the needs of those individuals that are hard-hit.

For too long we have waited and we have recognized the problem of the HMOs and the fact that they have not been responsive at all. So it is time for us to come to that point.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. KASICH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TECH TRENDS 2000, AN HISTORIC EVENT TO TAKE PLACE ON APRIL 6 AND 7 IN PHILADELPHIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, as chairman of the Subcommittee on Military Research and Development and a senior member of the Committee on Science, I am extremely concerned about our Nation's investment of public money into research and development and new technologies.

In fact, Mr. Speaker, the R&D accounts for defense are expected to decline by about 14 percent. Part of my goal in this session of Congress is to make the need for research and technology real for all of our colleagues, for our staff, as well as for the American people. To that end, an historic event will take place on April 6 and 7 of this year in Philadelphia at the brand new convention center.

Working with Mayor Ed Rendell and the entire delegations of the four States of New Jersey, Delaware, Pennsylvania and Maryland, all 41 House Members and 8 Senators, we have assembled what in fact will be the largest technology conference of its type in the history of America.

For the 2 days of April 6 and 7, every Federal agency that spends research money in America will be in attendance. They will exhibit the kinds of technologies that they are buying today and will give us a look at the kinds of technologies and research that they expect to be funding over the next 10 years. This will truly be an opportunity for all of America to see where we are investing tax dollars in new technologies.

It will be an opportunity for scientists and academics and young people to look at the emerging technologies that we should be funding in the future that they perhaps can compete for. For the 2 days in Philadelphia, we will have Dr. Neil Lane, the White House's top point person on science and technology; from the Department of Defense, Dr. John Hamre, Deputy Secretary; we will have Jack Gansler, in charge of acquisition and research; Frank Fernandez, who heads DARPA; Admiral Lyles, who heads missile defense; Admiral Gaffney, who heads naval research. We will have Dan Golden, the head of NASA, who will talk about NASA's investment. We will have Dr. Varmus, the head of NIH; Jim Baker, the head of NOAA. We will have the head of the National Institutes for Science and Technology and the deputy director of the National Science Foundation.

Each of these individuals, the top leaders from our government who focus on research and technology, will be available to answer questions and to present a broad overview of the kinds of technology that America needs to focus on in the 21st Century.

During the 2 days we will also have breakout sessions, approximately 20 of them, that will be centered around specific technology areas: information technology, environmental technology, materials technology, technology relative to oceans and outer space, so that young scientists, entrepreneurs and academics can get a feel of where we are spending America's tax money and how we can better spend that money and leverage it to create new opportunities for us to improve our quality of life.

My purpose today is to invite all of our colleagues to come to Philadelphia for April 6 and 7, to invite all the staff members from the House, as well as the other body, and to invite people and companies from all over America to come and look at what we are calling Tech Trends 2000, the kind of technology that we expect to be focusing on in the next millennium.

It is our opportunity to show America where their $80 billion a year of R&D investment is going and how they can take advantage of that. So I encourage our colleagues to invite their university research leaders, to invite their companies, to invite students. Students, graduate and undergraduate, can come to this entire conference for free. There is a small charge for the private companies that would come. It is a golden opportunity to see where America is going in terms of technology in the 21st Century.

It is a bipartisan opportunity. It is an opportunity where the Congress is working hand-in-hand with the White House and all the various Federal agencies, so I encourage my colleagues to attend. It is called Tech Trends 2000. Contact a Member of Congress any place in America, who can get information about this conference and how one can take advantage of this golden opportunity.

SUPPORT A COMPLETE AND THOROUGH COUNT OF EVERY CITIZEN IN THIS COUNTRY FOR THE NEXT CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I take pride in joining my Democratic colleagues in supporting a complete and thorough count of every citizen in this country for the next census.

The year 2000 will usher in a new year, a new decade, a new century and a new millennium. It is more important now than in any other time in our history to ensure that every citizen will be counted and that that count will be as accurate as possible.

The 1990 undercount of 4 million people had a disproportionate effect on minorities, women and children, particularly women on ranches and farms. Many individuals were denied an equal voice in their government.

□ 2045

Millions were double-counted, and millions more were not counted at all.

Census data directly affects decisions made on all matters of national and local importance, including education, employment, public health care, housing, and transportation, among other things.

Federal, State, and county government use Census information to guide the annual distribution of hundreds of billions of dollars in critical services. The data is also used to monitor and to enforce compliance with civil rights statutes, employment, housing, lending, education, and antidiscrimination laws.

Finally, the accuracy of the Census directly affects our Nation's ability to ensure equal representation and equal access to important governmental resources for all Americans.

Ensuring a fair and accurate Census must be regarded as one of the most significant civil rights issues facing the country today. If we accept the current Census count of nearly 2 million farms in the United States, only 6 percent will be represented as being operated by women. This small percentage reflects that women on ranches and farms have been severely undercounted. This inaccurate count is also due to the type of information collected by the Census Bureau and the Department of Agriculture in their yearly count.

Mr. Speaker, everyone counts. Minorities count. Women and children count. Young men and elderly men count. Farmers and small business owners count. Rural Americans count. Urban Americans count. Suburban and inner city dwellers count. In America, Mr. Speaker, we all count. Let us have a Census that does just that, count all of us fairly and accurately. Let us count the Census correctly.

EDUCATION SAVINGS ACCOUNTS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to speak about education savings accounts, also known as education IRAs. These ESAs are the wave of the future, as they will give families the tools to help their children receive a quality education.

I am very proud to be a lead cosponsor of H.R. 7, the Education Savings and School Excellence Act of 1999. Current law allows only parents to put away $500 a year in an ESA. It does not permit funds in that account to be used for K through 12 education. H.R. 7 allows families to put up to $2,000 a year into an education savings account to be used for tuition or school expenses for K through 12 and higher education.

As a parent, I know how hard it is to save money to send children to private school or to pay for books and supplies. As a congressman, I hear daily how hard it is for my constituents to keep up with the rising cost of educating their children.

This legislation would give parents the tools to help their children succeed in school by allowing them to put away money in a tax-free account to help defray expensive education costs.

Mr. Speaker, I am a big proponent of choice. This bill gives parents the choice to send their children to the best school possible, public or private. It also offers them the choice of buying computer equipment or getting access to the Internet.

I know that opponents of this measure say that we are leaving poor students behind in bad schools. This is completely and absolutely wrong. I and other cosponsors of this bill support public school education, and do not want to take money away from them. This bill encourages families to use education savings accounts to supplement a student's public education by paying for a high-cost item such as computer equipment.

In fact, studies have shown that 75 percent of all families using these accounts will use them to support children in public schools. That is why parents of all backgrounds support education savings accounts, because it will give students the tools they need to excel in the 21st century.

In my hometown of Chicago, the Catholic Archdiocese has an unparalleled record of educating students of all racial and economic backgrounds. However, the Archdiocese faces serious economic challenges, and Cardinal George of Chicago supports this measure because it will allow the Archdiocese to continue to play its part in teaching the youth of Chicago.

He has worked closely with Mayor Daley, because both of them know that Chicago's public schools cannot educate the children of Chicago by themselves, and it must be a collective group effort. Mayor Daley in turn also supports education savings accounts, because he knows it will help students get a good education.

Mr. Speaker, I urge all of my colleagues, Democrats and Republicans, to cosponsor H.R. 7 so we can give current and future generations of schoolchildren the tools to be the brightest in the 21st century.

THE HANDLING OF THE MANAGED CARE ISSUE IN THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the managed care issue was left unfinished in the 105th Congress. On the House side, the Democrats' Patients' Bill of Rights was defeated by just five votes when it came to the Floor for a vote. It was considered on the Floor as a substitute to the Republican leadership's managed care bill, which did pass and which, in my opinion, was worse than having no reform at all.

The Republican bill was a thinly-veiled attempt to protect the insurance industry from managed care reform, and not a single Democrat voted for it. It was a show of solidarity on the Democratic side unlike any in the last Congress, and for a very good reason. The Democrats' Patients' Bill of Rights is the best, most comprehensive managed care reform bill in Congress today. It was reintroduced in February by the gentleman from Michigan (Mr. DINGELL) with over 170 cosponsors and the support of over 170 patient, physician, medical, and consumer groups.

We are hoping to have this bill moved through the regular committee process at some point this year. Unfortunately, in the last Congress the Republican leadership, fearful of what might happen if it allowed the regular committee procedures to take their course, bypassed the committee process.

Mr. Speaker, the big question in this Congress, once again, centers on how the Republican leadership is going to proceed with the managed care issue. If the preview we got last week in the Senate is any indication, the American people are once again going to be sold out by the Republican Party in an act of appeasement to the insurance industry.

Last Thursday the Senate Health, Education, Labor, and Pensions Committee repeated the same charade we witnessed last year and approved a managed care bill designed to protect the insurance industry and not the patients. During consideration of that bill, Democrats offered 22 amendments, and 20 of them were rejected.

Included among the rejected amendments were measures to increase access to emergency care, to increase access to specialists, to establish a minimum hospital stay for women who have had mastectomies, and to provide people who have life-threatening illnesses with access to clinical trials.

Every single one of these provisions is in the Democrats' Patients' Bill of Rights, and every single one of them is opposed by the insurance industry.

The insurance industry-GOP alliance was also successful in protecting the two most important impediments to managed care reform. That is, one, the prohibition on the right to sue your health plan if you are denied needed care and your health suffers as a result; and two, the insurance companies' present ability to define "medical necessity".

Democrats on the Senate committee offered amendments that would have given patients the right to sue health plans, but not one Republican voted for it, nor did any Republicans vote for the Democratic amendment to allow doctors and patients and not the insurance companies to determine what is medically necessary. In other words, Mr. Speaker, under the plans approved by the Republicans in the Senate, insurance companies will have no incentive whatsoever to stop denying needed care because they would be able to do so with impunity.

Following up on the momentum to quash meaningful managed care reform started by the Senate Republicans, yesterday two anti-managed care coalitions announced that they are launching a massive ad campaign to quash managed care reform. We have seen this before. Yesterday's Congress Daily reported that the Business Roundtable is planning to spend more than $1 million on radio advertisements. The Health Benefits Coalition, the other group mentioned in yesterday's Congress Daily, intends to follow the lead and spend $1 million on anti-managed care television ads over the coming congressional recesses.

Let there be no doubt, Mr. Speaker, the Republican leadership and big business are working hand-in-hand to prevent patients from getting the protections from abuse that they clearly need. The unfortunate thing, Mr. Speaker, is that this is what the American people want. They want the Patients' Bill of Rights, they wanted managed care reform.

This is the issue that more of my constituents talk to me about on a regular basis on the street, writing me letters, calling the District offices. They realize that right now they do not have the protections that they need as patients to have good care, to have good quality care.

The easy thing and really the best thing for us to do here for the patients, for the consumers, for the American people, is to pass the Patients' Bill of Rights in its entirety and without delay. The Republicans may have the money and they have big business on their side, but the Democrats have what counts: that is, the support of the American people. The Republicans, in my opinion, Mr. Speaker, would be wise to listen to what the people are saying.

IMMIGRATION AND ITS IMPACT ON THE FUTURE OF OUR NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, tonight I want to talk about an issue that I think has enormous impact on the future of our Nation.

Unlike many issues that we deal with, such as crime or taxes, which are likewise dealt with by our colleagues at the State and local level, this issue is one which is exclusively the responsibility of the Federal Government. That issue is immigration.

As a Nation of immigrants, many of us are reluctant to deal with this matter because we are concerned that we will be accused of being prejudiced or having an ethnic bias. However, the overriding issue is not that we are a Nation of immigrants, but that we are primarily a Nation of laws. We have immigration laws which define who will be allowed into our country.

The increasingly evident truth is that our immigration laws are being flaunted, and the Federal agency charged with enforcing these laws, the Immigration and Naturalization Service, the INS, is failing to fulfill the obligations to our citizens. It is appropriate to ask why. Is it because this administration has made the enforcement of our immigration laws a very low priority, and if so, why is that so?

The facts are very clear. There are an estimated 5.5 million illegal immigrants currently living in the United States. An additional 275,000 to 300,000 illegal aliens are coming to our country every year. Even though the INS removed a record 169,000 illegals last year, it was not as many as entered the country illegally during the same time period.

What are the consequences of this invasion by illegals? While it is true that many of these individuals are hard-working people who keep certain industries and enterprises supplied with needed labor, the costs to local school systems, health care agencies, and law enforcement groups are tremendous.

About 221,000 foreign-born criminals are in Federal, State, and local jails. About two-thirds of them are illegal immigrants. Another 142,000 are on parole or probation, and are subject to being deported under the provisions of the 1996 Immigration Reform Act. An additional 161,000 have disappeared after receiving deportation orders. That means that there are approximately a half a million aliens who have committed crimes for which they are either in our prisons or are being subject to being deported, and that, Mr. Speaker, is almost the amount of people who constitute an entire congressional district.

In many parts of this country, my congressional district included, no criminal court can be held without the availability of an interpreter. Drive-by shootings by gangs made up of illegal immigrants has become commonplace.

What is the Federal Government doing about this problem? Since 1995, the budget for the INS has been substantially increased so that it is almost $4 billion for the current fiscal year. Congress has mandated that the INS add at least 1,000 new border agents every year until the year 2001, but has this been done? Is the INS using its $4 billion to enforce the letter and spirit of the 1996 Immigration Reform Act? The answer is a resounding no.

In his latest budget, President Clinton has decided to cut off funding to hire the new 1,000 agents. It seems that the Clinton administration has decided not only to undermine Congress' get-tough immigration laws, but to completely ignore them altogether.

☐ 2100

The Border Patrol is only the most obvious component of a system of law enforcement that should cover both the border and interior enforcement. Even though it continues to receive most of the attention, about 40 percent of all illegal aliens in this country came here legally and simply overstayed their visas. Therefore, interior enforcement is an integral part of protecting the integrity of our borders.

Yet the INS field offices were recently told that their interior enforcement budgets would be cut by as much as 90 percent from last year's level. The INS's eastern region, covering States east of the Mississippi River, was told that its enforcement budget for fiscal year 1999 has been cut from more than $10 million down to $1 million.

The INS has begun a policy of releasing illegal aliens that they feel they cannot afford to detain. The INS plans to release at least 2,000 illegal immigrants, including people who have been convicted of arson, armed robbery, manslaughter, drug trafficking, alien smuggling and firearms violations. A spokesman for the INS acknowledges that detainees who get released probably will not ever be deported, since 9 out of 10 are never found again.

Agents in field offices are being told, "If you need money to do a case," then simply "do not send it up." A senior investigating official said that without more detention space, there is little point in arresting people because "they get home before you do."

The administration's refusal to allocate the appropriate funding for interior enforcement is not even the biggest hindrance to the enforcement of our laws. In what is called a major shift in strategy, the INS has decided to discontinue such practices as traditional workplace raids and instead emphasize only operations against foreign criminals, alien smugglers, and document fraud.

What should be done about this situation? Mr. Speaker, I call on you and my other colleagues to let officials at the INS and in the administration know that ignoring or undermining our Nation's laws will not be tolerated. I call on each of us to throw a spotlight on the INS's operations, to call them to task on laws that are being flouted and policies that have seemingly been forgotten.

I would ask us all, if we wish to maintain our Nation of immigrants, of letting those who wait in line and bide their time and abide by the laws that we have in place so that they can come legally in this country, then we must not ignore the fact that our immigration lawyers are being ignored and the policies are not being enforced.

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Mr. Speaker, I ask unanimous to take the time previously allotted to the gentleman from Texas (Mr. GREEN).

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentlewoman from California?

There was no objection.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, March is Women's History Month, and I come to the floor of the House this evening to salute the mothers of Women's History Month, the National Women's History Project, known as "The Project." The Project is from the 6th Congressional District in California, the district that I am proud to represent.

About a year ago I traveled to Seneca Falls, New York to celebrate with my colleagues and our Nation's women the 150th anniversary of the women's rights movement. This was truly a special occasion because Sonoma County, which is my home district, is the birthplace of the National Women's History Project, the organization responsible for the establishment of women's history month and a leader in the 150th anniversary of the women's rights celebration.

The Project, the Women's History Project, is a nonprofit educational organization founded in 1980, committed to providing education and resources to recognize and celebrate women's diverse lives and historic contributions to society. Today they are repeatedly cited by educators, publishers, and journalists as the national resource for information on U.S. women's history.

Thanks to the Project's effort, every March, boys and girls across the country recognize and learn about women's struggles and contributions in science, literature, business, politics, and every other field of endeavor.

As recently as 1970, women's history was virtually unknown, left out of school books, left out of classroom curriculum. In 1978, I was the chairwoman of the Sonoma County Commission on the Status of Women. At that time, I was astounded by the lack of focus on women.

Under the leadership of Mary Ruthsdotter and through the hard work of these women, the celebration of International Women's Day was expanded and declared by Congress to be National Women's History Week. Together, the women of my district and the Project succeeded in nationalizing awareness of women's history.

As word of the celebration's success spread across the country, State Departments of Education honored Women's History Week; and, within a few years, thousands of schools and communities nationwide were celebrating National Women's History Week every March.

In 1987, The Project petitioned Congress to expand the national celebration to the entire month of March. Due to their efforts, Congress issued a resolution declaring the month of March to be Women's History Month. Each year since then, nationwide programs and activities on women's history in schools, workplaces, and communities have been developed and shared.

In honor of Women's History Month, I want to praise Mary Ruthsdotter, Molly MacGregor, and Bonnie Eisenberg, who are the birth mothers for this very notion, which makes me, by the way, the midwife. I want to acknowledge Lisl Christy, Cindy Burnham, Jennifer Josephine Moser, Suanne Otteman, Donna Kuhn, Sunny Bristol, Denise Dawe, Kathryn Rankin, and Sheree Fisk Williams. These are the women now working at the Project. All of these women serve as leaders in the effort to educate Americans of all ages. They educate them about the contributions of women in our society.

Under strong and thoughtful leadership by Molly MacGregor, the National Women's History Project educated America about the 150th anniversary of the women's rights movement.

The Project was repeatedly called upon by the National Park Service, in particular the Women's Rights National Historical Park, to help them integrate women's history into their exhibits. Their "Living the Legacy of Women's Rights" theme also made it possible for thousands of communities, local schools, employers, and businesses to support and celebrate the 150th anniversary. The Project also launched a media campaign which educated the press about the proud history of the women's movement.

Further, the Project has been recognized for outstanding contributions to women and children and their education by the National Education Association; for diversity in education by the National Association For Multicultural Education; and for scholarship, service, and advocacy by the Center for Women's Policy Studies.

As I pay tribute to women's history month, I am truly grateful to all the devoted women at the National Women's History Project for their continued commitment and for making an indelible mark on our country.

PRESIDENTIAL DECISION-MAKING RELATED TO KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, I rise to address the issue of presidential decision-making related to Kosovo.

Sometimes the challenge of leadership is to recognize that restraint at the outset is a better policy than entanglement at the end.

The Balkans are a caldron of conflict based on a history of internecine violence of which we on this side of the Atlantic have little understanding or capacity to ameliorate.

Policy in such a circumstance should be designed to avoid being caught up in destructive dissensions which are beyond our ken and beyond our control.

There may be a humanitarian case for intervening on the ground in Kosovo as part of a small NATO peacekeeping operation. But this case disintegrates if we unleash air power against one of the sides. In the wake of air strikes, we will be barred forever from a claim to the kind of neutral status required of a peacekeeping participant. More importantly, it is strategic folly to assume civil wars can be calmed by unleashing violence from 30,000 feet.

Teddy Roosevelt once admonished "to speak softly but carry a big stick." At risk to the public interest, this President has taken a different tack. He has raised the rhetoric, threatening one side that air strikes will occur if it does not capitulate, and allowed a war criminal, Slobadan Milosovic, to force his hand.

Now, in part because White House threats are either not being taken seriously or are viewed as potentially counterproductive, Milosovic has put the President in a position of advocating air strikes in order to keep his word, even though their effect may be more anarchistic than constraint.

The world will little note nor long remember what most Presidents say most of the time. But people from every corner of the earth are taking stock of what appears to be a too-ready trigger hand on cruise missiles and air power.

A question worth pondering is whether use of such power in East Africa and Afghanistan, for instance, precipitates or diminishes efforts by destabilizing powers to build weapons of mass destruction and missile delivery systems for themselves.

Meanwhile, the case for unleashing a military strike in order to make a meaningful threat meaningful should be reconsidered.

It is time to disengage pride and review circumstance. It is time to stop being a bully in the use of the bully pulpit.

WE CANNOT AFFORD TO PRIVATIZE MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Medicare Commission fortunately has voted down a Medicare reform proposal that would have privatized one of the best government programs in American history.

The Commission's charge was to come up with a scheme for putting Medicare on a solid financial footing and improving its value to seniors. Instead, they came up with a scheme to end Medicare as we know it. While the Commission's time may have run out, it is not, unfortunately, the end of the story. Plans are being made to introduce legislation based on the plan, they call it premium support, that the Commission just rejected.

Under this proposal, Medicare would no longer pay directly for health care services. Instead, it would provide each senior with a voucher good for part of the premium for private coverage. Medicare beneficiaries could use this voucher to buy into the fee-for-service plan sponsored by the Federal Government or to join a private plan.

To encourage consumer price sensitivity, the voucher would track to the lowest cost private plan; ostensibly, seniors would shop for the plan that best suits their needs, paying extra for higher quality care. But the proposal would abandon the principle of egalitarianism that has made Medicare one of our Nation's best government programs.

Today the Medicare program is income-blind. All seniors have access to the same level of care. The premium support proposal, however, would be structured to provide comprehensiveness, access, and quality only to those who could afford them.

The idea that vouchers would empower seniors to choose a health plan that best suits their needs is simply a myth. The reality is that seniors will be forced to accept whatever plan they can afford.

The Medicare Commission was charged with ensuring Medicare's long-term solvency. This proposal will simply not do that.

Bruise Vladeck, a former administrator of the Medicare program and a commission member, doubted the commission plan would save the Federal Government even one dime. The same proposal under another name will not do it either.

The privatization of Medicare is, of course, nothing new. Medicare beneficiaries have been able to enroll in private managed care plans for some time now, and their experience does not bode well for a full-fledged privatization effort. They are already calling for higher government payments, they are dropping out of unprofitable markets, and they are cutting back on patient benefits.

Managed care plans are profit-driven, and they do not tough it out when those profits are unrealized. We learned this the hard way last year when 96 Medicare HMOs deserted more than 400,000 Medicare beneficiaries because their customers simply did not meet the HMO profit objectives.

Before Medicare was launched in 1965, more than half this Nation's seniors were uninsured. Private insurance was then the only option for senior citizens. Insurers did not want seniors to join their plans because they knew the elderly would use their coverage. The private insurance market has changed considerably since then, but it still avoids high-risk enrollees and, whenever possible, dodges the bill for high-cost medical services.

The purpose of public medical systems is to provide the best health care possible to help people, especially children and the elderly, so that they can live longer, healthier lives.

☐ 2115

The purpose of privatized medical systems is to maximize profit through private insurance companies, denying benefits and instituting physician and other provider incentives to withhold care.

The problem is the expectation that private insurers can serve two masters: the bottom line and the common good. There are 43 million uninsured Americans. If the private health insurance industry cannot figure out how to cover these people, most of whom are middle-income workers and children, how will they treat high-cost seniors?

If we privatize Medicare, we are telling Americans that not all senior citizens deserve the same level of care. We are betting on a private insurance system that puts its own interest ahead of health care quality and a balanced Federal budget. As the focus of Medicare reform shifts to Congress, we must question our priorities.

The answer is clear: Medicare is a national priority and must be kept the excellent public program that it has been for 3 decades. Thirty-six million Americans depend on Medicare every day, and it has helped our Nation lead the world in life expectancy for people 80 years and older.

The Medicare Commission wisely disbanded without delivering a final product. It is time now that we go back to the drawing board and construct a plan that builds on Medicare's strengths and ensures its solvency for decades ahead.

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY of New York. Mr. Speaker, my colleagues only have to look at the history of the issue of the census to understand what is going on in the House this Congress. Tomorrow, we will begin the debate on the supplemental appropriations bill for the Wye River Peace Accord and the victims of Hurricane Mitch.

Just 2 years ago, we were debating another supplemental appropriations bill. Then it was for flood victims in the Midwest. The waters in North Dakota had not yet receded when the Republican majority added language to ban the use of modern scientific methods to the flood relief bill. They thought the President would not dare veto flood relief over the census, particularly when so many people were suffering. They were wrong.

The President vetoed the bill, stating very strongly that Congress had no business tying flood relief to anti-modern scientific counts in the census. The President received editorial support clear across this Nation, and the Republican majority backed down.

Then, in September of 1997, the majority put language in the Commerce, Justice, State appropriations bill to ban the use of modern scientific methods. When the President threatened to veto that, the majority knew they did not dare shut down the government over the census, so they came to the bargaining table with 17 pages of language designed to tie the Census Bureau up in knots.

The majority insisted on language that required two sets of numbers for the 2000 census. Now they say that two sets of numbers is irresponsible. They set up a monitoring board with a $4 million budget and complained when the President insisted that the board be balanced with an equal number of presidential appointments and congressional appointments.

The majority tried again in 1998 to kill the use of modern scientific methods and failed. Then they turned to the courts. In January they lost that battle, too. The Supreme Court ruled that the Census Bureau could not use modern scientific methods for apportionment, but they are required to use it for everything else, if feasible. Of course, what the majority really cared about was keeping the Census Bureau from producing census counts that were corrected for those missed and counted twice.

Now they are desperate again. They claim that apportioning the 435 seats among the States is the same thing as drawing Congressional District boundaries, even though apportionment is done by the Congress and drawing district lines is done by the State legislatures. In fact, the last time the Republicans controlled Congress during the census was 1920, and they so disliked the results of that census that they refused to reapportion the House for the entire decade.

The fight today is about whether or not the professionals at the Census Bureau will be allowed to conduct the census as they see fit. The majority has introduced seven bills that look harmless on the surface but most of them are designed to make it more difficult for the professionals to do an accurate count.

Several of the bills are so invasive that the Census Bureau director said that the effect, and I am quoting Dr. Prewitt now, the Director of the Census Bureau, he claimed it would be "just short of disastrous." He said, "It would put the entire census at risk".

Several are so bad that the Secretary of Commerce said that he would recommend a presidential veto. None of their proposals would make the census any more accurate. And I will insert at this point in the RECORD the letter from Secretary of Commerce Daley to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

THE SECRETARY OF COMMERCE,
Washington, DC, March 16, 1999.

Hon. DAN BURTON,
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR CHAIRMAN BURTON: Tomorrow, the Government Reform Committee is scheduled to mark up seven bills related to the conduct of the Decennial Census in 2000. While I know we share a common goal of ensuring that Census 2000 is the most accurate and cost-effective Decennial possible, the Department of Commerce must strongly oppose legislation that would mandate a post census local review, require the printing of short census forms in 34 languages, and mandate a second mailing of census forms.

According to the Director of the Census Bureau, Kenneth Prewitt, and the professionals at the Census Bureau, these three bills would reduce the accuracy and seriously disrupt the schedule of Census 2000. Based on the attached detailed analysis of the legislation provided by Dr. Prewitt, if this legislation were presented to the President, I would recommend that he veto it.

The Census Bureau is already working on many of the issues that these and the other four bills address. For example, the Census Bureau is not designed to manage a grant program, but it is working to increase partnerships with local governments and tribal and non-profit organizations to increase participation in Census 2000. In addition, we expect to seek additional funding for a variety of other activities. And we would appreciate assistance in making it possible for more individuals to take temporary census jobs without losing their government benefits.

Thank you for this opportunity to present our views on the legislation under consideration by your Committee. I look forward to continuing to work with you and other members of Congress to ensure that Census 2000 is the most accurate census possible.

Sincerely,

WILLIAM M. DALEY.

Mr. Speaker, the 1990 census was the first census to be less accurate than the one before it. There were 8.4 million people missed and 4.4 million people were counted twice. The 1990 census missed 1 in 10 African American males, 1 in 20 Latinos, 1 in 8 American Indians on reservations, and 1 in 16 rural non-Hispanic whites. The sole focus of the majority's agenda is to make sure that these people are left out of the next census as well.

When the Constitution was written, there was a shameful compromise to the count. African Americans were counted as three-fifths of a person. We must not allow the 2000 census to count African American males as nine-tenths of a person.

There is one clear and simple issue here. Will the next census count everyone or will it repeat the mistakes of 1990, leaving millions of people unrepresented and unfairly left out?

The census is tied to not only accurate data but our funding formulas are tied to it. The census plan that the Census Bureau has put forward, using modern scientific counts, is supported by the entire scientific community.

These are the people that support statistical methods in the Census 2000: The National Academy of Sciences; the American Statistical Association; the Council of Professional Associates on Federal Statistics. Dr. Barbara BRYANT, a Republican, President Bush's Census Bureau Director. She speaks out every day for a modern scientific count. The American Sociological Association; the National Association of Business Economists; the Association of University Business and Economic Research; the Association of Public Data Users; and the Consortium of Social Science Associates.

These professionals versus the Republican majority.

We have a number of important Members of Congress that are participating in this special order tonight, and the gentleman from Maryland (Mr. ELIJAH CUMMINGS) is first, but I really would like to put in one of the recent editorials that have come out across the Nation regarding the GOP plan to undermine the census with this bill that they have before us.

I would like to just quote one line out of it. And this is from the Washington Post. This editorial is entitled "Census Chicken": "House Republicans are playing an indefensible game of chicken with the next census. To prevent the publication of accurate figures, which they fear could cost them seats in the next redistricting, they are threatening steps that could disrupt the entire operation. They put themselves in an untenable position reminiscent of their amateurish threat of several years ago to shut down the government unless they got their way."

This editorial goes on. It is quite a lengthy one. Again, they say, "So some Republicans also are trying, in the name of greater accuracy, no less, to impose new requirements on the Census Bureau whose effect would be to delay publication of the adjusted numbers until after redistricting had safely begun." And it ends by saying, "They ought to back off."

Mr. Speaker, I will submit at this point for the RECORD the entire editorial.

[From the Washington Post, Mar. 15, 1999]

CENSUS CHICKEN

House Republicans are playing an indefensible game of chicken with the next census. To prevent the publication of accurate figures, which they fear could cost them seats in the next redistricting, they are threatening steps that could disrupt the entire operation. They put themselves in an untenable position, reminiscent of their amateurish threat of several years ago to shut down the government unless they got their way on the budget. The carried that threat out, much to their chagrin. Their leaders—or some of their sensible members; it doesn't take that many in the House these days—should save them from suffering a similar embarrassment this time.

The issue is whether and how to correct for the chronic undercount, of low-income people and minority groups especially, that has come to plague the census as it has become better understood in recent decades. Disproportionate numbers of such people tend to be missed in the traditional head count, conducted first by mail, then by knocking on doors. The administration proposes, with the overwhelming support of the statistics profession, to use a system of sampling—extrapolation from exhaustive counts in selected census tracts—to adjust for this.

The Republicans seek to block that, on grounds it is little more than sophisticated guesswork, illegal, subject to political manipulation—and, in their view, likely to benefit Democrats. Last year they sought to enlist the courts. The Supreme Court found the law to be mixed. It agreed that an actual count had to be used for apportionment of congressional seats among the states, and the bureau has had to adjust its plan accordingly. There will be more of a head count and less reliance on sampling; the White House is still trying to figure out how to fit the additional cost of perhaps $2 billion within the president's budget. The court also said, however, that adjusted figures are required to be used for most other purposes, including, in most cases, the allocation of federal funds. It left up in the air which set of figures should be used for redistricting within states.

The administration's goal is to publish both sets by the spring of 2001, when redistricting is supposed to begin, and let each state choose which to use, since redistricting is a state function. The Republicans have threatened to withhold appropriations to prevent this, but that can get them back into the business of shutting down part of the government if the president makes good, as he should, on his own threat to use the veto. Nor may a vote whose clear effect would be to deny full political representation to significant numbers of vulnerable people be a comfortable one to cast.

So some Republicans also are trying—in the name of greater accuracy, no less—to impose new requirements on the Census Bureau whose effect would be to delay publication of the adjusted numbers until after redistricting had safely begun. Delay might serve their purpose as well as prohibition, at less political cost. The bureau says on the basis of long experience that the most important of these proposals—a second mailing and an additional chance for local officials to appeal the results of the head count—would actually detract from accuracy, innocuous though they sound. Director Kenneth Prewitt recently testified that they "would disrupt and even place at risk Census 2000."

The Republicans are contemplating mounting a national ad campaign in behalf of their position. But it's an unworthy cause. Nor is it clear to us that, in the complicated business of redistricting, the adjusted figures even if states choose to use them would necessarily work to Republican disadvantage. They ought to back off.

Mr. Speaker, I now call upon my friend and colleague, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for yielding to me, and also thank her for her work with regard to this issue. The gentlewoman has definitely been at the forefront of this very important fight.

Mr. Speaker, I rise today to support an accurate and fair Census 2000. Experts at the Census Bureau have concluded that only by using modern scientific methods for the census can we achieve this result.

I urge my colleagues to be mindful that conducting an accurate census is a complex task. The 1990 census was inundated with millions of errors, resulting in an error rate of over 10 percent. Approximately 101,000 Maryland residents were missed. Moreover, it is estimated that almost 21,000 constituents of the 7th Congressional District of Maryland were undercounted. This means that 21,000 of my constituents were not included in decisions made by the State and local governments that directly impact their lives, including the planning of schools, child care facilities, and the distribution of funds for health care. This is unacceptable and must be remedied.

However, the answer is not H.R. 472, the Post Census Local Review Act. This bill requires the Census Bureau to set aside 9 unnecessary weeks after the field work is done to review the count of local addresses a second time.

A local census review was conducted in 1990, and most mayors who participated in the program thought it was a disaster. Further, it would consume so much time that the Census Bureau would be unable to carry out its plans to use the more appropriate scientific manner to count our citizens.

Because of these concerns, when the bill is considered on the floor tomorrow I intend to support a substitute offered by my distinguished colleague, the gentlewoman from New York (Mrs. CAROLYN MALONEY), which will involve local governments in various aspects of the count, while also allowing the Census Bureau to proceed with its established plans.

As lawmakers, we have an obligation to focus on the impact the census data has on every aspect of our constituents' lives: education, health, transportation and economic development. As such, I believe the task of providing an accurate and complete census is better left to the statistical experts with guidance from the Congress and not its micromanagement.

I want to thank the gentlewoman for yielding, and I yield back to her.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his important comments.

It is important to remember that the census has real impact on people's lives. Information gathered in the census is used by States and local governments to plan schools and highways, by the Federal Government to distribute funds for health care and all other government programs, and by businesses in making their economic plans and predicting the future.

Mr. Speaker, the gentlewoman from Florida (Mrs. CARRIE MEEK) is here to comment. We had a public hearing, actually, in her city, which she hosted for the Subcommittee on the Census of the Committee on Government Reform. If I remember correctly, everyone testified in support of modern scientific methods.

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Mrs. MEEK of Florida. Mr. Speaker, yes, they did. I want to thank the gentlewoman from New York (Mrs. MALONEY) who has worked so hard and assiduously toward making us have a fair and accurate count. She has done this against many odds and against much fight from the Republican party.

I want to call to the attention of everyone and to this country that it appears that the Republicans would use any tactic necessary to dismantle the Census Department's ability to reach a fair and accurate count. It appears that they want to prevent an accurate census, not to get an accurate one. They have given much lip service to this, but all their efforts show that they are using all kinds of tactics to come up with ways to dismantle an accurate count.

History has shown us that the 1970 and the 1990 count in the census undercounted minorities. They undercounted African Americans, and they undercounted Hispanics. This chart shows this: More blacks than non-blacks were missed in the census. And we look at this and we can see here in 1940, also in 1950, 1960, 1970, 1980, 1990, we will see that a high percentage of African Americans have been missed. About 4.4

percent of African Americans were missed in the last census. That is a bad undercount. It takes away from African Americans their ability to be counted as a whole American.

Our chairwoman, the gentlewoman from New York (Mrs. MALONEY), mentioned that. If we remember, the Constitution once had us counted as three-fifths of a man. And now that we are supposed to be counted as one person, there still is an undercount. I want to thank the gentlewoman for her efforts on that behalf.

The Secretary of Commerce mentioned in his report that the 1990 census was the first in 50 years that was less accurate than its predecessor. The undercount of minorities was much worse than the 1.6 national average.

What I see here is sort of an intramural fight between the Census Department and the Republican Party, and it should not be that way. Democrats are trying very hard to make this census accurate, to be sure that everyone is counted. So, then, if that is our mandate as elected officials, there are some people who do not feel that an accurate count is very vital. But it is very vital.

Last year's census data was used in the distribution of over $180 billion in Federal aid. Republicans know this. I do not understand why they are fighting an accurate count when they know the very people they represent will be undercut or hurt by an inaccurate count. The poor people, the disenfranchised people, the homeless people, the elderly people, veterans, everyone will pay when the census is not accurate.

So I do not understand what the thinking is in the Republican Party that lets us worry only about the Congress and its apportionment. So that is all they are worried about? If that is the case, then that says to the people back home that they are not worried about them, they are not worried about the quality of their lives, because what they want to do is be sure that they do not bring any more Democrats into the Congress. Well, that is not fair to these senior citizens back home. It is not fair to people who are relying on government for all of the benefits that they should receive.

All we are asking for is that local communities receive their fair share of Federal spending. Without an accurate count, they will not get their fair share. An inaccurate count will shortchange the affected communities for an entire decade. They have already been shortchanged by the 1970 census, again in 1990. So here we come again. The Republicans are saying, "We do not care." They can be shortchanged for 10 more years, another decade of undercutting people who need a fair share.

On January 25, 1999, the United States Supreme Court ruled that the Census Act prohibits the use of sampling for apportioning congressional districts among the States. I do not agree with the Supreme Court on that. We did not win that fight. But they were wrong.

However, the Court also held that the 1976 revisions to the Census Act required the use of sampling for all other purposes, including the distribution of Federal aid to States and municipalities and for redistricting, if the Secretary of Commerce determines its use to be feasible.

I just left members of the Florida legislature. I attended a summit there. The whole talk was the census, getting an accurate count. Florida is one of the States that had an undercount. We do not expect to have that undercount again. I hope the Republicans will understand that Florida is a crucial State. We have people in that State who demand to be treated fairly.

The Secretary of Commerce has already announced that he considers the use of sampling to be feasible. Given the Supreme Court's ruling, a 2000 census plan, then, must be a two-numbered plan that uses traditional counting methods to arrive at a number for apportionment and modern statistical techniques for all other purposes.

My colleague from New York (Mrs. MALONEY) has really pushed this point home to everyone, the fact that statistical sampling is a technique that we need for all other purposes. Otherwise we are saying from the very beginning we do not want an accurate count. We want guesswork to get it down. Not only do we want guesswork, but we do not want some people to be counted. We do not care if they are not counted.

The Census Bureau has announced new details in their plan for a complete census under the law. This plan will produce counts using modern methods that will correct for people missed and counted twice and be used for all purposes other than apportionment. However, without using those modern methods, the 2000 census will have the same errors that the 1990 census had and will miss millions of people, mostly poor minorities, in this Nation.

Republicans are now trying to legislate through a series of bills and acts and resolutions. What they are doing is, they are trying to legislate a faulty census. Why is it needed through legislation? Why cannot we depend upon the Census Bureau?

The time for legislating how the census should be conducted has passed. The Census Bureau must be allowed to focus on conducting the census as planned and modified by the Supreme Court's decision. Let us allow the professionals at the Census Bureau to do their jobs and produce a fair and equitable Census 2000 count.

I want to assure and say to our chairwoman, the gentlewoman from New York (Mrs. MALONEY), that we are going to continue to work on this, we are going to continue to spread the word that there are people here in this Congress who do not feel that all of us count. And I want to say, Mr. Speaker, that we do count and we will be counted.

Mrs. MALONEY of New York. Mr. Speaker, I want to make sure that the gentlewoman knows that H.R. 472 has been pulled from the floor agenda for tomorrow. It will not be on the floor tomorrow. And this is very good because, as the gentlewoman pointed out and as the gentleman from Maryland (Mr. CUMMINGS) pointed out, it does absolutely nothing to correct the undercount. It does not do anything to correct the mistakes of the last census and, according to the professionals at the Census Bureau, puts hurdles and red tape in front of it that makes it impossible it get an accurate count.

So we are fortunate that the Republican Party has not put it on the floor for tomorrow, and I hope that they will not ever put it on the floor, since it does not do anything to help get an accurate count.

Mr. Speaker, I would like to include for the RECORD an editorial from the home city of the gentlewoman from Florida (Mrs. MEEK), the Miami Herald, from March 22nd. It is entitled "Everyone Counts. Republicans Will Prevent An Accurate Census At Any Cost."

And to read just a small portion from it, "U.S. House should remove the barriers to statistical sampling." The editorial goes on. "If you are black, Hispanic, Asian or poor, live in the city or on city streets and have a mind to be distrustful, you might conclude that many Republicans in Congress just want you to go away, at least until the 2000 census count is over and the new congressional district lines are drawn.

"Quite unreasonable has been the Republican congressional majority's attempts to thwart an honest count."

It states that "The House Government Reform Committee voted last week to throw as many monkey wrenches as needed into next year's count with bills that would delay a true count until the new district lines are drawn. In other words, delay it until all those initially overlooked black, brown and other minority faces no longer count."

Mr. Speaker, I include the following editorial for the RECORD:

[From the Miami Herald, Mar. 22, 1999]

EVERYONE COUNTS: REPUBLICANS WILL PREVENT AN ACCURATE CENSUS AT ANY COST

U.S. House should remove the barriers to statistical sampling.

If you are black, Hispanic, Asian or poor, live in the city or on city streets and have a mind to be distrustful, you might conclude that many Republicans in Congress just want you to go away—at least until the 2000 Census count is over and the new congressional districts are drawn.

These Republicans—and South Florida Reps. Ileana Ros-Lehtinen and Lincoln Diaz-Balart are among them—apparently fear that if these minorities are counted, the Democrats will gain more seats come redistricting time. It's a reasonable, albeit political, fear.

Quite unreasonable has been the Republican congressional majority's attempts to thwart an honest count. Last year, the party restricted Census Bureau funding and went to the Supreme Court to outlaw the use of statistical sampling, which would result in a more-accurate count. There, they got a partial win—sampling cannot be used for apportioning House seats.

But they aren't content to leave it at that. The shame of it is that Rep. Ros-Lehtinen and Diaz-Balart are in the thick of this misguided effort, even though theirs were among the top 25 undercounted districts in the country in 1990. Why is this important? Because government aid is tied to population counts. So their constituents lost federal funds because of it. Why do they want their constituents cheated again?

Government Reform Committee voted to throw as many monkey wrenches as needed into next year's count with bills that would delay a true count until the new district lines are drawn. In other words, delay it until all those initially overlooked black, brown and other minority faces no longer count.

One bill mandates a second mailing of census questionnaires to all households that don't respond, even though census workers will phone and visit each of those homes anyway.

A second measure, seemingly innocuous, would allow skeptical municipalities to demand that the Census Bureau come back after the count and recount the number of households—not the people—in a given area. The idea is that there may be discrepancies between the local address lists and the bureau's.

That's unlikely to happen. So says Barbara Everitt Bryant, director of the Census Bureau from 1989 to 1993. She headed the 1990 count under President George Bush—a Republican administration. After that count, some of the cities protested so loudly that the bureau sent interviewers to recanvass. Less than one-tenth of 1 percent of new households were uncovered—at a cost of $10 million.

The 2000 count will be even-more accurate because a change in the law lets cities and the bureau share address data to make sure questionnaires don't go to vacant lots. Yet this recount could take months.

When these bills get to the House, common sense must trump partisan politics.

Otherwise, it will be clear who really counts in the GOP's America—and who doesn't.

Mrs. MALONEY of New York. Mr. Speaker, I yield to my colleague the gentleman from Illinois (Mr. DAVIS), a member of the Subcommittee on the Census, who has been a truly outstanding leader on this issue, and I thank him for joining us as he has so many times on the floor to speak up for accuracy and fairness.

Mr. DAVIS. Mr. Speaker, I want to thank the gentlewoman for yielding, and I also want to echo the sentiments of those who have already praised the outstanding leadership that she provided on this issue.

Mr. Speaker, I rise today to join in this important special order, which I suggest is dedicated to democracy, fairness, equity, and representation for all of the people in this Nation. The issue, obviously, to which I am referring is the year 2000 census.

As a member of the Subcommittee on the Census, I submit that this is one of the most important issues of this Congress. This is not a new issue. In fact, it dates back some 2000 years, when a decree went out from Caesar Augustus that a census must be taken of all the inhabited earth.

Also, it is written in the Book of Numbers that the Lord God spoke to Moses in the wilderness of Sinai and told him to take a census of the sons of Israel. And of course if it was today, he would have said the sons and daughters of Israel. It was just that important 2000 years ago, and certainly it is that important today.

Since 1790, during the first census there was a significant undercount, especially among the poor and disenfranchised, and of course we have heard how African Americans were counted as only three-fifths of a person. Now, here we are 200 years later, in the 1990s, and it is estimated that the census missed over 8 million people. Most of those not counted were poor people living in inner cities and rural communities, African Americans, Latinos, immigrants, and children. The City of Chicago, my city, had an undercount of about 2.4 percent, and the African American undercount in that city was between 5 and 6 percent.

Obviously, we cannot afford to have a count in the year 2000 that does not include every American citizen. Too much is at stake. The census count determines who receives billions of Federal dollars. Every year census information directs an estimated $170 billion in Federal spending. Census data helps determine where the money goes for better roads, transit systems, schools, senior citizens' centers, health care facilities, programs for Head Start, school lunches.

In addition to money, representation is at stake, and in a democracy representation is just as important as the money. Congress, State legislatures, city councils, county boards, and other political subdivisions are redrawn as a result of the census count.

There are some in this body and some in this country who would deny representation and resources to millions of citizens in the name of maintaining the status quo. It is unfortunate that we might ever consider a bill that purports to move us in the direction of a more accurate census when we know that that bill will do just the opposite.

☐ 2145

I urge my colleagues not to play games with people's representation and resources. One begins to wonder whether initiatives counterproductive to an accurate census are part of a larger plan to delay, distort and ultimately destroy the accuracy of the 2000 census.

Under the Census Bureau's plan, everybody counts. All Americans would be included in the census. If we keep taking the census the old way, we will obviously miss millions of people, which would cause one to wonder if we have learned anything since 1790. Our scientific information dictates that we use proven scientific efforts to maximize the accuracy of the census. All of the experts know that it is what works.

Mr. Speaker, as we move to the actuality of census taking, there are bills that have been put before us supposedly designed to improve accuracy. But in reality, it seems to me that what we are doing is putting partisan politics ahead of the people and fair representation. It is my position that you can take all of these bills, apply them on top of a flawed census plan, and you end up with a flawed census. It is like saying that you really cannot get blood out of a turnip. You can take it and dice it and splice it. You can puree it and saute it, you can skew it, you can stew it, but you still will end up with turnip juice. I am afraid that that is how we are going to end up. If we do not use the most scientific method to count all of the people, I am afraid that we are going to miss people and rather than an accurate census, turnip juice will be the result of our efforts.

I thank the gentlewoman and again commend her for her outstanding leadership.

Mrs. MALONEY of New York. I thank the gentleman for his most accurate statements and descriptive statements. We are not about turnip juice, as he says, we are about accuracy, and or goal is the most accurate census possible, completed using the most up-to-date methods as recommended by the National Academy of Sciences and the vast majority of the professional scientific community. We should be supporting science, not trying to undermine it and get a less accurate count.

I thank the gentleman from Texas (Mr. GONZALEZ) for joining us. I had the great honor of serving with his father. He was dedicated to civil rights, was very proud of his role in it, and I think it is very appropriate that his son is here to speak on what has been called by many civil rights leaders the civil rights issue of this decade, making sure that all Americans, every single one of them, is counted with the most modern scientific methods.

Mr. GONZALEZ. Mr. Speaker, I thank the gentlewoman for allowing me this opportunity, and I also join my colleagues in commending her for the leadership role that she has played in this important battle.

Mr. Speaker, I rise today in hopes that history will not repeat itself, in hopes that we have learned by our previous mistakes. That is what we teach our children, that is what we have been taught. You would think as leaders, elected by our constituencies, we come here today with those important lessons. That may not be the case.

In the 1990 census, there were 26 million errors, approximately 8.4 million people were missed, 4.4 million were counted twice, and another 13 million were counted in the wrong place. Of those minorities, as has already been pointed out, those were minorities, they were children, they were poor people in the rural areas that had the highest undercounts. Clearly, we can do better than that. We must do better than that if we are to truly represent Americans of all ages and colors.

In Texas alone, we had an undercount of nearly half a million people, and it cost our State $1 billion in Federal funds. That is $1 billion of our tax money. Estimates suggest that an equally inaccurate undercount in 2000 would cost Texas over $2 billion.

I have already heard from several mayors in Texas, including the mayors of San Antonio, Laredo, Brownsville, Houston and Austin. They know what the 1990 census cost Texas and they are desperate to avoid another undercount. Even my local newspaper, the San Antonio Express News, has joined this all too important debate, requesting of Governor George W. Bush, Jr. to take a stand for Texas on the census and to allow and make sure that we utilize the latest proven, reliable scientific methods in arriving at an accurate count.

In 2000, the Census Bureau will have to count 275 million people at 120 million addresses. We are just over a year away from the first census 2000 mailing, and we must allow the Census Bureau to get on with their business, counting the American population.

H.R. 472, the Local Census Quality Check Act, scheduled at one time to come up on the House floor this week, would require the Census Bureau to conduct post-census local reviews. Now, that sounds like a good idea. But when you look under the cover, it appears to me that the real goal of H.R. 472 is to postpone deadlines while making it impossible for the Census Bureau to use scientific methods to arrive at the most accurate count possible.

Dr. Kenneth Prewitt, the director of the Census Bureau, has stated that H.R. 472 would mandate an operational change to the census 2000 plan which is neither timely, effective nor cost efficient and would return us to inadequate 1990 operations that have now been substantially improved upon. It is simple. Post-census local review is not a new idea. The Census Bureau has used it in the past. They used it in 1990 and it proved to be inefficient.

With that experience in mind, the Census Bureau developed a new plan for the 2000 census which would address the issue of local participation while utilizing modern scientific methods to produce the most accurate census possible.

I support the Maloney amendment to H.R. 472 which allows the Census Bureau to do just that, address local participation and use proven statistical methods to produce the most accurate census possible. The Maloney amendment gives local governments the power to add new construction to the census address list, review counts of vacant addresses and to review jurisdictional boundaries as part of a local update of census addresses before the census is conducted and not after.

It is clear to me that this amendment not only includes local governments in the census process, it makes them an integral part of it by including them in the process of building and checking the address list on a timely basis. After all, if what we all want is for our local governments to have some participation and some control or simply some say in the process, let us include them now and not later.

Mr. Speaker, I respectfully would request that the following letters from mayors in Texas who support local participation but oppose H.R. 472 be submitted into the RECORD.

CITY OF SAN ANTONIO,
HOWARD W. PEAK, MAYOR,
March 16, 1999.

Hon. DAN BURTON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BURTON: I am writing you to request your support for a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. With more than 38,000 citizens not counted in San Antonio and close to half a million statewide, Texas trailed only California as the state with the highest undercount in the 1990 census.

On behalf of the City of San Antonio, I am requesting you to oppose H.R. 472, the Local Census Quality Check Act. While I am favor in local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. Furthermore, the Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. The Census Bureau abandoned the post-census local review process because it was found not to be cost-effective.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards—the most accurate census possible. Therefore, I support the amendment proposed by Representative Carolyn Maloney which would coordinate local review with the other census activities. San Antonio and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience.

I ask for your commitment for a fair and accurate census in 2000. Thank you for your consideration.

Sincerely,

HOWARD W. PEAK,
Mayor.

CITY OF LAREDO,
ELIZABETH G. FLORES, MAYOR,
March 22, 1999.

Hon. HENRY A. WAXMAN,
U.S. House of Representatives,
House Government Oversight Committee,
Washington, DC.

DEAR CONGRESSMAN WAXMAN: I am writing to ask you to join us in supporting a fair and accurate census in the year 2000. Twenty-six million errors and an undercount of more than eight million Americans is not acceptable. Especially since most of the Americans who were not counted were children, poor people and minorities. As elected officials, we have a duty to protect the interests of our constituents. It is incumbent upon us to ensure that they are treated fairly and counted equally.

With more than 23,000 not counted in Laredo and close to half a million Texans not counted in the 1990 census, Texas trailed only California as the state with the highest undercount. This undercount denied Texas $1 billion in federal funds. If we chose not to correct the egregious mistakes made in the last census, Texas stands to lose an additional $2.18 billion in population-based federal funds. As Mayor of Laredo, I must look out for what is best for the citizens of this City. A fair and accurate census is at the forefront of my agenda.

I am also writing to request that you oppose H.R. 472, the Local Census Quality Check Act. While I am in favor in local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census.

According to current law, the census must begin on April 1, 2000, and report final population counts by April 1, 2001. On April 1, 2000, the census takers must assign 275 million people to 120 million addresses. This calls for the largest peacetime mobilization in our country. The Local Census Quality Check Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. In addition, the post-census local review was found not to be cost-effective. For these reasons, the Census Bureau abandoned the post-census local review process.

I believe that we should be able to have both local involvement and the use of the best methods to assure that all people are counted. I support the efforts of Representative Carolyn Maloney to alter H.R. 472. Representative Maloney's amendment will address the problems raised by some local governments, of new construction and boundary errors in a manner that allows the Census Bureau to coordinate local review with all of the other activities that must take place within a limited amount of time.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards, the most accurate census possible. Laredo and the entire State of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The census is a complex undertaking. The only way we can assure a fair and accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience. I ask for your commitment for a fair and accurate census in 2000.

Warmest Regards!

Sincerely,

ELIZABETH F. FLORES.

CITY OF AUSTIN,
OFFICE OF THE MAYOR,
Austin, TX, March 23, 1999.

Hon. HENRY A. WAXMAN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WAXMAN: I am writing you to request your support for a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. With thousands of citizens not counted in Austin and close to half a million statewide, Texas trailed only California as the state with the highest undercount in the 1990 census.

On behalf of the City of Austin, I am requesting you to oppose H.R. 472, the Local Census Quality Check Act. While I am in favor of local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. Furthermore, the Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. The Census Bureau abandoned the post-census local review process because it was found not to be cost-effective.

As currently drafted, H.R. 472 undermines the goal local officials have been working on to get the most accurate census possible. Therefore, I support the amendment proposed by Representative Carolyn Maloney which would coordinate local review with the other census activities. Austin and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience.

I ask for your commitment for a fair and accurate census in 2000. Thank you for your consideration.

Sincerely,

KIRK WATSON,
Mayor.

CITY OF HOUSTON,
OFFICE OF THE MAYOR,
Houston, TX, March 16, 1999.

Congressman HENRY A. WAXMAN,
Congressman DAN BURTON,
U.S. House of Representatives, Committee on Government Reform, Washington, DC.

DEAR GENTLEMEN: I write to ask you to join us in supporting a fair and accurate census in 2000. As you are well aware, the 1990 census resulted in 26 million errors and an undercount of more than eight million Americans. Most of the Americans who were not counted were children, poor people and minorities. As elected officials we have a duty to protect the interests of our constituents. It is incumbent upon us to ensure that they are treated fairly and counted equally.

With more than 66,000 not counted in Houston and close to half a million Texans not counted in the 1990 census. Texas trailed only California as the state with the highest undercount. This undercount denied Texas $1 billion in federal funds. If we choose not to correct the egregious mistakes made in the last census, Texas stands to lose an additional $2.18 billion in population-based federal funds. As Mayor of Houston I must look out for what is best for the citizens of this city. We must serve our constituents and demand a fair and accurate census. A fair and accurate census is at the forefront of my agenda.

I am also writing to request that you oppose H.R. 472, the Local Census Quality Check Act. While I am in favor of local participation and involvement to ensure a quality census, the effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census. According to current law, the census must begin on April 1, 2000, and report final population counts by April 1, 2001. On April 1, 2000, the census takers must assign 275 million people to 120 million addresses. This calls for the largest peacetime mobilization in our country. The Local Census Quality Check Act jeopardizes the ability of the Census Bureau to correct census counts for persons missed or counted twice by requiring that the 9-week local review process begin after all other census activities are completed. In addition, the post-census local review was found not to be cost-effective. For these reasons, the Census Bureau abandoned the post-census local review process.

I believe that we should be able to have both local involvement and the use of the best methods to assure that all people are counted. I support the efforts of Representative Carolyn Maloney to alter H.R. 472. Representative Maloney's amendment will address the problems raised by some local governments, of new construction and boundary errors in a manner that allows the Census Bureau to coordinate local review with all of the other activities that must take place within a limited amount of time.

As currently drafted, H.R. 472 undermines the goal local officials have been working towards—the most accurate census possible. Houston and the entire state of Texas stand to lose billions of dollars in federal funds allocated on the basis of the census. The census is a complex undertaking. The only way we can assure a fair and an accurate census is to allow the professionals at the Census Bureau to make the many critical decisions involved in taking a census based on their expertise and experience. I ask for your commitment for a fair and accurate census in 2000.

Sincerely,

LEE P. BROWN,
Mayor.

BROWNSVILLE, TX,
March 17, 1999.

Hon. SOLOMON ORTIZ,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ORTIZ: The 1990 census resulted in an undercount of eight million Americans. As a result the State of Texas was denied approximately $1 billion in Federal funds. No other part of the country was more affected by this situation than perhaps California. In the case of Texas, the South Texas region which has a population that is largely Hispanic and a large concentration of families with incomes below poverty level, probably felt the brunt of the impact.

It is my understanding that in preparation for the 2000 census the House Government Oversight Committee, which you form part of, is presently considering legislation to require post-census local review instead of a statistical sampling method to arrive at an accurate census count. Our position is that the proposed legislation—H.R. 472, the Local Census Quality Check Act—while well intentioned, will prevent the Census Bureau from utilizing effective scientific methods for population counting, and may once more result in large undercounts. This unfortunately will impact once more the states with the larger populations and larger concentrations of minority groups—e.g., Texas and California.

I therefore urge you to oppose passage of H.R. 472. I am certain that allowing the use of statistical samplings will result in the most accurate and timely census possible. This is after all, I am sure, what we are all interested in.

Thank you.

Sincerely,

HENRY GONZALEZ,
Mayor of Brownsville.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his comments and for his work in his home State on getting an accurate count. What he is talking about is basic fairness. Because the census is so important, we must do absolutely everything that we can possibly do to ensure that everyone is included in the count. We know that previous censuses overlooked millions of Americans, especially children and minorities. That is not fair, it is not accurate, it is certainly not acceptable, and we are definitely determined to do better with this census. That is, if the Republican majority does not put language and requirements that make it impossible to get an accurate count.

The gentlewoman from Texas (Ms. JACKSON-LEE) has been a leader on this issue and many issues before this Congress. I thank her very much for joining us in this special order and being with us tonight.

Ms. JACKSON-LEE of Texas. I want to thank the gentlewoman from New York as well for her leadership on this issue that has been constant and unselfish as well as her leadership as the cochair of the Women's Caucus, which makes her role even more important, because what we are talking about is an issue of counting people without political ramifications, unselfishly, and making sure that the people of America are taken care of.

I would imagine that those who might be listening to us tonight might be, not confused but wondering when are we going to come together around this issue. May I give to them a sense of success and appreciation to the Republicans who have withdrawn H.R. 472 this evening, because maybe they too are beginning to see the light and are beginning to count votes and realize that all Members of this House, Republicans and Democrats, would do better if every American is counted.

And so I rise today to support and encourage this House together to support statistical sampling and to let the Census Bureau do its job. My colleague from Texas has already indicated that my State lost $1 billion. More importantly, my legislature is engaged in strong deliberations today to try and find a way to insure uninsured children. Because of the census of 1990, the State of Texas lost $85 million in Medicaid funds, $85 million in Medicaid funds. They also lost prevention and treatment dollars for substance abuse. They could have received as much as $9 million. This is a shameful result.

And so it is extremely important that we move toward bringing this to a resolution. We must enact legislation that will guarantee an accurate census. The 1990 census undercounted approximately 4 million people. In the State of Texas, we lost a congressional district, not a congressional district that was going to selfishly support itself but one that would help bring dollars to the people of the State of Texas, as has occurred in other States throughout the Nation. The undercount in 1990 was 33 percent greater than the undercount in 1980.

Congress must enact legislation that will help to vindicate the undercount in the city of Houston, 3.9 percent, some 67 to 70,000 persons. This antiquated procedure only recorded 1,630,553 residents. Based on the scientific sampling method that was prepared for the 1990 census, it is estimated that over 66,000 Houstonians were missed by the 1990 census. Congress must be responsive. As well, we must find a way to break this impasse. Congress has to be able to guarantee an accurate census.

Let me share with my colleagues remarks from the director of the Census Bureau, newly appointed, approved by both the Republicans and Democrats of the Senate, Dr. Kenneth Prewitt, who said this about the proposal of Chairman Miller. He talked about the last three items suggested by Chairman Miller to make the census in Chairman Miller's perspective better.

He said: On three items, second mailing, the language initiative and local government review of mailing addresses, the Census Bureau believes it has already presented more efficient programs than the suggestions advanced by Chairman Miller. Indeed, if some of these initiatives were legislated in the manner now before the subcommittee, they would disrupt—may I say that again, Mr. Speaker—they would disrupt and even place at risk census 2000.

Dr. Prewitt goes on to say, "I will of course allocate more time" as he began his presentation to refuting those three, then the other points of the recommendations made by the chairman.

Does it not seem that if we can get agreement on seven aspects of recommendations made by the committee, but three specific points made, including the local government review, has been stated by Dr. Prewitt who has an independent responsibility to ensure America's accurate count, Dr. Kenneth Prewitt, head of the Census Bureau, approved by Republicans and Democrats in the United States Senate and given the consent of that Senate to do his job has said, very devastatingly, that the procedures that Chairman Miller wants us to go under would place at risk the census 2000.

It is extremely important, then, Mr. Speaker, that, one, we join with the gentlewoman from New York (Mrs. MALONEY) and support her amendment. I am hoping that the discussion that we are having here tonight will bear fruit and that there will be a possibility that we do not see H.R. 472. I hope, in fact, that we will find a way to continue the funding of the Census Bureau past June in the agreement we worked out over a year ago, and that we will also find common ground to ensure that those children in Texas who lost $85 million in Medicaid dollars, those individuals who wanted to receive substance abuse treatment and lost $9 million, those individuals who lost the opportunity to be represented in the United States Congress, the House of Representatives, one of the most powerful bodies in the world, would get their opportunity to be counted in the year 2000.

□ 2200

Mr. Speaker, I would hope this Congress would come down on the side of ensuring that the homeless are counted, the homeless veterans are counted, African Americans, Hispanics and Asians, people of multi language who are citizens and residents of the United States are counted, and for sure I hope that we will join with the gentlewoman from New York (Mrs. MALONEY) and those of us who have been working with her, the gentleman from Illinois (Mr. DAVIS) and so many others, and begin to formulate a resolution that the American people can understand and say to us for once, or maybe once in many times, or maybe as an example of what is to come, that the Congress has come down on the side of cities like the City of Houston, of cities like San Antonio and Dallas, of States like California and New York and all in between: Florida, Iowa, Michigan Mississippi, all coming in between, to indicate that we want an accurate census count for the United States of America.

With that, I thank the gentlewoman from New York (Mrs. MALONEY) for her leadership. She can count on me and, I know, so many others to continue to work to finally give to the American people the right kind of census count, a statistical sampling, so that we can begin the 21st century when everyone is both included, protected and provided for as they live under the flag of the United States.

Mr. Speaker, I am pleased to be here to continue advocating for an accurate census count that will guarantee an equitable distribution of federal funds. I would like to first thank Congresswoman CAROLYN MALONEY for her leadership as Co-Chair of the Congressional Census Caucus. She has become a national leader on this issue.

Congress must enact legislation that will guarantee an accurate census! The 1990 Census undercounted approximately 4 million people. Even more troubling, this last census was, for the first time in history, less accurate than its previous census. The undercount in 1990 was 33 percent greater than the undercount in the 1980 census.

Congress must enact legislation that will guarantee an accurate census! In fact, the City of Houston was undercounted by 3.9 percent in the 1990 Census as a result of utilizing the current "head count" method. This antiquated procedure only recorded 1,630,553 residents. Based on the scientific sampling method that was prepared for the 1990 Census, it is estimated that over 66,000 Houstonians were missed by the 1990 Census.

Congress must enact legislation that will guarantee an accurate census! According to a recent GAO report Texas was in federal funding over the past decade because of the 1990 undercount.

Congress must enact legislation that will guarantee an accurate census! Houston was entitled to additional federal funds annually but these monies were allocated to another city in another state because the census 1990 was inaccurate.

Congress must enact legislation that will guarantee an accurate census! African-Americans, Hispanics, Asians, and American Indians were missed at a much greater rate than whites. Poor people living in cities and rural communities were disproportionately undercounted. An accurate census count provides an opportunity for every American to be counted regardless of race, geographic location and social economic class.

Congress must enact legislation that will guarantee an accurate census! H.R. 472 would put at risk the Census Bureau's ability to correct and adjust its counts using statistical data because it mandates that local review process begin after all other census activities are completed.

Congress must enact legislation that will guarantee an accurate census! H.R. 472 diminishes all efforts aimed at developing an accurate census count. The Maloney amendment to H.R. 472 strikes an equitable balance between local participation and an orderly timely accurate census count.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her comments. She is always right to the point, and I would like to put in the RECORD an editorial in the Sacramento Bee that really reinforces many of the points that she was making. It is from March 12 of 1999, and it is entitled: "More Census Mischief." And I would like to quote briefly from it, and the Sacramento Bee in its editorial says, and I quote:

> At this eleventh hour Republicans in Congress are proposing legislation that seeks to significantly change census methodology

> and procedures, adding cost, confusion and, most critically, time to an already tight schedule. Three of the specific provisions in the Republican bills threaten the process.

The editorial ends with a very strong comment, and I quote:

> With their predictably higher numbers of poor and minority residents, corrected counts are expected to benefit Democrats. If Republican Members of Congress can slow the census long enough to disrupt the count, corrected numbers will not reach the States in time to re-draw internal boundaries in 2001, thus helping Republicans. The public interest is in as accurate a census as possible. The Republican mischief at this late date threatens that.

End of quote, and again I will put the entire editorial from the Sacramento Bee into the RECORD:

> There are 385 days left before April 1, 2000—Census Day. Preparation for the once-a-decade national head count began even before the 1990 census was over. Twenty-five major software systems have been designed, linked and tested to keep track of the 175 million forms printed in six different languages, to pay hundreds of thousands of workers, to monitor tens of thousands of partnership programs and to produce 12 million maps needed to count an estimated 275 million residents at 175 million addresses. No small task.
>
> As Kenneth Prewitt, director of the Census Bureau, told Congress the other day: "Every step, every operation, every procedure is on a huge scale and is interdependent with every other step, operation and procedure."
>
> At this eleventh hour, Republicans in Congress are proposing legislation that seeks to significantly change census methodology and procedures, adding cost, confusion and, most critically, time to an already tight schedule. Three specific provisions in the Republican bills threaten the process.
>
> One would require the Census Bureau to print forms in 33 languages instead of the six already planned for. Those six languages account for 99 percent of U.S. households. Using translators and community liaison workers, census planners already have tested and put in place procedures for reaching out not just to those who speak the 27 other languages Republicans want forms printed in, but to 130 other language groups as well. To add more foreign language forms at this late date would require new computing capacity, optical scanners, renegotiation of printing contracts and a dozen other changes, making an already difficult task more so.
>
> Republicans also want a post-census local review, in which 39,198 units of local government would validate the bureau's housing count block-by-block. That was tried in 1990 and 1980 and, according to a Republican former Census Bureau director, turned out to be a logistical and public relations nightmare.
>
> The last bad idea offered would require a second mailing of the census questionnaire. Second mailings were tested during dress rehearsals last year and resulted in 40 percent duplicate responses, another wasteful and time-consuming effort.
>
> The real Republican goal here seems obvious: delay. That would make it harder for the Census Bureau to perform the controversial post-census statistical surveys so crucial to correcting for the expected undercount of poor and minority residents. The U.S. Supreme Court has ruled that federal law bars the use of corrected numbers to determine how many congressional seats a state can have. But those numbers may still be used to redraw congressional and legislative boundaries within individual states.
>
> With their predictably higher numbers of poor and minority residents, corrected counts are expected to benefit Democrats. If Republican members of Congress can slow the census long enough to disrupt the count, corrected numbers won't reach the states in time to redraw internal boundaries in 2001, thus helping Republicans. The public interest is in as accurate a census as possible. The Republican mischief at this late date threatens that.

Mr. Speaker, I am delighted that a new Member of Congress has joined us, the gentlewoman from Illinois (Ms. SCHAKOWSKY), and she serves on the Committee on Government Reform and Oversight. She also serves with me on the Committee on Banking and Financial Services, where she has already demonstrated leadership on protecting consumer rights, and I thank her for coming here and joining us on the floor tonight.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY). One of the reasons I really wanted to come here tonight was to be able to express publicly my admiration to the gentlewoman from New York and my gratitude for the work that the gentlewoman has done on this issue. It has really been an inspiration to me and a role model for me as a new Member.

There was a time in the history of our Nation when certain individuals were not counted as whole people. Congress long ago rejected this kind of blatant discrimination, and every Member today would, I know, assert his or her abhorrence of this practice.

But I fear, along with many of my colleagues, that in a far more subtle but also fundamentally destructive proposal we are again jeopardizing the full and fair counting of every American.

What is especially disturbing about H.R. 472, which I was pleased to hear was removed from tomorrow's calendar, but what is especially disturbing about the legislation is that it is carefully worded to take on the appearance of making the census more fair when its actual intent and consequences are just the opposite. While H.R. 472 purports to double-check accuracy, its real effect is to prevent the use of statistical methods in the final census count.

I come from a county, Cook County in Illinois, in a district that has historically been undercounted for one well-known and well-documented reason. We have large populations of poor, minority and immigrant residents. These are the people who will disproportionately suffer from being undercounted.

John Stroger, Jr., the great president of the Cook County Board of Commissioners wrote, quote:

"Cook County is strongly opposed to H.R. 472. A recent study found that," and he quotes from the study, "34 cities and counties lost more than $500 million in Federal and State funds during this past decade due to the undercount in the 1990 census. These dollars translate into meals for seniors, transportation and job training."

This bill is one of a series that was considered in the Committee on Government Reform and Oversight, on which I sit along with the gentlewoman from New York (Mrs. MALONEY), which sound good but which I believe have the effect of cynically stymieing the use of modern scientific methods for obtaining an accurate count by delaying the entire process.

None of the proposals, including H.R. 472, were given proper hearings. Had that happened, we could have heard Dr. Prewitt, Census Bureau Director, tell us that H.R. 472, quote from him, would interfere with and put at risk, unquote, the Census Bureau's plan which already includes review of addresses by local officials. We could have heard the National Academy of Sciences explain that the key to an accurate census is the use of modern statistical methods, that without this the undercount of urban and rural poor and minorities will persist.

In fact, all of the real experts, the American Statistical Association, the National Association of Business Economists, the Association of Public Data Users, and on and on, the real experts whose one and only interest is accuracy endorse statistical methods as the most accurate.

I have to say that in light of the positive spirit my husband and I experienced last weekend in Hershey at our bipartisan retreat, this bill is a real disappointment, and I am hoping that the fact that it was taken off the calendar for tomorrow is an indication that perhaps there has been a change of heart. It represents to me the reasons that citizens grow alienated from the political process. I see it as a clever manipulation of the system, as cynical census mischief that just happens to hurt many vulnerable people. It makes me sad, and I would hope that if this bill does reach the floor, that my colleagues on both sides of the aisle will join me in voting "no".

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for her comments, and I would like to put in the record an editorial from the Chicago Tribune dated March 14 entitled: "Not One Census, But Two," and I quote from this, this particular editorial. It ends by saying:

"It has not escaped the notice of either party that the people who are missed in the old fashioned census tend to be the kind of people, poor, minority, urban, who generally vote Democratic. But pretending they don't exist is not likely to work to the long-run advantage of the GOP. Now that they have won on the apportionment, fairness and political wisdom argue that

Republicans should compromise on the other census battle."

Is that the gentlewoman from Illinois' hometown paper?

So, Mr. Speaker, I would like to add this to the list of items that have been put in the RECORD:

[From the Chicago Tribune, Mar. 14, 1999]

NOT ONE CENSUS BUT TWO

The decennial census of the population is one of the most important tasks undertaken by the federal government—and one of the hardest. A complete count is impossible, because there are so many people in the United States, some of them hard to find. Experts say the last census missed about 4 million people, including 2.4 percent of those in Chicago.

The Clinton administration wanted to address this problem by using statistical methods known as "sampling" to arrive at estimates of people who are omitted by the traditional head count.

But in January, the Supreme Court ruled that federal law does not permit sampling for purposes of congressional apportionment. It's not clear that, if obliged to decide, the justices would conclude that the Constitution does either.

The most noteworthy consequence of the verdict is that when it comes time to divvy up seats in Congress, some states may be shortchanged. That can't be helped. What can be avoided is using a plainly faulty tabulation for other purposes.

The court held that sampling was forbidden for apportionment. For all other purposes, though, it not only is permissible but may be required. So the administration plans for the Census Bureau to come up with two numbers in 2000—one based on traditional door-to-door methods for parceling out House seats and another using state-of-the-art techniques for such purposes as distribution of federal money and state legislative redistricting.

That proposal is imperfect, but not as imperfect as the alternative, which is to use the less accurate tally for everything.

Republicans object to spending any extra funds to supplement the conventional census, and warn the public will be confused. But it's hard to see the sense in refusing to allocate government aid in accordance with where the intended beneficiaries actually are.

The Constitution may bar the use of estimates when the sacred matter of voting is involved, but that principle doesn't apply when it comes to social welfare programs.

It has not escaped the notice of either party that the people who are missed in the old-fashioned census tend to be the kind of people (poor, minority, urban) who generally vote Democratic. But pretending they don't exist is not likely to work to the long-run advantage of the GOP. Now that they've won on apportionment, fairness and political wisdom argue that Republicans should compromise on the other census battle.

It is very important that the 2000 census be complete, and the Census Bureau will use modern scientific methods, techniques that will provide an essential quality check on Census 2000 to ensure a complete and accurate census.

The President of the United States has spoken out in support of accuracy, and he has said, and I quote a statement he made on June 2 of 1998, and I quote:

"Improving the census should not be a partisan issue. It is not about politics. It is about people. It is about making sure that every American really, literally counts."

Mr. Speaker, he has indicated on several occasions publicly and in meetings, and really he told me himself once in a private conversation, that he would veto any vehicle that in any way undermined an accurate count.

Unfortunately, Mr. Speaker, some of the articles that have appeared in Roll Call tend to speak of partisan politics and goals, and I would like to put in the RECORD the editorial from March 15 entitled: "Census Summit:"

CENSUS SUMMIT

Republicans and Democrats are at the brink of a catastrophic war over the 2000 Census. It's time for a summit conference between President Clinton and House Speaker Dennis Hastert (R-IL) to avert a partial shutdown of the federal government and, even worse, a failed census that convinces the U.S. population that its government in Washington can't even count.

The issue over which the parties are fighting, of course, is sampling—the use of modern polling techniques to estimate the hardest-to-reach 10th of the population. The Clinton administration adamantly supports sampling, backed by ex-President George Bush's census director and the National Science Foundation, which called for it as a remedy for serious undercounting in the 1990 Census.

Republicans adamantly oppose sampling, contending that the constitutional mandate of an "actual enumeration" forbids sampling and fearing that the administration would rig the count to cost the GOP House seats in the post-2000 redistricting.

The Supreme Court might have resolved the conflict, but didn't. It failed to rule on the constitutionality issue and rendered a split decision on the 1976 census law—banning sampling for purposes of apportioning House seats among the states, but permitting it for drawing districts within the states and for dispensing federal grants. The Clinton administration wants to proceed with a dual-track census, but Republicans are determined to block it.

It's possible that the entire State, Commerce and Justice departments could shutdown on June 15 if no agreement on sampling is reached. That's because last year, instead of resolving their differences, Congress and the administration postponed their day of reckoning by funding the three departments for only part of this fiscal year.

As Roll Call reported last week, Hastert is preparing for war by assembling a strategy team to devise ways of convincing the country that this shutdown—if it occurs—is Clinton's fault, not that of the GOP. Meantime, on another front, the House Government Reform Committee is set to mark up legislation containing at least three provisions that are likely to delay and complicate census-taking in the guise of improving the count.

One provision would require printing all census forms in 34 languages instead of the planned six, an enormous logistical problem for the Census Bureau, which has made other plans for contacting persons speaking minority languages.

Mr. Speaker, the census is not only about counting people and the distribution of Federal funds, it is about accurate data, and we need to have accurate data in order to come forward with good policy. It is the basis, literally the census is the basis of all demographic information used by educators, policymakers, journalists and community leaders. America relies on census data absolutely every single day to determine where to build more roads, hospitals and child care centers. So it is important that this data be accurate so that we have long-range, accurate policies, that we really draw upon on the information that is provided by the census.

We know that we have a problem. In 1990 the census missed more than 8 million people and double-counted more than 4 million people. Poor people living in cities and rural communities, African-Americans and Latinos, immigrants and children were disproportionately undercounted, and in order to correct these mistakes and in order to correct the undercount, we really should leave the 2000 census in the hand of the professionals at the Census Bureau, allow the seasoned experts to plan and conduct the most accurate census. The professionals at the Census Bureau are continuing their preparations to produce the most accurate census permitted under the law. Our goal must be to support these professionals using the most up-to-date, scientific methods and the best technology available.

I must say that all of the scientific community supports the Census Bureau's plan. Many leading Republicans support it. My own Mayor Giuliani, who is a Republican, joined many of us who were opposed to the lawsuit that was being brought by Speaker Gingrich to really stop the use of modern scientific methods. Dr. Barbara Bryant, who is a Republican who served in the Bush administration, has testified many times before the committee in support of modern scientific counts.

Mr. THOMPSON of Mississippi. Mr. Speaker, I represent Mississippi's Second Congressional District. Based on per capita income, the Second District is the 430th poorest Congressional District in the nation. Let me say that again. Out of the 435 Congressional Districts, the District I represent ranks 430 based on per capita income.

I know this, Mr. Speaker, because the Census Bureau extrapolated these statistics based on the data they compiled during the 1990 Census. Economic, social, health, employment, housing, and other types of information crucial to knowing who populates not only our nation but our Congressional Districts can be derived from the enumeration of Americans taken every ten years.

The census is important . . . extremely important. As Members of Congress, I think we can all probably agree on that statement. However, upon closer examination, the delicate balance we have managed to maintain begins to crumble. While Democrats admittedly want to count the urban and rural poor, minorities, legal immigrants and children, Republicans have publicly stated that an accurate accounting of all Americans will jeopardize their ability to hold on to a majority in Congress.

I argue that the Republicans have their priorities mixed up. Counting Americans is what we are supposed to be doing here, not protecting our political majority in Congress. What they apparently fail to realize is the impact an inaccurate Census count has had on the population of poor, rural and urban Congressional Districts, including the one I represent. In 1990, nearly 14,700 of my constituents were not counted, ironically placing my District near the top of the list at number 75 out of many Congressional Districts that experienced undercounts. Most of the people who were not counted in my District were poor people, African-Americans, Latinos, immigrants and children living in the city of Jackson, Bolivar County, Madison County, Warren County, and Washington County.

I am going to take a unique approach to this issue. I am going to admit the reason unabashedly I want all of the people in Mississippi's Second Congressional District counted is to increase the amount of federal funding received by the State of Mississippi.

Mr. Speaker, allow me to give you some additional statistics. Of the fifty states, Mississippi ranks first in the percent of births to unwed mothers, first in food stamp recipients, first in infant mortality rates, last in state health rankings, fifth in percent of non-elderly population without health insurance, 41st in average 8th grade math proficiency scores, 36th in average 8th grade reading proficiency scores, and 50th in per capita personal income.

Once again, Mr. Speaker, I would like to remind you that I represent the poorest Congressional District in the second poorest state in the Nation. In some places in my District federal funds are the life's blood of economic hope. Usually, the county tax base cannot cover the many needs of the area's residents. The federal government has stepped in on numerous occasions and filled the financial gaps that would have otherwise increased our state's infant mortality rate, prevented the basic educational needs of our children from being met, and prevented Mississippians from building the vital infrastructure needed to support businesses and to provide jobs.

When any segment of our population goes uncounted, it jeopardizes our chances to receive invaluable federal funding. Some of the programs that rely on population-related data to allocate funds include: 1890 Land Grant Colleges, Water and Waste Water Disposal Systems for Rural Communities, Community Development Block Grants, Juvenile Justice and Delinquency Prevention, Summers Jobs, Education Block Grants, Head Start, and many others that have specifically benefited the District I represent.

The use of current statistical methods is the only way to insure Mississippi receives the most accurate count possible. It is the only way to guarantee that our respective constituents receive their fair share of federal dollars.

Mrs. NAPOLITANO. Mr. Speaker, I am here today to make the case for an accurate year 2000 census. We must do what we can to avoid a repetition of the 1990 census, which was the least accurate U.S. census this century. In 1990, over 800,000 Californians were not counted. Subsequent studies by the Census Bureau found that 17,153 individuals in my own district went uncounted. The 1990 census is also known for having done a poor job of counting minorities. This deficiency was also reflected in my district, where 63 percent of those not counted were Hispanic.

What good is a census if it doesn't count everyone?

We need an accurate census so that federal funds and congressional seats can be fairly distributed among and within the states. When I was Mayor of the City of Norwalk, it was blatantly clear how vitally important census figures were in determining my city's access to much-needed federal dollars. Communities in my direct, my state and around the nation, depend on an accurate census to provide them with the dollars they deserve to support important education, health and infrastructure programs.

Therefore I supported, and continue to support, the use of modern statistical methods to produce the most accurate census possible. Unfortunately, the Supreme Court took the position that these modern methods cannot be used for the reapportionment of congressional seats among the states—a decision that will likely leave California without all the representation it deserves.

But the Supreme Court decision did affirm that these methods can be used in determining how to draw district lines and distribute federal funds. I hope that we will be able to use modern statistical methods for those purposes.

I know that many of my colleagues on the other side oppose the use of modern methods for any purpose, and I am saddened that they lack a commitment to producing the most accurate census possible.

If we are not going to be able to use the best methods recommended by our Census Bureau, then let us move quickly to ensure that the people who conduct the head count, using old and out-dated methods will, at the very least, have some of the tools needed to conduct a successful count.

This is going to be the largest peacetime mobilization in U.S. history—500,000 people will be hired all across the country for temporary positions to count our population wherever they may be found. To ensure that their effort is a success, these census workers must be familiar with the areas in which they will be working. This will help minimize the expected undercount.

Therefore, I am strongly urging the President to sign a waiver, authorized by the 1978 Civil Service Reform Act, to allow the use of a supplemental, bipartisan political referral system to fill the approximately 500,000 temporary decennial census positions across the nation. This will allow for local input into who is chosen to run the census. It will ensure that familiarity with the local area and the great diversity of our communities are critical factors taken into consideration when hiring qualified people to conduct our census.

Both Presidents Carter and Bush signed such waivers for the 1980 and 1990 Censuses. This approach was determined to be a very effective method in attracting qualified applicants accustomed to dealing with the public.

With a waiver, Members of Congress, as well as a host of state and local officials will be able to recommend individuals in their communities that are thoroughly familiar with the territory they will survey, including hard to reach populations. And, of critical importance, they will possess the sensitivity to deal effectively with local populations, inclusive of ethnic and racial minorities, who may be suspicious of unknown government workers coming into their communities.

The 2000 Census is fast upon us and unfortunately the Supreme Court has already tied one hand behind our backs, making an accurate count all but impossible. We in Congress must not further hamper the Census Bureau in conducting the best and fairest possible count. I strongly urge the President to sign the waiver as soon as possible and for Congress to allow the Census Bureau to use the most modern statistical methods for determining how to disperse federal funding and draw district boundaries within states

Mrs. MALONEY of New York. Mr. Speaker, I would just like to close by saying that we should let the professionals do their job. We should let them conduct an accurate count using accurate scientific methods. We know what the last count gave us. It gave us an undercount that disproportionately hurt minorities and the poor and the children, and we should not let that happen again. We must correct it, and we have a plan that does that. We should be supporting the professionals, not trying to undermine their efforts in getting the most accurate count possible.

□ 2215

ISSUES THAT DEFINE THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I want to spend this evening's Republican special order hour talking about a number of issues that define our Republican majority and what we are trying to accomplish here in the United States Congress. I want to invite any of our conference members who may be monitoring today's proceedings and this special order to come down on the floor and join in this discussion if they have anything to add to it or to relate to the rest of the Members of this great body.

One of the topics that I wanted to discuss tonight is an effort by the administration to greatly expand the percentage of land in America that is owned and possessed by the government as opposed to private landowners.

I recently had a chance to go to Russia with an 8-member delegation, the purpose of which was to discuss national missile defense and the legislation that we just passed last week relative to establishing a missile defense policy. The absence of property rights there captured my attention.

In Russia, all land is owned by the government. Even since the fall of Communism, Russian politicians have failed to make the transition to private land ownership, despite growing public fondness for this dramatic step. As more Russians exchange ideas with the rest of the world, they are collectively coming to an obvious conclusion that government is a poor steward of the land. The sad irony is the propensity of our own Federal Government to ignore so self-evident a truth.

The White House has proposed a virtual real estate spending spree involving the government snatching up private land faster than one can say glasnost or perestroika. Well, perhaps it is time for a little honesty, openness and restructuring here at home, too.

Westerners bristled during the State of the Union performance when the President announced his land legacy initiative, a ten and a quarter billion dollar land grab. Remember, the Federal Government already owns 30 percent of all land in the United States and a staggering 50 percent of all land in the west.

Now add to the Federal estate, expanding land acquisitions by State and local government, and it is not hard to conclude that America's destination is the very point of Russia's departure. The Clinton administration seems bent on breaking this bond between the American people and the earth, the very stricture of President Teddy Roosevelt's 1902 Reclamation Act which opened the door for water development, irrigation and agriculture in the west.

The Federal Government is notoriously ill-suited to manage the land it now holds, let alone more. For example, last year, the General Accounting Office reported to Congress widespread financial mismanagement, fraud, abuse and so on, in the United States Forest Service. The Service could not even identify how it spent $215 million of its operations and program funds.

Similar abuses have been reported within the National Park Service, which spent $784,000 of taxpayer money on the construction of a single outhouse in Pennsylvania. The Park Service has built similar royal commodes in Montana's Glacier National Park, and last year congressional hearings focused on the devastating impact of Federal land use policies on rural communities. Testimony from county commissioners documented how designating more Federal land erodes the tax base for schools and other critical services.

The Federal payment in lieu of taxes program designed to alleviate these burdens does not work well, they said. Historically, America's land policy has always favored private property ownership but under the lands legacy initiative, choice private lands currently thriving in the capable hands of America's farmers and ranchers will be relinquished to the control of Federal land managers with Washington, D.C. agendas.

At a time when the agriculture economy is enduring record low commodity prices, Congress should instead encourage private land management through positive incentives and tax relief. Indeed, this is why I introduced the Family Farm Preservation Act in the 106th Congress, to keep family farms and ranchers productive and in the family, keep their ranches in the family. The bill exempts family farms from the death tax when passed to succeeding generations.

Congress should address capital gains and other tax burdens, reform the Endangered Species Act and more aggressively expand trade markets. These steps would enable America's farmers to continue providing open space and the world's safest and most efficient food supply. In America, the right to liberty entails the right to hold property, especially land.

American politicians and their Russian counterparts would do well to consider John C. Freemont's 1856 observation that the valves upon which this Nation rests are, quote, free soil, free men and free speech; or we could all learn to speak Russian.

Growing the size of the Federal Government is a general theme that more than defines just the administration's efforts on acquiring additional public lands throughout America and restricting the available lands for private ownership. Growing the size of the Federal Government is really what divides both sides of the aisle here in the United States Congress.

We heard the previous Members engaged in a Democrat special order hour on the House Floor this evening talking about the United States census as though the Constitution as it relates to the census is somehow irrelevant but what matters more is the amount of the public wealth that is redistributed to the rest of the American people on the basis of how one counts bodies. That is a huge difference of vision in what constitutes real freedom and real liberty as we head into the next century.

Our plan is something that is very, very different. It entails a bold agenda here on the floor of the House of Representatives, to talk about smaller government, to talk about lower taxes, to talk about reducing the Federal burden of regulatory law in the lives of Americans on a daily basis. It is a pro-freedom agenda, a pro-liberty agenda. First and foremost in that agenda is our efforts to strength Social Security.

The Republican budget proposal sets aside every penny of the $1.8 trillion surplus in the Social Security trust fund to provide retirement security to three generations of Americans. Seniors, baby boomers and their children can all count on retirement security without a cut in benefits or an increase in taxes.

This is the first time since Congress passed the Social Security Act back in 1935 that 100 percent of the money going into that trust fund is being set aside for retiring Americans. We, the Republicans, are putting the trust back into the Social Security trust fund. House Republicans plan to create what is called a safe deposit box, to put that money off-limits legally for the first time in more than 60 years. The Social Security trust fund will no longer be a slush fund for wasteful government spending.

The Clinton-Gore plan only sets aside 62 percent of payroll revenues for retirement security over the next 10 years, again, compared to 100 percent that the Republicans are proposing.

The White House proposal on Social Security and Medicare totals only $1.68 trillion over the next 10 years compared to $1.8 trillion proposed by Republicans for retirement security on both Social Security and Medicare. I point out, Mr. Speaker, we accomplish this not by talking about proposals on the House Floor as we just heard a little while ago from our Democrat friends to grow the size of the Federal Government, to spend more money, to enlarge the size of the Federal bureaucracy. We talk about just the opposite and we do so because allowing the revenue that the Federal Government collects to be set aside for real priorities matters more to us, real priorities like saving Social Security and creating a solvent Medicare program as well.

In the fiscal year 2000 alone, the President's plan, their 62 percent plan, sets aside only $85 billion. The Republican plan, again, sets aside 100 percent, $137 billion.

Let me talk about how we accomplish this because we do so within an overall budget framework and a blueprint to allow retirement security for three generations, and historic tax relief.

When the American public put the Republican Party in charge of Congress in 1995, the annual Federal deficit was $175 billion and growing as far as the eye could see. In 1995, we promised the American people we would balance the budget and reduce the Federal debt. In 1997, we passed the balanced budget resolution and in 1998, just last year, we balanced the Federal budget. This was the first year the budget was in balance since 1969, the year man first walked on the moon.

We have begun paying down the $5.1 trillion national debt. In 1998, we paid the debt down by $51 billion, the first time in a generation a payment has been made on the Federal debt.

Just 4 years after being elected to the majority, we expect Federal revenue surpluses as far as the eye can see. With a strong economy, and the 1997 Balanced Budget Act, we expect over $130 billion in surpluses in the year 2000, and $2.6 trillion over the next 10 years.

This is only possible, Mr. Speaker, if we continue on our plan to shrink the size of the Federal Government, to slow the rate of growth in Federal budgeting, to stand in the way of efforts of our counterparts on the opposite side of the aisle and their liberal friends down in the White House to grow the size of the bureaucracy, to expand the scope of Federal regulation; and instead leave a greater quantity of the American people's wealth back home where it belongs, in the hands and in the pockets of those who work hard to earn it.

By shrinking the size of the Federal Government and by allowing the public wealth to be reinvested into the economy and in the American people, we allow for economic growth to occur at greater rates so that lower tax rates actually collect more revenue, not through higher tax percentages and higher tax rates but through a stronger, more vibrant economy, where private capital, private cash, is circulated over and over and over again to create jobs, to create economic growth and investments and other kinds of wealth and to allow our government to function as our Founders once envisioned it should.

That is how we create a budget surplus. That is how economists throughout the country have concluded that under a plan of smaller Federal budgeting and lower tax rates, we can expect a $2.6 trillion surplus over the next 10 years. That $2.6 trillion surplus is comprised of two elements. One, the on-budget surplus of approximately $800 billion as a result of working Americans paying Federal income taxes and other revenues. Under the budget plan, this 10-year surplus will be returned to working Americans as tax relief.

The second element, the off-budget surplus, comes from working Americans paying payroll taxes into the Social Security trust fund, money they expect will be there for them when they retire. The payroll tax revenues and interest total $1.8 trillion over 10 years. We are setting aside every penny of that surplus, the $1.8 trillion in the Social Security trust fund, to provide retirement security to three generations of Americans: Seniors, baby boomers and their children, who we believe should be able to count on retirement security without a cut in benefits or an increase in taxes.

I want to reiterate that this is the first time since Congress passed the Social Security Act in 1935 that every penny of money going to that trust fund is being set aside for retiring Americans.

□ 2230

I would like to ask Members to compare that with the White House plan on retirement security. The White House plan, and again, I mentioned this earlier, only sets aside 62 percent of payroll revenues for retirement security over the next 10 years compared to the 100 percent that the Republicans put aside.

The President of the United States himself just a few months ago stood right at the rostrum just in front of me and disclosed this plan as though it were something the American people should celebrate. In fact, many Members on the House floor rose to their feet in wild applause, suggesting that setting aside only 62 percent of the social security trust fund to save social security was somehow a good idea. I think for a day or two the American people may have actually bought it.

But as soon as the veneer was peeled back on that plan that the President put forward, economists and the American people in general realized that what the President had done was the same old Washington trick, the same old ploy of political partisans here in Washington, D.C., and that is to double-count imaginary money.

On the Republican side, we are convinced that the American people are fed up and sick and tired of that kind of accounting, playing fast and loose with their money. It is why we are so completely devoted to the cause of walling off the social security trust fund, keeping the Federal spenders' hands off of it, and preventing that social security trust fund from ever being raided by this government again. We want to set aside the full 100 percent, and leave it in the account of the social security trust fund for future generations.

The President's proposal, the combined proposal to strengthen both social security and Medicare, totals only $1.68 trillion over the next 10 years, compared to our plan of $1.8 trillion proposed by the Republicans for retirement security. That difference is a significant one, and it is one that every senior, every baby boomer, and every baby boomer concerned about the retirement prospects for their children should watch very closely.

Let me add two more points. When it comes to taxes, the White House has proposed a budget that raises taxes and fees by $172 billion over the next 5 years, which disproportionately affects agriculture, I might add, a number of agricultural financial institutions, insurance funds, as well as many of the supporting industries that farmers and ranchers rely upon; for example, herbicide and pesticide manufacturers and so on.

Now, the Republican tax cuts, our proposal is for tax cuts between $10 billion and $15 billion this year, between $150 billion and $200 billion over the next 5 years, and $800 billion; when we add all that up, $800 billion over a 10-year period; once again, a dramatic difference between what the Democrats represent on the House Floor and what the Republicans represent in the House of Representatives.

The second key element of our agenda in Congress, particularly on the House side, is education flexibility, creating world class schools, schools that are second to none, and reclaiming our international prominence as a Nation of excellent educational institutions.

We will give local schools and school districts more flexibility to spend education dollars as they see fit. More decisions will be made at the local level where parents are involved, not here in Washington, D.C.; again, a dramatic departure from what we have seen represented through the U.S. Department of Education, under the leadership of the White House, and a new, bold Republican agenda that moves forward in a way that honors parents as real customers, teachers as real professionals, administrators and school board members as real leaders, and children as real Americans.

Too often Federal education funds are tied to the special interests of Washington, not to the best interests of children and teachers. Schools can teach our children more by cutting Washington's red tape and spending our Federal education dollars where the children need it, not where bureaucrats 2,000 miles away say it should go.

The Ed-Flex program, for example, a piece of legislation that we discussed again on the floor today with respect to some of the changes that the Senate made in a similar proposal, currently provides 12 States with the flexibility to wave certain Federal and State regulations.

Now, this is important. It is important because every schoolchild, every administrator, every school board member, knows the agony of complying with the rules, the regulations, the red tape handed down on high from Washington, D.C. to their local institutions.

The amount of Federal funds that go to schools is relatively small, on the order of maybe 7 or 8 percent at the most in certain schools, usually 6 to 7 percent in the average school district around the country. But in exchange for that relatively small percentage of Federal funds in an overall school budget, these administrators, teachers, and school board members are faced with an insurmountable burden of complying with mountains of paperwork that comes along with those dollars.

We want to cut those strings. We want to cut that red tape. We want to untangle the education quagmire that this Federal Government has created across the country, and move forward on an education agenda that is about the freedom to teach, the liberty to learn, treating parents like real customers and teachers like real professionals.

Mr. Speaker, I am joined by my good friend the gentleman from California, and I yield to the gentleman from California (Mr. CUNNINGHAM) to add to the discussion.

Mr. CUNNINGHAM. I was all the way down to my boat on which I live, Mr. Speaker, and I heard the gentleman talk about private property in some of the agenda, so I put my tie back on, I think I got it on straight, and I even buttoned my tab.

I want to thank the gentleman for holding this special order, because there are a couple of areas which I want the gentleman to talk about. One, I heard the gentleman on the social security issue. The other is where the President claims to put a percentage in Medicare, and actually draws out $9 billion out of Medicare.

When we talk about double-using figures in a budget, and the President takes out $9 billion and then puts in money, and then takes money out of social security and then puts 62 percent in, and he takes those billions of dollars and spends them on programs, then when it comes to our budget time he claims that we are cutting programs.

First of all, we believe in maintaining the caps. A balanced budget to us is very, very important. For those, it is not. We will see in every single bill except for defense that our liberal colleagues over here will increase spending, regardless of what the program is. They will pay for anything, a chicken in every pot. That is where our big disagreement is.

In the field of education, I was chairman of the Committee on K through 12 before I went on the Committee on Appropriations. GAO said that for direct lending programs, when it was capped at 10 percent, it cost $1 billion annually, $1 billion, not a million, just to administer it out of the government. That was when it was capped at 10 percent. It cost $4 billion to $5 billion to collect because the Department of Education did not have the collection funds.

The President wanted the direct lending program to go to 100 percent. I absolutely fought tooth, hook, and nail from doing that because of the waste, rather than letting it go to private.

The government shut down at that time. That was one of the President's key points. We got blamed for it. But at the same time, our leadership said, Duke, we need to let this go to 40 percent. I said no, I want to zero, because we can get more student loans out of the private sector at reduced cost, instead of having Uncle Sam here do it.

They negotiated, they let it go to 40 percent. They put in just a few language words in the bill that neither the President nor the Democrats saw, but it limited the amount of money that went to the bureaucracy. We added and paid additional money to the Eisenhower grants. We increased IDEA for special education to the highest level ever that was possible. As a matter of fact, I was the chairman that started the IDEA program, along with the gentleman from Pennsylvania (Mr. BILL GOODLING), and when I was subcommittee chairman we enhanced and increased student loans by 50 percent by limiting the amount of bureaucracy.

I think the overall aspect of the differences, as the gentleman said it right, we want to give people the freedom, instead of having government control their lives.

I had a committee hearing. We had 16 different groups come in, and each of them had one of the best ideas in the whole world for education programs in their district. At the end of the hearing, I asked which of the 16 had any one of the other 15 in their districts, and not a single one.

I said, that is the whole point. What we want is to get you the money directly, let you decide what is good for your particular district, because there may be a difference from San Diego, where the Speaker is from, and Maryland, or the gentleman from Colorado, and let the teachers, the families, and the community make those kinds of decisions.

Yet, the big government way would be to take all 16 of them, spread them out, give very little money for them, and defuse all of them. That is what has happened over the last 40 years here.

In the field of education, we want to get the money to the classroom. There is a bureaucracy group here that wants to keep it. I would ask the gentleman and I would ask the Speaker, I want to Members to look up on the Web page, and I will say it very slowly, www.dsausa.org. That stands for the Democrat Socialists of America.

In there, their socialist agenda is government control of private property, just as the gentleman spoke of, where the government owns over 50 percent of the State where I belong, California. Yet, they want to enhance it even more. They want government-controlled health care, they want government control of education, they want the unions to have power over small business, because they support big government dominance. They want to pay for it by increasing our taxes to the highest progressive tax ever, and they want to pay for it also by cutting defense by one-half.

In there is the Progressive Caucus. There are 58 Democrat members in the Democrat Caucus that are poster children in the Web page for the Democrat socialists of America, 58 of them on my left side.

They want government control of health care. They want to tie up all the government lands, privately owned, to government control. If they cannot control it directly, they want to control it with the endangered species, they want to control it with OSHA, they want to control it with EPA, whatever. This is not the gentleman from California (Mr. DUKE CUNNINGHAM) speaking, but on the Web page what their 12-point agenda is.

Mr. SCHAFFER. If the gentleman would yield for a question, I just want to make sure I heard that correctly. He said there were how many Members?

Mr. CUNNINGHAM. Fifty eight Members, Democrats, in the Progressive Caucus that are listed under the Democrat Socialists of America.

Mr. SCHAFFER. They have allowed their names to be used in that official capacity?

Mr. CUNNINGHAM. Their leadership is by the gentleman from Vermont (Mr. BERNIE SANDERS). He was elected as an Independent but is a practicing socialist. It is scary.

Mr. SCHAFFER. I want to talk about really the bright line that separates the kind of direction in government, almost the kind of government that defines us as citizens in America by its definition and by its action versus what the gentleman and I stand for on the House Floor as members of the Republican Party, because with that line, many, many people are persuaded by the media and others that somehow we are all very similar around here; that Republicans and Democrats, there is very little difference among them.

Mr. CUNNINGHAM. Eighty-five percent of the media around here voted for Bill Clinton.

Mr. SCHAFFER. Quite right. My point is that with respect to education, for example, if we just use that example for a moment, we agree in the United States that there is a legitimate role for government to play in educating the American people; that utilizing public resources for the purpose of educating children, the poor, the rich, and those in between, is a worthwhile public goal and objective.

Where we differ, however, is when it comes to the one-size-fits-all style of rules and regulations that treat the child in Washington, D.C. as though he is the same, as though he may live in Colorado or perhaps even in California; that across this great country, the same bureaucrats apply the same rules in the same way to the same level of expense, and it results not only in an economic model that cannot succeed and is doomed to failure from the beginning, but it robs the children of America of a rightful claim they have to a first rate education and freedom-based schools, and schools that deploy the concept of liberty in providing a whole assortment of educational objectives inspired by competition.

□ 2245

That is something that is very different between the two sides. That is the bright line, I would suggest, that separates the two parties.

I am sure there are folks who are monitoring today's discussion here now who believe this is some kind of exaggeration. But the gentleman is right, there are individuals who primarily come from the opposite party who, on a daily basis, move forward on an agenda to consolidate the power of the people in Washington, D.C., to empower bureaucrats at the expense of American people, and to establish these gigantic bureaucracies that provide rewards for themselves politically at election time, but which are very, very different from the traditions that we have established in America over the 223 years since Independence Hall.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, look at the historical voting pattern of some of my colleagues on the other side. The President, when they took the majority, tried to get government health care. Not a single Republican or Democrat voted for it, it was so bad.

Throughout the years, they have cut defense by almost half, and they still want to cut it even more. If we take a look at their control over the public lands like the gentleman talks about, where over 30 percent in the country and over 50 percent in the West is owned by the Federal Government, but, yet, they want it expanded by more.

If we go down to Maryland and Virginia, we see expansive lands being soaked into conservancies which basically locks hunters and fishers and ranchers out of the land.

Then we take a look at education, the direct lending program. We look at why most of us were against Goals 2000. Send the money to a State. If they want to run in that local school district a Goals 2000 without all the reporting, then that is fine. But then even under Goals 2000 what happened, how they changed it when the Democrats took control, there were 14 "wills" in there. Under legal terms, "will" means you must. They said it was only voluntary. It is only voluntary if one wants the money.

Then they tied other grants that say, for example, if one did not have Goals 2000, one did not have all these other voluntary grants, one never qualified for these other grants.

I heard the gentleman say that Federal dollars only accounted for 7 percent. But that 7 percent, with all those rules and regulations, controls a large percentage of the State money.

IDEA is a classic example of how it is destroying and trial lawyers are destroying the public education system through establishing cottage organizations. Talk to Alan Burson. He was a former Clinton appointee, now the superintendent of schools. He said his biggest trouble is with trial lawyers and the unions trying to progress the California schools.

Gray Davis is trying to make some changes, the new Governor, Democrat, in California. I am doing everything I can to help them both, because they are moving in the right direction of freeing up our schools, of making a transition when, over 40 years, they want to continue the same thing.

We are 20th of all the industrialized nations, Mr. Speaker, 20th in math and science. California is last in literacy. For example, the President wanted a new literacy program. Three billion dollars in the last budget. It sounds great when one is last in literacy. There are 14 of them in the Department of Education. Title I is one of those. We are saying let us eliminate 11 or 12 of them.

Let us focus, instead of authorizing them here and funding them here, let us fund the ones that work up here and get rid of all the bureaucracy, because one is paying the salaries, one is paying the retirement, one is paying for the building, one is paying for the paperwork and the overhead; and that keeps the money going down to the classroom.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, the functional leverage that the Federal Government utilizes in many of these programs is something the gentleman from California referred to, or I guess the phrase he used earlier, and can be described in the following way: the Federal Government describes these programs as voluntary.

If a school district or a State or an individual school wants to use the Federal funds that are set aside for a particular program, then they have to comply with the rules. But if they do not want the rules, they do not have to take the money.

Now the fallacy of that is the origin of the money, because the money is confiscated from taxpayers back in the gentleman's home State and my home State of Colorado. We just have to visualize this.

If we had to draw it out on a flowchart and look at it on an organizational chart or a map, the Federal Government taxes the income of the American people back home in our home States. That money comes back here to the Federal Government. It comes to us as policy makers in a budget in an appropriations process. We approve that money for the Federal Government, for the Clinton administration. That fund has grown over the years. They take that money, which rightfully belongs to the people, back home in our States and say, "if you want it back, then you have to accept these rules. But you do not have to get the money back."

Mr. CUNNINGHAM. Oh, and by the way, Mr. Speaker, we are only going to give them 50 cents on the dollar because the other 50 cents funds the bureaucracy.

Mr. SCHAFFER. Mr. Speaker, it is already soaked up by bureaucracy. If one wants a portion of one's money back, then one has to play by our rules.

They are more than willing to have one decline the rules in the program, because that just means they are able to give one's cash to somebody else and make them happy.

So that really is the fallacy that I think many on the liberal side of the aisle, the Democrat side, fail to see; and that is, this money does not belong to the government. It did not originate here in Washington, D.C.

We are talking about the hard-earned cash of the American people who work hard every day to make ends meet, to put food on their table, to put a roof over their head, to raise their children in a country that they believe to be an honorable and noble place in all the world. That is who owns that money. That is where it comes from.

The people in Washington take it from them and give it back and suggest that we are going to give it back with strings attached, and it just does not work. We are for moving authority out of Washington, D.C., empowering States which have the rightful constitutional authority, by the way, to manage public schools and to establish school districts.

I come to this microphone all the time and defy my Democrat friends on the other side of the aisle to show any reference in the Constitution to the Federal Government's authority to manage local schools. I submit it is not there. Not a single one has ever been able to come to these microphones and show where the Constitution specifically enumerates authority to this Congress to manage local schools. Yet we do it every day through these pseudo voluntary programs which are nothing more than Federal blackmail.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman will yield, let me give my colleagues another point. The President, when the gentleman was talking about taxes, I thought the height of conceit was the President first, when we wanted to give tax breaks back, called the American people selfish if they wanted their tax money back.

Just 3 months ago, the President, when he heard we were going to give tax relief to working families, said that he is opposed to giving money back to working families because "they may not know how to spend it wisely." That implies government knows how to do it better. I just totally disagree with that. It is not their money. It is the people's money that send it here in the first place, and we should give it back.

Mr. SCHAFFER. Mr. Speaker, it was not government that created a great country in America. It was always faith and belief in the American people, the ingenuity of the American individual, and the abundant spirit of those early pioneers and colonists and so on that defined our country as different than the rest of the world.

It is an interesting thing that we often do not get a chance to consider too often here on the floor except for perhaps in these special orders, but in the Declaration of Independence, it was laid out very differently than the rest of the world had experienced up until that time, where we held certain truths to be self-evident, that we are all created equal and that we are all endowed by God with certain inalienable rights.

This is different than what the people of England had known, and it is different than, frankly, anywhere in Europe had ever acknowledged or any other great political civilization up to that time. For them, power always came from the government, and it was distributed to the people usually based on a system of favoritism of sorts.

But we decided it was very different here, that the people ultimately run the country. The gentleman from California and I, as individuals, not Members of Congress, but as individual citizens back home have a tremendous amount of authority that is loaned to representatives at election time.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield for just a second?

Mr. SCHAFFER. Certainly I yield to the gentleman.

Mr. CUNNINGHAM. Mr. Speaker, I see we have been joined by the gentleman from Michigan (Mr. HOEKSTRA), a member of the Committee on Education and the Workforce. I used to serve on the committee with the gentleman from Michigan (Mr. HOEKSTRA) who is chairman of the Subcommittee on Oversight and Investigations.

The gentleman from Michigan (Mr. HOEKSTRA), along with GAO, the President's own department, identified 760 Federal education programs that take away, which is the reason we get less than half of every dollar down to education.

I hope the gentleman from Colorado (Mr. SCHAFFER) will yield to the gentleman from Michigan (Mr. HOEKSTRA), because I think, of all of the people in this body, as far as seeing the waste and fraud that goes on in education from the Federal Government, the gentleman from Michigan (Mr. HOEKSTRA) has been there to find it out.

Mr. SCHAFFER. Mr. Speaker, it is my great pleasure to yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman and apologize for being a little late. I had the opportunity to listen to some of the gentleman's discussion on education. I think he was talking about land use earlier.

I thought it would be helpful for me to come and participate only so that I can in some ways learn from the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from California (Mr. CUNNINGHAM), my colleague that we miss on the Committee on Education and the Workforce but who is now on the Committee on Appropriations. We actually have a great partnership in making sure that the dollars that we spend here in Washington actually get down to the local level.

The gentleman from Colorado (Mr. SCHAFFER) and myself have had the opportunity to go around the country, and we have been in 16 different States, we have been in the district of the gentleman from Colorado (Mr. SCHAFFER), we have been in my district, where we have built a record of the good things that are happening in education. There are a lot of good things that are happening in education.

As we have been in Colorado, as we have been in Michigan, as we have been in California, Ohio, Illinois, Milwaukee, New York, we have been in Kentucky, the thing that we have seen consistently is that education excels when people at the local level are given the freedom and the latitude to take the money that we give them, and they all come back and they say "your dollars are critical, and they help us do some things that we might otherwise not be able to do," but they say, "get the dollars down here, but then let us have the flexibility."

As the gentleman said, all these programs do not go to K through 12, the 760 programs. Some of them have nothing to do with K through 12 or higher ed. But we think that there is well over 500 programs that do go to K through 12 or higher ed. Each one of these are the funding stream. We call it a funnel or a silo. Each silo comes with a whole series of rules and regulations and applications. Once one gets the money, one has got to report back. Then one is audited.

That is why, like the gentleman indicated, we believe that, when the American people send a dollar to Washington for education, somewhere between 60 cents or 70 cents, maybe as low as 50 cents, only 50 cents gets into a local classroom and an immediate impact to a child. Fifty cents, 60 cents gets lost in the bureaucracy. It gets lost in the red tape.

We just appointed the conference committee today on Ed-Flex, which is intended to eliminate some of the bureaucracy, some of the red tape, and allow local school districts to make the decisions for the kids in their classrooms.

I think it is a real step forward and a real opportunity and one that I hope we can build on through this Congress. Ed-Flex is only the beginning of a process of not eliminating Federal involvement, but really recognizing where the power and this partnership is. The power and the partnership is at the local level.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I would like the gentleman from Michigan maybe to discuss a little further, the Ed-Flex concept is one of essentially turning those dollars that we talked about earlier back to the States with fewer strings, fewer regulations attached. We are, perhaps, not to the point that some Americans would hope we are at where we could just leave that cash back at home in the States' pockets and let the States distribute these dollars directly without having them funneled through Washington and turn around and go back home to the States. But it is, it does signal a new direction.

Trying to accomplish things in this body is sometimes like steering a barge. It takes a long time to make the turn. But it does signal, the Ed-Flex bill that we voted on today, the conference report, it does signal a new direction in where the Republican is taking the country with respect to education, realizing that States, school board members, State legislators, Governors, teachers, principals, administrators of all sorts have better ideas than we do here in Washington, better ideas than the administration does in the Department of Education.

We can get these dollars directly to kids in a way that helps those children without encumbering those dollars and stealing them and having them lost in this mountain of bureaucracy back here in Washington. It is a new direction and an exciting one.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

□ 2300

Mr. CUNNINGHAM. I know that firsthand, not secondhand. My wife is the Director of Administration at Encinitas Union School Districts in the State of California; my sister-in-law is the director for all special education for all San Diego City schools under Alan Burson, who I just spoke about.

But charter schools were an initiative to try to do that same thing, to take away some of the rules and bureaucracy. The National Education Association fought us tooth, hook and nail against charter schools when they started, and Governor Wilson really pushed those in the State of California, and they have been successful.

Another freedom that we would like to use is, and the President talked about our welfare reform bill, which he vetoed twice and he finally signed it, but we have less than half of welfare recipients on the roll now than we had before. Instead of the taxpayers having to pay out billions of dollars for welfare recipients, which the average was 16 years on welfare, that is how bad it was, now those people are working, pridefully working, their children have a chance in society, and they are paying into the revenue stream. And guess what? The States, the governors, who do not have the flexibility right now, since they have one-half the welfare rolls and they have the dollars, they cannot take those welfare dollars and apply them to education. We want to allow the States to use that, the governors, to take that money and use it for education.

I think those kinds of initiatives are going to improve our education system; freeing up the States to allow them to do these things without the red tape from Washington, D.C.

Mr. HOEKSTRA. If the gentleman will further yield, we are shifting the barge, but there are powerful currents that are trying to put us back on the track that we have been in for the last 15 years.

Take a look at the debate we had on the floor of the House here today. In the Senate, on Ed-Flex, they added a very simple amendment. They said for those school districts, or for the school districts that are getting money for reducing class size, for hiring additional teachers, there is another mandate out there from the Federal Government, which is funding for children with special needs. We promised local school districts in the State, we did not, I do not think any of us were here when that mandate went through, but Washington said we will cover 40 percent of that cost for these children with special needs. That is a priority for us in Washington. We are going to mandate that the States do it and we will pick up 40 percent of the cost.

Last year, we had a record percentage that we cover the cost. We were all the way up to, what, 11, maybe 12 percent? Somewhere between 11 and 12 percent.

Mr. CUNNINGHAM. The highest in over 30 years.

Mr. HOEKSTRA. The highest in over 30 years. And all they did in the Senate was, on the teacher funding, we know there is a tremendous burden on the local school for special ed, so we will give them the flexibility of either hiring teachers, because maybe they have already taken care of the class size issue, or they are struggling with a couple of different priorities. But rather than Washington coming in and saying they can only use the money for teachers, they wanted to say they can use the money for teachers or they can use the money for their special ed program.

And we had a fairly spirited debate here on the floor of the House with one group saying hiring teachers is exactly what they should do with that money and they should not be able to use it for anything else. Luckily, we prevailed today in saying they have the flexibility of using it for teachers or using it for special ed so that the local school district can make that decision.

I would think that local administrators, a local school board with parental involvement, is better equipped to make that very basic decision: Are we going to take this money and use it for addressing some of the needs in our special ed program or are we going to use it to reduce class size? Let the people at the local level decide.

We won a skirmish in that process of moving the money and the decisionmaking back to the local level, but there are many here who believe that we know best what needs to go on in the local school districts. I have this litany that says we have a group of people here in Washington who believe that Washington ought to build our schools, hire our teachers, develop the curriculum, test our kids, buy technology, teach them about the arts, teach them about sex, teach them about drugs, feed them lunch, feed them breakfast, provide them with an after-school snack and have midnight basketball. But other than that, it is their local school.

Mr. CUNNINGHAM. If the gentleman will continue to yield to me for two quick examples. I want to give two quick examples in the way Federal regulations take the money away from the schools.

First of all, the IDEA program. We could put in more money. We could put the 40 percent. But according to Alan Burson, a Clinton appointee, now the superintendent of San Diego City schools, he said the trial lawyers are eating up the money that we are giving special education and we are losing good teachers because they are having to go to the courts. They are not lawyers, but they are being forced out of special education. Teachers that just want to help kids.

The second is that we had a bill that offered construction companies a tax incentive for school construction. The President vetoed that. We talk about smoke and mirrors, and they say, well, we are for the children. I asked them in the D.C. bill and also in the President's bill. He wants construction. He wants the Federal dollars to pay for it, not local dollars or tax breaks, because then it falls under Davis-Bacon. The union wage. That costs 35 percent more than letting private contractors do it.

Mr. HOEKSTRA. If the gentleman will yield only so that we can explain what Davis-Bacon is. Davis-Bacon means that there are bureaucrats here in the Labor Department who send out forms all around the country and say that in Detroit the prevailing wage for an asphalt layer is X amount of dollars, and in Holland, Michigan, where I am from, it is X amount of dollars. And then if the school builds a project using even $1 dollar of Federal money, they have to pay these "prevailing wages". They are inflated wages.

I believe that the average age of one of these surveys is 7 years old. I mean it is not even up-to-date data.

Mr. CUNNINGHAM. The point that is important is that it is an inflated wage. In Washington, D.C. we could have saved millions of dollars for waiving Davis-Bacon for school construction here because the schools were falling apart.

What I am going to do is offer an amendment. The President wants school construction. If he really wants to help the children, let us waive Davis-Bacon for school construction. Let the schools on the local level save the 35 percent and let them decide if they need more teachers, or if they need more school construction, of if they need money for special education. Give them the freedom.

Do my colleagues think the unions and the trial lawyers are going to support that? No. They will tell everyone they are for the children, but when it comes down to it, they will support the unions and the trial lawyers over the children, and that is what is upsetting about this. We want people to do it. They want to waste the money here through bureaucracy and they want to waste it through unions and they want to waste it through trial lawyers that take away the money we give to the schools.

Mr. HOEKSTRA. I think we need to take the same kind of fresh approach on education that we took on welfare.

In the welfare debate, if my colleagues will remember, the governors came to us and said we have plans and ideas to help those people who are on welfare, but we have to go to Health and Human Services and we have to ask for waivers. We have plans that are approved by our State legislature, a lot of times in a bipartisan way. The executive in the State has agreed to it, and we come here to Washington and we have a bureaucrat who says, no, we cannot do that.

Now, I have to say, wait a minute, who do we think is going to take better care of the people in our States, those who are elected and serving in that State legislature or in the Governor's mansion or some bureaucrat here in Washington?

We really need to do the same kind of thing on education, where there are governors that are coming here and they are saying we get 7 to 10 percent of our money from Washington and we get 50 percent of our paperwork, all of our rules and regulations, from Washington. We have some States that are experimenting with one form of charter schools, others are experimenting with scholarships to students or tax credits for extra instructional assistance, and they say we have great ideas that are having an impact, but the Federal Government is holding us back from what we really think will help our kids.

So we need to bring the same kind of fresh thinking to reforming education or the education monster here in Washington so that we can actually go out and effectively help children at the local level.

□ 2310

I think we are on our way to begin that process, but we do definitely have a significant way to go.

Mr. SCHAFFER. I would like to point out, my colleague mentioned the welfare model as a perfect example of what we can anticipate by focusing on a decentralized strong State approach to education reform. Again, using welfare as a model, just even a year or so after the Welfare Reform Bill was passed, we saw headlines like these that I saved from Colorado: "Welfare Rolls Dropped 25 Percent." That was in one year. Welfare rolls have now dropped 43 percent in 18 months.

Mr. HOEKSTRA. If the gentleman would continue to yield, would it not be great if we did education reform and we started reading headlines that said, test scores improve by 25 percent, math and science scores up by 25 percent?

Mr. SCHAFFER. That was my point exactly. 6,730 fewer families on welfare. This was in Colorado. And this was just 12 months after the Welfare Reform Bill pass. "Workers Coming Off Welfare to Get Job Help" is another of headline.

I just use these as examples. Because what we saw is, when the Congress moved authority out of Washington with respect to welfare, put governors and state legislators in charge to apply local values, local solutions to local problems, we saw welfare numbers drop dramatically throughout the country, about a 35 percent reduction in the welfare case load nationwide, 43 percent in Colorado.

I again use that as an example to show that freedom works, that liberating States works. And we can see our low test scores come up if we give States the authority to help them come up. We can see crime in schools and discipline problems in schools be reduced if we give local authorities the ability to create and design programs that they know will work locally.

Mr. HOEKSTRA. I want to play off the welfare thing, because as we are doing welfare correctly and improving the system, I really want the gentleman from California (Mr. CUNNINGHAM) to reinforce the point that he made earlier that says, as we are reducing the amount of money that we are spending in welfare, maybe we are freeing up some of that money so that it can be used on education.

Mr. CUNNINGHAM. Mr. Speaker, I would. And not a single one of the Members that I spoke about on that DSAUSA.org and the 58 Members that are listed in that in the progressive caucus, not a single one of them voted for the balanced budget. Not a single one of them voted for welfare reform. They all voted against tax relief. And that is their agenda.

Mr. Speaker, this is an easy way to remember what we are going to do over the next 2 years, and I want my colleagues to remember this. It is called best schools in military. B is for balanced budget. E is for education reform. S is for saving Social Security. T is for tax relief. Schools, different from education, is the infrastructure in schools construction to get the money there to do that. And military is to beef up, which we have not talked about, which is in sad shape and emergency shape. It is our defense. Those are the agenda items that we are going to focus on in this next Congress.

Mr. SCHAFFER. Mr. Speaker, I once again want to reemphasize the general theme that we have spoken about tonight, whether it was the opening remarks I had made about property rights or discussion about Social Security, balancing the budget, tax reform, fixing our schools, or even providing a national defense, which is something we did not discuss much tonight.

But that is the focus of a Republican party who has taken the majority here since 1995 and moving forward boldly in an effort to get our Government back to its constitutional authority, to move authority out of Washington, D.C., return authority back to the States and to the people ultimately, to talk about strategies to decentralize education bureaucracy and move real decision-making back to our parents and school board members and administrators.

In the end, that is the truest expression of compassion and a caring, humanitarian, conservative agenda that we stand for here on the House floor, to treat families as though they matter, to treat children like real Americans, and treat teachers like real professionals.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STUPAK (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. CALVERT, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes each day, today and on March 24.

Mr. DIAZ-BALART, for 5 minutes each day, today and on March 24.

Mr. MORAN of Kansas, for 5 minutes each day, today and on March 25.

Mr. KASICH, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mrs. ROUKEMA, for 5 minutes each day, today and on March 24.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. WATKINS, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, on March 24.

Mrs. KELLY, for 5 minutes, today.

Mr. SESSIONS, for 5 minutes, on March 24.

Mr. LEACH, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes on March 24.

Mr. THUNE, for 5 minutes, today.

ADJOURNMENT

Mr. CUNNINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 24, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1206. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule—Administration of the Forest Development Transportation System: Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas (0596–AB68) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxirane, methyl-, polymer with oxirane, mono [2-(2-butoxyethoxy) ethyl]ether; Exemption from the Requirement of a Tolerance [OPP–300793; FRL–6059–4] (RIN: 2070–AB78) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1208. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to reduce losses to properties that have sustained flood damage on multiple occasions;

to the Committee on Banking and Financial Services.

1209. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Graduate Assistance in Areas of National Need—received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances [FRL–6237–5] (RIN: 2660–AG12) received March 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1211. A letter from the Director, Regulation Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Ear, Nose, and Throat Devices; Classification of the Nasal Dilator, the Intranasal Splint, and the Bone Particle Collector [Docket No. 98N–0249] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1212. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 97F–0412] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1213. A letter from the Secretary of Transportation, transmitting the Department's Fiscal Year 1998 Annual Report to Congress on progress in conducting environmental remedial action at federally owned or operated facilities, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

1214. A letter from the Chief Financial Officer, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 1998, pursuant to 12 U.S.C. 635g(a); to the Committee on Government Reform.

1215. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–144–FOR] received March 1,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1216. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule—Procedures for State, Tribal, and Local Government Historic Preservation Programs (RIN: 1024–AC44) received March 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1217. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 25 [Docket No. 980318066–8066–01; I.D. 022698A] (RIN: 0648–AK77) received November 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1218. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches [Docket No. 980629162–9033–02; I.D. 093097E] (RIN: 0648–AK42) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1219. A letter from the Executive Director, The American Battle Monuments Commission, transmitting a draft of proposed legislation to facilitate fund raising for the construction of a memorial to honor members of the Armed Forces who served in World War II and commemorate United States participation in that conflict and related matters; to the Committee on Resources.

1220. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-First Annual Report to Congress pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

1221. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–76–AD; Amendment 39–11054; AD 99–05–06] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1222. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B–1 Helicopters [Docket No. 94–SW–23–AD; Amendment 39–11055; AD 99–05–07] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1223. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29474; Amdt. No. 1917] received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1224. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29475; Amdt. No. 1918] received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1225. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG (IAE) V2500–A1 Series Turbofan Engines [Docket No. 98–ANE–76–AD; Amendment 39–11053; AD 99–05–05] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1226. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. PA–23, PA–24, PA–28, PA–32, and PA–34 Series Airplanes [Docket No. 98–CE–110–AD; Amendment 39–11057; AD 99–05–09] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1227. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters [Docket No. 98–SW–34–AD; Amendment 39–11056; AD 99–05–08] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1228. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes [Docket No. 98–NM–238–AD; Amendment 39–11052; AD 99–05–03] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1229. A letter from the Program Analyst, Office fo the Cheif Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–254–AD; Amendment 39–11051; AD 99–05–02] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1230. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–100–AD; Amendment 39–10974; AD 99–01–07] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1231. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes [Docket No. 98–CE–99–AD; Amendment 39–10973; AD 99–01–06] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1232. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA. 315B, SA. 316B, SA. 316C, SA. 319B, and SE. 3160 Helicopters [Docket No. 97–SW–14–AD; Amendment 39–11062; AD 99–05–14] (RIN: 2120–AA64) received March 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1233. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes [Docket No. 97–NM–292–AD; Amendment 39–11077; AD 99–06–13] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1234. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–296–AD; Amendment 39–11085; AD 99–07–03] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1235. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes [Docket No. 99–CE–03–AD; Amendment 39–11081; AD 99–06–17] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1236. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes [Docket No. 96–NM–203–AD; Amendment 39–11086; AD 98–13–35 R1] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1237. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 99–NM–33–AD; Amendment 39–11087; AD 99–05–04] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1238. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

1239. A letter from the Secretary of Transportation, transmitting proposed legislation to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

1240. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Waiver of Submission of Cost or Pricing Data for Acquisitions With the Canadian Commercial Corporation and for Small Business Innovation Research Phase II Contracts—Recieved March 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1241. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Revenue Ruling 99–16] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1242. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to promote the growth of free enterprise and economic opportunity in the Caribbean Basin region, to increase trade between the region and the United States, and to encourage the adoption by Caribbean Basin countries of trade and investment policies necessary for participation in the Free Trade Area of the Americas; to the Committee on Ways and Means.

1243. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes; to the Committee on Ways and Means.

1244. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; jointly to the Committees on Government Reform and Ways and Means.

1245. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 1999–2004, and for other puroposes; jointly to the Committees on Transportation and Infrastructure, Science, Ways and Means, Resources, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASICH: Committee on the Budget. House Concurrent Resolution 68. Resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009 (Rept. 106–73). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 106–74 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 154. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes; with an amendment (Rept. 106–75). Referred to the Committee of the Whole House on the state of the union.

Mr. GOSS: Committee on Rules. House Resolution 125. Resolution providing for consideration of the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes (Rept. 106–76). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than May 14, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. Filner, Ms. Brown of Florida, Mr. Doyle, Ms. Carson, Mr. Reyes, Mr. Rodriguez, Mr. Shows, Ms. Berkley, Ms. Millender-McDonald, Ms. Danner, Mr. Costello, Mr. LaFalce, Mrs. Kelly, Mr. Frank of Massachusetts, Mr. Pascrell, Mr. Strickland, Mr. Underwood, Mr. Olver, Mr. Hinchey, Mr. Stenholm, Mr. Klink, and Ms. McKinney):

H.R. 1214. A bill to amend title 38, United States Code, to provide for an enhanced quality assurance program within the Veterans Benefits Administration; to the Committee on Veterans' Affairs.

By Mr. KLECZKA (for himself, Mr. Herger, Mr. Matsui, Ms. Woolsey, Mr. Hunter, Mr. Sessions, Mr. Berman, Mrs. Bono, Mr. Green of Texas, Mr. Dixon, Mr. Sherman, Mr. Calvert, Mr. Sandlin, Mr. Paul, Mr. Frost, Mr. Filner, Mr. Rahall, Mr. Barrett of Wisconsin, Ms. Lofgren, Mr. Sensenbrenner, Mr. Lampson, Mr. Obey, and Mr. Ose):

H.R. 1215. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. Baldacci, Mr. Leach, Mr. Peterson of Minnesota, Mrs. Bono, Mr. Traficant, Mr. Shows, Mr. Houghton, Mr. Minge, Mr. Ney, Mr. Sawyer, Mrs. Meek of Florida, Mr. Rush, Mr. Olver, Mr. Strickland, Mr. LaHood, Mr. King, Mr. Oberstar, Mr. Allen, Mr. Vento, Mrs. Mink of Hawaii, Ms. Brown of Florida, Mr. Taylor of North Carolina, Mr. English, Mrs. McCarthy of New York, Mr. Kucinich, Mr. Horn, Mr. Borski, Mr. Metcalf, Mr. Boehlert, Mr. Bilbray, Mr. Gutierrez, Mr. Costello, Mr. Cunningham, Mr. Moore, Mr. Rahall, Mr. Luther, Mr. Weller, Mr. Berman, Mr. Hill of Indiana, Mr. Doyle, Mr. Cummings, Ms. Eddie Bernice Johnson of Texas, Mr. Klink, Mr. Towns, Mr. Maloney of Connecticut, Mr. Brady of Pennsylvania, Mr. Holden, Ms. DeLauro, Ms. Berkley, Mr. Oxley, and Mr. Tanner):

H.R. 1216. A bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the same manner as is applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those employees; to the Committee on Veterans' Affairs.

By Mr. JEFFERSON (for himself, Mr. Abercrombie, Mr. Andrews, Mr. Allen, Mr. Baldacci, Mr. Bereuter, Mr. Berman, Mr. Bishop, Mr. Bonior, Mr. Boucher, Mr. Brady of Pennsylvania, Mr. Brown of California, Mr. Brown of Ohio, Mr. Bryant, Mrs. Capps, Mr. Capuano, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Costello, Mr. Coyne, Mr. Cummings, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Dicks, Mr. Dixon, Mrs. Emerson, Mr. Engel, Mr. English, Mr. Etheridge, Mr. Farr of California, Mr. Filner, Mr. Foley, Mr. Forbes, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gejdenson, Mr. Gillmor, Mr. Gilman, Mr. Goode, Mr. Green of Texas, Mr. Hall of Texas, Mr. Hall of Ohio, Mr. Hayworth, Mr. Hilliard, Mr. Hinchey, Ms. Hooley of Oregon, Mr. Hoyer, Mr. Inslee, Mrs. Johnson of Connecticut, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kildee, Ms. Kilpatrick, Mr. Kleczka, Mr. Kucinich, Mr. Lantos, Mr. LaTourette, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Lofgren, Mrs. Lowey, Mr. McGovern, Mr. McIntyre, Mr. Mascara, Mr. Matsui, Mrs.

MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NADLER, Mr. NEY, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Mr. SERRANO, Mr. SHERMAN, Mr. SHOWS, Mr. SISISKY, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SPRATT, Ms. STABENOW, Mr. STARK, Mr. TAYLOR of North Carolina, Mr. THOMPSON of Mississippi, Mrs. THURMAN, Mr. TRAFICANT, Mr. TURNER, Mr. UNDERWOOD, Mr. WATKINS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEXLER, Mr. WEYGAND, Mr. WISE, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. RUSH, and Mr. STRICKLAND):

H.R. 1217. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. BARCIA, Mr. DIAZ-BALART, Mrs. FOWLER, Mr. WELDON of Florida, Mr. MCCOLLUM, Mr. CANADY of Florida, Mr. YOUNG of Florida, Mr. GOSS, Mr. MICA, Mr. STEARNS, Mr. SCARBOROUGH, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. HYDE, Mr. BOEHNER, Mr. CRANE, Mr. ISTOOK, Mr. PITTS, Mr. COX, Mr. BLILEY, Mr. OBERSTAR, Mr. WALSH, Mr. DAVIS of Virginia, Mr. HOEKSTRA, Mr. FORBES, Mr. LAFALCE, Mr. WOLF, Mr. LARGENT, Mr. RAHALL, Mrs. EMERSON, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. HALL of Ohio, Mr. SHOWS, Mr. HUTCHINSON, Mr. SALMON, Mr. GUTKNECHT, Mr. HEFLEY, Mr. HILL of Montana, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. LIPINSKI, Mr. NORWOOD, Mr. ROGAN, Mr. HUNTER, Mr. STENHOLM, Mr. FOSSELLA, Mr. BACHUS, Mr. CHAMBLISS, Mr. HILLEARY, Mr. HOSTETTLER, Mr. GOODE, Mr. RYUN of Kansas, Mr. BURR of North Carolina, Mr. DEMINT, Mr. LATOURETTE, Mr. BARRETT of Nebraska, Mr. JOHN, Mr. MCINTYRE, Mr. TIAHRT, Mr. BRYANT, Mr. SCHAFFER, Mr. TALENT, Mr. HALL of Texas, Mr. GREEN of Wisconsin, Mr. HAYWORTH, Mr. MCCRERY, Mr. LAHOOD, Mr. BERRY, Mr. ADERHOLT, Mr. SAM JOHNSON of Texas, Mr. DOYLE, Mr. PICKERING, Mr. KING, Mr. TERRY, Mr. METCALF, Mr. TANCREDO, Mr. GARY MILLER of California, Mr. LEWIS of Kentucky, Mr. CALVERT, Mr. SMITH of Michigan, Mr. PETERSON of Pennsylvania, Mr. LINDER, Mr. SESSIONS, Mr. CAMP, Mr. BARR of Georgia, Mr. POMBO, Mr. COOK, Mr. RYAN of Wisconsin, Mr. FLETCHER, Mr. SHIMKUS, Mr. KNOLLENBERG, Mr. DICKEY, Mr. ENGLISH, Mr. MCINTOSH, Mr. COBURN, Mr. EHLERS, Mr. CUNNINGHAM, Mr. RILEY, Mr. LATHAM, Mr. PORTMAN, Mr. BARTON of Texas, Mr. CHABOT, Mr. GRAHAM, Mr. JENKINS, Mr. SHADEGG, Mr. MANZULLO, Mr. KINGSTON, Mr. MCKEON, Mr. BATEMAN, Mr. BLUNT, Mr. SENSENBRENNER, Mr. GOODLATTE, Mr. BRADY of Texas, Mr. NEY, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. THUNE, and Mr. WHITFIELD):

H.R. 1218. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. GEKAS, Mr. HORN, Mr. NADLER, Mr. KANJORSKI, Mr. SMITH of Texas, Mr. HINCHEY, Mr. SESSIONS, Mr. ANDREWS, Mr. DAVIS of Virginia, Mr. KUCINICH, and Mr. FILNER):

H.R. 1219. A bill to amend the Office of Federal Procurement Policy Act and the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. BORSKI, Mr. FATTAH, Mr. BRADY of Pennsylvania, and Mr. GREENWOOD):

H.R. 1220. A bill to direct the Secretary of Defense to provide financial assistance to the Tri-State Maritime Safety Association of Delaware, New Jersey, and Pennsylvania for use for maritime emergency response on the Delaware River; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. BILIRAKIS, Ms. ESHOO, Mrs. JOHNSON of Connecticut, Mr. RANGEL, Mr. LEACH, Mr. STARK, Mr. FRELINGHUYSEN, Mr. BENTSEN, Mr. FOLEY, Mr. MORAN of Virginia, Mr. LATOURETTE, Mr. MCDERMOTT, Mr. NEY, Mr. ROTHMAN, Mr. CAMP, Ms. BROWN of Florida, Ms. PELOSI, Ms. BERKLEY, Ms. KILPATRICK, Mr. CROWLEY, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, and Mr. CLAY):

H.R. 1221. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Commerce.

By Mr. BALDACCI (for himself, Mr. KLECZKA, and Mr. SANDERS):

H.R. 1222. A bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLAGOJEVICH:

H.R. 1223. A bill to provide grants to 10 high-need local educational agencies or eligible consortium to establish or expand National Teachers Academies to serve as national models for teacher training, development, and recruitment and to facilitate high-quality curriculum development; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. STARK, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. LEVIN, and Mr. BENTSEN):

H.R. 1224. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to provide for comprehensive financing for graduate medical education; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 1225. A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS:

H.R. 1226. A bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations; to the Committee on Armed Services.

By Mr. EVANS (for himself, Mr. FILNER, Mr. BROWN of Ohio, Ms. NORTON, Mr. BONIOR, Mr. PASTOR, Mrs. MINK of Hawaii, Mr. RUSH, Ms. KAPTUR, Mr. COYNE, Mr. MARTINEZ, Mr. KILDEE, Mr. BARRETT of Wisconsin, Mr. MASCARA, Mr. TIERNEY, Ms. KILPATRICK, Mr. FALEOMAVAEGA, Mr. OLVER, Mr. VENTO, Mr. DOYLE, Mr. BALDACCI, Mr. GEJDENSON, Mr. LIPINSKI, Mr. GREEN of Texas, Mr. KLECZKA, Mr. ABERCROMBIE, Mr. KLINK, Mr. GEPHARDT, Mr. HINCHEY, Mr. HOLDEN, Mr. BROWN of California, Mr. STRICKLAND, and Ms. BERKLEY):

H.R. 1227. A bill to provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws; to the Committee on Government Reform, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1228. A bill to amend the retirement provisions of title 5, United States Code, to extend to inspectors of the Immigration and Naturalization Service, revenue officers of the Internal Revenue Service, and certain others, the same treatment as is accorded to law enforcement officers; to the Committee on Government Reform.

By Mr. GEJDENSON (for himself, Mr. ENGLISH, Mr. METCALF, Mr. SHOWS, Mr. RAHALL, Mrs. THURMAN, Mr. HINCHEY, Mr. FROST, Mr. CALVERT, Mr. RANGEL, Mr. GONZALEZ, Mrs. JONES of Ohio, Mr. MCINNIS, and Mr. LATOURETTE):

H.R. 1229. A bill to amend the Internal Revenue Code of 1986 to expand the types of equipment which may be acquired with tax-exempt financing by volunteer fire departments and to provide a comparable treatment for emergency medical service organizations; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 1230. A bill to require the Secretary of the Interior to make reimbursement for certain damages incurred as a result of bonding regulations adopted by the Bureau of Land Management on February 28, 1997, and subsequently determined to be in violation of Federal law; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 1231. A bill to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; to the Committee on Resources.

By Mr. HANSEN (for himself and Mr. Meehan):

H.R. 1232. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment of Federal government Medicaid claims to tobacco-related State settlements if the State uses a portion of those funds for programs to reduce the use of tobacco products and to assist in the economic diversification of tobacco farming communities; to the Committee on Commerce.

By Mrs. LOWEY (for herself and Mrs. McCarthy of New York):

H.R. 1233. A bill to regulate interstate commerce by providing a Federal cause of action against firearms manufacturers, dealers, and importers for the harm resulting from gun violence; to the Committee on the Judiciary.

By Mr. GARY MILLER of California (for himself, Mr. Sessions, Mr. McCollum, Mr. Bentsen, Mr. Foley, Ms. Dunn, Mr. Forbes, Mr. Tancredo, Mr. Terry, Mr. Nethercutt, Mr. Thornberry, and Mr. Boehlert):

H.R. 1234. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 1235. A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Resources.

By Mr. RANGEL:

H.R. 1236. A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, DC, as the Robert C. Weaver Federal Building; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself, Ms. DeLauro, Mr. Gilchrest, Mrs. Lowey, Mr. Pallone, and Mr. Shays):

H.R. 1237. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER:

H.R. 1238. A bill to combat the crime of international trafficking and to protect the rights of victims; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VENTO (for himself, Mrs. Johnson of Connecticut, Mr. Forbes, Mr. Bonior, Mr. Udall of Colorado, Ms. Woolsey, Mr. Hinchey, Mr. Shays, Ms. Pelosi, Mr. Ackerman, Mr. Franks of New Jersey, Mr. Coyne, Mr. Lewis of Georgia, Mrs. Morella, Mr. Leach, Mrs. Meek of Florida, Mr. Campbell, Ms. DeGette, Mr. Brown of Ohio, Mr. McNulty, Mr. Sherman, Mr. Ramstad, Mr. Nadler, Mr. Markey, Ms. Kilpatrick, Mr. Waxman, Ms. DeLauro, Mr. DeFazio, Mr. Andrews, Mr. Davis of Florida, Mr. Costello, Mr. Wynn, Mr. Barrett of Wisconsin, Ms. Rivers, Mrs. Tauscher, Ms. Schakowsky, Mr. Kildee, Mr. Borski, Mr. Weygand, Mr. Frank of Massachusetts, Mrs. Mink of Hawaii, Mr. Pascrell, Mr. Brady of Pennsylvania, Mr. LoBiondo, Mr. Gejdenson, Mr. Farr of California, Mr. Berman, Mr. LaFalce, Mr. Cardin, Ms. Norton, Mr. Allen, Mr. Rangel, Mr. Martinez, Mr. Kucinich, Mr. Meehan, Mr. Stark, Mrs. Kelly, Mr. Rothman, Mr. Kleczka, Mr. Tierney, Mr. Pastor, Mr. Clay, Mr. Wexler, Mr. Holden, Ms. Stabenow, Mr. Holt, Mr. Matsui, Mr. Deutsch, Mr. Filner, Mr. Delahunt, Mr. Neal of Massachusetts, Mrs. Maloney of New York, Mr. Blumenauer, Mr. Moran of Virginia, Mr. Payne, Mr. Kind, Mr. Menendez, Ms. Roybal-Allard, Mr. Dixon, Mr. McDermott, Mr. Peterson of Minnesota, Mr. Evans, Mr. Baldacci, Ms. Eshoo, Mr. Inslee, Ms. McCarthy of Missouri, Mr. Thompson of California, Mr. Sabo, Mr. Pallone, Mr. Hall of Ohio, Ms. Waters, Mr. Lantos, Mr. Hastings of Florida, Ms. Sanchez, Mr. Porter, Mrs. Lowey, Ms. Lofgren, Mr. Sawyer, Mr. Hoeffel, Mr. Lampson, Mr. Moore, Mr. Price of North Carolina, Mr. Olver, Mr. Minge, Mr. Gutierrez, Mr. Sanders, Mr. Serrano, Mr. Boucher, Ms. Brown of Florida, Mr. Luther, Mr. Smith of New Jersey, Mrs. Capps, Mr. Obey, Mr. Capuano, Mrs. Napolitano, Ms. Hooley of Oregon, and Mr. Maloney of Connecticut):

H.R. 1239. A bill to designate certain lands in Alaska as wilderness; to the Committee on Resources.

By Mr. TRAFICANT:

H.R. 1240. A bill to amend the Professional Boxing Safety Act of 1996 to require that the scores of each judge be made public after each round; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 1241. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. Gilman, Mr. Gejdenson, and Mr. Bereuter):

H. Con. Res. 67. A concurrent resolution expressing the sense of the Congress that freedom of the news media and freedom of expression are vital to the development and consolidation of democracy in Russia and that the United States should actively support such freedoms; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H. Res. 126. A resolution providing for the consideration of the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office; to the Committee on Rules.

By Mr. FILNER:

H. Res. 127. A resolution acknowledging the achievements of the late Robert Condon and the Rolling Readers USA program he founded in advancing children's literacy; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. Gilman, Mr. King, Mr. Crowley, Mr. Payne, Mr. Menendez, and Mr. Walsh):

H. Res. 128. A resolution condemning the murder of human rights lawyer Rosemary Nelson and calling for the protection of defense attorneys in Northern Ireland; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SCARBOROUGH introduced A bill (H.R. 1242) for the relief of Mary Yaros; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mrs. Fowler, Mr. Lewis of Kentucky, Mr. Pombo, Mr. Lucas of Kentucky, Mr. Aderholt, Mr. Linder, Mrs. Emerson, Ms. Danner, Mr. Filner, Mr. Sandlin, Mr. Frost, Mr. Bishop, and Mr. Shadegg.

H.R. 14: Mr. Souder.

H.R. 17: Mr. Nussle.

H.R. 27: Mrs. Northup.

H.R. 38: Mr. Norwood and Mrs. Chenoweth.

H.R. 40: Mrs. Clayton, Ms. Norton, and Mr. Payne.

H.R. 44: Mr. Smith of New Jersey, Ms. Lofgren, Mr. Tancredo, and Mr. Riley.

H.R. 45: Mr. Dickey, Mr. Bishop, Mr. Deutsch, Mrs. Johnson of Connecticut, and Mr. Ryun of Kansas.

H.R. 48: Mr. Cox.

H.R. 49: Mr. Shows.

H.R. 50: Mr. Aderholt.

H.R. 65: Mr. Smith of New Jersey, Ms. Lofgren, Mr. Gutknecht, Mr. Tancredo, Mr. Forbes, Mr. McCrery, and Mr. Riley.

H.R. 71: Mr. Paul.

H.R. 72: Mr. Scarborough.

H.R. 86: Mr. Isakson.

H.R. 116: Ms. Berkley and Mrs. Johnson of Connecticut.

H.R. 152: Mr. Pickering.

H.R. 165: Mr. Gilman.

H.R. 197: Mr. Ryun of Kansas, Mr. Moore, and Mr. Tiahrt.

H.R. 208: Mr. Wolf.

H.R. 219: Mr. McIntosh.

H.R. 254: Mr. Largent and Mr. Peterson of Pennsylvania.

H.R. 274: Mrs. Maloney of New York.

H.R. 275: Mr. Pombo and Mr. Gary Miller of California.

H.R. 303: Mr. SMITH of New Jersey, Ms. LOFGREN, Mr. GUTKNECHT, Mr. TANCREDO, Mr. MCCRERY, Ms. BROWN of Florida, Mr. RILEY, Mr. GEJDENSON, and Mr. COLLINS.

H.R. 306: Ms. BERKLEY, Ms. DEGETTE, Mr. KIND, Mr. KUCINICH, and Mr. LANTOS.

H.R. 351: Mr. BRADY of Texas and Mr. REYES.

H.R. 357: Mrs. BIGGERT.

H.R. 371: Mr. LUCAS of Oklahoma and Mr. MCGOVERN.

H.R. 383: Mrs. JOHNSON of Connecticut, Mr. FORBES, Mrs. MORELLA, Mr. GARY MILLER of California, Mr. SANDLIN, Mr. KLECZKA, Mr. MCNULTY, Mr. BALDACCI, and Mr. SHOWS.

H.R. 413: Mr. CAPUANO, Mr. BILBRAY, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. BROWN of Ohio, Ms. NORTON, Mr. COOK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARTINEZ, Ms. BERKLEY, Mrs. THURMAN, Mr. BALDACCI, Mr. THOMPSON of Mississippi, Mr. CONYERS, Mr. DIXON, and Mr. TAYLOR of North Carolina.

H.R. 423: Mr. DOOLEY of California, Mr. JOHN, Mr. POMBO, and Mr. HERGER.

H.R. 430: Mr. NUSSLE.

H.R. 483: Mr. THOMPSON of Mississippi.

H.R. 486: Mr. ADERHOLT, Mr. KENNEDY of Rhode Island, Mr. FORBES, Mr. CLEMENT, Mr. PETERSON of Minnesota, and Mr. HOLT.

H.R. 516: Mrs. CHENOWETH and Mr. SHOWS.

H.R. 531: Mr. BRYANT, Mr. RYUN of Kansas, Mr. KILDEE, Ms. DANNER, Mr. GEJDENSON, Mr. EHLERS, and Mr. ENGLISH.

H.R. 541: Mr. SNYDER, Mr. FILNER, Mr. THOMPSON of Mississippi, Mrs. MCCARTHY of New York, Mr. FARR of California, and Mr. RODRIGUEZ.

H.R. 544: Mr. NUSSLE.

H.R. 546: Mr. WICKER.

H.R. 550: Mr. SHOWS.

H.R. 566: Ms. BERKLEY and Mr. HILL of Indiana.

H.R. 570: Mr. FORBES.

H.R. 573: Mr. FRELINGHUYSEN: Mrs. BIGGERT, Mr. ARMEY, Mr. BARRETT of Nebraska, Mrs. FOWLER, Mr. WHITFIELD, Mr. NORWOOD, Mr. KNOLLENBERG, Mrs. CHENOWETH, Mr. GEPHARDT, Mr. FLETCHER, Mr. GILMAN, Mr. RODRIGUEZ, Ms. DANNER, Mrs. CUBIN, Mr. MINGE, Mr. PETERSON of Minnesota, Mr. SMITH of Washington, Mr. KIND, Mr. DEFAZIO, Mr. BOUCHER, Mr. DOOLEY of California, Mr. BLAGOJEVICH, Mr. DELAY, and Mr. PICKERING.

H.R. 574: Mrs. MYRICK.

H.R. 576: Mr. JEFFERSON and Ms. BERKLEY.

H.R. 577: Mr. HILL of Montana.

H.R. 654: Mr. LUTHER.

H.R. 664: Mrs. MALONEY of New York, Mr. LARSON, and Mr. HASTINGS of Florida.

H.R. 674: Mr. JOHN.

H.R. 686: Mr. REYES, Mr. HINOJOSA, and Mr. GREEN of Texas.

H.R. 699: Mr. FILNER, Mr. SANDERS, and Ms. KILPATRICK.

H.R. 743: Mr. DIAZ-BALART and Mr. GOODE.

H.R. 750: Mr. THORNBERRY.

H.R. 773: Ms. BALDWIN, Mr. LEACH, Mr. PHELPS, and Ms. BERKLEY.

H.R. 783: Mr. CALLAHAN, Ms. PRYCE of Ohio, and Mr. DOYLE.

H.R. 784: Mr. DOYLE, Ms. BROWN of Florida, Mr. CALVERT, Ms. KAPTUR, Mr. DIAZ-BALART, Mr. ENGLISH, Mrs. KELLY, Mr. REYES, Mr. GUTIERREZ, Mr. PASCRELL, Mr. SESSIONS, Mr. HAYWORTH, Mr. UNDERWOOD, Mr. SMITH of New Jersey, Mr. BAKER, Mr. LANTOS, Mr. BURTON of Indiana, Mr. STEARNS, and Ms. CARSON.

H.R. 789: Mr. SHOWS and Mr. RAHALL.

H.R. 793: Mr. PAUL, Mr. NORWOOD, Mr. SMITH of Michigan, and Mr. HILL of Montana.

H.R. 796: Mr. BARTON of Texas and Mr. KING.

H.R. 811: Mr. HOYER, Mr. MARTINEZ, and Ms. KILPATRICK.

H.R. 827: Mr. CAMPBELL, Mr. TRAFICANT, Mr. OBERSTAR, and Mr. KUCINICH.

H.R. 833: Ms. BERKLEY, Mr. BLAGOJEVICH, Mr. BRADY of Pennsylvania, Mr. LUCAS of Kentucky, and Mr. SENSENBRENNER.

H.R. 850: Mr. SWEENEY, Mr. BAKER, Mr. CRANE, Mr. MCINNIS, Mr. WELDON of Florida, Mr. WISE, Mr. OSE, Mr. BALDACCI, Mr. MINGE, Mr. UNDERWOOD, Mr. DEMINT, Mr. WALDEN of Oregon, and Mr. HAYES.

H.R. 875: Mr. BONIOR and Mr. WYNN.

H.R. 881: Mr. SENSENBRENNER.

H.R. 886: Mr. GUTIERREZ.

H.R. 895: Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. SAWYER, and Mr. PASTOR.

H.R. 896: Mr. BOEHLERT and Mr. BARTLETT of Maryland.

H.R. 904: Mr. MCHUGH and Ms. BERKLEY.

H.R. 914: Mr. GUTIERREZ.

H.R. 924: Mr. BATEMAN, Mr. JOHN, Mr. BOUCHER, and Mr. THOMPSON of Mississippi.

H.R. 936: Mr. FORBES.

H.R. 938: Mr. MCNULTY, Mr. SANDLIN, Mr. PASTOR, Ms. DELAURO, and Mr. WYNN.

H.R. 939: Mr. SCOTT, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, and Mr. MEEKS of New York.

H.R. 998: Mr. SHOWS, Mr. FROST, Mr. BOUCHER, Mr. PAUL, Mr. BALDACCI, and Mr. TAYLOR of North Carolina.

H.R. 1008: Mr. ENGLISH, Mr. PETRI, Mr. LAHOOD, Mr. KUCINICH, Mr. BISHOP, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, and Ms. KILPATRICK.

H.R. 1018: Mr. LARGENT.

H.R. 1032: Mr. SALMON, Mr. ADERHOLT, Mr. GOODLING, Mr. SENSENBRENNER, Mr. RAHALL, Mr. HUNTER, and Mr. HAYES.

H.R. 1034: Mr. BATEMAN.

H.R. 1039: Ms. KILPATRICK, Mrs. THURMAN, Ms. ESHOO, Ms. SLAUGHTER, Mr. BECERRA, and Mr. SNYDER.

H.R. 1046: Mr. ANDREWS and Mr. RANGEL.

H.R. 1053: Mr. RANGEL.

H.R. 1055: Mr. CALVERT, Mr. KING, Mrs. FOWLER, Mr. HAYES, Mr. GILCHREST, Mr. POMBO, Mr. RYUN of Kansas, Mr. WELLER, Mr. WATTS of Oklahoma, and Mr. SESSIONS.

H.R. 1064: Mr. BLAGOJEVICH.

H.R. 1070: Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. MCINTYRE, Mrs. MCCARTHY of New York, Mr. CLAY, and Mr. GARY MILLER of California.

H.R. 1071: Mr. PICKERING, Mr. COYNE, Ms. MCKINNEY, and Mr. GUTIERREZ.

H.R. 1077: Mr. COOK.

H.R. 1082: Ms. PRYCE of Ohio. Mr. FRANKS of New Jersey, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Mr. FRELINGHUYSEN, Mr. LUTHER, and Mr. RODRIGUEZ.

H.R. 1115: Mrs. KELLY, Mr. GARY MILLER of California, and Mr. WISE.

H.R. 1116: Mr. SMITH of Texas, Mr. NEY, Mr. JOHN, Mr. ARMEY, and Mr. BONILLA.

H.R. 1120: Mr. JOHN.

H.R. 1138: Mr. BILIRAKIS.

H.R. 1159: Mr. ISTOOK and Mr. GUTKNECHT.

H.R. 1160: Mr. ROMERO-BARCELÓ, Mr. GUTIERREZ, and Mr. SHOWS.

H.R. 1168: Mrs. CLAYTON, Mr. THOMPSON of California, Mr. CROWLEY, Mr. GEJDENSON, and Mrs. MEEK of Florida.

H.R. 1177: Ms. PRYCE of Ohio and Mr. HALL of Montana.

H.R. 1180: Mr. DEUTSCH, Mrs. WILSON, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. CASTLE, Ms. ESHOO, and Mr. SHAYS.

H.R. 1182: Mr. SIMPSON.

H.R. 1212: Mr. JOHN and Mr. CONDIT.

H.J. Res. 22: Mr. FORD, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. RUSH, Mr. NADLER, Mr. DIXON, and Mr. MCGOVERN.

H.J. Res. 35: Mr. WAMP.

H.J. Res. 37: Mr. TIAHRT, Mr. CAMP, Mr. SHERWOOD, Mr. RYUN of Kansas, Mr. KINGSTON, Mr. NUSSLE, and Mr. HASTERT.

H. Con. Res. 8: Mr. POMEROY.

H. Con. Res. 23: Mr. SHOWS, Mr. ENGLISH, Mr. CLEMENT, Mr. COOKSEY, Mr. HILL of Montana, Mr. DINGELL, Mr. LAHOOD, Mr. MCGOVERN, Mr. LATOURETTE, and Mr. WU.

H. Con. Res. 30: Mr. TAYLOR of North Carolina and Mr. COLLINS.

H. Con. Res. 31: Mr. FRANK of Massachusetts, Mr. REYES, Mr. FOSSELLA, and Mr. WAXMAN.

H. Con. Res. 37: Mr. DELAY, Mr. FOLEY, and Mr. PALLONE.

H. Con. Res. 38: Mr. JEFFERSON and Mr. DIXON.

H. Con. Res. 39: Mr. WATTS of Oklahoma.

H. Con. Res. 51: Ms. KILPATRICK.

H. Res. 41: Mrs. CLAYTON, Mr. GOODLING, Mr. INSLEE, Mr. KUCINICH, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. ROYCE, and Mr. SNYDER.

H. Res. 59: Mr. BILIRAKIS.

H. Res. 82: Mr. LUTHER, Mrs. MALONEY of New York, and Mr. NADLER.

H. Res. 89: Mr. MCINTYRE, Ms. CARSON, and Mr. PRICE of North Carolina.

H. Res. 95: Mr. ARMEY.

H. Res. 99: Mr. FROST, Mr. CROWLEY, and Mr. GOSS.

H. Res. 106: Mr. RANGEL, Mr. TAYLOR of Mississippi, Mr. FORBES, Mr. GILMAN, and Ms. JACKSON-LEE of Texas.

H. Res. 107: Mr. BROWN of California, Ms. BERKLEY, and Mr. BLAGOJEVICH.

H. Res. 115: Mr. KENNEDY of Rhode Island, Mr. VENTO, Mr. BRYANT, Mr. GREEN of Texas, Mr. GREEN of Wisconsin, and Mr. THOMPSON of Mississippi.

H. Res. 118: Mrs. MYRICK and Mr. PICKERING.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 434: Mr. SHOWS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 472

OFFERED BY: MRS. MALONEY OF NEW YORK

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Participation in the Census Act".

SEC 2. CENSUS LOCAL PARTICIPATION.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 13, United States Code, is amended by adding at the end the following:

"§ 142. Census local participation

"(a)(1) The 2000 decennial census shall include the opportunity for local governmental units to review housing unit counts, jurisdictional boundaries, and such other data as the Secretary considers appropriate for the purpose of identifying discrepancies or other potential problems before the tabulation of total population by States (as required for the apportionment of Representatives in Congress among the several States) is completed.

"(2) Any opportunity for local participation under this section shall be provided in such time, form, and manner as the Secretary shall (consistent with paragraph (1)) prescribe, except that nothing in this section shall affect any right of local participation in the 2000 decennial census otherwise provided for by law, whether under Public Law 103–430 or otherwise.

"(b) Any opportunity for local participation under this section in connection with the 2000 decennial census should be designed with a view toward affording local governmental units adequate opportunity—

"(1) to assure that new construction, particularly any subsequent to April 30, 1999, and before April 1, 2000, is appropriately reflected in the master address file used in conducting such census;

"(2) to verify the accuracy of those units or other addresses which the United States Postal Service has identified as being vacant or having vacancies; and

"(3) to assure that the Secretary has properly identified the jurisdictional boundaries of local governmental units, consistent with any measures taken under Public Law 103–430 and any other applicable provisions of law.

"(c) Any opportunity for local participation under this section shall be afforded in a manner that allows the Secretary to derive quality-control corrected population counts (as recommended by the National Academy of Sciences in its final report under Public Law 102-135 and as proposed in the census 2000 operational plan as part of the Accuracy Coverage Evaluation program) on a timely basis, but in no event later than the date by which all tabulations of population under section 141(c) (in connection with the 2000 decennial census) must be completed, reported, and transmitted to the respective States.

"(d) As used in this section—

"(1) the term 'decennial census' means a decennial census of population conducted under section 141(a); and

"(2) the term 'local governmental unit' means a local unit of general purpose government as defined by section 184, or its designee.".

(b) Conforming Amendment.—The table of sections for chapter 5 of title 13, United States Code, is amended by inserting after the item relating to section 141 the following:

"142. Census local participation.".

Amend the title so as to read: "A bill to amend title 13, United States Code, to require that the opportunity for meaningful local participation in the 2000 decennial census be provided.".

H.R. 472

Offered By: Mr. Miller of Florida

Amendment No. 2: Page 2, line 4, strike "142" and insert "141".

Page 2, line 5, strike "**143**" and insert "**142**".

Page 4, line 23, strike "142" and insert "141".

Page 4, after line 23, strike "143" and insert "142".

H.R. 1141

Offered By: Mr. Bentsen

Amendment No. 1: Page 36, after line 10, insert the following new section:

Sec. 3012. None of the funds made available in this Act or any other Act may be used to release from detention any criminal alien subject to mandatory detention pending removal from the United States.

H.R. 1141

Offered By: Mr. Burton of Indiana

Amendment No. 2: At the end of title II (page 26, after line 2), insert the following new section:

Sec. 2003. (a) Authority To Make Payments.—Subject to the provisions of this section, the Secretary of Defense is authorized to enter into agreements to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) Deadline for Exercise of Authority.—The Secretary shall exercise the authority under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) Source of Payments.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a), unless the agreements made pursuant to the authority granted in subsection (a) provide for payments over a longer period.

(d) Amount of Payment.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) Treatment of Payments.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) Construction.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

H.R. 1141

Offered By: Mr. Burton of Indiana

Amendment No. 3: At the end of title II (page 26, after line 2), insert the following new section:

Sec. 2003. (a) Authority To Make Payments.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) Deadline for Exercise of Authority.—The Secretary shall exercise the authority under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) Source of Payments.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999 or unexpended balances from prior years, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) Amount of Payment.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) Treatment of Payments.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) Construction.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

H.R. 1141

Offered By: Mr. Tiahrt

Amendment No. 4: Page 15, line 25, after the dollar amount, insert the following: "(increased by $195,000,000)".

EXTENSIONS OF REMARKS

CBO COST ESTIMATE OF H.R. 707, THE DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SHUSTER. Mr. Speaker, on March 4 the House passed H.R. 707, the "Disaster Mitigation and Cost Reduction Act of 1999." The Congressional Budget Office (CBO) was unable to submit a cost estimate of H.R. 707 to the Committee on Transportation and Infrastructure before a Committee report was filed. In lieu of the CBO estimate, the Committee provided its own estimate of the cost of the legislation. The Committee estimated that H.R. 707 would result in savings to the Federal Government of approximately $100 million over the first five years, and significantly more savings in the longer run. This estimate was based on the CBO cost estimate on virtually the same bill that was reported out of the Committee in the 105th Congress. (For details see House Report 106–40, pages 20–21.) At the time the report was filed the Committee committed to submitting CBO's cost estimate, once completed, of H.R. 707 for the Record.

CBO's analysis, presented in its entirety below, estimates implementing H.R. 707 would increase discretionary outlays by a total of $2 billion over 1999–2004. On its face, this estimate is at odds with the Committee's estimate that the bill will save $100 million over the same period. There are two important factors which account for the difference in these estimates. First, $1.3 billion of CBO's estimated $2 billion in costs are due to an acceleration in outlays CBO now estimates will happen over the first five years. This contradicts CBO's report on what was essentially the same bill in the 105th Congress. The acceleration is caused by a provision in H.R. 707 that streamlines the assistance program allowing FEMA to end the assistance process in disaster areas much faster than in the past. This provision will reduce paperwork for disaster victims and reduce the Federal presence in these areas. It is important to note that CBO estimates this provision will not change total spending in the long term

The second important factor that accounts for the difference between the Committee and CBO's cost estimate is that CBO does not estimate any savings from pre-disaster mitigation spending. CBO states it cannot predict the timing or magnitude of future disasters and, therefore, cannot predict the savings from mitigating against future damage. However, CBO states "If the authorized funding for pre-disaster mitigation efforts is provided and used judiciously, enactment of this legislation could lead to savings to the Federal Government by reducing the need for future disaster relief funds." The Committee cost estimate assumed that every dollar of mitigation spending will result, on average, in at least one dollar of Federal assistance avoided. (The Committee believes this is a conservative assumption based on testimony it received from the Federal Emergency Management Agency indicating mitigation typically pays back two to three times the amount spent.) Using this assumption, the Committee estimated the Federal Government will save approximately $100 million over the first five years if H.R. 707 is enacted into law.

CBO's estimates on H.R. 707 follow:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 15, 1999.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 707, the Disaster Mitigation and Cost Reduction Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), who can be reached at 226–2860, and Lisa Cash Driskill (for the state and local impact), who can be reached at 225–3220.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—MARCH 15, 1999

H.R. 707: DISASTER MITIGATION AND COST REDUCTION ACT OF 1999, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON MARCH 4, 1999

SUMMARY

H.R. 707 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a predisaster mitigation program and make changes to the existing disaster relief program.

The legislation would authorize the appropriation of $105 million over fiscal years 1999 and 2000 for a predisaster mitigation program. (Public Law 105–276 appropriated $25 million to the Federal Emergency Management Agency (FEMA) for this purpose in fiscal year 1999.) Other provisions in H.R. 707 would also result in changes in discretionary spending, assuming appropriation of the necessary amounts. In total, CBO estimates that implementing H.R. 707 would increase discretionary outlays by a total of $2 billion over the 1999–2004 period. Most of the estimated increase in outlays—$1.3 billion of the five-year total—would result from provisions that would accelerate spending from FEMA's disaster relief fund, but would not change total spending over the long term.

If the authorized funding for predisaster mitigation efforts is provided and used judiciously, enactment of this legislation could lead to savings to the federal government by reducing the need for future disaster relief funds. CBO cannot estimate the timing or magnitude of such savings because we cannot predict either the frequency or location of major natural disasters. Over the next 10 years, savings could exceed the $80 million that the legislation would authorize for predisaster mitigation efforts, although we expect that any such savings would be small over the next five years.

H.R. 707 also would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that the net annual increase in direct spending would, on average, be less than $500,000.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would significantly benefit the budgets of state, local, and tribal governments.

DESCRIPTION OF THE LEGISLATION'S MAJOR PROVISIONS

Title I would establish a program to provide financial assistance to state and local governments for predisaster mitigation activities. It also would require the President to transmit a report to the Congress that would evaluate efforts to implement the predisaster hazard mitigation programs and recommend a process for transferring greater authority over the program to states. In addition, this title would remove a yearly cap of $50,000 per state on the grants that FEMA makes for improving and maintaining disaster assistance plans and would increase the maximum federal contribution for mitigation costs from 15 percent to 20 percent.

Title II would combine any disaster relief expenses incurred by states but not chargeable to a specific project into a single category called management costs. It would direct the President to establish standard rates for reimbursing states for such costs.

Title II also would establish new requirements that certain private nonprofit facilities (PNPs) would have to meet in order to receive funds for repair and replacement of damaged facilities. In order to receive moneys from the disaster relief fund, PNPs would have to be ineligible for a loan from the Small Business Administration (SBA), or have obtained the maximum possible loan amount from the SBA. The title would require that the President exempt from this requirement PNPs that provide "critical services," such as utilities, communications, and emergency medical care. (The definition of critical services would be left to the President.)

In addition, the legislation would reduce the federal government's share of costs for repairing damaged facilities from 90 percent to 75 percent, but would allow the President the flexibility to vary the contribution between 50 percent and 90 percent if doing so would be more cost-effective. Title II would also allow the President to use the estimated cost of repairing or replacing a facility, rather than the actual cost, to determine the level of assistance to provide. H.R. 707 would establish an expert panel to develop procedures for estimating the cost of repairing a facility.

The legislation would combine the Temporary Housing Assistance (THA) and Individual and Family Grant (IFG) programs into one program, and would eliminate the community disaster loan program, a program that assists any local government that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has suffered a substantial loss of tax revenues as a result of a major disaster. Finally, H.R. 707 would add several reporting requirements for FEMA and the General Accounting Office (GAO).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

CBO estimates that implementing H.R. 707 would result in additional discretionary outlays of $2 billion over the 1999–2004 period. The estimated increase in outlays includes $0.7 billion in additional costs and $1.3 billion from the faster spending of future appropriations. Because the faster spending of disaster relief funds would not affect long-term costs, a corresponding net decrease in outlays would occur over the 2005–2009 period. The legislation also would affect direct spending, but CBO estimates that the annual net increase in such spending would, on average, be less than $500,000.

The estimated budgetary impact of most of the provisions in H.R. 707 is shown in the following table. The table does not reflect some potential savings and costs from provisions that may affect discretionary spending but for which CBO cannot estimate the likely effects. In particular, we cannot estimate the potential savings in the costs of future disaster relief from the increased spending on predisaster mitigation activities that would be authorized by H.R. 707. While such savings could be significant in the long run, we expect that any savings would be small over the next five years. In addition, CBO cannot estimate the effects of provisions that would establish standardized rates for reimbursing management costs and that would reduce the amount of general assistance that FEMA can provide state and local governments in lieu of providing the federal share of costs to repair or replace a facility. The costs of this legislation fall within budget function 450 (community and regional development).

BASIS OF ESTIMATE

For the purposes of this estimate, CBO assumes that H.R. 707 will be enacted by the end of this fiscal year and that the amounts authorized and estimated to be necessary will be appropriated near the start of each fiscal year.

	By fiscal year, in millions of dollars					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION[a]						
Spending for Disaster Relief Under Current Law:						
Budget Authority/Estimated Authorization Level[b]	1,214	1,240	1,266	1,295	1,323	1,351
Estimated Outlays	3,250	2,587	2,349	2,216	1,870	1,692
Proposed Changes:						
Specified Authorizations for Predisaster Mitigation:						
Authorization Level	0	80	0	0	0	0
Estimated Outlays	0	32	32	16	0	0
Estimated Authorizations:						
Authorization Level	0	372	94	77	76	75
Estimated Outlays	0	-8	171	201	136	75
Estimated Change in Outlays from Baseline—Budget Authority:						
Authorization Level	0	0	0	0	0	0
Estimated Outlays	0	0	0	518	465	345
Spending for Disaster Relief Under H.R. 707:						
Budget Authority/Estimated Authorization Level	1,214	1,692	1,360	1,372	1,399	1,426
Estimated Outlays	3,250	2,611	2,552	2,951	2,471	2,112

[a] H.R. 707 also would increase direct spending, but CBO estimates that such changes would be less than $500,000 a year.

[b] The 1999 level is the amount appropriated for that year, including $906 million for an emergency supplemental appropriation provided in Public Law 105–277. The remainder of the 1999 level is the regular appropriation of $308 million. The levels shown for 2000 through 2004 are CBO baseline projections assuming increases for anticipated inflation. Alternatively, if the comparison were made to a baseline without discretionary inflation, the authorization level for current law would be $1,214 million each year, and the incremental change in estimated outlays would be $1.87 billion over the five years.

Spending Subject to Appropriation

H.R. 707 contains provisions that would result in both costs and savings to the federal government. CBO estimates costs associated with provisions that would: Authorize appropriations for predisaster mitigation, increase the federal contribution for mitigation costs, combine the Individual Family Grant program and the Temporary Housing Assistance program, add several new reporting requirements and establish an interagency task force, remove a cap on grants for disaster assistance plans, provide grants for improved floodplain mapping technologies, and establish a pilot program to determine the desirability of state administration of parts of the disaster relief program.

CBO estimates savings associated with provisions that would: Require certain PNPs to apply to the SBA for disaster loans, allow FEMA to use the estimated cost of facility repairs rather than the actual cost, and eliminate the community disaster loan program.

CBO cannot estimate the effects of provisions that would: Achieve long-run savings associated with the predisaster mitigation efforts, reduce the amount of general assistance that FEMA can offer state and local governments in lieu of providing its share of the costs to replace or repair a damaged facility, and establish standardized rates for reimbursement of management costs.

In addition, CBO estimates that outlays would be accelerated by allowing the President to disburse future appropriations for disaster relief to states before projects are completed, based on the estimated cost rather than on the actual cost.

Provisions with Estimated Costs. H.R. 707 would establish a program for predisaster hazard mitigation and would authorize the appropriation of $25 million for fiscal year 1999 and $80 million for fiscal year 2000 for that program. Because the first $25 million has already been appropriated, the legislation would increase projected spending by the $80 million authorized for 2000.

Other provisions also would increase costs. For example, under current law, FEMA provides grants to states for postdisaster mitigation activities based on the total amount of grants made for each major disaster. H.R. 707 would increase the federal contribution for postdisaster mitigation grants by one-third for all major disasters declared after January 1, 1997. Based on data provided by FEMA, CBO estimates that raising the federal contribution by one-third would result in an additional $247 million in grants to states for disasters that occurred between January 1997 and January 1999, by $61 million for the remainder of fiscal year 1999, and by $92 million a year for each of the next several years. The estimate of additional costs for the remainder of 1999 and for fiscal years 2000 through 2004 assumes that payments under current law would total about $275 million per year. In total, CBO estimates that implementing this provision would require the appropriation of $768 million over the 2000–2004 period. This estimate assumes that the funds to pay for the provision would come from future appropriations and that the outlays from the additional budget authority would occur over several years.

In addition, CBO estimates that combining the Individual Family Grant program and the Temporary Housing Assistance program would result in higher costs of $30 million in fiscal year 2001 and $60 million each year thereafter. Under current law, the federal share for the IFG program is 75 percent of the actual cost incurred. In addition, the federal government contributes an amount equal to 5 percent of total IFG assistance to the states to help cover their share of the administrative costs. Combining the IFG and THA programs would change the federal match to 100 percent and eliminate the federal contribution for administrative costs. Assuming an annual IFO program under current law of slightly more than $200 million, CBO estimates that the net effect of those changes would be to increase annual federal costs by about $60 million. The estimates costs are lower in the first two years because the consolidation would not take place until 18 months after enactment. As part of the consolidation, H.R. 707 would make several changes to the IFG and THA programs, including broadening the type of assistance available to disaster victims and emphasizing the provision of financial assistance over the provision of temporary housing. CBO has no basis for estimating any costs or savings that could result from these other changes.

The legislation would require the President, FEMA, and GAO to prepare several reports, and would require the President to establish an interagency task force to coordinate the implementation of the predisaster mitigation program. Over the 1999–2004, CBO estimates that completing the five reports and operating the task force would cost around $2 million.

We also estimate that removing the yearly cap of $50,000 per state on the grants that are made to states for improvement of disaster assistance plans would increase such costs by less than $500,000 a year. Based on information from FEMA, we expect that it would rarely provide more than $50,000 in grants and that the amounts allocated above $50,000 would be small.

Finally, CBO estimates that the provisions that would authorize grants for improved flood plain mapping technologies and establish a pilot program for the devolution of certain responsibilities for the states would not significantly affect annual costs. FEMA currently provides less than $500,000 a year in grants for floodmapping technologies, and

CBO expects that agency assistance in this area would not increase significantly.

Provisions with Estimated Savings. CBO estimates that requiring certain PNPs to apply to the SBA for a disaster loan before receiving funds from the disaster relief fund would yield savings of approximately $4 million per year from 2000 through 2004. The savings would result because the government would, in some cases, be providing loans instead of grants to these institutions. CBO estimates that about 115 PNPs would receive SBA loans instead of disaster relief grants, resulting in additional loans totaling about $5 million. The estimated savings is the difference between the reduction in FEMA assistance and SBA's subsidy cost for the new loans.

Based on data and information provided by FEMA, CBO estimates that allowing FEMA to use the estimated cost of repairing or replacing a facility, rather than the actual cost, to provide assistance to state and local governments would result in administrative savings at FEMA of approximately $46 million in fiscal year 2002 and slightly larger amounts each year thereafter. Based on information from FEMA, CBO estimates that, on average, FEMA spends between $250 million and $300 million a year administering the public assistance program. The estimated savings assumes that FEMA would reduce those costs by between 15 percent and 20 percent, primarily by eliminating staff and contractors. FEMA would incur some additional costs for operating the expert panel, estimating the cost of repairs with more precision, and evaluating the accuracy of estimates. Administrative savings would not occur before fiscal year 2002 because H.R. 707 would first require the President to establish an expert panel to develop procedures for estimating the cost of repairing or replacing a facility.

Allowing FEMA to substitute the estimated cost for the actual cost in providing disaster relief to state and local governments could also affect both the amount and the timing of assistance provided. Under the legislation, if the actual costs of repair are greater than 120 percent or less than 80 percent of the estimated costs, FEMA could receive compensation for overpayments or provide compensation for underpayments. The provision would not provide for adjusting assistance if the project's actual costs fall between 80 percent and 120 percent of the estimate. Thus, using an estimated cost could substantially increase or decrease the federal government's cost to repair or replace public facilities if these estimates consistently fall below or above the actual costs of such projects. Because the federal government spends well over a $1 billion each year on such projects, a bias of 10 percent in either direction would change the annual cost of disaster relief by more than $100 million. Because we have no basis for predicting a bias in either direction, CBO cannot estimate the net change in the cost of disaster relief projects from substituting estimates for actual costs. The effects of this provision on the timing of outlays are discussed below.

Finally, based on data provided by FEMA, CBO estimates that eliminating the community disaster loan program would result in savings of approximately $25 million each year from 2000 through 2004.

Provisions with Effects CBO Cannot Estimate. CBO does not have sufficient basis to project potential budgetary effects of some provisions of H.R. 707 because they depend upon the extent and nature of future disasters, the manner in which the Administration would implement certain provisions, and the extent to which states would participate in certain programs.

CBO cannot estimate the potential savings associated with the predisaster mitigation efforts proposed in this legislation. Mitigation efforts could achieve significant savings if damages from future disasters are lessened as a result of the predisaster mitigation measures provided for in the legislation, although we expect that any savings in the first five years would be small.

The legislation also would lower the amount of general assistance that FEMA can provide to state and local governments in lieu of the federal government's share of the cost to repair or replace a facility. Under current law, state and local governments can elect to receive a payment equal to 90 percent of the federal government's expected costs to repair or replace a damaged facility. H.R. 707 would lower that rate to 75 percent. While lowering the contribution rate would decrease disaster relief costs in cases where state and local governments continue to accept general assistance, it also would increase costs in those cases where states and localities choose to forgo the general assistance and seek the federal share of repair costs instead. The two effects could offset one another. Thus, while the provision has the potential for substantial savings, CBO has no basis for estimating the amount of such savings.

Finally, H.R. 707 also would require that the President establish by rule standardized reimbursement rates that should reduce FEMA's administrative burden of compensating states for indirect costs not chargeable to a specific project. Because it is uncertain how these rates would be established, CBO has no basis for estimating the amount of potential savings.

Provision Affecting the Timing of Outlays. H.R. 707 also would substantially increase the rate at which new budget authority is spent from the disaster relief fund. Under current law, funds appropriated for such assistance are often spent years later. But we expect that disbursements would occur more rapidly because of the provision allowing FEMA to provide funds for disaster relief to states and localities based on an estimate of a project's costs rather than on its actual costs. (This provision would not apply to FEMA's current balances of previously appropriated funds.) CBO estimates that this change would result in a net increase in outlays of $1.3 billion over the 1999–2004 period, but that it would have no net effect over the 1999–2009 period. Because H.R. 707 would require the President to convene an expert panel within 18 months of enactment, this estimate assumes that this provision would not affect relief for disasters that occur before fiscal year 2002.

Direct Spending

If enacted, H.R. 707 would increase direct spending by allowing FEMA to retain and spend future proceeds from the sale of temporary housing, such as mobile homes and manufactured housing. Under current law, receipts from the sale of such properties are deposited into the general fund of the Treasury (and thus are not available for spending). According to FEMA and the General Services Administration, which conducts most sales of personal property for the federal government, since liquidating FEMA's entire inventory of temporary housing units in 1996, the federal government has sold only a handful of units. Instead of maintaining an inventory, FEMA now purchases new units to accommodate disaster victims and then either donates the unneeded units to take governments or transfers them to other federal agencies. Under current law, CBO expects that the federal government will continue to sell only a small number of units each year. Consequently, we estimate that allowing FEMA to retain and spend receipts from sales of temporary housing would, on average, increase net direct spending by less than $500,000 a year. Any increase in offsetting receipts relative to current law would be offset by an equivalent increase in new spending.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Pay-as-you-go procedures would apply to H.R. 707 because it would allow FEMA to retain and spend any proceeds from the sale of units of temporary housing. CBO estimates that allowing the agency to retain and spend such receipts would, on average, increase direct spending by less than $500,000 a year.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 707 contains no intergovernmental mandates as defined in UMRA and would significantly benefit the budgets of state, local, and tribal governments. The legislation would authorize the appropriation of $80 million in 2000 to assist states in predisaster mitigation projects. If the necessary appropriations are provided, it also would increase the funds available to states for postdisaster mitigation activities by an estimated $308 million for major disasters declared between January 1, 1997, and the end of fiscal year 1999, and by about $92 million per year after that. In addition, beginning 18 months after enactment, the 25 percent state match for individual and family grants and certain housing assistance would no longer be required, reducing the burden on states by an estimated $60 million per year. These benefits would be partially offset by the repeal of the community disaster loan program, which would result in a loss of about $25 million in grants to communities each year.

Estimated impact on the private sector: The legislation would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: John R. Righter (226–2860). Impact on State, Local, and Tribal Governments: Lisa Cash Driskill (225–3220).

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

A TRIBUTE TO THE STONY BROOK HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. FORBES. Mr. Speaker, it is with great pride and emotion that I rise today in the House of Representatives to pay tribute to the girls high school basketball team from Stony Brook, on Long Island. Culminating a successful season, marked with 15 wins and 4 losses, the "Bears of Stony Brook" were crowned the "1999 Suffolk County Class D" basketball champions.

With a proud history, the girls basketball team had to overcome past disappointments, to band together as a team and win the championship. In the previous two years, the Bears had traveled to the Suffolk County tournament only to be denied the prestigious championship. This season, led by coach Keith Singer, the girls were finally successful in their quest for the title. Their journey ended the weekend of February 20 with the overwhelming victory over Pierson High School. After receiving the number one seed in the playoffs, the Bears defeated Pierson High School, ranked second in the tournament, by a score of 61–30.

The strong 15 and 4 record is a testament to the hard work and determination of the Bears. Coach Keith Singer's leadership kept these young women poised on winning the championship. On the basketball court, the Bears were blessed with a well-balanced offensive team. Senior Rebecca Fischer led the Bears offense by scoring 18 points, and adding 14 rebounds. Fellow senior, Sara Kiernan, further contributed to the bears success with 13 points. The team's success would not have occurred without their determination and teamwork.

The Bears' success is also attributed to their dominating defensive style. The team has frustrated numerous teams with their suffocating defensive play. Led by senior Sara Kiernan, who amassed five steals, the Bears put together a stringent zone defense. The success of their defense is most easily seen in their domination of rival Pierson. In the final, the Bears' defense devastated Pierson. In the first period, Pierson was held to a mere 7 points. Overall, Pierson was only able to score 30 points against the Bears, despite being ranked second in the County.

The work ethic and determined spirit of this high school basketball team are a true reflection of my Congressional District. The entire community is filled with pride for these young women, who have worked so hard and sacrificed so much to reach their goal. So I ask my colleagues in the U.S. House of Representatives to join me and all my neighbors in saluting the Stony Brook Bears, the "1999 Suffolk County Class D" girls high school basketball champions.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. WICKER. Mr. Speaker, on rollcall No. 52, on House Congressional Resolution 24, Expressing Congressional Opposition to the Unilateral Declaration of a Palestinian State, I was unavailable to vote because I was returning from a bipartisan Congressional Delegation trip to Russia. The objectives of this four-day trip included meetings with the Russian Duma and other governmental officials concerning the missile defense threat as outlined in the report of the Rumsfeld Commission. Our delegation was joined in Moscow by former Secretary Don Rumsfeld and two members of his commission, Mr. Jim Woolsey and Mr. William Schneider, Jr.

Had I been present, I would have voted "yea."

FEDERAL MONEY FOR MEDICAL RESEARCH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, I would like to share with my colleagues a recent Op-Ed written by Dr. Arthur H. Rubenstein about the benefits federal money has produced for medical research. Dr. Rubenstein is the Dean of the Mt. Sinai School of Medicine in New York City, one of New York City's and the country's premiere teaching hospitals.

MORE AID MEANS MORE RESPONSIBILITY—FEDERAL MONEY PUTS MEDICAL RESEARCH ON THE THRESHOLD OF A GOLDEN AGE

(By Arthur H. Rubenstein)

NEW YORK.—Congress has now approved billions of dollars in research money to complete the elements of what could be the Golden Age of Medical Research.

We now have scientific excellence, outstanding technology, public support and greatly increased funding aligned to make possible a quantum leap forward in our search for better treatments, prevention and hopefully cures of some of the most dreaded diseases on earth.

But as we celebrate this unique opportunity, scientists and physician researchers must understand that with it comes a new, and perhaps higher, level of responsibility. If we ignore this responsibility, we risk losing this newly won support.

A combination of forces has brought us to this unique opportunity.

The media continues to follow the rapid pace of scientific breakthroughs and gives medical news front page status.

The public, particularly patients and their families, clamor for life saving and life prolonging treatments.

In addition, many recent discoveries are now being applied in actual practice. Leading lawmakers in Congress took particular notice of these forces during the last congressional session. Realizing that a big boost in funding could capitalize on the intensifying scientific knowledge of the past decade, thoughtful lawmakers brought about a $2 billion increase in the NIH budget.

As a physician and a Dean of a major medical school, I am elated over this opportunity. During my lifetime, basic science has advanced and accelerated so rapidly that we are on the verge of unprecedented discoveries. Just 45 years after the discovery of the structure of DNA, we are on the road to examining how tens of thousands of genes function.

That will be the key to understanding how many diseases occur. And that is the shaft of light that can lead us to curing or controlling the disease.

We will look back on these years with the same awe as was felt for the wondrous age after Newton discovered the Laws of Motion or Einstein discovered the Laws of Relativity.

However, if I put my own scientific excitement to the side for a moment and focus on my role as the leader of an entity which depends heavily on research funding, I must also offer a cautious warning about this great rush forward.

All over the country, in clinical and research laboratories, the scramble is on to garner a share of this new funding. This competition is healthy and will lead to better science. My own school will compete as hard as the next.

The National Institutes of Health (NIH), though, faces a formidable challenge to allocate money to research laboratories. Clearly, the funds must be spent in a wise and responsible manner.

But which scientists working on what diseases will get an infusion of money to throw their research into high gear or get it off the ground? How much "politics" must be considered? What markers will be laid out to show if the money was wasted or well spent? I don't envy the NIH at all!

The Institute of Medicine recommends the public be given a strong say in this process and that a public advisory board be created. Those are excellent and appropriate ideas.

The funding decisions must not be solely made in meetings amongst administrators and scientists.

To maintain public support, the scientific community must make the public a greater part of the discussion of what could be literally life and death decisions for generations to come.

But we, as scientists and leaders of the academic community, must also be mindful that our individual and collective actions are appropriately facing a higher level of scrutiny than ever before. We must embrace this examination, respond appropriately, or else face great peril.

We have an obligation to find ways to share our work with the lay public, to do our best to make it intelligible to non scientists. We have an obligation to be cautious with our pronouncements of progress.

As exciting as incremental progress is to the scientist, its reality, that it is progress but not yet a cure, can be exceptionally cruel to the human being looking for solace. We have an obligation to shun fleeting fame when it is premature, and fortune when its potential jeopardizes the credibility of our work.

Science is tantalizingly close to so many discoveries! To me, it is simply breathtaking to even begin to comprehend that within five to ten years we may—I underscore "may"—have the understanding to cure or prevent various infectious diseases, mental illnesses, birth defects, and would be killers like heart disease, cancer, AIDS, and diabetes.

If the medical and research communities are perceived as not using public funding wisely or let false optimism blind us to the often unpredictable nature of scientific exploration, we will have failed in a monumental and tragic manner.

Besides the discoveries lost or delayed, and the lives that would be affected, there could be a public backlash against those who failed to act responsibly.

The Golden Age of Medical Research then would be replaced by an era of suspicion and skepticism about science's ability to improve life.

IN MEMORY OF JAMES E. CADO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that James E. Cado of Lexington, MO, passed away on February 4, 1999.

Born November 27, 1936 in Lexington, MO, the son of Henry and Minnie Margaret

(Rostine) Cado, Mr. Cado married Janet Lee Dickmeyer on December 27, 1958. He was a graduate of Wentworth Military Academy Junior College in Lexington and a 1959 graduate of the University of Missouri. He received his Masters in Mathematics degree in 1964 from Central Missouri State University, Warrensburg, MO.

Mr. Cado, a friend of mine through the years, was a good role model who gave encouragement to many students. He was a teacher for 35 years at Lexington R–5 School District, retiring in 1994. He was also a member of the United Methodist Church, Lexington, and the Missouri Teacher Association.

Mr. Speaker, I know the Members of the House will join me in extending heartfelt condolences to his wife, Janet; one son, Mark; one daughter, Lee Ann O'Brien; two sisters, two grandsons and two granddaughters.

TRIBUTE TO RICHARD E. CARLSON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to rise today and recognize an outstanding citizen from Chicago, Illinois. Mr. Richard Carlson will be retiring from his distinguished career with the Chicago District of the U.S. Army Corps of Engineers later this month. He is a Chicago institution in the water resources field and will be retiring after a significant 36-year career with the Corps in the planning and management of civil works projects.

Rich began his career with the Corps after graduating from the University of Illinois in 1963, where he worked his way through the ranks to become Chief of the Planning Division. Since 1988, Rich has held the position of Deputy District Engineer for Programs and Project Management. During his tenure, Rich was instrumental in the development of the reservoirs for the award-winning Chicago Tunnel and Reservoir Plan (TARP) which is authorized for over $600 million in flood control reservoirs. The construction of these reservoirs will reduce flooding to over 500,000 homeowners and will improve the water quality of the Chicago area rivers and streams.

Rich was also instrumental in the development, authorization and recent approval of the Chicago Shoreline Project. This project, which Rich helped formulate, will allow for a partnership with the Corps and the City of Chicago for construction of a $270 million shoreline restoration project protecting Chicago's lakefront from collapse and loss of many millions of dollars in public lands and infrastructure.

Throughout his career, Rich has received many awards and distinguished recognition for this unique design efforts, including the prestigious Society of American Engineers Goethals Award for engineering design and methods in 1996. The O'Hare Reservoir, dedicated in 1998, which Rich was also instrumental in, received the Illinois Section of the American Society of Civil Engineers design award in 1998.

Rich Carson has been a tremendous leader in his field and mentor to the scores of engineers who have been privileged to work with him. He leaves a tremendous legacy for excellence and advocacy for partnership between the federal and local governments that will live on at the Corps of Chicago District for many years to come.

I ask my colleagues to join in honoring this excellent public servant, Rich Carlson, and to the wonderful example he has set for others.

TRIBUTE TO EMILY MARKS SKOLNICK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Emily Marks Skolnick, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

Emily Marks Skolnick has pursued her quest for human rights, equality and economic justice since she was a child. A 1937 Phi Beta Kappa graduate of Wellesley College where she majored in Labor Economics, Emily has given generously of her time and resources as a volunteer for over 60 years. She fought for school desegregation in the 1940s, helping to instigate the landmark Brown v. Board of Education case. In 1946 she helped found the Co-Op Nursery School and organized a pilot preschool program which was a model for the Headstart program. She participated in the desegregation of the San Mateo Union High School District in the 1950s, and in 1958 she led a field study which resulted in passage of the San Mateo City Fair Employment Practices Ordinance. Emily helped launch the Lawrence Child Care Center and the local chapter of the ACLU.

Mr. Speaker, Emily Marks Skolnick is an extraordinary woman. I salute her for her remarkable contributions and commitment to our community and I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

DON'T SMOKE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to draw attention to an excellent composition on the dangers of smoking written by Katherine Sommer, a student at Byrd Elementary School in Glen Rock, New Jersey. The composition was the winning entry in a competition held as part of a week-long anti-smoking program currently under way at Byrd Elementary. The composition is as follows.

DON'T SMOKE

(By Katherine Sommer)

Things can happen. Some things can't be helped. Some things can. Some people die of old age, heart attacks, and many other things, but a lot of people die a long, horrible death. They die of smoking. It could happen to you if you make one bad decision. Think of it this way—if you choose to smoke, you'll be doing something really stupid. You could get very sick or even die. That wouldn't be worth it, would it? The worst part is it would be all your own fault!

Some teenagers and younger children start smoking for some really silly reasons. Some kids may want to join a popular group at school, and think smoking will make them look older. Some girls think smoking will make them look cool and boys will like them more. What they don't know is if what happened on the inside of your body happened on the outside, you would look really ugly.

If you think that most kids smoke, you're wrong. The average kid doesn't smoke, and if you're anywhere near average, you won't either. You could really hurt yourself. You could get lung cancer, throat cancer, gum cancer, or lip cancer. These are only some of the horrible diseases you can get from smoking. And think, you could die just from trying to be cool.

Another reason you may start smoking is that a family member or really good friend may already smoke. You might think that it's harmless. You may think, I'll try one smoke, and if I don't like it I won't have any more. Well, it's not that easy. Smoking is addictive. That means that once you start something you can't stop. Once you try, it could be too late.

I don't intend to smoke. You shouldn't either. Don't let anything interfere with your dreams. Just don't try smoking. It's not healthy.

INTRODUCTION OF THE VETERANS EXPEDITED MILITARY MEDALS ACT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. EVANS. Mr. Speaker, today I am introducing the Veterans Expedited Military Medals Act, legislation that will address an inexcusable situation—the growing backlog at the Department of Defense in providing replacement military medals and unawarded decorations to our Nation's veterans.

Unfortunately it can now take years for veterans to receive medals that they earned through their service to our Nation. I know from personal experience. In my own congressional district there are several veterans, some who have waited over two years, to receive medals they earned, but were never awarded. One veteran from the town of Milan, Illinois has waited almost two years to receive his Good Conduct Medal. Another vet from Princeton has tried to get his American Campaign Medal, but has now waited almost a year with no results. My district office has pursued these cases aggressively, but the reality is that no amount of pressure the follow-through can overcome what is essentially a resource problem.

The issue revolves around back-up cases. The personnel centers who process applications for the separate services for never-issued awards and replacement medals have accumulated unconscionable backlogs in requests by veterans. In one personnel center alone, around 40,000 requests have been allowed to back up. The resulting time delays have denied veterans across the Nation the medals and honors they have rightfully earned.

DOD claims that it doesn't have the people or resources to speed up the process. But it wouldn't take much to make a dent in the problem. For example, the Navy Liaison Office was averaging a relatively quick turnaround time of only four to five months when it had only five personnel working cases. Now that it has only three people in the office, it is having a hard time keeping up with the crush of requests. DOD must make putting more resources towards this problem a priority. However, it seems like the same old story—our government forgets the sacrifices servicemen and women have made as soon as they leave military duty. We can do better.

My legislation, which is the companion bill to Senator HARKIN'S legislation in the Senate, would direct the Secretary of Defense to establish and carry out a plan to make available the funds and resources necessary to eliminate the backlog in decoration requests. The bill would also direct that funding and resources should not come at the expense of other personnel service and support activities within DOD. It is a common sense approach which will allow DOD to be involved in solving the situation while structuring a quick and direct solution to the problem.

I am proud that the legislation enjoys the support of the Veterans of Foreign Wars (VFW). I hope that it is something Congress can quickly act on in the near future. I urge all of my colleagues to join me in sponsoring this legislation which would follow through on our commitment to ensure that the service of our fighting men and women is properly honored and not forgotten.

A TRIBUTE TO MR. ERNIE LEWIN AND MR. RALPH FREEMAN

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to pay tribute to two very special Long Island citizens, Mr. Ernie Lewin and Mr. Ralph Freeman. These two citizens recently received well-deserved honor for their service to Long Island's community. Throughout their career as farmers on Long Island, both individuals have greatly benefited their fellow farmers and their less fortunate neighbors.

Mr. Lewin received the Amherst Davis Memorial Farmer Citizen Award at the Long Island Farm Bureau's annual awards dinner dance, held on Saturday, March 27. This honor recognizes the many sacrifices that Mr. Lewin has made over his career to aid the less fortunate. His farm in Calverton, Long Island regularly donates surplus produce to local soup kitchens and churches. He has also helped to set up a program where people can pick their own produce and operate their own farm stand. This program has enabled many people to get first hand experience as an entrepreneur and learn the responsibility of running a company.

Lewin has served for 45 years with the Grange League Federation and is a member of the National Potato Council, Potato Board, Potato Advisory Committee of Cornell Cooperative Extension, Farm Credit Board and the advisory board for Cornell University's research lab. Mr. Lewin is also involved in many notable community organizations, such as the Lions Club in which Lewin has had a 25-year membership. Lewin is also a proud trustee of the Baiting Hollow Congregational Church.

Mr. Freeman was the 1999 recipient of the Long Island Farm Bureau's Citizen Award for his contributions to the community. This honor is a true testament to his work in helping his fellow farmers. Mr. Freeman has worked as an Cornell Cooperative Extension educator to directly help the farmers in his community. His role as educator is to instruct owners and managers of commercial production and marketing firms in greenhouses and related industries. His efforts have helped local businesses increase their profit and productivity.

Mr. Freeman is also a widely published author and a frequent speaker. He is known nationally and internationally for his expertise in floriculture. In the community, Mr. Freeman is an active member of the Eastport Bible Church and Gideon's International.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in honoring the efforts of these two very special Long Islanders who have devoted their lives to help others. I only hope that we learn from these two individuals and that they continue their fine work in our community.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. WICKER. Mr. Speaker, on rollcall No. 51, on House Congressional Resolution 774, Women's Business Center Amendments Act of 1999, I was unavailable to vote because I was returning from a bipartisan Congressional Delegation trip to Russia. The objectives of this four-day trip included meetings with the Russian Duma and other governmental officials concerning the missile defense threat as outlined in the report of the Rumsfeld Commission. Our delegation was joined in Moscow by former Secretary Don Rumsfeld and two members of his commission, Mr. Jim Woolsey and Mr. William Schneider, Jr.

Had I been present, I would have voted "yea."

IN HONOR OF THE NEW YORK UNIVERSITY CHILD STUDY CENTER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the NYU Child Study Center, a unique multi-specialty program at New York University School of Medicine.

The NYU Child Study Center is an innovative program dedicated to offering complete child and adolescent psychiatric care that is fully integrated with scientific research and education.

The Center's research considerably advances the understanding of the causes and treatments of child mental disorders. In addition, the Center collaborates with public, parochial and private school systems to provide invaluable preventive resources to families.

The NYU Child Study Center is an indispensable resource for parents, educators and child health and mental health professionals both in New York and across the United States.

The premier clinicians at the NYU Center implement the knowledge gained from research and translate it into care that incorporates the most up-to-date information about the causes, symptoms and treatments of mental disorders.

Some of the programs in the Center's clinical care area include: Furman Diagnostic Service to assess treatment and long-term follow up; NYU Summer Program for Kids with ADHD; Young Adult Inpatient Program; Port Washington Alternative Learning Program for at-risk adolescents; Family Studies Program to prevent future problems in couples and families at risk; Prevention and Relationship Enhancement Program to promote healthy relationships; Unique Minds, to assist families of learning disabled children; and NYU Child Study Center East for children with Attention Deficit Hyperactivity Disorder and learning disorders.

The Center's other main missions include advanced training for mental health professionals; research in areas such as pediatric psychopharmacology, children at risk, attention deficit hyperactivity and related disorders, and child and adolescent anxiety disorders; and educational outreach and prevention for parents, educators, pediatricians and other mental health professionals.

Mr. Speaker, I am honored to bring to your attention the NYU Child Study Center. The Center provides an invaluable service to New York's children and their families, and for children across the country. It is an honor to have such an important institution located in my district.

TRIBUTE TO CAPTAIN DALE O. SNODGRASS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SKELTON. Mr. Speaker, today I wish to recognize a truly outstanding naval officer, Captain Dale O. Snodgrass, U.S. Navy. Captain Snodgrass will soon be completing his assignment as the Director of the Navy Liaison Office to the House of Representatives, which will also bring to a close a long and distinguished career in the U.S. Navy. It is a pleasure for me to recognize just a few of his many outstanding achievements.

A native of Long Island, New York, Captain Snodgrass graduated from the University of Minnesota and was commissioned an Ensign in August 1972. He was designated a naval Aviator in December 1973. He reported to Fighter Squadron 124 as one of the first two newly winged Aviators selected for F–14 training. After being the first non-fleet experienced Aviator to carrier qualify the F–14, he reported to Fighter Squadron 142 in January 1975. Completing his tour in May 1978, he reported to Fighter Squadron 101, the F–14 Training Squadron, as a Flight Instructor and Landing Signal Officer. Following his Instructor tour, he reported to Carrier Air Wing 8 as the Senior Landing Signal Officer.

After a 2 year tour in Air Wing 8, he reported to Fighter Squadron 43 as an Adversary Instructor, serving as Operations Officer. Returning to the Fleet in January 1985, Captain Snodgrass served in Fighter Squadron 143 as Operations and Maintenance Officer. In 1986 Captain Snodgrass was selected as the Navy's "Fighter Pilot of the Year" and "Top Cat of the Year."

Reporting to Fighter Squadron 101 in January 1988, he served as the Executive Officer until May 1988. Captain Snodrgrass subsequently joined Fighter Squadron 33 as Executive Officer later the same month. He assumed command of Fighter Squadron 33 in September 1989, while embarked in the U.S.S. *America* (CV 66) in the Red Sea. Upon completion of his sixth deployment, he led his squadron through an accelerated training cycle that culminated with combat operations in support of "DESERT STORM." His Commanding Officer's tour ended with yet another underway Change of Command in the Red Sea in February 1991.

Captain Snodgrass then reported to the U.S.S. *Theodore Roosevelt* (CVN 71) as Navigator. Assuming additional duties as Battle Group Navigator, he planned coordinated and safely executed Battle Group navigation and transit in the Red Sea, Mediterranean, Atlantic, and Caribbean. His Navigation Department and Staff was subsequently selected for the U.S. Atlantic Fleet's Navigation award for 1992. Transferring in March 1993, he reported to the Chief of Naval Operations for Air Warfare as Head, Aviation Manpower, Undergraduate Flight Training and Trainer Aircraft sections. In September 1994, Captain Snodgrass reported as Commander, Fighter Wing, U.S. Atlantic Fleet. Under his command, TOMCAT precision strike and single citing of the entire community as NAS Oceana became a reality. His tour as Commodore ended with a Change of Command in January 1997. In February 1997, Captain Snodgrass relocated to Washington, DC, as Director, Navy Liaison, U.S. House of Representatives.

Mr. Speaker, Dale Snodgrass has made many sacrifices during his 26 year naval career. Dale has spent a significant amount of time away from his family to support the vital role our naval forces play in ensuring the security of our great Nation. Captain Snodgrass, a great credit to the U.S. Navy and the country he so proudly served, will retire on 23 March 1999 and move to St. Augustine, Florida. As he now prepares to depart the Navy for new challenges ahead, I call upon my colleagues from both sides of the aisle to wish him every success, as well as fair winds and following seas, always.

TRIBUTE TO CAROL FOREST

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Carol Forest, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame of Friday, March 26, 1999.

Carol Forest has spent more than thirty years in education and has dedicated herself to alternative education. She was instrumental in the establishment of the Jefferson Union High School District's GED Center in 1986, and under her leadership, this program has grown from graduating fifty students per year to more than two hundred per year. Carol has focused on getting at-risk youth back on track. She's done this through providing counseling, intervention and prevention programs, vocational training and employment services.

In 1990 she helped to form the Daly City Youth Health Center. This facility has secured over $2 million in grant funding and has provided critical services to over seven thousand teens. Since its inception the staff has grown from five to thirty one and includes three paid teen health advocates.

Carol Forest did not stop there. She also established the Tools for Survival Program which gives added support to high school dropouts who are seeking their Graduate Equivalent Degree. Carol has been instrumental in establishing the San Francisco Buddhist Center, where she mentors other women in their search for spiritual development.

Mr. Speaker, Carol Forest is an outstanding woman and I salute her for her compassion, for her vision and for her commitment to making sure every child has a chance. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

CONGRATULATING STUDENTS OF BYRD ELEMENTARY SCHOOL FOR THEIR ANTI-SMOKING PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the students of Byrd Elementary School in Glen Rock, New Jersey, on their efforts to spread the word about the dangers of smoking. The students, assisted by representatives of the New Jersey Breathes program, are conducting a week-long tobacco awareness program, including a school-wide assembly, demonstrations, a poster contest and a composition contest. In addition, the school nurse, Ms. Judy Mullane, has visited each class to discuss smoking and health. The initiatives taken by these students, their teachers and the school district should be commended and mirrored in schools across our Nation. As a former teacher myself, I know how extremely important it is to teach children to say no to tobacco. This is a problem that adds thousands of children to the tobacco addiction rolls every day. One of the most effective ways to stop it is through educational initiatives similar to the one we are seeing at Byrd Elementary School.

As a Member of Congress, I have long supported legislation that would limit the spread of tobacco addiction to young people. It is essential that we stand up for the health of our children and help keep them from becoming addicted to the most widespread drug threatening our society—tobacco. The average smoker takes his or her first puff of a cigarette at age 11. If adults choose to smoke, that's a poor decision but one they are allowed to make for themselves. But if children are lured into smoking, that is a moral crime and should be a statutory crime.

Last year, I was a co-sponsor of the NOT for Kids Act, which would raise the price of a pack of cigarettes by $1.50 over 3 years. Raising the price of cigarettes has a direct and measurable impact on reducing smoking among children. From 1982 to 1992, the price of cigarettes went up 50 percent and the percentage of teen-agers who smoke steadily dropped. Cigarette prices leveled off in 1992 and we've seen an increase since.

I have also supported the national settlement of tobacco lawsuits. First, we must be certain that none of the settlement money is diverted by the federal government. To ensure that, I have co-sponsored H.R. 351. At least part of the money from these settlements should be used for public education programs about the dangers of smoking to young people. These programs should be directed at our young people through their schools so that we can reach them before it is too late. It is far more effective to prevent tobacco addiction that to stop it once it has begun.

It is important to note that the anti-smoking effort in Glen Rock goes beyond the school system. Matthew Kopacki, owner of Rock Ridge Pharmacy, has stopped selling cigarettes in his pharmacy after the death of one of his employees from lung cancer. Mayor Jacquelyn Kort is among those speaking at Byrd Elementary School. And the New Jersey Breathes program is being supported by the Robert Wood Johnson Foundation.

I would like to ask all my colleagues in the U.S. House of Representatives to join me in thanking Principal Hal Knapp, Mayor Kort, Nurse Mullane, Mr. Kopacki, New Jersey Breathes Director Dr. Larry Downs and all the teachers and other staff involved in this important project. But beyond this group, I want to make a special appeal to the parents, grandparents, aunts, uncles, big sisters and brothers and all other adults who play an influential role in the lives of the students of Byrd Elementary School. We all know that children imitate the behavior of adults. Please set a good example for these and all children by not smoking.

A FREE PRESS IS ESSENTIAL FOR THE FUTURE FREEDOM IN RUSSIA—HOUSE CONCURRENT RESOLUTION 67

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. LANTOS. Mr. Speaker, today I am introducing House Concurrent Resolution 67, which expresses the sense of the Congress that freedom of the news media and freedom of expression are vital to the development and consolidation of democracy in Russia and that the United States should actively support such freedoms. Joining me in introducing this legislation are the gentleman from New York, Mr. Gilman, the chairman of the Committee on International Relations; the gentleman from Connecticut, Mr. Gejdenson, the ranking Democratic member of the Committee on International Relations; and the gentleman from Nebraska, Mr. Bereuter, who is a senior member of the Committee.

Mr. Speaker, we are introducing this legislation today because this afternoon the Prime Minister of Russia, Yevgeny Primakov, arrives in the United States for meetings with Vice President Gore. I doubt, Mr. Speaker, that media freedom in Russia is a leading topic on the agenda for the meetings that are scheduled to take place over the next few days during Prime Minister Primakov's visit to our country. It is an issue, however, that ought to be very high on that agenda.

This resolution expresses our unequivocal belief in the necessity of a free and vibrant news media in Russia. No other institution is as essential to the growth of a democratic society than a press unhindered by pressure from governmental authorities, one with the unquestioned ability to shed light upon the deeds and intentions of those with power and influence. Russia—a nation which has been fighting for the last decade to replace communist oppression with strongly-rooted institutions that respect individual freedoms—must ensure the independence of its media in order to maintain and continue the progress of the last ten years.

The enormity of the Russian reform process is breathtaking, and few can doubt the success of governmental initiatives in drastically improving the human rights situation across this immense Nation. I vividly recall my service in this House during the 1980's, when many of us, Republicans and Democrats alike, worked doggedly to oppose the repressive policies and practices of the Soviet regime. We focused attention of the persecution of Nobel Laureate Andrei Sakharov, of political dissidents locked up in Siberian gulags, and of my friend Natan Sharansky, then an imprisoned refusnik and now a senior minister in the government of Israeli.

Fortunately, those days are behind us. But without the fundamental building blocks of a democratic society, the most notable of which involves freedom of the media and freedom of expression, such advancements may only be temporary. The means of informing the citizenry must not be obstructed. Tyranny knows no better friend than silence.

While the Russian Constitution offers firm guarantees of freedom to the news media, such protections have not prevented numerous violations of this principle. The State Department's Country Reports on Human Rights Practices for 1998, which was released just last month, states that during 1998 "federal, regional, and local governments continued to exert pressure on journalists by depriving them of access to information, using accreditation procedures to limit access, removing them from their jobs and bringing libel suits against them, and violating their human rights." Furthermore, the State Department estimates that "between 250 and 300 lawsuits and other legal actions were brought by the Government against journalists and journalistic organizations during the year in response to unfavorable coverage of government policy or operations. . . . In the vast majority of such cases, the Government succeeded in either intimidating or punishing the journalist." Mr. Speaker, this is a dangerous and an ominous precedent, one that could be exploited in the future by autocratic leaders to trample on the liberties of the Russian people.

The threats to the Russian media vary both in their nature and their severity. The State Department identifies an alarming range of specific cases, from the efforts of federal tax authorities to shut down Novaya Gazeta (a Russian daily "known for its relative independence and aggressive reporting on corruption at high levels") to the detention of well-known journalist Irina Chernova, who was allegedly blackmailed by Volgograd police officers. According to the report, the officers were "threatening to release pictures and videotapes of her engaged in sex acts" in response to critical articles about the department's performance. Mr. Speaker, I strongly encourage my colleagues to carefully examine the State Department's report in order to obtain a better understanding of the seriousness and scope of this problem.

My concerns about this serious matter were piqued last week by the Russian Duma's passage of legislation to tighten state control of television and radio. If it becomes law, this bill would provide a government-appointed "supreme council" with unreasonable powers to regulate media content, and the council would have the authority to suspend or revoke a broadcaster's license. I ask my colleagues to join me in urging President Boris Yeltsin to veto this misguided and dangerous initiative.

Mr. Speaker, one of this century's great statesman, President Dwight David Eisenhower, voiced the following words of reason forty-five years ago when he delivered the commencement address at Dartmouth College: "Don't join the book burners. Don't think you're going to conceal faults by concealing evidence that they ever existed." I sincerely hope that the leaders of Russia will honor this advice, and that they will recognize that the free exchange of ideas is the foundation of any stable democracy.

It is important that we here in the Congress affirm our commitment to the principles of freedom of expression and freedom of the media. Our resolution does this in clear and unequivocal terms. I invite my colleagues to join in cosponsoring this important legislation, Mr. Speaker, and I ask that the text of the resolution be placed in the Record.

H. Con. Res. 67

Expressing the sense of the Congress that freedom of the news media and freedom of expression are vital to the development and consolidation of democracy in Russia and that the United States should actively support such freedoms.

Whereas the end of the Cold War and the collapse of the Soviet Union has brought new and unique opportunities for democratic political change and the development of market-oriented economic reform in Russia, but the recent economic difficulties in that country have created turbulent and difficult conditions for the Russian people;

Whereas one of the most important means of assuring the continuation of democratic government and the ultimate guarantee of individual freedom and respect for human rights is an open, independent and free news media;

Whereas a free news media can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law;

Whereas freedom of the news media and freedom of expression in Russia today are threatened by elements in the Government, the Duma and elsewhere throughout Russian society which are opposed to freedom of the press and freedom of expression;

Whereas the State Department's Country Reports on Human Rights Practices for 1998 notes that "federal, regional, and local governments continued to exert pressure on journalists by depriving them of access to information, using accreditation procedures to limit access, removing them from their jobs and bringing libel suits against them, and violating their human rights";

Whereas the Country Reports further notes that in the past year "between 250 and 300 lawsuits and other legal actions were brought by the Government against journalists and journalistic organizations during the year in response to unfavorable coverage of government policy or operations" and "in the vast majority of such cases, the Government succeeded in either intimidating or punishing the journalist"; and

Whereas the Duma recently adopted legislation establishing a "Supreme Council" with a mandate to review the content of television and radio programs and authority to suspend and/or revoke a broadcaster's license: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) a free news media is vital to the development and consolidation of democracy and the development of a civil society in Russia:

(2) freedom of the news media and freedom of expression must be safeguarded against those forces which would limit or suppress these fundamental human rights;

(3) Russian Government leaders, including the President, the Prime Minister, and Members of the Russian Parliament, should fully support freedom of the news media and the right of free expression in Russia;

(4) the United States should actively support freedom of expression and freedom of the news media through our programs of assistance to Russia;

(5) when considering requests by the Russian government for loans or other economic assistance from the International Monetary Fund and other international financial institutions, the United States government should take into account the extent to which Russian government authorities support the full, free, and unfettered freedom of the news media and freedom of expression in deciding whether to support such requests; and

(6) the President and the Secretary of State are requested to convey to appropriate Russian Government officials, including the President, the Prime Minister, and the Minister of Foreign Affairs, this expression of the views of the Congress.

ON THE RETIREMENT OF COLONEL RICHARD F. ROTHENBURG

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GRAHAM. Mr. Speaker, today I call to your attention the outstanding public service of one of our Nation's finest military attorneys and a dear personal friend of mine, Colonel Richard F. Rothenburg the Chief Judge of the United States Air Force Court of Criminal Appeals. On May 1, 1999, Colonel Rothenburg will retire after 30 years of especially distinguished service. Colonel Rothenburg was born in Washington, DC. After graduating from Catonsville High School, Maryland, he received a bachelor of science degree in business administration from the University of Maryland in 1964, and his bachelor of law (LLB) degree in 1967 from the University of Maryland School of Law. The Chief Judge received his commission in 1964 through the Air Force Reserve Officer Training Corps Program. After completing his legal studies, Colonel Rothenburg entered active duty in 1967. Colonel Rothenburg was first assigned to Langley Air Force Base, Virginia. In 1969, Colonel Rothenburg was assigned to Headquarters 7th Air Force, Tan Son Nhut Air Base, Republic of Vietnam. In addition to serving as both a prosecutor and defense counsel, Colonel Rothenburg sat as a military trial judge on 27 courts-martial during his tour in Vietnam. Colonel Rothenburg is the only officer still on active duty to have served as an Air Force judge advocate in Vietnam. Colonel Rothenburg's other early assignments included positions as Assistant Staff Judge Advocate at Andrews Air Force Base, Maryland, and Staff Judge Advocate at Holloman Air Force Base, New Mexico. Colonel Rothenburg attended Air Command and Staff College between 1978 and 1979, then took the reins as Staff Judge Advocate at Langley Air force Base, Virginia; then the home of Tactical Air Command. Colonel Rothenburg was next selected to serve as a military judge for all air bases in Europe, where he presided at more than 150 felony trials. Colonel Rothenburg returned from Europe in 1986 to serve as the Air Force Tactical Fighter Weapons Center Staff Judge Advocate at Nellis Air Force Base, Nevada. Then, from 1988 to 1992, he served as the 15th Air Force Staff Judge Advocate at March Air Force Base, California. In 1992, Colonel Rothenburg was selected to serve as the Director of the United States Air Force Judiciary in Washington, DC. As Director, Colonel Rothenburg oversaw a 3.5 million dollar budget and 350 people directly involved in the Air Force's worldwide military justice system. Based on his vast experience in military justice and impeccable judicial temperament, Colonel Rothenburg was selected in 1997 to serve as the Chief Judge of the nine-member Air Force Court of Criminal Appeals. He was sworn in as Chief Judge on April 2, 1997. In the face of a blistering docket average of 600 appellate opinions per year and an undermanned Court, Chief Judge Rothenburg led the Court to its lowest backlog of cases awaiting review in a decade. At the same time, Chief Judge Rothenburg guided the Court into the uncharted waters of electronic pleading at the federal appellate level. Chief Judge Rothenburg's influence on the shape of military appellate law and practice will endure well into the next century.

Colonel Rothenburg's military awards and decorations include the Bronze Star, Legion of Merit, Meritorious Service Medal with five oak leaf clusters, Air Force Commendation Medal, Vietnam Service Medal with four bronze service stars, the Republic of Vietnam Campaign Medal, and the Republic of Vietnam Gallantry Cross with palm leaf. Colonel Rothenburg is a member of the bar in Maryland and the District of Columbia. He is married to the former Linda Lee Gossard of Hagerstown, Maryland. They have two children: Richard and Anne. I ask that you join me, his colleagues, and Colonel Rothenburg's many friends in saluting this distinguished officer's three decades of service to the United States of America. I know our Nation, his wife Linda, and their children are extremely proud of his accomplishments.

PERSONAL EXPLANATION

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. COBURN. Mr. Speaker, on Thursday, March 18, I was visiting with officials in Albania and consequently was not present for Roll Call votes 57 through 59. Had I been present, I would have voted "yea" on rollcall No. 57, agreeing to the resolution providing for consideration of the bill H.R. 4. I would have voted "nay" on rollcall No. 58, the motion to recommit with instructions. I would have voted "yea" on rollcall No. 59, passage of H.R. 4, a bill to declare it to be the policy of the United States to deploy a national missile defense.

A TRIBUTE TO THE MUSEUMS AT STONY BROOK

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. FORBES. Mr. Speaker, I rise today in this hallowed chamber to pay tribute to The Museums at Stony Brook. This year marks the 60th anniversary for the historic museums located in beautiful Stony Brook, Long Island.

Since the Museums at Stony Brook first opened their doors in 1939, they have helped to spread the wonderful history of our local community. Their praise and revival of Long Island's celebrated past has been a great benefit to our families, schools and neighborhoods. The museums have helped countless numbers of Long Islanders remember their history and increase their respect for its rich and vibrant culture.

Led by Museum President, Deborah Johnson, the Museums have enriched Long Islanders by spreading the legacy of Ward and Dorothy Melville, two of Long Island's most respected citizens. The Museum has reached out to all members of our community, young and old, to keep sacred Long Island's past. The museum's importance to our community is truly evident in their success for sixty strong years.

In particular, one Museum program deserves special recognition, it is their summer program for children. The Museum enlists community volunteers to help teach their children about their past, while creating an enjoyable environment. The success of this program has contributed to the vital and vibrant participation of the Museum in our community. This is a fine example of the community spirit that is evident in my Congressional District.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in honoring 60 years of devoted service to our community. I only hope that the Museums at Stony Brook will be able to continue to further enrich our community.

PERSONAL EXPLANATION

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. WICKER. Mr. Speaker, on rollcall No. 50, on House Congressional Resolution 819, Federal Maritime Commission Authorization Act of 1999, I was unavailable to vote because I was returning from a bipartisan Congressional Delegation trip to Russia. The objectives of this four-day trip included meetings with the Russian Duma and other governmental officials concerning the missile defense threat as outlined in the report of the Rumsfeld Commission. Our delegation was joined in Moscow by former Secretary Don Rumsfeld and two members of his commission, Mr. Jim Woolsey and Mr. William Schneider, Jr.

Had I been present, I would have voted "yea."

IN HONOR OF THE 25TH SILVER ANNIVERSARY DINNER OF KRIKOS, A CULTURAL AND SCIENTIFIC LINK WITH HELLENISM AND THE WORLD

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to KRIKOS, an outstanding Hellenic cultural organization located in my district, as it celebrates its 25th Silver Anniversary.

Since its founding in 1974 and ensuing incorporation in 1975, KRIKOS has served as a vital link between the various communities of the Hellenic world. KRIKOS aims to foster and promote cooperation and fellowship among Hellenes and phil-Hellenes throughout the world and to preserve and enrich the Hellenic heritage of Hellenic communities worldwide.

Over the past 25 years, the organization has taken many important initiatives to attain its goals. KRIKOS has organized over forty conferences throughout the world and, where possible, published the proceedings. The conferences have covered such topics as energy alternatives for Greece, media coverage of Greece, a history of Byzantium, Greek-American Letters and Arts, the Macedonia-Tinderbox of Europe and the Yugoslav Civil Wars, to name a few.

KRIKOS has also organized a Medical Task Force and, since 1982, held annual medical conferences. The Task Force has supplied various hospitals with kidney dialysis machines, medical publications and other needed supplies. KRIKOS has also guided college and college-bound youth; made arrangements for students to visit abroad through a work-study program: established and assisted in locating and listing the treasures of St. Catherine Monastery on Mt. Sinai through computer technology; created "information banks" of available expertise in a wide spectrum of specialities; donated 5,000 books to the Polytechnic University in Athens; and published a newsletter. The organization has also experimented publishing a quarterly magazine of social commentary.

Mr. Speaker, I am honored to bring to your attention this important event in the history of KRIKOS. This organization has played a significant role in the Hellenic community both here in the United States and abroad. I am pleased to recognize them on their Silver Anniversary.

TRIBUTE TO JUDITH WHITMER KOZLOSKI

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Judith Whitmer Kozloski, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

In 1998, Judith Whitmer Kozloski became the first woman in San Mateo's County's history to serve as Presiding Judge of the San Mateo County Superior and Municipal Courts. Before her appointment to the Municipal Court in 1984, Judith served as an Assistant District Attorney in San Francisco, where she headed the Sexual Assault/Child Abuse Unit. Throughout her career Judge Kozloski has worked tirelessly to educate people about the dangers and consequences of child abuse and domestic violence and she has been a key member of San Mateo County's Task Force on Domestic Violence.

Mr. Speaker, Judith Whitmer Kozloski is an outstanding woman and a highly respected jurist. I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO DOUDE WYSBEEK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a good friend and a great leader, Doude Wysbeek, Doude served two separate terms on the San Fernando City Council; from 1982–85 and 1989–99. Doude was a member of the council for the simple reason that he loves San Fernando, where he has lived since 1956. He ran for office to help make a good city even better. I can say without hesitation that he succeeded in reaching his goal.

I have been lucky to work with Doude on several occasions in the past. I must say that in more than 25 years of public service, I have met very few people with Doude's intelligence, dedication and strength of character. He had a seemingly endless supply of innovative ideas to improve the quality of life for all the people of San Fernando. I know I could always count on Doude for sound advice on what the federal government could—and should—do for his city.

It would require a book to list all of Doude's accomplishments as a member of the San Fernando City Council. His role in bringing businesses to the city, helping to guarantee public safety for all residents, and serving as San Fernando's diplomat to the outside world cannot be overstated. By mentioning a few of his proudest achievements, I don't mean to suggest that this is the complete picture. Doude left a legacy that few public-spirited citizens could expect or hope to equal.

Doude was instrumental in securing passage of anti-gang ordinances at two local parks, which in essence returned the parks to law-abiding citizens. At the same time, Doude secured funding to hire a County probation department to work exclusively with at-risk grammar school students in San Fernando, and helped to implement a citywide tattoo removal program. San Fernando Police Chief Dominic Rivetti has praised Doude for his successful efforts to reduce the gang problem within the city.

Doude also played a key role in bringing Home Depot to San Fernando, which created some 40 jobs.

Doude is a true citizen of San Fernando. In addition to being a member of the council, he was President of the San Fernando Chamber of Commerce, was Chairman of the Morningside Elementary School Advisory Board, held a variety of posts with the San Fernando Lions Clubs and was a scout master. He was also San Fernando's representative on the Metropolitan Water District Board for 10 years.

I ask my colleagues to join me in saluting Doude Wysbeek, a dedicated public servant, and a devoted husband, father, and grandfather. His commitment to his community inspires us all. I am proud to be his friend.

THE SOLANO PROJECT AND THE CITY OF VALLEJO

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, water supplies for California cities are extremely limited. Whenever possible, cities attempt to use their water storage and conveyance systems in the most efficient ways they can.

The city of Vallejo has tried to use its water supply facilities more efficiently, but has been frustrated by a limitation in Federal law that prohibits the city from sharing space in an existing Federal water delivery canal.

The city of Vallejo simply desires to "wheel" some of its drinking water through part of the canal serving California's Solano Project, a water project built by the Bureau of Reclamation in the 1950s. Vallejo is prepared to pay any appropriate charges for the use of this facility.

Allowing Vallejo to use the Solano Project should be a simple matter, but it is not. Legislation is required to allow the city to use the Federal water project for carriage of municipal and industrial water.

Congress in recent years has expanded the scope of the "Warren Act" to apply to other communities in California and Utah where there existed a need for more water management flexibility. The legislation I am introducing today is similar to legislation I introduced in the 105th Congress. It will simply extend similar flexibility to the Solano Project and to the city of Vallejo.

WYOMING LEADER SPEAKS OUT AGAINST HATE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, last fall, when we received the terrible news of the brutal murder of Matthew Shepard, who was savagely beaten to death simply because he was a gay man, one of the calls I received which heartened me came from Peter Simpson from the University of Wyoming. Mr. Simpson is not only a distinguished individual in his own right, he is the brother of the former Senator from Wyoming, Alan Simpson, whom many of us remember with great respect and fondness from his years of leadership in the United States Senate. At that time Mr. Simpson shared with me an eloquent speech that had been made by Philip Dubois, President of the University of Wyoming.

Tragically, another gay man was a victim of brutal prejudice recently in Alabama, when Billy Jack Gaither was beaten to death by two vicious thugs in a manner sadly reminiscent of the murder of Matthew Shepard. In a grim coincidence, this was the week that we had planned to introduce a new version of the Federal hate crimes legislation which does not seek to supersede State law enforcement, but does seek to add a weapon against brutality based on prejudice.

With Congress about to take up consideration of hate crimes legislation, I think it is appropriate that the eloquent words of President Dubois be shared with the Membership. I am appreciative of Peter Simpson sharing them with us, and I hope the Members will read this and pay close attention to the wise words included.

MATTHEW SHEPARD MEMORIAL SERVICE
(OCTOBER 19, 1998)

Good Evening. Let me thank each of you for being here, and for the tremendous amount of support you have shown over the past ten days to the family and friends of Matt Shepard, the University community, and the city of Laramie.

As your program indicates, we have attempted tonight to assemble just a few of the literally hundreds of people affected by this tragedy—those personally involved because they were Matt's friends and those who came to be involved as the events of the last ten days have unfolded. I very much appreciate—as does the planning committee—the understanding of the many individuals and groups who wanted to be represented in this program but who also recognized the limitations of time.

A little over a week ago, we gathered on the lawn outside the Newman Center. Joined at that time around a common purpose, we found ourselves united as a community to pray for Matthew, to demonstrate our concern for his family, and to speak out against the kind of hatred and bigotry that found expression in the vicious attack upon him.

When I finished speaking that evening, I stood next to my new friend, Jim Osborn, and realized that both of us were shivering. It was a chilly night, but it seemed colder than it really was. I looked around at the hundreds of men, women, and children gathered there. With each speaker the crowd seemed to draw closer together, perhaps fighting the cold or perhaps chilled by the thought that somehow we might have been able to prevent the attack upon Matt.

We closed that evening with the singing of "We Shall Overcome," knowing in our hearts that Matt would probably not win his battle. He would not overcome.

I was awakened the next morning at 5 a.m. with a telephone call. A news organization was calling me to get my reaction to the word of Matt's death. The reporter's voice was filled with emotion. He had watched this community for several days. He had seen the pain on the expressions of nearly everyone on campus and in town. He knew how much this hurt. But he needed a quote.

I recall only that my mind flooded with an unimaginable mix of personal emotions and professional responsibilities. What must Dennis and Judy Shepard be going through right now? Did I have the authority to lower the flags on campus? How could I get a statement out that would provide comfort and reassurance to our gay students? What would I ever say to my children if I had to tell them that their brother had died?

The rest of this past week has been a neverending repeat of that dreadful morning. Other than the death of my own father three years ago, I cannot remember a week in which I have felt such overpowering sadness.

The sadness of thinking about Matt, his parents, his brother, and his close friends. The sadness of thinking about Matt's gay colleagues, struggling to express simultaneously both their resistance to this violence and their fear that it could have been them in Matt's place.

The sadness of the University faculty and staff who have struggled so hard to create a truly inclusive climate here, only to have others tear down years of work in just a few hours of unspeakable horror.

The sadness of a closeknit community trying to defend itself against ignorance and stereotypes. The sadness of occasionally hearing expressions of such ignorance.

Life is not fair, we've all been told, and this week we lived that lesson again.

But with this sadness have come some small moments of triumph. The Homecoming Parade and the march for Matt. A moment of silence as the football game, broken only by the sound of tears.

The Sunday community vigils and the coming together of this community to "Remember Matthew" on Monday afternoon. Gay Awareness Week, and the courage of our Lesbian, Gay, bisexual, and Transgendered Association (LGBTA) to stay the course and not to let fear ruin their plans.

The leadership of our student organizations, ASUW, the Multicultural Resource Center, the Residence Halls, the Greek Community, and our student-athletes to find ways to express their solidarity and support for Matt and their collective opposition to violence, discrimination, and bigotry—regardless of any personal philosophical differences or religious beliefs they might have about homosexuality.

And the professional and personal involvement of our faculty and staff in counseling students and in three days of teach-ins on campus to demonstrate that education and free expression are the most powerful weapons we have against forces that would divide us as an academic community and as a society.

What now can we do? The answer is not simple, but we must begin.

We must begin by reaffirming that UW and Laramie welcome all people, without regard to who or what they are.

We must reexamine all that we have done to cultivate an appreciation of diversity and make sure that we haven't missed a teaching opportunity.

We must find a way to commemorate this awful week in a way that will say to the entire state and nation that we will not forget what has happened here.

And, working closely with the leaders of the local community, we must be vigilant in making sure that the climate for those who are different—whether defined by their sexual orientation, ethnicity, religion, national origin, disability, or any other personal characteristic—not only meets the letter of the law but lives up to the standards of our hearts.

I hope that our elected legislators will also seize this moment. I recognize that the question of hate crimes legislation is a matter over which reasonable and thoughtful people who are neither homophobic nor bigoted can and will disagree. No hate crimes statute, even had it existed, would have saved Matt. But Matt Shepard was not merely robbed, and kidnapped, and murdered. This was a crime of humiliation. This crime was all about being gay. No group of people should have to live in this kind of fear.

I speak only for myself and not this University, but it is time our state makes a public statement through the passage of such legislation that demonstrates our values, our commitment to the state motto, and our collective zero tolerance for hatred. Once was more than enough.

All of us have reacted to the events of the last ten days in our own personal way. Matt meant something different for each of us. That is how it should be. Matt could have been my son. He could have been your brother. He was our friend. All of us will remember him.

INTRODUCTION OF THE VETERANS AMERICAN DREAM HOMEOWNERSHIP ASSISTANCE ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. KLECZKA. Mr. Speaker, thousands of former servicemen and servicewomen in five states are currently prohibited from receiving state-financed home mortgages. That is why Congressman HERGER and I, along with 21 of our colleagues, are introducing the Veterans American Dream Homeownership Assistance Act. This legislation is similar to bills we introduced in the 104th and 105th Congresses.

In order to help veterans own a home, Congress created a program where states could issue tax-exempt bonds in order to raise funds to finance mortgages for owner-occupied residences. Five states—Wisconsin, Alaska, Oregon, California, and Texas—implemented such a program for their veterans. Under a little-known provision in the 1984 tax bill, Congress limited the veterans eligible for this program to those who began military service before 1977.

As a result of the 1984 tax bill, veterans who entered military service after January 1, 1977 are prohibited from receiving a state-financed veterans mortgage. This means veterans who served honorably in Panama, Grenada, or the Gulf War cannot get veterans home mortgages from their state government. Are those who began serving our country after January 1, 1977 any less deserving than those who served before?

This arbitrary cutoff was created to rise additional revenue in the 1984 tax bill by limiting the issuance of tax-exempt bonds. When this provision was enacted, post-1976 veterans were a small percentage of all veterans, without much voice to protest this discriminatory change. But, nineteen years later, there are thousands of veterans who have served our Nation honorably.

Mr. Speaker, as time goes by, this legislation takes on increasing importance. The State of Wisconsin Department of Veterans Affairs has informed me that if the cap on veterans bonds is not lifted this year, the State will be forced to disband the program because too few veterans are eligible for the program.

This legislation would simply eliminate the cutoff that exists under current law. Under our proposal, former servicemen and servicewomen in the five states who served our country beginning before or after January 1, 1977 will be eligible to quality for a state-financed home mortgage. This legislation does not increase federal discretionary spending by 1 cent. It simply allows the five states that have a mortgage finance program for their veterans to provide mortgages to all veterans regardless of when they served in the military.

There is no justification to allow some veterans to qualify for a home mortgage while others cannot. Mr. Speaker, I urge the House to help those veterans who have served after January 1, 1977 to own a home and pass this important legislation into law.

TRIBUTE TO DEBERAH BRINGELSON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Deberah Bringelson, an extraordinary citizen of San Mateo County, California, who is being inducted into the San Mateo County Women's Hall of Fame.

Deberah Bringelson has served San Mateo County for more than 14 years, both as a professional and a volunteer. She has brought her energies and expertise to the issues of civil justice reform, child protection, toxic cleanup, as well as water and land use policies. Deberah has made significant contributions in the field of criminal and juvenile justice reform, reforming the system and creating efficiencies of operation. Her commitment to the issues of drug abuse and violence arise from her own personal experiences.

Deberah helped create the County Adult and Juvenile Drug Courts, and designed a comprehensive life skills treatment program which serves female offenders and focuses on mothers. Deberah serves as a mentor for young women, coaching several girls' athletic teams. She's been honored for overcoming the personal trauma and violence of her childhood and for bringing her talents, compassion and energy to our community.

Mr. Speaker, Deberah Bringelson is an outstanding woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

LEARNING THE LESSONS OF HISTORY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. LANTOS. Mr. Speaker, I rise today to congratulate Capuchino High School of San Bruno, California, for an extraordinary program they have instituted called "Sojourn to the Past." Envisioned by Jeff Steinberg, a history teacher at Capuchino High School, this ten-day trip recently led eighty-five high school students through a history of the civil rights movement that was made very personal.

The trip began in Washington, D.C., and ended in the National Civil Rights Museum in Memphis, in the hotel room where Martin Luther King, Jr., was martyred. Along the way the students met with several major figureheads of the civil rights movement, including Chris McNair, father of one of the Birmingham Four, Elizabeth Eckford, who de-segregated Central High School in Little Rock, Arkansas, and my own good friend, Congressman JOHN LEWIS, who introduced the students to his philosophy of non-violence.

History came alive for these young people as they followed the trail of the most significant movement of the twentieth century. They found it impossible to take their own civil rights for granted when confronted with first-person accounts from those who risked their lives fighting to attain those very rights.

But a sense of the reality of history was not the only thing the students took home. The testimonies of the people with whom they met emphasized forgiveness and tolerance, fairly foreign concepts to American high school culture. The idea of using non-violence and tolerance as a mode of dealing with day-to-day problems was initially received with suspicion but seemed to have hit home by the end of the trip.

In a letter written to Congressman JOHN LEWIS, junior Kristin Agius wrote: "Your message has made me rethink my idea of what it means to be important. . . . I've come to the conclusion that a step forward, even a small step, is better than aspiring for something that will only benefit myself."

Mark Simon, a reported from The San Francisco Chronicle, accompanied the students on their journey to the past. I ask that Mr. Simon's excellent report on this outstanding educational experience be included in the RECORD.

CIVIL RIGHTS TOUR

[From the San Francisco Chronicle, Feb. 28, 1999]

Day 1: Thursday, Feb. 11, Washington, D.C.

They had flown east all day, leaving the morning light of the Bay Area for the nighttime darkness of the Nation's capital. With barely a pause, they piled into two buses, went to dinner, and then, as the hour neared 10 p.m., they went as a group to the Lincoln Memorial, where they sat on the steps, huddled together.

Then they listened to a recording of the Rev. Martin Luther King Jr.'s conscience-rousing sermon to the 1963 March on Washington, in which he told an assembled multitude of 250,000 that he had a dream of true equality and justice for a nation riven by hatred and racism.

And so it began.

Eighty-five students from Capuchino High School in San Bruno, the most diverse in the San Mateo Union High School District, had embarked on a 10-day journey called "Sojourn to the Past." It was organized by Jeff Steinberg, a history teacher gifted with energy and devotion to match his vision.

The students went wherever the civil rights movement had gone, seeing the people who had been there, hearing tales of heroism and sacrifice and walking in the footsteps of greatness large and small.

This was a spirituay journey—a journey of forgiveness and tolerance, of faith and hope, a journey to the past and for the future.

It was to be an education. There were lessons to be learned.

FORGIVENESS

It was a sustaining theme of the trip. Everywhere the students went, they met historic figures who had been mistreated, neglected, imprisoned and beaten.

And to a person, these people had found within themselves the capacity to forgive.

At the Jewish Community Center in Washington, D.C., they met Ernest Green, one of the Little Rock Nine, who integrated the all-white Central High School in Little Rock, Ark., in 1957, amid violence, daily torture and taunts.

Short, balding, bespectacled and a little portly, Green was good-humored, upbeat and remarkably short on the details of his year at Central, something that clearly frustrated the students.

But his message was that the students should keep looking forward, not back.

"Life is not like a VCR. There's no reverse," he said.

In Birmingham, Ala., they met with Chris McNair, a county commissioner and father of one of the four little girls killed in a Birmingham church bombing in 1963.

"I'm a happy man, in spite of the things that happened to me," he said in a deep, rough voice.

"You're precious to me," he said. "In this world, justice means so much. I hope you can reach a point where you can get out of the hate mode. In that mode, you're the one who truly suffers."

When the trip was over, and the students had been to the deepest South and the deepest parts of their soul, African American senior Ke'Shonda Williams said she had learned something from the spirit of the Rev. Martin Luther King Jr.

"(King) never had hate in his heart for anybody. He found the goodness in his heart to forgive people. If someone did something wrong to me, I just couldn't forgive them for it. I haven't been through half the things he'd been through. If he could forgive them and move on, I think I should be able to forgive. I'm going to try."

The student's capacity for forgiveness was put to its hardest test in Montgomery, Ala., in the office of George Wallace Jr., associate commissioner of the Alabama Public Service Commission, and son and namesake of the famous governor.

Wallace has just moved into his office, and the floor, chairs and tables were covered with yet-to-be-hanged pictures and memorabilia.

Dressed in a pinstripe suit, his voice soft and his words thoughtfully chosen, Wallace told the students about his father.

In his most famous speech, his inaugural address in 1963, Governor Wallace declared "Segregation now, segregation tomorrow, segregation forever."

That was urged upon him by his political advisers, said his son.

"His choice was not to use the word segregation. His choice initially was to use the word freedom," Wallace said.

His father made peace with the state's African Americans—a peace brought by a Christian revelation—and sought their forgiveness. He also sought their votes, and won re-election in 1972 with a substantial bloc of black votes.

"I hope you'll look at his life in totality. . . . I know he deeply regretted some of the things he said. If he was a leader in the Old South, he sought to be a leader in the New South," he said.

Anne Kelly, a white junior, stormed from the room, angry tears in her eyes.

On another day, Anne also had tears in her eyes while discussing her own Methodist Church's refusal to sanction same-sex marriages.

"Would Jesus have turned his back on these people? You don't need to like it, but you need to tolerate it. That's what tolerance is about," she said.

On this day, she had found Wallace wanting.

"He couldn't admit there was no justification for what (his father) did. He never said opportunism is wrong. In order for an apology to mean something, you have to accept responsibility for what you did," she said.

During the trip, students were required to write letters to the people they met that day. Jennifer Lynch, a white junior, wrote Wallace that she had tried to remain open-minded.

"I think it did become apparent that your father had become a changed man," she said.

TOLERANCE

They went to Little Rock's Central High School, a brick, fortress-like building with white-topped towers.

There, they heard from Elizabeth Eckford and Hazel Bryan Massery, who are locked together forever in one of the most famous photographs of the 1950s.

Eckford, a slender black girl in dark glasses, can be seen walking alone through a hostile crowd. Behind her is Hazel Bryan, her face contorted as she shouts an epithet at Eckford.

Five years later, Bryan, now Hazel Massery, apologized. Forty years later, the two are close friends.

On this day, they were on stage together to, as Massery put it, "make sense of the experience."

In a carefully prepared and delivered presentation, they took turns telling of their experiences.

As Eckford described her year at Central, her voice choked repeatedly and she often wiped tears from her face.

Finally, the time came for questions.

No, Eckford said, she would not do it again, if she had the chance.

Then, Darnell Ene, an African American junior, rose and asked what word Massery was saying in the picture.

In fact, it's fairly obvious what she was saying—it's a word so sensitive that it is simply called the "n" word.

Before Darnell could finish his question, Eckford, her voice heavy with pain, cried out, "No, no!"

Massery said, "I choose not to repeat that."

Said Eckford: "Hate speech is always hurtful. There is nothing you can learn by repeating it."

But later, Darnell said he know what word Massery had used.

"I wanted to know what was in her mind," he said, "I wanted to know what was going through her mind when she did it, what forced her into it, what was pushing her into doing it."

And when the trip was over, Mamoud Kamel, a junior whose family came to the United States from Egypt five years ago, found himself rethinking his own habits.

Mamoud said it is common practice among high school students to use the word "nigga," a slang form of the notorious racial slur.

It's used frequently in rap music, and young people, at least at Capuchino, have come to accept it as slang and to distinguish between the harsher form of the word.

"That's the way we all talk right now, but I'm going to stop saying this word," he said.

NONVIOLENCE

This one may be the hardest for the students.

They met often with people who had been beaten and then stepped up for more.

In Atlanta, in a theater at the Martin Luther King Jr. visitors' center, they met with Representative John Lewis, D–Ga.

Lewis is one of the icons of the civil rights movement—former head of the Student Nonviolent Coordinating Committee, arrested more than 40 times in nonviolent demonstrations, the youngest speaker at the 1963 March on Washington and leader of the first march from Selma, Ala., to Montgomery, the state capital.

That march, on March 7, 1965, made national headlines when state troopers savagely beat the marchers as they crossed the Edmund Pettus Bridge in Selma.

Two weeks later, King led a second march that successfully reached Montgomery.

Lewis, who suffered a broken skull in the first march, was asked if he'd ever felt the urge to strike back.

"I never had any desire or urge to strike back in any sense. I believe in nonviolence, not just as a technique, not just as a tactic, but as a way of life and a way of living," he said.

In the back of the theater sat Darnell Ene, his fists clenched as Lewis described the Selma beating.

"It's not right," he said later. "You shouldn't do that kind of stuff, and to make things worse, (the marchers were) doing it nonviolently. They had a perfect reason to turn violent, but they didn't. That shows signs of strength."

It's a strength Darnell and his friend Chris Ramirez, a Latino junior, said they don't have.

Darnell said he tries to walk away from disputes, but he doesn't shrink from physical violence if he's pushed to it.

"I don't like backing down," Chris said. "I can't back down."

The most spontaneous outburst by the students came in Selma for a woman who did not back down.

In the rear room of Lannie's, a locally famous diner where the students were served fried chicken, fried catfish and fried pork chops, they met Annie Lee Cooper.

Cooper was a part of a group that in 1964 tried to enter a local courthouse to register to vote.

Her path was blocked by Sheriff Jim Clark, an enthusiastic and violent racist, who struck her.

Cooper, no devotee of nonviolence, hit the sheriff across the side of the face, and a melee ensured that ended only after Clark clubbed Cooper on the head with a nightstick and two other police officers wrestled her into handcuffs.

When the students heard the story, they jumped to their feet and applauded at length.

The applause was led by the otherwise quiet Michael Mosqueda, a Latino junior, who said later that Cooper was a hero.

"She didn't just take it and take it," he said.

But for Will Hannan, a white junior, and for others, the message of nonviolence rang truest.

"You don't need to arm people with weapons, you need to arm people with a certain philosophy, and if they really intend to be warriors in the nonviolent battle, they need to live nonviolence as a way of life," he said.

FAITH

Everywhere the students went, they went to church.

They visited Ebenezer Baptist Church in Atlanta, where King had been pastor at the time of his death; Dexter Avenue Baptist Church in Montgomery, a stone's throw from the state capitol, where Jefferson Davis was sworn in as president of the Confederacy and where King has his first pastorship; and the 16th Street Baptist Church in Birmingham, where the four girls were killed.

In the basement of the church, where the girls had been going to Sunday school when 12 sticks of dynamite exploded, the students heard from Lola Hendricks.

She had marched in Birmingham, and her 8-year-old daughter spent five days in jail during the "Children's Crusade," in which the black youth of Birmingham were sent out against the white establishment's fire hoses and police dogs.

Hendricks was asked if she was scared. No, she said.

"I felt the way we were being treated in the South, we might as well be dead. So we had no fear," she told the students.

And she knew God was with them, she said. He knew what they had been through.

The students heard testimony—in the back room of a diner in Selma, in church basements and in community theaters, and in the offices of elected officials in Montgomery—that God has played a hand in the civil rights movement, protecting those who were marching, reassuring, those who were in doubt and bringing light to those who had been on the wrong side of the issue.

"In struggle, you need something to believe, a hope and a faith to believe in," said Katie Gutierrez, a Latina junior and herself a devout Christian. "With all the hatred, you need love somewhere, and God is love."

THE PAST AND THE FUTURE

On the sixth day of the trip, history teacher Steinberg rose early to appear on a local TV morning show in Montgomery. He said he hoped the trip would have a meaningful impact on the students.

"Maybe they become more compassionate and tolerant, and maybe they get inspired to do better in school. * * * I think the kids are going to come back changed people," he said.

They probably will. But not all of them will. And not all of them will right away.

Near the end of the trip, Monique Jackson, an African American senior, said she didn't come back changed, but she came back better informed and touched by the realization that everywhere she went, Martin Luther King Jr. had been there.

"The struggle back then is what led us up to now. * * * It's not really that bad now. You can't stop a racist from being a racist, so what can you do? In these days, nobody goes around hosing people down. Yes, there is still race discrimination, sex discrimination. You just have to deal with it as it comes."

In a letter to Ernest Green, one of the Little Rock Nine, Kristin Davis, a white junior, wrote: "I believe in your philosophy that you cannot live in the past. Those experiences help shape your future, but you can't let them run your life."

African American junior Aisha Schexnayder wrote to Green: "I've been through a lot in my life, but I can't see myself going through all of that and still be able to crack a smile." In a letter to John Lewis, white junior Kristin Agius wrote: "Your message has made me rethink my idea of what it means to be important and what it means to make a difference. I've come to the conclusion that a step forward, even a small step, is better than aspiring for something that will only benefit myself."

As she contemplated the Montgomery's Civil Rights Memorial, a setting of granite, smoothly flowing waters and a roll call of civil rights martyrs, Clarissa Pritchett, an African American junior, said: "All the people worked so hard to get us where we are today, and I worry that we're going to leave it undone."

Theresa Calpotura, a junior of Filipino descent, said she would return from the trip determined to overcome her innate shyness and to work on matters of racial and social inequality.

"You have to start with yourself before you can change anything else, and that's what this trip did for me," she said. "You have to know that tolerance is important. It's basically the glue of our society."

Theresa's close friend, Ronita Jit, a junior of Indian descent, said she would return determined to start an organization on campus that would include all races, and give them the chance to connect across cultural lines.

"It just confirmed my determination," she said. "I want (us) to spend time with each other and get to know each other. I know these things are far-fetched, but I'm going to try."

One of those who said she'll join Ronita's effort was LaDreena Maye, an African American junior whose shyness belies a depth of thought and feeling.

She wants to be a doctor, and she found inspiration to push for her goal from those with whom the students met. She also learned about those who did nothing while injustices and cruelty were taking place.

"When I see something going on, I'll probably want to be more quick to address it now, instead of just sitting and letting it pass by," she said.

"I guess that now from the trip—knowing what we know—that there is a bit of an obligation. I think we should all want to come back and educate people about some of the things we've learned on the trip. . . . I think something needs to be done."

DAY 10: Saturday, February 20, Memphis

The buses rolled up to the Lorraine Motel and into a time warp.

Parked in front were a white Dodge Royal with massive, olive-green tail fins and a white Cadillac convertible.

There was a plaque, bearing a quote from Genesis: "Behold, here cometh the dreamer. . . . Let us slay him and see what becomes of his dreams."

As the students stood outside the motel, Steinberg played an excerpt from King's final speech, delivered with a mystical passion the night before he was killed.

"Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up the mountain. And I've looked over. And I've seen the Promised Land."

The students then took a guided tour of the adjacent National Civil Rights Museum, an interactive experience with vivid displays that create a sense of time and place.

It was like watching their trip unfold before them on fast-forward—except that the tour ended outside Room 306 of the Lorraine Motel.

The covers of one bed are slightly rumpled. A plate of catfish is set on the bed. Cigarette butts are crushed out in an ashtray.

It was as though Martin Luther King Jr. might step back through the door in just a moment.

Students who had been stoic throughout the trip stared into the room as if stricken.

Some cried quietly.

Then, they went to a conference room upstairs and had lunch.

Afterward, they stood, one at a time, and talked about what the trip meant to them.

Many cried. Some had to leave the room.

Then they stood together and held hands and sang one chorus of "We Shall Overcome" before heading home.

INTRODUCTION OF LEGISLATION TO COMBAT THE CRIME OF INTERNATIONAL TRAFFICKING AND TO PROTECT THE RIGHTS OF THE VICTIMS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. SLAUGHTER. Mr. Speaker, today I am introducing a bill to combat the crime of international trafficking, a fundamental violation of human rights to which this Nation has a responsibility to act.

Trafficking involves the use of deception, coercion, abuse of authority, debt bondage, or fraud to exploit persons through forced prostitution, sexual slavery, sweatshop labor, or domestic servitude. Faced with difficult times in their home countries, women are often lured by advertisements for job opportunities overseas. Women will often answer these ads hoping to make enough money to take care of their families and fulfill their dreams in far away places. Unfortunately, these dreams soon turn into nightmares as the women have their passports seized, are sold for profit, and then forced to sell their bodies to recover the cost of a debt they did not incur. In many cases, they are constantly monitored and supervised to prevent them from escaping. Trafficked women are often subject to physical and mental abuse including, but not limited to battery, cruelty, and rape.

The legislation I am introducing today builds on my efforts over the past several years to bring attention to the problem of trafficking, particularly with respect to the sale of Burmese women and children into brothels in Thailand. Unfortunately, as we learn more about this problem, it is becoming tragically clear that trafficking knows no national or regional borders. Throughout the regions of Southeast Asia, as well as within a number of nations across the former Soviet Union and Warsaw Pact, criminal organizations are capitalizing on poverty, rising unemployment, and the disintegration of social networks to exploit and abuse women and children.

This legislation would create an Interagency Task Force to Monitor and Combat Trafficking within the Office of Secretary of State, that would submit an annual report to Congress on: (1) The identification of states involved in trafficking; (2) the complicity of any governmental officials in those states; (3) the efforts those states are making to combat trafficking; (4) the provision of assistance to victims of trafficking; and (5) the level of international cooperation by such states in internal investigations of trafficking. It would also bar police assistance to governments that are involved in this practice, and would amend the Immigration and Nationality Act to allow trafficking victims brought to the United States to remain here for three months so that they may put their lives back together and at the same time testify against their traffickers in both civil and criminal proceedings.

Mr. Speaker, I ask my colleagues to join me and Senator WELLSTONE, who has introduced the Senate companion legislation, in supporting this bill to end the abhorrent practice of trafficking both home and abroad.

TRIBUTE TO A FRIEND OF MICHIGAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. KNOLLENBERG. Mr. Speaker, I rise to pay tribute to Mr. Alfred Berkowitz, who was an active supporter of the Wayne State University College of Pharmacy and Allied Health Professionals. Sadly, Mr. Berkowitz died on February 25 in a car accident in Northern Michigan.

Mr. Berkowitz began his relationship with the pharmaceutical profession in Detroit over 60 years ago when he attended the Detroit Institute of Technology, which merged with Wayne State University in 1957. Once completing his education, he joined the United States Army where he spent seven years on active duty and 27 years as an active reservist. Mr. Berkowitz retired from service in 1975 with the rank of Warrant Officer IV. Although his professional career was in business, after maintaining his license for 50 years, he was honored by the Michigan Board of Pharmacy, in 1987.

Mr. Berkowitz was generous in his philanthropic support of the College of Pharmacy and Allied Health Professionals with a specific focus on benefiting students. He was an invaluable resource to the college by supporting scholarships and by taking a personal interest in students faced with financial hardships. He received Wayne State's Honorary Doctorate of Humane Letters in 1996 as a result of his outstanding support and was recognized at the Comerstone Club level of the Anthony Wayne Society.

Through his service and dedication to Wayne State University and the community, Mr. Berkowtiz made a big difference in many lives and his legacy that he gave the college will help students for years to come.

HONORING NEW PENSACOLA CHIEF OF POLICE, JERRY W. POTTS

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SCARBOROUGH. Mr. Speaker, across America, the peace and prosperity enjoyed by our citizens owes much to the tireless efforts by our law enforcement personnel. And in my hometown of Pensacola, Florida, the proud policemen that preserve the peace in our community are led by a great American, Jerry W. Potts.

Chief Potts brings a positive reassuring style of leadership to his job while exhibiting a strength of character in his personal and professional life. Chief Potts' professional and personal life has been characterized by excellence, leadership and service to others. His public service began in earnest in 1965 when he joined the U.S. Army 82nd Airborne Division. The leadership skills he developed in the service quickly transferred to excellence in law enforcement.

Chief Potts began his law enforcement career in 1973 when he joined the Pensacola Police Department as a dispatcher. Jerry quickly worked his way up the ranks being promoted to police officer, Sergeant, Assistant Chief of Police, and early this year, Chief of Police.

Jerry Potts' service to others goes beyond law enforcement. Chief Potts has always been involved in our community. He has served on the Judges' Task Force for Children, the mayor's Task Force on Community Values, and the Board of Governors for Fiesta of Five Flags.

Mr. Speaker, by any measure of merit, Chief Potts is one of America's best and brightest law enforcement professionals, and he will continue to be an asset for Northwest Florida in his new role. As a father of two young boys, I sleep better at night knowing that our streets are safer and that our children are protected because of his life-long efforts.

Chief Jerry Potts has devoted his life to preserving the public safety enjoyed by the people of the City of Pensacola and the entire State of Florida. We are grateful for his continuing public service.

TRIBUTE TO JESSICA MARIE JENKINS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Jessica Marie Jenkins, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Frame on Friday, March 26, 1999.

Jessica Marie Jenkins is a brilliant high school student who has earned National Merit Semifinalist status. Jessica entered high school with an aggressive plan to take the most challenging courses offered. She has set high goals for herself despite the fact that she is legally blind.

While maintaining a heavy academic load, Jessica volunteers in a local business and at the Peninsula Center for the Blind and Visually Impaired, where she teaches Braile and helps organize youth group activities. She's a leader in her church where she serves as a Eucharistic Minister. An accomplished pianist, Jessica is a thoughtful person, always willing to help anyone, whether they need a tutor or a friend. Jessica's future plans are to combine her interests in community building, and the rights of the disabled and international relations to benefit others.

Mr. Speaker, Jessica Marie Jenkins is an outstanding young woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being named a Young Woman of Excellence by the San Mateo County Women's Hall of Frame.

INTRODUCTION OF THE ALL-PAYER GRADUATE MEDICAL EDUCATION ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. CARDIN. Mr. Speaker, I rise today to introduce the All-Payer Graduate Medical Education Act, legislation that improves the funding of America's teaching hospitals and eases the burden on the Medicare Trust Fund.

We have recently learned that medical care costs will double in the next ten years. Health care budgets, including Medicare, will be caught in the vise of increasing costs and limited resources. We must try to restrain the growth of Medicare spending, while protecting our teaching hospitals that rely on Medicare and Medicaid as major sources of funding for graduate medical education (GME).

America's 125 academic medical centers and their affiliated hospitals are vital to the nation's health. These centers train each new generation of physicians, nurses and allied health professionals, conduct the research and clinical trials that lead to advances in medicine, including new treatments and cures for disease, and care for the most medically complex patients. To place their contributions in perspective, academic medical centers constitute only two percent of the nation's nonfederal hospital beds, yet they conduct 42% of all of the health research and development in the United States, provide 33% of all trauma units and 31% of all AIDS units. Academic medical centers also treat a disproportionate share of the nation's indigent patients.

To pay for training the nation's health professionals, our academic medical centers must rely on the Medicare program. But Medicare's contribution does not fully cover the costs of residents' salaries, and more importantly, this funding system fails to recognize that graduate medical education benefits all segments of society, not just Medicare beneficiaries. At a time when Congress is revising the Medicare program to ensure that the Hospital Insurance Trust Fund can remain solvent for future generations, GME costs are threatening to break the bank.

The All-Payer Graduate Medical Education Act distributes the expense of graduate medical education more fairly by establishing a Trust funded by a 1% fee on all private health care premiums. Teaching hospitals receive approximately $3 billion annually in additional GME payments from the Trust, while Medicare's annual contribution to GME decreases by $1 billion. The current formula for direct graduate medical education payments is based upon cost reports generated more than 15 years ago, and it unfairly rewards some hospitals and penalizes others. This bill replaces the current formula with a fair, national system for direct graduate medical education payments based upon actual resident wages. Children's hospitals, which have unfairly received only very limited support for their pediatric training programs, will receive funding for their GME programs.

Critics of indirect GME payments have sought greater accountability for the billions of dollars academic medical centers receive each year. The All-Payer Graduate Medical Education Act requires hospitals to report annually on their contributions to improved patient care, education, clinical research, and community services. The formula for indirect GME payments will be changed to more accurately reflect MedPAC's estimates of true indirect costs.

My bill also addresses the supply of physicians in this country. Nearly every commission that has studied the physician workforce has recommended reducing the number of first-year residency positions to 110% of the number of American medical school graduating seniors. This bill directs the Secretary of HHS, working with the medical community, to develop and implement a plan to accomplish this goal within five years. In doing so, we ensure that rural and urban hospitals that need residents to deliver care to underserved populations receive an exception from the cap.

Medicare disproportionate share payments are particularly important to our safety-net hospitals. Many of these hospitals, which treat the indigent, are in dire financial straits. This bill reallocates disproportionate share payments, at no cost to the federal budget, to hospitals that carry the greatest burden of poor patients. Hospitals that treat Medicaid-eligible and indigent patients will be able to count these patients when they apply for disproportionate share payments. In addition, these payments will be distributed uniformly nationwide, without regard to hospital size or location. Rural public hospitals, in particular, will benefit from this provision.

Finally, because graduate medical education encompasses the training of other health professionals, this bill provides for $300 million annually of the Medicare savings to support graduate training programs for nurses and other allied health professionals. These funds are in addition to the current support that Medicare provides for the nation's diploma nursing schools.

The All-Payer Graduate Medical Education Act creates a fair system for the support of graduate medical education—fair in the distribution of costs to all payers of Medicare, fair in the allocation of payments to hospitals. Everyone benefits from advances in medical research and well-trained health professionals. Life expectancy at birth has increased from 68 years in 1950 to 76 years today. Medical advances have dramatically improved the quality of life for millions of Americans. And it is largely because of our academic medical centers that we are in the midst of a new era of biotechnology that will extend the advances of medicine beyond imagination, advances that will prevent disease and disability, extend life, and ultimately lower health care costs.

The Association of American Medical Colleges, the National Association of Public Hospitals, the National Association of Children's Hospitals, the American Medical Student Association, the American Physical Therapy Association, the American Occupational Therapy Association, the American Speech-Language, Hearing Association, and the American Association of Colleges of Nursing have all expressed support for the bill.

I urge my colleagues to join me in protecting America's academic medical centers and the future of our physician workforce by cosponsoring the All-Payer Graduate Medical Education Act.

IN RECOGNITION OF DR. GEORGE A. HURST, M.D.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a great American, who has dedicated his life to those less fortunate—Dr. George A. Hurst, M.D., of Tyler, Texas. In honor of his tireless sacrifices and endless contributions to the medical community, Dr. Hurst will be named as Director Emeritus at the University of Texas Health Center at Tyler on March 31, 1999.

The son of American missionaries, Dr. Hurst was born in Brazil, attended high school in Georgia and graduated from Austin College. He earned his medical degree from the University of Texas Southwestern Medical School in Dallas and interned at Parkland Memorial Hospital.

In 1964, he came to Tyler as the Clinical Director of the East Texas Chest Hospital. In 1970, he was named Director and worked in that capacity until January of 1998. In 1977, the hospital became a part of the University of Texas System and was renamed the University of Texas Health Center at Tyler (UTHCT).

Working with the leadership of the UT System, he has guided the institution through a remarkable period of growth in its facilities including: the Patient Tower in 1980, the Biomedical Research Building in 1987, the Medical Resident Center in 1987 and the Ambulatory Clinic Building in 1996. More importantly, UTHCT evolved from a chest hospital to an acute care facility with a multiple mission of patient care, medical education and biomedical research. To help fulfill this mission, The Family Practice and Occupational Medicined Residency Programs were begun during his tenure.

A dedicated servant, he has served his institution, community, family and church with humility and insightful leadership. A godly man, placing others before self, he dedicated his life to caring for those in need and in so doing achieved a high level of respect from his peers, as signified by the many honors bestowed upon him.

The University of Texas Health Center at Tyler is honored to recognize, Dr. George A. Hurst, Director Emeritus, for his exemplary service to mankind as its Director from 1970–1998.

Mr. Speaker, as we adjourn today, let us do so in honor and respect for this great American—Dr. George A. Hurst, M.D.

TRIBUTE TO EARL HENDRIX—PROGRESSIVE FARMER'S MAN OF THE YEAR IN SOUTHEAST AGRICULTURE

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. HAYES. Mr. Speaker, it is my privilege and pleasure to rise today to pay special tribute to Mr. Earl Hendrix of Hoke County, North Carolina. Mr. Hendrix was recently named Man of the Year in Southeast Agriculture by Progressive Farmer.

Earl Hendrix is a lifelong farmer, known for his quiet, unselfish leadership. He has made outstanding contributions to North Carolina agriculture as a producer of soybeans, tobacco, corn, small grains, cotton, tobacco seed and swine.

Mr. Hendrix has served on many agricultural boards over the years including the state boards of the Cotton Promotion Association, the Small Grain Growers Association and the Soybean Producers Association. He is former president of the Soybean Producers.

Nationally, Hendrix is serving his third term on the United Soybean Board and is chairman of the USB Production Research Committee which oversees more than $6 million annually for soybean research nationwide.

Mr. Hendrix has been honored by the North Carolina Association of County Agriculture Agents and has been the recipient of the state commissioner's "Friend of Agriculture" award. He has received the Natural Resources Conservation Service Conservationist of the Year award and he and his wife, Hazel, are the recipients of the Extension Area Farm Family of the Year Award.

Mr. and Mrs. Hendrix have three children, two of whom are partners on the family farm. Mr. Hendrix devotes time and money to support the local 4–H and his optimistic outlook for agriculture is noticed and appreciated by all in the farm community.

Mr. Speaker, I am honored to recognize the distinguished service to agriculture and the State of North Carolina of Earl Hendrix for his leadership and professional commitment to stewardship of the land and providing food and fiber to the world.

TRIBUTE TO PHELICIA JONES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Phelicia Jones, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

Phelicia Jones is the Project Coordinator for the San Mateo County Nia Mentoring Program, a program which provides both personal and professional guidance for African American youth. Phelicia has overcome both family tragedy and a drug addiction to become a positive role model for others to emulate. Through the Twilight Basketball for Youth program, Phelicia works with at-risk youth to help them avoid many of the same pitfalls she encountered. She has also been instrumental in establishing a crime prevention program benefiting young girls through the Sisters in Style program.

While a student at the College of San Mateo, she earned a 3.75 grade point average and went on to earn a Bachelors Degree from the College of Notre Dame, while simultaneously being actively involved in student government and community affairs. She is currently pursuing a Masters Degree at San Francisco State University and working toward a Drug and Alcohol Certificate.

Mr. Speaker, Phelicia Jones is an outstanding woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on Tuesday, March 16, 1999, I was conducting official business in my congressional district and missed rollcall votes 50, 51, and 52. Had I been present I would have voted "yea."

HONORING COLORADO BOYS STATE BASKETBALL 2A CHAMPIONS—CALICHE HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Caliche High School boys basketball team on their impressive Colorado State 2A Championship. The victory, a hard fought 54–50 win over Hoehne High School, was a thrilling contest between two talented and deserving teams. In championship competition, though, one team must emerge victorious, and Caliche proved themselves the best in their class—truly second to none.

The State 2A Championship is the highest achievement in high school basketball. This coveted trophy symbolizes more than just the team and its coach, Rocky Samber, as it also represents the staunch support of the players' families, fellow students, school personnel and the community. From how on, these people can point to the 1998–1999 boys basketball team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to this town and school will see a sign proclaiming the Boys State 2A Championship, and know something special had taken place there.

The Caliche basketball squad is a testament to the old adage that the team wins games, not individuals. The combined talents of these players coalesced into a dynamic and dominant basketball force. Each team member also deserves to be proud of his own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the youth in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Caliche players, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to this team as they move forward from their State 2A Championship to future endeavors.

ENCOURAGING MEXICAN GOVERNMENT TO RELEASE DRUG TRAFFICKERS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. PACKARD. Mr. Speaker, I rise today to reiterate the commitment of my colleagues and I to win the war on drugs and encourage the Mexican government to cooperate with our efforts.

Recently a Mexican judge dismissed charges against two drug kingpins, Jesus and Luis Amezcua-Contreras. These brothers have both been indicated on narcotics charges by federal grand juries in separate cases in Southern California. Mexico has claimed for years now to be allies of the United States in the war against drugs, but the fact of the matter is that the Mexican government has yet to extradite a national drug kingpin for trial in the United States to date.

Mr. Speaker the fact is that United States drug laws are stricter than those in Mexico and drug criminals fear our judicial system. We must send a message to our neighbors to the south and these criminals that we will not be intimidated or weak willed when dealing with this serious issue.

It is vitally important for the United States to continue to stand firm in our commitment to win the war on drugs. Without the full cooperation of our neighbors, we have little chance of meeting this goal. The United States, and southern California in particular, cannot afford yielding in our efforts to stop the flow of illegal drugs over our borders and into the hands of our children.

Mr. Speaker, I encourage the Mexican government to release drug traffickers which have been indicted by our government back to United States officials so they can be properly tried in our country. We must protect our children from such diabolic criminals.

TRIBUTE TO MARY HARRIS EVANS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Mary Harris Evans, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

Mary Harris Evans has a rich and varied background as a professional and a volunteer. While attending California College of Podiatric Medicine, Mary founded an outreach program at Laguna Honda Hospital and treated senior citizens in their homes at no charge. Mary is now a Financial Advisor and Retirement Specialist with Dean Witter, where she assists clients with the management of their portfolios. Throughout her career, Mary has always made a great commitment to volunteerism, most notably fifteen years service to the California 4–H.

Mary also serves as President of the American Baptist Women of the West and helped found the African-American Community Health Advisory Committee. Mary is also a trained mediator and was recently instrumental in helping Mrs. Tom Lantos put together a Homeless Theater Project.

Mr. Speaker, Mary Harris Evans is an outstanding woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

THE DEPARTMENT OF VETERANS AFFAIRS NURSE APPRECIATION ACT OF 1999

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. LATOURETTE. Mr. Speaker, imagine if the Congress singled out a mostly female workforce of 39,000 federal employees and, under suspension, passed legislation that:

allowed the workers to go up to 5 years in a row without a single raise;

allowed them to have their pay cut by as much as 8% in a single year;

or provided for an annual increase as minuscule as one-tenth of one percent.

Now imagine that a president not only signed this measure into law, but that it's been the law of the land for nearly a decade. Which group of federal workers has suffered this unthinkable injustice? None other than the 39,000 nurses who work for the Department of Veterans Affairs (VA) and have devoted their careers to caring for our Nation's ailing veterans.

In the 101st Congress, the House and Senate passed the Nurse Pay Act, well-intended legislation that was designed to ease a national nursing shortage by allowing VA medical center directors to forgo the annual general schedule (GS) pay schedule that applies to virtually all federal employees. In theory, this new law enabled directors to give nurses higher annual raises than other federal workers so they could recruit and retain a quality workforce. Unfortunately, as soon as the national nurse shortage eased, the intent of the law was manipulated and directors started using their discretion to deny raises, provide tiny raises, and even reduce pay rates.

Today, I introduced the VA Nurse Appreciation Act of 1999, legislation that will rectify the pay injustice VA nurses have suffered. This legislation will ensure that Title 38 VA nurses receive the annual GS increase plus locality pay so they will be on equal footing with other federal workers in their area. It will also give the VA Secretary the discretion to increase pay, or delegate this authority to directors, if they have trouble recruiting or retaining quality nurses.

In the last few years some congressional attention has been focused on the VA nurse problem, and the VA has quietly "encouraged" directors to give raises. Still, VA nurses have fared far worse than other federal workers. Overall, the average annual increase for VA nurses was 50% lower than the standard GS increase in 1996; 60% lower in 1997; 25% lower in 1998; and about 17% lower in 1999.

Furthermore, abuse from the Nurse Pay Act is widespread and knows no geographic boundaries. From 1996–1999, nurses at 16 different VA medical centers had their pay rates reduced by as much as 8% while other federal workers received annual GS increases ranging from 2.4% to 3.6%. In addition, from 1996–1999, NO raises were given to Grade I, II or III nurses (statistically 98% of the VA nurse workforce) at about 80 VA medical centers around the country. Worse still, some nurses go several years without raises, such as in Long Beach, CA, where VA nurses received no raises in 1996, 1997, 1998 or 1999. At other centers, meanwhile, nurses have received embarrassingly low annual increases—often 1% or lower.

Mr. Speaker, the Nurse Pay Act deserves credit for ending a nursing shortage and making salaries competitive. For example, in its first year nurse pay increased by at least 20% at 82% of all VA medical centers. Unfortunately, the well-intentioned measure's locality-based pay system eventually ended up punishing many of the 39,000 VA nurses.

Our VA nurses deserve praise for standing by our Nation's veterans. Many could have sought higher paying jobs in the private sector, jobs that offer annual increases and signing bonuses. Instead, most have chosen to stay with the VA because they care deeply for our ailing veterans and enjoy a sense of reward and patriotism from their specialized work. In fact, most VA nurses have devoted their entire careers to caring for our Nation's veterans. The average VA nurse is a 47-year-old female with 11 years tenure.

As a Congress we strive to take care of our veterans. Therefore, we should feel embarrassed that we haven't taken better care of the dedicated nurses who care for our veterans. The Congress never meant to create a mechanism where a VA nurse could receive an annual raise worth 92 cents a week before taxes or go several years without a raise. It's no way to treat those who care for our Nation's veterans, and we have an obligation to fix it.

Mr. Speaker, our VA nurses perform a vital service for our Nation's veterans with great care, professionalism, and compassion. We now have an opportunity to demonstrate to our nurses that they are truly appreciated by passing the VA Nurse Appreciation Act of 1999.

CONGRATULATIONS TO NATALIA TORO

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Natalia Toro, who took top honors in the Intel Science Talent Search. Ms. Toro is a 14 year-old senior at Fairview High School in Boulder, Colorado.

In winning this prestigious award, Natalia bested 40 finalists, who were selected from a nationwide pool of 300 semi-finalists. In addition, she is the youngest winner ever of the Intel Science Talent Search.

Ms. Toro's entry was a physics project in which she studied oscillation of neutrinos, the most elusive of subatomic particles. She completed her research on this subject while participating in the Research Science Institute at the Massachusetts Institute of Technology last summer.

While I take pride in highlighting Ms. Toro's achievement in this competition, I am equally happy to salute her love of science and learning. I firmly believe that we can offer our children no greater gift than to instill in them a love of learning. The Toros are an example of how parental involvement can play a critical role in a child's intellectual development, as well as the child's overall success in life.

Mr. Speaker, it gives me great pride to share with my fellow members of the House of Representatives the outstanding achievement of Natalia Toro. I would like to acknowledge her parents, Beatriz and Gabriel Toro, for inspiring her thirst for knowledge. The Denver Post Recently highlighted Natalia's achievement. Mr. Speaker I submit a Denver Post article to be included in the CONGRESSIONAL RECORD.

[From the Denver Post, July 14, 1998]

THE SCIENCE OF NURTURING

Congratulations to Natalia Toro, who at age 14 already has become a role model, especially for other first-generation American youths.

Natalia's proficiency in mathematics and science propelled her into first place in the Intel Science Talent Search for her work in high-energy physics. She is the youngest winner ever in the 58-year-old contest formerly run by Westinghouse.

With her prize $50,000 scholarship, the Fairview High senior now plans to attend either Stanford University, the Massachusetts Institute of Technology or the California Institute of Technology.

How did this daughter of Colombian immigrants achieve academic excellence?

Her mother credits Natalia's natural curiosity.

"She's very curious. And she's a hard-working person, and I think she really has a passion for learning. I don't think we did anything special," says Beatriz Toro.

But while Natalia's parents won't take credit for her accomplishments, they surely fueled her love of learning.

Beatriz and Gabriel Toro came to America from Colombia in 1979. they chose to teach their only child English as her first language. She learned Spanish later "with our help," her mother says, and is fluent in both.

Toro, a civil engineer, and his wife, who has degrees in psychology and nursing, sent Natalia to the small, private Bixby Elementary School in Boulder, then to the public Fairview. She also has attended classes at the University of Colorado.

"Those schools, they did their part with my daughter." Mrs. Toro says.

But the parents did their part, too. When Natalia asked questions, they tried to answer them. When they didn't know the answers, they headed to the library to find the answers.

"I think the most important thing is that your kids are happy," Mrs. Toro says. "When you're telling the kid, 'You have to do this and you have to do that,' I don't think it works. I wouldn't push a child."

"It sounds funny, but I didn't do anything special with my daughter,"

That depends on what constitutes "special."

Not all parents take a child's questions seriously enough to research until they find the answers. But doing so surely send the message that learning is fun.

Not all immigrants are able to make sure their children learn English before the parents' native language. But doing so surely eases a child's way through U.S. schools.

And not all families place a priority on happiness. But it seems only natural that a happy child would be a curious, alert and motivated child.

We salute Natalia for the path she has taken, and we commend her parents and her schools for helping her to find that path. This is a girl who does Colorado proud.

SERVICEMEMBERS EDUCATIONAL OPPORTUNITY ACT OF 1999

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. STUMP. Mr. Speaker, on March 18, 1999, I introduced H.R. 1182, the Servicemembers Educational Opportunity Act of 1999, along with Mr. SPENCE, Mr. SMITH of New Jersey, Mr. QUINN, Mr. EVERETT, Mr. HAYWORTH, Ms. CHENOWETH, Mr. LAHOOD, Mr. HANSEN, Mr. MCKEON, Mr. GIBBONS, Mr. TALENT, and Mr. BILIRAKIS. This measure would enhance benefits under the Montgomery GI Bill for persons who enlist in the armed services for 4 years of active duty service or reenlist for 4 years of such service effective October 1, 1999.

In exchange for a 4-year enlistment or reenlistment, individuals would receive an enhanced Montgomery GI Bill that would (a) pay 90 percent of the costs of tuition and fees, (b) pay a sum equal to the reasonable costs of books and supplies, (c) pay a monthly stipend of $600 per month for full-time enrollment (or proportional amount for less than full-time enrollment), and (d) repeal the current $1,200 reduction-in-pay to be eligible for the benefit. Each individual would be eligible for 36 months (4 academic years) of benefits.

Our goal in introducing H.R. 1182 is twofold. First, when high school students consider their post-high school plans, we want them to consider military service as their first option, not their last. It is no wonder the Army, Navy, Air Force, and Coast Guard are experiencing major recruitment problems. Most college-bound youth and their parents see a tour of military service as a detour from their college plans, not as a way to achieve that goal. We want to reverse that way of thinking.

Second, we want to empower the youth of America—our future veterans—with a GI Bill that would be limited only by their aspirations, initiative, and abilities. We want a GI Bill that would allow a young person to be able to afford any educational institution in America to which that individual could competitively gain admittance.

Our legislation is inspired by, and is substantively very similar to, a recommendation made in the comprehensive January 14, 1999, report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, chaired by Anthony J. Principi.

As we look to the future, I believe it's instructive to glance at our past. As my colleagues are aware, 55 years ago the Congress sent to President Roosevelt's desk a piece of legislation that truly transformed our Nation—arguably the greatest domestic legislation since the Homestead Act. Legislation that is popularly known as the GI Bill of Rights. The World War II GI Bill was one of the boldest investments our Nation has ever made. It was certainly one of Congress' finest hours, because World War II veteran-students did not just pass through the American system of higher education, they transformed it. That legislation, and those veteran-students, created today's leaders and the modern middle class.

Mr. Speaker, I cannot recount how many times in my 22 years here that a Member of this body has said he probably would not be here today if it were not for the World War II GI Bill. Our proposal to return to a World War II-type GI Bill is not about a program of the past, it's about empowerment for the future. Has society, and our values, changed so dramatically that a revered education program that was so successful 55 years ago no longer applies to today's servicemembers?

For 223 years, military service has been our Nation's most fundamental form of National Service. When we talk about education policy in this country, I think our starting point is that we owe more to those who voluntarily have worn the uniform because they have earned more by virtue of their years of service. The fundamental difference between the GI Bill that we propose and other meritorious Federal student financial aid programs is that ours is truly earned.

About 60 percent of active duty servicemembers are married when they separate from the military, and many have children. They find out quickly that the gulf between the purchasing power under the Montgomery GI Bill and current education costs is indeed a large one. Today's Montgomery GI Bill, properly named for our distinguished former colleague who worked indefatigably on the legislation for almost 7 years prior to its enactment, unfortunately falls short by $6,007 annually in paying tuition, room and board, fees, books, and transportation at public institutions, and $15,251 at private institutions. Veterans deserve better. And I note the cost figures I cite are for 1996—the most recent data available.

Through fiscal year 1997, some 13 years after the enactment of the Montgomery GI Bill test program, only 48.7 percent of veterans have utilized it. Conversely, between 1966 and 1976, 63.6 percent of Vietnam-era veterans used their education benefits.

We need a GI Bill that harnesses the unique resource that veterans represent. We want to accelerate, not delay, their entry into the civilian work force. We need a GI Bill that rewards veterans for faithful service and that makes it more likely that they will serve among the ranks of the country's future leaders and opinion shapers.

What better investment can we make in the youth of this country? A GI Bill that would be limited only by the aspirations, initiative, and abilities of the young man or woman involved. A GI Bill that largely would allow a young person to afford any educational institution in America to which that individual could competitively gain admittance. What a powerful message to send across America. What an emphatic statement to send to working and middle class families who go into great debt to finance their children's higher education because they are told they make too much money to qualify for Federal or State grants.

In closing, I submit to my colleagues that why my cosponsors and I are proposing is not just about an education program that we believe would serve as our best military recruitment incentive ever for the All-Volunteer Force; or after their service provide unfettered access to higher education at the best schools; or provide unbounded opportunity for our youth that cuts across social, economic, ethnic, and racial lines. What we have proposed is what is best for America.

I believe the notion of service to our Nation, service in an All-Volunteer Force, and the corresponding opportunity for all of us to participate in our great economic system sustained by that service, is a core value we simply must pass on to the next generation. It is a core value we can neglect, but only at our own peril.

Mr. Speaker, I urge all Members of the House to join me in support of H.R. 1182.

THE VOLUNTEER FIREFIGHTER EQUIPMENT ENHANCEMENT ACT OF 1999

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GEJDENSON. Mr. Speaker, I rise, along with Mr. ENGLISH from Pennsylvania, to introduce the Volunteer Firefighter Equipment Enhancement Act of 1999.

Communities in my district and around the Nation rely on volunteer firefighters to protect lives and property day in and day out. My district includes 54 towns, and there are 91 volunteer fire departments. These brave men and women leave their jobs and get up in the middle of the night to battle fires, respond to auto accidents, and provide a wide range of other emergency services. These services would not be available without these volunteers. We must do as much as we can to help our firefighters as they put their lives at risk to help people in their communities.

Many of our Nation's volunteer firefighters companies have taken on tasks far beyond firefighting. Years ago, volunteer companies could fulfill their mission with one pumper truck and a few ladders. Today, as we ask our volunteers to take on more and more tasks, they need much more equipment. However, our tax laws have not kept up with the changing demands.

Section 150 (e)(1) of the tax code states: "A bond of a volunteer fire department shall be treated as a bond of a political subdivision of a state if * * * such bond is issued as part of an issue 95 percent or more of the net proceeds of which are to be used for the acquisition construction, reconstruction, or improvement of a firehouse * * * or firetruck used or to be used by such department."

The law only allows volunteer fire departments to use the benefits of municipal bonding if the department is building a fire station or buying a firetruck. They cannot issue bonds to buy ambulances, rescue trucks or other emergency response vehicles which are critical to protecting citizens across our Nation.

The legislation that Representative ENGLISH and I are introducing today would simply change this provision by striking the phrase "or firetruck" and inserting "firetruck, ambulance or other emergency response vehicle." It is a simple change in law that will help volunteer fire companies acquire the tools they need to carry out their expanded mission. The bill would also extend the tax treatment that volunteer fire companies receive to volunteer ambulance companies.

I believe that if we are going to ask our volunteers to take on these additional burdens, we must help them obtain the equipment they need.

This is a small first step in the United States recognizing volunteer firefighters as the heroes that they are. Unpaid, but not underappreciated, we have much more to do to help firefighters, but this will be a good first step.

COLUMNIST DENNIS ROGERS ON THE PLIGHT OF TOBACCO FARMERS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. ETHERIDGE. Mr. Speaker, I grew up on a tobacco farm, and I continue to grow tobacco today. Higher federal taxes and litigation by the states have severely altered the market for tobacco and have led to income losses of thirty five percent for tobacco farmers in the past two years alone. The actions that have led to this point have been taken in retaliation against the industry and its practices, but the harm has been felt on the farm. Tobacco farmers need help.

Since coming to the House two years ago, I have tried to articulate to Congress the plight tobacco farmers are in as a result the ongoing tobacco wars. Earlier this month, Dennis Rogers, a columnist with The News and Observer daily newspaper in Raleigh, North Carolina, wrote an excellent essay on the position tobacco farmers find themselves in 1999. Mr. Speaker, I request that Mr. Rogers' article be placed at this point in the RECORD, and I hope it will provide guidance to us all as we debate issues related to tobacco in the future. Congress can benefit greatly from the clear-eyed perspective of this insightful North Carolinian whose feet are planted firmly on the ground.

[From the News & Observer, Mar. 3, 1999]

IT'S NOT GREED, BUT DESPERATION

(By Dennis Rogers)

The numbers are so obscenely large as to be meaningless: There is $4.6 billion to be paid by the tobacco industry to the state of North Carolina over 25 years. There is $1.97 billion for a trust fund to be spread among the state's tobacco farmers over the next 12 years.

But regardless of how much money tobacco farmers eventually get, if any, what are they supposed to do then?

Unless you're a farmer, you probably don't care. You've made it clear in your e-mails and phone calls that many of you think tobacco farmers are whiners trying to hang on to a dying business. Nobody guarantees me a living, you've cynically said, so why should we do it for them?

But unlike you, I've heard from the farmers, too, strong men and women who are scared about their futures. It is enough to break your heart.

What they talk about most is not the money, but losing their souls, their culture, their foundation and their heritage. They talk about the land their ancestors entrusted to their care and the shame they would feel in losing it.

They talk about wanting to give their children the chance they had, to stand under a hot Carolina sun and feel your own land beneath your feet, the same land that once nurtured the old folks buried in the church cemetery just down the road.

"What am I going to do if I stop farming?" asked Johnston County's John Talbot as we rode in Monday's protest through the streets of Raleigh. "I'm 45 years old. Who is going to hire me?"

Who, indeed? If the tobacco farmers of Eastern North Carolina stop farming, what will become of them? A rootless corporate culture is all a lot of city folks around here know. They do not understand or feel sympathy for the middle-aged farmer who senses that the very ground beneath his feet is moving away.

A country family's desperate need for independence may not mean much to those of us who have never had it. There are a lot of us who have never known anything but the slavery of working for a paycheck. We might even resent a farmer's plea that he should be helped to maintain a way of life that seems so alien to us.

But what option do they have? There are few good jobs in the tobacco country where they live? We've kept most of the good jobs for ourselves and left country folks who live a long way from town with precious little to turn to now that their lives and times have gotten tough.

But before you turn your back on them, ask yourself whether they helped make your good job possible. Farmers have long seen their tax dollars pay corporations to bring jobs to the state that they, because of where they live and the skills they don't have, can never hope to get.

Now, they say, that same government is reluctant to given them what they see as their fair share of the money from tobacco companies they have depended on for their livelihood.

There was a sign on a tractor driven by a woman in Monday's protest that read, "We are not greedy. We are desperate."

We may yet succeed in forcing our farmers from their fields, and contrary to their hollow threats, no, we will not go hungry.

But they will. Their souls will wither just as surely as a spring daffodil fades away when it is picked and brought indoors.

IN RECOGNITION OF NATIONAL EMPLOY THE OLDER WORKER WEEK AND GREEN THUMB OF NEW ENGLAND

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of National Employ the Older Worker Week and Green Thumb, Inc. of New England. National Employ the Older Worker Week (March 14–20) recognizes the contribution that older workers make in America and encourages participation in the Green Thumb program. It celebrates the unique skills, and talents that are gained through years of experience and hard work. It also brings attention to one of the greatest resources in America: the older worker.

Green Thumb is a non-profit organization that aims to strengthen our families and communities, as well as our nation, by equipping older and disadvantaged individuals with opportunities to learn, work, and serve the community. Founded in 1965, Green Thumb has helped over 500,000 seniors. The services are provided to numerous older citizens. Some are retirees who have not yet begun collecting Social Security and require additional income from full or part-time employment. Other recipients take part in the program in order to develop new skills, pursue individual interests, or utilize their time in a productive manner. It benefits the older worker's well-being and enhances the community. Green Thumb will recognize America's Oldest Worker as well as 52 Outstanding Older Workers from each state following National Employ the Older Worker Week.

Mr. Speaker, I encourage my colleagues to join me in recognition of National Employ the Older Worker Week. I also applaud Green Thumb of New England and wish them continued success in improving the lives of our senior citizens.

HONORING PETER R. VILLEGAS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. SANCHEZ. Mr. Speaker, today, I rise to congratulate Peter R. Villegas, president of the Hispanic Chamber of Commerce of Orange County for 1998.

During his presidency, the Hispanic Chamber of Commerce accomplished many goals. The Chamber increased its membership and corporate sponsors, produced many successful events such as the "Estrella Awards and Installation Dinner," Job and Career Fair, Business Finance Forum, Business Without Borders International Conference, and the Business Development Conference.

Mr. Villegas has also represented the chamber in many official capacities. He has met with Vice President AL GORE, officials of the Department of State, Members of Congress, State, county, and local officials, as well as leaders of enterprise and industry.

Mr. Villegas has provided leadership locally and nationally, by serving on the Congressional Hispanic Caucus Institute based in Washington, DC, as a board member of the University of Southern California—M.A.A.A., the corporate advisory board of the Latin Business Association, and as a board member for the Puente Learning Center. Other memberships include the Challengers Boys and Girls Club, board member of the Chicano Federation of San Diego, and committee member of the Martin Luther King Legacy Association. He is the recipient of the 1997 Minorities in Business Magazines Latin American Corporate Prism Award, and the City of Santa Ana Exceptional Volunteer Award.

Mr. Villegas manages regional relationships with key community coalitions, including the WaMu Community Council and regional WaMu Diversity Advisory Group. He is responsible for managing the Corporate Giving Program with a focus on the Community Reinvestment Act qualified grants. He also serves as the regional contact for governmental officials, provides corporate representation in the regional market, and provides leadership in the ethnic market. In addition, Mr. Villegas is the regional manager of Washington Mutuals $120 billion commitment to the community.

Colleagues, please join with me today in saluting Peter R. Villegas, an individual who has dedicated his knowledge and expertise to the betterment of the Hispanic community and business relations on every level.

CONDEMNING THE MURDER OF ROSEMARY NELSON AND URGING PROTECTION OF DEFENSE ATTORNEYS IN NORTHERN IRELAND

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise to introduce a bipartisan resolution which condemns the brutal murder of Northern Ireland defense attorney Rosemary Nelson and calls on the British Government to launch an independent inquiry into Rosemary's killing.

The resolution also calls for an independent judicial inquiry into the possibility of official collusion in the 1989 murder of defense attorney Patrick Finucane and an independent investigation into the general allegations of harassment of defense attorneys by Northern Ireland's police force, the Royal Ulster Constabulary (RUC). I am pleased that Mr. GILMAN, Mr. KING, Mr. CROWLEY, Mr. PAYNE, and Mr. MENENDEZ are original sponsors of this resolution.

Mr. Speaker, Rosemary Nelson was a champion of due process rights and a conscientious and courageous attorney in Northern Ireland. She was the wife of Paul Nelson and the mother of three young children: Christopher (13), Gavin (11), and Sarah (8). Her murder was a cowardly act by those who are the enemies of peace and justice in Northern Ireland. Her death is a loss felt not just by her family and friends, but by all of us who advocate fundamental human rights.

I first met Rosemary Nelson in August, 1997, when she shared with me her genuine concern for the administration of justice in Northern Ireland. She explained how, as an attorney, she has been physically and verbally assaulted by RUC members and how the RUC sent messages of intimidation to her through her clients. Many of her clients were harassed as well.

Notwithstanding these threats, Rosemary Nelson still carried an exhaustive docket which included several high profile political cases. She became an international advocate for the rule of law and the right of the accused to a comprehensive defense and an impartial hearing. She also worked hard to obtain an independent inquiry into the 1989 murder of defense attorney of Patrick Finucane.

For this, Rosemary Nelson was often the subject of harassment and intimidation. For her service to the clients, on March 15, 1999, Rosemary Nelson paid the ultimate price with her life—the victim of a car bomb.

Last September, 1988, Rosemary testified before the subcommittee I chair, International Operations and Human Rights. She told us she feared the RUC. She reported that she had been "physically assaulted by a number of RUC officers" and that the RUC harassment included, "at the most serious, making threats against my personal safety including death threats." She said she had no confidence in receiving help from her government because, she said, in the end her complaints about the RUC were investigated by the RUC. She also told us that no lawyer in Northern

Ireland can forget what happened to Pat Finucane, nor can they dismiss it from their minds. She said one way to advance the protection of defense attorneys would be the establishment of an independent investigation into the allegations of collusion in his murder.

Despite her testimony and her fears, the British government now wants to entrust the investigation of Rosemary Nelson's murder to the very agency she feared and mistrusted most, the RUC. Instead, I believe that in order for this investigation to be beyond reproach, and to have the confidence and cooperation of the Catholic community that Rosemary Nelson adeptly represented, it must be organized, managed, directed and run by someone other than the RUC. It just begs the question as to whether or not we can expect a fair and impartial investigation when the murder victim herself had publicly expressed deep concern about the impartiality of RUC personnel.

Mr. Speaker, the major international human rights groups, including Amnesty International, Laywers Committee for Human Rights, British/Irish Human Rights Watch Committee for the Administration of Justice, and Human Rights Watch have all called for an independent inquiry. Param Cumaraswamy, U.N. Special Rapporteur on the independence of judges and lawyers, who completed an extensive human rights investigative mission to the United Kingdom last year, has also called for an independent inquiry of Rosemary Nelson's murder.

At our September 29, 1998 hearing, Mr. Cumaraswamy stated that he found harassment and intimidation of defense lawyers in Northern Ireland to be consistent and systematic. He recommended a judicial inquiry into the threats and intimidation Rosemary Nelson and other defense attorneys had received. It's hard not to wonder if the British government had taken the Special Rapporteur's recommendations more seriously, Rosemary Nelson might have been better protected and still with us today.

I express my hearfelt condolences to the Nelson family and I urge my colleagues to support the following resolution.

THE ENDANGERED SPECIES ACT MUST BE REFORMED

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. CALVERT. Mr. Speaker, the Endangered Species Act was originally enacted in 1973 with overwhelming support in the House by a vote of 355 to 4 and in the Senate 92 to 0. The original intent: to conserve and protect American species of plant and wildlife that are threatened with extinction, with species taken off the list when their numbers have recovered. However, during ESA's 25 years, over 1,154 animals and plants have been listed as endangered or threatened yet only 27 species have been removed from the list. ESA has protected important species, including our Nation's most prized symbol—the bald eagle which is one of the few actually removed from the list. Today, it appears as though the Fish and Wildlife Service, especially within California, is working outside of the ESA and essentially undermining its original intent. Fish and Wildlife in California has overstepped their bounds.

As the Congressman for western Riverside County in southern California, ESA enforcement is an important issue for me and my constituents because southern California is home to one-third of all listed endangered species. I have received a large number of complaints about the overzealous enforcement of ESA from landowners, farmers, former Fish and Wildlife employees, and community leaders. Complaints have increased dramatically in the last year compared to what I was hearing when I was first elected 6 years ago. A lot of my colleagues have been asking me about Fish and Wildlife's questionable enforcement of the ESA in southern California and in my district. I am here to share some clear examples of Fish and Wildlife's outrageous conduct in their enforcement of the ESA. Riverside County led the charge in working with the Federal Government to comply with the ESA, and had the original Stephen's kangaroo rat plan which ultimately took 8 years to get approval and cost over $42 million. Later on, Riverside County formed the Western Riverside County Multiple Species Habitat Conservation Plan Advisory Committee in order to ensure a strong working relationship with conservation agencies and Fish and Wildlife.

Yet, it seems to be a cardinal rule in dealing with the Fish and Wildlife Service that "No Good Deed Goes Unpunished." Riverside County, the Riverside County Habitat Conservation Agency, several cities, and Fish and Wildlife all signed a planning agreement which laid out a conservation plan for the entire western half of Riverside County. Under that agreement, Fish and Wildlife would be required to provide the benefits and the ultimate cost of the plan within 6 months of signing the agreement. Now, 2 years later, Fish and Wildlife is refusing to provide this information to the planning agency which they had contractually agreed to do. This was a bad faith effort on the part of Fish and Wildlife.

Specifically, there are two recent cases where Fish and Wildlife has shown how destructive they can be in southern California. The first case is the Delhi-sands flower-loving fly. A handful of flies were discovered at the proposed site for the San Bernardino County hospital. Fish and Wildlife ordered the county to move the building 300 feet, at a cost of $3.5 million. That's about $10,000 a foot. The Galena Interchange, a freeway construction project in my district is being held hostage by this fly. The Galena Interchange is not an expansive new highway program—we are not talking about building the Golden Gate Bridge. It's a simple project connecting Interstate 15 to Galena Street and it received $20 million in Federal, State, and local funds last year for a desperately needed project. After the plans were designed and the funds allocated, Fish and Wildlife now claims the county needs to establish a preserve for the Delhi-sands flower-loving fly. Fish and Wildlife wants as many as 200 acres of the Inland Empire's priciest industrial land for habitat mitigation. Two hundred acres could cost as much as $32 million; $32 million for a $20 million project. On top of all of this, not one fly has been found in this area. Apparently, the Branch Chief of the Carlsbad Fish and Wildlife Office heard the buzz of the fly, but did not see it, and now wants $32 million. In testimony before the Riverside County Board of Supervisors, this person said—and I quote—". . . if you hear a car down the street that's your favorite model, you kind know the engine sound and you know that it's the car that you like—so you know for someone that studies this sort of species you get a feel for the noise." This is ludicrous. Fish and Wildlife is using Dr. Seuss methods from "Horton Hears a Who" to make policy for millions of citizens. At the very least, we should amend the ESA to require than an endangered species must actually be seen, not just heard.

The other case involves the Quino checkerspot butterfly. Once again, after poorly handling several listings, Fish and Wildlife has precipitated another crisis in southern California. Recently the Service published a "survey protoco" for the Quino checkerspot butterfly, which requires landowners to survey their property for the Quino before beginning any development. They did so less than a month before the beginning of the butterfly's very short flying season. However, Fish and Wildlife went a step further and issued a survey protocol that prohibited development of all land until at least early June 2000. The other day, in a seeming reversal of this earlier position, Fish and Wildlife is allowing surveys to be done this year. But, the Service still reserved the right to invalidate any survey due to the shortened flying season. This is like the IRS giving you your tax bill and noting that they have the right to charge you more later—which is something they have actually done and why Congress passed IRS reform legislation. Fish and Wildlife should take notice. So, the Service is allowing landowners to spend thousands of dollars to conduct a survey that they may or may not consider valid next year.

The current Fish and Wildlife problem has become so large, expensive, and harmful to our community that it cannot be overlooked any longer. In 1995, ESA costs exceeded $325 million of Federal money. However, the cost to local and State governments was billions and billions of dollars. Taxpayer funding has increased 800 percent since 1989. This is a call to common sense. Fish and Wildlife's district offices at the very least have the responsibility to balance the rights of species with the rights of landowners and taxpaying citizens of the United States. Local bureaucrats are undermining Americans' desire to save truly endangered species by engaging in arbitrary and unreliable rulemaking. Our citizens and our endangered species deserve better. While we build a consensus in the Congress on how to update the Endangered Species Act, we should, at the very least, expect two things: (1) Fish and Wildlife must keep its commitments; and, (2) Fish and Wildlife should use its discretion, under the law, not as a weapon against landowners, but as a tool to help communities comply with the law.

COMMENDATION OF MARGARET GONTZ

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GEKAS. Mr. Speaker, I would like to commend Ms. Margaret Gontz, who at the age of 72, gave up something that most people look forward to: her retirement. That was 10 years ago. Today, at 81, Ms. Gontz is one of the top employees in the Pennsylvania Higher Education Assistance Agency in Harrisburg. She came back for family: to help her grandson pay for college. And she came back for herself: she just wanted to be on the job. Ms. Gontz has been cited as an exemplary employee at PHEAA—where most of her coworkers are in their 20s and 30s. Now she is being honored as "Pennsylvania's Outstanding Older Worker," and is being recognized as part of Prime Time Awards, a national celebration of the contributions of older workers taking place this week in Washington. Ms. Gontz cites accuracy, timeliness and productivity as contributing to her success. "I rate myself as a normal person doing my job like I should do," she says. Ms. Gontz, you are not a "normal" person. You are very rare indeed.

THE URGENT NEED FOR A NATIONAL DRUG EXPERT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. BARTON of Texas. Mr. Speaker, I submit the following paper as a request for a constituent of mine from Burleson, Texas. His name is Kenneth Hunter and he collaborated with Prof. Rinaldo DeNuzzo on the following article which cites a need for a federal office with a national drug expert. This is not an endorsement either for or against their effort, but a submission of their idea.

THE URGENT NEED FOR A DRUG EXPERT

In recognition of the dynamic changes which continue to occur in the delivery of health care services in the United States and globally, it is suggested that the President and/or Congress re-establish the office of Apothecary-General which disappeared from the United States Army in the first quarter of the nineteenth century. This skilled health care professional of equal status, while working in tandem with the Surgeon-General, would provide advice and counsel to the office of the President, the Congress and others. This professional with offices in Washington, DC, will serve to coordinate and oversee all aspects of mandated and other programs involving drug use or abuse by the general public, military, veterans, and others.

Originally, the Office of Apothecary was created by action of the American Congress in 1775. The need for such an official became evident to Dr. John Morgan, the second of four Medical Directors of the American Revolutionary Army. Morgan recognized the need for coordination of the valuable skills provided by the apothecaries as well as those by the surgeons. The Congress also established a military hospital to care for the 20,000-man militia involved in the Revolutionary War. As with other medical care personnel, the apothecaries were directed to visit and tend to the needs of those who were sick or wounded.

Dr. Morgan, physician-apothecary, as director of the Department of Hospitals wrote to Dr. Jonathan Potts, deputy director, informing him that "a warrant to Mr. Andrew Craigie to act as an apothecary" had been issued. Potts was advised that the appointment of Craigie will be particularly useful due to his experience. "Without such a one, I know not how you could either procure sufficient medicines for your department or dispense them when got." Dr. Morgan was an influential advocate for the separation of medicine and pharmacy in America. He taught pharmacy and is credited with the introduction of prescription writing in America.

Morgan, additionally admonished Dr. Potts "to make it a part of the duty of mates to assist the apothecary in making up and dispensing medicine." He states, "The Apothecary to all intent is to be looked on in rank as well as pay in the light of the surgeon and respected accordingly and if he is capable, he should in return, do part of the surgeon's duty." During the period of 1775–1780, there were several Apothecary-Generals serving in three of the four Revolutionary War Districts. In 1780, a reorganization of the military medical department concentrated all authority in one medical staff, and Andrew Craigie became sole Apothecary-General. He served as such until the end of the War when a treaty with Britain was signed in 1783.

Many apothecaries played vital roles in the American Colonies' struggle for independence. Among them was American military hero Dr. Hugh Mercer, physician-apothecary, who operated a pharmacy in Fredericksburg from 1771 until the beginning of the Revolution. General Mercer suffered wounds and died on the battlefield in 1777. Following his death, the Congress approved a monument to be erected in Fredericksburg with the following inscription:

"Sacred to the memory of Hugh Mercer, Brigadier-General in the Army of the United States. He died on the 12th of January, 1777, of the wounds he received on the 3rd of the same month, near Princeton, NJ, bravely defending the liberties of America. The Congress of the United States, in testimony of his virtues and their gratitude, has caused this monument to be erected."

Dr. Mercer's historic apothecary shop is currently maintained by the Association for the Preservation of Virginian Antiquities in Fredericksburg, VA. It is open to the public.

Apothecary Christopher Marshall was commissioned by the Continental Congress in 1776, the year the Declaration of Independence was signed, to oversee service given to the needs of soldiers in Philadelphia hospitals. Two years later, the first Military Pharmacopea was issued in Philadelphia.

It is noted that the American Revolutionary War served to provide us with independence and a foundation upon which the practice of pharmacy in America is based. For example, we had shops where medicines for consumer use were used to provide necessary supplies for militia. The role of apothecary was defined by Dr. Morgan as "Making and dispensing medication." Dr. Craigie facilitated the establishment of laboratories and storehouses where medicines were prepared and implemented. and the army apothecary visited (counseled) the sick. From those humble beginnings, we have a pharmaceutical industry which is second to none in the world.

The last Apothecary-General, Colonel James Cutbush was also an author and a teacher. He was appointed in 1814 as assistant Apothecary-General of the United States Army and served admirably during the War of 1812. By an act of Congress in 1815, the Army was reduced to a minimum and many officers were retired. President Madison, the same year, directed that the Apothecary-General and two assistants be retained in the "Military Peace Establishment of the United States." The office of Physician and Surgeon General was abolished and the Apothecary-General became the ranking officer in the Medical Department until 1818, when the first Surgeon General was appointed. As a professor at West Point Military Academy, James Cutbush became a pioneer in the chemistry of explosives.

In support of the proposal to re-establish the office of Apothecary-General nationally, pharmacy practitioners with expertise in drug use and misuse (abuse) make daily contributions to the delivery of medical care. Pharmacists are the most readily available and approachable professionals, often working seven days a week and sometimes 24 hours a day. Frequently, they are the initial portal of entry into medical care by advising the appropriate non-prescription drug for non-serious ailments, championing healthy life styles, and making referrals to other professionals for needed care when appropriate.

Pharmacists provide the greatest number of professional daily exposures to the population as more than two billion prescriptions are dispensed annually. They also provide a high level of pharmaceutical care by monitoring prescription and non-prescription drug use to insure that therapeutic objectives are achieved. Additionally, for the tenth successive year, the Gallup Poll found that the American consumer ranks the pharmacy practitioner as the most trusted professional in the land.

During the 1986–96 decade, alcoholism and drug addiction were key elements in the explosion in our national prison population. In a recent Columbia University study, the number of inmates in federal, local, and state prisons tripled from 500,000 to 1,700,000. Drugs and alcohol were involved in 80% of the incarcerations. The President's appointments of the last two drug Czars consisted of an educator and a military officer which led to a spirited attempt to solve our war on drugs with *limited positive results*. It is time to appoint a drug expert to solve the problems. Pharmacists' specialty lies in the knowledge of drugs. They relate well to people in a positive fashion, and have been found to be outstanding administrators.

The authors of this paper hope that their actions will start a ground swell movement to give new recognition to the practice of pharmacy and its practitioners in a rational and accountable way. If action is taken, the use of an Apothecary-General may lead to an increase in efficiency in the Federal bureaucracy, a significant decrease in the number of citizens incarcerated, and reduce Federal and State spending. We have the talent and leadership ability; so let's save the taxes. This is now the time to re-establish the office of Apothecary-General.

GREEK INDEPENDENCE DAY—178 YEARS OF GREEK INDEPENDENCE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to join with my colleagues and the people of Illinois' 9th Congressional District to celebrate the 178th year of Greek independence.

Much like the United States, Greece's independence did not come easily. Greece had to struggle for several years in its battle for independence from the Ottoman Empire. The perseverance that ultimately led to freedom for Greece is a symbol of the solid character of her people.

I am happy to commemorate the independence of a nation that has contributed so much to the inception and development of the United States.

Our Founding Fathers drew significantly on the democratic principles of the ancient Greeks, and our representative government is an extension of their philosophy, values, and wisdom. Their contributions have translated into an invaluable gift to the United States and other nations around the world, which enjoy the benefits of a democratic society.

Today we celebrate Greek independence and those of Greek heritage who are living in the United States. They have brought so much flavor and beauty to our country.

In my district, the beauty of Greek culture is not hard to find. It can be seen in the work of artists, felt in the drama of the theater, and tasted in the many Greek delicacies that Americans have grown so fond of.

Greece has been a steadfast ally to the United States since the last century. As we approach the 21st century, I look forward to our nations' continuing cooperation and our peoples' lasting friendship. Once again, I wish to congratulate the people of Greece and all Greek-Americans on this special day.

TRIBUTE TO LAGUNA WOODS, CALIFORNIA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. COX. Mr. Speaker, I rise today to honor the achievements of the retired citizens of the newly founded city of Laguna Woods, formerly known as Leisure World of Laguna Hills, CA.

As California's 472nd city, Laguna Woods represents the Nation's first city designed exclusively for retired homeowners.

Laguna Woods is a 3.2-square-mile senior community that lies adjacent to Laguna Hills in what are now the last remaining natural coastal canyons open to the public from Los Angeles to San Diego. With nearly 35,000 trees growing within the city, it is appropriate that Laguna Woods has already been titled "one of the jewels of Orange County."

The tireless efforts made by the citizens and homeowners' association of Laguna Woods are to be commended. March 24, 1999 will serve to remind us of the beginning of a community that will benefit retired homeowners and communities throughout our nation. It is my distinct honor to congratulate the citizens of Laguna Woods and to welcome them as California's next great city.

FORTY-THIRD ANNIVERSARY OF TUNISIAN INDEPENDENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. GILMAN. Mr. Speaker, Saturday, March 20, 1999, was the forty-third anniversary of independence of the Republic of Tunisia. With increasingly strong ties between our two governments, the American people congratulate the people of Tunisia on this historic anniversary. For the last forty-three years, Tunisia has been a model of economic growth and the advancement of women in society.

It may be difficult for many Americans to appreciate Tunisia's situation. Its only two neighbors are Algeria, which has been racked by civil war for several years, and Libya, whose dictator has supported the most nefarious and subversive kinds of terrorism. Mr. Speaker, this is not a good neighborhood.

Nevertheless, Tunisia has maintained internal stability—not without its own controversies—in the face of external chaos. At the same time, years of hard work have produced one of the highest standards of living in the region. Tunisia is one of the few countries to graduate successfully from development assistance and join the developed world. For these accomplishments, Tunisia should be applauded and supported.

In 1956, the United States was the first great power to recognize the independence of Tunisia. Upon receiving Ambassador Mongi Slim, President Dwight D. Eisenhower said, "At the dawn of a new era in the history of Tunisia, we ask you to consider us as friends and partners."

Mr. Speaker, in commemoration of 43 years of independence for Tunisia, I urge my colleagues reflect on our strong commitment to Tunisian people, who are still our friends and partners in North Africa.

THE MORRIS K. UDALL WILDERNESS ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. VENTO. Mr. Speaker, I once again stand before Congress to introduce the "Morris K. Udall Wilderness Act." This bipartisan legislation truly shows that both Democrats and Republicans alike can come together and work on the important conservation issues facing Congress today and strive to preserve America's last great frontier, the 1.5 million acre coastal plain of the Arctic National Wildlife Refuge.

Although the introduction of the Morris K. Udall Wilderness Act brings anticipation for the year to come, it is not a cause to celebrate for tomorrow marks the ten year anniversary of the Exxon Valdez oil spill. Ten years did not heal the wounds inflicted on Prince William Sound, and neither did it lessen our memory of this terrible event. Yet a decade later, despite the lessons that should have been learned, powerful, special interests seek to plunder this wilderness, and threaten the existence of an entire ecosystem for oil that will yield no return at today's oil prices.

Thanks to the late Chairman Mo Udall's perseverance and dedication to the environment, the Arctic Refuge has been spared from the oil companies and the scarring effects of oil and gas exploration. We must remain united and continue his legacy to fight for the permanent preservation of the Arctic Refuge's coastal plain. Preventing the exploitation of the coastal plain is one of many solutions that can be employed today to protect Alaska's natural beauty and to prevent another tragedy similar to the one that occurred in Prince William Sound ten years ago. The exploitation of the coastal plain's virgin land threatens the existence of a 1,000 generation old culture, the Gwich'in of Northeast Alaska who rely on the 150,000 strong Porcupine Caribou herd—one of the world's largest and North America's last free roaming herd. The displacement of this herd as result of oil exploration and development could throw nature's delicate balance into a tailspin. Bringing this balance to equilibrium is further complicated because of the extremely long recovery period of the Arctic. In addition to the Porcupine Caribou, the Arctic Refuge is home to more than 200 species of wildlife ranging from muskoxen to polar bears. If we destroy a species, it could send a shockwave through the entire ecosystem and impact every species in its footprint—a devastating biological echo.

The United States, as a world leader in preserving lands of significant and symbolic value, cannot let this sort of degradation occur to its land or wildlife. We have only one chance to save the beauty of this natural landscape, the crown jewel of America's wilderness system, for generations of younger Americans. Once it is gone, it is gone forever—nature can never truly recover from such adverse actions visited upon its fabric, an attack upon the scope and breadth of life that, for now, call this place home.

THE POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT OF 1999

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. UPTON. Mr. Speaker, I rise today to join my colleague Representative ED TOWNS in introducing the "Poison Control Center Enhancement and Awareness Act." I am also pleased to note that Rep. BILIRAKIS, the chairman of the Subcommittee on Health and the Environment, which has jurisdiction, is an original cosponsor of this bipartisan bill.

Poison control centers provide vital, very cost-effective services to the American public.

Each year, more than 2 million poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings occur in the home, and over 50 percent of poisoning victims are children under the age of 6. For every dollar spent on poison control center services, seven dollars in medical costs are saved.

In spite of their obvious value, poison control centers are in jeopardy. Historically, these centers were typically funded by the private and public sector hospitals where they were located. The transition to managed care, however, has resulted in a gradual erosion of this funding. As this funding source has been drying up, poison control centers have only partially been able to replace this support by cobbling together state, local, and private funding sources. The financial squeeze has forced many centers to curtail their poison prevention advisory services and their information and emergency activities, and to reduce the number of nurses, pharmacists, and physicians answering the emergency telephones. Currently, there are 73 centers. In 1978, there were 661.

The "Poison Control Center Enhancement and Awareness Act" will provide up to $28 million per year over the next five years to provide a stable source of funding for these centers, establish a national toll-free poison control hotline, and improve public education on poisoning prevention and poison center services. The legislation is designed to ensure that these funds supplement—not supplant—other funding that the centers may be receiving and provides the Secretary of Health and Human Services with the authority to impose a matching requirement. Further, to receive federal funding, a center will have to be certified by the Secretary of Health and Human Services or an organization expert in the field of poison control designated by the Secretary.

I encourage my colleagues to support this very cost-effective investment in the safety and health of the American public, especially our children. If you would like further information or would like to cosponsor this legislation, please let me know or call Jane Williams of my staff at 5–3761.

HONORING ST. JOSEPH'S CATHOLIC ORPHAN SOCIETY

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mrs. NORTHUP. Mr. Speaker, I rise today to pay tribute to one of Louisville, Kentucky's most valuable institutions. For 150 years, the St. Joseph's Catholic Orphan Society has reached out to our most vulnerable children and provided them with food, shelter, education, and most of all love. The problem of neglected children in our society is not new. In the 1840's a plague of cholera and malaria struck Louisville, ending the lives of hundreds of people leaving many children without parents. This epidemic led to the founding of St. Joseph's Catholic Orphan Society as a home and refuge to these children.

Throughout the past 150 years, St. Joe's has provided a variety of services to boys and girls of all faiths and races. Today, St. Joe's continues to understand the unique needs of today's children. The organization works hard to keep groups of siblings together as the search for a new and loving family moves forward. St. Joe's also provides 40 beds for children who are abused or neglected and recently started the Home Base program to provide care to help stop child abuse and neglect. A child development center which provides weekday care for 150 children, 20 percent of whom have disabilities such as autism or Down's Syndrome, was founded in 1982.

Since 1849, St. Joseph's has been a Louisville institution performing a job that is desperately needed by our society. Love and caring are critical to any child's well being and St. Joe's dedicated volunteers and caregivers not only provide for the physical needs of children, but they share their love and dedication. I am proud to honor St. Joseph's Catholic Orphan Society on its 150th anniversary.

DECLARATION OF POLICY OF THE UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.R. 4. This legislation would state unequivocally our position as a nation is to develop and deploy a missile defense system. In fact, the Pentagon has for years already been working on such a defense barrier. I oppose this legislation precisely because its passage will impede progress on proliferation and nuclear arms control, all for the sake of a feel-good but impractical change in our national defense policy.

In January, the Clinton administration announced it would increase to $10 billion the funds necessary to develop a national missile defense, through the budget year 2005. I share the concern of administration officials who report that "rogue nations" like Iraq, North Korea or Libya may have technology which would allow them to deliver fatal warheads atop long-range missiles. However, that is exactly what the Pentagon's increase would address—how to prevent these missiles from landing on American soil. Their research program, similar in philosophy to the Patriot Missile we saw used during the Gulf War, is one I support.

However, if the Congress passes this legislation, its policy effects will be far-reaching. Progress in nuclear non-proliferation and arms reduction with Russia will be jeopardized, as their leaders have stated this policy change will abrogate the 1972 Anti-Ballistic Missile Treaty. It makes no sense to me to send a dangerous signal to both our allies and treaty partners when in fact we are already underway in exploring the feasibility of a national missile defense system. The administration next spring will rule on whether the deployment of such a system is in our national interest, and therefore this legislation is premature in that regard as well. I intend to vote "no" on H.R. 4.

TRIBUTE TO MADONNA HIGH SCHOOL

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to pay tribute to the achievements of a very special school located on the Northwest Side of Chicago: Madonna High School. I ask all of my colleagues to join me in congratulating Madonna High School as it celebrates on March 25 fifty outstanding years in the education of young women.

Since 1949, Madonna High School has been working diligently to shape the minds of young women and create the leaders of tomorrow. Founded by the Franciscan Sisters at the St. Vincent Orphanage of Chicago, the school began with just three students and consisted of only four rooms. Today, after five decades of outstanding dedication and service to the communities of the City's Northwest Side, Madonna High School has become a nationally recognized institution with an enrollment over 300 students.

In fact, Madonna High School's commitment to excellence in education has won the recognition of numerous institutions. In 1987, they received a "For Character Award" from the University of Illinois-Chicago for building and reinforcing self-esteem in young women. In 1991, the school was honored by the U.S. Department of Education as "Recognized School of Excellence." Three years later, the Horatio Alger Association for Distinguished Americans recognized Madonna High School by awarding a scholarship to one of its outstanding students.

Mr. Speaker, Madonna High School has enriched the minds of its students, challenged their imaginations, and given generations of young women the skills and confidence they need to succeed. Theirs is a record of which we all can be proud. I ask my colleagues to join me today in wishing Madonna High School a wonderful 50th Anniversary and in extending our best wishes as it begins a new era of excellence in education for the young women of Chicago.

HOUSE OF REPRESENTATIVES—*Wednesday, March 24, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

As we walk the paths of life and as we attempt to view the road ahead, we pray, almighty God, that Your spirit will encourage us along that journey and support us all the day long. We know that our hearts grow weary and we need strength; we know that our minds lose the discernment needed for the future and we need vision; we know that we miss the mark and we hunger for forgiveness and a new start. Wherever we are or whatever we do, we pray for Your presence, O God, and for Your enduring peace. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. BARTLETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARTLETT of Maryland led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 92. An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse".

H.R. 158. An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse".

H.R. 233. An act to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building".

H.R. 396. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building".

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 67. An act to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building".

S. 437. An act to designate the United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse".

S. 453. An act to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the "Hurff A. Saunders Federal Building".

S. 460. An act to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

S. Con. Res. 21. Concurrent resolution authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro).

WE NEED STRAIGHT ANSWERS FROM OUR ADMINISTRATION AND FROM OUR COMMANDER IN CHIEF

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, on a day when American men and women in uniform may go into harm's way, headlines scream of Kosovo. That is a concern, but there are also concerns this morning in North Korea.

The Washington Times reports this morning, and I quote, "Vital parts of a 50-megawatt North Korean nuclear reactor have been missing since international inspectors first visited the site under the terms of a 1994 nuclear-freeze pact with the United States.

"The absence of the reactor parts, which could be used to construct another reactor, was known by some State Department officials but was never disclosed to Congress."

Mr. Speaker, on a morning when people may go into harm's way, the State Department did not notify us of this Korean breach. The Energy Department did not notify us of an espionage breach.

We need straight answers from our administration and from our commander in chief.

GHB INCIDENT—THE DEATH OF KERRI BRETON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I too, offer godspeed as we make our decisions on Kosova.

Mr. Speaker, I rise this morning to talk again about GHB, a dangerous drug that has destroyed the lives of some of our young women and young people in this country.

I have introduced a bill, the Hillory F. Farias Date Rape Drug Prevention Act, along with my colleague, the gentleman from Michigan (Mr. STUPAK), who has also introduced a bill.

I would like to share the story of a young woman named Kerri Breton, who also died as a result of GHB poisoning. This young, 26-year-old single mother died last May after she ingested a GHB laced drink while on a business trip.

She was a vibrant young woman who had worked hard for most of her life to achieve, despite the setbacks she had faced. She lost her mother to cancer when she was 13 and she had a child while in high school. However, Kerri was able to get her GED and at the time of her death she worked at an insurance firm where she had just received her insurance license.

On the night of her death, Kerri was on a business trip in Syracuse, New York. She had drinks with a colleague and then went to her room. The next morning, her roommate found Kerri dead on the bathroom floor. There is still a murder investigation going on to determine how this drug got into Kerri's drink.

We must commit to passing legislation that will schedule GHB.

I would like to thank the gentleman from New York (Mr. LAFALCE) for sharing this story with me. Kerri Breton was a resident of his district in New York, and this tragic story was sent by Ms. Breton's stepfather, Roger Voight. The gentleman from New York (Mr. LAFALCE) has recently joined us as a cosponsor of this important legislation.

I urge my colleagues to immediately have hearings on scheduling GHB and for this House to pass this legislation expeditiously so that we can save the lives of young people like Kerri Breton and give tribute to the loss of their lives and avoid these tragedies in the years to come.

NO MORE SOCIAL SECURITY SLUSH FUND

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. SCHAFFER. Mr. Speaker, while the White House is busy working on a plausible explanation as to how atomic espionage at Energy Department labs was ignored over the last 3 years, Republicans have been busy putting together a budget that reflects responsible common sense conservative values.

For 40 years, the Democrats failed to take Social Security off the table, turning the Social Security Administration trust fund into a Washington slush fund. Well, those days are over. The Republican budget is going to do what should have been done a long time ago. It puts the Social Security surplus into a safe deposit box.

Long-time observers of Washington know that we need a safe deposit box to keep big spending liberals from running off with it. The Social Security trust fund should not be a slush fund. The Republican budget takes 100 percent of the retirement surplus and sets it aside for Social Security and Medicare.

We are going to hang a huge sign on the safe deposit box with a message, "no liberals allowed. Do not touch."

DEMOCRATIC ALTERNATIVE BUDGET

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, first of all, I would like to offer prayers and hope for our situation that we face today in Kosova.

Mr. Speaker, I want to talk about the democratic alternative budget, a budget that extends Social Security until the year 2050 and saves Medicare, which will run out of money in 2008 unless we do save it.

I am happy that the Democrats are proposing 77 percent for Social Security and to save Medicare to the year 2020. We also fully fund the President's education request. The other budget resolution does not. We offer money for child care. The other budget resolution does not.

Mr. Speaker, we offer $1.9 billion for our veterans and their families. Let us support the democratic budget alternative that saves Social Security and Medicare, helps our veterans, helps our children as we move to the 21st Century.

PRESIDENT'S BUDGET ACTUALLY EXPANDS ENTITLEMENT SPENDING

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, how soon we forget. President Clinton just 3 years ago proposed a five year budget that would have added $1.2 trillion to the national debt. That is $200 billion deficits every year for as far as the eye could see.

The Republicans said no.

They said no to big government.

They said no to using phony numbers.

They said no to a national health care system that his own party admitted would have pushed the deficit into the stratosphere.

So Congress insisted on passing a bipartisan budget that balanced and kept the lid on spending.

Well, here we go again. It is back to budget-busting time.

Once again, it is going to be up to Congress to act like grownups and keep the lid on spending.

The President's budget actually expands entitlement spending, puts the Medicare program in jeopardy only one year after we acted to save it, and goes back to tax increases that hurt the economy.

Tax and spend, tax and spend. No matter how good the White House can spin it, and they are very good, this budget is a tax and spend budget that takes us in the wrong direction.

COUNTRIES ALL OVER THE WORLD ARE DUMPING IN AMERICA'S MARKETS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the U.S. trade deficit is projected to exceed $200 billion this year. Japan will once again exceed $60 billion in surplus. If that is not enough to tax your exports, China is expected to take a $70 billion chunk of money in trade surplus from Uncle Sam. Unbelievable.

Countries all over the world are dumping in our markets. Beam me up, Mr. Speaker. If our trade policy is so good, why does not Japan do it? Why does not China do it? Why does not Europe do it?

The truth is, our trade policy is about as effective as tits on a boar hog.

Mr. Speaker, I yield back our stupidity and I yield back our other cheeks.

HUMAN RIGHTS ABUSES IN INDIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to speak about human rights abuses in India today.

As we may know, Christians and other religious minorities have faced terrible persecution in India recently. In January, an extremist mob burned alive an Australian missionary and his two sons who were trapped in their car.

This is not the first instance of persecution. Over Christmas, churches throughout India were burned and destroyed. Christians' homes were looted and stoned, and Christian individuals were attacked and stoned.

In January, missionaries and seminary students were attacked and beaten with rods. Then just last week, an extremist Hindu group called Vishwa Hindu burned 150 Christian homes in Orissa's Gajapati District and terrorized the Christian community with homemade guns.

Mr. Speaker, I urge the Indian government to take decisive action to stop this continuing violence and bring to justice those who have committed the crimes, and protect the rights of all minority religious believers in India.

STOP THE KILLING IN KOSOVA NOW

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I apologize in advance to my colleagues and to the American people who may be offended by what I am about to show but I think it is very, very important in view of the events of today that we show this.

This is a poster. It shows a dead child who was killed with ethnic cleansing in Kosova, and it says his mother will never have to see him this way. They killed her, too.

My colleagues, this is what is going on today in Kosova, and I say Kosova because 92 percent of the population, the ethnic Albanians who live there, call it Kosova and they were being ethnically cleansed.

We need to stop it. We need to support the bombing. We need to support NATO troops on the ground. NATO is the North Atlantic Treaty Organization. It is concerned about genocide in Europe as it rightly should be.

Milosevic, the Serbian leader, has broken every agreement to which he has agreed. The U.S. vital interests are there. We have a vital interest to stop genocide. We have a vital interest to stop a wider war which will surely happen in the Balkans if we sit back and do nothing. It could suck in our allies, Greece and Turkey and Hungary and other countries.

We need to support U.S. troops. We need to support the bombing. Stop the killing in Kosova now. Stop the genocide and the ethnic cleansing.

THE REPUBLICAN BUDGET CONTRASTED WITH THE PRESIDENT'S BUDGET

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, let us compare and contrast the Republican budget with the President's budget.

The Republican's budget saves more for Social Security and Medicare. The President's budget cuts $9 billion from Medicare.

The Republican budget enforces balanced budget discipline. The President's budget busts the budget caps by $30 billion.

The Republican budget provides middle class tax relief. The President's budget, surprise, surprise, raises taxes by $172 billion.

One budget reflects the common sense conservatism of responsible government that gives people more freedom and a higher standard of living. The other budget reflects the instinct to expand government at every turn, all the while shortchanging our seniors.

The Republican budget strengthens retirement security first. It protects seniors and sticks to the historic balanced budget agreement signed by the President only 2 short years ago.

This is a budget Americans can applaud.

HERSHEY, PENNSYLVANIA, A LOT OF TALK AND A LOT OF CHALK

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, like a lot of my colleagues, I went up to Hershey, Pennsylvania, had a lot of talk and a lot of chalk. We went up to talk about how we are going to restore civility in this body. We talked about unfair allocation of staff and money. We talked about unfair committee ratios, the most unfair in 50 years.

We did not talk about the unfortunate thing that happened this morning, and that is the unavailability of rooms for Democratic members to meet in this body.

Now we can talk about the prerogatives of the Chair and the Republicans to run this place. I do not have any quarrel and I do not really expect to win, but I do expect to have fair treatment and a fair opportunity to talk.

The question is, are the Republicans going to mean what they said about restoring civility?

□ 1015

Yesterday we came back and voted on staff and money, an unfair allocation of both. But to just say that they cannot make rooms available for the Democrats to meet, it looks like the preponderance of the growing evidence is the Republicans do not intend to be fair, and that the spirit of Hershey has gone.

THE REPUBLICAN PLAN SETS ASIDE 100 PERCENT OF BUDGET SURPLUS FOR SOCIAL SECURITY

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, last fall the President said we should set aside 100 percent of social security for social security. I voted to support him in that. But in January he stood here at the State of the Union and said, no, we are going to put aside 62 percent for social security. Then in February he submitted a budget that said 57 percent for social security. And then if we look at his proposal, he really sets aside zero for social security. In five months we have gone from 100 percent to 62 percent to 57 percent to zero, and that has been the history of social security.

There are a lot of different opinions about how we ought to reform social security, but every single senior that I talked to in Montana says, let us start by stopping the raid on the social security trust fund.

There are three ways to do that. One, today, let us support a supplemental that is offset, so we do not raid social security for foreign aid. Let us support the budget, that sets aside 100 percent of social security for social security. Then let us support the social security and Medicare safe deposit box, where there be no more raids, not for tax cuts or spending increases. No more shell games. We are going to save every dollar, 100 percent for social security. We can start today.

THE SPIRIT OF HERSHEY: RESPECT FOR DIFFERENCES OF OPINION

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I truly hope that the spirit of Hershey is not gone already. Last weekend we had the second congressional bipartisan civility retreat in Hershey, Pennsylvania. We tried, in short, to come together to find a way where we can still disagree on issues without being so disagreeable.

I believe we made some progress last weekend. But to be on the safe side, we were honored to have with us Sir John Hume, the Nobel Peace prize winner of last year, due to his role in negotiating the peace agreement in Northern Ireland. We were hoping to get some wise words from him. I believe he delivered.

He reminded us in attendance that, "Differences of opinion should not be viewed as a threat. The answer to difference is not to fight about it but to respect it, for the differences are the essence of humanity, because there are no two people in the world who are the same."

As we begin debates that seriously affect the Nation and our future, such as Kosovo, such as the budget, I would hope and pray that we remember these wise words from Sir John Hume.

THE REPUBLICAN BUDGET IS HONEST ABOUT OUR NATION'S RETIREMENT SECURITY

(Mr. SESSIONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SESSIONS. Mr. Speaker, this week we are going to debate two clearly different visions of America. As Members know, we are going to debate the budget that will be presented for the year 2000.

The President's budget would raise taxes on the middle class of America, it busts the budget caps, and it uses the social security surplus to fund over 120 new government programs. Worst of all, after leaving the Nation's retirement in shaky financial shape, this president is proposing taxes on the middle class' number one guarantee for retirement security, life insurance.

I believe, Mr. Speaker, that taxpayers that have been faithful and honest about preparing for their retirement should not see this being taxed. Conversely, this Republican Congress has a taxpayer-friendly budget that protects 100 percent of social security and Medicare surpluses. It practices budgetary constraints, and provides over $800 billion for tax relief for all middle class taxpayers.

I intend to vote for that which is for Republicans and for the taxpayers of this country.

CALLING ON MR. MILOSEVIC TO SEEK A DIPLOMATIC SOLUTION

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, few people have suffered as much during the Second World War as did the people of Serbia. I am calling on Mr. Milosevic, who has brought so much anguish and hardship and trouble to his own people, to take these last moments before NATO is unleashing horrendous power and bringing further destruction to his people.

All through the 1960s and 1970s, Yugoslavia was the freest and most prosperous country in Central and Eastern Europe and the Balkans. It is now a basket case. It is a police state.

There is still some time for Milosevic to come to his senses and call off his madness. He cannot stand up to NATO. He can still call for a diplomatic solution, and we are ready to deal if he is. But the Serbian people and the people of Yugoslavia have suffered too long under his dictatorship.

URGING MEMBERS TO COSPONSOR REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, 5 years ago Congress passed the landmark Violence Against Women Act and changed the way this Nation addresses the crimes of domestic violence and sexual assault.

Today, because of that, there are more investigations and prosecutions with stiffer penalties, including life sentences for those who cross State lines to commit domestic violence. Communities across the country are training police officers on how best to respond to family violence calls.

Today there is a National Domestic Violence Hotline, which provides a lifeline to the more than 8,000 callers each month. There are more shelters and counseling services provided for the women and children who are faced with danger in their own homes. Children who experience domestic violence have stronger advocates and support within the judicial system. These programs have made a significant difference in the health and happiness of hundreds of thousands of women and children and families.

Today, Mr. Speaker, I am introducing the 5-year reauthorization of the programs under the Violence Against Women Act. I urge my colleagues to join me in cosponsorship. There is no excuse for domestic violence.

FAIRNESS MUST BE PRACTICED WITH RESPECT TO APPOINTMENT OF CONFEREES

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, two weeks ago, with strong Democratic support, the House of Representatives, in a bipartisan way, passed the education flexibility bill. This bill is about old values and new ideas: old values of local control of our schools, new ideas of added flexibility for increased student performance.

When we appointed conferees to this bill last night, our leadership did not appoint a single Democrat who supported the bill on the House Floor. We had a majority of Democrats support the bill in committee, a majority of Democrats support the bill on the House Floor, but yet no Democrats who supported the bill were appointed to conference and supported the bill on the House Floor.

We can talk about Republican and Democratic civility and fairness, we can talk about better ratios and funding, but we need to practice that fairness with our appointments to conference.

In Abraham Lincoln's words, with malice towards none, with charity toward all, these need to be reflected outside our party and within our party.

THE VETERANS' BUDGET

(Mr. SWEENEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWEENEY. Mr. Speaker, growing up, one thing I learned from my father, a veteran of the Second World War, was that when you shake hands and make a promise with someone, you stick to it. This might seem a little old-fashioned, but it is a value I will never forget.

Our service men and women enlist in the Armed Forces with a simple understanding. To their country they pledge their youth, their dedication, and if need be, their lives. In return, their country promises that veterans will have some basic needs provided for when they leave active service.

The Clinton-Gore administration has broken this promise to our Nation's veterans. The administration's budget neglects our veterans' health care needs. The VA faces cost increases of more than $1 billion, and a shortfall of more than $100 million in medical insurance collections. In other words, our veterans are shortchanged by $1 billion under the President's budget.

If we add those costs up with the Clinton-Gore proposal, do we know what that amounts to? Disaster. Our veterans deserve better. That is why I support the largest increase in history for VA medical care over the administration's budget request. The majority's $1 billion increase over the Clinton-Gore budget for veterans will head off predicted closures of needed VA facilities. This is our promise to veterans, and we are going to keep it.

CENSUS UNDERCOUNT

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today in support of an accurate Census, and the use of adjusted data to compensate for the chronic undercount of people that occurs in each Census.

In 1990, the Census missed almost 21,000 people in my congressional district in Orange County. This is the equivalent of over $54 million lost over a 10-year period. Only nine of California's 52 congressional districts were more undercounted than my own. We lost a lot of money, and we pay taxes.

In the city of Anaheim, my own hometown, we were undercounted by over 7,000 people, and as a result, Anaheim lost $1.5 million in Federal funding, job training, law enforcement, emergency shelters. These were all underfunded because we were not getting our Federal dollars. It would have made our streets safer, we would have had shelter for the homeless, we could have trained the unemployed.

I urge my colleagues to support the use of adjusted Census data, and challenge them to make all Americans count.

THE CRISIS IN KOSOVO

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, today I rise with a heavy heart. I would like to talk about the budget, saving social security, saving Medicare, but I think the crisis in Kosovo demands our attention.

The Constitution says, "We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States."

Article 1, section 8, says "The Congress shall have the power to declare war." I wonder when we are going to accept responsibility for our actions and debate a declaration of war when we are about ready to bomb a sovereign state. If we want to do that, let us accept our responsibilities, and let us do it as a body.

Until that time, let us not hide behind the curtains or the skirts of the President of the United States under the War Powers declaration. Let us get some guts and let us fight for freedom.

LET US FULLY FUND THE BUDGET TO PROVIDE FOR VETERANS' NEEDS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, as the sound of war today reverberates throughout this Chamber, let us take this opportunity to make sure that we do not forget about the veterans of past wars, the men and women who have put their lives on the line defending this country.

Frankly, the President's budget is grossly inadequate in terms of protecting veterans' needs, as is the Republican budget. In the State of Vermont, the Veterans Administration hospital at White River Junction is under significant financial pressure, and that is true at VA hospitals all over this country.

Mr. Speaker, at a time when some are proposing huge tax breaks for some of the richest people in this country, let us not forget the veterans.

Let us, in this budget process, go well beyond the President's budget for veterans, well beyond the Republicans' budget for veterans, and finally provide the true funding that the Veterans Administration needs to protect those people who put their lives on the line defending this country.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 30, TO KEEP EXECUTIVE AUTHORITY WITHIN THE BOUNDS OF THE CONSTITUTION

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, many Members of Congress are deeply concerned about the use of executive orders. The public is legitimately concerned also. The courts have improperly given executive orders the force and effect of law. We must get executive orders back into harmony with the Constitution.

I have introduced House Concurrent Resolution 30, with quite a few sponsors. The second sponsor is the gentleman from Illinois (Mr. HENRY HYDE). That will accomplish this.

It states that "Any executive order that infringes on the powers and duties of Congress is advisory only, and has no force or effect." We must pass House Concurrent Resolution 30, and make certain that executive authority is kept clearly within the bounds of the Constitution.

THE BUDGET, MEDICARE, AND SOCIAL SECURITY

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I am really here to talk today about the budget, Medicare, and social security. We have the opportunity to show the American people that we can work together and agree on a budget resolution. While it is important that we continue the effort to balance the budget, we need to ensure that programs that benefit the American people the most are protected and strengthened.

My colleagues on the other side of the aisle keep talking about tax cuts, and all of us like to give tax cuts, but I do not want to do it at the expense of social security, Medicare, or the educational opportunities for our children.

□ 1030

We cannot risk these valuable programs simply to give tax cuts. It is critical to have a budget that ensures national projects like the expansion of the Port of Houston in my district. The Port of Houston is important, not only to our Nation, but also locally because dredging the channel ensures safety for many of our residents.

It is our responsibility to take the necessary steps to have a budget that saves and protects Medicare, Social Security, education and projects like the Port of Houston.

SOCIAL SECURITY TRUST FUND ROBBERY

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, Lenox Lewis may have been robbed in his recent boxing match, but his experience is nothing compared to the robbery of the Social Security Trust Fund over the past 40 years. It is happening in broad daylight, and the robbers have nowhere to hide. It is time to stop the robbery.

The Republican budget puts the Social Security Trust Fund in a safe deposit box so that the plundering of the Trust Fund will stop. The President will have a hard time finding money to pay for the 85 new spending initiatives in his budget proposal. That is 85 new ways to make a mockery of the Social Security Trust Fund the way the President has proposed.

The Republican budget, on the other hand, reserves 100 percent of the retirement surplus for Social Security and Medicare. Mr. Speaker, my colleagues have heard that right. The Republican budget reserves 100 percent of the retirement surplus for Social Security and Medicare. In fact, our budget puts aside more money for Social Security and Medicare than does the President's budget.

We cannot do anything about the Lenox Lewis rip-off, but we can put a stop to the robbery of the Social Security Trust Fund that has been going on for too long.

THE BUDGET

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, testimony by the Congressional Budget Office Director confirms that President Clinton's budget blows the roof off the bipartisan spending caps of the Balanced Budget Act of 1997. He stated that the President's budget will exceed those caps by $30 billion in the next fiscal year alone.

The balanced budget agreement is under 2 years old, and the President simply cannot stop himself from spending more of one's money.

We already know that the Clinton budget included $108 billion in new taxes and fees and not a dime of broad-based tax relief. On the spending side, we knew that the President proposed more than $200 billion in new domestic spending over the next 5 years, including nearly 40 new mandatory programs and almost 80 new discretionary programs.

Worse yet, first he said all of the surplus should go to Social Security. Then he said 62 percent of the surplus should be saved for Social Security. Now it is clear that the President's proposal uses even the off-budget Social Security surpluses for new domestic spending programs.

Mr. Speaker, we will pass a budget that provides more freedom to American families and, more importantly, will tell the truth to the American people about what is in it.

DEMOCRATIC AND REPUBLICAN BUDGET DIFFERENCES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican budget is deja vu all over again. Just like 4 years ago, the Republican leadership has concocted a budget that flies in the face of mainstream America.

Their budget fails to extend the life of Medicare by even one day. Instead of strengthening this pillar of retirement security, the Republican budget lets Medicare spend itself into oblivion and collapse in the year 2008. It does not use one penny of the surplus to strengthen Medicare. But while Medicare burns, the Republican budget uses the surplus to give nearly $1 trillion in tax breaks for the wealthy. This is irresponsible, and it is wrong.

The Democratic budget reflects the priorities of the American people. First and foremost, it takes the high road and strengthens Medicare until 2018. It provides tax relief to working middle class families that need it most. Unlike the Republican plan, which fails to give 48 million families any tax relief at all, the Democratic budget plan delivers tax relief and strengthens Medicare.

The American people deserve a budget that is responsible, that is fair. They do not need a double dose of deja vu. Let us strengthen Medicare, and let us give middle class families a tax cut.

REPUBLICAN AND DEMOCRATIC BUDGET DIFFERENCES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, we have had a lot of talk today about the President's budget. I have got to say it has got more phony numbers than their census sampling scheme, more misery than the Chinese money laundering scandal.

Here is the basic difference between the Republican budget and the Democrat budget. Republican budget saves more money for Social Security. I think even a Democrat would admit that 100 percent is more than 62 percent.

We want to preserve 100 percent of Social Security. Democrats want to preserve 62 percent. On Medicare, we want to protect Medicare. The President's budget cuts $9 billion from Medicare.

Here is what I will say to any of my Democrat colleagues or anybody who is interested. I will send my colleagues the budget. I am going straight off the fact sheet here. I will send the budget to anybody who wants to debate that. It is probably not right to just accuse it without backing it up. I will back it up.

Our budget enforces the balanced budget agreement which we had signed with the President 2 years ago. The President's budget reneges on a promise, well nothing unusual about that for this administration, but $30 billion over that.

Then, finally, we have a middle class tax cut, whereas the President calls for a tax increase. Three fundamental differences; two approaches to government.

INTERNET GUN TRAFFICKING ACT

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, right now gun sales take place on the Internet with no checks and balances. An illegal gun dealer can simply have his name, address, and telephone number listed on a web site, making himself available for contact by an unlicensed gun purchaser. These transactions can be executed without being subjected to any Federal regulations. Most of these sales go on unbeknownst to Federal authorities.

We have to close this gun trafficking loophole on the Internet today; and today, that is precisely what I am doing. I am introducing the Gun Trafficking Act of 1999. This legislation will place a licensed manufacturer or dealer between the seller and buyer.

As a middle man, this licensed dealer will facilitate the gun sale and will ship the gun purchases to a licensed dealer in the buyer's State. No longer will unlicensed dealers and buyers have a free reign and easy access on the Internet.

I ask each Member of Congress to plug this deadly loophole. Vote for this important piece of legislation.

MORE GOVERNMENT SPENDING OR RESPONSIBLE APPROACH TO SOCIAL SECURITY AND MEDICARE CRISES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, remember in 1996 when the President stood right up there and he said the era of big government is over? Remember that? Well, he proposed this year 80 new spending programs.

There are a number of folks, Democrats on this side of the aisle, who would like to take the Social Security money and use it to increase government spending, make the government bigger and more intrusive more than ever; and that is why Republicans are taking 100 percent of the retirement surplus and putting it into a safe deposit box for Social Security and Medicare.

If my colleagues look at this chart, again, the President's budget cuts $9 billion from Medicare. It busts the budget caps by $30 billion and raises taxes by $172 billion.

Republicans are trying to take 100 percent of the retirement surplus and put it into a safe deposit box for Medicare and Social Security. The choice is clear. More Washington spending or a responsible approach to the coming Social Security and Medicare crisis.

PROVIDING FOR CONSIDERATION OF H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIII or section 302 or 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in the report are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI or section 302(c) of the Congressional Budget Act of 1974 are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. NETHERCUTT). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes of debate to the distinguished gentleman from Ohio (Mr. HALL), my friend and colleague, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 125 is an open rule providing for the consideration of H.R. 1141, a bill making emergency supplemental appropriations for fiscal year 1999.

As we just heard from the Clerk, the rule description sounds technically complicated, but Members should keep in mind that this is an open rule which includes the waivers necessary to bring this matter to the attention of the House today and which allows the House to address the major issue of contention, offsets, in full and fair debate.

As to the specifics, the rule waives clause 4(c) of rule XIII, which requires the 3-day availability of printed hearings on a general appropriations bill and sections 302 and 306 of the Congressional Budget Act against consideration of the bill.

The waiver relating to section 302 of the Budget Act, which prohibits consideration of the committee's legislation providing new budget authority until that committee has filed its 302(b) report and which also prohibits consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation of such authority, are necessary because the Committee on Appropriations has not filed its final 302(b) suballocation report for FY 1999 and, since there are no final suballocations, H.R. 1141 is technically considered to be in breach of existing suballocations.

The waiver of section 306 is necessary because the emergency designations within H.R. 1141 are within the Budget Committee's jurisdiction but were not reported by the Budget Committee.

The rule provides one hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Appropriations, and it provides that the bill be open to amendment by paragraph.

The rule also waives clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in a general appropriations bill and prohibiting nonemergency designated amendments to an appropriations bill containing an emergency designation.

In addition, the rule provides special protection for an amendment printed in the Committee on Rules report if offered by the gentleman from Wisconsin (Mr. OBEY) or his designee. This allows the House to consider and vote upon the fundamental issue of offsets. That amendment shall be consider as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule permits the Chairman of the Committee of the Whole to grant priority in recognition to members who have caused their amendments to be preprinted in the CONGRESSIONAL RECORD prior to their consideration. That is an option, not a requirement.

□ 1045

The rule also permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce the voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule provides waivers necessary to ensure a fair debate, specifically clause 2(E) of rule 21 and section 302(C) of the Congressional Budget Act for all amendments to the bill.

Lastly, the rule provides one motion to recommit with or without instructions.

As I said, it sounds complicated but it is essentially an open rule.

Mr. Speaker, Americans are a compassionate people, willing to respond with a helping hand when our friends and neighbors are in trouble, at home and abroad, or when suffering grievously the consequences of disasters, as we have seen in the past year. H.R. 1141 meets a series of needs related to the devastation caused in the fall of 1998 when Hurricanes Georges and Mitch tore through the Caribbean and Central America with an intensity and viciousness rarely seen in nature.

The people of the Dominican Republic, Haiti, Honduras, and many of the Caribbean Islands are still trying to rebuild their lives and their livelihoods in the wake of these two brutal storms. Mother Nature struck again with a vengeance in January of this year when an earthquake rocked northern Colombia. These three catastrophic events together were responsible for at least 10,400 deaths, injuries to more than 17,000 people, three-and-a-quarter million people homeless or displaced, and an estimated financial cost of several billion dollars.

Here at home our farmers have been struggling with their own disastrous problems, stemming primarily from low crop commodity prices. This legislation responds to those and other needs, and to the request of the administration that we move expeditiously toward releasing necessary funding, by providing a total of $1.3 billion in fiscal year 1999 spending.

I would note that we expect the Congress to exercise its oversight in the expenditure of the funds in this bill, to ensure that the relief gets to those in need and does not get sidetracked or diverted by bureaucratic or other snafus. I am specifically thinking about the people of Haiti and the very real concerns I have about the stability of Haiti's infrastructure and the misery that exists upon the Haitian people in Haiti. I will certainly be watching closely, and I know others will as well, to see that the money gets to those who need it and where it was intended to go.

Mr. Speaker, this bill does something else that is very important. It provides the offsets for nearly all the spending it outlines. Why is this important? It signals that we are committed to changing the way business is done in Washington, to living within our means, and to making the choices necessary to ensure that we never again allow this government to spend our children into deficits and red ink.

In the bad old days of soaring deficits it used to be common practice to slap the label of "emergency" on a grab bag of spending items in order to circumvent the spending constraints. Well, things have changed. Even though the administration is willing to call most of the items in this bill emergency-related to avoid the offsets, our majority has ensured the bill is more than 90 percent offset, and they deserve a lot of credit, paid for with rescissions from the lower priority programs and accounts with as yet unspent funds. This is a question of prioritizing needs.

The one piece of this bill that is truly defined as emergency spending is the payment for monies already spent to cover the costs of deployment of our military resources in the immediate aftermath of these three disasters; the ready response, as it were; the lifesaving missions that were undertaken by our military.

Mr. Speaker, the rules of the budgeting game are vague and imprecise. They provide cover for too much spending, in my view. Yet my good friend, the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, made the extra effort in crafting this compassionate bill, which takes the extra step of responsibly paying for the bulk of its spending.

It is my hope that down the road when we discuss reforming our budget process, and we will, because we have introduced legislation, we will make some changes to the current rules to assist in these efforts in the future; changes that would better define what we mean when we say emergency, and that would establish a rainy day reserve fund to better plan ahead for true emergency situations. We know they are going to happen.

In the interim, as we proceed with H.R. 1141, I know that there will be debate about the policy of offsetting any or even all of the spending in this bill, and that is a legitimate debate for us to have, and that is why we have provided this rule before us today, which allows for that discussion and ensures that all Members will have a chance to be heard. I urge my colleagues to support this fair, open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank my friend, the gentleman from Florida (Mr. GOSS), for yielding the time to me.

This is an open rule. It will allow consideration of H.R. 1141, which as we have heard is a bill making emergency and nonemergency supplemental appropriations for fiscal year 1999. As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The bill contains urgently needed money to repair the damage in Central America and the Caribbean caused by Hurricanes Mitch and Georges. The money will be used to repair hospitals, schools, roads and sanitation services. The money will also provide emergency financial assistance to Jordan in support of the Wye River Peace Accords between Israel and the Palestinian Authority.

The bill also contains nonemergency funding, including $3 million for the United States Commission on International Religious Freedom to fight religious persecution around the world.

Unfortunately, the bill cuts important international programs in an effort to provide offsets for most of the new funding. For example, the bill cuts $150 million from a program to safeguard weapons-grade uranium and plutonium in Russia.

The bill also makes numerous cuts in international assistance programs. As a whole, the bill would constitute a net reduction in U.S. foreign affairs spending, a reduction which, according to the administration, would seriously undermine America's capacity to pursue its foreign policy objectives and promote our economic security.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. Though this is an open rule, many potential amendments would not be in order because the House has not completed the budget process.

The Committee on Rules did make in order an amendment by the gentleman from Minnesota (Mr. OBEY), the ranking Democrat on the Committee on Appropriations, which would eliminate some of the cuts in international programs. The amendment of the gentleman from Minnesota (Mr. OBEY) is a needed improvement and I hope House Members will support it, and I want to thank the Republican majority for making this amendment in order.

I regret, though, that the Committee on Rules failed to make in order an amendment that I proposed to free $575 million in previously appropriated funds as a downpayment on the dues the United States owes the United Nations. I am embarrassed that the world's greatest superpower is also the world's biggest deadbeat.

The United Nations plays a critical role in diffusing international tensions and providing a forum where nations can fight with words and not with bombs. The U.N.'s peacekeeping efforts have saved uncounted lives by averting war. Its food and health programs have saved many more lives.

Paying our dues is a simple matter of keeping our word. We owe this money, and if we do not pay it, there is a very good potential, a very good chance that we will lose our vote in the U.N. General Assembly. That is an emergency, and that is why House Members should have an opportunity to vote on paying our U.N. dues, back dues, through this emergency foreign aid package.

In the last few years our U.N. dues payment has been blocked by abortion opponents who are holding up the money in order to force restrictions on U.S. international family planning assistance. The resulting stalemate has stopped both family planning assistance money and U.N. back dues payments. I am pro-life, and I count the leaders of the pro-life movement in the House among my close friends, but I do not believe the U.N. dues should be held hostage to votes on abortion and family planning.

It is time to put an end to this game and pay our debt. This amendment that I offered in the Committee on Rules was defeated on a straight party line vote of 6 to 4. I did receive assurances, though, from the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, that payment of U.N. dues was important and that he would examine other options in the future. I am encouraged by this promise. I intend to work with my Committee on Rules colleagues on both sides of the aisle until a solution can be found to break the U.N. dues logjam.

I am disappointed that we cannot deal with the question of our U.N. dues back payment now. It is an emergency and it requires our immediate attention.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, last week I heard a lot of speeches in this House about the crucial need to protect American families with the National Missile Defense System. Frankly, it is a concept I support. I heard a lot of speeches about the threat of nuclear missiles launched against the United States.

Mr. Speaker, that is exactly why I am so amazed and disappointed that this bill, less than 1 week after those very speeches, eliminates crucial funds designed to stop the nonproliferation of nuclear bomb grade materials in Russia. Specifically, this measure would cut $150 million that, as we speak, is being used to develop an agreement between Russia and the United States that would take 50 tons of plutonium, 50 tons of plutonium, and make it unusable for nuclear weapons.

Mr. Speaker, 50 tons of plutonium is enough nuclear material to build as many as 20,000 nuclear bombs. That is 20,000 nuclear bombs that could be put on missiles and aimed toward the United States, or 20,000 nuclear bombs that could be hidden in a truck and detonated in any American city, 20,000 nuclear bombs that terrorists and thugs across the world would pay any price to get their hands on.

According to the chief American negotiator in these ongoing negotiations with Russia, according to that negotiator, this bill could cause Russia to walk away from these crucial anti-proliferation negotiations.

Mr. Speaker, we all know there is serious economic instability in Russia. We all know that there is a serious presence of organized crime in Russia. We all know that there are terrorists throughout the world that would do anything to get their hands on even 1 percent of this 50 tons of plutonium and use that to build weapons that could be used against American servicemen and women abroad or against American families in their own homes, in their own hometowns.

There is no logic, absolutely no logic, to spending billions of dollars for a National Missile Defense System and then at the very same time stopping a process that could prevent the potential development of tens of thousands of nuclear weapons. This action would give new meaning to the term "penny-wise and pound-foolish."

Now, proponents of this proposed $150 million cut allege it will not undermine our nonproliferation negotiations with Russia. That is what they allege. Well, that is not what the American negotiator says. That is not what the Russian negotiator said, and said as late as yesterday to a number of Members of the House. That is not what the Republican author of this crucial funding says, and that is not what the Secretary of Energy said, the former U.N. Ambassador, who has ultimate responsibility for these ongoing nonproliferation debates.

Let me quote Secretary Richardson, the Secretary of Energy, when he said in a letter dated today, "Such a reduction would have severe consequences," severe consequences, "for the ongoing negotiations of pursuit of a bilateral agreement with Russia on disposing of enough plutonium to make tens of thousands of nuclear weapons. To now withdraw this earnest money would be to call into question U.S. reliability. Russia may well perceive such a withdrawal as a breach of good faith. Withdrawing this money would severely set back and might even bring a halt to our constructive discussions on this important nonproliferation and national security issue."

He goes on to say that, "The U.S. has also been working closely with the international community to gain commitments for additional support for the Russian plutonium dispossession effort. These potential donors would perceive a reduction in available U.S. funds as a dilution of our leadership and resolve and our leverage would be drastically undercut."

□ 1100

Mr. Speaker, we should do the prudent thing today. We should send this bill back to committee and have it withdrawn, have the provisions withdrawn that would basically put a greater risk on American servicemen and women abroad and American families right at home.

No Member would have the intent to harm any serviceman or woman or not a single person in this country. But I would suggest that, despite the best of intentions, if we listen to the negotiators, we listen to the experts involved in these nonproliferation debates, this measure today and this unwise, difficult, terrible cut could put at risk our negotiations and, most importantly, millions of Americans all across this land of ours.

Let us do the right thing. Let us send this bill back to committee. And if that fails, let us vote for the Obey amendment that takes out this unwise and dangerous and I hope and pray not catastrophic proposal.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, unfortunately, the majority on the Committee on Rules chose not to make in order an amendment that I intend to offer today which would prohibit the commissioner of the Immigration and Naturalization Service from releasing any criminal aliens who are currently detained by the INS and are subject to deportation per the 1996 Immigration Reform Act.

The reason that this amendment is necessary is, in January of this year the INS, in an internal communication with its regional directors, put out a memorandum which stated that because of lack of detention space they were going to start releasing criminal aliens who would otherwise be subject to deportation. Now, among these individuals are people who were convicted in U.S. courts of felonies such as assault, drug violations and the like.

This is also a situation where previous Congresses have provided funding increases for the INS, $3.5 billion, including $750 million for detention. The INS has subsequently reversed this policy. But the fact remains that has been the policy of the INS, and this Congress should take steps to try and address it.

Now, it is disappointing that the Committee on Rules chose not to make this in order. We all know that the supplemental appropriations bill ultimately, once it is negotiated out with the administration, will pass. And I think it is important that Congress send a message to the INS that they are not to conduct this activity.

I think many of us are familiar in our own districts, when the States have gone into releasing otherwise violent criminals for space needs, the public outcry that has occurred. I think the same would occur if the Federal Government, of which we are the stewards, is allowed to release criminal aliens who are subject to deportation.

So I have an amendment that was filed that would prohibit the INS from doing this. I realize it is subject to a point of order. I do intend to offer the amendment this afternoon. I would hope that Members will take a look at it, because I do not think Members want to be on record in endorsing this misguided INS policy.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER) chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in very strong support of this rule and of the underlying supplemental appropriations bill.

It is an open rule. And while I am sorry that we were unable to provide waivers to all the Members who wanted them for their individual amendments, I do believe that we will have a chance for a free and open debate here, which is exactly what this calls for.

The major thrust of this supplemental appropriations bill is to deal with a very serious crisis, and it is a crisis. I just upstairs met with one of the top executives with Dole Food who was telling me about the situation in Honduras, how they as a company stepped in and tried to provide much-needed relief.

We know that literally thousands of people lost their lives and over 30,000 people have been left homeless, and the numbers go on and on and on, from Hurricane Mitch. And we have been waiting to try and put together this package of assistance. I am very proud, as an American citizen, that we can step up and help our very good friends at this important time of need.

We, as a Nation, have had a constant interest in Central America. My friend from Sanibel, Florida (Mr. GOSS) and I have on several occasions visited Central America and we know that the tremendous strides that they have made toward political pluralism are important to recognize. Unfortunately, they faced this horrible catastrophe. And while this is a great deal of money, it is I believe very, very important for us as a society to step up to the plate and provide this much-needed assistance to our neighbors.

As we know, these dollars are offset within the guidelines that the gentleman from Florida (Mr. YOUNG) has put forward, and I commend him for that, and I think that it is in fact the responsible and right thing for us to do. And so I hope my colleagues will join in strong support of not only this rule but this very important legislation.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include tabular and extraneous material on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from Florida?

There was no objection.

1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 125 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1141.

□ 1107

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the supplemental appropriations bill that we present today was requested by the President of the United States several weeks ago to respond to the disaster in Central America, Honduras and Nicaragua specifically, as well as the earthquake damage in Colombia.

Actually, the bill has been fairly well discussed during consideration of the rule, but I think it is appropriate that we point out that this bill reflects a humanitarian reaction to a terrible disaster in our own part of the world.

During the late 1970s and early 1980s, this Congress and the administration spent billions of dollars in attempting to keep Fidel Castro and his friends in the Kremlin from exporting communism all over that area. We were very successful, and we helped our friends develop democratic forms of government. With the exception of Cuba, we currently have democratic governments throughout these regions. They are our friends, and they are our neighbors, and it is appropriate that we respond to them in their time of need.

As soon as the disaster occurred, American troops were sent to the region. They pulled children out of flood waters. They pulled people out of mud-swept homes. They did many, many things to save lives and to bring sanitary conditions to the region.

So what we are trying to do with this bill, as requested by the President, and he did not request all of it, I will have to admit, and we will talk about that later; he did not request the offsets that we use to pay for this bill, but the President did request that we provide $152 million for our own agricultural programs here at home, which we have done. The President requested that we provide funding for Central America, which we have done.

The President also requested that we provide a payment to Jordan, one of our greatest allies in the Middle East and an ally that is very important to peace in the region. We did provide the $100 million for Jordan, but again we offset this $100 million.

We also replaced $195 million for the Defense Department to pay them for the expenses involved in actually responding initially as a 911 force to this terrible disaster. Now, we took considerable time to determine the appropriate offsets to pay for these bills.

As I said, we did not offset the $195 million for the Department of Defense. That was a true emergency. They were truly responding to that emergency. They saved lives. They helped people bring their lives back together. They brought sanitary conditions. They brought water that could be consumed. They repaired hospital facilities. They made medical care available. And we are not suggesting that we think we should offset these funds, but we do offset everything else.

The $100 million for Jordan I wanted to mention specifically because I said the bill was what the President asked for. Actually, the President asked for the entire Wye River commitment that he made when the Wye River agreements were reached. He asked for all of that to be done in this bill, and we did not do that. The reason is that we think that the part of the Wye River agreement that relates to Israel and the Palestinian Organization should be handled in the regular order as we go through the FY 2000 appropriations bills. But because of the death of King Hussein and the important role that he played and the establishment of the new kingdom and the new king, his son, King Abdullah, we thought it would be appropriate to move expeditiously to show a sign of support for Jordan.

The President requested $300 million in that account, $100 million in FY 1999 funds and $200 million in advanced funding. We provide in this bill the $100 million for Jordan. We do not provide the advanced funding. Again, we believe that should be taken up and considered as we go through the regular order in the FY 2000 appropriation bills.

Mr. Chairman, we need to expedite this bill. The monies that we will appropriate today will not go from our Government to another government. Because of the oversight responsibilities that the Congress has, and the Committee on Appropriations specifically, we do have an obligation to our taxpayers to make sure that any money that we appropriate is spent the way that we intend it to be spent.

And so these funds will be appropriated into a special fund that will be administered by our own Government for the contracts awarded to replace the bridges or to help rebuild schools or to reconstruct roads or to do the many things that we will help our friends and neighbors. The contracts will be awarded on a competitive basis or negotiated basis and then the contracts will be paid for from the fund that we create, from the fund that we maintain control over and the fund that we have complete oversight over.

And so, Mr. Chairman, this is a summary of the bill. I know we will have some discussions on some of the other aspects of this bill and especially the offsets, but that is basically what the bill does.

At this point in the RECORD I would like to insert a table showing the details of the bill.

(The table follows.)

FY 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 1141)
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	FY 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL			
	TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS			
	CHAPTER 1			
	DEPARTMENT OF AGRICULTURE			
	Farm Service Agency			
106-32	Salaries and expenses (emergency appropriations)	42,753	42,753	
	Agricultural Credit Insurance Fund Program Account:			
	Loan authorizations:			
	Farm ownership loans:			
106-32	Direct	(200,000)	(200,000)	
106-32	Guaranteed	(350,000)	(350,000)	
	Subtotal	(550,000)	(550,000)	
	Farm operating loans:			
106-32	Direct	(185,000)	(185,000)	
106-32	Guaranteed subsidized	(185,000)	(185,000)	
	Subtotal	(370,000)	(370,000)	
106-32	Emergency farm loans	(175,000)	(175,000)	
	Total, Loan authorizations	(1,095,000)	(1,095,000)	
	Loan subsidies:			
	Farm ownership loans:			
106-32	Direct (emergency appropriations)	29,940	29,940	
106-32	Guaranteed (emergency appropriations)	5,565	5,565	
	Subtotal	35,505	35,505	
	Farm operating loans:			
106-32	Direct (emergency appropriations)	12,635	12,635	
106-32	Guaranteed subsidized (emergency appropriations)	16,169	16,169	
	Subtotal	28,804	28,804	
106-32	Emergency farm loans (emergency appropriations)	41,300	41,300	
	Total, Loan subsidies	105,609	105,609	
106-32	ACIF expenses: Administrative expenses (emergency appropriations)	4,000	4,000	
	Total, Chapter 1:			
	New budget (obligational) authority	152,362	152,362	
	(Loan authorization)	(1,095,000)	(1,095,000)	
	CHAPTER 2			
	DEPARTMENT OF JUSTICE			
	Immigration and Naturalization Service			
106-27	Salaries and expenses: Enforcement and border affairs (emergency appropriations)	80,000	80,000	
	CHAPTER 3			
	DEPARTMENT OF DEFENSE - MILITARY			
	Military Personnel			
	Reserve personnel, Army (emergency appropriations)		2,900	+2,900
	Contingent emergency appropriations		5,100	+5,100
	National guard personnel, Army (emergency appropriations)		6,000	+6,000
	Contingent emergency appropriations		1,300	+1,300
	National guard personnel, Air Force (emergency appropriations)		1,000	+1,000
	Total, Military personnel		16,300	+16,300
	Operation and Maintenance			
	Operation and maintenance, Army (emergency appropriations)		69,500	+69,500
	Operation and maintenance, Navy (emergency appropriations)		16,000	+16,000
	Operation and maintenance, Marine Corps (emergency appropriations)		300	+300
	Operation and maintenance, Air Force (emergency appropriations)		8,800	+8,800
	Operation and maintenance, Defense-wide (emergency appropriations)		46,500	+46,500
	Overseas humanitarian, disaster, and civic aid (emergency appropriations)		37,500	+37,500
106-27	Disaster relief transfer fund (emergency appropriations)	188,500		-188,500
	Total, Operation and maintenance	188,500	178,600	-9,900
	Total, Chapter 3:			
	New budget (obligational) authority	188,500	194,900	+6,400
	Emergency appropriations	(188,500)	(188,500)	
	Contingent emergency appropriations		(6,400)	(+6,400)

FY 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 1141)— continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	CHAPTER 4			
	BILATERAL ECONOMIC ASSISTANCE			
	Agency for International Development			
106-27	International disaster assistance (emergency appropriations)	25,000	25,000	
106-27	Operating expenses of the Agency for International Development (by transfer) (emergency appropriations)	(5,000)		(-5,000)
	(By transfer) (contingent emergency appropriations)		(5,000)	(+5,000)
106-27	Operating expenses of the Agency for International Development Office of Inspector General (by transfer) (emergency appropriations)	(1,000)		(-1,000)
	(By transfer) (contingent emergency appropriations)		(2,000)	(+2,000)
	Other Bilateral Economic Assistance			
106-3 106-24	Economic support fund (emergency appropriations)	50,000	50,000	
106-3 106-24	Advance appropriations	50,000		-50,000
106-27	Central America and the Caribbean Emergency Disaster Recovery Fund (emergency appropriations)	621,000		-621,000
	Contingent emergency appropriations		621,000	+621,000
	Department of the Treasury			
106-27	Debt restructuring (emergency appropriations)	41,000	41,000	
	Total, Bilateral economic assistance	787,000	737,000	-50,000
	MILITARY ASSISTANCE			
	Foreign Military Financing Program:			
	Grants:			
106-3 106-24	Other (emergency appropriations)	50,000	50,000	
106-3 106-24	Advance appropriations	150,000		-150,000
	Total, Foreign military assistance	200,000	50,000	-150,000
	Total, Chapter 4:			
	New budget (obligational) authority	987,000	787,000	-200,000
	Emergency appropriations	(787,000)	(166,000)	(-621,000)
	Contingent emergency appropriations		(621,000)	(+621,000)
	Advance appropriations	(200,000)		(-200,000)
	(By transfer) (emergency appropriations)	(6,000)		(-6,000)
	(By transfer) (contingent emergency appropriations)		(7,000)	(+7,000)
	CHAPTER 5			
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
	Reconstruction and construction (contingent emergency appropriations)		5,611	+5,611
	CHAPTER 6			
	OFFSETS			
	DEPARTMENT OF AGRICULTURE			
	Public Law 480 Program and Grant Accounts: Loan subsidies (Title I) (rescission)		-30,000	-30,000
	DEPARTMENT OF ENERGY			
	Atomic Energy Defense Activities			
	Other defense activities (rescission of emergency appropriations)		-150,000	-150,000
	EXPORT AND INVESTMENT ASSISTANCE			
	Trade and development agency (rescission)		-5,000	-5,000
	BILATERAL ECONOMIC ASSISTANCE			
	Agency for International Development			
	Development assistance (rescission)		-40,000	-40,000
	Other Bilateral Economic Assistance			
	Economic Support Fund (rescission)		-17,000	-17,000
	Assistance for Eastern Europe and the Baltic States (rescission)		-20,000	-20,000
	Assistance for the New Independent States of the Former Soviet Union (rescission)		-25,000	-25,000
	MILITARY ASSISTANCE			
106-3	Foreign Military Financing Program (rescission)	-18,000		+18,000
	Peacekeeping operations (rescission)		-10,000	-10,000
	MULTILATERAL ECONOMIC ASSISTANCE			
	International Financial Institutions			
	Contribution to the International Bank for Reconstruction and Development:			
	Global environment facility (rescission)		-25,000	-25,000
	Reduction in callable capital appropriations (rescission)		-648,000	-648,000
	International organizations and programs (rescission)		-10,000	-10,000

FY 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 1141)— continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	DEPARTMENT OF TRANSPORTATION			
	Office of the Secretary			
....	Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)	....	-815	-815
	Federal Highway Administration			
....	State infrastructure banks (rescission)	....	-6,500	-6,500
	Federal Transit Administration			
....	Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)	....	-665	-665
....	Interstate transfer grants - transit (rescission)	....	-600	-600
	GENERAL PROVISIONS			
106-3	Operation and maintenance, Defense-wide (contingent emergency appropriations) (sec. 1001) 1/	-82,000	-40,000	+42,000
	Total, Chapter 6:			
	New budget (obligational) authority	-100,000	-1,028,580	-928,580
	Contingent emergency appropriations	(-82,000)	(-40,000)	(+42,000)
	Rescissions	(-18,000)	(-836,500)	(-818,500)
	Rescission of contract authorization	....	(-2,080)	(-2,080)
	Rescission of emergency appropriations	....	(-150,000)	(-150,000)
	Total, title I:			
	New budget (obligational) authority	1,307,862	191,293	-1,116,569
	Rescissions	(-18,000)	(-836,500)	(-818,500)
	Rescission of contract authorization	....	(-2,080)	(-2,080)
	Rescission of emergency appropriations	....	(-150,000)	(-150,000)
	Emergency appropriations	(1,207,862)	(586,862)	(-621,000)
	Contingent emergency appropriations	(-82,000)	(593,011)	(+675,011)
	Advance appropriations	(200,000)	....	(-200,000)
	(By transfer) (emergency appropriations)	(6,000)	....	(-6,000)
	(By transfer) (contingent emergency appropriations)	....	(7,000)	(+7,000)
	(Loan authorization)	(1,095,000)	(1,095,000)	....
	TITLE II - SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS			
	CHAPTER 1			
	THE JUDICIARY			
	Supreme Court of the United States			
....	Salaries and expenses	....	921	+921
106-3	Emergency appropriations	921	....	-921
	DEPARTMENT OF COMMERCE			
	National Oceanic and Atmospheric Administration			
106-3	Operations, research, and facilities	1,880	....	-1,880
106-3	Fisheries finance program account	3,120	....	-3,120
	DEPARTMENT OF STATE AND RELATED AGENCIES			
	RELATED AGENCY			
	United States Information Agency			
....	Buying power maintenance (rescission)	....	-20,000	-20,000
	Total, Chapter 1:			
	New budget (obligational) authority	5,921	-19,079	-25,000
	Appropriations	(5,000)	(921)	(-4,079)
	Rescissions	....	(-20,000)	(-20,000)
	Emergency appropriations	(921)	....	(-921)
	CHAPTER 2			
	INDEPENDENT AGENCY			
....	United States Commission on International Religious Freedom	....	3,000	+3,000
	EXPORT AND INVESTMENT ASSISTANCE			
....	Export-Import Bank of the United States (rescission)	....	-25,000	-25,000
	Total, Chapter 2:			
	New budget (obligational) authority	....	-22,000	-22,000

FY 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 1141)— continued
(Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	CHAPTER 3			
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
106-3	Management of lands and resources (rescission)	-6,800	-6,800	
	Departmental Offices			
106-3	Office of the Special Trustee for American Indians	6,800	21,800	+15,000
106-30	(By transfer)	(15,000)		(-15,000)
	Total, Chapter 3:			
	New budget (obligational) authority		15,000	+15,000
	(By transfer)	(15,000)		(-15,000)
	CHAPTER 4			
	DEPARTMENT OF LABOR			
	Employment and Training Administration			
106-3	State unemployment insurance and employment service operations (trust fund)	-5,700	-21,000	-15,300
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Health Resources and Services Administration			
	Federal capital loan program for nursing (rescission)		-2,800	-2,800
	DEPARTMENT OF EDUCATION			
	Education research, statistics, and improvement (rescission)		-6,800	-6,800
	RELATED AGENCY			
106-3	Corporation for Public Broadcasting	11,000	30,600	+19,600
106-3	Advance appropriations	37,000	17,400	-19,600
	Total, Chapter 4:			
	New budget (obligational) authority	42,300	17,400	-24,900
	Appropriations	(11,000)	(30,600)	(+19,600)
	Rescissions	(-5,700)	(-30,600)	(-24,900)
	Advance appropriations	(37,000)	(17,400)	(-19,600)
	CHAPTER 5			
	ARCHITECT OF THE CAPITOL			
	Capitol Buildings and Grounds			
	House office buildings		5,560	+5,560
	CHAPTER 6			
	POSTAL SERVICE			
	Payments to the Postal Service			
106-3	Payments to the Postal Service Fund	29,000	29,000	
	EXECUTIVE OFFICE OF THE PRESIDENT			
106-3	Unanticipated needs (rescission)	-10,000	-10,000	
	Total, Chapter 6:			
	New budget (obligational) authority	19,000	19,000	
	CHAPTER 7			
	INDEPENDENT AGENCY			
	Court of Veterans Appeals			
106-3	Salaries and expenses	372		-372
	Total, title II:			
	New budget (obligational) authority	67,593	15,881	-51,712
	Appropriations	(52,172)	(90,881)	(+38,709)
	Emergency appropriations	(921)		(-921)
	Rescissions	(-22,500)	(-92,400)	(-69,900)
	Advance appropriations	(37,000)	(17,400)	(-19,600)
	(By transfer)	(15,000)		(-15,000)

FY 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 1141)— continued (Amounts in thousands)

Doc No.		Budget Request	Recommended in the bill	Bill compared with request
	Grand total, all titles:			
	New budget (obligational) authority	1,375,455	207,174	-1,168,281
	Appropriations	(52,172)	(90,881)	(+38,709)
	Rescissions	(-40,500)	(-928,900)	(-888,400)
	Rescission of contract authorization		(-2,080)	(-2,080)
	Rescission of emergency appropriations		(-150,000)	(-150,000)
	Emergency appropriations	(1,208,783)	(586,862)	(-621,921)
	Contingent emergency appropriations	(-82,000)	(593,011)	(+675,011)
	Advance appropriations	(237,000)	(17,400)	(-219,600)
	(By transfer)	(15,000)		(-15,000)
	(By transfer) (emergency appropriations)	(6,000)		(-6,000)
	(By transfer) (contingent emergency appropriations)		(7,000)	(+7,000)
	(Loan authorization)	(1,095,000)	(1,095,000)	

1/ The President's Budget proposed defense spending reductions of $882 million, which offset proposed supplemental spending. Since only a portion of the proposed spending is considered in this bill, the defense reductions are adjusted to be comparable to the spending.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 9½ minutes.

Mr. Chairman, I would like to be able to rise in support of this bill but I cannot, and I owe the House an explanation why.

At the beginning of this year we were told by the new House leadership that there would be a change in the way that leadership operated from last year, in that there would be less political interference from party leadership in committee decisions on substantive matters. But on the first major substantive bill before us in this session affecting the budget, we see a reversion to what happened last year.

The budget rules allow for the Congress to pass emergency legislation when emergencies occur. Under that right, the administration sent down a supplemental request which tried to respond to the largest natural disaster in this century in Central America, and the administration also asked for some additional help to deal with the fact that farm prices have slid into oblivion for many commodities.

☐ 1115

The gentleman from Florida (Mr. YOUNG), the chairman of the committee, originally was going to bring to the committee a proposal which would have had bipartisan support. I would certainly have supported it, and I think the administration would have, too. That approach recognized that the administration was responding to legitimate emergencies. But shortly before our committee put together the bill which it brought to the House floor, the committee leadership was ordered by the Republican leadership in the House to delete the emergency designation for domestic programs and to require offsets in order to finance those programs on a nonemergency basis.

Members will be told that those offsets provide no harm and that most of that money was not going to be spent, anyway. That is simply not the case. I will therefore be offering an amendment that eliminates what I consider to be the four most reckless elements that the majority party has used to pay for this emergency supplemental. Let me walk through what they are.

First, the committee rescinded $648 million in callable capital to the international financial institutions. Now, callable capital is not spent. It simply serves to assure that the full faith and credit of participating countries stand behind the international financial institutions in the loans that they make to stabilize the economies of countries upon whom we rely as export markets. The Congress has never before in the history of these financial institutions rescinded previously obligated callable capital. I think their doing so at this time could cause great harm.

Secretary of the Treasury Rubin, in a letter to us on this issue, described this action as an ill-advised step which carries major risks and should be reversed. His letter goes on to say that the higher borrowing costs and reduced capital flows to the developing countries that could result from this proposal would only hinder growth and recovery in the developing world which in turn would hurt U.S. farmers, workers and businesses. He then goes on to say that the President's senior advisers would recommend a veto if this provision stays in the bill. I am confident the President would veto this proposition as it stands.

The text of the letter from Secretary Rubin is as follows:

DEPARTMENT OF THE TREASURY,
WASHINGTON, DC,
March 23, 1999.

Hon. DAVID R. OBEY,
Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR DAVE: I am very concerned that the House is considering rescinding previously appropriated and subscribed funds for callable capital of three multilateral development banks (MDBs) in order to provide budget authority offsets for the FY 1999 emergency supplemental budget request. I strongly believe that such a step is ill-advised, carries with it major risks, and should be reversed as this legislation moves forward.

Fundamentally, what is at risk is the standing of these institutions in the international capital markets. That standing, and the Triple A credit rating these MDBs have earned, are directly a function of the support provided to the institutions by their major shareholders. Indeed, we understand that in their annual assessments of the financial condition of the MDBs, the rating agencies consider the presence of appropriated or immediately available callable capital subscriptions as a key factor.

The rescission of funds appropriated to pay for U.S. callable capital could be perceived as a significant reduction in U.S. political support for the institutions and their borrowers and could lead to a serious market reassessment of the likely U.S. response to a call on MDB capital should one ever occur. In these circumstances, the borrowing costs of the MDBs could increase as a result of this proposal. In addition, a ratings downgrade is a possibility. A downgrade would lead to even greater borrowing costs for the institutions, which costs would then need to be passed on to the developing countries the MDBs are mandated to help.

An increase in the borrowing costs of the Banks could also reduce their net income. Net income is a key source of funding for concessional programs such as the Heavily Indebted Poor Countries Initiative and the International Development Association, and any loss of such funding from net income undoubtedly would increase the demand to fund these programs from scarce bilateral resources or, in the absence of such action, would reduce concessional loans to developing countries. Ultimately, the higher borrowing costs and reduced capital flows to the developing countries that could result from this proposal would only hinder growth and recovery in the developing world, which in turn would hurt U.S. farmers, workers and businesses. This is evidenced by the fact that before the recent crisis, the developing world absorbed over 40 percent of U.S. exports.

Some have cited a 1994 rescission as a precedent for this proposal. The 1994 action and the current proposal are not analogous. In 1994, the U.S. had not subscribed the paid-in and callable capital which were rescinded. The current proposal, however, would reach back to capital to which we have formally subscribed and on the basis of which we have exercised voting rights for many years. This proposal has rightly become a concern of the markets.

I hope you will agree with me, Mr. Chairman, that the proposal is to rescind appropriated and subscribed U.S. callable capital of the MDBs would raise questions in the markets about U.S. commitment to the MDBs and could have negative consequences beyond the current budgetary horizon for the developing world and our economy. As OMB Director Jack Lew has already informed the Committee, if the supplemental bill is presented to the President with this and the other objectionable offsets included, the President's senior advisers would recommend a veto. I would be happy to discuss this matter with you further.

Sincerely,

ROBERT E. RUBIN,
Secretary of the Treasury.

Mr. OBEY. Mr. Chairman, my amendment will also do a number of other things. First of all, this bill also makes some reductions in PL–480, agriculture funds, and it eliminates $25 million in funding for the Export-Import Bank war chest. Again, Members will be told by the committee that this money was largely not going to be spent and, therefore, will create no harm. I would point out that the war chest money in the Export-Import Bank is never supposed to be spent. It is there as a visible warning to our trading partners that if they artificially subsidize their corporations in order to steal markets from us overseas, that we will retaliate by doing the same things in support of our American businesses. We should not be reducing the number of arrows in that quiver. I would also point out that the tiny amount of money which is saved by cutting PL–480 funds will be blown away by the added money that we will be asked to appropriate in direct assistance to our farmers because of what has happened with farm prices. And the PL–480 actions will reduce our ability to help our farmers through exports. We should not do that, either.

The last item which I will try to correct in my amendment goes to what I view as the most egregious and reckless of the recommendations in this supplemental. We have presently available $525 million to be used for the United States to take plutonium and uranium from Russia and to convert it from weapons grade material into material which is not weapons grade. Mr. Primakov is about to sign a $325 million uranium agreement with the United States Government. That is intensely in the interest of the United States. We need to take from the Russians every ounce of weapons grade uranium and plutonium that we can possibly get our hands on so that that does not continue to be at risk of falling into the hands of the wrong people around the world.

In addition to the uranium agreement which Mr. Primakov is supposed to sign, last fall Senators DOMENICI, STEVENS and BYRD and I and Mr. LIVINGSTON agreed to insert $200 million into the budget last fall in order to help restart negotiations with the Russians on a parallel agreement to also purchase plutonium from the Russians so that they do not continue to have that plutonium in their country available for use in nuclear weapons. That is enough plutonium to create anywhere from 15 to 25,000 nuclear warheads. I do not think we have any business putting at risk the start-up of those negotiations by taking that money off the table.

Now, Members again will be told by the majority that this money is not supposed to be spent this year, anyway. I know that. We all know that. But the money was put on the table so that the Russians would understand it would be immediately available once we reach agreement with them on that plutonium agreement. It seems to me that, well, all I can tell Members is that our negotiators again as well as the Secretary of Energy tells us, quote, that withdrawing this money would severely set back and might even bring to a halt our constructive discussions on this important nonproliferation and national security issue.

The text of the letter from Secretary Richardson is as follows:

THE SECRETARY OF ENERGY,
WASHINGTON, DC,
March 24, 1999.

Hon. CHET EDWARDS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE EDWARDS: I am writing to express my concern about the proposed rescission of $150 million from the $525 million provided by the Fiscal Year 1999 Emergency Supplemental Appropriation to implement fissile material reduction agreements with Russia. Since the Department of Energy has already negotiated an agreement with Russia to purchase uranium for $325 million, the entire cut would have to come from the $200 million appropriated to dispose of Russian plutonium. Such a reduction would have severe consequences for the ongoing negotiations in pursuit of a bilateral agreement with Russia on disposing of enough plutonium to make tens of thousands of nuclear weapons. It could also severely impact the wide range of cooperative nonproliferation engagement underway and planned in Russia, including efforts to protect, control, and account for weapons-usable nuclear material and to prevent the flight of weapons scientists to countries of proliferation concern.

Department of Energy officials on the plutonium disposition negotiating team have witnessed first-hand the beneficial impact these funds have made; my own interactions with my counterparts reinforce how crucial the availability of these funds is to the Russian approach to plutonium disposition. Thanks to this dramatic gesture, the Russians have become significantly more cooperative in working on the specifics of a bilateral agreement. Our recent discussions have resulted in a commonality of vision on the content, structure, and timing of this agreement.

The availability of these funds has demonstrated that the U.S. is serious about helping Russia implement the agreement once it is completed, by helping design and construct key infrastructure in Russia to safely and securely dispose of weapons plutonium. To now withdraw this "earnest money" would be to call into question U.S. reliability. Russia may well perceive such a withdrawal as a breach of good faith. Withdrawing this money would severely set back—and might even bring a halt to—our constructive discussions on this important nonproliferation and national security issue.

The U.S. has also been working closely with the international community to gain commitments for additional support to the Russian plutonium disposition effort. These potential donors would perceive a reduction in available U.S. funds as a dilution of our leadership and resolve, and our leverage would be drastically undercut.

In the absence of a bilateral agreement with Russia committing them to near-term action to dispose of weapons plutonium, and without international support for Russian disposition activities, Russia could be expected to place this material in storage for several decades and ultimately use it in breeder reactors to fabricate yet more plutonium. This outcome leaves this weapons material at continued risk of theft or diversion for years to come.

In such a circumstance, continuation of the U.S. plutonium disposition program would be unwise. The U.S. plutonium represents our best lever to urge Russia towards near-term disposition. Disposing of our material unilaterally would place us at a strategic disadvantage with Russia, and the Department has stated that we will not proceed with construction of U.S. facilities in the absence of a U.S.-Russian agreement.

We urge that the House maintain the commitment to U.S. nonproliferation goals by striking this rescission.

Yours sincerely,

BILL RICHARDSON.

Mr. OBEY. Mr. Chairman, under the circumstances, I do not believe that we should be taking these actions. If we reach agreement, the cost will be far more than the amount of money now available. We will have to appropriate more money, not less. I do not know of any responsible person who would not think that that is the right thing to do, because we make the world safer from the standpoint of nuclear weapons.

So I will be offering an amendment to delete those four items from the bill, and if it is not adopted, I would urge Members to oppose this bill on final passage.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute. I want to thank the gentleman from Wisconsin for the very thoughtful remarks that he has made. I understand his problem. We worked together to try to develop a bill that would be bipartisan in nature, and we hope before it is over that that is the way it will be. But we have the problem of dealing with all of those who lead our government saying that we must live within the budget caps as established in 1997. That is not going to be easy. If anyone has heartburn over this small number of offsets, just wait till we start bringing the fiscal year 2000 appropriation bills on the floor, because there is going to be major heartburn then if we are going to live within the 1997 budget caps.

Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. CALLAHAN), the very distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding me this time. When I was in the State Senate, George Wallace was the Governor of the State of Alabama. He was a populist but he had a way and a manner in which to deliver a message. George Wallace called it "getting the hay down where the goats could get to it."

Let me give my colleagues a simple explanation of where we are today. First of all, there was a horrible disaster that occurred in Central America, our neighbors to the south. There was a hue and cry from the American people to assist those people who were begging for assistance. We sent our Defense Department down there. We sent private volunteer organizations. We sent USAID down there. They did a remarkable job and they did an assessment of the needs for these people who have been so devastated by this Hurricane Mitch.

So the President, after an assessment of this, sent Congress a message, and he said, Mr. Congressman and Mrs. Congressman, would you please consider giving us $950 million in order that we could help these people.

During this 3 or 4 weeks that we have been pondering over this, not one Member of Congress has come to me and said, "Do not help the people of Latin America." Not one American has called me on the phone or one Alabamian has said, "Sonny, don't help those poor people in Nicaragua and Honduras." Instead, they said help the people.

So then the Congress started mulling over this, and they decided: Wait a minute. Are we just going to give the administration nearly $1 billion and let them run and spend it anywhere they want? Are we going to permit them to give this to any government and let a government possibly squander it?

And we imposed checks and balances by taking the money out of the hands of the administrators and putting it in a separate fund. The separate fund is there to only be used, not for government-government transfers but to assist the people that have been so devastated. There is a check and balance there. We offset any concern that any Member of Congress had about the possibility of some foreign government wasting this money. It is the responsible thing to do.

The gentleman from Wisconsin is correct. The budget resolution says we do not need to offset this money. But there are some very responsible Members of this Congress who feel differently, and they, too, came to us, far in advance, and they said: Mr. Chairman YOUNG, Mr. CALLAHAN, we are not going to vote for this bill unless there are offsets. They said: We want to save Social Security. We want to save Medicare. We want to pay down the national debt. And if you indeed take this money without offsetting it, we are going to be dipping into those funds. The leadership told us, "Find a way to do this."

We found a way to do it. We used a callable capital account, a callable capital account that has billions of dollars sitting in it. And we took a portion of that appropriated callable capital account and we used it to offset these expenditures that are going to take place in helping the people of Central and South America.

What is wrong with that? Secretary Rubin, who probably is one of the most knowledgeable people of international finance that I have ever met, and I have great respect for him. He knows more about international finance than probably anybody in this House or probably anybody in the entire Congress, House and Senate. But, nevertheless, I think Secretary Rubin would agree with me privately, if no other way, that this is not going to injure the callable capital account one iota. We are reducing the callable capital account 5 percent. We are not telling these multilateral development banks that we are not going to still be obligated in the event that they may get into some financial dilemma.

The United States is not the only country that contributes to these accounts. We only account for 16 percent. That means if a multilateral development bank comes and says to the participants in that bank that we need to call up appropriated capital, we need to call up capital that is callable under the agreement, they have to go to other countries and get $84 of every $100. We only put up $16. So theoretically, even with the removal of this callable capital as we are suggesting today, the callable capital account still would have $150 billion available to it if they needed to call on it.

I urge Members to support the bill as written.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from California (Ms. PELOSI) who is the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

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Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member of the full committee for yielding this time to me and for his leadership in bringing another proposal to the floor today which would eliminate the offsets that the Republican majority insists upon. I want to commend the distinguished chairman of the committee, the gentleman from Florida (Mr. YOUNG); This is, I believe, the first bill he is bringing to the floor, and of course I acknowledge my distinguished chairman of the subcommittee, the gentleman from Alabama (Mr. CALLAHAN).

From the start, Mr. Chairman, I thought that this would be an easy vote, that we would recognize the emergency nature of what happened in Central America and that we would proceed without an offset. That was the understanding I had from our distinguished chairman, and then other voices weighed in, and here we are in conflict today.

Mr. Chairman, I would contend that if a natural disaster, the likes of which we have never seen in this hemisphere, taking thousands of lives, hundreds of thousands of homes, maybe millions, and hundreds of thousands and millions of people out of work, wiping out the economies of these countries is not an emergency, I do not know what is. The distinguished chairman of the committee cited the 1997 budget agreement and said that there are caps within that agreement that we must live under. However, that same budget agreement does call for emergencies not to be scored; no need for offsets in case of an emergency. If the worst natural disaster in the history of the western hemisphere does not warrant emergency funding, we might as well scrap the whole concept of emergency funding.

My distinguished chairman, the gentleman from Alabama (Mr. CALLAHAN), references our Secretary of the Treasury and says that the Secretary knows more about international finance than anyone in this body, and I hope that that is so. But nonetheless, the distinguished gentleman from Alabama does not respect the advice of the Secretary of the Treasury, when the Secretary says that it is reckless for us to use the callable capital at the Asian Development Bank as an offset what Mr. CALLAHAN thinks the Secretary would tell him personally is not what the Secretary said on the record in our committee and in a letter to the President where he recommended a veto of this legislation if the callable capital offset was included in the final package. That is why, and there are many other reasons why, it is so important for the amendment of the gentleman from Wisconsin (Mr. OBEY) to prevail today.

I certainly rise to support the recommendations in the bill for emergency disasters and reconstruction assistance in Central America, the Caribbean and Colombia. Hurricane Mitch, as we have said, was a terrible devastation causing an estimated $10 billion in damage, and, as I said, thousands of deaths. The event, along with the earlier Hurricane Georges in the Caribbean and the more recent earthquake in Colombia have brought this request for emergency assistance before us, and I am pleased that the committee has recommended funding the full request. I am dismayed, however, by the insistence on the offset.

I fully support the $100 million in the bill for the Jordan. This is a down payment on additional military and economic assistance to help Jordan stabilize itself in the wake of King Hussein's death. As I have said, I oppose, I must unfortunately oppose the bill because of the offsets used in this package. The bill insists offsets for the disaster mitigation programs and the emergency fund farm assistance but does not insist on offsets for the $195 million to restore the Department of Defense hurricane cost. Why the inconsistencies? Our young people, part of the American military, bravely, courageously, unselfishly and tirelessly assisted the people in Central America at the time of this hurricane, in the immediate wake of the hurricane. Certainly we want to pay back the Department of Defense for services rendered; that does not need to be offset, it should not be, I agree with that. But why treat other assistance differently than the military assistance, the assistance of the military in this bill?

Mr. Chairman, the amendment of the gentleman from Wisconsin (Mr. OBEY) will strike the most objectionable offsets in the bill, and I enthusiastically support that. The 1 billion in offsets in the bill, $825 million comes from international programs, all of the proposed rescissions from foreign ops bill will have a detrimental program impact, and I intend to work hard to remove them from the bill before it is sent to the President. That is why I urge my colleagues to vote no on this bill, so we increase the leverage of the President, sustain a presidential veto, and have a change in this bill so that we are not helping the people of Central America at the risk of exacerbating the financial crisis in Asia by taking a large chunk of the callable capital for the Asian Development Bank as an offset. The rescissions in the bill will hurt development programs such as health, education and even child survival.

Mr. Chairman, I do not have any more time. I will place the rest of my statement in the RECORD. I urge my colleagues to support the Obey amendment and to oppose the passage of this bill unless the Obey amendment prevails.

I rise to support the recommendations in the bill for emergency disaster and reconstruction assistance for Central America, the Caribbean, and Colombia. Hurricane Mitch was the worst natural disaster to hit the Western Hemisphere in recorded history causing an estimated $10 billion in damage, and thousands of deaths.

This event, along with the earlier Hurricane Georges in the Caribbean, and the more recent earthquake in Colombia have brought this request for emergency assistance before us, and I am pleased that the Committee has recommended funding the full request.

I also fully support the $100 million in the bill for Jordan. This is a down payment on additional military and economic assistance to help Jordan stabilize itself in the wake of King Hussein's death.

Unfortunately I will have to oppose this bill because of the offsets used to fund this package. The bill presented offsets the Disaster Mitigation programs and the Emergency Farm assistance, but does not offset the $195 million appropriated to restore the Department of Defense hurricane costs. This bill started out in Committee as a bipartisan product with no offsets. If the worst natural disaster in the history of the Western Hemisphere does not warrant emergency funding, we might as well scrap the whole concept of emergency funding.

INTERNATIONAL FINANCE

Mr. OBEY intends to offer an amendment which will strike the most objectionable offsets in the bill, which I will enthusiastically support. Of the $1 billion in offsets being in the bill, $825 million comes from international programs. All of the proposed rescissions from the Foreign Operations bill will have detrimental program impacts, and I intend to work hard to remove them from the bill before it is sent to the President. The rescissions in the bill will hurt development programs such as health, education and even Child Survival. Cuts to our trade promotion programs lessen the number of U.S. firms we can help develop export markets. Cuts in peacekeeping accounts will severely hinder the training of troops from African countries in peacekeeping methods. Cuts to Eastern Europe will slow reconstruction in Bosnia. Congress agreed to fund these programs last year and we should not be pulling back from these commitments.

DEBT RELIEF

The response of the American people to this event was truly heartening and indicative of the widespread sympathy and support for the needs of our southern neighbors in this Hemisphere. There is no question that the vast majority of the American people support well directed humanitarian assistance. This aid package enjoys widespread support in the Congress and throughout the country.

Congress must move expeditiously on this request so that critical reconstruction efforts can begin before the onset of the rainy season. Our action here today will only complicate efforts to get this assistance to where it is needed. It is my hope that the provision of this assistance will become the springboard for economic and social development which lifts the poorest countries in Central America out of the grinding poverty they have suffered for so long.

Unfortunately with the offsets in the bill which have drawn a veto threat and action on the bill stalled in the other body for reasons unrelated to the Disaster, I fear we are still a long way from the day when assistance arrives.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding this time to me.

I am not a member of the Committee on Appropriations, but as a lot of other Members, I follow the appropriations and budgetary processes very carefully, and just three brief points, if I may:

First of all, I was in support of the rule, I am in support of the legislation, and I would like to congratulate the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) and the others who worked on this because sometimes in my 6 years here I have seen emergency bills that were, with all due respect, Christmas trees with a lot of decorations on them. A real effort was made here, I think, to look at this carefully and to make it truly an emergency bill.

Secondly, I feel we need offsets. I have been in support of this for some time. We just simply cannot continue to balance our budget if we do not offset the expenditures which we make, even if they are emergencies, and, frankly, one could argue the viability of some of the offsets here; I understand that. The gentleman from Wisconsin (Mr. OBEY) has already made that argument.

With respect to certain of the issues, I know a little bit about the callable capital situation with the international financial institutions, but the bottom line is I believe that this is an acceptable and allowable offset. Perhaps, as we negotiate with the Senate, we will go through some changes on that, but I really also congratulate the committee on that. They made the effort to do this. A lot of us were concerned about it, and they have come to the realization that while there are going to be emergencies, in many instances we should be able to get offsets for this, and in this case they have done that.

Finally, Mr. Chairman, I would just say that I have been pushing legislation for some time to have a budget for emergencies so we could avoid these problems, so it is built into our budget at the beginning of the year as a rainy day fund approximating what the average of emergency expenditures have been over the last 5 years, which may be in the range of $5 to $6 billion; so, when these issues come up, we would have a methodology for reviewing them, to determine if they are true emergencies, we would already have the money set aside for that, we could apply this against that money. Then we do not get into the arguments about the offsets, the callable capital, the import export or it may be.

This is really not a matter before us today. It is not even necessarily an appropriation matter; perhaps it is a budget matter. But I think it is something we should do. But I congratulate all those who worked on this. I think we are taking steps in the right direction, and I am pleased to be in support of it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman, the majority has in my view let down America's farmers because of the way they have responded to the President's request for supplemental aid. The President made this request nearly one month ago, and we are just getting around to it now, a month after the request was made and the need was demonstrated. They put forward a bill which in my view is full of items which will hurt our national security and weaken the international economy.

I do not like to say it, but I think the Republican party has given in to isolationist tendencies. By turning our backs on the world, we only hurt the global economy further and hurt exporters like farmers who are getting pummeled by the downturn in Asia and elsewhere. The delay has hurt the financial bottom line for thousands of farmers across America. There is a near depression happening in many parts of our farm economy. Hog farmers in my district cannot even sell hogs at half the break-even price, Mr. Chairman.

Let me just mention one young farmer from my district, Mike Kertz of Ste. Genevieve, Missouri. He comes from a farm family, and he wants to carry on the farm tradition. He raises hogs. At today's prices, the prices he was getting for months, he cannot survive, he can not have a future, he can not keep the farm. Missouri's farmers would get over $42 million in new credit loans in the President's request, and over 12,000 farmers nationwide would benefit from the supplemental funding for agriculture.

But we needed action last month, and we needed a bill today that would get to the President's desk with no strings attached and not a bill that is isolationist and which harms our national security. These are irresponsible policies that were injected into this bill. These objectionable policies should be dropped so we can get the aid to the people who have already been waiting too long for it. We must not deliver this aid at the cost of giving up on our obligations which are in the long term to the benefit of every American citizen.

Mr. Chairman, I urge the majority to drop these objectionable provisions. I urge them to bring a bill that we can support, and if that does not happen, I urge Members to vote against this legislation in the hope that we can get a bill that is worthy of support.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I do not vote for the supplemental bills very often, and I give great credit to the new chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) and to our new Speaker, the gentleman from Illinois (Mr. HASTERT). Several weeks ago they began to figure out how they are going to get the votes to pass this bill, and they sort of looked at, I guess, the list of folks who have traditionally opposed these bills, and they called a meeting, and they said: Why? And I said: Well, my reasons are real easy; three of them:

One, they are not usually emergency supplementals; ought to be regular order, they ought to go the regular process. Two, they are never paid for; and, three, there is usually so much pork in some of those bills that it makes us sick, and I said, "O for three; that's why I vote against them," and, to the credit of the chairman of the committee they are really batting three for three. It is paid for, they whittled out some of the stuff that was in there that really was not an emergency, could be taken care of, and there was not a single bridge or armory or anything in there that someone might be able to call pork.

For those reasons I am voting for this bill this afternoon, and I would not only encourage my colleagues to vote for this bill, but also send a warning to our friends on the other side of this building. As I understand it, their bill is already larger; as I understand it, their bill is not paid for; and third, we can start hearing those words "su wee" for the pork that some of the Members on that side of the body have put in this bill that has got to be taken out, and I hope that our passage of the bill this afternoon proves our point: Batting three for three; not even Sammy Sosa can do as well.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member on the Subcommittee on Agriculture.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding this time to me and thank him for his leadership on the committee in trying to strengthen this supplemental bill. I also want to congratulate the new chairman of the committee who has tried hard to put a bill together, but I must say to my colleagues it is truly inadequate. Certainly from the standpoint of agriculture America's farmers are in crisis.

Mr. Chairman, this bill should have been up here two months ago. We have been witnessing price declines at record levels across this country with an additional income drop for our farmers this year of over 20 percent. This House bill falls so far short of the mark. Though it contains much needed credit authority to help farmers over this spring planting period, it is too little, too late. As we stand here, equipment auctions are going on across the country, bankruptcies mount, and people cannot move product to market.

One of the most curious aspects of this particular measure is that one of the budget offsets in the bill is to reduce the P.L. 480 Program, which is a program at the Department of Agriculture where we take surplus, which we have plenty of on this market, and move it into foreign markets to help hungry people around the world, and there are certainly lots of those, but also to help our farmers here at home get out from under the weight of all this production which is helping prices to continue to plummet here in the domestic market.

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So we should have been able to perfect a more perfect bill. Unfortunately, this is not the one.

I wanted to mention that the bill contains some very important language that has to do with the Russian food aid package that is currently being delivered, over a billion dollars of Russian food aid, and yet very few checks by the government of the United States in order to assure that that product is not diverted and graft does not occur.

Mr. Chairman, I include for the RECORD questions that we should ask the executive branch and expand congressional oversight of that Russian food aid package as it proceeds over the next several weeks.

Our American family farmers are suffering. While the general economy is strong, the U.S. agricultural economy continues to experience significant declines in agriculture commodity prices that began over a year ago. The price declines experienced by wheat and cattle producers over the last couple of years have expanded now to all of the feed grains, oil seed, cotton, pork and now the dairy sectors at record all-time lows. Farm income is expected to fall from $53 billion in 1996 to $43 billion next year, nearly a 20-percent decline.

The Republican Leadership has again let down the American farmer. The credit guarantee assistance needed by farmers to obtain credit during spring planting is again delayed by the inability of the Republican Leadership to deal with legislation on a timely basis.

Farmers and ranchers have a cash flow squeeze this year and the demand for USDA's farm lending programs has increased dramatically this year to 4 times the normal rate.

Many states have already exhausted their loan funds and farmers cannot get their crops in the ground without the credit to purchase their inputs.

USDA reports that the Farm Service Agency will begin to layoff temporary employees at the end of this week. These employees assist with the backlog in delivering assistance to farmers suffering from low prices and crop disasters.

The demand for Loan Deficiency Payments is exploding. For 1997 crops USDA paid about $160 million for farmers and ranchers for LDP's. For 1998, LDP's are currently $2.3 billion and that total is expected to climb to $3.2 billion before the season ends. We expect to issue about $3.5 billion in LDP's in 1999, 65 percent more than 1998. Farmers in my district have been waiting to get paid for LDP's since October, and they will wait because we have been unable to present them with a final bill prior to leaving on our recess.

UNITED STATES FOOD AID

1. Who is going to guarantee that the money from the sale of the commodities in the various regions of Russia gets into the Special Account for transfer to the Pension Fund? What will be done if the money is not deposited within the time specified in the Resolution of the Russian Government (70 days for wheat and rice, 90 days for all other commodities)?

2. How many rubles are anticipated from the sale of the U.S. commodities for the Russian Pension Fund? The Pension Fund has an arrears of around 23 billion rubles.

3. How many people on the Russian side with be actively involved in monitoring the U.S. food shipments?

4. There have been articles in the Russian press criticizing U.S. food aid, saying it is not needed and that it will destroy the private agriculture sector. What is the relationship between U.S. food aid and the development of privatized agriculture in Russia?

FUTURE FOOD AID

5. What is the evidence that Russia will need additional food aid later in the year? What are projections for grain and livestock production in the coming year?

6. If additional food aid from the USDA is requested by Russia, will it be conducted by Russia through an open tender this time around instead of a closed tender?

7. If additional food aid is extended from the U.S., how should funds resulting from the sale of this food aid be used? How can the U.S. be assured it will not be diverted to a bank outside of Russia or just disappear?

RUSSIAN AGRICULTURE

8. What is Russia's strategy for developing the agriculture sector in Russia and for improving the quality of life in the rural areas of Russia?

9. What is the future for private farming and for truly privatized farms in Russia?

INVESTMENT

10. What is being done to create a climate that attracts U.S. investment in Russian agriculture? How can the commercial risk associated with this investment be reduced given the current economic crisis in Russia?

11. Sector Reform: What are Russian priorities to revitalize growth in the agriculture sector given the Duma's opposition on such important questions as private land ownership and tax reform?

12. Farm Profitability: A key task for the Russian government is the creation of viable farms from existing, large-scale unprofitable farms. The main barriers to farm profitability include the lack of good, market-knowledgeable managers, over-staffing, and reluctance to abandon or significantly restructure operations on large farms that are unprofitable. In what ways will the government help large farms to restructure?

13. Private Family Farms: Small private family farms and dacha (garden) plots account

for about 9 percent of total farm land in Russia, yet produce significant percentages of total agricultural output: potatoes—89%, vegetables—76%, meat—48%, milk—42%, and eggs—30%. What measures are being taken to assist private plot holders and owners of family farms to expand their holdings and to meet their needs for credit?

14. Private Investment: Many prior functions of the government under a command economy such as credit, supply and distribution of inputs and marketing of commodities and food products can no longer be provided by the state, nor is there an institution for extending improved technologies (both production and managerial) to farms. There is an increasing role for the private sector, both Russian and foreign, to help. What role will the federal and regional governments play in attracting private investment in Russian agriculture, and are there specific programs, policies or incentives which the Ministry of Agriculture will promote?

15. Agriculture Finance: What work is being done to encourage the establishment of private lending institutions for the farm sector other than commercial banks? In this regard, what is the status of the draft legislation on rural credit cooperatives? What other measures is the Russian government taking to establish a sustainable source of credit for agriculture—both for operating capital and for long-term investment?

16. Next Year's Harvest: What are the prospects for next year's harvest? Is there expected to be a shortfall, and how would Russia deal with this situation if it develops?

17. Investment Policy: Many foreign agribusiness companies willing to invest in Russian agriculture are hesitant to do so because of several factors: lack of land markets and long-term land leasing procedures, complicated and excessive taxation, contradictory federal and regional laws, particularly with regard to land ownership and use, administrative trade barriers imposed by regions which prevent the movement of grain, and lack of legal procedures for the enforcement of business contracts and resolving disputes.

What can the Ministry of Agriculture do to address these issues?

The bill before us $1.2 billion includes language directing the Executive Branch and USDA to strengthen monitoring effort on the $1.2 billion Russian Food Aid package.

This Russian food aid package was put together through existing authorities and has not been subject to congressional oversight. The Congress was not a part of the negotiating team but this is an effort to interject ourselves into the oversight of this assistance. These shipments are likely to be subject to graft and major diversion and, sadly, strengthen the hand of the very instrumentalities in Russia that have approved reform in agriculture.

The magnitude of this package is unprecedented.

Deliveries will be staggered over the next several months—but I believe it may even be necessary for us to suspend shipments for a short time frame in order to evaluate our progress in ensuring that our assistance gets to the people it is intended.

We have had discussions with the USDA over the past four months which have resulted in substantial changes being made to the monitoring effort but they simply are not enough. We have gone from two monitors located in Moscow, to thirteen full time monitors and 30 individuals in the consulates and Embassies assisting with a country team effort.

Thus the report language in the bill states:

RUSSIAN FOOD AID

Based on past experience with regard to U.S. commodity shipments to Russia, the Committee is seriously concerned about the likelihood of diversion in the distribution of the current $1,200,000 Russian food aid package which was negotiated by the Executive Branch. The Committee urges the Secretary of Agriculture to implement swiftly the provisions of the sales agreement that allow suspension of shipments if and when diversions occur. In addition, the Secretary should ensure that sufficient staff is available for oversight, monitoring and control procedures to minimize potential misuse and improper losses of food commodities provided under the three food aid agreements between the Governments of the United States and the Russian Federation. The Committee expects the Secretary to directly involve the Inspector General in auditing these shipments.

The Secretary of Agriculture shall report to the Committee by June 15, 1999, regarding his efforts to increase oversight and monitoring; the extent to which other federal agencies and Non-Governmental Organizations have contributed to the monitoring effort; the number of frequency of spot-checks and their findings; how the agency handled reports of diversions; and the extent to which the distribution of commodities was coordinated with local government officials and private farming organizations. The Committee also expects the Secretary to report on how the food aid package was coordinated with the State Department to meet our strategic goals in the region and the involvement of the Interagency Task Force assembled by the U.S. Embassy in Moscow to oversee these shipments. The Secretary shall also report on how this and subsequent food aid shipments contribute to the development and reform of private agriculture in the Newly Independent States.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am reluctant to engage in this particular argument now because of the great respect that I have for the minority leader, the gentleman from Missouri (Mr. GEPHARDT). But I want to say to my colleagues, there is nothing in this bill that would have an adverse effect on the security of our Nation.

Those who have known me during the 4 years that I chaired the Appropriations Subcommittee on Defense know that I have fought and struggled to do everything that I possibly could to improve the national security of our Nation and improve the quality of life for those men and women who provide the security of our Nation.

I know what he is talking about. We will discuss that more after the gentleman from Wisconsin (Mr. OBEY) offers his amendment, but there is absolutely zero threat to our national security in this bill.

In response to the complaints about how much time it has taken to get here, we tried to do this in a responsible way. The agricultural money that was just mentioned was requested on March 1. Today is only March 24. That is 23 days ago.

So I think we have expedited it fairly well, but one of the reasons we did not come out here on the floor immediately was that I wanted to see firsthand exactly from the congressional standpoint what had happened and what had occurred in the region. I asked a bipartisan delegation from the Committee on Appropriations to visit the region, which they did the weekend before we did our markup. They came back with a very real report on what the needs were, what the requirements were. General Wilhelm, commander of Southern Command, who also accompanied them on that trip, pointed out what our own military had done in response to that national disaster.

So, yes, we did take a little time to be responsible, to find out for ourselves what the situation was in Central America, and to make sure that the offsets that we recommended were responsible offsets.

I will talk more about the offsets when we get into the amendment process here, but we can justify making these offsets because they were not going to be spent in fiscal year 1999 anyway, and if they were left they would have probably eventually been wasted in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I want to thank the ranking member, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time.

Mr. Chairman, although I oppose this bill, I rise today to discuss an important element in this bill, debt relief. The ranking member, the gentlewoman from California (Ms. PELOSI), and the minority have been fighting very hard for debt relief.

We sincerely believe that debt relief is central to any bill that intends to stimulate the rebuilding of infrastructure and to provide other necessities such as health care and food. This bill would devote $41 million to debt relief, $25 million to the World Bank fund for making payments on multilateral debt during the moratorium that lasts until February 1, 2001, and $16 million for an eventual two-thirds write-off of Honduras' bilateral debt.

For just an additional $25.5 million, the U.S. could cancel all bilateral debts owed to Nicaragua and Honduras. That $25.5 million would cancel debt with a face value of more than $270 million. The supplemental came very, very close to alleviating this burden off of the families that have been suffering during this crisis but fell short by $25.5 million.

Bilateral debt cancellation would be a significant investment in Central American recovery. It would send a signal to other countries that these countries' bilateral debts must be forgiven to make way for recovery and development.

A few countries, Denmark, Brazil, Cuba among them, have already done such cancellation, but if the U.S. would do it many more would be expected to follow. More than the amounts involved, that would be the true and relatively small expenditure when one considers the enormous burden that this would lift.

Nicaragua and Honduras already had severe debt problems before Mitch. The hurricane made a horrible problem absolutely unbearable, Mr. Chairman. Moratoria and reduction of bilateral debt stock by the Paris Club are not enough. Before Hurricane Mitch, Honduras was paying over a million dollars a day in debt service; Nicaragua about $700,000 a day.

Once the moratorium ends, no one thinks that the recovery will be complete, but if in fact we go the extra mile and make the difference, we can take this burden off of these families.

Although I do not plan to offer an amendment on this subject, I want to bring this issue to the attention of my colleagues because I feel that debt relief is important for any country to rebuild.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Chairman, I rise in strong opposition to the bill before us today in light particularly of the offsets that are being suggested and what they, in my opinion, will do to agriculture in this country.

Chairman Alan Greenspan made a speech last week in which he talked about the problems of agriculture, and I appreciated very much hearing his analysis and rationalization of what is happening to American agriculture. The point that he made over and over is our problems are that the rest of the world that we depend on for markets to buy that which we produce is having credit problems.

This bill cuts the commitments we have already made to back lending by international financial institutions such as the Asian Development Bank, laying groundwork for another year of dismal farm prices.

Secretary Rubin pointed out in a letter to the Congress the bill would increase borrowing costs and hinder growth in developing countries, the part of the world that before this crisis absorbed 40 percent of our agricultural exports.

In many States now we have a need for the credit. The first chapter in this bill is something that everyone agrees is needed to be done, but not at any cost. If the cost of having this particular emergency declaration or this particular spending is the offset that is in mind, it is not worth the price we will pay in agriculture and farm country.

This seems to come as an annual occurrence now, and I do not understand this. In 1996, the most dramatic change in our farm policy in a generation was held hostage by a leadership that did not trust the Committee on Agriculture, forced to vote on the bill or to have nothing for American farmers after we had already entered the planting season in parts of our Nation.

Last year, again, as farmers were making fundamental decisions, House leadership meddling in bipartisan consensus over a bill to secure delivery costs for crop insurance delayed final adoption of a bill reported from conference. In that case, a sound bipartisan majority defeated the leadership's rule that would have undone a carefully crafted and responsible compromise. Now farmers in dire straits, in the need of these lending programs, will have to wait even longer.

I am going to ask the majority to seriously consider an amendment that I will offer, and I will ask for unanimous consent that the emergency declarations in this bill be stricken and that instead of using the offsets in question for agriculture in the development bank and also the offsets dealing with nuclear, one of the most irresponsible decisions this body could possibly consider doing at this time with all of the problems in the world, Kosovo we are talking about today, how we could possibly do that I do not know.

I will offer, and hopefully by unanimous consent, that we strike it and pay for these emergency declarations with an across-the-board cut on every account. I believe that would make a lot more sense at this time and certainly avoid what could otherwise be a catastrophic happening for agriculture, that no one on this side of the aisle wants to see done any more than I do.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I rise in opposition to the way this bill has been handled.

Mr. Chairman, I rise to express my support for this bill, but it is very reluctant support.

First of all, I am deeply disappointed that there is no money for domestic disaster relief in this bill.

Most of the money in this bill, $687 million, is for foreign disaster relief efforts. There have been some terrible disasters in those countries this year, and I am fully in support of helping these countries out.

However, the Republicans didn't see fit to include any money for recovery efforts in our own country.

According to USDA, there is approximately $102 million in disaster recovery needs across the United States at this time. We need $102 million—and the Republicans gave us nothing. (This money is in the Senate bill, but the House appropriators did not include these funds in this version).

As far as getting this money out, we all know that the committee was prepared to bring this bill up on March 4.

This bill was to contain desperately needed relief for our farmers ($109 million for credit insurance, and $42 million for FSA salaries and expenses), as well as the disaster relief in Central America.

These are all obvious emergency appropriations, but the House leadership decided that they wanted these appropriations to be offset.

This caused a three week delay in bringing the bill up, a three week delay in getting these funds to the farmers who desperately need it.

I don't know if the House Republican leadership realizes it or not, but they are putting family farms out of business every day that this bill doesn't pass.

And now, it looks like this bill won't be sent to the President until after the recess, where it faces a potential veto. Who knows how many farmers are going to be forced to close their operations between now and then.

I am certainly not happy with this bill. But I can't vote against this measure and delay money to farmers in my district any longer.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Minnesota (Mr. SABO).

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, this is a strange bill, particularly all of these speeches we hear about offsets. In my judgment, this bill is a legitimate emergency, under the budget rules can be handled as an emergency without being offset and that is how it should be handled, but we are going through this pretense that we are making offsets when in reality we are not.

Let me suggest to all the Members they look at this bill. Page 3, they will find this language: Provided that the entire amount is designated by the Congress as an emergency requirement pursuant to section so and so of the balanced budget and emergency deficit control act of 1985, as amended.

What does that mean? It means that the outlays in this bill are exempt from the budgetary caps, and the law we are passing, we are saying it is an emergency, the outlays are exempt from the caps, but then we get into a discussion of a whole series of offsets, which really are not offsets to the outlays. We are actually spending this money outside of the caps but then we do a whole series of offsets that do damage but does not solve the budgetary problem; primarily reducing the callable capital for the international banks.

What is the reality of this type of cut? It is as if I signed as a second signatory on a loan for $100,000, but then

I decided I wanted to buy a new car for $30,000 and pay cash for it. What I would do is I would send a letter to the bank saying I am sorry, this guarantee I made is reduced from $100,000 to $70,000 and somehow think that gives me $30,000 of cash to go out and pay cash for a car. It clearly does not work, but that is the mentality we are using in these offsets.

The bank would probably call the loan back on the mortgage I had signed for because my guarantee was only now good for 70 percent of it and I would not get $30,000 to go and buy a new car.

That is what we are doing in this bill. We are still pretending or saying it is an emergency. That is real. The outlays are exempt from the caps, but then we do these series of cuts which do damage but do not change the nature of the fact that our outlays are still considered emergencies.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Alabama.

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Mr. CALLAHAN. Mr. Chairman, I think the gentleman has brought up an excellent scenario, an excellent explanation of what we are doing here. He is doing, in a sense, what Governor Wallace used to say; he is bringing this down to a level that I can understand, and that most people watching can probably understand.

We will use the gentleman's example of his endorsement of a loan for an automobile for one of his children. If the gentleman goes to the bank and signs that loan, he cosigns the loan with his child. The bank does not say to the gentleman, Congressman, put this money in a safety deposit box in our bank. They simply use the gentleman's assets to give that loan, with the recognition and assurance that if the money is not paid, then the gentleman will have to pay it. They do not tell the gentleman which pocket to put in or which drawer.

We are not taking away the obligation of the United States. The obligation is still there. We are simply taking 5 percent of the appropriated callable capital and using it to balance the budget this way.

So the gentleman brings up an excellent point. That is that the United States has pledged this money in the event of an international monetary crisis. If indeed there is an international monetary crisis that exceeds $150 billion, then the Congress is going to have to reappropriate the money, but it is not unauthorized. Congress has authorized this. It is a debt and an obligation of the United States.

Mr. SABO. Mr. Chairman, I would ask the gentleman, if we change these guarantees, how much outlay savings does it give us this year?

Mr. CALLAHAN. The money currently is sitting in a fund, an appropriated fund.

Mr. SABO. My question is, Mr. Chairman, obviously this bill declares these expenditures an emergency. The outlay is exempt from the budgetary caps. If we make this change that the gentleman is suggesting, how much outlays does that save us towards the discretionary caps?

Mr. CALLAHAN. I do not think it saves us any outlays.

Mr. SABO. No outlay savings?

Mr. CALLAHAN. No.

Mr. SABO. That is the heart of my point. This bill declares everything here an emergency, exempt from all the budgetary caps, but then we pretend we do these change of guarantees as an offset, which saves us no actual dollars of outlays.

Mr. CALLAHAN. Mr. Chairman, I think the gentleman is correct.

Mr. SABO. I thank the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LATHAM), a member of the committee.

Mr. LATHAM. Mr. Chairman, I thank the chairman of the committee for yielding time to me.

Mr. Chairman, I was listening to the debate, talking about what is happening with agriculture. We do have a very, very serious problem in agriculture. There was some concern expressed about using the P.L. 480 dollars for an offset in this bill.

The fact of the matter is the reason there are dollars there is because the administration did not use it last year. They did not use that tool to get rid of the surplus. That is why there are dollars left over.

It is also the case, when we look at the export enhancement funds, in the last 3 years we have had $1.5 billion available to promote exports of U.S. products around the world, and the administration has done nothing.

Also this year, the administration claimed that they had set new heights of using a little over $4 billion for export credits. The fact of the matter is, by law the minimum is $5.5 billion that is supposed to be used, and in the Democrat administration budget this year, they are cutting $215 million out of those credits. That is, again, going to cripple our exports.

I heard the minority leader earlier talk about the hog farmers. If we look at the Democrat administration budget being put forth to try and help that hog farmer, they have $504 million in new taxes on livestock producers that is going to come right out of the hide of that pork producer in the minority leader's district.

I believe we have to help farmers today, and not hurt them. We have to use the tools available to make sure that our exports are promoted, that we use every resource possible. What the problem is in agriculture today is just a failure by this administration to use the tools available for export to help our producers, and this bill needs to move, move now, so they have the credit this spring to put a crop in the ground.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have before us a letter from the Bretton Woods committee. It reads, in part, as follows. It is addressed primarily to the Tiahrt amendment, but also applies to the base bill.

Among others things, it says this:

"This is to alert you to the enormously damaging impact of the Tiahrt amendment to divert appropriated World Bank callable capital to offset portions of the emergency supplemental."

It then goes on to say, at a later point, "Disturbing reports from Wall Street say that some bondholders are already growing nervous over the threat and are dumping World Bank bonds."

It then goes on to say, "This will undermine the recovery strategy for Asia and other vulnerable regions, and it creates new international financial instability at a time when we can ill afford it. Ultimately, this move will hurt U.S. exports."

At a later point in the letter, it also says, "This is a retreat from international commitments made by every president since Harry Truman, including Republican stalwarts Dwight Eisenhower and Ronald Reagan."

Then it says, "Disappropriating callable capital from which no outlays can be gained is a sham solution, but paradoxically, a congressional raid on appropriated callable capital could even force the United States to make new cash contributions with real outlays attached."

I agree with that letter. What the committee is doing, as my good friend from Minnesota (Mr. SABO) and the gentleman from Texas (Mr. STENHOLM) pointed out, is a sham. In fact, if we take a look at the four items I am trying to deal with in my amendment, those items pretend to save $853 million.

In fact, they would save only $19 million on the P.L. 480 item and on the war chest. Possibly they might save $80 million more if CBO is correct on its assumption that $80 million of the amount which the majority is trying to rescind from the nuclear weaponry account will be spent.

The ironic point is that the majority party says that they are rescinding that money because none of it would be spent in this fiscal year, anyway. So we are left with this situation. If the majority party is correct, then no money will be spent, and there are no outlay savings in the amounts they are claiming. If the majority party is wrong, then we wind up doing huge damage to a key negotiation to make the world safer by removing plutonium that would make at least 15,000 nuclear weapons.

Either way in my view is incredibly misguided, so I would again urge passage of my amendment, and defeat of this bill if that amendment is not passed.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. I thank the chairman for yielding, Mr. Chairman.

Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman of the committee.

As the chairman knows, the Senate, in its consideration of this legislation, has included a provision which provides for the disposal of 17,383 dry tons of zirconium other from the National Defense Stockpile. The Department of Defense inadvertently failed to include this in its legislative proposal to Congress last year. The Senate provision corrects this oversight. It also ensures that disposal of the material will not result in undue disruption of the usual markets of producers, processors, and consumers of the material.

It is my understanding that this is really a technical provision which is not controversial, and is supported by both the Defense Department and the Committee on Armed Services. I therefore rise to seek the chairman's support for receding to the Senate on this matter when this bill goes to the conference.

Mr. YOUNG of Florida. Mr. Chairman, in responding to the gentleman from Michigan, he is correct. I have discussed this issue with not only the Department of Defense and the Committee on Armed Services, but also the chairman of our Subcommittee on Defense of the Committee on Appropriations, the gentleman from California (Mr. LEWIS).

We all agree that the Senate's language is not controversial, and would in fact be useful. On that basis, we are certainly prepared to agree to it when we go to conference.

Mr. KNOLLENBERG. I am grateful to the chairman. I thank him very much.

Mr. YOUNG of Florida. Mr. Chairman, to close the general debate part of the consideration of this bill, the issue has been raised about whether or not we should use the emergency declaration. This is a technical argument. The truth of the matter is we are responding to an emergency. The only difference is we are going to pay for it. We are going to offset our response to this emergency, but it truly is an emergency to which we are responding to.

I do not see why anybody should be really upset about leaving that part of the language in the bill. It is truly an emergency. We are just being fiscally responsible, and we are going to offset it.

One of the discussions that has been of some concern to all of us is the issue of the purchase of plutonium from the Soviet Union. I want to tell Members about this fund. This was a fund of $525 million for the two Russian programs, $325 million for highly enriched uranium, and $200 million for plutonium disposition.

By the way, we spend a lot of money in programs like this, but this particular aspect was not high on anybody's radar screen. In the omnibus appropriations bill we dealt with last year, there were so many members and so many people in the administration having input into that bill, this issue was never part of the original consideration. It did not come down here from the White House or the Department of Defense or the State Department. As a matter of fact, the only time it was actually raised was when we went to the conference committee with the other body.

At that point, one member of the Senate offered the amendment to create this program and appropriate this money. We thought it was a pretty good idea. We still think it is a pretty good idea. But I would remind my colleagues that this fiscal year is basically half over, so most of that money would not be spent, anyway.

Second, I would remind my colleagues that the agreement that we were to reach with Russia on this issue to make way for spending this money has never been concluded. In fact, yesterday Prime Minister Primakov was on his way to the United States. One of the things we thought that he would do while he was here was to complete the negotiation on highly enriched uranium portion of the agreement and sign it.

Somewhere over the Atlantic Ocean Prime Minister Primakov decided, after a conversation with Vice President Gore, he decided not to come to the United States, and he turned around and went back home. So to this day, to this minute, no part of agreement has been signed.

What did we do? Of the $525 million that had been appropriated, we only rescind $150 million. I will remind the gentleman, the agreement is not concluded nor signed, and the fiscal year is halfway over. But we left $375 million in this fund that no one even wanted or suggested until we got into the conference committee.

So I do not think this is a serious problem that anybody should be concerned about. As I said, we took a little extra time to prepare this bill, to bring it to the committee, and to bring it to the Floor because we wanted to be responsible. We wanted to be fiscally conservative. We wanted to make sure that the money, the funds that we used to offset these emergencies, would not do severe damage to any of the programs that we dealt with.

So we went through the account, page by page by page, to find unobligated balances, monies that would not be spent in fiscal year 1999 anyway. That is where the list of rescissions came from.

I submit to all of the Members, and I understand we have differences, there are 435 of us, we are always going to have some differences, that this is a good, a responsible, conservative bill that meets the criteria of responding to an emergency, at the same time being extremely careful with the taxpayers' dollars that we have an obligation to be responsible for.

In closing, Mr. Chairman, I suggest that we should pass this bill. We should respond to the emergency. We should help our friends in Central America, and we should repay to our own military the monies that they have already spent in the performance of their emergency duties at the time of the hurricane and at the time of the natural disasters.

Mr. POMEROY. Mr. Chairman, I rise in reluctant support of H.R. 1141, a bill to provide supplemental appropriations for hurricane relief in Central America and additional loan funding for our nation's struggling farmers.

Although I will vote in favor of the bill, I deeply regret that the majority has once again chosen to load an urgently needed relief measure with extraneous policy provisions and objectionable offsets. I am reminded of the supplemental fight of two years ago when relief for Grand Forks, North Dakota and other disaster stricken communities was delayed for weeks because the majority added unrelated and highly controversial provisions to the emergency supplemental bill. Rather than repeat its past mistakes, I had hoped that the majority would advance a clean measure that would gain the support of the President. Unfortunately, that is not the case.

The one and only reason I am supporting this legislation is because it includes desperately need loan funds for cash-strapped farmers in North Dakota and throughout the country. Without these loans, many farmers in my state will be literally unable to get into the fields this spring to plant a crop. When the House and Senate convene a conference committee to craft the final version of this bill, however, I hope the leaders have the good sense to reach accommodation with the administration so that the bill can be passed and signed into law as quickly as possible.

Mr. ETHERIDGE. Mr. Chairman, this is a bad bill for farmers and for the American people. I support the funding in this bill for farmers, even though it is inadequate. But the cuts in this bill are entirely irresponsible, and will do more to harm agriculture in this country than any benefit it will receive from the paltry amount of money that has been included for farmers. The biggest challenge facing farmers and other businesses in this country is competing in the global economy. Talk about kicking farmers while they are down, this bill would cut critical funds for the development and expansion of global markets at a time when pork and grain farmers are suffering from plunging world demand sitting on record surpluses and tobacco farmers are dealing with a 35 percent cut in their income over the past two years. I cannot support a bill that gives farmers something with one hand and takes it away with another. This cynical bill will be vetoed, and the Republican leadership know it. They loaded this bill up with veto bait in an attempt to score political points and in the process have ensured that the relief farmers desperately need will be delayed. And that's wrong. Unfortunately, this bill puts partisan gain over the people's interests, and I urge Congress to reverse course and pass a balanced bill that will speed relief to the farms where it is needed the most.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this bill, not because I do not believe that the programs it funds are necessary—because they urgently are—but rather because of the way that the majority in the House is handling these appropriations.

H.R. 1141 provides a total of $1.3 billion in emergency funding for many programs that are more than worthwhile, they are necessary to save human life. A sizable portion of that fund, $687 million, is set aside for relief efforts in Central America and the Caribbean, who have been ravaged by Hurricanes Mitch and George over the course of the past year.

Those funds are desperately needed. In Central America, it is estimated that one in three of the facilities that are used for public health or water treatment were damaged during the hurricane. In part because of the loss of those facilities, the hurricanes left in their wake over almost 20,000 dead or missing. In addition, reports indicate that together, both hurricanes created a homeless population of three million people. In the Caribbean, it has been stated that there remains over $2 billion in economic damage alone. Without this supplemental funding, we know that the road to recovery for these countries will be a long and difficult one. We have chosen to assist by helping rebuild their infrastructure and by providing humanitarian assistance, and this bill is required if we are to fill those obligations.

Additionally, and somewhat related to the disastrous hurricane season in Latin America, this bill contains $80 million in funding for the Immigration and Naturalization Service to better help them cope with the influx of people seeking to escape the intolerable living conditions in their home countries. Hopefully, as these countries recover from this tragedy, we will see the exodus from Central America return to the levels prior to the onset of last year's hurricane season.

Furthermore, this bill provides domestic relief for some of our most needy citizens—our farmers. As a Member from Texas, I am acutely aware of the problems facing our agricultural industry. Our ranchers and farmers have been attempting to grapple with the implications of drought for half a decade, and they undoubtedly need our assistance if they are to persevere through this season. This bill contains some relief, by way of $1 billion in direct and guaranteed loans—that will help farmers keep afloat during this desperate time.

However, while each of these appropriations are necessary, the majority on the Appropriations Committee decided that, unlike other emergency appropriations measures, that this bill should contain offsets roughly equal to the expenditures. As a result, we now face budget cuts to last year's budget that were unanticipated when we passed the Omnibus Appropriations Act of 1999.

The largest and most unwelcome cut involves our international banks, which have been critical in the mitigation of the world financial crisis. This bill cuts funding to those banks by $648 million, in an environment where those banks are often the best option for borrowers seeking shelter from a hostile economic environment. If any of my colleagues have any qualms about how important this funding is, Secretary Daley has asked the President to veto this bill, should it pass, on the merits of this program alone. Although we are in a time of relative economic prosperity, we must remember that in our global economy, we cannot afford to gamble with the financial well being of our trading partners. By taking away these appropriations, we threaten to disturb all of the progress that our neighbors have made over the past few months—and we may destabilize industries that can do us great harm by continuing to dump their products into our markets.

Furthermore, this bill rescinds funding for other foreign operations spending packages that this Congress developed last year. Those packages include $25 million for the Export-Import Bank, that assists our citizens in penetrating new marketplaces abroad, and $25 million for the Global Environment Facility, which funds important and necessary environmental projects all over the world.

Most importantly, this bill also rescinds the funding for a program enacted by this Congress and the administration, which was aimed at stopping the proliferation of nuclear arms to rogue nations. Under the terms of the original appropriation, $150 million could be used to purchase materials, uranium and plutonium, that could be used in nuclear warheads by our enemies. This program was strongly supported by the President, and with good cause—it is well known that the current nuclear threat to the United States does not come from Russia, but rather from isolated renegade governments looking to become players in world politics. Just last week, we acknowledged that threat when we passed a resolution which stated that we should work towards developing a missile defense system—which, unlike this program, does not guarantee a reduction in nuclear arms.

Furthermore, the budget cuts also touch those in this country who are suffering the most—the unemployed and the poor. This bill rescinds $31 million worth of funds that are used by the Labor and Health Human Services Departments. A good portion of those funds, $21 million, go towards funding state unemployment funds, which are in great need in my district because of energy-crisis related layoffs which have reached unheard of limits.

For the aforementioned reasons, I urge all of my colleagues to vote against this bill, and vote for the Obey amendment.

Mr. HOBSON. Mr. Chairman, I rise in support of the Fiscal Year 1999 Supplemental Appropriations bill that will, among other things, provide disaster relief to Central America. Just a few weeks ago, I led a bipartisan delegation to Central America to assess the damage inflicted by Hurricane Mitch. What I saw was astounding. I saw debris hanging on treetops that reached twenty to thirty feet high. Mud slides buried entire villages, sweeping away homes in one fell swoop. The devastation blocked roads, leaving families without the means to obtain food, water and other emergency materials.

Our troops and other relief organizations have been in the region since the storm hit late last year, and have done an outstanding job of providing help and assistance to the citizens there. This bill before us will supplement what they have done so far. The funds we provide will help repair the infrastructure that literally crumbled under the force of Hurricane Mitch, and maintain economic stability in the region, which will bolster ongoing efforts by the U.S. to assist the democratic reforms already taking place there.

The assistance in this bill will be provided in a fiscally responsible way. We have to be mindful of our obligation to American taxpayers. We have offset almost all of the funding in this bill with unobligated funds—that is, money that would not have been spent in this fiscal year. Our commitment to offset this money contrasts with the President's decision to forgo offsetting the spending in this bill. It's also important to note that the U.S. is one of 21 countries contributing to disaster relief efforts; so American taxpayers are not shouldering the financial burden entirely on their own.

Again Mr. Chairman, I urge my colleagues to support this bill. Having seen first hand the devastating force of the hurricane, I believe we should support the people of Central America in overcoming this terrible disaster.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to ask the House to do its part to fulfill the nation's promise to the remaining World War II internees of Japanese descent, who were wronged by our government and who are still awaiting redress. Today we have an opportunity to meet our obligation to them at no extra cost to the taxpayers.

I am speaking about Americans and Latin Americans of Japanese descent who were interned in remote U.S. camps, or evacuated or relocated from their homes, out of the fear that they were a danger to America after war was declared with Japan.

No evidence has ever materialized to show that these Japanese Americans or Japanese Latin Americans ever sympathized with the Axis or engaged in espionage. Their internment was a shocking denial of their constitutional and human rights. They never recovered their lost property. But even worse, they lost their trust in the U.S. government which had the duty to protect them.

Four decades after the war, the Civil Liberties Act of 1988 finally gave the United States a ten-year window to acknowledge the injustice done to more than 120,000 Americans and legal residents of Japanese ancestry. The Act provided the internees with a Presidential apology and a $20,000 payment, as restitution for the terrible losses that they suffered.

To date, the Office of Redress Administration has paid out $1.64 billion in redress payments to 82,077 former internees. Unfortunately, the redress fund was exhausted as of February 5. Many eligible internees will be denied their rightful payments authorized by Congress if the fund is not replenished.

The shortfall resulted from several factors:

In the closing years of this 10-year program, the courts expanded the class of persons eligible for redress, to include railroad workers and miners who were fired from their jobs and whose families were evicted from company housing.

Added to the eligible class were a group of Japanese American servicemen who were denied the right to visit their families or who lost property during the war.

A January federal court settlement, Mochizuki v. U.S., made eligible for redress those Latin Americans of Japanese descent who were deported—at the urging of the U.S.—from 13 Latin American countries and interned in U.S. camps. They were brought here out of unfounded fears of possible espionage, and for use in prisoner-of-war exchanges with the Axis. These internees settled for a much smaller redress payment of $5,000.

During the final two weeks of the redress program, more than 50 cases were reversed on appeal, accounting for unexpected payments of approximately $840,000.

Finally, nine abandoned Japanese American cases were revived, as claimants unexpectedly submitted documentation at the last minute, causing an additional $180,000 to be paid out.

The Office of Redress Administration, which runs the redress program, estimates that $4.3 million is needed to pay the remaining eligible cases. This includes:

$1,580,000 for up to 79 eligible Japanese American cases at $20,000 each.

$1,978,455 for 395 eligible Japanese Latin American cases at $5,000 each.

$665,000 for 133 Japanese Latin American cases expected to qualify, at $5,000 each.

Adding more money to the fund does not authorize further expansion of the class of eligible persons. Rather, it simply pays for claims that are already well-established.

The Senate Appropriations Committee included a provision in its FY99 Supplemental Appropriations measure, S. 544 to reprogram $4.3 million of Department of Justice FY99 funding to replenish the redress fund to cover these remaining claims. This amendment was included in their final bill passed yesterday.

I urge the House to accept the Senate's $4.3 million reprogramming proposal and seize this opportunity to pay our debt to the remaining internees. It will not cost the Treasury additional money, and no offsets are required.

Let us close this shameful chapter of our nation's history in an honorable way. Let us fulfill the mandate of the Civil Liberties Act of 1988 and agree to this reprogramming request. Let us fulfill our commitment to the remaining internees.

Ms. KILPATRICK. Mr. Chairman, as one of the newest Members of Congress who has been recently appointed to the August House Appropriations Committee, and one of the fewer than ten African Americans who have ever been appointed to this committee in the entire history of the United States, I take my duties very, very seriously. As such, I take the responsibility of guarding the purse of the American people very seriously. While we currently enjoy a soaring stock market and unforeseen surplus in our budget, common sense economics dictate that good times do not last forever. It is, therefore, couched against this background that I oppose the Emergency Supplemental Bill, H.R. 1411, that is before us today. Of course, I join my colleagues in support of assisting the people in those countries tragically hit by Hurricanes Mitch and George. As we enter increasingly globalized markets, taking measures to brace their economies is strategically wise. Assistance is also the humane response. This assistance must not come at the cost of delaying much needed aid to the farmers of our nation or by threatening our national security. Wise fiscal policy and a humanitarian response to those in need are not mutually exclusive.

First of all, H.R. 1411 hurts the farmers of our nation. The State of Michigan is the third largest exporter of agricultural products in the United States. Instead of moving rapidly to address the real needs and concerns of the farmers in the State of Michigan and our country, the Majority Leadership chose to delay for over three weeks millions in farm operating loans. These loans help farmers hurt by low world-wide commodity prices. This delay was unnecessary and is almost unforgivable. It does not take an economic genius to determine the effect that this isolationism will have on the commodity prices that these farmers, and other businesses, that are engaged in the world-wide marketplace. These rescissions will hurt commodity prices even more, and could further hurt the farmers and their families of Michigan and our nation. Secondly, this bill erodes our commitment to the global economy by rescinding several key guarantees to international lending institutions.

Furthermore, this bill potentially threatens the security of the United States by rescinding $150 million from the U.S. program that aids in the disarming of Russian nuclear weapons. This program buys and stores enriched uranium and plutonium from the production of various nuclear weapons. While this program is still in its nascent phases, this bill signals to Russia that we are not serious about solving the every burgeoning threat of nuclear weapons. Nor, it would seem, are we serious about eradicating this environmentally-dangerous material.

The regrettable aspect about this legislation is that it does many good things. The committee's report contains language that was of particular importance to me concerning the possible disproportionate impact that these natural disasters could wreak on women living in communities hit by the storm. Fully one-third of the households in Central America that lost homes are headed by women, and women are primarily responsible for taking care of the family health, finding emergency services for their families, and procuring adequate food and clean water. When attempting to return to normalcy, unfortunately, jobs that women traditionally tend to depend on have been hard-hit. For example, many of the agricultural jobs that women are at the end of the processing chain, such as packing fruits for export. These end-of-chain jobs will not be replaced for another 3–5 years; until new crops are ready for harvest. Frustratingly, women are most often barred from the kinds of short-term employment, such as construction, clean-up, and road building, that the disaster has created. Women must remain a focus as we provide disaster relief for these countries. I commend the emergency supplemental package's partial focus on microcredit programs, which are targeted primarily at women. And I urge those coordinating disaster relief programs to remain aware of the continued plight of women as they help to rebuild society, and to institute processes to ensure that women are able to participate in needs assessments. Programs must ensure that women workers are gaining equal access to employment and credit. Gender differences and women's specific needs must be taken into account in the emergency relief and development programs. The committee's report addresses this concern.

My second concern lies in the possible resulting long-term increase in debt that may be felt by these countries. I stand in strong support of the $16 million debt reduction provided for Honduras and Nicaragua. Neither country should be expected to use their scarce resources for debt payments while immediate humanitarian and reconstruction needs remain unmet. In addition to this $16 million in debt reduction, we are providing $25 million in debt relief to the Central American Emergency Trust Fund to help with scheduled debt payment to international financial institutions. I am concerned about the provision of temporary cash flow relief that is provided in such a way that there is an endgame increase in debt due to capitalization of interest. I believe we ought to do the most that we can to ease and reduce Honduras' and Nicaragua's debt burden and, to the best of our abilities, avoid increasing the amount of money Honduras and Nicaragua will owe in the end.

I am tired of playing games. I believe that the majority of my colleagues want to ensure that we deliver help when it is needed, and that Congress begin to address the real needs and concerns of our country. Although H.R. 1411 contains provisions that I fought for during House Appropriations Committee consideration, I cannot support legislation that hurts our farmers, erodes our commitment to the stability of world markets, or potentially threatens our national security. I urge my colleagues to vote against this bill in its current form.

Mr. PORTER. Mr. Chairman, I rise in support of H.R. 1141, the Emergency Supplemental bill.

I am particularly pleased that the bill includes the full funding necessary to allow National Public Radio to continue its services to public radio listeners.

In the early 1990's, NPR negotiated a 10-year lease for satellite "transponders" to assure nationwide coverage for public radio. In May of 1998, the satellite unexpectedly failed halting programming to public radio listeners across the country. The satellite vendor provided a temporary back up though the fall of 1999.

In order to lease the necessary transponders on the replacement satellite, NPR must have the necessary funding to contract with the satellite vendor. This bill provides the full $48 million to allow NPR to complete the negotiations and assure the continuation of service. It provides $30,600,000 in fiscal year 1999 and $17,400,000 in fiscal year 2000. Let me assure members that the fiscal year 1999 funding is fully offset with rescissions of unneeded funds in other accounts and the fiscal year 2000 funding will be absorbed within our allocation.

Mr. Chairman, the bill also contains several technical amendments to the omnibus bill we passed last year that are of concern to the administration and which correct errors made in the hectic last days of our negotiations and preparation of the bill for consideration by this House.

Mr. Chairman, I would like to thank the Chairman of the Committee, the gentleman from Florida, Mr. YOUNG, for his assistance in including these provisions in the bill. I would also like to thank the ranking member of the Committee and of my Subcommittee, the gentleman from Wisconsin, Mr. OBEY, for his support and assistance in expediting the technical corrections and support for the funding of the NPR satellite.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in House Report 106–76 may be offered only by the gentleman from Wisconsin (Mr. OBEY) or his designee, shall be considered read, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the CONGRESSIONAL RECORD. Those amendments will be considered read.

□ 1215

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations, that there may be a lot of good arguments that he can make in opposition to our position on the plutonium issue, but he should not make the argument that he just made, and I would ask him not to make that argument again, because it is based on his perception that the administration does not really care very much about this amendment and this issue. That is as far away from the truth as it can could possibly be.

Here is what the facts are with respect to that issue: The administration submitted its original budget in January. The omnibus appropriations bill did not pass until October. What happened between January and October is that it became clear that the Russians were not going to negotiate for the removal of plutonium from their country unless money was put on the table to help visibly finance those efforts.

So in the conference on the omnibus appropriation bill, Senator DOMENICI led the effort to insert the money, and he had the full, strong, four-square support of the administration. He had the support of the Energy Department. He had the support of the State Department. He had the support of the White House. He had the support of OMB. It should not be stated otherwise on this floor.

The fact is that the gentleman from Florida (Chairman YOUNG) now very well knows that he has in his possession various letters from the administration, from the Secretary of Energy, from the Department of the Budget, which spell out in very clear terms that the administration believes it is of the highest priority that these funds not be rescinded.

The administration has made quite clear in letters to the gentleman and to me that, without that money on the table, our ability to move forward in negotiations with the Russians to remove the threat of 15,000 nuclear weapons that could be built from that loose plutonium, it has made quite clear that, if that rescission takes place, they put at risk our ability to get any results from those negotiations.

So use any argument my colleague wants, I would say to the gentleman from Florida, but do not suggest that this is not a serious matter. Do not suggest that the administration is not four-square for the preservation of this money, because that is at variance with the facts.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $42,753,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM:

Page 2, line 9 through line 12, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 3, line 8 through line 12, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 3, line 25 through line 2 of page 4, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 4, line 21 through line 25, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 5, line 9 through line 13, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 5, line 17 through line 21, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 5, line 24 through line 3 of page 2, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 6, line 6 through line 10, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 6, line 13 through line 17, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 6, line 20 through line 24, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 7, line 3 through line 7, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 7, line 19 through line 22, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 8, line 4 through line 8, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 9, line 24 through line 10 of page 10, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Page 10, line 19 through line 23, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 11, line 14 through line 17, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

Page 12, line 8 through line 12, Strike "*Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

And on page 13, strike lines 3 through 10.

Mr. STENHOLM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida (Mr. YOUNG) wish to be heard on his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment. It violates the rules of the House as it in effect calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter. Amendments to a paragraph or section are not in order until such paragraph or section has been read. This is Cannons Precedents, volume 8, section 2354.

The CHAIRMAN. Does the gentleman from Texas (Mr. STENHOLM) desire to be heard on the point of order?

Mr. STENHOLM. Yes, Mr. Chairman, I do. I concede all of the points that the gentleman has raised. I will at the conclusion of being heard on the point of order ask unanimous consent that these rules be stricken today and that they be waived in order that we might expeditiously handle this bill before us today, because I believe it would be a lot more expeditious to deal with a one-time vote on the differences that some of us have regarding how we shall pay for these emergency declarations. I am just trying to be expedient and try to speed up the work of the House today.

But if the gentleman from Florida (Mr. YOUNG) insists on his point of order, or there will be an objection, then we must do it according to the rules, which I certainly intend to pay strict attention to all the rules of the House.

But we are just saying that already in the debate we are hearing what the differences are, and my objection to the bill is how it is being paid for. That is what we want to strike.

Basically what we are saying is we would rather have an across-the-board sequestration cut than to have two or three of these more egregious cuts. If by unanimous consent we can have a one-time or have my amendment carried, we could have a good debate on this issue and settle it and not take up as much time of the House.

So I ask unanimous consent of the gentleman might consider waiving the rules of the House in order that we might expeditiously consider the amendment.

The CHAIRMAN. The Chair will not entertain unanimous consent requests at this point.

Does the gentleman from Florida (Mr. YOUNG) insist on his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I do insist on my point of order.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) makes a point of order that the amendment offered by the gentleman from Texas (Mr. STENHOLM) amends portions of the bill not yet read for amendment. For the reasons stated by the gentleman from Florida, which are recorded in chapter 27, section 9.1, of Procedure in the House of Representatives, the point of order is sustained.

Mr. STENHOLM. Mr. Chairman, I then would ask unanimous consent that these rules that have been objected to, that I have readily conceded, might be in order; that we might expeditiously proceed.

The CHAIRMAN. Is there objection to present consideration of the amendment just ruled out on a point of order?

Mr. YOUNG of Florida. Mr. Chairman, I must reluctantly object to the unanimous consent request, and we will go by the regular order.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM:

On page 2, strike lines 9 through 12.

Mr. STENHOLM. Mr. Chairman, this amendment, then, begins the process of talking about the difficulties that some of us are having. In this case, interestingly enough, it is the Department of Agriculture and it is the agricultural funds that are in question, the amount for salaries and expenses for the necessary employees to deliver the Emergency Disaster Program that we passed last fall and is now still awaiting execution.

Obviously I reluctantly offer this amendment, but by the same token, the argument that I made before in general debate and I will make again now, I believe that the emergency should be stricken. I happen to agree with the gentleman from Florida (Chairman YOUNG) when he says we should pay for these emergency spending. My difference is I disagree with the manner in which the majority has chosen to pay for it. Two or three of those I think will do irreparable harm to this country's best interest.

But specifically speaking to agriculture, I think, for any reason, for the United States to call into question capital available for countries of the world that are struggling and that different financial institutions might consider to be creditworthy, and that if they are considered creditworthy, they might then be able to borrow money in order to buy that which we have produced in the United States.

As Chairman Greenspan pointed out in an eloquent speech last week, our problems with agriculture have been because our markets have dried up. He pointed out, and others are pointing out, that we are playing with fire when we begin to take what appears to be an innocuous, harmless something that we can attack as being foreign aid and that there is no repercussions, that there is no price to be paid.

I happen to believe very strongly that we are playing with fire. If the majority succeeds in these offsets today, it will do far more damage to American agriculture and farmers than whether or not there is a delay on providing the credit, because it will be a short delay. We have already passed unanimously in this House a couple weeks ago the Combest-Stenholm amendment in which we recognized that.

But here again, my argument would be, and what I ask unanimous consent for, is to just agree that the President asked that all of these be considered emergency. Do not blame the President for the impasse we have today. He has already declared it.

The majority has said we do not believe we ought to breach the spending by declaring it emergency, a perfectly logical decision to be made. I happen to agree.

The difference we have is how should we pay for it? I believe in an across-the-board cut in every account would be a much more logical and helpful way for us to progress. Even there, there are some offsets that I am sure that the committee can, in fact they have come up with some that makes sense, and, therefore, they can in the conference make those adjustments with the Senate and hold it down as much as we can as far as the across-the-board cuts.

That is all that I am saying today. That is my point of my amendment today. I will be offering this amendment. I would rather have done it en bloc, but I understand the rules, and I understand the gentleman from Florida (Chairman YOUNG), and I appreciate his handling of this.

But I would seriously say to my colleagues, please consider what we are saying and do not look at this as something that we can take frivolously of which there are no prices to be paid. This Member's humble judgment is that there is a potential very high price to be paid and that there is a better way for paying for this today. That is my argument, and I would ask support for my amendment.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Texas (Mr. STENHOLM).

Mr. Chairman, as I read this, what he is striking is from line 9 to 12, striking "Provided, That the entire amount is designated by the Congress as an emergency requirement", and it goes on to give the citations of the referenced Budget Act.

I am not exactly sure what the gentleman is trying to accomplish here, except I believe what he wants to do is to eliminate the offsets that we have suggested from the Committee on Appropriations and replace them with an across-the-board cut.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I am happy to yield to the gentleman.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding to me. The gentleman has explained the intent of what I would like to accomplish today as perfectly and honestly as I could have done it.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman very much for that. His credentials in attempting to be very careful and responsible with the taxpayers' money is certainly well known throughout the Congress.

But I would have to say, and the reason that I oppose the gentleman's amendment is that the committee was very careful in working with all of the subcommittees to find these offsets of unobligated funds that would not be spent in fiscal year 1999; and if they were spent in 1999, they might find their way into some wasteful spending program in the following year. So the money was not going to be spent this year. The committee and the Congress should make these decisions.

But across-the-board cuts are, frankly, the easy way out. Any time we have a problem with paying for a supplemental or reducing spending, putting an across-the-board amendment up is the easy way to go, but that takes the Congress out of the procedure.

When we are doing an across-the-board cut, then the administration and the agencies, they will decide where to make those cuts. Frankly, I do not want to give up the responsibility that the American people have given the Congress in our Constitution, to be responsible for the appropriated funds and the appropriation of those funds.

So, on that basis, I really have to object to the gentleman's amendment and suggest that we stay with the offsets that have been identified, that have been studied, that have been thoroughly scrubbed and are responsible offsets rather than relying on an across-the-board cut.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just have to say that I am very confused by the position taken by the majority party on the Stenholm amendment.

☐ 1230

This is the first time in at least a few days that I have seen the same train trying to run in both directions on the same track simultaneously. And yet that is what the gentleman is arguing.

One minute they are arguing their offsets do not do anything because the money is not going to be spent next year; the next minute they are arguing that their offsets are meaningful. Now, I do not know which argument is correct. I can debate somebody who is taking only one position at a time; I do not know how to debate somebody who takes two positions at the same time. That gets a little difficult.

So it just seems to me that while I do not believe the Stenholm amendment is necessary because I believe that these items, getting assistance to our farmers, given the collapse in their prices, is an emergency; it may not be to a comfortable Member of Congress, I think it is very much an emergency to those farmers; and I certainly believe that what happened with the hurricane was an emergency.

So I do not believe the Stenholm amendment is necessary, but if this bill is going to do what it pretends to do, then the Stenholm amendment is consistent whereas the base bill itself is not, and I think Members need to understand that.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank my friend from Wisconsin. He is known for a number of things here, his insight and his parliamentary sharpness, but he is not always known for his sense of etiquette. That is his problem here. He has been eavesdropping.

The people on the other side have been making two arguments: one is for the conservative Republicans, in which they talk about how they have offset this bill; then there is another argument they make for everybody else in which they point out that the offsets will have no impact, either fiscally or any other way.

The problem is the gentleman from Wisconsin has, inappropriately perhaps, eavesdropped on the arguments that were not meant for his ears. Those were meant for the CATs, and it is not surprising that the gentleman's hearing did not quite understand it.

So when the other side is arguing that these offsets are really very important offsets, they are talking to conservative Republicans. Naturally, my friend from Wisconsin would not understand that. But when they talk then about how the offsets really do not mean anything, that they do not really save any money or really prevent any spending that would have occurred anyway, then they are talking to the other side.

So that, I think, might help the gentleman with his dilemma.

Mr. OBEY. Mr. Chairman, reclaiming my time, it reminds me of an umpire who calls the runner both safe and out at the same time. He is trying to satisfy both sides, but it leaves the audience very confused.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will yield further, perhaps this is a new civility. When there is a sharp division, we try to please both sides equally, and the fact it does not make any logical sense is simply a quibble.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the emergency aid and in opposition to these offsets.

Mr. Speaker, an emergency is an emergency. Hurricane Mitch hit a half a year ago in Central America and we are here today arguing emergency relief because of the offsets. We still have in Central America 2.4 million, almost 2.5 million people that are displaced or homeless. That is bigger than the population of a lot of States that are represented here on the floor. Why are we being so cruel in this process of saying, in order to help people that are disabled and homeless, in an area where we need to get the infrastructure and the economy going, that we have to penalize our domestic programs?

The epicenter for the 1989 earthquake in California, the Loma Prieta earthquake, was in my district. Do my colleagues know that we received aid from Japan, aid from Mexico, aid from European countries? They came to California, probably the richest State in the United States, because we were in a disaster and they knew we needed help.

We have 23 other nations that have responded to Central America. Some of these have debt with those nations, bilateral debt, far greater than what we have. And yet Brazil is able to give $179 million in debt forgiveness; France, $127 million; Sweden, small Sweden, $45 million; and the United States, the richest country of all, debt forgiveness is $41 million.

My colleagues have constituents who wrote checks to the International Red Cross; millions of dollars were received by the Salvation Army for relief in Latin America, and these donors did not talk about offsets. The men and women from our districts who are now in Central America working with the nongovernmental organizations, who have taken time off, are not asking for offsets. The 23,000 American troops and National Guardsmen who are building roads and bridges, who are building medical clinics, who are building schools, who are working at a 2-and-3-week period of time, are not asking for offsets.

It is really a sad day that we are here debating an emergency bill because of offsets, and it leads us to wonder whether the only time we are ever going to be able to respond to an emergency without offsets is if we declare war. I oppose the offsets.

Mr. TIAHRT. Mr. Speaker, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Florida, the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me. My friend, the gentleman from Wisconsin (Mr. OBEY), and I have sometimes misunderstood each other, and I want to make sure that he does not misunderstand what I am saying about the offsets.

Yes, these offsets are real, but they are offsets from funds that were not going to be obligated in fiscal year 1999 anyway. So they are real, and the fact that they were not going to be obligated says that we are not really damaging those programs.

But now when the gentleman from Wisconsin talks about how we are supporting two different versions of something at the same time, I have been sitting here wondering what he means. The gentleman from Wisconsin (Mr. OBEY) is strongly against offsetting the emergency funding in this bill, but at the same time he is supporting the amendment by the gentleman from Texas (Mr. STENHOLM) that eliminates the declaration of emergency as he proceeds to get an across-the-board cut. That is where I am a little confused with his position.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Did the gentleman hear me say I was supporting the Stenholm amendment? I never said that.

Mr. YOUNG of Florida. I am glad to hear that.

Mr. OBEY. I do not think that the Stenholm amendment is necessary, but I believe it is preferable to the base bill. There is a distinction.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman from Kansas will continue to yield, I am glad to hear the gentleman from Wisconsin (Mr. OBEY) joins us in opposition to the Stenholm amendment.

I would also like to say to my friend, the gentleman from California (Mr. FARR), and incidentally the gentleman from California was part of the delegation who went to Central America at my request a week and a half ago, and came back with a very glowing report. And I can understand why he would want to appropriate these monies without offsetting, and I think that that sentiment would run through this House.

This is a true emergency. But the problem is the leaders of the party of the gentleman from California in the House and in the Senate, the leaders of my party in the House and in the Senate, and the leader of the free world at the White House, the President of the United States, have all said we are going to live within the 1997 budget caps. And I say to my colleagues that unless we get serious about making offsets on some of these programs, we are not going to satisfy the President nor our own leaders in the House or the Senate, because we just cannot get to the 1997 budget caps unless we are willing to make some tough choices in offsetting some of the spending.

I appreciate my friend from Kansas yielding to me, and I appreciate the work that he does as a member of the Committee on Appropriations.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Florida, and I want to confirm that I stand with him in opposition to this amendment.

Mr. FRANK of Massachusetts. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I am a little bit curious now, having heard the chairman of the Committee on Appropriations saying that these in fact are real offsets but, as I understand it, they will not affect spending in this fiscal year. Now, they are offsetting, as I understand it, spending that will be in this fiscal year.

So I would like members of the committee to explain to me where, at what point will they be offsetting spending? What spending will these offsets avoid? When would that spending have occurred, and what will be the consequences of these offsets? Because I would like to get a focus.

So they apparently will not have an effect in this fiscal year but we will be offsetting next year. Would someone from the Committee on Appropriations, I will be glad to yield, explain to me exactly what is being offset? If not this year, when will it be offset and what will be offset?

Well, I guess I will go unsatisfied in my quest for specifics.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin, the ranking minority member of the committee.

Mr. OBEY. Mr. Chairman, if the majority party will not respond to the gentleman's question, let me give the gentleman my understanding of what the situation is.

The majority party pretends that by cutting $648 million in callable capital they are reducing the deficit. But as the gentleman knows, the deficit is measured only by what we actually outlay in any given year. And the fact is that the estimate of the outlay savings for that item, according to CBO, is zero dollars saved.

Secondly, with respect to the Export-Import item, they pretend because they are cutting $25 million in budget authority that they are saving a corresponding amount. In fact, CBO says they will save at most $3 million from that item.

With respect to PL–480, they claim that $30 million will be saved because of budget authority cuts, but in fact that translates only into a deficit reduction of $16 million.

Then we get to the nuclear weapons item. Our friends on the majority side say, do not worry, this money is not going to be spent this year anyway, so we will not hurt these nuclear agreements. But the Congressional Budget Office says that there they are going to take an $80 million outlay cut in those proposals this year.

So it seems to me that not only are their arguments inconsistent, they are inaccurate. And if they are right or wrong, the result in real world terms is most destructive in terms of the confusion that will be caused in the international markets and the setback that will be provided to our efforts to rid the world of plutonium which can make 15,000 nuclear weapons.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Chairman, and I will yield to the gentleman from Kansas in a second, but I just want to say, and I appreciate this, it does seem to me we have seen an unusual logical feat here.

The majority has presented two very inconsistent arguments, both of which are wrong. It is hard to do that. It is hard to be on opposite sides of the question and get it wrong from both directions.

Because it sounds to me like for much of what the chairman was describing these are offsets which will in fact save no money this year, but will cause us some harm and some damage in the understanding in the international community about what is available to the World Bank and the other banks. So we will accomplish nothing concretely but cause some difficulty in the process of accomplishing nothing.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I would just like to say to the gentleman from Massachusetts, I do have a copy of the bill and it does outline what the offsets are. If the gentleman is curious about which ones are there, I do not think that is a problem.

Mr. FRANK of Massachusetts. Reclaiming my time, I have to respond to that point, and then I will yield further.

I understood that, but I understood the chairman to say with regard to a couple of the offsets that they would not stop us from spending any money that we were going to be spending in this fiscal year, and I guess that is a wonderful kind of offset. Let us have offsets that we can claim as offsets but do not reduce any spending.

Maybe the gentleman from Florida could suggest a diet for me, because I would love to find the caloric equivalent of those fiscal offsets.

Mr. TIAHRT. Mr. Chairman, if the gentleman will continue to yield, what the chairman is referring to is unobligated funds, money that will not be spent and that we will keep from spending by rescission.

But I want to address callable capital. That is a fund, money sitting in an account, $12 billion sitting there, and this money will then go to a higher priority to help the people in Central America. And if it is not a real outlay, then why did the Secretary of the Treasury come to Capitol Hill and express his concerns about this outlay?

Mr. FRANK of Massachusetts. Mr. Chairman, I will yield to the gentleman from Wisconsin in a minute, but I want to say two things.

First of all, it is not a real outlay in this fiscal year. It is not a real dispute. No one says it is going to be a real outlay. The chairman said we are not planning to spend it; we are going to set it aside.

I believe what the Secretary of the Treasury was citing was the uncertainty and confusion it will cause in the international community and the financial community if we rescind our obligation to make that available when it is going to be needed.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that what the Treasury Secretary is saying, and I would respectfully suggest that he probably knows more about international finance than all of the Members of this House put together on both sides of the aisle; the Secretary of the Treasury is telling us is that this money, indeed, will not be spent.

Callable capital is never meant to be spent. It has never been spent in the history of the international financial institutions.

□ 1245

It is there simply to send the message that the full faith and credit of the United States stands behind those financial institutions so that they can provide the credit necessary to keep our export markets going.

And when we, for the first time in our country's history, withdraw previously appropriated callable capital, we bring into question our commitment to those processes. That in turn creates the likelihood that interest rates are going to be raised in those markets, and that means that we wind up shrinking our own export markets. Why that is smart is beyond me.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I do want to note, and I am interested, the gentleman from Kansas (Mr. TIAHRT) has learned a lesson from the gentleman from Florida (Mr. YOUNG) about the cancelability of callable capital but he has apparently learned it too well.

And at some point I guess the gentleman from Florida (Mr. YOUNG) is going to explain the difference between $640 million of callable capital which does not mean anything and $800 million which does.

Mr. Chairman, I yield to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I want to say we are not rescinding the full faith and credit of the United States with our diminishing that fund that is out there somewhere. The full faith and credit of the United States remains intact. It is not diminished by this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I thank the gentleman for that. In other words, we are just as obligated to spend the money without this so-called offset. So now the offset is getting to the diminishing side.

The gentleman from Kansas (Mr. TIAHRT) has just said, as he understands it, whatever our obligation is under our full faith and credit is the same, so the offset has suddenly disappeared.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. STENHOLM. Mr. Chairman, I just want to try to clarify again why I am offering the amendment. And precisely why I am offering this amendment is the possibility that the capital that is being rescinded might be needed in order to maintain agricultural markets.

It is precisely that reason, that just in case we find this year that that capital will be needed, I want it to be available. And I think it makes much more sense for this body to have that capital available in case agriculture or any other producers of anything in the United States might benefit by whoever might use that capital that it might be available.

And we are kind of into the never-never land here, because if this really was emergency spending, this debate would not even be taking place here today. I happen to believe it is emergency. But I happen to believe at this stage in the budget debate that we need to pay for all expenditures, even emergency spending, and that is why I am here striking "emergency".

The President asked this be emergency and not be offset. Some folks on both sides of the aisle believe it ought to be offset. I believe that unless we strike the particular offsets and do an across-the-board cut, we are playing with fire that will far more damage agriculture this year than any of the problems associated with the amendment that I offer in striking the funds for salaries, et cetera, at this time. That is the record.

And I could not agree more with the chairman a moment ago in his explanation of what he is doing and why, because he and I agree on this. But this does not take Congress off the hook. My amendment puts Congress on the hook, because my colleague and I both know that if we have across-the-board cuts, some things are going to be very meaningful. Some areas of the budget will have much more meaningful cuts than others because some are tighter than others.

So I do not say I am trying to take anybody off the hook. I am saying I am willing to put us on the hook, and I think across-the-board cuts are much more doable. I do not want to use the word "honest." I just believe that they put Congress in a more responsible way of saying, yes, we want to pay for, we want to live within the caps and we mean it.

And I thanked the chairman a moment ago for agreeing that that is his interpretation of what I am trying to do. We have a difference on this. But to those who argue that this capital unexpended is not going to have any effect on Kansas wheat farmers this summer, be careful, be careful when they make that argument in case they win.

Because if the economy of the world should turn around and go even worse, Mr. Greenspan, in what he has warned us, and let me just quote: "The disappointing export developments and pressures on farm prices over the past few quarters can be traced to an important degree to the recession that began in Asia more than a year and a half ago and has since spread to other regions of the world. Falling shipments to Asian countries accounted for more than 80 percent in the drop of value of farm exports over the past 2 years."

Let us be careful what we do today. There are real prices to be paid if we are in error. I believe an across-the-board cut would be much sounder for national policy and agriculture policy than what is being suggested by the majority bill.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I want to say to my friend from Texas (Mr. STENHOLM) I know the sincerity of what he is doing, and what he and I are trying to do is not that different. The only real difference is the source of the offsets.

Let me explain again. Because when the gentleman from Massachusetts (Mr. FRANK) was speaking, he confused what I was trying to do. But let me reiterate what it is that the committee bill is trying to do here.

The offsets that we recommend in this bill are monies that have been appropriated, and most of the money for those programs will be spent in fiscal year 1999. But portions of that appropriated money, money that has already been appropriated, will not be obligated in fiscal year 1999. And because this is "no-year money", if you allow me to use that phrase that appropriators use and budgeters use, "no-year money," those funds will eventually end up being spent somewhere. So we are just going to take advantage of those unobligated funds and use them now to meet this emergency.

Then I would like to say to my friend from Texas (Mr. STENHOLM) that should a real emergency arrive in agricultural areas of our country, I can assure him, as chairman of this committee, that we will respond quickly to any request from Members or from the administration that would deal with any emergency in agriculture or any other emergency, for that matter, in the United States.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I rise to oppose the amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me bring out one point, too. As has been said by a lot of speakers here, the money proposed for rescission has been appropriated. We are not reneging on the obligation that we still have for these banks.

We are the only country of all the participating countries that are participating in these banks that has appropriated the money. None of the other countries have appropriated it. And yet the actuaries or bond rating agencies are saying, "We are concerned because the United States is withdrawing an appropriated amount of money."

We are not diminishing the obligation. We only represent 16 percent of all of the callable capital of the Asian Development Bank, which means that if they have to call up $1,000 in new callable capital, then other nations have to put up $840 of that and we must put up $160. So the other countries have not put that money in a reserve account.

So why is this a detriment to the international banking community, if we are the only country who has done this and it was done many, many years ago, and it has never been called?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to ask the gentleman from Florida (Mr. YOUNG), if in fact this bill does fully offset the new expenditures in the bill, then why does the bill need an emergency designation? Is it not true that it would have no emergency designation if in fact these items were fully offset?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I think I explained this once before but I would be happy to do it again.

The emergency designation was established by our own Budget Impoundment and Control Act, or whatever it is referred to as these days, and it does provide for an emergency designation, that if the Congress determines there is an emergency and if the President signs off and agrees that it is an emergency, then the monies appropriated do not have to be offset.

Mr. OBEY. Mr. Chairman, if the gentleman would yield further, but he claims they are fully offsetting them, so then they do not need the emergency designation.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield to me, I was in the middle of my explanation so only half of it is finished.

The other part is that I have no objection to saying that this is an emergency. We are responding to an emergency. So having the emergency designation in the bill, as requested by the President of the United States, does not give me any heartburn at all.

I think we should say that we are responding to an emergency. We just go a step further, and we say that we should offset and pay for this emergency. That is the difference. If the emergency designation is there or is not there, I do not think it is going to have any effect on this bill, at least as it is before the House today.

Mr. OBEY. Mr. Chairman, if the gentleman will yield further, the fact is that the reason they need the emergency designation is that they do not fully offset this. In fact, this bill will add $445 million to the debt and to the deficit because they do not fully offset it.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will continue to yield, we do not fully offset it, and we will discuss where we do not fully offset it in a further debate.

The gentleman is absolutely correct, we do not offset the amount of money that we appropriate in this bill for the Army and the military services who immediately responded to that emergency in Central America, the same ones is pulled the kids out of the mud, who pulled the people out of the flooded rivers, who brought potable water to the area so that people could have water to drink that was sanitary.

That is correct, we are not suggesting that we offset that because that is a true emergency, and we will debate that later. But we do not need to offset defense appropriations any more. We have already done damage to our military over the years by reduced budgets and by making us offset deployments of American troops that are sent all over the world. I am going to strenuously object to offsetting any more funds that the Defense Department is required to spend because they are sent on a mission, no matter where it might be, whether or not it deals directly with the security of our Nation.

Mr. OBEY. Mr. Chairman, if the gentleman would yield further, I would simply say that response is incorrect. The offsets for the military only are $195 million. The add-on to the deficit under their bill is $455 million. So they still have not fully offset this bill and they ought to quit pretending that they have.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am puzzled.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. CALLAHAN) has expired.

(By unanimous consent, Mr. CALLAHAN was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I hear the gentleman from Alabama (Mr. CALLAHAN) say, the way this bill is worded, this cancellation of the callable capital will not prevent any money from being spent that would otherwise have been spent this year, that is, it does not cancel any proposed spending for the year and it does not reduce our obligation.

The gentleman is the chairman of the committee. He says the full faith and credit is still there. So if it does not stop any spending that was going to happen this year and it does not prevent any spending in the future, how did it become an offset? What is it offsetting?

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, it is offset because we have already appropriated the money and it is sitting there in the account. So we are taking it out of the appropriation account and putting it back into the general fund.

Let me make a brief comment in my final minute here on something that the gentleman said earlier on the floor. Did I hear the gentleman from Massachusetts (Mr. FRANK) say that some Members of Congress have the audacity to be speaking out of both sides of their mouths?

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would continue to yield, what struck me was not that they were speaking out of both sides of their mouth but that they were equally inaccurate. Usually people get it right one out of two.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I cannot help but marvel at the fact that the gentleman from Massachusetts is accusing any Member of this body, Republican or Independent or Democrat, of speaking out of both sides of their mouth. This may be an historic occasion for this Congress.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding.

The gentleman spoke very factually a moment ago. But precisely because America is one of the few if not the only country in the world that has been backing these institutions is why I offer the amendment today.

☐ 1300

Because I worry that if we, this body, should call into question the reliability of whether we will be there, I worry about the effect of that. That is precisely why I offer the amendment.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, we will be there. We are also leaving a sufficient amount of money in reserve in the event of any emergency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 345, answered "present" 2, not voting 9, as follows:

[Roll No. 67]

AYES—77

Baird
Baldwin
Barrett (WI)
Bartlett
Bereuter
Blagojevich
Blumenauer
Boucher
Boyd
Brown (OH)
Capps
Capuano
Clayton
Condit
Cramer
Crowley
Danner
Davis (IL)
Delahunt
Doggett
Dooley
Emerson
Eshoo
Ford
Gonzalez
Goode
Gutknecht
Hall (TX)
Hinchey
Jackson (IL)
Jefferson
Kaptur
Kennedy
Kind (WI)
Kucinich
LaFalce
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Tauscher
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NOES—345

Abercrombie
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Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
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Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
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Lucas (OK)
Maloney (CT)
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McCarthy (NY)
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McInnis
McIntosh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Nethercutt
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Northup
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Price (NC)
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Radanovich
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Reynolds
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Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
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Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snyder
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Spence
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Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Frank (MA)
Sabo

NOT VOTING—9

Barrett (NE)
Brown (CA)
Fletcher
Lowey
Myrick
Peterson (PA)
Slaughter
Stupak
Weldon (PA)

☐ 1318

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Mr. COBURN, Mrs. McCARTHY of New York and Mr. OLVER changed their vote from "aye" to "no."

Mr. LEWIS of Georgia, Mrs. EMERSON and Messrs. KIND, SMITH of Michigan, WATT of North Carolina, JEFFERSON and POMEROY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARTLETT of Maryland. Mr. Chairman, on rollcall vote No. 67, the amendment from

the gentleman from Texas, Mr. STENHOLM, I inadvertently voted "aye." I would like the RECORD to reflect I intended to vote "no."

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment made in order by House Resolution 125 offered by Mr. OBEY:

Page 13, strike lines 3 through 10 (relating to Department of Agriculture, Public Law 480 Program and Grant Accounts.)

Page 13, strike lines 11 through 18 (relating to Department of Energy, Atomic Energy Defense Activities, Other Defense Activities).

Page 15, strike lines 16 through 25 (relating to International Financial Institutions, Reduction in Callable Capital Appropriations).

Page 18, strike lines 9 through 13 (relating to Export-Import Bank of the United States).

Mr. OBEY. Mr. Chairman, this amendment is very complicated, as the vote on the previous amendment offered by the gentleman from Texas (Mr. STENHOLM) indicated, so I apologize for the fact that I will have to ask for an extension of time to complete my remarks in explaining it.

Mr. Chairman, sometime in the near future, as we all know, we are likely to be in a state of high confrontation a quarter of the world away, in Kosovo and in Serbia. Of all the times, this is the least desirable moment for the United States credibility to be questioned. Yet the action that this Congress is taking today on this bill will bring into question our commitment to the international financial institutions that we built at the end of World War II in order to try to stabilize the world's economy. It will also bring into question our commitment to work out in negotiations with the Russians to see to it that 50 tons of weapons-grade plutonium is converted to a more safe use in nuclear power plants. So I am offering this amendment to remove the foremost egregious offsets that the majority party has inserted in this bill.

Very simply, Mr. Chairman, my amendment eliminates the cut of $25 million in the Export-Import Bank funding because I believe that we should not be disarming ourselves in protecting American jobs and in protecting our markets abroad. That is what we do when we reduce the amount of money in the Export-Import Bank war chest, which is there for the purpose of sending a signal to the world that if other countries artificially subsidize exports by their corporations into world markets, we will use that money to do the same, so that we do not lose jobs in the process.

The second thing this amendment will do is to say that we will not at a time when our farmers have seen huge drops in their market prices, we will not choose this time to cut back on Public Law 480 funds. This is the device we use to try to facilitate the export of American farm products abroad. The amendment does two other things. It says that we will not add to the uncertainty of international financial markets, by for the first time in our history rescinding previously-appropriated callable capital funds.

The Secretary of the Treasury has already indicated if this provision remains in the bill, this bill will be vetoed, and it should be vetoed. We cannot afford to add uncertainty to international financial markets.

Fourth, what this amendment would do is to eliminate the $150 million rescission which will in the words of our own Department of Energy and in the words of our arms negotiators make it much less likely for us to be able to resume negotiations with the Russians on the conversion of that plutonium which is now within the borders of Russia, to convert that plutonium to a use other than for the purpose of building 15 to 25,000 more nuclear weapons.

□ 1330

I think it is imperative that this Congress support this action this afternoon.

What I think is really happening here is this: We know that the gentleman from Florida (Chairman YOUNG) tried to bring a bill to the floor which would have been a bipartisan bill, but he was then given different orders by his House leadership.

He is being a good soldier, but we know that if the Committee on Appropriations had been left to its own devices, we would have a far different bill before us here this afternoon.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 4 additional minutes.)

Mr. OBEY. Mr. Chairman, what we really have here is this: The House could have produced a bill which would have epitomized cooperation between the executive and legislative branches on an item that the President felt was an emergency. Instead, because of the instructions given to my good friend, the gentleman from Florida (Mr. YOUNG), the Congress is instead choosing to follow the path once again of confrontation with the President. It is setting up a bill which is going to be vetoed, which will get no help to anybody.

Secondly, let me make this observation: We have had various Republican voices say that this administration's foreign policy is faulty. I will be the first to admit it is far from perfect, but I would suggest that this action comes after a series of other actions taken by the majority party which calls into legitimate question its understanding of the world or its willingness to recognize our responsibility to lead.

This is the same party that has refused to pay our bills at the United Nations, which brings into question our leadership capacity in that institution. It is the same party which for over a year held up action on the International Monetary Fund request by the President. That action again added uncertainty, especially in the Asian markets, and made it more difficult for us to sell our products in those markets.

It is the same party that has really at various times come at the Bosnia and Kosovo questions from both sides. Now it is the same party which is saying that we ought to bring into question our commitment to support the international financial institutions, and their role, after all, is to help stabilize international markets primarily for our benefit. We started those institutions so we would not have to carry the full load.

Lastly, the majority party is also attempting to put roadblocks in the way of the administration's ability to negotiate that crucial plutonium agreement. It just seems to me that on that issue alone, this amendment ought to be passed. If this amendment is not passed, the bill before us should be voted down.

There is no rational reason to take $150 million off the table at a time when we put that there in order to make certain that the Russians would come back to the negotiating table.

I understand that the staff of the subcommittee is unhappy because they were not involved in the original decision to include this money in the Omnibus bill, but I think that staff pique over that issue is not sufficient reason to put our national interest at question when it comes to dealing with this plutonium question.

I would urge, in the name of responsibility, that the House vote for this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think we actually could have gone ahead with a vote because we really have debated these issues all morning long. I am going to speak to just one of the issues and then other Members of the Committee on Appropriations will address several of the others.

The concern that the gentleman has expressed about the PL–480 program, this bill includes a $30 million rescission this program and as I have repeatedly said throughout this debate this should not cause any problem on that side of the aisle, certainly not at the White House. In fact, there have been very substantial carryovers in this account for the last few years. In fact, in 1999, there was a $40 million carryover in the PL–480 account.

The administration, the White House, has proposed cutting Title I funding in half for the past 3 years, and Congress has restored most of the program each year. So even with this rescission, the program will be operating substantially above the requested level.

For fiscal year 2000, the administration has again proposed to cut Title I in half and to reduce the other two food aid programs, Title II and Title III.

In testimony before the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies in recent weeks, the administration said these cuts would not cause any problems, in part because the administration has created a new food aid program for Russia of more than $700 million using funds from the Commodity Credit Corporation.

So ours is a responsible rescission, and we still have more money in the fund than the White House would have. The White House would certainly not attempt to cut these funds if they thought it was going to hurt the program, because it is a good program, and I support the PL–480 program and I always have, even back years ago when the gentleman from Wisconsin (Mr. OBEY) and I used to debate on callable capital almost every day of our lives. I support the PL–480 program, and we do not do any damage to it because there was a $40 million carryover. So I would suggest that this is not a real argument.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I am confused as to whether the gentleman's party intends to follow the CBO accounting on these issues or not.

Is not it, in fact, true that the CBO indicates that $16 million of the funds that the gentleman is rescinding would, in fact, be spent absent the rescission on the PL–480 issue? Is not that the case?

Does not that, therefore, demonstrate that those funds are needed?

Mr. YOUNG of Florida. I am not sure that I understand exactly the point that the gentleman is trying to make. All I am saying is that our rescission is less of a rescission than the administration asked for when they sent their budget up here.

Mr. OBEY. The point I am trying to make is this: The gentleman is saying this will have no significant programmatic impact, and the gentleman has indicated numerous times that this money is not going to be spent anyway.

The fact is the Congressional Budget Office, which scores these items for all of us, indicates that, in fact, $16 million of that would, in fact, be spent without the rescission; that $16 million which is unavailable to assist American farmers in exporting their products, and if ever they need assistance to export their products this is the time.

The administration did not volunteer to support the agricultural funds that were provided in last year's supplemental either, but both parties ran to do that because we recognized the severe need out in farm country.

Mr. YOUNG of Florida. The key issue here is how much money is left in Title I of the PL–480 fund. The funds that are left there, in our opinion, are substantial.

Now, when we go to the CBO scoring issue, this is something that the gentleman and I are going to have to work with very diligently over the next few weeks and few months because CBO scoring, as the gentleman well knows, is very much different than OMB's scoring.

We are going to have to deal with this great difference between the scoring of the OMB and the CBO. We are not going to solve that problem here today. We will talk more about that tomorrow when we deal with the budget resolution, but the gentleman is correct. CBO scoring is a serious problem that we are all going to have to face up to, especially since it is so different than OMB, but we will discuss that tomorrow.

This rescission is less of a rescission than the White House would make, and I am satisfied that there is more than enough money left to carry out the intent of the PL–480 program.

Mr. MARKEY. Mr. Chairman, I rise in support of the Obey amendment.

Mr. Chairman, the House Republicans have loaded up this bill, which should be noncontroversial, with all sorts of peculiar provisions. Remember, this bill was supposed to be a bill to help out the victims of Hurricanes Mitch and George and to provide loans to United States farmers hurt by low commodity prices, but instead the Republicans have loaded it up with controversial proposals that virtually guarantee a presidential veto.

For whatever reason, the Republicans have apparently decided to demand offsets, that is, cuts in other programs, in order to ensure the emergency relief that is in this bill. So they decided to use the bill, in other words, as a mechanism to target cuts for programs that the isolationist wing of the GOP simply does not like.

Forget that we have a budget surplus. Forget that we can afford to help our Central American neighbors and help our farmers here at home without having to slash these other programs.

No. The House Republican leadership wants to use this bill to rescind programs for international financial banks, slash funding for safeguarding of dangerous nuclear weapons material from Russia and slash funding for global warming studies.

First their supplemental would cut $150 million that would have been used to dismantle and safely store fissile material, bomb grade material, from thousands of Russian nuclear bombs. This is material which could be used for thousands of nuclear bombs. It could be sold to rogue nations or terrorists for use against the United States.

It is in our national interest to help the Russians dismantle their weapons and to store them in a form which is no longer usable for nuclear explosive purposes.

Just one week ago, the Republicans felt so strongly about the need to spend tens of billions of dollars on a dubious missile defense system to protect us against nuclear attack that they actually brought up a resolution to this floor saying that it was the policy of the United States to deploy a missile defense system.

Now this week they are apparently no longer concerned about weapons of mass destruction except, of course, when it comes to blaming Bill Clinton for the fact that the Chinese spies had penetrated Los Alamos back during the Reagan and Bush administrations.

Apparently it is Bill Clinton's fault that the Governor of Arkansas failed to prevent the Chinese from penetrating Los Alamos during the Reagan and Bush administrations.

So based upon the record of the last few weeks, we now find that the GOP is willing to spend billions on missile defenses of doubtful utility, it is willing to blame Bill Clinton for things that happened when we had a Republican in the White House, but it is not even willing to spend even $150 million to dismantle nuclear warheads that might end up in the hands of Saddam Hussein or Slobodan Milosevic.

Of course, if that ever happens I am sure that they will try to blame Bill Clinton that this money was cut.

Right now we are in a very sensitive situation with the Russians. Russian Prime Minister Primakov actually has turned his flight around in mid-air on the way to the United States to protest the NATO plans to bomb the Serbians.

At this point in time, do we really want to send the Russians the message that we are no longer interested in helping them dismantle their nuclear warheads? At this tense moment in our relations with Russia, is that really the message we want to send?

Despite our disagreements with Russia over Serbia, we still have a vital national security interest in working with the Russians to prevent bomb grade materials from getting into the wrong hands. This bill undermines that effort.

In addition to this fatal shortcoming, the Republican supplemental bill would rescind $648 million appropriated to guarantee the U.S. commitment to the World Bank, to the Asian Development Bank and to the Inter-American Development Bank.

□ 1345

Now we are living in a global economy. We can no longer insulate ourselves from what happened around the world. If the economy of Russia or Brazil collapses, our stock market, our investors, feel the effects. If the financial markets conclude that this Congress is walking away from its commitments to sustained financial stability, then it would be a mistake.

I hope that the Obey amendment is adopted.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the rules of the House require that when we are speaking on this Floor, that we ought to address our comments to the Speaker or Chairman, and certainly during this debate the Chairman has paid close attention and probably better understands where we are than most any Member of the body.

But just to reemphasize our position, let me just say that 30 to 40 odd years ago many nations got together and decided that they would create these regional multidevelopment banks. As they did in 1945 with the World Bank, each nation would put in some usable capital, which they did. This paid-in capital funded each bank's initial operations.

The Founding members told them to be responsible in their efforts; that when a bank loans this money to a foreign country, they should be able to pay it back.

They told the banks: "We want you to remain solvent. Just in case, we are going to put up a designated amount of callable capital. In the event you get into a crisis and you need additional monies, you will be able to call on these various countries to receive additional capital, called callable capital."

The United States was the only nation that chose at that time to put up these billions of dollars into a callable capital account, which has never been used. It has been sitting there unobligated for all of these years. Congress stopped appropriating callable capital in 1980.

The problem, I would suggest to the Secretary of the Treasury, is not really the rescission of the callable capital. This is not going to impact the solvency of the bank. This is not going to do anything to the creditworthiness of the banks.

The full faith and credit of the United States stands behind all capital subscriptions entered into by the Secretary of the Treasury, after authorization by Congress. All of this $52.5 billion in callable capital for the World Bank and the Inter-American and Asian banks has been authorized by Congress. Only $11.5 billion has been appropriated. We are not rescinding the authorization. Whether or not 22 percent or 21 percent of the callable capital is appropriated or not, the full faith and credit of the United States still stands, so we are not changing anything substantive.

Naturally, the bond-raters would like to have the money sitting in the left-hand drawer rather than the right-hand drawer.

I should suggest to the people who are making the determination whether or not a multilateral bank is creditworthy to look into their loan portfolio. Are the banks lending monies to countries—such as Russia—that cannot or will not pay it back? They ought to be concerned about that. I'd suggest that they consider the tremendous pressure to forgive all debt owed to MDBs by poor countries. I'd suggest they be concerned that there is no appropriated callable capital for the African, European, or North American development banks.

Are the multi-lateral development banks, in such sorry financial condition that they cannot be sure of their own solvency because of the bad loans they hold? We are not removing the full faith and credit of the United States, we are just taking the money back that we never needed to appropriate in the first place.

Mr. Chairman, I would want to urge Members to vote against the Obey amendment.

There has been some threat about a presidential veto. Let us keep in mind the whole scenario. The President went to Central America. The First Lady went to Central America. They are the ones who went and said, "help will be coming." They are the ones that came up with the designated request for money that we are going to spend.

I think that the President of the United States is not going to be in a position to veto a bill, just because we are rescinding some callable capital that has no substantive impact at all on the solvency of the bank. I know that the Secretary of the Treasury has indicated that he is going to recommend a veto. However, I do not think the President could stand on the world stage and say, "the Congress is giving me the Hurricane Mitch reconstruction money, but I do not like where they are offsetting the money, so we are not going to accept the money and send it to help these people in Central America." The President has not told me that. I do not think he has told anybody in the Congress that he is going to veto it. This is coming from the Secretary of the Treasury.

If the President wants to veto the bill, tell him to veto it. Let him cut off the aid to these needy and desperate people in Central America. In my opinion, he will not do it because he cannot do it, because this is not going to impact the solvency of the banks.

Secretary Rubin is aware of this. Secretary Rubin is more concerned about the precedent; the fact that if we do this a second time, we are going to be coming back in a few years trying to rescind more callable capital. He is concerned about the precedent, rather than the reality of the problem.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Obey amendment, thank the gentleman once again for his leadership in bringing this to the Floor, and recognize our distinguished chairman for his first bill on the Floor, as chairman of the Committee on Appropriations.

I regretfully disagree with my distinguished chair of the Subcommittee on Foreign Operations, Export Financing and Related Programs, of which I am the ranking member.

Just reviewing Mr. CALLAHAN's own words at the end of his comments is an argument for the Obey amendment when he said, in his view, that Mr. Rubin, Secretary of the Treasury, was not concerned about this amount of money but about the precedent it would set. That is known as uncertainty. Uncertainty is not a plus in the financial world.

The crisis in Asia speaks to our not taking this money from callable capital for the multilateral development banks, in particular the Asian Development Bank, because we need money for an emergency.

As appropriators we all know the hard fights that go into determining what an appropriation will be for a particular year. We should respect that process. We thought these were important priorities. We voted for this funding. Now, with this bill, we are saying, we did not need to spend that money anyway.

We should respect the regular order, and the regular order says that under the budget agreement we have caps, yes, but we also provide for emergencies not to be offset.

As I have said earlier in my comments against the bill as presented, if thousands of people die, millions of people homeless, entire economies wiped out in the countries hit by this storm, the hurricane, if that does not constitute an emergency, it is hard to see what would. There probably never would be an emergency, if the worst natural disaster to hit the Western Hemisphere is not considered an emergency.

What we are saying to the people of Central America is, we feel sorry for you but we do not consider you an emergency.

Our process calls for our appropriating funds in a very deliberative process. It also calls for us to have this emergency fund, just as any family in America would have some savings for a rainy day. Well, the rainy day came to Central America, and it came again and again and again, and those people were wiped out, both their economies, their personal lives, their homes, et cetera.

What we want to do is to help rebuild their economies. With our assistance, we want them to develop the private sector. We want them to be self-reliant. We want certainly to provide the emergency assistance to begin with, but we want them to develop their own economies.

Why should we have to do that at the expense of the callable capital for the multilateral development banks, some of which lend into that area? Why should we do that by thrusting uncertainty into the markets about the credit rating of these multilateral development banks?

The Secretary of the Treasury said he was recommending a veto to the President of the United States for this bill if the callable capital provision was in the bill, for reasons of dipping into that fund in the first place, and as a precedent, certainly, to make matters worse.

So let us not try to gloss over the importance of a credit rating. Let us not gloss over the importance of certainty versus uncertainty. That is why we appropriated the money in the first place, because it needed to be there for us to do our share. If we pull the callable capital, what if the other countries do, too? Why is it not okay for them, if it is okay for us?

We are getting on some dangerous territory here. I think we should not confuse the message by having two fights, here. What we are talking about is the very reasonable amendment offered by the gentleman from Wisconsin (Mr. OBEY) that addresses the four areas we have talked about, one of them being the callable capital; another, the Exim-Bank and the war chest of the Exim-Bank, again putting our assistance for trade or export financing in doubt; the $40 million cut from development assistance; and the $45 million in cuts from Eastern Europe and the new independent states, just at a time when those countries are faced with such uncertainty.

Why, facing one problem, are we making matters worse in other parts of the world, when what we should be doing is using the money that the American people think we have saved for a rainy day to help meet the needs of the people who are devastated by the consequences of Hurricane Mitch, the worst natural disaster in the history of the Western Hemisphere? Certainly it is an emergency.

I urge my colleagues to support the Obey amendment.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what I am understanding in this amendment is basically that the gentleman from Wisconsin is opposed to any offsets, Mr. Chairman. He has sort of designated some of the bigger ones, and particularly the Department of Energy defense activities, where there is $150 million.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman has misstated my position. I am not opposed to all offsets. There are a number of offsets in this bill that I have no objection to. My amendment is aimed at the four that I consider to be the most egregious, but I am not opposed to all offsets.

Mr. TIAHRT. If I may continue, Mr. Chairman, most of these four amendments that the gentleman put forth, or the four items in the account that he has attacked, are about 90 or 95 percent of the offsets.

The bottom line is, if we do not offset the bill, the money has to go from somewhere. It has to come from somewhere and go down to Central America. The only other amount of money that is available is the social security surplus. So if we do not offset this money, it is going to come from social security.

I think if we stopped the average person on the street in either Wisconsin or in Kansas and asked them, what would you rather spend your money on, social security or a foreign aid emergency, I think nine times out of ten they are going to say, we want to save social security.

So what we are trying to do is save social security and still provide money for the people who need it very much down in Central America.

Mr. Chairman, one of these accounts that we have heard so much about is the $150 million that was supposed to go to properly secure and store the uranium or plutonium. There is still $375 million in the account that the Department of Energy has to properly store and properly secure uranium that is in Russia.

There is some talk about putting the Nation at great risk because we were pulling back this $150 million. This $150 million was not obligated. There was no plan to spend it during this year, and there has been no agreement on how plutonium is going to be properly secured and properly stored in the country of Russia, so we had no immediate designation for this money. It was money that was put there, but now we are going to move it to a higher priority someplace where there is a greater need.

In the callable capital account, we heard the subcommittee chairman from the Subcommittee on Foreign Operation, Export Financing and Related Programs of the Committee on Appropriations, the gentleman from Alabama (Mr. CALLAHAN), tell us that we are only 16 percent of the obligation of the international commitment in callable capital. The international commitment is some $150 billion. We are only about $35 billion out of that.

None of the other countries have set aside money in an account like we have. We have $12 billion sitting in that account. It is a checking account. What we are going to do, once again, is take money and move it to a higher priority. We are going to move it to the great need that currently exists in Central America.

If the money does not come from somewhere, we will have to turn to the social security surplus. That is the only money that is available. So the choice is very clear. If we vote for the amendment offered by the gentleman from Wisconsin, Members are choosing to take money from the social security surplus and send it down to Central America.

If Members choose to oppose the amendment offered by the gentleman from Wisconsin, they will be accepting offsets, money that is unobligated, money that we have no current plans to use, and instead, establish a much higher priority by moving it down to the great need that exists in Central America.

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So with this very clear choice, I think that most Americans would agree with this, that it is time that we secure the future for ourselves, for our seniors, for our children by choosing to preserve Social Security and by taking unobligated funds, funds that we did not have a plan to spend, and moving it to the priority down in Central America, in Honduras and Guatemala and Belize and those places that were so severely hit by Hurricane Mitch.

So I would urge my colleagues, Mr. Chairman, to vote against the Obey amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding to me.

The comment that we just heard, that without offsets this money will come from the Social Security Trust Fund, is absolutely ludicrous, absurd, and false. The fact is the committee pretends it is going to cut $648 million out of callable capital. There is not one dime saved in outlays.

The way we measure what is available for Social Security or anything else is on the basis of outlays, not budget authorities, as the gentleman from Kansas (Mr. TIAHRT) well knows or should know.

The gentleman from Kansas misstated my position, so let me correct it. The fact is that out of the $648 million that my colleagues claim to save, there is not one dime of savings, so that does not cost Social Security one dime. If we take a look at the entire package, unless my colleagues assume that their committee chairman is correct, if they assume their chairman is correct and that the Act will not harm our agreements with the Soviets on uranium, then out of the entire amount of this amendment, only $16 million will ever accrue as outlay savings. That is less than one-half of 1 percent of all the funds that we are talking about. So do not misconstrue this as being an attack on Social Security. That is blatant nonsense.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I rise in support of the Obey amendment, and I do so on the basis of two particular aspects of the supplemental bill that I believe are particularly egregious. The first one is the provision which would strike the ability to purchase from the Russians 50 tons of weapons grade plutonium.

Just a week ago we had a bill on the floor of this House which called upon our government to deploy a "Star Wars" system, a ballistic nuclear defense system, the physics of which are not even at this moment understood. There are serious questions as to whether or not this apparatus would ever work effectively.

Nevertheless, we are prepared to spend tens of billions of dollars on that program to deploy it, and at the same time we are rescinding from this supplemental bill a small amount of money which would enable us to purchase 50 tons of weapons grade plutonium from the Russians.

If we do not purchase that 50 tons of weapons grade plutonium, the likelihood is that some portion of it is going to end up in the hands of some terrorist organizations and the hands of some person like Saddam Hussein or someone else in some other part of the world that has the ability to threaten this country and threaten others.

The logic of this is absolutely astonishing. There is no logic to it whatsoever. How can my colleagues come here and be for a ballistic missile defense system one week, and then the next week come back and say we ought not to be purchasing weapons grade plutonium from the Russians when we know if we do not, it is going to get in the hands of people who mean us and others harm? This is totally ridiculous.

The other provision would, and this is more than half of the offsets which were offered by the majority, come from the multilateral development banks. We live in a global economy. We are still involved in a situation where there is a serious economic crisis in Southeast Asia, a serious economic problem in Central and South America, a terribly serious economic problem in Russia, all of which impact upon our economy.

We are seeing it particularly in our commodities, particularly in our agricultural commodities. Part of this bill is to help our farmers around the country. At the same time we pretend to be helping our farmers in the supplemental bill, we are going to make it more difficult for them to sell their commodities on the open market. Why? Because the crisis in East Asia has closed up markets there for commodities. The Canadians and the Australians which normally sell into those markets are finding it difficult if not impossible to do so. Therefore, they are impacting on our markets.

Our farmers are finding it difficult to sell in the markets that we normally have access to, let alone those that we hope to have access to. That is the principal reason why we are seeing such difficulty in the agricultural community all across our country.

In this supplemental bill, by these offsets, my colleagues are threatening every farmer that sells outside of the United States, whether it is wheat, corn, soybeans, cotton. Regardless of what it is, my colleagues are threatening that part of our economy.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. HINCHEY was allowed to proceed for 4 additional minutes.)

Mr. HINCHEY. Mr. Chairman, these are two critically important deficiencies in this supplemental bill. We have before us some genuine emergencies as a result of the hurricanes and the devastation that those hurricanes caused, genuine emergencies. We have an emergency also in our agricultural community across the country. We should respond to those emergencies in the spirit of emergency. They are serious problems. They need to be dealt with, and they need to be dealt with now.

But instead of doing that, we have a bill before us which has within it an extraordinarily high political quotient. It is not designed to deal with the emergencies. It is designed to play a little bit of politics and to play some politics with the administration particularly.

I beg my colleagues, please, on behalf of the farmers of our country, on behalf of our national security, change this bill, support with us the Obey amendment. Do not take the rescissions from the multilateral development banks. Do not take the rescissions from the money that is required to buy 50 tons of weapons grade plutonium from the Russians. Let us help agriculture truly, and let us improve our national security by taking those provisions out of this supplemental appropriations bill.

Mr. Chairman, I very much support the Obey amendment.

Mr. Chairman, I yield to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I just wanted to follow up on some of the earlier debate that I was having with the gentleman from Wisconsin (Mr. OBEY). On one hand, if I understood him correctly, he is opposed to the offsets because there is no actual outlays. But then it would seem, if he is opposed to offsets since there is no actual outlays, he would support using callable capital since it does not really cost anything.

On the other hand, if we do offset, if we do take the money from callable capital, then we are going to create a worldwide depression because of this. So I am a little puzzled on that.

The last part I would like the gentleman from Wisconsin (Mr. OBEY) to address is that he says this money cannot come from Social Security. All the money that we have in the Federal Government is obligated except for what we have outlaid right here.

The money has to come from somewhere if it is not specifically designated in this piece of legislation. The only other money available is in the surplus that we have. The only money in the surplus is from Social Security. So I would submit logically that if we do not offset the money in the bill, it does have to come from Social Security.

Mr. OBEY. Mr. Chairman, will the gentleman from New York (Mr. HINCHEY) yield?

Mr. HINCHEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I understand the gentleman is a new member of the committee, fairly new anyway, but I assume he understands the following: When we determine what our deficit is, we determine that not on the basis of what budget authority is, but what is outlaid in any given fiscal year.

Would the gentleman grant that?

Mr. TIAHRT. Mr. Chairman, will the gentleman from New York (Mr. HINCHEY) yield?

Mr. HINCHEY. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, that is correct. I would agree with the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, let me give my colleagues the numbers. This bill pretends that it saves $853 million for Social Security. In fact, the most that it saves is $19 million, unless the gentleman from Florida (Mr. YOUNG) is wrong on his assumptions about what will happen with the plutonium agreement. The fact is that the $648 million so-called saving from callable capital results in no savings on the outlay side, so that does not put one dime in Social Security.

The $25 million which my colleagues cut out of Ex-Im results, according to CBO, in only $3 million of actual outlaid savings. The $30 million which the gentleman from Florida (Mr. YOUNG) said would have no impact, in fact CBO says does have $16 million in impact.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. HINCHEY was allowed to proceed for 1 additional minute.)

Mr. HINCHEY. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, that means in effect that there may be $19 million in play as far as Social Security is concerned. The rest of it is not, unless the gentleman from Florida (Mr. YOUNG) is wrong on his assumptions on plutonium.

I would simply say this. If he is, I would ask every citizen of this country one question: What is more important, to save that $80 million today that CBO estimates will be outlaid for that, or to use it to make sure that we do not have enough plutonium floating around the world for the Russians or terrorist organizations to build 15,000 additional nuclear weapons?

I think every Social Security recipient in the world would like to see us, first of all, make certain that we make this world more safe from the possible threat from nuclear weapons. So do not bring that red herring across the table about Social Security. This debate has nothing whatsoever to do with Social Security except in the gentleman's own mind.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(On request of Mr. TIAHRT, and by unanimous consent, Mr. HINCHEY was allowed to proceed for 2 additional minutes.)

Mr. HINCHEY. Mr. Chairman, I yield to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, for the purpose of the $150 million, the reason we left $375 million in that account is so that we do not completely abandon the efforts that we have in Russia. In fact, we are very dedicated to the efforts in Russia.

But I do want to make a point about where this money is going to come from. We are going to write a check and send it to Central America. It is going to be used for the infrastructure. That money has to come from somewhere. It is not going to come out of thin air.

That money, $648 million of it, is going to come out of a checking account that is at the World Bank. It is called callable capital. If we write a check, it gets a debit. It is going to go down to Central America. If my colleagues say there is no outlay, no savings, well, the money has to come from somewhere. According to the Congressional Budget Office, the only place it is available is the surplus. The only surplus that is available is Social Security.

So I would just in a very clear way say that we are going to write a check. That check is going to Central America, and the money has to come from somewhere.

In our personal lives, we do not write checks unless we have money to cover it. This is the money to cover it. If we do not take it from here, we take it from Social Security.

Mr. OBEY. Mr. Chairman, if the gentleman from New York (Mr. HINCHEY) will continue to yield, let me simply point out again on one item that the gentleman from Kansas just cited, he is just flat-out wrong on the facts.

He indicated that if we rescind this $150 million in the plutonium and uranium account, that there will still be $375 million left. There will not be. Mr. Primakov is about to sign an agreement with the United States Government which will use $325 million for the uranium agreement that we are working on with the Russians.

If my colleagues rescind the $150 million of the $200 million that is remaining in the account, and that is all there is, there will be only $50 million left for us to proceed on our negotiations with the Russians on the plutonium account. That $200 million was put on the table in order to bring the Russians into the negotiations. If we get an agreement from them, that agreement will cost far more than $200 million. It will cost at least $1 billion.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the Obey amendment, and I want to really thank the gentleman for crafting a careful amendment that looked at every single detail of this bill.

Truly, others have dealt with the plutonium issues and with other aspects of the offsets, but in the amendment of the gentleman from Wisconsin (Mr. OBEY), he specifically targets the PL–480 program, and I really want to focus my remarks there in the time that I have.

I cannot believe that in the bill that the majority has given us, that they would attempt to take $30 million or any amount, actually, from the PL–480 program. Now what is that? That is a program that lifts commodities off our market and sends them around the world. To not fund this program at the level requested really, and that is inadequate from the administration standpoint simply because they know Congress will add funds to that account in view of the situation, if we choose to cut these dollars, we are basically saying there are no more hungry people in the world.

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That is an absolutely ridiculous position. Not only that, but here at home the need, the need, to move commodities is simply profound.

What is happening in rural America is something that we have not seen in our adult lifetimes, with the levels of price drops, whether we are talking about the milk market, whether we are talking about hogs, whether we are talking about grain, or whether we are talking about cotton. I mean, go down the list. Rice, historic price drops. We know what has happened in the Asian markets, we know what has happened to our former market in Eastern Europe because of the collapse of the ruble, the situations all around the world which have hurt our export markets. But here at home, because of good weather, we have an enormous surplus which has driven prices to all-time lows.

People in my part of the country are burying animals. This seems so illogical in a time when our feeding kitchens are absolutely begging for food. This is one tool that we have, PL–480, to help lift some of America's surplus, our bounty, to share it with those in the world that many of our esteemed Members, like the gentleman from Ohio (Mr. TONY HALL), of my own State, and former Congressman Bill Emerson of Missouri, worked so hard to sensitize this Congress and the American people on the needs of the hungry around the world.

So I just find it incredible that this particular measure was inserted into this offset provision. And I want to thank the gentleman from Wisconsin (Mr. OBEY) for bringing it to the attention of not just this Congress but the American people and people of good heart everywhere. There is absolutely no reason that America cannot lift this bounty and share it worldwide, and why the PL–480 program was selected leaves me in a state of disbelief.

So I rise, Mr. Chairman, in strong support of the Obey amendment, particularly because of the ill-advised provision that deals with clipping the wings of PL–480, which does not need to be cut but in fact increased to benefit our farmers, our communities here at home, as well as those around the world who beg us for food.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the gentlewoman yielding to me, and I am looking at testimony here by Keith Kelly, who is the Administrator of the Farm Service Agency, and he talks about "The 1999 budget provides a total program level of $979 million for PL–480, foreign food assistance." The Congress raised that to $1.1 billion. According to his testimony, he says, "This will ensure the availability of adequate resources to meet the most serious food assistance needs."

So even with this rescission, we leave more money in the PL–480 program than the administration asked for in their hearing.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, I thank the gentleman very much for pointing that out. If we look at what has happened with prices, the figure that the gentleman stated, the over $1 billion figure, will help us to buy more with the American tax dollar to send abroad. That is true. But the amount of surplus that we have on domestic markets is drowning our rural communities.

As we sit here and argue today, and we will not produce a bill that will aid our farmers this spring, this Congress is going to fail in that responsibility. This should have been the first bill this Congress considered when we convened this year, and we have failed that responsibility to our own people. The surplus is gigantic, but the need abroad is even greater, if we look at what is happening in Russia, what is happening in Asia, and what is happening in Central America and Honduras.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Wisconsin, our very esteemed ranking member.

Mr. OBEY. I thank the gentlewoman for yielding to me, and I would simply make this observation, Mr. Chairman.

We have people in both parties in this House who, on a daily basis, are putting out press releases talking about what they are going to be doing to try to help farmers get out from under the collapse of prices for many commodities. I would suggest in those circumstances that what we ought to be doing on both sides of the aisle is pushing the administration to provide more assistance to farmers, more assistance to increase our ability to export farm products to other markets, rather than cutting back on the funds in the budget available to do that.

If people are serious about the press releases they are putting out, that is what they will be doing rather than voting for this bill this afternoon.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, I might also say that the administration's request to us through the Department of Agriculture was cleared through the Office of Management and Budget in the executive branch. My own guess is that the Department of Agriculture would like to increase the PL–480 program a whole lot more than the budget submission that reached this Congress. It has to go through the filter of OMB, and that is an unrealistic way in which to make decisions about policy.

We reflect the will of the American people here, and rural America is crying out to us. We ought to use every single tool that we have, and we should not cut a dime out of the PL–480 program, with all due respect to the gentleman, who represents a great citrus-producing State, a great beef-producing State, a great milk-producing State. There is a lot that happens there in the State of Florida, and I know the gentleman has to defend his party on the floor today, but truly this should not be in this bill.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentlewoman for yielding to me once again, because I wanted to respond to the comments the gentleman from Wisconsin (Mr. OBEY) just made when the gentlewoman yielded to him, about the agricultural request and what we should be doing and should not be doing.

Here is a copy of the communication from the President of the United States. He signed the letter on the first page. This bill does what the President asked for in the agricultural program. He asked for a specific amount of money, and that amount of money is in this bill.

Ms. KAPTUR. Mr. Chairman, I would mention to the gentleman, with all due respect, the President never asked for these offsets. And, also, I know that inside the Department of Agriculture they are drowning in commodities. When the administration sends a request up here, it is not always perfect because of what happens over at OMB.

I know, and the gentleman obviously knows, that silos across this country are bursting at the seams. We have food to send around the world, and our farmers need help on the price in order that they can make it through this planting year. The tragedy is that the credit program that is buried in this bill, that will help our farmers get their spring crops in the ground, will not happen fast enough for them.

They do not even have the assistance that was passed last year in the emergency bill that was passed at the end of the year. They will not get that until June. So shame on this Congress and shame on the administration, too.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in some respects I am delighted this debate is going to be on C-SPAN today and the American people can see it. In other respects, though, this is almost an embarrassment.

Earlier, the gentleman from Texas (Mr. STENHOLM) offered an amendment to make the rescissions across-the-board to pay for this special bill. I voted for it, but there were only about 75 of us that joined with that amendment, and I would say to the gentleman from Wisconsin (Mr. OBEY) that I am glad he joined.

But in listening to this debate I became more and more frustrated just watching in my office, because what we hear from everybody is, well, I would like to have offsets too, but do not touch this program. We cannot touch PL–480. I like PL–480. There are lots of programs I like.

What this debate really is all about, if we stop and step back for a minute, is we are being asked to fund a little over a billion dollar bill which essentially is about 90 percent foreign aid, and yet we are not willing to make the tough decisions.

Now, a lot of talk has been made here on the floor about what is happening to farmers out there. And let me tell my colleagues it is tough out in farm country. Every farmer, every farmer, whether they are in Florida or they are in Iowa or whether in Kansas, they are trying to figure out how they are going to tighten their belts to get through the next year. To put that in context right now, we are looking at a Federal budget of about $1,700 billion.

I hear the debate here on the floor today that we cannot find a billion dollars worth of offsets. Now, I am not good in math, but that is something like one-tenth of 1 percent. Now, maybe there are Members in this room who believe that we cannot find one-tenth of 1 percent worth of offsets. Maybe there are Members in the room who really believe that, but I got news for them, there are a lot of people outside of this room, a lot of people outside of this beltway who believe that is ridiculous. We can find the offsets and we should find the offsets.

Let me explain why. Because we are going to have a budget on the floor later this week, and we are going to say for the first time to the American people and for the first time to the senior citizens in the United States that we are going to save every single penny of Social Security taxes for Social Security. Now, I think that is a very important statement. That is a giant step forward, in my opinion.

And while it is only a small step, it seems to me if we do not find the offsets today, whether it is PL–480 or other foreign aid programs, whether it be offsets from the reduction in the callable capital, whatever it happens to be, if we cannot find those offsets today, it seems like we are taking a very small step in the wrong direction.

As I say, I think a lot of my colleagues in this room believe we cannot find those offsets, but I have news for them, a lot of people outside this room believe we can and believe we should.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply observe that there were 71

Democrats who voted for that amendment; there were only 6 Republicans who did.

Mr. GUTKNECHT. I thank the gentleman for the arithmetic.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Let me applaud the gentleman from Wisconsin (Mr. OBEY) and the committee for their leadership and their wisdom for trying to explain to us that this emergency supplemental appropriation is, in fact, creating an emergency and a crisis.

I am particularly interested in having our colleagues, Republicans and joining Democrats, recognize that we have a vital problem in the cuts that have been made in our international monetary efforts. In particular, the largest and most unwelcome of these cuts are in the international banks. This bill cuts funding to those banks by $648 million, in an environment where those banks are often the best option for borrowers seeking shelter from a hostile economic environment.

This is so important to the Secretary of Commerce that he is threatening a veto if this legislation, the appropriations legislation, passes in this condition. And let me cite the comment of the minority commenting on these offsets that really tells us where we are internationally:

"It is also true that other member nations and many investors around the world are increasingly uneasy about the willingness of the U.S., and particularly the U.S. Congress, to make good on its legal and moral commitments. These same investors watch the Congress repeatedly refuse to provide the International Monetary Fund with the needed infusion of capital through the debts of the Asian financial crisis, and are also aware that the Congress continues to refuse to provide the funds necessary to pay off the billion-plus in back debts of the United States."

These international monetary banks help our products. It helps our farmers' products get from production to market, it gives access to credit, it also helps to infuse dollars into the international economy and, therefore, keeps the American economy, of which so many people have come to not only accept but to think this is the norm, it helps to keep it stabilized. Why would we think that $648 million, doing great jeopardy to this very fragile system, is where we need to go? I am very surprised we would even go in that direction and gamble with the financial future of this Nation.

I would also say the $25 million from the Export-Import Bank, albeit seemingly small, this bank has been most useful in helping some of our smaller nations with small projects that generate jobs and opportunity, in fact keeping individuals home in their nations because they have the opportunity and access to credit, and as well, creating jobs.

I would also say that even though I have heard a number of explanations on why we are cutting $150 million that deals in particular with funds used to purchase materials, uranium and plutonium, that could be used in nuclear warheads by our enemies, a program that has been unanimously supported by the President, and I think if we would inquire, by individuals in the street who say that we should bring down the possibility of more and more of our enemies having nuclear warheads, that, too, raises a question of balance and why we would do that.

Let me say also, having worked with the Department of Labor on the issue of a rapid response team program dealing with our hardest hit communities when there are enormous layoffs, particularly in my district and my community where there have been enormous layoffs because of the energy crisis, I am somewhat disappointed in the cuts that we have seen relating to job training, and would hope that we would be able to balance that.

Let me say finally, also, Mr. Chairman, as the ranking member on the Subcommittee on Immigration and Claims for the Committee on the Judiciary, I am certainly gratified that we have in this supplemental appropriations, and viewed as an emergency, some $80 million for the Immigration and Naturalization Service for increased border enforcement. I, however, raise the concern, as many experts have, that border enforcement without trained, experienced Border Patrol agents is of no value. So I hope that we recognize that we need trained Border Patrol agents. We need to have dollars as well to prohibit and inhibit border violence.

And the question of adding additional beds is not going to be the panacea that we would like it to be.

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In fact, the real issue is the 1996 immigration reform legislation that in fact caused the INS to have to deal with locking up, if you will, immigrants who have been here, who 20, 30, 40 years ago may have had an infraction such as a traffic ticket. They are then arrested, separated from their families, filling up these private prisons; and the real criminals that we do not want to have on the street are not able to be incarcerated.

We have got to reform the INS legislation to go back to reality and sanity. We also have got to get these people out of private prisons and put them into the Federal Bureau of Prisons.

I hope some of these more reasonable aspects, Mr. Chairman, can be addressed later on. And I hope the Obey amendment will pass. I add my support to it.

Mr. THORNBERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitate somewhat to wade off into the number of issues that are being discussed, but there has been a lot of discussion today about the offset dealing with some of the nonproliferation funds. I think this is a very important issue. It is a very important part of our security. I want to take just a moment to discuss this in the larger context of our nonproliferation efforts.

Frankly, Mr. Chairman, I share some of the concerns that have been expressed over the course of the day. I think at the end of this bill, when it comes back from conference, it would probably be better if this offset were not taken, if this money were left alone. But I also think that we should not over-play the dangers that may result from this particular program.

Let me say, Mr. Chairman, I speak as one who on this side of the aisle has strongly supported much of what the administration has tried to do in our nonproliferation efforts and in our cooperative efforts with the former Soviet Union, but in those efforts there are priorities. Some things are more important than others.

For example, if we can spend money this year to put better security around plutonium or uranium which could be used for a bomb, that ought to come first. That prevents someone from walking out with it. That prevents someone from stealing it and selling it to someone who we would prefer not get their hands on it.

The program we are dealing with here is a different kind of priority. It is a long-term, a long-range sort of approach, and I think it becomes much more difficult to argue that the results would be catastrophic this year if this money were taken aside.

What is going on is that there are negotiations which have just recently begun with Russia on taking some of the weapons-usable plutonium that Russia now has, turning it into a fuel which could be burned in a nuclear reactor, and thus preventing it from being used for weapons.

This involves international consortiums. This involves nuclear power companies from a variety of countries and some very delicate negotiations from Russia and from the United States. The goal is to take 50 tons of weapons-usable plutonium and ultimately turn it into a fuel for nuclear power.

We should not forget that we are sure that Russia has at least 200 tons of weapons-usable plutonium now. So what we are talking about, in the best circumstance, is taking about a fourth of this plutonium that we know they have and turning it into a fuel for nuclear reactors. That is going to take 20 to 25 years under the very best circumstances.

The Department of Energy indicates that under the very best circumstances, if everything goes perfectly in their negotiations, they might be able to obligate about half of this money in the year 2000 and maybe spend about a third of it. So taking this money off the table, as it were, would not have a catastrophic effect on this program designed to last 20 to 25 years.

The concern is that taking it off the table would make the Russians question the seriousness of our negotiations, and I think we ought to think about that. There are a lot of negotiations underway now with Russia, and they need to know that we are serious about working with them to control the proliferation of this kind of material, and that is not easy to quantify. It is hard to put our finger on exactly what the result would be. It is a concern that we certainly ought to take into account. But to say that this would have catastrophic consequences I think is not accurate.

As a matter of fact, the committee's action would leave $375 million left in the fund for nonproliferation activities. It is possible that that could all be used for the uranium purchase this year. If the plutonium issue becomes a higher priority, of course it may well be possible to rearrange those priorities.

I think at the end of the day, Mr. Chairman, for me it would be better if another offset is eventually found for these funds, but it is not true that this would completely obliterate our nonproliferation efforts, which are very important to our security.

Mr. EDWARDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to respond to my good friend and colleague from Texas (Mr. THORNBERRY), a leader in the area of dealing with issues of nonproliferation. He and I have worked together on a number of these issues and that is why I respect his opinion on this, but I wanted to respond specifically to some of his comments.

The first one was, at the end of the day in this process, after the conference committee has finished its work, he would probably hope that this cut of $150 million to take 50 tons of bomb-grade plutonium off the Russian marketplace, he hopes that rescission, that cut, would be thrown out.

And what I would suggest is that if this is such a terribly dangerous area we are dealing with, if we know it is the right thing to cut it out at the end of the day, why do we not cut it out on the first day right here in the House, let the House speak its voice today, saying we do want to do anything that might possibly risk the proliferation of such potentially catastrophic levels of nuclear bomb materials.

Secondly, he made a good point that I do agree with. He said that we should fund other programs to protect nuclear materials, whether they be in Russia or the United States, or elsewhere for that matter, and I agree with the gentleman. I want to work with the gentleman. But that does not in any way take away from the argument that when we have a real opportunity, as we speak today, to take 50 tons of nuclear materials off the marketplace that could be exposed to purchase and purchased by international terrorists or the very powerful Mafia in the former Soviet Union, we ought to take advantage of that today.

He talked about very delicate negotiations, and I would agree with that. And I would say to my respected friend that that is one of the very reasons I would use to argue during the middle of very delicate negotiations that not only include Russia and the United States but bring in other nations of the world, we ought not to be tinkering with this.

I do not know if there is a 5 percent chance, a 10 percent chance, a 95 percent chance this $150 million cut could destroy those negotiations. I do not want to take a 1 percent chance that we might potentially unload bomb-grade nuclear materials on the world marketplace for terrorists. And I do not think there is any Member of this House, Republican or Democrat, who has spoken with the negotiators on the American and Russian side who would come to this floor and honestly say, after having talked with the negotiators involved in this process, there is a 99 percent chance that the negotiations would go on.

When we talked about national missile defense the other day, no one said there is a 90 percent chance someone is going to send an ICBM into New York City. But through the Republican leadership and bipartisan support of people like myself, we said we want a national missile defense system even if there is a 1 percent chance that a foreign nation would send their missiles into our Nation.

I have got to say to my friend that I recognize and I am fearful of the fact of the 200 tons of plutonium in the Russian area in terms of what we need to get our arms around. But where I disagree with my colleague, I do not think that fact makes it any less important to try to take 50 tons of that 200 tons off the international terrorist marketplace while we have that opportunity.

Ultimately, I think we have to have some respect for the people directly involved in this. And I would like to read briefly the statement made by the Secretary of Energy, who has direct responsibility for overseeing these negotiations, part of which have already proven to be extremely successful.

He says, "Such a reduction," as proposed in this bill today, "would have severe consequences," severe consequences, "for the ongoing negotiations in pursuit of a bilateral agreement with Russia on disposing of enough plutonium to make tens of thousands of nuclear weapons.

"To now withdraw this earnest money," he says, "would be to call into question U.S. reliability. Russia may well perceive such a withdrawal as a breach of good faith. Withdrawing this money would severely set back, and might even bring a halt to, our constructive discussions on this important nonproliferation and national security issue."

Now, if any of the proponents of this $150 million cut have talked to the chief American negotiator and the chief Russian negotiator, I would be willing to donate my time at this time to listen to that Member tell me what they were told by those negotiators and to assure me that it is no risk to my family or their family to risk the breakdown of these negotiations.

The truth is there is not a House Member who has spoken directly to either one of those sides of negotiations and can come to this floor and say this is not risking potential catastrophe for the American civilian population or our servicemen and women abroad.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the Obey amendment and to address primarily the issue that comes under the jurisdiction of the subcommittee which I chair, and that is addressing the two issues of the Russian programs.

I think there has been a lot of misunderstanding and misinformation that has been put out. Number one, the 50 metric tons of plutonium is not to be purchased by the United States. The money was not to be used to purchase it. It simply is to provide facilities in Russia that would degrade it and bring it down to fuel grade rather than weapons grade.

And secondly, that will continue. That effort will continue. It is not a one-year or a 1999 issue. Actually, it is a decade-long issue, but we will be funding it for the next few years. The negotiations are not even completed or hardly begun on how to do it and how to spend the money and what to do. So the money that we are rescinding this year would not be used for this year to any great extent.

Secondly, let me refer to the highly enriched uranium issue. That uranium will not be converted into weapons of mass destruction. That uranium is already here in the United States. It is not in Russia. And so to use the argument that it would be used if we do not fund the $150 million that we are calling to be rescinded, that it would be used to make weapons out of the highly enriched uranium, that is simply not true. The Russians do not have it, it is not there. It would have really no impact whatsoever upon proliferation because it is already here in the United States.

Thirdly, as has been mentioned several times, we are rescinding or asking to rescind $150 million of the $525 million, not $200 million. The $200 million for plutonium could be reduced to $50 million during the 1999 budget year. It does not have to be.

The administration still has the options and the flexibility to subtract $150 million any way they wish. It can be from the enriched uranium program or the plutonium program. They can choose and decide where it would best serve the needs of our international relations with Russia.

Another point that needs to be made. The $200 million was not originally planned to come from the taxpayers of the United States. That was planned to come from the international community. That was where the $200 million was to come from. The United States was only to fund a prototype plant to determine how to deal with the Russian plutonium, and that is what the $25 million per year that we funded last year, this year, and is in the President's budget for the coming budget year.

□ 1445

That money was to be used to build a prototype and the international community would fund the rest of it, in building the actual facilities that would degrade the plutonium from weapons grade to fuel grade. We have missed that point entirely. We have now funded the $200 million in the omnibus emergency bill, and no one called for it. The President did not call for that. The Senate bill did not call for it. Our committee and the House did not call for it. But the fact is it was put into the emergency supplemental bill last year, and of course the President would support it after it was put in. Here was a half a billion, over a half a billion dollars that all of a sudden we gave to him that he could use for his public relations overseas. Of course he would support it after it was put in. But he did not feel it was of high enough priority to put in or request it when it was being processed through the normal process.

Now, let me speak to the plutonium issue itself. The negotiations are just beginning. Even if the $150 million was taken out or $50 million of it would be taken from the $200 million of plutonium disposition, there would still be $50 million remaining plus the $25 million. There is still a significant amount of money in that program.

The CHAIRMAN. The time of the gentleman from California (Mr. PACKARD) has expired.

(By unanimous consent, Mr. PACKARD was allowed to proceed for 2 additional minutes.)

Mr. PACKARD. Mr. Chairman, the fact is it is a long-range program. There is money to start it this year if the negotiations are finished, and we have time to then address it in the normal process of budgeting through our committee process.

Let me remind Members that the Prime Minister of Russia, Mr. Primakov, as a result of the President's decision to bomb Kosovo, has gone back to Russia. So we have no assurance that there will be a signing of the agreement. We have no assurance that they will come back to the table. It could be delayed, and certainly it is for now. It could be delayed for the balance of the year. It will be very difficult to complete those negotiations and to draft the agreement and to get it implemented before the end of this fiscal year. Thus, the money will not and cannot be spent during this fiscal year in my judgment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. We can either look at this issue like we are green eyeshade accountants or we can look at this issue in terms of what will create the most security for the United States. The fact is that what the Energy Department tells us, what the Secretary of Energy tells us is as follows, in the letter he sent today.

He said the entire cut, in this bill, "would have to come from the $200 million appropriated to dispose of Russian plutonium. Such a reduction would have severe consequences for the ongoing negotiations in pursuit of a bilateral agreement with Russia on disposing of enough plutonium to make tens of thousands of nuclear weapons. It could also severely impact the wide range of cooperative nonproliferation engagement under way and planned in Russia, including efforts to protect, control and account for weapons-usable nuclear material and to prevent the flight of weapons scientists to countries of proliferation concern."

Now, the facts are very simple.

The CHAIRMAN. The time of the gentleman from California (Mr. PACKARD) has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. PACKARD was allowed to proceed for 2 additional minutes.)

Mr. PACKARD. Mr. Chairman, I will be happy to continue to yield to the gentleman from Wisconsin.

Mr. OBEY. The administration did not put this in their original budget because at the time they submitted the FY 1999 budget, nobody thought there was a prayer of getting negotiations going on plutonium. Senator DOMENICI saw an opportunity in October to take advantage of the fact that the facts had changed and it looked like we would now be able to move toward sitting down with the Russians on plutonium. And so he put the $200 million in the Omnibus bill. It now remains available precisely because it is used as a magnet to draw the Russians to the table. It sends a signal to them that we are serious about this issue and we all know that if we do in fact get an agreement, the cost of that agreement is going to be at least five times the amount of the money which is presently available.

All I am saying is that it is absurd for us in my view to be arguing about fiscal years and expenditures in this year or that year when the fact is that the overriding concern ought to be to get that fissile material converted before it falls into the hands of terrorists or anybody else.

(By unanimous consent, Mr. PACKARD was allowed to proceed for 2 additional minutes.)

Mr. PACKARD. Mr. Chairman, first of all, if the administration is saying that the full $200 million would be lost by rescinding $150 million, I just do not understand their math.

Mr. OBEY. That is not what it says.

Mr. PACKARD. Number two, it is their choice. They do not have to take it from the $200 million. It can come from the other area, the enriched uranium. Let me conclude my statement and then the gentleman may wish to speak further on someone else's time.

It is not as if we have neglected Russia. Since 1994, we have spent over $1 billion in Russian programs to deal with their nuclear problems. There are Members of this Congress who feel that we could spend that money here in the United States because we have not adequately addressed our own nuclear waste disposition problem. We have not solved our own nuclear waste problems. They are saying, "Why don't we take care of problems here at home before we deal with overseas Russian waste?"

Mr. OBEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Wisconsin is recognized for 5 minutes.

There was no objection.

Mr. OBEY. Mr. Chairman, I cannot believe what I just heard. The gentleman said that if the administration wants, it does not have to take this money out of the plutonium agreement, it can take it out of the other agreement, the highly enriched uranium agreement.

Is he seriously suggesting that it would be in the national interest of the United States for the United States to blow up an agreement—which Mr. Primakov was ready to sign this week until Kosovo got in the way—is he seriously suggesting that that should be a serious option that the administration looks at?

Mr. PACKARD. Yes, I am suggesting, if the gentleman would yield.

Mr. OBEY. Let me finish and then I will be happy to yield.

I cannot believe that any thoughtful person in this House would say it is in the United States' interest to throw away the agreement on enriched uranium that we are about to get, that the Russians have already agreed to, except for signature.

The second point I would like to make, the gentleman says we have got a lot of Members who would rather see this money used in this country. I would say I am not at all worried about uranium and plutonium in American hands. I am very worried about uranium and plutonium in Russian hands, because their scientists and their military people have not been paid for months, and we are worried that for a small expenditure of money, they might very well be willing to supply some of that material to terrorist organizations around the world. I would suggest that anyone who believes that it is more important to worry about fissile material in the United States versus fissile material in the hands of the Russians simply does not understand the history of the last 50 years.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I recognize that he feels that this Member is not a thoughtful Member of this body because I disagree with him on this issue, but the fact is the President does have the option to determine where the priorities are in terms of the $325 million project versus the $200 million plutonium project. He has that option. If it is more important to fund the highly enriched uranium program, he can do that. But obviously he does not feel it is.

Mr. OBEY. Taking back my time, I would simply say it is crucial that we get both agreements. If you are blown up in a nuclear explosion which is delivered to this country by a terrorist organization, it does not much matter whether the bomb was made out of uranium or plutonium. You are just as dead. That is why we need both agreements.

Mr. PACKARD. If the gentleman would yield further, in reference to the matter of the highly enriched uranium, again there is not a threat there because the uranium is here in the United States. So the money can be devoted to the plutonium program if that is what the administration chooses. The threat is not there for the highly enriched uranium. We may disagree on the issue.

The fact is, also, in reference to people wanting to have the money spent here, we are not neglecting Russian programs. The fact is we have a crisis on disposal of nuclear waste in this country and we have not solved that problem. We ought not to solve that problem in another country before we solve it in our own country.

Mr. OBEY. Again taking back my time, I would simply say, Mr. Chairman, that the threat to the security of the United States, to the survival of the United States, comes from nuclear weapons. The gentleman's party seems to be very concerned about building a Star Wars program at huge expense to defend us from nuclear weapons but they apparently are not willing to proceed as fast as possible to get tons of plutonium out of the hands of the people who might be firing those weapons. With all due respect, that dichotomy makes no sense.

Mr. PACKARD. If the gentleman would yield further, if our committee were neglecting the programs that we are talking about in Russia, it would be a different story. But we are not. We are funding significant amounts every year with the American taxpayers' dollars to build facilities to dispose of enriched uranium and plutonium in Russia, not here.

Mr. OBEY. With all due respect, I think the gentleman is dead wrong on the issue.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Obey amendment to H.R. 1141, the Supplemental Appropriations Act for Fiscal Year 1999.

This supplemental bill was supposed to have been a bipartisan effort to provide desperately needed funds to assist American farmers, respond to hurricane damage in Central America and the Caribbean, support the new government of Jordan and correct the amount of money appropriated to the Office of Minority Health. Unfortunately, this bill now contains provisions masquerading as offsets that are both unnecessary and harmful. So much for bipartisanism.

As the ranking member of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services, I am particularly concerned about a provision that would rescind $648 million in funds that were previously appropriated to guarantee the solvency of multilateral development banks. Neither the Committee on Banking and Financial Services nor my subcommittee were ever given an opportunity to consider this controversial rescission.

There are three multilateral development banks—the World Bank, the Asian Development Bank, and the Inter-American Development Bank—that provide loans to developing countries to promote economic growth and development. These banks have collected guarantees from the United States to sell bonds to commercial banks. The development banks use the proceeds from these bond sales to make their loans to developing countries. These guarantees, known as callable capital, ensure that the bank's lenders will be repaid even if a substantial portion of the loans made by the banks are not repaid.

Prior to 1981, the United States appropriated funds to provide for our share of the callable capital of the multilateral development banks. The development banks have always been able to repay their bonds on time without calling upon the United States. The United States Government's guarantees to these banks have never cost the American taxpayers one dime.

The supplemental appropriations bill includes a provision to rescind a portion of the banks' callable capital. The Republican supporters of this provision claim that it is an offset for the emergency spending in the bill. However, this is smoke and mirrors. This provision does not actually save any money and cannot be considered an offset.

Since the United States has never had to provide any money to the multilateral development banks to cover their bonds, there were never any outlays. Furthermore, it is unlikely that there ever will be any outlays. In other words, the supplemental appropriations act is rescinding money that would never have been spent, anyway. The proposed rescission of callable capital contained in the supplemental bill will have no effect whatsoever on the size of the budget surplus. Shame on them for making people think that this is a legitimate offset that is going to save some money.

Although the rescission of callable capital will not increase the budget surplus, it will, however, jeopardize the effective operation of the multilateral development banks. If the United States rescinds any of its callable capital, it will be a signal to worldwide financial markets that the United States may no longer be willing to meet its international financial obligations.

Over the past 50 years, loans to developing countries from the multilateral development banks have promoted economic growth and created new businesses and job opportunities as well as markets for American exports. These banks are especially important to the world economy today. Many nations in Asia and Latin America are facing a serious economic and financial crisis. They are dependent on loans from the banks to stabilize their currencies and allow their economies to recover. Asia and Latin American markets are desperately in need of this capital.

□ 1500

Let me just close my remarks by saying this was supposed to be a bipartisan effort, and the American farmers, the agricultural community that both sides of the aisle claim they care so much about, stand to benefit. That is Republicans and Democrats alike. If they mess up this supplemental appropriation by insisting on these offsets, they are going to hurt the very people that they are always mouthing off about that they care so much about.

Let us stop playing games. Let us stop with the smoke and mirrors about offsets that do not realize one single dime, one single cent. Let us get on with the business of a supplemental appropriation bill. We will do what we started out to do.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been a long debate already, and it is about a topic that I guess every one of us on both sides of the aisle basically agrees that the human disasters that brought this bill to the floor in the first place were true emergencies. The devastating flood in Central America where Hurricane Mitch left 9,000 dead, 9,000 more missing, 13,000 injured and over 3 million homeless, the region's economy and its infrastructure and its environment has been totally devastated; and the second human disaster, namely the collapse of farm prices here at home, across the heartland of America where rural Americans are losing their farms and their livelihoods and their homes.

Under those circumstances, with true emergencies, we could well have funded these emergencies without the shenanigans that are going on here, but this bill finances our response to these crises with offsets which themselves have disaster written all over them, and I would just want to talk about one of these. I support the Obey amendment, which covers four of them, but I particularly wanted to talk about one of them that I consider to be the most dangerous, and that is the cut of $150 million for nuclear disarmament nonproliferation programs with Russia.

Last year the Congress provided the Energy Department with $525 million, we have talked about it, to dismantle nuclear warheads, dispose of excess weapons-grade plutonium and enriched uranium, mostly in Russia. Some was actually here in the U.S. Well, this $525 million supports two of the most important "swords into plowshares" agreements reached by the United States and Russia since the end of the Cold War. And the critical $200 million of it, although we have had at least one suggestion that we ought to virtually throw out the agreement that is already ready to be signed, which relates to the uranium, but I think that is not a very sensible thing to do, the critical $200 million is to be used to implement a bilateral plutonium agreement to dispose of 50 tons of weapons-grade plutonium that is currently on hand in Russia, 50 tons of weapons-grade plutonium which could make 15,000 to 20,000 nuclear weapons.

This $200 million does another job along the way. It leverages the nonproliferation contributions from others of the G–7 countries which are necessary in order if we are ever going to manage to get hold of all the plutonium that is around that might get loose among terrorists and rogue nations. The $150 million cut in these two nuclear nonproliferation programs is an extremely dangerous move, in my view, and it is certainly one that I cannot support.

Last week 317 of the Members of this House were concerned enough about the dangers of nuclear proliferation to vote in favor of deploying a national missile defense system that would cost us billions of dollars and do nothing about the possibility of terrorists getting hold of this kind of material. Today we are being asked to endorse a $150 million offset which will make more likely the transfer of weapons-usable plutonium from Russia to rogue nations like North Korea, Iraq, Iran and Libya, and surely make it more likely that it could fall into the hands of terrorists.

If we are serious about eliminating nuclear threats to our national security, and this is one way of eliminating a major nuclear threat, we should do all we can to keep nuclear weapons material from ever reaching terrorists or the rogue states. We should not cut the nuclear disarmament and nonproliferation programs. Please support the Obey amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Obey amendment, and if the Obey amendment fails, in opposition to the supplemental.

Mr. Chairman, I oppose this emergency supplemental bill in its current form. I emphatically disagree with the offsets proposed by the committee. Before I address the troubling offsets included in this bill, let me comment on the nature of emergency supplemental appropriations, quote, unquote.

Emergency supplemental appropriations are by definition, and again, Mr. Chairman, I quote: discretionary appropriations that the President designates as emergency requirements and which are similarly designated by Congress in legislation subsequently enacted into law.

We anticipated the situation in which we now find ourselves and made provisions for it. Any spending designated as an emergency bill will result in discretionary spending caps being increased to accommodate the additional spending. That is in our rules.

We now are facing a serious situation which requires immediate action for American farmers who are encountering dire financial straits, and victims of natural disasters in Central America. These circumstances clearly fall in the category of needs that are urgent and immediate, unanticipated and essential; in other words, emergency requirements that deserve prompt action, without offsets.

American farmers, Mr. Chairman, are dealing with serious challenges that threaten their very existence. Not since the Dust Bowl days of the 1930's have farmers faced such severe economic difficulties. Forecasts for continuing low commodity prices in 1999 have significantly increased the demand for Department of Agriculture farm loans, as many farmers are being turned away from their normal sources of financing. The funding requested by the President is essential to finance the roughly $1.1 billion needed for spring planting.

Of equal importance, Mr. Chairman, is providing the necessary assistance to the victims of hurricanes Mitch and Georges. Mitch has already been described as the worst natural disaster in the history of the Western Hemisphere, causing over 9,000 deaths. Even before Mitch hit Central America, nearly one half of all Nicaraguans and Hondurans existed on a dollar a day or less. In the wake of Mitch's devastation it will be years before they can regain that level of poverty. This Congress needs to act expediently, quickly, decisively to provide relief for these victims.

Now I want to say my very good friend, the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, stood up here just a little while ago when I was on the floor and he said the President cannot veto this bill. The President went to South America, the First Lady went to South America, some of us have gone to South America and said we are going to help, it is an emergency. We told our farmers the same thing.

My friends on the Republican side of the aisle, they make this mistake almost every year, that they have the President in a box from which he cannot extricate himself, that they are going to intimidate him, they are going to buffalo him, they are going to push him around. They wanted to push him around when the Mississippi overran its banks and thousands and thousands of Americans were displaced, and they said, "Well, we know you want the emergency aid. Yes, we know it's necessary. We know it's needed now. But we're going to put some things in the bill that we know you don't like and try to shove it down your throat."

It did not work.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Florida who I know did not want to do this.

Mr. YOUNG of Florida. Mr. Chairman, I would like to say to my friend that there is nothing in this bill that was done for that purpose. I want him to know that.

Mr. HOYER. Now I understand what the gentleman from Florida is saying.

Mr. Chairman, but I respectfully disagree with him, not in the sense that he wants to shove something down his throat perhaps this time, but there are things in this bill that the President said, "I view them so seriously that I will veto this bill." Now, he has not said that personally, but the Secretary of Treasury said it, and we know he is one of the President's closest advisers.

I want to say, as the ranking member said, the gentleman from Wisconsin (Mr. OBEY), Both of us, of course, have absolutely unrestrained affection and respect for the chairman of our committee. We are pleased to have him as our chairman, and like his predecessor, Mr. LIVINGSTON, he did not want to do this. He stands here because the leadership has told him to stand here and defend this policy, which is bad policy, which is policy inconsistent with our rules, which is policy hoisted on the petard of their CATs.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

Mr. HOYER. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, we have a number of other amendments that we have to consider this afternoon, and I am not going to object, but I think I will notify the Members that I have been very generous in allowing time extensions and in allowing Members to speak more than once on the same subject. I think in any future request on this amendment I will have to object, but I will not object to this one.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, can I amend my request to an additional 5 minutes?

Mr. YOUNG of Florida. Mr. Chairman, I wish the gentleman from Maryland would not.

The CHAIRMAN. The chair recognizes the gentleman from Maryland for 2 minutes.

Mr. HOYER. My point is this, and I will ask that the balance of my prepared comments be included in the RECORD. My point is this:

My colleagues, our neighbors sent us here to represent them and to represent America. They know we are going to play politics from time to time; that is the nature of this collegial body. But I was struck, as I said, when my friend from Alabama, who I also have great affection for and unlimited respect for, said that the President cannot veto this bill.

Why do they take this risk with peoples' lives and peoples' welfare? Why do they delay when they know that the President will veto this bill? He has shown us he will do it. He has done it before when the Mississippi floods came, and they said unless we take it their way, we are not going to give the folks in Mississippi and all up the Mississippi Delta the relief they need. We saw on television people floating around in their cities and towns.

Why do they do this? Why do they force the Committee on Appropriations to do it when their leadership on the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) and others, and Mr. LIVINGSTON before him, said this is emergency spending, we ought to pass it, pass it now and give the relief where it is needed.

I thank the gentleman from Florida for not objecting to that extra time, and I want to say to my friend that this is an important piece of legislation, but it is also an important principle, and I would say to my chairman it is an important principle for the Committee on Appropriations itself and frankly we ought to stand as a committee and say to our friends who are not on this committee, when we have an emergency, when we need to act quickly, when we need to act without political controversy, this is the way to do it, the way the gentleman originally proposed, Mr. Chairman.

That is my point, and that is my hope for the future.

These provisions would jeopardize both this country's strong economic security and our Nation's efforts to keep weapons of mass destruction out of the hands of terrorists.

The provision to offset $648 million from money that was appropriated for the capitalization of multilateral development banks, alone will invite a veto from the White House. Treasury Secretary Rubin warned this committee of the negative impacts of this provision—significant pressure on MDB interest rates and destabilized currencies and markets in developing countries around the world.

Just last Congress, we appropriated $525 million for the safe disposition of fissionable material from Russia. Now, less than a year later, the Republican leadership has proposed to rescind a critical portion of those funds.

This will severely impede efforts to continue the dismantlement of Russian nuclear warheads and the safe disposition of plutonium extracted from their nuclear weapons. This, to say the least, is a devastating possibility. What perception do we leave the Russian negotiators with if this money is refused?

Just last week, this House passed H.R. 4 which calls for U.S. policy to deploy a national missile defense system. How can we turn around and take away funding that will assist in the deactivation of Russian warheads and keep fissionable materials out of the hands of rogue states and terrorists.

Mr. Chairman, to conclude, I cannot support the offsets included in this bill. I, therefore, must oppose it.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate has gone on for a while. Most of us, virtually all of us, agree that the supplemental, the motives of the supplemental, are appropriate. We ought to have a supplemental to relieve the needs that are met in that bill. But the offsets, the offsets are the issue. We do not need, we should not need offsets at all on this supplemental appropriations bill. Mr. Chairman, I rise to oppose the offsets that are given to us today, specifically the cuts in the Russian plutonium disposal program, the World Bank and other development aid.

I sit on the Committee on Armed Services which is charged with providing for our Nation's security, and from where I sit these offsets are bad for our national security.

□ 1515

Last week, the House passed the bill to commit us to deploy a national missile defense system. Such a system is designed to defend against a limited ballistic missile attack, meaning a handful of missiles, from, at most, a North Korea or Iran.

That national missile defense system would cost somewhere between $18 billion and $28 billion. Last week, we committed $18 billion to $28 billion, or said we would commit that amount, to a narrow response to a limited threat.

This week, this bill cuts $150 million from a program designed to prevent excess Russian plutonium from ending up in the hands of terrorists.

Mr. Chairman, what are we doing here? What kind of defense are we providing our country when we gut a key nonproliferation program to keep nuclear materials away from terrorists, yet commit billions to an untested system to intercept missiles? It does not make sense to me.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, it has been mentioned earlier in the debate today that the Russians have over 200 metric tons. If they are inclined to sell to rogue or to terrorist groups, they would still have 150 tons after subtracting the 50 metric tons. So if they are inclined to do it, they can do it with or without this rescission.

Mr. ALLEN. Mr. Chairman, reclaiming my time, the point is that this $150 million can allow us to acquire and dispose of, safely enough, fissile material to make 20,000 nuclear weapons. To take that material potentially out of the hands of terrorists is a major advance. There is no point to cutting this $150 million.

This bill also cuts funds to promote economic stability overseas and raise the standard of living in poorer countries. Our national security depends on our economic security. We do our prosperity a disservice by cutting vital funding from multilateral development banks, food aid, Russia and Eastern Europe.

Congress must not reject a cheap, wise and effective first line of defense against terrorism and nuclear weapons when just last week we chose to move ahead to a more expensive and technologically dubious line of defense.

I would just go back, I know it has been mentioned before but the Secretary of Energy Mr. Richardson has said since the Department of Energy has already negotiated an agreement to purchase uranium from Russia for $325 million, the entire cut, this entire $150 million, would have to come from the $250 million appropriated to dispose of Russian plutonium.

This is a very serious matter. I do not understand the other side. It seems clear to me dismantling Russian nuclear warheads and disposing of plutonium is solidly in the national interest. I urge my colleagues to support the Obey amendment and make the right vote for our national security.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wish to add my thoughts to the remarks that have already been made. I will not take the full 5 minutes, Mr. Chairman.

Strictly, I am troubled and I say this to the chairman of the committee that my understanding is that, in fact, this committee has had every ability of working and bringing to us a basically contest-free nonprovocative motion here and that the leadership on that side has in fact imposed on us this debate and this particular decision that we must now make.

I think that the American public ought to know that and ought to know that the committee is perfectly capable of functioning and bringing things forward in a nonpartisan manner but that it is the party over there that chooses to make this into a partisan issue several days after some left Hershey under the misguided belief apparently that some chocolate was going to resolve everything and get people working on the same plane. If we are talking about doing what is in the best interest of this country's national security, then simply the vote that we took last week on national missile defense is a step away from that. It is technologically not feasible at present. The costs have not been considered and the impact it would have on treaty negotiations, I think, was not served well and not considered appropriately.

I would compound that today by saying that we are not going to put nonproliferation in the forefront of our national security interests. We are instead going to move and cut monies for a reduction in the plutonium and uranium. I think it sends the wrong message internationally. I think it sends the wrong message to the American people. In our first line of defense, we should be setting our priorities where the greatest danger lies, and we clearly are not doing that through this action.

Mr. Chairman, in closing I would note that by destabilizing the economies in Asia and elsewhere we do not do anything for our national security. This particular attempt is not in the interest of our people and I think that the motion of the gentleman from Wisconsin (Mr. OBEY) ought to pass and I think we ought to move forward with that amendment.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong opposition to the Obey amendment to eliminate the funding offsets in this bill. We should not appropriate this money by putting the burden directly on the backs of our Social Security recipients.

The FY99 omnibus bill passed last October included $525 million for two Russian programs, $325 for highly enriched uranium and $200 million for plutonium disposition.

The highly enriched uranium agreement was to be signed this week with the arrival of the Russian Prime Minister. However, with his visit being canceled, the use of this $325 million remains in doubt.

Furthermore, the plutonium disposition initiative was funded at the $200 million level, but with no request from the Administration, nor any information on how the funding will be used.

Today, we have immediate needs in Central America to be funded through this bill. There is no evidence either from the Administration or the Members from the other side of the aisle, that the $200 million will be spent in fiscal year 1999. Although negotiations have begun, it appears doubtful, at best, that such funds would be spent during this fiscal year. And, although it is unlikely that any of the funds would be used in fiscal year 1999, we leave in tact $50 million which will remain available. That is $50 million in addition to the $25 million appropriated in the regular budget process—for a total of $75 million.

Once the negotiations are completed, the Administration plans to expend the $200 million over the next 2 to 3 years. I am certain we can work with the Administration once they have a plan in place to provide the necessary funds to make sure this program is adequately funded.

The record is clear. The House and Senate have consistently supported U.S. programs to protect Russian nuclear weapons materials that could fall into the hands of terrorists or rogue nations. We have supported efforts to make sure Russian scientists will not be lured away by terrorists or rogue nations. And we have supported efforts to upgrade the Soviet-designed reactors to prevent another Chernobyl type accident.

Mr. Chairman, people are suffering in Central America. Let's do the right thing and vote to provide funding for those in immediate need. But let's offset this bill, so we don't have to put the burden on those who rely on Social Security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 228, not voting 4, as follows:

[Roll No. 68]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett

Barton
Bass
Bateman
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Fossella
Myrick
Slaughter
Stupak

☐ 1541

Mrs. ROUKEMA, Mr. FLETCHER, and Mr. HALL of Texas changed their vote from "aye" to "no."

Mr. MEEKS of New York changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1545

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Kansas (Mr. TIAHRT) for the purposes of holding a colloquy.

Mr. TIAHRT. Mr. Chairman, I would like to first thank the gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations and also the gentleman from Florida (Mr. YOUNG), the full committee chairman, for the opportunity to work on disaster assistance funds.

I say to the gentleman from New York (Mr. WALSH) that today I was prepared to offer a second amendment which would have transferred the Disaster Assistance For Unmet Needs Program from the Department of Housing and Urban Development to FEMA because of the various problems associated with HUD management and the ineffectiveness of this critical program.

However, after discussions with the gentleman from New York and his staff, I will not offer this amendment. Instead, I will look forward to working with the gentleman during the Conference of this bill and make this a reality.

During the Senate Appropriations Committee markup of the Emergency Supplemental Appropriations bill, Senators BOND and MIKULSKI successfully offered this same amendment which would have transferred funds from this important program to FEMA, the one agency which has primary responsibility for assisting and responding to all natural disasters and for administering the most primary programs of disaster assistance.

As the gentleman knows, my congressional district recently suffered a 500-year flood which resulted in tens of millions of dollars in damage to homes, property, and infrastructure. During this one-day flood, nearly 600 homes and 100 businesses were destroyed, and many more lives were devastated.

Many of the families impacted by the flood were on fixed incomes and were simply unable to rebuild and move on with their lives. While current FEMA programs have been able to provide some temporary assistance, most of the families impacted are relying on this program to receive additionally needed buy-out assistance.

Unfortunately, HUD's track record has been disappointing. In particular, HUD has been too slow in releasing funds, and they have demonstrated their unwillingness to shed more light on how grant awards are made. In short, HUD is simply the wrong agency to administer this program.

I ask the gentleman from New York (Mr. WALSH), will he be willing to work with me during the conference to see that the funding is transferred to FEMA and to direct FEMA to work to ensure that communities with legitimate unmet needs, like those in South-Central Kansas, receive such assistance as is necessary and appropriate to compensate homeowners who are eligible to receive the buy-out assistance?

Mr. WALSH. Mr. Chairman, reclaiming my time, let me first thank the gentleman from Kansas (Mr. TIAHRT) for his hard work in the area of disaster assistance. I know personally that he has been active and a vocal advocate in making sure that both FEMA, and in particular this committee are fully aware of the legitimate and urgent need for additional flood disaster assistance in Kansas.

I, too, share the same concerns that the gentleman from Kansas (Mr. TIAHRT) has expressed regarding the current management of this vital program, and I look forward to working with the gentleman from Kansas during conference to see that this program is managed more effectively.

Furthermore, I plan to work with both FEMA and the gentleman from Kansas (Mr. TIAHRT) to ensure that the State of Kansas and, in particular, Butler, Cowley, and Sedgwick counties, receive such assistance as is necessary and appropriate to compensate homeowners who are eligible for the much-needed buy-out assistance.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from New York.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the bill through page 15, line 15 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the bill from page 2, line 13 through page 15, line 15 is as follows:

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, $1,095,000,000, as follows: $350,000,000 for guaranteed farm ownership loans; $200,000,000 for direct farm ownership loans; $185,000,000 for direct farm operating loans; $185,000,000 for subsidized guaranteed farm operating loans; and $175,000,000 for emergency farm loans.

For the additional cost of direct and guaranteed farm loans, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until September 30, 2000: farm operating loans, $28,804,000, of which $12,635,000 shall be for direct loans and $16,169,000 shall be for guaranteed subsidized loans; farm ownership loans, $35,505,000, of which $29,940,000 shall be for direct loans and $5,565,000 shall be for guaranteed loans; emergency loans, $41,300,000; and administrative expenses to carry out the loan programs, $4,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for "Salaries and Expenses, Enforcement and Border Affairs" to support increased detention requirements for Central American criminal aliens and to address the expected influx of illegal immigrants from Central America as a result of Hurricane Mitch, $80,000,000, which shall remain available until expended and which shall be administered by the Attorney General: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $8,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided, further*, That of such amount, $5,100,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $7,300,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $1,300,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $1,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $69,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $16,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $300,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $8,800,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $46,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $37,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "International Disaster Assistance" for necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance, pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $25,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "Economic Support Fund", in addition to amounts otherwise available for such purposes, to provide assistance to Jordan, $50,000,000 to become available upon enactment of this Act and to remain available until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY

DISASTER RECOVERY FUND

Notwithstanding section 10 of Public Law 91–672, for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, $621,000,000, to remain available until September 30, 2000: *Provided*, That the funds appropriated under this heading shall be subject to the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and, except for section 558, the provisions of title V of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)): *Provided further*, That up to $5,000,000 of the funds appropriated by this paragraph may be transferred to "Operating Expenses of the Agency for International Development", to remain available until September 30, 2000, to be used for administrative costs of USAID in addressing the effects of those hurricanes, of which up to $1,000,000 may be used to contract directly for the personal services of individuals in the United States: *Provided further*, That up to $2,000,000 of the funds appropriated by this paragraph may be transferred to "Operating Expenses of the Agency for International Development Office of Inspector General", to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of the funds appropriated by this paragraph: *Provided further*, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading shall be subject to the funding ceiling contained in section 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), notwithstanding section 545 of that Act: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "Debt Restructuring", $41,000,000, to remain available until expended: *Provided*, That up to $25,000,000 may be used for a contribution to the Central America Emergency Trust Fund, administered by the International Bank for Reconstruction and Development: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "Foreign Military Financing Program", for grants to enable the President to carry out section 23 of the Arms Export Control Act, in addition to amounts otherwise available for such purposes, for grants only for Jordan, $50,000,000 to become available upon enactment of this Act and to remain available until September 30, 2001: *Provided*, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23(b) and section 23(c) of the Arms Export Control Act: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION—THIS CHAPTER

SEC. 301. The value of articles, services, and military education and training authorized as of November 15, 1998, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

CHAPTER 5

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction", $5,611,000, to remain available until expended, to address damages from Hurricane Georges and other natural disasters in Puerto Rico: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That funds in this account may be transferred to and merged with the "Forest and Rangeland Research" account and the "National Forest System" account as needed to address emergency requirements in Puerto Rico.

CHAPTER 6

OFFSETS

DEPARTMENT OF AGRICULTURE

FOREIGN ASSISTANCE AND RELATED PROGRAMS

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(RESCISSION)

Of the funds appropriated under Public Law 105–277 for the cost of direct credit agreements for Public Law 480 title I credit, $30,000,000 are hereby rescinded.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

(RESCISSION)

Of the amount provided under this heading in P.L. 105–277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, $150,000,000 are rescinded.

EXPORT AND INVESTMENT ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277, $5,000,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–118 and in prior acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277 and in prior acts making appropriations for foreign operations, export financing, and related programs, $17,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(RESCISSION)

Of the unobligated balances of funds available under this heading, $20,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the unobligated balances of funds available under this heading, $25,000,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277, $10,000,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277, $25,000,000 are rescinded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REDUCTION IN CALLABLE CAPITAL APPROPRIATIONS

(RESCISSION)

Of the funds appropriated under the headings "Contribution to the Asian Development Bank", "Contribution to the Inter-American Development Bank", and "Contribution to the International Bank for Reconstruction and Development" for callable capital stock in Public Law 96–123 and in prior acts making appropriations for foreign assistance and related programs, a total of $648,000,000 are rescinded.

AMENDMENT NO. 4 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TIAHRT:

Page 15, line 25, after the dollar amount, insert the following: "(increased by $195,000,000)".

Mr. TIAHRT. Mr. Chairman, the bipartisan Tiahrt-Goode-Toomey amendment will guarantee that this House will stand for integrity by keeping its promise to protect Social Security.

I want to first thank the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for his commitment to this country and for his dedication to the House of Representatives. His commitment to our national defense and to our national interest is second to none.

I also want to thank the chairman for selecting me to join others in the congressional delegation he sent to Central America to survey the mass destruction brought about by Hurricane Mitch. I will never forget the stories I heard firsthand or the human trauma and unspeakable devastation that hit our neighbors to the south.

Mr. Chairman, each of us who have worked hard to balance the budget can take great pride in what we have achieved. For the first time in a generation, we have balanced the budget. The CBO estimates confirm that we will have a surplus in fiscal year 1999. However, current projections for the surplus are made up of revenues that are completely derived from the FICA tax which employees and employers pay in to cover Social Security obligations.

Why does this matter? It matters because, if we do not reduce spending by $1 for each $1 in new spending in the emergency bill, the money will be taken from Social Security, just plain and simple.

That is why I am offering this amendment today, to fully protect Social Security and to prevent this Congress from sending to the President a bill that will use money intended for Social Security but to pay for this foreign aid package.

To offset the remainder of this bill, I have chosen the same account the Committee on Appropriations selected to offset 50 percent of the bill. It is the callable capital account. This is an account that the World Bank may draw on in case of defaults on international loans. The callable capital account has over $12 billion in unobligated, underspent funds.

During the nearly 40 years of history, this account has never been used for its intended purpose. However, this account has been used previously as an offset.

In 1994, former Representative Vic Fazio successfully used $900 million in this fund to offset funding for disaster relief in California. I am simply following the lead of the Committee on Appropriations and the precedent set by a former Member from the other side of the aisle.

Mr. Chairman, I came to Congress from the aerospace industry, and I served 2 years on the Committee on National Security, and I understand very well the problems with our underfunded military. Even the President recognizes the need for additional funds. That is why this is appropriate. It is appropriate to use a foreign aid account to pay for the foreign aid disaster bill and not a Department of Defense account.

To my friends on the Committee on National Security, I will say, if we are unable to offset emergency bills, there will be no money available to cover the supplement for our Nation's defense.

So why do I come to the floor today with this amendment? My goal is to improve upon this bill. The Committee on Appropriations agreed to find offsets for 85 percent of the bill because they wanted to act responsibly and not grab over $1 billion from Social Security. My amendment simply goes the distance on the path towards financial integrity.

Other outside groups also see the significance of providing offsets for this foreign aid emergency bill in order to protect Social Security.

The policy director of the Concord Coalition, Robert Bixby in his letter to me stated "tapping into the Social Security surplus for emergencies only leads to a breakdown in fiscal discipline . . . We therefore heartily commend your efforts to ensure that the FY 99 Emergency Supplemental Appropriations bill is fully offset."

In the 60 Plus Association letter to me, they said, they "enthusiastically endorse" this amendment. The United Seniors said they "strongly support" this amendment.

Each of these groups realize the importance of fully offsetting this foreign aid bill. They have heard the promises made by the President and by Congress that we would protect Social Security. That is what the Tiahrt-Goode-Toomey amendment does, fully protects Social Security.

If my colleagues agree that we should avoid using Social Security to pay for foreign aid spending, then support this amendment. If my colleagues agree that keeping Social Security safe from 85 percent of this bill is good, then they must conclude that protecting 100 percent of Social Security from this bill is even better. Mr. Chairman, it is not just the most prudent path politically, it is the right thing to do for our seniors, ourselves, and our children.

I encourage my colleagues to join with the gentleman from Virginia (Mr. GOODE) and the gentleman from Pennsylvania (Mr. TOOMEY) and myself and support our bipartisan amendment.

Mr. GOODE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to talk just a few minutes in support of this amendment. I fully concur and commend the gentleman from Kansas (Mr. TIAHRT) for standing up in a courageous way to fully offset this supplemental.

I can tell my colleagues, if I went back to the Fifth District of Virginia and said they have a choice between a callable capital account and Social Security, overwhelming support in the district would be in favor of Social Security.

I have heard those words repeated roundly in these halls a lot this year and a lot last year. We have heard it on the hustings all across this country. This is an opportunity to say, yes, we are going to go with Social Security first, even in supplemental situations where there is an emergency.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Tiahrt amendment. I have to say, and I mentioned this earlier today on the House floor, when a number of us met with the Speaker and the gentleman from Florida (Mr. YOUNG), the new chairman of the Committee on Appropriations, earlier this year, we talked about this bill and how we would like to support it but, for a number of reasons we were not able to.

Much to the credit of Speaker HASTERT, the gentleman from Florida (Mr. YOUNG), the chairman of the committee, and now the gentleman from Kansas (Mr. TIAHRT), we are really offsetting all of the costs of this supplemental appropriation bill. Because of that, we are not adding to the debt. We are not adding to the deficit. We are looking to make this bill work in the right way. I think all of our colleagues should support this bill and this amendment to make it even stronger than the committee reported out. I rise in strong support.

Mr. SAM JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Chairman, we have got to support the Tiahrt amendment. It is important that we fully, fully put aside the Social Security funds. But the Tiahrt amendment is simple, fair, and fiscally responsible.

Some of my colleagues are concerned that this amendment would affect our defense programs. With our forces committed and fighting in Kosovo, our military must be strengthened, and everybody knows that this administration has slashed military spending. We know troop levels are dangerously low, retention is short, recruiting is down, and morale is at the bottom of the barrel.

I agree Congress must step forward and reverse these trends by putting more money in our defense budget. Our fighting men and women deserve the best.

This amendment does nothing to harm this goal. The Tiahrt amendment takes $195 million of foreign aid money from a $12 billion bank account that has never been used. It takes no money away from defense. No Member should oppose taking $195 million from a $12 billion nondefense account that is not being used for anything.

I would also like to make clear that this is not a military emergency. The defense portion of this bill is a reimbursement for disaster assistance by our National Guard which it provided to our neighbors in Central America.

□ 1600

It is money that has already been spent. It is not an emergency and, therefore, should not be funded as one. I understand the concerns that some of my colleagues have, but in this case offsetting $195 million from nondefense accounts is practicable, is reasonable and is fiscally responsible, not dangerous.

We are in Washington to be responsible. The Tiahrt amendment simply allows us to keep our promise to the American people that we will stop big government spending. I urge my colleagues to support this amendment today. It is good for America.

Mr. UPTON. Reclaiming my time, Mr. Chairman, I would just like to point out that this is a small step but it is a small step in the right direction. Full accountability, full offsets, keeping our promise to the American taxpayer is something that I think we all believe in here, and if we are going to be a fiscal conservative and think about the dollars going out, we have to support this amendment to make sure it is 100 percent pure.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to say this only once. Do my colleagues know how many dollars are saved for Social Security by the Tiahrt amendment? Not one dime. Do my colleagues know how many dollars are saved that would otherwise be spent under the Tiahrt amendment? Not one dime. Do my colleagues know how many dollars are saved that would otherwise be added to the deficit if the Tiahrt amendment passes? Not one dime.

The fact is that callable capital to our international financial institutions, is appropriated but it is never spent. There is never an outlay expenditure. When we measure the deficit, what we measure is not what the government thinks about spending. What we measure is what the government actually spends, and that is called an outlay.

If we take a look at this committee report, if we take a look at the Congressional Budget Office scoring of this bill, we will see that the Tiahrt amendment saves not one dime for Social Security or the deficit or anything else because this money was not scheduled to be outlaid. The only way that we can measure savings is on the outlay side. And since there were never going to be any outlays, there are no savings.

The gentleman from Kansas (Mr. TIAHRT), by his amendment, is suggesting to the House that $195 million will not be spent that otherwise would be spent. That is false. Callable capital, by its nature, is never meant to be spent. So if anyone says that they are saving one dime for Social Security or saving one dime for the surplus or the deficit by the Tiahrt amendment, they are telling this House something that simply is not true.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding to me, and I rise in opposition to the Tiahrt amendment. And with all due respect, I went on the same trip with the gentleman from Kansas (Mr. TIAHRT) to Honduras, but his amendment does not help the situation in Honduras nor does it help the situation at home.

We have letters from the Department of Treasury, we have letters from the Bretton Woods committee suggesting that his amendment would indeed create financial risk. The logic of saying that we are going to protect Social Security when we are going to put the whole market at financial risk is just not practical.

The bill, as the gentleman from Wisconsin (Mr. OBEY) just indicated, does not fully offset the outlays in terms of new spending, because the bill will be measured by outlays, not by the Tiahrt amendment. This amendment does damage, not good; it does not protect and it does not get the funds to Central America which need it badly right now.

Mr. Chairman, I urge opposition to the Tiahrt amendment.

Mr. OBEY. Mr. Chairman, reclaiming my time, and in closing, let me simply say this bill, if it passes, will actually add $445 million to the deficit, and the Tiahrt amendment, if it is adopted, will not save one dime of that number.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words and, hopefully, in the process of doing so, have a dialogue with my friend, the gentleman from Kansas (Mr. TODD TIAHRT).

I would hope in the process of this discussion I might urge my colleague to consider, at least consider, withdrawing his amendment. Let me explain why I would even begin to suggest that this might be appropriate when I know very well how serious the gentleman is about this amendment and how hard he has worked to develop it.

The circumstances in Central America are critical circumstances involving humanitarian efforts that very much relate to our efforts to build relations south of our border. At the peak following that disaster we had some 5,000 troops in the region. We have flown nearly 1,000 humanitarian air sorties there. We have rescued over a thousand people from floods. The military was involved in building temporary bridges that allowed lifelines, food and medicine, to be delivered. Indeed, there are hundreds of temporary structures built by those military personnel in an effort to respond to this emergency.

These are not classic military activities, but, nonetheless, we raised the American flag there in defense of the well-being of a sizable population of our neighbors for reasons well beyond just the humanitarian reasons alone. The American military is ofttimes the only one who can respond quickly enough and effectively enough to get the life saving job done.

In this case we are talking about the prospects of an offset that arguably is not really an offset. It is very clear when we are dealing with callable capital that we do not impact funds that might be available for Social Security, and I would urge us to be very careful about further discussion about that possible implication.

The reason for my touching on the edges of suggesting that the gentleman might consider responsibly to withdraw the amendment involves the fact that at this very moment American troops and materiel are involved in an incursion in Kosovo, a very, very serious circumstance where, in combination with our allies in NATO, we are involved in an effort that could cost not hundreds of millions of dollars, but a billion dollars or more.

Let me make this point to my colleague. Indeed, the amendment that the gentleman has before us could be a very serious precedent that could impact future requirements as it relates to Kosovo.

One of the most impressive experiences I have had in the time I have been in Congress has taken place over the last 10 days, an experience in which the President of the United States has invited Members from both bodies to the White House and, together, we have spent almost 10 hours discussing questions which swirl around how we meet the challenges in Kosovo and the Balkans. Democrats and Republicans from both bodies argued on both sides of our being involved. It was a very, very healthy discussion, bringing us to the point where there was a very healthy debate last evening in the other body, after which, finally, a vote took place in which support was given for America's effort, along with our NATO allies, in that region.

Today, we find ourselves in a circumstance where, indeed, action is moving forward. It is very important that the debate we have from this point forward be as nonpartisan, as positive as possible, and as nonsensational as possible. And, indeed, we must recognize as we go forward that there will be very real military costs. There will be a bill one day soon that will request a supplemental that may involve the kinds of dollars that I was describing earlier, maybe as much as $2 billion.

Indeed, if one were to begin to talk about offsetting that expenditure, either from social programs, from callable capital or otherwise, we could find ourselves in a debate that could undermine our ability to respond to that very critical circumstance.

The CHAIRMAN. The time of the gentleman from California (Mr. LEWIS) has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, this is the very time that we need to bring the House together with a unified voice in support of our troops in Kosovo and in the Balkans and, indeed, exercise our responsibility to lead in the world at this very important moment.

So I would urge my colleague to consider the question, a precedent, that says a $195 million expenditure for an emergency in Latin America, asking for offsets in a very special category, could lead to a circumstance where $2 billion becomes the question and should there be an offset. I would ask my colleague to recognize that this may very well be before us in a very short period of time, and I would urge the gentleman to respond, if he would, briefly.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, first of all, I want to thank the gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations, who is very knowledgeable about the extreme needs we have in our defense at this point in time. The gentleman brought a very sobering point; that there is currently activity going on in Kosovo where our young men and women are at risk, and I hope that we will all keep them in our thoughts and prayers.

Mr. Chairman, I am very proud of the job our soldiers have done in Central America in meeting the immediate disaster needs. My concern is that if we do not find offsets now, we will never be able to achieve the future requirements that we need for our defense, and that is why I wanted to offer this amendment. But I thank the gentleman from California for the opportunity.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I guess the point that needs to be repeated is that callable capital does not provide real offsets that provide real funding for the military.

Indeed, if we go forward with this approach, we will be further taking these kinds of monies out of the hide of our basic military requirements. If we find ourselves later attempting to pay for the Kosovo requirements in a similar fashion, it could undermine many a critical program entirely across our military base. I urge the gentleman to reconsider his amendment, otherwise I urge my colleagues to vote "no" on the gentleman's amendment.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

I stood up, Mr. Chairman, to talk again about the multilateral banks and to talk about callable capital and to try and urge my colleagues on the other side of the aisle not to identify this as meaningful and real offsets. However, before I do that, I would like to join with my colleague, the gentleman from California (Mr. LEWIS), in asking that we do nothing at this point that would prevent us from coming back with a supplemental that we may need in case we have to expand our operations or support our operations in Kosovo.

I think that is real. He is absolutely correct. We have spent a number of hours with the President, Republicans and Democrats alike, listening to and understanding what is going on there. And I think that he has done a favor to all of us by pointing out that we do not want to take this kind of action without understanding the seriousness of it.

Beyond that, I think that at this moment every member of the Congressional Black Caucus, every member of the Hispanic Caucus, every member of the Asian Caucus should be on this floor. They should be on this floor right now because what they are seeing is a precedent that will destroy the ability of developing countries to be able to have any kind of reasonable economic development and to develop.

I think every member of those caucuses, who have fought for so many years to try and be of assistance to these developing countries and develop markets there for our own economy, should come to this floor and help to make the argument why this should not go forward.

□ 1615

What is the reason for this when everybody understands now that this is not real capital, that this simply is money that would not be spent, that it is not money that is going to be added to the budget? Then why are they doing it? If they cannot answer that question, then they should not proceed with this.

This is not money that can be used to reduce the budget in any way. This is like a guarantee that in the event they are not able to pay back their loans it could be used. So if in fact the money is not going to reduce the budget, if in fact they are literally putting their foot on the necks of the most vulnerable countries in the world who desperately need the assistance of the multilateral banks, if they understand what we are trying to do in Africa and in Asia and in Central America, why then would they proceed with literally diminishing their ability to try and develop and to be independent and to feed their people and to provide markets for us? Why would they do it? It just does not make good sense.

And so, I am going to ask them, in addition to the argument that has been made about Kosovo and the possibility that we will have a supplemental bill on the floor to help out, to also think about what I am saying. Why would anybody in their right mind want to do it if they are not going to yield any dollars for them?

Mr. TIAHRT. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I thank the gentlewoman from California for yielding. And I would like to remind her that this is a precedent that was established in 1994 when a previous bill came to the floor and $902.4 million was taken out of callable capital.

Ms. WATERS. Mr. Chairman, reclaiming my time, no, that is not correct.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say the statement that this is similar to what happened in 1994 is again totally, absolutely wrong. What happened in 1994 was very, very different. It did not involve rescinding one dime of obligated callable capital.

I would simply recite from the Secretary of the Treasury the following from his letter. He says, "Some have cited the 1994 rescission as a precedent for this goal. The 1994 action and the current proposal are not analogous. In 1994, the U.S. had not subscribed to paid-in capital and callable capital which were rescinded. The current proposal, however, would reach back to capital to which we have formerly subscribed and on the basis of which we have exercised voting rights for many years. This proposal has rightly become a concern of the markets."

If any Member says that this is identical to what had happened in 1994, they are either ill-informed or they are misleading the House.

Mr. TOOMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Tiahrt-Goode-Toomey amendment. Last week the House Committee on the Budget, on which I have the privilege to serve, approved the budget resolution that saves the entire Social Security surplus, 100 percent of payroll taxes, and 100 percent of interest for future budgets. It is a budget resolution we will debate on this very floor tomorrow, and it stops the reckless practice of spending Social Security payroll taxes on non-Social Security programs.

My fellow committee members and I proudly held a press conference last week declaring that this Congress for the first time would no longer spend the Social Security surplus. And we are right. Over the next 10 years, the budget resolution locks away $1.8 trillion for our seniors' retirement both for Social Security and Medicare; and that is $200 billion more than the President called for in his budget.

This budget is an important first step towards our ultimate goal of real, long-term structural reform of our Nation's retirement system; and I hope my colleagues will join me in supporting this budget later this week.

But would it not be ironic if the House passes an emergency appropriations bill that spends today's Social Security money in the same week that it passes a budget resolution that tries to save future Social Security funds? And that is exactly what will happen if the House does not adopt the Tiahrt-Goode-Toomey amendment that fully offsets the supplemental emergency appropriations bill. We have got an obligation to ensure that that does not happen.

The $1.3 billion emergency supplemental appropriations bill as written offsets all but $195 million used to reimburse the Defense Department for its response to Hurricane Mitch. Any spending not offset in this bill will come from the Social Security surplus because the Federal Government still has an on-budget deficit in fiscal year 1999. The only surplus is the Social Security surplus.

My objection is not the Defense Department. It should be reimbursed for its work. My objection is certainly not the Committee on Appropriations. They have worked hard to offset the vast majority of the emergency spending in this bill. But we have come so close. Just 15 percent of the bill is not offset. And we should finish the job.

Our amendment finishes the job. It offsets the remaining $195 million in emergency spending by rescinding budget authority for an account already used to offset in this bill. The Callable Capital Account has over $12 billion in unused budget authority. It has not been used this decade. That is why Democratic Congress used this same account as an offset in 1994.

Mr. Chairman, I consistently told senior citizens in Pennsylvania's 15th Congressional District that Congress should not spend Social Security dollars on anything other than retirement. And that is exactly what we should do.

I urge my colleagues to vote for the Tiahrt-Goode-Toomey amendment.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. TOOMEY. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding.

I want to say, Mr. Chairman, that there is some impression out here that there is no money that is going to change hands here, that we are going to write a check to Central America but there is no money that is going to leave the Callable Capital Account and how this money will miraculously reappear down in Central America.

We are going to write a check to Central America and it is not going to bounce. The money is going to come from somewhere. It is either going to come from the surplus or callable capital. If it comes from the surplus, it has to come out of Social Security. It is really that simple.

I want to step back in time to 1994. In 1994, this Congress committed capital stock to the Callable Capital Account of $902.4395 million. It was committed to the Callable Capital Account. But in the piece of legislation that was called the Fiscal Year 1994 Disaster Supplemental Appropriations, we rescinded that. We took the money back.

Now, they want to say it is completely different. We were going to send capital stock, $902.4 million, and then we took it back, we rescinded it back; and now they want to say they did not have anything to do with it and it is not like it is this time. But if we look at the votes, it passed with a significant margin, 415–2.

Now, the gentlewoman said that I would like to have my foot on the neck of developing countries? Well, just a couple years ago the gentlewoman from California (Ms. WATERS) joined with the gentleman from California (Mr. FARR) and with the gentleman from Wisconsin (Mr. OBEY) and they voted for it. They voted for the very same thing they are arguing against today. And they are trying to demonize it somehow I guess by saying I want to put my foot on the neck of developing countries. Nothing could be further from the truth.

What I want to do is make sure that when we send money down to Central America that it does not come from Social Security. I want to find unobligated money, money that we can use to save Social Security. And that is what I have done with this amendment, and I urge its passage.

Mr. LAFALCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in opposition to the Tiahrt amendment. Let me try to address some of the points that have been made.

First of all, with respect to the so-called 1994 rescission. I think the distinguished gentleman from Wisconsin (Mr. OBEY) has pointed out the definite distinction that exists between the present case and 1994. He also cited the letter from Secretary Rubin that says, "it is like apples and oranges, you cannot compare the two".

But most importantly, the vote that he referred to was the vote in favor of the final supplemental bill. There never was a discrete vote on the particular rescission in question, and so I hardly think that that is analogous. It certainly is not precedential on today's vote.

Secondly, I do want to commend the gentleman from California (Mr. LEWIS) because he understands the significance of what we are doing today. We might be unable in the future if we act on behalf of the Tiahrt amendment and we act on the basis of the Tiahrt amendment's underlying rationale to ever pass necessary emergency supplemental appropriations without wreaking havoc with prior past commitments. This is a dangerous precedent to get into.

Perhaps more important than anything else, it is imperative that we understand that we live in a very fragile global economy. The House Committee on Banking and Financial Services attempted in early 1997 to develop a legislative framework to deal with this fragile global economy by passing IMF legislation. It was from early 1997 until October of 1998 that we were able to pass that authorizing and appropriating legislation so that our multilateral development institutions could more appropriately deal with the deteriorating global economy.

In other words, this Congress played Russian roulette with the global economy. And we had a lot of problems in Russia, in Brazil, in addition to Asia. And now they want to do the same thing. They want to say the United States has made commitments, we have paid in those commitments, we have voted on the basis of those commitments because our voting rights are coextensive with the commitments that we have entered into, subscribed to, and paid.

And now they want to renege on them. They want to pull the carpet from underneath the IMF, the World Bank, the Asian Development Bank, the Inter-American Development Bank, etc. They want to play more Russian roulette with the global economy. This is a dangerous game to enter into.

That is why I am so pleased that the gentleman from California (Mr. LEWIS) spoke against it. I understand he can speak for himself. The chairman of the Committee on Banking and Financial Services (Mr. LEACH) strongly opposed this I have been advised. He can speak for himself. The chairman of the Committee on Appropriations (Mr. YOUNG of Florida) might want to oppose this, too.

Clearly, Secretary Rubin said that he would strongly recommend a veto of the bill with a rescission of $640 million of callable capital. This adds $195 million more. It goes from terrible to far, far worse. This is not just veto bait. This is an absolute veto. Do not play this dangerous game.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we are coming to the end of this debate. I hope so because we do have other amendments.

Mr. Chairman, I rise in opposition to the amendment. I would have to say that I am somewhat reluctant because the gentleman from Kansas (Mr. TIAHRT) is a very important member of our conference, a very important member of the Committee on Appropriations, and a very thoughtful and studious Member. And I do not disagree with what he is trying to do here by way of offset. But I have to tell my colleagues that I do disagree with what he is offsetting.

For some years now, starting in fiscal year 1995 up through 1999, we have had deployments of American forces overseas in my opinion some very questionable deployments that have been very costly to the American taxpayer.

In that time period, we spent $5.2 billion in Iraq, and that is after Desert Storm was over. $9 billion in Bosnia. That was a deployment that was supposedly going to last for a year but is still going on today. It was supposedly going to cost a billion dollars. It has already cost us $9 billion. In Haiti, Somalia, Rwanda, Cuba, Korea and others we have spent another billion dollars for deployments of U.S. forces.

In the fiscal year 2000 budget sent here by the White House, there is another $1.8 billion for Bosnia, another $1.1 billion for Iraq. That does not include the $300 million that we used in Desert Fox in that 3-day campaign against Saddam. And this total does not include what is going on in Kosovo today. And this whole thing in Kosovo could cost as much in one deployment as all these other numbers that I have mentioned because the situation in Kosovo could become far, far more dangerous and serious than what we have dealt with so far.

The point I am making here by reciting these numbers, we were asked to offset most of these monies and most of them were offset from the budget of the Army and the Navy and the Air Force and the Marine Corps.

□ 1630

We already have a declining investment in our national security. We already have many airplanes that cannot fly because of a lack of spare parts. We have housing needs for our troops that are terrible, places that Members would not let one of their kids live and they would not live but some of our kids in the military are living. We have 11,000 of our kids on food stamps. That is not right. We need to do more for our military and the men and women who serve in the military.

I have stated as chairman of this committee, I am going to object to offsetting money for the Defense Department when it is used in a national security deployment or an emergency other than for our own national defense requirements. And so I would say to the gentleman from Kansas that I do not really like to oppose his amendment, but we have got to make a stand somewhere on the issue of national defense. Our party in this Congress has made a strong statement on national defense.

Tomorrow during the debate on the budget, Members will find that there is a very serious problem with national defense, not so much from the standpoint of budget authority but the outlay figure is going to be unworkable. We have got to put a stop to offsetting anything from the defense budget. We need to be increasing our investment in our national defense. I do not want to set the precedent that we are going to offset these type of deployments. This was a true emergency. American soldiers went to Central America, and they saved lives and they made it possible for people to have sanitary conditions. They made it possible to get medical care. This money is to replace the funds that they spent.

At this point in the RECORD I want to insert a letter from General Wilhelm describing the trip that our delegation took to Honduras. It provides insight into the terrible conditions there and the great job our troops did. I have eliminated some portions of his letter as a matter of confidentiality.

Mr. Chairman, I must reluctantly oppose the Tiahrt amendment on the principle of we are not doing enough today for our national security effort, we need to do more, and we have got to stop raiding the budget as it relateso national defense deployments.

DEPARTMENT OF DEFENSE,
U.S. SOUTHERN COMMAND,
Miami, FL, March 8, 1999.

Hon. C.W. BILL YOUNG,
Chairman, Majority Members, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN YOUNG: Mr. Chairman, I am deeply grateful for the personal interest that you have taken in our humanitarian and disaster relief operations in Central America. I regret that other obligations prevented you from traveling to the region this past weekend, but the committee and its interests were well represented by Congressmen Hobson, Tiahrt and Farr. I wanted to take just a moment to share with you my impressions of the visit and the status of Department of Defense humanitarian assistance/disaster relief operations.

While enroute to Honduras on Friday, I gave the delegation a detailed overview of DOD activities in the region to date. I started with our life saving and life sustaining activities during the first 30 days of the crisis when members of our Armed Forces plucked 1,052 men, women and children literally from death's door, delivered three and a quarter million pounds of food to communities cut off from the rest of their countries and the world by flood waters, and provided 65 tons of medical supplies and the clean water needed to successfully stave off feared epidemics of cholera, typhus and vector borne diseases which would have claimed many more lives. To place the disaster in an historic perspective, I mentioned that the 17,000 plus dead and missing in Central America equate to all of our losses in the Korean War. I stressed, however, that these grim statistics are parts of a closed chapter in our humanitarian assistance and disaster relief operations. I emphasized that four months have passed since Hurricane Mitch unleashed as much as seven feet of rain in less than five days on portions of Northern Honduras and turned it into an inland sea; that the waters have subsided, the dead have been recovered and buried, and that Hondurans, Americans and the international community have been working around the clock to replace despair with hope and restore some degree of normalcy to the region. The bottom line as I expressed it to the delegation was that rather than the absolute desolation and devastation that they would have seen during late October and early November, they would see an unfolding success story as key infrastructure is restored or recreated. Over the next two days, as we drove through Tegucigalpa and overflew or visited hundreds of miles of the North Coast, I hope these observations were reinforced.

Upon our arrival in Tegucigalpa on Friday we immediately boarded helicopters and conducted an aerial and ground tour of key bridge and other rehabilitation sites in and around the Capital City. The members were given a bird's eye view of a representative sample of the projects that were undertaken to reconnect Tegucigalpa with the rest of the country. This was an early priority for forces from the U.S., Mexico and other international participants in the relief effort. The effort in and around the Capital was sustained by the U.S. after withdrawal of other international contingents in mid-November. Among other projects, the members viewed the Juan Molina Bridge which will be a key point of interest during the Presidential visit. Upon landing, the USAID representative gave the CODEL a guided tour of temporary resettlement housing, after which we proceeded to the Presidential Palace for an extended and very significant meeting with President Flores that I will discuss later in some detail.

On the second day of the visit we again boarded U.S. Army and National Guard Blackhawk helicopters, one of which was piloted by a Chief Warrant Officer who had flown some of the critical early life saving missions. His inflight commentary was invaluable. During our lengthy overflight of the north coast the delegation was able to view at least a cross section of the infrastructure repairs that have been made throughout Central America during the second or "rehabilitation" phase of our operations. We landed and walked across bridges built by our engineers. We watched commerce laden 18-wheel tractor-trailers rumble over culvert bypasses that U.S. troops have built over rivers pending the reconstruction of permanent bridges. The members took the time to flag down passing pickup trucks and talk about conditions in Honduras with the simple people from the countryside who have been most affected by the disaster. I'm sure they will pass along to you the comments made by "mainstream" Central Americans about our presence and what it has achieved.

Later in the day, we landed in northeastern Honduras and the members had the opportunity to visit a base camp established by members of the Guard and Reserve who are supporting the third and final phase of our engagement, the expanded New Horizons Exercise program. During this phase approximately 23,000 engineers, medics and support personnel from the Guard and Reserve will deploy to the region in two-three week increments during which they will build 33 schools and 12 clinics, drill 27 high capacity wells, repair and rehabilitate more bridges, bypasses and secondary roads and conduct medical, dental and veterinary outreach programs that will touch from 70,000 to 100,000 Central American men, women and children in remote parts of the countryside. I expect the members will describe to you the outstanding organization of the base camps, the uniformly high morale and positive attitudes of the troops involved in this undertaking, and the relevance of the work they will do.

I would like to mention two specific events that took place during the visit that I considered to be particularly meaningful. The first was the CODEL's visit with President Flores on Friday evening.

I was pleased and surprised when the 45-minute planned visit by the CODEL stretched out for an hour and a half, going well into the evening. I have never seen the President as relaxed, cordial or communicative as I saw him Friday night. Congressman Hobson speculated that perhaps this was because he found himself in the company of fellow elected officials as compared and contrasted with career diplomats and senior military officers. In sum, I think the members of the Delegation built a remarkable instant rapport with President Flores, put him at ease, and received from him a very personal, open and unabridged assessment of conditions past, present and future in Honduras.

The second event was a "casual conversation" that Congressman Hobson and I had with . . .. This exchange was significant because it involved a member of the private sector, well placed in the business community, with no real personal or professional ties to the Flores administration. Congressman Hobson asked . . . very directly what he, as a businessman, thought the United States should and should not do for Honduras. I found . . . 15 minute answer very instructive and more than a little bit reassuring from a DOD standpoint. . . . stated emphatically, that our emphasis should be on infrastructure repair and development. He mentioned specifically reinstallation of bridges and repair of secondary and tertiary farm-to-market roads. He stated emphatically that we should not give Honduras "checks". In his words "we are lousy managers," and he went on to assert that between local politics and bureaucracy there was reason for concern that this type of aid would not accomplish the purposes for which it is intended. I should add that . . . had absolutely nothing disparaging to say about the Flores administration. In fact, he later volunteered to me that he thought this was a fundamentally honest government doing its best to cope with a difficult situation. Congressman Hobson and I took these comments on board with considerable interest because this gentleman had no ax to grind. This was another example of the value of congressional visits. The conversation between Mr. Hobson and . . . was essentially one that took place between two businessmen. They spoke the same language and it provided some unique perspectives on the issues and decisions that confront us.

I believe that my testimony before Chairman Lewis and the members of the Western

Hemisphere Subcommittee last week was timely and their questions were very relevant. This visit was a useful adjunct. I'm sure that the points that I emphasized at the hearing and to this CODEL will come as no surprise. First, I think DOD resources are being applied in precisely the right way in Central America. We arrived in force on the front end of the crisis and provided the emergency support and assistance that only DOD can provide. We are now concluding the second phase of our involvement during which we have exploited our unique expeditionary capabilities, assisting the host nations to regain their equilibrium and restoring their ability to provide for the essential health and welfare needs of their people. Finally, as the third phase unwinds we will revert to our normal engagement activities but at a higher tempo and intensity. At the end of this phase we will resume normal activities in the region and complete the DOD disengagement that has occasionally eluded us at other times in other places. I am firmly convinced that if we skillfully play this hand out, at the end of the day we will emerge with a significantly strengthened posture in the region and with a "good will account" on which we may be able to write checks from some time to come.

Mr. Chairman, as you know better than most, none of this has been free. During the three phases of the operation, DOD will write checks totaling about $215.3M. I hope that you will be able to provide supplemental funding for these unanticipated and unfunded requirements. If required to provide offsets, I'm afraid there will be little recourse other than to extort funds from our readiness accounts and other programs that support and sustain our regional strategies. As you know, time is of the essence because at this moment important accounts that support other crucial worldwide engagement programs have been frozen to underwrite our expenses in Central America. As examples, because the $50M Overseas Humanitarian Disaster and Civic Aid (OHDACA) account is encumbered, we lack resources to pursue important, high visibility humanitarian demining programs throughout our region and around the world. Because the $20M CINCs Initiative Fund (CIF) is similarly committed, I have been unable to proceed with the publication of a crucial human rights handbook and training program that is designed to help the Colombian military overcome its deficiencies in that very contentious area. These are merely illustrative of stalled initiatives in Southern Command. The list could go on and on with other examples for EUCOM, PACOM, CENTCOM and ACOM.

I learned this morning that you are considering a visit to the region, perhaps during the third week of this month. I hope this can be arranged and I am clearing my calendar to accompany you, assuming I can wrangle an invitation. I believe you would gain valuable insights by observing what has been done and what is being done by DOD and others to help Central America get back on its feet. As I mentioned to Congressmen Hobson, Tiahrt and Farr on several occasions, it is important that we not lose sight of the fact that during the decades of the 70's and 80's Central America was engulfed by civil wars and was anything but a bastion of democracy. Today, all the nations are led by heads of state who serve at the pleasure of the people and all have market economics. However, these institutions are fragile and immature. We need to help them over the rough spots, and there is more than a little self-interest at stake. As I asserted in my annual posture statement, "In a larger strategic context, this unparalleled theater engagement opportunity may stem waves of migrants who might otherwise seek to rebuild their lives in the United States or neighboring countries." Again, many thanks for your interest in our region and for your support of DOD.

Very respectfully,
C.E. WILHELM,
General, U.S. Marine Corps,
Commander in Chief, U.S. Southern Command.

Ms. WATERS. Mr. Chairman, I rise to a point of personal privilege.

The gentleman from Kansas (Mr. TIAHRT) took the floor——

The CHAIRMAN. The gentlewoman will suspend. A question of personal privilege may not be raised in the Committee of the Whole.

Ms. WATERS. Mr. Chairman, I ask unanimous consent to proceed for 1 minute to correct the record.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California to speak out of order?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I wonder if I could inquire whether this relates to the debate. It is getting late. There are other amendments to be considered. I am not going to object if it relates to the debate that we are having, but if it is on a personal matter, the gentlewoman might want to take it up with the Member in question.

Ms. WATERS. Mr. Chairman, I would not be here unless it related to the debate that we are involved in.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) is recognized for 1 minute.

Ms. WATERS. Mr. Chairman, the gentleman from Kansas indicated that I had voted for such an action as he is prescribing for the offsets. There is a letter that has been disseminated by Secretary Rubin that says, "The 1994 action and the current proposal are not analogous. In 1994, the U.S. had not subscribed the paid-in and callable capital which were rescinded. The current proposal, however, would reach back to capital to which we have formally subscribed and on the basis of which we have exercised voting rights for many years. This proposal has rightly become a concern of the markets."

For the record, it should be clear that it is not analogous and that I and others did not vote for money that had already been appropriated.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me once again address the chair, as I think the rules tell us we should do, and to sort of give a brief history of where we are with respect to the amendment of the gentleman from Kansas.

The Republican Conference and others came to us and asked us to offset this emergency supplemental spending bill. Originally I was opposed to it, but when we finally agreed to it, we found areas within our scope of jurisdiction in foreign operations to offset every single penny of foreign assistance. We found ways to offset the necessary money for Jordan. We found ways to offset all of the money for the problems with respect to aid to Central America, and we found them within our own jurisdiction, our own little pot of money that we have that we call foreign operations. I think that that was a responsible thing to do and it is exactly what we did.

Now comes the gentleman from Kansas, and I know his mission is noble and I do not question that, but I think if he wants to find offsets, he should recognize that those of us on this small subcommittee of the Congress and the Committee on Appropriations have found our offset within our jurisdiction, within our little area of responsibility. Now he is saying, take some more money out of foreign assistance and give it to the military. Maybe that is right, maybe it is wrong. I think it is wrong. If he wants to find offsets from some other area, that is fine with me. But I think that history will show us that for the last 4 years that we have acted very responsibly with respect to foreign assistance. We have cut the President's request every year by more than $1 billion every year since I have been chairman of this subcommittee. We are probably going to cut his budget even more so this year, maybe as much as 3 or $4 billion. We are doing the responsible thing. We did exactly what the people of our own conference requested; we found offsets. We found them within our area of jurisdiction.

I think if the gentleman from Kansas wants to find additional moneys to offset the military portion of it, he should do it elsewhere. I happen to agree with the gentleman from California (Mr. LEWIS) with respect to the fact that we are going to have to have another supplemental bill in just a few short months to handle this situation in Kosovo. And to raid the foreign operations account which has been handled in an admirable and I think efficient manner during the last 4 years is wrong.

I would urge my colleagues to vote against the Tiahrt amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Tiahrt amendment. As chairman of the Committee on International Relations, I cannot support gutting the funding of the International Financial Institutions. I want to remind my colleagues that these financial institutions help guarantee the IRAs of millions of Americans whose mutual funds are invested in Asia. Currently we have a financial crisis in Asia that the financial institutions are key to combating. We are currently conducting military operations in Iraq and in Kosovo. We cannot afford an Asian crisis on top of those costly operations. This is the wrong time to undercut our financial institutions which are supporting reforms in Indonesia and in South Korea. In Korea, we face a crisis in North Korea and the strength of our South Korean ally's economy is critical to deterring aggression in that area.

I join with the gentleman from Alabama (Mr. CALLAHAN) in strongly opposing this amendment. Cutting callable capital is not the way to save a dime but can trigger yet a third crisis that could involve our troops in Asia. Let us stick with the bill as drafted by the gentleman from Florida, chairman of the Committee on Appropriations.

I commend the gentleman from Kansas for defending Social Security. I support that goal. But cutting callable capital for these institutions will not save one dime for Social Security. Let us work on reductions in other accounts not directly related to our Nation's security.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the debate on this amendment be limited to 15 minutes and that the time be equally divided, with the gentleman from Kansas (Mr. TIAHRT) controlling 7½ minutes and that I would control the other 7½ minutes.

The CHAIRMAN. It is understood that the limitation is on the amendment and any amendments thereto.

Mr. YOUNG of Florida. Yes, that is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Kansas (Mr. TIAHRT) and the gentleman from Florida (Mr. YOUNG) will each control 7½ minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. I thank the gentleman for yielding me this time. I rise in very strong support of the bipartisan Tiahrt-Goode amendment.

Mr. Chairman, I want to begin by complimenting the Committee on Appropriations on their work. They did a tremendous job of offsetting 85 percent of this supplemental appropriation and they are to be complimented for that. But in point of fact, it is possible to offset the balance, to offset 15 percent. I think the most eloquent spokesman on that point was my Democratic colleague the gentleman from Virginia (Mr. GOODE) who pointed out quite clearly that if we went home to Americans and asked them, do they want this additional $195 million which would be offset by the bipartisan Tiahrt-Goode amendment, do they want that taken out of the callable capital account, an account which has never been used by the World Bank, or do they want that taken out of Social Security, their answer would be very clear, they do not want it taken out of Social Security, they want it taken out of the callable capital account.

There is a very good reason for that. This is an account which is there for the World Bank to draw on as a backstop. But as the gentleman from Alabama (Mr. CALLAHAN) pointed out earlier, the United States is unique in the world in its funding of this account. Every other country participating in this account pledged their credit to fund the account if ever called upon. The United States by contrast put up the money. The money is sitting there and right now not being used for any purpose. It can clearly be used to offset the remaining 15 percent of the bill, of the emergency spending bill, and protect Social Security.

For the gentleman from Alabama who says we should not do this and for the chairman of the Committee on International Relations, I would point out that in 1994 an amendment passed this House, sponsored by Mr. FAZIO of the other side, going into the callable capital account to the tune of $902 million. Now, if it was okay in 1994 to dip into that fund for $902 million, tell me why then it is not appropriate to keep our word to the American people on Social Security, to dip into it now for a total of $843 million which is the figure which would occur if the Tiahrt amendment passes?

The simple truth is that we can dip into that account, the callable capital account, and protect Social Security. To my friend from the other side who was very offended that we are breaking our word to the world by not funding this account, where is it more important, that we would break our word, which, by the way, we are not breaking our word because we have put up the cash—the rest of the world has only put up their promise—but what about our promise to the American people that we would fund the Social Security trust fund?

I suggest that the Tiahrt amendment keeps faith with the American people. It keeps faith with our national accounts. The callable capital account is an account which has never in its 40-year history been dipped into. I suggest that Members of this body interested in protecting Social Security without a risk should support the bipartisan Tiahrt-Goode amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the great privilege of representing a congressional district that has more people receiving Social Security checks every month than almost everybody else in this Chamber. I can promise Members that I would not cast a vote or take a position here that in my opinion would be detrimental to the Social Security program. To the contrary, I recall a few years back when Ronald Reagan was President, we had a very large tax increase to save the Social Security, and despite much criticism from many people in my district, I voted for that as a commitment to Social Security.

Tomorrow we are going to be debating the budget resolution where we talk about how much we will set aside for Social Security. I am going to support every effort to protect the Social Security program and to set aside all of the FICA tax because that is why we created that tax in the first place. We are dealing with fiscal year 1999 money here. We are not dealing with next year's budget surpluses or anything like that. We are dealing with fiscal year 1999 money.

I ask my colleagues to oppose this amendment. The bill as presented by the committee which the House has supported to this point is a good bill. The offsets are reasonable and responsible. I am concerned, as I said just a few minutes ago, that we would begin the precedent over again of offsetting from our defense requirements and our defense needs and the needs of the men and women who serve in our military. I do not want to begin the precedent of offsetting their extraordinary deployments that they are required to attend.

Mr. Chairman, I ask for not only opposition to this amendment but I ask for support of the bill. Let us get this bill into conference and let us get the bill to the President and let us get the support to our friends in Central America where the commitments have been made.

Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume. I would just like to remind Members of the House that half this bill is currently offset by the callable capital account. That is a total of 85 percent of this bill that is offset. I do not find any reason why we should not offset the full amount.

I noted that the gentlewoman from California says she has a letter from Secretary Rubin. I have the CONGRESSIONAL RECORD. What happened in 1994 was that the increases to capital stock going into the capital account was rescinded under the disaster bill. That vote passed by 415–2.

So a precedent was set then, and I think I am just following that precedent was set, I am following what the committee has done before, and I would encourage my colleagues to vote for the Tiahrt amendment. I think it is sound fiscal policy, it is pay-as-you-go policy, I feel strongly about these offsets that they are good offsets, and it is very much needed for the disaster down in Central America.

So I would ask for support for the Tiahrt-Goode-Toomey amendment.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I simply applaud the gentleman from Kansas (Mr. TIAHRT) for offering this amendment because to me what this amendment is about is simply asking the question: "Can you be one half pregnant?" I do not think that one can be. Someone either is or they are not, and what he has boldly said here is that either we are going to set aside every dime for the things that we say we are going to set aside for or we are not, because if not, though this number is small, we run down a very slippery slope on the things we end up spending for and end up not spending for.

Mr. TIAHRT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIAHRT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 264, not voting 5, as follows:

[Roll No. 69]

AYES—164

Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bilbray
Blunt
Boehlert
Boehner
Brady (TX)
Bryant
Burr
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doggett
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Kucinich
LaHood
Largent
LaTourette
Lazio
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McHugh
McInnis
McIntosh
McIntyre
Metcalf
Mica
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (MN)
Petri
Pitts
Portman
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Young (AK)

NOES—264

Abercrombie
Ackerman
Allen
Andrews
Baird
Baker
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Goss
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—5

Myrick
Peterson (PA)
Sanders
Slaughter
Stupak

□ 1704

Messrs. HINOJOSA, HILL of Indiana, SCOTT, FARR of California, GEORGE MILLER of California and Mrs. MINK of Hawaii changed their vote from "aye" to "no."

Messrs. GILCHREST, DAVIS of Virginia and BOEHLERT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 36, line 10, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the bill through page 36, line 10, is as follows:

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277, $10,000,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for "Small Community Air Service" by Public Law 101–508 for fiscal years prior to fiscal year 1998, $815,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

STATE INFRASTRUCTURE BANKS

(RESCISSION)

Of the available balances under this heading, $6,500,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF TRANSIT PROGRAMS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for the trust fund share of transit programs in Public Law 102–240 under 49 U.S.C. 5338(a)(1), $665,000 are rescinded.

INTERSTATE TRANSFER GRANTS—TRANSIT

Of the available balances under this heading, $600,000 are rescinded.

GENERAL PROVISION—THIS TITLE

SEC. 1001. Division B, title I, chapter 1 of Public Law 105–277 is amended as follows: under the heading "Operation and Maintenance, Defense-Wide", strike "$1,496,600,000" and insert in lieu thereof "$1,456,600,000".

TITLE II

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS

CHAPTER 1

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $921,000, to remain available until expended.

DEPARTMENT OF STATE AND RELATED AGENCIES

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

BUYING POWER MAINTENANCE

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

CHAPTER 2

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

(RESCISSION)

Of the unobligated balances of funds available under this heading, $25,000,000 are rescinded.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 105–83, $6,800,000 are rescinded.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For an additional amount for "Federal Trust Programs", $21,800,000, to remain available until expended, of which $6,800,000 is for activities pursuant to the Trust Management Improvement Project High Level Implementation Plan and $15,000,000 is to support litigation involving individual Indian trust accounts: *Provided*, That litigation support funds may, as needed, be transferred to and merged with the "Operation of Indian Programs" account in the Bureau of Indian Affairs, the "Salaries and Expenses" account in the Office of the Solicitor, the "Salaries and Expenses" account in Departmental Management, the "Royalty and Offshore Minerals Management" account in the Minerals Management Service and the "Management of Lands and Resources" account in the Bureau of Land Management.

CHAPTER 4

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Under this heading in section 101(f) of Public Law 105–277, strike "$3,132,076,000" and insert "$3,111,076,000" and strike "$180,933,000" and insert "$164,933,000".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

FEDERAL CAPITAL LOAN PROGRAM FOR NURSING

(RESCISSION)

Of the funds made available under the Federal Capital Loan Program for Nursing appropriation account, $2,800,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in section 101(f) of Public Law 105–277, $6,800,000 are rescinded.

RELATED AGENCY

CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for the Corporation for Public Broadcasting, to remain available until expended, $30,600,000 to be available for fiscal year 1999, and $17,400,000 to be available for fiscal year 2000: *Provided*, That such funds be made available to National Public Radio, as the designated manager of the Public Radio Satellite System, for acquisition of satellite capacity.

CHAPTER 5

CONGRESSIONAL OPERATIONS

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

HOUSE PAGE DORMITORY

For necessary expenses for renovations to the facility located at 501 First Street, S.E., in the District of Columbia, $3,760,000, to remain available until expended: *Provided*, That the Architect of the Capitol shall transfer to the Chief Administrative Officer of the House of Representatives such portion of the funds made available under this paragraph as may be required for expenses incurred by the Chief Administrative Officer in the renovation of the facility, subject to the approval of the Committee on Appropriations of the House of Representatives: *Provided further*, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

O'NEILL HOUSE OFFICE BUILDING

For necessary expenses for life safety renovations to the O'Neill House Office Building, $1,800,000, to remain available until expended: *Provided*, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

ADMINISTRATIVE PROVISIONS—THIS CHAPTER

SEC. 501. (a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Minority Leader of the House of Representatives and the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Majority Whip of the House of Representatives shall each be increased by $333,000.

(b) This section shall apply with respect to fiscal year 2000 and each succeeding fiscal year.

SEC. 502. (a) Each office described under the heading "HOUSE LEADERSHIP OFFICES" in the Act making appropriations for the legislative branch for a fiscal year may transfer any amounts appropriated for the office under such heading among the various categories of allowances and expenses for the office under such heading.

(b) Subsection (a) shall not apply with respect to any amounts appropriated for official expenses.

(c) This section shall apply with respect to fiscal year 1999 and each succeeding fiscal year.

CHAPTER 6

POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For an additional amount for "Payments to the Postal Service Fund" for revenue forgone reimbursement pursuant to 39 U.S.C., 2401(d), $29,000,000.

EXECUTIVE OFFICE OF THE PRESIDENT

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 101–130, the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, $10,000,000 are rescinded.

CHAPTER 7

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

Notwithstanding the 6th undesignated paragraph under the heading "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT BLOCK GRANTS" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2477) and the related provisions of the joint explanatory statement in the conference report to accompany such Act (Report 105–769, 105th Congress, 2d Session) referred to in such paragraph, of the amounts provided under such heading and made available for the Economic Development Initiative (EDI) for grants for targeted economic investments, $250,000 shall be for a grant to Project Restore of Los Angeles, California, for the Los Angeles City Civic Center Trust, to revitalize and redevelop the Civic Center neighborhood, and $100,000 shall be for a grant to the Southeast Rio Vista Family YMCA, for development of a child care center in the City of Huntington Park, California.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

Under this heading in Public Law 105–276, add the words, "to remain available until September 30, 2000," after $81,910,000,".

GENERAL PROVISIONS—THIS ACT

SEC. 2001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 2002. (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) Funding Source.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

TITLE III

TECHNICAL CORRECTIONS

Sec. 3001. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title III, under the heading "Rural Community Advancement Program, (Including Transfer of Funds)", by inserting "1926d," after "1926c,"; by inserting ", 306C, and 306D" after "381E(d)(2)" the first time it appears in the paragraph; and by striking ", as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C",

(b) in title VII, in section 718 by striking "this Act" and inserting in lieu thereof "annual appropriations Acts",

(c) in title VII, in section 747 by striking "302" and inserting in lieu thereof "203", and

(d) in title VII, in section 763(b)(3) by striking "Public Law 94–265" and inserting in lieu thereof "Public Law 104–297".

Sec. 3002. Division B, title V, chapter 1 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading "Department of Agriculture, Agriculture Research Service" by inserting after "$23,000,000," the following: "to remain available until expended,".

Sec. 3003. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title II under the heading "Burma" by striking 'headings "Economic Support Fund" and' and inserting in lieu thereof 'headings "Child Survival and Disease Programs Fund", "Economic Support Fund" and',

(b) in title V in section 587 by striking "199–339" and inserting in lieu thereof "99–399",

(c) in title V in subsection 594(a) by striking "subparagraph (C)" and inserting in lieu thereof "subsection (c)",

(d) in title V in subsection 594(b) by striking "subparagraph (a)" and inserting in lieu thereof "subsection (a)", and

(e) in title V in subsection 594(c) by striking "521 of the annual appropriations Act for Foreign Operations, Export Financing, and Related Programs" and inserting in lieu thereof "520 of this Act".

Sec. 3004. Subsection 1706(b) of title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r–2), as added by section 614 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, is amended by striking "June 30" and inserting in lieu thereof "September 30".

Sec. 3005. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in the last proviso under the heading "United States Fish and Wildlife Service, Administrative Provisions" by striking "section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361–1407)" and inserting in lieu thereof "section 104(c)(5)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407)".

(b) in section 354(a) by striking "16 U.S.C. 544(a)(2))" and inserting in lieu thereof "16 U.S.C. 544b(a)(2))".

(c) The amendments made by subsections (a) and (b) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

Sec. 3006. The Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(f) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title I, under the heading "Federal Unemployment Benefits and Allowances", by striking "during the current fiscal year" and inserting in lieu thereof "from October 1, 1998, through September 30, 1999";

(b) in title II under the heading "Office of the Secretary, General Departmental Management" by striking "$180,051,000" and inserting in lieu thereof "$188,051,000";

(c) in title II under the heading "Children and Families Services Programs, (Including Rescissions)" by striking "notwithstanding section 640 (a)(6), of the funds made available for the Head Start Act, $337,500,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): *Provided further*, That";

(d) in title II under the heading "Office of the Secretary, General Departmental Management" by inserting after the first proviso the following: "*Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,831,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX:";

(e) in title III under the heading "Special Education" by inserting before the period at the end of the paragraph the following: ": *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities";

(f) in title II under the heading "Public Health and Social Services Emergency Fund" by striking "$322,000" and inserting in lieu thereof "$180,000";

(g) in title III under the heading "Education Reform" by striking "$491,000,000" and inserting in lieu thereof "$459,500,000";

(h) in title III under the heading "Vocational and Adult Education" by striking "$6,000,000" the first time that it appears and inserting in lieu thereof "$14,000,000", and by inserting before the period at the end of the paragraph the following: ": *Provided further*, That of the amounts made available for the Perkins Act, $4,100,000 shall be for tribally controlled postsecondary vocational institutions under section 117";

(i) in title III under the heading "Higher Education" by inserting after the first proviso the following: "*Provided further*, That funds available for part A, subpart 2 of title VII of the Higher Education Act shall be available to fund awards for academic year 1999–2000 for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1:";

(j) in title III under the heading "Education Research, Statistics, and Improvement" by inserting after the third proviso the following: "*Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,000,000 shall be used to conduct a violence prevention demonstration program: *Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $50,000 shall be awarded to the Center for Educational Technologies to conduct a feasibility study and initial planning and design of an effective CD ROM product that would complement the book, We the People: The Citizen and the Constitution:";

(k) in title III under the heading "Reading Excellence" by inserting before the period at the end of the paragraph the following: ": *Provided*, That up to one percent of the amount appropriated shall be available October 1, 1998 for peer review of applications";

(l) in title V in section 510(3) by inserting after "Act" the following: "or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts"; and

(m)(1) in title VIII in section 405 by striking subsection (e) and inserting in lieu thereof the following:

"(e) Other References to Title VII of the Stewart B. McKinney Homeless Assistance Act.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

"(1) by striking the items relating to title VII of such Act, except the item relating to the title heading and the items relating to subtitles B and C of such title; and

"(2) by striking the item relating to the title heading for title VII and inserting in lieu thereof the following:

"'TITLE VII—EDUCATION AND TRAINING'.".

(2) The amendments made by subsection (m)(1) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

Sec. 3007. The last sentence of section 5595(b) of title 5, United States Code (as added by section 309(a)(2) of the Legislative Branch Appropriations Act, 1999, Public Law 105–275) is amended by striking "(a)(1)(G)" and inserting in lieu thereof "(a)(1)(C)".

Sec. 3008. The Department of Transportation and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended: (a) in title I under the heading "National Highway Traffic Safety Administration, Operations and Research, (Highway Trust Fund)" by inserting before the period at the end of the paragraph ": *Provided further*, That notwithstanding other funds available in this Act for the National Advanced Driving Simulator Program, funds under this heading are available for obligation, as necessary, to continue this program through September 30, 1999".

SEC. 3009. Division B, title II, chapter 5 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading "Capitol Police Board, Security Enhancements" by inserting before the period at the end of the paragraph ": *Provided further*, That for purposes of carrying out the plan or plans described under this heading and consistent with the approval of such plan or plans pursuant to this heading, the Capitol Police Board shall transfer the portion of the funds made available under this heading which are to be used for personnel and overtime increases for the United States Capitol Police to the heading "Capitol Police Board, Capitol Police, Salaries" under the Act making appropriations for the legislative branch for the fiscal year involved, and shall allocate such portion between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate in such amounts as may be approved by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate".

SEC. 3010. Section 3027(d)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note: 112 Stat. 366) as added by section 360 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is re-designated as section 3027(c)(3).

SEC. 3011. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(b) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title I, under the heading "Legal Activities, Salaries and Expenses, General Legal Activities", by inserting "and shall remain available until September 30, 2000" after "Holocaust Assets in the United States", and

(b) in title IV, under the heading "Department of State, Administration of Foreign Affairs, Salaries and Expenses", by inserting "and shall remain available until September 30, 2000" after "Holocaust Assets in the United States".

The CHAIRMAN. Are there any further amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. BENTSEN

Mr. BENTSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Bentsen: Page 36, after line 10, insert the following new section:

SEC. 3012. None of the funds made available in this Act or any other Act may be used to release from detention any criminal alien subject to mandatory detention pending removal from the United States.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

Mr. BENTSEN. Mr. Chairman, the amendment that I am offering today, which the gentleman has reserved a point of order against, would prohibit the use of any funds in this act or any other act for the release of criminal aliens from detention centers run by the Immigration and Naturalization Service. This would only apply to criminal aliens subject to mandatory detention who are pending removal from the United States.

With the passage of the 1996 immigration reform law, Congress and the President placed a high priority on removing noncitizen criminals from the United States. This bipartisan reform law mandated detention of criminal aliens until their removal and provided the Immigration and Naturalization Service with two additional years to implement the law. It is worth noting that since 1996, Congress has doubled the funding for detention and deportation to $730 million.

In February of this year, reports surfaced that the INS planned to release criminal aliens, many of whom are being held on felony charges. Specifically, the INS issued a memorandum on January 8, 1999, which alerted field offices of a shortfall in detention space funding and offered guidelines for the release of criminal aliens who comprise the vast majority of the INS detainees awaiting deportation.

In response, the INS eastern region's regional director released a draft plan in early February to free 1,550 criminal aliens under a point system that would give priority to those with the least serious convictions. Among those eligible for release under the proposal were criminal aliens who had been convicted in U.S. courts for such crimes as drug trafficking, assault, burglary, counterfeiting and alien smuggling.

After much congressional criticism, INS Commissioner Meissner reversed the agency's plan. However, it is incomprehensible why such an idea was considered in the first place. Quite simply, it is imperative that the INS continue to detain and remove criminal aliens subject to the mandatory detention requirements of the 1996 immigration law. To do so effectively, it is important to disallow the use of all INS funding alternatives, including funds appropriated in previous budgets from being used for the release of criminal aliens, not just those contained in the bill before us today.

The amendment I am offering would thus codify the stated plans of Commissioner Meissner who said before the Subcommittee on Immigration and Claims on February 25, 1999, that INS will not now release any aliens subject to mandatory detention under section 303 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

□ 1715

Mr. Chairman, the fact is that the INS has been woefully inadequate in dealing with this problem. I know there are a lot of concerns about the IRAIRA law as it relates to certain resident aliens and people who were in the country legally, but this applies to people who enter the country illegally and who then commit either a felony or a misdemeanor and then are subject to deportation.

In my State of Texas, in the State of Florida, in California, in the eastern region of this country, this has been a serious problem. The INS has not been very good at getting back to us.

Earlier this year my colleagues, both Republicans and Democrats, from the Houston area, wrote to Commissioner Meissner asking that she address this problem. She did not respond to us until today, when I received a letter from her, coincidentally. In that letter, actually, it was from her Director of Congressional Relations, in the letter they did state that they have reversed the policy.

It states that various options are being explored which will give the agency some relief, both in the short-term and long-term detention, including the possibility of seeking additional funding or the restoration of temporary period custody rule release authority; that is, they want to go back to releasing people who have been convicted of felonies. That is unacceptable to the constituents in my district. I think it would be unacceptable to most Members' constituents in their districts.

So while it is unfortunate that the point of order will probably be raised on this, the fact remains that this is the only game in town right now. If we are not going to get around to dealing with this until we take up the fiscal year 2000 appropriations bill, how do we know that the INS is not going to go back and change their policy once again?

I appreciate the chairman not wanting to load up his bill with a lot of amendments, but if this was the fiscal year 1999 bill, this would have been a straight limitation which I would have offered. At that time we did not know this was going to be a problem.

This does not add any new money. It does something that I think the Congress has already spoken on. I would hope the gentleman would not raise this point of order, and we could go ahead and have this adopted on a voice vote by the committee and move on.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida (Mr. YOUNG) continue to reserve his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman is recognized on his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law, constitutes legislation on an appropriations bill, and it violates clause 2 of rule XXI.

The rule states, in pertinent part, "No amendment to a general appropriations bill shall be in order if changing existing law." This amendment does not apply solely to the appropriation under consideration, and as much as I believe in what the gentleman is trying to do, and I think through the regular process we can do it, I must ask for a ruling of the Chair on this point of order.

The CHAIRMAN. Does the gentleman from Texas (Mr. BENTSEN) wish to respond to the point of order?

Mr. BENTSEN. The only thing I will say is, I am disappointed that my colleague, the gentleman from Florida, would do this. We have an opportunity to address this today. There is no guarantee that the committee of jurisdiction would get around to it. It is unfortunate. This is a real problem, but so be it.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from Florida (Mr. YOUNG) makes a point of order that the amendment offered by the gentleman from Texas (Mr. BENTSEN) violates clause 2 of rule XXI.

As stated at page 131 of House Practice, to avoid legislating a limitation must apply solely to the funds in the bill under consideration and may not be applied to funds appropriated in other acts.

The amendment offered by the gentleman from Texas (Mr. BENTSEN) explicitly addresses funds in other acts. The provision therefore constitutes legislation, and the point of order is sustained.

AMENDMENT NO. 2 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BURTON of Indiana:

At the end of title II (page 26, after line 2), insert the following new section:

SEC. 2003. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to enter into agreements to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall exercise the authority under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a), unless the agreements made pursuant to the authority granted in subsection (a) provide for payments over a longer period.

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order on the amendment.

Mr. BURTON of Indiana. Mr. Chairman, while I will not contest the point of order because this is legislating on an appropriation bill, I thought this issue was important enough to bring it before this body right now.

On February 3 of last year, near Cavalese, Italy, a Marine pilot inadvertently ran into a gondola on a ski lift and killed 20 people. It has been an international incident ever since.

While I agree and fully support the ruling of the court-martial that those pilots were not in error in this horrible tragedy, I do believe that we owe those people who died some monetary damages. We owe their families some monetary damages.

We have spent $20 million repairing the gondola and the ski lift and the other things that were damaged near Cavalese, Italy, but we have not done really very much to take care of the people who were really hurt by this horrible tragedy, the families of those people.

The Italian court system takes between 3 and 10 years to settle these kinds of claims. It seems to me relatively inhuman to make these people wait that long before we pay them the damages to which they are entitled. They are suffering a great deal right now.

I do not know what kind of message it sends to the world when we take care of the ski lift but we do not take care of the Human tragedy that was involved. It is my opinion that the Defense Department has about $68 million in unobligated funds from prior years from which to draw this money. We are talking about a maximum of around $1 to $2 million for each one of the families that were involved. I would just say to my colleagues, although I know there is going to be a point of order that is going to be sustained on this, that we ought to do something about this in the very near future.

I would urge the chairman of the Committee on Appropriations, the chairman of the Committee on Armed Services, to do what they can to make sure reparations are dealt with in a very timely fashion. We do not want these people to suffer for another 3 to 10 years because this thing is being dragged out. Yell.

Obviously, Mr. Chairman, the United States was at fault. There is no question about that. While the pilots may not have been at fault, those maps did not have the gondola on them, did not have the ski lift on them. The altimeter on the plane, there is some question about whether or not it was working. When they flew into that valley, even though there was an optical illusion, there were other factors that factored into this that caused this tragedy to occur.

I would just like to say before I yield to my colleague, the gentleman from Indiana, the United States owes a responsibility to the people of Italy that were harmed by this terrible tragedy, and we ought to make restitution as quickly as possible.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I want to thank my colleague, the gentleman from Indiana, for bringing this measure. I would like to inform the Members about this issue with the ski lift in Italy.

When the gentleman from Indiana (Mr. BURTON) made a comment about the monies have been paid for the damage to the ski lift, we put monies aside, there was $20 million, but those monies have not been accessed. The ski lift has been replaced, the owner-operator has gone through the claims process in Italy, and it has not yet been adjudicated, so the $20 million has not been accessed. I wanted to clarify that point.

We have a Status of Forces agreement in Italy, and for the claims process, the Navy has jurisdiction. Right now when there is a claim, they are to go through the Italian government. Through the Status of Forces agreement, we, the United States, pay 75 percent and Italy pays 25 percent, but they are to go through the adjudicative procedures through the Italian government.

Right now, because we have that agreement in place, I will give advice to my colleagues, let us permit the adjudication to go through the Status of Forces agreement.

I would say to the gentleman from Indiana (Mr. BURTON), I applaud him and recognize his efforts, and the image that it shows around the world, but I would ask the gentleman to let us go through the adjudicative procedures that we have under our Status of Forces agreement in Italy.

Mr. BURTON of Indiana. Mr. Chairman, let me just conclude by saying that the process the gentleman from Indiana just alluded to could take 3 to 10 years. I think that is too long. The other body passed this resolution that I am talking about, this amendment, yesterday. I think it was Senator ROBB that sponsored it. It passed, I think, without any opposition whatsoever.

Those people who are suffering, and their families who are suffering right now, should not have to wait for an adjudication process that is going to go on for 3 to 10 years. They suffered enough. We need to get on with it.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida (Mr. YOUNG) continue to reserve his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

The CHAIRMAN. The Chair is prepared to rule.

Does any other Member wish to be heard on the point of order?

The gentleman from Florida (Mr. YOUNG) makes a point of order under clause 2 of rule XXI that the amendment offered by the gentleman from Indiana (Mr. BURTON) changes existing law. The amendment changes existing law by, among other things, waiving provisions of existing law and imposing new duties on the Secretary of Defense.

Accordingly, the point of order is sustained.

Mr. MCINTOSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say, as somebody who is a strong supporter of the amendment that the gentleman from Kansas (Mr. TODD TIAHRT) brought to this Floor, that as we get ready to vote on final passage of this bill, we need to step back and ask ourselves what it is we are voting on.

We did not choose to further offset the defense spending with other savings from nondefense, but I think we need to look at what the committee has done. They have done a great job of saving over $1 billion from the social security trust fund, essentially, because that is where that money comes from if we do not offset it. We need to recognize that and praise them for that work.

Today we have seen the President order bombings in Kosovo. All of us realize that while the President has made that decision and ordered the military to engage, we in Congress will be asked later to find the money to pay for that, and that it will become increasingly difficult to do so without jeopardizing our national defense.

In the final analysis, Mr. Chairman, I would like to urge my colleagues, all of us who share a desire to save social security, to recognize the good job that the committee has done in finding offsets for the domestic spending. More than $1 billion has been offset. That means more than $1 billion has been saved for the social security trust fund. They have done that without the help of the President, without the help of the White House, without the help of our colleagues on the other side of the aisle. They deserve to be recognized for putting social security as a top priority in this bill.

Although I was a supporter of the Tiahrt amendment, I thought it was the right thing to do. I am also prepared and think the right thing for us to do today is to vote "yes" on final passage, and recognize that we have begun a very arduous task of saying that we are going to make sure that we offset spending, make sure that we save social security by offsetting those requests for additional spending, and recognizing that we have to preserve that trust fund.

Mr. Chairman, I thank the gentleman for his good work, and I would urge all my colleagues to vote "yes" on this bill.

The CHAIRMAN. Are there any further amendments?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes. I simply want to say, in light of the comments by the previous speaker, that repeating a misstatement of fact does not make it a fact, no matter how many times that misstatement is repeated.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to compliment the Chairman for having presided in this Committee of the Whole House on the State of the Union in a very professional and magnificent fashion.

The CHAIRMAN. Are there any further amendments?

If not, the Clerk will read the final two lines of the bill.

The Clerk read as follows:

> This Act may be cited as the "1999 Emergency Supplemental Appropriations Act".

□ 1730

The CHAIRMAN. Are there any further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 125, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 211, not voting 3, as follows:

[Roll No. 70]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Chenoweth
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers

Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—211

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—3

Myrick
Slaughter
Stupak

□ 1750

Messrs. HERGER, RADANOVICH, RYUN of Kansas, SENSENBRENNER, GUTIERREZ, ROGAN, BARTON of Texas, McINNIS, MANZULLO, GRAHAM, POMEROY and MINGE changed their vote from "nay" to "yea."

Mr. JOHN and Mr. REYES changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, and pursuant to the provisions of Executive Order Number 12131, the Chair announces the Speaker's appointment of the following Members of the House to the President's Export Council:

Mr. EWING of Illinois,
Mr. ENGLISH of Pennsylvania, and
Mr. PICKERING of Mississippi.

There was no objection.

EXPRESSING SUPPORT OF HOUSE OF REPRESENTATIVES FOR MEMBERS OF U.S. ARMED FORCES ENGAGED IN MILITARY OPERATIONS AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. SPENCE. Mr. Speaker, I offer a resolution (H. Res. 130) expressing the support of the House of Representatives for the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia, and ask unanimous consent for its immediate consideration in the House, with the previous question ordered to its adoption without intervening motion except for 1 hour of debate, equally divided and controlled by the chairman and ranking member of the Committee on International Relations and the chairman and ranking member of the Committee on Armed Services or their designees.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 130

Whereas the President has authorized United States participation in NATO military operations against the Federal Republic of Yugoslavia;

Whereas up to 22,000 members of the Armed Forces are presently involved in operations in and around the Balkans region with the active participation of NATO and other coalition forces; and

Whereas the House of Representatives and the American people have the greatest pride in the members of the Armed Forces and strongly support them: Now, therefore, be it

Resolved, That the House of Representatives supports the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizes their professionalism, dedication, patriotism, and courage.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. SPENCE), the gentleman from Missouri (Mr. SKELTON), the gentleman from New York (Mr. GILMAN), and the gentleman from Connecticut (Mr. GEJDENSON) each will control 15 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution. While I have deep reservations about the direction of our policy in the Balkans and the wisdom of intervening on the ground in Kosovo, I have no reservations whatsoever about the patriotism, dedication, professionalism and courage of the men and women who serve this country in uniform.

Indeed, since 1992, when American pilots began to conduct no-fly-zone operations over Bosnia, and sailors began to enforce a maritime exclusion zone around the former Yugoslavia, hundreds of thousands of our soldiers, sailors, airmen and Marines have served with distinction in operations in and around the Balkans. Their record of service is a source of pride to all of us. These young people truly deserve and represent the best America has to offer.

The operations now underway over Yugoslavia represents a new chapter. Though these attacks have been meticulously planned and undoubtedly are being conducted with consummate skill, they are perhaps more dangerous than any previous operation in the Balkans.

□ 1800

The President has rightly spoken of the risks to our personnel, for they are real and considerable. What we are witnessing in the skies over Serbia is unquestionably a war. Now, more than ever, our armed forces in and around the Balkans need and deserve our support.

They also deserve the backing of a sound policy. Even if the air campaign now underway is successful, it will merely be the opening move in Kosovo. The next step is the deployment of NATO and United States ground troops in the midst of a civil war where the Kosovars are committed to independence and when the Serbs are determined to preserve what they regard as their historic homeland.

Thus, there is neither an end date nor an achievable end-state in Kosovo. This is an open-ended mission where success is impossible to define, as is the mission of our troops.

I urge my colleagues to support this resolution and send a clear message to our men and women of the strong support we have for them as they place their lives in danger in the skies over Yugoslavia.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if there is ever an issue that brings this Congress together, it is a commendation for the men and women who fight for this country and who serve in its armed forces. And if there is ever a message to the other countries in this world that democracy, with all its debates, divisions and sometimes heated arguments, that it is moments like this when we do come together to support the men and women that carry out the foreign policy of the United States when it requires military action.

It would be unthinking not to have reservations about a policy that uses force and puts our people in harm's way. I think every Member who is responsible worries about the consequences of that action. But what is clear is if we do not continue on the policy that President Clinton has initiated, we would find more death and destruction in Kosovo.

Today, as we are on this floor, there are a quarter of a million refugees. There are thousands already dead. Do we wait to respond until there are tens of thousands or hundreds of thousands dead? Do we wait until the quarter million refugees become a million or a million and a half refugees?

I say we cannot do that. And so I am privileged to be here and join with my colleagues to commend the armed forces for their role in this, their heroism, their technical proficiency. And I commend the President for his leadership in solving the problems and fighting to stop the killing, which may not solve all problems on earth but will certainly give the people of Kosovo an additional chance for life.

Mr. Speaker, I reserve the balance of my time

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of this resolution, and I thank the distinguished gentleman from South Carolina (Mr. SPENCE) for taking the initiative of introducing this resolution.

Earlier today we received reports, and the President has confirmed those reports, that operation Noble Anvil, a military air operation, is now underway over Serbia.

This is the time to put aside all of our differences and any doubts that we may entertain about our policy and it is time to unite behind brave men and women who are now involved in a very serious and risky military mission in defense of our national interests. These include bringing stability to a strategically important part of Europe, preventing further human suffering, and maintaining the credibility of the North Atlantic Alliance.

Mr. Speaker, I wish to emphasize that while I fully support the NATO air campaign to end Milosevic's brutal attacks upon the Albanian majority of Kosovo, this is a decision that many of us have come to with great reluctance. I fervently wish that our diplomacy that has been underway for more than a year to end the tragic and needless bloodshed in Kosovo had worked. Regrettably, as we saw earlier in this decade in Bosnia, Milosevic only heeds the language of military might.

With this military operation underway, we should do everything that we can to ensure that our pilots and those who support them are successful and that they return safely and that their time in harm's way be kept as short as possible. They represent the finest aspects of our Nation: determination, courage, and steadfastness under the most difficult of conditions.

Although our pilots are aware of the dangers they now face as they carry out their missions over Serbia, the most demoralizing thing for our military personnel is not knowledge of the risks posed by the enemy they are facing but knowledge of any dissent on the home front about the nature of their mission.

So I urge my colleagues, let us today by this resolution indicate that we in the Congress are united in our prayers to them and to their families for a safe, swift, and successful end to this air operation. It is important that we recognize that this is not a unilateral military action by our Nation but a military operation authorized by the 19 nations represented by the North Atlantic Council and ordered by the Secretary General of NATO, Javier Solana, and while our armed forces are taking the lead in this first wave of attacks, they will be joined by armed forces of other NATO allies as this operation progresses. We extend our prayers and our support to those personnel and to their families.

Accordingly, Mr. Speaker, I urge our colleagues to join in wishing our airmen and women Godspeed.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution that is before us, a resolution that supports the members of the United States armed forces who are engaged in military operations in Yugoslavia. They are not by themselves. This is part of a NATO force. Nineteen nations have banded together to urge and cause Milosevic of Yugoslavia to come to the table and do what is right for international peace. Fourteen of the 19 nations are operating today in one way or another in supporting this effort.

I support our troops engaged in this. I support those brave airmen and those who support them on the ground. On a more personal note, I am privileged to represent Whiteman Air Force Base in Missouri, which sent several B–2s as part of this mission. I am told by sources in the Pentagon that they did well and that they are returning back to Whiteman Air Force Base unscathed.

This is an important measure. This is important not only for us in this House of Representatives to support and recognize the professionalism and dedication and patriotism of those airmen and those involved in this operation, but I support what we are doing there.

The Balkans are a tinderbox. World War I started there. The United States is a leader in NATO, and NATO has as its goal and task to bring and keep peace and stability in Europe. There is a great deal at stake: the stability of Europe, the possibility of a wider war, refugees in the hundreds of thousands, eventual involvement not only of NATO but of other allies, such as Greece and Turkey, if violence in Kosovo spreads to the surrounding countries.

There are no easy choices in this, but I support the President's decision of this very, very difficult and dangerous mission. And though it is difficult and though it is dangerous, it is the only alternative open to us.

I applaud those in uniform, and I hope that the people in America, all across the land, will understand and thank those for their dedication, their professionalism, their patriotism, for they are doing a great deal in the effort to bring peace to a very unhappy part of the world.

Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I was sitting there writing my note and not ready to speak, but I will do it off the cuff.

I am vehemently opposed to us going into Kosovo, and I will explain why. But making that statement, now that we are engaged in Kosovo, I will do everything in my power to support the President. I will also tell my colleagues why.

The President did not give us that courtesy when I was fighting in Vietnam. He continued protesting in countries that killed many of my friends. I myself was shot down by a Russian SAM. Now, that may not bother my colleagues, but it did bother me that the President was protesting in Russia.

We need to get behind every one of our men and women. I do not care about my colleagues here, and I do not care about them over here, and I do not care about my Senate colleagues. I care about those kids we are asking to send in harm's way. And let me tell my colleagues why I am opposed to this.

First of all, a majority of the Russian military feel that they need to overthrow the Russian Government. These are the hard-liners that support Milosevic. Milosevic is terrible, but so is Tudjman and so is Izetbegovic. All three of them need to go. And I predict that within this year we are going to see a major coup in Russia because of what we are doing. If I was the head of North Korea, I would come tomorrow if we get tied in Kosovo. If I was Saddam Hussein, I would come tomorrow.

We are in 52 wars, Mr. Speaker, in this world. Some of them far more damaging than Kosovo. I am very, very concerned of what is going to happen over there as far as past foreign policy. I look at Somalia, to where the President changed the policy of humanitarian to going after Hadeed and then he drew down our forces, and after our military said we cannot do that because this makes us vulnerable. He did it anyway. And then they asked for armor because they could not get in. Seventeen hours, I watched it last night on television, that it took us to get to our troops; and we lost 22 rangers.

People ask me, "What is it like to work with somebody you cannot trust?" That is an important question. I do not trust this President to get us out of Kosovo. I do not trust him to get us out of Yugoslavia, no more than I expect him to get us out of Haiti, because we are still there spending $20 million a year building roads and bridges, which is coming out of defense.

So, yes, Mr. Speaker, I am dead set against this. But you also have my pledge to do everything I can to help the President to get our kids back.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, Yugoslav President Milosevic's continuous failure to embrace peace and his brutal actions against ethnic Albanians in Kosovo have precipitated today's military strikes. As our armed forces seek to bring a measure of justice to a troubled region, I want to join my colleagues in expressing strong support for the brave men and women of the U.S. military.

I am saddened that Mr. Milosevic rejected appeals for peace. We rightly consider the use of force only with the greatest reluctance. But our hand has been forced by his atrocities, mass murder of civilians and forcing whole communities from their homes. If left unchecked, he will continue his crimes in Kosovo.

Sadly, history has shown us what genocide looks like. Slaughtering ethnic Albanians, many of them defenseless citizens and civilians, forcing hundreds of thousands of Albanians to flee their homes as refugees, point to the grave humanitarian nature of the situation in Kosovo. Worse, Milosevic's aggression in Kosovo could jeopardize stability in the region by spreading to neighboring countries such as Macedonia or Albania. If the U.S. does not act now, the crisis in Kosovo will only grow worse.

The situation in Kosovo is serious and the challenges our troops face are great. I know that our armed forces are well-trained and that they will once again make us proud. Our prayers are with them and with their families as they work to counter aggression and to foster peace.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I support this resolution and I support our troops. And that is what this resolution is about. But a greater support for us would be to insist that before we send our troops into action, as they are today, that there be a reasonable and understood long-term game plan in place prior to sending these young people, our young defenders, off to fight so far from home and in a cause that has little to do with our national security.

□ 1815

Yes, we support our troops, but let us all together also send this message to the people of the world. We are not going to send our troops all over the world and garrison the rest of this planet for the stability of the rest of the world. Let Europeans, for example, provide the troops necessary for the stability that they need in their own backyard. Yes, there is a case that there is Serbian genocide that is taking place. The Serbs are committing genocide against these Kosovars as they did against the Bosnians in their attacks against the Slovenians and the Croatians under the dictatorship of Milosevic and it is intolerable. We recognize the Kosovars and their right for self-determination and independence. Yet we do not have the courage to lay the diplomatic foundation for a long-term solution before we order our troops into harm's way. Something is terribly wrong here. We should not be the policeman of the world. Our troops, they deserve to be applauded which we are doing, but we should not accede and tell the world that they have a blank check on the use of our troops to create their stability for them. Four years ago and $10 billion ago, we were told that sending our troops to Bosnia would be a 1-year operation and $2 billion in cost. They are still there. This vote tonight is done to applaud our troops, but it is not a blank check. It is a message of support for our troops.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. I thank the ranking member of the Committee on Armed Services for yielding me this time.

Mr. Speaker, I rise to strongly urge my colleagues to vote for this resolution that expresses our support for the troops in the Balkans. We have the finest fighting men and women in the world. Their spirit, commitment and dedication is unrivaled.

In December, I visited our troops keeping the peace in Bosnia and Macedonia. I was impressed by the work that they have done to help the people of Bosnia and Macedonia transition to a peaceful society and by the pride that they take in their work.

Our men and women in the military are now confronting another great challenge. They have again answered their country's call to service. At this time of great courage and sacrifice, our best thoughts and prayers are with them. The President made the right decision to initiate air strikes against Yugoslavia. Slobodan Milosevic has continually refused efforts to reach a peaceful settlement in Kosovo. It is now time to display the resolve of the international community.

Mr. Speaker, let us pass this resolution and show our sailors, soldiers, airmen and marines that they have the support and appreciation of a grateful Nation.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Jacksonville, FL (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, this is a sobering moment. American military pilots and air crews are now in harm's way. I had previously expressed my strong reservations about the President's plan to influence events in Serbia. Now, however, our troops are engaged in a military conflict. As always, they are performing their job with the utmost professionalism and dedication and it is incumbent upon us to demonstrate our fullest support for them. I join my colleagues in doing so here and am praying, as I know we all are, for their safe return.

I would hope that every Member of this House will work together to ensure that our military personnel in the Balkans have every resource they need to perform their assigned mission as effectively as possible and are able to return home soon. I hope we are successful in this effort and that Mr. Milosevic will soon sign a peace agreement.

I urge all of my colleagues to support this most timely and appropriate resolution.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the ranking member for yielding me this time.

Mr. Speaker, I rise in support of this resolution. Our young men and women in the Armed Forces are carrying out their duties with courage and professionalism, and they deserve our praise and our complete support.

In my view, however, it is not enough to support our military in carrying out the mission given to them. I rise, as well, Mr. Speaker, to support the very mission itself. The mission is to save lives, to stabilize a region, to save lives that certainly would be lost if we again delayed taking this decisive action. The reports about what Serbian forces were doing in Kosovo in the last few days are clearly horrendous, the separation of men from women and children, the reported mass execution of the former and desperate flight of the latter.

The mission is also asserting U.S. leadership when Europe needs that leadership. Our allies are with us and they need us. Like it or not, Europe cannot and does not do it alone. It is in our national interest to avoid even the perception of a vacuum in our leadership capabilities. That could lead to challenges which we cannot foresee now, which we cannot predict, but clearly which would likely put our military men and women at even greater risk if allowed to happen.

Mr. Speaker, everyone says that we cannot be the world's policeman and I agree. But when there is a need for action and when that action can so clearly be effective and when the military can use its resources to minimize the risks involved, then we should act. Tyrants around the world cannot and must not have the false impression of knowing that we will not go after them because we cannot go after everyone. The fact that we could respond should give them pause.

Mr. Speaker, I have been one on this floor who in years past have said in Bosnia that we should have acted. In my opinion had we in Europe acted sooner, thousands, yes, tens of thousands of lives may have been saved.

I support the troops. I support the mission.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Iowa (Mr. LEACH) the distinguished chairman of the Committee on Banking and Financial Services and a member of our committee.

Mr. LEACH. I thank my dear colleague for yielding me this time.

Mr. Speaker, last week the House of Representatives considered several resolutions on the Balkans. This gentleman voted to oppose intervention. Last night, I explained my concerns relating to the lack of the end game as well as the lack of relevance in my judgment of use of air power in a part of the world which has heavily engaged for much of this century in guerilla warfare.

This resolution is poignantly appropriate because it respects and reflects respect for our troops. But it should be understood by this body that the difficulties that our troops are in are much greater today and will be much greater tomorrow than they were yesterday, not simply because engagement is active today but we are changing the nature of our involvement. This is a bench mark change. We have moved from a peacekeeping role to a peace-enforcing role. That means we have moved from the role of being part of a NATO force acting as a police function to part of a NATO force choosing sides in certain civil war types of setting.

This means that our troops will now become more targets than simply intermediaries. Therefore, it is extraordinarily important that all of us recognize that there is reason to reflect great respect for those troops that are being put in harm's way. But to the degree that foreign policy should be considered morality in action, we should also be clear to recognize that means have to be part of the goals. To the great credit of the President, the goals of the United States in this intervention are quite admirable. The question that remains, however, is whether the means to achieve those goals will escalate the conflict or cause diminution of circumstance.

Mr. Speaker, let me just conclude by saying that I think this evening it is very important that this Congress move forth with this kind of resolution, and I strongly endorse it. But I also think that it be very important that we recognize that a change in policy has occurred of stellar significance and that it is our obligation to continue to review and appraise policies as they develop and to commit ourselves to doing the best we can to advance approaches that deescalate rather than escalate conflict in the Balkans.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, tonight this House, Democrats and Republicans, unite in support of the men and women of our armed forces and those of our NATO allies who are now engaged in one of the most challenging and dangerous missions of recent times. The dangers of this action are indeed great. But the dangers of inaction are even greater. The decision to act was perhaps the most difficult foreign policy decision our President has confronted. The moral leadership in the free world that we have exhibited through the years is being indeed tested by President Milosevic. With thousands of people fleeing Kosovo and with thousands of lives hanging in the balance, the United States has chosen to stand up against aggression and genocide. Our action is consistent with our moral responsibility, it is consistent with our commitment to our NATO allies, and it is consistent with our efforts to secure the peace and stability of Europe where two world wars have begun.

May our prayers tonight be for the safety of our soldiers, our sailors and our airmen, and may God bless America.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I want to thank the committee as well as our leadership for bringing a resolution to the floor that is one that I can support. It is supporting of the troops but it does not go that one step further to rubber-stamp a foreign policy that is very questionable, so I appreciate that very much.

But in another sense, I think it is awful strange that every time we do find our troops in harm's way that we need to come to the House floor to reassure ourselves that we support the troops. I have never been challenged, and I take controversial votes on occasion, and I have never seen another Member challenge anybody as being unpatriotic and not supportive of our troops. So it sort of bewilders me a little bit that we always have to say, "We support the troops." I think that should go without saying.

Nevertheless, we do have this resolution on the floor, and I will support it. But I just wonder why that occurs, that we feel compelled to do so. I think sometimes it is because we have not met up to our responsibilities, because we have allowed our troops to be placed in harm's way, and usually in an improper manner. We have not done this properly according to the Constitution. The President did not get permission from the House and the Senate. We may have a little bit of a guilt feeling about having these troops placed in harm's way without the proper permission, and, therefore, we have to reassure ourselves that we are taking care of the troops.

Now, if we really want to support our troops, I think we would defend the sovereignty of this country, we should provide for a strong national defense and we certainly should avoid putting our troops in harm's way. The real question that comes up is by putting the troops in this region right now, we are invading the sovereignty of a nation which is very questionable. This is not done very often. Yet Serbia is a sovereign nation. They are involved in a civil war, and there are bad guys on both sides. For us here in the Congress to decide who the good guys and who the bad guys are is not possible, nor is it our job.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I am a man of peace, not of war. I am a believer in the philosophy and the discipline of nonviolence. I am a disciple of the teachings of Gandhi, Thoreau and Martin Luther King, Jr. But there comes a time when force and military might become necessary to put an end to madness. It was Gandhi who said, "Noncooperation with evil is as much a moral obligation as is cooperation with good." Mr. Speaker, we cannot sit idly by while thousands of people are murdered in Kosovo.

Today, President Clinton took bold, forceful, and decisive action to stop the slaughter of innocents in Kosovo. We have a moral obligation, a mission and a mandate to prevent a modern day holocaust. I am hopeful that our military action will be swift and sudden, that it will be compelling, and that it will persuade the Serbs that peace is the more excellent path.

Mr. Speaker, my thoughts and prayers today are with our men and women in uniform. May they return home to their friends and families safe, sound and secure in knowing that, through their actions, they have saved the lives of countless men, women and children.

□ 1830

Mr. Speaker, I support this resolution.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. HOUGHTON), a member of our committee.

Mr. HOUGHTON. Mr. Speaker, I am not going to take long. To me it is very simple.

I absolutely support the members of the armed forces, I support our President, I support the mission. I do not think there is a single person around here who does not see this as one of the most difficult decisions we can make. But make it we must, and we may not be divided. We must not be divided.

Mr. Speaker, I support this particular House Resolution 130 wholeheartedly.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for this opportunity to say just a couple of words. As my colleagues know, it is tough when a leader has to lead, and I think we are in that position. We are the only superpower, and we got a lot of responsibility to go with it. None of us who have ever been in harm's way wants to see somebody in harm's way, but, as my colleagues know, some of them have had experiences, and I respect everybody that has had experiences in life; some of them I have had. But I had the opportunity to walk on the grounds of Dachau and Bergen-Belsen and so on and look at what took place there and before they became shrines and before they became memorials, and I said in my heart: This is so wrong. Pray Lord, it will never happen again.

So, Mr. Speaker, as I see what is going on over there these last many months, people talking to us about it, we do not really have a choice. If we are the Nation that I believe us to be, then we must stand up and do something even though as difficult as it may be.

So, Mr. Speaker, I support our troops, I support our President's decision, and I know it is hard, but I hope that they return safely and the mission is over soon.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding this time to me, and I would like to express in the strongest terms possible my sentiments of this resolution tonight in the House of Representatives, that it is a heartfelt, gut wrenching resolution from every Member of the House of Representatives to everyone in the world about the United States commitment to this effort now underway and that it is not an act of war, it is an act of peace, a gesture of justice, and we appeal to the leaders of the world that the United States is carrying out the commitment that we had at the end of World War II that this will never happen again. The seeds of despair, the crime of genocide, will be stopped.

This, Mr. Speaker, this resolution is a gesture on our part to the parents, the wives, the children of the men and women in harm's way in this air strike. We, as Members of the House, come together to share their anguish. This resolution is a statement to Mr. Milosevic and people like him around the world that we are resolute in our relentless determination to end cruel injustice and genocide.

Mr. Speaker, we are here tonight to express in the strongest way possible that we, with the unity of the full House and this country, that our support for our troops and this mission is unequivocal.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I certainly support the resolution, I support our armed forces, our brave men and women, and I support the President in his courageous decision.

This morning I showed a picture that I wanted to in advance and say it again. I apologize to my colleagues, the American people, if they are offended by this picture, but I think it has to be shown because this to me tells us why we are in Kosovo.

This is the picture of one of the victims, a dead Albanian child. Let me read for my colleagues what it says. It says his mother will never have to see him this way, they killed her too. Every night, while most of our children sleep in the comfort of a warm bed, Albanian homes in a place called Kosovo are being raided, and innocent people are being massacred, many of them children, all in the name of ethnic cleansing.

That is what is going on. That is why we, as leaders of the world, have to be in Kosovo, to stop genocide on the continent of Europe. That is why NATO has to be there, the North Atlantic Treaty Organization which is concerned about North America and Europe, to stop genocide. It is in U.S. national interests to stop genocide and in the U.S. national interest to stop a wider war because, if we did nothing, surely the war would expand and possibly engulf NATO allies such as Turkey and Greece and Hungary and other countries such as Albania and Macedonia and Bulgaria.

So once again, as the leaders of the free world, we are doing the right thing.

Mr. Milosevic has broken every agreement that he has accepted. He signed an agreement in October, and he violated it. Thousands and thousands of people have been displaced from their homes. There are a quarter of a million refugees, 100,000 in the past 2 weeks alone. People are being slaughtered. Innocent civilians, unarmed civilians, men, women and children lined up and shot into a pit. This has to stop.

I am proud of our Armed Forces. Support the resolution.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, on March 11, as a freshman Member of this body, I witnessed one of the most profound debates on the issue as to whether or not we should allow the President to move ahead on his plan to attack Yugoslavia. I was on the losing side of that debate. I believed that the decision was wrong; I believe that it is wrong.

Mr. Speaker, I am still convinced that the decision is a mistake, and I could not in good conscience say otherwise. Now, however, the trigger has been pulled and we cannot put the bullet back into the chamber.

Our only course of action is to, in fact, pray for the safe return of our Armed Forces now engaged and pray also that we do not use this as a criteria for future involvement of a similar nature because I can assure my colleagues that if, in fact, everything I have heard tonight as to the reasons why we are here, why we are doing what we are doing in Yugoslavia, if that is what we are going to use for interaction, if that is what we are going to use as a reason to put our forces in harm's way, I have a list of countries about, oh, as long as my arm that I can get for my colleagues that fit everyone of those criteria, and I hope and pray that we do not go there.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the ranking member for yielding this time to me, Mr. Speaker.

I rise in strong support of the resolution. I speak as someone who has some grave doubts about the underlying policy but no doubt at all about my admiration and respect for the men and women in uniform who represent us so ably tonight. Our hearts and our prayers are with them, and our hearts are also with those who sit at home with their hearts in their throats waiting for the phone to ring with news about what has happened to their loved ones. It is our prayer that when that phone rings in houses and apartments all over America and around the world that the news will be good and the voice will be the voice of their father, or their mother, or their brother, or their sister, or their son and their daughter saying:

I am safe, I am well, and I am coming home soon.

Mr. Speaker, I would also hope that Members would do more than just come to the floor on days like this when we commend the efforts of our troops, but they would also come to the floor on days when we decide how much to pay our troops, come to the floor and support our efforts when we decide the quality of life for their families in bases around the world, would come to the floor and support the efforts that will give them the safest planes and the most accurate missiles and the most sure defense systems as well. Honoring our troops is not simply something we should do in times of grave national crisis; it is something that we should do every week and every day and every month with every dollar that we commit to their well-being and their safety.

I am pleased to join with colleagues from all around the country on both sides of the aisle in sending our prayer of support, but adding an admonition that we stand by our people not just tonight, but in the weeks and months to come.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support our troops. I support air and logistics support, not ground troops. And I believe we better be very careful before we commit ground troops into this region. Milosevic definitely must be challenged, and I would like to say to this body that there will not be a long-term solution of lasting peace without dealing with the issue of independence that was recommended to this body in 1986.

Mr. Speaker, I want to quote the intelligence report:

Without independence for Kosovo, there will be revolution and bloodshed, and that bloodshed will be American as well if it is allowed to escalate.

I support our troops; I am sure they will do a great job; and I support the efforts of our Congress in working with this issue and dealing with a tough technical subject.

Mr. CROWLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my friend from New York (Mr. CROWLEY) for yielding the time and my friend from Missouri (Mr. SKELTON) for sharing his time with me.

Mr. Speaker, tens of thousands of Albanian Kosovars are trudging through the mud and the snow in a desperate trek to safety, and behind them the troops of Slobodan Milosevic are shelling their villages, are slaughtering their livestock and are setting their homes a flame. In burning the homes of innocent people in Kosovo, Milosevic is also igniting a much broader conflict. It is one that threatens to spread throughout the Balkans and beyond.

Mr. Speaker, that is why America and NATO allies are acting now to put a stop to this human catastrophe, to douse the flames of war before they spread and to demonstrate NATO's resolve for peace in Kosovo. Bombing the forces of Milosevic entails significant risk, but the risk of doing nothing is even greater. We learned that lesson in Bosnia where western inaction allowed things to generate into terrible atrocities.

Mr. Speaker, over the past year we have worked very hard to facilitate a just settlement for the people of Kosovo and Yugoslavia, but Milosevic has refused to compromise, he has ignored our overtures for peace, and he has broken his promises. Even as we speak, he intensifies his campaign of violence and intimidation and ethnic cleansing. Just since Friday his troops have forced 25,000 families, Albanian Kosovars, from their homes.

□ 1845

We have all seen the pictures, old people and children struggling down a dirt road clutching the few possessions that they carry. Some have not been so lucky. Many Albanian Kosovars have been executed by Serbian forces merely because of their ethnic heritage.

This slaughter cannot, must not continue. Our forces will strike hard and have struck hard to deter his aggression, eliminate his offensive military capabilities and show him decisively that the only sensible choice is the path to peace.

Mr. Speaker, twice this century and throughout the Cold War American soldiers have fought bravely to protect freedom and democracy in Europe. We gather in this chamber tonight to express our pride and our support for them as they engage in this important mission once again. Our prayers are with them as they risk their lives so that others might live in safety and in freedom.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, today is a tragic day. It will undoubtedly be the beginning of a tragic scenario. I think the gentleman from Texas (Mr. PAUL) asked an interesting question. Why is it he said, that we repeatedly are up here on the House Floor under the compulsion to express our support for our men and women in the armed services? I think it probably has something to do with we have had too many military deployments recently which were based on very questionable premises, ill-informed, ineptly handled and for which there was no exit strategy, and here we are again facing the same kind of deployment problems.

In Kosovo we are trying to coerce a peace agreement between two sides which do not agree with the objectives of that peace agreement. As a result of the American and NATO air strike today, the Serbians are now going to be more supportive for Milosevic.

Now, certainly America's objectives in Kosovo are honorable and humane. There is no doubt about that, but I believe that contrary to what is expected, with this armed action against the Federal Republic of Yugoslavia we are actually going to see a further destabilization in the Balkans. A fragile country, the Republic of Macedonia, or the Former Yugoslavian Republic of Macedonia, if you prefer, will be subjected to further destabilization. I also believe we are going to accelerate the kind of violence by Serbian forces in the next few days against the Albanian ethnics in Kosovo. That is almost inevitable.

Bombing will not do what we hope it will do. Bombing or air power never wins wars: it never settles things on the ground. It takes ground troops. So we will go through this air strike phase against missile sites and air defense systems, then we will accelerate the air attacks against strategic targets, and, I predict, unfortunately that within 2 months, probably in a far shorter time than that, we will be involved with ground troops in Kosovo and there will be Americans among them.

We do need to support our troops, by all means, because they are now going to be there for a very long time as ground troops in a hostile environment. There is no exit strategy prepared or easily possible from this unhappy quagmire.

I also think we have to decide when it is indeed in our vital national interest to be involved in humanitarian efforts that we want to support. Why not in the civil and ethnic or racial conflicts in the Caucasus? Why not in Central Asia? Why not in Rwanda or Congo or Eritrea and Ethiopia? I ask those questions of my colleagues, but I do support the resolution and the men and women of our armed forces and I know we all do.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

Mr. Speaker, perhaps my colleague for whom I have the greatest esteem I can answer most immediately, we do not have a NATO treaty with Rwanda. We do not have a NATO treaty with Eritrea and with Ethiopia.

I stand to support our military this evening. I stand to support them not only this evening but in their being ready in the future. For those of us that have stood here and asked for deployment, we have a responsibility to put our money where our mouth is.

All of us pray for the safe return of our troops. These brave Americans are keeping our commitment to our allies in NATO. They are discharging a great humanitarian purpose.

A week ago, I saw a report on television where a 12-year-old boy had the responsibility of taking care of six of his siblings because his mother and father had been slaughtered. Our troops tonight are standing with those children to give them a chance for freedom. The commander in chief of this country is standing with those children this evening and our 18 allies in NATO are standing with them, too. Support our troops.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I just want to answer my distinguished friend the gentleman from Florida (Mr. HASTINGS). We have no NATO agreement with Kosovo, with Yugoslavia or Macedonia either.

Mr. HASTERT. Mr. Speaker, certainly tonight is a grave time for this country. It is a time that any time our armed services, our young men and women, confront an enemy in service of this country is a time that we must focus on and we must pray for their strength and safety, and we are there.

We can debate the reasons why we are there and we can talk about if it is good or it is not good. We can talk about the problems that we have seen in that area, namely Kosovo, but we are there. I would like to take this opportunity to offer my personal appreciation and strong support for our men and women. They are in the skies over Kosovo and Serbia as we speak. They are risking their lives for certainly the ideal of democracy and safety and decency, and our hearts and our prayers certainly go with them.

We know how dangerous their mission is, and we strongly urge all Members to give their whole-hearted support to this resolution.

I would like to commend those brave young men and women for their selfless sense of honor and duty to their country. Each is a modern hero, an example of why America is truly a great Nation, and we wish them godspeed in their mission and certainly a safe return. The hearts of all Americans, and prayers, are with them.

Mr. HOEFFEL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support for our brave men and women of our armed forces which are now involved in the military operations against Serbian military targets in the former Yugoslavia.

The military action we have undertaken has three objectives: First, to demonstrate the seriousness of NATO's opposition to aggression and its support for peace.

Second, to deter President Milosevic from continuing and escalating his attacks on helpless civilians by seriously punishing such actions.

Thirdly, to damage Serbia's capacity to wage war against Kosova in the future by diminishing its future capabilities.

Mr. Speaker, as we have seen numerous times in the past, the only language that Mr. Milosevic understands is that of force. Therefore, I believe it is imperative that he be assured of our firm resolve to continue military action until Serbian forces halt their campaign of murder and repression and comply with the demands of the international community.

Mr. Speaker, I believe military intervention is the right course of action and we must remember that these actions carry with them considerable risk. And so we must remember those young men and women of our armed forces and pray for their safe and speedy return.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman from New York (Chairman GILMAN) for yielding me this time.

Mr. Speaker, I rise in support of the resolution supporting our armed forces engaged today in military operations against the Federal Republic of Yugoslavia. Like my colleagues, my thoughts and prayers are with these men and women for their safe and swift return.

However, I am very distressed that again Congress was not consulted until the bombers were virtually on their way. Today's action reinforces the continued circumvention of the War Powers Act. Although I deplore the genocide and ethnic cleansing that is being waged by the Serbs against ethnic Albanians in Kosovo, I am very concerned that we are being drawn into a situation that will require ground troops.

The situation in Bosnia has continued for many years and while things may have improved there, no exit strategy is in sight. This action in regards to Kosovo appears to be headed in exactly the same direction and with much higher risks. It is imperative that congressional approval be sought by the administration before this action escalates.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), for yielding me this time.

Mr. Speaker, like everyone in this House tonight I rise in support of this resolution and join in offering my thoughts and prayers to the young men and women in American uniform and to all those military personnel from the other 18 NATO nations who are committed to restoring the peace in Kosovo.

Once again, they are called upon to carry out a dangerous military mission to bring peace and stability to Europe. I believe this is the right policy at the right time and for the right reason.

The people of Kosovo are good and decent people who do not deserve to be murdered and forced from their homes by Milosevic's army. I am proud of our men and women in the military who will carry out their duties professionally, honorably and courageously. May they all return home to their families safely.

If we have learned anything from the 2nd World War, it is that the United States of America cannot stand idly by while atrocities and genocidal practices are being committed against defenseless civilians.

The action taken today is not unilateral. All 19 members of NATO agreed that the time has come to stop Milosevic's campaign of terror in Kosovo in order to prevent further tragedy and to stabilize the greater Balkan region.

In this matter, the danger of inaction far outweighs the risk of action. If we can learn any lesson from both World War I and World War II, it is that the U.S. can and must take a leadership role to stop tyranny and atrocities that threaten innocent people and the free world.

But ultimately, it is not NATO that is acting today, but individual men and women in the uniforms of the United States Armed Forces, as well those of our allies. These soldiers sailors and airmen are in harm's way, and we must support them to the fullest.

We should not delude ourselves in thinking that air strikes and other military actions in the Balkans will be as safe as the actions we have taken recently in Iraq. The situation in Kosovo is far more complex, and our actions there may result in casualties and even loss of life.

Let us hope the military action is successful and those men and women can return home soon.

Mr. LATOURETTE. The Chair announces that the gentleman from South Carolina (Mr. SPENCE) has 1 minute remaining and the right to close. The gentleman from New York (Mr. GILMAN) has 2½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 4½ minutes remaining, and the gentleman from Pennsylvania (Mr. HOEFFEL) has 1 minute remaining.

Mr. SPENCE. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary and a member of our committee.

Mr. HYDE. Mr. Speaker, some years ago we had a Member of Congress named Ben Blaz. He was from Guam, and he was a military man. He was a general in the Marine Corps, and he told me, he said, there is nothing worse for an infantryman to be climbing up a hill and look back over his shoulder and seeing that nobody is there.

Well, we want to tell our fighting forces in Kosovo and in Yugoslavia tonight that we are there. We are constantly reminded of the heavy, heavy price that freedom extracts from us. The brave men and women that are willing to risk their lives in a far away land to resist genocide are living proof that patriotism and valor are still the defining characteristics of our fighting people.

The finest speech I have ever heard in 25 years in Congress was delivered by the gentleman from New York (Mr. ACKERMAN) last week over there on this issue. He reminded us that when the Holocaust occurred we all said never again, never again.

Well, again is happening right now. It is happening in Kosovo, where thousands of people are massacred and other thousands of people, elderly and infants, are roaming the snowy mountains because they have been dispossessed. It is happening again.

I do not know how we turn our back on that and walk away if it is within our power to stabilize the situation and stop the killing.

So that is what this is about. We can debate the policy again and again and again, but we are there and the genocide is there and we do have a national interest in halting the killing. We have a human interest in halting the killing. So I want to express my pride, I want to express my prayers for the fighting men and women who are in the front lines paying the price, halting the genocide and doing the Lord's work.

□ 1900

I am proud of our military. Diplomats are fine, lawyers are great, but in the last analysis, it is the soldier that pays for freedom, and we ought to be thanking God on our knees that we have such men.

Mr. GILMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. HYDE) for his very excellent words in support of this resolution.

Mr. HOEFFEL. Mr. Speaker, I yield myself the final minute of my time.

This clearly is a good resolution that deserves all of our support, Mr. Speaker. We all support our fighting forces at this time of their need. This military action is the right thing to do for at least three reasons:

First, we need to stop this brutal dictator, Milosevic, from plunging Europe into an even deeper cycle of unrest and instability and violence; secondly, we need to prevent a humanitarian crisis from deepening, affecting the innocent civilians in Kosovo; and thirdly, we need to act to support our national credibility and NATO's credibility in this measure.

We all support the resolution, compliment our fighting men and women, and wish them God speed.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here discussing a resolution to commend the American military forces. This is as it should be. We have also discussed and heard words explaining why we are leading the NATO forces in doing what we are doing, for humanitarian purposes, for purposes of keeping NATO strong, for purposes of keeping the Balkans from erupting onto a wider war or conflict.

Let us talk about the troops for a minute. Let us talk about those young men and those young women who day in and day out wear the uniform of our country. Let us think of them not just tonight, let us think of them at other times, not just our committee but all of us, regardless of the committee on which we serve.

They are the cream of the crop. They are the seed corn of the future of American democracy, the young men, young women who raise their right hand and swear to uphold the Constitution and do their duty. That is the bottom line of young America. I am so proud of them.

Here they are being called upon to fulfill a very dangerous mission, yes. They are those in the air forces of our country, the Air Force, Marines, Navy. But I am sure that all men and women in the military are in our thoughts and prayers tonight.

As fewer and fewer people wear the uniform, fewer and fewer sons and daughters and grandsons and nephews and nieces, there seems to be a growing gap between American civilians and between those who defend our freedoms.

Let us not just think of those in our United States forces this evening, let us think of them at other times. Let us think of them at the times we debate the budget, when we discuss what we should do for their pay, for their barracks, for their families, for their housing, for their housing allowances. We want to do better for them than we have in the past.

In a democracy, it is often difficult to show appreciation for those in the military. Rudyard Kipling, the poet laureate of Great Britain many years ago, penned a poem entitled "Tommy," reflecting the fact that the soldier, the Redcoat, was out of sight, out of mind, until there was trouble at hand.

He penned and wrote, "It is Tommy this and Tommy that, and throw him out, the brute, but it is 'Savior of our country' when the guns begin to shoot."

Let us keep the young people of our forces, whether they be in Fort Leonard Wood, Whiteman Air Force Base, any post or base throughout this world, in our thoughts, in our minds, in our prayers, and in our votes on this floor when it comes to supporting them, not just tonight by this vote, but by votes and debate and help in the days ahead.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the mission of our Committee on Armed Services is to properly provide for our military people. The chairman of our Subcommittee on Military Procurement is the gentleman from California (Mr. HUNTER).

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

The CHAIRMAN. The gentleman from California (Mr. HUNTER) is recognized for 1 minute.

Mr. HUNTER. Mr. Speaker, in a couple of minutes we are going to tell these wonderful people who protect America, our uniformed service personnel, how much we respect them. We are going to tell them that with this vote. But in the next several weeks, we are going to have a chance to show them how much we support them and how much we respect them.

I hope every Member here will vote to close that 13½ percent pay gap that exists between them and the private sector, and help to get those 10,000 service personnel off food stamps. I hope every Member here will vote for a defense budget and for supplemental budgets to pay for that $1.7 billion worth of ammo that we are short in the Army, and to pay for the equipment that our personnel need, and to pay for some of the spare parts we need to get those planes off the ground that right now are grounded.

These are our finest citizens, and I hope in the next several weeks we are going to show that and demonstrate that in the best way we know how. That is when we vote to support them.

Mr. UNDERWOOD. Mr. Speaker, I am troubled by events taking place far away in the Balkans today. The brutal aggression and "ethnic cleansing" that have been long perpetrated by Serbian President Slobodan Milosevic must come to an end. Today, the military forces of NATO, led by the United States, struck at the heart and means of this miscreant aggression.

Too many lives in past conflicts have been lost because of inaction. Imagine how different the world might have been had the world stood up sooner to an Adolf Hitler or a Heideiki Tojo. We are once again at one of those historical crossroads. It is necessary and proper that the United States and our NATO Allies force the hand of Milosevic toward the end of just governance and human decency. The Serbian military's brutality in the name of a 610-year-old vindication is childish and historically indefensible. Today, with God's help, we aim to set things right.

In bi-partisan fashion, I stand in strong support of our President's decision and applaud his courage. I stand in strong support to our brave troops, our gallant allies and all their faithful families as we begin to embark on this endeavor to stop the senseless violence. Let's hope that President Milosevic will get the message and return to the table of peace.

Mr. ORITZ. I rise today in support of the resolution before us, in support of our young men and women in uniform serving in the European theater, and in support of NATO's decision to use force to try and change dictator Slobodan Milosevic's mind about continuing his holocaust in Kosovo.

As the Ranking Democrat on the Armed Services Readiness Committee, I have been in the Bosnia/Southeastern European theater several times over the past few months and have spent significant time talking to our troops over there.

In Bosnia, when we sent troops to keep the peace there, we were not quite sure how that would turn out, but we knew that doing nothing was unacceptable. The soldiers I have talked to in Bosnia have told me that they know their mission is successful because the fighting has stopped and they now see children playing in the street.

The United States has a large responsibility in this world. The lessons of WWII taught us that unchecked aggression and man's inhumanity to others will not simply stop. Someone must step in to stop them. That is one of the fundamental reasons NATO was created, to stop unchecked aggression by dictators.

Generally, people across the country cannot find Kosovo on a map and do not yet understand why slaughter after slaughter in a place far, far away can invoke the military might of the United States. That is unfortunate. The truth of the matter is that the effects of this unchecked aggression have already begun to spill over the borders of Kosovo and Bosnia into Italy, Hungary, Greece and Turkey. These are NATO allies and we have a responsibility to them.

Our troops are presently engaged in a hostile action, and the House of Representatives, and the entire Congress, owes them our respect and our support.

Mr. VENTO. Mr. Speaker, I rise today in support of the NATO Air strikes aimed at preventing any further loss of lives in the embattled Serbian province of Kosovo. It is clear that all reasonable diplomatic avenues had been exhausted and military action was inevitable. The United States and NATO have an obligation to uphold the basic standards of human rights and hold Serbia and its leadership to the October 1998 agreement which they made and which they have blatantly disregarded. Furthermore, seizing upon the withdrawal of the OSCE monitors as an opportunity to unleash another round of assaults on the civilian population of the Kosovo region is unacceptable.

Leaders of the ethnic Albanian majority Kosovars will settle for autonomy today, but plainly want complete independence for their region. The Serbian leader Slobodan Milosevic continues to adamantly stand opposed today to Kosovo's pleas, even autonomy for Kosovo, which he rejected after years of such status in the late 1980's. Serbia's Milosevic's ethnic cleansing crusade has claimed the lives of thousands of innocent civilians since the renewed military action in 1998. This Serbian aggression can not be overlooked. The actions carried out by the Milosevic regime certainly has the potential to undermine the Bosnian Peace Accords and spill over into neighboring countries, such as Macedonia, Albania, Turkey and Greece. I will remind my colleagues that this small trouble spot on the map in Eastern Europe was the spark for past World Wars.

After months of peace talks and violations of cease-fire agreements, Milosevic continues to launch attacks and mass genocide against the Kosovars in Serbia. As a result, by October 1998, up to 275,000 civilians had fled their homes. Some have immigrated to the Yugoslav republic of Montenegro; others crossed the border into Albania or Macedonia, but most stayed in Kosovo and have been subject to genocide by Milosevic's Serb troops. The latest outbreak of fighting has created a new refugee crisis, with about 60,000 people anew fleeing their homes in the last couple of weeks.

Ironically, as the integration of Central Europe into NATO occurs, the United States can not sit back and allow this type of conduct. This flies into the fact of NATO's agreements and purpose. Such events, if unaddressed, will seriously undermine NATO's credibility and role within Europe. Mass genocide must not be tolerated. For moral reasons independent of our pre announced alliances much less in the face of it. NATO was not formed and maintained for parade purposes. When it is necessary and needed member nations must act to fulfill its mission. The irony of this crisis is two-fold. Nobody likes to send anyone into a situation with the possible loss of their lives. But right now innocent lives such as the elderly, women and children are being lost at the hands of Slobodan Milosevic's Serbian forces.

I support our troops and this justified and necessary mission in attempt to end the genocide and protect the basic human rights for the Kosovars and Serbian compliance with the basic cease fire agreements that they have pledged to agree to in October of 1998.

Mr. EWING. Mr. Speaker, last week, I voted against the resolution authorizing the deployment of United States military troops to Kosovo. Although the House ultimately approved the resolution, my concern that we are entering into this operation without a well-defined mission, and, more importantly, a strategy to remove our troops remains.

Despite the many different opinions on this situation, it is now time for every American to stand unified behind our men and women in uniform.

We must not, however, yield to the emotion of the moment. To protect our sons and daughters it is vital that the President, and the Congress, together, continue to act prudently to not only preserve the lives of innocent Kosovars but our young men and women abroad.

I only ask that we, as one nation, offer our thoughts and prayers for the families, and the safe return of these brave young Americans.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPENCE. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 9, as follows:

[Roll No. 71]

YEAS—424

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary

Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Lee

NOT VOTING—9

Calvert
English
Frelinghuysen
Myrick
Nussle
Pickering
Slaughter
Stupak
Weller

□ 1924

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WELLER. Mr. Speaker, on rollcall No. 71, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. PICKERING. Mr. Speaker, I was unavoidably detained and missed the following rollcall vote: Rollcall vote No. 71, H. Res. 130. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 130, the resolution just agreed to.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1150

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

INTERIM FEDERAL AVIATION ADMINISTRATION AUTHORIZATION ACT

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 643) to authorize the Airport Improvement Program for 2 months, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I yield to the gentleman from Pennsylvania (Mr. SHUSTER) briefly to explain the bill.

Mr. SHUSTER. Mr. Speaker, this is a simple extension. We are taking the Senate's bill to extend the Airport Improvement Program for 2 months so that we can then deal with the major legislation in April or May. That is all this is.

Mr. OBERSTAR. Mr. Speaker, I am happy to yield to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in support of this legislation.

On March 31, 1999, funding for the FAA Airport Improvement Program will be cut off. Last year, we attempted to pass a comprehensive long-term bill that would have extended AIP and FAA funding.

However, due to a breakdown in conference negotiations, only a short-term 6-month extension for the AIP was passed as part of the Omnibus appropriations bill.

In February of this year, the House passed H.R. 99, a six-month bill to extend AIP and fund FAA's operations and facilities and equipment programs through the end of FY 99.

H.R. 99 was passed so that AIP funding would not run out while we attempted to pass our long-term aviation reauthorization bill, AIR–21.

H.R. 99 was passed out of the House and sent to the Senate on February 3, two months prior to the expiration of AIP funding on March 31st.

In the shadow of this imminent deadline, last week the Senate passed a two-month extension bill that would fund AIP only through May 31st of this year.

The Senate bill also includes technical changes for the Military Airport Program and the small airport fund within AIP to allow them to work under the limited extension.

In addition, the Senate bill extends the War Risk Insurance Program for two additional months. Its funding is also set to expire on March 31st. This is an important issue, especially in light of current events.

The House passed H.R. 98 in February, which extended the War Risk Insurance Program through 2004. If the Senate should pass H.R. 98, it is our intention that that bill extension for 5 years should take precedence over this two-month provision.

Finally, the Senate bill allows the FAA to consider a PFC application from Metropolitan Washington Airport Authority up to a limit of $30 million. Under current law, FAA is not allowed to consider a PFC application from MWAA.

Although this bill only extends the programs for two months instead of the House-passed six month bill, it is important that this bill pass so that funding for AIP does not lapse.

I urge you all to support this bill so that this short term measure is in place and funding for your local airports will remain in effect while we attempt to pass a long-term FAA reauthorization bill.

Mr. OBERSTAR. Mr. Speaker, it is regrettable that the other body did not act as responsibly and as promptly as this committee and this body did, but I do support this 2-month extension.

Further reserving the right to object, I want to observe with sadness the death of a good friend to airports, to this committee, and to the Congress, Ellis Ohnstad, the long-time employee of the FAA Airports Office, a constant source of good humor and solid information and support for our committee. We will miss him dearly.

Mr. Speaker, I rise today to support passage of S. 643. S. 643 provides for a 2-month extension of the Airport Improvement Program (AIP) and authorization for other Federal Aviation Administration (FAA) programs through the end of the fiscal year 1999.

In February, the House passed H.R. 99 which extended the AIP until the end of fiscal year 1999. The other body was unwilling to agree to a 6-month extension and sent to the House a 2-month extension. The House approach is still the preferable one, but with AIP due to lapse on March 31, a 2-month extension is better than letting the program expire.

It is disturbing to me that the other body continues to play political games with AIP. AIP funds critical safety, security, and capacity projects at airports throughout this country. The stop-go-stop approach taken by the other body to this issue has caused administrative inefficiencies at the FAA and, more importantly, doubt for airports in moving forward on projects. I am particularly concerned about northern states where the lack of commitment to a full-year program threatens the construction season.

It is my hope that another extension will not be needed since the Transportation and Infrastructure Committee on March 18th passed H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, known as AIR–21. With leadership support and assistance, we should be able to move this bill forward for floor consideration shortly.

H.R. 1000 meets four pressing challenges facing the aviation system: Capacity at our nation's airports; accelerating the modernization of the air traffic control system; promoting competition in the airline industry; and increasing safety in the aviation system.

We have tremendous needs especially in the airport system: renovating existing runways and taxiways; helping communities cope with noise problems; increasing capacity through projects like San Francisco's $1 billion runway project; and meeting airport requirements so the smaller airports can take advantage of technological breakthroughs like GPS/WAAS. AIR–21 meets these airport and other challenges and I look forward to working with Members of the House on its passage.

In the short-term, this extension is needed and I ask all Members to support S. 643.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interim Federal Aviation Administration Authorization Act".

SEC. 2. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) Authorization of Appropriations.—Section 48103 of title 49, United States Code, is amended by striking from "$1,205,000,000" through the period and inserting "$1,607,000,000 for the 8-month period beginning October 1, 1998.".

(b) Obligational Authority.—Section 47104(c) of such title is amended by striking "March" and inserting "May".

(c) Liquidation-of-Contract Authorization.—The Department of Transportation and Related Agencies Appropriations Act, 1999 is amended by striking the last proviso under the heading "Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)" and inserting "*Provided further*, That not more than $1,300,000,000 of funds limited under this heading may be obligated before the enactment of a law extending contract authorization for the Grants-in-Aid for Airports Program beyond May 31, 1999.".

SEC. 3. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

Section 48101(a) of title 49, United States Code, is amended by adding at the end thereof the following:

"(3) $2,131,000,000 for fiscal year 1999.".

SEC. 4. FAA OPERATIONS.

Section 106(k) of title 49, United States Code, is amended by striking from "$5,158,000,000" through the period and inserting "$5,632,000,000 for fiscal year 1999.".

SEC. 5. REMOVAL OF THE CAP ON DISCRETIONARY FUND.

Section 47115(g) is amended by striking paragraph (4).

SEC. 6. EXTENSION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "March" and inserting "May".

SEC. 7. MILITARY AIRPORT PROGRAM.

Section 124 of the Federal Aviation Reauthorization Act of 1996 is amended by striking subsection (d).

SEC. 8. DISCRETIONARY FUND DEFINITION.

(a) Amendment of Section 47115.—Section 47115 of title 49, United States Code, is amended—

(1) by striking "25" in subsection (a) and inserting "12.5"; and

(2) by striking the second sentence in subsection (b).

(b) Amendment of Section 47116.—Section 47116 of such title is amended—

(1) by striking "75" in subsection (a) and inserting "87.5";

(2) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

"(1) one-seventh for grants for projects at small hub airports (as defined in section 41731 of this title); and

"(2) the remaining amounts based on the following:".

SEC. 9. RELEASE OF 10 PERCENT OF MWAA FUNDS.

(a) In General.—Notwithstanding sections 49106(c)(6)(C) and 49108 of title 49, United States Code, the Secretary of Transportation may approve an application of the Metropolitan Washington Airports Authority (an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000 of the amount that otherwise would have been available to the Authority for passenger facility fee/airport development project grants under subchapter I of chapter 471 of such title.

(b) Limitation.—The Authority may not execute contracts, for applications approved under subsection (a), that obligate or expend amounts totalling more than the amount for which the Secretary may approve applications under that subsection, except to the extent that funding for amounts in excess of that amount are from other authority or sources.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1930

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 643.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 37

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Illinois (Mr. John Porter) from House Joint Resolution 37, the Tax Limitation Constitutional Amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENDING SELECT COMMITTEE ON U.S. NATIONAL SECURITY AND MILITARY/COMMERCIAL CONCERNS WITH PEOPLE'S REPUBLIC OF CHINA

Mr. COX. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of the resolution (H. Res. 129) extending the Select Committee on U.S. National Security and Military/Commercial Concerns With the People's Republic of China, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 129

Resolved,

SECTION 1. EXTENSION OF SELECT COMMITTEE.

Section 2(f)(1) of House Resolution 5, One Hundred Sixth Congress, agreed to January 6, 1999, is amended by striking "April 1, 1999" and inserting "April 30, 1999 (or, if earlier, the date on which the Select Committee completes its activities)".

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. Bass). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

MRS. ROUKEMA. Mr. Speaker, I ask unanimous consent to take my special order up at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

OUT OF THE MOUTHS OF BABES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. ROUKEMA) is recognized for 5 minutes.

Mrs. ROUKEMA. Mr. Speaker, I rise to bring to the attention of our colleagues and our people in the country to the outstanding anti-smoking program that the faculty at the Byrd Elementary School in Glen Rock, New Jersey, is providing for their students in cooperation with the New Jersey Breathes organization.

The highlight of the program was a school-wide assembly that I had the privilege of attending on Monday, March 22d, and during that assembly a 5th grade student, Katherine Sommer, was honored as the winner of a composition contest conducted as part of the anti-smoking effort.

Mr. Speaker, I want to read this winning essay so that my colleagues, their children and their grandchildren can benefit from the direct and lucid way that Katherine Sommer expressed her wisdom on the issue of smoking and young people. My reaction was, "out of the mouths of babes".

Here is her essay. It was entitled "Don't Smoke". Katherine Sommer began this way:

> Things can happen. Some things can't be helped. Some things can. Some people die of old age, heart attacks, and many other things, but a lot of people die a long, horrible death. They die of smoking. It could happen to you if you make one bad decision. Think of it this way. If you choose to smoke, you will be doing something really stupid. You could get very sick or even die. That wouldn't be worth it, would it? The worst part is it would be all your own fault!

Mr. Speaker, I want to remind my colleagues that Katherine Sommer was speaking to her classmates.

> Some teenagers and young children start smoking for some really silly reasons. Some kids may want to join a popular group at school, and think smoking will make them look older. Some girls think smoking will make them look cool and boys will like them even more. What they do not know is if what happened on the inside of your body happened on the outside, you would look really ugly.
>
> If you think that most kids smoke, you're wrong. The average kid doesn't smoke. And if you're anywhere near average, you won't either. You could really hurt yourself. You could get lung cancer, throat cancer, gum cancer or lip cancer. These are only some of the horrible diseases that you can get from smoking. And think, you could die just from trying to be cool.
>
> Another reason you may start smoking is that a family member or really good friend may already smoke. You might think that it's harmless. You may think, I'll try one smoke, and if I don't like it I won't have any more. Well, it's not that easy. Smoking is addictive. That means that once you start something, you can't stop. Once you try it, it could be too late.
>
> I do not intend to smoke. You shouldn't either. Don't let anything interfere with your dreams. Just don't try smoking. It's not healthy.

That was Katherine Sommer, 5th grade, winning essay in Glen Rock, New Jersey. Again I want to say to my colleagues, out of the mouths of babes, a message for the ages.

GOVERNMENT PENSION OFFSET REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I am pleased to have the opportunity to provide this statement regarding the Government Pension Offset Reform legislation that I introduced today.

Pension offset reform is an important issue to me. It is an important issue for my constituents in Louisiana and it is an important issue for many State and local government employees across the Nation.

As many of my colleagues are aware, State and local government employees were excluded from Social Security coverage when the Social Security system was first established in 1935. These employees were later given the option to enroll in the Social Security System, and in the 1960s and the 1970s many public employees opted to join in.

Some local governments chose to remain out of the system. Their employees and spouses planned for their retirement according to the rules in effect. It is estimated that about 4.9 million State and local government employees are not covered by Social Security. Seven States, California, Colorado, Illinois, Louisiana, Massachusetts, Ohio and Texas, account for over 75 percent of the noncovered payroll.

Many of the State and local government employees that are covered by government pensions are or will be unfairly affected by the pension offset. As Members may be aware, the pension offset was originally enacted in response to the perceived abuses to the Social Security system resulting from the Goldfarb decision.

The Social Security system provides that if a spouse who worked and paid into the Social Security system died, the benefits were to be paid to the surviving spouse as a survivor benefit. Men were required to prove dependency on their spouses before they became eligible for Social Security benefits. There was no such requirement for women.

The Goldfarb decision eliminated the different treatment of men and women. The Court instead required Social Security to treat men and women equally by paying benefits to either spouse without regard to dependency.

Many of the men who would benefit from the Goldfarb decision were also receiving large government pensions. It was believed that these retirees would bankrupt the system, receiving large government and private pensions in addition to survivor benefits.

To combat this perceived problem, pension offset legislation was enacted in 1977. The legislation provided for a dollar-for-dollar reduction of Social Security benefits to spouses or retiring spouses who received earned benefits from a Federal, State or local retirement system. The pension offset provisions can affect any retiree who receives a civil service pension and Social Security, but primarily affects widows or widowers eligible for survivor benefits.

In 1983, the pension offset was reduced to two-thirds of the public employer survivor benefit. It was believed that one-third of the pension was equivalent to the pension available in the private sector.

The pension offset, aimed at high-paid government employees, also applies to public service employees who generally receive lower pension benefits. These public service employees include secretaries, school cafeteria workers, teachers' aids, and others who receive low wages as government employees. The pension offset as applied to this group is punitive, unfairly harsh and bad policy.

Government pensions were tailored to reduce benefits that were equal to many combined private pension-Social Security policies in the private sector for upper level government workers. However, this was not true for lower income workers, such as employees who work as secretaries, school cafeteria workers, teachers' aids, and others who generally receive lower pension benefits.

To illustrate the harsh impact of the pension offset, consider a widow who retired from the Federal Government and receives a civil service annuity of $550 monthly. The full widow's benefit is $385. The current pension offset law reduces the widow's benefit to $19 a month. Two-thirds of the $550 civil service annuity is $367, which is then subtracted from the $385 widow's benefit, leaving only $19. The retired worker receives $569, $550 plus $19, per month.

Proponents of the pension offset claim that the offset is justified because survivor benefits were intended to be in lieu of pensions. However, were this logic followed across the board, then people with private pension benefits would be subject to the offset as well. But this is not the case.

While Social Security benefits of spouses or surviving spouses earning government pensions are reduced by $2 for every $3 earned, Social Security benefits of spouses and surviving spouses earning private pensions are not subject to the offset at all. If retirees on private pensions do not have Social Security benefits subject to offset, why should retirees who work in the public service system?

Mr. Speaker, the pension offset has created a problem that cries out for reform. It will cause tens of thousands of retired government employees, including many former paraprofessionals, custodians or lunch room workers, to live their retirement years at or near the poverty level.

My office has received numerous calls, all from widows who are just getting by and desperately need some relief from the pension offset. During the 105th Congress I introduced the Government Pension Offset Repeal bill, H.R. 273. Thanks to the grassroots support for it, it received 183 votes. Today we introduced this bill with 119 cosponsors already, and I look forward with my colleagues to gaining passage of this important reform legislation.

U.S. MILITARY ACTION TAKING PLACE IN SERBIA IS UNCONSTITUTIONAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, U.S. military forces are now bombing a foreign nation halfway around the world. This cannot be a proud moment for America. The reason given for doing so is that Serbian leaders have not done what we have told them to do.

Serbia has not invaded another country but is involved in a nasty civil war, with both sides contributing to the violence. There is no American security interest involved in Serbia. Serbia has not threatened us nor used any force against any American citizen.

□ 1945

As bad as the violence is toward the ethnic Albanians in Kosovo, our ability to police and stop all ethnic fighting around the world is quite limited and the efforts are not permitted under constitutional law. We do not even pretend to solve the problems of sub-Saharan Africa, Tibet, East Timor, Kurdistan, and many other places around the world where endless tragic circumstances prevail.

Our responsibility as U.S. Members of Congress is to preserve liberty here at home and uphold the rule of law. Meddling in the internal and dangerous affairs of a nation involved in civil war is illegal and dangerous. Congress has not given the President authority to wage war.

The House resolution regarding Kosovo was narrowly, reluctantly, and conditionally passed. It was a nonbinding resolution and had no effect of law. Even if it did, the resolution dealt with sending troops as a peacekeeping force to Kosovo only if a peace agreement was signed. There was no mention of endorsing an act of war against Serbia. Besides, the resolution was not the proper procedure for granting war powers to a president.

The Senate resolution, now claimed to be congressional consent for the President to wage war, is not much better. It, too, was a sense of Congress resolution without the force of law. It implies the President can defer to NATO for authority to pursue a war effort.

Only Congress can decide the issue of war. Congress cannot transfer the constitutional war power to the President or to NATO or to the United Nations. The Senate resolution, however, specifically limits the use of force to air operations and missile strikes, but no war has ever been won with air power alone. The Milosevic problem will actually get worse with our attacks, and ground troops will likely follow.

It has been argued we are needed to stop the spread of war throughout the Balkans. Our presence will do the opposite, but it will certainly help the military-industrial complex. Peaceful and cooperative relations with Russia, a desired goal, has now ended; and we have provoked the Russians into now becoming a much more active ally of Serbia.

U.S. and NATO policy against Serbia will certainly encourage the Kurds. Every argument for Kosovo's independence can be used by the Kurds for their long-sought-after independence. This surely will drive the Turks away from NATO.

Our determination to be involved in the dangerous civil war may well prompt a stronger Greek alliance with their friends in Serbia, further splitting NATO and offending the Turks, who are naturally inclined to be sympathetic to the Albanian Muslims. No good can come of our involvement in this Serbian civil war, no matter how glowing and humanitarian the terms used by our leaders.

Sympathy and compassion for the suffering and voluntary support for the oppressed is commendable. The use of force and acts of war to pick and choose between two sides fighting for hundreds of years cannot achieve peace. It can only spread the misery and suffering, weaken our defenses and undermine our national sovereignty.

Only when those who champion our war effort in Serbia are willing to volunteer for the front lines and offer their own lives for the cause will they gain credibility. Promoters of war never personalize it. It is always some other person or some other parent's child's life who will be sacrificed, not their own.

With new talk of reinstituting the military draft since many disillusioned military personnel are disgusted with the morale of our armed forces, all Americans should pay close attention as our leaders foolishly and carelessly rush our troops into a no-win war of which we should have no part.

TRIBUTE TO DOROTHY IRENE HEIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, in light of this being Women's History Month, the Congresswoman from California (Ms. LEE) will be on the floor later this evening on a special order on women of color.

Because of a prior commitment, I will not be here at that time. But I would like to use a few minutes to offer a few words concerning a great woman of color of this century, Dorothy Irene Height, President and CEO Emeritus of the National Council of Negro Women.

Dorothy Height has spent half a century of ground-breaking service to her country to African American women. She is one of the great civil rights and women's rights leaders of our time. And I emphasize both of those great missions in speaking about Dr. Height.

Today is Dr. Dorothy Irene Height's 87th birthday. Mentored by her predecessor, the great Mary McLeod Bethune, Dorothy Height has spent a lifetime mentoring black women.

Today was no leisure day for Dorothy Height. As the day began, she was here in this House protesting the majority's census proposal that knowingly undercounts children and people of color. Dorothy Height has spent a lifetime keeping on top of issues of the day like the census.

There are so many landmarks in her extraordinary career, I will not attempt to list them. Let me name a few of the great ones. She is the first national female civil rights leader of the modern era. That was clear when 10 civil right leaders got together in 1963 and decided that there would be the first mass march on Washington for civil rights of the 20th century.

There were 10 leaders. Only one of them was a woman. My colleagues can imagine who the others were, leaders like the heads of the NAACP and Urban League. And there was that one great woman, Dorothy Height, the President of the National Council of Negro Women.

To cite another landmark, when women's rights burst on the scene, Mr. Speaker, Dorothy Height was one of the first leaders to understand that there must be no cleavage between women's rights and African American rights, between race and sex.

Inevitably there was some confusion about how blacks were to see this great new movement of half of the population. It took real leadership to come forward and clear up this confusion. Dorothy Height was among the foremost who forged unity. She even helped to make good feminists out of black men, who have ever since been in the forefront of women's rights.

All the while she has been carrying the great domestic issues of our time, Dorothy Height has carried an international portfolio. She indeed is recognized today as a world leader on matters of women of color.

I come to the floor this evening to salute Dorothy Irene Height, who has made the National Council of Negro Women one of America's great coalitions. Black women's groups of every variety are united under the umbrella of the Council. Together they work to improve the lives of African American women.

In celebrating women of color this evening, we would do well to begin with the life and times and work of Dorothy Irene Height.

U.S. IS EMBARKING ON VERY DANGEROUS AND WRONG COURSE IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, last August we bombed Afghanistan and Sudan, in bombing raids that most Americans have already forgotten. We rushed into that bombing without informing even the full Joint Chiefs of Staff and without congressional approval, and later found we had even bombed a medicine factory.

Last December we started bombing Iraq, once again bombing people that our own leaders tell us are not our enemies. Many press reports since then have confirmed that the White House rigged the UNSCOM report in a lame attempt to justify the Iraqi bombing.

Now we are going to drop bombs on Kosovo. We are spending billions and billions of hard-earned tax dollars in all these bombing campaigns. Yesterday I had a group of people in my office requesting $100 million more for Alzheimer's research. I told those people to just try to get the President to stop bombing for part of one day.

We are dropping bombs and making enemies out of people who want to be our friends. And we are doing all this in places where there is absolutely no threat to our national security and no vital U.S. interest at stake.

The Christian Science Monitor said a few weeks ago that there are wars or military conflicts going on right now in 46 different places around the world. Many of these situations are just as bad or worse than Kosovo right now. There have been 2,000 people killed in Kosovo in the last year. As bad as this is, columnist Charles Krauthammer pointed out on television Sunday that more people were killed recently in Ethiopia in just one day.

If we intervene in every place where there are human rights violations, we will have to go into even more places than the 46 where the Christian Science Monitor found military conflicts. We seem to be following a CNN foreign policy, going heavily into whatever situation is being emphasized on the national news at the moment.

We should try to be friends with all nations. But we do not have the resources to become the world's policeman, and we will make more enemies than friends if we become the world's bully.

And we cannot hide behind NATO. Everyone knows that this bombing in Kosovo would not be done if the U.S. did not insist on it. NATO was set up as a defensive organization. Now it is being turned into an offensive one, attacking a non-member nation that has not threatened us or any other country.

We are intervening in a civil war. It is as if one of our own States was attempting to secede and our military attempted to keep it in and some other country started bombing us. The Kosovo bombings have been attempted to be justified on the basis that the fighting will spread. This is ridiculous. Milosevic may be a tyrant, but he is not attempting to nor does he have the resources to spread worldwide. It is ridiculous to try to equate this situation to when we were fighting world communism. There is no similarity to Russia under Khruschev or China under Mao Tse-Tung.

Former Secretary of State Henry Kissinger wrote a few days ago that U.S. intervention in Kosovo is a mistake. He said, "The proposed deployment in Kosovo does not deal with any threat to U.S. security as this concept has been traditionally conceived." He pointed out that "ethnic conflict has been endemic in the Balkans for centuries."

David Broder wrote in the Washington Post last week, "Sending in the military to impose a peace on people who have not settled ancient quarrels has to be the last resort, not the standard way of doing business."

This is a religious or ethnic conflict that we cannot resolve unless we stay for a very long time at a cost of many, many billions. The President promised we would be out of Bosnia by the end of 1996. This is now March of 1999, and we are still there. I was told by another Member of the House recently that we have now spent $20 billion in Bosnia.

We are about to get into a very dangerous situation. This is an European problem. It is not something that we should risk American lives over. Young Americans may be killed. We should not be so eager or willing to send our troops into this situation. We cannot afford to spend all these billions just to show that the President is a great world statesman or to make sure that he goes down in history as a great world leader.

Finally, Mr. Speaker, Thomas Friedman wrote recently in the New York Times these words:

> Stop. Before we dive into sending American troops to sort out the Serbian-Albanian civil war in Kosovo, could we talk about this for a second? If ever there was a time for an honest reassessment of U.S. policy towards Bosnia and Kosovo, it is now. And what that reassessment would conclude is that we should redo the Dayton Accords, otherwise we are going to end up with U.S. troops in Bosnia and Kosovo forever, without solving either problem.

Mr. Friedman is right. We are embarking on a very dangerous and very wrong course.

HONORING WOMEN'S HISTORY MONTH AND WOMEN OF COLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I come to the floor today to participate in the celebration of Women's History Month and women of color. I applaud my distinguished colleague from California (Ms. LEE) who will later on this evening be conducting an hour discussion on this celebration.

For more than 10 years, the month of March has been dedicated to the celebration of women in American history. This month affords us the opportunity to appreciate the accomplishments of women and the role they have played in history, American women and women of color who throughout history have proudly served in shaping the spirit of our Nation and shaping our lives, individually and collectively.

Today, empowered by this great legacy, American women serve in every aspect of American life, from social services to space exploration. The opportunities for American women are growing, and their efforts as mothers and volunteers, corporate executives and Members of Congress, law enforcement officers and administrators, construction workers and soldiers, educators and scientists, enrich all of us and make our country great.

□ 2000

Women continue to strengthen our Nation's social fabric as leaders in the home, the community, the workplace, and the government.

The challenges facing women in the next century are many. They are increasingly called upon to serve as caregivers to children and elderly relatives and must bear the weight of providing economically for their families. However, through their endeavors, women are producing a heightened national consciousness to meet the needs of our people.

As we honor the courageous legacy of our Nation's women of color and celebrate the diversity of their backgrounds, talents and contributions, I reflect upon one great woman that has placed her stamp on public service and who played an important role in my life, the Honorable Lena K. Lee, former Maryland House of Delegates member.

A coal miner's daughter, Delegate Lee earned her prominence in Maryland through her indomitable intellect, compassion and character. Ms. Lee was the third woman to receive a law degree from the University of Maryland Law School, a founder of the Maryland Legislative Black Caucus, and a member of the Maryland Women's Hall of Fame.

Teacher, principal, union leader, lawyer and legislator, Delegate Lee created a new vision of what African-American women could hope to achieve in Maryland and across this Nation. However, her impact would be much broader. She has touched the lives of many. Her leadership and noteworthy contributions in the fields of education, law and politics are well known in our State.

In the summer of 1982, I received a call from this woman known only to me by reputation. She praised my work in assisting young African-American law graduates in their efforts to pass the bar exam, as well as my community involvement. I had been working in my small law practice wondering how my career would proceed when this renaissance woman and legend in our community was calling to compliment me. As the one that influenced my decision to begin a political career in the Maryland House of Delegates, Lena K. Lee was my teacher in public life.

"Mentor" is defined as a wise and trusted guide. I can proudly say that Lena K. Lee is a mentor. I have served the citizens of the 44th District in Maryland as a member of the House of Delegates and then as Speaker Pro Tem of the Maryland General Assembly and now I stand on the floor of the United States Congress today as a Member of this body.

She exemplifies the very idea that no matter what your background or circumstances, one can achieve great success. However, upon arrival, she believes that one is a public servant, with a first and fundamental responsibility to those who are unknown, unseen, unappreciated and unapplauded. Her life is a model of the old adage that "to whom much is given, much is required."

She is a champion of justice and a dynamic legislator that was instrumental in getting Morgan State College changed to Morgan State University and saving the Orchard Street Church, a site of the underground railroad, from destruction. When we needed a black caucus and a women's caucus in the Maryland legislature, a new Provident Hospital or any other improvement in our community, it was her unselfish public service that was at the creation. Whether the cause was the health of Maryland prisoners or rebuilding of Orchard Street Church or Morgan State's university status, it was public service that was at the forefront of her agenda.

Martin Luther King Sr. said, "You cannot lead where you do not go and you cannot teach what you do not know." She may not have known her influence on other people's lives but Delegate Lee has led and taught a countless number of Baltimoreans how to stand and fight for justice. And so tonight I publicly thank her for all that she has done not only to touch my life but to touch the world.

BUDGET BLUEPRINT KEEPS FAITH WITH ALL GENERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, President Lincoln said, "You may fool all the people some of the time; you can even fool some of the people all the time; but you can't fool all of the people all the time." That observation is still true today. As complicated as our Federal budget is, most Americans know that the budget is not truly balanced until we take all of those extra Social Security taxes and no longer use them to make the deficit look smaller. The Republican budget which we will announce tomorrow and debate on this floor stops the practice of cooking the books with Social Security money and it does a lot more. I would like to present some of the highlights:

First, our budget blueprint ensures that every penny of Social Security taxes will be spent only for Social Security. For years, the conventional wisdom in Washington was that Social Security money in excess of current benefit payments could be used to finance deficit spending. So, while the baby boomers inched closer to retirement, folks in Washington were spending dollars borrowed from Social Security on other programs. And, worse, they were still running up big deficits, even counting Social Security money.

This has to stop. Under the Republican budget plan, it would. The President has promised to reserve 62 percent of the surplus for Social Security. This means that for a time, Social Security money would be spent on things other than Social Security. For example, the President's 30 new programs. In contrast, the Republican budget seals away every bit of the Social Security surplus.

Second, our budget blueprint keeps faith with the spending caps set in the Balanced Budget Agreement of 1997. When I came to Congress, forecasters were predicting $200 billion deficits growing to $600 billion by the year 2009. Now, strong economic growth and spending discipline mandated by the Balanced Budget Act of 1997 are projected to create ever-increasing surpluses, at least under the old way of keeping the books. But this is no time to let up. We must protect those surpluses by restraining the growth of Washington spending. The administration has been talking lately about a new virtuous cycle of surpluses and declining interest rates. There is no quicker way to return to a vicious cycle of deficit spending and higher interest rates than to abandon the hard-won spending caps from 1997. The Republican budget maintains our commitment to fiscal restraint.

Third, our budget blueprint begins the process of actually paying down the debt we are passing on to our children. Everyone would agree that we have a moral obligation to take care of our children. Part of this obligation is relieving our kids of the nearly $6 trillion Federal debt. This is what I call generational fairness. The Republican budget plan would maintain our commitment to generational fairness by continuing the start we made last year on paying down some of the debt.

How would this work? Under our plan, Social Security taxes would be collected and locked away until a reform plan was enacted that would actually preserve the Social Security system. Until a specific fix is worked out, those excess funds would be used to pay off bonds owned by the public. This means it would be easier to meet future obligations to Social Security. And, Alan Greenspan tells us, it means lower interest rates.

Fourth, our budget blueprint makes possible reductions in the tax burden on American families as additional revenues become available. Americans are overtaxed. The average American family pays more in taxes than they do for food, clothing, shelter and transportation combined. That is wrong. The Republican budget plan makes strengthening Social Security our first priority. Then, as more surplus dollars become available, we believe Americans should start getting some of their excess taxes back. They should be given back as an overpayment, because that is what they are. Our plan recognizes that extra taxes left in Washington will get spent on new government programs that most folks neither want nor need. When we allowed Washington to start taking taxes out of our paycheck, we never said to Washington, "You can keep the change."

In sum, our budget plan reflects the priorities of the American people. It safeguards 100 percent of the Social Security money, unlike the President's plan, and keeps faith with our Nation's seniors. Then, by preserving fiscal discipline, paying down debt and offering tax relief, this budget ensures lower interest rates and a stronger economy well into the 21st century. This keeps faith with our children. It is a budget I am proud to support.

ISSUES OF CONCERN REGARDING IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

TRIBUTE TO HOUSTONIANS ON OBSERVANCE OF WOMEN'S HISTORY MONTH

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a month in which we honor women for the contributions that they have made to the United States and to our communities and our neighborhoods.

And so, Mr. Speaker, I would like to briefly acknowledge some of my neighbors in Texas, in Houston in particular, who I hope to be able to expand on their many contributions in weeks and months to come by tributes that I will submit to the CONGRESSIONAL RECORD. But just for tonight briefly since I will also talk about another issue in the time allotted, let me pay tribute and acknowledge:

Christa Adair, the first secretary of the NAACP, who created opportunities for people to vote in Houston, Texas.

Luella Harrison, an outstanding teacher, pioneer and spokesperson in our community.

Mrs. Erma Leroy, another activist who has contributed along with her husband, Moses Leroy, to the labor movement in Houston.

Madgelean Bush who founded the Martin Luther King Community Center that today provides facilities for babies with HIV/AIDS.

Nellie Fraga who has championed Hispanic and Mexican rights but also cultural connections and exchange.

Mrs. Laurenzo, the owner of Ninfa's Restaurant, a businesswoman premier who has guided us to indicate and teach women that they too can be involved in business.

I pay tribute to those women among many others who have done such great things for our community with a special tribute as well to Mae Jemison who has pioneered into space and now has an office in the Houston area.

Mr. Speaker, I would also like to respond and indicate some issues of concern that I have as the ranking member of the Subcommittee on Immigration and Claims of the House Committee on the Judiciary. I was disappointed that the amendment today of my good friend the gentleman from Texas (Mr. BENTSEN) was not able to be debated. The gentleman from Texas offered an amendment to ensure that criminal aliens that were already incarcerated would not be released until deportation. I wanted the gentleman from Texas to have the opportunity to discuss and debate a very important issue. The issue was raised because of the $80 million that was included in the emergency supplemental appropriations bill that was to provide increased border enforcement and funds for 2,945 additional beds for the detention of criminal aliens from certain parts of Central and South America.

I am concerned that when money is given to an agency and it is given to the agency still with the sense that the agency is not functioning, that we need to debate the issue and get clarification. I think it is important that we should acknowledge, as was acknowledged, that any presupposed or any memo that suggested that the INS was prepared to release criminal aliens is obviously incorrect or has been withdrawn. I am disappointed that preliminary discussions about that were ultimately released to the public. But INS should own up to it and explain what that memorandum was about. They say it was about the fact that they did not have enough beds. In fact, in our own community, they have contracted out the need for facilities for incarcerating or keeping criminal aliens. What I would like to see is the Federal Bureau of Prisons move more expeditiously, although I know they are working toward doing this, in providing beds for criminal aliens so that they are not located particularly in neighborhoods and communities around the Nation.

I also believe it is important not just to give $80 million for the increased border enforcement, but we need trained Border Patrol agents, experienced Border Patrol agents. And so it is important that INS responds how they are going to ensure that the border enforcement patrol is well trained so that everyone is protected, both the Border Patrol agents as well as those they encounter.

I think it is equally important that we address the question that so many have approached me with, and, that is, the INS personnel, in terms of improvements, both in terms of their conditions but also, Mr. Speaker, in terms of the workings of the office, the delay, the treatment of those who come into the INS office.

My commitment to all of those who are commenting about the INS is that we are going to fix it. It is an agency that has an enormous responsibility. Mr. Speaker, this is a country of immigration but it is a country of laws. My colleagues have my commitment as ranking member of the Subcommittee on Immigration and Claims that we are going to address these concerns to the INS and make the United States known for a fair and balanced immigration policy while responding to the concerns of our constituents and our colleagues.

□ 2015

THE NEW DEMOCRATS WANT FISCAL DISCIPLINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, tomorrow on the House floor we will begin the budget process. We will debate in the full House for the budget resolution, and the budget resolution is the parameters under which we will pass the spending bills later on in the session. So this is the first attempt to get a look at what our budget is going to look like for the fiscal year 2000.

I rise today to talk about fiscal discipline and to urge fiscal discipline in that process, and I do so from the perspective of a Democrat, but a New Democrat, and I would like to explain that a little bit at the outset because I am a member of the New Democratic Caucus back here in Washington, D.C., but that is not something folks may necessarily be completely familiar with outside of Washington, D.C.

The basic premise behind the New Democrats is that the Democratic party needed to change to address some of the legitimate concerns that the American public had with our party. Essentially we in the New Democratic Caucus believe that the Democrats did have to make some changes in some of its policies in order to address the concerns the public had expressed with us and the reasons that we started losing elections, quite frankly. We had to understand some of the changes that were going on in society and some of the changes that were going on in government and address them in manners that had not been previously addressed, and one of the biggest ones is fiscal responsibility.

Now, as Democrats, we believe that government can, in fact, in certain areas be a positive force in peoples' lives. We can look to Medicare, Social Security, the interstate highway bill, the GI bill, laws that have protected our environment by cleaning up air and water; all of those areas have made a difference. So it is not that we do not believe, as some of our colleagues on the right, in the Republican party, sometimes believe, that government can never do anything right; it is just that we believe that they need to do it in a fiscally responsible manner, and there is a variety of reasons for that.

First of all, all of the needs that we have as a society: education, defense, cleaning up and protecting the environment, medical research, taking care of our veterans, providing health care and pension security for our seniors are not one-time needs. Our generation is not going to be the only generation that is going to need to address those concerns. It is going to be ongoing in the future. And if we spend all of the money right now in this generation, we are going to be doing a grave disservice to future generations. In fact, that is more or less what happened in the 1980's.

Basically, as my colleagues know, there were a lot of compromises that were reached in this body in the 1980's, and I always characterize those compromises as being basically: Okay, we will take your tax cut if you take our spending increase, and we will just spend as much money as possible to make as many people as possible happy right now today. Put it on a credit card and forget about tomorrow.

Well, Mr. Speaker, I first got into politics in 1990 when I was elected to the Washington State Senate. Basically I got elected right about the time the bill came due, and I know how difficult it is to do what we need to do as a government when the previous members of a legislative body have spent all the money and then some. It is completely irresponsible, and it mortgages the future of our children. Future generations will need infrastructure, they will need money for transportation, they will need money for public education, for cleaning up the environment, and if we have spent it all, they will not have it.

So, being fiscally responsible should in no way be antithetical to the beliefs of the Democratic party. We need to emphasize it and make it a big priority.

One of the other problems with running up such a severe debt, other than spending all of the money that future generations could spend for needed and necessary programs, is that the more money we spend, the more debt we go into, the higher the interest payment. This is a concept that everybody in America understands whether it is a mortgage payment, a car payment, a credit card bill. We understand that not only do we have to pay back that money that we borrowed, but it keeps going up in the presence of interest that accumulates on our bill every month.

Mr. Speaker, I have a chart here that helps illustrate that problem in the Federal Government. Basically the third largest expenditure behind Social Security and national defense of our Federal Government is interest on the debt, $243 billion or 14 percent of the budget. That is money that does not go to educate our children, that does not go to provide health care for people in poverty, or seniors or people who need it. That does not go to help our environment, to help with medical research, to help with veterans, to do any of those things. It goes to pay for the irresponsible spending of those who went before us, and we should be keenly aware of that number because, as the deficit goes up, this number keeps going up as well.

And finally there is another benefit to being fiscally responsible that goes beyond this that the next chart, as I will demonstrate in a minute, reveals, and that is that basically, if we can pay down the Federal debt; because keep in mind this number here is a yearly number. We are running up a deficit on a yearly basis; we are getting close to balance, but we are not quite there, but more on that in a second. But we also at the same time are incurring overall debt. We are borrowing more and more money. So even if we get our budget balanced, one of the critical things we need to do is start paying down the debt. If we start paying down the debt, that helps interest rates go down, and if interest rates go down, there are benefits all across the economy, and I will demonstrate a few of them on the other chart.

One of the biggest ones that we can all relate to is a home mortgage, and basically if we can pay down the debt so that the public or the government sector is not gobbling up all the money, other people can have more access to it at a better rate. And my colleagues can see here, if you just reduce the mortgage interest rate on a 30-year fixed rate from 8 percent down to 6 percent, you can save yourself a great deal of money on the monthly payment, and over the course of a year you can save yourself a great, an even larger, sum of money.

So, Mr. Speaker, this is another problem with being fiscally irresponsible, all of which brings me to the budget that is going to be laid out here on the floor tomorrow by the majority party. It fails to be fiscally responsible. It is not just Democrats that have trouble being fiscally responsible in the past. It is Democrats and Republicans. One of the things I always try to say whenever people get into an argument over whose fault the debt is, as my colleagues know, is it the Reagan/Bush presidency or is it the Democratic Congress; as my colleagues know, I believe in saying it is both of their fault. They made the decisions to spend more money collectively than they can possibly cover. So it is not just one party or the other that is responsible for this, but now, as the budgets are being rolled out, if the Republican budget passes, it will be the Republicans who are responsible for further fiscal irresponsibility because their budget sounds themes that are eerily familiar: massive tax cuts totaling well over a trillion and a half dollars over the course of 15 years, at the same time accompanied by massive spending increases primarily in the areas of defense, and education and in some arguably laudable areas. Keep in mind, as I said earlier, this is not an argument against spending money. This is an argument of spending too much money and going into debt so that we create a fiscally irresponsible situation.

And lastly the last thing reflected in the current Republican plan is not only do they dramatically cut taxes and dramatically increase spending, but they also offer no plan at this point to do anything about entitlements, about Social Security and Medicare and Medicaid, all of which in their present framework are going to cost far more than the current budget structure could possibly accommodate. Medicare goes bankrupt in 2008, Social Security stops running a surplus in 2014 and goes bankrupt in 2032. All of those facts combine to make this Republican budget very fiscally irresponsible and to put us in a position of basically snatching defeat from the jaws of victory. We are just this close to balancing the budget.

Personally I do not think that we should count the surplus in the Social Security Trust Fund as income to reduce the overall deficit, so I do not think we have a balanced budget yet, but even if you do not count that money, we ran a $30 billion deficit this past fiscal year as opposed to the nearly $300 billion deficits that we were running in the early 1990's. So we are getting close.

I rise today basically as a New Democrat to urge fiscal discipline, urge us to get the rest of the way and to reject the Republican budget.

I have some of my colleagues here who are going to help me in this argument, and I will at this point yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I want to thank my friend from Washington State (Mr. SMITH) for organizing this special order this evening on an issue that is really so important not only this year to this Congress, but to the future of this country and to our children who have not yet been born. And he talked a few moments ago about a new Democrat. As my colleagues know, that is a group, a caucus, as he has shared, has been formed here in Congress of Democrats who believe in growth, who believe in funding education, but also believe that we should balance our budget, and keep our House in order and that we should reduce our public debt. To make sure that we have a good sound economy I think is a sound philosophy, and it is most important and it makes sense for American families, as he just talked about.

Before I came to Congress, as many of my colleagues know, I was the elected State superintendent of my State of North Carolina for 8 years. What they may not know is that prior to that I spent 19 years as a small businessman meeting payrolls, paying taxes. I knew what it was to go to the bank and borrow money if I had to, not only to expand, but to meet payroll if I had to on Friday if I had not collected enough of my sales during the week. So it takes financial discipline. So I know firsthand how important it is to keep your books sound and your numbers straight.

That is why it is so important, as I come to the floor this evening to join my colleagues in this special order because it is an issue I think we have to take about. Tomorrow we will be debating it on the floor and talk about fiscal discipline at the federal level that we had in North Carolina when I was there because I served for 10 years in the General Assembly at the State level. Four of those years I chaired the Appropriations Committee and had responsibility to write four balanced budgets, and Congress is now headed in that direction of getting our House in order.

Mr. Speaker, that is why the Republican budget resolution is so troubling to me. If we look at it, they are talking about a $800 billion tax cut over 10 years. It is too risky, it is too radical, and, in my opinion, too irresponsible. The Republican budget is a tax cut spree financed with fantasy surpluses yet to materialize.

If the economy should dip and we hope it does not, but we know what history tells us, guess what happens? There is no money. The American people remember the 1980's when we had huge deficits. We do not want to return to that. That would certainly be a mistake.

When the people of North Carolina sent me to Congress, they gave me simple marching orders. That was to help the Federal Government live within its means. And one of the first bills I voted on, major bills, was to balance the federal budget, and, as I have said earlier, as a former businessman you have to balance your budget, and if you cannot balance your budget and live within your means when you have a good economy, when do you get to do it? We must act now to pay down the debt when we have money, and that is the one thing that could stifle our economic growth and the expansion that we are enjoying and bring tremendous hardship on hard-working people all across America who have paid the price, who are now working hard and looking for us to do the things we ought to do that are right. Pay the debt down so, if we have another tough time, we can get through it.

Mr. Speaker, future generations of Americans deserve the opportunity to strive and achieve without the questioned burden of debt that our current consumption is creating. We are consuming a great deal right now. We owe it to the next generations to pay this debt down and make sure that our children and our children's children are not saddled with it. If we use projected surpluses as an excuse to enact massive tax cuts, we will have no resources available to pay for debt relief for our children or our grandchildren.

□ 2030

We will not be able to lower interest rates on homes and expand the economy in the 21st century.

Two more pressing crises, and I could list a whole bunch, but I only want to touch two facing America, and that is facing social security and Medicare. We have to invest in that and do it now, and the budget we will see tomorrow will not do that. It is a shell game. They show us how to increase revenues and expenditures for programs that are important to people for 3 to 5 years. At the end of that period they cut them off, because that is when all the big tax cuts kick in. What a cruel hoax to play on the American people.

Secondly, investing in education, so that the next generation of American leaders will have the kind of education they need to continue to grow this economy in the 21st century. Not one penny in their budget proposal for school construction, at a time when there is crying across this country for modernization and new school buildings.

We have a greater growth in school population for children in public schools than we have had in the history of this Nation. There are more children in school today, and yet, not one penny.

The Republican budget proposal cripples our ability, in my opinion, to rise to these challenges, and we have an opportunity tomorrow to do something about it. We have a chance to say no, no to the excesses, but yes to a responsible budget that will provide opportunities for our children, that will provide targeted tax cuts, that will help grow this economy, and help us move into the 21st century in a position to continue to be the great Nation that we are, and provide strength and hope to people around the world.

Mr. Speaker, I thank the gentleman for this opportunity to be part of this special order.

Mr. SMITH of Washington. I thank the gentleman very much for those fine comments.

One quick comment before I recognize my friend, the gentleman from Wisconsin. This is not easy. That is the reason it is called discipline. We all have people come back here and ask for a wide variety of programs and tax cuts.

I have always felt, I long for the day when somebody walks into my office and asks for $10 million or $20 million or $50 million for some program or tax cut, and I can look at them and say, that is a complete waste of money. That is not going to do any good for anybody, anywhere.

That is not true. Every dime we spend would do some good for some people. That is why we have to be disciplined to make sure we do not spend more money than we take in. The Federal budget is $1.7 trillion. We can do a lot and we should, but we should not give in to the pressure of taking it issue by issue and saying, we just have to spend the money. We have to think about the future, and think about the fact that it is their money that we are spending if we are not disciplined now.

Mr. Speaker I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from Washington (Mr. SMITH) for giving some time this evening to talk about a very important issue in regard to the budget resolution which is coming up tomorrow, which will have an impact on the course of fiscal policy on this Nation for years to come.

I just came from my office, watching on television. I am sure many people throughout the country heard the President's explanation of our involvement in Kosovo.

Now that military air strikes are underway in the Balkans again, I am sure my friends from Washington State, North Carolina, my friend, the gentleman from New Jersey, would extend our thoughts and prayers to the young men and women in American uniform who are once again being called upon to restore some peace and stability in Europe, along with the military personnel of the 18 NATO nations that have joined us unanimously in this policy.

It is never easy to order this type of action to place young lives in harm's way, but I believe that it is the right policy at the right time for the right reason.

As a student back in 1990, I had the opportunity of visiting Yugoslavia, and spent time in Kosovo, and I had a chance to meet a lot of Kosovar students and people there. These are good, decent people. They do not deserve to be murdered and forced out of their homes by Milosevic's army.

If we are to learn any lessons from the Second World War, it is that the United States of America is not going to stand idly by and watch atrocities and genocidal practices being committed against defenseless civilians.

Yet, it is the young men and women who are called upon yet again to do their duty, and I am very confident they are going to be able to do it professionally, with a great deal of loyalty, and courageously. May they all return home soon to their families and safely.

On to the subject at hand in regard to the budget resolution, when I came to this body a couple of years ago, I was proud to join the New Democratic Coalition, which is new but expanding after every election. It is a group that stands principally for fiscal responsibility, along with making investments to promote growth in this country, highlighting issues such as the advancement of technology and education and the work force, a heavy emphasis on education issues, but underlying all this is the need for fiscal restraint, fiscal responsibility, and fiscal discipline.

I, too, am concerned, as my friends, the gentleman from Washington State and the gentleman from North Carolina, are tonight about the ramifications of what is going to hit the Floor tomorrow and what is going to be debated tomorrow; the lack of fiscal discipline, the fiscally irresponsible decisions that are being made in the course of this budget resolution, and the long-term implications that that holds throughout the country.

My friend, the gentleman from North Carolina, indicated earlier that what is being proposed is over an $800 billion tax cut, most of which is backloaded. In fact, it will not kick in until those crucial years when the aging baby boomers start reaching retirement, start entering the social security and Medicare program.

If there is an economic downturn, it could reap devastating consequences for that generation and that generation of leadership having to do with serious revenue shortfalls at precisely the time when these very important programs, like social security and Medicare, will be facing their greatest challenge.

The gentleman from North Carolina also pointed out a very fundamental fact. I remember not so long ago when there were great knockdown, drag-out fights over budget resolutions and proposals that would extend out 3 years. Now we have entered this era that we are not just talking about a 1-year fiscal cycle or 2-year or 3-year fiscal cycle, but a 10- or 15-year fiscal cycle, and fiscal decisions being made on projections way out into the next century.

We are hard-pressed with the economic experts that we have, the Congressional Budget Office, the Office of Management and Budget, to even get the economic projections and numbers right over a 12-month period of time, let alone a 5- or 10-year period of time.

So these rosy scenarios, and they are certainly very optimistic, and hopefully they will come true, of projected budget surpluses of the tune of $4 to $4.5 trillion over the next 10 to 15 years, are I think a very dangerous and irresponsible calculation.

There are many warning signals, not only in our own domestic economy but in the international economic area, that could lead to a drastic downturn with the economic growth that we have fortunately been experiencing in recent years. If that downturn does happen, obviously it is going to affect revenue projections. It is going to affect other programs within the Federal budget.

If these budget surpluses do not in fact materialize and we lock into huge tax cuts that are now being proposed, we could find ourselves returning to the era of annual structural deficits that we are just now turning the corner and pulling out of from the 1980s and early 1990s.

I think the Democratic Party has a lot to be proud about and to talk about with regard to fiscal constraint and discipline that we have exhibited in the 1990s. Since the 1993 budget agreement, which was a very difficult vote for Democrats to take, many of them lost their seat because of it, there was not one Republican across the aisle who supported it.

In fact, many of their leadership were right here on the House Floor decrying that budget agreement, claiming that if it was enacted, that it would result in the next Great Depression in this country. But in fact, it has led to six consecutive years of budget deficits and now projected budget surpluses that are outside of the social security trust fund.

The truth is, and the American people and my constituents back home in western Wisconsin understand this fundamental fact, that all this talk about budget surpluses this year, next year, is really masking a social security surplus that the government is continuing to borrow from. We will not truly be running online budget surpluses until the fiscal year 2001, assuming, again, the economic projections do take place.

But I think the most fiscally responsible and prudent course of action to take now is a go slow and cautious approach, wait and see if in fact these budget surpluses do materialize before we start locking in on major fiscal policy changes.

One of the other things that disturbs me in regard to the budget resolution that we will be debating and voting on tomorrow is the fact that if we pass it and if it is implemented, we will be breaking a longstanding budget ruling of the 1990s called pay-as-you-go.

This is, I think, a very important reason why we have been able to practice fiscal discipline, why we have been able to reduce the Federal budget deficit over the last 6 years, and why we have the potential of going into the 21st century on a much firmer fiscal note.

Basically, pay-as-you-go means if you are going to offer any new spending or any new tax cuts, they have to be paid for by offsets in the already existing budget, meaning that you do not move forward on new spending or reduced taxes unless you can pay for it under the budget allocation as it exists.

That rule would have to be violated in passing the budget resolution that we face tomorrow. I think that would be disastrous. I think that would be the wrong step to be taking right now, when we are starting to make this turn into an era of potentially fiscally responsible and sound footing, so we can make a serious investment in saving social security and Medicare, but most of all, start making the attempt to reduce the national debt.

Right now it is at $5.5 or $6 trillion, going up, even today, and $3.7 trillion of that is publicly held, meaning that there is a government, Federal Government, obligation to pay back to individuals or corporations who are buying up Treasury notes and bonds. They have to come and they will come due. We have an obligation to pay it.

With the projected budget surpluses, we are in excellent shape now to start downloading that publicly held national debt of $3.7 trillion, which is, by the way, what Chairman Greenspan is consistently begging us to do every time he comes before congressional committees to testify.

We know how important the Federal Reserve has been in the economic activity we have experienced in this country. Why would paying down that national debt benefit us in regard to the Federal Reserve and monetary policy?

It is very simple. The Federal Reserve Chairman Greenspan tells us that if we can reduce our national debt burden, that would mean the Federal Government would not have to go into the private sector and continue to borrow funds from the private sector in order to meet our Federal obligations and our deficit obligations.

What would that mean? It would free up capital then in the private sector, and make it cheaper for individuals and companies to borrow for their own investment needs. It would enable the Federal Reserve and Chairman Greenspan to keep rates low, and to lower them even further.

That really is the true economic story of the last few years, the fact that we have reduced interest rates, which has enabled individuals and corporations to borrow money cheaper, to make investments, to form capital, to create jobs, that leads to the economic growth we have had, the low unemployment and the low inflation.

If there is one thing we should attempt to do, it is pass fiscal policy which will enable the Federal Reserve to keep rates low, and lower them even further. That is the big tax cut that all Americans can share in.

Virtually everyone at some time has to borrow some money for some reason. Whether it is credit card payments, whether it is home or car payments, student loans, whether it is farmers in the capital-intensive occupation that they are involved with, small and large businesses, they are all having to borrow money.

If we reduce the rate and the expense of borrowing it, that means more disposable money in their pockets. That is something that we should be striving for. That is where our priorities should really lie.

Unfortunately, that is not always politically sexy or politically juicy to take home to our constituents that we are representing. Tax cuts have always been popular and politically appealing, but unless we change that mindset in this body, unless we start becoming more concerned about the next generation, our children, and what type of fiscal inheritance they can expect, and less concerned about the next election, I am fearful that we are going to make bad decisions today that are going to affect my two little boys, who are just 2½ and 9 months old right now.

Most of what I do and the decisions that I make are done through their eyes; how is this going to affect them and their country in their century, the decisions that we make today. I think that is really what is at stake today. I think that is what the debate should be about tomorrow, how can we set the next generation up in the 21st century so that they do not have to face the burden of an exploding social security system or a Medicare system that is imploding because of the aging population in this country. That I think is the true challenge.

I appreciate the leadership and the effort that my friend, the gentleman from Washington (Mr. SMITH) is making, that other Members of the New Democratic Coalition have been making, my friend, the gentleman from New Jersey (Mr. ANDREWS), who is at the forefront of this issue, fighting about it every day. Perhaps we can change the mindset in this body and do the right thing, starting with this budget.

Mr. SMITH of Washington. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ANDREWS), and I thank my friend, the gentleman from Washington State. It is good that this gentleman from Washington (Mr. SMITH) came to Washington. We are glad he is here.

I very much agree with the sentiments of my friend, the gentleman from Wisconsin (Mr. KIND). I have daughters who are 6 and 4, and I do look at these decisions the same way. When I was fortunate enough to come here in 1990, we were borrowing $400 billion a year to run the Federal Government. This year we will take in approximately $100 billion more than we spend. Tomorrow and in many days that follow tomorrow we will make a choice as to what to do about that.

As my colleagues have said very clearly and very well here tonight, there are many temptations in the short run. Virtually everyone who visits us in the Capitol wants more money from the Federal Treasury in the form of programs, or they want to send less money to the Federal Treasury in the form of taxes.

□ 2045

I believe that we have to do something this year that is totally contrary to the political impulse, and that is to avoid instant gratification in exchange for what makes sense in the long run.

For us to do what is right here, I believe we need to make a choice that says no to an awful lot of things that are worthy of saying yes to. I wish that we could double college scholarship Pell Grants. I wish that we could spend more on cleaning up Superfund sites. I wish that we could do more to expand child care opportunities right now for people. I wish we could get rid of the marriage penalty and further cut the capital gains tax. I frankly think we should get rid of the estate tax as well.

We get a lot of votes and a lot of constituencies that would support everything that I just said. But I think the choice we have to make is whether or not we help people a little bit right now with a modest, almost symbolic tax cut, or whether we invest in their children's schools, defend their country through a stronger military, protect their environment, and most especially, assure that they will have a secure retirement with a Social Security check and a full health benefit through Medicare.

The choice that will be on this floor tomorrow is rather clear. Both sides in fact want to place the lion's share of the surplus into Social Security. We have different ways to do it. I frankly think the way that the gentleman from South Carolina (Mr. SPRATT) is proposing is the right way to do it.

But the big difference is what to do with the rest of that surplus, and here is the difference: We choose Medicare in the Democratic Party. The majority party chooses a short-term reduction in taxes, which is alluring, which is popular, which is politically expedient, and which is wrong.

The most risky and difficult way, the most successful way, if you will, to let the deficit genie out of the bottle again is to start reducing taxes because it is a politically expedient and easy thing to do. It is a surefire recipe for higher interest rates, less confidence from the markets, and a return to the chaos that affected this country's economy when I arrived here nearly 10 years ago.

A lot of people deserve a lot of credit for bringing us to a point where we now have black rather than red ink. Our President deserves credit. Members of the majority party deserve credit. Members of our party deserve credit.

Most of the credit belongs to our constituents who get up every day, earn their living, send their tax dollars here, and sacrifice for their family and their community and their country. I would hate to see all of that sacrifice given away, eviscerated because of a need for short-term political expediency.

The right answer with that hundred billion dollars surplus is to fund the massive unfunded pension liability that was created for 30 years around here by putting it back into Social Security where it should never have been taken out. Then take the bulk of it, the remainder, and make Medicare sound for at least the next 10 years so that, when people retire, they understand that an illness is not a financial death sentence.

It is difficult to resist what is popular in the short run, but it is right, and it is necessary. The budgets that will come to this floor tomorrow compel us to make that choice: the next election or the next generation, a good headline tomorrow or a good retirement for the people that we represent today.

I urge my colleagues on both sides of the aisle to put aside their partisanship, read these budgets, look through the eyes of young men and young women who are growing up in this country, and pass the resolution put forth by the gentleman from South Carolina (Mr. SPRATT) on behalf of the Democratic Party tomorrow.

Mr. SMITH of Washington. Mr. Speaker, in terms of the budget, there are two key facts out there that are not getting a lot of headlines that need to be highlighted, because I think part of the problem and part of the rush towards spending all of this money or cutting taxes, one or the other, is the perception that we have these never-ending budget surpluses.

There are 2 key limitations to that fact that need to be pointed out. Number one, a significant portion of those budget surpluses is within the Social Security Trust Fund. That is not really surplus money. That is money, as the gentleman from New Jersey (Mr. ANDREWS) just pointed out, that we have to pay back to the Social Security Trust Fund. So to count it as income and spend it now is like spending money twice. That puts us into a fiscally irresponsible situation.

Second is the coming expense of the entitlements of Medicare and Social Security and, to a lesser extent, Medicaid. We all know the statistics on those. They are very dire.

Basically, there are more people who are going to be in the retirement community who are going to be eligible for Medicare and Social Security. They are living longer, and health care costs are going up, all of which is combined to create a situation where the expenses for entitlements are going to explode in the next 10 to 15 years and beyond.

My colleagues need to factor those two things in before they go passing a whole lot of money around thinking that we have surpluses that we do not in fact have and will not have in the future.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, like a lot of Americans tonight and perhaps people all around the world, I have been spending my time channel surfacing through the various networks and following what is going on overseas in Kosovo. The President spoke, as my colleagues know, within the last hour from the Oval Office about what is going on.

From the standpoint of those of us who are dealing with these budgetary issues now and will be voting on them tomorrow, as we recognize our young men and women and the sacrifices they are making tonight, they are flying in the budget decisions that were made in years gone by.

I hope tomorrow that our thoughts will be with those young men and women as we cast our votes on what we think the best budget is for the future of this country.

The issues that have gotten a lot of attention over the last several months about the budget have been issues involving family security, Medicare, and Social Security. One of my specific concerns about the votes that we have to make tomorrow is another part of the security of our senior citizens, and that is the veterans budget. Frankly, I think that the budget proposal that apparently was just filed here in the last few minutes is not adequate for veterans. It is very disappointing and perhaps more disappointing in view of what is going on overseas this evening and today.

Fortunately we will have the opportunity tomorrow to vote on a better budget for veterans. It will be the alternative offered by the gentleman from South Carolina (Mr. SPRATT). It will not only add additional money to this next year's budget but will maintain that number through the next several years.

As the gentleman from Wisconsin (Mr. KIND) did such a good job in discussing the problems of tax cuts down the line, unfortunately the budget document that we are going to be presented tomorrow takes money from, in my opinion, good programs in order to finance those tax cuts.

So we see that the budget tomorrow, with regard to veterans issues, it takes the President's budget, it adds $0.8 billion to it for the 2000 fiscal year, but then the number drops back down in 2001 and 2002 and 2003 and 2004.

So the veterans are being falsely, in my opinion, falsely fooled into thinking that somehow we have this great budget that is going to add money to their budget for their future, and it does not.

The number is inadequate for the fiscal year that we are considering, and then it is clearly even more inadequate in the years following because it drops back.

The budget of the gentleman from South Carolina (Mr. SPRATT) adds $1.8 billion to the veterans budget for the fiscal year we are considering and maintains that level over the future. The majority budget adds $0.8 billion to go to the budget for fiscal year 2000, and then that number drops back. I think that is not correct and not the proper way to treat our veterans.

What it demonstrates, though, is the importance of being fiscally responsible. We have some very real needs in this country, and I think Social Security and Medicare are appropriately at the top of the list. But veterans and our promises that we made to our veterans also should be at the top of that list, as should our national defense budget.

The more we take these dollars and, in my opinion, irresponsibly make promises to the American people that somehow we can do it all, we can fund everything, we can fund Medicare, we can fund Social Security, we can fund veterans, we can fund national defense, and, by the way, we can send all this money home to them, if we make those kinds of false promises, we do a disservice to our responsibilities down the line.

That is why I am pleased to be here tonight and support the efforts of this group in being fiscally responsible and voting for a budget that does not squander this opportunity to put away surpluses for the future of this country, for veterans, for national defense, and for our senior citizens.

Mr. SMITH of Washington. Mr. Speaker, I yield to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I join my colleagues to carry a message that we do need to invest in our future and not squander our resources on ill-conceived tax cuts.

We have heard it before and we are going to continue hearing it, the recession of the early 1990s has been replaced with a record-breaking strong economy. Years of budget deficits have finally been replaced with a surplus.

Now we need to determine what is the most responsible thing to do in these good economic times. Should we do what any prudent family would do when times are good, namely, pay down our debt and invest in our future, or should we spend away our surplus on massive tax cuts that mostly benefit those that do not need it, the wealthy?

Before I think of what we go through, I do not think it is very hard. The answer is very clear. That is why I support my party's policy of paying down the national debt and investing in America's future.

Let us dedicate the 62 percent we have talked about of the surplus towards safeguarding Social Security and 15 percent towards Medicare. This would ensure that Americans have access to Social Security benefits until at least the year 2055 and access to Medicare benefits until at least the year 2020.

While we work to safeguard Social Security and Medicare, let us also start getting serious about paying down the national debt. Public debt is now the highest it has ever been at $3.7 trillion, that is with a "t", and it is soaking up billions of tax dollars that could otherwise be used towards further strengthening Social Security, Medicare, investing in our schools and infrastructure and expanding health care services.

In 1998, 14 percent of our government spending went into paying the interest on our national debt. That comes to $3,644 for every family in America, $3,644. That is more money than was spent on the entire Medicare program.

The money spent on the interest payments on the national debt did not reduce the debt itself by one cent. It certainly did nothing to improve our health care, our schools, our drinking water, or to help small businesses succeed.

Let us stop wasting money on the national debt's interest payments. Now that we have overcome a history of budget deficits, it is time to use that economic strength we have built towards finally paying off the national debt.

In addition, we have put an end to wasteful spending by looking at how we do the furtherance of cutting the national debt. It is good for Americans because it would lead to a reduction in interest rates.

Now get this, a 2 percent dip in interest rates would cut home mortgages, the rates in home mortgages significantly. A family currently making monthly payments on a $150,000 home with a 30-year fixed income mortgage at 8 percent is paying $844 a month. If their interest rate drop to 6 percent, that monthly payment would be cut to $689, a savings of $155 a month. That is better than any tax cut the other side is proposing.

Now for college students, a 2 percent reduction in the interest rate would cut typical 10-year student loans for a 4-year public college by $4,263. That is an 8.5 percent reduction. For small business, a 2 percent interest rate could reduce a 5-year start-up loan on $200,000 by $11,280 over the life of the loan.

□ 2100

These are very real and significant savings that demonstrate how paying off the national debt can help working families.

The President has proposed a budget that will cut the debt, reducing it to $1.3 trillion. That would be the lowest national debt in proportion to GDP since 1916. I hope that my colleagues will join me in supporting our President's plan.

Common-sense fiscal discipline transformed the budget deficit into a surplus. Let us resist the temptation to spend our current surplus on tax cuts that will leave us ill-prepared to tackle the challenge of extending the life of Social Security and Medicare and reducing the national debt.

Just because the days of deficits are behind us does not mean that fiscal responsibility is obsolete. We need to continue on the course of maintaining a strong and healthy economy that will benefit all Americans, especially our children and future generations.

Mr. SMITH of Washington. One quick point, Mr. Speaker, and then I want to yield to the gentleman from Connecticut (Mr. MALONEY).

When looking at fiscal discipline issues, I think tax cuts are fine. I do not think that there is necessarily a prejudice against cutting taxes. I think in certain areas we need to do it. Nor do I think that tax cuts are any greater threat to our fiscal discipline than spending. I think too much spending leads to the problems we have just as much as too much tax cuts.

What I would emphasize in any budget is to look at the overall budget and keep one primary goal in mind: balance it. If we think that we can find room for some tax cuts by cutting spending someplace else, great, let us put it on the table, let us talk about it, and let us weigh those options. Whatever the spending program may be, whether it is veterans spending that the gentleman from Arkansas (Mr. SNYDER) alluded to, or the capital gains tax cut and the marriage tax penalty that the gentleman from New Jersey (Mr. ANDREWS) alluded to, put it on the table and talk about it.

The problem is, and what we have yet again with the Republican budget, they sort of throw everything on the table and promise they can do it all, all the tax cuts, all the spending increases, and just kick it off down into the future and let the credit card grow. That is the problem.

Nothing against tax cuts, but we need to weigh them against spending increases or decreases and figure out what is best, with one fundamental goal in mind: balance the budget and pay down the debt. We cannot do that if we promise away all the money in both directions.

With that, Mr. Speaker, I yield to the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman from Washington (Mr. SMITH), and I think his final comments, and the motif of this special order, is fiscal responsibility and fiscal discipline. The day has finally arrived that we can stand here and say that we have a real opportunity to do the right thing in regard to fiscal responsibility.

If we look back over the past 30 years, we see what was the wrong thing to do, and it was done wrong on both sides of the aisle in this House and in this Congress at large. Thirty years we went without a balanced budget. We have accumulated a $5 trillion deficit. We raided the Social Security Trust Fund. We raided the Highway Trust Fund. The Congress raided the Land and Water Conservation Fund. Thirty years we have had a wrong direction. We have not made the right decisions; the decisions that are in the long-term interest of this country.

Today we are talking about doing the right thing. Tomorrow we will have the opportunity to vote on some budget resolutions, one of which, the one offered by the gentleman from South Carolina (Mr. SPRATT), I believe, does in fact do the right thing. It restores us to a path of fiscal responsibility.

Let me draw a straightforward analogy between a typical family and the budget decision that we have to make tomorrow. A typical family might, over the past years, have had some fiscal stress. They might have taken out a loan to help finance a young member of the family going to college; they might have taken out a loan to replace a car.

They now face the circumstance where they have a good time. They are in good economic times. They are at the end of a year and they are going to get perhaps a bonus. What do they do with that bonus? Do they pay down their car loan? Do they repay the student loan so that perhaps the next child in the family can go to college? Or perhaps they make a decision that they are going to take a fancy vacation, and they are going to spend their year-end bonus or the benefit of their fiscal good times on some other luxury.

That is the choice that this House faces tomorrow. Do we do the right thing? Do we pay down the deficit? Do we save our money for Social Security? Do we make sure that we have adequate provision for Medicare? Do we do the fiscally responsible thing, or do we kind of go on a holiday and find things that, sure, we would all love to do, but that frankly we cannot afford?

The answer, I think, is that we try to do the right thing. And when we look at what that right thing entails, it is very straightforward. We are proposing that 62 percent of the surplus be put aside to secure Social Security; that 15 percent of the surplus be put aside to secure Medicare for the future years. Those actions will extend the fiscal life of the Social Security program to the year 2050.

The proposal made by the majority party adds no additional years to the life of the Social Security program. The budget proposal of the gentleman from South Carolina will take us out to 2050.

Similarly for Medicare, the majority party will make a budget proposal tomorrow which will add no additional life to the Medicare trust fund. The proposal of the gentleman from South Carolina will bring us fiscal security in the Medicare program to the year 2020, and still leave us money to do targeted investments in things like education and make some responsible, affordable tax cuts: a tax cut for long-term care; the opportunity to make the research and development tax credit a permanent feature of the Tax Code, to encourage additional growth in economic progress in our country.

Tomorrow is a very important day in the history of this country. Tomorrow we have a choice, an irresponsible budget proposal containing an irresponsible tax, or a responsible budget proposal that looks to the long-term financial and social health of this country that includes targeted tax relief.

I sincerely hope that this House supports the proposal of the gentleman from South Carolina (Mr. SPRATT) and that we adopt a fiscally responsible budget resolution.

Mr. SMITH of Washington. Mr. Speaker, it gives me pleasure at this point to yield to the gentleman from Minnesota (Mr. MINGE). He is a Blue Dog as well as a new Democrat. He has a budget proposal himself that I think is very fiscally responsible and I will be happy to hear about.

Mr. MINGE. Mr. Speaker, I agree that tomorrow will be a historic day in the House of Representatives. It will be historic in part because for the first time in 2 years we face the prospect of adopting a budget and the possibility that we will have a concurrent resolution with the Senate that actually is the type of budget resolution that we have held to passing.

In 1998 it turned out that the leadership of the institution was not capable of bringing up and passing a budget resolution. I think that was a tragic flaw that existed in the leadership of Speaker Gingrich in 1998, and I am pleased to see that we are moving past that stage here in 1999, at least I hope we are.

The question really, then, is what type of a budget will we end up with here in 1999? The thing that I would like to emphasize in our discussions this evening is that there are a variety of views as to how we should handle the possible abundance; the opportunity to make prudent decisions in a time of a possible budget surplus.

Essentially, we have three different choices that we will face tomorrow. The majority will be proposing that we take the entire surplus that is generated from various Federal operations, from revenue collection to the operation of agencies, but excluding Social Security and the post office, that we take that surplus and we return it to the taxpayers.

Now, this sounds good. I think all of us would like to do that. But then some of us ask, what about this national debt that we have? What about priorities that we have as a country? For some, the priorities are education, for others it is veterans, for others it is the environment, for some it is the defense of our Nation, for others it is agriculture, for others it is health care, and the list goes on.

We are spending here in 1999 substantially more money, by some counts $35 billion more, than what people are promising we can live by in the year 2000. And yet, from what I can tell, the Republicans and the Democrats in this body alike that are on the Committee on Appropriations feel this is an unrealistic position. So the question is, is it realistic to try to return all of this money or are we going to leave ourselves severely strapped? I daresay that there is not a person in this body that does not expect we would leave ourselves severely strapped.

Another approach is to invest the money in priority programs. And a third approach is to try to find a mix.

The Blue Dog Coalition, of which I am a member, it is a group of moderate to conservative Democrats, will propose a budget tomorrow that has a mix. In that sense it is similar to the budget proposed by the gentleman from South Carolina (Mr. SPRATT). We propose taking 50 percent of the money that is in surplus and using it to reduce the $5.6 trillion debt; 25 percent of the money to be used as a tax reduction measure, or for tax reductions; and 25 percent for program priorities.

We feel that this is a responsible division of how the budget surplus ought to be used. It recognizes the needs that we face here in America, health care, education, defense, veterans, agriculture, environment and others. At the same time, it recognizes the responsibility that we have in a time of prosperity and affluence to pay down our national debt to the maximum extent possible, while at the same time trying to give a dividend to the taxpayers and meet the needs of our great Nation.

Mr. SMITH of Washington. Mr. Speaker, just in concluding the discussion this evening, as we are guided in our budget discussions, I think there should be some central principles. One of the most important principles in achieving fiscal discipline is to not play sort of the divide and conquer strategy; not get to the point where the sum of the parts adds up to more than we would like the whole to add up to.

We have heard about a variety of programs this evening. We have heard about a variety of tax cuts. There is merit to all of them. What we have to do in putting together a fiscally responsible budget is put them all on the table at the same time. I guess what I mean by divide and conquer, it is really more of a divide and pander strategy, which is to say we take each issue area which may be a priority for somebody, whether increased defense spending, increased education spending, increased spending for health care, an estate tax cut, a capital gains tax cut.

There are all groups out there, as well as individuals, who have their favorite. They come and talk to us about them and we want to make them happy. It is sort of the nature of being a Congressman that we want to make our constituents happy, so we want to promise all those things, and that is where we get into trouble.

What we have to say is if veterans are a big priority, then make it a priority and make it work in the budget. Make the sacrifices in other areas to make sure that we can do that. But we should not promise more than the budget can contain. That is what leads us to fiscal irresponsibility.

That is what, sadly, the Republican budget we are going to hear about tomorrow does. It promises all across the board and does not meet the test of fiscal discipline, getting us into the position of paying down our debt and be responsible to the future.

We are not the only ones who have needs. Future generations are going to have needs. Whether it is tax cuts or spending programs, if we take it all now, we will be mortgaging their future.

Mr. Speaker, I see the gentleman from Texas (Mr. STENHOLM) has joined us, so I will yield to him to talk also about fiscal responsibility. But I urge more than anything that we balance the budget and start paying down the debt. It is the responsible thing to do for our future.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Washington very much for yielding to me, and I very much appreciate his taking the time tonight in order to discuss the subject that we will be debating in earnest tomorrow.

I guess the one thing that he said that I want to overly emphasize is that if by chance we have surpluses, and most of us, I think, and most of the American people understand that when we owe $5.6 trillion, we really do not have a surplus to talk about. And since most of the surplus, in fact all of the surplus this year is Social Security trust funds, we in the Blue Dog budget that will be offered as a substitute tomorrow, we emphasize that we should take that money and pay down the debt with it and really do it. I believe we will have bipartisan support for doing that because everybody is talking about that.

□ 2115

But the one thing that some are not talking about, and this is why we will offer our substitute amendment, some are saying that we ought to take future surpluses. And it was not too long ago in this body that we had a difficult time estimating next year, and then we started 5-year estimations and projections of what surpluses and what the budget would hold, and now we are starting 10 and 15 years.

My colleagues, I believe it is very dangerous for the future of this country to base 15-year projections and say we are going to have a tax cut that will explode in the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth year. That is not conservative politics, at least if they are a businessman or woman. We understand that they do not make those kind of decisions today based on what might happen tomorrow.

What we are going to be suggesting is, if in fact we do in the next 5 years achieve a surplus of the non-Social Security nature, let us put at least half of that down on the debt, let us pay an additional 50 percent down on the debt, and let us take 25 percent of that and let us meet the very real needs of which I know the gentleman from California is as concerned as I am about defense.

Let us put some real dollars in recognizing that, just as we have our young men and women in harm's way tonight, that it is extremely important that we give them the resources to do that which we ask them to do. And we cannot do that with the budget the majority is putting forward tomorrow, and everyone knows that.

It is time to get honest, and the Blue Dog budget will in fact get honest. And we will attempt, hopefully, to have a majority of this body agree with us.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 68, CONCURRENT RESOLUTION ON BUDGET FOR FISCAL YEAR 2000

Mr. LINDER (during the special order of Mr. SMITH of Washington), from the Committee on Rules, submitted a privileged report (Rept. No. 106–77) on the resolution (H. Res. 131) providing for consideration of the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of the fiscal years 2001 through 2009, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO ADMIRAL WILLIAM F. BRINGLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I am going to do a tribute to an admiral that we lost in San Diego, a four-star.

But I would also say, and I would say excluding what the gentleman from Texas (Mr. STENHOLM) has said, in 8 years, this is the most laughable oxymoron discussion I have heard in 8 years on the budget about saving Social Security and Medicare. I would like my colleague sometime to explain how the President takes $9 billion out of Medicare and then puts in 15 percent.

So we will have that debate tomorrow. But I do not disagree with the gentleman from Texas (Mr. STENHOLM) on a lot of the issues. But the other group, I am sorry, they are either naive or they just state their own opinion as fact and they are factually challenged.

Mr. Speaker, I would like to talk about Admiral William F. Bringle. He was a very good friend of mine. And he is like Will Rogers, that he is the kind of guy that never met a man that he did not like, for anyone that met Admiral "Bush" Bringle liked him.

Those of us that knew him would call him a leader's leader. Many of the aviators I have talked to and the admirals and the flag officers said that he was a pilot of all pilots. He was heroic in World War II, in Korea, in Vietnam. And one does not reach being a four-star admiral without some significance, Mr. Speaker.

Admiral Bringle passed away on Friday. We called him "Bush" Bringle. He had wavy, black bushy hair, and that is where he got his call sign that his wife Donnie gave to him. He won the Navy Cross, this Nation's second highest award. He won DFCs, with five different stars for five DFCs, Legion of Merit, and on and on and on.

His career spanned 35 years, Mr. Speaker. Retired astronaut Wally Schirra, who lives in his district in Rancho Santa Fe, said, "most become political and lose sight of the fact that the rest of the people have to look up to them." And that signifies Admiral Bush Bringle.

Vice Admiral Stockdale, best aviator he ever knew, I draw deference with Admiral Stockdale on that, but Admiral Stockdale was planning missions over Vietnam just before he was shot down with Bush Bringle. Admiral Stockdale said that "he was born for the profession that he served in for over 35 years, and that is a country both at peace and at war, and he served us well."

And he was commander of CV Division 7 in 1964, commander of 7th Fleet in 1967, commander of Pacific Fleet in 1970. He was in charge of nine aircraft carriers, 1,600 combat and support aircraft, and 85,000 military. Admiral Bernard Clarey: "Bush Bringle's leadership and style is just the Bringle touch."

Enlisted and officers alike respected and liked Admiral Bringle because of his leadership. Vice Admiral David Richardson called Admiral Bringle "one of the most admired naval officers and aviators dating since prior to World War II." His leadership was derived by example. He was a native of Covington, Tennessee. He was an Annapolis grad.

To tell my colleagues the kind of guy that he was, he played football. I think he was a whopping 170 pounds. He played football for Annapolis. And when he was playing against William & Mary, during the first play, one of his opponents broke his hip. That gentleman is now Walter Zable, who lives in Bush Bringle's district, and they became the best of friends.

He went through Pensacola, Florida in flight training and became an aviator in 1940, before most of us were born. He was in the Allied invasion in southern France, the Leyte Gulf, Iwo Jima, Okinawa, Korea. He was CO of the Hornet and the Kitty Hawk and commandant of midshipmen in Annapolis.

After his assignments with 7th fleet, Admiral Bringle was promoted with his fourth star. The last 3 years he served as U.S. Naval forces in Europe. Admiral Bush Bringle loved his country. But I want to tell my colleagues, he always spoke highly of his first love, not this country but his wife Donnie, his daughter Lynn, and his fighter pilot son Don Bringle.

Memorial services will be Monday at North Island Air Station in the chapel, and I wish those that are in San Diego can attend, Mr. Speaker.

Godspeed, Admiral Bringle, to you and your family.

Mr. Speaker, I include for the RECORD the following newspaper article:

ADM. WILLIAM BRINGLE DIES; CALLED AN AVIATOR'S AVIATOR—COLLEAGUES SAY HE KEPT COMMON TOUCH DURING HIS CAREER

(By Jack Williams)

Adm. William F. "Bush" Bringle, a heroic World War II aviator who kept the common touch in rising to commander of naval air forces in the Pacific Fleet and in Europe, died of pneumonia Friday. He was 85.

Adm. Bringle, who had lived in Rancho Santa Fe for the past 20 years, died at Scripps Memorial Hospital-La Jolla.

Known as "Bush" because of his thick curly hair, Adm. Bringle distinguished himself as an aviator's aviator, as one colleague called him, while rising through the officers' ranks.

In World War II, he took part in some pivotal engagements in the Pacific and European theaters, earning such medals as the Navy Cross, the Distinguished Flying Cross with Five gold stars and the French Croix de Guerre.

He also received the equivalent of three Legions of Merit in a naval career that spanned more than 35 years.

"Bush was the only four-star admiral I know who was loved by everybody in the Navy," said retired astronaut and Navy Capt. Wally Schirra. "Most become political and lose sight of the fact that the rest of the people have to look up to them."

"Bush was one we all liked, a dear friend of everyone in the U.S. Navy."

Retired Vice Adm. James Stockdale remembered Adm. Bringle as "an accomplished aviator, a natural, and he fell into the very profession he was built for—which was command at sea in time of war."

Added Stockdale: "He's one of my better all-time Navy all-stars."

As a commander of Carrier Division 7 beginning in 1964, Adm. Bringle was involved in the early stages of the Vietnam War. He was promoted in 1967 to commander of 7th Fleet naval air forces and in 1970 to commander of Pacific Fleet naval air forces.

In the latter role, based at North Island Naval Air Station, Adm. Bringle was in charge of a force that included nine aircraft carriers, some 1,600 combat and support aircraft and about 85,000 military personnel and civil servants.

He established sophisticated training facilities for pilots and maintenance personnel at Miramar Naval Air Station, paving the way for introduction of the F–14 fighter plane.

Adm. Bringle's Vietnam-era command was characterized by what Adm. Bernard A. Clarey called at the time "the legendary Bringle touch." Clarey also described Adm. Bringle as an aviator's aviator, stemming from his extraordinary rapport with fliers of all ranks and ages.

Stockdale recalled joining Adm. Bringle in planning an attack on a city near Hanoi in the Vietnam War. "It was a piece of beauty the way he was able to coordinate it and build confidence in the joint effort." Stockdale said.

Another Navy contemporary, retired Vice Adm. David Richardson, called Adm. Bringle "one of the most admired naval officers and aviators dating from World War II."

Said Richardson: "His leadership was derived from the examples he set and the way he handled people. And people responded beautifully to his leadership."

In 1961, as commander of the fledgling Kitty Hawk, Adm. Bringle took the supercarrier on its maiden voyage from the East Coast to its home base of San Diego. At more than 1,047 feet in length, the Kitty Hawk became the largest ship to enter San Diego harbor up to that time.

Adm. Bringle was a native of Covington, Tenn. He graduated in 1937 from the U.S. Naval Academy, where he starred as a speedy, sure-handed 170-pound end in football.

Hip and knee injuries played havoc with his football career, and decades later he underwent knee and hip replacements.

In his junior year at Annapolis, on the first play of a game with William & Mary, Adm. Bringle suffered a broken hip on what he considered a "cheap shot," a crack-back block.

Many decades later, while attending a cocktail party in San Diego, he met the man who claimed to be responsible for his pain: former William & Mary athlete Walter Zable, co-founder of Cubic Corp.

"They shook hands and became great friends," said Donald Bringle, Adm. Bringle's son.

Adm. Bringle underwent flight training at Pensacola, Fla., and was designated a naval aviator in December 1940.

Three years later, after flying observation and scouting patrols over the South Atlantic, he formed the Navy's first observation fighting squadron, VOF–1.

He received the Navy Cross for extraordinary heroism in action against enemy forces during the Allied invasion of southern France in August 1944.

His role in the invasion also earned him the French Croix de Guerre.

After the European action, Adm. Bringle led his squadron on close air support missions in the Pacific campaigns at Leyte, Iwo Jima and Okinawa.

His squadron also identified targets for naval gunfire, and its success brought Adm. Bringle a Distinguished Flying Cross with gold stars, signifying five additional awards of that medal.

When the Korean War broke out in June 1950, Adm. Bringle was serving in Annapolis as aide to the superintendent of the Naval Academy. He resumed sea duty in 1953 as executive officer of the carrier Hornet.

Adm. Bringle became commandant of midshipmen at the Naval Academy in 1958, his last assignment before taking command of the Kitty Hawk.

During his last tour in San Diego, Adm. Bringle was honored by the Greater San Diego Chamber of Commerce military affairs committee and the San Diego Council of the Navy League for his contributions to the community.

The Navy League award came with a leather golf bag of red, white and blue design.

After his assignments with the 7th Fleet and the Pacific Fleet, Adm. Bringle was promoted to four-star admiral. His last three years of active duty were as chief of U.S. naval forces in Europe, based in London.

As a Rancho Santa Fe resident. Adm. Bringle enjoyed golf until his late 70s, when he underwent his second knee replacement. "He kept his competitive fires going by playing tennis into his late '50s," his son said.

Adm. Bringle was a member of the exclusive Early and Pioneer Naval Aviators Association, an honor society of some 200 members.

He is survived by his wife, Donnie Godwin Bringle; a daughter, Lynn Riegle of Thompson's Station, Tenn.; and a son, Donald of San Diego.

Memorial services are scheduled for 11 a.m. Monday at the North Island Naval Air Station chapel. Donations are suggested to the U.S. Naval Academy Alumni Association Fund, Alumni House, King George Street, Annapolis, MD 21402.

ADMIRAL WILLIAM F. BRINGLE, UNITED STATES NAVY, RETIRED

William Floyd Bringle was born in Covington, Tennessee, on April 23, 1913. He attended Byars-Hall High School in Covington, and Columbia Military Academy, Columbia, Tennessee, and entered the U.S. Naval Academy, Annapolis, Maryland, on appointment from his native state on July 6, 1933. As a Midshipman he was a member of the Naval Academy Football Team (N* award). He was graduated and commissioned Ensign on June 3, 1937, and through subsequent advancement attained the rank of Rear Admiral, to date from January 1, 1964; Vice Admiral, to date from November 6, 1967 and Admiral, to date from July 1, 1971.

After graduation from the Naval Academy in June 1937, he was assigned to the USS SARATOGA until February 1940, with engineering, communications and gunnery duties on board that carrier, operating in the Pacific. In April 1940 he reported to the Naval Air Station, Pensacola, Florida, for flight training, and was designated Naval Aviator in December of that year. Detached from Pensacola in January 1941, he joined the USS MILWAUKEE, and served as Senior Aviator on board that cruiser until December 1942. During the eight months to follow, he served as Commanding Officer of Cruiser Scouting Squadron TWO.

From September to November 1943 he had training at the Naval Air Station, Melbourne, Florida, and in December formed the first Observation Fighting Squadron (VOF–1) during World War II. He commanded that squadron throughout the period of hostilities. For outstanding service while in command of that squadron during the invasion of Southern France and Pacific operations in the vicinity of Sakishima, Nansei Shoto invasions of Luzon and Iwo Jima and operations in the Inkinawa and Philippine Islands areas, he was awarded the Navy Cross, the Distinguished Flying Cross with Gold Star in lieu of five additional awards and the Air Medal with Gold Stars in lieu of sixteen similar awards.

He is also entitled to the Ribbon with Star for, and facsimiles of, the Navy Unit Commendation awarded the USS MARCUS ISLAND and USS WAKE ISLAND and their Air Groups for heroic service in the Western Carolines, Leyte, Luzon, and Okinawa Gunto Areas. He was also awarded the Croix de Guerre with Silver Star by the Government of France for heroism while commanding Observation Fighting Squadron ONE during the Allied Invasion of Southern France in August 1944 before he moved his squadron to the Pacific.

After the Japanese surrender, from October 1945 until October 1946 he was Air Group Commander of Group SEVENTEEN, and when detached he returned to the Naval Academy for duty at Battalion Officer. He remained there until June 1948, then for two years was Air Group Commander of Carrier Air Group ONE, based on the USS TARAWA and USS PHILIPPINE SEA. Again at the Naval Academy, he served from June 1950 until July 1952 as a member of the Superintendent's Staff. The next year he spent as a student at the Naval War College, Newport, and from July 1953 to December 1954 served as Executive Officer of the USS HORNET (CVG–17).

In January 1955 he reported to the Navy Department, Washington, D.C., for duty as Head of the Operational Intelligence Branch in the Office of the Chief of Naval Operations, and on August 24, 1955, was transferred to duty as Naval Aide to the Secretary of the Navy. He commanded Heavy Attack Wing TWO from August 1957 until June 1958, after which he had duty until August 1960 as Commandant of Midshipmen at the Naval Academy.

Ordered to the USS KITTY HAWK, building at the New York Shipbuilding Corporation, Camden, New Jersey, he served as Prospective Commanding Officer until she was placed in commission, April 29, 1961, then as Commanding Officer. In June 1962 he was assigned to the Office of the Chief of Naval Operations, Navy Department, where he served as Assistant Director of the Aviation Plans Division until January 1963, then was designated Director of that division. On April 6, 1964, he assumed command of Carrier Division SEVEN. "For exceptionally meritorious service as Commander Attack Carrier Striking Force SEVENTH Fleet and as Commander Task Group SEVENTY-SEVEN POINT SIX from March 29 to June 29, 1965, and as Commander Task Force SEVENTY-SEVEN from May 26 through June 27, 1965 . . ." he was awarded the Legion of Merit with Combat "V".

On July 12, 1965 he became Deputy Chief of Staff for Plans and Operations to the Commander in Chief, U.S. Pacific Fleet and was awarded a Gold Star in lieu of the Second Legion of Merit for exercising ". . . forceful supervision and outstanding direction over each of the many diverse and complex operations conducted by the Pacific Fleet . . ." In November 1967 he became Commander SEVENTH Fleet and for "exceptionally meritorious service . . . was awarded the Distinguished Service Medal and Gold Star in lieu of a Second similar award for combat operations in Southeast Asia during the Vietnam conflict.

In March 1970 he became Commander Naval Air Force, U.S. Pacific Fleet, with headquarters at the Naval Air Station, North Island, San Diego, California. For ". . . his distinguished and dedicated service . . ." in that capacity, from March 1970 to May 1971, he was awarded a Gold Star in lieu of the Third Legion of Merit. In July 1971 he reported as Commander in Chief, U.S. Naval Forces, Europe and Naval Component Commander of the U.S. European Command with additional duty as United States Commander Eastern Atlantic. "For exceptionally meritorious service . . . from July 1971 to August 1973 . . ." he was awarded a Gold Star in lieu of the Third Distinguished Service Medal. The citation further states in part:

". . . Admiral Bringle displayed inspirational leadership, outstanding executive ability and exceptional foresight in directing the complex and manifold operations of his command in the execution of United States national policy . . ."

Returning to the United States, Admiral Bringle had temporary duty at Headquarters Naval District, Washington, D.C. from September 1973 and on January 1, 1974 was transferred to the Retired List of the U.S. Navy.

In addition to the Navy Cross, Distinguished Service Medal with two Gold Stars, Legion of Merit with two Gold Stars and Combat "V", Distinguished Flying Cross with five Gold Stars, Air Medal with sixteen Gold Stars, the Navy Unit Commendation Ribbon with two stars, and the French Croix de Guerre with Silver Star, Admiral Bringle has the American Defense Service Medal; American Campaign Medal; European-African-Middle Eastern Campaign Medal with one operation star; Asiatic-Pacific Campaign Medal with four operation stars; World War II Victory Medal; Navy Occupation Service Medal, Europe Clasp; China Service Medal; National Defense Service Medal with bronze star; Armed Forces Expeditionary Medal with two stars, the Republic of Vietnam Campaign Medal; and the Philippine Liberation Ribbon.

Married to the former Donnie Godwin of Coronado, California, Admiral Bringle has two children, Rosalind Bringle Thorne and Donald Godwin Bringle. His official residence is 1639 Peabody Street, Memphis, Tennessee, the home of his mother.

TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, our scientists have just discovered a new fault line that exists underneath downtown Los Angeles. This fault line, called Puente Hills, is 25 miles long and 10 miles wide and it was invisible until recently. The 1987 Whittier Narrows quake, which caused eight deaths and $358 million worth of damage, was the result of a rupture of just 10 percent of the Puente Hills fault line. Obviously, this fault line has the potential to do a great deal of harm to the good people in Los Angeles and we would be foolish to ignore it.

But, Mr. Speaker, there is another fault line in America that is invisible to our eyes, the American economy. And the American workers are sitting on a fault line that is shifting below us;

and, like many in Los Angeles, we are ignoring it, hoping it will go away. The fault line is our trade deficit. And as it grows, America is at greater risk of our very economic foundation being rocked.

We recently learned that the trade deficit grew to its highest level in the last decade, projected again this year at over $250 billion. According to the Commerce Department just this past month, $93.76 billion worth more of imports landed on our shores while our exports again fell. These are not just numbers. They are part of the shifting ground underneath America's economic feet. And for some, they could not escape the cracks in the ground.

I am talking about workers like the 6,000 at the Levi's plants, most of them women, that recently packed up and closed to ship manufacturing to undemocratic nations overseas. I am talking about the workers at Huffy Bicycle in Ohio who lost their jobs to Mexico's exploited workforce, or the thousands of workers at Anchor Glass or General Electric or Henry I. Siegel or VF Knitwear or Zenith Television or Dole Food, and the list goes on. They have seen the ground shift and they felt the earthquake. They have just seen some of the consequences of a growing trade deficit.

According to the Economic Policy Institute, between 1979 and 1994 nearly 2.5 million jobs in our country were lost to America's backward trade policy, which says to America's workers the solution for them is to work for shrinking wages and benefits and net worth in order to buy more imported products from places where workers have absolutely no rights.

The second consequence of the trade deficit is its crippling effect on wages here at home. Workers who lose their manufacturing jobs still have to find some way to feed, clothe, and educate their families; and usually that is in the form of a service job with a substantial pay and benefit cut.

The Economic Policy Institute points out that increasing imports from low-wage, undemocratic countries are contributing to decreasing wages of our workers. Our U.S. firms and workers are forced to cut their standards of living to compete. They cut wages or cut hours or cut benefits to reduce costs. And as a result, our workers are finding that their real buying power of their wages has been declining for almost 15 years. In fact, the growing gigantic trade deficit literally lops off a whopping 25 percent of the economic bang that would occur inside this economy if in fact our trade ledger was balanced.

Probably the biggest consequence of this deficit is what it does to our long-term competitiveness, as America writes off one industry after another: televisions, electronics, clothing, recently steel. We have seen how many parts of this economy have been savagely hit.

Mr. Speaker, this fault line in America cannot be ignored. We can see the consequences getting worse every year. But the people being hurt cannot afford high-powered lobbyists in this city. If we want American workers to be able to increase their net worth, save for their futures, invest in the stock market, start their own small businesses, we need to make sure our economic foundation is rock solid.

Mr. Speaker, we ignore this trade deficit, this fault line, at our own peril.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, first I want to thank my colleagues who have spoken so eloquently tonight about the importance of Women's History Month or who have submitted statements for the RECORD.

I want to especially thank my Republican colleague the gentlewoman from Maryland (Mrs. MORELLA) for being here this evening and also for submitting her statement on the RECORD for the contribution of African American women in America's history.

We are, in the month of March, proudly celebrating the achievements of all women in this Nation. I come this evening to take a few minutes to briefly talk about the history of Women's History Month and to celebrate the contributions of women, especially African American women, the contributions which they have made to this country and the world.

Back in 1978, the first Women's History Week celebration was initiated in Sonoma County, CA, which is now represented by a great woman, the gentlewoman from California (Ms. WOOLSEY), who serves here with us in this Congress. It began in Sonoma County as a means of introducing students and teachers to the many contributions that women of all cultures have made to the building of this Nation.

Three years later, the idea of celebrating Women's History Week began to spread across this Nation and the National Women's History Project was created to provide technical assistance to educators and community organizers and to produce and distribute women's history materials.

In 1981, then Representative, now Senator BARBARA MIKULSKI, and Senator ORRIN HATCH cosponsored a joint congressional resolution proclaiming the week of March 8 National Women's History Week. The success of National Women's History Week and the availability of information on women's history necessitated expanding the celebration to a full month.

In 1987, the National Women's History Project petitioned Congress to expand the celebration to the entire month of March. The resolution was approved with bipartisan support in both the House and the Senate.

Today schools, communities, and workplaces celebrate the month with special curriculum and events. The popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage. It has allowed all Americans to learn more about women who have made a tremendous impact on our Nation's history.

□ 2130

Women's history is really a new way of looking at events and individuals that have made this country what it is today. History as it has been traditionally taught has virtually excluded women and people of color. One would think that someone would have noticed that half of the United States population is missing from our history. Textbooks, curricula and academic research has been silent about the impact that women and people of color have made. The silences have made women's accomplishments and contributions to American life invisible.

Mr. Speaker, the history of African-American women's participation in American politics must recognize our involvement in traditional political acts such as registering, voting and holding office, but also those nontraditional activities in which we engaged long before we had access to the ballot. Because African-American women are simultaneously members of the two groups that have suffered the Nation's most blatant exclusions from politics, African American and women, our political behavior has been largely really overlooked.

African-American women organized slave revolts, established underground networks and even sued for the right to vote. Public records reveal that many African-American women were involved in the abolition movement and were active participants in the early women's rights movement. African-American women's political activities have largely been directed towards altering our disadvantaged status as African Americans and women and making sure that this country lives up to its responsibilities for equality and justice for all people.

Today, we look at African-American women holding political office as a very recent experience. African-American women who have previously served in this Congress include my mentor, our first African-American woman who served here, Congresswoman Shirley Chisholm, as well as Barbara Jordan, Yvonne Braithwaite Burke, Cardiss Collins, Katie Hall and Barbara Rose Collins. I stand here as the 171st woman, the 100th African American and the 19th African-American woman ever to have the privilege of serving in this body. I stand here because of those who came before us. I stand here as a result of the work of many of those individuals, and in the words of the Honorable Shirley Chisholm, "We all came here to serve as a catalyst for change."

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. I want to thank the gentlewoman for yielding, and I certainly want to thank the gentleman from Oklahoma (Mr. COBURN) for giving us the opportunity to have a moment.

Ms. LEE. Mr. Speaker, I yield to the gentleman from Virginia.

TRIBUTE TO DR. YVONNE BOND MILLER

Mr. SCOTT. Mr. Speaker, I rise to acknowledge this month as Women's History Month and to honor the contributions of a distinguished African-American woman, Dr. Yvonne Bond Miller.

Dr. Miller is the first black woman to serve in the Virginia House of Delegates and the first black woman to serve in the Virginia Senate. She is the first woman of any race to serve as chair of a Senate committee in the State of Virginia.

Mr. Speaker, Women's History Month is a time to recognize and give thanks to those women who dared to brave uncharted waters so that we may all fully participate in our society.

As we pay tribute to women for their vast contributions to our Nation, I'd like to formally salute Dr. Miller as an educator and as the first African American woman to serve in the Virginia House of Delegates and Virginia Senate. She has been widely recognized for her work on behalf of children and under-represented persons. She understands the "double bind" and dual challenges facing women of color living in a society that marginalizes people by both gender and race. Despite those obstacles, she has risen above these circumstances and has made outstanding contributions to her community, always working to uplift persons with similarly disadvantaged status.

Yvonne Bond Miller was born in Edenton, North Carolina, the oldest of 13 children. She grew up in my home district of Norfolk and attended Booker T. Washington High School in Norfolk. Dr. Miller earned a Bachelor of Science degree from Virginia State College (now Virginia State University), a Master of Arts Degree from the Teacher's College at Columbia University, and then a Doctorate from the University of Pittsburgh. She is also a recipient of an Honorary Doctor of Laws Degree from Virginia State University.

She has had a distinguished career as an educator, teaching first in the Norfolk Public Schools and then at Norfolk State University from 1968 to present, where she is currently a Professor of Education. For seven years, she was the head of the Department of Early Childhood and Elementary Education at Norfolk State University. In addition to teaching, Dr. Miller has had an outstanding career in public service as a legislator. She was first elected to the Virginia House of Delegates in 1983, becoming the first African American woman in that body. Her accomplishments earned her a second term in 1985, and her career in the state legislature continued when she was elected to the Virginia Senate in 1987, becoming the first African American woman in the Virginia Senate as well. Since then, she has served with a meritorious record on several committees, including the Rehabilitation and Social Services Committee, where she is the first woman to chair a Virginia Senate committee. In addition, Dr. Miller has worked steadfastly on behalf of children and the otherwise underserved on Virginia's Youth Commission and Virginia Disability Commission.

Throughout her career as a legislator, Dr. Miller has demonstrated a consistent concern for the disadvantaged. She has worked hard in promoting education and early childhood issues, maintaining a living wage, and ensuring access to affordable health care. Dr. Miller's sense of justice, generosity, and dedication to the underprivileged carries over into her personal life as well. Most notably, she has established a scholarship fund at Norfolk State University for women returning to school. Her accolades are too numerous to describe in full, but it is no wonder that she has been honored with the Vivian C. Mason Meritorious Service Award from the Hampton Roads Urban League and the Social Action Award from the Phi Beta Sigma Fraternity.

So, as we honor today the contributions of American women to our Nation, we must pay a special tribute to Yvonne Bond Miller for prevailing in the face of adversity as an African American woman and for working tirelessly on behalf of children and other marginalized persons so that they too may be able to contribute to their fullest potential. Women's History Month is a time to recognize and give thanks to those women who dared to brave uncharted waters so that we may all fully participate in our own society. Thank You, Mr. Speaker. And thank you, Yvonne Bond Miller.

Mr. DAVIS of Illinois. Mr. Speaker, given the fact that this is indeed Women's History Month, I would just include the names of some of the outstanding women who have served with distinction in my community, the community where I live, people like Ms. Mamie Bone, Ms. Devira Beverly, Martha Marshall, Cora Moore, Mildred Dennis, Mary Alice (Ma) Henry, Ida Mae (Ma) Fletcher, Julia Fairfax, Earline Lindsey, Nancy Jefferson, Rosie Lee Betts, Nola Bright, Dr. Claudio O'Quinn, Ms. Rachel Ridley, Artensa Randolph, Dr. Lucy Chapelle.

I would mentioned one other woman, two others, who have had tremendous impacts on my life—a woman, Mrs. Beadie King, who was the teacher in the first school that I attended which was a one-room schoolhouse where Ms. Beadie King taught eight grades plus what we call the little primer and the big primer at the same time. Many of the things that I know and learned, many of the values, many of the attributes that I think that I have developed have actually come from the teachings of Mrs. Beadie King. And so I pay tribute to her as an outstanding educator.

The other woman, Mrs. Mazie L. Davis, my mother, who probably more than any other single person contributed to my development, because it was she and my father who basically suggested to me that life has the potential of being for each one of us whatever it is that we would determine to make life.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in salute of African American women.

African American women have a unique place in the history of our country. Fighting against racial and gender discrimination, we have had to fight two battles often at odds with each other. However, many African American women have not let race and gender prevent them from fighting for equality. These women's heroic efforts have forever changed American history. Women like Harriet Tubman who helped slaves escape via her underground railroad. Without Ms. Tubman many future African American doctors, politicians, lawyers, and teachers would not be alive.

Mr. Speaker so many African American women have been a part of our history: Sojourner Truth, Coretta Scott King, Ida B. Wells to name a few. Today I would like to acknowledge one of those great African American female leaders—Juanita Shanks Craft.

Dallas native Juanita Craft fought for desegregation in Dallas and all over Texas. This onetime hotel worker, used the National Association for the Advancement of Colored People (NAACP) to fight legalized racism. She helped desegregate the University of Texas Law School, North Texas State University and the State Fair of Texas. She also helped desegregate many Dallas lunch counters, theaters and restaurants.

She worked with Christian Adair, who helped found the Houston chapter of the NAACP, to end segregation and promote African Americans. Because of their efforts, Hattie Mae White became the first black woman elected to the Houston school boards in 1958. This also paved the way for the late Barbara Jordan to become the first African American woman and also the first African American since reconstruction elected to the Texas state Senate.

Ms. Craft served 25 years as the Dallas NAACP precinct chairperson. She helped found more than 100 chapters of the NAACP and helped Thurgood Marshall work on the U.S. Supreme Court case *Smith* vs. *Allwright*, which gave African Americans the right to vote in the Texas Democratic primaries in 1944. Ms. Craft was the first African-American woman to vote in Dallas and was elected to the Dallas City Council in 1975 at the age of 73.

Ms. Craft was a civil rights teacher to the young, opening her home to anyone who wanted to learn about making change. Many of those young students today are teachers, lobbyists, community and civil rights activists and city officials.

Today her home in Dallas is a civil rights historic landmark where President Lyndon B. Johnson and Martin Luther King Jr. were once visitors.

I salute Juanita Craft's courage to fight for equality for African Americans. I salute her courage to teach others how to work for change. Through her legacy, we can see the battles which have been fought and can be proud of the progress our sisters have made so that we can attend any university, sit at any lunch counter, walk into any store and speak of this floor.

GENERAL LEAVE

Ms. LEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. DEMINT). Is there objection to the request of the gentlewoman from California?

There was no objection.

SOCIAL SECURITY AND THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I come to the floor tonight with several of my colleagues who I think will be joining me, the gentleman from Minnesota (Mr. GUTKNECHT) as well as the gentleman from California (Mr. CUNNINGHAM). I am in my fifth year as a Member of Congress from Oklahoma. I am also in my last term as a self-imposed term limit on myself.

One of the reasons I think that we only have 40 percent of the people voting in elections is that in fact there is a crisis of confidence in the Congress of the United States. I want to spend some time tonight outlining what we have heard many people say, whether it is the President in his State of the Union speech or others in terms about our budget, this so-called surplus that does not exist, explain to the American people why it does not exist and what it is really made of, and then talk about some of the facts of the last 3 or 4 years of what has gone on and what we can expect in the future if in fact we do not have honesty with the American public in terms of our budget, the budget process, and speaking honestly about where American tax dollars go.

I also might add that besides being a medical doctor who continues to practice and deliver babies on the weekends and the days that we are not in session, my original training is as an accountant. I can tell my colleagues, there is not an accountant in this country that would sign off on the books of the Federal Government. The reason is because it moves money around, it does not account for it, it uses the same money twice and then claims it as a surplus.

To start this discussion, I really want to try to explain to the American public the Social Security trust fund. Most people are paying 12.5 percent, half of it themselves, half of it by their employers, in to fund the Social Security system. At the present time, we have a significant excess number of dollars coming in above and beyond what is required to pay out benefits for our seniors under Social Security. What really happened is we are collecting more than we are spending in terms of Social Security dollars. What happens now is that the Federal Government uses the excess Social Security money to pay for more spending and to pay off publicly held debt. But as they pay off publicly held debt, they incur another debt and that is an IOU to the trust fund that says we will pay this back. That also incurs interest. The fancy way Washington talks about that is that that is a surplus. In fact it is only a surplus in that we have transferred the obligation to our children and grandchildren and they will pay that back through increased payroll taxes. So we put IOUs that are credited to the trust fund.

In 2013, we face a major problem, and that is the year in which the revenues that come into the Social Security trust fund will be less than the payments that we have to pay out. What is going to happen then? Social Security spends more than it collects. In order to pay all the Social Security benefits, Social Security is going to have to try to collect from the Federal Government on the IOUs, the money the Congress has borrowed. What happens? Having spent all the money, the Federal Government has to raise the income taxes or the payroll taxes on the people who are paying Social Security taxes just to meet the obligations.

That is borne out a little bit better when we actually see what the Social Security Administration says about what is going to happen to the fund. As you can see, all this in red is actually money coming in to Social Security in excess of what we are paying out. You will notice in 2013, we actually spend more money. But if you go out to the end of this graph, what you will see is we are getting close to $750 billion more a year in payments from general tax revenues, or increased raises in the tax paid on hourly wages in this country.

We have a terrible picture developing. I say all this because the politicians in Washington claim we have a surplus. There is no surplus. The money that they are using to pay down external debt is actually money they are going to be obligating our grandchildren for with a Treasury IOU that is interest-bearing. That money is a false surplus. All it is is the difference between what we paid out and what we have collected versus what we have spent more in other revenues that the Federal Government has taken in.

We are going to have only three options in 2013, and, better, we only have three options now to fix this problem: One, we can save 100 percent of the Social Security surplus and we can transition to a system that increases the earnings for all payments on Social Security between now and 2013 and thereafter. The annualized yield, the return on the investment on Social Security over the last 20 years, has been less than 1 percent. We would have been better to put it in a passbook savings account by 300 percent in terms of the power of compound interest. Had we done that, we would have displaced this day of reckoning where the imbalance in payments out versus revenue in would have been at least delayed another 10 to 12, maybe even 15 years, had they gotten some return.

I think the other point that needs to be made, why are we in trouble on Social Security? We are in trouble on Social Security because politicians easily spend your money without coming and saying, "We're going to give you an increased benefit but we're not going to tell you that your children and grandchildren are going to have to pay that back." How do they pay that back? They pay that back by lowering their standard of living and sending more of their hard-earned dollars to Washington to pay for the benefits today that we did not have the courage to tell the American public that for this benefit, this increase in benefit, we have to pay for it.

What is easy to do in Washington, I have found in 5 years, is to pass on a benefit and not be responsible for paying for it. It is called spin. The real thing it is called is a half-truth. A half-truth, my daddy taught me, was a whole lie. We have seen a lie.

The second option we have, we can repay the money from the trust fund by raising income taxes. We are at the highest rate of taxing the American public that we have ever been with the exception of World War II. Almost 22 percent of our gross domestic product is now consumed by taxes in this country. That is not a good option.

The third option is we can change the retirement system. We can delay the onset, we can decrease the benefits. That is just like we have done to the veterans. We promise one thing and then we deliver far less. It is not a principle of integrity to do something less than what you commit to do. So we only have three options when we are faced with Social Security. I want to just develop this for about another 5 minutes and then I will recognize the gentleman from Minnesota.

Now, we hear Washington say we have a surplus, but the fact is, is every day $275 million is added to the national debt. If we have a surplus, if we have more money coming in than we are paying out, how come the debt for our children and grandchildren is rising? It is because we are not honest in our bookkeeping. We are not honest about it. In 1997, each citizen's share of the national debt was $19,898. By the end of this year, every man, woman and child from baby to grandmom will owe $20,693. You cannot have a surplus and the debt rise. The question that the American people should ask when they hear the word surplus is, "Did the debt go down?"

There is another tricky word that the politicians use. They say publicly held debt. Because that is the debt that is external to the internal IOUs that the government has paid or made with Social Security.

□ 2145

So it is true that the external-held debt of the United States went down, but only because we took money from the Social Security Trust Fund and wrote another IOU. So the total debt in terms of the Social Security increased revenues or excess revenues have not changed at all. We have just decided we are not going to pay ourselves and we will slow down the pain to those people on the outside.

So less debt is held by the public; that is true, but the total debt is rising, and, as my colleagues can see, it is rising $275 million per day, and where I come from, $275 million is one whole heck of a lot of money. It is about enough to run the State of Oklahoma for a month. So, we are talking about huge sums of money.

Again, I would make the point Washington says we have a surplus. If we have a surplus, why is the debt that our grandchildren and children are going to have to bear rising? Why is it going up? It is because we are not honest in our bookkeeping.

Another way of looking at that, and this chart shows exactly what we have seen and heard about 1998, is what I call the politicians' surplus. Here is what we claim was a surplus, the Washington establishment. But, as my colleagues will note, here is the debt in 1997. What has happened to the debt? The debt went from $5,325 trillion to close to $5,440 trillion, almost a $120 billion increase. So, if the surplus was 60 some billion dollars, how come the debt went up $120 billion?

Look what is projected in 1999. We are going to have this great big surplus that everybody wants to save or spend in a certain way. But look what the debt projection is. These are not my numbers; these are from the Congressional Budget Office, a nonpartisan agency made up and influenced by both Democrats and Republicans, and they are saying the debt is going to continue to rise despite this surplus.

So, Mr. Speaker, I think we can see that there is a lack of honesty about our budget policy and there is only one answer. It is called restrained spending. We have to be fiscally disciplined in the money that comes to the Federal Government.

The other thing I have learned is that if we leave money in Washington, do my colleagues know what happens to it? It gets spent. Somebody always has a good idea on a way to spend the money, except the money we are spending now we are stealing from the Social Security system and we are transferring a lowered standard of living to our children.

And what we can see under President Clinton's budget, and this is real numbers by the Congressional Budget Office under the budget that he proposes to see that there is no surplus; the red indicates real deficit in terms of moneys in versus moneys out, and even though all sides of the aisle, Democrat, Republican and the President, are claiming the surplus, we can see from here that one does not exist. Even with a conservative plan that restrains spending we are still going to see a deficit up until about 2000. It may be that the economy is good enough that we may see a real surplus this year. But look at the difference if we restrain spending in terms of real surplus; in other words, something that will actually slow down the growth and the debt, decrease the debt, decrease or, in an inverse, increase the standard of living for our children, that if in fact we will restrain spending, that in fact we will markedly help the children of tomorrow.

Mr. Gutknecht.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for having this special order.

I think we need to put this in some historical context though of where we were just a few years ago when the gentleman, and I and the gentleman from South Carolina who is going to be joining us in a minute, when we were first sent here to Washington after the 1994 elections. The Congressional Budget Office then told us that we were looking at $200 billion deficits growing to nearly $600 billion by the year 2009, and that was using the Social Security surplus to make those deficits look even smaller. So in reality, using honest accounting, honest bookkeeping, those deficits were probably between 350 and over a trillion dollars that we are looking at in annual deficits.

That is where we were just a few years ago, and I think it is important to note how far we have come just in the last several years in part because we have had the fiscal discipline. We have eliminated 400 programs, we have cut the rate in growth in Federal spending by more than half, and that coupled with lowered interest rates that helped bring about and the welfare reform, more people going back to work, a stronger economy; all of that has made it easier for us to get to what will be, I believe this year, the first real balanced budget; in other words, not using the Social Security surplus, the first real balanced budget I think this country has seen in many, many years.

Mr. COBURN. Let me add one thing.

I remember my first year in Congress. We rescinded and cut $70 billion worth of spending from this government that year, and I would tell my colleague that nobody in my district noticed that, and if we extrapolate $70 billion a year over the last 4 years, what we plainly see is the main reason that we are in surplus is what is 70 billion one year becomes 90 billion the next, becomes 120 billion the next, becomes 150, that that is worth about $160 billion in spending that is not happening today that would have happened had we not come in here and done a large rescission and also markedly cut the size of the government in 1995.

And so it is important to use that as a historical thing, that because we had fiscal discipline, that we, in fact, have an opportunity to truly lower the debt, not just the public debt, but all the debt, and that means creating a better future, creating opportunity, creating a standard of living that is going to be greater than what we have experienced for our grandchildren.

I yield back to the gentleman from Minnesota.

Mr. GUTKNECHT. The gentleman is correct. I mean that in the end of this debate sometimes we get so caught up with numbers and statistics, we all have charts now, and we can use percentages, and we can talk about dollars and so forth.

But in the end the gentleman is absolutely right. What this debate is about is about generational fairness, and I think we have got to be fair to our parents, and I always talk about in my town hall meetings the fact that I was born in 1951.

Mr. COBURN. Youngster; are you not?

Mr. GUTKNECHT. I do not feel quite so young any more, but I will tell my colleagues it is important because we are the peak of the baby boomers, and both my parents are still living, they are both on Social Security, they are both on Medicare, and the last thing I want to do is pull the rug out from under them.

But I also have three kids, and I worry about what kind of a country we are going to pass on to them, what kind of a standard of living are they going to enjoy.

And I want to get our colleague from South Carolina involved in this because something else the gentleman mentioned about using what Einstein called the most powerful force on earth, the magic of compound interest long term to allow individuals to save and invest for their own future. I have been told, and there are different numbers floating around, and it depends on which years you use, but, as my colleagues know, often we hear that Americans do not save enough for the future. But my colleague mentioned before that the average American between what they pay and what their employer pays into Social Security, they are saving about 12½ percent of their annual income.

Now the problem is not that Americans do not save enough. The problem is that we get such a lousy rate of return, and the number that I worked with usually and the average that I have seen provided by the Congressional Budget Office is for the last 30 or 40 years the average rate of return was 1.89 percent.

Now not many Americans would invest 12½ percent of their income into an IRA, or a 401(k), or even a savings account; can only earn 1.9 percent.

Mr. COBURN. It is interesting to note 1.9 percent is not in terms of real rate of return, that is not an inflation adjusted number, because when you do an inflation adjusted number, you go to .6 percent.

One last thing before the gentleman from South Carolina talks. I delivered 97 babies last year as a Member of Congress, and that is pure joy. But with that comes a heartache because I know that unless we change the environment in Washington that those children that I got to spank their back sides of and heard their first cry will never have the opportunity that my children had or I had as a youngster in this country.

I yield to the gentleman from South Carolina.

Mr. SANFORD. I thank the gentleman for doing so, and I thank him as well for convening this special order.

I want to follow up on what the gentleman from Minnesota (Mr. GUTKNECHT) said, which was touching on the whole power of compound interest which cannot be underestimated. In fact, I saw an article yesterday in the Washington Post that I wish I had brought with me about an older man that put a little bit of money in stocks and lived a very simple life and yet ended up with a whole lot to show for it.

What I think is interesting on that point though is somebody on my staff was kind enough to do this, and this is a home-done chart, so I guess we are saving the taxpayer money by not having a professional chart done, but it points out this power of compound interest because in 1937, and I did not realize this, Social Security actually ran a $766 million surplus. It is a pay-as-you-go system, so what is not spent ends up going into the general coffers the way it is now configured.

Now, if we grew that at about 10 percent, maybe that is too high a rate, maybe the appropriate number that the staffer should have picked would be 5 percent or 6 percent, but he picked 10 percent. Anyway, that would result today, that pot of money back in 1937, that $766 million pot of money, if it grew and compounded at about 10 percent, would end up today having about $1.17 trillion in your bank account.

And so when older folks at town hall meetings say to me, "MARK, you know we wouldn't even be having this problem on Social Security if you all had kept your hands off the money." Well, it turns out they are right because just that one year alone you would end up with $1 trillion.

Now 1938 the surplus was $365 million. If again you compounded and grew that over this long time period between now and then, you would end up with about $485 billion in the bank. Well, you add those 2 together, and you get 1.66 trillion.

In 1939, our surplus in Social Security was 590 million bucks. Again, if you grew and compounded that over time, you would end up with $680 billion.

And you do that in 1940; surplus then was $305 million. You grow that and compound that over time, you end up with $310 billion in the bank.

In 1941, our surplus was $760 million in payroll taxes. You grew that and compounded that over time, that would be $670 billion.

In 1942, and I will not over do this point, but the surplus then was $926 million. You grow and compound that over time, you would end up with basically about $700 billion in the bank.

You add all that up just over the 1,2,3,4,5,6 years, that is about $4 trillion.

Now the contention liability with Social Security is about $8 trillion. In other words, very quickly you could get to the point wherein the people in my town hall meetings are exactly right. If Washington had truly kept their hands off the money, if the money had been in an account and had grown and compounded over time, we would not be having this conversation tonight, which goes straight back to what the gentleman from Minnesota (Mr. GUTKNECHT) is getting at, which is this power of compound interest.

The other thought I wanted to pick up on for just 2 seconds is what the gentleman from Oklahoma (Mr. COBURN) was talking about, and that is just plain honest accounting, and that is, if you look at the numbers, and again just to pick a couple of numbers, this is fiscal year 1994.

Now everybody thought we ran a deficit of about $200 billion. That would have been the number that was talked about. But what is interesting here is, as the gentleman from Oklahoma (Mr. COBURN) very correctly pointed out, if you actually look at how much the debt went up, the debt went up by $293 billion. Same thing happened in 1995. It looked like it was 164, but if you look at how much the debt actually went up, it was 277. Same thing a year later.

□ 2200

The same thing a year later. Apparently it appeared as if our deficit was $100 billion, but if we look at how much the debt went up, it went up $261 billion. Even just this last year it appeared, now that we are in the black, that we ran a surplus of about $70 billion. Again, if we look at how much the debt actually went up, it actually went up by basically $100 billion.

That is not the kind of basic accounting that people use back home in their businesses. It is not the kind of basic accounting somebody uses in balancing the family checkbook. It clearly states we have a real problem with this stuff here in Washington.

I have some other weird charts here in my home-done log of charts, but I do not want to belabor that point. I want to talk about these because it is what we are talking about.

Mr. COBURN. Mr. Speaker, we will come back to that in just a minute.

I yield to the gentleman from California (Mr. CUNNINGHAM) to comment on this situation.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding, and I have enjoyed listening. It just reinforces the things we do every day.

One of my colleagues once said that when we talk about all these numbers, people's eyes glaze over. It is, how does it affect them personally, and can the men and women at the Red Pig understand it. That is what I am going to try and do.

Once it was said that if we do not remember history, then we are likely to repeat it. I would like to take just a brief run, based on my colleague's 1 hour, and I will do it briefly. It is laughable, that Congress spends money, not the White House. We authorize, we appropriate; we authorize to spend it.

For 40 years, except for a small period of 1 term in the Senate, the Democrats have controlled the House and Senate, which controls all spending. When they say that they are fiscally responsible, that is an oxymoron. The debt was acquired, the deficit was acquired, and it put us on a negative road.

They have to spend. I feel sorry for my colleagues on the other side because they have to spend. By their party, they want big government because they believe government can do it better. That requires spending, and that increases taxes to pay for it. It is automatic. They have to spend that.

What I would like to do is take us on a walk through memory lane. When I came in in 1990, we said that enough was enough. We had the Gang of Seven. I don't know if Members remember that, for those who were not here. We shut down the House bank. We shut down the post office, because we knew that an individual here was dealing stamps. We set about to do the balanced budget. As a matter of fact, a lot of us wanted the Speaker to be changed at that point, so we could move ahead.

But my colleagues said in 1993 that it took courage for them to vote for that budget. It went by for me, because they said in 1993 their highest tax increase in the history of the United States is responsible for the economy today.

Let us take a look. In 1993, they promised a tax cut for what they call the middle class. First of all, there are no middle class citizens in this country, they are middle-income. I think we do a disservice to people by calling them middle class.

They said they would give tax relief for that group. They increased the tax in that budget. They increased taxes themselves by $270 billion. They cut defense $127 billion. They increased the tax on social security. They cut the COLA for veterans, they cut the COLAs for military. They had no welfare reform, they had no education reform.

When they had the White House, the House and Senate, did they have a minimum wage increase? Absolutely not. They said that was not the way to stimulate growth or jobs.

When we took the majority in 1994, we did away with the 1993 tax increase. We dissolved it. What did we do? The first thing, we gave back middle-income tax breaks. There are a whole host of ways we did that. People are enjoying that today.

We were not able to increase defense. It went down under that watch. That is one of the low points, I think, of our particular budget. But we took away the increase on social security tax. We reinstated our veterans' COLA. We reinstated our active duty military COLA, and while the Democrats put $100 million against us, while we were trying to save Medicare, and blasted us from the unions and all sides, at the end, the President signed our Medicare bill, after he vetoed it.

Because of welfare reform, the welfare reform we did in 1995, we have billions of dollars coming into the Treasury instead of going out. The average was 16 years. We changed that. So for them to say that they were responsible for the economy today is laughable.

Mr. SANFORD. Mr. Speaker, if the gentleman would yield, the gentleman is so right. Again, with my homemade charts here, I have another chart showing that exact point the gentleman is making, which is that Washington has been getting bigger raises than working families have gotten.

I do not want to bore people to death with a lot of numbers, but whether we start in 1993, we go to 1994, this is the rate at which money coming into Washington has gone up. This is the rate at which people's pocketbooks, if you will, their earnings, have gone up. In every case, it is that red line, which is the money coming into Washington, that has been going up faster than money back home.

To say it another way, if we look at these two little lines, this is the rate at which Washington has been getting raises versus the rate at which the rest of America has been getting raises. So the gentleman is exactly right, the thing that is "balancing the books" up here has been hard-earned taxpayer dollars coming into Washington, as opposed to fiscal restraint.

Mr. CUNNINGHAM. I thank the gentleman. The overall point I am trying to make is that Alan Greenspan, because of our tax relief, of us "balancing the budget," do Members remember when the President said, I can do it in 7 years, in 2 years, in 3 years? It is an arbitrary number. When we finally pinned the President down, three of his budgets increased the deficits by over $260 billion, with a forecast to $200 billion forever.

What we did is say no, a balanced budget is important. For them to say that they are fiscally responsible, I would ask Members, look at every bill on the Floor. The other side of the aisle will always want to increase the spending. They will say, we are cutting, we are cutting, except for one area, in defense. That is their cash cow. They also want to raise taxes to pay for it.

My last statement I would like to make, I would like Members to look up www.dsausa.org, on the Web page. That stands for the Democrat Socialists of America. This is on the Web page, this is not the gentleman from California (Mr. DUKE CUNNINGHAM). In there is the Progressive Caucus.

In the socialist contract, they want government health care. What did they do when they had the leadership of the White House, the House and Senate? They want to cut defense in this Web page by 50 percent. What does the President do? He has cut it in half. They want to cut it 50 percent more. They want government control of education, private property; they want union control over small business; they want to increase socialized spending the highest ever. They want to raise taxes to the highest progressive tax ever, in this 12-point agenda. How do they pay for it? By increased taxes and cutting the military.

That is not what other forefathers meant when they talked about fiscal responsibility. We cannot do it by having government do it. I thank the gentleman.

Mr. COBURN. Mr. Speaker, I want to spend just a minute here going over the present budgets, if we can.

Mr. SANFORD. Before the gentleman does so, if the gentleman will yield for one more second, again, I want to follow up on the point of the gentleman from California.

Consistently, the way the rhetoric works around Washington, we would think that Republicans are trying to slash and burn and basically eliminate the city and eliminate all Federal functions. That is what I think is very interesting about this chart.

If we look at this line, would the gentleman from Oklahoma (Mr. COBURN) tell me whether the line goes up or down? It is a one-way line, and that is going up. All Federal spending in Washington, D.C. has not been cut in real dollars or in nominal dollars. On the whole it has been going up. In 1994 it was $1.4 trillion. In fiscal year 1999, it is $1.7 trillion. The Republicans have not been cutting, eliminating. In fact, things have been going up in Washington.

Mr. COBURN. Actually, the gentleman makes my point. We have not done as good a job as we should have. We should have restrained spending more.

Let me spend a few minutes talking about the budget proposal of President Clinton and what has happened in 1999, and what has been projected. Then I want the gentleman from Minnesota (Mr. GUTKNECHT) to kind of talk on these budget items.

The other thing we hear, and I hope we get some time to spend on it, is Medicare. I know a lot about Medicare because I interact with Medicare every day as a physician. I know the ins and outs of it. I know what is good about it and what is bad about it.

The one thing I want the American public to know is the Congress, regardless of its politics, regardless of the rhetoric, nobody in Washington wants to do anything except enhance the viability of Medicare.

What I want to do is go through the budget for 1999, which we are operating under right now. By the end of this year, the fiscal surplus on social security, the amount of money taken in versus the amount of money taken out, is expected to be $127 billion.

If the government would have exercised fiscal discipline, we would have saved $126 billion. That is where this red line is. But we did not. Last year in the omnibus appropriations bill this Congress, over the threat of a government shutdown, spent $15 billion above what the budget caps had said we would spend in 1997, an agreement that the President agreed to and the Congress agreed to. They did not keep it.

What happens? Instead of a $127 billion surplus, it became $111. Now the President wants to spend another $1 billion on foreign aid. That takes us down to $110 billion in terms of social security.

We have a chance to have a real surplus this year because the revenues coming to the Federal Government, as the gentleman from South Carolina said, are rising. Why are they rising? It is called bracket creep. As people make more money, they move into a higher tax bracket, so therefore, the government takes more of our money. They reward us for working harder and earning more by taking a lot of that money away. What happens is the revenues to the Federal Government grow.

If we take the President's budget, the Congressional Budget Office estimates there will be $138 billion more in social security coming in than is paid out. Our idea is to not spend any of that on anything but social security, to solve the problems associated with Medicare and social security; to not spend any of it, to save 100 percent of it.

If we reject what the Republican budget plan is, the Congressional Budget Office anticipates right now that we will spend at least $5 billion of that $138 billion, bringing us down to only taking $5 billion out of the social security trust fund. We will only have $133 billion.

If we take what the President has proposed under his budget proposal, we will take another $20 billion of that and spend it. Remember, we all agreed in 1997 that we are not going to spend above the caps. We already have $35 billion proposed spending above the caps.

Finally, if we take the President's plan of saving 62 percent of the social security fund and spending 38 percent on new spending, what we get down to is actually, by all his plans, down to somewhere around 57 or 58 percent he wants to save.

If something is wrong, it is wrong all the time. If it is wrong to take the social security trust fund, and what that means is lowering the standard of living for our children and grandchildren, and placing a tremendous increased burden on them from a tax standpoint, it is wrong now, it was wrong before, as we have seen from the gentleman from South Carolina's chart, and it is wrong for the future.

There is no way we will ever solve this problem until we start being honest about what the word "surplus" means, until we start being honest about the social security trust fund, and we start being honest about the problems coming up with Medicare.

Nobody is proposing that we spend this money on anything except social security. It is true that we will reduce external debt with that, but the total debt will not go up if we do not spend this money, so it is important that we have the restraint on spending.

I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding. I just want to read a couple of quotes.

In his 1998 State of the Union Address, President Clinton said, "Tonight I propose that we reserve 100 percent of the surplus, every penny of any surplus, until we have taken all the necessary measures to strengthen social security for the 21st century."

This year the President lowered the bar. This year he said, "I propose that we commit 62 percent of the budget surplus for the next 15 years to social security."

We took the President at his word. In the budget that we will debate tomorrow, the House Republican-passed budget will take 100 percent. That means that every single penny, for the first time I think perhaps in my lifetime, every penny of social security taxes will only go for social security.

What we will do with money that is not needed to pay those benefits is we will actually pay off some of the debt that is owed to the public.

□ 2215

The debt will still probably go up slightly.

Mr. COBURN. Mr. Speaker, let me ask a question because the assumption in the partisan nature of this place is, if we say that money in there is a real surplus, then automatically money is going to go out of Washington to give a tax cut to the rich.

Does the gentleman know anybody in Washington in any area that is proposing to do that?

Mr. GUTKNECHT. No, Mr. Speaker.

Mr. COBURN. Mr. Speaker, in fact what we will do is make a determination of where we need to use that money. If it is shoring up Medicare, we will use it for shoring up Medicare.

But I will remind the gentleman and the American people that we had a commission that gave great recommendations on Medicare and how to save it, and the President rejected his own commission on what to do.

I think the gentleman has some things that are very important for us in discussing that in his charts.

Mr. GUTKNECHT. But first, Mr. Speaker, I think we have to establish that our priorities are very clear in our budget. First and foremost, we need to solve that problem. If the gentleman will put that chart up with the blue and the red bars which demonstrates where we are headed with the Social Security Trust Fund, it demonstrates why it is so important that we begin as soon as we can to say that every penny of Social Security taxes will go only for Social Security. We are going to do that this year. That is the most important thing.

Now if we find out come later in the year that there is more revenue available, then we should allow some of the families to keep some of what they earn. I happen to believe that if we do start talking about tax relief as this process goes forward, I believe that the first and foremost tax we ought to solve is this marriage penalty tax.

Every year about 21 million American families pay a penalty for being married. They pay extra taxes to the tune of an average of about $1,200 per family just because they are married. That is my own personal opinion. That has nothing to do with the rich versus the poor. That has nothing to do, in my opinion, with right versus wrong.

But the gentleman asked about Social Security and Medicare. I might just point out we were talking earlier, and the gentleman from South Carolina I think will appreciate this particular chart and this quote. One of the things we believe long-term, I believe, is allowing individuals to take at least a portion of their FICA taxes and be able to invest for themselves in personalized retirement accounts and take advantage of what Einstein described as the most powerful force on earth, the magic of compound interest.

But I want to make it clear, the President has a slightly different scheme. What he wants to do is take taxpayer money and invest it directly in the stock market.

One of the people who has probably had more influence on fiscal policy, at least as it relates to the Federal Reserve and interest rates and all the things that have helped keep this economy strong, is a gentleman by the name of Alan Greenspan. I want to just read this quote and what he said about the President's scheme of investing taxpayer money without the permission of retirees directly in the stock market.

He said, and I quote, "Investing a portion of the Social Security Trust Fund assets in equities, as the administration and others have proposed, would arguably put at risk the efficiency of our capital markets and thus our economy. Even with Herculean efforts, I doubt if it would be feasible to insulate the trust funds from the political pressures." That is what Alan Greenspan said.

Mr. COBURN. Mr. Speaker, everybody up here knows that that would happen, that political pressure would decide what and how that money was invested.

Mr. GUTKNECHT. Mr. Speaker, I just want to make it clear, we look at this as a possibility in the future of allowing people to invest for themselves, where on the other side the administration is saying, "Well, we will invest it for you." With that we see all the political pressures and really the tremendous number of potential conflicts of interest.

I mean what would the government do if they were one of the largest investors in Microsoft, for example? Could they pursue the antitrust suit that they are doing right now, or any antitrust suit?

In fact, it is estimated that if we went ahead with the scheme that the President was talking about, that within 10 years the Federal Government could own as much as 25 percent of all the stocks on the New York Stock Exchange, and we become more than the 800-pound gorilla. It is more like the 5,000-pound gorilla on Wall Street.

Mr. SANFORD. Mr. Speaker, if the gentleman from Oklahoma (Mr. COBURN) will yield, I would just pick up where the gentleman from Minnesota leaves off now.

I think Alan Greenspan very correctly pointed out the dangers in collective investment. It sounds good, it sounds alluring, and that is, let us send all the money to Washington, let the experts take care of it.

But there are real dangers that come with that idea. This other idea, again we are talking about a gradual shift in that direction. It would take time. It is going to take a lot of debate in this place. But the idea of allowing people to invest a portion of their payroll tax in their own personal account does take advantage of this powerful compound interest and takes advantage of it in, I think, a special way that was highlighted in the Washington Post today.

In the Metro section of today's Washington Post, there is an article entitled, the "Munificence of an Unusual Millionaire". If I may, I would like to read just the first couple of paragraphs of this article.

> Karl H. Hagen lived modestly and alone for much of his life, in his family's decaying farmhouse in Suitland. For 36 years, he worked for the Potomac Electric Power Co., painting signs and fences and doing other maintenance jobs.
>
> He did indulge in a few passions, however, including travel, watercolor painting, reading, ballroom dancing, and investing in stocks and bonds.
>
> The latter paid off in a big way.
>
> Hagen, whose clothes came from thrift shops and who looked to acquaintances as though he might be homeless, managed to amass a fortune of about $3 million. When he died of a stroke last Thursday at the age of 89, he left his estate to three institutions that had earned his admiration: . . . Johns Hopkins University, the National Air and Space Museum and National Geographic Society.

I think that that says a lot about this simple thing of compound interest so well highlighted in today's Washington Post on the front page of the Metro section.

Mr. COBURN. Mr. Speaker, what we are going to hear tomorrow, too, I think that is important in terms of Medicare, is that they want to take 15 percent of Social Security money and shift it over to Medicare. That may or may not be a good idea, but if we are going to preserve Social Security, the one way to do it is not to spend Social Security money on Medicare, because all we are going to do is undermine Social Security even further.

President Clinton's own chairman, Senator BREAUX, had this quote from the Wall Street Journal on March 12. "I think what we have on the table is a classic Clinton New Democrat reform, but there are entrenched people within the White House who do not want any change."

The fact is, if we are going to save Medicare, it is going to have to have some change. Politicians generally worry about changing something as important as Medicare. It takes real courage to solve the Medicare problem. But we have to change it if we are going to solve it. We can not solve it, and we can do the same thing to our children on Medicare as we have done on Social Security, and that is steal the money from somewhere else and then raise their taxes in the future.

Mr. Speaker, I just yield to the gentleman from Minnesota (Mr. GUTKNECHT) on that point. I think he has a chart that talks about the amount of money that can be saved if we fiscally restrain spending.

Mr. GUTKNECHT. Mr. Speaker, I would just point out a couple of charts, because there is going to be, I suspect, a rather heated debate tomorrow and for the next several weeks about who is doing a better job of saving Medicare and Social Security.

I think the numbers do speak for themselves. This is a chart, and again, these are not our numbers. These numbers actually are generated by the Congressional Budget Office. But it shows that over the next 10 years we are going to save $1.8 trillion for Medicare. The Clinton plan, which is rather complicated and difficult to explain, will save about $1.65 trillion over that period. There is a big difference.

Mr. COBURN. Mr. Speaker, the difference is $150 billion.

Mr. GUTKNECHT. Exactly. Mr. Speaker, that is a lot of money even around here.

Mr. COBURN. Right.

Mr. GUTKNECHT. Mr. Speaker, let me point out, though, what some of the Congressional Budget Office people and what the Office of Management and Budget also said. They did not actually use the term "irresponsible". I want to show this article which appeared in the Washington Post last week, and they were both very, very critical of the Clinton plan. Basically, they described it as sort of a smoke and mirrors type plan.

Frankly, even the chairman and many of the Democrats who either served on or were very involved in the Medicare Commission essentially came to the same conclusion, that what the President was really proposing was nothing. He was proposing taking more general fund revenues to try and supplement Medicare, when really what we need with Medicare is not necessarily just more money. We need real reforms. We need to get under the hood, as Ross Perot used to say, and really fix this thing.

By doing what the President was doing, it was called irresponsible because it really, in some respects, only makes the problem worse over the long-term.

So I think we are going to have a good and healthy and heated debate about Medicare, but it is important to see what some experts have said. It is not just us. As I say, it is the Congressional Budget Office. It is OMB. It is columnist David Broder.

He wrote a column last week. It appeared in Sunday's Washington Post. The headline was "Medicare: Another Clinton failure?"

As we look through his plan, and it is described in detail here, and if people would like a copy, we can certainly make certain they can get a copy of it, but there have been many people who have studied the Clinton plan and they say this is a joke, and unfortunately it is kind of a sad joke for American seniors.

Mr. COBURN. Mr. Speaker, one of the things I do with my seniors who are on Medicare, I have actually asked them this at home when the President started talking about a drug benefit, we are talking about here we go again, politicians adding a benefit to a program that we cannot afford now. When we ask the seniors, "Do you want to increase the benefits associated with Medicare, and the way we are going to pay it is we are taking it away from your grandchildren," they uniformly say no.

But they also will say, "If you will spend wiser in Washington, maybe you can do more for me, because I am struggling." But they do not want their children and their grandchildren to have to pay for it.

So I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from South Carolina (Mr. SANFORD) for being here tonight. My purpose is not partisanship. My purpose is to make sure the American public knows that there are some of us here that are going to honestly talk about what the numbers are, honestly talk about being critical of both Republicans and Democrats in the past in terms of the mistakes that have been made that have been politically expedient.

I want to close this tonight with a statement that Martin Luther King said in his last speech in the Washington Cathedral not long before he was assassinated. What he said was is that "Vanity asked the question, is it popular? And cowardice asked the question, is it expedient? But conscience asked the question, is it right?"

The gentleman related to something, right versus wrong. For too long Washington has been asking the wrong question. What they have been saying is, is it popular, and is it expedient for my political career, versus is it right for our country, right for the future generation and the following?

I hope the Congress will have the courage to do what is right rather than what is expedient and what is popular. That is what we are sent up here to do.

RECOGNIZING THE ACHIEVEMENTS OF WOMEN OF COLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from California (Ms. LEE) for organizing the special order that was supposed to be on women's history, although it had been altered.

I would just like to offer my remarks for this evening. Let me also add that the gentlewoman from California (Ms. LEE) has certainly put her stamp on history through her outstanding work here in the House of Representatives and being the first African American woman to be elected to her district.

It is fitting indeed that we honor the achievements of women of color, who for too long were neglected in our Nation's history. In recent years, it has been exciting to watch school children learn about African American women of strength, courage, and dignity who shaped the course of history.

We can point with pride to women like Harriet Tubman who secretly guided over 300 slaves to freedom on the "Underground Railroad." She spent time working in my home State of New Jersey at Cape May between 1849 and 1852.

We honor the legacy of Sojourner Truth, who was freed from slavery by the New York State Emancipation Act of 1827, became famous in her lifetime as a preacher and abolitionist and lecturer. When war broke out, she raised money to buy gifts for the soldiers and went into Army camps and distributed them by herself.

We recall the contributions of Mary McLeod Bethune, who built Bethune-Cookman College in Florida and founded the National Council of Negro Women. She was the first black woman to receive a major appointment in the Federal Government.

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She served as an adviser to President Franklin Roosevelt and to President Truman.

There have been so many remarkable women of color that it is impossible to pay tribute to all of them tonight. We have all had the opportunity to meet women who were personal heroines in our own lives, and I would like to pay tribute to three women who have had the greatest impact on my early life, African American women who have made a direct contribution to my growth and development. And these three women, other than my late mother and grandmother, have had a tremendous impact on my development.

The first one I would like to mention is Mrs. Madeline Williams, who was an adviser of the NAACP Youth Councils and College Chapter of the Oranges and Maplewood in New Jersey. When I was invited to join the NAACP as a college student she provided the opportunity for young people to become involved in civic activities and public service. She helped me develop an interest in civil rights at a time in history when we were all moved to become involved. I remain grateful to her for giving me the opportunity to become involved in civil rights and government affairs.

Another great woman who exerted an enormous positive influence on my life was Mrs. Mary Burch, founder of a group called The Leaguers, which helped young people from the inner city to become more involved in their activities in their cities.

Belonging to the Leaguers opened up a whole new world for young people like myself, a world from which we otherwise would have been excluded. Never before had we been able to have the opportunity to wear formal attire when I was a young boy; to learn the waltz and to attend cotillion dances in a ballroom. It was an uplifting experience which taught us about social graces and made us feel special.

The Leaguers sponsored many innovative programs. I recall as a teenager my excitement over my first real trip as a high school student away from home, to visit Philadelphia, through a Leaguer exchange program. Later, the student I visited, Joe Wade, stayed at my home in Newark. Forging friendships and relationships with young people from different cities was exciting, it was novel, and it was a great experience. This year we are celebrating the 50th anniversary of the founding of the Leaguers.

Finally, let me just mention another exceptional woman from New Jersey whom I was pleased to join at a celebration recently at her hundredth birthday at the YWCA in Montclair last week, and that is Mrs. Hortense Tate. Her career spanned seven decades of service through education as a teacher and guidance counselor, the enrichment and development of young women through the Montclair YWCA and the AKA sorority, and over 70 years of service to her church.

When I was a young teacher at Robert Treat School in 1957, Mrs. Tate guided me and inspired me. She comes from an outstanding family; her father worked his way up from a blue collar job to become a principal of an African American school in Topeka, Kansas. As we all know, the 1954 Supreme Court case was based on the Topeka Board of Education that said separate but equal is unconstitutional. He was acquainted with Booker T. Washington and George Washington Carver.

Mrs. Tate entertained Mary McLeod Bethune and Dorothy Height. Her son, Herb Tate, was a distinguished foreign diplomat, and her grandson, Herbert H. Tate, Junior, is President of the State of New Jersey Board of Public Utilities.

Mr. Speaker, I know my colleagues join me in honoring these women of achievement who have, as the theme of this Women's History Month goes, "put their stamp on America." I am so pleased to have the chance to express my personal gratitude and admiration for women who have meant so much to me throughout my life. I would not be here if it were not for the faith, confidence and direction that these persons have had on my life.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for Wednesday, March 24th, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OLVER) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, today and on March 25.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, on March 25.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, on March 25.

Mr. CUNNINGHAM, for 5 minutes, on March 25.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 437. An act to designate the United States courthouse under construction at 333

Las Vegas Boulevard South in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse" to the Committee on Transportation and Infrastructure.

S. 460. An act to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse"; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, March 25, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1246. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Recourse Loan Regulations for Mohair (RIN: 0560–AF63) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1247. A letter from the Assistant Secretary for Postsecondary Education, Department of Education, transmitting Final regulations—Graduate Assistance in the Areas of National Need, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1248. A letter from the Secretary of Education, transmitting Final Regulations—Assistance to States for the Education of children with Disabilities and the Early Intervention Program for Infants and Toddlers with Disabilities, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1249. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education. Notice of final priorities and invitation for applications for new awards for fiscal year (FY) 1999—received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1250. A letter from the Secretary of Health and Human Services, transmitting the 1998 annual report on the Loan Repayment Program for Research Generally, pursuant to 42 U.S.C. 2541—1(i); to the Committee on Commerce.

1251. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Criteria and Procedures for DOE Contractor Employee Protection Program; Department of Energy Acquisition Regulations (RIN: 1901–AA78) received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1252. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Regulation; Department of Energy Management and Operating Contracts and Other Designated Contracts; Final Rule—received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1253. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Augusta, Wisconsin) [MM Docket No. 98–234, RM–9324] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1254. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Knox City, Texas) [MM Docket No. 98–236, RM–9344] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1255. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amdendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Healdton, Oklahoma and Krum, Texas) [MM Docket No. 98–50; RM–9247] Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pauls Valley and Healdton, Oklahoma) [MM Docket No. 98–75; RM–9264] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1256. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Manhattan, Montana) [MM Docket No. 98–233 RM–9316] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1257. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—List of Drug Products That Have Been Withdrawn or Removed From the Market for Reasons of Safety or Effectiveness [Docket No. 98N–0655] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1258. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—Standard Review Plan on Foreign Ownership, Control, or Domination—received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1259. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

1260. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1261. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1262. A letter from the Director, Selective Service, transmitting Activities under the Freedom of Information Act for calendar year 1998, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

1263. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting a report on the activities of the Northwest Atlantic Fisheries Organization for 1998; to the Committee on Resources.

1264. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 961204340–7087–02; I.D. 031299A] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1265. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S–76C Helicopters [Docket No. 99–SW–22–AD; Amendment 39–11083; AD 99–07–01] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1266. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–5 Series Turbofan Engines [Docket No. 98–ANE-56–AD; Amendment 39–11079; AD 99–06–16] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1267. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 MK1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 98–CE–92–AD; Amendment 39–11075; AD 99–06–11] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1268. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. (Agusta) Model A109E Helicopters [Docket No. 99–SW–10–AD; Amendment 39–11080; AD 99–03–10] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1269. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400, -400D, and -400F Series Airplanes [Docket No. 96–NM-171–AD; Amendment 39–11082; AD 99–06–18] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1270. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Change of Using Agency for Prohibited Area P–56, District of Columbia [Airspace Docket No. 98–AWA–4] (RIN: 2120–AA66) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1271. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace and Modification of Class

E Airspace; Bozeman, MT [Airspace Docket No. 98–ANM–19] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1272. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Modification to the Gulf of Mexico High Offshore Airspace Area [Airspace Docket No. 97–ASW–24] (RIN: 2120–AA66) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1273. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–198–AD; Amendment 39–11078; AD 99–06–14] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1274. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 98–CE–102–AD; Amendment 39–11076; AD 99–06–12] (RIN: 2120–AA64) received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1275. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Revision of Class D Airspace; Torrance, CA [Airspace Docket No. 98–AWP–34] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1276. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Alliance, NE [Airspace Docket No. 98–ACE–54] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1277. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Alliance, NE [Airspace Docket No. 98–ACE–54] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1278. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29487; Amdt. No. 1919] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1279. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29488; Amdt. No. 1920] received March 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1280. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of fringe benefits [Rev. Rul. 99–12] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1281. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 99–17] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 131. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States government for fiscal year 2000 and setting forth appropriate budgetary levels for each of the fiscal years 2001 through 2009 (Rept. 106–77). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAXTON:

H.R. 1243. A bill to reauthorize the National Marine Sanctuaries Act; to the Committee on Resources.

By Mr. CRANE (for himself, Mr. DOOLEY of California, Mr. MANZULLO, Mr. ARCHER, Mr. BEREUTER, Mr. ROYCE, Mr. SALMON, Mr. CLEMENT, Mr. HOUGHTON, Mr. CAMPBELL, Mr. BRADY of Texas, Mr. RANGEL, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. MCCRERY, Ms. DUNN, Mr. JEFFERSON, Mr. PORTMAN, Mr. ENGLISH, Mr. WATKINS, Mr. STENHOLM, Mr. BOUCHER, Mr. DREIER, Mr. PRICE of North Carolina, Mr. BLILEY, Mr. MORAN of Virginia, Mr. OXLEY, Mr. MINGE, Mr. KOLBE, Mr. POMEROY, Mr. CALLAHAN, Mr. LUTHER, Mr. EWING, Mr. BLUMENAUER, Mr. BOEHNER, Ms. LOFGREN, Mr. MCINTOSH, Mr. DAVIS of Florida, Mr. HASTINGS of Washington, Mr. JOHN, Mr. NETHERCUTT, Mr. SNYDER, Mr. SESSIONS, Mr. SMITH of Washington, Mr. SHIMKUS, Mrs. TAUSCHER, Mr. REYNOLDS, Mr. SHOWS, Mr. KUYKENDALL, Mrs. NAPOLITANO, Mr. BAIRD, Mr. SKELTON, Mrs. BIGGERT, Mr. RAMSTAD, and Mr. MORAN of Kansas):

H.R. 1244. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 1245. A bill to amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Ms. PRYCE of Ohio, Ms. NORTON, Mrs. ROUKEMA, Mr. ABERCROMBIE, Mr. ALLEN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CUMMINGS, Ms. DUNN, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Ms. MCKINNEY, Mr. FARR of California, Mr. FILNER, Mr. FROST, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mrs. MORELLA, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. SHOWS, Ms. STABENOW, Mrs. THURMAN, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. VENTO, Mr. VISCLOSKY, Ms. WOOLSEY, Mr. WYNN, and Mr. GALLEGLY):

H.R. 1246. A bill to create a National Museum of Women's History Advisory Committee; to the Committee on Resources.

By Mr. STUMP (for himself and Mr. EVANS):

H.R. 1247. A bill to expand the fund raising authorities of the American Battle Monuments Commission to expedite the establishment of the World War II memorial in the District of Columbia and to ensure adequate funds for the repair and long-term maintenance of the memorial, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MORELLA (for herself, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mrs. MALONEY of New York, Ms. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHOWS, Mrs. MYRICK, Mr. SHAYS, Mrs. WILSON, Ms. MCKINNEY, Mr. MATSUI, Mr. MCNULTY, Mr. ETHERIDGE, Ms. BERKLEY, Ms. LOFGREN, Mrs. JONES of Ohio, Mr. BOUCHER, Mrs. BIGGERT, Ms. DEGETTE, Mr. INSLEE, Ms. DANNER, Mr. LEACH, Mr. RANGEL, Mrs. CUBIN, Mrs. FOWLER, Mr. GILMAN, Ms. NORTON, Mr. LANTOS, Mr. WAXMAN, and Ms. GRANGER):

H.R. 1248. A bill to prevent violence against women; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. LINDER, Mr. CHAMBLISS, Mr. LEWIS of Georgia, Mr. BISHOP, Mr. KINGSTON, Mr. COLLINS, Ms. MCKINNEY, and Mr. ISAKSON):

H.R. 1249. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. LAFALCE (for himself, Mr. CONYERS, Mr. METCALF, Mr. BALDACCI, Mr. HOUGHTON, Mr. HINCHEY, Mr. PICKETT, Mr. ENGLISH, Ms. LEE, Mr. PASTOR, Mr. RODRIGUEZ, Mr. DAVIS of Florida, Mr. STUPAK, Mr. HOLDEN, and Mrs. MINK of Hawaii):

H.R. 1250. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 1251. A bill to designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the "Noal Cushing Bateman Post Office Building"; to the Committee on Government Reform.

By Mr. ENGLISH (for himself, Mr. Traficant, and Mr. Peterson of Pennsylvania):

H.R. 1252. A bill to amend the Transportation Equity Act for the 21st Century to repeal the Interstate System Reconstruction and Rehabilitation Pilot Program; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH (for himself, Mr. Crane, Mr. Ramstad, and Mrs. Johnson of Connecticut):

H.R. 1253. A bill to amend the Internal Revenue Code of 1986 to restrict the use of tax-exempt financing by governmentally owned electric utilities and to subject certain activities of such utilities to income tax; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Houghton, and Mr. McInnis):

H.R. 1254. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refund of up to 5 percent of the income tax otherwise payable for taxable year 1999; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. Clement, Mr. Tanner, and Mr. Jenkins):

H.R. 1255. A bill to amend the Appalachian Regional Development Act of 1965 to add Hickman, Lawrence, Lewis, Perry, and Wayne Counties, Tennessee, to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. FOSSELLA (for himself and Mr. Menendez):

H.R. 1256. A bill to amend the Securities Exchange Act of 1934 to provide for an annual limit on the amount of certain fees which may be collected by the Securities and Exchange Commission; to the Committee on Commerce.

By Mr. FROST:

H.R. 1257. A bill to amend title 49, United States Code, relating to continuation of operating assistance for small transit operators in large urbanized areas; to the Committee on Transportation and Infrastructure.

By Mr. HANSEN (for himself, Mr. Young of Alaska, Mr. Hill of Montana, Mrs. Chenoweth, Mr. Radanovich, Mr. Salmon, Mr. Stump, Mr. Hefley, Mr. Gibbons, Mr. Shadegg, Mr. Simpson, Mr. Pombo, Mr. Hunter, Mr. Hayworth, Mr. Calvert, Mr. Peterson of Pennsylvania, Mr. McInnis, and Mr. Rohrabacher):

H.R. 1258. A bill to accelerate the Wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal Lands; to the Committee on Resources.

By Mr. HERGER (for himself, Mr. Shaw, Mr. Crane, Mr. Thomas, Mr. Houghton, Mr. Archer, Mr. McCrery, Mr. Ramstad, Mr. Nussle, Mr. Sam Johnson of Texas, Ms. Dunn, Mr. Portman, Mr. English, Mr. Watkins, Mr. Hayworth, Mr. Weller, Mr. Hulshof, Mr. McInnis, Mr. Lewis of Kentucky, and Mr. Bilbray):

H.R. 1259. A bill to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BORSKI (for himself and Mr. Oberstar):

H.R. 1260. A bill to amend the Internal Revenue Code of 1986 to repeal the harbor maintenance tax and to amend the Water Resources Development Act of 1986 to authorize appropriations for activities formerly funded with revenues from the Harbor Maintenance Trust Fund; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOBSON (for himself, Mr. Kasich, Mr. Greenwood, Mrs. Johnson of Connecticut, Ms. Pryce of Ohio, and Mr. Sawyer):

H.R. 1261. A bill to amend the Internal Revenue Code of 1986 and title XIX of the Social Security Act to promote the purchase of private long-term care insurance by providing tax deductibility, State Medicaid flexibility, and information dissemination; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 1262. A bill to provide that existing facilities located on the Pentwater River in Michigan, are not required to be licensed by the Federal Energy Regulatory Commission under part 1 of the Federal Power Act; to the Committee on Commerce.

By Mr. HOEKSTRA (for himself, Mr. Sessions, Mr. Cunningham, Mr. Coburn, Mr. Kolbe, Mr. Brady of Texas, Mrs. Myrick, Mr. Camp, Mr. Barr of Georgia, Mrs. Chenoweth, Mr. Schaffer, and Mr. Sanford):

H.R. 1263. A bill to require the Federal Government to disclose to Federal employees on each paycheck the Government's share of taxes for old-age, survivors, and disability insurance and for hospital insurance of the employee, and the Government's total payroll allocation for the employee; to the Committee on Government Reform.

By Mr. HOEKSTRA (for himself, Mr. Sessions, Mr. Cunningham, Mr. Coburn, Mr. Kolbe, Mr. Brady of Texas, Mrs. Myrick, Mr. Barr of Georgia, Mrs. Chenoweth, Mr. Schaffer, and Mr. Sanford):

H.R. 1264. A bill to amend the Internal Revenue Code of 1986 to require that each employer show on the W–2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Brown of California, Mr. Costello, Mr. Rangel, Mr. Scott, Mrs. Meek of Florida, Ms. Lee, Mrs. Jones of Ohio, Ms. Carson, Mr. Owens, Mr. Jefferson, Ms. Brown of Florida, Mr. Hilliard, Ms. Jackson-Lee of Texas, Ms. Kilpatrick, Mr. Watt of North Carolina, Mr. Clyburn, Mr. Ford, Mr. Rush, Mr. Meeks of New York, Ms. Waters, Mr. Wynn, Mr. Davis of Illinois, Mr. Cummings, Ms. Norton, Mr. Payne, Mr. Traficant, Ms. McKinney, Mr. Hastings of Florida, Mr. Gordon, Mr. Etheridge, Mr. Larson, Ms. Woolsey, Mr. Lampson, Mr. Frost, Ms. Stabenow, Mr. Weiner, Mr. Turner, Mr. Udall of Colorado, Mr. Rodriguez, Mr. Bentsen, Mr. Sandlin, Mr. Green of Texas, Mr. Towns, Mr. Hinojosa, Mr. Ortiz, Mr. Clay, Mr. Bishop, Mrs. Christensen, Mrs. Clayton, Mr. Dixon, Mr. Fattah, and Ms. Millender-McDonald):

H.R. 1265. A bill to develop a demonstration project through the National Science Foundation to encourage interest in the fields of mathematics, science, and information technology; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 1266. A bill to authorize appropriations for the payment of United States arrearages to the United Nations; to the Committee on International Relations.

By Ms. LOFGREN:

H.R. 1267. A bill to provide grants to local educational agencies that agree to begin school for secondary students after 9:00 in the morning; to the Committee on Education and the Workforce.

By Mr. GARY MILLER of California:

H.R. 1268. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest such trust funds in marketable obligations of the United States; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself and Mr. DeFazio):

H.R. 1269. A bill to amend the Federal Oil and Gas Royalty Management Act of 1982 to strengthen sanctions for violations of that Act relating to oil or gas royalties; to the Committee on Resources.

By Mr. MINGE:

H.R. 1270. A bill to authorize States and political subdivisions of States to control the management of municipal solid waste generated within their jurisdictions, and to exempt States and political subdivisions of States from civil liability with respect to the good faith passage, implementation, and enforcement of flow control ordinances; to the Committee on Commerce.

By Ms. NORTON:

H.R. 1271. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NUSSLE:

H.R. 1272. A bill to amend the Individuals with Disabilities Education Act to allow State educational agencies and local educational agencies to establish and implement uniform policies with respect to discipline and order applicable to all children within their jurisdiction to ensure safety and an appropriate educational atmosphere in their schools; to the Committee on Education and the Workforce.

By Mr. OXLEY (for himself and Mr. Hall of Texas):

H.R. 1273. A bill to require the Federal Communications Commission to repeal unconstitutional reporting and recordkeeping requirements, and for other purposes; to the Committee on Commerce.

By Ms. PELOSI (for herself, Mr. RANGEL, Ms. ESHOO, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MATSUI, and Ms. WOOLSEY):

H.R. 1274. A bill to amend the Internal Revenue Code of 1986 to provide a credit for medical research related to developing vaccines against widespread diseases; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 1275. A bill to amend the Animal Welfare Act to prohibit the interstate movement of live birds for the purpose of having the birds participate in animal fighting; to the Committee on Agriculture.

By Ms. ROYBAL-ALLARD (for herself, Mr. LUTHER, Mr. SHOWS, Mr. GREEN of Texas, Mr. PASTOR, Mr. BROWN of California, Ms. LEE, Mr. STARK, Mr. DAVIS of Illinois, Mr. FILNER, Mr. DIXON, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. HINCHEY, and Ms. WOOLSEY):

H.R. 1276. A bill to amend the Truth in Lending Act to protect consumers from certain unreasonable practices of creditors which result in higher fees or rates of interest for credit cardholders, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SANDERS:

H.R. 1277. A bill to amend the National Labor Relations Act, to establish the National Public Employment Relations Commission, and to amend title I of the Employment Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. SMITH of Washington:

H.R. 1278. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the estate tax deduction for family-owned business interests; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi:

H.R. 1279. A bill to designate the Federal building and United States post office located at 223 Sharkey Street in Clarksdale, Mississippi, as the "Aaron E. Henry Federal Building and United States Post Office"; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 1280. A bill to require the Consumer Product Safety Commission to ban toys which in size, shape, or overall appearance resemble real handguns; to the Committee on Commerce.

By Mrs. MALONEY of New York:

H.J. Res. 41. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself and Mr. METCALF):

H.J. Res. 42. A joint resolution to amend the War Powers Resolution; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. GILMAN, Mr. TRAFICANT, Mr. ENGLISH, Mr. BACHUS, Mr. BARR of Georgia, Mr. DOOLITTLE, Mr. HUNTER, and Mr. BURTON of Indiana):

H.J. Res. 43. A joint resolution disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1999; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself and Mr. NETHERCUTT):

H. Con. Res. 69. A concurrent resolution expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes; to the Committee on International Relations.

By Mr. BONILLA (for himself, Mr. ORTIZ, Mr. REYES, Mr. SKEEN, Mr. HINOJOSA, Mr. BILBRAY, Mr. PASTOR, Mr. KOLBE, and Mr. RODRIGUEZ):

H. Con. Res. 70. A concurrent resolution expressing the sense of the Congress that there should be parity among the countries that are parties to the North American Free Trade Agreement (NAFTA) with respect to the personal allowance for duty-free merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H. Con. Res. 71. A concurrent resolution expressing the sense of Congress that State and local governments and local educational agencies are encouraged to dedicate a day of learning to the study and understanding of the Declaration of Independence, the United States Constitution, and the Federalist Papers; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Con. Res. 72. A concurrent resolution providing support to the United States Armed Forces in their efforts to halt the brutal ethnic cleansing of Kosovar Albanians; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H. Con. Res. 73. A concurrent resolution expressing the sense of Congress that secondary schools should consider starting school after 9:00 in the morning; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mr. BARRETT of Wisconsin, Ms. DEGETTE, Ms. ESHOO, Mr. GUTIERREZ, Ms. LEE, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. TIERNEY, and Ms. WOOLSEY):

H. Con. Res. 74. A concurrent resolution expressing the sense of the Congress regarding maintenance of the nuclear weapons stockpile; to the Committee on Armed Services.

By Mr. PAYNE (for himself, Mr. WOLF, Mr. GILMAN, Ms. LEE, Mr. KILDEE, Ms. NORTON, Mrs. MEEK of Florida, Mr. TANCREDO, Mr. DAVIS of Illinois, Mr. WYNN, Mr. UPTON, Mr. LEWIS of Georgia, Mr. KING, Mr. ROHRABACHER, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. DOYLE, Mr. TRAFICANT, Mr. BROWN of Ohio, Mr. ABERCROMBIE, Mr. FROST, and Mr. CANADY of Florida):

H. Con. Res. 75. A concurrent resolution condemning the National Islamic Front (NIF) government for its genocidal war in southern Sudan, support for terrorism, and continued human rights violations, and for other purposes; to the Committee on International Relations.

By Mr. SALMON:

H. Con. Res. 76. A concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it; to the Committee on Education and the Workforce.

By Mr. SHOWS (for himself, Mr. LAMPSON, Ms. BERKLEY, Mr. SISISKY, Mr. ETHERIDGE, Mr. MOORE, Mr. LAHOOD, Mr. GOODE, Mr. SANDLIN, Mr. HOLDEN, Mr. MALONEY of Connecticut, Ms. DANNER, Mr. TAYLOR of Mississippi, Mr. BALDACCI, Ms. DELAURO, Mr. KENNEDY of Rhode Island, Mr. ENGLISH, Mr. MCGOVERN, Mr. OLVER, Mr. PICKERING, Mr. DINGELL, Mr. FROST, Mr. BLILEY, Mr. COSTELLO, Mr. SHERMAN, Mr. CLEMENT, Mr. SPRATT, Mr. GUTIERREZ, Mr. DOYLE, Mr. FILNER, Ms. LOFGREN, Mr. THOMPSON of California, Mr. BUYER, Mr. STENHOLM, Mr. QUINN, Mr. ROMERO-BARCELO, Mr. GREEN of Texas, Mr. BERMAN, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. LIPINSKI, Mr. GREEN of Wisconsin, Mr. LEWIS of Georgia, Mr. BARR of Georgia, Mr. HILL of Indiana, Mr. HINCHEY, Ms. KILPATRICK, and Ms. MCKINNEY):

H. Con. Res. 77. A concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; to the Committee on Government Reform.

By Mr. COX (for himself and Mr. DICKS):

H. Res. 129. A resolution extending the Select Committee on U.S. National Security and Military/Commercial Concerns With the People's Republic of China; to the Committee on Rules.

By Mr. SPENCE:

H. Res. 130. A resolution expressing the support of the House of Representatives for the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia; considered and agreed to.

By Mr. GEJDENSON:

H. Res. 132. A resolution expressing the support of the House of Representatives for the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. Foley.

H.R. 52: Mr. Brady of Pennsylvania, Mr. Mascara, Mr. English, Mr. Doyle, Mr. Murtha, Mr. McNulty, Mr. Meehan, Mr. LaFalce, Mr. Crane, Mr. Gutierrez, Mr. Frost, Mr. Engel, Mr. Underwood, Mr. Stark, Mr. Abercrombie, Mr. King, Mr. Hoeffel, Mr. Holden, Mr. Baldacci, Ms. Pelosi, Mr. LoBiondo, Mr. Tierney, Mr. Green of Texas, Mr. Dingell, Mr. Serrano, Ms. Lee, Mr. Lampson, Mr. Coyne, Mr. Davis of Illinois, Mr. Borski, Mrs. Christensen, Mr. Kanjorski, Mr. Greenwood, Ms. Sanchez, Mr. Bass, Mr. Dixon, Mr. George Miller of California, Mr. McGovern, Mr. Jefferson, Mr. Goodling, and Mr. Farr of California.

H.R. 66: Ms. Berkley and Mr. Bilbray.

H.R. 82: Mr. Forbes and Mr. Canady of Florida.

H.R. 86: Mr. Callahan, Mr. Shows, Mr. Barrett of Nebraska, and Mr. Ballenger.

H.R. 110: Mr. Bonior, Mr. Dicks, Mr. Engle, Mr. Pallone, Mr. Pomeroy, Mr. DeFazio, Mr. Boyd, Mr. Borski, and Mr. Kennedy of Rhode Island.

H.R. 133: Mr. LoBiondo, Mr. Rothman, Mr. Gary Miller of California, and Mr. Green of Wisconsin.

H.R. 150: Mr. Gary Miller of California.

H.R. 170: Mr. Clyburn, Mr. Lipinski, Mr. Engel, Mr. Cummings, Mr. Sherman, and Mr. Dixon.

H.R. 218: Mr. Bartlett of Maryland, Mr. Watkins, Mr. Saxton, Mr. Wamp, and Mr. Spence.

H.R. 325: Mr. Allen, Mrs. Maloney of New York, Ms. McKinney, and Mr. Thompson of Mississippi.

H.R. 347: Mr. Spence.

H.R. 355: Mr. Goodling, Mr. Forbes, Ms. Kilpatrick, Mr. Meeks of New York, and Ms. McKinney.

H.R. 371: Mr. Moran of Virginia and Mr. Obey.

H.R. 407: Mr. Rahall, Mr. Hilleary, and Mr. Stump.

H.R. 423: Mr. Hill of Montana.

H.R. 443: Mr. Kennedy of Rhode Island, Mr. Capuano, Mr. Evans, and Ms. Lofgren.

H.R. 461: Mr. Pickering.

H.R. 488: Mr. Pallone.

H.R. 491: Mr. Kleczka.

H.R. 500: Mr. Bonilla.

H.R. 501: Ms. Jackson-Lee of Texas, Ms. Pryce of Ohio, and Mr. Inslee.

H.R. 523: Mr. Pascrell.

H.R. 528: Mr. Schaffer.

H.R. 534: Ms. Jackson-Lee of Texas.

H.R. 573: Mr. Larson, Mr. Dicks, Mr. Farr of California, Mr. Barcia, Mr. Doyle, Mr. Markey, Mr. Hastert, Mr. Lucas of Kentucky, Mr. Martinez, Mr. Moakley, Mr. Stenholm, Mr. Wu, Mr. Becerra, Mr. Burr of North Carolina, Mr. Hinojosa, Mr. Kleczka, Mr. Klink, Mr. Murtha, Mr. Matsui, Mr. Baird, Mr. Luther, Mr. Diaz-Balart, Mr. Mollohan, Mr. Foley, Mr. English, Mr. Doggett, Mr. Gilchrest, Mr. Hansen, and Mr. Canady of Florida.

H.R. 574: Mr. Metcalf

H.R. 580: Mr. Rangel.

H.R. 584: Mr. Gutknecht.

H.R. 590: Mr. Schaffer.

H.R. 610: Mrs. Tauscher.

H.R. 612: Mr. Bonior and Mr. Farr of California.

H.R. 614: Mr. Ganske.

H.R. 625: Mr. Evans.

H.R. 670: Mr. Hulshof and Mr. Bass.

H.R. 691: Ms. Kilpatrick.

H.R. 692: Mr. Talent.

H.R. 693: Mr. Hulshof.

H.R. 697: Mr. Linder, Mr. Dickey, Mr. Ryun of Kansas, Mr. Jones of North Carolina, and Mr. Gary Miller of California.

H.R. 719: Mr. Gilchrest.

H.R. 732: Mr. Boucher, Mr. Phelps, Mr. Hoeffel, Mr. Evans, Mr. Engel, Mr. Nadler, Mr. Hinchey, Mr. Udall of Colorado, and Mr. Lipinski.

H.R. 741: Mr. Gary Miller of California.

H.R. 746: Mr. Kleczka.

H.R. 750: Mrs. Tauscher.

H.R. 765: Mr. Sessions, Mr. Stump, Mr. Pickering, Mr. Traficant, Mr. Nethercutt, Mr. Etheridge, and Mr. Blumenauer.

H.R. 766: Mr. Nussle.

H.R. 772: Mr. Green of Texas, Mr. Dixon, and Ms. Velázquez.

H.R. 789: Mr. Hinchey.

H.R. 797: Mr. Frost.

H.R. 798: Ms. Lofgren, Ms. Carson, Mr. Capuano, and Mr. Martinez.

H.R. 815: Mr. Aderholt.

H.R. 832: Mrs. Lowey.

H.R. 833: Mr. Burr of North Carolina, Mr. Ney, and Mr. Sandlin.

H.R. 846: Ms. Berkley.

H.R. 847: Mrs. Mink of Hawaii, Mrs. Thurman, Mr. Frost, and Mr. Thompson of Mississippi.

H.R. 851: Mr. Dickey, Mr. Moore, Mr. Petri, Mr. Ney, Mr. Burton of Indiana, Mr. Calvert, Mr. Young of Alaska, Mr. Thompson of California, Mr. Aderholt, Mr. Minge, Mr. Traficant, and Mr. Hinchey.

H.R. 860: Mr. Hastings of Florida and Ms. Schakowsky.

H.R. 870: Mr. Wicker.

H.R. 894: Mr. Lewis of Kentucky.

H.R. 922: Mr. Largent, Mr. Paul, Mr. Forbes, and Mr. Nussle.

H.R. 925: Mrs. Emerson.

H.R. 937: Mr. Gary Miller of California.

H.R. 958: Ms. Woolsey and Mr. Hoeffel.

H.R. 961: Ms. Kilpatrick.

H.R. 964: Mr. Gilman and Mr. Boehlert.

H.R. 976: Mr. Frank of Massachusetts, Mr. Clay, Mr. Cummings, Mr. Boehlert, Mr. Foley, Mr. Cook, Ms. Berkley, Ms. Pryce of Ohio, Mr. Reyes, Ms. Jackson-Lee of Texas, Mr. Pitts, and Mr. Price of North Carolina.

H.R. 987: Mr. Sensenbrenner, Mrs. Chenoweth, Mr. Tancredo, Mr. Gary Miller of California, Mr. Hill of Montana, Mr. Hobson, Mr. Collins, Mr. Sam Johnson of Texas, Mr. Goodlatte, Mr. Hilleary, Mr. Archer, Mr. Green of Wisconsin, Mr. McInnis, and Mr. Taylor of North Carolina.

H.R. 1008: Mr. Delahunt, Mr. McGovern, Mr. Nethercutt, and Ms. McKinney.

H.R. 1036: Mrs. Bono.

H.R. 1042: Mr. Sessions, Mr. Nussle, and Mr. Nethercutt.

H.R. 1044: Mr. Moran of Kansas.

H.R. 1048: Ms. Brown of Florida.

H.R. 1053: Mr. Tierney and Ms. Schakowsky.

H.R. 1063: Mr. Davis of Illinois, Mr. Bonior, Ms. Norton, Mrs. Morella, Ms. Kilpatrick, Mr. Waxman, Mr. Towns, and Mr. Meehan.

H.R. 1071: Ms. Kilpatrick and Mr. Pallone.

H.R. 1080: Ms. Berkley and Mr. Hinchey.

H.R. 1082: Mr. LoBiondo.

H.R. 1116: Mr. Frost and Mr. Brady of Texas.

H.R. 1139: Mr. Bentsen, Mr. Clyburn, Mr. Hoeffel, Mr. Hinojosa, Ms. McCarthy of Missouri, and Ms. Schakowsky.

H.R. 1145: Mrs. Fowler.

H.R. 1146: Mr. Sessions.

H.R. 1160: Mr. McIntosh, Mr. Holden, Ms. McKinney, Ms. Berkley, Mr. Frank of Massachusetts, and Mr. Farr of California.

H.R. 1195: Mr. Sam Johnson of Texas, Mrs. Johnson of Connecticut, and Mr. Franks of New Jersey.

H.R. 1214: Mr. Frost and Ms. Schakowsky.

H.R. 1217: Ms. Jackson-Lee of Texas and Mr. Crowley.

H.J. Res. 34: Mr. Klink.

H. Con. Res. 6: Mr. Lantos.

H. Con. Res. 14: Mr. Sisisky, Mrs. Thurman, and Mr. Goodling.

H. Con. Res. 30: Mr. Hilleary.

H. Res. 15: Mr. Conyers.

H. Res. 41: Mr. Klink, Ms. McKinney, and Mr. McNulty.

H. Res. 82: Mr. Sanders.

H. Res. 97: Mr. McGovern, Mr. Brady of Pennsylvania, and Mr. Kucinich.

H. Res. 106: Mr. Taylor of North Carolina, Mr. Meeks of New York, Ms. Hooley of Oregon, Mr. Moran of Virginia, Mr. Hinchey, Mr. Kildee, Ms. Danner, Mrs. Mink of Hawaii, and Mr. Pickering.

H. Res. 128: Mr. Neal of Massachusetts.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1150: Mr. George Miller of California.

H.J. Res. 37: Mr. Porter.

SENATE—*Wednesday, March 24, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, Father Robert J. Sweeney, National Chaplain of the American Legion, Greenwood Lake, NY.

PRAYER

The guest Chaplain, Father Robert J. Sweeney, National Chaplain of the American Legion, Greenwood Lake, NY, offered the following prayer:

Let us pray:

God of our fathers; throughout the history of this great and glorious Nation, our leaders have turned to You for guidance. On bended knee, from Bunker Hill to Gettysburg, our leaders have called upon Your consoling presence. Help us to realize that our Nation has been consecrated to Your service. Aware of the obligation that goes hand in hand with this responsibility, may we help all those in need.

We acknowledge that we are "one Nation under God." We seek Your righteousness. Stretch forth Your healing wings that we might follow Your example of healing and stretch forth our hands in a generous spirit, as we have heard: "It is more blessed to give than to receive."—Acts 20:35.

Omnipotent Father, be with the women and men of this Senate. Grant unto them Your grace; open their hearts and minds that they may hear the needs of their constituents and respond for the common good of all.

Send Your Spirit upon us and take away our doubts and fears that we might join together, without regard to political affiliations. Bless our Senators. May they be prudent and wise and ever aware of Your presence. May they always advance the cause of peace with justice throughout the world. Amen.

The PRESIDENT pro tempore. The able senior Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the distinguished President.

SCHEDULE

Mr. DOMENICI. On behalf of the majority leader, I would like to make the following announcement.

This morning, the Senate will begin consideration of S. Con. Res. 20, the budget resolution, with up to 35 hours for debate. Members should expect the next couple of days of session to be longer than usual, with rollcall votes beginning early each morning and continuing late into the evening. The cooperation of all Senators will be necessary in order for the Senate to complete its work prior to the beginning of the Easter recess. Senators who plan to offer amendments to the budget resolution should contact the managers of the bill in order to facilitate a smooth and orderly process during the consideration of the resolution.

I thank colleagues in advance for their cooperation.

Mr. President, yesterday my good friend, the chairman of the Appropriations Committee, asked if he might make a statement this morning that he considers very important, historically. I yield the floor to let him make that statement. I yield him as much time as he desires.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to my friend from New Mexico.

10TH ANNIVERSARY OF THE "EXXON VALDEZ" OIL SPILL

Mr. STEVENS. Mr. President, today is the 10th anniversary of the *Exxon Valdez* oil spill in Alaska.

I want to use this opportunity to reflect on the impact that disaster had on the land and people of my State.

I still remember traveling to Alaska to view the damage caused by the *Exxon Valdez* in Prince William Sound.

Believe me, Mr. President, it is a sight I never want to see again.

At that time, I referred to the huge oil slick battering against the shoreline as "the black blanket of the *Exxon Valdez*."

And while that spill caused serious damage to our wildlife, our environment and our people, that black blanket has had somewhat of a silver lining.

I refer to the Oil Pollution Act of 1990—OPA '90.

Congress and the Department of Defense are currently looking at implementing a "national missile defense system" to protect the United States from incoming ballistic missiles.

I consider OPA '90 to be the "National Oil Spill Defense System" that protects the United States from future oil spills.

OPA '90, as many Senators will recall, was signed into law on August 18, 1990.

It is important to note that OPA '90 has not been significantly revised since 1990—and at present, there has not been any push for comprehensive revisions.

It is a testament to the act itself that it has not needed major revisions.

Some of the provisions of OPA '90 were under consideration prior to 1989, but unfortunately, it took the *Exxon Valdez* spill to bring about a comprehensive approach to our national system of oil spill prevention and response.

Congress enacted OPA '90 only 17 months after the spill—a very short period of time given the scope of the legislation.

That landmark piece of legislation created a new national framework that focuses on both the prevention of spills and the response to spills.

It was written to reduce the chances we will ever have another spill of the magnitude of the *Valdez*—anywhere.

That act, and the actions it mandates, has already vastly improved the response system for lesser spills.

On a national level, OPA '90—

(1) Required the phase-in of double-hull oil tankers—which has begun and will be completed by the year 2015;

(2) Required improvements to vessel traffic systems and to vessel communications and warning equipment;

(3) Brought about stringent background checks and manning standards for tank vessels;

(4) Required the United States to seek better international oil spill prevention and response measures;

(5) Clearly defined the liability of tank vessel owners and operators;

(6) Required the creation of a national contingency plan and response system, as well as area contingency and response plans.

These prevention measures are vitally important if we are to ensure the safe transportation of oil in our waters.

As a result of OPA '90 spill response equipment must be pre-positioned in strategic locations all over the country.

By doing this, we greatly increase the response time for a future oil spill, God forbid it ever happens again.

The national and area contingency plans required by OPA '90 are the primary reason the response to oil spills has become so quick.

Unlike when the *Valdez* disaster occurred, if a spill occurs today, it should be literally a matter of minutes before a response plan is executed.

By requiring contingency plans, OPA '90 forces planning for potential spills in a comprehensive manner.

A large part of the credit for the implementation of the new plans should go to the Coast Guard and I have commended it for the tremendous work it has done in the past 10 years in developing the national and area plans.

In addition to the national measures put in place by OPA '90, it contained a number of measures specific to Alaska and Prince William Sound.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The act required the installation of a marker and light on Bligh Reef.

It required tankers in Prince William Sound to be escorted by at least two tugs and to have two local pilots on their bridge.

It required the creation of a vessel traffic system for Prince William Sound—including an alarm system to warn if vessels deviate from the designated navigation routes.

It prevents the *Exxon Valdez* tanker from ever entering Alaska water again—no matter what name it sails under or how many structural improvements it undergoes.

While this provision is largely symbolic, it goes to the heart of how Alaskans feel about the disaster and our state.

We take pride in keeping our environment and wildlife clean and safe, and we expect visitors to our state to do the same.

In addition to the regulatory requirements set forth in OPA '90, the act created two regional citizens' advisory councils.

These councils give Alaskans a voice in the development of oil spill prevention and contingency measures.

Over the past 10 years these councils provided dialogue allowing Alaskans and the oil industry to work beyond differences in a positive manner.

The main goal of all parties involved is the prevention of further disasters.

That is the only true way to ensure that we never have to clean oil off Alaska beaches again.

I have thanked the many Alaskans who have served on the regional citizens' advisory councils for the improvements they have helped bring into being.

They could have turned their backs on the oil industry, but they deserve a great deal of credit for choosing to work with the industry rather than trying to make a bad situation worse.

OPA '90 also required the creation of the oil spill recovery institute in Cordova.

The institute's mission is to evaluate the long term effects of the *Exxon Valdez* oil spill on the environment and the people and animals of Prince William Sound—and to refine the world's knowledge about arctic and subarctic oil spills.

Incidently Mr. President, I have been to that institute in Cordova, and I must say that they are doing great things, and I encourage them to keep up the good work.

It took a number of years to secure the funding for the institute, but in 1996 we managed to create a dedicated fund.

For a 10 year period that began in 1996, the Oil Spill Recovery Institute will receive the annual interest from $22.5 million that is currently on deposit in the Oil Spill Liability Trust Fund.

The Oil Spill Liability Trust Fund was a centerpiece of OPA '90.

The law made "responsible parties" liable for the costs of cleaning up oil spills.

As you know, Mr. President, it is not always possible to obtain clean-up funds from responsible parties in time to adequately respond to spills.

The Oil Spill Liability Trust Fund was created to ensure that funds are available to respond to oil spills in the United States.

This is another area where the Coast Guard deserves credit for its superb efforts in recovering costs from responsible parties.

You will be glad to know that many of the species negatively affected by the oil spill are making a strong comeback.

Mother nature is responding.

I am pleased with the environmental efforts and the progress made in putting new prevention measures in place.

It is my hope that one day my grandchildren will be able to ask me "Grandpa, what's an oil spill?"

I think OPA '90, and the efforts of everyone involved in the oil industry, will help to bring about that wish.

Mr. President, I do not normally come before the Senate to talk about a terrible day, but I come today to talk in the spirit of remembrance. As I said, this is the 10th anniversary of the *Exxon Valdez* oilspill in my State. I want to use this opportunity to reflect on the impact that disaster had upon the people of my State and on Prince William Sound.

I remember that was just the beginning of the Easter recess and I had left for vacation with my family when I got that call that told me of this disaster, and I had to fight to get reservations to get back, but I did get back to my State. I flew to Prince William Sound to view the damage that was there. I had talked to my good friend, former Senator Henry Bellmon, Governor of Oklahoma, about that, and asked him if he had any advice. He said find some way to burn it.

I went down to the *Valdez* to see if there was something I might do to encourage that, following that advice. At the time I flew down by helicopter with the Commandant of the Coast Guard, Admiral Yost. We flew over a sickening black blanket on the Nation's largest inland sound. Prince William Sound is a place where I have spent a lot of time, fishing and traveling with friends. It is a beautiful place. Yet that day, that black blanket oozing out of the *Exxon Valdez* left a memory I shall never forget. That spill caused serious damage to our wildlife, to our environment, and to our people. It is hard, today, to remember anything except that great tragedy.

The wind kept spreading that oil. As a matter of fact, I flew up to Alaska with our friend, the oceanographer from the University of Alaska, Mr. Royer, who told me what was going to happen. He predicted correctly that that oil would go out of the Prince William Sound and start down the Aleutian chain. If it went through the pass in the chain, it was going to cause enormous damage to the breeding grounds for Alaska's fisheries.

It was a sad day, and I come today with a feeling of sadness.

In view of all the publicity that has been given to this terrible tragedy, I also want to talk about what I call the silver lining that came as a result of that spill. That silver lining was the Oil Pollution Act of 1990. We call it OPA '90. Congress and the Department of Defense are currently looking at implementing a national missile defense system to protect the United States from incoming ballistic missiles. I consider OPA '90 to be the national oilspill defense system that protects our Nation from future oilspills.

It was as a result of the terrible tragedy in our State that Congress enacted these provisions. As many Senators here will recall, that law was signed on August 18, 1990. It has not been revised since that time. I do not know of any push for any revisions. That is a testament to that act in itself, that it has not needed major revisions in this period.

Some of the provisions of OPA '90 were under consideration prior to that act, but unfortunately, they had no impetus. It took the *Exxon Valdez* disaster to bring about a comprehensive approach to our national system of oilspill prevention and response. We enacted that bill just 17 months after the spill, really a very short time, given the scope of the legislation.

This landmark piece of legislation created a new national framework that focuses on both prevention of spills and response to spills. It was written to reduce the chances that we will ever have another spill of the magnitude of the *Valdez* anywhere under the American flag. That act, and the actions it mandates, has already vastly improved the response to lesser spills.

I want to point out some of the things it has done. We have greatly increased the response time—that is, decreased the time it takes—we have increased the ability to respond in time to spills that may take place in our waters. As a result of that act, we have spill response equipment pre-positioned in strategic locations all over the Nation. The national and area contingency plans required by OPA '90 are the primary reasons the response to oilspills has become so quick. Unlike when the *Valdez* disaster occurred, if a spill occurs today, it should literally be a matter of minutes before a plan is put into effect and executed. By requiring contingency plans in advance, OPA '90 forces planning for potential spills in a comprehensive manner.

Mr. President, the main goal of all parties involved in that act was the prevention of future disasters. That is the only true way we can ensure that we will keep the beaches in Alaska and throughout our Nation free of oil.

I have thanked many Alaskans who have served on the regional citizens advisory councils for the improvements they have helped bring into being.

Mr. President, at my request, that act was amended to assure that there would be specific Alaska provisions in it. In addition to the national measures put into place by OPA '90, it contained, at my request, a number of measures specific to Prince William Sound in Alaska. It required the installation of a marker and light on Bligh Reef. It required tankers in Prince William Sound to be escorted by at least two tugs and to have two local pilots on the bridge. It required the creation of a vessel traffic control system for Prince William Sound, including an alarm system to warn if vessels deviated from the routes they had designated at the time they left the pier.

It prevents the *Exxon Valdez* tanker from ever entering Alaskan waters again, no matter what name it sails under or how many structural improvements it undergoes. That provision is largely symbolic, but it goes to the heart of how Alaskans feel about that disaster.

The only true way to ensure that we will never have to clean Alaskan oil off Alaska beaches again is to implement the plans and maintain the systems that OPA '90 requires.

I hope that the Nation will not lose heart, that it will continue to fund the facilities and the pre-positioned equipment that we require. For a 10-year period that began in 1996, we have created in Alaska an Oilspill Recovery Institute in Cordova. We also have an oilspill lab with a trust fund created to assure that funds are available to respond to oilspills throughout the United States.

Let me close by saying that I want to report to the Senate that many of the species that were affected by the oilspill are making a strong comeback. Mother Nature in the sound is responding. The environmental efforts that we have made and the progress we have made with putting into effect the new prevention measures have, in fact, deterred future spills.

It is my hope that one day one of my grandchildren will ask me, Grandpa, what is an oilspill? I believe that we have gone a long way to making oilspills of the magnitude that I saw 10 years ago today a memory. I hope it remains a memory.

Mr. President, I thank my friend for yielding.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of S. Con. Res. 20, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 20) setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Senator from New Mexico.

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the staff of the Senate Budget Committee, including fellows and detailees named on the list that I send to the desk, be permitted to remain on the Senate floor during consideration of S. Con. Res. 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STAFF LIST: SENATE COMMITTEE ON THE BUDGET

MAJORITY STAFF

Amy Call.
Jim Capretta.
Winnie Chang.
Lisa Cieplak.
Allen Cutler.
Larry Dye.
Beth Felder.
Rachel Forward.
Alice Grant.
Jim Hearn.
Bill Hoagland.
Carole McGuire.
Mieko Nakabayashi.
Maureen O'Neill.
Kristin Omberg.
Cheri Reidy.
Brian Riley.
Amy Smith.
Bob Stevenson.
Marc Sumerlin.
Winslow Wheeler.
Sandra Wiseman.
Gary Ziehe.

MINORITY STAFF

Amy Abraham.
Claudia Arko.
Jim Esquea.
Dan Katz.
Bruce King.
Lisa Konwinski.
Martin Morris.
Jon Rosenwasser.
Paul Seltman.
Jeff Siegel.
Barry Strumpf.
Mitch Warren.

ADMINISTRATIVE STAFF

Kelly Creighton.
Alex Green.
Sahand Sarshar.
Lamar Staples.
Lynne Seymour.
George Woodall.

Mr. DOMENICI. On behalf of Senator LAUTENBERG, I ask unanimous consent that Sue Nelson and Ted Zegers be granted the privilege of the floor during consideration of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask consent the privilege of the floor be granted to the following members of my staff, of the Budget Committee staff on the Republican side: Austin Smythe and Anne Miller.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of the fiscal year 2000 concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I assume we are now on the resolution and time is now running under the 35 hours that remain.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I am quite sure my friend Senator LAUTENBERG would concur that we all know, more or less, what the issues are. We have gone through the Budget Committee and most of the major issues have been debated there and amendments offered—some accepted, some failed. I don't think there is really any reason we cannot finish at a reasonable time and take this recess if Senators on both sides cooperate.

I urge that on my side also. There is tentatively, on my side—I know when we talk to them that it is not going to remain this way, but they are talking about 30 or 40 amendments, almost all of which are sense-of-the-Senate amendments. We will never get out of here if that happens. Normally the minority has about twice as many. So add that up and we will have 120. We could just start voting now and we would not go home for the recess. So I urge we consider our own well-being and what is really necessary to get this job done.

Mr. STEVENS. Mr. President, I am constrained to say to the Senator from New Mexico, I thought I had problems on the supplemental bill.

To hear about this number of amendments is staggering.

Mr. DOMENICI. Mr. President, I am going to attend a hearing for about 25 or 30 minutes, and we will have a Budget Committee Senator down very shortly. In the meantime, Senator STEVENS is given whatever privileges I have.

I yield to Senator THURMOND as much time as he desires. I will give him that time off the bill.

The PRESIDING OFFICER. The Senator from South Carolina.

BAD NATIONAL DEFENSE POLICY

Mr. THURMOND. Mr. President, bad national defense policy is about to get us into serious trouble—again. As I speak, United States Armed Forces are in direct danger because they are being used as social workers in a very dangerous country—Haiti. Most Americans will be greatly surprised that I am saying the United States Army is still in Haiti. Why are most Americans surprised? Because it has been more than 4 years since the September day in 1994 when the President sent a force of 20,000 troops to this island. Despite what the United States did in Haiti, not much has changed, except that the United States force has become tiny and in a great peril. No elected official has been able to bring peace or democracy to Haiti. Factional fighting has immobilized the government and stymied efforts at economic recovery. The factionalism has provoked assassinations and bombings reminiscent of the bad old days.

Fortunately, Congress has been put on-call by a voice of honesty coming from our uniformed ranks. Last month, General Wilhelm, Commander of the U.S. Southern Command, directly and honestly described the mounting danger surrounding his troops. The 500 United States military personnel left to help prop up Haiti are doing mostly social work and spending much of their time defending themselves from attack. Let me be clear about what kinds of work our troops in Haiti are doing. They are not fighting an enemy. They are involved in tasks like digging wells, providing medical services, and training police and military officers. Such work might be understandable if it contributed to stability. It is not. The 500 United States troops still in Haiti spend much of their energy just trying to protect themselves against those they came to help. Unfortunately, it is now difficult for the administration to accept a clearheaded understanding of these dire circumstances and call for a pullout. Doing so will concede the failure of a peacekeeping mission regularly touted as one of the shining achievements of recent years.

The list of the administration's failed peace missions is long and growing. I am unconvinced that trying to resuscitate these failed nation-states is in the U.S. vital interest. The costs of U.S. involvement in peacekeeping are not in our national interests and should be reduced. The price tag of the Bosnia mission, for example, has already hit $12 billion, with no end in sight. Haiti has cost more than $2 billion. However, today the 500 soldiers in Haiti—mostly Army reservists rotating through on short-term assignments—remain in Haiti at a cost of about $20 million last year.

The question is simple: Is it in the United States' best interest to have our troops in imminent danger, preoccupied with defending themselves against people whom they have come to help, who have shown little inclination for reform at a cost of $20 million annually to America? This is the path down which the administration has taken the United States. We are now involved in a steady run of civil wars without clear solutions which involve failed nation-states. We will soon drown in this kind of foolishness. Stemming civil wars should not be the main strategic challenge for the United States. These kinds of misadventures do not really engage the strategic interest of the United States. Certainly, such ill-conceived adventures do arrogantly endanger our troops.

Because of this, I call on the administration to swiftly withdraw the 500 service men and women who are currently in Haiti.

Mr. President, I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The Senate continued with the consideration of the concurrent resolution.

Mr. LAUTENBERG. Mr. President, today we begin our annual pilgrimage to establishing a budget for the next fiscal year. The first year of the new millennium is almost upon us, and we are moving at a fairly rapid pace to get this budget into place, as contrasted to some of the experiences we have had in the past. I commend our chairman, Senator DOMENICI, for his lending the urgency that he has to getting this job underway.

Lest it be misunderstood, Mr. President, that does not mean I agree with everything that we have come up with. But we are moving the ball, as they say, and we will have a chance to amend or debate the budget resolution as it passed the Budget Committee.

As we begin our work on a budget for a new century and a new era in our Nation's economic history, we do it with the knowledge and the satisfaction that at long last, America has put its fiscal house in order.

At the same time, we still face serious long-term questions. The key question facing Congress is whether we meet those challenges and prepare for the future, or whether we will yield to short-term temptation at tomorrow's expense.

Democrats are committed to focusing on the future. Our top priority is to save Medicare and save Social Security for the long term by reducing our debt and increasing national savings. We also want to provide targeted tax relief for those who need it most, and that is the average middle-class family in America. We want to invest in education and other priorities.

Our friends, the Republicans, have a different view. Their plan focuses on tax breaks, largely for the wealthy. These tax breaks, whose costs would increase dramatically in the future, would absorb resources that are needed to preserve and to save Medicare.

That, when you get right down to it, is really the main issue before the Senate: Should we provide tax cuts, many of which will benefit the wealthy, or use that money to save Medicare? It is as simple as that.

Of course, there is a lot more to the budget resolution before us, so let me take some time to explain why I, like every other Democratic member of the Budget Committee, strongly opposed this resolution. There are four primary reasons.

First, as I have suggested, it fails to guarantee a single extra dollar for Medicare. Instead, it diverts the funds needed for Medicare to pay for tax cuts that, again, benefit the wealthy fairly generously.

Second, it does nothing to extend the solvency of the Social Security trust fund. In fact, it could block President Clinton's proposed transfer of surplus funds to help extend solvency.

Third, I think it is fiscally dangerous. The resolution proposes tax cuts that begin small but that explode in the future. Some are around $13 billion in the first year the budget goes into place, up to $180 billion—$177 billion—expected in the tenth year, just when the baby boomers are beginning to retire.

And fourth, it proposes extreme and unrealistic cuts in domestic programs. These could devastate public services if enacted. More likely, Congress, in my view, is going to be unable to pass appropriations bills, and we will face a crisis at the end of this year that could lead to a complete Government shutdown.

I want to address each of these problems in turn, Mr. President.

Medicare's hospital insurance trust fund is now expected to become insolvent in the year 2008. It is critical that we address this problem and we do it soon. We need to modernize and reform the program to make it function more efficiently, but it is clear that also we will need additional resources.

As part of an overall solution, President Clinton proposed allocating 15 percent of projected unified budget surpluses for Medicare. This would extend the solvency of the trust fund for another 12 years, to 2020. Unfortunately, the budget resolution rejects that proposal. Instead of using projected surpluses for Medicare, it uses almost all of them for tax cuts. The budget resolution does not specify the details of the tax cuts because they will be drafted later in the Finance Committee. However, the chairman of the Finance Committee, Senator ROTH, has said recently that he wants to provide a 10-percent cut in tax rates.

Under that proposal, the top 1 percent of Americans with incomes over $300,000, and average incomes of more than $800,000, would get a tax cut of more than $20,000. And those in the bottom 60 percent, incomes under $38,000, would wind up with $99, less than 100 bucks.

Other major GOP proposals for tax cuts, which involve estate taxes and capital gains taxes, are similarly regressive and unfair. Giving away disproportionate tax breaks to the wealthy would be bad enough, but the GOP tax breaks would come at the direct expense of Medicare, and that is wrong.

Under the Republican plan, not one penny of projected surpluses is guaranteed for Medicare. The resolution does reserve about $100 billion for unspecified uses over 10 years. But that is far less than the $350 billion the President wants for Medicare over 10 years. More importantly, none of the $100 billion is actually reserved for Medicare.

In fact, the chairman indicated that this amount may be used for unexpected emergencies or contingencies, and those alone could easily use up all this money. Emergency spending averages $9 billion a year, more than the resolution's annual reserve for each of the next 5 years. Even over 10 years, we can expect to consume at least 90 percent of this projected reserve to respond to emergencies.

Mr. President, the Republican refusal to provide additional resources for Medicare would have a direct impact on the millions of Americans who will depend on Medicare for their health services in the future. The resolution almost certainly would mean higher health care costs, higher copayments for the individuals, their share of the bill, higher deductibles—that means it does not kick in until the levels of costs directly to the individual have risen—and potentially lower quality health care services, and probably fewer hospitals, all because the majority insists on providing huge tax breaks for wealthier Americans.

Beyond Medicare, the second major problem with the Republican resolution is that it does nothing to extend the solvency of the Social Security trust fund. Currently, Social Security is projected to become insolvent by the year 2032. President Clinton is determined to extend the solvency until 2075 and has proposed specific policies to get us to the year 2055, as certified by Social Security actuaries.

The Republicans have been critical of the President's proposals to invest some of the Social Security funds in the private market and to transfer debt held by the public to the trust fund. Unfortunately, they propose nothing to increase the resources available to Social Security. In fact, their resolution is specifically designed to block the President's proposed transfer of surplus funds for Social Security.

The bottom line, when it comes to Social Security, is clear. President Clinton's budget extends solvency through the year 2055. The Republican plan does not add a single day of security.

The third major problem with the resolution is that it is fiscally risky. The resolution calls only for small tax cuts in the first year or two. But the cost of those tax cuts explode in the future. And by 2009, as I said earlier, when the baby boomers will begin retiring, the tax cuts will drain the Treasury of more than $180 billion in that year. That is not fiscal responsibility.

The final problem with the Republican plan is that it includes extreme cuts in programs for Americans here at home. Total nondefense discretionary programs—to be absolutely clear, the discretionary programs include defense and nondefense—total nondefense discretionary programs would be cut in the first year from $266 billion in the current year, not including emergency spending, to $246 billion in the year 2000.

One does not have to be a mathematician to recognize that is a significant change—from $266 billion to $246 billion in 1 year. Arithmetically, it looks like a 7.5-percent cut—and that does not sound like a lot—but the real cut in most programs would be much deeper. And I assure you that 7.5-percent cut, at a minimum, is a very significant, painful exercise for those who are depending on some of our Government programs. And I am not talking about wasteful programs; I am talking about fundamental programs like WIC and border guards and FBI agents and DEA agents.

Keep in mind, the resolution claims to increase or maintain funding for a handful of favored programs, like new courthouses, TEA 21, our transportation program, for the next 6 years, the census, National Institutes of Health, and some crime and education programs. Those are the protected programs.

That leaves the other unprotected programs facing cuts of about 11 percent—everything from environmental protection to the national parks, the FAA, the Coast Guard, the Immigration and Naturalization Service Border Patrol, FBI, NASA, job training, and Head Start. These are successful and important programs.

When we say that these cuts are going to be 11 percent in the first year, that is being pretty conservative, because we are ignoring the fact that the cuts increase significantly in the future to 27 percent in the year 2004, a 27-percent cut for the American people.

Just to put the picture straight, imagine a 27-percent cut in wages, a 27-percent cut in spending power. It would be an awful tragedy for most families.

Second, the 11-percent figure that we talked about in the first year represents a cut from 1999 levels. To make it clear, our fiscal year ends September 30 for 1999; and on October 1 we kick in with the budget for the year 2000. That does not anticipate any inflation impact.

Thirdly, there is another problem with the Republican budget. It significantly underestimates the outlays that would flow from its present levels of defense appropriations. If those outlays are estimated to be consistent with historical levels, the cuts in nondefense discretionary outlays would be as high as 21 percent in the first year.

I know that we are talking about a lot of different changes in the percentages. But it looks like the minimum could be 11 percent, and we could be looking at a figure as high as 27 percent in the nondefense discretionary programs.

Mr. President, I am going to give our Republican friends, the majority, the benefit of the doubt. I am going to, for the moment, not talk about the deeper cuts in the outyears. I am going to leave out, ignore, the effects of inflation. And I am not even going to consider this dramatic underestimate of defense outlays. I am going to start with this very conservative figure of 11 percent and consider what a cut of this magnitude would mean for domestic programs next year. Next year, again, starts October 1.

Here are a few examples, based on administration estimates:

That we would lose 2,700 FBI agents. I ask you, is this a time when it seems appropriate to be cutting back on FBI agents? When terrorism in this country is a real threat? When we are trying to stop crimes? We are adding crimes to the list of crimes that are going to be tried in Federal courts. So 2,700 FBI agents.

Thirteen hundred and fifty Border Patrol agents. We have heard from many of our colleagues, Republican and Democrat, who live in border States and talk about the problems they have from California, through New Mexico, through Arizona, Texas, about those who illegally cross the border, pleading for more help, pleading for an opportunity to contain this illegal immigration flow. We are talking about reducing Border Patrol agents to the tune of 1,350? How do our friends who represent those border States feel about this?

Drug agents: 780 DEA drug enforcement agents would be lost. Now, if there is a more distracting problem in our society than drugs, I don't know what it is. The overrunning of our young people by drug influences is something that we can't tolerate, that we search for solutions to, at our wit's end.

One thing we know: While having enough drug enforcement agents alone doesn't solve the problem, take them away and we will see what happens to the flow of illegal drugs into this country.

Ninety thousand, two hundred fewer workers, dislocated as a result of industry shifts, plant closings, et cetera, would receive training, job search assistance, and support services—90,000 people would be left without the training necessary to move to different job situations if their job is lost.

Thirty-four thousand low-income children would be without child care assistance.

Over 1.2 million low-income women, infants, and children would lose nutrition assistance every month. That program is commonly known as the WIC Program. It is a very effective program. In a country like ours, with the bounty that we have from lots of natural resources, industry progress, people who are skillful, intelligent, who are hard working, lots of people making money—we talk today about the billionaire class as we used to hear 40 years ago about the millionaire class—and we want to permit 1.2 million low-income women, infants, and children who need the nutritional assistance that this program offers to lose it? I will not stand by and let that happen.

FAA operations: Our aviation industry is booming. People cannot get seats in lots of situations. What do we worry about? We have lots of delays, we have concerns about safety and security and the lack of critical modernization technologies. FAA operations would be cut by almost $700 million. If we think the delays are bad now, hold on to your seat, because they are going to get worse.

Safety: We will focus on safety to make sure things are maintained, but we also want to protect ourselves against possible terrorist attacks, keeping people off the airplanes to make us more secure.

On the environment, roughly 21 Superfund toxic waste sites would not be cleaned up as a result of these cuts. They needlessly jeopardize public health.

Up to 100,000 children would lose the opportunity to benefit from Head Start. Head Start is an early preschool program that gives children who are typically from a disadvantaged situation a chance to understand the learning process, to get incentives to learn, to understand that learning is fun, that knowledge is beneficial. Take away that from 100,000 children? I don't know how we can do it. I don't know how, with a clear conscience, we can say, "Go ahead, listen, too bad, take your chances." We know who pays the price. All of us pay the price. It is only a matter of when. It is much cheaper to give these kids a head start than to later deal with those who might turn to crime or drugs as a way to work their way up the social and economic ladder.

We would eliminate 73,000 training and summer job opportunities for young people.

As I earlier said, these are conservative figures, yet these types of cuts are clearly painful. In my view, they are dangerous. Unfortunately, under this resolution, the problem gets dramatically worse in later years. By the year 2004, the nondefense reductions grow to about 27 percent. Again, that doesn't include the effects of inflation nor any underestimation of defense outlays which loom large in front of us now. We have to wonder whether the Republicans are serious about cutting domestic programs by 27 percent. It is hard to believe, especially when there are virtually no details provided about where those cuts would fall.

Some Republicans have argued that these cuts are required because of the discretionary spending caps which remain in effect through the year 2002. That is not true. Much of the program for domestic programs is created because the resolution increases military spending by $18.2 billion over last year's level. Since all discretionary spending is now under a single cap—that is, defense and nondefense—that extra money must come directly from domestic programs.

President Clinton has also made it clear that we should increase funding for high-priority discretionary programs such as education and the military once we save Social Security. By contrast, the Republican plan establishes unrealistically low discretionary spending levels that would apply, regardless of whether we approve Social Security reform legislation.

Cutting domestic programs by 27 percent in 2004 is not realistic. When it comes to cutting specific programs, Congress almost certainly will not follow through. The votes won't be there to do it.

In other words, this budget resolution is a roadmap to gridlock. The results could be disastrous. If we can't pass appropriations bills, we face the prospect of yet another Government shutdown. Nobody wants that, of course, but it could happen.

Why, then, are we considering a budget resolution that even some Republicans admit can't be enacted into law? The answer is simple: They are desperate to claim that they are for tax cuts. They just don't have a clue on how to pay for them. They don't want to guarantee Medicare a single new dollar, but they are still not even close to identifying sufficient offsetting savings to pay for their tax cuts.

We are left with a budget that deals with fantasy, a budget that everybody knows isn't going to be worth the paper it is written on. In the end, there is only one way out. The majority party, the Republicans, have to get real. They can't continue to insist on huge tax cuts if they are not willing to pay for them.

So, in sum, Mr. President, let me quickly recount the four reasons why I oppose this budget. I do it with respect for the chairman. We worked hard together, but we just could not agree on what a budget would look like.

First, it doesn't guarantee a single additional penny for Medicare. Instead, it takes money needed for Medicare and uses it for tax cuts that will benefit the wealthy.

Second, it does nothing for Social Security. In fact, it doesn't extend Social Security's solvency by a single day.

Third, it is fiscally risky. It calls for huge tax cuts whose costs explode in the future, just when the baby boomers will be retiring.

Finally, its cuts in domestic programs are extreme. If they were ever enacted, they would seriously disrupt important and essential public services. But, more likely, Congress will never really approve them and we will again be facing a disastrous threat of a Government shutdown.

For all of these reasons, Mr. President, I am deeply disappointed by this budget resolution. I hope that we are going to be able to work together and make what I consider badly needed improvements. We have 35 hours in which to determine what the outcome of our budget discussions are going to be like, what the result is going to be. I hope that we will be able to strike a balance that can get us a budget that can pass both Houses, which can also be approved by the President.

With that, I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President I rise today to talk about the great progress we have made reducing our federal deficits. I am proud to have participated in and voted for three budget acts—in 1990, 1993, and 1997—which have radically altered the fiscal condition of the Federal government and the debate about how the public's hard-earned tax dollars should be spent.

When I arrived in the Senate 10 years ago, we had a deficit of $205.2 billion. We were awash in a sea of red ink.

Budgeteers were predicting deficits as far as the eye could see. In fact, since 1989, our publicly-held debt has increased from $2 trillion to $3.7 trillion. Hundreds of billions of dollars of borrowing was needed every year to fund the Federal budget. This borrowing had two effects: it kept interest rates for all public borrowing higher than necessary and it caused the net interest costs of the U.S. government to rise as a share of total Federal spending.

After the enactment of these three budget acts—particularly the 1993 and 1997 budget acts—and on account of impressive gains in private sector productivity and growth, we were able to reverse the deficit trend. Deficits have continued to shrink since 1994—and we were able to celebrate our first unified budget surplus (counting Social Security) of $70 billion last year. I am hopeful that the Congressional Budget Office's August re-estimate will allow this Congress to celebrate its first real budget surplus since 1960.

Deficits are yesterday's problem. Today, budgeteers are telling us to expect budget surpluses as far as the eye can see. I am proud to say that we are able to celebrate the fruits of our fiscal restraint—not because we had to abide by an inflexible constitutional amendment—but because we had the sheer will and political courage to put ourselves on a spending diet. Americans should feel good about that. And my colleagues who took the tough votes on fiscal restraint should also feel good about the budget surpluses we are now enjoying.

Through our progress on controlling spending, we have also made some progress on entitlement and net interest expenditures. Back in 1994, I co-chaired the National Commission on Entitlement and Tax Reform. In its final report, the Commission predicted that "without changes to programs or increased taxes, entitlements and interest on the national debt are projected to consume all federal revenues by 2012. In 2030, entitlement spending alone will exceed all Federal receipts." The fiscal restraint that we have displayed in the succeeding 5 years has changed the short-term picture of entitlement and interest expenditures dramatically.

Today, about 53% of our Federal budget is spent on mandatory programs like Social Security and Medicare; 34% of our budget is dedicated to discretionary spending (like NASA, NIH, roads and bridges, and the armed forces); and 13% of the budget is spent on interest on our national debt. Depending upon whose numbers you look at—the Republican Budget Resolution, the President's budget, or the CBO projections—our fiscal discipline will allow us to pay down our publicly-held debt and reduce our net interest costs. These interest payments will continue to decline as a percentage of our total spending—from about 13% today to somewhere between 3 and 5 percent by 2009. Although discretionary spending will continue to decline as a percentage of total spending—this decline will occur more slowly than previously predicted. Over the next decade, discretionary expenditures will decline from about a third of total expenditures to about a fourth of total expenditures by 2009. And although mandatory spending will continue to rise as a percentage of total expenditures—from 53% today to 70% of spending by 2009—it will grow at a slower rate than we had previously predicted.

The strong growth in our economy and the subsequent strong growth in the taxable wage base has increased the solvency of our Medicare HI and Social Security OASDI Trust Funds. That same report from the Bipartisan Commission on Tax and Entitlement Reform predicted back in 1994 that with no changes, the HI Fund would be insolvent in 2001. But the latest statistics show that the HI Fund will be solvent until somewhere in the year 2010. Our 1994 report also noted that the Social Security would become solvent in 2029. In 1998, the Trustees of the Social Security Trust Funds announced that our strong growth would extend the solvency of the OASDI Trust Funds to 2032—and I have reason to believe that the short-term solvency of the Trust Funds will be extended even further after the Trustees release their 1999 report next week.

While we should pat ourselves on the back for our tough votes in 1990, 1993, and 1997, we must remember that our agenda remains unfinished. Today, I want to challenge the Senate to start tackling the last piece of unfinished business. I am, of course, referring to the biggest political problem facing our generation of legislators: how do we work together in a bipartisan manner to modernize, reform, and improve the Medicare and Social Security programs for our children and grandchildren? Our demonstrated fiscal responsibility has bought us some time—and some breathing room—to think about how we want to reform our safety net programs, restore solvency to our entitlement Trust Funds, and reduce the out-year proportions of the budget which finance our entitlement programs.

Although we've slowed the growth in our entitlement programs, it must not go unnoticed that this year we will spend $20 billion more in Medicare and Social Security benefits than last year—and next year we will spend $30 billion more than this year. That $30 billion increase in Medicare and Social Security benefits is more than our total combined expenditures on the State, Justice, and Commerce Departments during 1999. The additional money we will spend each year on Social Security and Medicare benefits will only begin to increase as the first Baby Boomers start retiring during the next decade.

The President's own budget outlines for us the troubling long-run budget projections for the Social Security and Medicare programs. Right now, we spend the equivalent of 4.5% of GDP on Social Security benefits and about 3.6% of GDP on Medicare and Medicaid. By the year 2050, we will be spending about 7.2% of GDP on Social Security benefits and 9.7% of GDP on Medicare and Medicaid benefits. This is a dramatic increase in entitlement expenditures—a doubling from 8.1% of GDP today to 16.9% of GDP in 2050. My Nebraska constituents need to know that the more we spend on entitlements, the fewer tax dollars will be available for the education and training of our children, or the research and development of new medicinal drugs, or space exploration. The analytical tables in the President's budget show that discretionary expenditures will continue to decline from about 7.6% of GDP today, to about 3.6% of GDP in 2075.

I want to challenge my colleagues to seize upon the opportunity to modernize, reform, and improve Medicare and Social Security during this era of budget surpluses. We need to think about helping people become less dependent on the government for their retirement security. For example, I support the idea of allowing individuals to have a payroll tax cut of 2 percentage points, which they could invest in individual accounts. But these individual accounts are not the end in itself—but the means to an end. The means to a more independent retirement—a retirement that involves the ownership of wealth and the creation of an asset that can be passed on to heirs. We need to decrease the demand of future retirees on the government by making changes to Social Security that reduce costs—but also provide retirement security.

Efforts to reduce the costs of the program are made harder by changes to the Social Security program enacted back in 1983. Some of my colleagues—particularly Senator MOYNIHAN—may remember that back in 1983, Congress agreed to "pre-fund" the Social Security benefits of the Baby Boom generation by allowing the program to take in more income than it needed to pay the benefits of current beneficiaries. This excess payroll tax money was supposed to flow into a Social Security Trust Fund. As we all know, this money was borrowed from the Trust Fund throughout most of the Reagan, Bush and Clinton years to finance the general operations of government. When Treasury starts paying back the money it borrowed from the Trust Fund in 2013, it will pay these IOUs with general revenues—meaning individual and corporate income tax dollars.

Most of my constituents are probably not aware that these changes in 1983 will give beneficiaries from the Baby Boom generation a claim on $6.85 trillion of income tax revenues—in addition to the payroll tax claim they already have on tomorrow's workers. The President is proposing to increase the Baby Boomers' claim on income tax dollars to over $30 trillion. I do not support this change—I believe that we have an obligation to make structural reforms to the program within the current payroll tax structure. I applaud many of my Democratic colleagues who have taken a courageous step in opposing this misguided effort to "save" Social Security through additional income tax dollars. But I want to remind my colleagues on both sides of the aisle that simply setting aside the surplus for Social Security or Medicare reform is not a reform plan—it is a debt reduction plan.

I encourage my colleagues on both sides of the aisle to have an honest and open debate about the way we want to finance and reform the Social Security program. I believe that Congress and the President can and should work together to achieve real structural reforms in the program—and do so in a way that helps low-income Americans and that shares costs across all generations.

In addition, I would argue that we need to modernize the Medicare program to expand choice, increase competition, and include prescription drugs. As those of us who served on the National Bipartisan Commission on the Future of Medicare know through painful experience, Medicare poses an even more difficult problem than Social Security reform. By providing health care coverage, it provides a second essential element of retirement security for older Americans, as well as serving as an important safety net for disabled Americans who can no longer work. Medicare spending is unpredictable and, to a certain extent, uncontrollable—spending growth is largely driven by the amount of health services that beneficiaries use, technological developments in medicine, and—particularly in the future—enrollment growth.

And to complicate matters further, the public is not yet ready to undertake a significant change to the Medicare program. They know how valuable the current program is to themselves, their parents and grandparents. They want to be sure that they have the same coverage, or better, when they retire. And they don't see the need to make hard decisions about spending and benefits.

We need to look at these difficult dynamics and make the difficult choices that are necessary to keep the Medicare program solvent while ensuring that we have the flexibility we need within the Federal budget to address other national priorities. Last week, I voted with nine other Commissioners to adopt a more competitively-based model for financing and administering the Medicare program. I think this type of reform will move us in the right direction by helping us control costs, and ultimately helping us improve benefits. We can't simply pour new general revenues into an un-reformed Medicare program, and wait to deal with the larger problems at a later date.

The surpluses that have appeared, in part due to our fiscal discipline, provide us with a unique opportunity to reform our growing entitlements burden. The choices involved in achieving Medicare or Social Security reform are tough—and may even require some tax increases or benefit cuts. The pain of tax increases or benefit cuts will be made much less harsh if we use these budget surpluses to help reform our Social Security and Medicare programs. I do not believe we should use the on-budget surpluses for a debt swap or for a large tax cut that will primarily go to high income individuals. We must avoid the instant gratification of a large tax cut at the expense of the delayed gratification that comes with reforming our entitlement programs and reducing the tax burden on future workers.

I look forward to working with the House, the Senate, and the President to complete this unfinished agenda.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the distinguished Senator from Nebraska, Senator KERREY, leaves the floor, I want to congratulate him on his efforts on behalf of sound fiscal policy and good principles for the future and a vision of the future which I believe is an exciting one if we will just bear with it and do what we must do.

It is pretty obvious from the comments he has made here that we ought to be able to reform Medicare and make it live and available for many decades to come. And we ought to do it this year. There is absolutely no reason why we cannot. All we need to know is what the President wants to do. The President has not told us what he wants to do. This budget resolution contains a very valid program, very live and very capable, if the committees can put it together. It doesn't put a plan together; it just says what the resources are and how much is available. I will go into that in a little more detail in my opening remarks, which I will not give now.

There are two Senators who would like to speak now. I ask, on our side, if Senator HELMS could proceed and then I see Senator KENNEDY here. I think he would like to proceed. I do not want to limit him. I wish to make my opening remarks after him and then we will try to stir up an amendment.

If others have opening remarks, I hope they will hurry down here, because I suggest we are talking about our recess. I want to tell you a little bit. What if we have 60 amendments? People will now say we have plenty of time; we have all day today, all day tomorrow, which is Thursday. We have Friday. But people want to start leaving. They say that is 35 hours, 15 each day; that will do it.

Mr. President, if we have 60 amendments, the vote time and the quorum time surrounding them, since they do not count, the vote time does not count and quorums do not count, that could be 20 hours on its own; 35 hours of debate plus 20 hours to vote, that is 55 hours. This would mean at least 5 full days, well into Sunday, because we do not actually use 15 or 20 hours out of a day. We try to do 8 or 9 or 10. But even if you stay late, you do not get in 15 hours.

So we have to limit our amendments. We are working on that on our side. We also, at some point, have to agree to take less time on amendments than the 2 hours allowed under the statute.

With that, I yield whatever time Senator HELMS needs and then a Democrat can proceed. It will be Senator KENNEDY. Then I would like to be recognized after Senator KENNEDY.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 693 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY addressed the chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes.

First of all, I want to express appreciation to the members of the Budget Committee and, in particular, to our ranking minority member, Senator LAUTENBERG, for the work that he and our other colleagues did in developing a series of positions in the Budget Committee. I will address one of those this morning and refer to another which I hope, over the course of the next couple of days, to come back to.

I think those who are interested in the Nation's priorities, as reflected in the Budget Committee, should read the transcript of the discussion and debate. I had the opportunity to do so. I think they will get a very clear indication, as a result of that review, as to exactly what the priorities were for the Democrats in the budget consideration, which was the preservation of Social Security and the preservation of Medicare.

During the course of debate and discussion, it becomes quite clear—and also by the votes—as to those who are strongly committed to that program. Over the next several hours, we will have a chance to move beyond the rhetoric and into the details of the budget itself. That is going to be quite revealing, Mr. President, because we will have a clear opportunity to make a judgment at the end of these 3 or 4 days as to the very strong position that has been taken by the Democrats in the preservation of Social Security and also the strong commitment that we have in the preservation of Medicare.

I know there are those who have said, "We have a certain amount of funds that have been allocated within this budget for Medicare; all we are waiting for is the President to make some judgment, make some recommendation." The President has made the most important recommendation, and that is to allocate 15 percent of the surplus to preserve the Medicare Program through the year 2020, some 12 additional years of security for the Medicare Program.

That will be the longest period of time of solvency for the Medicare system since the enactment of Medicare. I will take a few moments later on in the day to comment further on this when we talk about the particular amendment that I will offer, but we have seen over the history of Medicare where there have been interventions for the preservation of Medicare to continue it and continue it in a financially sound way.

Now we have heard the President of the United States say we ought to allocate the resources that are going to preserve this for another 12 years and give it the greatest solvency we have had in the history of the Medicare Program, and then let's get about trying to put in place the kind of reforms that will be sound, taking into consideration the various recommendations that have been made by the Medicare Commission, a few which make sense and others with which I take serious issue. We will have an opportunity to examine those.

I hope our Republican friends—who virtually have been silent in proposing Medicare recommendations, other than to use the 15 percent that the President has recommended and allocate it for tax breaks for wealthy individuals—I hope that they will, during the time that we are out here at least, review with us what their recommendations are, what their proposals are, what their solutions are, rather than constantly harp on the President. He has taken a giant step forward in the allocation of solvency for the Medicare system, and he has also indicated, now that the Medicare Commission has reported, that he will make future recommendations.

If we were to accept the recommendations of our Republican friends, there will be very little in the till at the end of the day to provide protections for our senior citizens. That, I think, is a glaring, glaring loophole in this budget proposal, and one which I know the ranking member of the committee, Senator LAUTENBERG, will address with an amendment and Senator CONRAD with another excellent amendment. And I will offer an amendment, along with others, to give focus and attention to these issues.

There will be a very clear indication, hopefully at the end of the day, as to what really are the priorities for this body in terms of the future of the Medicare system.

Every budget is a statement of national priority. Every budget is really the investment in the future, but the year 2000 budget is extremely important, not just because it is the first year of the new millennium, but this budget will determine whether the large surplus will be used wisely for the benefit of all or squandered on tax preferences that disproportionately benefit the few.

The President, in his program, after the preservation of funding for Social Security and Medicare, also targeted tax programs that others will address later in the course of this debate. I think those are in areas of very special needs—providing assistance to families with the disabled, child care, and other areas. We will have a chance to review those. They all recognize what is urgent and of great importance, and that is the preservation of Social Security, the preservation of Medicare, and then the targeted tax cuts.

This budget will determine whether Medicare will offer the protections that are so essential for senior citizens in the years ahead. This is the budget that will determine whether we keep medical care in Medicare.

The Republican budget resolution is a thinly veiled assault on Medicare and I think an affront to every senior citizen who has earned the right to affordable health care through a lifetime of hard work. It is a proposal to sacrifice the future of Medicare in order to finance the tax cuts for the wealthy.

Equally as serious is the Republican attempt to privatize Medicare, to misuse the current financial problems of Medicare as an excuse to turn the program over to the tender mercies of the private insurance companies. Of course, there is where the problem started in the 1960s.

This is the same extreme agenda the Republicans pursued unsuccessfully in 1995, 1996, and it was an agenda rejected by President Clinton and Democrats in Congress and the American people, but now our Republican friends are at it again.

According to the most recent projections of the Medicare trustees, if we do nothing else, keeping Medicare solvent for the next 25 years will require benefit cuts of almost 20 percent—massive cuts of hundreds of billions of dollars.

The President's plan makes up most of that shortfall, without any benefit cuts, by investing 15 percent of the surplus in Medicare. This investment avoids the need for any benefit cuts in Medicare for at least the next 21 years. It also gives us the time to develop the policies that can reduce the Medicare costs without also reducing the health care that the elderly need and deserve.

But Republicans in Congress have a different agenda for the surplus. They want to use it to grant the undeserved tax breaks for the wealthiest individuals and corporations in our society regardless of what happens to Medicare. Republicans on the Budget Committee had a clear opportunity to preserve, protect and improve Medicare. All they had to do was adopt the President's proposal for investing the 15 percent of the surplus in Medicare.

Instead of protecting Medicare, they use the surplus to pay for billions of dollars in new tax breaks. You do not need a degree in higher mathematics to understand what is going on here. The Republican budget, I believe, is Medicare malpractice.

Every senior citizen knows and their children and grandchildren know, too, that the elderly cannot afford cuts in Medicare. They are already stretched to the limit, and sometimes beyond the limit, to purchase the health care they need. The out-of-pocket payments by those over 65 now is almost the same percent of what it was prior to the time of the passage of Medicare. They just cannot afford to have the significant and sizable increases that would be assumed if we are not going to provide this 15 percent. Because of the gaps in Medicare and the rising health care costs, Medicare now covers only 50 percent of the health bills of senior citizens.

On average, senior citizens spend 19 percent of their limited income to purchase the health care they need, a larger proportion of what they had to pay before Medicare was enacted a generation ago. Many have to pay more as a proportion of their income. By 2025, if we do nothing, that proportion will have risen to 29 percent—29 percent, Mr. President.

Too often, even with today's Medicare benefits, too many senior citizens have to choose between putting food on the table, paying the rent, or purchasing the health care they need.

The typical Medicare beneficiary is a single woman, 76 years old, living alone, with an annual income of approximately $10,000. She has one or more chronic illnesses. She is a mother and a grandmother. Yet, we want to cut her Medicare benefits in order to pay for tax breaks for the wealthy.

These are the women who will be unable to see a doctor, who will go without needed prescription drugs or without meals or heat, so that wealthy

Americans, earning hundreds of thousands of dollars a year, can have additional thousands of dollars a year in tax breaks. This is the wrong priority. And America knows it is the wrong priority—even if Republicans in Congress do not.

We all recall that 4 years ago Republicans in Congress also tried to slash Medicare to pay for new tax breaks for the wealthy. They tried to slash Medicare by $270 billion to pay for $240 billion in tax cuts for wealthy individuals and corporations. We all remember. It was not that long ago.

Mr. President, under the GOP proposal, senior citizens would have seen their premiums skyrocket an additional $2,400 for elderly couples over the budget period. The deductible that senor citizens pay to see a physician would have doubled. The Medicare eligibility age would have been raised to 67. Protections against extra billing by doctors would have been rolled back.

I can remember the debates we had on that, Mr. President, where you effectively have double billing, where they go on and they take what they get from Medicare, and then they send you another bill on top of that. We spent a long time to address that particular issue. And now it would be reopened again.

Under the guise of preserving Medicare, Republicans had proposed to turn the program over to private insurance companies and force senior citizens to give up their family doctors and join HMOs. But President Clinton and Democrats in Congress stood firm against these regressive proposals, and they were not enacted into law.

Now the Republicans on the Finance Committee and Ways and Means Committee are at it again. They are already drafting new so-called reforms for Medicare. No details have been revealed, but the funds already earmarked for tax breaks for the wealthy under the Republican budget mean there is no alternative to harsh cuts in Medicare.

As we debate these issues this week, the Republican response is predictable. They will deny they have any plans to cut Medicare. They will talk about $190 billion additional over the period of time. The $190 billion they will say they are giving additional. That is just to keep the program going. If you cut any of that, you are providing additional kinds of cuts in Medicare. That is what the budget figures themselves show.

Mr. President, they will deny they have any plans to cut Medicare. The American people will not be fooled. They know that the President's plan will put Medicare on a sound financial footing for the next 2 decades without the benefit cuts, tax increases, and raising the retirement age.

They also know the Republican plan will take the surplus, intended for Medicare, and squander it on the tax breaks. They know that the Republican plan for Medicare benefits means benefit cuts for the elderly, not the honest protection of our senior citizens.

This week the Democrats will offer amendments to assure this year's budget protects Medicare, not destroys it. Under our proposal, all the funds the President has proposed to earmark for Medicare will be placed in the Medicare trust fund.

Our proposal will assure the solvency of Medicare for the next 21 years without benefit cuts or tax increases or raising the retirement age. Republicans will have a chance to vote on whether they are sincere about protecting Medicare. The vote on our proposal will test whether they care more about senior citizens or tax breaks.

The Republicans also try to confuse the issue. They will say it is wrong to put the surplus into Medicare. I say the workers of this country are the ones who earned this surplus. They want to use it to protect and preserve Medicare.

Our Republican friends say that dedicating 15 percent of the surplus will not solve Medicare's financial problems beyond 2020. That is true. But assuring the solvency of Medicare for the next 21 years is a giant accomplishment and a clear statement of our national priorities, and it gives us time to develop longer-term programs that will bring down Medicare costs while protecting beneficiaries.

If we fail to dedicate the surplus to Medicare, the only alternative is harsh benefit cuts and steep payroll tax increases to make up the resources that our Democratic plan provides. The choice is clear. Congress must act to preserve the Medicare benefits that seniors depend on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Fine.

Mr. DOMENICI. I will give additional time.

Mr. KENNEDY. I see my friend and colleague on the floor, the Senator from California. I will come back later in the day.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, thank you for recognizing me.

I note the presence of Senator BOXER. I have not given any opening remarks, and we are trying to line up some amendments.

Mrs. BOXER. I am happy to wait. Please.

Mr. DOMENICI. But that will not preclude opening statements if the Senator has some.

Mrs. BOXER. No problem.

Mr. DOMENICI. Mr. President, I am convinced that, for some obvious reason, the President and some on the other side of the aisle do not want to fix Medicare. I think it might be fair to say they would rather have an issue than to fix it. It is not true of everybody, obviously. I have heard a number of Senators on both sides saying this is the year to reform Medicare. And, clearly, it can be reformed and fixed. There is no question about it. We saw that 10 Members out of 17—bipartisan—came up with a proposal.

I am hoping that after this budget resolution is completed—everybody knows there is plenty of latitude within this budget resolution to reform Medicare; there is nothing about this resolution that denies the opportunity to reform it, repair it, fix it, for many decades to come—I am hopeful that perhaps the White House will tell us what their plan is. I think some of us, in due course, might like to sit down and talk to the President about it. We have all been very, very busy, and clearly this issue has, instead of getting the attention it deserves, sort of slid by, and here it sits with accusations and insinuations instead of reform.

Having said that, I would like to talk just a little bit before I give my remarks about the policy for our Nation for the next 10 years. I would like to make sure that everybody understands this is the only bill or resolution that, under the law, has a time limit and has a limit on how much you can speak on amendments.

That means that, literally, the time will run out, and the more amendments we have, obviously, the more time it is going to take, because every vote and every quorum call does not count against this statutory timeframe. So if we are not careful and do not try to work together, we could be here well into Saturday, which I do not think anyone wants. We want to get our work done.

I have just stated for the RECORD, so nobody will misunderstand, that we have the rest of today and the rest of tomorrow—and then that is Thursday night. Many think we want to be finished by that time. With the amount of time it takes to vote and the amount of time for debate, we could have very little done by tomorrow night and still have 20 hours left, I guess, or 25, 21. But clearly it puts us a long way from finishing.

I hope amendments will be germane. I intend this year, in a way that will challenge the Senate, to raise some issues about germaneness if some of the proposals have no impact on the budget and are just here to be provocative and to have a vote on something.

Having said that, Mr. President, fellow Senators, I suggest that the United States of America's fiscal policy, economic policy, as far as our Nation's jobs and there being an abundance of jobs for our people, as far as there being good and even better jobs for our people, if they are educated and have some basic skills, when we look at our policy today—our fiscal, economic, monetary policy—we are in absolutely fantastic condition versus the rest of the industrial world.

In fact, we read with genuine concern—not enthusiasm but concern—how a great country like Germany is in the condition they are in. And, frankly, it bears talking about for a minute, because the United States is, and our economy is, strong and vibrant, because essentially we have a probusiness policy in many respects as compared with those who seek under other policies to compete in this world.

We have low taxes compared to Germany. We have many things that promote our competitiveness and help our businesses, large and small, compete, make money, hire people, pay them better, and pay more taxes.

We ought to look out and see what is going wrong in the other parts of the world where their economies aren't working. It is profoundly troublesome to see that the third largest economy in the world, Germany, is floundering. Watch what people are saying. They are saying: "We are overtaxed. We don't have any freedom with reference to labor policies." They are saying: "We have the longest holidays, the longest vacations, people retire the earliest, they start to work later." That great productive country, built mostly on the high productivity of their people, is faltering.

We ought to learn from that. We ought to look at the next decade and say, How do we keep this prosperity going? I want to say right upfront, regardless of what the White House says about this budget, one way to make sure this prosperity machine and our jobs continue into the next decade is to recognize that there is a genuine surplus besides the Social Security surplus, and we ought to think about how do we use that to make sure that America continues with a prosperity machine and growth.

I submit that to put on hold cutting taxes for the American people is the wrong way to ensure that growth, prosperity, and the creation of jobs. Our opposition, the Democratic Party and the White House, can use every bit of language they can muster to talk about us having the wrong approach to tax cuts. Nobody knows what the tax cuts are going to be under this budget resolution, because the committees of this Congress have to make that decision.

They can get up and talk about tax cuts for the rich all they want, but there is room in this budget resolution to fix the marriage tax penalty. There is room to fix the research credits that our American businesses ought to take. We ought to make it permanent and say they are there so you can grow and prosper and make more and more breakthroughs. There is allowance there for a capital gains change. Yes, there is money there, if it is the will of the Congress, to cut marginal rates.

To say this budget resolution, in that regard, is to cut the taxes of the rich is untrue. Unequivocally, we believe when there is a surplus that is this big, and an American economy that we want to continue to flourish and grow—we have been told there are only three things you can do with a surplus for the good of America.

They are, one, applying the surpluses to the debt to reduce the debt held by the public. People such as Alan Greenspan say if you could find a way to do that, that is the best way. We have put $1.8 trillion of this surplus, every cent of the Social Security surplus, against the debt.

The President bragged about his budget, reducing the debt held by the public, and how putting money in trust funds but not spending it and waiting to redeem it later with an IOU would reduce the public debt. He said it recently again as he summarized an answer to a question. He reduces the debt held by the public less than this budget because he doesn't put it on the debt. He puts it somewhere where it can be spent. As a matter of fact, in the first 5 years of the President's budget, he spends more than the whole surplus that was accumulated during that period of time, the whole onbudget surplus, that which could be used for tax cuts. Because it doesn't necessarily belong to seniors, he spends more than the accumulation of that surplus in this budget.

Now, frankly, there are some who will say the President's budget isn't before the Senate. We are going to make sure it is brought before us. Let's see if we can vote on it, because the President has been claiming things about his budget that are not true. Let me start with one.

There is not one nickel, not one penny, not one dollar, in this budget for prescription drugs. As a matter of fact, there are no new expenditures for Medicare in his budget because he decided to put the surplus away so you couldn't use it for anything else and put it in a trust fund that is not spent for Medicare. Two Cabinet members have told us there is not a nickel in here to be spent on prescription drugs. You wouldn't believe that. That means you have to reform the program to get the prescription drugs.

Mr. President, the Republican budget does a great job with reference to Medicare as compared to the President's. We anxiously await a real plan. Since I don't think there really is one here, we anxiously await his plan. We anxiously await the plan of those on the other side who are critical.

Let's see what their plan is. We increase Medicare spending $200 billion more than the President over the next decade. He cuts about $20 billion over the next 10 years, but he would say it is just removing payments from hospitals. That is where the money goes for the Medicare people of this country: It goes to hospitals, doctors, x ray equipment, MRIs, and all the other things. We don't cut that $20 billion; it is still in the budget. On top of that, about $100 billion of the surplus is left unused—$100 billion—to be used in our budget, if necessary, for a Medicare reform package.

I remind Members that the 10 members of the special committee on Medicare, which the President wholeheartedly joined last year in saying let's let them tell us how to do it, didn't even use any extra money and they covered the poor with prescription drugs through the reform of the program. I am not suggesting that the whole thing can be fixed that way, but I give you that example, and we left $100 billion there for that purpose.

We can go on. But I will proceed now to just evaluate our budget, little by little. First of all, we are beginning to ask the Senate to vote also on whether they want to save and apply to the debt 100 percent of the Social Security surplus. We do that. The reason it is important is because the President doesn't do it.

Now, the President, in the first few years of this, spends Social Security money. But he says if you wait 15 years, there will be enough of it to make Social Security's trust fund whole. Year by year, he uses portions of it until some point out in the future when the amount is small and then he leaves it all in the trust fund.

As I see it, we are going to confront the issue of Medicare here on the floor. We are going to be delighted and pleased to tell the senior citizens of this country that very major Medicare reform awaits the cooperation of the President and that there is ample resources in this budget to take care of that.

I compliment the distinguished Senator from Maine, Ms. SNOWE. She encouraged and got passed unanimously with every Democrat supporting it this source of money that won't be used for anything else but can be used, if desired, to help reform the Medicare.

Let me quickly tick through what we do that we are proud of. One, the budget accounts for every penny of the Social Security trust fund and leaves it in the budget unspent to reduce the debt. Later on, we will introduce legislation to make it near impossible to spend it.

We followed the leadership of the President, the minority leader, and many others, who said maintain the fiscal discipline established in the 1997 agreement. The minority leader challenged us: Don't break the caps, don't break the agreement we entered into 3 years ago. Stick to the caps.

We did that. Now, watch, as the debate progresses; there will be innumerable amendments saying they want more money in domestic accounts. Our question will be, if you are going to stick with the caps, as recommended by your own leader on the minority side, what are you going to cut to make sure you can pay for more than we provided? We provided the caps, the exact amount required by law. Incidentally, some think a budget resolution is in control of these budget spending limits. That statute says if you violate them without changing the law, you will cut every program in the Government. It is called a sequester to enforce the agreed-upon limits.

We return to the American taxpayer overpayments they made to the Federal Government, not only because they are entitled to it, but they should not wait 15 years for a tax cut, as implied or recommended by some. We create a non-Social Security surplus of more than $100 billion, which I have just described. It preserves the Social Security surplus balances of $1.8 trillion over the next decade. It is not touched in the expenditure or the tax side of this budget because it belongs to the Social Security trust fund for use in reform and certainly not to spend.

It is interesting on that score, while I am moving along, that nobody is going to vote for the President's budget because, as a matter of fact, in the first 5 years he spends $158 billion of the surplus belonging to Social Security. After they all vote down here to keep 100 percent, how are they going to vote for the President's budget when it spends it?

The budget resolution has another challenge in it for us. We do not put a wall up between the defense expenditures and domestic expenditures because things are tight. Senators want the opportunity—and the Budget Committee members wanted to preserve the opportunity—to argue over defense numbers versus domestic numbers. We will see some amendments today that will seek to take money from defense and spend it on something else; that is, if the amendments offered in committee are offered here. That probably won't pass no matter on what you are going to spend the money on the domestic side because we are on the verge of a war, and I am quite sure everybody would be frightened to take money out of defense for domestic programs at this point. But we will probably hear the argument.

So we have increased spending on national security. And, yes, for those who say it is too tight a budget, I repeat, we followed the admonition of the minority leader who said, "Don't break the caps," and it is a fixed dollar number. We used the number. We divvied it up among all the programs of Government. Some don't like the way we apportioned it, but I will tell you that we decided to put more in education, knowing that it will not go for categorical programs in education of the past but will go down to the local level to be spent on reform measures, so long as there is accountability as one of the qualities.

We put $3.3 billion more in the first year and $28 billion over the next 5 years. That is over and above the $100 billion we would expend in the next 5 years. That is far in excess of what the President was able to do. Yet, the President said, "I am bound by the same caps and I am following them." So we are following them also. We just decided other parts of Government could be cut more than he suggested, and we put it in priorities like defense and education.

And, yes, the President speaks of what values do you reflect in the budget. I have just expressed them. The taxpayers—we worry about them. One of our values is to see that they don't overpay their Government. Secondly, we want more for education. We are in an era of reform, and we are willing to say let's put more in because it will be helpful to reform the educational process. We said the President didn't put in enough for veterans. We put in $1.1 billion more for veterans. That is our value. How can you take the medical system for veterans and cut it and not give it a slight increase, which everybody knows it needs? We fully funded all the crime prevention laws, the trust-funded money that goes into crime prevention. These are good priorities.

There will be some who will stand up and say, yes, they are good, but you had to reduce foreign aid. Well, so be it. If we are going to all live by the same numbers, then let's all talk about priorities. I remind everyone, if they want to exceed the targets, those caps, those limits on expenditures, clearly they need 60 votes to do it because it violates the Budget Act. That is how important it is. It is a major hurdle because we wanted fiscal responsibility. I am willing to listen to how difficult it will be to live within those limits. I understand it is. I don't have a solution right now because I don't see how you can report a budget resolution out that violates the budget law of the land. I don't see how you can do that. I choose not to do that. The committee chose overwhelmingly not to do that.

I might just suggest, if people are wondering about where the money might come from to establish the right priorities and still have to reduce other programs, the GAO recently reviewed the budget and they have a high-risk series which lists 26 areas in this budget this year—nearly 40 percent—which have been high risk for 10 years. High risk, by definition, is programs that are vulnerable to waste, fraud and error. We leave them there. For the most part, we increase them every year, and we ask GAO to tell us which are the risky programs that we probably won't get our dollar's worth from. Then we do nothing about it.

Second, it is clear that some programs won't grow and will remain at the 1999 level and will have to be reduced below a freeze, as the President's budget requested. We are going to take some of where he cut and reduced. I suggest that the committees and the administration take to heart the Government Performance and Results Act, which specifically identifies low-performing and inefficient programs. I am sure some Senators are hearing for the first time that such lists and assessments and evaluations exist.

This resolution assumes reduced funding for political appointees in the administration. It assumes some mandatory savings scored to appropriators in the area of the SSI Program and child support and enforcement.

The resolution assumes repeal of the depression era and arcane Davis-Bacon and Service Contract Act and other administrative savings.

The resolution assumes that Ginnie Mae will become a private operation and its auction creates nearly $2.8 billion in offsets next year.

And, yes, the resolution assumes some of the administration's proposed offsets, fees, are assumed for various agencies in the Federal Government—FSIS and the President's proposed $200 million broadcasters lease fee.

In the area of mandatory savings. The resolution does not assume any of the President's nearly $20 billion reductions in Medicare over the next five years. Medicare spending will indeed increase from $195 billion this year by over $200 billion to a total of $395 billion in 2009, an annual increase of 7.3 percent.

And the resolution assumes $6.0 billion in additional resources will be allocated to the Agriculture Committee to address the issue of depressed incomes in that sector.

Finally, the resolution assumes that expiring savings provisions in 2002, that were enacted in the 1997 Balanced Budget agreement, will be extended. This applies to all such provisions except expiring Medicare savings provisions. Between 2003 and 2009 these provisions would save less than $20 billion.

For revenues the resolution assumes that tax reductions will be phased in and over the next five years will return overpayments to the American public of nearly $142 billion and $778 billion over the next ten years. For 2000, paid for tax cuts of up to $15 billion are possible.

How these tax reductions are carried out will of course be determined by the Finance Committee and ultimately the Congress and the President.

However, I believe elimination or reduction in the marriage penalty could easily be accommodated within these levels as well as extension of expiring R&D tax credits, self employed health insurance deductions, certain education credits and or general reductions in tax rates phased in over time.

Finally, the resolution, being cautious, over a 10 year period, projects a non-budget surplus of over $100 billion. This money could be needed for unexpected emergencies or contingencies, it also could support the cost of funding transition costs for Medicare reform, or if nothing else it will continue to further retire debt held by the public.

Two procedural issues need to be noted—a rule change as it relates to defining emergencies and a clarification that when there is an on-budget surplus, those amounts are not subject to pay-go rules.

Let me close by saying that under this resolution, debt held by the public will decline by nearly $463 billion more than under the President's budget.

This is true even if one treats the President's government equity purchases as debt reduction.

Why do we reduce debt more than the President?

First, the President spends $158 billion of the Social Security surplus over the next 5 years. In contrast, the committee reported resolution saves the entire Social Security surplus.

And second, let me remind the Senate of one other thing about the President's spending proposal which may surprise many—his spending costs more than the resolution's assumed tax reductions. This is true over both the 5 year and 10 year period.

The President's budget spends 35 percent of the Social Security surplus over the next five years on programs unrelated to Social Security or Medicare.

The resolution before us today assumes that we return to the American taxpayer their overpayments and this sum of money is less smaller than the President's spending increases.

That is why we can save the entire Social Security surplus and why he can not.

That is also why the administration is opposed to the Social Security lock box idea, because that would stop them from spending the Social Security surplus.

We will have more to say about the President's budget plan later in the debate, when we let the full Senate consider whether they want to support his budget plan or not.

For now however, what is before the Senate is S. Con. Res. 20. It is a good resolution. It is a reasonable resolution.

Once again it does four things:

It protects 100% Social Security surpluses.

It maintains the fiscal discipline this Senate overwhelmingly supported in 1997 and was most recently reaffirmed by the minority leader.

It returns to the American public their tax overpayments.

And finally, it prudently and cautiously projects on-budget surpluses for further debt reduction or for supporting unexpected emergencies, and possible transition costs for true Medicare reform like the one recently voted on by 11 of the 17 members of the National Commission on the future of Medicare.

It is a good start on budgeting into the next century.

Mr. President, I will also comment on those from the agricultural sectors. We got your letter and your concerns of a bipartisan nature. The resolution assumes $6 billion in additional resources to be allocated to the Agriculture Committee to address issues of the depressed parts of the agricultural community.

I am going to stop at this time and merely indicate that this debate will proceed. Amendments will be forthcoming. I am hopeful that when the day ends, we will have a budget resolution similar to this one, and let's see how the year evolves as we try to implement it.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I thank the chairman. I have an understanding that we are going to go from side to side. At this point, I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you so much, Mr. President. I thank the chairman and the ranking member, Senator LAUTENBERG.

I was so pleased to be a member of the Senate Budget Committee in the House. I was on the House Budget Committee for 6 years. To me, the Budget Committee is very important, because what we in essence do is present a roadmap for the priorities of this country. I think it is key to the people, the decisions we make here. How much are we going to spend on education? How much are we going to spend on Social Security, Medicare? How much are we going to spend on the military? And on and on—Border Patrol. Every single item comes under scrutiny in the Budget Committee. Although we may not make detailed recommendations, we essentially say to the American people—and we have to feel good about what we do—this is how we are going to spend the taxpayers' money and we hope you will be pleased with it.

Mr. President, I am not pleased with what we do about Medicare in this budget. That is what brings me to my feet today.

The President took the leadership on this budget when he challenged Congress—Members on both sides of the aisle—to save Social Security and Medicare and to do something about the low rate of savings in America today. So he came forward with a very good suggestion. He said set side 62 percent of the surplus for Social Security, set aside 15 percent of the surplus for Medicare, and set aside 12 percent of the surplus for targeted tax cuts, which will help our people increase their savings for the future.

The good news is that both sides of the aisle have agreed on Social Security. Both sides in the Senate have agreed to set aside every penny of the Social Security surplus every year for Social Security. The bad news is that nothing—I say "nothing"—was done for Medicare by the Republicans in this committee. We tried to work with them. Senators LAUTENBERG and CONRAD spoke eloquently on the point and offered a number of amendments. They will do so again. Yet, on a straight party line vote, we were unable to budge our Republican friends.

I have to say this: Having seen a parent wind up in a very difficult position in a nursing home and having seen her be able to hold her head up high because she has Social Security and Medicare, they are twin pillars of the social safety net. Why do I say this? Because if you ask our elderly what they fear, what they fear is getting sick and they cannot rely on their Medicare. If their Medicare becomes out of reach for them, if it no longer protects them, then they will have to use their Social Security to pay for their health care costs, and they will wind up in very bad shape.

So, to me, you can't stand up with a straight face and say you are helping seniors in this country, you are helping our people get through their golden years, if you do not help Medicare, as well as Social Security.

There are those on the other side who we will hear say, "Oh, these Democrats. All they want to do is throw money at Medicare. They don't want to reform it." That isn't so. But we do know we need to do both. We need to set aside funds from the surplus to get us through these years coming for Medicare; also, let's look at the reforms of the program.

As Senator KENNEDY said, the proposal we will put before the Senate will save Medicare through the year 2020. That is nothing to scoff at. Then we have the time to work on the reforms. We need to make sure that those reforms, in fact, are good reforms and that "reform" does not become another word for "repeal." We don't want to repeal Medicare. We don't want to change Medicare in such a way that it no longer is that peace of mind for our seniors. We want to fix it so that it continues to work.

I hope it will be different on the Senate floor than it was in the committee. Shockingly, almost every vote, almost every vote—I will not say every amendment, but certainly every vote—to save Medicare was a straight party line. We see more and more of it. I see Senator MURRAY on the floor, a member of this committee, who was talking to me about how shocked she was that in the markup of the Patients' Bill of Rights it was party line all the way. What has become of us?

These are issues we should work together on. I am sad that we are not able to do it. On the other hand, I recognize that there are legitimate differences between the parties. It is for the people to judge as to who they feel is going to keep Medicare going.

I want to share a couple of charts with you. It seems to me that what we ought to be doing in this budget is securing America's future. In the budget we envision, and the kind of amendments we will be offering, we want to do a few things. We want to save Social Security. I again credit my Republican friends. We have worked together. This is done.

We also want to strengthen Medicare. Mr. President, it is not done in this budget. There isn't a slim dime set aside for Medicare, despite the fact that we were talking about last year what we would do with the tobacco tax, should it be enacted. Members on the other side of the aisle said: If you have extra funds, save Medicare. I don't know what happened. We will hear more about that in the debate as it unfolds.

Also, we should cut taxes to help ordinary Americans save. Those kinds of targeted tax cuts, more modest than the ones in the budget before us, are the ones we ought to be supporting. So, yes, we support tax cuts, but we want them to go to ordinary Americans who need those tax cuts. Yes, we want to strengthen Medicare by setting aside 15 percent of the surplus for Medicare.

I think it is stunning to look at this budget. This is what this budget does with the surplus vis-a-vis Medicare and tax cuts. My Republican friends will say, "Well, we do spend money on Medicare." Yes, they spend the money. But nothing out of the surplus—nothing to address the problem in the future once we have a problem.

The good news story is that we are living longer. This is good. All the work we do around here to increase spending on health research is paying off. All the investment we make in the private sector and make in high technology is paying off. People are living longer. This is good; this isn't something to be sad about. But yet it has to be addressed. If we don't address it, we not only hurt the aging population, but the children of the aging population whose problem it will be when mom and pop can no longer afford health insurance—and they may be uninsured—or have to dip into their pocket to a great extent when hit with a disease.

Just take a look at this. I ask the question, Is it fair? Is it fair? Tax cuts—$1.7 trillion; zero investment in Medicare out of the surplus. I don't see how this could be supported. Senators LAUTENBERG, CONRAD, KENNEDY, and others will be offering us an opportunity to do something about this. I hope we will.

I have a final chart that I want to show.

So you say to yourself, OK, the Republicans are giving these tax cuts out of the surplus; not a dime for Medicare. Who is getting the benefit? My friends, I have to tell you, if you earn over $833,000 a year, you are going to get a good benefit from this Republican tax plan because you are going to get an average of $20,697 back a year.

In other words, the top 1 percent will average $20,697 a year back in their taxes. That is twice as much almost as the minimum wage. And we can't get support from the other side of the aisle to raise the minimum wage. People who get up and work hard, get dirt under their fingernails every day, earn about $11,000 a year. We can't get anyone to raise it again.

But look at this, folks: $20,697 average back to the top 1 percent every year, and the bottom 60 percent of taxpayers, that is, whose income is below $38,000, get back $99. This is paid for by essentially ignoring Medicare. I say to my friends: $99 a year; yes, it is good to get that back. But how far does that go when mom and dad call you and say, "My Medicare premiums just went up a huge amount. You have to help me; I can't pay the premium"? I say that $99 will be gone pretty darned quick.

So I just don't think it is fair. I respect my friends. They think this is good policy. I know they believe it in their hearts. As a matter of fact, shockingly—I had an amendment in the committee. Do you know what it said? It said that the substantial benefits of the Tax Code, of any Tax Code that winds its way through here, should go to the first 85 percent of taxpayers rather than the top 15 percent. And to my shock, my dear colleagues on the other side would not even let us vote. They had a substitute. They did not like it. They supported it last year, but they said this year times are different. They do not support it now.

So the reason I love this debate, on the one hand, is there are such clear differences in the philosophy of the parties, as evidenced by the votes that were taken in the Budget Committee. But I have to say I was disappointed. Even an amendment I offered—and I know, again, my colleagues will speak on their own amendments—that simply said without adding a penny let's make sure we fund afterschool programs out of the increase in the education budget, except for one colleague, every Republican voted it down. One Republican colleague joined me, but it failed on an 11–11 vote. They will not even say that afterschool care should be a priority within the education budget, because the philosophy is let the local government decide.

What if the local government decided to spend it to put a shower in the principal's office instead of on afterschool? I think there ought to be some accountability for the tax dollars we send back. We are not saying you have to use it. We are saying if you apply for the funds, whether it is for afterschool or more teachers in the classroom—we could not even get a vote "yes" on that one. So I am proud to be here today to stand up for the priorities I started off talking about: Saving Social Security—which I give my friends credit for, we do—or strengthening Medicare, which they do not do. We are going to offer some amendments, so we hope they will do it. And to cut taxes, not for the wealthiest Americans, but for ordinary Americans.

I want to say a word to my colleague, Senator LAUTENBERG. He and Senator DOMENICI may not agree, but they get along and it is a wonderful thing for us to see. Because, as tough as it is to disagree on these issues, there is a certain friendship and comity that pervades that committee because of their example. I thank them for that. I hope my colleague, Senator LAUTENBERG, will rethink his decision to retire because we will miss him too much.

But the amendments that he will offer symbolize what he is about, which is standing up and fighting for the little people, the people who need us. Before Medicare, we had old men and women destitute, destitute. And my friend, Senator LAUTENBERG, is an example of the American dream when he tells me the story of his mother who ran a bakery. She was widowed and she raised her family.

He served his country. He became a very successful businessman, and against his own economic interests, takes positions here that are for the good of the people. As he stands up and talks about Medicare, I know it is from the heart. I hope we will follow his leadership. I hope we will get a bipartisan vote to save Medicare.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am going to yield as much time to Senator GRAMM as he would like, although I am going to ask him in the interest of others to do a little less than the 1 hour he would give to his class in economics over there at Texas A&M.

But I want to read something to the Senate before I yield to him, just in response to my good friend, Senator BOXER from California. She suggested we would not accept her resolution with reference to what the tax cut should be all about. Let me read what the committee adopted unanimously. I think it is a pretty good definition of what we ought to do with the tax cut:

> It is the sense of the Senate that this concurrent resolution on the budget assumes any reductions in taxes should be structured to benefit working families by providing family tax relief and incentives to stimulate

savings, investment, job creation, and economic growth.

I think those are the kinds of things we all ought to be looking at in a tax package as it moves its way through.

I yield to Senator GRAMM.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas.

Mr. GRAMM. Mr. President, I am going to talk mostly about Social Security and Medicare, but I want to answer two of the points that our dear colleague from California raised. First, she says, Is it fair to give a tax cut and to give nothing to Medicare? The Domenici budget gives this big tax cut and gives nothing to Medicare. Let me just change the question a little. It is not, Is it fair? The question is, Is it true? And the answer is no.

Let me just ask our colleagues to look at page 54 of the report on the concurrent budget resolution for the fiscal year 2000. This is the budget reported from the Budget Committee. It provides, beginning this year, for Medicare, $194.6 billion, and by 2009 that has risen to $394.2 billion. So the Domenici budget provides $199 billion of additional money for Medicare by the end of the 10-year period.

Let me just make two points. No. 1, Medicare has never grown by more than it grows under the Domenici budget. No. 2, no program has ever grown as much as Medicare grows over this 10-year period. There is not one cut in one Medicare benefit in the Domenici budget. In fact, the President's budget cuts the Medicare Program. The Domenici budget fully funds it.

So we all have a right to our opinions, but we do not have a right to our facts.

Mrs. BOXER. Will the Senator yield for a retort?

Mr. GRAMM. I will be happy to yield.

Mrs. BOXER. What I said clearly is of course there is funding there for Medicare. I said: Out of the surplus. There was nothing out of the surplus. I was very clear to state of course the committee takes care of Medicare under the current condition, but doesn't take anything out of the surplus.

Mr. GRAMM. I thank the Senator for the clarification, but the point is every penny of this $199 billion is out of the surplus because, if it were not provided, that money would be in the surplus. The point is, and I want to be sure nobody is confused, the Domenici budget provides full funding for Medicare over the next 10 years. It has not one cut in one benefit anywhere for Medicare. In fact, no budget in the history of America has provided the funding increase for Medicare that is provided in this budget, and no program, except the buildup for a war effort, in the history of mankind has ever provided the increase we provide for Medicare. So no one should get the impression that in any way this budget does not fully fund Medicare. It does.

Second, and I do not want to get off on this same old debate, dragging the same old dead cat across the table, but it is always an amazing thing to me that when Democrats talk about tax cuts, they think it is always for rich people. When I heard the story, that Senator DOMENICI's mama was out picking lettuce and she started having Senator DOMENICI, and they took her in the house and Senator DOMENICI was born in this house. I don't know why anyone would think Senator DOMENICI does not love working people. I don't know why our Democrat colleagues, most of whom are very wealthy people, why they have this monopoly on loving poor people and Senator DOMENICI, the child of an immigrant family, somehow he does not love working people.

Let me tell you what the whole paradox is about. Our colleagues on the Democrat side of this body have discovered that we have a progressive income tax. Senator DOMENICI, what that means is that American workers in the bottom half of the income scale pay virtually no income taxes. And people who are in the higher income brackets pay very high levels of income taxes.

So, for example, if we had an across-the-board tax cut where we reduced everybody's taxes by 10 percent, a proposal that was made by John F. Kennedy who, last time I looked, was a Democrat—of course he believed that rising tides lift all boats. I don't know if Democrats still believe that. It was President Kennedy, in 1961, who proposed an across-the-board tax cut. "Let's get America moving again" was the Kennedy slogan.

When you cut taxes across the board, there are two things that everybody ought to understand, because our Democrat colleagues are going to go on and on and on about it. No. 1 is, some people do not get a tax cut if you cut income taxes across the board. Why? Because they don't pay income taxes. Some people don't get Medicare because they are not senior citizens. Some people don't get welfare because they are not poor. Some people don't get Senate salaries because they don't work for the Senate. But tax cuts are for taxpayers. You don't pay taxes, you don't get a tax cut.

Secondly, some people will get a bigger tax cut with an across-the-board tax cut than others. That shouldn't come as any shock, because some people pay more income tax than others. This budget does not make this judgment; this budget simply provides money for a tax cut. We will decide in the Finance Committee what it is.

I personally support an across-the-board tax cut. If you want to figure out how much you get—it is very simple and couldn't be fairer, in my opinion—take the amount you pay, take 10 percent of it, that is how much you would save if we had a 10 percent across-the-board tax cut. If you don't pay any income taxes, you don't get any tax cut. If you pay a little income taxes, you get a little tax cut. If you pay a lot of income taxes, you get a lot of tax cuts, but you don't get back what you don't pay. Simple formula.

Let me talk about my two issues.

The President, 2 years ago, said in the State of the Union Address a brilliant line—"Save Social Security first." It was a brilliant line. Everybody stood up and applauded. We waited a whole year and the President never told us how to save Social Security first, last, or ever—never had a program. It was simply a bumper sticker, a slogan. Then this year the President said, "Oh, the year has come for us to save Social Security." He said, "Don't just save it first: save it now." We all stood up, standing ovation. We all applauded.

And we had a big conference down at the White House. One of my Democrat colleagues was smart enough not to go. He had already figured out that this was a political sham. But I went. I sat through all these meetings. I sat in a meeting with the President. We had about 60 Members of Congress there. He went around the room and asked people their opinion, agreed with everybody. Then, when we left, we waited for a program.

Finally, the program came. Let me say, not to mince words but to be precise with the English language, it was a total and complete political cop-out. It was a political punt. It was a program that basically said: We are not going to make any decision other than we are going to claim that we are locking all this money away for Social Security. I am going to explain how the hoax works.

The second issue that is a major disappointment in the President's budget and the President's proposal is Medicare. I was appointed to the Medicare Commission led by Senator BREAUX, a Democrat. We put together a bipartisan coalition to save Medicare. The President killed the Commission. Then he makes a proposal that does not give Medicare a dime, not a dime of new resources. It simply reduces debt and gives Medicare credit for it in a sort of nebulous IOU that can't be spent for 15 years, and can only be spent then if we raise taxes or cut other spending to redeem the IOUs.

I want to talk about Social Security and Medicare the way Bill Clinton does it. A lot of my colleagues have racked their brains to try to figure out how the President saves Social Security. Let me explain it to you. I have a chart here, and I hope people can follow it.

What I show on the first chart is plotting out over time the Social Security surplus, which starts out here at the current level of $137.6 billion and then it grows over time. That is the amount of money we are taking in, in Social Security taxes, that we are not spending on benefits, plus the interest we are earning on the IOUs that Social Security has from the Federal Government.

In addition to the Social Security surplus, we have a general budget surplus from the rest of government that is shown here as B. The total budget surplus, counting the Social Security surplus and the non-Social Security surplus, is the combination of the two I have shown in blue here.

Here is what the President does. The President takes the Social Security surplus, which this year is $137.6 billion. They have a guy over in the Treasury who puts into a computer the number $137.6 billion, and out in West Virginia there is this little Federal office with a steel filing cabinet. They have a printout machine, and this prints out this IOU for $137.6 billion. I have seen them on television—at least a man and a woman working there. They may have 10,000 people, but I have seen only 2. The guy normally does it. He goes up and he takes it off the machine, tears it off, takes the perforated edges off, and takes the carbon copy off. Then he puts it in that metal filing cabinet. This is an IOU from the Government to the Social Security Administration. This literally happens. That is the $137 billion.

The problem is, we do not have $137 billion, because the unified surplus, when you add the two together, Social Security and non-Social Security, is only $134.6 billion, because we are running an actual deficit in the non-Social Security part of the budget of $2.9 billion.

What the President does is, he takes the $134.6 billion we have in cash and he says: Let's take 62 percent of that. That 62 percent is shown in light green here. That is 62 percent of the total budget surplus. He says: Let's spend 38 percent of that. Now, that is $52.3 billion.

Remember, every penny of this surplus is Social Security, but in his budget he spends $53 billion of this surplus. Then he says: We are going to give Social Security $83.5 billion. So they already have this IOU in West Virginia for the blue, the Social Security surplus, and now we are going to give them an IOU for the green, 62% of the unified surplus, which of course came from the Social Security surplus.

So what we do, we start with $137.6 billion in Social Security surplus. We don't really have it. We are $2.9 billion short, because we already spent that. The President prints out an IOU in West Virginia, and then he takes $134 billion, every penny from Social Security, and he spends $52 billion of it. Then he takes $83 billion that is left and gives it to Social Security again.

You might ask, how, with $134 billion, do you give Social Security $221 billion? Well, how you do it is, you give them $137.6 billion and you already have spent $2.9 billion so you have $134 billion. You spend another 38 percent of it, and that leaves you with $83 billion, and you gave that to Social Security. So what the President has done is double-counted $83.5 billion of the Social Security surplus.

The amazing thing to me is that Senator DOMENICI, Senator LAUTENBERG, and I have seen many budgets come and go, and we know we have seen administrations, Democrat and Republican, who made rosy assumptions about the future—of course, nobody knew what was going to happen in the future—that did all kinds of things, but nothing of the scale of double-counting the Social Security trust fund. In the 20 years in the House and the Senate that I have watched budgets come and I have watched them go—more go than come, in many cases—I have never before seen the level of dishonesty that exists in the budget President Clinton has submitted this year.

It is not rosy assumptions about the future, it is plain fraudulent bookkeeping.

The amazing thing to me—having appeared on television with senior officials of the Clinton administration to talk about this issue, having listened to them in testimony—is how educated people who have credibility independent of serving in the Clinton administration can come before the public and come before the Congress and defend this; it is totally beyond my comprehension.

It is totally beyond my ability to understand the willingness of people to say something that they know, because every one of them took freshman accounting in college—if a freshman economic student at Harvard had proposed this double-counting scheme, our dear colleague, Larry Summers, the smartest guy in the Clinton administration, would have given him an F. And yet poor Larry Summers is dragged on CBS television to defend double-counting bookkeeping.

Having gone through it, let me just show you some of the manifestations of it. If you take the President's budget, he claims that he is locking away $5.8 trillion for Social Security in the future. Remember, these are all IOUs, and it does not make any difference whether you have one or you have a cigar box full. They all are commitments for which we are going to raise taxes, cut spending, or borrow money in the future. But I am simply talking about gimmicks.

The President claims $5.8 trillion that he has put in the Social Security trust fund. But yet when you look at what he has actually locked away, it is only $2.2 trillion. Let me just show you the numbers from his own budget.

This is the first document that comes from the Social Security Administration, and it shows the President's proposal:

> Under the President's plan, the Social Security trust fund will rise from $864 billion to $6.6 trillion, an increase of $5.8 trillion during the year 2000 to 2014.

That is what the President says he is doing, locking away $5.8 trillion for Social Security. But when you actually look, I say to Senator DOMENICI, at the President's budget from the Office of Management and Budget, there is a "Social Security lockbox transfer used to redeem debt." They are not redeeming $5.8 trillion, the amount set aside for Social Security, they are redeeming $2.183 trillion.

What happened to the other $3.6 trillion? It is missing. You cannot find it in their books. What happened to it? It is a funny thing about double-counting bookkeeping, you can double count all you want, but when you finally open up the box, you only have in there what you put in there. That is basically what the President does.

When our colleagues on the Democratic side of the aisle say the President does these great things for Social Security, what he does for Social Security is double count the entries he is making in the Social Security trust fund, but nothing the President does in any way will pay any benefit past 2012 because at that point we open this box, and all it has is IOUs. Then we have to raise taxes or cut spending or cut Social Security benefits, or we have to borrow money to pay for it.

Finally, let me read you a quote. Probably the best summary of the Clinton Social Security proposal was in a major article by David E. Rosenbaum in the New York Times on March 24. Here is his summary of what he calls "the shell game" in the Clinton Social Security proposal. Listen to this quote. He is talking about the Clinton plan on Social Security:

> The plan does nothing more than throw new IOUs at the problem and avoids tough choices needed to keep subsequent generations from having to pay the bills for the retirement of the baby boomers.

What is being called a plan to save Social Security is, in fact, a phony bookkeeping scheme to double count the number of IOUs put into Social Security. Not only is it fraudulent, but it is a hoax, because the IOUs in Social Security do nothing to pay benefits. You cannot pay benefits with IOUs. You have to have money, and the only way you can get money is to tax or to cut spending or to borrow the money from the general public.

The second hoax in the Clinton budget is the hoax of Medicare. This year, the President killed the Medicare Commission report, and his alternative to it was to send an IOU to Medicare. He said, going back to this surplus, "Look, we started out with $134 billion and we gave $221 billion of it to Social Security. That worked great. Having taken 134 and given 221 of the 134 to Social Security, why don't we give 15 percent to Medicare? It worked great for Social Security, let's do it for Medicare."

So what he does is he sends this meaningless IOU to Medicare only, as Senator DOMENICI was the first to discover, there is a big caveat on this IOU, and that is, you cannot spend it. He does not provide any new benefits.

He talks about drug benefits and how wonderful it would be to have them, but he provides not one penny for drug benefits. None of this money can be spent under the President's budget. It is simply a meaningless IOU. I guess we will open another office in West Virginia and we will hire people and they will print out the IOU for Medicare and put it in a metal filing cabinet, but does it fund one prescription drug? No. Does it pay for one day in the hospital? No. Does it pay for one home health care visit? No.

If it does not do any of those things, what good is it? It is good because it is a political weapon. The President can say, "I gave 15 percent of the surplus to Medicare." You cannot spend it. It will not buy any of these things, but I did it.

The point is, Senator DOMENICI could have done all these things, and more, if he were willing to use phony bookkeeping. But thank goodness he is not willing to use phony bookkeeping. He did fund—fully fund—for 10 years Medicare.

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. Let me make a concluding point, and then I will be happy to yield.

The President had a once-in-a-lifetime opportunity to save Social Security this year, and he did not do it. The President had a once-in-a-lifetime opportunity with a bipartisan commission to plant the seeds to save Medicare, and he did not do it. To use a parody on a very famous commercial, the Presidency is a terrible thing to waste, and President Clinton has wasted Presidential leadership on Medicare and Social Security with phony programs that serve no purpose except to mislead the American public and to prevent real debate on these issues.

I will be happy to yield.

Mr. DOMENICI. Mr. President, I want to ask the Senator, in terms of the President transferring some balances into the Medicare trust fund and taking IOUs back, we all know right now there is an assessment of when the Medicare Program will stop generating enough money to pay its bills. Remember, that date is 2008——

Mr. GRAMM. That is right.

Mr. DOMENICI. When there will be less money coming in than the bills calling for it.

Does the President's plan change that fact?

Mr. GRAMM. No. In fact, it provides no new money in the year 2008 to cover that deficit.

Mr. DOMENICI. Thank you.

Mr. GRAMM. I say, in conclusion, that the Domenici budget has a real process to lower the debt limit that the Government operates under to assure that not one penny of Social Security money will be spent on anything else. We will have a vote on that lockbox. Many people who say, "We want to stop the plundering of Social Security," will have an opportunity to do it, because the Domenici proposal will stop Social Security money being spent for any other purpose. I intend to support it.

I congratulate Senator DOMENICI. And I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I ask that Senator MURRAY of Washington be recognized.

The PRESIDING OFFICER. The Senator from Washington, Senator MURRAY, is recognized.

Mrs. MURRAY. I thank my colleague from New Jersey, the ranking member on the Budget Committee, who has worked with us for a number of years in putting together these budgets. I join my colleagues in wishing him well on his retirement and thank him for the work he has done for so many people throughout his career.

Mr. President, I rise today to express my strong opposition to the pending fiscal year 2000 budget resolution that is before us here today and my deep concern and disappointment with the priorities that have been laid out in this budget. I remind my colleagues that budgets are not about today; they are about tomorrow. Failure to establish a framework for Federal spending that focuses on the future is a serious mistake.

Last week during the consideration of the resolution in the Budget Committee, I was really amazed at our lack of focus on investing in our future and our complete disregard for the impact of the decisions we were making on hard-working families. The mistake that we all made during committee consideration was our failure to put a human face on our discussions. We simply lost sight of the human and social costs of our decisions.

The focus of this budget that is before us and the focus of the debate in committee seemed to be based solely on politically expedient tax cuts. There was no discussion on extending the solvency of Social Security or Medicare and what our failure to address these issues will mean for working families. There was no attempt to address the shortfalls in our investment in public education, our public health, environment, veterans health care, child care, food safety, Older Americans Act, Medicare, Medicaid. These are not just spending programs, these are investments in our quality of life and in our future economic security.

When we talk about education, a lot of the talk we hear on the floor is jargon—jargon—about flexibility and block grants and Federal mandates. No one talks about walking into a classroom of 40 young children and looking into their faces as they struggle to learn. I cannot say strongly enough, there are human costs to the decisions that we are making in this budget.

I have talked to children our decisions affect. I have talked to their teachers and their parents. I know they are not interested in political doubletalk. What they want to know is, What are we doing to prepare them for the challenges of the next century? What are we doing to invest in our young children so that they have the ability to get a job when they graduate? Are we addressing the huge class sizes that our children face every day and their inability to learn math and reading and science? Are we addressing the issue of the crumbling schools that many of our children go to every day? Are we addressing the fact that our teachers need to be educated and trained to be able to teach the skills that we require of them today?

That is what parents and students and communities and business leaders are looking for in this budget. That is what we have failed to address.

I see the same lack of focus in dealing with Medicare. I am glad there is a bipartisan agreement to protect the Social Security trust fund. That one step alone will do a lot to restore integrity to the program and return confidence to the Social Security system. However, I am very troubled by the lack of commitment to Medicare.

In reviewing the committee's report to accommodate the resolution, the priority appears to be one thing, and that is tax cuts. The resolution assumes tax cuts totaling almost $700 billion over 10 years but very little mention of how we are going to invest the surplus in providing equal, affordable health care for our Nation's senior citizens. Again, this resolution places a higher priority on compensation as opposed to investment.

I want to know how we are going to explain to an 83-year-old widow that Congress has decided that a tax cut is more important than providing her with quality, affordable health care.

The fastest growing segment of our population living in poverty is those over the age of 65. All of the investments we have made, from Social Security to Medicare to the Older Americans Act, that have ensured a quality standard of living for those over 65, are jeopardized by a simple fact, and that simple fact is that the population over 65 is increasing faster than we are ready for. We have an opportunity, with the surplus in front of us, to invest a portion of that into Medicare in order to extend the solvency without making devastating and dangerous cuts.

Reform of Medicare must be carefully considered and executed. We cannot change the program overnight without harmful implications. The budget resolution we are dealing with here today fails to address the immediate and long-term problems of Medicare, and, once again, there is no discussion of the human cost of the decisions we are making.

I have spoken with that 83-year-old widow who sometimes has to choose between hundreds of dollars a year in prescription drugs and food. How do I explain that, under this, she could face an additional $2,498 a year in Medicare premiums? How do you justify increasing the burden on individuals whose average income is slightly less than $13,000 a year?

I ask my colleagues to stop and reconsider their priorities. I have heard some of my colleagues talking about the need to return the "people's money" to the people. Well, I agree. Families have worked hard and paid their taxes with the belief that Medicare would provide for their parents as well as themselves when they retire. Medicare allows the elderly independence and dignity in the final years of their lives. I believe investing the surplus into Medicare is returning the people's money to the people.

As I stated earlier, I am pleased that there is a bipartisan commitment to save the Social Security trust fund surplus. This will allow greater flexibility in reforming the system and improving current benefits. And I was pleased with the bipartisan support for the amendment I offered in committee regarding the impact of Social Security reform on women.

Up until now, the only discussion about women and Social Security reform has been very vague statements about "taking care" of them. I believe that very few understand the unique circumstances of women who, throughout their working life and in retirement, face very different decisions and circumstances, where women tend to be out of the workforce to raise their children, or later on in life to take care of elderly parents, where women earn, on the average, 75 cents on the dollar of what men do; when we look at Social Security reform and realize right now that Social Security is based on the top 35 years of income, and for many women who do not work 35 years, their income is averaged by adding a number of zeros into that calculation because they have not worked those years.

We have to use this opportunity to make sure that how these decisions are made does not negatively impact women. It is actually this lack of understanding of women in the workforce that has resulted in many more women who are living in poverty today after the age of 65. Single older women are more than twice as likely as men to face poverty today.

The bipartisan support of my amendment in committee has encouraged me to offer an amendment to the pending resolution which I hope my colleagues will again support. We have to use reform and this added financial flexibility to address the specific shortfalls in the current structure that penalize women and oftentimes leave them in poverty following the death of their spouse.

My amendment would simply illustrate the support of the Senate for using reform as a mechanism, not just at protecting the status quo but actually improving the economic security of older women. I hope that the same commitment to address the needs of women in reform prevails when I offer this amendment in the next several days.

Finally, Mr. President, I want to caution my colleagues about the dangers we face when fiscal policy development breaks down into partisan politics. We will not be successful unless we have a bipartisan effort. I urge my colleagues to think carefully about the constituents they have met and the people who have come to them asking them for help and support. We need to stay focused on these faces and remember that the budget is not just about economic or policy decisions but about decisions with real consequences and real human costs.

I am hopeful that as this budget process continues we can redirect our efforts and shift our priorities from short-term diversions to savings and investing in the future. We have made the tough decisions that have given us a budget surplus today. Like every family, we cut back and for several years maintained strict fiscal discipline. Let's follow the example of many families and use our surplus to invest and save—not to rush out to spend on lavish vacations or luxury items. Let's use basic common sense in deciding on the priorities of the first budget of the millennium.

Mr. DOMENICI. Mr. President, Senator ABRAHAM will have some comments and then our first amendment. How much time does the Senator desire?

Mr. ABRAHAM. Mr. President, 15 minutes. I believe I can make an opening statement and comments on the amendment.

Mr. DOMENICI. I yield 15 minutes to the Senator from Michigan.

Mr. ABRAHAM. Mr. President, let me begin by acknowledging, as others have, the work and accomplishment of our Senate Budget Committee, and particularly the work of our chairman, in putting together this budget which we are debating today.

A lot of people have tried to take credit with respect to the remarkably strong fiscal position we find ourselves in today. But I remind all of our colleagues that when, in 1995, this Senator arrived, notwithstanding tax increases and other such devices, we still were considering budgets with deficits as great as $200 billion for as far as the eye could see. We had one leader in the Senate, the chairman of the Budget Committee, who said, We are not going to allow that to happen; we are going to begin to strengthen the economy and tighten the belt in ways that eliminate the budget deficit.

I am proud to be a member of the committee and never to have voted for anything but a balanced budget since I became a part of that committee. I attribute that to our chairman and his staff for the hard work they have done to craft documents that have moved us in this direction.

Let me just briefly outline the budget we are looking at here today for the benefit of our colleagues who may be perhaps reaching the wrong conclusions as to what it contains on the basis of some of the speeches we have heard today. I want to set the record straight. Our budget accomplishes a number of important priorities. First, it sets aside every single dollar of the Social Security surplus so that we can use that Social Security surplus for exactly what the public expects us to use it for, and that is to fix Social Security and to ensure its long-term solvency. Later, I will offer an amendment here which will ask the Senate to take a position in support of the kind of protection and lockbox mechanism that will guarantee that every one of those Social Security dollars is used for that purpose.

Second, this budget makes important investments in two areas of public policy where I think there is a broad consensus of support, both inside the Senate as well as across America. One of those areas is education. This budget acknowledges a greater Federal investment in the support of education in our country. It does not dictate how those dollars will be spent, obviously. I think a lot of us feel they ought to be spent in the classroom.

With the budget chairman here, I ask if he could respond. I believe, Mr. Chairman, that this budget, in fact, increases education spending not only over its baseline increase but even beyond what has been proposed by prominent education advocates such as the President, is that not correct?

Mr. DOMENICI. The Senator is absolutely correct. In the first year, we recommended that $3 billion, in addition to what the President recommended, be spent for education, and over 5 years, $28 billion in new money on top of about $100 billion in the programs today.

We do express our concern in the event this money were used in the traditional way that we have done for the last 25 years of telling them exactly how to do it with a lot of strings. We are hoping it will move down to the classroom level with only accountability as to what the Federal Government requires.

Mr. ABRAHAM. I thank the Budget Committee chairman. I ask our colleagues to take note of this.

We have already heard people come to the floor and talk about how this budget doesn't do enough for education, while at the same time they are now saying it is the President who cares about investment in education.

This budget invests more in education than the President of the United States has proposed by a very substantial amount over the next 5 years. We will have a chance later to debate how that investment should be made.

I agree with the chairman of the Budget Committee—we want fewer "Washington knows best" solutions and more people at the local level making decisions as to how to use the dollars. It is the Republican's budget, not the President's, that puts more money in education.

Another investment that I think we all, particularly today, have to acknowledge is important is a greater investment in national security. Obviously, the current events in the Balkans once again remind us that America must have a sufficient investment in our security to be able to meet international challenges we confront.

To give the Senate an idea of exactly what we confront with respect to national security today, let me use one statistic. That is the decrease in levels of manpower and weaponry in just the last 8 years. Eight years ago, we engaged in Operation Desert Storm, an accomplishment of great military significance. If we had to do that again today, we would find ourselves severely strapped both with respect to the percentage of our total Armed Forces that would be needed to initiate that effort, as well as the amount of weapons from our total arsenal that would be needed. In fact, I believe it would take about 90 percent of today's Army, two-thirds of our fighter wings, two-thirds of our aircraft carriers, and the entire U.S. Marine Corps based on those current sizes today to replicate what we did in 1991.

If that doesn't demonstrate to us the need for a greater investment in national security, I don't know what does. If we need further arguments, I think we need only to look so far as the reinlistment rates which are, as everyone in this body knows, not at the level we require. We need to have better pay and better benefits, pension benefits, and so on, for our Armed Forces in order to encourage more people to join and to stay in the Armed Forces. We have already taken a step in that direction earlier this year, but we need to back up the Soldiers' Bill of Rights with budget authority to be able to move forward. That is what this budget does over the next few years.

Finally, I want to talk about two other things. This budget sets aside money not at all connected to Social Security, but, rather, surpluses wholly unrelated to our Social Security payroll taxes for the purpose of reducing the tax burden on the people who pay taxes in this country. What we are talking about is very simple: More money is coming into the Federal Treasury than even the biggest liberal spenders anticipated. It is coming faster than the IRS can count it. It is building up a surplus that is wholly unconnected to Social Security.

The question is, What should we do with some of those dollars? This budget sets aside a very substantial amount of money, but certainly not all of that money, for tax relief. Some say this isn't right; the money should be used for more spending programs, new spending programs, or it should go in some way to reduce the tax burden of people who are already paying the taxes. We don't agree. We think this money constitutes an overpayment. It is more money than we expected. If you make an overpayment, you ought to get a refund. That is what this budget reflects. The refunds ought to go to the people who are making the overpayment. In my judgment, at least in some way, it ought to reflect approximately the percentage of their overpayment. To treat this as suddenly a tax break for a special interest group is simply missing the point.

We didn't just shut down a program to be able to finance a tax cut. We didn't make a transfer from one beneficiary group to another in order to be able to afford a tax cut. We said we are taking the money that is coming in and returning it to the American public. The Finance Committee, not the Budget Committee, will make that decision. We think at least a very substantial part of those surplus dollars ought to be used to help allow the people who created this surplus the chance to keep a little bit more of what they earn.

Finally, I want to talk about Medicare briefly, because I find the repeated comments with respect to this budget's failure to address Medicare to be so erroneous that they require a response. This budget puts more money into Medicare over the next 5 years than I believe was proposed by the President, and I will defer, again, to the Budget chairman when I have a chance here to clarify that. Unlike the President, we don't cut Medicare over the next 5 years. Furthermore, we set aside over $130 billion in this budget to be used precisely on things like fixing Medicare, that so many of our colleagues seem interested in doing.

The one thing we haven't done here that I want to address, we didn't say that we are just sort of going to use general tax revenues in order to stabilize and offset or postpone the insolvency of the Medicare Part A trust fund. We didn't do that here. I don't think that would be an appropriate precedent for us to set. We need to fix the Medicare Part A trust fund to make it work. It is broken. We all know that.

There was a Medicare commission and 10 out of 17 people, on a bipartisan basis, agreed that there was a way to do that—in fact, a way that wouldn't even cost as much with respect to Medicare expenditures. They couldn't get 11 votes for that final outcome, but they got 10—including two Members of this body, including the Member selected by the President to chair the Medicare commission, and in my judgment—I am sorry, four Members of this body and two on each side of the aisle.

The point is this, Mr. President. The idea that instead of putting together a plan to reform and make Medicare work, the idea to say we are simply going to throw more money into this without any concrete proposal as to how to spend the money, I think is a mistake.

In any event, I think this budget addresses the priorities. It locks away money for Social Security and every single penny that Social Security generates in surplus. It increases our investment in education and in national security. It allows us to give people who have paid more taxes than we expected the chance to get a little bit of that back. Finally, it sets aside considerable amounts of money to address our Medicare problems. For that reason, I support it.

How much time do I have left?

The PRESIDING OFFICER. The Senator has used 10 minutes.

AMENDMENT NO. 143

(Purpose: Providing a framework for the protection of Social Security Surpluses for current and future beneficiaries)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. LOTT, Mr. ROTH, Mr. VOINOVICH, Mr. GRAMS, Mr. GREGG, Ms. COLLINS, Mr. HAGEL, Mr. SANTORUM, and Mr. CRAIG, proposes an amendment numbered 143.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS; SENSE OF CONGRESS ON THE PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a). The Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds;

(2) Reducing the Federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comment that debt reduction "is a very important element in sustaining economic growth," as well as President Clinton's comments that it "is very, very important that we get the Government debt down" when referencing his own plans to use the budget surplus to reduce Federal debt held by the public.

(3) According to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will reduce debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009, $417,000,000,000, or 32 per cent, more than it would be reduced under the President's fiscal year 2000 budget submission;

(4) further according to the Congressional Budget Office, that the President's budget would actually spend $40,000,000,000 of the Social Security surpluses in fiscal year 2000 on new spending programs, and spend $158,000,000,000 of the Social Security surpluses on new spending programs from fiscal year 2000 through 2004; and

(5) Social Security surpluses should be used for Social Security reform or to reduce the debt held by the public and should not be used for other purposes.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall pass legislation which—

(1) reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section.

(2) Mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the Federal debt held by the public, and not spent on non-Social Security programs or used to offset tax cuts.

(3) Provides for a Senate super-majority Point of Order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public.

(4) Ensures that all Social Security benefits are paid on time.

(5) Accommodates Social Security reform legislation.

Mr. ABRAHAM. Mr. President, this amendment attempts to embody a principle I discussed in my remarks and which we in the Budget Committee, I think, within the committee at least, indicated we desired to see happen, which is the creation of a lockbox mechanism into which we would make sure every Social Security surplus dollar would go, so it could not be used for any purpose other than to fix Social Security or, until such a Social Security fix was developed and passed, to reduce the national debt.

This is a sense-of-the-Senate amendment. I want to make that clear. It is not a substantive amendment, per se. But, Mr. President, we all agree that saving Social Security is our No. 1 priority in this Congress. The President, both in his 1998 and his 1999 address, said we should save the Social Security surplus and use it—in this year's speech, he said we should use it to reduce Federal debt, to ensure that it is not squandered on other spending. This amendment embodies that principle in the form of a sense-of-the-Senate amendment and outlines the course by which I think we can accomplish that in the most appropriate fashion.

Indeed, Mr. President, this budget resolution agrees with that prioritization and allows for the entire surplus of Social Security to be protected and to substantially reduce the Federal debt held by the public. I thank the chairman of the Budget Committee with whom I have worked on this amendment, and I thank Senator ASHCROFT who joined me in offering that, who I think will both speak to this at some point.

This is a very straightforward proposal, one I think will best protect the surplus and strengthen our economy so that the future of Social Security can be best ensured.

Let me outline some of the provisions. It would strengthen the off-budget status of Social Security as well as provide for additional points of order against any bill, amendment, resolution, or conference report that would violate this off-budget treatment.

Second, it would create a subcategory of the gross Federal debt limit, the debt held by the public. If this proposal were ultimately put into effect through law, we would then cap that publicly held debt at the current level of $3.6 trillion. We would also then mandate the reduction of that debt level in fiscal years 2000, 2001, and every 2 years thereafter, by the same amount as the Social Security trust fund surplus in those years.

These limits would be automatically adjusted as projected Social Security trust fund surpluses change, so as to ensure that we do not force ourselves to reduce the publicly held debt by a greater amount than we actually have available in the Social Security surplus, as well as to ensure that windfall Social Security surpluses would be protected from being raided. The proposal would also allow for a one-time adjustment to accommodate Social Security reform, should the Congress enact such reform.

This proposal, if it were actually passed into law, would reduce publicly held debt from $3.6 trillion to $2.4 trillion by the year 2009. I believe that is an even greater reduction than what the President's framework proposal suggested. It thereby locks away a larger portion of the Social Security surplus.

To that end, I might add that the budget resolution we have before us contains advisory caps on the publicly held debt limits which mirror those contained in this proposal. However, I believe it is necessary for the Congress to go beyond those advisory caps and to commit itself to reducing this publicly held debt and locking away the Social Security surplus from being spent on other programs. That is why I am joined by 11 colleagues, including Senators DOMENICI and ASHCROFT, as well as the majority leader and the chairman of the Finance Committee, Senator ROTH, in offering a sense-of-the-Senate amendment which will state that it is our intention to pursue such a course of action.

This amendment would state that it is our intention to pass legislation to reaffirm the off-budget status of the Social Security trust fund, mandate that the Social Security surplus only be used for the payment of Social Security benefits, Social Security reform, or the reduction of debt held by the public, and provide for protection such as points of order against any legislation which would try to circumvent those protections, ensure the Social Security benefits continue to be paid in full and on time, and accommodate Social Security reform.

We think this makes sense. We think it is consistent with colleagues on both sides of the aisle who have been talking about it for an extensive period of time. We think it made sense in this budget resolution to go on record saying this is the direction in which we are going to head. It is one thing to talk about saving Social Security and making sure that Social Security surpluses aren't spent, making sure we reduce the public debt with Social Security surpluses, and so on; but I think talk is one thing, action is another.

I suggest that the passage of this amendment which I have offered with my colleagues would be the sort of action that would set us on the right course to make sure that ultimately we do in fact protect the Social Security surpluses so they can only be used to fix Social Security or to pay down the national debt.

With that, Mr. President, I will yield the floor. I know other colleagues here want to speak on this issue, and in due course, as we go back and forth, I am sure they will. I thank the budget chairman and the current occupant of the manager's chair, and I thank our ranking member as well, for the opportunity to speak.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise not to rebut the amendment by the Senator from Michigan but to make an opening statement about this budget and certain very crucial items in it.

I compliment Senator LAUTENBERG for his strong advocacy as the ranking member of the Budget Committee and his longstanding championship for those people who have been left out and left behind. Sir, I thank you for your role not only in this budget but what you do every day in the Senate.

Through the best efforts, I am very concerned that the fiscal year 2000 budget resolution really does not adequately address the solvency of Social Security, nor does it address adequately the solvency of Medicare—the two most important programs that the United States has, domestically, and the ones that Americans universally rely upon and plan their life around having in a reliable way, that has reliability and continuity, and that the entire private sector assumes will be there as they plan private sector products.

Now, preserving Social Security and Medicare must be our Nation's top priority, and I believe the original efforts by the Lautenberg group were there. What we have before us today, I believe, does not protect Social Security.

Now, we say a lot in the Senate about family values. Well, I believe there is a value that comes out of the Judeo-Christian ethic I believe in, and it is called honor your father and honor your mother. I believe it is not only a good commandment to live by, I think it is a good commandment to govern by.

We should not only have it in our prayer books. We should have it in the Federal checkbook. This is why I am so adamant that we must save Social Security first and preserve the solvency of Medicare.

When we look at Social Security, we want to make sure that we protect those who have the least resources with them—those without pensions, those without IRAs, those without 401(k)s. These are the people who we know represent, as we speak, now, over 40 million people. If there are 40 million Americans without health insurance, you had better believe they are going to be the same 40 million who do not have 401(k)s. To them "K" means Kellogg, and it is a cereal. It is not a life security system.

I am particularly concerned about women. And I am particularly concerned about both men and women who, at the end of the day and near the end of their lives, will have no reliable pension program to look out for them.

This is what the Social Security issue is all about. I want to be sure that in any debate we have—whether it is on the budget, or whether it is the Social Security bills—I want to ensure that Social Security is universal and portable, that it is a guaranteed benefit, that it is inflation proof, and looks out, as I said, for those who do not have anything else going for them.

I have a particular interest in this as it affects women. That is because I truly believe that Social Security is a woman's issue. Without it, over half of all elderly women would now be living in dire poverty. Yes. Women today are working more outside the home, yes, and earning more than past generations. But in reality, their lifetime earnings, access to pensions, and ability to save continues to be less than men. That is why Social Security is a woman's issue. Let me elaborate.

First of all, women live longer. The life expectancy rate for women is 65, 4 years longer than for men. That means they will need income security for a longer period of time. Also, the equity that we placed in Social Security is absolutely crucial. Why? Because right now women do not get equal pay for equal work, making 70 percent of what men make for similar jobs. They will get less Social Security because their benefits are based in part on wages. That means the hard-working female x ray technician who puts in 40 hours a week might take home $28,000 a year instead of the financial worth that her male counterpart has.

We need a Social Security system, too, that women can count on, that respects values of work inside the home and acknowledges it in retirement. This is why the spousal benefit is so crucial and why we need to preserve it. Women move in and out of the paid marketplace to do some of the most important work—raising children and caring for elderly parents and their relatives. Take, for instance, someone who works in an office as an executive assistant. She got her high school diploma, didn't go to college, worked full time for 5 years, but leaves the workforce to raise her children. She might do that for 7 years and then return part time. Notice that she lost 7 years in her contribution, and then is a part-time wage earner, and then often has to go back at an entry wage. This woman needs to know that Social Security is there for her, and that she is not penalized for what she did, which was the unpaid work for providing the most invaluable service to America; that is, raising America's children.

Certain ideas have been proposed to reforming Social Security which would have a devastating impact on women. Having reliance on private retirement accounts would hurt women disproportionately. Again, women earn less money, unequal pay, leave the paid workforce to raise children, or caregive, and would have less to "invest." Reducing the Social Security COLA would hurt women. And there are other reforms.

But the point that I make is that Social Security as it now stands is the best deal for women. Sure, we need to make reforms. Sure, we need to look at the other ideas. That is why we should not cut or dramatically alter Social Security. Sure, it can pay benefits into 2032. But we have to look ahead to be sure that there is solvency of Social Security.

That is why we support the Lautenberg effort. We want to be sure that for women who have worked all of their lives, in the home or outside the home, there will be a guaranteed benefit with a full cost of living, that it will have a progressive benefit formula that helps the low-income wage earners, and that there is a spousal and survivor benefit for married women, divorced and widowed. The only way we can do that is if we take the surplus and put 62 percent aside, and also 15 percent for Medicare. Otherwise, this is a hollow budget full of promise and hollow on opportunity.

Mr. President, I salute the efforts of Senator LAUTENBERG. I am deeply disturbed that we are not setting aside 62 percent as we talked about. I do not believe the other party adequately protects Social Security, adequately protects Medicare, and I believe that ultimately the American people will wake up to this.

As it stands now, I will vote no for this budget.

Mr. LAUTENBERG. Mr. President, I will take a couple of minutes with the agreement of the Senator from Minnesota just to respond, A, to say thank you to my dear friend and colleague for her complimentary remarks, but even more importantly than that—because flattery is nice, but effectiveness is even better—and the Senator from Maryland has been a known, strong advocate for the things that she believes in.

I greet Senator MIKULSKI each time I see her with the knowledge that she has enhanced our view of what life is really about by bringing a perspective that comes from the women's side that is so often left out. She knows also too well that she hits a familiar tone with me when she talks about Social Security, because my father died before my mother was 36 years old. She had nothing but bills and an obligation to my 12-year-old sister and an 18-year-old son who had already enlisted in the Army to support her. She did it by sheer dent of hard work and will.

If we had in that family, going back now—we are talking about 1943—the benefit of a Social Security Program, a check coming in that would kind of help relieve not only the fiscal financial obligations, but the anxiety that accompanies the worry about that, if we had Medicare or Medicaid in those days when my father died at the age of 43, a strapping handsome man—cancer overtook him, and he died leaving doctors bills. So we had not only enormous grief, but the obligation to pay off the doctor and hospital bills that were accumulated with no insurance program.

So when we talk about Social Security, we talk about women who are typically those left most often with the smallest share of assets, because of the way we are structured. We need to make sure that Social Security is going to be there. We need to make sure that Medicare is going to be solvent for a number of years. Yes. We are not disagreeing with the need to reform and improve, if possible, but to make sure that it is equitably distributed. We need time. We need the assurance that the programs are going to be there.

I for one will jump on the reform-and-improve bandwagon as soon as we have a good vehicle to take us along.

So I thank the Senator from Maryland for her comments.

I see my friend also from California was so nice before to give me credit for some things I probably don't deserve. But, nevertheless, the credit is nice to get.

I thank both Senators.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I wanted to take about 15 seconds.

We have heard time after time from speaker after speaker on the other side of the aisle that somehow the Republican budget doesn't protect or set aside money for Social Security. We set aside all the Social Security surpluses. It is earmarked in a lockbox for Social Security. So that is not what we are saying. One good thing about our budget is we don't spend it. The President, under his budget, spends $158 billion of the Social Security surplus. Our budget doesn't. So I think we do a better job on securing and saving Social Security.

I would like to yield to my friend from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you very much, Mr. President. I thank the Senator from Minnesota.

I rise in support of the resolution offered by Senator ABRAHAM that has been called the Abraham-Domenici-Ashcroft Social Security amendment. That protects our strong support for saving Social Security.

It expresses our strong support for protecting Social Security. I am grateful for the opportunity to cosponsor this amendment, which will put the Senate on record in favor of protecting the Social Security surplus and not invading it for spending for other Governmental programs.

The Senator from Minnesota is absolutely correct. The President's budget over the next 5 years would spend $158 billion of the Social Security surplus—not the general Governmental surplus but the Social Security surplus. Social Security is a national, cultural and, I might add, legal obligation. Social Security is our most important social program, a contract between the Government and its citizens. Americans, including 1 million Missourians, depend on this commitment. This is more than just a Governmental commitment. We have a responsibility as a culture to care for the recipients of Social Security—the elderly and other individuals in regard to Social Security who are its beneficiaries. Social Security is the only retirement income for most of the seniors in this country. It is our obligation, passed down from generation to generation, to provide retirement security for every American.

As individuals, all of us care about Social Security because we know the benefits it pays to our mothers and fathers, relatives and friends. And we think of the Social Security taxes we and our children pay—up to 12.4 percent of our income. We pay these taxes with the understanding that they help our parents and their friends, and we hope that our taxes will somehow, someday make it possible to help pay for our own retirements.

In my case, thinking of Social Security brings to mind friends and constituents such as Lenus Hill of Bolivar, Missouri, who relies on her Social Security to meet living expenses. Billy Yarberry lives on a farm near Springfield and depends on Social Security. And there is Reverend Walter Keisker of Cape Girardeau, who will be 100 years old next July and lives on Social Security. The faces of these friends make Social Security have a special, personal meaning to me.

Whenever I meet with folks in Missouri, I am asked, "Senator, you won't let them use my Social Security taxes to pay for the United Nations, will you?" Or, "Why can't I get my full benefits if I work after 65?" Or, "You know I need my Social Security, don't you?"

And then there are the letters on Social Security I get every day.

Ed and Beverly Shelton of Independence, Missouri, write:

> Aren't the budget surpluses the result of Social Security taxes generating more revenue than is needed to fund current benefits? Therefore, the Social Security surplus is the surplus! . . . Yes, we are senior citizens and receive a very limited amount of Social Security. We are children who survived the Great Depression and World War II so we know how to stretch a dollar and rationed goods—just [listen to this] wish Congress were as careful with spending our money as we are!

These concerns are why I am cosponsoring this amendment, which will express the Senate's view that we must put an end to the practice of using surpluses in the Social Security trust funds to finance deficits in the rest of the Federal budget.

This resolution—the Abraham-Domenici-Ashcroft resolution—puts the Senate on record as supporting legislation that would accomplish the following:

(a) Reaffirming the provisions of section 13301 of the Onnibus Budget Reconciliation Act of 1990. This section provides that the Social Security trust funds shall be off budget.

(2) Mandating that the Social Security surpluses are to be used only for the payment of Social Security benefits, Social Security reform, or to reduce the federal debt held by the public, and not spent on non-Social Security programs or used for tax cuts.

(3) Providing for a Senate super-majority point of order against any bill, joint resolution, amendment, motion, or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform, or to reduce the federal debt held by the public.

That is very important. We include in this proposal not just a statement that we want to reserve Social Security for the right purposes, but we want to create a point of order that makes out of order a proposal that we spend Social Security to cover deficits in other parts of the Government.

Additionally, this particular measure ensures that all Social Security benefits are paid on time.

I am in favor of two provisions that will accomplish these objectives. First, I am a cosponsor of the Abraham-Domenici lockbox provision, which will lock away Social Security surpluses by ratcheting down the publicly held debt by the amount of our Social Security surpluses. This resolution puts the Senate on record in favor of this legislation.

In addition, Senator DOMENICI and I have introduced the Protect Social Security Benefits Act, which would make it out of order for the Senate to pass, or even debate, a budget that uses Social Security surpluses to finance deficits in the rest of the budget.

Under this proposed legislation, a three-fifths vote in the Senate would be required to overcome this point of order, thereby making it extremely difficult to use the Social Security surplus to fund new deficit spending. We must make clear that the Federal Budget should be balanced without counting any Social Security surpluses.

Social Security should not finance new spending. But that is exactly what has happened in the past, is now happening, and will continue happening in the future, unless changes are made. The funding of Federal deficits in Government spending generally by consuming Social Security surpluses must end.

Walling off the trust funds is the first step, not the only step, needed to protect Social Security. This is the right way to start the effort to improve Social Security so it is strong for our children and grandchildren.

To do this, we need to be honest, realizing that, for now, time is on our side to make thoughtful improvements.

Social Security does now and will in the near future accumulate annual surpluses.

Together, income from payroll taxes and interest is greater than the amount of benefits being paid out. The Social Security trustees believe that these surpluses will continue each year for the next 14 years. In that time, a $2.8 trillion total surplus will accumulate.

In the year 2013, however, when more baby boomers will be in retirement, annual benefit payments will exceed annual taxes received by Social Security through taxes and interest to the fund. As a result, Social Security will run an annual deficit. By 2021, annual benefit payments will exceed annual taxes received by Social Security and interest earned on the accumulated surpluses. Then, by the year 2032, Social Security payroll taxes will not only be insufficient to pay benefits; the surpluses will be used up. Social Security will be bankrupt. That is, even counting the notes in its fund, incapable of meeting the demand for benefits.

In recent years, Social Security surpluses have been used to finance deficit spending in the rest of the Federal budget. Take fiscal year 1998 for example. The Social Security surplus was $99 billion. The deficit in the rest of the Government budget was $29 billion. So $29 billion—or 30 percent of the Social Security surplus—financed other Government programs that were not paid for with general tax revenues. This occurred despite President Clinton's promise to save "every penny of any surplus" for Social Security.

For next year, this money shuffling is even greater. According to CBO, the President's budget dips into the Social Security surplus to the tune of $158 billion over 5 years to pay for government spending.

This kind of money shuffling must end. I cannot go back to Lenus Hill or Billy Yarberry and tell them that I stood by silently as the government devoted spent $158 billion of their retirement money to pay for the President's new spending initiatives somewhere else. We must stop the dishonest practice of hiding new government deficits with Social Security surpluses.

This amendment is designed to express the sense of the Senate that we must not use surpluses in the Social Security trust funds to pay for deficits in the rest of the federal budget. Three times Congress has passed laws that tried to take Social Security off-budget. These efforts have called for accounting statements that require the government to keep the financial status of Social Security separate from the rest of the budget. But these efforts are inadequate unless Congress puts in place safeguards that protect surpluses in Social Security from financing new government spending.

This amendment will put the Senate on record in favor of helping us save the trust funds, by directing the entire Social Security surplus to shrink the publicly held federal debt. Reducing the publicly held debt would cut annual interest costs that now cost $200 billion and 15 percent of entire federal government budget. Eliminating this interest costs would provide more flexibility to address the long-term financing difficulties Social Security now faces that could someday jeopardize payment of full benefits.

This amendment is designed to express our support for protecting the Social Security system. More importantly, it is designed to protect the American people from attempts to spend our retirement dollars on current government spending. While I value the Social Security system, I value the American people, people like Lenus Hill and the 1 million other Missourians who receive Social Security benefits and depend on them more. I value those individuals far more than I value the system. My primary responsibility is to them. This amendment will protect the Social Security system and the America people first.

Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. There is a pending amendment, the Chair would inform the Senator.

Mr. ASHCROFT. Mr. President, being made aware of the pending amendment which is now before the Senate, I withdraw my request to send an amendment to the desk.

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that Kriz Ardizzone, Tevi Troy, and Jim Carter, members of my legislative staff, be granted the privilege of the floor during the pendency of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I thank the Senator from Minnesota for his excellent work. I look forward to working with him as we bring this budget to the American people. I believe it has the potential of being the best budget in years.

Mr. GRAMS. Mr. President, I appreciate the kind words of the Senator from Missouri.

NATIONAL SCHOOL VIOLENCE VICTIMS' MEMORIAL DAY

Mr. GRAMS. Mr. President, I ask unanimous consent that S. Res. 53 be discharged from the Judiciary Committee and the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 53) to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBB. Mr. President, I rise today to express my support for Senate Resolution 53, which declares March 24, 1999 as "National School Violence Victims' Memorial Day."

As a number of my colleagues noted, the past year has been a grim one for educators, parents, and students. The tragic events in schools in Arkansas, Kentucky, and Oregon shocked the conscience. I'm thankful that in my home state of Virginia, no one was killed at school in 1998. But this past summer in Richmond, a volunteer and teacher were wounded by gun fire from a fourteen-year-old student. All of these events were terrible blows to families and friends in each community. I hope today's resolution will give some solace to those communities, who will know that the Congress has not forgotten them.

For the nation as a whole, these events were a terrible blow as well, and I believe Congress has an obligation to follow up with a commitment to preventing future school violence because while schools are a relatively safe place for our children, the events of the past year have shaken our confidence. School children have written to me expressing the fear that they will be attacked, and I know their parents have similar fears. We cannot expect our children to achieve their best in such an environment.

We've already taken a number of steps that I hope will help allay these fears. Later this year, more than $165 million in school safety grants will be awarded by the Department of Justice's Community Oriented Policing Services program. I want to thank my colleagues, particularly Senators GREGG and HOLLINGS, for supporting efforts last year to increase funding for this program, which I initiated in 1997. I ask my colleagues to support funding for this important program again this year.

Later this year, as we consider juvenile justice reform legislation and the reauthorization of the Elementary and Secondary Schools Act, I will be looking at other ways to help make our schools safer, and I look forward to working with my colleagues on that effort as well. Students should worry about their next test, not about their safety. Fear should not be a part of any school's curriculum.

Mr. BAUCUS. Mr. President, I want to take just a brief moment to thank my colleagues for passing this resolution marking today as National School Violence Victims' Memorial Day.

Let me tell you why this day is so important to me and to the citizens of Butte, Montana.

Butte fifth grader Jeremy Bullock was 11 years old when he and his twin brother Joshua left for school together as they always did. The day was April

12, 1994. Jeremy didn't come home from school that day. He was shot and killed on the playground, leaving family and a community forever changed.

By recognizing March 24th as National School Violence Victims' Memorial Day we will be honoring the memory of Jeremy Bullock and countless other children, families and communities by saying clearly, with one voice that we as Americans will meet the challenge of eradicating violence from our schools.

So, today and every day, let us always remember Jeremy Bullock. For, though he is gone, his memory will always linger and help to fuel our work.

Mr. HUTCHINSON. Mr. President, I rise this evening to join my colleague, Senator LINCOLN, my other colleague in the Senate, to honor our Nation's children and citizens who have been victimized by school violence.

The Senate just adopted Senate Resolution 53 which designates March 24, today, as "National School Violence Victims' Memorial Day." As you know, 1 year ago today at the Westside Middle School in Jonesboro, AR, five children and one teacher lost their lives to an inexplicable and cowardly act of violence. Ten others were left wounded, and countless parents, relatives, and friends were left permanently scarred. In addition, the entire State of Arkansas was left numb with shock, horror, and grief.

I cannot express the loss and the pain that we feel as a result of this tragedy. But I ask you and my fellow colleagues in the Senate to reflect on the loss of Natalie Brooks, Paige Ann Herring, Stephanie Johnson, Britthney Verner, and Shannon Wright.

We hurt for these families. I know that the simplest things in life will forever cause them pain. For instance, I know that Floyd Brooks will never see another frog without thinking of the frog collection which his daughter Natalie was so proud of.

We remember that Paige Ann Herring was a very bright, intelligent 12-year-old girl who loved life and enjoyed it to the fullest through such activities as playing the piano, softball, volleyball, basketball, singing in the school choir. It saddens me, and I think all of us, so much that we will no longer hear her voice.

It is the little things. Stephanie Johnson believed that a ladybug's landing on her brought her good luck. And her mother knew that her prayers for peace were answered when she asked God for a sign that Steph was OK and then upon her next visit saw ladybugs on Stephanie's gravestone.

We remember today that Britthney Varner was an extremely caring and loving little girl who got good grades and loved daffodils.

I know that Mitchell Wright will never look at his son, Zane, without thinking of Zane's mother, Shannon, who gave her life to save the lives of her students.

I want these families to know that while we can never fully know the pain they feel today, we will certainly never forget their loved ones.

As I close, I want to give a special message to Zane Wright, Shannon Wright's infant son Zane.

Your mother was a genuine heroine. Scripture teaches us that there is no greater love than the love it takes to lay down your life for another. So whenever you wonder what your mother was like, remember her as an incredibly brave woman who loved others like few others in this world ever have.

In addition, to the families of the victims of school violence in Bethel, AK; Pearl, MS; West Paducah, KY; Edinboro, PA; Pomona, CA; Springfield, OR; and the rest of the Nation—we want them to know that we stand today to honor their loved ones.

Thank you, Mr. President.

I yield the floor to my colleague from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Thank you, Mr. President. And I thank my colleague from Arkansas.

Mr. President, I join my colleagues, all of my colleagues, here today, but especially my fellow colleague from Arkansas, Senator HUTCHINSON, in a very special effort to designate March 24, 1999, as National School Violence Victims' Day.

As mentioned by my colleague, a year ago today the peaceful routine of a small middle school just outside of Jonesboro, in my home State of Arkansas, was forever changed. People across our country still grieve over the tragic shooting of four 11-year-old children and one 32-year-old schoolteacher of Westside Middle School.

The heartbroken families of victims Natalie Brooks, Paige Ann Herring, Stephanie Johnson, Britthney Varner, and teacher Shannon Wright still question why it happened. What prompted two boys at the tender ages of 13 and 11 to violence? What spurred them to shoot their schoolmates and their teacher? The answers may be beyond our comprehension.

Mr. President, the shooting at Westside Middle School is one of the gravest tragedies in the history of our State and our country. Though time has evoked some healing and renewed confidence, the children and teachers of Westside Middle School were apprehensive when returning to school last fall. Teachers had to comfort nervous children. Parents had misgivings. And playmates longed for their young friends. Having seen such young children fall to their death at the hands of classmates right before their very eyes, this brave community is having a hard time making sense of it all. We all are having a hard time making sense of it all.

Sadly, last year's tragedy in my home State is not an isolated event. Over the past 18 months, gun violence has claimed lives at schools in Pearl, MS, as mentioned by my colleague; West Paducah, KY; Edinboro, PA; Fayetteville, TN; Springfield, OR; and Richmond, VA. Each time as our country watched in horror, we wondered if this senseless violence would ever stop.

Mr. President, the picture painted by these images is ghastly indeed. Our Nation's schools are not just buildings where children and teachers spend their days. They are the cornerstones of our communities and the centers of young precious lives. Parents send their children to school day after day with the expectation that they will learn and that they will be safe. There are many things we can do in the Senate to curb school violence. We must not allow schools to become places to fear.

I urge this body to examine this escalating problem. And I urge each Senator to use National School Violence Victims' Day to create a dialogue with school communities in their States. When an entire community works together to improve its schools, everyone benefits. Every child deserves the opportunity to attend a safe school where he or she may worry about math and science, not guns and violence.

Thank you, Mr. President.

I yield back the remainder of our time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I ask unanimous consent to be added as a cosponsor on the resolution offered by both of our colleagues from Arkansas. I commend them highly for this. I hope all of our colleagues will join them.

This is the kind of issue we need to speak out on. Incidents like these have caused great pain across the country. Yet, too often, the problem of school violence only receives attention at the moment a tragedy occurs.

So I commend both of my colleagues and ask to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to S. Res. 53 appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 53) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 53

Whereas approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996–97 school year;

Whereas in 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States;

Whereas during 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States;

Whereas because of escalating school violence, the children of the United States are increasingly afraid that they will be attacked or harmed at school;

Whereas efforts must be made to decrease incidences of school violence through an annual remembrance and prevention education; and

Whereas the Senate encourages school administrators in the United States to develop school violence awareness activities and programs for implementation on March 24, 1999: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 24, 1999, as "National School Violence Victims' Memorial Day"; and

(2) requests the President to issue a proclamation designating March 24, 1999, as "National School Violence Victims' Memorial Day" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 143

Mr. GRAMS. Mr. President, I rise to strongly support the safe-deposit box amendment to lock in any future Social Security surpluses to be used only for Social Security benefits, Social Security reform and national debt reduction. I am pleased to join Senators ABRAHAM, DOMENICI, and ASHCROFT in offering this amendment.

Mr. President, we all agree that Social Security is facing a fast-approaching crisis and fundamental reforms are needed to save and strengthen the nation's retirement system. The question is, how do we proceed?

President Clinton unveiled his Social Security proposal under his FY 2000 budget. The bottom line on his plan is that it allows the government to control the retirement dollars of the American people by investing it for them.

It does nothing, however, to save Social Security from bankruptcy. Worse still, despite his rhetoric of saving every penny for Social Security, President Clinton has proposed to take $158 billion in Social Security dollars to finance government programs unrelated to Social Security. Let me say that again—under the President's budget, he proposes to take $158 billion from the Social Security surplus fund and spend it on other unrelated government programs. That is not saving Social Security first.

The only positive aspect of his proposal is that the President has admitted the insolvency of Social Security and has recognized the power of the markets to generate a better rate of return, and therefore improve benefits.

The fundamental problem with our Social Security system is that it's basically a Ponzi scheme—that is, a pay-as-you-go pyramid that takes the retirement dollars of today's workers to pay benefits for today's retirees.

It has no real assets and makes no real investment. With changing demographics that translate into fewer and fewer workers supporting each retiree, the system has begun to collapse.

Social Security operates on a cash-in and cash-out basis. In 1998, American workers paid $517 billion into the system, but most of the money, $391 billion, was immediately paid out to 44 million beneficiaries the same year. That left a $126 billion surplus. The total accumulated surplus in the trust fund is $750 billion.

Unfortunately, this surplus is only on paper. The government has consumed all the $750 billion for non-Social Security related programs. All it has is the Treasury IOUs that fit in four ordinary brown accordian-style folders that one can easily hold in both hands.

So when Social Security begins to run a deficit, the government has to do a couple of things. The government has to either tighten its belt, raise taxes, or borrow more from the public, or it has to lower benefits or raise the retirement age.

There is a lot of double-counting and double talk in President Clinton's Social Security framework. The truth of the matter is the President spends the same money twice and claims that he has saved Social Security.

All the President has done is create a second set of the IOUs to the trust fund. It is like taking the money he owes Paul out of one pocket and applying it to the money he owes Peter in the other pocket, and then pretending that he has doubled his money and is now able to pay them both.

In addition, the President has proposed to spend $58 billion of Social Security money in FY 2000 for his new government spending. Over the next five years, he will spend $158 billion of Social Security money.

President Clinton's plan does not live up to his claim of saving Social Security. He has not pushed back the date for when the Social Security trust fund will begin real deficit spending. That date is still the same—2013. Social Security will have a shortfall that year and it the shortfall will continue to grow larger year after year.

By 2025, the shortfall will be over $360 billion a year and by 2035, it will explode to $786 billion, but by 2055, the deficit will run as high as $2.07 trillion.

Since the government has spent the surplus and has not set aside money to make up for this shortfall, it will have to raise taxes to cover the gap—something that economists estimate will require a doubling of the payroll tax.

The proposal by the President to have the government invest a portion of the Social Security Trust Funds is no solution. It would give the government unwarranted new powers over our economy, and it will not provide retirees the rate of return they deserve.

In last year's Humphrey-Hawkins hearing, I asked Federal Reserve Chairman Alan Greenspan whether we should allow the government to invest the Social Security Trust Funds in the markets, and if this is the right direction in which we should be going. Here are his exact words:

> No, I think it's very dangerous . . . I don't know of any way that you can essentially insulate government decision-makers from having access to what will amount to very large investments in American private industry . . .
>
> I am fearful that we are taking on a position here, at least in conjecture, that has very far-reaching, potential danger for a free American economy and a free American society.
>
> It is a wholly different phenomenon of having private investment in the market, where individuals own the stock and vote the claims on management, (from) having government (doing so).
>
> I know there are those who believe it can be insulated from the political process, they go a long way to try to do that. I have been around long enough to realize that that is just not credible and not possible. Somewhere along the line, that breach will be broken.

Mr. President, Chairman Greenspan is right. We should never venture out onto what the Chairman calls "a slippery slope of extraordinary magnitude."

It is going to take real reform, not Washington schemes, to help provide security in retirement for all Americans. The first essential step is to stop raiding from the Social Security Trust Funds, and truly preserve and protect the Social Security surplus to be used exclusively for Social Security. This is exactly what this safe-deposit box amendment will achieve. This amendment would first take Social Security completely out of the Federal budget and it requires the surplus to be used only for Social Security benefits, Social Security reform and debt reduction. It creates a super-majority point of order for using this surplus for other purposes. The amendment also ensures all Social Security benefits will be paid in full.

Many of us in Congress agree with the President that we should, and indeed must, devote the entire Social Security surplus to saving Social Security, not just to talk about it, but do it; not spend the money, but to set it aside. However, his plan does not do what he says while ours does. Again, I urge my colleagues to support this amendment.

I thank the Chair, and I yield the floor.

Mr. ROTH. Mr. President, I rise in support of the Abraham amendment.

This amendment expresses the sense of the Senate that the Social Security surpluses be used only for preserving and protecting Social Security, and that new procedural safeguards be enacted to ensure this outcome.

The Abraham amendment provides an important first step in saving Social Security, and is an excellent occasion to reflect on the issues before the Congress in preserving Social Security for the long-term. Social Security's financial problems of Social Security are well known, but bear repeating. In just 15 years, in 2013, Social Security benefit payments will exceed revenues, and Social Security will need to tap its Trust Fund.

Today's Trust Fund is relatively small, equal to about a year-and-a half benefits and intended as a cushion in an economic downturn. However, the Trust Fund will swell over the next 15 years because of payroll tax surpluses and interest. Between 2013 and 2032, Social Security Trust Fund will need to spend over $6 trillion for benefits. But the Trust Fund is simply a claim on the U.S. Treasury. Future taxpayers—our children, our grandchildren, even our great grandchildren—will have to pay off this debt. Even so, the Trust Fund will be empty in 2032, and Social Security can pay only 75 percent of benefits from annual revenues.

Worse yet, the President has proposed to add even more debt to the Trust Fund. Although the President claims his plan would extend solvency to 2050, in fact the President would simply commit another $24 trillion of future Federal budgets to Social Security. David Walker, head of the General Accounting Office, delivered this stark assessment of President's proposal at a February 9th Finance Committee hearing: "It would be tragic indeed if [the President's] proposal, through its budgetary accounting complexity, masked the urgency of the Social Security solvency problem and served to delay much-needed action."

Most traditional fixes won't work, either. Social Security has faced financial crises before—in 1977 and again in 1983. Both times, the biggest part of the solution was a hike in payroll taxes. The result? Today, 80 percent of American families pay more in payroll taxes than income taxes (with the employer share factored in). And let's remember, Social Security taxes are on the first dollar of income—no deductions, no exemptions.

Mr. President, there is broad bipartisan agreement that there may be another way to preserve and protect Social Security benefits—personal retirement accounts. While proposals differ, personal retirement accounts would provide each working American with an investment account he or she owns. With even conservative investment in stocks and bonds and the power of compound interest, personal retirement accounts can provide a substantial retirement nest egg.

As Senator PAT MOYNIHAN, my colleague on the Senate Finance Committee, has pointed out, with annual deposits equal to just 2 percentage points of the current payroll tax, "A worker who spent 45 years with the Bethlehem Steel Company could easily find himself with an estate of half a million dollars. The worker could pass on that wealth to his or her heirs."

How remarkable!

Personal retirement accounts embody other enduring American values as well. Creating these accounts would give the majority of Americans who do not own any investment assets a new stake in America's economic growth—because that growth will be returned directly to their benefit. More Americans will be the owners of capital—not just workers.

Creating these accounts may encourage Americans to save more. Today, Americans save less than people in most countries, and even this low savings rate has declined in recent years. Personal retirement accounts will demonstrate how even small personal savings grow significantly over time.

Creating these accounts will help Americans to better prepare for retirement. According to one estimate, 60 percent of Americans are not actively participating in a retirement program other than Social Security. Indeed, most Americans have little idea of what they will need in order to retire when and how they want. Personal retirement accounts can help Americans—particularly Baby Boomers—better understand retirement planning.

And these accounts may point the way to a more flexible Social Security program. Today, Social Security is a "one-size-fits-all" program. People receive a fixed benefit based on earnings and the number of years worked, with the earliest benefits available at age 62. But if an individual takes early retirement but still wants to work, Social Security cuts his or her benefits. Personal accounts can be crafted to give individuals more control over retirement decisions, and eliminate the penalty for working.

Setting up a personal retirement accounts program will be a big job. Who will hold, manage, and invest the accounts? How much will it cost to run the program? What kinds of investment choices should be allowed? How to finance the accounts? The White House Conference should tackle each of these issues. Fortunately, there are proven models, such as the Federal Thrift Savings Plan, a pension savings and investment plan for Federal employees.

Indeed, I have introduced legislation, S. 263, the Personal Retirement Accounts Act of 1999, that would get accounts up and running with a portion of the budget surplus to answer just these questions.

Mr. President, personal retirement accounts have one other big promise. Poll after poll find that Social Security is the most popular Federal government program, deservedly so. But the same polls also show that many Americans, particularly young Americans, doubt they will receive benefits when they retire. Personal retirement accounts can provide the accountability and assurances that Americans are asking for, and restore the confidence of the American people in Social Security.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senator from Arizona, Senator MCCAIN, be added as a cosponsor of the Abraham amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I want to start by commending the distinguished chairman of the Budget Committee for his outstanding work in producing this budget. He has been such a leader in fiscal responsibility. Once again he has done an outstanding job in crafting this budget resolution. I am pleased to be a cosponsor of the amendment offered by my friend and colleague from Michigan, Senator ABRAHAM. This amendment would preserve and protect Social Security. I also commend Senator DOMENICI for his very innovative work in crafting this very important amendment.

President Clinton has proposed devoting 62 percent of the surplus over the next 15 years to shoring up Social Security. On the surface, that sounds good. After all, we are all committed to protecting Social Security. But let's take a closer look at the President's proposal.

On closer examination, the President's plan is nothing but a shell game. First, he devotes to the Social Security trust fund trust fund payroll taxes that already belong to Social Security. Then he lends this money to the Federal Government for new programs. The bottom line is that instead of preserving the money for Social Security, President Clinton actually ends up spending $158 billion of Social Security's money for programs completely unrelated to Social Security. Both the General Accounting Office and the Congressional Budget Office have pointed out the double counting and the other significant flaws in the President's proposal.

Social Security is currently running a surplus because the program is taking in more in payroll taxes than it is paying out in benefits. But, as the Presiding Officer well knows, this will not always be the case.

In 2013, payroll taxes will not be sufficient to pay benefits and the Social Security program will either have to raise taxes, cut spending, go further into debt, or use more general fund money, if we are to continue to meet our full obligation to Social Security beneficiaries. By the year 2030, the trust fund will be completely exhausted if we do not take steps to save the program. We certainly, given this dire picture, cannot afford to squander the Social Security surpluses by spending them on other programs.

The current Social Security surplus conceals the true picture of our national budget. But for the temporary Social Security surplus, the Federal Government would actually be running a $6 billion deficit this year. I want to repeat that. There is a lot of misunderstanding. A lot of people think that we actually have a surplus in this upcoming year. The fact is, the surplus is due entirely to the surplus in the Social Security trust fund. If we take out the Social Security surplus, we would in fact be running a $6 billion deficit.

The fact is, there is no real surplus in fiscal year 2000. We do not start to see real surpluses in the rest of the Government programs until the fiscal year 2001.

The amendment that I have cosponsored, which is before us today, expresses the sense of the Senate that we pass legislation that would lock in Social Security surpluses by mandating that trust fund dollars could be spent only for the payment of Social Security benefits for Social Security reform or to pay down our national debt. Under this lockbox proposal, Social Security funds could not be spent on non-Social Security programs. They also could not be used to finance tax cuts.

This legislation would establish in law a declining limit on the level of debt held by the public. These limits would decline in 2-year intervals by an amount equal to the Social Security trust fund surpluses for those years. Under this proposal, trust fund balances could be used to retire the debt, but not for new spending on programs unrelated to Social Security. The result of this innovative program is that public debt would decline by $417 billion. That is 32 percent more than it would under the President's proposal.

Mr. President, in 1998 alone, the Federal Government spent nearly $162 billion to make interest payments on our national debt. That amounts to more than 6.7 percent of total Federal spending. In passing this important legislation, we would free up this money that otherwise would have to be spent on interest payments on our national debt.

This amendment clearly affirms our commitment to preserving and protecting Social Security. It safeguards the Social Security trust fund from spending raids. It reduces our public debt. It lowers our interest payments.

I urge all of my colleagues to join me in supporting this very important initiative.

Once again, I commend the Senator from Michigan, Mr. ABRAHAM, and the Senator from New Mexico, Mr. DOMENICI, for their innovative approach in coming up with a program that will truly protect our Social Security surpluses.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I will be offering an amendment. Have we dealt with the amendment of the Senator from Minnesota? I ask unanimous consent that the amendment be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. Reserving the right to object, I want to speak briefly on that amendment before we lay it aside, if possible, or can we come back to it?

Mr. LAUTENBERG. I have no objection.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I am pleased to join my good friends, Senators ABRAHAM, DOMENICI, and ASHCROFT, in supporting this amendment. I appreciate the courtesy allowing me to make these remarks before we set the amendment aside.

I particularly thank Senator DOMENICI for putting together a well-crafted budget that achieves the important principles of protecting Social Security, paying down the debt, and staying within the budget caps.

I have a very specific interest in the lockbox legislation that is being proposed, because over the last 6 years as I served in the House of Representatives, I advocated a lockbox concept which was, at that time, focused on taking the spending we save through budget battles and locking it away for paying down the national debt or reducing the deficit at that point in time, rather than allowing it to be spent on further Federal spending.

This lockbox legislation which I worked on in the House for the last 5 or 6 years passed the House four times, never to make it through the Senate or signed into law. So it is particularly pleasing to me to see the concept now being used as we move into a surplus environment in our budget process to allow us to lock away the Social Security surpluses and make sure that Congress does not continue the practices of the past in spending those surpluses on other Federal spending.

This amendment which is being discussed in this proposal recommends locking the Social Security surpluses by requiring that they are to be used to pay down the public debt, rather than allowing Congress to continue to spend those funds elsewhere. It is no different from what should happen under current practices when the entire Government runs a total surplus, but there is no mechanism to lock these funds away and prevent Congress from spending them.

Social Security surpluses help to pay for the rest of Government when it runs a deficit. Starting in 2001, it is expected that the Federal Government will run surpluses in the rest of the Government and will not rely on Social Security surpluses.

The amendment recommends establishing a declining limit on the level of debt held by the public. These limits would decline in 2-year intervals by the amount equal to the Social Security trust fund surpluses for those years, and those declining limits would dedicate Social Security surpluses to reducing the public debt, thereby not only reducing our debt but strengthening and stabilizing the Social Security trust funds at the same time.

The amendment also recommends establishing a 60-vote point of order against any legislation which results in the public debt limits specified in the law being exceeded.

This amendment reaffirms the off-budget treatment of Social Security and prohibits the inclusion of Social Security funds in budget totals.

A point I think that needs to be made is this: Today, across America, you hear many, many people calling for us to strengthen and protect Social Security. There are lots of different ideas being discussed about how we should accomplish that, but this proposed amendment does what everyone else is talking about. It makes it absolutely clear that those Social Security trust fund dollars will be set aside, they will be locked up, so they can be used for nothing other than reducing the public debt or funding a Social Security reform piece of legislation.

I do not see how anyone who professes to support stabilizing and strengthening our Social Security system cannot support this amendment. It is time we put into effect a lockbox mechanism to assure that neither this Congress, nor future Congresses, can take the Social Security trust funds and use them for any purposes other than that for which they were intended.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Does the Senator from Illinois want to respond to this amendment?

Mr. FITZGERALD. Mr. President, yes, I would like to speak to Senator ABRAHAM's amendment.

Mr. LAUTENBERG. I will be happy, Mr. President, to yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. I thank the Chair.

Mr. President, I rise to speak in favor of Senator ABRAHAM's amendment to ban our Government from continuing to plunder the Social Security trust funds. For many years, our Government has taken all of the money that goes into the Social Security trust funds, taken every cent and spent it on other programs. The fact of the matter is, there is now no money in the Social Security trust fund. There is just a pile of IOUs, and those IOUs do our country no good when we hit 2013 and Social Security taxes are insufficient to pay current benefits.

Come 2013, no matter what the balance of IOUs is in the Social Security trust fund, we are either going to have to cut benefits or raise taxes or dramatically increase our Government's borrowings in order to pay Social Security benefits. I applaud Senator DOMENICI, Senator ABRAHAM, and those who are working to ban our Government from plundering the Social Security trust fund.

I want to show the Senate what the President's budget projections are for the next few years and to raise some questions about those projections.

The President claims the budget will be in surplus through the year 2004 and is suggesting in the current fiscal year we will have a $79.3 billion surplus; next year, $117 billion; rising to a surplus of $207 billion in 2004.

There is a problem with this. As some may have noticed, our national debt is continuing to grow despite these proposed budget surpluses. In fact, if you look at the appendix to President Clinton's budget, which he claims is going to be in surplus from now until 2004, if you look in the back, you will find that our national debt is going to continue to rise.

I ask the Members of this body, Does it make any sense for our national debt to continue to rise when we have surpluses? How can our national debt rise if we have surpluses? Well, the answer to that question is, we do not really have surpluses. They are borrowing all of this money from the Social Security trust fund.

If you look back in history, we have borrowed $1.67 trillion from Government trust funds. And to date, as of the end of the last fiscal year, our Government had borrowed $730 billion from the Social Security trust fund. All that money that people all across the country have been paying for years in Social Security taxes, they knew some of it was going out to pay current benefits, but they also thought some of it was being set aside in a trust fund.

It turns out they have plundered that trust fund. There is no money in it except a bunch of IOUs. And when we borrow from these trust funds, it gets added to our national debt. So right now, people in this country are being told that we are running surpluses, but what they are not being told is that we are continuing to borrow from Social Security and other trust funds and that we are digging our hole deeper. We are making the national debt worse.

These are the amounts the President proposes to continue borrowing from the Social Security trust fund in his budget which makes projections out through 2004. This year he proposes borrowing $121 billion from the Social Security trust fund and $67 billion from other trust funds. That is the source of the surplus they have. But when you take that out, if you had an honest accounting, if the Government were not allowed to use deceptive accounting practices, it would be forced to 'show that, in fact, there is an ongoing deficit.

In any case, I applaud Senator ABRAHAM. He is absolutely on the right track. We need to protect the Social Security trust fund. That Social Security trust fund lockbox idea that Senator DOMENICI has worked on with many others is worthy of our pursuit. This is the only plan out there that will protect 100 percent of the Social Security trust fund.

I come from a banking background. For many years I worked in banking in my home State of Illinois. There is nothing more abhorrent to me than the notion of a trust fund being managed by the Government that is being raided by the Government. In our law in the private sector, the highest burden is imposed upon those who manage trust funds. Anybody who plundered a trust fund in the private sector would be sent off to prison. Any private employer in the United States who reached into their employees' pension fund and took all that money out and spent it on other programs would, under Congress' own laws, go to jail.

It is high time that Congress stop itself from raiding the Nation's pension funds, from raiding Social Security, and instead try to save the money that is going in there; do not spend it on other programs; do not touch it but treat it like a real trust fund. And I am delighted that we have made this effort. I think it will be a great fundamental breakthrough.

I applaud Senator DOMENICI and look forward to working with the rest of the Members of the Senate to achieve this very important goal.

Mr. President, thank you very much.

The PRESIDING OFFICER (Mr. VOINOVICH). Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we are going to offer an amendment, and we had worked out an understanding, one where we would have two Members on the Democrat side with an opportunity to speak. I expect to hear from Senator DURBIN after I am done.

Mr. DOMENICI. I ask the Senator, are you going to offer an amendment while this amendment is still pending?

Mr. LAUTENBERG. We will set this aside. I ask——

Mr. DOMENICI. I wonder if you could tell us, if we leave things like they are, there is about how much time left on this amendment?

The PRESIDING OFFICER. The Senator has 21 minutes 10 seconds. The Senator from New Jersey has 45 minutes.

Mr. LAUTENBERG. Forty-five minutes on——

Mr. DOMENICI. This amendment.

Mr. LAUTENBERG. We looked at the amendment. I have not worked out an understanding yet. Why don't we take a couple minutes to see what we have there so we can be responsive. Is the debate wrapped up on your side?

Mr. DOMENICI. One more Senator wants to make brief comments, but that will be brief.

Mr. LAUTENBERG. Is that Senator here now?

Mr. DOMENICI. I am willing to set it aside. I just wanted to see if we could understand how much time was still on it when we got back to it. But we can resolve that later.

Mr. LAUTENBERG. Mr. President, I assume this is working off a 2-hour or 1-hour——

The PRESIDING OFFICER. First-degree amendments are covered by 2 hours.

Mr. LAUTENBERG. Two hours. All right.

I ask unanimous consent that we lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I want to speak before I offer my amendment, so I ask my time be taken off the bill itself.

The PRESIDING OFFICER. The Senator has that right.

Mr. LAUTENBERG. I thank you, Mr. President.

I want to try to organize a point of view here that is substantially different than we have heard for the past while, and I say that with all due respect to my colleagues. And I mean that sincerely.

We have developed in the Budget Committee, I think, an operating mode that says that everybody, every member of that committee, is entitled to respect for their point of view, with adequate time to discuss it. I have served on that committee for many years, and I think it is perhaps the most amiable, the most cooperative operation of the Budget Committee that I have seen. I commend the chairman, Senator DOMENICI, for his effort.

We have struck an agreement, kind of informally, about it, but it has worked. And we disagree sharply on points of view. And sometimes, as Senator DOMENICI has said, our faces get red. But he was warned, he told me, that red faces do not win amendments or win points of view. So we kind of dropped the red-face approach, the swollen veins, that kind of thing.

But here I will venture a little bit into dangerous territory, because what we have heard so far is the accusation of double counting and talking about the structure, not the significance, not the meaning, not the value of the program, but whether or not this counts doubly when we credit Social Security or credit Medicare by giving them Government IOUs. The U.S. Government IOUs have the full faith and credit of the U.S. Government.

I do not know where it is better, because I have met lots of people who have made lots of money. I was in the business world for years before I came to the Senate. I ran a big company, and a lot of the people I know who got surpluses, significant surpluses, invested them in Government bonds because they wanted to know that a certain part of their portfolios are protected by the full faith and credit of the U.S. Government.

So even though interest rates are lower than you might normally get, that is the reserve, the kitty, as we call it sometimes, that they can always count on, no matter what happens with the stock market. So I do not know why it is such a sin to say to the Medicare trust fund or the Social Security trust fund, "Hey, invest your money in Government IOUs," because they are protected—first line—by the full faith and credit of the U.S. Government.

To me, it makes sense, because to have the money lie there, funds lie there fallow, without gathering interest or return on the funds, depreciates the amount of spending that can be offered to beneficiaries in the later years.

I don't understand some of the scorn with which Government IOUs are treated. It doesn't make sense to me. I know and meet rich folks who keep much of their money in the U.S. Government IOUs.

In order to make the argument, there are some negatives applied with reference to those who made money paying the biggest taxes. If we have a tax reduction of 10 percent, why shouldn't the people who make all that money get a commensurate reduction, an equal reduction?

I want to confirm something because there is a question raised about whether a 10-percent tax cut is really there by direction of the Budget Committee. It certainly is not, because the Budget Committee doesn't have the right to do that; the Finance Committee does. And the chairman of the Finance Committee, the distinguished Senator from Delaware, Mr. ROTH, told Reuters that he was very much in favor of using the bigger-than-expected budget surplus to fund across-the-board income tax cut of 10 percent or more.

He goes on to say, "I don't think it's too big [the 10 percent income tax cut]; if anything, I would like to see it bigger."

That says something about someone of influence in the Republican Party and in this Senate. Again, he is a very distinguished Senator, long-serving Senator, and chairman of the Finance Committee. He is probably the most powerful Chair position that we have in the Senate.

He said it, 10 percent.

Now, back to where we were. Someone who earns an average of $800,000 a year, the top 1 percent of the income earners in the country, would get $20,000; and someone who earns $38,000 would get $99. The sarcastic or the sardonic tone that was used was if they made more, why shouldn't they get more? The difference is that when someone has earned $800,000, they don't need the $20,000 as much as the person who is making $38,000 or $39,000 needs some relief. Any family that has a $38,000-a-year income is not looking at luxury. They are not looking for a tax cut so they can buy a car or a boat.

I have heard it said that a rising tide lifts all boats. I know if you want to buy an expensive yacht, one that is over 100 feet long, the typical wait is 2 to 3 years. If someone has to wait 2 or 3 years to buy a yacht, I assure you that is quite a different position than someone who is making $700 or $800 a week supporting a family of four, trying to make sure that the kids can get an education, make sure there is a roof over their heads, and a decent homelife so they can enjoy some degree of the comforts of life. They can use the tax cuts.

Boy, I am for it 100 percent—targeted tax cuts to people who work hard and who need the money. I approve of the tax cuts that would support long-term care. I approve of the tax cuts that would support child care for modest-income people. Those are the kinds of tax cuts that distinguish this side of the aisle, the Democrats, from those on that side of the aisle.

I heard someone say something that struck me as being rather amusing—that the Democrats are the ones with the personal money. Some have it and some don't. That is true on both sides of the aisle. I am trying to think it through, but those I know who have worked hard to make their fortune earn respect for having done that, whether they are Republicans or Democrats. Some Members who didn't work hard but have money anyway are also decent people. It doesn't matter how much money you have; it is how much you have in your heart.

I come from a poor family, a family that hardly ever had a dinner together because we were always working in the store; one of us would be standing while the others were sitting and eating.

I have an understanding of what poverty or small incomes mean. I always thought that a good idea for incoming Senators and Congresspeople would be to spend a month or two in poverty, live in the kind of circumstances that we see in our cities and our rural communities. Live where you don't know what kind of food you will be able to give your children. Live where you don't know whether you will be dispossessed because you haven't paid the rent, and live where the best fun a child can have is to play ball in the street. We need a sprinkling of that in this place to bring an element of reality about what life is about and not talk about tax cuts for the rich in the same terms that we discuss tax cuts for hard-working people who need a little help with long-term care for a sick relative or an elderly parent. It is quite a different thing when we discuss things from that point of view.

The thing that matters most to modest-income people who have worked hard all their lives is to save Social Security. Turn the promise into reality, the promise that was made in 1935 when Social Security was conceived, the program that was conceived that said to people, work as hard as you can. Whether you work for a company and you lose your job along the way or you don't lose your job, Social Security is there for you. Full faith and credit of the U.S. Government will pay for it.

One of the worst afflictions we have in our society today, one of the worries we have, is that people are afraid they will lose their health insurance. It was said by one of my colleagues before, over 40 million people in this country are without health insurance. It is a devastating thought—the prospect of someone getting sick and not being able to maintain their health care coverage, watching not only their health go down the drain but their finances as well.

We have an obligation, I think, to make sure that every one of our citizens in this country has a chance at some kind of minimum health care, so they don't have to worry about going bankrupt if they run into an illness along the way.

AMENDMENT NO. 144

(Purpose: To ensure that Congress saves Social Security and strengthens Medicare before using projected budget surpluses for new spending or tax breaks)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 144.

Mr. LAUTENBERG. I ask unanimous-consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new section:

SEC.   . SAVING SOCIAL SECURITY AND MEDICARE FIRST.

(a) IN GENERAL.—It shall not be in order in the Senate to consider—

(1) any bill, resolution, motion, amendment, or conference report that would reduce revenues without offsetting them in accordance with the Congressional Budget Act of 1974 until Congress first enacts legislation that—

(A) ensures the long-term fiscal solvency of the Social Security Trust Funds and extends the solvency of the Medicare Hospital Insurance Trust Fund by at least 12 years; and

(B) includes a certification that the legislation complies with subparagraph (A); or

(2) any bill, resolution, motion, amendment, or conference report that would increase spending above the levels provided in this resolution, unless such spending increases are offset in accordance with the Congressional Budget Act of 1974 until Congress first enacts legislation that—

(A) ensures the long-term fiscal solvency of the Social Security Trust Funds and extends the solvency of the Medicare Hospital Insurance Trust Fund by at least 12 years; and

(B) includes a certification that the legislation complies with subparagraph (A).

(b) SUPERMAJORITY WAIVER.—

(1) WAIVER.—The point of order in subsection (a) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

Mr. LAUTENBERG. Mr. President, this amendment stands for the proposition that before we spend a penny of any surplus we ought to work hard to save Social Security and Medicare. That is what our primary obligation ought to be.

This amendment would make it out of order to consider any new spending or revenue reductions before we have enacted legislation to ensure the long-term solvency of Social Security, and to extend the solvency of the Medicare hospital insurance trust fund by at least 12 years.

It has been said by our friends on the other side that we don't add a penny. Well, it is not so. We can disagree. I wouldn't call my friends on the other side dishonest if they disagree with me. I don't like it when we are called dishonest or deceptive or that the President of the United States is lying when he lays down a budget.

You can argue this thing from all sides of the discussion. Some think that OMB has a more reliable forecasting ability; some think CBO. We are obliged to respond to our needs by using CBO as a reference. The fact of the matter is, if there is a difference, it is not because someone is trying to cheat here or someone is being dishonest; it is a difference of view. Let the public hear it. Let the public listen to this debate.

As I look at things now, times are good today, but we still face tremendous long-term challenges. This is the time to deal with those challenges. We don't know how much of projected surpluses we will need. The Social Security trust fund is projected to become insolvent in 2032, and I don't hear many arguments about that.

At that point, revenues will only be sufficient to fund about three-quarters of the benefits that were initially promised. Mr. President, 2032 is not a long time in the scheme of things. It is long when you have as much white hair as I have, or as much as the chairman has, but it is only three decades away. Relatively small changes today can have a significant impact in the long run. If we wait too long, the changes necessary to establish long-term solvency may be too wrenching and too difficult to accomplish.

Meanwhile, Mr. President, Medicare's problems are even more urgent. The program's trust fund faces insolvency in 2008. That is not a long time away. We can't afford to wait much longer before we act to extend its life and to make those changes that would prolong the life of Medicare beyond even 2020, which we are trying to establish here.

This amendment simply asks the Senate to set its priorities straight. It says our first priority should be to save Social Security and Medicare. It says before we squander surpluses on new initiatives, on major tax cuts, let's do first things first and prepare for the future, because the retirement of millions of baby boomers and other younger Americans depends upon it. Once we have protected Social Security and Medicare, we can consider using any remaining surpluses for other purposes.

Mr. President, I want to be clear that this is not an anti-tax-cut amendment. Like the President, I strongly support targeted tax relief for middle-class families. I hope we are going to approve the child care and long-term tax credits that the President proposed, along with further tax cuts to promote savings. Nothing in this amendment would block those or any other tax cuts. The amendment simply says that before we use any of the surpluses—and I have to take one moment to remind everybody about where we were and where we are. In 1992, when President Clinton won the election, we were $290 billion in annual debt. Despite the optimistic forecasts of some, nobody really who thought a lot about the budget a year or two ago would have thought they would be looking at a potential budget surplus of over $100 billion in this year—$100 billion.

So I want to give credit where it is due. I don't always agree with the President. I don't agree, necessarily, with some of the budget proposals that his budget laid out before us. We voted against it in the Budget Committee. But the fact of the matter is, yes, with the work of people like Senator DOMENICI and others on the Republican side, as well as those of us on the Democratic side, we worked together in 1997, as I think we had never done before—at least in my memory here—to get a balanced budget in front of us, to get our fiscal house in order. It was a tremendous accomplishment. It is reflected in the confidence that people have in our stock markets and in investments in the country.

Mr. President, we can pass all kinds of tax cuts, but we must remember that all of these things come in priority order. This amendment, again, says before we use our surpluses, we should save Social Security and Medicare. So Congress can still pass as many tax cuts as it wants, even before we address those long-term problems—we would just have to pay for them—just so we don't use up projected surpluses. That should help give us the incentives we need to get the job done.

I also point out, Mr. President, that this amendment applies not just to tax cuts but also to new spending. We should not go on any big spending binges, even for worthy causes, until we know we have saved Social Security and Medicare. That is done in a prospective manner. It is a point in time when we can say with a degree of confidence that this is going to take care of the elongation of the life of Medicare; this is going to take care of the solvency of the Social Security program until 2075. That is what we want to do. We want to know that those things are accomplished, and it doesn't matter whether the spending on top of that is pursued through direct appropriations or through the Tax Code.

So, Mr. President, this amendment says let's keep our focus on the future, let's keep our priorities straight, let's save Social Security and Medicare first—that we do that before we pass either new spending or tax cuts that use projected budget surpluses. I hope we can assemble a point of view that constitutes agreement in that direction, and that we will join together and get enough votes from our friends on the other side of the aisle. I hope we can do it.

Mr. DORGAN. I wonder if the Senator will yield.

Mr. LAUTENBERG. Yes, I am delighted to yield.

Mr. DORGAN. I found the presentation interesting. I ask the Senator from New Jersey, is it not the case that both of the proposals, the one from the majority side and the one from the minority side, coming from the Budget Committee, save all of the Social Security surplus, but the major difference is that the proposal offered by the Senator from New Jersey also proposes to move some resources to help deal with the Medicare issue?

Mr. LAUTENBERG. That is right.

Mr. DORGAN. As I ask that question, I intend to come to the floor following the Senator from Illinois and make a presentation on this issue of saving Social Security. I can recall a few years ago when dozens of people on the floor stood up and said that proposition is nothing but a gimmick. In fact, the proposal was to put in the Constitution a requirement that the Social Security revenues be considered part of ordinary revenues for the purpose of determining whether or not you have a budget surplus. I will come to the floor to talk about that.

I just say I am delighted that everybody apparently has now come to the same position on this question of whether we ought to save the Social Security surpluses for the purpose which they were intended in the first instance. But those of us who insisted that be done, against the wishes of those who wanted to put that practice in the Constitution about 3 or 4 years ago, were told our position was gimmickry.

It not only was not gimmickry, it was transcendental truth about what we ought to do with these resources. The Senator has it right, as does now the Senator from New Mexico: Let us save the Social Security surplus, but let us at the same time allow room, as the Senator from New Jersey does, to invest and strengthen Medicare at the same time. That is, I think, the purpose of the alternative offered by the Senator from New Jersey, which I think should commend it here to the Senate.

Mr. LAUTENBERG. I thank my friend from North Dakota.

With that, Mr. President, I yield the floor. There is an understanding—just to confirm it—that the next speaker will also be from this side of the aisle. I assume the Senator from Illinois would have our amendment laid aside. Is that the idea?

Mr. DURBIN. Mr. President, I ask unanimous-consent that the amendment be laid aside and I be allowed to address the bill.

Mr. DOMENICI. I didn't hear the request.

Mr. DURBIN. I asked that the amendment be laid aside for the purpose of a statement in support of the bill.

Mr. DOMENICI. Of course,

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the ranking Democrat on the committee, Senator LAUTENBERG from New Jersey, for his leadership. I also thank Senator DOMENICI for his leadership. We have disagreed, and in the course of my speech you will hear our areas of disagreement. My respect for him has not been diminished by those disagreements, and I continue to believe he is making a good-faith effort, as we all are, to come up with a responsible way to deal with our Federal budget in this challenging year. Oh, what a different challenge it is.

It was only 2 years ago on the floor of the Senate, we must recall, that we initiated the session by Senator ORRIN HATCH, chairman of the Judiciary Committee, coming to the floor and stacking up over the top of his head all of the deficit-ridden budgets of the last 30 years. He pointed scornfully at these budgets and said, "This Congress cannot contain itself and control its spending, and only with a constitutional amendment, the balanced budget amendment, giving to Federal judges and the courts the authority to stop Congress from spending, can we ever hope to reach the day where we will put deficits behind us and live in that wonderful land of milk and honey called surplus."

Well, here we are 24 months later with no constitutional amendment, no balanced budget amendment, no new authority in the Federal courts to restrain congressional spending, and we are debating a surplus. Now, I will concede, as my colleague from Illinois mentioned earlier, that the surplus in the initial years we are discussing is a surplus in trust funds, particularly the Social Security trust fund.

What that means, of course, is that employers and employees across America are paying more into the Social Security program than is needed to pay out to the beneficiaries. The excess is being saved for the eventuality that people like myself—the baby boomer generation—will live long enough to go to the Social Security window and pick up a check. We want to make sure there is some money there not only for ourselves but for others. The question is, What to do with the remainder of the surplus? If we are going to dedicate 62 percent of any surplus in the future to the Social Security trust fund, what will we do with the rest?

That is what this budget resolution debate is all about, because it comes down to some very basic choices. As a family's budget is a series of choices, so the Nation's budget is a series of choices. The choices that have been made by the Republican majority in presenting their budget resolution are different than those of us on the Democratic side. We believe, as they do, that at least 62 percent of all of the surpluses in the near future should be dedicated to making sure that Social Security is solvent. Not good enough that the program will be solvent until the year 2032. We want to have an extended life beyond that.

Then we get into our areas of controversy—a significant controversy for American families—because we believe on the Democratic side that 15 percent of any surpluses should then be dedicated to reducing the debt in Medicare, the health insurance program for the aged and disabled, a program that is literally a lifeline—for 40 million Americans will go broke in the year 2008 if Congress does not act. The Democrats believe that we need to commit ourselves to Medicare solvency and, therefore, we seek in our budget resolution to dedicate 15 percent of future surpluses to Medicare.

On the other side of the ledger is a stark contrast, because the Republican budget resolution does not dedicate one penny—not one penny—to Medicare. Instead, they want the money to go toward tax cuts. There can't be two more appealing words in the English language for a politician to utter than "tax cuts." To think that you could stand before an audience and say to them, "We are going to let you keep more of your money, the Government won't take it," is appealing.

I suppose we on the Democratic side could join in that chorus, but we don't believe that is a responsible course of action. We believe that we have an obligation to Medicare to make certain that its future is strong and is right. Before we suggest a tax cut of any magnitude to any person in America, first we must meet our responsibilities. The good part of meeting our responsibility is that we not only guarantee the future solvency of Medicare but at the same time we pay down the national debt.

Arranged before me here on the Senate floor are Senate pages, young people from high school who come here and work in the Senate, and do a great job. I am glad they are here. I am sure they are hoping that some of the laws that we will pass will make America a better place for them to live. This is a law which I think addresses the concern that they may not have today but they might in the future.

If we have our way, in the Democrat budget resolution, we will start reducing the national debt that we have to pay interest on every year. How much is the interest payment this year on the national debt? It is about $1 billion a day, $355 billion that we are paying with Federal tax dollars each year to service the national debt that has been accumulated over the history of the United States.

We believe on the Democratic side that we should set on a course of action dedicating money to Social Security and Medicare at the same time bringing down that national debt, so that we can see in the lifetime of the young people who serve as pages here a dramatic decline in the annual interest cost to the Federal Government. What it means for their generation is more money available, either for tax cuts or for programs they think are important for the future of this country. But we hope to give them that choice.

On the other side of the aisle, the Republican budget resolution says: "No. Let's not save the money. Let's not put the money in Medicare. Let's give it away as tax cuts."

In fairness to the chairman of the Budget Committee, he has not specified what kind of tax cut package he has in mind. Some Members of his party have already expressed themselves. For example, the House Budget Committee chairman, Mr. KASICH of Ohio, has suggested a 10-percent across-the-board tax cut. I want the American people to understand what that tax cut means to them as opposed to the Democratic budget which seeks to bring down the national debt and to make sure that Medicare is well funded.

The Kasich tax cut, the 10-percent tax cut, would mean for 60 percent of American working families an average of $8.25 a month in tax cuts. That is a lot of money to put away and to save up for a vacation. In all honesty, it is not enough money to pay for the cable TV bill. But there are those who believe—as I mentioned, Mr. KASICH, proposals on the Republican side—that is preferable, to give that sort of tax cut as opposed to putting the money into Medicare, as opposed to paying down the national debt. I think they are wrong.

I think, if you look at the alternatives, it is very graphically demonstrated that in this budget that we are presently considering—the Republican budget—there will be some $831 billion in tax breaks, and nothing for Medicare; not a penny for Medicare. That, I think, is a serious mistake. It is a serious mistake, because, frankly, for 40 million Americans it results in some very, very grave decisions. Some people say, "Well, Medicare is just a program for the elderly." I know better. I think most families do. It is not just for the elderly. It is for the children and grandchildren of the elderly to have the peace of mind that their parents and grandparents are going to have good, quality, affordable medical care. It meant a lot to my family, and I think it means a lot to families across America.

If we don't take the money that the Democrats propose in their budget resolution and put it into Medicare, I would suggest to you that the alternatives for that program are grim—cutting benefits for seniors, asking seniors and disabled Americans who are often on fixed incomes to shoulder substantially higher costs, significantly reducing payments to providers, well below the cost of providing quality medical care, or increasing payroll taxes. I don't want to be a party to that. I think that is one of the most onerous taxes in America. If we don't face our obligation to make sure Medicare is sound, it could lead to increases in payroll taxes.

There was a question raised by some as to whether or not the Democratic budget resolution will, in fact, do any good for Medicare. I have in my hand here a letter that was sent to Members of Congress that is offered by the Department of Health and Human Services, Health Care Financing Administration, which says quite clearly, yes, the Democratic budget resolution is good for Medicare. It will make sure that Medicare remains solvent up to 10 years beyond the date that we currently see solvency ending.

And, of course, if we face Medicare without these additional funds, take a look at what it does. In the area of provider cuts, to extend Medicare to 2020 without new investment, as the Democrats propose, and without benefit cuts of payroll tax increases, we would have to cut payments to providers by 18 percent or more. That is a cut in the Nation of $349 billion, and over 10 years in Illinois alone $14.3 billion.

I contacted the Illinois hospital administrators a few years ago when we were in the midst of the same debate, and said to the Illinois hospital administrators, if we have this kind of cut in Medicare payments, what will happen? For many of the hospitals dependent on Medicare—these are hospitals in rural areas, hospitals in the inner city—they would face closure. It is just that serious. The Illinois Hospital Health System Association tells me that even before the last round of cuts, 25 percent of Illinois hospitals were taking a loss on their in-patient Medicare costs.

If we don't act responsibly and adopt President Clinton's approach and the Democratic budget approach, if we don't put money in Medicare, hospitals all across America—in New Jersey, in New Mexico, in Maine, in States across America—are going to face the same kind of pressure.

Second, there are those who suggest let's put the burden of the cost of Medicare reform on the backs of the seniors and disabled. That might extend the solvency of Medicare, but at a very high cost. To date, on average, seniors pay 19 percent of their income to purchase the health care that they need. And Medicare is currently only paying half of their bills. Many seniors live on fixed incomes. The median total annual income of Americans over the age of 65 is a mere $16,000. And that is hardly a huge sum of money for people to survive. For seniors over 85 it plummets to $11,251. For the oldest and frailest in America, such as those using home health services, the average income is less than $9,000.

Can someone with this level of income really afford to pay more for Medicare so we can give tax cuts to some of the wealthiest people in this country? I think that is really not fair. I think most Americans would react the same: $8.25 in tax cuts for 60 percent of America's working families, is that really a valid tradeoff if we are going to impose greater burdens on seniors under the Medicare program?

Medicare reform may involve tough choices but it should not involve mean choices. Reform and investment are needed to strengthen Medicare. There are those who say if you just put the money in Medicare as the Democrats propose, they are just never going to reform the system. But the reality is, the Medicare program has grown. The number of beneficiaries has doubled since the program was created, and Americans are living longer. I think there is a fair argument to be made that one of the reasons Americans are living longer is because they now have access to quality health care after retirement.

There was a day, and I can remember as a child, when grandparents moved into the homes of your parents. It was expected. Then we tried to scrape up enough money to make sure medical bills were paid, and often they were not. Those days are behind us because of Social Security and Medicare. Before Medicare, less than 50 percent of retirees had health insurance. Now virtually every elderly American has health insurance.

So here is the priority question for us. How much do we value increased life expectancy? How much do we value the independence of seniors who can live confident that they will receive quality health care under Medicare? Are the people of my generation, who are working and contributing to the surplus, hopefully soon, willing to defer gratification of a tax cut of small magnitude to invest in a retirement insurance program for 40 million Americans? I think they are. The choice, of course, is whether or not we forgo the Republican tax cut and put the money into Medicare and reducing the national debt.

I would like to take that question to the American people by way of referendum. I think I know what the answer is. It is not just a Democratic idea. It was Alan Greenspan who came to Congress and said: Suppress the urge to cut taxes or to increase spending. You should, instead, reduce the national debt, the debt that is taking so much money in interest service payments each year. It is sound economics and it is sound for this country.

We need the strength to address the needs of the Medicare program. Changes will have to be made. But none of the programs being considered presently by the bipartisan Medicare Commission really save much money in the short term. Some of the proposals, such as raising the age of retirement, ask beneficiaries to pay a lot more. They even eliminate graduate medical education, so important to medical schools across America. We need to make sure there is an infusion of money into Medicare now to keep it strong. It is very unwise to enact large tax cuts, to commit to those tax cuts before we secure both Medicare and Social Security.

Let me say a word about one Medicare reform, too, that I have addressed in the past. I, for one, am opposed to the concept of raising the eligibility age for Medicare. Some have suggested we raise it to the age of 67 as a way of reforming Medicare. The reason for my opposition is personal and it is strong. I had a brother who retired from a well-paid job, working for a major company. He retired early. They promised him a pension and health care benefits. He ran into some problems with his health. He was required to have some major surgery and after his retirement with his company his plan canceled his health care benefits. It was before he reached the age of 65. He literally, then, had everything at risk in terms of his family's life savings and his plans for retirement because he had no health insurance protection and had to wait until he reached the age of 65 to qualify for Medicare.

There are too many Americans falling into this trap. I do not want to see us extend it. Instead, I think we need to have reforms in Medicare that are sensible and we need to have a budget that is dedicated to making certain that the surplus that we have now and in the near future is really focused on reducing the national debt and focused, first and foremost, on strengthening Social Security and Medicare.

Ask the American people: Would you give up the tax cut proposed on the Republican side of the aisle to guarantee that Medicare is going to be solvent for 10 more years? That we will not have to close hospitals? That we will not have to increase payroll taxes for Medicare? That we will not have to slash benefits? I think the answer will come back resoundingly: Stick with the programs that are so critical to millions of Americans. Make certain the Democratic approach in the budget resolution is the one that finally succeeds.

We can put off this tax cut debate to a later time, and let's hope our economy continues to grow so we can consider it. But before we do it, the tax cuts, if any, should be targeted to those who really need them, and we should make sure that Social Security and Medicare are still our highest priority.

I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 1 minute. I just want to say to Senator DURBIN, I did not know my colleague before he came to the Senate. Obviously, we do not agree on a lot of things. But I compliment him on his participation. He had, I think, many things going on, but he is a valued member of the committee and I think he lent some of that atmosphere, that we were all working very hard to get our job done. It was about as good a 3 days as I have spent on committee work, and I thank the Senator for his share in that.

Mr. President, this consent agreement has been cleared on the minority side and on our side.

I ask unanimous-consent that at 3 this afternoon, the Senate proceed to a vote on or in relation to the Abraham amendment No. 143, to be followed by a vote on or in relation to the Lautenberg amendment No. 144, with the time between now and then equally divided in the usual form. Finally, I ask that no second-degree amendments be in order to the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

Would the Senator like to use part of this 22 minutes? The Senator is free to speak on whatever he likes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we have a magnificent contrast in approaches to the budget here this year, as we often have in the past.

The budget resolution that the Senator from New Mexico has presented to us is, in fact, a true balanced budget. The budget resolution presented to us by the President of the United States, in fact, spends more than 20 percent of the Social Security surpluses over the next 5 years on programs that are totally unrelated to Social Security.

The President has promised that all of the Social Security surpluses will go into the Social Security system. In fact, his budget does not keep that promise. The proposal before us from the Budget Committee and from the Senator from New Mexico does keep that promise and calls for the creation of a lockbox that prevents the spending of Social Security money for other purposes and for other programs.

Secondly, we do face a crisis in Medicare. The Medicare Part A hospital insurance trust fund will, in fact, go bankrupt in the year 2008, postponed by actions taken by the Congress just a year ago.

We have had as our creation a bipartisan Medicare Commission work on long-term solutions for Medicare over the course of the last year. A majority of the members of that Commission, but not a sufficient number, have voted for true reform in Medicare. That true reform has been blocked by the President who instead proposes simply a paper transfer, which will literally paper over the serious problems that Medicare faces until they are far more serious than they are today and provide a burden for our children and grandchildren that in all probability cannot be met.

The current issue of Newsweek puts this dilemma in graphic terms, stating:

> Can the faltering Medicare system be saved? Probably not this year. The reason is politics. Democrats privately admit they do not want a Medicare deal because it would deprive them of a powerful campaign issue. What many Democrats want is a good issue, not good policy, and good policy is what is needed.

Good policy will be available. The politics are reflected in the amendment on which we will vote shortly from the Senator from Illinois that simply papers over the problem itself.

Third, tax relief. This budget resolution, sponsored by the senior Senator from New Mexico, calls for real tax relief for the American people to be taken out of the non-Social Security surplus over the course of the next decade. It gives that offer because it presumes the logical conclusion that if we have a surplus over and above a Social Security surplus, it means that the people of the United States have been overtaxed and that that money should stay in their pockets to be used in the way in which they wish.

The President's proposal, which actually increases taxes over the next decade by almost $100 billion, feels that the worst thing we can possibly do is allow Americans to spend more of their own money. Amendment after amendment, which we will be facing today and tomorrow and Friday, attempt not only to prevent tax relief from taking place this year, but prevent tax relief from taking place for 10 years, for 12 years and, in the case of one amendment we expect, for 75 years. The worst thing that could possibly happen, according to many on the other side, would be to provide tax relief for the American people out of a genuine non-Social Security surplus.

How do they do that? Partly by amendments such as the Durbin amendment, but primarily through the 70 or more new spending programs that the President has included in his budget, new spending programs that will spend money not only from the non-Social Security surplus but to the tune of more than $100 billion out of the Social Security surplus itself.

Mr. President, that is the improper way in which to go. We should deal with the Medicare crisis in a straightforward Medicare reform—a difficult debate but a solution that is actually possible, as indicated by one of the leading Members of the Democratic Party in this body, Senator BREAUX, in his chairmanship of that Medicare Reform Commission—through real Social Security reform. We must put the entire Social Security surplus aside in a lockbox so that it cannot be spent on all of the new and increased programs advocated by the President's budget. As a consequence, the Abraham amendment is a vitally important amendment and a key to the debate on this budget resolution.

To summarize, the budget resolution before us proposed by the Budget Committee, under the leadership of my friend, the senior Senator from New Mexico, the chairman, truly protects Social Security, truly balances the budget of the United States, and pays down the debt, truly anticipates Medicare reform that is substantive and not inform only, truly limits spending on other programs and truly returns the surpluses that are appropriately returned to the people of the United States to the taxpayers who now are overtaxed in a good economy to pay for them.

Mr. President, the Abraham amendment should be supported, the Durbin amendment should be rejected, and we should go forth and adopt this budget resolution, generally speaking, in the form in which it finds itself at the present time. It is only the first step. Many difficult steps remain. But if we do so, if, in fact, we limit our insatiable appetite for spending, I believe we can promise the American people a strong and growing economy for a considerable period of time in the future.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have conferred with the distinguished Senator from New Jersey, Mr. LAUTENBERG, the ranking member of this committee, and we concur that I should seek unanimous-consent of the Senate, and I so do, that the time that we use for the vote be counted against the basic budget resolution time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the occupant of the Chair for the excellent suggestion, which is where I got the idea.

Mr. President, we had two people speak under the 22 minutes. Maybe the Senator from New Jersey would like to speak or someone else.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous-consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator from New Mexico has 9½ minutes, and the Senator from New Jersey has 18 minutes.

AMENDMENT NO. 144

Mr. DOMENICI. I am going to proceed for 3 or 4 minutes on my time awaiting the arrival of Senators with whom Senator LAUTENBERG is in touch.

First of all, everybody should know this amendment, offered by the distinguished Senator from New Jersey, is not germane to the budget resolution. So at an appropriate time, when all the time has been yielded back, I will raise a point of order, at which time I assume the Senator from New Jersey will seek to waive that.

I will suggest some things now about why our budget is right and why this amendment, even though it is not germane, is not the right thing to do. I want to start by quoting a Democratic Senator who spent a great deal of time and effort trying to reform the Medicare program. The amendment of the distinguished Senator from New Jersey says, "I like the spending part of Senator DOMENICI's budget," although I am sure he would not like to see it in effect for awhile. He said, "Leave that alone." If he had not done that, we would have said you can spend all the surplus. Obviously, he did that.

Then the Senator said, "You can't return any of this surplus tax money to the American taxpayer unless and until you have a reform for both Social Security and Medicare." Here is what one of the Democratic Senators, Senator BREAUX from Louisiana, said:

> Medicare must not be used as a wedge issue any longer. The question before this Congress is not whether to cut taxes or whether to save Medicare. That is not the choice we are facing. I support a tax cut [although he says targeted] and I am dedicated to saving Medicare. It is not an either/or proposition.

I am glad that is not the Senator from New Mexico making that statement, although I could make it. There is no question in my mind that is correct. As a matter of fact, it seems to this Senator that if all we had before us was the President's proposal on Medicare, which gradually, bit by bit—most of the proposals of the President's budget are going to be refused in the Senate. We are going to adopt the Abraham amendment. That says to the President: "You were not right in saying you were saving Social Security trust funds; you were saving only a part of it and you were spending a part of it." This first vote is going to say you cannot spend any of it and proposes how a lockbox might be structured if and when we can get the legislation up to vote on that.

Now we are talking about Medicare and, obviously, before we are finished here, no one is going to be for the President's Medicare proposals—or few are—because actually it does not do anything. It purports to do something, but it does nothing. It does not spend a penny on prescription drugs. As a matter of fact, it does not spend a penny of new money to fix Medicare at all.

The budget before us spends $190 billion to $200 billion more than the President and fully funds Medicare. It does not cut $20 billion out of Medicare, which the President cut out.

Then it says: "Let's get on with reform and fix it; let's stop talking about things in the air; let's put it on paper and let's start voting."

We say there is another $100 billion left over, not from Social Security, not for returning money to the taxpayers, another 100 that we say can be used, if needed, for Medicare.

That is going to solve Medicare well beyond the 12 years that the distinguished Senator from New Jersey seeks. He seeks a 12-year extension of the program. That program, which is described in our budget, can solve it for much longer than 12 years.

The problem is, we do not want to give the American taxpayers a break unless and until we have the reform accomplished, and we do not even have a proposal from the President of the United States. It is grossly unfair, in my opinion.

Clearly, the time has come to reward the taxpayers who have been working hard to keep this economy going, putting in more and more of their tax dollars. They ought to get some of it back. We ought to be for keeping the economy expanding and growing, producing jobs and vitality.

If you look around the world, West Germany is in trouble, and that means most of Europe is going to be in trouble, not just Asia, and we are going to be the bastion of growth and prosperity. We better be ready with some tax cuts for American business and for the American taxpayer if we want another 6 or 7 years of prolonged, sustained recovery. That is the kind of thing we ought to be doing, and it is done by this budget, leaving the Congress to decide what kind of tax reductions they want in the future.

This budget does not prescribe that. Certain Republicans have ideas, and certain Democrats have ideas. This Senator, my good friend from Louisiana, has ideas. His would be for targeted tax cuts. I do not know what the occupant of the Chair would be for, but he would have some.

Only one set of ideas is going to be passed. It is going to be passed ultimately by committees after debate and committee hearings and the like. The question is not whether some of us are for an across-the-board tax cut like John Kennedy was for; the question is, Are we going to provide anything for tax cuts? The Lautenberg amendment says no. I believe we should not adopt it, and we should get on with the budget format and plan contained in the budget before us.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Will the Senator yield 6 minutes?

Mr. LAUTENBERG. If the Senator will just give me about 2 minutes to respond to Senator DOMENICI.

I just say that though the quote from Senator BREAUX is that it is not an either/or proposition, the fact is that the Republican priority—and I will do the unheard of; I will hold up my own sign—that the Republican priority for the surplus has made it either/or. We have tax breaks for the 10-year period, over $800 billion, $831 billion, and Medicare, zero. So if we want to discuss what we are going to do for Medicare, I guess there is some thought that you can help it by giving it nothing, because that is what is planned. So if we are going to use the quote here, then I think we have to use it in the context of reality.

With that, since the Senator from Massachusetts had asked for the floor, Mr. President, I yield—how much time?

Mr. KENNEDY. Six minutes.

Mr. LAUTENBERG. I yield 6 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have listened over the course of the presentations earlier this morning about how the Republican budget is going to try and solve the problems in Medicare and also with regard to prescription drugs, and how inadequate the President's program has been in terms of resolving Social Security and Medicare. I am glad to hear the interpretations of my good friends on the other side.

The fact of the matter is, the President's program, in allocating the resources for Social Security with 62 percent of the surplus, has been basically endorsed by eight Nobel laureates in economics and over 100 economic professors, along with Alan Greenspan. If you listen to our colleagues out here, you would think it was a nondescript program. But the fact is, it is a solid program. It is a sensible program and a responsible program.

The chairman of the Budget Committee talks about all the money that is going to be there in Social Security. He talks about how they are going to add $190 billion to Medicare. They have to have it. They are not adding any money. That is what the cost of the program is going to be in the outer years. They do not dare cut back on that program. That is necessary for the very existence of the program over that period of time.

So when they come out and say, "We're adding all of this money and protecting the Medicare program," that is poppycock; otherwise, they would have to justify further cuts in the program. These are the best estimates for a continuation of the program at the present rate. That is all.

They have this wonderful other program that they talk about that is going to be available. I just refer our colleagues to the Budget Committee report for the concurrent resolution on the budget, and look on page 4, at about the middle of the page, about "Additional On-Budget Surpluses." They talk about:

> It is estimated, at this time, that nearly $133 billion in on-budget surpluses could result if the resolution were . . . implemented.

That has been revised to $100 billion. Now, listen—listen—to this fund that is going to be there. At one moment it is for prescription drugs and at another moment it is for Medicare and at another moment it is for the transition to Medicare reform and at another moment it is for national disasters. Look what they say:

> These additional funds, if estimates prove accurate, would further retire debt held by the public or could be made available to assist funding of any transition costs to implement reforms in the Medicare programs that would significantly extend the solvency of that program through a reserve fund mechanism adopted by the Committee. Alternatively, the on-budget surplus projected by the resolution could be needed for funding unexpected disasters and emergencies over this period.

It does not even refer to prescription drugs. It does not even mention it. You talk about double counting—you can come over to page 90, and you will see how they double count it over there. We will come back to that. You tie up that fund in terms of prescription drugs in such a way you will not even get an aspirin out of this particular proposal, Mr. President.

I just want to point out that they talk about the fund that they are going to have with the $100 billion surplus. It may be for emergencies. The Budget Committee knows you average $9- or $10 billion a year in that particular program. But if we look at the payout for the budget—and I just refer you to the budget, S. Con. Res. 20.

Look on page 5, look at line 18. For the year 2000, is there going to be anything in there for Medicare? No. It is $6 billion in debt. How about line 19, fiscal year 2001? Anything in there for Medicare transition? Anything in there for prescription drugs? Anything in there for emergencies? Zero. What about line 20, for the fiscal year 2002? Zero. What about for fiscal year 2003? Zero. What about for fiscal year 2004? There is $2,899,000,000. Isn't that something? This is their program for saving Medicare. This is their program, their own figures.

If I have ever heard something that makes absolutely no sense—how can any member of the majority in the Budget Committee stand up on this floor and say that they have anything worthwhile in here to protect Medicare?

I say to the Senator, it is $686 billion. Even if you use the whole $100 billion, it is $686 billion you are going to need over 15 years, so you do not have enough in here to even begin to save Medicare. All we are trying to get is honesty in budgeting.

Under the Democratic program, we take all 15 percent and set it aside. You can make these debatable points that, well, you can't really transfer the funds. Of course you can't. You have to change the law to be able to do it. But we understand what is being done out here, Mr. Chairman and Senators. We understand what is being done. We are allocating and indicating what our priorities are. And we are going to save Social Security on the one hand, and we are going to use that 15 percent for Medicare. And we are not going to use this $100 billion that does not provide a single cent for 5 years and can be used either for disasters or for any other program that has been outlined in the Budget Committee's report.

That is not saving Medicare. The amendment of the Senator from New Jersey, Senator LAUTENBERG, does the job. And the amendment of Senator CONRAD does the job. We will also have an opportunity to offer something that will do it.

So Mr. President, I think it is worthwhile going beyond the rhetoric and giving our Members a chance to look through both the report and the legislation to try and find out who really is interested in preserving Medicare. The votes that are going to be offered here later this afternoon, starting with Senator LAUTENBERG's, and Senator CONRAD's, will give us an opportunity to do that.

The principle set forth in the Lautenberg amendment goes to the heart of this budget debate: We should not liquidate the surplus by enacting tax cuts before we solve the significant financial problems facing Social Security and Medicare. I wholeheartedly agree. Placing Social Security and Medicare on a firm financial footing should be our highest budget priorities. The surplus gives us a unique opportunity to extend the long-term solvency of those two vital programs without hurting the vulnerable elderly who depend upon them. We should seize that opportunity. Two-thirds of our senior citizens depend upon Social Security retirement benefits for more than fifty percent of their annual income. Without it, half of the nation's elderly would fall below the poverty line. These same retirees living on fixed incomes rely upon Medicare for their only access to needed health care. For all of them, this budget does absolutely nothing. It does not provide one new dollar to support Social Security or to support Medicare. It squanders the historic opportunity which the surplus has given us.

On the subject of Social Security, the Republican budget is an exercise in deception. The rhetoric surrounding its introduction conveys the impression that the Republicans have taken a major step toward protecting Social Security. In truth, they have done nothing to strengthen Social Security. Their budget would not provide even one additional dollar to pay benefits to future retirees. Nor would it extend the life of the Trust Fund by one more day. It merely recommits to Social Security those dollars which already belong to the Trust Fund under current law. That is all their so-called "lockbox" does. By contrast, President Clinton's proposed budget would contribute $2.8 trillion new dollars of the surplus to Social Security over the next fifteen years. By doing so, his budget would extend the life of the Trust Fund by more than a generation to beyond 2050.

Not only does the Republican plan fail to provide new revenue to extend the life of the Social Security Trust Fund, it does not even effectively guarantee that the existing payroll tax revenues will be used to pay Social Security benefits. In essence, there is a trap door in the Republican "lockbox". Their plan would allow Social Security payroll taxes to be used to finance unspecified "reforms". This opens the door to risky schemes that would use the Social Security surplus to finance private retirement accounts at the expense of Social Security's guaranteed benefits. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts. A genuine "lockbox" would prevent any such diversion of funds, but not the Republican version. A genuine "lockbox" would guarantee that those dollars would be in the Trust Fund when needed to pay benefits to future recipients. The "lockbox" in this budget does not.

While the Republicans claim that they too support using the surplus for debt reduction, they are still unwilling to use it in a way that will help save Social Security for future generations. There is a fundamental difference between the parties on how the savings which will result from debt reduction should be used. The federal government will realize enormous savings from paying down the debt. As a result, billions of dollars that would have been required to pay interest on the national debt will become available each year for other purposes. President Clinton believes those debt service savings should be used to strengthen Social Security. So do I. But the Republicans refuse to commit those dollars to Social Security. Their budget does nothing to increase Social Security's ability to pay full benefits to future generations of retirees.

Currently, the federal government spends more than 11 cents of every budget dollar to pay the cost of interest on the national debt. By using the Social Security surplus to pay down the debt over the next fifteen years, we can reduce the debt service cost to just 2 cents of every budget dollar by 2014; and to zero by 2018. Such prudent fiscal management now will produce an enormous savings to the government in future years. Since it was payroll tax revenues which made the debt reduction possible, those savings should in turn be used to strengthen Social Security when it needs additional revenue to finance the baby boomers' retirement after 2030. Rather than paying interest to bond-holding investors today, our plan would use that money to finance Social Security benefits tomorrow.

This is analogous to the situation of a couple with young children and a mortgage. They know they will have a major expense fifteen years down the road when their children reach college age. They use their extra money now to pay down their home mortgage ahead of schedule. As a result, in fifteen years the mortgage will be greatly reduced or even paid off. Thus, the dollars that were going to pay the mortgage each month will become available to finance college for the children. In the same way, the federal government is reducing its debt over the next fifteen years, so that it can apply the savings to Social Security when the baby boomers retire.

That is what the President's budget proposes. It would provide an additional $2.8 trillion to Social Security, most of it debt service savings, between 2030 and 2055. As a result, the current level of Social Security benefits would be fully financed for all future recipients for more than half a century. It is an eminently reasonable plan. But Republican members of Congress oppose it.

During the budget debate, the Republicans will proclaim that this year, unlike last year, Social Security tax dollars are not being used to pay for their tax cut. This year they are not proposing to loot billions of dollars from the Social Security Trust Fund. Undeniably a step in the right direction. But hardly sufficient progress. They are still unwilling to use the surplus to save Social Security, still unwilling to use surplus dollars to extend the ability of the Social Security Trust Fund to pay full benefits to future generations.

Sadly, the Republican response to the financial problems facing Medicare is the same. The crisis facing Medicare is much more severe than the financial problems facing Social Security. Medicare will become insolvent in less than a decade unless we take decisive action to extend it. President Clinton's budget would do that. It would devote fifteen percent of the surplus, nearly $700 billion, over the next fifteen years to financially strengthening Medicare. As a result, it would have sufficient resources to fully fund current health care benefits to at least 2020. This would give us the time which is necessary to gradually reform the program in a way which will protect the elderly beneficiaries who depend upon it. However, the Republicans rejected this initiative to save Medicare. Their budget will not extend the life of the Medicare Trust Fund for one day. I will have a great deal more to say later in the debate about the harm that this budget will do to Medicare.

The budget Republicans have brought to the floor does not provide one new dollar to finance Social Security or Medicare benefits. What it does provide is nearly $800 billion new dollars for tax cuts over the next decade. Tax cuts, not strengthening Social Security and Medicare, is their first priority. Budgets speak louder than words. The Republican budget tells us much more candidly than their rhetoric where the GOP's real commitment lies.

The Republican budget would devote $778 billion to tax cuts during the next ten years—before fixing Social Security, and before funding Medicare for the next generation. Those who wrote this budget were not thinking about the two-thirds of our senior citizens who rely on Social Security retirement benefits for more than half their annual income. They clearly were not thinking of the elderly who depend on Medicare for their only access to health care. The pleas of the elderly have fallen on deaf ears.

When the Republicans wrote this budget, they had a very different group of people in mind. While the budget itself does not specify the precise form of tax cut, the Republican leadership has already called for a 10% across-the-board tax rate cut. Such a tax cut would disproportionately benefit the nation's highest-income taxpayers. The Treasury Department's analysis of this proposal shows that the top one percent of earners would receive 35% of the benefits. The top twenty percent of earners would receive 65% of the benefits. By contrast, approximately 45 million Americans would get no benefit at all.

While an across-the-board income tax cut may sound fair at first hearing, it would in fact be grossly inequitable. Under the Republican leadership's proposal, sixty percent of American taxpayers would share just nine percent of the total tax savings, an average of less than $100 per person per year. Clearly, the Republicans are not thinking about the needs of working families and their elderly parents.

This amendment offered by Senator LAUTENBERG would set us on a different, more responsible course. It would prevent using the surplus to fund tax cuts until we have solved the financial problems facing Social Security and Medicare. This approach would preserve the resources which are needed to guarantee the long-term solvency of these two historic programs without harming future beneficiaries. It is the right thing to do.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield 8 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I want to follow on the remarks of my good friend from Massachusetts, Senator

KENNEDY, because I think he, with great articulation, hits the nail on the head. We are talking here not about gimmicks but what is the right way, the most solid way to put a budget together and to protect Social Security.

There is a right way; there is a wrong way. The Lautenberg amendment is the right way to preserve Social Security. The amendment of the Senator from Michigan is a good example of an idea that sounds good, but is the wrong way.

Mandated reductions in our Nation's debt limit are irresponsible. They are dangerous. They could hurt the very people that the proponents claim they want to help; namely, Social Security beneficiaries.

As a member of the Finance Committee, I understand very clearly the risks this amendment poses. Debt is incurred solely to pay expenditures that Congress has already authorized. The time to limit spending is when Congress is considering the underlying bills, whether they be appropriations bills or tax bills, not after the bills have already been enacted into law. By the time the debt limit is reached, the Government is already obligated to make payments and must have enough money to do so.

The debt obligations of the United States are recognized as having the least credit risk of any investment in the world. That credit standing is a precious asset for the American people and helps our economy by reducing the costs of borrowing.

Remember, the last time we came face to face with a debt limit crisis in November 1995, Moody's credit rating service placed Treasury securities on review for possible downgrade. They did this because it appeared possible for the first time in our Nation's history that the United States might be forced to default on our debt obligations. From the safest investment in the world, America overnight became comparable to that of countries which we do not hold in as high regard.

If the debt limit is reached and Congress cannot quickly obtain a supermajority to increase the limit, Treasury might easily be forced to stop honoring any payments. The largest single recurring monthly expenditure for the Treasury comes every month when Social Security checks are sent out.

The effect of this amendment, which is being touted as helping to preserve Social Security for the future, could easily be to force current beneficiaries to live without the monthly checks that so many depend upon for their livelihood. Those who support this amendment—that is, of the Senator from Michigan—seem to feel that we must in effect destroy Social Security in order to save it. Obviously, the majority of Members disagree.

I believe we can save Social Security for the future without putting current beneficiaries at risk of losing their monthly checks. We can do this not by supporting the Abraham amendment but by sticking to the budget enforcement tools that have successfully brought us this far, from a time of red ink as far as the eye could see to a day of projected budget surpluses.

That is why I support strongly the amendment offered by Senator LAUTENBERG. Simply put, we should reach agreement on a solution to the Social Security problem before we begin spending money we don't yet have. Until that happens, we should keep the pay-go rules and discretionary spending caps in place. This is the only way to truly save Social Security first.

I believe if we pursue this course we can make room in the budget for a number of critical priorities. In addition to saving Social Security, we can preserve Medicare. We all know that Medicare is in dire straits, worse shape than Social Security, and I am astounded that the majority party does not want to save Medicare, a program that is in worse shape even than Social Security.

I might also say that the balanced budget amendment which we passed a couple of years ago has a disproportionately detrimental effect on rural hospitals and rural doctors. In my State of Montana, rural hospitals lost 6.5 percent in 1997 in spite of the news that hospitals nationwide are making big profits—a 6.5-percent loss. That was before the balanced budget amendment cuts. If, as some suggest, we don't infuse the Medicare trust fund with some surplus moneys, there is a very real possibility that providers could suffer further cuts. If that happens, small rural hospitals will not just lose money, they will close.

For all the very real danger in the social security system, did you know that if we do nothing Medicare will be insolvent in about the next ten years? Think about that.

We are less than a decade away from allowing a major piece of our nation's security to whither on the vine.

Let's consider how quickly that date is coming. Only eight years ago, we launched Operation Desert Storm in Iraq. Ten years ago the Berlin Wall fell. Seems like yesterday, doesn't it?

And just a couple of years ago, Mr. President, Congress passed the Balanced Budget Act. In the BBA, we extended the life of the Medicare Trust Fund.

But we also implemented over $100 billion in cuts to health care providers. I hear about those reductions from Montanans every day.

Montana small rural hospitals lost 6.5 percent in 1997, in spite of news that hospitals nationwide were making a killing. 6.5 percent, Mr. President. And that was before the BBA cuts. If, as some have suggested, we don't infuse the Medicare Trust Fund with some surplus monies, there is a very real possibility that providers could suffer further cuts. If that happens small rural hospitals will not just lose money, they will close.

And patients—not just providers—will suffer. This Congress should do the responsible thing by not balancing the budget on the backs of Medicare patients and providers. The Senate should dedicate 15 percent of the budget surplus to save Medicare.

Mr. President, saving Social Security and shoring up Medicare must be our two top priorities.

I don't think that precludes us from passing targeted tax cuts, though. I think we can make room for tax cuts by getting rid of wasteful spending wherever it occurs.

Let me tell you a few tax cuts I will personally work for this Congress:

We should end the marriage penalty for Montana and American families.

We should provide tax cuts to promote education for our children. I will push this year to further expand the student loan interest deduction. I'll introduce legislation to encourage greater donations of computers and technology to schools. And I'll expand the lifelong learning credit so our workers can get the vital training they need to adapt to today's changing, global economy.

We should expand pension coverage particularly for our small business. Only one in five Montanans working for small businesses have access to retirement plans. I am introducing legislation to try to make pension plans more affordable and less complicated for small businesses and their employees.

And, as part of my safety net to help farmers weather these turbulent times, I am promoting a new farm savings account.

Mr. President, in conclusion, I believe that the pending amendment is the right way to go. We must save Social Security first. We should not use gimmicks like the "lock box" that could jeopardize our ability to issue social security checks and hurt the very people that we are trying to help.

Mr. President, I believe that, without such a gimmick, we can make room in the budget for what should be our three biggest priorities: Social Security, Medicare, and targeted tax cuts.

Let's seize this opportunity and do what's right for our country.

In summary, I am quite concerned about the priorities that are in the majority budget. A budget sets a country's priorities. For me, one of the main priorities should be saving Social Security, which, in effect, the majority budget does not do. Certainly we should help do what we can to save Medicare, to shore up Medicare, shore up the Medicare trust fund, which certainly the budget resolution before the Senate does not do.

We should not use gimmicks like lockboxes, and so forth. It may sound good, but they do not provide the benefits they purport to have.

I very much hope we adopt the amendment offered by the Senator from New Jersey, the amendment that sets the priorities that this country really needs and wants.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 3 minutes 32 seconds, and the other side has 3 minutes 17 seconds.

Mr. DOMENICI. Who wants to speak on the Democratic side?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 1 minute 15 seconds.

Mr. President, I want to direct the chairman's attention to page 90 of the report. Here is the reserve fund for Medicare and the prescription drugs. I hope that anyone who believes we are really establishing a reserve fund in here for prescription drugs will take a little time to read it. We don't have the time to do so right now.

The point I want to make is this: When my good friend from New Mexico is talking about the $190 billion that is going to Medicare, as I mentioned, that is what will be necessary to just continue the program without any kind of adjustment. Then they have this $100 billion out there. In this report they say it can be used for prescription drugs, it can be used for disaster relief, it can be used for anything. Any time I hear someone come over and talk about a particular subject, it seems that they are using the same $100 billion for that particular purpose.

Now back to page 90 and restrictions placed here in terms of prescription drugs. There is absolutely no reason to expect there will be a prescription drug provision under this particular provision that has been added in the budget legislation. We will have an opportunity later in the afternoon to debate it, but there is nothing here to guarantee the availability of even one additional dollar for Medicare.

Mr. DOMENICI. Mr. President, I will reserve as best I can the decibel level until later in the day when I feel more like arguing with the distinguished Senator from Massachusetts, but he will hear it before we are finished, as I will hear his.

The Republican package is by far better than anything the President of the United States has offered to the people of this country on Medicare. Let me suggest that maybe before we are finished, we will put the President's Medicare package before the Senate and see how many Senators vote for it. As a matter of fact, it doesn't pay a penny of prescription drugs and doesn't provide for any method or manner of doing it. The 15 percent of the surplus that is put in there is clearly identified as being placed in there to elongate the trust fund. But you can't spend it under the President's plan. You get back IOUs, which means generations to come will have to pay whatever it is that is spent on Medicare over the years.

We did better than the President in that he cut $20 billion out of Medicare and we did not during the next decade. When you add that together with more than $100 billion that is not allocated anywhere out of the surplus that can be used for Medicare reform, including prescription drugs, we have a very good package.

The only thing missing is a proposal, a reasonable proposal, by the President of the United States to put into effect the use of that money and the kinds of reforms that are suggested by the committee which worked so long and was one vote short of what they needed.

We can go on forever this year debating Medicare, but the truth of the matter is, we have a solution in mind. There are others who talk about the problem and indicate that it will be fixed in some miraculous way when they don't have a plan.

I yield the remaining time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan has 45 seconds.

Mr. ABRAHAM. I will speak quickly. Our plan, which will be voted on, is a sense-of-the-Senate amendment that we should create a Social Security lockbox. This would make sure that any Social Security surplus dollars are used either to fix Social Security or pay down the national debt. People on both sides of the aisle have been claiming that is what they wanted to do. We just heard the first spokesperson in opposition to that raising issues that I think are very dubious complaints.

If you don't want to reduce the national debt and you want to spend the Social Security surplus, then vote against this amendment. However, I can't think of any other reason, other than that, to vote no on our amendment. This is a sense of the Senate to set us in the direction of making sure we protect those surpluses.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Jersey has 1 minute 48 seconds.

Mr. LAUTENBERG. Mr. President, I don't think I will use all that time, but I will take a moment to respond in case my colleague from Massachusetts needs any shoring up.

The fact of the matter is that the reserve fund, this mythical reserve fund, that was going to be $132 billion has, by osmosis, shrunk to $101 billion and it is headed in the wrong direction.

If there is going to be any participation at all in establishing solvency for another 12 years for Medicare, we have to make our judgment based on where things stand, not the kind of things that are said in honest debate.

Mr. KENNEDY. Will the Senator yield?

Mr. LAUTENBERG. I yield.

Mr. KENNEDY. Mr. President, the alternative under the Lautenberg amendment is, we will not have the tax cuts until we have the solvency of Social Security and Medicare. Is that the effect of the Lautenberg amendment?

Mr. LAUTENBERG. That is our amendment.

I yield back the remaining time.

Mr. DOMENICI. I yield back all time I might have.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. I ask for the yeas and nays on the Abraham amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I ask unanimous-consent it be in order for me to make a point of order against the Lautenberg amendment so we can stack that vote.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. DOMENICI. The Lautenberg amendment is not germane to the budget resolution; therefore, I raise a point of order under section 305(b)(2) of the Congressional Budget Act.

Mr. LAUTENBERG. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections to that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 143

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning

Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Lugar

The amendment (No. 143) was agreed to.

VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Lautenberg amendment No. 144. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas, 45, nays 54, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Lugar

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that all first-degree amendments to be in order to S. Con. Res. 20 must be offered by 12 noon on Thursday, March 25, 1999, and at 11:40 a.m. on Thursday, Senator LAUTENBERG be recognized to offer and lay aside amendments on behalf of Members on his side of the aisle, and at 11:50 a.m., Senator DOMENICI be recognized to offer and lay aside amendments on behalf of Members on this side of the aisle.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the managers, Senator LAUTENBERG and the chairman of the committee, Senator DOMENICI, for the work they are already doing, for the cooperation we have been receiving from Senator DASCHLE, and the fact that we started off last night with an agreement that we would have 35 hours remaining.

These Senators have worked through the debate this morning. We just had two back-to-back votes. Getting this agreement to have the first-degree amendments offered by 12 noon is also an important step in the right direction. I know they are going to continue to push aggressively.

Let me say to Members on both sides of the aisle, I know how prolific we are and how much we enjoy having amendments with our names on them. However, if we come up with 40 amendments on this side of the aisle and 40 amendments on that side of the aisle—80 amendments on top of the remaining 26 or 27 hours—we are not going to be able to make it by Friday.

In view of that, I have already made arrangements for my flight to be Saturday, not Friday. I also want to notify Members that in order to accomplish this goal of finishing up by Friday, we are going to have to go late—unless we can work out some other arrangement—Wednesday night and Thursday night, possibly Friday night. We already have presiding officers signing up for hours to go all night Wednesday and Thursday night. We only have a couple vacancies here. We have a 4 to 5 a.m. slot that will be left for somebody to sign on to. Maybe Senator BROWNBACK will sign up for that slot. We need to fill in these time blanks for both nights.

I know the managers are going to need help in order to get through this, especially if we have to go all night. I hope we can work out a way to avoid that, but it is going to take the cooperation of Members on both sides with the managers.

I am serious about doing this, not for punishment, but so we can do our work. I have Senators on both sides of the aisle coming up to me saying: "I really need to get out of here Thursday night." "Can I be gone by 1 Friday?" "I must be out of here by Friday night." In order to achieve that, we have to come to additional agreements, drop some amendments, and perhaps seriously go around the clock one night.

Please cooperate with the managers. You will have the chance on both sides to make your principal points, get votes on those amendments, and then we can move on to conclusion.

Thank you for the cooperation we have already received.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, I thank the distinguished majority leader for his assistance. I think that is a very good start.

I also ask unanimous consent that heretofore any votes that we have had, that the time used up on votes count against the total time under the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I, too, extend my appreciation to the Democratic leader, Senator DASCHLE, for the hard work he did to try to get people to understand that we do not want to deprive anybody at all of their opportunity to offer amendments, but we make the case, as we all heard from the majority leader, that we are prepared to stay here as late as necessary tonight. And Senator DOMENICI and I, as usual, have been working cooperatively. I just wonder whether the majority leader asked the freshman class over there whether they would stay all night. But I thank you.

I ask permission, if it is all right with the Senator from Missouri, if the Senator from Wisconsin, who has a fairly short 6-minute presentation to make, could be recognized at this time.

Mr. DOMENICI. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. KOHL. Thank you, I say to Senator LAUTENBERG and Senator ASHCROFT.

Mr. President, I rise in opposition to the budget resolution. This budget is senseless, arrogant, and dishonest.

If this were an employee, you would fire him. If this were a house guest, you would boot him. But since this is a budget, our only option is to vote it down—and spend the few hours we have left in this debate hammering out a fiscal plan of which we can be proud.

When I call this budget senseless, I mean it literally: The budget does not make sense. The United States is experiencing the longest peacetime economic expansion in our history. We are projected to run budget surpluses totaling almost $5 trillion over the next 15 years.

In goods times like these, we ought to have the confidence to be bold, to pay our debts from the past, to solve the problems, like runaway entitlement spending, that will plague us in the future, and indeed, to invest wisely in a strong nation.

Instead, this budget makes a series of incomprehensible tradeoffs.

It increases funding for elementary and secondary education, while removing 100,000 young students from Head Start, and eliminating child care subsidies for 34,000 low-income children. If we follow this budget, we will be ready to teach children who, because we have neglected them in their first 5 years, are not ready to learn.

The budget increases spending for research into new diseases, while cutting spending for the vaccines that protect our children from old diseases.

The budget increases military spending beyond what the President wants, and cuts diplomatic spending below what the Secretary of State believes is feasible. We are sending the administration out into a world of shifting borders and allegiances armed with a stick too big to lift and a carrot too small to see.

The budget fully funds the Violent Crime Trust Fund and cuts 2,700 FBI agents. Now how do we reduce violent crime while also reducing the number of people specifically charged with fighting it?

And in perhaps the cruelest mismatch of all, this budget chooses an enormous tax cut over shoring up the Medicare Trust Fund. The budget trades a long-term policy of health and security, for those who really need it, for a short-term policy of giving cash to those who already have it.

These sort of confusing tradeoffs are enough for most of us to reject the budget. But these policy missteps are compounded by the fact that they are continued for many years.

The budget includes tax cuts that grow exponentially as far as the eye can see, and huge increases in military hardware purchases in contracts stretched out almost as far. Have we not learned from the past? This is the same combination of defense spending and tax cuts that led to the record budget deficits of the 1980s. Have we no respect for the future? It is the height of arrogance for politicians today to lock future generations into evermore expensive contracts and commitments.

And finally, the budget is dishonest. By the admission of several congressional leaders, there is no way the draconian cuts in domestic spending envisioned by this budget will last the year.

What that means is, sometime in November, we will all be voting for, and lamenting over, a hastily thrown together omnibus appropriations bill that funds all the needs this budget proposes to ignore.

That is a sloppy way to do our business. If these domestic programs are priorities—and I believe they should be—then we ought to discuss them now, plan for them now, budget for them now. It is dishonest to trumpet this budget as responsible spending, while fully expecting to spend irresponsibly and freely at the end of the year.

This budget is not evil; it is sloppy. It reflects priorities so misguided and mismatched that no one expects they will be implemented at the end of the day. The budget is not so much a crime as it is a mistake and a missed opportunity.

We had a chance to behave responsibly and wisely, using our current surplus and strong economy to underpin a visionary plan for this Nation's fiscal future. We could not have done something for the future, but instead we have a budget that, at best, will get some of us through tonight's 6 o'clock news sound bites. After that, it will be shoved aside for a last minute, unplanned and probably unwise spending spree.

So, let's not wait until tomorrow. Let's put this budget out of its misery now. Let's not stumble into the new century with a senseless spending plan. Let's adopt a fiscal framework that makes sense for old and young—that will stand today and in the future.

I thank you, Mr. President, and yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 145

(Purpose: To express the sense of the Senate that the Federal Government should not directly invest the social security trust funds in private financial markets)

Mr. ASHCROFT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] for himself, Mr. BROWNBACK, Mr. GREGG, Mr. SMITH of New Hampshire, Mr. ABRAHAM, Mr. ENZI, Mr. INHOFE, Mr. ROTH, and Mr. WARNER, proposes an amendment numbered 145.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT INVEST THE SOCIAL SECURITY TRUST FUNDS IN PRIVATE FINANCIAL MARKETS.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) in private financial markets.

Mr. ASHCROFT. Mr. President, the amendment which I have sent to the desk is a simple one. It is an amendment forbidding the Government to invest Social Security trust funds in the stock market.

We have talked a lot about Social Security in relation to the budget and that it is important that we not invade the Social Security trust fund to undertake spending to cover deficits in other areas, and that is really a way to protect the trust fund. This amendment is another way to protect the trust fund and to protect the retirement security of Americans from the risks of the stock market.

So this amendment expresses the sense of the Senate that the Federal Government should not invest the Social Security trust fund in the stock market. Having the Government invest the trust fund in the stock market is a gamble. It is a gamble Congress should be unwilling to make on behalf of the millions who receive and depend on Social Security to meet their retirement needs.

First, let me say that there is no more worthy Government obligation than ensuring that those who paid a lifetime of Social Security taxes will receive their full Social Security benefits. Social Security is our most important social program, and I believe it is a contract, an agreement between the citizens and their Government. Americans, including 1 million Missourians, depend on this commitment. And I am determined to ensure that Social Security meets that commitment.

The President has suggested, and for the first time in history, that the Government should invest as much as $700 billion worth of Social Security surpluses in the stock market. In my view, and in the view of many Missourians who depend on Social Security, this would unnecessarily gamble with the Social Security trust funds.

For more than 60 years, Social Security law has forbidden the trust funds from being invested in the stock market. The pending amendment will express our support for that law, making explicit what is now implicit, that this kind of governmental meddling into private markets should not be allowed to happen.

Federal Reserve Board Chairman Alan Greenspan says that investing Social Security funds in the market is bad for Social Security and, he says, bad for the economy. Now, when Alan Greenspan talks, virtually everyone listens. And Congress ought to listen.

Chairman Greenspan has said this plan "will create a lower rate of return for Social Security recipients," and he "does not believe that it is politically feasible to insulate such huge funds from a governmental direction."

I think what he is saying is it is not time to let some bureaucrat play broker-for-a-day with the Social Security trust fund. The last thing we need in America is the Federal Government directing the investment of Social Security trust funds based on some trendy politically driven notion of which industries or which countries or which policies are in political favor at the moment.

Of course, Alan Greenspan is not the only Government official entrusted with and ensuring our economic well-being who is gravely concerned or who has expressed grave concerns about this proposal. Arthur Levitt, the Chairman of the Securities and Exchange Commission, the country's top investment official, has said,

> We have an obligation to think long and hard about the implications of Social Security reform. Investing Social Security in the stock market, by its very nature involves heightened obligations, difficult questions and new challenges.

Chairman Levitt is worried about the "large-scale market effect." In other words, what does this proposal do to the market, including whether the Government would "have an even greater incentive, if not the market itself." We know that America has prospered because of free markets, not Government-directed markets. The prospect of the market trying to control market fluctuations is disturbing.

In this scenario, the Government could subsidize companies that were losing market value, regulate companies that pursued risky or innovative strategies, and pursue policies based on which companies would benefit. If the Federal Government tried to pick market winners and losers, all of us, companies and citizens alike, Social Security recipients, and those paying the taxes would end up as losers.

When officials of the stature of Chairman Greenspan and Levitt, officials who are responsible for the health of the Nation's economy and of the stock market, warn us when they speak, we ought to tread very carefully.

In addition to the concerns of the experts, I am listening to the concerns of individual Missourians. I recently received a letter from Todd Lawrence of Greenwood, MO, who wrote,

> It has been suggested that the government would invest in the stock market with my Social Security money. No offense, but there is not much that the government touches that works well. Why would making my investment decisions for me be any different. Looking at it from a business perspective, would the owner of a corporation feel comfortable if the government were the primary shareholder?

Todd Lawrence understands what President Clinton apparently does not. No corporation would want the Government as a shareholder, and no investor would want the Government handling their investment.

Even if the Government were able to invest without adding new levels of inefficiency to the process, the Government putting Social Security taxes in the stock market adds an unacceptable level of risk to retirement. This risk is a gamble I am unwilling to make for the one million Missourians who are the recipients of Social Security. This amendment puts Congress on record that Government will not gamble Social Security in the stock market.

While I understand the impulse to attempt to harness the great potential of the stock market, significant Government involvement in the stock market could tend toward economic nationalization, excess Government involvement in private financial markets, and short-term, politically motivated investment decisions that could diminish Social Security's potential rate of return.

It is hard to overestimate how dangerous this scheme really is. Imagine, if you will, what would happen if the Government had $2.7 trillion in the market on Black Monday, October 19, 1987, when the stock market lost 22 percent of its value. The trust fund's owners, America's current and future retirees, would have lost a collective total of $633 billion that day alone. Imagine seniors who depend on Social Security watching television, watching the news of the stock market collapse, wondering, even fearing, their Social Security would be in danger.

While individuals properly manage their financial portfolios to control risk, the Government has no business taking these gambles with the people's money.

Even President Clinton has expressed skepticism with this idea. In Albuquerque last year, the President said the following,

> I think most people just think if there is going to be a risk taken, I'd rather take it than have the government take it for me.

He was right then and he is wrong now. While Americans as individuals should invest as much as they can, as much as they can afford in their private equities to plan for their own retirements, the Government should stay out of the stock market.

I urge my colleagues to join me in support of this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SESSIONS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ASHCROFT. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to express my support for the amendment put forward by the Senator from Missouri. I join him in this amendment and I join him in the sentiment that he has put forward and articulated, I think very well, about the potential problems and pitfalls if we go this route of the Government investing the Social Security trust fund surplus in the stock market.

Now, a lot of us would say if we want to have private sector individuals take certain portions of their surplus and put them in investments they deem worthy and sound, that is one thing to consider; but when you have the Government looking at potentially investing $2.7 trillion over a period of time and directing that in the stock market, I think you are asking for a whole boat load of problems.

Having the Government invest the Social Security trust fund in the stock market, I believe, is dangerous because of the Government having cross-purposes when it frequently seeks to do various things.

We heard the Senator from Missouri talk about some "for instances." If we have a poor economy taking place and people are looking around saying what can we do to stimulate the economy, what we need to do is put more money in the stock market to stimulate its growth and hopefully that will stimulate the economy. People say, "Raid the trust fund and move it into the stock market." That may be a fine thing for macroeconomics, it may not be. It could be a very poor thing for Social Security and trust funds and pension funds. We should look at these as people's pension funds. That is just not a wise policy to take place.

We could also have all sorts of political pressures—the Senator from Missouri or the Senator from Kansas saying, "Not enough of this money is being placed by the Government into Kansas. I think they ought to be investing more money in Kansas rather than less money," so I start lobbying, or others do, to get the Government to invest more of the Social Security money, these pension funds of the American public, into Kansas.

That may be a good and laudable purpose. From my perspective, it is a great purpose. Is that the sort of thing we ought to be doing with our pension funds, though? Is that the sort of cross-purpose that we should invite by encouraging and allowing the Federal Government to invest money in the private stock market? I think not.

President Clinton has suggested that the Government invest up to $700 billion in surplus payroll taxes in the stock market. I applaud the President for recognizing the strength of our economy. I have to seriously question this proposal. The dangers of a Government-controlled economy are vast and they are far reaching. Socializing our free market economy through Government-controlled investments in the stock market would have a chilling effect on future economic growth. The markets would become more sensitive to the executive branch decisions and less sensitive to market forces and factors.

The potential abuses are easily seen, and I have already articulated a couple of them. Businesses that are not supportive of the administration could be punished and those that are supportive would be rewarded. Again, a cross-purpose with people's pension money—not a good idea.

Federal Reserve Chairman Greenspan has been previously quoted as saying he deems this to be a bad idea for Social Security and a bad idea for the economy.

I think his one quote bears repeating at this time because it goes to the heart of the issue. Alan Greenspan said he "does not believe that it is politically feasible to insulate such huge funds from a governmental direction."

Now, imagine that—$700 billion multiplied over time being directed by Government and an administration that might be at cross purposes with saying what is the best thing to do for these pension funds, or even if we had the best of purposes, you are going to invite manipulation taking place in the market with pension funds.

The last thing this country needs is the Federal Government directing the investment of Social Security funds based on politics. That is simply what we are inviting if we seek to have the Government do this investment. This is something private individuals should do. They should be allowed to do that on certain portions of it, but the Government should not.

Our amendment states that it is the sense of the Senate that the Government should not be allowed to invest the trust funds in the stock market. I hope all of our colleagues, seeing the dangers of this proposal, will vote in favor of our amendment.

With that, I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I would like to speak for 6 minutes on this amendment.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. ENZI. Mr. President, I rise as an original cosponsor of the Ashcroft-Brownback amendment voicing opposition to the President's plan of having the Federal Government invest our Social Security funds in the stock market.

We all understand and, hopefully, agree that, if left unchanged, the future of Social Security is in jeopardy, as the program will begin running deficits in 2013 when 71 million baby boomers begin collecting retirement benefits. We know the number of retirees will double between 2008 and 2018, narrowing the ratio of workers to beneficiaries to less than 3-to-1. I point out that in 1950 there were 16 workers for every single beneficiary. We all know that all trust funds, if they even exist, will be completely exhausted in 2032.

We have a responsibility to save this program from a fate that everyone agrees will happen without change. The Ashcroft-Brownback amendment is a solid first step in assuring the American people that Congress is committed to fixing this problem, while preempting the President's "Big Brother" philosophy. I am deeply concerned by the message the President is sending to the American people. The very reason Social Security has a solvency problem is that it is a federally administered program with IOUs that are disguised as real trust funds.

The President wants to right a wrong with another wrong. Not only has he failed to provide Congress with actual reform legislation, the Social Security Administration has neglected its responsibility to make legislative recommendations to Congress as well. To think that the President now wants to embrace the benefits of private aggregate investment by playing the stock market and have Government select the winners and the losers is simply bad policy.

Last week, I spent 13 hours in executive session in the Health, Education, Labor, and Pensions Committee marking up S. 326, the Patients' Bill of Rights. We debated a sizable number of amendments. Members of the committee may have substantially disagreed on a majority of these amendments, but there was no conflict regarding individual control and choice over one's health care. It is a fundamental premise that respects each person's right to exert some control over decisions involving their own health.

During that debate, several of my Democratic colleagues touted patient control and choice. Why, then, why isn't that choice and control being extended to Social Security? Is a person's health care more sensitive or politically appealing than that person's Social Security? I have trouble separating the two. However, the President seems to have found a way to advocate consumer control and choice in health care while denying individuals that same right with their Social Security.

The lack of consistency in the President's message is disturbing. If the President really believes in personal control and choice, he should abandon the notion of federal government investment of America's retirement on the stock market and support personal investment accounts. That's choice. That's giving Americans some say in this debate. Taxpayers don't need big brother to make this decision nor do they want it to. But the President's plan would authorize the federal government to invest hard-earned payroll tax dollars on the stock market. No personal control, choice or say by the individual. The President needs to stop polling and start listening to what the majority of Americans want.

The Ashcroft/Brownback amendment is an insurance policy for the American people. It insures them that their Social Security will not be invested and managed by the federal government—an idea that's been condemned by Federal Reserve Chairman, Alan Greenspan; Comptroller General for the General Accounting Office, David Walker; and, Congressional Budget Office Director Dan Crippen—all three are federal agency heads. Is the President listening to them?

How about the labor community? I received a letter signed by 10 prominent labor unions—including the Teamsters, United Workers of America, United Steel Workers as well as the United Mine Workers indicating their opposition of "the President's proposal to allow the government itself to invest part of the Social Security Trust Fund surpluses in corporate stocks and bonds." Is the President listening to them?

While serving on the Senate Labor Committee, I rarely see organized labor and the business community agree. This issue, however, is one exception. The Alliance for Worker Retirement Security, which the National Association of Manufacturers founded last year, strongly criticized President Clinton's plan to have the government manage the investment of Social Security trust funds in the stock market. According to NAM, "government ownership—in other words, control of private enterprise—is a mockery of the principles on which this country is founded."

A majority of opinions agree that the President's message is flawed and that it constitutes bad policy. We often have trouble arriving at a consensus in the Senate. But since federal agency heads, the labor community and the business community share the same concern, this Administration and the Senate have a duty to listen.

I strongly support the Ashcroft/Brownback amendment and I'm pleased to be an original cosponsor. It shows that the Senate isn't turning a blind eye on this important policy decision. I urge my colleagues on both sides of the aisle to vote in favor of this amendment.

Mr. President, I yield the floor.

Mr. ROTH. Mr. President, I rise today in support of the Ashcroft amendment. This Sense of the Senate expresses the Senate's opposition to the Federal government directly investing the Social Security Trust

Funds in the nation's financial markets, that is, making the Federal government or Social Security the owner of stocks and bonds.

The risks of this kind of investing are well known, but bear repeating. Put simply, many believe, with good reason, that there would be a strong, irresistible temptation by future Administrations or Congresses to invest according to political considerations, rather than seeking the best rate of return. Let us consider just a few of these ways. For example, some stocks might be avoided because of public policy concerns. For example, last year the State of Minnesota decided to divest tobacco stocks from its state employee pension fund, losing $2 million in the process. Others might want to invest in particular businesses to create or protect jobs.

But even if proponents of direct Federal investing are right that firewalls could be built to insulate Trust Funds investments from political considerations, such investing would almost certainly be contentious. Americans are very diverse, with diverse views, and groups would almost certainly organize to bring those views to bear on Trust Fund investing. Frankly, we need to solve Social Security's future problems, not add new ones.

Nonetheless, there is broad, bipartisan agreement that the future of Social Security may be improved by reaping higher returns from investments in the nation's securities markets, in stocks and bonds. The President has generally endorsed this approach, as well as many lawmakers, economists and other policy experts, and millions of average Americans. The issue is how to conduct such investments.

One promising approach is personal retirement accounts. While proposals differ, personal retirement accounts would provide each working American with an investment account he or she owns. With even conservative investment in stocks and bonds and the power of compound interest, personal retirement accounts can provide a substantial retirement nest egg.

Indeed, I have introduced legislation, S. 263, the Personal Retirement Accounts Act of 1999, that would get accounts up and running with a portion of the budget surplus.

Still others may have ideas to secure the benefits of investments for Social Security. In my view, the more ideas the better regarding investment—as long as the Federal government is not the owner of record.

AMENDMENT NO. 147

(Purpose: To use any Federal budget surplus to save Social Security and Medicare first)

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 147.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After section 206, insert the following:

SEC. . SAVE SOCIAL SECURITY AND MEDICARE FIRST LOCKBOX.

(a) DEFINITION.—In this section, the term "Social Security and Medicare lockbox" means with respect to any fiscal year, the Social Security surplus (as described in section 311(b)(1) of the Congressional Budget Act of 1974), and the Medicare surplus reserve, which shall consist of amounts allocated to save the Medicare program as provided in subsection (b).

(b) MEDICARE SURPLUS RESERVE.—

(1) IN GENERAL.—Subject to adjustment pursuant to paragraph (2), the amounts reserved for the Medicare surplus reserve in each year are—

(A) for fiscal year 2000, $0;
(B) for fiscal year 2001, $3,000,000,000;
(C) for fiscal year 2002, $26,000,000,000;
(D) for fiscal year 2003, $15,000,000,000;
(E) for fiscal year 2004, $21,000,000,000;
(F) for fiscal year 2005, $35,000,000,000;
(G) for fiscal year 2006, $63,000,000,000;
(H) for fiscal year 2007, $68,000,000,000;
(I) for fiscal year 2008, $72,000,000,000;
(J) for fiscal year 2009, $73,000,000,000;
(K) for fiscal year 2010, $70,000,000,000;
(L) for fiscal year 2011, $73,000,000,000;
(M) for fiscal year 2012, $70,000,000,000;
(N) for fiscal year 2013, $66,000,000,000; and
(O) for fiscal year 2014, $52,000,000,000.

(2) ADJUSTMENT.—

(A) IN GENERAL.—The amounts in paragraph (1) for each fiscal year shall be adjusted each year in the budget resolution by a fixed percentage equal to the adjustment required to those amounts sufficient to extend the solvency of the Federal Hospital Insurance Trust Fund based on the most recent Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund (intermediate assumptions) through fiscal year 2020 or 12 years after the date of insolvency specified in the 1999 Report, whichever date is later.

(B) LIMIT BASED ON TOTAL SURPLUS.—The Medicare surplus reserve, as adjusted by subparagraph (A), shall not exceed the total budget resolution baseline surplus in any fiscal year.

(c) MEDICARE SURPLUS RESERVE POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the concurrent resolution below the levels of the Medicare surplus reserve for those fiscal years calculated in accordance with subsection (b)(1).

(d) ENFORCEMENT OF MEDICARE SURPLUS.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in the Medicare surplus reserve in any of the fiscal years covered by the concurrent resolution.

(e) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Omnibus Budget Reconciliation Act of 1990.

(f) SUPERMAJORITY WAIVER.—

(1) WAIVER.—A bill, resolution, amendment, motion, or conference report violating this section shall be subject to a point of order that may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

On page 46, strike section 204.

At the end of section 101, insert the following:

(7) MEDICARE SURPLUS RESERVE.—The amounts of the surplus that shall be reserved for Medicare are as follows:

(A) Fiscal year 2000: $0;
(B) Fiscal year 2001: $3,000,000,000;
(C) Fiscal year 2002: $26,000,000,000;
(D) Fiscal year 2003: $15,000,000,000;
(E) Fiscal year 2004: $21,000,000,000;
(F) Fiscal year 2005: $35,000,000,000;
(G) Fiscal year 2006: $63,000,000,000;
(H) Fiscal year 2007: $68,000,000,000;
(I) Fiscal year 2008: $72,000,000,000; and
(J) Fiscal year 2009: $73,000,000,000.

Increase the levels of Federal revenues in section 101(1)(A) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $25,000,000,000;
(4) Fiscal year 2003: $13,000,000,000;
(5) Fiscal year 2004: $18,000,000,000;
(6) Fiscal year 2005: $31,000,000,000;
(7) Fiscal year 2006: $57,000,000,000;
(8) Fiscal year 2007: $58,000,000,000;
(9) Fiscal year 2008: $59,000,000,000; and
(10) Fiscal year 2009: $56,000,000,000.

Change the levels of Federal revenues in section 101(1)(B) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $25,000,000,000;
(4) Fiscal year 2003: $13,000,000,000;
(5) Fiscal year 2004: $18,000,000,000;
(6) Fiscal year 2005: $31,000,000,000;
(7) Fiscal year 2006: $57,000,000,000;
(8) Fiscal year 2007: $58,000,000,000;
(9) Fiscal year 2008: $59,000,000,000; and
(10) Fiscal year 2009: $56,000,000,000.

Reduce the levels of total budget authority and outlays in section 101(2) and section 101(3) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $0;
(3) Fiscal year 2002: $1,000,000,000;
(4) Fiscal year 2003: $2,000,000,000;
(5) Fiscal year 2004: $3,000,000,000;
(6) Fiscal year 2005: $4,000,000,000;
(7) Fiscal year 2006: $6,000,000,000;
(8) Fiscal year 2007: $10,000,000,000;
(9) Fiscal year 2008: $13,000,000,000; and
(10) Fiscal year 2009: $17,000,000,000.

Increase the levels of surplus in section 101(4) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $26,000,000,000;
(4) Fiscal year 2003: $15,000,000,000;
(5) Fiscal year 2004: $21,000,000,000;
(6) Fiscal year 2005: $35,000,000,000;
(7) Fiscal year 2006: $63,000,000,000;
(8) Fiscal year 2007: $68,000,000,000;
(9) Fiscal year 2008: $72,000,000,000; and
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of public debt in section 101(5) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $26,000,000,000;

(4) Fiscal year 2003: $15,000,000,000;
(5) Fiscal year 2004: $21,000,000,000;
(6) Fiscal year 2005: $35,000,000,000;
(7) Fiscal year 2006: $63,000,000,000;
(8) Fiscal year 2007: $68,000,000,000;
(9) Fiscal year 2008: $72,000,000,000; and
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of debt held by the public in section 101(6) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $26,000,000,000;
(4) Fiscal year 2003: $15,000,000,000;
(5) Fiscal year 2004: $21,000,000,000;
(6) Fiscal year 2005: $35,000,000,000;
(7) Fiscal year 2006: $63,000,000,000;
(8) Fiscal year 2007: $68,000,000,000;
(9) Fiscal year 2008: $72,000,000,000; and
(10) Fiscal year 2009: $73,000,000,000.

Reduce the levels of budget authority and outlays in section 103(18) for function 900, Net Interest, by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $0;
(3) Fiscal year 2002: $1,000,000,000;
(4) Fiscal year 2003: $2,000,000,000;
(5) Fiscal year 2004: $3,000,000,000;
(6) Fiscal year 2005: $4,000,000,000;
(7) Fiscal year 2006: $6,000,000,000;
(8) Fiscal year 2007: $10,000,000,000;
(9) Fiscal year 2008: $13,000,000,000; and
(10) Fiscal year 2009: $17,000,000,000.

Reduce the levels in section 104(1) by which the Senate Committee on Finance is instructed to reduce revenues by the following amounts:

(1) $0 in fiscal year 2000;

(2) $59,000,000,000 for the period of fiscal years 2000 through 2004; and

(3) $320,000,000,000 for the period of fiscal years 2000 through 2009.

Mr. CONRAD. Mr. President, the amendment that I am offering says simply, let us lock up in a safe-deposit box every penny of Social Security surplus and, in addition to that, 40 percent of the non-Social Security surplus for Medicare.

Mr. President, that is what this depicts: Social Security's and Medicare's first lockbox. Let's save the Social Security surplus over the next 10 years. That is $1.8 trillion. And we save every penny of the Social Security surplus each and every year.

In addition, we say let's also save 40 percent of the non-Social Security surplus for Medicare. These are the two top priorities of the American people. We say let's reserve funds for both of them. Let's make certain that there are sufficient resources to do the reforms that are necessary to strengthen and preserve both Social Security and Medicare.

As I have looked at the lockbox offered by our friends across the aisle, it seems to me that there is a deficiency. I call this "the broken safe," because, while I commend our friends on the other side of the aisle for locking up the Social Security surplus, they forgot something. They forgot Medicare.

I am simply saying we ought to not only reserve the Social Security surplus for Social Security, but we ought to also provide for Medicare. Medicare is on the brink of insolvency. In fact, it is closer to going under than Social Security. So let's take the top priorities of the American people and put them at the top of the list for the Congress as well.

Let me make clear that under this plan we would have $1.8 trillion over the next 10 years for Social Security. We would have over $370 billion for Medicare. But those aren't the only priorities. And we understand there would also be money left over—some $385 billion over the 10 years—for top domestic priorities, including education, defense, and health care and, yes, tax relief for hard-pressed American families, but the difference is one of priorities.

If I could go to this next chart and show the comparison, under the plan that we are offering we are saving Social Security and Medicare first because we think those are the priorities of the American people. We save 100 percent of the Social Security surplus in every year. We save 40 percent of the non-Social Security surplus for Medicare. Overall, we are saving 77 percent of the unified surplus in comparison to 62 percent in the Republican plan. That means we are paying down more of the publicly held debt than the plan offered by our friends across the aisle. In fact, we will pay down $300 billion more of the publicly held debt under the plan that I am offering in this amendment than the plan of our colleagues on the other side of the aisle.

So, over 15 years, we reserve $700 billion for Medicare, over $370 billion for 10 years, but over 15 years over $700 billion for Medicare. Our friends on the other side, on the other hand, have tax cuts of over $700 billion over that same period. But they have not one dime of the surplus saved for Medicare.

Mr. President, we think that is a mistake.

If we look at the combination and compare the two plans, here is what we see. The Republican plan is in blue. The plan I am offering is in red. In the years 2000 to 2004, the Republican plan would save $768 billion. We would save $833 billion for Social Security and Medicare. And over a 10-year period, the Republican plan would save about $1.8 trillion. We would save $2.155 trillion, because not only again are we protecting every dollar of the Social Security surplus for Social Security, but in addition we are reserving funds out of the surplus for Medicare. Why? Because no part of the Federal budget is in greater danger than Medicare. And, yes, we need to reform the program.

In addition to that, we need to put additional resources into Medicare to extend its solvency. Right now we know that Medicare is threatened by the year 2008. What is going to happen? What is going to happen to the millions of Americans who rely for their health care on the Medicare system? Not only is it important to our grandparents, it is important to their children, because what happens if the health care of their parents are not provided for? What happens if the promise is not kept? I think we all understand what happens. The responsibility and the debts shift, and the children will be put in an impossible position as well.

I believe this amendment reflects the priorities of the American people. The Republican plan basically says save money for Social Security. I commend them for that part of the plan. But almost all of the rest of the money they say is reserved for a tax cut will go disproportionately to the wealthiest among us.

We say those are not the priorities of the American people. Instead, we ought to save every dollar of the Social Security surplus. But we also ought to reserve 40 percent of the non-Social Security surplus for Medicare. That will still leave nearly $400 billion available for high-priority domestic concerns like education, defense, health care, and, yes, for tax relief as well.

That we believe reflects the priorities of the American people better than those offered by the other side. They have in their plan over $800 billion reserved for tax cuts. They don't have one penny reserved out of the surplus for Medicare—not one penny. Mr. President, we don't think that is the right set of priorities.

I remind my colleagues of what they said last year in the Budget Committee debate. This is the chairman of the Budget Committee, the very able Senator DOMENICI. Last year he said this.

> . . . Let me tell you, for every argument made around this table today about saving Social Security, you can now put it in the bank that the problems associated with fixing Medicare are bigger than the problems fixing Social Security, bigger in dollars, more difficulty in terms of the kind of reform necessary, and, frankly, I am for saving Social Security. But it is most interesting that there are some who want to abandon Medicare . . . when it is the most precarious program we have got.

Senator DOMENICI was right then. What a difference a year makes. I wish this budget reflected those priorities.

He went on to say:

> . . . [W]e are very concerned about the long-term effect our population demographics will have on Medicare, and we are of the strong opinion that the second objective of this budget should be to preserve Medicare.
>
> . . . We think the best way to do something commensurate with the depletion in the budget is to pledge any extra resources we have, not generating programs, but, rather, putting them in Medicare where they ought to be.

Again, the distinguished Senator from New Mexico was absolutely right. We ought to put additional resources that come to us to secure Medicare for the future as well as Social Security.

And Senator GRAMM of Texas said just a year ago in the Budget Committee, and I quote:

> . . . [W]hat would we do if we had a half a trillion dollars to spend? . . . The obvious answer that cries out is Medicare.
>
> . . . I think it is logical. People understood the President on save Social Security first, and I think they will understand save Medicare first.
>
> . . . Medicare is in crisis. We want to save Medicare first.

That is Senator GRAMM of Texas, just a year ago. What has happened? Why is there not a dime of the surplus reserved for Medicare in the plan of our Republican friends? There is not one dime locked away for Medicare. They will say: But we do have a surplus of $100 billion that we have not spent, that is really for Medicare. But, you know what, they did not do anything to protect it for Medicare, not one thing. Nothing has been done to protect one penny of that $100 billion for Medicare.

Do you know what else, that money is also required for emergencies over the next 10 years. If we go back and look at the last 10 years, we know that $100 billion will be spent just for emergencies because we are spending about $9 billion a year for emergencies. Over the next 10 years, including debt service, we will use up that $100 billion of their reserve just for disasters.

That leads me to the conclusion that without question they have not locked up one penny of surpluses for Medicare. The $100 billion that they talk about has not been protected for Medicare, not a dime of it. And every penny of it will likely be used for disasters and other emergencies because that has been the historical record.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. CONRAD. I would be pleased to yield.

Mr. KENNEDY. Even if they use the $100 billion, what part of the Medicare deficit would that make up?

It is my understanding that would not even begin to make a downpayment in terms of the financial insecurity of the Medicare trust fund. Could the Senator address that issue? Because I agree with the Senator, it has been pointed out by those on the other side about how much they have done for Medicare when, as the Senator has pointed out, there is not one additional cent, not one new cent. They are going to fund the program with $190 billion which would be expended on the Medicare for current services. But not one additional cent.

But even if they allocated the $100 billion for Medicare, given what the Medicare trust fund trustees have indicated was going to be a deficit of some $686 billion, how significant would that really be in terms of giving a guarantee to our elderly people in this country?

Mr. CONRAD. Mr. President, unfortunately, when you pierce the veil on this one, what you find is there is not anything left. There is not any part of that money that is protected for Medicare, not a dime. There is $100 billion that is not spent in their budget plan, but based on our history we know it will probably all go for disasters and emergencies. There will not be any money available to strengthen Medicare. There will not be any money available to extend the solvency of Medicare.

That is why I think this amendment is fundamentally important. Because we are saying: Yes, absolutely, save every penny of the Social Security surplus for Social Security. But, of the rest of the surplus, the non-Social Security surplus, we save 40 percent of it, lock it up, protect it by special budget points of order so it cannot be raided, it cannot be looted. It is there to strengthen Medicare.

These are the top priorities of the American people: Medicare and Social Security. We believe we ought to provide protection for both. That is the essence of my amendment and I hope my colleagues will support it.

Mr. KENNEDY. Will the Senator yield for one more question?

Mr. CONRAD. I will be pleased to yield.

Mr. KENNEDY. Could I ask the Senator to open up the copy of S. Con. Res. 20 to page 5? As I understand it, as you go down to lines 18, 19, 20 and 21, under the Republican budget, even for that fund that has been designated, $100 billion as I read that, there would be a deficit in the year 2000 of $6 billion; in fiscal year 2001 it is zero; in 2002 it is zero; in 2003 it is zero; and in 2004 it is only $2.8 billion.

So even under the proposal that our friends talk about, there will not be any funds available, as I understand this, for the next 5 years. So, whether you are talking about disaster relief or inadequate funding for Medicare, even with the kind of restrictions that have been put on this fund that might be used for prescription drugs, we are talking about 5 years where there really is not anything there.

Am I correct?

Mr. CONRAD. The Senator is exactly correct. He is reading the table exactly in the correct way. I might just say to my friend, the Senator from Massachusetts, really I think our friends across the aisle have about spent this $100 billion three or four times. Because, to anybody who comes to them and says there are any deficiencies in their budgets, they say we have $100 billion we have not spent.

Of course all that money, based on history, will go for emergencies and disasters, every penny of it. That is why they have not put one penny of the surplus into a Medicare lockbox, because they really want to spend that money two, three, or four times. They say to the Medicare people who are interested in Medicare, "We have that $100 billion. It will go for Medicare." They say to those who are concerned about disasters, "We have funded that. We have this hundred billion we have not spent. It's available for disasters and emergencies." They say to anybody else, "Your money is in that pot of $100 billion."

Surprise, surprise, there are going to be an awful lot of people lining up for that $100 billion who will find there is nothing there for them because the money has all gone for disasters and emergencies. That is really what it is reserved for. There is really not a penny of surplus that is lockboxed for Medicare—not a dime.

Mr. President, this amendment is an attempt to protect Social Security, to protect Medicare, to allow us to get ready for the challenge we face. We all understand Medicare is under enormous pressure. Social Security is under enormous pressure. Both of them need to be addressed. This is our opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I think Senator JUDD GREGG wants to speak about the amendment we set aside, and I yield him time for that at this point.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I congratulate the Senator from New Mexico for this excellent bill. I think he has done a superb job of putting together a budget which is responsible and appropriates for the future of this country.

As long as we are on the subject, I also wanted to comment a little bit about the proposal of the Senator from North Dakota, because he keeps comparing some sort of lockbox concept on Medicare with the Social Security lockbox which is in our budget, which is in the Republican budget. You really cannot compare the two. You are comparing apples and oranges.

The Social Security lockbox that the Senator from New Mexico has created, along with the Senator from Michigan, Mr. ABRAHAM, is a real lockbox. It takes money which is being raised from the wage earner today under the FICA tax, the Social Security tax, and which is creating a surplus in the Social Security fund, and it keeps that money to benefit the Social Security fund. That is a very important point, because there is no money being proposed by the other side that comes from the Medicare fund which would be locked up and protected for Medicare.

What the other side is suggesting is that the Medicare trust fund should dip into the general fund, which, for Part A, is not traditionally done. And then we should take money from the general fund and transfer it over to support the Medicare trust fund. This is a whole new concept. It is an invasion of the general fund. It is a use of general tax revenues to support Medicare, Part A. That is the practical impact of the proposal of the other side.

If the other side really wanted to address Medicare, if it wanted to address it within the context of the revenue being raised by Medicare, if it wanted to have people who are paying Medicare premiums covered by Medicare, have those premiums fully ensure them, then the other side would have agreed with the Commission that was chaired by a Senator from the other side, Senator BREAUX. Because that Commission put forward a proposal which the majority of that Commission supported, including two of the Democratic Senators, which essentially put in place a structure to assure the solvency of Medicare. It was a good proposal. Yet when that proposal came forward, the rug was pulled out from under the chairman of that Commission, who was a Democrat, and the other members of that Commission, who had worked so hard to put together the proposal. A legitimate way of resolving the Medicare problem was essentially walked away from by the administration and by the other side of the aisle.

Now they come forward with this crocodile-tear approach relative to Medicare, which is exactly what it is. If they cared about Medicare, they would have supported the President's Commission. They would have supported the proposal from the President's Commission, and they didn't. They refused to do that. They certainly wouldn't be taking general funds to subsidize the Medicare Part A, which is what they are proposing under this. There is absolutely no comparison between what the Senator from New Mexico has done in absolutely protecting the Social Security trust fund under the lockbox, protecting FICA money to be used for Social Security, as compared with what is being proposed here by the Senator from North Dakota, which is to take general funds to support Medicare.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. GREGG. If you wanted to help Medicare, if you wanted to make it solvent, you would have supported the proposals that came out of that Commission, the majority of that Commission.

There is another point to make here. That is this: You have to look at what was actually proposed by the President to see whether or not there was a sincere effort to address this issue or whether there was a political effort to address this issue. On the issue of Social Security, the President's budget, as it was sent to us, would have spent $158 billion of Social Security funds for general operations of the Government. It would have invaded the surplus of Social Security to the extent of $158 billion. Senator DOMENICI and Senator ABRAHAM's proposal does not allow that to happen. They say the Social Security surplus shall be sacred; it shall be used for senior citizens.

They do not say, as the President has said and as the other side has said, if they are supporting the President's proposal, that the Social Security fund is only sacred to the extent that we want it to be sacred, but if we have some special program, whether it is building schools or spending money on defense or, I guess in the case of AL GORE, trying to correct the traffic problems in D.C., we are going to invade the Social Security fund to do that.

Specifically, they were going to invade the Social Security fund to the extent of $158 billion.

So there is an issue of truth in budgeting here that has to be addressed. Our budget honestly saves the Social Security fund. Their budget didn't save the Social Security fund at all. In fact, it invaded the fund for the purposes of operating the general Government. So there is a lack of consistency, as there is a lack of consistency on this Medicare hyperbole we are hearing from the other side, which is that they want to use the general fund to fund Medicare.

I originally rose to address, however, the amendment by Senator ASHCROFT, which I think is an extraordinarily good amendment. It addresses another element of the President's proposal on Social Security, which is that the Federal Government should become the shepherd of the marketplace, that we should essentially have a reverse nationalization or take the Federal trust funds of Social Security and nationalize the capital markets of this country by having the trustees of the Social Security trust fund invest in the capital markets, in the equity markets, and control those investments as a block.

This is a really terrible idea. I mean, bad ideas come through this place occasionally; really, too often bad ideas come through this place. But when a really bad idea comes through this place, everybody should be concerned. You don't have to listen to me to see what a bad idea this is. All you have do is listen to Chairman Greenspan, who says that this would basically pervert the marketplace, pervert the flow of capital, and would inevitably lead to a diminution of our ability as a nation to be more competitive.

Or, if you want to listen to some other group that maybe is more liberal leaning, listen to the Democratic leadership of the UAW and the major labor unions of this country.

This is their statement relative to the investment of Social Security trust funds surpluses:

> In particular, we are deeply troubled that stock market investments of the Social Security surpluses would result in public tax revenues being used to finance the construction of runaway steel mills in Thailand, apparel sweatshops in Malaysia, auto plants in New Mexico. . ..

The list goes on and on. They oppose that investment. Why do they oppose it? They oppose it because they do not want money of the trust fund being invested in stocks, which they deem to be undertaking political activity that is inappropriate. That is the whole reason not to do it, of course. They are making the case for why we should not have public investment in the stock market by the Social Security trustees.

The issue is this. If the Social Security trustees are going to invest and they are going to invest in the equity markets, they should do so in a manner which allows them to invest on the rate of return, not on the basis of some political issue. But the UAW and the USWA and the other labor unions are saying, no, any investment in companies that might be running a steel mill in Thailand or a sweatshop in Malaysia or an auto plant in Mexico or an electronics plants in China, that would be the wrong investment.

So we know exactly what is going to happen. The first time the Social Security trustees happen to invest in, let's say, a tobacco company, there is going to be a bunch of folks on this floor who are going to say: You cannot make that investment, Mr. Social Security trustee. You have got to abandon that investment. You have to let go of that investment no matter what the rate of return is.

So investments aren't going to be made on the basis of what the rate of return is. They are not going to be made for the best interests of retirees. They are going to be made for the best interests of what happens to be the political fad at the moment. That, of course, is why everyone agrees, except for the President and those who support his plan, that this is a really terrible idea. This is one of those really bad ideas that comes through here every so often and should be killed.

Of course, the Ashcroft amendment accomplishes that or at least makes a statement to that effect, that we should not go forward.

If you don't think this is a problem, think about the size of the amount of money that may be invested here. By the year 2035, you are talking about a $2.1 trillion investment, which would be controlled by the Social Security trustees; that investment being in private equities. This isn't the whole trust fund. This is just the percentage of the trust fund which would actually be invested in the private markets—$2.16 trillion. That is a huge function. Think of the impact that would have on the market if suddenly the Senate said: Well, Social Security trustees, you cannot invest in autos, because we are upset about the automobiles because of emissions; you cannot invest in some sort of food product, because we are upset that there may be a tainted food; you cannot invest in some activity involving electronics, because maybe there is a competition issue, such as Microsoft, you can't put any money in Microsoft.

What a perversion of the marketplace it would be if you had that amount of money being invested on the basis of political events. Yet we know that is what is going to happen, because we have already been told by the unions that they are going to make that case. If this ever occurs, they are going to argue that you shouldn't be able to invest that way. They are going to pick different companies that shouldn't be invested in.

As a practical matter, the opportunity for creating chaos in our capital markets is huge, if we go down the President's route of allowing the Social Security trustees to control the investment, to control the investment decisions as a unit, as a block. That is why those of us have been supporting—and this is on both sides of the aisle—personal accounts, which give individuals that decision, versus the Social Security trustees that decision. It makes so much more sense.

Yes, we should have some sort of investment of the Social Security trust funds in equities. Why? Because if you happen to be 25 years old today and you are working and you are paying FICA taxes, which happen to be very, very high taxes, you are never going to recover the amount of money you pay into the Social Security trust fund. This is especially true if you are an African American. Why? Because the rate of return on those taxes that you are paying is extraordinarily low because, unfortunately, the benefit structure is so high and the generation that is about to retire is so large that they are going to take all that money before you can get there to retire. So your rate of return represents basically a negative rate of return, if you about 20 to 25 years old. If you happen to be 25 to 35 years old, it is about 1.1 percent. If you are 35 to 45 years old, it is about 2.5 percent. Terrible rates of return.

We do need to invest the Social Security trust fund in something other than what it is presently being invested in so that we can get a better rate of return. What is the logical place to do it? It is to put it in equity markets. But how you do it is the key. You cannot do it by giving that control over that investment to the Social Security trustees, because then you create an incentive for a perversion of the marketplace by having the market adjusted by whatever happens to be the local political fad at the time. Rather, you have to give control over the investment decision and ownership, most importantly over the asset, to the retiree, so that when you pay your taxes in FICA, you know that some percentage of those taxes—you are actually going to own that retirement benefit. If you die before you turn 60, your estate will get that benefit, and during your lifetime, you are going to be able to make the decisions on how that benefit is invested so that the investments get the best return for you, not the political return for some labor union or some fad of the moment.

This proposal by Senator ASHCROFT is an excellent one. It is only a sense of the Senate, but I think it is a shot across the bow of an element of the President's proposal on Social Security that needs to be made, and I strongly support it. I hope it will receive strong support in the Senate.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to finish the unanimous-consent request. I was interrupted because it had not been cleared.

UNANIMOUS-CONSENT AGREEMENT

I ask unanimous-consent that the votes occur on, or in relation to, the following four first-degree amendments at the conclusion, or yielding back, of time, and that no second-degree amendments be in order prior to the conclusion of the votes: Ashcroft amendment No. 145; Conrad amendment No. 147 regarding Social Security; a Bond amendment regarding the President's budget; and a Kennedy amendment regarding Medicare.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I am not sure when we will vote on that. I am going to have to leave for a little while. Senator KENNEDY has not argued and we have not responded, and I have not responded yet to Senator CONRAD. Of course, Senator BOND wants to talk about the President's budget and let us have a vote on it.

Mr. MOYNIHAN. And the Senator from New York.

Mr. DOMENICI. And the distinguished Senator from New York wants to speak.

Mr. KENNEDY. I had a chance to talk about some of the matters during the course of the afternoon, so I will be glad to work out a reasonable time with the floor manager.

Mr. DOMENICI. Mr. President, maybe we can just start and take a little—I say to Senator BOND, how much time does the Senator think he needs? I do not want to limit you.

Mr. BOND. Mr. President, if I may respond, my initial presentation will not be over 12 to 15 minutes, at the most. When we had debate on this in the committee, a number of others wanted to join in. I do not know whether there will be others who want to join either on my side or the other side. But to answer the chairman's question, I personally need only about 15 minutes.

Mr. DOMENICI. Does anybody on the Democratic side have an idea of how long they would want to speak?

Mr. MOYNIHAN. Five minutes.

Mr. DOMENICI. We will get to you in a minute. We will give you time to speak in favor of the Conrad amendment.

Mr. MOYNIHAN. Five minutes.

Mr. DOMENICI. In opposition to the President's budget, does anybody have any idea how much time? Fifteen minutes? A total of 30 minutes on the President's budget sounds about right.

Mr. KENNEDY. Twenty minutes.

Mr. DOMENICI. Senator KENNEDY wants 20 minutes. Why don't we just say if you take 20, we will allocate 20.

Mr. President, I say to Senator CONRAD, is he finished? Does he want more time?

Mr. CONRAD. Yes, I would like more time after I hear the argument of the distinguished chairman.

Mr. DOMENICI. Senator MOYNIHAN wants 5 minutes on the Conrad amendment; right?

Mr. MOYNIHAN. Yes.

Mr. REED. Less than 10—10 will be fine, but I will try to be quicker.

Mr. DOMENICI. Did the Senator say 5 is enough or 10?

Mr. REED. Ten.

Mr. DOMENICI. I am trying to see if we can start voting by 6:30. That will help some of our Senators, and I am sure it will help Senators on the other side.

Mr. GRAMM. Some of us need time to respond to the Conrad amendment.

Mr. DOMENICI. Adding up all this, it seems to me we need collectively among us 1 hour 45 minutes, which could put us in a position to start voting at a quarter of 7. Can we set that as the time that we are going to start voting on these amendments in the order we have already agreed, and we will allocate the time as per the discussion here?

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. DOMENICI. I will be pleased to yield.

Mr. CONRAD. I want to make sure we have an equivalent amount of time on both sides. I don't know what you have taken down in terms of response on the Conrad amendment, but we want to make certain we have an equivalent amount of time on our side to answer.

Mr. DOMENICI. Mr. President, the only thing is, the Senator has had a long time to already talk, and we have not had any time to talk.

Mr. CONRAD. I understand. But now we are in a unanimous-consent posture, and if we are going to do that, to get unanimous-consent we are going to have to have an equivalent amount of time or there will not be a unanimous-consent agreement.

Mr. DOMENICI. I cannot set the time, then. What I will ask—we all understand most of the players are here—why don't we do it this way: The managers, respectively, can allocate the time, as per this understanding, to each Senator rather than entering into a consent agreement that binds us at this point. I think we are pretty close to having enough time.

Mr. CONRAD. We will be ready to vote, then, at approximately 7 o'clock.

Mr. DOMENICI. Approximately, but I don't know that we want to set that at this point. Approximately, the word should go out.

Mr. CONRAD. Fair enough.

Mr. DOMENICI. Mr. President, I ask unanimous-consent that Senator FITZGERALD be added as a cosponsor to the Abraham amendment, which we agreed to earlier. I mistakenly did not ask for that, and I should have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I will indicate that when I return I want to argue a few moments with reference to the Conrad amendment, but in the meantime, what I am going to do is ask Senator GRAMM if he will manage the bill for me. He has been here, so he can just as well accomplish what I have. That means at this point, we will recognize Senator BOND and set aside the previous amendments, as per the understanding we had heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair, and I thank my distinguished chairman.

Mr. CONRAD. May I intercede with a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. What is the pending business before the Senate?

The PRESIDING OFFICER. The Conrad amendment was debated and has been set aside.

Mr. CONRAD. How did the Conrad amendment get set aside?

Mr. DOMENICI. It was set aside by consent.

The PRESIDING OFFICER. The Conrad amendment was set aside by unanimous-consent.

Mr. CONRAD. There was not consent on this side for setting aside the Conrad amendment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as I understand the discussion that Senator DOMENICI just had, the target was to try to finish all of these amendments at 6:30. Obviously, since we are going back and forth and sharing the time, the Senator, and anyone else, can debate his amendment.

The objective was and the unanimous-consent request which was agreed to, as I understand, was that between now and 6:30, we would have these amendments offered, but you can debate your amendment at any point and anyone on your side can debate it, and Senator DOMENICI and I will debate it. We have been setting aside amendments to stack them, and that, I understand from the Chair, is where we are. No one is trying to preclude the Senator from debating his amendment.

Mr. LAUTENBERG. There is apparently a misunderstanding on a UC for a 6:30 deadline.

The PRESIDING OFFICER. There is not an agreement.

Mr. LAUTENBERG. None exists.

Mr. GRAMM. That was the target that was set.

Mr. CONRAD. If I might just state, there was not consent granted to go off the Conrad amendment, and the reason consent was not granted is we have two Senators who have been here for a considerable amount of time waiting to talk about the Conrad amendment. We allowed the other side to speak to their pending amendments. I twice gave consent for the other side to argue the amendment of Senator ASHCROFT, and then it returned to a discussion on the Conrad amendment.

I think it is only fair that those Members who are here be given a chance to address the Conrad amendment. They were here for that purpose, and then we go to the Bond amendment, which is on a different matter and is a different amendment. So I ask, in fairness, that those Senators who are here, specifically Senator REED of Rhode Island, and the Senator from New York, be given an opportunity to discuss the Conrad amendment which is the pending business. I did not give consent to going off my amendment to go to the next amendment.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we want to do everything we can to satisfy every Member. No one is trying to deny the distinguished Senator the right to debate his amendment. But it is my understanding that there was a unanimous-consent request, and that it was granted, so that we could set the amendment aside and offer these other amendments so that they would all be pending simultaneously and that we would have the vote at approximately 6:45. No one agreed to the specific time, but the general principle was largely agreed to.

On that basis, it is my understanding that Senator BOND has been recognized. If that is not the case, if the Chair could give us a ruling. We want to follow the regular order. And no one is trying to be unfair in any way.

The PRESIDING OFFICER. The Conrad amendment was set aside, but a call for the regular order will bring it back.

AMENDMENT NO. 147

Mr. CONRAD. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The clerk will report the Conrad amendment.

The legislative clerk read as follows:

Amendment No. 147 previously proposed by the Senator from North Dakota [Mr. CONRAD].

Mr. CONRAD. Mr. President, I ask that Senator REED be recognized for 10 minutes to speak on the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. Thank you, Mr. President.

I thank the Senator from North Dakota for yielding time to speak about his amendment, the essence of which is protecting both the Social Security trust fund and also the Medicare fund.

One of the deficiencies in the Republican budget before us today is a failure to seize a historic opportunity to strengthen the Medicare program in the United States. I argue it is not just an opportunity, but it is a necessity. This is the program that benefits countless Americans, it is the program that is strongly supported by all Americans and it is the program that is facing serious challenges, serious demographic challenges, serious structural challenges.

One thing we can do at this moment to ensure that we have the opportunity to effectively address the issue of Medicare is to, in fact, invest dollars into the Medicare program today. But, regretfully, the Republican budget proposal, rather than doing that, would reserve budget surpluses for tax cuts, denying us the opportunity today to strengthen the Medicare system.

We have come a long way since 1993 when we were looking each year at soaring annual deficits in the order of $300 billion or more. Today, we are facing a unified surplus. With that unified surplus, we can do many things. But I believe one of the principal things we must do is strengthen both the Social Security system and the Medicare system. Senator CONRAD's amendment goes a long way toward achieving that goal.

Because of our prudent fiscal decisions over the last 6 years, we have seen a growing economy. We have seen growing prosperity. All of this is contributing to a future, we anticipate, of unified budget surpluses. Simply to step back now and say the work is done, now we can simply initiate tax cuts, misses the point. And that point is, we have to protect, we have to ensure the longevity, the stability, the predictability of the Social Security system and the Medicare system.

Now, of the two, the Medicare system faces the most immediate threat. By the year 2008, the trust funds are projected to become insolvent. This is a situation that requires immediate action. The most prudent thing to do is to reserve the resources to meet this impending situation of insolvency.

There are, as I said before, millions of Americans who depend upon it, and not just those direct beneficiaries.

We have come—all of us have come—to a sense of appreciation and, in fact, consideration that if any of our relatives, our mothers, our fathers, our aunts or uncles, would be sick, they would have the Medicare system to fall back on. That allows young families the freedom to know that the health care of their parents will be protected. It gives them the freedom to concentrate on their own needs and the needs of their children. So this is not just a situation with respect to seniors; this is a situation that affects all Americans.

We tried in the Balanced Budget Act of 1997 to make changes to prolong longevity of the Medicare trust fund. Today, we are beginning to realize that some of these changes have created negative consequences. In fact, we are looking to make some adjustments so that we can guarantee quality health care for all of our seniors.

We have come to know that we have to make structural changes in Medicare, but it has to be done carefully and thoughtfully. We have also come to appreciate, I hope, that we must have the resources available, because the health care needs of seniors are not going to go away. In fairness, and in keeping faith with seniors, we have to make sure those resources are available.

We will have to make hard choices about the structure of the Medicare program. But these choices will be infinitely more difficult if we take the path that is suggested by the budget resolution, that is, if we deny additional resources to the Medicare program.

I argue that in order to keep the faith of our seniors and our whole population, we have to make sure that we use the projected surplus to strengthen the Medicare system, and that the idea of using the surplus to finance tax cuts, while we face an impending crisis in Medicare, is the wrong policy. We have to, as I said before, ensure that we have the resources to confront the situation we face. And the situation we face, frankly, is one where the demands on Medicare will increase. We know that. Part of it is as a result of demographics.

Today, 39 million Americans are beneficiaries in the Medicare program. But by the year 2032, 78 million Americans will be eligible for Medicare. In terms of the sheer volume of new beneficiaries, we have to start reserving sufficient funds to meet their needs now. Not to do that, and to dissipate those funds through tax cuts, I think, might provide momentary benefits, but in the long run we will regret this.

We have to also recognize the fact that seniors will live longer, probably 6 years longer than they have in the past, so that the issues of health care for seniors will not get smaller in the future; they will become more and more important.

For all of these reasons, it is important today to recognize that we must maintain the strength and the resources for the Medicare program. That is why the amendments we are debating today, to a degree Senator CONRAD's, in some respects Senator KENNEDY's amendment, go to the simple truth: We have, through very difficult decisions over the last several years, reached a situation where we have a unified budget surplus. The question is whether we will take that surplus and strengthen Medicare, make it available for the next generation of Americans, and give us the opportunity to make structural changes, not out of dire necessity but because it will provide additional strength to the Medicare program. Or we will take these resources and dissipate them through tax cuts, which will not strengthen the Medicare system. In fact, when the system develops increased stresses and strains in the future, the budget resolution will leave us without the resources to step into the breach and do what we must do—keep the promise to our seniors, keep the promise to those who have relied upon and continue to rely upon Medicare.

So I urge careful consideration of these amendments. I hope, at the end of the day, we will have a budget that recognizes the opportunity and the necessity to invest in Medicare today so that it is there tomorrow for all of our citizens.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, normally we would go back and forth, but Senator MOYNIHAN is here and doesn't have a lengthy statement. As a courtesy to him I want to allow him to speak now and then have the rotation come back to me.

Mr. MOYNIHAN. I thank my good friend from Texas.

Mr. President, I rise in support of the amendment of my friend from North Dakota, Senator CONRAD. He proposes a budget point of order against the use of the Social Security surplus for new spending or tax cuts. He would also devote 15 percent of the unified surplus to Medicare.

There is broad agreement in the Senate that the Social Security surplus must be protected. Senator CONRAD's approach, in my view, is the right one, unlike a competing proposal under discussion. That proposal would create a new declining debt ceiling on debt held by the public. Inadvertently, but inevitably, it would jeopardize the credit of the United States by hampering the ability of the Treasury to meet the obligations of the Government, absent any financial crisis, but merely as a mechanical result of a bill.

Happily, our colleagues on the other side of the aisle have not brought the proposal to the floor yet, but the budget resolution includes "advisory levels" for such a new debt limit, and the Committee Report states that "it is assumed that separate and apart from the budget resolution a statute will be enacted to enforce these levels."

A simple explanation: We are going to buy down the debt. It is entirely correct that we should do so. However, anything can happen—a drought to the Midwest, a correction in the markets, a rise in the price of imported oil. In such an event, the revenues of the Government, although growing, will not have grown quite fast enough to have the debt being retired drop to the required level. In that circumstance, that perfectly prosperous economy, perfectly stable government, could find itself in default.

We have shut down the U.S. Government any number of times in the course of our history. We have never defaulted on our debt. It is the most secure instrument in the world. There is no reason whatever to put it in jeopardy at a time when we are making it even more secure by bringing the debt down to normal levels.

I hope we will not do that.

I ask unanimous-consent that a letter from the Secretary of the Treasury be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
WASHINGTON, DC,
March 17, 1999.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR PAT: Thank you for inquiring about the impact of the new debt limits contained in the Social Security Surplus Preservation Act. I appreciate the opportunity to respond to your question. In brief, I am deeply concerned that these limits could preclude the United States from meeting its future financial obligations to repay maturing debt and to honor payments—including benefit payments—and could also run the risk of worsening a future economic downturn.

It has been this Administration's view that fiscal restraint is best exercised through the tools of the budget process. Existing enforcement tools such as the pay-go rules and the discretionary spending limits in the Budget Enforcement Act have been key elements in maintaining fiscal discipline in the 1990's. Debt limits should not be used as an additional means of imposing restraint. Debt is incurred solely to pay expenditures that have previously been authorized by the Congress and for the investment of the Federal trust funds. By the time the debt limit is reached, the Government is obligated to make payments and must have enough money to do so.

If Treasury were prohibited from issuing any new debt to honor the Government's obligations, there could be permanent damage to our credit standing. The debt obligations of the United States are recognized as having the least credit risk of any investment in the world. That credit standing is a precious asset of the American people. Even the appearance of a risk that the United States of America might not meet its obligations because of the absence of necessary debt authority would be likely to impose significant additional costs on American taxpayers. Yet, in November 1995, a debt crisis was precipitated when Government borrowing reached the debt limit and in January Moody's credit rating service placed Treasury securities on review for possible downgrade.

As you know, there is currently a statutory limit on the amount of money that Treasury can borrow in total from both the public and from Federal trust funds. The proposed "lockbox" provision would add a new statutory limit on debt to the public.

The proposed new debt limit runs the risk of precipitating additional debt crises in the future. Although the proposal adjusts the debt ceiling for discrepancies between the actual and projected Social Security surpluses, it does not make similar corrections for unanticipated developments on the non-Social Security side of the budget. While our forecasts have been conservative, the current forecast of the non-Social Security budget could prove too optimistic because of changes in the economy, demographics, or countless other factors. This could cause the publicly held debt to exceed the new debt limit.

Furthermore, even if the debt limit appears sufficient because it covers the annual debt level—measured from end-of-year to end-of-year—it could easily be inadequate for the Government to meet its obligations at a given point during the year. Under normal circumstances, every business day, Treasury makes payments—including Social Security payments on certain days. In any given week, Treasury receives revenues, makes payments, and refinances maturing debt. Weekly and monthly swings in cash flow can easily exceed on-hand cash balances. When this occurs, Treasury then borrows from the public to meet its obligations. If the amount of publicly held debt were to reach the level of the debt limit—or if the debt limit were to decline to below the level of publicly held debt—Treasury could be precluded from borrowing additional amounts from the public. If Treasury could not borrow to raise cash, it is possible that it could simply have to stop honoring any payments—including Social Security payments.

In this case, Treasury could be prohibited from issuing any new debt to redeem maturing debt. Every Thursday, approximately $20–23 billion of weekly Treasury bills mature and, every month, an additional $60–85 billion in debt matures. These securities must either be paid off in cash or refinanced by issuing new debt. Treasury could be put in the position of having to default for the first time on our nation's history.

Congress could defuse the debt limit problems by immediately voting to raise the debt ceiling. Under the "lockbox" proposal, however, it would take sixty votes in the Senate to do so. As past experience indicates, obtaining a super-majority for this purpose is often time-consuming and difficult. Moreover, this requirement would greatly enhance the power of a determined minority to use the debt limit to impose their views on unrelated issues.

Finally, the proposed debt limits could run the risk of worsening an economic downturn. If the economy were to slow unexpectedly, the budget balance would worsen. Absent a super-majority vote to raise the debt limit, Congress would need to reduce other spending or raise taxes. Either cutting spending or raising taxes in a slowing economy could aggravate the economic slowdown and substantially raise the risk of a significant recession. And even those measures would not guarantee that the debt limit would be not be exceeded. A deepening recession would add further to revenue losses and increases in outlays. The tax increases and spending cuts could turn out to be inadequate to satisfy all existing payment obligations and keep the debt under the limit, worsening a crisis.

To summarize, these new debt limits could create uncertainty about the Federal government's ability to honor its further obligations and should not be used as a instrument of fiscal policy. While we certainly share the goal of preserving Social Security, this legislation does nothing to extend the solvency of the Social Security trust funds, while potentially threatening the ability to make Social Security payments to millions of Americans. I will recommend that the President veto the bill if it contains the debt limit provisions. If you have any additional questions, please do not hesitate to contract me.

Sincerely,

ROBERT E. RUBIN.

Mr. GRAMM. Mr. President, I want to speak on the pending amendment by Senator CONRAD, and then I understand the distinguished ranking member of the Budget Committee wants to speak on the Conrad amendment. Then we will set the Conrad amendment aside, if there is no objection, and yield to Senator BOND, who will offer his amendment. If anyone wants to give an immediate response, they can. Then we will yield to Senator KENNEDY, let him offer his amendment. At that point, Senator DOMENICI will be back to speak on the Conrad amendment. If Senator CONRAD wants to respond, he can. Then we are at least at that point closing in on a vote of all these amendments. None of this is agreed to, but follows that general parameter. If no one objects to it, let me proceed.

Mr. BOND. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. BOND. May I inquire of the Senator from Texas if there is immediate response or discussion of my amendment when we get around to it? Would it be possible to respond at that time?

Mr. GRAMM. Certainly.

Mr. BOND. Since we seem to be wanting to keep things in the same context, it would be appreciated.

Mr. GRAMM. Let me yield to Senator CONRAD and then I want to speak.

Mr. CONRAD. I just want to make clear that at the end of this discussion I want a chance to respond to any points that might have been raised in objection to the Conrad amendment before we go to another amendment.

Mr. GRAMM. The only problem will be that Senator DOMENICI wants to speak and he is not here. We are simply trying to accommodate everyone in terms of offering amendments and having a debate.

In any case, there are always limits to what we can do. We will do the best we can.

The PRESIDING OFFICER (Mr. ABRAHAM). There are time limits under the budget rules for discussion of amendments. If an amendment is set aside, that does not terminate the time that is still available.

Mr. GRAMM. How much time have we run off of the CONRAD amendment?

The PRESIDING OFFICER. Senator CONRAD has 28 minutes remaining on the amendment, and those who speak in opposition have 60 minutes remaining.

Mr. GRAMM. I certainly will not take 60 minutes.

Mr. President, in the Budget Committee we had a series of amendments and they all had a common theme: Do anything with the surplus except give it back to working Americans.

We had an amendment that said you could not give a tax cut until you had fixed Social Security for 75 years—that would be the year 2074, so you could not do a tax cut before the year 2074; you could not give a tax cut to working people until Medicare was fixed for a similar period. You could not give a tax cut until Jesus came back. You could not give a tax cut until Bosnia and Serbs and Bosnia and Croats routinely met, fell in love, got married and, like the lion and the lamb, lay down together.

When you listen to all this rhetoric and all these amendments, what they have in common is not all the things that have to happen before a tax cut, but what they have in common is our Democrat colleagues do not want working Americans to get any of the non-Social Security surplus back.

We find ourselves with the highest tax burden in American history. When you take Federal, State, and local taxes, 31 cents out of every dollar earned by every American goes to government and taxes. With the history of our country, such as at the peak of the war effort in World War II in 1944 when we had the largest defense spending in American history and the highest tax burden in American history prior to today, even with the highest tax rate in American history, our Democrat colleagues would say: "Defer tax cuts until the year 2074, defer tax cuts until all the problems of the world are solved, defer tax cuts."

The point is, they are not for letting working Americans keep some of the money that we are now taking from them above the level needed to pay the taxpayers' bills. Remember that every penny of the Social Security surplus by the pending budget will be set aside and locked away for Social Security. Now, this is the newest variant of this "anything but tax cuts" amendment. This variant says, "Don't give the money to tax cuts; reduce the debt and then give an IOU to Medicare."

I want to remind my colleagues that this doesn't provide a dime for Medicare.

Not one penny of this money can be spent under the budget. If we adopted this amendment, Medicare would not have one nickel that it doesn't have now. It would have an IOU from the Federal Government. But how would we pay the IOU? We would pay it by raising taxes, by cutting spending, by cutting Medicare, maybe, or by borrowing money from the general public. But nothing we do today in giving an IOU to Medicare provides any money for Medicare either today or in the future.

So this is not a real transfer of resources. When our dear colleague from Rhode Island on the Budget Committee says we need to give the resources to Medicare, no resources are given to Medicare in the budget of the United States. If you look at that budget, which has a $199 billion increase, the amendment offered by the distinguished Senator from North Dakota doesn't change one penny of spending for Medicare over this period. In fact, what the Senator from North Dakota is doing is not changing Medicare spending, not providing any new benefit, not paying any old bill; he is simply giving Medicare an IOU.

Now, what is the net product of this IOU? That is the point I want to get to. The net product of this IOU is not more money for Medicare; the net product of this IOU is that in the year 2009, Medicare insolvency will occur unless we pass a reform bill, like the Breaux reform, which I strongly support and supported as a member of the bipartisan Medicare Commission. Unless we do something that is a real reform, in the year 2009 we are going to have to raise payroll taxes, or raise general taxes, or we are going to have to cut spending, or we are going to have to borrow money, whether or not we give an IOU to Medicare. Nothing in the Senator's amendment changes the amount of money that is available in the 10-year budget for Medicare.

But what is changed by the amendment? Medicare is no better off, no worse off; it has an IOU. We already have many IOUs to Medicare because of our commitment to the program. It is probably the second most popular program in American history and one to which we are all committed. Nothing changes for Medicare. No new resources are available to Medicare. No hard choices are avoided in Medicare. But what is changed? Well, what is changed is that this amendment will reduce the amount of money that is available for tax cuts by $320 billion. That is what this amendment is about. The actual change in the budget as a result of this amendment is to reduce the amount of money that is available for tax cuts.

So what are we doing here? This is an amendment that has only one substantive effect; that is, it reduces our ability to eliminate the marriage penalty. Americans meet and fall in love and get married, only to discover that they pay the Federal Government, on average, $1,400 a year for the right to be married. Knowing the Presiding Officer's wife, I know she is worth $1,400 a year, but I believe—and so does the Presiding Officer—that she ought to get the $1,400, not the Federal Government. In fact, I know the wife of the distinguished Senator from North Dakota, and I know she is worth $1,400 a year, and we want her to have the money. We don't understand why the Senator from North Dakota doesn't think she ought to have it instead of the Government. In any case, that is a matter of personal choice.

The point is, what we are doing here does nothing for Medicare, but it affects our ability to repeal the marriage penalty. There are many people who believe it is not right to force farmers and ranchers to sell the farm and sell the ranch when papa dies. He spent his whole life building up the farm or the ranch and put every penny of after-tax money he ever had into the farm or ranch. When he dies, the children have to sell the farm or ranch to give the Federal Government 55 cents out of every dollar. We want to end that.

The amendment of the Senator from North Dakota doesn't help Medicare a bit, but it takes away from our ability to exempt farms and ranches from this confiscatory death duty and exempts small businesses from this confiscatory death duty. We believe we ought to have an across-the-board tax cut.

Now, we know many of our Democrat colleagues don't believe we should have an across-the-board tax cut, and they very quickly point out, well, with an across-the-board tax cut, some people don't get a tax cut. That is true. But across-the-board tax cuts are for people who pay taxes. So everybody who pays taxes would get an across-the-board tax cut, and people who pay a lot of taxes would get 10 percent of that back. People who pay a little would get 10 percent of that back, and they would both be happy to have it back.

Now, what the Senator from North Dakota is saying is that he would rather not repeal the marriage penalty, or repeal or reduce the inheritance tax, or have a tax cut across the board, or any of the many other ways we could give this money back, because he would rather it not go back to the taxpayers. So the net effect of this amendment is that it doesn't change Medicare, doesn't change a single spending figure over the 10-year budget; it gives Medicare a meaningless IOU, basically. But what is changed, what is substantive, is that it lessens our ability to reduce the tax burden for working Americans by $320 billion.

Let me make one final point on this. Let me give you the advantage of giving some of this non-Social Security surplus back to taxpayers rather than having the Government keep it and ultimately spend it. We all remember last year when President Clinton stood at the rostrum of the House and said:

> Social Security first. Every penny of this surplus will go to Social Security. I won't allow it to go on tax cuts, I won't allow it to be spent.

Yet, the President, as a tribute for adjourning, required that $21 billion of it be spent. Every penny of it came right out of Social Security. So if we don't give this non-Social Security surplus back—or at least part of it—to workers, we are going to end up squandering it; we are going to end up spending it.

Now, the advantage of giving it back is, first, it is their money to begin with. This money came from the working people. The economy is doing better because they are working and saving and investing more. Why should they not get some of the benefit—in fact, a very small percentage under our budget?

Another thing is important. If we need the money back, we can take it back. But if you spend it on a bunch of new programs creating a bunch of new constituencies, it is gone; you will never get it back. How many Government programs have we ever eliminated in American history? Virtually none.

So I just want to urge my colleagues, when they listen to the debate on this amendment, to remember that these amendments aren't about denying a tax cut until 2074 to save Social Security, or put off a tax cut until Medicare's problems are forever solved, or to wait until the second coming and let Jesus worry about it, or to wait until world peace is enshrined. That is not what these amendments are about. These amendments are about some of us not wanting to give people a tax cut. That is what it is about.

So if you think that out of the massive surpluses we are projected to have over the next 10 years, giving a modest tax cut to working Americans in things like repealing the marriage penalty, reducing or repealing the death tax, and giving a little across-the-board tax cut to everybody—if you think workers deserve some of the benefits of the good economy and the impact it has had on taxes, rather than giving every penny of it to the Government, then you want to vote no on this amendment, and you want to vote no on a whole series of amendments, each of which is going to be tied to some other issue, like research to prevent meteorites from causing tidal waves or destroying New York City—or it will go on and on and on. But the bottom line is, this is about tax cuts.

And our colleagues are desperate. They want to spend the money. They want to do everything with the money except give a little of it back. That is where we have a disagreement.

Do not be confused. This doesn't have anything to do with Medicare. Nothing in this amendment in any way provides another nickel to pay Medicare benefits. Nothing in this amendment changes the Medicare numbers in this budget at all. This simply reduces debt; God's work, if it really happened. But what it does is give a meaningless IOU to Medicare. We already have written Medicare so many IOUs that we will never pay back the ones we have written. If you want to, give them a cigar box full. And, if it makes you feel better, great. But still, it is a promise to pay money. It is not money.

So I hope our colleagues will reject this amendment and realize it is not about Medicare. It is not about Social Security. It is not about meteorites. It is not about the second coming. It is about taxes. Some people are against them. Other people are for them.

That is what the vote will be about.

I reserve the remainder of our time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. LAUTENBERG. Mr. President, I will yield such time as the Senator from North Dakota needs.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

I have been delighted at hearing the description of my amendment by the Senator from Texas. He has probably the greatest imagination in the Chamber. Unfortunately, his imagination has been working overtime, because his description of my amendment has virtually nothing to do with my amendment. The Senator from Texas suggests that my amendment is to prevent a tax cut. That is not the purpose of my amendment. My amendment is very clear. My amendment provides a lockbox that reserves every penny of the Social Security surplus for Social Security. It then goes to the next step and reserves 40 percent of the non-Social Security surplus for Medicare because Medicare is in imminent danger.

I point out that the Senator from Texas knew that last year. I don't know what happened in the last year that has caused him to forget it. But here is what he said last year. What a difference a year makes. He said:

> . . . [w]hat would we do if we had a half a trillion dollars to spend?

He said then:

> The obvious answer that cries out is Medicare.
>
> . . . I think it is logical. People understood the President on save Social Security first and I think they will understand save Medicare first.
>
> . . . Medicare is in crisis. We want to save Medicare first.

The Senator from Texas said that last year. This year, the budget that he is advocating doesn't save one penny of the surplus for Medicare. That is where the difference lies. He wants all of the non-Social Security surplus to go for an across-the-board tax cut.

Where does that go? Guess where that goes. That goes to the richest among us. Here is what the top 1 percent gets in his proposal. They get $20,000 of tax cut. What happens to the bottom 60 percent? They get on average $99.

Maybe that is why now the Senator from Texas doesn't want to lock up and protect one penny of surplus for Medicare, because he wants to send it back not to Dicky Flatts. He wants to send it back to Dicky Flatts' wealthy friends, 20,000 bucks apiece to them; $99 to the rest of the people. The vast majority of the people, the top 1 percent, get $20,000. The bottom 60 percent get $99 on average.

Mr. President, the Senator from Texas suggests there is no money available for a tax cut under the Conrad amendment. That is not my amendment.

That is a great speech. It is a great political argument. The only problem with it is that it is not true. It doesn't have anything to do with my amendment.

Let's be honest. Let's be honest. What does the Conrad amendment do with the surplus over the next 10 years? Over the next 10 years the surplus is $2.6 trillion. Under my amendment, the $1.8 trillion that comes from Social Security would be reserved for Social Security.

Second, another $376 billion would be reserved to strengthen Medicare.

Interestingly enough, last year the Senator from Texas said what happens if you have a windfall? The first priority ought to be Medicare. This year, he doesn't want to provide one thin dime out of the surplus for Medicare. He wants it all to go to a tax cut, an across-the-board tax cut that has this result. I don't think that is the priority of the American people to give a $20,000 tax cut to folks who are in the top 1 percent, people who have an average income of $833,000. I don't think that is a priority of the American people. Not one dime of surplus for Medicare, but provide it all to a tax cut for people who earn $833,000, give them $20,000, when Medicare is the program that is in the deepest trouble. What sense does that make? Let's go back to what the Conrad amendment provides, because the Senator from Texas talks about an amendment that is not the amendment that is before the body. It doesn't prevent tax relief. It doesn't prevent correcting the marriage penalty. The Senator from Texas knows better.

The amendment that I have offered offers of the $2.6 trillion of surplus over the next 10 years $1.8 trillion that comes from the Social Security surplus which goes to Social Security; $376 billion goes to Medicare. That leaves nearly $400 billion that is available for tax relief and for domestic priorities like education and defense and health care and, yes, tax relief. In fact, you could easily accommodate taking care of the marriage penalty under my amendment. You could provide other forms of targeted tax relief under my amendment, because those are the priorities of the American people. Save Social Security, dedicate every penny of the Social Security surplus for Social Security, and then 40 percent of the non-Social Security surplus for Medicare, because it needs money, a need that the Senator from Texas himself recognized just a year ago. In addition to that, $400 billion available over the next 10 years for high priority domestic needs like education and defense, and yes, money available for tax relief as well.

Mr. President, that is what this amendment provides, not the description given by the Senator from Texas that bore absolutely no relation to the amendment that is before us.

I thank the Chair.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I would be happy to yield for a question.

Mr. KENNEDY. I know the time has moved along, so I will just take a moment. If I understand the Senator's amendment effectively, what will be the situation under your amendment with regard to the continued solvency of the Medicare system? As I understand it, besides strengthening Social Security, one of the purposes was to extend solvency of the Medicare system in order to permit time to consider sensible reforms. Will the Senator just tell me this: Under the Conrad amendment, what is the life expectancy of the Medicare system, and what would it be without the Conrad amendment under the budget resolution that is now before the Senate?

Mr. CONRAD. The Senator from Massachusetts asks a good question. The simple answer to the Senator is: By locking up additional funds for Medicare, we would be in a position at a later point, because we cannot do that in the context of the budget resolution, to extend the solvency of the Medicare system for at least another 12 years. That is the goal of this effort; to first lock it up and protect it so it cannot be diverted for some other purpose and then, when we get at a later point where we can make transfers which we are precluded from doing in a budget resolution, to then extend the solvency of the Medicare system. That is what this is all about: Protecting, strengthening Medicare, as well as strengthening Social Security.

Mr. KENNEDY. Is it the position of the Senator, when you have the extension of the Medicare system, that at that time there would be the opportunity to consider the kinds of other reforms that might continue the Medicare system even beyond the 2020 period?

Mr. CONRAD. That is exactly correct. As the Senator may know, as a member of the Finance Committee I have voted repeatedly to reform Medicare in order to further extend its solvency. But it is my conviction, and I think the failure of the Medicare Commission so indicates, the need is for additional resources into Medicare. We also need to reform that system. But without additional resources I do not believe we will succeed in extending the solvency of the Medicare system.

So, there is really a two-part test here, to reform the system and to provide additional resources. If we do not protect them, if we do not lock them up, I assure you, Senators like our colleague from Texas will take the money and he will send it back to those who are earning over $833,000 a year. He will send them a $20,000 check and we will find our grandparents and our parents, who are dependent on Medicare for their health care, are not going to have it. That is the choice before the body. That is the choice before the body.

Mr. KENNEDY. I have a final question, if I could, of the Senator. Would this, now, be the longest period of financial security for the Medicare system that we would have had since, actually, Medicare has been established? It is my understanding with the additional revenues we would effectively guarantee the financial security of the Medicare system for the longest period since the Medicare system has been established.

Mr. CONRAD. That is correct, because this would extend it at least another 12 years beyond 2008 to 2020. With the new projections that are coming in, I believe it will be extended even beyond that.

That is fundamentally the question and the choice before this body. What are we going to do with these surpluses? Our friends on the other side of the aisle say: Social Security and tax cuts. We are saying in this amendment: Yes, Social Security, every dime of Social Security surplus for Social Security. But then let's provide additional resources to strengthen and preserve Medicare. And then, yes, let's also have funds that are available for high-priority domestic needs like education and health care and, yes, defense. And also have resources to provide some tax relief. I put marriage penalty right at the top of the list. That is provided for in this amendment.

Mr. KENNEDY. May I just ask a final question of the Senator? I notice in the report itself, under "Revenues" on page 75, it states this in the third paragraph:

> The net tax cut in the Committee-reported resolution can accommodate a substantial tax cut package (the contents of which will be determined by the tax-writing committees), which may include across-the-board cuts in tax rates. . . .

The sentence does continue and list others, but it lists, No. 1, across-the-board tax cuts. Is that the kind of tax cut, if we were moving in that direction, the Senator believes would be the fairest to working families and to small farmers and the smaller business men and women of this country?

Mr. CONRAD. I do not think it would be the fairest. In fact, if you have a 10 percent across-the-board cut, the results are what I have shown here. For the top 1 percent, those whose income is over $800,000 a year, they get $20,000. The bottom 60 percent get, on average, relief of $99.

Mr. LAUTENBERG addressed the Chair.

Mr. CONRAD. I am happy to yield to the ranking member.

Mr. LAUTENBERG. We are not surprised by incomes that exceed $1 million, $5 million, $10 million—some of the top corporate executives in this country, some of the athletes, some of the people in entertainment. So if someone earned $10 million in a year and the tax rate was 39.6 percent for income tax, and if there was roughly a 4-percent decline in that, so that person then would have—if they earned $10 million, they would get $400,000 in tax relief? Is that the way the calculation is, as you see it?

Mr. CONRAD. That is roughly the calculation. It is hard to see that as fair.

Mr. LAUTENBERG. I think Michael Eisner in 1 year earned $50 million. He might get a couple of million in tax relief. Is that not right?

Mr. CONRAD. That is correct.

Mr. LAUTENBERG. Would this amendment cause us to have to wait 75 years before tax cuts could be put in place?

Mr. CONRAD. No. Absolutely not. As I indicated, we are protecting Social Security by reserving every penny of the Social Security surplus. We are also reserving a substantial part of the non-Social Security surplus for Medicare. But that which remains, which is about $400 billion over the next 10 years, is available for high-priority domestic needs including education, health care and defense, and for tax relief.

Mr. LAUTENBERG. So the thing that triggers this is whether or not we prepared Social Security and Medicare for its survival. That is the triggering mechanism that enables other things to be considered—tax cuts, targeted tax cuts or other programs to be exercised, is that right?

Mr. CONRAD. It is all really a question of priorities. How should these surpluses be used? Our view is, the priorities of the American people are to safeguard Social Security, to safeguard Medicare, to provide for education and defense and health care, and also tax relief. The other side says there are only two priorities. They say the priorities with these surpluses are Social Security—and I commend them for that. But then they say virtually all the rest of the money ought to go for tax cuts. When you look at what they are proposing, the Senator from Texas was very clear. He likes across-the-board. The chairman of the Finance Committee has indicated he likes the 10 percent across-the-board.

That is not fair. That is not fair. It is not the priorities of the American people. That is why this amendment is important.

Mr. LAUTENBERG. Mr. President, how much time do we have left on our side?

The PRESIDING OFFICER. The Senator from North Dakota has 11 minutes 20 seconds. The Senator has Texas has 45 minutes, approximately.

Mr. GRAMM. Will the Senator from North Dakota yield?

Mr. CONRAD. Not on my time I will not yield.

Mr. GRAMM. Yield on my time. We have been very good in going back and forth. We have almost an hour. We have a few minutes. Would it not make sense to let us speak—let me say a few words, let Senator DOMENICI speak, and then continue this, rather than shutting us out? If you want to do it, you obviously have the right under the rules.

Mr. KENNEDY. May I just ask one final question?

If we do not do what is included in the Conrad amendment, if we are looking at the financial security of Medicare to the year 2020, is it the understanding of the Senator that we would have to somehow find $686 billion that would either have to be a combination of tax increases or benefit cuts in order to reach the $686—in order to ensure that the Medicare trust fund would be financially sound by 2020, if we do not accept the Conrad amendment?

Mr. CONRAD. I suppose what we could do is write to these folks to whom Senator GRAMM is going to send the money and ask them to make voluntary contributions so the Medicare system could go forward. I do not think that would work very well, probably.

The problem, the fundamental question before us, is, How do we use these surpluses? I think the priorities of the American people are very clear. They have told us: Social Security, Medicare, education, health care, defense, and, yes, tax relief. Those are their priorities, and that is what this amendment represents.

The PRESIDING OFFICER. Has the Senator from North Dakota yielded the floor?

Mr. CONRAD. I do.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Texas.

Mr. GRAMM. Mr. President, I want to be careful in what I say. But our colleague suggested that we be honest.

I want to be very honest. What we have before us is a totally phony amendment. Let me go through and explain why. Let me touch a couple points.

First of all, this save Social Security business and lock the money away for Social Security, that didn't come from Bill Clinton. That came from PETE DOMENICI. That is in the budget before us. I want to thank Senator DOMENICI for that.

Let me just run down the list of things here. First of all, our dear colleague brought out a quote from me about using money from Medicare. To paraphrase Paul Harvey, let me tell you the rest of the story.

Last year, our Democrat colleagues were trying to raise taxes on the poorest among us, on a tax where 60 percent of the tax was paid for by Americans who made $25,000 a year or less. It was a cigarette tax. The claim that the Government had the right to part of the money was that people smoke. They get smoking-related diseases and it costs us money in Medicare.

So Senator DOMENICI and I said, If you are going to collect money in cigarette taxes and you suddenly have this giant windfall—as one of the lawyers, I guess, of these people that our dear colleagues talk about, these rich people, said, "This is like winning a lottery," talking about the millions of dollars that had gone from the settlements—Senator DOMENICI and I said last year, Well, if you are going to tax tobacco and you are going to impose the tax on people making $25,000 a year or less that pay the bulk of tobacco taxes—they are concerned about poor people today, but last year they were raising their taxes—Senator DOMENICI and I said, Well, if you are going to do that, at least spend the money on Medicare for health care.

Now, when it was clear they weren't going to be able to spend it on all their social programs, their amendment died. But that is where that quote came from, if we are going to be honest.

Let me make it clear that all this business about "the Domenici budget does not provide a penny for Medicare," not so. The Domenici budget provides more money for Medicare than any budget ever written in American history. It provides $199 billion of new money. It funds every penny for Medicare. The President proposed cutting Medicare funding by $20 billion over the same period. So this is not about Medicare. This is about tax cuts, and it is about politics.

Now, this "richest among us"—I do not understand people who love capitalism and hate capitalists. I do not understand people who love investment but hate the people who make investments. I don't make $1 million a year. If I were really productive, maybe I would. But let me just tell you the trick behind all these charts. The trick behind all these charts is that tax cuts are for taxpayers. So if you don't pay any income taxes and we cut income taxes, you don't get a tax cut. Some people say, Well, that's not fair; I don't pay income taxes, but if they are going to give a tax cut, I ought to get some of the money.

Well, ask working people. Do they get Medicaid? No. Do they get food stamps? No. Do they get housing subsidies? No, because they are not poor. Those programs are not for working people. Tax cuts are for working people. So if you don't pay any taxes, you don't get any tax cuts.

Now to this business about what if somebody makes $800,000 a year and they get a $20,000 tax cut. Outrage. Well, if they get a $20,000 tax cut, it meant they paid $200,000 of taxes. So if I paid $20,000 of taxes and I get a $2,000 tax cut, why shouldn't somebody who paid $200,000 get a $20,000 tax cut? Do we have to debate every issue by trying to pit Americans against each other? What is wrong with people making money? What is wrong with people being rich? They didn't make the money by stealing it from somebody. They made it by producing something of value and selling it. I would just like to say that we get tired of having the people who are making $1 million a year tell us about tax cuts for rich people.

I don't get it. Senator DOMENICI is from an immigrant family. I told the story earlier about him almost being born in a lettuce patch where his mama was picking lettuce. Neither of my parents went to high school. Suddenly we care about rich people and our colleagues, many of whom are rich, are going to protect people against rich people.

Here is the point. Why not give everybody a tax cut? This bill does not give an across-the-board tax cut. It just provides money for tax cuts. Obviously, one of the ones that will be debated, everybody will get a chance to give their speech about these outrageous rich people who paid $1 million a year in taxes and we want $2 million. We want every penny they have. We want to put them in prison. The point is, with an across-the-board tax cut, you get 10 percent, whatever you pay, you get 10 percent of it back.

If that hurts your feelings, you live in the wrong country. It doesn't hurt my feelings.

Final points and I will get out of Senator DOMENICI's way. Senator KENNEDY asked, What does this do to the lifespan of Medicare? Well, let me tell him. Nothing is the answer, zero, zip. The lifespan of Medicare is supposedly to 2008, but it is only to 2008 because President Clinton took part of the cost out of the trust fund and put it into general revenue. So Medicare already went broke. But it is 2008 today and, if this amendment were adopted, it would still be 2008, because this amendment provides not one nickel, one penny, one million, one billion, nothing to Medicare. It gives Medicare a meaningless IOU, and we still have to cut spending or raise taxes or borrow money in order to pay it.

Mr. DOMENICI. Mr. President, let me correct the Senator. He didn't even give them an IOU. He just reduced the debt.

Mr. GRAMM. That is right, and claims that they get credit for it.

Mr. DOMENICI. Correct.

Mr. GRAMM. Well, let me say that this is a phony amendment in every respect except one. It has nothing to do with Medicare. It doesn't have any impact on Medicare. Normally in these amendments, you have all this folderol and meaningless stuff at first, but when you get to the last page and the last paragraph, you get to the bottom line. What this amendment does is, it reduces the levels of funds in section 104(1) by which the Senate Committee on Finance is instructed to reduce revenues.

So what this amendment is about is denying people a tax cut. Our colleagues are for tax cuts in general, even though both our colleagues voted for the last amendment which would have denied any tax cut. They are for them in general. They are for eliminating the marriage penalty in theory. They are for changing inheritance taxes in theory. But when it gets right down to giving somebody a tax cut, they are against it.

Why are they against it? As long as we have been asked to be honest, they are against it because they want to spend this money. They are against it because they want to spend this money on programs, just as they did last year when we busted the budget by $21 billion and stole every penny of it right out of the Social Security trust funds and they voted for it.

So let's not be deceived. I was asked to be honest and I wasn't going to be, because I didn't want to be unkind. But since I have been asked to be honest, let me be honest. This is a phony amendment. It has nothing to do with Medicare and everything to do with denying tax cuts. Our colleagues on the left side of this Chamber want to spend this money, and we don't want them to spend it. We want people to have it back.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time do we have on the amendment?

The PRESIDING OFFICER. The Senator from New Mexico has 35 minutes 20 seconds. The Senator from North Dakota has 9 minutes 57 seconds.

Mr. DOMENICI. Let me assure Senators here on the floor, I do not intend to use 35 minutes. I am fearful if I say anything, we will have to hear the same song and dance over again from the other side. We have heard it about 10 times today, but that is all right.

First of all, we all know what this is about. Last year the President of the United States said to the Congress, Democrat and Republican, we have taken Medicare out of politics. Let us move arm in arm and let us fix Medicare. Everybody said great. The President was active in this regard, and he said, let us have this commission look at it. We have taken it out of politics, because we want to fix it.

The truth of the matter is, the President decided to make Medicare a political issue in his budget this year. He didn't wait around for the commission. He made it a political issue in his budget.

Those who are now arguing on the floor about the budget we produced in committee are continuing the political fight rather than a factual fight.

I want to say a couple of things. There is a lot to get excited about here, but I promise myself I will not do that, other than I will say to my good friend, you should never, never have put the Social Security lockbox money in the same lockbox with yours. If you would like to have a second lockbox and call it yours, you are welcome to do it. But it is a fraud to put it in the same lockbox with the Social Security trust fund. It is nothing similar to it. It has no relationship to it, and all it does is say, "We're going to reduce the debt more than the Republicans want to, and we're hoping that by reducing that debt, there will be money available for Medicare." That is it plain and simple.

In case anybody is interested, on this chart, this red line is the President's debt reduction for which he is taking credit and have Nobel laureates saying it is great. The committee bill before you is the blue line which reduces the debt $400 billion more than the President, which, incidentally, is more than the distinguished Senator is going to take out of the tax cut to make a case—not a case for Medicare—a case against giving back to the American people any of their hard-earned money.

This amendment, which will fall because it is not germane, is an antitax amendment. Let me tell you, I am tired of Democrats getting up and saying, "We don't want to vote for tax relief because Republicans are talking about an across-the-board tax cut." I am tempted to offer an amendment to strike the 10-percent tax cut from this tax cut and put in marriage penalty and any other family-related tax cuts. Take it out. Let's see if they are for it then.

What will the argument be? The argument can't be 10 percent because it is not even mentioned in this resolution. What they can get up and say is, "We have a better idea for tax cuts than the Republicans." And we say, "Wonderful, if you do, that's fine." But it is not a wonderful idea to cut the tax cut almost in half and claim you are for tax cuts and you did something for Medicare when, as a matter of fact, all we need to do for Medicare is to get the Democrats and the President—and I will not include every Democrat because there are some who already know what they want to do—but all we need to do is get them to tell us what we ought to do for Medicare.

This idea that my friend, Senator KENNEDY, got up and said, "We are in the red $860 billion over," I don't know how many years, Mr. President, that is saying if the program stays just like it is and there is no reform, that is what we would need to keep it going like it is.

Let me assure you that not even the distinguished Senator who is proposing this so-called Medicare amendment thinks we should leave the Medicare program like it is. In fact, there is a quote—we are going to find it in a minute—where the distinguished Senator said Medicare does not have a chance to survive unless we reform it. That is what he was saying last year.

Reforming it means you save money by making the program more efficient, less apt to have fraud injected into the program and, yes, being realistic. There are those who say this commission that worked on this didn't come up with a good product and they used that one idea. Thirty years from now, the age for receiving Medicare will go up piecemeal, and in 30 years, it will be up 2 years. Maybe they can fix that if they are serious. But, Mr. President, that reform package saved enough money to pay a prescription benefit. They did not need to take away this tax cut to do it. They had $61 billion left over from reform, and they said, "Let's use it for prescription drugs."

Any talk on the floor that the Conrad amendment is going to fix Medicare like it has never been fixed before is pure, absolute demagoguery and speculation at the highest. Nobody has any idea what that is going to do for Medicare, if it is even available for Medicare. It might not even be there. It can be spent for anything else.

I submit, talking about what the American people want most and coming down here and telling us that 20 times does not mean that that is what they are getting in that amendment by my good friend, Senator CONRAD, because it is not doing what he says the American people want. If you look at it, it does not accomplish what he continually claims the American people want.

Frankly, I believe we ought to get serious and we ought to take the politics out of this, but if you do not want to, we will take this one as far as we can because we understand what is right, what is fair, and what is fair to future generations, not just our senior citizens.

From my standpoint, the truth of the matter is, this is plain and simple: an effort to increase taxes that would otherwise be reduced by $320 billion over 10 years. What is really incredible about it is that it does not provide $1 for Medicare. Not one. It reduces the debt of the United States temporarily until it is spent by someone with no real way of saying it is to go to Medicare because there is no way to do that.

It is no lockbox; it is a wish box. In fact, you should take it out of my lockbox and make your own wish box out of it, and maybe mine should be green and yours should be—I don't know what color—surely a shade of yellow, something slightly brown, something like that.

In any event, all this amendment purports to do is to reduce the debt held by the public because the Senator could not even put it into the Medicare fund, as the President did, in his phony budget because if he did that, he would have to raise the gross debt of the United States and would be vulnerable here on the floor for having done that, so it doesn't even do that.

I understand my friend, Senator CONRAD, is anxious to get up and talk again. He has made so many arguments today, I don't know if he needs any more, but the Senate accommodates him because that is the way the budget process works.

Let me conclude. The budget before us fully funds Medicare assuming no reform. Reform will save a lot of money, and there will be money around from these numbers in this budget which is fully funded. We do not cut the $20 billion that the President does, and regardless of what they say on that side, within the 10-year period, there could be up to $100 billion. And if we get on with reform, that $100 billion will be available. If we wait around forever with no proposal, then who knows.

I believe we are going to get serious. The President is going to send us a package. I only hope he does not send us one that is irresponsible because of this debate. I don't think he will. He understands the issue. We can get on to doing Medicare right, not act like this amendment fixes it.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me just say, sometimes voices are raised here on the floor, mine included. But let there be no mistake, I have great respect for the chairman of the Budget Committee.

Mr. DOMENICI. And I for you.

Mr. CONRAD. I appreciate that, and absolute affection for the Senator from New Mexico as well. We have a disagreement. I think both of us are being honest and direct about that disagreement.

Let me be clear. The Senator from New Mexico says that my amendment does not fix Medicare. That is true. That is absolutely true. My amendment does not fix Medicare; it does not solve the problem. But my Medicare amendment, or the part of my amendment that deals with Medicare, does make a difference, because it reserves funds to strengthen Medicare—nearly $400 billion over the next 10 years.

The lockbox offered by our friends across the aisle does not provide one penny of the surplus for Medicare. They say, in answer, "But we fund Medicare." Yes, of course they fund Medicare. That is a budget requirement. Of course they fund it. But in the surpluses that are projected over the next 10 years, they are not setting aside one penny of that surplus to strengthen Medicare. That is a deficiency of their proposal.

Let's go back to what the Conrad amendment really does. The Conrad amendment reserves, in a lockbox, every penny of the Social Security surplus over the next 10 years for Social Security.

No. 2, the Conrad amendment takes $370 billion over the next 10 years of non-Social Security surplus and reserves that for Medicare. That is a critical first step to solving and resolving the Medicare crisis.

No. 3, we still then have about $400 billion left over the next 10 years to deal with high-priority domestic needs—education and health care and, yes, defense and, yes, tax relief—$400 billion that is available for those categories.

Our friends on the other side say that is not what we want to do. They say, we just want the money for Social Security and tax cuts, nothing out of the surplus—nothing out of the surplus—for defense, for education, for Medicare. Well, we do not believe those are the priorities of the American people. That is the difference. And that is what this amendment is about.

I ask my colleagues, just for a moment, to suspend partisanship on both sides and really look at what this amendment says—not to the characterization of the Senator from Texas. His characterization was his imagination working overtime. It is what he hoped my amendment said, not what my amendment does say. The argument that he made was an argument not against the amendment that is before us but an argument against an amendment that he wished I was offering.

My amendment does pay down the publicly held debt more than the budget resolution—by about $300 billion. My proposal pays down publicly held debt more than what is being offered on the other side.

I think that is a good priority as well. So not only do we strengthen Social Security, strengthen Medicare, or at least make it possible to strengthen Medicare and also provide for high-priority domestic needs such as education, health care, defense, and tax relief, but we also are in a position to further pay down the public debt. Because every economist who has come before us in the Budget Committee, in the Finance Committee, has told us that that is the highest priority of all—pay down this publicly held debt, to put us in a position to keep interest rates down, to have a stronger economy for the future.

Mr. President, I yield the floor and reserve my time.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous-consent that my time come off the budget resolution itself and not off the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I want just a few minutes to respond.

Mr. President, I rise in strong support of Senator CONRAD's lockbox amendment, which reserves approximately 45 percent of the non-Social Security budget surplus for Medicare over the next 10 years.

Mr. President, we have heard a lot about the Republican lock box here on the floor. But so far, it's been all conversation and no action and no amendment. Nothing was offered in Committee, except for a sense of the Senate that merely endorses current law. And we don't expect to see anything on the floor.

What we have before us is a budget that spends nearly every dollar of the projected $1 trillion surplus on tax cuts. And the numbers don't lie.

On page 5 of the budget resolution, the amounts of surpluses remaining after the Republican tax cut are as follows:

A $6 billion on-budget deficit in 2000;

A surplus of zero in 2001;

A surplus of zero in 2002;

A surplus of zero in 2003; and

A small $3 billion on-budget surplus in 2004.

Mr. President, nothing in this budget is reserved for Medicare, although the program goes bankrupt in just eight years. But Senator CONRAD's amendment would correct this obvious oversight by reserving approximately 45 percent of the onbudget surplus for Medicare over the next 10 years.

This amendment is more than rhetoric, Mr. President. And it's more than a press release. It's a new Senate rule that reserves $707 billion for the Medicare program over the next 15 years. That's fully $707 billion more than the Republican budget.

Over ten years, this amendment would reduce debt by over $300 billion more than the Republican plan. Over the long-term, these reserves would be instrumental in crafting a comprehensive Medicare reform package that modernizes the program for the 21st century.

In the Budget Committee mark-up last year, Chairman DOMENICI stated that "for every dollar you divert to some other program you are hastening the day when Medicare falls into bankruptcy." Well, Mr. President, we are one year closer to bankruptcy but a giant step back from where we were last year, when this program was a priority for both Republicans and Democrats.

Not only does our lockbox do more to protect Medicare and reduce debt, it also has a stronger lock and more responsible enforcement procedure for both Social Security and Medicare.

Mr. President, we enforce the lockbox through the tried and true mechanisms of the pay-go rules. If Congress attempts to spend part of the Social Security surplus or Medicare reserve, the sequester rules of the Balanced Budget Act would make automatic spending cuts in order to keep the reserve intact.

But in their budget, Republicans have weakened the pay-go rule by allowing all funds not saved for Social Security to be used for tax cuts, right away, regardless of whether we ever act to reform Social Security and Medicare. Our lockbox, however, creates a powerful incentive for Congress to address the long-term problems of Social Security and Medicare by prohibiting surpluses outside of the lockbox from being used until we reform Social Security and Medicare.

To sum up, Mr. President, the Republican budget ignores Medicare, but the Democratic lockbox protects both Social Security and Medicare. The Republican budget reduces public debt, but our lockbox reduces it more. The Republican budget does nothing to further protect Social Security, but our proposal adds a new super-majority point of order to make certain that Social Security surpluses remain out of the budget. And finally, the Republican budget puts tax breaks first and tax breaks only, but our lockbox puts Social Security and Medicare first.

Mr. President, this is an easy choice. Our proposal is better for Social Security, better for Medicare, and better for debt reduction. And our proposal is a more responsible alternative to a Republican budget that does absolutely nothing to protect or strengthen Medicare.

Mr. President, I think securing Social Security, the Social Security trust fund, the Medicare trust fund, is of great help. And whether issuing more IOUs or not, we could put cash in there. And if we left it in cash, then what we would do is lose the purchasing power that is eroded by inflation or that would fail to replenish the fund as the number of recipients grows, even though the promise is made to each individual.

But it also does something else, I think. What it does do is it attempts to secure longer life for Social Security and for Medicare, to at least remove it from the likelihood that the appropriators one day—someday in the future, if things get tough—would be able to say, "Well, listen, we just can't afford to do that. We're going to legislate reductions in the benefits." And I think it is the right way to go.

Mr. President, I must take a couple minutes because one of the things that I find terribly bothersome here is the fact that we are now down to where we are saying, "stole money," "phony accounting," "fraud," and the Director of the OMB—a brilliant, educated man—was called the "most deceptive witness to ever appear before the Finance Committee" by one of our Senators.

I think that that language ought to be out of order because it accomplishes nothing except to get everybody a red neck. That is what happens. We all get excited about it because we are offended, insulted, by the trivial language that goes through this place when we are talking about something so serious.

"Taxes on poor people" it was proposed because we were going to impose a burden on the tobacco users for the amount of the health care system that they used. "Taxes on poor people," the plea was. "We've got to feel sorry for those people who are going to pay more for their tobacco, for their cigarettes," even though they have consumed more of our health care costs in the country in lost productivity, et cetera; it is estimated as much as $100 billion a year. "Poor people, they are addicted to tobacco; and, therefore, we ought not to ask them to pay more for the programs they use."

I agree with that of sorts, but, on the other hand, in the State of Texas, $15 billion was accepted by the State of Texas as a resolution, a settlement of the case they had against the tobacco companies—$15 billion. And I did not hear anybody say, "Well, Texas ought not to take that money because ultimately the consumers, the smokers, are going to pay for it." I did not hear anybody say that when tobacco companies raise the price of cigarettes 45 cents a pack, "Oh, what a pity for those poor people to have to pay it." Of course, it goes into the profits of the tobacco companies, but I did not hear anybody pleading the case for those poor people who are going to pay it.

I heard a description of capitalists who hate capitalism. Well, you are looking at one. You are looking at one. And there is one sitting in the chair of the President, as well, a capitalist. He made his money through hard work and diligence. And I know, in my discussions with his wife, how she tends the business while he serves the country.

I came from a poor immigrant family. And I was struck by the comparison between the Senator from New Mexico and myself. I was born at home, but it was not in rural country: it was in New Jersey. I was born at home. The doctor came to visit and delivered this beautiful package to my mother. That is what happened. But I did not have the benefit of the hospital, and she didn't either. And maybe that is the result of what we have here.

But the fact is, I came from immigrant parents. I came from a father who worked in a silk mill. And perhaps that was the reason that this man, at 43 years of age, died of colon cancer. He was a weight lifter, he played basketball, he wrestled, he loved the outdoors, and he ate healthy foods, even in the 1930s when no one was talking about it. And my father would laugh at you if you smoked, but he died very young. He died young because he worked in a place that is believed was unhealthy to work in. There was no OSHA protection. There was nothing against fumes or film or dust in those mills.

My uncle worked in the same industry. My father was 43. My uncle died when he was in his early 50s. And my grandfather, who worked in this same business, died in his early 50s. I know what it is like to have come from the other side of the tracks.

I helped create one of the great businesses in America. And I brag here for a moment. And, please, I hope everybody will forgive this immodesty. We started the company without a dime, two other friends and I. Those two were brothers, and their father, as my father, worked in the silk mill. His health, however, was better and was not harmed. None of us had 15 cents to call our own, and we created a business that today employs 33,000 employees, and has one of America's most successful records for return on investment to the investors. If you invested $300 in my company in 1961—we went public—it is worth almost $2 million today. So I am a capitalist.

I served my country 3 years in the military, and I was in Europe during the war despite my youthful appearance. The fact of the matter is I did everything I was supposed to, and I did it the old-fashioned way—by working hard. It took us a long time to build that business, but we did succeed.

I used to serve with the Hall of Famer here, Bill Bradley, a great, great Senator, a great person, who was a member of the Basketball Hall of Fame. New Jersey was the only State in the whole country that had two Hall of Famers. I was a member of the Hall of Fame of information processing. You should have seen the kids running after me for my autograph. We were the only two.

I got there because I helped create not just a company but an industry. So I know a capitalist when I see one, and I like them because they contribute and they create jobs. As I mentioned, 33,000 people work for ADP today. I don't know where they would have had jobs elsewhere, but they like their jobs in that company.

When you disparage attempts to say we have a progressive system, that is what has made this country great. People pay their taxes based on their ability to pay and pay the lowest tax rate on a relative basis that we have seen in this country. Yes, there is more tax being paid because we have more people earning more money. It was never dreamed that people would be worth $30 billion or $10 billion.

One of the reasons I am worried about abolishing an inheritance tax is a guy leaves his heirs $30 billion, and the heirs have to do nothing but sit there, accumulate interest worth $1.5 billion a year, and pretty soon they own a large part of America and you can't take it away.

When we describe people as having ulterior motives or being of lesser character than others, I think it is the wrong way to go. I don't think it is a good example for people across America or children who might be interested. This is an honorable body and everyone on that side of the aisle or this side of the aisle I consider an honorable person.

Do we have differences? Absolutely. I think we have to tone down the rhetoric. I guess I have to tone down the decibels of my voice.

Whether or not we feel sorry for the farmer, for the rancher, who when he or she sells their property has to pay a tax, then we ought to feel just as sorry for the guy who owns the hotdog stand on the boardwalk in Atlantic City who works and supports his family that way. What is the difference between the person who owns a retail store or the person who owns a farm? There isn't any, in my view. That is my perspective, living in the most densely populated State in the Union.

I plead with my colleagues. I agree with Senator CONRAD. I think we have to make sure that Social Security is protected. My friends on the Republican side—and we all talk about PETE DOMENICI, Senator DOMENICI, affectionately, as well as respectfully. The fact is we differ with him, because I don't see one thing in this Republican budget that says we are going to put 5 cents in Medicare. They say nothing about it. Wishful thinking.

They will continue present levels of funding; OK. The fact of the matter is that doesn't help protect Medicare in the years ahead.

I will yield back the floor, much to the distress of the listening audience.

Mr. DOMENICI. Before I yield back any time I have on the amendment, I want to say I hope I didn't say anything that prompted the Senator to worry about whether I was levying a personal attack on the Senator. I don't believe I was. If I did, I apologize.

Let me ask unanimous consent—and this has been cleared with Senator

LAUTENBERG—that the time on all amendments from this point on be reduced to 1 hour equally divided and the time on second-degree amendments be reduced to half an hour equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield to Senator BOND who has been patiently waiting to give us the President's budget so we can vote on it.

AMENDMENT NO. 151

(Purpose: To propose the President's budget)

Mr. BOND. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 151.

Mr. BOND. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. (The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BOND. Mr. President, I apologize, but I want to take a break from the fascinating discussions, the dissertations on autobiographical materials, and raise a new subject. I will talk about the budget. I apologize for making this major shift in the direction of the debate, but I am offering today the President's budget.

We offered this in the Budget Committee because a lot of people have been talking about the President's budget. Unfortunately, nobody has offered it here to date. I thought we ought to have an opportunity to discuss it.

Some of our colleagues waxed very eloquent in the Budget Committee on the benefits of the President's budget. Of course, people who know budgets know that they are just basically a bunch of numbers, but those numbers do have consequences. When people talk about how great the President's budget is, when it comes time to vote on it, nobody seemed to want to do that in the Budget Committee, so I thought I would give all of our colleagues an opportunity to vote.

As I look at the President's budget plan, it reminds me of the so-called garbage boat, the garbage barge that floated in the Atlantic a few years ago. Everybody kept saying how important it was to get the garbage buried someplace but nobody wanted the barge to land on their shores. A lot of our colleagues have talked about how important and how wonderful the President's plan is, but no one wants to take custody of it, nobody wants to take responsibility for it.

I suggest that this substitute would be a great opportunity for somebody who wants to work from the principles and the ideas of the President's plan to vote for it. Then we can move forward and work on it.

Why do our friends on the other side keep running away from the President's plan? The problem comes up when we move away from talking about general principles, platforms, and commitments and start talking about the details of the plan. I agree we ought to talk about principles, but principles are not enough. We have to get down to the point of talking about some plans, some numbers.

In the Senate, we vote on a plan, not on some vague statements claiming to be principles. I am from Missouri and, of course, our motto is "Show Me." Show me how these principles translate into a budget. That is what this amendment is all about. This is putting before the Senate the actual numbers that the President has set out to implement the details of his budget plan outlined to us and to the Nation just a month and a half ago. It is a vote on the specific plan proposed by the President.

Now, let's take a look at what the President's plan does. This is just in summary, and there are a lot of things we can say about it. First and foremost, the President's plan breaks the budget discipline we worked so hard to achieve, the spending caps we agreed to in the balanced budget amendment that helped get control over spending and produced a surplus. These caps would be shattered by the President's plan.

We would not have any surplus to be worrying about if we had not, under the leadership of our distinguished chairman of the Budget Committee, Senator DOMENICI, fought and fought and fought against plans that were vetoed, against objections from the other side, against every manner of obstacle, finally to get a plan in place which capped spending and produced a budget, where we are reducing the deficits and moving toward a surplus in the future.

This has been stated by many observers as one of the reasons why there has been some strength in the economy, because after years of watching a totally undisciplined Federal spending machine raise the deficit and build on the debt of this Nation, we finally are getting spending under control.

We have had good monetary policy. Our fiscal policy has been a disaster. Under the leadership of Chairman DOMENICI, we have finally gotten a handle on the fiscal policy. But the President's budget plan proposes to spend $30 billion more than we agreed to in the balanced budget amendment. He breaks the cap. This is going back to the old spend and spend and spend proposals that put us in the position where we have run up trillions of dollars of debt on our children's and our grandchildren's credit cards.

I think it is very important that we focus on the budget caps. The plan goes against the principles we supposedly agreed to around here. I was very interested that, on February 28, the distinguished minority leader was being questioned by Cokie Roberts on the "This Week" program. When asked if we should keep the caps, his response was, "Absolutely." Cokie Roberts says, "So you are against breaking the caps?" Senator DASCHLE says, "Absolutely. I think we've got to live within those caps. We set them out. We all voted for them, agreed to them. We knew the ramifications when we did so. We know what kind of a surplus we are going to enjoy if we have them. I think we ought to stick with them."

Well, that is a strong statement of principle in favor of the caps. I agree with it. But that principle is violated by the budget plan submitted by the President. That is why I think we are going to see a significant number of Members on the other side of the aisle vote against the President's plan, because the plan does not carry out the principles that he has so widely espoused and been so roundly cheered for espousing.

Here is another principle from the President himself. This is from the State of the Union Message, January 27, 1998. Within the first portion of the remarks, he said:

> If we balance the budget for next year, it is projected we will have a sizable surplus in the years immediately after. What should we do with the projected surplus? I have a simple four word answer: save Social Security first. Tonight, I propose that we reserve 100 percent of the surplus—that is, every penny of any surplus—until we have taken all the measures necessary to strengthen the Social Security system for the 21st century.

That was one time I was pleased to stand up and applaud the President, because I agreed with that principle. I agreed with the principle that we ought to take the money from the surplus, the surpluses we are seeing now, and apply them against Social Security. But what does the President's plan do? The President's plan, as outlined in the budget—you have heard about the devil being in the details. Man, that is an understatement when it comes to the President's budget, because it is full of devils. You can imagine what you call a place that is full of devils. There is a place named for that. That is what the President's budget is. The President's plan would spend a whopping $158 billion of the Social Security surplus on the President's big spending schemes.

Let me show you this chart. Here is an opportunity to take a look at the difference in the two plans. Here is the plan before us, Senator DOMENICI's plan, "The Fate of the Social Security." It says here is the surplus. Here is the President's plan. He says we can save this much, and then we want to invest some in equities. I believe Senator ASHCROFT addressed that equity question. He wants to have the Federal Government investing in the stock market and taking control, potentially, of companies through ownership—a new form of nationalization, a national economic scheme that would make a central planner of the Marx or Lenin era salivate with anticipation. And then the President wants to spend $158 billion out of that surplus. That, Mr. President, is not saving the Social Security surplus for Social Security.

These are some of the specifics of the plan. That is why we need an up-or-down vote on the President's plan, not on some vague statement by the President on the principles. That is why I have offered the plan.

Let's talk a little bit about Medicare. We have heard that the President does wonderful things about Medicare. Well, you know, I was very interested. I want to look at this because the President's plan cuts about $9 billion out of Medicare for the next 5 years to pay for new spending programs.

Mr. President, in my State, if you freeze hospital payments and you squeeze down on the money that the providers are getting, you are on the verge of doing something disastrous. Many of the small rural hospitals and rural health care providers in my State are at the point where they can no longer stay in business if the reimbursements are ratcheted down. The system has fatal flaws in it that need to be corrected. Throwing money at a fatally flawed system will not save it, and ratcheting it down further is going to wind up having small rural hospitals closed, having rural hospitals no longer able to take Medicare patients. It is going to wind up in denying Medicare to the people who most need it.

If we are serious about Medicare reform—and I hope we all are—we had better go to work on the recommendations made by the bipartisan members of the Medicare Commission, led by our colleagues, Senators BREAUX and KERREY on the other side, with the active leadership of Senators GRAMM and FRIST on our side, and others, because throwing money at Medicare is not going to save a system that is fatally flawed.

I wish to clear away some of the chaff that has been thrown out in discussions about Medicare by citing a fellow who I believe is a rather credible observer, David Broder. On March 15, he wrote an article that appeared in the St. Louis Post Dispatch, talking about the fury of some of the Finance Committee members in the Senate. He explained it. He said:

> The committee had just received prepared testimony saying in unusually blunt language that Clinton, far from cracking the Medicare problem, may be making it worse. Dan Crippen, the director of CBO, said that by transferring $350 billion from the anticipated budget surpluses to the Medicare trust fund, the Clinton plan would "delay the date of insolvency."
>
> But the transfer would do nothing to address the underlying problem: "Rapid growth in spending for Medicare. . .will still outstrip anticipated revenues."

Listen to what Broder said:

> The prescription drug benefits Clinton touted (but left out of his budget because he has no way to pay for them) "would be popular with beneficiaries," Crippen said, "but the additional program costs would be large."

Broder goes on to opine:

> By raising expectations, Clinton has made the Medicare problem worse.
>
> David M. Walker, the head of GAO, was even more biting. By proposing a large-scale shift of general revenues to a program now largely financed by payroll taxes, Walker said, the Clinton proposal "could serve to undermine the remaining fiscal discipline associated with a self-financing trust fund concept."
>
> Meantime, he said, "it has no effect on the current and projected cash-flow deficits" in Medicare and "would not provide any new money to pay for medical services." The Clinton program, he said, "does not include any meaningful program reform that would slow spending growth . . . At the same time, it could strengthen pressure to expand Medicare benefits in a program that is fundamentally unsustainable in its present form."

There you have it. You have the President's budget plan, which is smoke and mirrors as far as Medicare goes. We have had the testimony before the Budget Committee from the Director of CBO and the Director of the General Accounting Office. It does nothing for Medicare. It provides some transfer of trust fund balances and shifts money back and forth with funny accounting. It gives new life to that old meaning that, "I'm from the Federal Government, trust me. I am going to shuffle notes around and claim that we have solved some problems."

The Clinton plan puts more IOUs into Social Security that will increase the debt held by the public. It is likely that the plan that he has presented will actually increase the debt that my son and the children and grandchildren of this country will have to carry for the rest of their lives. By raising the debt, it does nothing to save Social Security; it just increases the burden. Oh, yes. And taxes. At a time when we are looking at surpluses, he increases taxes so there will be more money to spend. This is a real plan. These are not principles. This is what his plan does. If there are some in this body who think that the President outlined the right way to go, I would say show me. Show me your support for it. Here is what it does. Show me if you are willing to vote for it.

Mr. President, I don't know a lot of our colleagues who want to endorse a plan like that. I certainly wouldn't. But I appreciate the opportunity to give them the chance to speak up for the President's plan.

I thank the Chair. I reserve the remainder of my time.

Ms. SNOWE. Mr. President, will the Senator yield? Does the Senator intend to use the remainder of his time?

Mr. BOND. I would be happy to yield to any of my colleagues, or turn the time over to our distinguished chairman to allocate to such colleagues if they wish to speak on related areas. I would be happy to have the chairman of the committee allocate the time to any of our colleagues.

Mr. DOMENICI. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. DOMENICI. We have 14 minutes under the agreement on first-degree amendments. How much time would the Senator like? The Senator can have 14 minutes. There is still time on the bill.

Ms. SNOWE. No. Actually less, I say to the chairman. Mr. President, I want to speak on one facet of this issue, and I will speak again later. I thank the chairman. I appreciate his yielding me this time.

I had intended to address the entire issue of the budget resolution as a member of the Budget Committee, because I think this was an extraordinary process in the Budget Committee. I want to commend the chairman of the Budget Committee, Senator DOMENICI, for doing an outstanding job, and for his exceptional leadership in balancing the many issues that came before the Budget Committee in crafting a budget that strengthens and improves some areas of the budget, preserves the Social Security surplus, and also addresses an issue that the debate is now apparently focusing on, and that is, of course, the issue of Medicare.

The reason I decided to take to the floor at this time is because I thought it was important to talk about the issue of the Medicare prescription drug benefit in the budget resolution. First of all, I was somewhat surprised to hear the tenor of the debate that has occurred on the floor with respect to a particular provision—the reserve fund for the Medicare prescription drug benefit program that is included in the budget resolution.

I should point out that it was the reserve fund that will provide for the assurance and the guarantee that if we get a Medicare reform package, we will also be able to fund a prescription drug benefit program. Thanks to the chairman of the Budget Committee, who was willing to agree to use the onbudget surpluses as a way to preserve the prescription drug benefit program. I had offered an amendment in the committee that provided for a reserve fund for the prescription drug benefit program so that we would not have to have the 60-vote hurdle on the floor of the Senate in order to provide funding for that program. The very fact that we have a reserve fund in this current budget resolution allows for a prescription drug benefit program and gives all the more certainty that is going to occur.

We include language that that prescription drug benefit program is also contingent on a reform package that would advance the solvency of the Medicare program. I think we all agree that is of necessity, given the fact that the Part A program is going to go bankrupt by the year 2008. Given the fact that we now have a reserve fund for the prescription drug benefit program in this budget resolution, I think it will give confidence and will serve as a catalyst for reform of the Medicare program.

But what is also important here in this debate this evening—that is why I decided to take to the floor tonight at this time, I say to my colleagues and to the Senator from Oregon, Senator WYDEN—is to restore some bipartisanship and stability to this debate on this particular issue. The fact is my amendment which created the reserve fund for the prescription drug benefit program and Medicare garnered the support of all of the Democrats and all of the Republicans on the committee. It received a bipartisan vote of 21 to 1 in the Budget Committee—almost unanimous support for this provision. It received bipartisan support for this new Medicare prescription drug benefit, if legislation that reforms the Medicare program is reported out of the Senate Finance Committee.

Crafting that reserve fund ensures that there will be a prescription drug benefit program of some kind using the onbudget surpluses.

But what is important here this evening is to underscore the fact that it received overwhelming bipartisan support in the committee, because we recognize that there is a glaring need for prescription drug coverage in the Medicare package in the Medicare benefit program. Senator WYDEN and I will be working with senior citizens groups and health care experts over the coming weeks to develop bipartisan legislation to try to see what we can do to ensure that coverage is provided. But currently it is important for Members to understand that there is a reserve fund in this budget resolution for that very purpose.

I am somewhat surprised to hear the statements that have been made here on the floor of the Senate suggesting that somehow there is no coverage for a prescription drug program, that there is no way that there is any money for Medicare or the drug benefit program when nothing could be further from the truth. The fact is that was one of the issues in the Budget Committee that received overwhelming bipartisan support. That is the way we want to keep it. Senator WYDEN and I will be working to do just that, because we know that it is absolutely imperative that we provide this benefit to the senior citizens of this country.

Medicare currently does not provide that benefit. Yet, 12 percent of the elderly in this country are the ones who spend more than a third of all of the costs of prescription drugs in this country. So, therefore, we need to provide some kind of comprehensive package and benefit program for our senior citizens on how we do that. We plan to work on it over the weeks and months ahead.

But I do think it is important for Members to realize that there is a reserve fund for this purpose in this budget. It is not IOUs, as in the President's plan, I might add. In fact, as part of my amendment, it prohibits the transfer of these IOUs to the Medicare trust fund as proposed by the President. So they can't allow a transfer. That is an artificial benefit to the Medicare program. It doesn't essentially do anything to the Medicare program. I think we all recognize that. And, therefore, there is a prohibition against the transfer of IOUs to the trust fund, because it is not going to do anything to enhance the solvency of the Medicare trust fund. In fact, to the contrary.

We are going to try to do everything that we can, not only to use the onbudget surpluses, but any other additional funding that could be available to ensure that there will be permanent funding of the prescription drug benefit program in the future. We think it is absolutely essential. We think it is a priority. That is why it is in this budget resolution. And thanks to the leadership of the chairman of the Budget Committee, it happens to be there.

I hope Members will in no way denigrate what is in the committee resolution, because, if this provision wasn't in the budget resolution, we would have no way of assuring that there would be funding of the prescription drug benefit program that we addressed in the Medicare reform in this session of the Congress.

Mr. President, I hope that we understand exactly what is in this budget resolution.

I hope we do not make this a partisan debate. Many of us have worked across the aisle to ensure that we maintain bipartisanship when it comes to the reforming of the Medicare program. We hope we can preserve that approach. We will continue to do everything that we can to ensure that is the case. That is why I am pleased to have been able to work with Senator WYDEN to see how we can further develop initiatives to ensure that prescription drug benefit program does get funded in this budget and in this reform effort of the Medicare program in the future.

I want to make sure Members understand. If this reserve fund was not in the budget resolution, which was supported on a bipartisan basis, there would be absolutely nothing for prescription drugs. Because the President did not provide anything for prescription drugs. There was not one penny that was provided for, as far as this benefit is concerned, in his budget; not even a plan. So there was no mechanism and this reserve fund establishes this mechanism. It was supported by almost everybody on the Senate Budget Committee.

Now I will be pleased to yield to my colleague from Oregon, Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank my colleague from Maine.

Mr. DOMENICI. Will the Senator yield?

Mr. WYDEN. I will be happy to yield to the chairman.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I know everyone is wondering when we are going to vote. I ask unanimous consent we will start rollcall votes at 8 o'clock and we will have at that time stacked—you can write this up for me in more eloquent language if it needs it—Ashcroft, Conrad, Bond, and I assume it is Wellstone-Johnson or Johnson-Wellstone, and if we have time we will call Senator SPECTER down before that and have that one. Those will be at least the four that will be stacked and we will see what happens after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Is it the intention of the chairman that we have these votes consolidated, the first one maybe the regular 15, and then 10-minute votes after that?

Mr. DOMENICI. I think what I ought to do is let that sink in around here first before we see if anyone would really complain to a shortened timeframe.

I thank Senator WYDEN for yielding to me.

Mr. LAUTENBERG. Mr. President, I yield up to 10 minutes off the resolution to our colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the Senator from New Jersey for giving me this time, and also, before he leaves, the chairman of the full committee, Senator DOMENICI. Since I have been here, both Senator LAUTENBERG and Senator DOMENICI have worked very closely with me on a special passion I have in terms of public service, which is health care. I thank them for all their assistance.

Let me also say to the Senator from Maine, I am so glad she has been willing to put in all this time on this issue because it seems to me, colleagues, that after the Medicare Commission it is especially important that the Senate demonstrate that it is possible to take on this Medicare issue in a bipartisan fashion. The reserve fund that Senator SNOWE and I have developed, that will be perfected tomorrow, is going to allow for a significant step forward in Medicare reform. It is an addition to the Medicare program that is so important to the vulnerable elderly, but also will ensure it is responsibly financed.

Suffice it to say, the legislation Senator SNOWE and I have pursued is not going to be seen as perfection to partisans on either side. But I will tell you the seniors that we represent, and there are more than 20 percent of them who spend over $1,000 a year out of pocket on their prescription medicine, they are going to say this legislation is a significant step forward.

We have millions of older people in this country who are walking on an economic tightrope. They are balancing their food costs against their medical bills and their medical bills against their housing expenses. They do not want to see the Senate spend its time bickering about Medicare reform. They want to see, as Senator SNOWE has just said, the Senate get serious about real reform as we have tried to do with the overwhelming vote that we got in the Budget Committee on the question of prescription drugs.

I think it is well understood we are literally on the cusp of a pharmaceutical revolution today. A lot of the therapies and the drugs and devices today constitute perhaps the very best health care preventive program we could have in our country, because what they do is prevent unnecessary hospitalizations. They keep older folks out of these acute care facilities.

I say to the Senate today, if we can take the first step, the first step in the next couple of days, with this breakthrough in Medicare in terms of covering pharmaceutical services, I think it will also constitute a breakthrough in terms of preventive health care, because I believe a lot of these new medicines can prevent hospitalizations and costly institutional care.

As the Senator from Maine has indicated, the heart of our bipartisan proposal is to stipulate that a portion of the onbudget surplus could be used to meet the needs of vulnerable older people. I will also say I think as the Senate Finance Committee goes forward with this issue—because, of course, it will be their job to actually craft a number of the details of this legislation—it will be possible for the Senate Finance Committee to look at a variety of ways to fund this important breakthrough in Medicare reform. But the bottom line is they will have some options in looking at this issue because, as part of the budget process, we will have set out a general outline, the overall parameters of what really would be after the Medicare Reform Commission has reported—and we have seen the frustrations that surround it. We can then say to the country we at least have made the beginnings of real Medicare reform, responsibly financed.

I will also say I think as we go forward we ought to make some tough choices with respect to this drug benefit. Perhaps not all of our colleagues agree, but I happen to think the Senate should not say that Lee Iacocca ought to have access to the same kind of prescription benefit as would an elderly woman, a 78-year-old who has Alzheimer's, an income of $13,000 a year, and a prescription drug bill out of pocket of $2,000. I do not think we ought to treat those two the same. But that is an issue we can talk about as this legislation goes forward.

I indicated I would be brief. I want to wrap up by thanking our colleague from Maine, Senator SNOWE. She and I have been active in these senior issues since our days in the House of Representatives. I want to tell her I think it is especially helpful that she has been willing to come forward and lead this kind of bipartisan effort after the frustrations of the Medicare Commission so we can show the country we are at least making a beginning.

I know a number of our other colleagues care greatly about this issue. Senator KENNEDY from Massachusetts has been a leader in this effort to extend prescription drug coverage as well. He and I both feel strongly that the key to getting started with this issue is to use a portion of the onbudget surplus to make sure seniors, vulnerable seniors, will have access to this benefit.

I think there is a reason that the Senate Budget Committee voted 21 to 1, I believe, for this benefit. We are going to refine it in the next day or so, but I think we are showing the country we can expand coverage for the vulnerable and do it in a responsible way. I hope our colleagues will support our effort in the next day or so as we move to a final vote on that.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, may I have 2 minutes?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to congratulate our friends and colleagues from Maine and from Oregon for their focus on the issue of prescription drugs. I look forward to the proposal that we are going to have tomorrow.

I am looking through the reserve fund language now. There are a number of constraints on the reserve fund. For example, before that reserve fund can be triggered, there has to be the guarantee that there is going to be financial solvency for Medicare from anywhere from 9 to 12 years, without any revenues from the President's program or other sources.

I wonder how we could possibly meet that requirement without having dramatic and significant cuts in the Medicare program. I welcome the opportunity to have a reserve fund that can really do the job on this issue. I welcome the chance to work with our colleagues to make sure that it is done. Hopefully, we can do it in a way that is going to be meaningful, because we do not want to represent that we are making significant progress in the area of expanding access to prescription drugs without really doing so.

I know the Senators from Maine and Oregon are really interested in the substance of it. I know they want to do the right thing. The current proposal is unacceptable, but I look forward to supporting efforts to make sure that we get a substantial downpayment to provide prescription drugs in Medicare this year.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to respond to the amendment which was offered by the Senator from Missouri, who had essentially presented President Clinton's budget recommendations to us. I want to make note of a couple of things.

While I support the direction of the President's budget, I am going to oppose this amendment, because I believe it isn't a serious attempt to enact the President's plan. Rather, I see it as a transparent political gimmick that has been reviewed in our committee and voted upon. Democrats, like Republicans, voted against the budget. That does not mean we are against the general theme or the thrust of the President's budget. There are things in the budget that we want to examine specifically.

Frankly, I think it is pretty obvious that it is designed to discredit the President's budget. It dismisses the contribution to Medicare that we have established in some of the amendments we tried to offer in the Budget Committee discussions on the budget resolution.

What I heard said was that if we are serious about reform, then we ought to get on with it. The fact that we are going to increase the longevity of Medicare from 2008 to 2020, a period of 12 years, is dismissed as casual, trite—"chaff" was the word that was used—as not being serious. On the other hand, what I heard the Senator say is that he was looking at reform. He thought there was a good program that was proposed there, a proposal that would take higher deductibles, higher co-pays, perhaps reducing some of the hospital availability.

That sounded like what the Senator was proposing in terms of his view of what we had to do with Medicare, that his reform was designed to, other than adding financial stability to it, to do these other things.

Well, maybe he wants to discuss the Medicare reform this evening, because it looks like, in its present condition, some of the changes in the program would be fairly painful to the Medicare beneficiaries.

One of the things I do not think I made clear in my remarks before, when I responded to the challenge to capitalists, one of the things that causes me to want to pay my share, whatever that fair share is, to support the programs that this country offers, like health care through Medicare, like a chance at an education, like a chance at a job, like a chance to bring children up in a safe environment—that is why we have our police program adding 100,000 policemen to the streets of our cities—like adding teachers, like reducing class size, I want to live in that kind of a country. I want to live in the kind of a country that says people who are in the middle, people who are hardworking, people of modest income, people are not looking at this society and saying: Wow, it is really unfair; those guys, those people at the top, get everything, and we are left with the dregs.

Not so. That is why this country, despite its growth, its absorption of different cultures and ethnicities, is able to get on so relatively peacefully. Why? It is because people believe they have a chance at success. That is the way I want to do it. I want to make my contribution. It is made by way of taxes. It is made by way of other things that many of us do, whether it is philanthropic activity or otherwise.

I want to do it, because I want to do it for my children. I do not want them to live in a society where everybody is so angry that they want to take it out on my family and other families. We have enough of that violence on our streets and in our communities. I want to get rid of that.

You either pay or you hire security guards or you make sure your burglar alarm is on every minute of the day and night. That is the condition we have arrived at.

I see a lessening of that. I see a lessening, very frankly, of the racial distrust that exists. It is not perfect by a longshot. That is what I see as America.

I am happy to say that if you make $800,000, you pay and you don't get a $20,000 rebate. I want to trust this Government that those of us here have a share of running and say, OK, we will watch you; we will watch the way you spend the money and so forth. But I do not see the kinds of result that others talk about here at times, throwing your money to the Government where they put it down the drain, where they squander it on things, where they just disregard the importance of the resource. I don't see it.

What I see is that this is a trick tactic. This presentation of the President's budget is designed to embarrass Democrats, and the majority is proposing an amendment that they intend to oppose. This is an amendment that is being offered that is going to be opposed by the offerer. That should make it clear enough that this is political hijinks and not a serious amendment.

We should not spend our time debating every dot and comma in the President's budget, because every one of us can find something to criticize in that budget. Republicans have the luxury of not presenting a budget that goes into the same level of detail as the President's budget. Their budget, the Republican budget, is a rough outline, and that is what we should be debating here—basic principles, broad outlines of the budget. I think it is clear that there is broad Democratic support for the framework in the President's budget.

The President wants to reserve 77 percent of projected surpluses to reduce debt, save for Social Security and Medicare, and I think that is the right approach for our future. But the Bond amendment is not asking us to support the general approach of the President's budget. It is asking us to support the entire budget, that presumably means that every single item in that budget is satisfactory.

Mr. President, if I can lift it, I want you to take a look at the President's budget. This is the size of the President's budget. It has 1,291 pages, and that is what we are being asked to approve tonight in this gimmicky amendment that we are looking at.

I think the public sees through this. Certainly Senators see through it, even some of those who are on the side of the proposers. I ask if any Senator wants to endorse every single number in this volume. I doubt it.

I turn to page 105 of the budget. It says that we should provide $400 million for the Dairy Recourse Loan Program. There might be some in here who like that program, but I bet you that the majority are not going to like it, and I am not sure we should be endorsing that specific kind of a figure here today.

There are literally thousands of other very specific numbers in this budget, and nobody here is fully familiar with it. Nobody is going to agree to all of these numbers and these conclusions. But that does not mean we are repudiating the general theme of the President's budget, and no one should be confused about that.

I am going to ask my Democratic colleagues to join me, and all those who want to make sense out of what we are doing here and want to be serious, to vote against this amendment because it is, again, designed, I think, to be hijinks, tricks, gimmicks.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, does the distinguished Senator from Oregon desire to ask the Senate something?

Mr. SMITH of Oregon. Mr. President, I have an amendment that Senator SARBANES and I wish to offer. It will take but a few minutes, if we can do that. I think it will be accepted by both sides.

Mr. DOMENICI. We have agreed that we are going to vote at 8 o'clock. We have another amendment to take up. I hope you will not take too long. Do you think you can do it in 2 minutes?

Mr. SARBANES. Two each?

Mr. DOMENICI. Two each, that makes 4. Go ahead.

AMENDMENT NO. 152

(Purpose: To express the Sense of the Senate on providing adequate foreign affairs funding)

Mr. SMITH of Oregon. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself and Mr. SARBANES, proposes an amendment numbered 152.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section and number it accordingly:

SEC. . SENSE OF THE SENATE ON PROVIDING ADEQUATE FUNDING FOR U.S. INTERNATIONAL LEADERSHIP.

(a) FUNDINGS.—The Senate finds that—

(1) U.S. international leadership is essential to maintaining security and peace for all Americans;

(2) such leadership depends on effective diplomacy as well as a strong military;

(3) effective diplomacy requires adequate resources both for embassy security and for international programs;

(4) in addition to building peace, prosperity and democracy around the world, programs in the International Affairs (150) account serve U.S. interests by ensuring better jobs and a higher standard of living, promoting the health of our citizens and preserving our natural environment, and protecting the rights and safety of those who travel or do business overseas;

(5) real spending for International Affairs has declined more than 50 percent since the mid-1980s, at the same time that major new challenges and opportunities have arisen from the disintegration of the Soviet Union and the worldwide trends toward democracy and free markets;

(6) current ceilings on discretionary spending will impose severe additional cuts in funding for International Affairs; and

(7) improved security for U.S. diplomatic missions and personnel will place further strain on the International Affairs budget absent significant additional resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that additional budgetary resources should be identified for function 150 to enable successful U.S. international leadership.

Mr. SMITH of Oregon. Mr. President, my friend from Maryland and I rise today to offer a sense of the Senate out of the concern for the 150 account out of the U.S. budget. It is an account that funds our efforts abroad, our foreign relations.

As we speak this evening, bombs are falling on Serbia. I simply note that there are a lot of bombs falling in the world today. It seems like more all the time. Yet, since the mid-1980s, our foreign affairs budget has fallen by 50 percent.

I supported the President last night. It was a difficult decision. We are picking among bad options, but, frankly, a good option for us is to wage more peace, a little less war. It seems to me we ought to find a way to limit within the caps but recognize the value to this country of waging peace through diplomacy.

Senator SARBANES and I have held hearings, at the instruction of the chairman, on the 150 account in the last Congress and share a concern about the direction of the 150 account and stand together today to offer this and hope that the Senate can find the resources to do better by our efforts at waging peace.

I turn to my colleague from Maryland, Senator SARBANES, and yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the able Senator from Oregon for joining in this initiative. This is an effort to focus attention on the need to provide adequate funding for International Affairs, the so-called 150 account, which is essential for maintaining our security and building peace. U.S. international leadership requires effective diplomacy, which is in many ways our first line of defense. If we do it effectively, we do not have to resort to using our military strength.

I want to make it very clear that the chairman of the Budget Committee has been sensitive to this problem. We appreciate the constraints within which the committee has had to work, and in the past the chairman has been responsive to our concern.

Secretary Albright, of course, has just made some very strong statements about how pressed and handicapped she feels by the funding levels proposed in this budget. This amendment is an effort to show that the Members of this body recognize the importance of providing the necessary resources for the conduct of U.S. diplomacy, and our intention, as we move through this budget process, to find additional funds with which to address the programs in the 150 account.

We have an urgent and sustained requirement to provide for upgrades in embassy security. We do not want to take that out of the other international programs, because that account is already at rock bottom—indeed, below rock bottom.

Mr. President, recently I received a letter from the Coalition for American Leadership Abroad, which stated in part:

> We are deeply concerned that over the last decade our institutions, programs, and the necessary resources to support diplomacy, America's front line in today's world, have been seriously impacted by budget cuts. Our organization, the Coalition for American Leadership Abroad (COLEAD), a nonpartisan coalition of 37 non-profit foreign affairs organizations, seeks to support and strengthen American engagement in world affairs. We believe that we should not withdraw from the world and that American leadership in world affairs is not only vital for our national interests and security but also to build a better world community. We should not turn our backs on the 95% of mankind beyond our borders.
>
> U.S. funding for our diplomatic effort, in its many forms, has decreased by some 50% in real terms over the past dozen years. We are especially concerned about the projected downward trend in the foreign affairs budget for the next three years. Thus, we need to restore a rational sense of balance and proportion to our funding allocations for programs that preserve and protect our interests abroad. Effective American diplomatic leadership cannot exist without resources. We strongly believe that the time has come to examine American interests and programs in order to develop a broad bi-partisan consensus which would gain public and leadership support. We need to develop a better and wider consensus about how best to support these efforts in terms of institutions and resources. Our goal should start and end with a stronger America abroad, rather than a weaker nation in world affairs.

Mr. President, hopefully, as we work through this budget process over the coming weeks and months, we will be able to find a way to respond to the challenges that we are facing with respect to the various programs and policies that are contained in the 150 account.

As Secretary Albright has pointed out, there is a clear and present danger to American safety, prosperity, and values if we do not adequately address the resource question.

I am very hopeful that we will be able to come to grips with this in a realistic way, and I appreciate the initiative of my distinguished colleague from Oregon in this regard. This is simply a call to begin confronting this problem as we move down the budget path. I am pleased to join in support of this amendment.

Finally, Mr. President, I ask unanimous consent that an article by Robert Oakley be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 16, 1999]

NICKELS AND DIMES FOR THE STATE DEPARTMENT

(By Robert Oakley)

There is an urgent need for the president, the Office of Management and Budget, the State Department and Congress to increase funding for the newly reorganized foreign policy establishment. This need starts with the unbudgeted security improvements of some $10 billion identified by the Crowe Report but does not stop there. As it is, a large part of the additional—but inadequate—funding already requested for security will come at the expense of substantive personnel and operations, which are already hurting badly. This is directly contrary on Adm. Crowe's warning that "additional funds for security must be obtained without diverting funds from our major foreign affairs programs."

In the immediate aftermath of the African embassy bombings, the State Department consulted with OMB and agreed upon an FY 1999 emergency supplemental request of $1.4 billion for immediate security needs in Nairobi, Dar es Salaam and worldwide, including more than $250 million for additional security personnel. For FY 2000, OMB has approved the request of an additional one-time security increase for the State Department of $3 billion, using the gimmick of an advance appropriation "borrowed" from FY 2001–2005. This is far below what Adm. Crowe recommended. Moreover, this approach is almost certain to damage seriously through FY 2005 the continuing substantive operations of the reorganized State Department (including the U.S. Information Agency, the Arms Control and Disarmament Agency and the Agency for International Development), given the ceilings currently stipulated by OMB and the balanced-budget act.

One has heard and read a great deal during the past year about serious problems of readiness, morale, retention and recruitment of the top-flight men and women of our armed forces. Action has been taken to correct these problems. We have also heard about accumulated difficulties affecting our intelligence agencies. Here, again, major increases in funding have been provided to assist the CIA. No such action has been taken, and none appears envisaged for the foreign affairs agencies, although we are in a period of relative peace rather than under the threat of the Cold War. The last assignment cycle of the Department of State had 3,300 vacant positions but only 2,700 people to fill them.

There is no question that our military and intelligence personnel and operations have been seriously stressed by the large number of unexpected crises over the past decade (Somalia, Haiti, Bosnia, Kosovo, Sierra Leone, Congo, etc.), yet deployments of military forces have been matched by the need for additional civilian personnel in equal or greater proportion. Conflict, prevention, containment and resolution require civilian personnel from the State Department, USIA and AID. They not only manage their own, new programs but also assist the United States and other military forces and international and non-governmental organizations to take the comprehensive approach required for success.

This involves much more than important negotiations by experienced diplomats such as Dick Holbrooke, Chris Hill and their teams. It also means humanitarian assistance, monitoring of human rights, promotion of democracy, processing of refugees and controlling displaced persons outside this country, and rehabilitation of economic, political and security institutions.

Aside from the crises and conflict-related civilian activities, there have also been increased requirements to promote U.S. business interests in the era of globalization, protect U.S. citizens, generate cooperation by other governments in preventing the proliferation of weapons of mass destruction and confronting narcotics, terrorism and organized crime, and deal with pollution and disease before they threaten the United States. Much of this is mandated by Congress. All of this is important for U.S. national interests.

Prominent senior statesmen have recently completed two major studies of the State Department and the conduct of foreign affairs for the Stimson Center and the Center for Strategic and International Studies. They identify major shortcomings and call for major improvements in our civilian foreign affairs agencies. This will require substantial additional funding, yet the trend has been and apparently will continue to be the other way. The security problem highlighted by Adm. Crowe's report, his followup letter and public comments is only part of this growing problem.

Some say that OMB and Congress are not really interested in more money for foreign affairs because the matter does not have the domestic political appeal and support that our military and intelligence establishments enjoy. Let us hope that this is not the case. It is very doubtful that the large numbers of American people who travel or have business interests abroad, or who worry about the global economy and the global environment, feel this way. They would understand and support an increase for combined State Department operations and security. The amount needed is small compared with increases for the Defense Department. The State Department must fight harder in requesting what it really needs, and the president must reinforce the request so that Congress will be able to debate and decide upon what to approve.

Mr. FEINGOLD. Mr. President, I rise in support of the amendment (Amendment # 152) being introduced today by the Senators from Oregon [Mr. SMITH] and Maryland [Mr. SARBANES].

This amendment expresses the Sense of the Senate that the resources identified in the underlying budget resolution for Function 150 (International Affairs) be sufficient to enable successful U.S. international leadership.

Mr. President, this is an enormously important amendment that comes at a critical time. Function 150 encompasses the majority of our international programs including the operating budget of the Department of State. Representing barely one percent of our entire federal budget, our investment in Function 150 is the American investment in our national security.

The post-Cold War era has brought with it new challenges and new responsibilities for the world's only remaining superpower. Yet real spending for International Affairs has declined more than 50 percent since the mid-1980s.

Mr. President, national security can not be viewed solely through a defense lens, but also must comprise all the critical preventative measures offered through an active foreign affairs program. This means continuing to be active in fighting the spread of disease and drugs, providing adequate nutrition for children and families, and pursuing U.S. goals in arms reduction. I also believe we should continue to make appropriate contributions to the multilateral institutions, in particular the United Nations, on which the United States relies.

In short, Mr. President, only through committed support to both diplomacy and defense can we utilize all the tools available to us to protect our national security and advance our overseas interests.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

Mr. LAUTENBERG. No objection.

Mr. President, I just say that I commend both the Senator from Oregon and the Senator from Maryland for offering this. I think that it is appropriate that we, as we assert our military might into the world arena, try to establish the fact that we obey and want to see the rule of law observed, and yet we do not always pay our bills as we should. I think that is kind of a contrary action to be taking. So I know the chairman is going to agree with me.

As I see members of our committee, I say to Senator DOMENICI, I see people who are thoughtful and working hard, regardless of which side of the aisle. We can get argumentative at times, but I am proud to work with the members of the Budget Committee. I am particularly, obviously, impressed with the work that is done by my colleagues on my side, but that does not mean that I am not equally as impressed with what happens with colleagues on the other side. It is just that we disagree on some things.

So I wanted to make that statement.

Mr. Chairman?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I have no objection to the resolution. I hope that we can find the resources that are alluded to. I do not think there should be any false hope. It will be very difficult, unless they somehow or other decide to do something completely different from this budget. I regret that we had to establish priorities.

But I have great empathy. Since we live in this very tumultuous world, we do want our foreign policy to be funded as well as possible. We will work together and, hopefully, you will succeed.

Thank you very much.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 152) was agreed to.

Mr. DOMENICI. Mr. President, we are going to go on to the next amendment, which I understand is an amendment regarding veterans. But I just want to take 3 or 4 minutes and talk about the President's budget. I note my good friend, Senator LAUTENBERG, was talking about Senators should not use words like "embezzlement" and that kind of thing to describe other people's motives. I do not think he should use the word "gimmick" either. He called this proposal a gimmick. It is no gimmick at all.

In the committee, we just adopted the President's budget by a sense of the Senate. In this one, they actually prepared a budget that looks like our kind of budget; that is, the President's budget. It took a lot of time. We used the Congressional Budget Office, and it is right. If you want the President's budget, in a broad sense, you vote aye on the Bond amendment.

Frankly, it is difficult for me to see those who have been praising the President with reference to two very, very important things—Social Security and Medicare—vote against this budget, because I do believe that is a recognition that on neither count does the President's budget do what it says. Because I believe if it was a good Social Security proposal and a good Medicare proposal, those who are advocates for those two programs on the other side would be voting for it even if the rest of it was not right up to snuff because those are the big issues.

The truth of the matter is, 100 Senators already said, in an early vote, on Senator ABRAHAM's amendment—100 Senators—the President's approach to saving the Social Security trust fund is wrong. Now, they might want to turn around and vote for the budget anyway, but they already said, "We don't want to spend $158 billion of the Social Security's money on programs." That was the vote.

Senator BOND says, "Do you like the President's budget enough to vote for it?" That is one of the things you would be voting for. I guarantee you, if that budget of the President's really fixed Medicare, there would be no one on the other side who would be voting against this, because they would be ashamed and embarrassed to find somebody to ask them, "How come you voted against this wonderful fix, reform, saving of the Medicare system by the President?" It is because it does not do that. That is why.

So I do not think we need a lot of time trying to find excuses. It is a pure, simple vote, up or down. Do you want the President's budget, with all its claims for Social Security and Medicare, or do you not? I do not think there would be very many Senators who say they do. And that ought to take care of the issue once and for all as to this President running around saying what he does and what we don't do. Now, he can talk about what we don't do, but he surely can't talk about what he does. I guess he can, but he would have to acknowledge, if he wants to be fair, that nobody in the Senate agrees with him.

I yield the floor.

AMENDMENT NO. 153

(Purpose: To increase funding in FY 2000 for veterans' health care by taking an across-the-board cut in all discretionary programs, except veterans and defense)

Mr. JOHNSON. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON] for himself, Mr. WELLSTONE, Mr. CONRAD, Mr. KERRY, Mr. REID and Mr. JEFFORDS, proposes an amendment numbered 153.

Mr. JOHNSON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31 line 23 strike “44,724,000,000”. and insert “46,724,000,000”.

On page 31 line 24 strike “45,064,000,000”. and insert “47,064,000,000”.

On page 38 line 15 strike “8,033,000,000”. and insert “10,033,000,000”.

On page 38 line 16 strike “8,094,000,000”. and insert “10,094,000,000”.

At the appropriate place insert the following:

“(A) It is the sense of the Senate that the provisions in this resolution assume that if CBO determines there is an on-budget surplus for FY 2000, $2 billion of that surplus will be restored to the programs cut in this amendment.

“(B) It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of these offsets will come from defense of veterans, and to the extent possible should come from administrative functions.”

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. I ask unanimous consent that my legislative director, Dwight Fettig, be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. I ask unanimous consent that the Senator from Minnesota, Mr. WELLSTONE, be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. As well as the Senator from North Dakota, Mr. CONRAD, and the Senator from Massachusetts, Mr. KERRY, and the Senator from Nevada, Mr. REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I think we can engage in this debate in a relatively brief amount of time. But it is, I think, an issue that is fundamental. I applaud the Budget Committee chairman, Mr. DOMENICI, for working to try to find ways to augment the veterans' health care budget for the coming fiscal year.

The Presidential budget called for a flatline budget going on for 4 years. We have had 3 years already in the flatline budget at the VA, despite the fact that we have an enormous number of World War II age vets needing a greater amount of medical care and that we have increased inflation in health care costs.

The independent budget, prepared by prominent veterans organizations in this country, has proposed conservatively that we need an additional $3 billion for veterans' health care in the coming year. Chairman DOMENICI has provided for a $1 billion increase. I applaud him for that but recognize that still falls far short of where we need to go.

It is clear, from testimony that this Congress has received, that if we do not make some further adjustments upward we are going to wind up with a train wreck in terms of veterans' health care. We are going to wind up with mandatory employee furloughs, a severe curtailment of services, or the elimination of programs and, inevitably, facility closures around this country.

The amendment pending before the Senate would add the additional $2 billion to provide for that $3 billion increase for fiscal year 2000. The offset would come from an across-the-board reduction in the nondefense discretionary budget for this year.

Along with that goes a sense of the Senate that states:

(A) It is the sense of the Senate that the provisions in this resolution assume that if CBO determines there is an on-budget surplus for FY 2000, $2 billion of that surplus will be restored to the programs cut in this amendment.

(B) It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of these offsets will come from defense or veterans, and to the extent possible should come from administrative functions.

We clearly have a crossroads we need to deal with here, Mr. President. We have to make some decisions now whether this country will remain committed to our veterans, remain committed to the people who have given us the ability to speak here on this floor.

Earlier this year, we passed S. 4 having to do with retaining the best, the brightest of our military personnel. It seems to me that this follows on in that same general logic, recognizing that it is futile for us to ask our military personnel to stay with us, to continue to put their lives at risk, to put up with all the hardships that they and their families suffer serving in our military, if they look around and find we have reneged on our commitment to their fathers, to their uncles, to the generations that have gone before them.

If we do that, we undermine our very attempt earlier on this year to retain these people in our military service. At a time when we are yet again undertaking a military action, in Kosovo, where the best and brightest of our military personnel are, in many instances, jeopardizing their lives once again for us, it seems to me it is not asking too much for our Senate to provide for a full health care budget, adequate to meet the needs of our U.S. military veterans.

I hope we will be able to continue this level of funding in future years. This amendment applies only to fiscal year 2000. We will have further opportunities to talk about what needs to be done next year as we deal with the budget resolution again, as we deal with the appropriations process, as, hopefully, projected budget surpluses will occur and we will have those opportunities to use those kinds of surpluses for offsets that will make sense.

However, it appears to me that the amendment, put together with the extraordinary assistance of the Senator from Minnesota, Mr. WELLSTONE, and his staff, as well as with the budget staff, creates an offset that is as painless as we can provide while, at the same time, providing for this $2 billion infusion that is so badly needed, if, in fact, we are going to live up to our word to our American veterans.

Mr. President, I reserve the remainder of my time and yield such time as he may consume to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I thank my colleague, Senator JOHNSON from South Dakota. We have been working pretty closely with the veterans community and, in particular, from the time they came out with their independent budget. I have read that very carefully and I think this work by Veterans of Foreign Wars, DAV, PVA, and AmVets is a very important document. I might also add that many other organizations all around the country have added their strong support to this independent budget.

In addition to talking about the independent budget, let me discuss what the veterans community has said based upon their own very careful assessment of this. We start off with the President's flatline budget which is woefully inadequate. Let me say right away as a Democrat, I think the budget is woefully inadequate, and certainly the President's budget was no way to say thanks to veterans.

The Budget Committee has called for an increase of $1 billion, but that still leaves a $2 billion shortfall. I want to also quote from a letter from the Senate Committee on Veterans' Affairs to the Senate Budget Committee which pointed out that the VA is facing $3 billion in costs above and beyond what was proposed in the President's budget. That would make it $2 billion right now given the $1 billion increase we have in the budget resolution.

I will quote the precise figures from the Senate Veterans' Affairs Committee:

> * * an additional $1.26 billion to meet unanticipated spending requirements; an additional $853.1 million to overcome the effects of inflation and other "uncontrollables" in order that it may contain current services; and at least $1 billion in additional funding to better address the needs of aging, and increasingly female, veterans population.

In other words, our own Senate Veterans' Committee, under the able leadership of Senator SPECTER and Senator ROCKEFELLER, has basically echoed the same analysis of the independent budget. This is specific and it bears out what I have heard from veterans at rallies. The veterans community is very galvanized on this question. I have heard stories or received letters from veterans at our office—I am sure Senator JOHNSON gets the same kind of letters from the veterans community.

The budget resolution goes a third of the way toward covering this cost. We need to go all the way for the veterans community. We don't ask our troops to take a third of a hill, we don't ask them to win a third of a battle, and in this particular budget we ought not to go just a third of the way toward providing the resources so that we can get good medical care to veterans in this country.

Both in the President's proposal and in the budget resolution that we have before the Senate, the veterans are not a top priority. There is no doubt whatever that we should be doing much better. This amendment that we introduce tonight does the job.

Let me put this in personal terms for a moment. I don't want to see a good friend, Lyle Pearson from North Mankato—a decorated World War II vet, past commander of the national Disabled American Veterans—I don't want to see him in a position where he doesn't receive the kind of decent health care coverage that he deserves. I don't want to see an ever aging veterans population not receiving the kind of assisted care they will need. Many of our veterans are elderly.

The question is, How will we respond to that? I don't want to see a third of the homeless population continue to be veterans, many of them struggling with substance abuse problems, many of them struggling with posttraumatic syndrome, many of them Vietnam vets. I think we can do better. I don't want to see the kind of backlog we have right now.

Let me just simply talk about veterans in Bangor, ME, who were concerned after a VA inspector general report noted their outpatient clinic had a 10-month backlog of new patients. Things were so bad last fall that the clinic couldn't see walk-in patients or urgent-care patients and there was a 4-month wait to see the clinic's part-time psychiatrist.

Veterans in Iowa are facing the possible closure of one of three major veterans hospitals because of the budget shortfalls. The Veterans Under Secretary of Health, Kenneth Kizer, warned that the VA health care system is in a "precarious situation." Under Secretary of Health for the Veterans' Administration, Ken Kizer, went on to say that the proposed fiscal year 2000 budget—and he was talking about the President's budget—posed very serious financial challenges and that it would require a number of different things that might happen if, in fact, we don't provide adequate funding. Among them:

> . . . mandatory employee furloughs, severe curtailment of services or elimination of programs and possible unnecessary facility closures.

Let me be really clear about the amendment we have introduced. The veterans community was asked by the Congress—they are always asked—to give their positive proposal about what we need to do to have a budget that will serve their needs so that we can live up to our commitment to veterans. We have the independent budget. It was done well. We have a Senate Veterans' Affairs Committee which came out with its own report that said we have a $3 billion shortfall here between what the veterans community needs by way of a real investment in health care and veteran services and other services, versus the President's budget proposal. The President's budget proposal was unacceptable.

Now the Budget Committee brings a resolution before the floor and adds an additional $1 billion, but we are still $2 billion short. We ought not to go just a third of the way. We ought not to make estimates that make it clear that if we are really serious about our commitment to veterans, we are going to make up this $3 billion debt. We ought not say that and then not reflect that in our budget resolution.

My colleague, Senator JOHNSON, has done an excellent job of summarizing the offset, and I do not need to repeat it. I conclude this way: I have never, in my 8 years in the Senate, seen the veterans community so galvanized and so focused on any question. There is a tremendous amount of anger. People are smart. Four years of flatline budgets have not served the veterans community well. This budget by the President and what we have in the Budget Committee resolution does not go far enough. It doesn't do the job. It does not enable us to live up to our commitment to veterans. I feel very strongly about this.

This amendment we have introduced tonight provides the funding that will make sure we have the health care and decent services. It lives up to the very words that all of us have spoken as Senators. If we are serious about our commitment to veterans, then we have an opportunity to show that commitment and to vote for this resolution that Senator JOHNSON and I and other Senators have introduced.

Mr. KERRY. Mr. President, I want to take a few minutes today to share with my colleagues my support of this amendment—offered by my friend from South Dakota, Senator JOHNSON—an amendment which would increase funding for veterans health care services by $2 billion for Fiscal Year 2000. I believe that this funding level is necessary for the VA to provide the high quality of care it promises our Nation's veterans. It is absolutely critical that we reverse the downward trend in VA health care funding and address the abhorrent deficiencies that exist currently in our VA health care system. We, as a nation, must keep our commitments to ensure that our Nation's veterans receive consistent, high-quality, and reliable health care services.

I am convinced we cannot fulfill these commitments under the current level of funding provided both in the Administration's budget request and in the Chairman's mark which came out of the Budget Committee. I have expressed my concern in a number of letters to the Administration, both before and after their budget numbers came over to Congress—as I know many of my colleagues in both the House and Senate have done—about the Administration's decision to maintain a flat-lined budget for VA health care for the fourth consecutive year.

I also recently met with VA Under Secretary of Health Kenneth Kizer to make him aware of the severe effects that this level of funding has had already in Massachusetts. I told him that many of our VA hospitals and clinics are under serious budget strain and cannot provide sufficient care to the many veterans who need—and rightly deserve—to receive it. I expressed my concern that VA Hospital Directors have contacted me to say that, if they have to incorporate the same cuts in the coming fiscal year as they did this year, they will be forced to close wards, eliminate programs, and reduce staff. In fact, this already is happening.

In the Brockton, Massachusetts VA hospital, service providers have made it clear to me and my staff that they aren't able at times to provide adequate care for their patients. They are being forced to move psychiatric patients out into the community long before they are ready. The hospitals are unable to sufficiently help homeless veterans struggling with substance abuse problems. All of these troubles in taking care of our veterans are the result of one problem—today there is not enough money to care for those veterans who so badly need our help.

Our Northampton VA hospital—which has a nationally renowned reputation for its care of combat-wounded veterans—is facing the same challenges as the hospital in Brockton. They have a Post Traumatic Stress Disorder Unit there in Northampton—the only one of its kind in the entire Northeast. Veterans come hundreds of miles to find help in either putting their lives back together or keeping them from falling apart. The unit is always filled to capacity and requires a full-time, experienced staff that can address the needs of veterans who go there. But because we aren't doing right by our veterans, that unit is in jeopardy. Three years ago, this unit had a dedicated staff of twenty. Today, it has fourteen. There is only one overnight nurse to deal with 25 combat veterans. I don't believe this Senate can say that the quality of care in that unit has not been diminished.

These examples are part of a far broader crisis in veterans health care. Consider the VA nurses who haven't seen a substantial vacation for as long as they can remember and haven't received pay raises in five years, years when our economy has been growing in leaps and bounds. Put that crisis into a larger context: we have to ensure that adequate incentives exist for VA health care providers so that the VA can recruit and retain highly skilled staff.

As U.S. military personnel are going over to defend U.S. national interests in Kosovo, we must do all we can to let them know that their country is united behind them. We must do this for all the brave men and women who served and who have served our Nation. Veterans are the brave men and women who already have served our Nation, who have been on the front lines fighting for the freedoms Americans care about so deeply. How can we ask today's soldiers to represent our values around the globe if we're not willing to provide adequate health care services for those who have already made the sacrifice? How can we give so little to those who have already given so much to their country?

These are questions that I don't believe any of us want to ask. They are not ones that our country should be asking—Americans everywhere deserve a different and better debate than this one.

Mr. President, when the VA Under Secretary of Health asserts in a memo that the VA's flat-lined health care budget "poses very serious financial challenges which can only be met if decisive and timely actions are taken," I believe that there is one critical action we must take. We must provide a significant increase over the Administration's request for VA health care. We ought to begin listening to our veterans and listening to those who care for them. We ought to provide the level of investment the national veterans service organizations have endorsed in their Independent Budget for FY 2000—$3 billion over the Administration's request—the level of investment I believe is so badly needed just to fund the programs we already have while ensuring that future programs can address the needs of an aging veterans population.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I know that each Senator has his own story and experience with respect to problems of veteran health care in his or her home State. I am just going to take a couple of minutes to explain some problems that rural States have with which I am particularly familiar.

Today I spoke to Tom Pouliot. Who is Tom? Tom is a vet from my hometown of Helena, MT. He is also the national commander of the Veterans of Foreign Wars.

Let me tell you a story that Tom has explained to me, which I know is a major problem in rural States. I say "rural." I mean really rural. I am not talking about eastern rural, although veterans in all parts of the country obviously need health care, and aren't getting the health care that they need. But I am talking about western rural, west of the 100th meridian where it doesn't rain, where the distances between towns are vast.

Let me tell you a story I repeat sometimes to my colleagues.

When the First Lady was in Montana not too many years ago, she got off the plane, and says, "This isn't rural. This is mega-rural. This is hyper-rural." I mean, for those who haven't been in the West west of the 100th meridian, I don't know, with all due respect, that one gets the sense of just how rural it is until you are there.

What is the problem? The problem is that tonight we can vote to increase veterans' health care by an additional $2 billion. That is the amendment offered by the Senator from South Dakota, Mr. JOHNSON.

Why do I think that is a good idea? It is a good idea because the VA has had a flatline appropriations for veterans' health care for 3 consecutive years. Just think of it. For 3 consecutive years, there has been no increase for veterans' health care, something that is very important and desperately in need of. I believe that a fourth year of a flatline health care budget would be deeply irresponsible.

Let me explain a couple of reasons why. Not only Tom, but I and others who have visited the VA facilities in Montana, of which there are not many, found this problem firsthand. I asked the VA in Montana to visit Miles City, Billings, and Helena, so they could get a firsthand look of what veterans face in getting the health care that they need.

The PRESIDING OFFICER. All of the time of the proponent of the amendment has expired. The Senator from New Mexico controls 5½ minutes at this point in time.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 4 more minutes.

Mr. DOMENICI. We have a vote at 8 o'clock. It is ordered.

Mr. BAUCUS. That is 5 minutes from now. I am asking for 4 minutes.

Mr. DOMENICI. It is four votes.

Mr. BAUCUS. Just 4 minutes. That is not 8 o'clock. That is 5 minutes from now.

Mr. DOMENICI. I haven't spoken on either amendment.

Mr. BAUCUS. Mr. President, I ask for 1 minute.

Mr. DOMENICI. I ask that we vote at 8:01.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, in a nutshell, the problem is this: Veterans in Montana get appointments at Fort Harrison and other veterans facilities. They drive hundreds of miles for the appointments. They get there, and it is canceled. They have to get in their car, or have someone drive them back to their home hundreds of miles away again. This is very common. Why? Because of personnel cuts. It is going to get worse unless we increase the veterans' health care budget.

Tonight I plead with my colleagues to support the Johnson amendment. Give our veterans a break. Men and women who have fought so hard for America, particularly our elderly vets, who in, say, World War II, or in the Korean war, fought for America. Here we are increasing the defense budget. We are not helping veterans' health care. That is just not right.

All we are asking is to take a little bit of a nick out of the defense budget, just a little, and increase veterans' health care just a little.

As I mentioned, there has been no increase in the last 3 years. This budget this year has no increase. That will be the fourth year. Let's just add a little bit to veterans' health care. I think it is the right thing to do for America's veterans.

I thank the Senator from New Mexico for the extra minute.

I yield the floor.

Mr. JOHNSON. Mr. President, I ask unanimous consent that Mr. FEINGOLD and Senator ROBB be added as cosponsors to the Johnson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. As Senator WELLSTONE expressed so eloquently, this adjustment would allow for the VA to keep up with medical inflation and for them to retain the needed employees that they need to deliver these services. It would allow for new medical initiatives the Congress had been pushing the VA to begin, including hepatitis C screenings and emergency care services. It would allow for addressing long-term care costs, funding for homeless veterans, in compliance with any Patients' Bill of Rights legislation this Congress enacts.

Mr. President, I reserve the balance of my time. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I wonder if I might ask unanimous consent that we set aside this amendment temporarily while an NIH amendment is offered by Senator SPECTER.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, Mr. President. What is the request? Is it that we lay aside our amendment so our colleague could offer an amendment on NIH?

Mr. DOMENICI. Yes.

Mr. WELLSTONE. No objection.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 157

(Purpose: To provide for funding of biomedical research)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. HARKIN, Mr. DEWINE, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. JOHNSON, Ms. MIKULSKI, and Mr. LAUTENBERG, proposes an amendment numbered 157.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and allocations may be revised under section 302(a) of the Congressional Budget Act of 1974 for legislation disallowing a Federal income tax deduction for any payment to the Federal Government or any State or local government in connection with any tobacco litigation or settlement and to use $1,400,000,000 of the increased revenues to fund biomedical research at the National Institutes of Health.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the aggregates contained in this resolution.

Mr. SPECTER. Mr. President, we have been accorded the opportunity to offer this amendment slightly out of turn, and I had already asked my distinguished ranking member, Senator HARKIN, to come to the floor. The amendment is with Senator HARKIN as the principal cosponsor.

The thrust of this amendment is to provide the financial base to increase funding in the National Institutes of Health by $2 billion this year. The budget resolution had increased the budget authority by $600 million. This amendment seeks to increase that budget authority by another $1.4 billion and applies as an offset to the provision to disallow tax deductions from the settlement of cigarettes, which would yield in excess of $1.4 billion, the amount which is covered in this amendment.

In November 1998, 46 States agreed to a settlement with the tobacco industry requiring the tobacco companies to pay the States some $206 billion over 25 years. Four other States had settled separate lawsuits with the tobacco companies. The Internal Revenue Service considers those settlement payments as tax deductible business expenses, and this deduction effectively reduces the amount tobacco companies pay by 25 to 30 percent. Obviously, the tobacco companies will write off these payments as business expenses on their Federal tax returns. The amount of funding for next year, the year 2000, is $1.8 billion.

When we look for offsets to fund matters like increased funding for the National Institutes of Health, it is obviously a very difficult matter with the type of budget constraints that we are under. And in searching the nooks and crannies of the potential offsets, a very diligent staff came up with the idea that the deductibility of these payments was of lesser public policy importance than to increase the funding for the National Institutes of Health.

Now, public policy obviously depends upon someone's vantage point, and to have a change in law that would deny a tax deduction is not easy for anyone concerned. But where you have the kinds of funds that are involved in the tobacco settlement, and where you had a much larger figure being talked about for the Federal settlement, and where you have all of the money going to the States, and the Federal Government doesn't get any of the funds as determined by the emergency appropriations bill that we voted on last week on an amendment that Senator HARKIN and I offered, I think that all factors considered, it is a fair and just and equitable consideration. That is especially true in a context where you have tobacco being the cause of so many major health ailments in the United States. So in searching for a way to find an offset, we have come up with the idea of disallowing this as a tax deduction, which would provide the full funding in fiscal year 2000 for this $1.4 billion.

Now, with respect to the justification for increasing NIH funding, Mr. President, I think that is a matter which virtually speaks for itself. The National Institutes of Health is the crown jewel of the Federal Government. The advances that have been made in the National Institutes of Health covering a range of ailments is just nothing short of marvelous.

It is worth just a moment to run through the list of ailments that NIH is studying where such magnificent progress has been made: Alcoholism; Alzheimer's disease; Amyotrophic Lateral Sclerosis, also called Lou Gehrig's disease; AIDS; arthritis; asthma; autism; cancers of so many different classifications, such as breast cancer, cervical cancer, prostate cancer, and other cancers; cystic fibrosis; deafness and communications disorders; dental diseases; diabetes; digestive disease; epilepsy; heart disease; hemophilia; hepatitis; Huntington's disease; kidney ailments; liver disorders; lung disease; macular degeneration; osteoporosis; Parkinson's disease; schizophrenia; scleroderma; stroke; sudden infant death syndrome. That is not even a complete list.

I might comment, Mr. President, that the efforts made by various interest groups, where people suffer from a variety of ailments, is really overwhelming as those groups come to Washington to lobby for an increase in funding for the National Institutes of Health. We had a resolution introduced by the distinguished Senator from Florida, Senator MACK, several years ago calling for the doubling of NIH over the course of 5 years, and it passed 98–0.

Two years ago, when Senator HARKIN and I sought to increase the budget resolution by $1.1 billion, we found it was defeated by 63–37. Last year, when we offered an increase in the budget resolution by $2 billion, it was defeated, my recollection is, by a vote of 57–41. When it comes to translating druthers to dollars, we have not seen the kind of support for NIH funding that I think is really warranted, given all the facts of the case.

We have some 19 cosponsors on the resolution to increase funding by some $2 billion. But, in the course of soliciting our colleagues for cosponsorship on this amendment, we found substantially less than that number stepping forward. When it comes to illness, when you have a loved one with Parkinson's, or a parent with Alzheimer's, or a family member with cancer, or one of the ailments yourself such as heart disease, no sum of money within conception is too much, and is really not enough to really move to conquer that disease. At the National Institutes of Health they do perform miracles.

In the course of last November, NIH came out with disclosures on research on stem cells, which has the potential to be a veritable fountain of youth. The estimate has been given on Parkinson's disease, to be within the range of conquering Parkinson's within 5 years, perhaps 10 years at the outside. As these stem cells replace other disease cells in the body, the sky is the limit as to what can be accomplished. But all of this takes money.

There are still a limited number of research grants which are awarded by the National Institutes of Health, and an increase of $2 billion will be the best spent money which the Federal Government could allocate.

We all know we have a budget in excess of $1.7 trillion, a staggering sum of money. And it is a question of priorities. This, I suggest, is at the top of the line.

Mr. President, if I may, I see my distinguished colleague, Senator HARKIN, has come to the floor. But recognition is determined by the Chair, so I simply yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. We are going to vote at 8:01. Before we proceed, let me ask unanimous consent, so everybody will know where we are going. This has been cleared with the two leaders, and Senator LAUTENBERG obviously, and whoever else needs to be conferred with.

I ask unanimous consent that the next four votes occur in a stacked sequence, with 2 minutes between each vote for an explanation, 1 minute on each side, that the other votes in the voting sequence be limited to 10 minutes each.

I further ask that when the Senate resumes the concurrent resolution at 9 a.m. on Thursday there be 10 hours remaining for consideration.

However, for the information of all Senators, these votes will be the last votes of the evening. But any Senator who wishes to remain, we plan to be here open for business all night, if it is necessary. If Senators want to come and offer amendments, we will be here. If they will come and offer them tonight, they will be stacked for an orderly hour tomorrow.

I am hopeful that some Senators—a few—will avail themselves of that time. But I am certain that it will not be 4 o'clock in the morning with Senators still around offering amendments. That is why we proposed the unanimous consent as we have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, if I might say to my colleague, I support the unanimous consent agreement. I want to point out to Senators who are interested in offering amendments that we are here as long as amendments are going to be offered. If there are none offered at the conclusion of the votes, then we are going to be prepared to close shop, as we say. As long as amendments are offered, we are here. If they are not, we are closing up. But there will not be time to drag out tomorrow. We are willing to work all night, if necessary. But we are going to conclude with 10 hours tomorrow, which would then be roughly 35 hours' worth of time spent.

With that, I assume, Mr. President, that the unanimous consent request was agreed to.

Mr. DOMENICI. Mr. President, I want to ask the distinguished Senator, Senator JOHNSON—Senator SPECTER is on the floor—has he joined as a cosponsor of the amendment?

Mr. SPECTER. Mr. President, I ask unanimous consent that I be listed as an original cosponsor. We have surveyed our committee members. Senator THURMOND, may we list you as an original cosponsor?

Mr. THURMOND. Yes.

Mr. SPECTER. Senator THURMOND, and also Senator TIM HUTCHINSON as cosponsors.

Mr. DOMENICI. I think anybody who wants to join this amendment ought to join it. We are going to let you have a vote, but not without my making an observation about it.

I have been asked not to use strange words to describe amendments. So I will try to be very accurate.

This is a feel-good, do-nothing amendment, and the veterans of the United States ought not think that they are getting $2 billion. As a matter of fact, there is $1.1 billion more than the President in this budget. But, for some, whatever you put in—I should have put $4 billion in. Then we want $7 billion.

The truth of the matter is, this amendment is a do-nothing, feel-good amendment because it requires that we cut some other programs, following the format of the budget. That would mean we would have to cut education, environment, NIH, international affairs, housing, WIC—all of which we heard complaints all day long have been cut too much already. Nonetheless, this amendment chooses to cut none of them and just says we will find it in an allowance, which means all these programs will be cut for this $2 billion.

I do not think that is right. But neither do I want Senators to vote against veterans. So let us all vote "aye" and have a great big hurrah about the amendment.

I ask for the regular order.

VOTE ON AMENDMENT NO. 145

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Ashcroft amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR), is absent because of a death in the family.

The PRESIDING OFFICER (Mrs. HUTCHISON). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 99, nays 0, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Lugar

The amendment (No. 145) was agreed to.

AMENDMENT NO. 147

The PRESIDING OFFICER. There will now be 2 minutes of debate equally debated on the Conrad amendment.

The Senate will be in order.

The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

Madam President, this amendment is very direct. It creates a lockbox to protect every dollar of Social Security surplus for Social Security. In addition, it creates a lockbox to add 40 percent of the non-Social Security surplus for Medicare.

Medicare is in danger. It is on the brink of insolvency. It is time not only for reform of Medicare, but to add additional resources so the promise of Medicare can be kept.

In addition, this amendment will pay down the debt by $300 billion more than the budget resolution alternative. I ask my colleagues to support this amendment to create a safe lockbox, not only for Social Security but for Medicare. That leaves sufficient resources——

Mr. BURNS. Madam President, the Senate is not in order. The Senator should be heard.

The PRESIDING OFFICER. The Senator's time has expired, but because the Senator from Montana is correct, the Senator may take another 3 seconds to finish.

Mr. CONRAD. I thank the Chair, and I thank my colleague from Montana.

This leaves sufficient resources for $400 billion over the next 10 years for high-priority domestic issues, like education and defense, as well as room for tax reduction. But, fundamentally, it puts Social Security and Medicare first.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, this amendment is an anti-tax-relief amendment, plain and simple. Compared to the chairman's mark, which is before you, this amendment increases taxes by $320 billion over 10 years.

As to Medicare, let us get it straight once and for all. What is really incredible is that there is no lockbox for Medicare. There is a wish box. All we do with the money that is claimed for Medicare is apply it against the debt so that it can be spent by anyone anytime. As a matter of fact, if it is done to reduce the debt so as to strengthen the economy, our budget does more than the President plus this amendment by way of deficit reduction.

There is not one nickel in it that is spent on Medicare. It is a wish and a hope. We don't even know we need $320 billion over 10 years.

It violates the Budget Act because it is not germane to the budget, and the vote will be on a motion to waive, which I recommend Senators vote no on.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Conrad amendment No. 147. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Lugar

The PRESIDING OFFICER. On this vote the yeas are 45, and the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 151

The PRESIDING OFFICER. We will proceed to the amendment by Senator BOND. There will be 2 minutes equally divided.

The Chair recognizes the Senator from Missouri.

Mr. BOND. Thank you, Madam President.

This amendment is an opportunity for all of our friends who think that the President's budget outlines the plan which we should follow to express themselves by voting for it. The President has said we must save the entire surplus to save Social Security, but the actual details of the plan takes $158 billion out of Social Security over the next 5 years.

The President and the minority leader have said that we need to stay in the caps. This budget plan breaks the caps by $38 billion. These are the actual details. These are the actual plans and the absolute numbers that we think come from the President's budget.

For our friends who believe that the President's budget is a preferable means of charting our spending programs for this coming year, I say vote for this.

I believe it does not fix Medicare. It ignores Medicare. It spends money that should be put into the retiring debt from the Social Security surplus, and I urge my colleagues to vote no.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I think by the description the Senator just offered he tells you what he thinks. He is offering this amendment and saying vote no. What he wants the Democrats to do is to be tricked into moving on this.

Here is one part of it—1,291 pages. If anyone wants to vote for this without inspecting it, unless all of you have reviewed it in detail and have decided that whatever you are concerned about is taken care of in here.

This is not a sincere amendment being offered. What this is, I think, is political chicanery. I urge my opponents to vote against it.

Mr. BOND. I agree.

Mr. LAUTENBERG. I move to table the amendment.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR), is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith NH
Smith OR
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Biden
Schumer

NOT VOTING—1

Lugar

The motion to lay on the table the amendment (No. 151) was agreed to.

AMENDMENT NO. 153

The PRESIDING OFFICER. The question is on agreeing to amendment No. 153 offered by Senator JOHNSON. There is 1 minute on each side equally divided.

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I respectfully disagree with the chairman's characterization of the amendment. This amendment tonight will put the Senate on record for the first time in support of full funding for veterans' health care. No budget resolution guarantees funding. That is part of the appropriations process. But this amendment will open the door. This amendment will open the door for consideration on the part of the appropriators for the full funding for veterans' health care that is so badly needed.

I yield to the Senator from Minnesota for 30 seconds.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, what is meaningful about this amendment is it provides the necessary funding for decent health care for veterans. And the veterans community will hold all of us accountable. This is a very meaningful vote, I say to my colleagues.

The PRESIDING OFFICER. Who rises in opposition?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, there is no one in opposition. So I am going to speak.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask that Senators SPECTER, JEFFORDS, HUTCHINSON, MURKOWSKI, and myself be made original cosponsors.

Mr. President, while there is no assurance that veterans' health care is going to be increased by $2 billion, we already increased it $1.1 over the President's budget. I believe everybody should vote for this amendment, nonetheless.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

Is there a request for the yeas and nays?

Mr. JOHNSON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Lugar

The amendment (No. 153) was agreed to.

Mr. DOMENICI. Mr. President, I wish to call to the attention of the Senate technical corrections to certain descriptions contained in Senate report 106–27, which accompanies the Concurrent Resolution on the Budget for FY 2000.

On page 266, the description of the Conrad amendment should read:

> (3) Conrad amendment to increase revenues relative to the Chairman's mark by $320 billion, to require that any revenue reduction be offset with spending reductions or revenue increases, to create a Medicare Surplus Reserve, and to create a new 60-vote point of order in the Senate against legislation that would reduce that reserve.

On page 273, the description of the Lautenberg amendment should read:

> (27) Lautenberg amendment to increase revenues relative to the Chairman's mark by $320 billion, to require that any revenue reduction be offset with spending reductions or revenue increases, and to create a Medicare Surplus Reserve.

Mr. KYL. Mr. President, today, the Senate begins consideration of a budget for the fiscal year that begins on October 1. When it passes, it will be only the second budget in the last 30 years that will be balanced.

That will be a tremendous achievement considering that it was as recently as 1995 that President Clinton sent Congress a budget that would have produced annual deficits in the range of $200 billion for the foreseeable future. The budget recommended to us by the Budget Committee will effectively balance the budget, and it will do so even without relying on the surplus from the Social Security trust fund. The small deficit that is projected now is likely to be eliminated once the Congressional Budget Office updates its revenue estimates this summer.

Mr. President, the budget we have before us will ensure that the Social Security surplus is set aside so that it cannot be spent on other government programs—$1.8 trillion over the next 10 years. Many of us may have heard President Clinton promise to do the same, but when he sent his budget to Capitol Hill we found that he is actually proposing to raid the Social Security trust fund for $158 billion over the next five years alone. Moreover, we found that the President's plan to deposit 62 percent of the unified budget surplus into the trust fund was nothing more than an accounting gimmick. According to the Comptroller General, David Walker, "the changes to the Social Security program [recommended by the President] will thus be more perceived than real: although the Trust Funds will appear to have more resources as a result of the proposal, in reality nothing about the program has changed." In other words, the Clinton plan fails to delay the cash-flow problem expected in the year 2013 by a single year.

Federal Reserve Board Chairman Alan Greenspan also voiced opposition to the President's risky plan to invest a portion of the Social Security Trust Funds in the stock market, noting that "even with Herculean efforts," he doubted that investment decisions could be insulated from political pressures. The Clinton plan would allow federal bureaucrats to play politics with people's retirement savings. That is wrong.

By contrast, our budget will not put Social Security at risk. It will protect the Social Security surpluses so that they cannot be raided for the President's other spending initiatives.

Our budget will help preserve Medicare, as well. It will increase spending on the nation's health care program for seniors by an average of $20 billion a year for the next 10 years. That is in lieu of the $9 billion reduction in Medicare spending that the President's budget recommends.

Mr. President, we will cut the public debt in half over the next decade by abiding by the spending limits Congress and the President agreed to two years ago. The Clinton budget, by contrast, would bust the spending limits by more than $20 billion this year alone and result in only half as much debt reduction over the next decade.

Most importantly, the Senate budget proposes to return the rest of the emerging surpluses to taxpayers. Congress would still have to pass a separate bill later in the year that sets out precisely what form the tax relief would take, but there are many ideas. They range from a 10 percent across-the-board reduction in income-tax rates to more targeted relief, like repeal of the marriage penalty, elimination of death taxes, and reductions in capital-gains taxes. There are other ideas, too. Any of them is preferable to President Clinton's plan to raise $100 billion in new taxes and fees even though budget surpluses are mounting.

Although we have succeeded in balancing the unified budget, we still have two very different visions of where we should be headed. The President has proposed myriad new spending programs—77 new programs in his State of the Union address—paid for out of the Social Security surplus, Medicare, and new taxes and fees. The Senate budget protects Social Security and Medicare, and abiding by the spending limits approved just two years ago, we begin to pay down the debt and provide long overdue tax relief to the American people.

I believe the Senate's approach is a better one. I hope my colleagues will join me in voting aye.

Several Senators addressed the Chair.

Mr. DOMENICI. Mr. President, let me just say, according to the unanimous consent agreement, we are going to stay here so long as Senators want to offer amendments. They can either offer them and/or pull them, set them aside, or they can offer them and debate them tonight. I am going to have to leave shortly, but I will have somebody in my stead. We were not finished with the Specter amendment. I assume it is the regular order. It is not?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Will the Senator yield for a question?

Mr. DOMENICI. Sure.

Mr. REID. In the morning—and I am confident this is appropriate, cleared with the manager of the bill on this side—we would like to line up three amendments that we will offer in order of Democrat-Republican-Democrat—in the right order.

Mr. DOMENICI. Do that tonight?

Mr. REID. It would be appropriate so people will be here in the morning to do their work. It was suggested Senator KENNEDY would offer the first Democratic amendment, after that a DASCHLE and DORGAN, after that one by JOHN KERRY. That should get us through this side a good part of the morning.

Mr. DOMENICI. We are not going to have any votes before 11. And you are suggesting if we are making a list in the morning, those are the three that your side wants?

Mr. REID. First thing in the morning. Otherwise people will offer whatever they want tonight.

Mr. DOMENICI. But we will offer in between, ours, also.

Mr. REID. That is right. So I am saying those would be the three first Democratic amendments in the morning.

Mr. DOMENICI. So how would we do that? Whatever we take tonight would be set aside in any event, and then we would say when they are finished they would be set aside and the first three amendments to be taken up for votes tomorrow would be——

Mr. REID. I would say to the manager of the bill, it just allows more order here so people know when they should come so we are not waiting around for people to do things.

So, if I could, or if you would ask that in the form of a unanimous consent request, it would be appreciated.

We will try to have three also in the morning. We don't have any lack of amendments. There will be plenty. We will be glad to accommodate in that regard.

Could we do that, I say to my friend from New Mexico, a unanimous consent request, if that happened in the morning, Republican and Democrat, six amendments? Those would be the first six? I mentioned the three Democrats, and you would have any that you believe are appropriate for Republican amendments.

Mr. DOMENICI. Mr. President, let's try that.

When we convene in the morning——

The PRESIDING OFFICER. Is the Senator propounding a unanimous consent request?

Mr. DOMENICI. I am going to. Sometimes it takes a little while. I am getting tired and sleepy.

The only amendment that could be ahead of all of this would be Senator SPECTER's amendment. And if you have not used all your time tonight, you will get some in the morning.

Mr. HARKIN. That's right.

Mr. DOMENICI. So when that is finished, when they have completed the pending amendment, then I ask unanimous consent that the next six amendments be alternatively spread between Democrat and Republican and that the three Democrat amendments, when they are supposedly to be called up, will be first——

Mr. REID. First, Senator KENNEDY; second, Senators DASCHLE and DORGAN; and third, Senator JOHN KERRY.

Mr. DOMENICI. Could you tell us what the second one is?

Mr. REID. One is dealing with agriculture.

Mr. DOMENICI. OK. Then the Republicans will appropriately assign their amendments. We will make our own arrangements on this side as to which ones go when.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, is the pending business the Specter amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. The Senator from Iowa would debate that; is that the intent at this time? Would the Senator from Iowa mind if I introduced and laid aside an amendment at this moment? It would take me a half minute.

Mr. HARKIN. Yes, of course.

AMENDMENT NO. 146

(Purpose: To modify the pay-as-you-go requirement of the budget process to require that direct spending increases be offset only with direct spending decreases)

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to introduce an amendment without laying the Specter amendment aside. That amendment is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. KERREY, Mr. HELMS, and Mr. INHOFE, proposes an amendment numbered 146.

The amendment is as follows:

At the end of title II, add the following:

SEC. . REQUIREMENT TO OFFSET DIRECT SPENDING INCREASES BY DIRECT SPENDING DECREASES.

(a) SHORT TITLE.—This section may be cited as the "Surplus Protection Amendment".

(b) IN GENERAL.—In the Senate, for purposes of section 202 of House Concurrent Resolution 67 (104th Congress), it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that provides an increase in direct spending unless the increase is offset by a decrease in direct spending.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of direct spending for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

Mr. CRAIG. Mr. President, this is a pay-go style amendment that would be applied to all new mandatory spending. I would seek to debate that in the morning, and I ask unanimous consent that it be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I thank the Senator from Iowa for yielding.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 157

Mr. HARKIN. Mr. President, may I ask the chief cosponsor of the Specter amendment how much time is left on our side?

The PRESIDING OFFICER. The Senator from Iowa has 15 minutes on the proponent's side of the amendment.

Mr. HARKIN. Five zero?

The PRESIDING OFFICER. Fifteen.

Mr. HARKIN. I thought we had an hour at a time, and I thought the only person who spoke on it is Senator SPECTER. How much time do we have on our amendment?

Mr. DOMENICI. It was cut in half by unanimous consent.

The PRESIDING OFFICER. By a previous order, the time on the amendment was reduced to an hour evenly divided, and the Senator from Pennsylvania consumed 15 minutes.

Mr. DOMENICI. Mr. President, I wonder if when the Senator is finished, obviously, we will not have used any time—we haven't yet, have we?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I do not know whether we would do that tonight or not. But Senator HUTCHINSON would like to follow that with 5 minutes. I would ask consent that he be allowed 5 minutes following that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. He will be joined in that 5 minutes, 2 minutes that you requested of me.

Mr. REID. Reserving the right to object, there have been arrangements made on this side for tonight——

Mr. HARKIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I believe I have the floor. I just hope this time is not running against my 15 minutes.

The PRESIDING OFFICER. The time is not being charged the Senator from Iowa.

Mr. HARKIN. I thank the President.

Mr. REID. Mr. President, I say to the manager of the bill, both managers of the bill, it is my understanding that on this side tonight the order of offering amendments was going to be Senator DODD, Senator REED, Senator GRAHAM, two for Senator GRAHAM; is that right?

Mr. LAUTENBERG. Right.

Mr. REID. Then following that, Senator BOXER, if she chose, for a couple of amendments. And Senator SCHUMER also had one after Senator BOXER.

Mr. LAUTENBERG. OK.

Mr. DODD. Mr. President, a further inquiry. What does that do tomorrow to voting? Does this mean those are the first votes?

Mr. DOMENICI. The first votes we have decided upon, the three that the Senator asked me for.

Mr. DODD. So these will come after the first?

Mr. DOMENICI. In some order. Let me just say to the Senator, I understand what you have agreed to among yourselves, but the Senate hasn't agreed to that.

Mr. REID. We certainly understand that.

Mr. DOMENICI. What we would like to do is ask, on our side, if we might see if there are any Republicans that want to offer amendments, and they ought to be able to be worked into that.

Mr. REID. We understood that.

Mr. LAUTENBERG. I agree with that.

Mr. DOMENICI. Why don't we attempt to do that. Who do we have on our side that has anything this evening? Senator COLLINS, you have an amendment? OK. So we——

Mr. DODD. Why doesn't Senator HARKIN start talking?

Mr. DOMENICI. HARKIN is going to go, and then Senator COLLINS. Then you can go after that.

Mr. DODD. Are you going to stay and listen to the debate?

Mr. DOMENICI. I am going to have somebody in my stead who will whisper everything to me in the morning when I arrive.

Mr. REID. Mr. President, I know the hour is late. I do not want to take from Senator HARKIN's time. I ask unanimous consent that I be allowed to speak for 2 minutes as in morning business. Senator BRYAN is a grandfather for the first time today, and I would like to take a couple minutes to recognize my friend.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I don't object, but I would like to couple that with—do you want to go now or after he finishes his time?

Mr. REID. He has agreed that I could speak prior to him.

Mr. DOMENICI. Then immediately following the completion of your debate, then I would like Senator HUTCHINSON—Senator, how much time did you want with Senator HUTCHINSON? Why don't we give you 2, if you wanted 1.

Mrs. LINCOLN. One or 2 minutes.

Mr. DOMENICI. That they be allowed to speak for 7 minutes, and then we will proceed with whatever order is decided here.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I yield to the Senator from Florida.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that three congressional fellows in my office, Sean McCluskie, Matt Barry, and Angela Ewell-Madison, be granted the privilege of the floor during further consideration of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

CONGRATULATIONS TO SENATOR BRYAN

Mr. REID. Mr. President,

> How confusing the beams from memory's lamps are;
> One day a bachelor, the next a grandpa.
> What is the secret of the trick?
> How did I get old so quick?
>
> —*by Ogden Nash.*

Mr. President, my friend, RICHARD BRYAN, is a grandfather today for the first time. His lovely wife Bonnie and he are extremely excited. Their oldest son, who is a cardiologist in Reno, at 5:30 eastern time last evening had a baby, their first child, and Senator BRYAN's first grandchild.

I can't think of a person I know who is a better role model for a child than Senator BRYAN. I hope he and Bonnie have all the happiness that a grandchild can bring. I know that they will. I hope this beautiful boy, Conner Hudson Bryan, will follow in the footsteps of his father and enter public service.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 157

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself 10 minutes.

I am pleased to join my chairman, Senator SPECTER, in offering this amendment. Two years ago, the Senate went on record, 98 to 0, committing to double the NIH budget over 5 years.

Last year, Senator SPECTER and I were able to make good on that pledge by providing the biggest increase ever for medical research. We worked hard to make it happen. I thank all my Senate colleagues for working with us on that historic accomplishment.

The omnibus appropriations bill for this year contains a $2 billion, or a 15-percent, increase for the National Institutes of Health. That 15 percent puts us on track to meet our commitment to double the NIH budget for 5 years, which, I repeat, was voted on here 98 to 0.

Unfortunately, if we pass this budget resolution as it is, we will fall far short of the 15-percent increase necessary to maintain that commitment.

This budget resolution shortchanges Americans' health and shortchanges our efforts to control health care costs and keep Medicare solvent in the long run.

At the same time that this budget shortchanges basic investments in health care, the budget before us increases the Pentagon budget by $18 billion—$8.3 billion more than the President's request—to defend America against some ill-defined international threat.

What this budget should do is spend at least $2 billion more to defend us against the very real threats here at home every day —the threat of cancer, the threat of Alzheimer's, the threat of diabetes, the threat of osteoporosis.

Recently, under the leadership of Senator SPECTER, we had a hearing, and one of our witnesses was Gen. Norman Schwarzkopf. He was in town to urge Congress to increase its investment in medical research. He understands better than most that we cannot mount a strong defense without adequate resources. While we made some progress last year, we still have a long way to go.

Under the budget before us, NIH will only be able to fund about one in four meritorious research proposals. Those are research proposals that have gone through the peer review process deemed worthy of investigation. Only one in four will be funded.

In the next 30 years, the number of Americans over age 65 will double. Medical research is essential to help reduce the enormous economic and social burdens posed by chronic diseases that impact our elderly from Alzheimer's and arthritis to cancer and Parkinson's and stroke.

Take Alzheimer's disease. It alone costs the Nation over $100 billion a year. We know that simply delaying the onset by 5 years could save us over $50 billion a year. Delaying the onset of heart disease by 5 years would save over $69 billion a year. That is why I often say to my colleagues and others, if you really want to save Medicare, invest in medical research. That will take care of the looming deficit in Medicare. We are on the verge of breakthroughs in these and other areas. Now is the time to boost our investment to make sure that our Nation's top scientists can turn these opportunities into realities.

In addition to funding more research grants, another area that is critical to making the breakthroughs we know are possible is making sure we have state-of-the-art laboratories and equipment. However, most of the research is currently being done in laboratories built in the 1950s and 1960s.

According to the most recent National Science Foundation study, 47 percent of all biomedical research performing institutions classified the amount of biological science research space as inadequate, and 51 percent indicated they had an inadequate amount of medical research space. So the need is great.

Our amendment is very simple. It ensures that the budget resolution will provide a $2 billion increase to the National Institutes of Health for fiscal year 2000, and it is fully paid for. It is paid for by the very industry that has caused most of the deaths and disease in this country.

As I said before, Mr. President, tobacco kills more Americans each year than alcohol, car accidents, suicides, AIDS, homicides, illegal drugs, and fires all put together.

Simply put, our amendment turns tobacco profits toward the cure for the cancer, emphysema, and heart disease that it causes.

During the dealings that led to the tobacco settlements, the tobacco lawyers made sure that all the payments they made to the States would be considered "normal and necessary business expenses." But there is nothing ordinary about this settlement. The tobacco industry has peddled a product that has killed millions of Americans through their deceptive advertising and sales practices. As a result of that loophole in the settlement, the tobacco industry can write off 35 percent of their entire settlement payment. That means American taxpayers, not big tobacco, will have to cough up as much as 35 percent of the cost, $2 billion this year alone, and continuing the next 25 years of the tobacco settlement.

In effect, the tobacco settlement is a $70 billion tax on the American people. What our amendment says is that basically the tobacco companies will not be able to deduct from their Federal taxes the amount of money that they pay to the States for this settlement. The American people have paid enough. To make them pay an additional $70 billion to cover up for the tobacco companies' tax deductions for their settlements is adding insult to death and injury.

Let me add one other thing, Mr. President. I have heard there is some misinformation floating out there about our amendment. Let me be clear. Our amendment would have absolutely no impact on the amount of settlement funds going to the States. The settlement has a clause that requires a dollar-for-dollar reduction in payments to the States if additional taxes are raised on tobacco and spent by the States, if the money is remitted to the States. Not one penny of the Specter amendment would go to the States but would all go to the National Institutes of Health. Therefore, it in no way violates that provision of the settlement.

Mr. President, I have a letter dated today from the Congressional Research Service that makes it very clear that our amendment does not violate the master settlement agreement made between the States and tobacco companies. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Senate Committee on Appropriations, Attention: Mary Dietrich.

From: Stephen Redhead, Specialist in Public Health, Domestic Science Policy Division.

Subject: MSA Federal Legislation Offset.

Under Section X of the Master Settlement Agreement (MSA), annual payments to states are subject to a federal tobacco-legislation offset: If new federal legislation that requires tobacco companies to make payments ("settlement payments, taxes, or any other means") to the federal government is enacted on or before November 30, 2002, and some portion of that money is made available to the states as (i) unrestricted funds, or (ii) earmarked for health care (including tobacco-related health care), those payments may be offset, dollar for dollar, from the annual payments to states.

S. Con. Res. 20 proposes federal legislation that would disallow the tobacco companies' federal income tax deduction for the MSA payments and use $1.4 billion of the resulting revenues to fund biomedical research at the National Institutes of Health (NIH). There is some concern that such legislation might lead to a reduction in the MSA payments to states by triggering the federal tobacco-legislation offset.

Although legislation disallowing a federal income tax deduction for tobacco settlement payments meets the Section X definition above, earmarking a portion of the funds for NIH research would not appear, by itself, to satisfy the criterion that money be "made available" to the states. NIH awards grants to individual researchers and research institutions under a variety of grant programs, but not to states.

S. Con. Res. 20 might very possibly lead to a reduction in state settlement payments because of the MSA's volume-of-sales adjustment, which links the payments to the number of packs of cigarettes sold. If the companies are disallowed the federal tax deduction, then they will have to increase prices to raise the necessary revenue to pay the taxes. The companies have already increased prices by 75 cents a pack over the past 2 years, which appears to have reduced consumption. If the additional price increase further depresses consumption, then under the volume-of-sales adjustment the states' payments will be reduced proportionately.

Mr. HARKIN. Mr. President, let me close by saying that we went on record 98–0 to double the NIH budget over the next 5 years. Last year, Senator SPECTER and I and others were able to put that 15-percent increase in there to get us on that road. This budget this year pulls the rug out from under that.

The people of America want us to invest in medical research. They want us to double the NIH budget. They believe it is important.

In a recent poll taken of the American people, more than 67 percent support doubling the research budget at NIH; 85 percent said it is important for us to maintain our leadership in medical research; 61 percent of the American people polled said they would be willing to pay $1 more a week in taxes to increase health research. The support is there.

There is no reason why the tobacco companies ought to be able to deduct from their Federal taxes the money that they are giving to the States in that settlement. They wrote it in that agreement, but that does not bind us.

This amendment does not violate the agreement. What it does is it saves the American taxpayers over $70 billion that they will have to pay to save the tobacco companies their money.

This amendment also saves Medicare—by putting this money into medical research to help solve the diseases of Alzheimer's, osteoporosis, arthritis, and diabetes. If you want to save Medicare, adopt the Specter amendment. If you want to save the taxpayers money, adopt the Specter amendment. If you want to save peoples' lives, adopt the Specter amendment.

Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. Five minutes 22 seconds.

Mrs. FEINSTEIN. Mr. President, today I am pleased to sponsor the amendment to increase funding for health research by $2 billion. I do so because we must confront disease as seriously as we confront war. This means we must support our brightest minds, we must have a clear battle plan and we must find the resolve to win the war against disease.

This amendment comes on the heels of several previous efforts. First, in 1997, the Senate adopted the Mack-Feinstein amendment 98 to 0, urging Congress to double the budget of the National Institutes of Health over 5 years. Second, last year, Congress gave the National Institutes of Health an increase of 15 percent, funding NIH at $16 billion, the first step toward doubling. Third, on February 2, when we learned that the President's FY 2000 budget proposed only a 2 percent increase, not even enough to keep up with inflation, I wrote the President and urging instead that NIH funding be doubled by 2004.

It is a sad comment on our nation that the National Institutes of Health in FY 1999 can only fund 31 percent of grant applications. grants. The National Cancer Institute can only fund 31 percent. This is less than one-third of applications worthy of funding. This low funding rate leaves a vast wealth of knowledge unobtained, unexplored, diseases not cured and not treated.

There are many scientifically promising areas of research to which these funds could be devoted. They include gaining a clearer understanding of neural development; improving identification of inherited mutations which contribute to cancer risk; better understanding the interplay between genetics and environmental risk factors; uncovering the causes of over 5,000 known rare diseases affecting over 20 million Americans.

In cancer, a special interest of mine, the President requests only a 2 percent increase in FY 2000. NCI Director Dr. Richard Klausner has said that with this minimal increase, NCI would fund 10 percent fewer grants, according to the February 12 Cancer Letter. The National Cancer Advisory Board said this budget will "seriously damage the National Cancer Program."

Last September, the Senate Cancer Coalition which I cochair, held a hearing for the Cancer March who said that cancer has reached epidemic proportions and if current rates continue, one quarter of our population will die from cancer. Because of the aging of the population, the incidence of cancer will reaching "staggering proportions" by 2010, with increase of 29 percent in incidence and 25 percent in deaths, at a cost of over $200 billion per year. They argued that these compelling statistics call for raising funding for cancer research to $10 billion by 2003, a 20 percent increase each year.

The National Cancer Institute has identified 5 promising areas of research in its FY 2000 "bypass budget." They are as follows: (1) Cancer genetics, identify and characterize every major human gene predisposing to cancer. (2) Preclinical models of cancer, study genes and effects of alterations of them in animals ; (3) Diagnostic technologies, to improve the sensitivity of technologies to detect smaller numbers of tumor cells; (4) Better understanding the unique characteristics of cells and why it turns into a cancerous cell.

There are still many—too many—diseases for which we have no cure. This year, 1.2 million cases will be diagnosed this year and 563,100 Americans will die. But we spend one-tenth of one cent of every federal dollar on cancer research. The mortality rates for many cancers, like prostate, liver, skin and kidney, continue to increase. AIDS has surpassed accidents as the leading killer of young adults; it is now the leading cause of death among Americans ages 25 to 44. Diabetes and asthma are rising. 40,000 infants die each year from devastating diseases. Seven to 10 percent of children are learning disabled. Birth defects affecting function occur in 7% of deliveries or 250,000 of births.

The baby boom generation is getting older. Over the 30 years, the number of Americans over age 65 will double. As our population ages, we are seeing an increase in chronic and degenerative diseases like arthritis, cancer, osteoporosis, Parkinson's and Alzheimer's. For example, the 4 million people with Alzheimer's Disease today will more than triple, to 14 million, by the middle of the next century—unless we find a way to prevent or cure it. Health care costs will grow exponentially and we see that in part reflected in our budget debates over Medicare and Medicaid expenditures. The total annual cost of Alzheimer's today is $100 billion. By delaying the onset by 5 years, we can save $50 billion annually.

In January, we learned from the Institute of Medicine's study, The Unequal Burden of Cancer, that not all segments of our population benefit fully from our advances in understanding cancer. African-American males develop cancer 15 percent more frequently than white males. Stomach and liver cancers are more prevalent among Asian Americans. Cervical cancer strikes Hispanic and Vietnamese American women more than others. Many ethnic minorities experience poorer cancer survival rates than whites. American Indians have the lowest cancer survival rates of any U.S. ethnic group. This study reported that by 2050 there will be no majority population in the U.S. And our hearings of the Cancer Coalition have revealed that minorities are underrepresented in cancer clinical trials.

Discoveries from health research can reduce health care costs. Cancer costs the economy $104 annually; heart disease, $128 billion; diabetes, $138 billion. Research can cuts costs. A delay in the onset of stroke could save $15 billion and a delay in the onset of Parkinson's disease could save $3 billion annually. For every $1.00 spent on measles/mumps/rubella vaccine, $21.00 is saved. For the diphtheria/tetanus/pertussis vaccine, $29 is saved. Reducing hip fractures, the cause of one in five nursing home admissions can cut nursing home costs by $333 million in one year alone. Delaying the onset of hearing impairment by 5 years in the 30 percent of adults age 65 to 75 who have impairment, can save $15 billion annually.

The United States is the world's leader in developing sophisticated treatments for illnesses and diseases, in making important medical discoveries and in improving human life expectancy. Yet, we are spending only three cents of every health care dollar spent in this country on health research. NIH's budget is less than one percent of the federal budget.

Funding NIH like a yoyo discourages the medical community from pursuing research. It is like a damper on ideas, on promising lines of scientific pursuit, that get snuffed out while being born. The National Academy of Sciences has said that we are not producing enough research scientists. That is in part due to the lack of assurance that health research has the priority it deserves.

We can do better.

The public is with us. A 1998 Research America poll found that most Americans support doubling funding for medical research in 5 years and over 60 percent of people in 25 states said they are willing to contribute another $1.00 per week in taxes for health research.

Mr. President, when President Franklin Roosevelt dedicated the new National Institutes of Health research facility on October 31, 1940 in the middle of World War II, he said, "We cannot be a strong nation unless we are a healthy nation. And so we must recruit not only men and materials but also knowledge and science in the service of national strength . . . I dedicate [this Institute] to the underlying philosophy of public health; to the conservation of life; to the wise use of the vital resources of the nation." That challenge is no less important today as it was in 1940.

I believe the public wants us to launch a war on disease and that the public sees medical research as an important priority of their federal government. I urge passage of this amendment.

Mr. HARKIN. Mr. President, I reserve the remainder of the time for Senator SPECTER in the morning, and I yield the floor.

The PRESIDING OFFICER. Who seeks time?

AMENDMENT NO. 159

(Purpose: To express the sense of the Senate on TEA–21 funding and the States)

Ms. COLLINS. I ask unanimous consent that the pending amendment be set aside and send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 159.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON TEA–21 FUNDING AND THE STATES.

(a) FINDINGS.—The Senate finds that—

(1) on May 22, 1998, the Senate overwhelmingly approved the conference committee report on H.R. 2400, the Transportation Equity Act for the 21st Century, in a 88–5 roll call vote;

(2) also on May 22, 1998, the House of Representatives approved the conference committee report on this bill in a 297–86 recorded vote;

(3) on June 9, 1998, President Clinton signed this bill into law, thereby making it Public Law 105–178;

(4) the TEA–21 legislation was a comprehensive reauthorization of Federal highway and mass transit programs, which authorized approximately $216,000,000,000 in Federal transportation spending over the next 6 fiscal years;

(5) section 1105 of this legislation called for any excess Federal gasoline tax revenues to be provided to the States under the formulas established by the final version of TEA–21; and

(6) the President's fiscal year 2000 budget request contained a proposal to distribute approximately $1,000,000,000 in excess Federal gasoline tax revenues that was not consistent with the provisions of section 1105 of TEA–21 and would deprive States of needed revenues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and any legislation enacted pursuant to this resolution assume that the President's fiscal year 2000 budget proposal to change the manner in which any excess Federal gasoline tax revenues are distributed to the States will not be implemented, but rather any of these funds will be distributed to the States pursuant to section 1105 of TEA–21.

Ms. COLLINS. Mr. President, I rise to offer a sense-of-the-Senate resolution to give the Senate the opportunity to express its clear commitment to ensuring that Federal gasoline tax revenues in fiscal year 2000 be distributed to the 50 States in accordance with the formula in the 1998 highway bill, the Transportation Equity Act for the 21st Century—or TEA–21 bill, as it is frequently called.

Mr. President, let me explain the action that has prompted my amendment and my concern. President Clinton's fiscal year 2000 budget contains a proposal which essentially changes the gas tax rules in the middle of the game. The President would distribute approximately $1 billion in higher-than-expected Federal gas tax revenues to a variety of transportation projects, rather than following the formula in the current law. Instead of distributing these extra moneys to the States, as required by the 1998 highway bill, enacted only 9 months ago, the President would divert these funds to other projects.

To be precise, section 1105 of last year's highway bill expressly provides that any additional Federal gas tax revenues above the levels envisioned in the act should be distributed to 50 States under the highway bill's formulas. These funds are extremely important to the States. They support a variety of important transportation programs authorized by the TEA–21 bill.

It now appears that the Federal Government will receive roughly $1.5 billion in extra Federal gasoline tax revenues next year. The President, however, proposes to take $1 billion of these extra revenues and spend them on a variety of Federal transportation programs, contravening current Federal law.

Mr. President, if the full $1.5 billion were allocated to the States under existing law, the State of Maine would receive roughly $7 million in much needed additional highway funds in fiscal year 2000. Under the President's proposal, however, which diverts $1 billion of these gasoline tax funds, the State of Maine would receive only $3.4 million in extra highway funds. This is a reduction of more than 50 percent in the funds that would otherwise be allocated to the State of Maine.

In short, if President Clinton's proposal were implemented, the State of Maine would lose approximately $3.6 million in critically needed Federal highway funds next year. The President's plan is unfair to Maine, it is unfair to the other States, and it should not be implemented. It changes course midstream in a way that harms our States' ability to meet their transportation needs. States should be able to rely on the Federal Government to abide by the commitment that it made only last May.

Mr. President, I am very pleased that the Budget Committee's report accompanying the budget resolution states as follows:

The committee-reported resolution does not assume the President's proposal to change the distribution of additional Highway Trust Fund revenues under TEA–21.

My sense-of-the-Senate resolution simply clarifies this language and reiterates the intent behind it. That is, that we should follow the dictates of the 1998 highway bill and allow any and all extra Federal gas tax moneys to go to the States under the terms and the conditions of the highway law.

Approving the sense-of-the-Senate resolution would allow the Senate to clearly express its disapproval of the President's plan. We should not change the rules. We should follow the allocation in the highway bill. We should keep the promise that we made just last May.

I yield the floor.

Mr. DODD. I am listening to the argument the Senator has made, and I am curious. Is there a chart or list that would inform us how our States would be doing under this different formula of which we ought to be aware?

Ms. COLLINS. I am happy to attempt to produce that information for the Senator from Connecticut.

It is a concern of many States that they would receive less money under the President's budget than they would receive if the highway bill were allowed to just work under current law.

Mr. DODD. Mr. President, if my colleague would yield further, coming from the Northeast and New England, we have recently seen stories in newspapers of gas prices going up in the peak travel season for our States. I think it may be national in scope, but we feel it particularly in the Northeast.

I commend my colleague from Maine for making this proposal. I think it can be a great help, particularly when we find the battle over some of the formulas, and where need exists. Certainly the Senator from Maine has a great need with a lot of roads, a lot of highways, and a relatively small population.

It is an important amendment. I commend her for that. I might join her as a cosponsor in it.

Ms. COLLINS. I very much welcome the support of the Senator from Connecticut.

Mr. LAUTENBERG. Mr. President, it is my understanding that in terms of the manager, the chairman of the Budget Committee, this is acceptable. As far as I am concerned, it would be acceptable on our side. Therefore, it is fair to say we will accept it.

Ms. COLLINS. I urge adoption of the amendment.

The PRESIDING OFFICER (Mr. HUTCHINSON). The question is on agreeing to the amendment.

The amendment (No. 159) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. I thank the chairman and the ranking minority member of the Budget Committee for their cooperation.

Mr. DODD. I want to take note. I think it was my persuasive arguments that persuaded the ranking Democrat to support the amendment.

AMENDMENT NO. 160

(Purpose: To increase the mandatory spending in the Child Care and Development Block Grant by $7.5 billion over five years, the amendment reduces the resolution's tax cut and leaves adequate room in the revenue instructions for targeted tax cuts that help families with the costs of caring for their children, and that such relief would assist all working families with employment related child care expenses, as well as families in which one parent stays home to care for an infant)

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, and Mr. JEFFORDS, Mr. KENNEDY, Mr. WELLSTONE, Mrs. MURRAY, Mr. BINGAMAN, Mr. JOHNSON, Mr. KOHL, and Mr. KERRY, proposes an amendment numbered 160.

Mr. DODD. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,513,000,000.
Fiscal year 2004: $1,586,965,000,000.
Fiscal year 2005: $1,650,257,000,000.
Fiscal year 2006: $1,683,438,000,000.
Fiscal year 2007: $1,737,646,000,000.
Fiscal year 2008: $1,807,517,000,000.
Fiscal year 2009: $1,870,515,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,716,000,000.
Fiscal year 2002: −$52,284,000,000.
Fiscal year 2003: −$30,805,000,000.
Fiscal year 2004: −$47,184,000,000.
Fiscal year 2005: −$60,639,000,000.
Fiscal year 2006: −$107,275,000,000.
Fiscal year 2007: −$133,754,000,000.
Fiscal year 2008: −$148,692,000,000.
Fiscal year 2009: −$175,195,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,457,294,000,000.
Fiscal year 2002: $1,488,477,000,000.
Fiscal year 2003: $1,562,013,000,000.
Fiscal year 2004: $1,614,278,000,000.
Fiscal year 2005: $1,667,843,000,000.
Fiscal year 2006: $1,699,402,000,000.
Fiscal year 2007: $1,754,567,000,000.
Fiscal year 2008: $1,815,739,000,000.
Fiscal year 2009: $1,875,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,513,000,000.
Fiscal year 2004: $1,584,066,000,000.
Fiscal year 2005: $1,640,426,000,000.
Fiscal year 2006: $1,668,608,000,000.
Fiscal year 2007: $1,717,883,000,000.
Fiscal year 2008: $1,782,697,000,000.
Fiscal year 2009: $1,842,699,000,000.

On page 28, strike beginning with line 13 through page 31, line 19, and insert the following:

Fiscal year 2000:
(A) New budget authority, $244,390,000,000.
(B) Outlays, $248,088,000,000.
Fiscal year 2001:
(A) New budget authority, $251,873,000,000.
(B) Outlays, $257,750,000,000.
Fiscal year 2002:
(A) New budget authority, $264,620,000,000.
(B) Outlays, $267,411,000,000.
Fiscal year 2003:
(A) New budget authority, $277,886,000,000.
(B) Outlays, $277,674,000,000.
Fiscal year 2004:
(A) New budget authority, $287,576,000,000.
(B) Outlays, $287,384,000,000.
Fiscal year 2005:
(A) New budget authority, $299,942,000,000.
(B) Outlays, $300,126,000,000.
Fiscal year 2006:
(A) New budget authority, $306,155,000,000.
(B) Outlays, $306,593,000,000.
Fiscal year 2007:
(A) New budget authority, $312,047,000,000.
(B) Outlays, $312,948,000,000.
Fiscal year 2008:
(A) New budget authority, $325,315,000,000.
(B) Outlays, $326,766,000,000.
Fiscal year 2009:
(A) New budget authority, $335,562,000,000.
(B) Outlays, $337,104,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $136,989,000,000 for the period of fiscal years 2000 through 2004, and $762,544,000,000 for the period of fiscal years 2000 through 2009; and

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that Amy Sussman, a fellow in my office, be allowed privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I ask unanimous consent that my colleagues Senator JEFFORDS of Vermont, Senator KENNEDY, Senator KOHL, Senator WELLSTONE, Senator MURRAY, Senator BINGAMAN, Senator JOHNSON, and Senator KERRY of Massachusetts be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, many of my colleagues may know that 9 years ago my colleague from Utah and I offered and authored the Child Care and Development Block Grant Act of 1990.

Year after year, we have talked about this important program and about what a difference we think it has made in the lives of working families.

Any Member of this body who has spent time in his or her State over the past 2 months enters this debate about budget priorities knowing with absolute certainty that very few issues weigh as heavily on the minds of parents across this country than how their children are being cared for. Parents worry they can't afford to take time away from work to be with their children. When they must work, they worry that the child care they need will be unavailable, unaffordable, or unsafe. It is a constant daily struggle for parents with young children in this country. It is a constant source of concern for parents all across the Nation.

Helping these families does not require inventing a slew of new programs. We already have the Child Care and Development Block grant, a program that works and that enjoys strong bipartisan support.

This block grant is a model of flexibility. It provides direct financial assistance to help families pay for child care. It does not dictate where that child care must be provided. Parents can choose a child care center, they can have a home-based provider, a neighbor, a church, a relative, whatever they think is best for their child.

In our opinion, this is an excellent program. In fact, its only downside is that the level that it is currently funded at reaches far too few families in this country. As a result of underfunding, the child care block grant—now almost a decade old—can only serve 1 out of every 10 children. This graph highlights that: Out of every 10 children who are eligible, only 1 today can actually take advantage of the child care block grant.

Consequently, States have had to employ various strategies to ration the subsidies that these block grants provide.

Almost all States without exception have lowered their income-eligibility requirements far below the federally allowed level—85 percent of the State's median family income, or approximately $35,000.

I notice the presence of our colleague from Ohio, and I know as a former Governor how he wrestled with these issues. I think he knows very graphically what I am about to describe for other colleagues. The Presiding Officer was a Governor and he can appreciate this as well.

Because of underfunding, over 20 states have cut off all assistance to families of three earning over $25,000. Fourteen States have cut assistance for families earning over $20,000. Seven States are even more stringent: Wyoming, Alabama, Missouri, Kentucky, Iowa, South Carolina, and West Virginia cut off subsidies for families earning more than $17,000 a year—half the income level that is allowed for under Federal law.

What is the effect of this? What happens? In some States, subsidies are only provided to parents on or moving off welfare. Working families out there living on the margin can't get any help. This is not what I think any of us intended to have happen.

This graph shows that 52 percent of the child care needs of working families cannot be met with current funding schemes. They are either locked out by strict State income eligibility requirements, they are locked out by long waiting lists, or they are locked out by subsidies that are too low to pay for the child care they need.

Even with these strict income eligibility requirements, as I mentioned, many States have long waiting lists. How bad are the waiting lists? In California, 200,000 children are on waiting lists for child care slots. In the State of Texas, it is 36,000; Massachusetts, 16,000; Pennsylvania, almost 13,000; Alabama, 19,000; Georgia, 44,500.

Other States ration their limited child care dollars by paying child care providers far below the market rate—again, trying hard to guard these dollars carefully.

For example, my own State of Connecticut has been unable to raise the payment rates for child care providers for 7 years. Even during a robust economy, we have not been able to increase the pay of child care providers because of the lack of funding in the child block grant program. It isn't hard to see that paying unrealistically low rates makes providers reluctant to accept subsidized children. It also isn't hard to see that this practice jeopardizes the ability of families who do get assistance to find good quality child care.

When you look at the astronomical costs of child care, you can see how all of these rationing practices put families in a crisis.

Let me draw the attention of my colleagues to this last chart here. These are annual child care fees across the country for children of selected ages. I have picked a cross section, with some of the highest and some of the less costly States, to give examples. I have broken it down by the cost of an infant, which is the highest child care cost, a 3-year-old, and a 6-year-old. The highest-cost State is Massachusetts. In Massachusetts, to take care of a 1-year-old child, the annual cost is $11,860; for a 3-year-old, it is $8,840; for a 6-year-old, it is $6,660. If you go down the list, I have done North Carolina, Florida, Minnesota, Texas, Colorado, and California.

Consider these numbers for a minute and recall what I showed you about how States have lowered the financial eligibility criteria down to as low as $17,000. It means that if you live in one of the states with strict income eligibility, you might earn $21,000 and not qualify for the subsidy, but still be paying $8,580 for the care of an infant. If you make $21,000 and have an $8,500 yearly child care bill—you are getting close to paying 50 percent of your gross income to care for one child.

If my colleagues would like, I will have this information before the vote tomorrow for each State to give Members some idea on what the waiting lists are like, to get some sense of how important an issue this is for the families living in your States.

Without help in paying the $4,000 to $11,000 a year that child care can cost, low-income working families are forced into the untenable position of placing their children in an unsafe, makeshift child care arrangement or forgoing employment.

Unfortunately, what we have before us is a budget that chooses to ignore this problem. I say, with all due respect, to those who have to draft these budgets, what we have before us is a budget that disregards these needs.

We are being asked to endorse a budget that doesn't just fail to provide for an increase in child care funding but in fact would cut discretionary child care spending by $122 million in fiscal year 2000—cutting off assistance to some 34,000 children in the first year, and up to 79,000 by the fifth year of the program—in order to pay for tax cuts for the more affluent citizens in our society.

I have heard my colleagues all across this Chamber repeatedly say that they only want to return the surplus to working families. That is hard to argue. But that is what this amendment does. Working people need this.

This amendment provides an additional $7.5 billion over 5 years for the Child Care and Development Block Grant, which goes directly to families to help them pay for child care—by a church, by neighbors, by family members, We pay for this funding increase by reducing the proposed $800 billion tax cut by the same $7.5 billion over 5 years. I don't think that is too big a chunk out of that for a very serious program which needs help.

We also make a non-binding statement that if there is a tax cut, we want a tax credit for child care that helps all working families as well as all parents who stay home to care for an infant.

That is a critically important issue if you are in the working poor category. If you are down at the $15,000 to $25,000 income level, a non-refundable tax credit is not very valuable to you because you probably have little or no tax bill. Without making the credit refundable, you don't get much benefit.

I hope, Mr. President, that my colleagues will seriously consider this amendment. Too often these amendments come up and people sort of blow by them, and just march in lockstep.

If we don't adopt this amendment, we will be very limited in the type of child care funding increases we can seek this year. If it is not in the budget as part of a mandatory spending, I'm essentially closed out for the year.

Others have said in the past, "Don't make it mandatory. Take your best shot in the discretionary spending and fight over appropriations that." I have tried that over the years, I say to my colleagues. You just don't win. And this year will be harder than ever because, as you know, we have about a 12 percent across-the-board cut in nondefense discretionary programs. For me to get $7.5 billion over 5 years in a discretionary nondefense appropriations battle, is not going to happen.

You have to ask yourself a tough question: Regarding that $800 billion tax cut, as important as it is to many of you, would you mind reducing it by $7.5 billion over 5 years to try to make a difference here for working families who need child care?

You also have to ask if tax credits should go to all working families and stay-at-home parents. Low-income families in both these situations make tough choices and they ought to have the backing of their representatives in Congress, in my view.

I ask my colleagues who are here this evening, or others who may be watching the debate, before the vote tomorrow, to please take a hard look at this amendment and see if you can find a way to be supportive of it. This is the only opportunity we will have to really deal with this issue, and unless it is included in this budget resolution, it is essentially off the table. That is it for the 106th Congress. This is our one opportunity to do something to help these families.

Mr. KENNEDY. Mr. President, Senator DODD and I offer this amendment to do more to help working families secure quality child care.

Child care is one of the most important challenges facing the Nation. The need to improve the affordability, accessibility, and quality of child care is indisputable. Every day, millions of parents go to work and entrust their children to the care of others. An estimated 13 million children under 6 years old are regularly in child care.

Every working parent wants to be sure that their children are safe and well cared for. Yet child care can be a staggering financial burden, consuming up to a quarter of the income of low-income families. Child care can easily cost between $4,000 and $10,000 for one child. But about half of all young children live in families with incomes below $35,000. And two parents working full-time at the minimum wage earn only $21,400. These parents—working parents—constantly must choose between paying their rent or mortgage, buying food, and being able to afford the quality care their children need.

Existing child care investments fall far short of meeting the needs of these parents and their children. Today, 10 million low-income children theoretically qualify for services under current Federal child care programs. But because of lack of funding, only one in ten of these children actually receive it. The need is great and a ratio like that is unacceptable.

Making sure that all children receive quality care especially in the early years, is one of the best possible investments in America's future. We know the enormous human potential that can be fulfilled by ensuring that all children get adequate attention and stimulation during the first three years of life. Quality child development increases creativity and productivity in our workforce. There is less need for remedial education and less delinquency. Safe, reliable care offers stable relationships and intellectually stimulating activities. Child care that fulfills these goals can make all the difference in enabling children to learn, grow, and reach their potential. If we are serious about putting parents to work and protecting children, we must invest more in child care help for families.

President Clinton has put families first by giving child care the high priority it deserves. Senate Democrats have proposed an increase in our commitment to child care by at least $7.5 billion in mandatory spending over the next 5 years, almost doubling the number of children served from 1 million to 2 million in 2005.

The benefits from investing in children are substantial and many. A lifetime of health costs are lower when children are supervised, educated about their health, and taught to develop healthy habits. Parents' productivity improves when they know that their children are well cared for. Education costs decrease when children enter school ready to learn. By expanding child care and child development programs, we invest in children, their future, and the country's future.

Yet this budget resolution allots no funds for increased child care and development programs. In fact, the Republican budget slashes funds for critical programs for children. It denies 100,000 children the Head Start services that help them come to school ready to learn. It makes it impossible to reach the goal of serving a million children in Head Start by 2002. The message contained in the budget resolution is clear—children are not a priority.

The Nation's children and families deserve a budget that invests in the right priorities—not the priorities of the right wing. This Republican budget makes children a non-priority—and gives high priority to an $800 billion tax cut for the wealthy. Those priorities are wrong for children, wrong for Congress, and wrong for the Nation.

Now, when we have a large national surplus and a strong economy, it is time to invest in our most valuable resource—our children. I urge my colleagues to support this amendment.

Mr. VOINOVICH addressed the Chair.

Mr. REED. Mr. President, parliamentary inquiry: Are we going back and forth to each side?

The PRESIDING OFFICER. There is no order. However, there is an amendment pending.

Mr. REED. I ask unanimous consent to lay the amendment aside. My amendment is at the desk.

The PRESIDING OFFICER. I think it is informal to go back and forth.

Mr. REED. I withdraw my unanimous consent request.

The PRESIDING OFFICER. The Chair thanks the Senator.

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 161

(Purpose: Use on-budget surplus to repay the debt instead of tax cuts)

Mr. VOINOVICH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 161.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. VOINOVICH. Mr. President, we are debating a budget resolution in the Senate that will provide an outline for our Nation's spending for the next fiscal year. With the assurances of the Republican leadership, we will be sticking to our guns on the spending caps that we agreed to in the 1997 balanced budget agreement. And we will lock away the Social Security trust funds in a lockbox.

Earlier today, the Senate reaffirmed its commitment to Social Security, voting unanimously 99 to 0 that current and future Social Security trust funds should remain only for Social Security. It was the right thing to do. But incredibly, President Clinton has threatened to veto a similar measure, the Abraham-Domenici Social Security lockbox bill. It is unconscionable for the President to undermine the efforts of Congress to save Social Security just so he can use the Social Security surplus to pay for his pet projects.

As cosponsor of the lockbox legislation, I believe it represents a golden opportunity to show that Washington is serious about keeping its word to our seniors and future retirees. Since the Senate voted 99 to 0 this afternoon, I expect that all of my Democratic colleagues will vote for the Social Security lockbox bill when it comes to the floor and urge the President not to veto this legislation.

The Senate meanwhile will have to make some tough budget choices in fiscal year 2000, and we will have to do more with less. It is not going to be easy, because we have so many competing demands chasing so few dollars—demands such as military pay and readiness, education, and perhaps Medicare. And, yes; now that the President has started to bomb Kosovo we may need a lot more money to pay for a brand new war.

I would like to remind my colleagues this evening that the cost of that war is coming out of the Social Security surplus. The money to pay for that war is being paid for out of the Social Security surplus.

I also recognize that we may have to deal with emergencies as they occur. I applaud the chairman of the Budget Committee for drafting a resolution that addresses those needs. Under his leadership, Senator DOMENICI has acknowledged that we must reserve $131 billion, or what I would like to call a rainy day fund, that may only be used—let me stress—may only be used for Medicare, agriculture, Federal emergencies, or debt reduction.

While the chairman and I agree on that point, I do respectfully have a difference of opinion on using the onbudget surplus for tax cuts.

The amendment that I am offering is a simple one. It takes the tax cuts proposed in the budget resolution and uses the money to pay down the debt. Let me say again, under my amendment, we would take the $778 billion in tax cuts and use the money to pay down the debt. If my amendment is adopted and we use the onbudget surplus for debt reduction, then publicly held debt will drop from $3.68 trillion today to $960 billion by the year 2009.

Mr. President, we can't let this opportunity pass by, because if we look at this chart, we can see how vital it is to bring down our debt. This is what our debt was back in 1940. As you will notice, at the end of the Vietnam war, this debt skyrocketed, like Senator Glenn going up in the STS–95. Once we commingled the Social Security surplus with the general funds of this country, we started to use that surplus and borrow money to pay for tax reductions and spending increases. We now have increased that debt. When I was mayor of the city of Cleveland back in 1979, it was $750 billion at that time. It is $5.6 trillion today, almost a 600-percent increase in the national debt.

Why should we do this rather than use this money to reduce taxes?

First of all, if we pay down the debt, we are going to decrease our massive interest payments on the national debt.

No. 2, we will expand the economy.

No. 3, we will lower interest rates for families.

No. 4, we are going to have less need for future tax hikes. It will decrease the overall interest paid on the debt.

Right now, this is hard to believe, but we are spending over $600 million per day—do you hear me—per day, just to service the interest on the national debt.

Let's look at what that means. Most of the American people are not aware of what is going on here. Here are the entitlements, 54 percent; net interest, look at this, 14 percent of the money going for net interest; national defense, 15 percent; and nondefense discretionary, 17 percent.

Look at what has happened. When Janet, my wife, and I got married back in 1962, we were spending 6 cents per dollar on the interest. Today it is 14 cents.

The next chart, let's look at what that interest is doing. The interest on the national debt, as you can see, is a little bit below defense. But look at Medicare. We are spending more money today in the United States of America on the interest on national debt than we are on Medicare. And for education, we are spending five times more money on interest than we are on education. And for medical research, we are spending 15 times more money on interest than on the National Institutes of Health. That is what is going on today.

No. 2, it will expand the economy.

No. 3, it will lower the interest rate for individual families.

As Alan Greenspan attests, a decreasing national debt will bolster a strong economy and allow individual interest rates to fall.

Everybody who is an expert—talk to Dan Crippen, of the Congressional Budget Office, or David Walker, who is the new Comptroller General at GAO. Ask them: If you have a surplus, what should you do with it? They will come back and say, "Reduce the national debt."

These lower interest rates give middle-class Americans the ability to purchase homes. That is what keeps interest rates down. They are able to refinance mortgages and buy automobiles. The savings gives them some real money to either save, invest, or put it back into the economy.

With the low-interest rates that we have enjoyed, over 17 million Americans have refinanced their homes since 1993. Just think of the people that you know who have refinanced their homes because we have kept interest rates down. If we pay off or reduce the national debt, those rates will continue to come down. These homeowners have saved millions of dollars in mortgage payments per year. In fact, one of my staff members refinanced his modest duplex home in 1998. By refinancing, his yearly savings will be $2,160 a year. That is more than $50,000 he is going to save over the 25 years left on his mortgage.

If we could lower interest rates by 1 percentage point, an average family buying a home could save over $25,000 on a typical mortgage. Mr. President, that is a win-win for the American people. We will have less debt over our heads, and Americans will have more of their own money in their pockets in order to be able to buy things that they need for their families.

Finally, the fourth reason is that if we reduce the national debt, it will lower the amount of taxes necessary to run the Government. As the debt decreases, so does the overall cost of running the Government. This would allow us to maintain the current level of Government services and accommodate an increase in the use of those services by the baby boomers. It would also lessen the demand for future tax hikes that would result in a de facto tax cut for American people. Just think if we could bring the amount of the net interest payments down, that money would be available for other things we need to spend money on. Or, in the alternative, the opportunity to reduce taxes.

From a public policy point of view, let's be serious in terms of our debt. You have a 10-year projection on an $800 billion reduction in taxes. We are going to have a tough time balancing the budget this year. We may not have a surplus. Next year we will be lucky to have a surplus. One thing we do know is if we use the money to reduce the debt and we do not spend it on more programs, or we do not use it to reduce taxes, we will not be in the position, if the economy doesn't go the way we expect it to, to have to go back to the American people and say: Folks, we gave you a tax cut, but we are going to have to take it back because our projections were wrong. Folks, we are spending money on programs, and by the way, we are going to have to cut those programs because these 10-year projections we have are not working out.

I want to say one thing and I think it is important. Mr. President, 5-year projections may be reasonable; 10-year projections, if you talk to CBO, they would tell you they could swing $300 billion over this period of time. I think what we need to do is understand we have a tough budget situation that, if we lock up Social Security and do not touch it as we have in the past, we are going to have a couple of tough years ahead of us. Rather than projecting out 10 years and talking about what we are going to be doing with the money, I think if we do have that additional money, let's pay down the national debt.

The last thing I would like to say is this: I just had a new granddaughter last week, Veronica Kay Voinovich. While I was campaigning in Ohio last year I talked about my first grandchild, Mary Faith. Her gift, when she was born on December 26, 1996, from this Government, was a bill for $187,000, interest on a debt that was racked up before her life, on something that she had nothing to do with. And we are asking her to pay for it. I think it is criminal. I think it is criminal that we have not been willing to pay for the things that we wanted, that we borrowed the money, and we have had an attitude: We have ours, let them worry about theirs.

That is not the legacy that was left to me and I do not want that legacy for my granddaughters or for the other grandchildren here in the United States of America.

We have a wonderful opportunity. For the first time, we can see the light to really do something that is responsible in dealing with this budget to get ourselves back on track, so going into the next century, the next 10 years are going to be good years for our country.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I take time from what would normally be the opposition. I want to take this opportunity to say to the Senator from Ohio that we think that is pretty clear thinking. Paying down the debt—he is right. I heard his remarks. He recounts what we have heard from the economists, Greenspan included, about the most important way to get our fiscal house in order and that is to pay down the debt. If we keep going like things are projected, we could be through with public debt in about 15 years.

We would be, within 15 years, at the debt level in 1917. And no, I don't remember it; I have read about it.

But within a couple of years thereafter we could be out of public debt, which would be such a bonus for all of our succeeding generations, including our grandchildren. I congratulate the Senator. Is this his second grandchild? The second. One of mine, my 3-year-old grandchild, was watching television tonight and he said to his mother, "Papa looks mad." And then he said, "No, I think papa is happy."

Anyway, we do it for them. I think the amendment of the Senator is a very positive amendment and I hope it will get full support.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to lay aside the pending amendment to consider my amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 162

Mr. REED. I have an amendment at the desk and ask it be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], proposes an amendment numbered 162.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,438,628,000,000.
Fiscal year 2002: $1,461,410,000,000.
Fiscal year 2003: $1,538,283,000,000.
Fiscal year 2004: $1,592,543,000,000.
Fiscal year 2005: $1,656,146,000,000.
Fiscal year 2006: $1,689,262,000,000.
Fiscal year 2007: $1,743,602,000,000.
Fiscal year 2008: $1,813,532,000,000.
Fiscal year 2009: $1,876,549,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$4,019,000,000.
Fiscal year 2002: −$46,866,000,000.
Fiscal year 2003: −$25,035,000,000.
Fiscal year 2004: −$41,606,000,000.
Fiscal year 2005: −$54,750,000,000.
Fiscal year 2006: −$101,451,000,000.
Fiscal year 2007: −$127,798,000,000.
Fiscal year 2008: −$142,677,000,000.
Fiscal year 2009: −$169,161,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,433,486,000,000.
Fiscal year 2001: $1,462,731,000,000.
Fiscal year 2002: $1,494,665,000,000.
Fiscal year 2003: $1,567,714,000,000.
Fiscal year 2004: $1,619,458,000,000.
Fiscal year 2005: $1,673,026,000,000.
Fiscal year 2006: $1,704,594,000,000.
Fiscal year 2007: $1,759,769,000,000.
Fiscal year 2008: $1,820,952,000,000.
Fiscal year 2009: $1,881,193,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,438,628,000,000.
Fiscal year 2002: $1,461,410,000,000.
Fiscal year 2003: $1,538,283,000,000.
Fiscal year 2004: $1,589,644,000,000.
Fiscal year 2005: $1,646,315,000,000.
Fiscal year 2006: $1,674,432,000,000.
Fiscal year 2007: $1,723,839,000,000.
Fiscal year 2008: $1,788,712,000,000.
Fiscal year 2009: $1,848,733,000,000.

On page 21, strike beginning with line 20 through page 23, line 11, and insert the following:

(9) Community and Regional Development (450):

Fiscal year 2000:
(A) New budget authority, $11,898,000,000.
(B) Outlays, $10,273,000,000.
Fiscal year 2001:
(A) New budget authority, $9,141,000,000.
(B) Outlays, $10,931,000,000.
Fiscal year 2002:
(A) New budget authority, $9,077,000,000.
(B) Outlays, $10,919,000,000.
Fiscal year 2003:
(A) New budget authority, $9,243,000,000.
(B) Outlays, $10,232,000,000.
Fiscal year 2004:
(A) New budget authority, $9,217,000,000.
(B) Outlays, $9,694,000,000.
Fiscal year 2005:
(A) New budget authority, $9,213,000,000.
(B) Outlays, $9,121,000,000.
Fiscal year 2006:
(A) New budget authority, $9,219,000,000.
(B) Outlays, $8,755,000,000.
Fiscal year 2007:
(A) New budget authority, $9,223,000,000.
(B) Outlays, $8,751,000,000.
Fiscal year 2008:
(A) New budget authority, $9,232,000,000.
(B) Outlays, $8,739,000,000.
Fiscal year 2009:
(A) New budget authority, $9,237,000,000.
(B) Outlays, $8.722,000,000.

On page 42, strike lines 1 through 5.

Change $142,034,000,000 to $117,526,000,000.

Change $777,587,000,000 to $713,363,000,000.

Mr. REED. Mr. President, this evening I rise to offer an amendment along with Senator SARBANES, Senator KERRY of Massachusetts, and Senator MURRAY, to restore funding for regional development programs to the levels that are set forth in the President's budget. Unfortunately, the budget resolution which we are considering today would reduce the funding for community and regional development programs by $88.7 billion over 10 years. This is compared to the President's budget request.

For example, in fiscal year 2000, spending for community and regional development programs would be reduced from $11.9 billion to $5.3 billion, a cut of 55 percent. In fiscal year 2001, spending for these programs would be reduced from $9.1 billion to $2.7 billion, a cut of 70 percent.

Then, between the years 2002 and 2009, spending reductions each year are approximately 78 percent below the President's request. In effect, this budget before us would eviscerate community and regional development programs. These programs are at the heart of our efforts to invest in America, in our cities, in our rural areas, and to do so in a way that gives maximum flexibility to local mayors, Governors, and community officials.

My amendment would increase spending for community development programs by $88.7 billion over these 10 years to essentially meet the President's projections. It would be offset by reducing the amount of tax cuts, currently $778 billion, contained in this budget resolution. My amendment not only restores funding for community and regional development, it will still leave approximately $700 billion for tax cuts.

I am deeply troubled by these cuts in community development programs because they will undermine the progress that our cities and rural areas have been making over the last several years. In fact, in many cities there is an urban renaissance. Where they are beginning to clean up blighted areas, they are beginning to attract new investment in the center cities. They are beginning to develop and sustain a mature culture and the arts. All of this is a result of investments through many of these programs which stand to lose out tremendously in this proposed budget resolution.

One of the indications of a reviving urban area in the United States is the fact that crime, violent crime particularly, has fallen more than 21 percent since 1993, and property crimes have dropped to the lowest point since 1973. I argue this is not simply the result of better police activity. This is because the cities are now able to reinvest and reinvigorate their communities, their neighbors. In so doing, they give positive incentives and positive hope for people.

All this is happening. And all of this will stop happening quite dramatically if we make such a devastating cut in community development and regional development programs.

Let me suggest the particular programs that would be affected by these massive cuts. First is the Community Development Block Grant Program; then there is the section 108 program loans for cities and communities; there is the Economic Development Administration and their grants to States and communities; there is FEMA disaster assistance, which is part of this program; then there is brownfield redevelopment programs, which help aid the remediation of environmentally troubled areas so they can be redeveloped for use by cities and communities; and then there is the lead hazard reduction grants, which are a critical problem in many parts of this country, particularly urban areas; then there is the community development financial institutions fund; the Neighborhood Reinvestment Corporation; and the Rural Community Advancement Program. All of these programs would see devastating cuts.

Let me for a moment talk about some of the particular programs that are subject to this very threatening budget resolution. First is the Community Development Block Grant Program. We are all familiar with this program. It provides grants to States and to communities on a formula basis, the type of programmatic initiatives for new housing and community development.

One of the virtues of this program, one of the reasons it is embraced by both sides of the aisle, conceptually, is the fact that it gives flexibility to the States and to the cities to decide how they want to use these funds. It is not a mandate from Washington. It is not a categorical program that makes them jump through all sorts of hoops. It gives them the flexibility to meet the demands that they deem most critical.

These funds have been used to reconstruct and rehabilitate housing and provide homeownership assistance and opportunity. In fact, between 1994 and

1996, over 640,000 housing units have been rehabilitated or constructed with CDBG funds—over 640,000 housing units. These are housing units typically for low-income Americans, for seniors, for people with disabilities. Without this type of investment, I daresay there would not be a lot of construction, particularly in some of the older neighborhoods in our cities and in rural areas. With these funds, we have been able to stimulate the kinds of construction and renovation and renewal that are so essential to the fabric of our communities.

These funds were also used to provide services related to the Welfare-to-Work Program. They are used to help assist in terms of drug suppression, to aid people with drug problems; child care monies are used and involved here; crime prevention and education—all of these programs would be subject to severe cuts.

They also assist tremendously community-based organizations, those organizations in rural areas and urban neighborhoods that are doing the job of trying to give people hope and opportunity and also leveraging private dollars to make sure that what we do has effect, not just here in Washington but on the streets of every city and every rural area of this country.

This program has many manifestations. In my home State of Rhode Island, in Bristol, they used CDBG money to fund the acquisition of basic medical examination equipment, to set up a clinic and a senior housing facility, providing better health care and doing it in a way which adds to the quality of life for these seniors.

In the State of New Mexico, they boast a new state-of-the-art facility to train students for jobs in high tech. This facility was funded with $600,000 in CDBG money. Again, it illustrates how flexible and useful these funds are, because they have been used by local communities to assist local training programs to meet local demands for certain types of employees. It is a very, very valuable program.

In South Carolina, CDBG funds were used for 27 economic development projects in rural areas, including such things as bringing water and sewer systems to communities that desperately needed them. Last year, approximately 4,000 communities throughout this country benefited from $4.6 billion in CDBG funding. Indeed, this funding alone leverages additional private investment. In fact, it has been estimated that for every $1 of CDBG money, there is $3 of private investment. As a result, last year, reasonably and, I think, conservatively, we estimate that the CDBG Program leveraged an additional $18.4 billion in private funds.

It also creates jobs, because when you invest in cities, when you invest in rural areas, when you do it in conjunction with other Federal programs, other State programs, you can create jobs. In fact, it has been estimated that in 1996, CDBG was responsible for creating about 133,000 jobs.

In view of all of this tremendous productivity, efficiency, and effectiveness, it seems to me remarkable and counterintuitive, indeed, that we would be cutting this program by about 78 percent, effectively rendering it useless.

There is another program that should be considered, too. That is the section 108 program. The section 108 program has been very critical to many urban areas in this country because what it does is, it allows cities to leverage their annual CDBG funds to borrow additional monies to increase the amount of investment dollars they have on hand for housing rehabilitation, for economic development, for public works projects. Indeed, it allows specifically a city or a community to take their CDBG allotment and leverage that for five times more dollars through this loan program. Securing their borrowing are the annual proceeds of their CDBG allocation.

I raise the question: What is going to happen to these communities if we slash this funding dramatically? I suggest that their financing situation would be critical. They would either have to find some other way to secure these loans, or they would have to immediately pay off these loans or they would be in default. This would be a staggering blow to many communities. Ultimately, what it would do, together with the cuts in the overall CDBG Program, it would drive up property taxes in many cities and rural areas.

The irony here is that we are using billions of dollars to cut Federal taxes, with the idea of providing tax relief, which, I think, in a way could drive up taxes in certain communities. In fact, we all know the property tax is much more regressive than income tax, than the Federal tax. We could have the unintended consequences, for many people throughout this country, of making their tax situation worse, depriving the cities of the opportunity to maintain a tax base, to stabilize it, and to attract new business, to attract new investment because of a stable tax base. This is absolutely bad policy, and it should be rejected.

Let us talk about another program that is subject to these draconian cuts. That is the Economic Development Administration. This agency provides valuable assistance, again, to States and communities so they can do projects which will accelerate their economic growth and create more jobs. In my home State of Rhode Island, we work closely with the EDA to provide funds to help us make the final cleanup and transition of a former Navy base, Quonset Point, Davisville, on Narragansett Bay, so they can be developed for industrial expansion. Without EDA grants to do things like extending sewer lines, taking down an obsolete water tower, the State would not be in a position, as it is today, to offer that property for economic development.

Again, this is a program which goes right to the direct needs of cities to create jobs and to invest in their communities and States and to do these types of investments. It would be reduced dramatically.

Brownfield redevelopment: We have brownfield redevelopment that is absolutely necessary for the urban areas of this country. It is necessary because we have areas that need environmental remediation, not only to make them more aesthetically pleasing but also to provide the opportunity for reinvestment, redevelopment for jobs; again, to strengthen the urban tax base and to do so in a way that creates jobs, increases the tax base, and also counteracts what is a growing problem everywhere, increasing urban sprawl. If we can revitalize and make attractive again parcels in center cities for commercial expansion, we will lessen the pressure on suburban areas. This, too, can be done and has to be done in conjunction with many things. One of them is the Brownfield Grant Program. That, too, is on the chopping block.

Lead hazard reduction grants: In my home State of Rhode Island, we have a major hazard with lead paint and children, a major public health problem, a public health problem that is one I think we are embarrassed to admit, but it is there. It is there particularly in older communities, not just in urban areas but older rural communities.

Most of the paint that was created years ago had a lead base. It was put up everywhere. Kids now are exposed to that paint and exposed to other sources of lead. It has been estimated that nearly 5 percent of American children, age 1 to 5, approximately 1 million children, suffer from lead paint poisoning. That is an outrage in this country.

Our programs to combat it, to reduce it, would be subject to severe limitations, because HUD's Office of Lead Hazard Control would not have the resources—the meager resources, I might add—today that they are using to try to help communities reduce the lead hazard throughout this country.

Now, these are just a sample of the programs that would be eviscerated by this proposed budget resolution, that would be reduced over the next 10 years, dramatically, would be rendered perhaps ineffectual and totally without purpose in many instances. That is why I think we have to restore these funds and do so by taking funds away from the proposed tax cuts that are embedded within this budget resolution.

There will be some procedural arguments, I am sure, raised about my amendment, perhaps budget points of order, but really I think what we have to consider here is the substance. We cannot afford to stop investing in our cities and our rural areas. This budget does precisely that. It says to America's cities and America's rural areas: We are no longer going to invest in you; you are on your own; good luck; but what we are going to do is reduce taxes, Federal taxes.

I don't think we should abandon our cities and our rural areas. Certainly my amendment could accommodate both—a tax cut, together with the continued investment in the rural areas of America and also in our urban centers.

I feel compelled to restore these cuts. I feel that the substance of this amendment should triumph over procedural rules that might be imposed against it. As we go forward, I hope that others will feel the same way, too, because, frankly, we are charting a course with this budget resolution that would, I think, lead to, if not the ruin of our cities and rural areas, certainly it would lead to the lack of progress that we have seen over the last several years.

I hope when this amendment is considered that it will be supported as a way in which we can send clearly a signal to all of our cities and to our rural areas: We will not abandon you; we will continue to support you; we will continue to share with you resources that you may use in your wisdom to improve the quality of life of your cities, of your rural areas and, in so doing, improve the quality of life of this great country.

I yield the floor.

Mr. CRAPO addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that we lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 163

(Purpose: To create a reserve fund to lock in additional non-Social Security surplus in the outyears for tax relief and/or debt reduction.)

Mr. CRAPO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO], for himself and Mr. GRAMS, proposes an amendment numbered 163.

Mr. CRAPO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR INCREASED ON-BUDGET SURPLUS IN THE OUTYEARS.

(a) IN GENERAL.—Any additional on-budget surplus exceeding the level assumed in this resolution during the period of fiscal years 2001 through 2009 as reestimated by the Congressional Budget Office shall be reserved exclusively for tax relief or debt reduction.

(b) ADJUSTMENTS.—The Chairman of the Committee on the Budget of the Senate may reduce the spending and revenue aggregates and may revise committee allocations by taking the additional amount of the on-budget surplus referred to in subsection (a) for tax relief or debt reduction in the period of fiscal year 2001 through 2009.

(c) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report that uses the additional on-budget surplus reserved in subsection (a) for additional Government spending other than tax relief or debt reduction, a point of order may be made by a Senator against the measure, and if the Presiding Officer sustains that point of order, it may not be offered as an amendment from the floor.

(2) SUPERMAJORITY.—This point of order may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn.

(d) BUDGETARY ENFORCEMENT.—Revised allocations and aggregates under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

Mr. CRAPO. I thank the Chair.

Mr. President, I am pleased tonight to join with my good friend, Senator GRAMS of Minnesota, in offering an amendment that will help provide taxpayers relief from their tax obligations, as well as debt reduction for the American people.

Back when Senator GRAMS and I both served in the House of Representatives together and, I might add, at the same time we served with you, Mr. President, in the House of Representatives, we noticed a very interesting peculiarity in the budget process: When the House or the Senate reduced spending or adjusted spending downward in the budget, all that really happened was those particular projects or programs were eliminated or reduced, but the spending never was reduced and the deficits that we were dealing with at that time never really was reduced.

The deficit spending did not end. All that happened was that through some very intricate budget processes, those reductions in spending got reallocated to other spending proposals.

So we came up with an idea back then called the lockbox. We passed it four times in the House of Representatives as an effort to try to make sure that when the House or the Senate reduced spending, that reduced spending went to reduce the deficit and was not slid over into or moved over into other spending.

Now we have reached a point at which we have actually ended the deficits that we were working on 4 or 5 years ago, and we are dealing with surpluses. But the lockbox concept has gained significant support and is now proving to be a very valuable tool in dealing with the budget in a surplus climate.

Today, we have already adopted a very important lockbox amendment relating to Social Security. It was offered by a number of Senators. The primary sponsor was Senator ABRAHAM. That amendment provided that Social Security surpluses would be locked away in a lockbox and would not be allowed to be spent by Congress on other spending, in essence. That was an important first step.

We are now debating many different aspects of a very important budget. There is a debate as to what to do with the Social Security surplus and, as I indicated, we made a big step today in locking up that surplus so that it does not get squandered by Congress in other areas. That will stabilize and strengthen the Social Security trust funds.

As you know, the debate today, tomorrow, and probably the rest of the week, will show there is a debate underway on whether to reduce the national debt or to engage in significant tax relief for the American people or whether to allocate some of the surplus to those needed and important areas, such as our national defense or education or Medicare and other areas of needed concern.

But among that debate, Senator GRAMS and I believe that it is very important that we focus on what is going to happen with the surpluses in the future.

Senator DOMENICI has shown courage in producing a budget that is going to protect Social Security, it is going to pay down the public debt, it is going to stay within the budget caps, and it is going to provide an opportunity for needed critical tax relief. But on July 15, 1999, the Congressional Budget Office is going to update its economic and budget forecast for the fiscal year 2000 and beyond.

It is our expectation that this report will forecast an onbudget surplus that is even in excess of the current CBO estimates. If this is true and if that develops and we see even larger surpluses than we are now expecting, and after we have now put together a budget that allocates it as we think proper among tax relief, debt retirement, needed spending on the items that I have indicated and protection of the Social Security and Medicare trust funds, and if we still see a growing surplus, we believe that this unanticipated surplus should be set aside, should be put into another lockbox and be authorized to be used for only further tax relief or further debt retirement.

Our amendment will create a lockbox, a reserve fund in addition to the non-Social Security surpluses so that we lock in the additional non-Social Security surpluses, and in the outyears 2001 through 2009, those additional unexpected surpluses that are non-Social Security surpluses would then be made available to be taken from this lockbox only for tax relief or debt retirement.

These excess surpluses could then benefit the American people in the best way possible and would then be protected from further raiding by Congress for big spending. These unanticipated surpluses could not be used for other types of proposals, and it would guarantee the American people that we would see the retirement of debt or the increase of tax relief as they have been asking for. We have had some other speeches recently on the floor tonight about the critical importance of recognizing the national debt that has grown over the last little while.

The Senator from Ohio talked about his grandchildren, and all of us have talked about the fact that our children and our grandchildren are today being expected to pay the debt that we have grown over the last few decades. That is wrong. This bill will help assure that these unanticipated surpluses, if they develop, will be utilized for that debt retirement.

What about the current quality of life? With the tax rates now the highest they have been in a peacetime circumstance in America, the only time tax rates have ever been higher in America is during war. We are now siphoning off from the economy so much for the excessive Federal spending that we are jeopardizing the current quality of life of our children and our grandchildren because their families have to pay such heavy and excessive tax burdens.

It is these two key problems—the excessive taxes and the excessive debt rate that we have in this country—to which we should dedicate these unanticipated surpluses. Taxes are still too high and still too cumbersome and still impact America's working families too heavily. I urge all our colleagues to support this needed and valuable amendment. It would utilize the critical lockbox concept to put into place one more parameter on our budget negotiations this year to assure if our economy does stay strong and we see those surpluses in the future we do not now anticipate, that we can set them aside for retirement of our national debt and reduction of the tax burden on all Americans.

I yield the floor at this time to my good colleague from Minnesota, because I know he is here and would like to speak further on this issue.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I rise to strongly support the tax relief and debt reduction lockbox amendment offered by my good friend, Senator CRAPO of Idaho. We have worked a long time together, as he mentioned, both in the House and now in the Senate. We need to continue to push these efforts to reduce the tax burdens on Americans.

This amendment would lock in any additional non-Social Security surplus into the outyears for tax relief and/or for debt reduction.

Before I speak on this amendment, I would like to take this opportunity to commend Chairman DOMENICI for his leadership in crafting and delivering this well-balanced budget. I believe this budget blueprint is a great achievement of this Congress and it will ensure our continued economic growth and prosperity as we move into the next century.

Mr. President, protecting Social Security, reducing the national debt and reducing taxes are imperative for our economic security and growth. Our strong economy has offered us an historic opportunity to achieve this three-pronged goal.

Chairman DOMENICI has ably showed us in his budget how we can provide major tax relief while still preserving Social Security and dramatically reducing the national debt.

President Clinton has proposed to spend over $158 billion of the Social Security surplus in his budget over the next 5 years for unrelated Government programs, instead of protecting Social Security.

This budget includes a safe-deposit box to lock in every penny of the $1.8 trillion Social Security surplus earned in the next 10 years to be used exclusively for Social Security.

Stopping the Government from raiding the Social Security Trust Fund is an essential first step to ensure that Social Security will be there for current beneficiaries, baby boomers and our children and grandchildren. I am pleased that this is the No. 1 priority under this budget.

It is also notable, Mr. President, that under this budget, the debt held by the public will be reduced dramatically, much more than what President Clinton has proposed in his budget.

This budget also reserves nearly $800 billion of the projected non-Social Security surplus—the tax overpayments of working Americans—for tax relief. This is the largest tax relief that has been enacted since the leadership of President Ronald Reagan.

As one who has long championed major tax relief, I am pleased that we have finally achieved some meaningful proposal in reducing our tax burden again.

Not only does this budget fund all the functions of the Government, but it also significantly increases funding for our budget priorities, such as defense, for education, for Medicare, for agriculture, and others.

In addition, Mr. President, unlike President Clinton's budget, which has broken the spending caps by over $22 billion, this budget maintains the fiscal discipline by retaining the spending caps.

There are those who claim we cannot avoid breaking the caps as we proceed to reconcile this budget. But I say if we do our job to oversee Government programs, we will know which areas can be streamlined and which program funding can be better shifted to new priorities. Let's make sure we do our job to justify all Government funds are wisely spent.

I am particularly pleased, Mr. President, that this budget has included one of my proposals which would allow us to lock in for immediate tax relief any additional on-budget surplus as re-estimated in July by the Congressional Budget Office of fiscal year 2000.

I believe this amendment offered by Senator CRAPO and myself is solid protection for the American taxpayers. I thank Chairman DOMENICI also for including my proposal in his budget as well.

As the economy continues to be strong, we may have more revenue windfalls to come in the outyears that are above and beyond what this budget resolution has assumed. We also need to lock in these windfalls and we also need to return these tax overpayments to hard-working Americans.

The logic for this amendment is fairly simple. Despite a shrinking Federal deficit and a predicted on-budget surplus, the total tax burden on working Americans is at an all-time high. It is still imperative to provide major tax relief for working Americans and address our long-term fiscal imbalances.

We need to give back any additional on-budget surplus generated by economic growth to working Americans, and we need to do it in the form of tax relief and debt reduction.

That is exactly what our amendment intends to achieve. This amendment would lock in any additional non-Social Security surplus—again, not Social Security surplus, but income tax surplus—that may be generated in the outyears which exceed the levels assumed under this budget.

All we are saying is, if our economic growth produces more increased revenues than we expect, these revenues should be reserved and protected for the taxpayers in the form of tax relief and/or debt reduction. It should not be there for the Government to spend it as it pleases.

One question we should ask ourselves before we decide how to spend any non-Social Security surplus is where the budget surplus comes from. The CBO has showed us precisely where we will get our revenues in the next 10 years.

The data indicates that the greatest share of the projected budget surplus comes directly from income taxes paid by the taxpayers. Again, this is their money. There is no excuse not to reserve it and then return it to the people who paid it.

If we don't lock in this surplus to the taxpayers, we all know that Washington will soon spend it all, leaving nothing for tax relief or the vitally important task of maintaining our long-term fiscal health.

Such spending will only enlarge the Government. It will only make it even more expensive to support in the future. And it will create an even higher tax burden than working Americans bear today.

Mr. President, I applaud the creation of the safe-deposit box for future Social Security surpluses to protect retirement security for our Nation's retirees.

But I also believe we need to create a safe-deposit box of a similar mechanism to lock in any additional on-budget surplus for tax relief and/or debt reduction beyond the fiscal year 2000 reestimate that is in the resolution.

The Congressional Budget Office reports that by 2012, we will have eliminated all the debt held by the public and we will begin to accumulate assets. By 2020, the share of net assets to GDP is expected to reach 12 percent. This is great news.

However, I believe we should use some of the on-budget surplus from the general fund to accelerate debt reduction. Currently we pay about $220 billion a year in interest. We saw from Senator VOINOVICH, in his charts, tonight how much we are spending every year just to pay the interest on the debt.

The sooner we eliminate the debt, the more revenue we will have in hand to reform Social Security, to reduce our tax burden and to finance our priority programs. This amendment will help us to achieve that goal.

We have also heard some say that Americans do not want tax relief. I hear that often: "Americans don't want tax relief." Clearly they are completely out of touch with working Americans, and this is not what I hear when I listen to Minnesotans when I am at home.

A poll conducted by Pew Research Center shows that 53 percent of the American people say that the budget surplus should be used for a tax cut. Fifty-three percent want a tax cut. Only 34 percent say that it should be used for additional Government programs.

An Associated Press poll taken by ICR is even more specific. The following question was asked:

> President Clinton and Congress have predicted big budget surpluses in the next few years. Both sides want to set aside more than half of the surplus to bolster Social Security, but they disagree on how to spend the rest.

The question goes on:

> Which one of the following uses of the remainder of the surplus do you favor most: paying down the national debt, cutting taxes, or spending more on government programs?

The results of that survey: 49 percent said cutting taxes, 35 percent said to pay down the debt, and only 13 percent said that they wanted to spend more on Government programs.

There was another question that was also asked. And the question was:

> Some Republicans want a 10% tax cut for everyone. President Clinton prefers tax credits for specific things like child care or taking care of disabled parents. Which approach do you like better?

And the answer: 50 percent said they want a 10-percent cut for everyone, 44 percent want tax credits for specific things.

Mr. President, Americans' message is loud and clear. They want—and deserve—major tax relief.

Again, my biggest fear is that without the lockbox, the Government will spend the entire additional on-budget surplus generated by working Americans. Last year's omnibus appropriations legislation was a prime example of how the Social Security surplus was spent by Congress.

This year's supplemental threatens to be equally abusive if we cannot agree on any offsets.

Mr. President, as I conclude tonight, we must protect the interests of our taxpayers. We must secure the future for our children's prosperity. This amendment would allow families, again, the opportunity to keep just a little more of their own money and to provide a good downpayment on debt relief. I urge my colleagues strongly to support this amendment.

Thank you very much. I yield the floor.

Mr. CRAPO addressed the Chair.

The PRESIDING OFFICER. The Senate from Idaho.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLEGATIONS OF SPYING AT LOS ALAMOS, SANDIA, AND LAWRENCE LIVERMORE LABORATORIES

Mr. DOMENICI. Mr. President, for decades Los Alamos, Sandia, and Lawrence Livermore have attracted the greatest scientists in the world. That has not changed with the end of the Cold War; the knowledge and skills in those laboratories are unequaled in the world and the envy of the world—for that reason, others will always try to gain that information. The directors and scientists have, since the inceptions of the laboratories, been cognizant of the fact that they are the target of spying.

As we consider how to respond to these recent allegations—and some steps have been taken including: the initiation of an aggressive counter-intelligence program at the laboratories that has had its funding increase substantially in the last 24 months and we have halted a declassification initiative until its implementation can be reviewed—we have to ensure that our actions do not undermine the excellence of the laboratories.

Interactions with experts outside the laboratories and outside the United States are critical to the pursuit of scientific knowledge and underpin the vitality of the laboratories. Cutting off those interactions will cause the capabilities at the laboratories to fade with time until, at some point, no one would spy on our labs there wouldn't be anything worthwhile in them.

I have been briefed by:

The Director of Central Intelligence;

The Director of the Federal Bureau of Investigation;

Department of Energy officials, and others on the recent allegations of spying by the Chinese at Los Alamos National Laboratory. I will await the final report of the panel of experts appointed by the Administration before I assess what damage has been done by this latest episode, but some facts are evident.

We do know, without doubt, that China's intelligence program against the United States has yielded some results—they have gained access to classified nuclear weapons design information. However, we do not know how much information they have gained or how much that information benefited their nuclear weapons program.

I must also say that it is unclear how China gained that information. The Chinese do target our nuclear weapons laboratories, but they also target other potential sources of the same information including other parts of the government, its contractors, and the military branches.

It is also unclear how useful information China may have gained, about the W-88 in particular, is to China. The W-88 is extremely advanced; the product of fifty years of our best scientific and engineering know-how. In many ways, China's nuclear weapons program is not capable of utilizing the W-88 design.

That is not reassuring when you look out over the coming decades, and in any case, knowing where our years of work led our designers will allow the Chinese to avoid some of the mistakes we made, but the Chinese do not currently have warheads anything like the W-88.

Despite the fact that the Chinese capability today does not come anywhere near matching ours, the Chinese nuclear weapons program is threatening. China does share its nuclear weapons technology with others along with its missile technology, and it continues to develop more advanced nuclear weapons designs.

Chinese nuclear capabilities threaten its neighbors and limit the opportunities to pursue broad arms control agreements—for example, Russian negotiations on a START III treaty will be strongly influenced by the growing Chinese capability on Russia's eastern border, and India continues to develop more advanced nuclear weapons partly in response to China's program.

I will say very little about the allegations against a specific scientist at Los Alamos. However, given what we know about China's intelligence program, it is not unreasonable to assume that scientists at all three weapons labs have knowingly or unknowingly been approached to provide classified information to China or its intermediaries. The laboratories are cognizant of that threat. Frankly, I don't know if the steps the laboratories, working with the Department of Energy and the Federal Bureau of Investigation, are taking are sufficient to prevent espionage at our laboratories.

I have met with Director Freeh I, and he assures me that the FBI is doing all it can in this regard. I am certain that, no matter what steps we take, the Chinese and others will continue their efforts.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 23, 1999, the federal debt stood at $5,645,199,129,224.03 (Five trillion, six hundred forty-five billion, one hundred ninety-nine million, one hundred twenty-nine thousand, two hundred twenty-four dollars and three cents).

One year ago, March 23, 1998, the federal debt stood at $5,539,833,000,000 (Five trillion, five hundred thirty-nine billion, eight hundred thirty-three million).

Five years ago, March 23, 1994, the federal debt stood at $4,559,372,000,000 (Four trillion, five hundred fifty-nine billion, three hundred seventy-two million).

Ten years ago, March 23, 1989, the federal debt stood at $2,737,055,000,000 (Two trillion, seven hundred thirty-seven billion, fifty-five million).

Fifteen years ago, March 23, 1984, the federal debt stood at $1,465,084,000,000 (One trillion, four hundred sixty-five billion, eighty-four million) which reflects a debt increase of more than $4 trillion—$4,180,115,129,224.03 (Four trillion, one hundred eighty billion, one hundred fifteen million, one hundred twenty-nine thousand, two hundred twenty-four dollars and three cents) during the past 15 years.

SENATE CONCURRENT RESOLUTION 21

Mr. COCHRAN. Mr. President, I regret that because of my father's funeral in Mississippi yesterday, I was not present in the Senate to vote on S. Con. Res. 21, authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro). Had I been present, I would have voted "aye" on the resolution.

The authorization is carefully limited and is designed to permit the participation of military forces of the United States, in concert with NATO allies, in an action to respond to a clear threat to the security and stability of Europe and indirectly to our own security interests.

It is my hope that this action will serve to signal the willingness of the United States government to keep its commitments under the NATO treaty and to be a force for peace and freedom in the region sought to be protected by the alliance.

FRANCESCO (GHEIB) GHEBRESILLASSIE RETIRES

Mr. LOTT. Mr. President, Francesco Ghebresillassie plans to retire after 32 years of service to the Senate. That is quite a record, and it deserves notices from those of us who depend so heavily upon—and are never disappointed by—Gheib and the men and women who work with him.

Since 1987, he has been Manager of the Production Services Branch of Central Operations under the Sergeant at Arms. In that role, he has supervised all the activities of the Micrographics and Production Services sections. He came to that post step by step, working his way from machine operator to computer operator to shift supervisor. By 1975, he was responsible for two work shifts and for the operations in two buildings.

Thereafter, as Hardware Manager, he was responsible for keeping the Senate current with technological changes in the computer arena, refining our procedures, and working with vendors. Later on, as User Support Manager and Production Services Manager, he emphasized quality service to the staff who sit at the thousands of computers within our Senate offices. He has been responsible for interaction with them, and has improved the tech support they have needed to deal with the rapid pace of change in the cyber world. Gheib has also supervised the staff who maintain our microfilm documents for posterity.

Needless to say, today's Senate is quite a different institution from the one to which Gheib came in 1967. One of the ways it has changed for the better has been the technological modernization of which Gheib has been a part. Because of his labors, and the diligence of those who have worked with him over the years, we have been able to better serve the folks back home in ways that were not possible three decades ago.

As we congratulate Gheib on his retirement, I want to also acknowledge his wife, Theresa, who works for our colleague from Wisconsin, Senator KOHL. We wish for them and for their daughters, Lisa and Ayesha, all the good things the future can bring.

CONNIE SULLIVAN RETIRES

Mr. LOTT. Mr. President, Connie Sullivan, who has served as Reprographic Manager in the Service Department since 1989, plans to retire in June. This will be a significant loss for the Senate. For the past decade, she has been responsible for all phases of the Reprographics Division—more recently known as Printing, Graphics, and Direct Mail—within the Sergeant at Arms office.

Connie has been with the Senate for 24 years. She came here in February, 1975 from the House of Representatives as a Composer Technician in the newly created "Composing Room," which was part of the Printing Section of our Department. You can imagine the technological changes Connie has seen since then, when she was asked to assume the duties of Composer with oversight for all the typesetting and layout functions of the Composing Room.

In the restructing of the Service Department in 1984, when the Composing Room became the Pre-Press Section, Connie was promoted to supervisor. In a subsequent reorganization in 1986, she was again promoted to Operations Branch Head. That was a well-deserved recognition of her long experience with the growth and integration of services and, especially, the development of the Pre-Press section from conventional typesetting and layout to desk-top publishing and a full-color graphics operations.

In that regard, Connie has been one of the people who have helped the Senate enter fully into the information age. We are able to keep in closer touch with our constituents, and they with us, and that has a positive impact on just about everything we do here.

So on behalf of the Senate, I want to thank Connie for all her years of service and wish her many happy years of time with her family, her garden, and the enduring satisfaction of a job well done.

RUSSELL JACKSON RETIRES

Mr. LOTT. Mr. President, there are today only four Senators who were here in 1965 when Russell Jackson first came to the Senate to work as an elevator operator. He has observed this institution, both its changes and its continuity, for a long, long time. Now, as he retires as Senior Manager of Central Operations, I want to thank him, on behalf of the entire Senate, for a lifetime of service.

Early on, Russell interrupted his work here for a different kind of service, in the U.S. Army, but he returned to the Senate to work with the Office of the Superintendent. Within that Office, he worked his way up the ladder by doing it all: evening shift, day shift, staff assistant, supervisor, office manager, and senior service officer.

Within the confines of the Senate family, we all know how important is the coordination of office moves, the maintenance of our furniture inventory, and all the other operations of the Superintendent's Office. Russell had a hand in it all, and also served as liaison between the Superintendent and our Senate offices.

Since 1987, Russell has been Director of the Service Department, a division that is little known to the outside world but so essential to all of us in the Senate. His leadership there brought technological changes to meet the Senate's increasing demands for charts, graphs, exhibits, and the enormous amount of daily work that keeps our offices in contact with constituents and the media. At the same time, he updated personnel practices to boost both productivity and morale, and to open advancement opportunities through an evaluation process and cross training for staff.

The Senate, and the constituents whom we are here to serve, owe him a debt of gratitude. And I know my colleagues join me in wishing him a wonderful retirement.

KOSOVO

Mr. GRAMS. Mr. President, at this moment, U.S. forces under NATO command are conducting air strikes against Serbia. And they have my full support and endorsement as they go into battle. We all hope that bombing Serbia ends the cycle of violence between the Serbs and ethnic Albanians in that region.

Yesterday, I voted against authorizing the use of force because the President refused to explain to Congress and the American people how his goals would be achieved by bombing, and what our plan would be after the bombing stops—if Milosevic refuses to yield. I still do not see how bombing Serbia will bring about peace or end the atrocities being committed. I do not see how bombing Serbia will lead to the Administration's goals of greater political autonomy to Kosovo, the withdrawal of most Serbian military forces, protection of minorities, and a more equitable ethnic representation among local police. That being said, I fully support our troops and I'm confident they will carry out their mission successfully.

We should all support our troops and hope that we have not started down a slippery slope where the President insists that in order to protect our credibility or NATO's credibility we have to send in U.S. ground troops. The U.S. officially recognizes that Kosovo is part of Serbia, which along with Montenegro, forms the sovereign state of the Federal Republic of Yugoslavia. And Yugoslav President Slobodan Milosevic has made it clear that Serbia does not want foreign troops on its soil. President Clinton, however, is bombing Serbia in order to force Serbia to agree to a peace accord which U.S. troops would be put on the ground to enforce—as an occupation force, not a peacekeeping force.

There is an ongoing civil war between the Serbs and the ethnic Albanians and the combatants have not exhausted their will to fight. So when the President talks about sending 4,000 American military men and women to Kosovo, he is talking about making peace not keeping peace. The Kosovo Liberation Army is fighting for independence; the Serbs are fighting for complete control by Belgrade. While the Kosovars have accepted the U.S.-supported plan, neither side enthusiastically embraces the U.S.-supported plan of limited autonomy. This is a recipe for disaster.

The President's decision to use NATO to attack Serbia fundamentally changes the nature of NATO. NATO has never attacked a country that has not threatened its neighbors or a member of the alliance. I do not think we should fundamentally change the nature of one of the most successful military alliances in history without a debate.

Mr. President, I support our troops. And the best way that I can support them at this time is to declare that I will do everything in my power to make sure that U.S. troops are not put on the ground in Kosovo.

TRIBUTE TO CAPTAIN DOROTHY C. STRATTON

Mr. MURKOWSKI. Mr. President I rise today to recognize the outstanding accomplishments and distinguished service of Captain Dorothy C. Stratton, U.S. Coast Guard Reserve (Ret), on this her 100th birthday. She has served her country with honor as an educator, naval officer and public official.

Born in Brookfield, Missouri, Captain Stratton earned a Bachelor of Arts from Ottawa University in Ottawa, Kansas; a Master of Arts in Psychology from the University of Chicago; and a Doctorate of Philosophy in Student Personnel Administration from Columbia University. Captain Stratton joined Purdue University as the Dean of Women and Associate Professor of Psychology in 1933, becoming a full professor in 1940.

In June, 1942, with our nation embroiled in war, Professor Stratton left Purdue to join the Women Appointed Volunteer Emergency Service (WAVES). She was assigned as the Assistant to the Commanding Officer of the U.S. Naval Training Station in Madison, Wisconsin. Due to the military's pressing need for personnel, Congress authorized the Women's Reserve of the U.S. Coast Guard. The Act creating the Women's Reserve was signed into law by President Roosevelt on November 23, 1942, and within hours, Stratton became the first director of the new organization. She was the first female officer accepted for service in the history of the U.S. Coast Guard. She rose from Lieutenant Commander to the rank of Commander on January 1, 1944 and to the rank of Captain one month later.

One of Captain Stratton's first acts as Director of the U.S. Coast Guard Women's Reserve was to coin the famous name that would distinguish them from the Navy WAVES and the Army WACS. In a memo to the Commandant ADM Russell R. Waesche, Stratton explained: "The motto of the Coast Guard is 'Semper Paratus—Always Ready.' The initials of this motto are of course, SPAR. Why not call the members of the Women's Reserve SPARS? . . . As I understand it, a spar is often a supporting beam and that is what we hope each member of the Women's Reserve will be." Admiral Waesche agreed, and the rest, as they say, is history.

Captain Stratton led over 10,000 volunteers who responded to their nation's call for help between 1942 and 1946. She completed her service as Director of the SPARS in January, 1946 and was awarded the Legion of Merit. She then served as Director of Personnel for the International Monetary Fund from 1946 to 1950, and as the National Executive Director of the Girl Scouts of America from 1950 to 1960.

Mr. President, I wish to congratulate Captain Dorothy Stratton and to thank her for all she has done for this great country of ours. She is a shining example to us all, and it is truly a pleasure to wish her a happy birthday today.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 4. An act to declare it to be the policy of the United States to deploy a national missile defense.

H.R. 70. An act to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes.

H.R. 130. An act to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse."

H.R. 416. An act to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes.

H.R. 751. An act to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse."

H.R. 1212. An act to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year.

H.J. Res. 26. Joint resolution providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian.

H.J. Res. 27. Joint resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 28. Joint resolution providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 37. Concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

H. Con. Res. 44. Concurrent resolution authorizing the use of the Capitol Grounds for the 18th annual National Peace Officers' Memorial Service.

H. Con. Res. 47. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 50. Concurrent resolution authorizing the 1999 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

H. Con. Res. 52. Concurrent resolution authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

H. Con. Res. 56. Concurrent resolution commemorating the 20th anniversary of the Taiwan Relations Act.

The message further announced that the House has passed the following bill, without amendment:

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints the following Members of the House Joint Economic Committee: Mr. SANFORD of South Carolina, Mr. DOOLITTLE of California, Mr. CAMPBELL of California, Mr. PITTS of Pennsylvania, and Mr. RYAN of Wisconsin.

The message further announced that pursuant to section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Speaker appoints the following Members of the House to the Commission on Security and Cooperation in Europe: Mr. HOYER of Maryland, Mr. MARKEY of Massachusetts, Mr. CARDIN of Maryland, and Ms. SLAUGHTER of New York.

The message also announced that pursuant to the section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Speaker appoints the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. GEPHARDT of Missouri.

The message further announced that pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Speaker appoints the following Members of the House to the United States Holocaust Memorial Council: Mr. LANTOS of California, and Mr. FROST of Texas.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 68) to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 70. An act to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 130. An act to designate the United States courthouse located 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 416. An act to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes; to the Committee on Governmental Affairs.

H.R. 751. An act to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 37. Concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation; to the Committee on Foreign Relations.

H. Con. Res. 56. Concurrent resolution commemorating the 20th anniversary of the Taiwan Relations Act; to the Committee on Foreign Relations.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 4. An act to declare it to be the policy of the United States to deploy a national missile defense.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2302. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pampa, TX" (Docket 98–ASW–57) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2303. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" (Docket 99–NM–09–AD) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2304. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Series Airplanes" (Docket 96–NM–12–AD) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2305. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes" (Docket 98–NM–27–AD) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2306. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Garden City, KS" (Docket 98–ACE–59) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2307. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Liberal, KS" (Docket 98–ACE–60) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2308. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lebanon, MO" (Docket 98–ACE–10) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2309. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Stockton, MO" (Docket 99–ACE–7) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2310. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Storrow Drive Connector Bridge (Central Artery Tunnel Project), Charles River, Boston, MA" (Docket 01–99–015) received on March 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2311. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Air Pollution From New Motor Vehicles; Compliance Programs for New Light-Duty Vehicles and Light Trucks" (FRL6312–9) received on March 17, 1999; to the Committee on Environment and Public Works.

EC–2312. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Regulations for Administrative and Visitor Facility Sites on National Wildlife Refuges in Alaska" (RIN1018–AE21) received on March 17, 1999; to the Committee on Environment and Public Works.

EC–2313. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Seasonal Closure of the Moose Range Meadows Public Access Easements in the Kenai National Wildlife Refuge" (RIN1018–AE58) received on March 17, 1999; to the Committee on Environment and Public Works.

EC–2314. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled "The Energy Policy and Conservation Act Amendments"; to the Committee on Energy and Natural Resources.

EC–2315. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's report on the Price-Anderson Act; to the Committee on Energy and Natural Resources.

EC–2316. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's Annual Performance Plan for fiscal year 2000; to the Committee on Foreign Relations.

EC–2317. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Agency's Annual Performance Plan for fiscal year 2000; to the Committee on Foreign Relations.

EC–2318. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report on the National Institutes of Health Loan Repayment Program for Research Generally for 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–2319. A communication from the Assistant Secretary for Civil Rights, Department of Education, transmitting, pursuant to law, the annual report of the Office for Civil Rights for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–2320. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "List of Drug Products That Have Been Withdrawn or Removed From the Market for Reasons of Safety or Effectiveness" (Docket 98N–0655) received on March 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2321. A communication from the Assistant Secretary of Labor, transmitting, pursuant to law, the report of a rule entitled "Dipping and Coating Operations" (RIN1218–AB55) received on March 17, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2322. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Annual Report to Congress for fiscal year 1998; to the Committee on the Judiciary.

EC–2323. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the Commission's annual report under the Freedom of Information Act for fiscal year 1998; to the Committee on the Judiciary.

EC–2324. A communication from the Rules Administrator of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Birth Control, Pregnancy, Child Placement, and Abortion" (RIN1120–AA31) received on March 4, 1999; to the Committee on the Judiciary.

EC–2325. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Nonimmigrant Visa Exemption for Certain Nationals of the British Virgin Islands Entering the United States Through St. Thomas, United States Virgin Islands" (RIN1115–AF28) received on February 18, 1999; to the Committee on the Judiciary.

EC–2326. A communication from the Executive Director of the Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to the Committee's Procurement List dated March 10, 1999; to the Committee on Governmental Affairs.

EC–2327. A communication from the Director of the United States Office of Personnel Management, transmitting, a draft of proposed legislation entitled "The Retirement Coverage Error Correction Act"; to the Committee on Governmental Affairs.

EC–2328. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report entitled "Electrocardiogram Transportation Payments"; to the Committee on Finance.

EC–2329. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property" (Rev. Rul. 99–17) received on March 17, 1999; to the Committee on Finance.

EC–2330. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 99–19) received on March 17, 1999; to the Committee on Finance.

EC–2331. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's report on an estimation that the limitation on the Government National Mortgage Association's authority to make commitments for fiscal year 1999 will be reached before the end of the year; to the Committee on Banking, Housing, and Urban Affairs.

EC–2332. A communication from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Public Housing Agency Plans" (RIN2577–AB89) received on March 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2333. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Real Estate Settlement Procedures Act (RESPA) Statement of Policy 1999–1 Regarding Lender Payments to Mortgage Brokers" (RIN2502–AH33) received on March 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–2334. A communication from the Deputy Under Secretary of Defense for Environmental Security, transmitting, pursuant to law, the Defense Environmental Response Task Force report for fiscal year 1998; to the Committee on Armed Services.

EC–2335. A communication from the Deputy Under Secretary of Defense for Science and Technology, transmitting, pursuant to law, the Annual Report of the Strategic Environmental Research and Development Program for fiscal year 1998; to the Committee on Armed Services.

EC–2336. A communication from the Deputy Under Secretary of Defense for Science and Technology, transmitting, pursuant to law, the Annual Report of the Scientific Advisory Board of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC–2337. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, the Department's report entitled "Extraordinary Contractual Actions to Facilitate the National Defense; to the Committee on Armed Services.

EC–2338. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Department's "Report on Restructuring Costs Associated with Business Combinations" dated March 1, 1999; to the Committee on Armed Services.

EC–2339. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Military Pay and Retirement Reform Act"; to the Committee on Armed Services.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on March 24, 1999:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 104–6 (Exec. Rept. 106–1)

TEXT OF THE COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS AND UNDERSTANDINGS .

The Senate advises and consents to the ratification of the Convention on Nuclear Safety, done at Vienna on September 20, 1994

(Senate Treaty Document 104-6), subject to the conditions of section 2 and the understandings of section 3.

SEC. 2. CONDITIONS.

The advice and consent of the Senate to ratification of the Convention on Nuclear Safety is subject to the following conditions, which shall be binding upon the President:

(1) CERTIFICATION ON THE ELIMINATION OF DUPLICATIVE ACTIVITIES.—

(A) IN GENERAL.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States Government will not engage in any multilateral activity in the field of international nuclear regulation or nuclear safety that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention.

(B) LIMITATION.—The United States shall not contribute to or participate in the operation of the Convention other than by depositing the United States instrument of ratification until the certification required by subparagraph (A) has been made.

(2) COMMITMENT TO REVIEW REPORTS.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States will comment in each review meeting held under Article 20 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 5 of the Convention by any State Party that is receiving United States financial or technical assistance relating to the improvement in safety of its nuclear installations.

(3) LIMITATION ON THE COST OF IMPLEMENTATION.—

(A) LIMITATION.—Notwithstanding any provision of the Convention, and subject to the requirements of subparagraphs (B), (C), (D), and (E), the United States shall pay no more than $1,000,000 as the portion of the United States annual assessed contribution to the International Atomic Energy Agency attributable to the payment of the costs incurred by the Agency in carrying out all activities under the Convention.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services, in consultation with the Secretary of State, shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term "Consumer Price Index" means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions to the regular budget of the International Atomic Energy Agency which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions for the operation of the Convention would jeopardize the national security interests of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific uses to which the additional contributions provided to the International Atomic Energy Agency would be applied.

(4) COMPLETE REVIEW OF INFORMATION BY THE LEGISLATIVE BRANCH OF GOVERNMENT.—

(A) UNDERSTANDING.—The United States understands that neither Article 27 nor any other provision of the Convention shall be construed as limiting the access of the legislative branch of the United States Government to any information relating to the operation of the Convention, including access to information described in Article 27 of the Convention.

(B) PROTECTION OF INFORMATION.—The Senate understands that the confidentiality of information provided by other States Parties that is properly identified as protected pursuant to Article 27 of the Convention will be respected.

(C) CERTIFICATION.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the Comptroller General of the United States shall be given full and complete access to—

(i) all information in the possession of the United States Government specifically relating to the operation of the Convention that is submitted by any other State Party pursuant to Article 5 of the Convention, including any report or document; and

(ii) information specifically relating to any review or analysis by any department, agency, or other entity of the United States, or any official thereof, undertaken pursuant to Article 20 of the Convention, of any report or document submitted by any other State Party.

(D) REPORTS TO CONGRESS.—Upon the request of the chairman of either of the appropriate committees of Congress, the President shall submit to the respective committee an unclassified report, and a classified annex as appropriate, detailing—

(i) how the objective of a high level of nuclear safety has been furthered by the operation of the Convention;

(ii) with respect to the operation of the Convention on an Article-by-Article basis—

(I) the situation addressed in the Article of the Convention;

(II) the results achieved under the Convention in implementing the relevant obligation under that Article of the Convention; and

(III) the plans and measures for corrective action on both a national and international level to achieve further progress in implementing the relevant obligation under that Article of the Convention; and

(iii) on a country-by-country basis, for each country that is receiving United States financial or technical assistance relating to nuclear safety improvement—

(I) a list of all nuclear installations within the country, including those installations operating, closed, and planned, and an identification of those nuclear installations where significant corrective action is found necessary by assessment;

(II) a review of all safety assessments performed and the results of those assessments for existing nuclear installations;

(III) a review of the safety of each nuclear installation using installation-specific data and analysis showing trends of safety significance and illustrated by particular safety-related issues at each installation;

(IV) a review of the position of the country as to the further operation of each nuclear installation in the country;

(V) an evaluation of the adequacy and effectiveness of the national legislative and regulatory framework in place in the country, including an assessment of the licensing system, inspection, assessment, and enforcement procedures governing the safety of nuclear installations;

(VI) a description of the country's on-site and off-site emergency preparedness; and

(VII) the amount of financial and technical assistance relating to nuclear safety improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear installation, and the amount intended for expenditure by the United States on each such installation in the future.

(5) AMENDMENTS TO THE CONVENTION.—

(A) VOTING REPRESENTATION OF THE UNITED STATES.—A United States representative—

(i) will be present at any review meeting, extraordinary meeting, or Diplomatic Conference held to consider any amendment to the Convention Amendment Conferences; and

(ii) will cast a vote, either affirmative or negative, on each proposed amendment made at any such meeting or conference.

(B) SUBMISSION OF AMENDMENTS AS TREATIES.—The President shall submit to the Senate for its advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States any amendment to the Convention adopted at a review meeting, extraordinary meeting, or Diplomatic Conference.

(6) TREATY INTERPRETATION.—

(A) PRINCIPLES OF TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) CONSTRUCTION OF SENATE RESOLUTION OF RATIFICATION.—Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through majority approval of both Houses of Congress.

(C) DEFINITION.—As used in this paragraph, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8. 1987.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate to the Convention on Nuclear Safety is subject to the following understandings:

(1) DISMANTLEMENT OF THE JURAGUA NUCLEAR REACTOR.—The United States understands that—

(A) no practical degree of upgrade to the safety of the planned nuclear installation at Cienfuegos, Cuba, can adequately improve the safety of the existing installation; and

(B) therefore, Cuba must undertake, in accordance with its obligations under the Convention, not to complete the Juragua nuclear installation.

(2) IAEA TECHNICAL ASSISTANCE.—

(A) FINDINGS.—The Senate finds that—

(i) since its creation, the International Atomic Energy Agency has provided more than $50,000,000 of technical assistance to countries of concern to the United States, as specified in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and in provisions of foreign operations appropriations Acts;

(ii) the International Atomic Energy Agency has budgeted, from 1995 through 1999, more than $1,500,000 for three ongoing technical assistance projects related to the Bushehr nuclear installation under construction in Iran; and

(iii) the International Atomic Energy Agency continues to provide technical assistance to the partially completed nuclear installation at Cienfuegos, Cuba.

(B) Sense of the senate.—The Senate urges the President to withhold each fiscal year a proportionate share of the United States voluntary contribution allocated for the International Atomic Energy Agency's technical cooperation fund unless and until the Agency discontinues the provision of all technical assistance to programs and projects in Iran and Cuba.

SEC. 4. DEFINITIONS.

As used in this resolution:

(1) Appropriate committees of congress.—The term "appropriate committees of Congress" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) Convention.—The term "Convention" means the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104-6).

(3) Nuclear installation.—The term "nuclear installation" has the meaning given the term in Article 2(i) of the Convention.

(4) State party.—The term "State Party" means any nation that is a party to the Convention.

(5) United States instrument of ratification.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Convention.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself and Mr. Torricelli):

S. 693. A bill to assist in the enhancement of the security of Taiwan, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRAMM (for himself and Mrs. Hutchison):

S. 694. A bill to authorize the conveyance of the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas; to the Committee on Armed Services.

By Mr. CLELAND (for himself and Mr. Coverdell):

S. 695. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. WELLSTONE:

S. 696. A bill to require the Secretary of Health and Human Services to submit to Congress a plan to include as a benefit under the medicare program coverage of outpatient prescription drugs, and to provide for the funding of such benefit; to the Committee on Finance.

By Mrs. BOXER (for herself and Ms. Snowe):

S. 697. A bill to ensure that a woman can designate an obstetrician or gynecologist as her primary care provider; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI:

S. 698. A bill to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. Baucus):

S. 699. A bill to protect the public, especially senior citizens, against telemarketing fraud, including fraud over the Internet, and to authorize an educational campaign to improve senior citizens' ability to protect themselves against telemarketing fraud; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 700. A bill to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. Schumer):

S. 701. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building"; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mrs. Boxer, Mr. Kerry, Mr. Leahy, Mr. Inouye, Mr. Torricelli, Mr. Kennedy, Ms. Mikulski, and Mrs. Murray):

S. 702. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire (for himself, Mr. Craig, Mr. Inhofe, and Mr. Helms):

S. 703. A bill to amend section 922 of chapter 44 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. KYL (for himself, Mr. Johnson, Mr. Hatch, Mr. Thurmond, Mr. Inouye, Mr. Grassley, Mr. Dorgan, Mr. Sessions, Mr. Cleland, Mr. Ashcroft, Mrs. Lincoln, and Mr. Abraham):

S. 704. A bill to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 705. A bill to repeal section 8003 of Public Law 105–174; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mrs. Hutchison, Mrs. Murray, Ms. Mikulski, Mrs. Boxer, Ms. Collins, Mr. Rockefeller, Mr. Reid, Mr. Biden, Mr. Akaka, Mr. Kerry, Mr. Ashcroft, Mr. Dodd, Mr. Durbin, Mr. Torricelli, Mr. Inouye, Mr. Lieberman, and Mr. Sarbanes):

S. 706. A bill to create a National Museum of Women's History Advisory Committee; to the Committee on Rules and Administration.

By Mr. GRASSLEY (for himself, Mr. Breaux, Mr. Santorum, Mr. Reed, Mrs. Lincoln, Mr. Bryan, Mr. Dodd, Mr. Kohl, and Mr. Reid):

S. 707. A bill to amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself, Mr. Rockefeller, Mr. Chafee, Ms. Landrieu, Mr. Levin, Mr. Kerry, and Mr. Kerrey):

S. 708. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. Daschle):

S. 709. A bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for himself, Mr. Cochran, Mr. Breaux, Mr. Hutchinson, Mr. Thomas, Mr. Craig, and Mr. Murkowski):

S. 710. A bill to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 711. A bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LOTT (for himself, Mrs. Hutchison, Mr. Breaux, and Mr. Wyden):

S. 712. A bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. Daschle, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Ashcroft, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bryan, Mr. Bunning, Mr. Burns, Mr. Byrd, Mr. Campbell, Mr. Chafee, Mr. Cleland, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Coverdell, Mr. Craig, Mr. Crapo, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Helms, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 74. A resolution expressing the support of the Senate for the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself and Mr. TORRICELLI):

S. 693. A bill to assist in the enhancement of the security of Taiwan, and for other purposes; to the Committee on Foreign Relations

TAIWAN SECURITY ENHANCEMENT ACT

Mr. HELMS. Mr. President, today on behalf of the distinguished Senator from New Jersey, Mr. TORRICELLI, and myself, I am sending to the desk a bill entitled "The Taiwan Security Enhancement Act."

The PRESIDING OFFICER. The bill will be received.

Mr. HELMS. I thank the Chair.

This bill is to do the best we can to ensure that the United States is fulfilling its obligations to the Republic of China as specified by the Taiwan Relations Act.

Mr. President, this has been done reasonably well for about 20 years, but recent trends disclose the need for efforts by the United States to be stepped up, hence the introduction of this bill by Senator TORRICELLI and me. There will undoubtedly be further additions to the sponsorship of this bill. In any case, as you know, the Pentagon, last month, delivered to the Congress a report entitled "The Security Situation in the Taiwan Straits." Frankly, I found this report exceedingly disturbing.

For openers, the report stated that Red China has been and will continue to deploy a large number of missiles directly across the strait from Taiwan. In fact, according to media reports, China already has more than 150 such missiles aimed at Taiwan and plans to increase the number to 650 during the next few years.

Taiwan has virtually no defenses against such missiles. In 1995 and 1996, Red China proved beyond a shadow of a doubt a willingness to use these missiles, at a minimum to intimidate Taiwan.

I think Americans should also be concerned about Chinese missiles. In late November, the Chinese People's Liberation Army conducted exercises consisting of mock missile attacks on United States forces in South Korea and in Japan. The Pentagon report, to which I just referred, also makes clear that mainland China's vast quantitative edge over Taiwan in naval and air power, coupled with China's ongoing modernization drive, will prove overwhelming in any sort of military confrontation. The Pentagon report concluded that Taiwan's future success in deterring Chinese aggression will be—and I quote from the report—"dependent on its continued acquisition of modern arms, technology and equipment and its ability to deal with a number of systemic problems" such as logistics.

This is precisely where the United States had better step in, Mr. President, because the United States is the only power in the world that can assure that Taiwan can continue to acquire the weapons it needs and deal with its systemic problems.

The question is, Will we do it? Communist China has coupled its military buildup and threats against Taiwan with increased pressure on the United States to limit or to cease our arms sales to Taiwan. This is reminiscent of 1982 when the Reagan administration yielded to Chinese pressure and mistakenly agreed to limit and gradually reduce our arms sales to Taiwan in the regrettable August communique.

President Clinton, similarly, last summer caved in to Beijing's three noes—no, no, no. Will arms sales to Taiwan be sacrificed next? I put a question mark after it because I hope the administration will recover from its lack of foresight of last summer.

In any event, if one listens to administration officials, who somehow seem incapable of commenting on arms sales to Taiwan without mentioning the 1982 communique, or the administration's refusal to sell submarines to Taiwan on the flimsy pretext that those submarines are offensive, I think one will get some idea of where the United States arms sales to Taiwan will be if we do not now stand steadfast.

Let me explain. Sections 3(a) and 3(b) of the Taiwan Relations Act compel us, oblige us, to provide defensive arms to Taiwan based solely upon the judgment of the United States regarding Taiwan's needs, meaning that Beijing's opinion doesn't count. Given China's threatening military buildup, it is unlikely that Taiwan's legitimate needs are going to go down soon. Nor should U.S. arms sales go down, Mr. President.

Moreover, it is high time to begin a discussion of whether the United States ought to be doing more in the way of exchanges in training and planning with Taiwan's military. The Taiwan military has operated in virtual isolation for 20 years, and this has certainly contributed to some of the systemic problems alluded to in the Pentagon report, to which I referred just a moment ago.

Taiwan's military does not exercise with us. They do not plan with us. When the Red Chinese missiles were flying over Taiwan in 1996 and our carriers went to the strait, the Taiwan military had no direct or secure way of communicating with the United States fleet, none whatsoever. The question is, Do we want to be stuck in that situation again? While the Secretary of Defense and other top officials can rub elbows in Beijing and possibly have champagne, the State Department prevents any other officer above the rank of colonel setting foot on Taiwan.

In addition to being outrageous, this cannot help having a corrosive effect on our joint ability to deter conflict in the Taiwan Strait over time.

All of this is why I have introduced, with Senator TORRICELLI, the Taiwan Security Enhancement Act, which has three main thrusts. Let me briefly identify each of them.

One, the Taiwan Security Enhancement Act seeks to ensure that our friends in Taiwan will have the necessary equipment to maintain their self-defense capabilities as required by the Taiwan Relations Act. It does this by prohibiting any politically motivated reductions in arms sales to Taiwan pursuant to the 1982 communique and by authorizing the sale to Taiwan of a broad array of defense systems, including missile defense systems, satellite early warning data, diesel submarines, and advanced air-to-air missiles.

Secondly, the Taiwan Security Enhancement Act, which I have just introduced, seeks to bolster the process for defense sales to Taiwan. The bill does this in several ways. It requires an increase in staffing at the currently overworked technical section at the American Institute in Taiwan. It also requires the President to report to Congress annually on Taiwan's defense requests and to justify any rejection or postponement of arms sales to Taiwan.

These actions are not currently taken and the President and the Congress need to get more involved in the process, precisely as the Taiwan Security Enhancement Act, which I just introduced, will require.

Third, the Taiwan Security Enhancement Act will redress some of the deficiencies in readiness resulting in part from the 20-year isolation of Taiwan's military. This will be achieved by supporting Taiwan's increased participation at United States defense colleges, requiring the enhancement of our military exchanges and joint training, and establishing direct communication between our respective militaries.

All of this will merely implement section 2(b)(6) of what? It will implement the Taiwan Relations Act, which calls for the United States—not Taiwan, but the United States—to maintain a capacity to resist any resort to force or coercion that would jeopardize Taiwan.

How can we maintain that capacity over the long run if we can't even communicate with Taiwan's military—obviously, we can't—or if we do not do joint planning and training with Taiwan's military?

I can hear it now. Some are going to say this is provocative. They will claim that doing these things will upset the United States relationship with China. This is true. The Red Chinese won't like this bill. But I think we all know, Mr. President, that many of the things called for in this legislation must be done at the earliest possible time.

China's behavior—let me be clear—mainland China's behavior is a clear warning that it is time for the United States to be much more serious about maintaining a posture of deterrence in the western Pacific and in protecting our loyal, long-time friends in the Republic of China on Taiwan.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 694. A bill to authorize the conveyance of the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas; to the Committee on Armed Services.

CONVEYANCE OF THE NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS

• Mr. GRAMM. Mr. President, along with Senator KAY BAILEY HUTCHISON, I am introducing legislation today which will authorize the Secretary of the Navy to transfer ownership of the property known as the Naval Weapons Industrial Reserve Plant #387, located in Dallas, Texas, to the City of Dallas. This legislation allows the Navy to divest itself of property no longer needed to accomplish the Navy's mission, while enabling the City of Dallas to maintain and develop the facilities in the best interests of the citizens of the Metroplex.

The Navy Weapons Plant in Dallas is adjacent to Naval Air Station Dallas, which was closed by the Base Closure and Realignment Commission of 1993. Years ago, the work performed at the plant directly supported the Navy and its missions, but today, the Navy no longer needs the facility. With all of our military services struggling to meet today's unprecedented number of peacekeeping, humanitarian assistance, and sanctions enforcement operations, the Navy and the taxpayer cannot afford to maintain a facility that is no longer needed. The legislation I introduce today relieves the Navy of the costs of ownership while ensuring that the citizens of North Texas are allowed to use the facilities for public benefit.

The bill will permit the City of Dallas to continue its special relationship with Northrop Grumman Corporation, the current contract tenant. Northrop Grumman utilizes the facility primarily to manufacture commercial aircraft components and systems. As one of America's premier aerospace and defense companies, Northrop Grumman's operations in Dallas are vital to our national economy and security, as evidenced by their annual economic impact of $840 million. Northrop Grumman's current operations at the plant provide direct employment for 5,600 Texas workers, while another 16,800 indirect jobs are created in the metropolitan area. This bill gives the City of Dallas the opportunity to assure the continuation of jobs, growth, and opportunity at the plant when the Navy leaves the area. This is precisely the kind of public-private partnership that will be the foundation for prosperity in the future. I ask my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) EXCEPTION FROM SCREENING REQUIREMENT.—The conveyance authorized by subsection (a) shall be made without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(d) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for such purposes.

(e) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (d), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the current tenant under the existing terms and conditions of the lease for the property.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, the Secretary shall continue to lease the property to the current tenant of the property under the terms and conditions applicable to the first three years of the lease of the property pursuant to the existing lease for the property.

(g) MAINTENANCE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary shall be responsible for maintaining the real property to be conveyed under this section in its condition as of the date of the enactment of this Act until such time as the property is conveyed by deed under this section.

(2) The current tenant of the property shall be responsible for any maintenance required under paragraph (1) to the extent of the activities of that tenant at the property during the period covered by that paragraph.

(h) ENVIRONMENTAL REMEDIATION.—Notwithstanding any other provision of law, the City shall not be responsible for any environmental restoration or remediation that is required with respect to the real property to be conveyed under subsection (a) as a result of activities of parties other than the City at the property before its conveyance under this section.

(i) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.•

By Mr. CLELAND (for himself and Mr. COVERDELL):

S. 695. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for Veterans in the Atlanta, Georgia, metropolitan area; to the Committee on Veterans' Affairs.

LEGISLATION TO ESTABLISH A NATIONAL CEMETERY FOR VETERANS IN ATLANTA, GEORGIA

• Mr. CLELAND. Mr. President, today I am pleased to offer an important piece of legislation designed to address a critical need of Georgia's veterans and their families.

One of the greatest honors our country provides for a veteran's service is the opportunity to be buried in a national cemetery. It is logical that a veteran's family would want to have the grave site of their loved one close by. They want to be able to place flowers or a folded American flag by the headstone of their father, mother, sister or brother. Georgia veterans' families deserve such consideration. The establishment of a new veterans national cemetery in the Atlanta metropolitan area is one of my highest legislative priorities.

The current veterans population in Georgia is estimated to be nearly 700,000, with over 400,000 residing in the Metro Atlanta area. One state currently has two cemeteries designated specifically for veterans, in Marietta and Andersonville. Marietta National Cemetery has been full since 1970, and Andersonville National Historic Cemetery is located in southwest Georgia, at a considerable distance from most of the states veterans population.

The large population of veterans' families in Metro Atlanta and North Georgia is not being served, and we need to change that. Abraham Lincoln once said: 'All that a man hath will he give for his life; and while all contribute of their substance the soldier puts his life at stake, and often yields it up in his country's cause. The highest merit, then, is due to the soldier.'

We owe it to our veterans to provide a national veterans cemetery close to their home.

I have been pursuing this matter for over 20 years, since I was head of the Veterans' Administration, now called the Department of Veterans' Affairs. Nationally, there are over 300,000 vacancies in national cemeteries for veterans, but in Georgia, there are no such vacancies. The only option these veterans have in Andersonville, a national historic cemetery which is operated by the National Parks Service, not the VA, and is more than 100 miles away from the Metro Atlanta area. This deeply concerns me, especially when one considers that Georgia has the highest rate of growth in terms of military retirees in the Nation, and that the majority of these veterans reside in Metro Atlanta. We really must do better for our veterans.

In 1979, when I was head of the VA, our studies documented that the Atlanta metropolitan area was the area having the largest veterans population in the country without a national cemetery. Later that same year, I announced that Metro Atlanta had been chosen as the site for a new VA cemetery, which was to be opened in late 1983. The Atlanta location was chosen after an exhaustive review of many sites, including consideration of environmental, access, and land use factors, and most importantly, the density of veterans population. Unfortunately, the Reagan Administration later withdrew approved of the Atlanta site. Over the years since then, Atlanta has repeatedly been one of the top areas in the United States most in need of an additional national cemetery.

Mr. President, the bill I am introducing today is simple. It requires the Department of Veterans Affairs to establish a national cemetery in the Atlanta metropolitan area. It also requires the VA to consult with appropriate federal, state, and local officials to determine the most suitable site.

I believe this bill is a necessary first step toward the eventual establishment of a national cemetery to meet the needs of Atlanta's veterans and their families. Admittedly, several factors must be resolved before the cemetery can be established. A site must be found and funding must be made available. However, we must move swiftly to resolve this problem so that a critical element of our commitment to the Nation's veterans can be met.

I am hopeful that the Senate will take favorable action on my bill during this Congress. I want to thank my colleague from Georgia, Senator COVERDELL, for joining me in this important effort, and Representative BARR for sponsoring the companion bill in the House of Representatives.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Atlanta, Georgia, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Georgia and local officials of the Atlanta, Georgia, metropolitan area; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.●

Mr. COVERDELL. Mr. President, today I am proud to join my esteemed colleague from Georgia, Senator CLELAND, to introduce once again a very important piece of legislation authorizing a new National Cemetery in the Atlanta, Georgia, metropolitan area. For many years Georgia has had a pressing need for a new national cemetery for veterans. With the leadership of my friend from Georgia who, I might add, has been working to make this a reality for about twenty years, we hope to pass this bill this year for our nation's veterans.

Mr. President, Georgia has one of the fastest growing veterans populations in the country. Currently, about 700,000 veterans call Georgia home with well over half, about 440,000, living in the Metro-Atlanta region; the area where this new cemetery would be built. However, the only national cemetery in the area has been full since 1970. Furthermore, the only other veterans cemetery in the state is operated by the National Parks Service, not the Department of Veterans' Affairs, and is in Andersonville, a town in southwest Georgia far from the concentration of Georgia veterans.

Mr. President, I believe we clearly demonstrate the need for a new national cemetery in Georgia. VA studies have concurred the need for this cemetery and, in fact, Atlanta was chosen as a site for a new cemetery in 1983. It is now time to build this needed tribute.

Burial in a national cemetery is a deserving honor for our nation's veterans, but it is becoming increasingly difficult to bestow upon them, especially in Georgia. This bipartisan legislation seeks to remedy this situation. Mr. President, by focusing on areas across the country with pressing needs for more burial slots, Congress can increase access to the honor of burial in a national cemetery. Georgia is such an area. By passing this measure, Congress would help veterans, and their families, find a burial place befitting their patriotic service to this great land.

By Mr. WELLSTONE:

S. 696. A bill to require the Secretary of Health and Human Services to submit to Congress a plan to include as a benefit under the medicare program coverage of outpatient prescription drugs, and to provide for the funding of such benefit; to the Committee on Finance.

MEDICARE PRESCRIPTION DRUG COVERAGE ACT OF 1999

Mr. WELLSTONE. Mr. President, I rise to introduce the Medicare Prescription Drug Coverage Act of 1999, a bill that calls for a full prescription drug benefit for all of America's senior citizens within the Medicare program.

This bill is the Senate companion to H.R. 886, which was introduced by Congressman BARNEY FRANK of Massachusetts earlier this month and which already has 22 House cosponsors.

One of the beauties of the Medicare Prescription Drug Coverage Act of 1999 is its simplicity. The Act does four things. First, it directs the Secretary of Health and Human Services to study the establishment of an outpatient prescription drug benefit under Medicare that provides for full coverage of outpatient prescription drugs. Second, the Secretary will determine the sufficiency of the estate tax to fund the costs of that outpatient drug benefit. Third, the Secretary must submit a report to Congress within six months that includes a legislative proposal to provide for full coverage of outpatient prescription drugs. Finally, the bill transfers Federal estate tax revenues to the Medicare Hospital Insurance Trust Fund where those monies will be placed in a separate Outpatient Prescription Drug Account to pay for this coverage.

Mr. President, now more than ever, a Medicare prescription drug benefit is needed. When Medicare was first adopted the program was designed to reflect typical private health insurance which often did not include outpatient prescription drugs. Then and since, the pharmaceutical industry has opposed a prescription drug benefit in order to protect its profits without regard to America's senior citizens. Even today, the industry is unwilling to shed some of its profits to allow all senior citizens access to needed prescription drugs. But the time has come for Congress to say "no" to the undue influence of drug companies in Washington and "yes" to Medicare prescription drug coverage.

Why has the need for the Medicare Prescription Drug Coverage Act of 1999 become so acute? The reasons are well known. First, the cost of prescription drugs has skyrocketed in recent years. Last year alone, prices increased an estimated 17%. This increase in drug costs hits seniors disproportionately.

A 1998 study by the minority staff of the House Government Reform Committee found that older Americans without prescription drug insurance pay on average twice as much as the discounted prices drug companies offer large scale purchasers like HMOs, pharmaceutical benefit managers and government agencies. Even more astounding are comparisons that show the price of some drugs are up to 15 times higher for seniors. Recalcitrance on the part of the pharmaceutical industry and the Congress has not only forced seniors to the pay for drugs out of their own pockets, but the price seniors pay is a national disgrace.

The burden on seniors is hard for them to avoid. More than ¾ of Americans aged 65 and over are taking prescription drugs. The average senior citizen takes more than four prescription drugs daily and fills an average of 18 prescriptions a year. Older Americans take significantly more drugs on average than the under-65 population. One-third of all drugs are prescribed for senior citizens even though seniors account for only 12% of the population.

Not only do older Americans spend almost three times as much of their income (21%) on health care as do those under the age of 65 (8%), but prescription drugs are the largest single source of out-of-pocket expenses for health services paid for by the elderly—more than doctor visits or hospital admissions. The primary reason for this is that Medicare does not cover outpatient prescription drugs.

It is totally unacceptable that 37% of seniors, nationally, have no prescription drug coverage and another 15–20% have totally inadequate coverage. In my state of Minnesota, where Medicare HMO drug coverage without additional cost is virtually nonexistent, close to 65% of seniors have no outpatient drug coverage at all.

The result of this drug pricing inequity and excessive cost burden frequently leads seniors to discontinue their medications against medical advice, to lower the dose they take to make their prescriptions last longer, or to take their medicines as prescribed but then skimp on food and other necessities. Whichever path is taken results in a decrease in health and an increased likelihood of an expensive hospital intervention. That is why we need the Medicare Prescription Drug Coverage Act of 1999. Not to provide this benefit is being penny-wise and pound foolish.

Minnesota seniors and others who live in states adjacent to Canada and Mexico often travel hundreds of miles and cross international borders to obtain drugs at prices only available in this country when negotiated by volume purchasers. Mildred Miller, a 78 year old constituent of mine from Minneapolis, found it necessary to travel to Canada and to send a friend to Mexico in order to afford the Tamoxifen her doctor in Minnesota had prescribed. And she is not alone.

For some seniors the high price of outpatient prescription drugs has not yet been a burden. They are the lucky ones who are members of Medicare HMOs in counties where the Medicare reimbursement rate to HMOs has been high enough to allow a prescription drug benefit, or are fortunate to be wealthy and healthy enough to be able to purchase one of the three Medigap policies that include a prescription drug benefit, or have drug coverage under health insurance benefits provided by former employers.

But for those for whom the high price of drugs has not yet been a burden, the future isn't particularly bright. Medicare HMO reimbursement rates are being reduced and many HMOs have cut back or completely cut out their drug benefit. Medigap policies that cover prescription drugs are expensive, have high $250 deductibles, 50% copays, and caps on benefits of $1250 or $300 per year. Health care benefits offered by former employers are becoming less and less common and less generous.

The good alternatives today are out of reach of most senior citizens. For example, in Minnesota, a Medicare-Choice prescription drug coverage option with 20% copay, no deductible, and no cap costs $130 per month. It is no wonder that from Maine to Minnesota to the state of Washington and down to Texas, America's senior citizens are forced to leave the country so they can afford to take the medicines they need. What they find are essentially the same prescription drugs at half of price. With the Medicare Prescription Drug Coverage Act of 1999, they won't have to flee their own country.

What is needed is a comprehensive prescription drug benefit that includes outpatient drugs—the same sort of prescription drug benefit available to members of Congress—with no cap, reasonable deductibles and reasonable copays. That is what this legislation calls for.

An important aspect of the Medicare Prescription Drug Coverage Act of 1999 is that it calls for a full prescription drug benefit—not one capped at a certain limit. Medicare today doesn't limit the number of necessary doctor visits or the number of needed operations—and it shouldn't. Prescription drugs now are as critical as those doctor visits or operations and it is unconscionable for necessary drugs not to be covered just as fully. If we limit the maximum benefit, we penalize the sickest and most frail elderly who have the greatest need and require the greatest number of prescription medications.

I expect that other Medicare prescription drug bills will be offered in this Congress, but I fear they will not provide the full protection seniors really need. If you have a major life threatening illness or multiple chronic diseases (something that is hard to predict before it happens), your monthly drug bill will quickly exceed the oft cited figure of a $1500 annual maximum. With such coverage, the sickest and most needy seniors will quickly find themselves out of the benefit. As I travel about the state of Minnesota, I frequently hear stories of elderly citizens saddled with prescription drug costs in excess of $300 per month who are trying to make ends meet on a monthly income of $1,000. That is why full drug coverage is so important.

What is also important to know is that the cost of providing a full prescription drug benefit is affordable and not that much more than the cost of a limited benefit. In 1998, the Lewin Group estimated that a Medicare prescription drug benefit in 1999 with a $250 deductible, a 20% copay and a $1500 annual cap would cost $13 billion. The same plan with no annual cap, providing full protection, would cost $17 billion. Revenues from the estate tax, which will fund the benefit, are estimated to be in the $19 billion to $23 billion range. That is more than enough to provide full coverage the full benefit.

Finally, Mr. President, let me say a few words about why using the estate tax to pay for a Medicare prescription drug benefit makes a lot of sense. Many members of Congress have argued that the estate tax is no longer needed for general revenue. If so, there is a great deal of logic in using it for a prescription drug benefit under Medicare. The estate tax today applies only to individual estates that are worth more than $650,000 and to estates of married couples worth more than $1 million. Over the next seven years the amount exempt from the estate tax will rise to $1 million for individuals and $2 million for couples. Well over 90% of the estate tax comes from wealthy individuals who were 65 or older at the time of their death. Most of these people were receiving medical care and benefiting from Medicare coverage. Thus, this bill recycles back into the Medicare program—for badly needed prescription drug coverage for all—money from people who benefited from their Medicare entitlement but were not in financial need of it. That only makes sense. For it is more important to preserve and expand the Medicare program than it is to provide tax cuts for the richest Americans.

Mr. President, it is unconscionable that America's senior citizens have such difficulty obtaining the fruits of the scientific advances made by America's pharmaceutical industry. Every day we delay, millions of senior citizens struggle to determine how they will be able to afford their next prescription refill. The time to end that struggle is now. That is why I am introducing the Medicare Prescription Drug Coverage Act of 1999 today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Prescription Drug Coverage Act of 1999".

SEC. 2. STUDY AND LEGISLATIVE PROPOSAL TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study with respect to the establishment of an outpatient prescription drug benefit under the medicare program that provides for full coverage of outpatient prescription drugs for medicare beneficiaries.

(b) ADDITIONAL MATTERS STUDIED.—In conducting the study under subsection (a), the Secretary of Health and Human Services shall include a determination of whether Federal estate tax revenues, transferred to the Federal Hospital Insurance Trust Fund by reason of the amendments made by section 3 of this Act, are sufficient, in excess of the amount required, or insufficient to defray the costs of such outpatient prescription drug benefit.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report containing a detailed description of the results of the study conducted pursuant to this section, and include in such report a legislative proposal to provide for such outpatient prescription drug benefit.

SEC. 3. TRANSFER OF FEDERAL ESTATE TAX REVENUES TO MEDICARE PROGRAM TO OFFSET COSTS OF PRESCRIPTION DRUG BENEFIT.

(a) TRANSFER TO FEDERAL HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended—

(1) by striking "and" at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting "; and", and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the taxes imposed by chapter 11 of the Internal Revenue Code of 1986 with respect to estates of citizens or residents reported to the Secretary of the Treasury or his delegate on tax returns under subtitle F of such Code, as determined by the Secretary of the Treasury by applying the applicable rate of tax under such chapter to such estate.".

(b) ESTABLISHMENT OF SEPARATE ACCOUNT FOR OUTPATIENT PRESCRIPTION DRUG BENEFIT.—Section 1817 of such Act (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

"(l) OUTPATIENT PRESCRIPTION DRUG ACCOUNT.—

"(1) ESTABLISHMENT.—There is hereby established in the Trust Fund an expenditure account to be known as the 'Outpatient Prescription Drug Account'.

"(2) CREDITING OF FUNDS.—The Managing Trustee shall credit to the Outpatient Prescription Drug Account such amounts as may be deposited in the Trust Fund pursuant to subsection (a)(3).

"(3) USE OF FUNDS.—Funds credited to the Outpatient Prescription Drug Account may only be used to pay for outpatient prescription drugs furnished under this title.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to payments received by the Secretary of the Treasury on or after the date of the enactment of this Act for taxes imposed by chapter 11 of the Internal Revenue Code of 1986.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 697. A bill to ensure that a woman can designate an obstetrician or gynecologist as her primary care provider; to the Committee on Health, Education, Labor, and Pensions.

THE WOMEN'S ACCESS TO CARE ACT

• Mrs. BOXER. Mr. President, last week, the Senate Health, Education, Labor and Pensions Committee marked up managed care reform legislation. Unfortunately, this markup was characterized by the partisan politics that have plagued this issue for over a year now.

I fear that this squabbling shows no signs of letting up, and I expect it to carry over onto the floor of the Senate. The result may be no action at all. And that, Mr. President, would be a tragedy. There are many individuals who need to be protected from some of the outrageous practices of managed care networks, and as long as we argue, they are not being helped.

It is time to move beyond the squabbling and get something done. Do not get me wrong. I strongly support and am a cosponsor of the Patients' Bill of Rights Act, introduced by Senator DASHCLE. I have no intention of renouncing my support for this excellent bill. Many of its provisions are based on a bill I introduced in 1997.

But, I do believe that we need to start reaching across the aisle to find common ground in those areas where this is agreement. So, today, I am introducing, along with Senator SNOWE, the Women's Access to Care Act—to guarantee that women in managed care plans can designate their ob/gyn as their primary care physician.

Let me tell you, Mr. President, why this bill is so important, and I will start with this basic fact: Many women consider their ob/gyn their principal doctor. According to a 1993 Gallup Poll, 72 percent of women had a regular physical examination in the previous two years from an ob/gyn. And, three-fourths of all women object to restricted access to their ob/gyn.

But, managed care companies are not paying attention.

Sometimes, a managed care company requires a woman to get a referral in order to see her ob/gyn. Or, a managed care plan allows a woman to see an ob/gyn without a referral only under limited circumstances—such as for only a few visits each year or for only certain medical conditions. Or, a managed care network does not allow a woman's ob/gyn to refer her to a specialist.

All of these hurdles placed between a woman and her doctor mean that a woman has to get a referral from another doctor just to see her doctor, and that she must, for all practical purposes, have two doctors.

Let me give you an example that will illustrate how absurd this is.

A 39-year-old woman—who considers her ob/gyn as her doctor—is in the office for a routine check-up. The ob/gyn discovers a lump in the woman's breast and tells her that she needs to get a mammogram. But, because the woman is under the age for automatic coverage of mammograms, she can only get one if her doctor says it is medically necessary. But, the managed care plan does not consider the ob/gyn as the woman's doctor—even though she does. So, this woman has to go find a primary care doctor just to get that doctor to okay a mammogram. And, the ob/gyn certainly cannot refer her to a specialist about the lump in her breast.

That, Mr. President, is silly. It makes no sense. And, it is not even good health policy. According to the Commonwealth Fund, a woman whose ob/gyn is her regular doctor is more likely to have had a complete physical exam, a blood pressure reading, a cholesterol test, a clinical breast exam, a mammogram, a pelvic examination, and a Pap smear.

In other words, a woman is more likely to receive the health care she needs when she can see her ob/gyn. Why? Because many woman consider their ob/gyn their principal doctor.

The bill that Senator SNOWE and I are introducing today recognizes this fact. The Women's Access to Care Act would provide a woman in a managed care plan with three options.

First, she could designate an ob/gyn as her primary care physician. She would have the same right of access to—and the doctor would have the same right of referral as—any other primary care physician.

Second, she could continue the practice common today. That is, she could designate a general practitioner as her primary care physician. But, if she does, she must be allowed to see an ob/gyn without a referral for all routine gynecological care and pregnancy related services. And, the ob/gyn could refer the woman to a specialist for any other needed gynecological care.

Third, we would say that a woman could designate both an ob/gyn and a general practitioner as her primary care provider. Sometimes a woman considers her ob/gyn as her doctor but does not want to close off access to a general practitioner for other health care needs.

Finally, Mr. President, let me briefly address what is known as direct access to an ob/gyn. Allowing a woman to go directly to her ob/gyn without a referral would be an important step forward. But, keep in mind that it is not the full story. Even if the direct access were unlimited and unfettered, it would not allow an ob/gyn to refer a woman to the specialist she needs. To do that requires allowing an ob/gyn to be designated as a primary care physician.

Mr. President, I believe the Women's Access to Care Act is a common sense approach that recognizes the reality of the way many women receive—and want to receive—their health care. It is also an opportunity to break through the partisan logjam on managed care and enact something meaningful to help the women of America.

I urge my colleagues to join me and Senator SNOWE in this bipartisan effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Access to Care Act".

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.), as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following:

"SEC. 714. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant or beneficiary to designate a participating primary care provider—

"(1) the plan or issuer shall permit such an individual who is a female to designate a participating physician who specializes in obstetrics and gynecology as the individual's primary care provider in lieu of or in addition to the designation by such individual of a provider who does not specialize in obstetrics and gynecology as the primary care provider; and

"(2) if such an individual has not designated a physician who specializes in obstetrics or gynecology as a primary care provider, the plan or issuer—

"(A) may not require authorization or a referral by the individual's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating health care professional who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

"(B) may treat the ordering of other gynecological care by such a participating health professional as the authorization of the primary care provider with respect to such care under the plan or coverage.

"(b) CONSTRUCTION.—Nothing in subsection (a)(2)(B) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered."

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note), as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Access to obstetrical and gynecological care.".

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.), as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), is amended by adding at the end the following new section:

"SEC. 2707. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for an enrollee to designate a participating primary care provider—

"(1) the plan or issuer shall permit such an individual who is a female to designate a participating physician who specializes in obstetrics and gynecology as the individual's primary care provider in lieu of or in addition to the designation by such individual of a provider who does not specialize in obstetrics and gynecology as the primary care provider; and

"(2) if such an individual has not designated a physician who specializes in obstetrics or gynecology as a primary care provider, the plan or issuer—

"(A) may not require authorization or a referral by the individual's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating health care professional who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

"(B) may treat the ordering of other gynecological care by such a participating health professional as the authorization of the primary care provider with respect to such care under the plan or coverage.

"(b) CONSTRUCTION.—Nothing in subsection (a)(2)(B) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.".

(b) INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements), as amended by the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) is amended—

(1) by redesignating such subpart as subpart 2; and

(2) by adding at the end the following:

"SEC. 2753. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Access to obstetrical and gynecological care."; and

(2) by inserting after section 9812 the following:

"SEC. 9813. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

"(a) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for a participant or beneficiary to designate a participating primary care provider—

"(1) the plan or issuer shall permit such an individual who is a female to designate a participating physician who specializes in obstetrics and gynecology as the individual's primary care provider in lieu of or in addition to the designation by such individual of a provider who does not specialize in obstetrics and gynecology as the primary care provider; and

"(2) if such an individual has not designated a physician who specializes in obstetrics or gynecology as a primary care provider, the plan or issuer—

"(A) may not require authorization or a referral by the individual's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating health care professional who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

"(B) may treat the ordering of other gynecological care by such a participating health professional as the authorization of the primary care provider with respect to such care under the plan or coverage.

"(b) CONSTRUCTION.—Nothing in subsection (a)(2)(B) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.".

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(b) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this Act shall not apply to plan years beginning before the later of—

(1) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(2) January 1, 2000.

For purposes of paragraph (1), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this Act shall not be treated as a termination of such collective bargaining agreement.

(c) INDIVIDUAL MARKET.—The amendment made by section 3(b) shall apply to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to require a participating physician to accept designation as a primary care provider.•

By Mr. MURKOWSKI:

S. 698. A bill to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

HIGH ALTITUDE RESCUES AT DENALI NATIONAL PARK AND PRESERVE IN THE STATE OF ALASKA

• Mr. MURKOWSKI. Mr. President, today I am introducing legislation that would require the Secretary of the Interior to report to Congress on the feasibility and desirability of recovering the cost to taxpayers of rescuing high altitude climbers on Mt. McKinley in Denali National Park and Preserve in the State of Alaska.

Mr. President, Denali National Park and Preserve attracts approximately 355,000 visitors per year who come to see the wildlife, the grandeur of our State, and to gaze at America's highest peak. Most are unaware that while they are taking in the breathtaking vista that is Mt. McKinley, there are approximately another 1,100 persons per year that are attempting to attain the 20,320 summit.

Climbing Mt. McKinley is certainly no easy walk in the Park. A typical year sees a dozen major rescue incidents and one or two fatal accidents. Extreme and unpredictable weather on Mt. McKinley make high altitude rescues very dangerous and very expensive.

Over the last few years the National Park Service has actively and successfully worked to reduce the loss of life and injury to climbers who have attempted to climb this mountain. The NPS spends more than $750,000 per year for education; pre-positioning supplies and materials at various altitudes on the mountain; the positioning of a special high altitude helicopter in the Park; and actual rescue attempts.

Just last year the military and the Park Service spent four days and $221,818 rescuing 6 sick and injured British climbers who disregarded warnings and advice from park rangers stationed on the mountain. This rescue included what is probably the world's highest short haul helicopter rescue at 19,000 feet and entailed a very high level of risk for the rescue team. This is just one example of many rescues the Park Service conducts each year on Mt. McKinley.

Mr. President, I personally do not feel that the American taxpayer should be left with the bill for rescues on this mountain. The Federal Government does not force these climbers to climb; they engage in this activity voluntarily and with full knowledge of the risks. While I admire the courage and tenacity of mountain climbers, I do not think it is fair to divert scarce park funds from services that benefit the majority of park visitors for the purpose of providing extraordinarily expensive services to a small number of users who put themselves in harm's way with their eyes wide open. Mountain climbers are a special breed who are proud of their self-sufficiency and independence— and rightly so. For that reason I think they should recognize the simple equity of paying their fair share of the public costs of their sport.

As a result of a recent field hearing on this issue, I found that while I have received many letters of support, there are a few stalwart individuals who do not agree with my point of view and have raised some legitimate questions. That is why I want the Secretary of the Interior to look at the feasibility and desirability of some sort of a cost recovery system that puts a minimal burden on climbers, whether it be an insurance requirement, bonding, or any other proposal. The pros and cons of these cost recovery mechanisms need to be carefully explored before we act.

Last but not least, Mr. President, I want the Secretary to evaluate requiring climbers to show proof of medical insurance so that hospitals in Alaska and elsewhere are not left holding the bag as they sometimes are under present circumstances. It is a good neighbor policy that should be put into effect at the earliest opportunity.•

By Mr. WYDEN (for himself and Mr. BREAUX):

S. 699. A bill to protect the public, especially senior citizens, against telemarketing fraud, including fraud over the Internet, and to authorize an educational campaign to improve senior citizens' ability to protect themselves against telemarketing fraud; to the Committee on the Judiciary.

THE TELEMARKETING FRAUD AND SENIORS PROTECTION ACT

Mr. WYDEN. Mr. President, online consumer purchases are exploding, having topped more than $8 billion last year. But the goldrush in cyberbuying is likely to carry along with it a boom in cyberfraud. As with telemarketing fraud, fraudulent schemes over the Internet are increasingly aimed at seniors—some of our most vulnerable citizens. Congress can help head-off this cybercrime by extending our current telemarketing laws to encompass fraud on the Net. That is the purpose of the legislation I am introducing today.

In response to the staggering $40 billion consumers lose in telephone fraud each year, Congress passed the 1998 Telemarketing Fraud Prevention Act. I strongly supported that effort. The new law builds upon the four federal laws enacted since the early 1990s that deal directly with telemarketing fraud. The 1998 law stiffens penalties for telemarketing fraud by toughening the sentencing guidelines—especially for crimes against the elderly, requires criminal forfeiture to ensure the booty of telemarketing crime is not used to commit further fraud, mandates victim restitution to ensure victims are the first ones compensated, adds conspiracy language to the list of telemarketing fraud penalties so that prosecutors can find the masterminds behind the boiler rooms, and will help law enforcement zero in on quick-strike fraud operations by giving them the authority to move more quickly against suspected fraud.

The 1998 law is a good step forward but it's not enough to deal with today's digital economy. As more Americans—and especially seniors—go online, cyberscams are proliferating. The Congressional crackdown on telemarketing fraud will only encourage cyberscammers to migrate to the Net unless the law gets there first. That is the purpose of the legislation I am pleased to introduce today with Senator BAUCUS.

The Telemarketing Fraud and Seniors Protection Act, which I introduced last year as S. 2587, simply extends current law against telemarketing fraud to include the same crimes committed over the Internet. The approach expands the existing law applicable to mail, telephone, wire, and television fraud to fraud over the Internet, and its enforcement would follow the same division of labor there is today between the Federal Trade Commission (FTC) and the Department of Justice. The bill would apply the same tough penalties that Congress enacted in 1998 to cyberscams. The growth of Internet telephony makes it more attractive for cyberscammers to set up shop offshore, beyond the reach of U.S. law. My bill would address this problem by allowing law enforcement to freeze the assets and deny entry to the United States of those convicted of cyberfraud.

The bill takes special aim against those attempt to defraud one of our most vulnerable groups—our senior citizens. Seniors are the target for more than 50 percent of telemarketing fraud. Although telemarketers convicted of fraud face stiff penalties—a minimum of 5–10 years in jail and restitution payments to their victims, we also need to better educate and inform senior citizens on how to avoid becoming victims of telemarketing fraud in the first place, and how to assist law enforcement in catching the perpetrators.

The legislation would also authorize the Administration on Aging, through its network of area agencies of aging, to conduct an outreach program to senior citizens on telemarketing fraud. Seniors would be advised against providing their credit card number, bank account or other personal information unless they had initiated the call unsolicited. They would also be informed of their consumer protection rights and any toll-free numbers and other resources to report suspected illegal telemarketing.

Mr. President, the Federal Trade Commission is off to a good start against cyberscammers. Some of the operations the FTC has targeted are not companies at all, but merely websites that promise consumers everything from huge new consulting contracts to the elimination of bad credit reports. They may use scare tactics to frighten consumers into sending important personal financial information and hundreds of dollars for services the consumer will never see, or attempt to lure consumers with the promise of helping them cash in on the Internet explosion. The FTC also has a strong operation going against junk e-mailers. My legislation will complement and strengthen the FTC's effort to target telemarketing fraud over the Internet and especially when such fraud is aimed at seniors.

I am pleased to be joined in this effort by Senator BAUCUS. This legislation is similar to that which Rep. Weygand has introduced in the House of Representatives. I urge my colleagues in the Senate to cosponsor this important legislation, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to printed in the RECORD, as follows:

S. 699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TELEMARKETING FRAUD AND SENIORS PROTECTION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Telemarketing Fraud and Seniors Protection Act".

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) Telemarketing fraud costs consumers nearly $40,000,000,000 each year.

(2) Senior citizens are often the target of telemarketing fraud.

(3) Fraudulent telemarketers compile into so-called "mooch lists" the names of consumers who are potentially vulnerable to telemarketing fraud.

(4) According to the American Association of Retired Persons, 56 percent of the names on such "mooch lists" are individuals age 50 or older.

(5) The Department of Justice has undertaken successful investigations and prosecutions of telemarketing fraud through various operations, including "Operation Disconnect", "Operation Senior Sentinel", and "Operation Upload".

(6) The Federal Bureau of Investigation has helped provide resources to assist organizations such as the American Association of Retired Persons to operate outreach programs designed to warn senior citizens whose names appear on confiscated "mooch lists".

(7) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

(8) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.

(9) Senior citizens need to be warned of the dangers of telemarketing fraud before they become victims of such fraud.

SEC. 103. PURPOSE.

It is the purpose of this title to protect senior citizens, through education and outreach, from the dangers of telemarketing fraud and fraud over the Internet and to facilitate the investigation and prosecution of fraudulent telemarketers.

SEC. 104. DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Assistant Secretary of Health and Human Services for Aging, shall publicly disseminate in each State information designed to educate senior citizens and raise awareness about the dangers of telemarketing fraud and fraud over the Internet.

(b) INFORMATION.—In carrying out subsection (a), the Secretary shall—

(1) inform senior citizens of the prevalence of telemarketing fraud targeted against them;

(2) inform senior citizens how telemarketing fraud works;

(3) inform senior citizens how to identify telemarketing fraud;

(4) inform senior citizens how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

(5) inform senior citizens how to report suspected attempts at telemarketing fraud;

(6) inform senior citizens of their consumer protection rights under Federal law; and

(7) provide such other information as the Secretary considers necessary to protect senior citizens against fraudulent telemarketing.

(c) MEANS OF DISSEMINATION.—The Secretary shall determine the means to disseminate information under this section. In making such determination, the Secretary shall consider—

(1) public service announcements;

(2) a printed manual or pamphlet;

(3) an Internet website; and

(4) telephone outreach to individuals whose names appear on so-called "mooch lists" confiscated from fraudulent telemarketers.

(d) PRIORITY.—In disseminating information under this section, the Secretary shall give priority to areas with high concentrations of senior citizens.

SEC. 105. AUTHORITY TO ACCEPT GIFTS.

The Secretary of Health and Human Services may accept, use, and dispose of unconditional gifts, bequests, or devises of services or property, both real and personal, in order to carry out this title.

SEC. 106. DEFINITION.

For purposes of this title, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

TITLE II—TELEMARKETING FRAUD OVER THE INTERNET

SEC. 201. EXTENSION OF CRIMINAL FRAUD STATUTE TO INTERNET.

(a) EXTENSION.—Section 1343 of title 18, United States Code, is amended by—

(1) by inserting "(a)" before "Whoever";

(2) in subsection (a), as so designated, by striking "or television communication" and inserting "television, or Internet communication"; and

(3) by adding at the end thereof the following:

"(b) For purposes of this section, the term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

"§ 1343. Fraud by wire, radio, television, or Internet".

(2) The table of sections at the beginning of chapter 63 of that title is amended by striking the item relating to section 1343 and inserting the following new item:

"1343. Fraud by wire, radio, television, or Internet.".

SEC. 202. FEDERAL TRADE COMMISSION SANCTIONS.

(a) RULEMAKING TO APPLY SANCTIONS.—The Federal Trade Commission shall initiate a rulemaking proceeding to set forth the application of section 5 of the Federal Trade Commission Act (15 U.S.C. 45), and other statutory provisions within its jurisdiction, to deceptive acts or practices in or affecting the commerce of the United States in connection with the promotion, advertisement, offering for sale, or sale of goods or services through use of the Internet, including the initiation, transmission, and receipt of unsolicited commercial electronic mail.

(b) INTERNET DEFINED.—In this section, the term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 700. A bill to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

ALA KAHAKAI NATIONAL HISTORIC TRAIL ACT

Mr. AKAKA. Mr. President, along with my senior colleague from Hawaii, Senator DAN INOUYE, today I am introducing legislation to authorize designation of the Ala Kahakai ("Trail by the Sea"), on the Island of Hawaii, as a National Historic Trail.

The Ala Kahakai is the modern name for an approximately 175-mile portion of the ancient shoreline footpath, the Ala Loa ("Long Trail"), that once circumscribed the island of Hawaii. The Ala Loa served as the major land route connecting more than 600 communities of the island kingdom of Hawaii between the 15th and 18th centuries. It is associated with many prehistoric and historic housing areas, most of the royal centers and temples of the island, a number of major battles, and the facilitation of government functions such as tax collection.

Of more recent significance, a key section of the trail is associated with the series of events that unfolded between 1779 and 1820 that had lasting consequences for Hawaiian cultural evolution: Captain Cook's landing and subsequent death at Kealakekua Bay in 1779; Kamehameha's rise to power and consolidation of the Hawaiian Islands under monarchical rule; the death of Kamehameha I in 1819, followed by the overthrow of the ancient religious system, the kapu: and, finally, the arrival of the first Western missionaries in 1820.

Interest in preserving this important Hawaiian cultural legacy has been growing since the 1970s, when the State of Hawaii began developing Na Ala Hele ("Trails for Walking"), a proposal for cooperative management of the statewide trail system. In 1988, the concept evolved into the Hawaii Statewide Trail and Access System, whose mission is to develop trail access while conserving Hawaii's environmental and cultural heritage.

The Na Ala Hele planning process called for the development of a demonstration trail for each of Hawaii's major islands, including a 35-mile demonstration trail on the Big Island of Hawaii. I introduced legislation (P.L. 120-361) in 1992 proposing that NPS study whether an expanded, 175-mile version of the Big Island trail, the Ala Kahakai, should be incorporated into the National Trails System.

Pursuant to P.L. 120-461, the National Park Service undertook a study to evaluate the desirability and feasibility of establishing the Ala Kahakai as a national trail. In January 1998, after a long process of consultation with federal, state, local authorities and other interests, and after a period of public review, the study ("Ala Kahakai National Trail Study and Final Environmental Impact Statement") was completed. In August 1998, the Secretary of the Interior, with the concurrence of the National Park System Advisory Board, endorsed the study's principle recommendation that the Ala Kahakai be designated a National Historic Trail.

According to the study, the trail meets all of the three criteria for historic trail designation. To wit: it must be a trail or route established by historic use and must be historically significant as result of that use; it must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns; and, it must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation.

In addition, the study suggested that the trail not only qualifies for designation as a National Historic Trail, but that it has the potential to be designated a National Scenic Trail (although to do so would trivialize its historical and cultural significance) and may well be eligible for the National Register of Historic Places.

The study presented four alternatives for the management of the Ala Kahakai: (a) no action, (b) a national historic trail (continuous), (c) a state historic trail, and a national historic trail (discontinuous)—ultimately recommending alternative "b" as the best means to preserve and restore the trail and maximize public access to the entire route. The preferred alternative assumes recognition of a continuous route that, over time, could become continuous on the ground.

It is fairly clear that reestablishing the 175-mile route is physically possible. Although some parts of the trail have been covered by lava, eroded by tides, or otherwise sustained damage from natural and human processes, these sections can be bridged through recreational trail links. In some cases, the trail can be rebuilt using traditional construction methods.

About half (93 miles, or 53 percent) of the proposed trail is in local, state, or federal government ownership, and 82 miles cross private lands. Of the latter, 16 miles have been dedicated, through planning requirements, as public land. Of the remaining 66 miles of trail on private lands, as much as 35 miles are classified as "ancient trail" and thus claimable as state-owned under Hawaiian law. For the remaining sections of trail that are not ancient trail, or for which the state's claim has been forfeited in some way, landowner participation would be entirely voluntary.

Mr. President, I urge my colleagues to support this legislation, which is key to preserving and interpreting an important Hawaiian legacy that is threatened by time, neglect, and modern activity. The Ala Kahakai boasts more cultural and historical resources than any other trail in the National Trails System. Its designation as a national historic trail would help us preserve one of the most important and evocative legacies of Hawaii's indigenous history and culture. I hope that Congress will act quickly on this measure, to ensure that the trail can be developed as a resource for all Americans to enjoy.

Thank you, Mr. President. This measure is supported by State and local authorities as well as a wide spectrum of community organizations. I ask unanimous consent that the text of the bill, a letter of support from Hawaii Governor Ben Cayetano, as well as the Department of Interior's Record of Decision on this issue be printed in the RECORD.

There being no objection, the material was ordered to printed in the RECORD, as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ala Kahakai National Historic Trail Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the "Ala Loa" (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as 'Wahaulu', as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

"(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.".

EXECUTIVE CHAMBERS,
Honolulu, July 1, 1998.

Subject: Congressional Nomination of the Ala Kahakai National Historic Trail on Hawaii.

JOHN J. REYNOLDS,
Regional Director, National Park Service, Pacific West Region, Pacific Great Basin Support Office, San Francisco, CA.

DEAR MR. REYNOLDS: This letter is in regards to the potential inclusion of the historic Ala Kahakai alignment on the island of Hawaii as a part of the National Trail System. Senator Daniel K. Akaka and Senator Daniel K. Inouye introduced federal legislation in 1992, that authorized the National Park Service (NPS) to conduct a National Trail Study and Environmental Impact Statement (NTS/EIS) for the United States Congress, to determine if the Ala Kahakai qualified as a National Historic Trail and to also determine the feasibility of implementing the project.

During the NTS/EIS process, NPS conducted four informational meetings on the island of Hawaii to solicit public sentiment on the possible National Trail status and on the four proposed management scenarios identified in the draft NTS/EIS. The final NTS/EIS recommends inclusion of the Ala Kahakai in the National Trail System, through implementation of Alternative B, which establishes NPS administration and oversight of the trail in coordination with the state and county. The State of Hawaii concurs with Alternative B, but with the following concerns: (1) Congressional approval of Ala Kahakai as a National Trail, without the commensurate funding, may actually contribute to the decline of the associated natural and cultural resources due to the probable resulting increase in public demand for access to the trail and related resources, and (2) it is also imperative that the concerns of native Hawaiians and adjacent private landowners are addressed during development of the management plan.

I commend the NPS in their treatment of the Ala Kahakai in the NTS/EIS, and support Congressional approval of the National Trail designation. The Ala Kahakai is a very significant cultural and recreational resource, and a formal parthership among all the participating agencies, Hawaiian cultural representatives, landowners, trail user groups and individuals will help to assure the sustainability of this valuable historic trail.

With warmest personal regards,

Aloha,

BENJAMIN J. CAYETANO.

FINAL ENVIRONMENTAL IMPACT STATEMENT—RECORD OF DECISION

Summary: Pursuant to §102(2)(C) of the National Environmental Policy Act of 1969 and the regulations promulgated by the Council on Environmental Quality (40 CFR Part 1500), the Department of the Interior, National Park Service has prepared this Record of Decision for the Final Environmental Impact Statement for the National Trail Study for Ala Kahakai. This 175-mile trail is located parallel to the western and southern shoreline of the Island of Hawaii, from Upolu Point on the north to the eastern boundary of Hawaii Volcanoes National Park. This document is a concise statement of decisions made, alternatives considered, basis for the decision, and mitigating measures developed to avoid or minimize environmental impacts.

Recommendation: This National Trail Study (Study) and Final Environmental Impact Statement (FEIS) were prepared to provide the United States Congress and the public with information about the resources in the study area and how they relate to criteria for the National Trails System (System). The decision on whether to designate the Ala Kahakai as a National Historic Trail will be made by Congress after transmittal of the Study and Record of Decision (ROD) by the Secretary of the Interior. The National Park Service (NPS) recommends Alternative B, National Historic Trail (continuous), as the environmentally preferred alternative (and which is described in the FEIS for which the Notice of Availability was published in the Federal Register on April 29, 1998). Out of four alternatives identified and analyzed, the recommended alternative offers the best opportunity to protect trail resources, educate the public about the history and significant of the island shoreline trail, or ala loa, and the Hawaiian culture, and provide high quality recreation. The Draft Environmental Impact Statement (DEIS) for the Study did not recommend on alternative. The DEIS was issued in July 1997, and the public review period ended on October 17, 1997.

Findings: The NPS concludes that the Ala Kahakai meets the three criteria as a National Historic Trail as outlined in the National Trails System Act. The NPS also concludes that establishing a continuous trail is physically feasible.

The NPS concludes that desirability of recognizing the trail rest on two key items: first; communities along the way, native Hawaiians, and landowners all be involved in planning and implementing the trail; and second, adequate funding must be ensured at the time the trail is designated to protect cultural and natural resources. If the trail is designated without adequate funding at the outset, resources may be more threatened by unregulated increase public use then they already are.

The National Park System Advisory Committee agreed at their November 1997 meeting that the Ala Kahakai does have National Historic Significance based on the criteria developed under the Historic Sites Act of 1935.

Recommended Alternative: Under this alternative, National Historic Trail (continuous), Alternative B, the trail would be recognized as a continuous route and over time would become continuous on the ground. Intact segments of the prehistoric and historic ala loa would be preserved and protected in place. These segments would be linked with later trails or reconstructed trails, as feasible, to create a continuous trail. It is anticipated that, once records of title are reviewed, most of the trail will be owned in fee simple by the state and reserved for use of the public under the Highways Act of 1892. The NPS would administer and have oversight of the trail in close coordination with the state and county. Nonfederally-owned portions of the trail would become official components of the National Trail only through agreements with landowners or land managers.

The NPS would prepare a management plan with the active involvement of native Hawaiians, landowners, trail users, and other interested groups and individuals. An advisory council would be appointed by the Secretary of the Interior. The National Trail would be interpreted as a portion of the ancient ala loa and as a traditional cultural property of continuing importance to native Hawaiians. The management plan would include a uniform marker for identifying the trail. State and local agencies, private landowners, local groups, and individuals would manage the trail on the ground. Natural, cultural, and ethnographic resources would be inventoried and protected before trail segments would be promoted for public use. No Federal land acquisition is anticipated (it is expected that any legislation designating the trail would include language prohibiting land acquisition except with the consent of the owner). All current State and County land use regulations would continue to apply to lands adjacent to the trail.

Estimated federal costs for this alternative (presented in the FEIS in 1997 dollars) are as follows: management plan and initial brochure, $275,000; phased costs (archaeological surveys and ethnography, trail identification, restoration, and construction), trailhead and campsite development, facility planning) $3,679,000; and annual operations cost, $265,000.

Other Alternatives Considered: Three other alternatives were considered. The No-Action Alternative, Alternative A, would result in continuing the present conditions. The Ala Kahakai would remain as the 35-mile state demonstration trail. Piecemeal trail and resource protection would be reactionary as development or other threats occur. The trail would be a disconnected series of trail segments emphasizing lateral shoreline access. Over time, as records of title are researched for various reasons, most of the 175-mile trail would be owned in fee simple by the state and reserved for public use, but the ala loa and its role in the lives of ancient and contemporary Hawaiians would not be consistently recognized and interpreted. There would be no overall administration of the trail as a unified whole as part of a system of island trails.

The State Historic Trail Alternative, Alternative C, would require state legislation to recognize the 175-mile trail as a continuous portion of the ala loa. The legislation would outline the requirements of a state management plan and the needs for protection of resources. It is anticipated that the state trails and access program, Nā Ala Hele, would administer the trail. To achieve the vision for the trail, the state would need to appropriate funds specifically for the planning, protection, development, interpretation, and maintenance of the trail. Since the state is likely to own most of the trail in fee simple, this alternative would appear to be viable.

The National Historic Trail (discontinuous) Alternative, Alternative D, would be similar to Alternative B, except that the trail would be recognized as a continuous route, but only intact prehistoric and historic sections would be protected and interpreted for the public. The trail would not be continous on the ground.

Four additional options were considered but rejected as non-viable.

Basis for the Recommendation: In 1992, the U.S. Congress enacted legislation providing for a study of the potential inclusion of the Ala Kahakai into the System. National Trail Studies must determine whether a trail meets eligibility requirements and whether it is feasible and desirable to add it to the System. The NPS found the trail meets the eligibility criteria, and determined it to be feasible and desirable to designate it as a unit of the System if certain conditions are met.

In addition, National Trail Studies analyze a range of conceptual alternatives for managing the trail, including a no-action, a national trail, and other feasible alternatives. It is NPS policy to fulfill its conservation planning-impact analysis and other stewardship obligations through preparing an EIS for National Trail Studies. Also as a matter of policy, the NPS recommends an alternative, fully recognizing that Congress is the decision-making body.

Each alternative in the Ala Kahakai FEIS considers natural, cultural, scenic and visual, and recreational resources, and the socio-economic environment. Of the four alternatives, the recommended alternative offers the best opportunity to protect trail resources, educate the public about the history and significance of the ala loa and the Hawaiian culture, and provide high quality recreation. It would treat the 175-mile trail as a single system, rather than as a series of unrelated segments, providing a context for protection and interpretation. This approach would better protect the resources than the piecemeal approach provided under Alternative A, No-Action, or the segmented approach under Alternative D, National Historic Trail (discontinuous). Under the No-Action Alternative, trail resources could be lost to continuing development and lack of public awareness of trail resource values. Opportunities would be lost to interpret the Ala Kahakai as part of the ala loa. Further, Alternative C, State Historic Trail, may appear to be a likely management scenario (since the state anticipates that it will own most of the trail once land titles are investigated), but the State does not appear to have the funds or enough staff to plan for and manage the entire trail. The recommended alternative would allow NPS administration, coordination, oversight, and technical assistance to bolster state and local management of the trail.

Measures to Minimize Harm: The FEIS addresses conceptual management options for the Ala Kahakai. Supplementary conservation planning and impact analysis would be necessary, in conjunction with preparing a management plan; tiered environmental documents for specific trail projects would be prepared as they occur and as appropriate. The FEIS includes practicable means at a programmatic level to avoid or minimize environmental harm. For instance, it is essential that no section of trail be opened for public use unless and until a management plan, prepared in concert with landowners and native Hawaiians along the segment, is completed and maintenance and protection of cultural and natural resources provided for. Cultural resources and traditional cultural properties would be identified and ethnographies prepared. Native Hawaiian cultural experts would advise on planning and managing the trail. Native Hawaiians, landowners, communities along the way, trail users, and others would be involved in planning for and managing the trail. Natural resources (which are often perceived as cultural resources to Native Hawaiians) would be inventoried and measures taken to protect archaeological sites and threatened and endangered species before any portion of the trail is promoted for public use. Anchialine ponds would be identified and inventoried and a range of protection measures considered before encouraging trail use near them. Effects of trail use on cultural and natural resources would be monitored as feasible and appropriate.

Public Review: The DEIS was developed after public scoping through five public meetings, numerous agency and organization meetings, distribution of meeting summaries, and a newsletter series. Alternatives were developed through a workshop process, and an initial opportunity for public contributions was afforded through a newsletter with response form. The DEIS was issued in late July 1997 and the public review period ended on October 17, 1997. Also during this period the NPS conducted four public meetings and received 67 written comments during the 60-day public review period. The FEIS (noticed in the Federal Register on April 29, 1998) included responses to 39 letters from agencies, landowners, organizations, and individuals who raised specific issues. In general, the landowners who commented on the DEIS preferred the No Action Alternative, and the organizations and individuals who responded preferred the National Historic Trail (continuous) Alternative. No significant new issues were raised which would require the development of a new alternative, although the FEIS clarified the impacts to land use section, the intent of Alternative B, and revised the cost estimate. The 30-day no-action period began on April 3, 1998 and ended on May 4, 1998.

During the no-action period, two typographic corrections were noted (and are incorporated by reference):

1. On page 39, the abbreviation for MLCD is reversed several times.
2. On page 49, the name "Kekaha Kai" is misspelled.

Also during this period several comments were received. These communications neither surfaced new issues or concerns, nor provided information to add to the FEIS. However, since the FEIS provided the first public opportunity to review the NPS recommendation, all comments received are summarized below to ensure that Congress and interested parties are fully apprised of all views. Moreover, all written communications received during the entire environmental compliance process are on file in the NPS's Pacific Great Basin Support Office in San Francisco.

COMMENTS SUPPORTING THE RECOMMENDATION

The U.S. Fish and Wildlife Service supported the recommendation and expressed interest in working with the NPS, the state, and all cooperators on management strategies to protect endangered plants and animals, and their habitats, if the trail is designated a National Historic Trail.

A Hawaii County Council member supported of the recommendation; his letter is attached to the Record of Decision at the request of Senator Daniel Akaka.

Ē Mau Nā Ala Hele, a non-profit trails support group, supported the recommendation and emphasized the need for local control and management.

Wailea Property Owners' Association generally supported the recommendation, but noted concerns for litter, waste, and crime, and requested that the trail be non-motorized.

Several individuals wrote, e-mailed, or telephoned their support for the recommendation.

COMMENTS SUPPORTING OTHER OPTIONS

The President of Ka Ohana O KaLae, a Puna District kinship group, rejected all alternatives because the coastal area "must fall under jurisdiction of the Native Hawaiian tenant living in that particular portion of ahupuaa."

Waikoloa Resort supported Alternative A and indicated it would not cooperate with Federal designation of the trail.

Kona Kohala Resort Association supported Alternative A and expressed concern about increased landowner burden under the recommended alternative.

Chalon International continued to question not including the entire "Cordy report" in the FEIS.

Kamehameha Schools Bernice Pauhai Bishop Estate reiterated their belief that the Ala Kahakai is a collection of fragmented remnants and thus opposed designation of a National Trail along the Hawaii coastline.

Skycliff Investment, L.L.C. questioned the listing in Appendix G of 0.89 miles of the Ala Kahakai passing over their property. As new owners they did not have the opportunity to comment on the DEIS. They cautioned avoidance of regulatory taking without compensation and asked to be consulted on any developments related to the Ala Kahakai Study.

The Hawaii Leeward Planning Conference restated concerns noted in the FEIS.

Oceanside 1250 wrote three letters: one commented on other letters included in the FEIS; the other two restated concerns noted in the FEIS.

Conclusion: The National Trail Study, Draft and Final EIS, and Record of Decision will be transmitted to Congress by the Secretary of the Interior. The decision on whether to designate the Ala Kahakai as a National Historic Trail will be made by Congress.

U.S. SENATE,
Washington, DC, April 24, 1998.

SUPERINTENDENT,
Pacific Great Basin Support Office, National Park Service, San Francisco, CA.

DEAR SUPERINTENDENT: Please include the enclosed remarks of J. Curtis Tyler III, Council Member, County Council of Hawaii, as part of the public comment record on the *National Trail Study and Final Environmental Impact Statement for the Ala Kahakai.*

Thank you for your attention to this matter.

Aloha pumehana,
DANIEL K. AKAKA,
U.S. Senator.

Enclosure.

COUNTY COUNCIL,
COUNTY OF HAWAII,
Hilo HI, April 13, 1998.

Re: Final EIS, Ala Kahakai, Hawai'i Island.

DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: I have reviewed a copy of the above referenced study and wish to submit the following brief comments:

As a Native Hawaiian and an elected public official, I encourage the Congress and National Park Service to include Ala Kahakai in the National Trail System. I believe that, as both a traditional cultural and public resource, this trail is totally unique and of enormous significance and value. Therefore, its conservation and protection are extremely important, not only to present and future generations of Native Hawaiians, but to the general public as well.

I believe that inclusion of this trail will afford greater opportunities to attract the resources necessary to conserve and protect it. This is especially important in light of the fiscal and other constraints now being experienced in the State of Hawaii.

I am aware that some feel inclusion may further compromise this special asset, but I am confident that, as long as the the trail remains a part of the public trust, and there is a willingness and open mechanism to consider and implement the perspectives and wishes of local residents, including Native Hawaiians, the end result will be superior to leaving this matter only in the hands of state and local governments.

Finally, I wish to commend you and all those who have worked on this project. In my opinion, the work has been done in a sensitive and thorough manner, and demonstrates a true commitment on your part to seek and ensure that the life of this land will continue to be perpetuated in that which is pono.

Thank you for the opportunity to comment on this important matter. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,
J. CURTIS TYLER, III,
Council Member, District 8.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 701. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building"; to the Committee on Environment and Public Works.

RONALD H. BROWN FEDERAL BUILDING

Mr. MOYNIHAN. Mr. President, I rise with my colleague Senator SCHUMER to introduce a bill to honor and remember a truly exceptional American, Ronald H. Brown. The bill would designate the newly constructed Federal building located at 290 Broadway in the heart of lower Manhattan as the "Ronald H. Brown Federal Building."

It is a fitting gesture to recognize the passing of this remarkable American, and I would ask for my colleagues' support for this legislation to place one more marker in history on Ron Brown's behalf.

Ron Brown had a great love for enterprise and industry as reflected in his achievements as the first African-American to hold the office of U.S. Secretary of Commerce. His was also a life of outstanding achievement and public service: Army captain; vice president of the National Urban League; partner in a prestigious law firm; chairman of the Democratic National Committee; husband and father. And these are but a few of the achievements that demonstrated Ron Brown's spirited and sweeping pursuit of life.

To have held any one of these posts in the government, and in the private sector, is extraordinary. To have held all of the positions he did and prevail as he did, is unique. Ron Brown was tragically taken from us too soon; we are diminished by his loss. I cannot think of a more fitting tribute to this uncommon man.

I ask unanimous consent that the text of the Ronald H. Brown Federal Building Designation Act of 1999, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF RONALD H BROWN FEDERAL BUILDING.

The Federal building located at 290 Broadway in New York, New York, shall be known and designated as the "Ronald H. Brown Federal Building".

SEC. 2 REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Ronald H. Brown Federal Building".

● Mr. SCHUMER. Mr. President, I am honored to join my colleague, the Senior Senator from New York, PAT MOYNIHAN, to introduce this bill to honor Ronald H. Brown, a gifted and committed public servant. This legislation, which we offer in concert with a similar measure authored by our friend and House colleague Congressman Charles Rangel, would designate the newly constructed Federal building at 290 Broadway in Manhattan as the "Ronald H. Brown Federal Building."

A New Yorker raised on Lennox Avenue in Harlem, Ron Brown loved his country and ultimately gave his life in service to it. An Army captain, vice-president of the National Urban League, Chairman of the Democratic National Committee, Ron Brown became the first African-American to serve as Secretary of Commerce in 1993, breathing new life and purpose into that agency. President Clinton, in praising Brown's work there, once told Commerce Department employees that Brown "was one of the best advisors and ablest people I ever knew."

Brown's life was marked by a passion, and determination, to ensure that the promise of liberty and opportunity rang true for all Americans. At the Urban League and then at the DNC, he worked ceaselessly to promote civil rights and economic development for minorities. Later as Secretary of Commerce, Ron Brown traversed the globe in efforts to remove trade barriers and reinforce the American values of fair labor practices and human rights.

Less than three years ago, we lost Secretary Brown and 32 American businessmen, Commerce employees, and military personnel in a tragic plane crash in Croatia. Today we offer this measure as our tribute. A uniquely talented and beloved man, Ron Brown is sorely missed.

By Mr. HARKIN (for himself, Mrs. BOXER, Mr. KERRY, Mr. LEAHY, Mr. INOUYE, Mr. TORRICELLI, Mr. KENNEDY, Ms. MIKULSKI, and Mrs. MURRAY):

S. 702. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the committee on Health, Education, Labor, and Pensions.

FAIR PAY ACT OF 1999

Mr. HARKIN. Mr. President, there is perhaps no other form of discrimination that has as direct an impact on the day-to-day lives of workers as wage discrimination. A recent survey of working women found receiving fair pay is one of their top concerns. When women aren't paid what they're worth, we all get cheated. That's why we are introducing the Fair Pay Act of 1999—to ensure equal pay for work of equal value for all Americans.

The Equal Pay Act of 1963 prohibits sex-based discrimination in compensation for doing the same job. However, this statute fails to address other major parts of the pay equity problem such as job segregation. Current law has not reached far enough to combat wage discrimination when employers routinely pay lower wages to jobs that are dominated by women. More than 30 years after the passage of the Equal Pay Act, women's wages still seriously lag behind their male counterparts' wages. The central problem is that we continue to undervalue and underpay work done by women.

The Fair Pay Act is designed to pick up where the Equal Pay Act left off. The heart of the bill seeks to eliminate wage discrimination based upon sex, race or national origin. This important legislation would amend the Fair Labor Standards Act of 1938 to make it illegal for employers to discriminate against women and minorities by paying them less in jobs that are comparable in skill, effort, responsibility and working conditions.

The Fair Pay Act would apply to each company individually and would prohibit companies from reducing other employees' wages to achieve pay equity. Seven states have passed and implemented laws to close the wage gap for state employees and they didn't go bankrupt doing it. Canada also passed similar pay equity laws that apply to both the government and private sectors.

Wage gaps can result from differences in education, experience or time in the workforce and the Fair Pay Act in no way interferes with that. But just as there is a glass ceiling in the American workplace, there is also a "Glass Wall" encountered by women who have similar skills and have the similar responsibilities as their male counterparts, but still do not receive the same pay.

For example, a study of Los Angeles County employees showed social workers were paid $35,000 a year while probation officers were paid $55,000. That's a $20,000 difference, although the jobs required similar skills, education and working conditions. This is what the Fair Pay Act aims to fix.

A February 1999 report by the Institute for Women's Policy Research and the AFL–CIO found that families lose an average of $3,446 a year because of unequal pay in female-dominated jobs. That's $420,000 over a lifetime of the average woman.

Mr. President, persistent wage gaps for working women and people of color and the earnings inequality these gaps connote translate into lower pay, less family income and more poverty for working families. The solution, long overdue, is fair pay for women and minority workers.

Please join us in support of Fair Pay Act of 1999.

Mr. President, I ask unanimous consent that the text of the bill and a summary of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) Short Title.—This Act may be cited as the "Fair Pay Act of 1999".

(b) Reference.—Except as provided in section 8, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) Wage rate differentials exist between equivalent jobs segregated by sex, race, and national origin in Government employment and in industries engaged in commerce or in the production of goods for commerce.

(2) The existence of such wage rate differentials—

(A) depresses wages and living standards for employees necessary for their health and efficiency;

(B) prevents the maximum utilization of the available labor resources;

(C) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(D) burdens commerce and the free flow of goods in commerce; and

(E) constitutes an unfair method of competition.

(3) Discrimination in hiring and promotion has played a role in maintaining a segregated work force.

(4) Many women and people of color work in occupations dominated by individuals of their same sex, race, and national origin.

(5)(A) A General Accounting Office analysis of wage rates in the civil service of the State of Washington found that in 1985 of the 44 jobs studied that paid less than the average of all equivalent jobs, approximately 39 percent were female-dominated and approximately 16 percent were male dominated.

(B) A study of wage rates in Minnesota using 1990 Decennial Census data found that 75 percent of the wage rate differential between white and non-white workers was unexplained and may be a result of discrimination.

(6) Section 6(d) of the Fair Labor Standards Act of 1938 prohibits discrimination in compensation for "equal work" on the basis of sex.

(7) Title VII of the Civil Rights Act of 1964 prohibits discrimination in compensation because of race, color, religion, national origin, and sex. The Supreme Court, in its decision in County of Washington v. Gunther, 452 U.S. 161 (1981), held that title VII's prohibition against discrimination in compensation also applies to jobs that do not constitute "equal work" as defined in section 6(d) of the Fair Labor Standards Act of 1938. Decisions of lower courts, however, have demonstrated that further clarification of existing legislation is necessary in order effectively to carry out the intent of Congress to implement the Supreme Court's holding in its Gunther decision.

(8) Artificial barriers to the elimination of discrimination in compensation based upon sex, race, and national origin continue to exist more than 3 decades after the passage of section 6(d) of the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964. Elimination of such barriers would have positive effects, including—

(A) providing a solution to problems in the economy created by discrimination through wage rate differentials;

(B) substantially reducing the number of working women and people of color earning low wages, thereby reducing the dependence on public assistance; and

(C) promoting stable families by enabling working family members to earn a fair rate of pay.

SEC. 3. EQUAL PAY FOR EQUIVALENT JOBS.

(a) Amendment.—Section 6 (29 U.S.C. 206) is amended by adding at the end the following:

"(h)(1)(A)(i) Except as provided in clause (ii), no employer having employees subject to any provision of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex, race, or national origin by paying wages to employees in such establishment in a job that is dominated by employees of a particular sex, race, or national origin at a rate less than the rate at which the employer pays wages to employees in such establishment in another job that is dominated by employees of the opposite sex or of a different race or national origin, respectively, for work on equivalent jobs.

"(ii) Nothing in clause (i) shall prohibit the payment of different wage rates to employees where such payment is made pursuant to—

"(I) a seniority system;

"(II) a merit system; or

"(III) a system that measures earnings by quantity or quality of production.

"(iii) The Equal Employment Opportunity Commission shall issue guidelines specifying criteria for determining whether a job is dominated by employees of a particular sex, race, or national origin. Such guidelines shall not include a list of such jobs.

"(B) An employer who is paying a wage rate differential in violation of subparagraph (A) shall not, in order to comply with the provisions of such subparagraph, reduce the wage rate of any employee.

"(2) No labor organization or its agents representing employees of an employer having employees subject to any provision of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1)(A).

"(3) For purposes of administration and enforcement of this subsection, any amounts owing to any employee that have been withheld in violation of paragraph (1)(A) shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this section or section 7.

"(4) As used in this subsection:

"(A) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"(B) The term 'equivalent jobs' means jobs that may be dissimilar, but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions.".

(b) Conforming Amendment.—Section 13(a) (29 U.S.C. 213(a)) is amended in the matter before paragraph (1) by striking "section 6(d)" and inserting "sections 6(d) and 6(h)".

SEC. 4. PROHIBITED ACTS.

Section 15(a) (29 U.S.C. 215(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(2) by adding after paragraph (5) the following new paragraphs:

"(6) to discriminate against any individual because such individual has opposed any act or practice made unlawful by section 6(h) or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing to enforce section 6(h); or

"(7) to discharge or in any other manner discriminate against, coerce, intimidate, threaten, or interfere with any employee or any other person because the employee inquired about, disclosed, compared, or otherwise discussed the employee's wages or the wages of any other employee, or because the employee exercised, enjoyed, aided, or encouraged any other person to exercise or enjoy any right granted or protected by section 6(h).".

SEC. 5. REMEDIES.

Section 16 (29 U.S.C. 216) is amended—

(1) by adding at the end the following:

"(f) In any action brought under this section for violation of section 6(h), the court shall, in addition to any other remedies awarded to the prevailing plaintiff or plaintiffs, allow expert fees as part of the costs. Any such action may be maintained as a class action as provided by the Federal Rules of Civil Procedure.";

(2) in subsection (b), by striking "section 15(a)(3)" each place it occurs and inserting "paragraphs (3), (6), and (7) of section 15(a)"; and

(3) in the fourth sentence of subsection (b), by striking "No employees" and inserting "Except with respect to class actions brought under subsection (f), no employees".

SEC. 6. RECORDS.

(a) TECHNICAL AMENDMENT.—Section 11(c) (29 U.S.C. 211(c)) is amended by inserting "(1)" after "(c)".

(b) RECORDS.—Section 11(c) (as amended by subsection (a)) is further amended by adding at the end the following:

"(2)(A) Every employer subject to section 6(h) shall preserve records that document and support the method, system, calculations, and other bases used by the employer in establishing, adjusting, and determining the wage rates paid to the employees of the employer. Every employer subject to section 6(h) shall preserve such records for such periods of time, and shall make such reports from the records to the Equal Employment Opportunity Commission, as shall be prescribed by the Equal Employment Opportunity Commission by regulation or order as necessary or appropriate for the enforcement of the provisions of section 6(h) or any regulation promulgated pursuant to section 6(h).".

(c) SMALL BUSINESS EXEMPTIONS.—Section 11(c) (as amended by subsections (a) and (b)) is further amended by adding at the end the following:

"(B)(i) Every employer subject to section 6(h) that has 25 or more employees on any date during the first or second year after the effective date of this paragraph, or 15 or more employees on any date during any subsequent year after such second year, shall, in accordance with regulations promulgated by the Equal Employment Opportunity Commission under subparagraph (F), prepare and submit to the Equal Employment Opportunity Commission for the year involved a report signed by the president, treasurer, or corresponding principal officer, of the employer that includes information that discloses the wage rates paid to employees of the employer in each classification, position, or job title, or to employees in other wage groups employed by the employer, including information with respect to the sex, race, and national origin of employees at each wage rate in each classification, position, job title, or other wage group.".

(d) PROTECTION OF CONFIDENTIALITY.—Section 11(c) (as amended by subsections (a) through (c)) is further amended by adding at the end the following:

"(ii) The rules and regulations promulgated by the Equal Employment Opportunity Commission under subparagraph (F), relating to the form of such a report, shall include requirements to protect the confidentiality of employees, including a requirement that the report shall not contain the name of any individual employee.".

(e) USE; INSPECTIONS; EXAMINATIONS; REGULATIONS.—Section 11(c) (as amended by subsections (a) through (d)) is further amended by adding at the end the following:

"(C) The Equal Employment Opportunity Commission may publish any information and data that the Equal Employment Opportunity Commission obtains pursuant to the provisions of subparagraph (B). The Equal Employment Opportunity Commission may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based on the information and data as the Equal Employment Opportunity Commission may consider appropriate.

"(D) In order to carry out the purposes of this Act, the Equal Employment Opportunity Commission shall by regulation make reasonable provision for the inspection and examination by any person of the information and data contained in any report submitted to the Equal Employment Opportunity Commission pursuant to subparagraph (B).

"(E) The Equal Employment Opportunity Commission shall by regulation provide for the furnishing of copies of reports submitted to the Equal Employment Opportunity Commission pursuant to subparagraph (B) to any person upon payment of a charge based upon the cost of the service.

"(F) The Equal Employment Opportunity Commission shall issue rules and regulations prescribing the form and content of reports required to be submitted under subparagraph (B) and such other reasonable rules and regulations as the Equal Employment Opportunity Commission may find necessary to prevent the circumvention or evasion of such reporting requirements. In exercising the authority of the Equal Employment Opportunity Commission under subparagraph (B), the Equal Employment Opportunity Commission may prescribe by general rule simplified reports for employers for whom the Equal Employment Opportunity Commission finds that because of the size of the employers a detailed report would be unduly burdensome.".

SEC. 7. RESEARCH, EDUCATION, AND TECHNICAL ASSISTANCE PROGRAM; REPORT TO CONGRESS.

Section 4(d) (29 U.S.C. 204(d)) is amended by adding at the end the following:

"(4) The Equal Employment Opportunity Commission shall conduct studies and provide information and technical assistance to employers, labor organizations, and the general public concerning effective means available to implement the provisions of section 6(h) prohibiting wage rate discrimination between employees performing work in equivalent jobs on the basis of sex, race, or national origin. Such studies, information, and technical assistance shall be based on and include reference to the objectives of such section to eliminate such discrimination. In order to achieve the objectives of such section, the Equal Employment Opportunity Commission shall carry on a continuing program of research, education, and technical assistance including—

"(A) conducting and promoting research with the intent of developing means to expeditiously correct the wage rate differentials described in section (6)(h);

"(B) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the various media of communication, and the general public the findings of studies and other materials for promoting compliance with section 6(h);

"(C) sponsoring and assisting State and community informational and educational programs; and

"(D) providing technical assistance to employers, labor organizations, professional associations and other interested persons on means of achieving and maintaining compliance with the provisions of section 6(h).

"(5) The report submitted biennially by the Secretary to Congress under paragraph (1) shall include a separate evalution and appraisal regarding the implementation of section 6(h).".

SEC. 8. CONFORMING AMENDMENTS.

(a) CONGRESSIONAL EMPLOYEES.—

(1) APPLICATION.—Section 203(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(a)(1)) is amended—

(A) by striking "subsections (a)(1) and (d) of section 6" and inserting "subsections (a)(1), (d), and (h) of section 6"; and

(B) by striking "206 (a)(1) and (d)" and inserting "206 (a)(1), (d), and (h)".

(2) REMEDIES.—Section 203(b) of such Act (2 U.S.C. 1313(b)) is amended by inserting before the period the following: "or, in an appropriate case, under section 16(f) of such Act (29 U.S.C. 216(f))".

(b) EXECUTIVE BRANCH EMPLOYEES.—

(1) APPLICATION.—Section 413(a)(1) of title 3, United States Code, as added by section 2(a) of the Presidential and Executive Office Accountability Act (Public Law 104–331; 110 Stat. 4053), is amended by striking "subsections (a)(1) and (d) of section 6" and inserting "subsections (a)(1), (d), and (h) of section 6".

(2) REMEDIES.—Section 413(b) of such title is amended by inserting before the period the following: "or, in an appropriate case, under section 16(f) of such Act".

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall take effect 1 year after the date of enactment of this Act.

FAIR PAY ACT—SUMMARY

The bill amends the Fair Labor Standards Act of 1938 to prohibit discrimination in wages paid to employees within a workplace in equivalent/comparable jobs solely on the basis of a worker's sex, race or national origin.

It requires employers to preserve records on wage setting practices and file annual reports with the EEOC. Reports would disclose the wage rates paid for jobs within the company as well as the sex, race and national origin of employees within these positions. Confidentiality of the names is mandated.

The bill exempts small businesses that have 25 employees or less the first two years and 15 employees or less after the second year the legislation is enacted.

It directs the EEOC to provide technical assistance to employers and report to Congress on the progress of the Act's implementation. However, it is up to the individual business to determine wages and job equivalency within the organization.

The bill includes non-retaliation protections for employees inquiring about or assisting in investigations related to the Act.

It prohibits companies from reducing wages to achieve pay equity.

By Mr. SMITH of New Hampshire (for himself, Mr. CRAIG, Mr. INHOFE, and Mr. HELMS):

S. 703. A bill to amend section 922 of chapter 44 of title 18, United States Code; to the Committee on the Judiciary.

BRADY ACT AMENDMENTS OF 1999

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce a bill that I am calling the "Brady Act Amendments of 1999," which would remove "long guns" from the requirements of the National Instant Criminal Background Check System (NICS). I am pleased to be joined by my distinguished colleagues, Senators CRAIG, INHOFE, and HELMS, as original cosponsors.

Mr. President, Congress has imposed many restrictions on firearms sales over the years, with no apparent effect on reducing crime. By contrast, the most effective crime fighting initiatives have been undertaken at the state and local levels. Many states have dramatically reduced crime by increasing their incarceration rates. Local governments, such as that of Richmond, Virginia, reduced crime rates by aggressively prosecuting cases involving possession of firearms by convicted felons and drug dealers—not by imposing any new restrictions on the purchase of firearms.

In fact, Mr. President, states that have fewer restrictions on the purchase of firearms have more favorable crime reduction trends than other states. Despite all of the favorable media fanfare over the Brady Act, states that were covered by its "waiting period" phase until the NICS went into effect late last year actually had worse crime trends than other states.

The Federal Bureau of Investigation notes that out of the total number of homicides in a recent reporting period that were committed with firearms, less than 7% were committed with rifles, and less than 7% were committed with shotguns. Out of the total number of homicides, rifles and shotguns each were used in 4%, while knives, which may be purchased without clearance by the NICS, were used in 13% of such cases.

Mr. President, my bill would amend the Brady Act to make the NICS apply not to firearms in general, but only to handguns.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brady Act Amendments of 1999."

SEC. 2. LIMITATION OF COVERAGE OF BRADY ACT TO HANDGUNS.

Subsection (t) of section 922 of chapter 44 of Title 18, United States Code, is amended by striking "firearm" in paragraphs (1), (2), (4), (5), and (6), and the first time it appears in paragraph (3), and inserting in lieu thereof "handgun."

By Mr. KYL (for himself, Mr. JOHNSON, Mr. HATCH, Mr. THURMOND, Mr. INOUYE, Mr. GRASSLEY, Mr. DORGAN, Mr. SESSIONS, Mr. CLELAND, Mr. ASHCROFT, Mrs. LINCOLN, and Mr. ABRAHAM):

S. 704. A bill to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs; to the Committee on the Judiciary.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT

• Mr. KYL. Mr. President, I rise to introduce the Federal Prisoner Health Care Copayment Act, which would require federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Fees collected from prisoners subject to an order of restitution shall be paid to victims in accordance with the order. Seventy-five percent of all other fees would be deposited in the Federal Crime Victims' Fund and the remainder would go to the Federal Bureau of Prisons (BOP) and the U.S. Marshals Service for administrative expenses incurred in carrying out this Act.

Each time a prisoner pays to heal himself, he will be paying to heal a victim.

Most working, law-abiding Americans are required to pay a copayment fee when they seek medical attention. It is time to impose this requirement on federal prisoners.

The Department of Justice supports the Federal inmate user fee concept, and worked with us on crafting the language contained in this Act.

To date, well over half of the states—including our home states of Arizona and South Dakota—have implemented state-wide prisoner health care copayment programs. Additionally, the following states have enacted this reform: Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. Additional states are considering implementing copayment programs.

Copayment programs have an outstanding record of success on the state level.

Tennessee, which began requiring $3 copayments in January 1996, reported in late 1997 that the number of infirmary visits per inmate had been cut almost in half. In August 1998, prison officials in Ohio evaluated the nascent state copayment law, finding that the number of prisoners seeing a doctor has dropped 55 percent and that between March and August the copayment fee generated $89,500. In Arizona, there has been a reduction of about 30 percent in the number of requests for health care services.

Copayment programs reduce the overutilization of health care services without denying necessary care to the indigent. By discouraging the overuse of health care, the Prisoner Health Care Copayment Act should (1) help prisoners in true need of attention to receive better care, (2) benefit taxpayers through a reduction in the expense of operating a prison health care system, and (3) reduce the burden on corrections officers to escort prisoners feigning illness to health care facilities is reduced.

The Act prohibits the refusal of treatment for financial reasons or for appropriate preventive care.

Congress should follow the lead of the states and provide the federal Bureau of Prisons with the authority to charge federal inmates a nominal fee for elective health care visits. The federal system is particularly ripe for reform. According to the 1996 Corrections Yearbook, the system spends more per inmate on health care than virtually every state. Federal inmate health care totaled $354 million in fiscal year 1998, up from $138 million in fiscal year 1990. Average cost per inmate has increased over 36 percent during this period, from $2,483 to $3,363.

Before I conclude, I would like to thank my colleague Senator JOHNSON for his support and assistance with this legislation. Additionally, I appreciate the assistance of the Arizona Department of Corrections, and the office staff of Sheriff Buchanan in helping me draft this reform.

I look forward to continuing to work with the Department of Justice, the Bureau of Prisons, and colleagues on both sides of the aisle, to implement a fee-for-medical-service-program—a sen-sible and overdue reform—for federal prisoners.

• Mr. JOHNSON. Mr. President, I am pleased today to join Senator KYL in introducing the Federal Prisoner Health Care Copayment Act. The Kyl-Johnson bill will require federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Fees collected from prisoners will either be paid as restitution to victims or be deposited into the Federal Crime Victims' Fund. My state of South Dakota is one of 34 states that have implemented state-wide prisoner health care copayment programs. The Department of Justice supports extending this prisoner health care copayment program to federal prisoners in an attempt to reduce unnecessary medical procedures and ensure that adequate health care services are available for prisoners who need them.

My interest in the prisoner health care copayment issue came from discussions I had in South Dakota with a number of law enforcement officials and US Marshal Lyle Swenson about the equitable treatment between presentencing federal prisoners housed in county jails and the county prisoners residing in those same facilities. Currently, county prisoners in South Dakota are subject to state and local laws allowing the collection of a health care copayment, while Marshals Service prisoners are not, thereby allowing federal prisoners to abuse health care resources at great cost to state and local law enforcement.

I want to thank Senator KYL for working with me on specific concerns raised by South Dakota law enforcement officials and the US Marshals Service that I wanted addressed in the bill. I sincerely appreciate Senator KYL's willingness to incorporate my language into the Federal Prisoner Health Care Copayment Act that allows state and local facilities to collect health care copayment fees when housing pre-sentencing federal prisoners.

I also worked with Senator KYL to include sufficient flexibility in the Kyl-Johnson bill for the Bureau of Prisons and local facilities contracting with the Marshals Service to maintain preventive-health priorities. The Kyl-Johnson bill prohibits the refusal of treatment for financial reasons or for appropriate preventive care. I am pleased this provision was included to pre-empt long term, and subsequently more costly, health problems among prisoners.

The goal of the Kyl-Johnson Federal Prisoner Health Care Copayment Act is not about generating revenue for the federal, state, and local prison systems. Instead, current prisoner health care copayment programs in 34 states illustrate the success in reducing the number of frivolous health visits and strain on valuable health care resources. The Kyl-Johnson bill will ensure that adequate health care is available to those prisoners who need it, without straining the budgets of taxpayers.

By Mr. ASHCROFT:

S. 705. A bill to repeal section 8003 of Public Law 105–174; to the Committee on Commerce, Science, and Transportation.

HOME PAGE TAX REPEAL ACT

Mr. ASHCROFT. Mr. President, Daniel Webster argued to the Supreme Court in *McCulloch* v. *Maryland* that the power to tax involves the power to destroy. Chief Justice Marshall was so taken with Webster's argument that he made it the central premise of his landmark opinion for the Court. Fully cognizant of the potential for abuse inherent in the power to tax, the framers carefully circumscribed this power. The Constitution limits the tax power to the Congress and requires revenue bills to originate in the House of Representatives, the body most responsive to the people. The notion that unelected bureaucrats could levy taxes absent any congressional authority would have been a complete anathema to the framers. It is a long way from "no taxation without representation" to taxation without notice, representation or even participation from the Congress.

Unfortunately, the National Science Foundation appears to have forgotten that the power to tax belongs to the Congress and to Congress alone. Since 1992, the National Science Foundation has employed a private sector firm to registering second-level domain names, which are the unique identifiers that precede ".com" or ".org." In 1995, the National Science Foundation amended its agreement with the firm to allow it to charge a $100 registration fee, and a $50 renewal fee. If those fees had been designed simply to allow the private firm to cover its costs and make a modest profit they would be unproblematic. However, that is not what happened here. The National Science Foundation, without any congressional authority, required the private firm to set aside 30 percent of the total fees collected and turn them over to the National Science Foundation's Intellectual Infrastructure Fund. In short, without any congressional authorization, the National Science Foundation levied a substantial tax (at greater than a 42-percent rate) on a necessary item for doing business on the Internet.

Allowing this agency action to go unremedied would set a terrible precedent. Why should any agency suffer through the vagaries of the appropriations process if it can just impose its own taxes? As long as the agency has a monopoly over a necessary permit or license, it can set just about any tax rate it pleases. The agency could then use these tax revenues to fund its activities without too much concern for the appropriators and authorizers in Congress.

The potential for abuse in such unauthorized and unconstitutional taxes was not lost on the Federal District Court that heard a challenge to the National Science Foundation's actions. The Court correctly determined that the National Science Foundation's actions amounted to an unconstitutional tax. Remarkably, Congress, rather than taking the National Science Foundation to task for its arrogation of taxing authority, actually ratified the Foundation's actions in a provision in last year's supplemental appropriations bill. The message this sends to federal agencies is intolerable. It creates a perverse and unconstitutional incentive for agencies to impose unauthorized taxes with every reason to believe that a Congress that has never seen a revenue source it did not like will ratify its misbehavior.

What is more, the National Science Foundation's actions and Congress' ratification of those actions are inconsistent with the spirit of the Internet Tax Moratorium Act we passed last year. At the same time that we are telling States and localities that they cannot impose discriminatory taxes on the Internet, Congress is ratifying a 42% tax on the registration of domain names. Congress must be consistent with respect to Internet taxation. We must act to repeal the ratification of this unconstitutional tax. The bill I introduce today, the Home Page Tax Repeal Act of 1999 does just that. It sends a clear message that Congress will not tolerate taxation of the Internet and will not allow federal bureaucrats to wield the power of taxation.

Finally, let me be clear that my criticism of the National Science Foundation's actions in levying this tax should not be mistaken for criticism of the policies they have pursued or of the uses to which they have put the revenues. I am fully supportive of efforts to ensure that we study the growth of the Internet and that the infrastructure supporting the Internet keeps up with rapid growth of this incredible medium. Indeed, spending for these purposes is so clearly justified that I have every confidence that sufficient funds will be appropriated through the normal appropriations process. But that is the process that should be followed. Allowing an agency to short-circuit that process and impose unconstitutional taxes—even with the best of motives—is simply unacceptable. The power to tax is indeed the power to destroy. The power to tax is oppressive enough in the hands of elected officials who must face the voters. That same power in the hands of unelected bureaucrats is intolerable. On behalf of the people we represent, Congress should reclaim its proper constitutional authority and reject—not ratify—this unconstitutional tax.

By Ms. SNOWE (for herself, Mrs. HUTCHISON, Mrs. MURRAY, Ms. MIKULSKI, Mrs. BOXER, Ms. COLLINS, Mr. ROCKEFELLER, Mr. REID, Mr. BIDEN, Mr. AKAKA, Mr. KERRY, Mr. ASHCROFT, Mr. DODD, Mr. DURBIN, Mr. TORRICELLI, Mr. INOUYE, Mr. LIEBERMAN, and Mr. SARBANES):

S. 706. A bill to create a National Museum of Women's History Advisory Committee; to the Committee on Rules and Administration.

ADVISORY COMMITTEE FOR THE NATIONAL MUSEUM OF WOMEN'S HISTORY

• Ms. SNOWE. Mr. President, in honor of Women's History Month, today I am introducing legislation to create an Advisory Committee for the National Museum of Women's History. I am pleased to be joined by 17 of my colleagues: Senators HUTCHISON, MURRAY, MIKULSKI, BOXER, COLLINS, ROCKEFELLER, REID, BIDEN, AKAKA, KERRY (MA), ASHCROFT, DODD, DURBIN, TORRICELLI, INOUYE, LEIBERMAN, and SARBANES.

For far too long, women have contributed to history, but have largely been forgotten in our history books, in our monuments, and in our museums. It is long past time that the roles women have played be removed from the shadows of indifference and given a place where they can shine.

The bill we are introducing today will create a 26 member Advisory Committee to look at the following three issues and report back to Congress concerning (1) identification of a site for the museum in the District of Columbia; (2) development of a business plan to allow the creation and maintenance of the museum to be done solely with private contributions and 3) assistance with the collection and program of the museum.

It is important to note that this bill does not commit Congress to spending any money for this museum. The Committee's report will tell us the feasibility of funding the museum privately. And I believe that the Museum's Board has shown that they have the ability to do just that.

The concept for the National Museum of Women's History (NMWH) was created back in 1996. Since that time, the Board of Directors, lead by President Karen Staser, has worked tirelessly to build support and interest for this project. And judging by the fact that they have raised more than $10.5 million for the project, lent their support to the moving of the Suffragette statute from the crypt to the Rotunda, and raised $85,000 for that effort, I'd say they are well on their way to success.

They have also spent a lot of time answering the question "why do we need a women's museum when we have the SMITHsonian." The first answer to that comes from Edith Mayo, Curator Emeritus of the Smithsonian National Museum of American History, who notes that since 1963 only two exhibits—two—were dedicated to the role of women in history.

The fact is, in the story of America's success, the chapter on women's contributions has largely been left on the editing room floor. Here's what I mean: Many of us know that women fought and got the vote in 1920, with the ratification of the 19th Amendment to the Constitution. But how many know that Wyoming gave women the right to vote in 1869, 51 years earlier, and that by 1900 Utah, Colorado and Idaho had granted women the right to vote? Or that the suffragette movement took 72 years to meet its goal? And few know that the women of Utah sewed dresses made from silk for the Suffragettes on their cross country tour.

History is filled with other little known but significant milestones: like the first woman elected to the United States Senate was Hattie Wyatt Caraway from Louisiana in 1932. That Margaret Chase Smith, from my home state of Maine, was the first woman elected to the US Senate in her own right in 1948, and in 1962 became the first women to run for the US Presidency in the primaries of a major political party. Or that the first female cabinet member was Frances Perkins, Secretary of Labor for FDR.

How many people know that Margaret Reha Seddon was the first US woman to achieve the full rank of astronaut, and flew her first space mission aboard the Space Shuttle "Discovery" in 1985, twenty three years after the distinguished former Senator from the State of Ohio, John Glenn completed his historic first flight in space?

And I can guarantee you more people know the last person to hit over .400 in baseball—Ted Williams—than can name the first woman elected to Congress—Jeannette Rankin of Montana, who was elected in 1916, four years before ratification of the 19th Amendment gave women the right to vote.

Hardly household names. But they should be. And with a place to showcase their accomplishments, perhaps one day they will take their rightful place beside America's greatest minds, visionary leaders, and groundbreaking figures. But until then, we have a long way to go.

Whatever period of history you chose—women played a role. Sybil Ludington, a 16-year-old, rode through parts of New York and Connecticut in April of 1777 to warn that the Redcoats were coming. Sacajawea, the Shoshone Indian guide, helped escort Lewis and Clark on their 8000 mile expedition. Rosa Parks, Jo Ann Robinson and Myrlie Evers played important roles in the civil rights movement in the 50's and 60's. And as we move into the 21st century, the role of women—who now make up 52 percent of the population—will continue to be integral to the future success of this country.

In fact the real question about the building of a women's museum is not so much where it will be built—although that remains to be explored. And it's not even who will pay for it—as I've said, it will be done entirely with private funds. The real question when it comes to a museum dedicated to women's history is, where will they put it all!

I would argue that we have a solemn responsibility to teach our children, and ourselves, about our rich past—and that includes the myriad contributions of women, in all fields and every endeavor. These women can serve as role models and inspire our youth. They can teach us about our past and guide us into our future. They can even prompt young women to consider a career in public service—as Senator Smith of Maine did for me.

Instead, today in America, more young women probably know the names of the latest super models then the names of the female members of this Administration's Cabinet. That is why we need a National Museum of Women's History, that is why I am proud to sponsor this legislation, and that is why I hope that my colleagues will join us in supporting the creation of this Advisory Committee as a first step toward writing the forgotten chapters of the history of our nation.●

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, Mr. CHAFEE, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, and Mr. KERREY):

S. 708. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 1999

Mr. DEWINE. Mr. President, I rise today to introduce the Strengthening Abuse and Neglect Courts Act of 1999, a bill to improve the administrative efficiency and effectiveness of the juvenile and family courts, as well as the quality and availability of training for judges, attorneys and guardian ad litems. I am joined in this introduction by Senator ROCKEFELLER, and I thank him for all of his hard work on behalf of abused and neglected children and I look forward to working with him as we move forward with this legislation.

I have been involved with children's issues for over two decades, not just as the father of eight, but also as a local county elected official. I know the kinds of problems that exist at the ground level, and I think it's very important that we work together to address them.

This is especially true today, as opposed to a couple of years ago, because the child welfare agencies and the courts have an important new task—the implementation of the Adoption and Safe Families Act.

Almost one and a half years ago, Congress passed this historic piece of legislation, which was designed to encourage safe and permanent family placements for abused and neglected children—and to decrease the amount of time that a child spends in the foster care system. With this law, we make it clear that the health and safety of the child must come first when making any decision for a child in the abuse and neglect system. This law shortens the time line for children in foster care. Specifically, the law requires initiation of proceedings to terminate parental rights for any child who has been in the foster care system for 15 of the last 22 months.

These timelines are very important. Foster care was meant to be a temporary solution—but for too many children foster care has become a way of life. However, the institution of these timelines has created additional pressure on an already overburdened court system.

To give you an idea of the burden that already exists, consider this: When the Family Court was established in New York in 1962, it reviewed 96,000 cases the first year. By 1997, the case load had increased to 670,000 cases.

A September 1997 report by the Fund for Modern Courts found that Family Court judges were overburdened and forced to provide, quote, "assembly line justice"—because they only had a few minutes to review each case. The report found that in Brooklyn, cases receive an average of 4 minutes before a judge on a first appearance and little more than 11 minutes on subsequent appearances. The report concluded that, quote: "It is easy to understand how a tragedy can result from decisions made based on so little actual time in court." End of quote.

And that's not the only problem in the system. In Cuyahoga County, Ohio, the juvenile court identified 3,000 cases that were open, but inactive. In most of these cases, the child had been charged with a minor crime, but never had his or her case scheduled for trial. But more than 100 of these cases involved children who remained in foster care for months or even years, despite the fact that a judge had ordered them to be returned home to their parents.

Another problem faced in Cuyahoga County, and in many other places, is the missing file. Until recently, the court had no central clerk's file, so there was no way of tracking the location of a particular file. If the file could not be found on the day of a hearing or review, it would result in a postponement, adding months to a child's stay in foster care. It is undisputed that children need permanency as quickly as possible. It is simply unconscionable that children should be trapped in foster care by a Dickensian nightmare of paperwork.

And you also have to wonder where the lawyers, case workers and guardians for these children were—and what they were doing as these cases dragged on for months or even years longer than necessary. It is a symptom of the overburdened child welfare system and the lack of resources available for everyone involved —the child welfare agencies, the attorneys, the guardians, the courts. It's not their fault, but it's not tolerable either.

We, collectively—as public servants, and as a society—must do better.

Some abuse and neglect courts have already found innovative ways to eliminate their backlog of cases and move children toward permanency. One example is in Hamilton County, Ohio, where the Juvenile Court, under the leadership of Judge David Grossmann, has instituted a system that successfully has reduced the amount of time a child spends in care. Hamilton County added hearing officers so that more time could be spent on each case—leading to better quality decision making and reduced case loads. The court also developed a computer tracking system so that the judge could have essential information on each case at his or her fingertips, and the "missing file" would no longer be a bar to permanency.

The state of Connecticut has also created an innovative way of dealing with the backlog of cases in its child welfare system. The Child Protection Session is a court dedicated to settling the most difficult abuse and neglect cases—contested cases of abuse and neglect and termination of parental rights proceedings. Connecticut has recognized that these types of cases need to be handled expeditiously, and as a result of the special session, these cases are now being handled in months, rather than years, to the benefit of all of the children involved.

The General Accounting Office (GAO) recently reported to Congress the results of its review of juvenile and family courts performance in achieving permanence for children. GAO identified three elements that are essential to successful court reform.

(1) Judicial leadership and collaboration among the child welfare participants.

(2) Timely information regarding the court's operations and processing of cases; and

(3) Sufficient financial resources to initiate and sustain reform.

The Strengthening Abuse and Neglect Courts Act of 1999 incorporates all of these elements. The bill provides competitive grants to courts to create computerized case tracking systems and to encourage the replication and implementation of successful systems in other courts. The bill also provides grants to courts to reduce pending backlogs of abuse and neglect cases so that courts are able to comply with the time lines established in the Adoption and Safe Families Act.

The bill also includes a provision to allow judges, attorneys and court personnel to qualify for training under Title IV–E's existing training provisions. Finally, the bill includes a provision that would expand the CASA program to underserved and urban areas so that more children are able to benefit from its services.

When Congress passed the Adoption and Safe Families Act, I said that the bill is a good start, but that Congress will have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients in this process is an efficiently operating court system. After all, that's where a lot of delays occur. As well-intentioned as the strict time lines of the Adoption and Safe Families Act are, mandatory filing dates won't be enough to promote permanency if the court docket is too clogged to move the cases through the system. We need to provide assistance to the courts so that administrative efficiency and effectiveness are improved and the goals of the Adoption and Safe Families Act will be more readily achieved. I encourage my colleagues to support this legislation and I am committed to pushing for its timely consideration.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Abuse and Neglect Courts Act of 1999".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for caseflow procedures, case management, representation of children, automated interagency interfaces, and "best practices" standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. DEFINITIONS.

In this Act:

(a) Abuse and Neglect Courts.—The term "abuse and neglect courts" means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) Agency Attorney.—The term "agency attorney" means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

(c) Attorney Representing a Child.—The term "attorney representing a child" means an attorney or a guardian ad litem who represents a child in a proceeding conducted by, or under the supervision of, an abuse and neglect court.

(d) Attorney Representing a Parent.—The term "attorney representing a parent" means an attorney who represents a parent who is an official party to a proceeding conducted by, or under the supervision of, an abuse and neglect court.

SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) Authority To Award Grants.—

(1) In general.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) Limitations.—

(A) Number of grants.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) Per state limitation.—Not more than 2 grants authorized under this section may be awarded per State.

(C) Use of grants.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) Application.—

(1) In general.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) Information required.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2000 through 2004.

SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

"SEC. 479B. GRANTS TO REDUCE BACKLOGS OF ABUSE AND NEGLECT CASES.

"(a) IN GENERAL.—Subject to the amount appropriated under subsection (f), the Secretary shall make grants to State courts or local courts for the purposes of—

"(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115); and

"(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

"(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Secretary shall require, that contains a description of the following:

"(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

"(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

"(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

"(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

"(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Secretary determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

"(1) establishing night court sessions for abuse and neglect courts;

"(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

"(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

"(4) extending the operating hours of such courts.

"(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

"(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

"(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Secretary that includes the following:

"(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

"(2) The nature of the backlogs of children that were pursued with grant funds.

"(3) The specific strategies used to reduce such backlogs.

"(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

"(A) whose parental rights have been terminated; and

"(B) whose adoptions have been finalized.

"(5) Any additional information that the Secretary determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

"(g) DEFINITION OF ABUSE AND NEGLECT COURT.—In this section, the term 'abuse and neglect court' has the meaning given that term in section 3(a) of the Strengthening Abuse and Neglect Courts Act of 1999.

"(h) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2000 $10,000,000 for the purpose of making grants under this section.".

SEC. 6. TRAINING IN CHILD ABUSE AND NEGLECT PROCEEDINGS.

(a) In General.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B), the following:

"(C) 75 percent of so much of such expenditures as are for the training (including cross-training with personnel employed by, or under contract with, the State or local agency administering the plan in the political subdivision, training on topics relevant to the legal representation of clients in proceedings conducted by or under the supervision of an abuse and neglect court (as defined in section 3(a) of the Strengthening Abuse and Neglect Courts Act of 1999), and training on related topics such as child development and the importance of developing a trusting relationship with a child) of judges, judicial personnel, law enforcement personnel, agency attorneys (as defined in section 3(b) of such Act), attorneys representing parents in proceedings conducted by, or under the supervision of, an abuse and neglect court (as so defined), attorneys representing children in such proceedings, guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs, to the extent such training is related to provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), provided that any such training that is offered to judges or other judicial personnel shall be offered by, or under contract with, the State or local agency in collaboration with the judicial conference or other appropriate judicial governing body operating in the State,".

(b) Conforming Amendments.—

(1) Section 473(a)(6)(B) of such Act (42 U.S.C. 673(a)(6)(B)) is amended by striking "474(a)(3)(E)" and inserting "474(a)(3)(F)".

(2) Section 474(a)(3)(D) of such Act (42 U.S.C. 674(a)(3)(D)) (as redesignated by paragraph (1)(A)) is amended by striking "subparagraph (C)" and inserting "subparagraph (D)".

(3) Section 474(c) of such Act (42 U.S.C. 674(c)) is amended by striking "subsection (a)(3)(C)" and inserting "subsection (a)(3)(D)".

SEC. 7. STATE STANDARDS FOR AGENCY ATTORNEYS.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(24) provides that, not later than January 1, 2001, the State shall develop and encourage the implementation of guidelines for all agency attorneys (as defined in section 3(b) of the Strengthening Abuse and Neglect Courts Act of 1999), including legal education requirements for such attorneys regarding the handling of abuse, neglect, and dependency proceedings.".

SEC. 8. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NEGLECT, AND DEPENDENCY MATTERS.

(a) In General.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall provide the technical assistance, training, and evaluations authorized under this section through grants, contracts, or cooperative arrangements with other entities, including universities, and national, State, and local organizations. The Secretary of Health and Human Services and the Attorney General should ensure that entities that have not had a previous contractual relationship with the Department of Health and Human Services, the Department of Justice, or another Federal agency can compete for grants for technical assistance, training, and evaluations.

(b) Purpose.—Technical assistance shall be provided under this section for the purpose of supporting and assisting State and local courts that handle child abuse, neglect, and dependency matters to effectively carry out new responsibilities enacted as part of the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) and to speed the process of adoption of children and legal finalization of permanent families for children in foster care by improving practices of the courts involved in that process.

(c) Activities.—Technical assistance consistent with the purpose described in subsection (b) may be provided under this section through the following:

(1) The dissemination of information, existing and effective models, and technical assistance to State and local courts that receive grants under section 4 concerning the automated data collection and case-tracking systems and outcome measures required under that section.

(2) The provision of specialized training on child development that is appropriate for judges, referees, nonjudicial decision-makers, administrative, and other court-related personnel, and for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, or parents.

(3) The provision of assistance and dissemination of information about best practices of abuse and neglect courts for effective case management strategies and techniques, including automated data collection and case-tracking systems, assessments of caseload and staffing levels, management of court dockets, timely decision-making at all stages of a proceeding conducted by, or under the supervision of, an abuse and neglect court, and the development of streamlined case flow procedures, case management models, early case resolution programs, mechanisms for monitoring compliance with the terms of court orders, models for representation of children, automated interagency interfaces between data bases, and court rules that facilitate timely case processing.

(4) The development and dissemination of training models for judges, attorneys representing children, agency attorneys, guardians ad litem, and volunteers who participate in court-appointed special advocate (CASA) programs.

(5) The development of standards of practice for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and parents in such proceedings.

(d) Training Requirement.—Any training offered in accordance with this section to judges or other judicial personnel shall be offered in collaboration with the judicial conference or other appropriate judicial governing body operating with respect to the State in which the training is offered.

(e) Authorization of Appropriations.—There is authorized to carry out this section $5,000,000 for the period of fiscal years 2000 through 2004.

SEC. 9. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) Grants To Expand CASA Programs in Underserved Areas.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) Limitation on Administrative Expenditures.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) Determination of Urban and Rural Areas.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) Authorization of Appropriations.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for fiscal year 2000.

• Mr. ROCKEFELLER. Mr. President, I rise today to join Mr. DeWine in his introduction of the *Strengthening Abuse and Neglect Courts Act.* I would like to thank Mr. DeWine for his leadership on behalf of vulnerable children, including our bipartisan work on this legislation. Work on this legislation is based on the bipartisan work of the Senate coalition that supported the 1997 Adoption and Safe Families Act.

A unique bipartisan coalition formed in 1997 worked hard to forge consensus on the Adoption and Safe Families Act of 1997. This law, for the first time ever, establishes that a child's health and safety must be paramount when any decisions are made regarding children in the abuse and neglect system. The law was the most sweeping and comprehensive piece of child welfare legislation passed in over a decade. It promotes safety, stability and permanence for all abused and neglected children and requires timely decision-making in all proceedings to determine whether children can safely return home, or whether they should be moved to permanent, adoptive homes. More specifically, the law requires a State to move to terminate the parental rights of any parent whose child has been in foster care for 15 out of the last 22 months.

Throughout the process of developing the Adoption Act we heard about the vital role the Nation's abuse and neglect courts play in achieving the goals of safety and permanence for children.

We also heard that these courts were seriously overburdened and challenged by insufficient resources. Now, nearly a year and a half after the passage of the law, courts are struggling to meet the guidelines. Judges and child welfare professionals in my state of West Virginia tell me that the law is helping move children through the system more quickly, that the accelerated timelines are, indeed, essential for the protection of children, and that the effect of this is that the courts are becoming even more overburdened. We are hearing this same type of feedback from other judges and child advocates around the country.

These courts—and the judges, lawyers and other court personnel—make some of the most difficult and important decisions made by any members of the judiciary. Adjudications of abuse and neglect, terminations of parental rights, approval of adoptions, and life-changing determinations require the appropriate level of information, thoughtfulness and care. Judges throughout the country, like West Virginia's Chief Justice Margaret Workman, are committed to the fair and efficient administration of justice in these cases. In 1987, just over 2 million children, nationally, were reported or neglected. By 1997, this number had swelled to well over 3 million children. During this period, my own state of West Virginia experienced a 100% increase in child abuse cases. These staggering increases in child abuse have placed an unconscionable burden on these courts.

Working within their own communities, judges, attorneys, volunteers from the Court Appointed Special Advocates (CASA) programs and others have found creative and effective new ways to eliminate their caseload backlogs and move children more efficiently and safely through the court system. In West Virginia, Judge Workman and others have developed a comprehensive plan to increase the accountability and efficient administration of abuse and neglect cases. In Cincinatti, Ohio, Judge Grossman's abuse and neglect courts have implemented state-of-the-art computer tracking systems which help them smooth the legal paths of children in foster care.

Even when courts have the dedication and initiative to implement these innovative reforms, they simply cannot do it without sufficient resources. The purpose of the Strengthening Abuse and Neglect Courts Act is to help remove the burdens on an ever greater number of courts by increasing both their efficiency and their effectiveness. The bill provides much needed resources and allows state and local communities the flexibility to develop their own solutions to administrative problems and caseload backlogs. In January of this year, the General Accounting Office released a report conducted at the request of Ways and Means Subcommittee on Human Resources Chairman SHAW, which concluded that there are three essential ingredients for successful court reform, all of which are incorporated in this Act. There are four ways this bill will help abuse and neglect courts better serve children and families.

The bill first provides a program of grants to states and local courts for the implementation of computerized case-tracking systems, similar to the one Judge Grossman created in Ohio. Through the establishment of such systems, courts are able to more easily track how long a child spends in foster care and the status of their cases. When courts have such "user-friendly" access to vital case information children truly benefit—they move more quickly through foster care and on to adoptive homes or other permanent placements. This grant program will enable state and local courts to design similar computer systems, to replicate models that have proven successful in other jurisdictions and to receive technical assistance as they implement their new programs.

A second important provision of the bill is the grant program that provides State and local courts the resources they need to eliminate the backlog of abuse and neglect cases. Throughout the discussions on the Adoption and Safe Families Act, we heard from dozens of judges and advocates who said that far and away the biggest problem facing their courts was the overwhelming backlog of these cases. Without creative ways to eliminate these backlogs, and with the tightened timeframes we created with the new law, the judges emphasized that children's cases will simply not move through the court system in a timely manner. Each court may have their own effective approach to eliminating such backlogs. For some, hiring additional staff may be necessary. For others, creating a "Night Court" or "Saturday Court" to hear these cases would work. Still others may need to restructure duties of court personnel. This bill will provide grants to those court projects that are designed to result in the effective and rapid elimination of current backlogs to smooth the way for more efficient courts in the future.

The Strengthening Abuse and Neglect Courts Act also recognizes that judges, attorneys, court personnel, law enforcement representatives, guardians-ad-litem and all others who participate in abuse and neglect proceedings can benefit from continuing education opportunities, improved training and the development of models for effective practice in these settings. The Act, therefore, extends federal reimbursement for training that is currently provided to agency caseworkers to judges, attorneys and key court personnel who must make decision effecting the lives and future of vulnerable children. In addition to this basic, necessary training for court personnel, we hope it will also foster between cooperation between child welfare agencies and court personnel that is imperative to make system work to ensure the health and safety of children.

Finally, the bill provides for an expansion of the successful CASA—Court Appointed Special Advocates—volunteer program. This superb volunteer program has demonstrated its ability to improve outcomes for abused and neglected children. CASA are volunteers specially trained to speak for the best interests of children who have been abused or neglected. There are over 710 CASA programs nationwide, whose volunteers represented nearly 200,000 children last year alone. Recently, the Department of Justice recognized CASA as an "Exemplary Program". CASA has been operating in West Virginia since 1991 with programs currently serving children in 13 of our counties. Of course, there is more work to be done so that children in all 55 West Virginia counties, and all underserved areas throughout the country can benefit from the services of these trained and dedicated volunteers. In fact, despite CASA's phenomenal volunteer commitment and national praise by courts, and community leaders, 70% of the children in foster care are still without CASA representation. This bill will begin to address this gap by providing a $5 million grant to expand its programs into under-served areas and to improve its ability to recruit, train and supervise volunteers.

When we talk about how to help abused and neglected children in this country, our abuse and neglect courts are too often left out of the discussion. With the numbers of abused and neglected children rising dramatically—in West Virginia alone child abuse reports have doubled—from 13,000 in 1986 to over 26,000 in 1996—we need to include every system in our efforts to make a difference. The courts play a crucial role and I am confident that the Strengthening Abuse and Neglect Courts Act will be a valuable step in making our courts stronger, more efficient and more able to effectively address the needs of our Nation's most vulnerable children. I ask that my colleagues join us in this important effort.

I ask that a fact sheet about the bill be printed in the RECORD.

The material follows:

FACT SHEET—STRENGTHENING ABUSE AND NEGLECT ACT OF 1999

A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

SECTION 1, 3, & 3: TITLE, FINDINGS, AND DEFINITIONS

The Strengthening Abuse and Neglect Courts Act of 1999

SECTION 4: GRANTS TO COURTS FOR COMPUTER AUTOMATION AND CASE TRACKING SYSTEMS

A program to provide competitive state and local grants to abuse and neglect courts to create computerized case tracking systems, and to encourage the replication and implementation of successful systems in other court systems. Grant will be awarded based on eligibility criteria designed to encourage applications from both state and local courts, and a balance of urban and rural courts. Guidelines will also ensure that successful models can be disseminated to other courts. Applicants will need to include evaluation plans as part of the grant request.

Grant program is $10 million, with a 25% state matching requirement, but a hardship exemption.

SECTION 5: GRANTS TO REDUCE BACKLOGS OF ABUSE AND NEGLECT CASES

A program to provide grants to court systems to reduce pending backlogs of abuse and neglect cases so that courts are able to comply with the time frames established in the Adoption and Safe Families Act. Competitive grants will be awarded to court systems to reduce backlogs by using night court sessions, hiring additional personnel to manage reduce caseloads, or other innovative strategies.

Grant program is $10 million, and courts can use funding for up to 3 years.

SECTION 6: TRAINING FOR JUDGES AND COURT PERSONNEL

A provision to allow judges, attorneys, and court personnel to qualify for training under Title IV–E's existing training provisions, which is a federal-state matching program set at 75%–25%.

CBO to score provision.

SECTION 7: STATE STANDARDS FOR AGENCY ATTORNEYS

States shall develop and encourage by January 1, 2001, basic guidelines for education and training needed to handle abuse and neglect cases within the state and local court systems.

SECTION 8: TECHNICAL ASSISTANCE FOR CHILD ABUSE, NEGLECT AND DEPENDENCY MATTERS

A program for competitive grants, administered by HHS in coordination with the Attorney General, to provide technical assistance to state and local courts to carry out their new responsibilities, including efforts to speed the process of adoption of children.

Technical assistance will be $5 million for each year, from 2000 to 2004, for a five year total of $25 million.

SECTION 9: GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATES (CASA) PROGRAM IN UNDERSERVED AREAS

A special grant program to expand the well-respected CASA program to the most needy areas, including the 15 largest urban areas and regional programs for rural areas.

A single start up grant of $5 million in 2000.

By Mr. MURKOWSKI (for himself and Mr. DASCHLE):

S. 709. A bill to amend the Housing and Community Development Act of 1974 to establish and sustain viable rural and remote communities, and to provide affordable housing and community development assistance to rural areas with excessively high rates of outmigration and low per capita income levels; to the Committee on Banking, Housing, and Urban Affairs.

THE RURAL AND REMOTE COMMUNITY FAIRNESS ACT

Mr. MURKOWSKI. Mr. President, today I rise to introduce the Rural and Remote Community Fairness Act. This Act will lead to a brighter future for rural and remote communities by establishing three new programs that will address the unique economic and environmental challenges faced by small communities in rural and remote areas across this country. I am pleased that this legislation is co-sponsored by the Minority Leader, Senator DASCHLE.

The bill authorizes up to $100 million a year in grant aid from 2000 through 2006 for any communities across the nation with populations of less than 10,000 which face electric rates in excess of 150 percent of the national average retail price. The money can go for electricity system improvements, energy efficiency and weatherization efforts, water and sanitation improvements or work to solve leaking fuel storage tanks.

The bill also amends the Rural Electrification Act to authorize Rural and Remote Electrification Grants of an additional $20 million a year to the same communities. The grants can be used to increase energy efficiency, lower electricity rates or provide for the modernization of electric facilities.

The bill also establishes a new program providing rural recovery community development block grants. This will provide for the development and maintenance of viable rural areas through the provision of affordable housing and community development assistance for rural areas with excessively high rates of outmigration and low per capita income levels.

This nation has well-established programs for community development grants. The majority of these programs were established to help resolve the very real problems found in this Nation's urban areas. However, our most rural and remote communities experience different, but equally real, problems that are not addressed by existing law. Not only are these communities generally ineligible for the existing programs, their unique challenges, while sometimes similar to those experienced by urban areas, require a different focus and approach.

The biggest single economic problem facing small communities is the expense of establishing a modern infrastructure. These costs, which are always substantial, are exacerbated in remote and rural areas. The existence of this infrastructure, including efficient housing, electricity, bulk fuel storage, waste water and water service, is a necessity for the health and welfare of our children, the development of a prosperous economy and minimizing environmental problems.

There is a real cost in human misery and to the health and welfare of everyone, especially our children and our elderly from poor or polluted water or bad housing or an inefficient power system. Hepatitis B infections in rural Alaska are five times more common than in urban Alaska. We just have to do better if we are to bring our rural communities into the 21st Century.

The experience of many of Alaskans is a perfect example. Most small communities or villages in Alaska are not interconnected to an electricity grid, and rely upon diesel generators for their electricity. Often, the fuel can only be delivered by barge or airplane, and is stored in tanks. These tanks are expensive to maintain, and in many cases, must be completely replaced to prevent leakage of fuel into the environment. While the economic and environmental savings clearly justify the construction of new facilities, these communities simply don't have the ability to raise enough capital to make the necessary investments.

As a result, these communities are forced to bear an oppressive economic and environmental burden that can be eased with a relatively small investment on the part of the Federal government. I can give you some examples: in Manley Hot Springs, Alaska, the citizens pay almost 70 cents per kilowatt hour for electricity. In Igiugig, Kokhanok, Akiachak Native Community, and Middle Kuskokwim, consumers all pay over 50 cents per kilowatt hour for electricity. The national average is around 7 cents per kilowatt hour.

Further, in Alaska, for example, many rural villages still lack modern water and sewer sanitation systems taken for granted in all other areas of America. According to a Federal Field Working Group, 190 of the state's villages have "unsafe" sanitation systems, 135 villages still using "honey buckets" for waste disposal. Only 31 villages have a fully safe, piped water system; 71 villages having only one central watering source.

These are not only an Alaskan problem. The highest electricity rates in America are paid by a small community in Missouri, and communities in Maine, as well as islands in Rhode Island and New York will likely qualify for this program. Providing safe drinking water and adequate waste treatment facilities is a problem for very small communities all across this land.

What will this Act do to address these problems? First, the Act authorizes $100 million per year for the years 2000–2006 for block grants to communities of under 10,000 inhabitants who pay more than 150% of the national average retail price for electricity.

The grants will be allocated by the Secretary of Housing and Urban Development among eligible communities proportionate to cost of electricity in the community, as compared to the national average. The communities may use the grants only for the following eligible activities:

Low-cost weatherization of homes and other buildings;

Construction and repair of electrical generation, transmission, distribution, and related facilities;

Construction, remediation and repair of bulk fuel storage facilities;

Facilities and training to reduce costs of maintaining and operating electrical generation, distribution, transmission, and related facilities;

Professional management and maintenance for electrical generation, distribution and transmission, and related facilities;

Investigation of the feasibility of alternate energy services;

Construction, operation, maintenance and repair of water and waste water services;

Acquisition and disposition of real property for eligible activities and facilities; and

Development of an implementation plan, including administrative costs for eligible activities and facilities.

In addition this bill will amend the Rural Electrification Act of 1936 to authorize Rural and Remote Electrification Grants for $20 million per year for years 2000–2006 for grants to qualified borrowers under the Act that are in rural and remote communities who pay more than 150% of the national average retail price for electricity. These grants can be used to increase energy efficiency, lower electricity rates, or provide or modernize electric facilities.

This Act makes a significant step toward resolving the critical social, economic and environmental problems faced by our Nation's rural and remote communities. I encourage my colleagues to support this legislation.

For the information of the Senate and the public, the bill can also be obtained from the Internet at: http://thomas.loc.gov.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 709

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural and Remote Community Fairness Act."

TITLE I—RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS

The Housing and Community Development Act of 1974 (Public Law 93–383) is amended by inserting at the end the following new title:

"TITLE IX—RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS

"FINDINGS AND PURPOSE

"SEC. 901. (a) FINDINGS.—The Congress finds and declares that—

"(1) a modern infrastructure, including efficient housing, electricity, bulk fuel, waste water and water service, is a necessary ingredient of a modern society and development of a prosperous economy with minimal environmental impacts;

"(2) the Nation's rural and remote communities face critical social, economic and environmental problems, arising in significant measure from the high cost of infrastructure development in sparsely populated and remote areas, that are not adequately addressed by existing Federal assistance programs;

"(3) in the past, Federal assistance has been instrumental in establishing electric and other utility service in many developing regions of the Nation, and that Federal assistance continues to be appropriate to ensure that electric and other utility systems in rural areas conform with modern standards of safety, reliability, efficiency and environmental protection; and

"(4) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural and remote communities as social, economic and political entities.

"(b) PURPOSE.—The purpose of this title is the development and maintenance of viable rural and remote communities through the provision of efficient housing, and reasonably priced and environmentally sound energy, water, waste water, and bulk fuel and utility services to those communities that do not have those services or who currently bear costs for those services that are significantly above the national average.

"DEFINITIONS

"SEC. 902. As used in this title:

"(1) The term 'unit of general local government' means any city, county, town, township, parish, village, borough (organized or unorganized) or other general purpose political subdivision of a State, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, the Virgin Islands, and American Samoa; a combination of such political subdivisions that is recognized by the Secretary; and the District of Columbia; or any other appropriate organization of citizens of a rural and remote community that the Secretary may identify.

"(2) The term 'population' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

"(3) The term 'Native American group' means any Indian tribe, band group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

"(4) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(5) The term 'rural and remote community' means a unit of local general government or Native American group which represents or contains a population not in excess of 10,000 permanent inhabitants, and that has an average retail cost per kilowatt hour of electricity that is equal to or greater than 150 percent of the average retail cost per kilowatt hour of electricity for all consumers in the United States, as determined by data provided by the Department of Energy's Energy Information Administration.

"(6) The term 'alternative energy sources' include non-traditional means of providing electrical energy, including, but not limited to, wind, solar, biomass, geothermal and tidal power.

"(7) The term 'average retail cost per kilowatt hour of electricity' has the same meaning as 'average revenue per kilowatthour of electricity' as defined by the Energy Information Administration.

"AUTHORIZATIONS

"SEC. 903. The Secretary is authorized to make grants to rural and remote communities to carry out activities in accordance with the provisions of this title. For purposes of assistance under section 906, there are authorized to be appropriated $100,000,000 for each of fiscal years 2000 through 2006.

"STATEMENT OF ACTIVITIES AND REVIEW

"SEC. 904. (a) Prior to the receipt in any fiscal year of a grant under section 906 by any rural and remote community, the grantee shall have prepared and submitted to the Secretary a final statement of rural and remote community development objectives and projected use of funds.

"(b) In order to permit public examination and appraisal of such statements, to enhance the public accountability of grantees, and to facilitate coordination of activities with different levels of government, the grantee shall in a timely manner—

"(1) furnish citizens information concerning the amount of funds available for rural and remote community development activities and the range of activities that may be undertaken;

"(2) publish a proposed statement in such manner to afford affected citizens an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee;

"(3) provide citizens with reasonable access to records regarding the past use of funds received under section 906 by the grantee; and

"(4) provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of funds received under section 906 from one eligible activity to another.

The final statement shall be made available to the public, and a copy shall be furnished to the Secretary. Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required in this paragraph for the preparation and submission of such statement.

"(c) Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report, concerning the use of funds made available under section 906, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a) and to the requirements of subsection (b). The grantee's report shall indicate its programmatic accomplishments, the nature of and reasons for any changes in the grantee's program objectives, and indications of how the grantee would change its programs as a result of its experiences.

"(d) Any rural and remote community may retain any program income that is realized from any grant made by the Secretary under section 906 if (1) such income was realized after the initial disbursement of the funds received by such unit of general local government under such section; and (2) such unit of general local government has agreed that it will utilize the program income for eligible rural and remote community development activities in accordance with the provisions of this title; except that the Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with this subsection creates an unreasonable administrative burden on the rural and remote community.

"ELIGIBLE ACTIVITIES

"SEC. 905. (a) Eligible activities assisted under title may include only—

"(1) the provision of assistance, including loans, grants, and services, for low-cost weatherization and other cost-effective energy-related repair of homes and other buildings;

"(2) the acquisition, construction, repair, reconstruction, or installation of reliable and cost-efficient facilities for the generation, transmission or distribution of electricity for consumption in a rural and remote community or communities;

"(3) the acquisition, construction, repair, reconstruction, remediation or installation of facilities for the safe storage and efficient management of bulk fuel by rural and remote communities, and facilities for the distribution of such fuel to consumers in a rural and remote community or communities;

"(4) facilities and training to reduce costs of maintaining and operating generation, distribution or transmission systems to a rural and remote community or communities;

"(5) the institution of professional management and maintenance services for electricity generation, transmission or distribution to a rural and remote community or communities;

"(6) the investigation of the feasibility of alternate energy sources for a rural and remote community or communities;

"(7) acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water or waste water service;

"(8) the acquisition or disposition of real property (including air rights, water rights, and other interest therein) for eligible rural and remote community development activities; and

"(9) activities necessary to develop and implement a comprehensive rural and remote development plan, including payment of reasonable administrative costs related to planning and execution of rural and remote community development activities.

"(b) Eligible activities may be undertaken either directly by the rural and remote community, or by the rural and remote community through local electric utilities.

"ALLOCATION AND DISTRIBUTION OF FUNDS

"SEC. 906. For each fiscal year, of the amount approved in an appropriation Act under section 903 for grants in any year, the Secretary shall distribute to each rural and remote community which has filed a final statement of rural and remote community development objectives and projected use of funds under section 904, an amount which shall be allocated among the rural and remote communities that filed a final statement of rural and remote community development objectives and projected use of funds under section 904 proportionate to the percentage that the average retail cost per kilowatt hour of electricity for all classes of consumers in the rural and remote community exceeds the national average retail cost per kilowatt hour for electricity for all consumers in the United States, as determined by data provided by the Department of Energy's Energy Information Administration. In allocating funds under this section, the Secretary shall give special consideration to those rural and remote communities that increase economies of scale through consolidation of services, affiliation and regionalization of eligible activities under this title.

"REMEDIES FOR NONCOMPLIANCE

"SEC. 907. The provisions of section 111 of the Housing and Community Development Act of 1974 shall apply to assistance distributed under this title.".

TITLE II—RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS

After section 313(b) of the Rural Electrification Act of 1936, add the following new subsection:

"(c) RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.—The Secretary is authorized to provide grants to eligible borrowers under this Act for the purpose of increasing energy efficiency, lowering or stabilizing electric rates to end users, or providing or modernizing electric facilities in rural and remote communities that have an average retail cost per kilowatt hour of electricity that is equal to or greater than 150 percent of the average retail cost per kilowatt hour of electricity for all consumers in the United States, as determined by data provided by the Department of Energy's Energy Information Administration.

"(d) For purposes of subsection (c), there is authorized to be appropriated $20,000,000 for each of fiscal years 2000–2006.".

TITLE III—RURAL RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANTS

The Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

"SEC. 123. RURAL RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANTS.

"(a) FINDINGS; PURPOSE.—

"(1) FINDINGS.—Congress finds that—

"(A) a modern infrastructure, including affordable housing, wastewater and water service, and advanced technology capabilities is a necessary ingredient of a modern society and development of a prosperous economy with minimal environmental impacts;

"(B) the Nation's rural areas face critical social, economic, and environmental problems, arising in significant measure from the growing cost of infrastructure development in rural areas that suffer from low per capita income and high rates of outmigration and are not adequately addressed by existing Federal assistance programs; and

"(C) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural areas as social, economic, and political entities.

"(2) PURPOSE.—The purpose of this section is to provide for the development and maintenance of viable rural areas through the provision of affordable housing and community development assistance to eligible units of general local government and eligible Native American groups in rural areas with excessively high rates of outmigration and low per capita income levels.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'eligible unit of general local government' means a unit of general local government that is the governing body of a rural recovery area.

"(2) ELIGIBLE INDIAN TRIBE.—The term 'eligible Indian tribe' means the governing body of an Indian tribe that is located in a rural recovery area.

"(3) GRANTEE.—The term 'grantee' means an eligible unit of general local government or eligible Indian tribe that receives a grant under this section.

"(4) NATIVE AMERICAN GROUP.—The term 'Native American group' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

"(5) RURAL RECOVERY AREA.—The term 'rural recovery area' means any geographic area represented by a unit of general local government or a native American group—

"(A) the borders of which are not adjacent to a metropolitan area;

"(B) in which—

"(i) the population outmigration level equals or exceeds 1 percent over the most recent five year period, as determined by the Secretary of Agriculture, and,

"(ii) the per capita income is less than that of the national nonmetropolitan average; and

"(C) that does not include a city with a population or more than 15,000.

"(6) UNIT OF GENERAL LOCAL GOVERNMENT.—

"(A) IN GENERAL.—The term 'unit of general local government' means any city, county, town, township, parish, village, borough (organized or unorganized), or other general purpose political subdivision of a State; Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions that, except as provided in section 106(d)(4), is recognized by the Secretary; the District of Columbia; and the Trust Territory of the Pacific Islands.

"(B) OTHER ENTITIES INCLUDED.—The term also includes a State or a local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), community association, or other entity, that is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of section 712 of the Housing and Urban Development Act of 1970 or title IV of the Housing and Urban Development Act of 1968.

"(c) GRANT AUTHORITY.—The Secretary may make grants in accordance with this section to eligible units of general local government Native American groups and eligible Indian tribes that meet the requirements of subsection (d) to carry out eligible activities described in subsection (f).

"(d) ELIGIBILITY REQUIREMENTS.—

"(1) STATEMENT OF RURAL DEVELOPMENT OBJECTIVES.—In order to receive a grant under this section for a fiscal year, an eligible unit of general local government, Native American group or eligible Indian tribe—

"(A) shall—

"(i) publish a proposed statement of rural development objectives and a description of the proposed eligible activities described in subsection (f) for which the grant will be used; and

"(ii) afford residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe with an opportunity to examine the contents of the proposed statement and the proposed eligible activities published under clause (i), and to submit comments to the eligible unit of general local government, Native American group or eligible Indian tribe, as applicable, on—

"(I) the proposed statement and the proposed eligible activities; and

"(II) the overall community development performance of the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable; and

"(B) based on any comments received under subparagraph (A)(ii), prepare and submit to the Secretary—

"(i) a final statement of rural development objectives;

"(ii) a description of the eligible activities described in subsection (f) for which a grant received under this section will be used; and

"(iii) a certification that the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, will comply with the requirements of paragraph (2).

"(2) PUBLIC NOTICE AND COMMENT.—In order to enhance public accountability and facilitate the coordination of activities among different levels of government, an eligible unit of general local government, Native American groups or eligible Indian tribe that receives a grant under this section shall, as soon as practicable after such receipt, provide the residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, with—

"(A) a copy of the final statement submitted under paragraph (1)(B);

"(B) information concerning the amount made available under this section and the eligible activities to be undertaken with that amount;

"(C) reasonable access to records regarding the use of any amounts received by the eligible unit of general local government, Native American groups or eligible Indian tribe under this section in any preceding fiscal year; and

"(D) reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of amounts received under this section from 1 eligible activity to another.

"(e) DISTRIBUTION OF GRANTS.—

"(1) IN GENERAL.—In each fiscal year, the Secretary shall distribute to each eligible unit of general local government, Native American groups and eligible Indian tribe that meets the requirements of subsection (d)(1) a grant in an amount described in paragraph (2).

"(2) AMOUNT.—Of the total amount made available to carry out this section in each fiscal year, the Secretary shall distribute to each grantee the amount equal to the greater of—

"(A) the pro rata share of the grantee, as determined by the Secretary, based on the combined annual population outmigration level (as determined by Secretary of Agriculture) and the per capita income for the rural recovery area served by the grantee; or

"(B) $200,000.

"(f) ELIGIBLE ACTIVITIES.—Each grantee shall use amounts received under this section for 1 or more of the following eligible activities, which may be undertaken either directly by the grantee, or by any local economic development corporation, regional planning district, non-profit community development corporation, or statewide development organization authorized by the grantee:

"(1) The acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water and wastewater service or any other infrastructure needs determined to be critical to the further development or improvement of a designated industrial park.

"(2) The acquisition or disposition of real property (including air rights, water rights, and other interests therein) for rural community development activities.

"(3) The development of telecommunications infrastructure within a designated industrial park that encourages high technology business development in rural areas

"(4) Activities necessary to develop and implement a comprehensive rural development plan, including payment of reasonable administrative costs related to planning and execution of rural development activities.

"(5) Affordable housing initiatives.

"(g) PERFORMANCE AND EVALUATION REPORT.—

"(1) IN GENERAL.—Each grantee shall annually submit to the Secretary a performance and evaluation report, concerning the use of amounts received under this section.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include a description of—

"(i) publish a proposed statement of rural development objectives and a description of the proposed eligible activities described in subsection (f) for which the grant will be used; and

"(A) the eligible activities carried out by the grantee with amounts received under this section, and the degree to which the grantee has achieved the rural development objectives included in the final statement submitted under subsection (d)(1);

"(B) the nature of and reasons for any change in the rural development objectives or the eligible activities of the grantee after submission of the final statement under subsection (d)(1); and

"(C) any manner in which the grantee would change the rural development objectives of the grantee as a result of the experience of the grantee in administering amounts received under this section.

"(h) RETENTION OF INCOME.—A grantee may retain any income that is realized from the grant, if—

"(1) the income was realized after the initial disbursement of amounts to the grantee under this section; and

"(2) the—

"(A) grantee agrees to utilize the income for 1 or more eligible activities; or

"(B) amount of the income is determined by the Secretary to be so small that compliance with subparagraph (A) would create an unreasonable administrative burden on the grantee.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2000 through 2006".

Mr. DASCHLE. Mr. President, today I am introducing legislation to help address the economic malaise that has gripped certain rural and remote areas of our country and the problems arising from the high cost of developing and maintaining infrastructure in remote communities. The legislation will provide grants to rural communities suffering from out-migration and low per-capita income and will help ensure that remote communities are not unfairly penalized by the high cost of services, such as water, waste water, fuel and utility services. I want to thank my colleague from Alaska, Senator MURKOWSKI, for his work on this legislation. His contribution in addressing these problems is most welcome.

Rural areas of our Nation continue to experience vast fluctuations in their economic well-being due to their dependence on worldwide agricultural markets. The link between global economic forces and local economic conditions is nowhere as pronounced as it is in rural America. And yet, rural communities are often those least capable of weathering the severe periodic downturns that occur in global markets.

Statistics bear out these fluctuations in economic activity, but they fail to fully capture the human suffering that lies just beyond the numbers. Economic downturns lead to the migration away from farm-dependent, rural communities, further stifling economic opportunities for those left behind. The 1990 Census highlighted these migratory trends, and I anticipate that similar trends will be captured by the upcoming Census, as well.

In short, the bandwagon of prosperity that has carried many Americans along through the past decade has left many rural areas standing by the wayside. If this trend continues, more and more young people will be forced to leave the towns they grew up in for opportunities in urban areas. In towns like Webster, Sisseton, and White River, South Dakota, we are seeing farm families broken up, populations decline, and main street businesses close their doors. While there is no doubt that economic growth in our urban areas has benefited our Nation, the disparity of economic development between our rural and urban areas cannot be ignored. If nothing is done to address the economic challenges facing these areas, we will jeopardize the future of rural America.

That is why Senator MURKOWSKI and I are introducing legislation to provide the Nation's rural areas with the resources necessary to make critical investments in their future and, by doing so, to create economic opportunities that will help them sustain a valuable and important way of life. While Federal agencies, such as the United States Department of Agriculture's Office of Rural Development and the Economic Development Administration, provide assistance for rural development purposes, there are no Federal programs that provide a steady source of funding for rural areas most affected by severe out-migration and low per-capita income. For these areas, the process of economic development is often most arduous. The Rural and Remote Community Fairness Act of 1999 will provide the basic, long-term assistance necessary to aid the coordinated efforts of local community leaders as they begin economic recovery efforts to ensure a bright future for rural America.

Specifically, the Rural and Remote Community Fairness Act of 1999 will provide a minimum of $200,000 per year to counties and Indian tribes with (1) out-migration levels of one percent or more over a five-year period, (2) per-capita income levels that are below the national average, and (3) borders that are not adjacent to a metropolitan area. This legislation authorizes the United States Department of Housing and Urban Development to set aside $50 million in Community Development Block Grant funding for this purpose. The money, which is already included in the agency's budget, will be allocated on a formula basis to rural counties and Indian tribes suffering from out-migration and low-per capita income levels.

County and tribal governments will be able to use this federal funding to improve their industrial parks, purchase land for development, build affordable housing and create economic recovery strategies according to their needs. All of these important steps will help rural communities address their economic problems and plan for long-term growth and development.

In addition to addressing the problems of out-migration from low per-capita income areas, this legislation also focuses on the unique problems associated with those communities located in areas with high energy costs. Specifically, the legislation sets aside $100,000,000 for weatherization efforts, the construction of cost-efficient power facilities and fuel storage facilities, energy management programs, water and waste water facilities, the acquisition or disposition of real property for rural and remote development activities, and for the implementation of a comprehensive rural and remote development plan.

Mr. President, the Rural and Remote Community Fairness Act of 1999 holds great potential for revitalizing many of our nation's most neglected and vulnerable areas. I urge my colleagues to support its enactment this Congress.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. BREAUX, Mr. HUTCHINSON, Mr. THOMAS, Mr. CRAIG, and Mr. MURKOWSKI):

S. 710. A bill to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail; to the Committee on Energy and Natural Resources.

VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS PRESERVATION ACT OF 1999

Mr. LOTT. Mr. President, on February 20, 1899, the 56th Congress took an important step toward preserving one of our nation's most significant historical resources when it established the Vicksburg National Military Park. The campaign and siege at Vicksburg, the "Gibraltar of the Confederacy," was a pivotal moment in American History. As the gateway to the Mississippi River, the region was of vital strategic importance to both the South and the North. For this reason, the Vicksburg engagement is heralded as one of the most brilliant offensive campaigns ever fought on U.S. soil.

Every year, the Vicksburg National Military Park plays host to over one million visitors who are able to take advantage of this national historic treasure. Like many other National Parks, Vicksburg contributes to the cultural, recreational, scenic, and economic vitality of the region.

As America celebrates the centennial anniversary of the Park's founding, it is important to recognize that a number of other campaign related sites throughout Mississippi, Louisiana, Arkansas, and Tennessee, used by both the Union and Confederate Armies during the 1862 to 1863 Vicksburg conflict, are in desperate need of study, interpretation, management, and protection.

These are sites that have been listed as historically significant properties on both state and national registries. Unfortunately, many of these same sites, buildings, fortifications, earthworks, and other landmarks along the Vicksburg Campaign Trail route have been identified by the National Trust for Historic Preservation as being among the 11 most endangered historic places in America. The Mississippi Heritage Trust, based in Jackson, also named the Campaign Trail as one of its highest priorities and placed the Vicksburg Trail on its list of most threatened historic areas in the state.

Mr. President, that is why I am introducing legislation today to authorize the Park Service to conduct a feasibility study on the Vicksburg Campaign Trail. A study that will identify options for preserving some of our nation's most important Civil War battlefields and sites.

At the outbreak of the American Civil War, President Abraham Lincoln gathered his ranking civil and military leaders to develop a strategy for ending the war. While seated around a large table examining a map of the nation, Lincoln made a wide sweeping gesture with his hand, and then placed his finger on the map at Vicksburg. He said, "See what a lot of land these fellows hold of which Vicksburg is the key. The war can never be brought to a close until that key is in our pocket."

It was a crucial for the Federal government to regain control of the lower Mississippi River. The goal was to enable troops, supplies and commerce to flow unhindered from the Northwest. Taking the Gibraltar of the Confederacy would sever vital Southern supply routes, achieve a major objective of the Anaconda Plan, and effectively seal the doom of the Confederate capital in Richmond.

Even with Major General Ulysses S. Grant leading the charge, Vicksburg would prove a tough nut to crack. Its powerful Southern batteries were trained on the river and an 8 mile-long swath of earthworks guarded all land based approaches. The reinforced line consisted of nine major forts connected by trenches and rifle pits manned by a garrison of 30,000 troops and 172 mounted guns. These fortifications posed the greatest challenge to Union domination of the Mississippi River.

The campaign to capture Vicksburg, to "pocket the key" to Union victory, lasted 18 months and involved more than 100,000 soldiers. It was here that entire regiments of black soldiers wore the uniform of the United States Army for only the second time in American history. The battle of Vicksburg also involved a number of historic naval engagements between Union gunboats and Confederate warships.

After months of frustration and failure to capture the Confederate bastion, General Grant marched his force of over 45,000 men down the west side of the Mississippi River. With the assistance of the U.S. fleet, Union troops crossed the river below Vicksburg and swiftly moved deep into Mississippi. After five fierce battles, the state capital of Jackson was taken. The Union Army then turned west and marched along the rail line towards Vicksburg. Lt. Gen. John C. Pemberton led the defense of Vicksburg and held the Rebel line for some time. Pemberton refused to succumb to unconditional surrender even after 47 days of siege. He finally relinquished the city on July 4, 1863 after securing paroles for his resistance forces.

Mr. President, many historians consider the battle of Vicksburg to be the most decisive campaign of the Civil War. It was also the most complex combined operation ever undertaken by American armed forces prior to World War II. In fact, the Vicksburg Campaign is required study at the United States Military Academy, the Army War College, and the Commanding General Staff College. These are the men and women who will eventually lead our armed forces. Rather than just read about the conflict in textbooks, troops from military units throughout the country ride the battlefields to experience first hand the tactics of war.

At a time when the movie "Saving Private Ryan" is recognized for its true-to-life depiction of the battlefield on Omaha Beach, Normandy, France, our nation must continue to reflect on the hardships suffered here on our own soil. Those suffered by soldiers and civilians throughout the North and South.

The Vicksburg campaign is truly an example of the pathos of war here on America's shores. Brother fought against brother on opposite sides of the battle lines. In defense of ideals each held dear. During the siege, soldiers fed off the land while the civilian population lived underground to escape the constant bombardment of Union guns—enduring exposure, sickness, and little food. It was a military operation where tens of thousands of lives were lost.

Vicksburg is also an illustration of the healing and reunification that followed Reconstruction. Union and Confederate veterans joined forces to establish Vicksburg National Military Park. We owe these former combatants a debt of gratitude for their efforts. Not only for their distinguished bravery during the most trying of times, but also for the vital legacy they left us all.

Now it is our solemn duty to safeguard the memory of those who fought so dearly during the many battles that occurred to secure Vicksburg by studying the entire campaign trail. For its contribution to our understanding of the Civil War and for its continued influence on American history. This great contest encompassed a vast geographical region. Battle related sites are scattered throughout Mississippi, Louisiana, Arkansas, and Tennessee. While some landmarks have been lost to age and neglect, it is not too late to protect the hundreds of remnants associated with the campaign that remain to tell the story.

Mr. President, the non-partisan measure offered today is also a key. The key to protecting our national heritage. This bill will begin a much needed process to protect the integrity of the many historic venues associated with the battle of Vicksburg that still exist. Literally hundreds of miles of roads, fields, and bayous were covered by Yankee and Rebel troops during this engagement. To truly understand and appreciate this historic conflict, it is important to look beyond the confines of the Vicksburg National Military Park as it exists today. The 106th Congress needs to build upon the legacy our forefathers left us by developing a comprehensive plan leading to the eventual preservation of the many endangered sites along the four state campaign trail. This Congress needs to authorize this much needed study—the second key. President Lincoln got the first key over one hundred years ago. Now that 136 years have past, the current President needs the second key.

Without Congressional action, historians, soldiers, re-enactors, and tourists will forever lose direct access to the many at-risk landmarks and battlefields along the Vicksburg campaign route that have not yet disappeared. Sites, that while inexorably linked by time and honor, will simply vanish into the wind without the development of coordinated and comprehensive preservation strategies. Sites where the true experience of history will only be left to words.

Mr. President, I ask my colleagues to join with me in support of this non-partisan measure. Let us take this first and necessary step to protect our national heritage for those who have gone before us and for those yet to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vicksburg Campaign Trail Battlefields Preservation Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term "Campaign Trail State" means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—

(A) IN GENERAL.—The term "Civil War battlefield" means the land and interests in land that is the site of a Civil War battlefield, including structures on or adjacent to the land, as generally depicted on the Map.

(B) INCLUSIONS.—The term "Civil War battlefield" includes—

(i) the battlefields at Helena and Arkansas Post, Arkansas;

(ii) Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(iii) the battlefield at Milliken's Bend, Madison Parish, Louisiana;

(iv) the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(v) the Winter Quarters at Tensas Parish, Louisiana;

(vi) Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(vii) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(viii) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(ix) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(x) the battlefield at Jackson, Hinds County, Mississippi;

(xi) the Union siege lines around Jackson, Hinds County, Mississippi;

(xii) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(xiii) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(xiv) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(xv) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(xvi) Pemberton's Headquarters at Warren County, Mississippi;

(xvii) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(xviii) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

(xix) any other sites considered appropriate by the Secretary.

(3) MAP.—The term "Map" means the map entitled "Vicksburg Campaign Trail National Battlefields", numbered , and dated .

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(b) COMPONENTS.—In completing the study, the Secretary shall—

(1) enter into contracts with entities to use advanced technology such as remote sensing, river modeling, and flow analysis to determine which property included in the Civil War battlefields should be preserved, restored, managed, maintained, or acquired due to the national historical significance of the property;

(2) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(iii) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(iv) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(3) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(4) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as "Friends of the Vicksburg Campaign and Historic Trail", in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(c) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $1,500,000.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 711. A bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes; to the Committee on Energy and Natural Resources.

CIVIL SETTLEMENT OF DAMAGES FROM THE "EXXON VALDEZ" OIL SPILL

• Mr. MURKOWSKI. Mr. President, we are ten years older, but are we ten years wiser since the *Exxon Valdez* oil spill?

With the anniversary of the Nation's worst oil spill occurring today, the question most asked by national media is how the environment and wildlife of Alaska has fared. In fact, just last week on a "60 minutes" story this exact question was asked. It was asked not only by the network doing the story, but by the Alaskans being interviewed.

What's particularly frustrating is that in many cases it is still not possible to give informed answers.

In the years since 11.3 million gallons of crude oil bubbled into the sea, the Exxon Valdez Oil Spill (EVOS) Trustees Council has had nearly $800 million of the eventual $900 million that Exxon will pay at their disposal to fund scientific studies. Those studies should have determined the health of marine life, wildlife and the ecosystem of Prince William Sound. But according to the latest summary of scientific studies, while it is possible to say that some species have or are recovering, it is not possible to give a full accounting.

According to a report from the council last month very little is known about the health of cutthroat trout, Dolly Varden, rockfish or Kittlitz's murrelets. And there is only slightly more information on the health of killer whales, pigeon guillemots, cormorants, and common loon, harbor seals and harlequin ducks.

While it is heartening that the Sound appears to be recovering sooner than many thought likely, and that herring and salmon stocks are recovering as are bald eagles and river otters, it is frustrating that more hard scientific data has not been gathered.

That is why, Mr. President, I rise to introduce legislation, on behalf of myself and Senator STEVENS, that will provide for more science to be done on the impacted spill area. The legislation I am introducing will allow for a higher rate of interest to be earned through outside investments of the settlement funds from the *Exxon Valdez* oil spill.

The legislation specifies that the interest on investments received under this new authority must be used to support marine research and economic restoration projects for the fishing industry and local fishermen. If the trustees choose to use this authority, an additional $20 million to $30 million could be generated for research and restoration between now and 2001.

The legislation further requires the trustees to present a report to Congress recommending a structure the trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received. This provision is also consistent with comments from the public suggesting that an independent science-oriented board should control the process of funding science projects, rather than trustees who represent agencies that may be seeking project funding.

I, for one, believe the Council's priorities have been misplaced which has necessitated this legislation. They have been unwilling to admit that science does not yet provide many mitigation answers; instead, the spill trustees have decided to go on a land buying spree as an alternative.

This is a mistake, Mr. President.

In a State where 68 percent of all land is federally owned and where individuals own less than 1 percent of all property, the trustees have allocated $416 million of the initial $900 million court settlement just for land acquisitions. They have nearly completed the purchase of 647,000 acres in and around Prince William Sound and just recently voted to set aside an additional $55 million to fund acquisitions, literally, forever even though most of the land being bought was not directly affected by the spill.

Alaska Natives worked for decades to win the 1971 land settlement that gave them control of 44 million acres of Alaska. Now, in less than a quarter of a century, Natives have lost much of the land they had fought to gain—a good part of the Native lands in the region have been reacquired through the actions of the trustees. It is ironic, indeed, that the United States purchased Alaska for $7.2 million in 1867 and that 60 times more money already has been committed to buy back parts of it.

Back in 1994 when $600 million of the settlement was still uncommitted, I urged the trustees to commit the bulk of the settlement to a "permanent fund" that would provide a perpetual source of significant funding for research or mitigation projects. I also urged the trustees to utilize the expertise of the University of Alaska in undertaking those studies. I warned that if too much funding was allocated to land acquisition, or spent on marginal science, less money would be available to fund sound studies to shed light on the mysteries affecting commercial and sport fisheries and marine life and wildlife in the Sound.

In the intervening years we have seen General Accounting Office audits documenting that the trustees have pad on average 56 percent above government-appraised value for the lands it has acquired. We've seen a situation this year where the trustees paid nearly $80 million for lands on Kodiak Island, while the Department of the Interior set the value of those same lands at about one-third that amount when it came to funding revenue sharing payments to the Kodiak Island Borough.

While the trustees recently voted to place about $115 million of the settlement aside to provide interest to fund future scientific studies, I believe the earnings from all of the roughly $170 million still owed by Exxon should be devoted to pay for marine research and monitoring including applied fisheries research. I believe this approach will give us answers, not leave us guessing, about what is happening to the Sound and what we can do to improve the habitat of the region. The legislation we introduce today will begin to address this need.

Long after the Sound has healed its wounds, those lands bought by the trustees will be lost forever to economic activity and to the Native heritage. Nowhere could this be clearer than the example of one Native corporation that agreed to sell its lands with the intent to invest in a perpetual trust to help children go to school and provide solutions to other problems. Instead it was pressured to make a one time payment to each shareholder.

The longest-lasting legacy of the tragedy may be that some of the Natives find themselves like the Biblical Esau who sold his birthright to Jacob for a mess of pottage and bread. When the meal was gone so was his heritage. When that one-time payment has been spent, what will have been gained and what will pass on to their children?

Today, another tragedy is clear, we still do not have the answers to the effects of the spill, even though we had the wherewithal to have obtained them.

Mr. President, immediately following the spill, I sponsored a provision in the Oil Pollution Act of 1990, which was passed by Congress, to create Regional Citizens Advisory Councils, giving local residents the authority and the resources to improve all aspects of oil transport planning and cleanup. Patterned after a concept then in place at the Port of Sullom Voe in the North Sea's Shetland Islands, there is no question that the oversight and creativity that the councils engendered have done the most to make Alaska's oil transportation system the best in the world.

It is time for Congress to act again today, to ensure that we have the resources to obtain the best science available in understanding Prince William Sound. I believe this bill will allow us to do just that.•

• Mr. STEVENS. Mr. President, I join Senator MURKOWSKI in introducing this bill to allow greater interest to be earned on funds from the civil settlement between Exxon and the State of Alaska and the Federal Government resulting from the 1989 *Exxon Valdez* oil spill. This is another silver lining from the spill.

Under the civil settlement, Exxon has paid $900 million to the State of Alaska and Federal Government. The settlement established the Exxon Valdez Oil Spill Trustee Council to administer these funds. The Trustee Council is comprised of three Federal and three State representatives.

While I disagree with the Council's decisions to spend much of the funds to acquire land in Alaska, I was pleased by their decision on March 1, 1999 to dedicate $115 million for an endowment for marine research, monitoring, and restoration.

Our bill would allow the Council to invest these funds outside the court registry, where it would earn greater interest than under the court's authority. The bill is similar to the legislation we pursued during the 105th Congress. We are encouraged that the Trustee Council has directed its Executive Director to work with us on this measure, and we will keep an open mind when those discussions begin.

I also intend to explore whether we can merge the EVOS research endowment with the North Pacific Marine Research endowment I created last year with funds received by the Federal Government in the case involving Dinkum Sands oil lease revenue. The EVOS funds can only be used in the spill area, while the Dinkum Sands funds can be used for research relating to any of the marine waters off Alaska. Merging the two would maximize research benefits for Alaska and the Nation, and minimize potential duplication.

In 1997, we established the 19-member North Pacific Research Board to prepare the marine research plan for the Dinkum Sands funds. In 1998, however, during the first year of funding, we simplified the approach so that the University of Alaska has the responsibility for preparing the plan, and the plan must then be approved by the State of Alaska, the Department of the Interior, and the Department of Commerce. Our goal is to update the North Pacific Research Board so that the University will have the central role, but the other entities on the North Pacific Marine Research Board will also have an advisory role in the long term in setting the research priorities.

During our work on this, we will also see whether it is possible to merge the EVOS research endowment with the Dinkum Sands endowment. The bill that Senator MURKOWSKI and I are introducing is the critical piece of the puzzle that will allow greater interest to be earned on the EVOS marine research endowment whether or not we are ultimately able to merge the two.•

By Mr. LOTT (for himself, Mrs. HUTCHISON, Mr. BREAUX, and Mr. WYDEN):

S. 712. A bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

THE "LOOK, LISTEN, AND LIVE STAMP ACT"

Mr. LOTT. Mr. President, today I, along with Senators HUTCHISON, BREAUX, and WYDEN, introduce the "Look, Listen, and Live Stamp Act." This bill would authorize the U.S. Postal Service to establish a special-rate postage stamp to promote highway-rail grade crossing safety.

There are approximately 150,000 public crossings in America today, the majority of which are equipped with only passive warning devices. In 1998, there were 3,446 grade-crossing collisions involving motor vehicles resulting in 1,950 serious injuries and 422 deaths. A motorist is 40 times more likely to die in a crash involving a train than in a collision involving another motor vehicle. Most recently, this nation witnessed the horror of the Amtrak grade-crossing collision in Bourbonnais, Illinois last week.

Sadly, Mr. President, grade-crossing deaths are preventable. Unfortunately, the cost of separating or eliminating all of these crossings would run into the trillions of dollars, and even the cost of equipping every crossing with the most effective active warning devices would run into the billions of dollars. While the railroad industry and Federal, state, and local governments are slowly reducing the number of grade-crossings and improving others, the process will take decades to complete. Also, about half of all collisions at highway-rail grade crossings occur at crossings equipped with active warning systems in place: flashing lights, bells and gates.

To save lives now, we must intensify our efforts to educate our citizens on the hazards of, and proper method for, crossing a railroad track. The "Look, Listen, and Live Stamp Act" would promote this worthy cause in two ways. First, the stamp itself, and its display in post offices throughout America, would serve as a reminder to all to treat the crossing of a railroad track as a life or death situation. Second, it would provide an additional source of revenue to the Department of Transportation to fund Operation Lifesaver programs. Operation Lifesaver is non-profit, nationwide public education program dedicated to reducing collisions, injuries, and fatalities at intersections where America's roadways meet railways and along railroad rights-of-way. "Look, Listen, and Live" is an Operation Lifesaver slogan intended to remind motor vehicle drivers how to protect their lives when they approach a highway-rail grade crossing.

Mr. President, the bill would authorize the U.S. Postal Service to sell the stamp at up to 25 percent more than the cost of a first-class stamp, with the difference going to the Department of Transportation to provide additional Operation Lifesaver funding. U.S. Postal Service customers could choose to buy these special stamps, and thereby contribute to this worthy cause, or continue to purchase regular first-class stamps at the going rate. The choice would be theirs. Most importantly, the stamp will provide a constant reminder of the need to exercise caution in crossing railroad tracks. Public memory of the Bourbonnais, Illinois incident, and similar fatal collisions, will fade as media interest shifts to new topics. Operation Lifesaver's public awareness programs are an effort to change driver behavior, but additional reminders, such as this stamp, are required.

The lives lost by a driver's careless crossing of a railroad track are usually those in the motor vehicle, but many times include the passengers and crew members of the train. Even when the train crew survives, they are haunted by the memories of helplessly watching these needless deaths. This is a nationwide problem, but a March 22, 1999, USA Today article detailed the dangers of this problem in my home state of Mississippi. I want to dedicate this bill to the families of the victims of the Amtrak "City of New Orleans" collision in Bourbonnais last week, especially to the families of the five victims from Mississippi: June Bonnin and Jessica Tickle of Nesbit, Mississippi, Lacey Lipscomb and Rainey Lipscomb of Lake Cormorant, Mississippi, and Sheena Dowe of Jackson, Mississippi.

Mr. President, I ask my colleagues to join me in cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Look, Listen, and Live Stamp Act".

SEC. 2. SPECIAL POSTAGE STAMPS TO BENEFIT HIGHWAY-RAIL GRADE CROSSING SAFETY.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

"§ 414a. Special postage stamps for highway-rail grade crossing safety

"(a) In order to afford the public a convenient way to contribute to funding for highway-rail grade crossing safety, the Postal Service shall establish a special rate of postage for first-class mail under this section.

"(b) The rate of postage established under this section—

"(1) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

"(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

"(3) shall be offered as an alternative to the regular first-class rate of postage.

"(c) The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.

"(d)(1) Amounts becoming available for highway-rail grade crossing safety under this section shall be paid by the Postal Service to the Department of Transportation for Operation Lifesaver. Payments under this section shall be made under such arrangements as the Postal Service shall by mutual agreement with the Department of Transportation establish in order to carry out the purposes of this section, except that, under those arrangements, payments to the Department of Transportation shall be made at least twice a year.

"(2) For purposes of this section, the term 'amounts becoming available for highway-rail grade crossing safety under this section' means—

"(A) the total amounts received by the Postal Service that the Postal Service would not have received but for the enactment of this section, reduced by

"(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

"(e) It is the sense of Congress that nothing in this section should—

"(1) directly or indirectly cause a net decrease in total funds received by the Department of Transportation for Operation Lifesaver below the level that would otherwise have been received but for the enactment of this section; or

"(2) affect regular first-class rates of postage or any other regular rates of postage.

"(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of the enactment of this section.

"(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information, concerning the operation of this section, except that, at a minimum, each report shall include—

"(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

"(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

"(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.".

(b) REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 3 months (but not earlier than 6 months) before the end of the 2-year period referred to in section 414a(h) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to Congress a report on the operation of such section. Such report shall include—

(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fund-raising; and

(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

"414. Special postage stamps for breast cancer research.

"414a. Special postage stamps for highway-rail grade crossing safety.".

(2) SECTION HEADING.—The heading for section 414 of title 39, United States Code, is amended to read as follows:

"§414. Special postage stamps for breast cancer research.".

ADDITIONAL COSPONSORS

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 333

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 443

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 459

At the request of Mr. BREAUX, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 459, supra.

S. 470

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 470, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 531

At the request of Mr. ABRAHAM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 565

At the request of Mr. COVERDELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 565, a bill to provide for the treatment of the actions of certain foreign narcotics traffickers as an unusual and extraordinary threat to the United States for purposes of the International Emergency Economic Powers Act.

S. 569

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 569, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 596

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 596, a bill to provide that the annual drug certification procedures under the Foreign Assistance Act of 1961 not apply to certain countries with which the United States has bilateral agreements and other plans relating to counterdrug activities, and for other purposes.

S. 597

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 597, a bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States.

S. 617

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 617, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of insulin pumps as items of durable medical equipment.

S. 632

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 636

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 660

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from Hawaii (Mr. AKAKA), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 668

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 668, a bill to encourage States to incarcerate individuals convicted of murder, rape, or child molestation.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 689

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 689, a bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001, and for other purposes.

SENATE JOINT RESOLUTION 14

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of Senate Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 53

At the request of Mr. DODD, his name was added as a cosponsor of Senate Resolution 53, a resolution to designate March 24, 1999, as "National School Violence Victims' Memorial Day."

SENATE RESOLUTION 54

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 54, a resolution condemning the escalating violence, the gross violation of human rights and attacks against civilians, and the attempt to overthrow a democratically elected government in Sierra Leone.

SENATE RESOLUTION 68

At the request of Mrs. BOXER, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Resolution 68, a resolution expressing the sense of the Senate regarding the treatment of women and girls by the Taliban in Afghanistan.

SENATE RESOLUTION 71

At the request of Mr. ABRAHAM, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 71, a resolution expressing the sense of the Senate rejecting a tax increase on investment income of certain associations.

SENATE RESOLUTION 74—EXPRESSING THE SUPPORT OF THE SENATE FOR THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO ARE ENGAGED IN MILITARY OPERATIONS AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. LOTT (for himself, Mr. DASCHLE, and all other Senators) submitted the following resolution; which was considered and agreed to:

S. RES. 74

Whereas the President has authorized United States participation in NATO military operations against the Federal Republic of Yugoslavia;

Whereas up to 22,000 members of the Armed Forces are presently involved in operations in and around the Balkans region with the active participation of NATO and other coalition forces; and

Whereas the Senate and the American people have the greatest pride in the members of the Armed Forces and strongly support them: Now, therefore, be it

Resolved, That the Senate supports the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizes their professionalism, dedication, patriotism, and courage.

AMENDMENTS SUBMITTED ON MARCH 23, 1999

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

BINGAMAN AMENDMENT NO. 125

Mr. STEVENS (for Mr. BINGAMAN) proposed an amendment to the bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS AND SENSE OF SENATE REGARDING SEQUENTIAL BILLING POLICY FOR HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Section 4611 of the Balanced Budget Act of 1997 included a provision that transfers financial responsibility for certain home health visits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from part A to part B of such program.

(2) The sole intent of the transfer described in paragraph (1) was to extend the solvency of the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i).

(3) The transfer described in paragraph (1) was supposed be "seamless" so as not to disrupt the provision of home health services under the medicare program.

(4) The Health Care Financing Administration has imposed a sequential billing policy that prohibits home health agencies under the medicare program from submitting claims for reimbursement for home health services provided to a beneficiary unless all claims for reimbursement for home health services that were previously provided to such beneficiary have been completely resolved.

(5) The Health Care Financing Administration has also expanded medical reviews of claims for reimbursement submitted by home health agencies, resulting in a significant slowdown nationwide in the processing of such claims.

(6) The sequential billing policy described in paragraph (4), coupled with the slowdown in claims processing described in paragraph (5), has substantially increased the cash flow problems of home health agencies because payments are often delayed by at least 3 months.

(7) The vast majority of home health agencies under the medicare program are small businesses that cannot operate with significant cash flow problems.

(8) There are many other elements under the medicare program relating to home health agencies, such as the interim payment system under section 1861(v)(1)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)), that are creating financial problems for home health agencies, thereby forcing more than 2,200 home health agencies nationwide to close since the date of enactment of the Balanced Budget Act of 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) evaluate and monitor the use of the sequential billing policy (as described in subsection (a)(4)) in making payments to home health agencies under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) ensure that—

(A) contract fiscal intermediaries under the medicare program are timely in their random medical review of claims for reimbursement submitted by home health agencies; and

(B) such intermediaries adhere to Health Care Financing Administration instructions that limit the number of claims for reimbursement held for such review for any particular home health agency to no more than 10 percent of the total number of claims submitted by the agency; and

(3) ensure that such intermediaries are considering and implementing constructive alternatives, such as expedited reviews of claims for reimbursement, for home health agencies with no history of billing problems who have cash flow problems due to random medical reviews and sequential billing.

LEAHY (AND OTHERS) AMENDMENT NO. 126

Mr. STEVENS (for Mr. LEAHY for himself, Mr. JEFFORDS, and Ms. COLLINS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 2, between lines 20 and 21, insert the following:

AGRICULTURAL MARKETING SERVICE

For an additional amount to carry out the agricultural marketing assistance program under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), $200,000, and the rural business enterprise grant program under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)), $500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

On page 37, between lines 9 and 10, insert the following:

FARM SERVICE AGENCY

EMERGENCY CONSERVATION FUND

Of the amount made available under the heading "EMERGENCY CONSERVATION PROGRAM" in chapter 1 of title II of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 68), $700,000 are rescinded.

LINCOLN (AND OTHERS) AMENDMENT NO. 127

Mr. STEVENS (for Mrs. LINCOLN for herself, Mr. HUTCHINSON, and Mr. WYDEN) proposed an amendment to the bill, S. 544, supra; as follows:

On page 7, between lines 8 and 9, insert the following:

GENERAL PROVISION, THIS CHAPTER

SEC. . CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.—(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as "CRCPLUS") for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

GRAMM AMENDMENT NO. 128

Mr. GRAMM proposed an amendment to the bill, S. 544, supra; as follows:

At the end of the bill, add the following:

SEC. . (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) An additional amount of $2,250,000,000 is rescinded as provided in section 3002 of this Act.

GRAMM AMENDMENT NO. 129

Mr. GRAMM proposed an amendment to amendment No. 128 proposed by him to the bill, S. 544, supra; as follows:

At the end of the bill, add the following:

SEC. . (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MURKOWSKI AMENDMENT NO. 130

Mr. MURKOWSKI proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . GLACIER BAY.—No funds may be expended by the Secretary of the Interior to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park, except the closure of Dungeness crab fisheries under Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999, (section 101(e) of division A of Public Law 105–277), until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area has been resolved either by a final determination by the judiciary or by a settlement between the parties to the lawsuit."

ROBB (AND OTHERS) AMENDMENT NO. 131

Mr. ROBB (for himself, Ms. SNOWE, Mr. LEAHY, Mr. BINGAMAN, Ms. FEINSTEIN, and Mr. KERREY) proposed an amendment to the bill, S. 544, supra; as follows:

On page 27, between lines 11 and 12, insert the following:

SEC. 203. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damage arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

HELMS AMENDMENT NO. 132

Mr. STEVENS (for Mr. HELMS) proposed an amendment to the bill, S. 544, supra; as follows:

On page 30, between lines 10 and 11, insert the following:

CHAPTER 7

DEPARTMENT OF STATE RELATED AGENCY

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended: *Provided*, That the amount of the rescission under chapter 2 of title III of this Act under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" is hereby increased by $3,000,000.

GRASSLEY AMENDMENT NO. 133

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following:

On page 24, line 2, after "expended." insert the following: "Provided further, That from unobligated balances in this account available under the heading 'climate and global change research', $2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105–277."

On page 38, line 13, strike "$2,000,000" and insert "$1,000,000".

STEVENS AMENDMENT NO. 134

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

On page 27, line 12, insert the following:

SEC. . Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5 may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in Section 1002(b) of title 37, United States Code.

STEVENS AMENDMENT NO. 135

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

At the end of Title II of the bill insert the following:

"SEC. . A payment of $800,000 from the total amount of $1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, P.L. 105–83, and payments of $2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and $200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in Division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities."

GREGG AMENDMENT NO. 136

Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II insert:

SEC. . Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

"(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both)."; and

(2) in subsection (b), by striking "subsection (a)(1)" and inserting "subsection (a)".

DASCHLE AMENDMENT NO. 137

Mr. STEVENS (for Mr. DASCHLE) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place at the end of Title II, insert:

SEC. . The Corps of Engineers is directed to reprogram $800,000 of the funds made available to that agency in Fiscal Year 1999 for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and state of South Dakota, and to provide the Lower Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

STEVENS AMENDMENT NO. 138

Mr. STEVENS proposed an amendment to the bill, S. 544, supra; as follows:

In the appropriate place in the bill, insert the following new section:

"SEC. . OPERATIONAL SUPPORT AIRCRAFT MULTI-YEAR LEASING DEMONSTRATION PROJECT.

(a) AUTHORITY TO LEASE.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

(b) MAXIMUM LEASE TERM FOR MULTI-YEAR LEASE.—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) COMMERCIAL TERMS.—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a non-governmental lessor to a non-government lessee.

(d) TERMINATION PAYMENTS.—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law,

(1) an obligation need not be recorded upon entering into a lease under this section, in order to provide for the payments described in subsection (d) above, and

(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d) above, may be made from—

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(f) OTHER AUTHORITY PRESERVED.—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise effect the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.".

ENZI (AND BINGAMAN) AMENDMENT NO. 139

Mr. STEVENS (for Mr. ENZI for himself and Mr. BINGAMAN) proposed an amendment to the bill, S t44, supra; as follows:

At the appropriate place in title II of the bill, insert the following:

"SEC. . For an additional amount for the Livestock Assistance Program under Public Law 105–277, $70,000,000. *Provided*, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act." and;

An additional amount of $250,000,000 is rescinded as provided in Section 3002 of this Act.

BINGAMAN (AND OTHERS) AMENDMENT NO. 140

Mr. STEVENS (for Mr. Bingaman for himself, Mr. Enzi, and Mr. Domenici) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place in title II of the bill, insert the following:

"SEC. . DEDUCTION FOR OIL AND GAS PRODUCTION.

"(a) Deduction.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

"(A) increase oil or gas production from existing wells on public land;

"(B) drill new oil or gas wells on existing leases on public land; or

"(C) explore for oil or gas on public land.

"(b) Definitions.—For purposes of this section—

"(1) the term 'lessee' means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

"(2) the term 'public land' has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

"(3) the term 'qualifying well' means any well for the production of natural gas, crude oil, or both that is on public land and—

"(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

"(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

"(c) Sunset.—The Secretary of the Interior shall not allow a deduction under this section after—

"(1) September 30, 2000;

"(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude oil on the New York Mercantile Exchange closes above $18 per barrel; or

"(3) lessees have deducted a total of $123,000,000 under this section—whichever occurs first.

"(d) Administrative Costs.—For necessary expenses of the Department of the Interior under this section, $2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

"(e) Emergency Designation.—The entire amount made available to carry out this section—

"(1) shall be available only to the extent an official budget request for $125,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, and

"(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; and

An additional amount of $125,000,000 is rescinded as provided in Section 3002 of this Act.

DOMENICI (AND OTHERS) AMENDMENT NO. 141

Mr. STEVENS (for Mr. Domenici for himself, Ms. Landrieu, Mr. Murkowski, Mrs. Hutchison, and Mr. Bingaman) proposed an amendment to the bill, S. 544, supra; as follows:

On page 23, between lines 8 and 9, insert the following:

SEC. . PETROLEUM DEVELOPMENT MANAGEMENT.

(a) Short Title.—This section may be cited as the "Emergency Oil and Gas Guaranteed Loan Program Act".

(b) Findings.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) Definitions.—In this section:

(1) Board.—The term "Board" means the Loan Guarantee Board established by subsection (e).

(2) Program.—The term "Program" means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) Qualified oil and gas company.—The term "qualified oil and gas company" means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their by-products as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) Emergency Oil and Gas Guaranteed Loan Program.—

(1) In general.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) Loan guarantee board.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury;

(e) Authority.—

(1) In general.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) Total guarantee limit.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section shall not exceed $500,000,000.

(3) Individual guarantee limit.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed $10,000,000.

(4) Minimum guarantee amount.—No single loan in an amount that is less than $250,000 may be guaranteed under this section.

(5) Expeditious action on applications.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) Requirements for Loan Guarantees.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office, before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) Terms and Conditions of Loan Guarantees.—

(1) Loan duration.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) Loan security.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) Fees.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of

the guaranteed loan to the Department of the Treasury.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

LOTT AMENDMENT NO. 142

Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill, S. 544, supra; as follows:

At the appropriate place, insert the following: "that the presiding officer of the Senate should apply all precedents of the Senate under Rule 16, in effect at the conclusion of the 103rd Congress."

AMENDMENT SUBMITTED ON MARCH 24, 1999

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

ABRAHAM (AND OTHERS) AMENDMENT NO. 143

Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. LOTT, Mr. ROTH, Mr. VOINOVICH, Mr. GRAMS, Mr. GREGG, Ms. COLLINS, Mr. HAGEL, Mr. SANTORUM, Mr. CRAIG, Mr. MCCAIN, and Mr. FITZGERALD) proposed an amendment to the concurrent resolution (S. Con. Res. 20) setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009; as follows:

SEC. XX. FINDINGS; SENSE OF CONGRESS ON THE PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds;

(2) reducing the federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comments that debt reduction "is a very important element in sustaining economic growth," as well as President Clinton's comments that it "is very, very important that we get the government debt down" when referencing his own plans to use the budget surplus to reduce federal debt held by the public;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will reduce debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009, $417,000,000,000, or 32 per cent, more than it would be reduced under the President's fiscal year 2000 budget submission;

(4) further according to the Congressional Budget Office, that the President's budget would actually spend $40,000,000,000 of the Social Security surpluses in fiscal year 2000 on new spending programs, and spend $158,000,000,000 of the Social Security surpluses on new spending programs from fiscal year 2000 through 2004; and

(5) Social Security surpluses should be used for Social Security reform or to reduce the debt held by the public and should not be used for other purposes.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall pass legislation which—

(1) Reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section.

(2) Mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and not spent on non-Social Security programs or used to offset tax cuts.

(3) Provides for a Senate super-majority Point of Order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public.

(4) Ensures that all Social Security benefits are paid on time.

(5) Accommodates Social Security reform legislation.

LAUTENBERG AMENDMENT NO. 144

Mr. LAUTENBERG proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, add the following new section:

SEC. . SAVING SOCIAL SECURITY AND MEDICARE FIRST.

(a) IN GENERAL.—It shall not be in order in the Senate to consider—

(1) any bill, resolution, motion, amendment, or conference report that would reduce revenues without offsetting them in accordance with the Congressional Budget Act of 1974 until Congress first enacts legislation that—

(A) ensures the long-term fiscal solvency of the Social Security Trust Funds and extends the solvency of the Medicare Hospital Insurance Trust Fund by at least 12 years; and

(B) includes a certification that the legislation complies with subparagraph (A); or

(2) any bill, resolution, motion, amendment, or conference report that would increase spending above the levels provided in this resolution, unless such spending increases are offset in accordance with the Congressional Budget Act of 1974 until Congress first enacts legislation that—

(A) ensures the long-term fiscal solvency of the Social Security Trust Funds and extends the solvency of the Medicare Hospital Insurance Trust Fund by at least 12 years; and

(B) includes a certification that the legislation complies with subparagraph (A).

(b) SUPERMAJORITY WAIVER.—

(1) WAIVER.—The point of order in subsection (a) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

ASHCROFT (AND OTHERS) AMENDMENT NO. 145

Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. GREGG, Mr. SMITH of New Hampshire, Mr. ABRAHAM, Mr. ENZI, Mr. INHOFE, Mr. ROTH, and Mr. WARNER) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE FEDERAL GOVERNMENT SHOULD NOT INVEST THE SOCIAL SECURITY TRUST FUNDS IN PRIVATE FINANCIAL MARKETS.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government should not directly invest contributions made to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) in private financial markets.

CRAIG (AND OTHERS) AMENDMENT NO. 146

Mr. CRAIG (for himself, Mr. KERREY, Mr. HELMS, and Mr. INHOFE) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title II, add the following:

SEC. . REQUIREMENT TO OFFSET DIRECT SPENDING INCREASES BY DIRECT SPENDING DECREASES.

(a) SHORT TITLE.—This section may be cited as the "Surplus Protection Amendment".

(b) IN GENERAL.—In the Senate, for purposes of section 202 of House Concurrent Resolution 67 (104th Congress), it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that provides an increase in direct spending unless the increase is offset by a decrease in direct spending.

(c) Waiver.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) Determination of Budget Levels.—For purposes of this section, the levels of direct spending for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

CONRAD AMENDMENT NO. 147

Mr. CONRAD proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

After section 206, insert the following:

SEC. . SAVE SOCIAL SECURITY AND MEDICARE FIRST LOCKBOX.

(a) Definition.—In this section, the term "Social Security and Medicare lockbox" means with respect to any fiscal year, the Social Security surplus (as described in section 311(b)(1) of the Congressional Budget Act of 1974), and the Medicare surplus reserve, which shall consist of amounts allocated to save the Medicare program as provided in subsection (b).

(b) Medicare Surplus Reserve.—

(1) In general.—Subject to adjustment pursuant to paragraph (2), the amounts reserved for the Medicare surplus reserve in each year are—

(A) for fiscal year 2000, $0;
(B) for fiscal year 2001, $3,000,000,000;
(C) for fiscal year 2002, $26,000,000,000;
(D) for fiscal year 2003, $15,000,000,000;
(E) for fiscal year 2004, $21,000,000,000;
(F) for fiscal year 2005, $35,000,000,000;
(G) for fiscal year 2006, $63,000,000,000;
(H) for fiscal year 2007, $68,000,000,000;
(I) for fiscal year 2008, $72,000,000,000;
(J) for fiscal year 2009, $73,000,000,000;
(K) for fiscal year 2010, $70,000,000,000;
(L) for fiscal year 2011, $73,000,000,000;
(M) for fiscal year 2012, $70,000,000,000;
(N) for fiscal year 2013, $66,000,000,000; and
(O) for fiscal year 2014, $52,000,000,000.

(2) Adjustment.—

(A) In general.—The amounts in paragraph (1) for each fiscal year shall be adjusted each year in the budget resolution by a fixed percentage equal to the adjustment required to those amounts sufficient to extend the solvency of the Federal Hospital Insurance Trust Fund based on the most recent Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund (intermediate assumptions) through fiscal year 2020 or 12 years after the date of insolvency specified in the 1999 Report, whichever date is later.

(B) Limit based on total surplus.—The Medicare surplus reserve, as adjusted by subparagraph (A), shall not exceed the total budget resolution baseline surplus in any fiscal year.

(c) Medicare Surplus Reserve Point of Order.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the concurrent resolution below the levels of the Medicare surplus reserve for those fiscal years calculated in accordance with subsection (b)(1).

(d) Enforcement of Medicare Surplus.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in the Medicare surplus reserve in any of the fiscal years covered by the concurrent resolution.

(e) Social Security Off-Budget Point of Order.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Omnibus Budget Reconciliation Act of 1990.

(f) Supermajority Waiver.—

(1) Waiver.—A bill, resolution, amendment, motion, or conference report violating this section shall be subject to a point of order that may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeals.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

On page 46, strike section 204.

At the end of section 101, insert the following:

(7) Medicare Surplus Reserve.—The amounts of the surplus that shall be reserved for Medicare are as follows:

(A) Fiscal year 2000: $0;
(B) Fiscal year 2001: $3,000,000,000;
(C) Fiscal year 2002: $26,000,000,000;
(D) Fiscal year 2003: $15,000,000,000;
(E) Fiscal year 2004: $21,000,000,000;
(F) Fiscal year 2005: $35,000,000,000;
(G) Fiscal year 2006: $63,000,000,000;
(H) Fiscal year 2007: $68,000,000,000;
(I) Fiscal year 2008: $72,000,000,000; and
(J) Fiscal year 2009: $73,000,000,000.

Increase the levels of Federal revenues in section 101(1)(A) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $25,000,000,000;
(4) Fiscal year 2003: $13,000,000,000;
(5) Fiscal year 2004: $18,000,000,000;
(6) Fiscal year 2005: $31,000,000,000;
(7) Fiscal year 2006: $57,000,000,000;
(8) Fiscal year 2007: $58,000,000,000;
(9) Fiscal year 2008: $59,000,000,000; and
(10) Fiscal year 2009: $56,000,000,000.

Change the levels of Federal revenues in section 101(1)(B) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $25,000,000,000;
(4) Fiscal year 2003: $13,000,000,000;
(5) Fiscal year 2004: $18,000,000,000;
(6) Fiscal year 2005: $31,000,000,000;
(7) Fiscal year 2006: $57,000,000,000;
(8) Fiscal year 2007: $58,000,000,000;
(9) Fiscal year 2008: $59,000,000,000; and
(10) Fiscal year 2009: $56,000,000,000.

Reduce the levels of total budget authority and outlays in section 101(2) and section 101(3) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $0;
(3) Fiscal year 2002: $1,000,000,000;
(4) Fiscal year 2003: $2,000,000,000;
(5) Fiscal year 2004: $3,000,000,000;
(6) Fiscal year 2005: $4,000,000,000;
(7) Fiscal year 2006: $6,000,000,000;
(8) Fiscal year 2007: $10,000,000,000;
(9) Fiscal year 2008: $13,000,000,000; and
(10) Fiscal year 2009: $17,000,000,000.

Increase the levels of surplus in section 101(4) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $26,000,000,000;
(4) Fiscal year 2003: $15,000,000,000;
(5) Fiscal year 2004: $21,000,000,000;
(6) Fiscal year 2005: $35,000,000,000;
(7) Fiscal year 2006: $63,000,000,000;
(8) Fiscal year 2007: $68,000,000,000;
(9) Fiscal year 2008: $72,000,000,000; and
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of public debt in section 101(5) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $26,000,000,000;
(4) Fiscal year 2003: $15,000,000,000;
(5) Fiscal year 2004: $21,000,000,000;
(6) Fiscal year 2005: $35,000,000,000;
(7) Fiscal year 2006: $63,000,000,000;
(8) Fiscal year 2007: $68,000,000,000;
(9) Fiscal year 2008: $72,000,000,000; and
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of debt held by the public in section 101(6) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $26,000,000,000;
(4) Fiscal year 2003: $15,000,000,000;
(5) Fiscal year 2004: $21,000,000,000;
(6) Fiscal year 2005: $35,000,000,000;
(7) Fiscal year 2006: $63,000,000,000;
(8) Fiscal year 2007: $68,000,000,000;
(9) Fiscal year 2008: $72,000,000,000; and
(10) Fiscal year 2009: $73,000,000,000.

Reduce the levels of budget authority and outlays in section 103(18) for function 900, Net Interest, by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $0;
(3) Fiscal year 2002: $1,000,000,000;
(4) Fiscal year 2003: $2,000,000,000;
(5) Fiscal year 2004: $3,000,000,000;
(6) Fiscal year 2005: $4,000,000,000;
(7) Fiscal year 2006: $6,000,000,000;
(8) Fiscal year 2007: $10,000,000,000;
(9) Fiscal year 2008: $13,000,000,000; and
(10) Fiscal year 2009: $17,000,000,000.

Reduce the levels in section 104(1) by which the Senate Committee on Finance is instructed to reduce revenues by the following amounts:

(1) $0 in fiscal year 2000;

(2) $59,000,000,000 for the period of fiscal years 2000 through 2004; and

(3) $320,000,000,000 for the period of fiscal years 2000 through 2009.

COVERDELL AMENDMENT NO. 148

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 20, as follows:

At the end of title III, add the following:

SEC. . RESTRICTION ON RETROACTIVE INCOME AND ESTATE TAX RATE INCREASES.

(a) Purpose.—The Senate declares that it is essential to ensure taxpayers are protected against retroactive income and estate tax rate increases.

(b) Point of Order.—

(1) In general.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that includes a retroactive Federal income tax rate increase.

(2) Definition.—In this section—

(A) the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

(B) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.

(c) SUPERMAJORITY WAIVER.—

(1) WAIVER.—The point of order in subsection (b) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

(d) EFFECTIVE DATE.—This section takes effect on January 1, 1999.

GRAMS AMENDMENT NO. 149

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 20, as follows:

At the appropriate place in the resolution, insert the following new section:

SEC. . SENSE OF THE SENATE ON SAFE-DEPOSIT BOX FOR THE ACCUMULATED ASSETS OF THE SOCIAL SECURITY TRUST FUNDS.

SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should create a safe-deposit box to lock in all the accumulated Social Security surplus in the Social Security Trust Funds by gradually reducing government spending to ensure this surplus be used exclusively for Social Security.

GRAMS (AND CRAPO) AMENDMENT NO. 150

(Ordered to lie on the table.)

Mr. GRAMS (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 20, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. RESERVE FUND FOR INCREASED ON-BUDGET SURPLUS IN THE OUTYEARS.

(a) IN GENERAL.—Any additional on-budget surplus exceeding the level assumed in this resolution during the period of fiscal years 2001 through 2009 as reestimated by the Congressional Budget Office shall be reserved exclusively for tax relief or debt reduction.

(b) ADJUSTMENTS.—The Chairman of the Committee on the Budget of the Senate may reduce the spending and revenue aggregates and may revise committee allocations by taking the additional amount of the on-budget surplus referred to in subsection (a) for tax relief or debt reduction in the period of fiscal year 2001 through 2009.

(c) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report that uses the additional on-budget surplus reserved in subsection (a) for additional Government spending other than tax relief or debt reduction, a point of order may be made by a Senator against the measure, and if the Presiding Officer sustains that point of order, it may not be offered as an amendment from the floor.

(2) SUPERMAJORITY.—This point of order may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn.

(d) BUDGETARY ENFORCEMENT.—Revised allocations and aggregates under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

BOND AMENDMENT NO. 151

Mr. BOND proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 2000 including the appropriate budgetary levels for fiscal years 2001 through 2004 as authorized by section 301 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2000.
Sec. 2. Recommended levels and amounts.
Sec. 3. Social Security.
Sec. 4. Major functional categories.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2000 through 2004:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,406,025,000,000.
Fiscal year 2001: $1,445,309,000,000.
Fiscal year 2002: $1,507,935,000,000.
Fiscal year 2003: $1,562,820,000,000.
Fiscal year 2004: $1,631,839,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $11,046,000,000.
Fiscal year 2001: $10,612,000,000.
Fiscal year 2002: $10,609,000,000.
Fiscal year 2003: $9,952,000,000.
Fiscal year 2004: $9,490,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,546,344,000,000.
Fiscal year 2001: $1,584,835,000,000.
Fiscal year 2002: $1,645,262,000,000.
Fiscal year 2003: $1,715,370,000,000.
Fiscal year 2004: $1,769,129,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,531,949,000,000.
Fiscal year 2001: $1,561,030,000,000.
Fiscal year 2002: $1,631,887,000,000.
Fiscal year 2003: $1,699,388,000,000.
Fiscal year 2004: $1,777,965,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2000: $125,924,000,000.
Fiscal year 2001: $115,721,000,000.
Fiscal year 2002: $123,952,000,000.
Fiscal year 2003: $136,568,000,000.
Fiscal year 2004: $146,126,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,778,600,000,000.
Fiscal year 2001: $5,999,800,000,000.
Fiscal year 2002: $6,234,000,000,000.
Fiscal year 2003: $6,498,400,000,000.
Fiscal year 2004: $6,765,100,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,532,443,000,000.
Fiscal year 2001: $3,398,722,000,000.
Fiscal year 2002: $3,215,290,000,000.
Fiscal year 2003: $3,034,629,000,000.
Fiscal year 2004: $2,824,701,000,000.

SEC. 3. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $468,020,000,000.
Fiscal year 2001: $487,744,000,000.
Fiscal year 2002: $506,293,000,000.
Fiscal year 2003: $527,326,000,000.
Fiscal year 2004: $549,876,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $262,175,000,000.
Fiscal year 2001: $283,322,000,000.
Fiscal year 2002: $272,819,000,000.
Fiscal year 2003: $282,098,000,000.
Fiscal year 2004: $275,846,000,000.

SEC. 4. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2000 through 2004 for each major functional category are:

(1) National Defense (050):

Fiscal year 2000:
(A) New budget authority, $280,525,000,000.
(B) Outlays, $283,261,000,000.
Fiscal year 2001:
(A) New budget authority, $300,207,000,000.
(B) Outlays, $284,991,000,000.
Fiscal year 2002:
(A) New budget authority, $301,966,000,000.
(B) Outlays, $293,701,000,000.
Fiscal year 2003:
(A) New budget authority, $312,360,000,000.
(B) Outlays, $303,803,000,000.
Fiscal year 2004:
(A) New budget authority, $321,228,000,000.
(B) Outlays, $313,787,000,000.

(2) International Affairs (150):

Fiscal year 2000:
(A) New budget authority, $16,111,000,000.
(B) Outlays, $16,728,000,000.
Fiscal year 2001:
(A) New budget authority, $16,375,000,000.
(B) Outlays, $17,510,000,000.
Fiscal year 2002:
(A) New budget authority, $15,514,000,000.
(B) Outlays, $17,755,000,000.
Fiscal year 2003:
(A) New budget authority, $17,449,000,000.
(B) Outlays, $17,421,000,000.
Fiscal year 2004:
(A) New budget authority, $18,633,000,000.
(B) Outlays, $17,643,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2000:
(A) New budget authority, $19,279,000,000.

(B) Outlays, $18,773,000,000.

Fiscal year 2001:

(A) New budget authority, $19,476,000,000.

(B) Outlays, $19,140,000,000.

Fiscal year 2002:

(A) New budget authority, $19,406,000,000.

(B) Outlays, $19,283,000,000.

Fiscal year 2003:

(A) New budget authority, $19,373,000,000.

(B) Outlays, $19,135,000,000.

Fiscal year 2004:

(A) New budget authority, $19,369,000,000.

(B) Outlays, $19,163,000,000.

(4) Energy (270):

Fiscal year 2000:

(A) New budget authority, $1,165,000,000.

(B) Outlays, $148,000,000.

Fiscal year 2001:

(A) New budget authority, $1,315,000,000.

(B) Outlays, $-605,000,000.

Fiscal year 2002:

(A) New budget authority, $1,056,000,000.

(B) Outlays, $52,000,000.

Fiscal year 2003:

(A) New budget authority, $1,106,000,000.

(B) Outlays, $-15,000,000.

Fiscal year 2004:

(A) New budget authority, $842,000,000.

(B) Outlays, $-155,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2000:

(A) New budget authority, $24,592,000,000.

(B) Outlays, $24,084,000,000.

Fiscal year 2001:

(A) New budget authority, $23,964,000,000.

(B) Outlays, $24,242,000,000.

Fiscal year 2002:

(A) New budget authority, $23,894,000,000.

(B) Outlays, $23,971,000,000.

Fiscal year 2003:

(A) New budget authority, $23,985,000,000.

(B) Outlays, $24,119,000,000.

Fiscal year 2004:

(A) New budget authority, $23,998,000,000.

(B) Outlays, $23,960,000,000.

(6) Agriculture (350):

Fiscal year 2000:

(A) New budget authority, $15,155,000,000.

(B) Outlays, $13,554,000,000.

Fiscal year 2001:

(A) New budget authority, $13,007,000,000.

(B) Outlays, $11,400,000,000.

Fiscal year 2002:

(A) New budget authority, $11,240,000,000.

(B) Outlays, $9,489,000,000.

Fiscal year 2003:

(A) New budget authority, $11,456,000,000.

(B) Outlays, $9,762,000,000.

Fiscal year 2004:

(A) New budget authority, $11,474,000,000.

(B) Outlays, $9,986,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2000:

(A) New budget authority, $11,098,000,000.

(B) Outlays, $5,752,000,000.

Fiscal year 2001:

(A) New budget authority, $11,819,000,000.

(B) Outlays, $6,917,000,000.

Fiscal year 2002:

(A) New budget authority, $15,580,000,000.

(B) Outlays, $11,265,000,000.

Fiscal year 2003:

(A) New budget authority, $15,649,000,000.

(B) Outlays, $11,878,000,000.

Fiscal year 2004:

(A) New budget authority, $15,022,000,000.

(B) Outlays, $11,493,000,000.

(8) Transportation (400):

Fiscal year 2000:

(A) New budget authority, $54,233,000,000.

(B) Outlays, $48,054,000,000.

Fiscal year 2001:

(A) New budget authority, $54,505,000,000.

(B) Outlays, $50,370,000,000.

Fiscal year 2002:

(A) New budget authority, $55,546,000,000.

(B) Outlays, $50,716,000,000.

Fiscal year 2003:

(A) New budget authority, $57,826,000,000.

(B) Outlays, $52,706,000,000.

Fiscal year 2004:

(A) New budget authority, $59,047,000,000.

(B) Outlays, $53,799,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $11,898,000,000.

(B) Outlays, $10,900,000,000.

Fiscal year 2001:

(A) New budget authority, $9,141,000,000.

(B) Outlays, $10,931,000,000.

Fiscal year 2002:

(A) New budget authority, $9,077,000,000.

(B) Outlays, $10,919,000,000.

Fiscal year 2003:

(A) New budget authority, $9,234,000,000.

(B) Outlays, $10,232,000,000.

Fiscal year 2004:

(A) New budget authority, $9,217,000,000.

(B) Outlays, $9,694,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2000:

(A) New budget authority, $67,427,000,000.

(B) Outlays, $64,315,000,000.

Fiscal year 2001:

(A) New budget authority, $69,342,000,000.

(B) Outlays, $68,734,000,000.

Fiscal year 2002:

(A) New budget authority, $68,902,000,000.

(B) Outlays, $69,111,000,000.

Fiscal year 2003:

(A) New budget authority, $70,490,000,000.

(B) Outlays, $70,413,000,000.

Fiscal year 2004:

(A) New budget authority, $70,806,000,000.

(B) Outlays, $70,439,000,000.

(11) Health (550):

Fiscal year 2000:

(A) New budget authority, $157,699,000,000.

(B) Outlays, $153,576,000,000.

Fiscal year 2001:

(A) New budget authority, $166,827,000,000.

(B) Outlays, $165,390,000,000.

Fiscal year 2002:

(A) New budget authority, $176,310,000,000.

(B) Outlays, $177,172,000,000.

Fiscal year 2003:

(A) New budget authority, $188,429,000,000.

(B) Outlays, $189,416,000,000.

Fiscal year 2004:

(A) New budget authority, $202,009,000,000.

(B) Outlays, $202,815,000,000.

(12) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $207,313,000,000.

(B) Outlays, $207,342,000,000.

Fiscal year 2001:

(A) New budget authority, $219,958,000,000.

(B) Outlays, $220,098,000,000.

Fiscal year 2002:

(A) New budget authority, $228,786,000,000.

(B) Outlays, $228,414,000,000.

Fiscal year 2003:

(A) New budget authority, $248,871,000,000.

(B) Outlays, $248,998,000,000.

Fiscal year 2004:

(A) New budget authority, $266,671,000,000.

(B) Outlays, $266,850,000,000.

(13) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $256,590,000,000.

(B) Outlays, $259,635,000,000.

Fiscal year 2001:

(A) New budget authority, $268,839,000,000.

(B) Outlays, $271,765,000,000.

Fiscal year 2002:

(A) New budget authority, $282,063,000,000.

(B) Outlays, $285,263,000,000.

Fiscal year 2003:

(A) New budget authority, $291,119,000,000.

(B) Outlays, $295,138,000,000.

Fiscal year 2004:

(A) New budget authority, $301,746,000,000.

(B) Outlays, $303,967,000,000.

(14) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $95,790,000,000.

(B) Outlays, $95,791,000,000.

Fiscal year 2001:

(A) New budget authority, $80,518,000,000.

(B) Outlays, $80,518,000,000.

Fiscal year 2002:

(A) New budget authority, $104,023,000,000.

(B) Outlays, $104,023,000,000.

Fiscal year 2003:

(A) New budget authority, $103,449,000,000.

(B) Outlays, $103,449,000,000.

Fiscal year 2004:

(A) New budget authority, $122,837,000,000.

(B) Outlays, $122,837,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $43,786,000,000.

(B) Outlays, $43,931,000,000.

Fiscal year 2001:

(A) New budget authority, $44,439,000,000.

(B) Outlays, $44,877,000,000.

Fiscal year 2002:

(A) New budget authority, $44,980,000,000.

(B) Outlays, $45,304,000,000.

Fiscal year 2003:

(A) New budget authority, $45,526,000,000.

(B) Outlays, $45,864,000,000.

Fiscal year 2004:

(A) New budget authority, $45,875,000,000.

(B) Outlays, $46,287,000,000.

(16) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $26,616,000,000.

(B) Outlays, $26,608,000,000.

Fiscal year 2001:

(A) New budget authority, $26,988,000,000.

(B) Outlays, $27,189,000,000.

Fiscal year 2002:

(A) New budget authority, $27,160,000,000.

(B) Outlays, $27,146,000,000.

Fiscal year 2003:

(A) New budget authority, $26,901,000,000.

(B) Outlays, $27,044,000,000.

Fiscal year 2004:

(A) New budget authority, $26,924,000,000.

(B) Outlays, $26,995,000,000.

(17) General Government (800):

Fiscal year 2000:

(A) New budget authority, $13,785,000,000.

(B) Outlays, $14,850,000,000.

Fiscal year 2001:

(A) New budget authority, $14,583,000,000.

(B) Outlays, $14,732,000,000.

Fiscal year 2002:

(A) New budget authority, $14,294,000,000.

(B) Outlays, $14,431,000,000.

Fiscal year 2003:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,270,000,000.

Fiscal year 2004:

(A) New budget authority, $14,353,000,000.

(B) Outlays, $14,427,000,000.

(18) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $278,294,000,000.

(B) Outlays, $278,294,000,000.

Fiscal year 2001:

(A) New budget authority, $279,933,000,000.

(B) Outlays, $279,933,000,000.

Fiscal year 2002:

(A) New budget authority, $282,562,000,000.

(B) Outlays, $282,562,000,000.

Fiscal year 2003:

(A) New budget authority, $282,562,000,000.

(B) Outlays, $282,562,000,000.

Fiscal year 2004:

(A) New budget authority, $292,566,000,000.

(B) Outlays, $292,566,000,000.

(19) Allowances (920):

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $1,365,000,000.

Fiscal year 2001:

(A) New budget authority, $3,000,000,000.

(B) Outlays, $2,299,000,000.

Fiscal year 2002:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $4,425,000,000.

Fiscal year 2003:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $7,000,000,000.

Fiscal year 2004:

(A) New budget authority, $12,000,000,000.

(B) Outlays, $9,900,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, $-35,012,000,000.

(B) Outlays, $-35,012,000,000.

Fiscal year 2001:

(A) New budget authority, $-39,401,000,000.

(B) Outlays, $-39,401,000,000.

Fiscal year 2002:

(A) New budget authority, $-43,115,000,000.

(B) Outlays, $-43,115,000,000.

Fiscal year 2003:

(A) New budget authority, $-38,226,000,000.

(B) Outlays, $-38,226,000,000.

Fiscal year 2004:

(A) New budget authority, $-38,488,000,000.

(B) Outlays, $-38,488,000,000.

SMITH (AND OTHERS) AMENDMENT NO. 152

Mr. SMITH of Oregon (for himself, Mr. SARBANES, and Mr. FEINGOLD) proposed an amendment to the concurrent resolution, S. Con. Res. 20, as follows:

At the appropriate place in the bill, insert the following new section and number it accordingly:

SEC. . SENSE OF THE SENATE ON PROVIDING ADEQUATE FUNDING FOR U.S. INTERNATIONAL LEADERSHIP.

(a) FINDINGS.—The Senate finds that—

(1) U.S. international leadership is essential to maintaining security and peace for all Americans;

(2) such leadership depends on effective diplomacy as well as a strong military;

(3) effective diplomacy requires adequate resources both for embassy security and for international programs;

(4) in addition to building peace, prosperity and democracy around the world, programs in the International Affairs (150) account serve U.S. interests by ensuring better jobs and a higher standard of living, promoting the health of our citizens and preserving our natural environment, and protecting the rights and safety of those who travel or do business overseas;

(5) real spending for International Affairs has declined more than 50 percent since the mid-1980s, at the same time that major new challenges and opportunities have arisen from the disintegration of the Soviet Union and the worldwide trends toward democracy and free markets;

(6) current ceilings on discretionary spending will impose severe additional cuts in funding for International Affairs; and

(7) improved security for U.S. diplomatic missions and personnel will place further strain on the International Affairs budget absent significant additional resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that additional budgetary resources should be identified for function 150 to enable successful U.S. international leadership.

JOHNSON (AND OTHERS) AMENDMENT NO. 153

Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. CONRAD, Mr. KERRY, Mr. REID, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. FEINGOLD, Mr. ROBB, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INHOFE, Ms. COLLINS, Mr. HATCH, Ms. SNOWE, Mr. THURMOND, Mr. SPECTER, Mr. GRAMS, Mr. CRAIG, Mr. GRASSLEY, and Mr. DOMENICI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, as follows:

On page 31 line 23 strike “44,724,000,000”, and insert “46,724,000,000”.

On page 31 line 24 strike “45,064,000,000”, and insert “47,064,000,000”.

On page 38 line 15 strike “8,033,000,000”, and insert “10,033,000,000”.

On page 38 line 16 strike “8,094,000,000”, and insert “10,094,000,000”.

At the appropriate place insert the following:

“(A) It is the sense of the Senate that the provisions in this resolution assume that if CBO determines there is an on-budget surplus for FY 2000, $2 billion of that surplus will be restored to the programs cut in this amendment.

“(B) It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of these offsets will come from defense or veterans, and to the extent possible should come from administrative functions.”

ENZI (AND OTHERS) AMENDMENT NO. 154

(Ordered to lie on the table.)

Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. THOMAS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE THAT AGRICULTURAL RISK MANAGEMENT PROGRAMS SHOULD BENEFIT LIVESTOCK PRODUCERS.

(a) FINDINGS.—The Senate finds that—

(1) extremes in weather-related and natural conditions have a profound impact on the economic viability of producers;

(2) these extremes, such as drought, excessive rain and snow, flood, wind, insect infestation are certainly beyond the control of livestock producers;

(3) these extremes do not impact livestock producers within a state, region or the nation in the same manner or during the same time frame or for the same duration of time;

(4) the livestock producers have a few effective risk management tools at their disposal to adequately manage the short and long term impacts of weather-related or natural disaster situations; and

(5) ad hoc natural disaster assistance programs, while providing some relief, are not sufficient to meet livestock producers' needs for rational risk management planning.

(b) It is the sense of the Senate that any consideration of reform of federal crop insurance and risk management programs should include the needs of livestock producers.

ENZI AMENDMENT NO. 155

(Ordered to lie on the table.)

Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 20, supra; as follows:

SEC. . SENSE OF THE SENATE ON ELIMINATING THE MARRIAGE PENALTY AND ACROSS THE BOARD INCOME TAX RATE CUTS.

(a) FINDINGS.—The Senate finds that—

(1) The institution of marriage is the cornerstone of the family and civil society;

(2) Strengthening of the marriage commitment and the family is an indispensable step in the renewal of America's culture;

(3) The Federal income tax punishes marriage by imposing a greater tax burden on married couples than on their single counterparts;

(4) America's tax code should give each married couple the choice to be treated as one economic unit, regardless of which spouse earns the income; and

(5) All American taxpayers are responsible for any budget surplus and deserve broad-based tax relief after the Social Security Trust fund has been protected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should eliminate the marriage penalty in a manner that treats all married couples equally, regardless of which spouse earns the income; and

(2) Congress should implement an equal, across the board reduction in each of the current federal income tax rates as soon as there is a non-Social Security surplus.

COVERDELL (AND OTHERS) AMENDMENT NO. 156

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING INCENTIVES FOR SMALL SAVERS.

(a) FINDINGS.—The Senate finds that—

(1) in general, the Federal budget will accumulate nearly $800,000,000,000 in non-Social Security surpluses through 2009;

(2) such a level of surplus afford Congress the opportunity to return a portion to the taxpayers in the form of tax relief;

(3) the Federal tax burden is at its highest level in over 50 years;

(4) personal bankruptcy filings reached a record high in 1998 with $40,000,000,000 in debts discharged;

(5) the personal savings rate is at record lows not seen since the Great Depression;

(6) the personal savings rate was 9 percent of income in 1982;

(7) the personal savings rate was 5.7 percent of income in 1992;

(8) the personal savings rate plummeted to 0.5 percent in 1998;

(9) the personal savings rate could plummet to as low as negative 4.5 percent if current trends do not change;

(10) personal savings is important as a means for the American people to prepare for crisis, such as a job loss, health emergency, or some other personal tragedy, or to prepare for retirement;

(11) President Clinton recently acknowledged the low rate of personal savings as a concern;

(12) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years would move 7,000,000 middle-income taxpayers into the lowest income tax bracket;

(13) excluding the first $500 from interest and dividends income, or $250 for singles, would enable 30,000,000 low- and middle-income taxpayers to save tax-free and would translate into approximately $1,000,000,000,000 in savings;

(14) exempting the first $5,000 in capital gains income from capital gains taxation would mean 10,000,000 low- and middle-income taxpayers would no longer pay capital gains tax;

(15) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000, would mean over 5,000,000 taxpayers will be better equipped for retirement; and

(16) tax relief measures to encourage savings and investments for low- and middle-income savers would mean tax relief for nearly 112,000,000 individual taxpayers by—

(A) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years;

(B) excluding from income the first $500 in interest and dividend income ($250 for singles);

(C) exempting from capital gains taxation the first $5,000 in capital gains taxes; and

(D) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution and legislation enacted pursuant to this resolution assume that—

(1) Congress will adopt tax relief that provides incentives for savings and investment for low- and middle-income working families that assist in preparing for unexpected emergencies and retirement, such as—

(A) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years;

(B) excluding from income the first $500 in interest and dividend income ($250 for singles);

(C) exempting from capital gains taxation the first $5,000 in capital gains taxes; and

(D) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000; and

(2) tax relief as described in this subsection is fully achievable within the parameters set forth under this budget resolution.

SPECTER (AND HARKIN) AMENDMENT NO. 157

Mr. SPECTER (for himself and Mr. HARKIN) proposed an amendment to the concurrent resolution, S.Con.Res. 20, supra; as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and allocations may be revised under section 302(a) of the Congressional Budget Act of 1974 for legislation disallowing a Federal income tax deduction for any payment to the Federal Government or any State or local government in connection with any tobacco litigation or settlement and to use $1,400,000,000 of the increased revenues to fund biomedical research at the National Institutes of Health.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the aggregates contained in this resolution.

ROTH (AND OTHERS) AMENDMENT NO. 158

(Ordered to lie on the table.

Mr. ROTH (for himself, Mr. BREAUX, Mr. FRIST, Mr. KERREY, Mr. GRAMM, Mr. DOMENICI, Mr. NICKLES, Mr. GRASSLEY, Mr. HATCH, and Mr. THOMPSON) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE MODERNIZATION AND IMPROVEMENT OF THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The health insurance coverage provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is an integral part of the financial security for retired and disabled individuals, as such coverage protects those individuals against the financially ruinous costs of a major illness.

(2) Expenditures under the medicare program for hospital, physician, and other essential health care services that are provided to nearly 39,000,000 retired and disabled individuals will be $232,000,000,000 in fiscal year 2000.

(3) During the nearly 35 years since the medicare program was established, the Nation's health care delivery and financing system has undergone major transformations. However, the medicare program has not kept pace with such transformations.

(4) Former Congressional Budget Office Director Robert Reischauer has described the medicare program as it exists today as failing on the following 4 key dimensions (known as the "Four I's"):

(A) The program is inefficient.

(B) The program is inequitable.

(C) The program is inadequate.

(D) The program is insolvent.

(5) The President's budget framework does not devote 15 percent of the budget surpluses to the medicare program. The federal budget process does not provide a mechanism for setting aside current surpluses for future obligations. As a result, the notion of saving 15 percent of the surplus for the medicare program cannot practically be carried out.

(6) The President's budget framework would transfer to the Federal Hospital Insurance Trust Fund more than $900,000,000,000 over 15 years in new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public, and these new IOUs would increase the gross debt of the Federal Government by the amounts transferred.

(7) The Congressional Budget Office has stated that the transfers described in paragraph (6) which are strictly intragovernmental, have no effect on the unified budget surpluses or the on-budget surpluses and therefore have no effect on the debt held by the public.

(8) The President's budget framework does not provide access to, or financing for, prescription drugs.

(9) The Comptroller General of the United States has stated that the President's medicare proposal does not constitute reform of the program and "is likely to create a public misperception that something meaningful is being done to reform the Medicare program".

(10) The Balanced Budget Act of 1997 enacted changes to the medicare program which strengthen and extend the solvency of that program.

(11) The Congressional Budget Office has stated that without changes made to the medicare program by the Balanced Budget Act of 1997, the depletion of the Federal Hospital Insurance Trust Fund would now be imminent.

(12) The President's budget proposes to cut medicare program spending by $19,400,000,000 over 10 years, primarily through reductions in payments to providers under that program.

(13) While the recommendations by Senator John Breaux and Representative William Thomas received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare, all of the President's appointees to that commission opposed the bipartisan reform plan.

(14) The Breaux-Thomas recommendations provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring new IOUs to the Federal Hospital Insurance Fund that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume the following:

(1) The resolution does not adopt the President's proposals to reduce medicare program spending by $19,400,000,000 over 10 years, nor does this resolution adopt the President's proposal to spend $10,000,000,000 of medicare program funds on unrelated programs.

(2) Congress will not transfer to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public.

(3) Congress should work in a bipartisan fashion to extend the solvency of the medicare program and to ensure that benefits under that program will be available to beneficiaries in the future.

(4) The American public will be well and fairly served in this undertaking if the medicare program reform proposes are considered

within a framework that is based on the following 5 key principles offered in testimony to the Senate Committee on Finance by the Comptroller General of the United States:

(A) Affordability.
(B) Equity.
(C) Adequacy.
(D) Feasibility.
(E) Public acceptance.

(5) The recommendations by Senator Breaux and Congressman Thomas provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(6) Congress should move expeditiously to consider the bipartisan recommendations of the Chairmen and the National Bipartisan Commission on the Future of Medicare.

(7) Congress should continue to work with the President as he develops and presents his plan to fix the problems of the medicare program.

COLLINS (AND DODD) AMENDMENT NO. 159

Ms. COLLINS (for herself and Mr. DODD) proposed an amendment to the concurrent resolution. S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON TEA-21 FUNDING AND THE STATES.

(a) FINDINGS.—The Senate finds that—

(1) on May 22, 1998, the Senate overwhelmingly approved the conference committee report on H.R. 2400, the Transportation Equity Act for the 21st Century, in a 88–5 roll call vote;

(2) also on May 22, 1998, the House of Representatives approved the conference committee report on this bill in a 297–86 recorded vote;

(3) on June 9, 1998, President Clinton signed this bill into law, thereby making it Public Law 105–178;

(4) the TEA–21 legislation was a comprehensive reauthorization of Federal highway and mass transit programs, which authorized approximately $216,000,000,000 in Federal transportation spending over the next 6 fiscal years;

(5) section 1105 of this legislation called for any excess Federal gasoline tax revenues to be provided to the States under the formulas established by the final version of TEA–21; and

(6) the President's fiscal year 2000 budget request contained a proposal to distribute approximately $1,000,000,000 in excess Federal gasoline tax revenues that was not consistent with the provisions of section 1105 of TEA–21 and would deprive States of needed revenues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and any legislation enacted pursuant to this resolution assume that the President's fiscal year 2000 budget proposal to change the manner in which any excess Federal gasoline tax revenues are distributed to the States will not be implemented, but rather any of these funds will be distributed to the States pursuant to section 1105 of TEA–21.

DODD (AND OTHERS) AMENDMENT NO. 160

Mr. DODD (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. WELLSTONE, Mrs. MURRAY, Mr. BINGAMAN, Mr. JOHNSON, and Mr. KOHL) proposed an amendment to the concurrent resolution, S. Con. Res. 20, as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,513,000,000.
Fiscal year 2004: $1,586,965,000,000.
Fiscal year 2005: $1,650,257,000,000.
Fiscal year 2006: $1,683,438,000,000.
Fiscal year 2007: $1,737,646,000,000.
Fiscal year 2008: $1,807,517,000,000.
Fiscal year 2009: $1,870,515,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,716,000,000.
Fiscal year 2002: −$52,284,000,000.
Fiscal year 2003: −$30,805,000,000.
Fiscal year 2004: −$47,184,000,000.
Fiscal year 2005: −$60,639,000,000.
Fiscal year 2006: −$107,275,000,000.
Fiscal year 2007: −$133,754,000,000.
Fiscal year 2008: −$148,692,000,000.
Fiscal year 2009: −$175,195,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,457,294,000,000.
Fiscal year 2002: $1,488,477,000,000.
Fiscal year 2003: $1,562,013,000,000.
Fiscal year 2004: $1,614,278,000,000.
Fiscal year 2005: $1,667,843,000,000.
Fiscal year 2006: $1,699,402,000,000.
Fiscal year 2007: $1,754,567,000,000.
Fiscal year 2008: $1,815,739,000,000.
Fiscal year 2009: $1,875,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,513,000,000.
Fiscal year 2004: $1,584,066,000,000.
Fiscal year 2005: $1,640,426,000,000.
Fiscal year 2006: $1,668,608,000,000.
Fiscal year 2007: $1,717,883,000,000.
Fiscal year 2008: $1,782,697,000,000.
Fiscal year 2009: $1,842,699,000,000.

On page 28, strike beginning with line 13 through page 31, line 19, and insert the following:

Fiscal year 2000:
(A) New budget authority, $244,390,000,000.
(B) Outlays, $248,088,000,000.
Fiscal year 2001:
(A) New budget authority, $251,873,000,000.
(B) Outlays, $257,750,000,000.
Fiscal year 2002:
(A) New budget authority, $264,620,000,000.
(B) Outlays, $267,411,000,000.
Fiscal year 2003:
(A) New budget authority, $277,886,000,000.
(B) Outlays, $277,674,000,000.
Fiscal year 2004:
(A) New budget authority, $287,576,000,000.
(B) Outlays, $287,384,000,000.
Fiscal year 2005:
(A) New budget authority, $299,942,000,000.
(B) Outlays, $300,126,000,000.
Fiscal year 2006:
(A) New budget authority, $306,155,000,000.
(B) Outlays, $306,593,000,000.
Fiscal year 2007:
(A) New budget authority, $312,047,000,000.
(B) Outlays, $312,948,000,000.
Fiscal year 2008:
(A) New budget authority, $325,315,000,000.
(B) Outlays, $326,766,000,000.
Fiscal year 2009:
(A) New budget authority, $335,562,000,000.
(B) Outlays, $337,104,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $136,989,000,000 for the period of fiscal years 2000 through 2004, and $762,544,000,000 for the period of fiscal years 2000 through 2009; and

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VOINOVICH AMENDMENT NO. 161

Mr. VOINOVICH proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 3, line 10, increase the amount by $7,433,000,000.

On page 3, line 11, increase the amount by $53,118,000,000.

On page 3, line 12, increase the amount by $32,303,000,000.

On page 3, line 13, increase the amount by $49,180,000,000.

On page 3, line 14, increase the amount by $62,637,000,000.

On page 3, line 15, increase the amount by $109,275,000,000.

On page 3, line 16, increase the amount by $135,754,000,000.

On page 3, line 17, increase the amount by $150,692,000,000.

On page 3, line 18, increase the amount by $177,195,000,000.

On page 4, line 5, increase the amount by $7,433,000,000.

On page 4, line 6, increase the amount by $53,118,000,000.

On page 4, line 7, increase the amount by $32,303,000,000.

On page 4, line 8, increase the amount by $49,180,000,000.

On page 4, line 9, increase the amount by $62,637,000,000.

On page 4, line 10, increase the amount by $109,275,000,000.

On page 4, line 11, increase the amount by $135,754,000,000.

On page 4, line 12, increase the amount by $150,692,000,000.

On page 4, line 13, increase the amount by $177,195,000,000.

On page 4, line 18, decrease the amount by $165,000,000.

On page 4, line 19, decrease the amount by $1,566,000,000.

On page 4, line 20, decrease the amount by $3,8924,000,000.

On page 4, line 21, decrease the amount by $6,114,000,000.

On page 4, line 22, decrease the amount by $9,232,000,000.

On page 4, line 23, decrease the amount by $13,931,000,000.

On page 4, line 24, decrease the amount by $20,801,000,000.

On page 4, line 25, decrease the amount by $29,114,000,000.

On page 5, line 1, decrease the amount by $38,871,000,000.

On page 5, line 6, decrease the amount by $165,000,000.

On page 5, line 7, decrease the amount by $1,566,000,000.

On page 5, line 8, decrease the amount by $3,892,000,000.

On page 5, line 9, decrease the amount by $6,114,000,000.

On page 5, line 10, decrease the amount by $9,232,000,000.

On page 5, line 11, decrease the amount by $13,931,000,000.

On page 5, line 12, decrease the amount by $20,801,000,000.

On page 5, line 13, decrease the amount by $29,114,000,000.

On page 5, line 14, decrease the amount by $38,871,000,000.

On page 5, line 19, increase the amount by $7,598,000,000.

On page 5, line 20, increase the amount by $54,684,000,000.

On page 5, line 21, increase the amount by $36,195,000,000.

On page 5, line 22, increase the amount by $55,294,000,000.

On page 5, line 23, increase the amount by $71,869,000,000.

On page 5, line 24, increase the amount by $123,206,000,000.

On page 5, line 25, increase the amount by $156,555,000,000.

On page 6, line 1, increase the amount by $179,806,000,000.

On page 6, line 2, increase the amount by $216,066,000,000.

On page 6, line 6, decrease the amount by $7,598,000,000.

On page 6, line 7, decrease the amount by $62,282,000,000.

On page 6, line 8, decrease the amount by $98,477,000,000.

On page 6, line 9, decrease the amount by $153,771,000,000.

On page 6, line 10, decrease the amount by $225,640,000,000.

On page 6, line 11, decrease the amount by $348,846,000,000.

On page 6, line 12, decrease the amount by $505,401,000,000.

On page 6, line 13, decrease the amount by $685,207,000,000.

On page 6, line 14, decrease the amount by $901,273,000,000.

On page 6, line 18, decrease the amount by $7,598,000,000.

On page 6, line 19, decrease the amount by $62,282,000,000.

On page 6, line 20, decrease the amount by $98,477,000,000.

On page 6, line 21, decrease the amount by $153,771,000,000.

On page 6, line 22, decrease the amount by $225,640,000,000.

On page 6, line 23, decrease the amount by $348,846,000,000.

On page 6, line 24, decrease the amount by $505,401,000,000.

On page 6, line 25, decrease the amount by $685,207,000,000.

On page 7, line 1, decrease the amount by $901,273,000,000.

On page 37, line 2, decrease the amount by $165,000,000.

On page 37, line 3, decrease the amount by $165,000,000.

On page 37, line 6, decrease the amount by $1,566,000,000.

On page 37, line 7, decrease the amount by $1,566,000,000.

On page 37, line 10, decrease the amount by $3,892,000,000.

On page 37, line 11, decrease the amount by $3,892,000,000.

On page 37, line 14, decrease the amount by $6,114,000,000.

On page 37, line 15, decrease the amount by $6.114,000,000.

On page 37, line 18, decrease the amount by $9.232,000,000.

On page 37, line 19, decrease the amount by $9,232,000,000.

On page 37, line 22, decrease the amount by $13,931,000,000.

On page 37, line 23, decrease the amount by $13,931,000,000.

On page 38, line 2, decrease the amount by $20,801,000,000.

On page 38, line 3, decrease the amount by $20,801,000,000.

On page 38, line 6, decrease the amount by $29,114,000,000.

On page 38, line 7, decrease the amount by $29,114,000,000.

On page 38, line 10, decrease the amount by $38,871,000,000.

On page 38, line 11, decrease the amount by $38,871,000,000.

On page 42, strike lines 1 through 5 and lines 15 through 19.

Strike section 201.

REED (AND OTHERS) AMENDMENT NO. 162

Mr. REED (for himself, Mr. SARBANES, Mr. KERRY, and Mrs. MURRAY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,438,628,000,000.
Fiscal year 2002: $1,461,410,000,000.
Fiscal year 2003: $1,538,283,000,000.
Fiscal year 2004: $1,592,543,000,000.
Fiscal year 2005: $1,656,146,000,000.
Fiscal year 2006: $1,689,262,000,000.
Fiscal year 2007: $1,743,602,000,000.
Fiscal year 2008: $1,813,532,000,000.
Fiscal year 2009: $1,876,549,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$4,019,000,000.
Fiscal year 2002: −$46,866,000,000.
Fiscal year 2003: −$25,035,000,000.
Fiscal year 2004: −$41,606,000,000.
Fiscal year 2005: −$54,750,000,000.
Fiscal year 2006: −$101,451,000,000.
Fiscal year 2007: −$127,798,000,000.
Fiscal year 2008: −$142,677,000,000.
Fiscal year 2009: −$169,161,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,433,484,000,000.
Fiscal year 2001: $1,462,731,000,000.
Fiscal year 2002: $1,494,665,000,000.
Fiscal year 2003: $1,567,714,000,000.
Fiscal year 2004: $1,619,458,000,000.
Fiscal year 2005: $1,673,026,000,000.
Fiscal year 2006: $1,704,594,000,000.
Fiscal year 2007: $1,759,769,000,000.
Fiscal year 2008: $1,820.952,000,000.
Fiscal year 2009: $1,881,193,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1.408.292,000,000.
Fiscal year 2001: $1.438.628,000,000.
Fiscal year 2002: $1,461,410,000,000.
Fiscal year 2003: $1.538.283,000,000.
Fiscal year 2004: $1,589.644,000,000.
Fiscal year 2005: $1,646,315,000,000.
Fiscal year 2006: $1,674,432,000,000.
Fiscal year 2007: $1,723,839,000,000.
Fiscal year 2008: $1,788,712,000,000.
Fiscal year 2009: $1,848,733,000,000.

On page 21, strike beginning with line 20 through 23, line 11, and insert the following:

(9) COMMUNITY AND REGIONAL DEVELOPMENT (450):

Fiscal year 2000:
(A) New budget authority, $11,898,000,000.
(B) Outlays, $10,273,000,000.
Fiscal year 2001:
(A) New budget authority, $9,141,000,000.
(B) Outlays, $10,931,000,000.
Fiscal year 2002:
(A) New budget authority, $9,077,000,000.
(B) Outlays, $10,919,000,000.
Fiscal year 2003:
(A) New budget authority, $9,243,000,000.
(B) Outlays, $10,232,000,000.
Fiscal year 2004:
(A) New budget authority, $9,217,000,000.
(B) Outlays, $9,694,000,000.
Fiscal year 2005:
(A) New budget authority, $9,213,000,000.
(B) Outlays, $9,121,000,000.
Fiscal year 2006:
(A) New budget authority, $9,219,000,000.
(B) Outlays, $8,755,000,000.
Fiscal year 2007:
(A) New budget authority, $9,223,000,000.
(B) Outlays, $8,751,000,000.
Fiscal year 2008:
(A) New budget authority, $9,232,000,000.
(B) Outlays, $8,739,000,000.
Fiscal year 2009:
(A) New budget authority, $9,237,000,000.
(B) Outlays, $8,722,000,000.

On page 42, strike lines 1 through 5.

Change $142,034,000,000 to $117,526,000,000.

Change $777,587,000,000 to $713,363,000,000.

CRAPO (AND GRAMS) AMENDMENT NO. 163

Mr. CRAPO (for himself and Mr. GRAMS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR INCREASED ON-BUDGET SURPLUS IN THE OUT-YEARS.

(a) IN GENERAL.—Any additional on-budget surplus exceeding the level assumed in this resolution during the period of fiscal years 2001 through 2009 as reestimated by the Congressional Budget Office shall be reserved exclusively for tax relief or debt reduction.

(b) ADJUSTMENTS.—The Chairman of the Committee on the Budget of the Senate may reduce the spending and revenue aggregates and may revise committee allocations by taking the additional amount of the on-budget surplus referred to in subsection (a) for tax relief or debt reduction in the period of fiscal year 2001 through 2009.

(c) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report that uses the additional on-budget surplus reserved in subsection (a) for additional Government spending other than tax relief or debt reduction, a point of order may be made by a Senator against the measure, and if the Presiding Officer sustains that point of order, it may not be offered as an amendment from the floor.

(2) SUPERMAJORITY.—This point of order may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members, duly chosen and sworn.

(d) BUDGETARY ENFORCEMENT.—Revised allocations and aggregates under subsection

(a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

GRAHAM AMENDMENT NO. 164

Mr. GRAHAM proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING RECOVERY OF FUNDS BY THE FEDERAL GOVERNMENT IN TOBACCO-RELATED LITIGATION.

(a) SHORT TITLE.—This section may be cited as the "Federal Tobacco Recovery and Medicare Prescription Drug Benefit Resolution of 1999".

(b) FINDINGS.—The Senate makes the following findings:

(1) The President, in his January 19, 1999 State of the Union address—

(A) announced that the Department of Justice would develop a litigation plan for the Federal Government against the tobacco industry;

(B) indicated that any funds recovered through such litigation would be used to strengthen the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(C) urged Congress to pass legislation to include a prescription drug benefit in the medicare program.

(2) The traditional medicare program does not include most outpatient prescription drugs as part of its benefit package.

(3) Prescription drugs are a central element in improving quality of life and in routine health maintenance.

(4) Prescription drugs are a key component to early health care intervention strategies for the elderly.

(5) Eighty percent of retired individuals take at least 1 prescription drug every day.

(6) Individuals 65 years of age or older represent 12 percent of the population of the United States but consume more than ⅓ of all prescription drugs consumed in the United States.

(7) Exclusive of health care-related premiums, prescription drugs account for almost ⅓ of the health care costs and expenditures of elderly individuals.

(8) Approximately 10 percent of all medicare beneficiaries account for nearly 50 percent of all prescription drug spending by the elderly.

(9) Research and development on new generations of pharmaceuticals represent new opportunities for healthier, longer lives for our Nation's elderly.

(10) Prescription drugs are among the key tools in every health care professional's medical arsenal to help combat and prevent the onset, recurrence, or debilitating effects of illness and disease.

(11) While Federal litigation against tobacco companies will take time to develop and execute, Congress should continue to work to address the immediate need among the elderly for access to affordable prescription drugs.

(12) Treatment of tobacco-related illness is estimated to cost the medicare program approximately $10,000,000,000 every year.

(13) In 1998, 50 States reached a settlement with the tobacco industry for tobacco-related illness in the amount of $206,000,000,000.

(14) Recoveries from Federal tobacco-related litigation, if successful, will likely be comparable to or exceed the dollar amount recovered by the States under the 1998 settlement.

(15) In the event Federal tobacco-related litigation is undertaken and is successful, funds recovered under such litigation should first be used for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to finance a medicare prescription drug benefit.

(16) The scope of any medicare prescription drug benefit should be as comprehensive as possible, with drugs used in fighting tobacco-related illnesses given a first priority.

(17) Most Americans want the medicare program to cover the costs of prescription drugs.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds recovered under any tobacco-related litigation commenced by the Federal Government should be used first for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to fund a medicare prescription drug benefit.

GRAHAM (AND OTHERS) AMENDMENT NO. 165

Mr. GRAHAM (for himself, Mr. FEINGOLD, and Ms. SNOWE) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON OFFSETTING INAPPROPRIATE EMERGENCY SPENDING.

It is the sense of the Senate that the levels in this resolution assume that—

(1) some emergency expenditures made at the end of the 105th Congress for fiscal year 1999 were inappropriately deemed as emergencies; and

(2) Congress and the President should identify these inappropriate expenditures and fully pay for these expenditures during the fiscal year in which they will be incurred.

LAUTENBERG AMENDMENT NO. 166

Mr. LAUTENBERG proposed an amendment to the concurrent resolution S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON SAVING SOCIAL SECURITY AND MEDICARE, REDUCING THE PUBLIC DEBT, AND TARGETING TAX RELIEF TO MIDDLE-INCOME WORKING FAMILIES.

It is the sense of the Senate that the provisions of this resolution assume that—

(1) Congress should adopt a budget that—

(A) reserves the entire off-budget surplus for Social Security each year; and

(B) over 15 years, like the President's budget, reserves—

(i) 77 percent, or $3,600,000,000 of the total surplus for Social Security and Medicare;

(ii) 23 percent, or $1,000,000,000 of the surplus for—

(I) investments in key domestic priorities such as education, the environment, and law enforcement;

(II) investments in military readiness; and

(III) pro-savings tax cuts for working families;

(2) any tax cuts or spending increases should not be enacted before the solvency of Social Security is assured and Medicare solvency is extended twelve years;

(3) the 77 percent or $3,600,0000,000 of the total surplus for Social Security and Medicare should be used to reduce the publicly held debt; and

(4) any tax cuts should be targeted to provide tax relief to middle-income working families and should not provide disproportionate tax relief to people with the highest incomes.

LAUTENBERG (AND LEAHY) AMENDMENT NO 167

Mr. LAUTENBERG (for himself and Mr. LEAHY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; and follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON REAUTHORIZING THE COPS PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) as of December 1998, the Community Oriented Policing Services (COPS) Program had awarded grants for the hiring or redeployment to the nation's streets of more than 92,000 police officers and sheriff's deputies;

(2) according to the United States Bureau of Justice Statistics, the Nation's violent crime rate declined almost 7 percent during 1997 and has fallen more than 21 percent since 1993; and

(3) enhanced community policing has significantly contributed to this decline in the violent crime rate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Community Oriented Policing Services (COPS) Program should be reauthorized in order to provide continued Federal funding for the hiring, deployment, and retention of community law enforcement officers.

FEINSTEIN AMENDMENTS NOS. 168–169

Mr. LAUTENBERG (for Mrs. FEINSTEIN) proposed two amendments to the concurrent resolution, S. Con. Res. 20, supra; and follows:

AMENDMENT NO. 168

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds will be provided for legislation—

(1) to provide 50-50 matching grants to build new schools, and to reduce school sizes and class sizes, so that—

(A)(i) kindergarten through grade 5 schools serve not more than 500 students;

(ii) grade 6 through grade 8 schools serve not more than 750 students; and

(iii) grade 9 through grade 12 schools serve not more than 1,500 students; and

(B)(i) kindergarten through grade 6 classes have not more than 20 students per teacher; and

(ii) grade 7 through grade 12 classes have not more than 28 students per teacher; and

(2) to enable students to meet academic achievement standards, and to enable school districts to provide remedial education and terminate the practice of social promotion.

AMENDMENT NO. 169

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON SOCIAL PROMOTION.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds will be provided for legislation—

(1) to provide remedial educational and other instructional interventions to assist public elementary and secondary school students in meeting achievement levels; and

(2) to terminate practices which advance students from one grade to the next who do not meet State achievement standards in the core academic curriculum.

REID AMENDMENT NO. 170

Mr. LAUTENBERG (for Mr. REID) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; and follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING SOCIAL SECURITY NOTCH BABIES.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security Amendments of 1977 (Public Law 95-216) substantially altered the way social security benefits are computed;

(2) those amendments resulted in disparate benefits depending upon the year in which a worker becomes eligible for benefits; and

(3) those individuals born between the years 1917 and 1926, and who are commonly referred to as "notch babies" receive benefits that are lower than those retirees who were born before or after those years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that the Congress should allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over 4 years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977.

BOXER AMENDMENT NO. 171

Mr. LAUTENBERG (for Mrs. BOXER) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; and follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON FUNDING FOR AFTER SCHOOL EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) The demand for after school education is very high. In fiscal year 1998 the Department of Education's after school grant program was the most competitive in the Department's history. Nearly 2,000 school districts applied for over $540,000,000.

(2) After school programs help to fight juvenile crime. Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3:00 p.m. and 6:00 p.m. After school programs have been shown to reduce juvenile crime, sometimes by up to 75 percent according to the National Association of Police Athletic and Activity Leagues.

(3) After school programs can improve educational achievement. They ensure children have safe and positive learning environments in the after school hours. In the Sacramento START after school program 75 percent of the students showed an increase in their grades.

(4) After school programs have widespread support. Over 90 percent of the American people support such programs. Over 450 of the nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police, and the International Union of Police Associations support government funding of after school programs. And many of our nation's governors endorse increasing the number of after school programs through a Federal of State partnership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress will provide $600,000,000 for the President's after school initiative in fiscal year 2000.

MURRAY (AND KENNEDY) AMENDMENT NO. 172

Mr. LAUTENBERG (for Mrs. MURRAY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; and follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,435,289,000,000.
Fiscal year 2002: $1,456,068,000,000.
Fiscal year 2003: $1,532,507,000,000.
Fiscal year 2004: $1,586,777,000,000.
Fiscal year 2005: $1,650,486,000,000.
Fiscal year 2006: $1,683,892,000,000.
Fiscal year 2007: $1,736,436,000,000.
Fiscal year 2008: $1,805,797,000,000.
Fiscal year 2009: $1,865,565,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$7,358,000,000.
Fiscal year 2002: −$52,208,000,000.
Fiscal year 2003: −$30,811,000,000.
Fiscal year 2004: −$47,372,000,000.
Fiscal year 2005: −$60,412,000,000.
Fiscal year 2006: −$106,822,000,000.
Fiscal year 2007: −$134,964,000,000.
Fiscal year 2008: −$150,412,000,000.
Fiscal year 2009: −$177,195,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,457,794,000,000.
Fiscal year 2002: $1,489,177,000,000.
Fiscal year 2003: $1,562,248,000,000.
Fiscal year 2004: $1,614,578,000,000.
Fiscal year 2005: $1,668,643,000,000.
Fiscal year 2006: $1,697,402,000,000.
Fiscal year 2007: $1,752,567,000,000.
Fiscal year 2008: $1,813,739,000,000.
Fiscal year 2009: $1,873,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,289,000,000.
Fiscal year 2002: $1,456,068,000,000.
Fiscal year 2003: $1,532,507,000,000.
Fiscal year 2004: $1,583,878,000,000.
Fiscal year 2005: $1,640,655,000,000.
Fiscal year 2006: $1,669,062,000,000.
Fiscal year 2007: $1,716,673,000,000.
Fiscal year 2008: $1,780,977,000,000.
Fiscal year 2009: $1,840,699,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $68,049,000,000.
(B) Outlays, $65,430,000,000.
Fiscal year 2002:
(A) New budget authority, $68,995,000,000.
(B) Outlays, $66,947,000,000.
Fiscal year 2003:
(A) New budget authority, $75,069,000,000.
(B) Outlays, $70,023,000,000.
Fiscal year 2004:
(A) New budget authority, $78,948,000,000.
(B) Outlays, $74,262,000,000.
Fiscal year 2005:
(A) New budget authority, $80,264,000,000.
(B) Outlays, $78,118,000,000.
Fiscal year 2006:
(A) New budget authority, $78,229,000,000.
(B) Outlays, $79,643,000,000.
Fiscal year 2007:
(A) New budget authority, $79,133,000,000.
(B) Outlays, $78,909,000,000.
Fiscal year 2008:
(A) New budget authority, $80,144,000,000.
(B) Outlays, $79,389,000,000.
Fiscal year 2009:
(A) New budget authority, $80,051,000,000.
(B) Outlays, $79,059,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $137,750,000,000 for the period of fiscal years 2000 through 2004, and $767,552,000,000 for the period of fiscal years 2000 through 2009; and

MURRAY AMENDMENT NO. 173

Mr. LAUTENBERG (for Mrs. MURRAY proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON WOMEN AND SOCIAL SECURITY REFORM.

(a) FINDINGS.—The Senate finds that—

(1) without Social Security benefits, the elderly poverty rate among women would have been 52.2 percent, and among widows would have been 60.6 percent;

(2) women tend to live longer and tend to have lower lifetime earnings than men do;

(3) during their working years, women earn an average of 70 cents for every dollar men earn; and

(4) women spend an average of 11.5 years out of their careers to care for their families, and are more likely to work part-time than full-time.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) Social Security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their old age;

(3) the Congress and the Administration should act, as part of Social Security reform, to ensure that widows and other poor elderly women receive more adequate benefits that reduce their poverty rates and that women, under whatever approach is taken to reform Social Security, should receive no lesser a share of overall federally-funded retirement benefits than they receive today; and

(4) the sacrifice that women make to care for their family should be recognized during reform of Social Security and that women should not be penalized by taking an average of 11.5 years out of their careers to care for their family.

HOLLINGS AMENDMENT NO. 174

Mr. LAUTENBERG (for Mr. HOLLINGS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

Strike Titles 1 and 2 of the resolution and insert the following:

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,442,647,000,000.
Fiscal year 2002: $1,508,276,000,000.
Fiscal year 2003: $1,563,318,000,000.
Fiscal year 2004: $1,634,149,000,000.
Fiscal year 2005: $1,710,896,000,000.
Fiscal year 2006: $1,790,713,000,000.
Fiscal year 2007: $1,871,400,000,000.
Fiscal year 2008: $1,956,209,000,000.
Fiscal year 2009: $2,045,710,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,424,759,000,000.
Fiscal year 2001: $1,451,764,000,000.
Fiscal year 2002: $1,481,268,000,000.
Fiscal year 2003: $1,544,059,000,000.
Fiscal year 2004: $1,597,397,000,000.
Fiscal year 2005: $1,665,402,000,000.
Fiscal year 2006: $1,705,251,000,000.
Fiscal year 2007: $1,770,344,000,000.
Fiscal year 2008: $1,840,865,000,000.
Fiscal year 2009: $1,910,187,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,406,584,000,000.
Fiscal year 2001: $1,431,899,000,000.
Fiscal year 2002: $1,449,260,000,000.
Fiscal year 2003: $1,512,261,000,000.
Fiscal year 2004: $1,566,600,000,000.
Fiscal year 2005: $1,631,828,000,000.
Fiscal year 2006: $1,674,724,000,000.
Fiscal year 2007: $1,737,435,000,000.
Fiscal year 2008: $1,810,214,000,000.
Fiscal year 2009: $1,880,338,000,000.

(4) DEFICITS OR SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the deficits or surpluses are as follows:

Fiscal year 2000: −$4,605,000,000.
Fiscal year 2001: $10,748,000,000.
Fiscal year 2002: $59,016,000,000.
Fiscal year 2003: $51,057,000,000.
Fiscal year 2004: $67,549,000,000.
Fiscal year 2005: $79,068,000,000.
Fiscal year 2006: $115,989,000,000.
Fiscal year 2007: $133,965,000,000.
Fiscal year 2008: $145,995,000,000.
Fiscal year 2009: $165,372,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,637,600,000,000.
Fiscal year 2001: $5,710,300,000,000.
Fiscal year 2002: $5,739,700,000,000.
Fiscal year 2003: $5,776,200,000,000.
Fiscal year 2004: $5,792,400,000,000.
Fiscal year 2005: $5,794,100,000,000.
Fiscal year 2006: $5,755,600,000,000.
Fiscal year 2007: $5,696,200,000,000.
Fiscal year 2008: $5,615,400,000,000.
Fiscal year 2009: $5,510,500,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,511,700,000,000.
Fiscal year 2001: $3,371,900,000,000.
Fiscal year 2002: $3,175,600,000,000.
Fiscal year 2003: $2,979,400,000,000.
Fiscal year 2004: $2,756,200,000,000.
Fiscal year 2005: $2,507,700,000,000.
Fiscal year 2006: $2,211,700,000,000.
Fiscal year 2007: $1,886,400,000,000.
Fiscal year 2008: $1,539,800,000,000.
Fiscal year 2009: $1,168,200,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $468,020,000,000.
Fiscal year 2001: $487,744,000,000.
Fiscal year 2002: $506,293,000,000.
Fiscal year 2003: $527,326,000,000.
Fiscal year 2004: $549,876,000,000.
Fiscal year 2005: $576,840,000,000.
Fiscal year 2006: $601,834,000,000.
Fiscal year 2007: $628,277,000,000.
Fiscal year 2008: $654,422,000,000.
Fiscal year 2009: $681,313,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $327,256,000,000.
Fiscal year 2001: $339,789,000,000.
Fiscal year 2002: $350,127,000,000.
Fiscal year 2003: $362,197,000,000.
Fiscal year 2004: $375,253,000,000.
Fiscal year 2005: $389,485,000,000.
Fiscal year 2006: $404,596,000,000.
Fiscal year 2007: $420,616,000,000.
Fiscal year 2008: $438,132,000,000.
Fiscal year 2009: $459,496,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal year 2000 through 2009 for each major functional category are at the CBO March Baseline On-Budget totals for BA and outlays, committee allocations and resolution aggregates.

BOXER AMENDMENT NO. 175

Mr. LAUTENBERG (for Mrs. BOXER) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON TAX CUTS FOR LOWER AND MIDDLE INCOME TAXPAYERS.

It is the sense of the Senate that the levels in this resolution assume that Congress will not approve an across-the-board cut in income tax rates, or any other tax legislation, that would provide substantially more benefits to the top 10 percent of taxpayers than to the remaining 90 percent.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday April 14, 1999, at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 415, a bill to amend the Arizona Statehood and Enabling Act in order to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from the funds, and S. 607, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 24, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on Nuclear Waste Storage and Disposal Policy, including S. 608, the Nuclear Waste Policy Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a hearing on voluntary activities to reduce the emission of greenhouse gases Wednesday, March 24 at 9:30 a.m., Hearing Room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent on behalf of the Committee on Governmental Affairs to meet on Wednesday, March 24, 1999, at 9:30 a.m. for a hearing on the Independent Counsel Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 24, 1999 at 9:30 a.m. to conduct a Hearing on S. 399, the Indian Gaming Regulatory Improvement Act of 1999. The Hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 24, 1999 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "S.J. Res. 3, A Proposed Constitutional Amendment to Protect Crime Victims."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 24, 1999 at 9:30 a.m. to receive testimony on campaign contribution limits.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 24, 1999 at 2:00 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 24, 1999, at 2:00 p.m. in open session, to receive testimony on Army modernization programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, March 24, 1999 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "The Effect of State Ethics Rules on Federal Law Enforcement."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs be authorized to meet during the session of the Senate on Wednesday, March 24, 1999 at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 24, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 323, a bill to redesignate the Black Canyon of the Gunnison National Monument as a national park and to establish the Gunnison Gorge National Conservation Area, and for other purposes; S. 338, a bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior, and for other purposes; S. 568, a bill to allow the Department of the Interior and the Department of Agriculture to establish a fee system for commercial filming activities in a site or resource under their jurisdictions.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 24, 1999, at 10:00 a.m., in open session, to receive testimony on active and reserve military and civilian personnel programs in review of the defense authorization request for fiscal year 2000 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 24, 1999, to conduct a hearing on "fees collected under the Securities Act of 1933" and "Securities Exchange Act of 1934".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism be authorized to meet during the session of the Senate on Wednesday, March 24, 1999, at 10:00 am, to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONFERRING OF THE FRENCH LEGION OF HONOR ON WORLD WAR I VETERANS

• Mr. SCHUMER. Mr. President, I rise today to salute our veterans of the First World War as the French government confers the Legion of Honor, its highest honor, on those living American veterans who served on French soil during World War I. I salute these brave men and women for their courage and for their sacrifice. For the past eighty years, they have taught several generations of Americans what it means to be a hero and what it means to be an American.

Our World War I veterans fought because they believed in something beyond themselves, a greater good. They fought to preserve the best of humanity—democracy, compassion, and liberty. Unfortunately, their fight exposed them to the worst of humanity, the first modern war, with its machine guns, its trenches, its very inhumanity.

"The Great War," "The War to End All Wars" is what they called it. It was so terrible, so inhuman that we believed that a calamity of that magnitude could never happen again. But it did. The Great War became known as World War I as a second inhuman war consumed our world.

Today, we owe it to those who fought in World War I, who we promised that it would never happen again, that we will make sure that it doesn't. These medals and this promise are for our World War I veterans and for everyone who fought alongside them in the trenches.

I offer this promise to our veterans, but I also ask for their help in keeping it. I ask them to teach their grandchildren and their great-grandchildren about what it meant to fight for such a great and costly cause. Together, we can make sure that our children and our children's children never have to fight another Great War. •

RECOGNITION OF THE LIFE UNIVERSITY RUNNING EAGLE HOCKEY TEAM

• Mr. CLELAND. Mr. President, I am delighted to have this opportunity to congratulate the Life University Running Eagle Hockey team on their remarkable season. Georgia fans all across the country have had the pleasure of watching this team take its third consecutive American Collegiate Hockey Association Division II National Championship.

Head Coach Dan Bouchard has, in only three seasons, led the Life ice hockey team to one national runner-up position in the 1995–96 inaugural year and two division II national titles in the two subsequent years. This season brought the Running Eagles an impeccable record with 20 wins, 1 tie and only 5 losses. Through pool play and the championship round, Life had 5 wins, no losses, and averaged 6 goals a game.

Life University is fortunate to have an individual of the caliber of Dan Bouchard coaching their hockey team. Not only are he and his assistant coaches teaching their players hockey skills, but important lessons for life—courage, stamina, tenacity and dedication. Although he has enjoyed great success throughout his coaching career, his achievements go far beyond his great talent in coaching. He was a second round draft pick for the Boston Bruins in the 1970 American Hockey League where he was the co-winner of the Happs Holmes Trophy which honors the top goalie in the AHL. Coach Bouchard moved to the National Hockey League in 1972 where he gained a number of honors. In 1976, he was chosen to play for Team Canada and in 1979 he co-founded the Atlanta Sports Carnival which fund raises for leukemia research at Emory University. I would be hard pressed to enumerate all of his magnificent life achievements and contributions to Life University, the Marrietta community and to all of the athletes whose lives he has touched.

In this year's championship game the team quickly jumped ahead with a 4–1 lead in the second period against Michigan State, thus setting the tone for defeat. With a final score of 6–2, they claimed their third national title. The Most Valuable Player award went to the Running Eagles' Mark Brodeur who scored 12 goals and had six assists for a total of 18 points. He led the tournament in scoring.

Mr. President, I ask that you and my colleagues join me in recognizing and honoring the dedication and hard work of the athletes and coaches of the Life University Running Eagles. They have displayed their skills and dedication to excellence in hockey throughout this entire season and I extend my best wishes to them and congratulate the Life University Athletic Department on their continued success.●

TRIBUTE TO MERRILL S. PARKS JR.

● Mr. DODD. Mr. President, I would like to take this opportunity to recognize the life and achievements of Mr. Merrill S. Parks Jr., the Federal Bureau of Investigation's Special Agent in charge of Connecticut, who recently passed away after a brief illness at the age of 55.

Merrill Parks began his career with the FBI 29 years ago in Montana after graduating from Memphis State University. He quickly moved on to serve in the FBI's New York division where he worked from 1971 to 1975. While there, he became a supervisory Special Agent overseeing the investigation of organized crime and white-collar crime.

Special Agent Parks's success as an investigator earned him a reputation as an expert in dealing with organized crime. By 1979, Special Agent Parks had been reassigned to the FBI headquarters in Washington, D.C. to manage the bureau's national program of identifying and infiltrating organized crime. He also initiated a long-term program that dealt with combating money laundering.

One of Special Agent Parks most widely profiled accomplishments was his leadership of what became known as the Pizza Connection case. His experience and knowledge of the inner-workings of crime families led to the successful prosecution of Mafia-connected drug dealers who sold heroin through pizza parlors and bakeries.

In 1986, Special Agent Parks was reassigned as an Assistant Special Agent in charge of Houston's FBI office. The Houston area had been witnessing a growth of Mexican organized crime groups attempting to distribute drugs throughout the United States, and Special Agent Parks's expertise was enlisted to help curb their illegal activities. Within the first year, under the guidance of Special Agent Parks, the Houston office solved 32 drug-related kidnappings.

The course of Merrill Parks's career eventually brought him to Madison, Connecticut in 1994, where he made his home with his wife, Patricia. In that year, he was also appointed to head the FBI's Connecticut office.

Vigorous in his determination to stop the flow of drugs and violence within our communities, Special Agent Parks faced the new task of eliminating gangs. Sadly, Connecticut, like so many other states, has experienced an emergence of gangs and gang-related crime in recent years. Special Agent Parks's work in Connecticut was no less impressive and, as with his previous assignments, he was, once again, successful. In his first year working in Connecticut, Special Agent Parks infiltrated one of the state's most infamous gangs, the Latin Kings, and arrested numerous gang leaders.

Realizing that gangs were a long-term problem, he created a task force that for three years continued to monitor and collect evidence on gang activity. Finally, in 1997, federal charges were brought against 20 Latin King members throughout the state, and his hard work ultimately led to the prosecution of dozens, helping to rid our streets of gang violence.

Mr. President, although Merrill Parks only lived in Connecticut for a short five years, the contributions he made to the state and the protection of its residents will be long remembered. I appreciated his willingness to always keep me and my staff informed of recent developments within his office and his obvious concern for making Connecticut a safer place to live. His stay was brief but his accomplishments were many and on behalf of myself, and the entire state of Connecticut, I would like to offer our sincere thanks for his outstanding efforts. Merrill Parks is survived by his wife, Patricia, a son, Andrew, and a daughter, Meredith. I would like to extend my heartfelt condolences to each of them on the passing of an outstanding father, husband, and law enforcement officer.●

SUBMISS

● Mr. MOYNIHAN. Mr. President, today I ask that the second portion of Mark A. Bradley's article on the disappearance of the U.S.S. *Scorpion* be printed in the RECORD. The first portion of this article, which was featured in the Spring/Summer volume of the Journal of America's Military Past, appeared in yesterday's RECORD. Mr. Bradley was awarded the James Madison prize by the Society for History in the Federal Government for this article. I will ask that the third and final portion of this article be printed in tomorrow's RECORD.

The material follows:

SUBMISS: THE MYSTERIOUS DEATH OF THE U.S.S. "SCORPION" (SSN 589), PART II

(By Mark A. Bradley)

While the theory of Russian involvement is tantalizing, it is highly unlikely that the Soviet Navy possessed the capability in May 1968 to hunt down the *Scorpion*. Although the Soviets were on the brink of commissioning two new classes of hunter-killer and ballistic missile submarines—the Victor I and the Charlie I—fully able to contend with American sea power, they still relied heavily at that time on their vintage diesel Whiskey class submarines to shadow and challenge hostile warships. Slow and lacking advanced weapons and sophisticated electronics, the outdated Whiskeys were no match for the *Scorpion*.

Similarly, the Soviet's Echo II class nuclear submarine had limited capabilities. Although the Echo II was armed with conventional antisubmarine torpedoes, her main weapons were surface-to-surface missiles. According to U.S. intelligence estimates, the Echo II required over 25 minutes to surface and fire, ample time for the *Scorpion* to parry an attack and to launch one of her own. Moreover, the United States Navy did not begin to decommission its Skipjack class submarines until 1986. Until then, the surviving five remained in firstline service, an unlikely practice for the Navy to maintain if it knew or suspected that the Soviets so easily had hunted down and killed the *Scorpion* nearly 20 years before.

After rejecting Soviet involvement, the Court similarly discounted sabotage, a collision with an undersea mountain, a nuclear accident, a structural failure, a fire, an irrational act by a crew member, a loss of navigational control and, with far less certainty, a weapons accident. Although it found no direct evidence that one of the submarines's own torpedoes had exploded, the Court noted that on December 5, 1967, the *Scorpion* had confronted an accidentally activated Mark 37 torpedo in one of it firing tubes and had sidestepped disaster by expelling it before it could detonate.

Her standard method for deactivating a "hot run"—the Navy's term for an accidentally activated torpedo with a live warhead—was to flood the tube with cold water, keeping the torpedo cool, and turn the warship in a U turn more than 170 degrees, activating an anti-circular homing device that shut down the projectile's motor. Then her crew would drain the tube, install a propeller lock and jettison it. Small and battery powered, the Mark 37 was a wire-guided anti-submarine torpedo that had a disturbing history of accidentally activating, particularly during testing. In May 1968, the *Scorpion* had 14 Mark 37s in an arsenal that included two Mark 45 ASTOR torpedoes with nuclear warheads and 7 other conventional projectiles.

She also had a new commander. When he took over the *Scorpion* on October 17, 1967, Francis Atwood Slattery was 36 years old. From West Paris, Maine, he had graduated from Annapolis in 1954 and was a member of the Naval War College's class of 1967. A former executive officer on U.S.S. *Nautilus*, "Frank" Slattery was among a very small cadre of technically gifted offices the Navy had tapped for elite nuclear submarine duty. After promotion to the rank of commander on October 2, 1967, the *Scorpion* was his first command.

His newness to command showed in December when navy inspectors gave the *Scorpion* an unsatisfactory rating after she failed a series of casualty drills involving her nuclear torpedoes and again in January when she engaged in an advanced submarine versus submarine exercise and received the lowest tactical grade of all the participants. Nevertheless, by the time she was deployed to the Mediterranean in February, the Navy rated her fully ready and, by March, she was praised by the 6th Fleet Command Staff for begin a well-trained, well-run submarine. By April 1968, seven of her 12 officers and 61 of her 87 enlisted men were fully qualified in submarines, and the Court found no ground to blame either her officers or her enlisted men for what happen on May 22.

As Admiral Austin closed his investigation and submitted his inconclusive findings, the *Mizar* found the *Scorpion* in the early morning hours of October 28, 1968, and began photographing the wreckage. Once all the photographic and sound recordings were collected, Admiral Austin reconvened his court in early November and asked a special Technical Advisory Group comprising scientists and veteran submariners to pore over the newly discovered physical evidence. Admiral Thomas Moorer, the Chief of Naval Operations, earlier had created this group to provide technical expertise to the Court.

Headed by Dr. John Craven, the naval scientist who in 1966 led the team that retrieved a hydrogen bomb that had plummeted into the Atlantic near Palomares, Spain, after two U.S. Air Force planes collided, and assisted by the Naval Research Laboratory in Washington, D.C., the technical experts first examined the acoustical recordings and made a startling discovery—the *Scorpion* had been heading east, instead of west toward Norfolk, when the first cataclysmic explosion erupted. The advisors estimated that the first sound to register on SOSUS had been caused by at least 30 pounds of TNT detonating 60 feet or more below the surface and theorized that the *Scorpion* had been engaged in a hastily ordered U-turn in a desperate attempt to disarm a hot run torpedo that exploded and caused uncontrollable flooding. According to Craven, the hot run scenario was the only one that fit all the evidence.

In a December 16, 1984, article published in the Virginian-Pilot & Ledger-Star, Craven related that the photographs indicated that the *Scorpion*'s torpedo room was still intact and had not been crushed by water pressure as she spiraled toward her watery grave. In that interview, Craven said he believed the torpedo room did not implode, pointing out that it was the first part of the *Scorpion* to flood after the explosion and already had filled with water when the submarine began to sink. Noting the absence of visible damage from outside the hull, he added that a torpedo probably detonated inside the compartment instead of in one of the submarine's six firing tubes.

Craven also noted that the photographs showed that several access hatches to the torpedo room were open. This meant they probably were pushed out by internal pressure. The other SOSUS recordings were sounds of the *Scorpion*'s various compartments collapsing and buckling as she bent like a piece of taffy as she sank below her crush depth and slammed into the ocean floor at a speed estimated to between 25 and 35 knots per hour.

Although the Court discovered that Schade's May 20 operational order did not specify whether the *Scorpion*'s torpedoes were to be fully armed, it seems likely that Slattery would have exercised his discretion and ordered them ready as she approached the Soviet ships. If so, this would have been the first time in over a year that the *Scorpion* had engaged in an operation which required her tactical torpedoes to be fully loaded. She would have done so with a new torpedo gang and weapons officer. All her torpedo men had been replaced since her last operation, and her weapons officer had been relieved during her Mediterranean deployment.

The Court speculated that the *Scorpion* probably had begun disarming her torpedoes by the time she broadcast her final message on the evening of May 21 because of the Navy's strict policy forbidding submarines from entering Norfolk with fully armed warheads. If so, the investigators theorized that something as simple as a short in a piece of testing equipment accidentally could have activated one of the Mark 37's batteries and triggered a hot run. Left with only seconds to react, Slattery would have ordered the *Scorpion* into the abrupt U-turn she was making when the torpedo exploded and filled her with rushing sea water.

Almost immediately, the Navy's Bureau of Weapons challenged the hot run theory and commissioned its own study to undermine it. The Bureau's position was supported by Admiral P. Ephriam Holmes, the commander of the Navy's Atlantic Fleet, and Vice Admiral Schade. Both pointed out that there was no visible torpedo damage to the *Scorpion*'s hull in any of the thousands of photographs taken by the *Mizar* and *Trieste II*, that her weapons room showed no signs of a cataclysmic explosion that would have followed as the warship's torpedoes erupted in a massive chain reaction, and that her torpedo firing doors were tightly shuttered. Moreover, former crew members were unable to identify any objects in her debris field that came from her torpedo room.

Admiral Schade, a veteran World War II submariner and holder of both the Navy Cross and the Silver Star, told the Court that he believed the *Scorpion* simply was lost after she flooded and sank below her designed operating capacity. Although unsure of how the flooding started, Schade speculated that it happened while the submarine was at 60 feet or at periscope depth and that she already was full of water by the time she began to sink. In a letter to Admiral Austin, he wrote that he believed that the most likely cause of the disaster was an accident involving the submarine's trash disposal unit.

Located in the *Scorpion*'s galley, her trash disposal consisted of an inner door separated from highly pressurized sea water by a basketball-sized valve connected to a 10½-inch tunnel. Although the inner door was supposed to be mechanically prevented from opening while trash was being flushed, and the crew was trained to use a bleed valve to make sure no pressurized sea water was outside before ejecting waste, a broken system or valve coupled with human error could have unleashed a fatal chain of events as a torrent of high-pressure sea water roared through the submarine. Pouring through the *Scorpion*'s galley and swamping her operations center, the rushing cascade would have overwhelmed her pumps, washed over and shorted out her electric control panels, flooded over her huge battery several decks below and exploded into a deadly mist of fiery hydrogen and poisonous chlorine gas. With her crew dead or unconscious and water pressure squeezing her as she plunged deeper and deeper, the *Scorpion* would have imploded as she rocketed nearly two miles to the ocean's floor.

Vice Admiral Robert Fountain (Ret), the former executive officer on the *Scorpion* from 1965 until 1967, supports this theory. In a recent interview, Fountain explained that the *Scorpion* normally came up to periscope depth to expel her trash and that she especially would have needed to do so after completing an underwater intelligence operation. He also pointed out that the submarine had experienced flooding because of her trash disposal unit before. Some of the photographs taken by the *Mizar* and *Trieste II* appear to back Fountain's claim. These show that all the submarine's identifiable debris is from her operations center where her galley was located, and that a large section of her hull is missing where her huge 69-ton battery was stored.

The Austin Court considered this theory and determined it was possible but "not probable" without further comment. Moreover, the several witnesses testified that they believed the warship's safety systems would have deployed to save her if she was flooding that close to the surface. This assessment might have been right if the *Scorpion*'s safety systems were fully working and certified, but they were neither.

The *Scorpion*'s safety systems were a direct product of the worst submarine disaster in American history—the loss of U.S.S. *Thresher* and her entire crew of 112 sailors and 17 civilians on April 10, 1963. It is impossible to overestimate what the *Thresher*'s loss meant to the Navy. A public relations nightmare during the very dangerous middle years of the cold War, the *Thresher*'s abrupt demise during test dives 220 miles off Cape Cod shattered the myth of the service's technological invincibility—much like the Challenger's explosion did to NASA's some 23 years later—and caused acute embarrassment and unwelcome political oversight. Not only did it deprive the Navy of its most advanced submarine, but the disaster also spawned a round of congressional hearings and newspaper editorials questioning the design, testing and safety of the service's underwater nuclear fleet.

To combat these criticisms and regain its prestige, the Navy instituted its Submarine Safety Program (SUBSAFE). First initiated in May 1963 and formalized that December, SUBSAFE was designed to ensure the *Thresher* was not repeated. After months of exhaustive hearings, which produced 12 volumes and 1,718 pages of evidence, the service's experts traced the *Thresher's* sinking to a series of failed silver-braze joints and pipes that set into motion a deadly chain of catastrophic events that ended with the warship's main systems flooded and her ballast system unable to muster enough air to send her to the surface. The investigators concluded that once the submarine dove to her test depth of 1,300 feet, water pressure ruptured her pipes and created a two inch leak. This sent an unstoppable stream of icy water over her control panels that her crew was unable to stop because they could not reach her centralized shutoff valves in time. It stopped her reactor and sent her backwards and downwards as she lost all power. Unable to blow enough air into her ballast tanks through her narrow pipes—moisture in her pipes had frozen, blocking her air vents—the *Thresher* imploded as she fell over 8,000 feet to the bottom.

In the wake of this, the Navy's Bureau of Ships and the Ship Systems Command placed depth restrictions on all the service's post-World War II submarines—the *Scorpion* was limited to a depth of 500 feet instead of her standard operating depth of 700 feet—and ordered their inspectors and workmen to begin the time-consuming and expensive task of examining and replacing faulty sea water hydraulic piping systems and rewelding possible faulty joints in over 80 submarines. They also ordered the improvement of flood control systems by increasing ballast tank blow rates and the installation of decentralized sea water shutoff valves.

By the time SUBSAFE was instituted, the *Scorpion* was in dry-dock at the Charleston Naval Shipyard for her first and last full overhaul. Arriving on June 10, 1963, and remaining until April 28, 1964, she had nearly completed her repairs by the time the yard's command received orders to implement the new safety requirements. Although workmen inspected the *Scorpion's* hull and replaced many of her welds, they were not authorized to install emergency sea water shut-off valves. Moreover, the Naval Sea Systems Command deemed the interim emergency blow system the yard constructed unsuitable for service and ordered it disconnected. The Navy decided to defer installing these two systems until early 1967, the date of the *Scorpion's* next scheduled overhaul.

By then, the Navy had spent over $500 million on SUBSAFE and estimated that it needed at least another $200 million more to certify all its submarines. In addition, severe outside pressures were forcing the Navy to rethink how best to allocate its already stretched resources. Faced with fighting an increasingly protracted war in Vietnam while meeting the unchanging demands of maintaining America's global security obligations at a time when the Soviets decided to expand and transform their navy into a full-blown blue water fleet, the service's high command began to grope for new ways to meet its backbreaking obligations.

Confronted now with the urgent need to launch more warships and to keep the ones it already had at sea, the Navy decided to delay installing full SUBSAFE systems in many of its older submarines. What prompted this shift started with a series of confidential memoranda and messages drafted in 1966 as the Navy sought ways to reduce the time its submarines spent in dry dock meeting SUBSAFE's requirements. A Naval Sea Systems Command study of that era revealed not only the rising costs of this program but that approximately 40 percent of the average submarine's time was spent undergoing reconditioning instead of serving at sea.

The Navy's leadership was clearly worried by the political fallout these statistics would generate. On March 24, 1966, the Commander of Submarine Squadron 6—the *Scorpion*'s unit—drafted a memorandum to Admiral Schade, Commander Submarine Force, Atlantic Fleet that candidly admitted that "the inordinate amount of time currently involved in routine overhauls of nuclear submarines is a recognized source of major concern to the Navy as a whole and the submarine force in particular and stands as a source of acute political embarrassment." The memorandum blamed the Navy's Bureau of Ships and the managers of the service's shipyards for these problems and complained about the shortage of skilled workers needed to complete the overhauls, their poor planning in ordering critical materials on time, and the overall magnitude of what SUBSAFE required. It also warned that the *Scorpion*'s next scheduled reconditioning in November 1966 "will establish a new record for in overhaul duration."•

SMALL FARM RIDER AMENDMENT

• Mr. REED. Mr. President, I want to speak briefly about an amendment regarding OSHA inspections of small farms, which I was prepared to offer to S. 544, the Emergency Supplemental Appropriations bill. To expedite the consideration of this emergency legislation, I withdrew my amendment, but I want my colleagues to know that I will continue to press this issue.

As other Senators may know, the Occupational Safety and Health Administration, by statute, can enforce health and safety rules and investigate accidents on farms or businesses of any size.

However, a rider prohibiting OSHA from expending funds to carry out its statutory duty with respect to small farms has been attached to Department of Labor appropriations bills for the past several years. Small farms are those that employ ten or fewer workers and do not maintain a camp for temporary employees.

I want to emphasize that this prohibition extends even to the investigation of fatal, work-related accidents. I am not speaking of malicious acts leading to deaths on the job—law enforcement authorities are capable of addressing those circumstances. I am speaking of deaths caused by preventable health and safety hazards—hazards that no agency other than OSHA has the capacity to address.

Since the death of a sixteen-year-old Rhode Islander in an accident on a small farm in 1997, I have worked to address this issue.

Mr. President, it is heartbreaking for a parent to send a child off to a summer job only to see him die in an accident, and it is infuriating for these parents to wonder whether other youngsters now working on that job are safe.

I am sensitive to the concerns that some Senators will have about protecting the interests of family farms. That is why I have attempted to only moderately amend the current rider. Indeed, my amendment only allows OSHA access to small farms if there is a death, and only for investigation, not punitive action.

I have advanced this proposal in the hope of disseminating information about the causes of fatalities in order to prevent repeat tragedies and to bring a sense of closure to families who lose a loved one.

When I raised this issue during the markup of the Safety Advancement for Employees (SAFE) Act in the Labor and Human Resources Committee during the last Congress, several of my colleagues expressed a willingness to work with me on this issue. Regrettably, there is little the authorizing committee can do, because the problem stems from an appropriations rider, and an appropriations bill is where a correction should be made.

Mr. President, agriculture is one of the most hazardous industries in the United States today. We should take at least this minimal step to ensure the safety of agricultural employees.

Last Fall, the National Research Council (NRC), an arm of the National Academy of Sciences (NAS), issued a report entitled Protecting Youth at Work. Among its recommendations was the following related to small farm safety:

> To ensure the equal protection of children and adolescents from health and safety hazards in agriculture, Congress should undertake an examination of the effects and feasibility of extending all relevant Occupational Safety and Health Administration regulations to agricultural workers, including subjecting small farms to the same level of OSHA enforcement as that applied to other small businesses.

Mr. President, it is the opinion of the NAS panel that small farms should be subject to the same level of enforcement as all other small businesses. In comparison to this recommendation, my proposed amendment is moderate, because, again, my amendment only allows an OSHA inspection on a small farm following a fatal accident. The inspection could not result in fines or any other OSHA enforcement.

During consideration of the SAFE Act in the 105th Congress, the Labor Committee voted for a provision requiring an NAS peer review of all new OSHA standards. Today, we have a report from the NAS making recommendations on OSHA enforcement on small farms. I hope that colleagues will keep that in mind and that they will remember that my amendment is not as extensive as the NAS recommendation.

Mr. President, some have criticized my amendment as unfair to small farm owners. I am mystified by their argument. The only small farms to be impacted would be those where an employee dies in a work related accident. Then, the only imposition the business would face would be an investigation: no fines, no enforcement, and no regulation. If information could be disseminated to prevent just one of the 500 deaths that occur annually in the agriculture industry, I believe this minor inconvenience would be worth it. I know my constituents who lost their son feel that way, and I would venture to guess that many other families would feel that way too.

Mr. President, I want to thank Senator SPECTER, Chairman of the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education, for his good faith efforts to address this issue. His commitment to continue working with me was a major reason for my decision not to proceed my amendment on the Supplemental Appropriations bill. I look forward to working with the Senator from Pennsylvania and other concerned Senators in the months ahead.•

HONOR VICTIMS OF SCHOOL VIOLENCE BY ENACTING THE SAFE SCHOOL SECURITY ACT

• Mr. BINGAMAN. Mr. President, I rise today to state that today marks the first anniversary since the tragic school shooting in Jonesboro, Arkansas. We all remember hearing about the gun shots fired by two young boys hiding in the woods—shots that led to the tragic death of four of their classmates and a Jonesboro teacher. March 24th will forever be ingrained in our memories as the day our children's safety at school was threatened in a way we could hardly imagine.

One of the bills I introduced recently was aimed at keeping our kids in school. But solving the truancy problem is only one of the issues we must work together to tackle. Not only do we need to keep our kids in school, we need to keep our kids in school safe! The Safe School Security Act I introduced last week is intended to do just that.

Children should not have to fear for their safety while attending our public schools. At a time when violent crime in the nation is decreasing, ten percent of our public schools reported at least one serious violent crime during the 1996-97 school year. Because of this level of violence, 29 percent of elementary, 34 percent of junior high and 20 percent of high school students fear that they will be a victim of crime while at school. The school yard fist fight is no longer a child's worst fear: 71 percent of children ages 7 to 10 say they worry about being shot or stabbed. In fact, 13.2% of high school seniors reported being threatened by a weapon between 1995 and 1996. We all know that a violent environment is not a good learning environment.

Educators and law enforcement know that technology is the key to preventing and reducing crime in our schools. Most of us understand the importance of protecting our assets, yet we have neglected to protect our biggest investment of all: our school children. The Safe School Security Act would establish the School Security Technology Center at Sandia National Laboratory and provide grant money for local school districts to access the technology developed and tested by the lab. Because Sandia is one of our nation's premier labs when it comes to providing physical security for our nation's most important assets, it is fitting that Sandia would be chosen to provide security to our school districts throughout our nation.

Increased school security not only reduces violent crime, it reduces truancy and property crime. The latest technology was recently tested in a pilot project involving Sandia Labs and Belen High School in Belen, New Mexico and the results were astounding. After two years, Belen High School experienced a 75 percent reduction in school violence, a 30 percent reduction in truancy, an 80 percent reduction in vehicle break-ins and a 75 percent reduction in vandalism. More important, Belen realized a 100% reduction in the presence of unauthorized people on the school grounds. Also, Belen saw insurance claims due to theft or vandalism at the high school drop from $50,000 to $5,000 after the pilot project went into effect. Clearly, the cost of making our schools safer and more secure is a good investment for our nation.

The School Security Technology Center will partner with the Law Enforcement and Corrections Technology Center in Georgia to facilitate the transfer of available security technology to schools that could benefit the most from such technology. The School Security Technology Center will also provide security assessments for schools so they do not spend limited school resources on security tools that do not work. This bill will authorize $10,000,000 for schools to access the technical assistance from Sandia and to purchase security tools that fit their needs.

This one year anniversary of the horrible tragedy in Jonesboro should make it clear to everyone that it is time to focus on making our kids feel safe in school and ultimately putting kids first.•

SENATOR EDWARD M. KENNEDY'S REMARKS AT THE AMERICAN IRELAND FUND NATIONAL GALA

• Mr. DODD. Mr. President, last week, on the eve of Saint Patrick's Day, the American Ireland Fund recognized Senator KENNEDY for his life-long commitment to the Irish people and to peace in Northern Ireland. Senator HATCH and myself had the honor of introducing Senator KENNEDY that night. Today, I rise to recognize Senator KENNEDY for his work on behalf of peace and justice here in the United States and around the world, particularly in Ireland.

Before Ireland was in fashion, Senator KENNEDY was its loyal friend. Throughout the adult lives of most of the members of this body, Senator KENNEDY, his sister United States Ambassador to Ireland Jean Kennedy Smith, and members of their family have worked tirelessly, day in and day out, to better the lot of the least fortunate of their fellow men and women. Senator KENNEDY's efforts regularly reach across the borders of nation, race and religion.

It was only natural, then, that the conflict and injustice in Northern Ireland would make a claim on Senator KENNEDY's conscience. His unceasing interest in achieving peace in Northern Ireland was, and is, the one constant over the many ups and downs on the still bumpy road to resolving that conflict. He labors both as a distinguished representative of the United States, and as a loyal son of Ireland.

Reflecting on the way Senator KENNEDY has led so many of his colleagues down the tortured path that must inevitably lead to peace, I am reminded of the figure of the great Irish poet, William Butler Yeats, standing amidst the portraits of his contemporaries in the Dublin municipal gallery of art, and urging history to judge him not on this or that isolated deed but to:

> Think where man's glory most begins and ends;
> And say my glory was I had such friends.

Mr. President, I, and many others, are most grateful to be able to call Senator KENNEDY both a colleague and a friend.

In recognition of the honor he received last week from the American Ireland Fund, Mr. President, I ask that the remarks he gave that evening be printed in the RECORD.

The remarks follow:

Thank you, Chris Dodd and Orrin Hatch, for those kind words. Bertie Ahern, Kingsley Aikens, Loretta Brennan Glucksman, Father Gerry Creedon, friends, family—and fellow immigrants!

I just wish my parents could have been here. Mother would have loved everything you said—and Dad wouldn't have believed a word of it!

There's an old Irish saying that half the lies your opponents tell about you are not true.

But when your friends tell lies like that—it's beautiful.

It is an especially great honor to accept this award in the presence of so many of those who were essential to the success of the Good Friday Agreement.

The shamrock has three leaves, and I'm convinced that the peace agreement would never have been possible without the strong support at all the critical moments of the three greatest friends of Ireland in America—President Bill Clinton, Vice President Al Gore, and our truly indispensable peacemaker, Senator George Mitchell.

I welcome Bertie Ahern back to Washington. He deserves great credit for his own leadership during the peace negotiations and in the succeeding months.

I also pay tribute to the leaders of the Northern Ireland political parties who are here—John Hume and Seamus Mallon, Gerry

Adams, David Trimble, Lord Alderdice, and Monica McWilliams. And I especially congratulate John Hume and David Trimble for the well-deserved Nobel Peace Prize.

I also welcome Secretary of State for Northern Ireland Mo Mowlam. And I salute Prime Minister Tony Blair, and many other Irish and British officials for their courage and determination not only in reaching the peace agreement, but in moving it forward, inch by inch, day by day.

I'm reminded of the lines of Robert Frost that President Kennedy loved, "I have promises to keep, and miles to go before I sleep."

I am very grateful for this honor and my heart is very full this evening. In truth, I owe a great deal to two others in our family—my sister Jean, the Ambassador who won the hearts of the Irish people all over again for our family. She made her own indispensable contributions to the peace process, and I know how much she looks forward to working with all of you on the Irish Festival she's planning at the Kennedy Center a year from now.

And, of course, my brother Jack. In fact, it's because of President Kennedy that all of us are here this evening. During his visit to Ireland in 1963, he joined with President de Valera in creating the American Irish Foundation, to encourage closer ties between Irish Americans and Ireland.

A quarter century later, the merger with Tony O'Reilly and Dan Rooney's Ireland Fund created the world's largest private organization supporting constructive change in all of Ireland, North and South. So I say to all of you, well done—Erin Go Bragh!

Jack would have enjoyed this evening. He was always ready to share his love of Ireland and all things Irish, especially with those, like so many of us, who have the map of Ireland on our faces. And he would have admired your skill in turning our ties of heritage and history into practical avenues of peace and prosperity for both our peoples.

The bonds between America and Ireland have flourished from the beginning. There might never have been a United States of America without the timely support from Ireland two centuries ago. As President Kennedy told the Doil on his visit to Ireland in 1963, Irish volunteers played so dominant a role in our Revolutionary Army that Lord Mountjoy lamented in the British Parliament, "We have lost America through the Irish."

It is often forgotten that more than half of the 44 million Americans of Irish descent are Protestant. The impact on America of Scotch-Irish settlers from what is today Northern Ireland was profound. They made and continue to make immense contributions to our country. Andrew Jackson was of Ulster Presbyterian stock, and proud of it. Eleven other Presidents of the United States were of Scotch-Irish heritage, including President Clinton.

Now, in our own day and generation, by facilitating the peace process, Irish Americans have a priceless opportunity to give something back to Ireland in return for all that Ireland has given us.

To the Unionists in Northern Ireland, we say that we are your brothers and sisters, not your enemies. The vast majority of Irish Catholics in America bear you no ill-will. Our hope is that as your ancestors did for America, you will help to lead the way to peace for Northern Ireland.

Many able leaders in the past devised what they thought were lasting solutions for Ireland. We know the high price that Ireland—and Britain, too—have paid because of those failed solutions and the endless seeds of repression, famine, partition and violence they sowed.

It is the clear lesson of that tragic history that no settlement will last unless it is based on equality and mutual respect. These are the twin pillars of peace. The Nationalist community will never accept a role of subservience to Unionism. And the Unionist community will never accept a role of subservience to Nationalism.

We know how far we have already come towards these goals because of the Good Friday Agreement. People on both sides in Northern Ireland understand that progress best of all, because they see the true meaning of peace in their lives and their communities. The ascent to a peaceful future is nearly won, and they know how much is at risk. They are determined not to slide backward into the violent past—and they reject political leadership that would take them back.

We talk of a thirty-year conflict. But its roots go back not 30 years, but 300 years, not one generation but 10 generations, before the *Mayflower* landed at Plymouth Rock.

The Good Friday Agreement is the best new beginning of all those 300 years, and the people of Ireland and Northern Ireland know it. It was endorsed by decisive votes in both parts of Ireland as a clear mandate to their leaders, and history will not deal kindly with any leader who fails this test, or any others who return to the bomb and the bullet.

The task now facing the Irish and British Governments and political leaders in Northern Ireland is to build greater momentum for full implementation of the Agreement. Clearly, there has been welcome recent progress. Last month, the Northern Ireland Assembly approved the designation of the Northern Ireland Departments and the group of cross-border bodies. Last week, Britain and Ireland signed historic treaties for closer ties.

Further progress in these areas is dependent on full implementation of all aspects of the agreement. We commend the work of General de Chastelain's independent commission on decommissioning, and we look forward to the important meetings taking place this week in Washington and in the weeks ahead.

Inevitably, there will be new difficulties beyond this current one. But implementation of the Agreement offers the best way forward and the best yardstick to judge the policies and actions of all involved. The goal of peace is best served by prompt action on the Agreement. Those who take risks for peace can be assured of timely support by President Clinton, Congress, and the American people.

Not all the guns have remained silent. The carnage inflicted on the town and people of Omagh last August was a grim reminder that, in spite of all that has been achieved, there are still some who subscribe to violence. As recently as yesterday, the cowardly murder of Rosemary Nelson reminds us anew of the urgency of our task. The horror of these atrocities unites all the people of Ireland and Great Britain, and friends of Ireland everywhere, in a determination that such tactics of terrorism will never again be tolerated or condoned

Sectarian attacks, punishment beatings, and other acts of violence must also stop. They serve only to inflame division, recrimination and pressures to respond in kind. Resort to violence is unacceptable. It is time to say enough is enough is enough is enough. It is time to replace hate with hope.

We see the signs of progress in many ways. There is growing confidence that a new police organization will soon be born in Northern Ireland, capable of attracting and deserving the support of all parts of the community. The Patten Commission has a mandate to produce these new arrangements for fair law enforcement, accountable to and fully representative of the society. Its report is due this summer. So progress on this critical issue is being made.

Prisoners have been released. The British have reduced their troop levels to the lowest point in twenty years. Surely, only those for whom too long a sacrifice has made a stone of the heart can fail to see that the future lies with peace.

We are heartened by the establishment of the Human Rights Commissions and we look forward to close cross-border co-operation on these vital issues. We also count on early progress on the review of the criminal laws, and the dismantling of emergency legislation.

As preparations for the 1999 marching season begin, the situation at Drumcree remains disturbing. We call on all involved to respect and uphold the decisions of the Parades Commission, and to recognize that progress can only be made on the basis of negotiation and agreement.

The Ireland of our dreams is no longer a poor country. The dark side of emigration from Ireland now belongs to history. There is still poverty in Ireland, as there is in America. But we are witnessing one of the great miracles of economics, as the romantic Ireland of the past transforms itself into the high-tech Ireland of the future. Yeats would have appreciated it. In Easter 1916, a terrible beauty was born. At Easter 1999, an entrepreneurial beauty is being born before our very eyes.

But the modern transformation of Ireland also means that we can no longer rely on the naturally renewing ties between Ireland and America created by successive waves of immigrants. We must work together all the harder, therefore, on both sides of the Atlantic to keep our ties strong and vital. The growth of student educational exchanges between our youth can have a primary role —through college Junior Years Abroad, in summer schools, in the Mitchell and Fulbright Scholarships, and in the expansion of Irish Studies in American universities and American Studies in Ireland.

Important though economic performance is, the challenges of the twenty-first century will come increasingly in the realm of the mind, the spirit, and the imagination, where Ireland's strengths are especially great. In an increasingly global world, the contributions of peoples and nations will be measured by how well they enrich our common humanity. Ireland has enormous potential to be one of the brightest stars in this new worldwide firmament, and this challenge is an area in which the American Ireland Fund is playing a vigorous and impressive role.

Starting before World War II, it was the custom of Eamon de Valera to speak to his Irish kinfolk in other lands, especially in the United States, and to tell them year by year on St. Patrick's Day of the progress being made to build the Ireland of our dreams—an Ireland, he said, that "is destined to play, by its example and its inspiration, a great part as a nation among the nations." His dream has long been our dream too, and how beautiful it is to see it coming true, as we dedicate ourselves anew to one of the truly great friendships in human history, the friendship of America and all of Ireland.

In closing, let me say a final word to our friends from Northern Ireland who are here.

It is natural that we focus on the problems of the moment. But we do not overlook all that is good about your land—the ability of the people, their remarkable work ethic, their culture, and the vast potential of both communities that will be unleashed by a peaceful future.

We know the achievements of your leadership, which have brought you to this threshold of that future. President Kennedy would call you profiles in courage twice over—for your political courage in facing this extraordinary challenge, and for your very real personal courage in facing physical danger every day.

You've been asked to do a great deal already, and you've done it well. Now, you're asked to do even more, because we know you will not fail. Blessed are the peacemakers, for they shall be called the children of God. Thank you very much.•

ANTI-SEMITISM IN RUSSIA

• Mr. ABRAHAM. Mr. President, I rise today to voice my condemnation of anti-Semitic statements given by Communist Party members of the Russian Duma. I believe that this is an important issued that must be addressed.

The Russian Federation vowed to fight against such discrimination when joining the Organization on Security and Cooperation in Europe (OSCE). In order to maintain this commitment, the Russian Duma must censure those in its ranks failing to comply with the recognized OSCE resolution.

In the U.S., Congress has joined international organizations and the world community in denouncing the anti-Semitic statements. House Concurrent Resolution 37 asserts that Congress: condemns the statements; commends President Boris Yeltsin and other members of the Russian Duma for rebuking the anti-Semitic statements; and reiterates our firm belief that such discrimination is counterproductive to efforts toward true peace and justice. Furthermore, in dialogue with Russian leaders the U.S. has the opportunity to combat this hate-filled rhetroic. I believe it is of the utmost priority that the anti-Semitic statements be given proper attention in discussions with Russian leaders.

I urge my colleagues to join me in not only supported House Concurrent Resolution 37, but also in signing onto the letter to Vice-President AL GORE raising the issue of anti-Semitism with Prime Minister Primakove.•

50TH WEDDING ANNIVERSARY OF BARBARA AND HAROLD HARRIS

• Mr. WELLSTONE. Mr. President, I rise today to recognize Barbara and Harold Harris on the occasion of their 50th wedding anniversary.

Barbara Harris has dedicated herself to educating young people in America in the principles of representative government, imparting to them the virtues of citizenship and democracy, developing in them the values of leadership and civic responsibility.

She has pursued this dedication throughout her career, first as an educator in public schools where her personal interest and commitment shaped the lives of thousands of students, and subsequently as a co-founder of the Congressional Youth Leadership Council and the National Youth Leadership Forum, bold initiatives to carry her message of achievement and citizenship to tens of thousands of the Nation's best and brightest young adults; This Congress and the Nation are indebted to her for these efforts and for her contribution to enhancing our two centuries old experiment in self-government. Throughout this distinguished career, Barbara has benefited from the dedication, strength, and devotion of her beloved husband Harold.

I ask my fellow colleagues to please join me in congratulating Barbara and Harold on this most auspicious occasion.•

RECOGNITION OF THE OREGON PARTNERSHIP

• Mr. SMITH of Oregon. Mr. President, I rise today in recognition of an extraordinary group of people in my state who are working each day to protect our children and teenagers from the dangers of alcohol and drug abuse.

The Oregon Partnership, led by Executive Director, Judy Cushing, is the only nonprofit statewide network of drug prevention services available to every community—rural and urban—throughout Oregon.

While we may talk about the importance of drug abuse prevention programs on the floor of the Senate, the staff at the Oregon Partnership are turning words into action with very limited federal resources. Their accomplishments and allegiance to the thousands whom they serve, deserves respect and additional federal support.

Formed in 1993, the Partnership is governed by a volunteer, 12-member Board of Directors and has a statewide volunteer base of 500 educators, parents, youth, health professionals, business and faith leaders. Together, they share a common goal—to help the young people of Oregon help themselves and their peers—to lead productive and drug-free lives.

Through these combined efforts, this group of dedicated volunteers is truly a partnership. With 73 coalitions that reach across the state of Oregon, the Partnership empowers communities at a grassroots level through a strong support network of resources including media relations assistance, event planning and training that targets the local needs of each community. In addition, the Partnership's resource center provides communities and families with materials that provide answers to questions about alcohol, tobacco and other drugs. The Partnership also maintains a website that provides details about other available resources, materials and programs.

Recognizing that information is only effective when it is available, the Oregon Partnership houses the only statewide 24-hour helpline with person-to-person contact every day. The HelpLine/YouthLine currently responds to 2,000 calls per month from substance abusers, family members and friends who are searching for referral assistance and information about treatment programs and services within their local area.

What is truly exemplary about the Oregon Partnership, is that it provides these services through its network of volunteers. More than fifty professionally trained volunteers provide confidential counseling, information and local treatment referral for chemical dependence and other addictions. Sixty percent of the volunteers are college and graduate students pursuing counseling careers.

Mr. President, I believe that the Oregon Partnership is an example of what Congress intended for the use of federal drug prevention dollars. Unlike any other program in our state, the Oregon Partnership is the resource that serves as the link that keeps the chain from prevention programs to treatment strong. The Oregon Partnership is our first line of defense and the kind voice at the end of the phone that says, "Yes, we can help."

For these reasons and many more, I would like to take this opportunity to formally thank the directors, members and volunteers of the Oregon Partnership for their dedication and gracious, generous service to the people of Oregon as they work to eliminate drug abuse throughout our state: Judy Cushing, Joyce Adams-Malin, Lloyd Duncan, Jennifer Fogelman, Jill Showalter, Kaleen Deatherage, Penny Labberton, Elizabeth Buskirk, Mary Ellen Apostol, Michelle Kromm, Ericka Ziettlow, Jennie Donnelly, Karla Bateman.•

DEMINING IN NICARAGUA AND HONDURAS

• Mr. LEAHY. Mr. President, last night, the Senate passed the Supplemental Appropriations bill, which, among other things, contains funding for hurricane relief for Central America. I am very pleased that the Supplemental also specifies that up to $2,000,000 should be made available for humanitarian demining activities in Nicaragua and Honduras. Hurricane Mitch has greatly exacerbated the problem of anti-personnel landmines in both countries. An estimated 100,000 mines were placed in the Nicaraguan-Honduran border area in the 1980's by Sandanista and Contra soldiers. Demining activities to date have been diligent, but painstakingly slow, as over 70,000 mines continue to threaten the population.

While the problem has certainly been very serious, at least the areas which contained these mines in both countries were reasonably well known. Until Hurricane Mitch, that is. Mudslides and the tremendous volume of water that accompanied the hurricane have carried mines into areas not previously contaminated. Two Nicaraguan civilians were killed last fall by a mine in an area never thought to hold them previously. A U.S. Army study confirmed the new threat in many areas of Nicaragua.

Imagine, Mr. President, the impact on reconstruction efforts in these devastated countries if an American or other foreign national working to rebuild the infrastructure should be injured or killed by a mine.

Other Senators may be surprised to hear that one of the most effective ways to demine these areas is the use of man-dog teams. The explosive material in mines emit a gas, which dogs can be trained to detect. Once a mine is detected, the dog is trained to immediately stop and sit, and conventional demining can begin. Conventional demining amounts to metal detection, a painstakingly slow process which may detect thousands of discarded metal items for every mine found. Most surface area scanned for mines never had any to begin with. But the fear of mines keeps native populations from utilizing the land. Dogs can radically speed the process, and focus the efforts of human deminers into areas which actually contain mines.

The Marshall Legacy Institute, responding to a request from the Inter-American Defense Board, has proposed putting additional man-dog teams into Central America to speed the reconstruction process. The proposal has the support of the Humane Society, and I hope the Administration will give serious consideration to supporting this proposal with these supplemental funds.•

TRIBUTE TO A UTAH NATIVE

Mr. BENNETT. Mr. President, I rise today to note a significant event in the life of a native son of Utah and for those of us here in Washington. After working for over thirty years in government and private service, Anthony T. Cluff is leaving the leadership role he has held at one of the preeminent trade groups in Washington, The Bankers Roundtable.

Few individuals have contributed so much to this city.

Tony worked as an economist at the Treasury Department and later with the American Bankers Association and the Securities Industry Association. Then he spent 8 years on Capitol Hill as a member of the Senate Banking Committee staff and served several years as Minority Staff Director under Senator John Tower of Texas. He also served as a staff member to my father here in the Senate.

For nearly two decades he has steered the association that represents the nation's leading banks—The Bankers Roundtable and its predecessor, the Association of Reserve City Bankers. During his tenure, he has elevated the prominence of the group, enhanced its message and provided his members with important professional guidance. Under his leadership, the Roundtable expanded its range of activities and took leadership roles in interstate banking legislation, payments system regulation, environmental liability reforms and addressing the challenges of new technology for the banking industry. Most of all, Tony imparted to the association and its staff his values of hard work, doing what is right and speaking the truth; these values are reflected in the approaches that the association takes in working with government.

Tony Cluff was born in Logan, Utah, and has maintained his ties to Utah despite spending most of his time in Washington. For though he has many responsibilities here, many of his family and friends remain in Utah and the West.

With long service to his country and to the industry he has represented, Tony is leaving The Bankers Roundtable to pursue other interests that will afford him more time to write, to be with his children and grandchildren and to enjoy life a bit more. He leaves his work "on top," with an unblemished record and with the knowledge that there are many in this city and throughout the country indebted to him.

I want to wish Tony and his family the very best and express my thanks for all that he has done.•

KOSOVO RESOLUTION

• Mr. ABRAHAM. Mr. President, on Tuesday morning, the President made it clear that efforts to achieve a negotiated political solution to the Kosovo crisis had failed and that military action in the form of NATO conducted air strikes employing US military equipment and personnel was imminent. Although I am very disappointed that the President did not include congressional leaders much earlier in this important debate, the fact remains that the President has begun the process, under his authority as Commander-in-Chief, which will lead to air strikes and will put the men and women of our armed forces in harm's way. My vote supporting S. Con. Res. 21 was, therefore cast, for the express purpose of conveying support for our troops who, at this moment, are ready to risk their lives on this very dangerous mission. My vote should not be interpreted as an endorsement of or authorization for any escalation to more extensive involvement, such as the introduction of ground troops in this conflict. Indeed, before any such escalation of our military commitment in this crisis is contemplated, I believe the President should give Congress a more significant role in the debate than we have thus far and address many critical questions regarding US military involvement. Specifically, the President must clearly explain what US national security interests are at stake, the mission objectives of our military action, the cost and duration of the deployment, and overall exit strategy. Failure to consult with Congress on these important issues in a timely fashion would significantly affect the extent of my support for any subsequent, broader US involvement.•

SEVERE DROP IN PORK PRICES

• Mr. ASHCROFT. Mr. President, I ask that two letters be printed in the RECORD. Senator BOND and I worked on an amendment to the supplemental appropriations bill that would help the plight of the hog farmers in the state of Missouri and across the nation.

The Missouri Farm Bureau, the Missouri Pork Producers, the American Farm Bureau, and National Pork Producers Council requested our assistance, and we have responded by working with the Appropriations Committee to get an amendment included in the supplemental appropriations bill that makes $250 million available for farmers struggling to survive the severe drop in pork prices. Under the amendment, the U.S. Department of Agriculture would be provided with $150 million new funds and would be given the authority to use another $100 million, that the USDA already has, to help hog farmers.

It is the understanding of those of us that have offered this amendment today that the majority of the funds available to the Secretary of Agriculture will be used on behalf of our nation's pork farmers. Last year, all of the major commodity groups received disaster assistance, but the hog farmers received nothing.

The letters from the Missouri Farm Bureau, the American Farm Bureau, and the National Pork Producers Council define further the farmers' interest in our amendment.

The letters follow:

MISSOURI FARM BUREAU FEDERATION,
Jefferson City, MO, March 18, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

Hon. CHRISTOPHER BOND,
U.S. Senate, Washington, DC.

DEAR SENATORS ASHCROFT AND BOND: On behalf of Missouri Farm Bureau, the state's largest general farm organization, I am writing to express our strong support of your efforts to make additional funding available to the U.S. Department of Agriculture for economic disaster payments to pork producers. We believe that waiving the existing cap on

USDA Section 32 funds and appropriating an additional $150 million to Section 32 will pave the way for the Secretary of Agriculture to provide much-needed relief to pork producers.

According to the University of Missouri, cash receipts for the U.S. pork industry are expected to average less than $9 billion in 1998, a reduction of over $4 billion from the 1997 level of $13.2 billion. Although hog prices have recovered from the historic lows experienced over the October 1998–January 1999 period, they remain far below the average cost of production. Economists have now estimated the market failed to reflect normal supply and demand conditions last Fall when hog prices plummeted to 8 cents per pound. Studies indicate that under normal supply and demand conditions prices would have fallen to between $25.87 a hundredweight and $29.41 a hundredweight.

Funds that will be available for direct payments under Section 32 will not compensate pork producers for all the staggering losses experienced in recent months. However, these funds will enable producers to relieve some financial pressure making it easier to survive until profitability returns.

It is critical the Secretary of Agriculture understand the purpose of the pending amendment is to supplement existing Section 32 funds and provide emergency assistance to pork producers. We encourage the Secretary to work with Members of Congress and the agricultural community to develop the guidelines under which the funds will be administered. We do not support using the same parameters used for the recent Small Hog Operator Program.

Thank you for your leadership on this issue.

Sincerely,

CHARLES E. KRUSE,
President.

MARCH 18, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: The American Farm Bureau Federation and the National Pork Producers Council commend you for your efforts to help pork producers who have suffered due to the lowest prices since the Great Depression.

We support your amendment to the FY 1999 supplemental appropriations bill, which would provide $150 million to USDA for additional aid to hog farmers. As you well know, U.S. pork producers lost over $2.5 billion in equity in 1998 and are expected to lose another $1 billion in equity in 1999. The nation's pork producers are facing another difficult year due to continued depressed prices and are looking to Congress for direction with regard to the recent economic disaster faced by the U.S. pork industry.

AFBF and NPPC appreciate your efforts on behalf of the nation's pork producers and look forward to working with you on behalf of agriculture.

Sincerely,

DEAN KLECKNER,
President, American Farm Bureau Federation.
JOHN MCNUTT,
President, National Pork Producers Council.●

EXTENDING THE PERIOD FOR WHICH CHAPTER 12 OF TITLE 11, UNITED STATES CODE, IS REENACTED

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 808, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 808) to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 808) was considered read the third time and passed.

AMENDING THE SMALL BUSINESS ACT

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 774, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 774) to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr President, today we in the United States Senate have an opportunity to take an important step in strengthening the Women's Business Center Program at the Small Business Administration. The "Women's Business Center Amendment Act of 1999" authorizes SBA to make grants totaling up to $11 million annually to Women's Business Centers throughout the United States.

During the past decade, the number of women-owned small businesses has exploded. Women-owned small businesses are the fastest growing segment of our nation's business community. Years ago, there was an advertising campaign slogan proclaiming that women "had come a long way." I find that slogan very applicable to the plateau now reached by women entrepreneurs. During this time, women business owners have established themselves as a key component of our small business community, which has been the engine driving our economy during the 1990's.

The research foundation arm of the National Association of Women Business Owners (NAWBO) has conducted studies which show that women no longer are having more trouble than men obtaining bank loans. However, obtaining a loan does not guarantee a business' success. In fact, many small businesses that start out well capitalized end up failing. Success of a small business is usually dependent on the owner's management capabilities. Women's Business Centers offer help to women entrepreneurs who are looking to start a business or who already have a business by providing them with business and education training, including marketing, finance, and management assistance.

For the past three years, I have worked with Senator DOMENICI Senator KERRY, and members of the Committee on Small Business first to save and later to expand the Women's Business Center Program. In 1996, when the Administration sought to zero-out the budget for the program, I helped lead the effort to earmark funds for the program within the SBA FY 1997 budget. Senator DOMENICI, Senator KERRY and I sponsored the "Women's Business Centers Act of 1997," which expanded the program from $4 million to $8 million per year. This bill was incorporated into the "Small Business Reauthorization Act of 1997" (Public Law 105–135).

Last year, I sponsored the "Year 2000 Readiness and Small Business Programs Restructuring and Reform Act of 1998," which included an increase from $8 million to $12 million and made other reforms in the Women's Business Center Program. This bill passed the Senate unanimously; unfortunately, the House of Representatives was not able to act on the bill before Congress adjourned. In light of the pressing demand to expand the authorization for the Women's Business Center Program, I applaud the Chairman of the House Committee on Small Business, JIM TALENT, and the Committee's ranking Democrat, NYDIA VELÁZQUEZ, for their efforts to push through House-passage of the bill so quickly this year.

The "Women's Business Center Amendments Act of 1999" brings us a giant step closer to achieving our goal of having at least one Women's Business Center up and running in each of the 50 states. Under this bill, SBA will be able to continue to fund the existing 35 eligible Centers and provide seed funding to new eligible applicant Centers in states not yet served by the program.

The bill authorizes $11 million for Fiscal Year 2000 for the Women's Business Center Program; however, the Administration has requested $9 million.

This summer I intend to work closely with Senator KERRY on legislation to allow Women's Business Centers that have completed their initial three or five year Women's Business Center grants with SBA to apply for another five year grant to allow them to be able to continue to provide the high level of service they are currently delivering to women small business owners. Our initiative may require an increase in SBA's budget for the Women's Business Center Program for FY 2000, and I intend to study very closely the financial needs of the program. As a member of the Appropriations Committee, I will urge my colleagues to support an increase in the FY 2000 budget for the program, if necessary, that will allow it to expand and meet the needs of the growing number of women-owned small businesses. I strongly believe we must pursue this course even if that means pushing for an increase above the amount requested in the President's budget request.

Mr. President, it is critical that the Senate vote to approve the "women's Business Center Act of 1999," so that the Federal government can continue to help make small business ownership a reality for women entrepreneurs. I urge my colleagues to support this important bill.

Mr. KERRY. Mr. President, today the Senate will vote on H.R. 774, the Women's Business Center Amendments Act of 1999. This bill will make small but important changes to the Women's Business Center program. First, similar to the bill that Senator CLELAND and I introduced last Congress, it will raise the authorization for the centers from $8 million to $11 million. Secondly, the bill changes the matching requirements for centers; instead of raising two non-Federal dollars for every Federal dollar in the third, fourth and fifth years, centers will only be required to raise one non-Federal dollar for every one Federal dollar. I support this bill, thought I would prefer that the authorization and funding were increased to $12 million to make it consistent with the legislation our Committee passed last year. This program has been very successful in helping women start and grow businesses and it deserves generous funding.

Women-owned businesses are increasing in number, range, diversity and earning power. They constitute more than one-third of the 20 million small businesses in the United States, and account for some $3 trillion in annual revenues to the economy. Addressing the special needs of women-owned businesses serves not only entrepreneurs, but also the economic strength of this nation as a whole.

This bill further ensures that new and potential women business owners, who otherwise might be excluded from the economic mainstream of society, are afforded every opportunity to succeed through the Small Business Administration's Women's Business Centers program.

Centers are faced with the challenging task of teaching business basics and providing practical support and realistic encouragement. Massachusetts has an excellent example of a Women's Business Center—the Center for Women & Enterprise (CWE) in Boston. Andrea Silbert is a tireless executive director who effectively raises money, forges partnerships and designs thorough training and mentoring programs to help women entrepreneurs. When CWE trains an entrepreneur, she leans how to approach a lender for a loan, learns how to manage her business, and gains an understanding of the hows and whys of marketing. Nationwide, women should have access to this type of quality, comprehensive training.

It is clear that the centers are having a positive social and economic impact on the lives of many women and the communities which they serve. New clients continue to be racially and ethnically diverse: Some 40 percent are members of minority groups. About half are married, and half are single, widowed, divorced, or separated.

While this bill addresses some important issues, I am concerned about the unresolved problem of sustainability. How can established, effective centers that are at the end of the five-year Federal funding cycle continue to provide the same quality of services without the Federal contribution? It's their bread and butter, and it's indispensable leverage that helps centers raise the obligatory matching funding.

Agnes Noonan, executive director of the Women's Economic Self-Sufficiency Team (WESST corp.) in New Mexico recently reinforced this point when she testified before the Senate Committee on Small Business. With an 89 percent growth in the number of women-owned businesses over the last decade and a 161 percent increase in revenues, it is sound economic policy for the Federal government to support programs which facilitate the training and development of women business owners. It follows that we would be wise to safeguard the investment that has been made to date in the infrastructure of women's business centers around the country.

I believe we should find a fair way to let these centers recompete for the base funding. And we should do it this calendar year, before it's too late and the centers have lost their Federal funding and are out of business. I will be introducing a bill to allow Women's Business Centers to recompete for Federal funding in mid-April, when we return from the Easter recess. I hope that my colleagues with strong Women's Business Centers in their states will join me in sponsoring recompetition legislation.

Mr. President, I thank my colleagues for their continuing efforts to expand policies that allow women entrepreneurs to grow and thrive.

Mr. CRAPO. I ask unanimous consent that the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 774) was considered read a third time and passed.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 26, H.J. RES. 27, H.J. RES 28

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the consideration of the following resolutions which are at the desk: H.J. Res. 26, H.J. Res. 27, and H.J. Res. 28. I further ask consent that the Senate proceed to their consideration en bloc, and I further ask consent that the joint resolutions be read the third time and passed, the motions to reconsider be laid upon the table, and the above occur en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAPPOINTMENT OF BARBER B. CONABLE, JR. TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 26) providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

The joint resolution (H.J. Res. 26) was considered read the third time and passed.

REAPPOINTMENT OF DR. HANNA H. GRAY TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The PRESIDING OFFICER. The clerk will report the next resolution.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 27) providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

The joint resolution (H.J. Res. 27) was considered read the third time and passed.

REAPPOINTMENT OF WESLEY S. WILLIAMS, JR. TO THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The PRESIDING OFFICER. The clerk will report the next resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 28) providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

The joint resolution (H.J. Res. 28) was considered read the third time and passed.

ORDER FOR STAR PRINT

Mr. CRAPO. Mr. President, I ask unanimous consent that the report to accompany S. 92 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SUPPORT OF THE SENATE FOR THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO ARE ENGAGED IN MILITARY OPERATIONS AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. CRAPO. Mr. President, I ask unanimous consent that the resolution submitted earlier today by Senator LOTT regarding support of troops engaged in military operations in Yugoslavia be considered agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that all Senators be added as cosponsors of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 74) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the President has authorized United States participation in NATO military operations against the Federal Republic of Yugoslavia;

Whereas up to 22,000 members of the Armed Forces are presently involved in operations in and around the Balkans region with the active participation of NATO and other coalition forces; and

Whereas the Senate and the American people have the greatest pride in the members of the Armed Forces and strongly support them: Now, therefore, be it

Resolved, That the Senate supports the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizes their professionalism, dedication, patriotism, and courage.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 17, 19, 20, and 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. I further ask unanimous consent the nominations be confirmed, the motions to consider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

William Lacy Swing, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Robert A. Seiple, of Washington, to be Ambassador at Large for International Religious Freedom.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Mary A. Ryan, of Texas

FOREIGN SERVICE

The following-named Career Member of the Senior Foreign Service of the Department of Agriculture for promotion in the Senior Foreign Service to the classes indicated: Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Warren J. Child

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Mary E. Revelt
John H. Wyss

The following-named Career Members of the Foreign Service of the Department of Agriculture for promotion into the Senior Foreign Service to the class indicated: Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Weyland M. Beeghly
Larry M. Senger
Randolph H. Zeitner

The following-named Career Member of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officer and Secretary in the Diplomatic Service, as indicated: Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Danny J. Sheesley

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, MARCH 25, 1999

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, March 25. I further ask that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of S. Con. Res. 20, the concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAPO. For the information of all Senators, the Senate will reconvene on Thursday at 9 a.m. and immediately resume consideration of the budget resolution, with 10 hours remaining for consideration. Members should once again expect a busy day of debate and votes on remaining amendments to the budget bill, with a possibility of completing action on this legislation by late Thursday night. The cooperation of all Members will again be necessary in order to ensure a smooth and orderly process during the budget debate. The leader would also like to announce that if the Senate completes action on the budget resolution Thursday night, there would be no rollcall votes on Friday.

ORDER FOR ADJOURNMENT

Mr. CRAPO. Mr. President, I now ask unanimous consent that the Senate resume consideration of the budget resolution to allow the consideration of two amendments to be offered by Senator GRAHAM, and following his remarks, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The Senate continued with the consideration of the bill.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I have two amendments that I will submit. First is in the form of a sense-of-the-Senate amendment.

AMENDMENT NO. 164

(Purpose: To express the sense of the Senate that funds recovered from any Federal tobacco-related litigation should be set-aside for the purpose of first strengthening the Medicare trust fund and second to fund a Medicare prescription drug benefit)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 164.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING RECOVERY OF FUNDS BY THE FEDERAL GOVERNMENT IN TOBACCO-RELATED LITIGATION.

(a) SHORT TITLE.—This section may be cited as the "Federal Tobacco Recovery and Medicare Prescription Drug Benefit Resolution of 1999".

(b) FINDINGS.—The Senate makes the following findings:

(1) The President, in his January 19, 1999 State of the Union address—

(A) announced that the Department of Justice would develop a litigation plan for the Federal Government against the tobacco industry;

(B) indicated that any funds recovered through such litigation would be used to strengthen the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(C) urged Congress to pass legislation to include a prescription drug benefit in the medicare program.

(2) The traditional medicare program does not include most outpatient prescription drugs as part of its benefit package.

(3) Prescription drugs are a central element in improving quality of life and in routine health maintenance.

(4) Prescription drugs are a key component to early health care intervention strategies for the elderly.

(5) Eighty percent of retired individuals take at least 1 prescription drug every day.

(6) Individuals 65 years of age or older represent 12 percent of the population of the United States but consume more than ⅓ of all prescription drugs consumed in the United States.

(7) Exclusive of health care-related premiums, prescription drugs account for almost ⅓ of the health care costs and expenditures of elderly individuals.

(8) Approximately 10 percent of all medicare beneficiaries account for nearly 50 percent of all prescription drug spending by the elderly.

(9) Research and development on new generations of pharmaceuticals represent new opportunities for healthier, longer lives for our Nation's elderly.

(10) Prescription drugs are among the key tools in every health care professional's medical arsenal to help combat and prevent the onset, recurrence, or debilitating effects of illness and disease.

(11) While Federal litigation against tobacco companies will take time to develop and execute, Congress should continue to work to address the immediate need among the elderly for access to affordable prescription drugs.

(12) Treatment of tobacco-related illness is estimated to cost the medicare program approximately $10,000,000,000 every year.

(13) In 1998, 50 States reached a settlement with the tobacco industry for tobacco-related illness in the amount of $206,000,000,000.

(14) Recoveries from Federal tobacco-related litigation, if successful, will likely be comparable to or exceed the dollar amount recovered by the States under the 1998 settlement.

(15) In the event Federal tobacco-related litigation is undertaken and is successful, funds recovered under such litigation should first be used for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to finance a medicare prescription drug benefit.

(16) The scope of any medicare prescription drug benefit should be as comprehensive as possible, with drugs used in fighting tobacco-related illnesses given a first priority.

(17) Most Americans want the medicare program to cover the costs of prescription drugs.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds recovered under any tobacco-related litigation commenced by the Federal Government should be used first for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to fund a medicare prescription drug benefit.

Mr. GRAHAM. Mr. President, this resolution—"The Federal Tobacco Recovery and Medicare Prescription Drug Benefit Resolution of 1999"—urges the Administration to set aside funds from any Federal tobacco-related litigation for the primary purpose of strengthening the solvency of the Medicare Trust Fund and second to help pay for a Medicare prescription drug benefit.

In the President's January 19, 1999 State of the Union Address he announced that the Justice Department was preparing a litigation plan to take tobacco companies to court and that the funds recovered from such an effort would be used to strengthen the Medicare program.

The details of the Justice Department's litigation plan are still not known at this time. However, the United States Senate should be on record as to how any funds recovered should be spent.

It is my belief that our first priority must be to shore up the Medicare Trust Fund which, by the most recent estimates of the Congressional Budget Office, shows the program going into insolvency in 2010.

The second use of these funds should then go to help defray the costs of a Medicare prescription drug benefit.

While this resolution states clearly as to how these funds ought to be spent, a few things must be made clear:

1. This resolution must not impede our efforts to address the immediate need among seniors for access to affordable prescription drugs. We must do something now and must not use this resolution as an excuse not to act now.

2. The funding mechanism for this benefit is not a tax, is not a payroll increase, is not a premium increase and does not tap into the "surplus".

Some of you might ask the question, "Why should we look to the tobacco industry to fund a Medicare prescription drug benefit?"

The answer to this question is clear. Tobacco companies produce a product that is responsible for millions of deaths and billions of dollars worth of tobacco-related illness in this country. Taxpayers should not be forced to pay for what the tobacco industry is primarily responsible for.

Medicare alone is estimated to incur more than $10 billion in expenses for the treatment of tobacco-related illness every year. This figure reflects what Medicare covers. What this figure does not reflect is the amount of money paid out of the pockets of beneficiaries for all the outpatient prescription drugs needed for the treatment of tobacco-related illness that Medicare does not cover. The types of drugs I am referring to include:

Zyban—The only prescription drug available to assist smokers in quitting. This would be a key element in a smoking cessation and broader prevention strategy.

Bronchodilators—used in the treatment of emphysema.

Nitroglycerin—used in the treatment of angina pectoris (reduction in blood flow to the heart).

Cholestyramine and Colestipol—used in the treatment of high cholesterol.

Calcium Channel Blockers/Diuretics/Beta Blockers/Vasodilators—used in the treatment of high blood pressure.

The use of tobacco products and the cost of treatment is draining the Medicare program. But it is costing Medicare beneficiaries their lives.

According to the American Cancer Society, individuals who smoke have double the heart attack risk of nonsmokers. Cigarette smoking is the biggest risk factor for sudden cardiac death. And smokers who have a heart attack are more likely to die and die suddenly (within an hour) than are non-smokers.

These are real costs that real people face every day.

Combine these sobering facts with the overwhelming desire among nearly all our colleagues, the Nation's leading policy experts, and most importantly, beneficiaries of the program, that prescription drugs must be included in any reform of the Medicare program. The need for prescription drugs is undeniable. Just listen to some of the facts:

80 percent of retired persons take a prescription drug every day.

Annual drug expenditures for the average Medicare beneficiary are approximately $600.

While individuals 65 or older represent 12 percent of the U.S. population, they consume more than one-third of all prescription drugs.

Excluding the cost of premiums, drugs account for almost one-third of the elderly's health costs and expenditures.

Approximately 10 percent of Medicare beneficiaries account for nearly half of all drug spending among the elderly.

By 2007, the Health Care Financing Administration projects that drug costs will make up over 8 percent of total health care spending (in 1996 this figure was 6 percent).

Combine this need with the fact that in a recent study published in the journal Health Affairs, approximately one third of all Medicare beneficiaries have no prescription drug coverage at all.

And the two-thirds of Medicare beneficiaries that reportedly do have coverage (through supplemental programs such as Medigap or employee-based retirement health plans) have coverage that is not uniform, often limited, and frequently very expensive.

A recent study conducted by the League of Women Voters and the Kaiser Family Foundation, in which over 6,500 of current and future Medicare beneficiaries were interviewed on their views of reforming the Medicare program, found that after fraud, waste, and abuse, the number one concern for beneficiaries is access to affordable prescription drugs.

Advances in biotechnology and genetic engineering have brought about a true revolution in the care and treatment of patients. What once seemed science fiction in 1965 is today's scientific reality.

In today's, and tomorrow's, health care system, prescription drugs are an integral part of every health care professional's medical arsenal.

But these advances in technology have come at a price. A price that, for many seniors, is not affordable. Or even worse, forces them to make decisions nobody should face.

Decisions about purchasing drugs or paying the rent. Or skipping doses of a prescription or reducing the dosage to make it last longer—decisions that can often have serious health consequences.

What good are the best drugs in the world if nobody can afford them or they bankrupt people trying to do the right thing?

This is where this resolution makes a difference. This resolution says that we ought to find a way to pay for prescription drugs. To pay for them in a manner that is fiscally responsible.

As I noted earlier, this resolution does not guarantee a Medicare prescription drug benefit since it is contingent upon a successful litigation effort by the Justice Department.

And, the size and scope of a benefit funded by such a recovery would be dependent on the size of the recovery.

To give my colleagues a sense of the potential size of a successful litigation effort, and using the recent State tobacco settlement as a benchmark, we could expect a Federal lawsuit that could match or exceed the $206 billion settlement of the States.

So this is no small undertaking and has the potential to have far reaching, positive consequences for the Medicare program.

This resolution would also prioritize the types of prescription drugs that ought to be funded. First priority would go to funding drugs used in the treatment of tobacco-related illness. If additional funds are available, the range of drugs could then be expanded.

I want to reiterate that this resolution should not be used to take this distinguished body off the hook for addressing the immediate need among seniors for affordable prescription drugs.

We must continue to work to find a way to handle this problem now. Our resolution, if adopted, would provide momentum for this effort and for the Justice Department's litigation efforts.

Finally, this resolution has the support of the nation's largest senior membership organization, the American Association of Retired Persons.

I urge my colleagues to support this resolution.

Mr. President, last week, we had very heated debate on the question of whether the Federal Government should designate a portion of the tobacco settlements received by the 50 individual States and require them to use those designated funds for certain specific purposes. By more than a 2-to-1 margin, the Senate rejected that proposal.

There were a number of reasons why the Senate rejected that proposal. I think they were strong and compelling reasons. They included the fact that the States had initiated these litigations against the tobacco industry without the assistance of the Federal Government, that the States were acting responsibly in utilizing the tobacco funds; and I believe a persuasive reason was the fact that the Federal Government announced its intention to initiate its own litigation against the tobacco industry for its loss of revenue through programs such as Medicare to tobacco-related diseases.

This amendment builds upon that debate of last week. It builds, also, upon a statement that was made by the President in his January 19 State of the Union Address in which the President stated that the Justice Department was preparing a litigation plan to take tobacco companies to court, and that the funds recovered from that effort would be used to strengthen the Medicare program. The details of the Justice Department litigation plan are still unknown at this time. However, I think it is appropriate that the Senate should be on record as to how these funds, when recovered, should be utilized.

It is my belief that the first priority must be to strengthen the Medicare system, and that the most appropriate method of achieving that objective is to provide that the first call of any recovery from a Federal tobacco litigation would be to replace those funds in the Medicare trust fund that have been excessively expended in order to treat tobacco-related afflictions.

Second is that those funds should be used to commence a Medicare prescription drug benefit. Why is it appropriate that the second call for these funds should be to fund a prescription medication benefit? These reasons include that a substantial amount of the expenditures for tobacco-related diseases end up having a pharmacological cost, and some of the most used and most expensive medications are those which are related to the treatment through prescription medication of tobacco-related diseases. Zyban, for instance, is the only prescription drug available to assist smokers in quitting their addiction. Other drugs that relate to bronchitis, used for treatment in emphysema, nitroglycerin, and used for treatment of angina pectoris, a disease frequently associated with tobacco use, are examples of the types of prescription medications that are utilized in large part because of a tobacco affliction. The use of tobacco products is costing Medicare by draining its resources. But it is costing the Medicare beneficiaries potentially their lives.

According to the American Cancer Society, individuals who smoke have double the heart attack risk of nonsmokers. Therefore, they are more likely to require the medication associated with heart disease. Cigarette smoking is the biggest risk factor for sudden cardiac death. Smokers who had a heart attack are more likely to die, and die suddenly, than nonsmokers. These are real costs, these are real people whose lives are at stake.

Mr. President, just listen to some of the facts in terms of the use by our Medicare beneficiary population of prescription medication—medication which today is not covered by the Medicare program. Eighty percent of retired persons take at least one prescribed drug every day.

Annual drug expenditures for the average Medicare beneficiary is $600. While individuals 65 or older represent only 12 percent of the United States population, they consume more than one-third of all prescription drugs. Excluding the cost of premiums, drugs account for almost one-third of the elderly's health costs and expenditures. Approximately 10 percent of Medicare beneficiary accounts for nearly half of all drug spending among the elderly.

By the year 2007, the Health Care Finance Administration projects that drug costs will make up over eight percent of total health care spending. This compares to 6 percent as recently as 1996.

Mr. President, these are all reasons why it is appropriate that as the Federal Government commences its litigation to recover the cost that the Federal Government has expended through programs such as Medicare, that the first use of these funds should be to strengthen Medicare, and the second use should be to commence the funding of a prescription drug benefit.

This proposal is receiving the strong support of groups which represent the interests of older Americans. The

AARP has officially endorsed the concept of utilizing recoveries from the to be litigation by the Federal Government for purposes of strengthening Medicare and then providing for a prescription drug benefit.

The American Association of Retired Persons is a strong voice in support of this proposal.

Mr. President, I urge that my colleagues give their support in adopting this amendment.

Mr. President, I ask unanimous consent to have printed in the Record a letter from the American Association of Retired Persons.

There being no objection, the letter was ordered to be printed in the Record, as follows:

AARP,
Washington, DC, March 24, 1999.

Hon. Bob Graham,
U.S. Senate,
Washington, DC.

Dear Senator Graham: Thank you for the opportunity to review the "Affordable Prescription Drugs for Seniors Resolution" that you plan to offer during the Senate's debate of the FY 2000 Budget Resolution. I want to commend you for your leadership in calling the Congress's attention to the issue of the high cost of prescription drugs and the difficulties older Americans have because outpatient prescription drugs are not included in Medicare's benefit package.

Since Medicare was created over 30 years ago, prescription drugs have become more and more central to the delivery of high quality health care. As a result most health insurance plans for workers cover prescription drugs. Medicare, however, does not. A huge challenge before us is to find an affordable way to provide prescription drug coverage to Medicare beneficiaries in whatever health care plan they choose.

Your resolution presents a way to help finance a prescription drug benefit through earmarking a portion of funds recovered from any tobacco-related federal litigation. AARP views this idea as a constructive effort to address a very serious problem for millions of Medicare beneficiaries. For years, the Medicare program has borne the cost of caring for people with tobacco-related illnesses. It, therefore, seems fair and reasonable that this health insurance program get a share of funds recovered from a Justice Department lawsuit to fund a needed benefit. However, as you point out, your proposal is contingent upon successful federal litigation.

Providing Medicare beneficiaries with a prescription drug benefit is an important issue for AARP and we are pleased that your resolution begins to address this. We look forward to working with you and other Members of Congress on a bipartisan basis to investigate approaches for providing a Medicare prescription drug benefits and to address the high cost of prescription drugs. Please feel free to contact me or have your staff contact Tricia Smith or Mila Becker of our Federal Affairs Health Team at (202) 434-3770.

Sincerely,

Horace B. Deets,
Executive Director.

AMENDMENT NO. 165

(Purpose: To express the sense of the Senate that the Congress and the President should offset inappropriate emergency funding from fiscal year 1999 in fiscal year 1999.)

Mr. GRAHAM. Mr. President, I send an amendment to the desk, which is cosponsored by Senators Snowe and Feingold.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. Graham), for himself, and Mr. Feingold, and Ms. Snowe, proposes an amendment numbered 165.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON OFFSETTING INAPPROPRIATE EMERGENCY SPENDING.

It is the sense of the Senate that the levels in this resolution assume that—

(1) some emergency expenditures made at the end of the 105th Congress for fiscal year 1999 were inappropriately deemed as emergencies; and

(2) Congress and the President should identify these inappropriate expenditures and fully pay for these expenditures during the fiscal year in which they will be incurred.

Mr. GRAHAM. Mr. President, we learned last year that five years of fiscal austerity and economic growth had transformed a $290 billion deficit into the first budget surplus in more than a generation.

I am dedicated to strengthening the nation's long-term economic prospects through prudent fiscal policy.

This discipline helped to create favorable economic, fiscal, demographic and political conditions to address the long-term Social Security and Medicare deficits that will accompany the aging of our nation's population.

These deficits threaten to undo the hard work and fiscal discipline of recent years as well as undermine our potential for future economic growth.

But that success did not give the Congress license to return to the free-spending ways of the past—especially since 100 percent of the surplus was the result of surpluses in the Social Security Trust Fund.

We owe it to our children and grandchildren to save this money until Social Security's long-term solvency is assured.

Unfortunately, Mr. President, the last legislative action of the last Congress made a mockery of our promises to be fiscally disciplined.

In the waning hours of last fall's budget negotiations, we passed a $532 billion Omnibus Appropriations Bill.

Included in that was $21.4 billion in so-called "emergency" spending.

Since that $21.4 billion could be approved without offsets, that funding came right out of the surplus—reducing it from $80 billion to $59 billion.

That action would have been more palatable had all of the supposedly "emergency" funds been allocated for true emergencies.

But while some of the $21.4 billion was used to fund what had traditionally been accepted as emergencies—necessary expenditures for sudden, urgent or unforeseen temporary needs—much of it was not.

For example, the Y2K computer problem received $3.35 billion.

And $100 million went to a new visitors center at the Capitol.

These projects might be worthy. They might be mandatory.

But to label them "emergency" threatens to undermine efforts to safeguard the surplus of Social Security.

Even worse, this budgetary slight of hand was also used to increase funding for projects that had been funded in the regular appropriations process.

For example, after previously allocating $270.5 billion for defense, Congress provided an additional $8.3 billion in "emergency" defense spending in the Omnibus Appropriations Bill.

And that's not all.

Because these pseudo-emergency spending provisions were included in an Omnibus Appropriations Conference Report, they could not be removed without sending the entire funding package down to defeat.

Members of both Houses were left with an unpalatable choice: shut down the government, or steal from our children's and grandchildren's Social Security surplus.

Mr. President, that's not a choice. It's a national disgrace.

It is vital that we institute an emergency spending process that responds quickly to true emergencies without opening the door to misuse.

We must establish procedural safeguards to deter future Congresses from misusing the emergency spending process.

We should not attach any emergency spending to non-emergency legislation or designate emergency spending measures that do not meet the definition of an emergency.

Mr. President, in February I was pleased to join Senator Olympia Snowe of Maine in introducing legislation that will protect our newly won budget surplus from false, emergency budgetary alarms.

We proposed three reforms.

First, to create a point of order, similar to the Byrd Rule, that prevents non-emergency items from being included in emergency spending.

This will enable members to challenge the validity of any individual item that is designated an emergency without defeating the entire emergency spending bill.

Second, to require a 60-vote supermajority in the Senate for passage of any bill that contains emergency spending, whether it is designated an "emergency" spending bill or not.

This will encourage Congress to either pay for supplemental appropriations or make sure they represent a true emergency.

And third, to make all proposed emergency spending subject to a 60-vote point of order in the Senate.

This rule will help to prevent non-emergency items from ever being included in emergency legislation.

But even if passed, our legislation will not be the total cure for Congress' budding addiction to emergency spending.

In the short term, it is vital that we immediately replenish the surplus with the funds that were "borrowed" last fall.

On the day after passage of the Omnibus Appropriations Act—October 21, 1998—I wrote the President and asked that the federal government commit itself to restoring funding the the non-traditional "emergency" items during this fiscal year.

I did not receive a response.

So in January, I again wrote to the President and made the same request for a commitment to fiscal discipline.

Once again, I have not received a response.

And on January 18, 1999, Roll Call published an opinion piece of mine in which I asked the President to address this subject in his State of the Union address.

He did not.

Fortunately, the United States Constitution says that the Congress need not wait for the President.

We can—and must—take the steps necessary to restore the budget surplus to its previous levels.

And we must do that now, before the urge to spend the surplus becomes a full-fledged addiction.

To that end, tonight I am introducing a Sense of the Senate Resolution that starts the process of rectifying last fall's budgetary process.

Its message is simple: Congress and the President should restore those funds that were inappropriately deemed as emergencies and taken from the budget surplus.

Mr. President, as we debate the first post-deficit Budget Resolution in more than a quarter-century, it is vital that the American people know that we will maintain the fiscal discipline that has helped to produce our favorable economic climate.

Fiscal responsibility means taking responsibility for our mistakes—and ensuring that we do not misuse our emergency spending powers.

The next Congress that leaves the door wide open to raids on the surplus will be the one that passes on more debt—and a less secure Social Security system—to our children and grandchildren.

Mr. President, we have heard much today—and I particularly commend you and Senator GRAMS of Minnesota for the amendment that you just offered—on the subject of locking up the non-Social Security surplus in excess of that which is currently anticipated. We have considered several proposals throughout the day today. I anticipate other proposals of a similar nature will be considered tomorrow. I believe there is a strong resolve among the Members of the Senate to protect both the Social Security surplus and the non-Social Security surplus and to use it for appropriate purposes.

I might say personally that I believe the first use of the money should be to reduce the enormous national debt that we have accumulated over the last 30 years, and I will advocate that be the priority purpose. Unless we first direct our attention to protecting the surplus itself, there won't be anything left, no matter how tightly it is contained in a lockbox to be used for any of these desirable ends. So our first goal must be to focus on how can we protect the surplus itself, and then see that the surplus is used for appropriate purposes.

Recently, Senator OLYMPIA SNOWE and myself introduced legislation which was intended to close one of the loopholes which you, Mr. President, have just alluded to. That was a major source of leakage of the surplus as recently as October of last year. That was the inappropriate use of the so-called "emergency appropriations account." Certainly there are emergencies. We have a policy that where there are emergencies defined as being "unexpected events," particularly of a scale that is beyond the capacity of a local community to appropriately respond without Federal assistance, that for those true emergencies we do not require that there be an offset in spending, or a tax increase to pay for them. The problem is that last October an appropriate public policy for true emergencies was stretched out of recognition by having many other items which had never in the past been thought of as emergencies included in that emergency account, and suddenly over $21 billion was expended. It was expended in a way, Mr. President, because it was included in a conference committee report that was not subject to amendment that was no way to excise, to apply a scalpel to cut out those inappropriate items.

The amendment that we are offering in the form of a sense of a Senate would commit this Senate to first analyst those items in that $21 billion emergency expenditure that is outside the traditional definition of an emergency, and we would commit ourselves in this fiscal year and in the next two fiscal years when expenditures of those funds are provided for pursuant to our action in October to find offsets. That is, we would not continue to treat them as emergencies. Just because we made a serious error last fall, we are not committed to continuing to repeat that error this year, next year, and two years from now.

Let me just illustrate with this graph why I think focusing on protecting the surplus is so critical.

In 1998, we had a total Social Security surplus of the $99 billion. The first thing that came off the top of that $99 billion was that we had a $27 billion deficit in the non-Social Security account. The first use of the Social Security surplus in 1998 was to pay the deficit, and the rest of the budget. Then in addition to that, in 1998, we designated $3 billion as emergency outlays, which meant that we didn't have to either find new taxes to pay for them, or cut spending someplace else to replace these emergency expenditures. They came out of the surplus. What started out as a $99 billion surplus ended up as a $69 billion surplus. So effectively, $30 billion that should have gone to protect the Social Security fund was drained away to pay for deficit elsewhere in the Federal Government, and for emergency accounts.

In 1999, we start with a Social Security surplus of $127 billion. Again, the first call on that was to pay the deficit in the rest of the Federal Government, which, fortunately, has significantly shrunk from $27 billion year before to $3 billion in the year 1999. But what ballooned was the emergency account. This is where that October raid on the surplus showed up in our 1999 account with a $13 billion hit against the Social Security surplus.

Last year we lost $16 billion that should have gone to protect the solvency of the Social Security fund and was used to fund other Federal deficits, emergencies, a significant proportion of which were emergencies in name only.

We have already started to "cook the cake" for the year 2000 where we are projecting a non-Social Security deficit of $5 billion.

I was pleased with some of the remarks that our Presiding Officer made earlier this evening in which he indicated that maybe when the next estimate of our national fiscal position based on the strength of the economy is made we will in fact not face this $5 billion deficit in fiscal year 2000. I hope his prophesy comes to be.

But we also have already added $5 billion by the emergency, so-called emergency, expenditures of October of 1998, to the year 2000 fiscal year. So, with a $138 billion Social Security surplus, we are going to be reducing it by $10 billion to pay off deficits elsewhere and these emergency accounts.

So the amendment we are offering states that we commit ourselves that we will first closely scrutinize those items which were listed as an emergency in October of 1998, and for those that do not meet the test of being a true emergency, that we will commit ourselves to find appropriate offsets to pay for those emergencies and not use them as a further raid against the Social Security system and against the surplus which is to provide for its solvency.

Mr. President, I anticipate that not only on this legislation but on other legislation which will be presented by the budget and the Governmental Affairs Committee, we will be considering some fundamental changes in the way in which we deal with emergency appropriations so we will not ever repeat the larceny against the Social Security trust fund and against the surpluses which support it that occurred late at night in October of 1998.

I urge my colleagues to take the first step towards overcoming the indignity that we committed to the Social Security system last October by committing ourselves to restore to the Social Security surplus those expenditures which were inappropriately listed as emergencies.

I urge the adoption of this amendment when it comes before the Senate tomorrow.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENTS. NOS. 166 THROUGH 175

Mr. LAUTENBERG. Mr. President, I send the following amendments to the desk. I ask that they all be considered as offered and laid aside and that related statements be printed in the RECORD at the appropriate place.

The amendments are as follows: One from Senator LAUTENBERG, one from Senator SCHUMER, two from Senator FEINSTEIN, one from Senator HARRY REID of Nevada, two from Senator MURRAY, one from Senator HOLLINGS, and two from Senator BOXER.

I ask, as I earlier said, they be considered as offered and laid aside.

The PRESIDING OFFICER. Without objection, the Senator's request for consideration of the amendments which were just read is agreed to. The amendments will then be laid aside.

The amendments are as follows:

AMENDMENT NO. 166

(Purpose: To express the sense of the Senate on saving Social Security and Medicare, reducing the public debt, and targeting tax relief to middle-income working families.)

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON SAVING SOCIAL SECURITY AND MEDICARE, REDUCING THE PUBLIC DEBT, AND TARGETING TAX RELIEF TO MIDDLE-INCOME WORKING FAMILIES.

It is the sense of the Senate that the provisions of this resolution assume that—

(1) Congress should adopt a budget that—

(A) reserves the entire off-budget surplus for Social Security each year; and

(B) over 15 years, like the President's budget, reserves—

(i) 77 percent, or $3,600,000,000 of the total surplus for Social Security and Medicare;

(ii) 23 percent, or $1,000,000,000 of the surplus for—

(I) investments in key domestic priorities such as education, the environment, and law enforcement;

(II) investments in military readiness; and

(III) pro-savings tax cuts for working families;

(2) any tax cuts or spending increases should not be enacted before the solvency of Social Security is assured and Medicare solvency is extended twelve years;

(3) the 77 percent or $3,600,0000,000 of the total surplus for Social Security and Medicare should be used to reduce the publicly held debt; and

(4) any tax cuts should be targeted to provide tax relief to middle-income working families and should not provide disproportionate tax relief to people with the highest incomes.

Mr. LAUTENBERG. Mr. President, earlier we considered an amendment that asked the Senate to endorse every line in the President's budget.

This amendment asks the Senate to endorse only the general principles of that budget and its proposals for using projected budget surpluses.

The President's budget calls for no net increase in spending and no net tax cut until we have acted to reform Social Security. It is vital that we make Social Security our top priority so that the program will still be strong when our children and grandchildren are ready to retire.

The amendment I have now proposed would address what many describe as the President's other budget, his framework for using projected budget surpluses once we have taken care of Social Security.

This amendment lays out the President's overall principles, which are designed to prepare our Nation for the next century.

The amendment says that Congress should reserve the entire off-budget surplus for Social Security and, over 15 years, allocate: 77 percent or $3.6 trillion of the total surplus for Social Security and Medicare; and 23 percent of the surplus, or $1 trillion, for investments in key domestic priorities, such as education, the environment, and law enforcement; investments in military readiness, and pro-savings tax cuts for working families.

The amendment also says that tax cuts or spending increases should not be enacted before the solvency of Social Security is assured and Medicare solvency is extended 12 years.

In addition, the amendment states that the 77 percent or $3.6 trillion of the total surplus for Social Security and Medicare should be used to reduce publicly held debt. That would provide great dividends for our economy. Reducing the future debt burden and future interest costs would essentially provide a tax cut for our children.

And, finally, the amendment says that any tax cuts should be targeted to provide tax relief to middle-income working families and should not provide disproportionate tax relief to people with the highest incomes.

Mr. President, this framework emphasizes saving for the future. It's fiscally responsible. It would help protect Social Security and Medicare. And it calls for tax relief and investments where they are most needed.

The amendment does not endorse every dot and comma of the President's budget. But it would endorse the overall priorities of that proposal.

I hope my colleagues will support it.

AMENDMENT NO. 167

(Purpose: To express the sense of the Senate that the COPS Program should be reauthorized)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON REAUTHORIZING THE COPS PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) as of December 1998, the Community Oriented Policing Services (COPS) Program had awarded grants for the hiring or redeployment to the nation's streets of more than 92,000 police officers and sheriff's deputies;

(2) according to the United States Bureau of Justice Statistics, the Nation's violent crime rate declined almost 7 percent during 1997 and has fallen more than 21 percent since 1993; and

(3) enhanced community policing has significantly contributed to this decline in the violent crime rate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Community Oriented Policing Services (COPS) Program should be reauthorized in order to provide continued Federal funding for the hiring, deployment, and retention of community law enforcement officers.

AMENDMENT NO. 168

(Purpose: To express the sense of the Senate regarding school construction grants, and reducing school sizes and class sizes)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds will be provided for legislation—

(1) to provide 50-50 matching grants to build new schools, and to reduce school sizes and class sizes, so that—

(A)(i) kindergarten through grade 5 schools serve not more than 500 students;

(ii) grade 6 through grade 8 schools serve not more than 750 students; and

(iii) grade 9 through grade 12 schools serve not more than 1,500 students; and

(B)(i) kindergarten through grade 6 classes have not more than 20 students per teacher; and

(ii) grade 7 through grade 12 classes have not more than 28 students per teacher; and

(2) to enable students to meet academic achievement standards, and to enable school districts to provide remedial education and terminate the practice of social promotion.

AMENDMENT NO. 169

(Purpose: To express the sense of the Senate on the social promotion of elementary and secondary school students)

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE ON SOCIAL PROMOTION.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds will be provided for legislation—

(1) to provide remedial educational and other instructional interventions to assist

public elementary and secondary school students in meeting achievement levels; and

(2) to terminate practices which advance students from one grade to the next who do not meet State achievement standards in the core academic curriculum.

AMENDMENT NO. 170

(Purpose: To express the sense of the Senate regarding social security "notch babies")

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING SOCIAL SECURITY NOTCH BABIES.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security Amendments of 1977 (Public Law 95–216) substantially altered the way social security benefits are computed;

(2) those amendments resulted in disparate benefits depending upon the year in which a worker becomes eligible for benefits; and

(3) those individuals born between the years 1917 and 1926, and who are commonly referred to as "notch babies" receive benefits that are lower than those retirees who were born before or after those years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that the Congress should allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over 4 years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977.

Mr. REID. Mr. President, the Social Security notch causes 11 million Americans born between the years 1917–1926 to receive less in Social Security benefits than Americans born outside the notch years.

The notch inequity is a direct result of changes made by Congress in 1977 to the Social Security benefits formula.

It is important that we restore the confidence of the notch victims and show them that we in Congress will accept responsibility for any error that was made.

While we must save Social Security for the future, we have an obligation to those who receive less than individuals who were fortunate enough to have been born just days before or after the notch period.

Many notch babies, through no fault of their own, receive more than $200 less per month than their neighbors.

It is time for us to right this wrong. I recently introduced legislation—the Notch Fairness Act of 1999—that proposes using any projected budget surplus to pay a lump sum benefit to notch babies.

While we have a surplus, let's fix the notch problem once and for all and restore the confidence of the millions of notch babies across this land.

Government has an obligation to be fair. I don't think we have been in the case of the notch babies.

Please join my efforts to correct the inequity created by the Social Security notch.

AMENDMENT NO. 171

(Purpose: To ensure that the President's after school initiative is fully funded for fiscal year 2000)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON FUNDING FOR AFTER SCHOOL EDUCATION.

(a) FINDINGS.—The Senate finds the following:

(1) The demand for after school education is very high. In fiscal year 1998 the Department of Education's after school grant program was the most competitive in the Department's history. Nearly 2,000 school districts applied for over $540,000,000.

(2) After school programs help to fight juvenile crime. Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3:00 p.m. and 6:00 p.m. After school programs have been shown to reduce juvenile crime, sometimes by up to 75 percent according to the National Association of Police Athletic and Activity Leagues.

(3) After school programs can improve educational achievement. They ensure children have safe and positive learning environments in the after school hours. In the Sacramento START after school program 75 percent of the students showed an increase in their grades.

(4) After school programs have widespread support. Over 90 percent of the American people support such programs. Over 450 of the nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police, and the International Union of Police Associations support government funding of after school programs. And many of our nation's governors endorse increasing the number of after school programs through a Federal or State partnership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress will provide $600,000,000 for the President's after school initiative in fiscal year 2000.

AMENDMENT NO. 172

(Purpose: To fully fund the Class Size Initiative, the amendment reduces the resolution's tax cut by ten billion dollars, leaving adequate room in the revenue reconciliation instructions for targeted tax cuts that help those in need and tax breaks for communities to modernize and rebuild crumbling schools)

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $2,435,289,000,000.
Fiscal year 2002: $1,456,068,000,000.
Fiscal year 2003: $1,532,507,000,000.
Fiscal year 2004: $1,586,777,000,000.
Fiscal year 2005: $1,650,486,000,000.
Fiscal year 2006: $1,683,892,000,000.
Fiscal year 2007: $1,736,436,000,000.
Fiscal year 2008: $1,805,797,000,000.
Fiscal year 2009: $1,865,515,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: –$7,358,000,000.
Fiscal year 2002: –$52,208,000,000.
Fiscal year 2003: –$30,811,000,000.
Fiscal year 2004: –$47,372,000,000.
Fiscal year 2005: –$60,412,000,000.
Fiscal year 2006: –$106,822,000,000.
Fiscal year 2007: –$134,964,000,000.
Fiscal year 2008: –$150,412,000,000.
Fiscal year 2009: –$177,195,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,457,794,000,000.
Fiscal year 2002: $1,489,177,000,000.
Fiscal year 2003: $1,562,248,000,000.
Fiscal year 2004: $1,614,578,000,000.
Fiscal year 2005: $1,668,643,000,000.
Fiscal year 2006: $1,697,402,000,000.
Fiscal year 2007: $1,752,567,000,000.
Fiscal year 2008: $1,813,739,000,000.
Fiscal year 2009: $1,873,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,289,000,000.
Fiscal year 2002: $1,456,068,000,000.
Fiscal year 2003: $1,532,507,000,000.
Fiscal year 2004: $1,583,878,000,000.
Fiscal year 2005: $1,640,655,000,000.
Fiscal year 2006: $1,669,062,000,000.
Fiscal year 2007: $1,716,673,000,000.
Fiscal year 2008: $1,780,977,000,000.
Fiscal year 2009: $1,840,699,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $68,049,000,000.
(B) Outlays, $65,430,000,000.
Fiscal year 2002:
(A) New budget authority, $68,995,000,000.
(B) Outlays, $66,947,000,000.
Fiscal year 2003:
(A) New budget authority, $75,069,000,000.
(B) Outlays, $70,023,000,000.
Fiscal year 2004:
(A) New budget authority, $78,948,000,000.
(B) Outlays, $74,262,000,000.
Fiscal year 2005:
(A) New budget authority, $80,264,000,000.
(B) Outlays, $78,118,000,000.
Fiscal year 2006:
(A) New budget authority, $78,229,000,000.
(B) Outlays, $79,643,000,000.
Fiscal year 2007:
(A) New budget authority, $79,133,000,000.
(B) Outlays, $78,909,000,000.
Fiscal year 2008:
(A) New budget authority, $80,144,000,000.
(B) Outlays, $79,389,000,000.
Fiscal year 2009:
(A) New budget authority, $80,051,000,000.
(B) Outlays, $79,059,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $137,750,000,000 for the period of fiscal years 2000 through 2004, and $767,552,000,000 for the period of fiscal years 2000 through 2009; and

AMENDMENT NO. 173

(Purpose: To express the sense of the Senate on women and Social Security reform)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON WOMEN AND SOCIAL SECURITY REFORM.

(a) FINDINGS.—The Senate finds that—

(1) without Social Security benefits, the elderly poverty rate among women would have been 52.2 percent, and among widows would have been 60.6 percent;

(2) women tend to live longer and tend to have lower lifetime earnings than men do;

(3) during their working years, women earn an average of 70 cents for every dollar men earn; and

(4) women spend an average of 11.5 years out of their careers to care for their families,

and are more likely to work part-time than full-time.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) women face unique obstacles in ensuring retirement security and survivor and disability stability;

(2) Social Security plays an essential role in guaranteeing inflation-protected financial stability for women throughout their old age;

(3) the Congress and the Administration should act, as part of Social Security reform, to ensure that widows and other poor elderly women receive more adequate benefits that reduce their poverty rates and that women, under whatever approach is taken to reform Social Security, should receive no lesser a share of overall federally-funded retirement benefits than they receive today; and

(4) the sacrifice that women make to care for their family should be recognized during reform of Social Security and that women should not be penalized by taking an average of 11.5 years out of their careers to care for their family.

AMENDMENT NO. 174

(Purpose: To continue Federal spending at the current services baseline levels and pay down the Federal debt)

Strike Titles 1 and 2 of the resolution and insert the following:

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,442,647,000,000.
Fiscal year 2002: $1,508,276,000,000.
Fiscal year 2003: $1,563,318,000,000.
Fiscal year 2004: $1,634,149,000,000.
Fiscal year 2005: $1,710,896,000,000.
Fiscal year 2006: $1,790,713,000,000.
Fiscal year 2007: $1,871,400,000,000.
Fiscal year 2008: $1,956,209,000,000.
Fiscal year 2009: $2,045,710,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,424,759,000,000.
Fiscal year 2001: $1,451,764,000,000.
Fiscal year 2002: $1,481,268,000,000.
Fiscal year 2003: $1,544,059,000,000.
Fiscal year 2004: $1,597,397,000,000.
Fiscal year 2005: $1,655,402,000,000.
Fiscal year 2006: $1,705,251,000,000.
Fiscal year 2007: $1,770,344,000,000.
Fiscal year 2008: $1,840,865,000,000.
Fiscal year 2009: $1,910,187,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,406,584,000,000.
Fiscal year 2001: $1,431,899,000,000.
Fiscal year 2002: $1,449,260,000,000.
Fiscal year 2003: $1,512,261,000,000.
Fiscal year 2004: $1,566,600,000,000.
Fiscal year 2005: $1,631,828,000,000.
Fiscal year 2006: $1,674,724,000,000.
Fiscal year 2007: $1,737,435,000,000.
Fiscal year 2008: $1,810,214,000,000.
Fiscal year 2009: $1,880,338,000,000.

(4) DEFICITS OR SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the deficits or surpluses are as follows:

Fiscal year 2000: –$4,605,000,000.
Fiscal year 2001: $10,748,000,000.
Fiscal year 2002: $59,016,000,000.
Fiscal year 2003: $51,057,000,000.
Fiscal year 2004: $67,549,000,000.
Fiscal year 2005: $79,068,000,000.
Fiscal year 2006: $115,989,000,000.
Fiscal year 2007: $133,965,000,000.
Fiscal year 2008: $145,995,000,000.
Fiscal year 2009: $165,372,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,637,600,000,000.
Fiscal year 2001: $5,710,300,000,000.
Fiscal year 2002: $5,739,700,000,000.
Fiscal year 2003: $5,776,200,000,000.
Fiscal year 2004: $5,792,400,000,000.
Fiscal year 2005: $5,794,100,000,000.
Fiscal year 2006: $5,755,600,000,000.
Fiscal year 2007: $5,696,200,000,000.
Fiscal year 2008: $5,615,400,000,000.
Fiscal year 2009: $5,510,500,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2000: $3,511,700,000,000.
Fiscal year 2001: $3,371,900,000,000.
Fiscal year 2002: $3,175,600,000,000.
Fiscal year 2003: $2,979,400,000,000.
Fiscal year 2004: $2,756,200,000,000.
Fiscal year 2005: $2,507,700,000,000.
Fiscal year 2006: $2,211,700,000,000.
Fiscal year 2007: $1,886,400,000,000.
Fiscal year 2008: $1,539,800,000,000.
Fiscal year 2009: $1,168,200,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $468,020,000,000.
Fiscal year 2001: $487,744,000,000.
Fiscal year 2002: $506,293,000,000.
Fiscal year 2003: $527,326,000,000.
Fiscal year 2004: $549,876,000,000.
Fiscal year 2005: $576,840,000,000.
Fiscal year 2006: $601,834,000,000.
Fiscal year 2007: $628,277,000,000.
Fiscal year 2008: $654,422,000,000.
Fiscal year 2009: $681,313,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2000: $327,256,000,000.
Fiscal year 2001: $339,789,000,000.
Fiscal year 2002: $350,127,000,000.
Fiscal year 2003: $362,197,000,000.
Fiscal year 2004: $375,253,000,000.
Fiscal year 2005: $389,485,000,000.
Fiscal year 2006: $404,596,000,000.
Fiscal year 2007: $420,616,000,000.
Fiscal year 2008: $438,132,000,000.
Fiscal year 2009: $459,496,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal year 2000 through 2009 for each major functional category are at the CBO March Baseline On-Budget totals for BA and outlays, committee allocations and resolution aggregates.

AMENDMENT NO. 175

(Purpose: To ensure that the substantial majority of any income tax cuts go to middle and lower income taxpayers)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON TAX CUTS FOR LOWER AND MIDDLE INCOME TAXPAYERS.

It is the sense of the Senate that the levels in this resolution assume that Congress will not approve an across-the-board cut in income tax rates, or any other tax legislation, that would provide substantially more benefits to the top 10 percent of taxpayers than to the remaining 90 percent.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. If there is no further debate at this time, under the previous order, the Senate will stand adjourned until the hour of 9 a.m., Thursday, March 25, 1999.

Thereupon, the Senate, at 11:24 p.m., adjourned until Thursday, March 25, 1999, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 24, 1999:

THE JUDICIARY

WILLIAM HASKELL ALSUP, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE THELTON EUGENE HENDERSON, RETIRED.

J. RICH LEONARD, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA VICE W. EARL BRITT, RETIRED.

CARLOS MURGUIA, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE SAM A. CROW, RETIRED

MARSHA J. PECHMAN, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON, VICE WILLIAM L. DWYER, RETIRED.

FOREIGN SERVICE

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER

BRIAN E. CARLSON, OF VIRGINIA
MARJORIE ANN RANSOM, OF THE DISTRICT OF COLUMBIA
E. ASHLEY WILLS, OF TEXAS

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR

ROBERT J. CALLAHAN, OF ILLINOIS
WILLIAM DARREL CAVNESS, JR., OF GEORGIA
JEREMY F. CURTIN, OF MARYLAND
CHRISTIAN FILOSTRAT, OF NEW YORK
HELENA KANE FINN, OF NEW YORK
LINDA JEWELL, OF NEW JERSEY
WILLIAM P. KIEHL, OF PENNSYLVANIA
BARBARA C. MOORE, OF OREGON
PAMELA H. SMITH, OF THE DISTRICT OF COLUMBIA
CORNELIUS C. WALSH, OF VIRGINIA
LEONARDO M. WILLIAMS, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

DALE V. SLAGHT, OF NEW JERSEY

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DAVID K. KATZ, OF CALIFORNIA
SAMUEL H. KIDDER, OF WASHINGTON

THE FOLLOWING NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WILLIAM A. BREKKE, OF SOUTH DAKOTA
MICKEY R. FRISBY, OF OKLAHOMA
CAROL MURRAY KIM, OF VIRGINIA
AUGUST MAFFRY, OF VIRGINIA
ALAN R. TURLEY, OF CONNECTICUT
ERIC R. WEAVER, OF VIRGINIA

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24, 1999:

DEPARTMENT OF STATE

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

ROBERT A. SEIPLE, OF WASHINGTON, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

THE FOLLOWING NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

MARY A. RYAN, OF TEXAS

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WARREN J. CHILD, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARY E. REVELT, OF FLORIDA
JOHN H. WYSS, OF TEXAS

THE FOLLOWING NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WEYLAND M. BEEGHLY, OF VIRGINIA
LARRY M. SENGER, OF WASHINGTON
RANDOLPH H. ZEITNER, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBER OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSEL:

DANNY J. SHEESLEY, OF VIRGINIA.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE INTERNET GUN TRAFFICKING ACT OF 1999

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. RUSH. Mr. Speaker, today I am introducing the Internet Gun Trafficking Act of 1999. Currently, unlicensed individuals are able to sell and unlicensed buyers are able to buy firearms over the Internet. Moreover, web site operators, who are not licensed gun dealers, facilitate firearms transactions between buyers and sellers. Web site operators run web sites which provide space for unlicensed individuals to post guns for sale. The web sites give names, phone numbers and/or e-mail addresses of sellers, to allow potential buyers the opportunity to contact the sellers directly for the purchase of firearms. These transactions, while facilitated by the web site operator are not monitored by the web site operator, thus occurring out of anyone's eyesight, including law enforcement. As a result, many individuals, including children and felons are able to purchase firearms illegally and evade the law.

My bill will end the unlicensed selling of guns over the Internet. Web site operators who offer firearms for sale or otherwise facilitate the sale of firearms listed or posted over the Internet, must become federally licensed firearm manufacturers, importers or dealers. Additionally, as an aid to law enforcement, licensed firearm dealers-web site operators are required to notify the Secretary of the Treasury of their web site address, as would any individual who operates a web site which offers for sale or otherwise facilitates the sale of firearms.

Furthermore, to ensure legal firearm transactions over the Internet, individuals who on behalf of other persons, lists or posts firearms for sale over the Internet will have to establish themselves as "middlemen." All guns sold from the "middleman's" web site, must be shipped directly to the "middleman." The "middleman" is then required to transfer the firearms to the buyer in accordance with federal firearm laws, including laws which require that firearms are shipped directly to a licensed dealer in the unlicensed buyer's state. The "middleman" is prohibited from providing any information which would facilitate direct contact between the seller and the buyer. Finally, unlicensed individuals who offer firearms for sale over the Internet may only transfer those firearms directly to the web site operator.

I hope that my introduction of the Internet Gun Trafficking Act of 1999 will call attention to the need to regulate gun sales in this new era of Internet firearm transactions.

CONGRATULATIONS TO THE 1998 NEW MEXICO PARENTS OF THE YEAR

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the recipients of the 1998 New Mexico Parents of the Year award. This award is administered by the New Mexico Parent's Day Coalition. As we recognize these parents, I thank them for the role they play in strengthening and restoring the foundation of our country—the family.

Jerry and Debbie Dixon, Albuquerque

Joe and Lori Chavez, Santa Fe

Dr. Oscar and June Marquardt, Alamogordo

Carl and Donna Londene, Albuquerque

John and Belina Ortiz, Bosque Farms

Charles and Karen Cooper, Albuquerque

Nemesio and Marylou Martinez, Los Lunas

Arthur and Lou Jauriqui, Albuquerque

Glenn and Oma Warwick, Las Cruces

Pastor Ira and Diane Shelton, Albuquerque

Duc Vu and Nghi Nguyen-Vu, Albuquerque

Please join me in thanking these parents for their dedication to raising good citizens and their contribution to New Mexico's future.

TRIBUTE TO JIM HLAFKA

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to congratulate the Bunker Hill basketball coach, Jim Hlafka for attaining his 700th career win this past February 23rd.

Jim Hlafka, who is 65 years old, has been the Bunker Hill basketball coach for 40 years now. By coaching 700 games to victory, he became a member of an elite group of only 10 other coaches from Illinois who have attained this goal. Not only did Hlafka attain his own goal that evening, he coached the Bunker Hill Minutemen to victory in the 80th annual Macoupin County Boys Tournament.

Corey Elliot, a member of the team that won the County Championship, said that "[i]t's an honor to play for him." It is also an honor for me and all of Bunker Hill to be represented by one of the best high school coaches in the state of Illinois.

UNIVERSITY OF WASHINGTON SCHOOL OF MEDICINE RANKED NATION'S TOP PRIMARY-CARE MEDICAL SCHOOL

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. INSLEE. Mr. Speaker, I am proud to announce that US News and World Report recently ranked the University of Washington's School of Medicine as number one in primary care.

Many teaching programs at the University's School of Medicine were also ranked in the top five, including a number one rank in rural medicine, number one in family medicine, number four in women's health, and number five in AIDS instruction. Overall, the University of Washington's medical school was ranked ninth in the country.

The most exciting and creative research is taking place at the University of Washington. In fact, only two other medical schools receive more funding from the National Institutes of Health. I can safely assert that the best primary care doctors of the 21st Century are the current students at the University of Washington.

Congratulations to the outstanding students, teachers, researchers, and faculty of the University of Washington's School of Medicine. Your commitment to excellence is second to none.

HONORING SUSAN GLASER

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. HASTINGS of Florida. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD the following statement which was delivered to the Women's International League for Peace and Freedom when they honored Ms. Susan Glaser of West Palm Beach, Florida.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 18, 1999.

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
West Palm Beach, Florida

It is my great pleasure to join with you in honoring Susan Glaser. During the time Susan was employed in my office, she worked tirelessly on behalf of people in need of Social Security benefits, Medicare and federal housing assistance. She was particularly effective at helping first generation Americans adjust to the complexities of life in this country. Widely known as a concerned, compassionate person, Susan always presented a positive image for me when representing me at public events.

I congratulate WILPF for giving Susan the recognition she deserves. She has spent a lifetime fighting for all the things we truly care about. She has always been an effective organizer, drawing the attention of her fellow citizens to the need for refugee aid and food and shelter for the homeless. Susan has also been noted for her history on the front lines of the Civil Rights movement and for speaking out against the injustices perpetrated on the peoples of Central America.

I am glad to add my voice to the many others who are singing Susan's praises today. She is a wonderful person who truly deserves the many accolades she receives. Congratulations, Susan! I am very, very proud of you!

In Peace,

ALCEE L. HASTINGS,
Member of Congress.

MEDICARE REFORM CUT OFF AT THE KNEES BY CLINTON AND DEMOCRATS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. BEREUTER. Mr. Speaker, this Member highly commends this March 20, 1999, editorial from the Omaha World Herald regarding President Clinton's actions on Medicare Reform. Because of the imminent crisis that Medicare faces in the near future, I am very disappointed that the President has chosen to play politics with such an important issue instead of finding real solutions to preserving Medicare.

[From the Omaha World-Herald, Mar. 20, 1999]

CUT OFF AT THE KNEES

When President Clinton torpedoed the recommendation of a majority of the members of his bipartisan commission on Medicare reform, his action raised the question of whether he ever intended the commission to succeed.

Clinton has been demagoguing the Medicare issue ever since before the 1996 election, when Republicans in Congress proposed slowing the growth of Medicare spending from 10 percent a year to 7 percent. The President won re-election, in part, by persuading some voters that the Republicans wanted to destroy Medicare and forsake the elderly.

After the election, the GOP insisted that Clinton must take the lead if he wanted Republican help in repairing the program, which is headed for bankruptcy as the cost of providing doctor and hospital care for retirees outraces available revenues. Clinton responded with the classic bureaucratic evasion. He named a commission to study the problem.

The need for reform is indisputable. Medicare is funded by payroll taxes and income taxes. The worker-to-beneficiary ratio was 4-to-1 when the program was enacted in 1965. That ratio will be cut in half by 2030, when aging baby boomers will swell the ranks of Medicare recipients. By then nearly 80 million people will be eligible for Medicare. That's double today's number.

Meanwhile, medical care has become more sophisticated and expensive. Medicare is projected to go bankrupt in 2008—and that's before the impact of baby boomer retirements is felt.

Spokesmen for the elderly have been pressuring government to expand the benefits, adding coverage for prescription drugs. What started out as providing doctor's services and hospitalization would become a full-service health program, not only covering catastrophic care but also paying for routine services that people used to assume were their own responsibility.

The bipartisan commission recommended changes that have been ordered by some congressional leaders, among them Sen. Bob Kerrey, D-Neb. Changes include raising the eligibility age in small steps to age 67 over the next quarter of a century. The commission also said that people ought to be able to receive Medicare coverage through private plans, nearly 90 percent of which would be subsidized by Medicare dollars. Such changes could save $500 billion by 2030, the commission said.

Clinton rejected the plan, although he said some parts of it had promise. He characterized it as a reduction in benefits, which he said is not permissible. Ten members of the commission had supported the recommendation, with 11 votes needed. The 10 consisted of eight Republicans and two Democrats, Kerrey and Sen. John Breaux of Louisiana, who co-chaired the commission.

Instead of savings $500 billion, Clinton said, the government needs to spend an additional $700 billion through 2020. "Medicare cannot provide for the baby boom generation without substantial new revenues," Clinton said.

Taxpayers ought to cringe at the prospect. Clinton said the new money will be provided by future budget surpluses. By siphoning 15 percent of projected surpluses, Clinton said, the government can fund his proposed expansion of Medicare.

That is based on an implied assumption that the economy is recession-proof, which has no basis in fact or history. When the spending in a program is accelerating out of control, government should at least question the assumptions that are behind the growth. Clinton's solution is to find more money. He is confident that it will be there. Yet neither he nor anyone else, a year or two ago, saw the revenue tide coming. And even if payroll and income taxes could generate enough revenue to cover the rising cost of Medicare, that does not mean it is right to let the program's budget spiral upward indiscriminately.

Health care for the elderly is a legitimate concern of government. But it is not evil for politicians to decide that government may have to be more efficient in subsidizing such care. Neither is it evil to suggest that a major expansion in benefits isn't affordable at the very time a big increase in recipients is projected.

At one point, with senators like Kerrey and Breaux taking the political risks of looking for an actuarially defensible solution, it seemed that a genuine, compassionate, affordable and bipartisan plan of action could be arrived at. Now that Clinton and their fellow Democrats on the commission have cut Kerrey and Breaux off at the knees, that possibility, regrettably, has become less likely.

THE ELDRED HOUSE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to applaud the efforts of the Illinois Valley Cultural Heritage Association to place the famous James J. Eldred stone house in Eldred, IL in the National Register of Historic Places.

Built 138 years ago, this three-story house was made from natural bluff limestone by James J. Eldred who is a descendent of a historic English family. The Eldred house is the largest of nine area limestone houses and was known for the elaborate parties that took place there. Soon this house will be renovated and used as a museum of American Indian and farm history.

I wish the Illinois Valley Cultural Heritage Association the best in their efforts to secure the Eldred House's rightful place in history.

DAVID HORSEY WINS BERRYMAN CARTOONIST OF THE YEAR AWARD

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. INSLEE. Mr. Speaker, I am delighted to announce that one of my constituents, Mr. David Horsey, recently won the Berryman Cartoonist of the Year Award from the National Press Foundation.

American newspapers have traditionally carried political cartoons, much to the delight of their readers. While it usually takes political pundits hundreds of words to express an idea or assert an opinion, political cartoonists have the difficult task of capturing timely political issues in just a few deft strokes of the pen. One of the masters of this art form is Mr. David Horsey.

Mr. Horsey, a Seattle native, has worked at the Seattle Post-Intelligence's since 1979. Many readers turn to his drawings first thing in the morning, in order to enjoy his pungent and unique interpretation of the political scene. His cartoons never fail to show, literally, the affairs of the day with his own flair and style.

I am so pleased that Mr. Horsey's work was honored by the National Press Foundation. I look forward to many more years of brilliant commentary in his cartoons. Since Mr. Horsey is dedicated to the truth, we can only hope that his caricatures of politicians become more forgiving.

JUDGE HENRY E. HUDSON TAKES THE BENCH IN FAIRFAX COUNTY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. WOLF. Mr. Speaker, on March 19, 1999, Henry E. Hudson was sworn to a bench in Fairfax County Circuit Court during an investiture ceremony. He was assisted in the enrobing by his son, Kevin.

Judge Hudson brings a lifetime of wisdom and legal experience to his new task. He has previously served in Virginia as a deputy sheriff, assistant commonwealth's attorney, commonwealth's attorney, assistant U.S. attorney, U.S. Attorney for the Eastern District of Virginia and as director of the U.S. Marshals Service. He also practiced law in the private sector for a number of years and served on important federal and state boards and commissions.

A lifelong Virginian and member of the Arlington County Volunteer Fire Department, Judge Hudson continues a proud tradition of service to the people and respect for the rule of law. The judge, his wife, Tara, and their son Kevin make their home in northern Virginia.

We in Virginia and in America are fortunate to have people of Judge Hudson's capabilities serving on the bench.

178TH ANNIVERSARY OF GREEK INDEPENDENCE DAY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. CAPUANO. Mr. Speaker, it is with great respect and profound admiration that I rise today to pay tribute to Greece on the occasion of its 178th anniversary of independence. Greece is a country rich in history and culture which has not only dramatically influenced its own people but people throughout the world.

March 25th is a date that will forever live in the hearts and minds of Greeks and Greek-Americans. After suffering more than 400 years of oppression under the Ottoman Empire, the people of Greece commenced a revolt on this day in 1821. Many dedicated, patriotic Greeks lost their lives in the struggle which lasted over 7 years. Ultimately, the freedom Greeks aspired to was courageously achieved, and the modern day Greece was born.

Greece has influenced our society in many ways. Thomas Jefferson, Benjamin Franklin, and our Founding Fathers found inspiration in the writings and ideals of Greek philosophers Plato and Aristotle. The Founding Fathers searched antiquity for an appropriate model for democracy, and found it in ancient Athens. No doubt, without Greece's influence, the United States would be a completely different country today.

Historically, Greece has been a dedicated United States ally. A fierce supporter during World War II, Greek soldiers fought beside Americans to preserve democracy and independence. For almost half a century, Greece has stood beside the United States as an active and important member to NATO. Greece has consistently proved to be a valuable player in preserving security in the Mediterranean. Just recently, Greece held a significant role in negotiations between the Republic of Cyprus and Turkey to deter deploying Russian missiles on the Cypriot island, thereby thwarting an international incident.

One could not live in the United States for too long without experiencing first hand the impact Greece has had on American society. Greek-Americans have significantly contributed to American culture and economy. Nearly 7,000 people in the Eighth Congressional District of Massachusetts are of Greek descent. Throughout the neighborhoods in Boston, Watertown, Cambridge, Chelsea, Belmont and my hometown of Somerville, Greek-Americans are one of the most active groups in politics and community service. The Hellenic Cultural Center, the Greek Orthodox Church and other Greek-American organizations in the district are working to improve education, healthcare, and the environment.

The Greek people also take pride in their heritage. In my district alone several events will take place to commemorate Greek Independence Day. From the grand parade in Boston to the small town festivities, Greek-Americans will be celebrating their freedom.

In closing, Mr. Speaker, I hope the United States will continue to cultivate relationships both culturally and economically with our Greek neighbors, and I again offer my congratulations to all Greeks as they celebrate Greek Independence Day.

HONORING COLORADO GIRLS STATE BASKETBALL A CHAMPIONS—CHERAW HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to extend my heartiest congratulations to the Cheraw High School girls basketball team on their impressive Colorado State A Championship. The victory, a 58–45 win over Prairie High School, was a superb contest between two talented and deserving teams. In championship competition, though, one team must emerge victorious, and Cheraw proved themselves the best in their class—truly second to none.

The State A Championship is the highest achievement in high school basketball. This coveted trophy symbolizes more than just the team and its coach, Charles Phillips, as it also represents the staunch support of the players' families, fellow students, school personnel and the community. From now on, these people can point to the 1998–1999 girls basketball team with pride, and know they were part of a remarkable athletic endeavor. Indeed, visitors to this town and school will see a sign proclaiming the Girls State A Championship, and know something special had taken place here.

The Cheraw basketball squad is a testament to the old adage that the team wins games, not individuals. The combined talents of these players coalesced into a dynamic and dominant basketball force. Each team member also deserves to be proud of her own role. These individuals are the kind of people who lead by example and serve as role-models. With the increasing popularity of sports among young people, local athletes are heroes to the youth in their home towns. I admire the discipline and dedication these high schoolers have shown in successfully pursuing their dream.

The memories of this storied year will last a lifetime. I encourage all involved, but especially the Cheraw players, to build on this experience by dreaming bigger dreams and achieving greater successes. I offer my best wishes to this team as they move forward from their State A Championship to future endeavors.

IN HONOR OF THE LATE CHARLIE PARKER

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor the memory of Charlie "Yardbird" Parker as the Charlie Parker Memorial Site is dedicated at 17th Terrace and Vine Street in my hometown of Kansas City, Missouri. Charlie Parker was a bebop innovator. He not only shaped the sound of modern jazz in the 1940s, but he has also served as an inspiration to all jazz musicians since that time. His alto sax virtuosity marked the zenith of the jazz age and set a standard for other musicians to aspire to.

Charlie Parker's family settled in Kansas City, Missouri, in 1927, when Parker was only 7 years old. While growing up there, he pursued his musical education on the stages of Kansas City. By 1936, when Charlie Parker turned 16, Kansas City music had begun to influence the national jazz scene. Parker was a big part of this explosion, having obtained his union card at the age of 14. He spent a few years idolizing and studying Lester Young's saxophone playing, and then continued his studies under Buster Smith, one of the early stars of Count Basie's Reno Club band and Walter Page's Blue Devils. By 1938, Parker was playing in the Jay McShann band, the last great band to play in Kansas City, as the principal soloist. The McShann band's national success after 1944 meant that Parker would no longer play in Kansas City.

It was in New York that Charlie Parker got his nickname of "Yardbird" because he loved to eat fried chicken. From the time he arrived in New York until he passed away on March 12, 1955, his success escalated. As the news of his passing spread, "Bird Lives" began to appear all over New York and the nation because his fans refused to let him die. Although he is buried in Lincoln Cemetery in Kansas City, he lives on in the hearts of jazz lovers everywhere. From March 25th through the 27th the nation's ears will focus on Kansas City, where some of Charlie Parker's contemporaries will gather to remember the great jazz legend at the American Jazz Museum in the 18th and Vine Historic Jazz District. Max Roach, Dr. Billy Taylor, Jay McShann, Milt Jackson, Claude "The Fiddler" Williams, and Ernie Andrews are a few of the internationally acclaimed artists who are participating in the Symposium and Concert celebration.

This weekend's dedication of the new Charlie Parker Memorial will remind us all of this great musician and inspire the jazz musician in all of us to hum a little bebop: "Hello, Little Girl, don't you remember me? I mean, been so long, but I had a break you see." (from "Hootie Blue," recorded for Decca Records by the Jay McShann Orchestra, April 30, 1941, Parker's first commercial recording session).

HONORING HENRIETTA PRESNALL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize the accomplishments of Mrs. Henrietta Presnall, of Flint, Michigan. On Friday, March 26, friends and family will gather to honor the career of this remarkable woman, who is retiring from Sears Corporation after 23 years of dedicated service.

A native of Chattanooga, Tennessee, Henrietta moved to Flint and married James Presnall in 1968. She attended Charles Stewart Mott Community College and graduated in 1973 with an Associates Degree in Nursing. Upon graduation, she joined Heritage Manor Nursing Home as a Nurses' Aide. On July 26, 1976 she joined Sears and Roebuck Corporation as a part-time salesperson. Henrietta received numerous recognitions for outstanding work ethics and customer service, from her superiors as well as her customers. Henrietta was promoted to the position of Sears Service and Product Maintenance Agreement Lead Person, then she was later promoted to Technician Secretary for the Sears Service Center, leading to her current position as Cashier Accountant.

Henrietta is often found using her personable skills in the community as well. She is involved with groups such as Big Brothers/Big Sisters of Flint, The Fair Winds Girl Scout Council, Zeta Phi Beta Amica Sorority, and the Michigan Women's National Bowling Association. In 1971, Henrietta became a member of the Foss Avenue Baptist Church, where she faithfully serves as a member of the Senior Usher Board, Foss Avenue Catering Committee, and the MLA fellowship Sunday School class.

I know that Henrietta would want to point out that the love and support of her family have contributed greatly to her success. She is very proud of her children, Veronica and Lucetia, grandsons Demetrice and Trevino, granddaughter Elexus, and of course, her husband, James Presnall.

Mr. Speaker, it is indeed a privilege for me to rise today before my colleagues in the 106th Congress to join me in congratulating Henrietta Presnall on her retirement. I wish her continued success in all her endeavors.

INTRODUCTION OF THE MATH AND SCIENCE PROFICIENCY PARTNERSHIP ACT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to introduce the Mathematics and Science Proficiency Partnership Act. The purpose of this legislation is to improve mathematics and science education for students in kindergarten through 12th grade as well as to train mathematics and science teachers.

My legislation, which has 52 cosponsors, accomplishes its objective by forging a unique partnership between students, parents, teachers and the business people in their communities.

In years past, America's schools served as unilateral learning centers where students studied, graduated and then entered the workforce. The demands of the information age and the global economy now compel U.S. educators and business people to band together in the national interest. Schools and businesses need to be partners to educate our children. Otherwise, our nation will see its preeminence in information technology implode as other nations expand their high-tech driven economies.

Already there are alarming trends. When it comes to mathematics and science education U.S. high school seniors need to be better prepared. Compared to their international peers, American high school seniors ranked near the bottom of the Third International Mathematics and Science Study (TIMSS) that was released last year. This poor performance holds true for both mathematics and science as well as for moderate-level and top-level students.

Mathematics and science are the disciplines that have created the Internet and have driven the Information Age. Two of the fastest growing job areas, according to the Bureau of Labor Statistics, are computer technology and health services. Both fields demand a strong background in mathematics and science.

As the Subcommittee on Basic Research's Ranking Member, I have had several discussions with representatives from the information technology community. These business people in the high-tech field have expressed their frustration in not being about to find qualified job applicants. In fact, one in ten positions in information technology is currently unfilled, according to the Information Technology Association of America. One in three job applicants tested by U.S. companies lacks the reading or mathematics skills for the job as reported by the American Management Association.

The Mathematics and Science Proficiency Partnership Act will help reverse the trends of poor test performance by U.S. students and empower businesses to enrich the pool of job applicants.

The purpose of this legislation is to improve math and science education in urban and rural areas by establishing partnerships between participating schools and businesses. My bill authorizes the National Science Foundation (NSF) to award 10 partnership grants through its Urban and Rural Systemic Initiative programs. The NSF Director will make five grants to urban areas and five grants to rural areas. Each grant will not exceed $300,000 and the total amount authorized is $3 million.

The purpose of these partnership grants is to train teachers and to improve teaching for students in math, science and information technology. The grants will be awarded to schools that have established partnerships with businesses.

Eligibility of the partnership grants will be based on how well the participating schools and businesses have forged their partnerships. Ways that businesses can participate with schools include: setting up college scholarships for promising math and science students, establishing jobsite mentoring and internships programs and donating computer software and hardware to their participating schools.

The legislation directs the NSF Director to conduct a long-range study on the students who have participated in the partnership grant scholarship program and their ability to land and to retain jobs in the fields of mathematics, science and information technology.

Mr. Speaker, I am gratified by the support the Mathematics and Science Proficiency Partnership Act has already received and urge all Members to cosponsor this important legislation that will help prepare today's American students for tomorrow's workplace.

CONGRATULATIONS TO JERRY BELL

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the works of Jerry Bell, an outstanding volunteer for Noon Day Ministry in Albuquerque, New Mexico.

Jerry Bell volunteers her time to the homeless at Noon Day Ministry. Noon Day Ministry serves approximately 300 homeless men, women and children four days a week. Jerry's commitment to volunteer work comes from a strong family support system that instilled the value of helping others. By those who work with Jerry she is described as the organizer, the person who really keeps the place in shape. By those she serves, Jerry is known for providing more than lunch. She offers hugs, a pat on the shoulder and a kiss on the cheek—the sincere message of caring for another.

Please join me in thanking Jerry Bell for her caring contributions to individuals, families and our community of Albuquerque, New Mexico.

LITTLE BOSTON BRANCH OF THE KITSAP REGIONAL LIBRARY WINS BEST SMALL LIBRARY AWARD

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. INSLEE. Mr. Speaker, I am honored to announce that The Little Boston branch of the Kitsap Regional Library system is the best small library in America.

Little Boston recently won the 1998 Service Award for Excellence from the National Public Library Association. This library is unique because it is located on the Port Gamble S'Klallam Tribe's reservation and is frequented by patrons who live both on and off the reservation.

Public libraries are the great equalizer in our society as they ensure free and unlimited access to invaluable educational resources for anyone who simply has the desire to learn. Libraries enhance the knowledge of not only ourselves, but also the world around us. Great libraries, like Little Boston, deserve our utmost praise and recognition. Employees continually go above and beyond the call of duty with their exceptional service to its patrons and commitment to provide enriching and informative information to everyone in the community.

Congratulations, again, to The Little Boston Library for your commitment to excellence.

THE PARENT HELP LINE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to thank the Parent Help Line of Springfield, Illinois for their extraordinary contributions to their community.

This volunteer organization's primary function is to help parents become better parents by providing advice, support, and referrals to various community agencies. The Parent Help Line is funded by several different sources including St. John's Hospital Foundation, Ronald McDonald Charities of Central Illinois and Ameritech.

Currently, the Parent Help Line consists of 25 volunteers who respond to about 100 calls per month. While these numbers may not seem significant, each one of those hundred calls has helped a parent and child come closer together through the support of their community. Recognizing the utmost importance that parents play in the development of not only their children, but of the future of our great country, the Parent Help Line helps parents meet parenting challenges head on.

Again, I would like to thank the volunteers and contributors of the Parent Help Line for the outstanding devotion they have shown towards our nation's greatest asset—our children.

TO DIRECT THE SECRETARY OF VETERANS AFFAIRS TO ESTABLISH A NATIONAL CEMETERY FOR VETERANS IN THE ATLANTA, GEORGIA METROPOLITAN AREA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. BARR of Georgia. Mr. Speaker, I rise today to announce the introduction of a very important piece of legislation which is vital to all veterans in the state of Georgia. Through the bill I am introducing today, the Secretary of Veterans Affairs will develop a national cemetery for veterans in the Atlanta, Georgia metropolitan area. This bill is co-sponsored by the entire Georgia Delegation, and Senators CLELAND and COVERDELL have introduced a companion bill in the Senate.

I want to thank the other Members of the Georgia delegation for their support of our efforts. Congressmen COLLINS, NORWOOD, KINGSTON, LINDER, CHAMBLISS, DEAL, LEWIS, ISAKSON, BISHOP, and Congresswoman MCKINNEY realize the importance of this issue to Georgia's veterans.

I urge my colleagues in the House to support this effort not just on behalf of the veterans in Georgia but veterans across our nation.

Our nation has a sacred obligation to fulfill the promises we made to our veterans when they agreed to risk and, in many cases, give their lives to protect the freedoms we all enjoy. One of those promises was a military burial in a national cemetery.

In 1994, the Department of Veterans Affairs released its "Report on the National Cemetery System." The Atlanta area was listed within the top 10 areas in the country with the greatest need for burial space. This need has only increased significantly in the past few years. Establishing a national cemetery in Georgia would provide veterans and their families accessibility and the recognition they deserve.

Georgia currently has only one national cemetery, located in Marietta. However, this cemetery has been full since the 1970s. The nearest national cemeteries accepting burials are located in Alabama and Tennessee. In addition to meeting the needs of veterans living in Georgia, placing a new national cemetery in the Atlanta area will alleviate the increasing demands on the cemeteries in Tennessee and Alabama.

Neither of these sites in Tennessee and Alabama is reasonably accessible to most of the more than 700,000 veterans living in Georgia, including some 450,000 veterans in the Atlanta metropolitan area.

This legislation is supported by Pete Wheeler, Commissioner of the Georgia Veteran's Association, and by the Georgia Disabled American Veterans, the American Legion, Veterans of Foreign Wars, and other veterans' groups. I ask all veterans groups to support this legislation because it is only appropriate for Georgia's heroes to be allowed to be laid to rest in their home state.

This has been a long awaited process for Georgia veterans. These men and women deserve a proper resting place. The legislation we are introducing today is an important first step in creating a new national veterans cemetery.

LEGISLATION TO PROMOTE FAIR COMPETITION IN ELECTRICITY MARKETS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. ENGLISH. Mr. Speaker, today, I am reintroducing legislation I sponsored last year that would promote fair competition in electricity markets. Many states have passed or are considering plans to allow customers to choose among competing providers of electricity. Although action on certain aspects of competition should be left to states, the federal government needs to address competition issues as they relate to the Internal Revenue Code.

The use of tax-exempt bonds and other tax exemptions granted to government-owned utilities are a significant problem in integrating them into the competitive marketplace. Such exemptions, in the context of competition, subsidize the costs of a competitor, giving it an unfair advantage against all private, tax-paying participants. I believe that if government-owned utilities want to compete in the open marketplace, then they must be restricted in issuing tax-exempt bonds and should give up income tax exemptions on sales outside their traditional service territory. Tax-free financing and exemption from federal income taxes pose no problem to electric competition if, and only if, government-owned utilities limit the use of these subsidies to serving their traditional service areas.

My legislation, The Private Sector Enhancement and Taxpayer Protection Act of 1999, addresses these concerns by prohibiting tax-free bonds from being used to finance generation and transmission by government-owned utilities if such utilities choose to compete in open electricity markets. If such utilities elect to do so, any sales outside of their traditional service area should be, like other commercial operations, subject to federal income tax.

This legislation will not affect government-owned utilities that do not elect to sell generation or provide transmission in the new competitive marketplace. Since the vast majority of municipal utilities, of which there are more than 2,000, do not generate electricity, this bill will not affect them. This bill does not affect rural electric cooperatives or federal government utilities. My bill attempts to address the issue of large government-owned utilities that want to act like, and compete with, taxpaying entities in the electric marketplace. In a somewhat similar approach, the Administration has addressed the issue in their FY2000 budget proposal.

I believe my legislation is a balanced, fair approach to establishing a level playing field for all power companies with none enjoying any special tax or financial advantages. I look forward to working with the Administration and my colleagues on this important issue.

COMMEMORATING THE 40TH ANNIVERSARY OF FR. GILBERT G. ARCISZEWSKI'S PRIESTLY ORDINATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor Fr. Gilbert G. Arciszewski, pastor of Our Lady Queen of Peace Catholic Church on the 40th anniversary of his priestly ordination.

Fr. Arciszewski is representative of the high caliber of priests from the Milwaukee Archdiocese. He is a lifelong resident of the community and has served in leadership positions of various churches in the Milwaukee area since his ordination.

Fr. Arciszewski is a product of Milwaukee's near South Side. He is proud of his Polish-American heritage. He and his predecessor, the late Msgr. Alphonse Popek, traveled many of the same paths to Queen of Peace church, growing up in the same neighborhoods, and going to the same schools, beginning with St. Adalbert's elementary. The Popek and Arciszewski families lived only a few blocks from each other.

Fr. Arciszewski studied canon law at St. Francis Seminary and was ordained May 30, 1959 at St. John Cathedral by Archbishop William E. Cousins. He served as associate pastor of St. Helen, Milwaukee, June 1959 to July, 1966, and St. Alexander, Milwaukee, July, 1966 to March, 1975, when he became pastor of St. Casimir.

By coincidence, the celebration of his 25th anniversary of ordination in 1984 coincided with the 500th anniversary of the death of St. Casimir.

In February of 1987, Fr. Arciszewski was assigned pastor of Our Lady Queen of Peace Catholic Church where he has served since. Among the many milestones observed at Our Lady Queen of Peace was the marriage of Frankie Yankovic, the polka legend, to his wife Ida.

Mr. Speaker, on this the 40th anniversary of his ordination, I would like to recognize the contributions and commitment to the church and community demonstrated by Fr. Arciszewski.

TRIBUTE TO PATRICIA LOGOLUSO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Patricia ("Patty") Logoluso on the occasion of her retirement from the Madera County Board of Supervisors. Patty has a long standing record of dedicated involvement in Madera County.

Patty Logoluso was born and raised in Madera. Patty along with her two older brothers and two sisters lived on the family farm in southern Madera. Her mother and father, Ben and Esther Bishel, taught their children the values of thrift and hard work. By the age of 12, Patty was already playing an active role in the daily operation of the farm.

Despite her responsibilities on the farm, Patty made time to participate in school sports such as volleyball, basketball, baseball and track. In 1963 she became a finalist at the Junior Olympics. Patty was also a member of the California Association of American Athletes. She showed an early interest in government becoming involved in Student Council, and held various offices throughout her elementary years. Patty's high school years were even more active, and with the support of her parents, she ran for Freshman Class vice-president, she later became president the following year. Additionally she was a member of the North Yosemite League of Student Councils, Commissioner of Awards, and Student Court Reporter. She was also a member of the California Scholarship Federation and was named Soroptomist Girl of the Month.

Patty's dedication to her family and community has always been evident. Since 1973, she has been a member of the Madera County Farm Bureau and in 1985, became a member of the Raisin Bargaining Association, the Italo American Club, Inc., and the Statue of Liberty Ellis Island Foundation. From 1978 to 1992 she served on numerous school site councils involved with principal selection committees and the Evaluation Committee for the High School State Report.

In January of 1996, Patty was honored by Governor Pete Wilson, when he appointed her to fill an unexpired term of the Board of Supervisors, District 1. In November of 1996, Patty was elected as County Supervisor of District 1 on her own merit. In her time as Supervisor she has served on the Fresno Madera Area Agency on Aging, Interagency Children and Youth Services Council, CSAC Policy Committee for Agriculture and Natural Resources. Economic Development Commission and the Foreign Trade Zone Advisory Board.

Mr. Speaker, I rise today to pay tribute to Patty Logoluso on the occasion of her retirement from the Madera County Board of Supervisors. For the past six years Patty has been a valuable asset to the public. I urge all of my colleagues to join me in wishing Patty best wishes for a bright future and continued success.

REMEMBERING THE MASSACRE AT HALABJA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. HOYER. Mr. Speaker, I rise today to remember a horrifying event in our world's recent history. Eleven years ago, Saddam Hussein bombed the Kurdish town of Halabja with chemical weapons. Clouds of poison gas including mustard gas and sarin were rained down on Saddam's own people, merely because they were Kurds.

This heinous act resulted in the death of over 5,000 innocent civilians and injury to approximately 10,000 others. However, Halabja was neither the first nor the last of the chemical warfare attacks Saddam Hussein unleashed against the Iraqi Kurds. Throughout 1988, Saddam's brutal regime continued to use chemical weapons against its own people. In only 6 months, over 200 Kurdish villages were attacked and 25,000 people were killed by chemical weapons during the vicious Anfal Campaign. This campaign ultimately led to the destruction of 4,500 Kurdish villages and the death of 500,000 Kurdish people. More than 200,000 Kurds remain missing and 500,000 have been internally displaced.

Although the people of Halabja undoubtedly suffered beyond words when this horrifying event occurred 11 years ago, their children and their children's children will feel the effects of this one action of Saddam Hussein for generations to come. For, 11 years hence, the Halabja attack has not really ended. Many people in the region continue to suffer from respiratory problems, eye conditions, neurological disorders, skin problems, and cancers. All of these effects are attributable to long-term damage to DNA caused by the chemicals used by Saddam in the attack.

The Iraqi regime has never expressed remorse for Halabja, nor have Saddam Hussein and his thugs ever been called to account for these crimes they have committed against their own citizens. We do know that whether in attacks on Iraqis or neighboring states, inhumanity is precisely the common element of Saddam Hussein's policies. We must never forget the innocent people who died and those who continue to suffer from Saddam's ruthlessness.

INTRODUCTION OF THE BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1999

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. LAFALCE. Mr. Speaker, in the 105th Congress, I introduced legislation to amend section 110 of the Immigration Reform Act of 1996 that mandated an automated entry-exit border control system by October 1, 1998. My bill, H.R. 2955, not only sought to correct the problems at the northern and southern borders that would have been created by hasty implementation of section 110, but also took a deliberate approach to analyzing the problem and determining the best solutions.

Today, I am reintroducing an updated version of that bill for consideration during the 106th Congress. Much has happened since last session's introduction of H.R. 2955, but the need for this legislation has not waned. My intent in introducing this bill is not only to correct a flaw, but to reignite debate and discussion as we work toward a final resolution of this critical problem. The response and enthusiastic support for this effort last year—culminating in delay of section 110's implementation until March 2001—demonstrates unmistakably that Congress views this as a serious problem that needs a permanent fix. My bill will accomplish that.

First, the bill would allow an entry-exit system to be implemented only at airports. INS has created an automated system now in use at several airports. But, the expense and lengthy set-up phase for that system highlighted the need to delay the deadline for implementation at other airports to give the Attorney General enough time to effectively integrate the system at every airport where aliens enter the United States. Further, it specifically excludes land borders or sea ports from the system created by section 110. In effect, it repeals section 110 with respect to land borders and sea ports. Finally, it contains an exception for any alien for whom documentation requirements at airports have been waived under the Immigration and Nationality Act, primarily Canadians.

Second, the bill requires the Attorney General to submit a report to Congress one year after enactment on the difficulties of developing and implementing an automated entry-exit control system as presently prescribed in section 110, including arrivals and departures at land borders and sea ports. The study must assess the total cost and practical feasibility of various means of operating such an entry-exit system.

Third, the bill increases the number of INS border inspectors in each fiscal year, 2000–2002, by not less than 300 full-time persons each year. These new INS inspectors must be equally assigned to the northern and southern borders. Similarly, Customs inspectors must also be increased at the land borders by not less than 150 full-time persons in each fiscal year, 2000–2002, and the Customs inspectors in each year must be evenly assigned to the northern and southern borders.

Section 110 of the 1996 Immigration Reform Act mandated that an automated entry-exit system be established that would allow INS officers to match the entrance date with exit dates of legally admitted aliens. Congress included this section at the last minute during the House-Senate conference with the intent of solving the problem of overstaying visa holders—aliens who enter the United States legally but overstay their allotted time. Because the U.S. does not have a departure management system to track who leaves the United States, a new entry-exit system was thought to be the best vehicle to solve the problem.

In the rush to complete the bill before the end of the fiscal year on September 30, 1996, conferees did not have time to give this provision the scrutiny it deserves. Any attempt to install a documentation system will bring intolerable chaos and congestion to a system already strained.

As representative of the 29th district of New York, I have a particular interest in the problem of delays and congestion at our northern border crossings. My district, which includes Buffalo and Niagara Falls, has more crossings than any other district along the border. In a relatively small area, we boast four highway bridges and two railroad bridges. I know from personal experience the problems that delays and congestion can cause at these crossings.

Last year, more than 116 million people entered the United States by land from Canada. Of these, more than 76 million were Canadian nationals or United States permanent residents. And more than $1 billion in goods and services trade crossed our border daily. To implement section 110 as it now stands would not only impede this traffic flow, it would contravene the United States-Canada Shared Border Accord which was intended to facilitate increased crossings of people and goods between our two countries.

Moreover, it is important to recognize the sense of borderless community that those living on the United States and Canadian sides of the border experience on a daily basis. Friends, family, and business associates travel easily, indeed seamlessly, across this invisible border to shop, enjoy theater and restaurants, athletic events, and other recreational opportunities. And, during last year's long struggle over this issue, I learned that many of my southern border colleagues represent districts that have similar experiences and stories about interrelated cross-border communities that otherwise would be injured by section 110.

Mr. Speaker, I believe my bill comprehensively addresses the problematic issues that are found in section 110. It is critical that section 110 as it currently stands be amended in order to avoid unnecessary chaos at both the northern and southern land borders and sea ports and give INS the necessary time to implement in an effective and affordable manner the current automated system at all airports. An automated entry-exit system elsewhere must not be implemented without careful consideration of the many issues involved. The Border Improvement and Immigration Act of 1999 will provide us with the necessary time and information for making a reasoned decision on whether to go forward with such a system.

ON THE "Zzzzz's" TO "A's" ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. LOFGREN. Mr. Speaker, I rise to introduce the "zzzz's to A's Act" and to draw attention to an important issue for high school students across the United States.

Those of us who have teenagers know how tough it is to get them out of bed early in the morning. My 14-year-old and 17-year-old are bright, eager students. But you would never know it when they have to wake up at the crack of dawn. They feel wiped out instead of raring to go.

I knew there had to be an explanation, other than laziness or rebellion. My answer came a year ago, when I read about scientific findings confirming that puberty changes the body's sleep cycle in such a way that makes it difficult—if not impossible—for most teens to fall asleep before 10 p.m. and to awaken early in the morning. Scientists also report that teens need more sleep than they will ever need again in life—at least 8 to 10 hours a night.

It doesn't take a rocket scientist—or a sleep scientist, in this case—to put these two facts together and realize that when high schools start before 8 a.m., kids are in class when they are sleepy. This sleep deprivation has harmful effects on learning abilities. it can lead to academic, behavioral, and psychological problems. Sleep deprivation also puts teens at risk for accidents and injuries, especially when driving.

There's a simple solution: adjust high school hours to be in sync with teenagers' body clocks. As a mother I saw the need for change, and, as a Member of Congress I thought I could help. Today, I am reintroducing legislation to put teens in school during their most alert hours.

My bill, called the "Zzzzz's to A's Act", could do more for improving education and reducing teen crime than many other more expensive initiatives. It encourages school districts to consider pushing back starting times—not shortening the school day. My bill would make it easier for districts to do so by providing a federal grant up to $25,000 to help cover administrative and operating costs associated with changing hours.

A number of school districts across the country are looking at adjusting their hours, and handful already have. The districts in Minnesota, Arizona, and Kentucky that now start classes later have seen grades improve and student aggression decline.

In addition to boosting academic performance, adjusting school hours helps mitigate the problem of juvenile crime. It keeps teens off the streets during the late afternoon hours when they are most likely to commit or be the victim of crime. FBI data shows that almost half of all violent juvenile crime occurs between 2 p.m., and 8 p.m., when many adolescents are without supervision.

My "Zzzzz's to A's" legislation has been endorsed by the nation's leading sleep researchers and by organizations from the National Sleep Foundation to Kids Safe Education Foundation and Rock the Vote.

Teens are paying a heavy price for following the old adage "Early to bed, early to rise." It's time for high schools to synchronize their clocks with their students' body clocks so the teens can go from "Zzzzz's" to "A's."

THE 40TH ANNIVERSARY OF THE NORTHSHORE SCHOOL DISTRICT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. INSLEE. Mr. Speaker, this year the Northshore School districts celebrates its 40th Anniversary. I am honored to commemorate such a wonderful event.

The Northshore School District is responsible for over 20,000 students in King and Snohomish Counties, and is the eighth largest school district in Washington State. It's current board members, Jean Fowler, Tim Barclay, Sue Paro, Kirby Larson, and B.Z. Davis, devote countless hours of selfless service to the most valuable resource in this country—our children. Through their involvement, board members ensure that Northshore students have the knowledge and skills to be successful and productive citizens in the 21st Century.

Thank you, Northshore School District Board, for your commitment to education and congratulations, again, on your 40th Anniversary.

COMMON SENSE APPROACH TO SANCTIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. CRANE. Mr. Speaker, today, I am pleased to join with so many of my colleagues on a bipartisan basis in reintroducing legislation, the "Enhancement of Trade, Security, and Human Rights through Sanctions Reform Act," intended to establish a common sense procedural framework for consideration of future U.S. unilateral sanctions.

Sanctions reform is necessary because the proliferation of unilateral economic sanctions is causing lasting damage to America's reputation as a reliable supplier in the global marketplace. It is estimated that U.S. sanctions cost $15 to $19 billion annually in lost U.S. exports and over 200,000 high-wage U.S. jobs.

Moreover, experience has shown us that unilateral sanctions don't work. A wide variety of leading U.S. foreign policy experts, think tanks, and government studies have concluded that unilateral sanctions are costly and counter-productive, particularly in a global economy, where technology, capital equipment, financing, and farm commodities are freely available from U.S. competitors.

Last year, the Glenn Amendment, which required the President to impose sanctions in response to India and Pakistan's nuclear tests, showed the weakness of relying on unilateral sanctions as an all-purpose foreign policy tool. The threat of sanctions, which were U.S. law prior to the testing, failed to deter India or Pakistan from conducting their tests, but would have cost the United States a major wheat sale if Congress had not intervened last year to grant the President waiver authority.

The legislation I am introducing today seeks responsible reform of the decision making process associated with U.S. unilateral sanctions. The bill's primary goal is to ensure that Congress and the Administration have better information for more informed decision-making on sanctions bills and initiatives.

Before imposing a unilateral sanction, the bill requires Congress and the President to request relevant information and address certain common-sense questions. Among them are the following. Is the proposed unilateral sanction likely to be effective? Is the sanction aimed at a clearly-defined and realistic objective? What are the economic costs for American industry and agriculture? Will the sanction undermine other U.S. security, foreign policy, and humanitarian objectives, such as relations with our key U.S. allies? Have potential alternatives, such as multilateral sanctions or diplomatic initiatives, been tried and failed?

My colleagues and I who are sponsoring this legislation today intend to work quickly to move the legislation through the legislative process. Without the information that this bill would provide us about future sanctions, we risk taking action that is not in our interest and has a very small chance of success. This bill is about establishing effective procedures that will lead to effective results in the way we respond to behavior by nations with which we have concerns. I urge my colleagues to support this important legislation.

TRIBUTE TO BURLINGTON COUNTY FIRST ASSISTANT PROSECUTOR MICHAEL E. RILEY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. SAXTON. Mr. Speaker, on February 19, 1999, the County of Burlington in New Jersey lost a dedicated public servant. Someone who has tirelessly fought for justice, the rights of victims, and heightened the awareness of domestic violence, Michael E. Riley will truly be missed.

After 19 years of public service to Burlington County, Mike Riley has stepped down as First Assistant Prosecutor to enter private practice. During his tenure, Mike became well known as one of New Jersey's most respected trial attorneys. Described as the most experienced prosecutor in New Jersey, Mike successfully prosecuted nine capital murder cases, never losing a single homicide case, the most in Burlington County history.

Outside of the courtroom, Mike was involved with many important civic groups. Mike was Co-Chair of the first Domestic Violence Working Group and was the first Director of the Burlington County Narcotic Task Force. Additionally, Mike shared his experience and expertise with others. He served as an adjunct professor at Widener Law School for 10 years and has served on the faculty of Monmouth College and Burlington County College.

Many accolades can be bestowed upon Michael E. Riley, but I think the most honored one was summed up by a colleague when he stated that Mike "can't be replaced." This truly demonstrates the respect that Mike has among his peers.

On behalf of the people of Burlington county, I thank Michael E. Riley for his dedicated service to the County of Burlington and wish him well in his future endeavors.

A TRIBUTE TO JUDY KENNEDY

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the dedicated service of Judy Kennedy who recently retired after 18 years of service at the Juvenile Detention Center in Albuquerque, New Mexico.

Judy Kennedy was a teacher and Education Director at the Juvenile Detention Center. Ms. Kennedy's career has many milestones including American Correctional Association certification, expansion of classrooms, additions for special educations services, drug and alcohol education just to name a few. She worked to establish the Continuation School for kids who cannot return to regular schools due to their history of suspension or expulsion. Ms. Kennedy recognized that these kids are part of our community, and that we need to give them a chance to be contributing members of our community. She worked with kids that others would consider "throwaways."

Ms. Kennedy touched the lives of many children. It has been sighted in many articles about at-risk kids, "one of the most important factors in changing their lives is a caring adult." Judy Kennedy is that caring adult.

TRIBUTE TO ALFRED GINSBURG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Alfred "Al" Ginsburg on his retirement from the Madera County Board of Supervisors. Supervisor Ginsburg has served the Board of Supervisors for 24 years.

Al Ginsburg is a native Californian born in Tulare County. The Ginsburg family then moved on to Chowchilla where Al attended Chowchilla elementary schools and Chowchilla High School. Al then graduated from Fresno State College, now known as California State University, Fresno, with a degree in business administration. From 1948 to 1950 Al owned and operated a family shoe store, but in 1950 he became a full time farmer, this was before his interest in government brought him into the political arena.

Al Ginsburg has served the people of Madera County in many capacities, serving as an elected leader and devoting his time to community service. Al served as a member of the Chowchilla city council for 16 years, several times during the 16 years, he held the position of Mayor. He also served on the Chowchilla High School Board for 10 years and served as a member of the Madera County Civil Service Commission for 12 years. Al was also a member of the Local Agency Formation Commission and the Local Transportation Commission and Authority.

During his time on the Madera County Board of Supervisors, Al has taken on numerous tasks. Al served as a member of the County Supervisors Association of California, CSAC, and presently serves as a member of the Board of Directors. Al is a current member of the CSAC Public Finance and Operations Policy Committee. He has also been a member of the Regional Council of Rural Counties Board of Directors. A resident of Madera County for 67 years, Al Ginsburg is in his sixth term as a Member of the Board of Supervisors.

Mr. Speaker, I rise today to pay tribute to Al Ginsburg on the occasion of his retirement from the Madera County Board of Supervisors. Al Ginsburg leaves behind a proud legacy of community service. I urge my colleagues to join me in wishing Al Ginsburg many years of continued success.

TRIBUTE TO BAY VIEW HIGH SCHOOL DEBATE TEAM

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. KLECZKA. Mr. Speaker, it is with immense pride and pleasure that I rise to congratulate the students, parents, teachers and faculty who contributed to the championship season recorded by the Bay View High School (BVHS) debate team in the Wisconsin High School Forensic Association's (WHSFA) annual State Debate Tournament held at UW-Oshkosh on January 28th and 29th.

I applaud the efforts of affirmatives Kimberly Malak and Robert Croston, and negatives Benita Anderson and Corey Scott for their wonderful individual and team accomplishments.

Additionally, the affirmative team shares the honor of an undefeated record with the affirmative team from Cedarburg. Both finished with 7–0 records. Bay View's winning score was 12 wins and two losses. Other Milwaukee Public Schools (MPS) teams participating at the tournament were Rufus King High School, which placed 4th overall, and Juneau Business High School.

The 1998–99 season for the Bay View High School debate team was historic. The varsity team won an invitational tournament held at Sheboygan South High School for the first time since 1995. The team also successfully defended its 1997 City Championship First Place Trophy on December 11, 1998. After qualifying at the district debates for participating in the WHSFA State Tournament earlier in January, the Bay View team was matched against others from across the state in what many consider the premier debate tournament of the year.

The team has been coached by Mr. Ray Lane since the 1995–96 season. Mr. Daemien Morscher, a 1993 BVHS graduate, National Merit Scholar, and former member of the debate team, is serving as assistant coach. Other members of the team include Daniel Brandt, Kenneth Dunbeck, Steven Finch, Matt Hickling, Leonard Wilson, Robert Woodliff, and Winston Woods. Ben Silver also participated in some tournaments.

Mr. Speaker, it is an honor to salute the talent and commitment of the Bay View High School debate team on its outstanding season, which I bring before you in commendation.

SOCIAL SECURITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. SANDERS. Mr. Speaker, I would like to call your attention to an article printed in the March edition of the Labor Party Press.

[From the Labor Party Press, Mar. 1999]

DON'T BLOW AWAY SOCIAL SECURITY

SOCIAL SECURITY BASICS

Under Social Security, workers contribute a certain amount of their pay into the system through their work life. They then earn entitlement to family benefits when they retire, become disabled, or die.

Social Security is funded through payroll taxes (FICA, or Federal Insurance Contribution Act) on both the employee and employer. Currently each pays 6.2 percent on all wages and salaries up to a maximum of $68,400 in income. The payroll taxes we pay today finance the benefits for today's retirees. From the money we contribute, the government writes Social Security checks and mails them to beneficiaries.

Any extra money collected through payroll taxes goes into a Social Security Trust Fund. Until the 1990s, the Social Security Trust Fund was relatively small. However, it has ballooned in size in the past decade—and in fact has helped create the much celebrated "balanced budget."

Some 44 million Americans receive benefits from Social Security. Thirty million of these are the elderly and their dependents, 6 million are the disabled and their dependents, and 7 million are the survivors of deceased workers.

About 92 percent of people over 65 receive Social Security benefits. Since 1935, when the labor movement helped force passage of Social Security, the program has dramatically reduced poverty among the elderly and disabled. Unfortunately, though, some people who really need it—like farmworkers—still aren't entitled to Social Security.

WHAT'S GOOD ABOUT SOCIAL SECURITY

Social Security has dramatically cut poverty among the elderly and disabled. While about 12 percent of seniors currently live in poverty, without Social Security, 42 percent would be poor. About two-thirds of the elderly rely on Social Security to provide over half their retirement income. Social Security is especially essential since the U.S. does not require employers to provide pensions.

Social Security is progressive. Those who have been paid high salaries throughout their lives will get a much smaller percentage of their salary replaced by Social Security than those who have worked all their lives in low-wage jobs. An average wage-earner retiring in 1997 will get back about 44 percent of his or her earnings from Social Security. A high wage-earner gets back about 25 percent. And a low wage-earner gets about 80 percent.

Social Security benefits just about everyone. About 92 percent of people over 65 get Social Security. It's a program that working-class, middle-class, and poor people can all get behind.

Social Security is efficient. Because it is run entirely by the federal government, puts all the money into one pool and invests it in one place. Social Security only spends about one percent of benefits on administration.

WHAT OTHER COUNTRIES DO BETTER

All seven major industrialized countries (Japan, Canada, United Kingdom, U.S., Germany, France, and Italy) have systems that are, like ours, pay-as-you-go. Today's workers support today's retirees.

Italy, Germany, and France spend 12–14 percent of their gross domestic product to support retirees. The U.S. spends 6.9 percent. Japan, Canada, and the UK pay slightly less than us.

In the U.S., the average-earning worker can expect to get 42–44 percent of his or her income replaced on retirement. In Germany, France, and Italy the rate is 50 percent.

In the U.S., Germany, and Japan, retirement age is now 65. It's lower in France, Italy, and Canada. In the U.K., it's 65 for men and 60 for women. (The U.S. retirement age is slated to go up to 67 for people born after 1960.)

All the industrialized countries have programs to cover the healthcare costs of retirees, but American retirees have to pay more out of their pockets than seniors in the other six countries. Today, U.S. seniors pay a third of their medical costs themselves.

WHAT WE SHOULD DO ABOUT SOCIAL SECURITY

The Social Security system is quite sound, and with only minor modifications, it should stay that way. We don't have to institute privatization, raise the retirement age, cut benefits, reformulate the cost-of-living index, or increase the payroll tax on workers to "save" Social Security.

One modest and relatively painless change to Social Security would wipe out a big chunk of the shortfall that some are projecting: Eliminate the payroll-tax earning cap. Currently, the Social Security payroll tax is not paid on wages in excess of $68,400. Since the ranks of the very rich, have been growing, this has resulted in something of a drain on Social Security. In the early 1980s, 90 percent of all wages fell under the threshold. Now it's 87 percent, and it's expected to drop to 85 percent. Why not make it 100 percent?

Says economist Dean Baker: "If you eliminate the cap altogether, it would wipe out about three-quarters of the projected Social Security shortfall. The amount that will be paid out in Social Security benefits won't be that much more than before, because it's a progressive pay-out structure. Someone who earned a million or two in their lifetime might only get an annual Social Security payment of $50,000, say."

Another proposal the Labor Party has suggested: raise the payroll tax on employers—but not workers. Workers have seen a net drain on their incomes for the past couple of decades, and this would be one way to begin to tip the balance in the other direction.

INTRODUCTION OF LEGISLATION TO INCREASE PENALTIES FOR FALSE REPORTING AND INACCURATE ROYALTY PAYMENTS ON FEDERAL OIL AND GAS LEASES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, American taxpayers are being systematically cheated out of hundreds of millions of dollars by oil companies that do not pay the correct amount of royalties on the oil and gas they produce from public lands.

We can see evidence of this fraudulent behavior in several Congressional investigations, the Department of Justice litigation and a Clinton Administration Interagency Task Force report. Additionally, the Justice Department intervened in 8 of 19 qui tam cases filed by private individuals alleging hundreds of millions of dollars underpaid to the federal government. One company (Mobil) has settled with the federal government for $45 million. In addition, States (including Alaska, California, Alabama, Louisiana and Texas) have brought similar lawsuits that have been settled for almost $3 billion. The Interior Department is collecting more than $275 million on underpayments.

To correct the underlying problem, the Department of the Interior has tried—unsuccessfully—for the past three years to revise its rules to make it more difficult for oil producers to avoid paying accurate royalties. The proposed regulations would clarify long standing legal requirements requiring the industry's responsibility to pay the cost of marketing the public's oil and gas. But some oil producers have been systematically deducting those costs from the amounts they owe taxpayers. Under the new rules, these producers would be required to pay the correct amount—based on real-market sales—to the American people who own the oil and gas.

Instead of supporting this necessary corrective action, however, Congress has enacted legislative riders preventing the implementation of the new rules at a cost of more than $60 million a year, most of which would go to fund public education. The Senate is poised to extend this travesty on the Emergency Supplemental Appropriations bill, and the House is expected to go along in Conference Committee. Taxpayers should be distressed that Congress would rather side with industry rather than assure fair market value on the public's natural resources.

This larceny has gone on too long. It is time for the Congress to consider legislation that will assure prompt and accurate payment of royalties instead of providing cover to that portion of the industry that wants to shortchange taxpayers on their resources we all own.

That is why I am introducing legislation today that will impose a penalty of treble damages on any producer who chronically undervalues royalty payments. If industry will not pay the correct amount voluntarily and fights efforts to issue legitimate rules to safeguard the public, then industry must know that abusers, when caught, will be punished.

For those in the industry who abide by the rules and pay the correct amount, this legislation has no effect. But on those who deceive and delay, this legislation will mean serious punishment.

This bill will require under payors to pay three times the amount they should have paid plus a $25,000 civil penalty for each violation. In addition, lessees found guilty of chronic repeated failure to pay correctly would be subject to an additional civil penalty three times the amount owed for a single violation. Finally, the bill would require the federal government to share such sums collected under the penalty provisions with the State in which the violation occurred, as happens with royalty payments overall.

This bill will not affect responsible companies in the oil and gas sector. Nevertheless, we must draw a bright line for companies that deliberately and repeatedly withhold revenues to the taxpaying public. Unfortunately, there is a history of underpayments in this field that requires a strong legislative response. I would hope the Congress ends its practice of ignoring these underpayments and instead takes actions on this legislation to assure that taxpayers receive the royalties they are due.

TRIBUTE TO BRIDGET MEYER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Bridget Meyer, an extraordinary high school student who is being honored as a Young Woman of Excellence by the San Mateo County Women's Hall of Fame.

Bridget Meyer has been described by her teacher as someone who always gives one hundred percent and puts the feelings and concerns of others first. Bridget is a special young woman who, through difficulties with her family and finances, has worked every day after school to pay her rent. This alone is remarkable. However, when one considers that she's been doing this while maintaining a 4.0 grade point average and serving as Senior Class Vice President, the achievements of her young life are all the more amazing.

Bridget is a young woman who leads by example. Whether she is volunteering at Habitat for Humanity, Safe Rides or AIDS Awareness, Bridget is constantly giving of herself to make our community better.

Mr. Speaker, Bridget Meyer is an outstanding young woman who serves as a role model to her classmates, her family and her community. To those who say we live in a time when we lack heroes, they haven't met Bridget Meyers. I salute Bridget for her remarkable contributions and commitment to her community. I ask my colleagues to join me in honoring her on being named a Young Woman of Excellence by the San Mateo County Women's Hall of Fame.

KNOW YOUR CUSTOMER

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. PACKARD. Mr. Speaker, I would like to applaud the efforts of citizens in my district and across the country. Thanks to their unending efforts, the Federal Deposit Insurance Corporation (FDIC) recently retracted their proposed "Know Your Customer" rule. This proposal would have required banks to monitor their customers and snoop out information for federal government files.

According to the FDIC, the intent of the "Know Your Customer;" rule was to ensure that banks and savings institutions have policies and procedures for screening transactions tied to criminal activities, such as money laundering or drug trafficking. In reality, this legislation would have created an Orwellian system of government. Our constituents recognized this and voiced their strong opposition to it.

We should not forget that Americans have the right to expect privacy protections. The fact is, under the "Know Your Customer" rule, banks would have been required to track money sources and report all "out-of-the-oridinary" transactions to the federal government. In other words, this would have allowed the banks and our government the right to snoop in our personal information. That is wrong! Good business practices should already allow banks to know their customers.

Mr. Speaker, I would like to thank American citizens for strengthening our democratic system of government by loudly voicing their opposition to this rule. "Know Your Customer" would have been a clear invasion of privacy of all citizens and I am pleased it has been retracted.

JOHN LEE SULLIVAN MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Caroline and Richard Sullivan of Charlotte, North Carolina. On March 7, 1999 at Presbyterian Hospital in Charlotte, they welcomed into the world their first child, John Lee Sullivan. There is nothing more wonderful and joyous than watching a child grow and I known that they will treasure every new day with their son. Faye joins me in wishing the Sullivans great happiness during this very special time of their lives.

CONSUMER CREDIT REPORT ACCURACY AND PRIVACY ACT OF 1999

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, I am pleased to join eleven of my colleagues in introducing the Consumer Credit Report Accuracy and Privacy Act of 1999. My bill gives every American the right to examine and correct their credit reports free of charge.

The credit reporting industry affects the lives of virtually every working American. Information used in a credit report can affect the ability to obtain a job, credit card, insurance policy, or even a place to live. For this reason, it is imperative that the credit industry maintain accurate records on American consumers.

In spite of the fact that the reporting of false delinquencies, errors in personal demographic information, and missing credit accounts all have the potential to result in the denial of credit, only six states (Colorado, Georgia, Massachusetts, Maryland, New Jersey and Vermont) offer consumers free credit reports on request. For the rest of the nation, most consumers cannot obtain a free credit report until after they have already been denied credit or suspect they are a victim of fraud.

The fact that the three largest credit bureaus have 450 million files on individual consumers and process over 2 billion pieces of data every month presents a daunting challenge to maintain the most accurate records possible. Given these figures, the chance of acquiring inaccurate information is highly likely. In fact, some studies have shown that up to one third of credit reports could contain serious mistakes.

It is important to note that the credit reporting industry gathers its information without the direct consent of American consumers, and in turn, uses this information for its own profit through the sales of reports to credit grantors, employers, insurance companies, and landlords. Consumers should have the right to know what is being said about them, especially if the information will affect their overall credit standing.

My bill will also help to address the growing problem of identify theft. Increasingly, criminals are able to obtain personal credit reports and assume a consumer's credit identity. In the process, they are able to run up huge debts while ruining the unsuspecting victim's credit records. We could minimize this problem if consumers more regularly audited their own credit reports to find out who else has been looking at them.

This bill has the endorsement of the nation's key consumer advocacy organizations, including U.S. Public Interest Research Group, Consumer Action, Community Reinvestment Committee, Consumer Federation of America, Association of Community Organizations for Reform Now, and the National Community Reinvestment Coalition.

In closing, the Consumer Credit Report Accuracy and Privacy Act encourages consumers to be pro-active in reviewing and protecting their personal credit history from possible mistakes and fraud. My bill simply gives consumers the right to know what credit bureaus are saying about them without having to pay a fee for the privilege.

SIKHS WILL CELEBRATE 300TH ANNIVERSARY—AMERICA SHOULD SUPPORT SIKH FREEDOM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. TOWNS. Mr. Speaker, this April marks a very significant occasion, the 300th anniversary of the Sikh Nation. The occasion will be celebrated with a big march in Washington, with prayers, and in many other ways. Let us join with the Sikhs on this auspicious occasion and pray that they will soon enjoy the same freedom in their homeland, Punjab, Khalistan, that we enjoy here in America.

I would like to congratulate the Sikh Nation on this major milestone, which was brought to my attention by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. Many of us have been made aware of the brutal oppression of the Sikhs by the Indian government due to Dr. Aulakh's tireless efforts. I am pleased to note that Dr. Aulakh's office is organizing the march.

There are half of a million Sikhs in the United States. They have added to the richness of American life in many aspects of life and work. They have been productive, proud, law-abiding Americans. The Sikhs came to this country to enjoy the freedom that has made America the great country that it is. On this very special occasion for he Sikh Nation, let us honor those fine Americans by taking steps to help their Sikh brothers and sisters in Punjab, Khalistan enjoy the same freedom. That is the best way to prevent another Bosnia or Kosovo in South Asia.

Make no mistake, Mr. Speaker, there is no freedom for Sikhs, Christians, Muslims, Dalits, or other minorities in India today. The Indian government continues to practice a brutal oppression that has taken tens of thousands of Sikh, Christian, Muslim, and other human lives. Yet this brutal country continues to be among the top five recipients of U.S. aid.

Why are we using tax dollars to support this repressive government? Even with our budget surplus, this is a bad use of taxpayers' money. We should cut off this aid and declare our support for self-determination in the Indian subcontinent. The Sikhs of Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and others seek only to decide their futures in the democratic way, by voting. As the beacon of freedom in the world, it is our moral duty to support this struggle for freedom. Let us take the occasion of the Sikh Nation's 300th anniversary to commit ourselves to full support for freedom for all people, starting with these few simple measures.

TRIBUTE TO BESSIE BAUGHN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Bessie Baughn, an exceptional citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

Bessie Baughn's motto is: "If there's a need, I fill it." This explains the amazing list of boards and organizations which Bessie currently is an integral part of. She has been named the Volunteer of the Year twice, the Woman of Distinction, and the Woman of the Year.

Several of Bessie Baughn's achievements include founding the San Bruno Volunteer Services and Operation Video which provides videos to the residents of nursing homes. Bessie not only puts in time and energy, but also her own resources to help start and sustain these important programs and services. Bessie Baughn not only practices volunteerism, she preaches it as well. She writes a weekly column in the Independent where she encourages community work and volunteerism.

Mr. Speaker, Bessie Baughn is an outstanding woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

INTRODUCING THE FAIR PAY ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. NORTON. Mr. Speaker, Senator TOM HARKIN and I are introducing the Fair Pay Act of 1999, a bill that would require employers to pay equal wages to women and men performing comparable jobs in an effort to remedy the pay inequities that women continue to endure. We introduce this bill simultaneously in both Houses as an indication of the preeminent importance many American families attach to equal pay today.

At 76 percent of a men's wage, women's wages and the wage gap remain totally unacceptable. The continuing disparity is especially untenable considering that a significant part of the narrowing of the gap since 1963 is because of a decline in men's wages over the decades. The Equal Pay Act (EPA) was passed in 1963, and by focusing on pay disparities where men and women were doing the same (or similar) jobs, has helped narrow the wage gap between men and women. The Fair Pay Act takes the Equal Pay Act an important step further and seeks to confront the pay disparity problem of the 1990's the way the EPA confronted the equal pay problem in the 1960's.

Why has equal pay, once considered a women's issue, gone to the top of the polls for American families today? American families are becoming deeply dependent on women's wages today. Even in two-parent families, 66% of the women work, and the number of female-headed households has more than doubled since 1970.

Although most American families today must rely heavily on women's wages, women continue to earn less than their male counterparts with comparable qualifications and duties. Women complete more schooling than men but still have not caught up with men in earnings. Much of what progress has been made can be traced to the earnings of a small group of professional or highly skilled women. The average woman—the woman who works in a historically underpaid traditionally female occupation—has seen little progress. Over her lifetime, a woman loses over $420,000 because of pay inequity, and collectively, women and their families lose more than $100 billion in wages each year because of wage discrimination.

The FPA recognizes that if men and women are doing comparable work, they should be paid a comparable wage. If a woman is an emergency services operator, a female-dominated profession, for example, she should be paid no less than a fire dispatcher, a male-dominated profession, simply because each of these jobs has been dominated by one sex. If a woman is a social worker, a traditionally female occupation, she should earn no less than a probation officer, a traditionally male job, simply because of the gender associated with each of these jobs.

The FPA, like the EPA, will not tamper with the market system. As with the EPA, the burden will be on the plaintiff to prove discrimination. She must show that the reason for the disparity is sex or race discrimination, not legitimate market factors.

As women's employment has become an increasingly significant factor in the real dollar income of American families, fair pay between the sexes has escalated in importance. There are remaining Equal Pay Act problems in our society, but the greatest barrier to pay fairness for women and their families today is a line drawn in the workplace between men and women doing work of comparable value. I ask for your support of the Fair Pay Act to pay women what they are worth so that their families may get what they need and deserve.

TRIBUTE TO MRS. FAY MARTIN JOHNSTON

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. PICKERING. Mr. Speaker, I would like to pay tribute to a remarkable lady, Mrs. Fay Martin Johnston. Mrs. Johnston was one of my constituents from Forest, Mississippi. She passed away on February 27, 1999.

Mrs. Johnston was born in Edwards, Mississippi and was a resident of Forest since 1941. Mrs. Johnston was the wife of the late Eric E. Johnston, Jr. He was the former editor and publisher of the Scott County Times newspaper, Mayor of Forest, and noted author of books related to Mississippi politics.

During World War II, Mrs. Johnston assumed publication of the Scott County Times newspaper when her husband was called into the Army. She literally "did it all"—writing, editing, and operating the printing press in order to get the paper published. Mrs. Johnston was a charter member of the Scott County Chapter of the Daughters of the American Revolution and was actively involved in the Forest Presbyterian Church.

Mrs. Johnston's pride and joy was her family that included daughters Carol (Mrs. Bob Lindley), and Lynn (Mrs. Ben Catalina) and their families, her son Erle "Bubby" Johnston III, and his wife.

Mr. Sid Salter, current editor and publisher of the Scott County Times said, "Fay Johnston was a great lady and matriarch of a great newspaper family in Mississippi. She and Erle dedicated their lives to this community and were good stewards of the newspaper. In return they had the respect of the community and many, many friends here. The Johnston family has left a great mark on this city and county."

The legacy Mrs. Johnston leaves behind may best be described as love of God, love of family, love of Mississippi and country, and certainly love of Scott County and the town of Forest. I wish to extend my sympathy to her family, while at the same time, express my appreciation for her life of service.

SAN FRANCISCO STATE UNIVERSITY'S 100TH ANNIVERSARY: A CENTURY OF OPPORTUNITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. LANTOS. Mr. Speaker, I rise today to invite my colleague to join me in celebrating the 100th anniversary of the founding of San Francisco State University. The university was established on March 22, 1899. For three decades I had the privilege of serving as a professor of economics at this august educational institution, possibly the most ethnically diverse university in America. Then, as now, it had a commitment to provide a first-rate education to those who could not easily achieve one elsewhere—first and second generation immigrants and the working class.

My colleagues on the faculty of San Francisco State University are outstanding. They have received innumerable honors and awards over the years, including the Pulitzer Prize and the prestigious MacArthur "genius" grant. The all-round excellence of the faculty has created a curriculum renowned for its diversity. The creative writing, poetry, performing arts, film, and journalism departments are all nationally acclaimed. The masters program in biology was ranked first in the nation by the National Science Foundation for graduates who went on to earn doctorates. In the astronomy department, Professor Goeff Marcy and Paul Butler discovered two planets orbiting stars beyond our solar system in 1996, and they have discovered 10 more planets since then.

Though the faculty's academic strengths and excellent research are obvious, at San Francisco State teaching comes first. This school, which began as a teacher's college, retains its dedication to educating its students. Academic appointments are competitive, and as a result San Francisco State has been able to hire the best. Professors are hired for their teaching ability and dedication, generally carrying a course load of four classes.

Assigning teaching the number one priority has paid off in the classroom. Robert Corrigan, the excellent president of San Francisco State, says of the student experience: "Students get a better education here. They are in a classroom with someone with a doctoral degree and 20 years of teaching experience, and there might be only 25 students in the class."

During its century of service to the Bay Area, San Francisco State University has awarded 185,020 degrees. Its students have gone on to successful careers in every conceivable field, and even our current Mayor of San Francisco is a former student of the university. Graduates and faculty of San Francisco State have also served with us here in the Congress.

For the past hundred years San Francisco State University has educated and enriched the Bay area, the state of California, and our nation. I am honored to have contributed to this outstanding educational institution, Mr. Speaker, and I am delighted on this auspicious anniversary to pay tribute to its tradition of diversity and excellence. San Francisco State is truly American in the best possible sense of the word—it provides the opportunity for anyone to excel. As an educator, as a member of the San Francisco State community, and as a Californian, I congratulate San Francisco State University on its first century.

TRIBUTE TO MRS. FATEMEH AZODANLOO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. TOWNS. Mr. Speaker, I would like to bring to my colleagues attention the attached remarks on the condolences to the Rajavi and Azodanloo families, particularly to Mrs. Maryam Rajavi, Iran's President-elect, at their loss.

With great regret, I learned of the death of Mrs. Fatemeh Azodanloo at the age of 75. I offer my condolences to the Rajavi and Azodanloo families, particularly to Mrs. Maryam Rajavi, Iran's President-elect, at their loss. For the past 25 years, Mrs. Azodanloo was a comrade in arms in her daughter's struggle for human rights and democracy.

During both the shah and Khomeini eras, Mrs. Azodanloo was a firm supporter of the Resistance to establish democracy and human rights in Iran. She and her family were subjected to constant abuse by the shah's officers and the theocratic mullahs. In the early 70s, her son Mahmood was arrested for cooperating with the Mojahedin by Savak—the vicious secrete police of the shah. Until the overthrow of the shah, she was harassed and her house raided by Savak and its notorious officers on many occasions.

She came to know other Mojahedin family members during her visits to Mahmoud in the shah's prisons. Along with them, she began to expose the violation of human rights by the shah and to raise money for the families of political prisoners. During this period, her daughter Nargess, was arrested and later on executed by Savak. In the early 1970s, her daughter Maryam along with her other children made contact with the Mojahedin and began working for their democratic, humanitarian goals and ideals. During this period Mrs. Azodanloo helped her daughter Maryam, who had become a leader of the anti-shah student movement and a women's rights activist.

After the downfall of the shah in February 1979, the Azodanloo family home became known in Tehran as a center for exposing Khomeini's religious dictatorship. Mrs. Azodanloo expanded her efforts to spread the Mojahedin's ideas in defense of human rights and democracy. She took every opportunity to expose Khomeini and his despotism under the name of Islam. She was also active during her daughter Maryam's candidacy in the first parliamentary elections, in which she received 250,000 votes despite rampant rigging.

On June 20, 1981, in response to the Mojahedin's call, half a million people demonstrated in Tehran. The protest against violations of democratic rights was turned into a blood bath on Khomeini's order. From that night, the massacre of members and supporters of the democratic forces, particularly the Mojahedin, began. It was absolutely clear that the era of political activity had ended, and resistance was the only option. From then on, Mrs. Azodanloo, despite nearly 60, embraced an underground life. Despite the repressive atmosphere in Tehran, she lived in the Resistance's bases, obtaining necessary supplies and drawing up security plans.

At this time, her youngest daughter, Massoumeh, was wounded in an armed attack by Revolutionary Guards, who ambushed her house in order to arrest her and her husband. She was pregnant when arrested. She was brutally tortured, and at the age of 23 in September 1982, died under torture. Her husband, Massoud Izadkhah, was executed.

Despite her sorrow, Mrs. Azodanloo never gave up, and persisted in her resistance, encouraging the Mojahedin in their struggle. She remained among the movement's staunchest supporters, throughout the most difficult of times.

Mrs. Fatemeh Azodanloo escaped from Iran in 1985. She remained active on behalf of the Resistance outside Iran, and always held dear the resistance forces inside Iran and in the National Liberation Army on the Iran-Iraq border. At her request, a few months prior to her death, she left Paris for one of the NLA's bases on the Iran-Iraq border, where she died in the company of her children and grandchildren.

TRIBUTE TO MARION JOSEPH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Marion Joseph, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

Marion Joseph has devoted more than 38 years as a volunteer and a professional to improve the lives of California's youth. Marion has focused specifically on disadvantaged and special education students. In the early 1960's she designed and implemented a program that served more than 700 children a week and involved over 300 tutors in centers throughout the poorest sections of Sacramento.

During the 1970's she served on the Senior Executive Staff of the State Department of Education where she was a key architect of the California Master Plan for Education. Marion was critical to the School Improvement Plan, a plan which helped parents become more active in their child's education.

Marion is currently serving her second term on the State Board of Education and is affectionately called the "Paul Revere of Reading." Marion Joseph came out of retirement to find a solution to the problem of failing reading scores in California and the result of her extraordinary work was The Reading Lions Project.

Mr. Speaker, Marion Joseph is an outstanding woman. I salute her for her remarkable contributions and commitment to our community and I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Women's Hall of Fame.

HONORING THE INDIANA NATIONAL GUARD

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. BURTON of Indiana. Mr. Speaker, the recent visit of French President Jacques Chirac to the Nation's Capital included the presentation of the Legion of Honor, an award created by Napolean Bonaparte, to three veterans of the First World War. This serves to remind us that eighty years ago, in the Spring of 1919, thousands of "doughboys" of the American Expeditionary Forces in France were returning to the United States following the first major appearance of U.S. military forces on the stage of world affairs.

A weather-beaten newspaper clipping hails the arrival in New York City Harbor of a Navy transport ship, the *Leviathan,* carrying the 150th Field Artillery Regiment. ("Indiana Boys of Rainbow Welcomed Home," New York Times, April 23, 1919). They came back to U.S. soil after engaging in combat operations and then occupation duty with the famed 42d (Rainbow) Division. The Hoosier gunners, members of the old 1st Indiana Field Artillery, Indiana National Guard, landed in New York after having served in five major campaigns in France. These Hoosiers were among the first to arrive and among the last to leave before the occupation of postwar Germany became the responsibility of the Regular Army.

Today, more than 14,000 dedicated men and women are currently serving in units of the Indiana Army National Guard and Air National Guard. They continue the tradition of patriotism and selfless service of World War I's "Rainbow Hoosiers." They hold down full-time civilian employment; they maintain families; they are active in community life—and they devote whatever time is mandated to fulfill Federal standards in order to maintain the military skills that have a distinct impact on our National security. Their trained capabilities have helped make it possible for the United States to sustain its awesome global responsibilities. However, we cannot forget that the National Guard is also a community enterprise. The chances are excellent that almost any Hoosier has some relative or knows someone who is serving, or who has served, in the Indiana National Guard. More than 70,000 Hoosiers are National Guard gamily members.

The Indiana National Guard has a rock solid foundation. During the realignment and readjustment of military forces in the post-Cold War era, we have witnessed the high regard which the Indiana National Guard enjoys in the missions it has been called upon to perform, and the special tasks which it has assumed, as a consequence of increased reliance on National Guard and Reserve forces by the Department of Defense.

As examples, Mr. Speaker, let me share just some of the things the Indiana Natonal Guard is doing: Both the Army and Air Guard units have been designated to receive advanced readiness training in order to be prepared for possible deployment at the leading edge of U.S. commitments throughout the world. Along with stepped-up homeland defense, and anti-terrorism and anti-drug missions, these are assignments which require serious and dedicated training. The Indiana Guard is involved in ongoing assistance missions, and over the last twelve months Hoosier Guard soldiers and airmen have lent a helping hand in Haiti, Hungary, Kuwait, Slovakia, and South Korea. The extraordinary range of military service being performed by the men and women of the Indiana National Guard is strong testimony to the reliance that is placed on them.

We should never forget that while the Indiana National Guard is responsive to its Federal mission, it also stands ready to respond to the call of our Governor for service in support and protection of the citizens of Indiana. The Indiana Guard was also in the forefront of the special National Guard task force organized to help provide security for the Atlanta Olympic Games in 1996.

The fighting men and women, the soldiers and airmen of today's Indiana National Guard, are worthy of those who, 80 years ago, proudly returned carrying the honors earned on European battlefields. As President Chirac reminds us by his public commendations, we should take time to remember and honor the soldiers of that era. Equally, we should pause as we approach the new millennium, to recognize today's successors to those "Hoosier Gunners" who served so bravely and honorably on the battlefields of France at the beginning of this century.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

[From the Virginian-Pilot]

CONFEDERATE GROUP BATTLES FOR ITS FLAG

(By Linda McNatt)

In May 1997, two members of the Sons of Confederate Veterans confronted Ku Klux Klansmen in front of the Pensacola, Fla., judicial building.

Sworn to conduct themselves as Southern gentlemen, the SCV members asked the hooded Klansmen to put down what they believe is their Confederate battle flag.

"There were 20 of them, maybe," said Robert A. Young, who belongs to the Sons of Confederate Veterans. "This group of fellas came over from Louisiana. They were dressed up like ghosts. We didn't want the connection, and we told 'em so."

The peaceful confrontation made national news. The Klansmen didn't back down, but the SCV had made its point.

It wasn't the first time that the Sons of Confederate Veterans have defended the bright red flag with its blue cross and white stars.

And it's not likely to be the last. The flag, the SCV says, symbolizes the bravery of their ancestors who followed it through the smoke of battle.

But the same flag has been used by the Klan and other hate groups. For some African Americans, the Confederate flag represents terrorism, prejudice and hate.

That's why the Virginia General Assembly two weeks ago said "no flag" when it voted to allow the group, which has 6,000 Virginia members, to have a special state license plate.

The Sons of Confederate Veterans aren't happy. Members have said they might try to re-introduce the flag image. Bills have been changed before, they say, although they won't say how they plan to do it.

Or—if the Senate fails to consider anything but the blank plate with the name of the organization on it—the SCV may take the issue to court.

They're ready for a gentlemanly battle, they say. The Sons of Confederate Veterans was organized in 1896 as an offshoot of the United Confederate Veterans. Today, the mission of the group is to "preserve the history and the legacy" of the "citizen soldiers" who fought for the Confederacy in the War Between the States, from 1861 to 1865.

Proof of kinship to a Confederate soldier is required. The SCV allows blacks to join; in fact, they say, race has never been a question on their membership application. And they do claim black members, although no one at the national headquarters—an antebellum mansion in Columbia, Tenn.—can say how many of their 27,000 members worldwide are black.

Neither can Patrick J. Griffin III, SCV national commander and chief, of Darnestown, Md.

"We do not have a block on our application that asks for race," Griffin said. "I've never seen anything in this organization that questions race or religion. You either have an honorable Confederate ancestor or you don't."

The SCV, with 700 camps in 36 states, Europe and South America, accepts members as young as 12.

"We're trying to preserve an accurate view of Southern American history, to make sure the names of our ancestors are not sullied," Griffin said.

The group dedicates itself to preservation, to marking confederate soldiers' graves, to historical re-enactments. It holds regular meetings to discuss the military and political history of the Civil War. It publishes a bimonthly magazine, and it hands out two scholarships and a medical research grant each year.

Executive director Maitland Westbrook III said that the SCV is not "statistically oriented," so he can't say how many African Americans have benefited from SCV scholarships.

The organization has five full-time employees at national headquarters. None of them, currently, are black, Westbrook said, although the SCV has employed blacks in the past.

The SCV also spends a lot of time defending its heritage—including its symbol—the Confederate battle flag.

Collin Pulley Jr. of Courtland is national chief of heritage defense. In the last several months, he's complained about "anti-Southern" TV shows and objected to a rap CD that depicts a burning Confederate flag on its cover.

Since Wal-Mart quit carrying the flags after some customers complained, he's led a SCV campaign—unsuccessful so far—to persuade the discount chain to re-stock small Confederate flags his group uses on graves.

"It has been our position for the last two years not to carry the Confederate flag because, here at Wal-Mart, we do not stand for what that flag represents," said Marvin Deshommes, a buyer at the Bentonville, Ark., headquarters.

What the flag represents, the SVC says, is heritage, not hate. And the group is determined to reclaim its glory.

It succeeded in Maryland and, more recently, in North Carolina. Both states, and several others, allow SCV members to display the flag on license plates.

A federal judge ruled in Maryland in February 1997 that "The Confederate battle flag on special Maryland license plates is protected by the First Amendment and cannot be banned."

The SCV got a similar ruling in North Carolina last December. There, the protest was less about the flag and more about whether the organization was actually a "civic group." The SCV took it to court and won.

In Virginia, said Brag Bowling of Richmond, legislative liaison for the SCV, "We're exploring all options. We're deeply disappointed they took the flag off the license plate. We got nailed in the House. We want to see how it goes in the Senate."

It was likely the impassioned plea of Del. Jerrauld C. Jones, D-Norfolk, that swayed the House. Jones said the flag, often connected with hate and terrorism by many African Americans, had reminded him throughout his life of fear, anger and claims of racial supremacy.

The special license plate legislation passed, but without the flag. SCV members vow they have never used the flag for such purposes as Jones claimed.

But the flag is sometimes used as a symbol of "oppression, violence and brutality," said Janis V. Sanchez, professor of psychology at Old Dominion University.

"The argument is that the flag was appropriated by the KKK," Sanchez said. "But that doesn't change the fact that it is associated with the Klan and with slavery. The Civil War was about slavery, and that's what the Confederate flag stands for. It has been used by many people to send a signal to African Americans.

"I know the Sons of Confederate Veterans are saying that it represents their heritage, but they cannot separate the meanings."

The SCV claims that the Civil War wasn't about slavery; rather, it was about states' rights. More than 95 percent of the soldiers who fought for the South weren't even slave owners, they maintain.

More like 85 percent, said Dr. Harold D. Wilson, an ODU history professor.

At the time of the Civil War, there were 9 million people in the Southern states, Wilson said; 4 million of those were slaves. Of the remaining 5 million, 330,000—mostly white males—were slave owners. Wilson said he believes about 85 percent of the soldiers didn't own slaves.

Some blacks, he pointed out, did serve with the South. "In the North, blacks participated fully in the war; in the South, they were mostly servants or laborers," Wilson said. "There were great debates over whether blacks should fight for the Confederacy, and they were conducted mostly in a very private, sensitive manner."

What caused the Civil War? "In the upper Southern states, it probably was states' rights," Wilson said. "In the lower South, with its large plantations, it was more about slavery.

"What in the world does the battle flag represent? It was the military flag of the Confederacy. It represented the might of the Confederate government. To that part of the Confederacy where there were few slave owners, it may have represented something entirely different."

And that part of the Confederacy may well represent Virginia, Wilson admitted. The Confederate battle flag was first used by the Army of Northern Virginia, where there were few large slave owners compared to the deep South.

Should the Sons of Confederate Veterans be allowed to use the flag on its license plate?

The group has an ally it likely doesn't even know about. The Rev. Jeff Berry, national imperial wizard of the Ku Klux Klan, said he believes it is their right.

Like the SCV, the Klan uses the flag to represent "heritage, not hate," said Berry, whose group was started by Confederate Gen. Nathan Bedford Forrest.

Unlike the SCV, non-whites are not allowed in the Klan. The two groups have no connection, Berry said. But the Klan, which says it believes first in the U.S. Constitution, says the SCV ought to be able to display the Confederate flag.

"If it isn't OK to fly the Confederate flag in the U.S., why is it OK for blacks to fly the African flag?" Berry said. "We would defend the right of the SCV to fly its flag. Nobody should be able to take that right away."

CHRISTIAN VILLAGE BURNED BY HINDUS—WAVE OF SECULAR VIOLENCE GOES BACK TO CHRISTMAS DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. TOWNS. Mr. Speaker, I was very distressed to see an article in the March 19 issue of the New York Times reporting that in the village of Ranaloi in India, a mob chanting "Victory to Lord Ram" burned down 157 of 250 homes of Christians. I thank my good friend Dr. Gurmit Singh Aulakh for calling my attention to this atrocity, which unfortunately is not an isolated incident but part of a wave of anti-Christian violence that began on Christmas Day.

Since Christmas, several Christian churches, prayer halls, and religious missions were destroyed by Hindu extremists affiliated with the Bajrang Dal, a part of the VHP, a militant Hindu organization that belongs to the same family of organizations as the ruling BJP. The VHP also praised the Hindus who raped four nuns, calling them "patriotic youth" and denouncing the nuns as "antinational elements." In January a missionary and his two very young sons were burned to death in their jeep by a gang of Hindus chanting "Victory to Hannuman," then another nun was raped. In early February the bodies of two more Christians had been found in the state of Orissa. At least four priests have been murdered. In 1997, police broke up a Christian religious festival with gunfire. A country that engages in such practices should be declared a religious oppressor and perhaps a terrorist state.

This latest incident took place during the period of Lent, leading up to Easter. With Easter coming in April, followed soon after by the 300th anniversary of the Sikh Nation, we may now have the best opportunity to raise the consciousness of the world to the religious tyranny that exists just under the veneer of Indian democracy.

Although India has democratic elections, for Christians, Sikhs, Muslims, Dalits, and so many others, there is no democracy. No matter who they elect, the result is more killing and more oppression. Is this true democracy? As I have said before, this is not democracy, It is merely the opportunity to choose one's oppressors.

The only solution is freedom for all the people of South Asia. As the world's only superpower and the beacon of freedom for the world, the United States must do whatever it can to extend the blessings of liberty to all people living under tyrannical, intolerant leaders, even if they claim to be democratic. We should stop funding this repressive government with American aid, impose economic sanctions as we did against the apartheid regime in South Africa, and go on record urging India to allow a plebiscite—a free, democratic vote—in Punjab, Khalistan, in Kashmir, in Christian Nagaland, and throughout their polyglot state to decide the future political status of these regions. This is the only way to end the genocide, settle the differences, and finally bring lasting peace to this troubled tinderbox known as South Asia.

Freedom is not only America's founding principle, it is our mission. Let us carry that mission to the deserving peoples and nations of the subcontinent. We look forward to the day when the glow of freedom shines on all the people of South Asia and the world.

[From the New York Times, Mar. 19, 1999]

157 HOMES BURNED IN RELIGIOUS CLASH IN INDIA

(By Celia W. Dugger)

BHUBANESWAR, INDIA, MARCH 18.—Less than two months after a Hindu mob killed a Christian missionary from Australia and his two young sons here in the eastern state of

Orissa, Hindus and Christians clashed in a village this week, and 157 of the 250 Christian homes were burned down, state officials say.

The officials said they presumed that Hindus set the fires on Tuesday, but have no solid evidence. Christian villagers interviewed by television reporters blamed Hindus, who they said shouted "Victory to Lord Ram," a Hindu god, as they set the fires. Thirteen people were wounded, three by gunfire, and the police have arrested more than 40 people, officials said.

The tensions in the village—Ranaloi, in southern Orissa—developed after someone painted a trident, symbol of the Hindu god Shiva, over a Christian cross on a boulder about a mile outside the village.

The violence is part of a growing number of attacks on Christians in India in the last year. Church officials and opposition political parties say the problem has worsened since the Hindu nationalist Bharatiya Janata Party became the head of a national coalition Government a year ago. Party leaders say they oppose the violence.

It is not clear who was responsible for the violence in Orissa, which is governed by the Congress Party. The state's Chief Minister, J.B. Patnaik, resigned after the killing of the missionary, Graham Staines, and his sons, Timothy, 10, and Philip, 6.

D.P. Wadhwa, the Indian Supreme Court Justice who was named by the Government to head an inquiry into the Staines killings, harshly criticized the central Government for failing to provide resources to investigate. The commission of inquiry, which was set up six weeks ago, is due to issue its findings in two weeks but has yet to field a team of independent investigators or to be given functional offices to work from.

The state police blamed a mob that they said was led by a man from the Bajrang Dal, a Hindu nationalist youth group that belongs to the same family of Hindu nationalist organizations as the Bharatiya Janata Party.

Leaders of the Bajrang Dal denied involvement, and said the violence was a backlash against what they called the Christians' deceitful efforts to convert impoverished, illiterate Indians.

INTRODUCTION OF H.R. 1214—DEPARTMENT OF VETERANS AFFAIRS VETERANS' CLAIMS ADJUDICATION IMPROVEMENT ACT OF 1999

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. EVANS. Mr. Speaker, for years our Nation's veterans who submitted a claim to the Department of Veterans Affairs (VA) for benefits associated with their military service, particularly service-connected disability compensation, have been forced to contend with a VA claims adjudication process which has been both too slow and too inaccurate. Too often the adjudication of a veterans' claim has taken not days, not weeks, not months, but years.

Recent information suggests that after waiting years for a decision, one out of three veterans may find that the decision made by VA was wrong. Untimely and inaccurate decision-making by the VA, and particularly the Veterans Benefits Administration (VBA), have been twin problems which have plagued veterans, veterans service organizations and Members of Congress who have sought to assist their veterans constituents.

While experience clearly indicated otherwise, VBA consistently reported that the quality of its work was nearly error free as measured by VBA. Between 1993 and 1997, VA was reporting an accuracy rate of 97%. This was unfortunately like the fox not only guarding the hen house, but also keeping the inventory of hens.

To his credit, the Under Secretary of Veterans Benefits, Mr. Joe Thompson instituted, on a trial basis, a new system for measuring the quality of the claims adjudication work performed by VBA. This new quality measure, the Strategic Technical Accuracy Review (STAR) was tested and used operationally in 1998.

STAR use has been focused on claims submitted by veterans which require the VA to rate the claim, make a determination as to whether a medical disability is service-connected or non-service-connected and determine the degree of disability manifest. Using the STAR methodology, the accuracy of various actions taken during the adjudication process are used to determine if the case was correctly or incorrectly decided. A case is either all right or all wrong. Using STAR, the accuracy rate was 64%—less that two out of three claims were correctly decided.

While STAR has provided a more realistic assessment of the quality of VA claims adjudication, STAR does not currently meet generally accepted governmental standards for independence and separation of duties. Reviews of regional office decisions are made by persons who are also decision makers. There is not sufficient staff provided for reviewing enough cases to make statistically valid accuracy determinations at the regional office level. In order to pinpoint errors, it is important to be able to identify regional offices which have specific high or low accuracy rates and to ascertain the reasons for discrepancies between regional offices.

In addition to the problems documented by the STAR report, VBA is facing the impending retirement of experienced senior staff and several years of staff reductions which have impeded VBA's ability to resolve increasingly complex cases in a timely and accurate manner.

One measure of quality, the percentage of decisions appealed to the Board of Veterans Appeals (the Board) which are either reversed or remanded back to the regional offices for further work, is particularly disturbing. During fiscal year 1998, 17.2% of the appealed decisions were reversed outright by the Board. An additional 41.2% of the appeals were remanded for further action by the regional offices. Another measure of accuracy is the integrity of data relied upon by the VBA. During 1998, the VA Inspector General issued a report finding that data entered into the VBA computer system was being manipulated to make it appear that claims were processed more efficiently that was actually occurring.

Problems are not confined to the Compensation and Pension Service. In reviewing VA's compliance with statutory financial requirements, the General Accounting Office (GAO) noted that VA's home loan program was unable to perform routine accounting functions and had lost control over a number of loans which were transferred to an outside loan company for continued loan servicing. VA was not able to obtain an unqualified audit opinion as a result of these deficiencies. On February 24, 1999, VA's Inspector General reported that the $400 million vocational rehabilitation program was placed at high risk after the Quality Assurance Program for that services was discontinued in 1995.

Because of the fundamental importance of accurate and effective claims processing and adjudication by VA regional offices, and the need for effective oversight of regional office claims processing and adjudication by the Veterans' Benefits Administration, in July of 1997, I requested the GAO to review the quality assurance policies and practices of the VBA. On March 1, 1999, GAO issued its report which determined that further improvement is needed in claims-processing accuracy. In particular, GAO has determined that VBA's quality assurance activities do not meet the standards for independence and internal control.

To assure that VBA's internal quality assurance activities meet the recognized appropriate governmental standards for independence, I have introduced H.R. 1214, which provides for the establishment within VBA of a quality assurance division which comports with generally accepted government standards for performance audits. In addition, my Additional and Dissenting Views and Estimates submitted to the Budget Committee for VA's fiscal year 2000 budget requests additional funding for 250 full time employees for VBA. It is my intention that if additional staff funding is provided, some of the additional staff be used to adequately staff this program.

While VBA has made some improvements by developing an accuracy measurement which focuses on VA's core benefit work—rating claims for benefits—further improvements are needed in claims processing. Currently, there is no formal division within VBA devoted to providing the policy and program oversight necessary to assure quality and accuracy of claims processing The possible consequences of this for both veterans and taxpayers is troubling.

In fiscal year 2000, the VA will pay over $22 billion dollars in monetary benefits to veterans. Yet only nine full-time employees are allocated to STAR to oversee the quality of the claims adjudication process. Without a mandated program of quality assurance, which meets generally accepted governmental auditing standards for program performance audits, impartial and independent oversight of the quality of claims adjudication decisions will not be assured.

With the establishment of independent oversight of the quality of claims adjudication decisions, veterans can have more confidence in the decisions made by VA and the number of claims which are remanded because of the poor quality of claims adjudication will be reduced. With better initial decisions and fewer remands for re-adjudication, veterans will receive a quicker and a more accurate response. More claims will be adjudicated correctly the first time. This will not occur overnight, but without an independent oversight of the quality of claims adjudication decisions it may never exist.

The "Veterans' Claims Adjudication Improvement Act of 1999", H.R. 1214, will help address these problems. It changes the way decisions concerning claims for compensation and pension, education, vocational rehabilitation and counseling, home loan and insurance benefits will be reviewed and evaluated. Employees who are independent of decision makers will be devoted to identifying problems in the decision-making process. By identifying the kinds of errors made by VA personnel, VBA managers will be able to take appropriate action. Hopefully, remand rates can be significantly reduced and veterans will find that VA makes the right decision the first time the claim is presented.

We cannot expect any improvement in the timeliness of claims adjudication unless the barriers to quality decision making are identified and addressed in a systemic fashion. Our nation's veterans deserve to have their claims for VA benefits decided right the first time. By enacting H.R. 1214, Congress can help put the VA claims adjudication process on the right track. Our veterans deserve no less. I strongly urge my colleagues to support the "Veterans' Claims Adjudication Improvement Act of 1999" and for Congress to give this measure quick and favorable consideration.

SEARCHING FOR SANITY ON SANCTIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. CONYERS. Mr. Speaker, I have been urging a solution to the Iraqi crisis which does not depend on the suffering of thousands of vulnerable and innocent people. To this end I support the easing of the economic sanctions on Iraq while simultaneously tightening the military embargo. The cost of our containment policy does not have to be the death of 5000 children a month, and in fact the American role in the embargo that causes such devastation undermines any containment we hope to achieve.

I would like to enter into the RECORD an excellent article from The Nation magazine which provides a fresh look at our Iraq policy. The article by Joy Gordon, "Sanctions as Siege Warfare," presents a critique of the recent escalation in the use of sanctions to solve diplomatic crises. By detailing the latest statistics regarding suffering in Iraq, it contends that the imposition of sanctions conflicts with the United Nation's historic mission to alleviate worldwide suffering. It presents the case that the "Iraqi experiment" has in fact failed and that such a comprehensive sanctions regime is both unviable and beyond the administrative capabilities of the UN. The unwieldy, inefficient and inconsistent bureaucracy of the Oil-for-Food program has ensured that the UN can not even fulfill its own acknowledged prerogative to deliver urgent humanitarian aid. The program was intended as a transition, emergency operation, not a sustained effort to feed 23 million people over decades. This program is in addition to restrictions placed on "dual use goods" (a label which includes pencils and other items needed for schools), which the nation needs to rebuild its sanitation, health and agricultural infrastructures. Even after some limited reform, Oil-for-Food is still unable to meet the most basic needs of the people of Iraq. Some in Congress disagree with that, but I ask them where is their evidence? The World Health Organization, the United Nations Food and Agricultural Organization, UNICEF, and the Secretary General of the UN have all found otherwise.

The horror of this situation was brought to my attention most eloquently by Denis Halliday, who recently quit his job as the Assistant Secretary General of the United Nations and the director of Humanitarian Affairs in Iraq over this precise issue. The work that Halliday has undertaken along with Phyllis Bennis of the Institute for Policy Studies, has made an important contribution to bringing the indescribable human crisis in Iraq to America's attention. (I single out the United States because much of the world already knew how bad the situation in Iraq was.)

Gordon's article describes the centrality of the United States' role in perpetuating sanctions, and most significantly, the misguided justifications which underpin US policy. The US, in its self-declared role as "world policeman," is turning increasingly to sanctions as a "non-violent" alternative to bombing campaigns. We should not allow starvation to become an alternative to diplomacy. In the long term, the implications for the general populace can be devastating. In Iraq, the interior had already been destroyed by nine years of conflict (nineteen, if one counts the Iran-Iraq war). The weak and young have suffered the most whilst those in power continue to live comfortably.

The supreme aim in Iraq, to remove Saddam Hussein, is itself unviable whilst the dictator remains bolstered by such powerful cadres and the people remain divided, mutually hostile and depoliticized. Gordon's article alludes to the fact that sanctions can only help achieve political objectives when tangible opposition movements and the apparatus for dissent already exist. This is why sanctions against South Africa were an effective tool for ending Apartheid; the African national Congress was an organized, credible, internal, popular democratic opposition. When such institutions do not exist, sanctions can be counter-productive as they have been in Iraq, perpetuating the state of crisis upon which dictatorships depend and fostering a legacy of bitterness towards the west.

It has often been said that you cannot achieve democracy by undemocratic means. I would add as a corollary that you also cannot inspire respect for human rights by undermining them. The article below shows how the sanctions on Iraq have been as war-like as war itself, and I hope it helps to establish new criteria that will make our policy both more humane and more effective.

[From the Nation, Mar. 22, 1999]

SANCTIONS AS SIEGE WARFARE

(By Joy Gordon)

As the case of Iraq has shown, there's more than one way to destroy a nation.

The continuing American bombing of Iraq has drawn attention away from the international debate over economic sanctions against Baghdad and their toll on the Iraqi people. Yet the crisis these policies have engendered in Iraq raises crucial questions about the United Nations' growing reliance on sanctions as a device of international governance. Can this modern-day equivalent of siege warfare be justified in ethical or political terms? It is a question that goes to the very heart of the UN's dual commitment to both peacekeeping and humanitarian principles.

The role of the UN in the Iraqi sanctions regime has been convoluted and contradictory from the start. Articles 41 and 42 of the UN Charter empower the Security Council to use economic tactics to keep international peace (although before sanctions were imposed on Iraq in 1990, the UN had imposed them only twice, against South Africa and Rhodesia). At the same time, the UN has an explicit commitment to the Universal Declaration of Human Rights and to the many other documents that espouse the right of every person to health, food, drinking water, education, shelter and safety. Indeed, the UN has a decades-long history of humanitarian work by its many agencies—the World Health Organization, UNICEF, UNESCO, the Food and Agriculture Organization, HABITAT and others. Thus the UN has found itself in the awkward position of authorizing a sanctions regime that is causing massive human suffering among those least responsible for Iraqi policy, while at the same time trying to meet humanitarian needs and protect those populations most harmed by sanctions—women, children, the poor, the elderly and the sick.

Although there is controversy over the precise extent of human damage, all sources agree that it is severe. Voices in the Wilderness, an antisanctions activist group based in Chicago, has used the figure of 1 million children dead from the sanctions; the Iraqi government claims 4,000–5,000 deaths per month of children under 5. Even US Secretary of State Madeleine Albright does not contest how great the human damage has been, but has said, "It's worth the price." Richard Garfield, an epidemiologist at Columbia University who analyzes the health consequences of economic embargoes, calculates that 225,000 Iraqi children under 5 have died since 1990 because of these policies—a figure based on the best data available from UN agencies and other international sources. The Red Cross World Disasters Report says underweight births have gone from 4 percent in 1990 to 25 percent in 1998. While it is harder to calculate the impact of the economic devastation on adults, it is quite acute, particularly for women. In 1997 the Food and Agriculture Organization estimated that chronic malnutrition in the general Iraqi population was as high as 27 percent, with 16 percent of adult women under 26 undernourished and 70 percent of women anemic.

The Iraqi crisis shows how peculiarly unsuited the UN is to manage a sanctions regime. This is partly because it had imposed sanctions so rarely before and partly because of its longstanding commitment to alleviating poverty rather than causing it. The fact that the sanctions against Iraq are so extensive and so novel has forced the UN to generate from scratch an extraordinarily elaborate set of mechanisms to manage them, through which it attempts to reconcile its conflicting commitments.

From the beginning, the UN both predicted an impending humanitarian disaster and made moves to alleviate it. The UN began assessing the human damage immediately after the Persian Gulf War, when it made an initial, ill-fated proposal to allow Iraq to sell oil for food. The Security Council formed the "661 committee," consisting of representatives of each nation in the Security Council, to monitor the sanctions against Iraq established in SC Resolution 661. At the same time, the committee was also responsible for granting humanitarian exemptions to the sanctions. The result was that it put in place procedures that in fact functioned as obstacles to any smooth influx of food and medicine. A cumbersome sanctions bureaucracy scrutinized and approved or denied every contract, the proposed quantity of goods, their price and their intended use.

To sell humanitarian goods to Iraq, a company would submit an application to its national mission at the UN, which would then turn it over to the 661 committee. But the 661 committee did not publish any criteria for approval, and its meetings were closed sessions at which neither Iraq nor the vendors were allowed to have representatives present to answer questions or offer information in support of the contract. The application process typically took months, sometimes as long as two years. And the committee's rulings were inconsistent—the same goods sold by the same company might on one occasion be deemed permissible humanitarian goods and on another be flatly denied without explanation.

In addition, during this period all fifteen members of the committee had to approve exemptions by consensus; thus any nation could effectively exercise veto power or cause repeated delays of weeks or months simply by asking for more information. As a result, it was expensive and exasperating even to apply to sell food and medicine to Iraq. One small British company that sold medical supplies described the process: First, to talk to an Iraqi buyer, public or private, the seller had to apply for a license to negotiate, which could take three to four weeks. Once buyer and seller came to an agreement, the seller had to apply for a supply license, which could take up to twenty weeks. In the meantime, Iraq's currency would have devalued substantially, so the buyer might not be able to afford quantity of goods or might need more time to raise the additional hard currency. But that would require a change in the terms of the application, and any change in the application meant the whole process began again. Thus the red tape undermined Iraq's ability to import even those urgent humanitarian goods permitted under the sanctions.

While food and medicine were theoretically permitted during this time, "dual use" goods were flatly prohibited. Under the terms of the sanctions, "dual use" items are those that have civilian uses but also may be used by the military or more generally to rebuild the Iraqi economy. Dual-use goods include pesticides and fertilizer, spare part for crop-dusting helicopters, chlorine for water purification, computers, trucks, telecommunications equipment and equipment to rebuild the electrical grid. Anything that might go toward rebuilding the infrastructure, or toward economic poverty generally, is labeled "dual use." Yet Iraq's infrastructure had been devastated by massive bombing during the Gulf War, which destroyed or caused extensive damage to water treatment plants, dams, generators and power plants, pipes and electrical systems for irrigation and desalinization of agricultural land, textile factories, silos, flour mills, bakeries and countless other buildings and resources. While Iraq was in principle allowed to import food and medical supplies, it was prohibited from buying the "dual use" equipment needed to grow and distribute food, to treat and distribute potable water, and to generate and distribute electricity for irrigating crops, refrigerating food and operating hospital equipment. The damage to water treatment plants and water distribution networks caused, among other things, a cholera epidemic and increases in waterborne diseases, infant diarrhea, dehydration and infant mortality.

Although bureaucratic obstacles effectively prevented much humanitarian material from reaching Iraq, the UN did grant humanitarian exemptions and heeded some criticisms based on humanitarian concerns. At the urging of the UN Secretary General, the 661 committee streamlined many of its procedures. But the basic policies remained intact—humanitarian goods required prior approval, and the ban on dual-use goods remained in place. And when the UN's interest in security and humanitarian concerns came into conflict, the interest in security still trumped.

In 1996 the Security Council and Iraq agreed to an Oil for Food program (OFF), which provides a mechanism for the purchase of goods except where the 661 committee has a specific objection, and then monitors their distribution and use. Under OFF, Iraq was initially authorized to sell $2 billion of oil in any six-month period (the limit was later increased to $5.3 billion). The extensive presence of UN humanitarian agencies in Iraq (as well as UNSCOM) is funded by the oil sales themselves. There are more than 400 international UN staff in Iraq and another 1,300 Iraqis on the UN staff. In the northern sector of the country the UN has taken over an entire range of governmental functions on behalf of (and with the agreement of) the Iraqi government—including food distribution, agriculture, nutrition programs, distribution of medical supplies, dam repair, renovation of schools, installation of water pumps and the provision of printing equipment for school textbooks.

In the central and southern governorates, the mandate of the UN agencies is only to assist and monitor the government in such functions. Even so, UN staff determine whether resources are adequate to meet "essential needs" in a given area, and they document and confirm the equitable distribution of food, distribution and storage of medical supplies, and the use of water and sanitation supplies. Iraq submits proposals for every purchase with oil funds—every gear, pipe, chemical, valve, piece of plywood, steel bar and rubber tube, for a country of 22 million people, on which it proposes to spend the $2.9 billion expected to come from the current phase of Oil for Food. For each of these items, Iraq is required to specify not only the exact use but the particular end user—which grain silo will be using each of the conveyor belts Iraq wishes to purchase. Although the UN bureaucracy now processes these contracts quickly, there are still substantial delays when the seller fails to provide enough details in the application or when its nation's UN mission is slow to submit the paperwork.

The intricacy of the process for obtaining purchase and contract approval pales in comparison to the thoroughness with which each item is observed and documented once it arrives in Iraq. At the border, inspection agents under contract to the UN document the arrival of every item, verify quantity and quality, and conduct lab tests to confirm that the goods conform to the contract. Once the goods have crossed the borders, UN observers then confirm the transit of all goods, their storage and equitable distribution, and they document the end use. Finally, UN staff review the documentation of the hundreds of UN observers. All this is paid for by 2.2 percent of the Iraqi oil sales—as of November 1998, $207 million. Precisely because the system of verification is so thorough, the Security Council has been willing to grant permission for some dual-use goods to enter the country. The 661 committee has allowed purchases, for example, of chlorine gas for water purification and spare parts for crop-dusting helicopters because UN personnel were in Iraq to verify the location and use of each canister of chlorine and the installation of each helicopter part and the destruction of the old parts.

Relative to other UN programs around the world, those in Iraq are highly elaborate and expensive. Yet they do not come close to meeting the country's needs, according to the Secretary General's report of last fall. Although the quantity of chlorinated water is greater now, the water distribution system has deteriorated so much that by the time it arrives in people's homes, the water is not consistently potable. The emergency parts for electrical generators that do arrive merely slow down the deterioration of the electrical system, the power cuts are expected to be worse next year than this year. There are 210 million square meters of minefields, and the UN's three mine-detector dog teams (a total of six dogs) can barely make a dent.

It does not seem that the strcture of the UN sanctions on Iraq could be duplicated in other situations. The expense of an elaborate bureaucracy, which closely monitors virtually all the goods Iraq has been permitted to purchase, is possible only because Iraq is paying for it. And that, in turn, is possible only because Iraq's wealth is so vast, and so easily converted to cash. Were it not for Iraq's wealth and the Security Council's success in tapping it, monitoring the sanctions regime and its humanitarian exemptions would cost far more than the UN could ever afford. Since most sanctioned countries—Yugoslavia, for example—don't have resources that can be tapped in the way Iraqi oil has been, it is hard to imagine that there could be many more sanctions-and-exemptions regimes of this scale.

While the sanctions against Iraq are in many ways anomalous, they nevertheless provide a graphic demonstration of how such extreme sanctions are implemented and justified. Just as the Gulf War offered a testing ground for new alliances and new weapons in the post-cold war world, the sanctions against Iraq have been an experiment in nonmilitary devices of international governance. Both the United States and the UN are exhibiting a growing reliance on economic sanctions to achieve their aims around the world, even if in areas outside Iraq the sanctions regimes are somewhat less ambitious.

Although the UN had imposed sanctions only twice between 1945 and 1990, it has done so eleven times since then. But even this is very little in comparison with the frequency of US sanctions. Between 1945 and 1990 sanctions were imposed worldwide in 104 instances; in two-thirds of these, the United States was either a key player or the sanctions were unilateral actions by the United States with no participation from other countries. Since 1990 the United States' use of sanctions has increased by an order of magnitude. As of 1998, it imposed economic sanctions against more than twenty countries.

Even as it has been using sanctions on its own behalf, the United States has spearheaded many of the Security Council's recent sanctions efforts. While it would be incorrect to treat the Security Council as simply a naked tool of US hegemony (as much as Jesse Helms would like that to happen), the United States does have disproportionate influence both because of the veto power it holds as one of the five permanent members and because of its economic influence globally. And its leverage has only increased in recent years as Russia's willingness to exercise its veto power has been tempered by its dependence on the West for massive capital investment.

In 1990, sanctions appeared to be a nearly ideal device for international governance. They seemed to entail inconvenience and some political disruption but not casualties. Unlike the situation in Somalia, sanctions in Iraq did not involve troops. Because sanctions seemed to incur less human damage than bombing campaigns, peace and human rights movements found them attractive as well. Indeed, many of those opposing the Gulf War in 1990 urged the use of sanctions instead.

But what Iraq shows us is that it is now possible for sanctions to cause far more than inconvenience or international embarrassment. In the absence of a Soviet bloc as an alternative source of trade, it is now possible to construct a comprehensive sanctions regime that can absolutely break the back of any nation with a weak or import-dependent economy. Iraq has also demonstrated, quite graphically, that sanctions can cause fully as much human suffering as even a massive bombing campaign. Iraqi casualties from the Gulf War were in the range of 10,000 to 50,000. Casualties attributed to sanctions are anywhere from ten to thirty times that—and that's only counting the deaths of young children.

This ought to raise serious ethical concerns, since sanctions (like their low-tech predecessor, siege warfare) historically have caused the most extreme and direct suffering to those who are the weakest, the most vulnerable and the least political. At the same time, those who are affected last and least are the military and political leadership, who are generally insulated from anything except inconvenience and the discomfort of seeing "the fearful spectacle of the civilian dead," to use Michael Walzer's phrase. However devastating their effects on the economy and the civilian population may be, sanctions are rarely successful in achieving changes in governmental policy or conduct. Sanctions, like siege warfare, have generally been perceived by civilian populations as the hostile and damaging act of a foreign power. Sanctions, like siege warfare, have generally resulted in a renewed sense of national cohesion, not domestic pressure for political change. The most generous scholarship on this issue holds that in the twentieth century, sanctions achieved their stated political goals only about one-third of the time. But even that figure is disputed by those who point out that in most of these cases there were other factors as well; a more critical estimate places the success rate at less than 5 percent. In the other "success" cases—such as South Africa, which is often cited to show that "sanctions can work"—there were major factors other than sanctions. Many have suggested that the end of apartheid was due to internal political movements as much as to international sanctions. South Africa was also atypical in that those most affected by the sanctions also supported them. If not sanctions, then what? Is bombing preferable to sanctions as a device to "punish rogues" and enforce international law? Without the sanctions option, it is sometimes argued, the militarists will just say there is no longer an alternative to bombing. But the Iraq situation demonstrates that sanctions are not merely a "problematic" or "less than ideal" form of political pressure. Rather, they are an indirect form of warfare. Not only are they politically counterproductive, but sanctions directed toward the economy generally (as opposed to, say, seizing personal assets of leaders) are inherently antihumanitarian.

Denis Halliday, the former Assistant Secretary General of the UN, resigned in protest last fall, saying that he no longer wished "to be identified with a United Nations that is . . . maintaining a sanctions programme . . . which kills and maims people through chronic malnutrition . . . and continues this programme knowingly." His conclusion seems very like US Supreme Court Justice Harry Blackmun's position on the death penalty in his 1994 dissent in Callins v. Collins: For the death penalty to be constitutional, it must be applied equally in like cases; but at the same time, the sentencing judge must have the option of granting mercy based upon the circumstances. These two requirements, Blackmum reasoned, are irreconcilable, and no amount of "tinkering" will somehow make the contradiction dissolve. Likewise, no amount of tinkering will make sanctions anything other than a violent and inhumane form of international governance. It is hard to articulate any greater good that can justify the deliberate, systematic imposition of measures that are known to increase chronic malnutrition, infant mortality and the many varieties of human damage that impoverishment inflicts.

SENSE OF HOUSE REGARDING HUMAN RIGHTS IN CUBA

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my support for H. Res. 99. If you follow Cuban policy at all, I know you will agree with me that it is disappointing to see this Administration yield to this hemisphere's last remaining dictator, Fidel Castro. Not long ago, President Clinton announced a new proposal to loosen the trade embargo on the Government of Cuba. The embargo was codified because of the murder of unarmed American citizens. I believe that Castro has done nothing to warrant any reevaluation of the sanctions imposed on his regime. Now, almost three years later, the President has taken steps that not only breathe new life into the brutal Castro dictatorship, but he is trying to circumvent U.S. law.

Now, we learn that the Clinton Administration has decided to hold our American pastime hostage. If the President gets his way, the Baltimore Orioles will face a Cuban National team in Havana on March 28th of this year. It is appalling to me that the President is using baseball to push friendly relations with the Cuban dictatorship. This will be the first Major League Baseball visit to Havana since 1959, and it couldn't come at a worse time. A Cuban court has just convicted the island's four top opposition leaders for sedition.

Vladimiro Roca Antunez, Martha Beatriz Roque Cabello, Felix Bonne Carcases, and Rene Gomez Manzano were arrested in 1997 after petitioning the regime for immediate reforms and publishing a pamphlet entitled "The Homeland Belongs to Us All." In this pamphlet, they describe their hopes for a free and democratic Cuba. They were convicted for nothing more than expressing their opinions and speaking the truth. They are the Lech Walensas & Vaclav Havels of Cuba. Their trial and conviction came two weeks after Castro handed down his new Sedition Law to severely punish those who dare speak to foreign journalists or publicly criticize his revolution.

Under the new Sedition Law, they were arrested for holding news conferences with foreign journalists and diplomats, urging voters to boycott Cuba's one-party elections, warning foreigners that their investments would contribute to Cuban suffering, condemning Castro's grip on power, and criticizing Communist Party propaganda. Mr. Speaker, this sounds to me like a return to the gulags of Soviet communism and the horror of European fascism.

They were apprehended and jailed 1½ years ago for their "crimes". On top of the imprisonment and physical and mental mistreatment they endured for more than 600 days, the four freedom fighters were also forced to endure a Stalinist show trial. As a recent wire report observed, in keeping with the closed, totalitarian nature of the Castro regime, "Few Cubans and even fewer foreigners are allowed inside a Cuban courtroom. Trials tend to be closed and proceedings are rarely reported by the government-controlled media." But Castro eagerly allowed the cameras to roll during the trial of these four dissidents to send a message to the rest of the island: Anyone who threatens his regime will be punished severely. Cuban reporters are terrified of the new Sedition Law; it has empowered Castro's secret police to intensify their harassment of Cuba's already-stifled press.

The dissidents received prison sentences ranging from 3½ to 5 years. The independent Cuban Commission on Human Rights and National Reconciliation said that since Feb. 26, 1999, authorities had rounded up nearly 40 other dissidents and warned an additional 35 to remain at home during the March 1st trial. Officials from the U.S. Interest Section in Havana were denied access to the trial.

The State Department recently released this statement regarding the trial: "We strongly denounce these actions by the Cuban government, which reveal its utter disregard of the concerns of the international community." Yet, neither the president nor the secretary of state has taken any action to put muscle behind those words. In fact, underscoring its perverse misunderstanding of the situation, the State Department believes the trial and conviction of these four voices of freedom is the very reason we need more people-to-people contacts with Havana. The only thing more people-to-people contacts will do is further prop-up Castro's regime.

Finally, it should be noted that the Sedition Law was approved by Castro just weeks after the president's January announcement that he was easing the embargo.

Mr. Speaker, I must also report even more disturbing news to my colleagues. I believe we have an administration that is so hellbent on normalizing relations with Cuba that it is willing to overlook allegations of drug-trafficking.

On December 3, 1998, the Colombian National Police seized 7.5 tons of cocaine headed for Cuba, and eventually likely the United States and elsewhere. I have sent investigators down there who were able to put together the pieces of the puzzle in three days which our government, the ONDCP, DEA, CIA, and White House have either not been willing to do, or worse do not want to put together.

I have a letter from Barry McCaffrey which says there is no evidence that the Castro government is involved in drug-trafficking, ignoring the fact that Castro's brother, Raul, has been under indictment in Miami since the early 1990's for drug-trafficking and racketeering. Also, Ileana de la Guardia, the daughter of executed Cuban Colonel Tony de la Guardia, is currently involved in a court case in France where she alleges that drug trafficking reaches the "highest echelons" of the Cuban government.

What is the problem with this administration when it comes to Fidel Castro? Why does the White House continue to ignore the grim and brutal realities of Castro's dictatorship? I don't know the answer, but I believe it goes beyond a simple disagreement on policy. How we can turn a blind eye to Castro's behavior and even reward him is truly beyond me.

What is obvious is the fact that this White House will do anything to normalize relations with the last dictator in the Western Hemisphere. The White House wants to dilute and then eliminate the Burton-Helms Embargo; the White House is flouting the law, ignoring the will of the American people, and tossing aside four decades of bipartisan agreement on Castro. It is left to us in Congress to do what is right.

Mr. Speaker, I join my fellow cosponsors in support of H. Res. 99. Let's do everything we can to keep the heat on Castro and his gulags. As a Houston Chronicle editorial recently observed, "This is no time to play ball with Fidel Castro."

TRIBUTE TO KATHY ADAMSON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Kathy Adamson, an extraordinary citizen of San Mateo County, California, who will be inducted into the San Mateo County Women's Hall of Fame on Friday, March 26, 1999.

A native of Redwood City, Kathy Adamson has been a foster parent to more than four hundred children ranging in age from newborn to sixteen. Children in her temporary care have included drug exposed infants, shaken babies, toddlers, children with Attention Deficit Disorders, and adolescent girls. Kathy's home became a hospice for terminally ill infants, many of whom died in her loving arms. Since 1995 she has worked with San Mateo County Mental Health as an independent contractor, providing a variety of programs designed to help support parents and children in need. In recognition of her professionalism, her exceptional work and her compassion, Kathy was elected President of the San Mateo County Foster Care Association.

Mr. Speaker, Kathy Adamson is an outstanding woman and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring her on being inducted into the San Mateo County Woman's Hall of Fame.

TRIBUTE TO ROBERT "PETERBO" BANKHEAD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand here today to pay tribute in memory of Mr. Robert "Peterbo" Bankhead, who recently passed. He was not only a County Supervisor in my district, the 2nd Congressional District, but also a personal and dear friend to me. It is very hard to effectively portray in a short amount of time to you the true heart, spirit, and countless deeds of Mr. Robert "Peterbo" Bankhead.

Mr. Robert "Peterbo" Bankhead was born on August 30, 1999. He attended Humphreys County High School in Belzoni, Mississippi where he was a member of the first class to graduate from Humphreys County High School. He graduated from Mississippi Valley State University with a Bachelor of Science degree in Criminal Justice in 1977. Additionally, he graduated from MATC (Milwaukee Area Technical College) with a degree in the Culinary Arts. He opened Peterbo's Restaurant in 1974 in Isola, Mississippi where it remains today. During the life of Robert Bankhead, he received several social and community awards for his countless hours, and dedication. He was life-time member of Mississippi Valley State Alumni, the Mississippi Restaurant's Association, and served as Beat 1 Supervisor for Humphrey County for two consecutive terms.

Robert will always be remembered as a person willing to go the extra mile. In closing, Mr. Speaker I would like to say that Robert has made a tremendous contribution to the future of America. His work was pivotal and instrumental in the overall success of my 1996 and 1998 campaign. My prayers go out to his family and his contributions will be remembered in Mississippi, specifically the 2nd Congressional District for years to come.

A BLOOMIN' GOOD FAMILY AND THEIR BLOOMIN' GOOD BUSINESS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. BARCIA. Mr. Speaker, all around Washington the crocuses and forsythia are starting to bloom, and for some it is a daily ritual to see whether or not the famed cherry blossoms have started to hail the true start of spring. The people of Saginaw, Michigan, may not have the same early blooms or the Tidal Basin ritual, but they have something better—McDonald's Nursery which is celebrating its 70th anniversary this week.

Seventy years ago, Dr. Francis J. McDonald, a dentist with a vision for the beauty of nature, started McDonald's Nursery as a hobby. He bought five acres of land off Seidel Road with a 400-year old beech tree on it. He dug a well that to this day supplies water to the nursery, and with his children, Joe, Jim, Mary, Catherine and Tom, he planted trees. Today those trees provide a forty foot tall memorial to his legacy. With his wife Mary, he moved the family to what would become one of the most famous nurseries in this part of Michigan.

Nursery products were sold out of the front yard at the beginning. During World War II, while sons Joe and Jim served in the military, he expanded the nursery buying more property with an eye towards the growing suburban area. When Joe returned home, a landscape division was started, and then in 1946 a garden store. The seasonal nursery business turned into a Christmas business in 1955, so that it is now a year-round operation with its biggest months in December and May.

Today, McDonald's Nursery has 112 employees and sales of nearly $4 million. It has gone through thirteen expansions, and now covers 210 acres in Thomas Township, with an 18-acre lake providing irrigation. The McDonald family has made its mark on the Saginaw business community as leaders to be admired and emulated.

Starting from Francis McDonald's hobby, to Tom McDonald telling friends at a Chamber of Commerce dinner that they sell "every bloomin' thing"—a phrase which became the nursery's hallmark, this is a business that we are privileged to have in the Saginaw community. Mr. Speaker, I urge you and all of our colleagues to join me in congratulating McDonald's Nursery on its 70th anniversary, and in wishing that their new slogan, "McDonald's Nursery 70 Years and Growing" holds as much promise as the first bloom of spring.

TELECOMMUNICATIONS MERGERS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. DELAY. Mr. Speaker, I would like to commend the antitrust division of the Department of Justice for approving the SBC-Ameritech merger. As the telecommunications industry continues to evolve in the aftermath of the Telecommunications Reform Act of 1996, the promise of that act can be fulfilled only if regulatory agencies remove the eye shades of New Deal regulation and begin to view the competitive landscape of tomorrow with a fresh look. This is precisely what the Department has done this week.

However, I was not pleased to learn that, unlike mergers in other competitive industries, telecommunications mergers such as the

SBC-Ameritech venture must jump through several hoops before the deal is done. Not only does the Department of Justice conduct its traditional antitrust review, these mergers often must receive the blessing of multiple local and state agencies as well as the Federal Communications Commission. A reasonable person might assume that once the Department of Justice has issued a clean bill of antitrust health for a proposed merger, that venture has passed the smell test. I hope that same reasonable person would share the concern that I have after reading this week that the FCC may hold this merger, and others like it, hostage under some ransom-guided interpretation of the so-called "public interest" standard.

Mr. Speaker, the underlying premise of the Telecommunications Reform Act we passed in the 104th Congress was to break down the artificial barriers of regulation so that the marketplace would choose the winners and losers in this vital industry. We appear to be a long way from the realization of that promise when regulatory bodies handcuff the invisible hand of our free market system.

I would strongly urge the FCC to follow the lead of the DOJ and quickly approve this merger.

JEROME JANCZAK 1999 PAL JOEY AWARD WINNER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to Jerome "Jerry" Janczak, of Milwaukee, the recipient of the 1999 Pal Joey Award from the St. Joseph Foundation, Incorporated.

Jerry Janczak, a true product of Milwaukee's south side, is the youngest of eleven children born to his Polish immigrant parents. He attended Catholic grade school and high school, where he was an accomplished athlete. Shortly after graduating from high school, Jerry enlisted in the United States Air Force, where he served until 1955. While stationed in Florida, he met his future wife, Grace. They were married in 1954.

Jerry worked for many years as an employee of Milwaukee County, with the House of Corrections, the Sheriff Department and the Probate Court where he remained until his retirement in 1988.

That same year, Jerry was honored by the South Side Business Club as their "Man of the Year" and was given the "Special Award" by the St. Joseph Foundation.

Jerry and Grace have two children, Michael and Thomas, and six grandchildren. Jerry's love of sports and competition, which he passed down to his children, led him to develop a part-time trophy and awards business in 1972, which still operates today. Besides his family and business, Jerry's hobbies include golf, bowling, sheepshead and traveling throughout his home state, Wisconsin.

He is active in many civic and religious organizations, including his parish, St. Mary Magdalen, the South Side Business Club, St. Joseph Foundation, the Milwaukee Society Polish National Alliance, Polish Festivals, Inc., and the secret International Mushroom Pickers Society (IMPS.)

Jerry has given valuable time, energy and resources to make Milwaukee's south side and the Polish community stronger and has set a fine example for all to follow. For these reasons, he is truly deserving of the 1999 Pal Joey Award.

Congratulations, Jerry and Grace. Keep up the excellent work. May God continue to bless you and yours.

COMMENDING DR. W.C. WIEDERHOLT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. UNDERWOOD Mr. Speaker, For more than a century the Chamorros on Guam have suffered by Lytico and Bodig. There is hardly a family on the island who has not had a relative die of one of these terrible diseases. During the past 40 years, many researchers have come to Guam to investigate the diseases, and to try and find the cause and subsequent treatment for Lytico and Bodig. One of these researchers is Dr. W.C. Wiederholt who first came to Guam in 1994 at the invitation of Dr. Kurland of the Mayo Clinic. His mission was to complete the mandated functions of the University of Guam/Mayo Grant and to evaluate the possibilities of writing a five-year grant. The University of Guam/Mayo grant activities had gone awry for many reasons, and it appeared as if the research on Lytico and Bodig would once again come to a halt. However, Dr. Widerholt pressed on undaunted despite the obstacles. He took a sabbatical leave from the University of California at San Diego and remained in Guam for almost six months. He brought the project back on track and provided much needed neurology services. Dr. Wiederholt also conducted some pilot studies to gather data for the new grant application.

Under Dr. Wiederholt's leadership, and with the collaborative efforts of a group of world-renowned neuroscientists, the University of Guam and the University of California at San Diego were awarded a $10.8 million grant in 1996 to study "Age-related neurodegenerative disease in Micronesia." The project employs nine local people, and provides practical sites for social work and nursing students, as well as internship opportunities for Guam medical students. In addition, the project provides support to students at all grade levels preparing theses or dissertations about Guam's neurodegenerative diseases, aging concerns and caregiver issues.

Under Dr. Wiederholt's guidance, the project has moved into a new dimension and is exploring, among many potential causes, how familial predisposition or susceptibility might interact with environmental factors in causing the disease. It is hoped that through Dr. Wiederholt's research, more effective methods for detection, treatment and ultimately the prevention of this disease will be developed for the benefit of the people of Guam.

Guam has become Dr. Wiederholt's home for at least seven months out of the year. Not only does he make initial diagnoses of neurological diseases and furnishes follow-up services to all patients, he also provides courtesy consultations to Guam's community physicians and the Veterans Affairs Center.

Dr. Wiederholt's dedication to the people of Guam is highly admirable and deserves our sincerest gratitude. On behalf of the people of Guam, I say to you Dr. Weiderholt, Si Yu'os Ma'ase.

IN HONOR OF PAULINE "POLLY" HAMMACK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I now take this moment to recognize the life and contributions of Pauline "Polly" Hammack. Sadly, Colorado lost this leading citizen earlier this year. While family and friends remember Polly's remarkable life, I, too, would like to pay tribute to this great American citizen and friend.

Born on June 22, 1919 in Vine, Tennessee, Polly spent most of her professional life as an employee of Denver Dry Goods beginning in the fall of 1966. She would retire as an Assistant Store Manager and Personnel Director 20 years later.

In addition to her distinguished service with Denver Dry Goods, Polly long played an active and leading role in Colorado politics. For many years, Polly has been a familiar and energetic presence on various political campaigns. Most significantly, she was instrumental in President George Bush's presidential campaign efforts both in 1988 and 1996. She also served on the State Board of Republican Women for an extended period of time. In spite of being afflicted by severe illness during the last election cycle, Polly maintained an active role in Colorado politics by way of the telephone. Her commitment to America, even in times of personal ailment, is truly admirable and deeply commendable.

As friends and family remember Polly's remarkable life, I am confident that the pain they feel at her passing will subside. Although all who have had the privilege to know Polly are worse off in her absence, I am hopeful that each will take solace in the knowledge that they are a better person for having known her.

It is with this, Mr. Speaker, that I say thank you to Polly for her dedication to America. I am hopeful that her husband Wayne, her children Wayne and Barbara, her grandsons Richard and Douglas, her sister Mildred, and her daughter-in-law Mary will find comfort in this difficult time.

INTRODUCING THE STOCKPILE STEWARDSHIP RESOLUTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. MARKEY. Mr. Speaker, today I am introducing a resolution to express the Sense of Congress regarding the direction of the U.S. program to maintain the safety and reliability of the nuclear weapons stockpile in the post-Cold War era.

The Comprehensive Test Ban Treaty, which President Clinton signed in 1996, bans all nuclear explosions in order to promote nuclear disarmament and nonproliferation "by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons." The treaty requires us to maintain the safety and reliability of our nuclear weapons without explosive tests. It does not require us to spend $60 million for new submarine warhead designs. It does not require us to spend $198 million on underground "subcritical" nuclear tests and preparing for banned explosive tests at the Nevada Test Site. It does not require us to spend $466 million on fusion explosion experiments that could lead to hydrogen bombs that don't need uranium or plutonium, which would be a nonproliferation nightmare. And it certainly does not require us to spend $5.5 million for a new National Atomic Museum, colocated with the Anderson-Abruzzo International Balloon Museum.

These and other projects are an expensive jobs program for nuclear scientists, in the guise of keeping unneeded weapons design, testing, and manufacturing capability. They are inconsistent with our commitment to nuclear disarmament in the Nonproliferation Treaty and with the purposes of the Comprehensive Test Ban Treaty. Faced with our massive investment in nuclear weapons research, other nations are slowing arms reductions and keeping their own nuclear weapons development programs, thus putting our real security at risk.

The safety and reliability of the nuclear weapons stockpile can be maintained with a more modest program of surveillance of the warheads and occasional remanufacturing when necessary. The resolution I am introducing today expresses support for such a custodianship program that protects our national security without wasting money or providing cover for new nuclear weapons programs that will prolong the Cold War and undermine the unsteady international nuclear non-proliferation regime. The resolution expresses the Sense of Congress that the nuclear weapons stockpile can be maintained with a program that is far smaller, less expensive, and does not require facilities or experiments that are likely to be used for warhead design or development. The resolution thus urges the Secretary of Energy to redirect the program for custodianship of the nuclear weapons arsenal toward less costly and less provocative methods that are consistent with United States treaty obligations.

I hope this resolution will serve as a useful vehicle for educating the Congress and the public about the nature of the current stockpile stewardship program and for promoting consideration of less costly and less destabilizing alternatives. I urge my colleagues to join in cosponsoring this resolution, and moving towards a more sound nuclear policy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 25, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the published scandals plaguing the Olympics.

SR–253

Indian Affairs

To hold oversight hearings on the implementation of welfare reform for Indians.

SR–485

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 415, to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; and S. 607, reauthorize and amend the National Geologic Mapping Act of 1992.

SD–366

APRIL 20

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.

SD–366

Indian Affairs

To hold oversight hearings on the implementation of the Native American Graves Protection and Repatration Act.

SR–485

APRIL 21

9:30 a.m.

Indian Affairs

To hold hearings on S. 401, to provide for business development and trade promotion for native Americans,and for other purposes.

SR–485

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the readiness of the United States Navy and Marines operating forces.

SR–222

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings to review the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.

SD–366

APRIL 27

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.

SD–366

APRIL 28

9:30 a.m.

Indian Affairs

To hold oversight hearings on Bureau of Indian Affairs capacity and mission.

SR–485

MAY 4

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas.

SD-366

Indian Affairs

To hold oversight hearings on Census 2000, implementation in Indian Country.

SR-485

MAY 5

9:30 a.m.

Indian Affairs

To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.

SR-485

MAY 6

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.

SH-216

MAY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on HUBzones implementation.

SR-485

MAY 19

9:30 a.m.

Indian Affairs

To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

SR-485

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, March 25, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are grateful, O God, that You have made the heavens and the Earth and have breathed into us the very breath of life. As we express our petitions this day may we do so with humility and wisdom as we face the decisions that affect the lives of others. We earnestly pray for peace in our troubled world, and may Your spirit, gracious God, be with all those who face danger and suffering. May Your blessings surround all people, may Your grace be sufficient for every need and may Your love ever bind us together. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 774. An act to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program.

H.R. 808. An act to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

H.J. Res. 26. Joint resolution providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 27. Joint resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 28. Joint resolution providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 131 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 131

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of the fiscal years 2001 through 2009. The first reading of the concurrent resolution shall be dispensed with. Points of order against consideration of the concurrent resolution for failure to comply with clause 4(a) of rule XIII are waived. General debate shall not exceed three hours, with two hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour of general debate on the subject of economic goals and policies divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The amendment specified in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The concurrent resolution, as amended, shall be considered as read. No further amendment shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment and a final period of general debate, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. Rule XXIII shall not apply with respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2000.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 131 is a structured rule providing for consideration of H. Con. Res. 68, the budget resolution for fiscal year 2000.

H. Res. 131 provides for three hours of general debate with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour on economic goals and policies equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK).

The rule waives clause 4(a) of rule XIII requiring a 3-day layover of the committee report. The rule also considers the amendment printed in part one of the Committee on Rules report as adopted upon adoption of the rule. The rule also makes in order only those amendments printed in part 2 of the Committee on Rules report to be offered only in the order specified, only by the Member designated, debatable for 40 minutes equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment.

The rule waives all points of order against the amendments except that if an amendment in the nature of a substitute is adopted, it is not in order to consider further substitutes. This is a very important point, because Members need to know that there will not be any king of the hill or queen of the hill procedures used here today. There are no free votes.

The rule also provides, upon the conclusion of consideration of the concurrent resolution for amendment, for a final period of general debate not to exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The rule also provides and permits the chairman of the Committee on the Budget to offer amendments in the House to achieve mathematical consistency pursuant to section 305(a)(5) of the Budget Act. Finally, the rule suspends the application of House rule XXIII with respect to the concurrent resolution on the budget for fiscal year 2000.

Mr. Speaker, H. Res. 131 is a conventional rule for consideration of the budget resolution and provides for the consideration of a number of substitutes, including the Blue Dog budget offered by the gentleman from Minnesota (Mr. MINGE), the Democratic substitute offered by the gentleman from South Carolina (Mr. SPRATT), and President Clinton's budget. It strikes me as odd that the Committee on the Budget Democrats would not offer the President's budget for consideration, and that as a result, Members on our side of the aisle had to offer it to get it considered.

Mr. Speaker, this budget takes advantage of this historic opportunity to save Social Security by ensuring that 100 percent of the money destined for the Social Security Trust Fund remains in the trust fund. That is $1.8 trillion over the next decade for retirement security. The President's plan only sets aside 62 percent of the funds destined for the Social Security Trust Fund, about $100 billion less than the Republican plan. Our budget strengthens Social Security and ensures that big spenders can no longer raid the fund to pay for their big government spending programs.

Mr. Speaker, after saving Social Security and Medicare, the real question is, what should we do with the remainder of the surplus? We say, give it back. When previous Congresses could not figure out how to run the government, they turned to the American people for more taxes. Now that we have a surplus, the big spenders do not want to give the people a refund. They want to spend it on new, wasteful, bureaucratic programs.

I welcome this debate because it will speak volumes about the differing opinions on the role of the Federal Government in the lives of the American people.

A few months ago, we received a preview of this debate when the President said, and I quote, we could give it all back to you and hope you spend it right, closed quotes. But the President then proceeded to explain that he really should not give back the surplus because Federal Government bureaucrats could make wiser choices with your paychecks than you could.

That is the ideological conflict we are dealing with today. Our budget is designed to provide more freedom and more power to the American people. The President's budget is designed to keep taxpayer money controlled inside of the Washington, D.C. bureaucracy.

The Republican budget expands upon our efforts to provide every American with as much personal freedom and liberty as possible. We simply believe that individuals make much better choices about their lives than bureaucrats do.

The President's position on taxes illustrates his belief that the government makes wiser choices with the paychecks of the American worker. In a budget that weighed 12 pounds and was 2,800 pages long, the Clinton budget did not contain any real tax cut. In fact, his budget proposal actually included billions of new taxes and fees.

Today, your tax rate is about 2 percent lower than it was 2 years ago because Congress provided the first Federal tax cut in 16 years. Yet Federal tax revenues still comprise a record percentage of Gross Domestic Product. In fact, Americans pay more in taxes than for food, clothing and shelter combined.

The President responded to this growing tax burden by stating, "Fifteen years from now, if the Congress wants to give more tax relief, then let them do it."

Well, if waiting until the year 2014 to get a tax refund does not appeal to people, they will be pleased to know that the Republican budget states that the surplus does not belong to government. The Republican budget will provide $800 billion in tax relief, including $10 billion to $15 billion in the first year. It is a reaffirmation of our belief that the American people know best how to spend their money.

The President's budget, which the Democrats would not even offer today, spends $341 billion of the Social Security surplus over 10 years, it breaks the balanced budget caps, and proposes $30 billion more in outlays than allowed under the law in just the first year.

It should be noted that despite the President's rhetoric, his budget actually cuts Medicare by $11.9 billion over 5 years. The Republican budget rejects the President's Medicare cuts, including those he proposed for certain prescription drugs.

Even the President's own Comptroller General, David Walker, has criticized the Clinton Medicare proposal for essentially doing nothing to alter the imbalance between the program's receipts and benefits payments. The President's $11.9 billion cut in Medicare and his fiscal shell games are endangering the quality of our seniors' health care.

Conversely, our budget locks away all of the Social Security trust fund surpluses for the Nation's elderly to save, strengthen and preserve Social Security and Medicare.

This budget continues our determined efforts to provide more security, more freedom, and less government to the American people. In its entirety, our budget is a common sense plan to provide security for the American people by preserving every penny of the Social Security surplus, return overtaxed paychecks to those who earned it, pay down the national debt, rebuild our Nation's defense, and improve our public schools.

Mr. Speaker, this Republican budget reaffirms our belief in the Ronald Reagan adage that it is not the function of government to bestow happiness upon us. Rather, it is the function of government to give the American people the opportunity to work out happiness for themselves. That is why this budget resolution is written in such a way to provide more freedom to American families and communities by returning money, power and control back to them.

Mr. Speaker, this is a fair rule. I urge my colleagues to support it so that we may proceed with the general debate and consideration of this historic budget resolution and the substitute resolutions.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, people are starting to get their hopes up with this budget. With the new surplus and the new millennium, it looks like anything is possible. Unfortunately, Mr. Speaker, they are in for a huge disappointment. Last week's unveiling of my Republican colleagues' new budget proved to be more of the same: All bad ideas.

Despite predictions of Medicare and Social Security catastrophes looming on the horizon, the Republican budget does nothing to extend the life of either Social Security or Medicare for even one day. But it still manages to siphon $775 billion into tax cuts for the richest Americans, instead of investing in education, health care, to prepare this country for the next century.

□ 1015

Like Nero, Mr. Speaker, the Republican budget fiddles while Social Security and Medicare burn.

The chief actuary of the Social Security Administration has said this budget will have virtually no effect on the date that Social Security becomes insolvent. It will just make sure that it goes broke on schedule. That is not me speaking, Mr. Speaker. That is the chief actuary of the Social Security Administration.

In contrast, the Democratic budget has a lock box which will protect Social Security until the year 2050 and protect Medicare until the year 2020. My Republican colleagues propose a plan that is less secure than the Democrats', and Treasury Secretary Rubin recommended that the President of the United States veto it.

Because in reality, Mr. Speaker, the Republican lock box is more of an open till. The differences do not stop there.

The Democratic budget reduces the debt more than the Republican budget every year that it is in effect. The Democratic budget provides $40 billion more for veterans' health care over the next 10 years than the Republican budget. Mr. Speaker, we made our veterans a promise. We must keep that promise. America's fighting men and women risk their lives for this country. They deserve the very best health care, the best services we can give them. But my Republican colleagues will not allow a vote, will not even allow a vote on the Clement veterans' amendment.

The Democratic budget provides more for defense spending over the long run than the Republican budget because, in the later years, my Republican colleagues had to choose between defense spending and tax cuts. What do my colleagues think, Mr. Speaker? They chose the tax cuts.

Meanwhile, Mr. Speaker, the Democratic budget still manages to provide some balanced tax cuts and keep our economy from slipping back into deficit. The Republican budget, on the other hand, will create a whole new deficit by the year 2014.

The Democratic budget does more to reduce class size and modernize our schools than the Republican budget, which will cut spending for Head Start, cut spending for Pell Grants, and cut money for work study.

The Democratic budget protects important programs like WIC, which the Republican budget cuts by so much that 1.2 million women, infants, and children will lose their benefits next year; 16,400 of them live in my home State of Massachusetts.

Mr. Speaker, the WIC program provides essential nutrition and education during the early years of the childrens' development in order to make sure that they start school ready to learn. If we do not give them good nutrition when they are very young, we lose our chance forever.

Some of my Democratic colleagues tried to make sure that we got that chance. But this rule does not make in order the DeFazio amendment on the progressive budget, the Clement amendment on the veterans budget, or the Mink amendment on education.

This rule does make in order the Shadegg-Coburn amendment which some people are equating with President Clinton's budget. They say it reflects some CBO comparison. Mr. Speaker, I want to make something perfectly clear. The Shadegg-Coburn amendment looks as much like President Clinton's budget as I look like Gwyneth Paltrow.

Looking at this budget, we would think that my Republican colleagues have very sharp memories when it comes to bad habits that gave us the budget deficits in the 1980s and the tripling of our national debt. Now that our budget finally is in the black, we should be very, very careful about repeating those mistakes.

So I urge my colleagues to defeat the previous question. If the previous question is defeated, we will make in order the Clement amendment to take care of our American veterans. Our veterans deserve every bit of care we can give them. This country made them a promise. This country should live up to that promise.

Yesterday's U.S.A. Today says, "If your Member of Congress comes home this weekend bragging about having adopted a responsible Federal budget, don't you believe it."

So I urge my colleagues to defeat the Republican budget. Today's vote gives us an unprecedented chance to protect Social Security, to protect Medicare for the next generation. Mr. Speaker, let us not let that chance go by.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Atlanta for yielding me this time and appreciate his fine leadership in this effort.

This morning, as the House opened, since we did not go through one minutes, a lot of us were here to listen to the prayer delivered by the Chaplain. The Chaplain said, "One of the things that we have to do here is face the challenge of those decisions that will affect the lives of others." This issue of the budget is a very serious one, and it cannot be taken lightly. That is why I am extraordinarily proud of, not only the process that we have gone through for consideration of these different budgets, but the budget itself that is the underlying effort that was put forward by the Committee on the Budget.

When we think about the impact on lives of others, we think about retirees and those who are looking towards retirement. We are making history today when we do in fact pass the committee's budget, which I believe we will do.

We are locking away Social Security money for Social Security and ending what has been at least a 3½ or 4 decade long practice of raiding Social Security for other spending.

I have got to enter into the RECORD at this point, Mr. Speaker, a letter that has come from the AARP, the American Association of Retired Persons. In it is made very clear that there is a high level of support and recognition that our plan to lock away Social Security does in fact provide the greatest opportunity for us to address the needs of retirees.

The letter is as follows:

AARP,
March 24, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: AARP believes it is important to protect Social Security's growing reserves and is pleased that the House Budget Resolution provides that protection. Over the next ten years, Social Security is projected to contribute $1.8 trillion of the unified surplus. Preserving Social Security's reserves not only allows our country to better prepare for the impending retirement of the baby boom generation, but also gives us greater financial flexibility to enact long-term reform in both Social Security and Medicare once the options have been carefully considered and their impact understood. In the meantime, maintaining Social Security's trust fund assets helps reduce the publicly held debt, further strengthening the economy.

We are also pleased that the Resolution does not call for reconciliation in the Medicare program. Much work remains to be done to strengthen and modernize Medicare—work that must be taken on judiciously and on a bipartisan basis. Currently, however, the program is still absorbing the impact of the changes enacted in the Balanced Budget Act of 1997. Until such changes are fully understood, we should move cautiously in making additional changes to the program.

The Association remains concerned that the constraints on domestic discretionary spending will place an inordinate burden on low-income programs such as elderly housing and home energy assistance. Inevitably, these caps will lead to difficult choices in providing for appropriations for these important programs and may need to be reconsidered in light of pressing needs.

The Resolution now before the House continues to move this year's budget process forward in a constructive manner. AARP is committed to working with the House on a bipartisan basis to achieve a Budget Resolution that takes advantage of the opportunities that come from a surplus and at the same time continues the course of fiscal discipline that our nation has worked hard to achieve.

Sincerely,

HORACE B. DEETS.

Our budget actually devotes $100 billion more than the President's budget to save, strengthen, and secure and preserve Social Security and Medicare. Unfortunately, the President's budget cuts Medicare by $11.9 billion. We maintain the spending discipline that brought us the balanced budget while, unfortunately, the President's package exceeds the caps by $30 billion.

After locking away the Social Security and Medicare funds, we returned the rest of the surplus to the American people in tax relief. That is something I think is very important to recognize, that we have an overcharge that has taken place, and that overcharge should in fact be provided as a rebate, and that is exactly what we do.

On the other side, the President's budget in fact raises taxes by $172 billion. In fact, the President has said that Congress should not even consider providing tax relief for over 15 years.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the gentleman from California (Mr. DREIER), my chairman, my very dear friend, keeps alluding to the President's budget. We did not propose the President's budget. The gentleman's Members proposed the President's budget so he is using the President's budget as a straw man. We do not want any part of the President's budget.

Mr. DREIER. Mr. Speaker, reclaiming my time, I think the gentleman from Massachusetts has made an extraordinarily wonderful point when he says he does not want to have anything to do with the President's budget.

We made the President's budget in order for consideration when we move ahead for debate for a very important reason; and that is, I believe that the President was very serious when he submitted his budget to the Congress.

I find it very interesting that the budget of the President's had to be offered by Republicans. Why? Because not one single Member of the President's party chose to step forward and endorse, support, and propose this budget that I am proudly talking about and juxtaposing to the proposal that has come from the Budget Committee.

So I will continue, if I can, to talk about more reasons why Democrats do not even want to offer the President's budget.

Our budget actually pays down $450 billion more in public debt than the administration's budget does. For those on the other side of the aisle who have looked back to the days of liberal rule of the Congress and budget deficits which went as far as the eye can see, we are making in order, as I said, this old-fashioned tax-and-spend last budget that the President submitted for this Congress, the 20th Century.

I think it is unfortunate that the President chose to do that. But we have to take seriously what the President has submitted to us. That is why our Republican colleagues, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Arizona (Mr. SHADEGG) will in fact be offering that.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to once again yield to the gentleman from South Boston, Massachusetts (Mr. MOAKLEY), the distinguished ranking minority member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, as I said, the chairman and I are very friendly.

Mr. DREIER. And we agree on a lot of things, too.

Mr. MOAKLEY. Mr. Speaker, I have a letter from the director of OMB, and I would just like to read a couple statements. It says, "As you know, Congressmen SHADEGG and COBURN will be offering a substitute amendment as the budget resolution on the House floor today. This amendment is being characterized as the President's budget. The administration has not been consulted in the development of this amendment. It is our understanding that it is based on a set of assumptions and is quite different from those presented in the President's budget. Therefore, this is not the President's budget."

Mr. DREIER. Mr. Speaker, reclaiming my time, I thank the gentleman from Massachusetts (Mr. MOAKLEY), my friend, for his very valuable contribution.

I hope that the spirit that was raised as a question from the distinguished ranking minority member of the Committee on Budget earlier this morning to me will be recognized, and I am trying to give time over to the other side of the aisle because I know that the gentleman said that he wanted to have, in fact, longer than the 40 minutes. Although I have got to tell my colleagues, as chairman of the Committee on Rules, I have had Democrat after Democrat who has come up to me and said, "Gosh, don't you think, after 10 hours of debate, maybe tonight we could complete this budget process?" That is exactly what we are trying to do.

Frankly, I do not have to leave here tonight or first thing in the morning, but I have got so many Members on the other side of the aisle who are urging us to complete this. Let me say, I know that there is great time. I have tried to yield as generously as I can to the ranking minority member.

Mr. SPRATT. Mr. Speaker, will the gentleman yield for a question?

Mr. DREIER. If there is one question, I am happy to yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, it is down the gentleman's alley. I would like for him to elaborate, to explain this so-called trust box that my colleagues are proposing. It is my understanding that the basic protection is a rule of order here on the House floor. As the gentleman knows, as the chairman of the Committee on Rules, he is in the business of waiving points of order every day of the week.

Mr. DREIER. Mr. Speaker, reclaiming my time, we have no intention of waiving that one, I should say, and we do plan to have in fact this locked up. It is the first time in history that we have ever attempted to do that. That is what this Congress is doing.

So I hope that, if my colleagues look at the litany of proposals that have been put forward, I am very happy that we have got the President's budget, we made the Spratt budget alternative in order, and we made the Blue Dog budget in order.

Of the alternatives that we are going to have, all three of them were authored by Democrats. So I have got to say that I think we are being very fair, very balanced, and I look forward to a vigorous debate on that.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, the President is not reputed for his accounting. I remember a Bush budget that was offered word for word that only got 30 votes.

I am going to vote "no" against everything. I will tell my colleagues why. We have an approaching $200 billion trade deficit, and there is still no address to the critical negative balance of payments.

Number two, neither party secures Social Security. My colleagues can waive rules. They can take lock boxes and throw them out windows. I submit a little bill that says we should amend the Constitution that says it is illegal to touch Social Security. We did it for limiting President's terms. We did it to allow popular vote for Senators. We in fact prohibited alcohol in this country. What is more important than Social Security?

So I will listen to the debate. But, quite frankly, the Republicans should have offered word for word President Clinton's budget, and it would have been soundly defeated.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, I would like to point out that President Clinton's budget was put on the Senate floor yesterday and defeated 97 to 2.

Mr. TRAFICANT. Mr. Speaker, I am not surprised.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time, and I rise in support obviously of this very good rule to bring the budget forward.

□ 1030

First, though, Mr. Speaker, I know I speak for all my colleagues when I say good luck, Godspeed, and we are behind our young men and women who are overseas today doing the very hard work of this Nation's national security in their mission in Yugoslavia. We are all praying for their success, for a safe mission and a quick return home.

Mr. Speaker, as has been described, this rule is a fair and balanced approach to the very important debate we are about to have for the Nation's fiscal year 2000 budget. I know that some of our colleagues will be disappointed this rule does not allow for every proposed amendment. But what we have tried to do is craft a rule that allows for several different approaches to be debated so that all the major issues, all of the major issues, can be addressed today. I think we have succeeded on that point, as we will hear in the 10 hours of debate that will ensue.

In addition, I point out to my colleagues who have expressed specific concern about the need to boost defense spending levels, even beyond what the Committee on the Budget has provided, that we have in fact taken that advice and this rule will incorporate an enhancement of defense spending in the base text of the resolution.

Mr. Speaker, the budget brought forward today by the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, is a positive blueprint for where we should be headed as we assess our Nation's finances in the new millennium. The budget outlines our unwavering commitment to preserving Social Security and Medicare, living within budget caps, caps we set for ourselves in 1997, and providing real tax relief to the American people.

We know there is a great temptation among some who see the term "surplus" and who conclude that we should be boosting the budget of all sorts of government programs. But we are committed to maintaining discipline, even in the face of that kind of temptation, by first meeting our obligation to ensure the retirement security and the national security of the American people. They are counting on us and we are doing it.

Once we have accomplished those goals, we propose to give something back in the form of tax cuts to the American people. With all the numbers we will be hearing today, and all the rhetoric and spin that will come forward, to me, once again, this debate here in Congress boils down to fundamentally different competing visions of where America is headed in the millennium.

We propose less government and more control by American families of their own hard-earned resources. The administration, and some of our Democrat colleagues across the aisle, propose ever more government and ever more taxes, and we will hear it here today. It is really just that simple.

This is a healthy debate for us to have, and this rule allows for plenty of opportunity for all voices to be heard. I congratulate the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), for bringing this rule forward, and my colleague, the gentleman from Georgia (Mr. LINDER), for his beautiful support for it today, and I urge the support of all my colleagues for this rule and the underlying resolution.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to respond to the comments made by my friend who just left the microphone and to the claim that we are to have 10 hours for debate. I wish someone would explain. I count 5 hours, if we do not count the rule. We get 5 hours of debate after the debate on the rule is finished.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, we did a calculation, and my guess is we will be out of here about 8 o'clock tonight. I suspect we are not doing anything else today, so I assumed it would be about 10 hours.

Mr. MOAKLEY. Does vote time count as debate time; is that what the gentleman is telling me?

Mr. GOSS. I think some of the better debate takes place during the vote time.

Mr. MOAKLEY. Well, I think if the gentleman wants to look at the record, we have 5 hours for debate, not 10 hours of debate, after the rule is completed.

Mr. GOSS. Mr. Speaker, if the gentleman will permit, I will correct my statement to say that we will be applying 10 hours of our day today to this subject.

Mr. MOAKLEY. It is still not a correct statement.

Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, for all Americans, we are now in the "Goldilocks economy". It is not too hot, not too cold, just right, everywhere but on the Republican side and their CBO numbers. Over there it is the "Mamma Bear economy". It is always too cold.

So their CBO numbers right now have the American economy growing at 2.3 percent for this year. Forget the fact that the economy grew at 6.1 percent for the first quarter. Forget the fact that everybody else in America is projecting 3 or 4 percent growth. And guess what that means? That means we have to cut back on how much we can help out on Medicare, how much we can help out on education, how much we can help out on the environment.

The CBO was off by $100 billion in 1997. They were off by $75 billion in 1998. And they are off by at least $50 billion this year. And in July of this year, when the money shows up, guess where it is going. It is going for a tax break for the rich. This money is in something which the Republicans, Senator DOMENICI, is calling right now, he is calling it a tax reduction reserve plan.

That is the Republican plan, a skeleton key for their lock box this July that will take $50 or $60 billion for tax breaks for the wealthy. No money for Medicare, no money for education, no money for the environment, but money for those tax breaks. That is the secret plan. That is what this is all about.

They continue to have the remarkable ability to harness voluminous amounts of information to defend knowingly erroneous premises. This debate is a fraud.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). All Members will be reminded that references to Members of the other body are prohibited by House rules.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to point out that it was President Clinton who said on this floor in his first State of the Union that he wanted to use CBO numbers, much to the applause of all the Democrats in this Chamber.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, it is quite clear that this Republican budget has many and serious deficiencies. It is also true of the rule.

The rule, for example, will not allow us to direct our attention to the needs of American veterans. The rule does not allow us to have an amendment come to the floor which will allow us to debate the issue of health care for American veterans. The rule does not allow us to provide very drastically needed additional funds to provide for the health care for the men and women who went to war for this country.

Why do the Republicans refuse to allow us the opportunity to provide adequately for American veterans? It is a tiny amount of money that is needed. It will not disrupt the budget.

Please, I implore my colleagues, make in order as part of the rule an amendment which will allow us to debate the issue of veterans' health care and finally allow us to provide the funds that are necessary to provide for the health care of American veterans at veterans' hospitals across this country.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

The question before the House is how do we safeguard Social Security, increase military spending, cut taxes for the wealthy, and balance the budget without devastating cuts in everything else that is important to many Americans, from veterans' programs to education to law enforcement? The answer is we do not, and we cannot honestly.

On the Republican side they have revived with gusto the magic asterisks of the Reagan years, which are so-called undistributed cuts, meaning we do not know what to do, we are punting, and we will figure it out later, but there will probably be a whole bunch more cuts or we will not deliver on these promises. One or the other has got to give.

Unfortunately, the other budget alternatives before us also come up short in those areas. I tried to offer a progressive budget alternative that was balanced, did not offer tax cuts to the wealthy, protected those programs important to Americans, with modest reductions in the military, and it was not allowed.

It was an honest budget and it was not allowed. It did not have any magic asterisks that say we do not have the slightest idea how we are going to do this, we will just put something in that says we will figure out how to cut later.

This is a dishonest budget with a dishonest debate without a progressive alternative.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time, and I thank the ranking member of the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT).

Mr. Speaker, I rise today in strong opposition to the rule and to this budget resolution for many reasons, but I want to concentrate on the veterans. Veterans are very important to us because we know how much they have sacrificed in order for us to be free.

I offered an amendment in the Committee on the Budget, as well as an amendment in the Committee on Rules, asking for $1 billion for the veterans for fiscal year 2000 over and above what the Republicans had requested, which was only $900 million. What I requested was exactly what the gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Veterans' Affairs, recommended to the Committee on the Budget that was adopted but rejected by the Committee on the Budget. They went with the lower amount.

It is interesting, when I asked the question in the Committee on the Budget, "Why did we go along with the lower amount?" "Well, the uncertainties of the veterans' programs in the future," was the answer.

Well, we know what is happening in Kosovo right now. We also know that a lot of people could get hurt and killed in Kosovo. We know about all the regional and ethnic conflicts in the world that will continue in the future as well, because we know about our civilization and we know about the struggles for freedom and for fairness. And we also know that we have an obligation to our veterans to do everything we possibly can to help them in time of need. But are we? The Republican budget ignores this recommendation.

In fact, the resolution actually decreases veterans' funding over the next 10 years by $3 billion. This is simply wrong. In an era with budget surpluses, it is unconscionable to deny our veterans the funds they so desperately need. Yes, we are going to increase the defense budget, which I strongly support, but we are going to deny our veterans.

The Veterans of Foreign Wars, the Paralyzed Veterans of America, Disabled American Veterans, and the American Legion have expressed their strong support of both my amendment as well as opposing the rule. These groups represent millions of veterans across our country who are suffering because their hospitals do not have adequate funds to provide the quality care that they deserve.

For 4 consecutive years the veterans' budget has been essentially stagnant. This means the same inadequate funding for health care, more reductions in full-time employees, and new initiatives without new funding to pay for them. Veterans are growing older and sicker each year and cannot survive on a flat-line budget. The pattern has to end. Vote against the rule, help the veterans of this country once and for all.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip of the Democratic party.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I came back from Hershey, Pennsylvania and I said to myself, I am going to try to work together to keep my anger from spilling over on the floor. And I think I have done a good job this week. But I cannot, on this issue, stand by and not express my extreme displeasure on the way the veterans of this country have been dealt with in this budget.

There is no reason why the Clement amendment should not be made in order; why it was treated the way it was in the Committee on Veterans' Affairs and throughout this whole process. I came here 22-plus years ago, and the Vietnam veterans back then could not get a decent hearing on anything; on Agent Orange; they could not get a decent hearing in this Congress on outreach counseling.

We put together a group called The Vietnam Veterans in Congress and we went to work on that stuff, and we finally got some things and justice done for those veterans. And we are back at the same old game here today: $3 billion in cuts in the Republican budget. And I might say, while I am talking about their budget, the President's budget is not much better. They are both lousy in terms of our veterans.

We have people in this country who have sacrificed, who have put their lives on the line day after day, month after month, year after year, fighting right now in Kosovo and in Serbia, without the knowledge that they are going to have the benefits that they need in health care and other things when they get out of the service.

Over the top of the building which houses the Department of Veterans Affairs are written the words "To care for him who shall have borne the battle, and for his widow and his orphan." Those words are meaningless if we do not put our dollars and our hearts behind those words, and we are not doing it. We are not doing it, and it is wrong.

There is a crisis in health care for our veterans in this country. If my colleagues talk to the people who run these hospitals anywhere in America, they will hear that the veterans are not getting the service they deserve. And it seems to me it is only just and right that we vote down this rule so the committee can go back and do its work, and not cut veterans' benefits by $3 billion while we increase Star Wars and all these other things, while we provide tax benefits for the wealthiest people in this country.

It is not right, it is not just, and I hope my colleagues on this side of the aisle and on that side of the aisle will reject the President's budget on this and the Republican budget on this.

☐ 1045

The veterans' organizations are in agreement with us on this. The DAV, the VFW, the Paralyzed American Veterans, AmVets, the organization that I belong to, Vietnam Veterans of America, say "no" on this rule.

Vote "no" on this rule so we can get a decent budget for the people that are fighting for our country right now.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to this rule and in opposition to this budget and in support of our Nation's veterans.

This rule does not even allow the veterans of America to have a vote on the budget that they recommended to us to take care of their health needs, to take care of the cemetery needs, to take care of all of the issues which have been left up in the air in the last few years' straight-line budget.

The Democrats in the Committee on Veterans' Affairs could not even have their amendment to raise the budget by $3.2 billion, which is what the veterans advocate. We were not even allowed a vote in our committee. We went to the Committee on Rules to ask for a vote on this on the floor. The Committee on Rules did not give us a vote.

The veterans of this Nation fought for our country's democracy, fought for freedom of speech, fought for the right to be heard. And yet their budget is not even allowed to be heard on any committee or on the floor of this House.

Reject this rule. Reject this budget. Vote "yes" for American veterans.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, let us be clear. This budget is a disaster for American veterans and this rule is a disaster for veterans. And that is why this rule is being opposed by almost every major veterans organization in the country, including AmVets, the Blinded Vets, the DAV, the Paralyzed Vets, the VFW, and the Vietnam Vets.

The truth is that the President's budget for veterans is totally inadequate and the Republican budget for vets is even worse. It is unacceptable to me that in a time when some Members of this body want to give tens of billions of dollars in tax breaks to the wealthiest people in this country, we cannot come up with $3 billion to protect medical care for veterans all over this country.

Yesterday, Mr. Speaker, by a unanimous vote, the Senate did the right thing and they raised the amount of money available to vets. We need to defeat this rule, send it back, so that we can join in the Senate and say "yes" to our veterans and make sure they get the medical care to which they are entitled.

Mr. MOAKLEY. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Georgia (Mr. LINDER) has 10½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 11 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, it is regrettable that the consideration of this budget has gotten so partisan. Because I tell my colleagues, this area of veterans' health care is an area where we ought to be able to reach bipartisan agreement, as the other body did in a 99–0 vote last night.

We ought to be improving the President's budget in the area of veterans' health care, and instead the Republican budget makes it worse. Over the next 5 years it would cut discretionary spending for veterans, which primarily goes to health care, a total of $400 million below nominal 1999 levels.

Long-term care issues are going to be increasingly important as our veterans population ages. Making the Adult Day Health Care program permanent could be unobtainable if this resolution is passed.

I fought hard on the Committee on Appropriations for increases to the VA medical research budget, increases that could not be maintained if the Republican budget passes. Mental health services that are funded through our veterans' centers and which need to be expanded would have to be cut back if the Republican resolution is adopted.

The majority leadership owes this House the opportunity to have a vote on this critical funding. The gentleman from Tennessee (Mr. CLEMENT) deserves a vote on his amendment. Vote against this rule. Vote for the Democratic substitute.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise in support of the rule, and I also rise in support of the Republican budget.

Listening to the rhetoric from the other side, one would think that the Republican budget cuts veterans' funding. Actually, the Republican budget increases veterans' funding by $1.1 billion. It is the Clinton-Gore budget that cuts veterans' funding, particularly veterans' health care funding.

Why I support the Republican budget is pretty simple. The Republican budget reflects Republican values of good schools, low taxes, and a secure retirement. It is interesting, when we compare the Clinton-Gore budget with the Republican budget, this is really an historic day.

The Clinton-Gore budget raids the Social Security Trust Fund by $341 billion, cuts Medicare by almost $12 billion, cuts veterans' health care, whereas the Republican budget does something that the folks back home have asked for for almost 30 years. We wall off the Social Security Trust Fund.

How often have I heard in a town meeting or in a senior citizens center folks saying, "When are the folks in Washington going to stop dipping into the Social Security Trust Fund for other purposes?" Our budget puts an end to that. We wall off the Social Security Trust Fund and say hands off.

The President wants to spend over $300 billion in Social Security Trust Fund surpluses on new government spending, not Social Security. We protect Social Security in this budget. We do provide for small tax relief. And I believe we should eliminate the marriage tax penalty. That should be our top priority when it comes to tax relief for families.

The Republican budget pays down the national debt. We increase funding for education by over $1 billion more than the President requests in his budget, and we provide over a $1 billion increase in funding for veterans' health care.

I also want to point out the Republican budget rejects the Clinton-Gore cuts in Medicare that hurt our local hospitals.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, let me first of all make the point that in both fiscal year 1998 and fiscal year 1999, the President of the United States in his budget recommended cuts in veterans.

Many of my colleagues who—well, let me not characterize some of their comments, because I get very concerned when politicians play on the fears of people in this Nation. We have seen it exhibited on this floor in regard to Medicare. We see the administration trying to play on the fears of our seniors on Social Security and Medicare, to the point where a Democratic member of the United States Senate said that they only care about politics, they do not care about the seniors. We see the same kind of rhetoric out here today on veterans.

I wish I had heard a little bit of talk about this when the President's budget director came up to the Committee on the Budget, when it came to the issue of the veterans. For the last 2 fiscal years, the President has recommended cuts in veterans' health care. We recommended increases. Now in this next fiscal year, of course, we have increased the funding for the veterans by $1 billion.

Now, people come down here and they make an argument there ought to be some amendment in order. I have been in the Congress now, this is my 17th year. Since 1995 we have been in the majority. I never saw amendments made in order. In fact, I did not even see the old majority let a lot of budgets in order.

The fact is, in the last 3 years, we have significantly increased funding for veterans' medical health care. I think the time has come for politicians as we head into the next millennium to stop using the politics of fear in order to scare people, in order to use it as a club.

They have this seminar down at Hershey where we are supposed to have greater comity, to be able to get along better. Well, we should. Maybe that ought to extend to the American people so that we are not beating them up every day and playing to their worst hopes and fears.

The fact is, at the end of the day we do better for veterans in this budget than the President did. And this will be 3 years in a row that we have done a better job than the President has, and at the same time will protect Social Security and Medicare and provide tax relief to the American people.

The SPEAKER pro tempore. The Chair will advise that the gentleman from Georgia (Mr. LINDER) has 6½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 10 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, during recent days Members of both parties have spoken very reverently about our sailors and soldiers and Marines, showing their concern for our troops deployed overseas. And I join them. But, unfortunately, they are not doing it here today.

And unfortunately, the gentleman from Ohio (Mr. KASICH) left. There is not $1 billion over Clinton's budget. There is $900 million over Clinton's budget in their budget today. And the gentleman from Ohio (Mr. KASICH) forgot to tell them the other half, that in the subsequent 4 years they eliminate $3 billion from the budget of the veterans. He should tell them the truth.

And while he is doing that, it is not a small, modest tax break. In that budget, in the first 4 years, there is $142 billion in tax breaks for the richest in this Nation. And in the next 5 years, they add another $437 billion, most of which goes to the wealthiest in this Nation. Yes, my colleagues, $779 billion in tax breaks for the richest in this Nation, and they cannot find $3 billion for our veterans. Shame on this House.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE) a member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I rise in support of this fair and balanced rule. It provides for a full and free debate of our Nation's budget priorities.

The House will have the opportunity to debate not only the Republican budget proposal but also the President's budget, as well as two other budgets offered by House Democrats. That is right. Out of the four plans we consider today, three were written by our Democratic friends.

I would like to take a moment to recognize the hard work of my friend from Columbus, Ohio (Mr. KASICH). He is a tireless advocate of balanced budgets, fiscal discipline, and the Republican principles of smaller government and lower taxes. The GOP budget resolution embodies these values.

First and foremost, Mr. Speaker, the Republican budget is honest. It comes to terms with our Nation's true budget situation by recognizing that the surplus that everyone is talking about is really Social Security money. Instead of spending this money, the Republican budget locks away 100 percent of the Social Security surplus to be used only for Social Security benefits, debt reduction, or Medicare reform.

Secondly, the Republican budget is responsible. In 1997 the Republican Congress and President Clinton agreed to a historic balanced budget agreement that has steered our Nation down the path of economic prosperity. In the Republican budget we honor the balanced budget deal we made with the President by sticking to those limitations. Promises made, promises kept; and our country will be better for it.

Further, the GOP budget provides Americans with security today and in their future by investing in our national defense and the education of our children. We wish we could do more in these areas, and we will do more as our budget situation improves and additional resources become available.

It is today's fiscal discipline that will ensure those resources materialize in the future. When a true budget surplus is achieved, Congress will have the flexibility to bolster our Nation's defense budget, prop up special education, and check off some other items on our wish list.

For Republicans, this wish list includes some long-awaited tax relief for American taxpayers. I, for one, am amazed that the tax rate in America is at its highest level since World War II. These high taxes have real effects on real people's lives. Am I the only one receiving mail and phone calls from students, newlyweds, and young parents who are trying to get ahead in life, only to be set back by crippling tax bills?

One man from my district who was downsized, out of his job, is being taxed at the rate of 28 percent on his severance pay. In frustration, he wrote to me asking why the government is hitting him while he is down. He is trying to put two kids through college. Meanwhile, the government is taking $700 from him while he is unemployed.

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I cannot explain the government's greed, but I can tell him that the Republican budget anticipates giving back some of that surplus to the people who earned it so they can spend their money as they see fit on their priorities.

I urge my colleagues to support this rule, which gives ample opportunity to debate the priorities of both Republicans and Democrats.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS) the ranking member on the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding me this time.

The irony of today is that as many brave American servicemen and women are joining with our allies in a military campaign to bring an end to uncontrolled aggression, Congress is turning a deaf ear and a blind eye to the health care needs of its veterans.

The budget resolution for next year provides a modest $900 million increase in funding for veterans' health care. This increase is one-half the increase recommended by the Republican majority of the House Committee on Veterans' Affairs. It is less than one-third the total increase for VA funding supported by the Committee on Veterans' Affairs Democrats.

Would Members of Congress want to rely for their health care on a health care system as underfunded as the VA's? I doubt it. But Congress apparently has a different, lower standard for health care for our servicemen and women.

Even more troublesome is the fact that its supporters tell us time and time again that it provides an unprecedented increase in funding for veterans' health care. What they fail to say is that the Republican budget provides an unprecedented decrease of $1.1 billion for Veterans' Affairs in fiscal year 2001.

After years of inadequate funding under both Democratic and Republican administrations, a consensus exists today for the added funding needed to provide veterans with the highest quality health care and other benefits and services that they have earned.

As Republican Members of the House have said, "We must keep our promises to the veterans." I agree. Approving additional funding for veterans' health care as proposed in the Clement substitute and other budget alternatives would do that and would be an important step for this Congress to take if Congress is going to do more than simply talk the talk on veterans' issues.

urge my colleagues to vote against the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, this year's budget falls far short of providing the funds needed to honor our commitments to our servicemen and women. Even with the increased support last week by the Committee on the Budget, funding for fiscal year 2000 is $2 billion short of what is needed to provide for our veterans' health and well-being.

The budget falls short in keeping up with medical inflation in our aging veterans population. As our veterans grow older, we must dedicate funds to expand health care programs, expand home and community-based services, build more veterans nursing homes and, yes, build more veterans cemeteries.

Veterans are in a budget disaster. Let me say, there is no surplus when your bills are not paid. Let me repeat that. There is no surplus when all of your bills have not been paid. The veterans have paid their bills, they have served us well. All of us, when the veterans come here, we talk a great talk. It is now time to walk that walk for the veterans.

Mr. Speaker, this year's budget falls well short of providing the funding needed to honor our commitment to our service men and women. Even with the increase voted last week by the Budget Committee, funding for Fiscal Year 2000 is 2 billion dollars short of what is needed to provide for our veterans health and well being.

This budget falls short in keeping up with medical inflation and an aging and vulnerable veterans population. As our veterans grow older, we must dedicate funds to:

1. Expanding long term care programs;

2. Expanding home and community based services;

3. Building more veterans nursing homes; and

4. Building more veterans cemeteries.

Veterans are in a budget disaster.

The Budget Committee increased the figure for veterans health care by $1.1 billion dollars last week. Given the 3.9 percent rate of health care cost inflation, this is still a flat-line budget. Given the new initiatives VA is to be tasked with, this is still a flat-line budget. A flat-line budget is still a budget reduction.

We've all heard talk about giving away the budget surplus. There is no surplus when all the bills have not been paid. Last week, many of us on the Veterans' Affairs Committee who see this need spelled it out in detail in our "Additional and Dissenting Views and Estimates."

This was after Mr. EVANS attempted to introduce a proposal within the Committee calling for adding 3 billion dollars to the Administration budget. That debate was not permitted.

Mr. Speaker, this was not a partisan effort. It was a simple statement of dollars and common sense. We need an opportunity to present the case to the full House for more funding for veterans programs.

Mr. Speaker, this is still not a partisan effort. In all fairness, we need a rule that allows such a discussion.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I have worked well with the Republicans since coming to Congress. I think it is important to try to work together. But what this Republican budget does is cross that line of reason. This is a bait and switch budget. Republicans are saying with one hand, look at all the good things we are doing over here and then with the other hand they are cutting programs and not telling you what they are doing.

Let me give my colleagues an example. Education. They say, "Well, we're increasing education," and they are in spots. But on the other hand they are cutting in the year 2000 $1.2 billion of the education budget.

Democrats are extending the life of Social Security to the year 2050. The Republicans make doing nothing about extending the life of Social Security just sound good. The same is true for the Medicare budget. The life of the program is not extended one day under this bait and switch budget.

All of this so they can talk about a tax cut. Now, I support tax cuts, but I think a $779 billion tax cut is too much while we have ignored the fact that we are not adding one day to Social Security or Medicare solvency.

Oppose the rule on this bait and switch budget.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, budgets are about priorities. That is where this Republican budget falls so short. It fails to adequately protect Social Security with the guarantees that are needed. It does nothing to protect Medicare, to extend it beyond its insolvency date of 2008. And, Mr. Speaker, on veterans it falls woefully short.

I come from the State, West Virginia, with the highest number of veterans per capita in the Nation. I cannot go back and point to this budget and say that I voted for it. Today, Mr. Speaker, the next generation of veterans are being forged in the fire over Kosovo. Yet this budget does not say to them, we recognize that sacrifice. Yes, it gives an increase of $900 million the first year, trails off and disappears in the years to come. This is a totally inadequate budget for veterans.

So we want to talk about priorities. Bad on Social Security, bad on Medicare, woefully short on veterans. This is not about families and veterans. This is a bad priority, Mr. Speaker, and it is a bad budget. I urge a "no" vote.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, every day I rise, come in and listen to people come to the well and talk about how they support the troops. Well, I think that every surviving troop becomes a veteran and that is not acknowledged in this bill.

Regardless of what is being said, even the veterans have read this bill and they understand that they have not been treated well. We have homeless veterans, we have dwindling health care being offered to the veterans. It is unconscionable that we present a budget like this that treats our veterans in the fashion in which they have been treated in this budget. There is no real future for America that is reflected in this budget, you see, because education has been cheated, Medicare has not been addressed. We have got a lock box that has a trap door. The guardians of the privilege, they are doing well in this budget. They are taking care of the rich in this budget but they are ignoring the working people of this country. This is Robin Hood in reverse.

I ask everyone to vote against this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SESSIONS), a colleague on the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, what we are engaged in here today is the debate that always takes place in Washington, and that is over how much money can we spend, how much bigger can we make government, and then how we are going to fight to try and save this country.

The bottom line is there is no doubt that the choices today are clear. The President prefers the status quo. He prefers bigger government. And he prefers that the government be the answer or the solution to America's problems. Republicans place our faith in families, communities and the marketplace to solve our Nation's ills. This is just yet another chapter in the string of successes of what will be for this country and for the Republican Congress. Welfare reform, a balanced budget, and tax relief are all successes that this President and his party at one time or another fought vehemently and now campaign and act like they were their ideas.

The bottom line is that the Republican Party offers a simple message. There is only one way to speak honestly to the American people, and it is called discipline. It is called dedicating 100 percent of Social Security dollars for Social Security and Medicare. The Republican plan dedicates 100 percent. The difference between 100 percent and 62 percent will be clear to the American public. There is one thing that Democrats do do and that is that they fully fund big government. Their budgets increase government spending across the board. In fact, the President's budget busts the bipartisan spending agreement that we had just 2 years ago. He increases spending by more than $200 billion in new domestic spending, creating over 120 new government programs.

Mr. Speaker, our message is plain and simple. We will keep producing ideas worth being stolen by the Democrats, but we are going to take credit for this one. It is called discipline and doing what we said we would do.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

This rule allows just 2 hours of general debate for a budget with $1.7 trillion of spending authority. That is a travesty. Let me tell my colleagues how this kind of haste makes waste, just one way that you can mask the numbers in a debate so short about a matter so complex as the budget. This budget, as now drafted, this Republican budget resolution, means that our military personnel will not get the 4.4 percent pay raise that the Joint Chiefs of Staff asked for and the troops thought they were promised by the President and the Congress. The Republican resolution does provide extra money for defense, but nothing for an increase in military retirement benefits, nothing for extra pay raises to help retain critical personnel.

Now, we were able to ferret this out because every pay raise requires a corresponding increase in the contribution to the military retirement trust fund, function 950 of the budget. Look at function 950 in their budget, the Republican budget. There is no entry, no adjustment, no provision for these major pay increases, these major retirement reforms that have been promised. They are in ours. We followed the President's lead. We did it right, they did it wrong.

You pass this budget and everybody is on notice. Unless you do the numbers in this resolution over, you are breaking faith with our troops. You are denying them the pay raises and the benefits that they have been told were coming. This is no way to treat the armed services. The same goes for the civil service. The same mistake has been made.

I yield to the gentleman from Virginia to explain that briefly.

Mr. MORAN of Virginia. I thank the distinguished gentleman for yielding.

Mr. Speaker, not only does this Republican budget resolution not fund military pay raises, but on a party line vote they refused to treat civilian Federal employees the same as military employees as has been done for 50 years. It breaks a precedent, it is not fair to any Federal civilian employees around the country. It is a resolution that should be defeated.

Mr. Speaker, when the budget resolution was before the committee last week I offered an amendment which would have ensured that federal civilian and military employees received equitable and fair pay raises for the next ten years as they have for the last fifty years.

I expected that the amendment would be noncontroversial and pass. After all, the President recommended a 4.4 percent increase for military and civilian employees, and the Senate recommended a 4.8 percent increase for both.

So, I was surprised by the vehement objections raised by those on the other side of the aisle. It failed on a party line vote. Yesterday, I learned why.

You see, House Republicans do not support a fair pay raise for either the civilian federal employees or the military. They did not include any funding above the baseline for either the military or civilian retirement trust funds—funding which would be required if they favored a fair pay raise.

They couldn't afford it because of their $779 billion tax cut. Mr. KASICH admitted this yesterday.

Mr. Speaker, federal employees have contributed over $220 billion toward deficit reduction in the last decade in foregone pay and benefits. The sacrifices made by our military personnel in the name of deficit reduction have been significant.

We have downsized more than a quarter million civilian Federal employees over the last year, so those remaining must work much harder with far fewer resources.

The time has come to restore fair and equitable pay raises for these men and women who have dedicated their careers and, for many, their lives to serving their country.

Mr. SPRATT. Function 950 of this budget is fatally flawed. That is the best reason yet to vote against the rule.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I urge a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to make in order the Clement amendment which does increase the Veterans' Affairs function by $1.9 billion. We made a promise to our veterans and this country must keep our promise.

The text of the amendment is as follows:

AMENDMENT TO HOUSE RESOLUTION 131 TO BE OFFERED IF THE PREVIOUS QUESTION IS DEFEATED

TO MAKE IN ORDER AN AMENDMENT TO KEEP OUR PROMISES TO OUR VETERANS

On page 2, line 23, before "." insert the following:

"or in section 3 of this resolution. The amendment in section 3 of the resolution shall be considered before the amendments in the nature of substitutes printed in the report, may be offered only by Representative CLEMENT of Tennessee or his designee, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment nor to a demand for a division of the question"

At the end of the resolution, add the following new section:

SECTION 3.

Amendment to H. Con. Res. 68, as Reported Offered by Mr. Clement of Tennessee

In paragraph (16) of section 3 (relating to Veterans Benefits and Services (700)) increase budget authority and outlays by the following amounts to reflect fundings for veterans' medical care:

(1) For fiscal year 2000, $1 billion in new budget authority and $900 million in outlays.

(2) For fiscal year 2001, $3.2 billion in new budget authority and $2.822 million in outlays.

(3) For fiscal year 2002, $3.283 billion in new budget authority and $3.106 million in outlays.

(4) For fiscal year 2003, $3.369 billion in new budget authority and $3.283 million in outlays.

(5) For fiscal year 2004, $3.456 billion in new budget authority and $3.423 million in outlays.

(6) For fiscal year 2005, $3.546 billion in new budget authority and $3.512 million in outlays.

(7) For fiscal year 2006, $3.638 billion in new budget authority and $3.603 million in outlays.

(8) For fiscal year 2007, $3.733 billion in new budget authority and $3.697 million in outlays.

(9) For fiscal year 2008, $3.830 billion in new budget authority and $3.793 million in outlays.

(10) For fiscal year 2009, $3.929 billion in new budget authority and $2.891 million in outlays.

In paragraph (1) of section 3 (relating to national defense (050)) reduce budget authority and outlays by the following amounts:

(1) For fiscal year 2000, $1 billion in new budget authority and $900 million in outlays.

(2) For fiscal year 2001, $3.2 billion in new budget authority and $2.822 million in outlays.

(3) For fiscal year 2002, $3.283 billion in new budget authority and $3.106 million in outlays.

(4) For fiscal year 2003, $3.369 billion in new budget authority and $3.283 million in outlays.

(5) For fiscal year 2004, $3.456 billion in new budget authority and $3.423 million in outlays.

(6) For fiscal year 2005, $3.546 billion in new budget authority and $3.512 million in outlays.

(7) For fiscal year 2006, $3.638 billion in new budget authority and $3.603 million in outlays.

(8) For fiscal year 2007, $3.733 billion in new budget authority and $3.697 million in outlays.

(9) For fiscal year 2008, $3.830 billion in new budget authority and $3.793 million in outlays.

(10) For fiscal year 2009, $3.929 billion in new budget authority and $3.891 million in outlays.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

I predicted in the Committee on Rules meeting yesterday that the Democrats would trot out the veterans one more time and use them as a pawn in a political battle to try and force a vote. It is even more clear that they are pawns when we see that six people who spoke on behalf of the veterans today, the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from California (Mr. FILNER), the gentleman from Vermont (Mr. SANDERS), the gentleman from Michigan (Mr. BONIOR), the gentleman from Illinois (Mr. EVANS) and the gentlewoman from Florida (Ms. Brown) are all members of the Progressive Caucus which has put its own budget forth in which they are cutting defense spending by nearly $220 billion over 5 years. In a time when 11,000 military families are on food stamps, they want to cut funding for the military even further, it seems that they are far more concerned about using the veterans as a political pawn than they are allowing our own active members of the military enough income to provide for food for their own families.

This has been trotted out virtually every year that I have been here. I have said that they would use the veterans on a vote against the previous question. I urge all Members to vote in favor of the previous question, to vote for a rule that gives a fair opportunity to be heard on several Democrat alternatives to the Republican budget.

Mr. Speaker, I include the following extraneous material for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, DC, March 24, 1999.

Hon. DENNY HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As you know, H. Con. Res. 68, the Concurrent Resolution on the Budget for FY 2000, was filed by the Committee on the Budget on Tuesday, March 23. As reported, H. Con. Res. 68 contains matters within the jurisdiction of the Rules Committee.

Specifically, Section 5 (the Safe Deposit Box for Social Security Surpluses), which establishes a point of order against consideration of a budget resolution, an amendment thereto or any conference report thereon which provides for a deficit in any fiscal year, falls solely within the jurisdiction of the Rules Committee. Although the Rules Committee has not sought to exercise its original jurisdiction prerogatives on this legislation pursuant to section 301(c) of the Congressional Budget Act of 1974, the Committee has discussed these provisions with the Budget Committee. It is the understanding of the Rules Committee that the Leadership has scheduled the resolution for floor consideration on Thursday, March 25. In recognition of these facts, I agree to waive the Rules Committee's jurisdiction over consideration of this legislation at this time.

Nevertheless, I reserve the jurisdiction of the Rules Committee over all bills relating to the rules, joint rules and the order of business of the House, including any bills relating to the congressional budget process. Furthermore, it would be my intention to seek to have the Rules Committee represented on any conference committee on this concurrent resolution.

Sincerely,

DAVID DREIER.

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

The previous question is a motion made in order under House Rule XVII and is the only parliamentary device in the House used for closing debate and preventing amendment. The effect of adopting the previous question is to bring the resolution to an immediate, final vote. The motion is most often made at the conclusion of debate on a rule or any motion or piece of legislation considered in the House prior to final passage. A Member might think about ordering the previous question in terms of answering the question: Is the House ready to vote on the bill or amendment before it?

In order to amend a rule (other than by using those procedures previously mentioned), the House must vote against ordering the previous question. If the previous question is defeated, the House is in effect, turning control of the Floor over to the Minority party.

If the previous question is defeated, the Speaker then recognizes the Member who led the opposition to the previous question (usually a Member of the Minority party) to control an additional hour of debate during which a germane amendment may be offered to the rule. The Member controlling the Floor then moves the previous question on the amendment and the rule. If the previous question is ordered, the next vote occurs on the amendment followed by a vote on the rule as amended.

DEBATE & AMENDMENTS ON HOUSE BUDGET RESOLUTIONS

[Fiscal year 1990–99]

Year	Budget Res.	Rule Number	General Debate Time	Amendments Allowed	Vote on Rule	Total Time Consumed [1]
1999	H. Con. Res. 284	H. Res. 455	3 hrs. (1 HH) [2]	3 (1–D 1–R)	Adopted: 216–197	6 hrs.
1998	H. Con. Res. 84	H. Res. 152	5 hrs. (1 HH) [3]	5 (3–D 2–R)	Adopted: 278–142	7 hrs.
1997	H. Con. Res. 178	H. Res. 435	3 hrs.[4]	3 (2–D 1–R)	Adopted: 227–196	6 hrs.
1996	H. Con. Res. 67	H. Res. 149	6 hrs.[5]	4 (2–D 2–R)	Adopted: 255–168	10 hrs.
1995	H. Con. Res. 218	H. Res. 384	4 hrs. (1 HH) [6]	5 (3–D 2–R)	Adopted: 245–171	9 hrs.
1994	H. Con. Res. 64	H. Res. 131	10 hrs. (4 HH) [7]		Adopted: voice vote	16 hrs.
		H. Res. 133		4 (2–D 2–R)	Adopted: 251–172	
1993	H. Con. Res. 287	H. Res. 386	3 hrs. (1 HH) [8]	3 (1–D 2–R)	Adopted: 239–182	13½ hrs.
1992	H. Con. Res. 121	H. Res. 123	5 hrs. (2 HH) [9]	4 (1–D 3–R)	Adopted: 392–9	11 hrs.
1991	H. Con. Res. 310	H. Res. 382	6 hrs. (3 HH) [10]	4 (1–D 3–R)	Adopted: voice vote	13 hrs.
1990	H. Con. Res. 106	H. Res. 145	5 hrs. (2 HH) [11]	5 (3–D 2–R)	Adopted: voice vote	12½ hrs.

[1] Includes hour on rule, general debate time, and debate time on all amendments. Does not include time taken on rollcall votes and walking around time.

[2] The 3 hours of general debate were allocated as follows: 2 hrs. Budget Committee and 1 hr. (HH) between Rep. Saxton of New Jersey and Representative Stark of California. Additional debate time on amendments was as follows: 1 hr. Neumann and 1 hr. Spratt.

[3] The resolution provided for an additional 20 minutes of debate controlled by Representative Minge of Minnesota. Additional debate time for amendments: 20 min. Waters, 20 min. Doolittle, 20 min. Brown, 20 min. Kennedy and 20 min. Shuster.

[4] Additional debate time for amendments: 1 hr. Payne, 1 hr. Orton and 1 hr. Sabo. The resolution provided for an additional 40 minutes of general debate, following the conclusion of consideration of the proposed amendments, divided and controlled equally by the chairman and ranking minority member of the Budget Committee.

[5] Additional debate time for amendments: 1 hr. Gephardt, 1 hr. Neumann, 1 hr. Payne and 1 hr. by the minority leader. The rule provided for a final ten minute period of general debate following the disposition of the amendments.

[6] In addition to the hour on HH, Reps. Kasich and Mfume was each given 1 hr. of general debate time to discuss their substitutes. This was followed by 5 substitutes under "king of the hill" (1 hr. Frank, 1 hr. Solomon, 1 hr. Mfume, 1 hr. Kasich, 1 hr. for the final substitute identical to the reported budget resolution).

[7] The 4 hrs. of general debate were allocated: 2 hrs. Budget Committee, 4 hrs. HH, 2 hrs. to discuss the Mfume substitute, 1 hr. to discuss the Solomon substitute, followed by 4 substitutes under "king of the hill" (2 hrs. Kasich, 1 hr Solomon, 1 hr. Mfume and 1 hr. Sabo (identical to the base resolution)).

[8] Three substitutes were allowed under "king of the hill" (30 min. Dannemeyer, 1 hr. Gradison, 8 hrs. Towns-Dellums).

[9] Of the 4 amendments allowed, the first was a perfecting amendment by Rep. Ford of Michigan for which 1 hr. was allowed, followed by three substitutes under "king of the hill" (1 hr. Dannemeyer, 1 hr. Kasich, 2 hrs. Gradison).

[10] General debate began on April 25th under an unanimous consent request agreed to on April 24th. Four substitutes were allowed under "king of the hill" (1 hr. Kasich, 1 hr. Dannemeyer, 2 hrs. Dellums, 2 hrs. Frenzel).

[11] Of the five amendments, one was an amendment by the Chairman of the Budget Committee, 30 mins., followed by 4 substitutes under "king of the hill" (1 hr. Dannemeyer, 3 hrs. Dellums, 1 hr. Kasich, 1 hr. Gephardt).

Source: Rules Committee Calendars (Note: HH stands for Humphrey-Hawkins debate which relates to the economic goals and policies underlying the economic projections assumed in the baseline of the budget resolution).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to this bill because it prohibits the open and free amendment process that governs most of our budgetary and appropriations debates.

This debate that we will engage in later today is an important one for the American people. We will be deciding the future of our Social Security system. We will be deciding the fate of the Medicare system. Our constituents care about these programs, because they know just how valuable they are.

Earlier this week, I met with several senior citizens groups in my district, which resides in Houston, Texas. Without exception, each of them relayed their concerns to me that both the Social Security and Medicare systems should not have their benefits reduced in any way. They were also concerned about the longevity of both programs—and making sure that Medicare and Social Security will be here for their children, and their children's children.

This puts into proper perspective the gravity of our chore. Without a completely open rule, we cannot dissect the Republican resolution and directly address the concerns of our constituents.

Having said that, I am thankful that the rule contains provisions which allow for the debate of the Democratic substitute to this bill, sponsored by Ranking Member SPRATT. I only wish that we would have a more extensive debate on that amendment—meaning more than 40 minutes, so that my Democratic colleagues could voice their support for the measure.

I urge each of my colleagues to vote against the rule, and to vote for the Democratic substitute when it comes to the floor for consideration.

Mr. LINDER. Mr. Speaker, I move the previous question on the resolution.

☐ 1115

The SPEAKER pro tempore (Mr. FOLEY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 203, not voting 7, as follows:

[Roll No. 72]

YEAS—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger

Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Barr
Brady (TX)
Cummings
Emerson
Engel
Lowey
Stupak

□ 1134

Mr. BOSWELL and Mr. BISHOP changed their vote from "yea" to "nay."

Messrs. PICKERING, HORN, STUMP, BISHOP and JONES of North Carolina changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. BUYER. Mr. Speaker, on rollcall No. 73, my voting card was not operable and is now being replaced. Had the voting card worked, I would have voted "aye."

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 194, not voting 11, as follows:

[Roll No. 73]

AYES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan

Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—11

Barr
Brady (TX)
Buyer
Emerson
Engel
Franks (NJ)
Gonzalez
Johnson (CT)
Lowey
Stupak
Weldon (PA)

☐ 1144

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATIONS

Mr. BARR of Georgia. Mr. Speaker, today I was unavoidably detained during rollcall Nos. 72 and 73 due to medical reasons. Had I been present I would have voted "yea" on rollcall No. 72 and "yea" on rollcall No. 73.

PERSONAL EXPLANATION

Mrs. EMERSON. Mr. Speaker, on rollcall No. 72 and 73, I was not present due to a family emergency. Had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 131 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, House Concurrent Resolution 68.

☐ 1148

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, with Mr. CAMP in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered as having been read the first time.

Under the rule, general debate shall not exceed 3 hours, with 2 hours confined to the congressional budget, equally divided and controlled by the chairman and ranking member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK).

The gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) each will control 1 hour of debate on the congressional budget.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we offer the first budget of the next century and a new agenda for the new millennium. I think this is a great day for the House, because we have been able to move forward from an era not very long ago when, as we looked out across the horizon, the economic horizon of this country, we saw deficits as far as the eye could see.

The majority came into its position in 1995 when we first advanced the need for economic stimulus driven by tax relief, giving more power, providing more incentives for risk-taking, and at the same time a big dose of fiscal restraint: in other words, starting to get the Congress of the United States to live within its means.

The fact is that in 1995, Mr. Greenspan, the chairman of the Federal Reserve System, said that if you can offer a legitimate and credible plan to balance the Federal budget, he said that he believed that interest rates would decline by 2 points.

I must also remind Members that in 1995, as we assumed control of the House of Representatives, interest rates had been rising, the economy had been slowing, there was concern about unemployment. The fact that we laid down a plan that would begin to put our fiscal house in order, to put us in a position where the Congress of the United States would operate really like the American family, and that we would restore some of the incentives to risk-take, I believe that has contributed significantly to the economic gains that we have had in this country.

Now today, as we stand here, as I stand here in the well, we are about to pass a budget that not only captures the surpluses of Medicare and social security, but at the same time has the on-budget surpluses that so many people have sought for years.

In other words, when we take a look at the balance sheets of the Federal Government, both in the social security and Medicare accounts and in the non-social security and Medicare accounts, we have been able to achieve not only a balanced budget, but also some huge surpluses.

Let me say, at the outset, we are doing something that the Congress of the United States has never done: We are taking all the payroll taxes that we collect every day that are related to social security and Medicare and we are locking them into an account so that the politicians, Republicans and Democrats, cannot raid those accounts for any other spending item.

That money will sit in an account, and until we enact a plan that actually saves social security, that money will be used to pay down part of the Federal debt. Last year we paid down about $50 billion of the debt. Most Americans do not know that. This year we would anticipate paying down at least $125 billion of the national debt.

Of course, if I was a citizen listening to somebody in the well of this House make that claim, I would greet it with great skepticism, but the fact is that what I am saying is true. Last year the publicly-held debt was paid down by $50 billion, and in fact this year we anticipate at least $125 billion of the publicly-held debt to be retired.

That does not allow us to rest on our laurels, by any stretch of the imagination, because we must work every day to make the power of government less and the power of people greater. We need to run America from the bottom up, so people can have control over the education for their children, so that the baby boomers and the younger generation can have hope of having a decent retirement by having more control, so Americans can have more money in their pockets.

The fact is, as it relates to social security and Medicare, we know those programs have to be transformed, and not just to protect the retirement benefits of our seniors today. I would argue that that is a given. Because of a pay-as-you-go system, we know that the baby boomers are able to carry the load of their parents, but I want the moms and dads of this country to realize that the people who are really at risk are their children. I want mom and dad who are on social security and Medicare to realize that we are going to stand up and protect their benefits, but it is their children, their baby boomer sons and daughters, who are at risk.

We must have the courage to transform this system so that the benefits just do not accrue to our seniors today, but that our baby boomers and their children will also have retirement security. Sad to say that the President has taken a leave of absence on this. He is missing-in-action as it relates to the issue of social security and Medicare.

Just last week the Medicare Commission, headed by a member of his own party, was blunted by the action of the President. That Democrat, leader of this program to try to extend the life of social security and to reform it so it is available for the baby boomers, that Senator said last week that the administration and many in his party were more interested in using the issue of Medicare as a political weapon than they were interested in being able to transform and save Medicare, not just for today's seniors, but for the baby boomers and their children.

That is the worst of American politics, to use the threat of destroying economic security for our senior citizens to try to win votes. That is not what makes America great. What makes America great is not just to debate when Republicans and Democrats disagree, but the ability to search for a common goal, to preserve some of the vital retirement programs for this Nation, to keep the demagoguery out of this debate. Let us work together to try to extend the life of Medicare and social security.

At the same time, we are also honoring the 1997 budget agreement. The President breaks the spending caps. He breaks the discipline of the 1997 budget agreement. We will not do that. Not only will we not break the discipline of the 1997 agreement that has contributed to a stronger economy, but we will not raid the social security and Medicare trust fund the way the President does.

We have decided to save it all, and to take that and coordinate with that the 1997 budget agreement by having fiscal restraint. It is about priorities in America today. What we are saying is that the programs of defense and education ought to be top priorities in our budget.

There was a paper distributed on the floor with more misleading information about the fact that this bill does not include a pay raise for the military. That is false. That is patently false. I am beginning to believe that many people who stand in opposition to this bill are just going to ignore the facts. This is not going to be a debate about what is in the bill, this is a debate about what fictions we can create.

There will be provided for in this budget document a pay raise for our troops. The Committee on Armed Services will come to the floor and tell us that. We know that it is necessary to boost the spending for the military. That is precisely what we do in this bill. At the same time, we also believe we should emphasize education.

The fact is, in education we have provided more money than the President has, not just for defense but for education as well. As Members know, we are very interested in education flexibility, so that the school districts can manage their challenges better at the local level without having to have a bureaucrat a thousand miles away who does not even know what time zone it is in these local school districts to tell them how to manage their challenges.

In addition to all of this, Mr. Chairman, there is tax relief for the taxpayers. The fact of the matter is there are many on the other side of the aisle that bristle at the thought of a tax cut for Americans. It has become almost a philosophy, almost a mantra, to make the argument that there is something wrong with shrinking the size of the government and letting peoples' pocketbooks grow bigger.

I want to warn a number of my friends, it is not only wrong for the country but it is very bad politics to make an argument that the budget of the government ought to grow while our personal and family budgets ought to shrink, and that somehow we should pound our chests in self-righteous indignation at the notion that we want to work to cut the size of government and give more money to the American people.

□ 1200

If we are going to run America from the bottom up, if we are going to let Americans be able to pursue their hopes and dreams, Mr. Chairman, the more money that one has in one's pocket, the more one can control one's own destiny, the more power that one has. The smaller this amount becomes, the less power one has.

Power is a zero sum game. If one has less and the government has more, who has got the power? When the government has less and if one has more, who has got the power?

In our country today, as we approach the new millennium and we set the new agenda for the next century, what we do know is that the strength of America, harkening back to where our founders was, was a limited government; the dignity of the individual was to be preserved; that the individual in our society was what was most important in a Nation that recognizes that freedom is precious; and that that the future is ours.

So, Mr. Chairman, we intend not only to preserve Social Security and Medicare, we not only agree to prioritize the items of national security and education, but at the same time, we also believe that the American people ought to be empowered, that the American people ought to have more money in their pockets in order to provide, not just for themselves and not just for their communities, but for those that may live in the shadows of their communities who have less and cannot be ignored in America.

That is the great tradition of America. More in one's pocket means more for one's family. For those who have not been so fortunate, we have an obligation to take care of them.

So at the end of the day, Mr. Chairman, I think we present a budget for the new millennium that is right in pace with where the American people want to go. The American people hunger for more control over their lives and more power in order to fix the problems, to meet the challenges that they see every day.

This budget will begin to preserve and reform and transform the programs for economic security in our senior years, at the same time paying down some of the national debt and, most important, beginning to transfer again, continuing to transfer power, money, and influence from the institution of government into the pockets of people.

We will move forward on this. We will lay down a good marker as we enter the next millennium. We will set the pace and set the direction for what can be a glorious new century for, not just Americans, but for people all over the world who have come to see us as a model and as an example of the power of freedom and individuality and compassion and caring and vision.

Vote for the budget. Reject these alternatives and, at the same time, reject the President's budget and set ourselves on the right course.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I was trying to get the gentleman from Ohio (Mr. KASICH) to tell us why Function 950 of his budget resolution provides no adjustment as it is required to do to provide for the pay raise, the extra pay raise for selected pay grades and officers and NCOs and for the military retirement benefits.

The fact of the matter is, Function 950, the military retirement account, where that charge needs to be made, is absolutely unadjusted in their budget resolution. So it does not provide for the pay raise and the benefits that our troops have been promised.

Let me go to the overarching subject, the budget, and the happy occasion that we find ourselves in today. I did not ever think that I would serve to see the day where we have surpluses as far as the eye could see. I think it is worth taking just a minute to track down the trail we have followed for the last 10 years that have led us to this happy set of circumstances.

In 1990, we had a budget summit that lasted 6 months. We finally brought it to the floor. It was defeated once. Then the Democrats put the vote up to pass President Bush's budget summit agreement. There were only 80 votes on that side of the aisle. It implemented discretionary pay caps, a pay-as-you-go rule, and the kind of disciplines that have served us well to get rid of the deficit. But it did not have any obvious effect because it was eclipsed by a recession.

In 1993, when President Clinton came to office, he found on his desk awaiting him the economic report of the President. In it, Michael Boskin, his Economic Council chief, said the deficit this year will be $332 billion. That was the baseline from which the Clinton administration began.

From that baseline, in 1993, we reduced the deficit with the Deficit Reduction Act of 1993, which had exclusively Democratic votes in the House and the Senate from $330 billion projected level, $290 billion actual level in 1992, to $22 billion in 1997.

Then our colleagues on the other side of the aisle joined with us, and we finished the job and wiped out that additional $22 billion of deficit and lay the basis for going into the next century.

It is critically important that we did this, because until we dealt with the year-to-year deficit, we could not deal with the next problem; and that is the problem, the challenge of an aging society.

Our society is getting older and older. I am a war baby. A huge generation of young people were born, babies were born in 1946 until 1964, and they will start retiring in about 10 or 12 years. When they do, they will put unprecedented strain on the most popular, most successful program ever invented by the government, the Social Security program, so much so that they may put in jeopardy its solvency by the year 2032.

The Medicare program, which runs a close second in popularity, is in even greater jeopardy because the cost of medical care is rising along with the demographic increases, and it, too, is threatened with insolvency in the year 2008.

We have an opportunity to do something about that. We have an opportunity to take the work we began in 1990 and 1993 and 1997 and deal with the next problem, which is a daunting challenge, preparing this country and this government for the burdens of the next century cast upon us by an aging society.

Our budget, the Democratic budget, rises to that challenge; theirs does not. We are going to have other speakers who will turn to this topic, but let me just give my colleagues the highlights and tell them what is the difference between us and them. I will give it to my colleagues in a nutshell.

We protect the Social Security Trust Fund. We proposed to protect the Trust Fund so that 100 percent of the payroll taxes coming into it are spent exclusively for the benefit of that particular program for the first time probably in 30 or 40 years. We propose to do it by directing the Treasurer of the United States to take that percentage of payroll taxes not needed to pay benefits that year and to buy down public debt.

How does that happen? That means that, when the obligations come due in 2020 and 2030, the Treasury will be in better shape than ever because it will have lower debt and lower debt service to meet those obligations.

We also, unlike the Republicans, do something about Medicare, because we see Medicare and Social Security as linked together. We extend the life of Medicare, the solvency of the Medicare program from 2020. They leave it as it is. They leave it in a lurch.

We are still opposed to huge tax cuts in the out years, $143 billion in the first 5 years and $450 billion plus in the second 5 years, rising to as much as a trillion dollars between 2009 and 2014, which will drain the budget dry of the funds needed to do something about the Medicare program.

Do my colleagues want to know the difference between us and them? Look at the Trust Fund account for Social Security. In our plan, Social Security will have $3.4 trillion more money at the end of 15 years. They will add $1.8 trillion. We are twice as good as they. With Medicare, we add $400 billion. To their Trust Fund, they add a paltry $14 billion.

There are significant differences. If my colleagues care about meeting the challenge in the next century, this is a budget resolution to vote for.

Mr. Chairman, I yield 14 minutes to the gentleman from Washington (Mr. McDERMOTT), and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, I thank the gentleman from Washington for yielding me this time.

Mr. Chairman, Social Security is probably the most important program Americans have had over the years. It takes care of the senior citizens of America. As anybody knows, if we did not have Social Security today, half the senior population would live in poverty.

One-third of the benefits of Social Security go to families that have the bread winner disabled or perhaps dies. So many children who no longer have a mother or father who are the bread winners in that family can still go on to school and perhaps college. This is a very, very critical program.

What the budget of the gentleman from South Carolina (Mr. SPRATT) does is adds 18 more years to that program so that it will be solvent to the year 2050, 50 more years of solvency total. The Republican plan does not add one year to that solvency.

As we continue this debate, it is my hope that the Republicans respond to the March 13 letter from the actuary of the Social Security, Mr. Harry Ballantine of which everyone bases their conclusions on.

In that letter, in the second paragraph, he says,

> The proposal of the Republicans would not have any significant effect on the long-range solvency of the Social Security program under the intermediary assumptions of the Trustee's report. Thus, the estimated long-range actuarial deficit of 2.19 percent of taxable payroll and the year of combined trust funds exhaustion would not change.

So when we hear that the Republicans are saying they extend the life of Social Security by protecting the money, they do not. In fact, they can use the money for a tax cut. They can use it for a tax cut. So bear in mind what this is all about, this debate, is to protect Social Security, and the Democratic bill does that.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Chairman, I want to thank the gentleman from Washington (Mr. McDERMOTT) for yielding me this time. I particularly want to thank the gentleman from South Carolina (Mr. SPRATT) for providing us with this alternative.

When we talk so much, as both sides have, about Social Security and Medicare, the people back home are listening to us and saying, have they really given us a solution? The gentleman from South Carolina (Mr. SPRATT) has done that, and the Democratic alternative has done just that.

He has said let us take aside all of the surplus that we are getting in the area of Social Security, dedicate it to Social Security and Medicare, and make sure we come up with a fix, a solution. Set the money aside and take away the rhetoric of tax cuts and additional discretionary spending. Solve these problems first before we go home.

Medicare is perhaps one of the most aching problems that is out there, home health care, prescription drugs. People each day are asking us in both Democratic and Republican districts, how do we solve this?

It is indeed a problem back home in Rhode Island, because I know home health care agencies, the most cost effective, efficient agencies are going out of businesses. People that need the kind of home care, that is the least costly home care, are not getting it and eventually ending up in nursing homes and hospitals.

I have a couple in Rhode Island that are 66 and 70 years old. Prescription drugs is something they never thought about when they retired. But after open heart surgery and bypass surgery, both of them, at age 66 and 70, are back working part-time just to pay for the $8,200 a year for prescription drugs they have to pay.

Seniors are doing without paying their rent, without paying for food, and sometimes not even paying for the prescriptions because the cost is so high. That is going to come back to all of us in terms of higher taxpayer costs.

We should not leave here until we resolve this problem. The only way to do it is, as the gentleman from South Carolina (Mr. SPRATT) has suggested, lock this money aside, not use it for all those rhetorical questions that are being asked all the time about tax cuts and discretionary spending, and fix the problem.

Let us bring us to a solution rather than continuing putting us in this rhetorical oblivion that will never come to a conclusion. End this problem now. Fix Medicare.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, Medicare and Social Security have improved the lives of millions of elderly and disabled Americans. Together they provide a vital safety net which millions of Americans rely on. However, while Medicare is projected to run short of funds in just 9 years, and Social Security will run short of funds by 2032, the Republican budget resolution does nothing to extend the life of Medicare or Social Security.

The Democratic budget alternative that will be offered later today will extend the life of Medicare through 2020 in addition to extending the life of Social Security to 2050.

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Only after this commitment is fulfilled would we propose to spend money on high priority areas like health, education and the environment.

I believe firmly that I would not be standing before my colleagues today if it were not for Medicare. Social Security and Medicare together enabled my grandmother to live independently until she was 90 years old. As her primary caregiver for the last several years, I know the role Social Security and Medicare play in making ends meet, in protecting her from making sure that a medical crisis would not lead to financial ruin.

Medicare and Social Security are not just commitments we made to our seniors, they are commitments we made to families. And it is just as important to young people that we have Medicare and Social Security as it is to our seniors, because it keeps our families and our communities strong.

We have an historic opportunity to make good on this commitment. The budget decisions we make today will have enormous consequences for decades. The Republican budget resolution squanders this opportunity before us; the opportunity to reduce public debt while protecting the existence of Social Security and Medicare.

Mr. McDERMOTT. Mr. Chairman, I yield 2¼ minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means and a former member of the Committee on the Budget.

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, when Franklin Delano Roosevelt proposed Social Security and worked for its passage, the Republican Party was dead set against it. When John F. Kennedy and Lyndon B. Johnson said that having Social Security was not enough, if there was no health security and advanced Medicare, 90 percent of the Republicans in this Congress voted to reject it. When Bill Clinton was elected President, the Republican Party in this House elected a majority leader, my colleague, the gentleman from Texas (Mr. ARMEY), who said of Social Security, It is "a rotten trick;" who said of Medicare that he "resented" having to be a part of it as a compulsory government program.

So I suppose that against that backdrop the American people should take some confidence and some reassurance in the fact that Medicare and Social Security are even mentioned in this budget resolution. They are indeed mentioned in the resolution. When we look to the budget resolution to see whether there is any money to match the promises made, there is not $1 truly set aside for Social Security and Medicare to assure solvency into the future. All that the Republican budget resolution says is that these vital programs can go broke on schedule, which is not much help to the people of this country.

The second indication that we get out of this budget resolution of where the heart of the Republican Party is on these critical issues for hundreds of millions of American citizens who either benefit from these programs today or will in the future is to look to the instructions that they include in this resolution. What instruction do they have about Medicare and Social Security? They have one reconciliation instruction, and it is "Give us our tax breaks." They say "Give us our tax breaks."

We say save Medicare and Social Security first. Do the fiscally responsible thing; pay down the debt, preserve these valuable programs, postpone the desire to help those at the top of the economic ladder to some future time, and help those Americans who want these systems preserved.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS), a member of the Committee on the Budget.

Mr. DAVIS of Florida. Mr. Chairman, today we have a very fundamental choice before us; we can pass the budget resolution that proposes a tax cut over 10 years of approximately $800 billion, or we can do first things first, and that is we can take up and pass the Spratt amendment, which provides a tax cut of about $137 billion but pays down the publicly held debt, the Federal debt, by more than $137 billion more than the Republican budget proposal.

Now, why is that so important? The first thing is it is the right thing to do for our children and grandchildren, and not for them to have to inherit this debt.

The second thing is, as we begin to prepare for the retirement of the baby boomers, of which I am one, and funding the solvency of Social Security and Medicare, we are going to need some of those funds to pay that.

Thirdly, and perhaps most important, one of the best things we can do to protect our economy right now is to pay down the Federal debt. As Chairman Greenspan has testified before the House Committee on the Budget, it has a direct bearing on interest rates.

In my home, Florida and Tampa, where the average mortgage for a homeowner is about $115,000, if we drop interest rates two points, down from 8 to 6 percent, that is $155 a month in that homeowner's pocket they would not otherwise have.

Paying down the debt and providing that type of tax cut, simple and immediate, to homeowners, to people holding student loans and car loans, is the right thing to do for our children and grandchildren and, most importantly, will help preserve the solvency of Medicare and Social Security as we begin to prepare for the retirement of the baby boomers.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a member of the Committee on Commerce and also the Committee on the Budget.

Mr. MARKEY. Mr. Chairman, this Republican bill is a complete fraud. That is the bottom line. They have got hundreds of billions of dollars for tax cuts, mostly for the rich, but not one penny to extend the Medicare trust fund, which is going bankrupt, by the way, in the year 2008.

Let us go back to their balanced budget of 1997. The premise was that we would have to cut Medicare and home health care, those are visits made to people's homes who have Alzheimer's and Parkinson's and other chronic diseases, $115 billion to give a $90 billion tax break for mostly the wealthiest in America.

Now we have this huge surplus. Now, what do the Republicans say? We are going to give that money back to the Medicare recipients; we are going to give that money back to the HMO health care recipients? No, they say, we do not have enough money for those people.

Now, the problem, of course, is that the programs were cut fraudulently, using numbers that were not accurate in 1997 in terms of the problem with Medicare. It turns out today that the CBO says that in fact they have found miraculously $88 billion more of savings in Medicare for this 5-year period, and they found an additional hundreds of billions of dollars of revenues that they did not project.

How much goes back to Medicare on the Republican side? They do not have a penny.

If we kick them in the heart over here, we are going to break our toes. They just do not want to help these old people on Medicare.

So, my colleagues, our substitute, with the effort to try to help those most vulnerable, the senior citizens within our society, intends on guaranteeing that Medicare is extended 10 extra years in solvency, so that the senior citizens in our country are going to be given the protection which they deserve.

My colleagues, the Republican substitute does nothing, nothing to help the solvency of the Medicare trust fund. Vote "no" on the Republican budget here today on the House floor.

Mr. MCDERMOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I was elected in 1970 and spent 15 years in the State legislature and spent 10 years here, and I have never seen a budget exercise like this one.

Last year, we have to remember, the Republicans did not pass a budget. They never got a budget resolution through the United States Congress. This year they said, we are going to do it, but we are going to do it by jamming it past people so fast they can never figure out what is happening.

We listened to a wonderful stump speech by the chairman of the committee today, but when he hands the budget to us 4 hours before and gives us two pieces of paper with the numbers on it, that is all we got, two pieces of paper, to spend $1.7 billion, I say this is a smoke and mirrors budget.

My colleagues can look at these pieces of paper and say there is anything in here. They can promise the world. They can promise veterans, they can promise old people, they can promise the National Institutes of Health, they can promise anything on these two pieces of paper, because there is no specificity. There were no hearings. It was simply, ram it through.

Now we come to the floor. We get 40 minutes on the Committee on the Budget to talk about this issue. Now, is that because we are busy tomorrow? No. People are going home. Could we have more time on this? No, the Committee on Rules said we have to be out tonight. Where are we going? I guess we are just going out for 2 weeks, yet we cannot spend another 1 or 2 hours on this issue.

The gentleman from Massachusetts (Mr. MARKEY) is right. I sat on the Medicare Commission, and the Medicare Commission rightly turned down the proposal being jammed through by the Republicans to privatize Medicare, but they are going to do it here. This budget has no money in it to deal with the problems of Medicare.

What they are going to do is they are going to come in with their little voucher program. It is going to be called "premium support." They are going to try to ram that out of the Committee on Ways and Means and run it through here and leave the old people holding the bag.

This is a bad budget, and I urge Members to vote against the Republican alternative.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

The CHAIRMAN. Without objection, the gentleman from Connecticut (Mr. SHAYS) may yield time.

There was no objection.

Mr. CHAMBLISS. Mr. Chairman, I had hoped we were going to come to the floor today to talk about the real facts contained in the Democrat budget versus the Republican budget, but it appears we are getting off base here. But let us look at what the actual dollar numbers are when it comes to Medicare, and here they are.

We are going to put $1.8 trillion aside over the next 10 years to save and protect Social Security and Medicare. What does the President do? He is well below us, right down here.

These are the actual numbers, Members.

Mr. Chairman, today the House is going to consider a budget for the fiscal year 2000 that addresses the issues that matter most to American families. This budget, the first for the new millennium, safeguards Social Security and Medicare, addresses priorities such as education, defense and agriculture, and provides historic tax relief. This budget meets the challenges of the 21st century head-on by adhering to several bedrock principles, each of which is set forth right here.

First, we are going to lock away every penny of the Social Security surplus for our Nation's elderly.

We are going to set aside more money than the President to strengthen Social Security and Medicare.

We are going to create a safe deposit box to ensure that bureaucrats in Washington cannot get their hands on the Social Security Trust Fund money.

We are going to pay down more debt than the President's budget.

We are going to maintain the spending discipline that carries over from the 1997 Balanced Budget Act.

We are going to make national defense a top priority by providing additional resources for things such as pay raises which are specifically set forth in the budget.

We are going to provide the resources to train, equip and retain our men and women in uniform, who are in harm's risk as we speak today.

We are going to offer security for rural Americans by providing reforms in crop insurance and money to fund that crop insurance reform.

And we are going to enact historic tax relief. Yes, tax relief. And it is interesting that opponents of this budget would get up today and argue against tax relief. That is almost un-American, and I really cannot believe we are hearing that in the well today. But, yes, we favor tax relief, and we are going to support tax relief in our budget plan for hard-working Americans.

Mr. Chairman, this budget is consistent with the common sense conservative principles of encouraging our communities and individuals to grow from the bottom up, not from Washington down. This is a budget Americans can be proud of, and I urge all of my colleagues to support the Republican budget.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

When I came here, we were paying interest on the national debt equal to about $52 billion. In the years I have been here that bill has gone up to $252 billion. Dead weight. Produces no goods and services for anybody.

We have got a proposal in our budget resolution that will drive that debt down $3 trillion. It is good for Social Security, it is good for the economy, it is good for the Federal budget, and it is good for our children and grandchildren.

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Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, this chart shows where we were when Republicans took the majority in 1995.

For the foreseeable future, at that time, this government went deeper and deeper into debt—for as far as the economist could see. We came in, as the new majority, determined we were going to reduce and slow down spending. Look, we did it.

This is historic. I went back over the last 40 years. In every one of those years that the Democrats had control they used the surplus coming in from Social Security for other Government spending.

Please look, what we are doing now. We do not have to increase the national debt in this 5 year Republican budget. The President's plan, the Democrats' plan, has to increase the national debt. Their plan forces this country deeper into debt by $2 trillion more than the Republican proposal.

I want to say that again to the gentleman from South Carolina (Mr. SPRATT). Your plan goes deeper into debt by $2 trillion more than the Republican proposal.

Nobody should just talk about the debt to the public. They have got to talk about the total Government debt. Because what we owe the Social Security Trust Fund is just as important as what we owe Wall Street.

I want to talk about the caps. The Republicans stay under the caps. The Democrat proposal does not stay under the caps. I am chairman of the Committee on the Budget Task Force on Social Security. That bipartisan task force is working very well together. But I just want to say very clearly that what we are doing for the first time in recent history, is not spending the Social Security surplus for other Government programs.

I mean, it is a giant step forward for saving Social Security. We are putting that money aside. The gentleman from South Carolina (Mr. SPRATT) says that they are saving Social Security by adding a giant IOU to the Medicare Trust Fund and the Social Security Trust Fund. That makes us go deeper into debt. It is not honest. It is a asset for Social Security but a deficit for the general fund. In short it is a mandate for future tax increases for our kids and grandkids.

All the review of the President's proposal that suggests that we can save Social Security by adding more IOUs—conclude it is smoke and mirrors. It is!

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, today we are debating the budget. In putting together a budget blueprint, it is important to remember that the Federal budget is an outline of priorities. It is not a detailed specification of every single appropriation bill that we are going to pass over the next year. The Federal budget is $1.7 trillion. The budget blueprint is intended to talk about what our priorities are as a Congress for the next year.

In trying to establish those priorities, the Committee on the Budget tried to answer three questions. First and foremost, what about Social Security and Medicare? Those on the other side have talked about these important issues; and we came back with the answer first we should set aside every penny of the Social Security surplus, every penny of that trust fund surplus, to strengthen and protect Social Security and Medicare.

As the debate goes on today, we will see time and again that we set aside more to preserve Social Security and Medicare than the President in his budget. We set aside every penny of the surplus for Social Security, not 60 percent as the administration suggested, because it is the right thing to do.

Second, we wanted to set priorities about the size and scope of the Federal Government. And we thought it was appropriate that we keep to the commitments of the 1997 Balanced Budget Act, a bipartisan agreement that set some control on the growth and scope of the Federal Government. Keeping those commitments again is an important part of the integrity of this budget resolution.

And third, what about tax relief? Right now taxes in this country are at a peacetime high. They have not been this high since 1944. And we thought it appropriate that, after we set aside 100 percent of the Social Security Trust Fund surplus, we ought to give back the additional surpluses to the American workers in the form of lower taxes.

This is about priorities, our priority of saving 100 percent of the Social Security surplus, against the administration's priority, if we can call it that, of only setting aside 60 percent of the Social Security Trust Fund surplus. Our commitment and priority to keep to the promises we made as part of the 1997 budget agreement. The administration's budget breaks those caps by $30 billion. Our commitment to lower taxes once we have ensured that we protect the Social Security Trust Fund surplus. The administration's commitment to raise taxes by $100 billion. That is the wrong direction for this country.

In the end, this budget resolution pays down more debt, does more to protect Social Security and Medicare, and provides fair and honest tax relief. That is a set of priorities we can be proud of. It is a set of priorities that makes sense for the country. And that is why I am proud to support the budget resolution.

Mr. SPRATT. Mr. Chairman, I yield 8 minutes to the gentlewoman from Michigan (Ms. RIVERS) and ask unanimous consent that she control the time for yielding to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Ms. RIVERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I rise in defense of fiscal responsibility and in support of the Democratic budget resolution and in opposition to the Republican budget resolution.

When I was elected to Congress, my highest priority was to balance the unified budget. We have apparently accomplished that goal. Now my highest priority is to pay down the publicly held debt and extend Social Security and Medicare solvency.

Mr. Chairman, a week ago the majority on the Committee on the Budget submitted two pages of numbers and called it a budget resolution. It is as much a budget resolution as a blank piece of paper is a Pulitzer Prize winning novel. The budget resolution is two pages, no explanation. Draconian spending cuts of $181 billion over 10 years are hidden in blue smoke and mirrors.

This budget says we are going to increase defense spending and education and cut other programs by $27 billion. It is not going to happen. The budget builds on the hope that the CBO can reestimate the base line just so we can put off until September either any cuts we have to make and either have a showdown or disaster like last year.

What this budget will do is bust the caps and the pay-go rules. The majority's budget resolution gives more priority to enacting an $800 billion tax break than paying down the debt. It does not stop Social Security and Medicare from going insolvent. It locks in nearly a trillion-dollar tax cut betting on a 15-year projection that, if the surplus does not materialize, will result in more deficits and more debt.

The Republicans say they are saving the surplus in Social Security in the trust fund, but they do nothing to honor the obligation to extending the life of Social Security and Medicare. Let us look at what Alan Greenspan has to say. He is adamantly clear that the best policy is debt reduction. Let me quote him.

"From an economic policy point of view I envisage that the best thing we can do at this particular state is to allow that surplus to run. What that means, of course, is that the debt to the public declines, interest costs on the debt decline, and in my judgment, that contributes to lower long-term interest rates."

Make no mistake, the Democratic budget resolutions retires nearly three-quarters of a trillion dollars of publicly held debt. The Republicans' do not.

Ms. RIVERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, when asked about the rough-and-tumble world of politics, Margaret Thatcher said, "Well, you don't tell deliberate lies, but sometimes you have to be evasive."

Mr. Chairman, I would suggest that there is considerable evasion in this budget. Starting with the issue that the Republicans claim to put aside all of the Social Security money for Social Security, in today's Wall Street Journal, page A–28, we find a very interesting article. The Wall Street Journal tells us that their commitment is essentially toothless and can be waived by a simple majority, which is done on the floor every day. This is the Wall Street Journal.

They promise us that certain programs will be taken care of, that certain groups will get the things they need. But they forget to tell us, or they evade telling us, that $52 billion of cuts have to be found over the next 5 years to provide what they have in their budget.

An earlier speaker talked about what was un-American. Well, I will tell my colleagues what is un-American, Mr. Chairman. What is un-American is not paying our bills, not dealing with our debts, not dealing with our existing obligations. And as a Nation, we have many: Social Security, Medicare, and a national debt that is nearing $6 trillion.

The gentleman from Texas (Mr. BENTSEN) mentioned that Alan Greenspan said unequivocally that the best way to deal with our current situation is to pay down the debt and to use both surpluses, on-budget and off-budget. The Democratic proposal here today puts more than $474 billion over the Republican proposal in the next 15 years.

The last piece of evasion that I want to speak to today is the suggestion that the tax cuts that are being proposed come purely from the on-budget surplus. That ignores the fact that as these tax cuts play themselves out over the years, by the year 2013 we will be dealing with an on-budget deficit and we will have to dip into Social Security money.

Now, that comes at a time when the existing obligations I was talking about, our baby-boomers, begin to retire, and it will be the greatest strain on our budget to provide for them.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. NUSSLE), a member of the Committee on Ways and Means and the Committee on the Budget.

Mr. NUSSLE. Mr. Chairman, I thank the gentleman for yielding me this time.

It is so amazing. I mean, really, when it comes right down to it, both sides have done not a pretty good job of coming up with a budget. All right? I mean, there are only so many ways we can do it, with mandatory programs and discretionary programs. There are only a certain few ways we can do it.

And so what happened was the President sat down and he said, you know what? I can spend that Social Security surplus and I can have a whole bunch of new programs that I can pass out to people and make them feel good.

The Republicans sat down and said, you know what? For the first time since 1969, we are going to set all of it aside, 100 percent of the Social Security surplus, so that it is there not only for Social Security but it is there if we need to find a fix for Medicare. We set all of it aside. The President did not set all of it aside.

So what happens today? The last minute, the last opportunity, in run the Democrats, oh, but we did not mean that. We did not quite mean that. We can do better. We can do better than that. We are going to set 100 percent of it aside because they are. And so they rush in here at the last minute. Well, even their last-minute plan does not quite make it.

Let me show my colleagues something here. They are talking about debt reduction and how much they want to reduce the debt for their grandchildren and children, and we heard all sorts of speeches waxing philosophical about that. Let us look at the plan. The Republicans set aside more money so we can pay down the debt. The Democrats do not. Those are the facts. Yet they run in here and say, we can do better than that.

Let me tell my colleagues something else that is interesting here. When it comes to education, they say this is a priority. Look what we do. The Republicans, the Republicans, spend more time than the President, who stood up here for the State the Union address and said how he is going to support education.

Well, let me take my colleagues one example further. Special education. Special education. Since 1975, a program that the Democrats, to their credit, passed one of the most beautiful civil rights pieces of legislation in history, saying every American child ought to be able to attend public school. And what did they do? They did not fund it. And they have not funded it since 1975.

□ 1245

For the first time, the Republicans are funding IDEA, special education, $1 billion extra in our budget than the President's for special education. Plus we are saying to governors and States who are crying to Washington to give them more flexibility for education, we are letting them spend excess dollars from welfare, we are giving them the ability to transfer funds from other education programs, and we are allowing them, if we get more money at the end of the year, this surplus may grow as everyone has talked about so far, in our plan we allow special education to get a little bump up. That is not in their plan, either.

Mr. Chairman, it just is amazing to me with the Academy Awards being last week how they can continue to win more Academy Awards for this budget.

Mr. SPRATT. Mr. Chairman, I yield myself 1 minute.

Could I have the benefit of the chart of the gentleman from Iowa (Mr. NUSSLE), the chart he just used that showed the President commits 62 percent of the surplus and you commit 100 percent of the surplus?

Mr. NUSSLE. The gentleman did not bring his own charts today?

Mr. SPRATT. That is 62 percent of the unified surplus which he quotes, $1.8 trillion. One hundred percent of the Social Security surplus, which is part of it, equals $1.8 trillion. They are the same thing over a different period. Over 15 years it works out to the same thing.

Mr. NUSSLE. That is the problem, if the gentleman would yield.

Mr. SPRATT. No, I cannot yield because I do not have the time to yield.

Mr. NUSSLE. He wants to use my chart but I cannot talk about it?

Mr. SPRATT. In a little while we will answer what he just said about education.

Mr. NUSSLE. Mr. Chairman, I hope he does.

Mr. SPRATT. Because I do not think the facts will bear him out.

Ms. RIVERS. Mr. Chairman, I yield myself 1 minute. I believe there was another problem with the charts that were just shown to us in that while the speaker, I am sure he misspoke, when the speaker said he was comparing the Republican plan to the Democratic plan on the floor from House Democrats today, I believe he used numbers from the President's proposal and not from our budget today relative to debt reduction.

Secondly, the question of IDEA, special education, is one I am very interested in, because for several years I have offered an amendment to the Committee on the Budget as well as to the Congress to deal with fully funding IDEA, making the commitment that was passed so long ago real, to bring funding up to 40 percent of real cost. That was offered in the Committee on the Budget last week and to a person every Republican, including the gentleman from Iowa, voted against doing that.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the ranking member of our Committee on the Budget for the terrific job he has done.

Mr. Chairman, if I could yield first of all to the gentleman from North Carolina.

Mr. PRICE of North Carolina. I thank the gentlewoman for yielding.

Mr. Chairman, we want to talk about education. There is a lot that is wrong with this Republican budget resolution. We need to discuss these issues in depth. The budget resolution is arguably the most important single decision we make here. It is the blueprint for how Federal resources will be used for the coming fiscal year and on into the future. So the Democratic and the Republican proposals we are considering here today need to be debated in depth. They are a study, in fact, in contrasting priorities.

The Republican budget would provide no help in extending the solvency of Medicare and Social Security. It falls short on veterans health care and crop insurance for our farmers and other critical needs. The Democratic alternative would extend the solvency of Medicare and Social Security, would provide more funding for critical priorities, would implement targeted tax relief, and would reduce the debt held by the public more than the Republican proposal.

Mr. Chairman, we want to talk especially about education, because nowhere is the contrast more stark than with education. Our Republican colleagues boast about providing some increase for elementary and secondary education, but, overall, funding for education and training would be cut by $1.2 billion from the nominal 1999 level in the Republican budget for 2000. The result would be drastic cuts in funding for other priorities like higher education and teacher training and Pell grants and Head Start. Over 5 years, the Republican budget cuts to education and training would result in a 6.9 percent decrease in purchasing power, and over 10 years the decline in purchasing power for education would be over 18 percent.

Ms. HOOLEY of Oregon. Mr. Chairman, one of the things that I find interesting about this budget is we were told absolutely education is increased. They did increase it for elementary and secondary education. But what they do not tell us is that they are cutting it in all other parts of education. They do not say specifically where they are going to cut those budgets. But it is cut over 10 years from this level by $36.5 billion. So they are cutting programs like Head Start and Pell grants and work-to-school programs. That is where the cuts are.

And so again it is one of those bait and switch budgets that they tell us we are doing great things over here and then they do not tell us what the other hand is doing, which is cutting education. This budget does not reflect that our school facilities are in a crisis situation. There was a study done by the engineers that said of all of our infrastructure, our school infrastructure is the one that is in the greatest need. We would not work in the schools that we send our children to.

Mr. SPRATT. Mr. Chairman, I yield 4½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I would like to engage the gentleman from New Jersey (Mr. HOLT) and the gentlewoman from Oregon (Ms. HOOLEY) in a further discussion of this. It is important to get these facts out.

Is it not true that the Democratic alternative would make room for school construction? The kind of proposal that the President has made to give tax credits in lieu of interest on bonds in these low-income areas that need desperately to build or modernize facilities, or like the gentleman from North Carolina (Mr. ETHERIDGE) and I have introduced to target high-growth areas so that our kids are not going to school in trailers.

I come from a district where we have hundreds of trailers, thousands of kids going to school in these kinds of facilities. We need to get ahead of the curve in school construction.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from New Jersey.

Mr. HOLT. The Democratic budget does indeed provide for modernizing schools. In fact, it would provide tax credits that would allow modernizing of up to 6,000 public schools.

Ms. HOOLEY of Oregon. Mr. Chairman, if the gentleman will yield, one of the other things that I think is interesting to note, not only are schools in bad shape right now and we have talked about trailers. We have first graders that have to walk across an open area in Oregon where it rains all the time. This is not a wonderful thing to do to wash their hands or go to the bathroom. And some of the rooms are in such disrepair. Again, my colleagues would not work in that facility but we expect our children to learn in that facility.

The other thing that I think is interesting is there have been studies that have been done that show that, in fact, students do better in schools that reflect our society and are not in such disrepair. They do better when our schools are repaired.

Mr. PRICE of North Carolina. Those studies are very convincing, that the students perform better when they are in first-rate facilities. It is not just an abstract issue. We have thousands of kids going to school in these facilities. Often they are going to lunch at 10:30 because the cafeteria facilities haven't kept pace with the addition of trailers. They do not have adequate gym or restroom facilities. It simply is a misplaced priority to say that we cannot afford to do this. The Republican budget squeezes it out. The Democratic budget would make room for that kind of school modernization.

Let me ask my colleagues, also, to address the other major initiative that we are looking at in this Democratic budget: getting class size down and getting 100,000 new teachers in the classrooms of America. We made a start on that last year. What is it going to take to keep that going?

Mr. HOLT. If the gentleman will yield further, indeed, these are connected. Simple math will tell us, we cannot have more teachers and get the smaller class sizes in the early years unless we have the classrooms to put them in. And so this Democratic budget does allow for both of those, continuation of the hiring of new teachers, the 100,000 new teachers that we are calling for, we will continue down that line with the Democratic budget, in addition to providing for the loans for the construction and modernization of facilities.

Mr. PRICE of North Carolina. We are talking about a stark contrast in these budget proposals. The one makes room for reduced class size and for school construction and also lets us make good on what we promised last year when we passed the higher education act, opening up opportunity through Pell grants and an improved student loan program. The other budget makes a short-term increase in education, but would drastically decrease this funding over the long haul.

Mr. HOLT. Unlike the Republican budget, the Democratic alternative does not cut higher education, training and social services in order to increase elementary and secondary education programs. That is a key difference.

Ms. HOOLEY of Oregon. I used to be a teacher. I can guarantee my colleagues that smaller classroom sizes, you have much better performance by the students. Do not take just my word for it but go out and look at all of the research on this subject and you will find if we can get our classroom size to 18 and under, that students' performance goes way up. Not only does it go up, it stays up. We are trying to get it down in K through 3. But if you get it down, get that ratio down, the performance goes straight up and that performance stays up throughout their years in school.

Mr. PRICE of North Carolina. And the impact is the greatest in grades 1 through 3, is that right?

Ms. HOOLEY of Oregon. Right.

Mr. PRICE of North Carolina. Mr. Chairman, I appreciate the way my colleagues have chimed in here. There is no question that we are dealing with a stark contrast in many areas of this budget, but certainly in education. In dollar terms, the Democratic alternative next year provides $2.6 billion more for education and training, and then over the next 5 years we are talking about a $10.2 billion gap. It is a gap that we have got to close.

Vote for the Democratic alternative.

Mr. SHAYS. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, the bottom line is, this Republican budget locks away the entire Social Security trust fund surplus for our Nation's elderly, the entire amount. We set aside more than the President to save, strengthen and preserve Social Security and as necessary Medicare as well. We create a safety deposit box to assure Social Security trust funds cannot be raided. We pay down more public debt than the President. We maintain the spending discipline for the 1997 budget act. We provide additional resources to properly train, equip and retain our men and women in uniform. And we will enact historic tax relief after we have solved Social Security for our children and our children's children. That is what we do. The President wants to spend more. The Democrats want to spend more. We do not.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, this Republican budget brings honesty back to the budget process and ends a 30-year assault on our Social Security system. For the first time, every single penny of Social Security taxes will be locked up for Social Security and Medicare. Over the next 10 years, this budget saves $1.8 trillion for these two critical programs for our seniors and future generations.

As my colleagues can see on this chart, while the Republican budget saves every penny, 100 percent, of the Social Security surplus, the President's budget saves only 62 percent of Social Security over the next 10 years.

Mr. Chairman, saving just 62 percent of the Social Security surplus is not good enough. The President's budget spends $341 billion of this very Social Security surplus over 10 years and provides no Social Security reforms or protections.

Mr. Chairman, not a dime of the Social Security dollars Americans pay should be used for unrelated programs. Locking up the entire Social Security trust fund will help save, strengthen and preserve Social Security and Medicare, not only for seniors today but for future generations as well. We must repair Social Security forever, not just put a band-aid on the problem. This Congress cannot allow the Social Security program to be bankrupt. We cannot stand by and allow anyone, even the President, to raid Social Security just to pay for more Washington-run programs.

Save Social Security. Vote "aye" on this Republican budget.

□ 1300

Mr. SPRATT. Mr. Chairman, before yielding to the gentleman from Virginia (Mr. MORAN), I yield myself such time as I may consume.

Mr. Chairman, I would like to say our colleagues are attacking the President's budget; it is not even on the floor.

Our resolution is on the floor. It commits a hundred percent, puts $1.8 trillion into the trust funds over the next 10 years as well.

Mr. Chairman, I yield 4½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I plan to yield time to the gentleman from Maryland (Mr. HOYER) as well because we want to address fiscal responsibility because we firmly believe that our budget is the more fiscally responsible. Mr. Chairman, what we have been presented by the majority is the baby boomer budget.

As my colleagues know, the real reason why we have this prosperity is because our parents put their lives on the line for democracy and free enterprise. That is why we live in a free and prosperous world. And now, we the baby boomer children must decide what we are willing to sacrifice for our children's future.

So what have we done with this opportunity? Mr. Chairman, one of the things we have done is to build up a $5 trillion public debt that we are about to leave to our children.

The critical test of the baby boomer generation is, are we going to be as responsible to our children as our parents were to us? Mr. Chairman, the answer is no if we do not pay down the Federal debt. The answer is no, as well, if we do not provide for their retirement security. That is why it is important to extend Medicare and Social Security.

But the budget that we have been presented with by the Republicans says after we die, after we have exhausted Social Security, there is nothing there left for our kids. It is exhausted in terms of Medicare in 2008; in terms of Social Security, by 2032. That is it; we have used it, we are set, and then it is up to our kids to take care of their own retirement security and to pay down the Federal debt.

That is why this budget, the one we are offering, is the far more responsible one because it reduces the public debt, it provides for the retirement security of our kids, and it also provides for the investment that our kids need to be able to fulfill their potential. It puts money into education, it puts money into training, it enables them to live in a safe environment.

This is by far the more responsible budget, the one that sustains the intergenerational legacy our parents left to us.

Mr. Chairman, I yield to my friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, this is a very serious debate. We are involved overseas in a very serious effort, and we need to be serious.

I came here in June of 1981, and I was presented with a budget on this floor which I voted against, and I voted against it because I thought it would cause high deficits and high interest rates. I, frankly, was right. The 1981 budget that we adopted, which was sold to us as a budget that would do all sorts of good things for America, created $3 trillion in new debt, and tax cuts were enacted long before any Republican, as Dave Stockman said, was prepared to vote for the cuts to sustain the spending cuts to sustain those tax cuts, and as a result, and I heard the gentleman from Minnesota (Mr. GUTKNECHT) last night on the floor lamenting the fact that our grandchildren were put deeply in debt, they were by that 1981 program.

Mr. Chairman, I suggest to my colleagues that this budget is very much like that. It is very much like that in that it retreats from investments in the future, it promises tax cuts that will be unsustainable, and notwithstanding how many times our colleagues repeat they are saving Social Security commitment, it does not do what both the Blue Dogs' budget does, which I will vote for, which the Democratic alternative does, which I will vote for, and frankly offering the President's budget is simply a political charade in which we have participated in the past ourselves. And I understand that; we both have done that to one another. Ronald Reagan's budgets were presented 3 years during his presidency. Zero Republicans voted for it the first time, one Republican the second and 12 the third.

This is a serious debate, and we ought to commit ourselves to the American public to do real things. I suggest to my colleagues they ought to vote for the Democratic alternative and, as well, they ought to vote for the Blue Dogs' alternative because they do real things. They do not pretend; they do real things.

Mr. MORAN of Virginia. Mr. Chairman, if this was our parents making this decision, they would not be giving themselves an $800 billion tax cut. They would be providing for the retirement security of their children, they would pay down the debt that they incurred, they would fully fund the military pay raise, they would fully fund the education of their children, they would do right for America and make sure the next generation of Americans is better off than their generation and the benefits that they incurred from their own parents.

We have a progressive legacy, let us keep it. Let us not be so selfish and give ourselves a tax cut. Let us take care of our kids first.

Mr. SHAYS. Mr. Chairman, I yield myself 15 seconds to comment that when the President gave his budget address, everyone on that side of the aisle thought it was terrific, and now everyone is running away from it and denying they ever liked it.

Mr. SHAYS. Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman from Connecticut for yielding this time to me.

As my colleagues know, somebody once said, and it may have been the Vice President, that everyone is entitled to their own opinions, but they are not entitled to their own facts, and I want to talk about the facts because we heard earlier today, and there is some revisionist history that it was the, quote, minimal tax hikes of 1993 that brought about the balanced budget that we have today.

Mr. Chairman, I am not making up the facts. This is according to the Congressional Budget Office. This is the direction we were headed in 1995. The deficit was at about $200 billion. They were predicting that by 2009 we would have deficits approaching $600 billion, and worse, that included the Social Security surpluses.

Now where are we today?

Mr. Chairman, thanks to some of the fiscal discipline demonstrated by this Congress since 1994, we are headed in the right direction. Again, these are not our numbers. This is according to the Congressional Budget Office.

Now one of the things that we are debating here today is whether or not there should be tax relief for the average American family. Now somebody said earlier, and it is true, and this is according to the Tax Foundation, that Americans now pay the highest tax burden since 1944. Now our budget does not specifically call for tax cuts, but it does begin to make room for tax cuts because we believe Americans are overtaxed.

Mr. Chairman, the average American family, and again not according to us, according to the Tax Foundation, a nonpartisan group, the average family today spends more in taxes than they do for food, clothing, shelter and transportation combined.

Now we happen to believe that is wrong, and we may have a difference of opinion with our friends on the left, but that is the way we see it.

Now it has also been mentioned that our Democratic friends really do not want to talk about the President's budget, and I suspect this article, again not something that we said, this is according to the Investors Business Daily; what they said was balancing the books on the backs of the poor.

But this is what Investors Business Daily said, and again the source of the Tax Foundation, that under the President's budget plan he increases taxes over the next 5 years by about $45.8 billion. Now that is bad enough, but what is worse, almost 40 percent of those new taxes will be paid by families that earn less than $25,000 a year.

Now it is no wonder then that our Democratic friends do not want to talk about the President's budget.

In sum, our budget does four things:

First of all, Mr. Chairman, we say that every penny of Social Security taxes ought to go only for Social Security.

Second, we say that we are going to keep faith with the spending caps that we agreed to with the President in the Balanced Budget Act of 1997.

Third, we begin the process of actually paying down some of that debt. We will begin to pay off some of the debt that is owed to the public.

Finally, we make room for tax relief.

Now I know that does not sit well with some of our friends on the left, Mr. Chairman, but we believe that is important.

In sum, what this budget really does is that it ensures lower interest rates and a stronger economy well into the next century.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, it is amazing how all we can talk about is the budget in 1981. This is 1999, and I just remind some of my colleagues that the budget since 1981 was controlled by a Democrat House and a Democrat Senate that refused to cut spending. The difference, as I answer my colleagues, is this is a Republican Congress that has brought fiscal discipline to the process. In fact, the Democrats are running as fast as they can away from the President's budget that he submitted this year. The Senate voted down yesterday by a vote of 97 to 2 the President's own budget. Why can they not even support the President's own budget? And by a vote of 99 to nothing, 99 to 0, could not even get one person to vote, the Senate rejected the President's proposal for the government to invest Social Security funds into the stock market.

Over the past 4 years, Mr. Chairman, the Republican Congress has worked very hard to balance the budget; the President took credit for it. Cap federal spending; the President took credit for it. Provide much needed tax relief to American families; the President took credit for it. The Republican budget plan for the year 2000 continues this shift to restore a solid American common sense to American government.

Now American families know how to balance their checkbooks, and they know how to stay within a budget. American families know the value of a dollar. There is no reason why this Federal Government cannot be as responsible as the average American family.

Over all, the Republican budget returns control to the American family by taking less of their money, setting very strict fiscal priorities and respecting spending caps. The Republican budget locks up 100 percent of Social Security surpluses for the first time since Social Security became a program. We are being honest about the Social Security Trust Fund. The Republican budget bolsters national defense by nearly $10 billion, and the Republican budget plans to reduce the national debt by 1.8 billion over the next decade. And the Republican budget cuts taxes by $800 billion over 10 years.

Right down the line the Republican budget trumpets that fiscal responsibility is the wave of the future. This budget says loud and clear that Republicans want American families to keep more of their hard-earned money and send less of it to Washington forever.

When the Republicans took over Congress 4 years ago, the budget predictions had red ink spilled as far as the eye could see. Today, because of the Balanced Budget Act of 1997 that we pushed through and the President took credit for, there are nothing but surpluses as far as the eye can see in the future.

Now some budget decisions are very difficult to do, and what we did not show with the Democrat Congress after 1981, discipline is hard, discipline is not always easy. But at the close of this century the Republican budget does it all. It cuts taxes, it reduces the debt, it saves Social Security, and it bolster defense.

So, Mr. Chairman, if we stick to our guns, America will be freer, it will be richer, it will be safer into the next century than ever before, so I urge my colleagues to vote for the Republican budget.

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, let us be very clear about what our budget does and what their budget does not do. This chart tells my colleagues what our budget does. Our budget locks away the entire Social Security Trust Fund surplus, $1.8 trillion over the next 10 years, to save, strengthen and preserve Social Security and Medicare. We set aside $100 billion more towards Social Security than the President does. We are creating a safety deposit box to make sure that we do not raid the trust fund in the future. We are paying down $450 billion more in debt than the President is. We are also maintaining the fiscal discipline of the 1997 Budget Act. And the most important thing is that we are doing this honestly, we are not playing a shell game. Honest numbers are finally coming into town, into Washington. We are maintaining strong defenses, and we are recognizing a historic commitment to education.

□ 1315

What I would like to talk briefly about is our Social Security lock box, our safety deposit box. This is very important because no other budget proposal coming to the floor today, the President's proposal, the Democratic proposal, locks away Social Security.

If we take a look at this chart one moment here, we asked David Walker, the Comptroller General of the United States, to analyze the different Social Security proposals and in looking at the President's budget proposal he said, although the trust funds will appear to have more resources as a result of the President's proposal, in reality nothing about the program has changed. The proposal does not represent Social Security reform.

Here is what we are doing. We in our Republican plan are setting aside 100 percent of all payroll taxes, plus interest, for Social Security and Medicare. We save this money to support those programs, and what is more important we implement legislation that prevents future raids on Social Security by creating a lock box. The President's plan does nothing to do that. The Democratic plan does nothing to do that.

If we look at page 41 of our budget resolution, we have section 5, which sets up a safety deposit box legislation because Congress over the last 30 years has been raiding Social Security. There was nothing to stop Congress from raiding Social Security.

We are stopping the raid on Social Security. We are saying that beginning today, there will be no more raids on the Social Security trust fund and that in the future, we are putting a point of order to require a supermajority vote in Congress that any budget resolution ever coming to Congress again has to have a supermajority vote if it attempts to dip into Social Security.

We are essentially saying, we need discipline now to stop raiding Social Security but we want to make sure that future Congresses will not raid Social Security. That is why we have meaningful legislation, meaningful changes, in this budget resolution.

Now we are told that the President is not interested in passing legislation to prevent future raids on Social Security. In fact, the President raids the Social Security trust fund by $341 billion over the next 10 years. We raid zero dollars. We put all of it towards Social Security and Medicare.

So because we cannot get a statutory fix to stop the raid on the trust fund, because the President will not sign that into law, we are changing the rules in Congress. We are changing the rules in Congress so we will not raid Social Security, so that future Congresses will have to go after a higher threshold. If they try to bring a budget to this floor of Congress in the House and the Senate, they are going to have to take a supermajority vote to raid Social Security in the future.

Even though we cannot get a law passed by this President to prevent the raids on Social Security we are changing the rules in Congress so that Congress now and into the future will not raid Social Security.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to myself.

Mr. Chairman, we keep having a red herring dragged across the path of this debate. The principal budgeting contention on the floor, the alternative to their budget is our budget and it commits 100 percent to Social Security, is backed up by a statute which requires the treasurer to take a certain percentage of payroll taxes to buy down public debt.

The general public probably does not understand, but points of order are honored in the breach on the House floor. We have a Committee on Rules upstairs which specializes in overriding points of order. It is a joke to say that a point of order provides any protection whatsoever.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the ranking member, the gentleman from South Carolina (Mr. SPRATT), for yielding me this time.

Mr. Chairman, I rise today to say regrettably that the Republican budget we are considering falls far short of what the American people need and what they deserve in terms of environmental protection.

We need to prepare our country for our children and their children. We need to prepare an America that has clean and vibrant cities, that has suburban areas not choked with automobiles and strangled by shopping malls. We need an America that has rural areas that are prepared to handle the necessary but dangerous pressure of development.

Simply put, the Republican budget does nothing to preserve our environment. The House Republican resolution for fiscal year 2000 provides $22 billion for discretionary natural resources and environmental programs. Our budget provides $23.6 billion.

The Republican level of funding is $1.3 billion less than this year's level of funding, and over 5 years the Republicans would cut funding $5.3 billion below 1999 levels.

The Sierra Club estimates that the Republican budget would stop up to 135 toxic waste cleanups under the Superfund program and would eliminate funding for the clean water action program.

The Democratic proposal gives our children a chance to grow up and raise their children in cities that are clean and safe, in suburbs that have coherent development patterns and provide park land and green space instead of chaos and confusion.

A recent series in the Philadelphia Inquirer demonstrates in the Philadelphia region that one acre per hour is being lost to development. In the last 30 years, the population in the Philadelphia area grew 13 percent; development grew 80 percent.

The Democratic budget would provide the tools for better regional planning, to improve water quality, to help local governments preserve open space, to reduce traffic congestion and clean the air.

Our proposal does not promote Federal planning. It does not promote Federal zoning. It is a good proposal, and I ask for support.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. STUMP), the distinguished chairman of the Committee on Veterans' Affairs.

Mr. STUMP. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time.

Mr. Chairman, I would like to address the veterans' portion of this budget for awhile. The Clinton-Gore budget has been a total disaster for veterans' health care over the last few years. It totally has neglected veterans' health care in favor of other spending priorities by this administration.

Mr. Chairman, we are the second largest employer in the Federal Government. We have 173 hospitals to maintain, over 500 outpatient clinics, and this administration did not give us one dime increase this year in the area of health care.

This budget provides $1.1 billion in health care alone for our veterans. Their budget would require a massive layoff in VA health care and necessitate closing of some of our VA facilities that are needed to treat our needy veterans.

Mr. SPRATT. Mr. Chairman, would the gentleman yield just to make clear who "their budget" is, because our budget has $1.9 billion?

Mr. STUMP. I made it clear. I made it clear. I said the Clinton-Gore budget.

This Republican budget increase has the largest increase in history for veteran VA health care. I want to commend the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, and the entire Committee on the Budget, that they have always been there when we needed them for additional health care monies, which we have had to ask for every year under this administration.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST), another distinguished Member and the chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Chairman, I rise in support of H. Con. Res. 68 before us today. In contrast to other documents, most notably the President's budget, this document underscores our commitment to the recovery and long-term economic health for production agriculture.

This resolution makes available a total of $6 billion in new agriculture funding authority over the life of the resolution. This should be viewed as nothing less than a triumph for American agriculture. They are in time of great need and we are working hard to create an adequate safety net to ensure their future.

I would remind my colleagues that the President promised crop insurance reform in his State of the Union address. Unfortunately, his budget proposed no new money or policy proposals that came forward, not one idea, not one dime, nothing.

The President has decided to turn his back on this problem so it falls to Congress to step up to the challenge, and we have.

The $6 billion in new agricultural spending in this resolution is the first infusion of funding for farmers in recent memory. This money will allow us to make permanent improvements in the tools farmers have available to manage the weather and price risks over which they have no control.

In addition to the $6 billion in new agricultural funding, the budget resolution creates generous tax cuts in fiscal year 2000 over the next decade. These reductions will allow Congress to continue working to provide American farmers and ranchers with tax relief, capital gains relief, estate tax reform and the creation of farm risk management savings accounts.

Mr. Chairman, I urge Members on both sides of the aisle who care about the future of farmers and ranchers to support this budget resolution before us today because it is fair and responsible.

In behalf of American agriculture, I would like to extend special thanks to the gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Michigan (Mr. SMITH), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Kentucky (Mr. FLETCHER), the gentleman from Iowa (Mr. NUSSLE), the gentleman from Georgia (Mr. COLLINS) and the gentleman from Texas

(Mr. THORNBERRY) for the great work that they have done on the Committee on the Budget in behalf of the American farmer and rancher.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me once again say that our budget resolution, the House Democratic resolution, provides that same $6 billion a year but it has a special difference. Because this is a 10-year budget and we are running out the allocations for 10 years, we don't quit in 2004, 2005. Their budget stops the funding of the crop insurance program just as it is getting established. It, in effect, says to the agricultural committees, go find the necessary mandatory spending offsets in order to pay for it.

We provide $9 billion in the second 5-year period on top of $6 billion in the first to see that this is a 10-year commitment. The same with the gentleman from Arizona (Mr. STUMP). The gentleman from Arizona (Mr. STUMP), the excellent chairman of the Committee on Veterans' Affairs, sent to our committee a request for $1.9 billion a year, I believe. That is what we put in our budget. The Democratic budget provides what the Republican chairman of the committee requested; $1.9 billion a year for veterans.

Their budget gives a plus-up of $900 million, a billion dollars the first year in fiscal year 2000. But in 2001, 2002, 2003, it disappears. It is nonrecurring. It does not carryover. So it is plussed up a billion and then dropped back down again; dropped so much that over 5 years, their budget is $500 million for veterans below a 1999 freeze level. That is the way the numbers are being distorted out here.

Let me go back to education. In education, the budget of the gentleman from Ohio (Mr. KASICH), which they have touted as being a big plus-up in education, is $2 billion below the President next year; $3.9 billion below the President in 2001; $3.5 billion below the President in 2002; $2.1 billion in 2003.

What they say with ESEA and IDEA is we want to give a bigger allocation but it has to come out of the hide of other higher education programs; the whole function for education and job training. It is very improbable that they are going to be able to shove those other programs aside to make the kind of increases they are not providing because the function that they are providing for education as a whole does not increase over this period of time.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, the gentleman from South Carolina (Mr. SPRATT) for the last half hour has been complaining about how we have been talking about the President's budget. What did he do? He got up and talked about the President's budget.

In fact, there are three budget plans sitting over on that desk over there. There is only one over here. There is one Republican plan, and one Republican plan that does a good job in these areas, but the gentleman is picking from three different numbers over there. The gentleman has to make up his mind.

I understand the gentleman does not like the President's budget but the gentleman is like a long-tailed cat in a room full of rocking chairs right now running around trying to figure out how to run away from this President's budget. The gentleman has to make up his mind, I would suggest.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time.

Mr. Chairman, as a member of the Committee on the Budget, I rise today in strong support of the Republican budget resolution, H. Con. Res. 68. This budget prepares our country for the challenges of the 21st Century, and I commend the gentleman from Ohio (Chairman KASICH) and the Members of this committee for putting this altogether.

Over the next 10 years, the Federal Government is projected to run a budget surplus, as we have heard before, of $2.6 trillion. Our budget properly utilizes this windfall to strengthen the retirement security of the American people.

For the first time ever, 100 percent of the Social Security surplus, and maybe I should say that again, for the first time ever, 100 percent of the Social Security surplus will be locked away to strengthen Social Security and Medicare. Over the next decade, this will secure $1.8 trillion, $100 billion more than the President's budget, to keep these two programs strong for current and future retirees. This is historic.

For years, Congress and the President have raided the Social Security trust fund to pay for wasteful government spending. With 77 million baby boomers nearing retirement, it is time to end this dishonest practice.

Our budget also provides the American people with tax relief that they need. Over the next decade, it cuts Federal taxes by $800 billion.

□ 1330

This tax cut, the largest since Ronald Reagan's first term as president, will strengthen working families and keep our economy moving forward.

Finally, this year's budget provides the resources to improve our schools and keep our military strong. If the United States wants the United States to be the world's strongest Nation, we must do a better job of educating our children, and we must ensure that our military forces are the best-trained and the best-equipped in the world. This year's budget takes a giant step forward in accomplishing both of these goals. I urge my colleagues on both sides of the aisle to support it.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Democrat budget plan. It invests in health programs to serve all Americans. Our Republican colleagues talk about their commitment to health, but I challenge them to put their money where their mouths are.

The Democratic budget demonstrates our commitment to improving quality health care and access to health care for all Americans. The Republican plan shows once again their top priority, providing tax breaks for the wealthiest in this country.

We all support groundbreaking research at the National Institutes of Health. I support that effort, and the Republican budget does provide additional funding for the NIH.

But what our colleagues on the other side of the aisle do not seem to understand is that all of the research in the world goes to waste if people do not have access to health care. Their budget would slash funding for other health programs, like the Centers for Disease Control, Ryan White AIDS grants, maternal and child health, all in order to pay for their tax breaks for the wealthiest in this country.

More than 43 million Americans today are without health insurance. They seem to have fallen from our radar screen. The Democratic budget includes measures to expand access to health care. The Republican plan ignores the problem.

Many Americans struggle with no health insurance at all. Millions who do have insurance are fighting their managed care companies to have access to the care they need. The Democratic plan includes the Patients' Bill of Rights, real managed care that would put medical decisions back in the hands of those where it belongs, doctors and their patients.

Mr. Chairman, the Democratic budget alternative recognizes a key reality. If we are to save Medicare and social security for future generations, live within our spending caps, and continue to provide funding for vital health care programs in this country, we cannot afford to give tax breaks to the wealthiest members in this Nation.

I urge my colleagues to support the Democratic plan.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, as we look to the future, and that is what a budget does, we must evaluate where we are as a Nation. It has become clear to all of us that one of the most important principles that all Americans hold dear is the idea of security: fiscal security for our Nation; financial security for us personally, individually; educational security; security from attack from foreign nations; family security; and retirement security.

We need to take care of our growing aging population, and we must also look out for our young people, securing a solid and stable future for them.

We are at a crossroads today. What will the priorities of our Nation be? Will security be one of them? If we answer yes, then we must support the Republican budget, for our elders, our baby boomers, our Generation Xers, our Y Generations, all are relying on us to save social security and Medicare.

Mr. Chairman, the most responsible way of doing this is by supporting a plan that saves all of the social security surplus. By locking away 100 percent of the social security surplus, 100 percent, we preserve approximately $100 billion more than the President's proposal, more than the President's budget. By establishing this safe deposit box, we prevent a hungry bureaucracy from stealing from social security to pay for other programs, to ensure that retirement money is available for our elders, for our boomers, for our children, for our grandchildren. It is more than the President has offered, and we are doing the same with Medicare.

Speaking of the Democratic alternatives, the President, by comparison, does not have the trust of the Senate on his proposal. Instead of saving all of social security, the President would spend some of it. The Senate voted yesterday 97 to 2 to reject his plan. His plan of a government-run board investing social security funds in the stock market was rejected.

There is a better way. Support the Republican budget.

Mr. SHAYS. Mr. Chairman, I am delighted to yield 2 minutes to my colleague, the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, as a member of the Committee on the Budget, I rise to support House Concurrent Resolution 68. Our budget plan is the first ever to lock up 100 percent of social security payroll taxes and interest for the future. This is historic because over 10 years the Federal budget has been taking social security funds to pay for other spending programs.

In the year 2000, the GOP sets aside $137 billion, that is 100 percent of social security monies, for social security. The President pledges 62 percent of that, that is $85 billion, and $52 billion of social security money spent for other programs.

Between the years 2000 and 2009, we set aside $1.8 trillion for social security and Medicare. The President's budget sets aside $1.3 trillion for social security, and earmarks about $345 billion for Medicare. That is $1.645 trillion, over $100 billion less than our budget.

No matter how we add it up, $137 billion is more than $85 billion. No matter how we add it up, $1.8 trillion is more than $1.645 trillion. Two plus two does equal four.

Some on the other side who are using projections on the President's budget will save over 15 years, compared to our budget, over 10 years. That, as the saying goes, two plus two does equal five. No matter how you look at it, we are saving more for social security and Medicare than the President's budget saves over 10 years.

The President is not only missing-in-action on Medicare reform, he cuts Medicare by $11.9 billion. He is using a very strange strategy for claiming the high ground on Medicare. One, he cuts billions from Medicare. Two, he saves less than Republicans for Medicare. Three, he single-handedly stops bipartisan Medicare reform from the Medicare Commission. Four, he leaves us with the status quo. Five, he then claims to be the champion of Medicare.

If we look at the facts, we know that the Committee on the Budget resolution does more to protect social security and Medicare than the President has ever done. Also, anyone who votes for the President's budget is doing nothing short of stealing from social security and cutting Medicare. I urge all my colleagues to vote for the GOP budget.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I rise in strong support of the Democrat alternative. The Democrat alternative is a budget resolution that fights for families, advocates for our children, stands up for our seniors, and is responsive to rural America.

The resolution before us abandons farmers and farm families. Recruiting and training sufficient numbers of qualified teachers is difficult throughout all of America, but it is particularly difficult in rural America. Working for better health care is difficult throughout all America, but the problem is magnified in rural America. The lack of health resources and adequate health providers are harsh realities.

Farm life is hard, and the risk of injury and death is great. Income security is difficult in many parts of the United States, but in rural America, low earnings, slow investment, low economic development, and pockets of poverty are all too often a way of life. That is why we should all make sure we take into account the special needs of our farmers and our farm families.

Small farmers and ranchers are struggling to survive in America. Most are losing money and fighting hard to stay in the farming business. That is why the Democrat alternative increases discretionary spending for agriculture.

The resolution before us cuts discretionary spending for agriculture by $2.3 billion over 5 years. The Democrat alternative includes funding for agriculture research, education, and vital farming services. The resolution before us cuts those services.

The Democrat alternative continues crop insurance spending $14.6 billion more than the Republicans. The Republican resolution before us ends crop insurance in 2005. The Democrat alternative puts into proper perspective the needs of farm families and their communities.

It is an alternative that requires our support. It is an alternative that deserves our support. I urge all of our colleagues, both our Republicans and our Democrats, to support the Democratic alternative.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am proud to be part of this spirited historic debate today, historic because I believe that this plan before us represents the best news to come out of Washington in a very long time.

One year ago when I announced my run for Congress, I did so because I saw a bleak situation here in Washington: social security expected to be in the red in only 30 years, the tax burden on our families the highest it has been since World War II, and a national debt long overdue.

Today I can proudly tell the folks back home that we are addressing each of those critical challenges. It has also become clear that the minority will do and say anything to obscure these accomplishments.

Mr. Chairman, the proposal before us accomplishes what too many people said for too long was impossible.

Number one, our plan ensures that social security dollars are locked away, to be used only for social security. On the other hand, the President has proposed spending $52 billion of the social security surplus in the next year alone.

Number two, our plan allows working families to keep more of their hard-earned cash, with tax cuts growing only as our surplus grows. On the other hand, the President's budget proposes 80 new tax increases that will raise the tax burden on our families by over $172 billion.

Number three, and perhaps most important, this budget works to pay down our public debt, reducing it by some $1.8 trillion. That is $450 billion more than the President.

Some weeks back the President challenged this Congress. He challenged this Nation when he unveiled his plan. I want to offer my sincere thanks to the gentleman from Ohio (Chairman Kasich) for his hard work and guidance. The chairman has done well, we have done well, and with this plan, America will do well.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from North Dakota (Mr. Pomeroy).

Mr. MINGE. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, I would like to make a brief comment with respect to agriculture. I know that everybody has struggled with this budget, but the concern that I have is that we are currently unable to deliver the farm programs that we in Congress have identified as critical.

If we cut the Farm Service Agency any further, we are going to decimate our ability to deal with these programs, and I fear that the budget that the majority is proposing accomplishes just that.

Mr. POMEROY. Mr. Chairman, the words of my colleague, the gentleman from Minnesota, are precisely correct. There is a crisis in agriculture.

Mr. Chairman, these are desperate times on the farm. Therefore, I cannot understand why the majority's budget cuts discretionary spending in agriculture; cuts, in fact, that would amount to a reduction in more than $300 million this year alone.

To project out, the majority's budget would reduce the purchasing power of agriculture, the discretionary money is reduced to the extent that purchasing power would be reduced for the U.S. Department of Agriculture 33 percent over 10 years, 25 percent over 5 years.

The Republican budget is also a sham. I know that my colleague, the gentleman from Georgia, has worked on crop insurance. There is funding for crop insurance for 5 years, and then it goes away altogether.

Looking at this budget, we can only conclude it is a sham. They purport to prop up crop insurance, but only for a few years. Then the money is zeroed out, resulting in loss of the crop insurance program or other deep cuts in other mandatory spending areas critical to propping up farming.

For the life of me, I cannot understand, when we have people that have farmed for generations being forced off their farms this Spring, not just in the area that I represent but across the country, we would have a Republican budget that cuts discretionary spending in agriculture, and then puts forward a crop insurance program but only funds it for a couple of years, 5 years, before the funding goes away altogether.

□ 1245

Let me tell my colleagues something, the Democratic alternative is different. We preserve funding for the discretionary account in agriculture. We are $400 million better next year alone, and we continue the funding for the crop insurance program, not just for 5 years, my friends, but on into the future altogether.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. Chambliss).

Mr. CHAMBLISS. Mr. Chairman, I wish to remind the gentleman from Minnesota (Mr. Minge) and the gentleman from North Dakota (Mr. Pomeroy), who are my friends, when it comes to agriculture issues, that we are talking about a 5-year budget that we are debating here today. So we fund agriculture for the 5 years of that budget. Next year we will have 5 more years. We will fund crop insurance for the additional out years as they come forward.

When my colleagues talk about cuts, what we are looking at is cuts which include the supplemental on top of the budgeted baseline numbers for last year. When we look at real numbers, there are no cuts. But I would remind my colleagues that the President's budget makes cuts in agriculture to the tune of 15 percent.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. Wamp).

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today, Mr. Chairman, as a member of both the House Committee on Budget and the House Committee on Appropriations to say that, yes, this budget proposal is balanced; yes, it locks away all of the Social Security revenues into Social Security for the first time in a generation; yes, we increase veterans' benefits significantly over last year and way above the President's request; yes, we increase education funding above the President's request; yes, we protect Medicare and do not cut Medicare benefits as the President's budget does.

But I want to say that the goose that lays the golden egg called the budget surplus that we are here today to discuss is not us. It is the economy. The economy must be considered as we look at the fiscal discipline that I am here to talk about today as a member of the House Committee on Appropriations.

It is going to be hard later on, no question about it. But should we exert fiscal discipline? Listen. Chairman Greenspan, the guru of the American economy, has told us time and time again that, as we exert some fiscal discipline in this Congress, the economy continues to improve. That is the goose that lays its golden egg. We need to feed that goose, feed that goose by exerting fiscal discipline, holding the growth of Federal Government spending below inflation in the last few years for the first time since 1969. That is the fiscal discipline that we must enter into. This budget does that.

It is going to be a tough year. But let me tell my colleagues, if we show the markets that, here in Washington, we are not going to spend foolishly or blindly any longer, the economy will continue, revenues will continue to sore, the budget surplus will continue to increase, and we will have good discussions here on the House floor of where to invest in the American society as opposed to those discussions we used to have about how to reduce the deficit instead of how to invest the surplus.

The CHAIRMAN. The gentleman from Connecticut (Mr. Shays) has 8½ minutes remaining. The gentleman from South Carolina (Mr. Spratt) has 9 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee (Mr. Clement), and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. CLEMENT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise today in strong opposition to the Republican budget resolution. This resolution ignores the Committee on Veterans' Affairs' recommendation of a $1.9 billion increase for veterans funding. As a matter of fact, it actually decreases veterans funding over the next 10 years by $3 billion. Yes, it increases it the first year, but I think we need to make it very clear, under this budget resolution, the Republican resolution decreases it over the next 10 years by $3 billion.

This is simply wrong. In an era with budget surpluses, it is unconscionable to deny our veterans the funds that they so desperately need.

Veterans hospitals are being consolidated around the country, including Tennessee, due to the lack of sufficient funds. One of Iowa's three major veterans hospitals is threatened with closure. Florida's veterans hospitals are having to lay off employees and close some inpatient services.

I urge my colleagues on both sides of the aisle to oppose this resolution.

Mr. Chairman, I include the following for the Record:

The Independent Budget,
March 25, 1999.

Hon. John M. Spratt, Jr.,
Ranking Minority Member, Committee on the Budget, Cannon House Office Building, Washington, DC.

Dear Representative Spratt: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support for your budget alternative to H. Con. Res. 68. Department of Veterans Affairs (VA) health care is facing an emergency—without desperately needed additional dollars the health care system relied upon by sick and disabled veterans will be forced to curtail services, close facilities, and lay off thousands of health care workers. The Spratt Budget Alternative recognizes the grave condition of VA health care and takes action to provide a remedy.

The Independent Budget has estimated that VA medical care, for fiscal year (FY) 2000, must receive a $3 billion increase over the President's budget submission. H. Con. Res. 68, although providing a $900 million increase over the Administration's budget, an increase which is taken away in FY 2001, does not provide the resources needed by the VA this year, and over the next few years. The Spratt Budget Alternative provides $1.8 billion over the Administration's budget for VA health care, and provides $900 million more than H. Con. Res. 68. In addition, the Spratt Budget Alternative provides over $2 billion more than H. Con. Res. 68 over the next four years, nearly $10 billion more over five years.

The Spratt Budget Alternative provides more of the resources that the VA needs if we are to provide sick and disabled veterans with the health care they have earned and the health care they need.

Sincerely,

AMVETS, Blinded Veterans Association, Disabled American Veterans, Paralyzed Veterans of America, Veterans of Foreign Wars of the United States, Vietnam Veterans of America, Inc.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FILNER), a real fighter for veterans.

Mr. FILNER. Mr. Chairman, this is a shameful budget for our veterans, and veterans across the country are angry. This budget breaks our contract with our Nation's veterans. We promised health care for life. But I will tell my colleagues, those who vote for this Republican resolution, their veterans are going to have to wait for months and months for appointments in a hospital, if it stays open.

We promised to care for the disabled, but the folks in my colleagues' districts are going to have to wait years to have those claims processed. We do virtually nothing for those of our veterans who are on the streets, those who want education, those who want training.

Over the life of this resolution, we have cut veteran benefits by $3 billion. This is shameful. This is unconscionable. I do not know how my colleagues wrote a budget resolution that says to those who have fought for us, who have fought to make this a democracy, who have fought to keep us here in the kind of condition where we have a surplus, say to them, "Thanks, but no thanks. We are through with you." Vote no on this Republican resolution. Protect our Nation's veterans.

Mr. CLEMENT. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER) who serves on the Committee on Veterans' Affairs.

Mr. SNYDER. Mr. Chairman, the budget that we are considering today is a huge number to all of us; and we are talking about Social Security, Medicare, defense. A small part of it is the veterans number, but the veterans number is not a small part of the lives of veterans.

This number, the budget number for fiscal year 2000 in the Republican budget is not adequate. The veterans know it. The Committee on Veterans' Affairs, both Republicans and Democrats, know it. The VA hospital doctors and nurses know it.

The only people who apparently do not know that this number was inadequate were the Committee on Budget members who passed this budget number out. Not only is it inadequate for fiscal year 2000, but we are voting on a 10-year budget number.

While this number has $20.2 billion in fiscal year 2000, in 2001 it drops back to $19.1 billion, which is less than the current fiscal year.

I think that veterans' communities and veterans around the country need to know what this long-term budget process does that the Republicans have put on to this House floor today. The number is wrong. It is wrong this year. It is wrong for next year. Vote no on this Republican budget.

Mr. CLEMENT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ), the ranking member on the Committee on Veterans' Affairs' Subcommittee on Health.

Mr. GUTIERREZ. Mr. Chairman, during recent days Members of both parties have shown their concern for our troops deployed overseas. Yet, Republicans have betrayed the men and women who have already served our country, jeopardizing the well-being of our veterans, and ignoring the values for which they fought.

Democrats have tried to fight for a VA budget proposal for fiscal year 2000, but the Republicans, a party still apparently wedded to the idea that the wealthiest Americans deserve another tax break, want to keep their promise to them and break their promise to protect veterans health care. The Republicans continue to put their commitment to their wealthy campaign contributors above America's commitment to our veterans.

Here is what the Republicans have said no to America: no to $475 million more for VA health care, no to $271 million in long-term care initiatives, no to $681 million in the Montgomery G.I. Bill.

Just so America understands, this budget is deplorable for veterans, and remember what they did today. Remember what they did today.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), our distinguished chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding me this time.

First of all, as a veteran, I want to set the record straight. The President sent a budget up here that said zero, zero increase for veterans, and I thank my Republican colleagues for giving veterans an extra billion dollars.

But I want to talk about the overall budget. I sat on that Committee on Budget for 6 years as a member of the minority. What a waste of time. Let me tell my colleagues, they did everything wrong, and it got us in the mess we are in.

So I am very thankful for this Republican budget today, because they do many things: preserve and protect Social Security and Medicare, they pay down the national debt, they maintain the fiscal restraint of the Balanced Budget Act, they provide tax relief, and they increase support for education and defense. That is what I want to emphasize, increased support for education and defense.

The House resolution provides $65.3 billion in budget authority for discretionary and mandatory spending in education, training, employment, and social services. They outdo the President. His is a 1999 actual. They go up another billion two in education.

Do my colleagues know what they do? They help us do what the gentleman from Michigan (Mr. KILDEE) and I thought we might be able to do in a bipartisan effort in that 6 years on the Committee on Budget. They really put their money where their mouth is, and they put more money, as we increase the surplus, into special education, something my colleagues passed 23 years ago. They said they would send 40 percent of the excess cost back for the 100 percent mandate they sent. They sent 6 percent until I became chairman.

Thanks to the Committee on Budget and the appropriators, we have increased that by more than $2 billion, and they are ready to do more of that. That is what the local folks want to hear. The local folks want to hear that their property taxes do not have to go up, up, up in order to meet our 100 percent mandate in the area of special education.

So I thank the Committee on Budget. I thank them for doing something right, even though, for 6 years, I sat there as a member of the minority while they did everything wrong.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I served on the Committee on Veterans' Affairs for 2½ years, and I learned a lot.

Republicans talk a lot about support for veterans; however, their support ends at the appropriations' door. This Republican budget gives a one-time increase which is not carried over into the next fiscal year. Smoke and mirrors again.

Over a 5-year period, the Republican budget resolution cuts discretionary funding for veterans by hundreds of millions of dollars. Over a 10-year period, the Republican budget resolution cuts veteran funding by $3 billion below the 1999 level.

In the area of health care, where our veterans are facing a medical emergency, the proposed budget includes several new health care initiatives, but guess what, without providing the necessary funds to support them.

Unless the veterans' health care system receives significant increases in funding, critical services will be cut, health care will be denied, facilities closed, and dedicated employees are out of work.

I have a full-time staff person dedicated to just working on veterans' complaints. Republicans, I want them to know they cannot look veterans in the face and tell them that my colleagues care about them when all my colleagues talk about is flag burning and desecration of the flag.

My colleagues need to be talking about the real issues of whether or not veterans are being taken care of, veterans who have served their times, veterans who my colleagues say they care about, whether or not they can come forward with a budget like this where they are denying them the kind of funding that is so desperately needed.

I ask my colleagues to reject this proposal, to reject the turning of our backs on the veterans who we claim to love so much, and do everything that we can to increase their funding. They have complaints that are not adjudicated. I ask my colleagues to do the right thing for veterans. Reject this Republican budget.

Mr. SHAYS. Mr. Chairman, I yield myself 15 seconds to remind the gentlewoman from California (Ms. WATERS) that we added $1 billion to veterans that the President did not provide.

Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, when I first came to Congress in 1993, the budget debate was a very different one. Under the current President, but a very different majority in Congress, we were faced with deficits as far as the eye could see.

□ 1400

The budget resolution brought before Congress then addressed these problems with a very different set of solutions. That 1993 legislation included the largest tax increase in history, significant increases in Federal spending, and it repeated the mistakes of the past by including continued annual deficits.

When the current majority took over, we inherited the same budgetary problems. Despite the 1993 tax increase, which was sold as the answer to the deficit, in 1995 the new majority still faced an unbalanced Federal ledger, escalating spending and future deficits stretching out as far as the eye could see.

But we proposed a very different set of solutions to those problems. We introduced a balanced budget that reduced Federal spending and provided tax cuts for the American people. As a result of that legislation, today our Nation's budget is balanced. We even have a unified budget positive cash flow, and it appears certain that we will have a real "on budget" surplus this year.

The budget resolution under consideration today continues the effort we began in 1995. It is balanced, it preserves the spending caps that we established in the balanced budget agreement of 1997, it ensures that 100 percent of payroll taxes, or $1.8 trillion, are preserved for the future of our retirement program.

It also allows the Congress to give back $800 billion in taxes to American wage earners. That tax relief is still far less than what the President raised through higher Social Security taxes and marginal rates in the 1993 tax increase legislation.

The Joint Committee on Taxation has stated that the President's 1993 tax increase will tax the working people of this country for over $850 billion over the next 10 years.

The budget resolution reported by the Committee on the Budget will balance the budget, it will preserve payroll taxes for the preservation of Social Security, it will hold the line on Federal spending, it will make a downpayment on repealing the President's 1993 tax increases, and it will reduce the public debt.

Mr. Chairman, I urge passage of this important legislation.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I address this body with a great deal of sadness, because last night, by a vote of 224 to 1, we pledged to support the troops. Today's budget breaks that pledge.

On this spot last night I asked Members to support the troops not just at that time but for all times, not only during deployment but during times of training and growing. Someone was not listening when the budget was put together.

The priority should be, is, as far as I am concerned, and will always be to take care of the troops; to take care of the young men and take care of the young women who go in harm's way for our country. This budget does not take into consideration or allow monies for the recommended and promised pay raise or change in reform of the retirement system. We have to do that. We must do that.

We cannot break our word, we cannot break our faith and trust in those young people. We must reject this budget because it does not do what we have promised. Despite some claims that the Republican budget funds the pay raise, the gentleman from Ohio (Mr. KASICH) said it would not.

I am pleased, however, that this morning, Mr. Chairman, the senior leadership of the House Committee on Armed Services, in a hearing, reiterated its strong support. Several of us spoke on both sides of the aisle in support of a military pay raise, and cleared up the confusion by the remarks of the chairman of the Committee on the Budget.

Mr. Chairman, this budget does not do it for the troops.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), and I say to the previous speaker that our budget does do it for the troops, and the gentleman from Texas will illustrate that point.

Mr. THORNBERRY. Mr. Chairman, there is no higher priority in this budget for me than making sure that our troops are taken care of and that there is a pay raise. For some reason, a number of opponents of this budget have come up with a variety of reasons to try to argue that it is not so.

I very much appreciate the gentleman from Missouri because I know his commitment to taking care of the troops is every bit as strong as mine. But what happens, for example, is that in some press accounts questions and answers get misrepresented.

The chairman of the Committee on the Budget, for example, was asked whether the full amount in Senate bill 4 was taken care of in this budget, and the answer to that, of course, is no. But I can tell the gentleman from Missouri, as well as all my colleagues, as well as all of those who are in the armed services, that this budget includes the pay raise for the members of the armed services. And as a member of the committee and a member of the subcommittee which has jurisdiction over that issue, there will be legislation within the next couple of months on this floor to implement that pay raise, as there should be.

I am afraid, Mr. Chairman, that this budget is so strong that some opponents of the budget have to dig pretty deep to come up with some reason to oppose it. It is clear, if we look at the numbers, that there is an extra billion dollars in here for VA; that there is money in here to take care of the crop insurance program; and that there is room in here for tax relief, which is so essential, I think, for the American people.

We have often heard it described that taxes are higher than at any point in the country's history except for the war year of 1944. Look at it another way. Under President Clinton, Federal tax revenue has gone up 52 percent faster than the personal income of this country. And in the last fiscal year it grew 70 percent faster. So what is happening is the regular middle class folks are getting squeezed. Their income is going up a little bit, but their taxes are going up far faster. They need the tax relief that is included in this budget.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I am very concerned about the budget resolution's promises on increases in defense. We have heard some claims of an increase of $8 billion in budget authority over the President's request, but this resolution provides almost no increase in outlay authority.

Now, I have served for 20 years on the Subcommittee on Defense of the Committee on Appropriations, and I can tell my colleagues that when we are writing an appropriations budget, budget authority but no outlay to support it, we have nothing. The problem is if we do not have adequate outlays, we cannot do the 4.4 percent across-the-board pay raise and we cannot have the fix in the retirement benefits.

So I believe that this budget, that I think was presented with good intent, is fatally flawed. It is not going to do the job that the Joint Chiefs need to have done. It is not going to do the job that all of us on a bipartisan basis who support defense need to have done.

Mr. SHAYS. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time.

This is really a great budget. Let us take a look at what this budget does. It allows the American people the opportunity to secure their future as we enter a new millennium.

It locks away the entire Social Security Trust Fund, the surplus that we are going to be gaining over the next 10 years, $1.8 trillion. We save it so that we can strengthen and preserve Social Security and, as necessary, Medicare.

We set aside $100 billion more than the President for Social Security and Medicare. We create a safe deposit box. What this means is that we prevent Congress from going and raiding those surpluses and using it for other spending.

We pay down $450 billion of debt held by the public; $450 billion more than the President. We maintain the spending discipline of the balanced budget agreement of 1997.

We allow the American people to secure their future by providing more for defense, by providing more for education, and providing the opportunity to enact historic tax relief.

This is the kind of plan that enables us to build on the success of the last few years and to prepare for the future. It is a wonderful budget to move forward.

The CHAIRMAN. Two hours on congressional budget debate having expired, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the late 1970s a law was enacted called the Humphrey-Hawkins Act, and the purpose of it was to provide, among other things, for this Congress to have oversight over budgetary policy in terms of how it may or may not have a positive, or how it may have a negative effect, for that matter, on the economic performance in our economy.

And so I would just like to use some time, if I may, to take a break from Republicans blaming Democrats and Democrats blaming Republicans, to try to take an overall look at what has transpired to create this wonderful surplus that we have in this fiscal year and the surpluses that we are now able to anticipate in the coming years.

Let me first say that our current expansion is now the longest expansion in modern history during peacetime. I think it is well for all of us to take credit and give each other credit, to the extent that we can. Employment, income and wealth gains are impressive, and we are experiencing the lowest unemployment rates since the 1970s.

Sometimes we all like to exaggerate the impact, as if the world actually revolves around Washington, D.C. But the fact of the matter is that workers all across this country, business people, laborers, all share in being able to take responsibility for what has happened here. And our system itself, our system of free enterprise, has worked well.

Recently, in trying to take credit for some things that happened in our country, the Vice President took some ribbing for claiming that he was the inventor of the Internet, and his strong ties to the rural farmland of northwest Washington, D.C. all drew some chuckles. Well, as a matter of fact, I wish him well, but his comments and other comments suggesting that the administration invented the current economic expansion are just excessive.

Let me try to say what, after much study, the members of the Joint Economic Committee have concluded has happened. Yes, the Republicans can take credit for being the initiators of tax cuts. That started back in the 1980s. And with the exception of 1990, during the Bush administration, and 1993, during the current administration, taxes have been kept quite low. And, yes, we can give ourselves some credit around here for helping to control spending.

Those have been important factors but not, in my view, the primary one. I think I may surprise my colleagues when I try to give at least some credit, and maybe the majority of the credit, for what has happened to an institution that is not directly associated with the Congress of the United States. Of course, all my colleagues know I am referring to the Federal Reserve.

□ 1415

As a matter of fact, the key reasons for the expansion are not generally very well understood, and that is why I want to take this time, under the provisions of Humphrey-Hawkins, to at least express this view for the consideration of my colleagues.

One of the most important explanations for this record-setting and sustained expansion is the anti-inflationary monetary policy being pursued by the Federal Reserve. Pursuing anti-inflation policy or price stability policy in a gradual, sustained manner has worked to lower inflation.

Who would have thought a decade ago that we could stand here today and say to America, inflation is almost zero? That is an impressive accomplishment brought about by the Fed. And interest rates have followed inflation downward and it has fostered economic growth.

This chart here to the left of me shows how inflation and interest rates have come down together. And anyone who tries to deny the positive effects of this on the economy has simply not got it straight. This is an extremely important factor. And I believe that, along with other policies, this has been a major stimulus to the growth that we have seen.

We have observed not only a lower rate of inflation, but also a lower rate of unemployment and healthy economic times all at the same time. As a matter of fact, during the last several years we have gone a long way to diffuse or to disprove an old theory that in the circles of economics is referred to as the Phillips curve.

This second chart demonstrates something that is perhaps not a new phenomenon, and perhaps there were a minority of people who believed that this could happen over time. But throughout recent economic history, there was a common belief among lawmakers and a common belief among some economists, perhaps many economists, that we could not have long-term, sustained economic growth without inflation. This period of economic growth has disproven that theory.

This chart shows that the unemployment rate, which is a by-product, of course, of good economic growth, has gone down, as inflation has, so that we now have historic low rates of unemployment and historic low rates of inflation. And again, we have to look across the street or downtown to the offices that house the members of the Federal Reserve to understand how this happened.

The Federal Reserve has simply pursued policies through monetary policies to gradually squeeze inflation out of our economy. And so, while it is neat for us to be able to say that we have done this through the budgetary process, and we have contributed to it some, and while it is very encouraging that we have been able to over the last two decades reduce the impact of taxes, the fact of the matter is that most economists today agree that this policy of squeezing inflation out of the economy, which has fostered lower interest rates, has been an extremely important factor.

Let me make four points. First, lower inflation works to lower interest rates. We have already demonstrated that here on our charts. Both long-term and short-term interest rates have declined and have done so with this lower inflation and with expectations that there is no inflation around the corner. While long-term rates recently have picked up some, they are not far from their historic lows as compared to interest rates over the last 30 years.

Interest-sensitive sectors of the economy, like housing and investments, have performed exceptionally well during this period because of low interest rates, again brought about by Fed policy on price stability and inflation.

The second point that I would make is that price stability works to calm financial markets and this helps to create long-term growth. Lower inflation fosters less volatility, less uncertainty and, therefore, more stability in financial markets. As a result, market participants tend to become more confident and more willing to invest and take risks and to innovate. And so we see this as an important factor.

Point number three: Lower inflation acts like a tax cut. Anytime we give more money or provide an opportunity for investors to have more money to invest and consumers to have more money to consume and savers have more money to save, we provide economic stimulus which works to create long-term growth. And in this case, lower inflation reduces the rates of interest rates and again we have seen a positive result.

Point number four: Lower inflation enables the price system to work better by reducing the noise and distortions in the pricing system. In other words, expectations of prices tomorrow being about the same as they are today because there is no inflation is an important factor in creating the atmosphere that we need for long-term growth.

So, Mr. Chairman, I wanted to point this out today because, as I sat here waiting for my time to come up, I listened to both sides blaming the other for this or that or the other thing. The fact of the matter is that this Congress, both Houses, the administration, have done some things correctly during the last couple of decades. But during this decade, if one wants to single out one element in our economic structure in Washington, D.C., to give the credit to, we honestly need to look at Fed policy.

Now, I will say one other thing, and that is that this policy of controlling inflation has worked so well that there are some of us who are looking at the possibility of amending the Humphrey-Hawkins act to provide that this be the central feature carried out and the central objective carried out by the Fed. We think it is proof positive that this has worked, and we look forward to hopefully many, many more years of economic growth brought about by this policy.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I come before us this afternoon as the ranking Democratic member on the Joint Economic Committee, fulfilling a requirement outlined in the Full Employment and Balanced Growth Act of 1978 attributed to several of our great colleagues, Mr. Gus Hawkins and Senator Hubert Humphrey, who put the long-term goal of raising U.S. living standards far ahead of any of their short-term political aims. And I rise in strong opposition to the budget resolution before us.

Before I go into details as to how harmful that is, I would like to put this debate in some context, as my senior Republican from the Joint Economic Committee on the House side did just a moment ago.

We have had growth in 1998 close to 4 percent, and the economists are raising their projections for this year every day. Our economy is the envy of the world. The United States is growing two to three times faster than Japan or Germany. The unemployment rate is 4½ percent, the lowest unemployment since 1969. And the unemployment rate has been below 5 percent for almost 2 years.

This is all building up and it is continuing good news. Who would have believed we would have seen us move ahead of Japan in these measurements in our lifetime? Inflation was 1.6 percent in 1998. We would have to go back to the early 1960s to find inflation that low. Furthermore, it has remained low despite falling unemployment, which confounds many of the economists.

The once famous and now forgotten misery index, the combination of unemployment and inflation, the lowest point in 40 years. That is before the gentleman from New Jersey (Mr. SAXTON) and I even got to this place. The economy has generated 15 million new jobs net since 1992 and 2.8 million jobs were added in 1998 alone. The average weekly take-home pay after inflation has increased by 2 percent in 1997 and 1998 after almost 20 years of stagnation. The current expansion is not just a statistical phenomena. It has improved the standard of living for many Americans.

Let us not celebrate, because this economic expansion is not yet shared by all Americans and that is not acceptable to the Democratic Party. One in seven counties in this country have twice the unemployment rate of the rest of the Nation. Some research shows that although there are fewer numbers of people receiving welfare, there is no definition as to what has happened to them. Are they working, or have they merely dropped off our statistical radar screen? And what has happened to their children?

There is still more that we need to know in order to ensure that all Americans can enjoy the quality of life they deserve. When things go well, everybody is taking credit. Somebody said, "success has a thousand parents and failure is an orphan." But it is easy to be entangled in the cause and effect. And one thing is clear: Eliminating the budget deficit has enabled interest rates to fall, which, in turn, is considered one of the major stimulants for our economy.

Our first goal in fiscal 2000 should be to ensure that Social Security and Medicare are financially secure in order to provide health care to those who need it. The Republicans agree to wall off the Social Security Trust Fund, but their budget proposal does not do anything to address the solvency of either Social Security or Medicare. Their proposal calls for a freeze in Medicare's administrative budget over the next 10 years.

We have hearing after hearing about how we have satisfied the Medicare operators so that they can go after fraud and abuse and put these egregious profit-hungry private HMOs and hospital chains that are stealing from the Government out of business. We have the lowest administrative overhead in Medicare of any program in the country, about 2 percent, compared to 10 to 30 percent for private insurers and managed care plans. The latter figure includes overhead and profit. But we cannot continue this good work if we are unwilling in a budget to support the administrators who make it work so well.

Former Speaker Gingrich once said that Medicare's administrative agencies should "wither on the vine," as should the program. Although no longer here, Mr. Gingrich's wishes seem to be with us, as the Republicans attempt to destroy Medicare and its ability to serve the need of America's seniors and disabled.

Let us talk about budget surplus. There is a lot of talk about it, but I did not see one. Once we take Social Security off of the table, as the Republicans suggest, we are left with about $125 billion over the next 5 years. And without touching the Social Security Trust Fund, I do not think we find a surplus until 2002.

So if we are going to make policy based on the surplus, why do we not wait until we know there is one around and then debate it?

During 1999, defense expenditures were 13 percent greater than all nondefense discretionary spending. I wonder if this really reflects our country's priorities. Republicans go further and add billions to defense, and it calls for a cut in discretionary spending.

Now, I do not happen to think the Pentagon is optional. It certainly is not. But if the Pentagon is not optional, neither is Head Start, public health programs, education, job training, housing, veterans' hospitals, law enforcement, environmental programs, the national parks, community and economic development, rural programs, highways, energy, among a few which are being eliminated or cut severely, if the Republicans do not intend to shove us into the greatest deficit we have had since Ronald Reagan forced us into a deficit by reckless tax cuts and even more reckless military spending on things like Star Wars and other things, which produced nothing but welfare for otherwise unemployable scientists and would-be soldiers of fortune.

I predicted that we would strike a deal to kick people off welfare, and we have. But what we have done is harm the children and the helpless in this country in the Republican effort to grab more tax cuts for 1 or 2 percent of the very rich, and that is not again what the Democratic Party is about.

My Republican colleagues did not vote for the 1993 act. Not one of them voted. They are taking credit for it. But it has not stopped them from bragging about it. Eliminating the deficit was the single largest explanation for the current health of this economy, and we must not jeopardize it again.

I urge my colleagues to oppose this budget resolution, send them back to the table to bring one that will help the economy for the long run and help all Americans.

Mr. Chairman, I include the following for the RECORD:

CRISIS FACING HCFA & MILLIONS OF AMERICANS

The signatories to this statement believe that many of the difficulties that threaten to cripple the Health care Financing Administration (HCFA) stem from an unwillingness of both Congress and the Clinton administration to provide the agency the resources and administrative flexibility necessary to carry out its mammoth assignment. This is not a partisan issue, because both Democrats and Republicans are culpable for the failure to equip HCFA with the human and financial resources it needs to address what threatens to become a management crisis for the agency and thus for millions of Americans who rely on it. This is also not an endorsement of the present or past administrative activities of the agency. Congress and the administration should insist on an agency that operates efficiently and in the public interest.

Over the past decade Congress has directed the agency to implement, administer, and regulate an increasing number of programs that derive from highly complex legislation. While vast new responsibilities have been added to its heavy workload, some of its most capable administrative talent has departed or retired: other employees have been reassigned as a consequence of reductions in force. At the same time, neither Democratic nor Republican administrations have requested administrative budgets of a size that were in any way commensurate with HCFA's growing challenge.

The latest report of the Medicare trustees points out that HCFA's administrative expenses represented only 1 percent of the outlays of the Hospital Insurance trust fund and less than 2 percent of the Supplementary Medical Insurance trust fund. In part, these low percentages reflect the rapid growth of the denominator—Medicare expenditures. But, even accounting for Medicare's growth, no private health insurer, after subtracting its marketing costs and profit, would ever attempt to manage such large and complex insurance programs with so small an administrative budget. Without prompt attention to these issues, HCFA will fall further behind in its implementation of the many significant reforms mandated by the Balanced Budget Act (BBA) of 1997. In the future the agency also has to cope with a demographic revolution that it is ill equipped to accommodate and with changes in medical technology that will increase fiscal pressures on the programs it administers.

As the Bipartisan Commission on the Future of Medicare grapples with the problem of reshaping the Medicare program for the next millennium, it would do well to consider two important reforms concerning HCFA's administration. First, the commission should recommend that Congress and the Clinton administration endow the agency with an administrative capacity that is similar to that found in the private sector. Second, the commission should consider ways in which the micromanagement of the agency by Congress and the Office of Management and Budget could be reduced. Congress and the public would be better served by measuring the agency's efficiency in terms of its administrative outcomes (such as accuracy and speed of reimbursement of various providers), rather than by tightly controlling its administrative processes. Only if HCFA has more administrative resources and greater management flexibility will it be able to cope with the challenges that lie ahead.

The mismatch between the agency's administrative capacity and its political mandate has grown enormously over the 1990s. As the number of beneficiaries, claims, and participating provider organizations; quality and utilization review; and oversight responsibilities have increased geometrically. HCFA has been downsized. When HCFA was created in 1977, Medicare spending totaled $21.5 billion, the number of beneficiaries served was twenty-six million, and the agency had a staff of about 4,000 full-time-equivalent workers. By 1997 Medicare spending had increased almost tenfold to $207 billion, the number of beneficiaries served had grown to thirty-nine million, but the agency's workforce was actually smaller than it had been two decades earlier. The sheer technical complexity of its new policy directives is mind-boggling and requires a new generation of employees with the requisite skills.

HCFA's ability to provide assistance to beneficiaries, monitor the quality of provider services, and protect against fraud and abuse has been increasingly compromised by the failure to provide the agency with adequate administrative resources. Even with the addition of $154 million to its administrative budget that Congress included in its latest budget bill, the likelihood that HCFA can effectively implement all of its varied assignments is remote. The Health Insurance Portability and Accountability Act of 1996 assigns many new regulatory responsibilities to HCFA, but a far larger task is implementing the BBA of 1997. The BBA has more than 300 provisions affecting HCFA programs, including the Medicare+Choice option, which will require complex institutional changes and ambitious efforts to educate beneficiaries.

Medicare spending accounts for more than 11 percent of the U.S. budget. Workable, effective administration has to be a primary consideration in any restructuring proposal. Whether Medicare reform centers on improving the current system, designing a system that relies on market forces to promote efficiency through competition, or moving toward an even more individualized approach to paying for health insurance, Congress and the administration must reexamine the organization, funding, management, and oversight of the Medicare program. During anything less is short-changing the public and leaving HCFA in a state of disrepair.

Stuart M. Butler, Heritage Foundation; Patricia M. Danzon, University of Pennsylvania; Bill Gradison, Health Insurance Association of America; Robert Helms, American Enterprise Institute; Marilyn Moon, Urban Institute; Joseph P. Newhouse, Harvard University; Mark V. Pauly, University of Pennsylvania; Martha Phillips, Concord Coalition; Uwe E. Reinhardt, Princeton University; Robert D. Reischauer, Brookings Institution; William L. Roper, University of North Carolina at Chapel Hill; John Rother, AARP; Leonard D. Schaeffer, WellPoint Health Networks, Inc.; Gail R. Wilensky, Project HOPE.

Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. RYAN), a new member of the Joint Economic Committee.

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to talk about the economic security of our country, the issue that we are now talking as we debate the Humphrey-Hawkins portion of this.

□ 1430

But as we talk about the economic security of our Nation, we do realize that an economic security for this Nation must put as its foremost goal retirement security, retirement economic security for our seniors. So that is why we have this raging debate down here in the well of the floor of the House of Representatives on how we preserve and protect Social Security.

I would like to draw our attention to the efforts under way to protect and preserve Social Security. We have been talking about these different plans. We have three plans on this side of the aisle, the President's plan and a couple of different Democrat plans, and the Republican plan on Social Security. Let us assume for a second that this podium I am standing at here is the Social Security trust fund. I have the Social Security kitty right here. For the last 30 years, our FICA taxes have been coming in from our paychecks, real money coming in from our paychecks. We then deposit it in the Social Security trust fund. But what they have been doing over the last 30 years has been raiding that money. They have been taking this money out of the Social Security trust fund and spending it out on other government programs and putting in place of it IOUs, putting IOU after IOU coming off of our FICA taxes into the Social Security trust fund.

Now, we have asked the Comptroller of the United States Government to analyze the President's plan, which virtually resembles the Democrat plan being considered here as a substitute. David Walker, who is the Comptroller General of the United States, took a look at the President's plan and said, "Although the trust funds will appear to have more resources as a result of the President's proposal, in reality nothing about the program has changed. The proposal does not represent Social Security reform."

What does that mean? What does it mean when he says, "Although the trust funds will appear to have more resources as a result of the President's proposal, in reality it does nothing"?

What that means is the President's plan and the Democratic substitute we are talking about here today simply does this: They print up more IOUs and stick it in the Social Security trust fund, more IOUs in the Social Security trust fund. It does nothing to extend the solvency of Social Security. If we take a look at this chart here, here is what we are talking about. The Democratic substitute and the President's plan are double-counting the surpluses. Same old smoke and mirrors, same old gimmicky accounting. We are dedicating all of FICA taxes plus interest to Social Security to pay down publicly held debt.

But the Democratic bills say that they are putting $4.3 trillion to Social Security to extend the solvency. This $4.3 trillion is a sham. They are simply saying $4.3 trillion of IOUs to go into the Social Security trust fund, money that a future Congress and a future President one day will have to come up with to pay for Social Security. But it is not real reform. It is not real reform. And it does not do one thing to save Social Security. What we are doing in our budget is saying, let us stop raiding the Social Security trust fund. We have got to act as a Congress to stop the raid on Social Security.

What we do with our plan on Social Security is this: 100 percent of all payroll taxes plus interest is dedicated solely to Social Security and Medicare. We save that money to strengthen the program until we have a solution by the President and the Congress to fix Social Security on its long-term. But here is what we do that the Democrats are not doing. We are being honest with the number and we are saying it is going to require a supermajority vote in Congress to pass any future budget resolution that attempts to raid Social Security. Because the President will not sign legislation into law preventing the further raid on Social Security, we have got to do it ourselves. We have got to change the rules of Congress to do that.

Mr. Chairman, the ranking member on the Committee on the Budget says that a point of order is meaningless in the House of Representatives. In the U.S. Senate, it is not meaningless. Under our rule and under our budget, the way we change the rules, one United States Senator can go to the floor of the Senate and say, "I raise a point of order against this budget because it raids Social Security." That one United States Senator can therefore require a supermajority vote on any budget plan into the future that attempts to raid Social Security. We are trying to make it as difficult as possible for Congress to continue to raid Social Security. And we are not playing fun and games with the numbers. We are not trying to give retirees the false sense of security that we are extending the solvency of Social Security into the year 2055 as the President is doing. We are not going to print up more phony IOUs and stick them in the Social Security trust fund. What we want to do is put real money toward the Social Security solution, put that into Social Security, that is what we want to do, by buying down our debt, by making sure we are in a better cash position to fix Social Security.

Mr. Chairman, it is important as we go through this debate on how to improve the economic security of our country that we improve the economic security for our Nation's retirees. That is why the Republican budget here today is the only budget that puts away $1.8 trillion toward Social Security and Medicare, more than the President does, but makes sure that Congress will not renege on this deal. It really stops the raid on the trust fund, short of passing a bill by the President, because the President does not want to pass a bill stopping the raid of the Social Security trust fund because the President's budget raids the Social Security trust fund by $341 billion over the next 10 years. We are simply saying, stop the raid on the trust fund, stop dipping into Social Security from now on. We are putting the measures in place to prevent Congress from doing so in the future. On top of it, we are going to pay down the debt so we can make sure we are in a better position to save Social Security.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), one of the leading members of the Joint Economic Committee, pending which I yield such time as he may consume to the gentleman from South Carolina, ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, in response to the last comments, the difference between now and implementation of the President's proposal and the proposal that we have put in the Democratic budget resolution is simply this: We are going to add an additional $1.8 trillion of bonds to the Social Security trust fund over the next 15 years. That means in 2032, when the administrator of the Social Security trust funds would run out of bonds, instead, under our plan, he will still have enough bonds to cash in at the treasury that will take him to 2050.

I have here a letter from Harry C. Ballantyne, Chief Actuary of the Social Security Administration, which says that this will extend the life of the trust fund, the solvency of the trust fund until 2050.

The text of the letter is as follows:

SOCIAL SECURITY,
March 12, 1999.

Hon. RICHARD A. GEPHARDT,
House of Representatives,
Washington, DC

DEAR MR. GEPHARDT: This letter addresses the potential long-range financial effects on the OASDI program of "locking away" the annual increases in the Social Security Trust Funds, as proposed by Republican leaders in the Senate and the House on March 10, 1999. The proposal would require that annual increases in the OASI and DI Trust Funds would be used solely to purchase long-term special issue U.S. government bonds. In addition, the proposal would require that the revenue used for the purchase of these bonds would in turn be used solely for the purpose of reducing Federal debt held by the public. Of course, the net change in the Federal debt held by the public in any year would also be affected by the size of any on-budget deficit or surplus for that year.

The proposal would not have any significant effect on the long-range solvency of the OASDI program under the intermediate assumptions of the 1998 Trustees Report. Thus, the estimated long-range actuarial deficit of 2.19 percent of taxable payroll and the year of the combined trust funds' exhaustion (2032) would not change. The first year in which estimated outgo will exceed estimated tax income would not be affected and would therefore remain at 2013.

Any plan that reduces the amount of Federal debt held by the public may make later redemption by the Trust Funds of special issue U.S. government bonds easier.

Sincerely,

HARRY C. BALLANTYNE,
Chief Actuary.

SOCIAL SECURITY,
March 15, 1999.

MEMORANDUM

To: Harry C. Ballantyne, Chief Actuary.
From: Stephen C. Goss, Deputy Chief Actuary.
Subject: Long-Range OASDI Financial Effects of Specified Dollar Transfers to the OASDI Program—Information

This memorandum provides the estimated effect on the OASDI program of transferring specified additional dollar amounts from the General Fund of the Treasury to the OASDI trust funds according to the following schedule. These transfers would be in addition to all revenue that will be received by the OASDI program under present law.

Specified amounts to be transferred to the OASDI trust funds

[Billions of current dollars]

Year:	Amount
2000	$108.5
2001	116.7
2002	123.5
2003	130.1
2004	137.7
2005	156.2
2006	182.8
2007	197.7
2008	207.4
2009	219.6
2010	224.3
2011	226.8
2012	226.9
2013	213.2
2014	203.7

The specified dollar transfer amounts were developed by the Democratic Policy Committee based on estimated budget surplus estimates from the Congressional Budget Office. These amounts represent transfers for fiscal years.

Enactment of a provision to specify the above transfers in dollar amounts would improve the 75-year OASDI actuarial balance by an estimated 1.01 percent of effective taxable payroll, from a deficit of 2.19 percent of payroll under present law to a deficit of 1.18 percent of payroll. The estimated date of exhaustion of the combined OASDI trust funds would become 2050. This is 18 years later than the date of combined trust fund exhaustion projected under present law, which is 2032. These estimated financial effects on the OASDI program are based on the intermediate assumptions of the 1998 Trustees Report.

STEPHEN C. GOSS.

It is the difference between being a secured creditor with your credit collateralized by government bonds, backed by the full faith of the government and being a political supplicant in 2032 when you run out of bonds to draw down and go to the Treasury window to ask for the money to meet benefits. That is a big difference.

Mr. HINCHEY. Mr. Chairman, I would first like to turn my attention to the presentation which was made just a few moments ago by the chairman of the Joint Economic Committee, the gentleman from New Jersey, in which he showed the decline in inflation and job loss since 1992 and 1993. That was an interesting presentation, but what it lacked was the other side of the picture. It focused only on monetary policy. As we know, fiscal policy is intertwined with monetary policy and in this particular case led the monetary policy.

When the President gave his presentation here, the budget resolution in 1993, the Chairman of the Federal Reserve sat up in that chair right in the middle there and gave his imprimatur to what the President was trying to do that year. That budget resolution was in fact responsible for driving down inflation and driving down employment and giving us the extraordinarily successful economy that we currently enjoy. The budget resolution currently before us, however, threatens to end all of that. It threatens to end it by returning to the fiscal irresponsibility which preceded public policy, fiscal policy particularly in our country prior to the passage of that budget resolution in 1993. It does so by pretending to do certain things it does not do, by pretending to protect Social Security, by pretending to protect Medicare and in fact Medicare is going to be in serious jeopardy if this budget resolution passes. It does so, also, by advancing a series of very irresponsible tax cuts which grow out exponentially in future years. Those tax cuts will threaten other essential parts of our budget process which are very important to the American people, things like Head Start, like public health programs, job training, housing, law enforcement, environmental programs, national parks will be put in jeopardy, community and economic development programs will have to be sharply reduced, rural programs, energy, agriculture, biomedical research and others will suffer if this budget resolution passes.

That is why we should defeat this resolution and pass the Democratic alternative.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I just wanted to address the issue that we have been talking about here on saving Social Security that the ranking member of the Committee on the Budget was talking about. What their proposal does, and let us be very clear about what this does. It just puts more IOUs in the trust fund. It simply says that from now until the year 2055, we have got IOUs in there, that one day a future Congress and a future President when they get around to it will honor these IOUs to save Social Security. The letter from the Social Security Administration essentially admits just that.

So the plan that the President has offered and that the Democrat substitutes offer does not give us real reform of Social Security. It simply says more IOUs in the Social Security trust fund. What we need is real money, from our FICA taxes, going to pay down debt so we are in a better position of fixing Social Security and improving its solvency.

Mr. SAXTON. Mr. Chairman, I indicated in my opening statement here that there were some factors that were important in terms of how our economy has performed. One of the factors is certainly the way we have been able to control spending. The spending controller who is standing to my left, the chairman of the Committee on the Budget, is as responsible for that as anyone.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, I just would like to make a comment. The gentleman from New Jersey has been very accurate in his ability to be able to explain why this economy does so well. With the export mentality of the United States, allowing our economy to be globalized, to be in a mentality that every market has a potential for us, to be able to develop and to bring about the production of more goods in this country has certainly been one of the key components to our economic growth.

In addition to that, of course, has been the development of technology that has allowed our workers to be far more productive. I think the gentleman would agree that within the period of the last couple of weeks, the most welcome news has been not just the news about the economic growth but clearly the fact that it is reflected by very low inflation that comes from rising productivity.

One of the things we have tried to achieve in this country is the ability to have noninflationary growth. So now we have the best of all worlds, which is a strong economy, strong economic growth with low inflation that is accompanied by probably the single best ingredient of predictor to the future in terms of this economy, and that is high productivity. One of the things we also know, however, is that we certainly do not want to do anything to retard the ability of this economy to grow by letting government become too big and, in fact, this budget which allows us to preserve the Social Security and Medicare surpluses to be used to transform Social Security and Medicare for many of the baby boomers who are in this Chamber today.

We know that if we can be, in fact, progressive in the use of Social Security and Medicare, it will not only guarantee a strong program for the baby boomers and their children while preserving the program for our current seniors but at the same time by developing the proper Social Security program, it will not only serve to strengthen the Social Security program but we believe at the end of the day will increase the national savings rate. That will again lead to the continuation of low interest rates which can lead to even better technological development.

One of the major reasons why this party wants to get the on-budget surplus out of town and into the pocket of everyday Americans is not just because we want to run the country from the bottom up, so that our doorkeeper can have more control over his future, so that the future can be his so that he has more control in terms of determining his own destiny, but there is another issue about this and, that is, the last thing this party wants to do is to take the proceeds of a strengthened economy and a budget surplus to create a bigger government.

□ 1445

We came here not just to balance a budget, but to take power, money and influence from this town, sharpen the actions of the Federal Government, but get the power from here into the hands of Americans. If we were to then take the surplus and use it to grow government, it would be a boomerang effect that we would live to regret. We believe that a government that is smaller, the people that are empowered, is a key to a successful economy.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), a member of the Joint Economic Committee.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding this time for me and for his leadership.

For the first time in decades we are working in the black. I believe the President put it best in his State of the Union speech when he said:

"Our fiscal discipline gives us an unprecedented opportunity to address a remarkable and needy new challenge, the aging of America."

In other words, protecting Social Security and Medicare, providing income and health care to the elderly who need it must be a high priority.

The majority's budget resolution, however, completely ignores Medicare, and it provides only false promises of protecting Social Security. The majority's budget fails to protect the elderly. It puts into jeopardy the surpluses and the economic benefits we have worked so hard to gain by balancing the budget.

I was elected in 1992 and came to Congress when we faced a $290 billion deficit. I never believed that the major debate before Congress today would be over what to do with the surplus. When I ran for Congress in 1992, Federal aid to New York City under Reagan and Bush for 12 years, it had been cut by 62 percent. Under President Clinton, aid to New York City has continually risen. In 1992, the unemployment rate was 7.5 percent. Today it is 4.4. In 1992, inflation rate was at 2.9 percent. Today it is at a phenomenal 1.6 percent. The so-called misery index, the combination of unemployment and inflation, was 10 percent in 1992 when President Clinton and I were elected. Today it is at a 30-year low of 6.1 percent. Since 1992, this economy has generated 18 million new jobs, and workers' average weekly take-home pay after inflation has increased by more than 2 percent in 1997 and 1998. And, added to that, we balanced the budget.

Mr. Chairman, I would like to put the rest of my comments into the RECORD and say we should not reverse course and go back to the 1980's that grew the deficits. Let us follow the program we are on. Vote against the Republican resolution and for the Democratic one.

The current economic expansion is not just a statistical phenomenon, it has improved living standards for most Americans.

These are all economic events which occurred since I arrived here.

And I believe that the 1993 budget which introduced fiscal discipline—a budget which cut the deficit by $52 billion that first fiscal year—put us on the path of what is now a $70 billion surplus—and it is growing.

And I just want to remind us all that the first budget which put us on this path was passed without a single Republican vote.

We balanced the budget, but the Majority's Budget Resolution before us today reverses course.

We all like tax cuts, but this budget resolutions cuts taxes. This is the same formula used in the 1980s. The result was astronomical deficits from which we have just begun to recover.

Are we willing to return to the days of deficits as far as the eye can see in order to finance the tax cuts?

The costs and consequences of the Republican tax cuts increase as the years go by.

It postpones the question of how to finance them into some point in the future.

But we must take responsibility for our actions today and not postpone the hard decisions to another time, far in the future when it may be too late.

Instead we must continue to pay down the debt and reap the benefits of having a budget in surplus.

This is the path which will pay off for us in the future.

A report by the Congressional Research Service examines the surplus options.

It concludes that maintaining the surpluses and reducing the debt "are likely to contribute more than tax reduction to capital formation as well as to the government's fiscal position. Debt reduction [begins] when surpluses occur and would end when they end."

(And we must rely on real surpluses—not offsets—like the one some of my colleagues are trying to create by the supposed selling of Governor's Island—for an inflated price to people who would misuse it.)

Mr. Chairman, let us take the wise path and continue the surpluses, reduce the debt, protect Social Security and save Medicare.

Let us take that path and not the path toward a new era of deficits that will be the result of this Budget Resolution.

We learned that their method was wrong and the sound economic policy of the past six years is what will keep the economy on track.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I just want to rise in support of this budget resolution because I think it makes a lot of sense for a couple of different reasons.

One of the reasons I think would simply be that it recognizes debt is debt, and it was interesting my colleague from South Carolina got into a discussion with my colleague from Wisconsin on, well, as my colleagues know, does the President's proposal save Social Security by moving actuarial insolvency out to 2055 versus not, and I think to a degree those are academic conversations because I think what we have to stay focused on is the promise of Social Security. And the fact is we have got 70 million baby boomers who begin to march off toward retirement around 2012, and whether we have marketable security, nonmarketable security on the budget debt versus off the budget debt is irrelevant in that it is a drain on the resources of the Federal Government and has to be addressed at that time.

So, one, this recognizes that debt is debt.

Two, I think it has honest accounting in place. If we were to walk down the street; I mean it really does wall off Social Security in a way that has to be done. Do we want to set aside a hundred percent of Social Security for Social Security, which is incidentally what the President said two State of the Unions ago, or do we want to wall off 62 percent of Social Security for Social Security? Most of the folks I talk to back home say let us save a hundred percent of Social Security for Social Security because if I am taxed on something, I want that tax to go toward that thing that I am being taxed on, and in this case it is Social Security.

I say honest accounting because if we were to go down the street and see a family that had to borrow, as my colleagues know, to put gas in the car or food on the table, we would say that family was not running a surplus. In the business world if we borrowed against our pension fund assets to pay for the current operations of the company, we would go to jail based on federal law, and yet that is what we have been doing in Washington.

Mr. Chairman, that is why I think it is so important to set aside a hundred percent of the Social Security for Social Security.

I think that this budget is also important in the way that it recognizes spending caps. I mean can one have a Power Ranger toy and a Obe Wan Kinobe toy at the same time? My 6-year-old would say yes. We go in the toy store, and he wants both. And in Washington we seem to always want both, and I think what is so important about the spending caps that this budget keeps in place is that it recognizes that we cannot have the Obe Wan Kinobe toy and the Power Ranger toy at the same time. At times we do have to make hard and difficult choices, but nonetheless choices.

Finally, I think what this budget recognizes that is so important is that right now we are at a post World War II high in terms of the amount of money that has been coming into Washington, D.C. This budget does something about that.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE), but pending that I yield 1 minute to the distinguished gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, to my friend from South Carolina: What the President has proposed and what we are proposing even more emphatically is that the Social Security surpluses, in our case a hundred percent of those surpluses, first be taken and used solely to buy down public debt. In return for the receipt of those excess payroll taxes the Treasury will issue, as is customary, a bond backed by the full faith and credit of the United States Government to the Social Security trustees. Then, dollar for dollar of debt reduction, the Treasury will issue another bond partly to Social Security, partly to Medicare. Over a period of 15 years, Mr. Chairman, it will double the amount of the trust fund.

So, the key factor is that, as we build up the assets of the Social Security Retirement Trust Fund and the Medicare Trust Fund in this manner, we are also paying down the debt of the United States so that when those trust funds come due in 2032, the Social Security Administration will be able to go to the Treasury window, the Treasury will be in better shape than ever financially to pay those funds.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. MINGE) for 2 minutes.

Mr. MINGE. Mr. Chairman, I thank the gentleman from California for having yielded this time to me.

This day is probably a day of budget overload. There is more debate on what is the budget, what should the budget be, what are the implications of different budgets, whose is best, whose is worse, whether they are accurately characterized or caricatured, and it is with some reluctance that I raise the spectre of yet another budget.

I have been working with a group of moderate to conservative Democrats called the Blue Dog Coalition, and we, too, have developed a budget proposal. We feel that our humble budget proposal is one that is not as partisan, as spirited, as some of the others that are being discussed today, and we are not here to say that our colleagues have irresponsible budget proposals. Like the Republican budget proposal and the Democratic budget proposal, we are committed to saving a hundred percent of the Social Security surplus for savings for the Social Security Trust Fund to reduce the debt. I think that is a common theme in the discussions today. We ought to rejoice in that.

The next issue that has become quite contentious, where there certainly is far from any agreement, is what do we do with the operating surplus in the budget?

We have fortunately achieved the time, maybe we can say it is the millennium, when the Federal budget is anticipated to show a surplus even without the Social Security Trust Fund. It is a remarkable achievement. Our group is suggesting that rather than devoting this surplus to tax reduction, devoting the surplus to new program initiatives or to other ways of spending or investing it, that we split the surplus into three parts, that we devote 50 percent of it to reducing the national debt, and I submit in the first 5 years this is very similar to the Democratic proposal.

In this respect the Blue Dog proposal and the Democratic proposal are very similar, and the Republican proposal would suggest that this 50 percent ought to be used for tax reduction.

Going on, the next 25 percent, we urge that we set that money aside and invest it in priority programs: health care, education, veterans, defense, agriculture, the priority programs that Congress would agree on; and third, to take the last 25 percent and devote that to tax reduction, be the continuation of tax credits that are expiring, targeted tax credits, whatever type of initiatives we agree upon here.

I would like to emphasize that this is our proposal, and later on this afternoon we will deal with it in greater detail. But this represents a moderate way of trying to bring some consensus here in Congress as to what we should do on behalf of the American people.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, in his opening remarks the chairman of the Committee on the Budget got up and said that this was about risk taking, this was about a budget that would allow people to take risks to keep more of their money and to take risk. Unfortunately, the people that are at risk in this budget are the people who seek a better education for their children, veterans who seek better health care, communities that seek to lower class sizes, the elderly that want to make sure that Medicare is secure. Those are the people who are taking the risk in the Republican budget. They want to pretend as though, if they give back a tax cut, that everything will happen and everything will turn out all right, and that is the risk, is giving back the tax cut.

No, the risk for America is in paying for that tax cut because, as we see in this budget, student loans for higher education, Pell grants for higher education all need to be cut to make room for that. The hundred thousand teachers to try to lower class sizes needs to be cut to make room for that. In fact, what we see is an across-the-board cut in education at a time when the people in this country are telling us that they recognize the kind of reinvestment that this Nation, our States, our local communities need to make in education so that our young people can compete in a worldwide economy. Those are the people at risk.

Once again what the Republicans have done is shifted the risk of their budget priorities to those who can least afford it, those who have the least ability to make up for their mistakes, those who are trying to the best of their ability to move forward in American society, in American economy.

That is where the risk is in their budget, those are the programs that are targeted, those are the programs that are cut, those are the programs that are reduced, all to make way for a tax cut that they hope for people who have simply none of the worries, none of these everyday worries, that American families have on a daily basis about themselves, their jobs and their children's education.

□ 1500

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to conclude the contribution to the discussion of the Joint Economic Committee today by saying this: I laid out very carefully, I think, a case in which I believe very deeply, and that is that Fed has been responsible and successfully so in giving us an economy in which there is an inflation rate of darn near zero.

I think that that is primarily responsible for the growth that we have seen, along with other items that I also pointed out.

However, one of the speakers from the other side, following my presentation, suggested that the tax increase that occurred in 1993 was somehow responsible for lowering inflation and lowering interest rates. In fact, the facts do not bear that out in any way, shape or form.

I would just like to say to my friends on the other side of the aisle that when the tax increase occurred, which is now, of course, referred to as the budget arrangement that created this expansion, which I think is false, but when that tax increase occurred in 1993, it went into effect, the vertical line here indicates the time period during which that tax increase went into effect, interest rates actually spiked upward, not downward, as one of the previous speakers indicated.

The spike upward is indicated here on the chart by the red line. As well as the Federal funds rate also went up, as indicated by the yellow line, and the discount rate went up, as indicated by the black line. So when individuals try to make the case that somehow the tax increase that took place in 1993 had the effect of lowering interest rates, quite the opposite is true. For the following 12 or 13 months after the tax increase went into effect, interest rates went up, not down.

So I think it is somewhat, I must say, misleading, to be kind, to make the claim that somehow the President's tax increase had a positive effect on economic growth.

I do not want to shift the entire credit to the Federal Reserve. I think they did a good job. I think they have squeezed and squeezed and squeezed on targeting inflation and have successfully gotten it out of our system.

It is true that restraint in government spending has played a part. As a matter of fact, in 1992, our government consumed 22 percent of GDP. Today our government consumes 19½ percent of GDP. I think that is good and good for growth.

I believe that lower marginal tax rates that remain in place today, in spite of the increases in 1990 and 1993, are good and provide a positive effect on growth. The marginal rates are lower today than they were in the fifties or the sixties or the seventies.

Investment has also worked to expand capacity. Business has been encouraged to invest and, of course, global competition and freer trade have also played a role in fostering growth.

This is the economic report of the President, and incidentally, I think it is very appropriate that the cover is red, which claimed that the tax increase in 1993 produced lower interest rates. This book does not even mention, does not even mention, the role of the Fed, when the facts claim quite conversely that the tax increase also created an increase in interest rates across the board.

I am very pleased to have been able to manage this time on behalf of the Joint Economic Committee. I hope it has been a contribution to the understanding that we all have as to what happened to the economy.

Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. NUSSLE) to control.

The CHAIRMAN. Without objection, the gentleman from Iowa is recognized for 2½ minutes.

There was no objection.

Mr. STARK. Mr. Chairman, I ask unanimous consent to yield the balance of my time and its control to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SPRATT. Mr. Chairman, I inquire as to the balance of the time remaining on this side.

The CHAIRMAN. The gentleman from South Carolina has 11½ minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, it is time for Congress to recognize that uncontrolled sprawling development is an economic disaster that wastes human resources and uses human and financial capital in inefficient and wasteful ways.

Our Democratic proposal contains a livability agenda that does not promote Federal planning or zoning but embraces local control, providing Federal vision with tools to municipalities and counties and States to better prepare themselves for the 21st Century.

The Democratic budget puts greater power, more money and enhanced decision-making authority in local hands, to fight sprawl, clean up the environment and protect the legacy of our land.

Some of the tools in this livability agenda include the proposed Better America Bonds, which would allow State and local governments to borrow up to $10 billion to preserve green space, protect water quality and reclaim brown fields.

The regional connections initiative will promote regional smart growth strategies across local jurisdictional lines. The community Federal information partnership will provide communities with grants for easy-to-use information to develop strategies for local growth; and the lands legacy initiative will provide $1 billion to significantly expand Federal efforts to save America's natural treasures and provide new resources for State and communities to protect local green spaces.

Mr. Chairman, it is wasteful and inefficient and harmful to our economy to permit sprawling, unmanaged growth, to sit in traffic jams, to pave over good farmland instead of reclaiming and reusing brown fields.

We must save the American landscape. We must provide future generations with livable communities. We owe it to America to support the democratic proposal.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in opposition to the Republican budget resolution and in strong support of the Democratic alternative.

Mr. Chairman, under the very able leadership of the gentleman from South Carolina (Mr. SPRATT), the ranking member of the committee, the Democrats want to keep prosperity on track and protect the American family.

The proposal of the gentleman from South Carolina (Mr. SPRATT) would build upon past Democratic efforts and ensure continued fiscal responsibility while protecting many valuable Federal programs.

The Democratic plan would save 100 percent of the Social Security surplus and 62 percent of the total estimated unified budget surplus for Social Security, ensuring the Social Security trust fund remains solvent for many years to come.

Our plan also transfers 15 percent of these surpluses to shoring up Medicare, extending its solvency for at least a decade to grant us the time we need to fix and to develop and implement a bipartisan fix for this valuable social program.

Mr. Chairman, education, one of the most crucial underpinnings of our great country, is barely given lip service under the Republican proposal.

Many of my colleagues may ask why the Federal Government needs to become involved in school innovation and construction issues which are historically local concerns? The simple answer is that the problem has grown so large that localities and States alone do not have the resources or the programs to address the overwhelming needs.

For instance, a recent survey by the Division of School Facilities in New York City concluded that in my district alone 19 new schools were needed to alleviate overcrowding. Additionally, to bring schools in the 7th Congressional District of New York up to standards deemed fair by school facility engineers, New York City would have to fund $218.65 million in exterior modernization projects and $53.8 million in interior modernization projects.

Mr. Chairman, if we support the working men and women of this country and if we support our Nation's children, we must oppose this budget resolution and support the Democratic alternative.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

Mr. Chairman, let me thank the chairman of the Committee on the Budget for giving us this opportunity to face Americans and define for them what kind of country we would like to be.

I had the pleasure of organizing the Congressional Children's Caucus, a group of about 60 Members who have committed to promoting children first in the national agenda. We look forward to hearing from Mrs. Tipper Gore, the wife of the vice president, on the issues of mental health services for children.

Keeping that in mind, I am very concerned with the budget as proposed by the majority leadership, because our children must face the challenges of competing in a global environment and the new millennium. We have got to invest in children. This budget does not.

Children cannot learn if they are hungry, tired and improperly prepared. The majority's budget proposal reduces domestic spending in programs aimed at protecting the interests of children.

Allow me to call the roll. A program of which many Members of this House have testified that they graduated from, Head Start, is being cut $501 million, a 10 percent cut; the WIC program that provides for women, infants and children, being cut $425 million; Job Corps, which has allowed many inner city and rural community youth to find an opportunity out of the seat of degradation, cut $141 million; child care, there is not a time that I go home to my district when women and men, parents who say give me the ability to work, provide child care and help me provide child care for my children, sometimes one-third of their income, $119 million; the summer youth program, where a mother gave me the good news of her young person who had graduated through the summer youth program, now gainfully employed, cut some $109 million; community services block, cut $54 million; runaway and homeless youth, which I confront all the time in our community, cut $4.7 million; Native American Head Start, cut $3.8 million; child abuse, $2.2 million; abandoned infants assistance, $1.3 million.

Mr. Chairman, I can only say oppose this majority leadership budget. Realize that our children are our best investment. Let us support the Democratic alternative and invest in our children.

Mr. Chairman, I rise in opposition to FY 2000 Budget Resolution offered by the Majority's Leadership. I come in the spirit of Hershey and bipartisanism. I come to request a budget that protects the Social Security Trust Fund for America's citizens. I rise to request a budget that will protect the Medicare Trust Fund.

We must authorize a budget that will protect the Social Security Trust Fund. While women tend to collect benefits over a longer period than men because of a greater life expectancy; women on average receive lower monthly social security benefits since they have lower earnings and are more likely to be widowed or unmarried in retirement. The Majority's budget proposal does not protect women or children or the Social Security Trust Fund. Under this budget proposal—programs directed toward improving the quality of life for women and children, are the first programs to be reduced and cut—in order to give a tax break to the wealthy.

The majority is suggesting that their budget proposal will save 100% of the social security surplus but 0% of that money goes to the Social Security Trust Fund and 0% goes towards strengthening Medicare. This simply is not true! Domestic programs are not a priority in this budget resolution offered by the Majority.

We must authorize a budget that will appropriate financial resources to reduce the average classroom size to promote a learning environment and to modernize public schools. Educating America's children should be our number one priority. Our children must be prepared to face the challenges of competing in a global environment and the new millenium. Children can not learn if they are hungry, tired and improperly prepared. The Majority's budget proposal reduces domestic spending and programs aimed at protecting the interest of our children. $425.1 million would be slashed from the WIC budget, Head Start would be cut by approximately $501.4 million and LIHEAP funding would be reduced by $109 million. Nevertheless, the Majority's budget resolution reserves $800 billion for tax cuts.

We must authorize a budget that will protect and extend the Medicare Trust Fund. This budget must ensure that patients will have access to high quality healthcare by guaranteeing important protections such as access to the specialists, coverage for emergency medical services and affording prescriptions for seniors. The Majority's budget proposal leaves the Medicare Trust Fund in a precarious position and its future in question. The Congressional Budget Office has estimated that there will be a federal surplus of about $2.6 trillion over the next 10 years. We must authorize a budget that will ensure the economic viability of Social Security, Medicare and our national defense.

We must authorize a budget that will protect America's families. Families first—America first—Children first—we must authorize financial resources to assist in expanding afterschool programs. Furthermore, we must enact legislation that will increase the minimum wage and improve the quality of life for all Americans. The Majority's budget proposal does not safeguard the interest of our Children. The Summer Youth Employment program's funding will be cut by over $94.9 million, the Community Services Block Grant Program slashed by over $54.5 million—we must prioritize families, women and children in the FY 2000 budget.

We must authorize a budget that will provide law enforcement officers and agencies with modern technology directed at reducing crime. We must allocate financial resources to help communities put additional law enforcement officers on the street. We must authorize a budget that will protect our most valued and venerable citizens, children and seniors.

We must authorize a budget that will redirect additional income to America's families. Congress must empower families to save for their retirement and provide for quality care for older family members. We must enact legislation that will protect women, children and America's families. Congress must put families first!

We must authorize a budget that will safeguard the financial viability of American's veterans. The Spratt Amendment will add an additional $9 Billion for veterans. We must pass a budget that will appropriate an additional $3 Billion for agriculture over the next five years. We must pass a budget that will allocate $10 Billion for education and $18 Billion more for healthcare.

We must support a budget that protects America's families, seniors and children. I urge you to vote "no" on the bill and "yes" on the Democratic substitute.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, the Spratt Democratic budget extends the life of Social Security and Medicare. The Republican budget does not. Do not be fooled. This same Democratic Party that created Social Security and Medicare is the same party to trust when it comes to strengthening Social Security and Medicare.

Under the Democratic plan, the Social Security trust fund would have 50 percent more dollars in it than under the Republican plan. There is a $1.3 trillion set-aside in the Democratic plan, more for Social Security than in the Republican plan; $1.3 trillion.

For Medicare, the Republican plan does not do anything at all. The Republican plan does not add one penny of money to extend the life of Medicare or to strengthen it. The Democratic plan for Medicare will triple the amount of money put into Medicare, a move that will extend the life of Medicare until 2020. For all those who care about Social Security and Medicare and who want Social Security and Medicare to be there for our generation and our children's generation, there is only one responsible choice: The Democratic budget.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, I rise against the Republican budget and in support of the Democratic alternative. The Republican Party, unfortunately, has always been hostile to Medicare. My senior citizens need Medicare, and that is why the Democratic plan strengthens Medicare.

When I talk to senior citizens in my district, they tell me that Medicare is just as important to them as Social Security. When I speak with my mother, who is my best advisor, she tells me that Medicare needs to be enhanced.

The President has proposed a prescription drug component. I believe that that is what we should have. The Republican resolution, it does not provide a long-term care benefit, nor prescription drug benefit under Medicare.

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We need to make sure that our seniors do not choose between food and drugs. The Republican budget has no problem in proposing a $775 billion tax break for the rich, for the wealthiest of Americans.

We cannot continue to play politics with our seniors' health. The Democratic plan strengthens social security and strengthens Medicare. The Republican plan leaves out Medicare. Medicare ought to be on the table. The prescription drug component ought to be part and parcel of the mix. Long-term care is very, very important. Senior citizens in this country need help. The Democratic plan provides that help, the Republican plan does not.

Let us work on a budget resolution that enhances Medicare, not hurts it. We cannot ignore the problem.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in strong opposition to the Republican budget. The majority attack on education, seniors, and this Nation's most vulnerable is becoming an annual rite of passage for the Republican Party. Just recently the stock market broke 10,000, the highest it has ever been. Despite this wealth, however, we are here inflicting pain.

What kind of message are we sending to our children when we cut funding for education by $1.2 billion, essentially crippling Head Start and undercutting Pell Grants? What are we saying to public housing residents when this budget would put 1 million of them out on the street? Where are the compassionate conservatives now?

What is worse about this budget is that it does nothing to ensure the solvency of social security and Medicare, all in the name of cutting taxes for the wealthiest families in this country.

This budget asks too high a price of poor Americans, and breaks the promise of a better tomorrow for our children, elderly, and working poor. I urge my colleagues to oppose this budget and support the Democratic alternative.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentlewoman who just spoke mentioned how in our budget plan there are tax cuts for the rich. I have read it. It does not say that in here one place.

I had a speaker come up here today and said how we cut funds for the Ryan White AIDS research. I will jump off the Capitol dome if Members can find the words "Ryan White" in here. Look for it, it is not in here. How do they say that? How do they get away with that? Do they feel no shame, getting to the floor of the House and saying Ryan White AIDS research is cut in here? Find it for me. I will wager with them. I will be glad to do that. They cannot find it.

The other interesting thing about this is that they come to the floor and they say how they want to put money into veterans, they want to save social security, they do not want Medicare cuts.

Why did Members not make those arguments to the President? The President's plan does all of those things. Instead of making those arguments down at the Rose Garden, down with the President, at the last minute they rush in here with two, not one but two, alternatives to the President's plan.

Why are Members running away from the President? Why are they running away from the person who stood here before the Nation at the State of the Union and said how he is going to keep education as a priority, how he is going to keep making sure that Medicare and social security are a priority? Why are Members running from that plan?

I have a feeling here in the next portion of this debate we are going to get a little bit of insight into why the Democrats, instead of supporting the President, instead of even adopting a portion of his plan, have written their own in a hurry to rush in here and try and save themselves from the polls that are going south on them.

I think we are going to find out here in just a little bit, as the gentleman from Oklahoma, the gentleman from Minnesota, the gentleman from Arizona, are going to point out to us, why the President's plan has so many people running from it, and particularly people from his own party; people who we would think would at least find a few things in the budget that they could agree with.

But instead, they are saying, no, we do not want to do what the President does for social security, we are running from that; we don't want to have Medicare cuts like the President, we are running from that; we don't want to increase taxes like the President does, we are running from that; we don't want to keep the priority low on education, we are running from that; we don't want veterans' hospitals to close, we are running from that.

They are running and running and running. Mr. Chairman, they can run but they cannot hide. We are about to show them why.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 6 years ago the President sent us a budget on February 17 which passed this House by 2 votes. Opponents on the other side of the aisle said it would cut the economy off at the knees and mushroom the deficit. Six years later, the economy is running strong and the deficit has dropped from $290 billion to a $70 billion surplus. That is the finest tribute we can pay to the Humphrey-Hawkins debate.

Mr. STARK. Mr. Chairman, I rise today in opposition to both the GOP budget proposal as well as the Democratic alternative. Both budgets call for enormous increases in defense spending over the next six to ten years. I cannot vote for these exorbitant increases in defense spending—anywhere between $112–134 billion—when the fate of Social Security and Medicare remains questionable.

The Democratic Budget Resolution, by using the President's plan for defense spending, endangers already vulnerable programs by needlessly puffing up the military. The Democratic resolution calls for over $9 billion in undistributed cuts by the year 2000. The question is—where do we find it? Shall we do away with the Department of Agriculture and the Department of Energy? Which severely underfunded federal program will we raid first? Come the year 2000, programs that are already suffering—like federal childcare and job training programs—will be sitting ducks.

Proponents of increasing military spending claim that this money is needed to replace aging weapons systems, improve the military's readiness and training, and to attract and retain more people in the armed services through better pay benefits. Since 1996, the Congressional majority has added nearly $30 billion beyond the Pentagon's request to help with military readiness. Three-quarters of this went to pork projects in key members' districts. The proposals before us today would commit more than $1.8 trillion to the military over the next six years. There is no justification for increasing military spending by this amount.

These budgets propose to squander scarce resources in order to appease the defense industry and procure weapons systems not seen since the Reagan era. The U.S. alone spends more than twice that of all of its potential aggressors combined. That means Russia, China, Iraq, North Korea, Syria, Libya and Cuba combined don't even spend half of what the U.S. spends for defense.

The U.S. spends up to $35 billion per year maintaining 6,000 nuclear weapons on hair trigger alert. The Soviet Union is no longer a threat to the U.S. The U.S. is more threatened by the technicians and technology in Russia falling into the hands of rogue states. However, yesterday, in the Supplemental Appropriations bill, my colleagues chose to reduce the funding to purchase and store the enriched plutonium and uranium used to make nuclear weapons in Russia.

The budgets before us include spending for a National Missile Defense (NMD) system on top of the billions already wasted on a futile deployment. Spending just a fraction of what the U.S. has spent, and plans to spend, on NMD could do far more to reduce the danger of missile attacks and weapons proliferation if used on verifiable arms control and disarmament.

We are marching down the wrong path. Instead of making this a more livable and peaceful world for our children, we are proposing cuts in necessary programs for life while increasing spending on weapons of destruction. I urge my colleagues to join me in opposing these egregious budget proposals.

Mr. PORTMAN. Mr. Chairman, I rise in support of the fiscally responsible Republican budget plan that protects Social Security and Medicare while providing needed tax relief.

President Clinton has called on Congress to use part of the so-called budget "surplus" to protect Social Security, strengthen Medicare and finance a number of new spending projects. But when we hear President Clinton and other Washington politicians talk about this great "surplus" we have to remember where it comes from—the Social Security Trust Fund. The federal government borrows money from this Trust Fund—about $99 billion last year—to finance other government spending and to mask what is, in reality, a budget deficit. In fact, if we had taken the Social Trust Fund surplus out of the federal last year, we would have been $30 billion short of a balanced budget.

For the next couple of years it is expected that most of the so-called surplus will be due to the Social Trust Fund, which all of us pay into in the form of payroll taxes. Then, based on current economic projects, real surpluses from the non-Social Security portion of the budget will begin to grow as taxpayers pay more than the government needs to finance its operations.

I commend my friend and colleague from Ohio, JOHN KASICH, the members of the Budget Committee and the Republican Leadership for proposing a sensible, long-overdue change to the way the Trust Fund is treated. The Republican budget stops using the Trust Fund to mask the real size of the deficit and, instead, preserves it for Social Security. This new approach to the surplus is more honest and more fiscally responsible. It also results in more surplus being preserved for Social Security than the President has proposed.

Our plan builds a wall around the Social Trust Fund—creating a "lock box" that preserves 100% of the "surplus" for Social Security's needs. By stopping Congress and the White House from spending the Social Trust Fund, we protect current and future retirees. That's why the American Association of Retired Persons (AARP) has given the Republican plan its endorsement.

President Clinton's budget also calls for using 15% of the so-called "surplus" for Medicare. But in short term, he actually proposes to borrow money from the Social Trust Fund to shore up Medicare, while at the same time cutting almost $9 billion from Medicare to pay for new government spending. This scheme is a classic example of robbing Peter to pay Paul. It also means, when the Medicare Trust Fund runs out of money in 2009, taxpayers will foot the bill.

The Republican plan also takes steps to pay down the national debt and uses honest numbers—not shady Washington accounting—to address Medicare's financial challenges. Finally, while President Clinton's budget proposal calls for $100 in new taxes at a time when tax revenues are at an historic high, our plan provides tax relief beginning in 2000 that grows substantially over the next ten years to reduce the tax burden on America's families.

With this new plan, we can finally stop raiding the Social Trust Fund to pay for more government spending. Let's hope Congress rejects the old ways as represented in the President's budget, and passes an honest plan to protect Social Security, preserve Medicare and let Americans keep more of what they earn.

Mr. SANDLIN. Mr. Chairman, one of my priorities when I came to Congress two years ago was to bring good East Texas fiscal responsibility to Washington. We made great strides in balancing the budget over the past two years, and we must not stray from this path. That is why I rise tonight, in the name of fiscal responsibility and on behalf of hard-working East Texas families, in strong support of both the Democratic and Blue Dog budget resolutions.

I support tax relief. In fact, I was one of only 19 Democrats to vote for last year's tax relief bill. Both of these budget alternatives provide for tax relief for working Americans. I would prefer to see even more tax relief, but it is important to remember that our nation still has a $5 trillion debt. The best thing we can do with projected surpluses would be to pay down the federal debt, which would reduce interest rates for families and small businesses, prepare for the retirement of the baby boom generation, and slash the interest payments of the federal government.

We can't fund a larger tax cut until projected surpluses have actually materialized and until we fulfill our commitment to preserve Social Security and Medicare. Instead, we must pay down the debt, honor our promise to our nation's seniors, and provide for targeted tax cuts, and both the Blue Dog and Democratic alternative budget resolutions do just that.

Furthermore, both these budget alternatives spend money wisely on priority areas. We can fulfill our commitment to reduce class size and hire 1000,000 new teachers. We can spend more on education to repair our crumbling schools and expand after-school learning programs in rural areas. We can provide for the health care needs of the men and women who have fought on the battlefield and risked their lives for all Americans. We can help East Texas agricultural producers and fund crop insurance reform that will provide some meaningful protections for farmers against those things that are out of their control. Finally, we can spend more for our nation's defense, improving our nation's military readiness and increasing military pay.

These are good budget alternatives that preserve Social Security and Medicare, pay down the federal debt, and spend money where it needs to be spent. These budget alternatives have been drafted with the fiscal responsibility I've spent the last two years fighting for. I urge my colleagues to support them and pass a budget that is good for American families.

Ms. STABENOW. Mr. Chairman, I rise today to express my grave concern regarding the proposed veterans' budget for Fiscal Year 2000. Currently veterans are facing a medical emergency. Unless the veteran health care system receives significant increases in funding, critical services will be cut, health care will be denied, facilities closed, and dedicated employees will be out of work.

The Republican budget provides a modest $900 million increase in funding. However, this increase is a one-time addition that is not carried over to the next fiscal year. The Republican budget actually proposes to decrease funding for veterans. In fact, over five years, the budget resolution cuts funding for veterans by $300 million. And over ten years, their resolution cuts veterans' funding by $3 billion below the 1999 level.

During consideration of this budget, while in committee and on the House floor, the majority refused an attempt to increase veterans' funding. This important issue, which affects millions, deserves the change to be considered. Representative CLEMENT'S proposed amendment to the budget would increase veterans' benefits by $1.9 billion over last year's request, and by $1 billion above the Republican proposal. Specifically, this increase would provide: $100 million more for mental health care to reverse the trend of eliminating psychiatric, substance abuse and other effective mental health programs; $271 million more for long-term care initiatives to increase options for elderly and disabled veterans; and $681 million more for the Montgomery GI Bill to increase coverage for tuition, fees and stipends to service members who are enlisted for at least three years. Over 10 years, the budget proposal offered by Democrats would provide over $40 billion more for veterans' programs. I support this amendment and am very upset that we were prevented from providing an increase to such an underfunded and important program.

It is our duty to provide the care and service promised to our heroes, and the proposed Republican budget fails to give veterans the benefits they need and deserve. For the fourth consecutive year, the Veterans Administration budget has been essentially stagnant. This pattern has to end. To refuse consideration of an increase in funding for veterans who have given so much to their country is an outrage.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of this budget resolution.

This budget, contrary to the President's proposal, is a responsible approach to funding the Federal government without turning our backs on our 1997 Balanced Budget Agreement, an agreement that means so much to the American public and to our nation's economic future.

And perhaps more than ever, this budget is about providing security for America's future. We can continue to set the course for a sound Federal fiscal policy and a strong economy, or we can set up our children for a future of paying our debts—the President's budget saddles our children with more national debt, more taxes, fewer educational opportunities, a bigger government and shaky retirement prospects.

As we vote to pass this budget, I say to my colleagues who have joined the President in criticism of our efforts, for a moment, take a step back from the podium, and imagine you are not immersed here in the politics of our nation's capital.

For a moment, think of yourself not standing before your colleagues in debate, but rather, being with your constituents at a town meeting.

Would you still argue to enact the President's budget, the largest in our nation's history, a budget which grows the size of our government and breathes more life into a bureaucracy we've been struggling to contain? Or do you think your constituents would rather know that you have voted for a Federal budget that keeps our government in check and may possibly even shrink that once sprawling bureaucracy?

Could you speak passionately to them about the need to pass the President's budget which only devotes 62 percent of our projected budget surpluses to preserving and protecting Social Security and allows him to spend $146 billion of the Social Security surplus over five years.

Or might you inspire more confidence from your constituents if you told them the budget you want locks away $100 billion more than the President to strengthen Social Security and Medicare, a total of $1.8 trillion over a decade, with the guarantee that Washington can't touch the Social Security surplus—your constituents' payroll taxes—ever?

Again, the families you represent may want to know whether you support the President's budget, or our Congressional budget plan that will pay down the national debt by $450 billion more than the President over the next ten years.

The hard-working Americans you represent might be interested to know whether you voted for tax increases or tax cuts. The President's budget raises taxes by $172 billion in the next decade, but our budget provides $800 billion in tax relief for the same period.

Would the veterans of your District salute you for passing the President's flat-lined VA budget which raises serious questions about the quality of care our veterans receive in VA medical facilities, or do America's heroes of the past deserve the $1.1 billion increase we gave them in our budget proposal?

To the young men and women in uniform who now serve our nation—what would you tell them? Could you look a young enlisted man or woman in the eye, one of our brave Americans who has joined NATO forces in Kosovo, and tell them to do their job even though you voted for the President's budget which falls $8 billion short of the budget we propose for our nation's defense?

Improving the education of our young people is not only important to all of us, it is a critical element of our nation's ability to remain competitive in the 21st Century. For America's children, do you vote party or conscience? On your next school visit, do you tell the students you voted for the President's budget which cuts special education funding, or do you teach them that principle is above politics, and you voted for our budget which increases education funding $1.2 billion more than President Clinton proposes. It includes more funding for Pell grants, and more flexibility for states to decide how best to spend this funding. Our budget, $22 billion total for education, will improve the quality of elementary, secondary, and special education. Parents and children with special needs may question your vote for the President's budget because it amounts to a cut in Federal special education funding. Our budget contains a $1 billion increase for Federal funding of the Individuals with Disabilities Education Act. While this is not the full funding I and 75 of my House colleagues from both sides of the aisle requested, it is a step in the right direction. In my state of New Jersey alone, if the Federal government would keep its promise to pay 40 percent of the costs associated with providing special education, $300 million at the state level would become available each year—real money that could be used to hire more teachers, build more classrooms or reduce local property tax rates.

Our budget proposal provides security for American people and their future—retirement security, fiscal security, education security, national security and economic security. But it won't be easy to achieve these important goals, and is closing. I offer a word of caution.

Keeping within the confines of our balanced budget is our ultimate goal, and the Appropriations Committee works hard to balance the needs of our nation and our government while doing so. As a Member of this Committee, I can tell my colleagues that there will be sacrifices. We must understand this at the outset and prepare ourselves for the tough choices with which we all will be confronted. When the time comes, we will need to ask ourselves, "is a future of peace, prosperity, achievement and financial security for our children worth the sacrifice and effort today?" The answer is always "yes." We will need to remember this in the months ahead.

Mr. LEVIN. Mr. Chairman, I rise in strong opposition to the Republican budget resolution. This budget is a blueprint for another budgetary train wreck.

The Majority's budget is irresponsible. It is simply wrong to move ahead with a $778 billion tax cut before taking action to assure the long-term financial health of Social Security and Medicare. The budget surplus gives us a unique opportunity to address these programs and we must not squander it. We should save the entire surplus until we've taken care of Social Security and Medicare.

No one believes the House can approve the appropriation bills that would be drawn from this budget template. Do we want a repeat of last year's budgetary derailment when Congress was unable to complete action on eight of the thirteen regular appropriation bills? But that's exactly where we're headed with the Majority's budget resolution.

Under the resolution, non-defense discretionary appropriations would be cut by $46.4 billion next year, a full 16 percent below this year's funding level. Which programs does the Majority propose to cut? Energy assistance for the elderly? Maternal and child health care? Head Start? Law enforcement? The GOP budget resolution doesn't give any specifics.

The Republican budget also does nothing to shore up Medicare. All of us know that Medicare is projected to run short of funds in just eight more years. If Medicare's solvency is the price for the GOP's tax cuts, that price is too high.

I will support the Democratic substitute that will be offered by Representative SPRATT. The Spratt substitute is a responsible alternative to the budgetary gridlock that will surely follow adoption of the Majority's budget resolution. The Spratt substitute fulfills our obligations to Social Security and Medicare. It reserves 100 percent of the Social Security surplus for Social Security and extends Medicare's solvency until 2020.

I want to speak to the issue of legal immigrants. The Spratt substitute also restores vital benefits for legal immigrants that were wrongly taken away under the 1996 welfare law. I led the fight last year to restore food stamp eligibility to the children of legal immigrants as well as elderly legal immigrants who entered the country before enactment of the 1996 welfare bill. The Spratt substitute would permit states to cover legal immigrant pregnant women and children with Medicaid, restore SSI eligibility for legal immigrants who entered the country after August 22, 1996 and were subsequently disabled, and would assure food stamps to legal immigrants who were residents as of August 22, 1996 and are over the age of 65. This is a step in the right direction.

I urge my colleagues to reject this irresponsible budget resolution and support the Spratt substitute.

Ms. LEE. Mr. Chairman. I rise to oppose the priorities as expressed in this budget.

I strongly oppose this Republican budget because its priorities are wrong. A substantial number of us, five and a half million, are ill-housed. 42 million of us are without health care coverage. Our schools need more teaches and better-trained teachers; our school buildings need to be rehabilitated.

If we maintain the caps on discretionary spending, as proposed in this Republican budget, as well as increase the military budget, and give about $780 billion in tax cuts, the result will be to squeeze out essential programs that affect the daily well-being of a significant sector of our society.

The Republican Budget does not adequately protect our elderly. One of our most important programs, Social Security, has kept one of every two elderly Americans from falling into poverty. Social Security must be extended and protected. Likewise, Medicare is widely recognized and appreciated as an essential program by all of us because of its benefit to the elderly and the families of the elderly. Medicare must be extended and protected.

The Republican budget allocates, over a ten-year period, just $1.77 trillion to extend Social Security, half of the Democrats' proposal, which calls for $3.4 trillion. The Democrats' much greater investment in Social Security is essential to ensure its security.

The difference in budgetary priorities is even greater with Medicare. The Republican budget, over a ten-year period, sets $14 billion for Part A, compared with the Democrats' proposal to invest $397 billion in Medicare, an investment 28 times, greater than the Republicans' inadequate propositions.

This Republican budget does not protect and invest in our children. It ignores the needs of our children.

The retention of the budget cap, coupled with the $18.1 billion increase in defense spending, means that Republicans cut Head Start by $501 million; Republicans cut by $425 million, they cut Job Corps by $142 million; they cut child care funding by $120 million; they cut low-income heating assistance by $109 million; they cut summer youth employment by $95 million; they cut homeless youth programs by $4.7 million; they cut abandoned infants assistance by $1.3 million.

These are the programs that will suffer deep cuts if this Republican budget is approved. Of course, there is no money in this Republican bill for more and better-trained teachers in America's classroom.

This budget is not a responsible, adult budget because it fails to take care of the basic needs of the nation's families. I urge my colleagues to vote against it.

Mr. LUTHER. Mr. Chairman, I rise with many concerns about the majority's budget resolution before us today. Because of the strong economy and prudent fiscal policies of the past few years, we are on track towards achieving our first non-social security budget surplus in a generation. When I first came to Congress in 1995, even the thought of achieving an on-budget surplus by the year 2000 or 2001 seemed completely unrealistic.

That is why I believe we must not waste this historic opportunity to ensure the long-term solvency of the social security system which will be threatened due to the large number of baby-boomers who will begin retiring in the next 10–15 years. While the majority's plan ensures that money dedicated to the social security program should go to the program, this so-called "lock box" approach does nothing more than ensure that the system will go broke on schedule. A more responsible approach would be to dedicate surplus funds to the social security system in preparation for the increased number of retirees early in the next century.

I am also disappointed that the majority's plan does nothing to reduce the federal debt. The proposal uses nearly all of the projected surplus for a yet to be specified $778 billion tax cut that relies on future revenue projections. Economists have repeatedly stated that reductions in the public debt would result in lower interest rates which leads to increased economic growth and opportunities for all American families.

This proposal represents the type of budget gimmickry that has made the American people cynical about the entire federal budget process. I believe the American people understand they aren't being told the full truth when they hear proposals such as this which claim to cut taxes, dramatically increase defense spending, protect social security and stay within the 1997 budget caps. Believe me, they are smart enough to realize that schemes like this just don't add up. We were elected to make the tough choices necessary to keep our fiscal house in order. I believe the American people deserve better than this type of smoke-and-mirrors budgeting that relies solely on future unreliable projections.

Therefore, I urge my colleagues to reject this proposal and seize this rare opportunity to dedicate the surplus to protecting the long term solvency of social security and to paying down the federal debt.

Mr. VISCLOSKY. Mr. Chairman, I wish to explain my priorities as we debate the budget resolution for FY 2000.

I am a cosponsor of a Constitutional Amendment to Balance the Budget and have introduced budget enforcement legislation in the past. As such, I am pleased that we balanced the nation's budget in FY 1998. However, we should not be complacent.

Before we talk of new spending or new tax cuts, we should keep our eye on one goal, and that is maintaining a balanced budget: a balanced budget for our current fiscal year and for FY 2000. Moreover, we should recognize that trust fund surpluses from Social Security, Medicare, the Highway Trust Fund and other federal trust funds totaled $150 billion last year and masked our true situation by making our budgetary position appear more favorable than it really was. Hence, I feel our second priority should be to really balance the budget without the use of any trust fund surpluses.

Thereafter, I believe that we should begin to pay down the national debt, which, according to the Congressional Budget Office, has reached an all-time high of $5.5 trillion. By using all the surplus to pay down the debt, we as taxpayers would save a significant amount of money in future interest payments. Today those payments total $231 billion. For every $1 billion in debt that we can retire, we save an average of $70 million in annual interest payments. This savings would benefit every American regardless of their economic status and I believe it represents the best tax cut we can give to the American people. Furthermore, this debt retirement would provide us with more flexibility in addressing how best to secure Medicare and Social Security for future generations while maintaining our ability to also invest in solid programs that can make our economy more productive.

Several budget resolutions have been introduced which take different approaches to maintaining a surplus and allocating our financial resources. I favor the resolution proposed by a coalition of conservative Democrats, since it provides the most fiscally sound approach. It would reserve 100% of the Social Security surplus for the Social Security Trust Fund. It also pays down more debt than any other proposal before the House, thereby providing for lower interest payments in the future and more flexibility to address unforeseen problems. Conservative projections indicate that this budget would save us $113 billion in interest payments on our debt over the next five years.

Although I am primarily concerned about maintaining fiscal discipline and believe a tax cut could be detrimental to sustaining a balanced budget, the tax cut provided for in this proposal is minimal and can be targeted towards the hard-working middle class families who need it most.

Mr. Chairman, I close by adding that maintaining the public trust is the single most important issue we face today. I ask my colleagues on both sides of the aisle to weigh the impact that the budget resolution will have on future generations.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to give my enthusiastic endorsement for the Democratic Substitute to the Budget Resolution offered by the Ranking Member on the Budget Committee, JOHN SPRATT.

This substitute takes a responsible approach to government. It takes the surplus from this year, and reinvests it back into Social Security and Medicare. However, what is important is the manner in which this is accomplished. Unlike the Republican Budget Resolution, this amendment takes those surplus funds and directly deposits the money into the Social Security Trust Fund and the Medicare Trust Fund. The Republicans cannot tell you they are doing that—because they are not. They swear to put 100% of the surplus aside, but they do not guarantee the American people what they will do with that surplus once the smoke clears. On the other hand, this substitute puts its money where its mouth is—back into the accounts that will extend the life of Social Security for another 18 years, and Medicare another 12.

And the Democratic budget extends these programs without a loss of benefits for the people who rely upon them. Earlier this week, I met with several groups of seniors in my district in Houston. Without exception, the most pressing concern of theirs as it related to the budget was the loss of benefits. Under the Democratic Resolution, their concerns are answered—but we cannot say the same under the Republican plan, because it set forth how Medicare and Social Security funds will be spent. We can close the door on the Republican plan of Social Security privatization today if we pass this substitute—and I urge all of you to support it.

The Democratic proposal also does more to reduce the debt than the Republican plan. This budget contains out-year debt reduction that totals over 474 billion dollars over fifteen years. The Republicans cannot tell you the same. In fact, if they can pass their budget, you will much more likely see tax cuts than debt reduction.

However, that does not mean that the Democratic budget does not contain tax cuts, because it does. Indeed, the Democratic substitute contains targeted tax cuts of the sort that bring the most relief to the American family. Those tax cuts adjust the marriage penalty, help pay for child and healthcare, and extend work opportunity credits. Do we need anything more than this? I believe that these are the tax cuts that the American people have been waiting for, and I am happy to support this budget so we can bring it to them.

This substitute simply does more for children and families than the budget offered by the Republicans. It contains funding for important programs like Women, Infants and Children (WIC), Temporary Assistance for Needy Families (TANF), Job Corps, and Head Start that are ignored in the Republican plan. At the same time, it provides a bedrock foundation so we can rebuild our schools and reduce class sizes across the country. In addition, the Democratic plan includes the funds necessary to hire 100,000 skilled new teachers so our children will be prepared for the 21st Century.

The Democratic substitute also follows the lead of the President by increasing the funding for the Department of Defense and the Veterans' Administration. These increases go above and beyond what the Republican budget offers—by including higher-than-baseline pay raises for our service members and a repeal of the Retired Pay Repeal Act (REDUX).

I urge each of my colleagues to do what is right and vote for a balanced budget, for our seniors, for our future, and for the Democratic substitute.

Mr. PACKARD. Mr. Chairman, I would like to rise today in proud support of the Republican Fiscal Year 2000 Budget. Once again my colleagues and I will continue to give American citizens tax relief while paying down the national debt and protecting Social Security.

The simple fact is that the American people are over-taxed. President Clinton's budget calls for $100 billion in tax increases, while our budget offers $800 billion in tax relief over ten years. The truth is a surplus is nothing more than an overpayment by America's taxpayers. It does not belong to Washington and we should return it in the form of tax relief. In addition, our budget will continue to re-pay the debt by placing over $1.8 trillion towards the debt over the next decade. That's $450 billion more than the President's budget.

While the President talks about saving Social Security for the next generation, his budget actually spends 42% of the Social Security Surplus. The Republican budget will lock up every penny of the Social Security Surplus over the next ten years. The American public has made it clear that Washington has no right to spend away a surplus, which does not belong to them.

Mr. Chairman, I'm tired of Washington having their hands in the pockets of the American taxpayer. Let's pass this historic budget for the new millennium and provide a better and more prosperous future for all Americans.

Mr. BLUMENAUER. Mr. Chairman, I am opposed to the Republican budget resolution because I believe it emphasizes exactly the wrong priorities for America's future and does little to make our communities more livable. By approving this document, we are ignoring the negative effects this budget would inflict on the health of our communities, our infrastructure, and our economy for the next decade.

If I had my way, I would place more priority on paying down the debt, saving Social Security and Medicare, avoid costly new tax cuts and unnecessary. Unfocused defense spending, and develop a capital budget to account for infrastructure investments for a more livable future. However, this budget resolution doesn't extend the solvency of those trust funds by a single day, and instead of paying down the debt, offers tax cuts that primarily benefit those who need help the least. It also calls for unfocused increases in some aspects of our military spending without assurances that any of this spending will increase our overall security. An example of this is the call for new "Star Wars" spending, an unproven system on which we've already spent over $60 billion in research with nothing to show for it.

It fails to give America's communities the tools they need to improve their quality of life. The "Building Livable Communities" initiatives embodied in the Administration's budget offered increased choices for citizens in the areas of transportation, housing, regional planning, open space preservation, education, and crime control. The Democratic alternative recognizes the importance of these initiatives through a Sense of the House resolution. I believe we have a responsibility to do all we can to have the federal government be a better partner with communities and citizens in their efforts to improve very basic components of everyday life—getting to work and school safely, ensuring the quality of the water we drink and the air we breathe, and having economic opportunities for the future.

It should also be noted that long-term budget projections are nearly always miscalculated, and have been overly optimistic by over $200 billion on average over the last 15 years. Even small errors and changes in the economic picture can drastically alter what the government collects and spends. A forecasting error of as little as 2% can alter the budget balance by as much as $70 billion annually. Future military conflicts, slower economic growth, stock market fluctuations, decisions by the Federal Reserve, currency values, natural disasters, and any number of other variables can also radically alter what the government spends and takes in.

Therefore it is unwise to push massive tax cuts years down the line, when it is impossible to know what our economic situation will be. Only by remaining fiscally cautious now and investing in America's infrastructure can we make this a budget that helps make our communities more livable.

This proposed budget would be a disaster if it were implemented. It siphons nearly a trillion dollars into tax cuts paid for with painful and unnecessary budget cuts, while ignoring key investments that need to be made in education, Social Security, and health care. The good news is that it won't be adopted in this form because even the Republicans have no intention of implementing it. The bad news is that it is a license to avoid responsible budgeting. I urge my colleagues to vote no and instead strive to produce a budget that promotes livable communities and fiscal stability.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to the GOP's Budget Resolution. Again, the Republicans have sent to the House floor a resolution which abandons older Americans needs by ignoring the Medicare challenge, fails to protect satisfactorily and extend the solvency of the Social Security Trust Funds, shortchanges important health care benefits and services earned by our Nation's veterans, creates an illusionary increase in education spending, drastically cuts important funding and investment in our Earth's natural resources and before the budget surplus is realized, proposes to expend it with a $779 billion 10-year tax expenditure that will grow even larger and larger with time and could eventually eliminate the projected on-budget surplus by dipping into the Social Security Insurance revenues.

Republicans are quick to defend this budget by declaring credit for spending increases for such programs as defense and education without ever specifying the severe cuts necessary to meet their overall spending totals. In this resolution, the GOP would underfund much-needed people programs by $27 billion for fiscal year 2000. This is completely unrealistic as it all but ensures a confrontation and guarantees yet another disastrous appropriations fight this fall. Modest increases in elementary and secondary education are proposed while a significant reduction is exacted from post-secondary education.

This resolution fails to save the surplus for Social Security Insurance. The GOP proposed "lock-box" initiative claims to save all of the Social Security Insurance surplus to pay down government debt. The facts are clear: this proposal stipulates that the surplus could be used to set up private individual retirement accounts as a substitute for Social Security Insurance. This represents a serious threat to the future solvency of the most successful domestic program ever established. What kind of message are we sending to the baby boomers soon to retire and our older Americans who are guaranteed a defined Social Security Insurance benefit? If the resources already committed to Social Security beneficiaries under current law are diverted to private accounts, benefits will eventually have to be cut. Or, workers will be taxed double to pay for current beneficiaries insurance and again to divert to such individual accounts. In addition, the GOP's "lock-box" proposal would not ensure that the debt held by the public is reduced. Overall, all this proposal does is ensure that Social Security goes broke on schedule and not extend its solvency by one day. Advocates may well speculate that the intent is to create a crisis with Social Security benefits to justify radical privatization schemes.

While Social Security Insurance benefits are projected to be in problems by 2032, Medicare is projected to run short of funds by 2008. Given this Medicare pressing and more urgent problem, our efforts should be more focused on the stability and solvency of this much-needed Medicare program. The GOP's insistence of $779 billion in tax cuts over 10 years would surely come at the expense of Medicare. The Administration initiated a proposal to reserve 15 percent of projected budget surpluses to address and close the long-term funding gap of the Medicare program. By ignoring Medicare, the Republicans have decided to provide a huge tax expenditure and a significant defense spending increase. Frankly, the GOP budget lyrics do not match the music and is unable to face up to the facts. The GOP budget sets in place a political document which is unworkable and unfair.

The Administration has indicated a willingness not to "recoup" the Federal share of the recent tobacco settlements if there are safeguards which ensure that Federal contributions are used for public health and awareness programs. The Republican resolution assumes the Federal Government relinquishes both the right to recoup funds from the multi-State tobacco settlement as well as the authority to direct the States how to use those funds. Frankly, I believe that the national dollars recovered ought to be directed to health care concerns, not a rebate. These are Federal funds and we have a responsibility to exact accountability.

Under the Republican resolution, discretionary veterans programs are funded at $20.2 billion. While this represents less than a $1 billion increase over last year's funding levels and a one-time addition. Over five years, the GOP resolution would cut veterans' funding by $300 billion below the 1999 freeze level. This is completely unacceptable. After years of inadequate funding levels, many VA employees and veteran service organizations in my State of Minnesota have joined a national consensus to push for a substantial funding increase for the VA, especially for the health care function. This budget does far too little in 2000 and beyond to address the understaffed VA medical centers across the nation and the hard working, underpaid VA employee's that provide veterans the health care and other benefits and services they have earned. We can not overlook this today. According to the Independent Budget group, comprised of most of the major veterans service groups recommended an additional $3 billion more than the Administration's VA proposal. In this budget resolution, the GOP has ignored such concerns and requests. A substantial increase is critically needed to avoid deep cuts in VA's medical care budget. We owe our veterans adequate health care and services that we promised to them.

The Republicans boast that their budget blueprint has a strong commitment to education, which time and again has been promoted by the American people as a top priority for federal tax dollars. And we can all see that this resolution does increase funding for elementary and secondary education. However, in taking a closer look it is apparent that this is a true case of robbing college student Peter to pay grade schooler Paul; in order to showcase the $1.2 billion increase over the President's request for primary and secordary education funding, this budget severely shorchanges all other education programs. Deep cuts in higher education initiatives, such as Pell Grants and Work Study, and reductions in funding for programs which help preschoolers, such as Head Start, is extremely shortsighted. Education is a continuous journey, therefore, the idea of focusing entirely on K–12 and ignoring the needs of students who are preparing to enter school or those who wish to continue on to higher education opportunities is shallow and illusionary. A pea and shell game without the pea. Additionally, even with the increase in funding for elementary and secondary programs, this resolution leaves no room for full funding of special education programs, unless other programs for these grade levels are cut. In addition, the Republicans have decided to do nothing on the President's and a majority of Congress's initiative of hiring 100,000 more teachers and reducing class size that will provide our young people the much needed attention and focus they deserve to succeed in school and in life.

Many of the environmental programs that our state and local governments rely on, such as grants to wastewater and drinking water plants, will receive unacceptable cuts in funding as a result of the Republican budget. America's greatest natural treasures, our National Parks, Forests, and the like, will continue their severe backslide in maintenance and upkeep. And despite Interior's efforts to cure these ills with what little money they have secured, employees will still be fired and furloughed in an effort to stay within the spending caps as proposed by the Republican majority. Many in Congress have seen a grand vision for the future in preserving greenspace, and making life for everyone in the Union more in tune with the land in which they reside as seen in the President's proposed Lands Legacy Initiative. Despite overwhelming support for this exciting program, the majority has failed to fund any initiative with this objective. We've heard the arguments against this program, that there is too much of a maintenance backlog in our parks to further expand them, but the GOP budget blueprint has come full circle—the GOP budget has nothing for maintenance conservation and restoration of our national treasures and nothing new for the preservation of America's remaining greenspace. Such a greenspace that we are losing each passing day. Apparently only useful as rhetoric to shoot down the President's land legacy initiative.

According to HUD's estimations, the Republican budget has a negative impact on several important housing programs. The reduction of 6.8% in outlays in FY 2000 for the section 8 voucher and project-based programs means 195,000 fewer households, or 478,000 fewer individuals, will be served. In addition, the reduction in outlays for public housing will result in under-funding 86,700 units, or 201,000 needy individuals.

If these reduction initiatives are enacted, HUD projects that $1,335 billion (83%) of HOME program's FY 1999 budget authority would have to be rescinded and the Congress would be unable to appropriate any budget authority to the program in FY 2000. HUD assumes that in FY 1999, 78,000 families, or 177,000 individuals, will be assisted by HOME funds. If we were to rescind this budget authority for HOME, however, not one of the families or individuals would be served.

Again, the Republican budget fails to provide for the growing number of homeless or near-homeless individuals. If funds are reduced as under this GOP resolution, HUD projects that $975 million (96%) of last years funding levels would have to be rescinded. Such a reduction would freeze dollars for future investment and spending for our homeless populations. This would result in a loss of 10,000 beds in transitional housing and 7,125 permanent beds for the disabled who are homeless.

Because of the extremely slow spend-out rates in these programs, Congress would have to halt current funding and all carry-over budget authority from previous years to meet the Republicans outlay reduction target. In FY 1999, HUD expects to develop 11,300 housing units (8,000 elderly and 3,300 disabled). All of those units would be lost. Furthermore, if outlays are reduced 6.8% in FY 2000 as required under this budget, HUD projects that $125 million of the programs' current funding levels would have to be rescinded. Again, this leaves Congress without the resources to address and meet future spending needs. This would result in eliminating aid to 42,000 persons in FY 1999 and 79,000 persons in FY 2000. As a result of this totally inadequate GOP resolution, the number of persons who would lose housing assistance is estimated to be almost 1 million Americans.

The inaction on restoring and protecting the solvency of Medicare and the Social Security Insurance systems, ignoring special and higher-education programs and reduction in class room size initiatives, shortchanging our veterans health care, all but eliminating public housing funding to needy persons, abandoning our existing commitment to much needed environmental cleanup and protection efforts of our natural resources all result from one overriding GOP priority: passing a huge package of tax expenditures. Once again, the GOP has insisted to increase an allready over budgeted defense department and provide an untimely $779 billion tax expenditure that will in reality raid the Social Security and Medicare Trust Funds. This budget does not provide adequate investment in people programs and truly undermines our existing federal commitments by underfunding much needed resources and programs by $27 billion in fiscal year 2000.

I urge all Members to vote no on this GOP budget resolution that comes up way short of meeting the needs and investments in people programs.

Mr. COYNE. Mr. Chairman, I rise today in opposition to the Republican budget resolution that is before us today.

This budget sets the wrong priorities for Congress. It proposes a massive tax cut, substantial cuts in domestic spending programs, and no significant action on Social Security and Medicare—whereas I believe that Congress should be taking action now to preserve Social Security and Medicare, to address the difficult problems our nation still faces, and to invest in education and other programs that will improve all Americans' quality of life in the future.

Mr. Chairman, Americans have much for which to be grateful. The economy is growing, unemployment is down, and real incomes for working families are increasing—ableit at too slow a rate. We all know, though, that these good times cannot last indefinitely. At some point, the economy will stall. At some point there will be a recession. And in a few years, the Baby Boom generation will start to retire—and place a heavy new burden on programs like Social Security, Medicare, and Medicaid.

Many of the Republicans in Congress are saying that now is the time for the American people to relax and enjoy the fruits of our labors. Well, no one denies that the American people work hard and deserve a break. And no one wants to turn down a tax cut. But our debate today should not focus on what we deserve, or even on what we would like to do; that would be irresponsible. Rather, today's debate should focus on what we ought to do.

Today, twenty years of deficit spending are over, and budget surpluses are projected for at least the next ten years. But our fiscal troubles are not at an end. At best, we have only a dozen or so years of projected surpluses before dramatic increases in outlays for Social Security and Medicare—to pay for the Baby Boomers' retirement—submerge the federal budget again in a sea of red ink. A good economist will tell you that we cannot even be certain that the projected surpluses will materialize at all. So I say, let's prepare for the hard times ahead—not celebrate prematurely.

What steps should we take to prepare for the future challenges that we can already anticipate? What can we do to ensure that future Americans can face the prospect of retirement with pleasant anticipation and without fear? What can we do to ensure that all Americans have access to safe, affordable health care? And what can we do to promote our country's future economic growth and provide a better standard of living for all Americans?

I believe that Congress should be taking this opportunity to restore the solvency of Social Security and Medicare, and to invest in education, infrastructure and research that will increase our productivity and improve our standards of living. Consequently, I oppose the resolution before us today.

I oppose this budget resolution because I believe that it would devastate dozens of important federal programs, programs like educational assistance, veterans' programs, crime-fighting programs, scientific and biomedical research programs, public works projects, and anti-poverty programs.

I oppose this budget because it does nothing to help the Americans who, even in these boom times, are struggling just to keep their heads above water.

I oppose this budget because it fails to invest in the programs and projects that would make America more productive and more competitive in the global economy.

I oppose this budget because it would provide unwise and irresponsible tax cuts which would be paid for with a surplus that has not yet materialized—and which in fact, may never materialize.

I oppose this budget because it does nothing to save Medicare from insolvency.

And finally, I oppose this budget resolution because it does nothing to save Social Security.

Mr. Chairman, I urge my colleagues to reject this short-sighted, self-indulgent budget—and to work together to draft a prudent, fiscally conservative budget that addresses the American people's future needs, not just someone's misguided desires.

Mr. McGOVERN. Mr. Chairman, I rise against the cuts in higher education in the Republican budget resolution. While some of us are working to extend the opportunity for higher education through vital programs like Pell Grants, the Republicans have introduced a budget which cuts all non-elementary and secondary education, training and social service programs by $16.6 billion over the next 5 years. Over the next ten years, the Republicans call for a 12.2% across the board cut for these same programs. This at a time when increasing tuition costs are burdening families nationwide.

At a time of anticipated future surpluses and significant increases in military spending already underway, it is critical that federal funding for education take its place as a national priority. Making college more affordable is one of the most important investments we can make in our country's future prosperity. This year, the maximum Pell Grant award will provide funding that only covers 35% of the average costs of attendance at a four-year state college. For a four-year private college, the Pell Grant barely covers 13% of average annual costs. Yet the Republicans want to further deny access to higher education by cutting this important program. Support access to higher education.

Vote no on the GOP budget resolution.

Mr. COSTELLO. Mr. Chairman, I rise today in strong opposition of the rule to H. Con. Res. 68 which blocks a vote on Representative CLEMENT's amendment to increase funding for veterans health care.

The Republican Leadership's FY 2000 Budget fails miserably to protect our Nation's veterans. While their budget resolution provides a $900 million increase in budget authority for veterans, this is a ONE time addition. Over the next 5 years, the Majority's budget resolution cuts discretionary spending for veterans by $300 million. Over 10 years, veterans funding will be cut by $3 billion below this year's funding levels. The Republican leadership should be ashamed to submit a budget which slashes funding for the men and women who fought for our freedom.

This Republican-led Congress has flat-lined the veterans budget for the last 4 years. As our veterans continue aging, they face more medical emergencies. Unless funding for veterans' health care is significantly increased services will be cut and health care will be denied.

Mr. Chairman, how can you propose several new health care initiatives without providing the necessary funds to support them? The message you send to our veterans when the promises made to them are broken is that the sacrifices they made for our country are meaningless. Representative CLEMENT's amendment would have increased the Veterans Affairs budget by $1 billion over the Republican increase of $900 million. This amendment was supported by the Veterans of Foreign War, Disabled American Veterans, Paralyzed Veterans of America and the American Legion.

Give our nation's veterans what they deserve. I urge my colleagues to oppose the rule and the Republican budget.

Mrs. ROUKEMA. Mr. Chairman, I rise today in support H. Con. Res. 68, the Budget Resolution. This resolution continues the hard work of balancing the budget and putting our fiscal house in order that we began in 1997.

PRIORITIES

The priorities that we should establish in this new "age of surplus." Those are providing retirement security by saving Social Security and Medicare, paying down the debt, and reforming the tax code. These reforms are essential for our future. At the same time, we must be realistic and fair about maintaining adequate support for all domestic programs, most specifically education and health care.

SOCIAL SECURITY

Of primary concern is Social Security. As we all know Social Security is the most popular and important program in the nation's history. It touches almost every family in America. This budget saves ALL of the Social Security Trust Fund surplus for Social Security. That is close to $1.8 TRILLION over the next ten years. But this money must be made SAFE! Upon passage of a Conference Report on a joint budget resolution passed by both the House and Senate, we should act immediately to create a real lock box that through law saves the Social Security Trust Fund surplus. This money will be used to strengthen and secure Social Security and Medicare when bipartisan reform legislation beginning signed into law. We must protect Social Security through law not legislative shadow boxing. When it comes to Social Security, this program must be sacrificed to tax cuts or extra spending. I look forward to the day when we engage in the debate on reform with the knowledge that every cent in the Social Security Trust Fund is safe.

PAYING DOWN THE DEBT

Priority must be given to paying down the debt. The National debt is currently over $5.6 TRILLION. The debt has increased by $95 BILLION in FY 1999 alone. In 1998 we have spent about 15% of all federal revenues just on interest on the debt. That is money NOT spent on our children, on education, or health care. It is money that goes into the fiscal black hole created by our continued indebtedness. We must reduce the debt in order to spend less money on interest payments and more on our future. We must make the commitment to debt reduction. It is immoral for us to continue to write checks that our children will have to cash.

TAX REFORM

Tax reform not necessarily tax cuts must be a priority over the next ten years but as I said before not at the sacrifice of Social Security. Tax reform creates a fairer, flatter, and simpler tax code that results in a lower tax burden for all Americans. Tax reform includes eliminating the marriage penalty, rewarding savings and investment so families can send their kids to school, buy a home, or start a business, and does not punish their success. A significant portion of the non-Social Security surplus must be returned to American families because they know how to spend money better than most in Washington.

BLUEPRINT FOR THE FUTURE

It is important to remember that this Resolution is a blueprint. It is not the endstate but the beginning of a process of what I hope is thoughtful debate on America's future. It is our responsibility, in this Congress, to ensure the visibility of worthy federal programs and to create a strong and vibrant economy in which our children and grandchildren can thrive, succeed, and enjoy the promise of what America has to offer.

There are going to be difficult decisions ahead. To stay within the budget caps will not be easy. In some cases, I believe that we should revisit those caps through the appropriations process to address priority spending investments in education, health care, and veterans. While we should not turn the surplus into a spending spree, we must be sensitive to fair treatment for all domestic programs affecting families—our children as well as our families.

The next decade will be the best opportunity for us to give our children the future we hope for them. We must be wise, judicious, and fair when it comes to spending the surplus. We must not count our surplus eggs before they hatch and we can not squander this opportunity. We must set priorities. We owe that to our children.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to strongly oppose this amendment. This budget contains a net tax increase over the next five years, a time in which we are realizing surpluses.

This tax increase comes largely from one source: regressive, excise taxes leveled on those least able to afford them. Americans are overtaxed. The government does not need more of our money to carry out its spending plans, lengthening the era of big government. Contrary to what we have been told, this era is far from over.

Nearly have of these new taxes, $35 billion worth, come from a 200-percent tax increase on tobacco products, 55 cents on a pack of cigarettes. This tax increase hurts hard-working family tobacco farmers in my district and all of Kentucky. These taxes will take away the livelihood of these working families, who depend on their tobacco crops to pay for their farms, their homes and their children's education.

But this excise tax increase issue is not confined to states with tobacco farmers. It has a negative impact no matter what your opinion is on the use of tobacco products. This huge tax increase in all states falls most heavily on those least able to afford it.

Who will pay these new regressive excise taxes? Working families who earn $30,000 or less will pick up nearly half the tab, even though they account for just 16 percent of total national family income. According to the Federal Trade Commission, legal adults purchase 98 percent of all cigarettes. New regressive taxes on these adult products are not acceptable in this budget.

This administration has stated it wants to help bring prosperity back to the family farm.

So do I. But I do not understand how taxing our family farmers out of business will achieve this goal. I urge all of my colleagues to join with me and oppose all attempts by this administration to finance its big-government budget on the backs of tobacco farmers and other working families.

Mr. CROWLEY. Mr. Chairman, I rise in strong opposition to the Republican's budget resolution. I am truly disappointed that the Majority has not put forth a more reasonable, workable proposal that could garner true bipartisan support.

Mr. Chairman, at a time when this Congress has a unique opportunity to build upon the economic success of recent years under the leadership of President Clinton, we are presented with a document that is political in its origin and regressive in its policies. At this crucial juncture in our Nation's history, we are being asked to look backwards, not forward. Rather than working together to develop and implement an economic policy for the new millennium, we are presented with a back room, cut-and-paste deal that simply can not deliver on its promises and would set us on a course which can only result in further escalating the astronomical national debt run-up during the 1980s.

Mr. Chairman, we have been down this road before and it is a dead-end. We cannot afford to take this route again.

Mr. Chairman, we should be working together to set our Nation's economic policy on a path that will ensure continued surpluses while saving Social Security, strengthening Medicare, and paying-down our debt. We have the ability to achieve a balanced budget for years to come, while still providing for the needs of our country—education, health care, and Social Security. We should not, indeed, must not, pass-up this once in a lifetime opportunity to establish a sound and lasting budgetary policy.

Unfortunately, the document before us today falls far short of these worthwhile and obtainable goals. The proposal borders on being reckless in its approach to our budgetary needs and disingenuous in its promises. Indeed, some have even referred to this measure as the "meat ax" approach to budgeting.

Mr. Chairman, we are presented with unrealistic spending levels, under-funding almost every major program in order to once again provide tax relief for the most well-off in our society. I seriously doubt that many of my colleagues on the other side of the aisle realistically believe that the requirements of this proposal can be met.

Under the Republican plan, Medicare and Social Security are left unprotected. We all know that Medicare will become insolvent in 2008 and Social Security will become insolvent in 2032, if this Congress does not enact meaningful, sensible reform in the near future. This budget proposal fails to address this looming problem and seriously weakens our ability to face the economic challenges of the next century.

At a time when we should be moving forward, looking to the future, this proposal hearkens back to the days of isolationism and poor houses. I ask my friends in the Majority, where is their oft-touted commitment to the war on drugs, to fighting crime and making our streets safe, to education, to health care, to the environment and our natural resources, to science and technology, to our men and women in the armed services, and to the so many other vital programs which seek to take care of the less fortunate and ensure a better life for the American middle class? Where is their commitment to a balanced budget and paying-down the debt?

Mr. Chairman, under the very able leadership of Ranking Member SPRATT, the Democrats want to keep prosperity on track and protect the American family. Our plan would preserve 62 percent of the total estimated budget surplus for Social Security, ensuring the Social Security Trust Fund remains solvent for many decades to come. Our plan also transfer 15 percent of these surpluses to shoring-up Medicare, extending its solvency for at least a decade to grant us the time we will need to develop and implement a bipartisan fix for this valuable social program.

Education, one of the most crucial underpinnings of our great country is barely paid lip-service under this proposal. Many of my colleagues may ask why the Federal Government needs to become involved in school renovation and construction issues, which are historically local concerns. The simple answer is that the problem has grown so large that localities and States alone do not have the resources or the programs to address their overwhelming needs. For instance, a recent survey by the Division of School Facilities in New York City concluded that, in my district alone, 19 new schools were needed to alleviate overcrowding. Additionally, to bring schools in the Seventh Congressional District of New York up to standards deemed "fair" by school facilities' engineers, New York City would have to fund $218.65 million in exterior modernization projects and $53.18 million in interior modernization projects.

Mr. Chairman, this budget does not ring true. It has a harsh sound that is indicative of it being out of tune with our current economic conditions and good government. I urge my colleagues to vote against this proposal. If you support the working men and women of this country, if you support our Nation's children, you must oppose this budget resolution and support the Democratic alternative.

Ms. PELOSI. Mr. Chairman, our Federal budget should be a statement of our national values. How we spend our money should reflect what is important to us. The budget should address our current needs and capitalize on opportunities in the future.

The budget should recognize the strength of our country, not only in terms of our military might, but also measure our strength in terms of the health, education, and well-being of American families.

I cannot think of two better measures of a budget than its attention to educating our children and improving the health status of all Americans. This budget turns away from both these urgent priorities, putting tax cuts ahead of all else.

The preschool education program Head Start is one example. Head Start is one of our success stories. It offers early education and nutrition services to lower income children and it has been proven effective. Within 10 years, this budget would decimate Head Start, cutting funding by nearly one-third. One hundred thousand low-income children would lose Head Start services.

The Republican budget chooses a tax cut over Head Start funding.

In the area of health, the Republican budget is just as short-sighted. This country faces many challenges in health care. Forty-four million Americans are living without health insurance. And at the same time, we face tremendous opportunities to improve and extend lives with health research. It is our obligation to act on these challenges and opportunities. This Republican budget turns away from them.

The budget proposal cuts discretionary health spending by 31 percent over 10 years without spelling out what will be cut. Will it be health promotion at the Centers for Disease Control? Health care for the uninsured at the Health Resources and Services Administration? Health research at the National Institutes of Health? The answer is that all these vital areas would suffer under the Republican budget, and that would have a direct impact on the health status of people across the country.

This budget also ignores Medicare, calling for unspecified Medicare "reforms," and proposing no tangible resources to shore up the health care program on which tens of millions of seniors depend.

The Republican budget chooses a tax cut over health care and health research. This Republican budget is dangerously out of step with our values. It is short-sighted and it makes its biggest cuts where the poor will feel them most directly. I urge my colleagues to oppose the Republican budget resolution.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment printed in part 1 of House Report 106–77 is adopted and the concurrent resolution, as amended, is considered as having been read for amendment under the 5-minute rule.

The text of House Concurrent Resolution 68, as amended by the amendment printed in part 1 of House Report 106–77, is as follows:

H. CON. RES. 68

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2000 and that the appropriate budgetary levels for fiscal years 2001 through 2009 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2009:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,408,500,000,000.
Fiscal year 2001: $1,435,300,000,000.
Fiscal year 2002: $1,456,300,000,000.
Fiscal year 2003: $1,532,600,000,000.
Fiscal year 2004: $1,584,100,000,000.
Fiscal year 2005: $1,651,000,000,000.
Fiscal year 2006: $1,684,400,000,000.
Fiscal year 2007: $1,733,200,000,000.
Fiscal year 2008: $1,802,800,000,000.

Fiscal year 2009: $1,867,500,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$9,800,000,000.
Fiscal year 2002: −$52,000,000,000.
Fiscal year 2003: −$30,700,000,000.
Fiscal year 2004: −$50,000,000,000.
Fiscal year 2005: −$59,900,000,000.
Fiscal year 2006: −$106,300,000,000.
Fiscal year 2007: −$138,200,000,000.
Fiscal year 2008: −$153,400,000,000.
Fiscal year 2009: −$178,200,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,600,000,000.
Fiscal year 2001: $1,456,100,000,000.
Fiscal year 2002: $1,487,300,000,000.
Fiscal year 2003: $1,558,300,000,000.
Fiscal year 2004: $1,611,700,000,000.
Fiscal year 2005: $1,665,600,000,000.
Fiscal year 2006: $1,697,000,000,000.
Fiscal year 2007: $1,752,200,000,000.
Fiscal year 2008: $1,813,800,000,000.
Fiscal year 2009: $1,874,400,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,100,000,000.
Fiscal year 2001: $1,435,300,000,000.
Fiscal year 2002: $1,455,100,000,000.
Fiscal year 2003: $1,532,500,000,000.
Fiscal year 2004: $1,583,900,000,000.
Fiscal year 2005: $1,638,600,000,000.
Fiscal year 2006: $1,666,400,000,000.
Fiscal year 2007: $1,715,900,000,000.
Fiscal year 2008: $1,781,200,000,000.
Fiscal year 2009: $1,841,300,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2000: $400,000,000.
Fiscal year 2001: $0.
Fiscal year 2002: $1,200,000,000.
Fiscal year 2003: $100,000,000.
Fiscal year 2004: $200,000,000.
Fiscal year 2005: $12,400,000,000.
Fiscal year 2006: $18,000,000,000.
Fiscal year 2007: $17,300,000,000.
Fiscal year 2008: $21,600,000,000.
Fiscal year 2009: $26,200,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,627,700,000,000.
Fiscal year 2001: $5,707,700,000,000.
Fiscal year 2002: $5,791,500,000,000.
Fiscal year 2003: $5,875,000,000,000.
Fiscal year 2004: $5,954,800,000,000.
Fiscal year 2005: $6,019,600,000,000.
Fiscal year 2006: $6,075,400,000,000.
Fiscal year 2007: $6,128,700,000,000.
Fiscal year 2008: $6,168,100,000,000.
Fiscal year 2009: $6,198,100,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $288,800,000,000.
(B) Outlays, $276,600,000,000.
Fiscal year 2001:
(A) New budget authority, $303,600,000,000.
(B) Outlays, $285,900,000,000.
Fiscal year 2002:
(A) New budget authority, $308,200,000,000.
(B) Outlays, $291,700,000,000.
Fiscal year 2003:
(A) New budget authority, $318,300,000,000.
(B) Outlays, $303,600,000,000.
Fiscal year 2004:
(A) New budget authority, $327,200,000,000.
(B) Outlays, $313,500,000,000.
Fiscal year 2005:
(A) New budget authority, $328,400,000,000.
(B) Outlays, $316,700,000,000.
Fiscal year 2006:
(A) New budget authority, $329,600,000,000.
(B) Outlays, $315,100,000,000.
Fiscal year 2007:
(A) New budget authority, $330,900,000,000.
(B) Outlays, $313,700,000,000.
Fiscal year 2008:
(A) New budget authority, $332,200,000,000.
(B) Outlays, $317,100,000,000.
Fiscal year 2009:
(A) New budget authority, $333,500,000,000.
(B) Outlays, $318,000,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $11,200,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2001:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $15,100,000,000.
Fiscal year 2002:
(A) New budget authority, $9,800,000,000.
(B) Outlays, $14,400,000,000.
Fiscal year 2003:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $13,600,000,000.
Fiscal year 2004:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $13,300,000,000.
Fiscal year 2005:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $12,900,000,000.
Fiscal year 2006:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $12,600,000,000.
Fiscal year 2007:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $12,400,000,000.
Fiscal year 2008:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $12,200,000,000.
Fiscal year 2009:
(A) New budget authority, $14,000,000,000
(B) Outlays, $12,100,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $18,200,000,000.
Fiscal year 2001:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2002:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2003:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2004:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2005:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2006:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2007:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2008:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2009:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $0.
(B) Outlays, −$700,000,000.
Fiscal year 2001:
(A) New budget authority, −$1,400,000,000.
(B) Outlays, −$3,100,000,000.
Fiscal year 2002:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2003:
(A) New budget authority, −$100,000,000.
(B) Outlays, −$1,200,000,000.
Fiscal year 2004:
(A) New budget authority, −$300,000,000.
(B) Outlays, −$1,400,000,000.
Fiscal year 2005:
(A) New budget authority, −$400,000,000.
(B) Outlays, −$1,500,000,000.
Fiscal year 2006:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$1,500,000,000.
Fiscal year 2007:
(A) New budget authority, −$500,000,000.
(B) Outlays, −$1,400,000,000.
Fiscal year 2008:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$1,100,000,000.
Fiscal year 2009:
(A) New budget authority, −$100,000,000.
(B) Outlays, −$1,100,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $22,800,000,000.
(B) Outlays, $22,600,000,000.
Fiscal year 2001:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $22,000,000,000.
Fiscal year 2002:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $21,400,000,000.
Fiscal year 2003:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $22,600,000,000.
Fiscal year 2004:
(A) New budget authority, $23,500,000,000.
(B) Outlays, $23,500,000,000.
Fiscal year 2005:
(A) New budget authority, $23,500,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2006:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $23,500,000,000.
Fiscal year 2007:
(A) New budget authority, $23,700,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2008:
(A) New budget authority, $23,700,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2009:
(A) New budget authority, $24,000,000,000.
(B) Outlays, $23,700,000,000.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $13,200,000,000.
Fiscal year 2001:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $11,300,000,000.
Fiscal year 2002:
(A) New budget authority, $11,800,000,000.
(B) Outlays, $10,000,000,000.
Fiscal year 2003:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $10,300,000,000.
Fiscal year 2004:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $10,500,000,000.
Fiscal year 2005:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2006:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $9,100,000,000.

Fiscal year 2007:

(A) New budget authority, $10,700,000,000.

(B) Outlays, $9,100,000,000.

Fiscal year 2008:

(A) New budget authority, $10,800,000,000.

(B) Outlays, $9,200,000,000.

Fiscal year 2009:

(A) New budget authority, $10,900,000,000.

(B) Outlays, $9,200,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2000:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $4,500,000,000.

Fiscal year 2001:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $5,800,000,000.

Fiscal year 2002:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $10,200,000,000.

Fiscal year 2003:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $10,900,000,000.

Fiscal year 2004:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $10,400,000,000.

Fiscal year 2005:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $9,400,000,000.

Fiscal year 2006:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $9,100,000,000.

Fiscal year 2007:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $8,900,000,000.

Fiscal year 2008:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $8,500,000,000.

Fiscal year 2009:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $8,800,000,000.

(8) Transportation (400):

Fiscal year 2000:

(A) New budget authority, $51,800,000,000.

(B) Outlays, $45,800,000,000.

Fiscal year 2001:

(A) New budget authority, $51,000,000,000.

(B) Outlays, $47,700,000,000.

Fiscal year 2002:

(A) New budget authority, $50,800,000,000.

(B) Outlays, $47,300,000,000.

Fiscal year 2003:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $46,800,000,000.

Fiscal year 2004:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $46,300,000,000.

Fiscal year 2005:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $46,100,000,000.

Fiscal year 2006:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $46,000,000,000.

Fiscal year 2007:

(A) New budget authority, $52,400,000,000.

(B) Outlays, $46,000,000,000.

Fiscal year 2008:

(A) New budget authority, $52,400,000,000.

(B) Outlays, $46,100,000,000.

Fiscal year 2009:

(A) New budget authority, $52,400,000,000.

(B) Outlays, $46,100,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $10,700,000,000.

Fiscal year 2001:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $9,100,000,000.

Fiscal year 2002:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $7,000,000,000.

Fiscal year 2003:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $6,100,000,000.

Fiscal year 2004:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $5,500,000,000.

Fiscal year 2005:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,800,000,000.

Fiscal year 2006:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,500,000,000.

Fiscal year 2007:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,400,000,000.

Fiscal year 2008:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,300,000,000.

Fiscal year 2009:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,300,000,000.

(10) Elementary and Secondary Education, and Vocational Education (501):

Fiscal year 2000:

(A) New budget authority, $22,000,000,000.

(B) Outlays, $20,100,000,000.

Fiscal year 2001:

(A) New budget authority, $24,100,000,000.

(B) Outlays, $21,900,000,000.

Fiscal year 2002:

(A) New budget authority, $24,500,000,000.

(B) Outlays, $22,700,000,000.

Fiscal year 2003:

(A) New budget authority, $25,900,000,000.

(B) Outlays, $24,500,000,000.

Fiscal year 2004:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $25,600,000,000.

Fiscal year 2005:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,600,000,000.

Fiscal year 2006:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,800,000,000.

Fiscal year 2007:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

Fiscal year 2008:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

Fiscal year 2009:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $26,900,000,000.

(11) Higher Education, Training, Employment, and Social Services (500, except for 501):

Fiscal year 2000:

(A) New budget authority, $43,300,000,000.

(B) Outlays, $43,500,000,000.

Fiscal year 2001:

(A) New budget authority, $41,400,000,000.

(B) Outlays, $41,900,000,000.

Fiscal year 2002:

(A) New budget authority, $41,200,000,000.

(B) Outlays, $40,900,000,000.

Fiscal year 2003:

(A) New budget authority, $42,700,000,000.

(B) Outlays, $41,900,000,000.

Fiscal year 2004:

(A) New budget authority, $43,000,000,000.

(B) Outlays, $42,300,000,000.

Fiscal year 2005:

(A) New budget authority, $43,900,000,000.

(B) Outlays, $42,900,000,000.

Fiscal year 2006:

(A) New budget authority, $44,600,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2007:

(A) New budget authority, $45,500,000,000.

(B) Outlays, $44,500,000,000.

Fiscal year 2008:

(A) New budget authority, $46,500,000,000.

(B) Outlays, $45,500,000,000.

Fiscal year 2009:

(A) New budget authority, $46,500,000,000.

(B) Outlays, $45,500,000,000.

(12) Health (550):

Fiscal year 2000:

(A) New budget authority, $156,200,000,000.

(B) Outlays, $153,000,000,000.

Fiscal year 2001:

(A) New budget authority, $164,100,000,000.

(B) Outlays, $162,400,000,000.

Fiscal year 2002:

(A) New budget authority, $173,300,000,000.

(B) Outlays, $173,800,000,000.

Fiscal year 2003:

(A) New budget authority, $184,700,000,000.

(B) Outlays, $185,300,000,000.

Fiscal year 2004:

(A) New budget authority, $197,900,000,000.

(B) Outlays, $198,500,000,000.

Fiscal year 2005:

(A) New budget authority, $212,800,000,000.

(B) Outlays, $212,600,000,000.

Fiscal year 2006:

(A) New budget authority, $228,400,000,000.

(B) Outlays, $228,300,000,000.

Fiscal year 2007:

(A) New budget authority, $246,300,000,000.

(B) Outlays, $245,500,000,000.

Fiscal year 2008:

(A) New budget authority, $265,200,000,000.

(B) Outlays, $264,400,000,000.

Fiscal year 2009:

(A) New budget authority, $285,500,000,000.

(B) Outlays, $284,900,000,000.

(13) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $208,700,000,000.

(B) Outlays, $208,700,000,000.

Fiscal year 2001:

(A) New budget authority, $222,100,000,000.

(B) Outlays, $222,300,000,000.

Fiscal year 2002:

(A) New budget authority, $230,600,000,000.

(B) Outlays, $230,200,000,000.

Fiscal year 2003:

(A) New budget authority, $250,700,000,000.

(B) Outlays, $250,900,000,000.

Fiscal year 2004:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $268,700,000,000.

Fiscal year 2005:

(A) New budget authority, $295,600,000,000.

(B) Outlays, $295,200,000,000.

Fiscal year 2006:

(A) New budget authority, $306,800,000,000.

(B) Outlays, $306,900,000,000.

Fiscal year 2007:

(A) New budget authority, $337,600,000,000.

(B) Outlays, $337,800,000,000.

Fiscal year 2008:

(A) New budget authority, $365,600,000,000.

(B) Outlays, $365,200,000,000.

Fiscal year 2009:

(A) New budget authority, $394,100,000,000.

(B) Outlays, $394,200,000,000.

(14) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $244,400,000,000.

(B) Outlays, $248,100,000,000.

Fiscal year 2001:

(A) New budget authority, $250,500,000,000.

(B) Outlays, $257,400,000,000.

Fiscal year 2002:

(A) New budget authority, $262,700,000,000.

(B) Outlays, $267,000,000,000.

Fiscal year 2003:

(A) New budget authority, $277,000,000,000.

(B) Outlays, $276,800,000,000.

Fiscal year 2004:

(A) New budget authority, $286,200,000,000.

(B) Outlays, $286,000,000,000.

Fiscal year 2005:

(A) New budget authority, $298,500,000,000.

(B) Outlays, $298,700,000,000.

Fiscal year 2006:

(A) New budget authority, $304,800,000,000.

(B) Outlays, $305,200,000,000.

Fiscal year 2007:

(A) New budget authority, $310,600,000,000.

(B) Outlays, $311,500,000,000.

Fiscal year 2008:

(A) New budget authority, $323,900,000,000.

(B) Outlays, $325,400,000,000.

Fiscal year 2009:

(A) New budget authority, $334,200,000,000.

(B) Outlays, $335,700,000,000.

(15) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,300,000,000.

Fiscal year 2001:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $13,800,000,000.

Fiscal year 2002:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,600,000,000.

Fiscal year 2003:

(A) New budget authority, $16,300,000,000.

(B) Outlays, $16,300,000,000.

Fiscal year 2004:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $17,100,000,000.

Fiscal year 2005:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $17,900,000,000.

Fiscal year 2006:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $18,900,000,000.

Fiscal year 2007:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $19,900,000,000.

Fiscal year 2008:

(A) New budget authority, $21,000,000,000.

(B) Outlays, $21,000,000,000.

Fiscal year 2009:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $22,200,000,000.

(16) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $45,100,000,000.

Fiscal year 2001:

(A) New budget authority, $44,300,000,000.

(B) Outlays, $45,000,000,000.

Fiscal year 2002:

(A) New budget authority, $44,700,000,000.

(B) Outlays, $45,100,000,000.

Fiscal year 2003:

(A) New budget authority, $45,900,000,000.

(B) Outlays, $46,400,000,000.

Fiscal year 2004:

(A) New budget authority, $46,200,000,000.

(B) Outlays, $46,700,000,000.

Fiscal year 2005:

(A) New budget authority, $48,800,000,000.

(B) Outlays, $49,300,000,000.

Fiscal year 2006:

(A) New budget authority, $47,300,000,000.

(B) Outlays, $47,800,000,000.

Fiscal year 2007:

(A) New budget authority, $47,800,000,000.

(B) Outlays, $46,200,000,000.

Fiscal year 2008:

(A) New budget authority, $48,500,000,000.

(B) Outlays, $49,000,000,000.

Fiscal year 2009:

(A) New budget authority, $49,100,000,000.

(B) Outlays, $49,700,000,000.

(17) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $23,400,000,000.

(B) Outlays, $25,300,000,000.

Fiscal year 2001:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $25,100,000,000.

Fiscal year 2002:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $24,900,000,000.

Fiscal year 2003:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $24,400,000,000.

Fiscal year 2004:

(A) New budget authority, $26,200,000,000.

(B) Outlays, $26,100,000,000.

Fiscal year 2005:

(A) New budget authority, $26,300,000,000.

(B) Outlays, $26,200,000,000.

Fiscal year 2006:

(A) New budget authority, $26,400,000,000.

(B) Outlays, $26,200,000,000.

Fiscal year 2007:

(A) New budget authority, $26,400,000,000.

(B) Outlays, $26,300,000,000.

Fiscal year 2008:

(A) New budget authority, $26,500,000,000.

(B) Outlays, $26,300,000,000.

Fiscal year 2009:

(A) New budget authority, $26,500,000,000.

(B) Outlays, $26,400,000,000.

(18) General Government (800):

Fiscal year 2000:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $13,500,000,000.

Fiscal year 2001:

(A) New budget authority, $11,900,000,000.

(B) Outlays, $12,600,000,000.

Fiscal year 2002:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,300,000,000.

Fiscal year 2003:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,200,000,000.

Fiscal year 2004:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,200,000,000.

Fiscal year 2005:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,900,000,000.

Fiscal year 2006:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,800,000,000.

Fiscal year 2007:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $11,900,000,000.

Fiscal year 2008:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $12,100,000,000.

Fiscal year 2009:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $11,900,000,000.

(19) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $275,500,000,000.

(B) Outlays, $275,500,000,000.

Fiscal year 2001:

(A) New budget authority, $271,000,000,000.

(B) Outlays, $271,000,000,000.

Fiscal year 2002:

(A) New budget authority, $267,400,000,000.

(B) Outlays, $267,400,000,000.

Fiscal year 2003:

(A) New budget authority, $265,100,000,000.

(B) Outlays, $265,100,000,000.

Fiscal year 2004:

(A) New budget authority, $263,400,000,000.

(B) Outlays, $263,400,000,000.

Fiscal year 2005:

(A) New budget authority, $261,000,000,000.

(B) Outlays, $261,000,000,000.

Fiscal year 2006:

(A) New budget authority, $258,600,000,000.

(B) Outlays, $258,600,000,000.

Fiscal year 2007:

(A) New budget authority, $257,000,000,000.

(B) Outlays, $257,000,000,000.

Fiscal year 2008:

(A) New budget authority, $254,700,000,000.

(B) Outlays, $254,700,000,000.

Fiscal year 2009:

(A) New budget authority, $252,700,000,000.

(B) Outlays, $252,700,000,000.

(20) Allowances (920):

Fiscal year 2000:

(A) New budget authority, −$8,000,000,000.

(B) Outlays, −$10,100,000,000

Fiscal year 2001:

(A) New budget authority, −$8,500,000,000.

(B) Outlays, −$12,900,000,000.

Fiscal year 2002:

(A) New budget authority, −$6,400,000,000.

(B) Outlays, −$20,000,000,000.

Fiscal year 2003:

(A) New budget authority, −$4,400,000,000.

(B) Outlays, −$4,800,000,000.

Fiscal year 2004:

(A) New budget authority, −$4,500,000,000.

(B) Outlays, −$5,000,000,000.

Fiscal year 2005:

(A) New budget authority, −$4,500,000,000.

(B) Outlays, −$5,100,000,000.

Fiscal year 2006:

(A) New budget authority, −$4,600,000,000.

(B) Outlays, −$5,200,000,000.

Fiscal year 2007:

(A) New budget authority, −$5,200,000,000.

(B) Outlays, −$5,800,000,000.

Fiscal year 2008:

(A) New budget authority, −$5,300,000,000.

(B) Outlays, −$5,900,000,000.

Fiscal year 2009:

(A) New budget authority, −$5,300,000,000.

(B) Outlays, −$5,900,000,000.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, −$34,300,000,000.

(B) Outlays, −$34,300,000,000.

Fiscal year 2001:

(A) New budget authority, −$36,900,000,000.

(B) Outlays, −$36,900,000,000.

Fiscal year 2002:

(A) New budget authority, −$43,600,000,000.

(B) Outlays, −$43,600,000,000.

Fiscal year 2003:

(A) New budget authority, −$37,000,000,000.

(B) Outlays, −$37,000,000,000.

Fiscal year 2004:

(A) New budget authority, −$37,100,000,000.

(B) Outlays, −$37,100,000,000.

Fiscal year 2005:

(A) New budget authority, −$38,100,000,000.

(B) Outlays, −$38,100,000,000.

Fiscal year 2006:

(A) New budget authority, −$38,800,000,000.

(B) Outlays, −$38,800,000,000.

Fiscal year 2007:

(A) New budget authority, −$40,100,000,000.

(B) Outlays, −$40,100,000,000.

Fiscal year 2008:

(A) New budget authority, −$40,900,000,000.

(B) Outlays, −$40,900,000,000.

Fiscal year 2009:

(A) New budget authority, −$41,800,000,000.

(B) Outlays, −$41,800,000,000.

SEC. 4. RECONCILIATION.

Not later than September 30, 1999, the House Committee on Ways and Means shall report to the House a reconciliation bill that consists of changes in laws within its jurisdiction such that the total level of revenues is not less than: $1,408,500,000,000 in revenues for fiscal year 2000, $7,416,800,000,000 in revenues for fiscal years 2000 through 2004, and $16,155,700,000,000 in revenues for fiscal years 2000 through 2009.

SEC. 5. SAFE DEPOSIT BOX FOR SOCIAL SECURITY SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are off-budget for purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used to implicitly finance the general operations of the Federal government;

(4) in fiscal year 2000, the social security surplus will exceed $137 billion;

(5) for the first time, a concurrent resolution on the budget balances the Federal budget without counting social security surpluses; and

(6) the only way to ensure that social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses.

(b) POINT OF ORDER.—(1) It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year. For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974. In setting forth the deficit level pursuant to such section, that level shall not include any adjustments in aggregates that would be made pursuant to any reserve fund that provides for adjustments in allocations and aggregates for legislation that enhances retirement security or extends the solvency of the medicare trust funds or makes such changes in the medicare payment or benefit structure as are necessary.

(2) Paragraph (1) may be waived in the Senate only by the affirmative vote of three-fifths of the Members voting.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) beginning with fiscal year 2000, legislation should be enacted to require any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Government of surplus or deficit totals of the budget of the Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such offices or any other such agency or instrumentality, should exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(2) legislation should be considered to augment subsection (b) by—

(A) taking such steps as may be required to safeguard the social security surpluses, such as statutory changes equivalent to the reserve fund for retirement security and medicare set forth in section 6; or

(B) otherwise establishing a statutory limit on debt held by the public and reducing such limit by the amount of the social security surpluses.

SEC. 6. RESERVE FUND FOR RETIREMENT SECURITY AND, AS NEEDED, MEDICARE.

(a) RETIREMENT SECURITY.—Whenever the Committee on Ways and Means of the House reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that enhances retirement security, the chairman of the Committee on the Budget may—

(1) increase the appropriate allocations for each of fiscal years 2000 through 2004 and aggregates for each of fiscal years 2000 through 2009 of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for such fiscal year for that purpose; and

(2) reduce the revenue aggregates for each of fiscal years 2000 through 2009 by the amount of the revenue loss resulting from that measure for such fiscal year for that purpose.

(b) MEDICARE PROGRAM.—Whenever the Committee on Ways and Means or the Committee on Commerce of the House reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted that extends the solvency or reforms the benefit or payment structure of the medicare program including any measure in response to the National Bipartisan Commission on the Future of Medicare, the chairman of the Committee on the Budget may increase the appropriate allocations and aggregates of new budget authority and outlays by the amounts provided in that bill for that purpose.

(c) LIMITATION.—(1) The chairman of the Committee on the Budget may only make adjustments under subsection (a) or (b) if the net outlay increase plus revenue reduction resulting from any measure referred to in those subsections (including any prior adjustments made for any other such measure) for fiscal year 2000, the period of fiscal years 2000 through 2004, or the period of fiscal years 2000 through 2009 is not greater than an amount equal to the projected social security surplus for such period, as set forth in the joint explanatory statement of managers accompanying this concurrent resolution or, if published, the midsession review for fiscal year 2000 of the Director of the Congressional Budget Office. For purposes of the preceding sentence, revenue reductions shall be treated as a positive number.

(2) In the midsession review for fiscal year 2000, the Director of the Congressional Budget Office in consultation with the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall make an up-to-date estimate of the projected surpluses in the social security trust funds for fiscal year 2000, for the period of fiscal years 2000 through 2004, and for the period of fiscal years 2000 through 2009.

(3) As used in this subsection, the term "social security trust funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 7. RESERVE FUND FOR PROGRAMS AUTHORIZED UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—In the House, when the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted that provides new budget authority for fiscal year 2000, 2001, 2002, 2003, or 2004 for programs authorized under the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may increase the appropriate allocations and aggregates of new budget authority and outlays by an amount not to exceed the amount of new budget authority provided by that measure (and outlays flowing therefrom) for that purpose up to the maximum amount consistent with section 611(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(a)(2)).

(b) ADJUSTMENTS.—The adjustments in outlays (and the corresponding amount of new budget authority) made under subsection (a) for any fiscal year may not exceed the amount by which an up-to-date projection of the on-budget surplus made by the Director of the Congressional Budget Office for that fiscal year exceeds the on-budget surplus for that fiscal year set forth in section 2(4) of this resolution.

(c) CBO PROJECTIONS.—Upon the request of the chairman of the Committee on the Budget of the House, the Director of the Congressional Budget Office shall make an up-to-date estimate of the projected on-budget surplus for the applicable fiscal year.

SEC. 8. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 9. UPDATED CBO PROJECTIONS.

Each calendar quarter the Director of the Congressional Budget Office shall make an up-to-date estimate of receipts, outlays and surplus (on-budget and off-budget) for the current fiscal year.

SEC. 10. SENSE OF CONGRESS ON THE COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) FINDINGS.—Congress finds that—

(1) persecution of individuals on the sole ground of their religious beliefs and practices occurs in countries around the world and affects millions of lives;

(2) such persecution violates international norms of human rights, including those established in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, and the Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief;

(3) such persecution is abhorrent to all Americans, and our very Nation was founded on the principle of the freedom to worship according to the dictates of our conscience; and

(4) in 1998 Congress unanimously passed, and President Clinton signed into law, the International Religious Freedom Act of 1998, which established the United States Commission on International Religious Freedom to monitor facts and circumstances of violations of religious freedom and authorized $3,000,000 to carry out the functions of the Commission for each of fiscal years 1999 and 2000.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) this resolution assumes that $3,000,000 will be appropriated within function 150 for fiscal year 2000 for the United States Commission on International Religious Freedom to carry out its duties; and

(2) the House Committee on Appropriations is strongly urged to appropriate such amount for the Commission.

SEC. 11. SENSE OF THE HOUSE ON PROVIDING ADDITIONAL DOLLARS TO THE CLASSROOM.

(a) FINDINGS.—The House finds that—

(1) strengthening America's public schools while respecting State and local control is critically important to the future of our children and our Nation;

(2) education is a local responsibility, a State priority, and a national concern;

(3) working with the Nation's governors, parents, teachers, and principals must take place in order to strengthen public schools and foster educational excellence;

(4) the consolidation of various Federal education programs will benefit our Nation's children, parents, and teachers by sending more dollars directly to the classroom; and

(5) our Nation's children deserve an educational system that will provide opportunities to excel.

(b) Sense of the House.—It is the sense of the House that—

(1) the House should enact legislation that would consolidate thirty-one Federal K–12 education programs; and

(2) the Department of Education, the States, and local educational agencies should work together to ensure that not less than 95 percent of all funds appropriated for the purpose of carrying out elementary and secondary education programs administered by the Department of Education is spent for our children in their classrooms.

SEC. 12. SENSE OF CONGRESS ON ASSET-BUILDING FOR THE WORKING POOR.

(a) Findings.—Congress finds that—

(1) 33 percent of all American households have no or negative financial assets and 60 percent of African-American households have no or negative financial assets;

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of caucasian children and 75 percent of African-American children;

(3) in order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established;

(4) across the Nation numerous small public, private, and public-private asset-building initiatives (including individual development account programs) are demonstrating success at empowering low-income workers;

(5) the Government currently provides middle and upper income Americans with hundreds of billions of dollars in tax incentives for building assets; and

(6) the Government should utilize tax laws or other measures to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) Sense of Congress.—It is the sense of Congress that any changes in tax law should include provisions which encourage low-income workers and their families to save for buying their first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 13. SENSE OF CONGRESS ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) Access to Health Insurance.—

(1) Findings.—Congress finds that—

(A) 43.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families and children will suffer from reduced access to health insurance.

(2) Sense of Congress on Improving Access to Health Care Insurance.—It is the sense of Congress that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) Preserving Home Health Service For All Medicare Beneficiaries.—

(1) Findings.—Congress finds that—

(A) the Balanced Budget Act of 1997 reformed medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers, added $900 million in funding, and delayed the automatic 15 percent payment reduction for one year, to October 1, 2000; and

(C) patients whose care is more extensive and expensive than the typical medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) Sense of congress on access to home health care.—It is the sense of Congress that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical medicare patient, including the sickest and frailest medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the interim payment system and ensure timely implementation of the prospective payment system.

SEC. 14. SENSE OF THE HOUSE ON MEDICARE PAYMENT.

(a) Findings.—The House finds that—

(1) a goal of the Balanced Budget Act of 1997 was to expand options for medicare beneficiaries under the new Medicare+Choice program;

(2) Medicare+Choice was intended to make these choices available to all medicare beneficiaries; and unfortunately, during the first two years of the Medicare+Choice program the blended payment was not implemented, stifling health care options and continuing regional disparity among many counties across the United States; and

(3) the Balanced Budget Act of 1997 also established the National Bipartisan Commission on the Future of Medicare to develop legislative recommendations to address the long-term funding challenges facing medicare.

(b) Sense of the House.—It is the sense of the House that this resolution assumes that funding of the Medicare+Choice program is a priority for the House Committee on the Budget before financing new programs and benefits that may potentially add to the imbalance of payments and benefits in Fee-for-Service Medicare and Medicare+Choice.

SEC. 15. SENSE OF THE HOUSE ON ASSESSMENT OF WELFARE-TO-WORK PROGRAMS.

(a) In General.—It is the sense of the House that, recognizing the need to maximize the benefit of the Welfare-to-Work Program, the Secretary of Labor should prepare a report on Welfare-to-Work Programs pursuant to section 403(a)(5) of the Social Security Act. This report should include information on the following—

(1) the extent to which the funds available under such section have been used (including the number of States that have not used any of such funds), the types of programs that have received such funds, the number of and characteristics of the recipients of assistance under such programs, the goals of such programs, the duration of such programs, the costs of such programs, any evidence of the effects of such programs on such recipients, and accounting of the total amount expended by the States from such funds, and the rate at which the Secretary expects such funds to be expended for each of the fiscal years 2000, 2001, and 2002;

(2) with regard to the unused funds allocated for Welfare-to-Work for each of fiscal years 1998 and 1999, identify areas of the Nation that have unmet needs for Welfare-to-Work initiatives; and

(3) identify possible Congressional action that may be taken to reprogram Welfare-to-Work funds from States that have not utilized previously allocated funds to places of unmet need, including those States that have rejected or otherwise not utilized prior funding.

(b) Report.—It is the sense of the House that, not later than January 1, 2000, the Secretary of Labor should submit to the Committee on the Budget and the Committee on Ways and Means of the House and the Committee on Finance of the Senate, in writing, the report described in subsection (a).

SEC. 16. SENSE OF CONGRESS ON PROVIDING HONOR GUARD SERVICES FOR VETERANS' FUNERALS.

It is the sense of Congress that all relevant congressional committees should make every effort to provide sufficient resources so that an Honor Guard, if requested, is available for veterans' funerals.

SEC. 17. SENSE OF CONGRESS ON CHILD NUTRITION.

(a) Findings.—Congress finds that—

(1) both Republicans and Democrats understand that an adequate diet and proper nutrition are essential to a child's general wellbeing;

(2) the lack of an adequate diet and proper nutrition may adversely affect a child's ability to perform up to his or her ability in school;

(3) the Government currently plays a role in funding school nutrition programs; and

(4) there is a bipartisan commitment to helping children learn.

(b) Sense of Congress.—It is the sense of Congress that the Committee on Education and the Workforce and the Committee on Agriculture should examine our Nation's nutrition programs to determine if they can be improved, particularly with respect to services to low-income children.

The CHAIRMAN. No further amendment is in order except the amendments printed in part 2 of that report. Each amendment may be offered only in the order printed in the report, may be offered only by the Member designated in the report, shall be considered read, shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

After conclusion of consideration of the concurrent resolution for amendment, there shall be a final period of general debate which shall not exceed 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 106–77.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute printed in part 2 of House Report 106–77 offered by Mr. Coburn:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2000 and that the appropriate budgetary levels for fiscal years 2001 through 2004 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2004:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,406,000,000,000.
Fiscal year 2001: $1,445,300,000,000.
Fiscal year 2002: $1,507,900,000,000.
Fiscal year 2003: $1,562,800,000,000.
Fiscal year 2004: $1,631,800,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $11,000,000,000.
Fiscal year 2001: $10,600,000,000.
Fiscal year 2002: $10,600,000,000.
Fiscal year 2003: $10,000,000,000.
Fiscal year 2004: $9,500,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,549,400,000,000.
Fiscal year 2001: $1,588,700,000,000.
Fiscal year 2002: $1,648,100,000,000.
Fiscal year 2003: $1,717,900,000,000.
Fiscal year 2004: $1,798,500,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,535,200,000,000.
Fiscal year 2001: $1,564,800,000,000.
Fiscal year 2002: $1,634,600,000,000.
Fiscal year 2003: $1,702,000,000,000.
Fiscal year 2004: $1,780,600,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2000: $129,200,000,000.
Fiscal year 2001: $119,500,000,000.
Fiscal year 2002: $126,700,000,000.
Fiscal year 2003: $139,200,000,000.
Fiscal year 2004: $148,800,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,778,400,000,000.
Fiscal year 2001: $5,999,300,000,000.
Fiscal year 2002: $6,242,400,000,000.
Fiscal year 2003: $6,497,800,000,000.
Fiscal year 2004: $6,764,500,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2004 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $280,500,000,000.
(B) Outlays, $283,300,000,000.
Fiscal year 2001:
(A) New budget authority, $300,200,000,000.
(B) Outlays, $285,000,000,000.
Fiscal year 2002:
(A) New budget authority, $302,000,000,000.
(B) Outlays, $293,700,000,000.
Fiscal year 2003:
(A) New budget authority, $312,400,000,000.
(B) Outlays, $303,800,000,000.
Fiscal year 2004:
(A) New budget authority, $321,200,000,000.
(B) Outlays, $313,800,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $16,700,000,000.
Fiscal year 2001:
(A) New budget authority, $16,400,000,000.
(B) Outlays, $17,500,000,000.
Fiscal year 2002:
(A) New budget authority, $15,500,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2003:
(A) New budget authority, $17,400,000,000.
(B) Outlays, $17,400,000,000.
Fiscal year 2004:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,600,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $19,300,000,000.
(B) Outlays, $18,800,000,000.
Fiscal year 2001:
(A) New budget authority, $19,500,000,000.
(B) Outlays, $19,100,000,000.
Fiscal year 2002:
(A) New budget authority, $19,400,000,000.
(B) Outlays, $19,300,000,000.
Fiscal year 2003:
(A) New budget authority, $19,400,000,000.
(B) Outlays, $19,100,000,000.
Fiscal year 2004:
(A) New budget authority, $19,400,000,000.
(B) Outlays, $19,200,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $1,200,000,000.
(B) Outlays, $100,000,000.
Fiscal year 2001:
(A) New budget authority, $1,300,000,000.
(B) Outlays, $−600,000,000.
Fiscal year 2002:
(A) New budget authority, $1,100,000,000.
(B) Outlays, $100,000,000.
Fiscal year 2003:
(A) New budget authority, $1,100,000,000.
(B) Outlays, $0.
Fiscal year 2004:
(A) New budget authority, $800,000,000.
(B) Outlays, $−200,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $24,100,000,000.
Fiscal year 2001:
(A) New budget authority, $24,000,000,000.
(B) Outlays, $24,200,000,000.
Fiscal year 2002:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $24,000,000,000.
Fiscal year 2003:
(A) New budget authority, $24,000,000,000.
(B) Outlays, $24,100,000,000.
Fiscal year 2004:
(A) New budget authority, $24,000,000,000.
(B) Outlays, $24,000,000,000.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $13,600,000,000.
Fiscal year 2001:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $11,400,000,000.
Fiscal year 2002:
(A) New budget authority, $11,200,000,000.
(B) Outlays, $9,500,000,000.
Fiscal year 2003:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $9,800,000,000.
Fiscal year 2004:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $10,000,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $11,100,000,000.
(B) Outlays, $5,800,000,000.
Fiscal year 2001:
(A) New budget authority, $11,800,000,000.
(B) Outlays, $6,900,000,000.
Fiscal year 2002:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $11,300,000,000.
Fiscal year 2003:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $11,900,000,000.
Fiscal year 2004:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $11,500,000,000.

(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $54,200,000,000.
(B) Outlays, $48,100,000,000.
Fiscal year 2001:
(A) New budget authority, $545,500,000,000.
(B) Outlays, $50,400,000,000.
Fiscal year 2002:
(A) New budget authority, $55,600,000,000
(B) Outlays, $50,700,000,000.
Fiscal year 2003:
(A) New budget authority, $57,800,000,000.
(B) Outlays, $52,700,000,000.
Fiscal year 2004:
(A) New budget authority, $59,000,000,000.
(B) Outlays, $53,800,000,000.

(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $11,900,000,000.
(B) Outlays, $10,900,000,000.
Fiscal year 2001:
(A) New budget authority, $9,100,000,000.
(B) Outlays, $10,900,000,000.
Fiscal year 2002:
(A) New budget authority, $9,100,000,000.
(B) Outlays, $10,900,000,000.
Fiscal year 2003:
(A) New budget authority, $9,200,000,000.
(B) Outlays, $10,200,000,000.
Fiscal year 2004:
(A) New budget authority, $9,200,000,000.
(B) Outlays, $9,700,000,000.

(10) Elementary and Secondary Education, and Vocational Education (501):
Fiscal year 2000:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $20,000,000,000.
Fiscal year 2001:
(A) New budget authority, $22,700,000,000.
(B) Outlays, $21,900,000,000.
Fiscal year 2002:
(A) New budget authority, $22,700,000,000.
(B) Outlays, $22,700,000,000.
Fiscal year 2003:
(A) New budget authority, $22,700,000,000.
(B) Outlays, $22,800,000,000.
Fiscal year 2004:
(A) New budget authority, $22,700,000,000.
(B) Outlays, $22,800,000,000.

(11) Higher Education, Training, Employment, and Social Services (500, except for 501):
Fiscal year 2000:
(A) New budget authority, $46,600,000,000.
(B) Outlays, $44,300,000,000.
Fiscal year 2001:
(A) New budget authority, $46,600,000,000.
(B) Outlays, $46,800,000,000.
Fiscal year 2002:

(A) New budget authority, $46,200,000,000.
(B) Outlays, $46,400,000,000.
Fiscal year 2003:
(A) New budget authority, $47,700,000,000.
(B) Outlays, $47,700,000,000.
Fiscal year 2004:
(A) New budget authority, $48,100,000,000.
(B) Outlays, $47,700,000,000.
(12) Health (550):
Fiscal year 2000:
(A) New budget authority, $157,700,000,000.
(B) Outlays, $153,600,000,000.
Fiscal year 2001:
(A) New budget authority, $166,800,000,000.
(B) Outlays, $165,400,000,000.
Fiscal year 2002:
(A) New budget authority, $176,300,000,000.
(B) Outlays, $177,200,000,000.
Fiscal year 2003:
(A) New budget authority, $188,400,000,000.
(B) Outlays, $189,400,000,000.
Fiscal year 2004:
(A) New budget authority, $202,000,000,000.
(B) Outlays, $202,800,000,000.
(13) Medicare (570):
Fiscal year 2000:
(A) New budget authority, $207,300,000,000.
(B) Outlays, $207,300,000,000.
Fiscal year 2001:
(A) New budget authority, $220,000,000,000.
(B) Outlays, $220,100,000,000.
Fiscal year 2002:
(A) New budget authority, $228,800,000,000.
(B) Outlays, $228,400,000,000.
Fiscal year 2003:
(A) New budget authority, $248,900,000,000.
(B) Outlays, $249,000,000,000.
Fiscal year 2004:
(A) New budget authority, $266,700,000,000.
(B) Outlays, $266,900,000,000.
(14) Income Security (600):
Fiscal year 2000:
(A) New budget authority, $256,600,000,000.
(B) Outlays, $259,000,000,000.
Fiscal year 2001:
(A) New budget authority, $268,800,000,000.
(B) Outlays, $271,800,000,000.
Fiscal year 2002:
(A) New budget authority, $282,100,000,000.
(B) Outlays, $285,300,000,000.
Fiscal year 2003:
(A) New budget authority, $291,100,000,000.
(B) Outlays, $295,100,000,000.
Fiscal year 2004:
(A) New budget authority, $301,700,000,000.
(B) Outlays, $304,000,000,000.
(15) Social Security (650):
Fiscal year 2000:
(A) New budget authority, $99,000,000,000.
(B) Outlays, $99,100,000,000.
Fiscal year 2001:
(A) New budget authority, $84,900,000,000.
(B) Outlays, $84,800,000,000.
Fiscal year 2002:
(A) New budget authority, $107,200,000,000.
(B) Outlays, $107,200,000,000.
Fiscal year 2003:
(A) New budget authority, $106,700,000,000.
(B) Outlays, $106,600,000,000.
Fiscal year 2004:
(A) New budget authority, $126,000,000,000.
(B) Outlays, $126,000,000,000.
(16) Veterans Benefits and Services (700):
Fiscal year 2000:
(A) New budget authority, $43,800,000,000.
(B) Outlays, $43,900,000,000.
Fiscal year 2001:
(A) New budget authority, $44,400,000,000.
(B) Outlays, $44,900,000,000.
Fiscal year 2002:
(A) New budget authority, $45,000,000,000.
(B) Outlays, $45,300,000,000.
Fiscal year 2003:
(A) New budget authority, $45,500,000,000.
(B) Outlays, $45,900,000,000.
Fiscal year 2004:
(A) New budget authority, $45,900,000,000.
(B) Outlays, $46,300,000,000.
(17) Administration of Justice (750):
Fiscal year 2000:
(A) New budget authority, $26,600,000,000.
(B) Outlays, $26,600,000,000.
Fiscal year 2001:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $27,200,000,000.
Fiscal year 2002:
(A) New budget authority, $27,200,000,000.
(B) Outlays, $27,100,000,000.
Fiscal year 2003:
(A) New budget authority, $26,900,000,000.
(B) Outlays, $27,000,000,000.
Fiscal year 2004:
(A) New budget authority, $26,900,000,000.
(B) Outlays, $27,000,000,000.
(18) General Government (800):
Fiscal year 2000:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $14,900,000,000.
Fiscal year 2001:
(A) New budget authority, $14,600,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2002:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $14,400,000,000.
Fiscal year 2003:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $14,300,000,000.
Fiscal year 2004:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $14,400,000,000.
(19) Net Interest (900):
Fiscal year 2000:
(A) New budget authority, $278,100,000,000.
(B) Outlays, $278,100,000,000.
Fiscal year 2001:
(A) New budget authority, $279,500,000,000.
(B) Outlays, $279,500,000,000.
Fiscal year 2002:
(A) New budget authority, $282,000,000,000.
(B) Outlays, $282,000,000,000.
Fiscal year 2003:
(A) New budget authority, $286,400,000,000.
(B) Outlays, $286,400,000,000.
Fiscal year 2004:
(A) New budget authority, $291,900,000,000.
(B) Outlays, $291,900,000,000.
(20) Allowances (920):
Fiscal year 2000:
(A) New budget authority, $0.
(B) Outlays, $1,400,000,000.
Fiscal year 2001:
(A) New budget authority, $3,000,000,000.
(B) Outlays, $2,300,000,000.
Fiscal year 2002:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $4,400,000,000.
Fiscal year 2003:
(A) New budget authority, $9,000,000,000.
(B) Outlays, $7,000,000,000.
Fiscal year 2004:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $9,900,000,000.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 2000:
(A) New budget authority, $−35,000,000,000.
(B) Outlays, $−35,000,000,000.
Fiscal year 2001:
(A) New budget authority, $−39,400,000,000.
(B) Outlays, $−39,400,000,000.
Fiscal year 2002:
(A) New budget authority, $−43,100,000,000.
(B) Outlays, $−43,100,000,000.
Fiscal year 2003:
(A) New budget authority, $−38,200,000,000.
(B) Outlays, $−38,200,000,000.
Fiscal year 2004:
(A) New budget authority, $−38,500,000,000.
(B) Outlays, $−38,500,000,000.

SEC. 4. RECONCILIATION.

Not later than September 30, 1999, the House Committee on Ways and Means shall report to the House a reconciliation bill that consists of changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,406,000,000,000 in revenues for fiscal year 2000 and $7,553,900,000,000 in revenues for fiscal years 2000 through 2004.

PARLIAMENTARY INQUIRY

Mr. SPRATT. Mr. Chairman, I rise to raise a parliamentary point of order.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SPRATT. Mr. Chairman, do the rules of the House require that an offeror of the amendment be a supporter and proponent of the amendment that he offers and proposes to the House?

The CHAIRMAN. House Resolution 131 explicitly makes it in order for the gentleman from Oklahoma to offer this amendment. The Chair does not assess the attitude of the gentleman from Oklahoma toward the proposition.

Mr. SPRATT. Would it be in order to ask if the gentleman does indeed support this, or if he is offering it for dilatory purposes?

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. COBURN. To speak in favor of my amendment, Mr. Chairman.

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason I am offering this amendment is because millions of dollars and nearly 1,000 people in the executive branch spent time preparing this budget. The President spoke in his State of the Union speech. He outlined the plans that he would submit.

The reason I am offering this budget is because it is fair to the President to debate his issues. It is ironic that nobody from his party would submit his budget.

There is no question I have great disagreements with many aspects of the budget, but the American people deserve to hear his budget outlined as scored by the CBO, as every other budget that will be presented on this floor, and what it actually says, because it is my contention that the budget that is presented does not go along with what the President said in his State of the Union speech. I hope through this discussion and with the ranking member of the Committee on the Budget, that we will find out where that is.

There is no intention to deceive anybody. It is an honest and sincere desire to make sure that this budget is considered. But I think it is also implicit on us to use the same scoring mechanisms, assuming all the assumptions in his budget, that we would do that.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 20 minutes in opposition to the amendment.

PARLIAMENTARY INQUIRY.

Mr. NUSSLE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. Would the gentleman from Iowa (Mr. NUSSLE) state his parliamentary inquiry?

Mr. NUSSLE. Yes. Is the gentleman who has claimed the time in opposition to this amendment opposed to the amendment?

The CHAIRMAN. The Chair has already established that he is in opposition to the amendment. He is entitled to 20 minutes of debate.

The gentleman from South Carolina (Mr. SPRATT) is recognized.

Mr. SPRATT. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I would first like to say that we have a letter from Jacob J. Lew, director of the Office of Management and Budget, saying that he is informed that the gentleman from Oklahoma (Mr. COBURN) will be offering a substitute to the budget resolution today.

> This amendment is being characterized as the President's budget. The Administration has not been consulted in the development of this amendment. It is our understanding that it is based on a set of assumptions that is quite different from those presented in the President's budget. Therefore, we do not support the amendment.

While we are talking about the President's budget, though, and drawing comparisons and contrasts, let me take just a minute to point out a very significant difference between the Republican budget and the President's budget.

The President sent up early this year a request to increase defense by $84 billion over the next 6 years, $68 billion of which would fall in the next 5 years. As Members can see, the President has proposed a pretty robust defense budget starting this year and continuing through the 10-year time frame of the budget to the point where it reaches nearly $385 billion.

Let me point out two factors in the Republican budget which really work against the claim, undercut the claim, that their budget is supportive of national defense.

First of all, in the first 5 years of their budget they offer $29 billion more than the President, $29.6 billion in budget authority. Members can only use budget authority, as the gentleman from Washington (Mr. DICKS) earlier said, if it has outlays to back it up. Outlays are money we can spend.

In giving spending authority to the Pentagon, their budget in the first 5 years matches the $30 billion increase in defense spending budget authority. With only $5.2 billion, only one-sixth of the money they are putting up can actually be used in this period of time. So in the first 5 years, while they sort of beat their breast and say, look what we are doing for defense over and above the President, in truth, they pull this punch by not providing the outlays to back it up.

In the second period of time this chart very graphically shows what happens to their defense budget and where they put their preferences. Because in the year 2004 their defense budget peaks, and thereafter it is the black line on this chart, it is flat as a pancake. It never increases in the next 5 years more than $1 billion.

What is wrong with that? That is the period when the procurement holiday is over. That is the period when the F-22 and the V-22 and the joint strike fighter and missile defense and everything else is going to be procured. That is when we need the money more than ever.

What happens in the Republican budget? It bottoms out. Why does it bottom out? Because when they were forced to choose between national defense and tax cuts, they opted clearly for tax cuts, so much so that they plotted an out year budget that is totally unrealistic.

I asked the gentleman from Texas (Mr. ARMEY) on the floor the other day, when he came to speak in support of missile defense, how in the world was he going to pay for it? Because that is the time frame when he would be deploying missile defense, putting the satellites in space, the ground interceptors in place.

He said, I can say that our numbers are real. That is the thing that worries me, this is a real number. Their tax cut will make impossible any increase in defense in those years to do the things they say and purport they want to do for national defense. Their budget is a disaster for national defense compared to the President's budget.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our staff was in contact with one Elizabeth Gore and outlined our plans. She had no objections to the assumptions that we made on that.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think it is important that we have this debate. As the gentleman from Oklahoma mentioned, the President and his team spent literally $1 million putting their budget together. I think it deserves careful consideration by the Members of this body.

□ 1530

First of all, I want to point out a chart we have used all day, and I think it is important because there are clear distinctions and differences between our plan and the President's plan.

We believe that every penny of Social Security taxes should go only for Social Security. There is a difference there between us and the President. If my colleagues look at the difference in the plan, and again these are not our numbers, these are from the Congressional Budget Office, we secure $1.8 trillion for Medicare and Social Security over the next 10 years. The President is somewhere in the neighborhood of $1.65 trillion.

I want to give some credit to the gentleman from South Carolina (Mr. SPRATT), the Democrats and the Blue Dog budget. In fact, in some respects, we should feel honored because, in many respects, their budget looks a lot more like our budget than it does the President's budget.

But one of the biggest differences between the various budget plans that are being offered here today is we believe that, once we have saved Social Security, once we have said that every penny of Social Security taxes will only go for Social Security, and then, secondly, we say we are going to live by the spending caps that we and the White House agreed to. I was there for the bill signing, and I think the gentleman from South Carolina (Mr. SPRATT) was there as well. It was a glorious day out on the White House lawn. We said we are going to live by these spending caps, and we are going to keep our word even if the President does not.

The President has in his budget exceeded the spending caps by about $30 billion. Again, to the credit of the gentleman from South Carolina (Mr. SPRATT) and the Blue Dogs, I think they do a better job of living by those spending caps.

But I think the biggest difference between our budget, the Blue Dog budget, and more importantly the President's budget is the President imposes about $45.8 billion, depending on whose scoring we use, but over the next 5 years, we are looking somewhere in the neighborhood of $46 billion in new taxes.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on Budget, for doing a yeoman's job today.

Mr. Chairman, the Coburn alternative is a sham, and the Republican budget is a failure. It fails our future retirees, it fails our veterans, it fails our families, and it fails our children and their education.

The Republican budget increases military spending, yet fails to itemize veterans' pay and retirement benefits and at the same time cuts funding for Head Start and after-school programs.

What is worse, now the Republicans are failing to use the projected $2.8 trillion surplus to extend the solvency of Social Security by even one day. Instead, the Republicans' plan gambles with the guarantee we have made to our seniors, our women, and our families by proposing tax cuts for the wealthiest in the Nation.

Do not forget, the Republican budget fails to use one red cent for Medicare, which benefits mainly the middle income folks and retirees in this Nation.

A responsible budget will save Social Security and Medicare, invest in our children and their education, support our veterans and our farmers, and give targeted tax relief to working Americans. The Republican budget fails in all of these areas and must be defeated.

Vote against the Coburn amendment. Vote against the Republican budget. Vote for the Democratic alternative.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just make mention of the fact that, in this budget, there are no specific targeted tax cuts for anyone. To continue to speak on this House floor about tax cuts for rich people, which is not our intention in the first place, but to say that is erroneous.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, the Constitution was established to provide for the common defense. However, at a time when the threat of rogue nations with nuclear weapons remain strong and the administration has ordered an unprecedented number of deployments, our troops and military are not as well equipped or as well provided for as yesterday.

Consider: For the first time in decades, we are failing to meet recruitment goals. For example, in 1998, the Navy missed its recruiting goals by 12 percent. Additionally, there is a 13½ percent wage gap between civilian and military pay. In fact, many military families need the assistance of food stamps just to survive.

My colleagues may be pondering this weakened state of U.S. military forces and feel alarmed about our current level of national security, but there is hope. The same President who has overseen this tremendous decline in our military has proposed a solution to undo the devastation.

First, the President proposes defense spending over the next 6 years, which is as much as $70 billion below the Defense Chiefs' requirements to maintain our current level of national security.

Second, the President realizes that the U.S. House, which declared that the U.S. should deploy a national missile defense system to protect our Nation and troops, is mistaken. That must be why he would rescind $230 million in funding for the development of a national missile defense.

To improve the financial condition of our military families, the President has slashed military construction funding, including money for military family housing, by $3.1 billion.

For those of my colleagues who desire to improve national security by inadequately funding our armed services, by stealing pledged funds from our national missile defense program, and by severely reducing construction for our military and its families, I urge their support for the Clinton-Gore budget.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

There has been a lot of complaints about the President's budget and how it treats the National Institutes of Health. As members of the committee know, I have been the author in the past of an amendment to double the size of our commitment to medical research through the National Institutes of Health. In fact, the committee defeated the amendment last year. They defeated it this year. In fact, the Republican controlled committee at one point, and the Republican House, wanted to cut the NIH by 5 percent.

Let us talk about the Republican budget that is before us today. If my colleagues look at what they have in the health function, they tell us in the very little detail they give us about their budget that they are going to double the size of the National Institutes of Health, but they actually cut the level below the baseline in the health function, which means that we are going to have to choose between community health centers, between WIC, Women and Infant Children programs. We are going to have to decide between nutrition programs and the NIH.

That is the problem with the Republican budget. They do not tell us where the cuts come from. They lock in $1 trillion tax cut on surpluses that we do not know whether they are going to come true or not. They bust the caps because they know that $28 billion in nondefense discretionary cuts they want to make just are not there. That is the problem with the budget.

So we can engage in theatrics today of writing up a budget that is not going to be given any real consideration because we do not want to look at the truth behind the majority's budget.

At the end of the day, we all know sometime in August or September or October we will get down to business and write a real budget. But a two-page budget like that that was put before the Committee on Budget with no detail, and the chairman, a good friend of mine, saying my Members do not want to talk about where we are going to make the cuts right now, is not a real budget.

The Republicans' budget is not a real budget. It does not increase NIH. If we were to follow this budget, we would be cutting community health centers, we would be cutting WIC, nutrition, all those programs that a bipartisan majority of Members of this body have supported in the past.

We can engage in theatrics, but at the end of the day, we are going to have to write a real budget like the Democratic budget.

Mr. COBURN. Mr. Chairman, may I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Oklahoma (Mr. COBURN) has 14 minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 12 minutes remaining.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to make a note that, last year, NIH was increased 14.5 percent in our budget. I would also like to make a note that WIC is not in the category that the gentleman from Texas (Mr. BENTSEN) just referred to and is not at risk at all under this budget.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I find there is much to disagree with in the Clinton budget, but I want to focus on two areas just in the 60 seconds that I have.

First of all, when the President's budget came before the Committee on Veterans' Affairs of which I serve and I am chairman of the Subcommittee on Health, the gentleman from Illinois (Mr. EVANS), the ranking member, said it was a pack of cards, house of cards. He recognized as well as all of the Republicans and Democrats that basically it was underfunded.

The second point is that, not only was it underfunded, but the whole budget process in terms of where they thought they would get the money to pay for the items they were talking about was not really there. Smoke and mirrors.

So the Republicans on the Committee on Veterans' Affairs supported increasing the amount of money for veterans, and we proposed an almost $2 billion increase. The Democrats on this side said they want to do $3 billion. We thought it out, and we decided that the compromise was $2 billion. We put forth that, and we passed it out of our committee. It passed with bipartisan support. There were about four Democrats who voted for the Republican position.

So I think the gentleman from Arizona (Chairman STUMP) and others were courageous in their attempt to increase the veterans budget, and I am glad we did.

Mr. Chairman. I want to compliment my colleague from Ohio, Chairman KASICH, for bringing his FY 2000 budget resolution to the floor today.

Thomas Jefferson stated:

> The same prudence which in private life would forbid our paying our own money for unexplained projects, forbids it in the dispensation of the public money.

These words still hold today.

I support the Kasich budget because it does what I believe needs to be done. It establishes a "safe deposit box" so that Social Security funds cannot be raided, it provides for debt reduction, controls spending while increasing defense spending, and provides much-needed tax relief. Furthermore, it increases funding for education and provides an increase of more than 1 billion for veterans health care over the President's budget.

I am troubled by the President's FY 2000 budget because it would increase domestic spending by $200 billion, increase taxes by over $100 billion, it would create 120 new government programs, and it would break the spending caps put in place in the Balanced Budget Act of 1997. Ironically, the President, who talks a good game when it comes to education, has proposed cutting special education (title VI block grants) by $375 million.

Mr. Chairman, I believe that passage of the President's budget would erode all the hard work and effort it has taken to cut wasteful spending and reduce the size of government.

While I find there is much to disagree with in the President's budget, I want to focus on two areas in his proposal that I find particularly intolerable.

As a veteran I find the administration's budget to be short of support for our Nation's men and women who served their country in time of need.

The President's budget is a mockery and I believe that he must be held accountable for sending us such a woefully inadequate VA budget, especially as it relates to VA medical care.

As chairman of the Veterans Subcommittee on Health, I know all too well how difficult it is to meet the health care needs of our Nation's veterans. In fact, when VA Secretary Togo West presented the administration's budget, I suggested that he might want to resubmit a new one because the one he was submitting seeks no funding increase for VA medical care above the 1999 baseline level. That makes our job even more difficult.

The President's budget doesn't address how the VA will find the money to pay for fixed cost increases of $870 million for inflation and salaries, at least $135 million in new costs for hepatitis, and estimated $250 million to meet emergency care obligations, increased medication and prosthetics of $150 million, and a shortfall of $100 million in medical collections. I have long believed that these third party payer collections should be a supplement to and not instead of guaranteed health care dollars.

The other area of concern I have is with how the President deals with Social Security. During the last election we heard a lot about saving Social Security. The President criticized Congress for not doing enough to save the Social Security program. He pledged to and I quote, "save Social Security first" and to dedicate 100 percent of the surplus for that purpose.

However, as is so often the case, what he says and what he does are sometimes at odds. The budget he presented to Congress uses not 100 percent of the surplus for Social Security. Not 90 percent, not 80 percent, not 70, but 60 percent of future surpluses would go to the trust fund. Now, Mr. President, which is it all of the surplus, 60 percent of the surplus, or will you change your mind again at some future date.

I don't think we should play politics with the budget, especially when it comes to our Nation's veterans and seniors. They made our country what it is today and I, for one believe we owe them a debt of gratitude. Smoke and mirrors to pay for your new programs is one thing, but breaking a pledge we made with these individuals is another.

I'm committed to making sure that our Nation's veterans and our seniors are treated with the dignity they deserve.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I think we have to start off with a simple question; and that is, how do we get $778 billion worth of tax cuts if we do not have someplace to look at in the budget?

So I am reminded, probably back in 1995, that we are back at the same issue. We are hitting the very same people that lose every time; that is the veterans, that is the elderly, the children, and the disabled. The facts are there.

I just heard the gentleman from Florida (Mr. STEARNS). We are putting $3 billion in. They are adding $1 billion. But the fact of the matter is ours keeps the money in there, and theirs would actually cut veterans over the next 5 years.

I want to know what happened to the promise to our veterans. I simply cannot believe, also, that we are looking at low income women and children and the disabled. We are going to cut, and 1 million low-income women, infants and children would lose nutrition assistance. In Florida, we found that to be the most successful program to have healthy children.

We do welfare reform. These people have to have places to take their children. What happens? We are looking at the fact of cutting, and 50,000 low-income children will lose their child care assistance under the Child Care and Development Block Grant.

But here is one that absolutely I do not get. I spend half of my time in the district with people that come in to talk to me that are trying to apply for SSI. They want to cut administrative expenses. Let me tell my colleagues, it is taking 2, 3, 4 years for these folks already to get their claims done. These people are losing their homes. Their children cannot go to college. We ought not to be slashing administrative expenses in this area. We ought to be bolstering this area. Then on top of that, we are going to cut and reduce Meals On Wheels, congregate dining sites.

Then I just hope that my colleagues can go home and talk to their constituents about this budget.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I would like to speak about a feature of the budget being offered by the Blue Dog Coalition and the budget that is being offered at this point by the majority.

The budget being offered by the majority, which is the President's budget, is using the Social Security surplus twice and claiming that this extends the life of the Social Security system to the year 2050. I am surprised that the majority would offer that type of a budget. I understand this is the President's budget. I must say that this is a point at which the Blue Dog Coalition disagrees with the President.

We feel that, if we are going to reform the Social Security system, it is incumbent upon us to do so on a forthright fashion, recognizing we have some very difficult decisions to make, and not assuming that we can extend the life of that system by simply giving it a pipeline into the general funds.

For this reason, we would like to urge that there be bipartisan support of the Blue Dog budget as opposed to the budget that is currently being advocated.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time, and I thank him for his outstanding leadership as we debate the budget.

This has been a very good debate because I think it highlights the differences between the two parties, and it gives the American people an opportunity to make some very fundamental choices.

On the one hand, the Democrats are saying that there are some very real and large problems in this country that need attention, problems like Social Security and extending the solvency of the Social Security program, problems like Medicare, extending solvency there, and problems like education, which needs our serious national attention.

On the other hand, the Republicans offer us the panacea of tax cuts, tax cuts that largely go to the wealthy. What happens in the Republican budget is this, the poor and the middle class count their tax breaks in terms of tens and hundreds. The wealthy count their tax breaks in terms of 10,000s.

These tax breaks that they talk about do not add to the solvency of Social Security by one day. They do not add to the solvency of Medicare by one day, nor do they address any of the education problems we have in this country. These tax cuts do not give us a single teacher. They do not give us a single additional classroom.

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POINT OF ORDER

Mr. SAM JOHNSON of Texas. Point of Order, Mr. Chairman.

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman will state his point of order.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I believe the speaker is off the subject at this time, and I do not believe that is proper.

The CHAIRMAN pro tempore. Will the gentleman repeat the point of order?

Mr. SAM JOHNSON of Texas. Sure. The gentleman is talking off subject.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. WYNN) will speak to the amendment pending.

Mr. WYNN. Mr. Chairman, I am not sure I understand the objection. I think it is more the gentleman does not like what I am saying as opposed to the relevancy of what I am saying.

The CHAIRMAN pro tempore. The Chair will remind all Members that they will speak to the amendment pending.

Mr. WYNN. Mr. Chairman, could the Chair specify what is the objection of the gentleman to the statement I am making?

The CHAIRMAN pro tempore. The gentleman must maintain a nexus to the budget amendment pending and the President's budget overall.

Mr. WYNN. Mr. Chairman, the point I was making is that in the context of debate on national policy, there must be areas of comparison and contrast. I was attempting to establish a contrast between the Democratic approach and the Republican approach.

They have now brought up a straw man and claimed this is what they are advocating, when actually they wanted to use the President's budget as a vehicle upon which to punch, a vehicle that we Democrats are not talking about. We Democrats are talking about a specific vehicle which I am in fact addressing, a vehicle that addresses Medicare, Social Security and education.

Now, I do not see how that is not relevant, but I can see how it might be disturbing to my Republican colleagues. The point is we have an important opportunity today to make a choice: a Republican approach that wants to hit a straw man and produce tax benefits for the very wealthy; or a Democratic approach that is fundamentally sound and addresses the key problems of America today.

I think we ought to opt for the Democratic approach.

Mr. COBURN. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I would like to point out that the gentleman who just spoke said we are not talking about the Clinton-Gore, the President's, budget. Quite frankly, he candidly said we do not want to talk about the Clinton-Gore budget. In reality, this is the Clinton-Gore budget and it is, in fact, what we are offering at this time on the floor.

Our position is this deserves to be discussed and to be debated. Millions of dollars were spent to develop this budget. If the Democrats do not want to offer it, we want to offer it and at least have some discussion of what is in it. So I understand the gentleman's embarrassment about not wanting to talk about the President's budget, but the facts are the facts.

So let us talk about that budget. My colleague, the gentleman from Minnesota (Mr. MINGE), on the other side, pointed out that the President's budget double counts the Social Security surplus and actually spends that amount of money twice. Let us talk about what the Republican budget versus the Clinton-Gore budget does with Social Security.

We save, as my colleagues understand, I hope, by now, 100 percent of that surplus. Beyond that, the President, by contrast, as scored by CBO, spends $158 billion of that surplus. I do not know how anyone can tell the American people they are saving it when they are spending $158 billion of it.

The second point I want to make is that one of my colleagues who just spoke on the other side said, well, I think the Republicans are ultimately going to bury the budget caps, after all, I do not think they are really going to live within the budget that they proposed.

I simply want to make the point that he can speculate all he wants about the Republican budget. In point of fact, this chart right here shows quite clearly the Republican budget on the floor today does not break the budget cap. We entered into negotiations in 1997, and we set statutory spending caps. Our budget on the floor today does not break those caps.

So my colleagues can speculate, but the fact is the President's budget does break the caps by $31 billion.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, there is a good bit of rhetoric being spoken here today. I think our Republican friends would understandably like to do anything other than compare straightforwardly the Democratic alternative and the Republican alternative that are before us today.

The facts are that in at least five critical aspects the Democratic product is vastly superior, and I do not think really anyone has challenged that effectively today.

First, the Democratic alternative extends Social Security solvency until 2050 and Medicare solvency to 2020. The Republican budget does not extend that one day.

POINT OF ORDER

Mr. COBURN. Point of order, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. COBURN. I believe the discussion is to be focused on the amendment at hand. The amendment at hand is the President's budget.

The CHAIRMAN pro tempore. The Chair will remind Members that the President's budget is pending, however the President's budget extends to everything affecting the United States budget.

Mr. PRICE of North Carolina. Absolutely. Every item that I am addressing is touched on by all these budget proposals. Again, parliamentary maneuvers, anything to avoid a direct comparison of the Democratic and Republican alternatives that are before us.

The second point of comparison: Over 10 years the Democratic budget pays down $146 billion more in public debt than the Republican budget.

Third point of comparison, education. Over 5 years, $10 billion more in the Democratic alternative for education, making it possible to reduce class size, to bring on 100,000 new teachers; making it possible to get our children out of trailers. And I speak as someone from a district where thousands of children are going to school in hundreds of trailers. In low-income areas, in high-growth areas, we simply must give our children the modernized facilities, the good equipment they deserve.

The fourth area of difference, tax cuts. The Democratic budget provides for targeted tax cuts; long-term care tax credits, child care tax credits, research and experimentation tax credits, and tax credits to let local school authorities get ahead of the curve in issuing school bonds.

Fifth, Veterans and veterans' health care. We discussed that earlier today. The Republican budget makes a show of boosting veterans' health care, does it in the first year only, and then actually cuts, cuts, veterans' health care $400 million below the freeze level over the next 5 years.

We could go on and on. There is no question the Democratic budget is fiscally responsible. There is no question it is targeted at areas of urgent national needs. It is far superior to the majority proposal, and I urge its adoption.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair will acknowledge that the amendment pending is the amendment offered by the gentleman from Oklahoma (Mr. COBURN), and in the future will refrain from characterizing it as the President's amendment.

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is clear the Democrat Members of this body do not want to talk about the President's budget proposal, because the President's budget proposal is the proposal to increase taxes on the American people.

POINT OF ORDER

Mr. SPRATT. Point of Order, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. SPRATT. The Chair just stated it should be referred to as the Coburn resolution rather than as the President's budget.

The CHAIRMAN pro tempore. The Members may debate the content of the amendment.

Mr. ARMEY. Mr. Chairman, it is no wonder that the proposal that is presented by the gentleman from Oklahoma (Mr. COBURN) that was presented to Congress on behalf of the White House——

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. ARMEY) will suspend for one moment, please.

The Chair will clarify his statement. The Chair will refrain from referring to the amendment of the gentleman from Oklahoma (Mr. COBURN) as the President's budget, however, the Members have every right to do so.

Mr. ARMEY. The President of the United States is proud to say that he is trying to set money aside for Social Security and Medicare and, yes, he does try, but he tries with some reservation because of his commitment to increase taxes and spending.

The fact is the Republicans set more money aside for Social Security and Medicare than the President does in his budget. After these funds are set aside, we discover that the American people will still, over the next decade, on average, pay over $5,000 in increased taxes beyond that which is necessary. We in the Republican Party believe we ought to give that money back to the people who earned it in the first place, but the President and the Democrats do not want to do that.

In fact, in a recent speech in Buffalo, President Clinton told us that we could, he says, "We could give it all back to you and hope you might spend it right, but," but he does not believe the American people can do that. We, however, believe the President should understand that we can spend our own money that we earn wisely and that he should not take more than what is necessary. So, after we set aside more money for Social Security and for Medicare than the President does, we think we ought to have a tax reduction.

The President says let us raise taxes, 80 different taxes, for a net of $52 billion over 5 years. And then, on top of everything else, the President raises taxes on whom? As this chart shows, precisely on the least income-earning Americans in the country. That is to say, the President wants to build government so badly that he is willing to hold back part of the payroll taxes of our young working Americans, who pay for the retirement security of America's seniors, so the President can instead use it for new government programs. And, in addition to that, levy $52 billion worth of increased taxes on the poorest of these working Americans.

I must say, I must say, given this inability to in fact save Social Security taxes for Social Security, to in fact restrain the growth of government, in the face of all the liberal demands of his constituency, and to in fact cut taxes instead of raising them as he does, and indeed raising them on the poorest of Americans, given the President's inability to do something other than these compulsive things, it is no wonder my colleagues on the Democrat side of the aisle do not want to talk about the President's budget. I would not want to either.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think my friend the majority leader is a little bit confused. The President has identified some revenue adjustments. The difference is the Republicans, through their Committee on the Budget Chair, admit that the Republicans are going to have them but they are not laying out what they are in terms of the offsets and the pre-increases.

I think, however, the more fundamental point is that they have it precisely wrong in terms of, unlike the President's proposal, they do not give tools to our communities to help them build more livable communities. Their budget fails to give the tools that communities need to help improve the quality of life, like the administration's budget does when it offers increased choices for citizens in areas of transportation, housing, regional planning, open space preservation, education and crime control. The Democratic alternative recognizes the importance of these initiatives.

The proposal from the Republicans would be a disaster, if there was any chance that it would ever be implemented. It siphons off nearly $1 trillion in tax cuts and pays for them with unnecessary and painful budget cuts, while ignoring key investments that are needed to make communities more liveable.

The good news is that it will not be adopted in this form, because even the Republicans have no intention of implementing it. The bad news is it is simply a license to avoid responsible budgeting.

I urge my colleagues to vote "no" and, instead, strive to produce a budget that promotes livable communities and fiscal stability.

Mr. COBURN. Mr. Chairman, may I inquire of the time on each side?

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. COBURN) has 8¼ minutes, and the gentleman from South Carolina (Mr. SPRATT) has 4½ minutes remaining.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, listening to my colleague talk about tools to build livable communities, I would point out in the Clinton-Gore budget some things they do for tools for livable communities.

The Clinton-Gore budget cuts State and local law enforcement assistance by $758 million. It reduces funding for State prison grants from $729 million to only $75 million.

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It eliminates local law enforcement block grants. And here is a great one. On January 28, 1999, Vice President AL GORE announced the Department of Justice would provide $28 million to help law enforcement agencies hire more police officers, the Community Oriented Police Services, COPS. Three days later, on February 3, President Clinton's budget, the budget we are debating right now, cut funding for COPS by $155 million. It does not seem to me that that is going to create more livable communities.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I rise against the Coburn amendment.

It is very often in these debates we have a great number of charts and a great deal of interpretation on what we are going to call the budget and how we are going to contour its label. But, in fact, there are certain fundamental differences that I think all Americans are starting to see in this debate.

One is that the President and those of us on the Democratic side of the aisle believe that Medicare is an important Federal program that aids many seniors and it should be shored up, it should be expanded, and we should cover prescription drugs. That is what we believe. That is not what the opponents believe.

We believe that schools are important, education is important, teachers are important, new construction for overcrowded schools. That is what we believe. This is what is in our value systems. That is what we believe the other side will not speak about because it is not what they believe.

We believe that it is important to pay down, to retire some of our Federal debt because every dollar that we pay into interest are dollars we cannot spend for all of the things that all of us here support, whether it be tax cuts, whether it be defense, whether it be education or anything else. These are fundamental dividing lines between us.

And they can hold up charts all they like, but we will never see the sponsors of this amendment talk about those three fundamental issues. It makes us wonder, do they not realize that these are the issues that motivate Americans?

Right now seniors pay more out of their own pocket than when the Medicare program was created in the 1960s, more today than at that time we declared a health care emergency. That is a shame and we should reverse that.

Mr. COBURN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I think it is very important that the gentleman raised the Medicare issue. Because, in fact, the statements of the President in his State of the Union do not match the budget, and that is one of the reasons his budget needs to be compared to.

As a physician who cares for Medicare patients, let me tell my colleagues what the President's budget does for Medicare. It freezes inpatient hospital payments. That is the first thing it does. So what that is going to do is shift the cost for everybody that is not Medicare, raise their cost for health care. So it is an indirect tax on everybody else in the country.

The second thing it does is it reduces laboratory services payments. They are all making a ton of money. It reduces prices paid for durable medical equipment, which has already been reduced by about 50 percent over the last 5 years. It imposes $194 million next year, $970 million over 5 years, and $1.94 billion over 10 years in new user fees on Medicare.

We cannot get doctors to care for a lot of our Medicare patients. Now we are going to charge them something every year if they are going to be a Medicare provider. We now are having trouble getting HMO firms to give care under the Medicare Plus Choice Plan. He has a charge, a tax on everybody that is a provider in a Medicare Plus Choice Plan.

So as we go through the things that the President said he wants to help save Medicare, in fact it is very, very different from that.

There is a total cut of $3.3 billion in Medicare, according to the CBO, over the next 10 years. This next year $1 billion is cut from Medicare by President Clinton through these and other things. That is not to mention the reduction in drug payments. The whole Medicare Commission failed over the fight over prescription drug benefits. And yet in his budget that he submits, which I am submitting so we can debate it, he cuts the Medicare prescription benefit that is out there. He cuts the drug payment for cancer drugs to keep people alive that are on Medicare.

So it is important that we talk about what is really in the President's budget. I understand why it was not offered, but it is still very important that we discuss what is in the budget.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Let me simply make clear that that is not in our budget, not in the Spratt substitute.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I wonder why there is such a desire to discuss the President's budget when it is not before us. I know there is no merit. I gather there is great delight in discussing irrelevant things. I cannot imagine why we would do that.

Let me tell my colleagues why I support the Democrat alternative. The Democrat alternative stands up for families, stands up for children, stands up for seniors, stands up for rural communities. It indeed cuts taxes. But it does not do what the Republican budget does. Now that is before us. The Republican budget is before us, and it cuts taxes using the greatest amount of resources to give the least amount of benefit to taxes.

We target our tax cut to make sure that we respect child care needs, we respect long-term care in terms of needing health care for our seniors. All of those are part of our targeted tax reduction. What we do in our spending and what we do in our tax laws says a lot about who we are. Our priorities for spending, our tax policy says to the world what things are important.

I submit to my colleagues that the Republican budget says it does not care for children, it does not care for schoolchildren in the way that it should, it does not care for seniors in the way it proposes to do, it does not care for rural families in the way that they claim they do.

Indeed, my colleagues should support the Democrat alternative, which does what it says, and not discuss the President's budget, which is not relevant in this discussion.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, what is amazing to me is that despite the record high taxes on the American people and unprecedented surpluses, what does the President's budget propose? More taxes, over $100 billion in new taxes and fees. And what does he propose to do with these new taxes? More big government programs and more spending.

Now, usually I try to illustrate my points with legible charts. But I am afraid that the only way I could fit all of the President's new taxes and fees and all of his new spending programs was to do it on these charts. I ask my colleagues to do the best they can to read them.

But the point is, how does the President pay for all of this new spending? He spends over $100 billion of the Social Security surplus during the next 5 years, eliminates or underfunds programs like special education and NIH research, reduces Medicare payments, and again proposes over $100 billion in new taxes and fees.

In conclusion, I just want to urge my colleagues to vote against the President's budget, vote against the new spending and new programs made possible by raiding Social Security and raising taxes.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. SABO) who wishes to rise and speak in support of the President's budget, who was the chairman of the Committee on the Budget when the Deficit Reduction Act of 1993 was passed which has brought us to this point.

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman from Minnesota (Mr. SABO) is recognized for 1½ minutes.

Mr. SABO. Mr. Chairman, I thank the ranking member for yielding me the time.

First let me say that I think the most irresponsible budget that I have ever seen on this House floor by a majority is what we have before us today.

Secondly, I am going to vote for this misinterpretation of the President's budget for one fundamental reason. I have differences with it and many things. He is over-optimistic about what we can do in the year 2000. The budgets that we have are unrealistic for dealing with any legitimate need. But the President did put forward before us a realistic proposal to deal with the funding of Social Security and Medicare.

His program adds significantly to the reserves of the Social Security trust fund. Yes, he does. He adds significantly to the reserves for Medicare. It does not solve the problems in total, but it is an important beginning step to deal with them.

The Republican proposal adds penny zero to the Social Security trust fund, adds penny zero to the Medicare trust fund.

The President is on the right track. And as a symbolic vote for the real leadership that he has provided, I will vote for this misinterpretation of his budget.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just add that the GAO reports the President's proposal to strengthen the hospital insurance program is more perceived than real. In reality, nothing about the program has changed.

Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. DEMINT).

Mr. DeMINT. Mr. Chairman, as a new Member of Congress, it is refreshing today to hear some honesty. I have heard the Members of the President's own party call his budget a straw dog that we are embarrassed to even talk about.

It is embarrassing when the President talks about saving Social Security yet continues to spend the Social Security Trust Fund. It is embarrassing when he talks about saving Medicare when he cuts the Medicare budget. It is embarrassing when he raises taxes and makes promises he cannot keep.

Now, I know this does not represent the values of my colleagues. It does not represent our values. We need to call this budget what it is. Vote it down and move on to some honest debate with their budget and ours on the table.

Mr. COBURN. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. COBURN) has 3¼ minutes remaining. The time of the gentleman from South Carolina (Mr. SPRATT) has expired.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Chairman, it is easy to understand why most of my colleagues do not want to vote for this President's budget. As a veteran, I have looked at it. And the President flat-lines benefits for veterans. The Republican budget actually increases it by $1 billion.

Let me just tell my colleagues a few things. The President's budget busts the spending caps by $30 billion. We hold them. The President's budget raids Social Security money for more and more spending. Our budget protects Social Security and Medicare. The President's budget cuts $11 billion in Medicare, cuts the Republican budget. The Republican budget protects Medicare. The President's budget raises taxes by $172 billion.

To quote President Reagan, "There they go again, spending more money." In fact, the President has said Congress should not even consider providing tax relief for 15 years. Let us not let that happen. Vote this budget down.

Mr. COBURN. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I thank the gentleman very much for yielding me this time.

We have a very hard time in agriculture today, and the fix that we need is some type of revenue insurance, some way of farmers insuring their risk. The Secretary of Agriculture came before our Subcommittee on Appropriations and said, "We cannot do it on the cheap to fix this problem."

Well, let us look at the President's budget. What does he have for crop insurance to fix the problem? A big fat goose egg. What does the Republican budget have in it? $6 billion to help our farmers. And also, in the President's budget, the livestock producers are going to have their taxes increased by $504 million right out of their hides.

Mr. COBURN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. COBURN) has 1¾ minutes remaining.

Mr. COBURN. Mr. Chairman, it is important that the President's proposals be put forward. It is important to contrast what was stated in the State of the Union with the actual numbers coming through in his budget. It is important for us to give his budget a comparison to the other budgets on this floor. It is important for us all to remember that, while he is saying he is saving Medicare, he cuts it $1 billion this year, $11 billion over the next 5 years. While it is important that he says he is saving Social Security, he spends all but 58 percent of it this next year and all but 62 percent of it the next 4 years.

Vice President GORE, in the Clinton-Gore budget, one of the things that he said in his book, and I quote from Earth and Balance, "Look at the budget where we are borrowing a billion dollars every 24 hours and in the process endangering the future of our children. Yet nobody is doing anything about it."

Well, I would propose to my colleagues that the Clinton-Gore budget does nothing about that, that in fact it increases the debt on our children $1.5 trillion between now and the year 2005.

☐ 1615

It runs a budget deficit of $663 billion over the next 5 years. The budget of the majority runs a surplus.

If this vision for America is appealing to my colleagues, higher taxes, more debt for our grandchildren, stealing money from Social Security, cuts in Medicare, then I would encourage them to support my resolution which is the Clinton-Gore budget and vote for it. But if they want to begin easing the debt burden on our grandchildren, save 100 percent of the Social Security trust fund surplus and actually increase spending for Medicare, then I encourage them to oppose my amendment.

The CHAIRMAN pro tempore (Mr. FOSSELLA). The question is on the amendment in the nature of a substitute offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. COBURN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 2, noes 426, answered "present" 1, not voting 4, as follows:

[Roll No. 74]

AYES—2

Rush
Sabo

NOES—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach

Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Filner

NOT VOTING—4

Burton
Owens
Pelosi
Stupak

□ 1635

Ms. HOOLEY of Oregon, and Messrs. METCALF, CLYBURN, COOKSEY and Mrs. NORTHUP changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BURTON of Indiana. Mr. Chairman, I was unavoidably detained for rollcall No. 74. Had I been present, I would have voted "no".

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 2 of House Report 106–77.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MINGE

Mr. MINGE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute printed in part 2 of House Report 106–77 offered by Mr. MINGE:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2000 and that the appropriate budgetary levels for fiscal years 2001 through 2004 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2000 through 2004:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,405,900,000,000.
Fiscal year 2001: $1,441,600,000,000.
Fiscal year 2002: $1,496,500,000,000.
Fiscal year 2003: $1,551,100,000,000.
Fiscal year 2004: $1,613,600,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: −$0.
Fiscal year 2001: −$3,900,000,000.
Fiscal year 2002: −$11,500,000,000.
Fiscal year 2003: −$11,900,000,000.
Fiscal year 2004: −$14,300,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,418,785,000,000.
Fiscal year 2001: $1,316,307,000,000.
Fiscal year 2002: $1,493,021,000,000.
Fiscal year 2003: $1,546,516,000,000.
Fiscal year 2004: $1,608,848,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,405,000,000,000.
Fiscal year 2001: $1,436,400,000,000.
Fiscal year 2002: $1,468,250,000,000.
Fiscal year 2003: $1,527,400,000,000.
Fiscal year 2004: $1,583,300,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2000: −$900,000,000.
Fiscal year 2001: −$5,200,000,000.
Fiscal year 2002: −$28,250,000,000.
Fiscal year 2003: −$23,700,000,000.
Fiscal year 2004: −$30,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $5,620,000,000,000.
Fiscal year 2001: $5,704,800,000,000.
Fiscal year 2002: $5,763,000,000,000.
Fiscal year 2003: $5,802,400,000,000.
Fiscal year 2004: $5,828,600,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2004 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $281,773,000,000.
(B) Outlays, $274,595,000,000.
Fiscal year 2001:
(A) New budget authority, $305,158,000,000.
(B) Outlays, $285,949,000,000.
Fiscal year 2002:
(A) New budget authority, $308,046,000,000.
(B) Outlays, $297,646,000,000.
Fiscal year 2003:
(A) New budget authority, $314,507,000,000.
(B) Outlays, $306,937,000,000.
Fiscal year 2004:
(A) New budget authority, $316,033,000,000.
(B) Outlays, $316,593,000,000.

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $10,746,000,000.
(B) Outlays, $14,052,000,000.
Fiscal year 2001:
(A) New budget authority, $10,651,000,000.
(B) Outlays, $15,111,000,000.
Fiscal year 2002:
(A) New budget authority, $9,765,000,000.
(B) Outlays, $14,381,000,000.
Fiscal year 2003:
(A) New budget authority, $11,550,000,000.
(B) Outlays, $13,623,000,000.
Fiscal year 2004:
(A) New budget authority, $13,483,000,000.
(B) Outlays, $13,323,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $17,977,000,000.
(B) Outlays, $18,257,000,000.
Fiscal year 2001:
(A) New budget authority, $17,968,000,000.
(B) Outlays, $17,865,000,000.
Fiscal year 2002:
(A) New budget authority, $17,934,000,000.
(B) Outlays, $17,865,000,000.
Fiscal year 2003:
(A) New budget authority, $17,934,000,000.
(B) Outlays, $17,743,000,000.
Fiscal year 2004:
(A) New budget authority, $18,208,000,000.
(B) Outlays, $18,682,000,000.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $33,000,000.
(B) Outlays, −$618,000,000.
Fiscal year 2001:
(A) New budget authority, −$141,000,000.
(B) Outlays, −$1,937,000,000.
Fiscal year 2002:
(A) New budget authority, −$152,000,000.
(B) Outlays, −$1,178,000,000.
Fiscal year 2003:
(A) New budget authority, −$76,000,000.
(B) Outlays, $1,282,000,000.
Fiscal year 2004:
(A) New budget authority, −$315,000,000.
(B) Outlays, −$1,419,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $22,809,000,000.
(B) Outlays, $22,669,000,000.
Fiscal year 2001:
(A) New budget authority, $22,529,000,000.
(B) Outlays, $22,057,000,000.
Fiscal year 2002:
(A) New budget authority, $22,463,000,000.
(B) Outlays, $21,391,000,000.
Fiscal year 2003:
(A) New budget authority, $22,484,000,000.
(B) Outlays, $22,555,000,000.
Fiscal year 2004:
(A) New budget authority, $23,470,000,000.
(B) Outlays, $23,483,000,000.

(6) Agriculture (350):
Fiscal year 2000:

(A) New budget authority, $16,340,000,000.

(B) Outlays, $14,251,000,000.

Fiscal year 2001:

(A) New budget authority, $14,294,000,000.

(B) Outlays, $12,884,000,000.

Fiscal year 2002:

(A) New budget authority, $12,764,000,000.

(B) Outlays, $10,893,000,000.

Fiscal year 2003:

(A) New budget authority, $13,233,000,000.

(B) Outlays, $11,304,000,000.

Fiscal year 2004:

(A) New budget authority, $13,501,000,000.

(B) Outlays, $11,851,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2000:

(A) New budget authority, $9,848,000,000.

(B) Outlays, $6,103,000,000.

Fiscal year 2001:

(A) New budget authority, $10,573,000,000.

(B) Outlays, $5,711,000,000.

Fiscal year 2002:

(A) New budget authority, $14,410,000,000.

(B) Outlays, $10,166,000,000.

Fiscal year 2003:

(A) New budget authority, $14,540,000,000.

(B) Outlays, $10,872,000,000.

Fiscal year 2004:

(A) New budget authority, $13,874,000,000.

(B) Outlays, $10,438,000,000.

(8) Transportation (400):

Fiscal year 2000:

(A) New budget authority, $51,744,000,000.

(B) Outlays, $45,846,000,000.

Fiscal year 2001:

(A) New budget authority, $50,992,000,000.

(B) Outlays, $47,718,000,000.

Fiscal year 2002:

(A) New budget authority, $50,807,000,000.

(B) Outlays, $47,278,000,000.

Fiscal year 2003:

(A) New budget authority, $52,248,000,000.

(B) Outlays, $46,806,000,000.

Fiscal year 2004:

(A) New budget authority, $52,278,000,000.

(B) Outlays, $46,298,000,000.

(9) Community and Regional Development (450):

Fiscal year 2000:

(A) New budget authority, $7,407,000,000.

(B) Outlays, $10,642,000,000.

Fiscal year 2001:

(A) New budget authority, $5,355,000,000.

(B) Outlays, $9,111,000,000.

Fiscal year 2002:

(A) New budget authority, $4,288,000,000.

(B) Outlays, $7,081,000,000.

Fiscal year 2003:

(A) New budget authority, $5,650,000,000.

(B) Outlays, $6,067,000,000.

Fiscal year 2004:

(A) New budget authority, $5,620,000,000.

(B) Outlays, $5,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2000:

(A) New budget authority, $65,302,000,000.

(B) Outlays, $63,557,000,000.

Fiscal year 2001:

(A) New budget authority, $67,338,000,000.

(B) Outlays, $65,496,000,000.

Fiscal year 2002:

(A) New budget authority, $68,386,000,000.

(B) Outlays, $66,107,000,000.

Fiscal year 2003:

(A) New budget authority, $71,053,000,000.

(B) Outlays, $68,375,000,000.

Fiscal year 2004:

(A) New budget authority, $73,543,000,000.

(B) Outlays, $70,833,000,000.

(11) Health (550):

Fiscal year 2000:

(A) New budget authority, $156,176,000,000.

(B) Outlays, $152,988,000,000.

Fiscal year 2001:

(A) New budget authority, $165,200,000,000.

(B) Outlays, $163,179,000,000.

Fiscal year 2002:

(A) New budget authority, $174,521,000,000.

(B) Outlays, $174,884,000,000.

Fiscal year 2003:

(A) New budget authority, $186,343,000,000.

(B) Outlays, $186,830,000,000.

Fiscal year 2004:

(A) New budget authority, $201,010,000,000.

(B) Outlays, $201,317,000,000.

(12) Medicare (570):

Fiscal year 2000:

(A) New budget authority, $208,663,000,000.

(B) Outlays, $208,707,000,000.

Fiscal year 2001:

(A) New budget authority, $222,115,000,000.

(B) Outlays, $222,269,000,000.

Fiscal year 2002:

(A) New budget authority, $230,604,000,000.

(B) Outlays, $230,239,000,000.

Fiscal year 2003:

(A) New budget authority, $250,754,000,000.

(B) Outlays, $250,888,000,000.

Fiscal year 2004:

(A) New budget authority, $268,569,000,000.

(B) Outlays, $268,755,000,000.

(13) Income Security (600):

Fiscal year 2000:

(A) New budget authority, $246,479,000,000.

(B) Outlays, $248,070,000,000.

Fiscal year 2001:

(A) New budget authority, $248,192,000,000.

(B) Outlays, $257,020,000,000.

Fiscal year 2002:

(A) New budget authority, $264,339,000,000.

(B) Outlays, $266,555,000,000.

Fiscal year 2003:

(A) New budget authority, $276,831,000,000.

(B) Outlays, $276,147,000,000.

Fiscal year 2004:

(A) New budget authority, $285,569,000,000.

(B) Outlays, $285,429,000,000.

(14) Social Security (650):

Fiscal year 2000:

(A) New budget authority, $14,455,000,000.

(B) Outlays, $14,556,000,000.

Fiscal year 2001:

(A) New budget authority, $14,134,000,000.

(B) Outlays, $14,034,000,000.

Fiscal year 2002:

(A) New budget authority, $16,249,000,000.

(B) Outlays, $16,149,000,000.

Fiscal year 2003:

(A) New budget authority, $16,335,000,000.

(B) Outlays, $16,235,000,000.

Fiscal year 2004:

(A) New budget authority, $17,123,000,000.

(B) Outlays, $17,023,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2000:

(A) New budget authority, $45,536,000,000.

(B) Outlays, $45,693,000,000.

Fiscal year 2001:

(A) New budget authority, $46,289,000,000.

(B) Outlays, $46,632,000,000.

Fiscal year 2002:

(A) New budget authority, $47,236,000,000.

(B) Outlays, $47,517,000,000.

Fiscal year 2003:

(A) New budget authority, $47,987,000,000.

(B) Outlays, $48,447,000,000.

Fiscal year 2004:

(A) New budget authority, $48,363,000,000.

(B) Outlays, $48,939,000,000.

(16) Administration of Justice (750):

Fiscal year 2000:

(A) New budget authority, $23,385,000,000.

(B) Outlays, $25,335,000,000.

Fiscal year 2001:

(A) New budget authority, $24,622,000,000.

(B) Outlays, $25,114,000,000.

Fiscal year 2002:

(A) New budget authority, $25,128,000,000.

(B) Outlays, $25,292,000,000.

Fiscal year 2003:

(A) New budget authority, $25,548,000,000.

(B) Outlays, $25,301,000,000.

Fiscal year 2004:

(A) New budget authority, $27,709,000,000.

(B) Outlays, $27,463,000,000.

(17) General Government (800):

Fiscal year 2000:

(A) New budget authority, $11,940,000,000.

(B) Outlays, $13,148,000,000.

Fiscal year 2001:

(A) New budget authority, $11,946,000,000.

(B) Outlays, $12,639,000,000.

Fiscal year 2002:

(A) New budget authority, $12,079,000,000.

(B) Outlays, $12,328,000,000.

Fiscal year 2003:

(A) New budget authority, $12,093,000,000.

(B) Outlays, $12,159,000,000.

Fiscal year 2004:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $12,147,000,000.

(18) Net Interest (900):

Fiscal year 2000:

(A) New budget authority, $270,815,000,000.

(B) Outlays, $270,815,000,000.

Fiscal year 2001:

(A) New budget authority, $266,827,000,000.

(B) Outlays, $266,827,000,000.

Fiscal year 2002:

(A) New budget authority, $262,680,000,000.

(B) Outlays, $262,680,000,000.

Fiscal year 2003:

(A) New budget authority, $258,806,000,000.

(B) Outlays, $258,806,000,000.

Fiscal year 2004:

(A) New budget authority, $262,799,000,000.

(B) Outlays, $262,799,000,000.

(19) Allowances (920):

Fiscal year 2000:

(A) New budget authority, −$8,350,000,000.

(B) Outlays, −$8,100,000,000.

Fiscal year 2001:

(A) New budget authority, −$10,000,000,000.

(B) Outlays, −$14,400,000,000.

Fiscal year 2002:

(A) New budget authority, −$4,900,000,000.

(B) Outlays, −$15,200,000,000.

Fiscal year 2003:

(A) New budget authority, −$14,300,000,000.

(B) Outlays, −$12,800,000,000.

Fiscal year 2004:

(A) New budget authority, −$7,000,000,000.

(B) Outlays, −$9,600,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2000:

(A) New budget authority, −$34,260,000,000.

(B) Outlays, −$34,260,000,000.

Fiscal year 2001:

(A) New budget authority, −$36,876,000,000.

(B) Outlays, −$36,876,000,000.

Fiscal year 2002:

(A) New budget authority, −$43,626,000,000.

(B) Outlays, −$43,626,000,000.

Fiscal year 2003:

(A) New budget authority, −$37,004,000,000.

(B) Outlays, −$37,004,000,000.

Fiscal year 2004:

(A) New budget authority, −$37,089,000,000.

(B) Outlays, −$37,089,000,000.

SEC. 4. RECONCILIATION.

(a) RECONCILIATION.—Not later than September 30, 1999, the House Committee on Ways and Means shall report to the House a reconciliation bill that consists of changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $0 in revenues for fiscal year 2000 and $41,600,000,000 in revenues for fiscal years 2000 through 2004.

(b) TAX CUT CONTINGENT ON SAVING SOCIAL SECURITY.—It shall not be in order in the

House to consider a reconciliation bill reported pursuant to subsection (a) unless the chairman of the House Committee on the Budget has received a certification from the Board of Trustees of the social security trust funds that the funds are in actuarial balance for the 75-year period used in the most recent annual report of that Board pursuant to section 201(c)(2) of the Social Security Act.

SEC. 5. SAVING THE SOCIAL SECURITY SURPLUS.

(a) FINDINGS.—The Congress finds that—

(1) under the Budget Enforcement Act of 1990, the social security trust funds are required to be off-budget for the purposes of the President's budget submission and the concurrent resolution on the budget;

(2) the social security trust funds have been running surpluses for 17 years;

(3) these surpluses have been used implicitly to finance the general operations of the Government;

(4) in fiscal year 2000, the social security surplus will exceed $137,000,000,000;

(5) for the first time in 24 years, a concurrent resolution on the budget balances the Federal budget without counting social security surpluses; and

(6) the only way to ensure social security surpluses are not diverted for other purposes is to balance the budget exclusive of such surpluses.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the social security surplus should not be used to fund other operations within the Government;

(2) the budget of the Government should balance without relying on social security trust funds to hide a deficit or inflate a surplus; and

(3) surpluses in the social security trust funds should be reserved, to be used exclusively by the social security system.

(c) POINT OF ORDER.—(1) It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or any amendment thereto or conference report thereon, that sets forth a deficit for any fiscal year. For purposes of this subsection, a deficit shall be the level (if any) set forth in the most recently agreed to concurrent resolution on the budget for that fiscal year pursuant to section 301(a)(3) of the Congressional Budget Act of 1974. In setting forth the deficit level pursuant to such section, that level shall not include any adjustments in aggregates that would be made pursuant to any reserve fund that provides for adjustments in allocations and aggregates for legislation that enhances retirement security or extends the solvency of the medicare trust funds or makes such changes in the medicare payment or benefit structure as are necessary.

(2) Paragraph (1) may be waived in the Senate only by the affirmative vote of three-fifths of the Members voting.

SEC. 6. REMOVAL OF SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

It is the sense of Congress that any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

SEC. 7. SENSE OF CONGRESS ON ALLOCATION OF ON-BUDGET SURPLUSES.

As reflected in this resolution, it is the sense of Congress that all on-budget surpluses should be distributed as follows:

(1) 50 PERCENT TO DEBT REDUCTION.—It is the determination of Congress that the national debt is too high. In a time of peace and prosperity, debt reduction is a top national priority. This reduction of debt will better position the Government to finance anticipated depletions of the social security and medicare trust funds. However, the Congress determines that such a reduction in debt shall not be construed as a substitute for needed substantive reforms of those programs to assure their long term financial integrity.

(2) 25 PERCENT TO TAX REDUCTION.—Congress determines that 4 types of tax reduction should be accommodated within this budget:

(A) Extensions of current temporary provision of the tax code.

(B) Targeted tax reduction in settings in which changes are needed for fairness and sound economic planning.

(C) Tax reform and simplification to eliminate complicated features of the Internal Revenue Code of 1986.

(D) Consideration of across-the-board tax cuts.

(3) 25 PERCENT TO INVESTMENT IN PRIORITY AREAS.—Congress recognizes that the budget caps have imposed severe constraints on Government operations for fiscal year 2000, and without relief, programs may be difficult to administer in the ensuing fiscal years. As a result, investments in many priorities will be deferred or not made. The 25 percent of surplus allocated to priority programs is designed to offer opportunity to strengthen these programs in the years ahead. Congress finds that priorities include agriculture, defense, education, and veterans' programs, and others that may be from time-to-time determined.

SEC. 8. SOCIAL SECURITY AND MEDICARE.

It is the sense of the Congress that the Social Security and Medicare programs are vital to our nation's health and the retirement security of our citizens. Enactment of reforms to strengthen and preserve these programs must be an urgent priority.

(1) SOCIAL SECURITY.—After the Congress enacts legislation to reform and extend the solvency of the social security program, the chairman of the Committee on the Budget may adjust allocations for fiscal years 2000 through 2004 to allow for general revenue transfers to the social security trust fund, subject to the following limitations: Fiscal year 2001, adjustments not greater than $8,500,000,000; fiscal year 2002, $16,500,000,000; fiscal year 2003, $25,500,000,000; and fiscal year 2004, $34,000,000,000.

(2) MEDICARE.—After the Congress enacts legislation to reform and extend the solvency of the medicare program, the chairman of the Committee on the Budget may adjust allocations for fiscal years 2000 through 2004 to allow for general revenue transfers to the medicare trust fund, subject to the following limitations: Fiscal year 2001, $2,800,000,000; fiscal year 2002, $5,500,000,000; fiscal year 2003, $8,500,000,000; and fiscal year 2004, $11,000,000,000.

SEC. 9. UPDATING BASELINE PROJECTIONS AND PRIORITIES FOR FISCAL YEAR 2000.

(a) UP-TO-DATE ESTIMATES OF ON-BUDGET SURPLUSES.—Upon the request of the chairman of the House Committee on the Budget, the Director of the Congressional Budget Office shall make an up-to-date estimate of the projected on-budget surplus for the applicable fiscal year.

(b) ADJUSTMENTS.—Upon receipt of an up-to-date estimate of an on-budget surplus made pursuant to subsection (a), the chairman of the House Committee on the Budget shall adjust the aggregates of new budget authority, outlays, revenues, and the public debt as follows:

(1) Reduce the aggregates for public debt for each of fiscal years 2000 through 2001 by an amount equal to ½ of the increase (if any) in on-budget surplus projections above the amounts provided in this resolution.

(2) Increase the aggregates of new budget authority and outlays for each of fiscal years 2000 through 2004 by an amount equal to ¼ of the increase (if any) in on-budget surplus projections above the amounts provided in this resolution.

(3) Reduce the revenue aggregates for each of fiscal years 2000 through 2004 by an amount equal to ¼ of the increase (if any) in on-budget surplus projections above the amounts provided in this resolution.

SEC. 10. SENSE OF CONGRESS REGARDING ENFORCEMENT.

It is the sense of Congress that before October 1, 2000, Congress should enact legislation to modify and extend the pay-as-you-go requirement through 2009, increase the discretionary spending limits set forth under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years 2001 and 2002, and extend those limits to include fiscal years 2003 and 2004, to reflect the new budget authority and outlays as set forth in this resolution.

SEC. 11. INTENT OF THE COMMITTEE REGARDING CROP INSURANCE.

It is the intent of the Committee on the Budget of the House that function 350 for agriculture allow for the implementation of a new, comprehensive, affordable, and permanent crop and revenue insurance program. The cost of the program is assumed to be $ billion in this resolution; but the program design has not been developed. When the program is developed such committee will take all steps necessary to work the crop and revenue insurance initiative into the budget resolution and budget process.

SEC. 12. SENSE OF THE CONGRESS REGARDING THE MEDICARE+CHOICE PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the geographic disparity in payment rates for the medicare managed care program is inherently unfair;

(2) unfairness disproportionately effects rural areas and efficient health care markets;

(3) seniors in areas with higher reimbursement can receive additional benefits that are unavailable to seniors in other areas of the country.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Medicare+Choice payment rate must be addressed to correct the current inequality, and any expansion of the medicare program can be made only after this disparity is addressed.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota (Mr. MINGE) and the gentleman from Ohio (Mr. KASICH) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have spent most of today debating what budget is best for the people of the United States of America. We have had conflicting budgets presented. The President's budget, or at least how it has been perceived by the other side, has just been voted upon, the majority budget will be voted on later in the day, I expect, and the democratic substitute will be voted on.

The Blue Dog Coalition, a group of moderate to conservative Democrats, has developed a substitute budget proposal. That substitute budget proposal is summarized on the easel that is in the well, and I would like to ask that my colleagues direct their attention to this substitute summary because it is important to understand both what the differences are and what the similarities are to the other budgets that are receiving consideration today.

Most importantly, Mr. Chairman, the Blue Dog budget recognizes that we have a responsibility to the American people, a responsibility to ensure that the Social Security program is no longer treated like a regular part of the budget and used as a cash cow to finance other activities, whether they be new programs, expanded programs or tax reductions. We put that Social Security program off budget, and the money that is accumulated as a surplus is used to pay down on the debt and position this country to better handle the obligations that we will owe in future years in the Social Security program.

Secondly, we recognize that we are blessed in this country with the prospect of a budget surplus without using Social Security.

We recognize that we must be terribly responsible or we will be making terrible mistakes with respect to this anticipated surplus. We have a time of virtually unparalleled prosperity. We feel our first order of business ought to be to use at least half of this surplus to reduce the Federal debt. When the sun is shining, we ought to repair the roof. We have had leaks in the roof, we have been running deficits, we have built up an enormous debt; it is time to make those repairs.

We also urge that we spend 25 percent on investment priorities and the other 25 percent returned to the American taxpayers.

Mr. Chairman I yield 2¼ minutes to the gentleman from Louisiana (Mr. JOHN) to discuss our 5-year plan.

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding this time to me. I also appreciate the Committee on Rules for making the Blue Dog budget in order.

The title of my remarks are: Honest Projections and No Phony Bones, and that may seem a little humorous to my colleagues, but I think it is very important that we go through this exercise.

Mr. Chairman, I support wholeheartedly the Blue Dog budget for a myriad of reasons, and my remarks today are going to focus on what I think is one of the more important reasons to support the Blue Dog budget, and the issue concerns economic projections. I am referring to the fact that the Blue Dog budget is a 5-year budget with projections over 5 years, and the Republican budget is a 15-year budget.

As a new Member of the 105th Congress, I came in during the balanced budget agreement, and the debate was about tackling the deficit before we tackle the debt. We have enjoyed a very strong economy since that point in time, even though back then the projection said that we would not reach the surplus that we have until the year 2002.

While I am optimistic that the economy today will continue, we must prepare now for a downturn in our economy because it is realistically going to happen.

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That is why I believe, the Blue Dogs believe, that it is irresponsible to rely on 15-year projections that no one really honestly believes will come to fruition.

To give an example, in 1993, before I was even a Member of this body, the CBO projected that this year, 1999, that we would have a $404 billion deficit. I think that it is very, very important to look at these projections. It is irresponsible to go out and look at the numbers over a 15-year period.

The Blue Dog budget is about real numbers. It is no phony numbers, and I urge support for this budget because it is the fiscally responsible budget that we can deal with today.

Mr. KASICH. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Mrs. FOWLER), a member of the Committee on Armed Services.

Mrs. FOWLER. Mr. Chairman, the President and the Republican leadership both face issues of what to do about the Social Security and Medicare programs, defense, education and the surplus, but the differences between our proposals are stark.

Last year, the Republican proposal to set aside 90 percent of the surplus for Social Security was not good enough for the President. So this year we are locking away 100 percent of the Social Security surplus for retirement security and Medicare.

The President was not able to live up to his own demands. His budget sets aside only 77 percent. We are proud to have locked away more money for Social Security and Medicare than the President does.

The Congress and the President agreed to certain spending caps in 1997. It is a simple concept but difficult to accomplish. Our resolution keeps our promise on caps. The President's budget creates new programs and busts the caps by some $30 billion.

His budget raises taxes by $172 billion over the next decade, while our budget provides nearly $800 billion in tax relief over the next 10 years.

Mr. Chairman, right now our pilots are in Kosovo carrying out a dangerous mission. I support them and pray for their safe return. We must provide adequate resources for them and to all our men and women in uniform.

It is unfortunate that the President is using questionable numbers for his defense budget. His budget boasts an increase of $12.6 billion in budget authority but the real increase is only $4.1 billion. The rest is primarily from funds that were already budgeted for the Department of Defense and just reshuffled around.

The Republican budget provides an honest increase of, when it is passed, it will be $11.3 billion over fiscal year 1999. That is frankly less than what is truly needed and what the Joint Chiefs have testified they need, but it is a start and I am proud that we have taken an honest step towards reducing the undue burden on our military.

Mr. Chairman, the differences in these budgets are clear. I ask my colleagues for their support of our budget resolution.

Mr. MINGE. Mr. Chairman, how much time remains for each side?

The CHAIRMAN. The gentleman from Minnesota (Mr. MINGE) has 15¾ minutes remaining. The gentleman from Ohio (Mr. KASICH) has 17¾ minutes remaining.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, the budget we have constructed for fiscal year 2000 will be the first budget of the millennium, and under the leadership of my good friend, the gentleman from Ohio (Mr. KASICH), we are building a better budget than the one we received last month from the President. We are locking more than the President, locking it away for Social Security and Medicare.

For the first time ever, we are locking away Social Security money for Social Security and ending Washington's practice of raiding Social Security for other spending.

We are also maintaining the spending discipline that brought us the balanced budget.

POINT OF ORDER

Mr. MINGE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MINGE. Mr. Chairman, the debate at this point is on the budget resolution, the amendment in the nature of a substitute that is on the floor, and the debate is being addressed to matters which are not currently under consideration.

The CHAIRMAN. The Chair will accord Members latitude to discuss matters related to the budget.

The gentleman may proceed.

Mr. BOEHNER. Mr. Chairman, our budget sticks to the spending caps signed into law by President Clinton in the Balanced Budget Act of 1997; while the President's budget exceeds those caps, as does the budget we are considering on the floor, the proposal, by our Blue Dog friends.

That is the critical difference, Mr. Chairman, is that this distinguishes our budget from the President's and our budget from the one that is under consideration by the gentleman from Minnesota (Mr. MINGE).

The spending caps are the heart of the balanced budget both parties have worked hard to achieve in recent years, but they are also the heart of our pledge to strengthen Social Security and Medicare.

Our budget sticks to those caps and locks away 100 percent of the Social Security surplus for Social Security, off limits for new Washington spending. After locking away funds for Social Security and Medicare, and only after that, we return the rest of the surplus to the American people in the form of tax relief.

Unfortunately, it seems our colleagues on the other side are not prepared to make that kind of a commitment.

Now, do not get me wrong, Mr. Chairman. Our colleagues have every right to seek higher spending, but understand that for every dime that they spend beyond the caps is a dime that they could have locked away for Social Security and Medicare. By saying yes to higher spending, they are saying no to Social Security and Medicare.

When we get right down to it, budgets are about choices. The choice here is not between Social Security and tax cuts. The choice is between Social Security and new Washington spending.

We Republicans, we have already made our choice. We have said no to new Washington spending and we are locking away 100 percent of the Social Security surplus. We are locking away $100 billion more for Social Security and Medicare than the President, who cuts Medicare by $11.9 billion and spends a chunk of the Social Security surplus on new Washington spending.

Mr. Chairman, given a choice between Social Security and new Washington spending, Republicans have chosen to support Social Security and Medicare. Now it is up to our colleagues which one they will decide to choose.

Mr. MINGE. Mr. Chairman, returning the debate to the Blue Dog budget, I yield 1¾ minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, this country owes, based on past consumption, over $5 trillion and nobody is talking about paying that back. This Blue Dog budget is the budget that if my colleagues believe, as I do, that when one borrows money as we have from our children and grandchildren, that the responsible, honorable thing to do is to try to pay it back, then my colleagues will vote for the Blue Dog budget.

There are $3.8 trillion of debt that we pay interest on every year. Last year we paid almost $250 billion in interest. Now where I come from, if someone owes somebody some money and they come into money, and remember all of this surplus is projected, not here yet, and they come into some money and they go buy an airplane or new car and do not pay the man that they owe, that is considered very poor form.

I think, as the Blue Dogs do, that if we save all of the Social Security surplus and pay down the debt, we save half of the real surplus, if it materializes, and pay it down on the debt, this country will be stronger, not weaker.

There are events over which we have no control. As long as we are paying down debt, whatever happens there, this country, our children and our grandchildren, will be in a better financial position to deal with those unknowns when they occur.

If my colleagues believe, as I do, that we ought to pay back some of this past consumption, then my colleagues will help us pass this Blue Dog budget today.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Chairman, I certainly appreciate the opportunity to address this matter. I want to speak just briefly about the budget in general and then talk some about Medicare and what we face and what the differences are that we have in looking at the budgets that have been presented.

First of all, over the last several years, as I have gone around the district and talked to my constituents, one of the things I consistently heard was that we want to put away 100 percent of the Social Security surplus. We even heard the President say that last year.

This year he came and said, no, I only want to put 62 percent of that surplus for this next coming year into Social Security. We are going to do the 100 percent that he wanted that time, and I think we are going to, for the first time, put away everything; instead of just putting 62 percent we are going to put 100 percent away to save Social Security and Medicare; the first time in 40 years that we have not spent the surplus on wasteful Washington spending or larger and more government. I think this is really a change.

We have another budget here presented. It seems to be a little bit more of a me-too budget, but it still has that same philosophy of growing government. When we talk to the people across this country, they are tired of wasteful Washington spending. They want to see the end of the era of big government. They want to make sure that we provide the kind of support and security that we need, but that we also secure the future of our children; that we return as much as we can to our families so they can invest it in the best way to ensure the future of their children and grandchildren.

It may be saving for college. It may be providing other things that their children need. It may be providing or donating to community activities, but it is very important that we return as much as we can to the American people because that is what they want. It is the right thing to do.

I think the budget that we have is very good, as opposed to the President's budget and the Blue Dog budget, that we are being more conservative in spending, that we are stopping wasteful Washington spending and we are going to return as much as we can to the people back home.

Secondly, I would like to look at some of the President's cuts on Medicare. It is an issue I am very concerned about. We see possibly a quarter of the home health agencies looking at problems of possibly going out of business. In my district there are 10 counties where one home health agency provides the primary care there. That home health agency is having problems. They may go out of business here in the next few months and that will reduce the care that we can give to those individuals in that area.

Rural hospitals are having problems. The President has talked about prescription drugs and increasing there, but let us look at the cuts that he has proposed in Medicare. He has proposed cutting the prescription drug payment by $2.3 billion. Many of these cuts are to the sickest patients. They are to those cancer treatment patients that might mean the difference between life and death.

He talks about prescription drugs but he cuts at the very heart of our sickest patients, and I am glad that we are not going to do that; that we are taking 100 percent of that budget and putting it to shore up Medicare.

Secondly, we see other things. When we look at some of the things that he is decreasing, the total decrease is $11.9 billion. He is talking about extending these cuts in payments beyond the years that were agreed with in the balanced budget amendment.

What will that do to our rural hospitals? I have a hospital in Garrard County, Kentucky, right now. We worked with them to combine two hospitals so they could be more efficient and more effective.

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That is not going to occur, though, for the next 6 to 12 months. In the interim, they are having to shut down the emergency room right now because they do not have the margins. We need to make sure that we have the kind of support we need, and we cannot afford to cut it $11.9 billion.

I am glad that we have a budget that is fiscally conservative, that provides tax relief, and provides for our senior citizens.

Mr. MINGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are pleased with the presentation. We know there is a problem. We want to cut taxes. At the same time we want to promote programs. That is what the Blue Dog budget does, it is a mix.

Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. CRAMER)

Mr. CRAMER. Mr. Chairman, I thank my colleague, the gentleman from Minnesota, for yielding time to me.

Mr. Chairman, let us return to the budget under debate here, the Blue Dog budget, no more phony debate about this other budget. If Members are serious about balancing the budget, if they are serious about debt reduction, if they are serious about focused tax cuts, if they want to support our veterans, if they want to give a commitment to the defense of this country, then this is the budget for all of us.

We have been calling for a true balanced budget excluding the social security trust fund for years. There is no phony baloney here, this is the real thing. Members should wake up. They can take all day, and we have for years, but this is the budget for us.

Finally, I want to compliment the leadership here. We have had a fair debate here today. We have had an opportunity to present this budget. I want to thank the gentleman from Illinois (Speaker HASTERT) for giving us this opportunity.

The Blue Dogs have been calling for a true balanced budget excluding the Social Security trust fund for several years. We are glad to see that we have finally reached a point where everyone is agreeing with us that we should balance the budget without counting the Social Security trust fund.

The Blue Dog budget sets out a responsible budgetary policy that achieves and maintains a true balanced budget without counting the Social Security trust fund.

Because the Republican budget uses virtually all of the non-Social Security surplus for tax cuts, we could have a return of deficits in the non-Social Security budget if future budget conditions are not quite as positive as currently projected.

Even if the current projections are correct, the tax cuts in the Republican budget would cause a deficit after 2010, because the exploding tax cuts would continue to grow, while the non-Social Security surpluses will be smaller.

RESPONSIBLE USE OF THE PROJECTED ON-BUDGET SURPLUS

Republicans want to commit all of the projected surpluses for exploding tax cuts, whether or not the surpluses actually materialize.

The Spratt budget is a little more prudent than the Republican budget by saving some of the on-budget surplus, but is uses most of the projected on-budget surpluses for new spending and some tax cuts.

The Blue Dog budget takes the position that the conservative thing to do with projected on-budget is to be conservative. The Blue Dog budget makes paying off the national debt the first priority for any projected budget surplus, dedicating approximately half of the on-budget surplus for debt reduction.

The Blue Dog budget divides the remaining half of the on-budget surplus between tax reduction and shoring up the nation's commitment to priorities such as agriculture, defense, education, health care and veterans' programs.

If CBO increases surplus projections, there will be additional funds for tax cuts and spending priorities. The Blue Dog budget provides that any increase in surplus projections be divided with the same allocation of one-half for debt reduction, one-quarter for tax cuts and one-quarter for spending priorities.

PAYING OFF THE DEBT HELD BY THE PUBLIC

By saving the entire Social Security surplus and using half of on-budget surpluses for debt reduction, the Blue Dog budget will pay off nearly one-fourth ($857 billion) of the $3.6 trillion debt held by the public over the next five years.

Saving non-Social Security surpluses for debt reduction will help make up for the years in which Social Security surpluses were borrowed for operating expenses instead of saving them for Social Security.

The Blue Dog budget reduces the debt held by the public by $87 billion more than the Republican budget over the next five years.

STRENGTHENING SOCIAL SECURITY AND MEDICARE

The Blue Dog budget calls on Congress to enact reforms of Social Security and Medicare to strengthen these programs and reserves additional funds that could be used to help finance the short term costs of Medicare and Social Security reform.

The Blue Dog budget reserves the savings from the lower interest payments that will occur as a result of reducing the debt to be used for Social Security and Medicare reform.

Congress would have $85 billion over the next five years that could be used as part of Social Security reform and an additional $28 million over the next five years that could be used as part of Medicare reform.

The combination of saving the Social Security surpluses for Social Security and reserving the debt reduction dividend for Social Security and Medicare, the Blue Dog budget saves a total of $937 billion for Social Security and Medicare—more than 90% of total projected unified budget surpluses over the next five years.

The Blue Dog budget does not contain the cuts in Medicare payments to hospitals that were included in the President's budget.

FISCALLY RESPONSIBLE TAX CUTS

The Blue Dog budget allocates approximately 25% of on-budget surplus for tax relief providing room for a net tax cut of $41.7 billion over the next five years.

Limiting tax cuts to 25% of the projected surplus is a prudent step to ensure that the tax cuts do not cause deficits in the non-Social Security budget if actual budget conditions are not as good as current projections.

The tax cuts in the Republican budget will consume nearly 100% of the projected budget non-Social Security surplus over the next five years. If the current projections are too optimistic, the tax cuts in the Republican budget will result in on-budget deficits and a return to the practice of borrowing from the Social Security trust fund to meet operating expenses.

The tax cuts in the Republican budget will continue to grow after 2009, while the projected surpluses will be smaller. By 2013 or 2014, the tax cuts in the Republican budget will cause deficits.

A GENUINE INCREASE IN FUNDING FOR NATIONAL DEFENSE

The Blue Dog budget equips our military commanders with the tools and resources necessary to continue to field the world's preeminent fighting force for years to come. It maintains a general funding mix ensuring our immediate military readiness and long-term defense procurement needs are not neglected.

The Republican budget makes hollow promises for defense, but does not give the Department of Defense the real resources to follow through on these commitments.

The Blue Dog budget includes $13 billion more in defense funding than Republicans. The Republican budget is $21 billion short in outlays (real expenditures) needed to support their budget authority (the amount which may be committed or obligated).

The Blue Dog budget provides for a much-needed pay raise for our troops and addresses the current retention problems by adequately funding vital personnel and quality of life programs. The Republican budget does not accommodate the pay raise, and could force the Department of Defense to shift resources away from personnel and quality of life programs.

MEETING CRITICAL NEEDS IN AMERICAN AGRICULTURE

The Blue Dog budget contains $3 billion more mandatory funding for crop insurance than the Republican budget resolution. The increased funding for crop insurance in the Blue Dog budget is permanent, as opposed to the Republican budget which eliminates the increased funding for crop insurance after 2004.

The Blue Dog budget provides $3.4 billion more budget authority for discretionary agricultural programs than the Republican budget.

The Republican budget contains 10% cut in discretionary agriculture programs in fiscal year 2000, which could force a 1500 person reduction in Farm Service Agency funding, further slowing down the delivery of vital farm programs. The Blue Dog budget does not force cuts in discretionary agriculture programs in fiscal year 2000.

MEETING OUR PROMISES TO VETERANS

The Blue Dog budget provides a total of $10 billion more budget authority and $5.1 billion more outlays than the Republican budget for discretionary veterans programs.

The Blue Dog budget increases funding for veterans health care and GI bill benefits by $1.9 billion 2000, and continues this increased funding level with modest growth after 2000.

The Republican budget provides a one-time $950 million increase in veterans programs in fiscal year 2000, but eliminates this increase after 2000 and cuts veterans programs below 1999 levels.

INCREASED FUNDING FOR PRIORITY EDUCATION AND HEALTH CARE PROGRAMS

The Blue Dog budget provides $10 billion more total funding for education and $8.6 billion more for health care programs than the Republican budget does over the next five years.

These higher funding levels will allow for increased funding for rural health care programs, health research, elementary and secondary education and other priority education and health care programs without making deep cuts in other programs within these functions.

The Republican budget claims to provide increased funding for the National Institutes of Health and for some education programs, but cuts total discretionary spending for the health care and education functions below a freeze. Any promised increases for specific education or health care programs under the Republican budget would require deeper cuts in all other health care and education programs.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Alabama (Mr. CRAMER) remains the great gentleman that he is.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding time to me. I appreciate the opportunity to share a few thoughts that I have on the budget proposals that are before us today.

Mr. Chairman, I am thankful that we are not going to have to deal and live with the President's budget, because if we did, and he promised us that he was going to secure Medicare, but with the left hand he cut it. I am pleased that we have an alternative budget where we are saving 100 percent of the social security surplus for social security and for Medicare.

Our seniors have been misled by the President; double-speak at its best, when one talks about securing social security and Medicare when on the other hand one is actually cutting it. Prescription drug payments, hospital payment freezes.

I represent a lot of smaller rural hospitals who are struggling with red ink today. With the proposed cuts that are coming, they are possibly going to go out of business without the President's budget cuts. There is a complete lack of sensitivity to rural health care in America by this President and by this administration, when the facts are in.

It is obviously clear that rural health care in America is already in trouble because of the lower payment they receive from HCFA, from the urban and suburban centers, and we are going to cut them some more if we would follow the President.

I think it is vital, when we pass a budget later today, that it is a budget that really secures social security and Medicare and is not a phony budget, as has been presented by this administration, that says one thing on the right hand but on the left hand is actually cutting to the very heart of real health care in America, and would deprive rural Americans of the quality care they depend on.

I am pleased that we do not have to pass the President's budget.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, the Blue Dog substitute I support today is a triumph of common sense over ideology. It reduces the budget debt more than any other plan, and therefore does more to shore up social security and Medicare. By design, it protects the Nation's priority needs, which common sense dictates that we cannot abandon.

For farmers, we provide $3 billion more for crop insurance without additional reductions in county offices and employees. For the military, we provide $13 billion more to ensure that morale and readiness problems are addressed. For veterans, we provide $1.9 billion more so this Nation will not renege on its promise to those who sacrificed to keep our country great.

For our children, we provide $10 billion more for critical education programs like school construction and repair, Internet access, and smaller class size. For health care in rural areas, we provide more. Finally, the Blue Dog budget cuts taxes by $41.7 billion over the next 10 years, and provides for tax relief to increase as the surplus grows.

Vote for the budget that will do more for America. Vote for the Blue Dog budget.

Mr. CHAMBLISS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from Georgia for yielding time to me. I also want to compliment the Committee on the Budget, and notably the chairman, the gentleman from Ohio (Mr. KASICH).

The way I look at it, it is very simple. The Republican budget resolution has set forth a very simple and straightforward concept. I think what the American people really want from Washington is straight talk. For the first time ever, we have 100 percent of social security going for social security. I know over the years it has been seen as a slush fund, but once and for all the American people are getting straight talk and honesty.

With respect to the budget caps, a couple of years ago everybody sat around here in Washington, and the President, and they smoked their peace pipe and they agreed to the budget caps. Some people think that was a game. The Republicans say it is for real. That is what the American people expect and deserve.

What are the principles we set forth? A strong defense. Taking care of Medicare. We saw what the President's budget did to Medicare. Taking care of our veterans. Needed tax relief.

That is the critical distinction here between the amendment before us and what the Republican budget resolution calls for, because every year since 1995 the President submitted his budget and the Republicans have done the responsible and appropriate thing and said, let us put the brakes on. Let us spend money appropriately and be responsible, but not have a party at taxpayers' expense.

Once and for all, we are going to get that. The American people deserve that. I urge the rejection of this amendment and support for the Republican budget resolution.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Chairman, we, the Blue Dogs, are here today to blow the whistle on partisan wrangling and to act as a budget referee.

Neither the Republican nor the Democratic alternatives have achieved a fiscally responsible approach to this budget. The Democratic budget uses most of the projected on-budget surplus for new spending and some tax cuts. On the other hand, the Republican budget will consume nearly 100 percent of the projected budget non-social security surplus over the next 5 years.

In an economic downturn, the Republican budget would result in deficits, a return to the practice of raiding the social security trust fund. That is just not right.

Our backlog budget allocates 25 percent of the on-budget surplus for tax relief, a net cut of $41.7 billion over the next 5 years. It is time to do the right thing.

Mr. CHAMBLISS. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, let me just compliment my friends in the Blue Dog Coalition. They have, I think, moved this process in a very constructive way, but nevertheless, I am forced to have to reluctantly and softly oppose the Blue Dog budget for three basic reasons.

One is, in the year 2001 they break the discipline of the 1997 budget agreement. We believe it is essential to not break the discipline of the 1997 budget agreement. We just made that agreement. We ought to stay within that agreement. Unfortunately, in the Blue Dog budget, that agreement is not adhered to in 2001.

Secondly, there is $7 billion less in budget authority than the GOP plans in the fiscal year 2000, and $2 billion less in outlays. We do believe, as I know many of the Blue Dogs believe, that we do need to add more in the area of defense. In fact, our budget has a significantly greater amount of money in defense than the Blue Dog budget.

Finally, while I can admire the Blue Dogs' position on the issue of paying down debt, they only have $41 billion in tax cuts over the next 5 years. I want to compliment them for that. However, the Republican budget has approximately $150 billion in tax cuts.

I would very much like to think that we could allow money to sit around in Washington to be used to pay down a debt. We in fact are going to pay down the largest amount of the publicly-held debt out of the money we are reserving for social security. But when this on-budget surplus comes, as sure as God made little green apples, if there is money sitting around on the table in this town, I believe it will be used to create bigger government and more spending. The single biggest way to resolve that is to put ourselves in a position of being able to cut taxes and get that on-budget surplus out of town.

I want to personally thank the Blue Dogs, and particularly the gentleman from Minnesota (Mr. MINGE) for his efforts to drive the debate on taking all of the social security and Medicare trust funds off-budget. He was a pioneer in that.

I want to compliment them on their $41 billion in tax cuts, but it falls short in the area of breaking the spending caps, breaking the budget agreement in 1997, spending too little on defense, and not providing the tax relief that Americans really need and deserve to prevent the growth of big government, to empower people, and to run America from the bottom up.

So for that reason, I must reluctantly oppose the Blue Dog substitute.

Mr. MINGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we had high hopes that the chairman of the Committee on the Budget would be supporting our budget until that last statement. We obviously need to talk to them a little more.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding time to me. I, too, am sorry that my good friend, the gentleman from Ohio (Mr. KASICH) cannot support our budget, but I am here today to support a budget that I believe in and I think the American people believe in.

This budget does what needs to be done. It gets the social security trust fund off-budget. It starts paying down the debt. It funds the priorities that we need funded in this country.

I come from a district that has a lot of problems in agriculture. This budget puts extra money into mandatory spending and into discretionary programs that we need if we are going to have any chance of pulling this agriculture economy out.

The thing I want to talk about, I serve on the Committee on Veterans' Affairs. Some know we have had a real commotion going on down there over the budget. All of the veterans groups came in and asked for $3.3 billion extra to make things work. Some of us tried to get that accomplished. In this budget we have an additional $1.9 billion for veterans, and then we extend that through the whole period.

The Republicans only have $900 million for the next year. Then they go back to the same level as the President. We cannot meet our commitments to veterans. We cannot keep our contract with veterans with that kind of a budget. Support the Blue Dog budget.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Chairman, both the President's budget plan and the Republican budget plan are disastrous for our Nation's veterans. The Blue Dog budget plan is the only budget proposal that meets the needs of our Nation's deserving veterans.

We are in critical need of more health care dollars for our veterans. We need to expand our health care to veterans suffering from Hepatitis C-related illnesses and who are needing emergency care and long-term care. We need to expand care for homeless veterans. We need to provide more outpatient centers.

Although the President acknowledges these needs, he has not provided for any new dollars in his initiatives. In fact, the VA budget freezes funded levels to what they were last year.

Meanwhile, Republicans, on the other hand, are using doubletalk. Republicans claim their budget increases funding for veterans, but anyone who looks at the budget sees that they get a $900 million increase in 2000, but then it decreases back to the original budget of 1999 levels. What is worse, the next 5 years, they cut it $2.4 billion. The Blue Dog budget provides over $10 billion over this period of time in outlays of more than $5.1 billion.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. SISISKY), our defense expert.

Mr. SISISKY. Mr. Chairman, I thank the gentleman from Minnesota for yielding time to me.

Mr. Chairman, I support the Blue Dog budget. I want to take time to explain why on defense.

Last Monday, this past Monday, I was in Norfolk, Virginia, at the Norfolk Naval Station. The Admiral of the Atlantic Fleet remarked at how good they are doing now, that the Theodore Roosevelt carrier was to leave Norfolk on Friday at a 92 percent complement. The last carrier that left there had 86 percent.

□ 1715

We have problems in defense. There is no doubt that the Republican budget is not going to solve it. Why is it not going to solve it? It all has to do with outlays versus authorization.

The Blue Dog budget is $11 billion more than the Republican budget. It was $13 billion, and now it is $11 billion, and of course $18 billion more than the President. It is evenhanded. It is mostly on outlays. That is what is important. I would ask this body, please support the thing.

I have a memo here, and we can put that in. "Conservatives should not accept this phony increase and should insist on a new program." This came from the New American Century, Bill Crystal's group.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I thank the gentleman from Minnesota for yielding me this time.

First of all, I want to thank Speaker HASTERT and the gentleman from Ohio (Chairman KASICH) and the gentleman from California (Chairman DREIER) for allowing us to have this open debate. We did not get that last year.

Most of the speakers that are opponents of the Blue Dog bill, the budget, have spent their time addressing a budget which received two votes about an hour and a half ago. The reason they do not talk about this budget is because they cannot. They cannot in good conscience compare it to their own.

There are three good reasons. Number one is that this budget, contrary to what the gentleman from Ohio (Chairman KASICH) said, spends $11 billion more in defense over the next 5 years. Secondly, it spends $6 billion more in agricultural outlays over the next 5 years. Thirdly, it spends $10 billion more in veterans spending over the next 5 years.

I would implore my colleagues to take a good, close look at the tricks and the smoke and the mirrors and vote for the Blue Dog budget.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the distinguished gentleman from Minnesota for yielding me this time, and I appreciate the work he has done on this budget.

I rise today in support of the Blue Dog budget. It is an honest and fair budget. The Republicans say they want to help America's farmers. Who are we kidding? The Republican bill slashes the funding to farmers by 10 percent at the time when they need it most.

The Republican bill does nothing to pay down the national debt. It spends and spends and spends. Every last drop of the surplus it spends, driving our country further into debt, rising interest rates, bankrupting our farmers and their children.

The Blue Dog budget contains $7 billion more for agriculture and recommends a sensible tax cut that will help our farmers. The Blue Dog budget devotes 50 percent of the surplus to deficit reduction, strengthening our economy, and saving for the future.

I challenge any Republican who votes for their leadership's budget resolution to go home, look their farmers in the eye and tell them, "I support agriculture." Do not be surprised if they do not believe you.

Mr. MINGE. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Minnesota (Mr. MINGE) has 6 minutes remaining. The gentleman from Georgia (Mr. CHAMBLISS) has 4½ minutes remaining.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, health care is a front burner issue this year, and it does not matter what one's race or age or sex or where one is from or even what one's party affiliation is. If we do not have good health care, we cannot do any of the other things that people have been up here talking about.

In the Blue Dog budget, we provide $8.6 billion more than the Republican budget over the next 5-year period. Our budget preserves funding for discretionary programs through the year 2002 and then allows for increases after 2002, whereas the Republican budget makes deeper cuts in discretionary spending for health care. The health and well-being of our Nation cannot stand for that.

The Blue Dog budget would allow increases for research, for funding, for NIH, and make sure that our rural health care areas of concern are not left on the back burner. These higher increases are made within the context of a balanced budget and do not cut other health programs like the Republican budget does. Let us not overlook or undercut the very health and well-being of our country. Without good health, we cannot do anything else.

Mr. MINGE. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to note that we agree with the gentleman on the other side about the importance of taking care of health care services in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, I yield 2½ minutes to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, first I would like to start by complimenting the gentleman from Minnesota (Mr. MINGE) on the budget proposal that he has put forth and the rest of the Blue Dog Coalition.

There are two budgets that will be up for consideration today that I would have to suggest to my colleagues are not phony. The Republican budget and the Blue Dog budget are very similar.

There are a couple of things where we differ. As I think the Blue Dogs will readily admit, they bust the caps in fiscal year 2001. That is where they are coming up with all of these, whether it is for health care, and out of respect, I suggest they are correct, their budget does spend a little bit more for health care, a little bit more for veterans. But they do it by busting the caps.

So we want to suggest that, do they want to do that? It is a choice. Do they want to bust the caps which got us to fiscal discipline, got us to balance in the first place, or do they not? That is the first issue. But I commend them. They are exactly right. That is what they are doing.

The other budget, the Clinton budget, is totally phony when it double counts Social Security; and the same is exactly true for the Spratt budget. But at least we have got two budgets to consider.

The second big issue that we have got to consider today is what to do with the surplus. The surplus, I would suggest to my colleagues, it comes to us in two different ways. One is the Social Security surplus. The gentleman from Minnesota (Mr. MINGE) and the Republicans, the Blue Dogs and the Republicans, say set it all aside. Amen. Finally we have gotten to that point. The gentleman and I have worked on that for many years. Both budgets do that.

The real issue, though, is what do we do with the rest? What do we do with the rest? There we have a choice. It is an honest choice. Choice number one, the Blue Dogs say spend a little bit of it, and tax relief a little bit of it, and debt reduction a little bit of it. That is fine. I respect that. That is a good choice that people can decide on.

What the Republicans say is this is not our money. We always talk about Federal dollars as if they are in our pockets out here and they are like our money. They are not. People work hard every single day of the week in order to send us that money. What they know is that they have sent enough, if not too much.

What they are hoping for is that once we have done the responsible thing, once we have met the priorities of the government, once we have set aside Social Security, then and only then, which is what our budget does, only when we have set aside Social Security this year, this year do we look out and do we say the surplus ought to go back to the people that sent it here in the first place.

That is why I reluctantly oppose the budget of the gentleman from Minnesota (Mr. MINGE), because of that choice.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Chairman, I want to thank the gentleman from Minnesota for the opportunity to speak today.

Mr. Chairman, today I rise to support the Blue Dog budget because it represents responsible budget policy while still providing critical funding for education and health care programs.

This budget provides $10 billion more for education and $8.6 billion more for health care than the Republican budget.

In my district, let me tell my colleagues, these funds are critical, not only to close the disparity gap for those disadvantaged children, but also just making the tools available for those who try to make it in the real world.

In my district, home health and rural health centers are the only point of access to health care for many people. Funding of these programs, which are included in the Blue Dog alternative, literally can mean life or death for these programs and the patients they serve.

In 1997, with the balanced budget amendment, we asked our citizens to accept cuts to put us on a fiscally secure future. Now we are fiscally responsible and we have a surplus. It is our duty to also use the surplus responsibly by investing in kids' education and providing access to necessary health care to our citizens. The Blue Dog alternative best meets these goals.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER) to discuss our continuing commitment to education.

Mrs. TAUSCHER. Mr. Chairman, America's working families, farmers, and businesses know that we must approach the Nation's budget the same way they approach their own, with a balanced view.

Our Blue Dog budget alternative is balanced. It protects Social Security, offers targeted tax cuts, reduces the national debt, and most importantly recommits our Nation to educating our children.

If America hopes to maintain our status as the world's economic superpower, we cannot continue to send off our kids to schools with inadequate facilities and outdated technology.

Our Blue Dog budget provides $10 billion more for education and training than the Republican budget. It allows for an increase in elementary and secondary education without forcing cuts in other education programs. It allows for spending on discretionary and training programs to grow by an average of 3.6 percent a year through 2004.

This balanced, fiscally responsible approach to the budget is the same formula for success that American families want. I urge my colleagues to support our Blue Dog budget alternative.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Chairman, I thank the gentleman from Minnesota for yielding me this time.

Back in the 1980s, back home in Indiana, I saw Congress make a mistake, and that mistake was embracing the idea of supply side economics and offering a huge tax cut in this country.

Some would say that it fueled the economy but at a great expense. Back in the 1980s, the budget deficit or budget debt was $1 billion. It grew to over $4 trillion.

Now as a Member of this Congress, I see the Congress about ready to make another mistake and offer huge tax cuts to the people of Indiana or to the people of this country. I think this is a serious mistake in light of the fact that we have a tremendous debt to pay off.

Our priority ought to be paying off the debt first. That is what we should do as well as saving Social Security. If we do this, we will be doing the responsible thing for the people of this country, the responsible thing for our kids and our grandchildren.

Mr. MINGE. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Minnesota (Mr. MINGE) has 2 minutes remaining. The gentleman from Georgia (Mr. CHAMBLISS) has 2 minutes remaining.

Mr. MINGE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM), who has been an outstanding leader in the Blue Dog Coalition and worked effectively with us on budget and tax policy.

Mr. STENHOLM. Mr. Chairman, let me sum up the Blue Dog budget this way: First, let me say that for the 21st consecutive year I have been allowed to oppose and vote against a President's budget because it spends too much, nine times with Democrats, 12 times with Republican presidents.

The Blue Dog budget before us cuts taxes over the next 5 years by $41.2 billion. Anyone that suggests anything else is not being factual. The Blue Dog budget maintains the spending caps until we balance the budget without counting the Social Security surplus.

To those who choose to criticize us because we spend too much on defense in 2001 and 2002, be prepared to live with those numbers within my colleagues' own caucus because they will find it is going to be very difficult to do it.

Also with agriculture, be prepared to live with those numbers my colleagues advocate in criticizing our budget. If my colleagues are, they are honest, and I respect that. Be prepared to live with the veterans numbers and stay with them all the way through, if my colleagues criticize our budget for recognizing those priorities.

Now, let us talk about our main priority, debt reduction. Our budget, at the end of 5 years, produces $85 billion less debt than the Republican budget. If we take it for 10 years, it is $450 billion. I submit to my colleagues, the Blue Dog budget is better for our country by reducing debt than the Republican budget.

Finally, in summation, let me say the Blue Dogs give first priority to reducing the $5 trillion plus national debt. As a result, the Blue Dog budget is not able to provide as much spending as some would like to see on both sides of the aisle.

So I ask my colleagues to join in thanking the leadership for allowing us to have this vote today. I appreciate the kind remarks that have been made by the other side recognizing the credibility. I believe what I have stated is factual and should warrant some overwhelming support from both sides of the aisle.

☐ 1730

Mr. CHAMBLISS. Mr. Chairman, I yield myself the balance of my time; and as did the gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget, I too want to add my thanks and my appreciation to the Blue Dogs for coming forward with this budget.

As I look across the aisle there and individually see the ones coming forward to speak in support of this, most of those Members are my close friends on that side of the aisle, and they are also the same individuals that talk like I do, who, with the exception of the gentleman from Minnesota (Mr. MINGE), come from my part of the country. And I have a great appreciation for that fact also.

But, Mr. Chairman, I want to say a couple of things in closing here. While the Blue Dog budget takes huge steps in the right direction, I think it is flawed in a couple of areas. The two primary areas that I have concerns about are:

Number one, defense. We do spend more in both budget authority as well as budget outlay in defense. With our manager's amendment, it increases the defense spending from our original numbers. And, obviously, that is what we are talking about, the final numbers.

Secondly, the thing that really concerned me when I ran for Congress in 1994, and the thing that concerns me today, and the thing that my good friends on the other side who are supporting this budget have continually said is, we have to pay down that debt.

And what has caused that debt? What has caused that debt is too much Federal spending. The Blue Dog budget calls for 25 percent of the surplus to go to spending. I have a problem with that.

My friend, the gentleman from Arkansas, was very critical of the Ag portion of the Republican budget. I have in my hands letters from eight national farming organizations, from the American Farm Bureau Federation, to the National Cotton Council, the Farm Credit Council, the American Soybean Association, the National Peanut Council, the Southern Peanut Farmers Federation, and several others, endorsing the Republican budget.

All of my colleagues on the other side of the aisle who are Blue Dogs, particularly those on the Committee on the Budget, know that when the President came out with zero dollars for crop insurance reform, Republicans led the fight to put money in the budget. I am appreciative that they followed suit with that, but for those reasons, I respectfully say that we are going to have to vote against this budget. But I do thank them, Mr. Chairman.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. MINGE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MINGE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 295, not voting 4, as follows:

[Roll No. 75]

AYES—134

Abercrombie
Andrews
Baird
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bentsen
Bereuter
Berkley
Berry
Bilbray
Bishop
Blumenauer
Boswell
Boyd
Capps
Cardin
Castle
Chenoweth
Clayton
Clement
Coburn
Condit
Cramer
Crowley
Danner
Davis (FL)
Davis (VA)
Deutsch
Dingell
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Etheridge
Farr
Ford
Frost
Ganske
Gephardt
Gonzalez
Goode
Goodlatte
Green (TX)
Hall (TX)
Hastings (FL)
Hill (IN)
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kaptur
Kind (WI)
Klink
Kucinich
LaFalce
LaHood
Lampson
Larson
LaTourette
Lucas (KY)
Luther
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McIntyre
Meehan
Meek (FL)
Menendez
Metcalf
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Neal
Oberstar
Ortiz
Ose
Pallone
Pascrell
Peterson (MN)
Phelps
Pickering
Pomeroy
Reyes

Rodriguez
Roemer
Roukema
Sanchez
Sandlin
Sawyer
Scarborough
Scott
Sherman
Shimkus
Shows
Sisisky
Skelton
Smith (MI)
Smith (WA)
Snyder
Stabenow
Stenholm
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thune
Thurman
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Watt (NC)
Wexler
Wise
Wynn

NOES—295

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Bartlett
Bass
Bateman
Becerra
Berman
Biggert
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Carson
Chabot
Chambliss
Clay
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crane
Cubin
Cummings
Cunningham
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Eshoo
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Owens
Oxley
Packard
Pastor
Paul
Payne
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sanford
Saxton
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stark
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Traficant
Velázquez
Vento
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—4

Burton
Pelosi
Stupak
Weldon (PA)

☐ 1752

Messrs. FOSSELLA, BECERRA, BLAGOJEVICH, HULSHOF, TOWNS, ROTHMAN, Ms. MILLENDER-MCDONALD, and Ms. MCKINNEY changed their vote from "aye" to "no."

Messrs. WISE, DEUTSCH, SHERMAN, NEAL of Massachusetts, and Mrs. CLAYTON changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BURTON of Indiana. Mr. Chairman, I was unavoidably detained for rollcall No. 75. Had I been present, I would have voted "no".

The CHAIRMAN (Mr. CAMP). It is now in order to consider amendment No. 3 printed in Part 2 of House Report 106–77.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 3 in the Nature of a Substitute printed in Part 2 of House Report 106–77 offered by Mr. SPRATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2000 and that the appropriate budgetary levels for fiscal years 2001 through 2014 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

(a) SPECIAL RULE.—In this resolution, all references to years are fiscal years and all amounts are expressed in billions.

(b) ON-BUDGET LEVELS (EXCLUDING SOCIAL SECURITY AND OTHER OFF-BUDGET AGENCIES.—The following budgetary levels are appropriate for each of fiscal years 2000 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,408.5.
Fiscal year 2001: $1,439.2.
Fiscal year 2002: $1,497.3.
Fiscal year 2003: $1,552.0.
Fiscal year 2004: $1,622.2.
Fiscal year 2005: $1,697.5.
Fiscal year 2006: $1,775.9.
Fiscal year 2007: $1,855.9.
Fiscal year 2008: $1,940.0.
Fiscal year 2009: $2,029.3.
Fiscal year 2010: $2,115.9.
Fiscal year 2011: $2,207.4.
Fiscal year 2012: $2,300.8.
Fiscal year 2013: $2,396.6.
Fiscal year 2014: $2,494.4.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.0.
Fiscal year 2001: −$5.9.
Fiscal year 2002: −$11.0.
Fiscal year 2003: −$11.3.
Fiscal year 2004: −$11.9.
Fiscal year 2005: −$13.4.
Fiscal year 2006: −$14.8.
Fiscal year 2007: −$15.5.
Fiscal year 2008: −$16.2.
Fiscal year 2009: −$16.4.
Fiscal year 2010: −$17.8.
Fiscal year 2011: −$17.8.
Fiscal year 2012: −$17.8.
Fiscal year 2013: −$17.8.
Fiscal year 2014: −$17.8.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,425.8.
Fiscal year 2001: $1,481.9.
Fiscal year 2002: $1,507.9.
Fiscal year 2003: $1,573.5.
Fiscal year 2004: $1,630.3.
Fiscal year 2005: $1,708.3.
Fiscal year 2006: $1,754.5.
Fiscal year 2007: $1,825.0.
Fiscal year 2008: $1,902.2.
Fiscal year 2009: $1,979.8.
Fiscal year 2010: $2,054.8.
Fiscal year 2011: $2,135.6.
Fiscal year 2012: $2,218.1.
Fiscal year 2013: $2,321.2.
Fiscal year 2014: $2,420.5.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408.0.
Fiscal year 2001: $1,432.3.
Fiscal year 2002: $1,495.8.
Fiscal year 2003: $1,551.6.
Fiscal year 2004: $1,621.7.
Fiscal year 2005: $1,684.8.
Fiscal year 2006: $1,735.3.
Fiscal year 2007: $1,803.9.
Fiscal year 2008: $1,882.9.
Fiscal year 2009: $1,958.2.
Fiscal year 2010: $2,045.1.
Fiscal year 2011: $2,134.8.
Fiscal year 2012: $2,226.3.
Fiscal year 2013: $2,338.4.
Fiscal year 2014: $2,442.0.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2000: $0.5.
Fiscal year 2001: $6.9.
Fiscal year 2002: $1.5.
Fiscal year 2003: $0.2.
Fiscal year 2004: $0.5.
Fiscal year 2005: $12.9.
Fiscal year 2006: $40.7.
Fiscal year 2007: $52.1.
Fiscal year 2008: $57.0.
Fiscal year 2009: $71.0.
Fiscal year 2010: $70.8.
Fiscal year 2011: $72.6.
Fiscal year 2012: $74.6.

Fiscal year 2013: $58.2.
Fiscal year 2014: $52.4.

(c) UNIFIED BUDGET LEVELS (INCLUDING ALL FEDERAL PROGRAMS).—The following budgetary levels are appropriate for each of fiscal years 2000 through 2014:

(1) FEDERAL REVENUES.—(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,876.5.
Fiscal year 2001: $1,927.0.
Fiscal year 2002: $2,003.6.
Fiscal year 2003: $2,079.4.
Fiscal year 2004: $2,172.1.
Fiscal year 2005: $2,274.3.
Fiscal year 2006: $2,377.7.
Fiscal year 2007: $2,484.2.
Fiscal year 2008: $2,594.4.
Fiscal year 2009: $2,710.6.
Fiscal year 2010: $2,826.5.
Fiscal year 2011: $2,948.5.
Fiscal year 2012: $3,073.2.
Fiscal year 2013: $3,201.0.
Fiscal year 2014: $3,331.6.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.0.
Fiscal year 2001: −$5.9.
Fiscal year 2002: −$11.0.
Fiscal year 2003: −$11.3.
Fiscal year 2004: −$11.9.
Fiscal year 2005: −$13.4.
Fiscal year 2006: −$14.8.
Fiscal year 2007: −$15.5.
Fiscal year 2008: −$16.2.
Fiscal year 2009: −$16.4.
Fiscal year 2010: −$17.8.
Fiscal year 2011: −$17.8.
Fiscal year 2012: −$17.8.
Fiscal year 2013: −$17.8.
Fiscal year 2014: −$17.8.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,752.9.
Fiscal year 2001: $1,821.4.
Fiscal year 2002: $1,857.6.
Fiscal year 2003: $1,935.8.
Fiscal year 2004: $2,005.7.
Fiscal year 2005: $2,097.8.
Fiscal year 2006: $2,159.2.
Fiscal year 2007: $2,245.6.
Fiscal year 2008: $2,340.5.
Fiscal year 2009: $2,439.3.
Fiscal year 2010: $2,540.2.
Fiscal year 2011: $2,648.4.
Fiscal year 2012: $2,762.9.
Fiscal year 2013: $2,903.0.
Fiscal year 2014: $3,044.0.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,735.1.
Fiscal year 2001: $1,771.9.
Fiscal year 2002: $1,845.4.
Fiscal year 2003: $1,914.0.
Fiscal year 2004: $1,997.2.
Fiscal year 2005: $2,074.5.
Fiscal year 2006: $2,140.1.
Fiscal year 2007: $2,224.7.
Fiscal year 2008: $2,321.2.
Fiscal year 2009: $2,417.9.
Fiscal year 2010: $2,530.5.
Fiscal year 2011: $2,647.5.
Fiscal year 2012: $2,771.2.
Fiscal year 2013: $2,920.2.
Fiscal year 2014: $3,065.5.

(4) SURPLUSES.—The amounts of the surpluses are as follows:

Fiscal year 2000: $141.4.
Fiscal year 2001: $155.1.
Fiscal year 2002: $158.1.
Fiscal year 2003: $165.3.
Fiscal year 2004: $174.9.
Fiscal year 2005: $199.9.
Fiscal year 2006: $237.7.
Fiscal year 2007: $259.5.
Fiscal year 2008: $273.2.
Fiscal year 2009: $292.7.
Fiscal year 2010: $296.0.
Fiscal year 2011: $301.0.
Fiscal year 2012: $302.0.
Fiscal year 2013: $280.8.
Fiscal year 2014: $266.1.

(d) DEBT HELD BY THE PUBLIC.—The appropriate levels of the public debt are as follows:

Fiscal year 2000: $3,500.4.
Fiscal year 2001: $3,361.3.
Fiscal year 2002: $3,219.2.
Fiscal year 2003: $3,070.3.
Fiscal year 2004: $2,910.7.
Fiscal year 2005: $2,725.0.
Fiscal year 2006: $2,500.6.
Fiscal year 2007: $2,253.4.
Fiscal year 2008: $1,991.7.
Fiscal year 2009: $1,710.2.
Fiscal year 2010: $1,426.2.
Fiscal year 2011: $1,137.3.
Fiscal year 2012: $847.2.
Fiscal year 2013: $577.5.
Fiscal year 2014: $322.4.

(e) TRANSFERS FROM THE GENERAL FUND TO THE HI AND OASI TRUST FUNDS.—

(1) AMOUNTS TRANSFERRED TO HI TRUST FUND.—The amounts to be transferred from the General Fund to the HI Trust Fund are as follows:

Fiscal year 2000: $26.2.
Fiscal year 2001: $28.2.
Fiscal year 2002: $29.9.
Fiscal year 2003: $31.5.
Fiscal year 2004: $33.3.
Fiscal year 2005: $37.8.
Fiscal year 2006: $44.2.
Fiscal year 2007: $47.8.
Fiscal year 2008: $50.2.
Fiscal year 2009: $53.1.
Fiscal year 2010: $54.3.
Fiscal year 2011: $54.9.
Fiscal year 2012: $54.9.
Fiscal year 2013: $51.6.
Fiscal year 2014: $49.3.

(2) AMOUNTS TRANSFERRED TO OASI TRUST FUND.—The amounts to be transferred from the General Fund to the OASI Trust Fund are as follows:

Fiscal year 2000: $108.5.
Fiscal year 2001: $116.7.
Fiscal year 2002: $123.5.
Fiscal year 2003: $130.1.
Fiscal year 2004: $137.7.
Fiscal year 2005: $156.2.
Fiscal year 2006: $182.8.
Fiscal year 2007: $197.7.
Fiscal year 2008: $207.4.
Fiscal year 2009: $219.6.
Fiscal year 2010: $224.3.
Fiscal year 2011: $226.8.
Fiscal year 2012: $226.9.
Fiscal year 2013: $213.2.
Fiscal year 2014: $203.7.

(3) RESULTING ON-BUDGET DEFICITS.—The on-budget deficits resulting from this resolution including the transfers under paragraphs (1) and (2) are the following:

Fiscal year 2000: −$110.3.
Fiscal year 2001: −$118.0.
Fiscal year 2002: −$136.7.
Fiscal year 2003: −$151.8.
Fiscal year 2004: −$167.0.
Fiscal year 2005: −$182.1.
Fiscal year 2006: −$191.5.
Fiscal year 2007: −$207.1.
Fiscal year 2008: −$225.4.
Fiscal year 2009: −$238.1.
Fiscal year 2010: −$258.9.
Fiscal year 2011: −$276.3.
Fiscal year 2012: −$292.1.
Fiscal year 2013: −$313.1.
Fiscal year 2014: −$327.9.

(4) RESULTING OFF-BUDGET SURPLUSES.—The off-budget surpluses resulting from this resolution including the transfers under paragraphs (1) and (2) are the following:

Fiscal year 2000: $251.8.
Fiscal year 2001: $273.0.
Fiscal year 2002: $294.8.
Fiscal year 2003: $316.9.
Fiscal year 2004: $341.9.
Fiscal year 2005: $382.1.
Fiscal year 2006: $429.2.
Fiscal year 2007: $466.7.
Fiscal year 2008: $498.5.
Fiscal year 2009: $530.8.
Fiscal year 2010: $554.9.
Fiscal year 2011: $577.3.
Fiscal year 2012: $594.1.
Fiscal year 2013: $593.8.
Fiscal year 2014: $594.0.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2000 through 2009 for each major functional category are:

(1) National Defense (050):
Fiscal year 2000:
(A) New budget authority, $280.4.
(B) Outlays, $273.6.
Fiscal year 2001:
(A) New budget authority, $300.2.
(B) Outlays, $281.6.
Fiscal year 2002:
(A) New budget authority, $302.1.
(B) Outlays, $291.7.
Fiscal year 2003:
(A) New budget authority, $312.5.
(B) Outlays, $303.6.
Fiscal year 2004:
(A) New budget authority, $321.4.
(B) Outlays, $313.5.
Fiscal year 2005:
(A) New budget authority, $326.0.
(B) Outlays, $318.0.
Fiscal year 2006:
(A) New budget authority, $330.7.
(B) Outlays, $322.5.
Fiscal year 2007:
(A) New budget authority, $335.4.
(B) Outlays, $327.1.
Fiscal year 2008:
(A) New budget authority, $340.2.
(B) Outlays, $331.8.
Fiscal year 2009:
(A) New budget authority, $345.0.
(B) Outlays, $336.5

(2) International Affairs (150):
Fiscal year 2000:
(A) New budget authority, $12.5.
(B) Outlays, $14.8.
Fiscal year 2001:
(A) New budget authority, $12.8.
(B) Outlays, $15.4.
Fiscal year 2002:
(A) New budget authority, $12.0.
(B) Outlays, $14.8.
Fiscal year 2003:
(A) New budget authority, $13.6.
(B) Outlays, $14.4.
Fiscal year 2004:
(A) New budget authority, $15.0.
(B) Outlays, $14.5.
Fiscal year 2005:
(A) New budget authority, $16.3.
(B) Outlays, $15.1.
Fiscal year 2006:
(A) New budget authority, $17.2.
(B) Outlays, $15.5.
Fiscal year 2007:
(A) New budget authority, $17.8.
(B) Outlays, $15.8.

Fiscal year 2008:
(A) New budget authority, $18.6.
(B) Outlays, $16.3.
Fiscal year 2009:
(A) New budget authority, $19.3.
(B) Outlays, $16.4.

(3) General Science, Space, and Technology (250):
Fiscal year 2000:
(A) New budget authority, $18.0.
(B) Outlays, $18.2.
Fiscal year 2001:
(A) New budget authority, $18.7.
(B) Outlays, $18.4.
Fiscal year 2002:
(A) New budget authority, $18.8.
(B) Outlays, $18.7.
Fiscal year 2003:
(A) New budget authority, $18.9.
(B) Outlays, $18.8.
Fiscal year 2004:
(A) New budget authority, $19.2.
(B) Outlays, $19.1.
Fiscal year 2005:
(A) New budget authority, $21.7.
(B) Outlays, $21.1.
Fiscal year 2006:
(A) New budget authority, $22.4.
(B) Outlays, $22.1.
Fiscal year 2007:
(A) New budget authority, $23.3.
(B) Outlays, $23.0.
Fiscal year 2008:
(A) New budget authority, $25.5.
(B) Outlays, $24.2.
Fiscal year 2009:
(A) New budget authority, $27.7.
(B) Outlays, $25.8.

(4) Energy (270):
Fiscal year 2000:
(A) New budget authority, $0.0.
(B) Outlays, −$0.7.
Fiscal year 2001:
(A) New budget authority, −$0.0.
(B) Outlays, −$1.8.
Fiscal year 2002:
(A) New budget authority, −$0.2.
(B) Outlays, −$1.2.
Fiscal year 2003:
(A) New budget authority, −$0.1.
(B) Outlays, −$1.2.
Fiscal year 2004:
(A) New budget authority, −$0.0.
(B) Outlays, −$1.2.
Fiscal year 2005:
(A) New budget authority, $0.1.
(B) Outlays, −$1.0.
Fiscal year 2006:
(A) New budget authority, $0.5.
(B) Outlays, −$0.6.
Fiscal year 2007:
(A) New budget authority, $0.7.
(B) Outlays, −$0.3.
Fiscal year 2008:
(A) New budget authority, $1.1.
(B) Outlays, $0.0.
Fiscal year 2009:
(A) New budget authority, $1.2.
(B) Outlays, $0.1.

(5) Natural Resources and Environment (300):
Fiscal year 2000:
(A) New budget authority, $24.5.
(B) Outlays, $23.6.
Fiscal year 2001:
(A) New budget authority, $24.4.
(B) Outlays, $24.0.
Fiscal year 2002:
(A) New budget authority, $24.4.
(B) Outlays, $23.9.
Fiscal year 2003:
(A) New budget authority, $24.5.
(B) Outlays, $24.1.
Fiscal year 2004:
(A) New budget authority, $25.4.
(B) Outlays, $25.0.
Fiscal year 2005:
(A) New budget authority, $27.6.
(B) Outlays, $26.5.
Fiscal year 2006:
(A) New budget authority, $28.6.
(B) Outlays, $27.8.
Fiscal year 2007:
(A) New budget authority, $28.9.
(B) Outlays, $28.2.
Fiscal year 2008:
(A) New budget authority, $30.4.
(B) Outlays, $29.7.
Fiscal year 2009:
(A) New budget authority, $32.3.
(B) Outlays, $30.6.

(6) Agriculture (350):
Fiscal year 2000:
(A) New budget authority, $14.7.
(B) Outlays, $13.3.
Fiscal year 2001:
(A) New budget authority, $14.1.
(B) Outlays, $12.2.
Fiscal year 2002:
(A) New budget authority, $12.4.
(B) Outlays, $10.6.
Fiscal year 2003:
(A) New budget authority, $12.7.
(B) Outlays, $11.0.
Fiscal year 2004:
(A) New budget authority, $13.4.
(B) Outlays, $11.8.
Fiscal year 2005:
(A) New budget authority, $14.2.
(B) Outlays, $12.5.
Fiscal year 2006:
(A) New budget authority, $15.2.
(B) Outlays, $13.4.
Fiscal year 2007:
(A) New budget authority, $16.0.
(B) Outlays, $14.2.
Fiscal year 2008:
(A) New budget authority, $16.9.
(B) Outlays, $14.9.
Fiscal year 2009:
(A) New budget authority, $17.3.
(B) Outlays, $15.1.

(7) Commerce and Housing Credit (370):
Fiscal year 2000:
(A) New budget authority, $98.
(B) Outlays, $4.5.
Fiscal year 2001:
(A) New budget authority, $12.0.
(B) Outlays, $7.1.
Fiscal year 2002:
(A) New budget authority, $16.3.
(B) Outlays, $11.9.
Fiscal year 2003:
(A) New budget authority, $16.3.
(B) Outlays, $12.6.
Fiscal year 2004:
(A) New budget authority, $16.2.
(B) Outlays, $12.8.
Fiscal year 2005:
(A) New budget authority, $14.7.
(B) Outlays, $11.4.
Fiscal year 2006:
(A) New budget authority, $14.6.
(B) Outlays, $11.1.
Fiscal year 2007:
(A) New budget authority, $14.7.
(B) Outlays, $10.9.
Fiscal year 2008:
(A) New budget authority, $14.6.
(B) Outlays, $10.5.
Fiscal year 2009:
(A) New budget authority, $14.4.
(B) Outlays, $9.9.

(8) Transportation (400):
Fiscal year 2000:
(A) New budget authority, $50.6.
(B) Outlays, $45.8.
Fiscal year 2001:
(A) New budget authority, $52.2.
(B) Outlays, $47.7.
Fiscal year 2002:
(A) New budget authority, $52.6
(B) Outlays, $47.2.
Fiscal year 2003:
(A) New budget authority, $54.2.
(B) Outlays, $48.5.
Fiscal year 2004:
(A) New budget authority, $54.2.
(B) Outlays, $48.7.
Fiscal year 2005:
(A) New budget authority, $54.2.
(B) Outlays, $50.6.
Fiscal year 2006:
(A) New budget authority, $54.6.
(B) Outlays, $53.9.
Fiscal year 2007:
(A) New budget authority, $54.8.
(B) Outlays, $55.1.
Fiscal year 2008:
(A) New budget authority, $55.3.
(B) Outlays, $56.4.
Fiscal year 2009:
(A) New budget authority, $55.5.
(B) Outlays, $56.7.

(9) Community and Regional Development (450):
Fiscal year 2000:
(A) New budget authority, $8.6.
(B) Outlays, $10.6.
Fiscal year 2001:
(A) New budget authority, $7.8.
(B) Outlays, $9.3.
Fiscal year 2002:
(A) New budget authority, $8.8.
(B) Outlays, $8.8.
Fiscal year 2003:
(A) New budget authority, $8.9.
(B) Outlays, $9.2.
Fiscal year 2004:
(A) New budget authority, $9.1.
(B) Outlays, $9.3.
Fiscal year 2005:
(A) New budget authority, $10.8.
(B) Outlays, $10.0.
Fiscal year 2006:
(A) New budget authority, $11.8.
(B) Outlays, $10.7.
Fiscal year 2007:
(A) New budget authority, $12.8.
(B) Outlays, $11.6.
Fiscal year 2008:
(A) New budget authority, $13.8.
(B) Outlays, $12.8.
Fiscal year 2009:
(A) New budget authority, $14.8.
(B) Outlays, $13.8.

(10) Education, Training, Employment, and Social Services:
Fiscal year 2000:
(A) New budget authority, $68.6.
(B) Outlays, $64.3.
Fiscal year 2001:
(A) New budget authority, $67.3.
(B) Outlays, $66.1.
Fiscal year 2002:
(A) New budget authority, $67.5.
(B) Outlays, $66.7.
Fiscal year 2003:
(A) New budget authority, $69.9.
(B) Outlays, $68.5.
Fiscal year 2004:
(A) New budget authority, $71.8.
(B) Outlays, $70.7.
Fiscal year 2005:
(A) New budget authority, $74.1.
(B) Outlays, $72.5.
Fiscal year 2006:
(A) New budget authority, $76.3.
(B) Outlays, $75.3.
Fiscal year 2007:
(A) New budget authority, $80.2.
(B) Outlays, $78.4.

Fiscal year 2008:
(A) New budget authority, $83.5.
(B) Outlays, $82.5.
Fiscal year 2009:
(A) New budget authority, $87.5.
(B) Outlays, $86.1.
(11) Health (550):
Fiscal year 2000:
(A) New budget authority, $157.1.
(B) Outlays, $153.4.
Fiscal year 2001:
(A) New budget authority, $167.3.
(B) Outlays, $163.9.
Fiscal year 2002:
(A) New budget authority, $177.2.
(B) Outlays, $177.1.
Fiscal year 2003:
(A) New budget authority, $188.9.
(B) Outlays, $189.0.
Fiscal year 2004:
(A) New budget authority, $203.5.
(B) Outlays, $204.2.
Fiscal year 2005:
(A) New budget authority, $220.8.
(B) Outlays, $220.0.
Fiscal year 2006:
(A) New budget authority, $238.7.
(B) Outlays, $238.7.
Fiscal year 2007:
(A) New budget authority, $259.3.
(B) Outlays, $258.7.
Fiscal year 2008:
(A) New budget authority, $280.1.
(B) Outlays, $279.2.
Fiscal year 2009:
(A) New budget authority, $303.2.
(B) Outlays, $302.2.
(12) Medicare (570):
Fiscal year 2000:
(A) New budget authority, $208.8.
(B) Outlays, $208.8.
Fiscal year 2001:
(A) New budget authority, $222.2.
(B) Outlays, $222.3.
Fiscal year 2002:
(A) New budget authority, $231.0.
(B) Outlays, $230.7.
Fiscal year 2003:
(A) New budget authority, $251.2.
(B) Outlays, $251.4.
Fiscal year 2004:
(A) New budget authority, $269.1.
(B) Outlays, $269.3.
Fiscal year 2005:
(A) New budget authority, $269.3.
(B) Outlays, $295.9.
Fiscal year 2006:
(A) New budget authority, $307.6.
(B) Outlays, $307.8.
Fiscal year 2007:
(A) New budget authority, $338.5.
(B) Outlays, $338.7.
Fiscal year 2008:
(A) New budget authority, $366.7.
(B) Outlays, $366.3.
Fiscal year 2009:
(A) New budget authority, $395.3.
(B) Outlays, $395.5.
(13) Income Security (600):
Fiscal year 2000:
(A) New budget authority, $245.7.
(B) Outlays, $248.4.
Fiscal year 2001:
(A) New budget authority, $257.2.
(B) Outlays, $258.5.
Fiscal year 2002:
(A) New budget authority, $267.3.
(B) Outlays, $268.3.
Fiscal year 2003:
(A) New budget authority, $276.8.
(B) Outlays, $277.8.
Fiscal year 2004:
(A) New budget authority, $286.1.
(B) Outlays, $287.8.
Fiscal year 2005:
(A) New budget authority, $300.6.
(B) Outlays, $301.6.
Fiscal year 2006:
(A) New budget authority, $307.3.
(B) Outlays, $309.0.
Fiscal year 2007:
(A) New budget authority, $313.8.
(B) Outlays, $316.1.
Fiscal year 2008:
(A) New budget authority, $327.7.
(B) Outlays, $330.7.
Fiscal year 2009:
(A) New budget authority, $338.4.
(B) Outlays, $341.8.
(14) Social Security (650):
Fiscal year 2000:
(A) New budget authority, $14.2.
(B) Outlays, $14.3.
Fiscal year 2001:
(A) New budget authority, $13.8.
(B) Outlays, $13.8.
Fiscal year 2002:
(A) New budget authority, $15.6.
(B) Outlays, $15.6.
Fiscal year 2003:
(A) New budget authority, $16.3.
(B) Outlays, $16.3.
Fiscal year 2004:
(A) New budget authority, $17.1.
(B) Outlays, $17.1.
Fiscal year 2005:
(A) New budget authority, $18.0.
(B) Outlays, $18.0.
Fiscal year 2006:
(A) New budget authority, $19.1.
(B) Outlays, $19.0.
Fiscal year 2007:
(A) New budget authority, $20.2.
(B) Outlays, $20.1.
Fiscal year 2008:
(A) New budget authority, $21.4.
(B) Outlays, $21.4.
Fiscal year 2009:
(A) New budget authority, $22.7.
(B) Outlays, $22.6.
(15) Veterans Benefits and Services (700):
Fiscal year 2000:
(A) New budget authority, $45.6.
(B) Outlays, $45.5.
Fiscal year 2001:
(A) New budget authority, $46.3.
(B) Outlays, $46.4.
Fiscal year 2002:
(A) New budget authority, $46.8.
(B) Outlays, $46.7.
Fiscal year 2003:
(A) New budget authority, $48.1.
(B) Outlays, $48.3.
Fiscal year 2004:
(A) New budget authority, $48.4.
(B) Outlays, $48.8.
Fiscal year 2005:
(A) New budget authority, $53.5.
(B) Outlays, $53.9.
Fiscal year 2006:
(A) New budget authority, $52.1.
(B) Outlays, $52.5.
Fiscal year 2007:
(A) New budget authority, $53.5.
(B) Outlays, $51.9.
Fiscal year 2008:
(A) New budget authority, $54.7.
(B) Outlays, $55.2.
Fiscal year 2009:
(A) New budget authority, $57.0.
(B) Outlays, $57.4.
(16) Administration of Justice (750):
Fiscal year 2000:
(A) New budget authority, $23.4.
(B) Outlays, $25.3.
Fiscal year 2001:
(A) New budget authority, $24.7.
(B) Outlays, $24.9.
Fiscal year 2002:
(A) New budget authority, $24.7.
(B) Outlays, $24.9.
Fiscal year 2003:
(A) New budget authority, $25.9.
(B) Outlays, $25.7.
Fiscal year 2004:
(A) New budget authority, $27.7.
(B) Outlays, $27.6.
Fiscal year 2005:
(A) New budget authority, $29.9.
(B) Outlays, $29.3.
Fiscal year 2006:
(A) New budget authority, $31.2.
(B) Outlays, $30.2.
Fiscal year 2007:
(A) New budget authority, $32.9.
(B) Outlays, $32.5.
Fiscal year 2008:
(A) New budget authority, $34.5.
(B) Outlays, $34.0.
Fiscal year 2009:
(A) New budget authority, $35.5.
(B) Outlays, $35.2.
(17) General Government (800):
Fiscal year 2000:
(A) New budget authority, $12.3.
(B) Outlays, $13.5.
Fiscal year 2001:
(A) New budget authority, $12.1.
(B) Outlays, $12.6.
Fiscal year 2002:
(A) New budget authority, $12.1.
(B) Outlays, $12.3.
Fiscal year 2003:
(A) New budget authority, $12.1.
(B) Outlays, $12.2.
Fiscal year 2004:
(A) New budget authority, $12.4.
(B) Outlays, $12.4.
Fiscal year 2005:
(A) New budget authority, $13.2.
(B) Outlays, $12.8.
Fiscal year 2006:
(A) New budget authority, $14.0.
(B) Outlays, $13.7.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2008:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2009:
(A) New budget authority, $.
(B) Outlays, $.
(18) Net Interest (900):
Fiscal year 2000:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2001:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2002:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2003:
(A) New budget authority, $265.2.
(B) Outlays, $265.2.
Fiscal year 2004:
(A) New budget authority, $263.3.
(B) Outlays, $263.3.
Fiscal year 2005:
(A) New budget authority, $260.6.
(B) Outlays, $260.6.
Fiscal year 2006:
(A) New budget authority, $257.7.
(B) Outlays, $257.7.
Fiscal year 2007:
(A) New budget authority, $254.8.
(B) Outlays, $254.8.
Fiscal year 2008:
(A) New budget authority, $250.7.
(B) Outlays, $250.7.
Fiscal year 2009:

(A) New budget authority, $246.7.
(B) Outlays, $246.7.
(19) Allowances (920):
Fiscal year 2000:
(A) New budget authority, −$9.3.
(B) Outlays, −$9.5.
Fiscal year 2001:
(A) New budget authority, −$4.5.
(B) Outlays, −$4.4.
Fiscal year 2002:
(A) New budget authority, −$4.3.
(B) Outlays, −$5.7.
Fiscal year 2003:
(A) New budget authority, −$4.1.
(B) Outlays, −$4.3.
Fiscal year 2004:
(A) New budget authority, −$4.4.
(B) Outlays, −$4.4.
Fiscal year 2005:
(A) New budget authority, −$4.5.
(B) Outlays, −$4.4.
Fiscal year 2006:
(A) New budget authority, −$4.3.
(B) Outlays, −$4.3.
Fiscal year 2007:
(A) New budget authority, −$4.3.
(B) Outlays, −$4.3.
Fiscal year 2008:
(A) New budget authority, −$4.4.
(B) Outlays, −$4.3.
Fiscal year 2009:
(A) New budget authority, −$4.2.
(B) Outlays, −$4.2.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2000:
(A) New budget authority, −$35.1.
(B) Outlays, −$35.1.
Fiscal year 2001:
(A) New budget authority, −$37.9.
(B) Outlays, −$37.9.
Fiscal year 2002:
(A) New budget authority, −$44.9.
(B) Outlays, −$44.9.
Fiscal year 2003:
(A) New budget authority, −$38.3.
(B) Outlays, −$38.3.
Fiscal year 2004:
(A) New budget authority, −$38.6.
(B) Outlays, −$38.6.
Fiscal year 2005:
(A) New budget authority, −$39.8.
(B) Outlays, −$39.8.
Fiscal year 2006:
(A) New budget authority, −$40.8.
(B) Outlays, −$40.8.
Fiscal year 2007:
(A) New budget authority, −$42.5.
(B) Outlays, −$42.5.
Fiscal year 2008:
(A) New budget authority, −$43.6.
(B) Outlays, −$43.6.
Fiscal year 2009:
(A) New budget authority, −$44.8.
(B) Outlays, −$44.8.
(21) Multipurpose (970):
Fiscal year 2000:
(A) New budget authority, $0.0.
(B) Outlays, $0.0.
Fiscal year 2001:
(A) New budget authority, $0.0.
(B) Outlays, −$19.0.
Fiscal year 2002:
(A) New budget authority, $0.0.
(B) Outlays, $10.0.
Fiscal year 2003:
(A) New budget authority, $0.0.
(B) Outlays, −$1.0.
Fiscal year 2004:
(A) New budget authority, $0.0.
(B) Outlays, $10.0.
Fiscal year 2005:
(A) New budget authority, $0.0.
(B) Outlays, $0.0.
Fiscal year 2006:
(A) New budget authority, $0.0.
(B) Outlays, $0.0.
Fiscal year 2007:
(A) New budget authority, $0.0.
(B) Outlays, $0.0.
Fiscal year 2008:
(A) New budget authority, $0.0.
(B) Outlays, $0.0
Fiscal year 2009:
(A) New budget authority, $0.0
(B) Outlays, $0.0.

SEC. 4. RECONCILIATION.

(a) FIRST RECONCILIATION BILL.—Not later than July 1, 1999, the House Committee on Ways and Means shall report to the House a reconciliation bill that consists of changes in laws within its jurisdiction necessary—

(1) to ensure (A) that the surplus of all trust fund receipts over outlays of the social security trust funds is invested in special purpose bonds backed by the full faith and credit of the United States, and (B) that such funds are applied by the Treasury solely to pay off the outstanding debt of the United States held by the public; and

(2) to ensure further that the Treasury shall issue bonds backed by the full faith and credit of the United States Government to the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Funds and to the Board of Trustees of the Medicare Hospital Insurance Trust Fund in an amount specified in this resolution which equals the public debt retired through fiscal year 2014. 81½ percent of such bonds shall be issued to the social security trust funds and 19½ percent to the Medicare Hospital Insurance Trust Fund.

(b) SECOND RECONCILIATION BILL.—If the reconciliation bill referred to in subsection (a) is enacted, then, not later than the 20th calendar day beginning after the date of such enactment, the House Committee on Ways and Means shall submit its recommendations to the Committee on the Budget of the House. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce revenues as follows: −$40.1 in the period of fiscal years 2000 through 2004 and −$116.5 in the period of fiscal years 2000 through 2009.

(2) The policy of this concurrent resolution is that the bill reported under section 4(b)(1) accommodate high priority tax relief of approximately $62 billion over five years, $166 billion over ten years, and $295 billion over fifteen years upon enactment of legislation that extends solvency of the Social Security trust funds until 2050 and solvency of the Medicare Trust Fund until at least 2020. Of these amounts, $22 billion over five years, $50 billion over ten years, and $90 billion over fifteen years would fully offset revenues lost by closing or restricting unwarranted tax benefits. Such tax relief should—

(1) expand tax credits to alleviate the costs of child care for working families;

(2) reduce financing costs for primary and secondary public school modernization;

(3) mitigate "marriage penalties" in the tax code;

(4) ensure that working families eligible for child tax credits are unaffected by the Alternative Minimum Tax;

(5) create tax incentives for working families to establish savings accounts for retirement;

(6) extend long-supported and previously renewed tax benefits that soon will expire, such as the Work Opportunity and Research and Experimentation credits;

(7) accommodate the revenue effects of enacting the Dingell bill (H.R. 358), legislation improving rights for medical patients and providers in managed care health plans;

(8) provide tax relief to assist working families with long-term care needs; and

(9) provide tax credits to purchasers of Better American Bonds which will support State and local environmental protection initiatives.

SEC. 5. EXTENDING THE SOLVENCY OF SOCIAL SECURITY AND MEDICARE.

Until enactment of the legislation required by this section, none of any budget surplus shall be obligated or expended. Upon enactment of this legislation, the on-budget surplus may be used to increase programs or to offset tax reduction, subject to the discretionary spending caps and the pay-as-you-go rules as enacted by H. Con. Res. 67 (105th Congress) or as subsequently amended. It is the objective of this resolution to extend the solvency of Social Security at least until 2050 and the solvency of Medicare at least until 2020, and to prohibit obligation or expenditure of any budget surplus until these objectives are met. The Balanced Budget Agreement of 1997 set discretionary caps for fiscal years 1998 through 2002 based upon explicit funding levels for national defense (Function 050) for fiscal years 1998 through 2002. The President's budget for fiscal year 2000 requests a baseline increase in Function 050 amounting to $84 billion in budget authority for each of the next 5 years. The purpose of the increase is to address problems of readiness and retention and to meet requirements for modernization of forces, which were not anticipated in the Balanced Budget Agreement of 1997. This request changes fundamentally the assumptions on which the agreement was made; therefore, baseline spending should be increased in order to provide sufficient funds for nondefense discretionary spending needs while meeting the President's request for additional defense spending. Therefore, upon enactment of legislation making Social Security and Medicare solvent, as required by section 4(a), the discretionary spending caps applicable to fiscal years 2001 and 2002 should be adjusted upward to reflect the additional defense spending request from the President's budget.

SEC. 6. UPDATED CBO PROJECTIONS.

Each calendar quarter the Director of the Congressional Budget Office shall make an up-to-date estimate of receipts, outlays and surplus (on-budget and off-budget) for the current fiscal year.

SEC. 7. RELINQUISHING THE FEDERAL SHARE OF MEDICAID FUNDS RECOUPED AS A RESULT OF TOBACCO SETTLEMENTS BETWEEN THE STATES AND TOBACCO COMPANIES.

The resolution assumes the Federal share of Medicaid funds recouped as a result of tobacco settlements between the States and tobacco companies will be relinquised to the States. The resolution assumes that the release of the Federal Government's claim to these funds in favor of the States will be made by law, and will be subject to certain conditions and activities prescribed by law including, but not limited to, programs which improve public health, programs designed to prevent youth smoking, other health activities or education, and compensation for tobacco farmers.

SEC. 8. SENSE OF CONGRESS ON THE COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) FINDINGS.—Congress finds that—

(1) persecution of individuals on the sole ground of their religious beliefs and practices occurs in countries around the world and affects millions of lives;

(2) such persecution violates international norms of human rights, including those established in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, and the Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief;

(3) such persecution is abhorrent to all Americans, and our very Nation was founded on the principle of the freedom to worship according to the dictates of our conscience; and

(4) in 1998 Congress unanimously passed, and President Clinton signed into law, the International Religious Freedom Act of 1998, which established the United States Commission on International Religious Freedom to monitor facts and circumstances of violations of religious freedom and authorized $3,000,000 to carry out the functions of the Commission for each of fiscal years 1999 and 2000.

(b) Sense of Congress.—It is the sense of Congress that—

(1) this resolution assumes that $3,000,000 will be appropriated within function 150 for fiscal year 2000 for the United States Commission on International Religious Freedom to carry out its duties; and

(2) the House Committee on Appropriations is strongly urged to appropriate such amount for the Commission.

SEC. 9. SENSE OF CONGRESS ON ASSET-BUILDING FOR THE WORKING POOR.

(a) Findings.—Congress finds that—

(1) 33 percent of all American households have no or negative financial assets and 60 percent of African-American households have no or negative financial assets;

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of caucasian children and 75 percent of African-American children;

(3) in order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established;

(4) across the Nation numerous small public, private, and public-private asset-building initiatives (including individual development account programs) are demonstrating success at empowering low-income workers;

(5) the Government currently provides middle and upper income Americans with hundreds of billions of dollars in tax incentives for building assets; and

(6) the Government should utilize tax laws or other measures to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) Sense of Congress.—It is the sense of Congress that any changes in tax law should include provisions which encourage low-income workers and their families to save for buying their first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

SEC. 10. SENSE OF CONGRESS ON ACCESS TO HEALTH INSURANCE AND PRESERVING HOME HEALTH SERVICES FOR ALL MEDICARE BENEFICIARIES.

(a) Access to Health Insurance.—

(1) Findings.—Congress finds that—

(A) 43.4 million Americans are currently without health insurance, and that this number is expected to rise to nearly 60 million people in the next 10 years;

(B) the cost of health insurance continues to rise, a key factor in increasing the number of uninsured; and

(C) there is a consensus that working Americans and their families and children will suffer from reduced access to health insurance.

(2) Sense of congress on improving access to health care insurance.—It is the sense of Congress that access to affordable health care coverage for all Americans is a priority of the 106th Congress.

(b) Preserving Home Health Service For All Medicare Beneficiaries.—

(1) Findings.—Congress finds that—

(A) the Balanced Budget Act of 1997 reformed medicare home health care spending by instructing the Health Care Financing Administration to implement a prospective payment system and instituted an interim payment system to achieve savings;

(B) the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, reformed the interim payment system to increase reimbursements to low-cost providers, added $900 million in funding, and delayed the automatic 15 percent payment reduction for one year, to October 1, 2000; and

(C) patients whose care is more extensive and expensive than the typical medicare patient do not receive supplemental payments in the interim payment system but will receive special protection in the home health care prospective payment system.

(2) Sense of congress on access to home health care.—It is the sense of Congress that—

(A) Congress recognizes the importance of home health care for seniors and disabled citizens;

(B) Congress and the Administration should work together to maintain quality care for patients whose care is more extensive and expensive than the typical medicare patient, including the sickest and frailest medicare beneficiaries, while home health care agencies operate in the interim payment system; and

(C) Congress and the Administration should work together to avoid the implementation of the 15 percent reduction in the interim payment system and ensure timely implementation of the prospective payment system.

SEC. 11. SENSE OF THE HOUSE ON MEDICARE PAYMENT.

(a) Findings.—The House finds that—

(1) a goal of the Balanced Budget Act of 1997 was to expand options for Medicare beneficiaries under the new Medicare+Choice program;

(2) Medicare+Choice was intended to make these choices available to all Medicare beneficiaries; and unfortunately, during the first two years of the Medicare+Choice program the blended payment was not implemented, stifling health care options and continuing regional disparity among many counties across the United States; and

(3) the Balanced Budget Act of 1997 also established the National Bipartisan Commission on the Future of Medicare to develop legislative recommendations to address the long-term funding challenges facing medicare.

(b) Sense of the House.—It is the sense of the House that this resolution assumes that funding of the Medicare+Choice program is a priority for the House Committee on the Budget before financing new programs and benefits that may potentially add to the imbalance of payments and benefits in Fee-for-Service Medicare and Medicare+Choice.

SEC. 12. SENSE OF THE HOUSE ON ASSESSMENT OF WELFARE-TO-WORK PROGRAMS.

(a) In General.—It is the sense of the House that, recognizing the need to maximize the benefit of the Welfare-to-Work Program, the Secretary of Labor should prepare a report on Welfare-to-Work Programs pursuant to section 403(a)(5) of the Social Security Act. This report should include information on the following—

(1) the extent to which the funds available under such section have been used (including the number of States that have not used any of such funds), the types of programs that have received such funds, the number of and characteristics of the recipients of assistance under such programs, the goals of such programs, the duration of such programs, the costs of such programs, any evidence of the effects of such programs on such recipients, and accounting of the total amount expended by the States from such funds, and the rate at which the Secretary expects such funds to be expended for each of the fiscal years 2000, 2001, and 2002;

(2) with regard to the unused funds allocated for Welfare-to-Work for each of fiscal years 1998 and 1999, identify areas of the Nation that have unmet needs for Welfare-to-Work initiatives; and

(3) identify possible Congressional action that may be taken to reprogram Welfare-to-Work funds from States that have not utilized previously allocated funds to places of unmet need, including those States that have rejected or otherwise not utilized prior funding.

(b) Report.—It is the sense of the House that, not later than January 1, 2000, the Secretary of Labor should submit to the Committee on the Budget and the Committee on Ways and Means of the House and the Committee on Finance of the Senate, in writing, the report described in subsection (a).

SEC. 13. SENSE OF CONGRESS ON PROVIDING HONOR GUARD SERVICES FOR VETERANS' FUNERALS.

It is the sense of Congress that all relevant congressional committees should make every effort to provide sufficient resources so that an Honor Guard, if requested, is available for veterans' funerals.

SEC. 14. SENSE OF CONGRESS REGARDING THE PRESIDENT'S LIVABILITY AGENDA AND LANDS LEGACY INITIATIVE.

(a) Findings.—Congress finds that—

(1) States and localities across the country are taking steps to address the problems of traffic congestion, urban sprawl, the deterioration of recreational areas, and the disappearance of wildlife habitat and open space;

(2) the Government should be a strong partner with States and localities as they strive to address these problems and build livable communities for the 21st century;

(3) the Government can and should also take independent actions to protect critical lands across the country and to preserve America's natural treasures; and

(4) the President's Lands Legacy Initiative and Livability Agenda represent two comprehensive proposals that advance these goals.

(b) Sense of Congress.—It is the sense of Congress that the President's Land Legacy Initiative and Livability Agenda should be considered high priorities by the Appropriations Committees as they make spending decisions for fiscal year 2000 and beyond.

SEC. 15. SENSE OF CONGRESS ON CHILD NUTRITION.

It is the sense of Congress that both Democrats and Republicans understand that an adequate diet and proper nutrition are essential to a child's general well-being. Furthermore, the lack of an adequate diet and proper nutrition may adversely affect a child's ability to perform up to his or her ability in school. Because of this fact, as well as the current Federal role in school nutrition programs and the commitment on behalf of both Republicans and Democrats to helping children learn, it is the sense of Congress that the Committee on Education and the Workforce and the Committee on Agriculture of the House should examine our Nation's nutrition programs to determine if they can be improved, particularly with respect to services to low-income children.

SEC. 16. SENSE OF CONGRESS REGARDING STATES' FLEXIBILITY TO HELP LOW-INCOME SENIORS MEET MEDICARE'S COST SHARING REQUIREMENTS.

(a) FINDINGS.—The Congress finds that—

(1) Congress and the States through Medicaid have established two vital programs to help senior citizens pay medicare premiums, deductibles, and copayments through the Qualified Medicare Beneficiary (QMB) and the Specified Low-Income Medicare Beneficiary (SLMB) programs;

(2) a recent Families, USA study found that between three and four million low-income seniors are not getting the help to which they are legally entitled, which is nearly 40 percent of those eligible for these programs; and

(3) for many senior citizens with limited means, these medicare premiums, deductibles, and copayments can be a significant burden on their monthly budgets.

(b) SENSE OF CONGRESS.—It is the sense of Congress that these low-income seniors be enrolled in Medicaid by allowing the Social Security Administration to automatically assume that these seniors are eligible for Medicaid, while States make final determinations.

SEC. 17. SENSE OF CONGRESS ON EQUITABLE REIMBURSEMENT FOR FEDERALLY QUALIFIED HEALTH CENTERS.

The Balanced Budget Act of 1997 contained a provision to phase out Medicaid cost-based reimbursements from States to FQHC's beginning in August of 1999 and phasing out completely by 2002. It is anticipated that the phase-out of these reimbursements will put a tremendous strain on the ability of FQHC's to meet the healthcare needs of Medicaid beneficiaries and the uninsured, particularly in rural areas of the United States. It is the sense of Congress that a fair and equitable Medicaid reimbursement policy should be developed for FQHC's in recognition of their unique patient and service mix.

SEC. 18. SENSE OF CONGRESS REGARDING STATES' FLEXIBILITY TO PROVIDE CHILDREN WITH HEALTH INSURANCE.

(a) FINDINGS.—The Congress finds that—

(1) according to the 1997 current population survey data from the United States Census Bureau, 11.3 million children are uninsured and 4.4 million of them are eligible for Medicaid;

(2) under the Balanced Budget Act of 1997, States have a new option under Medicaid to grant "presumptive eligibility" to children through pediatricians, community health centers, other health providers, Head Start centers, WIC agencies, and State or local child care agencies that determine eligibility for child care subsidies; and

(3) it is more cost effective to enroll these children in Medicaid and ensure that they are receiving preventive care through a family doctor, rather than through an emergency room where children are sicker and taxpayers will end up paying more through higher Medicaid expenditures, local taxes, or insurance premiums.

(b) SENSE OF CONGRESS.—It is the sense of Congress that these low-income children be enrolled in Medicaid by allowing schools, child care resource and referral centers, child support agencies, workers determining eligibility for homeless programs, and workers determining eligibility for the Children's Health Insurance Program (CHIP) to automatically assume that these children are eligible for Medicaid, while States make final determinations.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Ohio (Mr. KASICH) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY) the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, if we were voting on final passage on the Spratt amendment, I would vote against it, because it and all other budgets before us today pretend that both parties will make deep cuts in health, environment, education, international responsibilities, and defense that in the end neither party, in my view, will accept.

But this vote is not to pass the Spratt amendment. It is to substitute the Spratt amendment for the Republican budget, and I will vote to do that. Because, with all of its false premises, it is far less reckless, far more balanced and responsible than the Republican alternative that it amends.

Now, why do I say that? It is because I was here in 1981 and I remember the Republicans and a lot of conservative Democrats ramming the disastrous Reagan budgets through this House, which promised that we could double defense spending, provide huge tax cuts aimed at the wealthy, and still balance the budget.

Instead, those budgets tripled the deficits and tripled the national debt. And it took us some 19 years to dig out of that hole to the point where a President could finally present a balanced budget to the Congress.

I vowed never again will I cooperate in that kind of outrageous activity. But now the Republicans in their approach bring us the same patent medicine snake oil that they gave us in 1981.

The Spratt amendment does not. The Spratt amendment extends the solvency of Social Security and Medicare. It is better for veterans. It is better for education. It is better for health care. And in the future, it makes some of the investments that we will need to create greater opportunity for all of our American families.

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But I caution all of my colleagues. After the budget resolution passes today, they will then face the appropriations process. In that process, I predict that neither party will be willing to vote for the cuts in education, in health care, in agriculture, in veterans, in environmental cleanup, in defense that all of these resolutions promise today.

I really believe that Members fundamentally misunderstand what is happening in the budget process, and I would ask this question: Does anybody on this floor really believe that in the end in the appropriations process they will cut 10 percent below current services this year, or 20 to 25 percent below current services in the coming 5 years in some of the program areas I have just described? The answer is very simple. They simply will not do it.

The budget process in my view has become fundamentally flawed and phony. It politically rewards phonies. It allows Congress to pretend that it is making cuts at the macro level, which it will never deliver at the micro program level. And we desperately need to change it if we want to bring reality back to the process and integrity back to the debate about budgeting. Unless we do that, the public will not understand a single thing we do here on budgets, and in a democracy, that is unacceptable.

And so I would simply say in closing, while I would not support the Spratt amendment if it were final passage because I believe all of these budgets before us today are fundamentally phony, this is by far the most balanced, the most equitable, the most thoughtful in terms of providing the long-term investments that we will eventually need in this country, and I would urge its adoption as a substitute to the Republican vehicle now before us.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to say, and I hope all my colleagues share this view, the gentleman from Wisconsin, who is the ranking member of the Committee on Appropriations and has to deal most pointedly with the reality as opposed to the rhetoric, invariably in my opinion speaks the truth not only to us but to the American public. I voted for the Blue Dog and I am going to vote for the Spratt budget, but those of us who serve on the Committee on Appropriations know that, in the final analysis, Members are not going to pass bills within their constraints that we now have on the floor, and that is what the gentleman from Wisconsin is talking about. I want to congratulate him for his leadership, for his honesty and for his service in this institution. I thank the gentleman for yielding.

Mr. OBEY. I thank the gentleman, and I thank the gentleman for the time.

Mr. CHAMBLISS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Spratt amendment.

I rise in opposition to the Spratt amendment and in support of the Republican resolution which secures Social Security and Medicare, and increases education. The Republican resolution is the only budget that takes the first steps necessary toward improving benefits for veterans and restoring the health of national defense.

As I stand here today, our dedicated service men and women who are deployed throughout the world, are unselfishly putting their lives at risk in support of our national security interests—in Kosovo, Iraq and North Korea to name a few.

The Subcommittee on Military Personnel, which I chair, has had very good hearings concerning pay, retirement, retention and health care. The concerns that are affecting our soldiers, sailors, airmen and marines are real!

During these investigations I received a letter, which I would like submitted for the RECORD, from a young officer in the Navy. He, like the rest of the outstanding military personnel loves what he does and takes great pride in supporting and protecting our country. He only asks that we provide him with qualified people, tools and training to complete their mission and to pay them an honest day's wage for an honest day's work. These men and women and their families deserve better than this—there is no excuse that they do not have the proper tools and equipment, work and live in substandard facilities and are paid so poorly they have to work two jobs to support their families. Our force is undermanned and overworked. The operation tempo is so high that many of these men and women have spent the last two Thanksgivings and Christmases away from their families. This is insulting to them and to this country which they so unselfishly support.

I heard one of my colleagues from across the aisle say "We have a moral obligation to support defense and that he would support the proposal that provides the most for defense." We do have a moral obligation to support defense and the Republican budget resolution with the manager's amendment takes the first steps necessary toward providing for defense. It will provide more dollars in fiscal year 2000, (3 billion more than the Spratt amendment or the President's) than any other proposal.

In addition, the Republican budget provides over $1 billion for the veterans who have also sacrificed so much for this country.

Unlike the Spratt amendment the Republican budget resolution will fulfill our promise to veterans and work toward maintaining a strong national defense.

I strongly oppose the Spratt amendment and support the Republican budget and urge my colleagues to do the same.

Mr. Chairman, I include the following for the RECORD:

To whom it may concern:

For the last 17 years I have served my country as a sailor in the United States Navy. I have seen what I believe to be the decline in discipline reach an all time low in the last 2 years. I believe that boot camp has become too lax and fails to produce sailors that could go immediately into combat and survive. We also take those same sailors and send them to Pensacola for follow on training where they live better than most senior fleet sailors. They are cuddled the whole time they are in school. They arrive in the fleet with little or no concept of discipline. After they complete training they show up at various stations around the world and live in what is little more than a slum. We always say, "if you take care of your sailors, then they will take care of you." Taking care of them may be in the form of a good ass chewing to get them back on track. If we coddle them as airmen then what is there to look forward to?

It takes a special breed of person to stay in the Navy. Sailors that stay in the Navy are, for the most part, not in it for fame or fortune. They stay in the Navy because they love what they do, pride in the hardest job in the world, well done. There is no greater satisfaction than watching the fruits of your labor launch off the pointy end of an aircraft carrier loaded with all the ordnance it can possibly carry and go take a piece of American policy to those who need it most. They stay because of camaraderie. They stay because of honor, courage and commitment.

Honor, courage and commitment are words that are often used in jest. What they should say is honor the sailor and respect the job and sacrifice that he endures. Have the courage to give those who risk their life every day in the defense of our country and democracy the proper equipment to do their job. Make the commitment to the basic human needs that every human being, even sailors, need for themselves and their families.

Most sailors are held to an even higher standard than the people who send them to their deaths in battle. Many have a hard time living with the double standard that they are held to. If our Commander-in-Chief can admittedly lie to Congress about his improprieties, then why must an active duty military person have their lives ruined and be forced from the service of his country, because he went to a convention that honors all of those who have ever landed an aircraft on the pitching deck of an aircraft carrier.

We need to provide the fleet with all the tools to maintain all our assets. Just in time manning and ramping up for deployment is ludicrous, people and assets need to be in position and onboard to benefit from the rigors of the training cycle. Sailors need to be properly trained. They need to have the proper support equipment to test the systems, be it on a ship or aircraft. They need publications that are up-to-date. They need the various hand and automated tools to actually perform the maintenance and maintain the equipment. They need adequate space to perform their maintenance and stow their gear. Recently it took us 2 days to complete what should have been a 2-hour procedure for all of these reasons: We could not get a hydraulic test stand that worked correctly. The support equipment people could not fix the hydraulic test stand because they did not have the correct publications. The publications had not been updated to reflect the new tool requirements. Nobody knew how to operate the new test equipment. If we do not have the people or tools to fix the aircraft then the aircraft can not fly. Aircrews need to fly to stay proficient. Aircrews love to fly and that is their job.

We must fulfill the basic human needs of every sailor in order for them to continue to be happy at their job. Pay them an honest day's wage for an honest day's work. A sailor that works on the flight deck of an aircraft carrier, the most dangerous work place in the world, gets $3 a day (before taxes), provided the ship or squadron has enough billets to pay him. Pay them for the sacrifices that they make by providing adequate housing (when ashore), quality health care for them and their families. We need to provide affordable (pay grade based) 24 hour a day 7 days a week daycare.

Manning is probably one thing that gets pinged on the most, but just throwing a body at a problem will not fix it, if it is not the right body. It does not matter if I have 10 mechanics if I have an electrical problem. Of the 200 people assigned to the maintenance department, 25 are temporarily assigned duties outside the command. 140 people are actually assigned to production work centers. The 140 people include 7 in corrosion, 17 ordies, 5 tarpies, 3 PR's, and 28 line rats. This leaves 80 people to perform 97% of the scheduled and unscheduled, documented, direct maintenance on the aircraft. However, on any given day we lose approximately 15 of the 75 people from these work centers due to leave, school, watch, SIQ, LIMDU, appointments, etc. This all means that on an average day we have 65 maintainers performing maintenance on our aircraft. Currently the average direct maintenance man-hour per flight hour, for the F-14 is 60.5. Based on an eight-hour day, five days a week we would perform 11,960 hour of on aircraft maintenance per month. This would equate to 198 flight hours per month or 99 sorties, which would break down to approximately 16 flight hours, or 8 sorties per month for each pilot. This is not enough to stay proficient. This also does not account for any of the other "collateral" duties, administrative requirements or additional tasking these sailors have. What do you think is not gonna be done?

I don't know what the fix is and I don't know all the answers but I will tell you I have never seen the Navy in such a sad state of affairs. I love this business and have always believed that there was honor in my chosen profession. Where else in the world can a high school dropout become an Officer and a key person in a maintenance department with $500 million of assets. We have created most of the problems ourselves through inflated decrees of readiness and continually providing more with less, but at what cost? Sailors are ingenious and will find ways to put "hot steel on target" no matter what it takes, because that is our job. When we have to work harder to get the job done, then some other program is not getting the attention it needs. In many cases those are the paper programs that the bureaucracy has created in order for someone to "cover their ass" or have a "claim to fame." So every cutback has a cost. In this case I think we cut too deep. Unfortunately we elected those bureaucrats that created those paper programs. We are WARRIORS and our job is to be prepared to fight wars.

ROCKY A. RILEY, *LTJG, USN.*

Mr. CHAMBLISS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I must confess a certain degree of confusion. Last month, the author of this amendment, this alternative budget, praised the President's budget with a glowing review. Today he proposes a budget that is diametrically opposed to and completely incompatible with the President's budget, so I am confused. I do not know in which direction my colleagues on the other side of the aisle really want to go. I suppose we will find out soon. But in the meantime, I want to urge my colleagues on both sides of the aisle to support the obvious alternative, the best budget, the Republican budget proposal.

I came to Congress just 3 months ago as a small businessman, accustomed to the discipline that the free market imposes on business budgets and frustrated by the irresponsible lack of discipline we have often seen in many government budgets. Perhaps the most egregious example of this irresponsibility has been the raid on the Social Security trust funds. I am proud to be a member of the Republican Committee on the Budget that is bringing an end to that irresponsible practice.

The Republican budgets saves 100 percent of Social Security funds, every penny of payroll taxes, every penny of interest owed to the Social Security trust fund. That is $1.8 trillion over the next 10 years, considerably more than the President's budget. In addition, the Republican budget spends more on elementary and secondary education, more on defense, more on Medicare, and then after those priorities are addressed, the Republican budget, unlike any of the Democratic alternatives, provides meaningful tax relief for overtaxed working Americans, all of this accomplished within the context of the 1997 budget agreement.

I urge my colleagues to stand up for senior citizens, to stand up for our students, to stand up for our soldiers and for our taxpayers. Reject the Spratt alternative and vote "yes" on the Republican budget.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Spratt amendment and in opposition to the Kasich bill. Our amendment provides for the next generation rather than just the next election.

Mr. Chairman, I want to commend Mr. SPRATT for crafting a substitute that will save all of the surplus until we ensure the solvency of Social Security and Medicare. Congress must exercise fiscal discipline and save Social Security first.

I also want to thank committee Democrats for adding my bill, the Etheridge School Construction Act, to the Spratt Substitute. This legislation will provide critically needed help for local schools like those in my District that are bursting at the seams. As the former Superintendent of my state's schools, I call on this Congress to make the education of our children our top priority.

Despite the rhetoric from the other side of the aisle, the Kasich budget does nothing for school construction and abandons the 100,000 new teachers initiative. The Kasich budget cuts higher education by $36.3 billion over ten years. As the first member of my family to graduate from college, I know firsthand that affordable access to a quality education is the key to the American Dream, and Congress must not cut financial aid.

This is a question of our values and our priorities. A budget should be about the next generation not just the next election. Vote for the future and the Spratt Substitute.

HOUSE BUDGET COMMITTEE DEMOCRATIC CAUCUS

The Democratic alternative requires the enactment of legislation extending the solvency of the Social Security Trust Fund to 2050 and the Medicare Hospital Insurance (HI) Trust Fund for 12 additional years prior to the enactment of net new tax cuts or net new spending initiatives. If the solvency of the Social Security and Medicare HI Trust Funds is extended, the Democratic alternative provides for education, training, and social services initiatives.

REPUBLICANS DEVASTATE EDUCATION FUNDING

Despite Republican rhetoric about supporting education, the House Republican budget resolution drastically cuts funding for education, employment and training, and social service programs.

Republicans Cut Education by $1.2 Billion in 2000—The House Republican budget cuts education funding for 2000 by $1.2 billion below a freeze at the 1999 level.

Republicans Cut Purchasing Power by 18.1 Percent by 2009—These cuts in education funding translate into a 6.9 percent decrease in purchasing power by 2004, and an astounding 18.1 percent decrease in purchasing power by 2009.

HIGHER EDUCATION, EMPLOYMENT AND TRAINING, AND SOCIAL SERVICES

The Republicans deeply cut funding that provides higher education assistance, college preparation, social services (such as Head Start), and job training in order to increase spending for elementary and secondary education. (The Republicans do not say which education programs they eliminate.)

Republicans Cut Higher Education and Social Services by $16.7 Billion over Five Years—The Republican budget cuts funding for higher education, training, and social services—programs such as Pell Grants and Head Start—by $1.7 billion for 2000, by $16.7 billion over five years, and by $36.3 billion over ten years compared with the 1999 freeze level.

Republicans Cut Education by 5.7 Percent for 2000, 16.2 Percent for 2009—The magnitude of cuts in the Republican budget requires an across-the-board cut of 5.7 percent for 2000 in programs other than those for elementary and secondary education. By 2009, the Republican budget cuts these programs by 16.2 percent compared with the 1999 freeze level.

DEMOCRATS BOOST EDUCATION FUNDING

The Democratic budget rejects the Republicans' damaging cuts in education programs. It provides $2.6 billion more for education for 2000 than the Republican budget. Over time, the difference between the Democratic and Republican budgets gets even greater; the Democratic budget provides $10.2 billion more than the Republicans over five years (2000–2004), and $51.4 billion more over ten years (2000–2009).

Protect Higher Education, Employment and Training, and Social Services—Unlike the Republican budget, the Democratic alternative does not cut higher education, training, and social services to increase elementary and secondary education programs. The Democratic alternative increases the overall education budget.

Hire 100,000 Teachers—The Democratic budget increases spending by enough to continue the President's initiative to hire 100,000 new teachers over seven years in order to reduce the average class size in first through third grade. Congress funded 30,000 new teachers last year, and the Democratic alternative supports those teachers and allows the hiring of 8,000 more.

Modernize Schools—The Democratic budget includes new tax credits starting in 2000 to pay the interest on almost $25 billion in bonds to build and modernize up to 6,000 public schools. It also continues welfare-to-work and employer-provided post secondary education tax credits.

Increase Special Education—Because the Democratic budget provides $2.6 billion more for 2000 than the Republican budget, Democrats have more room to increase funding for special education. The Republicans increase elementary and secondary education funding by only $500 million above a freeze. Unless they cut other elementary and secondary education programs, they can only increase funding for special education by the same amount.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the Spratt amendment. I voted against the Balanced Budget Amendment of 1997 because I knew it was unrealistic. I knew that when we got to this backloaded end of this process, we would be facing absolute impossibilities in meeting the needs of this country. We are there.

The gentleman from South Carolina has written a budget within the rules. Those rules are caps on spending that Members are going to find impossible to appropriate within between now and the end of this session. I know everybody on the other side is waiting for the June estimates from CBO, hoping that God will come with billions more dollars to spend and that suddenly we will have some relief. But the fact is that what is happening in this House, and the American people have to understand it, is that those people who want to reduce the size of government are using a very interesting technique. The technique is, erode the tax base so that there is no money and then put social programs and defense head to head. We are headed for some very serious problems.

Now, my belief was that all the mistakes that the gentleman from Wisconsin talked about were very real back in the 1980s, but now we have $5 trillion worth of debt. The gentleman from South Carolina says, "Let's deal with Social Security, let's deal with Medicare, let's pay down the debt." The Republican alternative is, "Let's figure out some way to shuffle it around on a two-page document, smoke and mirrors, and come to the Committee on Ways and Means and give away billions of dollars in taxes again."

Now, if you will not pay your credit card debt, you deserve to lose your credit card. What is happening in this budgeting process is you have all this credit card debt that you have built up all those years, you now have a surplus, and you say, "Let's go on another spending spree." This budget that the gentleman from South Carolina has says, "We're going to take care of the essentials." What people worry about is their security when they are old, their Social Security, their Medicare. Yes, when the gentleman from California (Mr. LEWIS) gets old, he will worry about his Medicare, too, and so will his mother and so will everybody else's mother and uncle and aunt if we do not deal with those issues.

The Republican alternative has not one single penny of additional money in the budget for dealing with the problems of Medicare. It should fail. The Spratt amendment should pass.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPENCE) the very distinguished chairman of the Committee on Armed Services.

Mr. SPENCE. I thank the gentleman very much for yielding me this time.

Mr. Chairman, when it comes to national security, there is no debate about which plan under consideration best provides for our men and women in uniform. Over the President's objection and under threat of veto, the Republican budgets in fiscal years 1996 through 1998 increased defense spending by more than $20 billion over the President's budget in an effort to address some of our military's most critical unfunded quality of life, readiness and modernization shortfalls. The funds were desperately needed, but it was not enough.

Last fall, the Nation's military leadership indicated that the President's defense budget was short by at least $150 billion in critical areas, like pay, housing, modernization, spare parts, maintenance funding and on and on and on. What was the President's response? His budget provides for only about 50 percent of what the Joint Chiefs said was needed. And even that 50 percent is explicitly held hostage to the President's domestic political agenda, while also assuming that the spending caps are broken.

The military's needs are real. The President's defense budget, which itself falls short of meeting the military's minimum requirements, is not. Under the leadership of the Speaker and with the support of our chairman of the Committee on the Budget the gentleman from Ohio (Mr. KASICH), the Republican budget goes a long way towards addressing the Joint Chiefs' unmet requirements. Under the leadership of the Speaker and with the support of the gentleman from Ohio, the Republican budget adds $30 billion to the defense budget, including more than $8 billion next year. And contrary to earlier accusations made by our colleagues on the other side of the aisle, the Republican budget will provide $3 billion in additional outlays just next year alone. These extra funds will provide for everything from a 4.8 percent pay raise to better family housing, to more robustly modernized and dramatically improved readiness.

So contrary to concerns expressed by some of my colleagues on the other side of the aisle, again the Republican budget will take care of the troops, will take care of their families, will take care of readiness and will take care of modernization shortfalls far more effectively than the President's budget will. There is no contest.

Support the troops. Support the Republican budget.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would like to associate myself with the gentleman's remarks and express my appreciation for his leadership dealing with our national defense.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in favor of the Spratt alternative and in opposition to the Republican budget resolution.

Mr. Chairman, I rise in support of the Spratt Alternative and in opposition to the budget resolution before us because I call it the Fable of three evils.

This budget will continue and even accelerate trends away from a progressive tax system. We rely more and more on payroll and property taxes and are less dependent on a progressive income tax. This budget offers tax relief for the rich and uncertainty for everyone else.

Secondly, only as this process moves into appropriation reality will the American people understand the basic unfairness, the coldheartedness which lie at the base of these numbers presented here today.

This budget calls for $200 billion dollars in discretionary cuts in future years. Imagine what this could mean for veterans, senior citizens, children, schools and hospitals.

Thirdly, this budget is built on forecasts which may or may not become real. The Congressional Budget office warns that if economic conditions change, the budget deficit or surplus projections could be off by more than $85 billion dollars and become a political football.

This budget does not reflect the needs of my district where the median income is $25,250. This budget cuts the heart out of senior citizens with the $9 billion Medicare cuts and puts healthcare at risk for millions with the $1.2 billion cut in Medicaid.

I fully support a pay raise for our soldiers in the military; solvency for the social security trust fund; food stamps for elderly immigrants, medicaid for children, pregnant women and legal immigrants with disabilities. Therefore, I support the Spratt Alternative and urge its passage.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, many American children go to school each morning in crumbling schools with poor heating in winter, leaky pipes and paint peeling off the ceiling. Our children deserve better than this.

Many American children are in classrooms with one teacher for 30, 35 or 40 students. Our children deserve better than this.

Our future is only as bright as the education we provide for our children today. I know people are used to Members of Congress talking about the importance of educating our children, but actions speak louder than words. The Democratic budget provides for 100,000 new teachers so that our children get more individualized attention in the classroom. The Democratic budget has an initiative to modernize our aging public schools. The Democratic budget invests in higher education so that everyone who earns a place in college can go to college. We Democrats believe that education needs to be a top priority.

Republicans have a different set of priorities. They cut $16.7 billion over 5 years for higher ed and social services. They cut education by 16 percent by the year 2009. They would rather give a big tax break to someone earning $200,000 a year or more than provide a good school for a child to realize their God-given capabilities. They would rather spend $775 billion on a tax cut than use that money to make sure our schools provide for a world-class education. Of course it is tough to know exactly how they will fund their tax cuts for the wealthy because they do not tell us. Will it come from Head Start? From college student loans and aid? Or maybe they will do what they first tried to do when they became the majority and eliminate the entire Department of Education.

Their budget is like playing Russian roulette with our children's future. That clearly is the difference between Republicans and Democrats, having a different vision of the future. The one that we need is the Spratt Democratic substitute. It provides for the type of vision that educates our children in the next century.

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Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, let me just get to the point of matter. This is really very simple.

Every young Member, every young working man and woman in this country, young couple with their own children, their own family, their own hopes for their own life, is paying a very heavy payroll tax, many times on both incomes. Doing what they can to support their family but paying that heavy payroll tax; for what? For what they believe is the Social Security, retirement security, Medicare, health security of their grandma and their grandpa, and bless their hearts. These little guys, these young men and women, they make that payment. They make that payment because they believe this government is being honest. They think this government is taking that money for grandma and grandpa's retirement, and now they found out that has not been the case.

As late as 1994, the last year the Democrats were in the majority, $100 billion of their hard-earned tax dollars did not go to grandma and grandpa's retirement security or to their health security but to other welfare programs, for all kinds of things. That is not only a betrayal of grandma and grandpa, but that is a betrayal of each and everyone of those young working men and women, these young parents that are working so hard and making such a sacrifice.

How do we change that? The first thing we did was get rid of the deficit. We reformed welfare, we saved Medicare from insolvency, we reformed five major entitlement spending programs, and today for the first time in their life we have an opportunity to tell every young working man and woman in this country that every dime that they pay in payroll taxes will go for the purpose that they pay it, to support grandma and grandpa's and then, yes, some day their own retirement security through Social Security and Medicare. The Democrats are pretending to that, but they compromise it. They cut it off. They cut back because they cannot give up their big spending programs.

But what makes this budget different that the gentleman from Ohio (Mr. KASICH) and this Republican committee has brought to the floor is right here: $200 billion more. To Mr. Young Working America: "Those payroll taxes that are such a burden in your family are in fact being saved for your retirement security through Social Security than what is done by the President. Two hundred billion dollars more of that money that you pay for that purpose that you are promised by this government will be used for that purpose."

It is time, Mr. Chairman, that this government get honest with the working people of this country and pay the respect to their grandmother and grandfather that they paid when they pay those payroll taxes. The one fundamental thing we must know about this, every dime of those payroll taxes goes to Social Security and Medicare. We set more of their hard-earned tax dollars aside for Social Security and Medicare than the President, and for the first time we are being honest with both the grandma and the grandpa and the young 20 and 30 year-old young parent that is struggling for their children.

This is our chance to do the one thing we never thought would get done in our lifetime. Let us do it tonight. Mr. Chairman, I thank the gentleman for having yielded the time to me.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I rise today in support of the House budget resolution sponsored by the gentleman from Ohio (Mr. KASICH). This budget is a solid step forward in the idea of limited government, of fiscal discipline and protecting Social Security and tax relief. By setting aside 1.8 trillion dollars over the next 10 years, the entire Social Security surplus plus interest, the Republican budget provides more money for the protection of Social Security and Medicare than does the President's budget. In addition, it locks this money away so it can only be used for reforming these important programs or for paying down the national debt. This is a great signal of our commitment to preserving the quality of life and income security of our Nation's seniors that they so richly deserve.

Mr. Chairman, retirement should be a time to enjoy things, the company of friends and family. It should not be spent worrying about where our money is going to come from to retire, about access to health care, about paying the rent.

The Republican budget also provides $800 billion worth of tax relief over the next 10 years.

The Congressional Research Service recently reported that the average American family will end up paying $5,307 more in taxes over the next 10 years than is necessary to operate government, and this is over and above the Social Security surplus. This represents a direct overpayment in taxes on the part of hard-working Americans. Incredibly the President's budget actually increases taxes on working Americans. According to the Tax Foundation 38.5 percent of his budget, the President's tax increase, will be born by individuals who earn less than $25,000 a year. Mr. President, how much is enough?

Mr. Chairman, I cannot think of a better way to begin the new millennium than by reestablishing trust with the taxpayers whom we represent by letting them keep more of their hard-earned dollars. I urge my colleagues to reject this alternative and accept our commitment to taxpayers, to the seniors, and support the Republican budget. It is their money; let us give it back.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), a member of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding this time to me.

Our folks in the Armed Services need more ammunition, they need spare parts for readiness, they need better equipment, and they need better pay. They have told us what we need and what they need, and we should give it to them. There is not a budget here that gives them everything that they have requested for this year. Nobody's budget does that. But the Republican budget comes closer than anybody else. It gives $8 billion more in spending authority for the troops, and it gives $3 billion more in outlays.

Mr. Chairman, that means if my colleagues vote for the Republican budget, we are going to have better pay for our troops, we are going to have more spare parts, we are going to have a better chance of them coming home alive.

My colleagues should vote for the Republican budget if they care about defense.

Mr. KASICH. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), our Minority Leader.

Mr. GEPHARDT. Mr. Chairman, I rise in favor of the Democratic alternative and against the Republican budget, and I want to say tonight that I think we have to look at this issue from the viewpoint of people sitting around their kitchen table at home tonight looking at the issues that are involved in this budget.

It is not about charts, it is not about graphs, it is not about statistics, it is not about numbers. It is about ideas that make sense to ordinary Americans, working families who are sitting around the breakfast table or the dinner table talking about the problems that they face. What would they like to see happen in this budget?

First of all, they want Medicare and Social Security stabilized and extended, probably the two most important programs in peoples' lives. They are popular programs, important programs on an everyday basis. The Democratic budget extends the life of Medicare by 12 years and the life of Social Security by 18 years.

We have a letter from the actuaries that say that our budget does that. They are not Republican actuaries or Democratic actuaries. They are actuaries, and their job is to give us information about ideas, and the Democratic idea they say extends the life of those two programs; in the one case, by 12; in the other case, by 18 years.

The Republican budget does not have that letter from the actuaries, so if our colleagues are worried about Medicare and Social Security, then they ought to vote for the Democratic budget.

The second thing people, I think, would like to do is pay down debt, pay down back debt so that we pass along less back debt to our children and grandchildren and we have less carrying cost or interest cost in future budgets. The Democratic budget is much better on that score.

The third thing they would like is targeted tax cuts, tax cuts that go to their problems. What are their problems? Long term care for their parents; that is a problem. We can have a targeted tax cut under the Democratic budget for that. They want tax cuts that have to do with U.S.A. accounts. I think the idea of being able to put more savings behind their Social Security so that they can have additional moneys to live on in their retirement is a very attractive idea that is in our budget.

The fourth thing that I think they are interested in is being able to have more funds available for education, for smaller class size, for more teachers, for health care, for housing, for the needs that people have on an everyday basis.

To me this whole issue is very simple. If we look at it through the eyes of ordinary American families who are out there tonight sitting around a table, if we are looking at the things that they care about, what I call kitchen table, everyday problems, this Democratic budget is far superior to the Republican budget on those issues, on those grounds.

This is a simple choice that Members have to make tonight.

I urge Members to vote for the Democratic alternative. If we get the votes to pass it tonight, it will be the budget of the United States, and I think it should be the budget of the United States because it is the budget of working families in this country.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Minority Leader summed it up very nicely. Every time that the majority has wanted a budget to target, to tackle, today, they have pulled out the President's budget and dragged it like a red herring across the path of this debate. Well, this is not the President's budget. It is like it in some respects, but different in other respects. This is a different piece of work.

But there is a key aspect to it, the crowning aspect to it, that is like the President's budget. We Democrats created Social Security, and for the last 65 years we have been its guardians, and now that it faces the strain and stress it will face the next 25 years, we are not going to fail it.

So, if our colleagues look at our budget, by golly, we extend the life of Social Security until the year 2050, and we have a letter from a chief actuary of the Social Security Administration to prove it.

Secondly, next in pride and importance to us is one of our creations, Medicare. In 1968 we created it, and we have sustained it and protected it. The actuaries at the Health Care Finance Administration tell us it will run dry in the year 2008. The Republican budget leaves it in the lurch. Notwithstanding this warning from the actuaries, they do not put one thin dime. Out of all the billions that we see on the rise in the way of surpluses, not a nickel for Medicare. We, on the other hand, put several billions of dollars into this trust fund to sustain and extend its life until the year 2020.

That is what we do first. We do not rush into tax cuts until we have first protected Social Security and Medicare.

Mr. Chairman, let me tell my colleagues something else we do. Now that we are in the position to do it, we treat the trust funds generated, the surpluses generated by Social Security with sanctity. We do not touch them, we do not use any of the money, and we provide in our resolution reconciliation instructions that call for a real lockbox; no, a strong box; not something that rests on a thin reed of a point of order, the kind that gets overridden around here every week, they are honored in the breach. No, we have got statutory instruction to the Treasury that will ensure that this money is used only for the security and benefit of the Social Security Administration.

☐ 1830

The proof of all of this is on the bottom line. There is the bottom line. If Members vote for the Republican resolution, the Social Security trust fund will have a balance of $1.8 trillion 10 years from now. Now, that is not chump change.

Look what happens if Members vote for the Democratic resolution. Ten years from now, the trust fund will have a balance of $3.4 trillion and it will keep growing through the year 2014.

What about Medicare? Vote for the Republican resolution and in 10 years it will be scraping bottom, $14 billion, barely enough to operate on in the trust fund.

We will have a $400 billion balance still left to ensure its solvency into the year 2020. Those are the differences between our budget and their budget. These are significant differences.

We have got a letter from the Health Care Financing Administration also certifying we extend the life of this program until the year 2020.

Furthermore, we spent some money doing this, but we pay down the debt more than my Republican colleagues do. Over 10 years, we pay down the debt $146 billion more; over 15 years, by our calculation, $474 billion more.

What does that mean? That these two programs which will depend upon a treasury not burdened with debt, not overwhelmed with debt service, will be in better condition than ever. Even though we save more, we also spend more. We understand what my colleagues on the Republican side are saying about tax cuts. We do some in our own budget and, in time, if these surpluses materialize, I think we will come back and do more tax reduction.

In this particular budget, we say we believe in people to the extent of wanting to invest in people because we think the investment in human resources and education and housing, in the environment and health is absolutely critical. If we are going to save Social Security and Medicare, when we have 2.13 people working for every person retired, then they have got to be productive citizens, and we invest in the productive citizenry.

What do my friends on the other side do? At every turn, they opt for a tax cut. Now, there is nothing wrong with tax cuts but this budget is fixated on them, and a lot of the problems that we have been able to poke holes in today arise from the fact that my Republican colleagues are so totally committed to that and nothing else. In the area of health care, they brag about plussing up NIH but in truth they diminish the function for health.

In the case of the veterans, their own chairman said they needed $1.9 billion. The committee spurned him, gave him $900 million one year and nothing. $500 million less than the freeze for the next 5 years. In the case of agriculture, they set up a crop insurance program. So do we. $6 billion a year. In the year 2004, they quit funding it. About the time it gets established they pull the pumps out. We put $9 billion more in.

Why do my Republican colleagues do that? Why do the cuts get so big in the outyears? Because they have to make room for this enormous tax cut that keeps growing and growing and growing.

Let me say what the consequences are. This tax cut is $779 billion over 5 years. By our extrapolation, if we extend it forward at the rate of growth in the economy, it will be $1.11 trillion in the period 2009 to 2014.

Now, why is that period significant? That is the very time when the Social Security trust fund will start taking in less payroll taxes than it pays out in benefits, and at that point in time the budget of my Republican colleagues, their tax cut, takes its heaviest toll on the treasury, placing the treasury in jeopardy of securing these two programs.

No, my friends on the other side do not cut them. They do not cut Medicare and they do not cut Social Security but they cut taxes in a way that could very well jeopardize their future because of that huge, mounting, swelling tax cut in those outyears when the money is needed most.

Are there differences between these two budgets? We better believe there are differences. This is a better budget.

We save more. We spend more. We spend it more responsibly, and we can go down our checklist to see.

We would like to put more teachers in the classrooms in the elementary years. Talking about investing in people, that is when it really pays off. I believe in that. We provide for it. We would like to build better schools, better structures, and we want to help those districts that are poor districts and cannot do it. So we put in the Tax Code some tax credits to help them float school bonds.

We think working mothers deserve better child care credit. We expand them. On down the list, this is a better budget. It is better for Democrats, better for Republicans, better for the country. I suggest everybody vote for it.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first of all compliment the gentleman from South Carolina (Mr. SPRATT). He is a great gentleman. He is also a very smart man and an incredible father of children who are, frankly, accomplishing more than he has accomplished here. They are doing great. They are all doctors.

Mr. SPRATT. I thank the gentleman for his compliment.

Mr. KASICH. Mr. Chairman, I must oppose the gentleman for about four or five reasons. Number one, it spends $515 billion more over the next 10 years than the Republican budget. Secondly, it provides almost $30 billion less for defense than the Republican budget over the next 5 years. It provides only $115 billion of net tax relief over 10 years, less than a penny on the dollar, and it also breaks the caps, the spending authority, the proposal we passed in 1997 to balance the budget, by $23 billion in budget authority and $16 billion in outlays. It increases our national debt to about $8.5 trillion by 2009.

So I would ask the Members of the House to oppose the Spratt budget. It spends too much. There is too little for defense, too little in tax relief for Americans. It unfortunately breaks down the discipline of the 1997 budget agreement and adds to our national debt. For those reasons, while I have great respect for the gentleman from South Carolina I would ask the Members to reject the Spratt amendment, and then we will move on to final passage in a short period of time.

Mr. DOYLE. Mr. Chairman, I rise today in support of the Democratic Budget Alternative.

Given the great amount of time we have paid over the past several years to the critical issues of paying down the national debt, ensuring the solvency of Medicare and Social Security, and targeting tax cuts in a fiscally responsible manner, I am pleased that the Democratic Alternative embodies these important priorities.

In my view, a comparison of the Democratic and Republican budget proposals clearly indicates who has been listening to the American people and who has not. The annual budget is meant to serve as a barometer of what our country needs to thrive and be successful now and in the future. While the Democratic Alternative provides thoughtful guidelines to keep our country on course, the Majority's proposal can be likened to an uncontrollable storm that threatens to decimate the significant amount of progress that has been made in getting our nation's financial house in order.

Let's take a quick look at some of the differences.

The Democratic Alternative provides $40 billion in targeted tax cuts for those in need of dependent-care credits, long-term care credit, and school bond credits.

The Republican Proposal has $143 billion in tax cuts in the next four years—and $636 billion in tax cuts in the four years after that. In total, a whopping $1 trillion dollars in tax cuts in ten years. These figures are so staggering that by FY 2009, these ill-advised tax cuts would become so large that they would exceed the entire non-Social Security surplus projected for those years.

The Democratic Alternative extends the solvency of Social Security to 2050 and the solvency of Medicare to 2020.

The Republican Proposal does not add one day of extended solvency to either of these critical programs.

And the Democratic Alternative pays down $146 billion more debt than the Republican Proposal.

I also want to express my serious concerns about adequate funding for our nations veterans. I am troubled that those of us who sit on the Veterans Affairs Committee were prevented from even speaking about our alternative which included $3.2 billion more for critical veterans programs than the Administration's funding levels. Representative CLEMENT's efforts on behalf of veterans were treated equally as poorly by Republicans on the Budget Committee and Rules Committee. It is absolutely disingenuous what Republicans today have said about their concern for veterans, and quite frankly is a slap in the face of all veterans and a blatant slam to their intelligence.

Again, putting rhetoric aside and looking at the cold facts that the numbers illustrate—the Democratic Alternative provides an increase of $2 billion in FY 2000 discretionary spending for veterans and $106 billion in budget authority over 5 years. The Republican Proposal on the other hand offers our veterans the paltry crumbs of a $900 million increase in FY 2000—which doesn't even cover the costs of inflation and pay for hard working VA employees. And then they turn around and slash funding for veterans by $1.1 billion in FY 2001.

Mr. Chairman, the numbers speak for themselves. The Democratic Alternative reflects the priorities and needs of the American people. I urge my colleagues to support its passage.

Mr. KASICH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 250, not voting 10, as follows:

[Roll No. 76]

AYES—173

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—250

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing

Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Owens
Oxley
Packard
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Souder
Spence
Stark
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barcia
Brown (CA)
Burton
Cooksey
Dingell
Hostettler
Metcalf
Pelosi
Smith (TX)
Stupak

□ 1853

Messrs. PHELPS, EHLERS, and CAMPBELL changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BURTON of Indiana. Mr. Speaker, I was unavoidably detained for rollcall No. 76. Had I been present, I would have voted "no".

The CHAIRMAN. The final period of general debate is now in order.

The gentleman from Ohio (Mr. KASICH) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think I will need to take the 5 minutes allotted me. Before Members make the decision to vote for this resolution and put the country potentially on this fiscal path for a number of years to come, I want to suggest that Members think twice. I want to point out the consequences of it.

I am not opposed to tax cuts. Members will find in our budget resolution $62 billion in the first 5 years, $164 billion in the second 5 years.

□ 1900

As I said in the debate, when we find whether or not these surpluses are for real, whether these billions of dollars are actually going to materialize out in time, then we can revisit tax reduction and do it on a sensible basis and not bet on the come, bet as if everything projected on paper is going to take place, and we can do a $779 billion tax cut with no consequences to the budget.

These are the tax cuts that we plotted here: $143 billion in the first 5 years, $436 billion in the next 5 years. Then, if we extrapolate those tax cuts at the rate of growth of the economy, in the third 5-year period, between 2009 and 2014, they will grow, by our calculation, to a loss of revenues of $1.11 trillion.

What does that mean? It means, first of all, that in the years we are talking about, 2009 to 2014, when the Social Security program may need assistance because the administrator of the Social Security Administration will be taking in less in payroll taxes than he is paying out in benefits, my colleagues' tax cut will take maximum toll on the Treasury.

Indeed, if these surpluses do not materialize, my colleagues may indeed be cutting into the Social Security surpluses to bite their protestations that they will not touch them. This tax cut may lead inevitably to that. That is somewhat speculative, but I think it is a real risk. This is not a risk.

The reciprocal of these tax cuts is a matching decline in discretionary spending. So while my colleagues have talked about doing more for education, if they look at their budget, when they get to the out years, starting in 2005, they do $50 billion less than we provided.

If my colleagues go through the budget, there are all kinds of anomalies in the budget. These are the reasons for it. When my colleagues get to NIH, both in the Senate and in the House, the Republicans touted the National Institutes of Health, said we were going to do more. We looked to see how they did it, only to find that the health function was shrinking.

NIH is 52 percent of the health function in this budget. How in the world are my colleagues going to enlarge NIH while they shrinking the function is a mystery to me. It certainly comes out of the hide of other important public health programs.

Look at veterans programs. The gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Veterans' Affairs, wrote the committee, the Committee on Budget, after a vote taken by his Committee on Veterans' Affairs and said, I need a minimum of $1.9 billion to keep the promises we have made to our veterans every year.

What my colleagues did in their budget was give him $900 million, not $1.9 billion, but $900 million. Then, in 2001, 2002, 2003, 2004, it disappeared. It did not recur. As a consequence, over that 5-year period of time, instead of giving veterans more to meet the benefits of the World War II population, which is getting older and older, they gave them less, $500 million less than a 1999 freeze.

Why did my colleagues do it? They are trying to accommodate this tax cut. This budget is fixated on a tax cut. There is nothing wrong with going with tax reduction, particularly when we see these surpluses, but that is all they have got in this budget.

Let me take the case of agriculture. My colleagues' committee put $6 billion in the budget for the creation of a crop insurance program. That is a centerpiece of what agriculture wants this year. Six billion dollars over a 5-year period of time. We matched it.

But guess what happens in 2005, about the time my colleagues are getting this crop insurance program up and running and well established? The funding disappears. My colleagues tell the Committee on Agriculture, go find mandatory sources to offset the cost, which will be $9.1 billion. We were able to squeeze it in our budget. My colleagues were not because of their fixation on doing the biggest tax cut since Kemp-Roth. Throughout the budget, that holds true.

Let me tell my colleagues where it really holds true: national defense. My colleagues went to the trouble of putting $29.6 billion in this budget for national defense. They did not fund the out years. They are lower than the President. They have got a flat budget. In the near term, the $30 billion that they put up is not matched by outlays. All of it because this is an unbalanced budget. It is not a balanced budget is not a balance. It ought to be rejected.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this majority took control in 1995. The first budget that we saw in our majority was from the President that showed deficits as far as the eye could see. We fought very hard. We took some real political hits because we wanted to deal with programs that had never been dealt with before.

In the process of dealing with Medicare, something that we paid a high political price for, not only did we deal with the problems of Medicare, but we extended the life of the program for 13 years. We are very proud of that.

In addition to that, we got to 1997, and we stayed on our path towards a balanced budget. Because of our persistence and because of some of the bipartisan support from people on the other side of the aisle, we joined together, and we worked with the President, and we created a historic agreement in 1997.

Now we take a look at the situation in regard to the future and now, rather than having deficits as far as the eye could see, we have surpluses as far as the eye can see.

We want to use those surpluses to do several things, things that we never thought were possible in 1995 when we won the majority. For the first time, we are going to keep our mitts off the money that we collect from Social Security and Medicare. Politicians have only been talking about it.

Frankly, there were some on the other side of the aisle that said that we ought to move it off budget, and I pay tribute to them. But do my colleagues know what? We have been able to be intellectually honest to take the money from Social Security, the payroll taxes, and lock it up and keep our fingers off of it.

In the meantime, we are going to pay down some of the national debt. Many of my colleagues who have served here for 25 years, did they ever think, did they ever think, not only would we have a balanced budget, but we begin to reduce the publicly held debt last year by $50 billion. We all should take credit for that. Then this year, under our proposal, we will reduce the publicly held national debt by an additional $125 billion. Unthinkable in the past.

We intend to save the $1.8 trillion. Do my colleagues know what we really want to do with it? We not only, all of us, not only want to protect the programs for our mothers and fathers, but we want to use the surplus as a leverage to transform Social Security and Medicare so that it will use this surplus to, not just save the programs for our parents, the elderly who does not want the rug pulled from under them, but do my colleagues know what else we can do with this surplus? We can use the power of the American system, the American economy, to set ourselves free so that, not only mom and dad are going to get the benefits, but there will be hope for the baby boomers and their children.

We must not squander this opportunity to transform these programs, to make them more personal, and to make sure, not only mom and dad, but all of us and our children will have the same kind of retirement security that we all hope and dream for.

At the same time, we have decided not to walk away from the 1997 budget agreement. We want to live within the spending caps. But within those caps, we want to emphasize defense. We want to say that our troops need more, that we need better readiness, we need better training, that we can buy the needed equipment.

Over these next 5 years, we are going to struggle to do it, and we were going to work with the Committee on Armed Services to make sure that our military is second to none.

At the same time, we are going to prioritize education. Maybe at some point we will actually be able tò look at the special education programs that we have mandated on local schools and say that we will keep our promise to those school districts.

Does that mean some tough choices have to be made? Let me tell my colleagues, with my friends on the Committee on Appropriations, they are not walking around the floor winking at one another. I know they are ready to start the job to make some choices.

I do not think we want to abandon the 1997 agreement. It is too important to all of us. We all have a stake in it. If we can stay with it, we will not get in the way of this economic growth.

Then, finally, Mr. Chairman, as it relates to tax relief, look, we are going to have on budget surplus aside from Social Security and Medicare. I would love to tell my colleagues that we could just leave it here and use it to pay down more debt. But we have all been here long enough to know that the temptations of spending that money to create bigger government are inevitable.

So what we really want to do, if we want to return power to people, if we really want to emphasize the dignity and power of the individual in the next century, we want people to have more power, more control over their lives; and tax cuts are the best manifestation of it. Do my colleagues know why? Because the more one has in one's pocket, the more one's children has in their pockets, the more one's parents has in their pockets, the more they can pursue their destiny and the American dream.

Every day, we ought to work to meet the challenges that the government must meet, but at the same time empower people.

What this resolution does is historic. It begins to transform the programs that provide retirement security while maintaining fiscal discipline while returning a big chunk of the revenue of the Federal Government back in the pockets of the taxpayers. Approve the bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 68) establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009, pursuant to House Resolution 131, he reported the concurrent resolution, as amended by the adoption of that resolution, back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the concurrent resolution, as amended.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 208, not voting 5, as follows:

[Roll No. 77]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Souder
Spence

Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—5

Burton
Paul
Pelosi
Smith (TX)
Stupak

□ 1924

So the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, I was unavoidably detained for rollcall No. 77. Had I been present, I would have voted "yes" on the vote for final passage of H. Con. Res. 68.

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1141. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1141) "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, and Mr. DURBIN, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 23. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

THANKS TO THOSE INVOLVED IN BUDGET PROCESS

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, I want to take a moment to thank the members of the Committee on the Budget, in particular the gentleman from Georgia (Mr. CHAMBLISS), for his great work throughout this process.

And, of course, the people who are the unsung heroes, the members of the staff, Wayne Struble and his whole team. They have done a fantastic job and worked many late nights.

The same would go for Mr. Kahn, the staff director of the minority side. Without the staff and without the members of the Committee on the Budget, of course, we would never be successful.

Furthermore, I would like to just spend a second to pay a little tribute to the gentleman from South Carolina (Mr. SPRATT), because while he is as tough a partisan fighter as I have ever been up against, at the same time he does it with style. He is not looking to be a cheap-shot artist. And when he can give us a break on our side, he does, and we try to do the same for him.

I think the Committee on the Budget, really, over the years, has been a place where we have been able to fight it out, yet still be collegial at the same time.

□ 1930

So I want to thank the gentleman from South Carolina (Mr. SPRATT); the members of his staff; my staff, in particular Mr. Struble, and all the folks under him; the gentleman from Georgia (Mr. CHAMBLISS); the members of the Committee on the Budget; and the members of the Republican Conference; and the Whip team for their work.

IN APPRECIATION OF MINORITY STAFF OF THE COMMITTEE ON THE BUDGET

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Mr. Speaker, I would like to echo the remarks of the gentleman from Ohio (Mr. KASICH). He and I came here together in 1983. We have been great friends since then, and that friendship is carried over to the work on the committee together. We disagree strongly, but we do it in an agreeable way continually, and it is because he is a gentleman, he is affable, he is wonderful to work with. And I say the same for his staff, particularly Wayne Struble.

I would like to say something for our staff on the minority side, because we in the minority have a small staff and we have to really put out to put a product together. But they have done a gargantuan job over the last several weeks, and I want to mention them individually.

Susan Warner, Medicare. Richard Kogan; I do not know anybody in town who knows the budget better than Richard, number cruncher super. Pepper Santalucia, he just joined us. Sheila McDowell. Linda Bywaters. Chuck Fant. Hugh Brady on defense and discretionary spending. Lisa Irving. Sarah Abernathy. Dale Caldwell. Jim Klumpner, who just joined us, our chief economist. Andrea Weathers. Marian Worthington. Craig Bomberger. Sandy Clark, who is on maternity leave, about to have twins, but nevertheless is connected with us by modem. And, above all, my friend, my colleague, and my tireless worker, our chief of staff on the minority side, Tom Kahn.

They have put in a Herculean job over the last several weeks. We did not win but we came to the floor in fine fashion because of the work they did.

PERMISSION FOR COMMITTEE ON COMMERCE TO HAVE UNTIL MIDNIGHT, APRIL 9, 1999, TO FILE REPORT ON H.R. 851, SAVE OUR SATELLITES ACT OF 1999

Mr. TAUZIN. Mr. Speaker, I ask consent that the Committee on Commerce be permitted to file its report on the bill, H.R. 851, no later than midnight, April 9, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 23) providing for a conditional adjournment or recess of the Senate and the House of Representatives:

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 25, 1999, Friday, March 26, 1999, Saturday, March 27, 1999, or Sunday, March 28, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, March 25, 1999, or Friday, March 26, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, April 12, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

DESIGNATION OF HON. CONSTANCE A. MORELLA OR HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 12, 1999

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 25, 1999.

I hereby appoint the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 12, 1999.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. STARK, California;
Mrs. MALONEY, New York;
Mr. MINGE, Minnesota; and
Mr. WATT, North Carolina.

There was no objection.

H.R. 45 IS A FAIRY TALE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, April 1, April Fool's Day, is less than a week away, literally just around the corner. But the jokes, yes, the jokes are already here.

The nuclear power lobbyists are trying to pull the wool over the eyes of Members of Congress. They want us to believe that if we support H.R. 45, the nuclear waste problems at 72 nuclear power plants will just disappear, puff, gone. Well, I am not sure how many of my colleagues believe in fairy tales. But that is exactly what it is, a fairy tale of monumental proportions.

The truth is that there are 72 nuclear waste sites around the country and if H.R. 45 is passed, we would have a total of, let us see, 73, not less but more. And it would take 30 to 40 years and a thousand mobile Chernobyls going through your neighborhood to take this waste to the site.

Let us not get caught up in the April Fool's joke or succumb to the attitude of "Don't worry, be happy." Remember something my mother told me. When the circus is in town, beware of the clown.

H.R. 45 is nothing more than a fairy tale, and I am sure my colleagues heard it before. Do not believe it again.

YEAR 2000 BUDGET

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, we have now finished the debate, a hot debate that has taken place on the floor of the House of Representatives about the budget for the year 2000. And for the American people that are watching, I want them to know that what has occurred is that the Republican plan has been victorious.

But it is more than just a Republican plan. It is a plan that is based upon principles of the marketplace. And those principles of the marketplace are, among other things, living within the budget that we have, doing what we said we would do, and doing things for the middle class of this country.

The budget that was passed tonight, the resolution, is for the middle class of this country and for us to live within the means that we have. We, I think, can be proud of the work that was done today; and it was done for each and every one of us, Republican principles following market-based ideas.

BUDGET BREAKS CONTRACT WITH U.S. VETERANS

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. Mr. Speaker, I was very happy to hear that the principle on which the Republican budget was based was helping the middle class. I want America to know that the budget that just passed broke the contract with our Nation's veterans.

The motion that was just passed cut $3 billion over the life of that resolution from our veterans' programs. Under that budget, veterans' hospitals can close, our veterans with Persian Gulf War illness will not get treated, those with Hepatitis C will not be treated, our national cemeteries are in danger of being vastly undertreated.

I am very glad to hear the principles under which this budget was passed. This budget breaks the contract with our Nation's veterans. This budget is unconscionable, it is shameful, and America ought to reject it.

REPUBLICAN BUDGET KEEPS FAITH WITH VETERANS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute.)

Mr. HAYWORTH. Mr. Speaker, my colleagues, I must lament the fact that there are those who feel they must come to the floor and, amidst partisan vitriol and venom, misrepresent what was done for the Nation's veterans. Because, Mr. Speaker, I too have the honor and privilege of serving on the House Committee on Veterans' Affairs, and it is time for some facts.

President Reagan said, "Facts are stubborn things." It is important for my friend from California and all those who would lampoon and lambast this budget to understand this: An additional $1 billion was added for the Nation's veterans. $1,000 million, $1 billion, was added for our Nation's veterans. That is a fact.

The sad fact is the President of the United States came to the well of this House a few months ago and in the span of 77 minutes made over 80 promises, but he failed to answer to the call of the Nation's vets. That is why a version of his budget today received only a handful of votes.

And I would just hope, Mr. Speaker, that my friends on the minority who say they want to help veterans will extend that help to young men and women in the service now, giving them the proper equipment and training.

PARLIAMENTARY INQUIRIES

Mr. HAYWORTH. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HAYWORTH. Is it appropriate when announcing the orders of the day to provide certain editorial comments?

The SPEAKER pro tempore. It is not appropriate.

Mr. FILNER. Mr. Speaker, point of order.

Is it appropriate when the gentleman makes remarks on the floor that they read the budget with——

The SPEAKER pro tempore. The Chair will advise the Member that the gentleman is not stating a point of order.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE NOTWITHSTANDING ADJOURNMENT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, April 12, 1999, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 14, 1999

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that business in order under the calendar Wednesday rule be dispensed with on Wednesday, April 14, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order by the gentleman from Florida (Mr. BILIRAKIS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NATIONAL HOLIDAY TO HONOR A NONVIOLENT FIGHT FOR JUSTICE; THE LIFE OF CESAR CHAVEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, a number of us are rising this evening to commemorate the birthday next week of Cesar Chavez, a great national hero whose March 31 birthday we believe should be recognized as a national holiday.

This Nation and the world lost a great civil rights leader nearly 6 years ago when Chavez died after a tireless struggle for social change. March 31 is a State holiday in my State of California; and countless schools, roads, libraries, and other public institutions have been named after Cesar Chavez. It is now time that the entire Nation honor his enduring legacy with a Federal holiday.

From humble beginnings in 1927 on a small farm near Yuma, Arizona, Cesar Chavez rose to be a major force in American history, leading millions of people to better lives, inspired by his message of a nonviolent fight for peace and justice.

As the son of migrant farm workers, he knew well the oppression these hard-working laborers faced. Influenced by the writings of Ghandi and other proponents of nonviolence, he began to register his fellow farm workers to vote and then to educate them about their rights to a safe workplace and a just wage.

In 1962, Cesar Chavez and his family founded the National Farm Workers Association, which organized thousands of farm workers to confront one of the most powerful industries in our Nation. He inspired them to join together and nonviolently demand safe and fair working conditions.

□ 1945

Through the use of a grape boycott, he was able to secure the first union contracts for farm workers in the United States. These contracts provided farm workers with the basic services that most workers take for granted, services such as clean drinking water and sanitary facilities. Because of Cesar Chavez' fight to enforce child labor laws, farm workers could also be certain that their children would not be working side by side with them and would instead attend the migrant schools that he helped to establish. In addition, Cesar Chavez made the world aware of the exposure to dangerous chemicals that farm workers, in fact all consumers, face every day.

But his influence extended beyond agriculture. He worked in urban areas, organized voter registration drives, brought complaints against mistreatment by governmental agencies. He taught community members how to deal with governmental, school and financial institutions and empowered many to seek further advancement in education and politics. There are countless stories of judges, engineers, lawyers, teachers, religious leaders, I might add Congressmen and other hardworking professionals who credit Cesar Chavez as the inspiring force in their lives.

During a time of great social upheaval, he was sought out by groups from all walks of life and religions to help bring calm with his nonviolent practices. Our country's leaders joined with Cesar literally and often figuratively in prayer and in acts of solidarity in his many fasts for justice. Dr. Martin Luther King, Jr. sent Chavez a message on the occasion of his first fast. Dr. King told Chavez, "Our separate struggles are really one, a struggle for freedom, for dignity and for humanity."

It is that struggle that earned him the admiration and respect of millions of Americans, including those of this Congressman and other of our colleagues who will join us tonight. We represent a fraction of the cosponsors of House Joint Resolution 22, which would commemorate Chavez' birthday and his legacy with a Federal holiday.

I am proud that hundreds of people from the area I represent, San Diego, joined the thousands of people, in fact over 50,000, who came in caravans from Florida to California to attend the funeral of this national giant which was held near the United Farm Workers headquarters in Delano, California.

We in Congress must join them in their reverence and must make certain that the movement Cesar Chavez began and the timeless lessons of justice and fairness he taught be preserved and honored in our national conscience. To make sure these fundamental principles are never forgotten, I urge my colleagues to support House Joint Resolution 22, which would declare March 31 a Federal holiday in honor of Cesar Chavez. In his words, in the words of the United Farm Workers, sí, se puede, yes, we can.

Mr. BERMAN. Mr. Speaker, I rise today to celebrate the life of Cesar Chavez not only because he was one of the great leaders of our country, but also because he was my friend. He was a man of courage, faith and love who shared his great strength with thousands and inspired millions of Americans.

To know Cesar was to stand in awe of the enormous task he set for himself and the great moral leadership he gave to the campaign to challenge injustice and achieve peaceful change.

His struggle for oppressed farmworkers fired our conscience. He insisted that this nation acknowledge that every human being, regardless of origin, is of worth and is entitled to reach for a better tomorrow.

What made Cesar Chavez larger than life was that he lived the principles of truth and courage he preached. He knew what it was like to be treated without respect, to work all day, everyday, with little to show for it. A lesser man might have burned up with anger. But what burned inside Cesar Chavez was a love of justice.

Cesar's struggle for justice is far from over and we must continue to help others help themselves.

In Congress, still today, there are bills that would bring foreign guestworkers into our fields. The growers still want cheap labor from foreign workers without those pesky rights won by the sweat and tears of Cesar and Dolores Huerta and Arturo Rodriguez and hundreds of others.

Cesar helped us see through the eyes of farmworkers—and what they saw was a dark and hopeless world. But under his leadership, farmworkers began to see a new world, one of strength and hope, united against poverty and exploitation. Under UFW contracts, they won higher pay and for the first time—health coverage and pension benefits.

This is how the legacy of Cesar Chavez was born—and we will never let it die!

INTRODUCTION OF RESOLUTION RECOGNIZING KIDNEY DONORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I recently introduced a resolution to recognize the generous contribution made by each living kidney donor to save a life and to acknowledge the advances in medical technology that have enabled living kidney transplantation to become a viable treatment option for an increasing number of individuals needing kidney transplant.

Since 1989, over 250,000 Americans have lost their lives to kidney failure. In 1996, some 250,000 patients were treated for end stage renal disease. An additional 73,000 began treatment for the first time. Of those new patients, nearly half were persons with diabetes. Also in 1996, over 12,000 kidneys were transplanted in the United States. Thirty percent of these organs came from living donors.

Over the last 10 years, the number of patients on the waiting list for a kidney transplant has almost tripled, from 14,000 to over 40,000. In 1988, the number of kidney donations made it possible to provide transplants to almost half the number of patients waiting for a kidney. Because the numbers on the waiting list have grown more quickly than the supply of organs, today only about a quarter will benefit from a transplant.

While the annual number of cadaveric kidneys available for transplant has increased only about 40 percent over the last 10 years, the number of living donors has increased over 100 percent. From the period 1985 to 1994, the 10-year survival rate for dialysis patients was just 10 percent. Survival rates for patients with cadaveric kidney transplants jumped to 55 percent. And for those who received a kidney from a living family member, fully 75 percent would have the chance to live 10 additional years.

Thirty-three of my colleagues have expressed their support for this resolution by signing on as cosponsors. I invite other interested Members of the House to recognize living kidney donors by signing on to this resolution.

Mr. Speaker, just a week or so ago, I received a phone call from former Senator Jake Garn of Utah who served in the other body with great honor and distinction for many years. He called in support of this resolution because he as a father donated a kidney to one of his daughters, and she has lived very well over the last few years despite having some complications from diabetes and other diseases. She has recently undergone additional kidney repair and is hanging in there today as we speak.

The point is that Senator Garn and others are due great recognition for their commitment to their families, for their commitment to good health and for their self-sacrifice to make sure that others can live and have kidney transplants. Senator Garn is a wonderful example of many other people who donate kidneys in this United States.

I also urge the Committee on Commerce as it considers this resolution to take up this resolution at the earliest possible time to give hope to people who are in need of kidney transplantation.

This budget resolution which we passed today, I also want to add, makes due consideration for increases in biomedical research for the National Institutes of Health. As a cochairman of the Diabetes Caucus along with former Representative Elizabeth Furse from Oregon, now the gentlewoman from Colorado (Ms. DEGETTE), we have over 240 members of this House who have signed on to the Diabetes Caucus and who are supportive of diabetes research through NIH but also supportive of cancer research, Alzheimer's research, multiple sclerosis research, polycystic kidney disease research and many other diseases that are going to be cured in our lifetimes, in the very near future, by increased funding for the National Institutes of Health and the perpetuation of basic research to help cure disease and make life better for all of us as we age and go through health problems of our own or health problems that our families may have.

I commend this House for passing this budget resolution, giving the Committee on Appropriations adequate flexibility to address National Institutes of Health. I hope that people will get involved in this resolution that I have introduced to recognize kidney donors.

GUN SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I do identify with the comments of my colleague, a livable community where our families are healthy.

I wanted to reference just for a moment a concern about the health of American families. One-third of a century ago, the automobile was the focus of our concern. Ralph Nader published a famous book on "Safe At Any Speed," and this Congress, the Federal Government, the industry, embarked upon an aggressive program to make the automobile safer. As a result of extensive data collection, reengineering, legal regulation and, of course, the automobile for years has been personalized so it could only be operated by somebody authorized to use it, today we have seen spectacular increases in automobile safety and a reduction in deaths despite the fact that miles traveled have exploded.

Today, in many communities, gun violence is now surpassing the automobile as the major source of accidental death. Today, I sponsored a forum on Capitol Hill with three leading experts to deal with gun violence. For every 90 minutes in this country, another child dies. The evidence was overwhelming from these experts that gun violence can in fact be reduced.

We had testimony from Professor Stephen Teret of the Johns Hopkins Center for Public Policy and Research; Dr. Steve Hargarten of the Firearm Injury Center at the Medical College of Wisconsin; and Dr. Garen Wintemute of the Violence Prevention Research Program at the University of California-Davis. What these gentlemen were able to demonstrate is that we can in fact take simple steps to do something about the epidemic of gun violence in our community.

First and foremost, we can promote policies that promote safe gun storage. Starting with the State of Florida, 15 States now have enacted legislation that promotes responsible gun ownership and safe gun storage and we have seen a resulting reduction in firearm violence among children.

Second, it does make a difference if we prevent criminals from gaining access to guns at the front end, and there is persuasive evidence that by extending the prohibitions under the Brady law to more criminals, to prevent them from access to guns, that we can have a reduction in their use of guns in their hands.

Finally, there was attention given to something that is often ignored, the design of weapons in the United States. Indeed, it is a sad commentary that there are more restrictions over the product safety of toy guns than of real guns. There is no reason for us to manufacture and sell guns in this country today that do not tell you whether or not there is a bullet in the chamber. There is no reason today that we have to have guns with automatic clips that when you disengage the clip that it does not sweep the bullet from the chamber. For a few cents to a few dollars, guns can be built that provide this safety device. Many have it. Tragically, too many do not.

Last, and I think most significant, there is no longer any reason for us not to personalize a gun just like we personalize a car with a key, so that somebody who steals that gun, somebody who wrestles a gun away from a law enforcement professional would have that gun disabled. The technology is available today and it is sad that we have not yet taken steps to make sure that it is available to us.

The same strategy that resulted in a dramatic reduction in automobile fatalities in this country can be employed to reduce gun violence. Get good information instead of spreading it over a dozen different agencies in the Federal Government. Have the courage to use and analyze that information and to implement policies that will make a difference for America's families. It is my fervent hope that as we talk about ways to make our communities more livable that we will take safe, simple, commonsense steps to reduce gun violence for the sake of our children. I hope this Congress has the courage to act.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida, Mr. BILIRAKIS, is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise proudly to celebrate Greek Independence Day, an event which marked the symbolic rebirth of democracy.

On March 25, 1821, Greece finally rebelled against more than four hundred years of Turkish oppression. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. I commemorate Greek Independence Day each year for the same reasons we celebrate our Fourth of July. It proved that a united people, through sheer will and perseverence, can prevail against tyranny. The lessons the Greeks and our colonial forefathers taught us provide strength to victims of persecution throughout the world today.

The Greek people, like our colonists, sought the right to govern themselves and determine their country's destiny. In drafting our constitution, American colonial leaders cited Greek and Roman sources. The very basis of our constitution derives from Aristotle and was put into practice in ancient Rome. Our Founding Fathers emulated the efforts of the ancient Greeks in order to establish a balance of powers. The framers sought to avoid the disintegration of government which marked other political systems throughout history. Polybius, an ancient Greek, wrote: "when one part, having grown out of proportion to the others, aims at supremacy and tends to become too dominant, none of the three is absolute."

And so, today, we celebrate the independence of Greece and the principles of democracy that have endured through the present day.

By honoring the Greek struggle for independence, we reaffirm the values and ideas that make our nation great. We also remember why freedom is so important. Abraham Lincoln said "what has once happened will invariably happen again, when the same circumstances which combined to produce it, shall again combine in the same way."

I want to provide some background on Greek Independence Day for the benefit of our colleagues who are not familiar with it. The war of independence, as many call it, began on March 25, 1821. Alexander Ypsilantis and 4,500 volunteers assembled near the Russian border to launch an insurrection against four centuries of Ottoman rule. The Turkish army initially massacred the Greek volunteers, who were poorly organized and insufficiently armed.

When news of Greek uprisings spread, the Turks killed Greek clergymen, clerics, and laity in a frigtening display of force. In a vicious act of vengeance in 1822, the Turks invaded the island of Chios and slaughtered 25,000 of the local residents. The invaders enslaved half the island's population of 100,000.

Although the Greeks lacked training, their leaders redoubled efforts to gain independence. "Eleftheria I thanatos"—liberty or death—became the Greek patriots' battle cry. Although many died, they were undeterred from their ultimate goal.

Many acts of heroism fill this history of the Greek war for independence. I would like to share some of these stories with you. Theodoros Kolokotronis was the leader of the Klephts, resilient Greeks who refused to submit to Turkish domination. The Klephts attacked from their mountain strongholds by surprise, battering their oppressors into submission. Kolokotronis assembled an army of 7,000 men who prevented their rivals from replenishing their provisions.

Another great battle took place near Corinth. After a few weeks, the Turks were eventually defeated. Kolokotronis was successful because ordinary citizens displayed extraordinary courage and morale. Despite the odds, Kolokotronis managed to capture Tripolitsa and engineer the Greek victory over the Turkish army of Dramali, which had invaded the Peloponnese with 30,000 men.

Another wave of rebellion against Turkish oppression was ignited by the Suliotes, villagers who took refuge from Turkish authorities in the mountains of Epirus. The fiercely patriotic Suliotes bravely fought the Turks in several battles. News of their victories spread throughout the region and encouraged other villages to revolt. When the Suliote women, left alone, learned that Turkish troops were fast approaching their village, they began to dance the "Syrtos," a patriotic Greek dance. One by one, they committed suicide by throwing themselves and their children off Mount Zalongo. They chose to die rather than surrender and face slavery.

I recount these stories because they underscore Greece's absolute commitment to independence. As we all know, the price of liberty can be very high . . . hundreds of thousands of lives. Socrates, Plato, Pericles, and many other great minds throughout history warned that we maintain democracy only at great cost. The freedom we enjoy today is due to the sacrifices made by men and women in the past.

To continue living freely, we must also live responsibly. If people are to govern themselves democratically, then they must also govern themselves responsibly. The same holds true for nations. If not, either anarchy or tyranny will follow.

Even as we speak, tensions persist around the globe, particularly between Greece and Turkey. One cannot enjoy the fruit of freedom without first planting the seeds of peace. Unfortunately, the struggle for peace continues in the republic of Cyprus today.

Turkey still illegally occupies a large part of Cyprus, as it has since its brutal invasion—code named "Attila"—in 1974. Since the invasion, 1,614 Greek-Cypriots and five Americans have been missing. Because of congressional influence, our government discovered the remains of one of these Americans—a young boy, Andrew Kasapis, last year.

Free people everywhere share a moral obligation to promote democracy and end oppression. The United States has exerted its influence to promote peace in the middle east and northern Ireland. Now it is time to do the same in Cyprus.

The United States cannot be the world's policeman, but we must help others who share our passion for liberty and peace. Our nation has always been willing to fight for freedom for others. We must not—and cannot—remain idle while Cyprus remains divided.

The U.S. did not remain neutral when imperialism shook Europe's foundations during World War I. The U.S. did not fail to act when the clouds of German and Japanese atrocity descended upon the world during World War II. Throughout the history of the United States, we have answered freedom's call. As the leader of the free world, our nation must continue to actively oppose tyranny.

Finding a fair resolution for Cyprus will help stabilize a region marked more often by conflict than accord. Turkey continues to refute U.N. resolutions on Cyprus. Turkey's position contradicts the goals of seeking a peaceful solution in the island republic.

In the Aegean, Turkey more recently violated international law by claiming territorial ownership of the Grecian islet of Imia. Turkey blatantly disregarded previous treaties which clearly recognize Greece's sovereignty over Imia. Tensions between Greece and Turkey on this matter continue today. I have joined Congressman PALLONE in introducing legislation expressing the sense of Congress that Imia is a sovereign territory of Greece under international law.

Turkey also has failed to properly protect the ecumenical patriarchate in Istanbul. In 1997, his all holiness, Patriarch Bartholomew, graced the Congress with his visit here. The Patriarch is the spiritual leader of 300 million Orthodox Christians worldwide, including five million Americans. He was honored by the Congress, which awarded him the Congressional Gold Medal. It is important to remember that while the Patriarch spreads his message of peace throughout the entire world, the ecumenical patriarchate in Istanbul has been repeatedly subjected to terrorist attacks. My legislation urging the U.S. government to provide protection to the Patriarchate and its personnel became law last year. Unfortunately, the administration has failed to convince Turkey that we are serious about this matter.

Our nation has the influence to encourage Turkey to abide by international law and to respect Greek sovereignty. I only hope we have the corresponding will. To continue to permit aggression against Greece and Cyprus dishonors the legacy of Greek independence and the values we hold so dear.

Mr. Speaker, we celebrate Greek independence to reaffirm the common democratic heritage we share. Greek Independence Day, like the Fourth of July, reminds us that we have the duty to defend liberty—whatever the cost. To maintain our freedom, we can take neither it nor its architects for granted. That is why we honor those who secured independence for Greece so many years ago.

Mr. MCNULTY. Mr. Speaker, the American people join with the people of Greece in celebrating the 178th anniversary of the revolution that freed the Greek people from the Ottoman Empire.

The bedrock of our close relationship with Greece is our mutual devotion to freedom and democracy and our unshakable determination to fight, if need be, to protect these rights. Greek philosophers and political leaders—Cleisthenes and Pericles and their successors—had great influence upon America's Founding Fathers in their creation of these United States.

We, as a nation, owe a great debt to Greece. "To the ancient Greeks," Thomas Jefferson said, "we are all indebted for the light which led ourselves (American colonists) out of Gothic darkness."

Greece is the birthplace of American democracy. We will always remember the words of Pericles:

> Our administration favors the many instead of the few: this is why it is called a democracy. The laws afford equal justice to all alike in their private disputes, but we do not ignore the claims of excellence. When a citizen distinguishes himself, then he will be called to serve the state, in preference to others, not as a matter of privilege, but as a reward of merit; and poverty is no bar.

Democracy has been called the fastest growing form of government in the world. As we prepare to enter the 21st century, an increasing number of countries are throwing off the yoke of dictatorship and evolving into fledgling democracies.

In a broad sense the English poet, Percy Bysshe Shelley declared: "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece."

I congratulate the people of Greece and wish them a Happy National Birthday.

Mr. VISCLOSKY. Mr. Speaker, I join my colleagues today to recognize the 178th anniversary of Greek Independence Day. As the U.S. Representative of a region with over 5,000 people of Greek descent, I know that this important event will be joyously celebrated throughout Northwest Indiana.

I would like to honor not only this important day in Greek history, but the strong and unique relationship that exists today between the United States and Greece. The development of modern democracy has its roots in ancient Athens. The writings of Plato, Aristotle, Cicero and others were the first to espouse the basic tenets of a government of the people and by the people. While these ideals were not always followed in ancient Greece, these writings provided a roadmap for later governments in their attempts to establish democracy in their countries.

The Founding Fathers of the United States were particularly influenced by the writings of the ancient Greeks on democracy. A careful reading of "The Federalist Papers" reveals the significant part the early Greeks played in the formation of our government. Thomas Jefferson called upon his studies of the Greek tradition of democracy when he drafted the Declaration of Independence, espousing the ideals of a government representative of and accountable to the people. Decades later, these ideas were a catalyst in the Greek uprising and successful independence movement against the Ottoman Empire—the event we celebrate today.

On March 25, 1821, the Archbishop of Patros blessed the Greek flag at the Aghia Laura monastery, marking the proclamation of Greek independence. It took eleven years for the Greeks to finally defeat the Ottomans and gain their true independence. After this long struggle against an oppressive regime, Greece returned to the democratic ideals that its ancestors had developed centuries before.

Today, this country's relationship with Greece is as strong as ever. Greece has been our ardent supporter in every major international conflict of this century, and they play an important role in the North Atlantic Treaty Organization and the European Union. Greece is also a key participant in the United Nations peacekeeping force in Bosnia, providing troops and supplies. In turn, the United States has worked to attain a peaceful settlement to the conflict in Cyprus, the island nation that was brutally invaded by Turkey in 1974.

Mr. Speaker, I would thank our colleagues, Mr. BILIRAKIS and Mrs. MALONEY, for organizing this Special Order, and I join all of our House colleagues in recognizing Greek Independence Day. I salute the spirit of democracy and family that distinguish the Greek people, as well as their courage in breaking the bonds of oppression 178 years ago. I look forward to may more years of cooperation and friendship between our two nations.

Mr. COYNE. Mr. Speaker, I rise today to join in this special order commemorating Greek Independence Day. Congress recognizes Greek Independence Day each year because the struggle of the Greek people to win their freedom was an inspirational epic worthy of commemoration by all free people.

Americans, whose forbearers had to fight for their own freedom in the 1700s, have always been sympathetic to oppressed people around the world who fight to win their independence. Many Americans supported the struggles of the people of Central and South America to throw off the yoke of imperial Spain in the 1800s, for example. Americans in recent times have supported the efforts of the people of Eastern Europe and the Soviet Union to end their domination by that evil empire. And the United States strongly supported the movement to end colonial rule in the wake of World War II. Consequently, it should come as no surprise that many Americans supported the struggle of the Greek people when, in 1821, they undertook to free themselves and their lands from the rule of the Ottoman Empire.

The war for Greek Independence lasted nearly ten years, and many lives were lost. In the end, however, the Greek people won their freedom and established an independent nation. The Greek people's struggle was a popular cause in the United States not just because it echoed our own relatively recent struggle against an imperial power, but because Americans educated in the classics associated Greece with its heritage as the ancient birthplace of democracy and western culture.

Greece today is a trusted and valued ally of the United States, and many people of Greek ancestry are hardworking, productive American citizens. I am pleased to join my colleagues and our country's Greek-American citizens in celebrating Greek Independence Day.

Mr. McGOVERN. Mr. Speaker, I am very proud to rise on the floor of this chamber of American democracy in honor of Greek Independence Day.

Today we are marking the 178th anniversary of the beginning of the revolution that freed the Greek people from the Turkish Ottoman Empire and the 51st anniversary since the Greek people regained their independence after Nazi occupation in World War II.

This is a day that rings with the bells of liberty, the songs of freedom, and the choirs of democracy.

All the world looks to Greece as the fountain and inspiration for every modern-day democracy, including our own.

Greece is one of only three nations, beyond the former British Empire, that has been allied with the United States in every major international conflict this century. Over 600,000 Greeks died fighting on the side of the Allies in World War II and in the civil war that followed—that's nine percent of the entire population of Greece at that time.

During the early 1900s, one in every four Greek males between the ages of 15 and 45 departed for the United States, the "founding fathers," if you will, of today's very successful Greek-American community. According to U.S. census data, the first Greeks who became U.S. citizens ranked only 18th of the 24 nationalities in education attainment. Their children, however, leapt to the top by 1970 to rank number one among American ethnic nationalities.

Among those Greek-Americans who have made major contributions to our national and international life are Dr. George Papnicolaou, who invented the Pap test for cancer; Dr. George Korzias, who developed L-dopa to combat Parkinson's disease; Maria Callas, the Brooklyn-born soprano, considered the greatest opera diva of all time; and Pete Sampras, the number one tennis player in the world for the past several years.

I also want to honor the contributions made by Greek-Americans in my own district in central Massachusetts. Since the turn of the century, over 5,000 Greek men, women and children have made Worcester, Massachusetts their home. Greek-Americans like Mrs. Katherine Singas, the owner of Worcester House of Pizza, and retired high school principal Christopher Dionis have contributed significantly to all aspects of civic life and community affairs.

The Greek Orthodox Cathedral of St. Spyridon in Worcester, under the leadership of Father Dean Paleologos, reminds us of this vibrant Greek-American community. In Worcester, this important day is celebrated by teaching children to recite poetry and songs commemorating their past and their heritage. Discussion groups are held to honor the memory and history of the heroic deeds and patriotism of the Greek and Greek-American men and women who fought and died for the freedom I and my constituents enjoy today.

Similar celebrations are held throughout my district—in Fall River and Dartmouth, in Attleboro and Seekonk.

No one standing on the floor of the U.S. House of Representatives can fail to honor the contributions of Greece to American democracy, freedom, literature and philosophy. Throughout this Capitol and this city, everywhere you might look, you will see homage to Greek ideas and ideals. They are engraved on our buildings, enshrined in our laws, and they surely influenced the minds and hearts of the men and women who founded this nation.

Greece is enjoying a new era of prosperity and looking forward to joining the European Economic and Monetary Union by January 1, 2001. The most recent report of the Organization for Economic Cooperation and Development (OECD) issued in Paris on January 14, 1999, concludes that "thanks to continuous efforts in recent years, the target date seems to be feasible for Greece." And like many of my House colleagues, I am looking forward to the 2004 Olympic Games, which will return to their home in Greece for the first time in 108 years. I'm sure that the Athens Games will help heal the wounds of the current scandals affecting the International Olympic Committee.

I want to thank the gentleman from Florida [Mr. MICHAEL BILIRAKIS]—a fine example of the contribution Greek heritage continues to make to American democracy—and to the gentlelady from New York [Mrs. CAROLYN MALONEY] for organizing this special order on this historic occasion.

I would like to remind them that, if Massachusetts would have had its way, we might have had two Greek-Americans as President of the United States. And so I thank them for their leadership of the Hellenic Caucus and for all their fine efforts to educate and involve other Members on the issues challenging Greek and U.S policy today.

Mr. KENNEDY of Rhode Island. Mr. Speaker, today, I wish to celebrate an important day in Greek history, the 178th anniversary of Greece's independence. I wish to thank my colleagues from Florida and New York for taking the initiative to organize this special order to honor Greece on this important day and for organizing the Congressional Caucus on Hellenic Issues. I am pleased to be part each year of this organized and concerted effort to speak out on those issues which are important to Greece, Cyprus, and our constituents of Hellenic descent.

Greek and American history are closely linked. Both nations owe a large part of their national identity today, to the influence of the other in the past. When Thomas Jefferson was writing the Declaration of Independence and our founding fathers were writing our Constitution, they drew upon the work of Greek scholars and philosophers. Indeed, our system of Democracy could never have existed without the influence of these ancient Greek scholars. Similarly, Greece looked to the United States and the American Revolution as a point of inspiration when it began its struggle for independence on March 25, 1821.

Furthermore, modern Greek culture has become a vital part of the culture of the United States through the entrance of Greek immigrants into the United States. Their hard work has made a tremendous impact on their communities. In my own state of Rhode Island, there are incredibly strong and productive Greek communities in Providence, Pawtucket, and Newport. In these cities, Greek immigrants built businesses, neighborhoods, churches, schools, and raised families. Our country is richer because of all that communities such as these have given.

Because of the influence of Ancient Greece upon our founding fathers, the contributions of Greek immigrants to American culture, and the American influence of a Greece's struggle of independence, it is quite fitting that we celebrate the anniversary of Greece's independence. Again, I thank my colleagues for all their hard work in making this Special Order possible and look forward to further work with the Hellenic Caucus.

Mrs. LOWEY. Mr. Speaker, I rise today to commemorate the 178th anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic heritage of Greece and the United States. I thank Congressman BILIRAKIS and Congresswoman MALONEY for organizing this special order and for their leadership on issues of importance to the Greek-American community.

On March 25, 1821, after more than 400 years of Ottoman Turk domination, Greece declared its independence and resumed its rightful place in the world as a beacon of democracy.

The people of Greece and the United States share a common bond in their commitment to democracy. Our Founding Fathers looked to the teachings of Greek philosophy in their struggle for freedom and democracy. And the American experience in turn inspired the Greek people who fought so hard for independence 176 years ago.

This bond between our two peoples stretches beyond the philosophy of democracy. The relationship between the U.S. and Greece has grown stronger and stronger through the years, and Greece remains today one of our most important allies.

And the contribution Greece makes to life in America is even stronger than the ties between our two countries. Greek-Americans are a vital part of our cultural heritage. My district in New York would not be what it is today without the valuable contributions made by the Greek-American community.

I am proud to stand today in commemoration of Greek independence and in recognition of the contribution Greece and Greek-Americans have made to our country.

Mr. TIERNEY. Mr. Speaker, I rise today in honor of Greek Independence Day. A a member of the Congressional Caucus on Hellenic Issues, I join my colleagues in saluting the strong and enduring ties between the United States and Greece.

The link between our two great nations stretches back to the very beginning of the United States' days as an independent nation. Our founding fathers, recognizing the compelling example set by Greece's experience with democracy, were inspired by the writings of the ancient Greek philosophers. Indeed, our own experiment with democracy has proven successful to a large extent because of what we learned from the Greeks. The Greek influence can be seen throughout our society even as we gaze upon the architecture of this great building in which we serve.

Today, as we rise in tribute to the 178th anniversary of the beginning of Greece's struggle for independence, we are reminded of the importance of maintaining strong ties with Greece and its people. As a member of NATO, Greece has shown a commitment to the same values of international peace and security to which the United States aspires.

One of the great men from my home state of Massachusetts was Charles Eliot Norton. Norton, a professor at Harvard, was devoted to strengthening the ties between Greece and the United States. In 1879, he founded the Archaeological Institute of America, in an effort to foster greater appreciation of the treasures of Greek history. As Norton said, "A knowledge of Greek thought and life, and of the arts in which the Greeks expressed their thought and sentiment, is essential to high culture. A man may know everything else, but without this knowledge he remains ignorant of the best intellectual and moral achievements of his own race."

These words are as true today as when Norton wrote them in 1885. The modern Greek nation continues to be an inspiration to the United States and the rest of the world. I look forward to joining in this weekend's related ceremonies in the Boston area, and I am pleased to be able to offer my congratulations to the people of Greece on this happy occasion.

Ms. PELOSI. Mr. Speaker, I rise today in honor of the 177th anniversary of Greek independence. There are, of course, no final victories in the long struggle to extend the principles of equality and democracy. Thus, we should take advantage of every appropriate opportunity to celebrate the triumphs of freedom over tyranny.

In this spirit, our annual remembrance of the Greek delivery from Ottoman oppression merits special attention, for it was Aristotle himself who said, "Democracy arises out of the notion that those who are equal in any respect are equal in all respects; because men are equally free, they claim to be absolutely equal." In effect, we celebrate the 177 years that have followed the redemption of Aristotle's ancient promise.

As we listen to the urgent bulletins from the Balkans, we are reminded every day of the fragility of the ancient Greek ideal. Wherever tyranny and ethnic cleansing prevail, the principles of equality and democracy are under siege. Listen once again to the profound wisdom of Aristotle: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost."

On this day, let us remember how intimately intertwined are the histories of the United States and Greece. Look at the Declaration of Independence. Look at the Constitution of the United States. Look at the very architecture of our beautiful Capitol. Greek to the core, all of them. Indeed, Thomas Jefferson was quite explicit about our connectedness: "To the ancient Greeks," declared our third President, "we are indebted for the light which led ourselves out of Gothic darkness."

In turn, America has opened its heart to multitudes of Greek immigrants and has, of course, reaped the rewards of that enlightened generosity. In San Francisco, certainly, we have reaped enormous benefits from the vibrant presence of our spirited Greek-American community. And Americans also responded with the Marshall Plan, immediately following World War II, to the plight of a seriously weakened and imperiled Greece.

As we brood today over the darkening skies in the Balkan countries, we should pause for a moment to give thanks for the continuing relevance of ancient Greece and the continuing example of modern Greece.

Mr. DOYLE. Mr. Speaker, today marks a great anniversary for every Greek citizen and those who cherish Democracy and freedom worldwide. 178 years ago on this date, courageous Greeks, determined to cast off the chains of oppression, rose up against the Ottoman Empire and firmly sounded the cry of freedom. It was fitting that the nation that gave the world the very concept of democracy was to be a free and sovereign land once again.

Sadly, like all struggles for freedom, good people lose their lives striving to uphold what they believe. It is important that we as a democracy never forget the sacrifices of those brave individuals whose selfless sacrifices and dedication to democratic ideals gave us the freedoms and liberties we enjoy today.

I salute those gallant Greeks who stood against oppression so many years ago today and with happiness and joy for Greek citizens worldwide.

Mr. ACKERMAN. Mr. Speaker, I am honored to rise to acknowledge and celebrate the 178th Greek Independence Day. This great day in Greek history commemorates the successful struggle of the Greek people for national sovereignty. It is no secret that the United States and Greece have shared a close relationship since Greece's independence. In fact, Greece is one of the very few countries in the world that has stood alongside the United States during every major conflict of this last century.

The United States shares many common threads with Greece, including a commitment to democracy, peace, and respect for human rights. I think it's safe to say that the Founding Fathers of Greece and the United States would be proud of the tremendous achievements of both nations as well as their closeness. The strong bond that is shared by these two countries is now approaching its third century, and as we rapidly approach the twenty-first century, I think its imperative that we recognize countries such as Greece that are eager to move into the next millennium hand-in-hand with the United States.

Greek-Americans all around the country are celebrating this great day for their homeland. Parades, dances, songs and feasts will be occurring all over this country in celebration of Greek independence. The celebrations both here and in Greece will no doubt demonstrate the fortitude of its people. Throughout the past 200 years there have been repeated challenges to the independence of Greece, yet its people have stridently fought to maintain both their democracy and independence—and the United States and its people have been proud to stand by her and provide strength, assistance and friendship to overcome those struggles.

I am pleased to have this opportunity to once again celebrate Greek culture and toast the Greek people. It is an honor to rise and commemorate the 178th Greek Independence Day. On this day we celebrate more than just Greece's independence, we celebrate Greece as a country and as a friend.

Mr. WEYGAND. Mr. Speaker, I rise today to celebrate the 178th anniversary of Greek independence. This date marks the beginning in 1821 of the successful revolution to restore the ideals of democracy to the Greek people after almost 400 years of oppression and persecution under the Ottoman Empire.

One cannot stand in these chambers and participate in our system of representative democracy without recognizing the significant influence of the teachings of ancient Greek philosophers. In the words of Percy Bysshe Shelly, "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece." Tragically, despite the democratic writings and dialogues of great thinkers like Aristotle, Plato, and Polybius, the Ottoman Empire ignored those inspirational principles of equality, freedom, and self rule, and stripped Greek citizens of their civil rights.

Thankfully, freedom fighters in Greece prevailed and restored the principles and benefits of democracy to the Greek people. Much as ancient Greece influenced our founding fathers, so did the United States in its infancy inspire those rebels who struggled against the Ottoman rulers. In fact, Greek intellectuals translated the Declaration of Independence and used it as their own declaration.

Since then, Greece has also battled and triumphed over the spread of Communism, losing nine percent of its own population in the process. Throughout all of this strife and upheaval, Greece has remained a staunch and loyal ally to the United States; furthermore, as President Dwight D. Eisenhower said, "Greece asked no favor except the opportunity to stand for those rights which it believed, and it gave to the world an example of battle . . . a battle that thrilled the hearts of all free men and free women everywhere."

I congratulate Greece on this day marking its 178th anniversary of independence, and I applaud the Greek people for their constant devotion to and fierce protection of the democratic principles of equality, freedom, and self rule. Let us all look to their example as inspiration in the continuing fight to promote and expand democracy throughout the world.

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Greece, a trusted ally and partner of the United States, on the occasion of Greek Independence Day, which will be celebrated on March 25th.

It is especially fitting that we in the House of Representatives, the very embodiment of representative democracy, pay tribute to the accomplishments of a nation which gave us the gift of democracy and developed the concept of a government of the people, by the people, and for the people.

Beginning with ancient Greece, the cradle of democracy, and extending all the way into modern times, the people of Greece have continued to give gifts of political philosophy, culture, and friendship to the world. The special relationship between the United States and Greece has been reinforced throughout our country's short history, from the emulation of ancient Greek democracy by our founding fathers to our steadfast alliance during every major international conflict in the 20th century and our partnership in the North Atlantic Treaty Organization.

In tribute to Greece—our partner in times of war and peace, our reliable friend, and a nation which has, over the millennia, contributed key political and social principles to world society—I rise on the occasion of the 178th anniversary of the revolution which led to Greek independence from the Ottoman Empire. For the United States, this revolution was particularly auspicious, as it led to the creation of one of our most faithful allies.

Mrs. MALONEY of New York. Mr. Speaker, I am here with my colleagues to commemorate the 178th anniversary of Greek Independence Day which is a national day of celebration of Greek and American Democracy.

While commemorative resolutions are no longer allowed in the House, there is support for Greek Independence Day. Every year since 1986, a resolution has been cosponsored by over 50 Senators and passed in the Senate. The President has once again signed a proclamation this year recognizing this as Greek Independence Day, and I would like to insert a copy of this in the RECORD.

"Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not a membership of a particular class, but the actual ability which the man possesses," This could have been written by Thomas Jefferson, but it was written by Pericles in an address made in Greece 2,000 years ago.

Plato said, "Democracy is a charming form of government, full of variety and disorder, and dispensing a kind of equality to equals and unequals alike." Isn't that a wonderful way to describe democracy?

Thomas Jefferson once said, ". . . to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness."

Just as Greek ideas of democracy and individual liberties became the foundation of our government, the American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's.

Greek intellectuals translated the Declaration of Independence of the United States and used it as their own declaration.

A Greek Commander in Chief (Petros Mavromichalis) appealed to the citizens of the United States, saying: "Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you . . . it is for you, citizens of America, to crown this glory . . ."

Greece has been a long and trusted ally. In fact, they fought along side of us in every major international conflict this century.

During the early 1900s, one of every four Greek males between the ages of 15 and 45 departed for the United States. And, I might add that many of them settled in Astoria, Queens which I am fortunate enough to represent. Astoria is one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Greek American friends that I have come to know are one of its greatest rewards.

I have also had the pleasure of establishing the Congressional Caucus on Hellenic Issues with the gentleman from Florida, Mr. BILIRAKIS. This caucus allows Members of the House to join together to find ways to work toward better United States-Greek and Cypriot relations.

We are here today because 177 years ago today, the revolution which freed the Greek people from the Ottoman Empire began. Greece had remained under the Ottoman Empire for almost 400 years, and during this time the people were deprived of all civil rights.

Many volunteers from various localities in the United States sailed to Greece to participate in Greece's war for independence.

On this joyous occasion, we should also direct our attention to the island of Cyprus which, for 25 years now, has been striving for an end to its tragic division and the illegal Turkish occupation of 37 percent of its territory. Again, Cyprus is on the verge of becoming a flashpoint for regional conflict because of Turkey's hardline stance with unrealistic conditions to any peace talks.

It is now time to reaffirm our commitment to a peaceful solution. We must use Cyprus's EU accession as an impetus for positive progress and not let Turkey use it as an excuse for heightened tensions.

A positive contribution by Turkey to help resolve the situation in Cyprus would facilitate Turkey's aspirations to become a member of the European Union. We should use our influence in the region to help Turkey understand this.

Hopefully, soon we will also celebrate Cyprus Day when once again the entire island will be united.

However, the reason that we are here today is to celebrate the 178th anniversary of Greek Independence.

Daniel Webster said of this time in Greek history, "This [Greek] people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the atrocious unparalleled Tartarian barbarism that ever oppressed the human race."

There has always been a special bond of friendship between our two countries, and I would like to leave you with a quote from Percy Shelley.

"We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece."

Mr. CROWLEY. Mr. Speaker, it is my great pleasure to rise today to mark the 178th anniversary of Greek independence from the Turkish Ottoman Empire. I would like to thank Congressman BILIRAKIS and Congresswoman MALONEY for their steadfast leadership on Greek issues and for organizing this Special Order to recognize this historic event.

Mr. Speaker, for over two centuries, the United States and Greece have enjoyed a strong and enduring relationship. During the Second World War, fighting alongside American troops, more than 600,000 Greek soldiers died fighting against the Axis powers illustrating Greece's strong commitment to the United States and freedom loving people everywhere. Today, Greece's commitment to peace and democracy throughout our world continues through their participation in NATO, modern history's most successful alliance.

Our bonds are deeper still, however, for we are joined by blood, culture, and a profound commitment to shared values. Greek ideals of democracy and freedom inspired our Nation's founders and breathed life into America's experiment with democratic self-government. Generations of Greek Americans have enriched every aspect of our national life, in the arts, sciences, business, politics and sports. Through hard work, love of family and community, they have contributed greatly to the prosperity and peace that we all enjoy as Americans today.

Mr. Speaker, I have the great honor of representing a number of Greek-Americans in the Seventh District of New York. Their influence and active participation in the life of their communities has fostered economic, political and social growth throughout New York City.

But as we celebrate Greek independence, we must keep in mind the ongoing struggle for freedom and demand for human rights on the island of Cyprus.

Turkey's tragic and illegal occupation of 37 percent of the island and continued unwillingness to negotiate a peaceful settlement to the crisis threatens to ignite renewed fighting on the island, which would be devastating to chances for a lasting peace. I believe the United States and the international community must remain steadfast in our resolve to bring peace and unity to an island that has been home to violence and division for far, far too long.

In closing Mr. Speaker, let me reiterate my strong commitment to Greek communities in my district, the country, and throughout the world. Their strength and dedication to democracy and peace in the world has made them a shining star of modern civilization.

Mr. PALLONE. Mr. Speaker, I would like to thank the gentlemen from Florida, Mr. BILIRAKIS, and the gentlelady from New York, Ms. MALONEY for organizing this Special Order to honor the 178th anniversary of Greece's independence. They are tireless in their promotion of close ties between the United States and Greece, and I have enjoyed working with them over the years to strengthen relations with one of America's greatest allies.

I would like to begin by congratulating Greece and the Greek community in America for 178 years of independence. I would also like to reaffirm the special relationship the United States has with Greece.

The issue I want to focus on tonight is Turkey's threat to use military force against Greece in response to the Ocalan affair. Settling differences with military force is an option to be used only as the last resort after all diplomatic channels have been exhausted. Turkey, however, seems to salivate at the prospect of a military confrontation with Greece. At every conceivable opportunity Ankara threatens Greece with the use of military force.

Shortly before the Ocalan affair erupted, Turkey threatened to attack Greece if Greece deploys the defensive S–300 missile system in Crete. That deployment is scheduled as part of a gesture put forward by the Cypriot government to defuse tensions in Cyprus over the initial plan to deploy that system on Cyprus. I should also add that part of the Cypriot plan to defuse that crisis and move the peace process forward includes a reiteration of the standing offer to demilitarize the island accompanied by a new offer to pay for a peacekeeping force following the demilitarization.

This peaceful proposal has to date been rejected by the Turks, who, as I say seem interested only in threatening to use force against Greece.

As with all Turkish threats, the threat to use force in response to the Ocalan affair must be taken seriously. The endless stream of threats to use force by Ankara are destabilizing to the already tense Mediterranean region, to NATO and ultimately to all of Europe. They are also counter to US interests. In my view the United States government needs to be much more forceful in communicating to the Turks that these threats are unacceptable and that there will be severe consequences to US-Turkey relations if Ankara resorts to the use of military force.

Many in Greece and the Greek community in the United States speculate that one of the reasons why Turkey has been issuing threats as of late is to spark another confrontation over sovereign Greek territory in the Aegean. "A short military confrontation," observes a recent editorial in the GreekAmerican on Turkey's claims to Greek territory "may be just the ticket."

Two years ago, Turkey was almost successful in sparking just such a confrontation over the Greek islets of Imia. The confrontation was avoided only after President Clinton personally intervened, but the issue is not resolved. Turkey continues to make unfounded claims of sovereignty over the islets of Imia. I am hopeful the Administration will be prepared to act swiftly should this issue again flare up. In order to keep it on the front burner, I introduced H Con Res 36 in February, which expresses the sense of Congress that the islets of Imia are sovereign territory under international law. It also states that Turkey should agree to bring this matter before the International Court of Justice at the Hague for a resolution.

Again, I think it is important to keep examples like these in mind in the wake of the Ocalan affair and discount Turkey's attempt to slander Greece's commitment and readiness to resolve conflicts peacefully and in full accordance with international law. It is precisely this commitment to peace and democracy that we must keep in mind as we celebrate 178 years of Greek independence. And I just want to point out, to its credit, the State Department has rejected Turkey's ridiculous assertion following Ocalan's capture that Greece supports terrorism.

Before I conclude, Mr. Speaker, there is one last observation I want to make about the way the US government has handled the Ocalan affair. Notwithstanding its rejection of Turkey's propaganda regarding Greece, there are aspects of this case that are very troubling.

The US government's role in helping the Turks capture Ocalan is well documented. What troubles me about the American government's role is its willingness to help the Turk's capture Ocalan knowing full well the chances he will receive a fair trial are slim to none. Already the Turks have refused to allow Ocalan's attorney's to defend him. Instead the Turkish courts appointed 15 lawyers to defend him, two of which recently resigned after receiving death threats. Unsurprisingly, the other 13 are also expected to resign. Ankara has also decided to bypass its regular court system and bring Ocalan before some kind of three-judge tribunal with no jury and no foreign observers.

The US government's claim that it was trying to upheld justice is specious at best. In turning Ocalan over to the Turks, the American government saw an opportunity to curry favor with Ankara. In my view, this was done in support of an inexplicable American policy toward Ankara that overlooks a myriad of unconscionable Turkish policies—most notably those involving Cyprus and Armenia—in exchange for continued access to Turkish military facilities and airspace.

It is the willingness of the US government to ignore the notorious abuses and show trials in the Turkish judicial system that I find troubling. If the US government was truly interested in insuring justice be carried out in a fair manner, it should have helped deliver him to a court where fair judicial proceedings are the norm, such as the International Court of Justice at the Hague.

With that, I once again congratulate Greece on the anniversary of its independence and thank my colleagues once again for holding this Special Order.

Mr. GILMAN. Mr. Speaker, this is an occasion for celebrating the strong ties and traditions that bind America with our friends in Greece. I commend the gentleman from Florida, Mr. BILIRAKIS, the co-chairman of our Hellenic Issues Caucus for his diligence in ensuring each year that the House mark this important day by way of a special order. In commemorating the 178th anniversary of the independence of Greece from the Ottoman overlords, we should bear in mind that it was to the practices and institutions of ancient Athens that our forefathers looked for an example and inspiration as they set in place the principles of democracy that have guided our great Nation and its people.

It was to our young nation, where the spirit of democracy was reborn in the modern era, that the people of Greece looked as they fought for and won their own independence in 1821.

Today, we are preparing for a new round of strife in the Balkans that could very likely involve the armed forces of our own country. We note with gratitude the efforts made by the government of Greece in trying to find a peaceful solution to the conflict in Kosovo. The leaders of Greece have made numerous trips to Belgrade in an effort to persuade Milosevic that he must yield to the demands of the international community and cease his brutal policies against the people of Kosovo. Greece is also in the forefront of those countries providing assistance to the government of Albania, helping to restore order to Albania's society after the civil strife that nearly destroyed the country 2 years ago.

Since 1821 when the people of Greece triumphed in their heroic fight for independence, the people of Greece and the United States of America have been as one in the struggle to promote and protect democratic freedoms and human rights around the world. Today, as we face new challenges to that tradition in the Balkans and elsewhere, we value our friends in Greece for their continued support and encouragement. Accordingly, I urge that our colleagues continue the effort to keep the mutual spirit of friendship thriving. Yasou. Efkaristo!

IN HONOR OF WORLD WAR I VETERAN WILLIAM "CAPTAIN GLADY" OGLESBY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, a French author once said, "Freedom is a system based on courage."

Madam Speaker, the freedoms we enjoy today are built upon a foundation of courage, fostered by the individuals who served and sacrificed for America, our Nation's veterans.

Last September marked the 80th anniversary of Armistice Day, a day to commemorate the signing of the armistice which marked the end of World War I. The United States sent over 4.5 million troops into battle during the war and over 100,000 never came home. They gave their lives to protect our country and our freedom. World War I was called "the Great War" and was fought to make the world safe for democracy.

Today, we have approximately 3,200 living United States World War I veterans. I am proud that the Third District of North Carolina, which I have the honor to represent, is home to at least one of these courageous soldiers, a gentleman who joined his fellow Americans in the fight against tyranny, Mr. William Gladstone Oglesby.

Madam Speaker, on April 2, 1917, then President Woodrow Wilson called Congress into session to condemn German warfare as a "war against all nations." He said: "It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things we have always carried dear to our hearts."

Madam Speaker, President Wilson was speaking of democracy, freedom, and the brave men and women who risked their lives to protect it. Within 4 days, the United States had declared war against Germany. At the time, William Gladstone Oglesby of Morehead City, North Carolina, had just turned 21. Later that year, he would begin his service in the United States Army during the height of war. He would join the almost 2 million Americans sent across the ocean to fight alongside French soldiers and would serve in Company B, 322d Infantry Division as part of the American Expeditionary Forces.

Now, just shy of 103 years old, William Oglesby, or Captain Glady as he is more commonly known, is one of the surviving World War I veterans to receive France's highest decoration, the Legion of Honor medal.

The French government is marking the anniversary of the World War I armistice by honoring Captain Glady and other surviving Americans and Allied personnel who fought in the Great War on French soil.

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Madam Speaker, I cannot be more proud to represent such a fine soldier of freedom.

Madam Speaker, Captain Glady served with French soldiers for 1 year before receiving an honorable discharge. His efforts in the name of freedom are unforgettable and worthy of the recognition and tribute he has received.

Captain Glady's service to his country can only be matched by his service to his church, his community and his family. As one of the first honorably discharged veterans to join the American Legion, Captain Glady has dedicated 80 years to caring for other veterans and their widows.

After his discharge, Captain Glady spent 30 years working at sea in the North Carolina fishing industry. He spent 20 years as a menhaden fishing boat captain where he received his nickname, "Captain Glady." He was married to his late wife, Ruth, for 72 years, and has a daughter, Sarita Shaw, and two granddaughters, Catherine Watkins and Elizabeth Duff.

Madam Speaker, William Gladstone Oglesby is a good man, a good American, and truly one of our Nation's soldiers of freedom. He answered his country's call to duty. His dedication to protect our country and preserve the principles that America was founded upon has helped to ensure and provide for the survival of this Nation.

As President Wilson said: "To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have . . . with the pride of those who know that the day has come when America is privileged to spend her blood and her might for principles that gave her birth and happiness and the peace which she has treasured."

Madam Speaker, my grandfather was gassed during World War I at the Battle of the Argonne forest. Thankfully he was fortunate to survive, but not everyone was as lucky. Many lost fathers, brothers, husbands and sons. Their courage and the courage of all who serve this Nation, have provided for the free and democratic Nation that we enjoy today.

Captain Glady and all who serve this country represent the America that rose to greatness on the shoulders of ordinary citizens. They are the men and women who accept the highest responsibility and make the ultimate sacrifice to preserve peace and freedom for all of its citizens.

Captain Glady, with your 103rd birthday approaching on April 4, I would like to extend to you a happy birthday, and best wishes to you, and I thank you and your country thanks you for your heroic courage in the name of freedom.

H.J. RES. 22—MAKING THE BIRTHDAY OF CESAR ESTRADA CHAVEZ A NATIONAL HOLIDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Madam Speaker, I rise to honor an inspiring and beloved man, Cesar Estrada Chavez. Today we honor him in anticipation of his birthday next week, and I ask the Members of the House of Representatives to join us in paying respect to a man who brought dignity to men, women and children who have continued to struggle in the fields.

In January Cesar Chavez was bestowed one of the greatest honors when he was inducted into the U.S. Department of Labor's Hall of Fame. This honor is solely reserved for Americans whose contributions to the field of labor have enhanced the quality of lives of millions.

Not only did he enhance the lives of millions, but he touched us deeply with his compassion and commitment to La Causa. La Causa, the cause of the poor; La Causa, the cause of nonviolence; La Causa, representing those who do not have representation.

As my colleagues may know, Cesar Chavez rose from a fruit and vegetable picker to be the head of the United Farm Workers of America. From the beginning, Cesar Chavez instilled in the UFW the principles of nonviolence as practiced by Gandhi and Dr. Martin Luther King, Jr. When the United Farm Workers began the strike in the 1960's to protest the treatment of farm workers, the strikers took a pledge of nonviolence. Many of my colleagues may remember the 25-day fast conducted by Cesar Chavez which reaffirmed the United Farm Workers' commitment to nonviolence.

For those of us who lived through those years, those troubling years, in that time period, we heard of the great odds Chavez faced, and we recognized, a lot of us were involved directly in his efforts, as he led a successful 5-year strike boycott. Through this boycott Chavez was able to forge a national support coalition of unions, church groups, students, minorities and consumers. By the end of the boycott, everyone knew the chant that unified the group: "Sí se puede," yes, we can, and it was a chant of encouragement, pride and dignity.

Although we knew him for his advocacy on behalf of farm workers, he was influential in various other areas. He helped communities to mobilize by assisting them with voter registration drives and insisting that minority communities had a right to an education, had a right to have access to a quality education.

Many of us today look to Cesar Chavez for inspiration, even here in the Halls of Congress. Those of us who continue this fight do so in order to give voices to the voiceless and dignity that is deserved by all laborers who, no matter what their work, will recognize their work and recognize them with dignity.

Throughout the country, like in San Antonio, there will be celebrations. I know in San Antonio Jamie Martinez, a labor leader, will be conducting a parade and a march in his honor, not only in his honor but on his causes and the importance of his cause.

Americans have seen few leaders such as Cesar Chavez. To honor his work and deeds I ask that you join myself and 56 other colleagues in supporting H.J. Res. 22 to make his birthday a national holiday. To all my colleagues on both sides of the aisle, I tell them tonight: "Sí se puede." Together, yes, we can.

EXCHANGE OF SPECIAL ORDER TIME

Mr. THUNE. Madam Speaker, I ask unanimous consent that the time allocated to the gentleman from Pennsylvania (Mr. ENGLISH), that I be allowed to use that.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

DO NOT BUY THE LIE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Madam Speaker, for the past three months I have listened as our friends on the other side have extolled the virtues of the President's budget. Today we had an opportunity to vote on a series of alternative budgets, one of which was the President's budget, and I just have one question:

Where did all the President's men and all the President's women go when it came time to vote on that budget? The President's budget, today when it was voted on in the House, got two, two votes out of 435, and when it was voted on in the Senate the other day, it got two votes in the Senate.

Now we have to ask ourselves, why is that? Why did the President's budget only get two votes in the House and two votes in the Senate? I think that once the smoke had cleared and the dust had settled, it became clear that the charade was over.

Maybe it is because the President spends the Social Security surplus in his budget, maybe it is because the President's budget raises taxes by $172 billion. Maybe it is because in the President's budget there was no funding for priorities that he mentioned in his State of the Union address, priorities that rolled out like they were never going to end, like agriculture, and he did not put any money in his budget for important priorities like reforming the crop insurance program.

Maybe there were only two votes in the House today on the President's budget because the President cuts Medicare. In spite of all the rhetoric about saving Medicare and putting aside 15 percent, the President's budget cut Medicare by about $10 million.

Maybe it was because the President's budget busted the budget caps. I mean it could be any of those reasons, but the fact of the matter is that when all the posturing was done in this Chamber and all the lofty rhetoric was put aside, it came time to vote, nobody was there to vote in favor of the President's budget.

So we rolled out an alternative, the Republican budget plan, today, and already for weeks our friends on the other side, the Democrats, have been assailing that budget. But then, as my colleagues know, the rhetoric started to tone down a little bit because they looked at it, and they said: "Well, you know we want to attack the Republican budget for Social Security," and then they realized that we were locking up, walling off the Social Security Trust Fund, making sure that all the payroll tax was actually going into the trust fund where it should. And then they thought, well maybe we can attack the Republicans again on Medicare because they did not fall for the President's percentages game and say, well, we are going to do 15 percent here and 62 percent here, and 20 percent here, 10 percent here. But then they realized that by locking up the payroll tax the Republican budget puts aside more money for Social Security and Medicare than the President's budget.

So, that issue is off the table, and the fact of the matter is they could not attack, they want to attack for the veterans budget, but the Republican budget actually funded veterans at $1 billion more than the President's budget. It funded agriculture at $6 billion more than the President's budget.

So then it was the old traditional line about it is tax cuts for the rich. Well, as my colleagues know, if we look at the budget, there are not any tax cuts specified in there. Yes, we believe that we ought to have a debate. Once we have walled off Social Security and taken care of that program and Medicare, and there is $800 billion projected over the next 10 years that comes in over and above that, then we believe we ought to engage in debate in this city about whether or not to give that back to the American people or whether to spend it here in Washington. But we will have that debate when and if the time comes. But in the meantime we need to do the responsible thing and the honest thing, and that is to wall off Social Security and make sure that it is there for the next generation of Americans.

In fact, I want to read something here that AARP, Mr. Horace Deets, the Executive Director of AARP, said about the Republican budget plan. It says: "AARP believes it is important to protect Social Security's growing reserves and is pleased that the House budget resolution provides that protection. Over the next 10 years, Social Security is projected to contribute $1.8 trillion of the unified surplus. Preserving Social Security's reserves not only allows our country to better prepare for the impending retirement of the baby boom generation, but also gives us greater financial flexibility to enact long-term reform in both Social Security and Medicare once the options have been carefully considered and their impact understood."

That is from the AARP, and what I would simply say to the American people here this evening is:

"When you listen to all this rhetoric over the course of the next few months, who are you going to trust to solve these problems, Social Security and Medicare? Are you going to trust the people who are going to be honest with you and say that we are going to put the payroll tax, Social Security and Medicare, aside where it should be walled off to be used for those purposes, or are you going to trust the people who want to keep raiding it like we have in the past?"

I think the American people are wise, I think the Americans in this country who are currently benefiting from Social Security and Medicare have figured this out, and I have one simple message for them this evening, and that is:

Do not buy the lie. We have heard it before, we are going to hear it again. Work with us in a constructive way to build a better future for the 21st century.

Madam Speaker, I look forward to the opportunity, when we get past all the posturing and all the rhetoric, to work with my colleagues on the other side to come up with a budget that takes care of these important priorities.

TRANSPORTATION EMPLOYEE FAIR TAXATION ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Madam Speaker, I rise today to introduce important legislation to provide tax fairness for thousands of hard-working Americans throughout this Nation who are employed by interstate water carriers. I am talking about river boat pilots, I am talking about men and women who work on barges, and I am talking about other hard-working crew members who do an honest day's work and want a fair shake when it comes to paying their taxes.

Madam Speaker, I am deeply concerned that a significant number of interstate waterway employees who are employed on vessels that operate on the Columbia River, the Mississippi, the Ohio, the Missouri, the Kanawha, and many other inland waterways throughout this Nation may be double or even triple-taxed for their labor. These river pilots, officers and other crew members perform most of their work on rivers which flow through multiple States, and in many cases these folks are subject to income tax filings and additional withholdings from multiple States.

The rivers these folks navigate, whether it be for shipping, for transporting passengers, for tourism or other purposes often course through the territories of multiple States. That is a fact of nature, and because of that fact the folks who ply their trade on these rivers are subject to taxation by several States. That is simply not fair.

When truck drivers, railway workers and aviation employees go about their jobs, all of whom are required to conduct their work in States other than their home State, Congress has seen fit to grant them an exemption from this double or triple taxation unless a majority of the work is performed in another State.

□ 2015

This is not so for interstate waterway employees. No. If one is a crew member on a barge, they can be required to pay taxes in several States, and that is simply not fair.

An airline pilot, for example, is subject to taxation by the State in which the pilot resides, period. Only if pilots earn 50 percent or more of their income while working in another State are they subject to taxation by that other State. This restriction, for all practical purposes, exempts airline employees from multiple taxation. However, interstate water carriers, bargemen, river boat pilots, ferry boat operators, for some reason these people are treated differently, and that is simply not fair.

Frankly, Madam Speaker, it is a clear example of taxation without representation, an obvious oversight of this body.

Over the past 22 years, Congress has acted to address inequities in the Tax Code when it dealt with interstate transportation employees. I am asking my colleagues today to again take action to address and correct this problem.

Interstate waterway employees are devoted, hard working folks, who provide essential transportation services throughout our Nation and pay their fair share of taxes in their home States. Additionally, the companies which employ these workers contribute significantly to the economic well-being of the State's concerns. Yet, Madam Speaker, due to an existing oversight, workers living in my district in southwest Washington may be subject to additional tax burdens imposed by other States along the Columbia River.

The current law allows States to impose additional taxes based on the percentage of time their vessel was docked or operating in those States' waters and I will say it again, that is simply not fair.

Madam Speaker, we can do something about that. We can make the law fair and we can make it apply equally to everyone.

Madam Speaker, the legislation I am introducing today, the Transportation Employee Fair Taxation Act of 1999, will correct this oversight.

My bill will expressly prohibit the taxation of income earned by waterway workers by States other than the ones in which the workers reside. It will close the unfortunate loophole that says we treat all the other groups of interstate workers one way and bargemen and river pilots the other.

It is not complex legislation. It is very straightforward. It is not lengthy legislation. It is a two-page bill. But it is good legislation. It is needed legislation and it is fair legislation. I am proud to say also that it is bipartisan legislation.

Of the 12 original cosponsors of this measure, 8 are Democrats and 4 are Republicans. So I urge my colleagues from both parties to join in this effort, to ensure tax fairness for all of our citizens by taking swift action to pass this bill.

NEEDED: JUSTICE AND A POLITICAL SOLUTION FOR THE KURDISH PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, before we adjourn for our spring district work period, I wanted to draw attention to the plight of the Kurdish people.

There was a lot of attention to this otherwise usually ignored issue last month with the apprehension of Abdullah Ocalan, the leader of the Kurdistan Workers Party, the PKK.

Mr. Ocalan has been fighting for autonomy for the Kurdish people who are the victims of oppression by Turkey, as well as Iraq, Iran and Syria. The Turkish regime refuses to even acknowledge the Kurds' existence, referring to them as Mountain Turks, prohibiting all expression of Kurdish culture and language in an effort to forcibly assimilate them, and jailing, torturing or killing Kurdish leaders.

The Iraqi regime has used poison gas on its Kurds and has destroyed 4,000 Kurdish villages. The Iranian regime has lined them up against firing squads, while the Syrian regime barely tolerates them with no rights.

Madam Speaker, while the treatment of the Kurds in Iraq, Iran and Syria is deplorable, the Turkish mistreatment of the Kurdish people is particularly shocking for a very basic reason. Turkey is considered an ally of the United States, a member of NATO, and the recipient over many years of millions in economic and especially military assistance courtesy of the American taxpayer. This embarrassing record of American support for the Turkish regime reached a new low last month when our intelligence and diplomatic services actually helped a Turkish commando team to capture Mr. Ocalan in Kenya. This action violates the spirit of the torture convention to which the United States is a signatory.

Mr. Ocalan, had he been here in the United States I cannot imagine that he would have been turned over to Turkey, just as Italy refused to do so when he was in Italy. This shameful collaboration with Turkey has resulted in Mr. Ocalan being held in solitary confinement on an island prison in Turkey with no access to his international team of lawyers.

Plans call for him to be tried in a secret military-type court with no jury and no foreign observers.

Given the unlawfulness of this abduction and the illegitimacy of the state security court's tribunal, there is ample reason to assume that Mr. Ocalan will not receive a fair trial.

Madam Speaker, I want to note that the injustice of the Ocalan abduction and trial and the much larger issue of the oppression of the Kurdish people has not gone unnoticed around the world. Here in Washington over the past weekend, a rally was held across the street from the Turkish Embassy. The Congressional Human Rights Caucus and the Human Rights Alliance recently commemorated the 11th anniversary of Saddam Hussein's massacre of over 5,000 Kurds in the village of Halabja.

The suffering of the Kurdish people has not gone completely unnoticed but we need to do more for the Kurdish people. The government of Turkey's undeclared war on the Kurds has claimed close to 40,000 lives and caused more than 3 million people to become refugees.

Mr. Ocalan's appearance in Rome with a pledge that he was ready to renounce violence presented an opportunity for peace but neither Turkey nor the United States took him up on his offer.

Madam Speaker, let me say it is not too late. We should use our leverage over Turkey to demand that an international tribunal prosecute Mr. Ocalan since Turkey is at war with the Kurds and cannot be expected to conduct a fair trial. I hope that the European Union to which Turkey is seeking admission will also put pressure on Turkey. We must demand a fair trial for Mr. Ocalan but this should only be a first step in our efforts to press Turkey to enter into negotiations to achieve a political solution to this ongoing struggle. This is fundamentally in Turkey's interest, too, in the long run, since they cannot continue to keep down 35 million people living in their midst.

On January 21, we celebrated, or the Kurds celebrated their new year, which is called Newroz, symbolizing a day of resistance and deliverance from tyranny for the Kurds. In that spirit, I hope that we will soon witness a turning point from the terrible tragedies that the Kurdish people have experienced and instead see the rebirth of a strong and free Kurdistan.

Madam Speaker, this week U.S. forces have gone into the battle in the former Yugoslavia in an effort to prevent the genocide of the Kosovar people. I strongly support that effort which shows America at its best and I hope that the same resolve and sense of outrage that caused us to act to protect the Kosovars will finally motivate America and the free world to put an end to the genocide of the Kurdish people.

Let me point out that the Kurdish new year, Madam Speaker, was actually last Sunday, March 21, Newroz, and that was the day when the Kurds celebrate their new year.

ILLEGAL IMMIGRATION FROM CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Madam Speaker, I take this opportunity to speak to one issue which is of some national significance because it evidences a pattern that is occurring, and that is illegal immigration from China.

I would like to point out that, Madam Speaker, that Guam is a very isolated community from Washington, DC. It is some 9,000 miles away and it is the closest U.S. soil to China.

During the past year, there has been an inordinate amount of illegal immigration into Guam from China, and we assumed that it was from perhaps nearby the Commonwealth of the Northern Marianas, but as it has turned out these are illegal immigrants who come in on fishing boats directly from the Province of Fuqing inside China.

This kind of illegal immigration is not the kind of illegal immigration that we normally assume exists, which is that people are fleeing either for political reasons or looking for an economic better way of life.

All of those might be part of this, but usually when we watch the kinds of things that occur on our southern border or perhaps some of the illegal immigration which is coming from Haiti or in the Caribbean Sea, other parts of the Caribbean Sea, we witness people who are risking life and limb in order to better themselves economically. If they are successful, they go on and live their lives as members of individual families and indeed frequently find a better way of life.

In this case, what we have is an illegal stream of immigrants that is primarily orchestrated by criminal organizations inside China commonly referred to as "snakeheads." Last year, and Guam last a very small population, it is estimated that over 700 arrived through this manner and since the beginning of this year alone there has already been 254, and some 97 were simply apprehended off the coast of Guam, in Agat, last weekend.

What these people undergo is that they pay anywhere from $10,000 to $30,000 for the privilege of being put in a fishing boat usually under a hundred feet and there may be as many as 200 or 300 of them inside this fishing boat. Then they are taken out in the open ocean and they arrive on Guam, and they usually try to come in on small boats so we do not know what exactly the dynamics of the stream is like. If they are caught, they immediately ask for political asylum.

If they are successful in this, and they invariably are, they then enter a period of what can only be termed as indentured servitude for these snakehead organizations for the next 10 to 20 years, probably working below the minimum wage in some underground economy inside this country.

So this problem, and the use of political asylum on Guam, and claims to political asylum by these illegal immigrants, do not necessarily benefit the immigrants themselves but is part of a well constructed, well organized criminal activity that is orchestrated from inside China in the Fuqing province.

The People's Republic of China themselves are embarrassed by this, as I understand it. These are criminal organizations that are acting on their own.

The way to solve this problem is to eliminate or narrow the gap for claims of political asylum on Guam. This in no way means that I myself or the people of Guam are not in favor of political asylum, but in this instance what has happened is that these snakehead organizations have used the political asylum mechanism in order to benefit their criminal activities, which are well documented in these articles by Brad Wong, Hiroshi Hiyama and Frieda Bush, and to create and to prey on the hopes of these people inside China and then to continue to prey upon them once they are successfully brought into this country.

I have introduced legislation for this purpose, to give latitude to INS officers in Guam, and this is possible under the Immigration and Naturalization Act, to carve out special laws and regulations for insular jurisdictions of the United States.

I hope that there is widespread support for this. This is an important issue not only for us but it is a good way to stop illegal immigration and to benefit criminal organizations inside China.

Madam Speaker, I would like to submit for the RECORD six articles of the Pacific Daily News. These articles point out in great detail the dynamics of this.

95 Apprehended in Agat—6 Women, 12 Children Among Group in INS Custody

(By Hiroshi Hiyama.—Pacific Daily News)

Six women and a dozen children are among 95 Chinese nationals who were apprehended early yesterday morning after their ship ran aground on a reef off Agat.

It was the largest number of suspected illegal immigrants and smugglers caught at one time, followed by the 79 apprehended in January.

Yesterday's apprehension brings the tally to about 235 suspected illegal immigrants caught on and around Guam this year.

It began when 32 people were spotted on the beach by police Officer Frank Cepeda, who was patrolling near the old Agat cemetery around 2 a.m., according to police spokesman Marc Howard.

Their ship had run aground earlier on the reef off Agat, according to the U.S. Coast Guard. The rusty, 120-foot fishing vessel had no identifying markings.

After the accident, the ship's six-member crew jumped on a smaller boat, telling their passengers that they would go ashore to get help.

Shortly afterward, 32 passengers jumped off the fishing vessel, suspecting that the crew members wouldn't come back to rescue them, Coast Guard Chief Petty Officer John Howk said.

They were the group approached by Cepeda at the Agat beach. They offered no resistance, and a handful of police officers marched the group to the Agat precinct, Howard said.

At the same time, police contacted the Immigration and Naturalization Service. Guam police and fire officials launched their own boats to check the fishing vessel. The Coast Guard also launched the cutter Galveston Island and a Navy HC–5 helicopter to tend the vessel.

On the ship, local and federal officers found 57 people huddled together, waiting for assistance, Howk said.

Officials later caught the six crew members on an Agat shoreline, bringing the total number of apprehensions to 95, Howk said.

The Chinese nationals hadn't had food or water for the past few days, said Joe Galoski, INS supervisory special agent.

None showed signs of illness, and they were fed and cleaned by federal and local officials.

They spent roughly 11 days at sea traveling from the Fujian province in southern China to Guam, Galoski said.

They were taken to the Department of Corrections yesterday, where they spent the night with dozens of other suspected Chinese illegal immigrants who had been apprehended in previous incidents.

A few who have been here awhile have picked up a few English words and helped local prison officials to clean the newcomers' belongings.

The investigation into yesterday's apprehension will continue today, officials said.

The fishing vessel was towed to Victor Wharf, where the Coast Guard office is located.

Coast Guard officials said they haven't noticed any obvious signs of oil leaks, or other contaminants in the environment in the waters off Agat.

Chinese Dream of Life Abroad

(By Brad Wong)

FUQING, China—In an alleyway off a main shopping street in this coastal city of Fujian province, a group of peasants leaned against their rusty bicycles and chatted with one another in an open-air market one day last month.

With people buying food and milling about among pig heads, pile of leafy vegetables and mounds of oranges, one farmer stood next to his produce, spread on a plastic tarp on the ground. How much, he wondered would his cabbage cost in the United States?

In a black sedan with tinted windows that normally shuttles Taiwanese and Hong Kong business executives around town, a driver with thinning gray hair and a tan, weathered complexion offered a visitor $24,000 for help to immigrate to the United States, a place the Chinese call "beautiful country." He boasted how his daughter could speak English, and called her on his cellular phone to prove it.

The man talked about a friend in the United States who gives him regular reports about living abroad. "The homes are very good and there are a lot of vehicles," he said.

In the streets and alleys of this city, with its shiny new hotels and tiny brick huts, residents don't disclose it initially, but the dream is tucked in minds and hearts, never far from thought.

The desire: to go abroad, seek wealth and give their children better opportunities than they've had. And clerks, restaurant owners and others from all walks of life all say the same thing: They want to earn money in the United States. Some even cite a saying popular in the new market-oriented China to describe those who take risks in pursuing profits and opportunities.

They call it, "Jumping in the sea."

According to Chief Petty Officer John Howk, in charge of operations at the Coast Guard's Guam center, since April 1998, more than 500 smugglers and fortune seekers from this city and province have jumped and landed illegally on Guam or have been apprehended trying to make it to Guam's shores.

On Sunday, the Immigration and Naturalization Service took 97 Chinese nationals into custody after a fishing vessel from Fujian province hit the reef off Agat. It was the largest number of suspected illegal immigrants caught entering the United States' westernmost territory at any one time, but Howk said the Coast Guard believes that practice will either continue at its present rate of increase.

The immigrants are typically poor peasants from a country of 1.2 billion people, where such residents make up 70 percent of the population. Many Fujian residents say it's difficult to obtain a legal visa to live and work in the United States.

So they look to the sea as a way out and for new opportunities.

SNAKEHEADS

After a two-week boat trip from China, the immigrants often arrive on Guam wet, hungry and sometimes ill or carrying contagious diseases. They lack English language skills, Chinese passports and U.S. visas.

Behind the arrivals on Guam's shores are smugglers from this city and province. Called "snakeheads" in Chinese, these organized criminals orchestrate human-cargo shipments, charging as much as $15,000 per person for passage to Guam, $20,000 to Mexico and $30,000 to the continental United States, observers here say.

In return, the immigrants enter into modern-day contracts of indentured servitude, working in underground economies earning substandard U.S. wages to repay their transportation debts.

Still, the money they earn illegally in the United States—even if it's $1 an hour—is more than they can earn here as farmers.

The smugglers control almost every aspect of the immigrants' lives once they arrive at their destination.

They also wield enormous power in the immigrants' hometowns in case someone rebels, tries to flee or fails to pay back the debt, according to Chinese and U.S. observers.

DESTINATION GUAM

While residents of Fujian have followed family members and friends to New York City's Chinatown since the 1980s and to work in the Commonwealth of the Northern Mariana Islands' garment industry, observers say it's only recently that immigrants have started washing ashore in large numbers on Guam.

One reason Guam has become a gateway is because immigration officials in larger, more desirable destinations have clamped down on those entry points, according to a writer in Fuzhou, the provincial capital.

Lin Yan, who has written about emigration for Chinese newspapers, said smugglers are eyeing lightly protected areas where they can slip in unnoticed.

"Now, it's not easy to go to Japan and New York. So many Fujianese will go to Pacific Islands. But they don't know where they're going," he said through a translator. "Their main purpose is to leave."

Since last summer, Lin said, U.S. and Japanese authorities have repatriated between 20 and 30 groups of Fujian residents.

A chinese citizen is fined, but not heavily, after returning from an immigration attempt, he said.

[From the Pacific Daily News, Mar. 23, 1999]

CHINESE NATIONALS WAIT FOR DAY IN COURT

(By Frieda Bush)

It could be weeks before 97 Chinese nationals apprehended early Sunday morning will get their day in court.

Included in the group of suspected illegal immigrants are six women and 12 young males, said Robert Johnson, acting officer in charge of the Immigration and Naturalization Service on Guam.

The boys, who said they are minors, will visit a dentist today to help determine their age, Johnson said, but it is thought they are in their late teens.

INS and police officials initially reported 95 were apprehended Sunday. Officials were unavailable last night to resolve the discrepancy.

This latest group is the largest number of suspected illegal immigrants captured on Guam at one time, Johnson said. And it's the sheer volume of interviews the INS is required to conduct that will keep them from getting a rapid trial. Each person must be interviewed through an interpreter, Johnson said. As of yesterday, there were only three people on island qualified to do the interviews. Two of those interpreters flew in from Hawaii yesterday.

The suspected illegal immigrants are from Fujian province in southern China, said Joe Galoski, INS supervisory agent. Their rusty, 120-foot ship ran aground on a reef off Agat early Sunday morning. They were apprehended after a police officer found 32 people who had left the ship and come ashore.

In the meantime, the Chinese nationals will continue to cool their heels at the Department of Corrections facility in Mangilao. The $97-per-person per day cost of boarding the men and women there ultimately will be borne by the U.S. Immigration service, Galoski said.

All of the 97 people in custody are expected to ask for asylum, Johnson said.

That means asylum interviews must be flown in from California to determine whether the men and women have a "credible fear" of being harmed if they return to China.

"The initial level is easily met," Johnson said. After clearing the initial hurdle, immigrants must go before an immigration judge and prove they need to stay in the United States. The process, Johnson said, is long and complicated. "But it's been my experience that most will (eventually) be ineligible."

[From the Pacific Daily News, Mar. 24, 1999]

UNDERGROUND TRIP STARTS ON GUAM

(By Brad Wong)

(Editor's note. Pacific Daily News reporter Brad Wong has reported from China on the conditions that have led hundreds of residents of Fujian province to immigrate illegally to Guam. In this second of three parts, he describes the underground economies that support the immigrants. Look for the third and final installment of the story in Thursday, Pacific Daily News.)

Fuqing, China—Peter Kwong, an Asian-American Studies professor at Hunter College in New York City, is the author of "Forbidden Workers," a book about illegal immigration, such as Guam has experienced in the past year.

No matter the entry point, established underground economies absorb the workers once they land, he said.

"Smugglers wouldn't send people there if they don't think they can get jobs and pay them back," Kwong said in a telephone interview from New York City.

It's not an idea," he said. "It's something that already has been worked out."

In its apparent status as a new gateway, Guam joins Mexico and the Caribbean as smaller entry points for Chinese immigrants en route to larger U.S. mainland cities, where there are more opportunities and better support networks.

FUELING A GROWING ECONOMY

The money the immigrant generate for smugglers, Chinese banks and all parties involved help buttress Fujian's rapidly-growing economy, Kwong said. In New York alone, he said Fujianese immigrants who work in small businesses, restaurants and the garment industry, paid smugglers $200 million in transportation debt in 1998—five times what Hong Kong, Taiwanese, Japanese, U.S. and European companies invested in the province during the same year, according to Professor Sun Shaozhen of the Fujian Teachers' University.

The underground economies that keep the immigrants working once they arrive in the United States have sprouted up in Atlanta, Los Angeles and in cities along the East Coast according to Kwong.

"It's spreading very far and very wide," he said.

The Fujianese immigrants arriving illegally by boat on Guam illustrate a philosophical dilemma; people trying to improve their standing in life—but contracting with organized criminals and breaking U.S. law to do so.

Provincial characteristics, geography and history all have combined to fuel this phenomenon, Sun said. Fujianese historically have been courageous, adventurous and daring, he said, referring to the lyrics of a local folk song that he says many have taken to heart: "If you love the struggle, you will be the winner."

According to Sun, acceptance of struggle as a way to economic salvation best explains why so many Fujianese risk their lives and attempt to emigrate over seas, often in crowded and unsafe boats.

Lin Yan, who has written about emigration for Chinese newspapers, tells of a Fujianese woman who traveled about 900 miles to China's southwest Yumnan province and crossed the borders into Burma.

After making her way to Cambodia, she departed from Laos by boat to Mexico. She lived with Mexican Indians and eventually climbed through the mountains into the United States, where authorities apprehended her.

CIRCUMSTANCES, DREAMS AND HISTORY

A shortage of arable land in Fujian also plays a part in the emigration. Mountains cover 90 percent of the densely populated province, leaving little room for farmers to grow crops.

And even if they are able to grow produce, many peasants are hard-pressed to earn enough.

The average Fujianese farmer's salary is about $33 per month, an increase from the $2 per month that a peasant earned in the early 1980s, but still too little to support families on, some growers said.

Western movies and television programs, like the popular beach show "Baywatch," also influence residents' perceptions of life in the United States.

"They think America is so free and rich," Sun said. "The cities are modern and the lifestyle is so relaxed."

Emigration has been part of Fujianese history since the Ming and Qing dynasties and dates back at least 300 years, Sun and Lin said.

Famine and poor living conditions historically have prompted the Fujianese to leave the province, and many former residents of the province have helped develop Taiwan, Singapore, Southeast Asia and the United States. Some Fujianese have moved as far away as Hungary, Poland and Cyprus, according to Sun.

Those who have struck it rich in the United States and return for visits are seen as success stories that others want to emulate. And while some residents realize that life abroad can be difficult, others focus on the money—without examining how it was earned.

"Nobody tells them that they had a miserable life," Lin said. "(Locals just) say, 'Oh, you've earned a lot of money.'"

[Pacific Daily News, Mar. 25, 1999]

'THEY JUST WANT TO CHANGE THEIR LIFE'

(By Brad Wong)

FUQING, CHINA.—From this province, there are three main departure points along 300 miles of jagged shoreline nicked by inlets and peppered with tiny islands; Fuqing, Changle and Pingtan, on an island with many boats.

Peasants with little education and few opportunities to work in rural factories and small businesses are most likely to leave, according to Sun Shaozhen, a professor at Fujian Teachers' University. They sometimes think a Pacific island is part of the continental United States, he said.

Would-be emigrants can contract through an employment office that recruits people for overseas work or talk directly to the smugglers, said Lin Yan, who has written about emigration for Chinese newspapers.

Because family members often rely on the same network of contacts, residents often follow one another to the same destination. Families and entire villages have gone to California, Hawaii and New York. That pattern also may explain why so many people from Fuqing and Fujian show up on Guam.

The long and ragged shoreline makes it easy for smugglers to hide boats and people without being noticed, Sun and Lin said. The government doesn't have enough patrol boats to stop them, Sun said.

NO WAY OUT

Once a Chinese citizen enters into a contract with smugglers, it initiates a cycle that is difficult to escape according to Peter Kwong, an Asian-American studies professor at Hunter College in New York and author of "Forbidden Workers," a book about illegal immigration.

If the peasants don't repay the transportation debt, the smugglers may intimidate them or their family members with threats of burning their homes or kidnapping their children, Sun and Lin said.

Many immigrants believe they can eventually pay off their contracts and earn their freedom, Kwong said. But the reality is different.

"It's simply you're making money mainly for the smugglers and these greedy employers," he said. "If you pay off all your debt, you're still in the same trap. You're not going to be able to learn the language. You won't be assimilated into the mainstream."

Smugglers and employers know that immigrants want freedom in the United States. So smugglers will raise transportation fees and employers will lower an immigrant's wages to keep the cycle working to their advantage, Kwong said.

Kwong, Coast Guard and Immigration and Naturalization Service officials said they don't know how many people from Fujian province might succeed in entering the United States illegally through Guam or what happens to those who do.

Kwong said such immigrants often succeeded in the past by working hard, saving money and buying restaurants or garment factories. But the explosive increase in the number of people attempting illegal immigration and the high costs of passage to the United States or elsewhere—$15,000 to Guam, $20,000 to Mexico or $30,000 to the continental United States—combine to keep many immigrants in underground service-sector, restaurant and construction jobs that pay less than minimum wage, Kwong said.

Even if law enforcement officials arrest the immigrants and repatriate them, they are still bound to pay off the contract for the overseas passage. And the debt, crushing especially by Chinese standards, essentially bars an individual from returning to earn an average salary. So they often look to the sea again for escape.

"It's impossible to earn that amount of money in China, so they try again," Lin said.

While repatriated immigrants used to face prison time during the 1960s and 1970s, today the Chinese government fines them for trying to leave the country, Lin and Sun said. Sun estimates the fine at between $300 and $500. The Chinese government has sentenced smugglers to prison, he said.

A GROWING CHINA

Ironically, the immigrants' arrival on Guam comes in the midst of an aggressive push by China to modernize and grow economically.

Before the Asian financial crisis in 1997, the country experienced double-digit economic growth this decade, surpassing the United States' growth rate and dazzling business and Wall Street analysts.

China also has weathered the Asian economic turmoil better than South Korea, Japan and Thailand, though it has felt the sting and residents say business has fallen off.

Since China opened its doors to the West in the late 1970s, international investors have poured billions of dollars into the country, particularly into small- and medium-sized factories in Fujian.

Since the 1980s, Taiwanese business executives—including many whose families came from Fujian—have funneled $224 billion in investments in this coastal province, according to Sun.

U.S. fast-food giant McDonald's has planted its golden arches in this coastal area of about 200,000 people, and gleaming new hotels clad in marble and glass cater to the business classes from Hong Kong and Taiwan. New concrete apartments house residents, and modern buses shuttle them between cities.

But as new buildings continue to go up, peasants from this area and poorer neighboring provinces line Fuqing's streets, sitting on stools and waiting to shine shoes for 12 to 24 cents a pair.

While this coastal city develops, the surrounding countryside and the region's mountainous inland are still waiting for infusions of wealth.

In many inland areas, peasants live in wooden huts with single light bulbs hanging from the ceilings. Their narrow rows of crops are crowded in between railroad tracks and rocky, unfarmable mountains.

WHY SO CROWDED?

In part, Guam and the other Pacific Islands that are among the new destinations for these modern-day Chinese immigrants are feeling the impact of the large work force envisioned by former Chairman Mao Tse-tung. Mao, a peasant himself, pushed for a large population during the Cultural Revolution from 1966 to 1970 so he could have a formidable work force to build his socialist state.

Sun believes that if peasants can pool enough money together to send a family member overseas or anticipate that they can raise the necessary amount, they should invest it in a growing China.

"It's foolish, because if you have $30,000, you can do some business here," he said.

Still, emigrating to the United States in search of a better life remains a goal for many.

Many peasants, especially in Fujian's mountainous regions, live in brick huts that are constantly cold during the winter. They dream about having a warm room—and they'll do anything to get more money.

"It's hard to imagine," Lin said.

"The poorest try their best to become rich, so they do their best to become a foreigner," Sun said. "They just want to change their life conditions."

That quest for wealth and a better life consumes even the better off among Fuqing's residents. Even the sedan driver, the one with the thinning hair and the daughter who can speak English, hands out a business card with a phone number where he can be reached.

On the card next to his name in Chinese characters is a picture of a shiny new sports car.

[From the Pacific Daily News, Mar. 24, 1999]

CHINESE DETAINEES START ASYLUM PROCESS

(Hiroshi Hiyama)

Dozens of suspected illegal Chinese immigrants caught on a boat off Agat last weekend will go through expedited immigration proceedings because they hadn't entered the United States when they were apprehended.

Immigration officials apprehended a total of 97 suspected illegal Chinese immigrants and smugglers Sunday. They caught 95 in the morning, and Guam police apprehended two others in the afternoon.

Dental examinations conducted yesterday indicated that nine of the suspected illegal immigrants are minors. The youths will be sent to a juvenile detention facility on the U.S. mainland, said Robert Johnson, acting officer in charge of the Immigration and Naturalization Service's Guam office. A dozen people originally claimed they were minors, Johnson said.

All 88 adults will continue to stay at the Department of Corrections in Mangilao, where federal officials are interviewing them for possible indictment. Six are suspected smugglers. Six women have been housed in the women's facility at the Department of Corrections, Johnson said.

The suspected illegal immigrants were apprehended after their rusty fishing boat ran aground on a reef off Agat sometime between Saturday night and early Sunday morning. Of the 97 people on the ship, 40 left the ship to come ashore, while 50 remained on board.

Those who arrived on shore are suspected of having made illegal entry into the United States and will face regular deportation and asylum processes, Johnson said.

The other 57 people, whom U.S. law enforcement officials apprehended while they were still on the boat, will go through expedited removal procedure, Johnson said. They will see federal asylum officers before they appear before an immigration judge for further proceedings.

The overwhelming majority of the immigrants are expected to apply for asylum, Johnson said.

It's not clear how long the suspects will stay at the Department of Corrections.

It costs $97.71 per person to house people at the department's detention center, but the federal government doesn't have the money to move them to mainland federal facilities or to pay for them to stay on Guam, Johnson said.

The government of Guam has made a commitment not to release the suspected illegal immigrants. Gov. Carl Gutierrez is working with federal attorneys and immigration officials to come up with ways to pay the costs of caring for the detainees, said Ginger Cruz, Gutierrez's spokeswoman.

As of yesterday morning, the INS had 166 illegal immigrants stayed at the Department of Corrections, Johnson said. The detainees include some who have overstayed their visas, Johnson said.

Angel Sablan, director of corrections, said his facility already is crowded with local inmates and it doesn't have space to hold additional federal detainees.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. ARMEY) for today until 12 noon on account of her mother's surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. BERMAN, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 68. An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 92. An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse".

H.R. 158. An act to designate the United States courthouse located at 315 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse".

H.R. 233. An act to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building".

H.R. 396. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building".

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 68. To amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 92. To designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse".

H.R. 158. To designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse".

H.R. 233. To designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building".

H.R. 396. To designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building".

ADJOURNMENT

Mr. UNDERWOOD. Madam Speaker, pursuant to Senate Concurrent Resolution 23, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 23 of the 106th Congress, the House stands adjourned until 12:30 p.m., Monday, April 12, 1999, for morning hour debates.

Thereupon (at 8 o'clock and 29 minutes p.m.), pursuant to Senate Concurrent Resolution 23, the House adjourned until Monday, April 12, 1999, at 12:30 p.m., for morning hour debates.

OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 106th Congress, pursuant to the provisions of 2 U.S.C. 25:

Attachment

ALABAMA

1. Sonny Callahan
2. Terry Everett
3. Bob Riley
4. Robert B. Aderholt
5. Robert E. (Bud) Cramer, Jr.
6. Spencer Bachus
7. Earl F. Hilliard

ALASKA, At Large, Don Young

ARIZONA

1. Matt Salmon
2. Ed Pastor
3. Bob Stump
4. John B. Shadegg
5. Jim Kolbe
6. J. D. Hayworth

ARKANSAS

1. Marion Berry
2. Vic Snyder
3. Asa Hutchinson
4. Jay Dickey

CALIFORNIA

1. Mike Thompson
2. Wally Herger
3. Doug Ose
4. John T. Doolittle
5. Robert T. Matsui
6. Lynn C. Woolsey
7. George Miller
8. Nancy Pelosi
9. Barbara Lee
10. Ellen O. Tauscher
11. Richard W. Pombo
12. Tom Lantos
13. Fortney Pete Stark
14. Anna G. Eshoo
15. Tom Campbell
16. Zoe Lofgren
17. Sam Farr
18. Gary A. Condit
19. George Radanovich
20. Calvin M. Dooley
21. William M. Thomas
22. Lois Capps
23. Elton Gallegly
24. Brad Sherman
25. Howard P. 'Buck' McKeon
26. Howard L. Berman
27. James E. Rogan
28. David Dreier
29. Henry A. Waxman
30. Xavier Becerra
31. Matthew G. Martinez
32. Julian C. Dixon
33. Lucille Roybal-Allard
34. Grace F. Napolitano
35. Maxine Waters
36. Steven T. Kuykendall
37. Juanita Millender-McDonald
38. Stephen Horn
39. Edward R. Royce
40. Jerry Lewis
41. Gary G. Miller
42. George E. Brown, Jr.
43. Ken Calvert
44. Mary Bono
45. Dana Rohrabacher
46. Loretta Sanchez
47. Christopher Cox
48. Ron Packard
49. Brian P. Bilbray
50. Bob Filner
51. Randy "Duke" Cunningham
52. Duncan Hunter

COLORADO

1. Diana DeGette
2. Mark Udall
3. Scott McInnis
4. Bob Schaffer
5. Joel Hefley
6. Thomas G. Tancredo

CONNECTICUT

1. John B. Larson
2. Sam Gejdenson
3. Rosa L. DeLauro
4. Christopher Shays
5. James H. Maloney
6. Nancy L. Johnson

DELAWARE, At Large, Michael N. Castle

FLORIDA

1. Joe Scarborough
2. Allen Boyd
3. Corrine Brown
4. Tillie K. Fowler
5. Karen L. Thurman
6. Cliff Stearns
7. John L. Mica
8. Bill McCollum
9. Michael Bilirakis
10. C. W. Bill Young
11. Jim Davis
12. Charles T. Canady
13. Dan Miller
14. Porter J. Goss
15. Dave Weldon
16. Mark Foley
17. Carrie P. Meek
18. Ileana Ros-Lehtinen
19. Robert Wexler
20. Peter Deutsch

21. Lincoln Diaz-Balart
22. E. Clay Shaw, Jr.
23. Alcee L. Hastings

GEORGIA

1. Jack Kingston
2. Sanford D. Bishop, Jr.
3. Mac Collins
4. Cynthia A. McKinney
5. John Lewis
6. Johnny Isakson
7. Bob Barr
8. Saxby Chambliss
9. Nathan Deal
10. Charlie Norwood
11. John Linder

HAWAII

1. Neil Abercrombie
2. Patsy T. Mink

IDAHO

1. Helen Chenoweth
2. Michael K. Simpson

ILLINOIS

1. Bobby L. Rush
2. Jesse L. Jackson, Jr.
3. William O. Lipinski
4. Luis V. Gutierrez
5. Rod R. Blagojevich
6. Henry J. Hyde
7. Danny K. Davis
8. Philip M. Crane
9. Janice D. Schakowsky
10. John Edward Porter
11. Jerry Weller
12. Jerry F. Costello
13. Judy Biggert
14. J. Dennis Hastert
15. Thomas W. Ewing
16. Donald A. Manzullo
17. Lane Evans
18. Ray LaHood
19. David D. Phelps
20. John Shimkus

INDIANA

1. Peter J. Visclosky
2. David M. McIntosh
3. Tim Roemer
4. Mark E. Souder
5. Stephen E. Buyer
6. Dan Burton
7. Edward A. Pease
8. John N. Hostettler
9. Baron P. Hill
10. Julia Carson

IOWA

1. James A. Leach
2. Jim Nussle
3. Leonard L. Boswell
4. Greg Ganske
5. Tom Latham

KANSAS

1. Jerry Moran
2. Jim Ryun
3. Dennis Moore
4. Todd Tiahrt

KENTUCKY

1. Ed Whitfield
2. Ron Lewis
3. Anne M. Northup
4. Ken Lucas
5. Harold Rogers
6. Ernest L. Fletcher

LOUISIANA

1. Bob Livingston
2. William J. Jefferson
3. W. J. (Billy) Tauzin
4. Jim McCrery
5. John Cooksey
6. Richard H. Baker
7. Christopher John

MAINE

1. Thomas H. Allen
2. John Elias Baldacci

MARYLAND

1. Wayne T. Gilchrest
2. Robert L. Ehrlich, Jr.
3. Benjamin L. Cardin
4. Albert Russell Wynn
5. Steny H. Hoyer
6. Roscoe G. Bartlett
7. Elijah E. Cummings
8. Constance A. Morella

MASSACHUSETTS

1. John W. Olver
2. Richard E. Neal
3. James P. McGovern
4. Barney Frank
5. Martin T. Meehan
6. John F. Tierney
7. Edward J. Markey
8. Michael E. Capuano
9. John Joseph Moakley
10. William D. Delahunt

MICHIGAN

1. Bart Stupak
2. Peter Hoekstra
3. Vernon J. Ehlers
4. Dave Camp
5. James A. Barcia
6. Fred Upton
7. Nick Smith
8. Debbie Stabenow
9. Dale E. Kildee
10. David E. Bonior
11. Joe Knollenberg
12. Sander M. Levin
13. Lynn N. Rivers
14. John Conyers, Jr.
15. Carolyn C. Kilpatrick
16. John D. Dingell

MINNESOTA

1. Gil Gutknecht
2. David Minge
3. Jim Ramstad
4. Bruce F. Vento
5. Martin Olav Sabo
6. Bill Luther
7. Collin C. Peterson
8. James L. Oberstar

MISSISSIPPI

1. Roger F. Wicker
2. Bennie G. Thompson
3. Charles W. 'Chip' Pickering
4. Ronnie Shows
5. Gene Taylor

MISSOURI

1. William (Bill) Clay
2. James M. Talent
3. Richard A. Gephardt
4. Ike Skelton
5. Karen McCarthy
6. Pat Danner
7. Roy Blunt
8. Jo Ann Emerson
9. Kenny C. Hulshof

MONTANA, At Large, Rick Hill

NEBRASKA

1. Doug Bereuter
2. Lee Terry
3. Bill Barrett

NEVADA

1. Shelley Berkley
2. Jim Gibbons

NEW HAMPSHIRE

1. John E. Sununu
2. Charles F. Bass

NEW JERSEY

1. Robert E. Andrews
2. Frank A. LoBiondo
3. Jim Saxton
4. Christopher H. Smith
5. Marge Roukema
6. Frank Pallone, Jr.
7. Bob Franks
8. Bill Pascrell, Jr.
9. Steven R. Rothman
10. Donald M. Payne
11. Rodney P. Frelinghuysen
12. Rush D. Holt
13. Robert Menendez

NEW MEXICO

1. Heather Wilson
2. Joe Skeen
3. Tom Udall

NEW YORK

1. Michael P. Forbes
2. Rick Lazio
3. Peter T. King
4. Carolyn McCarthy
5. Gary L. Ackerman
6. Gregory W. Meeks
7. Joseph Crowley
8. Jerrold Nadler
9. Anthony D. Weiner
10. Edolphus Towns
11. Major R. Owens
12. Nydia M. Velázquez
13. Vito Fossella
14. Carolyn B. Maloney
15. Charles B. Rangel
16. José E. Serrano
17. Eliot L. Engel
18. Nita M. Lowey
19. Sue W. Kelly
20. Benjamin A. Gilman
21. Michael R. McNulty
22. John E. Sweeney
23. Sherwood L. Boehlert
24. John M. McHugh
25. James T. Walsh
26. Maurice D. Hinchey
27. Thomas M. Reynolds
28. Louise McIntosh Slaughter
29. John J. LaFalce
30. Jack Quinn
31. Amo Houghton

NORTH CAROLINA

1. Eva M. Clayton
2. Bob Etheridge
3. Walter B. Jones
4. David E. Price
5. Richard Burr
6. Howard Coble
7. Mike McIntyre
8. Robin Hayes
9. Sue Wilkins Myrick
10. Cass Ballenger
11. Charles H. Taylor
12. Melvin L. Watt

NORTH DAKOTA, At Large, Earl Pomeroy

OHIO

1. Steve Chabot
2. Rob Portman
3. Tony P. Hall
4. Michael G. Oxley
5. Paul E. Gillmor
6. Ted Strickland
7. David L. Hobson
8. John A. Boehner
9. Marcy Kaptur
10. Dennis J. Kucinich
11. Stephanie Tubbs Jones
12. John R. Kasich
13. Sherrod Brown
14. Thomas C. Sawyer
15. Deborah Pryce
16. Ralph Regula
17. James A. Traficant, Jr.
18. Robert W. Ney
19. Steven C. LaTourette

OKLAHOMA

1. Steve Largent
2. Tom A. Coburn
3. Wes Watkins
4. J. C. Watts, Jr.
5. Ernest J. Istook, Jr.
6. Frank D. Lucas

OREGON

1. David Wu
2. Greg Walden
3. Earl Blumenauer
4. Peter A. DeFazio
5. Darlene Hooley

PENNSYLVANIA

1. Robert A. Brady
2. Chaka Fattah
3. Robert A. Borski
4. Ron Klink
5. John E. Peterson
6. Tim Holden
7. Curt Weldon
8. James C. Greenwood
9. Bud Shuster
10. Don Sherwood
11. Paul E. Kanjorski
12. John P. Murtha
13. Joseph M. Hoeffel
14. William J. Coyne
15. Patrick J. Toomey
16. Joseph R. Pitts
17. George W. Gekas
18. Michael F. Doyle
19. William F. Goodling
20. Frank Mascara
21. Phil English

RHODE ISLAND

1. Patrick J. Kennedy
2. Robert A. Weygand

SOUTH CAROLINA

1. Marshall 'Mark' Sanford
2. Floyd Spence
3. Lindsey O. Graham
4. Jim DeMint
5. John M. Spratt, Jr.
6. James E. Clyburn

SOUTH DAKOTA, At Large, John R. Thune

TENNESSEE

1. William L. Jenkins
2. John J. Duncan, Jr.
3. Zach Wamp
4. Van Hilleary
5. Bob Clement
6. Bart Gordon
7. Ed Bryant
8. John S. Tanner
9. Harold E. Ford, Jr.

TEXAS

1. Max Sandlin
2. Jim Turner
3. Sam Johnson
4. Ralph M. Hall
5. Pete Sessions
6. Joe Barton
7. Bill Archer
8. Kevin Brady
9. Nick Lampson
10. Lloyd Doggett
11. Chet Edwards
12. Kay Granger
13. Mac Thornberry
14. Ron Paul
15. Rubéon Hinojosa
16. Silvestre Reyes
17. Charles W. Stenholm
18. Sheila Jackson-Lee
19. Larry Combest
20. Charles A. Gonzalez
21. Lamar S. Smith
22. Tom DeLay
23. Henry Bonilla
24. Martin Frost
25. Ken Bentsen
26. Richard K. Armey
27. Solomon P. Ortiz
28. Ciro D. Rodriguez
29. Gene Green
30. Eddie Bernice Johnson

UTAH

1. James V. Hansen
2. Merrill Cook
3. Chris Cannon

VERMONT, At Large, Bernard Sanders

VIRGINIA

1. Herbert H. Bateman
2. Owen B. Pickett
3. Robert C. Scott

4. Norman Sisisky
5. Virgil H. Goode, Jr.
6. Bob Goodlatte
7. Tom Bliley
8. James P. Moran
9. Rick Boucher
10. Frank R. Wolf
11. Thomas M. Davis

WASHINGTON

1. Jay Inslee
2. Jack Metcalf
3. Brian Baird
4. Doc Hastings
5. George R. Nethercutt, Jr.
6. Norman D. Dicks
7. Jim McDermott
8. Jennifer Dunn
9. Adam Smith

WEST VIRGINIA

1. Alan B. Mollohan
2. Robert E. Wise, Jr.
3. Nick J. Rahall II

WISCONSIN

1. Paul Ryan
2. Tammy Baldwin
3. Ron Kind
4. Gerald D. Kleczka
5. Thomas M. Barrett
6. Thomas E. Petri
7. David R. Obey
8. Mark Green
9. F. James Sensenbrenner, Jr.

WYOMING, At Large, Barbara Cubin

PUERTO RICO, At Large, Carlos A. Romero-Barceló

AMERICAN SAMOA, At Large, Eni F.H. Faleomavaega

DISTRICT OF COLUMBIA, At Large, Eleanor Holmes Norton

GUAM, At Large, Robert A. Underwood

VIRGIN ISLANDS, At Large, Donna MC Christensen

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1282. A letter from the Acting Assistant Secretary for Force Management Policy, Department of Defense, transmitting the Department of Defense Education Activity (DoDEA) Accountability Report and the Accountability Profiles for the Department of Defense Dependents Schools, pursuant to 20 U.S.C. 924; to the Committee on Education and the Workforce.

1283. A letter from the AMD—Performance Evaluation and Records Management, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (West Tisbury, Massachusetts) [MM Docket No. 98–235; RM-9379] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1284. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Department's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Long Beach and Shallotte, North Carolina) [MM Docket No. 98–149; RM–9331] received March 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1285. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Refugio, Texas) [MM Docket No. 98–165; RM–9322] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1286. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Implementation of Torture Convention In Extradition Cases [Public Notice 2991] received February 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1287. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions—received March 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1288. A letter from the Secretary of Transportation, transmitting the revised performance goals and corporate management strategies for the Department of Transportation's fiscal year (FY) 1999 Performance Plan; to the Committee on Government Reform.

1289. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 981222313–8320–02; I.D. 021299B] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1290. A letter from the Senior Attorney, Department of Transportation, transmitting the Department's final rule—Disclosure of code-sharing arrangements and long-term wet leases [Docket Nos. 49702 and 48710] (RIN: 2105–AC10) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1291. A letter from the Chief, Regs and Admin Law, USCG, DOT, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Navigable Waters within the First Coast Guard District [CGD01–98–151] (RIN: 2115–AE84) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1292. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Avionics, Inc. Models GNS-XIs and GNS-X1 Flight Management Systems [Docket No. 97-CE–07–AD; Amendment 39–11064; AD 97–05–03 R1] (RIN: 2120–AA64) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1293. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C,L, and L1 and L2 Helicopters [Docket No. 98–SW–01–AD; Amendment 39–11068; AD 99–06–04] (RIN: 2120–AA64) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1294. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes [Docket No. 98–CE–65–AD; Amendment 39–11066; AD 99–06–02] (RIN: 2120–AA64) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1295. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–31, PA–31–300, PA–31–325, PA–31–350, and PA–31P–350 Airplanes [Docket No. 97–CE–152–AD; Amendment 39–11065; AD 99–06–01] (RIN: 2120–AA64) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1296. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–365N, N1, and N2 Helicopters [Docket No. 97–SW–64–AD; Amendment 39–11067; AD 99–06–03] (RIN: 2120–AA64) received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1297. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fort Dodge, IA [Airspace Docket No. 98–ACE–61] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1298. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbus, NE [Airspace Docket No. 98–ACE–62] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1299. A letter from the Director, Office of Management and Budget, transmitting the annual report on the Federal government's use of voluntary consensus standards, pursuant to Public Law 104–113, section 12(d)(3) (110 Stat. 783); to the Committee on Science.

1300. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Trade or Business Expenses [Revenue Ruling 99–14] received March 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1301. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–15] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Mr. Delahunt, Mr. DeLay, Mrs. McCarthy of New York, Mr. Wexler, Mr. Hill of Montana, Mr. Blagojevich, Mr. Gekas, Mr. Scarborough, Mr. Jones of North Carolina, Mr. Hilleary, Mr. Portman, Mr. Dixon, Mr. Bartlett of Maryland, Mr. Gibbons, Mr. Coble, Mr. Rothman, Mr. Graham, Mr. Salmon, Mr. English, Mr. Gonzalez, Mrs. Morella, Mr. Hulshof, Mrs. Chenoweth, Mr. Weiner, Mr. Baker, Mr. Meehan, Mr. Tierney, Mr. Rahall, Mr. Bryant, Mr. Borski, Mr. Hefley, Mr. Traficant, Mr. Boehner, Mr. Hayes, Mr. McCollum, and Mr. Rogan):

H.R. 1281. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

By Mr. BARRETT of Wisconsin:

H.R. 1282. A bill to amend title 11, United States Code, to limit the value of certain real and personal property that an individual debtor may elect to exempt under State or local law; to make nondischargeable consumer debts for luxury goods and services acquired in the 90-day period ending on the date a case is commenced under such title; and to permit parties in interest to request the dismissal of cases under chapter 7 of such title; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. Moran of Virginia, Mr. Armey, Mr. DeLay, Mr. Sensenbrenner, Mr. Gekas, Mr. Burton of Indiana, Mr. Manzullo, Mr. Stenholm, Mr. Hostettler, Mr. Bonilla, Mr. Norwood, Mr. Foley, Mr. Deal of Georgia, Mr. Calvert, Mr. Brady of Texas, Mr. Weller, Mr. Cannon, and Mr. Watts of Oklahoma):

H.R. 1283. A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. Pombo, Mr. Schaffer, and Mr. Radanovich):

H.R. 1284. A bill to provide for protection of the Minnesota Valley National Wildlife Refuge and endangered species and other protected species of fish and wildlife that inhabit or use that refuge, to ensure that scarce wildlife refuge land in and around the Minneapolis, Minnesota, metropolitan area is not subjected to physical or auditory impairment, and to ensure that the National Environmental Policy Act of 1969 is adequately implemented; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mrs. Kelly, Mr. Rangel, Mr. Matsui, Mr. Gilman, Mrs. Mink of Hawaii, Mrs. Morella, Ms. Schakowsky, Mr. Frost, Mr. Lantos, Mr. Gutierrez, Mr. Crowley, Mr. Cummings, and Mr. Sandlin):

H.R. 1285. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of cancer screening; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Ms. Berkley, Mr. Filner, Mr. Gutierrez, Ms. Brown of Florida, Mr. Peterson of Minnesota, Ms. Carson, Mr. Reyes, Mr. Rodriguez, Mr. Shows, Mr. Olver, Mr. Hinchey, Ms. McKinney, Mr. Frank of Massachusetts, Ms. Millender-McDonald, Mr. Underwood, Mr. Kleczka, and Mr. Frost):

H.R. 1286. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected with respect to radiation-exposed veterans; to the Committee on Veterans' Affairs.

By Mr. WELLER (for himself, Mrs. Johnson of Connecticut, Mr. Houghton, Mr. Portman, Mr. English, Mr. Quinn, Mr. LaHood, Mrs. Kelly, Mr. LoBiondo, and Mr. Metcalf):

H.R. 1287. A bill to amend the Internal Revenue Code of 1986 to grant relief to participants in multiemployer plans from certain section 415 limits on retirement plans; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mrs. Capps, Mr. Nadler, Mr. Filner, Mr. Holden, Mr. Bishop, Mrs. McCarthy of New York, Mr. Olver, Mr. Serrano, Mr. LaTourette, Mr. Kind, Mr. DeFazio, and Mr. Clyburn):

H.R. 1288. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice, to protect employees of Medicare providers who report concerns about the safety and quality of services provided by Medicare providers or who report violations of Federal or State law by those providers, and to require review of the impact on public health and safety of proposed mergers and acquisitions of Medicare providers; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. Dingell, Mr. Rangel, and Mr. Lewis of Georgia):

H.R. 1289. A bill to amend title XIX of the Social Security Act to direct the Secretary of Health and Human Services to waive recoupment of the Federal government Medicaid share of tobacco-related State settlements under certain conditions; to the Committee on Commerce.

By Mr. JONES of North Carolina (for himself, Mr. Clement, Mr. Saxton, Mr. Taylor of Mississippi, Mr. Baker, Mr. Traficant, Mr. Barcia, Mr. Tauzin, and Mr. Armey):

H.R. 1290. A bill to amend the Federal Water Pollution Control Act relating to wetlands mitigation banking, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. UPTON (for himself, Mr. Tauzin, Mr. Oxley, Mr. Whitfield, Mr. Bilbray, Mr. Armey, Mr. Ewing, Mr. Pombo, Mr. Gutierrez, Mr. Rahall, Mr. Gilman, Mr. Dickey, Mr. Weller, Mr. Mica, Mr. Blagojevich, Mr. Sensenbrenner, Mr. Regula, Mr. Wolf, Mr. Goode, Mr. McInnis, Mr. Shows, Mr. Green of Wisconsin, Mr. Canady of Florida, Mr. Foley, Mr. LoBiondo, Mr. Gilchrest, Mr. Kuykendall, Mr. Sherman, Mr. Clyburn, Mrs. Emerson, Mr. Tancredo, Mr. Deal of Georgia, Mr. Shimkus, Mr. Bilirakis, Mr. Stearns, Mrs. Cubin, Mr. Brown of Ohio, Mr. Strickland, Mr. Blunt, Mr. Nethercutt, Mr. Lazio, Mr. Peterson of Pennsylvania, Mr. LaHood, Mr. Kolbe, Mr. Sam Johnson of Texas, Mr. Baker, Mrs. Roukema, Mr. Packard, Mr. Linder, Mr. Gibbons, Mr. Duncan, Mr. Norwood, Mr. Chambliss, Mr. Ose, Mr. Camp, Mr. Goodlatte, Mrs. Kelly, Mr. McHugh, Mr. Mascara, Mr. Kleczka, Mr. Lipinski, Mr. Gillmor, Mr. Ramstad, Mr. Barcia, and Mr. Scarborough):

H.R. 1291. A bill to prohibit the imposition of access charges on Internet service providers, and for other purposes; to the Committee on Commerce.

By Mr. WELLER (for himself, Mr. Matsui, Mr. Porter, and Mr. Hayworth):

H.R. 1292. A bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. Boswell, Mr. Evans, Ms. Lee, Mr. Lipinski, Mr. McDermott, Mr. Metcalf, Mr. Nethercutt, Mr. Shows, Mr. Simpson, Mr. Strickland, Mr. Terry, and Mr. Wise):

H.R. 1293. A bill to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels; to the Committee on the Judiciary.

By Mr. BAKER (for himself, Mr. McCrery, and Mr. Sessions):

H.R. 1294. A bill to amend the Internal Revenue Code of 1986 to extend the period for filing for a credit or refund of individual income taxes from 3 to 7 years; to the Committee on Ways and Means.

By Mr. BARR of Georgia:

H.R. 1295. A bill to amend the Individuals with Disabilities Education Act to provide for the explusion from school and termination of educational services with respect to a child with a disability who carries a weapon to school or to a school function; to the Committee on Education and the Workforce.

H.R. 1296. A bill to direct the Secretary of Veterans Affairs to establish an outpatient clinic in the Seventh Congressional District of Georgia; to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

H.R. 1297. A bill to amend the National Flood Insurance Act of 1968 to reduce losses caused by repetitive flooding, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 1298. A bill to amend title XIX of the Social Security Act to permit public schools and certain other entities to determine presumptive eligibility for children under the Medicaid Program; to the Committee on Commerce.

By Mr. BERRY (for himself and Mrs. Emerson):

H.R. 1299. A bill to provide a safety net for farmers through reform of the marketing loan program under the Agricultural Market Transition Act, expansion of land enrollment opportunities under the conservation reserve program, and maintaining opportunities for foreign trade in United States agricultural commodities; to the Committee on Agriculture.

By Mr. BOEHLERT (for himself, Mr. Rahall, Mr. Barcia, Mr. Dooley of California, Mr. Clyburn, Mr. Horn, Mr. Gilchrest, Mr. DeFazio, Mr. Quinn, Mr. Traficant, Mr. Ehlers, Mr. Taylor of Mississippi, Mr. Bass, Mrs. Tauscher, Mr. Gilman, Mr. Berry, Mr. Porter, Mr. Moran of Virginia, Mr. Walsh, Mrs. Thurman, Mr. Leach, Mr. Matsui, Mr. Sensenbrenner, Mr. Clement, Mr. Castle, Mr. Goss, Mrs. Johnson of Connecticut, Mr. King, Mr. Cramer, Mrs. Biggert, Mr. Thune, Ms. Danner, Mr. Cook, and Mr. McHugh):

H.R. 1300. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote brownfields redevelopment, to reauthorize and reform the Superfund program, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUNT (for himself, Mrs. Emerson, Ms. Danner, Mr. Tauzin, Mr. Talent, Mr. Graham, Mr. Smith of Michigan, Mr. Bachus, and Mr. Skelton):

H.R. 1301. A bill to amend the Clean Air Act to prohibit the listing of liquefied petroleum gas under section 112(r) of that Act; to the Committee on Commerce.

By Mr. BOEHNER (for himself and Mr. ANDREWS):

H.R. 1302. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees; to the Committee on Education and the Workforce.

By Mr. CAMP (for himself and Mr. PRICE of North Carolina):

H.R. 1303. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry cleaning equipment which uses reduced amounts of hazardous substances; to the Committee on Ways and Means.

By Mr. CAMPBELL (for himself, Mr. CONYERS, Mr. MILLER of Florida, Mr. HOEFFEL, Mr. BAKER, Mr. LAFALCE, Mr. COOKSEY, Mr. PALLONE, Mr. NADLER, Mr. HORN, Mr. FROST, Mr. FILNER, Mr. BOUCHER, Mr. WEXLER, Mr. SCARBOROUGH, Ms. SCHAKOWSKY, Mr. SHOWS, Mr. SANDLIN, Mr. TOWNS, Mr. BLAGOJEVICH, Mr. BROWN of Ohio, Mr. PAUL, Mr. COBURN, Mr. GANSKE, Mr. DELAHUNT, Mr. ROHRABACHER, Mr. MCCOLLUM, and Mr. KLINK):

H.R. 1304. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act; to the Committee on the Judiciary.

By Mr. CAMPBELL:

H.R. 1305. A bill to prohibit funding to the International Monetary Fund (IMF) until debt owed to the United States by heavily indebted poor countries has been canceled; to the Committee on Banking and Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 1306. A bill to amend title 28, United States Code, to provide for an additional place of holding court for the Western Division of the Central Judicial District of California; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. BOEHLERT, Mr. BOEHNER, Ms. BROWN of Florida, Ms. CARSON, Mrs. CHRISTENSEN, Mr. DOYLE, Mr. FOLEY, Mr. GALLEGLY, Mr. GILCHREST, Mr. GILMAN, Mr. GREEN of Texas, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mrs. KELLY, Mr. LAZIO, Mr. LUTHER, Mr. MCHUGH, Mr. QUINN, Mr. REGULA, Mr. SAWYER, Mr. SHAYS, Mr. SHOWS, Mr. UPTON, Mrs. WILSON, and Mr. WISE):

H.R. 1307. A bill to provide for grants, a national clearinghouse, and a report to improve the quality and availability of afterschool programs; to the Committee on Education and the Workforce.

By Mrs. CHRISTENSEN (for herself and Mr. UNDERWOOD):

H.R. 1308. A bill to extend the supplemental security income benefits program to Guam and the United States Virgin Islands; to the Committee on Ways and Means.

By Mr. COOK:

H.R. 1309. A bill to authorize the Secretary of Energy to provide compensation and increased safety for on-site storage of spent nuclear fuel and high-level radioactive waste; to the Committee on Commerce.

By Mr. CRANE (for himself, Mr. COYNE, Mr. HERGER, and Mrs. THURMAN):

H.R. 1310. A bill to amend the Internal Revenue Code of 1986 to allow non-itemizers a deduction for a portion of their charitable contributions; to the Committee on Ways and Means.

By Mr. CRANE (for himself and Mr. NEAL of Massachusetts):

H.R. 1311. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. STARK, Mr. SANDERS, Mr. WEYGAND, Mr. COYNE, and Mr. GEORGE MILLER of California):

H.R. 1312. A bill to impose a moratorium on increases in the rates charged for cable television service, to require the Federal Communications Commission to conduct an inquiry into the causes of such increases and the impediments to competition, and for other purposes; to the Committee on Commerce.

By Ms. DEGETTE (for herself, Mr. STARK, Ms. DELAURO, Mrs. MORELLA, Mr. WAXMAN, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. SANDERS, Mr. LANTOS, Mr. MARTINEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. CROWLEY, Mrs. CAPPS, Ms. PELOSI, Mr. FORD, Mr. MCGOVERN, Mr. WYNN, Ms. SCHAKOWSKY, Mr. CUMMINGS, and Ms. BERKLEY):

H.R. 1313. A bill to amend title XI of the Social Security Act to restrict the use of physical and chemical restraints and seclusion in certain facilities receiving Medicare or Medicaid funds, to require recording and reporting of information on that use and on sentinel events occurring in those facilities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS (for himself, Mr. INSLEE, Mr. SMITH of Washington, Mr. BAIRD, and Mr. MCDERMOTT):

H.R. 1314. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Resources.

By Mr. DREIER:

H.R. 1315. A bill to amend the Housing and Community Development Act of 1974 to eliminate the fiscal year limitation on the cap on the percentage of community development block grant funds received by the City and County of Los Angeles, California, that may be used to provide public services and to provide that all communities in the County of Los Angeles receiving such block grant funds may use the same percentage of such amounts to provide public services as the City and County of Los Angeles; to the Committee on Banking and Financial Services.

By Mr. DREIER (for himself and Mr. JEFFERSON):

H.R. 1316. A bill to amend the Internal Revenue Code of 1986 to reduce employer and employee Social Security taxes to the extent there is a Federal budget surplus; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. LEWIS of Georgia, Mr. COLLINS, and Mr. HERGER):

H.R. 1317. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. BERMAN, and Mr. CRANE):

H.R. 1318. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kyrgyzstan; to the Committee on Ways and Means.

By Ms. ESHOO:

H.R. 1319. A bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy; to the Committee on the Judiciary.

H.R. 1320. A bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes; to the Committee on Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 1321. A bill to amend the Internal Revenue Code of 1986 to reduce the holding period for long-term capital gain treatment to 6 months; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mrs. EMERSON, Mr. FROST, Mr. SHOWS, and Mr. WEYGAND):

H.R. 1322. A bill to amend the Internal Revenue Code of 1986 to increase the limits on the amount of nondeductible contributions to individual retirement plans and to adjust the amount of deductible contributions to individual retirement accounts for inflation; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. SHERMAN, Mr. SANDERS, Mr. DEFAZIO, Mr. FROST, Mr. LAFALCE, Mr. BENTSEN, Mr. SANDLIN, Mr. BALDACCI, Ms. STABENOW, Mr. FILNER, Mr. BROWN of Ohio, Mrs. MALONEY of New York, Mr. UNDERWOOD, Ms. PELOSI, Mr. WAXMAN, Mr. SHOWS, Mr. JEFFERSON, Mr. LAMPSON, Mr. MCNULTY, Ms. DEGETTE, Mr. HORN, Ms. JACKSON-LEE of Texas, Mrs. THURMAN, Mr. FORD, Ms. CARSON, Mr. GILMAN, Mr. MALONEY of Connecticut, Mr. RANGEL, Mr. ENGEL, Ms. NORTON, Ms. RIVERS, Mrs. EMERSON, Ms. KAPTUR, Mr. PAYNE, Mr. WYNN, Mr. PALLONE, Mr. GONZALEZ, Mrs. WILSON, Mr. WHITFIELD, Mr. HULSHOF, and Mr. KIND):

H.R. 1323. A bill to promote research to identify and evaluate the health effects of silicone breast implants, and to ensure that women and their doctors receive accurate information about such implants; to the Committee on Commerce.

By Mr. HALL of Ohio (for himself and Mrs. EMERSON):

H.R. 1324. A bill to amend the Emergency Food Assistance Act of 1983 to authorize appropriations to purchase and to make available to emergency feeding organizations additional commodities for distribution to needy persons; to the Committee on Agriculture.

By Mr. HALL of Ohio (for himself and Mr. Houghton):

H.R. 1325. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. Edwards, Mr. Gallegly, and Mr. Hill of Indiana):

H.R. 1326. A bill to continue and expand the program to provide assistance to separated and retired members of the Armed Forces to obtain certification and employment as teachers, to transfer the jurisdiction over the program to the Secretary of Education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 1327. A bill to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office"; to the Committee on Government Reform.

By Mr. HOUGHTON (for himself, Mr. Levin, Ms. Slaughter, Mr. Clyburn, Mr. Boehlert, Mr. Weller, Mr. Skeen, Mr. Inslee, Mr. Foley, Mrs. Thurman, Mr. Shows, Ms. Kilpatrick, Mr. Doolittle, Ms. Lofgren, Mr. Diaz-Balart, Mr. Weldon of Pennsylvania, Mr. McDermott, Mr. Dooley of California, Mr. Crane, Mr. Watkins, Mr. Camp, Mr. Metcalf, Mr. English, and Mr. Kleczka):

H.R. 1328. A bill to amend the Internal Revenue Code of 1986 to allow the research credit for expenses attributable to certain collaborative research consortia; to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mrs. Bono):

H.R. 1329. A bill to amend the Internal Revenue Code of 1986 to provide that tips received for certain services shall not be subject to income or employment taxes; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 1330. A bill to amend title 18, United States Code, to increase the mandatory minimum penalties provided for possessing, brandishing, or discharging a firearm during and in relation to a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. Clay, Mr. LaTourette, Mr. Kildee, Mr. Peterson of Pennsylvania, Mr. Frost, Mr. English, Mr. Lampson, Mr. Abercrombie, Ms. Woolsey, Mr. Romero-Barcelo, Mrs. McCarthy of New York, Mr. Nadler, Mrs. Christensen, Mr. Sanders, Mr. Cummings, Mr. Martinez, Mr. Berman, Mr. Hinojosa, Mr. Thompson of Mississippi, Ms. Kilpatrick, Mr. Davis of Illinois, Mr. Payne, and Mr. Gutierrez):

H.R. 1331. A bill to promote youth entrepreneurship education; to the Committee on Education and the Workforce.

By Mr. LaFALCE (for himself, Mr. Vento, Mr. Frank of Massachusetts, and Mr. Hinchey):

H.R. 1332. A bill to amend the Truth in Lending Act to expand protections for consumers by adjusting statutory exemptions and civil penalties to reflect inflation, to eliminate the Rule of 78s accounting for interest rebates in consumer credit transactions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LaFALCE (for himself, Mr. Kanjorski, Mr. Bentsen, Ms. Hooley of Oregon, Mr. Weygand, Ms. Lee, Mr. Moore, Mr. Frost, Mr. Menendez, Mr. Nadler, Ms. Kilpatrick, Mr. Towns, Mr. Hinchey, Mr. Filner, Mr. Sisisky, Mrs. Mink of Hawaii, Mr. Gejdenson, Ms. Lofgren, Mr. Clyburn, Mr. Barrett of Wisconsin, and Mr. Deutsch):

H.R. 1333. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Ways and Means.

By Mr. LaHOOD (for himself, Mr. Blunt, and Mr. Hastings of Washington):

H.R. 1334. A bill to provide for the enhanced implementation of the amendments made to the Federal Food, Drug, and Cosmetic Act by the Food Quality Protection Act of 1996, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. Sanders, Mr. Costello, Mr. Stark, Mr. Romero-Barcelo, Mr. Underwood, Mr. Frost, Mr. Green of Texas, Mr. Hilliard, Mr. Thompson of Mississippi, Mrs. Tauscher, Mr. Sandlin, Mr. Vento, Mr. Shows, and Mr. Abercrombie):

H.R. 1335. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to extend COBRA continuation coverage for surviving spouses; to the Committee on Education and the Workforce, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO (for himself, Mr. Leach, and Mr. Walsh):

H.R. 1336. A bill to authorize the Secretary of Housing and Urban Development to provide enhanced vouchers for rental assistance under section 8 of the United States Housing Act of 1937 for low-income elderly and disabled tenants of housing projects with expiring contracts for Federal rental assistance to ensure that such tenants can afford to retain their previously assisted dwelling units, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LEWIS of Kentucky (for himself, Mr. English, Mr. Watkins, Mrs. Johnson of Connecticut, Mr. McNulty, Mr. Lewis of Georgia, Mr. Coburn, Mr. Kleczka, Ms. Pryce of Ohio, Ms. Kilpatrick, Mr. Paul, Mr. McDermott, Mr. Foley, Mr. Hostettler, Mr. Wynn, Mr. Shows, Ms. Sanchez, Mr. McCrery, Ms. Dunn, Mr. McHugh, Mrs. Thurman, Mrs. Christensen, Mr. Houghton, Mrs. Kelly, Mr. Waxman, Mr. Gonzalez, and Mr. Shaw):

H.R. 1337. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself and Mr. Hoyer):

H.R. 1338. A bill to authorize appropriations for the Federal Election Commission for fiscal year 2000 and succeeding fiscal years; to the Committee on House Administration.

By Mr. MARKEY:

H.R. 1339. A bill to require insured depository institutions, depository institution holding companies, and insured credit unions to protect the confidentiality of financial information obtained concerning their customers, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 1340. A bill to require brokers, dealers, investment companies, and investment advisers to protect the confidentiality of financial information obtained concerning their customers, and for other purposes; to the Committee on Commerce.

By Mr. MARTINEZ (for himself and Mr. Waxman):

H.R. 1341. A bill to amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. McCARTHY of New York:

H.R. 1342. A bill to protect children from firearms violence; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself and Mrs. Maloney of New York):

H.R. 1343. A bill to provide for the continued maintenance and preservation of Governors Island, New York, by the Administrator of General Services; to the Committee on Government Reform.

By Mr. NUSSLE (for himself, Mr. McIntyre, Mrs. Emerson, Mr. Stenholm, Mr. Bereuter, Mr. Kind, Mr. Moran of Kansas, Mr. Oberstar, Mr. Thornberry, Mr. Stupak, Mr. Hill of Montana, Mr. DeFazio, Mr. Peterson of Pennsylvania, Mr. Hilliard, Mr. Berry, Mr. Herger, Mr. Leach, Mr. Latham, Mr. McHugh, Mr. Ney, Mr. Norwood, Mr. Mascara, Mr. Walsh, Mr. Frost, Mr. Boswell, Mr. Skelton, Mr. Baird, Mr. Faleomavaega, Mr. Phelps, Mr. Barrett of Nebraska, Mr. Boucher, and Mr. Rahall):

H.R. 1344. A bill to promote and improve access to health care services in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY (for himself and Mr. Kleczka):

H.R. 1345. A bill to eliminate the mandate that States require people to provide their Social Security numbers on applications for recreational licenses; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1346. A bill to amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; to the Committee on Commerce.

By Mr. PICKERING (for himself and Mr. Moran of Kansas):

H.R. 1347. A bill to provide for a Medicare subvention demonstration project for veterans, to improve the Department of Defense TRICARE program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself and Mr. Taylor of Mississippi):

H.R. 1348. A bill to establish a moratorium on the Foreign Visitors Program at the Department of Energy nuclear laboratories and to require the establishment of a counterintelligence program at each of those laboratories; to the Committee on Armed Services.

By Mr. SALMON (for himself, Mr. Shows, Mr. Smith of New Jersey, Mr. Martinez, Mr. Coburn, Mr. Taylor of Mississippi, Mr. Schaffer, Mr. Hayworth, Mr. Nethercutt, Mr. English, Mr. Gilman, Mr. Cook, Mr. Barton of Texas, Mr. Foley, and Mr. Castle):

H.R. 1349. A bill to amend title 18, United States Code, to combat the over-utilization of prison health care services and control rising prisoner health care costs; to the Committee on the Judiciary.

By Ms. SANCHEZ (for herself, Mr. Kennedy of Rhode Island, Mrs. Morella, Mrs. Tauscher, Ms. Lofgren, Ms. DeLauro, Mr. Rush, Mr. Meehan, Ms. Norton, Mr. Olver, Ms. Millender-McDonald, Ms. Lee, Mrs. Johnson of Connecticut, Mr. Maloney of Connecticut, Ms. Waters, Mr. Farr of California, Mr. Evans, Mr. McDermott, Ms. Jackson-Lee of Texas, Mr. Filner, Mr. Sanders, Mrs. Mink of Hawaii, Mr. Andrews, Ms. McKinney, Mr. Sherman, Ms. Pelosi, Mr. Clay, Mr. Bentsen, Mr. Cummings, Mr. Thompson of California, Mr. Baldacci, Mrs. Maloney of New York, Mr. Rodriguez, Mr. McGovern, Mr. Frost, Mr. Gejdenson, Mr. Berman, Ms. Schakowsky, Mrs. Meek of Florida, Ms. Woolsey, Ms. Carson, Mr. Rothman, Mr. George Miller of California, Mr. Frank of Massachusetts, Mr. Waxman, Mr. Matsui, Mr. Hinchey, Ms. Slaughter, Ms. Roybal-Allard, Mr. Davis of Florida, Mr. Gutierrez, and Mr. Abercrombie):

H.R. 1350. A bill to restore freedom of choice to women in the uniformed services serving outside the United States; to the Committee on Armed Services.

By Mr. SCARBOROUGH:

H.R. 1351. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and gift tax; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 1352. A bill to provide housing assistance to domestic violence victims; to the Committee on Banking and Financial Services.

By Mr. SESSIONS (for himself, Mr. Bachus, Mr. Paul, Mr. Armey, Mr. Barton of Texas, Mr. Sam Johnson of Texas, Ms. Granger, Mr. Frost, Mr. Archer, Mr. Brady of Texas, Mr. Thornberry, Mr. Combest, Mr. Smith of Texas, Mr. DeLay, and Mr. Bonilla):

H.R. 1353. A bill to authorize the conveyance of the Naval Weapons Industrial Reserve Plant No. 387 in Dallas, Texas; to the Committee on Armed Services.

By Mr. SESSIONS (for himself, Mr. Bachus, Mr. Paul, Mr. McCollum, Mr. Boehner, and Mr. Bereuter):

H.R. 1354. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mrs. Lowey, Mr. Leach, and Mr. Engel):

H.R. 1355. A bill to make available funds appropriated for the payment of United Nations arrearages; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself and Ms. Kaptur):

H.R. 1356. A bill to end international sexual trafficking, and for other purposes; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. Frost, Mr. Fossella, Mrs. Emerson, Mr. Shows, Mr. Forbes, Mr. Paul, Mr. Wynn, Mr. Hostettler, Mr. Nethercutt, Mr. Burr of North Carolina, and Mr. Gary Miller of California):

H.R. 1357. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount which may be contributed annually to an individual retirement plan to $5,000 and to increase the maximum amount which may be contributed annually to an education individual retirement account to $2,000; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. Rangel, Mr. Herger, Mr. Ramstad, Mr. English, and Mr. Lipinski):

H.R. 1358. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for making energy efficiency improvements to existing homes and for constructing new energy efficient homes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1359. A bill to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Frank J. Battisti and Nathaniel R. Jones Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. WALSH (for himself, Mr. Houghton, Ms. Slaughter, Mr. Rogers, Mr. Boehlert, and Mr. Forbes):

H.R. 1360. A bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mrs. Meek of Florida, Ms. Kaptur, Mr. Bonior, Mrs. Maloney of New York, Mr. DeFazio, Mr. Payne, Mr. Fattah, Ms. Brown of Florida, Mr. Clyburn, Mrs. Christensen, Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, Ms. Kilpatrick, Ms. Lee, Mr. Lewis of Georgia, Mr. Meeks of New York, Mr. Owens, and Mr. Towns):

H.R. 1361. A bill to bar the imposition of increased tariffs or other retaliatory measures against the products of the European Union in response to the banana regime of the European Union; to the Committee on Ways and Means.

By Ms. WOOLSEY:

H.R. 1362. A bill to make satisfactory progress toward completion of high school or a college program a permissible work activity under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mrs. Morella, Mrs. Lowey, and Mr. Berman):

H. Con. Res. 78. Concurrent resolution expressing the commitment of the Congress to continue the leadership of the United States in the United Nations by honoring the financial obligations of the United States to the United Nations; to the Committee on International Relations.

By Ms. GRANGER (for herself and Ms. Millender-McDonald):

H. Con. Res. 79. Concurrent resolution expressing the sense of the Congress regarding the regulatory burdens on home health agencies; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. Bilirakis, Mrs. Maloney of New York, Mr. Rush, Mr. Porter, Mr. Menendez, Mr. Sherman, Mr. Franks of New Jersey, Mr. Pallone, Mr. Deutsch, Mr. Horn, Mr. Hinchey, Mr. Diaz-Balart, Mr. Capuano, Mr. Tierney, Mr. Doyle, and Mr. Blagojevich):

H. Con. Res. 80. Concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; to the Committee on International Relations.

By Mrs. CAPPS (for herself, Mrs. Roukema, Ms. Kaptur, Mrs. Johnson of Connecticut, Ms. DeGette, Mr. Brown of Ohio, Mr. Shays, Mr. Waxman, Mrs. Morella, Ms. Slaughter, Mr. Horn, Mr. Leach, Mr. Gejdenson, Mrs. Kelly, Mrs. Bono, Ms. Pelosi, Mrs. Christensen, Mr. McNulty, Mr. Sanders, Mr. Farr of California, Mr. Green of Texas, Mr. Shows, Mrs. McCarthy of New York, Mr. Stark, Mr. Baird, Mr. Frank of Massachusetts, Ms. DeLauro, Ms. Kilpatrick, Mr. Filner, Mr. Wise, Mr. Payne, Mr. Snyder, Mr. Baldacci, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Underwood, Mr. Wexler, Mr. Price of North Carolina, Mr. Frost, Mr. Clement, Mr. Meehan, Mr. Matsui, Mrs. Maloney of New York, Mr. Sandlin, Mr. Gonzalez, Mr. Romero-Barcelo, Ms. Schakowsky, Mr. Roemer, Mrs. Jones of Ohio, Ms. Berkley, Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Rangel, Mr. Luther, Ms. Carson, Mr. Serrano, Mr. Maloney of Connecticut, Ms. Woolsey, Mr. LaFalce, Mr. Bentsen, Mr. Strickland, Mr. Delahunt, Mr. Foley, Ms. Stabenow, Mr. Neal of Massachusetts, Ms. Rivers, Mrs. Clayton, Ms. Lofgren, Ms. Brown of Florida, Ms. Sanchez, Mr. Berman, Mr. Lantos, Mr. Rahall, Mr. Rush, Mr. Wynn, Mr. Traficant, Mrs. Thurman, Mr. Thompson of Mississippi, Ms. Danner, Mr. Jefferson, Mr. Crowley, Mrs. Meek of Florida, Mr. Lewis of Georgia, Mr. Dixon, Mr. Cummings, Mr. Scott, Mr. Clyburn, Mr. Hastings of Florida, Ms. McKinney, Ms. Eddie Bernice Johnson of Texas, and Ms. Roybal-Allard):

H. Res. 133. A resolution recognizing the significance to society of issues relating to mental illness and expressing full support for the White House Conference on Mental Health; to the Committee on Commerce.

By Mr. LANTOS (for himself, Mr. Sawyer, and Mr. LaHood):

H. Res. 134. A resolution supporting National Civility Week, Inc. in its efforts to restore civility, honesty, integrity, and respectful consideration in the United States; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. Kilpatrick and Mr. Mica.

H.R. 7: Mrs. Emerson, Mr. Paul, Mr. Knollenberg, Mr. Watkins, Mr. Green of Wisconsin, Mr. Pitts, Mr. Tancredo, Mr. Sessions, and Mr. Peterson of Pennsylvania.

H.R. 8: Mr. Blunt, Mr. Pickering, Mr. Portman, Mr. Nussle, Mr. Walsh, and Mr. Kingston.

H.R. 25: Mr. Walsh.

H.R. 39: Mr. Greenwood.

H.R. 44: Mr. Bilbray and Mr. Dicks.

H.R. 49: Mr. Foley.

H.R. 51: Mr. Rush and Ms. Granger.

H.R. 53: Mr. Pickering, Mr. Wise, Mr. Costello, Mr. Pombo, Mr. Herger, Mr. Gary Miller of California, and Mr. Burton of Indiana.

H.R. 58: Mr. Kennedy of Rhode Island.

H.R. 65: Mr. Dicks and Mr. Bilbray.

H.R. 82: Ms. Berkley.

H.R. 111: Mr. Kildee, Mrs. Cubin, Mr. Peterson of Pennsylvania, Mr. Towns, and Ms. Schakowsky.

H.R. 116: Mr. Gary Miller of California.

H.R. 119: Mr. Cummings, Mr. Gallegly, Mr. Wolf, Mr. Pombo, Mr. Barcia, and Ms. Berkley.

H.R. 120: Mr. Pombo.

H.R. 122: Mr. Pombo.

H.R. 123: Mrs. Emerson, Mr. Archer, Mr. Burton of Indiana, Mr. Talent, Mr. Cox, Mr. Hilleary, Mr. Horn, Mr. Hill of Montana, Mr. Coble, Mrs. Chenoweth, Mr. LaHood, Mr. Taylor of Mississippi, Mr. Taylor of North Carolina, Mr. Hayworth, Mr. Norwood, Mr. Blunt, Mr. Barrett of Nebraska, Mr. Gekas, Mr. Wicker, Mr. Lucas of Oklahoma, Mr. Callahan, Mr. Riley, Mr. Regula, Mr. Coburn, Mr. Radanovich, Mr. Campbell, Mr. Sisisky, Mr. Pombo, Mr. Everett, Mr. McKeon, Mr. Baker, Mr. Isakson, Mr. Ehlers, Mr. Linder, Mr. DeLay, Mr. Spence, Mrs. Fowler, Mr. Royce, Mr. Ballenger, Mr. Istook, Mr. Herger, Mr. Graham, Mr. Deal of Georgia, Mrs. Myrick, Mr. Largent, Mr. Burr of North Carolina, Mr. Foley, Mr. Gary Miller of California, Mr. Sanford, Mr. Stearns, Mr. Hunter, Mr. Porter, Mr. Ney, Mr. McCrery, Mr. Saxton, Mrs. Roukema, Mr. Clement, Mr. Latham, Mr. Traficant, Mrs. Bono, Mr. Crane, Mr. Lipinski, Mr. Salmon, Mr. Shuster, Mr. Shows, Mr. Rohrabacher, Mr. Weldon of Pennsylvania, Mr. Kasich, Mr. Stump, Mr. Bliley, Mr. Boehner, Mr. Hoekstra, Mr. Knollenberg, Mr. Chambliss, Ms. Danner, Mr. Souder, Mrs. Cubin, Mr. Collins, Mr. Gutknecht, Mr. Ganske, Mr. Gibbons, Mr. Hefley, Mr. Hall of Texas, Mr. Goode, Mr. Tiahrt, Mr. Goodlatte, Mr. Hutchinson, Mr. Sensenbrenner, Mr. Tancredo, Mr. Doolittle, Mr. Peterson of Pennsylvania, Mr. Dickey, Mr. Aderholt, Mr. Wamp, Mr. LaTourette, Mr. Mascara, Mr. Sam Johnson of Texas, Mr. Bilbray, Mr. Pickering, and Mr. Packard.

H.R. 147: Mr. Stump.

H.R. 148: Mr. Lucas of Kentucky, Mr. Larson, and Mr. Condit.

H.R. 152: Mr. Capuano.

H.R. 165: Ms. Pelosi and Ms. Schakowsky.

H.R. 170: Mrs. Tauscher, Mr. Davis of Illinois, and Mr. Stump.

H.R. 175: Mr. Costello, Mr. Etheridge, Mr. Hall of Texas, Mr. Shays, Mr. Moakley, Mrs. Clayton, Mr. Shimkus, Mr. Waxman, and Mr. Goodling.

H.R. 202: Mr. Baker, Ms. Pryce of Ohio, Mrs. Roukema, Mr. Sessions, Mr. Boehlert, Mr. LaTourette, Mr. Pastor, and Mr. Foley.

H.R. 237: Mr. Hall of Texas, Mr. Nussle, and Mr. Taylor of North Carolina.

H.R. 261: Mr. Davis of Illinois.

H.R. 262: Mr. Abercrombie, Mr. Hinchey, Mr. George Miller of California, and Mr. Ney.

H.R. 274: Mr. Holt and Mr. Pallone.

H.R. 303: Mr. Dicks and Mr. Bilbray.

H.R. 311: Ms. McKinney.

H.R. 325: Mr. Baird.

H.R. 347: Mr. Metcalf.

H.R. 351: Mr. Lipinski, Mr. Lazio, and Mr. Pastor.

H.R. 352: Mr. Boucher, Mr. Kildee, Mr. Shadegg, Mr. Pombo, and Mr. Clement.

H.R. 357: Mr. Smith of Washington.

H.R. 371: Mr. Berman and Mr. Scarborough.

H.R. 380: Mr. Delahunt, Mr. Scott, Mr. Vento, and Mr. Reynolds.

H.R. 383: Mr. Franks of New Jersey, Mr. LaFalce, Mr. Kind, Mr. King, Mr. Boucher, Mr. McHugh, Mr. Romero-Barcelo, Mr. Gilman, Mr. Price of North Carolina, Mrs. McCarthy of New York, Mr. Frost, Mrs. Maloney of New York, Mr. Lampson, Mr. Rothman, and Mr. Rush.

H.R. 392: Mr. Conyers and Mr. Brown of California.

H.R. 423: Mr. Gary Miller of California and Mr. Frost.

H.R. 424: Mr. Sessions, Ms. Lofgren, Mr. Rodriguez, Mr. Turner, and Mr. Ford.

H.R. 425: Mr. Nadler, Ms. Lofgren, Mr. Thompson of Mississippi, Ms. Lee, Mr. Kucinich, and Ms. Carson.

H.R. 464: Mr. Forbes, Mr. Goode, Mr. Ford, and Mr. Burr of North Carolina.

H.R. 488: Mr. Vento.

H.R. 492: Mr. Metcalf.

H.R. 516: Ms. Pryce of Ohio.

H.R. 528: Mrs. Thurman.

H.R. 531: Mr. Spence, Mr. Burton of Indiana, Mr. Tancredo, Mr. Boehlert, Mr. Price of North Carolina, and Mr. Lipinski.

H.R. 538: Mr. Turner.

H.R. 541: Mr. Engel and Mr. Tierney.

H.R. 544: Mr. Rangel.

H.R. 552: Mr. Goodling, Mr. Sweeney, Mr. Jefferson, and Ms. Lofgren.

H.R. 555: Mr. Rangel.

H.R. 561: Ms. Lee, Mr. Saxton, Mr. Hoeffel, Mr. Menendez, and Ms. Velázquez.

H.R. 566: Mr. Klink and Mr. Kennedy of Rhode Island.

H.R. 573: Mr. Hunter, Mr. Mica, Mr. Shadegg, Mr. Skeen, Mr. Tauzin, Mr. Leach, Mr. Porter, Mr. McCollum, Mr. Gillmor, Mr. Ose, Mr. Talent, Mr. Ney, Mr. Weldon of Florida, Mr. Callahan and Mr. Shays.

H.R. 576: Mr. Brown of California.

H.R. 580: Mr. Neal of Massachusetts and Mr. Traficant.

H.R. 582: H.R. Mr. Hinchey.

H.R. 586: Mr. Wynn.

H.R. 588: Mr. Shuster.

H.R. 597: Ms. Carson, Mr. Greenwood, Mr. Kennedy of Rhode Island, Ms. Lofgren, Mr. Barrett of Wisconsin, Mr. Rush, Ms. McKinney, Mr. Shays, Mr. Nadler, and Mr. Watt of North Carolina.

H.R. 600: Mr. Bliley and Mr. Pitts.

H.R. 608: Mr. Pickering and Mr. Goodling.

H.R. 629: Mr. Bentsen, Mr. Farr of California, and Mr. Jefferson.

H.R. 644: Mr. Filner.

H.R. 664: Ms. Baldwin and Ms. DeGette.

H.R. 682: Mr. Pickering.

H.R. 691: Mr. Canady of Florida.

H.R. 701: Mr. Collins, Mr. Bishop, Mr. Ewing, Mr. Lucas of Kentucky, Mr. Lewis of Kentucky, and Mr. Clyburn.

H.R. 708: Ms. McKinney.

H.R. 710: Mr. Sessions, Mr. McCrery, Mr. Taylor of North Carolina, Ms. Stabenow, Mr. Cook, Mr. Herger, Mr. Souder, Mr. Dooley of California, Mr. Hefley, Mr. Clyburn, Mr. Rohrabacher, Mr. Chambliss, Mr. Maloney of Connecticut, Mr. Lewis of Kentucky, Mr. Reynolds, and Mr. Hinchey.

H.R. 716: Mr. Tanner, Mr. Larson, Mrs. Meek of Florida, Mr. Moore, and Mr. Bishop.

H.R. 721: Mr. Barrett of Nebraska, Mr. Bereuter, Mr. Cook, Ms. Eshoo, Mr. Gejdenson, Mr. Houghton, Mr. Kucinich, Mr. Martinez, Mr. Neal of Massachusetts, Mr. Tanner, and Mr. Terry.

H.R. 728: Mr. Andrews, Mr. Holden, Mr. Wicker, Mr. Traficant, and Mr. Wise.

H.R. 738: Mr. Cook and Mr. English.

H.R. 742: Mr. Clyburn, Mr. Costello, Mr. Forbes, Mr. Thompson of Mississippi, and Mr. Wu.

H.R. 746: Mr. Deutsch.

H.R. 749: Mr. Goodlatte.

H.R. 750: Mr. Brown of California, Mr. Green of Texas, Mr. Graham, Mr. Rangel, and Mr. Vento.

H.R. 760: Mr. Boehlert, Mr. Cunningham, Mr. Shows, Mr. Costello, Mr. Metcalf, Ms. Eddie Bernice Johnson of Texas, Mr. McCollum, Mr. Frost, Mr. Burr of North Carolina, Mr. Waxman, and Mr. Hinchey.

H.R. 772: Mr. Costello, Mr. Phelps, Mr. Rush, and Mr. Lipinski.

H.R. 773: Mr. Dooley of California, Mr. Edwards, Mr. Kennedy of Rhode Island, Mrs. Lowey, Ms. McCarthy of Missouri, Mr. McDermott, Mr. Ortiz, Mr. Rangel, Mr. Scott, Mr. Spratt, Mr. Towns, Mr. Romero-Barceló, Mr. Bishop, and Ms. Norton.

H.R. 775: Mr. Bryant, Mr. McIntosh, Mr. Hayworth, Mr. Stump, Mr. Shimkus, Mr. Oxley, Mr. Goss, Mr. Armey, Mr. Shadegg, Mrs. Cubin, Mr. Wamp, Mr. Latham, Mr. Boehner, Mr. Kasich, Mr. Pickering, Mr. Cooksey, Mr. Ramstad, Mr. English, and Mr. Tancredo.

H.R. 783: Mr. Rothman and Mr. Klink.

H.R. 784: Mr. Wolf, Mr. Mica, Mr. Gibbons, Ms. Berkley, Mrs. Bono, Mr. Barrett of Nebraska, Mr. Frost, and Mr. Metcalf.

H.R. 785: Ms. Velázquez, Mr. Frost, and Mr. Sandlin.

H.R. 792: Mr. Rogan, Mr. Salmon, Mr. Porter, Mr. Bartlett of Maryland, Mr. DeMint, Mr. Archer, Mr. Bachus, Mr. Stenholm, and Mr. Chabot.

H.R. 793: Mr. Hilleary.

H.R. 796: Mr. Cardin.

H.R. 806: Ms. Pelosi, Mrs. Clayton, Mr. Gejdenson, Mr. Farr of California, Ms. Roybal-Allard, Mr. Dixon, and Mr. Frost.

H.R. 817: Mrs. Emerson and Mr. Walsh.

H.R. 828: Mr. ROTHMAN.

H.R. 833: Mr. BOYD.

H.R. 835: Ms. PRICE of Ohio, Ms. ROYBAL-ALLARD, Mr. KUCINICH, Mr. MINGE, and Mr. BERMAN.

H.R. 837: Mr. BERMAN.

H.R. 844: Mr. TERRY, Mr. MCNULTY, Mr. LEWIS of Kentucky, Mr. BOEHLERT, and Mr. SMITH of Michigan.

H.R. 845: Mr. ENGLISH, Mr. MCGOVERN, and Ms. SCHAKOWSKY.

H.R. 850: Mr. FOLEY, Mr. TERRY, and Mr. SHOWS.

H.R. 852: Mr. MOORE, Mr. COBURN, Mr. POMBO, and Mr. PHELPS.

H.R. 854: Mr. SHOWS, Mr. RODRIGUEZ, Mr. SANDERS, Mrs. MINK of Hawaii, Ms. KILPATRICK, Mr. FROST, Mr. GONZALEZ, Mrs. CAPPS, Ms. LOFGREN, Mr. DEFAZIO, Mr. GALLEGLY, Mr. NADLER, Mr. WAXMAN, and Mrs. EMERSON.

H.R. 864: Mr. FORD, Mr. QUINN, Mr. LUCAS of Kentucky, Mr. PICKETT, Mr. WATT of North Carolina, Mr. CAMPBELL, Mr. ETHERIDGE, Mr. NETHERCUTT, Mrs. CLAYTON, Mr. GUTKNECHT, Mr. DIAZ-BALART, Mr. BAIRD, Mr. VENTO, Mr. BERRY, Mrs. EMERSON, Mr. GOODLING, and Ms. MCCARTHY of Missouri.

H.R. 872: Mr. SANDLIN, Ms. NORTON, Mrs. CHRISTENSEN, and Mrs. MALONEY of New York.

H.R. 883: Mr. NUSSLE, Mr. MILLER of Florida, and Mr. HYDE.

H.R. 884: Mr. EVANS, Mr. MALONEY of Connecticut, Ms. DANNER, and Mr. TIERNEY.

H.R. 899: Mr. LAZIO.

H.R. 904: Mr. CLYBURN and Mr. SPENCE.

H.R. 906: Mr. BROWN of California.

H.R. 909: Mr. UDALL of Colorado, Mr. TOWNS, Mr. OWENS, Mr. TURNER, and Mr. TIERNEY.

H.R. 927: Mr. GORDON.

H.R. 932: Mrs. CLAYTON and Mr. GEORGE MILLER of California.

H.R. 950: Mr. MARKEY, Mr. FARR of California, and Mr. ALLEN.

H.R. 957: Mr. MASCARA, Mr. EVERETT, Mr. GILLMOR, Mr. PICKERING, Mr. THOMPSON of Mississippi, Mr. MOORE, Mr. GILMAN, Mr. SCOTT, Mr. GREENWOOD, Mr. CANNON, Mr. GANSKE, and Mr. GOODLING.

H.R. 959: Mr. BROWN of California, Mr. BLAGOJEVICH, Mr. RANGEL, Mr. BONIOR, Ms. BERKLEY, and Mr. DAVIS of Illinois.

H.R. 961: Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. BONIOR, Mrs. THURMAN, Mrs. MORELLA, Ms. MILLENDER-MCDONALD, Mr. JEFFERSON, Ms. SANCHEZ, and Mrs. MEEK of Florida.

H.R. 984: Mr. HOUGHTON, Mr. DREIER, Mr. HINOJOSA, and Mr. ENGLISH.

H.R. 989: Mr. SMITH of New Jersey and Mr. WEYGAND.

H.R. 993: Mrs. KELLY.

H.R. 997: Mrs. MALONEY of New York, Mr. MENENDEZ, Mr. WEXLER, Mr. WYNN, and Mr. BOEHLERT.

H.R. 998: Mr. JONES of North Carolina, Mr. BALLENGER, Mr. GORDON, Mr. HILLEARY, Mr. BURR of North Carolina, Mr. GOODLATTE, and Mr. COBLE.

H.R. 999: Mrs. JONES of Ohio.

H.R. 1000: Mr. PASCRELL, Mr. QUINN, and Mr. EVANS.

H.R. 1001: Mrs. KELLY, Mr. LEWIS of Kentucky, Mr. GARY MILLER of California, Mr. SESSIONS, and Mr. NEAL of Massachusetts.

H.R. 1002: Mr. GOODLING.

H.R. 1017: Mr. NUSSLE.

H.R. 1021: Mr. SHOWS, Mr. SESSIONS, Mr. LAMPSON, Mr. FROST, and Mr. PAUL.

H.R. 1032: Mr. HILLEARY.

H.R. 1039: Mr. MALONEY of Connecticut and Mr. GARY MILLER of California.

H.R. 1043: Ms. LEE.

H.R. 1046: Mr. GARY MILLER of California.

H.R. 1051: Mr. MASCARA, Mr. KLINK, and Mr. ENGLISH.

H.R. 1053: Mr. STARK.

H.R. 1054: Mr. MICA, Mr. TIAHRT, Mr. LARGENT, and Mr. HAYWORTH.

H.R. 1057: Mr. DOYLE, Ms. KILPATRICK, Mr. GONZALEZ, Mr. BAIRD, Mr. MEEHAN, Mrs. MEEK of Florida, and Ms. SCHAKOWSKY.

H.R. 1062: Mr. KENNEDY of Rhode Island, and Mrs. MCCARTHY of New York.

H.R. 1064: Mr. WOLF.

H.R. 1070: Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. COOK, and Mr. GIBBONS.

H.R. 1075: Mr. BOUCHER and Mr. BONIOR.

H.R. 1076: Mr. BOUCHER and Mr. BONIOR.

H.R. 1082: Mr. WALSH and Mr. TIERNEY.

H.R. 1083: Mr. BARTON of Texas, Mr. ADERHOLT, Mr. RILEY, Mr. PICKERING, Mr. CALLAHAN, Mrs. THURMAN, Mr. BAIRD, Mr. MORAN of Virginia, and Mrs. JOHNSON of Connecticut.

H.R. 1084: Mr. TALENT and Mr. PAUL.

H.R. 1085: Mr. SHOWS.

H.R. 1086: Mr. RUSH, Mr. GUTIERREZ, Mr. BRADY of Pennsylvania, and Mr. MCGOVERN.

H.R. 1091: Mr. SHADEGG, Mr. WELLER, and Mr. KING.

H.R. 1093: Mr. HALL of Ohio, Mr. WU, Mr. COSTELLO, Mr. MORAN of Virginia, Mr. GORDON, Ms. JACKSON-LEE of Texas, Mr. LAZIO, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. PETERSON of Minnesota, Mr. ROMERO-BARCELO, and Mrs. MCCARTHY of New York.

H.R. 1097: Mrs. THURMAN, Mr. BROWN of California, Mr. TIERNEY, and Mr. ENGLISH.

H.R. 1107: Mr. SHOWS, Mr. KUCINICH, and Mr. FROST.

H.R. 1111: Mr. RAHALL.

H.R. 1116: Mr. COMBEST, Mr. LARGENT, Mr. WATTS of Oklahoma, and Mr. COBURN.

H.R. 1118: Mr. WELDON of Pennsylvania.

H.R. 1123: Ms. BALDWIN.

H.R. 1129: Ms. PELOSI, Ms. KILPATRICK, Mr. TRAFICANT, Mr. ORTIZ, Mr. SANDERS, Mr. COSTELLO, Mr. MCGOVERN, Mrs. KELLY, Mr. FRANK of Massachusetts, Ms. LOFGREN, Mr. PAUL, Mrs. MEEK of Florida, Mr. CUMMINGS, Mr. ETHERIDGE, Mr. PRICE of North Carolina, and Mr. FROST.

H.R. 1130: Mr. HINCHEY.

H.R. 1142: Mr. GIBBONS, Mr. HAYWORTH, Mr. STUMP, and Mr. SHOWS.

H.R. 1144: Mr. TURNER, Mr. STEARNS, Mr. MARTINEZ, Mrs. CAPPS, and Mr. PETERSON of Pennsylvania.

H.R. 1145: Mr. STEARNS.

H.R. 1146: Mr. ADERHOLT and Mrs. MYRICK.

H.R. 1154: Mr. PICKERING, Ms. RIVERS, Mr. LEACH, and Mr. GOODLING.

H.R. 1159: Mr. GREENWOOD, Mrs. KELLY, Mr. ENGLISH, Mr. BOEHLERT, and Mr. CASTLE.

H.R. 1160: Mr. FROST and Mr. MASCARA.

H.R. 1172: Mr. RANGEL, Mr. COYNE, Mr. WELLER, Mr. HOLDEN, Mr. TAUZIN, Ms. GRANGER, Mr. TRAFICANT, Mr. LEWIS of Kentucky, Mr. NEAL of Massachusetts, and Mr. CASTLE.

H.R. 1177: Mrs. EMERSON.

H.R. 1180: Ms. STABENOW, Mr. CUNNINGHAM, Mr. NUSSLE, and Mr. ALLEN.

H.R. 1187: Mr. FORBES, Mr. GARY MILLER of California, Mr. COX, Mr. WELDON of Pennsylvania, Mr. JONES of North Carolina, Mrs. EMERSON, Mr. SMITH of Washington, Mr. DICKEY, Mr. KLINK, Mr. COOK, and Mr. DEUTSCH.

H.R. 1190: Mr. SISISKY, Mr. THOMPSON of Mississippi, Mr. REGULA, Mr. MCINTOSH, Mr. GREEN of Wisconsin, Mr. ROEMER, Ms. CARSON, Mr. SHUSTER, Mr. HILL of Indiana, Mr. LATOURETTE, Mr. LUTHER, Mr. BRADY of Pennsylvania, and Mr. NEY.

H.R. 1193: Mr. BARRETT of Nebraska, Mr. FORBES, Mr. BLAGOJEVICH, Mr. SPENCE, and Mr. HINCHEY.

H.R. 1203: Mrs. BONO, Mr. BILBRAY, and Mr. ENGLISH.

H.R. 1206: Mr. RYUN of Kansas.

H.R. 1213: Mr. LEWIS of Georgia and Mr. JEFFERSON.

H.R. 1214: Mr. FARR of California.

H.R. 1216: Mr. QUINN, Mr. KENNEDY of Rhode Island, Mr. BALLENGER, and Mr. MARTINEZ.

H.R. 1219: Mr. SCARBOROUGH.

H.R. 1222: Mr. FROST.

H.R. 1233: Mr. BLAGOJEVICH.

H.R. 1244: Mr. MCHUGH, Mr. CAMP, Mr. DAVIS of Virginia, and Mr. HALL of Texas.

H.R. 1250: Mr. ORTIZ and Mr. BONIOR.

H.R. 1259: Mr. GALLEGLY and Mrs. KELLY.

H.J. Res. 1: Mr. JONES of North Carolina.

H.J. Res. 5: Ms. ROS-LEHTINEN.

H.J. Res. 22: Ms. BERKLEY and Ms. SCHAKOWSKY.

H.J. Res. 25: Mr. MCGOVERN, Mr. SNYDER, Mrs. KELLY, Mr. SAXTON, Mr. SESSIONS, Mr. RYAN of Wisconsin, Ms. KILPATRICK, Mr. WHITFIELD, Mr. MALONEY of Connecticut, Mr. WALSH, Mr. TAYLOR of Mississippi, Mr. BERMAN, MR. YOUNG of Florida, Mr. CANADY of Florida, and Ms. MCKINNEY.

H.J. Res. 31: Mr. SOUDER.

H. Con. Res. 8: Mr. PHELPS.

H. Con. Res. 17: Mr. SHAYS, Mr. INSLEE, Mr. HINCHEY, Mr. SANDERS, Mr. LEWIS of Georgia, and Ms. BALDWIN.

H. Con. Res. 22: Mr. GALLEGLY and Mr. WU.

H. Con. Res. 25: Mr. GREEN of Wisconsin.

H. Con. Res. 30: Mr. DOOLITTLE.

H. Con. Res. 31: Ms. BERKLEY.

H. Con. Res. 51: Mr. DAVIS of Florida and Mr. PORTER.

H. Con. Res. 54: Mr. TIERNEY, Ms. KAPTUR, Mr. LUTHER, and Mr. RAMSTAD.

H. Con. Res. 57: Mrs. FOWLER, Mr. LAHOOD, Mr. HINCHEY, Mr. ENGLISH, Mr. MORAN of Virginia, Mr. LIPINSKI, and Mr. CANADY of Florida.

H. Con. Res. 58: Ms. KAPTUR, Mr. HILL of Indiana, Mrs. LOWEY, Mrs. MYRICK, and Mrs. THURMAN.

H. Con. Res. 59: Mr. ROTHMAN, Mr. RAMSTAD, and Mr. DOYLE.

H. Con. Res. 60: Mr. LAMPSON, Mr. KLINK, Ms. NORTON, Mr. LIPINSKI, Mr. RANGEL, Mr. KLECZKA, and Ms. STABENOW.

H. Con. Res. 64: Ms. BERKLEY, Mr. GANSKE, Mr. TOWNS, Mr. FORBES, Mr. LUTHER, Mr. HINOJOSA, and Mr. PRICE of North Carolina.

H. Con. Res. 66: Mr. SHERMAN, Mr. KENNEDY of Rhode Island, and Mr. BATEMAN.

H. Con. Res. 75: Mr. OLVER and Mr. WAXMAN.

H. Con. Res. 77: Mr. MCKEON, Mr. BARRETT of Nebraska, Mr. FOLEY, MR. CAPUANO, Mr. RANGEL, and Mr. DIXON.

H. Res. 15: Mr. BROWN of California.

H. Res. 19: Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. PALLONE, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Mr. BLUMENAUER, Ms. DEGETTE, Mrs. NAPOLITANO, Ms. MILLENDER-MCDONALD, Ms. SLAUGHTER, Mr. WALSH, Mr. FRANKS of New Jersey, Mr. METCALF, Mr. DIXON, Mr. HORN, Mrs. CLAYTON, Mr. RANGEL, Mr. SANDLIN, and Mr. BATEMAN.

H. Res. 35: Mr. FRANKS of New Jersey, Mr. SWEENEY, Mrs. PELOSI, Mr. WU, Mr. JEFFERSON, Mr. SERRANO, Mr. KIND, Mr. KLINK, Mr. PRICE of North Carolina, and Mr. UDALL of New Mexico.

H. Res. 41: Mr. COBLE, Ms. WOOLSEY, Ms. PRYCE of Ohio.

H. Res. 89: Mr. GOSS and Mr. HOEFFEL.

H. Res. 106: Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Mr. TIERNEY, Mr. TAUZIN, and Mrs. FOWLER.

H. Res. 109: Mr. SHOWS, Mr. SAXTON, Mr. SKELTON, Mr. ENGLISH, Mr. JENKINS, Mr. MORAN of Virginia, Mr. KASICH, Mrs. CUBIN, Mr. MCNULTY, Mr. GOODE, Mr. BUYER, Mr. FARR of California, Mr. TAUZIN, and Mr. COSTELLO.

H. Res. 115: Mr. KING, Ms. BERKLEY, Mr. FOLEY, Mr. KLINK, and Mr. BROWN of California.

SENATE—*Thursday, March 25, 1999*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, thank You for this time of prayer when our minds and hearts can be enlarged to receive Your Spirit. You are the answer to our deepest need. More than any secondary gift You give, we long for the primary gift of Yourself, offered in profound love and acceptance. We have learned that when we abide in Your presence and are receptive to Your guidance, You inspire our minds with insight and wisdom, our hearts with resiliency and courage, and our bodies with vigor and vitality.

In the quiet of this moment, we commit all our worries to You. We entrust to You our concerns over the people in our lives. Our desire is to give ourselves to the work of this day with freedom and joy. Especially give the Senators strength when they are weary, fresh vision when their wells run dry, and indefatigable hope when others become discouraged. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. I thank the distinguished President pro tempore.

On behalf of our distinguished majority leader, I have been asked to make the following announcement. This morning the Senate will immediately resume consideration of Senate Concurrent Resolution 20. There are now 10 hours remaining for consideration of the bill. As announced last night, there will be no rollcall votes this morning prior to 11:00 a.m. However, Members should expect rollcall votes throughout the remainder of today's session as the Senate attempts to complete action on the budget bill.

All Members will be notified of the voting schedule today as it becomes available. Also, the leader has announced that if the Senate completes action on the budget resolution today, there will be no rollcall votes during Friday's session.

Finally, all Senators are reminded that pursuant to a unanimous consent agreement reached yesterday, all first-degree amendments must be offered by 12 noon today.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 20, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 20) setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

The Senate resumed consideration of the concurrent resolution.

Pending:

Specter/Harkin amendment No. 157, to provide for funding of biomedical research at the National Institutes of Health.

Craig amendment No. 146, to modify the pay-as-you-go requirement of the budget process to require that direct spending increases be offset only with direct spending decreases.

Dodd amendment No. 160, to increase the mandatory spending in the Child Care and Development Block Grant by $7.5 billion over five years, the amendment reduces the resolution's tax cut and leaves adequate room in the revenue instructions for targeted tax cuts that help families with the costs of caring for their children, and that such relief would assist all working families with employment related child care expenses, as well as families in which one parent stays home to care for an infant.

Voinovich amendment No. 161, to use on-budget surplus to repay the debt instead of tax cuts.

Reed amendment No. 162, to provide for certain Federal revenues, total new budget authority, and total budget outlays.

Crapo/Grams amendment No. 163, to create a reserve fund to lock in additional non-Social Security surplus in the outyears for tax relief and/or debt reduction.

Graham amendment No. 164, to express the sense of the Senate that funds recovered from any Federal tobacco-related litigation should be set-aside for the purpose of first strengthening the medicare trust fund and second to fund a medicare prescription drug benefit.

Graham amendment No. 165, to express the sense of the Senate that the Congress and the President should offset inappropriate emergency funding from fiscal year 1999 in fiscal year 1999.

Lautenberg amendment No. 166, to express the sense of the Senate on saving Social Security and Medicare, reducing the public debt, and targeting tax relief to middle-income working families.

Lautenberg (for Schumer) amendment No. 167, to express the sense of the Senate that the Community Oriented Policing Services (COPS) Program should be reauthorized in order to provide continued Federal funding for the hiring, deployment, and retention of community law enforcement officers.

Lautenberg (for Feinstein) amendment No. 168, to express the sense of the Senate regarding school construction grants, and reducing school sizes and class sizes.

Lautenberg (for Feinstein) amendment No. 169, to express the sense of the Senate on the social promotion of elementary and secondary school students.

Lautenberg (for Reid) amendment No. 170, to express the sense of the Senate regarding social security "notch babies", those individuals born between the years 1917 and 1926.

Lautenberg (for Boxer) amendment No. 171, to ensure that the President's after school initiative is fully funded for fiscal year 2000.

Lautenberg (for Murray) amendment No. 172, to fully fund the Class Size Initiative, the amendment reduces the resolution's tax cut by ten billion dollars, leaving adequate room in the revenue reconciliation instructions for targeted tax cuts that help those in need and tax breaks for communities to modernize and rebuild crumbling schools.

Lautenberg (for Murray) amendment No. 173, to express the sense of the Senate on women and Social Security reform.

Lautenberg (for Hollings) amendment No. 174, to continue Federal spending at the current services baseline levels and pay down the Federal debt.

Lautenberg (for Boxer) amendment No. 175, to ensure that the substantial majority of any income tax cuts go to middle and lower income taxpayers.

AMENDMENT NO. 157

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, parliamentary inquiry. Yesterday evening, the pending amendment which had been offered on behalf of Senator HARKIN and myself, as principal sponsors, on the National Institutes of Health, was debated shortly before 8 p.m., when voting started on four items. I believe the order was that we would resume consideration today with that pending amendment. My inquiry is, is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator has 5 minutes 20 seconds remaining under his control.

Mr. SPECTER. Parliamentary inquiry, Madam President. That seems not correct to me. I debated this issue for maybe 10 minutes at the most yesterday. Isn't there an hour allotted to each side on each amendment?

The PRESIDING OFFICER. Under the previous order, the amount allocated to the amendment was reduced to a half-hour for each side for all first-degree amendments.

Mr. SPECTER. A half-hour for each side for all first-degree amendments?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. We did not use 24 minutes yesterday, Madam President.

The PRESIDING OFFICER. The Senator from Pennsylvania spoke from 7:40 to 7:55. The Senator from Iowa spoke from 9:28 to 9:38.

Mr. SPECTER. Madam President, I am advised by my staff that it would be appropriate to ask for some time off the bill. I ask for an additional 15 minutes off the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

Madam President, to briefly recapitulate, this amendment seeks to add $1.4 billion to the allocation for the National Institutes of Health. The NIH is the crown jewel of the Federal Government, having made really phenomenal advances on medical research in its drive to conquer so many of the maladies confronting mankind today.

Last year the budget for NIH was increased by $2 billion and, in the view of the Members, at least the chairman and the ranking, on the appropriations subcommittee having jurisdiction over the Department of Health and Human Services, $2 billion are absolutely necessary by way of increase of the existing budget for NIH, which now is $15.6 billion. There have been really remarkable advances in so many lines, with the research on stem cells having been completed, posing the opportunity for curing so many of the very, very serious ailments.

Testimony was given before the appropriations subcommittee that with diseases like Parkinson's, the cure may be in the range of 5 to 10 years. Great strides have been made on Alzheimer's, on cancer, and so many very other serious matters. We have an offset to cover the $1.4 billion by changing the rules on deductibility from the tobacco settlement.

Madam President, after consulting with the managers on the second slot, which had been reserved, it is my intention to offer a sense-of-the-Senate resolution on behalf of Senator THURMOND, Senator HATCH, Senator SESSIONS, Senator ASHCROFT, Senator SCHUMER, and myself which would increase the funding to the Department of Justice on the prosecution of gun cases from $5 to $50 million. We have seen examples, in Richmond, VA, in Philadelphia, PA, and in Boston, MA, where gun cases have been handled with great success. This follows the passage in 1984 of the armed career criminal bill which provided that any career criminal, someone with three or four major convictions, found in possession of a firearm, would receive a sentence up to life imprisonment.

In 1988, there was an experiment with a program called Trigger Lock in the Eastern District of Pennsylvania which produced extraordinary results, again, focusing on guns. It was a national model. More recently, in Richmond, VA, there has been experience with prosecutions as to guns and also a special program again in the Eastern District of Pennsylvania, coordinated with New Jersey across the river, with $1.5 million going to the Eastern District of Pennsylvania and $800,000 to New Jersey—again, very remarkable results.

In this year's budget, the Department of Justice has allocated only $5 million to this important function. An important hearing was held on Monday of this week, presided over jointly by Senator THURMOND and Senator SESSIONS, on two Judiciary Committee subcommittees. And there the evidence was very forceful about the effectiveness of this gun program.

Madam President, I am not going to offer this amendment at this time, but I did want to utilize just a few moments, as I have, this morning to explain the purpose of the amendment. It will be offered in due course.

How much time remains, Madam President?

The PRESIDING OFFICER. The Senator has used 4 and a half minutes.

Mr. SPECTER. Madam President, I wonder if I might make an inquiry of the distinguished chairman of the Budget Committee, if I might have the attention of Senator DOMENICI.

The second slot was reserved, Mr. Chairman, and has been used for a sense of the Senate on guns, as I have just explained. I wonder if it would be acceptable to the managers if the amendment was sent to the desk and offered at this time, or would it be preferable to wait until a later point to make the submission for the Record?

Mr. DOMENICI. I say to the Senator, if you are asking me, it would be preferable to wait, if you would.

Mr. SPECTER. I will be glad to accommodate the chairman's schedule.

Mr. DOMENICI. I thank the Senator.

Mr. SPECTER. I thank the Chair, and I also thank the Chair for the additional time. And I yield back the remainder of my time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 176

(Purpose: To express the sense of the Senate regarding the modernization and improvement of the medicare program)

Mr. ROTH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the previous amendments will be set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] for himself, Mr. BREAUX, Mr. FRIST, Mr. KERREY, Mr. GRAMM, Mr. DOMENICI, Mr. NICKLES, Mr. GRASSLEY and Mr. HATCH, proposes an amendment numbered 176.

Mr. ROTH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE MODERNIZATION AND IMPROVEMENT OF THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The health insurance coverage provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is an integral part of the financial security for retired and disabled individuals, as such coverage protects those individuals against the financially ruinous costs of a major illness.

(2) Expenditures under the medicare program for hospital, physician, and other essential health care services that are provided to nearly 39,000,000 retired and disabled individuals will be $232,000,000,000 in fiscal year 2000.

(3) During the nearly 35 years since the medicare program was established, the Nation's health care delivery and financing system has undergone major transformations. However, the medicare program has not kept pace with such transformations.

(4) Former Congressional Budget Office Director Robert Reischauer has described the medicare program as it exists today as failing on the following 4 key dimensions (known as the "Four I's"):

(A) The program is inefficient.

(B) The program is inequitable.

(C) The program is inadequate.

(D) The program is insolvent.

(5) The President's budget framework does not devote 15 percent of the budget surpluses to the medicare program. The federal budget process does not provide a mechanism for setting aside current surpluses for future obligations. As a result, the notion of saving 15 percent of the surplus for the medicare program cannot practically be carried out.

(6) The President's budget framework would transfer to the Federal Hospital Insurance Trust Fund more than $900,000,000,000 over 15 years in new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public, and these new IOUs would increase the gross debt of the Federal Government by the amounts transferred.

(7) The Congressional Budget Office has stated that the transfers described in paragraph (6), which are strictly intragovernmental, have no effect on the unified budget surpluses or the on-budget surpluses and therefore have no effect on the debt held by the public.

(8) The President's budget framework does not provide access to, or financing for, prescription drugs.

(9) The Comptroller General of the United States has stated that the President's medicare proposal does not constitute reform of the program and "is likely to create a public misperception that something meaningful is being done to reform the medicare program".

(10) The Balanced Budget Act of 1997 enacted changes to the medicare program which strengthen and extend the solvency of that program.

(11) The Congressional Budget Office has stated that without the changes made to the medicare program by the Balanced Budget Act of 1997, the depletion of the Federal Hospital Insurance Trust Fund would now be imminent.

(12) The President's budget proposes to cut medicare program spending by $19,400,000,000 over 10 years, primarily through reductions in payments to providers under that program.

(13) While the recommendations by Senator John Breaux and Representative William Thomas received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare, all of the President's appointees to that commission opposed the bipartisan reform plan.

(14) The Breaux-Thomas recommendations provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring new IOUs to the Federal Hospital Insurance Trust Fund that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume the following:

(1) This resolution does not adopt the President's proposals to reduce medicare program spending by $19,400,000,000 over 10 years, nor does this resolution adopt the President's proposal to spend $10,000,000,000 of medicare program funds on unrelated programs.

(2) Congress will not transfer to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public.

(3) Congress should work in a bipartisan fashion to extend the solvency of the medicare program and to ensure that benefits under that program will be available to beneficiaries in the future.

(4) The American public will be well and fairly served in this undertaking if the medicare program reform proposals are considered within a framework that is based on the following 5 key principles offered in testimony to the Senate Committee on Finance by the Comptroller General of the United States:

(A) Affordability.
(B) Equity.
(C) Adequacy.
(D) Feasibility.
(E) Public acceptance.

(5) The recommendations by Senator Breaux and Congressman Thomas provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(6) Congress should move expeditiously to consider the bipartisan recommendations of the Chairmen of the National Bipartisan Commission on the Future of Medicare.

(7) Congress should continue to work with the President as he develops and presents his plan to fix the problems of the medicare program.

Mr. ROTH. Madam President, this amendment is sponsored by myself, Mr. BREAUX, Mr. FRIST, Mr. KERREY, Mr. GRAMM, Mr. DOMENICI, Mr. NICKLES, Mr. GRASSLEY, and Mr. HATCH.

Madam President, one of the most important bipartisan efforts we will undertake in the months ahead will be to address the challenges confronting the Medicare program—a program whose reach and importance in the lives of Americans cannot be overstated. In years past we have looked at the demographics, studied the statistics, and struggled with a sense of vulnerability concerning Medicare and its future.

Our population is aging. Health care costs seem to be growing exponentially. New and necessary technologies are becoming more expensive. And the financial base of the Medicare program provided by working Americans is shrinking in proportion to the number of seniors who depend on it. In less than 10 years, the population of Medicare beneficiaries will begin growing at a rate unseen in the program's history.

In the past, the Medicare population has grown by about 1 percent a year. Beginning very soon, that growth rate will begin to double. In just 10 years, the Medicare program will be required to serve a population that is 20 percent larger than it is today—that is, 46 million seniors—and at that point the baby-boom generation will have only just begun to retire.

Concerning the growth in the cost of health care services, Gene Steuerle of the Urban Institute recently testified before the Finance Committee that an average couple retiring now receives about $250,000 in lifetime Medicare benefits. Once the baby-boom generation is in full retirement, that amount will double. As a result, we will need to dedicate a larger and larger portion of the Nation's budget to pay for Medicare. Medicare is expected to consume an expanding share of the Nation's economy.

In 1998, Medicare spending was an estimated 2.6 percent of the gross domestic product. It is projected to grow to $518 billion—or 3.5 percent of GDP—in 2010. By 2030, Medicare is forecasted to grow to $2.2 trillion, representing 5.9 percent of the GDP.

It is good news that people are living longer, that they are spending almost a decade more in retirement than they were when the Medicare program began. These are demographics we have worked long and hard to bring to pass and we should celebrate them.

However, these were, and continue to be, serious challenges to the Medicare trust fund. The balance in the Part A Hospital Insurance Trust Fund is declining. The end-of-year balance began to drop in 1995, when payments from the trust fund began to exceed income to the trust fund. The Balanced Budget Act of 1997 helped to delay the bankruptcy of the trust fund for a few years, but it will still occur in our lifetimes if something is not done now.

As I said, each of these represents a serious concern, Madam President. But as of late, there appears to be a growing sense of optimism that we can take the favorable economic conditions our Nation is enjoying and, with bipartisan leadership, we can find long-term solutions to these pressing challenges.

Not only is there consensus on both sides of the aisle that something must be done, but there is growing confidence that something can be done. An important component of the answer, we have come to see, rests in the potential of a strong economy and with the willingness of the American people.

Toward meeting the challenges confronting Medicare, we must be guided by five specific criteria:

First, our efforts, if they are to succeed, must have bipartisan support, and they will require leadership from the White House. President Clinton must articulate his strategy for securing and strengthening the Medicare program.

Second, we must assure that the measures we adopt do not undermine the economic growth our Nation needs to continue providing jobs, opportunity, and security for Americans now and in the future.

Third, we must see that our policies are fair, that those who are being called upon to strengthen the system in the short term have the confidence of knowing that the system will be there for them in the long run.

Fourth, reform measures must be holistic in nature, taking into account the challenges we have to preserve and strengthen Social Security and to coordinate other programs that can serve the same constituency benefited by the Medicare and Social Security programs.

Fifth, our reform efforts must find acceptance with the American people. They must take what has been a good program and make it better—make it better by making it financially sound and easily accessible to those who depend on it.

I am hopeful that the President will provide the genuine leadership required to address the future of Medicare. I encourage him and his administration to come work with us on the Finance Committee. We look forward to working with them. Certainly there are few issues as important as this one.

It demands our immediate attention, and the best effort we have to offer. Our work must go beyond the few items he included in his budget. It must take into account the long-term needs of the program, a careful analysis of benefit expansion, such as pharmaceutical drugs, and other concerns.

We must look at how we can best serve the Medicare program in a way that the reforms we offer will positively affect Medicaid. Too often lost in the debate over Medicare reform is the direct impact that Medicare changes will have on Medicaid. These two programs are most obviously linked through the 5.4 million low-income elderly and disabled individuals who are eligible for both. For this dually eligible population, Medicaid essentially serves as a source of wraparound benefits, providing among other important services nursing home care and prescription drugs.

In addition, nearly 600,000 low-income Medicare beneficiaries receive Medicaid financial support to meet Medicare's cost-sharing requirements.

Together, these six million individuals represent 16 percent of the Medicare population, but they consume 30 percent of all Medicare spending and 35 percent of all Medicaid spending. Medicare reform proposals that would impact these low-income populations must be very carefully undertaken to avoid simply shifting costs or responsibilities from one program to the other.

As we face the challenges of reforming the Medicare program, we must explore opportunities to substantially improve the health care experiences of these dually eligible populations. Currently, efforts to coordinate the services covered by the two programs are stymied by barriers to integration.

These barriers include the need for complicated waivers, arbitrary restrictions on mingling Medicare and Medicaid dollars, and difficulties in coordinating program oversight. A reform process undertaken by this Senate presents an opportunity to better meet the needs of a very vulnerable population.

Immediately after passage of this budget, I will begin, as chairman of the committee that has jurisdiction over the Medicare and Medicaid programs, the process of developing a bipartisan, consensus proposal for real Medicare reform. In developing this plan, the Finance Committee will conduct a series of hearings to take testimony from Medicare consumers, trustees, providers, and other experts who are intricately involved with this program and who are in a position to make worthy recommendations on how to proceed with improving the Medicare program.

We will indeed carefully study the recommendations of the bipartisan Commission on the Future of Medicare led by Senator BREAUX. Senator BREAUX and the other members of the bipartisan Commission on the Future of Medicare worked very hard and committed a great deal of time during the past year to try to find a solution to the impending Medicare crisis. They deserve our appreciation for their efforts. The discussions that they had has certainly furthered the Medicare debate and will be invaluable to us as we proceed with this important work. In addition to these measures, the committee will also take into consideration the many concerns and proposals of Senators—on both sides of the aisle—for improving this program which is so important for all of those we represent and are here to serve.

Our effort to lay a solid foundation for the future of Medicare will be a major undertaking. I believe that the budget resolution we are considering now provides the necessary framework. The budget committee has set aside on-budget surplus funds of up to $133 billion that—if needed—can be used for Medicare reform, including prescription drug benefits. Once we have achieved a bipartisan agreement on a comprehensive Medicare plan, we may indeed find it necessary to revisit this budgetary framework—and I expect that we would be able to obtain the necessary votes to proceed with such adjustments.

I strongly urge my colleagues to set aside attempts to legislate Medicare reform in the budget resolution. This is not the time or place for such a complex undertaking. Instead, I urge that we work together over the next few months on a Medicare reform plan. Such a plan should provide the nation's current and future seniors the assurance of health care that is comprehensive in benefits, superior in quality and financially sustainable. This is important to them. It is important to the future. And it is something that can and will be done.

I yield the floor.

Mr. DOMENICI. Madam President, how much time has the Senator used?

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. DOMENICI. Senator ROTH is in control of 15 more minutes, so if the Senator desires to yield time.

Mr. ROTH. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I want to ask a couple of questions, if I may, because I'm struck by a paragraph on page 5, beginning with line 8:

> This resolution does not adopt the President's proposal to reduce medicare spending by $19,400,000,000 over 10 years, nor does the resolution adopt the President's proposal to spend $10,000,000,000 of medicare program. . .

That is followed by:

> Congress will not transfer to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public.

Would that preclude any use of surpluses if there were additional surpluses that arose?

How can you attribute a tax increase, or more borrowing, directly to this? This is out of the general revenues, and I am curious how the connection is made and whether or not a surplus would be able to be used.

Mr. ROTH. I say to my distinguished colleague that if there are surpluses in the budget, they could be used for Medicare.

Mr. LAUTENBERG. So we are specifically targeting raising taxes. Could this be competitive by using—and this is said with all due respect to the distinguished chairman of the Finance Committee. If tax cuts are put into place, or attempted to be put into place, would the response be, then—and if we prohibit that by virtue of an agreement here and in the House, would that be considered raising taxes if we didn't cut taxes? Would that, in turn, be considered a tax increase?

Mr. ROTH. If I understand your question, no. If we fail to make a tax cut, I don't see that in and of itself being considered a tax increase.

Mr. LAUTENBERG. So that it is possible that there could be a competitive environment where tax cuts are competing with our capacity to continue to fund Medicare. You know, we have a debate about these transfers and whether IOUs are really significant. If we transferred $1 billion in cash to the Medicare trust fund—the insurance trust fund, and they were to go out into the public marketplace and buy $1 billion worth of insurance bonds, or what have you, those IOUs would have established their value—that cash, rather, I am sorry, would have established its value.

Why wouldn't an IOU from the Federal Government, which is where so many companies and individuals put their money because it is the full faith and credit of our Nation, thereby guaranteed by strength more there than anyplace else—why wouldn't those IOUs be considered the same as a cash transfer? It is true that they are going to come out of general revenues to be paid for, but it would also ensure that no pressure on the Appropriations Committee could say, all right, we are not going to be able to fund that, and then a later Congress says, OK, we are going to have to cut back on benefits by raising age or raising deductible, raising copays, or what have you. This at least ensures that that money will be there; those funds will be there off into the future; am I correct or not on that?

Mr. ROTH. Well, let me answer you in general, and then I will ask the distinguished chairman of the Budget Committee. But it is our position that there are adequate funds both to provide reform of the Medicare program, to ensure its solvency in the long term, as well as to provide for a tax cut and, of course, protect and strengthen Social Security. As to the specifics, I yield to my distinguished colleague.

Mr. KENNEDY addressed the Chair.

Mr. LAUTENBERG. Madam President, I yield 4 minutes to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am interested in asking, is there anything in this proposal of the Senator from Delaware that will provide the additional funding for Medicare, as we are attempting to move forward, to try to bring about the reforms? These two members of the Budget Committee are here. I am interested in understanding, as we are trying, in the final hours of the budget debate, to make sure the budget is going to have the additional 15 percent so that we can put it on a sound financial basis. I am wondering if there is any indication in this proposal that the Senator from Delaware wants to make sure of the financial security of Medicare before tax cuts, before we are going to go ahead with tax cuts. Is there anything in this resolution I have just received—maybe the Senator from North Dakota or the Senator from New Jersey can show me anyplace in here where this resolution says, all right, let's move ahead with the reform of Medicare before we go ahead and provide these major tax cuts. Is there anything in this resolution that the ranking minority member can tell the membership?

That is really what I think has been the heart of the debate of the proposal of the Senator from North Dakota and others—that we are going to put in place a sound, solid solvency for the Medicare system before we go to tax cuts. And now that we have a new resolution, I am just wondering whether this resolution says we are going to defer the tax cuts, we are going to make sure of the financial stability of the Medicare system and move toward perhaps even a consideration of the Breaux proposal as we consider reforms in the future.

Mr. LAUTENBERG. Madam President, I ask the Senator from North Dakota to oblige, or we will refer it to the author of it.

Mr. KENNEDY. Maybe you should ask the author of the proposal. I ask the author of the proposal whether there is any provision in this part that says we are going to defer tax cuts for wealthy individuals, across-the-board tax cuts that are mentioned in the report of the budget—that we are going to defer that until we get Medicare on a sound financial basis? Is there any reference to that in the proposal? Or if we accept this proposal, is it still the position that we are still going to go ahead and have the tax cuts now in the budget?

Mr. ROTH. In answer to my friend and colleague, I say there is no language in the budget resolution that sets these priorities. But as I said earlier, it is my intent, as chairman of the Finance Committee, which has jurisdiction over these matters, to begin hearings and to develop a consensus on Medicare when we return from the Easter recess. This will be a bipartisan effort. There is no way we can get anything done unless we are able to develop, as I said, a bipartisan consensus. It is my intent to move as expeditiously as possible upon our return.

Mr. KENNEDY. Just to clarify it further, then, it is the position of the Senator from Delaware to go ahead and pass a budget resolution that commits us on a course for significant tax cuts prior to the time that we are going to have the hearings in the Finance Committee to develop a bipartisan proposal on Medicare; that is his position? Or are you going to recommend that we defer the tax cuts until we have the kind of hearings the Senator has suggested and really shape a proposal to put Medicare on both a sound fiscal basis and also to deal with some of the inadequacies of Medicare, like the prescription drug issue?

Mr. ROTH. Well, as I indicated, it is the intent of the chairman to proceed expeditiously, upon our return, with hearings and developing a program on Medicare. As far as tax cuts are concerned, I don't intend to begin work on them probably until sometime early fall. But it is my intention to work immediately on Medicare.

Mr. LAUTENBERG. Madam President, the Senator from Massachusetts asked the very question that I was trying to find out about. And that is that it has the appearance of another attempt to limit the development of a solvent Medicare program in deference to the possibility of across-the-board taxes. That is the sense, with all due expect, that I get out of this. I don't know whether the Senator from Massachusetts views it the same way. But it would be good if we could kind of straighten that out before a vote occurs on it.

Mr. KENNEDY. If I could just ask, because I see others on their feet, on page 2 of the proposal, at the bottom, line 22 says, "The President's budget framework does not devote 15-percent budget surpluses to the Medicare Program."

This has been the intention of the Senator from New Jersey and the Senator from North Dakota. It is a goal I support—that we provide at 15 percent. The Senator's resolution says it does not devote the 15 percent. Would the Senator tell us whether he would support the 15-percent allocation? He has it in the resolution, saying that the Federal budget does not devote the 15 percent. Does the Senator want us to devote that 15 percent, or not?

Mr. ROTH. Madam President, let me just point out that as far as the so-called 15 percent is concerned, the Comptroller General said that the President's proposal does nothing to alter the imbalance between the program's tax receipts and benefits payments. It has been cash deficits since 1992, and remains a cash deficit even with the new Treasury securities. Thus, the President's proposal does provide additional claims on the Treasury, not additional cash to pay benefits.

Let me make it very clear, under this resolution we intend to do three things: To strengthen and preserve Social Security, to reform Medicare, and to provide a major tax cut for the working people of America.

Let me stress that this resolution has been carefully crafted by the chairman and others on the Budget Committee to do exactly that. That is our intent, and we shall follow through on the policies laid down in this resolution.

I think the distinguished Senator from Louisiana may care to comment.

The PRESIDING OFFICER. The Senator from Louisiana.

Who yields time to the Senator?

Mr. ROTH. I yield 10 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. ROTH. Madam President, before that, may I ask that Senator THOMPSON be added as a cosponsor? I did include Senator GRASSLEY and Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. Madam President, I support the Senator's sense-of-the-Senate resolution. I will start off by saying that sense-of-the-Senate resolutions are pretty senseless, because it really is not making law; it is just an expression of what people think. To that extent, it is very important.

Let me just start off by saying that if the debate on Medicare is whether we want a tax cut or whether we want to reform Medicare, we will never reform Medicare. Medicare has been here since 1965, and it has been a political football every year. Every year that we run out of money with Medicare, we fix it by using the SOS approach—same old, same old. Every year when there was a shortfall, we simply tried to reduce reimbursements to doctors and hospitals and said, "Well, we fixed it because we gave them less money to treat 40 million Americans who need health care in this country."

The President's budget this year again talks about approximately $20 billion in further cuts to the Medicare program. That is $20 billion less that is going to be available to provide medical benefits to 40 million seniors. That, I would suggest, is not reform. That, I would suggest, doesn't fix anything. That, I would suggest, just makes the problem greater and not less.

The reason I call into question the concept that a 15-percent transfer of the surplus in the form of IOUs to the Medicare trust fund is not what it seems to be is that, in fact, it is not.

The GAO came to the Senate Finance Committee and they testified very specifically on this proposal. What they said, in bipartisan, unequivocal economic language that I think everyone can understand, is the following. They said this transfer ". . . has no effect on the current and projected cash-flow deficits that have faced the [Medicare program] since 1992—deficits that taxpayers will continue to finance through higher taxes, lower spending elsewhere or lower pay downs of publicly-held debt than the baseline. Importantly, the President's proposal would not provide any new money to pay for medical services."

So the concept of saying we are going to fix Medicare by taking 15 percent of the surplus and putting IOUs in the trust fund and that somehow we have fixed the problem is nonsensical. It does not make any sense economically. It is not good policy. It gives us a false sense of security that somehow we have solved Medicare by loading up the trust fund with IOUs. That is not reform. That is not saving the program. That is not giving the program one nickel more in money. It is merely giving the trust fund more IOUs. We are in effect transferring publicly held debt from one account and putting it in another account and saying we fixed the program.

I could not live with that, because I don't think it does anything. It doesn't help the program. It doesn't hurt the program, but it doesn't fix the program.

This resolution says in essence that we are going to have to work in a bipartisan fashion to look at real reform. Our National Bipartisan Commission worked on this for a year. We have a recommendation which will be submitted in the form of legislation. We will have hearings in the Senate Finance Committee. I would like them to report on exactly what we send over there. But if they don't, hopefully it will be something similar. Hopefully, it will be real reform. Hopefully, it will be something that we can quit arguing about—whether we want tax cuts, or whether we want to save Medicare.

The program needs more money. There is no question about that. But it desperately needs reform. The 1965 model runs like a 1965 car, and putting more gas in an old car, it is still an old car. And putting more IOUs in the Medicare trust fund doesn't make it a modern, efficient delivery system for health care in this country.

I think the resolution is a good resolution. It is offered in a bipartisan fashion. It is a sense of the Senate. Big deal. I don't think it will change public policy. But it is so important that it needs a discussion on how we solve this particular issue. It says that Congress should move expeditiously in a bipartisan fashion to reform the program. Yes; we should. It says that Congress should continue to work with the President as he develops and presents his plan to fix the problem with the Medicare program. Yes; he should.

We are not going to fix it. We are going to be looking for issues to beat each other over the head once again. That is the old way of doing it. That is old politics. And people are sick and tired of it on both sides of the political spectrum outside of Washington. Maybe in Washington we love to play political games. We beat them up, they beat us up, and nothing gets done. We end up arguing about failure: It is their fault we didn't fix it. No; it is your fault we didn't fix it. And absolutely nothing is ever fixed with that kind of a procedure.

How much better would it would be for us to gather and work together and fix it? And we can always argue the political argument about who fixed it: We fixed it. No; they fixed it. But at least we are arguing about success about fixing something instead of trying to argue about whose fault it is that nothing gets done on something as important as Medicare, and trying to figure out which wedge issue we are going to use this week and which wedge issue they are going to use next week. Is it not time that we kind of come together and say, "Look, we have a big problem"?

Today, we spend more money in Medicare than we take in in revenues to pay for it. Today, not in 20 years. Today. If you use all of the revenues in the trust fund, plus the revenues coming in, we are totally insolvent in the year 2008. My fear is that in the year 2007 we are going to still be arguing about whether we want to fix Medicare or whether we want to have a tax cut. That is not the appropriate argument. That is not the discussion we should be engaged in. We can argue whether we need a tax cut, and how we should craft it, and who should benefit from it. That is a separate argument.

We should concentrate now on how to reform Medicare in a bipartisan fashion. I think this sense-of-the-Senate resolution suggests that.

It makes the point that the 15-percent surplus is nothing more than IOUs in the trust fund. It does not add a nickel to the trust fund. That is a correct statement, and that is why I support the resolution.

I yield the floor.

Mr. KENNEDY. Madam President, will the Senator yield?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President and fellow Senators, we have before us a historic resolution, a sense-of-the-Senate resolution with historic and brave Senators on it. If we adopt this and follow it, we will save the Medicare program instead of arguing about it. The basic contention here, plain and simple, is that prominent Democrat Senators are joining with Republicans saying let's quit arguing; let's fix it.

That is the principal thrust of this resolution. I say to Senator BREAUX, Senator KERREY, the chairman of the Finance Committee, and Senator FRIST, you are to be commended and lauded, because I predict on this day we have started down a short path before the year ends of fixing Medicare for the seniors permanently. We do not have to sit around here and argue about IOUs that the President wants to transfer to a trust fund without dedicating any revenue to the trust fund.

How do you fix a trust fund by putting in IOUs when it is all based on revenues coming into the trust fund to pay the bills?

I join Senators—I am the fifth Member—as the Budget chairman, because I believe you are on the way, on the road to real success for our seniors.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 176, AS MODIFIED

Mr. ROTH. Madam President, I send a modification to the desk. On page 4, line 15, subparagraph 13 will read:

The recommendations by Senator John Breaux and Representative William Thomas received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare.

We delete the words with respect to the Presidential appointees.

Just let me say as a followthrough on the statement by the distinguished chairman of the Budget Committee, the Senator stated it exactly correct. We are on the road to real reform. We want to make sure that this Medicare program exists not only for the seniors today but indefinitely in the future. I pledge to the Senator that that is what my committee will do.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment (No. 176), as modified, is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE MODERNIZATION AND IMPROVEMENT OF THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The health insurance coverage provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is an integral part of the financial security for retired and disabled individuals, as such coverage protects those individuals against the financially ruinous costs of a major illness.

(2) Expenditures under the medicare program for hospital, physician, and other essential health care services that are provided to nearly 39,000,000 retired and disabled individuals will be $232,000,000,000 in fiscal year 2000.

(3) During the nearly 35 years since the medicare program was established, the Nation's health care delivery and financing system has undergone major transformations. However, the medicare program has not kept pace with such transformations.

(4) Former Congressional Budget Office Director Robert Reischauer has described the medicare program as it exists today as failing on the following 4 key dimensions (known as the "Four I's"):

(A) The program is inefficient.

(B) The program is inequitable.

(C) The program is inadequate.

(D) The program is insolvent.

(5) The President's budget framework does not devote 15 percent of the budget surpluses to the medicare program. The federal budget process does not provide a mechanism for setting aside current surpluses for future obligations. As a result, the notion of saving 15 percent of the surplus for the medicare program cannot practically be carried out.

(6) The President's budget framework would transfer to the Federal Hospital Insurance Trust Fund more than $900,000,000,000 over 15 years in new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public, and these new IOUs would increase the gross debt of the Federal Government by the amounts transferred.

(7) The Congressional Budget Office has stated that the transfers described in paragraph (6), which are strictly intragovernmental, have no effect on the unified budget surpluses or the on-budget surpluses and therefore have no effect on the debt held by the public.

(8) The President's budget framework does not provide access to, or financing for, prescription drugs.

(9) The Comptroller General of the United States has stated that the President's medicare proposal does not constitute reform of the program and "is likely to create a public misperception that something meaningful is being done to reform the Medicare program".

(10) The Balanced Budget Act of 1997 enacted changes to the medicare program which strengthen and extend the solvency of that program.

(11) The Congressional Budget Office has stated that without the changes made to the medicare program by the Balanced Budget Act of 1997, the depletion of the Federal Hospital Insurance Trust Fund would now be imminent.

(12) The President's budget proposes to cut medicare program spending by $19,400,000,000 over 10 years, primarily through reductions in payments to providers under that program.

(13) The recommendations by Senator John Breaux and Representative William Thomas received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare.

(14) The Breaux-Thomas recommendations provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring new IOUs to the Federal Hospital Insurance Trust Fund that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume the following:

(1) This resolution does not adopt the President's proposals to reduce medicare program spending by $19,400,000,000 over 10 years, nor does this resolution adopt the President's proposal to spend $10,000,000,000 of medicare program funds on unrelated programs.

(2) Congress will not transfer to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public.

(3) Congress should work in a bipartisan fashion to extend the solvency of the medicare program and to ensure that benefits under that program will be available to beneficiaries in the future.

(4) The American public will be well and fairly served in this undertaking if the medicare program reform proposals are considered within a framework that is based on the following 5 key principles offered in testimony to the Senate Committee on Finance by the Comptroller General of the United States:

(A) Affordability.

(B) Equity.

(C) Adequacy.

(D) Feasibility.

(E) Public acceptance.

(5) The recommendations by Senator Breaux and Congressman Thomas provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(6) Congress should move expeditiously to consider the bipartisan recommendations of the Chairmen of the National Bipartisan Commission on the Future of Medicare.

(7) Congress should continue to work with the President as he develops and presents his plan to fix the problems of the medicare program.

Mr. ROTH. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DOMENICI. Will the Senator yield for a UC?

Mr. CONRAD. I will be happy to yield.

Mr. DOMENICI. Madam President, I ask unanimous consent that I be permitted to seek the yeas and nays on an additional amendment that is pending.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I ask for the yeas and nays on amendment No. 161, the Voinovich amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. As a member of the Budget Committee and a member of the Finance Committee and somebody who has worked and voted for Medicare reform in the Finance Committee as part of a group cochaired by Senator BREAUX along with Senator CHAFEE, I believe we must have reform of the Medicare program. There is no question about that. I applaud the efforts of Senator BREAUX. Nobody has worked harder over a longer period of time to try to get the job done.

As a part of the centrist coalition, I voted in the Finance Committee for a series of difficult steps to begin the process of reforming the Medicare program.

I think my record on the question of being willing to cast tough votes to reform Medicare is beyond question. But I must say, as I look at this amendment that has been offered by the distinguished chairman of the Finance Committee, I have real doubts about this. It looks to me to be a political statement as much as it is an interest in reforming Medicare. When I see in the resolution the suggestion that the President's budget framework does not devote 15 percent of the budget surplus to the Medicare program, I do not think that is a true statement. I have read the President's framework, and it says very clearly that of the surpluses over the next 15 years, 15 percent is dedicated to Medicare. He does it by making a transfer to the trust fund.

People get up and quote the Comptroller General all of the time around here, only they leave out something very important that he said. The Comptroller said in his statement before the Finance Committee that the President's proposal "provides a grant of a new set of Treasury securities for the Medicare Hospital Insurance Program which would extend the life of the trust fund from 2008 to 2020."

That is the testimony of the Comptroller General before the Senate Finance Committee. Others have stood in the Chamber and said that he denigrated the proposal. Well, he certainly did raise questions about it in certain ways, but he also made the very clear statement that the President's proposal does extend the solvency of the Medicare trust fund from 2008 to 2020.

Those who stand in this Chamber and tell our colleagues and the American people that the President's proposal does not do anything are not telling the truth. To just be selective in their quotations of the Comptroller General does a disservice to this body and a disservice to anybody else who is listening.

Let's be direct and honest. The President's proposal is to reserve 15 percent of the surpluses over the next 15 years for Medicare. That is a break in policy, without question. It is a change. We should debate the wisdom of that change. But to stand up here and say it makes no difference, that is not factual and it is not honest as far as I am concerned.

Mr. BREAUX. Will the Senator yield for a question?

Mr. CONRAD. I would like to complete the thought and then I will be happy to yield.

As I read this resolution, it is suggesting that it makes no sense to make any transfer from the general fund to the HI trust fund. I do not agree with that. I think that is flat wrong. You can question the policy. You can say, gee, we should not be doing that, but to suggest that in this resolution, to adopt in this resolution that we are just going to be opposed to a transfer I think is a mistake. That has the cart before the horse.

As I go through this resolution, there are other things that trouble me. I, for one, value the work of the Medicare Commission. I value the work of Senator Breaux, Mr. Thomas, and the others who served there, but as I read this resolution it is suggesting that what they came up with in terms of a proposal is what we ought to adopt. I am not prepared to say that because they also proposed a dramatic change in policy. They proposed, instead of what we know now as the Medicare program, a system of vouchers. People would be able to go out in the marketplace and buy insurance, and they would get from the Federal Government, instead of the coverage provided by Medicare, a voucher for a certain amount of money to go out and purchase insurance.

That may be an excellent idea. I do not know. I think we are a long way from making a determination that that is the right course. We have not completed a hearing process in the Finance Committee on that question. As I read this resolution, it is fundamentally endorsing that approach.

Also included in the recommendation of the Commission is an increase in the age of eligibility. That may be necessary, but I do not think we ought to conclude that in the Chamber here today.

So, Madam President, I respect those who bring the amendment before us but I, for one, would not vote for it. I do not think saying, in effect, that we should not make a transfer from the general fund to strengthen Medicare is something we ought to be saying. In fact, I offered an amendment last night that said just the opposite, that we ought to, as part of a reform proposal, put more resources into the Medicare plan. I think it needs more resources.

I also believe it has to be reformed. I think we need both. I am certainly not going to vote for an amendment that suggests that what the President has proposed is wrong. I also think, as I indicated, that some of the statements here are just factually incorrect.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield 2 minutes to the distinguished Senator from Louisiana.

Mr. BREAUX. Madam President, I do not necessarily disagree with everything the distinguished Senator from North Dakota has pointed out. It is important for everyone to understand that the suggestion of the administration of 15 percent of the surplus in the form of IOUs into the Medicare trust fund does not give the trust fund one nickel, one dime, one dollar more money. It only gives the trust fund IOUs in the form of Treasury securities on which, in the future, Medicare can go to the general fund and make a claim. That is all it does.

Basically, that is the same situation as we have today because it is an entitlement program. People are entitled to it. The question I have is, are we going to have no limit on how much of the general fund is going to be used to finance Medicare?

Madam President, 37 percent of the money today comes out of general revenues. It was supposed to start off as a payroll tax and that was how it was to be funded. Are we going to go to 40 percent without any concern? Are we going to go to 50 percent without any concern? How much of the general revenues are going to finance Medicare to the detriment of the national defense or anything else that we have as a nation?

I suggest to use this transfer of IOUs without making formal decisions and having serious debate about it is not good policy because it doesn't help Medicare at all. That is why it is important to understand it does not provide any new money to the Medicare program at all.

We should have that debate. We suggested a way of looking at it, but I think just saying 15 percent of the surplus solves the Medicare problem to the year 2030 is very, very erroneous. It is incorrect. We should not rely on that as a way of saving Medicare.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. Roberts). Who yields time?

Mr. CONRAD. Mr. President, I yield such time as the Senator from Massachusetts consumes.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wonder if the Senator from North Dakota will respond to a question? I listened to my friend from Louisiana. He talked about the IOUs. I find it somewhat difficult to understand how the IOUs can be used for a tax cut of some, I guess, $778 billion but cannot be used for the Medicare trust system.

I have in my hand, from the Office of the Actuary of the Department of Health and Human Services in his submission to the Finance Committee—he is the chief actuary for HHS, and I will make this part of the Record—but it says, under this budget proposal, referring to the President's proposal, it would postpone the exhaustion of the trust fund for an estimated 12 years.

I guess we have Members of the Senate saying these are IOUs and you are not going to really do anything by getting that kind of IOU for the Medicare trust fund. Here we have the chief actuary for HHS saying exactly the opposite, that it will extend it to the year 2020. I fail to follow the logic, where you have the IOUs and they are going to be used by our majority, our Republican friends, for tax breaks for wealthy individuals. I wonder if he can help clarify this dichotomy for me?

I ask unanimous consent the letter dated January 27, 1999, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Health &
Human Services,
Baltimore, MD, January 27, 1999.

From: Richard S. Foster, Office of the Actuary.

Subject: Estimated year of exhaustion for the HI Trust Fund under a proposal to augment HI financing with general fund transfers.

To: Nancy-Ann Min DeParle, administrator.

This memorandum responds to your request for the estimated year of exhaustion for the Hospital Insurance trust fund under a legislative proposal developed for the President's Fiscal Year 2000 Budget. At this time, we do not know the full specifics of this proposal. It is our understanding that the proposal would create a new transfer of revenues from the general fund of the U.S. Treasury to the HI trust fund for each year from 2000 through 2014. The transfer amount each year would be set equal to a specified percentage of the HI taxable payroll for the year.[1] The applicable percentages would be specified in the legislation and would equal 15 percent of the unified budget surpluses projected for the President's Fiscal Year 2000 Budget, expressed as a percentage of the projected HI taxable payrolls.

Under the proposal, the future transfers from the general fund would depend only the specified percentages of HI taxable payroll and would not be affected if actual future unified budget surpluses differed from the Fiscal Year 2000 Budget projections. We understand that, in contrast to the associated proposal for the Social Security program, there would be no change in current-law investment practices for the HI trust fund. Similarly, the estimates in this memorandum reflect Medicare's current benefit provisions as specified under present law.

We were provided with projected additional HI revenues under this proposal based on the intermediate set of assumptions from the 1998 Trustees Report, as estimated by the Office of Management and Budget and the Social Security Administration's Office of the Chief Actuary. These amounts are listed below (in billions):

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[1] "HI taxable payroll" is the total amount of all wages,
Insurance Contributions Act (FICA) and the Self-Employm

CALENDAR YEAR

[Dollars in billions]

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2000–2004	2000–2009	2000–2014
$17.6	$19.6	$27.2	$26.0	$29.5	$32.6	$40.0	$45.4	$50.0	$55.7	$60.9	$65.9	$70.2	$73.7	$75.5	$119.9	$343.8	$689.9

Based on the intermediate assumptions and the projected general fund transfers listed above (15% of surplus), we estimate that the assets of the HI trust fund would be depleted in calendar year 2020 under this proposal, as compared to 2008 under present law. Thus, this Budget proposal would postpone the year of exhaustion by an estimated 12 years.

This estimate is subject to change if our understanding of the proposal is incorrect. In addition, it is important to note that the financial operations of the HI trust fund will depend heavily on future economic, demographic, and health cost trends. For this reason, the estimated year of depletion under this proposal is very sensitive to the underlying assumptions. In particular, under adverse conditions such as those assumed by the Trustees in their "high cost" assumptions, asset depletion could occur significantly earlier than the intermediate estimate. Conversely, favorable trends would delay the year of exhaustion. The intermediate assumptions represent a reasonable basis for planning.

The estimated year of exhaustion is only one of a number of measures and tests used to evaluate the financial status of the HI trust fund. If you would like additional information on the estimated impact of this proposal, we would be happy to provide it.

RICHARD S. FOSTER, F.S.A.,
Chief Actuary.

Mr. CONRAD. The Senator from Massachusetts makes an interesting point. We have to be very careful in our use of language around here. When people talk about Government instruments as being IOUs, I suppose in a way that is true. But it probably leaves people with a misimpression. These are Government bonds, U.S. Government bonds. There is no more valued instrument in the world than a U.S. Government bond. I would love to have somebody give me Government bonds worth $700 billion. The suggestion that that has no value is an absurdity. It is an absurdity. They are backed by the full faith and credit of the U.S. Government. There has never, ever been a default on an obligation of the U.S. Government. So this kind of careless use of language I think misleads people.

Of course they have value. They have exactly the value that is on their face. These are bonds that have $700 billion worth of value, plus they earn interest. The fact is, this suggestion that it doesn't make any difference if you transfer these instruments, these bonds, to the trust fund is just wrong. They extend the solvency of the Medicare trust fund by 12 years.

Is that the only thing we should do? Certainly not. Senator BREAUX is exactly right. That is not the only thing we should do. Maybe it is not even the first thing we should do. But we have to decide on a budget resolution right now. We do not have the luxury of waiting until the reform plan is passed. We have to make a decision how resources are going to be used around here. What we are suggesting is the resources ought to be used in a certain priority order.

The first priority is using every penny of the Social Security surplus for Social Security. Then we are saying, in the non-Social Security surplus, the next priority ought to be to strengthen Medicare. We think that is a priority of the American people. Yes, there ought to be reform as well, and then we ought to also have some resources that are available for high-priority domestic needs like education and defense—and, yes, tax relief. But the first priority of the non-Social Security surplus is not tax relief, especially tax cuts that are designed to go to the wealthiest among us.

We had, yesterday, a discussion of what some on the other side want in terms of an across-the-board cut. To those who are earning $800,000 a year, they would give $20,000. To those earning less than $38,000 a year on average, they would give $99. I think it is a higher priority for the American people to strengthen Social Security and extend its solvency than to go out and give back $20,000 to somebody who is making almost $1 million a year. That is a question of priorities. It is the difference between us. The Senator from Massachusetts is right on this question.

Mr. KENNEDY. As I understand it, and the Senator could correct me—maybe this is better directed to the Senator from Louisiana—even with the Commission's recommendation—according to the Commission's own report, that will only extend the solvency of the Medicare system 3 to 4 years, on the one hand, even if we went ahead.

I am not disputing that there may be recommendations filed by the Commission that may be worthwhile. But on the one hand we have the opportunity to extend it 12 years under the transfer. On the other hand, even if we accept the Medicare Commission, it is only 3 or 4 years.

So as I understand the position of the Senator, we ought to have the longer extension, we ought to consider the Breaux commission report, and then move ahead and take what steps we need to take in order to strengthen and improve the program, which would certainly include the prescription drugs.

I thank the Senator from North Dakota for yielding.

The PRESIDING OFFICER. Who yields time? The distinguished Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I hope people think very carefully about this amendment as drafted. Because it seems to me, if they vote for it, they are saying they do not want to do anything to extend the solvency of the Medicare trust fund. They are adopting, it seems to me, a view that, at least with respect to the surpluses that are projected over the next 15 years, they do not want to dedicate any of that money to extend the Medicare trust fund solvency, and the fact is the Medicare trust fund is in more immediate danger than is the Social Security trust fund.

We expect insolvency in the Medicare trust fund by 2008. That is why some of us feel strongly that we ought to keep alive the possibility of transferring some of these surpluses that we now project to strengthen and preserve the Medicare system.

Beyond that, I think we have to ask the question, are we ready to say that the solution we want to adopt is what the National Commission on the Future of Medicare adopted? They couldn't reach agreement in terms of the supermajority that was required of them to make a recommendation. It seems to me we ought to keep our powder dry until we consider all of the options that we might want to adopt to reform Medicare.

Again, I say this with the greatest of respect for Senator BREAUX and Senator KERREY and other Members who served on that Commission, along with Mr. THOMAS and others. I have real concerns about what is included in this amendment. Part of it, I think, is just factually wrong. The suggestion that the President is not reserving 15 percent in his framework for Medicare defies the facts. It defies what is clearly in his plan. I do not think it is wise to adopt something that makes false statements.

Mr. WELLSTONE addressed the Chair.

Mr. CONRAD. How much time would the Senator like?

Mr. WELLSTONE. Could I have 5 minutes?

Mr. CONRAD. Mr. President, I am pleased to yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, I thank my colleague from North Dakota. Let me first say that sometimes what happens is, you find out about an amendment and you don't have time to really prepare. I have just a couple of observations, nothing really well rehearsed or well prepared about this amendment.

Let me just say to my good friend from Delaware that not only do I think the amendment doesn't give justice to some of the President's proposals, I want to express some very serious reservations about the work of the Commission. It is out of respect for my colleague from Louisiana, but it is just honest disagreement.

I will say this right away: I have respect for Senators who are willing to stake out a position that they think is the right thing to do. Even if there is lots of opposition, they have the courage to do so. Senator BREAUX is that kind of Senator.

For my own part, there are at least two major concerns that I have and that I think should be laid out in this Senate discussion. One is I really do worry a lot about the effort to, if you will, voucherize Medicare. It worries me that we will create a system where those people who are wealthier and probably healthier can opt out for additional kind of coverage, additional plans and, therefore, I think you get into the problem of adverse risk selection. I think the very thing that has made Medicare such a stirring success for our country, which is sort of we are all in this together, we all pay into it, I think we do serious damage to that principle. I worry that the Medicare system will end up being a system where really what you had left were those that were the frailest and the sickest of our elderly, and we could not sustain it economically. I think that does serious damage to the universality principle of Medicare.

The second point I want to make is that I think the reliance on managed care is profoundly mistaken. I think the record of managed care in rural American is a not a good one. I think the reason we are going to have a major debate on patients' protection, I say to my colleague from Massachusetts, is that many people feel that what has happened is that with the eight or nine largest insurance companies owning and controlling well over 60 percent of the managed care plans, what you have going on in the country is bottom line medicine, where the bottom line is the only line. It has become increasingly corporatized and bureacratized and not at all user-friendly.

I think senior citizens will not do well with a system that relies so much on managed care.

Finally, I want to express my major opposition—and before Senators vote on this, I think they should think about this question—to extending the age from 65 to 67. With all due respect, I don't think we should create yet another group of people who have no health insurance coverage or another group of citizens, in this particular case, 65 to 67, who maybe will purchase the coverage, but they won't be able to afford it.

I think that it is a grave mistake to support this amendment that my colleague from Delaware has brought to the floor. Frankly, I think we should be talking about Medicare for all—universal coverage. I certainly think we should be talking about expanding Medicare to include prescription drug coverage for senior citizens. I have introduced a bill with BARNEY FRANK on the House side to do this, and other colleagues have done this. I think, out of respect for my colleague, it is an honest difference of opinion.

I think this amendment, supporting the work of the Commission, goes in the wrong direction. A, it voucherizes Medicare; leads to adverse risk selection; no longer has the principle of universality applying; those people who are sickest and poorest will be left in, and the system will not sustain itself. That is a mistake. B, the reliance on managed care is mistaken. C, in no way, shape, or form, should we extend the age from 65 to 67.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. I say to my colleagues from Delaware and Louisiana, I have listened to this. I regret to say we are going to be voting on this, because there are a lot of things in this Commission report that I think warrant the support of our colleagues, and things where obviously, as my colleagues from Massachusetts and Minnesota and others have pointed out, there is serious disagreement as well.

My concern is that we are going to have a vote on this resolution, and it kind of hardens positions a lot earlier than we should be. This is very serious work. When you get involved in this kind of a vote, people casting positions on a resolution that has no value in law, it seems to me it is not in the best interest, as we try to grapple with a very serious and complex set of questions.

I am caught in a situation where there are a lot of things the Commission did I like. There are things the Commission did I disagreed with. If forced to vote up or down, I guess I have to vote no, but I don't want my vote "no" to be construed as disagreeing with everything the Commission has done. If I thought the vote really was going to change the Medicare system, that would heighten the value of the vote, I suppose, to some degree. But since it doesn't have any real impact in law, and I am being asked, as a Member, to make a choice on this, I don't think it is really smart or wise for us to be put in that position on something as important and as complex, where there are serious disagreements over how we ought to proceed.

I don't know procedurally what is possible, but this has been an interesting discussion. I suggest that maybe there is some way this could be vitiated and considered an interesting discussion and debate. But let's not ask Members to vote on a resolution that casts us in a position of making choices on a Commission where there will be a lot of legitimate disagreements.

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

Mr. DODD. I thank my colleagues for listening.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. ROTH. Mr. President, I point out to my distinguished colleague from Connecticut that we are not voting up or down the work of the Bipartisan Commission. We very clearly say in this resolution:

> Congress should work in a bipartisan fashion to extend the solvency of the Medicare program and to ensure that benefits under this program will be available to beneficiaries in the future.

We go on, on the next page, paragraph 6:

> Congress should move expeditiously to consider the bipartisan recommendation of the chairman of the National Bipartisan Commission on the Future of Medicare.

Paragraph 7:

> Congress should continue to work with the President as he develops and presents his plan to fix the problems of the Medicare program.

Mr. President, what I am saying is, we ought to forget this debate, trying to argue about surpluses and so forth.

What we want to do is to get on with the job, to work in a bipartisan spirit. I think the Finance Committee is known for working in a bipartisan spirit. I say to the distinguished Senator from North Dakota, when I say that we are going to start work on this after the recess, that is what I mean and that is what we will do. I think the distinguished Senator knows me well enough to know that I am a man of my word.

I ask that we proceed. Let us get the job done.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I have respect for the Senate Finance chairman. When he says he is going to do something, my experience with him is, he does it. That is not at issue here or at question.

But I must tell you, I do not read this as a bipartisan amendment. There may be some Democrats who are on it—and I can understand why they are on it—but I tell you, this does not look, to me, like a real bipartisan message that is being sent with this amendment. It looks, to me, like a lot of bash-the-President's proposal and suggestions that what is at the heart of the President's proposal, to transfer some resources from the general fund to strengthen Medicare, has no merit and that the answer is what the bipartisan reform Commission came up with—which did not achieve the necessary agreement of that Commission to make a recommendation.

Frankly, I do not think this body should be in a position now to decide that is the answer. I do not think a plan to——

Mr. WELLSTONE. Would my colleague yield for a question?

Mr. CONRAD. I am happy to yield to my colleague.

Mr. WELLSTONE. Right here:

> (6) Congress should move expeditiously to consider the bipartisan recommendations of the chairmen of the National Bipartisan Commission on the Future of Medicare.

That sounds to me like an endorsement of the Commission's proposal. Am I wrong or right about that?

Mr. CONRAD. It reads that way to me. I read the whole thing in its totality.

Mr. WELLSTONE. People can disagree, but then a vote for this would be an endorsement of any number of the different recommendations. That might be good for some, but I want to make it clear to colleagues, if you move the Medicare age up from 65 to 67, you go forward with the notion of "voucherizing" Medicare, which is very different from Medicare today. To me, this is an up-or-down vote on these recommendations. I could not possibly vote for this right now. I hope other Senators will seriously consider that.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I just reclaim my time.

Mr. President, I hope colleagues will resist this amendment. I think some of the statements in here are inaccurate. I think it sends a message which is not the message that should be sent at this time. I say that as somebody who is committed to reforming Medicare, as well as one who is committed to putting additional resources into the program.

I yield the floor.

Mr. KOHL. Mr. President, I rise in opposition to the Roth amendment. I recognize, as I know all of my colleagues do, that Medicare is facing very serious financial problems. I agree with the proponents of this amendment that Congress must act carefully and expeditiously, in a bipartisan way, to make the structural reforms necessary to preserve Medicare for both current and future seniors. And I want to commend Senator BREAUX and all of the members of the Bipartisan Commission on the Future of Medicare, for working so hard in this effort and creating a starting point for reform.

However, at this point, that's what the Breaux plan is—a starting point. I do not necessarily agree with every piece of the Breaux plan, but frankly, it is just too early for the Senate to endorse it. The Commission only finished its work last week, and most of us have not had a chance to study the plan in detail. In addition, the Roth amendment dismisses too quickly the President's proposal to devote 15% of the surplus to Medicare. Even with enactment of structural reforms, it is likely that more money will be needed for Medicare, and we shouldn't have to cut other health and education programs to find it. Even more importantly, in order for Medicare reform to be truly successful, it is essential that we all work cooperatively with one another—and with the President. It is unnecessary to pass an amendment that blasts the President's proposal without giving it full consideration.

Mr. President, while I believe we must address Medicare reform, the Budget Resolution is not an appropriate nor meaningful place to do it. The Roth amendment would tie the Senate's hands. It would force us to declare right now that the Breaux plan is the best plan, and that we will not put even a fraction of the surplus into Medicare. I think that would be a mistake. I urge my colleagues to vote against the Roth amendment, and I yield the floor.

Mr. ROBB. Mr. President, through his work on the Medicare Commission, Senator BREAUX has offered some very strong recommendations to deal with our long-term problems in Medicare, and I hope that the Finance Committee will act expeditiously in considering these and other reform elements. While I share many of the sentiments expressed in this amendment, I don't believe it will bring us closer toward finding common ground on the Medicare question. Realization of comprehensive Medicare reform will require a genuine bipartisan effort from all parties involved, and we ought to be working to keep the political tension surrounding this debate to a minimum. I'm concerned that the wording of the amendment offered by Senator ROTH will further divide us rather than bring us together on this important issue. For this reason, I will oppose it.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. We would like to proceed, if we can, with the Kennedy amendment. I ask the Senator, you are on that same amendment, are not you?

Mr. DODD. Yes.

Mr. DOMENICI. Let me just say, we can leave time for more debate on this. The problem is, we are going to run out of time, and people are not going to get any time on a score of amendments that they think are very, very important, also. From my standpoint, you have control of plenty of the time. If we can get on with the next one, you can reclaim time and use it off the bill if there is somebody who wants to discuss this issue.

Mr. CONRAD. Mr. President, we would be pleased to go to the next amendment and lay this one aside. If someone wants to return to it later, we can provide time to them. But we are ready to move on.

Mr. DOMENICI. Let me ask, in terms of time, we still have how much time on the bill? Something like 8 and a half hours?

The PRESIDING OFFICER. The Senator is correct; approximately 8 and a half hours.

Mr. DOMENICI. How much time?

The PRESIDING OFFICER. Eight hours 29 minutes.

Mr. DOMENICI. Has the time been yielded on the amendment itself?

The PRESIDING OFFICER. The Senator from Delaware has 3 minutes 14 seconds; the distinguished Senator from North Dakota has 5 minutes 13 seconds.

Mr. DOMENICI. I am not going to ask them to yield back their time. I ask unanimous consent that we set this aside temporarily while the Kennedy amendment proceeds.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. KENNEDY. If I could ask the floor managers, the Senator from New York would like to have general time for 15 minutes, and then we will move ahead with this amendment. We will try to move it along rapidly and not take all the time.

Mr. DOMENICI. I say to the Senator, we will not take it off yours, but take it off the bill. We will charge it equally.

How much time, I ask the Senator?

Mr. SCHUMER. Fifteen minutes.

Mr. DOMENICI. Fifteen minutes.

The PRESIDING OFFICER. The distinguished Senator from New York is recognized.

Mr. SCHUMER. I thank my colleagues, the Senators from New Mexico, North Dakota, and Massachusetts, for allowing me to make this address, which is of real importance to the people in my State.

PROTECT ME AND RESPECT ME

Mr. SCHUMER. Mr. President, like many New Yorkers, I have spent a great deal of time in the aftermath of the Amadou Diallo killing reflecting about our city, our police, our country, and our people.

During my career, I think I have been considered a friend of both law enforcement and the minority community. But I have always been troubled by the rift between minorities and the police. And I have always felt that this rift has caused pain and harm to both communities.

There are men, women and children, black and white, alive today because of the work of the New York City Police Department—their fine work. New Yorkers are proud of that fact. Most cops are decent, honorable, and hard-working—and it is wrong to judge all cops by the actions of the bad few.

But what we all must realize is that the momentous drop in crime and the model behavior of many officers does not undo the plain truth that black men and women in New York City who have never broken the law and who should have absolutely no reason to fear law enforcement, are all too often hassled and made to feel like lawbreakers, and that it is different for minorities than for the average white person in the city.

Many whites seem to feel that widespread frisking and patting down is a small price to pay for a steep reduction in crime. But most white people have never been frisked and have no conception of how pervasive the practice is.

But if you talk to black stockbrokers on Wall Street and black lawyers downtown—people who wear a suit and a tie every day—to a person they have a story of being stopped, frisked, and harassed by a police officer.

If you talk to minority co-workers or attend services at African American churches and ask the men and women from the congregation about their interaction with the police—they talk about how they or their law-abiding children were stopped, questioned and searched by the police.

And they will tell you, as they have said to me, that they know this doesn't happen as often to white people. They know that white people are treated differently.

All people, black and white, want very much for their neighborhoods to be safe and to feel confident that when they send their children or grandchildren to the corner store for a carton of milk they will come home safely. But in addition to these feelings, minorities are humiliated and angered by the indignity of being treated all too often as presumptive criminals.

And if you take the time to listen, the views of minorities about the relationship they want to have with the police can be summed up in five words: "Protect me, and respect me."

This poem was left on the shallow doorway where Amidou Diallo was killed:

When you look at me what do you see;
Am I innocent until proven guilty;
Am I your enemy;
Or were you sent here to protect me.

Protect me and respect me.

Whatever facts emerge from the killing of Amidou Diallo, or for that matter, the killing of a Syracuse man, Johnny Gammage, by the Pittsburgh police—whether it is guilty, not guilty, suspension, or removal—our society must deal with the underlying problem of race and law enforcement.

There has been a great deal of rhetoric and anger in the aftermath of the Diallo shooting, I can understand why. But I wish to take a different approach.

I offer today, what I believe are constructive solutions that transcend any one set of circumstances and will allow both the "protect me and respect me" parts of the equation to coexist and even flourish.

First, for the sake of the city and for the sake of the police force, the NYPD must immediately put in place a system that more quickly gets bad cops off the street.

It was well known among police, for example, that Justin Volpe, one of the cops who turtured Abner Louima was a bad, bad seed with multiple complaints against him. It was well known that officer Francis Livoti was a ticking time bomb for years before he strangled Anthony Baez in 1994.

The force knew it and did nothing about it. That attitude of silence, protecting your own, sweeping problems under the rug has got to end, not only for the sake of future victims, but for the police department itself.

The tens of thousands of good, honest, hardworking officers pay a price when the Volpes are not removed. For that reason, it is in their interest to end any policy of silence.

The mayor, the police chief, police union leaders, community leaders and church leaders should all urge police officers to come forward when there is a bad element on the force. It should be an honorable action, not a shameful action, to come forward.

Second, minority recruitment at the NYPD must improve. The force is more than two-thirds white; the city is nearly three-fifths minority.

When mostly white cops patrol high-density, minority neighborhoods resentment is bound to follow.

The city should at last fully fund the Cadet Corps to recruit qualified, college educated minority applicants through the City University. The program is on the books, but until this crisis was basically ignored.

Also, the city should take advantage of a program created last year by Reverend Johnny Ray Youngblood and me to recruit and train young minority applicants through the churches and to help them become police officers who will patrol the neighborhood from where they came.

Next, beyond minority recruitment, New York City should look to what works in other places.

Two efforts stand out: Boston's Ten-Point Coalition and the military's Defense Equal Opportunity Management Institute.

Boston had the same problems as New York: a rift between police and the African-American community; several high profile incidents of abuse by certain officers; and clergy that took on the role of police critics.

Their hatred exploded into the open with the stabbing death of Carol Stuart, a pregnant white woman. The husband, Charles Stuart, told police that a black man committed the crime.

The Boston Police hit the streets in full force. They stopped and searched every black male that fit the general description. The neighborhood residents complained about the tactics, but the crime was so horrible no one listened.

They arrested William Bennett, a black man. Carol Stuart's husband, it was learned months later, was the killer. Bennett was innocent.

And Boston was on the verge of a meltdown.

With no place else to go, the police and the clergy agreed to stop fighting and to sit down to develop a plan to stop crime on the one hand, and preserve dignity on the other.

They initiated a five-point contract.

The heart of it was this: The ministers and respected community leaders agreed to help identify those in the neighborhood who were the real troublemakers. They took the responsibility of telling the police who was dealing drugs and committing violent crime.

The flip side is that when ministers and community leaders took responsibility and identified the troublemakers, others were left alone. And because most crime in each neighborhood is caused by just a few people, the use of the standard stop in frisk procedure that the community found so oppressive greatly diminished.

If an officer is abusive or disrespectful, ministers and community leaders have an open line to the police. If the police did not act, or if they refused to address the problem, the ministers and community leaders were free to go to the media.

The plan worked. The crime rate in Boston has dropped even faster than in New York. Serious youth crime is almost non-existent. And the important but difficult relationship between police and the minority community is vastly improved.

Last month in the Bronx, 100 members of the clergy met in the office of the Bronx Borough President and said they have always wanted to work with the police. They said, "We could be a resource. But they're not using us. The police don't even know us. They don't come and talk to us."

The Boston model will work in New York and we should move quickly to implement it here.

The military—and our prayers are with the American soldiers fighting over Kosovo—has also found a way to confront bigotry while increasing effectiveness.

The Defense Equal Opportunity Management Institute, developed in the early 1970s to confront segregation and racial hostility among soldiers in Vietnam, is one of the reasons that the armed forces is the most integrated institution in America.

The military learned that unless bigotry was ended in the armed forces, America could not have an effective military. So by necessity they developed a program that lasts to this day.

Officers and supervisors take a course to confront their own stereotypes and to identify problems within their unit. They have a simple goal: change people's behavior. The rule is that if you've got a problem with race, it better not show up in your words or actions.

The thrust of the program is this: DEOMI, as it is called, continuously surveys enlisted soldiers and officers about race relations on their base. The results are made known only to the commanding officer and to people at DEOMI. When there is a problem on a base, a mobile team of trainers moves in to solve it.

The model has been so successful that DEOMI has signed contracts to work with police organizations. New York City should sign a contract as soon as possible.

In conclusion, this has been one of the most trying and emotional times in New York in years. We are a city, right now, divided. No good has ever come from divisiveness. No job was ever created. No street made safer. No school made better by pulling ourselves apart.

I worry about two things:

First, is that division in ours, the most diverse city on earth, has the potential to pull us down.

Second, failure to deal with this problem will ultimately weaken our efforts to fight crime and perhaps, forfeit the gains we made in crime reduction. That is unacceptable and unnecessary given that options abound if we choose them.

New York City is undoubtedly a safer place in every neighborhood from the far end of the Bronx to the tip of the Rockaways. But it is not necessarily a better place for every neighborhood.

Dr. Martin Luther King taught us that "we are tied together in the single garment of destiny, caught in an inescapable network of mutuality. And whatever affects one directly affects all directly."

The killing of Amdiou Diallo; the killing of Johnny Gammage affects us all directly.

We all love our city. Let's each side—as hard as it is to do—put aside our frustration and distrust so we can move past confrontation and collaborate constructively on solutions that protect and respect.

I again thank the Chairman and my colleagues for their consideration and I yield the floor.

Mr. CONRAD. Mr. President, I want to commend the Senator from New York on his maiden speech here in the Senate Chamber. The first speech by any member is one of the most important, and I think the Senator from New York chose well when he chose this subject. Obviously, it is a matter of urgent concern in New York, and the Senator has spoken movingly and persuasively about what must be done to respond to the crisis there. I want to thank the Senator from New York for bringing this to the attention of his colleagues and for doing a masterful job of informing us of what is facing the people of New York.

I again thank and commend the Senator on his initial speech here in the Chamber. In my 12 years in the Senate, I believe the Senator from New York is one of the most impressive new members and we are very happy to have him here.

Mr. SCHUMER. I thank the Senator from North Dakota.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The Senate continued with consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 177

(Purpose: To reduce tax breaks for the wealthiest taxpayers and reserve the savings for Medicare)

Mr. KENNEDY. Mr. President, through an agreement with the floor managers, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 177.

Mr. KENNEDY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Increase the levels of Federal revenues in section 101(1)(A) by the following amounts:

(1) Fiscal year 2000: $0.

(2) Fiscal year 2001: $3,000,000,000.

(3) Fiscal year 2002: $25,000,000,000.

(4) Fiscal year 2003: $13,000,000,000.

(5) Fiscal year 2004: $18,000,000,000.

(6) Fiscal year 2005: $31,000,000,000.

(7) Fiscal year 2006: $57,000,000,000.

(8) Fiscal year 2007: $58,000,000,000.

(9) Fiscal year 2008: $59,000,000,000.

(10) Fiscal year 2009: $56,000,000,000.

Change the levels of Federal revenues in section 101(1)(B) by the following amounts:

(1) Fiscal year 2000: $0;

(2) Fiscal year 2001: $3,000,000,000;

(3) Fiscal year 2002: $25,000,000,000;

(4) Fiscal year 2003: $13,000,000,000;

(5) Fiscal year 2004: $18,000,000,000;

(6) Fiscal year 2005: $31,000,000,000;

(7) Fiscal year 2006: $57,000,000,000;

(8) Fiscal year 2007: $58,000,000,000;

(9) Fiscal year 2008: $59,000,000,000; and

(10) Fiscal year 2009: $56,000,000,000.

Reduce the levels of total budget authority and outlays in section 101(2) and section 101(3) by the following amounts:

(1) Fiscal year 2000: $0;

(2) Fiscal year 2001: $0;

(3) Fiscal year 2002: $1,000,000,000;

(4) Fiscal year 2003: $2,000,000,000;

(5) Fiscal year 2004: $3,000,000,000;

(6) Fiscal year 2005: $4,000,000,000;

(7) Fiscal year 2006: $6,000,000,000;

(8) Fiscal year 2007: $10,000,000,000;

(9) Fiscal year 2008: $13,000,000,000; and

(10) Fiscal year 2009: $17,000,000,000.

Increase the levels of surpluses in section 101(4) by the following amounts:

(1) Fiscal year 2000: $0.

(2) Fiscal year 2001: $3,000,000,000.

(3) Fiscal year 2002: $26,000,000,000.

(4) Fiscal year 2003: $15,000,000,000.

(5) Fiscal year 2004: $21,000,000,000.

(6) Fiscal year 2005: $35,000,000,000.

(7) Fiscal year 2006: $63,000,000,000.

(8) Fiscal year 2007: $68,000,000,000.

(9) Fiscal year 2008: $72,000,000,000.

(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of public debt in section 101(5) by the following amounts:

(1) Fiscal year 2000: $0.

(2) Fiscal year 2001: $3,000,000,000.

(3) Fiscal year 2002: $26,000,000,000.

(4) Fiscal year 2003: $15,000,000,000.

(5) Fiscal year 2004: $21,000,000,000.

(6) Fiscal year 2005: $35,000,000,000.

(7) Fiscal year 2006: $63,000,000,000.

(8) Fiscal year 2007: $68,000,000,000.

(9) Fiscal year 2008: $72,000,000,000.

(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of debt held by the public in section 101(6) by the following amounts:

(1) Fiscal year 2000: $0.

(2) Fiscal year 2001: $3,000,000,000.

(3) Fiscal year 2002: $26,000,000,000.

(4) Fiscal year 2003: $15,000,000,000.

(5) Fiscal year 2004: $21,000,000,000.

(6) Fiscal year 2005: $35,000,000,000.

(7) Fiscal year 2006: $63,000,000,000.

(8) Fiscal year 2007: $68,000,000,000.

(9) Fiscal year 2008: $72,000,000,000.

(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of budget authority and outlays in section 103(18) for function 900, Net Interest, by the following amounts:

(1) Fiscal year 2000: $0.

(2) Fiscal year 2001: $0.

(3) Fiscal year 2002: $1,000,000,000.

(4) Fiscal year 2003: $2,000,000,000.

(5) Fiscal year 2004: $3,000,000,000.

(6) Fiscal year 2005: $4,000,000,000.

(7) Fiscal year 2006: $6,000,000,000.

(8) Fiscal year 2007: $10,000,000,000.

(9) Fiscal year 2008: $13,000,000,000.

(10) Fiscal year 2009: $17,000,000,000.

Reduce the levels in section 104(1) by which the Senate Committee on Finance is instructed to reduce revenues by the following amounts:

(1) $0 in fiscal year 2000.

(2) $59,000,000,000 for the period of fiscal years 2000 through 2004.

(3) $320,000,000,000 for the period of fiscal years 2000 through 2009.

On page 46, strike section 204.

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON EXTENDING THE SOLVENCY OF MEDICARE.

It is the sense of the Senate that the provisions of this resolution assume that the savings from the amendment reducing tax breaks for the wealthiest taxpayers should be reserved to strengthen and extend the solvency of the Medicare program.

Mr. KENNEDY. Mr. President, over these past 2 days, we have had some good debates and discussions about what is in the budget, and also what is not in the budget; and the particular emphasis and thrust of these various debates and discussions have been primarily on the issues of Medicare and Social Security.

The thrust of the amendment that I offer today, on behalf of myself and others, is targeted on the issue of Medicare. It basically gives an opportunity for the Senate of the United States to say we are going to deal with the shortfalls in terms of the financial situations in Medicare prior to the time that we are going to consider a tax cut for wealthy individuals in this country. That will be the real choice for the Members here—whether we are going to say that at least meeting the financial obligations of Medicare comes before the tax breaks for wealthy individuals.

As we have seen over the past 2 days, there is broad agreement that we not only need to provide financial security for the Medicare system, but we are also going to have to deal with the serious kinds of changes in the Medicare system. One of the important changes, I believe, is to put in place an effective prescription drug benefit for the elderly.

In 1965, I remember being on the floor of the Senate when this issue came up. At that time, most health care plans did not include a benefit program for prescription drugs. At that time, we were attempting to follow what was a generally agreed benefit program. We did that. We did not include prescription drugs. Now prescription drugs are part of about 98 percent of all of the private company programs. We want to make sure we have an effective prescription drug benefit, not only because most companies have that benefit, but because of the enormous need our elderly have for getting prescription drugs at reasonable prices, and also because as we have all seen the breakthroughs in the use of prescription drugs in relieving suffering, illness, and sickness.

So it is very simple, Mr. President. We are saying, let's move toward what has been recommended by the President, what we have referred to in general debate on other Social Security and Medicare issues, that before we are going to expend, over the 10-year budget period, $778 billion in tax cuts, we will put aside some $320 billion over the 10-year period in order to meet the financial needs of Social Security. That is basically what this amendment is all about.

The fact is, Mr. President, if you look through the budget recommendation that has come from the Budget Committee, there is not one single penny in this budget resolution, in addition to current services, being put aside for the protection and the continuity of the Medicare system—not one, not a single penny. There will be references out here during the course of the debate that we have put aside $190 billion, which is a new infusion of resources. That really represents current services. If you didn't do that, you would be having cuts in existing Medicare benefits. That $190 billion, over the 10-year period, which is referred to by the Budget Committee members, is just the current services program. To say we are going to keep what we are currently providing in the Medicare system, that has been understood and recognized.

Secondly, there is a reference by some on the Budget Committee that, well, we have an additional $100 billion that can be used at some time for the Medicare system. But as we have seen over the course of the debate, those funds are also being designated, on the one hand, for natural disasters. It has been pointed out by members of the Budget Committee that they average about $9 billion to $10 billion a year over a 10-year period. There is the $100 billion. When our Budget Committee friends are asked how we are going to deal with the issues of natural disasters, the response is that we have the $100 billion in there to deal with natural disasters. If Budget Committee members are asked how are we going to provide additional funds for Medicare, they say, well, we have a $100 billion reserve that can be used for Medicare. Then when they are asked, well, where in this program is there a prescription drug benefit, they say, oh, haven't you seen the part of the Budget Act that is going to provide for prescription drugs? This is the most overutilized $100 billion that we can possibly imagine.

As I pointed out in the RECORD, we will not see any of those funds realized, really, for the first 5 years. There is effectively a deficit in the first year of more than $6 billion, and effectively zero for the next 4 years is returned. So none of those funds are going to be available to try to deal with Medicare or any of these other issues for at least 5 years. Mr. President, what we are saying is that the money is out there.

The other point that is made and has been recently debated is, you really can't get the 15 percent of the budget surplus earmarked for Medicare because it will be IOUs. I think my friend and colleague from North Dakota addressed that issue in the earlier debate and discussion. I found it interesting that they can use the IOUs for tax breaks, but they cannot use IOUs for Medicare. Clearly, you can use it for Medicare. That is what we are attempting to do.

The vote will be very clear: whether we, on the one hand, are going to set aside the $320 billion—over the 10-year period—of the $778 billion and say we are going to do that first. After we set aside that $320 billion, there will still be $458 billion that will be remaining.

There is a difference in this body on whether that money should be used for the Republican tax cuts or whether we ought to use $273 billion out of that for the President's tax cuts. We can debate that at another time. But there will still be a generous amount of resources available there for tax reduction.

This amendment assures that we put priorities first. That is a very simple and fundamental concept—that is, whether we are going to put tax breaks first or whether we are going to be putting the protection of Medicare first. That is the choice. That is the issue that will be before the Senate. Without this particular amendment, we are not going to provide the needed financial resources in time for the preservation of Medicare.

Now, Mr. President, I think it is important to realize who those funds we are talking about really belong to. The amounts I am talking about—$320 billion in this amendment, or the GOP tax cut, $778 billion—those are basically the revenues that have been paid in by hard-working men and women in recent years. They have been paying into the Medicare system as well as into Social Security. That reflects the resources of hard-working men and women that are paid into the Federal Government. The question now is whether those resources that effectively have been paid in by working families, we are asking whether we ought to use those resources to protect the Medicare system, or whether they ought to be used for tax breaks for wealthy individuals. I don't think there is really a question about what the answer would be. This amendment gives the opportunity to do so. That is what we are attempting to do.

Now, Mr. President, let's look at who these people are. The average Medicare recipient's income is $10,000 a year, is 76 years old, lives alone, has one or more chronic diseases, and is paying 19 percent of their income primarily for prescription drugs.

That is the profile across this Nation of the Medicare recipient. When we talk about Medicare recipients on the higher end of the level, we are talking about individuals who are getting $25,000. But the overwhelming number of Medicare recipients are below the $12,000 or $13,000 level. We now asking in the Senate whether we are going to protect the health care system which they depend on prior to granting the tax break. That is the issue. We couldn't be clearer.

As this chart shows, 80 percent of the Medicare expenditures are used for recipients with annual incomes of $25,000 or less. These are not individual incomes, these are household incomes. So you have 60 percent with $15,000 or under, you have 21 percent with $25,000 or under. Effectively, 80 percent of all the expenditures are in that area—families, individuals, elderly people, or elderly couples, who have worked hard, paid into the system.

As we have heard, the Medicare system has serious challenges, serious problems. No one denies that. The issue is, given the fact that the system is going to face "financial instability"—to use it lightly—by the year 2008, should we effectively put in place, as the President has, the recommended resources that will stabilize that to the year 2020, and then move ahead and implement the kinds of recommendations? That is the issue. These are hard-working retirees who have devoted their lives to this country, built this country, and they depend upon the Medicare system for their livelihood.

If we do nothing at all, what will the alternatives be? If we are going to try to keep the Medicare system functioning to the year 2020 without this, there will be $686 billion necessary in benefit cuts or premium hikes for these elderly people. If we do nothing at all, we are going to have to collect that amount in benefit cuts or premium hikes. Those aren't my figures, those are the figures that have been given by the Commission, by the Budget Committee, by the independent actuaries, by the trustees. Those are the choices.

I doubt if there will be a clearer opportunity for us to go on the record on the issue of priorities. The budget items are issues of national priorities, where we as the elected membership of the people feel the priorities ought to be. We are saying to those who are going to support this amendment that we believe the priority ought to be to provide financial security and stability for the Medicare system to the year 2020 before we give tax breaks to wealthy individuals. It is as simple as that.

Mr. President, I yield such time as the Senator from North Dakota might want.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Massachusetts for this amendment, because I think it puts into stark relief what the choices are. Fundamentally, this debate is about what we do with the projected surpluses over the next 15 years. On our side, we believe that the best use of the surpluses is, first and foremost, to protect every dollar of Social Security surplus for Social Security.

Then we turn our attention to Medicare, because we believe Medicare is also critically important to this country's future, and we recognize that it is endangered. We recognize that in 2008 it will be insolvent unless we take action. So we say take, of the surplus over the next 15 years, 15 percent of that surplus—15 percent of that total unified surplus—over the next 15 years. Dedicate that to Medicare. That is some $700 billion.

That still leaves resources for high-priority domestic needs like education and health care, defense, and, yes, tax relief. It is much less in the way of resources available for a tax cut plan than in the Republican priority list, because they really only have two priorities. Their priorities are safeguarding Social Security, which we commend them for; but their other priority is a massive tax cut. They don't provide an additional dollar out of the surpluses that we now project over the next 15 years to strengthen Medicare. We think that is a mistake.

We have heard the other side repeatedly saying that putting this transfer of resources to Medicare will require raising taxes, benefit cuts, or increasing gross debt to pay for Medicare in the future. We have heard that said repeatedly on that side of the aisle. I would like to give an alternative view, because I don't think that is right. It sounds right. If one were expecting budget deficits in the future, it would be right. But that is not what we are anticipating.

The fact is, we now project that there will be a surplus for more than a decade even after we dedicate part of the surplus to Medicare and Social Security. That is because by paying down the publicly held debt, the President's plan reduces net interest costs to the Federal Government and increases economic growth. Therefore, even after we start using the surplus to pay for Medicare and for Social Security, there will still be a budget surplus, hence no need for benefit cuts or for premium increases.

Mr. President, that is central to what we are proposing and what we are advocating. We believe it is critically important to put Social Security first, but also to put Medicare first, because it has made a profound difference in the life of this Nation. We now know that without Medicare and Social Security, a significant chunk of our senior population would be below the poverty level. Two programs in the life of this country have lifted senior citizens out of poverty: Social Security and Medicare.

So we believe that is where the priority ought to be: Social Security, and Medicare. After they are taken care of—after they are taken care of; after they are taken care of—then we can deal with other domestic priorities, certainly education and health care. And, yes, defense. And, yes, there would still be resources available for tax relief—not as much as the tax cut plan in the Republican budget resolution, because they don't provide one thin dime out of these projected surpluses to strengthen Medicare. They provide resources for Social Security surpluses to support Social Security. That is in our plan as well. Where we diverge is on the question of whether or not we are going to use some of these surpluses we now project to strengthen Medicare. That is really at the heart of this debate and this discussion.

Mr. FEINGOLD. Mr. President, I rise in support of Senator KENNEDY's amendment. This amendment will address critical needs and ensure that education investments are a top budget priority in FY 2000.

Mr. President, as we know the problems facing education today are great. We need a strong commitment and partnership between federal, state and local governments to meet the needs of all students. Senator KENNEDY's amendment will strengthen the effort to reduce class size, provide the full 40% federal share of special education program costs and free up resources for other education priorities. Importantly, this amendment is paid for in the budget we are now debating with a simple 20% reduction in the $778 billion tax cut proposed by the majority.

Unfortunately, Mr. President, some of my colleagues who oppose this amendment are in effect asking school districts to choose between providing smaller class sizes and funding for special education. This is a false choice, Mr. President. Both special education and small class size are important national priorities, both deserve funding and we can responsibly fund these programs without busting the budget. Forcing school districts to choose between these critically important education programs will only dilute the effectiveness of both programs.

Mr. President, funding for smaller class sizes should not be a partisan issue. Last year when we agreed to fund a serious effort to reduce class size there was broad support for the program proclaimed on both sides of the aisle. What has changed Mr. President? Only a few months after praising the class size program, some are now blocking class size funds and have pit one valuable education program against another all to fund a tax cut we cannot yet afford.

Mr. President, there is wide consensus, based on solid research, that investing in smaller class size is the right thing to do. Research shows that smaller classes help teachers provide more personal attention to students and spend less time on discipline, as a result students learn more and get a stronger foundation in the basic skills. My own state of Wisconsin is doing its part to reduce class size. Wisconsin's Student Achievement Guarantee in Education or SAGE class size reduction program, has proven conclusively that smaller classes make a difference in our children's education. Mr. President, SAGE officials in Wisconsin want a partnership with the federal government. Now is the time when school districts in Wisconsin and in other states are making budget decisions, they need to know if Congress will meet its commitment to reduce class size over the next six years to plan effectively.

Again, Mr. President, I support Senator KENNEDY's amendment because I believe Congress should meet both the commitment to help schools reduce class size and increase funding for special education without busting the budget. I hope my colleagues agree that we should not waste this unique opportunity to responsibly make the needed investments in education today for our children's future.

Mr. WELLSTONE. Mr. President, I ask my colleague from New Mexico—actually, if my colleague wants to respond, I will wait and follow his remarks.

Mr. KENNEDY. Mr. President, how much time remains?

Mr. DOMENICI. I thank the Senator, but I would not do that at this point.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has approximately 8 minutes and 10 seconds remaining.

Mr. KENNEDY. And the other side?

The PRESIDING OFFICER. There are 30 minutes remaining on the majority side.

Mr. WELLSTONE. Mr. President, the other question I want to ask my colleagues before I go on the time, I know the Senator from Indiana has been waiting to speak now. Would that happen after this debate? He has been waiting patiently. I don't want to precede him, but I wish to know what your plan is.

Mr. DOMENICI. I do not choose to speak at this point.

Mr. WELLSTONE. That is not my question.

Mr. DOMENICI. I did not hear the Senator.

Mr. WELLSTONE. My question was, before I get started, I know the Senator from Indiana has been waiting patiently to speak, I think the first time he has had a chance to speak in the Chamber. I wonder if the Senator wants to wait until after this debate and then he can proceed?

Mr. BAYH. If the Senator has a point he wishes to make, please feel free to go ahead.

Mr. DOMENICI. How much time does the Senator want?

Mr. BAYH. No more than 10 minutes—general debate, not on the bill.

Mr. DOMENICI. Mr. President, I ask unanimous consent to put the amendment aside and allow the Senator from Indiana to speak.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. That is fine.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

The Senator from Indiana is recognized for 10 minutes.

Mr. BAYH. I thank the Chair. I express my appreciation to my colleagues here today and find myself in agreement with what my colleagues from North Dakota and Massachusetts have been saying on this amendment.

Mr. President, my statement today is in the nature of general debate.

I rise to give my first public remarks on the floor of the United States Senate.

I rise at this time because as debate on the last budget of the 20th Century begins, we have an historic opportunity to build a strong financial foundation for the 21st.

The projected budget surpluses give us a once in a generation opportunity we must not squander. We must seize this moment of good fortune and replace the debt and deficit, borrow and spend mentality of the recent past with a more responsible approach. We must get our priorities right: preserve Social Security and Medicare, pay off our debts, target tax cuts to help working families and make investments in education and national defense.

I believe strongly that the first step toward this more prosperous future must be to save Social Security and stabilize Medicare. To achieve this, I wholeheartedly support preserving 100% of Social Security Trust Funds for Social Security and 40% of other surplus funds for Medicare.

Let me address Social Security first. By ending once and for all the irresponsible practice of raiding the Social Security Trust Fund, we will extend the life of Social Security by 17 years to the year 2049. We owe it to our seniors to ensure that their Social Security will be safe, and our younger workers have a right to know that the system will be there for them one day. Using surplus funds to save Social Security first is the fiscally responsible, socially compassionate way to achieve this.

Medicare, quite frankly, presents an even more urgent challenge. Without action, it will be insolvent in only eight years. To prevent this, I support dedicating an additional $376 billion of the surplus over the next ten years to Medicare. This will more than double its solvency, to 2020.

But let me be very clear. These investments alone are NOT the complete answer to either Social Security's or Medicare's problems. We must be willing to make the difficult decisions needed to save these vital services, not just once, but once and for all.

It won't be easy. None of the solutions is popular. But using the surplus to strengthen both Social Security and Medicare in the near term will make long-term, systemic reforms possible. The American people are much more likely to embrace difficult steps taken gradually than they are the more draconian action that not using the surplus for Medicare would entail. Those who propose nothing for Medicare today, court fiscal disaster tomorrow. We must not let that happen, and under our approach it will not.

Our approach to saving Social Security and stabilizing Medicare has enormous benefits in addition to securing the future for our elderly and keeping commitments to our young. Doing so will also dramatically reduce the national debt.

Paying down the national debt has many virtues. Lower debt will reduce our interest payments. Last year, 15 cents of every tax dollar went for nothing productive. It merely serviced our national debt. Under the approach I favor, interest payments shrink to only 4 cents of every tax dollar in ten years—a savings to taxpayers of $452 billion dollars. And if we continue this approach, the debt will fall to its lowest level—as a percentage of GDP—since 1917.

With spending under control, a balanced budget, and government no longer borrowing hundreds of billions of dollars, interest rates will fall. This makes it easier for private businesses to invest. New investments mean greater productivity growth, higher wages, and more secure jobs for America's working men and women. The bottom line is clear: a better standard of living for all Americans.

This isn't just my opinion. Last month, I had the opportunity to question the Chairman of the Federal Reserve, Alan Greenspan, about this very subject. He too believes that paying down the national debt is the best way to guarantee a stronger economy and a responsible federal budget.

As one of the principal architects of our current economic good fortune, Alan Greenspan knows that paying down the national debt is preferable at this point in the economic cycle to either spending increases or dramatic tax reductions the nation cannot afford. As the Chairman told me, ". . . all of the arguments that one can make for tax cuts you can make for reduction in debt, they are the same forces. . ." In addition, by paying off our debts now, we preserve the nation's ability to borrow again in the event of a future emergency and hold open the option of more aggressive tax cuts should the economy slow. Simply put: paying down the national debt is the responsible, conservative, economically and fiscally sensible thing to do.

It is the just and morally responsible thing to do as well. It is not right to ask our children and grandchildren to pay our bills. No generation in American history has done so, and we must not become the first.

Our legacy to future generations must be more than an IOU. Paying down the debt will keep faith with America's past and create promise for America's future.

Saving Social Security and Medicare by paying down the national debt is a significant undertaking, but if we act prudently, there is room for our nation's other important priorities, including targeted tax cuts. Throughout my public career, I have been a vigorous advocate for cutting the tax burden on American families. In fact, I believe that when it comes to tax cuts—the more aggressive, the better. As Governor of Indiana, I was proud to be able to give Hoosiers the largest tax cut in our state history.

I strongly support targeted tax cuts here on the Federal level as well—tax cuts that will eliminate the marriage penalty, save family farms and businesses from the ravages of the estate tax, help families meet the expenses of child care or caring for an elderly parent, and create jobs and stimulate investment by reducing the tax on capital gains.

There must be a balance among our priorities. We can't pursue one to the exclusion of all others. If we give into temptation, and recklessly pursue immediate gratification today, we will surely regret it tomorrow. And therein lies the difference between what we accomplished in Indiana and what some now propose in Washington. Our Hoosier tax cut plan was conservative, fiscally responsible, like the approach I support today. We never threatened to throw fiscal caution to the winds or require massive cuts in vital services for children or law enforcement.

I will be the first to sponsor a tax cut bill—the bigger the better—but not one out of all proportion to our ability to pay for it, nor one that risks returning us to the days when America was drowning in a sea of red ink. We must cut taxes as aggressively as possible while still meeting our other important national priorities.

Included in these important priorities are additional investments for national defense, education and law enforcement. These are the kind of areas where even modest investments today yield multiple benefits tomorrow.

Because I strongly believe that government must make investments—within its means, of course—in these important areas, I am troubled by the current budget resolution that would force drastic and unwarranted across the board budget cuts in many important domestic programs ranging from Head Start to the FBI.

Mr. President, it is incumbent upon the Senate to resist the twin temptations of immediate gratification and postponing difficult decisions. Both parties, quite frankly, have been guilty of this for too long. Today it is the Budget Resolution that succumbs to these twin temptations, indulging us immediately with all the things we want while putting off until tomorrow the things we would rather not do but know we really must. This may be good politics. It is not good government.

Despite the fact that we will not achieve a bipartisan solution this week, I am still heartened by how much closer both parties are today on fiscal issues than even in the recent past.

It seems to me there is a national consensus growing, a consensus that cuts across party lines, that believes in some basic core principles: Saving Social Security and Medicare first, paying down the national debt, making targeted tax cuts for working families, and investing in our future. We can start down the road toward accomplishing these goals—something that is well within the grasp of this Senate—and, in so doing, build a better America. Also, we will be able to look our children and grandchildren squarely in the eye, secure in the knowledge that what we have done has not been just easiest for us, but also what is best for them.

Mr. President, I thank you for this opportunity, and for the indulgence of my colleagues, and yield the remainder of my time.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me thank Senator BAYH for his words. It is an honor to be on the floor while you are speaking, and I thank you.

Mr. CONRAD. Will the Senator suspend for just one moment?

Mr. WELLSTONE. I will be glad to, as long as I retain the floor.

The PRESIDING OFFICER. The time, actually, is controlled by the Senator from Massachusetts.

Mr. KENNEDY. I yield time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVILEGE OF THE FLOOR

Mr. CONRAD. Mr. President, I ask unanimous consent that John Jennings, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor during the pendency of S. Con. Res. 20, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has about 8 minutes 20 seconds.

Mr. KENNEDY. I just yield myself a minute and a half.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want to express my admiration and respect to my friend and colleague from Indiana on his maiden speech. It is an important speech because it deals with the economic future of our Nation. He brings a perspective to this issue as someone who has been an effective Governor and has had a broad reputation, not only in his State but throughout the country, as someone who understands the economics of his State well and has a reputation as a skilled Governor, making sure his State prospered and the benefits were going to go to the people.

Now he speaks in the Senate as we are making a judgment, at a very important, critical time, given the change in our financial situation with the size of the surplus, and he has given us a great deal to think about. It is quite clear from his statement he has given it a good deal of thought.

I thank him for his statement.

The PRESIDING OFFICER. Does the Senator yield time to the Senator from Minnesota?

Mr. KENNEDY. How much do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 40 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 4 minutes.

Mr. WELLSTONE. Mr. President, I think this amendment that Senator KENNEDY has brought to the floor is a major, what I would call, political economy amendment. It is a major values amendment. This amendment goes to the heart of what we are about as a nation, and we have a couple of choices. Either we can go with this budget resolution, which goes in the direction of massive tax cuts for the years to come disproportionately going to the highest-income citizens, with the Medicare trust fund expiring in the year 2008. Or we can take part of this surplus and use that to strengthen the Medicare program that we have in this country.

If we do not do that—I just want to be really clear, and I know I am right about this, even though I do not want to be right—what we are going to see is either a cut in benefits or we will see the age extended for eligibility for Medicare, or we will see other proposals which will do major damage to the idea of this program as being a universal, comprehensive health care coverage program for senior citizens, albeit in my State of Minnesota only 35 percent of senior citizens have any coverage at all for prescription drug benefits.

We need to expand Medicare, another reason to support the Kennedy amendment and albeit Medicare does not do anything to cover catastrophic expenses, which is a nightmare for people toward the end of their lives if they should have to be in a nursing home or if they look for support from home-based health care.

But I would like to say to colleagues, as far as I am concerned in this budget debate, this amendment is the heart-and-soul amendment. We have a really clear choice. A budget resolution is a resolution; it gives us some general direction. My colleague from New Mexico undoubtedly will have a response. I wish I had time to respond to his response. But from my point of view, this is a values debate. We can, with the surplus, as we look ahead, talk about tax cuts mainly going to those who are most affluent, or we can say we are going to reserve part of this surplus to bolster Medicare, which is a critically important program, not just for about 680,000 seniors in Minnesota with an income profile pretty low, not very high, but, in addition, for their children and their grandchildren.

This is a family values amendment. There ought to be nothing more important for us to do than to give general direction to the proposition and to the idea and to the core value that we are going to reserve part of this surplus to help bolster Medicare.

I can make a lot of other proposals. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. WELLSTONE. Let me just say to my colleagues, I would like to see also, above and beyond support for this amendment, talk about how we can strengthen Medicare in other areas.

We should double the NIH budget. My colleagues, Senator SPECTER and Senator HARKIN, are right, because the research and finding the cure for some of the diseases in our country like Alzheimer's and diabetes and Parkinson's will do wonders toward reducing Medicare expenditures.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. WELLSTONE. Mr. President, I will get a chance to speak more on this. This is the critical vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my friend and colleague from West Virginia wanted to address the Senate on a matter relating to the budget. I am wondering whether there is some time he can use.

Mr. CONRAD. How much time would the Senator from West Virginia like?

Mr. ROCKEFELLER. The Senator from West Virginia would like to have 10 minutes.

Mr. CONRAD. I yield 10 minutes off the bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say I don't have any objection. Obviously, even if I did, probably I couldn't do anything about it. But I do want to ask Senators if they would be somewhat helpful. I know, now that Senator KENNEDY has a chart up that describes the Democrat plan that doesn't exist, and a Republican plan that doesn't exist, that everybody wants to come to the floor and talk about this. I remind everyone and ask their indulgence and help: We have about 35 to 40 amendments that people want to be heard on. They are legitimately as interested as are colleagues on this issue, which we have already debated three times on three amendments.

I am not going to argue about it. I say go ahead, we will give you 10 minutes, but when you take it off the bill, it means it is not available for anyone at the end of this bill. So I ask we be a little bit helpful in that regard.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Senator from New Mexico. I understand the point of the Senator. I thank the Senator from Massachusetts and the Senator from North Dakota.

This particular Senator from West Virginia was a member of the Medicare Commission and I know, undoubtedly, several have spoken. But whatever amendments may be remaining, there cannot be many as important as the disposition of Medicare. Medicare is something that is not that well understood even though everybody knows what it is, and therefore it is subject to easy amendments and easy resolutions, and facts are entirely often lost.

There is, I understand, a resolution or whatever praising the Medicaid Commission for its bipartisan efforts and the rest of it. Those of us who were on that Commission know that isn't and wasn't the case. It was not a bipartisan Commission; it was a Commission that was divided from the very beginning.

It was a Commission in which there was really no give and take. Just so my colleagues can understand, the plan, which was being changed every 5 minutes, as certain Members sought to get votes here and there, was not even finally given to my office until 4 o'clock the day before the vote. I was in West Virginia so I didn't see the plan until an hour before the vote. It was really kind of a shambles of an operation.

But that isn't nearly as important as the fact that beneficiaries pay more under this plan for the same or fewer benefits. It isn't nearly as important as the fact that the sick and the disabled were probably going to have to pay the most. The fact that this plan contemplates and its authors contemplate the numbers of years that 50 to 75 percent of all Medicare beneficiaries will belong to HMOs—of course, I don't believe that is ever going to happen. They do it, and it is reflected in their plan.

Just imagine for a moment what that would mean, because HMOs would naturally attract the most wealthy and the most healthy. So what would that mean for the people in my State who are left in fee-for-service medicine? Fee-for-service would be a very small pot of money which would have to cover an enormous amount of people.

The philosophy of the Medicare Commission fundamentally was that free enterprise can solve the problems of Medicare, and that is why they said 50 to 75 percent will join HMOs over the next 15 to 20 years. Of course, free enterprise had its chance to work with respect to people over 65 and did it so badly, that is the reason we created Medicare, in order not to leave it up to the market system in its entirety and to make sure that every senior had health care coverage.

There was a lot of ideology involved in the Commission. There were a lot of people there primarily because of an ideological commitment, a commitment that was there from the very beginning. It was very obvious. There never really was any discussion of issues. There were speeches, but not much discussion. Seniors, I think, had very little idea of what was in the plan.

Those who remember catastrophic health care—if Congress puts forward a plan and doesn't consult seniors and seniors aren't knowledgeable about it, you can have it thrown right back in your face. Medicare is not something you can fool around with.

Speaking for my own point of view, representing the State of West Virginia, the average senior in West Virginia has a total gross income from all sources, of $10,763. Then, from that amount you subtract $2,000 to pay for their Medigap or their out-of-pocket expenses for health care which they can't get from Medicare, primarily prescription drugs. That means the average senior in the State has a gross income for a year of about $8,500.

I will guarantee you, this Senator isn't fooling around with chances on Medicare. There is no way that I am taking a chance on Medicare, that I am betting on something that did not work prior to 1965, that suddenly people say will work after this Medicare Commission presented its plan which did not pass and which was basically defeated on a partisan vote, which was very, very sad. It was fated from the beginning, and it was very, very sad.

I have chaired four national commissions. This was the fifth one I have been on. It was probably the worst experience I have had since I have been in the Senate. I say that with regret, because I care enormously about health care, and I care enormously about the people who ran the Commission. I thought they tried their very best, but it was fated to fail from the very beginning because of the ideological bent that it carried with it. I think a measure here to praise it is totally out of place.

I mentioned prescription drugs. Everybody understands that when the President was wise enough to put aside 15 percent to pay down the debt so the money would become available because of the lack of higher interest payments for Medicare, that that was a very wise thing to do. That also allows us to contemplate prescription drugs. The Medicare Commission wouldn't even consider the use of that 15 percent. They wouldn't consider it. As a result, prescription drugs are not uniformly available.

Some seniors already have prescription drugs. They get it through Medigap. This would say, well, you would have to be up to 135 percent of poverty, but that just came in in the last week or so. That would disappear, I think, on the floor of the Senate, because I do not think, frankly, that the majority would want to see prescription drugs, because they would say it would cost too much. Well, they might be right. I think they are wrong. Seniors are now paying for it.

Under this plan, they purport that prescription drugs are covered, but they are, indeed, not covered. Many beneficiaries would not have it. They talk about prescription drugs for low-income beneficiaries, but most would not have them.

On one of the most extraordinary things that I think would very much affect the senior Senator from New Mexico, they punt. They don't even punt. They kick at the ball and miss it on the subject of graduate medical education. We do not have doctors in this country by accident. We have doctors in this country because their residencies and their postgraduate experiences are paid for, 50 percent by Medicare. Some people may not think that it should come out of Medicare, but if it doesn't come out of Medicare, then it should come out of some designated fund, an au pair trust fund or something of that sort.

What is incredible about the Medicare Commission is that it simply says, we will leave graduate medical education or direct medical education up to the appropriations process, which is like saying goodbye to all foreign doctors, which are as important in New York City as they are in southern West Virginia, because foreign doctors are well trained and they get further training in their own country.

Fifty percent of their expense is being paid for by Medicare. Under the appropriations process, they would disappear. So will many others. So will many others, because there will be no constant way of funding a very obscure program called Graduate Medical Education, which is the heart and soul of the training of good doctors and, therefore, good health care in our country.

The Federal savings in this matter—and I won't talk on forever here—but the Federal savings in this are generally a sham. I think only about $95 to $96 billion out of the $346 billion or $347 billion that the Commission says they are saving actually comes out of what they call premium supports. All the rest comes out of cutting benefits, out of the Balanced Budget Act, which we passed in 1997, out of a whole series of other things, cutting doctors and hospitals, once again. The savings are made at the expense of the beneficiary, at the expense of good health care. I have very, very strong feelings.

Just consider for one instance that 71 percent of the counties in this country have no medical plan, no HMO whatsoever. I represent a whole State. We have one. So where is the choice? There is no choice.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROCKEFELLER. I thank the Presiding Officer. I hope when that resolution comes up for a vote, Senators will vote no.

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes 40 seconds remaining on the amendment. The Senator from New Mexico has 30 minutes.

Mr. KENNEDY. Mr. President, I will reserve that time, and I will move on to another amendment, if that is agreeable to the floor managers. If I could have the attention of the floor managers, I am glad to either yield that time, if you were going to yield yours back. If you want to hold yours, I will hold mine. I am quite prepared to go on to another amendment. I do not want to hold up the Senate any further.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent, on behalf of the leader, that at 12 noon today the Senate proceed to vote on or in relation to the following amendments, the first vote limited to 15 minutes and other votes to 10 minutes each, with 2 minutes equally divided prior to each vote and no second-degree amendments in order prior to the vote—this has been cleared on both sides—Specter amendment No. 157; Robb amendment No. 176; Kennedy amendment No. 177. Is that the pending amendment?

The PRESIDING OFFICER. That is the pending amendment.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I say to Senator KENNEDY, I am just going to use a couple minutes.

Did the Senator want the floor?

Mr. DORGAN. I wonder if I might inquire of the Senator from New Mexico, I had indicated to him I have an amendment that I wanted to lay down. If he would not mind, I would be happy to offer it and ask unanimous consent we set it aside. And then he could proceed. I was hoping perhaps after the three votes we might debate this amendment.

Mr. DOMENICI. Sure. I believe the sequencing is, after the Kennedy amendment, we are going to do a Republican education amendment, and then we are going to return to your side for your amendment. If you would like to send it to the desk now, I ask unanimous consent that that be in order. We are not going to debate it now; right?

Mr. DORGAN. That is correct.

Mr. DOMENICI. All right.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 178

(Purpose: To provide $36,000,000,000 in additional agricultural funding)

Mr. DORGAN. I send an amendment to the desk on behalf of myself, Senators DASCHLE, HARKIN, CONRAD, BAUCUS, JOHNSON, DURBIN, BINGAMAN, and KERREY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. DASCHLE, Mr. HARKIN, Mr. CONRAD, Mr. BAUCUS, Mr. JOHNSON, Mr. DURBIN, Mr. BINGAMAN and Mr. KERREY proposes an amendment numbered 178.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, strike beginning with line 3 through line 6, page 45, and insert the following:

SEC. 201. RESERVE FUND FOR AN UPDATED BUDGET FORECAST.

(a) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEARS 2000–2004.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget forecast for fiscal years 2000 through 2004 by July 15, 1999.

(b) REPORTING A SURPLUS.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for fiscal year 2000 or additional surpluses beyond those assumed in this resolution in following fiscal years, the Chairman of the Committee on the Budget shall make the appropriate adjustments to revenue and spending as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take the amount of the on-budget surplus for fiscal years 2000 through 2004 estimated in the report submitted pursuant to subsection (a) and in the following order in each of the fiscal years 2000 through 2004—

(1) increase the allocation to the Senate Committee on Agriculture, Nutrition and Forestry by $6,000,000,000 in budget authority and outlays in each of the fiscal years 2000 through 2004;

(2) reduce the on-budget revenue aggregate by that amount for fiscal year 2000;

(3) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by that amount for fiscal year 2000; and

(4) adjust the instruction in sections 104(1) and 105(1) of this resolution to—

(A) reduce revenues by that amount for fiscal year 2000; and

(B) increase the reduction in revenues for the period of fiscal years 2000 through 2004 and for the period of fiscal years 2000 through 2009 by that amount.

(d) BUDGETARY ENFORCEMENT.—Revised aggregates and other levels under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates and other levels contained in this resolution.

SEC. 202. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—If legislation is reported by the Senate Committee on Agriculture, Nutrition and Forestry that provides risk management and income assistance for agriculture producers, the Chairman of the Senate Committee on the Budget may increase the allocation of budget authority and outlays to that Committee by an amount that does not exceed—

(1) $6,500,000,000 in budget authority and in outlays for fiscal year 2000;

(2) $36,000,000,000 in budget authority and $35,165,000,000 in outlays for the period of fiscal years 2000 through 2004; and

(3) $36,000,000,000 in budget authority and in outlays for the period of fiscal years 2000 through 2009.

Mr. DOMENICI. I thank the Senator.

I say to Senator KENNEDY, before I use a couple minutes and yield for your couple minutes, I ask if Senator ENZI, who has been waiting patiently and has an amendment to be cleared right quick, if he could comment on it. We could adopt it, and then we will, just before our 11:50 time to offer all the amendments, be completed.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Will the Senator from Wyoming permit the Chair to appoint conferees on the supplemental?

Mr. ENZI. The Senator will.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. Pursuant to the order of March 18, 1999, the Senate having received H.R. 1141, the House companion bill to S. 544, the provisions of the unanimous consent agreement are executed.

The provisions of the unanimous consent agreement are as follows:

Ordered, That when the Senate receives the House companion bill to S. 544, a bill making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes, the Chair automatically strike all after the enacting clause; that the text of S. 544 as amended be inserted; that the House bill be advanced to third reading; and that the bill be passed, all without intervening action or debate.

Ordered further, That the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

Ordered further, That the bill, S. 544, remain at the desk.

The bill (H.R. 1141), as amended, was passed.

Pursuant to the order, the Chair appointed: Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN and Mr. DURBIN conferees on the part of the Senate.

The PRESIDING OFFICER. The Chair thanks the Senator from Wyoming.

The Senator is recognized.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 154

(Purpose: Expressing the Sense of the Senate that agricultural risk management programs should include livestock producers)

Mr. ENZI. Mr. President, I ask unanimous consent to lay the pending amendment aside to call up amendment No. 154.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] for himself, Mr. GRASSLEY, Mr. THOMAS and Mr. CONRAD proposes an amendment numbered 154.

Mr. ENZI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE THAT AGRICULTURAL RISK MANAGEMENT PROGRAMS SHOULD BENEFIT LIVESTOCK PRODUCERS.

(a) FINDINGS.—The Senate finds that—

(1) extremes in weather-related and natural conditions have a profound impact on the economic viability of producers;

(2) these extremes, such as drought, excessive rain and snow, flood, wind, insect infestation are certainly beyond the control of livestock producers;

(3) these extremes do not impact livestock producers within a state, region or the nation in the same manner or during the same time frame or for the same duration of time;

(4) the livestock producers have few effective risk management tools at their disposal to adequately manage the short- and long-term impacts of weather-related or natural disaster situations; and

(5) ad hoc natural disaster assistance programs, while providing some relief, are not sufficient to meet livestock producers' needs for rational risk management planning.

(b) It is the sense of the Senate that any consideration of reform of federal crop insurance and risk management programs should include the needs of livestock producers.

Mr. ENZI. I also ask unanimous consent that Senator CONRAD be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. This amendment, offered by myself, Senator GRASSLEY, Senator THOMAS, and now Senator CONRAD, is a sense of the Senate that resolves that any consideration of reform of Federal crop insurance and risk management programs should include the needs of livestock producers as well.

The livestock industry has very few risk management tools available to manage the short- and long-term impacts of weather-related and natural disaster situations. They do not have an insurance program to help guard against losses. In fact, livestock producers are prohibited by law from participating in USDA's Crop Insurance Program. That prohibition must be removed.

We must devote our resources to finding a rational approach to risk management that will eliminate the need for ranchers and farmers to ask Congress each year for disaster assistance. Any program offered to the agricultural producers should cover them in the event of any crop or livestock losses due to excessive rain and snow, wind, drought, and even insect infestation. We need a program that is actuarially sound.

The livestock industry is comprised of smart, hardworking businessmen who constantly operate at the whims of Mother Nature. They are not looking for a Government handout. They simply want to be given the opportunity to better manage the risks they face in trying to get their cattle and sheep to market. We promised our ranchers help, but we have not delivered. This amendment is a good first step.

I urge my colleagues to support this amendment.

I yield back any time that I have.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, very briefly, let me just say I hope our colleagues will support the amendment which my colleague from Wyoming has offered, along with a number of others of us who are very concerned about what has happened in the livestock industry.

In American agriculture now, we face the lowest prices in 52 years. We have been through an absolute price collapse in many sectors of the livestock industry. In the hog industry alone, prices have dropped to 8.5 cents a pound.

Mr. President, it takes 40 cents a pound to break even in the livestock industry. And 8.5 cents a pound is absolutely ridiculous. We anticipate losing as many as three-quarters of the hog producers in our State if something is not done.

This amendment, offered by Senator ENZI, cosponsored by others of us, we think is one way to help livestock producers manage risk through a program of risk management. I hope very much our colleagues will support it.

Mr. GRASSLEY. Mr. President, I rise in support of the Enzi, Grassley, Thomas, Conrad amendment. Livestock producers have few viable risk management tools available to deal with drought, excessive rain and snow, flood, or disease. Dismal profits for cattlemen and the collapse of hog market in the Fall of 1998 are two of the predominate factors which have spurred a renewed interest in livestock insurance. I feel it is important that any consideration of reform for federal crop insurance and/or federal risk management programs should include the needs of livestock producers.

Since the introduction of revenue insurance programs in 1996 farmers raising crops have been provided risk management tools which better mediate the unavoidable risks farmers experience. Programs such as Crop Revenue Coverage (CRC), Income Protection (IP), and Revenue Assurance (RA) are available for crops, but currently a statutory prohibition bans the development of federally supported livestock insurance.

It is my opinion that we have a responsibility to provide risk management tools to all farmers, whether they raise crops or livestock. Iowa State University's Center for Agricultural and Rural Development (CARD) has studied the possible benefits of Whole-Farm Revenue Insurance for crop and livestock producers. The center has developed data which lends credibility to those who advocate adding a livestock net revenue guarantee to existing whole-farm crop revenue guarantees.

CARD determined Whole-Farm Revenue insurance programs could supplement existing risk management tools offered through the Chicago Mercantile Exchange and the Chicago Board of Trade for livestock. CARD also ascertained that the addition of livestock to whole-farm revenue guarantees could dramatically reduce both insurance rates and insurance premiums. Lower rates could lead to expanded coverage and less risk exposure for farmers.

Mr. President, risk management tools are necessary for the success of the agriculture community. Congress must work together and focus on expanded risk management to better mediate the unavoidable risks farmers experience. It's time for Congress to take an active role in providing these tools to all farmers.

Mr. President, I urge my colleagues to support livestock producers by supporting the Enzi, Grassley, Thomas, Conrad amendment.

Mr. DOMENICI. We have no objection on our side. I think it has been cleared on the Democrat side.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

The amendment (No. 154) was agreed to.

AMENDMENT NO. 177

Mr. DOMENICI. I think our next Senator with an amendment has arrived. We have agreed your amendment would be next, I say to Senator GORTON. But we have to finish the Kennedy amendment in just a minute here.

Just give me a moment, I say to the Senator.

First, as I indicated earlier this morning, something very significant happened, and I am sure it will be adopted when we vote later on. That is the introduction of a bipartisan amendment to this budget resolution whereby the chairman of the Finance Committee, Senator ROTH, joined by Senator FRIST, on our side, and two very distinguished Democrats, Senator KERREY of Nebraska and Senator BREAUX of Louisiana, indicated in an official way, for the first time, that the Senate is going to be asked, because of their amendment, to proceed in a bipartisan manner to reform and fix Medicare so that it will be effective for our senior citizens for decades to come.

I must say that when we vote on that—and I believe it will be agreed to—we will have started down a path. But it will not be a long path; it will be a very short path. That path is going to lead, before the year is up, to a resolution in the Senate of the Medicare program for our senior citizens and for our children and for the taxpayers, all of whom have a very big stake in making sure this Medicare program is reformed and fixed.

So I once again congratulate those four Senators. They have permitted me to join them, so I am the fifth man on the team. I hope, before the day is out, many others will join. But I am certain by our vote we will indicate that that is precisely the path we want to take.

Some will get up and say it is very specific and precise. But ultimately, it lays down some markers. It says to the Finance Committee, let's get on with it; let's quit talking about it; let's fix it.

It is interesting that as soon as that amendment got debated, a kind of a furor occurred, and it was not on our side of the aisle, it was on the other side of the aisle. That is because that was a significant amendment that people in this country are going to understand. It is not politics; it is not talking; it is a commitment to fix Medicare for our senior citizens.

If there are new ideas beyond what the Commission—there are two commissions that are recalled in that amendment—if there are ideas beyond it, it is going to come out of that bipartisan committee, who are so committed to repairing and fixing and modifying that program.

Having said that, the commotion got quick, and the Senator from Massachusetts arrived on the floor. Let me suggest, I have great respect for the distinguished Senator. I do know—I do know—that I am as concerned about Medicare people in America—our people, our friends, our neighbors, our relatives—as he is. I am just as compassionate and just as concerned. But I do believe—I do believe—we have to talk a little bit about reality.

Let me tell you the first reality. When the vote starts and the Senator is through with his charts, I would like very much for the rule to be applied and they be taken down, because they are only supposed to be up for a little while. Frankly, whatever little while, they should not have been up at all, because those charts are not true. Those charts state things that are not true.

Let me just tell you, "Republican Plan Would Slash Medicare"—there is no Republican plan. We are waiting for the Finance Committee to produce a plan. We have given them latitude in the budget resolution, but there is none. It is a bipartisan plan. So he might have said that up there, "The Bipartisan Plan," if it is that plan that he does not like.

The chart says that cuts under the Democratic plan are zero. What does that mean? What in the world does that mean? There will be no reform that saves any money, that changes anything in Medicare under a Democratic plan—can't be, can't be. Everybody that is for fixing Medicare is going to have something in that column because they will repair it so it is more efficient. Some will legitimately call that a cut.

The next column in the chart is really preposterous, "Cuts under Republican plan, 1999–2020." We have not even been talking about the year 2020 on the floor. There is no budget resolution for 2020 and there is no Republican plan. How can it be that we have $686 billion in cuts by the year 2020? Perhaps that number is if you leave the program alone for 20 years, it needs $686 billion worth of resources—that might be the number.

What does that have to do with our Republican plan, what we are talking about on the floor? Is the Senator suggesting we ought to put $686 billion into Medicare out of general taxes to America? It will never happen. That will not happen. Everybody knows that.

We have debated this issue. I should stop debating it because I have done it three times, but every time they bring up an amendment I have to get up because they get up. I don't want anybody out there listening to this debate to think that is accurate because that is not accurate.

We can put up charts and claim whatever we want, but that chart is not accurate. It does not adequately describe nor appropriately describe anything with reference to where we are.

Having said that, we debated and voted an amendment very similar to this amendment. The only thing is it was subject to a point of order. Perhaps Senator KENNEDY has doctored this up so it is not subject to a point of order. The Senate rejected by a majority a plan of Senator CONRAD's which is very similar, except for one thing. It is a little better in terms of trying to protect Medicare than this one. It establishes a point of order of some kind which makes it difficult to spend this extra money that is sitting around, or this surplus that is sitting around. The Kennedy amendment does not even do that.

I need no more time. I have used about 5 minutes; the Senator has used 2½ minutes. I hope we get on with the rest of this and let other Senators have a chance to debate.

The PRESIDING OFFICER. Under the previous order, Senator LAUTENBERG is to be recognized for the purpose of presenting amendments.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent, since a challenge was put down by the chairman of the committee on the information presented by the Senator from Massachusetts, that the Senator from Massachusetts be allowed 5 minutes to respond.

Mr. KENNEDY. I appreciate the courtesy.

Mr. DOMENICI. He has 2½ minutes.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the 2½ minutes be made available before we send our amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this $686 billion is the amount that we would like and the President would like to have out of the surplus to fund the Medicare trust system so that it will be financially stable to the year 2020. That is what it represents.

Under the budget proposal of the majority, if you are not going to allocate this 15 percent of the surplus for the Medicare system, you are going to have to have $686 billion in cuts or premium increases.

That is not what I am saying; that is what the Medicare trustees have said.

To conclude, basically what we are saying, let us go ahead, prior to the tax cut, take the 10-year budget, take $320 billion of what the Republicans are intending to use for a tax cut, and use it to put the Medicare system on a sound financial system. That is it. Put the protection of Medicare first, prior to a tax cut. That is what this vote is about.

I ask unanimous consent to have printed in the RECORD statements from the AARP and virtually every senior citizen organization, including the National Council of Senior Citizens, the National Committee to Preserve Social Security, the OWL organization, Families USA, Gray Panthers, all of the organizations that are in strong support of using the 15 percent to make Medicare financially sound so we will have the opportunity to bring about reforms, and do that prior to the time we have tax breaks. That makes sense to protect working families in this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF
SENIOR CITIZENS,
Silver Spring, MD, March 24, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY. In behalf of the members and officers of the National Council of Senior Citizens and our nationwide network of clubs and councils, I write in strong support of your efforts to amend the Senate budget resolution to assure the utilization of 15 percent of the budget surplus to extend the solvency of the Medicare program.

We also support your work to include in the final resolution a straight-forward reserve fund to create a Medicare pharmaceutical benefit with no ambiguity in regard to the use of reserve fund resources. The Snowe Amendment to the resolution fails to deliver on this point. It will not create a viable reserve fund for the Medicare prescription benefit. It would set up hurdles before the Congress could access the fund for the benefit. The overriding issue is the need of millions of seniors for a comprehensive Medicare drug benefit now.

The Senate and the Congress must not lose this historic opportunity to make a significant investment in the future health needs of both older persons and Baby Boomers as they reach Medicare eligibility. By this action, the Congress will provide for sufficient time to consider a large range of options both to strengthen Medicare and assure long-term solvency.

We applaud your efforts and those of your colleagues.

Sincerely,

STEVE PROTULIS,
Executive Director.

STATEMENT ON MEDICARE FUNDING

(By Max Rightman, Executive Vice-President, The National Committee To Preserve Social Security and Medicare, March 18, 1999)

The measure proposed for Medicare by the Budget Committee is inadequate and shortsighted.

The President's request to devote 15 percent of the surplus to Medicare is a critical element in saving Medicare. The Budget Committees' plan falls far short of that.

What the congressional measure do, quite frankly, is shortchanged today's seniors—the seniors here with this morning—and shortchange millions of baby-boomers who in just a few short years will be retiring and relying on Medicare to be there for them.

America has a long-standing commitment to all of our retirees of adequate and affordable health care—it's a commitment called Medicare.

Devoting fifteen percent of the surplus for Medicare will extend solvency for a number of additional, critical years. It also will reassure today's baby boomer that this Congress will keep its commitment to them when they retire.

The National Committee urges Congress to adopt the President's 15-percent Medicare proposal. Thank you.

THE VOICE OF MIDLIFE AND
OLDER WOMEN,
Washington, DC, March 24, 1999.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: OWL, the only national membership organization to address issues unique to women as they age, urges the Congress to set aside 15 percent of the projected federal budget surplus to extend the solvency of the Medicare Trust Fund for an additional decade. We need a more complete public discussion of thoughtful reform and its implications on all Americans.

Medicare is a women's issue. Any effort to strengthen and modernize the system must be viewed for its impact on women. Women are 58 percent of the Medicare population at age 65 and that number rises to 71 percent at age 85. Women's health care needs differ from men's needs. They have more chronic illness, often more than one chronic illness at a time. As a result, women must have access to specialists, leading-edge medications, and technology. Chronic illness means that women interface with the Medicare system more frequently and, appropriately managed, their care can remain cost effective and they remain independent longer. Inappropriately managed, their poorer, frailer health can lead to expensive acute care episodes or long-term stays in nursing facilities. Medicare reform, to be successful, must address her needs.

As you know, Senator Daschle, women are also poorer in retirement than men. She has almost less than half of the income that her male counterpart has in retirement and she lives an average of six years longer. She spends more out-of-pocket for health care needs covered by Medicare. She averages 22 percent of her lower income in out-of-pocket expenses compared to 17 percent by men. Thus, efforts to change Medicare that would increase out-of-pocket costs for the Medicare population would have a disparate impact on the majority of the Medicare population who are women.

You know, too, Senator that Medicare and Social Security are inextricably linked in women's retirement security. We must examine the impact on each as we move forward to resolve the long-term issues facing these important programs. We cannot move in haste. We must engage the American public in this important process. Therefore, we urge Congress to set aside 15 percent of the projected surplus. Bolstering the Trust Fund will remove Medicare from the critical list and give both the public and policymakers the necessary breathing room to consider a range of options. It means that we can and will develop a program to strengthen Medicare that will work for all Americans.

Sincerely,

DEBORAH BRICELAND-BETTS,
Executive Director.

FAMILIES USA FOUNDATION,
Washington, DC, March 24, 1999.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: Protecting the Medicare program's effectiveness and solvency is of utmost concern to America's seniors and people with disabilities—and their families as well. It should be a top priority in this Congress.

To protect the Medicare program, Families USA strongly supports committing 15 percent of the federal budget surplus to extending the Medicare trust fund. We do not believe that any credible reform of the program can be achieved without including significant new resources for the program. As the recently disbanded Medicare Commission has demonstrated, even so-called "reforms" that reduce seniors' benefit packages, increase beneficiary out-of-pocket costs, and cause younger seniors to lose health insurance coverage fail to secure the long-term solvency of the program. Hence, the commitment of 15 percent of the federal budget surplus is a very constructive and helpful first step in strengthening the fiscal integrity of the program.

Medicare is a program that works well for millions of older Americans and people with disabilities. By extending the life of the Medicare Part A trust fund to the year 2020, the proposed transfer of surplus funds will help to ensure that the program remains effective and viable in the years ahead.

Sincerely,

RON POLLACK,
Executive Director.

GRAY PANTHERS,
Washington, DC, March 24, 1999.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I am writing you this letter on behalf of Gray Panthers across the country regarding the improvements we see necessary for the Medicare Program. For almost thirty years, Gray Panthers have represented older Americans and families across the country. Today, our fifty chapters and over 20,000 members across the United States, include members who are patients, caregivers, providers, business owners, association members, and active voters. All of our members have a vested interest in the Medicare program. Our members are extremely active on the Medicare issue and demand the Congress Protect, Improve, and Modernize Medicare.

As a first step then, in protecting the program, Gray Panthers urges members of Congress to vote in favor of setting aside 15% of the non-Social Security budget surplus specifically for Medicare. We understand that this will guarantee the financial integrity of the program for at least the next decade. Gray Panthers also recommends lifting the cap on Social Security in order to expand that budget as well as build fiscal integrity for the program.

We thank you for your time and consideration of this matter.

Yours truly,

PATRICIA A. RIZZO,
National Deputy Director.

ASSOCIATION OF JEWISH
AGING SERVICES,
Washington, DC, March 23, 1999.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: On behalf of the membership of the Association of Jewish Aging Services and the over 150,000 elderly served in communities across the nation we urge you to protect at least 15% of the projected budget surplus to extend Medicare solvency.

Shoring up Social Security, not privatization, and improving the quality and accessibility of health care deserve the highest Congressional priority. To do otherwise, is an abdication of leadership responsibility and abandonment of our country's fundamental responsibilities to its aging citizenry.

Sincerely,

LAWRENCE M. ZIPPIN,
President.

NCOA APPLAUDS PRESIDENT'S SOCIAL SECURITY AND MEDICARE PROPOSALS

(By James Firman, President & CEO, The National Council on the Aging, January 20, 1999)

President Clinton's proposal to fortify Social Security and Medicare for the years ahead deserves the support of all Americans. His proposals would pay dividends in the form of a higher quality of life for us all—not only the chronically ill, the disabled and the frail elderly but also their families. The National Council on the Aging strongly supports investing the budget surplus to protect and strengthen Social Security and Medicare rather than squandering it on a one-time tax break.

Setting aside additional money today is the only way to prepare for the great demographic changes that our economy and our culture will face as the massive baby boom generation enters its later years. President Clinton's proposals would provide much-needed relief to today's older Americans and their families—and it would also help ensure a more secure and fulfilling old age for the baby boomers who are today's wage earners and tomorrow's Senior Boom.

By extending the solvency of these essential programs without privatizing them, cutting benefits or slashing eligibility, the Clinton plan benefits all Americans—those who are in need of assistance today, and those who will be tomorrow. The National Council on the Aging, on behalf of older Americans and those who care about them, strongly supports using the surplus for this purpose.

The President's recognition of the need to ease the poverty of older women—particularly widows—is also welcome and long overdue. For far too long, our nation has looked the other way as aging women sink deeper and deeper into poverty. We all know women live longer than men, on average, and that they tend to earn less over the course of their lifetimes. Too often, these factors doom them to a sparse and barren subsistence in their later years. In our individual lives, we would not willingly abandon our wives and mothers to spend their final years in poverty. Yet for too long, we as a nation have denied women their right to a safe and financially secure retirement.

We likewise applaud and will support the President's proposals to provide a $1,000 long-term care tax credit, to make home-care and caregiver services more available to those who need them, to increase the minimum wage and to raise additional revenues from the tobacco industry and use some of the proceeds to support the Medicare program.

We would also call on Congress to increase funding and to reauthorize the Older Americans Act, which provides for so many services—congregate and home-delivered meals, the older worker employment program, senior centers and other home and community-based activities—that are crucial to older Americans.

We look forward to working with the President and the Congress to win passage of these crucial measures, which will—sooner rather than later—touch the lives of each of us.

STATEMENT BY AARP EXECUTIVE DIRECTOR HORACE DEETS ON THE PRESIDENT'S STATE OF THE UNION ADDRESS

We are pleased that the President has offered creative ideas to strengthen Social Security and Medicare—issues of primary concern to AARP and the American people. We eagerly await the details.

The President has offered some very intriguing ideas and we are anxious to learn more about them and how they would affect the American people. AARP has long advocated that any discussion of Social Security needs to be in the broader context of retirement income. These ideas should be measured against American's family budgets, as well as against the federal budget.

AARP's goal for Social Security reform remains steadfast a program that will guarantee benefits for future generations, that cannot be jeopardized by misfortune, eroded by inflation, or depleted by a long life. Following a year of dialogue, AARP believes it is now time to move forward with purpose and conviction and begin to carefully examine and debate specific proposals on these and other retirement issues.

The President's plan to bolster, along with Social Security, Medicare's Hospital Insurance Trust Fund with funds from the federal budget surplus adknowledges what most Americans have long understood—that health security and economic security in retirement go hand-in-hand.

AARP has long supported the addition of a prescription drug benefit to Medicare and we applaud the President's support of one. AARP believes Medicare should remain an earned guarantee of specified health-care benefits for all older Americans and those with disabilities.

One piece of unfinished business from the last Congress that should be addressed quickly is consumer protections in managed health care. AARP continues to be deeply committed to assuring quality and consumer protection in health care, and we urge the Congress to enact legislation that will ensure such basic safeguards for all consumers as a fair and meaningful external appeals process, understandable health plan information, and access to specialty care.

The President's proposal to provide a tax credit to Americans who need long-term health care is long-overdue recognition to the many American families who are assuming the enormous burden of providing high quality care to a family member. The tax credit builds on the similar proposal put forward previously by House Republicans. AARP believes it is but one of a number of steps that can be taken to solve the nation's long-term care.

We are pleased that the President and the Republicans through their legislative agenda have given high priority to these issues. AARP encourages bipartisan Congressional action this year.

Mr. DOMENICI. I ask unanimous consent to have 1 minute to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Senator KENNEDY, I don't know if you were paying attention, but I did say to you that I compliment you on your compassion and your concern in this area. All I indicated was that you in your Irish way are compassionate; I, in my Italian way, am just as compassionate and I compliment you for trying to save Medicare.

I now know where the $686 billion came from. So everyone will know—I was wondering where the figure came from—it came from the President's budget, the dollar number that he is going to transfer to the Medicare fund and take back IOUs.

Let me tell Members what that is, I finally understand it. It is like postdating a check for all these billions and then saying to the American people, "You are going to wake up one day when we have to pay them, but we are telling you now in advance you will pay them," and the only thing that can happen is we will pay a huge amount of new taxes, or we will have to cut the Medicare program dramatically.

I don't think that is how we ought to do business. That is what the number represents.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I will make a unanimous consent request just to take 1 minute to parallel my friend and chairman of the Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, the President of the United States has a plan to extend Medicare's solvency to 2020. I heard the impassioned and always eloquent appeal by the chairman of the Budget Committee that this was a bipartisan effort. It is true that there are a couple of Democrats that are supporters of the amendment under discussion, but this is by no means to be judged in this moment to be a bipartisan effort.

Each of us is going to look at it as we see it. The Republicans do not have anything in the plan to extend the solvency.

I urge my colleagues to vote against this amendment.

AMENDMENTS NOS. 183 THROUGH 205, EN BLOC

Mr. LAUTENBERG. Mr. President, under the provisions of the consent agreement of yesterday, I send a package of amendments to the desk and ask they be considered and offered individually, set aside en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 183

(Purpose: To express the sense of the Senate that Congress should enact legislation to modernize America's schools)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON MODERNIZING AMERICA'S SCHOOLS.

(a) FINDINGS.—The Senate finds the following:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement; 7,000,000 children attend schools with life safety code violations; and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found that the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least 1 building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. 46 percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. 56 percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined that the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology.

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(10) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(11) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this budget resolution assume that Congress will enact measures to assist school districts in modernizing their facilities, including—

(1) legislation to allow States and school districts to issue at least $24,800,000,000 worth of zero-interest bonds to rebuild and modernize our Nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments; and

(2) appropriate funding for the Education Infrastructure Act of 1994 during the period 2000 through 2004, which would provide grants to local school districts for the repair, renovation and construction of public school facilities.

Mr. HARKIN. Mr. President, I am pleased to join my colleagues—Senator LAUTENBERG and Senator ROBB in sponsoring this important amendment which calls on Congress to pass legislation to fix our Nation's crumbling schools.

The condition of our Nation's schools is well known—they are in deplorable condition. Last year, the American Society of Civil Engineers issued a report card on the condition of America's infrastructure. The report made it clear that the physical infrastructure in this country is in dire need. However, the only area that warranted a failing grade was education. The group was concerned about the condition of things like our roads, bridges, and wastewater systems. But the only area that was deemed inadequate is education. It is clear we must place repair of our nation's schools at the top of our Nation's priority list.

There are 14 million children—almost 5 times the number of people in all of Iowa—that are attending classes in buildings that are literally falling down around them. The General Accounting Office tells us that we need $112 billion to modernize our Nation's schools to bring them to good overall condition. The Civil Engineers also say we need $60 billion in new construction to accommodate increasing enrollments.

This is a serious problem, and one that is not getting better. As a matter of fact, every day we delay, it gets worse and will cost more money to address.

Iowa State University conducted a comprehensive survey on the condition of schools in Iowa. In 1995 the estimated cost over the next 10 years was $3.4 billion. Two years later it was $4 billion and I would guess that if the study were updated for 1999 we would find that the cost has increased even more.

There are many that say this is a local problem and federal support is unwarranted and unwise. All across this country school districts are struggling to repair and upgrade their facilities because the cost is enormous.

It is simply unacceptable that we tolerate this situation. It is unconscionable that children in this country go to school in buildings where the plumbing doesn't work, the windows are broken, and the roofs leak.

This amendment calls on Congress to enact legislation to provide a comprehensive strategy to modernize our Nation's schools. First, we must pass legislation to provide funding for the Education Infrastructure Act. This is an existing federal program which has been on the books since 1994.

During each of the last two years, the Senate has passed legislation which included my proposal to appropriate $100 million for this program. Unfortunately, we have been unable to hold the funds in conference with the House.

We must redouble our efforts to provide funding for this grant program to assist needy school districts and the resolution calls on us to make this investment.

Second, the amendment calls on Congress to pass legislation to provide at least $24.8 billion in tax credits to holders of school construction bonds. These tax credits will make it possible for school districts to build and renovate school facilities at a reduced cost because the holder of the bond would receive a federal tax credit in lieu of interest.

Mr. President, We have high expectations for our children. We want them to be the best in the world—to reach the highest academic standards. But then we ask them to attend class in buildings that just don't make the grade—in buildings that are not equipped to provide a quality 21st century education.

We must enact legislation now to remedy this situation and I urge my colleagues to support our amendment.

AMENDMENT NO. 184

(Purpose: To establish a budget-neutral reserve fund for environmental and natural resources)

At the appropriate place, insert the following:

SEC. . BUDGET-NEUTRAL RESERVE FUND FOR ENVIRONMENTAL AND NATURAL RESOURCES.

(a) In General.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the quality of our nation's air, water, land, and natural resources, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of the legislation will not (by virtue of either contemporaneous or previously-passed reinstatement or modification of expired excise or environmental taxes) increase the deficit or decrease the surplus for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) Revised Allocations.—

(1) Adjustments for legislation.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) Adjustments for amendments.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) Reporting Revised Allocations.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

AMENDMENT NO. 185

(Purpose: To provide a substitute for section 205 regarding the emergency designation point of order)

On page 47, strike section 205 and insert the following:

SEC. 205. EMERGENCY DESIGNATION POINT OF ORDER.

(a) Designations.—

(1) Guidance.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) Criteria.—

(A) In general.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are whether it is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) Unforeseen.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) Justification for failure to meet criteria.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) Point of Order.—

(1) In general.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, upon a point of order being made by a Senator against any provision in that measure designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Presiding Officer sustains that point of order, that provision along with the language making the designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) General point of order.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) Conference reports.—If a point of order is sustained under this subsection against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

AMENDMENT NO. 186

(Purpose: to express the sense of the Senate that the provisions of this resolution assume that it is the policy of the United States to provide as soon as is technologically possible an education for every American child that will enable each child to effectively meet the challenges of the 21st century)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE PROVISIONS OF THIS RESOLUTION ASSUME THAT IT IS THE POLICY OF THE UNITED STATES TO PROVIDE AS SOON AS IT TECHNOLOGICALLY POSSIBLE AN EDUCATION FOR EVERY AMERICAN CHILD THAT WILL ENABLE EACH CHILD TO EFFECTIVELY MEET THE CHALLENGES OF THE 21ST CENTURY

(a) Findings.—The Senate finds that—

(1) Pell Grants require an increase of $5 billion per year to fund the maximum award established in the Higher Education Act Amendments of 1998;

(2) IDEA needs at least $13 billion more per year to fund the federal commitment to fund 40% of the excess costs for special education services;

(3) Title I needs at least $4 billion more per year to serve all eligible children;

(4) over $11 billion over the next six years will be required to hire 100,000 teachers to reduce class size to an average of 18 in grades 1–3;

(5) according to the General Accounting Office, it will cost $112 billion just to bring existing school buildings up to good overall condition. According to GAO, one-third of schools serving 14 million children require extensive repair or replacement of one or more of their buildings. GAO also found that almost half of all schools lack even the basic electrical wiring needed to support full-scale use of computers;

(6) the federal share of education spending has declined from 11.9% in 1980 to 7.6% in 1998;

(7) federal spending for education has declined from 2.5% of all federal spending in FY 1980 to 2.0% in FY 1999:

(b) Sense of the Senate.—It is the Sense of the Senate that the provisions of this resolution assume that it is the policy of the United States to provide as soon as is technologically possible an education for every American child that will enable each child to effectively meet the challenges of the 21st century.

AMENDMENT NO. 187

(Purpose: To finance disability programs designed to allow individuals with disabilities to become employed and remain independent)

At the end of Title II, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND TO FOSTER THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES.

(a) In General.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that finances disability programs designed to allow individuals with disabilities to become employed and remain independent, provided, that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS. If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section."

AMENDMENT NO. 188

(Purpose: To express the sense of the Senate that agricultural commodities and products, medicines, and medical products should be exempted from unilateral economic sanctions)

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING EXEMPTION OF AGRICULTURAL COMMODITIES AND PRODUCTS, MEDICINES, AND MEDICAL PRODUCTS FROM UNILATERAL ECONOMIC SANCTIONS.

(a) FINDINGS.—The Senate finds that—

(1) prohibiting or otherwise restricting the donation or sale of agricultural commodities or products, medicines, or medical products in order to unilaterally sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targeted country and rarely causes the sanctioned government to alter its actions or policies;

(2) for the United States as a matter of policy to deny access to agricultural commodities or products, medicines, or medical products by innocent men, women, and children in other countries weakens the international leadership and moral authority of the United States; and

(3) unilateral sanctions on the sale or donation of agricultural commodities or products, medicines, or medical products needlessly harm agricultural producers and workers employed in the agricultural or medical sectors in the United States by foreclosing markets for the commodities, products, or medicines.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that the President should—

(1) subject to paragraph (2), exempt agricultural commodities and products, medicines, and medical products from any unilateral economic sanction imposed on a foreign government; and

(2) apply the sanction to the commodities, products, or medicines if the application is necessary—

(A) for health or safety reasons; or

(B) due to a domestic shortage of the commodities, products, or medicines.

AMENDMENT NO. 189

(Purpose: To express the sense of the Senate regarding capital gains tax fairness for family farmers)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING CAPITAL GAINS TAX FAIRNESS FOR FAMILY FARMERS.

(a) FINDINGS.—The Senate finds that—

(1) one of the most popular provisions included in the Taxpayer Relief Act of 1997 permits many families to exclude from Federal income taxes up to $500,000 of gain from the sale of their principal residences;

(2) under current law, family farmers are not able to take full advantage of this $500,000 capital gains exclusion that families living in urban or suburban areas enjoy on the sale of their homes;

(3) for most urban and suburban residents, their homes are their major financial asset and as a result such families, who have owned their homes through many years of appreciation, can often benefit from a large portion of this new $500,000 capital gains exclusion;

(4) most family farmers plow any profits they make back into the whole farm rather than into the house which holds little or no value;

(5) unfortunately, farm families receive little benefit from this capital gains exclusion because the Internal Revenue Service separates the value of their homes from the value of the land the homes sit on;

(6) we should recognize in our tax laws the unique character and role of our farm families and their important contributions to our economy, and allow them to benefit more fully from the capital gains tax exclusion that urban and suburban homeowners already enjoy; and

(7) we should expand the $500,000 capital gains tax exclusion to cover sales of the farmhouse and the surrounding farmland over their lifetimes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that if we pass tax relief measures in accordance with the assumptions in the budget resolution, we should ensure that such legislation removes the disparity between farm families and their urban and suburban counterparts with respect to the new $500,000 capital gains tax exclusion for principal residence sales by expanding it to cover gains from the sale of farmland along with the sale of the farmhouse.

AMENDMENT NO. 190

(Purpose: To provide for a 1-year delay in a portion of certain tax provisions necessary to avoid future budget deficits)

At the end of title II, insert the following:

SEC. . 1-YEAR DELAY OF PORTION OF CERTAIN TAX PROVISIONS NECESSARY TO AVOID FUTURE BUDGET DEFICITS.

(a) IN GENERAL.—The Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall provide in any reconciliation legislation provided pursuant to sections 104 and 105—

(1) a provision requiring the Congressional Budget Office to report to Congress on June 30 of each year (beginning in 2000) on the estimated Federal budget revenue impact over the next 1, 5, and 10-fiscal year period of that portion of any tax provision included in such reconciliation legislation which has not gone into effect in the taxable year in which such report is made, and

(2) in any tax provision to be included in such reconciliation legislation a provision delaying for 1 additional taxable year that portion of such provision which did not go into effect before a trigger year.

(b) TRIGGER YEAR.—For purposes of subsection (a)(2), the term "trigger year" means the 1st fiscal year in which the projected Federal on-budget surplus for the 1, 5, or 10-fiscal year period, as determined by the report under subsection (a)(1), is exceeded by the amount of the aggregate reduction in revenues for such period resulting from the enactment of all of the tax provisions in the reconciliation legislation described in subsection (a).

AMENDMENT NO. 191

(Purpose: To express the sense of the Senate that the Urban Parks and Recreation Recovery (UPARR) program should be fully funded)

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING FUNDING FOR THE URBAN PARKS AND RECREATION RECOVERY (UPARR) PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) every analysis of national recreation issues in the last 3 decades has identified the importance of close-to-home recreation opportunities, particularly for residents in densely-populated urban areas;

(2) the Land and Water Conservation Fund grants program under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.) was established partly to address the pressing needs of urban areas;

(3) the National Urban Recreation Study of 1978 and the President's Commission on Americans Outdoors of 1987 revealed that critical urban recreation resources were not being addressed;

(4) older city park structures and infrastructures worth billions of dollars are at risk because government incentives favored the development of new areas over the revitalization of existing resources, ranging from downtown parks established in the 19th century to neighborhood playgrounds and sports centers built from the 1920's to the 1950's;

(5) the Urban Parks and Recreation Recovery (UPARR) program, established under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), authorized $725,000,000 to provide matching grants and technical assistance to economically distressed urban communities;

(6) the purposes of the UPARR program is to provide direct Federal assistance to urban localities for rehabilitation of critically needed recreation facilities, and to encourage local planning and a commitment to continuing operation and maintenance of recreation programs, sites, and facilities; and

(7) funding for UPARR is supported by a wide range of organizations, including the National Association of Police Athletic Leagues, the Sporting Goods Manufacturers Association, the Conference of Mayors, and Major League Baseball.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress considers the UPARR program to be a high priority, and should appropriate such amounts as are necessary to carry out the Urban Parks and Recreation Recovery (UPARR) program established under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

Mr. TORRICELL. Mr. President, I thank the Chairman and Ranking Member for accepting this amendment that I have offered expressing the Sense of the Senate and the Urban Parks Recreation and Recovery Program (UPARR) should be a high Congressional budget. Community recreation services and green open spaces are an invaluable investment in our urban areas. Few things can make as big a difference for improving the quality of life and improving community morale in inner cities as a simple investment in parks. However, many facilities are old, overused, and called upon to perform years beyond their original life spans.

Established in 1978 by Public Law 95-625, the UPARR program was authorized at a level of $725 million to provide (70% federal and 30% local) grants and technical assistance to economically distressed urban communities. Prior to the elimination of funding for UPARR in 1995, the program experienced great success. UPARR funds have returned more than 1500 facilities to functional use in 400 local jurisdictions in 42 states. In the last round of applications when UPARR money was available, over 200 communities sought grants. Grants of only a few hundred thousand dollars have been enough to provide the spark to turn abandoned industrial facilities and armories into green open spaces and neighborhood recreational facilities.

By providing safe recreation opportunities these grants will improve our city's quality of life and help address the needs of at-risk youth. Violent crime arrests grew 94% between 1980-1995 for youth under age 15. FBI analysis of 1991-93 data indicate violent crimes committed by juveniles occurs with the greatest frequency after school. While federal financial assistance cannot rebuild all urban parks or solve all urban recreation problems, the program's original mission of providing seed money for local investments is one that is still valuable to make as we prepare to enter a new millennium.

Funding for UPARR is supported by a wide range of organizations—from the National Association of Police Athletic Leagues and the Sporting Goods Manufacturers Association, to the Conference of Mayors and Mayor League Baseball. They know the results of studies of studies that show that when students have an activity available after school hours, crime rates and juvenile arrests decrease. A study of the Big Brothers/Big Sisters mentoring program demonstrated that young people with adult supervision were only after half as likely to begin illegal drug use as those who had no mentor. Research at Columbia University has shown that Boys and Girls Clubs have been effective in reducing drug activities and juvenile crime in public housing and that participants do better in school and are less attracted to gangs as non-participants.

Again, I thank my colleagues for their support and look forward to working to ensure sufficient funding for this important program.

AMENDMENT NO. 192

(Purpose: To fully fund the Class Size Initiative and the Individuals with Disabilities Act with mandatory funds, the amendment reduces the resolution's tax cut by one fifth, frees up $43 billion in discretionary spending within Function 500 (in 2001-2009) for other important education programs, and leaves adequate room in the revenue reconciliation instructions for targeted tax cuts that help those in need and tax breaks for communities to modernize and rebuild crumbling schools)

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.

Fiscal year 2001: $1,436,108,000,000.

Fiscal year 2002: $1,467,563,000,000.

Fiscal year 2003: $1,548,594,000,000.

Fiscal year 2004: $1,604,382,000,000.

Fiscal year 2005: $1,668,856,000,000.

Fiscal year 2006: $1,703,047,000,000.

Fiscal year 2007: $1,756,420,000,000.

Fiscal year 2008: $1,826,649,000,000.

Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.

Fiscal year 2001: −$6,539,000,000.

Fiscal year 2002: −$40,713,000,000.

Fiscal year 2003: −$14,724,000,000.

Fiscal year 2004: −$29,767,000,000.

Fiscal year 2005: −$42,040,000,000.

Fiscal year 2006: −$87,666,000,000.

Fiscal year 2007: −$114,980,000,000.

Fiscal year 2008: −$129,560,000,000.

Fiscal year 2009: −$155,436,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.

Fiscal year 2001: $1,474,165,000,000.

Fiscal year 2002: $1,506,259,000,000.

Fiscal year 2003: $1,580,072,000,000.

Fiscal year 2004: $1,633,179,000,000.

Fiscal year 2005: $1,688,032,000,000.

Fiscal year 2006: $1,717,635,000,000.

Fiscal year 2007: $1,773,679,000,000.

Fiscal year 2008: $1,835,769,000,000.

Fiscal year 2009: $1,896,955,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.

Fiscal year 2001: $1,436,108,000,000.

Fiscal year 2002: $1,467,563,000,000.

Fiscal year 2003: $1,548,594,000,000.

Fiscal year 2004: $1,601,483,000,000.

Fiscal year 2005: $1,659,025,000,000.

Fiscal year 2006: $1,688,217,000,000.

Fiscal year 2007: $1,736,657,000,000.

Fiscal year 2008: $1,801,829,000,000.

Fiscal year 2009: $1,862,458,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:

(A) New budget authority, $67,373,000,000.

(B) Outlays, $63,994,000,000.

Fiscal year 2001:

(A) New budget authority, $84,420,000,000.

(B) Outlays, $66,249,000,000.

Fiscal year 2002:

(A) New budget authority, $86,077,000,000.

(B) Outlays, $78,442,000,000.

Fiscal year 2003:

(A) New budget authority, $92,893,000,000.

(B) Outlays, $86,110,000,000.

Fiscal year 2004:

(A) New budget authority, $78,948,000,000.

(B) Outlays, $91,867,000,000.

Fiscal year 2005:

(A) New budget authority, $99,653,000,000.

(B) Outlays, $96,488,000,000.

Fiscal year 2006:

(A) New budget authority, $98,462,000,000.

(B) Outlays, $98,798,000,000.

Fiscal year 2007:

(A) New budget authority, $106,245,000,000.

(B) Outlays, $98,893,000,000.

Fiscal year 2008:

(A) New budget authority, $102,174,000,000.

(B) Outlays, $100,241,000,000.

Fiscal year 2009:

(A) New budget authority, $103,037,000,000.

(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $91,744,000,000 for the period of fiscal years 2000 through 2004, and $621,426,000,000 for the period of fiscal years 2000 through 2009; and

Mr. HARKIN. Mr. President, at first glance, the pending budget appears to place a high priority on education. The resolution invests more money than proposed by President Clinton and highlights increases for elementary and secondary education.

This stands in sharp contrast to previous Republican budgets that slashed funding for vital discretionary education programs, cut college loans and called for elimination of the Department of Education. In some respects, this budget is a welcome change.

To highlight elementary and secondary education, the resolution takes the unusual step of providing so-called "sub-function" allocations to prominently display the proposed increases for K-12 education. In addition, the resolution calls for an investment of $2.5 billion in special education over the next five years. That sounds pretty good.

Unfortunately, a closer examination of the budget exposes serious flaws. On the one hand, the budget touts increases for K-12 schools but plays down the sobering fact that the only way to accomplish that objective is to cut other important education and training programs.

Cuts, or in the best case scenario, freezes college grants.

Denies 100,000 children Head Start services.

Eliminates 73,000 young people from the summer jobs program.

Makes it impossible for 102,000 dislocated workers to get the training they need to get new jobs.

Unlike previous GOP budgets that launched a frontal assault on education, this budget is a stealth attack. The rhetoric touts education, but the details will spell disaster.

That is why we are offering this amendment to fully fund two critically important education programs—special education and the class size reduction act. The amendment will enable us to meet two important goals.

First, we will make sure there is full funding for these two initiatives. IDEA will be fully funded for the first time ever and we will meet our national goal of hiring 100,000 new teachers to reduce class size.

Second, by providing this mandatory stream of funding, the amendment will free up precious discretionary funds that could be invested in other important national priorities such as college grants, Head Start, Title I, education technology and job training.

The amendment is fully offset by reducing the tax breaks by 20%. That still leaves plenty of room for tax cuts for working families.

We must renew the bipartisan effort we began last fall to reduce class size. Research has shown that smaller class sizes make a difference. Teachers are able to provide more personalized attention for students and have to spend less time on discipline. As a result, students do better and learn more.

We got off to a good start last fall by enacting legislation as part of the omnibus appropriations bill for the first year of the seven year class size initiative. This amendment would enable us to finish the job and fully fund the initiative.

The amendment also invests in IDEA. In the early seventies, two landmark federal district court cases—PARC versus Commonwealth of Pennsylvania and Mills versus Board of Education of the District Court of Columbia—established that children with disabilities have a constitutional right to a free appropriate public education.

In 1975, in response to these cases, the Congress enacted PL 94–142, the precursor to IDEA, to help states meet their constitutional obligations.

When we enacted PL 94–142, the Congress authorized the maximum state award as the number of children served under the special education law times 40% of the national average per pupil expenditure.

Congress has fallen far short of this goal. Indeed, in fiscal year 1999, Congress appropriated only 11.7% of the national average per pupil expenditure for Part B of IDEA. Congress needs to do much more to help and this amendment would fully fund this program for the first time.

As an editorial in the March 15 edition of the New York Times explained, "Educating disabled youngsters is a national responsibility. The expense should be borne on the nation as a whole, not imposed haphazardly on stated or financially strapped districts that happen to serve a large number of disabled students."

As the ranking member on the education appropriations subcommittee, I am acutely aware of all the things we are unable to do because we do not have sufficient resources to invest. An added benefit of this amendment is to provide $43 billion for education and training programs over the next 10 years.

Mr. President, this amendment will place education at the top of the national priority list and I urge my colleagues to support the amendment.

AMENDMENT NO. 193

(Purpose: To allocate a portion of the surplus for legislation that promotes early educational development and well-being of children)

On page 43, strike beginning with line 13 through line page 44, line 10, and insert the following:

for fiscal year 2000 or increases in the surplus for any of the outyears, the Chairman of the Committee on the Budget shall make the adjustments as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take a portion of the amount of increases in the on-budget surplus for fiscal years 2000 through 2004 estimated in the report submitted pursuant to subsection (a) and—

(1) increase the allocation by these amounts to the Committee on Health, Education, Labor and Pensions only for legislation that promotes early educational development and well-being of children for fiscal years 2000 through 2004; and

(2) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by those amounts for fiscal year 2000 through 2004.

AMENDMENT NO. 194

(Purpose: To fully fund the Class Size Initiative and the Individuals with Disabilities Act with mandatory funds, the amendment reduces the resolution's tax cut by one-fifth, frees up $43 billion in discretionary spending within Function 500 (in 2001–2009) for other important education programs, and leaves adequate room in the revenue reconciliation instructions for targeted tax cuts that help those in need and tax breaks for communities to modernize and rebuild crumbling schools)

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

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(A) The recommended levels of Federal revenues are as follows:

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Fiscal year 2002: $1,467,563,000,000.
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Fiscal year 2008: $1,826,649,000,000.
Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: −$0.
Fiscal year 2001: −$6,539,000,000.
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Fiscal year 2003: −$14,724,000,000.
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Fiscal year 2008: −$129,560,000,000.
Fiscal year 2009: −$155,436,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

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Fiscal year 2002: $1,506,259,000,000.
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Fiscal year 2004: $1,633,179,000,000.
Fiscal year 2005: $1,688,032,000,000.
Fiscal year 2006: $1,717,635,000,000.
Fiscal year 2007: $1,773,679,000,000.
Fiscal year 2008: $1,835,769,000,000.
Fiscal year 2009: $1,896,955,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
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Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,601,483,000,000.
Fiscal year 2005: $1,659,025,000,000.
Fiscal year 2006: $1,688,217,000,000.
Fiscal year 2007: $1,736,657,000,000.
Fiscal year 2008: $1,801,829,000,000.
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(B) Outlays, $66,249,000,000.
Fiscal year 2002:
(A) New budget authority, $86,077,000,000.
(B) Outlays, $78,442,000,000.
Fiscal year 2003:
(A) New budget authority, $92,893,000,000.
(B) Outlays, $86,170,000,000.
Fiscal year 2004:
(A) New budget authority, $78,948,000,000.
(B) Outlays, $91,867,000,000.
Fiscal year 2005:
(A) New budget authority, $99,653,000,000.
(B) Outlays, $96,488,000,000.
Fiscal year 2006:
(A) New budget authority, $98,462,000,000.
(B) Outlays, $98,798,000,000.
Fiscal year 2007:
(A) New budget authority, $100,245,000,000.
(B) Outlays, $98,893,000,000.
Fiscal year 2008:
(A) New budget authority, $102,174,000,000.
(B) Outlays, $100,241,000,000.
Fiscal year 2009:
(A) New budget authority, $103,037,000,000.
(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $91,744,000,000 for the period of fiscal years 2000 through 2004, and $621,426,000,000 for the period of fiscal years 2000 through 2009; and

AMENDMENT NO. 195

(Purpose: To express the sense of the Senate concerning an increase in the minimum wage)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING AN INCREASE IN THE MINIMUM WAGE.

It is the sense of the Senate that the minimum hourly wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) should be increased by 50 cents on September 1, 1999, and again on September 1, 2000, to bring the minimum hourly wage to $6.15 an hour, and that such section should apply to the Commonwealth of the Northern Mariana Islands.

AMENDMENT NO. 196

(Purpose: To create a reserve fund for medicare prescription drug benefits)

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR MEDICARE PRESCRIPTION DRUG BENEFITS.

(a) ADJUSTMENT.—If legislation is considered that modernizes and strengthens the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and includes a benefit under such title providing affordable prescription drug coverage for all medicare beneficiaries, the Chairman of the Committee on the Budget may change committee allocations, revenue aggregates, and spending aggregates if such legislation will not cause an on-budget deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) BUDGETARY ENFORCEMENT.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

AMENDMENT NO. 197

(Purpose: To express the sense of the Senate regarding asset-building for the working poor)

At the end of title III, insert the following:

SEC. . SENSE OF SENATE REGARDING ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—The Senate finds the following:

(1) 33 percent of all American households and 60 percent of African American households have no or negative financial assets.

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children.

(3) In order to provide low-income families with more tools for empowerment , incentives which encourage asset-building should be established.

(4) Across the Nation, numerous small public, private, and public-private asset-building incentives, including individual development accounts, are demonstrating success at empowering low-income workers.

(5) Middle and upper income Americans currently benefit from tax incentives for building assets.

(6) The Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) SENSE OF SENATE.—It is the sense of the Senate that the provisions of this resolution assume that Congress should modify the Federal tax law to include provisions which encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

AMENDMENT NO. 198

(Purpose: To express the sense of the Senate regarding the need for increased funding for the State Criminal Alien Assistance program in fiscal year 2000)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON SCAAP FUNDING.

(a) FINDINGS.—The Senate finds the following:

(1) The Federal Government has the responsibility for ensuring that our Nation's borders are safe and secure.

(2) States and localities, particularly in high immigrant States, face disproportionate costs in implementing our Nation's immigration policies, particularly in the case of incarcerating criminal illegal aliens.

(3) Federal reimbursements have continually failed to cover the actual costs borne by States and localities in incarcerating criminal illegal aliens. In fiscal year 1999, the costs to States and localities for incarcerating criminal aliens reached over $1,700,000,000, but the Federal Government reimbursed States only $585,000,000.

(4) In fiscal year 1998, the State of California spent approximately $577,000,000 for the incarceration and parole supervision of criminal alien felons, but received just $244,000,000 in reimbursements. The State of Texas spent $133,000,000, but the Federal Government provided only a $53,000,000 reimbursement. The State of Arizona incurred $38,000,000 in costs, but only received $15,000,000 in reimbursements. The State of New Mexico incurred $3,000,000 in cost, but only received $1,000,000 in reimbursements.

(5) The current Administration request of $500,000,000 is significantly below last year's Federal appropriation, despite the fact that more aliens are now being detained in State and local jails.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the State Criminal Alien Assistance program budget proposal should increase to $970,000,000 and that the budget resolution appropriately reflects sufficient funds to achieve this objective.

AMENDMENT 199

(Purpose: To help ensure the long-term national security of the United States by budgeting for a robust Defense Science and Technology Program)

At the appropriate place in the bill, insert the following:

"SEC. . BUDGETING FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

"It is the sense of the Senate that the budgetary levels for National Defense (function 050) for fiscal years 2000 through 2008 assume funding for the Defense Science and Technology program that is consistent with Section 214 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, which expresses a sense of the Congress that for each of those fiscal years it should be an objective of the Secretary of Defense to increase the budget request for the Defense Science and Technology program by at least 2 percent over inflation.".

Mr. BINGAMAN. Mr. President, I'm very pleased to be joined by Senators from both sides of the aisle in offering this amendment regarding the Defense Science and Technology program. Senators DEWINE, KENNEDY, HUTCHISON, GRAHAM, SANTORUM, SCHUMER, CHAFEE, MOYNIHAN, and LIEBERMAN are all cosponsors, and I thank them for their valuable support.

This sense of the Senate amendment reemphasizes Congressional support for modest but needed increases in the Defense Science and Technology program budget. It reinforces that the Senate, honoring its responsibility for maintaining the long-term strength of our national defense, intends to see that the DoD places a greater priority on this high payoff investment in our national security.

A little background is in order. Technological superiority, coupled with outstanding training, remains a keystone of our military strategy and might. Undergirding that superiority has been the patient, long-term investment we have made in the Defense Science and Technology program—often known around here as "S&T" or "6.1, 6.2, and 6.3" funding. That investment gave us things like stealth and the advanced information systems that allowed us to totally dominate the battlespace during Desert Storm. It's sometimes said that the S&T of the 60's and 70's was used to fight and win the Gulf War of the 90's, at a relatively low cost of American lives. And, it's worth remembering that each time you use the Internet, you're using the results of Defense S&T.

Yet, despite the widely acknowledged and proven value of Defense S&T, despite the fact that new technology will help us counter the new threats we see emerging, despite the fact that overall Defense spending will significantly increase, the DoD plans to cut and continue cutting S&T. The fiscal 1999 S&T funding is $7.8 billion, whereas the budget request for fiscal 2000 is $7.4 billion, down around 15% in real terms since 1995. Moreover, that request includes the lowest level of S&T by the military services in 22 years. Worse yet, S&T is slated to decline to around $7 billion in constant dollars in the outyears—$1 billion less than the level recommended just last summer by the independent Defense Science Board. To my mind, that is just not consistent with maintaining the long term technological edge of our military.

Now, both Houses of Congress have recognized this problem. Last year, we included in the Strom Thurmond National Defense Authorization Act a sense of the Congress provision, Section 214, calling on the Secretary of Defense to increase the S&T budget request by at least 2% a year over inflation during fiscal 2000 through 2008. That provision was designed to be a flexible way of urging the DoD to place a higher priority on S&T. It contemplated they would plan sensible, gradual increases in S&T, which would reach the Defense Science Board target in real terms by fiscal 2005 or so.

Unfortunately, the DoD may be falling into a classic trap that can catch the best of managers, that of focusing so hard on the short term problems that they shortchange the future. This year's plans continue to show declines for S&T in the outyears, and are largely unchanged from last year's plans.

That's where we come in. The Senate is perhaps uniquely suited to take the long term view, to look after those things that require patience, yet lie at the very foundation of our national security—like Defense S&T. We have the luxury of not being subject to the day to day pressures of DoD managers, but we have the responsibility to make sure they don't shortchange the future.

Hence, this amendment says that within the budgetary levels for National Defense, function 050, we assume the DoD will increase the S&T budget as called for in last year's Defense authorization act. This assumption, in turn, signals that we continue to be very serious about our long term investment in S&T, and will not just let the issue slide. Over time, I believe the DoD will hear our message and begin placing a higher priority on S&T and fix this problem.

Mr. President, I urge my colleagues to join the ten of us and support this amendment.

Mr. HARKIN. Mr. President, in the early seventies, two landmark federal district court cases—PARC v. Commonwealth of Pennsylvania, and Mills v. Board of Education of the District Court of Columbia—established that children with disabilities have a constitutional right to a free appropriate public education.

In 1975, in response to these cases, the Congress enacted PL 94-142, the precursor to IDEA, to help states meet their constitutional obligations.

When we enacted PL 94-142, the Congress authorized the maximum state award as the number of children served under the special education law times 40% of the national average per pupil expenditure.

Congress has fallen far short of this goal. Indeed, in fiscal year 1999, Congress appropriated only 11.7% of the national average per pupil expenditure for Part B of IDEA.

Congress needs to do much more to help school districts meet their constitutional obligations. Indeed, whenever I go home to Iowa, I am besieged by requests for additional federal funding for special education.

These requests increased in intensity following the Supreme Court decision in Cedar Rapids Community School District v. Garrett F. That decision reaffirmed the court's longstanding interpretation that schools must provide those health-related services necessary to allow a child with a disability to remain in school.

This is a terribly important decision, which reaffirms that all children with disabilities have the right to a meaningful education. As Justice Stevens wrote, "under the statute, [Supreme Court] precedent, and the purpose of the IDEA, the District must fund such "related services" in order to help guarantee that students like Garrett are integrated into the public schools."

The child in this case, Garrett Frey, happens to come from Iowa. He is friendly bright, articulate young man, who is also quadriplegic and ventilator-dependent. Twenty years ago, he probably would have been shunted off to an institution, at a terrible cost to taxpayers. Instead, he is thriving as a high school student, and will most likely go off to college and become a hard-working, tax paying citizen.

An editorial in USA Today summed up the situation well.

> We've learned a lot about the costs of special education over the past 24 years. In addition to the savings realized when children can live at home with their families, we also know there are astronomical costs associated with not educating students with disabilities. Research shows that individuals who did not benefit from IDEA are almost twice as likely to not complete high school, not attend college and not get a job. The bottom line: Providing appropriate special education and related services to children saves government hundreds of thousands of dollars in dependency costs.

The Garrett Frey decision, also underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess costs of educating other children with disabilities, like Garrett, is great.

The pending amendment, of which I am pleased to cosponsor, would take two important steps. First, it would fully fund IDEA at the 40% goals. Secondly, the amendment would provide a mandatory stream of funding for this important program. Finally, the amendment is paid for by taking a portion of the funds set-aside for tax breaks and instead invest those funds in IDEA. Mr. President, my amendment would provide real money to help school districts meet their constitutional obligations. Local school districts should not have to bear the full costs of educating children with disabilities.

Again, the USA Today editorial said it well.

> Let's be clear: The job of educating all our children is no small feat. But kids in special education and kids in "gifted and talented" programs are not to blame for tight resources. We, as a nation, must increase our commitment to a system of public education that has the capacity to meet the needs of all children, including children with disabilities.

Of course, in providing increased funding for IDEA, we must make sure we do not do so at the expense of other equally important education programs.

We need to fully fund Head Start so that all children start school ready to learn.

We need to fully fund Title I so that all children get the extra help they need in reading and math.

We need to fully fund Pell Grants so that all students have a chance to go to college.

There are many other important education initiatives, such as reducing class size, improving teacher training, and modernizing our crumbling schools, that will also help children with disabilities.

Finally, I'd like to point out that when we reauthorized IDEA in 1997, we made clear that the cost of serving students with disabilities should fall not just on school districts, but should be shared by all responsive state agencies, including state Medicaid agencies and state health departments. While Garrett does not qualify for any state programs, many children in his situation do, and the school districts can and should avail themselves of that money.

Mr. President, this amendment is about setting rational national priorities. We must make education our nation's top priority since the real threat to our national security is an inability to compete in the global marketplace. We must have the best-educated, most-skilled, healthiest workers in the world to secure our nation's future. Investments in education are essential if we are to reach that goal.

The amendment targets one important area—special education—and fully funds this important program. As an editorial in the March 15 edition of the New York Times explained, "Educating disabled youngsters is a national responsibility. The expense should be borne on the nation as a whole, not imposed haphazardly on states or financially strapped districts that happen to serve a large number of disabled students."

By providing these additional resources for special education, we would free up funds both here and in local school districts for other important education priorities. I urge my colleagues to support this important amendment to fully fund IDEA by reducing tax breaks in the budget.

AMENDMENT NO. 200

(Purpose: To allow increased tobacco tax revenues to be used as an offset for the Medicare prescription drug benefit provided for in section 209)

On page 53, line 4, after "may change committee allocations" insert ", revenue aggregates for legislation that increases taxes on tobacco or tobacco products (only),".

AMENDMENT NO. 201

(Purpose: To fund a 40 percent Federal share for the Individuals with Disabilities Education Act, the amendment reduces the resolution's tax cut by nearly one fifth, frees up $43 billion in discretionary spending within Function 500 (in 2001-2009) for other important education programs, and leaves adequate room in the revenue reconciliation instructions for targeted tax cuts that help those in need and tax breaks for communities to modernize and rebuild crumbling schools)

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,436,033,000,000.
Fiscal year 2002: $1,466,653,000,000.
Fiscal year 2003: $1,547,102,000,000.
Fiscal year 2004: $1,602,574,000,000.
Fiscal year 2005: $1,666,629,000,000.
Fiscal year 2006: $1,700,594,000,000.
Fiscal year 2007: $1,755,630,000,000.
Fiscal year 2008: $1,826,369,000,000.
Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: –$6,614,000,000.
Fiscal year 2002: –$41,623,000,000.
Fiscal year 2003: –$16,216,000,000.
Fiscal year 2004: –$31,574,000,000.
Fiscal year 2005: –$44,267,000,000.
Fiscal year 2006: –$90,119,000,000.
Fiscal year 2007: –$115,770,000,000.
Fiscal year 2008: –$129,840,000,000.
Fiscal year 2009: –$155,436,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,472,665,000,000.
Fiscal year 2002: $1,504,559,000,000.
Fiscal year 2003: $1,578,337,000,000.
Fiscal year 2004: $1,630,879,000,000.
Fiscal year 2005: $1,685,232,000,000.
Fiscal year 2006: $1,717,635,000,000.
Fiscal year 2007: $1,773,679,000,000.
Fiscal year 2008: $1,835,769,000,000.
Fiscal year 2009: $1,896,955,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,436,033,000,000.
Fiscal year 2002: $1,466,653,000,000.
Fiscal year 2003: $1,547,102,000,000.
Fiscal year 2004: $1,599,675,000,000.
Fiscal year 2005: $1,656,798,000,000.
Fiscal year 2006: $1,685,764,000,000.
Fiscal year 2007: $1,735,867,000,000.
Fiscal year 2008: $1,801,549,000,000.
Fiscal year 2009: $1,862,458,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $82,920,000,000.
(B) Outlays, $66,174,000,000.
Fiscal year 2002:
(A) New budget authority, $84,377,000,000.
(B) Outlays, $77,532,000,000.
Fiscal year 2003:
(A) New budget authority, $91,158,000,000.
(B) Outlays, $84,618,000,000.
Fiscal year 2004:
(A) New budget authority, $95,249,000,000.
(B) Outlays, $90,059,000,000.
Fiscal year 2005:
(A) New budget authority, $96,853,000,000.
(B) Outlays, $94,261,000,000.
Fiscal year 2006:
(A) New budget authority, $98,462,000,000.
(B) Outlays, $96,345,000,000.
Fiscal year 2007:
(A) New budget authority, $100,245,000,000.
(B) Outlays, $98,103,000,000.
Fiscal year 2008:
(A) New budget authority, $102,174,000,000.
(B) Outlays, $99,961,000,000.
Fiscal year 2009:
(A) New budget authority, $103,037,000,000.
(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $96,028,000,000 for the period of fiscal years 2000 through 2004, and $631,461,000,000 for the period of fiscal years 2000 through 2009; and

AMENDMENT NO. 202

(Purpose: To express the Sense of the Senate regarding funding for embassy security)

At the appropriate place in the bill, insert the following new section:

SEC. . SENSE OF THE SENATE ON IMPORTANCE OF FUNDING FOR EMBASSY SECURITY.

(a) FINDINGS.—The Senate finds that—

(1) Enhancing security at U.S. diplomatic missions overseas is essential to protect U.S. government personnel serving on the front lines of our national defense;

(2) 80 percent of U.S. diplomatic missions do not meet current security standards;

(3) the Accountability Review Boards on the Embassy Bombings in Nairobi and Dar es Salaam recommended that the Department of State spend $1.4 billion annually on embassy security over each of the next ten years;

(4) the amount of spending recommended for embassy security by the Accountability Review Boards is approximately 36 percent of the operating budget requested for the Department of State in Fiscal Year 2000; and

(5) the funding requirements necessary to improve security for United States diplomatic missions and personnel abroad cannot be borne within the current budgetary resources of the Department of State;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the budgetary levels in this budget resolution assume that as the Congress contemplates changes in the Congressional Budget Act of 1974 to reflect projected on-budget surpluses, provisions similar to those set forth in Section 314(b) of that Act should be considered to ensure adequate funding for enhancements to the security of U.S. diplomatic missions.

AMENDMENT NO. 203

(Purpose: To allow for the creation of a mandatory fund for medical research under the authority of the National Institutes of Health fully funded through a tax provision providing that certain funds provided by tobacco companies to states or local governments in connection with tobacco litigation or settlement shall not be deductible)

Page 3, line 9: reduce the figure by $1,400,000,000.

Page 3, line 10: reduce the figure by $1,400,000,000.

Page 3, line 11: reduce the figure by $1,400,000,000.

Page 3, line 12: reduce the figure by $1,400,000,000.

Page 3, line 13: reduce the figure by $1,400,000,000.

Page 3, line 14: reduce the figure by $1,400,000,000.

Page 3, line 15: reduce the figure by $1,400,000,000.

Page 3, line 16: reduce the figure by $1,400,000,000.

Page 3, line 17: reduce the figure by $1,400,000,000.

Page 3, line 18: reduce the figure by $1,400,000,000.

Page 4, line 4: change the figure to read –$1,400,000,000.

Page 4, line 5: reduce the figure by $1,400,000,000.

Page 4, line 6: reduce the figure by $1,400,000,000.

Page 4, line 7: reduce the figure by $1,400,000,000.

Page 4, line 8: reduce the figure by $1,400,000,000.

Page 4, line 9: reduce the figure by $1,400,000,000.

Page 4, line 10: reduce the figure by $1,400,000,000.

Page 4, line 11: reduce the figure by $1,400,000,000.

Page 4, line 12: reduce the figure by $1,400,000,000.

Page 4, line 13: reduce the figure by $1,400,000,000.

Page 4, line 17: increase the figure by $1,400,000,000.

Page 4, line 18: increase the figure by $1,400,000,000.

Page 4, line 19: increase the figure by $1,400,000,000.

Page 4, line 20: increase the figure by $1,400,000,000.

Page 4, line 21: increase the figure by $1,400,000,000.

Page 4, line 22: increase the figure by $1,400,000,000.

Page 4, line 23: increase the figure by $1,400,000,000.

Page 4, line 24: increase the figure by $1,400,000,000.

Page 4, line 25: increase the figure by $1,400,000,000.

Page 5, line 1: increase the figure by $1,400,000,000.

Page 5, line 5: increase the figure by $1,400,000,000.

Page 5, line 6: increase the figure by $1,400,000,000.

Page 5, line 7: increase the figure by $1,400,000,000.

Page 5, line 8: increase the figure by $1,400,000,000.

Page 5, line 9: increase the figure by $1,400,000,000.

Page 5, line 10: increase the figure by $1,400,000,000.

Page 5, line 11: increase the figure by $1,400,000,000.

Page 5, line 12: increase the figure by $1,400,000,000.

Page 5, line 13: increase the figure by $1,400,000,000.

Page 5, line 14: increase the figure by $1,400,000,000.

Page 25, line 7: increase the figure by $1,400,000,000.

Page 25, line 8: increase the figure by $1,400,000,000.

Page 25, line 11: increase the figure by $1,400,000,000.

Page 25, line 12: increase the figure by $1,400,000,000.

Page 25, line 15: increase the figure by $1,400,000,000.

Page 25, line 16: increase the figure by $1,400,000,000.

Page 25, line 19: increase the figure by $1,400,000,000.

Page 25, line 20: increase the figure by $1,400,000,000.

Page 25, line 23: increase the figure by $1,400,000,000.

Page 25, line 24: increase the figure by $1,400,000,000.

Page 26, line 2: increase the figure by $1,400,000,000.

Page 26, line 3: increase the figure by $1,400,000,000.

Page 26, line 6: increase the figure by $1,400,000,000.

Page 26, line 7: increase the figure by $1,400,000,000.

Page 26, line 10: increase the figure by $1,400,000,000.

Page 26, line 11: increase the figure by $1,400,000,000.

Page 26, line 14: increase the figure by $1,400,000,000.

Page 26, line 15: increase the figure by $1,400,000,000.

Page 26, line 18: increase the figure by $1,400,000,000.

Page 26, line 19: increase the figure by $1,400,000,000.

AMENDMENT NO. 204

(Purpose: To extend the Violent Crime Reduction Trust Fund)

At the end of title II, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) DISCRETIONARY LIMITS.—In the Senate, in this section, and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974—

(1) with respect to fiscal year 2001—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

(2) with respect to fiscal year 2002—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

(3) with respect to fiscal year 2003—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

(4) with respect to fiscal year 2004—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

(5) with respect to fiscal year 2005—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in strict conformance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 314 of the Congressional Budget Act of 1974.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for any of the fiscal years 2000 through 2005 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for any of the fiscal years 2000 through 2005 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

(2) EXCEPTION.—This section shall not apply if a declaration of war by Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

AMENDMENT NO. 205

(Purpose: to allow for a tax cut for working families that could be provided immediately, before enactment of Social Security reform would make on-budget surpluses available as an offset)

On page 46, after line 10, add a new subsection (c) that reads as follows:

(c) LIMITATION.—This reserve fund will only be available for the following types of tax relief:

(1) Tax relief to help working families afford child care, including assistance for families with a parent staying out of the workforce in order to care for young children;

(2) Tax relief to help individuals and their families afford the expense of long-term health care;

(3) Tax relief to ease the tax code's marriage penalties on working families;

(4) Any other individual tax relief targeted exclusively for families in the bottom 90 percent of the family income distribution;

(5) The extension of the Research and Experimentation tax credit, the Work Opportunity tax credit, and other expiring tax provisions, a number of which are important to help American businesses compete in the modern international economy and to help bring the benefits of a strong economy to disadvantaged individuals and communities; and,

(6) Tax incentives to help small businesses offer pension plans to their employees, and other proposals to increase pension access, portability, and security.

Mr. ROBB. Mr. President, I rise to offer an amendment to strike section 204 of the budget resolution, as well as the reconciliation instructions to cut taxes by $778 billion over the next 10 years without offsetting their costs.

I move to eliminate these provisions because they strike at the very heart of the fiscal discipline that has brought about the first unified balanced budget in 30 years.

In 1993, in President Clinton's first budget, we introduced a new pay-as-you-go rule in the Senate. This rule provided for a 60-vote point of order in the Senate against legislation that would increase the deficit over 10 years. That has served to keep the Senate and the Congress on a course of fiscal responsibility by requiring Congress to pay for any changes in revenues or direct spending.

The budget resolution before us, however, abandons the pay-go rule and allows Congress to spend the projected onbudget surpluses without offsetting their costs.

While supporters of this language promote this as a simple clarification of existing principles, arguing the pay-go rules were not to apply in times of onbudget surpluses, the Congressional Budget Office disagrees.

In my judgment, it would be irresponsible to abandon the very pay-go rules that brought us to this point when we still face a $3.7 trillion debt held by the public, and a total debt of over $5.5 trillion.

But, Mr. President, regardless of one's views on whether these rules were meant to apply in our current fiscal circumstances, I believe it is in our interest not to abandon the pay-go rules at this time. They have been instrumental in imposing fiscal discipline on this body, something that has been sorely lacking in previous years.

Paying for new spending or new tax cuts forces legislators to make tough choices. If we abandon this rule, we are saying, in effect, we don't have to make tough choices anymore. And that is particularly troubling when we make long-term decisions based only on projections, as we do today.

Mr. President, those who support this change are using it to pass a tax cut that would otherwise be subject to a point of order under the current pay-go rules. But I want to ask our colleagues, which is the more fiscally conservative position? Supporters of this new language may think of themselves as fiscal conservatives. In my view, the fiscally conservative position demands paying for other priorities and using the total surplus, not just the off-budget surplus, to pay down the publicly held debt.

By ridding ourselves of this debt, we dramatically increase our flexibility to solve some of our long-term funding challenges in Social Security and Medicare.

The budget resolution before us is short shrift to Social Security and Medicare by abandoning the pay-go rules and using the onbudget surplus for tax cuts. Once again, it puts short-term political interests ahead of long-term planning. As long as the only window we are looking through faces the next election rather than our economic strength in the next century, we will continue to put our focus on feel-good tax cuts at the expense of preparing for the future of Social Security and Medicare.

Bottom line, Mr. President, the responsible position is to maintain the current budget rules and pay down the debt, and that is the proposition that Americans support.

We have a responsibility to the next generation to reduce the debt that clouds our Nation's future prosperity, and the way to remove that debt is to stick to the pay-go rules that have served us so well.

With this amendment, cosponsored by Senator GRAHAM of Florida, we will keep the pay-go rules, we will pay off the debt, and we will ensure that any tax cut doesn't threaten to plunge us back into the large deficits from which we have so recently been delivered.

With that, Mr. President, I yield back any time remaining. I thank the Senator from New Jersey.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. Is it in order for the Senator to submit the Republican amendments?

The PRESIDING OFFICER. It is in order.

AMENDMENTS NOS. 206 THROUGH 243, EN BLOC

Mr. DOMENICI. Mr. President, I want to inform the Senate that the timeline runs out on the resolution—because votes count and everything now—at 7 o'clock. Here are 36 amendments that Republicans have asked me to send to the desk.

The PRESIDING OFFICER. They will be received at the desk.

The amendments are as follows:

AMENDMENT NO. 206

(Purpose: To provide the Sense of the Senate regarding support for Federal, State and local law enforcement, and for the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND.

"(a) FINDINGS.—the Senate finds that:—

"(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance such as the Local Law Enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the COPS Program, and the Byrne Grant Program, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a violent crime rate that has dropped in each of the past four years;

"(2) Assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation;

"(3) Through a comprehensive effort by state and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women.

"(4) Despite recent gains, the violent crime rate remains high by historical standards;

"(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a National anticrime strategy, and should be maintained;

"(6) The recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

"(7) The Violent Crime Reduction Trust Fund, enacted as a part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996, without adding to the federal budget deficit.

"(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, such as the Local Law Enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the Violent Offender Incarceration/Truth in Sentencing Incentive Grants Program, the Violence Against Women Act, the COPS Program, and the Byrne Grant Program, shall be maintained, and that funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2005."

AMENDMENT NO. 207

(Purpose: To ensure a rational adjustment to merger notification thresholds for small business and to ensure adequate funding for Antitrust Division of the Department of Justice)

At the appropriate place, insert the following new section:

"SEC. . SENSE OF THE SENATE ON MERGER ENFORCEMENT BY DEPARTMENT OF JUSTICE.

"(a) FINDINGS.—Congress finds that—

"(1) the Antitrust Division of the Department of Justice is charged with the civil and criminal enforcement of the antitrust laws, including review of corporate mergers likely to reduce competition in particular markets, with a goal to promote and protect the competitive process;

"(2) the Antitrust Division requests a 16 percent increase in funding for fiscal year 2000;

"(3) justification for such an increase is based, in part, on increasingly numerous and complex merger filings pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976;

"(4) the Hart-Scott-Rodino Antitrust Improvements Act of 1976 sets value thresholds which trigger the requirement for filing premerger notification;

"(5) the number of merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, which the Department, in conjunction with the Federal Trade Commission, is required to review, increased by 38 percent in fiscal year 1998;

"(6) the Department expects the number of merger filings to increase in fiscal years 1999 and 2000;

"(7) the value thresholds, which relate to both the size of the companies involved and the size of the transaction, under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 have not been adjusted since passage of that Act.

"(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the Antitrust Division needs adequate resources and that the levels in this resolution assume the Division will have such adequate resources, including necessary increases, notwithstanding any report language to the contrary, to enable it to meet its statutory requirements, including those related to reviewing and investigating increasingly numerous and complex mergers, but that Congress should pursue consideration of modest, budget neutral, adjustments to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to account for inflation in the value thresholds of the Act, and in so doing, ensure that the Antitrust Division's resources are focused on matters and transactions most deserving of the Division's attention.

AMENDMENT NO. 208

(Purpose: To express the Sense of the Senate that the Marriage Penalty should be eliminated and the marginal income tax rates should be uniformly reduced)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON ELIMINATING THE MARRIAGE PENALTY AND ACROSS THE BOARD INCOME TAX RATE CUTS.

(a) FINDINGS.—The Senate finds that—

(1) The institution of marriage is the cornerstone of the family and civil society;

(2) Strengthening of the marriage commitment and the family is an indispensable step in the renewal of America's culture;

(3) The Federal income tax punishes marriage by imposing a greater tax burden on married couples than on their single counterparts:

(4) America's tax code should give each married couple the choice to be treated as one economic unit, regardless of which spouse earns the income; and

(5) All American taxpayers are responsible for any budget surplus and deserve broad-based tax relief after the Social Security Trust fund has been protected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should eliminate the marriage penalty in a manner that treats all married couples equally, regardless of which spouse earns the income; and

(2) Congress should implement an equal, across the board reduction in each of the current federal income tax rates as soon as there is a non-Social Security surplus.

AMENDMENT NO. 209

(Purpose: To express the sense of the Senate that the Internal Revenue Code of 1986 needs comprehensive reform)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING REFORM OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Code of 1986 (referred to in this section as the "tax code") is unnecessarily complex and burdensome, consisting of 2,000 pages of tax code, and resulting in 12,000 pages of regulations and 200,000 pages of court proceedings;

(2) the complexity of the tax code results in taxpayers spending approximately 5,400,000,000 hours and $200,000,000,000 on tax compliance each year;

(3) the impact of the complexity of the tax code is inherently inequitable, rewarding taxpayers which hire professional tax preparers and penalizing taxpayers which seek to comply with the tax code without professional assistance;

(4) the percentage of the income of an average family of four that is paid for taxes has grown significantly, comprising nearly 40 percent of the family's earnings, a percentage which represents more than a family spends in the aggregate on food, clothing, and housing;

(5) the total amount of Federal, State, and local tax collections in 1998 increased approximately 5.7 percent over such collections in 1997;

(6) the tax code penalizes saving and investment by imposing tax on these important activities twice while promoting consumption by only taxing income used for consumption once;

(7) the tax code stifles economic growth by discouraging work and capital formation through high tax rates;

(8) Congress and the President have found it necessary on several occasions to enact laws to protect taxpayers from abusive actions and procedures of the Internal Revenue Service in enforcement of the tax code; and

(9) the complexity of the tax code is largely responsible for the growth in size of the Internal Revenue Service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Internal Revenue Code of 1986 needs comprehensive reform; and

(2) Congress should move expeditiously to consider comprehensive proposals to reform the Internal Revenue Code of 1986.

AMENDMENT NO. 210

(Purpose: To express the sense of the Senate that the additional tax incentives should be provided for education savings)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR EDUCATION SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) families in the United States have accrued more college debt in the 1990s than during the previous 3 decades combined; and

(2) families should have every resource available to them to meet the rising cost of higher education.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that additional tax incentives should be provided for education savings, including—

(1) excluding from gross income distributions from qualified State tuition plans; and

(2) providing a tax deferral for private prepaid tuition plans in years 2000 through 2003 and excluding from gross income distributions from such plans in years 2004 and after.

AMENDMENT NO. 211

(Purpose: Expressing the Sense of the Senate regarding the Davis-Bacon Act)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING DAVIS-BACON.

It is the Sense of the Senate that in carrying out the assumptions in this budget resolution, the Senate will consider reform of the Davis-Bacon Act as an alternative to repeal.

AMENDMENT NO. 212

(Purpose: Expressing the Sense of the Senate regarding reauthorization of the Farmland Protection Program)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE THAT THE 106TH CONGRESS, 1ST SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) Nineteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for nineteen states and dozens of localities to protect over 123,000 acres on 432 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) The Farmland Protection Program is a matching grant program that is completely voluntary in which the federal government does not acquire the land or easement;

(6) Funds authorized for the Farmland Protection Program were expended at the end of Fiscal Year 1998, and no funds were appropriated in Fiscal Year 1999;

(7) The United States is losing two acres of our best farmland to development every minute of every day;

(8) These lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States;

(b) SENATE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 106th Congress, 1st Session will reauthorize funds for the Farmland Protection Program.

AMENDMENT NO. 213

(Purpose: To express the sense of the Senate regarding support for State and local law enforcement)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the President's budget request for fiscal year 2000 proposes significant reductions in Federal support for State and local law enforcement efforts to combat crime by eliminating more than $1,000,000,000 from State and local law enforcement programs that directly support the Nation's communities, including—

(A) zero funding for Local Law Enforcement Block Grants, for which $523,000,000 was made available for fiscal year 1999;

(B) a reduction from the amount made available for fiscal year 1999 of $645,000,000 for State prison grants (including Violent Offender Incarceration Grants and Truth-in-Sentencing Incentive Grants);

(C) a reduction from the amount made available for fiscal year 1999 of more than $85,000,000 from the State Criminal Alien Incarceration Program, which reimburses States for the incarceration of illegal aliens;

(D) a reduction in funding for the popular Byrne grant program under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968; and

(E) elimination of funding for Juvenile Accountability Block Grants, which have provided $500,000,000 over the last 2 years to communities attempting to control the plague of youth violence;

(2) as national crime rates are beginning to fall as a result of State and local efforts, with Federal support, it is unwise to ignore the responsibility of the Federal Government to communities still overwhelmed by crime;

(3) Federal support is crucial to the provision of critical crime fighting services and the effective administration of justice in the States, such as the approximately 600 qualified State and local crime laboratories and medical examiners' offices, which deliver over 90 percent of the forensic services in the United States;

(4) dramatic increases in crime rates over the last decade have generally exceeded the capacity of State and local crime laboratories to process their forensic examinations, resulting in tremendous backlogs that prevent the swift administration of justice and impede fundamental individual rights, such as the right to a speedy trial and to exculpatory evidence;

(5) last year, Congress passed the Crime Identification Technology Act of 1998, which authorizes $250,000,000 each year for 5 years to assist State and local law enforcement agencies in integrating their anticrime technology systems into national databases, and in upgrading their forensic laboratories and information and communications infrastructures upon which these crime fighting systems rely; and

(6) the Federal Government must continue efforts to significantly reduce crime by at least maintaining Federal funding for State and local law enforcement, and wisely targeting these resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the amounts made available for fiscal year 2000 to assist State and local law enforcement efforts will be—

(A) greater than the amounts proposed in the President's budget request for fiscal year 2000; and

(B) comparable to amounts made available for that purpose for fiscal year 1999;

(2) the amounts made available for fiscal year 2000 for crime technology programs should be used to further the purposes of the program under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); and

(3) Congress should consider legislation that specifically addresses the backlogs in State and local crime laboratories and medical examiners' offices.

AMENDMENT NO. 214

(Purpose: To express the sense of the Senate that funding for Federal drug control activities should be at a level higher than that proposed in the President's budget request for fiscal year 2000)

At the end of title III, insert the following:

SEC. ___ . SENSE OF THE SENATE REGARDING FUNDING FOR COUNTER-NARCOTICS INITIATIVES.

(a) FINDINGS.—The Senate finds that—

(1) from 1985–1992, the Federal Government's drug control budget was balanced among education, treatment, law enforcement, and international supply reduction activities and this resulted in a 13-percent reduction in total drug use from 1988 to 1991;

(2) since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent, cocaine and marijuana use by high school seniors rose 80 percent, and heroin use by high school seniors rose 100 percent;

(3) during this same period, the Federal investment in reducing the flow of drugs outside our borders declined both in real dollars and as a proportion of the Federal drug control budget;

(4) while the Federal Government works with State and local governments and numerous private organizations to reduce the demand for illegal drugs, seize drugs, and break down drug trafficking organizations within our borders, only the Federal Government can seize and destroy drugs outside of our borders;

(5) in an effort to restore Federal international eradication and interdiction efforts, in 1998, Congress passed the Western Hemisphere Drug Elimination Act which authorized an additional $2,600,000,000 over 3 years for international interdiction, eradication, and alternative development activities;

(6) Congress appropriated over $800,000,000 in fiscal year 1999 for anti-drug activities authorized in the Western Hemisphere Drug Elimination Act;

(7) the President's Budget Request for fiscal year 2000 would invest $100,000,000 less than what Congress appropriated in fiscal year 1999;

(8) the President's Budget Request for fiscal year 2000 contains no funding for the Western Hemisphere Drug Elimination Act's top 5 priorities, namely, including funds for an enhanced United States Customs Service air interdiction program, counter-drug intelligence programs, security enhancements for our United States-Mexico border, and a promising eradication program against coca, opium, poppy, and marijuana; and

(9) the proposed Drug Free Century Act would build upon many of the initiatives authorized in the Western Hemisphere Drug Elimination Act, including additional funding for the Department of Defense for counter-drug intelligence and related activities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) funding for Federal drug control activities should be at a level higher than that proposed in the President's budget request for fiscal year 2000; and

(2) funding for Federal drug control activities should allow for investments in programs authorized in the Western Hemisphere Drug Elimination Act and in the proposed Drug Free Century Act.

AMENDMENT NO. 215

(Purpose: To express the sense of the Senate concerning resources for autism research through the National Institutes of Health and the Centers for Disease Control and Prevention)

At the appropriate place, insert the following:

SEC. ___ . SENSE OF THE SENATE CONCERNING AUTISM.

(a) FINDINGS.—Congress makes the following findings:

(1) Infantile autism and autism spectrum disorders are biologically-based neurodevelopmental diseases that cause severe impairments in language and communication and generally manifest in young children sometime during the first two years of life.

(2) Best estimates indicate that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder.

(3) There is little information on the prevalence of autism and other pervasive developmental disabilities in the United States. There have never been any national prevalence studies in the United States, and the two studies that were conducted in the 1980s examined only selected areas of the country. Recent studies in Canada, Europe, and Japan suggest that the prevalence of classic autism alone may be 300 percent to 400 percent higher than previously estimated.

(4) Three quarters of those with infantile autism spend their adult lives in institutions or group homes, and usually enter institutions by the age of 13.

(5) The cost of caring for individuals with autism and autism spectrum disorder is great, and is estimated to be $13.3 billion per year solely for direct costs.

(6) The rapid advancements in biomedical science suggest that effective treatments and a cure for autism are attainable if—

(A) there is appropriate coordination of the efforts of the various agencies of the Federal Government involved in biomedical research on autism and autism spectrum disorders;

(B) there is an increased understanding of autism and autism spectrum disorders by the scientific and medical communities involved in autism research and treatment; and

(C) sufficient funds are allocated to research.

(7) The discovery of effective treatments and a cure for autism will be greatly enhanced when scientists and epidemiologists have an accurate understanding of the prevalence and incidence of autism.

(8) Recent research suggests that environmental factors may contribute to autism. As a result, contributing causes of autism, if identified, may be preventable.

(9) Finding the answers to the causes of autism and related developmental disabilities may help researchers to understand other disorders, ranging from learning problems, to hyperactivity, to communications deficits that affect millions of Americans.

(10) Specifically, more knowledge is needed concerning—

(A) the underlying causes of autism and autism spectrum disorders, how to treat the underlying abnormality or abnormalities causing the severe symptoms of autism, and how to prevent these abnormalities from occurring in the future;

(B) the epidemiology of, and the identification of risk factors for, infantile autism and autism spectrum disorders;

(C) the development of methods for early medical diagnosis and functional assessment of individuals with autism and autism spectrum disorders, including identification and assessment of the subtypes within the autism spectrum disorders, for the purpose of monitoring the course of the disease and developing medically sound strategies for improving the outcomes of such individuals;

(D) existing biomedical and diagnostic data that are relevant to autism and autism spectrum disorders for dissemination to medical personnel, particularly pediatricians, to aid in the early diagnosis and treatment of this disease; and

(E) the costs incurred in educating and caring for individuals with autism and autism spectrum disorders.

(11) In 1998, the National Institutes of Health announced a program of research on autism and autism spectrum disorders. A sufficient level of funding should be made available for carrying out the program.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that additional resources will be targeted towards autism research through the National Institutes of Health and the Centers for Disease Control and Prevention.

AMENDMENT NO. 216

(Purpose: To express the sense of the Senate regarding the potential impact of the amendments to the medicare program contained in the Balanced Budget Act on access to items and services under such program)

At the end of title III, insert the following:

SEC. ___ . SENSE OF THE SENATE REGARDING ACCESS TO ITEMS AND SERVICES UNDER MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Total hospital operating margins with respect to items and services provided to medicare beneficiaries are expected to decline from 4.3 percent in fiscal year 1997 to 0.1 percent in fiscal year 1999.

(2) Total operating margins for small rural hospitals are expected to decline from 4.2 percent in fiscal year 1998 to negative 5.6 percent in fiscal year 2002, a 233 percent decline.

(3) The Congressional Budget Office recently has estimated that the amount of savings to the medicare program in fiscal years 1998 through 2002 by reason of the amendments to that program contained in the Balanced Budget Act of 1997 is $88,500,000 more than the amount of savings to the program by reason of those amendments that the Congressional Budget Office estimated for those fiscal years immediately prior to the enactment of that Act.

(b) SENSE OF SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume that the Senate should—

(1) consider whether the amendments to the medicare program contained in the Balanced Budget Act of 1997 have had an adverse impact on access to items and services under that program; and

(2) if it is determined that additional resources are available, additional budget authority and outlays shall be allocated to address the unintended consequences of change in medicare program policy made by the Balanced Budget Act, including inpatient and outpatient hospital services, to ensure fair and equitable access to al items and services under the program.

AMENDMENT NO. 217

(Purpose: To express the sense of the Senate that the budget process should require truth-in-budgeting with respect to the on-budget trust funds)

At the end of title III, add the following:

SEC. ___ . HONEST REPORTING OF THE DEFICIT.

It is the sense of the Senate that the levels in this resolution assume the following:

(1) IN GENERAL.—Effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 and the concurrent resolution on the budget should include—

(A) the receipts and disbursements totals of the on-budget trust funds, including the projected levels for at least the next 5 fiscal years; and

(B) the deficit or surplus excluding the on-budget trust funds, including the projected levels for at least the next 5 fiscal years.

(2) ITEMIZATION.—Effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 should include an itemization of the on-budget trust funds for the budget year, including receipts, outlays, and balances.

AMENDMENT NO. 218

(Purpose: Relating to the international affairs budget)

At the appropriate place in the concurrent resolution, insert the following:

SEC. . INTERNATIONAL AFFAIRS BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Administration has attacked the Senate budget resolution which stays within the caps set in the Balanced Budget Agreement reached with the President in 1997. The Administration accuses the Senate of taking a "meat axe" to American leadership, and placing a "foreign policy straitjacket" on the United States. In fact, the fiscal year 2000 budget continues to fund programs and projects that advance United States interests, while eliminating funding for wasteful or duplicative programs and activities.

(2) The Administration claims that the Senate resolution would cut funds for international affairs in fiscal year 2000 by 15.3 percent. The reality is that the reduction is a five percent decrease from spending in fiscal year 1999. Much of the decrease is a result of savings from reductions assumed by the President in his budget: the President assumes savings from "one time costs" in the fiscal year 1999 budget, as well as fiscal year 2000 budget reductions for OPIC, P.L. 480 Programs, and historic levels of foreign assistance to Israel and Egypt . When adjusted for arrearages, the Senate Resolution is only a decrease of $.9 billion in budget authority and $.02 billion in outlays from the fiscal year 1999 levels.

(3) The Administration threatens the budget will hinder consular services and abandon our citizens who travel abroad and leave them to fend for themselves. The reality is that most consular services today are supplemented heavily by machine readable visa, expedited passport, and other fees. The State Department is able to retain these fees due to congressional authorization for the retention of these fees rather then returning them to the general fund of the Treasury. Due to this authority, in fiscal year 2000, the State Department expects to have at least $374,000,000 to expend from fee collections. These funds are in addition to the budget authority provided by the Senate budget resolution.

(4) The Administration argues that this budget will pull the plug on U.S. contributions to UNICEF and Child Survival. In fact, the United States provided more than $122,000,000 or 27 percent of all UNICEF funding in 1997, according to the State Department's most recent statistics (of course, this does not include private donations of United States citizens). At the same time, the United States Agency for International Development is requesting a funding increase of $119,000,000 for development assistance and $15,000,000 for operating expenses even as the General Accounting Office reports that the Agency for International Development cannot explain how its programs are performing or whether they are achieving their intended goals.

(5) The Administration argues that this budget will reduce the United States commitment to the war on drugs. In fiscal year 1999, Congress appropriated funds for drug interdiction programs far exceeding the Administration's request; moreover, the comprehensive Western Hemisphere Drug Elimination Act enacted in October 1998 authorizes nearly $1,000,000,000 in new funds, equipment, and technology to correct the dangerous imbalance in the Administration's anti-drug strategy that has underfunded and continues to underfund interdiction programs. (The President's fiscal year 2000 budget continues to short-change anti-drug activities by the Customs Service and the Coast Guard.)

(6) The Administration argues that this budget will erode support for peace in the Middle East, Bosnia, and Northern Ireland. However, funding for peacekeeping continues to skyrocket. However, the cost of peacekeeping has become a burden on the 050 defense budget rather than the 150 foreign affairs budget since the failure of the United Nations mission in Bosnia. Last year, the United States expended $4,277,500,000 on peacekeeping and related activities in Bosnia, Iraq, other Middle East peacekeeping, and in Africa. This amount does not include funds for humanitarian and development activities.

(7) The Administration argues that this budget will force the United States to close its embassies and turn its back on American interests. The budget will instead force the Executive branch to take on greater cost-based decisionmaking. According to the General Accounting Office, "more needs to be done to create a well-tuned platform for conducting foreign affairs. Achieving this goal will require the State Department to make a strong commitment to management improvement, modernization, and 'cost-based' decisionmaking." The General Accounting Office reports that "one of State's longstanding shortcomings has been the absence of an effective financial management system that can assist managers in making 'cost-based' decisions."

(8) Prior to the start of fiscal year 2000, the United States Information Agency and the Arms Control and Disarmament Agency will be integrated into the State Department. In addition the Secretary of State will have more direct oversight over the Agency for International Development, and certain functions of that agency will be merged into the State Department. To date, no savings have been identified as a result of this merger. The General Accounting Office identifies potential areas for reduction of duplication as a result of integration in the areas of legal affairs, congressional liaison, press and public affairs, and management. In addition the General Accounting Office notes that in the State Department strategic plan, it has not adequately reviewed overlapping issues performed by State Department functional bureaus and other United States agencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that the budget levels of this resolution assume that enactment of the Foreign Affairs Reform and Restructuring Act of 1998 provides a unique opportunity for the State Department to achieve management improvements and cost reductions, and that:

(1) The Senate believes that savings can be achieved by simply eliminating wasteful and duplicative programs, not the programs cited by the Administration, which generally receive broad bipartisan support. Just a few abuses that could be eliminated to achieve reductions include the following:

(A) $25,000,000 for UNFPA while UNFPA works hand-in-glove with the brutal Communist Chinese dictators to abuse women and children under the coercive one-child-per-family population control policy.

(B) $35,000,000 for the Inter-American Foundation, which funded groups in Ecuador clearly identified by the State Department as terrorist organizations that kidnaped Americans and threatened their lives, as well as the lives and safety of other United States citizens, while extorting money from them.

(C) $105,000,000 proposed for Haiti, which has abandoned democracy in favor of dictatorship and where United States taxpayer funds have been used, according to the International Planned Parenthood Federation's annual report, for "a campaign to reach voodoo followers with sexual and reproductive health information, by performing short song-prayers about STDs [sexually transmitted diseases] and the benefits of family planning during voodoo ceremonies".

(D) $60,000,000 over ten years to the American Center for International Labor Solidarity (ACILS), which is AFL-CIOs international nongovernment division. 100% of ACILS's funding is from taxpayers while AFL-CIO contributed $40,956,828 exclusively to Democratic candidates in the 1998 Federal election cycle.

(E) In fiscal year 1999, $200,000 in foreign aid to Canada to underwrite seminars on gender sensitivity for peacekeepers.

(F) In fiscal year 1999, the United States provided the International Labor Organization with $54,774,408. Work produced by that organization included a report advocating recognition of the sex trade as a flourishing economic enterprise and called for recognition of the trade in official statistics.

(G) According to the General Accounting Office, "USAID has spent, by its own account, $92,000,000 to develop and maintain the NMS [new management system], the system does not work as intended and has created problems in mission operations and morale."

(H) In fiscal year 1999, the State Department is attempting to send $28,000,000 to fund the Comprehensive Test Ban Treaty Organization, which is an organization established by a treaty the United States has not ratified.

(I) Despite sensitive deadlines in the Middle East Peace Process looming, the United Nations is calling for a conference under the auspices of the Fourth Geneva Convention. No conference has been held under that Convention since its inception in 1947. The topic for discussion is Israeli Settlements in the West Bank and Gaza. The United States opposes this conference yet contributes 25 percent of the United Nations budget.

(J) The United States has spent more than $3,000,000,000 to "restore democracy in Haiti." The reality is that there has been no Prime Minister or Cabinet in Haiti for 19 months; the Parliament has been effectively dissolved; local officials serve at the whim of President Preval; the privatization process is stalled; political murders remain unsolved; drug trafficking is rampant. In short, billions of dollars in foreign aid have bought us no leverage with the Haitians.

(K) As a result of consolidation of United States foreign affairs agencies, 1,943 personnel will be transferred into the State Department prior to the start of fiscal year 2000. The fiscal year 2000 budget does not identify a reduction in a single staff position.

(2) Additional funds that may become available from elimination of some foreign

assistance programs, management efficiencies as a result of reorganization of the foreign affairs agencies, and new estimates on the size of the budget surplus should be designated for United States embassy upgrades.

AMENDMENT NO. 219

(Purpose: To express the sense of the Senate that $50 million will be provided in fiscal year 2000 to conduct intensive firearms prosecution projects to combat violence in the twenty-five American cities with the highest crime rates)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR INTENSIVE FIREARMS PROSECUTION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) gun violence in America, while declining somewhat in recent years, is still unacceptably high;

(2) keeping firearms out of the hands of criminals can dramatically reduce gun violence in America;

(3) States and localities often do not have the investigative or prosecutorial resources to locate and convict individuals who violate their firearms laws. Even when they do win convictions, states and localities often lack the jail space to hold such convicts for their full terms;

(4) there are a number of federal laws on the books which are designed to keep firearms out of the hands of criminals. These laws impose mandatory minimum sentences upon individuals who use firearms to commit crimes of violence and convicted felons caught in possession of a firearm;

(5) the federal government does have the resources to investigate and prosecute violations of these federal firearms laws. The federal government also has enough jail space to hold individuals for the length of their mandatory minimum sentences;

(6) an effort to aggressively and consistently apply these federal firearms laws in Richmond, Virginia, has cut violent crime in that city. This program, called Project Exile, has produced 288 indictments during its first two years of operation and has been credited with contributing to a 15% decrease in violent crimes in Richmond during the same period. In the first three-quarters of 1998, homicides with a firearm in Richmond were down 55% compared to 1997;

(7) the Fiscal Year 1999 Commerce-State-Justice Appropriations Act provided $1.5 million to hire additional federal prosecutors and investigators to enforce federal firearms laws in Philadelphia. The Philadelphia project—called Operation Cease Fire—started on January 1, 1999. Since it began, the project has resulted in 31 indictments of 52 defendants on firearms violations. The project has benefited from help from the Philadelphia Police Department and the Bureau of Alcohol, Tobacco and Firearms which was not paid for out of the $1.5 million grant;

(8) Senator Hatch has introduced legislation to authorize Project CUFF, a federal firearms prosecution program;

(9) the Administration has requested $5 million to conduct intensive firearms prosecution projects on a national level;

(10) given that at least $1.5 million is needed to run an effective program in one American city—Philadelphia—$5 million is far from enough funding to conduct such programs nationally.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Function 750 in the budget resolution assumes that $50,000,000 will be provided in fiscal year 2000 to conduct intensive firearms prosecution projects to combat violence in the twenty-five American cities with the highest crime rates.

AMENDMENT NO. 221

(Purpose: To express the sense of the Senate concerning fostering the employment and independence of individuals with disabilities)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING FOSTERING THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, or are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Coverage for personal assistance services, prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance (SSDI) and supplemental security income (SSI) beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (SSDI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Work Incentives Improvement Act of 1999 (S. 331, 106th Congress) will be passed by the Senate and enacted early this year, and thereby provide individuals with disabilities with the health care and employment preparation and placement services that will enable those individuals to reduce their dependency on cash benefit programs.

Mr. JEFFORDS. Mr. President, the amendment that I offer with my colleagues Senators KENNEDY, ROTH, MOYNIHAN, and CHAFEE, states that the Senate budget resolution assumes that the Work Incentives Improvement Act of 1999, S. 331, will pass the Senate and be enacted early this year.

S. 331 helps people with disabilities remain or become taxpayers. It has 70 co-sponsors. It gives people with disabilities, who are on the Social Security rolls, a reason to work.

If they work and forego cash payments, they will have access to health care. They will contribute to the cost of that health care. Right now the federal government disburses $1.21 billion each week in cash payments—a real budget buster that S. 331 would fix.

Mr. President, we have one broad, bipartisan initiative on health care reform, that we should take up and enact quickly. Along with my colleagues Senators KENNEDY, ROTH and MOYNIHAN, I have introduced S. 331, legislation that would help individuals with disabilities go to work without being forced to sacrifice vital health care benefits. 70 Senators have joined us as co-sponsors of the Work Incentives Improvement Act of 1999, S. 331.

I have heard many compelling stories from individuals with disabilities. Some sit at home waiting for S. 331 to become law, so they can go to work. Some work part time being careful not to exceed the $500 per month threshold which would trigger cut off of their health care. Yesterday I received a letter from a young man, Don, 30-years of age, who told me he has mild mental retardation, mild cerebral palsy, a seizure disorder, and a visual impairment. Don works, but only part time.

At the end of his letter he wrote,

> The Work Incentives Improvement Act will help my friends become independent too. Then they can pay taxes too. But most of all they will have a life in the community. We are adults. We want to work. We don't need a hand out . . . we just need a hand up.

Well, we want to help people such as Don have a hand up. Not just for him, but out of self-interest as well. The hard facts make a compelling case for enacting S. 331 quickly.

The rate in growth in these programs between 1989 and 1997 was 64 percent. Thus, it is not surprising that SSI and SSDI disbursements went from $34.4 billion in 1989 to $62.9 billion in 1997. For 1997, GAO estimated weekly disbursements to be $1.21 billion.

Surplus or no surplus, we cannot afford these escalating costs. By adopting our resolution, the Senate sends an important message, we want individuals with disabilities to have an opportunity to contribute—to their own well-being, to that of their families, and to that of their communities. The 57,000 beneficiaries in Vermont are waiting for S. 331. A vote in favor of our Sense of the Senate amendment will send these beneficiaries and those in every State a clear, concrete signal. S. 331 will be enacted this year, and soon.

AMENDMENT NO. 222

(Purpose: To express the sense of the Senate with respect to maintaining at least current expenditures (including emergency funding) for the Low Income Home Energy Assistance Program (LIHEAP) for FY 2000)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE ON LIHEAP.

(a) FINDINGS.—The Senate finds that:

(1) Home energy assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such aid is a critical part of the social safety net in cold-weather areas during the winter, and a source of necessary cooling aid during the summer;

(2) LIHEAP is a highly targeted, cost-effective way to help millions of low-income Americans pay their home energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8,000, approximately one-half have annual incomes below $6,000; and

(3) LIHEAP funding has been substantially reduced in recent years, and cannot sustain further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income families, especially those in cold-weather states.

(b) SENSE OF THE SENATE.—The assumptions underlying this budget resolution assume that it is the sense of the Senate that the funds made available for LIHEAP in Fiscal Year 2000 will not be less than the current services for LIHEAP in Fiscal Year 1999.

Mr. JEFFORDS. Mr. President, there is strong bipartisan support for the Low Income Home Energy Assistance Program. Last year, Congress unanimously passed a five-year reauthorization of LIHEAP. In addition, 52 Senators signed a letter in support of $1.2 billion in funding for LIHEAP. This year, the Northeast-Midwest Senate Coalition is circulating a similar letter, which has already garnered the support of 30 Senators.

Support has not waned for the LIHEAP program since the May 1996 Sense of the Senate on LIHEAP. Eighty-eight Senators voted to maintain current expenditure levels for LIHEAP. Nevertheless, it appears time to re-confirm the Senate's commitment to LIHEAP. Last year, there was a failed attempt to zero out funding for LIHEAP. The threat looms again this year.

I, along with my colleagues from the Northeast-Midwest Senate Coalition, offer this Sense of the Senate to demonstrate the broad, bipartisan support for the LIHEAP program. The amendment is simple. It maintains LIHEAP funding at a minimum of current levels, which is $1.1 billion. This is still 50% lower than LIHEAP funding was in 1985.

I recognize that these are difficult budgetary times; however, LIHEAP is an effective tool for maintaining the basic needs of low-income households. It promotes self-sufficiency, something our welfare-to-work laws advocate; and it ensures that our nation's children, elderly and disabled never go to sleep in a freezing cold farmhouse or a stifling hot apartment.

Some would argue that energy costs are low and winter temperatures have been milder. My response is that the need for LIHEAP has never been greater. The eligible population has grown; eligibility has been restricted; benefit levels have been reduced; and welfare rolls have been shrinking. LIHEAP provides a critical safety net to the working poor, the elderly and families with children.

The statistics demonstrate the need for LIHEAP best. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8000, approximately one-half have annual incomes below $6000. It has been estimated that low-income households typically spend four times what middle-income households spend on utility services. Middle-income households spend about 4 percent of their income for energy purposes, whereas low-income households spend between 14% and 16%, and in many instances up to 25% for utility costs.

The other argument I hear against LIHEAP is that only cold weather states reap its benefits. Wrong again. In 1998, eleven southern states received $150 million in emergency LIHEAP funding alone. I have seen news articles from Oregon, Georgia, Tennessee, and Kansas discussing the importance of LIHEAP. This is an important national program.

AMENDMENT NO. 223

(Purpose: To express the sense of the Senate that the Congress should provide the maximum funding envisioned in law for Southwest Border law enforcement programs to stop the flow of drugs into the United States)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON SOUTHWEST BORDER LAW ENFORCEMENT FUNDING.

(a) FINDINGS.—

(1) The Federal Government has not effectively secured the Southwest Border of the United States. According to the Drug Enforcement Administration, 50 to 70 percent of illegal drugs enter the United States through Texas, New Mexico, Arizona, and California. According to the State Department's 1999 International Narcotics Strategy Report, 60 percent of the Columbian cocaine sold in the United States passes through Mexico before entering the United States.

(2) General Barry McCaffrey, Director of the Office of National Drug Control Policy, has stated that 20,000 Border Patrol agents are needed to secure the United States' southern and northern borders. Currently, the Border Patrol has approximately 8,000 agents.

(3) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, requires the Attorney General to increase by not less than 1,000 the number of positions for full-time, active duty Border Patrol agents in fiscal years 1997, 1998, 2000, and 2001. The Administration's fiscal year 2000 budget provides no funding to hire additional full-time Border Patrol agents.

(4) The U.S. Customs Service plays an integral role in the detection, deterrence, disruption and seizure of illegal drugs as well as the facilitation of trade across the Southwest Border of the United States. Customs requested 506 additional inspectors in its fiscal year 2000 budget submission to the Office of Management and Budget. In their fiscal year 2000 budget request to Congress, however, the Administration provides no funding to hire additional, full-time Customs Service inspectors.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this budget resolution assume full funding for the Immigration and Naturalization Service to hire 1,000 full-time, active-duty Border Patrol agents in fiscal year 2000, as authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Further, it is the sense of the Senate that the budgetary levels in this budget resolution assume funding for the Customs Service to hire necessary staff and purchase equipment for drug interdiction and traffic facilitation at United States land border crossings, including 506 full-time, active-duty Customs inspectors.

AMENDMENT NO. 224

(Purpose: to express the sense of Congress that South Korea must abide by its international trade commitments on pork and beef)

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS REGARDING SOUTH KOREA'S INTERNATIONAL TRADE PRACTICES ON PORK AND BEEF.

FINDINGS.—The Congress finds that:

Asia is the largest regional export market for America's farmers and ranchers, traditionally purchasing approximately 40 percent of all U.S. agricultural exports;

The Department of Agriculture forecasts that over the next year American agricultural exports to Asian countries will decline by several billion dollars due to the Asian financial crisis;

The United States is the producer of the safest agricultural products from farm to table, customizing goods to meet the needs of customers worldwide, and has established the image and reputation as the world's best provider of agricultural products;

American farmers and ranchers, and more specifically, American pork and beef producers, are dependent on secure, open, and competitive Asian export markets for their product;

United States pork and beef producers not only have faced the adverse effects of depreciated and unstable currencies and lowered demand due to the Asian financial crisis, but also have been confronted with South Korea's pork subsidies and its failure to keep commitments on market access for beef;

It is the policy of the United States to prohibit South Korea from using United States and International Monetary Fund assistance to subsidize targeted industries and compete unfairly for market share against U.S. products;

The South Korea Government has been subsidizing its pork exports to Japan, resulting in a 973 percent increase in its exports to Japan since 1992, and a 71 percent increase in the last year;

Pork already comprises 70 percent of South Korea's agriculture exports to Japan, yet the South Korean Government has announced plans to invest 100,000,000,000 won in its agricultural sector in order to flood the Japanese market with even more South Korean pork;

The South Korean Ministry of Agriculture and Fisheries reportedly has earmarked

25,000,000,000 won for loans to Korea's pork processors in order for them to purchase more Korean pork and to increase exports to Japan;

Any export subsidies on pork, including those on exports from South Korea to Japan, would violate South Korea's international trade agreements and may be actionable under the World Trade Organization;

South Korea's subsidies are hindering U.S. pork and beef producers from capturing their full potential in the Japanese market, which is the largest export market for U.S. pork and beef, importing nearly $700,000,000 of U.S. pork and over $1,500,000,000 of U.S. beef last year alone;

Under the United States-Korea 1993 Record of Understanding on Market Access for Beef, which was negotiated pursuant to a 1989 GATT Panel decision against Korea, South Korea was allowed to delay full liberation of its beef market (in an exception to WTO rules) if it would agree to import increasing minimum quantities of beef each year until the year 2001;

South Korea fell woefully short of its beef market access commitment for 1998; and,

United States pork and beef producers are not able to compete fairly with Korean livestock producers, who have a high cost of production, because South Korea has violated trade agreements and implemented protectionist policies: Now, therefore, be it

It is the sense of the Congress that Congress:

(1) Believes strongly that while a stable global marketplace is in the best interest of America's farmers and ranchers, the United States should seek a mutually beneficial relationship without hindering the competitiveness of American agriculture;

(2) Calls on South Korea to abide by its trade commitments;

(3) Calls on the Secretary of the Treasury to instruct the United States Executive Director of the International Monetary Fund to promote vigorously policies that encourage the opening of markets for beef and pork products by requiring South Korea to abide by its existing international trade commitments and to reduce trade barriers, tariffs, and export subsidies;

(4) Calls on the President and the Secretaries of Treasury and Agriculture to monitor and report to Congress that resources will not be used to stabilize the South Korean market at the expense of U.S. agricultural goods or services; and

(5) Requests the United States Trade Representative and the U.S. Department of Agriculture to pursue the settlement of disputes with the Government of South Korea on its failure to abide by its international trade commitments on beef market access, to consider whether Korea's reported plans for subsidizing its pork industry would violate any of its international trade commitments, and to determine what impact Korea's subsidy plans would have on U.S. agricultural interests, especially in Japan.

AMENDMENT NO. 225

(Purpose: To express the sense of the Senate that no additional firewalls should be enacted for transportation activities)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON TRANSPORTATION FIREWALLS.

(a) FINDINGS.—The Senate finds that—

(1) domestic firewalls greatly limit funding flexibility as Congress manages budget priorities in a fiscally constrained budget;

(2) domestic firewalls inhibit congressional oversight of programs and organizations under such artificial protections;

(3) domestic firewalls mask mandatory spending under the guise of discretionary spending, thereby presenting a distorted picture of overall discretionary spending;

(4) domestic firewalls impede the ability of Congress to react to changing circumstances or to fund other equally important programs;

(5) the Congress implemented "domestic discretionary budget firewalls" for approximately 70 percent of function 400 spending in the 105th Congress;

(6) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, over 100 percent of function 400 spending would be firewalled; and

(7) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, drug interdiction activities by the Coast Guard, National Highway Traffic Safety Administration activities, rail safety inspections, Federal support for Amtrak, all National Transportation Safety Board activities, Pipeline and Hazardous materials safety programs, and Coast Guard search and rescue activities would be drastically cut or eliminated from function 400.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that no additional firewalls should be enacted for function 400 transportation activities.

AMENDMENT NO. 226

(Purpose: To express the Sense of the Senate that new public health programs should not be established to the detriment of funding for existing, effective programs, such as the Preventive Health and Health Services Block Grant)

At the appropriate place, insert:

SEC. 316. . SENSE OF THE SENATE ON FUNDING EXISTING, EFFECTIVE PUBLIC HEALTH PROGRAMS BEFORE CREATING NEW PROGRAMS.

(a) FUNDINGS.—The Senate finds that—

(1) the establishment of new categorical funding programs has led to proposed cuts in the Preventive Health and Health Services Block Grant to states for broad, public health missions;

(2) Preventive Health and Health Services Block Grant dollars fill gaps in the otherwise-categorical funding states and localities receive, funding such major public health threats as cardiovascular disease, injuries, emergency medical services and poor diet, for which there is often no other source of funding;

(3) in 1981, Congress consolidated a number of programs, including certain public health programs, into block grants for the purpose of best advancing the health, economics and well-being of communities across the country;

(4) The Preventive Health and Health Services Block Grant can be used for programs for screening, outreach, health education and laboratory services.

(5) The Preventive Health and Health Services Block Grant gives states the flexibility to determine how funding available for this purpose can be used to meet each state's preventive health priorities;

(6) The establishment of new public health programs that compete for funding with the Preventive Health and Health Services Block Grant could result in the elimination of effective, localized public health programs in every state.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there shall be a continuation of the level of funding support for existing public health programs, specifically the Prevention Block Grant, prior to the funding of new public health programs.

Mr. ENZI. Mr. President, I rise today to offer an amendment to the budget resolution expressing the sense of the Senate that we should continue to support our successful existing public health programs, before diverting limited dollars to the creation of new programs.

The President's budget proposed a $30 million cut to the Preventive Health and Health Services Block Grant, which is funded through the Centers for Disease Control and Prevention. That's a 20 percent cut. For Wyoming, that means the loss of an entire public health program. How can I ask them to decide between the heart disease prevention program and emergency medical services? I sure know that I can't tell my constituents we were able to find funding for new, narrowly focused categorical programs that they may or may not be eligible for.

Mr. President, I believe we all share the same goal of getting the most out of money in the interest of public health. That was exactly Congress' thinking when they consolidated a variety of programs and established instead block grants to states. The intent was clear. States and localities need the flexibility to determine the best way to meet the public health needs of their residents. I believe we can address national health priorities without discarding the needs of local communities.

Congress has already drawn the correct conclusion. A significant portion of the public health battle is wages on the front lines back in the states. In the name of advancing public health, we should not be proposing cuts to our front line infrastructure.

Mr. President, I ask for my colleagues support for this amendment and request its immediate adoption.

AMENDMENT NO. 227

At the appropriate place, insert the following:

SEC. . FINDINGS; SENSE OF CONGRESS ON THE PRESIDENT'S FY 2000 BUDGET PROPOSAL TO TAX ASSOCIATION INVESTMENT INCOME.

(a) The Congress finds that—

(1) The President's fiscal year 2000 federal budget proposal to impose a tax on the interest, dividends, capital gains, rents, and royalties in excess of $10.000 of trade associations and professional societies exempt under sec. 501(c)(6) of the IRC of 1986 represents an unjust and unnecessary penalty on legitimate association activities.

(2) At a time when the government is projecting on-budget surpluses of more than $800,000,000,000 over the next ten years, the President proposes to increase the tax burden on trade and professional association by $1,440,000,000 over the next five years.

(3) The Presidents association tax increase proposal will impose a tremendous burden on thousands of small and mid-sized trade associations and professional societies.

(4) Under the President's association tax increase proposal, most associations with annual operating budgets of as low $200.000 or

more will be taxed on investment income and as many as 70,000 associations nationwide could be affected by this proposal.

(5) Associations rely on this targeted investment income to carry out tax-exempt status related activities, such as training individuals to adapt to the changing workplace, improving industry safety, providing statistical data, and providing community services.

(6) Keeping investment income free from tax encourages associations to maintain modest surplus funds that cushion against economic and fiscal downturns.

(7) Corporations can increase prices to cover increased costs, while small and medium sized local, regional, and State-based associations do not have such an option, and thus increased costs imposed by the President's association tax increase would reduce resources available for the important standard setting, educational training, and professionalism training performed by association.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall reject the President's proposed tax increase on investment income of associations as defined under section 501(c)(6) of the Internal Revenue Code of 1986.

Mr. ABRAHAM. Mr. President, I am joined today by Senators CRAPO, SANTORUM, HAGEL, INHOFE and COLLINS in introducing a sense of the Senate amendment to the budget resolution rejecting the President's proposed tax, as part of his fiscal year 2000 budget proposal, on the investment income earned by nonprofit trade associations and professional societies.

This proposal would tax any income in excess of $10,000 earned through the non-competitive activities of nonprofit associations, such as interest, dividends, capital gains, rents and royalties, posing a tremendous burden on an estimated 70,000 registered trade associations and professional societies.

Mostly operating on a state and local level, these organizations depend on this income to perform such vital community services as education, training, standard setting, industry safety, and community outreach. Faced with an additional increase in taxes of $1.4 billion over the next five years, many associations will be forced to cut back or eliminate these important services, forcing the government to step in, increasing expenditures and creating additional programs.

During a time when the government is projecting on-budget surpluses of more than $800 billion over the next 10 years, it is unconscionable that we would allow the administration to levy a new tax on these nonprofit organizations.

I ask unanimous consent that the full text of the resolution be printed in the RECORD immediately following my statement.

Mr. CRAPO. Mr. President, I am pleased to join my good friend, Senator ABRAHAM of Michigan, in offering this amendment.

This amendment is being offered in reaction to a provision in the President's FY 2000 budget that would impose a new tax on the investment income of nonprofit trade and professional associations. These trade and professional associations are currently exempt from taxes under section 501(c)(6) of the Internal Revenue Code.

The administration's proposal would tax the investment income—interest, dividends, capital gains, rents, and royalties—of 501(c)(6) associations. Associations currently rely on this investment income to carry out exempt-status related activities such as education, training, standard-setting, research, and community outreach.

Under the President's proposal, the first $10,000 an association earns from investments would not be taxed. However, all income earned over $10,000 would be subject to the unrelated business income tax under the Internal Revenue Code. It is estimated that this new tax, which can be as high as 35 percent, will increase the tax burden on the nation's nonprofit trade and professional associations by $1.4 billion over the next 5 years.

Contrary to assertions made by the administration, this proposal will affect thousands of small and mid-sized trade associations and professional societies. According to the American Society of Association Executives' Operating Ratio Report, most associations with annual operating budgets as low as $200,000 would be subject to a new tax under this proposal.

As many as 70,000 associations nationwide could be affected by this new tax, including the American Youth Soccer Organization, American Nurses Association, the National Education Association, National Association of State Departments of Agriculture, and many others. Important trade associations in my home state that could be affected by the new tax include the Idaho Association of School Administrators, Idaho Credit Union League, Idaho Mining Association, the Idaho Cattle Association and others.

This amendment is supported by the American Society of Association Executives (ASAE), the trade organization that represents our Nation's trade and professional associations.

Mr. President, I urge my colleagues to oppose this new tax and support the amendment.

AMENDMENT NO. 228

At the appropriate place, insert the following:

SEC. XX. FINDINGS; SENSE OF CONGRESS ON THE USE OF FEDERAL FUNDS FOR NEEDLE EXCHANGE PROGRAMS.

(a) The Congress finds that—

(1) Deaths from drug overdoses have increased over five times since 1988.

(2) A Montreal study published in the American Journal of Epidemiology, found that IV addicts who used a needle exchange program were over twice as likely to become infected with HIV as those who did not.

(3) A Vancouver study published in the Journal of AIDS, showed a stunning increase in HIV in drug addicts, from 1 to 2 percent to 23 percent, since that city's needle exchange program was begun in 1988. Deaths from drug overdoses have increased over five times since 1988 and Vancouver now has the highest death rate from heroin in North America.

(4) In November of 1995 the Manhattan Lower East Side Community Board #3 passed a resolution to terminate their needle exchange program due to the fact that "the community has been inundated with drug dealers. . . . Law-abiding businesses are being abandoned; and much needed law enforcement is being withheld by the police."

(5) The New York Times Magazine in 1997 reported that one New York City needle exchange program gave out 60 syringes to a single person, little pans to "cook" the heroin, instructions on how to inject the drug and a card exempting the user from arrest for possession of drug paraphernalia.

(6) Alcoholism and Drug Abuse Weekly reports that heroin use by American teenagers has doubled in the last five years.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall continue the statutory ban on the use of federal funds to implement or support any needle exchange program for drug addicts.

Mr. ABRAHAM. Mr. President, I am joined today by Senators COVERDELL, ASHCROFT, and HUTCHINSON in introducing a sense of the Senate amendment to the budget resolution rejecting the use of federal funds for needle exchange programs.

Deaths resulting from drug overdoses have increased five times since 1988. According to Alcoholism and Drug Abuse Weekly, the number of American teenagers using heroin, once considered a drug used primarily by hard-core drug addicts, has doubled in the past five years.

Last year, the Clinton administration attempted to lift the ongoing ban on federal funds for needle exchange programs as a solution to reducing the rate HIV infection among intravenous (IV) drug use without increasing the use of drugs like heroin. Needle exchange programs are not the answer—giving an addict a clean needle is equivalent to giving an alcoholic a clean glass—both do a more sanitary job of delivering the poison that is killing our kids.

A Montreal study published in the American Journal of Epidemiology, found that IV addicts who used a needle exchange program were over twice as likely to become infected with HIV as those who did not. The New York Times magazine reported that one New York City needle program gave a single individual 60 syringes, little pans to "cook" the heroin, instructions for usage, and a card amounting to a "get out of jail free" pass for possession of drug paraphernalia.

At a time when heroin use is skyrocketing among our youth, the last thing we need is for Washington to send the message that drug use is okay, and that we are not serious about the war on drugs. Join with us in finding that Congress shall continue the statutory ban on the use of federal funds to implement or support any needle exchange program for drug addicts.

AMENDMENT NO. 229

(Purpose: To express the sense of the Senate concerning funding for special education)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING FUNDING FOR SPECIAL EDUCATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (referred to in this resolution as the "Act"), Congress found that improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

(2) In the Act, the Secretary of Education is instructed to make grants to States to assist them in providing special education and related services to children with disabilities.

(3) The Act represents a commitment by the Federal Government to fund 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

(4) The budget submitted by the President for fiscal year 2000 ignores the commitment by the Federal Government under the Act to fund special education and instead proposes the creation of new programs that limit the manner in which States may spend the limited Federal education dollars received.

(5) The budget submitted by the President for fiscal year 2000 fails to increase funding for special education, and leaves States and localities with an enormous unfunded mandate to pay for growing special education costs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that part B of the Individuals with Disabilities Act (20 U.S.C. 1400 et seq.) should be fully funded at the originally promised level before any funds are appropriated for new education programs.

Mr. REED. Mr. President, I rise to join my colleague from Maine, Senator COLLINS, in offering this important amendment to express the Sense of the Senate that funding for need-based student financial aid programs should be increased.

The Republican budget proposal provides some welcome news when compared with past Republican budget proposals because it at least includes increased funding for elementary and secondary education. Indeed, it can be called much improved in contrast with past Republican proposals to eliminate the Department of Education.

However, I am deeply concerned that this funding increase may be financed by cutting critical programs like Head Start, Summer Jobs for Youth, and job training by up to 10% in FY2000, and 20% in the following years.

Moreover, this budget proposal assumes an increase for elementary and secondary education programs of $2.6 billion over a freeze. However, it only assumes a $2.4 billion overall increase for all education programs in fiscal year 2000, which means other vital education programs, like student financial aid programs, would have to be deeply cut or frozen in order to meet these assumptions.

It would be a shame to limit our ability to realize the reforms we just recently enacted as part of the Higher Education Act Amendments of 1998 to enhance federal assistance to college students. That is why I have joined Senator COLLINS and others in offering this amendment.

Mr. President, this amendment simply urges increases in funding for need-based student financial aid programs. These programs include Pell Grants, the Federal Work Study Program, the Leveraging Educational Assistance Partnership (LEAP) program, and TRIO.

I strongly support a greater investment in all of these important programs than is provided by the budget resolution. And, in particular, I have long been a champion of more robust funding for the LEAP program, a federal-state partnership that is essential to our efforts to help needy students attend and graduate from college.

I worked closely with Senator COLLINS on a successful amendment two years ago to save LEAP from elimination and on legislation to reform this program, which was included in the Higher Education Act Amendments of 1998. These reforms seek to encourage states to increase their commitments to need-based student grant aid in exchange for increased flexibility to provide a broader array of higher education assistance to needy students.

We are currently working together to secure $75 million for LEAP in the Fiscal Year 2000 Labor, Health and Human Services, and Education Appropriations bill to trigger these reforms, and I urge my colleagues to join us in this important effort.

LEAP and the rest of the federal financial aid programs are critical to helping students achieve their higher education goals.

All higher education and student groups endorse the effort to increase funding for need-based student financial aid programs, and I strongly urge my colleagues to support our amendment in order to meet the commitment to higher education that we reaffirmed last fall by passing the Higher Education Act Amendments of 1998.

AMENDMENT NO. 230

(Purpose: To provide an exception for emergency defense spending)

At the end of section 205 of the resolution, add the following:

(f) EXCEPTION FOR DEFENSE SPENDING.—This section shall not apply to a provision making discretionary appropriations in the defense category.".

Mr. STEVENS. Mr. President, this amendment modifies section 205 of the resolution, which creates a 60 vote point of order against emergency appropriations. The modification establishes an exception from the 60 vote point of order for national security emergency appropriations. Given the on-going operations in the Balkans, the need for this exception is clear.

Much like the vote to authorize the Persian Gulf war, where only 52 members of the Senate voted in support of that action, the current military operations in Kosovo and Serbia gained the support of only 58 Senators. I opposed that resolution. That doesn't change the fact that the men and women of the Armed Forces mut be properly supplied, equipped and supported when they are sent to combat. That is our job, irrespective of whether each of us agrees with the specific policy that led to the deployment of U.S. forces.

Earlier this month, the Governmental Affairs Committee reported S. 93, which established new procedures for the consideration of emergency appropriations. That bill creates a point of order that requires 51 votes to waive. That bill has been referred to the Budget Committee, and will probably come before the Senate after the Easter recess. I urge the adoption of the amendment.

AMENDMENT NO. 231

(Purpose: Sense of the Senate on providing tax relief to all Americans by returning the non-Social Security surplus to taxpayers)

At the appropriate place, insert:

SEC. . SENSE OF SENATE ON PROVIDING TAX RELIEF TO ALL AMERICANS BY RETURNING NON-SOCIAL SECURITY SURPLUS TO TAXPAYERS.

(a) FINDINGS.—The Senate finds the following:

(1) Every cent of Social Security surplus should be reserved to pay Social Security benefits, for Social Security reform, or to pay down the debt held by the public and not be used for other purposes.

(2) Medicare should be fully funded.

(3) Even after safeguarding Social Security and Medicare, a recent Congressional Research Service study found that an average American family will pay $5,307 more in taxes over the next 10 years than the government needs to operate.

(4) The Administration's budget returns none of the excess surplus back to the taxpayers and instead increases net taxes and fees by $96,000,000,000 over 10 years.

(5) The burden of the Administration's tax increases falls disproportionately on low- and middle-income taxpayers. A recent Tax Foundation study found that individuals with incomes of less than $25,000 would bear 38.5 percent of the increased tax burden, while taxpayers with incomes between $25,000 and $50,000 would pay 22.4 percent of the new taxes.

(6) The budget resolution returns most of the non-Social Security surplus to those who worked so hard to produce it by providing $142,000,000,000 in real tax relief over 5 years and almost $800,000,000,000 in tax relief over 10 years.

(7) The budget resolution builds on the following tax relief that Republicans have provided since 1995:

(A) In 1995, Republicans proposed the Balanced Budget Act of 1995 which included tax relief for families, savings and investment incentives, health care-related tax relief, and relief for small business—tax relief that was vetoed by President Clinton.

(B) In 1996, Republicans provided, and the President signed, tax relief for small business and health care-related tax relief.

(C) In 1997, Republicans once again pushed for tax relief in the context of a balanced budget, and this time President Clinton signed into law a $500 per child tax credit, expanded individual retirement accounts and the new Roth IRA, a cut in the capital gains tax rate, education tax relief, and estate tax relief.

(D) In 1998, Republicans (initially opposed by the Administration) pushed for reform of the Internal Revenue Service, and provided tax relief for America's farmers.

(8) Americans deserve further tax relief because they are still overpaying. They deserve a refund. Federal taxes currently consume nearly 21 percent of national income, the highest percentage since World War II. Families are paying more in Federal, State, and local taxes than for food, clothing, and shelter combined.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the levels in this resolution assume that the Senate not only puts a priority on protecting Social Security and Medicare and reducing the Federal debt, but also on middle-class tax relief by returning some of the non-Social Security surplus to those from whom it was taken; and

(2) such middle-class tax relief could include broad-based tax relief, marriage penalty relief, retirement savings incentives, death tax relief, savings and investment incentives, health care-related tax relief, education-related tax relief, and tax simplification proposals.

AMENDMENT NO. 232

(Purpose: To allow increased tobacco tax revenues to be used as an offset for the Medicare prescription drug benefit provided for in section 209)

On page 53, line 4, after "may change committee allocations" insert ", revenue aggregates for legislation that increases taxes on tobacco or tobacco products (only).".

AMENDMENT NO. 233

(Purpose: To protect taxpayers from retroactive income and estate tax rate increases by creating a point of order)

At the end of title III, add the following:

SEC. . RESTRICTION ON RETROACTIVE INCOME AND ESTATE TAX RATE INCREASES.

(a) PURPOSE.—The Senate declares that it is essential to ensure taxpayers are protected against retroactive income and estate tax rate increases.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that includes a retroactive Federal income tax rate increase.

(2) DEFINITION.—In this section—

(A) the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

(B) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.

(c) SUPERMAJORITY WAIVER.—

(1) WAIVER.—The point of order in subsection (b) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

(d) EFFECTIVE DATE.—This section takes effect on January 1, 1999.

AMENDMENT NO. 234

(Purpose: To express the sense of the Senate regardng the need for incentives for low- and middle-income savers and investors and the need for such incentives to be accompanied by an expansion of the lowest personal income tax bracket)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING INCENTIVES FOR SMALL SAVERS.

(a) FINDINGS.—The Senate finds that—

(1) in general, the Federal budget will accumulate nearly $800,000,000,000 in non-Social Security surpluses through 2009;

(2) such a level of surplus affords Congress the opportunity to return a portion to the taxpayers in the form of tax relief;

(3) the Federal tax burden is at its highest level in over 50 years;

(4) personal bankruptcy filings reached a record high in 1998 with $40,000,000,000 in debts discharged;

(5) the personal savings rate is at record lows not seen since the Great Depression;

(6) the personal savings rate was 9 percent of income in 1982;

(7) the personal savings rate was 5.7 percent of income in 1992;

(8) the personal savings rate plummeted to 0.5 percent in 1998;

(9) the personal savings rate could plummet to as low as negative 4.5 percent if current trends do not change;

(10) personal saving is important as a means for the American people to prepare for crisis, such as a job loss, health emergency, or some other personal tragedy, or to prepare for retirement;

(11) President Clinton recently acknowledged the low rate of personal savings as a concern;

(12) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years would move 7,000,000 middle-income taxpayers into the lowest income tax bracket;

(13) excluding the first $500 from interest and dividends income, or $250 for singles, would enable 30,000,000 low- and middle-income taxpayers to save tax-free and would translate into approximately $1,000,000,000,000 in savings;

(14) exempting the first $5,000 in capital gains income from capital gains taxation would mean 10,000,000 low- and middle-income taxpayers would no longer pay capital gains tax;

(15) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000, would mean over 5,000,000 taxpayers will be better equipped for retirement; and

(16) tax relief measures to encourage savings and investments for low- and middle-income savers would mean tax relief for nearly 112,000,000 individual taxpayers by—

(A) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years;

(B) excluding from income the first $500 in interest and dividend income ($250 for singles);

(C) exempting from capital gains taxation the first $5,000 in capital gains taxes; and

(D) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution and legislation enacted pursuant to this resolution assume that—

(1) Congress will adopt tax relief that provides incentives for savings and investment for low- and middle-income working families that assist in preparing for unexpected emergencies and retirement, such as—

(A) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years;

(B) excluding from income the first $500 in interest and dividend income ($250 for singles);

(C) exempting from capital gains taxation the first $5,000 in capital gains taxes; and

(D) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000; and

(2) tax relief as described in this subsection is fully achievable within the parameters set forth under this budget resolution.

AMENDMENT NO. 235

(Purpose: To reduce the size of the tax cut)

On page 3, line 10, increase the amount by $3,717,000,000.

On page 3, line 11, increase the amount by $26,559,000,000.

On page 3, line 12, increase the amount by $16,152,000,000.

On page 3, line 13, increase the amount by $24,590,000,000.

On page 3, line 14, increase the amount by $31,319,000,000.

On page 3, line 15, increase the amount by $54,638,000,000.

On page 3, line 16, increase the amount by $67,877,000,000.

On page 3, line 17, increase the amount by $75,346,000,000.

On page 3, line 18, increase the amount by $88,598,000,000.

On page 4, line 5, increase the amount by $3,717,000,000.

On page 4, line 6, increase the amount by $26,559,000,000.

On page 4, line 7, increase the amount by $16,152,000,000.

On page 4, line 8, increase the amount by $24,590,000,000.

On page 4, line 9, increase the amount by $31,319,000,000.

On page 4, line 10, increase the amount by $54,638,000,000.

On page 4, line 11, increase the amount by $67,877,000,000.

On page 4, line 12, increase the amount by $75,346,000,000.

On page 4, line 13, increase the amount by $88,598,000,000.

On page 4, line 18, decrease the amount by $83,000,000.

On page 4, line 19, decrease the amount by $783,000,000.

On page 4, line 20, decrease the amount by $1,946,000,000.

On page 4, line 21, decrease the amount by $3,057,000,000.

On page 4, line 22, decrease the amount by $4,616,000,000.

On page 4, line 23, decrease the amount by $6,966,000,000.

On page 4, line 24, decrease the amount by $10,401,000,000.

On page 4, line 25, decrease the amount by $14,557,000,000.

On page 5, line 1, decrease the amount by $19,436,000,000.

On page 5, line 6, decrease the amount by $83,000,000.

On page 5, line 7, decrease the amount by $783,000,000.

On page 5, line 8, decrease the amount by $1,946,000,000.

On page 5, line 9, decrease the amount by $3,057,000,000.

On page 5, line 10, decrease the amount by $4,616,000,000.

On page 5, line 11, decrease the amount by $6,966,000,000.

On page 5, line 12, decrease the amount by $10,401,000,000.

On page 5, line 13, decrease the amount by $14,557,000,000.

On page 5, line 14, decrease the amount by $19,436,000,000.

On page 5, line 19, increase the amount by $3,800,000,000.

On page 5, line 20, increase the amount by $27,342,000,000.

On page 5, line 21, increase the amount by $18,098,000,000.

On page 5, line 22, increase the amount by $27,647,000,000.

On page 5, line 23, increase the amount by $35,935,000,000.

On page 5, line 24, increase the amount by $61,604,000,000.

On page 5, line 25, increase the amount by $78,278,000,000.

On page 6, line 1, increase the amount by $89,903,000,000.

On page 6, line 2, increase the amount by $108,034,000,000.

On page 6, line 6, decrease the amount by $3,800,000,000.

On page 6, line 7, decrease the amount by $31,142,000,000.

On page 6, line 8, decrease the amount by $49,240,000,000.

On page 6, line 9, decrease the amount by $76,887,000,000.

On page 6, line 10, decrease the amount by $112,822,000,000.

On page 6, line 11, decrease the amount by $174,426,000,000.

On page 6, line 12, decrease the amount by $252,704,000,000.

On page 6, line 13, decrease the amount by $342,607,000,000.

On page 6, line 14, decrease the amount by $450,641,000,000.

On page 6, line 18, decrease the amount by $3,800,000,000.

On page 6, line 19, decrease the amount by $31,142,000,000.

On page 6, line 20, decrease the amount by $49,240,000,000.

On page 6, line 21, decrease the amount by $76,887,000,000.

On page 6, line 22, decrease the amount by $112,822,000,000.

On page 6, line 23, decrease the amount by $174,426,000,000.

On page 6, line 24, decrease the amount by $252,704,000,000.

On page 6, line 25, decrease the amount by $342,607,000,000.

On page 7, line 1, decrease the amount by $450,641,000,000.

On page 37, line 2, decrease the amount by $83,000,000.

On page 37, line 3, decrease the amount by $83,000,000.

On page 37, line 6, decrease the amount by $783,000,000.

On page 37, line 7, decrease the amount by $783,000,000.

On page 37, line 10, decrease the amount by $1,946,000,000.

On page 37, line 11, decrease the amount by $1,946,000,000.

On page 37, line 14, decrease the amount by $3,057,000,000.

On page 37, line 15, decrease the amount by $3,057,000,000.

On page 37, line 18, decrease the amount by $4,616,000,000.

On page 37, line 19, decrease the amount by $4,616,000,000.

On page 37, line 22, decrease the amount by $6,966,000,000.

On page 37, line 23, decrease the amount by $6,966,000,000.

On page 38, line 2, decrease the amount by $10,401,000,000.

On page 38, line 3, decrease the amount by $10,401,000,000.

On page 38, line 6, decrease the amount by $14,557,000,000.

On page 38, line 7, decrease the amount by $14,557,000,000.

On page 38, line 10, decrease the amount by $19,436,000,000.

On page 38, line 11, decrease the amount by $19,436,000,000.

On page 42, line 2, strike the amount and insert "$71,016,000,000".

On page 42, line 4, strike the amount and insert "$388,791,000,000".

On page 42, line 16, strike the amount and insert "$71,016,000,000".

On page 42, line 18, strike the amount and insert "$388,791,000,000".

AMENDMENT NO. 236

(Purpose: To strike section 201)

Strike section 201.

AMENDMENT NO. 237

(Purpose: To express the sense of the Senate on the importance of social security for individuals who become disabled)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON THE IMPORTANCE OF SOCIAL SECURITY FOR INDIVIDUALS WHO BECOME DISABLED.

(a) FINDINGS.—The Senate finds that—

(1) in addition to providing retirement income, Social Security also protects individuals from the loss of income due to disability;

(2) according to the most recent report from the Social Security Board of Trustees nearly 1 in 7 Social Security beneficiaries, 6,000,000 individuals in total, were receiving benefits as a result of disability;

(3) more than 60 percent of workers have no long-term disability insurance protection other than that provided by Social Security;

(4) according to statistics from the Society of Actuaries, the odds of a long-term disability versus death are 2.7 to 1 at age 27, 3.5 to 1 at age 42, and 2.2 to 1 at age 52; and

(5) in 1998, the average monthly benefit for a disabled worker was $722.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in the resolution assume that—

(1) Social Security plays a vital role in providing adequate income for individuals who become disabled;

(2) individuals who become disabled face circumstances much different than those who rely on Social Security for retirement income;

(3) Social Security reform proposals that focus too heavily on retirement income may adversely affect the income protection provided to individuals with disabilities; and

(4) Congress and the President should take these factors into account when considering proposals to reform the Social Security program.

AMENDMENT NO. 238

(Purpose: To provide $200,000,000 for the State-side program of the land and water conservation fund)

On page 15, line 8, increase the amount by $200,000,000.

On page 15, line 9, increase the amount by $200,000,000.

On page 18, line 15, decrease the amount by $200,000,000.

On page 18, line 16, decrease the amount by $200,000,000.

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING FUNDING FOR THE LAND AND WATER CONSERVATION FUND.

(a) FINDINGS.—The Senate finds that—

(1) amounts in the land and water conservation fund finance the primary Federal program for acquiring land for conservation and recreation and for supporting State and local efforts for conservation and recreation;

(2) Congress has appropriated only $10,000,000,000 out of the more than $21,000,000,000 covered into the fund from revenues payable to the United States under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(3) 38 Senators cosigned 2 letters to the Chairman and Ranking Member of the Committee on the Budget urging that the land and water conservation fund be fully funded.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress should appropriate $200,000,000 for fiscal year 2000 to provide financial assistance to the States under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C 460*l*–8), in addition to such amounts as are made available for Federal land acquisition under that Act for fiscal year 2000.

Mr. CHAFEE. Mr. President, I rise today to offer an amendment to restore funding to a program that has been dormant for too long, a program that could provide vital funding to assist small municipalities in conserving their resources. I rise today to offer an amendment to provide $200 million for funding the State-side program of the Land and Water Conservation Fund (LWCF). I am pleased to be joined by Senators BOB SMITH, FEINGOLD, LEAHY, JEFFORDS, MOYNIHAN, ROTH, ALLARD, COLLINS, and SNOWE in sponsoring this amendment.

The LWCF was started in 1964 to provide funds for land and water conservation through two programs: Federal land acquisitions, and Federal cost-sharing of State conservation and recreation projects. Moneys for the LWCF are derived from revenues obtained through oil and gas drilling in the Outer Continental Shelf. These revenues amount to $4 billion to $5 billion annually, which go into the General Treasury. Of this amount, $900 million is authorized to go specifically to LWCF. However, in recent years, only about $300 million to $350 million has been appropriated for LWCF, and since 1995, funding for the State-side program has been entirely eliminated.

The principle behind the LWCF is a simple but noble one: to reinvest the revenues earned from the depletion of offshore oil and gas resources to the conservation of other natural resources. Unfortunately, the promise of the LWCF has never been fully realized because of sporadic funding. Many opportunities to conserve precious lands and to work with our State and local partners have been lost.

People across the country are realizing that they cannot afford to lose more opportunities to protect the lands they consider important. The elections of November 1998 underscored the groundswell of support for these efforts. Voters approved more than 200 State and local ballot initiatives—70 percent of the total initiatives offered—to commit $7 billion for conservation and related activities.

Congress should play a role in supporting these efforts, and the LWCF was created 35 years ago precisely for this purpose. The two components of the Fund—Federal acquisitions and State-side conservation—provide a perfect complement to one another in a comprehensive package. Just two weeks ago, I spearheaded efforts to encourage 37 of my Senate colleagues to cosign a letter to the Budget Committee supporting full funding for the LWCF.

The State-side program, however, deserves specific attention. It is a grants program, that requires States to contribute 50 percent of the total cost of projects they wish to fund. The Federal Government matches the other 50 percent. States must prepare a comprehensive plan in order to be eligible for the funding, and they receive funds through an allocation formula. In short, the State-side program is a cost-sharing grants program, based on sound planning, with an apolitical distribution formula. What could be better? And yet Congress has not funded it since 1995.

One reason it has not been funded has been a question of priorities among a long list of conservation needs. Federal land acquisition; operations and maintenance of Federal lands; and assistance to States are all important. Indeed, Mr. President, the Budget Committee explicitly recognizes this in its report for S. Con. Res. 20. However, the State-side program has suffered too long by being completely without funds. It is high time we restore some funding to this program, while recognizing that other needs still exist. My amendment does just that.

In order to increase the LWCF by $200 million, of course, we need to find an offset with equivalent budget authority and outlays. This is never an easy task, but my amendment takes the funds from Function 370, relating to Commerce and Housing Credit. I believe that there are several programs within that function that can be cut to provide $200 million for LWCF.

I urge my colleagues to support this amendment. Thank you, Mr. President. I yield the floor.

Ms. SNOWE. Mr. President, I support the CHAFEE amendment that assumes funding of $200 million specifically for the stateside program of the Land and Water Conservation Fund to come out of Function 370. It is my understanding that no specific program in Function 370 has been designated as an offset for the Chafee amendment, nor do I believe that programs such as the Advanced Technology Program be considered as an offset. The ultimate funding decision of course rests with the appropriators, but I wanted to take this opportunity to cast my support for funds for the LWCF stateside program, which has not received any funding since 1995.

Up until 1995, LWCF stateside program funds were used in my state to assist communities for planning, acquiring and developing outdoor recreation facilities that would not otherwise have been affordable, especially in the smaller communities in Maine.

The LWCF stateside program has funded such local projects in Maine as the community playground in Durham, the Mt. Apatite trails in Auburn, the Dionne Park Playground in Madawaska, the East-West Aroostook Valley trail in Caribou, the Williams Wading Pool in Augusta, multi-purpose fields in St. George, Hampden, Buxton, Calais, and Bradford, the skating rink in Bucksport, and wharf rehabilitation in Greenville.

By leveraging state dollars with critical LWCF stateside funds, Maine's communities have been able to enjoy recreational facilities such as neighborhood parks, swimming pools, and ball fields, and also have had the opportunity to conserve certain highly valued lands that the citizens of the state wish to save for outdoor recreational activities for themselves and for generations to come.

AMENDMENT NO. 239

(Purpose: To express the sense of the Senate that the Social Security Trust Fund shall be managed in the best interest of current and future beneficiaries)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE SOCIAL SECURITY TRUST FUND SHALL BE MANAGED IN THE BEST INTEREST OF CURRENT AND FUTURE BENEFICIARIES.

It is the sense of the Senate that the Social Security Trust Fund surplus shall be invested in interest-bearing obligations of the United States in a manner consistent with the best interest of, and payment of benefits to, current and future Social Security beneficiaries.

AMENDMENT NO. 240

(Purpose: To express the sense of the Senate concerning Federal tax relief)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING FEDERAL TAX RELIEF.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Congressional Budget Office has reported that payroll taxes will exceed income taxes for 74 percent of all taxpayers in 1999.

(2) The Federal Government will collect nearly $50 billion in income taxes this year through its practice of taxing the income Americans sacrifice to the government in the form of Social Security payroll taxes.

(3) American taxpayers are currently shouldering the heaviest tax burden since 1944.

(4) According to the non-partisan Tax Foundation, the median dual-income family sacrificed a record 37.6 percent of its income to the government in 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that a significant portion of the tax relief will be devoted to working families who are double-taxed by—

(1) Providing taxpayers with an above-the-line income tax deduction for the Social Security payroll taxes they pay so that they no longer pay income taxes on such payroll taxes, and/or

(2) gradually reducing the lowest marginal income tax rate from 15 percent to 10 percent, and/or

(3) other tax reductions that do not reduce the tax revenue devoted to the Social Security Trust Fund.

AMENDMENT NO. 241

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING THE CLOSURE OF HOWARD AIR FORCE BASE AND REPOSITIONING OF ASSETS AND OPERATIONAL CAPABILITIES IN FORWARD OPERATING LOCATIONS.

(A) FINDINGS.—The Senate finds the following—

(1) at noon on the last day of 1999, the Panama Canal and its adjacent lands will revert from U.S. control to that of the government of Panama, as prescribed by the Carter-Torrijos treaties concluded in 1978.

(2) with this act, nearly ninety years of American presence in the Central American isthmus will come to an end.

(3) on September 25, 1998, the United States and Panama announced that talks aimed at establishing a Multinational counter-narcotics Center (MCC) were ended through mutual agreement. The two countries had been engaged in discussions for two years.

(4) plans to meet the deadline are going forward and the U.S. is withdrawing all forces and proceeding with the return of all military installations to Panamanian control.

(5) Howard Air Force Base is scheduled to return to Panamanian control by May 1, 1999. Howard AFB provides a secure staging for detection, monitoring and intelligence collecting assets on counter-narcotics drug trafficking. Howard Air Force Base was the proposed location for the Multinational Counter-narcotics Center.

(6) AWACS (E–3) aircraft used for counter-drug surveillance is scheduled for relocation from Howard AFB to MacDill AFB in April. The E3's are scheduled to resume this mission in May from MacDill.

(7) USSOUTHCOM and the Department of State have been examining the potential for alternative forward operating locations (FOLs). A potential location would require the operational capacity to house E–3 AWACS KC–135 tankers, Night Hawk F–16s/F–15s, Navy P–3s, U.S. Customs P–3s and Citations, Army Airborne Reconnaissance Low, and Senior Scout C–130s. No agreement has been reached regarding the number of FOLs required, cost of relocating these assets, time to build ensuing facilities, or plans for housing these assets for long-term stays.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the United States is obligated to protect its citizens from the threats posed by illegal drugs crossing our borders. Interdiction

in the transit and arrival zones disrupt the drug flow, increases risk to traffickers, drives them to less efficient routes and methods, and prevents significant amounts of drugs from reaching the United States.

(2) there has been an inordinate delay in identifying and securing appropriate alternate sites.

(3) the Senate must pursue every effort to explore, urge the President to arrange long-term agreements with countries that support reducing the flow of drugs, and fully fund forward operating locations so that we continue our balanced strategy of attacking drug smugglers before their deadly cargos reach our borders.

AMENDMENT NO. 242

(Purpose: To express the sense of the Senate that increased funding for elementary and secondary education should be directed to States and local school districts)

On page 73, after line 10, insert the following:

(c) ADDITIONAL FINDINGS.—Congress makes the following findings:

(1) Children should be the primary beneficiaries of education spending, not bureaucrats.

(2) Parents have the primary responsibility for their children's education. Parents are the first and best educators of their children. Our Nation trusts parents along with teachers and State and local school officials to make the best decisions about the education of our Nation's children.

(3) Congress supports the goal of ensuring that the maximum amount of Federal education dollars are spent directly in the classrooms.

(4) Education initiatives should boost academic achievement for all students. Excellence in American classrooms means having high expectations for all students, teachers, and administrators, and holding schools accountable to the children and parents served by such schools.

(5) Successful schools and school systems are characterized by parental involvement in the education of their children, local control, emphasis on basic academics, emphasis on fundamental skills, and exceptional teachers in the classroom.

(6) Congress rejects a one-size-fits-all approach to education which often creates barriers to innovation and reform initiatives at the local level. America's rural schools face challenges quite different from their urban counterparts. Parents, teachers, and State and local school officials should have the freedom to tailor their education plans and reforms according to the unique educational needs of their children.

(7) The funding levels in this resolution assume that Congress will provide an additional $2,800,000,000 for fiscal year 2000 and an additional $33,000,000,000 for the period beginning with fiscal year 2000 and ending with fiscal year 2005 for elementary and secondary education.

(d) ADDITIONAL SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) increased Federal funding for elementary and secondary education should be directed to States and local school districts; and

(2) decisionmaking authority should be placed in the hands of States, localities, and families to implement innovative solutions to local educational challenges and to increase the performance of all students, unencumbered by unnecessary Federal rules and regulations.

AMENDMENT NO. 243

(Purpose: Sense of the Senate to create a task force to pursue the creation of a natural disaster reserve fund)

At the appropriate place, insert:

It is the sense of the senate that a task force be created for the purpose of creating a reserve fund for natural disasters. The task force should be composed of three Senators appointed by the majority lender, and two Senators appointed by the minority leader. The task force should also be composed of three members appointed by the Speaker of the House, and two members appointed by minority leader in the House. It is the sense of the Senate that the task force make a report to the appropriate committees in Congress within 90 days of being convened. The report should be available for the purposes of consideration during comprehensive overhaul of budget procedures.

Mr. LAUTENBERG. I now yield to Senator ROBB from Virginia so that he may offer an amendment.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 182

(Purpose: To ensure fiscal discipline by requiring that any tax relief be offset in accordance with current budget rules and practices, and that any surpluses be used for debt reduction, until Congress saves Social Security and strengthens Medicare and pays off the publicly held debt)

Mr. ROBB. Mr. President, I have an amendment at the desk and I ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB], for himself and Mr. GRAHAM of Florida, proposes an amendment numbered 182.

Mr. ROBB. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, strike section 204.

On page 42, strike lines 1 through 5, and strike lines 15 through 19. Insert at the appropriate place the following:

"SEC. . SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the savings from this amendment shall be used to reduce publicly held debt and to strengthen and extend the solvency of the Medicare program.

AMENDMENT NO. 178, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I send a modification to amendment No. 178 to the desk.

The PRESIDING OFFICER. The modification will be accepted.

The amendment (No. 178), as modified, follows:

On page 43, strike beginning with line 3 through line 6, page 45, and insert the following:

SEC. 201. RESERVE FUND FOR AN UPDATED BUDGET FORECAST.

(a) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEARS 2000–2004.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget forecast for fiscal years 1999 through 2009 by July 15, 1999.

(b) REPORTING A SURPLUS.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for fiscal year 2000 or results in additional surpluses beyond those assumed in this resolution in following fiscal years, the Chairman of the Committee on the Budget shall make the appropriate adjustments to revenue and spending as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take the amount of the additional on-budget surplus for fiscal years 2000 through 2009 estimated in the report submitted pursuant to subsection (a) and in the following order in each of the fiscal years 2000 through 2009—

(1) increase the allocation to the Senate Committee on Agriculture, Nutrition and Forestry by $6,000,000,000 in budget authority and outlays in each of the fiscal years 2000 through 2004;

(2) reduce the on-budget revenue aggregate by any remaining amounts for fiscal years 2000;

(3) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by those amounts for fiscal year 2000 and all subsequent years; and

(4) adjust the instruction in sections 104(1) and 105(1) of this resolution to—

(A) reduce revenues by amounts in section (c)(2) for fiscal year 2000; and

(B) increase the reduction in revenues for the period of fiscal years 2000 through 2004 and for the period of fiscal years 2000 through 2009 by that amount.

(d) BUDGETARY ENFORCEMENT.—Revised aggregates and other levels under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates and other levels contained in this resolution.

SEC. 202. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—If legislation is reported by the Senate Committee on Agriculture, Nutrition and Forestry that provides risk management and income assistance for agriculture producers, the Chairman of the Senate Committee on the Budget may increase the allocation of budget authority and outlays to that Committee by an amount that does not exceed—

(1) $6,500,000,000 in budget authority and in outlays for fiscal year 2000;

(2) $36,000,000,000 in budget authority and $35,165,000,000 in outlays for the period of fiscal years 2000 through 2004; and

(3) $36,000,000,000 in budget authority and in outlays for the period of fiscal years 2000 through 2009.

Mr. DOMENICI. Mr. President, the next amendment will be an amendment offered by Senator ASHCROFT on education. Frankly, I am wondering, with such a short period of time before the vote must occur, whether we should just go ahead and ask him to delay and start with that amendment after the vote.

Mr. ASHCROFT. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. ASHCROFT. Mr. President, I would be pleased to operate in a way consistent with your wishes. I will begin debate now, or we can defer it until after the vote.

UNANIMOUS CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the vote occur on the first of the stacked amendments, and that the first vote be a 20-minute vote instead of 15, thus making up for the 5 minutes we might have misled people on.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 157

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, the pending amendment, No. 157, offered by the Senator from Pennsylvania, Senator SPECTER, proposes to create a new entitlement for the NIH funded with increased taxes. This language is not germane to the budget resolution before us; therefore, I raise a point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

MOTION TO WAIVE THE BUDGET ACT

Mr. DOMENICI. Mr. President, Senator SPECTER is not here. I know he would move to waive the point of order. So in his behalf, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR), is absent because of a death in family.

The PRESIDING OFFICER. (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—47

Abraham
Akaka
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Cleland
Collins
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Mikulski
Moynihan
Murray
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Smith Gordon H
Snowe
Specter
Thurmond
Torricelli
Wellstone
Wyden

NAYS—52

Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Conrad
Coverdell
Craig
Crapo
Domenici
Edwards
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Sessions
Shelby
Smith Bob
Stevens
Thomas
Thompson
Voinovich
Warner

NOT VOTING—1

Lugar

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. DOMENICI. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, before you call up the vote, I remind Senators that vote was supposed to be over 15 minutes ago. It is almost 30 minutes. This one is supposed to be 10 minutes under the unanimous consent agreement. I am going to work very hard to see that we stick to 10. The next one right after it is 10 minutes. If we are here in 10, we will get two of them done in 20 minutes. So if we call the regular order, don't be surprised if you miss a vote.

AMENDMENT NO. 176, AS MODIFIED

The PRESIDING OFFICER. There are 2 minutes equally divided. Who yields time?

Mr. DOMENICI. Senator ROTH has 1 minute and the other side has 1 minute.

The PRESIDING OFFICER. That is correct.

Mr. ROTH. Mr. President, this amendment does not endorse any one course of action. It calls upon the Finance Committee to develop bipartisan legislation to reform the Medicare program. Congress should work in a bipartisan fashion to extend the solvency of the Medicare program and to ensure that benefits under that program will be available to beneficiaries in the future. Congress should move expeditiously to consider the bipartisan recommendations of the chairman of the National Bipartisan Commission on the Future of Medicare. It urges the President to work with the Congress in fixing the problems in the Medicare program.

I thank my colleagues Senator BREAUX, Senator FRIST, Senator KERREY, Senator DOMENICI, Senator THOMPSON, Senator Bob GRAHAM, Senator ABRAHAM as well as Senators PHIL GRAMM, NICKLES, GRASSLEY, MURKOWSKI, and ASHCROFT for cosponsoring this legislation.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. LAUTENBERG. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROCKEFELLER. Mr. President, I will use my minute in response to simply say this is not a "bipartisan" Commission. The Finance Committee may very well take it up. But people, before they praise what the Bipartisan Commission has done, should understand the sick and disabled are going to have to pay the most. Mr. President, 71 percent of all counties in this country have no HMOs whatsoever. The costs of beneficiaries are going to go up. Medicare prescription drugs are not in any way, shape, or form universal.

Mr. WELLSTONE. Mr. President, can we have order? We cannot hear.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their conferences off the floor. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I will continue by saying rural seniors and urban seniors are going to be hurt in this process because there will be fewer physicians who are trained because the training of doctors is completely removed from Medicare. It was turned over to the appropriators. I think you will see a diminution of personnel.

The numbers of uninsured seniors are going to be increased, some estimate by 1.4 million. Medicare was begun because the private sector was not able to handle the insurance, was not willing to handle it. I hope Members will vote against this nonbipartisan Commission.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel

Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Lugar

The amendment (No. 176), as modified, was agreed to.

Mr. ROTH. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 177

The PRESIDING OFFICER. There are 2 minutes on the Kennedy amendment, equally divided.

Mr. DOMENICI. I ask unanimous consent that Senator ASHCROFT be made a cosponsor of the Abraham amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, over the course of the past 2 days of debate, we have seen that there really are no additional funds in this budget proposal before the Senate for the preservation of the financial security of Medicare. But there are proposals for a tax cut of $778 billion over the period of the next 10 years.

This amendment says we will take $320 billion of the amount that is reserved for the tax cut and use it for the financial security of Medicare. Effectively, we are saying, with the surplus, which represents the pay-ins by hard-working Americans—hard-working Americans—that we are going to use that money for the preservation of Medicare, and then we can move ahead and really reform Medicare, and give that a priority over tax cuts which are currently in the budget.

It is a simple question. Are we going to favor financial stability and security of Medicare or are we going to favor tax cuts? I say we can do both, but let us do the financial security of the Medicare system first. That is what this amendment is all about.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, this is an anti-tax-relief amendment. Secondly, compared to the resolution, we increase taxes $320 billion. And there is absolutely no relationship between this amendment and Medicare, no matter how much the distinguished Senator from Massachusetts wants to say that there is. There is no relationship. This money sits around, can be spent. It is applied to the debt. We already apply more of the surplus to the debt than the President did with the Kennedy amendment. And last, we have already voted on it. We voted on Conrad. It is almost identical.

Having said that, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. LUGAR), is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Lugar

The motion to lay on the table the amendment (No. 177) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGES OF THE FLOOR

Mr. GORTON. Mr. President, I ask unanimous consent that full floor privileges be granted to the following staff persons for the duration of the budget resolution debate: Mark Prater, Brig Pari, Tom Roesser, Bill Sweetnam, Jeff Kupfer, Ed McClellan, Alec Vachon, Kathy Means, DeDe Spitznagel, Monica Tencate, Marc Hahn, and Jennifer Baxendell.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 242

Mr. GORTON. Mr. President, I believe it is now in order to consider an amendment previously offered by the Senator from Missouri.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Missouri [Mr. ASHCROFT], for himself, and Mr. GORTON, proposes an amendment numbered 242, as previously offered.

Mr. ASHCROFT. Mr. President, this amendment relates to the education funding included in this budget proposal. I have joined with other Republican Senators in calling for an increase in Federal spending for education and urging that those additional dollars go directly to the classroom. This is a proposed sense-of-the-Senate amendment, and I am offering this measure with Senator GORTON. It is a measure which already is at the desk.

Mr. President, as I mentioned earlier, this budget is very generous in terms of education, providing additional resources for the purpose of enhancing the capacity of our students to perform.

This budget provides, for instance, for my own State—I think if the money were to be divided equally between the States, Missouri would get $56 million next year, more than it gets now. Over the next 5 years, it would get about $660 million more. So that is a substantial increase in the resource.

I have joined with Senator GORTON of Washington to say that when we have that kind of resource flowing to the States, it is important for us that this increased resource in Federal education dollars be directed to the States and local schools out of the Federal budget and not to the Federal bureaucracy.

You see, our intention with this resource is to elevate the capacity of students to perform, not to elevate the capacity or the propensity of the bureaucracy to intermeddle in directing, and sometimes misdirecting, the resources that would otherwise be best directed at the local level.

Our hope is that this additional resource will give States and local communities, will give teachers and principals, and will give people at the classroom level—places where decisions can be made effectively about allocation of the resources—the maximum flexibility to design and run education programs that will literally elevate performance of our students.

One of our Nation's highest priorities is that every child would have the opportunity to receive the kind of challenging, rigorous education that would prepare them for not only success personally, but would also prepare them as team members of Team U.S.A. to keep America where it ought to be—leading the world.

Congress should develop and support Federal policy that will best promote education practices that succeed in our States and schools. Sometimes those practices are different in one State than they would be in other States. So we really want to invite the States, the school boards, the parents, and the teachers, those whose children are in the schools, to participate in developing the right deployment of these resources—spending the money wisely in ways that will help the students.

Successful school systems are characterized by parental involvement, where parents really care, where parents get involved with the school system, where they energize their children, where they assign a high value to achievement in education. That is where our children soar. We should have Federal policy that gives the parents, the schools, the school boards, the school districts, the local governments, and the States the right to tailor the expenditure of resources so as to meet the needs of our children. Successful schools are also characterized by fundamental skills, excellent teachers, dollars spent in the classroom, and not dollars wasted in the bureaucracy. So many of our current Federal educational resources are misspent. They drive a demand for paperwork. They don't drive a demand for performance. They don't contain elements that further our goal of giving our children a world-class education. A number of our Federal education programs contain these mountainous paperwork burdens—regulations and restrictions that hinder States' and local schools' ability to design programs.

Here are a couple of examples about the bureaucracy. Listen to these numbers. They are almost mind staggering.

In Florida, 374 employees administer $8 billion in State funds. So it takes 374 to administer the $8 billion in State funds. However, there are 297 State employees needed to oversee only $1 billion in Federal funds, six times as many employees, six times as much bureaucracy, six times as much administration per dollar of funds spent in Federal dollars as there are for State dollars.

I think if we want to avoid that kind of overlay of inefficiency, if we want to avoid the weight of paper that is weighing down the educational system that keeps teachers writing reports to bureaucrats instead of teaching our students, we ought to be working for this amendment which says that resources should go to State and local efforts; they should be tailored to meet the needs of the schools and to elevate student performance. The enhanced resources in this bill should not be devoted to the Federal bureaucracy where we have that 6-to-1 ratio demonstrated in the Florida experience where there are six times as many administrators for federal dollars as there are for State dollars.

The Federal Department of Education requires over 48.6 million hours of paperwork each year just to receive the Federal dollars. That translates into the equivalent of 25,000 full-time employees every year just doing the paperwork. This bureaucratic maze for Federal education bureaucracy takes up to 35 percent of Federal education dollars.

If I were to hand my son $1 and before it got from my hand to his it changed from $1 to 65 cents, I would hear about it. I would hear about it with justification—"You say you are giving me a dollar. You are only giving me 65 cents." That is what has been happening with Federal education dollars.

The Governors of the country know about it. That is why they were so adamant in unanimously supporting the Ed-Flex bill which we passed in the Senate. Flexibility is important. That is what we would be providing to support student achievement if we are able to support this amendment.

A recent example of inflexible Federal funding is the $1.2 billion earmarked exclusively for classroom size reduction for early elementary grades. It may have been a noble aspiration, but it may not be what some schools need.

Listen to what Gov. Gray Davis, a Democratic Governor of California, recently said. He said it this way. His State had already achieved smaller classroom sizes in the early grades and needed to use the new Federal funds for reducing class size in 10th grade math and English classes. But no. The Federal bureaucrats and we, in conjunction with them, said no; this is only to be used in another specific arena.

Let's give the flexibility to a school district, to the Governors, to teachers, to principals, to people at the local level. Let's give them the flexibility to meet student needs instead of to satisfy the bureaucratic demand. Why should we handcuff States and local schools from using money in the way they best see fit?

According to the 1998 National Assessment of Educational Progress Reading Report Card, nearly 40 percent of our fourth grade students cannot even read at a basic level. United States 12th graders outperformed only 2 out of 21 nations in mathematics on a recent Third International Math and Science Study Test.

The Brookings Institution has reported that public institutions of higher education have to spend $1 billion each year on remedial education for students who want to go to college. They have to have remedial work because it didn't happen at the elementary and secondary level.

Let's not continue to spend money, Federal funds, in the old way of running it through the bureaucracy, first shrinking it and then allowing it to go from the bureaucracy forward in ways that aren't serving students. We should direct any new and existing Federal education resources to States and local schools to design and implement education programs that work, and that they know can work, because they are working with the program. And they also know what programs they need for their students.

When Governor Gray Davis said he didn't need the money for smaller class sizes in early grades, he wasn't saying the program wouldn't work. He is just saying we already did that; we need to use the resource for something else.

We cannot afford to keep spending our dollars in the same way that we have been doing for years. A profound friend of mine said, "Your system is perfectly designed to give you what you are getting. If you do not like what you are getting, you had better change your system."

We can't do it the same way. It has been giving us the wrong results. Let's let States and local communities decide how to spend dollars to improve performance—not give us the same result but give us an elevated outcome.

I think we should give States and local schools the kind of flexibility they need to spend Federal dollars on programs that are needed at the local level rather than programs that are mandated from the bureaucracy. I think we need programs that boost student achievement, and that somehow foster academic excellence, giving local individuals the right to deploy the resources to do that.

Under this approach, schools will be able to deploy resources to hire new teachers and to raise teachers' salaries. They could buy textbooks, or new computers, enhance the library, or even build—do all kinds of things, whatever they believe is most important in order to achieve that fundamental goal that we will all agree we want to pursue: that is, elevated student performance.

That is what education is for—not for the bureaucracy in Washington. It is not really even for the bureaucracies at the State level, or the school boards, or even for the teachers. Our education effort is designed to elevate the performance and capacity to build the future of the United States by enhancing the future of individual students.

In conclusion, parents, teachers, school boards, and administrators are in the best position to say what is needed. You wouldn't think of going to a doctor who is 1,000 miles away who is prescribing only one thing for all the people in the country regardless of their symptoms. We would say that is the most foolish thing of all. Yet we go to the bureaucracy in Washington, have them prescribe what we are going to do with our educational resources, no matter what the situation is in the State, or the school, or the local school area, or in the classroom. We need the capacity to say, here is what is wrong. Let's make the diagnosis at the local level, and then let's get at the problem at the local level.

We can provide those resources. The resources in this budget should be devoted to that. Senator GORTON of Washington has been a champion of this idea. Several years ago, really in a breakthrough in the Senate, we voted for this concept, and it was on his motion that we did so. I am pleased to join with him in this sense-of-the-Senate resolution.

I ask unanimous consent to add Senator SESSIONS as a cosponsor of this amendment. There may be others as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I am pleased to have the opportunity to join my colleague from Washington State, SLADE GORTON, in making sure that we give the Senate an opportunity to express itself clearly in favor of the kind of funding for schools that boosts student achievement.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is almost 35 years since Congress passed the first Elementary and Secondary Education Act. That marked a fundamental change in the relationship between the Federal Government and local school districts in the management of education policy. That act in 1965 was 30 pages long. Today the Elementary and Secondary Education Act takes up 400 pages of our statute books. The regulations passed pursuant to that act and other education acts literally occupy thousands of pages of the Federal regulations.

For a third of a century, Washington, DC—often Congress but most particularly the people who work in the Department of Education—has been dominated by the thought that centralized decisions and centralized control exercised here in Washington, DC, was the best way to solve problems relating to the education of our young people.

Mr. President, 35 years of that experience has been demonstrably shown not to work. Test scores have not improved anything like the degree that centralized control has been imposed from Washington, DC. In addition, of course, the Congress has not really kept its promise with respect to education. Only 7 or 8 percent of the money that our schools spend comes from appropriations from the Congress of the United States, but a good 50 percent of the rules and regulations do. A failed experiment should be abandoned, and we should try something else.

To focus on a particular incident in my own State of Washington, a team of researchers at the University of Washington found that it wasn't more money that improved test scores in 26 elementary schools in Seattle. It was better people and more freedom. The schools that showed the greatest improvements had principals who motivated teachers to work together, parents who cared and were involved, and the flexibility to do things differently among these various schools. Those principals had more control over the moneys that their schools spent, and it allowed them to custom build programs tailored to their particular school's needs.

The idea has caught on in my State to the point at which our Governor has proposed the creation of "opportunity schools," school districts that would choose to send their funding directly to the schoolhouse and thus free themselves from many regulations at the State level.

This amendment, this sense-of-the-Senate resolution, suggests that we here in Washington, DC, abandon the failed pattern of more and more Federal rules and regulations and repose more trust in parents, in teachers, in principals, and in elected school board members all across the United States.

My friend, the Senator from Missouri, dramatically illustrated how much more money goes into administration when you deal with Federal dollars than is the case with State dollars. He talked about the thousands of school employees throughout the United States who must occupy their time filling out Federal forms. We believe that we should provide more in the way of dollars to our students across the United States, and in fact, this budget resolution is far more generous than the budget proposed by the President of the United States, but we believe that we should impose far fewer controls with those dollars and impose more trust in those people who spend their full time caring about the education of our children.

In the Presiding Officer's State of Ohio and in mine, Washington State, and the State represented by the Senator from Missouri, the electors who were wise enough to elect us to this position are certainly wise enough to elect school board members who care passionately about the kids in their school districts and about the success of their education.

Later in this year, we will deal with the renewal of the Elementary and Secondary Education Act. Then our voices and our votes will carry even more weight because we will be voting on real policies. In this budget resolution, however, we are making a promise of more resources for our schools and for our schoolchildren, and we should accompany that promise with the promise to trust our parents and teachers and principals and school board members to spend that money wisely.

The Senator from Missouri was very complimentary with respect to my efforts in this regard. Twice in the last 2 years the Senate has voted to move in exactly that direction. We have not yet been successful. We have not gotten this all the way through Congress and past the President of the United States. In fact, the President's budget underfunds the programs that we have already established without removing the regulations that accompany those programs and establishes a whole new series of categorical programs in which we tell the schools what their priorities ought to be and how they ought to spend their money.

What does that do in the real world? The Seattle Times recently reported remarks by the superintendent of the Snoqualmie Valley School District, Rich McCullough, who said:

> It's a little discouraging, but I think there is a lack of trust implicit in almost all Federal funding programs we deal with. They don't trust us to spend the money right, so they force us to do whatever they think is best. It's not always best for every school.

I think that Mr. McCullough knows more about what the students in the Snoqualmie Valley School District in Washington need and how the money he has should be spent on their education than does any Member of Congress, myself included, or any bureaucrat in the Department of Education in downtown Washington, DC.

Dwayne Slate, the executive director of the Washington State School Board, made a similar point in a recent letter that he wrote to me:

> At some point elected officials in Washington, DC simply must trust local education officials to do what's in the best interests of kids in their communities. We all have their best interests at heart.

Mr. President, this sense-of-the-Senate resolution will follow that advice and will allow these superintendents, these teachers, these parents, more in the way of decisionmaking authority as to the kids to whom they are devoting their lives and their careers.

I have every hope that the Senate will accept this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. KENNEDY. Thirty minutes.

Mr. President, I yield myself 7 minutes.

As has been pointed out by our friends and colleagues on the other side of the aisle, the importance of providing resources and help and assistance to local communities and then having a degree of flexibility within those communities is basically a concept which this body has gone on record supporting as long as we have some accountability for those funds. That is incorporated in the amendments which I cosponsored with Senator Hatfield in 1994, providing States with flexibility, and now we see that legislation is in conference with the House of Representatives.

We did not have the resolution of our friends until just a few moments ago, but after a quick look at the sense-of-the-Senate, I urge our colleagues on this side to support it. The point that I think is always well worth understanding is that education is basically a local responsibility as has been pointed out by the two speakers on the other side of the aisle. Only about 5 to 6 cents out of every dollar that is spent locally comes from the Federal Government. The rest is raised locally and by the States. So whatever success or failure we have out there in local communities obviously is attributable to the local communities.

We have had some success. We have other challenges. What I think the American people want today is a partnership between the local community and the State and the Feds to try to enhance academic achievement. What we have heard from those schoolteachers and what we have heard from parents and what we have heard from students is a series of recommendations. They had talked about smaller class size, better trained teachers, afterschool programs. They talked about technology in the classroom and some other recommendations—literacy programs as well. That is what they have been telling us, and we have developed legislative proposals to respond to those ideas.

I point out for the benefit of the RECORD that currently, according to the Department of Education—and I will include their study in the RECORD—95 cents of every dollar is actually appropriated for local schools, 95.5 percent of the Federal funds actually go to local districts; a half of 1 percent stays at the Federal level, 4 percent stays at the State level.

So, this is a pretty good indication that whatever we do—and it is very modest when you look at the Nation—it is getting to the community. We can always do better with what we are providing there, but we are, at least with regard to getting the funds into the local communities, doing pretty well, I think. It is certainly better than the kind of bureaucracy that exists at the State level.

Having said that, we will have an opportunity this afternoon to do something which I consider to be very significant in the area of education—a real choice. The proposal we have today indicates the importance of supporting local desires and local interest in the community, and I am certainly going to recommend we all support that. But, later on this afternoon, we will have a measure which the Senator from Connecticut and I will send to the desk, and which we will vote on, which will say: Let's really do something, provide some additional resources to help assist those local communities.

It is all nice and well to agree to a resolution that, as this resolution does, encourages further flexibility at the local level. We are going to embrace and support that. But we will have an opportunity this afternoon to say the following: Before we have the tax breaks for the wealthiest individuals, let us go ahead and fully fund the IDEA program at 40 percent.

We heard a great deal of debate about that in the earlier debate on education. Now, this afternoon, we will have an opportunity to fully fund, at 40 percent, the IDEA program—the special needs programs of help and assistance for the local communities that have special needs children—and meet for the first time our responsibility of funding it at 40 percent, prior to the time we have tax breaks for the wealthy. That will be the significance of the vote on our amendment this afternoon. We will say that we will support a program for smaller class size from K-3, we will support the afterschool programs, we will as a result of this particular amendment see an expansion of the Pell grants and an expansion of the work/study programs, and we will see an expansion of the Head Start programs.

We are effectively saying, instead of $778 billion in tax breaks, we are going to take $156 billion of that over the next 10 years and put it where it will make a difference for children in our country at the local level, in the local community—in smaller class sizes, in helping and assisting in modernizing buildings, in upgrading the skills of our teachers, in effective afterschool programs, in additional technology, in helping and assisting in bringing the Pell Program up to date in a more effective way, and in work/study programs which in many instances are used to expand literacy training and fund the literacy program.

It will be very easy later on this afternoon when we vote on this; the choice will be very clear. After all the pronouncements, all the speeches, all the declarations, all the press releases, this afternoon this Senate will have an opportunity to say we are, over the next 10 years, going to have the most serious support for local improvement, raising the standards of education, that we will have had in the last 35 years. That will be before the Senate this afternoon in our amendment.

There still will be ample resources, over $500 billion, that will be available for the tax breaks.

So I hope when the time comes we will have the support of those who have been speaking in support of local schools and districts involving parents, involving local decisions. I hope we are going to have their help and their support. Do they want to really put their vote where their voice has been and where their press releases have been in supporting education? Or are they going to vote and say: We will do that at another day, but I am going to vote for tax breaks for wealthy individuals? That is the choice. That will be the choice when the Senate considers the amendment that Senator DODD and I will introduce at the first available opportunity.

Mr. DODD addressed the Chair.

Mr. KENNEDY. I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, they are not here on the floor at this moment, but let me say to my colleagues from Missouri and Washington, that I appreciate the sense-of-the-Senate resolution in which they called for increased Federal funding for elementary and secondary education to be directed to the States and local school districts, granting decisionmaking authority in the hands of the States. I have no difficulty with that assertion. But, as my colleague from Massachusetts has just pointed out, there is not a single dime that flows to the States as a result of this amendment.

I commend the distinguished chairman of the Budget Committee, Senator DOMENICI, and the members of the committee, both Democrats and Republicans, for earmarking additional funds for education. This was a long overdue but welcome addition to the budget process. But, as the Senator from Massachusetts has pointed out, there are some significant differences in what we should do with those dollars because we are competing within the educational function, in effect, on some very critical needs.

Many times Members stand on the floor of the Senate and tell you what message the American public may be sending. Two Senators can get up on the same subject matter, take entirely different positions, and tell you they are speaking on behalf of the American people. On education, Mr. President, we hear one message. We hear, I think, very loudly and very clearly, regardless of geography, economics, ethnicity, gender, or age, that education is a major concern of the American people. There has been a deep and abiding appreciation throughout the long history of our Nation for the importance of education, the fundamental understanding that the subtleties of our democracy and our Constitution can only be perpetuated in time because each succeeding generation is an educated generation. We prosper economically, we grow culturally and intellectually, because we are an educated people. That has been ingrained from the founding days of this Republic.

Earlier today I heard our new colleague from Indiana give his maiden speech on the floor of the Senate. It was a fine speech in which he talked about this being the last budget of the 20th century. I would like to take that in a different direction, in a sense, and remind our colleagues, that this is the first budget of the 21st century. What we are adopting here today, tonight, or tomorrow by noon will be the first budget that will apply to the first year of the coming millennium.

I suppose historians looking back, as they are apt to, will want to know what we were saying about our society as we left the 20th century and began this new millennium. Where were our priorities? What was our agenda? What did we want to see envisioned for our country? Again, I think the voice of the American public is pretty loud and clear and pretty uniform on the issue that education ought to be paramount on our agenda.

For those reasons, the Senator from Massachusetts and I will offer an amendment later today—we will not be able to debate it so we are doing it now—which will say that 80 percent of the tax cut that we are talking debating today will stay in place, if, in fact, that is the will of the majority. Twenty percent of that proposed tax cut we would like to take and deal with the educational needs of America over the next 10 years.

We would like to do something about the commitment we made almost a generation ago, when it came to the Individuals with Disabilities Education Act. I do not know of a mayor, Mr. President, or a Governor, I say to the Presiding Officer, who knows what I am talking about, in my State or across the country, who has not begged me to do something about us living up to that 40-percent level that we said we would fulfill when it came to the educational needs of special needs children.

We have gone from 8 to about 11 percent of special education funding. I offered an amendment 5 or 6 years ago, Mr. President, in the Budget Committee, which I lost on a tie vote on the IDEA budget that would have increased our commitment to special education.

What Senator KENNEDY and I are offering this afternoon is an opportunity for us to do that over the next 10 years and fulfill that commitment by merely saying, let's slightly modify the tax cut proposal. We are also proposing to take some of those funds, and apply them to deal with the issue of class size—again, a subject matter that I think all Americans agree is important—to have an additional 100,000 teachers, to reduce the ratio of student to teachers in our classrooms; thus, obviously, as I think we all appreciate, increasing the opportunity for learning. Those are the two things we do in this amendment we plan to offer.

There are other questions, obviously, including both school construction and student loans. The Senator from Massachusetts made reference to Pell grants. Does anyone doubt in the 21st century that there is going to be an increasing cost in higher education for families? What a signal to send on the first budget of the 21st century that we recognize that need and that growing cost, and we are going to commit some resources to provide for the higher educational cost needs of average American working families.

School construction: Again, it is incredible to me that in the most affluent nation in the world, we have school buildings that are falling down within blocks of this building. Within blocks of where we are speaking today, there are school buildings that were built in the early part of the 20th century, facilities in which we are training and educating young people who will be the leaders of the 21st century. We somehow have not yet been able to find the resources to make sure those schools are going to be well constructed, are going to be wired with the technology that they need.

The problem with the budget resolution that our good friend from New Mexico and others have crafted is that while it increases spending for education, it does so at the expense of the very programs I have just identified, and others.

It says, in order to do that, we are going to take it from Head Start and higher education, and we are going to take it from other areas. Further, it says we are not going to do something about special education costs at the local community level.

So on the one hand, I commend my colleagues for raising the ante, if you will, on education. Simultaneously, they are squeezing the other programs that are absolutely critical, so that we can attempt to provide for the educational needs of the Americans of the 21st century.

We have a way of paying for this. Again, I think our colleagues earlier today talked about a balance in this budget. There is a need for tax cuts. I am looking forward to supporting some good tax cut proposals—child care, the marriage penalty tax, investment in small business, innovation and technology, housing. I can think of a dozen areas where good, strong tax cuts make sense.

But that is not the only need in this country. There is a need to do something about the educational improvement of American schools. There is something valuable in assisting our communities and local governments with the cost of special education. What we will offer in our amendment will do that.

New school construction, classroom size, special education: why not also provide for that and simultaneously provide the resources for some of the tax cuts people are proposing?

The resolution before us, the sense of the Senate which says we ought to do more about elementary and secondary education, if Senators vote for that, and I hope they will, then they are going to get a chance momentarily, right after that, to fulfill that commitment. Rarely do we get to do that. We make a promise with one resolution, and within minutes we will be given a chance to actually fulfill that commitment and that promise with the amendment that we will offer.

We hope, Mr. President, that our colleagues will support the resolution by the Senator from Missouri. In doing so, we also hope that when the amendment is offered by the Senator from Massachusetts and myself, to fulfill our commitment on IDEA and do something about classroom size by reducing marginally the tax cut proposal, that we will also put real dollars and real meaning behind the commitments made in the resolution before us.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE. Mr. President, how much time is available?

The PRESIDING OFFICER. The sponsor of the amendment has 10 minutes 5 seconds, and the opponents, 11½ minutes.

Ms. SNOWE. Mr. President, I will take the remaining 10 minutes.

First of all, I ask unanimous consent that at 4 p.m. today, all remaining debate time on the budget resolution be considered yielded back and, further, that the Senate proceed to a stacked series of votes on the remaining pending amendments.

I further ask that the first vote be 15 minutes in length, with the remaining votes in the sequence limited to 10 minutes in length, with 2 minutes equally divided between each vote for brief explanations of the amendments.

Finally, I ask that the votes alternate between Republican and Democrat amendments.

Mr. KERRY. Reserving the right to object, I want to make sure I understood that correctly, Mr. President. Was that request, again, as of 4 to begin the process of serial votes?

Ms. SNOWE. That is correct.

Mr. DODD. Further reserving the right to object, Mr. President—

Mr. KERRY. Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

I wanted to make a few comments on an amendment that the Senator from Oregon and I have introduced already. It has already been brought up.

I wanted to offer a few words of explanation, because we think this is a very important amendment that would expand the reserve fund in the budget resolution for Medicare and the prescription drug benefit program. Specifically, our amendment would allow for new tobacco taxes to be used as an offset for the new Medicare prescription drug benefit that this reserve fund would create.

As I stated on the floor yesterday, I believe that one of the most critical items included in this year's Senate budget resolution is the reserve fund for Medicare and prescription drugs. This reserve fund received support from virtually all the members of the committee, both Democrats and most Republicans, which would address the prescription drug benefit program by allowing the use of onbudget surpluses.

We know that the Bipartisan Commission did not report out a majority report, but we do know that the Senate Finance Committee will be considering the Commission's recommendations nevertheless. So in this proposal, in the bipartisan resolution, it does include, in the reserve fund in the budget resolution, language that in the event that the Senate Finance Committee reports out a reform package of the Medicare program that extends the solvency of the program, then we would also include a prescription drug benefit program.

To the credit of the chairman of the Budget Committee, he proposed, when we were trying to work out exactly how this would be funded, whether or not to use tobacco taxes or other sources of revenue, we decided that the onbudget surplus was one means of supporting a prescription drug benefit program. But we also know that could also be tenuous depending on the surpluses that develop over the next 5 to 10 years. We want to provide certainty to the funding of this prescription drug benefit program.

So the Senator from Oregon and I have proposed an amendment that would provide an additional means of funding for this prescription drug benefit program so that we provide the continuity and the stability for funding by raising tobacco taxes in order to fund the program.

In fact, the President includes a 55-cent tax increase in his own budget for a tobacco tax increase. He talks about a prescription drug benefit program but does not provide a plan nor does he provide any sources for funding. We think this is an important step forward.

I appreciate being able to work with the Senator from Oregon in a bipartisan fashion to address this most critical issue, critical problem that is facing our Nation's senior citizens. Twelve percent of our Nation's elderly account for more than a third of the drug expenditures that occur in this country. Clearly, it is a real problem for seniors. It certainly is the black hole in the Medicare program because of the absence of support for a drug benefit program.

We want to provide the means by which it can happen and can happen this year. So the reserve fund in the budget resolution, contrary to what has been said, does provide the means for a prescription drug benefit program. If that reserve fund and that line item was not in the budget resolution, we would have a 60-vote hurdle to bring it to the floor.

So it guarantees the prospects of having a prescription drug benefit program with use of onbudget surpluses. We are just adding another option to the funding of that program because we think it is so important.

HCFA will say 65 percent of the Nation's elderly who are on Medicare have support of prescription drug benefits through other insurance policies. Well, not exactly. When you start to look at the Medigap policies, the cost of the deductibles and the caps, it is a very expensive proposition, and very few seniors have the option of using it in a way that can help them given the enormous costs that prescription drugs represent to their families.

So we realize this is a necessity. That is why we wanted to develop this bipartisan approach on funding, and ultimately the Senator from Oregon and I are going to develop bipartisan legislation to move this process forward.

I want to yield to the Senator from Oregon, because I know there is very little time left, to be able to address this issue as well. I think it is important. It makes sense to use tobacco taxes. The Columbia University did a study on this issue.

And there is no question that tobacco-related illnesses has cost the Medicare program to a tremendous extent, in fact, more than $34 billion. And 80 percent of the $32 billion in total substance abuse costs in 1994 were as a result of tobacco-related illnesses, as this chart will illustrate right here. So $25 billion alone in 1994.

So Mr. President, there is no question that it makes sense to link a tobacco tax increase to financing a prescription drug program when you consider the costs and the impact of tobacco-related illnesses on the Medicare program. And that is only going to get worse in the future.

Now I would like to yield to the Senator from Oregon for any comments he would like to make on our amendment.

Mr. WYDEN. I thank my colleague from Maine. Thank you, Mr. President.

Mr. KENNEDY. Mr. President, whose time is being used now?

The PRESIDING OFFICER. If the Senators have submitted an amendment, they have 30 minutes as proponents on the amendment. The Chair has accepted the proposition that an amendment has been accepted.

Mr. KERRY. Mr. President, parliamentary point of inquiry. Which amendment is, in fact, the amendment that is currently under controlled time?

The PRESIDING OFFICER. There are more than 80 amendments.

Mr. KERRY. No. It is my understanding, Mr. President, that the Ashcroft amendment is the pending business.

The PRESIDING OFFICER. That was the last amendment that was proposed.

Mr. KERRY. The Ashcroft amendment is being debated under controlled time; is that correct? There is a unanimous consent request as to the order of amendments. Excuse me. There is a unanimous consent order that has set up the order of amendments now. So the order is the Ashcroft amendment. Subsequent to the Ashcroft amendment, there is an additional Daschle amendment, and then it is going back and forth. So we are on the Ashcroft amendment. If debate on that is finished, under the consent order, we would move to a separate order. This amendment, if it is separate, would not be in order at this time.

Mr. DOMENICI. That is correct.

Mr. LAUTENBERG. If you will give me a moment, I have an inquiry. I ask the Parliamentarian, is there a UC now that lists amendments in order?

The PRESIDING OFFICER. No, there is not.

Mr. DOMENICI. We did not get a UC.

Mr. KENNEDY. Point of inquiry. Can I try to clarify this issue? If I could have the attention of the Parliamentarian. As I understood, we had the Ashcroft amendment. And then we had 12 minutes left on our side; 12 minutes on the other side. And as someone who was interested in our side, the Democratic side, I thought the Senator from Maine asked to take the 10 minutes—it was on the other side—to talk about an amendment that was going to come up, just as we talked about an amendment we hoped would be considered later in the afternoon. I do not remember a consent request that we set that aside. I have been sitting here, Senator DODD has been sitting here, ready to debate the Ashcroft amendment.

Mr. KERRY. Further inquiry, Mr. President. Last night I stood here in this very chair when the distinguished manager——

Mr. DOMENICI. I was not here.

Mr. REID. I was here.

Mr. KERRY. Senator REID. And we propounded a unanimous consent request at that time which the Chair, in fact, did rule on, saying there would be six amendments, three on each side; and the three on our side were specifically listed at that point in time. And I think the distinguished minority whip will confirm what I am saying.

Mr. REID. There was an order entered last night with names of Senators on this side mentioned. Senator DOMENICI indicated he would fill in the names of the Republican Senators, for the three amendments to be offered on their side.

Mr. DOMENICI. Mr. President and Senators, I was not here, but I do not challenge what anybody has said. Somebody else was here in my stead. I think it was—no. Was I here?

Mr. REID. You were here.

Mr. DOMENICI. OK. My recollection is getting weaker by the hour here.

Mr. DODD. Join the club.

Mr. DOMENICI. But if you let me try to fix it, just give me a moment.

How much time is left on the amendment that is known as the Ashcroft-Gorton?

The PRESIDING OFFICER. There is 10 minutes to the sponsors and 11½ minutes to the opponents——

Mr. DOMENICI. What is the argument?

The PRESIDING OFFICER. On the Ashcroft amendment. So we are still on Ashcroft.

Mr. DOMENICI. They are supposed to have that time. Why not give them that time? What is wrong with that?

Mr. KERRY. The Snowe amendment is a separate amendment, and not in order.

Mr. DOMENICI. Could you clarify, what is the status of Senator SNOWE's amendment?

The PRESIDING OFFICER. There have been submitted in excess of 80 amendments. Under the Senate's precedents, each of those amendments can be brought up on the call of the regular order.

Mr. KERRY. Mr. President, again——

Mr. DOMENICI. She did not ask for regular order. Her amendment isn't pending. Is it pending or not?

Mr. WYDEN. Parliamentary inquiry.

The PRESIDING OFFICER. That is what we are trying to get to right now.

Mr. DOMENICI. Could we ask Senator SNOWE, what do you desire to do? Do you want to talk about your amendment?

Ms. SNOWE. That is correct. Yes, Mr. Chairman, I want to talk about my amendment.

Mr. DOMENICI. How long would you like to talk about your amendment?

Ms. SNOWE. Not too much longer, perhaps another 10 minutes. The Senator from Oregon could finish up his remarks and then any concluding remarks.

Mr. DOMENICI. Ten minutes between the two Senators?

Mr. WYDEN. Mr. President, I think we can be finished with this in probably 15 minutes.

The Senator from Maine and I, as well as our colleague from Massachusetts, have been here for the last few hours. If I had 10 minutes and Senator SNOWE could wrap up briefly, we could be done.

Mr. DOMENICI. We will make time for you.

Mr. KERRY. Mr. President, I am absolutely confident that we can work this out appropriately with the help of the distinguished manager. I make it clear that no call for regular order was made. We were in the middle of the process of debating the Ashcroft amendment which is under controlled time. In the course of that debate of controlled time, the Senator from Maine—and I have no objection to this—stood up to speak on a separate amendment without calling for regular order.

So that is not the pending business before the Senate.

Now, I am delighted to have the Senator from Maine and the Senator from Oregon be able to debate their amendment, but there is, in fact, an order setting up a line of amendments here.

I am happy to enter into a new unanimous consent agreement that adequately protects those people in line and the time of the Senator from Maine's, and then we can proceed. I would be willing to lift my objection to having the serial votes follow at that point in time. I do think we ought to follow the procedures of the Senate.

The PRESIDING OFFICER. The Senator from New Mexico.

UNANIMOUS CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senators SNOWE and WYDEN be permitted to speak without calling up their amendment for 15 minutes, after which time the regular order will be the Ashcroft amendment, which will then vest in the respective Senators the remaining time under the hour that they had. As soon as that is over, we will proceed with the Daschle-Dorgan amendment, and they will have 1 hour equally divided, after which we will move to a Republican amendment for Grams-Roth, which will be one half-hour equally divided. Then we will have Senator JOHN KERRY of Massachusetts to follow that with one half-hour equally divided.

We can stay on that path for just a while and then we will do something else.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time on the pending Ashcroft amendment?

Ms. SNOWE. Mr. President, I have the time.

Mr. DOMENICI. Mr. President, we just entered into a unanimous consent agreement. What do we need the Parliamentarian for? He can sit there. Senators SNOWE and WYDEN are to proceed under the UC now for 15 minutes, and we just stated what is to follow.

You don't have to ask the Parliamentarian anything; just call on Senator SNOWE.

You are the Parliamentarian; you run the Senate.

The PRESIDING OFFICER. The Chair rules that we will have 15 minutes divided between the Senator from Maine and the Senator from Oregon.

The Senator from Maine.

Ms. SNOWE. Mr. President, I yield 10 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, first let me thank my colleague from Maine and say that the reason we have come to the floor at this time is there would be an opportunity today for the Senate, after all of the frustrations surrounding the Medicare Commission, to take a major step forward in the cause of Medicare reform, and finance it in a responsible way.

What the Senator from Maine and I have done, both in the Budget Committee and with this amendment, is sought to ensure that the Senate would have an opportunity in this bipartisan amendment to ensure for the first time in this session the Senate could make a significant addition to the Medicare program: Start covering prescription drugs for vulnerable older people and pay for it in a responsible fashion.

More than 20 percent of the Nation's elderly spend over $1,000 a year out of pocket on their prescription medicine. These are older folks who are walking on an economic tightrope. They balance their food bills against their medical bills, their medical bills against their housing expenses, and many of these older people end up with a prescription that would involve their taking three pills a day which they cannot afford. So they end up taking two pills at the beginning and then maybe they take one. They get sicker. As a result, this country's inability to finance prescription drug coverage for older people under Medicare, this results in a lot of those older folks having to face hospitalizations, unnecessary surgeries, institutional health care.

The reason Senator SNOWE and I have acted as we have: First, to ensure that part of the onbudget surplus could be used for this additional benefit; and, second, to raise the opportunity for additional revenue through new tobacco taxes. We believe that a significant portion of Medicare expenses are due to tobacco-related illnesses. In fact, the evidence shows that perhaps 15 percent of all Medicare costs are tobacco related.

In this amendment we have provided a two-step process for ensuring that we will have the opportunity to finance a decent pharmaceutical benefit for low-income older people. The first is the proposition that many Democrats have felt strongly about, and that is to ensure that a portion of the onbudget surplus could be used for this benefit. Second, we have felt that it may take additional funds, which is why we are saying that the Senate Finance Committee would have the opportunity, should they choose to do so, to add to the reserve fund money that would come from a new tobacco tax.

I believe, having seen the frustrations of the Medicare Commission and their inability to come up with a bipartisan agreement, the Snowe-Wyden amendment, the amendment that we will vote on today, is a major step forward.

When we talk with our older constituents, they tell us that the great gap today in Medicare is prescription drugs. More than 37 percent of older people are responsible for their prescription drug bill. On average, they pay twice as much as those without coverage. The AARP has estimated that fee-for-service beneficiaries with annual incomes below $10,000 are estimated to be spending about 10 percent of their entire income on prescription drugs.

I am very pleased to have a chance, after some of the bickering that has surrounded this Medicare issue, to come to the floor of the Senate today and say that with the Snowe-Wyden amendment we are in a position to add coverage for the vulnerable older people of this country and to pay for it in a responsible way.

Many of our colleagues know that Medicare offers very little in the way of preventive benefits. We have finally been able to add some mammography coverage, some coverage for those with diabetes. But the fact of the matter is, this drug coverage benefit is perhaps the next best step we can take in terms of preventive health care.

What we are seeing with these new drugs and new therapies, they are absolutely key to keeping older people out of the hospital, to making sure we are avoiding unnecessary surgeries. I submit that this legislation, which meets an enormous need in our country, is also a major step forward in terms of preventive health services.

I know that there are going to be some on the Republican side and some on the Democratic side who will say that this is not perfection in terms of Medicare reform. Well, I would agree with that. But I also say that the opportunity to take a major step now to helping those 20 percent of the Nation's senior citizens who pay more than $1,000 out of pocket for their prescription drugs is certainly an opportunity that the Senate should move to take advantage of.

It isn't a perfect amendment. The Senate Finance Committee is going to have an opportunity to make refinements in it. But for the vulnerable older people, 37 percent of the Nation's elderly that are responsible for their prescription drug bill, this is going to mean that some of those folks are actually going to be able to pay for three pills a day when the doctor tells them that is needed.

I want to wrap up by thanking my colleague from Maine. She, like myself, has worked on this issue for many years—really, since our House days. I am so pleased that now we can, after there have been the frustrations surrounding the Medicare Commission, come to the floor of the Senate with a significant Medicare reform that is responsibly financed. We got a 21-1 vote in the Senate Budget Committee, and the addition that we have made today, with the opportunity for additional revenue to be generated for this program with any new tobacco tax, is another step forward.

I thank my colleague from Maine for this time. I know she would like to wrap up, and I tell her I very much appreciate the opportunity to, with her, address Medicare reform now in a bipartisan fashion and to meet the needs of some of the Nation's most vulnerable citizens, our elderly. I thank her for this time to speak.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I want to commend my colleague, Senator WYDEN, for his leadership on this issue, not only here in the Senate, but as he referred to, during our days in the House of Representatives. I know he has worked considerably on the issues of senior citizens in this country, and in his service on the Aging Committee as well in the House of Representatives.

I want to also commend the chairman of the Budget Committee because at a time when I was discussing the idea of creating a reserve fund for the prescription drug benefit program, Senator DOMENICI came up with the idea of including onbudget surpluses of which there is probably more than $132 billion estimated over the next 5 years, and that that could be a potential source for funding for the prescription drug management program.

So this amendment is to build on that leadership, to ensure that there will be continuity and funding in the event that those surpluses do not materialize. Also, this is a carrot-and-stick approach because the reserve fund in the budget resolution includes a prescription drug benefit program contingent on a reform package being passed out by the Senate Finance Committee that extends the solvency of the Medicare program.

We think that is important, but we don't want to overlook the significance of providing this benefit to senior citizens because it has constituted a crisis in this country for our Nation's elderly, without a doubt. As Senator WYDEN has indicated, it has consumed most of their income when it comes to the cost of prescription drugs. We think it is an appropriate linkage between a tobacco tax increase and the impact on the Medicare program. Again, if you look at this chart, $25 billion is the cost to the Medicare program in 1995 as a result of tobacco-related illnesses. Well, if you take that even further, it represents 14 percent of Medicare costs in that year alone. That is all going to grow exponentially. It will get worse. It could be more than a $400 billion problem over the next 10 to 15 years.

So that is why it is important, I think, to look at the source of revenue through a tobacco tax increase, in the event the surpluses don't materialize, but that we have a permanency in terms of coverage. That is what we are attempting to do in this amendment. That is why we think it is so important because to do otherwise is failing to acknowledge the reality of the impact of not having this kind of benefit program currently in the Medicare system.

Finally, I should say, Mr. President, that in the reserve fund in the budget resolution we prohibit any transfer of IOUs to the Medicare program. We do not artificially address the Medicare program. We are doing it in a real way, and that is also the case with the prescription drug benefit program.

I might also just mention, in talking about Medicare, as one quote that came out of the President's book—the OMB fiscal year 2000 budget—what it said with respect to the President's Medicare proposal is:

> Trust fund balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. . . . They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government's ability to pay benefits.

What that means, in a nutshell, is that the President's proposal, contrary to what is suggested on the floor, isn't putting a penny of real money into these programs, and the same is true for the prescription drug benefit program. They talk about the State of the Union Address, but did not propose a plan, did not provide one penny for a prescription drug benefit program. The budget resolution, on a bipartisan basis—21-1—supported the reserve fund I offered with the onbudget surpluses to pay for it. That is a step in the right direction that is going to ensure that the Nation's senior citizens have that benefit. In addition, on this amendment offered by the Senator from Oregon and myself, I should also mention that Senator SMITH from Oregon is a cosponsor.

Mr. WYDEN. Will the Senator yield?

Ms. SNOWE. Yes.

Mr. WYDEN. I thank my colleague for yielding. I want to come back to how bipartisan this amendment has been——

Mr. KENNEDY. Will the Senator yield?

Mr. WYDEN. In a moment, I will. In the Budget Committee, this received a 21-1 vote. Suffice it to say, for an issue that has been this controversial, which generated so much discussion in the Medicare Commission, to be able to come to the Senate today with a 21-1 vote from the Senate Budget Committee and then to take the additional step that the Senator from Maine and I and many of our other colleagues have taken, like Senator KENNEDY who has fought this battle valiantly for so many years—we have now taken the additional step of saying that any new tobacco tax money could be used for this program, and that strikes me as the kind of bipartisan work that the Senate ought to be doing. It would be one thing if this was a narrowly fought battle in the Senate Budget Committee. Instead, we got a 21-1 vote.

Now we come to the Senate floor and say that onbudget surpluses could be used to finance this program for the vulnerable, No. 1. The second is to say that any new tobacco tax revenue could be generated for this program. That is the kind of bipartisan approach we ought to be taking. I thank my colleague from Maine. I know my friend from Massachusetts wants to speak.

Mr. KENNEDY. May I ask a question, please? On this trust fund, the reserve fund, on page 90, which describes the fund, there are also the words that the committee report would not allow the reserve to be funded by the intergovernmental transfers. That would be the part that the President talked about—any of the funding from the surpluses. And then, on page 90, it indicates that you can't have the funds from other revenues, as it talks about being adjusted for legislation that extends the solvency of the fund.

How are we going to extend the solvency without additional funds in order to trigger this program? You have the solvency mentioned, and 9 years and 12 years. We don't want to create a program that says we are going to do something on prescription drugs and then, on the other hand, which says we are only going to do it if we extend solvency, and then we don't have additional funds to extend solvency. I am interested in what kind of a commitment or promise this is really going to be.

Ms. SNOWE. Mr. President, the answer to the Senator's question is, that is occurring through the Part A program of Medicare. The prescription drug benefit will be in Part B of the program.

Mr. KENNEDY. The provision here talks about now allowing transfer of new subsidies from the general fund. That is not applicable to Part B. It says right here on page 90. That is prohibited without the use of transfers of new subsidies from the general fund. And it also talks about prohibition of intergovernmental transfers.

Can the Senator tell us how she foresees the solvency being worked out, if it isn't going to be higher premiums, or reduced benefits?

The PRESIDING OFFICER. The time that has been allocated to the Senator has expired.

Mr. KENNEDY. May I ask for a minute so the Senator can respond?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. SNOWE. Mr. President, if I may respond, I would be glad to respond. We are not proposing any reforms to solvency. That will be determined by the Senate Finance Committee with respect to Part A. With respect to the prescription drug benefit program, that would come under Part B. And that is why we will be using onbudget surpluses, plus the tobacco tax increase, if it is necessary.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, Mr. President, to the Parliamentarian, I apologize for my statements a while ago. I guess I have been here too long.

Anyhow, let me see who is under the order. Is not the Daschle amendment up? We understand there is time remaining on other amendments. That is bothering you. So why don't we just say whatever time remains on amendments that have been set aside, or otherwise are not disturbed, by unanimous consent will not be changed or altered by setting them aside, reserving that time, and going to the Daschle amendment as ordered a few moments ago.

The PRESIDING OFFICER. Daschle-Dorgan. There was a unanimous consent on three amendments that are going to be made, and this is the beginning of that with the Daschle amendment. The clerk will report that amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Parliamentary inquiry: After the amendments are called up, are you going to ask unanimous consent that they be entered?

Mr. KENNEDY. Mr. President, I have just been back here now distracted. Are we going to just finish up now the amendment? We have been here with Senator DODD all during the lunch hour since 1 o'clock, which I am glad to do to accommodate others. And the chairman has been enormously accommodating. But I thought we would have Senator DODD next. Senator MURRAY is here and wanted to speak. Senators HARKIN and DODD wanted to speak on it and to do the last 10 minutes. The chairman has been extremely courteous in accommodating everyone's interest. Both of them are here. What I would like to do is to have some idea.

Mr. DOMENICI. What amendments are they speaking to?

Mr. KENNEDY. Ashcroft. We have 10 minutes remaining on the Ashcroft amendment.

The PRESIDING OFFICER. The Chair's recollection is that there was a unanimous consent ordered to give the Senator from Maine and the Senator from Oregon 15 minutes, and then we would proceed under an order in regard to specific amendments.

Mr. LAUTENBERG. Regular order is the Ashcroft amendment.

Mr. KENNEDY. Ashcroft is pending.

Mr. LAUTENBERG. That is the pending amendment. I think the Parliamentarian will agree.

Mr. DOMENICI. Mr. President, if there is any confusion, might I modify the previous unanimous consent request and say that there are 10 minutes remaining on each side on the Ashcroft amendment, 10 under the control of Senator KENNEDY, 10 under the control of Senator ASHCROFT, and that we proceed to do that now, and then follow the sequence that we just agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered. We will proceed. There being no objection, the Senator from Massachusetts.

Mr. KENNEDY. I yield to the Senator from Washington.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, before the body at this time is an amendment on education. We have heard from this floor many times over the course of this Congress that education is a priority. And that is a fact; it is a priority here in the Senate. I am delighted to say that. It is certainly a priority for thousands of families across the country who have children in school who want them to get a good education. But it is also a priority for many businesses who want to make sure that we are educating young people today in order to give them the skills they need to be able to hire them. It is a priority for our police officers and the community leaders, because they know that investing in education and making sure that young people get what they need in our schools means the safety, the health, and the viability of our country for many years to come.

The pending amendment talks about education. But talking about education is not what our constituents are asking for. They are asking for us to invest in education. We can all talk about quality, but unless we provide the resources for those schools out there, we will not be providing them with the kind of education they have to have in order for our country to be strong in the future. The amendment that my colleagues, Senator KENNEDY and Senator DODD, have introduced offers us a way to do that.

Too often on this floor we have set up challenges between different funding. We can either support IDEA funding for special education, or we can support teacher quality, or class size. The amendment that Senator KENNEDY will offer at a later time provides us with the alternative to make sure that we do provide the funds for special education under IDEA and complete the promise we have made to young students and teachers and communities to reduce class size. It simply says that this is an investment we are going to make.

I urge my colleagues to support this amendment. It will make a difference in our classrooms across this country.

Mr. President, too often we are told that we are providing a tax cut and returning money to the people. I can think of no better way to return money to our constituents than by investing it in education so that our young people get the skills they need, so they can get jobs and become a viable part of our economy in the future. A budget is not just about putting dollars out there today, it is making good investment so that our budgets will be strong in the future.

That is why I am going to support the Kennedy amendment, which gives actual real resources to our students, and not just another empty promise and another way of moving bureaucratic paper around.

Thank you, Mr. President. I yield my time back to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, I want to just mention to the Members again what we are basically talking about is funding, meeting our responsibility under IDEA, which this Nation is committed to offer the next 10 years, and also funding the smaller class program and providing a significant increase in the Head Start Program, the Pell grants, the work/study programs, afterschool programs, school dropout programs.

These are the groups that support our program: American Association of School Administrators, the National Education Association, Parent-Teachers, Council of Greater City Schools, Chief of State School Offices, Federation of Teachers, Committee on Education Funding, the National Parent Network on Disabilities, the Disability Rights Education Fund, Easter Seals, Consortium of Citizens with Disabilities, National Federation of Children with Special Needs.

Virtually every children's group and every education group understands that this is our best opportunity in this Congress to really make a downpayment in terms of the partnership among local, State, and Federal in terms of enhancing academic achievement and accomplishment in the schools across our country.

We have a chance now to fulfill our commitments that we have all made in statements and speeches and press releases to do something now. That is what this vote is about. It says we will fund these programs before we go for tax breaks for wealthy individuals. That is the choice. It is as clear as can be. That is what the issue is. We are hopeful that we will get strong support for that program.

Mr. President, I yield what time remains to my colleague and cosponsor, Senator DODD.

Mr. DODD. Mr. President, this is a letter that I think the Presiding Officer will be very familiar with. This is a letter from the National Governors' Association.

Let me quote this letter, if I may. So my colleagues will be aware, this is signed by Michael Leavitt, Republican Governor of Utah; Mike Huckabee, Republican Governor of Arkansas; Tom Carper, Democratic Governor of Delaware; and Jim Hunt, Democratic Governor of North Carolina. They say in their letter to us, to the chairman of the Budget Committee, "Governors urge Congress to live up to the agreements already made to meet current funding commitments" regarding education before adopting "new initiatives or tax cuts in the Federal budget."

It goes on in the letter to say that they are already cutting existing funds locally to provide for special needs students. They are asking unanimously, Democratic and Republican Governors across this country, to do exactly what Senator KENNEDY and I will be asking our colleagues to do in the amendment when we vote on it, and that is to place the special education needs of children ahead of a tax cuts. Our commitment to special education ought to come before tax cuts. There will still be plenty of room financially for the tax cuts. But here is Mike Leavitt, Mike Huckabee, Tom Carper, and Jim Hunt speaking on behalf of the National Governors' Association telling us to fund IDEA before enact tax cuts. What clearer message could we have?

I hope our colleagues today, after they vote on the Ashcroft amendment and say that we ought to provide more for education, and then quickly thereafter have a chance to vote on the Kennedy-Dodd amendment, will remind themselves—and I will see that each Member gets a copy of the NGA letter regarding IDEA funding—to live up to the commitment in the Ashcroft amendment by fulfilling the request of the National Governors' Association to support this program as crafted by this amendment.

With that, Mr. President, I yield the floor.

How much time remains?

The PRESIDING OFFICER. Three minutes 5 seconds to the opponents and 10 minutes to the proponents.

Who yields time?

Mr. DODD. Mr. President, I do not know if there are—Senator HARKIN of Iowa wanted to be heard, but I don't see him in the Chamber at this time. I don't know, are there any further requests for time on this side?

We reserve the remainder of our time, unless the distinguished chairman of the committee wants to be heard.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I am going to argue for 2 minutes and yield back the remainder of my time so we can get going. If Senator HARKIN isn't here, I hope Senators will cooperate with me.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am very pleased that a Governor occupies the Chair while I make this statement.

Those Governors are friends of ours. The Republicans have been increasing the funding for special education. We do not need a lecture from the Governors about it. What we need is help from the Democrats who have resisted it every time. The President didn't even put an increase in his budget last year. We put the whole increase in. I don't remember if he did much this year, but it is mighty small. It is Senator JUDD GREGG and others who have been leading the parade around here on IDEA.

Now, frankly, we would like to ask those Governors who signed that letter, would you like us to cut the extra $3 billion in this budget that we put in and the extra $27 billion that we put in here? If you would like that cut, we will make room for more IDEA money for you. That is an increase in education, and it is left up to the committees to do what they would like, except we would like to make a sense-of-the-Senate resolution binding, adopted by us, that says, let's reform the Federal program and let's make sure that they are more responsive by focusing them in at the local level with local control.

Now, we ought to pass that, because it is time we reform it. There is no IDEA issue in this amendment. They are going to raise IDEA in a later amendment. They are going to raise something on special education.

So with that, I wish their amendment well when they bring it up. It is high time that they are for significantly increasing funding under special education, but for now we have raised it and we ask that the local control be attached to that with one of the qualities being that it be accountable, that there be accountability in those laws.

I yield back the remainder of time so we can move on.

Mr. KENNEDY. Mr. President, may we have 30 seconds?

Mr. DODD. We have more time remaining.

Mr. KENNEDY. Mr. President, the Ashcroft amendment is a sense-of-the-Senate. Our amendment is real dollars, real dollars. We are saying fund the education programs before the tax cut. That is what the issue is. I am interested in what the Governors say, but I care most about those parents who are supporting this program. Every child group, every education group supports it.

Mr. DODD. Mr. President, in response to my good friend from New Mexico, I served on the Budget Committee for a number of years. Back in 1992 or 1993, I offered the IDEA amendment. I lost on a tie vote. I must say, the majority leader, TRENT LOTT, a member of the Budget Committee, voted with me. That was the only vote I got on the other side, so I lost on the tie vote. The amendment failed. I commend the chairman and others who have wanted to increase this. We have funded IDEA at about $500 million a year. I think there is $500 million this year, I say to the chairman of the committee, on the IDEA funding. They deserve credit for doing that.

What we are saying here is that we have all tried different ways over the last number of years. I don't think you necessarily want to turn around and say to Head Start or to Pell grants or to school construction, fine, you can do IDEA but we are going to cut your budget.

We are not saying that. We are saying, look, with an $800 billion tax cut, that is a big tax cut, keep 80 to 85 percent of the tax cut; how about 10 or 15 percent of that to do what the Governors have asked us to do here? That is specifically what we have said. Do this before you do the tax cut.

All we are suggesting is their request is well founded. When Republican and Democratic Governors ask the Congress to set some priorities so they can have the resources to do the job, I think we in this body ought to take note of it. That is the reason I offer the argument.

Mr. President, I ask unanimous consent that the letter from the National Governors' Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 9, 1999.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you prepare the budget resolution for the coming fiscal year, the nation's Governors urge Congress to live up to agreements already made to meet current funding commitments to states before funding new initiatives or tax cuts in the federal budget.

The federal government committed to fully fund—defined as 40 percent of the costs—the Individuals with Disabilities Education Act (IDEA) when the law, formerly known as Education of the Handicapped Act, was passed in 1975. Currently, the federal government's contribution amounts to only 11 percent, and states are funding the balance to assist school districts in providing special education and related services. Although we strongly support providing the necessary services and support to help all students succeed, the costs associated with implementing IDEA are placing an increased burden on states.

We are currently reallocating existing state funds from other programs or committing new funds to ensure that students with disabilities are provided a "fee and appropriate public education." In some cases, we are taking funds from existing education programs to pay for the costs of educating our students with disabilities because we believe that all students deserve an equal opportunity to learn. Therefore, Governors urge Congress to honor its original commitment and fully fund 40 percent of Part B services as authorized by IDEA so the goals of the act can be achieved.

This is such a high priority for Governors, that at the recent National Governors' Association Winter Meeting, it was a topic of discussion with the President as well as the subject of an adopted, revised policy attached. Many thanks for your consideration of this request.

Sincerely,

GOV. THOMAS R. CARPER.
GOV. JAMES B. HUNT, Jr.,
Chair, Committee on Human Resources.
GOV. MICHAEL O. LEAVITT.
GOV. MIKE HUCKABEE.
Vice Chair, Committee on Human Resources.

Mr. DODD. Mr. President, I will be glad to yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DORGAN addressed the Chair.

AMENDMENT NO. 178, AS MODIFIED

The PRESIDING OFFICER. Who yields time on the Daschle amendment?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is my understanding that we have 1 hour equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. That amendment is an amendment that I have introduced with a number of my colleagues, including Mr. DASCHLE. So let me begin by describing the amendment and the reason that we are here. I will then call on my colleague from North Dakota, Senator CONRAD, Senator DASCHLE, and others.

Mr. President, first, let me tell you that I am offering an amendment for my colleagues to try to strengthen rural America, and to try to provide some better price supports for family farmers.

I want to tell you about a 90-year-old woman I talked to this morning. Her name is Margaret Hansen. A few weeks ago, Margaret, age 90, got in her car in the rural part of North Dakota and got stuck in a snow bank. This 90-year-old lady got out of her car and began to walk. She walked a mile and a half when her legs gave out. Then this 90-year-old woman began to crawl on this gravel road. She crawled for a half mile, and then she couldn't crawl any longer. She laid there huddled on that road apparently for about 8 hours before someone came along in a pickup truck and stopped to wonder what was lying on the road. He found this 90-year-old woman. She wasn't dead. They took her to a hospital.

I am happy to report that Margaret is doing quite well. She said to me, yeah, I am doing fine, but my legs aren't so good. She was remarkably upbeat.

Why would it take 7 or 8 hours before a 90-year-old woman is found lying on a gravel road in the middle of winter? That's because there aren't many people living in rural America anymore.

I want to show you a chart. This chart shows, blocked out in red, the counties in this country that are losing population. If you look at the farm belt in the Great Plains, up and down the middle part of America, you will see a part of our country that is being depopulated. And some of these counties have lost half their population in a relatively short period of time.

Now, why is that? The overriding reason is we have a farm program that doesn't work. We have a farm program that doesn't allow family farmers to stay on the land and work the land. We have a miserable farm program that pulls the rug out from under family farmers.

Let me show you a chart that shows what has happened to the price of wheat. The price of wheat has dropped 53 percent since the passage of the farm law. It was $5.75 a bushel. Last, month prices received by farmers nationwide average $2.72. Now, ask yourself, if instead of the price of wheat it were your salary or your profit, your wages, your minimum wage, your Social Security check, were cut in half? If this was your income, how do you think you would be doing?

We have folks in the Senate who said some years ago within budget debate that we are going to change the farm program. In making those changes, in essence they told rural America that they were going to pull the rug out from underneath family farmers. They were going to have farmers operate in the marketplace and, when prices collapse, the nation won't care. If farmers go out of business, they wouldn't care. They basically said they don't care whether there are family farmers in this country's future. Boy, you talk about a wrongheaded public policy for America. That was it.

What my colleagues and I are suggesting today is that it is time to decide that family farmers matter in this country. It is time to provide the resources to get some price protection so that when commodity prices collapse, those folks operating out on America's farms have the underpinnings so that they are going to be able to get across those price valleys. That way, they will be able to continue working the land, continue a rural lifestyle. Other countries do it. But, our country has decided that, gee, if things are fine on Wall Street, they are fine everywhere.

That is not true. This country has a very strong economy. Things are going well in this country. But our family farmers face a very serious crisis. This is a serious emergency on the family farm, and we must do something to respond to it.

Mr. DOMENICI. I ask my friend if he will yield for a unanimous consent request?

Mr. DORGAN. I will be happy to yield.

Mr. DOMENICI. I might say to Senators, we have been working on this for a long time. We will see if we can't put ourselves in a position where we might finish a little earlier, perhaps even tonight. I am not sure. This has been worked out by the majority leader, minority leader, and those of us on the floor. I assume there has been consultation elsewhere.

UNANIMOUS CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, on behalf of the leader I ask unanimous consent that following the previously allotted debate times, the following debate times be in order: Hollings amendment on debt reduction; Craig amendment No. 146; Durbin amendment, emergencies; Crapo amendment No. 163; Boxer amendment No. 175; Sessions amendment No. 210—I ask each of the above-listed amendments be limited to 7½ minutes equally divided in the usual form. I ask unanimous consent that, following the conclusion of those debates, I be recognized in order to yield back all remaining debate time on the budget resolution.

Therefore, the Senate will then proceed to a stacked series of votes on the remaining pending amendments. I further ask that the first vote be 15 minutes in length, with remaining votes in sequence limited to 10 minutes each, with 2 minutes equally divided between each vote for brief explanations of the amendments.

Finally, I ask the votes alternate between Republicans and Democrat amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank all Senators.

Mr. DORGAN. Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has 4 minutes 11 seconds.

Mr. DORGAN. Mr. President, let me continue briefly and then call on my colleague from North Dakota, Senator CONRAD, and I believe the Democratic leader, Senator DASCHLE, will be here as well.

Imagine for a moment that corporate profits were cut by 50 percent, or 75 percent, or 90 percent, as farm income was cut one year recently in my State. Imagine what would happen in this country if that were the case, and corporate profits were slashed. We would have an apoplectic seizure here in Congress trying to figure out what happened and what can we do about it.

The question is what do we do about the economic all-stars, the families out there on our family farms that produce, raise crops, and take the risks? What about when their income collapses? Again, we have people here who say that doesn't matter and that corporations can farm America from the California coast to Maine. It doesn't matter, they say. I cannot describe how wrong they are. So we come to the floor to say we propose this amendment to add $6 billion a year, which would provide the opportunity for real, significant price support increases when commodity prices collapse for family farmers. Is that a lot to ask?

We hear folks come to the floor and say defense needs more. So, we stick in money for defense. We want to build a missile system. You put $1 billion in for a missile system last fall that the Defense Department said it did not want and could not use. Money for tax cuts? There's plenty of money for that. But what about money for mom and pop out there on the family farm who are ravaged by collapsed prices? No, they say, we are out of money.

I would say this. This Congress is out of ideas when it comes to family farming, if it believes the current farm program is the road to prosperity for these producers who are this country's real economic all-stars. We need to backtrack just a bit and decide that family farmers matter to this country's future. We need to say to them that we are going to reconnect a reasonable price protection program. So, when prices collapse our country will say to farmers that we will give them a chance to make it across those price valleys.

I started by talking about Margaret Hansen, the 90-year-old woman from North Dakota. We are a sparsely populated State. Half of our economy is agriculture. But that is also true with respect to a major part of this farm belt. This Congress should understand that America's economy is never going to be doing well in the long term if the middle part of its farm belt is being depopulated. Food production is important to this country's future and the health of family farming is important in producing America's food.

Let me call on my colleague from North Dakota and allocate 7 minutes to my colleague, Senator CONRAD.

Mr. CONRAD. Mr. President, I thank Senator DORGAN and I thank our colleagues. This is a matter of sheer survival. I want to say to my colleagues, we are on the brink of a depression in farm country in this Nation. If you come to North Dakota today and go with me to community farms, what you find people want to talk about is the collapse of farm income because it is threatening the survival of literally tens of thousands of family farmers just in our State of North Dakota. In fact, this year, unless something happens and happens quickly, we anticipate we will lose one-third of all the farmers in the State.

The reason that is occurring is really very simple. This chart shows what happened from 1996 to 1997, as farm income was washed away: In 1 year, a 98 percent reduction in farm income in our State. The reason we have seen this collapsing income is really three factors: Bad prices, bad weather, and bad policy.

The bad prices are stunning. This shows what has happened to farm prices over a 52-year period. We now have the lowest prices for our major commodities in 52 years. We have wheat selling for $2.60 a bushel. Mr. President, $2.60 a bushel. That is 5 cents a pound. There is no way anybody can make it at those prices. The cost of production is about double that. So what we have is a hemorrhaging, a loss of income, and farmers' livelihoods being threatened. That is what we are faced with.

When I talk about bad policy, when we passed the last farm bill—which is, frankly, a disaster itself—the support for farmers was cut in half. Under the previous legislation we averaged $10 billion a year. Under the new legislation, $5 billion a year. This makes it virtually impossible to write any kind of decent farm legislation. The current farm legislation cuts support for farmers each and every year and cuts it sharply, without regard to what happens to prices. In previous legislation we used to make an adjustment. When prices fell there was more assistance.

But look what our major competitors are doing. It is very interesting, because if we look at what they are doing we see that they are spending almost 10 times as much as we are to support their producers. In Europe, they are spending nearly $50 billion a year to support their farmers. We are spending $5 billion. This is not a fair fight. This is unilateral disarmament in a trade confrontation. We would never do it in a military confrontation. Why ever are we doing it in a trade confrontation? This says to our farmers: You go out there and compete against the French farmer and the German farmer. And, oh, while you are at it, you take on the

French Government and the German Government as well. That is not a fair fight. You have to say to our farmers it is pretty amazing you are able to survive in a circumstance like this one, when our major competitors are spending 10 times as much to support them.

When we look at what they are doing for support of exports, it is even more dramatic. Instead of a factor of 10 to 1, they are outspending us by a factor of more than 100 to 1. In fact, it is about 130-to-1 to support their farm exports versus what we are doing. Then some say just leave it to the market. That is not what our competitors are doing. If that is what we do, we are going to consign our farmers to a life of economic hardship and economic collapse. That is what is happening in farm country today. That is why it is absolutely critical that an amendment like this one pass to help farmers through this period of collapsed commodity values. If we do not do it, we will see literally thousands of farm families forced off the land. The stakes are high. I urge my colleagues to support this amendment.

Mr. DORGAN. Mr. President, I yield 2 minutes to the Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, before I start, I ask unanimous consent that Jodi Niehoff, who works in my office, be granted the privilege of the floor during the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I make this appeal to my colleagues as a Senator from Minnesota: First of all, please get this disaster relief bill through, at least get the agricultural part of it through.

If we don't get that, our FSA offices run out of loan money. They will have to let people go, and we will not be able to provide people with the loan money that they need and they are going to go under. Please make that happen. We should not go home without that happening.

Second of all, I rise to support this amendment. Time is not neutral. It rushes on. It is not on the side of family farmers in our States. I have never seen it this bad in all the years we have lived in Minnesota. People are in real economic pain.

It was the wheat farmers in the northwest. Now it is the other grain farmers. It is the dairy farmers in southern Minnesota. The hog producers are facing extinction while the packers are in hog heaven. We have to get the price up. We have to get farm income up.

I think this amendment, which speaks to taking the cap off the loan rate, is the right thing to do. Price, price, price. Get farm income up and get it up now.

This is a critically important crisis amendment. If Senators are on the side of family farmers and a family farm structure of agriculture, which is good for farmers and rural America and consumers, they will vote for this amendment.

I yield the floor.

Mr. DORGAN. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Senator for yielding.

Mr. President, I appreciate my colleagues being on the floor today to talk about this important issue. I am pleased to be here in support, and I am pleased to see these Senators helping to educate our other colleagues in this body about the importance of this issue.

It is not just to educate. It is also to impress upon them the urgency of this issue. I come from a seventh-generation Arkansas farm family. We are in dire straits. All farmers across this Nation are in dire straits. It is so very important for us to act in this body and in this Congress in a timely fashion.

I believe my colleagues have expressed it, but it is so absolutely critical. Our farmers have been in dire straits for the past year, with bad weather, bad prices, and bad markets. This is the last straw. It is absolutely essential that we do something before we go home for this recess.

Our farmers right now are looking at the equivalent of 1970 prices. What industry could make it with the increase in production costs, the increase of keeping the business going, surviving on what people were making in the 1970s? It is absolutely impossible to survive in today's agriculture economic climate.

We produce the safest, most abundant, and most affordable food supply in the world. It is not going to be there for the future of this Nation and for the world if we do not support our farmers at this critical time. It is simply a desperate time.

I spent the last recess looking at the worry on the faces of Arkansas farmers as they have talked about this crisis. These farmers are ready to throw in the towel; many of them already have. I applaud Senator DORGAN's efforts and hope my colleagues will join him in addressing the needs of our agricultural community.

I thank the Senator for yielding.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. I thank the Senator for yielding me this time. I thank him for his leadership on this amendment, and I thank our Democratic leader also for his leadership.

Mr. President, last Saturday was National Agriculture Day. Each year on the first day of spring, we celebrate the success and the accomplishment of American agriculture. U.S. consumers today spend less than any country in the world, as a percent of their disposable income, on food. Nine cents out of a dollar, that is all. Think about this, the productivity of American farmers, what it has done for us. In the 1960s, one farmer in America supplied food for 25 people. Now they supply food for over 130 people. Tremendous.

Isn't it a cruel irony that we set aside the first day of spring every year to recognize agriculture and the American farmer, yet tens of thousands of American farm families are going under right now? They are on the verge of losing their livelihoods and their life savings. It is devastation in the agricultural sector.

What this amendment basically says is that with the expected budget surplus for fiscal year 2000 and greater surpluses in years to follow, we will apply $6 billion of that extra surplus to putting a safety net underneath agriculture. In other words, if we have extra money in the years 2000 to 2004, that money will be made available to agriculture. Of course, if the farm economy improved, then it wouldn't be needed.

This chart here kind of tells it all. People say, why do you need $6 billion? Here is last year, 1998. This is all of the farm income; that is, the crop receipts, their AMTA payments, their aid, their loan deficiency payments—$69.5 billion. Expected this year, $64 billion. That is about a $5 billion, $5.5 to $6 billion decrease. But last year this was 17 percent lower than the average 5 years before. This year it is expected to be 27 percent less in income for farmers. That is why this amendment is sorely needed. Those who have much in our society, to whom the Republicans want to give these tax breaks, they are doing well. They are doing well on Wall Street. They are doing well in Palm Beach. They are doing well on Rodeo Drive in Beverly Hills. In the farm sector of America, our families are struggling to survive. All we are asking for is a decent safety net. That is why this amendment is sorely needed.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Democratic leader, Senator DASCHLE.

Mr. DASCHLE. Mr. President, I thank my friend from North Dakota for his leadership on this matter.

Let me say, you can't say it better than what the ranking member of our committee, Senator HARKIN, has just said. The fact is that you can look at virtually any commodity in agriculture today, and the situation continues to worsen. Whether it is in livestock or in grain, the commodity doesn't matter.

The fact is, our circumstances are so dire that in spite of all the help we have attempted to provide through disaster assistance over the last 6 months, we are still going to lose millions of farmers and millions of rural Americans in the next couple of years. That is fact.

All we are simply saying is this: If we are going to be of any assistance as we go through this extraordinary transition, we need to recreate the safety net that we once had. We need to recognize that farmers and ranchers cannot do it alone. We need to recognize that if there is going to be a surplus, one of the single best investments we can make is to ensure that those farmers and ranchers can survive with what meager tools they are going to have to manage their risks more effectively.

That is what the Senator from North Dakota is saying. We are not going to specify and delineate each and every tool today. We will work that out. But we have got to set the parameters. We have got to send the message. We have to ensure that the priority is there.

I have to say, Mr. President, this is a very important amendment. I applaud the Senator from North Dakota for his willingness to take the leadership in ensuring that we are at this point. I am hopeful that we can get a broad bipartisan consensus in passing it. It sends as clear a message as we can send out to agriculture across this country: We hear you. We are as concerned as you are, and we want to do something about it.

I yield the floor.

Mr. DORGAN. Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. DOMENICI. Mr. President, may we have a copy, please?

Mr. DORGAN. Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum and ask that the time be charged to me for the next 5 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise with great empathy and sympathy and heartfelt concern about the farmers of the United States. That is why in the budget before you we put $6 billion of new money for crop insurance and other things which was, indeed, modified in the committee so as to accommodate farm Senators by even making sure it was available this coming year.

Now, I guess there is an adage around that it is harder to manage the surplus than it was a deficit. I agree with that statement without a question. And here today it is very, very interesting. My wonderful friends on the other side of the aisle, I am sure joined by some on my side of the aisle, are here on the floor about 2½ months after the President of the United States sends his budget to us, and they are lamenting the terrible state of economics for the farmers of America.

I did not ask any of them, as they spoke—and I do not know that I will—but frankly, the President of the United States knew about all this. Isn't it interesting he asked for not one red cent for the farmers—zero. Typical. Typical. There is a crisis prevailing. If there is one, the President ought to know about it. He puts nothing in the budget. We put $6 billion in thinking we are being helpful. The President claims he lives within the caps, he isn't breaking any budget. Of course he is not. He did not even provide the $6 billion we did in our budget resolution.

Now, $6 billion isn't enough. Hold on, everybody. This is $6 billion a year. This is $30 billion. When is enough enough? So $30 billion of new money on top of the $6 billion we put in is $36 billion in 5 years in new money for agriculture.

Frankly, I am fully aware that there is a problem. There are some other sectors of America with problems, big problems—steel, oil and gas. All kinds of pieces of the American economy are having trouble because of the world economy. We are doing a little bit here and there, but we cannot go in and make everybody whole everywhere in America when we are having a downturn that adversely affects their business.

If the Senators proposing this want to spend more money because they want a new agriculture program, then I submit they ought to go to the Agriculture Committee and get a new agriculture program written into the laws of this land. I believe they would not get it done. I believe that is why they did not do it.

So each year they come along and add a few more billions, and while saying we still have a law around they, little by little, destroy it. If that is what they want, they ought to say it. If they think this amendment is repealing the law we have on the books, let them say it, so then we can at least add this as an amendment to repeal the competitive agricultural reforms that we put in place not too many years ago.

Frankly, it will be difficult for some not to vote for $30 billion more in support money for farmers when there is already $6 billion in the bill and when the President of the United States asks for none—zero—zip. No. It is kind of interesting. When is enough enough? It seems to me that this amendment is an indication that for some it does not matter what you put in a budget resolution because it will not be enough.

I believe $6 billion in new money for agriculture, addressing the most significant issue they have, crop insurance, is sufficient at this point. Maybe we have an emergency, maybe the President should have looked at the emergency before he sends us a budget with nothing in it for farmers so we have to come along and put it in, cut other programs in our arsenal, or in this case reduce the tax cuts that we planned for the American people.

I just do not think that is right. I would hope some would listen today. I am not sure how many. Normally I try to accommodate, but I don't think, as one trying to write budgets, that I can accommodate today. Either they win or my position prevails. If I could find another way, I would try it. I just do not think there is one.

Either we decide that in an era of surpluses the American taxpayer does not matter a bit—you remember what some of us said, why it would be difficult to manage a surplus. You remember? Because we will spend it all; we will spend it all. Why did the Senator from New Mexico say, "Yes, you can claim you put it all on the surplus and it's sitting there to get rid of the debt." Why did I say, I do not choose that method. I choose it for all the Social Security money, but I do not choose it for everything. I said, "Because you know what, we'll spend it. Then we'll have bigger Government, the public will be paying for bigger Government, and they'll be paying more and more taxes." And that isn't the right kind of America.

So, Mr. President, I have some additional time, and depending upon what is said in the remaining 5 minutes that they have on the other side, that the proponents have, I may yield back the remainder of my time. But for now I reserve it.

Mr. DORGAN. I yield 1 minute to the Senator from South Dakota, Senator JOHNSON.

Mr. JOHNSON. I thank the Senator from North Dakota. I thank my colleague from South Dakota, Senator DASCHLE, for his great work on this amendment.

What we have here is a very fundamental priority decision that this Congress needs to make. The question is not whether we will have tax relief or not. Certainly we will have tax relief. The question is whether we have a commonsense kind of budget that also allows for some key investments, in this case in agriculture. Are we going to preserve the strongest agricultural system in the world that provides the highest quality, most affordable food in the world or not?

To say that we have an $800 billion tax relief package and there is no room for $6 billion of investment in our ag sector simply makes no sense. The American people see through the budget resolution on the floor. They know that they want some tax relief, especially if it is targeted to middle-class and working families. But they also know that we need to make some key strategic investments in important sectors of our economy. Nothing is more important than agriculture as we craft ways to get a better price out of the market, as we craft ways to keep a fine meshed system of family farms and ranches all across America. But as things are going right now, we are headed for a catastrophic train wreck in agriculture.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. JOHNSON. I yield such time as I have back to the Senator from North Dakota.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Would the Presiding Officer notify me when I have 1 minute remaining?

Mr. President, this is about priorities. We just heard my colleague say: "Well, this isn't a priority. We don't have resources for this." Gosh, we have resources for some very large tax cuts. If that is their priority, then there is money for that. Or, what about the $1 billion for national missile defense which the Department of Defense says it does not want, does not need, and cannot spend. They have money for that. And, then there is $110 billion or so for readiness in defense. They have money for that.

The question is, What is a priority? We do have a surplus of empathy and sympathy. I do not disagree with that. Everybody empathizes and sympathizes.

The fact is, we have farmers going broke in record numbers.

How would you feel I would ask if any of you listening or watching or participating had your income cut by 98 percent? All of a sudden you have 98 percent less income. Would that be a catastrophe? I think it would. That is what happened to our farmers. I had a fellow at a forum, a big, husky guy with a beard. He said, "My dad farmed, my granddad farmed on the same place. I farmed for 23 years." Then he got tears in his eyes and his chin began to quiver. He said, "I am quitting, I can't continue. I am being forced off the farm."

That is what this amendment is about. We need to consider the human toll of farm failures all across this country. What will be left when only the corporate agrifactories are producing America's food. Some people think that would be great because they love big corporations—the bigger the better. Of course, there will be no yardlights lighting farmsteads. There will be nobody living in the country, because all the farmers who risked their money will have found that the auction block served as the final resting place for their dreams and their hopes.

We can do something about that if we decide it is a priority.

I say to my colleague from New Mexico, this is where the current farm bill started in 1995. It started right here in the budget. It is where it ought to stop. It is where we ought to make the modifications and changes. It is where we, as a Congress, ought to say this is a priority, and that family farmers are a priority. But, it is not just about farm families. It is also about Main Streets and small towns. It is about the economic and social fabric in a part of our country that is now being depopulated.

Let me again refer to this chart. The red on the chart shows the middle part of the country, which is full of rural counties that are losing population. This little place right here is where I grew up in Hettinger County, North Dakota. When I left, there were 5,000 people in that county. Today, there are 3,000 people. That county is symbolic of so much of the farm belt that is now being depopulated because we have a farm program that doesn't work.

There is a whole range of other programs that we must address. It is not enough to say that things will work out, or that this doesn't matter. This matters very much to a significant part of America. We have a right to be standing here on the floor of the Senate saying, this too is a priority. This is a priority for us, for our part of the country, and for family farmers.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 21½ minutes and the sponsor has 3 minutes 24 seconds.

Mr. DOMENICI. Mr. President, I think the Senator is right, that this is a question of priority.

The Senator mentioned missile defense. He said it will cost $1.5 billion. We don't need it; we shouldn't pay for it. What would be prioritizing would be if he would move to strike the missile defense system. The problem is, if he did that, he would find that not only the American people would say no, but 65 or 70 Senators would say no. He picked the wrong program, because most Americans think we have a missile defense system. They think if a rogue country or North Korea or China sent a missile to the United States that we could destroy it. The truth of the matter is, whoever thinks that is wrong. We don't.

Republicans have been saying, and now we are joined by Democrats, use every single technological achievable end to get a missile defense system started. That is a high priority, too.

I don't know what else the Senator mentioned, but whatever he mentioned, the truth of the matter is he could come to the floor and say farmers have a higher priority than this whole list of things in the Government. That is not what is being done; it is just making the Government bigger.

In fact, it is very interesting. It is a tax-and-spend proposal. It is increasing the taxes on the people of this country because we intend to give them back some to pay for more Government. I think Government is about as big as it ought to be. I remind everyone, the President put nothing in for the state of emergency. For a President who is worried about Main Street, and everything else alluded to on the floor, isn't that interesting?

We did what we thought was right and put in $6 billion. The first amendment that was sent to the desk would have cost $60 billion. I was in error—now it is $30, it has been modified. The price is cut in half in about 26 minutes. I laud the Senator for modifying it. I wish it were still at 60—we could argue about 60. That sounded like a good, round number.

Having said that, I reserve my time.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I prefer to close for a minute, but if the Senator wishes to keep it open I assume he will want to move along here and be able to get as much done as is possible.

Let me have the attention of the Senator from New Mexico. If I finish our time, would the Senator then yield back his time so we can proceed?

Mr. DOMENICI. I am pleased to do that.

Mr. DORGAN. Let me respond to a couple points.

First, let's talk about national missile defense. He makes an interesting argument, but the Senator misunderstood what I said. I talked about the $1 billion last fall that was stuck into the omnibus appropriations bill. No one asked for it and the Defense Department said they couldn't use it. Go track the money and find out what happened to it. They didn't want it, but Congress said, "We demand you take it." My point is, if it is a priority, then the sky is the limit. It doesn't matter that it is not needed. That is the point I was making.

The tax-and-spend cliche is such an old argument it is calcified. I thought I heard the last of that some years ago. This debate is about what is important and what are our priorities.

I want to talk about the big print and the little print which got us to this mess. Some years ago, we had people in Congress who said we should change the farm program. In the big print in the 1996 farm law it says that we will provide a marketing loan and it will be at 85 percent of the Olympic average of the prices received by farmers in the previous five years. That was the big print. Then they put the little print in the bill. It said, by the way, although we promised you that marketing loan at 85 percent, we are going to cap it at $2.58 a bushel for wheat. What the big print giveth, the little print taketh away.

Does it matter? Does it cost? Of course. It matters in terms of the failure of hopes and dreams for family farmers who are bankrupted by these little print policies. These little print policies really say that family farming doesn't matter too much to this country anymore. It says that we would rather have big corporate agrifactories. It says we like corporate agriculture. and corporate farming. It says that mom and pop don't have to live out there so the yardlights don't have to be on. It says we can mechanically milk all the cows and have 3,000-head dairy herds. That is a very different version of America than I have and a different sense of priorities than I think should exist for this country.

That is what this debate is about. The Senator from New Mexico says this should go to the Agriculture Committee. This started in 1995 in the Budget Committee. That is where it started. The budget resolution prescribed the Freedom to Farm bill. If you can start the farm bill in 1995 in the Budget Committee, we can, it seems to me, debate it in 1999 as we debate the budget resolution.

Today, we face depression-era prices on the farm. Family farmers are going belly up on a wholesale basis out there in the country and this Congress must do something about it.

Did the President's budget address this? No. Does this budget resolution address it in an appropriate way? No. Do I appreciate that the Budget Committee put in $6 billion over 6 years or so for crop insurance? Of course I do. I appreciate that. But it is so far short of what is needed. We are about $5 billion a year short of what we used to do to provide to fund price protection for family farmers.

Today we need to repair that by deciding our priority in this budget resolution is to stand up and help family farmers during this time of trouble.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. DOMENICI. I yield back any time I have.

AMENDMENT NO. 178, AS FURTHER MODIFIED

The PRESIDING OFFICER. Previously, the Senator sought modification.

The amendment is so modified.

The amendment (No. 178), as further modified, is as follows:

On page 43, strike beginning with line 3 through line 15, page 44, and insert the following:

SEC. 201. RESERVE FUND FOR AN UPDATED BUDGET FORECAST.

(a) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEARS 2000-2004.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget forecast for fiscal years 1999 through 2009 by July 15, 1999.

(b) REPORTING A SURPLUS.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for fiscal year 2000 or results in additional surpluses beyond those assumed in this resolution in following fiscal years, the Chairman of the Committee on the Budget shall make the appropriate adjustments to revenue and spending as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take the amount of the additional on-budget surplus for fiscal years 2000 through 2009 estimated in the report submitted pursuant to subsection (a) and in the following order in each of the fiscal years 2000 through 2009—

(1) increase the allocation to the Senate Committee on Agriculture, Nutrition and Forestry by $6,000,000,000 in budget authority and outlays in each of the fiscal years 2000 through 2004 for legislation that provides risk management and income assistance for agricultural producers;

(2) reduce the on-budget revenue aggregate by any remaining amounts for fiscal years 2000;

(3) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by those amounts for fiscal year 2000, and all subsequent years; and

(4) adjust the instruction in sections 104(1) and 105(1) of this resolution to—

(A) reduce revenues by amounts in section (c)(2) for fiscal year 2000; and

(B) increase the reduction in revenues for the period of fiscal years 2000 through 2004 and for the period of fiscal years 2000 through 2009 by that amount.

(d) BUDGETARY ENFORCEMENT.—Revised aggregates and other levels under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates and other levels contained in this resolution.

Mr. DORGAN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 231

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is to be recognized to speak on his amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for himself, Mr. ROTH, Mr. COVERDELL, and Mr. ABRAHAM proposes an amendment numbered 231, as previously offered.

Mr. GRAMS. Mr. President, I rise today to offer this sense-of-the-Senate amendment with Senators ROTH, COVERDELL and ABRAHAM.

I ask unanimous consent to add the names of Senators HAGEL, BURNS, MCCAIN and CRAIG as original cosponsors as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, again, what I am talking about is supporting the middle-income tax relief included in this budget resolution. This is a crucial amendment that we all should support.

This amendment says that the Senate Budget Resolution places a priority not only on protecting Social Security and Medicare and reducing the Federal debt, but also on middle-income tax relief by returning nearly $800 billion of the non-Social Security surplus to those from whom it was taken. It discusses options for middle-income tax relief such as broad-based tax relief, marriage penalty relief, retirement savings incentives, death tax relief, health care-related tax relief, and education-related tax relief.

This amendment does not put us on record as supporting any one form of tax relief, or any particular combination. That is the task of the Finance Committee under the able leadership of Senator ROTH.

While many of us will discuss our own preferences for the tax relief, our job today is to support the nearly $800 billion total, recognizing the need for tax relief, and then to ask the Finance Committee to come up with specific tax relief proposals.

Again, Mr. President, the purpose of this amendment is to assure the American people that we've made a commitment to major tax relief, and that there is room in this budget to fulfill this commitment while protecting Social Security and Medicare, providing debt relief and respecting some new spending priorities.

I just heard it said in the last debate on the farm issues, "if there is something for a tax cut," or "if that is a priority"—it should be a priority. There would not be a surplus if American taxpayers had not been overcharged and paid more in taxes than they should have. What they are doing is fighting over how can they spend those dollars, rather than trying to find a way to give those overcharges back to the people who paid them.

Mr. President, let me highlight a few points as to why we must provide a major tax relief this year.

Polls showed many Americans were skeptical about whether they would ever get meaningful tax relief this year. They have good reason to be skeptical about President Clinton's rhetoric on tax relief.

Despite a huge on-budget surplus over the next 10 years, President Clinton has failed to secure a single significant tax cut for working Americans. Instead, he has proposed to increase our taxes by at least $50 billion in his budget over the next five years and $90 billion over 10 years. He also spends $158 billion right out of the Social Security surplus he claims to protect. President Clinton talks about helping the American people build retirement security but to offset his new spending, he has proposed many new taxes including taxing life insurance products, which will hurt the retirement annuities of millions of Americans. The

President talked about helping small business, but he has proposed to tax the income of non-profit trade associations and change the tax treatment for ESOPs, which will adversely affect millions of small businesses. These are just some of his new taxes that will hurt hard-working Americans.

Unlike President Clinton, our budget resolution has reserved nearly $800 billion of the non-Social Security budget surplus over the next 10 years for tax relief. This is in fact the largest tax relief since President Reagan's. This amendment has once again proved the Republican majority is committed to providing meaningful tax relief in 1999 as well as protecting Social Security, Medicare, reducing the debt, and funding important priorities.

Mr. President, with more middle-income workers being thrown into higher tax brackets, the "middle class tax squeeze" is devastating. There are over 20 million workers today with annual earnings between $20,000 and $50,000. Before 1993, they paid income tax at the 15 percent rate. But most of them have now been pushed into the 28 percent tax bracket due to inflation and economic growth. Worse still, they have to pay the 28 percent federal income tax rate on top of a 15.3 percent payroll tax. This adds up to a tax rate of 43 percent, without counting state, local tax, and other taxes. So any gains they made in wages have been taken by Washington. The bigger tax bite continues to eat up more of their wages.

Again, my point, Mr. President, is that this non-Social Security surplus is nothing but tax overpayments, and it should be returned to the taxpayers, not spent, as you are going to hear argued here on the floor day after day, hour after hour—"let's spend it." It should be given back to the taxpayers.

How to use the remaining surplus once we wall off Social Security has been the central focus of this year's budget debate. The Democrats want Washington to spend it because they don't believe the American people can be trusted to use it responsibly. We're heard it before, but let me remind you what the President said about the surplus during a speech in Buffalo in January: "We could give it all back to you and hope you spend it right, [but] if you don't * * *." You are smart enough to earn the money, but you are not quite smart enought to know how to spend it.

A top aide to the President, Paul Begala, said, "We could squander the surplus by giving a tax cut."

So, in other words, we have overcharged you and taken more money from you than we should have, or you have paid more in, but to give it back would be squandering it. Washington thinks they should spend it.

Republicans want to give the surplus back to working Americans—those who paid too much taxes in the first place.

We've recently heard some claims on the Senate floor that the American people today aren't interested in tax relief. That's not what I'm seeing and hearing. Those who don't care about tax relief are a minority, especially in my state. Tax relief continues to be a major interest of Minnesotans.

Mr. President, let me read to you letters from just three of the many Minnesotans who have taken time to contact me: Ken Ebensteiner from Audubon, Minnesota wrote: "* * * please understand that the silent majority are sick and tired of all the taxes and regulations. We're just too busy working to voice our opinions." Taxpayers are working, and don't have the time to come to Washington. They can't afford to defend themselves because the government takes so much of their income. Washington's philosophy is apparently, "Keep them poor, keep them quiet, keep them home."

Rev. Craig Palach of Fergus Falls wrote: "With four children—two soon to be in college, one beginning to think about college, and one in a parochial school—I could sure use some of the money that goes to taxes." But again, the President says Rev. Craig Palach wouldn't spend it right.

The third letter, this one by Alicia Jones of White Bear Lake, is right on target with the story she shared. She wrote:

> Last year, both my husband and I had graduated from college and had just begun working full time. I have never written a letter like this before, but after completing my taxes for 1998, I felt that this was my only option.
>
> I can't do anything about the amount of money my husband and I will have to pay to both the federal and state governments, but I hope that you can be active in making changes for next year.
>
> During 1998, my husband and I both worked full time in professional careers. We have no children and we are renting an apartment, saving to buy a house. Based on the fact that we both work, we are married, we have no children, and that we do not own a house—when we filed our taxes this year we owed approximately $700 more in federal income taxes, on top of the over $10,000 that we have already had taken out of our paychecks * * *.
>
> I am frustrated by this, I'm frustrated for the future—how do we get ahead, when each year we have to take money from our savings to pay more for our taxes. I hope that you will remember my concern.

But again, presidential aide Paul Begala says Alicia would "squander" any tax cut.

Working people have good reason to ask for a tax cut. Since 1993, Federal taxes have increased by 50 percent—50 percent. That is a tax increase of nearly $4,000 a year for Alicia and her husband—50 percent; $4,000 more in the last 6 years. As a result, Americans today have the largest tax burden since World War II, and it is still growing.

Federal taxes consume now 21 percent of the total national income. A typical American family pays nearly 40 percent in total taxes. And that is more than it spends on food, clothing, and shelter combined.

People should go home and look at their pay stubs and find out exactly how much of their money is going to support Government, and how much they have left. And then figure out whether they should have a tax cut.

Mr. President, why should we continue taxing middle-class Americans at such a high rate? Who can rightfully argue that they don't need a tax cut? Who can argue that it is fair to take more than 40 percent of a person's income so Government can spend it?

That is why I, along with Senator ROTH and others, introduced bill No. S. 3, the Tax Cuts for All Americans Act. Our bill calls for a 10-percent across-the-board income tax for working Americans.

It is simple, fair, profamily, and progrowth. It will help millions of middle-income families to avoid the middle-income "real income bracket creep" that they have been subjected to since 1993.

Although I prefer broad-based tax relief, I understand this is just one of many tax relief proposals that are on the table. Again, there is nothing in this budget that endorses one proposal over the others. All we have done is to reserve some of the non-Social Security surplus for tax relief.

The Finance Committee will consider all tax relief proposals and decide how this reserved onbudget surplus should be distributed.

It is my hope that we can use the surplus to provide broad-based tax relief as well as other tax relief I support which would give families a break, and encourage savings, encourage investment, and provide incentives for higher education.

I remember vividly when I first proposed the $500-per-child tax credit back in 1993. The naysayers called it bad policy, even dangerous. Democrats accused us of cutting taxes for the rich. That sounds familiar, doesn't it? Every time it is a tax cut, it is for somebody else.

Some in Congress contended it was too costly, and others argued that we should balance the budget first. I argued then repeatedly that we could, and should, do both. And we did. As a result, we now have a balanced budget, and the largest non-Social Security surplus in U.S. history.

Cutting taxes, reducing the national debt, and reforming and protecting Social Security and Medicare at the same time are all possible. We can do it again. Mr. President, we must do it again.

That is what this budget is about, and that is what this amendment is about. I urge my colleagues to strongly support reserving this money for tax relief for working Americans.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, what is the time situation on this amendment?

The PRESIDING OFFICER. There is a total of a half hour equally divided. The sponsor has 3 minutes remaining. There are 15 minutes in opposition.

Mr. LAUTENBERG. Thank you.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. LAUTENBERG. Mr. President, I stand here, and I request recognition.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, I was, obviously, very much interested—I will not say moved—by the discussion that I just heard on this amendment, because the drill is a familiar one. The drill is the people who earned it want it back; and, why not give it to them? Of course, we want to give it to them. But whether you give it to them in direct tax cuts or you shore up Social Security, you say that no matter when you retire, for the next 75 years, you will know that the retirement program is going to be there for you. Or you say, "Well, we are going to take the Medicare fund, and we are going to increase its solvency from 2008 to 2020, 12 years more, during which time, or during this time, because we are looking at something 21 years away. We want to institute the reforms that are so often talked about so that health care can be provided in a reasonable fashion with longevity, with the solvency that is required.

I heard the distinguished Senator from Minnesota in our Budget Committee the other day presenting a poll in which he said 63 percent of the people—I think I have it accurately and fairly—polled wanted a tax cut. I read a newspaper story about that poll. Once the question was put as to whether you would rather have a tax cut, or pay down the debt, or make sure that Social Security is there for you, or make sure that Medicare is there when you need it, the numbers changed radically. The numbers that said pay down the debt, increase the longevity for Social Security, increase the longevity and solvency of Medicare, and, boy, they went the other way.

When I hear that the typical American family pays 40 percent in taxes—I don't know what the income is for the typical American family, but I can tell you that almost 60 percent of the people are in the $38,000 or below income strata. They are not paying 40 percent taxes. Come on. Let's be reasonably direct and accurate about these things.

Look at what happened. If we use the GOP tax program as outlined by the distinguished Senator, the chairman of the Finance Committee, he says that if you are in the top 1 percent of the income, over $300,000 or more, an average of $800,000 a year, you get a $20,000 tax cut. But if you make $38,000, which is the bottom 60 percent of the people in this country, $38,000, you save $99. The guy on the top who gets a $20,000 refund could buy another car for that, or add a wing to his house. But the family that is earning $38,000 is not going to do a lot with 100 bucks—$99 to be precise.

I think we ought to be fairly clear when we have this debate. Yes, everyone is entitled to offer amendments they think are appropriate, but we ought not to color the facts such that we ignore the reality of what it is we are talking about.

Mr. President, I think that it is quite obvious that this gets back to the essential dispute between the parties with the Republicans wanting tax breaks primarily for the wealthy, ignoring the fact that they can improve the condition of Medicare.

We on this side want to have as our principal programs: save Social Security; extend the life of Medicare; make sure there are targeted tax breaks so that families who have an elderly parent can take care of that parent and get a tax deduction, a tax break for that responsibility; or who needs day care for their children, and get a tax break so that mama can work. That is what we are talking about. We are talking about things that pertain to the average American.

I am one of the people lucky enough to be in the top 1 percent. I was in business before I was here. I will tell you something. I am so happy every time I have the ability to earn that kind of money to pay my taxes, because I belong to the best club in the whole world, the club called "America," where everything is available to you. Opportunity should be—education should be—everything should be available for those who want to climb the ladder and who are clever enough to do it.

That is what I am paying for when I send in my tax bill. I don't think it is being squandered by a bunch of bureaucrats. Some, maybe. That happens in corporate life. I ran a big corporation. I can tell you. What I want is a secure country. I want a country where people feel good about themselves and aren't looking at the guys on top and saying they are getting all the breaks. That is not a stable society. The stable society says, I want a chance to educate my children, I want a chance to have a roof over my head, and I want a chance to have a job. That is what I want. I want to know that when I am of retirement age that Social Security is going to be there for me. And I am happy to pay my dues. That is what it is—dues. We are so lucky to be here. People are willing to die, and are fleeing in inner tubes across the straits near Cuba, near Florida, to get to this country, and risk death coming out of ships' holds and things such as that to get to this country. We are not talking about squandering money and throwing away the citizens' dollars.

I think we ought to defeat this amendment.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I yield the remainder of my time to Senator ROTH.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, as we turn our attention to the Budget Resolution, pondering the course government is going to take—the philosophy and policies that are going to lead us into a new millennium—I want my colleagues to consider that rather than a time for acrimony and partisan politics, this is a time of great opportunity.

In fact, few times in history have been so rich with the opportunities that are before us—opportunities to set a future where the needs of taxpayers, families, students, and communities come before the insatiable appetite of the federal government. Because of policies we began to implement in the early 1980s, we are the beneficiaries of the longest peacetime economic expansion in history.

Our efforts to support the home—to provide incentives to save and invest—as well as our work to encourage risk-taking businessmen and -women, researchers and developers, our agricultural and educational communities—these efforts have paid tremendous dividends.

Now the question, as we face the final hours of the 20th century, is simple: Do we move forward, embracing economic policies that are proven to increase prosperity and economic opportunity for all Americans, or do we abandon them for proposals that will raise taxes on the most vulnerable among us, proposals that will fill government coffers, swell federal programs, and risk shutting down the tremendous engine of growth that we have successfully created?

It seems that the answer to this question is clear, and therefore I rise today to support a Sense of the Senate amendment to the Budget Resolution—a Sense of the Senate amendment that is bipartisan in nature—one that makes it clear that in the choice between a tax cut, as authorized in the resolution, or a tax increase, as provided in the Administration's budget, we are resolved and choose to be consistent as to the direction we want to go.

Today the federal government is collecting more taxes than ever before. Because of our entrepreneurs, our farmers, laborers, and families preparing for the future, we are witnessing strong economic growth, and this has been very beneficial for the government's income. These individuals have been encouraged by our efforts to dramatically cut taxes in the 1980s, to create incentives for saving and investing in the 1990s, and by our work to reduce government interference in their lives.

Unfortunately, and despite the fact that government is collecting more revenue than ever, the Administration's budget reverses this important trend. It represents another in a series of large tax increases this Administration has tried to impose on Americans. In fact, this proposal is a net tax increase of $50 billion over five years and $90 billion over ten years. It is not a targeted tax cut as its proponents claim. Rather, it is a tax increase that dramatically hits lower-income Americans the hardest. For example, under the Administration's budget, taxpayers with incomes of $25,000 and under will bear almost 40 percent of the net tax increase. Taxpayers with incomes of $75,000 and under will bear over 75 percent of the burden.

One might ask, with all the talk about targeted tax breaks in the Administration's budget, how can it be a tax increase on America's most vulnerable. The simple answer is that the Administration's budget relies to a great degree on a 55 cents per pack cigarette tax increase. That tax increase, which largely goes for new spending, far outweighs any tax cutting provisions in the budget, and it hits lower-income Americans the hardest.

On the other hand, Mr. President, the budget resolution proposed by Senator DOMENICI does not unfairly penalize one group of Americans. In fact it does not penalize any group. Rather, it provides the Senate Finance Committee with the authority to cut taxes, not increase them. And it allows us to cut taxes in a way that will continue to energize the economic growth our nation is enjoying. This is what America needs as we look to the opportunities before us.

I reject any argument that tries to raise the old worn-out issue of class warfare—those who might try to suggest that this resolution will provide tax cuts for the rich. First, I reject it because this resolution does not actually cut taxes, but only authorizes the Finance Committee to proceed to cut taxes. And second, I reject it because the kind of across-the-board tax cuts that are being discussed are just that —fairly applied across-the-board tax cuts that go to everyone. They are just like the tax cuts that President Kennedy implemented in the 1960s and the tax cuts that President Reagan implemented in the 1980s. On both occasions these bipartisan tax cuts led to record-setting economic growth, so not only were they fairly applied, but they benefitted everyone.

Mr. President, I also reject the argument that the federal revenue windfall, or budget surplus, will be used by the Administration to retire the debt. For years, there were many among us who argued that tax increases were needed to reduce deficit spending and retire the debt. On occasion, they prevailed and taxes were raised, but then something interesting happened. Deficit spending did not stop, the debt was not retired. The increased taxes actually placed a damper on the economy, and the government spent more than $1.50 for every $1.00 it increased taxes. In other words, the government actually taxed itself into higher deficit spending. It wasn't until Congress insisted on holding the line on spending that the growing economy actually brought about a balanced budget.

According to a new study by the Joint Economic Committee, in the post-war period, sixty cents of every dollar of surplus taken into government coffers has been spent by government within a year. Does anyone doubt the taxpayer overpayments that are now contributing to surplus revenue will not be spent by future Congresses? Of course they will. The way to reduce the debt is to keep the economy growing—to keep an environment of opportunity available to all Americans. And the way to keep the economy growing is to cut taxes and minimize government interference in the lives of Americans. This is the message of the Grams Sense of the Senate amendment. It reaffirms support for the tax cut authorized under the resolution offered by Senator DOMENICI. The tax cut provided in that resolution is $142 billion over five years and $778 billion over ten.

This resolution will empower the Finance Committee, Republicans and Democrats, to work together and provide comprehensive tax relief. The Finance Committee can provide across-the-board tax relief, over the long-term—relief that is simple, fair, and meaningful to all taxpayers. With the authority given us by this resolution, the Finance Committee can provide tax relief in the short term for many good purposes—purposes supported by Republicans and Democrats alike.

For example, we could enhance retirement security. By this I mean improving small business pension plans, making IRAs more accessible, and simplifying employer 401(k) plans. Also, we should address the needs of women returning to the workforce. Every worker has a stake in a better retirement that these incentives could provide.

Second, we could enhance family tax relief. For instance, we could ensure that the $500 per child tax credit, dependent care tax credit, and education credits are available to middle income families by exempting these credits from the alternative minimum tax ("AMT"). If we do not provide these exemptions, millions of families could be adversely affected. In addition, the Budget Committee, on a bipartisan basis, has emphasized the importance of providing marriage penalty relief.

Third, we could do more to correct our abysmal national savings rate. Chairman Alan Greenspan says this is the number one economic problem confronting America. To this end, in addition to the retirement plan and IRA expansion mentioned above, we could do something for small savers. For instance, we could simplify the tax system by providing an exclusion for small savers of $200 for singles and $400 for married couples.

This bipartisan tax cut would benefit more than 60 million taxpayers. It would also allow up to 11 million Americans to file the 1040 EZ—which is the simpliest federal tax form there is.

Fourth, we could provide greater tax relief to improve educational opportunities for students and their families. We could provide incentives for families and students to seek higher education and avoid large debt burdens. For instance, nearly every state has a prepaid college tuition plan, and those plans could be made tax-free under a bipartisan proposal.

Fifth, we could address the expiring provisions in the current tax code, and we could look at real tax code simplification. The Finance Committee could eliminate needless complexity that results from income limits, phase-outs, and the alternative minimum tax. Again, these are bipartisan objectives.

And finally, Mr. President, we could continue to push for proper taxpayer protections. Reform of the IRS is in its infant stages. Elimination of unjust penalties and interest scores as revenue loss. In order to continue meaningful reform of the Internal Revenue Service, we must realize that our efforts will be scored as revenue losses and we must consequently address them in the context of tax cuts.

This Sense of the Senate amendment makes clear that without the authority provided in the budget resolution, the Finance Committee will not be able to provide significant tax relief—we will not be able to address these important bi-partisan issues and fix problems in the current code.

The resolution will allow us to move forward. And let me conclude by explaining how important it is that we move forward.

Working together, we have delivered on a bold promise to the American people—the promise of a balanced budget and a dynamic economy where jobs, opportunity, and growth are available to all. Since 1995, we have worked for tax relief for families, savings and investment incentives, health care-related tax relief, relief for small business, and tax simplification. As we moved forward in these areas, not everyone was supportive at first, but they were eventually adopted by Congress and signed into law by the President. Among the items enacted were tax deductible treatment for long-term care insurance and raising the deductible portion of health insurance for self-employed small businesses and farmers. In addition, pension plan reforms, especially for small business, were enacted.

In 1997, we pushed for tax relief in the context of a balanced budget. The President agreed to tax relief he had previously vetoed. Among the tax relief proposals enacted was a $500 per child tax credit that is now providing relief to millions of taxpaying families. We also expanded individual retirement accounts and created the new Roth IRA. Millions of taxpayers now have tax-favored savings vehicles open to them. We reduced the top capital gains rate from 28% to 20%. This provision helped unlock investment dollars for the economy and provided relief to farmers and small business.

Beyond this, Mr. President, we have worked together to offer education-related tax relief, including educational IRAs, prepaid college tuition plans, an extension of the tax-free treatment of employer-provided educational assistance, and a revival of the student loan interest deduction.

We have passed estate tax relief, including relief for small businesses and farmers. And we have succeeded with historic reform of the Internal Revenue Service, including new taxpayer protections regarding the collection activities of the IRS.

The Grams Sense of the Senate amendment makes clear that once again, we are at the crossroads on the question of tax relief or tax increases. The Sense of the Senate clarifies that the resolution continues Congress on the same tax relief path begun in 1995. It can be summarized into three points:

First, the Administration's budget, though described by its supporters as targeted tax cuts, is a tax increase.

Second, if you are serious about tax relief, it must be accommodated in the resolution. The Finance Committee must have the tools to provide meaningful relief. To oppose the tax cut in the resolution is to deny the Finance Committee the tools to do the job.

Third, a vote for the tax cut in the resolution is a vote for tax relief that is consistent with tax cuts that have been enacted over the past four years.

Mr. President, I urge my colleagues to support the Grams Sense of the Senate amendment and I ask unanimous consent to insert into the RECORD a copy of the Tax Foundation's analysis of the Administration's budget, as well as a copy of a revenue table, prepared by the Joint Committee on Taxation, which scores the Administration's budget.

There being no objection, the material was ordered to be printed in the RECORD, as follows:*

[From the Tax Foundation Special Report, March 1999]

THE PRESIDENT'S FISCAL YEAR 2000 BUDGET—LOW- AND MIDDLE-INCOME TAXPAYERS TO PAY LION'S SHARE OF NEW REVENUE DESPITE RECORD SURPLUS

(By Patrick Fleenor)

President Clinton's newly proposed budget plans on a steadily growing series of budget surpluses over at least the next ten years. To ensure the surpluses, the Administration plans to hold the line on most types of federal spending while increasing the current record peace-time level of federal taxation.

Ostensibly to bolster the failing Social Security and Medicare programs, the Clinton plan would use more than three quarters of the projected surplus to reduce federal debt. Another 12 percent would be used to fund private savings accounts, and the balance would fund new spending initiatives.

Some programs would see an increase over the next five years, notably education and training programs as well as funding for roads and other transportation projects. The budget also calls for additional spending for more teachers, after-school programs, and Head Start. The Administration's plan to use surplus funds to pay down the national debt would significantly lower interest expenses while entitlement spending remains essentially unchanged under the plan.

On the revenue side of the ledger the Clinton plan contains a mix of tax and fee increases as well as a host of tax credits. These would, on net, boost federal revenues by $45.8 billion over the next five years. Revenue raisers include a 55-cent-per-pack hike in the federal cigarette tax and higher corporate income taxes. The revenue reducers are a myriad of tax credits that would subsidize activities ranging from long-term medical care to first-time home purchases in the District of Columbia.

WHICH INCOME GROUPS WILL PAY THE NEW TAXES

Figure 1 shows the net distributional effects of the Clinton plan. Individuals with adjusted gross incomes of less than $25,000 would bear 38.5 percent of the increased tax burden, or $17.7 billion. People in the $25,000-$50,000 range would pay 22.4 percent of the new revenue, or $10.2 billion. Taxpayers making $50,000-$75,000 would pay $6.7 billion in additional taxes, or approximately 14.6 percent of the total. In sum, then, over 75 percent of the President's new tax revenue would be paid by people whose tax returns report less than $75,000.

Upper-income taxpayers would not escape entirely, but as Figure 1 illustrates, their share of the increased tax burden is much smaller. Cumulatively, individuals in these three categories would bear only 24.5 percent of the increased tax burden. This regressive slant against low- and middle-income taxpayers results largely from the Administration's proposal to boost the federal cigarette tax. Probably the most regressive of all federal taxes, the cigarette tax would be the largest revenue raiser in the President's budget proposal.

THE BUDGET OUTLOOK

Figure 2 illustrates federal receipts and outlays as a percentage of GDP under the Clinton plan, given in historical context.

Federal receipts would grow 4.2 percent from $1,806.3 billion in 1999 to $1,883.0 billion in 2000. That is an uptick from 20.6 percent to 20.7 percent of GDP. By 2004, federal receipts would grow to $2,165.5 billion, or 20.0 percent of GDP. By 2009, federal receipts would rise to $2,707.7 billion, or 20.1 percent of GDP.

Only twice in American history—during the two closing years of World War II—did federal receipts ever exceed 20 percent of GDP. From this perspective, the Clinton proposal is truly historic in that it would fix federal receipts at this extraordinary level.

Federal outlays would rise from $1,727.1 billion in FY 1999 to $1,765.7 billion in FY 2000. They would rise to $1,992.0 billion in 2004. As a percentage of GDP, however, federal outlays would fall steadily from 19.4 percent in FY 2000 to 18.4 percent in 2004, then even further to around 17 percent in FY 2009.

FEDERAL EXPENDITURES

The budget shares of the major categories of federal spending under the Clinton plan are illustrated by the five columns of Figure 3 corresponding with fiscal years 2000-2004. Historical data is provided for context. (See also Tables 1 and 2.)

Federal outlays are divided into two broad categories, discretionary and mandatory/net interest. Discretionary spending is determined by the annual appropriations process, while so-called mandatory outlays are predetermined by statute. To alter mandatory spending levels, the program's authorizing legislation must be amended.

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*Illustrations not reproducible in the RECORD.

TABLE 1.—FEDERAL OUTLAYS BY TYPE

[Fiscal Years 1962–99; dollar amounts in billions]

Year	Total Outlays	Discretionary			Mandatory						Memo: GDP
		Total	Defense	Non-Defense	Total	Social Security	Medicare	Medicaid	Other	Net interest	
1962	$106.8	$72.1	$52.6	$19.5	$27.9	$14.0	$0.0	$0.1	$13.8	$6.9	$567.5
1963	111.3	75.3	53.7	21.5	28.3	15.5	0.0	0.2	12.6	7.7	598.3
1964	118.5	79.1	55.0	24.1	31.2	16.2	0.0	0.2	14.8	8.2	640.0
1965	118.2	77.8	51.0	26.8	31.8	17.1	0.0	0.3	14.4	8.6	686.7
1966	134.5	90.1	59.0	31.2	35.0	20.3	0.0	0.8	13.9	9.4	752.8
1967	157.5	106.4	72.0	34.4	40.7	21.3	2.5	1.2	15.7	10.3	811.9
1968	178.1	117.9	82.2	35.8	49.1	23.3	4.4	1.8	19.6	11.1	868.1
1969	183.6	117.3	82.7	34.6	53.7	26.7	5.4	2.3	19.3	12.7	947.9
1970	195.6	120.2	81.9	38.3	61.1	29.6	5.8	2.7	22.9	14.4	1,009.0
1971	210.2	122.5	79.0	43.5	72.9	35.1	6.2	3.4	28.2	14.8	1,077.7
1972	230.7	128.4	79.3	49.1	86.8	39.4	7.0	4.6	35.8	15.5	1,176.9
1973	245.7	130.2	77.1	53.1	98.1	48.2	7.6	4.6	37.7	17.3	1,306.8
1974	269.4	138.1	80.7	57.3	109.8	55.0	9.0	5.8	40.0	21.4	1,438.1

TABLE 1.—FEDERAL OUTLAYS BY TYPE—Continued

[Fiscal Years 1962–99; dollar amounts in billions]

Year	Total Outlays	Discretionary			Mandatory						Memo: GDP
		Total	Defense	Non-Defense	Total	Social Security	Medicare	Medicaid	Other	Net interest	
1975	332.3	157.8	87.6	70.2	151.3	63.6	12.2	6.8	68.6	23.2	1,554.5
1976	371.8	175.3	89.9	85.4	169.8	72.7	15.0	8.6	73.5	26.7	1,730.4
1977	409.2	196.8	97.5	99.3	182.5	83.7	18.6	9.9	70.3	29.9	1,971.4
1978	458.7	218.5	104.6	113.8	204.8	92.4	21.8	10.7	79.9	35.5	2,212.6
1979	504.0	239.7	116.8	122.9	221.7	102.6	25.5	12.4	81.2	42.6	2,495.9
1980	590.9	276.1	134.6	141.5	262.3	117.1	31.0	14.0	100.2	52.5	2,718.9
1981	678.2	307.8	158.0	149.7	301.7	137.9	37.9	16.8	109.0	68.8	3,049.1
1982	745.8	325.8	185.9	139.9	334.9	153.9	45.3	17.4	118.3	85.0	3,211.3
1983	808.4	353.1	209.9	143.3	365.4	168.5	51.2	19.0	126.7	89.8	3,421.9
1984	851.9	379.2	228.0	151.2	361.5	176.1	56.0	20.1	109.3	111.1	3,812.0
1985	946.4	415.7	253.1	162.6	401.3	186.4	64.1	22.7	128.2	129.5	4,102.1
1986	990.5	438.3	273.8	164.5	416.1	196.5	68.4	25.0	126.2	136.0	4,374.3
1987	1,004.1	444.0	282.5	161.4	421.5	205.1	73.4	27.4	115.6	138.7	4,605.1
1988	1,064.5	464.2	290.9	173.2	448.5	216.8	76.9	30.5	124.3	151.8	4,953.5
1989	1,143.7	488.6	304.0	184.5	485.9	230.4	82.7	34.6	138.2	169.3	5,351.8
1990	1,253.2	500.3	300.1	200.2	568.7	246.5	95.8	41.1	185.3	184.2	5,684.5
1991	1,324.4	533.0	319.7	213.3	596.8	266.8	102.0	52.5	175.4	194.5	5,858.8
1992	1,381.7	534.3	302.6	231.7	648.0	285.2	116.2	67.8	178.8	199.4	6,143.2
1993	1,409.4	540.7	292.4	248.3	669.9	302.0	127.9	75.8	164.2	198.8	6,475.1
1994	1,461.7	543.6	282.3	261.3	715.2	316.9	141.8	82.0	174.4	203.0	6,845.7
1995	1,515.7	545.4	273.6	271.8	738.2	333.3	156.9	89.1	158.9	232.2	7,197.7
1996	1,560.5	534.2	266.0	268.2	785.3	347.1	171.3	92.0	174.9	241.1	7,549.2
1997	1,601.2	548.6	271.7	276.9	808.6	362.3	187.4	95.6	163.3	244.0	7,996.5
1998	1,652.6	554.7	270.2	284.4	854.5	376.1	190.2	101.2	186.9	243.4	8,404.5
1999e	1,727.1	581.2	277.5	303.6	918.6	389.2	202.0	108.5	218.8	227.2	8,747.9

Source: Tax Foundation, Office of Management and Budget.

[From the Committee on Ways and Means, Mar. 22, 1999]

NEW STUDY: AVERAGE HOUSEHOLD WILL PAY $5,307 MORE IN TAXES THAN NEEDED—CRS ESTIMATES 10-YEAR TAX OVERPAYMENT FOR U.S. HOUSEHOLDS

WASHINGTON.—With no changes to current law, the average American household will pay $5,307 more in taxes than the government needs to operate over the next ten years, according to a new study by the nonpartisan Congressional Research Service (CRS) released today by Ways and Means Committee Chairman Bill Archer (R-TX). Of particular importance is that CRS calculated the tax overpayment using the non-Social Security budget surplus. *The CRS study follows this release.*

"After we reserve Social Security dollars for Social Security, Americans will still overpay their taxes. There are a lot of politicans in Washington who want to keep this money and spend it on more government programs, but I think Americans should keep it for themselves and their families. Five thousand dollars is a lot of money for hardworking taxpayers who deserve to keep more of what they earn," said Chairman Archer.

CRS calculated the annual overpayment per household based on the non-Social Security budget surplus as follows:

Fiscal year:	*Amount*
2000	
2001	$42
2002	385
2003	331
2004	432
2005	486
2006	758
2007	867
2008	941
2009	1,065
Total	5,307

[Memorandum from the Congressional Research Service, Library of Congress, Mar. 16, 1999]

To: Committee on Ways and Means, Attention: Trent Duffy.

From: Gregg A. Esenwein, Specialist in Public Finance, Government and Finance.

Subject: Per household tax cut financed by the on-budget surplus.

The following table has been prepared in response to your recent request concerning the effects of a federal tax cut using only the non-social security budget surplus. It is intended to provide only a rough estimate of the per household in federal income taxes that could be funded using only the on-budget surplus.

The first column of the table shows fiscal years, the second column shows the baseline unified total budget surplus, the third column shows the on-budget deficit/surplus (the budget deficit/surplus excluding social security and the Postal Service), the fourth column shows the projected number of households for each year, and the fifth column is the dollar amount of tax cut per filing unit (column three divided by column four).

I hope this information meets your needs in this matter. If you have any questions or need further assistance, please let me know (7–7812).

AVERAGE FEDERAL INCOME TAX CUT PER HOUSEHOLD THAT COULD BE FUNDED USING ONLY THE ON-BUDGET SURPLUS

Fiscal year	Surplus/deficit in billions of dollars[1]		Projected number of households (millions)[2]	Average tax cut per household[3]
	Unified Budget	On-budget (excludes Social Security and the Postal Service)		
1999	$107	−$19		
2000	131	−7		
2001	151	6	142	$42
2002	209	55	143	385
2003	209	48	145	331
2004	234	63	146	432
2005	256	72	148	486
2006	306	113	149	758
2007	333	130	150	867
2008	355	143	152	941
2009	381	164	154	1,065

[1] Source: Congressional Budget Office. The Economic and Budget Outlook: Fiscal Years 2000–2009, January 1999. Page 33.

[2] Source: Joint Committee on Taxation.

[3] Column 3 divided by column 4.

Mr. ROTH. Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask Senator LAUTENBERG if he would give me 2 minutes of his time.

Mr. LAUTENBERG. I am pleased to do that.

Mr. DOMENICI. He said he will yield me 2 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me just say that I believe, after talking to Senator LAUTENBERG, the staffs can work together on this and that the sense-of-the-Senate part of this amendment, advocating the kind of tax cuts that were referred to by the Senator in his sense-of-the-Senate paragraph, might be acceptable to Senator LAUTENBERG, and we can then accept it without a vote. But I would just like to make an observation while we wait to see whether that will happen. I hope it doesn't make the Senator from New Jersey change his mind. I don't think it will.

Frankly, I said a while ago it is easier to manage a budget when we are not in surplus. I am almost prepared to say it is easier for the taxpayer to get a tax cut when we do not have a surplus than when we do.

Now, I haven't checked the history of the last six or seven tax cut bills, but obviously we were not in balance because we just got in balance. We gave tax cuts because we thought they were necessary, prudent. To the American people, our businesses, large and small, others—maybe those who have their businesses at home—ought to be able to deduct their health care like everyone else. We come around and say those things ought to be done.

Now we have a surplus, and I will be darned; it is tougher to get concurrence that we ought to give some of it back to the people than when we borrowed it to give it back to them. So I was thinking as the debate occurred, who has been forgotten by this Government? Who is looked upon as sort of a silent partner in all this but shouldn't be terribly worried about it? It seems to me it is the taxpayer.

Asked on our side, we would say reducing taxes, making sure Social Security is fixed—and we have done that. Everybody is now joining us on 100 percent of the surplus when held for that —Medicare; we have had a bipartisan approach here saying let's get it done—and that leaves the taxpayer. I kind of say, poor taxpayers. We ought to put them right up at the top, and that is sort of what the intention of my friend from Minnesota was. Whatever the language, laudatory or, as Senator NICKLES said the other day, precatory—if you want to look it up in the dictionary, it is pretty much like laudatory. And if you don't know what that means, I don't know what to tell you. But there is a lot of that. In any event, the sense of the Senate at the bottom says we recognize the taxpayers are very important and we ought to look at them just as we look at new programs. I certainly say it is important that we do that.

I yield back whatever of the 2 minutes I did not use.

Mr. LAUTENBERG. Mr. President, I just heard, I think I will call it the chairman's lament, and that is here we have all this money and we can't give tax breaks. But I see the tax breaks as having a funny shape to them. They are big for the guy at the top and they are little for the people who need it most. But I would say this, that the only people who can add a new room to the house, get a child some special assistance with education, prepare retirement, ensure health care is available are those who have some surplus. That is when you do the good things. And the good things to me are not to take care of the guys at the top, who would get another 20 grand, to use the expression, on top of the $800,000 they make. I don't think they need help. But the person who is making $38,000, a family of four, they are struggling. They are struggling. They are trying to find a way to take care of all the needs as the kids grow, and it is a difficult, difficult problem.

So I do not object to appropriate tax breaks. I don't object to tax breaks for long-term health care. I don't object to tax breaks for child care so that mom can go to work and help dad support the family, or vice versa. I don't object to any of those things.

So with that I think we have probably heard each other enough. Can we yield back all the time?

Mr. DOMENICI. I don't think they have any time left.

Mr. LAUTENBERG. No. I have some time on my side, I think.

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. LAUTENBERG. I feel benevolent, and I am going to yield back my time and we will try to resolve our problem so that we can accept the amendment of the Senator from Minnesota.

AMENDMENT NO. 231, AS MODIFIED

Mr. GRAMS. Mr. President, I send a modification of the amendment to the desk. With a few changes, hopefully, it has been accepted on both sides. We submit this amendment and hope to get it approved.

Mr. DOMENICI. We have no objection and we have no time remaining.

Mr. LAUTENBERG. We are all set.

The PRESIDING OFFICER. Is there objection to the proposed modification? Without objection, the amendment is so modified.

The amendment (No. 231), as modified, is as follows:

At the appropriate place, insert:

SEC. . SENSE OF SENATE ON PROVIDING TAX RELIEF TO ALL AMERICANS BY RETURNING NON-SOCIAL SECURITY SURPLUS TO TAXPAYERS.

(a) FINDINGS.—The Senate finds the following:

(1) Every cent of Social Security surplus should be reserved to pay Social Security benefits, for Social Security reform, or to pay down the debt held by the public and not be used for other purposes.

(2) Medicare should be fully funded.

(3) Even after safeguarding Social Security and Medicare, a recent Congressional Research Service study found that an average American family will pay $5,307 more in taxes over the next 10 years than the government needs to operate.

(4) The Administration's budget returns none of the excess surplus back to the taxpayers and instead increases net taxes and fees by $96,000,000,000 over 10 years.

(5) The burden of the Administration's tax increases falls disproportionately on low- and middle-income taxpayers. A recent Tax Foundation study found that individuals with incomes of less than $25,000 would bear 38.5 percent of the increased tax burden, while taxpayers with incomes between $25,000 and $50,000 would pay 22.4 percent of the new taxes.

(6) The budget resolution returns most of the non-Social Security surplus to those who worked so hard to produce it by providing $142,000,000,000 in real tax relief over 5 years and almost $800,000,000,000 in tax relief over 10 years.

(7) The budget resolution builds on the following tax relief since 1995:

(B) In 1996, Congress provided, and the President signed, tax relief for small business and health care-related tax relief.

(C) In 1997, Congress once again pushed for tax relief in the context of a balanced budget, and President Clinton signed into law a $500 per child tax credit, expanded individual retirement accounts and the new Roth IRA, a cut in the capital gains tax rate, education tax relief, and estate tax relief.

(D) In 1998, Congress pushed for reform of the Internal Revenue Service, and provided tax relief for America's farmers.

(8) Americans deserve further tax relief because they are still overpaying. They deserve a refund. Federal taxes currently consume nearly 21 percent of national income, the highest percentage since World War II. Families are paying more in Federal, State, and local taxes than for food, clothing, and shelter combined.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the levels in this resolution assume that the Senate not only puts a priority on protecting Social Security and Medicare and reducing the Federal debt, but also on middle-class tax relief by returning some of the non-Social Security surplus to those from whom it was taken; and

(2) such middle-class tax relief could include broad-based tax relief, marriage penalty relief, retirement savings incentives, estate tax relief, savings and investment incentives, health care-related tax relief, education-related tax relief, and tax simplification proposals.

Mr. GRAMS. I thank the Chair. And approved?

Mr. LAUTENBERG. And it is accepted.

They can urge adoption of the amendment.

Mr. DOMENICI. There is no time left on the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

The amendment (No. 231), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I believe the regular order is to proceed now to my amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 190

Mr. KERRY. I call up amendment No. 190.

The PRESIDING OFFICER. The amendment is pending.

Mr. KERRY. Mr. President, I ask unanimous consent I add as original cosponsors Senator LAUTENBERG, Senator REED of Rhode Island, Senator JOHNSON, Senator HOLLINGS, Senator KERREY of Nebraska, and Senator CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, this is an amendment, really, of common sense and I think fiscal responsibility. It is a very simple amendment that I believe is a safeguard, an important safeguard, against our returning to an era of deficit spending. This amendment includes no new spending, no new programs, it does not touch the budget authority, it does not touch outlays as proposed in the budget resolution. Neither does it affect in any way whatsoever the Social Security trust funds.

Perhaps most important to many Members on the other side of the aisle, this amendment does not eliminate any of the tax relief that is provided in the budget resolution. Indeed, Congress can and Congress should consider sensible tax cuts which are targeted towards helping working families to meet their growing needs, whether it is health care or child care or buying a first home or any number of other things—saving to send a child to college—there are a number of tax cuts I think all of us can agree on. Those tax incentives will help Americans to plan and to save for retirement and to build the economy of the country.

My amendment simply directs that the tax cuts we authorize, that we pass today in the budget resolution, will not rely on deficit spending to fund them. That is it. It is a very simple proposition: We should not pass a tax cut that will rely on deficit spending in order to fund it.

In the Budget Committee's report accompanying this resolution, Chairman DOMENICI and his colleagues say the following, and I quote Chairman DOMENICI:

> The whole premise of this resolution is to ensure that the onbudget deficit is eliminated and to prohibit consideration of legislation resulting in an on-budget deficit in the future.

So the chairman and his colleagues who have voted for this budget have brought it to the floor of the Senate with the statement that it is their purpose to prevent a future onbudget deficit by having any legislation that would create that deficit. I applaud the chairman and his colleagues for that effort to maintain the course of fiscal discipline which we began in 1993 with the Deficit Reduction Act, which has put us on this path. To keep on that path is both progrowth and fiscally responsible. I am offering my amendment to ensure this year's tax provisions cannot and will not result in deficit spending.

Under my amendment, if the nonpartisan Congressional Budget Office determines that the tax cut passed in this year's reconciliation bill would result in an onbudget deficit in the future, under the scoring periods we are currently applying for budget purposes, then all I would do is simply delay that tax cut for 1 year. We do not repeal it. We do not end it. We do not take it away. We simply delay it for the purposes of not being confronted with deficit spending in order to fund it.

The amendment itself would not affect the tax cuts once they become effective.

The budget we have before us sets aside the Social Security surplus for debt reduction, but, as every single one of my colleagues knows, the Social Security surplus is only one portion of the projected surplus over the next 10 years. The Congressional Budget Office projects an onbudget, obviously non-Social Security, surplus that will be more than $800 billion over the next 10 years. That is the projection.

If the Finance Committee reports out a tax bill later this year, those tax provisions will become law, and they become law not just for this year but they become law for the next year and the next year and the outyears. They will take effect regardless of what happens to the current projections on the economy. But most of them will not be effective until the year 2005.

All of us in this institution understand that our predictive capacities are not so honed that we are going to guarantee we have the revenues in the year 2005 in order to pay for the new tax breaks while still doing the other things the budget requires. So the last thing I think any of us would want to do is set up an equation where we put into law today $800 billion worth of projected surplus, therefore tax cuts, but, lo and behold, the surplus is not there but the tax cuts are still in law. The question then will be, How do we fund them?

It seems to me there ought to be precautions taken against this kind of fiscal irresponsibility. If the projected onbudget surplus suddenly disappears during the intervening years, we want to avoid the crisis that will occur when those tax provisions are in law. If we were to create an automatic push onto the next year, we would wind up in a situation where we have not promised a tax cut that cannot be delivered, we have not promised a tax cut that is going to force us into deficit spending or into other choices that are similarly unpalatable.

That is the simplicity of this budget amendment. Under this amendment, we can guarantee if the surplus actually materializes, tax cuts passed this year will not be affected, they will go into effect. But if the current economic projections change for the worse and the surplus turns out to be considerably smaller or nonexistent, we will delay the effect of the tax cuts and avoid the crisis of that moment. I think it is common sense. It is a sound way to budget. It is an appropriate way to make a determination instead of promising a tax cut that can either never materialize or that takes you into a position of fiscal irresponsibility.

I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, how much time does Senator KERRY have?

The PRESIDING OFFICER. Seven minutes 49 seconds.

Mr. DOMENICI. And 15?

The PRESIDING OFFICER. Fifteen minutes.

Mr. DOMENICI. I do not want to use very much time.

Mr. President, first of all, as I read the amendment, I wondered, I could not quite figure out what was going wrong. Essentially this amendment is subject to a point of order, because we do not have authority to tell the Finance Committee in a reconciliation instruction to do this. The law says what we can do in a reconciliation bill, and it does not include ordering them to trigger taxes. It says reduce taxes by a given amount over the period of time reflected in the reconciliation agreement. So it is subject to a point of order which I will raise when we come around to voting.

But aside from that, it seems to me if you write a tax law for the Nation, that any tax law you write is an ongoing tax law. Once you put it in, it is ongoing, at least the general tax provisions, unless you want to sunset it or the like. Frankly, I do not believe it would be appropriate to trigger a tax on and off depending upon what the onbudget surplus is.

In addition, I do not want to say too much about this, but our lockbox is a pretty good safeguard that we will not be spending Social Security surpluses in the future, because if you have to borrow any extra money, then you need a 60-vote point of order. So I think the Senator can rest assured if we vote for the lockbox as contemplated wherein the debt limit is going to be affected and you will have to raise it, I think it will be a pretty good indication we cannot go significantly in the red in future years, even with a tax cut that occurs in years prior to that. Something will have to be done.

I compliment the Senator for his concern about fiscal responsibility. I am sure inherent in this is his concurrence we ought to have some tax cuts. I am not sure which of the various amendments he has agreed to heretofore on how much. But I compliment him for being concerned, but I could not accept it and I do not think it would be valid if we did.

The PRESIDING OFFICER (Mr. BUNNING). Who yields time?

Mr. KERRY. Mr. President, I yield myself 1 minute and then I will yield to the distinguished ranking member.

Mr. President, let me say to my colleague who really understands budget well and understands fiscal matters well, this is not about Social Security. Indeed, the lockbox will protect Social Security. I am not here in this amendment worried about Social Security. I am talking about the onbudget surplus predicted today. That onbudget surplus could disappear. Indeed, the budget resolution claims to save $133 billion of the onbudget surplus over 10 years, but only $14 billion is saved in the first 5 years.

They are going to write in some $600 billion of tax cuts in the outyears without any capacity to predict that this country will have a surplus or have the capacity to support that.

What happens when that is in the law, the chairman sits down in 5 years, if he is still chairman, and he says, oh, we have these big tax cuts we have to fund, but we don't have the money for it? Where will it come from? That is when we are going to have a battle over every other program, or the tax cuts are phony.

I am not taking the tax cut away. I am simply saying, if CBO tells us in that year there is no money to fund it, you delay it a year. That seems to be the most fundamental common sense of how most Americans would decide to handle their budgets. If you cannot afford it, you don't do it. That is what we are trying to ask for, fiscal responsibility, not a flimflam show.

Mr. President, I yield 3½ minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my colleague from Massachusetts.

Mr. President, I support Senator KERRY's amendment to delay new tax cuts if projected surpluses do not materialize. Medicare has a compelling need for revenues in the future that should not be jeopardized by tax cuts, especially knowing that these costs for tax cuts would explode substantially in the outyears.

I want to mention for my colleagues some history. The fiscal year 1982 budget projected surpluses were just around the corner. We all know what happened to those projected surpluses after the massive 1982 tax cut. We have also seen in recent years how wrong both CBO and OMB estimates have been as the economy has consistently outperformed all projections. Projecting long-term budget results is really an art, not a science.

This budget resolution relies heavily on estimates of surpluses going so far out as to adjust them during the summer. If such short-term estimates are being taken into account, we also ought to take into account the long-term realities. If the surpluses do not materialize, the tax cuts they are based on should be delayed until the surpluses are there.

We just heard the distinguished chairman of the Budget Committee talk about tax cuts being permanently in law. We still do not fully understand why the commonly referred to "revenue surprise" has occurred, and we don't know honestly how long it is going to last.

My Republican colleagues often say, we are returning excess revenues to the taxpayers. I put it to them, if the tax revenues are not there in the future, should we drain away resources from Medicare to provide tax cuts?

Today we are phasing in tax cuts over long periods to obscure their revenue effects. If we implement tax breaks which create huge outyear revenue losses and the economy fails to perform as well as predicted, we could return to the world of deficits as far as the eye can see, just in time for the baby boomers to begin retiring.

Very simply, Mr. President, I think this is a sound amendment. It says, don't give it away unless you know very well that you are on target.

I think it is a reasonable position. I think it is fiscally sound. I hope that our colleagues will vote for the Kerry amendment.

Mr. KERRY. Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, I will use 1 minute and yield back my time so the Senator can have the rest of the time.

Frankly, many years ago I came to the floor—Senator Nunn helped me; he wasn't even on the Budget Committee—and I did something like this for entitlement programs.

I said, if the projections in the outyears are that it is going up so high that it creates a bigger deficit, then maybe we ought not spend the money, having programs that we spend money on automatic pilot. Maybe when we come around and say we are going to do that to taxes, we are going to do that to entitlements, we are going to do that to everything we spend on, we are going to trigger them all and, if we get a deficit, we cut them all so we are right back down to zero and incurring no debt.

Why should we do this to the taxpayer on the most important thing they can ask of their Government, and that is that they not be taxed too much? That is what they are looking up here asking us for. The big broad base that keeps America going and pays for all these programs, they would like some tax relief. We say, we will trigger you, we will give you some, but in case the deficit goes up, we will take it away from you, or at least it won't continue to grow, even though we passed it and it is in the law.

I think maybe that would be a great idea so we could stay in balance forever. Let's apply that to everything. Just think of that. We are in balance. Nothing could ever grow, if it puts us in the red again. Everything would get stopped that year. No entitlements could grow, nothing could. That would be treating everybody kind of fairly.

We would never do that. We shouldn't do that to the taxpayer.

Mr. President, I yield my time.

Mr. KERRY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes 23 seconds.

Mr. KERRY. Mr. President, let me just say quickly to my colleague from New Mexico, he has been a real deficit hawk, and I admire the way in which he has fought it over the years he has been here. But he knows as well as I do that we have actually changed significantly our attitude and our approach towards entitlements. We have changed significantly the entire budget structure from those years when he tried to do that with Senator Nunn.

The fact is, we now operate under very strict caps. I think for the last 10 or 12 years of the 15 I have been here, we have been cutting in most places, except a couple of areas where, in order to hold Social Security whole, we made some changes in the revenue stream.

The fact is, we have made significant reductions. All I am asking for here is—in 1993, we had the biggest turnaround of all. I remember my colleagues arguing that you had to have a balanced budget amendment to the Constitution of the United States. If you didn't do that, you couldn't change the economy of this country or our budgeting practice. Well, the fact is, we proved them wrong. In 1993, we changed the entire budgeting process and turned it around so that we now have the balanced budget and the surplus that we are talking about.

The American people would like us to apply the same discipline now going forward that we applied to get to this position. The fact is that Americans do not want us to create a deficit to give them a tax cut. Ask any American: Do you want me to add to the debt of the country so I can give you back some money today? They would say: That is absurd. Why would you add to the debt of the country in order to put a few dollars into my pocket?

Americans overwhelmingly want the surplus applied to debt reduction. That is what they say. All I am doing in this amendment is asking my colleagues to exercise the same responsibility about tax cuts that they have asked everybody to exercise about every other part of the budget.

This is about deficit spending to support a tax cut. The vast majority of Americans would say, don't be so crazy, don't promise me some great big tax cut that actually adds to the debt of the country and maybe even deprives my mother or father of Medicare payments and maybe even deprives my kid of a loan to go to college or a number of other things.

There is no way in that balance that that is the choice Americans would make. I ask my colleagues today to join in making a responsible vote on the issue of this budget. We should not fund a tax cut we can't afford down the road. Nothing in my amendment would deny us the ability to have a tax cut if the surplus is there. If you have a surplus, you will have a tax cut. That is about as decent and fiscally responsible an equation as you could ask for.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, has all time been yielded back on the Kerry amendment?

The PRESIDING OFFICER. The Senator still has 14 seconds.

Mr. KERRY. Mr. President, I yielded back my time.

AMENDMENT NO. 242

Mr. DOMENICI. Mr. President, there was an amendment which was known as Ashcroft-Gorton, No. 242. We understand that it is acceptable on the other side. We do not think it ought to be held in the package here. No vote is needed.

I ask unanimous consent that it be in order that the amendment be accepted by the Senate without objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The yeas and nays are vitiated.

The question is on agreeing to the amendment.

The amendment (No. 242) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank Senator LAUTENBERG for clearing the amendment.

Now we can proceed to the next amendment, Senator CRAIG's amendment.

Mr. CRAIG. Mr. President, may I inquire, what are the time constraints in relation to the debate on this amendment?

Mr. DOMENICI. I say to Senator CRAIG, I made a mistake. Senator HOLLINGS was next. It is 3 and a half minutes. Would you let him proceed?

Mr. CRAIG. Yes, I will. I yield the floor.

Mr. DOMENICI. He was listed next.

Mr. LAUTENBERG. By unanimous consent, Mr. President, I ask that Senator HOLLINGS be given 5 minutes instead of 3 and a half to present his case.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized for 5 minutes.

AMENDMENT NO. 174

Mr. HOLLINGS. I call up amendment No. 174 offered by myself and the distinguished Senator from Nebraska, Senator KERREY.

The PRESIDING OFFICER. That amendment is pending.

Mr. HOLLINGS. Mr. President, we just heard the word "surplus." We have seen a lot of charts. But the truth of the matter is that we are spending $100 billion more than we are taking in this year. And the Congressional Budget Office projects that we will spend $89.9 billion or $90 billion more next year just under current policy, in the face of that current policy, taking care of inflation.

We hear all kinds of "visions of sugar plums dancing in their heads" on this floor. We have turned the Senate Chamber into a recording studio for campaign 2000. And everybody is saying, "Well, $2 billion more for the veterans and $8 billion more for the farmers, and $15 billion more for the military pay, and so much more for education. And, by the way, we ought to have a tax cut. But remember, we have spending caps, and we have to stay within the caps." They know, of course, that we exceeded the caps last year by $12 billion and this year by $21 billion. So already we have exceeded the caps by $33 billion, plus the $18 billion that we voted for the military pay. We ought to be looking for $50 billion to make up for this, but we are adding on all of these fanciful figures.

So what we really ought to do is bring a note of reality, a note of what the situation actually is, to the debate and get a budget that we can vote on.

Here is the lead editorial of USA Today. And I quote it:

> If your member of Congress comes home this weekend bragging about having adopted a responsible federal budget for the coming year, don't you believe it.
>
> The $1.7 trillion spending and tax outlines being muscled through the House and Senate this week are little more than the budgetary equivalent of The Emperor's New Clothes [or the emperor had no clothes]: Behind the self-congratulatory hype there's a lot of nothing—and the real possibility of another political train wreck later in the year.

Mr. President, this amendment is offered in order to avoid that train wreck. And how do we do it? We do it as Alan Greenspan, the head of the Federal Reserve, said: "Do nothing."

I thought it was very interesting: in the Banking and Housing Committee we had the ranking member, Senator SARBANES of Maryland, in a discourse with Mr. Greenspan.

Quoting Senator SARBANES near the end of the questioning: "So it seems to me for this whole host of reasons I agree with what I understand to be your position; that is, of all the alternatives the one you rate first and foremost by a significant margin would be to use the surplus to pay down the debt."

Greenspan: "That is correct, Senator."

SARBANES: "Yes, I—how do you save that surplus? You know, how do you keep it from getting spent, I guess is the question?"

Greenspan: "What happens is that you do nothing."

Namely, you freeze this budget with respect to the current policy. You take this year's budget for next year, you program it out, and you get to a real surplus in the year 2006. Thereupon, Mr. President, that is the real surplus; and thereupon, we will direct that surplus—if it materializes—to paying down the debt, and we will give everybody a real tax cut, because the interest rates will go down. And they will save all the mortgage homeowners—the automobile payments, the refrigerator payments, the washing machine payments. Everybody in credit-card America will get a real tax cut.

The point is that we have been playing the game of paying down the debt that is not understood really by the American people in that we have been using Social Security to pay down the debt for the last 15 years.

What we do is, we just take the Social Security credit card and look over here to what they call public debt or the Wall Street credit card and pay off that debt to the payers with the credit from Social Security; and you just up the debt on Social Security. You still owe the same. It is like taking a Visa card and paying down your MasterCard; and, of course, your Visa card goes up. That gamesmanship, Mr. President, has been going on, to the point that we have fiscal cancer.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HOLLINGS. Could I get a few more minutes? Would you give me 2 more minutes?

Mr. GORTON. Yes.

The PRESIDING OFFICER. The Senator is recognized for an additional 2½ minutes.

Mr. HOLLINGS. I thank the distinguished Chair.

What has happened really is we have caused the debt in Social Security. This minute, Social Security is in the red $730 billion. Next year it will be in the red $867 billion. And by the year 2009, we will owe $2.6 trillion to Social Security.

Now, if we hold the line—staying the course; the economy is good; inflation is down; unemployment is down—if we stay the course, it is a responsible budget and we can maintain the good economy here in America.

I thank the distinguished Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the distinguished Senator from South Carolina does have the virtue of consistency. He was one of three members of his party the night before last who voted against authorizing a war in Yugoslavia. And this budget resolution, among other things, does not raise the caps for national defense—a point that most Members feel is necessary after many years of shortchanging it. It does not permit any tax relief, it does not permit any change in priorities for education, as does the budget that is before us at the present time.

In fact, it is based on the proposition that the country is unchanged from where it was when we voted on the budget a year ago. I believe the budget that we have here today is preferable to the one we had a year ago, partly because for the last year we have been very, very successful.

But, clearly, we are going to need the flexibility to pay for something that the distinguished Senator from South Carolina and the Presiding Officer and I voted against the other night which is going to have to be paid for at this point. And the only way to do so is to show the flexibility that this budget resolution does.

So I oppose the amendment of the distinguished Senator from South Carolina.

I yield back the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho, Senator CRAIG.

AMENDMENT NO. 146

Mr. CRAIG. Mr. President, may I inquire as to the time limitations on each amendment?

The PRESIDING OFFICER. Seven and one-half minutes equally divided.

Mr. LAUTENBERG. Three and three-quarters.

Mr. CRAIG. I yield myself 1½ minutes.

My amendment would require that new mandatory spending programs be paid for with savings in existing mandatory programs, and it would establish a 60-vote point of order. We have known—since we have had limits on discretionary programs as the chart beside me demonstrates—a progressive reduction in the overall size of the discretionary spending within our budget.

My amendment does not affect any existing mandatory program. My amendment does not impact any current or future beneficiary of existing programs. What I am talking about is new mandatory, new direct spending programs, and it doesn't eliminate them, either. It simply requires that any Senator who brings that kind of program to the floor must experience the support of at least 60 of the Members of the Senate to be able to withstand this point of order.

My amendment will not prevent a tax increase and its use of debt and deficit reduction. That is simply not the case. It simply puts on equal footing new spending in mandatory areas, along with current discretionary spending.

My amendment institutes a milder version of the same spending restrictions that have applied to appropriated spending programs since 1990. I think it is easy to understand. Last year we received 54 votes. It is a bipartisan effort. Senator KERREY will speak to it. Senator ROBB and Senator BYRD have supported me in this effort, and have indicated their continued support in that area. It is that very effort that limits the kind of growth in our budget that we have always tried to do in creating balance.

Senator KERREY has arrived on the floor, and I yield him the remainder of our time.

Mr. KERREY. I am pleased to join the Senator from Idaho. This amendment would apply the same budgetary restrictions to mandatory programs that we have on discretionary programs. Mandatory programs are growing faster than the discretionary programs. We are converting our budget from one that used to be almost entirely discretionary, endowing our future, into a budget that is largely mandated by law.

This simply says if we are going to add a new mandatory program, you do as you would with the discretionary program: You need to have 60 votes to get the job done. It doesn't mean you can't; it just raises the bar as high as it is on discretionary programs.

I hope my colleagues see the wisdom of this and will support it.

Mr. CRAIG. How much time remains?

The PRESIDING OFFICER. The Senator has 33 seconds.

Mr. CRAIG. I reserve that time.

Mr. LAUTENBERG. Mr. President, I oppose this amendment because it will prohibit using revenues to offset new mandatory spending and instead will require that all new mandatory spending be offset with other mandatory cuts. It is a major change in law. If there is a mandatory expenditure, commonly called entitlement, the fact of the matter is that we ought not be changing it by restricting funding. We ought to change the law. Change the law and you have taken care of the problem.

But I don't think this is an appropriate way to do it. Programs like Social Security and Medicare could be affected, and I think it is an inappropriate way to do it.

How much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. LAUTENBERG. I am willing to yield back the reminder.

Mr. CRAIG. Let me conclude using my 30 seconds to say that it does not impact, as the Senator has just said, current programs. We are talking new creations, new ideas, new entitlement programs—not Social Security, not Medicare, not those kinds of critical programs that this Congress and this Senate attempt to strengthen and protect.

I am talking about the new ideas that come along. It doesn't limit them, either. It simply says that you have to gain the 60-vote majority here in the Senate; you have to find new revenue sources for them or pull revenue from existing mandatory areas.

As the Senator from Nebraska has so clearly spoken, it brings on balance in our budget new mandatory programs with current discretionary programs.

Here is the simple relationship: The red on the chart shows the progressive decline in discretionary spending since we have had pay-go enforcement there. This has been the kind of growth in mandatory when we had none of that budget authority, and, therefore, budget restriction.

That is the issue of this amendment. I encourage my colleagues here in the Senate to support it.

Mr. LAUTENBERG. I don't think this amendment is germane and, therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. CRAIG. Mr. President, I ask for a waiver of the Budget Act.

Mr. LAUTENBERG. Are we ordering the yeas and nays now?

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. We neglected, when Senator HOLLINGS presented his amendment No. 174, to ask for the yeas and nays. We ask for the yeas and nays on amendment No. 174.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the Senator from North Carolina be given 5 minutes to speak on another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I send to the desk for proper referral a bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. HELMS pertaining to the introduction of S. 720 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 185

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding, under the unanimous consent agreement, that it is my turn to speak for 3½ minutes in support of my amendment. I don't have the number.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 185, as previously offered.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, this is a procedural change relating to the times when the Senate considers emergency spending. Examples are disaster aid, when an area has been hit by a flood, or the need for more money in the Department of Defense, for example. We may have emergency spending that is necessary because of the Kosovo military operation. I don't believe a single Member would stand in the way of providing all the resources necessary to bring our men and women home safely. Other emergency spending might be something as esoteric as the Y2K crisis—whether we are going to be able to respond quickly enough so the Government computers will be in line and not cause any problem to provide services. Those are examples of emergency spending, and the Senate can decide by a majority vote whether to change the basic caps or limits on spending because of an emergency.

Now there is a provision in this budget resolution which changes that dramatically and says that any emergency provision is going to require a supermajority vote from now on—60 votes. I oppose that. I don't believe that is good policy. I think that a majority of the Senators should be allowed to decide whether or not this Nation and this Senate face an emergency situation that requires a majority vote only to go forward and spend the necessary funds. Setting up a supermajority allows the minority in this body to become more or less the political brokers in an emergency situation.

I don't want to see that occur. We debated this in the Governmental Affairs Committee and reached a bipartisan agreement—involving Senators THOMPSON and DOMENICI on the Republican side, and involving Senator LIEBERMAN, myself, and others on the Democratic side—that we would stick with the majority vote. Then I was surprised to see that in the budget resolution our bipartisan agreement has been vitiated, and now we are dealing with another requirement for supermajority.

My amendment goes back to the simple majority requirement for emergency spending. It is supported by Senator LIEBERMAN from the Governmental Affairs Committee, the ranking Democrat, as well as Senator ROBERT BYRD, the ranking Democrat on the Senate Appropriations Committee.

At this point, I will retain the remainder of my time. I don't know if the rules require me to use it in all one fell swoop.

Mr. LAUTENBERG. The Senator can spread it around, if he has any time left.

Mr. DURBIN. Mr. President, is there any time left of the 3½ minutes?

The PRESIDING OFFICER. Yes, 1 minute 23 seconds.

Mr. DURBIN. I retain the remainder of my time. Somebody might wish to speak on the other side of this issue.

Mr. GORTON. Mr. President, the provision in this budget resolution that the distinguished Senator from Illinois seeks to strike is there for one quite simple reason, and that is that while we have created a discipline for ourselves through spending caps, and while within those spending caps we are able to determine appropriations on the basis of a simple majority vote, Members have discovered that all they need to do is declare an "emergency," whether one exists or not, and they are free from the budget caps, from the very spending discipline that has been central to our economic success over the course of the last 3 or 4 years.

As a consequence, the requirement that in order to declare an emergency, in order to spend money that is outside of the caps, in order, essentially, in this fiscal year to invade the Social Security surplus will require a modest supermajority.

Now, under those circumstances, Mr. President, that seems to me to be eminently reasonable. If there is a true emergency, won't 60 votes be available? The Senator from Illinois refers to our members of our Armed Forces in Yugoslavia. Now, Mr. President, it beggars belief to feel that 60 votes will not be able to support our Armed Forces when they are engaged in conflict. The same thing is going to be true with respect to any other emergency. But to allow spending limitations that a majority of the Senate has put into effect, spending limitations that are so important to our success, to be frivolously overridden and ignored simply by a 51-vote majority is not responsible budgeting.

This provision is there because of our experience in the last couple of years with the declaration of emergencies for emergency spending purposes. Mr. President, I am sure that, along with the chairman of the Budget Committee, we feel the provision in this budget resolution is extremely sound, highly responsible, and should be retained.

Mr. LAUTENBERG. Mr. President, will the Senator from Illinois yield?

Mr. DURBIN. Mr. President, I will yield all of my remaining time after making one comment. The Senator from Washington suggests that a majority vote is a "simple thing." A majority vote is how we rule in the United States of America. It is the exception which requires a supermajority.

I yield the remainder of my time to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I support the amendment by the Senator from Illinois, and I point out that when we are talking about emergencies, we are talking about things like a volcanic eruption in the State of Washington, Mt. Saint Helens, or we are talking about an earthquake in California, or floods down the Mississippi, or storm damage in the Northeast. I don't know why it should take 60 votes to agree with maybe someone who has taken an unpopular political position earlier. I think we ought to let the majority rule. If we need changes in the emergency definition, I would certainly go along with that. Make sure that it is urgent. Make sure it is an emergency. But to suggest that simply because we don't have enough votes that the volcanic damage is worth cleaning up immediately, or some oil spill isn't worth dealing with immediately, frankly, I think is bad law. I think we ought to eliminate it from this budget resolution.

I hope that the vote on the amendment by the Senator from Illinois will prevail.

I yield the time.

I ask the Republican leader, is there another amendment to be discussed?

Mr. DOMENICI. On our side Senator CRAPO was next. He will be here in 3 minutes. We can go to Senator SESSIONS, and then Senator CRAPO will be last.

Is Senator SESSIONS ready? The Senator has 3½ minutes.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 210

Mr. SESSIONS. Mr. President, I would like to rise in support and express my support for an amendment called the "Class Act," a sense of the Senate.

The purpose of that Act is to deal with a growing problem in America. In the 1990s alone—we are not through the 1990s yet—we have accumulated more debt for college and higher education than we have in the prior three decades, in the prior 30 years. We have an accelerating amount of debt to pay for college education. People are graduating with more debt than they have ever graduated with before. And it is a disruption to them and their families as they start to build their careers.

So what is the problem? How has this happened? I don't propose the "Class Act" amendment that I have worked to introduce along with Senator BOB GRAHAM of Florida will solve that problem, but at least it is a significant step in the right direction.

What we have been doing as a Government is subsidizing debt and taxing savings for college. That is the bottom line to it. If you save money for college, you pay taxes on it. But the Government will subsidize and give you interest rate breaks and delays if you will borrow money for your higher education.

Forty-two States will soon have prepaid college tuition plans. They are very popular. They are expanding. Middle-income people are the ones that are taking advantage of it. They are putting money in. They are locking in college tuition at the paid cost so inflation doesn't hurt them on the rising tuition, and then they put the money into those accounts. When it is taken out to pay for the tuition, they have to pay income tax on what it has accumulated. That is, to me, a shortsighted view. It encourages debt and discourages savings.

So our public policy is actually to tax, to hinder, and to punish people who wisely save, but to subsidize people who go further into debt.

It is a nice bill. We believe in it strongly. It has bipartisan support. It has the strong support in the House of Representatives. It will require, I believe, $197 million in cost; only that much through the first 5 years of the program; and $600 million or so over the 10 years. But it will as a result of that encourage huge amounts of savings because, frankly, it is not all that clear, according to a lot of money managers, that it is the wisest thing in the world to take advantage of these programs, if you have to pay taxes on the increase.

If we eliminate that tax on the increase funds, put in prepaid college tuition plans, it will be a clear winner. Every financial manager will urge their clients to take advantage of this program.

It will eliminate—which is not considered in the cost analysis of this bill—but, in my opinion, it will in fact reduce the amount of Government loans and maybe Pell grants that will have to be expended by the Government. It will be a good public policy move for our country.

I appreciate the chairman's support. I appreciate Senator BOB GRAHAM from Florida, who is on the Finance Committee, who is a cosponsor to this, and a number of other Senators.

We believe it is good public policy at a reasonable cost, and will help produce a significant amount of money for higher education.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. SESSIONS. I am pleased to.

Mr. DOMENICI. Do I understand this is a sense of the Senate that we add to that list of tax changes that might be used by the Finance Committee when they set about to draw the bill, that this is just an additional one? There is nothing mandatory about it. It is merely suggesting that it is a good one that ought to be there, and they ought to look at it.

Is that it?

Mr. SESSIONS. The Senator is precisely correct. It will be a sense of the Senate that that be done.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I think this is a good amendment. I congratulate the Senator from Alabama for offering it. Therefore, to my colleague in the management of the budget, I think we ought to go ahead.

Mr. DOMENICI. Can I be added as a cosponsor.

Mr. SESSIONS. I would be honored.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 210) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I believe Senator CRAPO is here. He is ready with his amendment.

AMENDMENT NO. 163

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment number 163, as previously reported.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, thank you. I appreciate the opportunity to present this important amendment.

As we said yesterday when we discussed this amendment preliminarily, we have had an opportunity for the last 4 or 5 years to debate the concept of a lockbox in one context or another. Originally, in the House of Representatives when we presented this idea, it was to address deficits. We have had deficits for as long as most of us can remember. Yet the budget process did not seem to provide a mechanism by which we could lock aside spending that Congress decided to reduce in order to make sure that it was used to reduce the debt, or to reduce the deficit. Now we are in a surplus environment. We have just done some major work on this budget that was spearheaded by Senator ABRAHAM and Senator DOMENICI to create a lockbox for the Social Security surpluses, and to assure those surpluses are not spent by Congress. They are locked aside to be utilized to either pay down the public debt, or to be used to reform Social Security, both of which will strengthen and save a lot of the Social Security trust fund.

I commend our chairman for that tremendous effort and will support that effort. This amendment which Senator GRAMS from Minnesota and I have worked on would use the lockbox concept for another part of the surplus, that part of the surplus that deals with the potential for an increased surplus beyond that which we now have projected.

In July, we expect that new projections will show an increased surplus outside of the Social Security surplus that will be generated by taxpayer dollars. This part of the surplus will be a surplus that was not contemplated by Congress as we put together this budget. We are putting together this budget based on our current projections. And this budget will take care of the Social Security surplus. It will protect Medicare and education and other needed spending and will find room for tax relief. But, if in July the new projections show an enhanced surplus, this amendment would say that any new surplus must be locked away in a lockbox so that it can be used only for tax relief or retirement of the national debt.

It is critical that we take the tough steps, but the important steps to assure that as we now move into a surplus environment with our budget that we protect the taxpayer and we protect those of particularly our younger generations who face such monumental debt in our Federal Government.

This amendment says any new enhanced surplus that comes from better projections that is in excess of what we are projecting in this budget that we are working on now will not be used for other spending, but will be used to reduce the burden of taxes on Americans, or to reduce the national debt, which has been incurred over the last few decades.

I strongly encourage the adoption of this amendment.

Mr. LAUTENBERG. Mr. President, I reluctantly but strongly oppose the Crapo amendment. It would create a reserve fund, as I understand, to lock in any additional onbudget surplus in the outyears to be used only for tax breaks and debt reduction.

Mr. President, the Democrats welcome the opportunity to lock away a portion of the surplus for debt reduction. We have offered amendments that would do just that. But this amendment would limit the use of future surpluses to debt reduction or tax breaks exclusively—only. So I have to ask my friends on the other side of the aisle the following question. Why is it OK to set aside the surplus to create a new special interest tax loophole but not OK to use the surplus for an increase in military pay? Why is it OK to set aside the surplus to give more tax breaks to the well off but not OK to use the surplus to hire more teachers and reduce class size?

Mr. President, this amendment is not about fiscal responsibility. It is not about saving Social Security or Medicare. But it is about setting aside the surplus to give tax breaks particularly to the wealthiest among us. I urge my colleagues to oppose this amendment.

Mr. DOMENICI. Mr. President, could we have the yeas and nays on the amendment that was just proffered?

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LAUTENBERG. I raise a point of order, Mr. President. The amendment is not germane, and I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act.

MOTION TO WAIVE THE BUDGET ACT

Mr. DOMENICI. I move to waive the Budget Act under the appropriate waiver provisions of the Budget Act, and I ask for the yeas and nays on the waiver.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I thank the Chair.

I thank Senator LAUTENBERG.

Mr. President, we are getting close to what we have nicknamed around here votorama. The only thing is that sounds like a movie picture with a big screen where everybody can see everything. I am afraid it is going to be sort of the opposite because there is going to be 1 minute after a while on each amendment, and I don't know how many there is going to be yet. But unless and until we change our process, that is what we are going to go through for a while.

UNANIMOUS CONSENT AGREEMENT

Pursuant to the previous consent agreement, I ask unanimous consent that the first vote in the voting sequence be on the adoption of S. Res. 57 regarding Cuba—that is extraneous to our Budget Act, but we are getting consent to take care of that very soon—with 10 minutes equally divided between Senator MACK and Senator DODD just prior to the vote. I further ask that pursuant to the previous agreement, the succeeding votes in the sequence begin with and continue as follows: Senator SANTORUM, amendment No. 212; Senator REED, amendment No. 162; Senator CRAIG, 146; BOXER, 175; Senator VOINOVICH, 161; KENNEDY, 192; CRAPO, 163; DODD, 160; ASHCROFT-GORTON, 242; DORGAN, 178, as modified; GRAMS-ROTH, 231; LAUTENBERG, 166; SNOWE, 232; KENNEDY 195.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Now, as we understand here, when we start with SANTORUM 212, this will mean Senator SANTORUM should be on the floor if he desires to speak to his amendment. And he will get 1 minute, and Senator LAUTENBERG or his designee on the other side, if they oppose it, will be given 1 minute, and so on down the line.

Now, we have already indicated previously that the first vote tonight will be a 15-minute vote, and the amendments after that will be 10 minutes each. I do not know what we are going to do about dinner, but perhaps we will reconsider dinner at 6:30 or 7 and see what we do. But in the meantime, we are going to proceed with that format, and I urge Senators to stay in the Chamber if they have amendments because if we want to get out of here at a reasonable time, we can't take 20 minutes on each rollcall. We just agreed it would be 10. That is very hard to do. We have timed it. Some people say, why don't you make it 7½? Remember last year. You cannot even get it done and get the Senators up to vote in 7½. Ten is the best we can do. But we have to work at it. We still don't know whether we can finish tonight, but we are working very hard to do it.

Mr. LAUTENBERG. Mr. President, if I can just add a note here, part of doing amendments is to fill the amendment tree. So I will say that now we want to shake the tree and see if we can drop some of those amendments that perhaps on reconsideration by the offeror, maybe there would be another time to achieve the goal he or she wants to attain. But I want to add this, Mr. President. I think it is an important observation. There could be as many as 50 votes.

Now, if we are exact on the enforcement of the time limit, which I would urge we agree to, that 10 minutes is 10 minutes, it is not 11, 12, 13, that means everybody has to pay attention. If we have a 10-minute vote and a 2-minute debate, that is 12 minutes. And if you have 50 of those, we are looking at 600 minutes.

Mr. DOMENICI. Ten hours.

Mr. LAUTENBERG. Ten hours. Senator DOMENICI and I will be here, perhaps with a glass of wine, at 3 o'clock in the morning or else we will have to go over to the next day.

Mr. DOMENICI. Right.

Mr. LAUTENBERG. So I will forgo the glass of wine, but what I hope is——

Mr. DOMENICI. I never was going to have one.

Mr. LAUTENBERG. No, we weren't going to have it. I was kidding. It is for my friends in California I said that. I hope that our colleagues will be paying attention to this because a delay by one person is a delay for 99 people and we ought not to treat that casually. We are going to be here a long time. This could be expedited substantially. We hope that any Senators who have an amendment review that which has already been discussed and accepted so that we are not being redundant. If it has been heard, I would ask colleagues to perhaps rethink whether or not they are going to offer their amendment. So I guess we can—I don't know what the terminology is for letting the vote roll—let the skaters begin, or something of that nature, or let the pitcher pitch.

Do we have our first?

Mr. DOMENICI. Let's see if we have our first Senator here. We are going to do Cuba and that Senator is here.

Mr. DOMENICI. Mr. President, with reference to the matter that is not part of our budget resolution, S. Res. 57 regarding Cuba, Senator DODD, is supposed to speak; CONNIE MACK on our side, Senator DODD on your side. Mr. President, we are going to wait just a little bit.

Before Senator MACK and Senator DODD begin their 10 minutes equally divided, might I repeat again, the first Senator up is Senator SANTORUM with amendment No. 212, Senator REED with No. 162. I have stated the rest of them. If anybody needs it, we have the list here. We need the Senators to be here and now they are going to have to just as well stay because there are going to be 15 or 16 votes in a row. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, may I inquire, just to be clear, the pending business is the resolution, is that correct?

HUMAN RIGHTS IN CUBA

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 57) expressing the sense of the Senate regarding the human rights situation in Cuba.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. DODD. Mr. President, have the proponents spoken on the resolution, I inquire of my colleague from Florida?

Mr. MACK. Not yet. We have not used our time yet.

Mr. DODD. How much time is there on the resolution?

The PRESIDING OFFICER. Five minutes apiece.

Mr. DODD. Fine. Mr. President, if I may, let me, first of all, say I intend to support and vote for this resolution. But in doing so, I want to express some deep concerns. Many of my colleagues know we have what is now just about a 40-year-old problem that has not been even remotely close to resolution and that is, of course, United States-Cuban relations.

We know why we are going to be asked to consider this resolution this week, and I suspect it will be passed overwhelmingly. The real question is, does it do anything to influence the policies of the Cuban Government or garner the support of our allies? On that issue, I have to answer resoundingly no. It may make us feel good, it will express our views, but in terms of these resolutions having some influence on the very events which provoked the resolution, I think the answer has to be we can probably anticipate the same response as we have had with a collective set of resolutions over the years.

I have criticized the recent crackdowns on dissidents, as many have here, including the sentencing of the "Group of Four," which is terribly wrong and totally counterproductive and, in my view, a violation of human rights of these individuals. It is also very inconsistent with the Cuban Government's efforts in the past to gain the international respectability they have been trying to garner. For the life of me, from their standpoint, I don't see why this benefits them or assists them.

Our passing of these kinds of resolutions on Cuba, year after year, year after year, unfortunately, has not prevented the Cuban authorities from dealing harshly with dissidents. Depending upon the ebb and flow of the Cuban political dynamic, the human rights situation gets a little better or a little worse or a little better or a little worse, but nothing significant or permanent seems to happen or change.

We need to engage, in my view, the Cuban Government on this and other issues, as we have done with other nations with whom we have significant disagreements, if we are going to create any kind of environment for some change. That engagement, which we traditionally call diplomacy, has been totally absent in the conduct of relations between these two nations, the Cuban Government and our own. Perhaps that is why, I suggest, the record is so dismal. It is action-reaction, action-reaction, and a total absence of any diplomacy.

Let's not fool ourselves. This resolution is not going to help the people of Cuba. Is it not time to change our view of what should be the dynamics of United States-Cuban relations—to start a new conversation with Cuba, rather than simply act and react to unfolding events in Havana? I believe it is time to begin such a new conversation in this body and in the United States.

We in this country make the mistake, in my view, of overreacting to these ebbs and flows, rather than keeping to the steady and consistent policy to bring Cuba into the world community of democratic nations. All we do, by passing resolutions of this kind which are not accurate in all respects, is to fuel nationalist sentiments in Havana and elsewhere in this hemisphere and around the globe.

The resolution authoritatively cites human rights organizations as critical of human rights practices of Cuban authorities. However, it does not mention these very same organizations also criticize U.S. policies with respect to Cuba. The 1999 Human Rights Watch World Report states:

> The (U.S.) embargo had not only failed to bring about human rights improvements in Cuba but had become counterproductive.

It goes on to conclude that:

> The embargo continued to restrict the rights of freedom of expression and association and the freedom to travel between the United States and Cuba, thus violating Article 19 of the International Covenant on Civil and Political Rights, a treaty [I might add] ratified by [our Government.]

This resolution further, and our policy generally, allows all of Cuba's problems, and there are many, to be blamed on the United States in too many international circles. While we are not responsible for the state of the Cuban economy, the Cuban people are extremely nationalistic and will rally behind their government against foreign threats. This is true elsewhere in the hemisphere.

What we need to do, in my view, is to move forward to implement Pope John Paul II's call that Cuba open up to the world and the world open up to Cuba. More constructive measures such as the upcoming baseball game and concert are more effective ways of communicating U.S. values to the Cuban people, particularly as a part of a broader effort to pursue increasing contacts between the American and Cuban people.

Love of baseball and music are just two examples of the many things the American and the Cuban people have in common. We have much more in common than that. The best way to communicate that is by lifting restrictions on U.S. citizens' rights to travel to Cuba or anywhere else. Frankly, such restrictions, in my view, are un-American. We can travel to virtually any other nation in the world—North Korea, Iraq, Iran. The only restrictions are what those nations place on us. The only place I know of where we restrict Americans from going is a country 90 miles off our shore. If they want to place restrictions on our travel there, I would object. But we should not restrict Americans' travel.

We need to make other fundamental changes in our policy. Our guiding principle in doing that should be that these changes are in our, the Americans', best interests. With respect to Cuba, an island of 11 million people 90 miles off our shore, America's interest is that there be a peaceful transition to a post-Castro era, whenever that time comes.

Mr. President, I ask just for 1 additional minute, if I can, and I will give 1 additional minute to my colleague from Florida.

The PRESIDING OFFICER (Mr. Smith of Oregon). Without objection, it is so ordered.

Mr. DODD. Mr. President, it is not in America's interest to have an armed insurrection occurring in that country or to see living conditions become so onerous that everyone takes to the boats and finds themselves at sea, seeking safe harbor in this country or elsewhere.

With respect to policy, I suggest the lifting of restrictions on food and medicine. These restrictions border on immoral, in my view. I also recommend lifting restrictions on travel. Under certain circumstances, U.S. companies should also be permitted to invest in Cuba, provided American-style workplace conditions prevail in U.S.-owned investments. I also encourage contacts between United States and Cuban diplomats, including inviting Cuban diplomats to the United States, discussing issues of huge concern including regional terrorism, drug trafficking, and the preservation of the environment.

If we really want to see the peaceful transition to democracy in Cuba, then it is about time, after 40 years, the end of the cold war and the falling of the Berlin Wall, to break out of the policy straitjacket that has prevented meaningful change from taking place in Cuba-United States relationships. Passing resolutions of this kind, year after year, year after year, do nothing to help change what is a situation that demands, in my view, some new thinking, a new conversation.

With that, I thank my colleague for providing the additional minute.

The PRESIDING OFFICER. The Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I understand I have now 6 minutes.

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. MACK. It is my intention then to use 3 of those minutes and then to yield to my colleague, Senator GRAHAM, for the balance of the 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, let me, first of all, thank Senator DODD for his vote for this resolution. I respect immensely his viewpoint and what he has stated over all these years, but I respectfully disagree with him. Again, I will just point out, all we are suggesting here is that the least America can do is to say we ought to ask the United Nations to condemn Fidel Castro for his human rights violations. That is not an extreme position to take, to ask the world body to condemn Fidel Castro for human rights violations.

The reason we are doing this is because I think it is appropriate to respond to the impression that has been created over these last several months after the Pope visited Cuba. There has been this kind of love affair that Cuba has changed, that the world is now going to open up. The Senator said a moment ago, if Cuba would open up, if we would open up, we could come together.

Clearly, what has happened since the Pope's visit, Fidel Castro has arrested more dissidents than he has released following the Pope's visit. He has instituted new laws which restrict the freedom of speech, even more restrictive than in previous years. He arrested 15 people trying to celebrate the birthday of Martin Luther King this year, and just this month he arrested and sentenced four prominent activists for writing about the basic rights of the Cuban people.

Mr. President, it seems to me that this country, a country that has been willing to stand up in defense of human rights, basic human rights all over the globe, is doing the right thing. I ask my colleagues in the Senate to support this resolution.

I yield back my time and yield the floor to Senator GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I, too, appreciate the vote of the Senator from Connecticut in favor of this, I think, quite moderate but extremely important and timely resolution.

Today in Geneva the United Nations Human Rights Commission commenced its annual meetings. One of the issues that will be before the Commission will be whether a resolution condemning human rights in Cuba and appointing a special rapporteur to review those conditions should pass. Unfortunately, last year a similar resolution for the first time in many years failed to pass.

The question is, How has Cuba reacted to the fact that for 12 months it has not had the international condemnation of its human rights record, which has been the case for many of the years of the Castro regime? What in fact has happened is that we have seen a significant, almost inexplicable increase in the denial of fundamental rights, political rights, human rights, civil rights, to the people of Cuba and, as my colleague has just indicated, the examples of the loss of fundamental human dignity.

Why are we passing this resolution? We are passing this resolution not only to express our outrage at this condition but also to urge the international community to join us, the international community which has so recently been populated by new democracies, for those new democracies to step forward and express their condemnation for one of the few remaining dictatorial regimes in the world.

This recent crackdown by the Cuban Government has already drawn the condemnation of the international community, including some of Cuba's staunchest friends, such as Canada. A resolution is now being circulated in Geneva by several Eastern European states condemning the Cuban Government for its human rights record and calling for the appointment of a special rapporteur.

Mr. President, I think it is significant that these Eastern European states, which suffered under the tyranny of Nazi Germany and Stalinist Russia, are leading the effort to highlight the repression and terror that accompanies everyday life in Cuba.

This resolution calls on the U.S. Government to take all measures to support this resolution so that the international community, including the international community with the United States of America, can shine the light of freedom on Castro's brutal repressive regime.

I urge my colleagues to strongly support this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, has all time expired on the Cuba resolution?

The PRESIDING OFFICER. All time has expired.

ORDER OF PROCEDURE

Mr. DOMENICI. May I make a further announcement? A while ago I listed the amendments as we are going to consider them, starting with Senator SANTORUM, Senator REED. We had two Republican amendments listed, Ashcroft-Gorton 242. That is an error. We had already accepted that amendment. So what we would like to do is put, in lieu of Ashcroft-Gorton, which had been accepted, it was already adopted, Fitzgerald 217. Then if we go down on our list, Dorgan is next. Then Grams-Roth, we had also accepted that, and somebody on our staff put it on here. So we are going to substitute Ashcroft 240. So everybody should be on notice, including the proponents of those amendments, when they come up. I will try to announce the list just before the vote as to who is next, maybe two in advance, so everyone will know. I think we are prepared.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LAUTENBERG. Mr. President, if the Senator will yield for a question, please; that is, how many votes do we have bracketed right now that we are certain of?

Mr. DOMENICI. Fifteen.

Mr. LAUTENBERG. So is it fair to say that 15 votes, 10 minutes apiece, 150 minutes, 2 minutes for debate, another 30 minutes, we are looking at a few hours, wouldn't you say?

Mr. DOMENICI. Yes.

Mr. LAUTENBERG. But if we can get the cooperation of the Members, we can finish this tonight. If we can't, we will be here tomorrow. I think I speak for the chairman; we will find out immediately, when I say that I am willing to be here as late as it takes, if we can finish tonight.

Mr. DOMENICI. Senator, we are going to be as cooperative as we can and beyond this in agreeing to accept amendments. We are working with you to do the same, which means we can take many more later and accept them as we work our way through this part.

Mr. MACK. Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution (S. Res. 57).

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

I also announce that the Senator from Indiana (Mr. LUGAR) is absent because of a death in the family.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Lugar
McCain

The Resolution was agreed to.

AMENDMENT NO. 245

The PRESIDING OFFICER. Amendment No. 245 to the preamble is agreed to.

The amendment (No. 245) to the preamble was agreed to as follows:

On page 2 strike lines 9 on 10 and insert whereas such abuses violate internationally accepted norms of conduct enshrined by the Universal Declaration of Human Rights.

The preamble, as amended, was agreed to.

The resolution, with is preamble, as amended, reads as follows:

S. RES. 57

Whereas, the annual meeting of the United National Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the United States Department of State and international human rights organizations, the Government of Cuba continues to commit widespread and well documented human rights abuses in Cuba;

Whereas such abuses stem from a complete intolerance of dissent and the totalitarian nature of the regime controlled by Fidel Castro;

Whereas such abuses violate internationally accepted norms of conduct;

Whereas the Government of Cuba routinely restricts worker's rights, including the right to form independent unions, and employs forced labor, including that by children;

Whereas such abuses violate internationally accepted norms of conduct enshrined by the Universal Declaration of Human Rights;

Whereas the Government of Cuba has detained scores of citizens associated with attempts to discuss human rights, advocate for free and fair elections, freedom of the press, and others who petitioned the government to release those arbitrarily arrested:

Whereas the Government of Cuba has recently escalated efforts to extinguish expressions of protest or criticism by passing state measures criminalizing peaceful pro-democratic activities and independent journalism;

Whereas the recent trial of peaceful dissidents Vladimiro Roca, Marta Beatriz Roque, Felix Bonne, and Rene Gomez Manzano, charged with sedition for publishing a proposal for democratic reform, is indicative of the increased efforts by the Government of Cuba to detain citizens and extinguish expressions of support for the accused; and

Whereas these efforts underscore that the Government of Cuba has continued relentlessly its longstanding pattern of human rights abuses and demonstrate that it continues to systemically deny universally recognized human rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should make all efforts necessary to pass a resolution, including introducing such a resolution, criticizing Cuba for its human rights abuses in

Cuba, and to secure the appointment of a Special Rapporteur for Cuba.

Mr. SANTORUM. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to. [INSERT]

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. DOMENICI. Mr. President, the leader asked me to indicate the following: I send an adjournment resolution to the desk calling for a conditional adjournment of the Senate until April 12 and ask that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

Concurrent resolution (S. Con. Res. 23) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

Mr. DOMENICI. I thank the Chair, and I thank Senator LAUTENBERG.

The PRESIDING OFFICER. The resolution is agreed to.

The concurrent resolution (S. Con. Res. 23) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 25, 1999, Friday, March 26, 1999, Saturday, March 27, 1999, or Sunday, March 28, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, March 25, 1999, or Friday, March 26, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, April 12, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 212

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM), proposes an amendment numbered 212, as previously reported.

The PRESIDING OFFICER. There are 2 minutes equally divided.

The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Thank you, Mr. President.

First, I ask that Senator TORRICELLI be added as cosponsor to the resolution.

Mr. President, this is an amendment that is a sense of the Senate to extend reauthorization for the Farm Preservation Program. Senator BOXER and I were able to put in an amendment for $35 billion for farmland preservation in the Freedom to Farm bill 3 years ago. That authorization of $35 billion was supposed to last 5 years. It lasted 3. There is no more money for this program, and there is a tremendous need. The backlog of applications is immense. Nineteen States have participated in this. We have saved over 123,000 acres of farmland.

We have so much debate about urban sprawl. This is an amendment to do something in a responsible way by preserving farmland and preserving agriculture communities that are under stress from urban sprawl and development.

I hope we will have a resounding favorable vote.

Mr. LAUTENBERG. Mr. President, I commend the Senator from Pennsylvania for offering this amendment.

We are ready to accept it here.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), was necessarily absent. I further announce that the Senator from Indiana (Mr. LUGAR), was absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Kyl

NOT VOTING—2

Lugar
McCain

The amendment (No. 212) was agreed to.

AMENDMENT NO. 162

The PRESIDING OFFICER. There are now 2 minutes equally divided.

The Senate will be in order.

The Senator from Rhode Island is recognized.

Mr. REED. I thank the Chair.

Mr. LAUTENBERG. Could we have order, Mr. President.

The PRESIDING OFFICER. The Senate is still not in order.

The Senator from Rhode Island.

Mr. REED. I thank the Chair.

Among the first casualties of this proposed budget will be the cities and rural communities of America. This budget would cut upwards to 78 percent of money devoted to community and regional development over the next 10 years.

My amendment is very straightforward. It would restore $88.7 billion over 10 years to bring up funding to the level proposed by the President. It would do so by taking a small portion of the projected tax cuts that are included in this budget. Without my amendment, we will see extreme reductions in community development block grants, the Economic Development Administration, the lead paint abatement program, the brownfields program, those programs that are essential to the cities and rural areas of this country.

We cannot abandon these communities. In fact, we cannot throw them, as this budget would, into financial chaos as they try to make up the difference with the property tax. The irony here is that these tax cuts in the budget will mean tax increases for many communities. It is supported by the U.S. Conference of Mayors and the

National League of Cities. I hope Senators will support this measure and not abandon the cities and rural communities of America.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not think I am going to argue the substance, other than to say this amendment increases taxes by $64 billion. This amendment increases taxes by $64 billion, relative to the committee bill before us. It suggests it be spent for community and regional development.

Frankly, it would not have to be. The appropriators have their own judgment. They can do what they want with it. Essentially, I do not believe we ought to be raising taxes to pay for programs like this.

In addition, this is not germane and is subject to a point of order, which I now make under the Budget Act. It would exceed the caps that we have agreed to and that are written into statutory law.

The PRESIDING OFFICER. The Senator from Rhode Island.

MOTION TO WAIVE THE BUDGET ACT

Mr. REED. Mr. President, I move to waive the budget point of order.

The PRESIDING OFFICER. The vote now occurs on the motion to waive the budget point of order.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question occurs on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that Senator from Arizona (Mr. McCain), is necessarily absent.

The yeas an nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NAYS—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 49 and the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 146

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I remind Senators we have 10 minutes on the next vote. We intend to have regular order so we can finish at a reasonable time. Ten minutes is what we are allowed.

The PRESIDING OFFICER. The Senator from Idaho, Mr. Craig, is recognized for 1 minute.

Mr. CRAIG. Mr. President, the Senator from Nebraska, Senator Kerrey, and I have joined together in our effort to control the overall growth of government. We are asking that the Senate apply a 60-vote requirement to any new entitlement program—not new spending in existing entitlement programs, but new entitlement programs—exactly as we treat any growth in discretionary spending. It would take a 60-vote point of order for us to add new entitlement programs and spend new money.

I think it is a requirement that this Senate should have. Last year, 54 Senators voted for it. It is bipartisan in its character to control the overall growth of government. We think it is appropriate that it be spent that way.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am opposing this amendment. It would prohibit using revenues to offset new mandatory spending and instead require all new spending to be offset with other mandatory cuts. It would give special protection to special interest tax loopholes at the expense of programs like Social Security or Medicare.

I understand the Senator said "new programs." It would prevent us from using the onbudget surplus for prescription drugs, new benefits, or any new mandatory spending. The onbudget surplus could be used only for tax breaks.

Also, the amendment would prevent us from using the user fees, such as gas tax, to pay for new highways. If we are looking for a way to pay for a new benefit, why would we say that cutting Social Security is OK but closing a wasteful tax loophole is not? Why would we say that cutting Medicare is OK but eliminating a corporate tax subsidy is not?

I urge my colleagues to oppose this amendment, Mr. President, and I make the budget point of order. I think this is not germane.

The PRESIDING OFFICER. The point of order has already been made.

Mr. CRAIG. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. I ask Senators to vote for the waiving of the budget point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Craig amendment No. 146. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona [Mr. McCain] is necessarily absent.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kerrey
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 175

The PRESIDING OFFICER. Under the previous order, the Senator from California, Mrs. BOXER, is recognized for 1 minute.

Mrs. BOXER. Mr. President, I want to thank the chairman of the committee and my ranking member for agreeing to this. Of course, Senator LAUTENBERG was very supportive in committee, and Senator DOMENICI tonight has said he will go along with this amendment.

It is very simple and clear. It says if there should be a tax cut, we want to see the substantial benefit go to the first 90 percent of wage earners, rather than the top 10 percent.

I think this is good for the people of the country.

I want to thank, again, Senator DOMENICI and Senator LAUTENBERG.

Mr. DOMENICI. Mr. President, there will be no rollcall vote on this amendment. I agree to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 175) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the next amendment is offered by the Senator from Ohio, Mr. VOINOVICH.

Mr. DOMENICI. If the Senator would yield for some housekeeping, we are having a degree of success with the list of amendments. If your name is not on this list, then it means you are insisting on a rollcall vote. That means there are still about 15 or 20 of you we are looking for to sit down and talk, so we will not have to have so many rollcall votes. These are all generous Senators on this list. They have decided—and the other side has agreed—to accept them. We will do that right now, en bloc.

So that Members might be thinking about this, maybe we ought to find a new way to take care of sense-of-the-Senate amendments that show up on a budget resolution. I had an idea that maybe we should change the law and have a second budget resolution after we have done the real one, and anybody that has a sense of the Senate can offer them to the second budget bill and ask the leader to set this up in a recess period, and people can file these. When we return from the recess, we will vote on them en bloc.

I think that would be an excellent solution. The leader and I will be talking about it soon.

In the meantime, we thank you for great cooperation.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. REID. It is my understanding, having spoken to you and the Democratic manager and the two leaders, we will try to wrap this thing up tonight; is that true?

Mr. DOMENICI. If we get this kind of cooperation, we can do it; if we don't get cooperation, a few Senators will keep us over until tomorrow.

Mr. LAUTENBERG. Late at night, too.

Mr. REID. I say to the Senators on the list that the Democratic and Republican staff worked on that and it still might require votes. We have had great cooperation and a number of amendments have already dropped off.

AMENDMENT NO. 225, AS MODIFIED

Mr. DOMENICI. Mr. President, I send a modification to the desk of amendment No. 225 from Senator SHELBY. This modification has been approved by the other side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 225), as modified, is as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON TRANSPORTATION FIREWALLS.

(a) FINDINGS.—The Senate finds that—

(1) domestic firewalls greatly limit funding flexibility as Congress manages budget priorities in a fiscally constrained budget:

(2) domestic firewalls inhibit congressional oversight of programs and organizations under such protections:

(3) domestic firewalls mask mandatory spending under the guise of discretionary spending, thereby presenting a distorted picture of overall discretionary spending;

(4) domestic firewalls impede the ability of Congress to react to changing circumstances or to fund other equally important programs;

(5) the Congress implemented "domestic discretionary budget firewalls" for approximately 70 percent of function 400 spending in the 105th Congress;

(6) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, firewalled spread would exceed 100 percent of total function 400 spending called for under this resolution; and

(7) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, drug interdiction activities by the Coast Guard, National Highway Traffic Safety Administration activities, rail safety inspections, Federal support of Amtrak, all National Transportation Safety Board activities, Pipeline and Hazardous materials safety programs, and Coast Guard search and rescue activities would be drastically cut or eliminated.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that no additional firewalls should be enacted for function 400 transportation activities.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENTS AGREED TO EN BLOC

Mr. DOMENICI. Mr. President, the following amendments have been cleared on both sides: Shelby, 209; Sessions, 210; Santorum, 211; Roberts, 216; Gorton, 215; Specter, 220; Jeffords, 222; Shelby, 225, as modified; 226, Enzi; Collins, 229; Chafee, 237; Specter, 219; Fitzgerald, 217; and Jeffords, 221.

Mr. LAUTENBERG. Mr. President, our amendments that have been cleared which we can consider en bloc, are as follows: 197, Lieberman; 186, Durbin; 187, Durbin; 188, Dorgan; 189, Dorgan; 199, Bingaman; 191, Torricelli; 244, Moynihan; 169, Feinstein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 209, 210, 211, 216, 215, 220, 222, 225, as modified; 226, 229, 237, 219, 217, 221, 197, 186, 187, 188, 189, 199, 191, 244, 169) were agreed to, en bloc.

AMENDMENT NOS. 234, 239, 235, 241 AND 193 WITHDRAWN

Mr. DOMENICI. The following amendments, and I am very appreciative of this, have been withdrawn: 234, 239, 235, 241 and 193.

The PRESIDING OFFICER. The amendments are withdrawn.

The amendments (Nos. 234, 239, 235, 241 and 193) were withdrawn.

Mr. DOMENICI. We have only 13 amendments remaining on our side. I hope Members or their staffs will please sit down with our staff and see if we can resolve some of these and give us some idea whether we can finish tonight. I very much appreciate it.

Thank you for yielding, Senator. I am sorry for using your time.

AMENDMENT NO. 161

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Ohio, Mr. VOINOVICH.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 161, as previously offered.

Mr. VOINOVICH. Mr. President, first, I want to commend the distinguished Chairman of the Budget Committee for offering a budget resolution that stays within the spending caps and—for the first time—protects Social Security surpluses.

I also want to thank him for setting aside $131 billion in what I like to call a "rainy day fund." This money can be used for possible contingencies in Medicare or agriculture, emergency spending, or debt reduction.

I respect the view of my colleagues who want to use on-budget surpluses to give the American people a tax cut. But before we give a tax cut, I believe we should pay down our massive national debt first.

My amendment would take out the tax cuts in the budget resolution and use that money to pay down the debt.

If my amendment is adopted, and if the projected surpluses materialize, then we will slash the publicly-held debt from $3.6 trillion today to $960 billion in 2009.

Paying down the debt is the right thing to do—it will reduce our net interest payments, expand the economy, lower interest rates for families, and reduce the need for future tax increases.

Has there been a request for the yeas and nays on this?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I think the distinguished Senator from Ohio knows of the great respect I have for him. Over the years, I have worked with him when he was Governor. But I just can't agree with this amendment, and I hope the Senate doesn't.

This amendment says that the American taxpayer deserves no tax relief and, yet, we can spend the money that is in surplus, but we can't give the American people any tax relief. This strikes the entire tax relief program that we have planned in this budget resolution. We have heard some say that we should have only half. We have heard others say we should only have two-thirds of it. This one says none. While in the budget we spend money for Medicare, we spend money out of the surplus for other programs. But now it is being said that we cannot spend any of it on tax cuts. I don't believe this is good policy, and I don't think that is where we ought to end up this year. We will spend and spend and spend that surplus, and there won't be any left for the American people in the not-too-distant future.

Mr. LAUTENBERG. Mr. President, is there any time left?

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment of the Senator from Ohio.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—67

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Campbell
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Edwards
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kerrey
Kerry
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Nickles
Reed
Roberts
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—32

Akaka
Baucus
Boxer
Burns
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Moynihan
Murray
Reid
Robb
Rockefeller
Sarbanes
Specter
Voinovich

NOT VOTING—1

McCain

The motion to lay on the table the amendment (No. 161) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. DOMENICI. Mr. President, will the Senator yield for a second?

Mr. KENNEDY. Yes.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NOS. 173 AND 218

Mr. DOMENICI. Senator MURRAY's amendment numbered 173 has disappeared, and No. 218 by Senator HELMS has been withdrawn.

The PRESIDING OFFICER. Does the Senator from New Mexico make a unanimous consent request with respect to those amendments?

Mr. DOMENICI. No. 173 must be agreed to.

The PRESIDING OFFICER. Without objection, it is agreed to.

The other amendment is withdrawn.

The amendment (No. 173) is agreed to.

The amendment (No. 218) was withdrawn.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 192

Mr. KENNEDY. Mr. President, in the budget there is $778 billion for 10 years for the reduction in taxes. The amendment offered by myself and Senator DODD is very simple. Effectively, it takes $156 billion of that, first, to fully fund IDEA; to fully fund the smaller classrooms; and to take the remaining funds, which is $43 billion that can be used for afterschool programs, for technology, for Pell grants, for Work-Study Programs, and for other education programs.

Effectively, we are saying this is the best opportunity that we have had in a generation to continue a partnership between local, State and the Federal Government in the areas of education. We have a real opportunity to do so. We believe that we can still leave 80 percent of the tax cut. We are taking 20 percent of the tax cut to fully fund IDEA, to meet our commitments, and to also fully fund the smaller classroom.

This is supported by school board associations, the school administrators, parent/teachers, the disability rights, the Consortium of Citizens with Disabilities, and the Federation of Children with Special Needs. It is supported by all of those groups in the best interests of the future of our country. I hope it is accepted.

Mr. DOMENICI. Mr. President, I have 1 minute. I yield 40 seconds to the Senator from New Hampshire, and I will take the other 20 seconds.

The PRESIDING OFFICER. The Senator from New Mexico will suspend.

The Senator from New Mexico has yielded time.

To whom does the Senator yield his time?

Mr. DOMENICI. I yield to Senator JUDD GREGG of New Hampshire 40 seconds.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, essentially, no one in this Senate has worked harder—many have worked as hard, but I think I have worked as hard as anyone else to try to get funding for IDEA programs. What this amendment is essentially is a "don't worry, be happy" amendment. It is an amendment which doesn't address the underlying problem, which is that this Congress and, unfortunately, some people on the other side of the aisle in this Congress are not willing to set priorities in the area of education.

We have in the law, on the books a law that says we should fund IDEA. The only people who have been trying to do that have been on this side of the aisle. In the last 3 years, we have increased funding for IDEA by 85 percent from this side of the aisle. In the Domenici budget, we have increased it by another $2.5 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Let's do it the right way. Let's do it the way it is done in this budget.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have been telling you all, Democrat and Republican alike, that what is going to happen with this surplus is we are going to spend it all. I have made a preliminary analysis of this week's Democratic amendments that use the surplus. They have now used $430 billion of the surplus for new programs. This one is in this 430. Some others aren't. I merely ask that we not do this and save some of the money for the American taxpayers.

The PRESIDING OFFICER. All time has expired.

Mr. GREGG. Mr. President, I move to table.

Mr. DOMENICI. I move to table and ask for the yeas and nays.

Mr. KENNEDY. Yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCain) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

McCain

The motion to lay on the table the amendment (No. 192) was agreed to.

The PRESIDING OFFICER (Mr. Fitzgerald). The Senator from New Mexico.

AMENDMENT NO. 219, AS MODIFIED

Mr. DOMENICI. Mr. President, we have heretofore adopted a Specter amendment. We should have sent a modification to the desk to Amendment No. 219. I send the modification to the desk and ask the amendment, which was adopted, be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 219), previously agreed to, as modified is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR INTENSIVE FIREARMS PROSECUTION PROGRAMS.

(a) Findings.—Congress finds that—

(1) gun violence in America, while declining somewhat in recent years, is still unacceptably high;

(2) keeping firearms out of the hands of criminals can dramatically reduce gun violence in America;

(3) States and localities often do not have the investigative or prosecutorial resources to locate and convict individuals who violate their firearm laws. Even when they do win convictions, states and localities often lack the jail space to hold such convicts for their full prison terms;

(4) there are a number of federal laws on the books which are designed to keep firearms out of the hands of criminals. These laws impose mandatory minimum sentences upon individuals who use firearms to commit crimes of violence and convicted felons caught in possession of a firearm;

(5) the federal government does have the resources to investigate and prosecute violations of these federal firearms laws. The federal government also has enough jail space to hold individuals for the length of their mandatory minimum sentences;

(6) an effort to aggressively and consistently apply these federal firearms laws in Richmond, Virginia, has cut violent crime in that city. This program, called Project Exile, has produced 288 indictments during its first two years of operation and has been credited with contributing to a 15% decrease in violent crimes in Richmond during the same period. In the first three-quarters of 1998, homicides with a firearm in Richmond were down 55% compared to 1997;

(7) the Fiscal Year 1999 Commerce-State-Justice Appropriations act provided $1.5 million to hire additional federal prosecutors and investigators to enforce federal firearms laws in Philadelphia. The Philadelphia project—called Operation Cease Fire—started on January 1, 1999. Since it began, the project has resulted in 31 indictments of 52 defendants on firearms violations. The project has benefited from help from the Philadelphia Police Department and the Bureau of Alcohol, Tobacco and Firearms which was not paid for out of the $1.5 million grant;

(8) In 1993, the office of the U.S. Attorney for the Western District of New York teamed up with the Monroe County District Attorney's Office, the Monroe County Sheriff's Department, the Rochester Police Department, and others to form a Violent Crimes Task Force. In 1997, the Task Force created an Illegal Firearms Suppression Unit, whose mission is to use prosecutorial discretion to bring firearms cases in the judicial forum where penalties for gun violations would be the strictest. The Suppression Unit has been involved in three major prosecutions of interstate gun-purchasing activities and currently has 30 to 40 open single-defendant felony gun cases;

(9) Senator Hatch has introduced legislation to authorize Project CUFF, a federal firearms prosecution program;

(10) the Administration has requested $5 million to conduct intensive firearms prosecution projects on a national level;

(11) given that at least $1.5 million is needed to run an effective program in one American city—Philadelphia—$5 million is far from enough funding to conduct such programs nationally.

(b) Sense of the Senate.—It is the sense of the Senate that Function 750 in the budget resolution assumes that $50,000,000 will be provided in fiscal year 2000 to conduct intensive firearms prosecution projects to combat violence in the twenty-five American cities with the highest crime rates.

AMENDMENT NO. 224

Mr. DOMENICI. Mr. President, we have an Ashcroft amendment, amendment No. 224, which is ready to be accepted. The Democratic leader accepts it also.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 224) was agreed to.

AMENDMENT NO. 163

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Idaho.

Mr. CRAPO. Mr. President, this amendment is a very straightforward amendment. It seeks to deal with the excess surplus we expect to be projected this July. We are now working on a budget that will be saving Social Security, for tax relief, and for the necessary investments we must make in our military, education, Medicare, and other needed programs the Federal Government must pay attention to.

After this budget is put together and we have made those adjustments, we expect the July reports will say we have an even larger surplus than is now expected.

This amendment says, if a larger surplus develops, that surplus should be set aside in a lockbox for either tax relief or debt retirement. It is very straightforward, to say after we have met the needs in negotiating this budget, we then apply any future increases in the surplus to debt retirement or tax relief.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Crapo amendment. As the Senator said, it creates a reserve fund to lock in any additional onbudget surplus in the outyears to be used exclusively for tax breaks and debt reduction.

Mr. President, Democrats welcome the opportunity to lock away a portion of the surplus for debt reduction. We have offered amendments that would do just that. But this amendment would limit the use of future surpluses to debt reduction or tax breaks only.

So I have to ask a question here. Why is it all right to set aside the surplus to create a new special interest tax loophole, but not OK to use the surplus for an increase in military pay?

Why is it OK to set aside the surplus to give more tax breaks to the well off but not OK to use the surplus to hire more teachers and reduce class size?

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Will the Senators take their conferences off the floor.

Mr. LAUTENBERG. It would be nice to have order.

Mr. President, this amendment is not about fiscal responsibility. It is not about saving Social Security or Medicare. It is about setting aside the surplus to give tax breaks to a select few, including the wealthiest among us. I hope my colleagues will oppose this amendment.

AMENDMENT NO. 165

Mr. KOHL. I would like to take a moment to explain my opposition to the amendment by the gentleman from Idaho, Senator CRAPO. This amendment would set aside all on-budget surpluses above those estimated in the Republican Budget Resolution. These funds would then be used for either tax cuts or debt reduction. While I agree with his goals of reducing taxes and eliminating the debt, I believe that this is the wrong way to go about it.

I am committed to reserving 77 percent of the total, unified, surplus to increase the solvency of Medicare and Social Security. I do not believe that we should bind ourselves to the estimates of surpluses in this bill. If higher than anticipated surpluses come into the Treasury, then I believe that we should still put 77 percent of those new, unexpected funds into the Social Security and Medicare programs.

The Democratic plan leaves 23 percent of the unified surplus for tax cuts, debt reduction and domestic priorities. This leaves room for a tax cut regardless of future surpluses, and is not dependent on the estimates in this bill. Committing ourselves to reserving 77 percent of the unified surplus for Medicare and Social Security will keep these programs solvent longer than the proposal from the Senator for Idaho, and therefore I cannot support his amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the point of order. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—42

Abraham
Allard
Ashcroft
Bennett
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Roth
Santorum
Sessions
Shelby
Smith NH
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Schumer
Smith OR
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote the yeas are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Connecticut has 1 minute.

AMENDMENT NO. 160, AS MODIFIED

Mr. DODD. Mr. President, I send a modification of my amendment to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,014,000,000.
Fiscal year 2004: $1,585,969,000,000.
Fiscal year 2005: $1,649,259,000,000.
Fiscal year 2006: $1,682,788,000,000.
Fiscal year 2007: $1,737,451,000,000.
Fiscal year 2008: $1,807,417,000,000.
Fiscal year 2009: $1,870,513,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,716,000,000.
Fiscal year 2002: −$52,284,000,000.
Fiscal year 2003: −$31,305,000,000.
Fiscal year 2004: −$48,180,000,000.
Fiscal year 2005: −$61,637,000,000.
Fiscal year 2006: −$107,925,000,000.
Fiscal year 2007: −$133,949,000,000.
Fiscal year 2008: −$148,792,000,000.
Fiscal year 2009: −$175,197,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,457,294,000,000.
Fiscal year 2002: $1,488,477,000,000.
Fiscal year 2003: $1,561,513,000,000.
Fiscal year 2004: $1,613,278,000,000.
Fiscal year 2005: $1,666,843,000,000.
Fiscal year 2006: $1,698,902,000,000.
Fiscal year 2007: $1,754,567,000,000.
Fiscal year 2008: $1,815,739,000,000.
Fiscal year 2009: $1,875,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,014,000,000.
Fiscal year 2004: $1,583,070,000,000.
Fiscal year 2005: $1,639,428,000,000.
Fiscal year 2006: $1,667,958,000,000.
Fiscal year 2007: $1,717,688,000,000.
Fiscal year 2008: $1,782,597,000,000.
Fiscal year 2009: $1,842,697,000,000.

On page 28, strike beginning with line 13 through page 31, line 19, and insert the following:

Fiscal year 2000:
(A) New budget authority, $244,390,000,000.
(B) Outlays, $248,088,000,000.
Fiscal year 2001:
(A) New budget authority, $251,873,000,000.
(B) Outlays, $257,750,000,000.
Fiscal year 2002:
(A) New budget authority, $264,620,000,000.
(B) Outlays, $267,411,000,000.
Fiscal year 2003:
(A) New budget authority, $277,386,000,000.
(B) Outlays, $277,175,000,000.
Fiscal year 2004:
(A) New budget authority, $286,576,000,000.
(B) Outlays, $286,388,000,000.
Fiscal year 2005:
(A) New budget authority, $298,942,000,000.
(B) Outlays, $299,128,000,000.
Fiscal year 2006:
(A) New budget authority, $305,655,000,000.
(B) Outlays, $305,943,000,000.
Fiscal year 2007:
(A) New budget authority, $312,047,000,000.
(B) Outlays, $312,753,000,000.
Fiscal year 2008:
(A) New budget authority, $325,315,000,000.
(B) Outlays, $326,666,000,000.
Fiscal year 2009:
(A) New budget authority, $335,562,000,000.
(B) Outlays, $337,102,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $138,485,000,000 for the period of fiscal years 2000 through 2004, and $765,985,000,000 for the period of fiscal years 2000 through 2009; and

Mr. DODD. Mr. President, as I understand it, I have the right to modify my amendment.

The PRESIDING OFFICER. It takes unanimous consent, which has been granted.

Mr. DODD. Mr. President, this modification reduces the amount from $7.5 billion over 5 years to $5 billion on a child care block grant amendment. It is very simple. It is designed to help working families. The amendment increases the mandatory spending by $5 billion over 5 years. The offset comes from a reduction of the $800 billion tax bill by that amount.

This amendment also asserts in nonbinding language that if child care tax credits are expanded in future legislation, that they would be for stay-at-home parents as well as working parents, and that there would be a tax refundability so the poorer families would be able to take advantage of it.

The reason why this amendment on this concurrent resolution is so important is that if we do not provide additionally to the child care needs in the budget resolution, then there is no other opportunity for us to do it in the 106th Congress.

So this modest amount over 5 years, given the huge waiting lists that exist, the difficulty that working families have in meeting these costs, and providing that incentive as well for stay-at-home parents so they can get the benefit of it, I think justifies the adoption of it.

I am delighted to have as my cosponsors, Senator **JEFFORDS** of Vermont, Senator **REED** of Rhode Island, and others. I thank some of my Republican colleagues on the other side for their indication of support for this amendment as well.

Mr. President, I urge adoption of the amendment. I think it is a good one. I think it will help working families and their children get good and decent child care.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know how interested my friend from Connecticut is in this, and that he has lowered the amount. But I really think that we ought to stick with the format that we have been following here, and we ought not start taking money out of the tax cut to put into new programs.

I yield back my time and move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. **HUTCHINSON**), the Senator from Arizona (Mr. **MCCAIN**), and the Senator from Alabama (Mr. **SESSIONS**), are necessarily absent.

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—40

Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Cochran
Coverdell
Craig
Crapo
Domenici
Enzi
Fitzgerald
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roth
Santorum
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich

NAYS—57

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Frist
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—3

Hutchinson
McCain
Sessions

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 160), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I apologize to my colleagues for that vote being open as long as it was. We can't do that anymore if we are going to have any hope of finishing this.

I would like to ask all Senators to stay in the Chamber. We have reached an hour where I don't think it would be necessary to go back to your office or go to receptions. We still have a number of amendments that are pending. I know the whip is working those amendments on the Democratic side. We are working them over here.

I ask unanimous consent that for the next block of amendments—I think there are five of them in this block—the time for the votes be 6 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. There will need to be the 2 minutes equally divided between the amendments. If the Senators will stay in the Chamber, we can clear a number of amendments. Hopefully, we can move through this quickly. We will see if there is any chance to wrap this up tonight. We will not hold the votes open on this next block of votes.

Mr. REID. Mr. Leader, is there any requirement that the clerk read back every vote? That would save considerable time. Is there any need for that?

Mr. LOTT. Does the Senator mean the results of the vote?

Mr. REID. What happens is, midway through the votes they go over who voted for and against. Is there some requirement for that to be necessary?

Mr. BYRD. Mr. President, that has been done since the beginning of time. (Laughter.)

Mr. LAUTENBERG. That takes care of that.

Mr. LEAHY. I think it is going to continue, Mr. President.

Mr. BYRD. By unanimous consent—may I say with great respect to the Senate—by unanimous consent you can avoid the recapitulation, if you want to do that.

Mr. LOTT. Rather than changing the precedent, Mr. President, let me work with the leadership on both sides to see if we can't in some way expedite this as quickly as possible, maybe without calling the names. We will work on that.

Mr. BYRD. Will the majority leader yield to me?

Mr. LOTT. Yes.

Mr. BYRD. I will tell you how the leader can stop me from keeping everybody else here waiting. He can tell them up there to call the roll, and announce the results. And if he catches me off the floor once, I will take my lumps. I ought to be here, and not keep everybody else waiting. I have a wife who is 81 years old. I am 81 years old. She is there waiting on me. I am here. I think Senators ought to have a little compassion and respect for one another. If the leader will just teach us one time, for those who are not here when that announcement is made, they are going to show up as absent, that will break Senators from imposing on other Senators by being late for votes.

Mr. LOTT. We just did that. Two Senators just missed that last vote.

Stay in the Chamber. We are calling those votes after 6 minutes. Stay on the floor so we can begin the debate and voting.

AMENDMENT NO. 213, AS MODIFIED

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we have had a little bit of success in getting rid of some other amendments.

Amendment No. 213 needs a modification. Then it is ready. This has been approved on the other side.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 213), as modified, is as follows:

At the appropriate place, insert the following:

SEC. XX. SENSE OF THE SENATE REGARDING SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) as national crime rates are beginning to fall as a result of State and local efforts, with Federal support, it is important for the Federal Government to continue its support for State and local law enforcement;

(2) Federal support is crucial to the provision of critical crime fighting programs;

(3) Federal support is also essential to the provision of critical crime fighting services and the effective administration of justice in the States, such as State and local crime laboratories and medical examiners' offices;

(4) Current needs exceed the capacity of State and local crime laboratories to process their forensic examinations, resulting in tremendous backlogs that prevent the swift administration of justice and impede fundamental individual rights, such as the right to a speedy trial and to exculpatory evidence;

(5) last year, Congress passed the Crime Identification Technology Act of 1998, which authorizes $250,000,000 each year for 5 years to assist State and local law enforcement agencies in developing and integrating their anticrime technology systems, and in upgrading their forensic laboratories and information and communications infrastructures upon which these crime fighting systems rely; and

(6) the Federal Government must continue efforts to significantly reduce crime by

maintaining Federal funding for State and local law enforcement, and wisely targeting these resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) The amounts made available for fiscal year 2000 to assist State and local law enforcement efforts should be comparable to or greater than amounts made available for that purpose for fiscal year 1999;

(2) the amounts made available for fiscal year 2000 for crime technology programs should be used to further the purposes of the program under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); and

(3) Congress should consider legislation that specifically addresses the backlogs in State and local crime laboratories and medical examiners' offices.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 213), as modified, was agreed to.

AMENDMENT NO. 207, AS MODIFIED

Mr. DOMENICI. Amendment No. 207, which I tendered a while ago, has now been OK'd by the minority. I send it to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 207), as modified, is as follows:

(Purpose: To provide the Sense of the Senate regarding the need to pursue a rational adjustment to merger notification thresholds for small business and to ensure adequate funding for Antitrust Division of the Department of Justice)

At the appropriate place, insert the following new section:

"SEC. . SENSE OF THE SENATE ON MERGER ENFORCEMENT BY DEPARTMENT OF JUSTICE.

"(a) FINDINGS.—Congress finds that—

"(1) The Antitrust Division of the Department of Justice is charged with the civil and criminal enforcement of the antitrust laws, including review of corporate mergers likely to reduce competition in particular markets, with a goal to promote and protect the competitive process;

"(2) the Antitrust Division requests a 16 percent increase in funding for fiscal year 2000;

"(3) justification for such an increase is based, in part, increasingly numerous and complex merger filings pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976;

"(4) the Hart-Scott-Rodino Antitrust Improvements Act of 1976 sets value thresholds which trigger the requirement for filing premerger notification;

"(5) the number of merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, which the Department, in conjunction with the Federal Trade Commission, is required to review, increased by 38 percent in fiscal year 1998;

"(6) the Department expects the number of merger filings to increase in fiscal years 1999 and 2000;

"(7) the value thresholds, which relate to both the size of the companies involved and the size of the transaction, under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 have not been adjusted since passage of that Act.

"(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the Antitrust Division needs adequate resources and that the levels in this resolution assume the Division will have such adequate resources, including necessary increases in funding, notwithstanding any report language to the contrary, to enable it to meet its statutory requirements, including those related to reviewing and investigating increasingly numerous and complex mergers, but that Congress should pursue consideration of modest, budget neutral, adjustments to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to account for inflation in the value thresholds of the Act, and in so doing, ensure that the Antitrust Division's resources are focused on matters and transactions most deserving of the Division's attention.

Mr. HATCH. Mr. President, this amendment will put the Senate on record in two important areas.

The first is that, notwithstanding assumptions to the contrary, the Antitrust Division needs and should have adequate resources to enable it to meet its statutory requirements, including those related to reviewing and investigating increasingly numerous and complex mergers.

The second, is that Congress needs to review and pursue adjustments to the Hart-Scott-Rodino Antitrust Improvements Act of 1976. This second point, Mr. President, is an important one and one whose time is long overdue. The threshold values in this Act which trigger the requirement for businesses to file premerger notifications with government antitrust enforcers have not been changed, even for inflation, since 1976—23 years ago.

The overall purpose of the amendment is to ensure that the Antitrust Division's resources are focused on matters and transactions most deserving of the Division's attention, and to remove unnecessary regulatory and financial burdens on small businesses.

Mr. President, few would disagree that it is important to adequately fund the Antitrust Division of the Department of Justice. They are charged with the civil and criminal enforcement of the antitrust laws, including review of corporate mergers, in order to ensure that the consumer benefits from lower prices and better goods that come with vigorous competition in the marketplace. The interests of consumers must prevail over the political interests of some companies.

At our oversight hearing of the Justice Department several weeks ago, I asked Attorney General Reno whether she would work with us to review the value thresholds of the Hart-Scott-Rodino. It is my belief that adjustments to the value thresholds of Hart-Scott-Rodino are needed. They are needed to ensure that the Department's merger reviews take into account inflation and the true economic impact of mergers in today's economy—not in the economy of 1976. The Attorney General, and the Federal Trade Commission have pledged to work with us, and I look forward with working with the Administration to come up with a rational proposal that is a win-win for both the Department and small business.

Mr. President, let me just add that this amendment is not about one company, or one issue. It is about providing rational relief for some small businesses and supporting the enforcement of our laws.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 207), as modified, was agreed to.

AMENDMENT NO. 243, AS MODIFIED

Mr. DOMENICI. Mr. President, has Senator LAUTENBERG cleared amendment No. 243 of Senator HUTCHISON and Senator FEINSTEIN?

Mr. LAUTENBERG. Yes. That is fine.

Mr. DOMENICI. Mr. President, I send it to the desk. It is acceptable.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 243), as modified, is as follows:

AMENDMENT NO. 243, AS MODIFIED

(Purpose: Sense of the Senate to create a task force to pursue the creation of a natural disaster reserve fund)

At the appropriate place, insert:

It is the Sense of the Senate that a task force be created for the purpose of studying the possibility of creating a reserve fund for natural disasters. The task force should be composed of three Senators appointed by the majority leader, and two Senators appointed by the minority leader. The task force should also be composed of three members appointed by the speaker of the House, and two members appointed by minority leader in the House. It is the sense of the Senate that the task force make a report to the appropriate committees in Congress within 90 days of being convened. The report should be available for the purposes of consideration during comprehensive overhaul of budget procedures.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 243), as modified, was agreed to.

Mr. DOMENICI. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN, is recognized.

AMENDMENT NO. 178

Mr. DORGAN. Mr. President, the amendment we will consider next is an amendment which provides an opportunity to address the dire emergency that exists on American farms. All of us in this Chamber know that farm prices have collapsed. We also know that we face the prospect of losing tens of thousands, hundreds of thousands perhaps, of family farmers unless something is done to restore some price protection during this time.

The amendment I have offered is the only opportunity to do that. It provides room in this Budget Act for a $6-billion-per-year price protection opportunity.

In 1995, the budget resolution that we considered was the start of the change of farm programs to the new Freedom to Farm bill. In this budget resolution, we are trying to provide an opportunity to repair the deficiencies in that bill that stripped away much of the needed price protection.

This amendment I hope will be supported by my colleagues and give us the opportunity this year, after a midyear correction by the Congressional Budget Office, to use needed resources to help family farmers during their dire emergency.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have been keeping track on how much of the surplus we have spent. We spent $430 billion. If we adopt the Democratic amendment, this is $30 billion more. So the surplus would have had $460 billion already spent, if this amendment were adopted. We will increase the mandatory expenditures under agriculture from about $39 billion, to $40 billion, to $75 billion. That will be fixed and permanent, because it is an entitlement. And actually there are many who say this agriculture economy will recover in a couple of years. Yet, we have this built in for 5 years.

I don't think we ought to do this tonight. There is ample time to consider.

I remind you that the President didn't ask for one nickel. We put $6 billion new money in, and now this is $30 billion more.

I move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCain) and the Senator from Wyoming (Mr. Thomas), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—2

McCain
Thomas

The motion to lay on the table the amendment (No. 178) was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, that vote took 10½ minutes, but I know there were some Senators who were not aware we got consent to limit these votes to 6 minutes. Again, I urge all Senators to remain in the Chamber or in the Cloakroom at the furthest distance. The next vote will cut off after 6 minutes.

I yield the floor.

AMENDMENT NO. 240

Mr. DOMENICI. Mr. President, I understand the Ashcroft amendment, No. 240, has been cleared on the other side. It is at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 240) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, Senator Snowe's amendment is next.

Mr. LAUTENBERG addressed the Chair.

Mr. DOMENICI. Senator Snowe's amendment No. 242 is the one that is up.

The PRESIDING OFFICER. The Chair, on its own motion, observes the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

AMENDMENT NO. 166 WITHDRAWN

The PRESIDING OFFICER. The next amendment is the Lautenberg amendment, No. 166.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I am withdrawing amendment No. 166.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 166) was withdrawn.

AMENDMENT NO. 232

The PRESIDING OFFICER. The next amendment is the Snowe amendment, No. 232. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, in contrast to the President's budget, we do have a means by which to create a provision for a prescription drug benefit program in the budget resolution. We created a reserve fund in the Budget Committee that was supported by an overwhelmingly bipartisan vote, 21 to 1.

Mr. President, the reserve fund that is included in the budget resolution for the purposes of financing a prescription drug benefit program was supported overwhelmingly by the members of the committee on a bipartisan basis, a 21-to-1 vote.

The amendment I am offering, along with Senator Wyden, as well as cosponsor Senator Smith of Oregon, is to expand and create a funding mechanism that will ensure and guarantee the funding of a prescription drug benefit program. We think it is important to ensure that we have this benefit program for our Nation's senior citizens. It is contingent upon a reform package being reported out of the Senate Finance Committee to extend the solvency of the Medicare program. The funding mechanism would be an increase in the tobacco taxes.

I think it is an appropriate linkage between Medicare and tobacco taxes. A recent study shows, in fact, that $25 billion was the cost to the Medicare program as a result of tobacco-related illnesses.

Mr. President, the amendment I am offering along with my good friends and colleagues from Oregon, Senators Wyden and Gordon Smith, would expand the reserve fund that is found in section 209 of the budget resolution. Specifically, our amendment would allow new tobacco taxes to be used as an offset for the new Medicare prescription drug benefit that this reserve fund would create.

Mr. President, as I stated on the floor yesterday, I believe that one of the most critical items included in this year's Senate budget resolution is the reserve fund for Medicare and prescription drugs.

Put simply, this reserve fund—that was adopted with the support of all 10 Democratic members on the Budget Committee—will provide the Congress with a critically needed opportunity to address an issue that has been highlighted repeatedly of late: the long-term solvency of Medicare and a means to fund a new Medicare prescription drug benefit.

In light of the recent disappointing conclusion of deliberations by the Bipartisan Commission on Medicare—where the final vote for a recommendation failed by a singe vote—I can think of no provision more critical to moving these issues forward in the aftermath of that Commission's work than the reserve fund contained in the Senate budget resolution.

Specifically, the reserve fund already contained in the budget resolution will allow for the creation of a new Medicare prescription drug benefit. This reserve fund will be available for any Medicare legislation reported from the Senate Finance Committee that significantly extends the solvency of the Medicare Trust Fund in a meaningful and legitimate manner beyond its current insolvency date of 2008.

However, to ensure our ability to tap the reserve fund is not unduly restricted or that legislation is not stalled in the Finance Committee due to a particular solvency date not being achieved, the reserve fund intentionally provides no specific target date for extending the program's solvency. Rather, it simply requires that the added solvency be "significant" with no gimmicks to simply increase the "paper balance" of the trust fund. Specifically, the President's proposal to artificially increase the number of IOUs held by the Medicare Trust Fund would be precluded.

Also of critical importance, the reserve fund explicitly provides for the funding of a new Medicare prescription drug benefit that could be funded with a portion of on-budget surpluses that have been set-aside in the Chairman's budget. The on-budget surplus currently set-aside in the budget totals $132 billion over the coming 10 years, so up to this amount of monies could be utilized for the prescription drug benefit.

Given the fact that prescription drug coverage proved to be one of the most divisive issues during the Bipartisan Commission's deliberations, this reserve fund will ensure that this critically needed addition to the Medicare program is not blocked from consideration when legislation to strengthen Medicare is considered on the floor. Furthermore, it serves as a much needed "carrot-and-stick" for getting Congress and the President to develop a comprehensive plan to strengthen Medicare soon—not put it off until the day of reckoning in 2008 is nearly upon us.

Mr. President, there are many issues where members of the Senate may disagree, but there is one stark fact—the fact that the Medicare Part A Trust Fund will be broke within 10 years—which everyone in this room must accept. Therefore, since solutions will likely become draconian the longer we wait to take meaningful steps to strengthen the program, we must not wait any longer to take action to credibly extend the solvency of the Medicare Trust Fund and improve the Medicare program overall.

As my colleagues are aware, we didn't get a proposal out of the Bipartisan Medicare Commission despite the best efforts of several members of this body. But that "hung jury" decision does not mean we can simply ignore the fact that the Medicare program—which is the program more then 38 million elderly Americans rely on for their health care—is going broke.

Fortunately, the Senate Finance Committee is already taking action, beginning with a series of hearings that began last week on the Commission's majority-supported proposal, and speculation that a markup of Medicare-related legislation could occur in the not-too-distant future. In addition, the President—who was accused of preventing the Commission from getting the final, crucial vote necessary to report a recommendation—has now said that he will send us his own proposal soon.

Mr. President, the reserve fund already included in the Senate budget resolution will facilitate this process by allowing the Congress to take up the President's forthcoming proposal or any other proposal reported by the Senate Finance Committee that credibly addresses Medicare's needs. That, alone, is a critical step forward since we can no longer leave our seniors worrying that our failure to take action will leave them without access to health care. Because when the Trust Fund runs dry there is no health care—none—for many of our nation's senior citizens.

Even as the reserve fund will help spur action on legislation to credibly extend the solvency of the Medicare program, it will also allow us to take a critical step in improving and updating the Medicare system: the addition of a meaningful Medicare prescription drug benefit. I believe this addition is, unquestionably, the most significant we could make to Medicare as we seek to strengthen the system.

Mr. President, the need for this new benefit could not be more clear. When Medicare was created in 1965 it followed the private health insurance model of the time—inpatient health care. Today, thirty-four years later, it is sadly out of date and it is time to bring Medicare "back to the future" by providing our seniors with prescription drug coverage.

The lack of a prescription drug coverage benefit is the biggest hole—a black hole really—in the Medicare system. HCFA will tell you that up to 65 percent of Medicare beneficiaries have drug coverage from other sources. But that number simply doesn't tell the whole story.

Specifically, fourteen percent of Medicare beneficiaries get drug coverage from one of the three Medigap policies that cover drugs. Two of these policies require a $250 deductible and then only cover 50 percent of the cost of the drug with a $1,250 cap. Needless to say, you can run up against that cap pretty fast with today's drug prices.

The third policy provides a cap of $3,000 but the premium ranges anywhere from $1,699 to $3,171 depending on where you live. That is a lot of money for someone living on a fixed income.

An estimated 8 percent get drug coverage from participating in Medicare HMOs and another 16 percent receive coverage from Medicaid. Of course to do that, they must be very low-income to begin with and may have to spend a great deal out of pocket for their drugs—what we commonly refer to as spending down—before they are eligible in a given year for coverage. Finally there are those lucky enough—29 percent—to have employer sponsored drug coverage through their retiree program.

Mr. President, drug coverage should be part and parcel of the Medicare system, not a patchwork system where some get coverage and some don't. Prescription drug coverage shouldn't be a "fringe benefit" available only to those wealthy enough or poor enough to obtain coverage—it should be part and parcel of the Medicare system that will see today's seniors, and tomorrow's into the 21st Century.

In light of this glaring need for prescription drug coverage, I will be working with senior citizens groups and health care experts over the coming weeks to develop bipartisan legislation with Senator WYDEN and others that will provide Medicare recipients with a comprehensive Medicare prescription drug coverage benefit that could be included in any forthcoming package to strengthen Medicare.

The focus of my proposal will be to provide senior citizens with actual coverage for prescription drugs. Put simply, even if we attempt to control the prices of drugs that are needed by senior citizens, that does not guarantee many of these individuals will be able to afford those prices. That's why a new benefit is so critical.

Although the details of my prescription drug coverage proposal will be developed over the coming weeks, there are several broad principles that I anticipate will be included in the Snowe-Wyden package:

First, this package will not be part of Medicare Part A, and therefore will have no direct impact on the solvency of the Medicare Trust Fund. Like my colleagues, I am gravely concerned about the solvency of the Medicare Trust Fund and believe that issue must be addressed in a comprehensive, bipartisan manner. Therefore, I believe it would be irresponsible to propose a new benefit in the Trust Fund that would further jeopardize its solvency in future years, and will propose that my new benefit package be outside the Trust Fund accordingly.

Second, while the details of our legislation will ultimately be crafted during bipartisan negotiations with interested groups and health care experts, the drug benefit package will be comprehensive and ensure that all seniors have prescription drug coverage.

Third, while the cost of this proposal will ultimately be determined by the benefit package that is crafted, our proposal will be fully-offset. While my colleagues are aware that the cost of this coverage varies widely depending on the size and scope of the benefit, I believe it would be irresponsible to create any new benefit without paying for it. Accordingly, the primary offset for our package will be an increase in the tobacco tax.

As my colleagues are aware, President Clinton's FY 2000 budget proposal included a 55-cent per pack increase in the cost of cigarettes and an acceleration of the 15-cent per pack increase contained in the 1997 Balanced Budget Agreement. The Joint Tax Committee estimates that the combined revenues of these two proposals would be $36 billion over 5 years, and $70 billion over 10 years.

Interestingly, instead of applying these new revenues to Medicare or a new prescription drug benefit, the President proposes that these tobacco tax revenues be used to offset increases in discretionary spending. Because tax increases are not allowed to offset discretionary spending under the Budget Act, these improper offsets contribute to the President's budget being in violation of the spending limits agreed to just two years ago by $30 billion in FY 2000.

At the same time, the President's budget also fails to provide a single penny for a prescription drug benefit—or even a mechanism to provide monies for such a benefit—after touting the need for prescription drug coverage in the State of the Union address.

In light of this deficiency in the President's budget, the bipartisan proposal I will be crafting with Senator WYDEN will not only create a fully-funded prescription drug benefit, but it will also utilize the proposed tax increase for tobacco contained in the President's budget. Ultimately, it is my hope that the President will recognize that these monies would be best spent on Medicare, and will support our effort accordingly.

Mr. President, the rationale for linking tobacco taxes and Medicare is clear. As outlined in a study by Columbia University, smoking-related illnesses cost the Medicare program $25.5 billion in 1994 alone—a full 14 percent of Medicare's costs in that year.

In fact, as the chart behind me indicates, of the various forms of substance abuse that affect the Medicare program, tobacco-related illnesses accounted for 80% of the $32 billion in total substance abuse costs in 1994. Therefore, dedicating tobacco revenues to Medicare will allow the program to recapture some of the monies it is losing to tobacco.

In particular, the proposal I will be developing with Senator WYDEN will demonstrate how new tobacco monies could be shifted to Medicare and then targeted to the new prescription drug benefit for seniors.

To accommodate the proposal we will be crafting—and the tobacco offset it will contain in particular—the amendment I am offering today will ensure that tobacco tax revenues are among the funding options provided for in the new reserve fund for prescription drugs.

While I am pleased that remaining on-budget surpluses are already an allowable offset in the reserve fund, I believe it is only appropriate that tobacco taxes also be an allowed offset. Not only because this offset be used in the prescription drug package I will be developing with Senator WYDEN, but because of the direct link between tobacco and the Medicare program.

As mentioned, a study by the National Center on Addiction and Substance Abuse at Columbia University found that the cost of tobacco-related illnesses on the Medicare program totaled $25.5 billion in 1994, or 14% of the total expenditures of the Medicare program.

Assuming this percent holds as true today as it did five years ago—and there is no reason to assume otherwise—the impact of tobacco on Medicare is astounding. With CBO projecting Medicare expenditures of $220 billion in the current fiscal year, tobacco-related health care expenses would total upward of $30.8 billion in 1999 alone using the 14 percent assumption. Over the coming years, these numbers will only escalate:

$32.5 billion in 2000.

$34.7 billion in 2001.

$36 billion in 2002.

And $39.5 billion in 2003.

In fact, if tobacco-related illnesses continue to cost the Medicare program 14 percent of its total expenditures, these expenses will total $62.6 billion in the year 2009. All told, tobacco-related illnesses would cost the Medicare program $486 billion from 1999 to 2009!

Mr. President, in light of the impact of tobacco on the Medicare program, I can think of no reason why new tobacco revenues should not be returned to the Medicare program and used to fund a new prescription drug benefit. Along with our efforts to keep the program solvent well beyond 2008, this new benefit is arguably the most pressing need of our nation's senior citizens in the Medicare program. By linking the two issues in the reserve fund I have created, we can and should do both.

Mr. President, while I know that many of my colleagues may not support a tobacco tax increase, I urge that they seriously consider the impact of tobacco-related illnesses on Medicare. My amendment is not an effort to simply pass a tobacco tax for the sake of doing it. Rather, it's about recouping a limited portion of the monies tobacco costs the Medicare program every year, and devoting these monies to a program within Medicare that benefits senior citizens.

The bottom line is that the reserve fund already included in the budget will help facilitate the consideration of Medicare legislation by laying the groundwork for a new Medicare prescription drug benefit that may not otherwise be available. While it would already allow remaining on-budget surpluses to be used for this new benefit, the amendment I am offering today will ensure that another funding source is also available.

Ultimately, the true benefit of adopting my amendment is that it will ensure a new Medicare prescription drug benefit that utilizes tobacco revenues can be offered with only a simple majority vote being required for its adoption. Without this provision, a point of order would lie against such a proposal, and 60 votes would be required to waive the point of order. While not an impossible hurdle, it nevertheless raises the bar on an offset that I believe is wholly appropriate for the issue at hand.

Again, I do not expect that all of my colleagues will support the prescription drug benefit bill that Senator WYDEN and I will be crafting. But I would hope that my colleagues would see the legitimate link between Medicare and tobacco, and will at least vote today to allow this offset to be considered without a supermajority vote in the future.

The reserve fund already contained in the budget resolution is a critical step in the right direction that may ultimately ensure legislation to genuinely strengthen Medicare will move in the Congress. And the amendment we are offering will simply bring one more legitimate, related offset into the mix of available options as that package is crafted in the Congress.

Mr. President, I believe the cost of Medicare prescription drugs constitutes a crisis for our senior citizens. While the President expressed support for such a benefit in the State of the Union, he failed to deliver anything for it in his budget proposal, just as he seemingly failed to assist the Commission in doing their job: sending this Congress a bipartisan Medicare reform proposal.

Despite the President's lack of courage on these issues—or willingness to put substance behind his State of the Union rhetoric—I believe it is critical that we make it possible to strengthen and improve Medicare in the Congress. The reserve fund already contained in the budget may be our best hope to repair and improve the Medicare program. It will allow it to be one of our finest accomplishments in the 106th Congress—not a political punching bag that delivers nothing of value to our deliberations or to our nation's elderly. And the amendment we are offering today will only make the reserve fund better.

Therefore, I urge that my colleagues support our amendment, and work to improve the Medicare "enabling" reserve fund already contained in the budget.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I raise a point of order against the pending amendment, No. 232, offered by Senator SNOWE. The language is not germane to the budget resolution before us.

Therefore, I raise the point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

MOTION TO WAIVE THE BUDGET ACT

Mr. WYDEN. Mr. President, can we waive it at this time? I move to waive it at this time.

The PRESIDING OFFICER. The Senator from Oregon has moved to waive the budget point of order. The question is on agreeing to the motion to waive the budget point of order.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. This is a 6-minute rollcall vote.

The PRESIDING OFFICER. The Chair will inform the Senate this is a 6-minute rollcall.

The question is on agreeing to the motion to waive the budget point of order in relation to the Snowe amendment No. 232.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—54

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Torricelli
Wellstone
Wyden

NAYS—44

Allard
Ashcroft
Bayh
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
Domenici
Edwards
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Sessions
Shelby
Smith (NH)
Stevens
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

McCain
Thomas

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 195

Mr. KENNEDY. Mr. President, this is a sense of the Senate that we ought to go on record for an increase in the minimum wage. This Nation is having unprecedented prosperity. We have the lowest unemployment that we have had in 30 years, the lowest rates of inflation. Still, we have 11 million minimum-wage workers. And a minimum-wage working family of three is still $3,000 less than the poverty income for a family of three.

This is an issue that affects women. It is an issue that affects children. It is an issue that affects families. No one in the United States of America who works for a living ought to live in poverty.

We hope now to have a sense of the Senate that we will increase the minimum wage 50 cents this year and 50 cents next year. That is what the Daschle amendment does, and this is a sense of the Senate to support it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment is not germane under the budget. I make a point of order that it is not germane.

MOTION TO WAIVE THE BUDGET ACT

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that Act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays having been ordered, the vote is on the motion to waive.

Mr. KENNEDY. Could I ask the Parliamentarian, an "aye" vote would be to?

The PRESIDING OFFICER. An "aye" vote would be to waive the budget point of order.

Mr. KENNEDY. Thank you.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Congressional Budget Act in relation to the Kennedy amendment No. 195. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce the Senator from Arizona Mr. McCAIN and the Senator from Wyoming Mr. THOMAS are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 53, as follows:

[ROLLCALL VOTE NO. 77 LEG.]

YEAS—45

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (OR)
Specter
Torricelli
Wellstone
Wyden

NAYS—53

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Stevens
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

McCain
Thomas

The PRESIDING OFFICER. On this vote the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 208, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment I now send to the desk for Senator ENZI, numbered 208, be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 208), as modified, is as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON ELIMINATING THE MARRIAGE PENALTY AND ACROSS THE BOARD INCOME TAX RATE CUTS.

(a) FINDINGS.—The Senate finds that—

(1) The institution of marriage is the cornerstone of the family and civil society;

(2) Strengthening of the marriage commitment and the family is an indispensable step in the renewal of America's culture;

(3) The Federal income tax punishes marriage by imposing a greater tax burden on married couples than on their single counterparts;

(4) America's tax code should give each married couple the choice to be treated as one economic unit, regardless of which spouse earns the income; and

(5) All American taxpayers are responsible for any budget surplus and deserve broad-based tax relief after the Social Security Trust fund has been protected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should eliminate the marriage penalty in a manner that treats all married couples equally, regardless of which spouse earns the income; and

AMENDMENT NO. 205, AS MODIFIED

Mr. DOMENICI. I ask unanimous consent that the amendment I send to the desk for Senator LANDRIEU, numbered 205, be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 205) as modified, is as follows:

On page 46, after line 10, add a new subsection (c) that reads as follows:

(c) LIMITATION.—This reserve fund will give priority to the following types of tax relief:

(1) Tax relief to help working families afford child care, including assistance for families with a parent staying out of the workforce in order to care for young children;

(2) Tax relief to help individuals and their families afford the expense of long-term health care;

(3) Tax relief to ease the tax code's marriage penalties on working families;

(4) Any other individual tax relief targeted exclusively for families in the bottom 90 percent of the family income distribution;

(5) The extension of the Research and Experimentation tax credit, the Work Opportunity tax credit, and other expiring tax provisions, a number of which are important to help American businesses compete in the modern international economy and to help bring the benefits of a strong economy to disadvantaged individuals and communities;

(6) Tax incentives to help small businesses; and

(7) Tax relief provided by accelerating the increase in the deductibility of health insurance premiums for the self-employed.

AMENDMENT NOS. 208, AS MODIFIED; 205, AS MODIFIED; 202, AND 171, EN BLOC

Mr. DOMENICI. I want to clear some amendments for immediate consideration: Senator ENZI, 208, as modified; 205, Senator LANDRIEU, as modified; 202, Senator BIDEN; and 171, Senator BOXER. These have been cleared with the other side.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 208, as modified; 205, as modified; 202 and 171) were agreed to.

AMENDMENT NO. 202

Mr. BIDEN. Mr. President, the amendment I offer to the budget resolution would express the Senate's intention to give high priority to embassy security.

As was underscored by the tragic embassy bombings in East Africa last August, our embassies overseas are highly vulnerable to terrorist attack. Following the bombings, the Secretary of State ordered a worldwide review of the current security situation.

According to testimony provided by the Department of State to the Committee on Foreign Relations, over 80 percent of U.S. embassies and consulates have less than the required 100-foot setback from the street, and many missions are in desperate need of greater security improvements.

As required by law, the Secretary also convened "Accountability Review Boards" to examine the bombings. The Boards, chaired by retired Admiral William Crowe, concluded that the United States must—

> undertake a comprehensive and long-term strategy for protecting American officials overseas, including sustained funding for enhanced security measures, for long-term costs for increased security personnel, and for a capital building program based on an assessment of requirements to meet the new range of global terrorist threats. This must include substantial budgetary appropriations of approximately $1.4 billion per year maintained over a ten-year period. . .Additional funds for security must be obtained without diverting funds from our major foreign affairs programs.

Last fall, Congress provided $1.4 billion in supplemental appropriations to address the security situation.

But as the conclusions of the Crowe panels underscored, this was just a down payment.

In his budget request, the President requested an additional $300 million in security enhancements in Fiscal Year 2000, and advance appropriations totaling $3 billion from Fiscal 2001 to 2005 for an embassy construction program. I believe this amount is insufficient, a concern echoed by many members of the Committee on Foreign Relations during a hearing held on March 11.

We must recognize, as the Crowe panels did, that the kind of money required to enhance embassy security cannot be borne within the current State Department budget.

For example, the $1.4 billion in annual spending recommended by the Crowe panels amounts to more than one-third of the operating budget of the Department requested for Fiscal 2000. We are kidding ourselves to suggest that these resources can be found within the existing State Department budget.

It should be emphasized that funding for embassy security benefits the entire federal government. Embassies are not merely foreign outposts of the Department of State. They are platforms for the representation of American interests.

Everyone should recognize this essential fact: nearly two-thirds of the personnel in our embassies are from departments other than the State Department. They are from all over the government—the Commerce Department, the Agriculture Department, the Department of Defense, even the Federal Aviation Administration. In sum, embassy security is a government-wide imperative, for which the State Department should not bear an undue funding burden.

Mr. President, the bottom line is this: security costs money, and we cannot pinch pennies. We send our people overseas to do a job. They are on the front lines of our national defense, representing our interests.

It is our duty to do that all that we reasonably can to protect them. And if we fail to protect our embassies, the costs will be not just in lives lost. They will be in wars not prevented, in narcotics trafficking unchecked, and in American jobs lost due to trade opportunities unattained.

So I hope my colleagues will recognize the importance of embassy security as a high priority and support my amendment.

AMENDMENT NO. 204 WITHDRAWN

Mr. DOMENICI. Mr. President, we are withdrawing an amendment of Senator BIDEN numbered 204.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 204) was withdrawn.

Mr. DOMENICI. Mr. President, how long did the last vote take?

The PRESIDING OFFICER. The last vote took about 11½ minutes.

Mr. DOMENICI. We will have some additional votes. I ask unanimous consent that the following amendments be the next amendments to be debated and voted on as provided for under the previous agreement: Senator HOLLINGS 174, current services; Senator ROBB 181, strike pay-go; Senator LAUTENBERG 183, school modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 174

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, this continues current policy and uses the surplus moneys to pay down the debt. This amendment by Senator BOB KERREY and myself uses what surplus there is over the budget period to pay down the debt.

Members might say, Was this not the amendment of Senator VOINOVICH which we voted on? Senator VOINOVICH uses Chairman DOMENICI's mark; I use the mark of the Congressional Budget Office.

We call this the Greenspan amendment because Senator SARBANES was questioning the record of the Federal

Reserve. He said, How do you save that surplus? How do you keep it from getting spent? Mr. Greenspan said, "What happens is, you do nothing." In other words, you take this year's budget, we are doing fine. We have growth, low unemployment, low inflation rate, and truly pay down the debt.

All of these others talk about it, but there is so much spending and tax cuts, you will never get any debt paid down. This, when it is paid down, will lower the interest costs which will get everybody a real tax cut.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment wipes out the tax cut in its entirety, wipes out the $6 billion we added for the agricultural community, establishes a freeze, and then after that, it goes up to current services. The first two points are the most important.

I don't believe we ought to adopt this amendment, after all we have gone through in trying to provide some tax cuts for the American people.

I yield back any time I might have.

Mr. HOLLINGS. Mr. President, I yield back my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—24

Akaka
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Dodd
Dorgan
Feingold
Graham
Harkin
Hollings
Inouye
Kerrey
Kohl
Lautenberg
Leahy
Lincoln
Mikulski
Reid
Robb
Specter
Voinovich

NAYS—74

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kyl
Landrieu
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Murray
Nickles
Reed
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

McCain
Thomas

The amendment (No. 174) was rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, as the Senate debates the Fiscal Year 2000 Budget Resolution, I believe it is important that we keep in mind the statement by General Shelton, the Chairman of the Joint Chiefs of Staff, at the Senate Armed Services Committee on September 29, 1999.

"It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day."

Although we have the best soldiers, sailors, airmen and Marines, all their professionalism is for naught if they do not have the equipment, weapons and supplies to carry out their mission. Since the end of Operation Desert Storm, which reflected both the professionalism and material quality of our Armed Forces, the defense budget has declined by $80 billion. Yet the pace of the military operations has not declined, in fact the pace of operations exceeds that of the Cold War era. Not only are the men and women of our military stretched to the limits, but also their equipment. The Air Force Chief of Staff testified that "Next year, the average age of our aircraft will be 20 years old . . ." General Reimer, the Chief of Staff of the Army, stated: "Mortgaging our modernization accounts did not come without cost. By FY98, Army procurement had declined 73 percent, reaching its lowest level since 1959." Mr. President, each of the other service chiefs had similar quotations. These quotes paint a dismal picture of our Armed Forces' readiness and are the challenge to the Congress to increase funding for the Department of Defense.

The Fiscal Year 2000 Budget resolution proposed by the able Chairman of the Budget Committee, Senator DOMENICI, increases the budget authority for defense by $8.3 billion over the Administration's request. I congratulate the Budget Committee on this decisive demonstration of support for our Armed Forces. However, this show of support is diminished by the fact that the Budget Committee reduced the outlays for Fiscal Year 2000 by $8.7 billion. This reduction coupled with the already existing outlay problem, will result in a reduction to the budget authority levels in the $280.5 billion budget request.

Mr. President, I want to urge Senator DOMENICI, to work with Chairman WARNER and Chairman STEVENS, to resolve this outlay problem before we act on this Resolution. We must not leave the false impression that the increase in the budget authority proposed in this resolution will result in increased security for our Nation. Thank you, Mr. President.

Mr. BYRD. Mr. President, in the report accompanying the budget resolution now before the Senate (Senate Report 106–27), the first paragraph on page seven contains this statement:

> A budget resolution is a fiscal blueprint, a guide, a roadmap, that the Congress develops to direct the course of federal tax and spending legislation. It is a set of aggregate spending and revenue numbers covering the twenty broad functional areas of the government, over a long-term fiscal horizon. It is less than substantive law, but is much more than a sense of the Congress resolution.

Unfortunately, this budget resolution, this guide, this blueprint, is a roadmap which, if followed for the next ten years, will wreak untold devastation. Having just achieved the first year with a unified budget surplus ($70 billion) in thirty years, last September 30—the end of Fiscal Year 1998—and having been unable to pass a congressional budget resolution for this fiscal year, Fiscal Year 1999, at all, we now have before the Senate not the usual five-year budget resolution, but a much more ambitious ten-year budget to carry us for the period fiscal years 2000–2009. Over that period, we are told by the Congressional Budget Office that unified budget surpluses will total just over $2.5 trillion. Of that amount, Social Security surpluses make up some $1.8 trillion, or 72 percent. Non-Social Security surpluses, according to CBO, will total $787 billion over that period. For fiscal year 2000, there is, in fact, a non-social security deficit of some $7 billion. That is, there would be no surplus at all in Fiscal Year 2000 except in the Social Security Trust Fund.

What does the blueprint now before the Senate, the Republican budget resolution, propose that we do with these multi-trillion-dollar surpluses? Keep in mind that these are only projections; they are not real, and we will not know until after the fact as to whether any of the surpluses projected for any of these 10 years will come to pass. No human being can ever project accurately what Federal revenues or Federal spending will be. No one can know what interest rates will be, or unemployment, or GDP growth. We have had tremendous variances historically with CBO projections, even within one year. To count on their projections for not one, not five, but for 10 years is extremely unwise.

But, let us look at the budget resolution now before the Senate. This budget resolution proposes a Federal tax cut which, according to the committee's report, will approximate $142 billion over the next five years, and $778 billion over the next 10 years. The resolution includes a reconciliation instruction to the tax writing committees instructing them to report out these huge tax cuts in a reconciliation bill. Pursuant to that reconciliation instruction, a tax bill of the magnitude contained in the resolution, some $800 billion, will be before the Senate later this year. If enacted and signed by the President, those tax cuts will go into effect regardless of whether any of the projected surpluses take place.

This is the height of irresponsibility. Just when we have succeeded in turning the corner on the multi-hundred-billion-dollar annual deficits of the 1980's, here comes the Republican budget resolution saying let us take the as-yet, unachieved future budget surpluses and cut Federal revenues now, whether or not those surpluses ever occur.

On that basis alone, if for no other reason, I urge Senators to oppose this budget resolution.

But, that is not the only problem we find in this blueprint. There is the question of the levels of discretionary spending that will be made available over the next 10 years if we follow this budget resolution.

It is well known that the 1997 Balanced Budget Act placed severe constraints on discretionary spending for the period 1998-2002. Those caps were considered necessary in order to help rid ourselves of the annual Federal budget deficits and achieve surpluses. Nevertheless, it is my view that the discretionary caps for 2000, as well as for the following two years—2001 and 2002—are too tight and will require massive cuts which should not be undertaken at the same time we are providing the huge tax cuts which I have just described.

This resolution calls for funding non-defense discretionary programs in Fiscal Year 2000 at a level of $246 billion, a cut of more than $20 billion, or 7.5 percent, below the present year. To make matters worse, the pending budget resolution would provide increases for a handful of favored programs, such as health, education, and other popular priorities. These plus-ups would mean that other vital, yet unprotected programs, would face cuts of more than 11 percent in Fiscal Year 2000. Cuts of that magnitude, according to the Office of Management and Budget, would affect vital programs such as the following: food safety would be undermined with the lay-off of an estimated 1,000 meat and poultry inspectors; Head Start funding would be cut in excess of $1 billion—cutting services to as many as 100,000 children; the FBI would be cut $337 million, which could result in a reduction of 2,700 FBI agents and support personnel; more than 2,200 air traffic controller positions would be cut; IRS Customer Service would suffer a reduction of 5,000 employees; the number of students in the Work Study Program would decrease by 112,000; and the list goes on and on throughout the entire Federal Government.

While making these cuts in vital human and physical infrastructure programs across the nation, this budget resolution would increase defense by $18 billion above a freeze in Fiscal Year 2000. Yet, even with this large increase in budget authority, the resolution comes nowhere near covering the outlays that would be necessary to fund the recently-passed pay increase for the military.

Mr. President, we are on a collision course, once again, when it comes to passing the thirteen annual appropriation bills. If you liked the omnibus appropriations monstrosity that was necessary to complete action on Fiscal Year 1999 appropriation bills, wait until you see the super-monstrosity that I believe will be necessary for Fiscal Year 2000, if we fail to provide relief from the massive cuts that I have just described.

You ain't seen nothin' yet!

And, as if Fiscal Year 2000 were not enough, the problems only worsen in the subsequent years. By 2004, OMB projects that this budget resolution would require cuts in non-defense discretionary programs of as much as 27 percent below a freeze. Furthermore, the current statutory discretionary spending caps expire in 2002 but, under this budget resolution, the cuts to non-defense discretionary programs would deepen to 29 percent by 2009, as non-defense discretionary spending would remain substantially below inflation each year through 2009.

In conclusion, while I appreciate the difficulties faced by the Budget Committee chairman, Mr. DOMENICI, for whom I have great respect, in crafting this budget resolution, I nevertheless have concluded that it is a roadmap leading us back to the 1980's—a period when we saw trillions of dollars of tax cuts enacted by the Reagan administration, based on faulty projections of budget surpluses which never came to pass, as well as spending cuts which were too extreme and likwise never occurred. Consequently, once those tax cuts were enacted, we entered a period of unprecedented budget deficits with their accompanying tripling of the national debt and the interest on that debt rose to where it is today—a level of almost $1 billion per day. We have turned the corner after many years of hard work and a number of deficit reduction packages. We appear to be headed to a time of budget surpluses which should be used for reducing the debt and providing necessary increases in our national physical and human infrastructure that are so vital to the 21st Century.

I urge my colleagues to join me in rejecting this ill-conceived journey along the road back to a repeat of the budgetary disasters of the 1980's. Surely we can do better than this.

Mr. NICKLES. Mr. President, since taking control of Congress in the 1994 elections, the Republican majority has delivered on their promise to balance the federal budget. The Congressional Budget Office says that this year the unified federal budget will have a surplus of $111 billion. Over the next 5 years, these surpluses will total nearly $912 billion. Of the total surplus, $768 billion is attributable to Social Security, and $144 billion in attributable to the rest of the government.

The Republican majority has also delivered the tax relief we promised. In 1997, we passed the largest tax cut in 16 years, which is bringing significant relief to taxpayers this year, including a $400 per child tax credit (rising to $500 next year), a 20% capital gains rate, expanded IRAs, and tax credits and savings incentives for education. We also enacted a landmark IRS reform bill, eliminated President's Clinton's 18-month holding period on capital gains, and passed an expansion of Education Savings Accounts.

The fiscal year 2000 budget we are now considering will build upon these successes. Our budget is based on three principles:

1. Devote the entire Social Security surplus ($768 billion over 5 years) to debt reduction, thus saving it for Social Security reform,

2. Maintain the fiscal discipline of the 1997 Bipartisan Balanced Budget Agreement by sticking to the discretionary spending caps, and

3. Return the "rest of government" surplus ($144 billion over 5 years) to working Americans in tax cuts.

Mr. President, our budget is radically different from the one proposed last month by President Clinton.

In his 1998 State of the Union address, the President said, "Tonight I propose that we reserve 100 percent of the surplus, that is every penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the 21st century."

However, according to CBO, the President's budget spends $58 billion of the Social Security surplus this year, and $253 billion over the next five years. Even if you "credit" the President's proposal to purchase equities for the Social Security trust fund, he still spends $40 billion of the Social Security surplus this year, and $158 billion over the next five years.

President Clinton's proposal to save Social Security by "devoting" 62 percent of the budget surplus to it is a scam. The President would deposit $446 billion in IOU's into the Social Security trust fund, on top of the $768 billion that would be deposited there anyway. White House officials admit the President's plan does not extend by one day the year (2013) when Social Security benefits will begin to exceed payroll taxes.

Additionally, the President's budget includes a Medicare scam based on the same faulty logic as the Social Security scam. The President would transfer $123 billion of the surplus to the Medicare trust fund over the next five years. Again, the practical effect of this transfer is nothing more than more IOU's in the trust fund. And the Medicare prescription drug benefit, a huge applause line in the State of the Union, is nowhere to be found in the budget.

Other new programs touted in the President's State of the Union address, such as the promise for Universal Savings Accounts, are also nowhere to be found in his budget. The Secretary of the Treasury has said that the USA accounts are a tax cut, but it is becoming clear that the program will involve a progressive, refundable income tax credit totaling $96 billion over 5 years, $272 billion over 10 years. This massive welfare expansion will nearly double what we will already spend on the EIC program, $139 billion over 5 years, and $293 billion over 10 years. Secretary Rubin has also hinted that USA accounts will likely be limited to persons without employer-provided pension programs, and that anyone making over $100,000 will not be able to participate.

Further, despite claims of "enormous debt reduction", CBO says the debt held by the public will be $432 billion higher under the Clinton plan after five years than under current law. Gross public debt will be $973 billion higher.

The President's budget also breaks the discretionary spending caps by $33 billion in fiscal year 2000, and $434 billion over five years.

Finally, despite an estimated $20 trillion in tax revenues over the next 10 years, the President's budget contains no tax cut. In fact, the President's budget includes a gross tax increase of $165 billion over ten years, and a net tax increase of $89 billion.

I would like to include for the RECORD a couple of tables and a chart which compares the Republican budget with President Clinton's budget.

Mr. President, I congratulate the Chairman of the Senate Budget Committee, Senator DOMENICI, and his staff for their fine work in developing this budget. I think it sets us on the right path to reduce the debt, cut taxes, and reform Social Security and Medicare.

COMPARING BUDGETS—GOP 'vs' CLINTON

Issue	GOP	Clinton	Bottom line
Social Security	The GOP budget dedicates the entire $1.8 trillion Social Security surplus to debt reduction, saving it for our nation's elderly.	The Clinton budget spends $58 billion of the Social Security surplus this year, and $253 billion over the next five years. Even if the Social Security trust fund is "credited" for proposed equity purchases, the Clinton budget still spends $40 billion of the Social Security surplus this year, and $158 billion over the next five years.	Neither the GOP budget, nor the Clinton budget, change the fact that Social Security benefits exceed taxes in the year 2013. However, the GOP budget saves more of the Social Security surplus so it will be available for real reform.
Medicare	The GOP budget assumes no reductions in Medicare spending. The GOP budget establishes a procedure for considering a prescription drug benefit for seniors if it is part of a REAL Medicare reform package.	The Clinton budget includes $20.2 billion in provider cuts over ten years. The Clinton budget does not provide for a prescription drug benefit.	Neither the GOP budget, nor the Clinton budget, change the fact that Medicare is currently running a cash deficit which will bankrupt the program by 2008. However, the GOP budget would allow real, bipartisan Medicare reform to be considered.
Taxes	The GOP budget cuts taxes by $142 billion over five years, $778 billion over ten years.	The Clinton budget increases taxes by $49 billion over five years, $89 billion over ten years.	Despite $20 trillion in tax revenues and $2.6 trillion in budget surpluses over the next ten years, the Clinton budget RAISES taxes.
Public Debt	The GOP budget reduces the debt held by the public by $1.767 trillion over ten years.	The Clinton budget reduces debt held by the public by $1.305 trillion over ten years.	The GOP budget reduces debt held by the public $463 billion more than the Clinton budget.
Education	The GOP budget increases Elementary & Secondary Education by $7.3 billion over last year. The GOP budget provides this increased funding under the assumption that ESEA reauthorization will provide greater flexibility to state & local governments.	The Clinton budget increases Elementary & Secondary Education by $4 billion over last year, $3.3 billion less than the GOP budget. The Clinton budget requires increased funding to be spent on federally-mandated priorities like 100,000 federal teachers.	Over the next five years, the GOP budget provides $27.5 billion more for education than Clinton and gives local schools the flexibility to determine where they want to spend the money.
Defense	The GOP budget increases defense by $18.1 billion over last year, excluding FY99 emergencies. Compared to FY 99 funding levels including emergencies, the GOP budget provides a $9.9 billion increase.	The Clinton budget increases defense by $9.8 billion over last year, excluding FY99 emergencies. Compared to FY99 funding levels including emergencies, the Clinton budget provides a $1.6 billion increase.	The GOP budget provides $8.3 billion more for defense than the Clinton budget.
Spending Caps	The GOP budget complies with the discretionary spending caps for FY 2000, 2001, and 2002.	The Clinton budget exceeds the discretionary spending caps by $22 billion in budget authority and $30 billion in outlays in FY 2000.	In 1997, every Senator except for Wellstone & Bumpers voted for the discretionary spending caps. If the President's appropriations proposals were enacted, they would result in an 8% sequester of all appropriations accounts.
Total Spending	The GOP budget spends $9.165 trillion over the next five years, $19.918 trillion over the next ten years, with an average growth rate of 3%.	The Clinton budget spends $9.533 trillion over the next five years, $20.99 trillion over the next ten years, with an average growth rate of 3.8%	The Clinton budget uses the Social Security surplus and a tax hike to grow government.

HOW PRESIDENT CLINTON SPENDS THE SOCIAL SECURITY SURPLUS CBO ESTIMATES

[In billions of dollars]

	2000	2001	2002	2003	2004	2000–2004
Unified budget surplus	133	156	212	213	239	952
Social Security surplus	137	145	153	162	171	767
Rest of Government surplus	(5)	11	59	51	68	184
CBO re-estimate of President's tax/spending proposals	(20)	(7)	(14)	(17)	(15)	(73)
Additional discretionary spending	0	(26)	(41)	(36)	(34)	(137)
Purchase of stock by Social Security	(18)	(15)	(19)	(19)	(23)	(93)
USA accounts	(14)	(16)	(22)	(21)	(24)	(96)
Net interest	(1)	(3)	(6)	(11)	(15)	(36)
Clinton spending proposals	(53)	(67)	(102)	(104)	(111)	(436)
Social Security surplus spent	(58)	(56)	(43)	(53)	(43)	(253)
Social Security surplus spent if you credit Social Security equity purchases	(40)	(41)	(24)	(34)	(20)	(158)
General fund transfer to Social Secrurity	85	70	92	90	109	445
General fund transfer to Medicare	18	20	28	27	30	123
Transfers which don't change the surplus	103	90	120	117	139	568

CLINTON TAX PROPOSALS

[In billions of dollars]

	2000	2000–2004	2000–2009
Long term care tax credit	(59)	(5,971)	(14,939)
Dependent child care tax credit	(244)	(5,414)	(12,447)
School construction tax-exempt bonds	(85)	(3,094)	(8,431)
Puerto Rico tax credit	(99)	(664)	(6,371)
Low income housing tax credit	(16)	(1,091)	5,583)
Electric vehicle tax credit	0	(756)	(5,453)
Better America tax-exempt bonds	(6)	(487)	(2,160)
R&D tax credit	(967)	(2,060)	(2,080)
Simplified small business pension plans	(18)	(688)	(1,901)
AMT relief through 2000	(979)	(1,721)	(1,721)
New Markets tax credit	0	(465)	(1,593)
Disabled workers tax credit	(18)	(611)	(1,544)
Other targeted tax cuts	(1,324)	(6,911)	(10,772)
Total targeted tax cuts	(3,815)	(29,935)	(74,995)
Tobacco tax increase	8,352	36,448	69,888
Sales source rule	908	8,771	21,433
Superfund taxes	1,641	6,828	14,002
DAC tax on insurance products	294	3,730	9,480
Airport and airway user taxes	1,122	5,314	8,009
Non-business valuation discounts	246	2,365	5,901
COLI modifications	230	1,803	4,365
Corporate tax shelters	150	1,350	2,850
Oil spill liability trust fund	247	1,258	2,572
Start up & organizational expenditures	(71)	534	2,414
Foreign oil & gas extraction income	188	1,001	2,172
Installment method accounting repeal	562	1,989	2,172
Other tax increases	1,039	8,531	19,749
Total tax increases	14,908	79,921	165,003
Net tax increase	11,093	49,369	89,393

HOW PRESIDENT CLINTON INCREASES THE DEBT

[In billions of dollars]

Debt held by the public	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Change 1999–2009
Clinton Budget	3,630	3,565	3,491	3,396	3,302	3,189	3,055	2,891	2,710	2,522	2,324	(1,306)
Senate Budget Resolution	3,628	3,510	3,378	3,237	3,088	2,926	2,743	2,544	2,329	2,100	1,861	(1,767)
Higher debt due to Clinton policies	2	55	113	159	214	263	312	347	381	422	463	

Debt subject to limit	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Change 1999–2000
Clinton Budget	5,546	5,779	6,000	6,243	6,498	6,765	7,043	7,338	7,661	8,019	8,406	2,860
Senate Budget Resolution	5,545	5,651	5,739	5,792	5,832	5,833	5,804	5,713	5,579	5,406	5,185	(360)
Higher debt due to Clinton policies	1	128	261	451	666	932	1,239	1,625	2,082	2,613	3,221	

AMENDMENT NO. 145

Mr. DASCHLE. Mr. President, some people have mischaracterized the vote yesterday in favor of an amendment by the distinguished Senator from Missouri (Mr. ASHCROFT) as a vote against the President's plan for investing a portion of the Social Security surplus in private equities. Such investments have been proposed by the President and many others as a way to boost the return on investment of the Social Security trust fund's reserves. Clearly, the amendment did not reflect the President's plan.

Democrats and Republicans alike are opposed to direct investment by the federal government in private financial markets. That is why the President and other proponents of diversifying the investment of the trust fund have suggested that firewalls be constructed to insulate such investments from direct government control, or any interference by the federal government.

As the Administration has made clear, such investments would be made by private-sector professional fund managers, overseen by a board with the independence of the Federal Reserve Board. The members of the board would not be able to pick and choose which stocks or industries to invest in, nor exercise the voting rights associated with those shares. Instead, investments would be limited by law to stock index funds broadly representative of the entire market.

Many Senators, including me, drew a very significant distinction between the government investment and investment by non-governmental entity on behalf of the Social Security Administration. There's a big difference. Democrats and Republicans agreed that we cannot support direct government investment. But many of us believe we should have professional managers oversee a certain portion of the portfolio, which is something altogether different. This senator supports that idea, and many senators wanted to leave that option open so we could revisit it later on.

The vote on the Ashcroft amendment was not a vote on the President's plan. I look forward to full consideration and debate of responsible proposals for investing a portion of the surplus in equities in order to increase the earnings on the reserves of the Social Security trust fund.

Mr. GRASSLEY. Mr. President, the budget resolution before us today provides the first major increase in defense spending since 1985.

And I voted for it. I support the increase for National defense. In the past, I have opposed increases in the defense budget. Now, I don't. My colleagues must be wondering why. My colleagues may be thinking that the Senator from Iowa has flip-flopped on defense.

I would like to explain my position.

I support this year's defense increase for one reason and one reason only.

The Budget Committee is calling for financial management reforms at the Department of Defense (DOD). The committee is telling DOD to bring its accounting practices up to accepted standards, so it can produce "auditable" financial statements within two years.

In a nutshell, the Committee is telling DOD to do what DOD is already required to do under the law.

If those words were not in the Committee report, I would be standing here with an amendment in my hand to cut the DOD budget.

Fortunately, that's not necessary.

I would like to thank my friend from New Mexico, Senator DOMENICI—the Committee Chairman—for placing those important words in the report.

Mr. President, I ask unanimous consent to have the language entitled "The Need for DOD Financial Reforms" printed in the RECORD. It appears on pages 25 to 29 of the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A. SPENDING BY FUNCTION

Function 050: National Defense

FUNCTION SUMMARY

- Approve modifications to existing DoD financial management programs and policies to redress the failure of the Defense Department, as noted by GAO,[1] to meet the goals of the Chief Financial Officers Act and, thereby, to produce auditable financial statements for each military service and major DoD component by the year 2000. The Committee's concerns regarding this important issue are stated at greater length at the end of the description of this budget function.

The need for DoD financial reforms

The Committee is concerned about the longstanding breakdown of discipline in financial management at the Department of Defense. Reports by the DoD Inspector General and General Accounting Office consistently show that DoD's financial accounts and inventories are vulnerable to theft and abuse. These vulnerabilities persist for two reasons: (1) internal controls are weak or nonexistent; and (2) financial transactions are not accurately recorded in the books of account—as they occur. While some progress has been made to improve the financial accounting systems within DoD, it remains a fact that DoD does not observe the age-old principles of separation of duties and double-entry bookkeeping, and attempts to make critical bookkeeping entries weeks, months, and even years after the fact. These unprofessional practices have produced billions of dollars of unreconciled financial mismatches, leaving the department's books of account inaccurate and unreliable.

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[1] See High Risk Series: An Update, U.S. General Accounting Office, GAO/HR-99-1, January 1999, pp. 82-94, and Major Management Challenges and Program Risks: Department of Defense, U.S. General Accounting Office, GAO/OGC-99-5, January, 1999.

The Committee believes that these deficiencies must be corrected.

Under the Government Management Reform Act (GMRA) of 1994, which expanded the Chief Financial Officers (CFO) Act of 1990, the DoD Inspector General is required to audit DoD's financial statements, and the General Accounting Office is required to audit the government's consolidated financial statements. This is done annually. Unfortunately, each year the DoD audit agencies issue a disclaimer of opinion. In layman's terms, this means they could not audit the books. And there is nothing on the drawing board to suggest that a "clean" audit opinion is feasible in the foreseeable future. DoD has lost control of the money at the transaction level. With no control at the transaction level, it is physically impossible to roll up all the numbers into a top-line financial statement that can stand up to audit scrutiny. The numbers do not add up. DoD resorts to "unsupported adjustments" and multi-billion dollar "plug" figures to force the books into balance. The IG and GAO reject these practices as unacceptable.

Even though DoD's efforts to prepare an auditable financial statement have been unsuccessful so far, the Committee believes that the annual CFO audits constitute a very authoritative and independent assessment of the department's financial management procedures. They function like a critical indicator or barometer. They help to pinpoint the underlying weaknesses in DoD's bookkeeping procedures. The Committee believes that DoD must move in a decisive way to correct these problems. So long as DoD continues to ignore them, the vast audit effort dedicated to the financial statements will continue to result in disclaimers of opinion—an overall indictment of DoD's financial management operations.

For these reasons, a plan that is designed to bring the Defense Department into compliance with the CFO and GMRA Acts would be supported by the Committee. These reforms would position DoD to prepare auditable financial statements within two years. The main ingredients of such a plan follow:

(1) *Double-entry Bookkeeping:* The preparation of reliable financial statements is literally impossible without double-entry bookkeeping. A standard accounting procedure in the western world for centuries, double-entry bookkeeping records both the debits and credits appropriate to each transaction. A cash purchase of an asset would add the value of that asset to the inventory balanced by the reduction in cash. If DoD did this for each transaction, the books would "balance," that is, debits would equal credits, the books would accurately reflect the cost of operations, and the taxpayers would be assured that something of value was actually received for the money spent. Under current law, the military services are supposed to have "asset management systems" in place today that would provide an accurate and complete accounting for the quantity, cost and location of all inventory items. No such system is in existence, however. DoD must adopt a double-entry bookkeeping system in order to generate reliable financial statements.

(2) *Recording Transactions Promptly:* Financial transactions must be accurately recorded in the books of account—as they occur. Under current DoD policies, billions of dollars of transactions are not posted until long after the fact, if ever. In many cases, it takes DoD weeks, months, and even years to make necessary accounting entries. In other documented cases, DoD policies authorize the posting of transactions to the wrong accounts with the idea of avoiding negative liquidated obligations or correcting errors at "contract close-out" years later. Attempting to reconcile contracts with payment records years after-the-fact usually proves to be a futile and very costly task. As long as the department's books of account fail to accurately reflect obligations and expenditures, Congress can not be sure that DoD is spending the money as specified in law or that costs reflected in DoD's financial statements are accurate. DoD must record all transactions in the books of account immediately—as they occur.

(3) *Transaction-driven General Ledger:* To help ensure reliable financial management information, Congress passed the Federal Financial Management Improvement Act of 1996 (FFMIA). This law required all federal agencies to activate a Standard General Ledger at the transaction level that complied with accepted accounting standards. According to GAO, DoD's financial systems are non-compliant with the FFMIA requirements.[2]

Had DoD implemented the required Standard General Ledger chart of accounts, as other agencies have, practiced double-entry bookkeeping, and recorded transactions promptly and accurately, all transactions should naturally roll up through subsidiary accounts into general ledger accounts.

Moreover, if DoD accounting systems were up to accepted standards, auditors could verify the accuracy of the general ledger accounts by tracing the accumulation of costs back down to the original entries for each transaction. This, in turn, should provide a management accounting system that has integrity—one the taxpayers deserve and one that is necessary for completion of reliable financial statements. A transaction-driven general ledger would be a powerful management tool for evaluating DoD's financial performance. While DoD has general ledger accounts, they lack integrity because of massive gaps and the use of "plug" figures. Transactions are simply not recorded in the books of account in a timely and accurate manner. Given these continuing shortcomings, it is impossible to follow the audit trail back down to each original transaction. Until this problem is remedied, and DoD develops reliable controls and integrated financial management systems, DoD financial information will be unreliable and its financial statements will be unauditable.

(4) *Separation of Duties:* Organizational and functional independence must be achieved at each major step in the cycle of transactions. This key internal control helps to detect and prevent theft, inhibits collusive fraud and offers greater efficiencies in organizations that are large enough to accommodate specialized operations. For instance, if truly independent entities perform the separate functions of store-keeping or warehousing and accounting for stores transactions, fraud in either function could be discovered by comparing what the store keepers show as on hand to what accounting records show was purchased, used, and should be on hand. With adequate separation of duties, successful fraud would require collusion by not only the store-keepers and accountants but also by organizationally independent managers of those separate functional areas. IG and GAO reports repeatedly show that DoD does not consistently adhere to the age-old principle of real separation of duties—both organizationally and functionally.

Last year, the GAO uncovered a prime example of how DoD does not observe the separation of duties doctrine. The Defense Finance and Accounting Service (DFAS), which performs disbursing and accounting functions for the entire department, is authorized to routinely alter remit addresses on checks. A remit address is the address to which a check is sent. Allowing DFAS to alter remit addresses is a violation of the separation of duties principle that leaves the door open to fraud. The office that processes bills for payment should never be allowed to change a remit address on a check. Such changes should be made through an independent verification process. Remit addresses should be tightly controlled in a central registry and only altered at request of the vendor—in writing.

(5) *Accountability:* The DoD CFO and the Financial Managers (FM's) for each of the three military services have been granted the full spectrum of authority under the law. However, these four officials appear to have delegated much of their authority for payment and accounting to DFAS, which disburses over $22 billion a month and employs about 20,000 persons.

Despite the authority that has been passed down the chain of command to DFAS, this organization does not exist—at least in law. There is no specific provision in the U.S. Code granting such authority to DFAS. The Committee fears that the military services could use DFAS as a bureaucratic mechanism to deflect responsibility for ongoing financial mismanagement. DFAS can be blamed, but there is no accountability. In fact, there is nothing in law that requires personal financial accountability anywhere in DoD—from the top CFO down to the lowest technician at DFAS. Even DoD disbursing officials have been exempted from the law that makes all other government disbursing officials "pecuniarily liable" for erroneous or fraudulent payments.

If no one at DoD is held accountable for the continuing pattern of financial mismanagement and "unclean" CFO audit opinions, then the department may never succeed in producing reliable financial statements.

The CFO and service FM's may delegate authority to DFAS but not personal responsibility. The service FM's must police those to whom they have delegated authority, but the final responsibility resides in their offices with them. They alone should be held accountable for the completion of reliable financial statements.

These goals should be achieved with the financial statement for 2000. The 1998 statements are under review at the present time. If the IG and GAO identify deficiencies that preclude the completion of a satisfactory financial statement for 1998 and 1999, then the FM's should be responsible for making the necessary adjustments and corrections.

The Committee fully supports actions in Congress to achieve these five financial management initiatives because they are specifically designed to bring the department into compliance with the CFO and FFMIA Acts and to lead to the preparation of reliable financial statements. In the months ahead, it is expected that these initiatives will be converted into a legislative reform package and introduced before consideration of the 2000 defense authorization bill or other appropriate legislation. The Committee intends to work closely with the Armed Services Committee and other appropriate committees of Congress to enact legislation that addresses in a meaningful manner the goals articulated here.

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[2] See GAO-AIMD-98-268, Financial Management: Federal Financial Management Improvement Act Results for Fiscal Year 1997, US General Accounting Office, September 1998, Washington, D.C.

Mr. GRASSLEY. Mr. President, I would like to take moment to tell my colleagues why the language on DOD Financial Reforms is so important.

I want to help them understand why I am so concerned about the breakdown of discipline and control in financial management at the Pentagon.

I have been investigating the problem for six years, now.

I have come here to the floor of the Senate and spoken about it many times.

I have offered amendments.

I raised these same concerns during hearings before the Budget Committee earlier this year—on February 24 and again on March 2nd.

My Judiciary Subcommittee on Administrative Oversight held a hearing last September on the lack of effective internal financial controls at DOD.

I am planning another hearing later this year.

The General Accounting Office (GAO) and the Inspector General (IG) have issued report after report after report exposing these problems.

Every single shred of evidence points to the breakdown of financial controls at the Pentagon.

IG and GAO reports consistently demonstrate that DOD accounts and assets are vulnerable to theft and abuse.

They show that internal controls are weak or nonexistent.

They show that financial transactions are not recorded in the books of accounts—as they occur—promptly and accurately.

They show that payments are deliberately posted to the wrong accounts. Sometimes transactions are not recorded in the books for months or even years—and sometimes maybe never.

DOD has no effective capability for tracking the quantity, value and locations of assets and inventory.

DOD has lost control of the money at the transaction level.

With no control at the transaction level, it is physically impossible to roll up all the numbers into a top-line financial statement that can stand up to scrutiny and audit.

Sloppy accounting procedures generate billions of dollars of unreconciled transactions—mismatches between official accounting records and inventory and disbursing records.

Billions and billions of dollars of unreconciled mismatches make it impossible to audit DOD's books.

As a result, DOD gets a failing grade on its annual financial statements that are required by law. Each year, the IG has to issue a disclaimer of opinion.

Unfortunately, there is nothing on the drawing board to suggest that a "clean" audit opinion is feasible in the foreseeable future. DOD just doesn't have the accounting tools to get the job done.

There will be no improvement in this dismal picture without reform—and some pressure from the Budget Committee and other committees.

Without reform, the vast effort dedicated to auditing the annual financial statements will be wasted effort.

The report language lays out a general framework for reform.

These reforms are not new or dramatic.

The Committee report language just tells DOD to get on the stick and do what it is already supposed to be doing—under the law. And it calls for some accountability to help get the job done.

This report language should help to move DOD toward a "clean" audit opinion within two years.

And there is another important reason why this language is needed today.

As I stated a moment ago, we are looking at the first big increase in defense spending since 1985.

I think the Committee needs to be on the record, telling the Pentagon to get its financial house in order.

If the Pentagon wants all this extra money, then the Pentagon needs to fulfill its Constitutional responsibility to the taxpayers of this country.

First, it needs to regain control of the taxpayers' money it's spending right now.

And second, it needs to provide a full and accurate accounting of how all the money gets spent.

DOD must be able to present an accurate and complete accounting of all financial transactions—including all receipts and expenditures. It needs to be able to do this once a year.

The GAO and IG auditors should be able to examine the Department's books and its financial statements and render a "clean" audit opinion.

That's the goal.

Mr. President, I would like to extend a special word of thanks to the Committee Chairman, my friend from New Mexico, Senator DOMENICI, for including this important language in the report.

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Higher defense budgets need to be hooked up to financial reforms—just like a horse and buggy—one behind the other. They need to move together.

And I hope other members of the Budget Committee will join me in that effort.

I yield the floor.

Mr. DODD. Mr. President, in 1997, we reached an historic agreement on the budget. Building upon the budgets of 1990 and 1993, we brought the budget into balance for the first time in 30 years. Today, the budget before us is equally significant, as it is the first budget of the 21st century. It is one that should reflect what we, as the last Senators of the 20th century, believe should be the priorities of our country as we move into the next millenium.

As we prepare to enter the next century, we need a budget that will protect our senior citizens—the people who have given a lifetime of work to their families, communities and country. They need to know that they will be secure in their golden years with good health care and a decent income. Unfortunately, this budget fails to provide this measure of security, as it fails to provide for the continued strength and solvency of Social Security and Medicare.

Although this budget saves projected Social Security surpluses and uses those surpluses to retire public debt, it contains no provisions to reform the Social Security program and provides no new assets to the Social Security trust fund. In this regard, this budget fails to extend the solvency of the trust fund. In contrast, the Administration's budget proposes specific policies, including transferring publicly held debt to the trust fund, which would extend the life of the Social Security trust fund until the year 2055.

In addition, this budget simply ignores Medicare, Part A of which is due to be bankrupt by the year 2008. It takes funds needed for Medicare and uses them to pay for a tax cut that largely benefits the more well-to-do in our society. Not a single extra dollar is guaranteed for this critical priority and therefore this budget has the potential to negatively impact the millions of Americans who will depend on

Medicare for their health care in the future. The Administration, however, has proposed allocating 15 percent of the projected unified budget surpluses for Medicare—nearly $700 billion over the next 15 years—which would extend the solvency of this program for another 12 years, to the year 2020.

Mr. President, we also need a budget that will provide for the education needs of our people. Nothing is more critically important than to provide every child with a good education so that they can grow up to lead productive lives, contributing to the prosperity of their families and country. Unfortunately this budget fails to meet this priority, as well. Although I applaud the efforts of Chairman DOMENICI to increase funding for elementary and secondary education, this budget does so at the expense of equally important education initiatives, like Head Start. In fact, under the Republican plan nearly 100,000 children would lose Head Start services.

This budget shortchanges our commitment to many other domestic priorities, as well. Under this budget, paying for an $800 billion tax cut that would benefit the wealthy would require cuts in non-defense discretionary spending of $20 billion in the next year alone, affecting our efforts to police our streets, to clean up our air and water, and to wage aggressive diplomacy so that we do not have to wage war. More specifically, Mr. President, under the Republican plan, more than 1 million low-income women, infants and children would lose nutrition assistance each month and 73,000 summer job opportunities for low-income youths would be eliminated.

These cuts are draconian and untenable. Newspapers report that even Republican appropriations leaders consider these cuts to be unrealistic. They predict that when appropriations bills come to the Floor, it is unlikely that they will contain the cuts proposed by this budget.

Finally, we need a budget in the 21st century that is fiscally responsible—a budget that sends a message to our trading partners, the markets, and future generations that the era of runaway deficits is over, and that we will not saddle future generations with a national debt that robs them of their ability to make productive investments and hurts our nation's ability to grow and prosper. Sadly, this legislation is fiscally risky and fails to meet these goals.

Although this budget calls for a small tax cut in the first couple of years, the cost explodes in the future. In fact, by the year 2009, these cuts will drain the Treasury by more than $170 billion in that year alone. Let me be clear, I am not opposed to tax cuts, but I support carefully targeted tax cuts that would provide relief to those who most need our help. Regrettably, this budget provides a sweeping tax cut for those in our society who need it least, and does so largely at the expense of funding for both Medicare and other domestic priorities relied on by millions of working Americans.

In conclusion, I regret for a number of reasons that I am unable to support this budget—not least of which is the high regard and esteem with which I hold Chairman DOMENICI. I think all of us in this body recognize that the country has been fortunate to have someone of his intellect and experience dealing with these extraordinarily complex issues. Moreover, while I am grateful that a majority of my colleagues accepted the amendment sponsored by my distinguished colleague from Vermont, Senator JEFFORDS, and myself to increase funding for child care by $5 billion, the modest improvement that this makes to the bill does not change its fundamentally flawed nature.

Mr. President, we have an opportunity and an obligation to enact a budget that meets the test of time. Unfortunately, I believe that the resolution before the Senate has failed to meet that objective. I think we can do better and I believe we must do better as we move forward in the effort to define priorities.

Mr. WARNER. Mr. President, the Service Chiefs testified before the Senate Armed Services Committee on September 29, 1998, and again on January 5, 1999, that they require an additional $20.0 billion in fiscal year 2000 for defense—over and above the amounts contained in the Balanced Budget Agreement—to reverse the serious problems they are witnessing in military readiness. During the Posture Hearings held by the Armed Services Committee in February and March, the Service Secretaries and Service Chiefs confirmed that significant funding shortfalls remain—despite the increases contained in the budget request. Each service submitted a significant list of remaining "unfunded requirements."

While I appreciate the efforts of the Budget Committee to address these funding shortfalls with an increase of $14.6 billion in budget authority for defense, I am concerned with the serious shortfall in outlays. The outlay funding level of $274.6 billion contained in the Budget Resolution is insufficient to fund the projected levels of budget authority in either the defense budget request or the budget resolution. At least $287.3 billion in outlays is needed to fund the budget authority levels contained in the Budget Resolution. This is an increase of $12.7 billion over the caps listed in the Resolution.

Mr. STEVENS. Mr. President, I would like to add to my colleague's comments. The budget gimmicks in the defense budget as submitted by the Administration create a shortfall of at least $8.3 billion in budget authority. Under Senate rules, we cannot pass a defense appropriations bill which buys the programs advertised by the Department of Defense as being budgeted. We would require at least $10 billion in outlays to even fund the Administration's defense request. While the budget resolution adds $8.3 billion in budget authority, it cuts outlays by $8.7 billion relative to the CBO scoring of the defense budget request. Even under OMB scoring, the budget resolution provides only $500 million in outlays to spend with the $8.3 billion in budget authority. This mix of money will not work, and clearly does not even let us erase all of the administration's budget gimmicks.

The Defense Appropriations Subcommittee has also held hearings to review the readiness requirements of our military forces. If the current outlay problem is not resolved satisfactorily, Congress will be responsible for failure to provide adequate resources for our military's needs as readiness problems become more apparent. With military operations currently being conducted in Kosovo, this would be the wrong signal to be sending at this time.

Mr. DOMENICI. Mr. President, I agree with both of my distinguished colleagues, the Chairmen of the Appropriations and Armed Services Committees, that the Administration's defense budget request is inadequate to meet our national security requirements. My intent is that this Budget Resolution would fully fund the $17.5 billion requested by the Joint Chiefs of Staff for the next five years. This additional spending would be devoted to restoring military readiness to acceptable levels. it is also my intention that the funding in this resolution would also provide money, at least in part, to begin the modernization of the currently aging inventory of U.S. weapons, and to fund priority quality of life initiatives for the servicemen and women in our Armed Forces.

Mr. WARNER. Mr. President, I would ask the distinguished Chairman of the Budget Committee to provide some type of funding relief in the form of increased outlay funding.

Mr. STEVENS. Mr. President, I would join my colleague in seeking clarification on what steps the distinguished Chairman of the Senate Budget Committee is prepared to take to make it possible to pass a defense spending bill that preserves our military's readiness and limit the erosion of modernization.

Mr. DOMENICI. Mr. President, I say to my two good friends, I agree that there is an outlay mismatch in this resolution for the National Defense function and I will work to resolve this problem. Sufficient outlays are necessary to execute the level of budget authority for National Defense in the is expected that these initiatives will be converted into a legislative reform package and introduced before consideration of the 2000 defense authorization bill or other appropriate legislation. The Committee intends to work closely with the Armed Services Committee and other appropriate committees of Congress to enact legislation that addresses in a meaningful manner the goals articulated here.

Mr. GRASSLEY. Mr. President, I would like to take moment to tell my colleagues why the language on DOD Financial Reforms is so important.

I want to help them understand why I am so concerned about the breakdown of discipline and control in financial management at the Pentagon.

I have been investigating the problem for six years, now.

I have come here to the floor of the Senate and spoken about it many times.

I have offered amendments.

I raised these same concerns during hearings before the Budget Committee earlier this year—on February 24 and again on March 2nd.

My Judiciary Subcommittee on Administrative Oversight held a hearing last September on the lack of effective internal financial controls at DOD.

I am planning another hearing later this year.

The General Accounting Office (GAO) and the Inspector General (IG) have issued report after report after report exposing these problems.

Every single shred of evidence points to the breakdown of financial controls at the Pentagon.

IG and GAO reports consistently demonstrate that DOD accounts and assets are vulnerable to theft and abuse.

They show that internal controls are weak or nonexistent.

They show that financial transactions are not recorded in the books of accounts—as they occur—promptly and accurately.

They show that payments are deliberately posted to the wrong accounts. Sometimes transactions are not recorded in the books for months or even years—and sometimes maybe never.

DOD has no effective capability for tracking the quantity, value and locations of assets and inventory.

DOD has lost control of the money at the transaction level.

With no control at the transaction level, it is physically impossible to roll up all the numbers into a top-line financial statement that can stand up to scrutiny and audit.

Sloppy accounting procedures generate billions of dollars of unreconciled transactions—mismatches between official accounting records and inventory and disbursing records.

Billions and billions of dollars of unreconciled mismatches make it impossible to audit DOD's books.

As a result, DOD gets a failing grade on its annual financial statements that are required by law. Each year, the IG has to issue a disclaimer of opinion.

Unfortunately, there is nothing on the drawing board to suggest that a "clean" audit opinion is feasible in the foreseeable future. DOD just doesn't have the accounting tools to get the job done.

There will be no improvement in this dismal picture without reform—and some pressure from the Budget Committee and other committees.

Without reform, the vast effort dedicated to auditing the annual financial statements will be wasted effort.

The report language lays out a general framework for reform.

These reforms are not new or dramatic.

The Committee report language just tells DOD to get on the stick and do what it is already supposed to be doing—under the law. And it calls for some accountability to help get the job done.

This report language should help to move DOD toward a "clean" audit opinion within two years.

And there is another important reason why this language is needed today.

As I stated a moment ago, we are looking at the first big increase in defense spending since 1985.

I think the Committee needs to be on the record, telling the Pentagon to get its financial house in order.

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Mr. STEVENS. Mr. President. I would join my colleague in seeking clarification on what steps the distinguished Chairman of the Senate Budget Committee is prepared to take to make it possible to pass a defense spending bill that preserves our military's readiness and limit the erosion of modernization.

Mr. DOMENICI. Mr. President, I say to my two good friends, I agree that there is an outlay mismatch in this resolution for the National Defense function and I will work to resolve this problem. Sufficient outlays are necessary to execute the level of budget authority for National Defense in the

Budget Resolution to address the serious readiness, recruitment, and retention problems in our military services. I intend to review scorekeeping differences between the OMB and CBO on outlays prior, outlay rates, and policy to resolve this issue. I will consult with the two distinguished Chairmen and keep them informed during this process. I assure the Chairmen of the Appropriations and Armed Services Committees that this problem will receive my full attention until it is resolved to our satisfaction.

In addition, I know both Chairmen share my concerns about atomic energy defense capabilities in an increasingly unstable world.

Mr. SHELBY. Mr. President, in my capacity as Chairman of the Transportation Appropriations Subcommittee, I want to raise an issue of critical importance with my friend, the Chairman of the Budget Committee, Senator DOMENICI. Mr. Chairman, it has come to my attention that there is a substantial difference between the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) in terms of the estimated outlay costs of the highway and transit firewalls, as contained in the Transportation Equity Act for the 21st Century (TEA-21).

As the Chairman is aware, TEA-21 effectively established the aggregate obligation limitations pertaining to our major federal highway and transit programs for the six years covered by TEA-21. Despite the fact that the CBO and OMB are required to strive each year to minimize differences in their outlay estimates for each program in the federal government, we find that there is a dramatic difference between the outlay estimates that CBO and OMB attribute to the cost of fully funding the firewalls for highways and transit in FY 2000. Specifically, the Congressional Budget Office's estimate of the outlays associated with the highway firewall is a full $772 million higher than the amount estimated by OMB. Similarly, the CBO estimates that the outlays associated with the transit firewall is a full $569 million higher than the level assumed by OMB. Taken together, there is more than a $1.3 billion difference between the two agencies' estimates.

It is my understanding that, for purposes of developing this budget resolution, the Chairman assumed the lower of these outlay figures for the highway and transit firewalls. I want to inquire whether the Chairman of the Budget Committee intends to score the Transportation Appropriations Bill for FY 2000 in an identical fashion when the bill is reported by the Appropriations Committee later this year. If the Transportation Appropriations bill is scored with the much higher outlay estimates associated with the CBO estimate, it is possible that the Transportation Appropriations Subcommittee's entire outlay allocation could be needed solely to honor the highway and transit firewalls leaving little or no other resources for the needs for the Federal Aviation Administration, the Coast Guard, and the National Railroad Passenger Corporation.

This illustrates the danger of firewalls within budget functions. They create a perverse incentive for the Administration to underestimate the outlay impacts in order to shift budgetary resources to other priorities—but when the request comes to Congress it must be scored by CBO. Accordingly, the budget resolution and the appropriations bill run the risk of substantially higher outlay scoring on firewall accounts than the Administration assumed and accordingly must cut the firewalled functions or other discretionary programs to accommodate the increased outlays.

Mr. DOMENICI. The Chairman of the Transportation Appropriations subcommittee is quite correct in his observations and I appreciate his raising this issue at this time. Indeed, there are dramatic differences in the outlay estimates associated with the highway and transit firewalls, as scored by CBO and OMB.

The Budget Act provides that the budget resolution cannot set outlay levels in excess of the amounts set forth in TEA-21 as adjusted by OMB. The difference between OMB and CBO outlay estimates presents a problem for meeting the highway and transit outlay limits under CBO's estimates.

I thank the Senator for raising this issue. We need to find some way to address this issue prior to the Senate taking up the Transportation Appropriations bill.

Mr. LEVIN. Mr. President, I cannot support the budget resolution which the majority has presented to the Senate. In my judgement, this budget represents the wrong priorities. It places too great an emphasis on tax breaks which largely benefit the wealthiest among us and too little on the protection of Medicare.

Just six years ago, the nation was faced with annual deficits of more than $300 billion as far as the eye could see. In 1993, President Clinton presented and Congress approved by one vote in each House a deficit reduction plan that continues to pay dividends. Instead of billions of dollars of federal deficits, surpluses are forecast for the next fifteen years. This is a remarkable accomplishment. It presents us with the opportunity to make critical investments in the nation's future and to reduce the national debt. However, we must act wisely.

We have seen many federal budget estimates, and we know well that as quickly as these surpluses appeared, they could disappear. The estimates of both the Congressional Budget Office and the Office of Management and Budget have frequently been far off the mark in recent years. That is not their fault. We have some of the brightest economists in the country working at CBO and at OMB and they do a very good job, but they have a difficult task to do. Forecasting the performance of the economy, particularly over the course of several years is more art than science. For instance, last August CBO estimated that the unified budget surplus for fiscal year 2000 was $79 billion. Just four months later in a January 1999 CBO document, the surplus for fiscal year 2000 is estimated at $130 billion. This is a change of over 60% in just four months and early indications are that in August the surplus amounts will rise even higher. I believe that if most Americans were confronted with such uncertainty over their own budget situation, they would recommend a cautious course. I agree.

The President has established the framework for this new budget debate by his determination to strengthen Social Security. There is no more important or effective program. Two-thirds of those who collect Social Security rely on it for more than 50% of their income. The President's plan to save Social Security through debt retirement is largely intact in this resolution. This is a significant victory for the President and the American people, and it has broad support in the Senate. I look forward to supporting the legislation to implement this policy of debt reduction .

Unfortunately, the majority party has not included the President's policy of debt reduction to shore up Medicare in this resolution. The President set aside fifteen percent of the surplus for Medicare, but this resolution does not. This omission is crucial when one considers that although Social Security is already solvent through 2033, Medicare is solvent only until 2008. We all know how important the Medicare program is. Today the Medicare program provides health care to 39 million Americans. By 2032, the number of Medicare beneficiaries will double to 78 million as the baby boomers retire. Considering these demographics, it is unwise not to use part of our current budget surplus to help shore up the Medicare program, which will also need structural reforms. Unfortunately, the budget resolution before us does not shore up existing commitments to Medicare and our seniors. Instead this resolution takes us back to the bad old days of backloaded tax breaks whose real costs explode several years after enactment. For example, the GOP tax plan uses $177 billion of the surplus in the first five years after enactment and actually has no cost in the first year. But, in the second five years, the cost of the tax cut more than triples to $664 billion. This budgetary time bomb is set go off at the same time as the Medicare trust fund is expected to be bankrupt.

Senator KENNEDY's amendment, which I supported, would have set aside part of the surplus for the Medicare trust fund and avoided this outcome. The Kennedy amendment was defeated. The Republican majority, unfortunately, seems headed yet again this year for a showdown with the President and Democrats in the Congress over the budget.

AMENDMENT NO. 145

Mr. SMITH of New Hampshire. Mr. President, yesterday, I joined Senator ASHCROFT and others in offering an amendment to the budget resolution for Fiscal Year 2000. Our amendment addresses a troubling aspect of the President's Social Security proposal, about which I would like to say a few words.

President Clinton's plan calls for government-controlled investment of a sizeable portion of the Social Security trust funds. Our amendment expresses the sense of the Senate that the Federal government should not be directly investing the Social Security trust funds in private financial markets.

Enabling the Federal government to own millions of dollars worth of private shares in corporations is a recipe for disaster. No matter how much care is taken to avoid bias in government-controlled investment decisions, the potential for abuse would always be present. Even if an independent board is charged with making the investment decisions on behalf of the government, there is always the risk that the board would be overwhelmed by political pressure from lobbyists, lawmakers and others.

Inevitably, special interest groups or politicians would seek to influence the investment decisions. Questions such as whether or not a particular investment would benefit a corporation that hires union workers or is located in a certain state might become important considerations. The result would be that the rate of return on an investment would become secondary to numerous political or other concerns.

Also, under the President's plan, the government would eventually own private stocks worth $600 billion or more. That could have perverse effects on the free market.

Government-controlled investment of the Social Security trust funds would make possible what some have called "crony capitalism." In a recent paper on this subject, Daniel Mitchell of the Heritage Foundation warned that government-controlled investment would give lawmakers power to control the economy indirectly by attempting to pick winners and losers.

The Federal Reserve Chairman, Alan Greenspan, is one of the more noteworthy critics of President Clinton's idea for government-controlled investment. Chairman Greenspan has said that it "would arguably put at risk the efficiency of our capital markets and thus, our economy." Mr. President, the Senate should heed his words and reject any plan to have the government directly involved in the investment of Social Security trust funds.

Mr. MOYNIHAN. Mr. President, Senator SCHUMER and I have offered this amendment to strike Sec. 314 of S. Con. Res. 20, the Fiscal Year 2000 budget resolution. Sec. 314 expresses the Sense of the Senate that Governors Island will be sold during Fiscal Year 2000. The underlying assumption is that it will be sold for $500 million. Another assumption—not stated in Sec. 314—is that the $500 million will be used as an off-set to help pay for Federal crop insurance reform.

At the outset, I must say that I support crop insurance reform. Our farmers are the most productive in the world. I wonder, from time to time, if we appreciate just how affordable—and plentiful—food is in this country. If crop insurance reform will help our farmers to weather natural disasters and low commodity prices, I'm for it. But I have a serious problem with using the sale of Governors Island to pay for it for two reasons. The first is based on principle; the second, on practicality.

There is a question of fairness here. Governors Island was part of New York before the United States existed. In 1800, New York State rather magnanimously gave jurisdiction—but not title—over Governors Island to the Federal government. Then, New York spent its own monies to construct Fort Jay and other harbor fortifications and batteries, such as Castle Clinton and Castle William. These fortifications successfully deterred the British from attempting to enter New York Harbor during the War of 1812. Governors Island has served our Nation well. It is the site, after all, where Operation Overlord was planned fifty-five years ago.

On June 18, 1958, a Federal district court determined that the Federal government needed to take title to the Island and awarded New York one dollar as "just compensation". Since then, the Army moved out, and the Island's most recent tenant, the Coast Guard, left in 1997. Now, the 173-acre island sits vacant in New York Harbor.

On October 22, 1995, President Clinton invited me to join him at the 50th anniversary of the United Nations' General Assembly. On the helicopter flight from Kennedy Airport we flew over the Lower Harbor; I pointed out Castle William, Fort Jay, and some other fortifications and buildings, starting with Cornbury's Queen Anne mansion built in 1708. I noted that the Coast Guard was about to leave and that, presumedly, all would agree that the Island should revert to New York. President Clinton said that was fine with him, providing it would be used for public purposes. I demurred somewhat—that would involve a whole lot of public purpose—but accepted the offer. We left it there with sufficient accord.

Governors Island belonged to New York. New York lent it to the Federal government. Now that the Federal government is no longer using it, New York should get it back, for no more than a nominal sum.

Unfortunately, and rather to my surprise, when President Clinton submitted his Fiscal Year 1998 budget request, he proposed selling Governors Island in Fiscal Year 2002 for $500 million. Congress seized on the idea—so much so, in fact, that we have "sold" Governors Island a couple of times already!

Now Members propose that we sell Governors Island, in Fiscal Year 2000, to pay for crop insurance reform. Even if we put principle and fairness aside, there are real practical problems with this proposal. I guess the first is that there are no buyers. None. Certainly not at the asking price. We don't know how the Island will be zoned. There is no regular ferry service. It costs about $12 million to $15 million each year just to maintain the buildings, many of which are historic.

Back in 1997, the Congressional Budget Office (CBO) estimated fair market value to be between $250 million and $1.0 billion. That's a pretty big range. There was no appraisal. Any appraisal would be highly speculative since the impact of zoning decisions and ultimate disposal of the Island remain unknown. Moreover, I do not believe that any CBO officials ever contacted anyone at the General Services Administration (GSA) who would be, perhaps, more knowledgeable about what sort of price the Island might fetch. I can tell you this: New York State, or New York City, won't pay a dime more than a dollar. So, in this instance, the CBO estimate is highly suspect. The site is magnificent, but it will be a considerable achievement to combine some public and private uses that preserve the historic portion of the Island. The combination eludes us still. In the meantime, we could lose it all if it should go unused for a few more New York winters.

So I repeat what I said at the outset: I am for crop insurance reform. But Governors Island won't pay for it, because the Island will not be sold for $500 million next year. It won't be sold for any price because there are no buyers. We haven't figured out what to do with it yet.

Governors Island belonged to New York, and New York ought to have it back. It is, at the same time, a national treasure for the historic value of its fortifications, buildings, and what has taken place there. I hope that Congress, and the Administration, will stop this tiresome tendency of "selling" it whenever some other program or initiative—laudable, I'm sure—needs an off-set. I thank the Senator from New Mexico (Senator DOMENICI) and the Senator from New Jersey (Senator LAUTENBERG) for their willingness to accept the amendment Senator SCHUMER and I have offered to strike Sec. 314 from S. Con. Res. 20.

GOVERNORS ISLAND AND THE FEDERAL BUDGET

Mr. SCHUMER. Mr. President, I am proud to join with Senator MOYNIHAN to offer an amendment to strike Section 314 of S. Con. Res. 20, the Fiscal Year 2000 Budget Resolution. Section 314 expresses the Sense of the Senate that Governors Island will be sold during Fiscal Year 2000.

While the intention of the sale, to provide an offset for crop insurance reform, is a worthy one, it is an illusory offset and will seriously undermine New York's efforts to turn this historic gem into an economically viable site. It is also a matter of fundamental fairness—President Clinton made the offer to Senator MOYNIHAN to give the Island back to New York for one dollar—the very sum the Federal Government paid to the State for the Island back in 1958. Now that the Island's last tenant, the U.S. Coast Guard has gone, Governors Island should be returned to New York, not sold to provide offsets for other programs across the country, however well-intentioned those programs might be.

I thank Senator DOMENICI and Senator LAUTENBERG for their willingness to accept the amendment Senator MOYNIHAN and I have offered. We will continue to strongly resist all attempts to thwart New York's efforts to develop Governors Island for use by our own citizens, who are understandably anxious to reclaim this unique treasure.

MEDICARE

Mr. GRAMS. Mr. President, as we begin debating the budget which takes us into the twenty-first century, I am disappointed that my colleagues on the other side of the aisle continue to practice the Medicare politics of the past.

Over the course of the last week, I've heard member after member come to the Senate floor to decry the Republican budget for allegedly throwing our nation's seniors into destitution by sacrificing Medicare in order to pay for tax cuts.

Mr. President, as we listen to this discussion about the budget and the Medicare provisions contained within it, I keep coming back to one simple question. If the President's budget plan was so good for the country and saved Medicare, why did every member of his party on the Budget Committee vote against it? There is only one answer: President Clinton's so-called Medicare set-aside of 15 percent of the budget would do absolutely nothing to address the very real problems facing Medicare and we all know that.

Indeed, the General Accounting Office (GAO), which we depend upon to provide impartial testimony, investigations and research, has concluded President Clinton's Medicare plan is meaningless in terms of either the budget or the Medicare program. This corroborates the conclusions reached by the Congressional Budget Office.

Mr. President, Medicare has always used the 2.9 percent payroll tax on a worker's wages to pay for current benefits. It has been so since the program was enacted in 1965 and its crafters intended it to stay that way.

The president, by promising to use projected surpluses and general funds to shore up the Medicare program, is in fact promising to use "IOU's" to shore up "IOU's" and altering the premise under which Medicare was enacted.

I was and is supposed to be a self-sustaining program paid for by payroll taxes. It is not funded by general revenues, therefore Democrat charges that our tax relief out of the non-Social Security surplus comes at the expense of Medicare is just not true. Our tax relief returns overpaid income taxes. It does not cut the Social Security or Medicare payroll tax that funds Social Security or Medicare. The use of general funds to prop-up the program reverts it to a general welfare-type program which was soundly rejected in the early 1960's.

So adding more IOU's, as the President would like us to do, does nothing but add more meaningless pieces of paper which don't represent any new cash within the program to pay for health care services. In short, it is a hoax played upon the American people by its government which doesn't save Medicare.

The budget resolution before us today provides for $10 billion more for the Medicare program than the President requested. It locks away Social Security surpluses to protect them from being spent on non-Social Security programs. It also prepares us for the real task at hand—reforming Social Security and Medicare to ensure they will be self-sustaining for future beneficiaries.

Under our plan, all of the projected Social Security surpluses are saved solely for Social Security. Of the non-Social Security surplus, over $100 billion is set-aside in the event it is needed during the important process of reforming the Medicare program we will soon address. The $100 billion set-aside is real money, not paper promises. It represents real assets which can put us on the road to modernizing a crucially important health care program that has been struck in the 1960's.

The practice of medicine has changed dramatically since the Medicare program was enacted. It's time we reformed Medicare to more accurately reflect our health care system, which still provide the most efficient and sought-after care in the world.

Mr. President, I look forward to working with Senator BREAUX, who ably co-chaired the Bipartisan Commission on the Future of Medicare, to address the long term solvency crisis in Medicare. I whole-heartedly agree with my colleague from Louisiana when he said that "Medicare cannot, should not, and must not be a 'wedge' issue. That is old politics and the old way of looking at this problem. Looking at it in that fashion has led us to never solve it with any serious reform since it was passed in 1965. The issue for the 1990's and the 21st century cannot be a tax cut versus saving Medicare. That is an improper statement of the problem facing this Congress. . . . It is not an either/or situation and should not be made to be so."

Clearly, Senator BREAUX and my colleagues have the best interest of the Medicare program in mind as we consider this budget. He understands tax relief does not conflict with our goal to reform Medicare. By setting aside over $100 billion for the express purpose of funding the reformation of the Medicare program, we do more to ensure the viability of the health care program for our nation's seniors than the President's budget full of empty promises.

Mr. President, I am pleased to support this responsible, truthful and meaningful budget resolution. It protects Social Security and Medicare, provides major tax relief and debt reduction and it continues important spending priorities. It represents a tremendous step in the right direction for the United States and its people.

Mr. LIEBERMAN. Mr. President, I rise to express my dissapointment with S. Con. Res. 20, the FY 2000 Budget Resolution. After our economy has enjoyed seven years of strong growth, I had hoped that this year's Budget Resolution, the first in the new millenium, would set policy priorities that would strengthen our economy. After seven years of phenomenal economic growth, it is a shame that we cannot convert our gains into ensuring a more secure economic future.

This Budget Resolution fails to take positive steps by trying to do too much. The Resolution calls for using surplus funds for tax cuts, while maintaining the statutory spending caps.

The Budget Resolution fails to protect Medicare or Social Security, fails to increase national savings, and cuts important spending priorities. It is neither financially prudent nor economically sound.

It could endanger our sound economy and squander an historic opportunity to raise the living standards of all Americans and to ensure a dignified retirement for our seniors.

S. Con. Res. 20 favors massive tax cuts over paying down the massive national debt, over protecting Medicare and Social Security, and over key important domestic initiatives. By keeping the statutory caps and using the surplus for tax cuts, the Budget Resolution makes deep cuts in science technology, in research and development, in important environmental protection initiatives, while failing to protect Medicare and the retirement security of our workers and families.

THE BUDGET RESOLUTION UNDERMINES CURRENT AND FUTURE ECONOMIC GROWTH.

The fiscal policies outlined in the Budget Resolution threaten the health of our growing economy. The Budget Resolution calls for using all surplus funds for tax cuts and nothing for reducing our federal debt. For the past several years, a declining federal debt has contributed to a decline in interest rates. Less government debt has translated into lower interest rates and lower interest rates have promoted greater investment and growth in our economy. It is no coincidence that of the G–7 countries, we are the only country with a balanced federal budget and strong economic growth. Using surplus funds for debt reduction sustains the virtuous cycle of lower interests rates, higher investment in our economy, and job creation. By choosing tax cuts over any debt reduction, this Budget Resolution has put us back to the era of the same trickle down economics that led to inflation and stagnation.

Achieving a budget surplus has required some very strong measures and has come at some cost. It was not long ago that Congress adopted the Budget Enforcement Act to curb our appetite for spending. Since then we have better managed our spending and tax cutting through a number of important rules and statutes. Unfortunately, this Budget Resolution repeals the pay-as-you-go rule, the very rule that has been most responsible for bringing fiscal discipline to this body.

THE BUDGET RESOLUTION FAILS TO PROTECT MEDICARE AND SOCIAL SECURITY

The budget proposal for FY2000 does nothing to restore the Social Security and Medicare trust funds back to solvency. It is unfortunate that at this time of robust economic growth and projected surpluses, the Republican budget does nothing to solve the looming Medicare and Social Security problems. The Budget Resolution calls for saving the Social Security surplus for Social Security. This is far from an adequate solution to the Social Security problem.

The resolution also fails to address the more immediate problem of Medicare. Projected to go into deficit in 2008, the Medicare trust fund is in desperate need of funds. While the President has dedicated $350 billion dollars for Medicare, the Budget proposal dedicates nothing. Here again, I cannot understand why we do not take advantage of budget surpluses to help extend the solvency of Medicare.

THE BUDGET RESOLUTION FORCES DEEP CUTS IN NON-DEFENSE DISCRETIONARY SPENDING

I would support a decision to adhere to the overall levels of discretionary spending established in the Budget Enforcement Act.

The Budget maintains the current statutory spending caps and then chooses tax cuts over spending increases in several key areas. The Budget makes a major cut—7.5%—in all non-defense spending. Combined with using surplus funds for tax cuts, this means that many important domestic priorities such as environment and technology research have to be cut.

REDUCTION IN RESEARCH AND DEVELOPMENT FUNDING

In the proposed budget before us, the small and declining accounts in R&D are a direct prescription for long term economic decline. There have been at least a dozen major economic studies, including those of Nobel Prize winner Robert Solow, which conclude that technological progress accounts for 50 percent or more of total growth and has twice the impact on economic growth as labor or capital. Ironically, we have spent far more time in Congress debating the economic impact of labor and capital, in the form of jobs and tax bills, than we have ever devoted to R&D. This Budget follows in that trend. Mr. President, by cutting R&D funding this budget provides us with another chance to fall behind. It does a disservice to both our well-being as a society, and our well-being as an economy. I hope my colleagues will reconsider the measure.

ENVIRONMENT

I am also concerned that funding for natural resources and environmental protection is being cut too steeply to make way for tax cuts. The proposed budget resolution reduces funding for priority domestic environmental programs to roughly 11% below current levels. This cut hurts programs that are critical for building clean, livable communities and protecting natural resources and wildlife. Ongoing efforts to enforce existing public health protections in drinking water would be curtailed. Energy efficiency and clean energy technology initiatives that save consumers money, reduce dependence on foreign oil and curb air pollution would be slashed. Funds for states to preserve open space, coast land, and urban parks would be cut. And the list goes on and on. The direction of these cuts runs directly counter to the needs of our neighborhoods and our nation, and ignores the reality that a clean environment is integral to building a sustainable and strong economy. We should not allow important public health and environmental protections to be sacrificed. Future generations and the public trust will ultimately pay the price.

DEFENSE SPENDING

The President recently took action to add money to the defense budget, halting a 14-year slide. That slide seriously stressed the ability of our armed forces—which are almost 40 percent smaller now than they were during the cold war—to meet present day commitments. The President's increase is enough to stop the decline in the readiness of our forces, but it is not enough to modernize the aging military equipment that is so important to ensuring that our forces are ready in the future. The additional money this budget adds to the defense budget is an essential investment for the future.

CONCLUSION

This budget. While there are some bright spots in, ultimately there are just too many weaknesses for me to support it.

Mr. ASHCROFT. Senator DOMENICI, first let me reiterate my admiration for the remarkable budget you have produced. You have produced a budget that, in the first decade of the new millennium, balances the entire federal budget, protects Social Security, increases funding for education by 40%, seeks to protect the Social Security surplus from paying for other government operations, reduces federal debt, provides funds requested by the Joint Chiefs of Staff to strengthen our national defense, and provides an $800 billion tax cut. This is a strong budget that I will support.

As you know, I intended to offer an amendment that would eliminate a $2.9 billion deficit currently projected for FY 2000. It appears likely, however, that when the final budget resolution is written and we have the latest budget and economic forecasts, that this deficit will be eliminated and, in fact, the budget will be in surplus. As I understand, the budget resolution, as reported by the committee, provides that any FY 2000 surplus should be devoted to tax cuts.

Mr. DOMENICI. I appreciate your support for this budget. Given current estimates the budget resolution will show a $2.9 billion deficit. That $2.9 billion represents only 1.7% of the entire $1.7 trillion budget, and even that small deficit will probably be eliminated when we get CBO's updated estimates this summer. With the numbers available at the time of the production of this resolution, specifically CBO's February baseline, it was impossible to declare that the budget we produced would be fully in balance according to those numbers.

I want to salute the Senator from Missouri's efforts to make absolutely certain that we balance the budget excluding the Social Security surplus and I look forward to working with him to bring about that result.

Mr. ROCKEFELLER. Mr. President, as the Ranking Member of the Committee on Veterans' Affairs, I would like to comment on S. Con. Res. 20, the Concurrent Resolution on the FY 2000 Budget. Specifically, I will address the funding allowances for Function 700—Veterans Benefits and Services.

At the outset, let me note that this budget resolution is a departure from past budget resolutions which have cut veterans' spending. The resolution emanating from the Senate Budget Committee includes total spending for an additional $0.9 billion in new budget authority and $1.1 billion in outlays for FY 2000. I am grateful for this increase. It is a valid attempt to infuse the VA with badly needed resources. However, the spending needs of the Veterans Health Administration exceed this recommended level. I believe we can and should do better.

The VA health care system is being squeezed by lack of funding. It's high time that we realized that if this track continues, we will see the closure of VA hospitals. Many VA hospitals are already on the brink; another year of no-growth budgets will close hospitals. Small rural hospitals in New York State and Arizona will be closed. Large urban hospitals, like the ones in Illinois and California, will not be immune and will be shut down.

Various estimates exist about what amount VA would need to simply maintain the level of current services. Conservatively, we are talking about an increase of $850 million to cover payroll inflation, increases in the costs of goods, and other increases beyond the control of VA. So despite VA's efforts to mitigate the increasing cost of pharmaceuticals, for example—efforts which have been lauded by others as the model for Medicare to follow—VA must budget for $850 million just to maintain current services. The concurrent budget resolution before us today fully addresses these uncontrollable costs. It does not, however, make allowances for increased growth of any kind.

In our Committee Views and Estimates, Chairman SPECTER and I outlined the costs associated with unanticipated VA spending requirements, as well as those costs linked to unmet needs. I refer my colleagues to Committee on Veterans' Affairs Views and Estimates for a more complete listing of these substantial costs. However, I do want to highlight some of these areas.

Caring for veterans with the Hepatitis C virus is certainly one of those unanticipated spending requirements. VA studies now indicate that at least 20 percent of hospitalized veteran-patients test positive for the virus. This is twice the rate reported in the general population. VA anticipates that to fully screen and treat these patients, $625 million will be necessary in FY 2000.

A second priority is to provide veterans with access to the same health care services as other Americans. VA cannot now provide emergency care services to all veterans. Many veterans have gone to community emergency rooms believing that VA would reimburse them. Of course, in most cases, VA would not and they were left with substantial medical bills. Providing emergency care and the subsequent hospital admission to veterans would cost the VA $548 million in FY 2000.

Third, a funding need which should not be overlooked is long-term care. We know that the percent of veterans over the age of 65 years will grow from 35 percent of the total veteran population to approximately 42 percent of the total population over the next ten years. Does VA have the necessary resources to care for this influx of aging veterans? Under the current financial construct, the answer is a resounding "no." A funding increase of at least $1 billion is required to meet this unmet need.

It should come as no surprise to my colleagues that the financial constraints that have been placed upon the VA are also having a negative effect on the health care provided to our veterans.

Through our oversight efforts on the Committee on Veterans' Affairs, we have documented serious problems with quality which are the result of staffing shortages. The increase of dangerous pressure ulcer sores in VA nursing homes is only one example of deteriorating inpatient care. A recent report issued by the VA Medical Inspector's office clearly states that at the DC Medical Center, "bedside patient care, such as turning patients at frequent intervals to prevent pressure ulcers, was affected by the shortage of staff." These staffing shortages exist at medical centers all across the country.

With regard to outpatient treatment, the trend points to a disturbing lack of access. VA is rightly moving more patients into ambulatory care settings; however, the system as it is currently funded cannot handle the increased workload.

In some cases, waiting times for routine clinic appointments—like cardiology and gastroenterology—reach 100 days or longer. Mental health services are simply unavailable at 60 percent of VA's outpatient clinics. Finally, while other health care providers and payers are seeing increased per patient costs, the VA must live within forecasts which assume a drop in per patient expenditures. This cannot continue without drastically impacting quality.

I think many of my colleagues would also be disturbed to learn that VA's specialized health care services—blind rehabilitation, traumatic brain injury care, post traumatic stress disorder services, spinal cord injury care, and mental health services—have buckled under the strain. We have spent a tremendous amount of time visiting hospitals and looking deeply into these mandated programs. We have seen budgets for VA PTSD services in Ohio and New York cut at the expense of services. We have found VA substance abuse programs in Delaware, Alabama, New Jersey, and Ohio virtually decimated.

In my home State of West Virginia, we have four small, rural VA medical centers. And I can tell you that simply covering the cost of current services won't help much. In fact, the continued financial stress of the VA budget will have devastating effects on services and veterans at each of these VA hospitals in my State.

In one hospital alone we could be faced with the elimination of audiology and speech pathology, the reduction of dental services, the complete closures of the inpatient surgery, outpatient surgery, and the outpatient mental health programs.

I believe that West Virginia veterans, and veterans across the country, deserve quality health care—and I, for one, will not allow these reductions and program closures.

And I can assure you, my friends, that if these situations exist in the small VA hospitals in my state of West Virginia, then they exist in other VA hospitals—whether they are small rural VA hospitals or large urban VA hospitals.

Mr. President, I would like to take this opportunity to comment on another aspect of the VA budget. On the benefits side, I was very pleased to see the President request and the Budget Committee accept the increase of $49 million in the General Operating Expenses account to provide for an increase of 164 FTE in FY 2000. These new 164 FTE will join FTE shifted over from other duties to provide an additional 440 adjudication FTE.

The Veterans Benefits Administration (VBA) has experienced an increase in pending compensation and pension workload of close to 50,000 cases per year, over the last two years. This is a reversal of the downward trend from FY 92–96. The age of those cases is also growing, with an average in FY 98 of 168 days to process original compensation claims, resulting in 33 percent of cases pending over six months, up from 26 percent in FY 97. This increase in the backlog is in spite of a small decrease in the number of claims being filed. VBA also has real problems with the quality of their decision making. Their own review (STAR) revealed an error rate of 36 percent.

VBA is taking measures to address its quality and workload problems, but they need more resources to deal with some of their biggest challenges, such as: the loss of their most experienced decision makers as they become retirement eligible; the lack of training and the lack of uniformity of that training; the struggle to improve customer service through case management and the reduction of blocked call rates.

It is critical that VBA not only improve their quality and timeliness, but also ensure the integrity of the measures of those factors. They must require accountability in the effort or failure to achieve those goals. These are things that VBA has not been particularly motivated or driven to do in the past. I look to VBA to strive for data integrity and accountability and hope that additional staffing resources will aid in these efforts.

In conclusion, Mr. President, we must do more to restore quality and access to health care for America's veterans today and those service members who will be veterans tomorrow.

FEDERAL R&D INVESTMENT

Mr. FRIST. Mr. President, I would like to focus for a few minutes on an important, yet often ignored aspect of the federal budget—our investment in R&D. While I strongly support the Chairman's contention that we must strive to stay within the budget caps, I also firmly believe that funding for research and development should be allowed to grow in fiscal year 2000 and beyond. Many economists argue that such an investment, through its impact on economic growth, will not drain our resources, but will actually improve our country's fiscal standing.

A dozen economic studies, including those of Nobel Prize winner Robert Solow, have demonstrated that technological progress has historically been the single most important factor in economic growth, having more than twice the impact of labor and capital. In today's booming economy, this fact is particularly evident. Our high tech companies provide one third of our economic output and generate one half of our economic growth. More amazing is the realization that communications and technology stocks now comprise 80% of the value of the stock market.

But it is crucial for everyone to understand that our prosperous high tech companies and revolutionary applications of today were created by scientific advances that occurred in the 1960's, when the U.S. government was prioritizing its resources on R&D. In 1965, the federal government spent 2.2% on civilian and defense R&D, as a fraction of GDP. Now in 1999, we spend approximately 0.8 percent—almost one third of its value. If Congress were to follow the President's current budget, the number would dramatically decrease in the next five years.

We simply cannot afford not to invest in R&D. Our future prosperity depends on maintaining an innovative environment—with a solid research base and robust talent pool. If we allow our investment in our innovative capacity to continue to slip, current policy commitments and rates of reinvestment may not be high enough to sustain future improvements in our standard of living.

I urge each of you to join me in cosponsoring this Sense of the Senate that outlines budgetary goals for increasing the federal investment in R&D in a fiscally responsible manner over time.

Thank you.

IDEA AMENDMENT TO BUDGET RESOLUTION

Mr. HARKIN. Mr. President, in the early seventies, two landmark federal district court cases—PARC versus Commonwealth of Pennsylvania and Mills versus Board of Education of the District Court of Columbia—established that children with disabilities have a constitutional right to a free appropriate public education.

In 1975, in response to these cases, the Congress enacted PL 94–142, the precursor to IDEA, to help states meet their constitutional obligations.

When we enacted PL 94–142, the Congress authorized the maximum state award as the number of children served under the special education law times 40% of the national average per pupil expenditure.

Congress has fallen far short of this goal. Indeed, in fiscal year 1999, Congress appropriated only 11.7 percent of the national average per pupil expenditure for Part B of IDEA.

Congress needs to do much more to help school districts meet their constitutional obligations. Indeed, whenever I go home to Iowa, I am besieged by requests for additional federal funding for special education.

These requests increased in intensity following the Supreme Court decision in Cedar Rapids Community School District versus Garrett F. That decision reaffirmed the court's long-standing interpretation that schools must provide those health-related services necessary to allow a child with a disability to remain in school.

This is a terribly important decision, which reaffirms that all children with disabilities have the right to a meaningful education. As Justice Stevens wrote, "Under the statute, [Supreme Court] precedent, and the purpose of the IDEA, the District must fund such 'related services' in order to help guarantee that students like Garret are integrated into the public schools."

The child in this case, Garret Frey, happens to come from Iowa. He is a friendly, bright, articulate young man, who is also quadriplegic and ventilator-dependent. Twenty years ago, he probably would have been shunted off to an institution, at a terrible cost to taxpayers. Instead, he is thriving as a high school student, and will most likely go off to college and become a hard-working, tax paying citizen.

An editorial in USA Today summed up the situation well.

We've learned a lot about the costs of special education over the past 24 years. In addition to the savings realized when children can live at home with their families, we also know there are astronomical costs associated with not educating students with disabilities. Research shows that individuals who did not benefit from IDEA are almost twice as likely to not complete high school, not attend college and not get a job. The bottom line: Providing appropriate special education and related services to children saves government hundreds of thousands of dollars in dependency costs.

The Garrett Frey decision, however, also underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess of educating other children with disabilities, like Garrett, is great.

The pending amendment, of which I am pleased to be a cosponsor, would take two important steps. First, it would fully fund IDEA at the 40 percent goal. Secondly, the amendment would provide a mandatory stream of funding for this important program. Finally, the amendment is paid for by taking a portion of the funds set-aside for tax breaks and instead invest those funds in IDEA.

Mr. President, my amendment would provide real money to help school districts meet their constitutional obligations. Local school districts should not have to bear the full costs of educating children with disabilities.

Again, the USA Today editorial said it well.

Let's be clear: The job of educating all children is no small feat. But kids in special education and kids in "gifted and talented" programs are not to blame for tight resources. We, as a nation, must increase our commitment to a system of public education that has the capacity to meet the needs of all children, including children with disabilities.

Of course, in providing increased funding for IDEA, we must make sure we do not do so at the expense of other equally important education programs. We need to fully fund Head Start so that all children start school ready to learn. We need to fully fund Title I so that all children get the extra help they need in reading and math. We need to fully fund Pell Grants so that all students have a chance to go to college. There are many other important education initiatives, such as reducing class size, improving teacher training, and modernizing our crumbling schools, that will also help children with disabilities.

Finally, I'd like to point out that when we reauthorized IDEA in 1977, we made clear that the cost of serving students with disabilities should fall not just on school districts, but should be shared by all responsible states agencies, including state Medicaid agencies and state health departments. While Garrett does not qualify for any state programs, many children in his situation do, and the school districts can and should avail themselves of that money.

Mr. President, this amendment is about setting rational national priorities. We must make education our nation's top priority since the real threat to our national security is an inability to compete in the global marketplace. We must have the best-educated, most-skilled, healthiest workers in the world to secure our nation's future. Investments in education are essential if we are to reach that goal.

The amendment targets one important area—special education—and fully funds this important program. As an editorial in the March 15 edition of the New York Times explained, "Educating disabled youngsters is a national responsibility. The expense should be borne on the nation as a whole, not imposed haphazardly on states or financially strapped districts that happen to serve a large number of disabled students."

By providing these additional resources for special education, we would free up funds both here and in local school districts for other important education priorities. I urge my colleagues to support this important amendment to fully fund IDEA by reducing the tax breaks in the budget.

ELIMINATION OF MARRIAGE TAX PENALTY AND UNIFORM ACROSS THE BOARD TAX CUTS

Mr. LEWIS. Mr. President, this amendment states that it is the sense of the Senate that the marriage penalty should be eliminated and that Congress should provide equal, across the board reductions in the individual income tax rates as soon as we have a non-Social Security surplus.

Mr. President, this amendment will put the Senate on record as favoring or opposing the elimination of the marriage penalty. Every year, married couples pay a total of $29 billion per-year in extra taxes for getting married with an average penalty of $1,400 per couple for those married couples affected. Any tax system that discourages the time-honored institution of marriage is unjust and counterproductive. After all, the society of tomorrow is only as good as the families of today.

This amendment calls on Congress to eliminate the marriage penalty in a manner that respects all married couples: couples with two-wage earners and those in which only one spouse works outside the home.

The second part of this sense of the Senate calls for an across the board and equal reduction in each income tax rates as soon as we get a real budget surplus. This proposal is fair, feasible, and responsible. First, it compliments the lock box proposal which saves all of the social security surplus for future social security beneficiaries.

Second, it is fair since it calls for a uniform tax rate reduction for all taxpayers. This proposal would actually provide a greater percentage cut for lower income taxpayers. For example, if we cut each of the income tax rates by 1 percentage point, taxpayers in the highest bracket would receive a 2.6 percent reduction in their marginal tax rate, while those taxpayers in the lowest bracket would receive a 6.5 percent reduction in their tax rate. Over 5 years, the 15 percent rate would become 10 percent the 39.6 percent rate would become 34.6—each rate dropping by 5 percentage points, but the 15 percentage rate getting a 33 percent reduction—really a full ⅓ reduction.

If each of the rates was cut 1 percent per year over a five year period, the final result would be a 33.3 percent reduction in the income tax burden of those in the lowest rate and a 12.7 percent reduction in the top tax rate. But each bracket, each rate, gets the same reduction. Such a plan provides substantial tax relief for all taxpayers and would keep congress on track for fiscal discipline and responsible budgeting.

I want to emphasize the wording that says, as soon as we have a non-social security surplus. I ask my colleagues to join me in supporting this sense of the senate that honors marriage and families and calls for uniform tax rate cuts for all Americans.

I thank the chair and yield the floor.

AMENDMENT NO. 168

Mrs. FEINSTEIN. Mr. President, I have introduced in the Senate a sense of the Senate amendment to the budget resolution to provide funds for a grant program to build new schools.

The goal of this amendment is to first, reduce the size of schools; and second, reduce the size of classes. The amendment would give the Senate's support for grant funding to enable states to build new schools.

THE PROBLEM

Why do we need this amendment?

First, many of our schools are too big. In particular, schools in urban areas are huge. The "shopping mall" high school is all too common. "It's not unusual to find high schools of 2,000, 3,000, or even 4,000 students and junior high schools of 1,500 or more, especially in urban school systems," writes Thomas Toch in the Washington Post. In these monstrous schools, the principal is just a disembodied voice over the public address system.

Second, another serious problem is that our classes are too big for effective learning and as public school enrollment soars, the problem will only worsen. Even though we have begun to reduce class sizes in my state, California still has highest pupil-teacher ratios in the nation, says the National Center for Education Statistics.

THE SOLUTION

This amendment supports legislation providing flexibility in grant funding so that school districts can build new schools and reduce both school size and class size.

The U.S. Department of Education estimates that we need to build 6,000 new schools just to meet enrollment growth projections. This estimate does not take into account the need to cut class and school sizes. The needs are no doubt huge.

CALIFORNIA'S SCHOOLS ARE TOO BIG

My state that has some of the largest schools in the country. Here are some examples: Roosevelt High School, Fresno, 3,692 students; Clark Intermediate School, Clovis, 2,744 students; Berkeley High School, Berkeley, 3,025 students; Rosa Parks Elementary School, San Diego, 1,423 students; Zamorano Elementary School, San Diego, 1,424 students.

California also has some of the largest classes sizes in the nation. In 1996-1997, California had the second highest teacher-pupil ratio in the nation, at 22.8 students per teacher. Fortunately since 1996, the state has significantly cut class sizes in grades K–3, but 15 percent or 300,000 of our K–3 students have not benefitted from this reform. And students have grade 3 have not been touched.

EXAMPLES OF LARGE CLASSES

Here are some of the classes in my state: Fourth grade, statewide, 29 students; sixth grade, statewide, 29.5 students. National City Middle School San Diego, English and math, 34 to 36 students. Berryessa School District in San Jose—fourth grade, 32 students; eighth grade, 31 students. Long Beach and El Cajon School Districts, tenth grade English, 35 students. Santa Rosa School District—fourth grade, 32 students. San Diego City Schools, tenth grade biology, 38 students. Hoover Elementary and Knox Elementary in E. San Diego Elementary, grades 5 and 6, 31, to 33 students. Hoover High School 10th grade Algebra, 39 students.

To add to the problem, California will have a school enrollment rate between 1997 and 2007 of 15.7 percent, triple the national rate of 4.1 percent. We will have the largest enrollment increase of all states during the next ten years. By 2007, our enrollment will have increased by 3.3. percent. To put it another way, California needs to build seven new classrooms a day at 25 students per class just to keep up with the surge in student enrollment. The California Department of Education says that we need to add about 327 schools over the next three years, just to keep pace with the projected growth.

SMALLER SCHOOLS, SMALLER CLASSES, BETTER LEARNING

Studies show that student achievement improves when school and class sizes are reduced.

The American Education Research Association says that the ideal high school size is between 600 and 900 students. Study after study shows that small schools have more learning, fewer discipline problems, lower dropout rates, higher levels of student participating, higher graduation rates

(The School Administrator, October 1997). The nation's school administrators are calling for more personalized schools.

California's education reforms relied on a Tennessee study called Project STAR in which 6,500 kindergartners were put in 330 classes of different sizes. The students stayed in small classes for years and then returned to larger ones in the fourth grade. The test scores and behavior of students in the small classes were better than those of children in the larger classes. A similar 1997 study by Rand found that smaller classes benefit students from low-income families the most.

Take the example of Sandy Sutton, a teacher in Los Angeles's Hancock Park Elementary School. She used to have 32 students in her second grade class. In the fall of 1997, she had 20. She says she can spend more time on individualized reading instruction with each student. She can now more readily draw out shy children and more easily identify slow readers early in the school year.

The November 25, 1997, Sacramento Bee reported that when teachers in the San Juan Unified School Districts started spending more time with students, test scores rose and discipline problems and suspensions dropped. A San Juan teacher, Ralphene Lee, said, "This is the most wonderful thing that has happened in education in my lifetime."

A San Diego initiative to bring down class sizes found that smaller classes mean better classroom management; more individual instruction; more contact with parents; more time for team teaching; more diverse instructional methods; and a higher morale.

Teachers say that students in smaller classes pay better attention, ask more questions and have fewer discipline problems. Smaller schools and smaller classes make a difference, it is clear.

MANY OLD SCHOOLS

Other amendments and other bills that I am supporting provide mechanisms to modernize old schools and we have many old schools. One third of the nation's 110,000 schools were built before World War II and only about one of 10 schools was built since 1980. More than one-third of the nation's existing schools are currently over 50 or more years old and need to be repaired or replaced. The General Accounting Office has said that nationally we need over $112 billion for construction and repairs to bring schools up to date.

CALIFORNIA'S SCHOOL BUILDING NEEDS CRITICAL

My state needs $26 billion from 1998 to 2008 to modernize and repair existing schools and $8 billion to build schools to meet enrollment growth. In November 1998, California voters approved state bonds providing $6.5 billion for school construction.

In addition to the need to reduce school and class sizes, there are several key factors driving our need for school construction:

1. High Enrollment: California today has a K–12 public school enrollment at 5.6 million students which represents more students than 36 states have in total population, all ages. We have a lot of students.

Between 1998 and 2008, when the national enrollment will grow by 4 percent, in California, it will escalate by 15 percent, the largest increase in the nation. California's high school enrollment is projected to increase by 35.3 percent by 2007. Each year between 160,000 and 190,000 new students enter California classrooms. Approximately 920,000 students are expected to be admitted to schools in the state during that period, boosting total enrollment from 5.6 million to 6.8 million.

California needs to build 7 new classrooms a day at 25 students per class between now and 2001 just to keep up with the growth in student population. By 2007, California will need 22,000 new classrooms. California needs to add about 327 schools over the next three years just to keep pace with the projected growth.

2. Crowding: Our students are crammed into every available space and in temporary buildings. Today, 20 percent of our students are in portable classrooms. There are 63,000 relocatable classrooms in use in 1998.

3. Old Schools: Sixty percent of California's schools are over 40 years old. 87 percent of the public schools need to upgrade and repair buildings, according to the General Accounting Office. Ron Ottinger, president of the San Diego Board of Education has said; "Roofs are leaking, pipes are bursting and many classrooms cannot accommodate today's computer technology."

4. High Costs: The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million. In California, our costs are higher than other states in part because our schools must be built to withstand earthquakes, floods, El Nino and a myriad of other natural disasters. California's state earthquake building standards add 3 to 4 percent to construction costs. Here's what it costs to build a schools in California: an elementary school (K–6), $5.2 million; a middle school (7–8), $12.0 million; a high school (9–12), $27.0 million.

5. Class Size Reduction: Our state, commendably, is reducing class sizes in grades K through 3, but this means we need more classrooms.

And so to exacerbate the need to build smaller schools and to reduce class sizes, our school districts are saddled with overwhelming construction demands.

CONCLUSION

Big schools and big classes place a heavy burden on teachers and students. They create an impersonal learning environment.

The American public supports increased federal funding for school construction. The Rebuild American Coalition this month announced that 82 percent of Americans favor federal spending for school construction, up from 74 percent in a 1998 National Education Association poll.

Every parent knows the importance of a small class where the teacher can give individualized attention to a student. Every parent knows the importance of the sense of a school community that can come with school.

I hope my colleagues will join me today in supporting this important education reform.

FEDERAL ANTI-DRUG STRATEGIES

Mr. GRAMS. Mr. President, I rise today in support of sending a strong anti-drug message during consideration of the Fiscal Year 2000 Budget Resolution.

As we approach the new millennium, one of the most difficult challenges facing our country is the sale, manufacture and distribution of illegal drugs. Drug abuse is a daily threat to the lives of young people and the health and safety of our families. We must strengthen our resolve to developing and innovative and effective drug strategy.

The National Institute on Drug Abuse recently reported that 54 percent of high school seniors reported illegal use of a drug at least once in their lives, 42 percent reported use of an illegal drug in the past year and 26 percent reported use of an illegal drug in the past month. Clearly the American people need Congress to recommit this nation to ridding our schools and streets of drugs.

I believe that our nation can reverse these troubling trends in drug abuse and decrease the number of Americans who use drugs. First and foremost, we must enforce our existing drug laws. Second, we must make a commitment to public education and community-based prevention programs, as well as effective treatment for those drug abusers who are motivated enough to accept treatment. We must ensure that local communities and law enforcement agencies have the tools to develop effective drug prevention and education programs. In my view, adequate funding for programs such as the Byrne grant program, the federal "Weed and Seed" initiative and the "Drug Free Communities Act" program is critical to providing resources and guidance to local communities in my home state of Minnesota to help develop solutions to this problem and expand their anti-drug education and prevention programs.

And finally, we must actively support the eradication and interdiction of drugs before they reach our borders. Illegal drugs are easy to find and cheap to buy. And there is no doubt that contributes to the high rate of drug use among our nation's children. We've got to invest this nation's resources in making sure more of these drugs never reach our shores. If we can reduce the supply of drugs, the price will go up. If we can reduce the supply of drugs, they'll be harder to find, and fewer American children will fall into drug use. That is why the Western Hemisphere Drug Elimination Act and the Drug Free Century Act is so important. A counter-drug strategy which does not give sufficient weight to international interdiction and eradication efforts cannot succeed.

The federal government must continue to work closely with local officials to combat the threat of illegal drug use, trafficking, and manufacturing to our children's future. A united commitment by Congress, parents, schools, city councils, faith-based organizations and medical institutions will help to create a drug-free America. Failure to act will only increase the likelihood that we will lose control of our neighborhoods to drug-related crime and violence.

SENSE OF THE SENATE ON FEDERAL RESEARCH AND DEVELOPMENT

Mr. LIEBERMAN. Mr. President, I rise to support the Sense of the Senate regarding Federal Research and Development, Section 310 of the Concurrent Budget Resolution.

The past few years of economic growth have led us to a remarkable stage in this country's history. For the first time, we have both low inflation and low unemployment, a stock market which seems boundless and, more germane to the discussion at hand, a historic budget surplus. However, the budget we have prepared for the turn of the new millenium is not one which promotes growth. Specifically, the small and declining accounts in research and development (R&D) are a direct prescription for long term economic decline. Let me explain.

There have been at least a dozen major economic studies in recent years, including those of Nobel Prize winner Robert Solow, which conclude that technological progress is the primary ingredient in economic growth, accounting for 50% or more of total growth. These studies further show that technological progress has twice the impact on economic growth of labor or capital. Ironically, we have spent far more time in Congress debating the economic impact of labor and capital, in the form of jobs and tax bills, than we have ever devoted to R&D, which is the true workhorse of economic growth. Today, the relationship between technological progress and economic growth is apparent even to the lay person. The Internet, cancer drugs, cellular phones, and computer-related services are ubiquitous. Communications and technology stocks now account for 80% of the value of today's booming $1.4 trillion stock market. Furthermore, the productivity improvements generated by leap-ahead advances in communications and computers have translated into an economic strength that makes us the envy of the world.

Because it takes 20–30 years for fundamental discoveries to evolve into market products, we happen to be benefitting handsomely from the government's large investment in R&D in the mid-1960's. However, we have historically been poor guardians of that investment. This year is no exception. The Budget Committee's proposed cuts in research in R&D, totaling as much as 40% in some areas, sit atop a long historical decline which has already more than halved our total R&D investment (as a percent of GDP) over the past 34 years. In 1965, we spent an amount equivalent to 2.2% of our GDP on R&D; in 1998, that amount was 0.8%. Commenting on our nation's 34 year decline in R&D investments, the investment guru Peter Lynch has said, "If I saw a business with an R&D trend like this, I wouldn't buy the stock."

Almost every other country understands the rationale for R&D, and is especially conscious of the government's unique role in supporting basic research. As a result, thirteen countries now spend more on basic R&D as a percent of GDP than do we. What is the result of that investment? One result is that these countries maintain their base of excellence in science. If one looks at the set of nations with "significantly higher" high school science achievement scores than the US, eight of the top eleven nations which comprise that list are the same eight nations which are in the top ten of basic science funding as a fraction of GDP. Exactly why there is such a strong correlation between research investment and high school science scores is not clear, but the correlation there, it is strong, and it bears investigation.

Last year, the Senate began to recognize the value of R&D to the economy and to our innovation base. We passed, without opposition, S. 2217, which sought to double R&D spending over the next decade. The bill was bipartisan, had 36 cosponsors, and passed without dissent. A Sense of the Senate amendment was also unanimously passed during this year's budget committee mark-up, calling for greater R&D investment. In contrast to these mandates for more R&D spending, the budget we see here today cuts R&D substantially.

Although much of the discussion regarding R&D investment has focused on civilian R&D, I would like to point out the special and troubling case of military R&D. Historically, DoD has funded the lion's share of research in mathematics, engineering, and the physical sciences, both in our military laboratories and in our university system. The output of this innovation enterprise is unmatched. If one looks at the U.S. cadre of Nobel Prize winners, 58% of the physics laureates and 43% of the chemistry laureates were funded by DoD prior to winning their Nobel prizes. What I find disturbing is the fact that we are dismantling this engine of innovation through dramatic cuts in DoD R&D, even as we are in the process of transforming from the Cold War Era to the much more technologically demanding era of—if I may use the term—"techno-warfare." Every scenario of future military dominance by the U.S. assumes that we will inevitably have superior technology. However, if we are dramatically cutting military R&D, and we are simultaneously not supporting civilian R&D, exactly where is that technological superiority going to come from? Each of our services currently spends 60–80% of its funds on readiness issues (i.e., operations and maintenance) and 20–40% of their funds on modernization tasks for incremental improvements (i.e., procurement, testing and evaluation). The obligation authority for science and technology—the military of the future—is currently less than 2% of the military budget. Even this minute fraction is destined to decline further under the budget we see before us today. Though we face daunting readiness problems in the present, we are far less ready for the future.

The president's budget for military R&D proposed significant cuts, on the order of 6%, that the budget committee's budget will probably worsen. The budget committee's 19 billion increase for DoD is unlikely to accommodate all of DoD's readiness, modernization, retention, recruitment, and ballistic missile defense needs. The Armed Services' Committee's probable response will be to squeeze the already small R&D budget enormously. DoD itself has requested extensive cuts in S&T (science and technology) which contrast sharply with its request for $112 billion in increases for readiness and modernization over the next 5–6 years. The DoD budget requests, in conjunction with the budget committee's actions, make it clear that the problems the military is experiencing at present—though undoubtedly pressing—are actively preventing adequate long-term strategic planning.

A recent Council on Competitiveness report shows that, as a nation, we are currently unmatched in our potential to innovate, due to our past investments in R&D through our military, industry, and university systems, and due to our vibrant venture capital sector. Let us not make the mistake of starving the system that gives us our greatest strength, just as we embark on the "Innovation Economy" of the new millenium.

The budget resolution before us dramatically fails in its commitment to nourish R&D, which is the key to our future economy, our future security, and our future well being. The major cuts it makes in both civilian and military R&D—in our innovation system—are not supportable.

Ms. SNOWE. Mr. President, today marks a dramatic turning point for the Senate. Because, although Senators THURMOND, HOLLINGS, BYRD, and a handful of others were members of this body the last time the Federal Government ran a unified budget surplus in 1969, no member of the Senate has even been involved in the crafting of a budget resolution under these all too unique fiscal circumstances.

Furthermore, the consideration of this budget resolution is not only a significant moment for the Senate, but for more than a generation of Americans who never lived in a time without federal budget deficits.

Mr. President, in light of the unified surpluses we are now enjoying—and the on-budget surpluses we are projected to soon enjoy—I would like to thank the Chairman of the Senate Budget Committee, PETE DOMENICI, for his unwavering commitment to a balanced budget and fiscally responsible decision-making over the years. Thanks, in part, to his leadership and efforts, the turbulent waves of annual deficits and mounting debts have been temporarily calmed. And, if we are willing to adhere to these principles in this year's budget resolution and others yet to come, we may be able to maintain the current budgetary calm for many years in the future.

Mr. President, the budget resolution reported by the Senate Budget Committee—and that we are now considering on the floor—not only maintains fiscal discipline, but it also ensures that critical priorities are protected and addressed in fiscal year 2000 and beyond.

Specifically, the Senate budget resolution contains the following key provisions:

First, it protects every penny of the Social Security surplus in upcoming years by devoting it solely to reducing publicly-held debt.

Second, through an amendment I offered in the Budget Committee mark-up, it provides monies from the on-budget surplus for a new Medicare prescription drug benefit—something that President Clinton failed to include in his own budget proposal after touting the need for this benefit in his State of the Union address.

Third, it adheres to the spending levels established just two years ago in the Balanced Budget Act of 1997, while increasing funding for critically needed priroties including education and defense.

Fourth, it provides tax relief for Americans at a time when the typical family's tax burden exceeds the cost of food, clothing, and shelter combined. And as a result of another amendment I offered during markup, it places marriage penalty relief as a top priority in any tax cut package that is ultimately crafted. When considering that 42 percent of all married couples incurred a marriage tax penalty averaging $1,400 in 1996, I think of no tax cut that would be more appropriate in any upcoming tax package.

Collectively, I believe these principles and priorities reflect those of most Americans—especially the protection of Social Security's monies. Accordingly, I believe this resolution deserves broad bipartisan support in the Senate and, ultimately, by the entire Congress.

Mr. President, to truly appreciate what is contained in this budget resolution, I believe it is appropriate to compare it with the only other major proposal on the table: the budget proposal put forth by President Clinton on February 1.

As mentioned, the first priority that is protected in the Senate budget resolution is Social Security and the annual surpluses it is currently accruing.

As my colleagues are aware, the Social Security surplus was responsible for the unified budget surplus of $70 billion we accrued in FY98. In fact, without the Social Security surplus, the federal government actually ran an on-budget deficit of $29 billion last year.

By the same token, Social Security's surpluses will account for the bulk of our unified budget surpluses in coming years as well. Specifically, over the coming 5 years, Social Security surpluses will total $769 billion and account for 82 percent of CBO's projected unified surpluses—and over 10 years, they will total $1.7 trillion and account for 69 percent of unified surpluses.

To protect Social Security's surpluses, the Senate budget resolution sets the stage for "lock-box" legislation that will accomplish what many of us have desired for years: a bonafide means of taking Social Security off-budget. Put simply, this resolution ensures that Social Security surpluses will no longer be raided and used to fund other government programs in any upcoming year. Instead, every dollar of Social Security's current and projected surpluses will be set aside and used to bury-down publicly held debt.

In contrast, President Clinton's budget offers no protection for the Social Security surplus and, in fact, would spend it on other federal programs in upcoming years.

Specifically, as the chart behind me indicates over the coming five years, the President proposes we take a $158 billion "bite" out of Social Security surpluses and spend these monies on other federal programs. That means that, under the President's budget, fully 21 percent of Social Security's upcoming surpluses would be spent on other programs over the next five years.

Although the President has proposed that we spend a portion of the Social Security surplus on other programs, I was pleased that an overwhelming majority of my Democratic colleagues on the Senate Budget Committee voted for an amendment I offered during markup that rejected the President's proposed use of Social Security's surpluses.

Specifically, my amendment outlined that fact that the President's budget would spend $40 billion of the Social Security surplus in FY2000; $41 billion in FY01; $24 billion in FY02; $34 billion in FY03; and $20 billion in FY04. Furthermore, the amendment called on Congress to reject any budget proposal that spent Social Security surplus monies on other federal programs. Appropriately, after my amendment was adopted by a vote of 21 to 1, the President's budget proposal—which spends Social Security's surplus monies—was unanimously rejected by the Committee when offered as an amendment later in the markup.

Mr. President, not only does the President's budget propose that we spend Social Security's money at the same time as he expresses a desire to save the program, but he also fails to achieve the goals he laid out in the State of the Union address regarding the utilization of the unified surplus.

First, it's worth nothing that—based on that goals he laid out in the State of the Union address—the President apparently double-counts the surplus and proposes that we spend 151 percent of the surplus over the coming 15 years! That's 51 percent than you or I could spend, Mr. President, and 51 percent more than would ever exist.

The next chart—taken from the February 1 article in Newsweek—shows how this "double counting" would occur. As you can see, the President proposed that we spend $500 billion for the new Universal Savings Accounts, $500 billion for other federal spending, $700 billion for Medicare, and $2.8 trillion for Social Security. In total, these five items would run $4.5 trillion—the total projected surplus over the 15 year period.

However, what the President forgot to mention is that $2.3 trillion of this amount is already Social Security's money because it is the total of the annual Social Security surpluses that will accrue over the coming 15 years. As a result, the true total of the Clinton proposals would be $6.8 trillion—which is $2.3 trillion more than the surpluses we would accrue over the same period of time!

Setting aside the questionable math of the President's proposals, it's also worth noting that there is a significant difference between how the President portrays his proposals, and what they actually accomplish.

Specifically, as my next chart indicates, there is a gap between the "rhetoric" and the "reality" of the President's plan. In fact, in light of this gap, I believe the President's budget should have earned an Oscar for "Best Actor" during Sunday's Academy Award presentation!

As we can see on this chart, the President claimed that his budget would give 62 percent of the unified surplus to Social Security, 15 percent to Medicare, 12 percent to new Universal Savings Accounts (USAs), and 11 percent to new spending.

However, in reviewing CBO's analysis of the President's budget—and by removing the rhetoric from the various proposals and identifying them for what they truly are—it's clear that the "reality" of the President's budget is far different from how it has been presented.

Specifically, instead of devoting a combined 77 percent of the unified surplus to Medicare and Social Security—65 percent to Social Security and 12 percent to Medicare respectively—the truth of the matter is that the President is simply proposing that we artificially increase the number of IOUs held by the Social Security and Medicare Trust Funds.

Furthermore, we find that the President's goal to set-aside 77 percent of the unified surplus will not even be met. Specifically, over the coming five years, only 65 percent of the unified surplus would be set aside—and that is only achieved if we assume that the President's proposal to have Social Security monies invested in the stock market is ultimately used for the same purpose.

Also, the new Universal Savings Accounts (USAs) proposed by the President are just another name for a tax cut—and would utilize 11 percent of the surplus accordingly. As I mentioned earlier, I believe reducing the marriage penalty should be the top priority of any tax cut package, and already had an amendment included in the budget resolution accordingly.

Finally, over the coming five years, the President would actually spend 24 percent of the surplus on other federal programs—far above the 11 percent target that he laid out to the American people.

Mr. President, as mentioned, for all the talk about devoting 62 percent of the surplus to Social Security and 15 percent to Medicare, the President really is proposing that we simply increase the number of IOUs held by the Social Security and Medicare Trust Funds to make them more solvent on paper.

Not only does this accounting scheme give the false impression that saving these critically needed programs can occur without lifting a "fiscal finger," but it could also lead to a false sense of complacency that will lead to true reforms being put off until it's too late. If that happens, the changes that will need to be made to these programs will need to be draconian—and all because we chose to give the public the false belief that nothing needed to be done to legitimately strengthen these programs today.

Of note, the President's own budget highlights the futility of simply increasing trust fund balances without true reforms, and discredits his accounting scheme accordingly. On page 337 of the President's "Analytical Perspectives" book for the FY 2000 budget, we read

> (Trust Fund) balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense . . . They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government's ability to pay benefits.

So, what does this mean? In a nutshell, the President isn't putting a penny of real money into these programs—he's simply increasing the number of IOUs held by the Trust Funds and hoping that someone figures out how to pay them back with real money in the future. There's absolutely no commitment of a single dollar from the surplus to these programs today.

As I said during the Budget Committee markup this past week, the President should win a Pulitzer prize for fiction by claiming that this plan somchow "saves" Medicare!

In contrast, the Senate budget resolution contains a mechanism and money to truly strengthen and improve Medicare. Specifically, an amendment I offered during the Committee markup—that was subsequently adopted by a bipartisan vote of 21 to 1—would allow a portion of remaining on-budget surpluses to be used for the creation of a new Medicare prescription drug benefit. As my colleagues are aware, the need for such a benefit was one of the key sticking points in the discussions of the Bipartisan Medicare Commission—so my provision ensures that this critically needed benefit can be funded.

Yet even as it allows for the creation of a new prescription drug benefit, it also will encourage the development of a comprehensive plan to truly save Medicare without accounting gimmicks. Specifically, to access the on-budget surplus to pay for this new benefit, my provision requires that the Senate consider legislation that will "significantly increase the solvency" of the Medicare Trust Fund without artificially extending it in the manner prescribed by the President. While this provision in no way endorses one type of reform over another, it provides tantalizing "carrot" for Congress and the President if they are willing to sit down and legitimately work to strengthen Medicare.

Mr. President, now that we've separated the rhetoric from the reality of the President's budget, it's possible to do an honest comparison of the President's budget proposal and the Senate budget resolution we are now considering.

As my next chart indicates, the Senate budget resolution handily beats the President's budget at reducing publicly-held debt over the coming five years. In fact, by walling-off the Social Security surplus, the Republican plan would ensure that 82 percent of the unified surplus is used for debt reduction, versus 65 percent in the President's plan.

Why is the President's debt reduction so much lower? In a nutshell, because of the magnitude of his new spending proposals. While the Senate budget resolution exercises fiscal austerity by only using 18 percent of the surplus over the next five years for purposes other than debt reduction, the President uses 35 percent of the surplus for other purposes—the vast majority of which is increased spending.

Mr. President, the bottom line is that whether you compare these budgets based on reality or on rhetoric, the Senate budget resolution is superior to the Clinton plan, especially in terms of protecting Social Security's money.

As a result, I hope that the partisan attacks against the Senate budget resolution will end.

Mr. President, by maintaining fiscal discipline, protecting Social Security surpluses, buying down debt, providing funds for a Medicare prescription drug benefit, and enhancing funding for shared priorities such as education, I believe the Senate budget resolution deserves strong support by the full Senate.

Ultimately, while members from either side of the aisle may disagree with specific provisions in the resolution that has been crafted, the simple fact is that this is a budget framework—or "blueprint"—that establishes parameters and priorities, but is not the final word on these individual decisions. Rather, specific spending and tax decisions will initially be made in the Appropriations and Finance Committees, and ultimately by members on the floor.

Therefore, I am hopeful that amendments offered to this framework do not harm the broad and reasoned parameters that have been set, and that keep in mind that—unlike the President's proposal—the budget resolution should not be about rhetoric, but about fiscal reality.

AMENDMENT NO. 169

Mrs. FEINSTEIN. Mr. President, this is a sense of the Senate amendment to make room in the FY 2000 budget for remedial education funds for schools to end social promotion.

My amendment would assume enactment of legislation or competitive grants to school districts to help provide remedial education, after school and summer school courses for needy and low-performing students who are not making passing grades.

The purpose is to provide federal incentives and federal help to school districts that abolish and do not allow social promotion and provide interventions to help students meet state achievement standards in the core curriculum.

This amendment seeks the endorsement of the Senate for providing remedial education that help students meet achievement standards and help school systems end social promotion.

THE PROBLEM

Why do we need this amendment? In short, our students are failing.

I truly believe that the linchpin to education reform is the elimination of the path of least resistance whereby students who are failing are simply promoted to the next grade in hopes that somehow they will learn, by virtue of sitting in the classroom.

To promote youngsters when they are failing to learn has produced a generation of young people who cannot read or write, count change in their pockets or fill out an employment application. It has been called "educational malpractice." It is inexcusable for our education system to hand out a high school diploma to a youngster who does not have the skills to get a job.

It is that bad. And California is just about the worst.

On March 5, we received the bad news that California ranked second to last among 39 states in fourth-grade reading skills.

This report by the National Assessment of Educational Progress, also showed that in California:

Eighty percent of fourth-graders are "not proficient readers," meaning they do not have a solid command of challenging reading materials.

Fifty-two percent of the fourth-graders scored below the basic level, meaning they had failed to even partially master basic skills.

The news was not much better for California eighth-graders who ranked 33rd out of 36 states and only 22 percent were proficient readers.

In a December 1998 study by the Education Trust, California ranked: last in the percent of young adults with a high school diploma; 37th in SAT scores; and 31st (of 41 states) in 8th grade math.

And nearly half of all students entering the California State University system require remedial classes in math or English or both.

U.S. STUDENTS LAGGING AS WELL

The news is grim throughout the United States, where students are falling behind their international peers:

The lowest 25 percent of Japanese and South Korean 8th graders outperform the average American student (source: Organization for Economic Cooperation and Development study, November 1998).

In math and science, U.S. 12th grade students fell far behind their counterparts, which is especially troubling when we consider the skills that will be required to stay ahead in the 21st Century. (Source: Third International Mathematics and Science Study, 1998).

Specifically, U.S. 12th graders:

Were significantly outperformed by 14 countries and only performed better than students in Cyprus and South Africa.

Scored last in physics and next to last in math.

WHAT IS SOCIAL PROMOTION?

Social promotion is the practice of schools' advancing a student from one grade to the next regardless of the student's academic achievement.

It is time to end social promotion, a practice which misleads our students, their parents and the public.

And apparently, the American Federation of Teachers agrees. Let me quote from their September 1997 study:

> Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the nation.

That is well said, from those faced with the problem everyday.

REMEDIAL EDUCATION NEEDED FOR STUDENT ACHIEVEMENT

Merely ending social promotion and holding students in grade will not solve the problem. We cannot just let them languish without direction and without help in a failing system.

Instead, ongoing remedial work, specialized tutoring, after-school programs and summer school all must be used—intensively and consistently.

That is why I am proposing a new federal infusion of funds for remedial education, as embodied in this amendment.

HOW WIDESPREAD IS SOCIAL PROMOTION?

Social promotion is widespread. Although there is no hard data on the extent of social promotion, most authorities, in the schools and out, know it is happening—and in some districts it is standard operating procedure.

In fact, 4 in 10 teachers reported that their schools automatically promote students when they reach the maximum age for their grade level (Source: Los Angeles Times, January 14, 1998).

And the September 1998 American Federation of Teachers study says social promotion is "rampant."

This study involved 85 of the nation's 820 largest school districts in 32 states—representing one-third of the nation's public school enrollment. It found most school districts:

Use vague criteria for passing and retaining students.

Lack explicit policies of social promotion, but have an implicit practice of social promotion, including a loose and vague criteria for advancing students to the next grade.

View holding students back as a policy of last resort and often put explicit limits on retaining students.

Also, the study found that only 17 states have standards in the four core disciplines (English, math, social studies and science) which are well grounded in content and that are clear enough to be used.

SOCIAL PROMOTION IN CALIFORNIA

In July 1998, I wrote 500 California school districts and asked about their policy on social promotion.

Their responses, which are vague and often misleading, include the following:

Some school districts say they do not have a specific policy.

Some say they simply figure what is "in the best interest of the student."

Some say teachers provide recommendations, but final decisions on retention can be overridden by parents.

And some simply promote regardless of failing grades, non-attendance, or virtually anything else.

In short, the policies are all over the place.

SOCIAL PROMOTION IS ENDING IN CALIFORNIA

Last year, in California, the Legislature passed and the Governor signed into law a bill to end social promotion in public education.

This new law requires school districts to identify students who are failing based on their grades or scores on statewide performance tests.

The schools have to hold back the student unless their teachers submit a written finding that the student should be allowed to advance to the next grade.

In such a case, the teacher is required to recommend remediation to get the student to the next level, which could include summer school or after-school instruction.

In one example, the Los Angeles Unified School District is currently working to develop a plan to end social promotion.

The LAUSD Board plans to identify those students who are at risk of flunking and require them to participate in remedial classes.

The alternative curriculum will stress the basics in reading, language arts and math through special after-school tutoring. The district's plan would take effect in the 1999–2000 school year and target students moving in the third through sixth grades and into the ninth grade.

THE COST OF SOCIAL PROMOTION

Here are some of the painful results of social promotion:

Half of California's students—3 million children—perform below levels considered proficient for their grade level.

One third of college freshmen nationwide take remedial courses in college and three-quarters of all campuses, public and private, offer remediation.

More than two-thirds of students entering California State University campuses in Los Angeles lack the math or English they should have mastered in high school. At some high schools, not one graduate going on to one of Cal State's campuses passed a basic skills test.

And these numbers represent an increase. In the fall of 1998, almost 50 percent of freshmen needed remedial help. In 1997, it was 47 percent, compared to 43 percent in each of the previous three years.

THE PUBLIC RECOGNIZES THE FLAW IN SOCIAL PROMOTION

President Clinton called for ending social promotion in his last two State of the Union speeches. Last year, he said, "We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools."

Seven states have a policy in place that ties promotion to state level standards. They are California, Delaware, Florida, Louisiana, North Carolina, Ohio, and Virginia.

The Chicago Public Schools have ditched social promotion. After their new policy was put in place, in the spring of 1997, over 40,000 students failed tests in the third, sixth and eight and ninth grades and then went to mandatory summer school.

In my own state, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance.

And they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation. For example, San Diego's schools are requiring that eighth graders who do not pass core courses be retained or pass core courses in summer school.

CONCLUSION

A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63 percent of employers and 76 percent of professors said that the diploma is not a guarantee that a graduate can read, write or do basic math.

California employers tell me that many applicants are unprepared for work and they have to provide very basic training to make them employable.

High tech companies say they have to recruit abroad. For example, last year, MCI spent $7.5 million to provide basic skills training.

On December 17, 1998, the California Business for Education Excellence announced that they were organizing a major effort to reform public education.

This group includes the State's major corporations and organizations like the California Business Roundtable,' the California Manufacturers Association, and the American Electronics Association, and companies like Hewlett-Packard, IBM, Boeing and Pacific Bell. They had to organize because they see firsthand the results of a lagging school system.

I offer this amendment today to get the Senate, officially, on record, to support the notion that we have to provide our students and teachers the resources they need to help students achieve.

The amendment is not meant as an indictment of our schools and the many able educators who work hard everyday.

This amendment is being offered because we must face up to these deficiencies and do the hard work that reform requires.

We can no longer tolerate doing what is "politically correct" or the latest teaching fad. It takes hard, proven, concentrated work by students, teachers, and families. And we have to have the ability to know the difference.

I urge my colleagues to accept this amendment, to give educators the resources they need to help students achieve and to tie federal resources to real results.

Mr. BURNS. I stand in support of the Senate's Concurrent Budget Resolution for Fiscal Year 2000 since I believe it establishes the right priorities and balance for the Federal Government going into the next millennium. It preserves the future retirement and health care for our aging population by ensuring the financial integrity of the Social Security and Medicare Programs. It reduces the financial burden of the Federal Government on American taxpayers by reducing the national debt and returning excess taxes to them. And finally it limits the growth of the Federal Government by adhering to the statutory spending caps agreed to between Congress and the President in 1997.

Saving Social Security is not a partisan issue. Principles, not politics should guide us when it comes to providing for our senior citizens who have been our guide through life thus far. We need to fix this program not only for our parents but also our grandchildren. We need to trust the American people that they can make their own choices on how their retirement will be financed. I believe all Americans should be given the opportunity to invest in a personalized savings account to control their own future. I do not agree that we should mandate the creation of a politically constituted Federal commission to control the investments of Social Security trust funds in the stock markets.

The President's plan doesn't add up. His FY 2000 budget projects a $4.5 trillion surplus over the next 15 years. One half of that $2.3 trillion, is the surplus for the Social Security trust fund. That leaves us with a working surplus of $2.2 trillion. I just don't understand where we come up with the $2.8 trillion for the Social Security trust fund out of this non-Social Security surplus of $2.2 trillion especially after the President proposes to spend $1.7 trillion of the remaining $2.2 working surplus. His plan just doesn't add up. As we say in Montana—looks like it, smells like it, taste like it, glad we didn't step in it.

Medicare is another tricky issue that we need to fix. I want the record to show that Republicans have never proposed cutting Medicare. Rather Republicans have allowed Medicare to grow at twice the rate of inflation. Our FY 2000 Budget Resolution assures that Medicare is fully funded—every dollar that is projected to go to beneficiaries will do so instead of what the President proposes with $9 billion in cuts to Medicare. This means that the Republican plan will continue to preserve Medicare for our seniors in this FY 2000 Budget Resolution.

In the State of the Union, the President proposed that $1 out of every $6 of the surplus will be used to guarantee the soundness of Medicare until the year 2020. What he claims actually is to set aside $700 billion—15 percent of the $4.5 trillion total budget surplus of the next fifteen years—and then credit this with another $300 billion in interest payments.

While this sounds attractive, the President doesn't have the money to implement this plan plus his claims are based on IOUs and phony numbers. However, the worst part is that his plan still wouldn't help Medicare.

Since the total Federal budget deficit was eliminated in FY 1998, the FY 2000 Budget Resolution will focus now on eliminating the on-budget deficit in FY 2001—the first time this has occurred since the 1960s. Furthermore, the FY 2000 Budget Resolution will cut the public debt over the next 10 years by 50 percent versus the 20 percent reduction proposed in the President's budget. Correspondingly, Federal interest payments on the national debt will be cut in half—from $229 billion this year to $115 billion in 2009—releasing capital previously set aside to pay for interest on the national debt to more productive private economic activities, such as helping our struggling farmers and ranchers. Also we will not have to make the American public go further into debt. The statutory debt limit for the total government (currently at $5.95 trillion) will not have to be increased until 2004 as opposed to the President's budget which would have to raise the statutory debt limit as early as 2001.

The FY 2000 Concurrent Budget Resolution further accommodates a tax cut of $15 billion in the first year and $142 billion over the first five years from the non-Social Security surplus. Congress is not only receptive to paying down the national debt, but also to refund excess taxes to the American people.

Let me assure you that the Republican tax cut will have no effect on Social Security or Medicare because they are not funded by general revenues but by dedicated payroll taxes. Also, tax cuts from a surplus discretionary budget have no impact on Social Security or Medicare.

With a budget surplus well over $100 billion, I believe it is arrogant for the Administration to believe it has the best perspective on how to spend the American taxpayers money. Furthermore it is even harder to believe tax increases are justified as the President proposes. Our nonpartisan Congressional Budget Office estimates, under current law, American taxpayers will overpay their taxes by $787 billion over the next 10 years which is the equivalent of $7,000 for every American taxpayer.

However, two areas of importance to me in the Budget Resolution are increased spending for education and agriculture. I support the increase of $47.4 billion over the Senate Budget Committee baseline and by $21.2 billion over the President's request for the next ten years. The FY 2000 Budget Resolution also provides for a $28 billion over five years and an $82 billion over ten years net increase in discretionary spending for elementary and secondary education. Overall discretionary spending for education increases by $2.4 billion in 2000—double the President's request—and $31 billion over the next five years—five times the President's request.

The President's budget for the coming fiscal year contains 66 new programs and $45 billion in tax increases. His budget plans for the next 15 years call for over $500 billion in new spending and not one dollar in non-credit tax cuts.

I am pleased that the FY 2000 Budget Resolution contains a mandatory spending allocation of $6 billion for the next 5 years (FY 2000–2004) based upon legislation proposed by the Committee on Agriculture, Nutrition and Forestry. I am also pleased that the Committee-reported Resolution provides a total of over $4 billion more in budget authority for mandatory programs. Farmers need protection against the weather related and economic losses they have sustained this past year. It is critical that Congress provide adequate Federal funding in the FY 2000 Budget Resolution so the Agriculture Committee can address the severe problems faced by our nation's farmers and ranchers.

Unfortunately, every credible economic forecast indicates the farm economy will recover slowly at best. The Agriculture Committee needs adequate budget authority to develop and strengthen programs which provide production credit, risk management, and economic assistance to farmers and ranchers.

Beyond these concerns, I call upon my colleagues to support the Budget Resolution for FY 2000 to continue the progress Congress has made to strengthen our financial future into the 21st Century.

Thank you Mr. President. I yield the floor.

Mr. FEINGOLD. Mr. President, I rise to offer a few observations on the budget resolution, and on some recent developments that relate closely to our budget position.

In particular, I want to sound a note of caution to my colleagues, and urge that we refrain from basing our budget on the assumption that we will have significant budget surpluses in the near future.

Mr. President, the last six years or so have seen some dramatic improvements in our Federal budget position.

In part, this has been due to some tough budget discipline on the part of the White House and Congress.

In part, it has come as a result of a strong economy, itself the beneficiary of our budget discipline.

In January of 1993, I don't think anyone would have seriously predicted that we would be on the brink not only of balancing the unified budget, but also of eliminating the on-budget deficit, producing a balanced budget without having to rely on the Social Security Trust Fund balances to make up the difference.

Now that we are so close to actually balancing the government's books without using Social Security, some recent developments are all the more troubling to me.

I'll just note a few of them.

Let me begin with last year's half trillion dollar omnibus appropriations bill.

That measure was not only loaded up with special interest provisions, it ended up spending $20 billion over budget by using the emergency spending exceptions to our budget caps.

There were a number of reasons the bill ended up the way it did, and let me say that I hope the biennial budget measure offered by the distinguished Chairman of the Budget Committee (Mr. DOMENICI) can help prevent such situations from arising again.

I served in the Wisconsin State Legislature for 10 years using a biennial approach to budgeting, and I think such a structure at the Federal level might help prevent the kind of last minute omnibus appropriations bill we had last year where abuse of the budget process is almost inevitable.

Mr. President, I had hoped the new Congress would start off on a more fiscally responsible foot after having produced the omnibus appropriations bill last fall.

But I was disappointed that the first major piece of legislation we took up was just more of the same.

The bill that passed the Senate recently, S. 4, was another giant budget buster, providing spending increases of more than $50 billion over the next 10 years without a penny of offsetting savings elsewhere.

And it did so before Congress has had a chance to pass a budget resolution, even before this committee has produced a budget resolution for floor debate.

Mr. President, there was no reason to rush that bill through.

A pay hike for our armed forces would have received solid support as part of an overall budget plan. S. 4 was a politically popular bill, and rightly so.

There are good arguments for providing members of our armed forces and the national guard and reserve a pay hike.

Indeed, I very much want to support a pay hike for them.

But not outside of an overall budget plan, and not in a measure that busts the budget.

Mr. President, this brings me to the President's budget, the budget resolution reported out of the Budget Committee, and the alternative budgets various interests have proposed.

Each of these budget proposals is centered around the use of projected budget surpluses.

Indeed, it is the use of those very surpluses that in a sense defines the goals of these budget proposals, and distinguishes one from another.

Mr. President, as I noted before, we have come a long way in the last 6 years.

We now have the opportunity to achieve a truly balanced budget, one that does not rely on Social Security Trust Fund balances.

We are within striking distance of producing genuine surpluses.

But let me emphasize, we may be within striking distance, but we aren't there yet.

Mr. President, we do not have a budget surplus now, and I am concerned that for several reasons we may not achieve one.

While subsequent estimates may change, the most recent CBO estimates show we do not have a budget surplus this year, and CBO does not project a genuine on-budget surplus of any significant size until FY2002, when a $55 billion on-budget surplus is projected.

Mr. President, even those modest surpluses are based on assumptions that may prove to be overly optimistic.

CBO currently projects non-Social Security surpluses of slightly over $800 billion over the next ten years.

But in making those projections, CBO assumes that total discretionary spending will remain under the caps we agreed to in 1997, and that after 2002, total discretionary spending will be held to inflationary increases only.

Mr. President, according to the Center for Budget and Policy Priorities, these assumptions mean that discretionary spending over the next 10 years will be $580 billion below current levels in real terms.

Put another way, if we simply held discretionary spending at a level which reflects current services, and adjusted only for inflation, nearly three-quarters of the projected surpluses over the next 10 years will vanish.

Mr. President, some will argue Congress and the White House will hold to the spending caps, and will cut the amount of spending necessary to produce the projected surpluses.

Let me suggest that given the omnibus appropriations bill of last fall, the military pay increase bill of last month, and the desire of so many to focus on the surpluses we hope for, those assumptions about limiting our spending appear to be extremely fragile.

Beyond our ability to live up to the spending and tax assumptions that produce the projected surpluses, we know that projections can change quickly.

Just since last August, the CBO projections for unified budget surpluses over the next 10 years have increased by about $1 trillion—a change that is itself larger than the non-Social Security surplus over that same period.

Estimates that can grow by $1 trillion in a few months can shrink by the same amount just as quickly.

Altogether, Mr. President, the projected surpluses are far from a sure thing, and we should not be writing budgets that commit us to spending and taxing policies that are so utterly dependent on them.

AMENDMENT NO. 211

Mr. HUTCHINSON. Mr. President, I rise today to inform my colleagues about some of my thoughts about Amendment 211 that was authored by my good friend from Pennsylvania, Senator SANTORUM. This Amendment to S. Con. Res. 20, was accepted by the Senate by unanimous consent.

Mr. President, I know that I am not alone in stating that many of us in the Senate believe that, first and foremost, we believe that the Davis-Bacon Act should be repealed. If full repeal is not possible at this time, there are meaningful steps we should take in the meantime to get us to that end.

Mr. President, we must allow widespread use of "helpers" on federal construction projects. Considering our nation's changing welfare-to-work environment and with the importance of revitalizing disadvantaged communities, it is particularly critical that the government not limit opportunities for entry-level jobs.

Congress should exempt schools from the outdated rules and restrictions and give local school districts the flexibility to spend resources where they will most effectively meet students' educational needs.

The Davis-Bacon wage process has been shown to be inaccurate, subject to bias, and used as a tool to defraud taxpayers. In March 1997, a DOL Inspector General's report confirmed that 2/3 of the wage surveys were inaccurate. In January 1999, a General Accounting Office report found errors in 70% of the wage forms, and confirmed frequent errors go undetected and the high proportion of erroneous data "poses a threat to the reliability" of prevailing wage determinations.

Mr. President, again, I know that I am not the only Senator who would prefer repealing Davis-Bacon, but in light of the spirit of Senator SANTORUM's Amendment to the FY2000 budget measure, I ask that we at least consider the reform points I outlined above.

VETERANS HEALTH CARE

Mr. JOHNSON. Mr. President, I was pleased that I was able to join with my colleague Mr. WELLSTONE from Minnesota in passing an amendment to the Fiscal Year 2000 budget resolution to increase funding for veterans health care. This amendment will help correct a serious injustice to our nation's veterans that I believe demands urgent attention by Congress and the Clinton Administration.

This will be the fourth consecutive year, that the Clinton Administration has proposed a flat-line appropriation for veterans' health care in its FY 2000 budget request. The VA's budget includes a $17.3 billion appropriation request for the Veterans Health Administration (VHA). Although, the Clinton Administration's request includes allowing the VA to collect approximately $749 million from third-party insurers—$124 million more than in FY 1999, this cap on medical spending places a greater strain on the quality of patient care currently provided in our nation's VA facility, especially when meeting the needs and high health costs of our rapidly aging World War II population.

In a memo to VA Secretary Togo West, Under Secretary for Health Dr. Kenneth Kizer expressed concern that the Administration's FY 2000 requested budget "poses very serious financial challenges which can only be met if decisive and timely actions are taken." He indicates that cuts must be made now to preclude even deeper cuts such as "mandatory employee furloughs, severe curtailment of services or elimination of programs, and possible unnecessary facility closures." Dr. Kizer also states that ". . . changes are absolutely essential if we are to prepare ourselves for the limitations inherent in the proposed FY 2000 budget."

I have met with several representatives of South Dakota's veterans' organizations who have expressed their justifiable fears and frustrations that the VA's flat-lined health care budget is causing mandatory reductions in outpatient and inpatient care and VA staff levels. Since 1992, over 150 full-time employees at the Ft. Meade VA facility have been cut due to insufficient budgets. There are legitimate fears in South Dakota that inpatient care will be eliminated from one of our VA facilities if an immediate solution is not found to augment the VA's budget.

Peter Henry, Director of the Ft. Meade/Hot Springs VA facilities has been raiding from other budgets and has been forced to close other services in order to provide health care for veterans in western South Dakota. If the FY 2000 VA budget is not increased, Dr. Henry will soon be forced to reduce inpatient care and could result in possible denial of certain category veterans.

South Dakota's veterans are tired of hearing what the VA cannot do for them. It is time for Congress and the VA to tell veterans "Yes, we can and will help you."

Many of South Dakota's 70,000 veterans contend that four years of flat-lined budgets for VA health care has left the system in danger of losing as many as 8,000 employees nationwide, eliminating health care programs and possibly closing VA facilities like the one in Sioux Falls. I have heard from people like Harry VandeMore, a Korean war veteran, who said, "There was plenty of money to send me to Korea. There was plenty of money for hand grenades, plenty of money for rifle shells. I guess the government would like to throw me out in the weeds. I don't know where I would go for health care [without the VA]. The days of the hospital here in Sioux Falls are numbered if this keeps up."

Gene Murphy, a former national commander of the Disabled American Veterans and now state adjutant for the South Dakota DAV, feels that ". . . our government is always happy to send us off to war, but apparently they're not so happy to take care of us when we come back."

Since I began my service in Congress over twelve years ago, I have held countless meetings, marched in small town Memorial Day parades, and participated in Veterans Day tributes with South Dakota's veterans. As the years go on their concerns remain the same.

To ensure that Congress provides the VA with adequate funding to meet the health care needs for all veterans. Without additional funding South Dakota VA facilities will continue to face staff reductions, cutbacks in programs, and possible closing of facilities.

Too often, I have received letters from veterans who must wait up to three months to see a doctor. For many veterans who do not have any other form of health insurance, the VA is the only place they can go to receive medical attention. They were promised medical care when they completed their service and now many veterans are having to jump through hoops just to see a doctor.

Our nation's veterans groups have worked extensively on crafting a sensible budget that will allow the VA to provide the necessary care to all veterans. They have offered an Independent Budget that calls for an immediate $3 billion increase for VA health care to rectify two current deficiencies in the VA budget. First, the VA has had to reduce expenditures by $1.3 billion due to their flatlined budget at $17.3 billion. These were mandatory reductions in outpatient and inpatient care and VA staff levels that the VA had to make due to their flatlined budget.

The remaining $1.7 billion is needed to keep up with medical inflation, COLAs for VA employees, new medical initiatives that the VA wants to begin (Hepatitis C screenings, emergency care services), long term health care costs, funding for homeless veterans, and treating 54,000 new patients in 89 outpatient clinics.

Mr. President, as a member of the Budget Committee I was encouraged that an additional $1 billion was added for veterans health care. Although this will help relieve some of the VA's budgetary constraints, I believe that more needs to be done. The veterans community has requested that VA health care needs to be augmented by $3 billion to ensure the provision of accessible and high quality services to veterans. That is why I offered an amendment during the Budget Committee mark up of the budget resolution that would have raised VA health care by an additional $2 billion. The nation's top veterans groups (AMVETS, Blinded Veterans Association, Disabled American Veterans, Paralyzed Veterans of America, Veterans of Foreign Wars and Vietnam Veterans of America) voiced their strong support for my amendment in a letter that I shared with members of the Committee. Unfortunately, my amendment failed 11–11.

Therefore, I along with Senator WELLSTONE offered an amendment that once again increased veterans health care by $2 billion. I was pleased that the Senate accepted my amendment by a vote of 99–0. The future of health care for veterans at the Sioux Falls, Hot Springs, and Ft. Meade VA facilities and in VA hospitals across the country will be sustained by this $3 billion total increase for veterans health care. The VA must be provided with every resource to provide quality care for all eligible veterans who walk into a VA facility.

Mr. President, I feel that our VA facilities are on the verge of a catastrophic collapse if we continue to remain idle on this issue. In 1972, the Sioux Falls VA medical facility contained 269 beds for inpatient care. Today, they are down to 44 beds. This is a facility that saw 75,000 people walk through their doors last year. Some veterans have told me that when they go to the VA they see more janitors than nurses. This is unacceptable. If we want to provide care for all eligible veterans who walk into a VA facility Congress needs to act now.

The funding required for this amendment represents a minute fraction of the total federal budget that we are debating here today. However, the funding we set aside to improve accessibility and quality of care within our veterans health care system will provide a tremendous boost for an already stretched and fractured VA medical system.

As we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

From the battlefields of Lexington and Concord, to the beaches of Normandy, and to the deserts of the Persian Gulf, our nation's history is replete with men and women who, during the savagery of battle, were willing to forego their own survival not only to protect the lives of their comrades, but because they believed that peace and freedom was too invaluable a right to be vanquished. Americans should never forget our veterans who served our nation with such dedication and patriotism.

Mr. President, I want to thank Senator WELLSTONE and my Senate colleagues for supporting my amendment. Acceptance of my amendment was just one victory in the war to provide decent, affordable health care for South Dakota's veterans. By passing this amendment we live up to our obligation to our nation's veterans and ensure that they are treated with the respect and honor that they so richly deserve.

MEDIA COVERAGE OF FEDERAL COURT PROCEEDINGS

Mr. SCHUMER. Mr. President, I am pleased to join Senator GRASSLEY in introducing this legislation to permit federal trials and appellate proceedings to be televised, at the discretion of the presiding judge.

Former Chief Justice Warren Burger once said of the U.S. Supreme Court, "A court which is final and unreviewable needs more careful scrutiny than any other. Unreviewable power is the most likely to indulge itself and the least likely to engage in dispassionate self-analysis . . . In a country like ours, no public institution, or the people who operate it, can be above public debate."

I believe that these words are applicable to the entire federal judiciary. As such, I strongly support giving federal judges discretion to televise the proceedings over which they preside. When the people of this nation watch their government in action, they come to understand how our governing institutions work and equip themselves to hold those institutions accountable for their deeds. If there are flaws in our governing institutions—including our courts—we hide them only at our peril.

The federal courts are lagging behind the state courts on the issue of televising court proceedings. Indeed, 48 out of the 50 states allow cameras in their courtrooms in at least some cases. Moreover, a two-and-a-half year pilot program in which cameras were routinely permitted in six federal district courts and two courts of appeals revealed near universal support for cameras in the courtroom.

Our bill would simply afford federal trial and appellate judges discretion to permit cameras in their courtrooms. It would not require them to do so. Furthermore, to protect the privacy of non-party witnesses, the legislation would give such witnesses the right to have their voices and images obscured during their testimony.

A version of this legislation passed the House in the previous Congress. I eagerly anticipate Senate passage and the day when openness is the norm in our federal courtrooms, not the exception.

Mr. JOHNSON. Mr. President, I oppose the Republican Budget Resolution because it supports the wrong priorities.

1998 was an exceptional year in this country's modern economic history. We enjoyed the first budget surplus in 29 years and the economy exceeded expectations and continued to expand in the face of international instability—unemployment remained low; wages continued to increase; welfare recipients declined; home ownership increased; and interest rates remained low. All of this good news has allowed the White House, the Congress, and the American people to begin debating how to use future surpluses which are projected for the foreseeable future.

As a Member of Congress who arrived in Washington when the annual federal budget deficit was over $220 billion and still growing. I am extremely pleased and a little amazed that we have gotten to where we are today. That said, I think it is extremely important that Congress proceed carefully in the coming years to ensure we make wise choices that will keep this country's budget running in the black for years to come.

Writing the FY 2000 budget is our first test of how we will handle existing and future surpluses to ensure long-term economic growth and stability, and it is a test too important to coming generations for us to fail. I believe that this year's budget resolution should follow four principles: first, we must save Social Security and Medicare; second, we should pay down the national debt; third, we should support targeted tax relief to low and middle-income Americans; and finally, we should identify and support critically needed discretionary priorities.

Unfortunately, the Republican Budget Resolution doesn't follow these principles, which I believe are critical to balancing the many pressing needs of this nation. First, the Republican Budget Resolution does nothing to preserve Medicare. Second, while I support targeted tax cuts, I cannot support the use of essentially all future on-budget surpluses for tax cuts at the expense of Medicare solvency and other critical discretionary investments such as veterans health care. Third, the Republican budget resolution reduces non-defense discretionary spending by $20 billion in FY 2000. Finally, while the resolution increases funding for some programs and protects others from cuts, the bottom line is that discretional programs such as agriculture, head start, law enforcement, and many other critically important programs could be cut by more than 12% under the Republican Budget Resolution. I support preserving the discretionary caps and acknowledge that the caps force many tough decisions on discretionary spending priorities. However, I firmly believe that we can do a better job of balancing discretionary priorities than what is included in the Republican Budget Resolution.

AMENDMENT NO. 197

Mr. LIEBERMAN. Mr. President, I rise today to offer a Sense of the Senate resolution as an amendment to the Budget Resolution. I am pleased to be joined in this endeavor by Senators SANTORUM, BINGAMAN, and ABRAHAM. As my colleagues know, saving is empowering. It allow families to weather the bad times, to live without aid, and to deal with emergencies. But more than just being a safety net, savings offer families a ladder up. That is because saving is the first step toward developing assets. And assets beget assets. Having them can actually change a family's economic station and set a better course for generations to come.

Yet, despite our booming economy we know that fully a third of all American households have no financial assets to speak of. For those with children the outlook is even worse. Almost half of all American children live in households that have no financial assets. This, in my view, is an untenable situation that should be changed.

Mr. President, we in the Senate have produced some innovative legislation in recent years that are designed to encourage Americans to build assets for retirement. That is due in no small part to the leadership of Senator ROTH and Senator MOYNIHAN; Senate leaders who understand the importance of savings. However, I believe that we have been remiss in neglecting the American that assets can benefit the most: the working poor. They need to build assets not just for retirement, but also for the betterment of their lives and those of their children.

So Mr. President I, along with my distinguished colleagues offer this Sense of the Senate. It simply says that the tax laws should encourage low-income workers and their families to build assets. Similar language was offered by Representative THOMPSON, and passed unanimously in the House Budget Committee mark-up. I hope that this resolution will also be accepted here unanimously. Thank you and I cede the remainder of my time.

AMENDMENT NO. 224

Mr. ASHCROFT. Mr. President, I rise today to pose a question to my colleague, Mr. BAUCUS. I would like to thank my colleague, Mr. BAUCUS for working with me on our amendment concerning Korea's compliance with their trade agreements. For our beef and pork producers, this couldn't come at more pressing time. Particularly since the South Korean Government reportedly has been subsidizing its pork exports to Japan and these subsidies are hindering U.S. pork producers from capturing their full potential in the Japanese market.

However, I would like to take a moment to pose a question to Mr. BAUCUS in order to clarify paragraph (4). My question is what kind of report do we intend to request? And how shall we define what "resources" shall be reported upon?

Mr. BAUCUS. I thank you for working with me on this measure and agree with you that it is critical that South Korea live up to its trade agreements concerning beef and pork. For that reason, I agree that we should clarify the implications of paragraph (4). In answer to your questions, I would respond that reporting to Congress is meant to say that any reporting will: be in verbal form. And, second, that reports on resources used to stabilize the South Korean market will be provided by the Department of Treasury and the Department of Agriculture as appropriate.

Mr. ASHCROFT. I concur with your suggestions and urge all of my colleagues to support the measure as defined.

Mr. ABRAHAM. Mr. President, I am joined today by Senator CRAPO in offering a Sense of the Senate amendment rejecting a new tax proposed by the Clinton Administration. I am very pleased that this amendment has been cleared on both sides of the aisle and will be accepted by the full United States Senate. This unanimous voice vote for the Abraham-Crapo amendment demonstrates beyond a shadow of a doubt that this association tax increase proposal is dead on arrival here in the United States Senate.

As part of the Administration's fiscal year 2000 budget proposal, this tax would be levied on the investment income earned by non-profit trade associations and professional societies. This proposal, which would tax any income earned through interest, dividends, capital gains, rents and royalties in excess of $10,000, imposes a tremendous burden on thousands of small and mid-sized trade associations and professional societies currently exempt under 501(c)(6) of the Internal Revenue Code.

The Administration would like us to believe that this tax is targeted to a few large associations, affecting only those "lobbying organizations" which exist as tax shelters for members and to further the goals of special interests. Mr. President, nothing could be further from the truth.

This new tax would affect an estimated 70,000 registered trade associations and professional societies. The bulk of these associations operate at a state and local level, many of whom perform little, if any, lobbying function. In fact, associations rely on investment income to perform such vital services as education, training, standard setting, industry safety, research and statistical data, and community outreach. Through association organized volunteer programs, Americans contribute more than 173 million volunteer hours per year, at a value estimated at over $2 billion annually.

These organizations already contribute millions in taxes for any activities which place them in competition with for-profit businesses. Yet the Administration would like to impose a new tax on income earned outside of the competitive business environment, income which is used to fund functions serving the public welfare. Unlike for-profit corporations, investment income does not go to shareholders, individuals, or other companies. Associations do not have the liberty of simply raising prices, as do ordinary corporations, to cover increased costs.

Mr. President, faced with an additional increase in taxes of $1.44 billion over the next five years, many trade associations will be forced to cut back on important services, and some may not survive an economic downturn without the small cushion their investments provide. Without such services provided by associations, the government will be forced to step in, increasing expenditures and creating additional government programs and departments.

During a time when the government is projecting on-budget tax surpluses of more than $800 billion over the next 10 years, it is unconscionable that we allow the Administration to levy a new tax on these non-profit organizations.

Mr. President, in summary, the unanimous vote puts the entire Senate on record as rejecting this misguided tax increase on trade associations. Should this association tax proposal surface as a part of—or as an amendment to—tax reduction legislation reported by the Senate Finance Committee later this year, I will fight to ensure that the Senate adheres to the vote that we have taken today expressing the Sense of the Senate that it ought to be rejected outright.

Mr. ROBB. Mr. President, this is the third time this year that I've come to the floor to express my strong support to help states and localities build and repair our children's schools. I am concerned that this budget resolution, which often serves as our roadmap throughout the appropriations process, does not adequately take into account the urgent need that school districts are facing throughout the country. Not only do we have old schools in desperate need of repair, we also have a growing student population. States and localities simply cannot keep up with their school construction and repair needs. They cannot pay for major infrastructure projects without our help.

Mr. President, this is what we know. We know that the average school building in the country is 50 years old. We know that GAO estimates that we need $112 billion just to repair old buildings to make them safe. And Mr. President, we know that over the last ten years, public school enrollment has increased 16.4% and that GAO estimates that it will cost an additional $73 billion to build the new schools we need to accommodate this surge in enrollment.

Mr. President, in Virginia, there are over 3,000 trailers in use. These trailers are not wired to the Internet; they're not even wired to their own school's network. Over the last two years, 38% of our school districts have been forced to close at least one building in each district due to facility-related problems. The most commonly reported problem was the insufficiency of air-conditioning and ventilation. In fact, our students have lost 38 days of instructional time—that's seven weeks—because of problems with the air conditioning.

But these problems are not unique to Virginia. School infrastructure problems exist everywhere. In Alabama, it is reported that the roof of an elementary school collapsed just after the children had left for the day. In Chicago, teachers place cheesecloth over air vents to filter out lead-based paint flecks from getting into their classrooms. In Ohio, there are even some children who use outhouses instead of modern-day restrooms. Roughly forty percent of New Mexico schools have inadequate electrical wiring, and fifty percent of Delaware schools report inadequate plumbing systems.

The list goes on and on.

Developing a budget is about setting priorities. I have long believed that we have three basic priorities which should come before all others: we should provide for our citizens a strong national defense, we should provide quality education for our children, and we should not pass on debt to the next generation.

When we consider the federal role in education, we should focus on helping states and localities to meet their pressing needs. And Mr. President we have pressing needs when it comes to the condition of our schools. It is a pressing need when we see children fainting in school because the building has no air conditioning. It is a pressing need when we see a child attending class in a trailer. It is a pressing need when we see leaky, unsafe roofs. I don't believe that any parent would deny that their children's needs come first.

We should not procrastinate in finding a solution to this problem. This amendment is broadly worded. It doesn't target the money to any particular population. It doesn't impede states' efforts to begin their construction projects. Where there are disagreements on how to allocate federal funds to the states, or whether or not to target a certain portion of those funds, or whether to have more private sector involvement, or what amount of federal dollars we can afford, let's talk about those issues. But let's at least agree that we in Congress do have an important role to play. This amendment is merely an attempt to determine whether this Congress is going to recognize our national school construction crisis. Our states and localities have recognized the crisis and are reaching out for our help.

Mr. President, last session Congress recognized another infrastructure need—our national transportation need—and appropriated $216 billion for roads and transit projects. If we can recognize this national need, come together on a bipartisan basis, and pass legislation to build roads, surely we can come together to build schools. Schools are more than just classrooms, they're community centers. Schools provide more than just classroom instruction, they provide the keys to the future.

Mr. President, this amendment is a starting point. Let's at least send the right message to this Nation: that we see the leaking roofs, that we see the cracked walls, that we see all the trailers—and that we are willing to help.

I thank my friends, Senator LAUTENBERG and Senator HARKIN, and all those who have co-sponsored this amendment and I urge its adoption. With that, Mr. President, I yield the floor.

Ms. COLLINS. Mr. President, I rise on behalf of Senator GREGG and myself to offer a Sense of the Senate Amendment to reaffirm the commitment of the United States government to make good on the promise it made in 1975 to fund special education and to reject the President's efforts to undermine this commitment.

When Congress passed the Individuals with Disabilities Education Act in 1975, the federal government promised states and local school districts that Washington would help them meet the cost of educating students with special needs. The federal government pledged to pay 40 percent of the average cost of providing elementary and secondary education for each student receiving special education. Unfortunately, the federal government has failed to meet this obligation, creating an unfunded mandate that must be borne by every state and community in America.

Due to the efforts of Senator GREGG and others, we are making progress. The appropriation for Fiscal Year 1999 contained a 13 percent increase in special education funding. As the Table behind me shows, the Budget Resolution before the Senate increases funding for K–12 education by $27.5 billion more than the President's budget over the next five years. This includes an increase of $2.5 billion dollars for special education over the next five years.

We must not retreat from our commitment to fund special education, as the President's budget proposes to do. This Sense of the Senate resolution will make clear that we reject the President's flat funding of special education grants to the states. Instead, it expresses the Senate's intention to fulfill the pledge made years ago.

What would this mean for our states and local school districts? Let's take my home State of Maine as an example. In the 1997–1998 school year, the total cost of special education was $189 million dollars. The Individuals with Disabilities Act promised Maine $2,318 per student receiving special education services, but the federal government only sent the states slightly more than $535 per student—which means that Maine received $57 million dollars less than what had been promised.

For the current school year, the increased appropriation for special education brings the federal payment to $638 per student but still leaves a shortfall that exceeds $55 million. The President's budget proposal for fiscal year 2000, however, reverses this progress and allows the federal shortfall in Maine alone to grow to almost

$59 million. According to the U.S. Department of Education, the unmet mandate will reach over $11 billion nationally. We cannot continue to shift this burden to our local communities. We must meet the federal commitment to help pay for special education and end this unfunded mandate.

I want to quote briefly from a letter I received last week from the Governor of Maine. In the letter, Governor Angus King describes the consequence of this mandate on Maine's communities.

> The costs of special education (in Maine) . . . continue to grow dramatically, at nearly twice the rate of increase in overall education spending. The federal mandate to provide all children with a free and appropriate education is being met, but the rising costs of special education are borne by local property taxpayers. The fiscal pain of meeting this mandate is dividing our communities around an issue on which we should be united—helping every child meet his or her full potential, without regard to disability.

In Maine, meeting this mandate accounts for millions of dollars annually, dollars that otherwise could be used for school construction, teacher salaries, new computers, or any other state effort to improve the performance of our students.

We need to increase federal spending on education, but we do not need new federal categorical programs with more federal regulations and dollars wasted on administrative costs. Rather we need to meet our commitment to bear our fair share of special education costs. As Governor King told President Clinton several weeks ago, "If you want to do something for schools in Maine, then fund special education and we can hire our own teachers and build our own schools." This is true for every state. The best thing this Congress can do for education is to move toward fully funding, the federal government's share of special education—not standing in place as the President's budget would have us do.

I urge my colleagues to support this commitment to give our states and local communities the financial help they have been promised and so desperately need. Let's finally keep the promise made more than 20 years ago.

Mr. SNOWE. I support the Chafee amendment that assumes funding of $200 million specifically for the stateside program of the Land and Water Conservation Fund to come out of Function 370. It is my understanding that no specific program in Function 370 has been designated as an offset for the Chafee amendment. The ultimate funding decision of course rests with the appropriators, but I wanted to take this opportunity to cast my support for funds for the LWCF stateside program, which has not received any funding since 1995.

Up until 1995, LWCF stateside program funds were used in my state to assist communities for planning, acquiring and developing outdoor recreation facilities that would not otherwise have been affordable, especially in the smaller communities in Maine.

The LWCF stateside program has funded such local projects in Maine as the community playground in Durham, the Mt. Apatite trails in Auburn, the Dionne Park Playground in Madawaska, the East-West Aroostook Valley trail in Caribou, the Williams Wading Pool in Augusta, multi-purpose fields in St. George, Hampden, Buxton, Calais, and Bradford, the skating rink in Bucksport, and wharf rehabilitation in Greenville.

By leveraging state dollars with critical LWCF stateside funds, Maine's communities have been able to enjoy recreational facilities such as neighborhood parks, swimming pools, and ball fields, and also have had the opportunity to conserve certain highly valued lands that the citizens of the state wish to save for outdoor recreational activities for themselves and for generations to come.

I thank the Chair.

Mr. JEFFORDS. Mr. President, I am proud to stand with my colleague from Maine in offering this important amendment to the Budget Resolution. Senator COLLINS has been a leader in the area of higher education and she has contributed a great deal as a member of the Health, Education and Labor and Pensions Committee.

Last year, the Health, Education, Labor, and Pensions Committee reported and Congress passed the Higher Education Amendments of 1998. We adopted the conference report to accompany that bill by overwhelming, bipartisan vote of 96–0. Throughout the process, we were determined to craft legislation that offered students more opportunities. We kept our sights clearly focused on the goal of increasing educational opportunities for all our nation's students.

We achieved our goal and as a result, students will receive significant benefits from the passage of that legislation. They will benefit from the lowest interest rate in 17 years on their new student loans. They will benefit from strengthened and improved student grant programs and campus based programs. They will benefit from the creation of a performance based organization housed in the Department of Education which will vastly improve the delivery of student financial aid. More of our nation's aspiring students will be prepared for and able to pursue higher education because of programs like TRIO and GEAR UP. Clearly, that bill went far in opening the door to all who dream of pursuing higher education.

We have an opportunity today to take another step forward in meeting the goals that we set out in the Higher Education Amendments of 1998.

The Sense of Senate offered by Senator COLLINS, myself and others follows the blueprint that we laid out during reauthorization and encourages the Appropriations Committee to increase funding for some of the most critical programs designed to help our neediest students succeed at the undergraduate level.

Earlier this year I called for a $400 increase in the maximum Pell grant. The importance of this program cannot be overstated—it is the cornerstone of our federal investment in need-based grant aid. It has helped millions of young people obtain a degree. The Pell grant has made a positive difference in the lives of individual students who received it and it is has made a positive difference in the well being of our nation. Thanks to the Pell grant, more Americans have received a post secondary degree, the knowledge base of our nation has been expanded and the earnings base of our nation has increased.

This Sense of the Senate also calls on Congress to increase funds for other programs that have as their goal increasing access to post secondary study for our nation's neediest students. The SEOG program, Perkins Loans, LEAP, Federal Work Study and TRIO all are targeted to provide additional assistance, both financial and educational, to students who really need it the most. These funds often times make the difference for a student between making it through school or dropping out. Therefore, our efforts today in support of these programs are critical.

We are pleased to have the support of nearly all the major higher education groups on this amendment. These organizations represent the students and institutions and they have a deep, first-hand understanding of how important this federal investment is to today's undergraduate students.

I applaud my colleague from Maine, Ms. COLLINS for her contributions to the Higher Education Amendments of 1998 and for the effort she is making today.

I urge all of my colleagues to support this amendment.

Mr. DEWINE. Mr. President, I am pleased to join with my distinguished colleague from New Mexico, Senator BINGAMAN, to introduce this amendment, which would once again put this Senate on record in support of restoring our nation's military science and technology base. Specifically, our amendment expresses the Sense of the Senate that the budgetary levels for the Defense Science and Technology program should be consistent with the 2% real increases in the budget request called for by Congress in last year's Defense Authorization Act.

Without question, our nation has built the most technologically superior military force in the history of mankind. During our recent demonstration of resolve against Saddam Hussein, the men and women who participated in

Operation Desert Fox were virtually untouchable. The results of their efforts were amazing: we attacked over 100 separate targets in an effort to degrade Saddam Hussein's military infrastructure. We totally destroyed 85 percent of these targets, and partially damaged the remainder, all without so much as a scratched airplane.

Why are our aircraft so overwhelmingly dominant and untouchable on the battlefield? The answer: the Air Force made an investment many years ago in science and technology research and we are now reaping the returns of that investment.

Unfortunately, in recent years, the Air Force, as well as our other service branches, have made significant reductions in its investment in scientific research which may cast a long, dark shadow on the success of tomorrow's military. Over the last 10 years, the Air Force, for example, has reduced the S&T workforce by 2,375 people. A large number of these talented individuals came from Wright-Patterson Air Force Base in Dayton, Ohio. And unless we in Congress take action, Wright-Patterson and other similar bases across our country will continue to lose this unrivaled expertise.

Mr. President, this should be of great concern to all of us. Continued investment in Defense S&T research is crucial if we are to meet the challenges ahead. Yes, our nation's central security concern of the past half century—the threat of communist expansion—is gone. However, the world is far from being a safe place. Every day, our nation faces more and more diverse and complex challenges—as highlighted by recent events in the Middle East, Kosovo, international terrorism, proliferation of weapons of mass destruction and the means to deliver them, and the flooding of illegal drugs into our country. These threats to stability and security require an enduring commitment to diplomatic engagement and military readiness. In both instances, science and technology research plays a critical role.

Today we lead the world in virtually every measure of technological development, but we can't rest on our recent successes. To remain the best we have to continue to offer the best technology and employ the best scientists, engineers, technicians, and innovators. The brave men and women of tomorrow's military will have to fight with the technology we invest in today—what we do today will have a direct impact on our success tomorrow.

Since the founding of our great nation, scientific discovery and technological innovation have advanced our military capabilities and economic prosperity, ensuring the United States' position as a world leader. I must confess a great deal of personal pride in the dedicated men and women at Wright-Patterson Air Force Base—the Defense Department's largest research site—who play no small part in this endeavor.

Wright-Patterson, founded in 1917 and formerly known as McCook Field, has given the nation technological advancements too numerous to count. These include advanced lightweight aerodynamic designs, advanced jet engines, hypersonic lifting bodies, development of the first "smart weapons," and many, many others.

It is doubtful we will see that kind of achievement in the near future. My colleagues and I are here offering this amendment because we are very concerned that the proposed level of funding for Defense S&T programs for next year is nearly $400 million below the level Congress provided this year.

I am very troubled about the Air Force's proposal to use Air Force S&T resources to fund the Space Based Laser and Discoverer II (space-based radar) program beginning in FY 2000. It is our understanding that these previously non-S&T programs were inserted into the FY 2000 Air Force late in the budget process, while providing no additional funding to cover the costs of current S&T programs. This represents a significant reduction in our Air Force S&T investment in FY 2000 and the outyears, and unless Congress acts, will result in drastic cuts in critical Air Force research programs, severe reductions in force, and weaken our overall Air Force technology base. In fact, earlier this month, the Air Force Research Laboratory at Wright-Patterson Air Force Base (WPAFB) announced it would lose 163 civilian positions as a result of the Air Force's proposed FY 2000 S&T budget.

Now that Congress has agreed to address emerging readiness issues and increase our investment in our national defense, our long term readiness requires Congress to reverse the dangerous decline in S&T funding. Last year, Congress recognized this downward trend in our S&T investments and passed legislation that called for an increase in the budget for Defense S&T programs in all the Services by at least two percent above the rate of inflation for each year for the next nine years.

Rebuilding Defense S&T is more than in investment in programs, but in people as well. Simply restoring funding for S&T will not automatically bring that lost expertise back. It has to be built up over time. In order to take advantage of next generation technology, we need to begin recruiting the next generation of innovators.

For these reasons, it's important that we pass a long-term budget plan that is consistent with the goal we set last year to rebuild our Defense S&T programs and personnel. We can start that effort by passing the amendment offered by the Senator from New Mexico. If we abide by the commitment embodied in this amendment, we will give tomorrow's military the tools it needs to ensure our national security needs are met. In addition, by investing in highly qualified personnel, we are making it possible to devote the best minds toward developing the best technology. We must invest now so our children can enjoy the peace and prosperity that comes with being second to none in military technological superiority.

I thank the Chair.

Mr. FITZGERALD. Mr. President, I rise today to introduce a sense of the Senate amendment to the budget resolution, S. Con. Res. 20.

As we prepare to work on this year's federal budget, everyone seems to be talking about what we should and should not do with the Social Security trust funds. There is a growing understanding that the federal government mixes the revenues of the Social Security trust fund in with the revenues of the general fund in order to cover-up continuing annual deficits. What many people may not know is that the government does the same thing with over 150 other trust funds, mixing them all in with the general fund.

The "surpluses" now being talked about are entirely fictitious, the result of misleading and deceptive accounting practices. The "surpluses" disappear once borrowing from the Social Security trust funds ($121.9 billion in the current fiscal year) and borrowing from all other trust funds ($67.9 billion in the current fiscal year) are subtracted. That's why the national debt will rise by $395.6 billion between FY 1998 and FY 2004.

I believe it is wrong for our government to use deceptive accounting practices. I believe it is wrong to encourage the perception that we are running annual surpluses, when in fact we are continuing to run annual deficits and continuing to add to the national debt. Anyone in the private sector who engaged in similar practices would, by our own laws, be subjected to prosecution and imprisonment. Why do we allow the government to use accounting shell games that would be illegal anywhere else?

To provide a more accurate picture of our country's financial situation to the American people, I have this amendment to the Budget Resolution. This Sense of the Senate amendment states that the Office of Management and Budget and the Congressional Budget Office should separate the revenues of all government trust funds from the general fund and report the budget deficit or surplus when all trust funds are excluded.

This is an incremental first step toward changing the way Congress and the President budget and spend taxpayer money.

I ask for your support in this effort to provide truthful budget numbers to the American people. This amendment is, in my judgment, completely nonpartisan. It makes no pre-judgments about tax cuts or spending increases. Instead, it simply seeks to expose a deceptive accounting practice long used by our federal government.

Thank you, Mr. President.

Mr. President, I rise to urge the passage of my Sense of the Senate amendment to the budget resolution, S. Con. Res. 20. This amendment will require truth-in-budgeting with respect to the on-budget trust funds.

There is a growing understanding that the federal government mixes the revenues of the Social Security trust fund in with the revenues of the general fund in order to cover-up continuing annual deficits. What many people may not know is that the government does the same thing with over 150 other trust funds, mixing them all in with the general fund.

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Mr. LIEBERMAN. Mr. President, this new era of budget surpluses presents us with a tremendous opportunity to expand our investment in education, particularly our efforts to improve our public schools and raise academic achievement. This opportunity could not come at a better time, given the growing importance of knowledge in this Information Age economy, the growing concerns parents have about the ability of our schools to adequately prepare America's children for the challenges ahead of them, and the growing interest here in Congress in retooling our Federal education policy this year through the reauthorization of the Elementary and Secondary Education Act.

The budget resolution before us makes an attempt to seize that opportunity providing for a $32 billion increase in elementary and secondary education programs over the next five years. But I am disappointed that the architects of this plan did not go further, that rather than making a dramatic statement about the priority we place on education quality, this resolution instead opts to devote far more resources to broad-based tax cuts. In particular, I am disappointed that, because of this preference for tax cuts, we have failed to fund the President's plan to help local school districts reduce elementary school class sizes by hiring 100,000 new teachers, a plan I am proud to have cosponsored. And I am disappointed that we have failed to fully fund our share of IDEA, to finally meet the pledge Congress made to cover 40 percent of the cost of providing a free and appropriate education to children with special needs. Eliminating this shortfall is by far the top priority of the teachers and principals and administrators in my state of Connecticut, whose budgets are being busted by the spiraling costs of meeting the requirements of IDEA, and who tell us that all children are suffering as a result.

It is my hope that we could rectify this imbalance, which is why I am joining many of my colleagues in cosponsoring an amendment that would significantly strengthen our investment in education. Specifically, it would shift one-fifth of the funding reserved for tax cuts, $156 billion over the next 10 years, into education accounts. This shift would enable us to fully fund the class-size initiative and meet our IDEA obligations, as well as provide additional resources to several important K-12 programs. This amendment is broadly supported by a wide array of education groups, and I believe that it truly reflects the will of the American, people who have repeatedly expressed their preference for using the surplus to lift up our schools over broad-based tax cuts.

I would strongly urge my colleagues on both sides of the aisle to support this amendment and send a clear signal to the American people about the priorities of this Congress, about our willingness to seize the unique opportunity this new budget environment affords to invest in our children's future.

Mr. KOHL. Mr. President, I rise today to express my strong support for the Kennedy-Dodd amendment. This amendment helps right a wrong that was committed during the Senate Ed-Flex debate several weeks ago. During that debate, the Senate adopted an amendment that effectively forces our school districts to choose between hiring teachers and providing services for students with special needs. This was unfair and unnecessary, and I am still hopeful that the amendment will be dropped in conference. However, I believe we need to do more than that—we need to send a strong signal to our school districts that we are committed to fulfilling our obligations to fully fund both IDEA and hiring teachers. The Kennedy-Dodd amendment does just that.

School districts in Wisconsin and across the nation are working hard to improve public education for all children. However, we in Congress must also live up to our obligation to assist them. Although the Federal government has the responsibility to fund 40% of the costs of special education, we are currently only funding about 10%. In addition, school districts will need to hire 2 million new teachers over the next decade, and we should continue to provide funding for them to do that.

The Kennedy-Dodd amendment provides full funding for the next six years for both IDEA and the hiring of teachers. This amendment sends a strong message—backed up by real dollars—that we will continue to be partners with local communities in improving education. It tells them we will not tie their hands and force them to choose between hiring teachers and serving students with special needs. It is our duty to live up to our obligations and fully fund both. I strongly urge my colleagues to support the Kennedy-Dodd amendment, and I yield the floor.

Mr. DEWINE. Mr. President, I am pleased to offer an amendment along with Senators, ABRAHAM, COVERDELL, BURNS, SANTORUM, SMITH of Oregon, GRAMS, BAUCUS, and ASHCROFT to the budget resolution on the importance of counter-narcotic funding. I offer this amendment because I want to make it crystal clear that this budget, and this Congress, should make a serious investment in anti-drug activities.

This amendment expresses a Sense of Senate that funding for federal drug control activities should be at a level higher than that proposed in the President's Budget Request for Fiscal Year 2000 and that funding for federal drug control activities should allow for investments in programs authorized in the Western Hemisphere Drug Elimination Act and in S.5, the proposed Drug Free Century Act, which I introduced earlier this year.

Mr. President, history has proven that a successful anti-drug strategy is balanced and comprehensive in three key areas: demand reduction—such as education and treatment; domestic law enforcement; and international supply reduction.

This is why last year, I introduced the Western Hemisphere Drug Elimination Act, a $2.6 billion authorization initiative over three years for enhanced international eradication, interdiction and crop alternative programs.

Two factors motivated me to launch this bi-partisan effort: a significant rise in teen drug use and a significant decline in our investment to seize drugs outside our borders. This dramatic decrease in our international efforts is one of the reasons why drugs have become more available and more affordable.

This wasn't always the case. The budget numbers tell an alarming and undeniable story. In 1987, the federal government's drug control budget of $4.79 billion was divided as follows: 29% for demand reduction programs; 38% for domestic law enforcement; and 33% for international supply reduction. This funding breakdown was the norm during the Reagan and Bush Administrations' efforts against illegal drugs, from 1985–92.

And during that time, our investment paid off. From 1988–1991, total drug use was down 13%. Cocaine use dropped by 35%. Marijuana use was reduced by 16%.

After President Clinton took office in 1993, this Administration pursued an anti-drug strategy that upset this careful funding balance. And by 1995, the federal drug control budget of $13.3 billion was divided as follows: 35% for demand reduction programs; 53% for domestic law enforcement, and only 12% for international supply reduction. The share of our anti-drug investment dedicated to stopping drugs outside our country dropped from 33% in 1987 to 12% in 1995.

Mr. President, our country is paying the price for this unfortunate change in strategy. Since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent. Drug-abuse related arrests more than doubled for minors between 1992 and 1996. And the price of drugs also decreased during this time period.

Last year we passed the Western Hemisphere Drug Elimination Act and also provided a down payment of $829 million to get this initiative started.

Today, however, it is clear that the Administration is not yet ready to exercise the leadership Congress demanded on this Act. First, the Administration's Fiscal Year 2000 budget would invest less in our anti-drug efforts than what Congress provided this year. Second, regardless of repeated efforts to work with the Administration to get serious about eradication and interdiction, not one of the top priorities outlined in our bi-partisan Act were funded in the Administration's proposed budget.

So, once again, it is up to us in Congress to set the example and provide the leadership to ensure we implement a serious and balanced drug control policy.

Let me conclude by thanking the Chairman of the Budget Committee, Senator DOMENICI, and his staff, for their efforts to make sure this budget resolution represents the commitment we must make if we are truly serious about reducing drugs. It will take that kind of commitment to help us achieve once again a comprehensive and balanced drug control strategy. Most important, it will put us back on a course toward ridding our schools and communities of illegal and destructive drugs.

Mr. President, I urge my colleagues to support this important and timely amendment.

Mr. KENNEDY. Mr. President, earlier this month, under the impressive bipartisan leadership of Senator ROTH and Senator MOYNIHAN, the Finance Committee approved the Work Incentives Improvement Act of 1999 by a 16–2 vote. This important legislation sends a strong message that all Americans with disabilities have access to the affordable health care they need in order to work and live independently.

The Jeffords amendment endorses that legislation as part of the budget resolution, and will put the Senate on record that now is the time for barriers that prevent disabled people from obtaining employment to come down.

Despite the extraordinary growth and prosperity the country is now enjoying, people with disabilities continue to struggle to live independently and become fully contributing members of their communities. We need to do more to see that the benefits of our prosperous economy are truly available to all Americans, including those with disabilities. Children and adults with disabilities deserve access to the benefits and support they need to achieve their full potential.

Large numbers of the 54 million Americans with disabilities have the capacity to work and become productive citizens but they are unable to do so because of the unnecessary barriers they face. For too long people with disabilities have suffered from unfair penalties if they go to work. They are in danger of losing their cash benefits if they accept a paying job. They are in danger of losing their medical coverage, which may well mean the difference between life and death. Too often, they face a harsh choice between eating a decent meal and buying their needed medication.

The goal of the Work Incentives Improvement Act is to reform and improve existing disability programs so that they do more to encourage and support every disabled person's dream to work and live independently, and be productive and contributing members of their society. That goal should be the birthright of all Americans—and when we say all, we mean all.

It is a privilege to be part of this bipartisan effort with Senator JEFFORDS, Senator ROTH, Senator MOYNIHAN, and sixty-six other Senate colleagues. Work is a central part of the American dream, and it is time for Congress to give greater support to disabled citizens in achieving that dream. This legislation is the right thing to do, it is the cost effective thing to do, and now is the time to do it. I urge the Senate to make this commitment a part of the budget resolution.

Mr. LEAHY. Mr. President, I have worked for many years to try to keep the costs of prescription drugs down. Too many Americans are unable to afford the costly medications they need to stay healthy. Seniors in Vermont living on fixed incomes should not be forced to choose between buying food or fuel for heat, and paying for prescription drugs.

As part of this continuing effort, I am pleased to cosponsor the Prescription Drug Fairness for Seniors Act of 1999, which is being introduced today. This bill is an important step toward increasing the access of older Americans to the prescription drugs they need for their health and well-being. The Prescription Drug Fairness for Seniors Act will allow pharmacies to purchase prescription drugs for Medicare beneficiaries at the same discounted rates available to the federal government and large insurance companies. Seniors should no longer foot the bill for generous discounts to the favored customers of pharmaceutical companies. Under this legislation, seniors could see their medication costs decrease by more than 40 percent.

This is only the first step. We must begin to address the greater problem that the costs of most prescription drugs are not covered by Medicare. As drug costs skyrocketed 17 percent in the last year alone, paying for prescription drugs has become a tremendous out-of-pocket burden for seniors, who fill 18 prescriptions a year on average. I am encouraged by the debate on the Senate floor on the Budget Resolution which has focused on addressing the lack of a drug benefit. I will support efforts to include coverage of prescription drugs in the Medicare program. This is the right thing to do for seniors, and this is the right time to do it.

Mr. FEINGOLD. Mr. President, I rise to join my colleagues, Senators KENNEDY, JOHNSON, LEAHY, WELLSTONE, INOUYE, KERRY, and others in introducing the Prescription Drug Fairness for Seniors Act.

Mr. President, the sky-rocketing cost of prescription drugs has long been among the top 2 or 3 issues my constituents in Wisconsin call and write to me about. The problem of expensive prescription drugs is particularly acute among Wisconsin senior citizens who live on fixed incomes. Nationally, prescription drugs are Senior Citizens' largest single out-of-pocket health care expenditure: the average Senior spends $100–$200 month on prescription drugs.

As you may know, Mr. President, last fall, a study by the House Government Reform and Oversight Committee found that the average price seniors pay for prescription drugs is twice as high as that enjoyed by favored customers—big purchasers such as HMOs and the federal government. The Committee's report found a price differential in one case was 1400%, meaning that the retail price a typical senior citizen paid was $27.05, while the favored customer was charged only $1.75.

To be sure, Mr. President, the Committee's report did find that Wisconsin had lower price differentials compared to other parts of the country, an 85% differential compared to a high of 123% in California. But I think my constituents would find that a pretty hollow distinction. There's not doubt in my mind that paying 85% more than others are charged for the same product is unfair, plain and simple.

Mr. President, as we all know, traditional Medicare does not cover prescription drugs. While some Medicare managed care plans offer a prescription drug benefit, few of those managed care plans operate in Wisconsin or in other largely rural states. So, while pharmaceutical companies give lower prices to favored customers who buy in bulk, small community pharmacies such as we have throughout Wisconsin lack this purchasing power, meaning that Seniors who purchase their prescriptions drugs at those small pharmacies get the high prices passed on to them.

Mr. President, I regularly get calls from Seniors on tight, fixed incomes who tell me that they have to choose between buying groceries and buying groceries and buying their prescription drugs. I would guess that many of my colleagues receive similar calls from their constituents. Calls like these, and the fact that prices are only getting higher as scientific advances develop new medications, tell me that we must take action to make prescription drugs more affordable to Seniors.

The legislation my colleagues and I are introducing today will require that pharmaceutical companies offer senior citizens the same discounts that they offer to their most favored customers. Through this legislation, we take an important step in making costly but vitally important prescription drugs more affordable to the Seniors who need them. I thank the chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, with a little assistance, I believe we can finish this bill within the next 45 minutes.

I commend Senators on both sides of the aisle who have worked hard to work out these amendments and accept them by voice vote. The managers have been doing an excellent job, and Senator REID, and Senator DORGAN, so that we can do this.

But I want to try to explain where we are. The votes are still taking close to 10 minutes. But there is a physical problem with just how long it takes to call the roll. We will continue to try to do those as quickly as possible.

I believe we have no more than five amendments left. We have two that we already had ready to go, and we have possibly three more, and two more on that side. We could be down to, I think, no more than five. I don't want to say fewer than that until we are sure what we have done. But let me ask unanimous consent and see if we can identify this properly.

I ask unanimous consent that the following amendments be the only amendments remaining in order, other than those previously in order by Senator DOMENICI, and except those agreed to by the two managers, and, following the disposition of the amendments, the Senate proceed to the consideration of H. Con. Res. 68, the House companion bill.

I further ask that all after the enacting clause be stricken in the House resolution, the text of the Senate resolution be inserted, passage occur immediately, and the Senate resolution be placed back on the Calendar.

The amendments are as follows. I believe we have two that are still pending.

Robb, No. 181. I believe we are going to be able to do that one by voice vote.

Lautenberg, No. 183, which I believe will very likely take a recorded vote. Voice vote? All right. We will do those two by voice vote.

Then Kerry No. 190;

Kennedy, No. 196;

And Chafee, No. 238.

I further ask that the votes occur in sequence, as provided in the previous consent, with all provisions of the previous consent still in order.

I want to emphasize, we may still work out one or two of those that are on the list. But we are locking it down to the two that we are going to do by voice vote and the three that may require a recorded vote.

I yield to the manager.

Mr. LAUTENBERG. We have a question. Mr. President, I understand a vote will be asked for on the amendment of the Senator from Illinois.

Mr. DOMENICI. We have another list of ones we will accept, that the leader hasn't mentioned, that we agreed on.

Mr. LAUTENBERG. All right.

Mr. REID. There is also No. 182, the Robb amendment. Whatever the body decides on that by voice vote will do.

Mr. LOTT. Right.

I renew my unanimous consent request.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. My question is, does the leader's request preclude a vote up or down on the resolution itself?

Mr. LOTT. Mr. President, my understanding is it does not. It would not be my intent to do that.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. CHAFEE. I believe that I have 236. I believe that has been cleared.

Mr. LOTT. Yes. I believe it has. No. 236 is on the list.

Mr. President?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Let's proceed.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senate will now proceed to the question on the Robb amendment No. 182.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator in New Mexico.

Mr. DOMENICI. Mr. President, could I do the house cleaning? That will get us to the unanimous consent agreement.

AMENDMENT NO. 164, AS MODIFIED

Mr. DOMENICI. Mr. President, Graham No. 164, as modified. We ask that it be accepted. We send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 164), as modified, is as follows:

AMENDMENT NO. 164, AS MODIFIED

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING RECOVERY OF FUNDS BY THE FEDERAL GOVERNMENT IN TOBACCO-RELATED LITIGATION.

(a) SHORT TITLE.—This section may be cited as the "Federal Tobacco Recovery and Medicare Prescription Drug Benefit Resolution of 1999".

(b) FINDINGS.—The Senate makes the following findings:

(1) The President, in his January 19, 1999 State of the Union address—

(A) announced that the Department of Justice would develop a litigation plan for the Federal Government against the tobacco industry;

(B) indicated that any funds recovered through such litigation would be used to strengthen the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(C) urged Congress to pass legislation to include a prescription drug benefit in the medicare program.

(2) The traditional medicare program does not include most outpatient prescription drugs as part of its benefit package.

(3) Prescription drugs are a central element in improving quality of life and in routine health maintenance.

(4) Prescription drugs are a key component to early health care intervention strategies for the elderly.

(5) Eighty percent of retired individuals take at least 1 prescription drug every day.

(6) Individuals 65 years of age or older represent 12 percent of the population of the United States but consume more than ⅓ of all prescription drugs consumed in the United States.

(7) Exclusive of health care-related premiums, prescription drugs account for almost ⅓ of the health care costs and expenditures of elderly individuals.

(8) Approximately 10 percent of all medicare beneficiaries account for nearly 50 percent of all prescription drug spending by the elderly.

(9) Research and development on new generations of pharmaceuticals represent new opportunities for healthier, longer lives for our Nation's elderly.

(10) Prescription drugs are among the key tools in every health care professional's medical arsenal to help combat and prevent the onset, recurrence, or debilitating effects of illness and disease.

(11) While possible Federal litigation against tobacco companies will take time to develop, Congress should continue to work to address the immediate need among the elderly for access to affordable prescription drugs.

(12) Treatment of tobacco-related illness is estimated to cost the medicare program approximately $10,000,000,000 every year.

(13) In 1998, 50 States reached a settlement with the tobacco industry for tobacco-related illness in the amount of $206,000,000,000.

(14) Recoveries from possible Federal tobacco-related litigation, if successful, will likely be comparable to or exceed the dollar amount recovered by the States under the 1998 settlement.

(15) In the event Federal tobacco-related litigation is valid, undertaken and is successful, funds recovered under such litigation should first be used for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to finance a medicare prescription drug benefit.

(16) The scope of any medicare prescription drug benefit should be as comprehensive as possible, with drugs used in fighting tobacco-related illnesses given a first priority.

(17) Most Americans want the medicare program to cover the costs of prescription drugs.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds recovered under any tobacco-related litigation commenced by the Federal Government should be used first for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to fund a medicare prescription drug benefit.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 164), as modified, was agreed to.

AMENDMENT NO. 165, AS MODIFIED

Mr. DOMENICI. GRAHAM of Florida, No. 165, with a modification.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 165), as modified, is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON OFFSETTING INAPPROPRIATE EMERGENCY SPENDING.

It is the sense of the Senate that the levels in this resolution assume that—

(1) some emergency expenditures made at the end of the 105th Congress for fiscal year 1999 were inappropriately deemed as emergencies;

(2) Congress and the President should identify these inappropriate expenditures and fully pay for these expenditures during the fiscal year in which they will be incurred; and

(3) Congress should only apply the emergency designation for occurrences that meet the criteria set forth in the Congressional Budget Act.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 165), as modified, was agreed to.

Amendments Nos. 227, 230, 185, 214, As Modified, And 236.

Mr. DOMENICI. Senator ABRAHAM, 227; 230, Senator STEVENS; 185, Senator DURBIN; 214, Senator DEWINE, modification. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

Mr. DOMENICI. Senator CHAFEE, 236.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendments (Nos. 227, 230, 185, and 236) were agreed to.

The amendment (No. 214), as modified, was agreed to, as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR COUNTER-NARCOTICS INITIATIVES.

(a) FINDINGS.—The Senate finds that—

(1) from 1985–1992, the Federal Government's drug control budget was balanced among education, treatment, law enforcement, and international supply reduction activities and this resulted in a 13-percent reduction in total drug use from 1988 to 1991;

(2) since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent, cocaine and marijuana use by high school seniors rose 80 percent, and heroin use by high school seniors rose 100 percent;

(3) during this same period, the Federal investment in reducing the flow of drugs outside our borders declined both in real dollars and as a proportion of the Federal drug control budget;

(4) while the Federal Government works with State and local governments and numerous private organizations to reduce the demand for illegal drugs, seize drugs, and break down drug trafficking organizations within our borders, only the Federal Government can seize and destroy drugs outside of our borders;

(5) in an effort to restore Federal international eradication and interdiction efforts, in 1998, Congress passed the Western Hemisphere Drug Elimination Act which authorized an additional $2,600,000,000 over 3 years for international interdiction, eradication, and alternative development activities;

(6) Congress appropriated over $800,000,000 in fiscal year 1999 for anti-drug activities authorized in the Western Hemisphere Drug Elimination Act;

(9) the proposed Drug Free Century Act would build upon many of the initiatives authorized in the Western Hemisphere Drug Elimination Act, including additional funding for the Department of Defense for counter-drug intelligence and related activities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) funding for Federal drug control activities should be at a level higher than that proposed in the President's budget request for fiscal year 2000; and

(2) funding for Federal drug control activities should allow for investments in programs authorized in the Western Hemisphere Drug Elimination Act and in the proposed Drug Free Century Act.

AMENDMENTS NOS. 226, 223, AND 167, WITHDRAWN

Mr. DOMENICI. The following amendments are withdrawn: 226, 223, and 167.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

The amendments (Nos. 226, 223, and 167) were withdrawn.

AMENDMENT NO. 183

Mr. DOMENICI. Senator LAUTENBERG, do you have your amendment?

Mr. LAUTENBERG. I have my amendment.

Mr. DOMENICI. Can we accept it right now?

Mr. LAUTENBERG. We can accept it. This is on school modernization. It has my list of cosponsors.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. DOMENICI. We accept the Lautenberg amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 183) was agreed to.

Mr. LAUTENBERG. Mr. President, this amendment expresses the sense of the Senate that we should enact legislation to help local school districts modernize their schools. This is a critical need for our school districts.

This school modernization proposal is supported by the National School Boards Association, the National PTA, the National Association of Elementary School Principals, and the entire range of education advocates.

Mr. President, help with school modernization is what the education community wants from the Federal Government. They don't want lip service, they want action. Here is our chance. I ask for my colleagues' support.

I thank my principal cosponsor Senator ROBB for his support for this important amendment.

Mr. DOMENICI. That is it so far.

AMENDMENT NO. 182

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Virginia.

Mr. ROBB. Mr. President, I hope I may have the 60 seconds, even though I am going to have a voice vote, and I know the result of that vote.

Mr. President, may I simply say pay-as-you-go has served this institution and this country well. It has helped reduce deficits, and it has helped us not to spend money we did not have. Senator GRAHAM and I thought it would be appropriate to continue that discipline. Regrettably, in an effort to spend money that we do not have, it is being withdrawn in this amendment.

I yield to my distinguished friend from Florida to use up any time that I have not used.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the threat to the surplus is not the threat that it will or will not be placed in a lockbox. It is a threat whether the surplus will be dissipated by expenditures that are not offset by either other spending or by sources of revenue to support those additional expenditures.

I believe if you are seriously committed to preserving the surplus so it can be used to strengthen our Social Security system, you should give strong support to the amendment offered by the Senator from Virginia.

Mr. ROBB. Mr. President, the fiscally responsible vote is yea. With that, Mr. President, I yield.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMENICI. Mr. President, I don't believe we should vote yea. We should not be required to follow a pay-as-you-go that was there when we had big deficits and require we have 60 votes when you have a surplus or to spend any money when you have a surplus. We should not do that. We will not support the amendment.

The PRESIDING OFFICER. The question is now on agreeing to the amendment.

The amendment (No. 182) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 196

The PRESIDING OFFICER. The next amendment up is the Kennedy amendment No. 196.

Mr. DOMENICI. We understand that amendment should be called a Rockefeller amendment. Is that correct?

Mr. ROCKEFELLER. Mr. President, that is correct.

The PRESIDING OFFICER. The amendment is the Rockefeller amendment. The Senator from West Virginia.

Mr. ROCKEFELLER. If I may have the attention of my colleagues.

The PRESIDING OFFICER. There will be order in the Senate.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, our senior citizens in the United States deserve a Medicare prescription drug benefit. The amendment that I am offering, together with Senator KENNEDY, creates a credible reserve fund to accommodate such if a bill which reforms Medicare, in fact, passes. This will not add to the debt. There are no unacceptable conditions. There is no uncertainty about whether the funds will be there. The idea is clear and simple, and I urge my colleagues to vote for the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There will be order in the Senate.

Mr. DOMENICI. Fellow Senators, this amendment sets up a reserve fund for any taxes that might be forthcoming from cigarettes without requiring any reform or any changes in the Medicare program. It just says that is out there to be used for Medicare. And whatever you want to call it, prescription drugs or what, it just doesn't seem to this Senator we ought to be doing that when we have a bipartisan Commission and many others saying let's reform Medicare and then let's see where we are.

So I don't believe we should be doing this, and I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

McCain

The motion to lay on the table the amendment (No. 196) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 190

Mr. KERRY. Mr. President, we spent a lot of effort in the last years trying to assert discipline on the budget process. This amendment is an opportunity to continue that discipline and to vote against deficit spending. As my colleagues know, I think the vast majority of the Senate is in favor of a tax cut. But this tax cut is loaded in a way that of $780 billion, $630 billion is not until the last years. In fact, it will not even take effect until about 2005.

What we say is we do not take away the tax cut. We simply say if CBO says that will result in deficit spending, we delay for the 1 year until we know we are in surplus rather than having to deficit spend in order to fund a tax cut.

The vast majority of the American people want to get out of debt. They do not want a tax cut if it means deficit spending to provide it. The danger is that the economic statistics, or realities, could turn downwards, but the law will require a tax cut we cannot afford.

So, this is a way of saying there is an automatic delay. We do not take it away. It affects nothing on Social Security and guarantees no deficit spending.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the simplest way I can explain this is this is the kind of tax cut we give, but we take it way. It is kind of a reverse trigger. Instead of putting a tax on, we put tax on and then we stop it in the event we get an estimate from the Congressional Budget Office that the surpluses are not quite what we figured out.

We do not do that for spending. Spending can go on up. We have no triggers on or off. But when it comes to tax cuts, we kind of give them, but we do not quite give them. I do not think that is the way we ought to treat the taxpayer.

Having said that, the amendment violates the Budget Act. It is not germane and I make the point of order it does not comply with the Budget Act.

The PRESIDING OFFICER. The Senator from Massachusetts.

MOTION TO WAIVE THE BUDGET ACT

Mr. KERRY. Mr. President, pursuant to section 904 of the Budget Act of 1974, I move to waive the provisions for consideration of this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the amendment (No. 190). The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—55

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham, Florida
Gramm, Texas
Grams, Minnesota
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson, Arkansas
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The question is now on the Chafee amendment.

CHANGE OF VOTE

Mr. REID. On vote No. 64, I voted "nay," but I meant to vote "aye." I ask unanimous consent that I be recorded as an "aye." It will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. With just a few amendments we have to clear up, we will be ready to vote on final passage.

I ask unanimous consent that Senator CRAPO be added as a cosponsor to amendment No. 227.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 233, 203, 201, 200, 198, 194, 184, 172, AND 168, WITHDRAWN

Mr. DOMENICI. I ask unanimous consent to withdraw amendment No. 233, Coverdell. And I ask unanimous consent to withdraw the following amendments. I will not name the Senator, just the number. These are what we know are around but nobody wants them called up: 203, 201, 200, 198, 194, 184, 172, and 168. I send that to the desk in case the scrivener did not get my vocabulary.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are withdrawn.

The amendments (Nos. 233, 203, 201, 200, 198, 194, 184, 172, and 168) were withdrawn.

AMENDMENT NO. 206, AS MODIFIED

Mr. DOMENICI. I ask unanimous consent that amendment No. 206 be modified with the modification I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND

"(a) FINDINGS.—The Senate finds that—

"(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance such as the Local Law Enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the COPS Program, and the Byrne Grant program, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a violent crime rate that has dropped in each of the past four years;

"(2) Assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation;

"(3) Through a comprehensive effort by state and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women;

"(4) Despite recent gains, the violent crime rate remains high by historical standards;

"(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a National anticrime strategy, and should be maintained;

"(6) The recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

"(7) The Violent Crime Reduction Trust Fund, enacted as a part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996, without adding to the federal budget deficit.

"(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime shall be maintained, and the funding for the Violent Crime Reduction Trust Fund shall continue to at least year 2005."

Mr. DOMENICI. I ask unanimous consent that amendment No. 206, as modified, the Hatch-Biden amendment, be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is agreed to.

The amendment (No. 206), as modified, was agreed to.

AMENDMENT NO. 217

(Purpose: To express the sense of the Senate on need-based student financial aid programs)

Mr. DOMENICI. We have an amendment that by mistake did not get called up and was misplaced somewhere. It is Senator COLLINS' amendment. I ask unanimous consent that it be in order to offer the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Ms. COLLINS, for herself, Mr. JEFFORDS, Mr. REED, Mr. DODD, Mr. KENNEDY and Mr. LIEBERMAN proposes an amendment numbered 247.

The amendment reads as follows:

Amend section 315 to read as follows:

SEC. 315. SENSE OF THE SENATE ON NEED-BASED STUDENT FINANCIAL AID PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) public investment in higher education yields a return of several dollars for each dollar invested;

(2) higher education promotes economic opportunity for individuals, as recipients of bachelor's degrees earn an average of 75 percent per year more than those with high school diplomas and experience half as much unemployment as high school graduates;

(3) higher education promotes social opportunity, as increased education is correlated with reduced criminal activity, lessened reliance on public assistance, and increased civic participation;

(4) a more educated workforce will be essential for continued economic competitiveness in an age where the amount of information available to society will double in a matter of days rather than months or years;

(5) access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

(6) for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education for students with financial need;

(7) over the past decade, Pell Grant awards have failed to keep pace with inflation, eroding their value and threatening access to higher education for the nation's neediest students;

(8) grant aid as a portion of all students financial aid has fallen significantly over the past 5 years;

(9) the nation's neediest students are now borrowing approximately as much as its wealthiest students to finance higher education; and

(10) the percentage of freshmen attending public and private 4-year institutions from families below national median income has fallen since 1981.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that within the discretionary allocation provided to the Committee on Appropriations of the Senate for function 500—

(1) the maximum amount of Federal Pell Grants should be increased by $400;

(2) funding for the Federal Supplemental Educational Opportunity Grants Program should be increased by $65,000,000;

(3) funding for the Federal capital contributions under the Federal Perkins Loan Program should be increased by $35,000,000;

(4) funding for the Leveraging Educational Assistance Partnership Program should be increased by $50,000,000;

(5) funding for the Federal Work-Study Program should be increased by $64,000,000;

(6) funding for the Federal TRIO Programs should be increased by $100,000,000.

Ms. COLLINS. Mr President, I rise to offer a Sense of the Senate amendment to express the commitment of the Senate to expand needs-based Federal student aid programs. I am joined in this effort by Senators JEFFORDS, REED, DODD, KENNEDY, and LIEBERMAN.

I am pleased by the large increase in funding for education included in the Budget Resolution and thank Senator DOMENICI and the other members of the Budget Committee for taking a forward-looking stance in favor of our children. I am offering this amendment to help ensure that as these increased funds for education are appropriated—and as the "hard decisions" are made about appropriations for specific programs—need-based student financial aid programs are given priority.

Although the federal government cannot guarantee that every American will complete a postsecondary education program, we can ensure that every qualified American has an equal opportunity to do so. This is the primary purpose of the student financial aid programs authorized by the Higher Education Act.

The evidence is overwhelming that individuals from low-income families pursue higher education at a significantly lower rate than individuals from middle- and upper-income families. This educational gap, which is rooted in economic disparity, threatens to divide our nation into two self-perpetuating classes: an educated class that participates fully in the tremendous economic opportunities that demand a postsecondary education and a class of "have nots" lacking the skills and education needed to be successful members of the modern work force.

Congress created need-based student financial aid programs to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it. These are the programs that assist the most disadvantaged Americans. They are the programs that help the students who come from families with no history of pursuing postsecondary education. They are the programs that will close the gap between educational "haves" and the "have nots"

Federal Pell Grants are the cornerstone of our country's need-based financial aid. These grants provide essential financial assistance to almost 4 million students a year. Eighty percent of the dependent students receiving Pell Grants come from families with annual family incomes of less than $30,000. Yet, over the last 20 years, while the cost of postsecondary education has grown at an unprecedented rate, the maximum Pell Grant has declined in constant dollars by 14 percent. This Sense of the Senate amendment states that we should increase the maximum Pell Grant by $400 dollars to $3525. We still will not be back to the 1980 level in terms of purchasing power, but we will be getting closer.

This amendment also urges an increase in two other important grant programs. The Federal Supplementary Educational Opportunity Grant and the Leveraged Educational Assistance Program (formerly SSIG) are grant programs managed by schools and states respectively. These programs leverage federal dollars through matching funds from schools and states and provide additional assistance for those students most in need of financial aid.

In addition to these important educational grants, my amendment calls for increased funding for two other need-based programs that assist students from low income families: the Federal Work Study Program and the Perkins Loan Program. These are campus-based programs in which the federal contribution is leveraged by matching funds from participating schools. Work Study is a self-help student aid program under which needy students pay some of the cost of their education through jobs that contribute to their education and often involve important community service. The Perkins Loan program allows schools to make low-interest loans to needy students. Both of these programs, along with the Supplementary Educational Opportunity Grants, give financial aid offices flexibility in creating individualized student aid packages that will minimize the student's debt burden upon graduation.

Unfortunately, during the last 20 years, funding for the work study program had declined by 25 percent in constant dollars and the capital contribution to Perkins Loans has declined by 78 percent. This Sense of the Senate Amendment expresses our support for these important programs, which aid our neediest students.

Providing financial aid is only one aspect of the challenge to equalize education opportunity. Before financial aid can help, a potential student must aspire to higher education. This is one of the goals of the TRIO programs. There is no question that thousands of individuals who would never have considered a college education have been identified by Talent Search and Upward Bound and gone on to college and successful careers. Thousands of other individuals have been assisted while in college by the Academic Support Services Program, while many non-traditional students have entered college because of the Educational Opportunity Centers.

Despite this strong record of success, the existing TRIO programs reach only a very small percentage of the individuals who are eligible for their services. The additional funds that this Sense of the Senate Amendments urges will extend the reach of these programs to more disadvantaged youth and adults who could so benefit from the support the TRIO programs provide.

I urge my colleagues to support this amendment so that more of our citizens can pursue the American dream of college education.

Mr. DOMENICI. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 247) was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 170

Mr. REID. Amendment No. 170 was acceptable with a modification. It was cleared by both sides.

Mr. DOMENICI. Would you accept that as if I said it, please, so I do not have to say it. It has been accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 170) was agreed to.

Mr. DOMENICI. Mr. President, I thank all Senators for participating and for permitting us to get this bill done today. It has been a big struggle for many of us. And while we had a lot of fun with many of the amendments and many of the concepts, it is a serious budget resolution. It has been a pleasure serving you as chairman of the Budget Committee. And I thank all of those who vote for it. For those who do not vote for it, I think you are missing the boat, missing a great path. It is the best budget we have produced in an awful long time.

I thank Senator LAUTENBERG for all his cooperation and certainly all the good he has done in bringing this budget to the floor.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I say to Senator DOMENICI, I too had fun, not as much fun as the Senator had, but it was good working together. We put our most difficult disagreements to the side at times. Senator DOMENICI invented a new index for debate. And the index that Senator DOMENICI has is a "red" neck. When it gets above your collar, that is when you have to sit back.

So we have no "red" necks in the Budget Committee. We have had a good time in getting it done. I thank all of my colleagues, particularly the members on my side, who worked so arduously.

I do want to say a word about the staff while the Senators are here. I thank Bill Hogan and his team; but I also want to make particular mention of the fact that Bruce King, our chief of staff, Sue Nelson, Lisa Konwinski, Amy Abraham, Claudia Arko, Jim Esquea, Dan Katz, Marty Morris, Paul Saltman, Jeff Siegel, Mitch Warren, Ted Zegers, and Jon Rosenwasser—I thank all the staff. They worked very hard, on both sides, and they deserve our deep thanks and our appreciation.

With that, I surrender the floor.

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order.

The Senator from New Mexico.

AMENDMENT NO. 238

Mr. DOMENICI. Mr. President, I made a mistake. We have been working very hard to get Senator CHAFEE's amendment No. 238 accepted on the other side. It was. And we would like to offer it at this time. I think it is at the desk, amendment No. 238.

The PRESIDING OFFICER. The clerk will report.

Mr. DOMENICI. I do not believe there are any objections to it.

The legislative clerk read as follows:

> Amendment No. 238 previously offered by the Senator from New Mexico [Mr. DOMENICI] for Mr. CHAFEE.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to sponsor, along with the gentleman from Rhode Island and others, an amendment to increase funding for the Land and Water Conservation Fund (LWCF). Our amendment would accomplish two important goals.

First, the amendment authorizes $200 million in matching grants to states for their conservation and recreation programs. The amendment therefore would help fulfill a thirty-five year-old Federal commitment that has been largely ignored in recent years.

Second, our amendment maintains Congress' commitment to living within the budget agreement by offsetting the increased LWCF funding with an equivalent reduction in programs within the Department of Commerce.

Let me speak first about the LWCF. As most of my colleagues know, the Land and Water Conservation Fund was established in 1964, and it has been the main source of Federal funding for Federal and state recreational lands. The LWCF accumulates revenues from outdoor recreation user fees, the federal motorboat fuel tax, surplus property sales, and, most significantly, revenue from oil and gas leases on the Outer Continental Shelf. Due to early successes and strong support, authorized funding levels increased steadily from the initial authorization of $60 million to the program's current $900 million level—although appropriations have consistently fallen far short of authorized levels.

Until Fiscal Year 1995, about one third of the total $10 billion appropriated under this program went directly to the states. The rest of the revenue was split between four Federal agencies: the Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management.

Matching grants to states have funded some 37,000 projects and helped conserve 2.3 million acres of land. While the law requires at least a 50% match from states receiving funds, in some cases the Federal grants enabled states to leverage up to seven times the grant amount.

The LWCF has enjoyed widespread support, both in my home State of New Hampshire and across the nation. The LWCF has truly been, up until recent years, a Federal-state partnership that works.

In the early years of the program, the bulk of the funding for LWCF went directly to the states. However, the state share of LWCF funding has declined dramatically since Fiscal Year 1978, when annual LWCF appropriations stabilized at between $200 and $300 million after fiscal year 1978, but the state portion of LWCF appropriations steadily declined until Fiscal Year 1996, when grants to states were completely eliminated. Since Fiscal Year 1996, overall funding for LWCF has begun to increase again, but all of the money has been appropriated for the Federal-side of the program, and none for the states.

Mr. President, to put it simply: that is wrong. These revenues were originally intended to be shared between the Federal Government and the states. We should not penalize states like New Hampshire that can effectively manage these funds and that have critical needs which must be addressed. The idea that only the Federal government can be trusted to conserve resources is again, Mr. President, simply wrong.

Last month, more than 100 elected officials, community representatives and other New Hampshire citizens sent a letter to the Chairman of the Budget Committee, expressing their strong support for the LWCF and other conservation partnership programs. I ask unanimous consent that their letter be inserted into the RECORD, along with a letter that I and thirty-five of my colleagues sent to the Chairman on this topic as well.

Today's amendment will help bring back some balance to this program by providing $200 million for states from the LWCF. Our amendment will not reduce LWCF appropriations to Federal agencies, but will, as I stated earlier, offset this increased funding with a corresponding reduction in appropriations for certain Commerce Department activities within Budget Function 370.

Mr. LIEBERMAN. Mr. President, while I support the underlying Chafee amendment providing $200 million in increased funding for the state-side portion of the Land and Water Conservation Program, I object to the use of funds from Function 370 as an offset. The Land and Water Fund monies are of critical importance to communities in my state and around the nation, and I have pledged to work hard to ensure that the state-side portion of the Fund is revived. I believe that revival of the State-side Fund represents the commitment of all Americans to conserving natural treasures and preserving open space.

Nevertheless, Function 370 is not the place to target offsets. Important programs under this budget function in the Commerce Department are vital to small businesses around the country and to our economic growth and our global competitiveness. Function 370 contains cost-effective initiatives that directly contribute to our economic well-being. Clearly, it makes little sense to take funds from some of the numerous cost effective programs in this Function when other areas in other Functions could better serve as offsets. I will support the amendment because I trust that the conference and the appropriations process will locate preferable offsets to fund this important Land and Water Conservation initiative.

Mr. LEAHY. Mr. President, I am pleased to join Senators CHAFEE, BOB SMITH, and FEINGOLD in offering this amendment to restart the Land and Water Conservation Fund (LWCF) state assistance program. Our amendment will recognize the outpouring of support for open space conservation and urban revitalization demonstrated by the passage of 124 ballot measures dedicating tax revenues to these goals.

Our amendment will allocate $200 million to the state grants program of LWCF. More than thirty years ago Congress made a promise to future generations that we would use the revenues from offshore oil and gas leases to protect the "irreplaceable lands of natural beauty and unique recreational value." The revenues would be placed into the Land and Water Conservation Fund and used by the federal government, states and local communities to build a network of parks, refuges, hiking trails, bike paths, river accesses and greenways.

Unfortunately, only half of that promise has been kept. For the past three years, Congress has not funded the state grants program of the Fund. Instead, we have been diverting these revenues for other purposes at a time when these investments are needed more than ever. We have all seen the impact of urban sprawl in our home states, whether it be large, multi-tract housing or mega-malls that bring national superstores and nation-sized parking lots. We are losing farm and forest land across the country at an alarming rate. If we are going to reverse this trend, Congress has to step in to the debate and start funding federal land conservation programs that help states address their land conservation priorities. The LWCF state grants program is one of the few federal programs available to do this—Congress now needs to make a commitment to fund it.

By funding the state grants program we will be investing in a proven success. The program has proved itself by helping to fund more than 37,000 projects across the country. As the National Park Service has testified, these projects are in "every nook and cranny of the country and serve every segment of the public." I am sure every one of us have visited one of these places without even knowing that federal funds—which leveraged state and local funds—made it happen.

But it is not happening any more. By not funding the state grants program we are leaving state and local governments to fill the gap. In Vermont, we are fortunate. Most Vermonters are within a few hours of the Green Mountain National Forest or the Appalachian Trail. Most Americans, however, are much further away from a national park, national forest or wildlife refuge. They depend on their local parks and bike paths for weekend getaways or evening excursions.

I have seen the success of the stateside program in Vermont, where more than $27 million from the Fund has helped conserve more than 66,000 acres of land that was set aside as open space, parks and recreation places. I have a list of more than 500 projects that touch every corner of Vermont. However, there are still many special places in Vermont that remain unprotected. I constantly hear from Vermonters what are trying to protect their town green, a local wetland or access to their favorite fishing hole.

By restarting the state grant program we will be able to protect some of these special places in each of our states. In Vermont, I would like to see the Long Trail, which follows the spine of the Green Mountains through my state and attracts more than 200,000 hikers a year, completed. I would like to see better access to the banks of one of the premier fly-fishing rivers, the Battenkill. Although these will not become part of our federal network of conservation areas, we still have a federal responsibility to ensure they remain open and accessible for future generations to enjoy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 238) was agreed to.

Mr. DOMENICI. I yield to the majority leader.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOTT. Mr. President, we are ready now for the last vote of the night and the last vote on the budget resolution. I commend the chairman of the committee and the ranking member, the Senator from New Jersey.

This is a record handling of a budget resolution. I think, in at least the 5 years that I have been watching it closely, this is the shortest time—2 days—and a limited number of votes in the "vote-arama." I think it makes more sense when you have a more limited number. We understand a little bit better about what we are voting on.

So you have done an exceptional job. But it would not have happened without the leadership and cooperation of Senator DASCHLE, his team, Senator REID and Senator DORGAN; on our side, Senator NICKLES, Senator CRAIG, and a lot of other people who cooperated and were willing to forgo votes on their amendments. So I think, sincerely, a lot of congratulations should be passed out for the cooperation on this concurrent resolution.

It has been a very good legislative period. Senator DASCHLE and I——

The PRESIDING OFFICER. The Senate will be in order. The majority leader has the floor. The Senate will be in order. Would the Senators suspend to my right. Thank you.

Mr. LOTT. This is actually so much fun, we might want to stay on and take up another bill. But I want to give a little more credit here because it has been a very productive legislative period. With this budget resolution, we have also passed the national missile defense bill; we passed the Ed-Flex bill; the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act; the supplemental appropriations bill, on a voice vote; the Y2K small business bill; and the resolution supporting our men and women overseas in Kosovo.

articularly this week, we took up the vote on Kosovo, the supplemental, and the budget resolution. It is one of the most productive weeks I have seen in a long time.

When we adjourn shortly, the Easter recess will, of course, begin tonight. There will be no recorded votes until Tuesday, April 13.

We will not be in session this Friday. We will be in session on Monday, April 12, but there will be no recorded votes. At that time, we expect to take up the supplemental appropriations conference report, if available, and a budget conference report, if available, and other legislation that may be cleared at that time.

Thank you all very much. Have a good Easter recess.

The PRESIDING OFFICER (Mr. SESSIONS). Pursuant to the previous order, the Senate will now proceed to the consideration of H. Con. Res. 68. All after the enacting clause is stricken and the text of S. Con. Res. 20, as amended, is inserted in lieu thereof.

The question is on agreeing to H. Con. Res. 68, as amended.

Mr. COVERDELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

McCain

The concurrent resolution (H. Con. Res. 68), as amended, was agreed to.

The text of H. Con. Res. 68 will be printed in a future edition of the RECORD.

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate insist on its amendments and request a conference with the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, S. Con. Res. 20 is returned to the calendar.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL TARTAN DAY

Mr. LOTT. Mr. President, today I rise to commemorate the first anniversary of National Tartan Day. While it is observed on April 6 of each year, I make this recognition today because Congress will be in recess on that day. I want to remind my colleagues that the resolution which establishes National Tartan Day was Senate Resolution 155. It passed by unanimous consent on March 20th of last year.

As an American of Scottish descent, I appreciate the efforts of individuals, clan organizations, and other groups such as the Scottish Coalition, who were instrumental in generating support for the resolution. These groups worked diligently to foster national awareness of the important role that Americans of Scottish descent have played in the progress of our country.

Mr. President, the purpose of National Tartan Day is to recognize the contributions that Americans of Scottish ancestry have made to our national heritage. It also recognizes the contributions that Scottish Americans continue to make to our country. I look forward to National Tartan Day as another opportunity to pause and reflect on the role Scottish Americans have played in advancing democracy and freedom. It is my hope that this annual event will grow in prominence. Scottish Americans have helped shape this nation. Their contributions are innumerable. In fact, three fourths of all American Presidents can trace their roots to Scotland.

Mr. President, in addition to recognizing Americans of Scottish ancestry, National Tartan Day reminds us of the importance of liberty. It honors those who strived for freedom from an oppressive government on April 6th, 1320. It was on that day that the Declaration of Arbroath was signed. It is the Scottish Declaration of Independence. This important document served as the model for America's Declaration of Independence.

In demanding their independence from England, the men of Arbroath wrote, "We fight for liberty alone, which no good man loses but with his live." These words are applicable today to the heroism of our American veterans and active duty forces who know the precious cost of fighting for liberty.

Mr. President, Senate Resolution 155 has served as a catalyst for the many states, cities, and counties that have passed similar resolutions recognizing the important contributions of Scottish Americans.

I would like to thank all of my colleagues who supported this resolution last year and who helped to remind the world of the stand for liberty taken on April 6—almost seven hundred years ago—in Arbroath, Scotland. A call for liberty which still echoes through our history and the history of many nations across the globe.

I believe April 6th can also serve as a day to recognize those nations that have not achieved the principles of freedom which we hold dear. The example of the Scotsmen at Arbroath—their courage—their desire for freedom—serves as a beacon to countries still striving for liberty today.

ADMIRAL ROY L. JOHNSON

Mr. LOTT. Mr. President, the nation lost one of its most distinguished military leaders when Admiral Roy L. Johnson passed away on March 20. He was 93. His Naval career spanned 38 years, at the end of which he was Commander in Chief of the U.S. Naval Forces in the Pacific at the height of the Vietnam conflict in 1965–1967. Prior to that, as Commander of the U.S. Seventh Fleet, he had given the orders to the U.S.S. *Maddox* and U.S.S. *Turner Joy* to fire back at Viet Cong gunboats in the Tonkin Gulf incident.

The Admiral was a pioneer of Naval aviation. He received his wings in 1932 and served as a flight instructor at the U.S. Navy flight school at Pensacola, both in the era of the biplane in the early 1930s and at the dawn of the space age in the 1950s.

This remarkable man was born March 18, 1906 in Big Bend, Louisiana, the eldest of twelve children of John Edward Johnson and Hettie May Long. He graduated from the U.S. Naval Academy in the class of 1929 and devoted his life thereafter to the security of his country. During World War II, serving on the U.S.S *Hornet*, he was awarded the Bronze Star, the Air Medal and the Legion of Merit with gold star. He saw action in the places whose names have become a litany of courage: the Philippines, Wake Island, Truk, Iwo Jima, Okinawa. A few years later, as Commanding Officer of the escort carrier U.S.S. *Badoeng Strait*, he again saw action in the Korean War.

In 1955, he became the first commanding officer of the U.S.S. *Forrestal*, the first of the "super-carriers," was promoted to the rank of Rear Admiral, and later assumed command of Carrier Division Four, with the *Forrestal* as his flagship. In 1960, he was named Assistant Chief of Naval Operations for Plans and Policy, was later promoted to Vice Admiral, and in 1963 became Deputy Commander in Chief of the U.S. Pacific Fleet. A year later, he was appointed Commander of the Seventh Fleet, and in that capacity was awarded his second Distinguished Service Medal. In 1965, he was promoted to full Admiral and became Commander in Chief of the U.S. Pacific Fleet and the last Military Governor of the Bonin Islands, which include Iwo Jima.

After his retirement in 1967, Admiral Johnson remained active in civic affairs. He was Chairman of the Board of Virginia Beach General Hospital, a founding trustee of the U.S.S. *Forrestal* Memorial Education Foundation, president of the Early and Pioneer Naval Aviators Association (The Golden Eagles), President of the Naval Academy Alumni Association, and other organizations. He was an active contributor to the U.S. Naval Institute's Oral History Program, which published his military memoirs, served as an advisor on national security matters, and was on the national board of Senator Bob Dole's veterans' group in his presidential campaign.

The Admiral's wife of 69 years, the former Margaret Louise Gross, died last year. Anyone who has been close to a military life knows that it has to be a joint enterprise, in which both husband and wife share the sacrifices, the uncertainties, and the satisfaction of a job heroically done.

On behalf of the U.S. Senate, I would like to offer one last salute to Roy Johnson, a patriot from the beginning, a patriot to the last. As we extend our condolences to all his family—especial his daughter, Jo-Anne Lee Coe, our former Secretary of the Senate—we know they share our pride and our appreciation for all that Admiral Johnson did, and gave, to the country he loved.

THE SENATE SAYS GOODBYE

HELEN C. SCOTT (4/1/85–4/1/99)

Mr. LOTT. Mr. President, Helen Scott has worked for the United States Senate for 14 years in the Environmental Services Department at the U.S. Capitol. During her tenure at the Senate, Helen has proven to be an outstanding employee. She possesses qualities of unremarkable character—dedication and loyalty. Helen is married to Joseph C. Scott and together they have six children and nine grandchildren. We wish Helen the best in her retirement.

JAMES DAVIS (4/2/85–3/1/99)

Mr. LOTT. Mr. President, James Davis has worked for the United States Senate for 14 years in the Environmental Services Department at the

U.S. Capitol. During his years of service, we have known Jim to be a fine employee who always performed his duties with spirit and dedication. Jim is married to Nae Davis and they have a son, James Jr. We wish Jim the best of luck in his retirement.

WASHINGTON CENTER FOR INTERNSHIPS AND ACADEMIC SEMINARS

Mr. DASCHLE. Mr. President, I would like to take this opportunity to commend the Washington Center for Internships and Academic Seminars for its excellent work over the last 25 years. The Center, which was founded by William and Sheila Burke in 1975, is an independent, non-profit educational organization that has placed more than 24,000 students from over 750 colleges and universities in internships across the Washington, D.C. area.

The Center plays a critical and formative role in teaching students the value of public service. The organization fosters an enduring civic awareness by placing students in internships and by holding academic seminars that introduce students to the exciting culture and history of our nation's capital. In addition to helping students experience the extraordinary educational opportunities that exist in the District of Columbia, The Center has made an invaluable contribution to public service by helping those of us in Congress to identify talented and energetic young men and women to assist in our work on behalf of the American public.

I know that many of my colleagues share my deep appreciation for this extraordinary achievement, and join me in commending The Center for its pioneering efforts over the last quarter century to promote participatory learning in the nation's capitol. On this, The Center's 25th anniversary, it deserves the recognition and thanks of all of us who work in our nation's capitol and who have benefitted from The Center's important work.

In conclusion, Mr. President, I wish the Washington Center continued success in fulfilling its vital mission to enhance the lives and learning of our nation's college students. This Center's work has immeasurably enriched the lives of students and the lives of those who have been fortunate enough to work with them, and I know it will continue to do so for many years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 24, 1999, the federal debt stood at $5,645,338,661,953.64 (Five trillion, six hundred forty-five billion, three hundred thirty-eight million, six hundred sixty-one thousand, nine hundred fifty-three dollars and sixty-four cents).

One year ago, March 24, 1998, the federal debt stood at $5,542,617,000,000 (Five trillion, five hundred forty-two billion, six hundred seventeen million).

Five years ago, March 24, 1994, the federal debt stood at $4,556,299,000,000 (Four trillion, five hundred fifty-six billion, two hundred ninety-nine million).

Ten years ago, March 24, 1989, the federal debt stood at $2,737,627,000,000 (Two trillion, seven hundred thirty-seven billion, six hundred twenty-seven million) which reflects a debt increase of almost $3 trillion—$2,907,711,661,953.64 (Two trillion, nine hundred seven billion, seven hundred eleven million, six hundred sixty-one thousand, nine hundred fifty-three dollars and sixty-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1141. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 643. An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

The message further announced that pursuant to the provisions of Executive Order No. 12131, the Speaker appoints the following Members of the House to the President's Export Council: Mr. EWING of Illinois, Mr. ENGLISH of Pennsylvania, and Mr. PICKERING of Mississippi.

ENROLLED BILLS SIGNED

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 68. An act to amend section 20 the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 92. An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse."

H.R. 158. An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse".

H.R. 233. An act to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building."

H.R. 396. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 7:58 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 68. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 23. Concurrent Resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 9:12 p.m., a message from the House of Representatives delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 774. An act to amend the Small Business Act to change the condition of participation and provide an authorization of appropriations for the women's business center program.

H.R. 808. An act to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

H.J. Res. 26. Joint resolution providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 27. Joint resolution providing for the reappointment of Dr. Hanna H. Gray as citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 28. Joint resolution providing for the reappointment of Wesley S. Williams, Jr. as a citizen of the Board of Regents of the Smithsonian Institution.

S. 643. An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

The enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 25, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2340. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to protect producers of agricultural commodities who have purchased a CRCPLUS supplemental endorsement; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2341. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cinnamaldehyde; Exemption from the Requirement of a Tolerance; Correction" (RIN2070-AB78) received on March 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2342. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clopyralid; Extension of Tolerance for Emergency Exemptions" (FRL6066-2) received on March 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2343. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Norflurazon; Extension of Tolerance for Emergency Exemptions" (FRL6063-2) received on March 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2344. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Extension of Tolerance for Emergency Exemptions" (FRL6066-9) received on March 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2345. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report entitled "Automotive Fuel Economy Program" for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC-2346. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to increase consumer protections for airline passengers; to the Committee on Commerce, Science, and Transportation.

EC-2347. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Maritime Administration Authorization Act for Fiscal Years 2000 and 2001"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2348. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's report on the administration of the Marine Mammal Protection Act; to the Committee on Commerce, Science, and Transportation.

EC-2349. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled "The Coastal Management Enhancement Act"; to the Committee on Commerce, Science, and Transportation.

EC-2350. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands" (I.D. 030899B) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2351. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Specified Groundfish Fisheries in the Gulf of Alaska" (I.D. 030899C) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2352. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna" (I.D. 021299E) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2353. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Eastern Regulatory Area of the Gulf of Alaska" (I.D. 030599C) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2354. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 1999 Harvest Specifications for Groundfish" (I.D. 121098D) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2355. A communication from the Associate Administrator, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Public Telecommunications Facilities Program: Closing Date" (RIN0660-ZA07) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2356. A communication from the Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Grant Technology Program: Request for Proposals for FY 1999" (RIN0648-ZA58) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2357. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Grant Industry Fellows Program: Request for Proposals for FY 1999" (RIN0648-ZA57) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2358. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "National Oyster Disease Research Program and Gulf Oyster Industry Initiative: Request for Proposals for FY 1999" (RIN0648-ZA56) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2359. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Dean John A. Knauss Marine Policy Fellowship National Sea Grant College Federal Fellows Program" (RIN0648-ZA55) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2360. A communication from the Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Aquatic Nuisance Species Research and Outreach and Improved Methods for Ballast Water Treatment and Management; Request for Proposals for FY 1999" (RIN0648-ZA54) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2361. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Clinton and Okarche, Oklahoma" (Docket 98-70) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2362. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Brewster, Massachusetts" (Docket 98-58) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2363. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Spencer and Webster, Massachusetts" (Docket 98-174) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2364. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations: Kansas City, Missouri" (Docket 96-134) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2365. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; 1D48 Chesapeake Grand Prix Round-the-Buoys Races" (Docket 05-99-012) received on March

18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2366. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Chesapeake Bay, Patapsco River, Inner Harbor, Baltimore, Maryland" (Docket 05-99-009) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2367. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; 1D48 Chesapeake Grand Prix Distance Race" (Docket 05-99-013) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2368. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, Virginia" (Docket 05-99-010) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2369. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Change-of-Gauge Services" (RIN2105-AC17) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2370. A communication from the Attorney-Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Reporting Requirements for Motor Carriers of Property and Household Goods" (RIN2139-AA05) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2371. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Child Restraint Systems; Child Restraint Anchorage Systems" (RIN2127-AG50) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2372. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilateus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes" (Docket 98-CE-73-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2373. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757-200 Series Airplanes" (Docket 98-NM-238-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2374. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglass Model DC-10 and MD-11 Series Airplanes, and KC-10 [Military) Series Airplanes" (Docket 98-NM-55-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2375. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3-60 and SD3-60 SHERPA Series Airplanes" (Docket 97-NM-106-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2376. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace and Class E Airspace and Establishment of Class E Airspace; Kenosha, WI" (Docket 98-AGL-62) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2377. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Restricted Areas R-2531A and R-2531B, Establishment of Restricted Area R-2531, and Change of Using Agency, Tracy; CA" (Docket 98-AWP-30) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2378. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes" (Docket 98-NM-106-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2379. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98-NM-105-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2380. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace and Class E Airspace and Establishment of Class E Airspace; Rapid City, SD" (Docket 98-AGL-64) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2381. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Request for Proposals for the Global Ocean Ecosystems Dynamics Project" (RIN0648-ZA53) received on March 10, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-22. A resolution adopted by the Commission of the City of Margate, Florida, relative to the rights of freedom of speech and association of candidates for office; to the Committee on the Judiciary.

POM-23. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on the Judiciary.

LEGISLATIVE RESOLUTION 10

Whereas, the delegates to the 1788 Constitutional Convention discussed whether the term of office for a representative should be one year or three years and compromised on a two-year term; and

Whereas, communications systems and travel accommodations have improved over the last two hundred years which allows quicker and easier communication with constituents and more direct contact; and

Whereas, the American people would be better served by having the members of the House of Representatives focus on issues and matters before the Congress rather than constantly running a campaign; and

Whereas, a biennial election of one-half of the Members of the House of Representatives would still allow the American people to express their will every two years. Now therefore, be it

Resolved by the Members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Legislature hereby petitions the Congress of the United States to propose to the states an amendment to Article I, section 2, of the United States Constitution that would increase the length of the terms of office for members of the House of Representatives from two years to four years with one-half of the Member's terms expiring every two years.

2. That official copies of this resolution be prepared and forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States and to all Members of the Nebraska delegation to the Congress of the United States, with the request that it be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

POM-24. A resolution adopted by the Legislature of the State of Wyoming; to the Committee on Governmental Affairs.

Whereas, the U.S. Constitution requires an actual enumeration of the population every ten years, and entrusts Congress with overseeing all aspects of each decennial enumeration;

Whereas, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states;

Whereas, an accurate and legal decennial census is necessary to properly apportion U.S. House of Representatives seats among the 50 states and to create legislative districts within the states;

Whereas, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states;

Whereas, Article 1, Section 2 of the U.S. Constitution, in order to ensure an accurate count, and to minimize the potential for political manipulation, mandates an "actual enumeration" of the population, which requires a physical headcount of the population and prohibits statistical guessing or estimates of the population;

Whereas, Title 13, Section 195 of the U.S. Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the U.S. population for the purpose of reapportioning the U.S. House of Representatives;

Whereas, legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states;

Whereas, the United States Supreme Court, in No. 98–404, *Department of Commerce, et al. v. United States House of Representatives, et al.*, together with No. 98–564, *Clinton, President of the United States, et al. v. Glavin, et al.* ruled on January 25, 1999 that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment;

Whereas, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of 'one-person, one-vote;'

Whereas, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the U.S. House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate 'one-person, one-vote' legal protections, thus exposing the State of Wyoming to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Wyoming, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference;

Whereas, consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration;

Whereas, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs; as well as a provision for post census local review; Therefore be it

Resolved, That the Wyoming State Legislature calls on the Bureau of the Census to conduct the 2000 decennial census consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; be it further

Resolved, That the Wyoming State Legislature opposes the use of P.L. 94–171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; be it further

Resolved, That the Wyoming State Legislature demands that it receive P.L. 94–171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives consistent to the aforementioned United States Supreme Court ruling and constitutional mandates, which requires a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; be it further

Resolved, That the Wyoming State Legislature urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further.

Resolved, That a copy of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, Majority Leader of the U.S. Senate, Vice President and the President of the United States.

POM–25. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs.

Senate Joint Resolution No. 4

Whereas, Few environmental challenges have proven more daunting than the problems posed by high-level nuclear waste; and

Whereas, The proposed Nuclear Waste Policy Act of 1999 is a disastrous response to these problems and if enacted would attack state authority, create massive taxpayer liabilities and unwisely require an "interim" storage facility for high-level nuclear waste which would directly threaten the environment; and

Whereas, By requiring construction of an "interim" storage facility at the Nevada Test Site, the proposed Nuclear Waste Policy Act of 1999 would require the unprecedented shipment of high-level nuclear waste through 43 states endangering the lives of fifty million American citizens who live within one-half mile of the proposed transportation routes; and

Whereas, Although there is the expectation that high-level waste at reactors will eventually have to be moved, the provisions of the Nuclear Waste Policy Act of 1999 exacerbate the risk of this dangerous activity; and

Whereas, Despite the serious flaws with the proposed Yucca Mountain site, studies are being conducted to determine whether the site is capable of hosting a permanent repository for high-level nuclear waste, but if enacted, the Nuclear Waste Policy Act of 1999 would prejudice those studies by explicitly revoking federal regulations that establish guidelines for determining the suitability of the site; and

Whereas, Upon the revocation of such regulations, requirements for establishing the characteristics of the site, such as the time it takes for water to travel and climactic stability, would be eliminated, thereby undermining the integrity of any determination regarding the suitability of the site for the storage of high-level nuclear waste; and

Whereas, A major cause for concern in designating the Nevada Test Site as the "interim" storage facility is the high seismic activity that has been taking place in the area, including seven earthquakes just last month at 3.0 or greater with three jolts recorded at a magnitude of between 4.3 and 4.7 that struck at the eastern edge of the site; and

Whereas, Geologists have expressed concern over this seismic activity stating that these recent earthquakes are part of a swarm of tremors that have occurred along the Rock Valley Fault zone, including a 5.8 magnitude quake on June 29, 1992, at Little Skull Mountain, which knocked out windows, cracked walls and brought down ceiling panels at a fields operations center approximately 12 miles from the site of the proposed repository; and

Whereas, Federal law directs the Environmental Protection Agency to enact regulations to protect the environment from repository radiation releases, but the Nuclear Waste Policy Act of 1999 prohibits all efforts of the Environmental Protection Agency to carry out this responsibility; and

Whereas, The reality is that the Nuclear Waste Policy Act of 1999 would create a single performance standard that would allow annual radiation exposures of up to 100 millirems to an average member of the surrounding population, a level four times the amount allowed by regulation for storage facilities; and

Whereas, The Nuclear Waste Policy Act of 1999 contains broad preemptions for environmental legislation including a provision stating that any state or local law that is "inconsistent" with the requirements of the proposed Act is preempted; and

Whereas, This proposed Act does not allow the Environmental Impact Statement to question the size, need or timing of any "interim" storage facility nor does it allow any questions relating to alternative locations or design criteria; and

Whereas, The proposed "interim" storage facility site will have a capacity of 40,000 MTUs which is sufficient space to store all of today's commercial nuclear waste and the license is to be a 100-year renewable license which suggests that this proposed "interim" storage facility is expected to become permanent; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, (jointly), That the members of the 70th session of the Nevada Legislature do hereby urge the Congress of the United States not to enact the Nuclear Waste Policy Act of 1999, H.R. 45; and be it further

Resolved, that the Nevada Legislature is opposed to any further consideration of the use of the Nevada Test Site as a national site for the disposal of high-level nuclear waste; and be it further

Resolved, that the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, that the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, that this resolution becomes effective upon passage and approval.

POM–26. A resolution adopted by the House of the Legislature of the Commonwealth of the Northern Marianas Islands; to the Committee on Energy and Natural Resources.

House Resolution No. 11–126

Whereas, the Covenant to establish the Commonwealth of the Northern Mariana Islands (Commonwealth) in political union with the United States of America was entered into for two reasons: first, to secure and maintain the national security and defense of the United States in the Pacific rim and far east Asia; and second, to secure among the people of the Commonwealth the right to self-government with respect to their own internal affairs; and

Whereas, the people of the Commonwealth gave up their precious political sovereignty and some control over their lands, sea and air in order to secure and maintain the national security and defense of the United States; and

Whereas, in exchange for what the people of the Commonwealth gave up for the benefit of the United States under the Covenant, the United States agreed to extend to the Commonwealth financial assistance; agreed to assist the Commonwealth in developing its economic resources; agreed to protect the small population of the Commonwealth from being overwhelmed by permanent immigrants from the nearby Asian countries; and extended third class US citizenship to the people of the Commonwealth; and

Whereas, first class US citizens are those who have representatives and senators in Congress and vote for the President; second class citizens are those who have only non-voting delegates to Congress: and third class citizens are those who have no representative, no senator, no vote for the president and have no voice at all in their democratic government, the United States of America; and

Whereas, the economic goal of the Commonwealth as envisioned in the Covenant was to reduce its requirement for financial assistance from the United States and to become self-reliant; and

Whereas, in order to facilitate economic development in the Commonwealth, and at the same time maintain political control among the Commonwealth people, the United States left to the Commonwealth complete control over immigration and minimum age, and exempted the Commonwealth from the U.S. import duties; and

Whereas, as a direct result of these economic incentives, the local control of immigration and minimum wage, and the waiver of import duties, the Commonwealth's annual gross product ballooned from a mere few million dollars in 1978 when the Commonwealth Government came into being to over one billion dollars in 1997, making her the envy of other colonies and independent states in the region; and

Whereas, the Commonwealth imports U.S. products to the tune of one billion dollars per year; and

Whereas, the success story of the Commonwealth's economy, concentrated in the industries of tourism and garment manufacturing, is the result of innovative provisions in the Covenant, the effectiveness of which the United States and the Commonwealth should be proud of; and

Whereas, the economic boom in the Commonwealth resulted in the importation of a large number of temporary non-immigrant workers, as envisioned in the Covenant, to supplement its small pool of local manpower; and

Whereas, it has been the experience of developed and developing countries, including the United States, that any rapid social and demographic changes which naturally breed social and political problems; and

Whereas, in the case of the Commonwealth, the success of the garment industry is claimed by the Office of Insular Affairs to have adversely affected the textile industry in the United States, causing some first class U.S. citizens to lose their jobs, and the United States Government to lose about $200,000,000,00 in waived import duties; and

Whereas, the Office of Insular Affairs, insinuating arrogantly that the third class US citizens of the Commonwealth should not and cannot improve their economic status at the expense of secured jobs for the first class US citizens in the United States, has embarked on a vicious campaign to destroy the garment industry in the Commonwealth by persuading the US Congress to take away control of immigration and minimum wage and end the waiver of import duties with respect to garment; and

Whereas, as part of this campaign, the Office of Insular Affairs has submitted annual reports to Congress and in these reports attempts to paint a deceptive picture of these paradise islands as being evil, governed by abusive people, controlled by alien tycoons, and has exaggerated the social problems associated with the recent economic boom; and

Whereas, this legislature denounces the most recent report to Congress which purposely ignores major reform programs, legislative actions, improved enforcement,and the immense progress made in solving the consequential social problems associated with the recent economic boom, and instead, repeated old and inaccurate facts; and

Whereas, some members of the US Congress have complimented the Commonwealth for its economic miracle and for showcasing what free-enterprise and democracy, working hand in hand, could accomplish; and others have stated that the social problems resulting from the economic boom are local problems deserving local solutions; now, therefore

Be it resolved, by the House of Representatives, Eleventh Northern Marianas Commonwealth Legislature, that the Office of Insular Affairs is urged to be honest and sincere in its presentation of the facts about the Commonwealth to Congress and the news media; and

Be it further resolved That the Office of Insular Affairs acknowledge the tremendous benefit that the United States has received from the people of the Commonwealth through the Covenant and to show some appreciation for such gain; and

Be it further resolved That the US Congress is hereby requested to continue allowing the Commonwealth to work on its internal problems and to not take away control of immigration, but to uphold the intent and integrity of the Covenant; and

Be it further resolved, That the Speaker of the House shall certify and the House Clerk shall attest to the adoption of this resolution and thereafter transmit copies to Office of Insular Affairs, President of the United States, Speaker of the House of the US Congress, President of the US Senate, the president and governor's representatives to the 902 talks, the Honorable Pedro P. Tenorio, Governor, Commonwealth of the Northern Mariana Islands, and the Mayors of each senatorial district.

POM-27. A resolution adopted by the Senate of the Legislature of the State of New Hampshire; to the Committee on Appropriations.

RESOLUTION

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, the IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted the Individuals with Disabilities Education Act, it promised to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 9 percent of the actual cost of special education services; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

Resolved by the Senate:

That the New Hampshire senate urges the President and the Congress to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM-28. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, the decision to close the Boston Regional Office of the Federal Trade Commission will have a substantial adverse effect on both consumers and small businesses in the Commonwealth of Massachusetts and New England; and

Whereas, for over 40 years the Boston Regional Office has provided a Federal Trade Commission presence in New England, enforcing consumer protection and anti-trust laws; and

Whereas, the Boston Federal Trade Commission Office receives in excess of 5,000 consumer complaints and inquiries annually which are mediated and adjusted to the satisfaction of consumers and small businesses; and

Whereas, the Boston Federal Trade Commission Office acts as a liaison for state and local consumer and regulatory agencies in the areas of credit, consumer protection and anti-trust as well as various other laws and regulations; and

Whereas, the Massachusetts consumers' coalition, whose members include representatives of the Massachusetts attorney general's office, the AARP, the National Consumer Law Center and local consumer protection offices, is charged with safeguarding the interests of consumers throughout the Commonwealth of Massachusetts and believes that closing the Boston Regional office will significantly diminish the level of consumer protection throughout the commonwealth; now therefore be it

Resolved, that the Massachusetts Senate hereby respectfully requests the president of the United States to direct the chairman of the Federal Trade Commission to rescind his decision closing the Boston Regional Office as it is contrary to the public's interest; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the chairman of the Federal Trade Commission, the presiding officer of each branch of Congress and to the members thereof from this commonwealth.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Fossil Energy), vice Patricia Fry Godley, resigned.

Carolyn L. Huntoon, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

William J. Hibbler, of Illinois, to be United States District Judge for the Northern District of Illinois, vice James H. Alesia, retired.

Matthew F. Kennelly, of Illinois, to be United States District Judge for the Northern District of Illinois, vice Paul E. Plunkett, retired.

Thomas Lee Strickland, of Colorado, to be United States Attorney for the District of Colorado for the term of four years, vice Henry Lawrence Solano, resigned.

Carl Schnee, of Delaware, to be United States Attorney for the District of Delaware for the term of four years vice Gregory M. Sleet, resigned.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. WARNER, from the Committee on Armed Services:

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of Energy (Non-Proliferation and National Security).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Eugene L. Tattini, 3329

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Harold L. Timboe, 9807

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William C. Jones, Jr., 9159

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael V. Hayden, 0513

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Reginald A. Centracchio, 0724

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Edward J. Fahy, Jr., 2444

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Daniel R. Bowler, 8602
Rear Adm. (lh) John E. Boyington, Jr., 1186
Rear Adm. (lh) John V. Chenevey, 1818
Rear Adm. (lh) Albert T. Church, III, 9703
Rear Adm. (lh) John P. Davis, 4560
Rear Adm. (lh) John B. Foley, III, 8786
Rear Adm. (lh) Veronica A. Froman, 7314
Rear Adm. (lh) Alfred G. Harms, Jr., 7295
Rear Adm. (lh) John M. Johnson, 9184
Rear Adm. (lh) Timothy J. Keating, 8508
Rear Adm. (lh) Roland B. Knapp, 2486
Rear Adm. (lh) Timothy W. LaFleur, 3609
Rear Adm. (lh) James W. Metzger, 6693
Rear Adm. (lh) Richard J. Naughton, 8886
Rear Adm. (lh) John B. Padgett, 6225
Rear Adm. (lh) Kathleen K. Paige, 7645
Rear Adm. (lh) David P. Polatty, III, 4771
Rear Adm. (lh) Ronald A. Route, 7031
Rear Adm. (lh) Steven G. Smith, 5244
Rear Adm. (lh) Ralph E. Suggs, 6624
Rear Adm. (lh) Paul F. Sullivan, 4503

Mr. WARNER. Madam President, for the Committee on Armed Services, I also report favorably the lists which were printed in full in the RECORD of March 8, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of March 8, 1999, at the end of the Senate proceedings.)

In the Army nomination of Patrick Finnegan, which was received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning Christopher D. Latchford, and ending James E. Braman, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning Lee G. Kennard, and ending Michael E. Thompson, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning Wesley D. Collier, and ending Thomas L. Musselman, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning David E. Bell, and ending Howard Lockwood, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning *Jan E. Aldykiewicz, and ending *Louis P. Yob, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning Timothy K. Adams, and ending Derick B. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Marine Corps nomination of Stanley A. Packard, which was received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Marine Corps nomination of Todd D. Bjorklund, which was received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Navy nomination of Tarek A. Elbeshbeshy, which was received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Navy nominations beginning Glen C. Crawford, and ending Leonard G. Ross, Jr., which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Navy nominations beginning Steven W. Allen, and ending Daniel C. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 713. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

S. 714. A bill to amend the Internal Revenue Code of 1986 to maintain exemption of Alaska from dyeing requirements for exempt diesel fuel and kerosene; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. WYDEN, and Mr. BAUCUS):

S. 715. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 716. A bill to provide for the prevention of juvenile crime, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. SNOWE, Mr. DODD, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Ms. LANDRIEU, and Mr. REID):

S. 717. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,2000, adjusted for inflation; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. INOUYE):

S. 718. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

By Mr. REID:

S. 719. A bill to provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS (for himself, Mr. Edwards, and Mr. Hagel):

S. 720. A bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mr. Schumer, Mr. Leahy, Mr. Feingold, and Mr. Moynihan):

S. 721. A bill to allow media coverage of court proceedings.

By Mr. INHOFE (for himself, Mr. Murkowski, Mr. Burns, Mr. Grassley, Mr. Breaux, Mr. Crapo, Mr. Stevens, and Mr. Frist):

S. 722. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 723. A bill to provide regulatory amnesty for defendents who are unable to comply with federal enforceable requirements because of factors related to a Y2K system failure; to the Committee on Governmental Affairs.

By Mr. INHOFE (for himself and Mr. Sessions):

S. 724. A bill to amend the Safe Drinking Water Act to clarify that underground injection does not include certain activities, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. McCain):

S. 725. A bill to preserve and protect coral reefs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL (for himself and Mr. Torricelli):

S. 726. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself and Mr. Hatch):

S. 727. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 728. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. Murkowski, Mr. Lott, Mr. Stevens, Mr. Burns, Mr. Smith of Oregon, Mr. Crapo, Mr. Shelby, Mr. Hagel, and Mr. Bennett):

S. 729. A bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 730. A bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. Johnson, Mr. Leahy, Mr. Wellstone, Mr. Feingold, Mr. Inouye, Mr. Kerry, and Mr. Dodd):

S. 731. A bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries; to the Committee on Finance.

By Mr. TORRICELLI:

S. 732. A bill to require the Inspector General of the Department of Defense to conduct an audit of purchases of military clothing and related items made during fiscal year 1998 by certain military installations of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

By Mr. TORRICELLI (for himself and Mr. Lautenberg):

S. 733. A bill to enact the Passaic River Basin Flood Management Program; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. Reid):

S. 734. A bill entitled the "National Discovery Trails Act of 1999"; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mrs. Boxer, Mr. Durbin, and Mr. Schumer):

S. 735. A bill to protect children from firearms violence; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Mr. Dodd):

S. 736. A bill to amend titles XVIII and XIX of the Social Security Act to ensure that individuals enjoy the right to be free from restraint, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mrs. Feinstein):

S. 737. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to women eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Mr. DODD:

S. 738. A bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. Campbell):

S. 739. A bill to amend the American Indian Trust Fund Management Reform Act to direct the Secretary of the Interior to contract with qualified financial institutions for the investment of certain trust funds, and for other purposes; to the Committee on Indian Affairs.

By Mr. CRAIG (for himself, Mr. Crapo, Mr. Burns, and Mr. Grams):

S. 740. A bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. Grassley, Mr. Baucus, Mr. Hatch, Mr. Breaux, Mr. Jeffords, Mr. Kerrey, Mr. Robb, Mr. Mack, Mr. Bond, Mr. Chafee, Mr. Thompson, Mr. Bingaman, and Mr. Murkowski):

S. 741. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. Conrad):

S. 742. A bill to clarify the requirements for the accession to the World Trade Organization of the People's Republic of China; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Helms):

S. 743. A bill to require prior congressional approval before the United States supports the admission of the People's Republic of China into the World Trade Organization, and to provide for the withdrawal of the United States from the World Trade Organization if China is accepted into the WTO without the support of the United States; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 744. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. Kennedy, Mr. Grams, Mr. Leahy, Mr. Graham, Mr. Burns, Mr. McCain, Ms. Snowe, Mr. DeWine, Mr. Jeffords, Mr. Gorton, Mr. Craig, Mr. Levin, Mr. Schumer, Mrs. Murray, Mr. Murkowski, Mr. Moynihan, Mr. Mack, Mr. Smith of Oregon, Mr. Dorgan, Mr. Santorum, Mr. Cochran, Mr. Inouye, and Ms. Collins):

S. 745. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. Thompson, Mr. Voinovich, Mr. Robb, Mr. Abraham, Mr. Rockefeller, Mr. Roth, Mr. Daschle, Mr. Stevens, Mr. Moynihan, Mr. Cochran, Mr. Breaux, Mr. Frist, Mr. Enzi, Mr. Grams, Mr. Grassley, and Mrs. Lincoln):

S. 746. A bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 747. A bill to amend title 49, United States Code, to promote rail competition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI:

S. 748. A bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. Stevens, Mr. Dodd, Mr. Jeffords, and Mr. Kerry):

S. 749. A bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. Lieberman):

S. 750. A bill to protect the rights of residents of certain federally funded hospitals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. Daschle, Mr. Kennedy, and Mr. Torricelli):

S. 751. A bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. Bingaman):

S. 752. A bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself, Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Bryan, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, and Mr. Edwards):

S. 753. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 754. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building"; read the first time.

By Mr. HATCH (for himself, Mr. Nickles, Mr. Thurmond, Mr. Biden, Mr. Kennedy, Mr. Sessions, Mr. Abraham, Mr. Kohl, Mr. Lieberman, Mr. Helms, Mr. Schumer, and Mr. DeWine):

S. 755. A bill to extend the period for compliance with certain ethical standards for Federal prosecutors; read the first time.

By Mrs. LINCOLN (for herself, Mr. Breaux, Ms. Landrieu, Mr. Cochran, Mr. Lott, Mrs. Hutchison, Mr. Bond, Mr. Gramm, Mr. Hutchinson, and Mr. Ashcroft):

S. 756. To provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year; considered and passed.

By Mr. LUGAR (for himself, Mr. Kerrey, Mr. Hagel, Mr. Thomas, Mr. Smith of Oregon, Mr. Grams, Mr. Robb, Mrs. Feinstein, Mr. Bingaman, Mr. Murkowski, Mr. Cochran, Mr. Domenici, Mr. Lott, Mr. Santorum, Mr. Burns, Mr. Allard, Mr. Johnson, Mrs. Hutchison, Mr. Chafee, Mr. Gorton, Mr. Breaux, Mrs. Murray, Mr. Dorgan, Mr. Crapo, Mr. Baucus, Mrs. Lincoln, Mr. Conrad, Mr. Bond, and Mr. Roberts):

S. 757. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

By Mr. ASHCROFT (for himself, Mr. Hatch, Mr. Dodd, Mr. Sessions, Mr. Lieberman, Mr. Grassley, Mr. Torricelli, Mr. Smith of New Hampshire, and Mr. Schumer):

S. 758. A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. Torricelli, Mr. Burns, and Mr. Reid):

S. 759. A bill to regulate the transmission of unsolicited commercial electronic mail on the Internet, and for other purposes.

By Mr. MURKOWSKI (for himself and Mr. Bingaman):

S. 760. A bill to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands in the 50 States Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. McCain, Mr. Wyden, and Mr. Burns):

S. 761. A bill to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM:

S. 762. A bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; to the Committee on Energy and Natural Resources.

By Mr. SMITH of New Hampshire (for himself, Mr. Shelby, and Mr. Helms):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to establish limited judicial terms of office; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 75. A resolution reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group and revising the authority of the Group; considered and agreed to.

S. Con. Res. 23. A concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives; considered and agreed to.

By Mr. LUGAR:

S. Con. Res. 24. A bill to express the sense of the Congress on the need for United States to defend the American agricultural and food supply system from industrial sabotage and terrorist threats; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 713. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

NATIVE ALASKAN SUBSISTENCE WHALING ACT OF 1999

Mr. MURKOWSKI. Mr. President, I rise on behalf of myself and Senator Stevens to introduce legislation that would resolve a dispute that has existed for several years between the IRS and native whaling captains in my state. Our legislation would amend the Internal Revenue Code to ensure that a charitable donation tax deduction would be allowed for native whaling captains who organize and support subsistence whaling activities in their communities.

Subsistence whaling is a necessity to the Alaska Native community. In many of our remote village communities, the whale hunt is a tradition that has been carried on for generations over many millennia. It is the custom that the captain of the hunt make all provisions for the meals, wages and equipment costs associated with this important activity.

In most instances, the Captain is repaid in whale meat and muktuck, which is blubber and skin. However, as part of the tradition, the Captain is required to donate a substantial portion of the whale to his village in order to help the community survive.

The proposed deduction would allow the Captain to deduct up to $7,500 to help defray the costs associated with providing this community service.

Mr. President, I want to point out that if the Captain incurred all of these expenses and then donated the whale meat to a local charitable organization, the Captain would almost certainly be able to deduct the costs he incurred in outfitting the boat for the charitable purpose. However, the cultural significance of the Captain's sharing the whale with the community would be lost.

This is a very modest effort to allow the Congress to recognize the importance of this part of our Native Alaskan tradition. When this measure passed the senate two years ago, the Joint Committee on Taxation estimated that this provision would cost a mere three million dollars over a 10 year period. I think that is a very small price for preserving this vital link with our natives' heritage.

I ask unanimous consent that the text of the legislation be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Alaskan Subsistence Whaling Act of 1999".

SEC. 2. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

"(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $7,500 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

"(2) AMOUNT DESCRIBED.—

"(A) IN GENERAL.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

"(B) WHALING EXPENSES.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

"(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

"(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

"(iii) storage and distribution of the catch from such activities.

"(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 714. A bill to amend the Internal Revenue Code of 1986 to maintain exemption of Alaska from dyeing requirements for exempt diesel fuel and kerosene; to the Committee on Finance.

DIESEL DYEING EXEMPTION FOR ALASKA

Mr. MURKOWSKI. Mr. President, today I am joined by Senator TED STEVENS in introducing legislation that would clarify a provision in the tax code that exempts the State of Alaska from the IRS diesel dyeing rules.

The Small Business Job Protection Act of 1996 included a provision that exempted Alaska from the diesel dyeing requirements during the period the state was exempted from the Clean Air Act low sulfur diesel dyeing rules. For various reasons, it was believed at the time that Alaska would ultimately be permanently exempted from the Clean Air Act rules. However, technological changes suggest that Alaska may in the next few years lose its exemption from the low sulfur rules.

However, in our view, whether Alaska is exempted from the low sulfur rules, it is imperative that Alaska be permanently exempted from the IRS diesel dyeing rules. That is what our bill does.

Today, more than 95 percent of all diesel fuel used in Alaska is exempt from tax because it is used for heating, power generation, or in commercial fishing boats. Under the diesel dyeing rules in place in 49 states, exempt diesel must be dyed. If these diesel dyeing rules were applied to Alaska, refiners would have to buy huge quantities of dye, along with expensive injection systems, to dye all of this non-taxable diesel fuel.

Although the Joint Tax Committee originally estimated in 1996 that repealing the dyeing rules for Alaska could cost the Treasury $500,000 a year, some refiners were spending as much as $750,000 on dye alone. Add on another $100,000 for injection systems and you begin to wonder what happened to common sense regulation. Congress saw it that way and decided to exempt Alaska. Now that exemption should be made permanent.

Approximately 65 percent of the state's communities are served solely by barges. For many of these communities, the fuel oil barge comes in only once a year when the waterways are not frozen. It is absurd to require these communities to build a second storage facility for undyed taxable fuel simply for the few vehicles in town that are subject to tax.

It is currently projected that the state will have to spend from $200 million to $400 million just to repair fuel storage tanks in hundreds of rural communities because of leaking fuel problems. If IRS dyeing rules were in place, millions more would have to be spent simply to maintain a small supply of taxable diesel in each of these communities.

Mr. President, in 1996, Congress acted sensibly in exempting Alaska from the IRS diesel dyeing rules. It is my hope that we will again see the wisdom of exempting Alaska, this time making it a permanent exemption.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 714

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

(a) EXCEPTION TO DYEING REQUIREMENTS FOR EXEMPT DIESEL FUEL AND KEROSENE.—Paragraph (1) of section 4082(c) of the Internal Revenue Code of 1986 (relating to exception to dyeing requirements is amended to read as follows:

"(1) removed, entered, or sold in the State of Alaska for ultimate sale or use in such State, and".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to fuel removed, entered, or sold on or after the date of the enactment of this Act.

By Mrs. MURRAY (for herself, Mr. WYDEN and Mr. BAUCUS):

S. 715. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Energy and Natural Resources.

HANFORD REACH WILD AND SCENIC RIVER LEGISLATION

Mrs. MURRAY. Mr. President, today I am introducing legislation to establish the Hanford Reach of the Columbia River as a Wild and Scenic River. Simply stated, this is the best, most cost-effective, and smartest way to protect the Northwest's dwindling wild salmon runs.

The Hanford Reach is an extraordinary and unique place.

While most of the Columbia River Basin was being developed during the middle of this century, the Hanford Reach and other buffer areas within the Hanford Nuclear Reservation were kept pristine, ironically, by the same veil of secrecy and security that lead to the notorious nuclear and chemical contamination of the central Hanford Site. Today, these relatively undisturbed areas are the last wild remnants of a great river and vast ecological community that have been tamed by dams, farms, and other development elsewhere.

As the last free-flowing stretch of the Columbia River, the significance of the Hanford Reach cannot be overstated. Mile for mile, it contains some of the most productive and important fish spawning habitat in the lower 48 states. The volume and velocity of the cool, clear waters of the Columbia River produce ideal conditions for spawning and migrating salmon. The Reach produces eighty percent of the Columbia Basin's fall chinook salmon, as well as thriving runs of steelhead trout and sturgeon. It is the only truly healthy segment of the mainstem of the Columbia River.

The Reach is also rich in other natural and cultural resources. Bald eagles, wintering and migrating waterfowl, deer, elk, and a diversity of other wildlife depend on the Reach. It is home to dozens of rare, threatened, and endangered plants and animals, some found only in the Reach. Native American culture thrived on the shores and islands of the Reach for millennia, and there are over 150 archeological sites in the proposed designation, some dating back more than 10,000 years. The Reach's naturally spawning salmon and cultural sites remain a vital part of the culture and religion of Native American groups in the area.

It is remarkable that the Reach offers so much in such close proximity to the cities of Kennewick, Pasco, and Richland, Washington. The Reach offers residents and visitors recreation of many types—from hunting, fishing, and hiking to kayaking, waterskiing, and birdwatching—and adds greatly to the quality of life and economy of the area.

Back in 1994, only the locals in and around the Tri-Cities had heard about the last-free flowing stretch of the mighty Columbia River. Several residents had been working more than thirty years to save the Reach and they got me involved to do the same. They showed me what a precious resource the Hanford Reach is, and I promised to do everything in my power to protect it.

I convened a Hanford Reach Advisory Panel to develop a consensus plan to protect the river corridor. Their work has been the basis of the bills I have introduced in the past and that I am introducing today, and builds on the foundation begun by Senators Dan Evans and Brock Adams, and Congressman Sid Morrison who enacted legislation imposing a moratorium on development within the river corridor in 1987.

I am confident this is the year we will finally achieve our goals and create a new Wild and Scenic River. We cannot wait any longer to save the Reach. Since the recent listing of the Puget Sound chinook, everyone across the Northwest is focused on what we all must do to save our wild salmon.

Designating the Hanford Reach as a Wild and Scenic River is the simplest and most effective way to provide real, permanent protection for our wild salmon stocks. Only under the Wild and Scenic Rivers Act will we get the expertise, resources and permanency that federal management agencies, like the U.S. Fish and Wildlife Service, provide. The Wild and Scenic Rivers Act is recognized as the best way to protect endangered rivers across the nation. The Reach deserves no less than the best.

And this designation will not cost a penny. The land surrounding the river is already publicly held. The Department of Energy owns land on both sides of the river, so no private lands will be acquired or taken out of production to save this special place.

In addition to public ownership, this section of the river is in superb ecological condition. It offers the best salmon spawning grounds on the mainstem of the Columbia. It will not require the millions of dollars for remediation that we've spent on other rivers and streams across the country. All the Hanford Reach requires is our protection, and it will continue to produce salmon runs unsurpassed anyplace in the region.

Creating a Wild and Scenic River will help us avoid drastic measures like breaching the dams along the Columbia and Snake River systems to restore salmon. The recent Endangered Species Act listing of nine more northwest salmon runs as threatened, is another indication that we must take immediate action. Protecting the Reach is an insurance policy against the future possibility of expensive clean-up efforts and lawsuits. We must make this investment now to demonstrate we're serious about protecting not only wild salmon, but also the economic and social structure in the inland West.

This bill differs from my previous legislation in some important ways. Not only does it create a federally-designated recreational Wild and Scenic River, it also establishes an innovative management approach through the creation of a multi-party commission. The management commission will develop a plan to guide the US Fish and Wildlife Service and will be comprised of three federal representatives from the Departments of Energy, Interior, and Commerce (National Marine Fisheries Service); three Washington state representatives from the Departments of Fish and Wildlife, Ecology, and Community, Trade and Economic Development; three representatives of local government from the counties of Benton, Grant, and Franklin; three tribal representatives from the Yakama, Umatilla, and Nez Perce peoples; and three local citizen representatives from conservation, recreation, and business interests.

This bill also takes us a step closer to consolidating lands on the Hanford reservation itself in order to facilitate economic development, preservation of sacred tribal sites, and protection of important biological resources. It requires the Bureau of Land Management (BLM) and the Department of Energy to examine the best ways to consolidate BLM lands on the south side of the river on the Hanford site. It establishes the objectives of the study to clear title to lands along the railroad and in the 200 Area for industrial development; to protect wildlife and native plants; and to preserve cultural sites important to Native Americans.

This bill does not address the critical and sensitive lands of the North Slope (also known as the Wahluke Slope) because the land is still needed by the Department of Energy for safety reasons. However, I hope to work through the administrative process to ensure these lands are not disturbed in any way that could possibly impact the healthy salmon spawning grounds below the White Bluffs. I remain committed to enlarging the existing Saddle Mountain National Wildlife Refuge because, again, I am convinced we must provide the strongest, surest protection for the North Slope to offer our wild salmon their best hope for survival.

At a time when the Pacific Northwest is spending hundreds of millions of dollars annually on restoration and enhancement efforts, and struggling to restore declining salmon runs, protecting the Hanford Reach is the most cost-effective measure we can take. That is why the Northwest Power Planning Council, Trout Unlimited, conservation groups, tribes, and many other regional interests involved in the salmon controversy all support designation of the Reach under the National Wild and Scenic Rivers Act.

These are some of the many good reasons for this Congress to take up and pass this legislation to ensure the Hanford Reach becomes a part of the National Wild and Scenic Rivers System. I urge the other members of Congress to join us in demanding the permanent protection of this river. It has given us so very much. The least we can do for the Columbia River is to protect the last fifty-one miles of free-flowing waters and the wild salmon that call it home.

By Mr. KOHL:

S. 716. A bill to provide for the prevention of juvenile crime, and for other purposes; to the Committee on the Judiciary.

THE 21ST CENTURY SAFE AND SOUND COMMUNITIES ACT

Mr. KOHL. Mr. President, I rise to introduce a proposal for reducing juvenile crime—the "21st Century Safe and Sound Communities Act." In the past few years, we have begun to make real advances in fighting youth violence; in fact, in cities across the country, juvenile crime has started to fall. For example, in three "Weed & Seed" neighborhoods in Milwaukee, violent felonies dropped 47 percent, gun crimes fell 46 percent, and crime overall was down 21 percent. And after Boston implemented a citywide anti-crime plan, the number of juveniles murdered declined 80 percent, and in more than two years not a single child was killed by a gun. Not one child. Through a program called "Safe and Sound," I have already worked hard with other public officials and business leaders to expand Milwaukee's success citywide. Now we need to build on what works, in order to protect our children and to make as many of our communities across the nation "safe and sound." This measure will be an important step in the right direction.

We do not have to reinvent the wheel to reduce juvenile crime. The lesson from Milwaukee, Boston and other cities is clear. There is no single magic solution, but a number of steps, taken together, can and will make a difference: put dangerous criminals behind bars; keep guns out of the hands of juveniles; and create after-school alternatives to gangs and drugs. That's what works, and that's what this proposal is all about. It builds on each of these three basic strategies and expands them to more cities and more rural communities across the nation. Let me explain.

First, we can't even begin to stop violent kids unless we have police officers on the street to catch them, and state and local prosecutors to try them. So this proposal makes it easier to lock up dangerous juveniles by extending the highly successful COPS program, which is due to expire after next year, through the year 2004. That will allow us to hire at least 50,000 new community police officers. And it provides $100 million per year for state and local prosecutors to go after juvenile criminals.

Of course, we can't keep criminals off the streets unless we have a place to send them. Unfortunately, although we provide states with hundreds of millions of dollars each year to build new prisons, most states use all of these funds for adult prisons only. So this measure requires states to set aside 10 percent of federal prison funding to juvenile prisons or alternative placements of delinquent children. This commitment is consistent with dedicated funding for juvenile facilities in the Senate-passed 1994 crime bill, which set the stage for spending billions of dollars on prisons through the 1994 Crime Act.

This proposal also helps rural communities keep dangerous kids behind bars. Now, although the closest juvenile facility may be hundreds of miles away, federal law prohibits rural police from locking up violent juveniles in adult jails for more than 24 hours. This means that state law enforcement officials either have to waste the time and resources to criss-cross the state even for initial court appearances, or simply let dangerous teens go free. In my view, that's a no-win situation. This measure gives rural police the flexibility they need by letting them detain juveniles in adult jails for up to 72 hours, provided they are separated from adult criminals.

Moreover, this measure will help lock up gun-toting kids—and the people who illegally supply them with weapons. It builds on my 1994 Youth Handgun Safety Act by turning illegal possession of a handgun by a minor into a felony. And the same goes for anyone who illegally sells handguns to kids. Kids and handguns don't mix, and our Federal law needs to make clear that this is a serious crime.

And this measure makes it easier to identify the violent juveniles who need to be dealt with more severely—by strongly encouraging states to share the records of violent juvenile offenders and providing the funding necessary for improved record-keeping. The fact is that law enforcement officials need full disclosure in order to make informed judgments about who should be incarcerated, but current law allows too many records to be concealed or to vanish without a trace when a teen felon turns 18.

Second, this proposal will help keep firearms out of the hands of young people. It promotes gun safety by requiring the sale of child safety locks with every new handgun. Child safety locks can help save many of the 500 children and teenagers killed each year in firearms accidents, and the 1,500 kids each year who use guns to commit suicide. Just as importantly, they can help prevent some of the 7,000 violent juvenile crimes committed every year with guns children took from their own homes.

It also helps identify who is supplying kids with guns, so we can put them out of business and behind bars. The Bureau of Alcohol, Tobacco and Firearms has been working closely with cities like Milwaukee and Boston to trace guns used by young people back to the source. Using ATF's national database, police and prosecutors can target illegal suppliers of firearms and help stop the flow of firearms into our communities. This measure will expand the program to other cities and, with the increased penalties outlined above, help cut down illegal gun trafficking.

In addition, it closes an inexcusable loophole that allows violent young offenders to buy guns legally when they turn 18. Under current law, violent adult offenders can't buy firearms, but violent juveniles can—even the kids convicted of the schoolyard killings in Jonesboro, Arkansas—at least once they are released at age 18. This has to stop. So this measure declares that all violent felons are disqualified from buying firearms, regardless of whether they were 10, 12, 14 or just a day short of their 18th birthday at the time of their offense.

And not only will this proposal prohibit all violent criminals from owning firearms, no matter what their age, it also encourages aggressive enforcement of this federal law by dedicating federal prosecutors and investigators to this task. This builds on a successful program, supported by the NRA, that has helped reduce gun violence in Richmond through increased federal prosecution, public outreach and fewer plea bargains.

Third, a balanced approach also requires a significant investment in crime prevention, so we can stop crime before it's too late. In fact, no one is more adamant in support of this approach than our nation's law enforcement officials. For example, last year more than 400 police chiefs, sheriffs and prosecutors nationwide endorsed a call for after-school programs for all children. And in my home state of Wisconsin, 90 percent of police chiefs and sheriffs I surveyed agreed that we need to increase federal prevention spending.

This proposal promotes prevention by concentrating funding in programs that already have a record of success, like Weed & Seed, and those that rely on proven strategies, like the ones that give children a safe place to go in the after-school hours between 3 and 8 p.m., when juvenile crime peaks.

For example, it expands the Weed & Seed program, a Republican program which combines aggressive enforcement and safe havens for at-risk kids. The measure also gives more schools the resources necessary to stay open after school, through expansion of the 21st Century Learning Center program. It promotes innovative prevention initiatives by reauthorizing and expanding the Title V At-Risk Children Challenge Grant program, which I authored, which encourages investment, collaboration, and long-range prevention planning by local communities, who must establish locally tailored prevention programs and contribute at least 50 cents for every federal dollar. It builds on our support for the valuable work of Boys & Girls Clubs, by continuing to dedicate funding to the Clubs and expanding funding to other successful organizations like the YMCA. And it requires that at least 20 percent of the new juvenile crime funds—namely the recently-appropriated $500 million juvenile accountability block grant—be dedicated to prevention.

Of course, we shouldn't blindly invest in prevention programs, just because they sound good. Quality, not quantity, matters. And it would be foolish to throw good money after bad. That's why my measure cuts nearly $1 billion in prevention programs authorized by the Crime Act—so we don't waste money on redundant programs which don't have records of success or bipartisan support. And that's why my measure requires 5 to 10 percent of all prevention funds to be set aside for rigorous evaluations—so we can keep funding the programs that work, and eliminate the programs that don't. We also reward cities that adopt comprehensive anti-juvenile crime strategies, like Milwaukee's and Boston's—so prevention is part of a balanced, coordinated overall plan.

Mr. President, the question about how to reduce juvenile crime is no longer a mystery. We have a good idea about what works. The real question is this: Will we act to make our communities safer and sounder places to live and to prevent teen crime before it happens? I have faith that we will, and I believe this measure moves us forward. I ask unanimous consent that a summary of this proposal be printed for the RECORD. There being no objection, the summary was ordered printed in the RECORD, as follows:

SUMMARY OF THE 21ST CENTURY SAFE AND SOUND COMMUNITIES ACT

Title I: Increased Placement of Juveniles in Appropriate Correctional Facilities

States must dedicate 10 percent of all prison funding from the 1994 Crime Act to juvenile facilities or alternative placements for delinquent juveniles. Expands ability to detain juveniles temporarily in rural adult jails by permitting detention for up to 72 hours and ending requirement of separate staff to oversee juveniles and adults.

Title II: Reducing Youth Access to Firearms

Limits access of juveniles and juvenile offenders to firearms. Requires the sale of child safety locks with all handguns. Expands Department of the Treasury's youth crime gun tracing program to identify more illegal gun traffickers who are supplying guns to children. Increases jail time for individuals who transfer handguns to juveniles and for juveniles who illegally possess handguns. Prohibits the sale of firearms to violent juvenile offenders after they become 18 years old. Increases enforcement of federal laws to prohibit illegal possession of firearms by violent criminals, including violent juvenile offenders.

Title III: Consolidation of Prevention Programs

Repeals nearly $1 billion in authorized prevention programs from the 1994 Crime Act. Expands Weed & Seed to $200 million per year (from $33.5 million in 1999), the Title V At-Risk Children Challenge Grants to $200 million per year (from $55 million), and the 21st Century Learning Centers to $600 million per year (from $200 million), and extends Boys & Girls Club funding for five more years, increasing funding to $100 million per year (from $40 million) and expanding the program to support other successful community organizations like the YMCA. Consolidates several gang prevention programs into one $25 million program. Rewards cities that adopt a comprehensive anti-juvenile crime strategy based on the Boston model. Sets aside 5 to 10 percent of prevention funding for evaluation, implementing the proposal of the DOJ-sponsored University of Maryland report.

Title IV: Juvenile Crime Control and Accountability Block Grant

Promotes funding for prosecutors, improved-record keeping, juvenile prisons, and prevention through $500 million block grant. Qualifying states must trace all firearms recovered from individuals under age 21 to identify illegal firearm traffickers, and must share criminal records of all juvenile violent offenders with other jurisdictions. $100 million of this grant program must be dedicated to both prevention and to hiring more prosecutors.

Title V: Extension of COPS and Juvenile Justice programs

Extends program to hire new community police officers. Reauthorizes Office of Juvenile Justice and Delinquency Prevention.

Title VI: Extension of Violent Crime Reduction Trust Fund

Extends trust fund established by 1994 Crime Act to pay for anti-crime programs with savings from reduction of federal workforce.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. SNOWE, Mr. DODD, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Ms. LANDRIEU, and Mr. REID):

S. 717. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Finance.

GOVERNMENT PENSION OFFSET REFORM ACT

● Ms. MIKULSKI. Mr. President, today, I am introducing a bill to modify a harsh and heartless rule of government that is unfair and prevents current workers from enjoying the benefits of their hard work in their retirement. This legislation is very important to me, very important to my constituents in Maryland, and very important to government workers and retirees across the nation. I want the middle class of this Nation to know that if you worked hard to become middle class you should stay middle class when you retire.

Under current law, there is something called the Pension Offset law. This is a harsh and unfair policy. Let me tell you why.

If you are a retired government worker, and you qualify for a spousal Social Security benefit based on your spouse's employment record, you may not receive what you qualify for. Because the Pension Offset law reduces or entirely eliminates a Social Security spousal benefit when the surviving spouse is eligible for a pension from a local, state or federal government job that was not covered by Social Security.

This policy only applies to government workers, not private sector workers. Let me give you an example of two women, Helen and her sister Phyllis.

Helen is a retired Social Security benefits counselor who lives in Woodlawn, Maryland. Helen currently earns $600 a month from her federal government pension. She's also entitled to a $645 a month spousal benefit from Social Security based on her deceased husband's hard work as an auto mechanic. That's a combined monthly benefit of $1,245.

Phyllis is a retired bank teller also in Woodlawn, Maryland. She currently earns a pension of $600 a month from the bank. Like Helen, Phyllis is also entitled to a $645 a month spousal benefit from Social Security based on her husband's employment. He was an auto-mechanic, too. In fact, he worked at the same shop as Helen's husband.

So, Phyllis is entitled to a total of $1,245 a month, the same as Helen. But, because of the Pension Offset law, Helen's spousal benefit is reduced by ⅔ of her government pension, or $400. So instead of $1,245 per month, she will only receive $845 per month.

This reduction in benefits only happens to Helen because she worked for the government. Phyllis will receive her full benefits because her pension is a private sector pension. I don't think that's right, and that's why I'm introducing this legislation.

The crucial thing about the MIKULSKI Modification is that it guarantees a minimum benefit of $1,200. So, with the MIKULSKI Modification to the Pension Offset, Helen is guaranteed at least $1,200 per month.

Let me tell you how it works. Helen's spousal benefit will be reduced only by 2/3 of the amount her combined monthly benefit exceeds $1,200. In her case, the amount of the offset would be 2/3 of $45, or $30. That's a big difference from $400, and I think people like our federal workers, teachers and our firefighters deserve that big difference.

Why should earning a government pension penalize the surviving spouse? If a deceased spouse had a job covered by Social Security and paid into the Social Security system, that spouse expected his earned Social Security benefits would be there for his surviving spouse.

Most working men believe this and many working women are counting on their spousal benefits. But because of this harsh and heartless policy, the spousal benefits will not be there, your spouse will not benefit from your hard work, and, chances are, you won't find out about it until your loved one is gone and you really need the money.

The MIKULSKI modification guarantees that the spouse will at least receive $1,200 in combined benefits. That Helen will receive the same amount as Phyllis.

I'm introducing this legislation, because these survivors deserve better than the reduced monthly benefits that the Pension Offset currently allows. They deserve to be rewarded for their hard work, not penalized for it.

Many workers affected by this Offset policy are women, or clerical workers and bus drivers who are currently working and looking forward to a deserved retirement. These are people who worked hard as federal employees, school teachers, or firefighters.

Frankly, I would repeal this policy all together. But, I realize that budget considerations make that unlikely. As a compromise, I hope we can agree that retirees who work hard should not have this offset applied until their combined monthly benefit exceeds $1,200.

In the few cases where retirees might have their benefits reduced by this policy change, my legislation will calculate their pension offset by the current method. I also have a provision in this legislation to index the minimum amount of $1,200 to inflation so retirees will see their minimum benefits increase as the cost of living increases.

I believe that people who work hard and play by the rules should not be penalized by arcane, legislative technicalities. That's why I'm introducing this bill today.

Representative WILLIAM JEFFERSON of Louisiana has introduced similar legislation in the House. I look forward to working with him to modify the harsh Pension Offset rule.

If the federal government is going to force government workers and retirees in Maryland and across the country to give up a portion of their spousal benefits, the retirees should at least receive a fair portion of their benefits.

I want to urge my Senate colleagues to join me in this effort and support my legislation to modify the Government Pension Offset.●

By Ms. MIKULSKI (for herself and Mr. INOUYE):

S. 718. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

HAZARDOUS OCCUPATIONS RETIREMENT BENEFITS ACT OF 1999

●Ms. MIKULSKI. Mr. President, today I introduce the Hazardous Occupations Retirement Benefits Act of 1999. This legislation will grant an early retirement package for revenue officers of the Internal Revenue Service, customs inspectors of the U.S. Customs Service, and immigration inspectors of the Immigration and Naturalization Service.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. Most people would be surprised to learn that current law does not treat revenue officers, customs inspectors and immigration inspectors as federal law enforcement personnel.

This legislation will amend the current law and finally grant the same 20-year retirement to these members of the Internal Revenue Service, Customs Service, and Immigration and Naturalization Service. The employees under this bill have very hazardous, physically taxing occupations, and it is in the public's interest to have a young and competent work force in these jobs.

The need for a 20-year retirement benefit for inspectors of the Customs Service is very clear. These employees are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the authority to apprehend those engaged in these crimes. These officers carry a firearm on the job. They are responsible for the most arrests performed by Customs Service employees. The Customs Service interdicts more narcotics than any other law enforcement agency—over a million pounds a year. In 1996, they seized 180,946 pounds of cocaine, 2,895 pounds of heroin, and 775,225 pounds of marijuana. They are required to have the same law enforcement training as all other law enforcement personnel. These employees face so many challenges. They confront criminals in the drug war, organized crime figures, and increasingly sophisticated white-collar criminals.

Revenue officers struggle with heavy workloads and a high rate of job stress. Some IRS employees must even employ pseudonyms to hide their identity because of the great threat to their personal safety. The Internal Revenue Service currently provides it's employees with a manual entitled: ‘Assaults and Threats: A Guide to Your Personal Safety’ to help employees respond to hostile situations. The document advises IRS employees how to handle on-the-job assaults, abuse, threatening telephone calls, and other menacing situations.

Mr. President, this legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force.

I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted. This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government.●

By Mr. REID:

S. 719. A bill to provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes; to the Committee on Energy and Natural Resources.

THE NEVADA PUBLIC LAND MANAGEMENT ACT OF 1999

Mr. REID. Mr. President, I am proud to introduce today, the Nevada Public Land Management Act of 1999. This Act provides a process for the sale of public lands to support the expansion and economic development of rural communities in Nevada.

Many of Nevada's rural counties are actively planning for economic growth and expansion. However, they are hampered, because more than 87 percent of Nevada is owned by the Federal Government and some Nevada counties are more than 90 percent owned by the federal government. As these counties seek to expand economic diversification, they find themselves land-locked by Federal lands.

But a lack of land is not the only problem these counties face. Many lack an adequate tax base, due to their lack of private lands. As the tax roles shrink and they experience some growth, officials are unable to adequately provide the basic public services expected of them. Adequate police and fire protection, education, road maintenance, and basic health care are suffering.

The legislation we introduce today will allow for the coordinated disposal of Federal lands that have already been identified by the Federal government and the Bureau of Land Management as suitable for disposal. Simply put, we are setting up a willing seller-willing buyer scenario. Sale of these lands will allow for economic diversification while implementing smart growth practices. Local governments will benefit from an infusion of revenue and a stable tax base to fund basic public services.

Senator BRYAN's and my bill requires that disposal of Nevada's lands be accomplished by competitive bidding, a process which will ensure that the sale of these public lands yield the highest return for the public. It is crucial to rural Nevada that we provide revenues for the basic services so many Americans take for granted, while also giving the Federal government the revenues they need to acquire truly special lands for future generations to enjoy.

Mr. President, this bill was drafted with conscious regard for the laws governing the management of public lands. In particular, the bill meets the intent of the Federal Land Policy and Management Act in three ways. First, it only involves lands determined to be suitable for disposal by the Bureau of Land Management's own land use planning process. Secondly, the bill assures that state and local governments are provided meaningful public involvement in land use decisions for public lands. And finally, the bill would allow for expansion of communities and economic development.

Two years ago I convened a Presidential Summit on the shores of Lake Tahoe to save the Lake. This Summit created a model of federal, state, local, public and private partnership. It is a model that the President said can apply across the nation and across the world. We learned there that we can all work together to preserve the nation's special places and promote economic growth. The legislation we introduce today is crafted with the Lake Tahoe Model in mind. It encourages cooperation between all levels of government and the private sector. It is supported by Nevada state and local officials on a bi-partisan basis and our Republican colleague, Representative JIM GIBBONS, has introduced similar legislation today in the House.

This kind of bill shows truly how government can work for the people in partnership. I urge its swift passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Public Land Management Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Federal holdings in the State of Nevada constitute over 87 percent of the area of the State, and in 10 of the 17 counties the Federal Government controls at least 80 percent of the land;

(2) the large amount of federally controlled land in Nevada and the lack of an adequate private land ownership base has had a negative impact on the overall economic development of rural counties and communities and severely degraded the ability of local governments to provide necessary services;

(3) under general land laws less than 3 percent of the Federal land in Nevada has moved from Federal control to private ownership in the last 130 years;

(4) in resource management plans, the Bureau of Land Management has identified for disposal land that is difficult and costly to manage and that would more appropriately be in non-Federal ownership;

(5) implementation of Federal land management plans has been impaired by the lack of necessary funding to provide the needed improvements and the lack of land management programs to accomplish the goals and standards set out in the plans; and

(6) the lack of a private land tax base prevents most local governments from providing the appropriate infrastructure to allow timely development of land that is disposed of by the Federal Government for community expansion and economic growth.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) the orderly disposal and use of certain Federal land in the State of Nevada that was not included in the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2343);

(2) the acquisition of environmentally sensitive land in the State; and

(3) the implementation of projects and activities in the State to protect or restore important environmental and cultural resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) CURRENT LAND USE PLAN.—The term "current land use plan", with respect to an administrative unit of the Bureau of Land Management, means the management framework plan or resource management plan applicable to the unit that was approved most recently before the date of enactment of this Act.

(2) ENVIRONMENTALLY SENSITIVE LAND.—The term "environmentally sensitive land" means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, or other values that contribute to public enjoyment or biological diversity;

(B) enhance recreational opportunities or public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) SPECIAL ACCOUNT.—The term "Special Account" means the account established by section 6.

(5) STATE.—The term "State" means the State of Nevada.

(6) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means the elected governing body of each city and county in the State except the cities of Las Vegas, Henderson, and North Las Vegas.

SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—In accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law and subject to valid existing rights, the Secretary may dispose of public land within the State identified for disposal under current land use plans maintained under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), other than land that is identified for disposal under the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2343).

(b) RECREATION AND PUBLIC PURPOSE CONVEYANCES.—

(1) IN GENERAL.—Not less than 30 days before offering land for sale or exchange under subsection (a), the State or the unit of local government in the jurisdiction of which the land is located may elect to obtain the land for local public purposes under the Act entitled "An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes", approved June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(2) RETENTION BY SECRETARY.—If the State or unit of local government elects to obtain the land, the Secretary shall retain the land for conveyance to the State or unit of local government in accordance with that Act.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal land selected for disposal under subsection (d)(1) is withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until the Secretary terminates the withdrawal or the land is patented.

(d) SELECTION.—

(1) IN GENERAL.—The Secretary, the unit of local government that has jurisdiction over land identified for disposal under subsection (a), and the State shall jointly select land to be offered for sale or exchange under this section.

(2) COORDINATION.—The Secretary shall coordinate land disposal activities with the unit of local government under the jurisdiction of which the land is located.

(3) LOCAL LAND USE PLANNING AND ZONING REQUIREMENTS.—The Secretary shall dispose of land under this section in a manner that is consistent with local land use planning and zoning requirements and recommendations.

(e) SALES OFFERING, PRICE, PROCEDURES, AND PROHIBITIONS.—

(1) OFFERING.—The Secretary shall make the first offering of land as soon as practicable after land has been selected under subsection (d).

(2) SALE PRICE.—

(A) IN GENERAL.—The Secretary shall make all sales of land under this section at a price that is not less than the fair market value of the land, as determined by the Secretary.

(B) AFFORDABLE HOUSING.—Subparagraph (A) does not affect the authority of the Secretary to make land available at less than fair market value for affordable housing purposes under section 7(b) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2349).

(3) COMPETITIVE BIDDING.—

(A) IN GENERAL.—The sale of public land selected under subsection (d) shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(B) EXCEPTIONS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to sales under this Act in cases in which the Secretary determines that application of an exception is necessary and proper.

(C) NOTICE OF COMPETITIVE BIDDING PROCEDURES.—The Secretary shall also ensure adequate notice of competitive bidding procedures to—

(i) owners of land adjoining the land proposed for sale;

(ii) local governments in the vicinity of the land proposed for sale; and

(iii) the State.

(4) PROHIBITIONS.—A sale of a tract of land selected under subsection (d) shall not be undertaken if the Federal costs of sale preparation and processing are estimated to exceed the proceeds of the sale.

(f) DISPOSITION OF PROCEEDS.—

(1) LAND SALES.—Of the gross proceeds of sales of land under this section during a fiscal year—

(A) 5 percent shall be paid to the State for use in the general education program of the State;

(B) 45 percent shall be paid directly to the local unit of government in the jurisdiction of which the land is located for use as determined by the unit of local government, with consideration given to use for support of health care delivery, law enforcement, and schools; and

(C) 50 percent shall be deposited in the Special Account.

(2) LAND EXCHANGES.—

(A) IN GENERAL.—In a land exchange under this section, the non-Federal party shall provide direct payment to the unit of local government in the jurisdiction of which the land is located in an amount equal to 15 percent of the fair market value of the Federal land conveyed in the exchange.

(B) TREATMENT OF PAYMENTS AS COST INCURRED.—If any agreement to initiate the exchange so provides, a payment under subparagraph (A) shall be considered to be a cost incurred by the non-Federal party that shall be compensated by the Secretary.

(C) PENDING EXCHANGES.—This Act, other than subsections (a) and (b) and this subsection, shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management before the date of enactment of this Act.

(g) ADDITIONAL DISPOSAL LAND.—Public land identified for disposal in the State under a replacement of or amendment to a current land use plan shall be subject to this Act.

SEC. 5. ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND.

(a) IN GENERAL.—After consultation in accordance with subsection (c), the Secretary may use funds in the Special Account and any other funds that are made available by law to acquire environmentally sensitive land and interests in environmentally sensitive land.

(b) CONSENT.—The Secretary may acquire environmentally sensitive land under this section only from willing sellers.

(c) CONSULTATION.—

(1) IN GENERAL.—Before initiating efforts to acquire environmentally sensitive land under this section, the Secretary or the Secretary of Agriculture shall consult with the State and units of local government under

the jurisdiction of which the environmentally sensitive land is located (including appropriate planning and regulatory agencies) and with other interested persons concerning—

(A) the necessity of making the acquisition;

(B) the potential impact of the acquisition on State and local government; and

(C) other appropriate aspects of the acquisition.

(2) ADDITIONAL CONSULTATION.—Consultation under this paragraph shall be in addition to any other consultation that is required by law.

(d) ADMINISTRATION.—On acceptance of title by the United States, any environmentally sensitive land or interest in environmentally sensitive land acquired under this section that is within the boundaries of a unit of the National Forest System, the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Trails System, the National Wilderness Preservation System, any other system established by law, or any national conservation or recreation area established by law—

(1) shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and

(2) shall be managed in accordance with all laws (including regulations) and land use plans applicable to the unit or area.

(e) FAIR MARKET VALUE.—The fair market value of environmentally sensitive land or an interest in environmentally sensitive land to be acquired by the Secretary or the Secretary of Agriculture under this section shall be determined—

(1) under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711) and other applicable requirements and standards; and

(2) without regard to the presence of a species listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) PAYMENTS IN LIEU OF TAXES.—Section 6901(1) of title 31, United States Code, is amended—

(1) in subparagraph (G), by striking "or" at the end;

(2) in subparagraph (H), by striking the period at the end and inserting "; or "; and

(3) by adding at the end the following:

"(I) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Nevada Public Land Management Act of 1999 that is not otherwise described in subparagraphs (A) through (G).".

SEC. 6. SPECIAL ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be used in carrying out this Act.

(b) CONTENTS.—The Special Account shall consist of—

(1) amounts deposited in the Special Account under section 4(f)(1)(B);

(2) donations to the Special Account; and

(3) appropriations to the Special Account.

(c) USE.—

(1) IN GENERAL.—Amounts in the Special Account shall be available to the Secretary until expended, without further Act of appropriation, to pay—

(A) subject to paragraph (2), costs incurred by the Bureau of Land Management in arranging sales or exchanges under this Act, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and public notice;

(B) the cost of acquisition of environmentally sensitive land or interest in such land in the State;

(C) the cost of carrying out any necessary revision or amendment of a current land use plan of the Bureau of Land Management that relates to land sold, exchanged, or acquired under this Act;

(D) the cost of projects or programs to restore or protect wetlands, riparian areas, or cultural, historic, prehistoric, or paleontological resources, including petroglyphs;

(E) the cost of projects, programs, or land acquisition to stabilize or restore water quality and lake levels in Walker Lake; and

(F) related costs determined by the Secretary.

(2) LIMITATIONS.—

(A) COSTS IN ARRANGING SALES OR EXCHANGES.—Costs charged against the Special Account for the purposes described in paragraph (1)(A) shall not exceed the minimum amount practicable in view of the fair market value of the Federal land to be sold or exchanged.

(B) ACQUISITION.—Not more than 50 percent of the amounts deposited in the Special Account in any fiscal year may be used in that fiscal year or any subsequent fiscal year for the purpose described in paragraph (1)(B).

(3) PLAN REVISIONS AND AMENDMENTS.—The process of revising or amending a land use plan shall not cause delay or postponement in the implementation of this Act.

(d) INTEREST.—All funds deposited in the Special Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended in accordance with subsection 6(c).

(e) COORDINATION.—The Secretary shall coordinate the use of the Special Account with the Secretary of Agriculture, the State, and units of local government in which land or an interest in land may be acquired, to ensure accountability and demonstrated results.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a biennial report that describes each transaction that is carried out under this Act.

By Mr. HELMS:

S. 720. A bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

SERBIA DEMOCRATIZATION ACT OF 1999

Mr. HELMS. Mr. President, this is a significant piece of legislation, I believe, the Serbia Democratization Act of 1999, on which I am honored by the cosponsorship of a number of distinguished colleagues—Senators GORDON SMITH, LUGAR, LIEBERMAN, LAUTENBERG, DEWINE, MCCAIN, and ORRIN HATCH.

More than a year ago, Yugoslav President Slobodan Milosevic sent Serbian troops into Kosovo to launch a brutal assault on the ethnic Albanian population there. This action was the beginning of a merciless and unjustified Serbian offensive against ethnic Albanians in Kosovo. Two thousand victims of Milosevic's cruelty lie dead—many of them innocent civilians. And hundreds of thousands of people have been driven from their homes.

Mr. President, this tragedy in Kosovo has emphasized the obvious: that if the United States continues to foolishly hope for good will on the part of Milosevic, the United States will be dragged into the crises this cruel man manufactures time and again. Instead of pursuing a strategy that leads to NATO airstrikes or the deployment of thousands of United States troops in peacekeeping operations, I believe it is the course of wisdom to examine the root cause of instability in that region—the bloody regime of Slobodan Milosevic.

President Milosevic has imposed rigid controls on, or launched outright attacks against, the media, universities, and the judicial system in Serbia to prevent the possibility that a democracy and an independent civil society can be developed. The massacres of innocent women and children in Kosovo demonstrate Milosevic's disregard for basic human rights. This man, in a word, forbids the very thought of a democratic system in Serbia.

For too long this Administration has claimed that no viable democratic opposition exists in Serbia or that the United States has no choice but to work with Milosevic. Mr. President, I refuse to accept this argument. There are individuals and organizations in Serbia that can be a force for democratic change in that country. Milosevic is not the only option. And in no case should the United States treat that dictator as a responsible leader or as someone with whom we can do business.

The Serbia Democratization Act, which I am introducing today, has but one purpose—to get rid of the murderous regime of Mr. Milosevic. Let me briefly summarize the key points of the legislation:

It authorizes $100 million over a two year period to support the development of a government in Yugoslavia based on democratic principles and the rule of law.

It calls for increased Voice of America and Radio Free Europe/Radio Liberty broadcasting to Serbia to undermine state control of the media and spread the message of democracy to the people of Serbia.

It calls for humanitarian and other assistance to the victims of oppression in Kosovo.

It adds new sanctions or strengthens those that exist against Serbia until the President certifies that the government is democratic. For example, it codifies the so-called "outer wall" of sanctions that the United States has informally in place. It blocks Yugoslav assets in the United States. It prevents senior Yugoslav and Serbian government officials, and their families, from receiving visas to travel to the U.S. And it requires a democratic government to be in place in Serbia before extending MFN status to Yugoslavia.

It states that the U.S. should send to the International Criminal Tribunal for the former Yugoslavia all information we have on the involvement of Milosevic in war crimes.

Now, as for Mr. Milosevic's future, I do not care one way or the other if he lives out his days in sunny Cyprus if he will agree to step aside and make way for democracy in Serbia. The important thing is that he be removed from power, whether voluntarily or not.

Once the Milosevic regime has been replaced by a democratic government in Yugoslavia, this legislation calls for immediate and substantial U.S. assistance to support the transition to democracy. When that day comes, I will lead the way in encouraging Yugoslavia to take its place among the democratic nations of the West. Until that time, I will work to implement a policy that will undermine the autocratic regime of Slobodan Milosevic in every way possible.

Mr. LAUTENBERG. Mr. President, I rise today as one of a bipartisan group of Senators introducing the Serbia Democratization Act of 1999.

We've been developing this legislation for some time, to address our long-term interest in fostering democracy and human rights in what remains of the former Yugoslavia. But this legislation sends an important message at a time when our Armed Forces are conducting air operations and missile strikes against the so-called Federal Republic of Yugoslavia, comprising Serbia and Montenegro.

The message this legislation sends to the people of Serbia and Montenegro is this: We are determined to punish those leaders responsible for such horrific violence throughout the former Yugoslavia. But we are also ready to support the development of democracy and civil society to help the people of Serbia and Montenegro overcome the repression which they, too, have suffered under the Milosevic regime.

The measures outlined in this act will help free thought and free speech to survive in Serbia-Montenegro. This legislation will also give victims of Serbian attacks, particularly in Kosovo, a degree of comfort knowing the American people stand with them in their hour of need even as our aircraft fly overhead.

This legislation also puts Slobodan Milosevic on notice that the reign of terror he has unleashed against the people of the Balkans—including Serbs and others within Serbia—will soon be over. Along with democratization measures for Serbia-Montenegro, this act contains narrow sanctions to make it more difficult for Milosevic to sustain his corrupt regime and carry on his bloody war.

The years Milosevic has been in power have left the region devastated. Americans remember all too well his brutal handiwork in the war in Bosnia. The images of destroyed homes, ethnically cleansed villages, of decaying corpses in mass graves, are indelibly etched in all our minds.

Now, less than two years after the signing of the Dayton peace agreement which brought about the end of that war, Milosevic has unleashed a similarly brutal campaign against people within Serbia. Yugoslav tanks and soldiers are attempting to crush the Kosovar Albanians' resistance. Belgrade's brutal crackdown has left thousands dead, tens of thousands homeless, and hundreds of thousands displaced from their towns and villages.

The man known in the Balkans as the Butcher of Belgrade, does not reserve his repression for Croats, Bosniaks, or Albanians. In his quest to gain and hold power, he has not spared his capital of Belgrade.

For years now, Slobodan Milosevic has carried out a sustained campaign to destroy his country's democratic institutions and its people's freedoms. He is a communist thug, a relic of the bad old days of Central Europe. For years, he has run whole of the so-called Federal Republic of Yugoslavia from his position as head of the constituent Republic of Serbia, leaving the constitution of the former Yugoslavia in tatters.

The Milosevic regime has tried for years to prevent the development of independent media outlets to provide accurate news and other information to the people of Serbia and Montenegro. Journalists who have pursued stories unflattering to the regime have been threatened and beaten by police. Independent television stations and newspapers are being shut down through litigation under a draconian press law passed last fall. As the State Department's 1998 Human Rights Report notes, that law allows private citizens and organizations to bring suit against media outlets for publishing information not deemed patriotic enough or considered to be "against the territorial integrity, sovereignty and independence of the country."

The effects of this policy are chilling. The people of Serbia-Montenegro are getting a filtered message about the events in their country and around the world. They see and hear and read only the news their Government chooses to disseminate.

Since NATO announced the approval of air operations and missile strikes, Belgrade has cracked down further on the independent media. Radio B92, operated courageously by Veran Matic, was shut down at gunpoint. Instead of hearing what is really happening, instead of hearing our reasons for conducting air strikes, people in Belgrade hear the regime's propaganda on Government radio.

The university in Belgrade—one of the great institutes of higher learning in Central Europe—has been purged of professors who refuse to tow the party line. Students who have protested this action have been harassed. As a result, there are virtually no progressive professors or students left in several programs.

The economy, too, is in tatters. Unemployment and underemployment hovers at 60 percent, primarily because the government has been unwilling to carry out needed economic reforms. Privatization, the cornerstone of a market economy, remains at a standstill, allowing cronyism and corruption to flourish.

I would like to draw particular attention to a section of this law concerning the International Criminal Tribunal for the former Yugoslavia.

As many of you know, for the past two years I have introduced legislation that bans U.S. aid to communities in the former Yugoslavia harboring war criminals. I introduced that legislation because it is my firm belief that democracy cannot come to a country, that a nation cannot begin to face the sins of its past, and that people cannot feel secure in their own communities, until individuals who persecuted others are brought to justice.

Milosevic has a deplorable record in cooperating with the Tribunal. He has continually scorned his obligations to the United Nations to turn over war criminals to the Tribunal for prosecution, citing constitutional constraints. Consequently, indicted war criminals—including Ratko Mladic, who is responsible for the massacre of hundreds of people during the Bosnian war, and the so-called Vukovar three who were indicted for the murder of 260 unarmed men during the 1991 attack on that Croatian city—reportedly live freely in Serbia.

He denied officials from the Tribunal access to Kosovo to investigate alleged crimes in the village of Racak, after 40 people were found dead, their mutilated bodies dumped in a ravine. Milosevic tried to claim that the victims—children, women and old men—were combatants and shot in a confrontation with Serbian police. To lend his story credence, Milosevic instead allowed a so-called independent forensic team from Belarus—itself caught in the Stalinist past—and a group of Finns to analyze the corpses.

Milosevic's tactic backfired. The forensic team found that the victims were unarmed civilians, executed in an organized massacre. Some of these Kosovars "were forced to kneel before being sprayed with bullets," as the Washington Post reported it.

Those who master-minded and perpetrated the massacres in Racak must face justice. Our Congress has already made very clear our view that Slobodan Milosevic is a war criminal and should be indicted and tried by the International Tribunal.

Mr. President, United States policy toward Belgrade is and must be much more than the use of air strikes. The legislation before us today will help Secretary Albright's efforts to bring lasting peace, democracy and prosperity to Serbia and Montenegro, as well as to Kosovo and the rest of the Balkans, by helping democracy and freedom prevail over a brutal dictator.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. FEINGOLD, and Mr. MOYNIHAN):

S. 721. A bill to allow media coverage of court proceedings.

LEGISLATION TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS

Mr. GRASSLEY. Mr. President, along with Senator SCHUMER and others, today I am introducing legislation that would make it easier for every American taxpayer to see what goes on in the federal courts that they fund. The bill, which would allow the photographing, electronic recording, broadcasting, and televising of Federal court proceedings, is needed to address the growing public cynicism over this branch of government.

Fostering a public that is well-informed about the law, including penalties and offenses, will, in turn, foster a healthy judiciary. As Thomas Jefferson said, "[t]he execution of the laws is more important than the making of them." Because federal court decisions are far-reaching and often final, it is critical that judges operate in a manner that invites broad observation.

In addition, allowing cameras in the federal courtrooms is consistent with the founding fathers' intent that trials be held before as many people as choose to attend. Also, the First Amendment requires that court proceedings be open to the public, and by extension, the news media. The public's right to observe them first-hand is hardly less important. Put differently, the Supreme Court has said, "what transpires in the courtroom is public property."

In 1994 the Federal Judicial Center conducted a pilot program that studied the effect of cameras in a select number of federal courts. Their findings supported the use of electronic media coverage and found, "small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice." In addition to this three year study in the federal courts, we are fortunate to be able to draw upon the experience of state courts. A committee in New York established to study the effect of cameras in courtrooms concluded, "Audio-visual coverage of court proceedings serves an important educational function, and promotes public scrutiny of the judicial system. The program had minimal, if any, adverse effects." 15 states specifically studied the educational benefits deriving from camera access and all of them determined that camera coverage contributed to greater public understanding of the judicial system.

The use of state courts as a testing ground for this legislation as well as the Federal pilot program make this very well trod ground. We can be extremely confident that this is the next logical step and the well documented benefits far outweigh the "minimal or no detrimental effects". Yet, despite the strong evidence of the successful use of cameras in state courtrooms, we are going the extra mile to make sure this works in federal courtrooms by adding a 3 year sunset provision to our bill. This will give us a reasonable amount of time to determine how the process is working and whether it should be permanent.

The two leading arguments against cameras in federal courtrooms are easily countered. First, there is a fear that courtrooms will deteriorate into the carnival-like atmosphere of the O.J. Simpson trial. However, the O.J. Simpson case is obviously an exceptional and isolated instance. Not every court case is or need be like the Simpson case. It is this image of court proceedings that this bill is designed to dispel. Furthermore, even the minimal effects of a camera in a trial setting do not apply to an appellate hearing that has no jury and rarely requires witnesses.

The second argument against greater public access to court proceedings is the legitimate concern for the witnesses' safety when they are required to testify. This concern has merit and is therefore addressed in our bill. Technological advances make it possible to disguise the face and voice of witnesses upon request, thus not compromising their safety.

Allowing greater public access to federal court proceedings will help Americans fulfill their duty as citizens of a democratic nation to educate themselves on the workings of their government, and their right to observe and oversee the fundamental and critical role of the judiciary. The evidence compiled by 48 states and a federal study clearly supports this bill, the Constitution demands this bill, and the American people deserve this bill.

For all these reasons, I urge others to join me and my colleagues in supporting our attempt to provide greater public access and accountability of our federal courts.

Mr. LEAHY. Mr. President, I am pleased to join Senators GRASSLEY and SCHUMER in sponsoring the "Sunshine in the Courtroom Act."

Our democracy works best when our citizens are fully informed. That is why I have supported efforts during my time in the Senate to promote the goal of opening the proceedings of all three branches of our government. We continue to make progress in this area. Except for rare closed sessions, the proceedings of Congress and its Committees are open to the public, and carried live on cable networks. In addition, more Members and Committees are using the Internet and Web sites to make their work available to broader audiences.

The work of Executive Branch agencies is also open for public scrutiny through the Freedom of Information Act, among other mechanisms. The FOIA has served the country well in maintaining the right of Americans to know what their government is doing—or not doing. As President Johnson said in 1966, when he signed the Freedom of Information Act into law:

> This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the Nation permits.

The work of the third, Judicial Branch, of government is also open to the public. Proceedings in federal courtrooms around this country are open to the public, and our distinguished jurists publish extensive opinions explaining the reasons for their judgments and decisions.

Forty-eight states, including Vermont, permit cameras in the courts. This legislation simply continues this tradition of openness on the federal level.

This bill permits presiding appellate and district court judges to allow cameras in the courtroom; they are not required to do so. At the same time, it protects non-party witnesses by giving them the right to have their voices and images obscured during their testimony. Finally, the bill authorizes the Judicial Conference of the United States to promulgate advisory guidelines for use by presiding judges in determining the management and administration of photographing, recording, broadcasting or televising the proceedings. The authority for cameras in federal district courts sunsets in three years.

In 1994, the Judicial Conference concluded that the time was not ripe to permit cameras in the federal courts, and rejected a recommendation of the Court Administration and Case Management Committee to authorize the photographing, recording, and broadcasting of civil proceedings in federal trial and appellate courts. A majority of the Conference were concerned about the intimidating effect of cameras on some witnesses and jurors.

The New York Times opined at that time, on September 22, 1994, that "the court system needs to reconsider its total ban on cameras, and Congress should consider making its own rules for cameras in the Federal courts."

I am sensitive to the concerns of the Conference, but believe this legislation grants to the presiding judge the authority to evaluate the effect of a camera on particular proceedings and witnesses, and decide accordingly on whether to permit the camera into the courtroom. A blanket prohibition on cameras is an unnecessary limitation on the discretion of the presiding judge.

Allowing a wider public than just those who are able to make time to visit a courtroom to see and hear judicial proceedings will allow Americans to evaluate for themselves the quality of justice in this country, and deepen their understanding of the work that goes on in our courtrooms. This legislation is a step in making our courtrooms and the justice meted out there more widely available for public scrutiny. The time is long overdue for federal courts to allow cameras on their proceedings.

By Mr. INHOFE (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. GRASSLEY, Mr. BREAUX, Mr. CRAPO, Mr. STEVENS and Mr. FRIST):

S. 722. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

EMERGENCY REVOCATION ACT

• Mr. INHOFE. Mr. President, I have been involved in the aviation industry for over forty years. In that time, I have logged roughly 8,000 flight hours and have had my share of flight challenges in all sorts of weather and conditions. For instance, in 1980 during a humanitarian mission to Dominica, I led ten airplanes through hurricane David to deliver medical supplies to the island. As recently as 1991 I piloted a Cessna 414 around the world reenacting the same flight of Wiley Post sixty years earlier. I mention this to establish my credentials as someone who is an experienced pilot. As such, I have a great respect for the important job that the Federal Aviation Administration (FAA) does to make our air system the safest and best in the world. Notwithstanding my admiration for the job that the FAA does, I believe there are some areas of FAA enforcement that need to be examined. One such area is the FAA's use of "emergency revocation".

After talking with certificate holders and based on my own observations, I believe the FAA unfairly uses this necessary power to prematurely revoke certificates when the circumstances do not support such drastic action. In a revocation action, brought on an emergency basis, the certificate holder loses use of his certificate immediately, without an intermediary review by an impartial third party. The result is that the certificate holder is grounded and in most cases out of work until the issue is adjudicated.

Simply put, I believe the FAA unfairly uses this necessary power to prematurely revoke certificates when the circumstances do not support such drastic action. A more reasonable approach when safety is not an issue, would be to adjudicate the revocation on a non-emergency basis allowing the certificate holder continued use of the certificate.

In no way do I want to suggest that the FAA should not have emergency revocation powers. I believe it is critical to safety that FAA have the ability to ground unsafe airmen or other certificate holders; however, I also believe that the FAA must be judicious in its use of this extraordinary power. A review of recent emergency cases clearly demonstrates a pattern by which the FAA uses their emergency powers as standard procedure rather than an extraordinary measure. Perhaps the most visible case has been Bob Hoover.

Bob is a highly regarded and accomplished aerobatic pilot. In 1992, his medical certificate was revoked based on alleged questions regarding his cognitive abilities. After getting a clean bill of health from four separate sets of doctors (just one of the many tests cost Bob $1,700) and over the continuing objections of the federal air surgeon (who never examined Bob personally) his medical certificate was reinstated only after then Administrator David Henson intervened. Unfortunately, Bob is not out of the woods yet. His medical certificate expires each year. Unlike most airmen who can renew their medical certificate with a routine application and exam, Bob has to furnish the FAA with a report of a neurological evaluation every twelve months.

Bob Hoover's experience is just one of many. I have visited with other pilots who have had their licenses revoked on an emergency basis. Pilots such as Ted Stewart who has been an American Airlines pilot for more than 12 years and is presently a Boeing 767 Captain. Until January 1995, Ted had no complaints registered against him or his flying. In January 1995 the FAA suspended his examining authority as part of a larger FAA effort to respond to a problem of falsified ratings. The full National Transportation Safety Board (NTSB) exonerated Ted in July 1995. In June 1996, he received a second revocation. One of the charges in this second revocation involved falsification of records for a Flight Instructor Certificate with Multiengined rating and his Air Transport Pilot (ATP) certificate dating back to 1979. Remember, an emergency revocation means you lose your certificate immediately, so in most cases this means the certificate holder loses his source of income. Fortunately in Ted's case, his employer put him on a desk job while the issue was adjudicated.

Like most, I have questioned how an alleged 17½ year old violation in the Stewart case could constitute an emergency; especially, since Ted had not been cited for any cause in the intervening years. Nonetheless, the FAA vigorously pursued this action. On August 30, 1996, the NTSB issued its decision in this second revocation and found for Ted. A couple of comments in the Stewart decision bear closer examination. First, the board notes that "The administrator's loss in the earlier case appears to have prompted further investigation of respondent . . ." I find this rather troubling that an impartial third party appears to be suggesting that the FAA has a vendetta against Ted Stewart. This is further emphasized with a footnote in which the Board notes:

> [We,] of course, [are] not authorized to review the Administrator's exercise of his power to take emergency certificate action . . . We are constrained to register in this matter, however, our opinion that where, as here, no legitimate reason is cited or appears for not consolidating all alleged violations into one proceeding, subjecting an airman in the space of a year to two emergency revocations, and thus to the financial and other burdens associated with an additional 60-day grounding without prior notice and hearing, constitutes an abusive and unprincipled discharge of an extraordinary power.

Another example is Raymond A. Williamson who was a pilot for Coca-Cola Bottling Company. Like Ted Stewart, he was accused of being part of a "ring" of pilots who falsified type records for "vintage" aircraft.

As in all of the cases I have reviewed, Mr. Williamson biggest concern is that the FAA investigation and subsequent revocation came out of the blue. In November 1994, he was notified by his employer (Coca-Cola) that FAA inspectors had accused him of giving "illegal" check rides in company owned aircraft. He was fired. In June 1995, he received an Emergency Order of Revocation. In over 30 years as an active pilot, he had never had an accident, incident, or violation. Nor had he ever been "counseled" by the FAA for any action or irregularities as a pilot, flight instructor, FAA designated pilot examiner.

In May 1996, FAA proposed to return all his certificates and ratings, except his flight instructor certificate. As in the Ted Stewart case, it would appear that FAA found no real reason to pursue an "emergency" revocation.

I obviously cannot read the collective minds of the NTSB, but I believe a reasonable person would conclude that in the Ted Stewart case the Board, believes as I do, that there is an abuse of emergency revocation powers by the FAA.

This is borne out further by the fact that since 1989, emergency cases as a total of all enforcement actions heard by the NTSB has more than doubled. In 1989 the NTSB heard 1,107 enforcement cases. Of those, 66 were emergency revocation cases or 5.96 percent. In 1995, the NTSB heard 509 total enforcement cases, of those 160 were emergency revocation cases or 31.43 percent. I believe it is clear that the FAA has begun to use an exceptional power as a standard practice.

At my request, the General Accounting Office (GAO) did a study of emergency revocation actions taken by the FAA between 1990 and 1997. The most troubling result of the GAO study is that during time frame studied, 50 percent of the emergency renovations were issued four months to two years after the violation occurred. In only 4% of the cases was the emergency revocation issued within ten days or less of the actual violation. In fact, the median time lapse between the violation and the emergency order was a little over four months (132 days).

Clearly, at issue is "what constitutes an emergency?" After working with industry representatives, I believe we have come up with a balanced and prudent approach to answer that question. Today I, along with Senators MURKOWSKI, BURNS, GRASSLEY, BREAUX, STEVENS, CRAPO and FRIST am introducing a bill which will provide a certificate holder the option of requesting a hearing before the NTSB within 48 hours of receiving an emergency revocation to determine whether or not a true emergency exists. The board will have to decide within five days of the request if an emergency exists. During the board's deliberation, the certificate will be suspended. Should the board decide an emergency does not exist, the certificate holder will be able to use his certificate while the issue is adjudicated. Should the board decide an emergency does exist, the certificate will continue to be suspended while the issue is adjudicated.

Not surprisingly, Mr. President the FAA opposes this language. They also opposed changes to the civil penalties program where they served as the judge and jury in civil penalty actions against airmen. Fortunately, we were able to change that so that airmen can now appeal a civil penalty case to the NTSB. This has worked very well because the NTSB has a clear understanding of the issues.

This bill is supported by the Air Line Pilots Association, International; the Air Transport Association; the Allied Pilots Association, Aircraft Owners and Pilots Association; the Experimental Aircraft Association; National Air Carrier Association; National Air Transportation Association; National Business Aircraft Association; the NTSB Bar Association; and the Regional Airline Association.

In closing, this bill will provide due process to certificate holders where now none exists, without compromising aviation safety. This is a reasonable and prudent response to an increasing problem for certificate holders. I hope our colleagues will support our efforts in this regard.•

By Mr. INHOFE:

S. 723. A bill to provide regulatory amnesty for defendants who are unable to comply with federal enforceable requirements because of factors related to a Y2K system failure; to the Committee on Governmental Affairs.

Y2K REGULATORY AMNESTY ACT OF 1999

• Mr. INHOFE. Mr. President, I am pleased to rise today to introduce Y2K Regulatory Amnesty Act of 1999. I believe this is a timely piece of legislation considering the current debate over the Year 2000 issue. Senators BENNETT, DODD, HATCH, FEINSTEIN, and MCCAIN have been working diligently on Year 2000 issues for quite some time. I applaud them for their efforts in dealing with such a unique and complex issue.

However, as I have watched their progress and listened to their reports, I have noticed one significant omission in their discussions. Virtually nothing has been said about the potential regulatory nightmare that regulated entities could face as a result of a Y2K disruption. While the debate has been centered on getting government and businesses ready for the date change, very little has been said about how the government will actually deal with the private sector's problems associated with the year 2000. The last thing we need is for Regulatory Agencies to view a Y2K problem as an opportunity for a fine.

As a result, I began to ask several regulated communities about their concerns over regulatory penalties as a result of a Y2K disruption. Surprisingly, many had not yet begun to think about the potential for regulatory problems. Instead, they have been focusing on becoming Y2K complaint, which is what they should be doing. However, one question remains; how will the federal government react to regulatory noncompliance due to a Y2K systems disruption?

In response to that unanswered question, I am introducing the Y2K Regulatory Amnesty Act. My legislation will create a "Y2K upset", which is defined as an exception in which there is unintentional and temporary noncompliance beyond the reasonable control of the party. It will provide regulated communities with an affirmative defense from punitive actions from the federal government should they encounter a Y2K systems disruption.

My legislation does not create a "free pass" for entities to violate federal regulations. A "Y2K upset" is strictly defined and can only be invoked if the entity has made all possible efforts to become Y2K complaint and meets other stringent requirements. Additionally, if the noncompliance would result in an immediate or imminent threat to public health, the defense is not applicable. For those individuals who do attempt to use this defense frivolously or fraudulently, there will be severe criminal penalties.

Let me give you an example of how this provision will work. Assume that a small, local flower shop is run by a simple 3-computer network. The flower shop uses its computer network to manage payroll, accounts payable/receivable, and to track orders from customers. In an effort to become Y2K complaint, the flower shop hires an outside consultant to examine his network for signs of the Y2K bug and solve any problems that exist. This process costs the flower shop just over $1,000 but is well worth the investment considering the shop wants to be in business in January 2000.

On January 1, 2000, flower shop finds that its payroll software is failing to operate. The shop owner contacts the software manufacturer, the computer manufacturer, and his consultant in order to find a solution. From the outset, the shop owner knows this delay means that he will be unable to calculate how much he owes the IRS in payroll taxes—not to mention, they will be late. For that small business owner that means a hefty penalty on top of the hassle and lost business the failure caused in the first place.

Under my legislation, this small business owner would not be facing IRS penalties. The flower shop will still have to pay the taxes, but they won't be hit with a fine for a computer problem outside of their control.

This is just one example of how this legislation would assist businesses as they attempt to become compliant. However, this legislation would also help many others. I have heard from several schools in my state that fear that if they lose federally required reporting information, they may face losses in federal funding. I have also heard from small, rural telephone cooperatives who fear that even a short-term Y2K-related systems disruption could result in significant FCC fines and penalties. The list is exhaustive. Virtually, anyone regulated by the federal government faces the unanswered question as to how the federal government will handle a Y2K systems disruption.

There is also an added benefit to this legislation. Because this defense would only apply to those who have made good faith efforts to become compliant, it will serve as an added incentive for everyone to fix their Y2K problems upfront.

Some people will say this legislation is unnecessary. However, I believe it is prudent to define how the federal government will approach Y2K systems disruptions in a regulatory context. But, more importantly, I believe we need to establish the rules of the game in advance so that everyone is operating from the same page.

In closing, I would urge each of my colleagues to become a cosponsor of the Y2K Regulatory Amnesty Act and join with me in working to remediate the potential regulatory problems associated with the coming date change.

Mr. President, I ask that the full text of the bill be inserted in the RECORD.

The bill follows:

S. 723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Y2K Regulatory Amnesty Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) Y2K FAILURE.—The term "Y2K failure" means any failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions, however constructed, in processing, calculating, comparing, sequencing, displaying, storing, transmitting, or receiving date-related data, including—

(A) the failure to accurately administer or account for transitions or comparisons from, into, and between the 20th and 21st centuries, and between 1999 and 2000; or

(B) the failure to recognize or accurately process any specific date, and the failure accurately to account for the status of the year 2000 as a leap year.

(2) Y2K UPSET.—The term "Y2K upset"—

(A) means an exceptional incident involving temporary noncompliance with applicable federally enforceable requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(B) does not include—

(i) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health or safety;

(ii) noncompliance to the extent caused by operational error or negligence;

(iii) lack of reasonable preventative maintenance; or

(iv) lack of preparedness for Y2K.

SEC. 3. CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.

A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(1) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(2) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(3) noncompliance with the applicable federally enforceable requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(4) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable requirements; and

(5) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

SEC. 4. GRANT OF A Y2K UPSET.

Subject to the other provisions of this Act, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in section 3 are met.

SEC. 5. LENGTH OF Y2K UPSET.

The maximum allowable length of the Y2K upset shall be not more than 30 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

SEC. 6. VIOLATION OF A Y2K UPSET.

Fraudulent use of the Y2K upset defense provided for in this Act shall be subject to penalties provided in section 1001 of title 18, United States Code.●

By Mr. INHOFE (for himself and Mr. SESSIONS):

S. 724. A bill to amend the Safe Drinking Water Act to clarify that underground injection does not include certain activities, and for other purposes; to the Committee on Environment and Public Works.

HYDRAULIC FRACTURING LEGISLATION

● Mr. INHOFE. Mr. President, I rise today to introduce a bill with my colleagues from Alabama, Senator Sessions, that will help our domestic oil and gas industry by reducing one of the many regulatory burdens that they must comply with.

Last year, I was informed of a case in Alabama in which the EPA was sued over their policy regarding underground injection and specifically, "hydraulic fracturing". This procedure is used in cases where product, such as gas is located in a tight geological formation such as a coalbed. A hole is drilled into that area and a fluid consisting of water, gel and sand is pumped down the wellbore into the formation creating a fracture zone. The gel and water are extracted during the initial production stage of the well while the sand is left to prop open the cracks in the formation.

When Congress originally passed the safe drinking water act (SDWA) in 1974, they intentionally left the underground protection control (UIC) program to the states. That act stated: "the Administrator . . . may not prescribe requirements which interfere with or impede (injection activities associated with oil and gas production) unless such requirements are essential to assure that underground sources of drinking water will not be endangered by such injection." That concept was re-affirmed in 1980 when a provision was enacted specifically to recognize the adequacy of state programs, none of which required permitting for hydraulic fracturing in the construction or maintenance of oil and gas production wells.

So, when the lawsuit was filed in Alabama, and the court ruled in favor of the environmental organization that filed the suit, I was shocked. It seemed clear to me that the intent of the law was to leave the regulation of this procedure to the states. I have neither heard nor seen anything that would lead me to the conclusion that there is any contamination of drinking water because of hydraulic fracturing. In fact, I believe the EPA agrees with me. Let me read a letter from Carol Browner, the Administrator of the EPA, to Mr. David A. Ludder, General Council for the Legal Environmental Assistance Foundation, Inc (LEAF), the group that sued EPA over this procedure.

> There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water. Repeated testing, conducted between May of 1989 and March of 1993, of the drinking water well which was the subject of this petition failed to show any chemicals that would indicate the presence of fracturing fluids.

That statement seems pretty straight forward and implies to me that EPA would be willing to work with us to solve this problem. Unfortunately, that is not the case. Senator Sessions and I, with assistance from Senator Chafee, have received nothing but stalling tactics. In late January, we drafted this language and sent it over to EPA hoping that we could resolve this issue quickly to provide relief to our producers. Unfortunately, they were not willing to work with us.

So here we are introducing a bill that is simple and solves the problem. This bill is short and to the point. In less than two pages we clarify that hydraulic fracturing is not underground injection and re-affirm that the administrator has the ability to determine what is regulated as underground injection, which is simply a clarification of an ability the administrator already possesses.

It is my hope that EPA will work with us as this bill moves through committee and come up with a solution that will allow our oil and gas guys to get back to work and get EPA to focus on issues which may pose a more immediate threat.●

Mr. SESSIONS. Mr. President, I rise today to introduce a bill along with my colleague Senator INHOFE, which makes a technical correction to the Safe Drinking Water Act. This bill will end a frivolous lawsuit, clarify the intent of Congress and allow our State regulators and the Environmental Protection Agency to focus on protecting underground drinking water.

This bill clarifies the Safe Drinking Water Act by exempting hydraulic fracturing from the definition of underground injection. Hydraulic fracturing is a process used in the production of coalbed methane. This process uses high pressure water, carbon dioxide and sand to create microscopic fractures in coal seams to release and extract methane, oil and gas. Most states in which hydraulic fracturing is used, including my own state of Alabama, have in place regulations to ensure hydraulic fracturing continues to be a technique used in a safe manner. This technique has been used safely by coalbed methane, oil and gas producers for over fifteen years and has never been attributed to causing even a single case of contamination to an underground drinking water source.

On May 3rd of 1994, the Legal Environmental Assistance Foundation (LEAF) submitted a Petition for Promulgation of a Rule to withdraw the EPA's approval for the state of Alabama's Underground Injection Control (UIC) program. LEAF cited a case in Alabama of alleged drinking well contamination to justify its lawsuit. The EPA carefully reviewed this petition and on May 5th of 1995 the Administrator of the EPA, Carol Browner wrote to LEAF and stated "based on that review, I have determined that Alabama's implementation of the UIC program is consistent with the requirements of the Safe Drinking Water Act". Administrator Browner continued "There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water". I ask unanimous consent that a complete copy of the text of that letter be inserted into the RECORD.

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit 1.)

Mr. SESSIONS: This single case in Alabama which initiated the LEAF lawsuit was investigated by three regulatory agencies; the State Oil and Gas Board of Alabama, the Alabama Department of Environmental Management and the U.S. Environmental Protection Agency. None of the three regulatory agencies could find any contamination attributable to hydraulic fracturing activities or levels of any contaminate exceeding Safe Drinking Water Act standards. In fact, a nationwide search for cases of contamination attributed to hydraulic fracturing was conducted by the Environmental Protection Agency and the Ground Water Protection Council. Not a single case of contamination was discovered.

As a result of the baseless lawsuit brought by the Legal Environmental Assistance Foundation, the EPA has begun the process of stripping away the authority of the State of Alabama to implement its Underground Injection Control program. Both the EPA and the state of Alabama must now spend precious resources, which could otherwise be used to address real drinking water problems, to establish federal regulations for a technique which poses no environmental threat. The impact of this action will undoubtably be felt by the people in Alabama and across the nation who are threatened by and in many cases, experiencing the effects of ground water contamination as regulating agencies waste their resources to address this non-problem.

I urge my colleagues to join us in passing this technical fix to the Safe Drinking Water Act.

EXHIBIT 1

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 5, 1995.

David A. Ludder, Esq.,
General Counsel, Legal Environmental Assistance Foundation, Inc., Tallahassee, FL.

DEAR MR. LUDDER: The Environmental Protection Agency (EPA) has received and carefully reviewed your May 3, 1994, Petition for Promulgation of a Rule Withdrawing Approval of Alabama's Underground Injection Control (UIC) Program. Based on that review, I have determined that Alabama's implementation of its UIC Program is consistent with the requirements of the Safe Drinking Water Act (42 U.S.C. §300h, *et seq.*) and EPA's UIC regulations (40 CFR Part 145). EPA does not regulate—and does not believe it is legally required to regulate—the hydraulic fracturing of methane gas production wells under its UIC Program.

There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water (USDW). Repeated testing, conducted between May of 1989 and March of 1993, of the drinking water well which was the subject of this petition failed to show any chemicals that would indicate the presence of fracturing fluids. The well was also sampled for drinking water quality and no constituents exceeding drinking water standards were detected. Moreover, given the horizontal and vertical distance between the drinking water well and the closest methane gas production wells, the possibility of contamination or endangerment of USDWs in the area is extremely remote. Hydraulic fracturing is closely regulated by the Alabama State Oil and Gas Board, which requires that operators obtain authorization prior to all fracturing activities.

Accordingly, I have decided to deny your petition. Enclosed you will find a detailed response to each contention in your petition, which further explains the basis for this denial.

Sincerely,

CAROL M. BROWNER,
Administrator.

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 725. A bill to preserve and protect coral reefs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CORAL REEF CONSERVATION ACT OF 1999

Ms. SNOWE. Mr. President, I rise today to introduce the Coral Reef Conservation Act of 1999. I am pleased that Senator MCCAIN, Chairman of the Commerce, Science, and Transportation Committee, is joining me as a cosponsor in this effort to protect, sustain, and restore the health of coral reef ecosystems.

Coral reefs are among the world's most biologically diverse and productive ecosystems. Reefs serve as essential habitat for many marine organisms, enhancing commercial fisheries and stimulating tourism. They provide protection to coastal areas from storm surges and erosion, and offer many untold potential benefits such as new pharmaceuticals, some of which are presently being identified, developed, and tested. Unfortunately, coral reef ecosystems are in decline.

In 1998, coral reefs around the world appear to have suffered the most extensive and severe bleaching damage and subsequent mortality in modern times. Reefs in at least 60 countries were affected, and in some areas, more than 70 percent of the corals died off. These impacts have been attributed to the warmest ocean temperatures in 600 years. In addition to these impacts, however, it is estimated that 58 percent of the world's reefs are threatened by human activity such as inappropriate coastal development, destructive fishing practices, and other forms of overexploitation.

As a result of these stressors, coral reef habitat has been damaged and destroyed. Diseases of coral and reef-based organisms are expanding rapidly. Most of the diseases being tracked have only recently been discovered and are not widely understood. These serious problems highlight the need for more research to unravel the complex interactive effects between natural and human-induced stressors on coral reefs, and for more conservation and management activities.

The United States is not immune to these problems. Large coral reef systems exist in Florida, Hawaii, Texas, and various U.S. territories in the Caribbean and the Pacific. These reefs produce significant economic benefits for surrounding communities. In Florida, for example, the reefs contribute approximately 1.6 billion dollars annually to the state economy. But despite these clear benefits, U.S. reefs suffer from some of the same problems that affect reefs in other parts of the world.

Mr. President, this bill authorizes $3,800,000 in each of fiscal years 2000, 2001, and 2002 for a Coral Reef Conservation Program in the National Oceanic and Atmospheric Administration to provide conservation and research grants to states, U.S. territories, and qualified non-governmental institutions. Eligible conservation projects will focus on the promotion of sustainable development and work to ensure the effective, long-term conservation of coral reefs. Potential research projects will address use conflicts and develop sound scientific information on the condition of and threats to coral reef ecosystems.

The bill also authorizes NOAA to enter into an agreement with a qualified non-governmental organization to create a trust fund that will match private contributions to federal contributions and provide additional funding for worthy conservation and research projects. Through this mechanism, federal dollars can be used to leverage more dollars from the private sector for grants.

In addition, this bill authorizes $200,000 for each of fiscal years 2000, 2001, and 2002 for emergency assistance, which would be be provided through grants to address unforeseen or disaster-related problems pertaining to coral reefs.

Based on early reports, the repercussions of the 1998 mass bleaching and mortality events will be far-reaching in time and economic impact. This development, along with the continuing pressures from other sources, demonstrates the need for an increase in the effort to protect our coral reefs. The legislation I am introducing today provides a reasonable, cooperative vehicle to address these concerns.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coral Reef Conservation Act of 1999".

SEC. 2. PURPOSES.

The purposes of this title are:

(1) to preserve, sustain, and restore the health of coral reef ecosystems;

(2) to assist in the conservation and protection of coral reefs by supporting conservation programs;

(3) to provide financial resources for those programs; and

(4) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 3. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CORAL.—The term "coral" means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals), of the class Hydrozoa.

(3) CORAL REEF.—The term "coral reef" means those species (including reef plants), habitats, and other natural resources associated with any reefs or shoals composed primarily of corals within all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., Federal, State, territorial, or commonwealth waters), including in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean.

(4) CORALS AND CORAL PRODUCTS.—The term "corals and coral products" means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (2).

(5) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to preserve or sustain corals and species associated with coral reefs as diverse, viable, and self-perpetuating coral reefs, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; and community outreach and education.

(6) ORGANIZATION.—The term "organization" means any qualified non-profit organization that promotes coral reef conservation.

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 4. CORAL REEF CONSERVATION PROGRAM.

(a) GRANTS.—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs, hereafter called coral conservation projects, for proposals approved by the Administrator in accordance with this section.

(b) MATCHING REQUIREMENTS.—

(1) Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) The Administrator may waive all or part of the matching requirement under paragraph (1) if—

(A) the project costs are $25,000 or less; or

(B) the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) ELIGIBILITY.—Any relevant natural resource management authority of a State or territory of the United States or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or educational or non-governmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal submitted under subsection (e) of this section.

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) of this section during a fiscal year are distributed in the following manner—

(1) no less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean;

(2) no less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, Gulf of Mexico, and the Caribbean Sea; and

(3) remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator in consultation with the Coral Reef Task Force under subsection (i).

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A succinct statement of the purposes of the project.

(3) A description of the qualifications of the individuals who will conduct the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

(7) A description of how the project meets one or more of the criteria in subsection (g) of this section.

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each final coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 3 months after receiving a final project proposal under this section, the Administrator shall—

(A) request written comments on the proposal from each State or territorial agency of the United States or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reefs or coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) for projects costing more than $25,000, provide for the regional, merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States, territories, and other government jurisdictions.

(g) CRITERIA FOR APPROVAL.—The Administrator may approve a final project proposal under this section based on the extent that the project will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reef;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of corals, species associated with coral reefs, and coral products or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems;

(5) promoting cooperative projects on coral reef conservation that involve affected local communities, non-governmental organizations, or others in the private sector; or

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long-term conservation.

(h) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports, as specified by the Administrator. Each report shall include all information required by the Secretary for evaluating the progress and success of the project.

(i) CORAL REEF TASK FORCE.—The Administrator may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998), to obtain guidance in establishing coral conservation project priorities under this section.

(j) IMPLEMENTATION GUIDELINES.—Within 90 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with regional and local entities involved in setting priorities for conservation of coral reefs.

SEC. 5. CORAL REEF CONSERVATION FUND.

(a) FUND.—The Administrator may enter into an agreement with an organization authorizing such organization to receive, hold and administer funds received pursuant to this section. The organization shall invest, reinvest and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors that further the purposes of this title.

(b) AUTHORIZATION TO SOLICIT DONATIONS.—Consistent with 16 U.S.C. 3703, and pursuant to the agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold administer and use any gift or donation to further the purposes of this title. Such funds shall be deposited and maintained in the Fund established by an organization under subsection (a) of this section.

(c) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section.

(d) ADMINISTRATION.—Under the agreement entered into pursuant to subsection (a) of this section, the Administrator may transfer funds appropriated to carry out this Act to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in currency, services, or property) made to the organization by private persons and State and local government agencies.

SEC. 6. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster related circumstance pertaining to coral reefs or coral reef ecosystems.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary $3,800,000 for each of fiscal years 2000, 2001, and 2002 for grants under section 4, which may remain available until expended.

(2) There are authorized to be appropriated to the Secretary $200,000 for each of fiscal years 2000, 2001, and 2002 for emergency assistance under section 6.

(b) USE OF AMOUNTS APPROPRIATED.—Not more than 5 percent of the amounts appropriated under subsection (a) may be used by the Secretary, through the Administrator, for administration of this title.

(c) LIMITATION.—Only amounts appropriated to implement this title are subject to its requirements.

• Mr. MCCAIN. Mr. President, I rise today in support of the Coral Reef Conservation Act of 1999. The bill that I have sponsored, along with Senator SNOWE, the Chair of the Commerce Committee's Subcommittee on Oceans and Fisheries, represents strong and balanced environmental policy. I wish to thank Senator SNOWE for her leadership in this area. This bill is a positive step forward to improve the conditions of our coral reefs and the many types of life that live in and among these reefs.

The bill is designed to build partnerships with local and State entities to facilitate coral reef conservation. It creates a competitive matching-grant program which would provide funding for local and State governments and qualified non-profit organizations which have experience in coral reef monitoring, research, conservation, and public education projects. The bill requires that federal funds provide no more than 50 percent of the cost of the project. However, it also helps local communities that do not have the ability to raise sufficient matching funds. Therefore, the matching requirement may be waived for qualified proposals under $25,000.

Under the bill that Senator SNOWE and I have introduced today, the matching-grant program will maximize funding for important coral reef conservation projects. Our coral reefs are certainly in need of this type of funding. Indeed, coral reefs are the foundation of one of the Earth's most productive and diverse ecosystems, providing food and shelter for at least one million different types of animals, plants and other sea life. Coastal communities realize the benefit of coral reefs through enhanced fisheries, coastal protection, tourism, and the development of medicines used to fight cancer and produce antibiotics and pain relievers. Unfortunately, in 1998, coral reefs suffered some of the most extensive damage ever recorded. What caused so much damage? There are no certain answers. Record-breaking ocean temperatures and a severe El Nino event are the most likely culprits. What we do know is that these global events triggered massive die-offs of coral reefs through a process known as coral "bleaching". In essence, bleaching occurs when coral reefs are exposed to environmental stress, including elevated sea temperatures. This results in the loss of an essential food source, so the coral—a living creature—may starve to death. This coral reef bleaching makes the identification of the most injured reefs fairly obvious. The difficult task then becomes what can be done to prevent such a loss in the future and what, if anything, can be done to revive already damaged reefs?

I think this bill is a very good starting point. With this legislation, Senator SNOWE and I will put in place a way to provide responsible and effective funding for coral reef conservation, monitoring, research, and public education. One half of our country's population lives and works in a coastal community. This bill is good for the environment and good for the many Americans who depend on the ocean for their livelihoods. I urge my colleagues to support this bill.•

By Mr. CAMPBELL (for himself and Mr. TORRICELLI):

S. 726. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am introducing legislation to help our nation's state and local law enforcement officers acquire the bullet resistant equipment they need to protect themselves from would-be killers.

I am joined today by my colleague, Senator TORRICELLI, as an original cosponsor of this legislation.

This bill, the "Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999," is based on S. 2253, which I introduced in the 105th Congress. This bill is named in memory of Dale Claxton, a Cortez, Colorado, police officer who was fatally shot through the windshield of his patrol car last year. A bullet resistant windshield could have saved his life.

Unfortunately, incidents like this are far from isolated. All across our nation law enforcement officers, whether in hot pursuit, driving through dangerous neighborhoods, or pulled over on the side of the road behind an automobile, are at risk of being shot through their windshields. We must do what we can to prevent these kinds of tragedies as better, lighter and more affordable types of bullet resistant glass and other equipment become available. For the purposes of this bill I use the technically more accurate term "bullet resistant" instead of the more commonplace "bullet proof" since, even though we all wish they could be, few things are truly "bullet proof."

While I served as a deputy sheriff in Sacramento County, California, I became personally aware of the inherent dangers law enforcement officers encounter each day on the front lines. Now that I serve as a U.S. senator here in Washington, DC, I believe we should do what we can to help our law enforcement officers protect themselves as they risk their lives while protecting the American people from violent criminals.

One important way we can do this is to help them acquire bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving bullet resistant equipment. This assistance is especially crucial for small local jurisdictions that often lack the funds needed to provide their officers with the life saving bullet resistant equipment they need.

The Officer Dale Claxton bill builds upon the successes of the Bulletproof Vest Partnership Grant Act, S. 1605, which I introduced in the 105th Congress and the president signed into law last June. This program provides matching grants to state and local law enforcement agencies to help them purchase body armor for their officers. This bill builds upon this worthy program by expanding it to help them acquire additional types of bullet resistant equipment.

The bill I introduce today has four main components. The first part authorizes continued funding for the current Bulletproof Vest Partnership Grant Act program at $25 million per year.

The second and central part of this legislation authorizes a new $40 million matching grant program to help state, local, tribal and other small law enforcement agencies acquire bullet resistant equipment such as bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving equipment.

The third component of this bill, as promoted by Senator TORRICELLI, would authorize a $25 million matching grant program for the purchase of video cameras for use in law enforcement vehicles.

These three matching grants are authorized for fiscal years 2000 through 2002 and would be allocated by the Bureau of Justice Assistance according to a formula that ensures fair distribution for all states, local communities, tribes and U.S. territories. To help ensure that these matching grants get to the jurisdictions that need them the most the bureau is directed to make at least half of the funds available to those smaller jurisdictions whose budgets are the most financially constrained.

The final key part of this bill provides the Justice Department's National Institute of Justice (NIJ) with $3 million over 3 years to conduct an expedited research and development program to speed up the deployment of new bullet resistant technologies and equipment. The development of new bullet resistant materials in the next few years could be as revolutionary in the next few years as Kevlar was for body armor in the 1970s. Exciting new technologies such as bonded acrylic, polymers, polycarbons, aluminized material and transparent ceramics promise to provide for lighter, more versatile and hopefully less expensive bullet resistant equipment.

The Officer Dale Claxton bill also directs the NIJ to inventory existing technologies in the private sector, in surplus military property, and in use by other countries and to evaluate, develop standards, establish testing guidelines, and promote technology transfer.

Under the bill, the Institute would give priority in testing and feasibility studies to law enforcement partnerships developed in coordination with existing High Intensity Drug Trafficking Areas (HIDTAs).

Our nation's state, local and tribal law enforcement officers regularly put their lives in harm's way and deserve to have access to the bullet resistant equipment they need. The Officer Dale Claxton bill will both get life saving bullet resistant equipment deployed into the field where it is needed and accelerate the development of new life-saving bullet resistant technologies. I urge my colleagues to support passage of this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

"Subpart A—Grant Program For Armor Vests";

(2) by striking "this part" each place that term appears and inserting "this subpart"; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—the Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe, and

"(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described inder the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than

20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) Matching Funds.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) Allocation of Funds.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

"(a) In General.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assitance in such form and containing such information as the Director may reasonably require.

"(b) Regulations.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) Eligibility.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

"In this subpart—

"(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

"(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) In General.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) Uses of Funds.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) Preferential Consideration.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

(d) Minimum Amount.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) Maximum Amount.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) Matching Funds.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) Allocation of Funds.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) In General.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) Regulations.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) Eligibility.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"In this subpart—

"(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

"(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

"(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

"(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.".

(b) Authoriation of Appropriations.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

"(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.".

SEC. 4. SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

“(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

“(1) IN GENERAL.—The institute is authorized to—

“(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

“(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

“(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

“(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.”.

By Mr. CAMPBELL (for himself and Mr. HATCH):

S. 727. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

LAW ENFORCEMENT PROTECTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce a bill to authorize States to recognize each other's concealed weapons laws and exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms. This legislation is designed to support the rights of States and to facilitate the right of law-abiding citizens as well as law enforcement officers to protect themselves, their families, and their property. I am pleased to be joined by the chairman of the Judiciary Committee, Senator HATCH as an original cosponsor of this legislation.

The language of this bill is based on my bill, S. 837, in the 105th Congress and is similar to a provision in S. 3, the Omnibus Crime Control Act of 1997, introduced by Senator HATCH. In light of the importance of this provision to law-abiding gunowners and law enforcement officers, I am introducing this freestanding bill today for the Senate's consideration and prompt action.

This bill allows States to enter into agreements, known as “compacts,” to recognize the concealed weapons laws of those States included in the compacts. This is not a Federal mandate; it is strictly voluntary for those States interested in this approach. States would also be allowed to include provisions which best meet their needs, such as special provisions for law enforcement personnel.

This legislation would allow anyone possessing a valid permit to carry a concealed firearm in their respective State to also carry it in another State, provided that the States have entered into a compact agreement which recognizes the host State's right-to-carry laws. This is needed if you want to protect the security individuals enjoy in their own State when they travel or simply cross State lines to avoid a crazy quilt of differing laws.

Currently, a Federal standard governs the conduct of nonresidents in those States that do not have a right-to-carry statute. Many of us in this body have always strived to protect the interests of States and communities by allowing them to make important decisions on how their affairs should be conducted. We are taking to the floor almost every day to talk about mandating certain things to the States. This bill would allow States to decide for themselves.

Specifically, the bill allows that the law of each State govern conduct within that State where the State has a right-to-carry statute, and States determine through a compact agreement which out-of-State right-to-carry statute will be recognized.

To date, 31 States have passed legislation making it legal to carry concealed weapons. These State laws enable citizens of those States to exercise their right to protect themselves, their families, and their property.

The second major provision of this bill would allow qualified current and former law enforcement officers who are carrying appropriate written identification of that status to be exempt from State laws that prohibit the carrying of concealed weapons. This provision sets forth a checklist of stringent criteria that law enforcement officers must meet in order to qualify for this exemption status. Exempting qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed weapons, I believe, would add additional forces to our law enforcement community in our unwavering fight against crime.

I ask unanimous consent that the bill be printed in the RECORD.

Mr. President, I urge my colleagues to support this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Law Enforcement Protection Act of 1999”.

SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

“§ 926B. Carrying of concealed firearms by qualified current and former law enforcement officers

“(a) IN GENERAL.—Notwithstanding any provision of the law of any State or any political subdivision of a State, an individual may carry a concealed firearm if that individual is—

“(1) a qualified law enforcement officer or a qualified former law enforcement officer; and

“(2) carrying appropriate written identification.

“(b) EFFECT ON OTHER LAWS.—

“(1) COMMON CARRIERS.—Nothing in this section shall be construed to exempt from section 46505(B)(1) of title 49—

“(A) a qualified law enforcement officer who does not meet the requirements of section 46505(D) of title 49; or

“(B) a qualified former law enforcement officer.

“(2) FEDERAL LAWS.—Nothing in this section shall be construed to supersede or limit any Federal law or regulation prohibiting or restricting the possession of a firearm on any Federal property, installation, building, base, or park.

“(3) STATE LAWS.—Nothing in this section shall be construed to supersede or limit the laws of any State that—

“(A) grant rights to carry a concealed firearm that are broader than the rights granted under this section;

“(B) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(C) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(4) DEFINITIONS.—In this section:

“(A) APPROPRIATE WRITTEN IDENTIFICATION.—The term 'appropriate written identification' means, with respect to an individual, a document that—

“(i) was issued to the individual by the public agency with which the individual serves or served as a qualified law enforcement officer; and

“(ii) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

“(B) QUALIFIED LAW ENFORCEMENT OFFICER.—The term 'qualified law enforcement officer' means an individual who—

“(i) is presently authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of criminal law;

“(ii) is authorized by the agency to carry a firearm in the course of duty;

“(iii) meets any requirements established by the agency with respect to firearms; and

“(iv) is not the subject of a disciplinary action by the agency that prevents the carrying of a firearm.

“(C) QUALIFIED FORMER LAW ENFORCEMENT OFFICER.—The term 'qualified former law enforcement officer' means, an individual who is—

“(i) retired from service with a public agency, other than for reasons of mental disability;

“(ii) immediately before such retirement, was a qualified law enforcement officer with that public agency;

"(iii) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(iv) was not separated from service with a public agency due to a disciplinary action by the agency that prevented the carrying of a firearm;

"(v) meets the requirements established by the State in which the individual resides with respect to—

"(I) training in the use of firearms; and

"(II) carrying a concealed weapon; and

"(vi) is not prohibited by Federal law from receiving a firearm.

"(D) FIREARM.—The term 'firearm' means, any firearm that has, or of which any component has, traveled in interstate or foreign commerce.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926A the following:

"926B. Carrying of concealed firearms by qualified current and former law enforcement officers.".

SEC. 3. AUTHORIZATION TO ENTER INTO INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given to any 2 or more States—

(1) to enter into compacts or agreements for cooperative effort in enabling individuals to carry concealed weapons as dictated by laws of the State within which the owner of the weapon resides and is authorized to carry a concealed weapon; and

(2) to establish agencies or guidelines as they may determine to be appropriate for making effective such agreements and compacts.

(b) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal this section is hereby expressly reserved by Congress.

By Mr. CAMPBELL:

S. 728. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

STOLEN GUN PENALTY ENHANCEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, many crimes in our country are being committed with stolen guns. The extent of this problem is reflected in a number of recent studies and news reports. Therefore, today I am introducing the Stolen Gun Penalty Enhancement Act of 1999 to increase the maximum prison sentences for violating existing stolen gun laws.

Reports indicate that almost half a million guns are stolen each year. As of March 1995 there were over 2 million reports in the stolen gun file of the FBI's National Crime Information Center including 7,700 reports of stolen machine guns and submachine guns. In a 9 year period between 1985 and 1994, the FBI received an annual average of over 274,000 reports of stolen guns.

Studies conducted by the Bureau of Alcohol, Tobacco, and Firearms note that felons steal firearms to avoid background checks. A 1991 Bureau of Justice Statistics survey of State prison inmates notes that almost 10 percent had stolen a handgun, and over 10 percent of all inmates had traded or sold a stolen firearm.

This problem is especially alarming among young people. A Justice Department study of juvenile inmates in four states shows that over 50 percent of those inmates had stolen a gun. In the same study, gang members and drug sellers were more likely to have stolen a gun.

In my home State of Colorado, the Colorado Bureau of Investigation receives over 500 reports of stolen guns each month. As of this month, the Bureau has a total of 36,000 firearms on its unrecovered firearms list. It is estimated that one-third of these firearms are categorized as handguns.

All these studies and statistics show the extent of the problem of stolen guns. Therefore, the bill I am introducing today will increase the maximum prison sentences for violation of existing stolen gun laws.

Specifically, my bill increases the maximum penalty for violating four provisions of the firearms laws. Under title 18 of the U.S. Code, it is illegal to knowingly transport or ship a stolen firearm or stolen ammunition. It is also illegal to knowingly receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition.

The penalty for violating either of these provisions is a fine, a maximum term of imprisonment of 10 years, or both. My bill increases the maximum prison sentence to 15 years.

The third statutory provision makes it illegal to steal a firearm from a licensed dealer, importer, or manufacturer. For violating this provision, the maximum term of imprisonment would be increased to a maximum 15 years under by bill.

And the fourth provision makes it illegal to steal a firearm from any person, including a licensed firearm collector, with a maximum penalty of 10 years imprisonment. As with the other three provisions, my bill increases this maximum penalty to 15 years.

In addition to these amendments to title 18 of the U.S. Code, the bill I introduce today directs the United States Sentencing Commission to revise the Federal sentencing guidelines with respect to these firearms offenses.

Mr. President, I am a strong supporter of the rights of law-abiding gun owners. However, I firmly believe we need tough penalties for the illegal use of firearms.

The Stolen Gun Penalty Enhancement Act of 1999 will send a strong signal to criminals who are even thinking about stealing a firearm. I urge my colleagues to join in support of this legislation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "(i), (j),"; and

(B) by adding at the end the following:

"(7) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.";

(2) in subsection (i)(1), by striking "10 years" and inserting "15 years"; and

(3) in subsection (*l*), by striking "10 years" and inserting "15 years".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

By Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. LOTT, Mr. STEVENS, Mr. BURNS, Mr. SMITH of Oregon, Mr. CRAPO, Mr. SHELBY, Mr. HAGEL and Mr. BENNETT):

S. 729. A bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land; to the Committee on Energy and Natural Resources.

THE NATIONAL MONUMENT PUBLIC PARTICIPATION ACT OF 1999

Mr. CRAIG. Mr. President, I rise today to introduce legislation that ensures the public will have a say in the management of our public lands. I am pleased that Senators MURKOWSKI, LOTT, STEVENS, BURNS, GORDON SMITH, CRAPO, SHELBY, HAGEL, and BENNETT are joining me as original cosponsors.

After President Clinton's proclamation of four years ago, declaring nearly two million acres of southern Utah a national monument, I introduced the Idaho Protection Act of 1999. That bill would have required that the public and the Congress be included before a national monument could be established in Idaho. When I introduced that bill, I was immediately approached by other Senators seeking the same protection for their state. This bill, The National Monument Public Participation Act, will provide that protection to all states.

The National Monument Public Participation Act amends the Antiquities Act to require the Secretaries of the Interior and Agriculture to provide an opportunity for public involvement prior to the designation of a national monument. It establishes procedures to give the public and local, State, and federal governments adequate notice and opportunity to comment on, and participate in, the formulation of plans for the declaration of national monuments on public lands.

Under the 1906 Antiquities Act, the President has the unilateral authority to create a national monument where none existed before. In fact, since 1906, the law has been used some 66 times to set lands aside. It is important to note that with very few exceptions, these declarations occurred before enactment of the National Environmental

Policy Act of 1969, which recognized the need for public involvement in such issues and mandated public comment periods before such decisions are made.

The most recent use of the Antiquities Act came on September 18, 1996, with Presidential Proclamation 6920, Establishment of the Grand Staircase-Escalante National Monument. Without including Utah's Governor, Senators, congressional delegation, the State legislature, county commissioners, or the people of Utah—President Clinton set off-limits forever approximately 1.7 million acres of Utah. What the President did in Utah, without public input, could also be done in Idaho or any other States where the federal government has a presence. That must not be allowed to happen.

My state of Idaho is 63 percent federal lands. Within Idaho's boundaries, we have one National Historic Park, one National Reserve, two National Recreation Areas, and five Wilderness Areas, just to name the major federally designated natural resource areas. This amounts to approximately 4.8 million acres, or to put things in perspective, the size of the state of New Jersey. Each of these designations has had public involvement and consent of Congress before being designated. As you can tell, the public process has worked in the past, in my state, and I believe it will continue to work in the future.

In Idaho, each of these National designations generated concerns among those affected by the designation, but with the public process, we were able to work through most of the concerns before the designation was made. Individuals who would be affected by the National designation had time to prepare, but Utah was not as fortunate. With the overnight designation of the Grand Staircase-Escalante National Monument, the local communities, and the State and federal agencies were left to pick up the pieces and work out all the "details."

The President's action in Utah has been a wake-up call to people across America.We all want to preserve what is best in our States, and I understand and support the need to protect valuable resources. That is why this bill will not, in any way, affect the ability of the federal government to make emergency withdrawals under the Federal Land Policy and Management Act of 1976 (FLPMA). If an area is truly worthy of a National Monument designation, Congress will make that designation during the time frame provided in FLPMA.

Our public lands are a national asset that we all treasure and enjoy. Westerners are especially proud of their public lands and have a stake in the management of these lands, but people everywhere also understand that much of their economic future is tied up in what happens on their public lands.

In the West, where public lands dominate the landscape, issues such as grazing, timber harvesting, water use, and recreation access have all come under attack by this administration seemingly bent upon kowtowing to a segment of our population that wants these uses kicked off our public lands.

Everyone wants public lands decisions to be made in an open and inclusive process. No one wants the President, acting alone, to unilaterally lock up enormous parts of any State. We certainly don't work that way in the West. There is a recognition that with common sense, a balance can be struck that allows jobs to grow and families to put down roots while at the same time protecting America's great natural resources.

In my view, the President's actions in Utah were beyond the pale, and for that reason—to protect others from suffering a similar fate I am introducing this bill. I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Monument Public Participation Act of 1999".

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that Congress and the public have the right and opportunity to participate in decisions to declare national monuments on Federal land.

SEC. 3. CLARIFICATION OF CONGRESSIONAL AND PUBLIC ROLES IN DECLARATION OF NATIONAL MONUMENTS.

The Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (commonly known as the "Antiquities Act of 1906") (16 U.S.C. 431 et seq.), is amended by adding at the end the following:

"SEC. 5. CONGRESSIONAL AND PUBLIC ROLES IN NATIONAL MONUMENT DECLARATIONS.

"(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall promulgate regulations that establish procedures to ensure that Federal, State, and local governments and the public have the right to participate in the formulation of plans relating to the declaration of a national monument on Federal land on or after the date of enactment of this section, including procedures—

"(1) to provide the public with adequate notice and opportunity to comment on and participate in the declaration of a national monument on Federal land; and

"(2) for public hearings, when appropriate, on the declaration of a national monument on Federal land.

"(b) OTHER DUTIES.—Prior to making any recommendations for declaration of a national monument in an area, the Secretary of the Interior and the Secretary of Agriculture shall—

"(1) ensure, to the maximum extent practicable, compliance with all applicable Federal land management and environmental laws, including the completion of a programmatic environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(2) cause mineral surveys to be conducted by the Geological Survey to determine the mineral values, if any, that may be present in the area;

"(3) cause an assessment of the surface resource values of the land to be completed and made available by the appropriate agencies;

"(4) identify all existing rights held on Federal land contained within the area by type and acreage; and

"(5) identify all State and private land contained within the area.

"(c) RECOMMENDATIONS.—On completion of the reviews and mineral surveys required under subsection (b), the Secretary of the Interior or the Secretary of Agriculture shall submit to the President recommendations as to whether any area on Federal land warrants declaration as a national monument.

"(d) FEDERAL ACTION.—Any study or recommendation under this section shall be considered a federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(e) REPORTS.—Not later than 2 years after the receipt of a recommendation under subsection (c), the President shall—

"(1) advise the President of the Senate and the Speaker of the House of Representatives of the President's recommendation with respect to whether each area evaluated should be declared a national monument; and

"(2) provide a map and description of the boundaries of each area evaluated for declaration to the President of the Senate and the Speaker of the House of Representatives.

"(f) DECLARATION AFTER EFFECTIVE DATE.—A recommendation of the President for declaration of a national monument that is made after the effective date of this section shall become effective only if the declaration is approved by Act of Congress.".

Mr. MURKOWSKI. Mr. President, I rise this afternoon in support of the National Monument Public Participation Act of 1999. This legislation puts the "Public" back into public land management and the "Environment" back into environmental protection.

Passage of this Act will insure that all the gains we have made over the past quarter century in creating an open participatory government which affords strong environmental protection for our public lands are protected.

For those of you who thought those battles were fought and "won" with the passage of National Environmental Protection Act in 1969, the Federal Land Policy Management Act in 1976, and the National Forest Management Act of 1976, I have bad news. There is one last battle to be fought.

Standing in this very Chamber on January 30, 1975, Senator Henry M. "Scoop" Jackson spoke to the passion Americans feel for their public lands. He said:

> The public lands of the United States have always provided the arena in which we American's have struggled to fulfill our dreams. Even today dreams of wealth, adventure, and escape are still being acted out on these far flung lands. These lands and the dreams—fulfilled and unfulfilled—which they foster are a part of our national destiny. They belong to all Americans.

Amazingly, there exists today "legal" authorities by which the President, without public process or Congressional approval and without any environmental review, can create vast special management units. Special management units which can affect how millions of acres of our public lands are managed, what people can do on these lands, and what the future will be for surrounding communities.

This is a powerful trust to bestow upon anyone—even a President.

On September 12, 1996, the good people of Utah woke up to find themselves the most recent recipient of a philosophy that says: "Trust us we're from the federal government, and we know what's best for you". On that day, standing in the State of Arizona, the President invoked the 1906 Antiquities Act to create a 1.7 million acre Nation Monument in Southern Utah. By using this antiquated law the President was able to avoid this nation's environmental laws and ignore public participation laws. With one swipe of the pen, every shred of public input and environmental law promulgated in this country over the past quarter of a century was shoved into the trash heap of political expediency.

What happened in Utah is but the latest example of a small cadre of Administration officials deciding for all Americans how our public lands should be used. It is a classic example of a backroom deal, catering to special interests at the expense of the public. It is by no means the only one.

As a Senator from Alaska, I have a great deal of personal experience in this area. In 1978, President Jimmy Carter used this law to create "17" National Monuments in Alaska covering more than 55 million acres of land. This was followed in short order by this Secretary of the Interior Cecil Andrus who withdrew an additional 50 million acres. All this land was withdrawn from multiple uses without any input from the people of Alaska, the public, or the Congress of the United States. All this occurred while Congress was considering legislation affecting these lands, while Congress was conducting workshops throughout Alaska and holding hearings in Washington, DC to involve the public.

With over 100 million acres of withdrawn land held over Alaska's head like the sword of Damocles, we were forced to cut the best deal we could. Twenty years later the people of my state are still struggling to cope with the weight of these decisions. President Carter cut his deal for his special interests to avoid the public debate on legislation, just as President Clinton did with the Grand Staircase/Escalante.

I would not be here this afternoon if the public, and Congress were not systematically being denied a voice in the creation of National Monuments. I would not be here if environmental procedures were being followed. But the people of this nation are being denied the opportunity to speak, Congress is being denied its opportunity to participate, and environmental procedure are being ignored. The only voice we hear is that of the President. Without bothering to ask what we thought about it, he told the citizens of Utah and the rest of the country that he knew better than they what was best for them.

It has been a long time since anyone has had the right to make those kinds of unilateral public land use decisions for the American public. Since passage of the Forest Service Organic Act and the Federal Land Policy and Management Act in 1976 we have had a rock hard system of law on how public land use decisions are to be made. Embodied within these laws are public participation. Agencies propose an action, they present that action to the public, the public debates the issue, bad decisions can be appealed, the courts resolve disputes, and finally the management unit is created. Where was this public participation in the special use designation of 1.7 million acres of federal land in southern Utah?

Since the passage of the National Environmental Policy Act in 1969 activities which effect the environment are subject to strict environmental reviews. Does anyone believe there is no environmental threat posed by the creation of a national monument?

The economic and social consequences of this decision will have enormous and irrevocable impacts not only on the land immediately affected, but on surrounding lands and communities. All these effects on the human environment would have been evaluated under the land management statutes and the environmental procedural review. Where is the NEPA compliance documentation associated with this action?

The Constitutions explicitly provides that "The Congress shall have the power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States." The creation of specialized public use designations such as National Parks and Wilderness Areas are debated within the Halls of Congress. These Debates provide for the financial and legal responsibilities which come with the creation of special management units. Where are the proceedings from those debates?

They simply do not exist because, in the heat of political expediency, the Administration determined that public process, environmental analyses, and Congressional deliberations were a waste of time.

Mr. President, either you believe in public process or you do not, you can't have it both ways. We can no longer trust the Administration to involve the public in major land use decisions and we can no longer tolerate the blanket evasion of the laws designed to protect our natural resources. The time has come for Congress to reassert its Constitutional responsibility under Article IV.

The legislation which Senator CRAIG and I offer today will require that any future designations of National Monuments to follow the public participation principals laid down in law over the past 25 years.

No poetic images, no flowery words, no smoke and mirrors, no special coverage on Good Morning America, just good old fashion public land management process.

Before these special land management units can be created, our legislation will require that agencies gather and analyze resource data affected by these land use decisions; that full public participation in the designation of the units takes place (with all appeal rights protected); that there be compliance with the National Environmental Policy Act; and that Congress review and approve final designation. No longer will an administration be able to side-step public participation and environmental reviews to further its political agenda and cater to special interest.

Nobody—not even the President—should be above the law. The National Monument Participation Act will make all future land use decisions a joint responsibility of the public through the Congress, that they elect. This legislation reasserts the Constitutional role of the Congress in public land decisions.

I do not question the need for National Monuments. If the national benefit can be demonstrated, then by all means a national monument should be created. But, if they are to serve the common good, they must be created under the same system of land management law that has managed the use of the public domain for the past 25 years and pursuant to the document that has governed this Nation for the past 225 years.

There has always been a sacred bond between the American people and the lands they hold in common ownership. No one—regardless of high station or political influence—has the right to impose his will over the means by which the destiny of those land is decided.

This legislation re-establishes that bond.

Mr. BURNS. Mr. President, I rise today to join a number of my colleagues in introducing The National Monument Participation Act of 1999. This bill would amend the Antiquities Act of 1906 to clearly establish the roles for public participation and Congressional involvement in declaring national monuments on federal lands. This bill requires specific processes and requirements to ensure that the public, local, state, and Federal government are both informed and involved in the formulation of any plans to declare national monuments on federal lands.

It requires that the public be actively involved in the formulation of any plans to declare a national monument. Considering the recent controversy surrounding the designation of monuments with the stroke of a pen rather than through open debate and assessment, it only makes sense to include the public in any future designation decisions. I remind my colleagues and the administration that we are managing our land resources for the people. This bill suggests that perhaps we should listen to them before drastically changing the management of our land resources.

Additionally, the legislation requires that the Secretary of the Interior and the Secretary of Agriculture perform an assessment of current land uses on the land proposed for designation. This is necessary to provide information about the impact of declaring any national monument before recommendations are made by the President. It makes absolutely no sense to pursue designation changes without learning what is at stake. What mineral interests are affected? Does it change traditional grazing uses? These are questions that will have to be answered before new monuments are designated.

The legislation also requires that we look at the impact a monument would have on state or private land holdings. Once again, common sense is needed. If the federal designation change affects state and private lands, Congress must be informed of these impacts before a decision is finally reached. It is irresponsible to make decisions without the proper information.

Finally, this legislation would require the President to submit his decision on these recommendations to the Congress for final review and approval. If we are going to change our designations and impact local communities, Congress must weigh in on the decision.

Public involvement in federal decision making is critical today to ensure that local citizens are involved in the decision changing how federal lands near their homes are used. This bill will mandate broader involvement to ensure the public and the legislative branch have an opportunity to participate in any plans to establish new national monuments on federal lands. In addition, this ensures the information is available for the public and ourselves to understand the impacts of any proposed declaration and make an informed decision.

Overall, I believe this bill establishes a clear set of roles and responsibilities for all parties involved in the declaration of new national monuments on federal lands to ensure that such decisions are made in a manner that respects the rights of both local communities and the interests of the nation as a whole. I encourage my colleagues to carefully examine this legislation and lend their support to its ultimate passage.

• Mr. CRAPO. Mr. President, I rise today as an original co-sponsor of the National Monument Public Participation Act of 1999. I commend my colleague, Senator CRAIG, for bringing forward this important measure and am pleased to offer it my support.

The National Monument Public Participation Act of 1999 will establish guidelines for public and local, State, and federal government involvement in the designation and planning of national monuments. Currently, under the 1906 Antiquities Act, the President has the authority to proclaim a national monument and determine its composition and scope without any prior or subsequent public involvement. Although this authority has rarely been invoked since the implementation of the National Environmental Policy Act of 1969, which mandates public comment periods prior to federal land management actions, the recent exercise of this authority by the current Administration has called attention to the need to revise the Antiquities Act. These proposed amendments to the Antiquities Act reflect the contemporary recognition that public involvement in federal land management decisions is both proper and beneficial.

This measure, beyond requiring the Secretaries of the Interior and Agriculture to include the public and the different levels of government in the decision to designate and form national monuments, also directs the Secretaries to research and make available information about the land to be designated. Factors such as the mineral values present and identification of existing rights held on federal lands within the area to be designated have an obvious bearing on the decision of whether designation is appropriate and, if it is, how it should be structured. An understanding of these factors should be a part of an inclusive decision-making process and, hence, it is appropriate to require that they be explored and publicly shared prior to the designation of a national monument.

The strongest protection, however, that the National Monument Public Participation Act of 1999 provides for public oversight of national monument designation is the requirement that any recommendation of the President for declaration of land as a national monument shall become effective only if so provided by an Act of Congress. By subjecting proposals for monument designations to congressional approval, this Act ensures that when national monuments are established they are truly supported, both nationally and by local communities. This Act provides an important level of protection for public involvement in land use issues and I am pleased to offer it my support.

By Mr. DURBIN:

S. 730. A bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FIRE SAFE CIGARETTE ACT OF 1999

Mr. DURBIN. Mr. President, I rise today to talk about the First Safe Cigarette Act of 1999. This legislation would solve a serious fire safety problem, namely, fires that are caused by a carelessly discarded cigarette.

The statistics regarding cigarette-related fires are truly startling. In 1996 there were 169,500 cigarette-related fires that resulted in 1,181 deaths, 2,931 injuries and $452 million in property damage. According to the National Fire Protection Association, one out of every four fire deaths in the United States in 1996 was attributed to tobacco products.

In my state of Illinois, cigarette-related fires have also caused too many senseless tragedies. In 1997, alone, there were more than 1,700 cigarette-related fires, of which more than 900 were in people's homes. These fires led to 109 injuries and 8 deaths. Also in 1997, smoking-related fires in Illinois led to property loss of more than $10.4 million. According to statistics from the U.S. Fire Administration, half of the known residential fire deaths in Illinois from 1993 to 1995 were from arson and careless smoking. During that three-year period, 69 deaths in Illinois were attributed to careless smoking.

A Technical Study Group (TSG) was created by the Federal Cigarette Safety Act in 1984 to investigate the technological and commercial feasibility of creating a self-extinguishing cigarette. This group was made up of representatives of government agencies, the cigarette industry, the furniture industry, public health organizations and fire safety organizations. The TSG produced two reports that concluded that it is technically feasible to reduce the ignition propensity of cigarettes.

The manufacture of less fire-prone cigarettes may require some advances in cigarette design and manufacturing technology, but the cigarette companies have demonstrated their capability to make cigarettes of reduced ignition propensity with no increase in tar, nicotine or carbon monoxide in the smoke. For example, six current commercial cigarettes have been tested which already have reduced ignition propensity. The technology is in place now to begin developing a performance standard for less fire prone cigarettes. Furthermore, the overall impact on other aspects of the United States society and economy will be minimal. Thus, it may be possible to solve this problem at costs that are much less than the potential benefits, which are saving lives and avoiding injuries and property damage.

The Fire Safe Cigarette Act would give the Consumer Product Safety

Commission the authority to promulgate a fire safety standard for cigarettes. Eighteen months after the legislation is enacted, the Consumer Product Safety Commission would issue a rule creating a safety standard for cigarettes. Thirty months after the legislation is enacted, the standards would become effective for the manufacture and importation of cigarettes.

Here are some examples of changes that could be made to cigarettes that would reduce the likelihood of fire ignition: reduced circumference or thinner cigarettes, making the paper less porous, changing the density of the tobacco in cigarettes, and eliminating or reducing the citrate added to the cigarette paper. Also, there is limited evidence suggesting that the presence of a filter may reduce ignition propensity. Again, there are cigarettes on the market right now that show some of these characteristics and are less likely to smolder and cause fires.

While the number of people killed each year by fires is dropping because of safety improvements and other factors, too many Americans are dying because of a product that could be less likely to catch fire if simple changes were made. I strongly believe that this issue demands immediate and swift action in order to prevent further deaths and injuries.

An industry that can afford to spend more than $4 billion in advertising every year cannot claim it would be too expensive to make these changes. It is not unreasonable to ask these companies to make their products less likely to burn down a house.

Mr. President, I ask unanimous consent that this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, FINDINGS.

(a) Short Title.—This Act may be cited as the "Fire Safe Cigarette Act of 1999".

(b) Findings.—Congress finds that—

(1) cigarette ignited fires are the leading cause of fire deaths in the United States,

(2) in 1996 cigarette ignited fires caused—

(A) 1,083 deaths;

(B) 2,809 civilian injuries; and

(C) $420,000,000 in property damage;

(3) each year, more than 100 children are killed from cigarette-related fires;

(4) the technical work necessary to achieve a cigarette fire safety standard has been accomplished under the Cigarette Safety Act of 1984 (15 U.S.C. 2054 note) and the Fire Safe Cigarette Act of 1990 (15 U.S.C. 2054 note);

(5) it is appropriate for Congress to require the establishment of a cigarette fire safety standard for the manufacture and importation of cigarettes;

(6) the most recent study by the Consumer Product Safety Commission found that the cost of the loss of human life and personal property from the absence of a cigarette fire safety standard is $6,000,000,000 a year; and

(7) it is appropriate that the regulatory expertise of the Consumer Product Safety Commission be used to implement a cigarette fire safety standard.

SEC. 2. DEFINITIONS.

In this Act:

(1) Commission.—The term "Commission" means the Consumer Product Safety Commission.

(2) Cigarette.—The term "cigarette" has the meaning given that term in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332).

(3) Stockpiling.—The term "stockpiling" means the manufacturing or importing of a cigarette during the period beginning on the date of promulgation of a rule under section 3(a) and ending on the effective date of that rule, at a rate greater than the rate at which cigarettes were manufactured or imported during the 1-year period immediately preceding the date of promulgation of that rule.

SEC. 3. CIGARETTE FIRE SAFETY STANDARD.

(a) In General.—

(1) Promulgation of cigarette fire safety standard.—Not later than 18 months after the date of enactment of this Act, the Commission shall promulgate a rule that establishes a cigarette fire safety standard for cigarettes to reduce the risk of ignition presented by cigarettes.

(2) Requirements.—In establishing the cigarette fire safety standard under paragraph (1), the Commission shall—

(A) consult with the Director of the National Institute of Standards and Technology and make use of such capabilities of the as the Commission considers necessary;

(B) seek the advice and expertise of the heads of other Federal agencies and State agencies engaged in fire safety; and

(C) take into account the final report to Congress made by the Commission and the Technical Study Group on Cigarette and Little Cigar Fire Safety established under section 3 of the Fire Safe Cigarette Act of 1990 (15 U.S.C. 2054 note), that includes a finding that cigarettes with a low ignition propensity were already on the market at the time of the preparation of the report.

(b) Stockpiling.—The Commission shall include in the rule promulgated under subsection (a) a prohibition on the stockpiling of cigarettes covered by the rule.

(c) Effective Date of Rule.—The rule promulgated under subsection (a) shall take effect not later than 30 months after the date of the enactment of this Act.

(d) Procedure.—

(1) In general.—The rule under subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

(2) Construction.—Except as provided in paragraph (1), no other provision of Federal law shall be construed to apply with respect to the promulgation of a rule under subsection (a), including—

(A) the Consumer Product Safety Act (15 U.S.C. 2051 et seq.);

(B) chapter 6 of title 5, United States Code;

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(D) the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121) and the amendments made by that Act.

(e) Judicial Review.—

(1) General rule.—

(A) In general.—Any person who is adversely affected by the rule promulgated under subsection (a) may, at any time before the 60th day after the Commission promulgates the rule, file a petition with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which that person resides or has its principal place of business to obtain judicial review of the rule.

(B) Petition.—Upon the filing of a petition under subparagraph (A), a copy of the petition shall be transmitted by the clerk of the court to the Secretary of Commerce. The Commission shall file in the court the record of the proceedings on which the Commission based the rule, in the same manner as is prescribed for the review of an order issued by an agency under section 2112 of title 28, United States Code.

(2) Additional evidence.—

(A) In general.—With respect to a petition filed under paragraph (1), the court may order additional evidence (and evidence in rebuttal thereof) to be taken before the Commission in a hearing or in such other manner, and upon such terms and conditions, as the court considers appropriate, if the petitioner—

(i) applies to the court for leave to adduce additional evidence; and

(ii) demonstrates, to the satisfaction of the court, that—

(I) such additional evidence is material; and

(II) there was no opportunity to adduce such evidence in the proceeding before the Commission.

(B) Modification.—With respect to the rule promulgated by the Commission under subsection (a), the Commission—

(i) may modify the findings of fact of the Commission, or make new findings, by reason of any additional evidence taken by a court under subparagraph (A); and

(ii) if the Commission makes a modification under clause (i), shall file with the court the modified or new findings, together with such recommendations as the Commission determines to be appropriate, for the modification of the rule, to be promulgated as a final rule under subsection (a).

(3) Court jurisdiction.—Upon the filing of a petition under paragraph (1), the court shall have jurisdiction to review the rule of the Commission, as modified under paragraph (2), in accordance with chapter 7 of title 5, United States Code.

(f) Small Business Review.—Section 30 of the Small Business Act (15 U.S.C. 657) shall not apply with respect to—

(1) a cigarette fire safety standard promulgated by the Commission under subsection (a); or

(2) any agency action taken to enforce that standard.

SEC. 4. ENFORCEMENT.

(a) Prohibition.—No person may—

(1) manufacture or import a cigarette, unless the cigarette is in compliance with a cigarette fire safety standard promulgated under section 3(a); or

(2) fail to provide information as required under this Act.

(b) Penalty.—A violation of subsection (a) shall be considered a violation of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068).

SEC. 5. PREEMPTION.

(a) In General.—This Act, including the cigarette fire safety standard promulgated under section 3(a), shall not be construed to preempt or otherwise affect in any manner any law of a State or political subdivision thereof that prescribes a fire safety standard for cigarettes that is more stringent than the standard promulgated under section 3(a).

(b) Defenses.—In any civil action for damages, compliance with the fire safety standard promulgated under section 3(a) may not be admitted as a defense.

By Mr. KENNEDY (for himself, Mr. Johnson, Mr. Leahy, Mr. Wellstone, Mr. Feingold, Mr. Inouye, Mr. Kerry, and Mr. Dodd):

S. 731. A bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries; to the Committee on Finance.

THE PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT

Mr. KENNEDY. Mr. President, we are well on our way to doubling the budget of the National Institutes of Health. Scientists are discovering new cures and developing new therapies for previously incurable and untreatable illnesses on a regular basis. Breakthrough medications are modern medical miracles that allow people with previously crippling conditions to lead normal lives. Yet too many of our nation's elderly citizens are denied access to these life-saving and life-improving therapies because they lack basic coverage for prescription medications.

Today I am introducing the "Prescription Drug Fairness for Seniors Act of 1999," the Senate companion bill to H.R. 664, introduced in the House last month by Representatives Tom Allen, Jim Turner, Marion Berry, Henry Waxman, and sixty-one other House Members. This legislation responds to the need for affordable prescription drugs for senior citizens by requiring pharmaceutical companies to make the same discounts available to senior citizens that are offered to their most favored customers. Prescription drugs represent the largest single source of out-of-pocket costs for health services paid for by the elderly. The Prescription Drug Fairness Act will provide significant benefits to elderly citizens struggling to pay for the prescription drugs they need.

This Act represents one important way to improve senior citizens' access to affordable medications. Other steps are necessary as well to deal with the overall prescription drug crisis facing millions of elderly citizens. I plan to introduce legislation soon that will offer additional protections. Providing fair access to prescription drugs for senior citizens is a high priority, and I hope to see quick action by Congress on this critical issue this year.

Mr. President, I ask unanimous consent that the next of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescription Drug Fairness for Seniors Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) Manufacturers of prescription drugs engage in price discrimination practices that compel many older Americans to pay substantially more for prescription drugs than the drug manufacturers' most favored customers, such as health insurers, health maintenance organizations, and the Federal Government.

(2) On average, older Americans who buy their own prescription drugs pay twice as much for prescription drugs as the drug manufacturers' most favored customers. In some cases, older Americans pay over 15 times more for prescription drugs than the most favored customers.

(3) The discriminatory pricing by major drug manufacturers sustains their annual profits of $20,000,000,000, but causes financial hardship and impairs the health and well-being of millions of older Americans. More than 1 in 8 older Americans are forced to choose between buying their food and buying their medicines.

(4) Most federally funded health care programs, including medicaid, the Veterans Health Administration, the Public Health Service, and the Indian Health Service, obtain prescription drugs for their beneficiaries at low prices. Medicare beneficiaries are denied this benefit and cannot obtain their prescription drugs at the favorable prices available to other federally funded health care programs.

(5) Implementation of the policy set forth in this Act is estimated to reduce prescription drug prices for medicare beneficiaries by more than 40 percent.

(6) In addition to substantially lowering the costs of prescription drugs for older Americans, implementation of the policy set forth in this Act will significantly improve the health and well-being of older Americans and lower the costs to the Federal taxpayer of the medicare program.

(7) Older Americans who are terminally ill and receiving hospice care services represent some of the most vulnerable individuals in our Nation. Making prescription drugs available to medicare beneficiaries under the care of medicare-certified hospices will assist in extending the benefits of lower prescription drug prices to those most vulnerable and in need.

(b) Purpose.—The purpose of this Act is to protect medicare beneficiaries from discriminatory pricing by drug manufacturers and to make prescription drugs available to medicare beneficiaries at substantially reduced prices.

SEC. 3. PARTICIPATING MANUFACTURERS.

(a) In General.—Each participating manufacturer of a covered outpatient drug shall make available for purchase by each pharmacy such covered outpatient drug in the amount described in subsection (b) at the price described in subsection (c).

(b) Description of Amount of Drugs.—The amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy is an amount equal to the aggregate amount of the covered outpatient drug sold or distributed by the pharmacy to medicare beneficiaries.

(c) Description of Price.—The price at which a participating manufacturer shall make a covered outpatient drug available for purchase by a pharmacy is the price equal to the lower of the following:

(1) The lowest price paid for the covered outpatient drug by any agency or department of the United States.

(2) The manufacturer's best price for the covered outpatient drug, as defined in section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)).

SEC. 4. SPECIAL PROVISION WITH RESPECT TO HOSPICE PROGRAMS.

For purposes of determining the amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy under section 3, there shall be included in the calculation of such amount the amount of the covered outpatient drug sold or distributed by a pharmacy to a hospice program. In calculating such amount, only amounts of the covered outpatient drug furnished to a medicare beneficiary enrolled in the hospice program shall be included.

SEC. 5. ADMINISTRATION.

The Secretary shall issue such regulations as may be necessary to implement this Act.

SEC. 6. REPORTS TO CONGRESS REGARDING EFFECTIVENESS OF ACT.

(a) In General.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress regarding the effectiveness of this Act in—

(1) protecting medicare beneficiaries from discriminatory pricing by drug manufacturers; and

(2) making prescription drugs available to medicare beneficiaries at substantially reduced prices.

(b) Consultation.—In preparing such reports, the Secretary shall consult with public health experts, affected industries, organizations representing consumers and older Americans, and other interested persons.

(c) Recommendations.—The Secretary shall include in such reports any recommendations that the Secretary considers appropriate for changes in this Act to further reduce the cost of covered outpatient drugs to medicare beneficiaries.

SEC. 7. DEFINITIONS.

In this Act:

(1) Participating manufacturer.—The term "participating manufacturer" means any manufacturer of drugs or biologicals that, on or after the date of enactment of this Act, enters into or renews a contract or agreement with the United States for the sale or distribution of covered outpatient drugs to the United States.

(2) Covered outpatient drug.—The term "covered outpatient drug" has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2)).

(3) Medicare beneficiary.—The term "medicare beneficiary" means an individual entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title, or both.

(4) Hospice program.—The term "hospice program" has the meaning given that term under section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

(5) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 8. EFFECTIVE DATE.

The Secretary shall implement this Act as expeditiously as practicable and in a manner consistent with the obligations of the United States.

• Mr. JOHNSON. Mr. President, I am pleased to join my colleague, Senator Edward M. Kennedy, today by introducing the "Prescription Drug Fairness for Seniors Act of 1999". Earlier this year, Representatives Tom Allen, Jim Turner, Marion Barry, and Henry Waxman were joined by sixty-one of their colleagues when they introduced H.R. 664, "The Prescription Drug Fairness For Seniors Act of 1999" in the U.S. House of Representatives.

This legislation addresses the critical issue facing our older Americans—the cost of their prescription drugs. Studies have shown that older Americans spend almost three times as much of their income (21%) on health care than those under the age of 65 (8%), and more than three-quarters of Americans aged 65 and over are taking prescription drugs. Even more alarming is the fact that seniors and others who buy their own prescription drugs, are forced to pay over twice as much for their drugs as are the drug manufacturers' most favored customers, such as the federal government and large HMOs.

The "Prescription Drug Fairness for Seniors Act" will protect senior citizens from drug price discrimination and make prescription drugs available to Medicare beneficiaries at substantially reduced prices. The legislation achieves these goals by allowing pharmacies that serve Medicare beneficiaries to purchase prescription drugs at the low prices available under the Federal Supply Schedule, similar to the Veterans Administration, Public Health Service and Indian Health Service. Estimated to reduce prescription drug prices for seniors by over 40%, this bill will help those seniors who often times have to make devastating choices between buying food or medications. Choices that no human being should have to make.

Research and development of new drug therapies is an important and necessary tool towards improving a persons quality of life. But due to the high price tag that often accompanies the latest drug therapies, seniors are often left without access to these new therapies, and ultimately, in far too many instances, without access to medication at all. This legislation is an important step towa4rds restoring the access to affordable medications for our medicare beneficiaries. I look forward to working on this important issue in the months to come and hope that Congress will work swiftly in a bipartisan manner to enact legislation that will benefit millions of senior citizens across our nation.•

• Mr. FEINGOLD. Mr. President, I rise to joint my colleagues, Senators KENNEDY, JOHNSON, LEAHY, WELLSTONE, INOUYE, KERRY and others in introducing the Prescription Drug Fairness for Seniors Act.

Mr. President, the sky-rocketing cost of prescription drugs has long been among the top 2 or 3 issues my constituents in Wisconsin call and write to me about. The problem of expensive prescription drugs is particularly acute among Wisconsin senior citizens who live on fixed incomes. Nationally, prescription drugs are Senior Citizens' largest single out-of-pocket health care expenditure: the average Senior spends $100–$200 month on prescription drugs.

As you may know, Mr. President, last fall, a study by the House Government Reform and Oversight Committee found that the average price seniors pay for prescription drugs is twice as high as that enjoyed by favored customers—big purchasers such as HMOs and the federal government. The Committee's report found a price differential in one case was 1400%, meaning that the retail price a typical senior citizen was $27.05, while the favored customer was charged only $1.75.

To be sure, Mr. President, the Committee's report did find that Wisconsin had lower price differentials compared to other parts of the country, an 85% differential compared to a high of 123% in California. But I think my constituents would find that a pretty hollow distinction. There's no doubt in my mind that paying 85% more than others are charged for the same product is unfair, plain and simple.

Mr. President, as we all know, traditional Medicare does not cover prescription drugs. While some Medicare managed care plans offer a prescription drug benefit, few of those managed care plans operate in Wisconsin or in other largely rural states. So, while pharmaceutical companies give lower prices to favored customers who buy in bulk, small community pharmacies such as we have throughout Wisconsin lack this purchasing power, meaning that Seniors who purchase their prescription drugs at those small pharmacies get the high prices passed on to them.

Mr. President, I regularly get calls from Seniors on tight, fixed incomes who tell me that they have to choose between buying groceries and buying their prescription drugs. I would guess that many of my colleagues receive similar calls from their constituents. Calls like these, and the fact that prices are only getting higher as scientific advances develop new medications, tell me that we must take action to make prescription drugs more affordable to Seniors.

The legislation my colleagues and I are introducing today will require that pharmaceutical companies offer senior citizens the same discounts that they offer to their most favored customers. Through this legislation, we take an important step in making costly but vitally important prescription drugs more affordable to the Seniors who need them.•

By Mr. TORRICELLI:

S. 732. A bill to require the Inspector General of the Department of Defense to conduct an audit of purchases of military clothing and related items made during fiscal year 1998 by certain military installations of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

BUY AMERICAN LEGISLATION

• Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that will help ensure that American soldiers are using American made products. "Buy American" laws guarantee that our nation's military has access to a reliable domestic supply of uniforms, coats, and other apparel. This critical national security requirement has allowed U.S. garment manufacturers to consistently provide our armed forces with high-quality, durable clothing products made to exact military specifications.

Last year, I was deeply troubled to learn that an Inspector General audit found that 59 percent of government contracts at 12 military organizations failed to include the appropriate clause to implement Buy America laws. The results of this audit indicates a high likelihood that there have been widespread violations of these laws throughout the military.

In response to these findings, I have introduced legislation directing the Inspector General of the Department of Defense (DoD) to conduct an audit of fiscal year 1998 procurements of military clothing by four installations of the Army, Navy, Air Force, and Marine Corps. These audits will help determine whether contracting officers are complying with the law when they procure military clothing and related items.

Mr. President, the Buy American laws are an invaluable tool for ensuring our military readiness while supporting American jobs. Most of these jobs are created by small U.S. contractors. This legislation will provide an important follow-up audit to determine whether DoD is effectively enforcing the Buy American laws.

Mr. President, I ask at this time that the text of the bill be printed in the RECORD.

The bill follows:

S. 732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUDIT OF PROCUREMENT OF MILITARY CLOTHING AND CLOTHING-RELATED ITEMS BY CERTAIN MILITARY INSTALLATIONS.

(a) AUDIT REQUIREMENT.—The Inspector General of the Department of Defense shall perform an audit of purchases of military clothing and clothing-related items in excess of the micro-purchase threshold that were made during fiscal year 1998 by certain military installations to determine the extent to which such installations procured military clothing and clothing-related items in violation of the Buy American Act (41 U.S.C. 10a et seq.) and section 9005 of Public Law 102–396 (10 U.S.C. 2241 note) during that fiscal year.

(b) INSTALLATIONS TO BE AUDITED.—The audit under subsection (a)—

(1) shall include an audit of the procurement of military clothing and clothing-related items by four military installations of each of the Army, Navy, Air Force, and Marine Corps; and

(2) shall be limited to military installations in the United States or the possessions of the United States.

(c) DEFINITION.—As used in subsection (a), the term "micro-purchase threshold" has the meaning provided by 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)).

(d) REPORT.—Not later than September 30, 2000, the Inspector General of the Department of Defense shall submit to Congress a report on the results of the audit performed under subsection (a).•

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 733. A bill to enact the Passaic River Basin Flood Management Program; to the Committee on Environment and Public Works.

PROTECTION AND IMPROVEMENT OF THE PASSAIC RIVER BASIN

• Mr. TORRICELLI. Mr. President, I rise today, with Senator LAUTENBERG, to introduce a bill to create a comprehensive flood management plan for the Passaic River Basin.

In 1990, Congress, with my support, authorized a plan to create a 21-mile long tunnel, which would have stretched from Wayne to Newark Bay to divert flood water from the Pompton and Passaic Rivers in New Jersey. At the time it was believed that the tunnel was the best method to end recurring floods that caused deaths and property losses for the region's 2.5 million residents.

Flooding has plagued the Passaic River Basin since colonial times. The State of New Jersey attempted to present solutions to the public as early as 1870 with no success. After major floods in 1902 and 1903, a series of engineering studies were completed but never implemented. In 1936, the Corps of Engineers were directed by Congress to solve the flooding problems. Since that time (63 years), several proposals have been presented only to be rejected. Flooding in the Passaic River Basin, in 1993, caused $15 million in damage. The last major flooding, in 1984, killed three people, caused 9,400 evacuations and $425 million in damage.

Ten years ago, I supported the tunnel plan. I believed that it was the best possible answer for the region. I understood the plan for the tunnel to be environmentally and economically sound, and the most protective option for the public's health. It promised to create jobs for the region and solve the persistent flooding within the Passaic River Basin, which encompasses 132 towns in 10 counties.

It has now become clear that this project is no longer viable and does not enjoy the support of the state or most of the surrounding communities. So last year, along with so many other of my fellow New Jerseyans, I came to the realization that the flood tunnel was not the answer for the Passaic. At a cost of $1.8 billion, the plan was too expensive. As a matter of engineering, it was too complex. As a matter of environmental protection, it was too uncertain. More importantly, after countless hearings, counties and municipalities within the Passaic River Basin rejected the current plan.

It will be far less costly and more environmentally sound to control the flooding by shoring up the banks of the Passaic and Ramapo Rivers and purchasing properties in the flood zone so the river's natural wetlands may rebound. We should also fund plans to reduce flooding from combined sewer overflow systems in the state's older, larger cities, which dump raw sewage into waterways during heavy rainfall. Our plan would be more cost effective and more environmentally acceptable than the flood tunnel.

The proposed Passaic River Basin Flood Management Program selects a qualified acquisition and hazard mitigation plan as the preferred alternative for flood control in the Passaic River Basin, superseding the Passaic River flood tunnel.

The plan calls for acquiring freshwater wetlands in the State of New Jersey and lands in the Highlands Province of the States of New Jersey and New York to prevent increased flooding. In key sections of the floodplain of the Central Passaic River Basin structures would be acquired, demolished, removed or floodproofed. The plan also calls for the acquisition of river front land from Little Falls to Newark Bay along the Passaic River Basin. The plan would also authorize assistance in the implementation of remedial actions for the combined sewer overflows in the lower Passaic River Basin from the Great Falls to Newark Bay. Finally, it established an Oversight Committee for the implementation of the Program, and reaffirms authorization for completion of Joseph G. Minish Passaic River Waterfront Park and Historic Area, New Jersey.

The original legislation that created the tunnel, the Water Resources Development Act of 1990, also authorized many other very important projects for the Passaic River Basin region. The Streambank project called for the construction of environmental and other restoration measures, including bulkheads, recreation, greenbelt, and scenic overlook facilities. The Wetlands Bank program developed initiatives to restore, acquire, preserve, study, and enhance wetlands.

I want to make clear that our interest in this legislation is only to replace construction of the tunnel with a more environmentally and economically appropriate plan. I still support, and will continue to support, those sections of the Water Resources Development Act of 1990 that address issues other than the flood tunnel. Programs, such as the Streambank project and the Wetlands Bank, remain important building blocks for creating an effective flood management plan for the Passaic River Basin.•

By Mr. MURKOWSKI (for himself and Mr. REID):

S. 734. A bill entitled the "National Discovery Trails Act of 1999"; to the Committee on Energy and Natural Resources.

NATIONAL DISCOVERY TRAILS ACT OF 1999

• Mr. MURKOWSKI. Mr. President, trails are one of America's most popular recreational resources. Millions of Americans hike, ski, jog, bike, ride horses, drive snow machines and all-terrain vehicles, observe nature, commute, and relax on trails throughout the country. A variety of trails are provided nationwide, including urban bike paths, bridle paths, community green ways, historic trails, motorized trails, and long distance hiking trails.

The American Discovery Trail, or ADT, will be established by this legislation. The ADT is being proposed as a continuous, coast to coast trail to link the nation's principal north-south trails and east-west historic trails with shorter local and regional trails into a nationwide network.

By establishing a system of Discovery Trails, this new category will recognize that using and enjoying trails close to home is equally as important as traversing remote wilderness trails. Long-distance trails are used mostly by people living close to the trail and by week-end'ers. Backpacking excursions are normally a few days to a couple of weeks. For example, of the estimated four million users of the Appalachian Trail each year, only about 100 to 150 walk the entire trail annually. This will be true of the American Discovery Trail as well, especially because of it proximity to urban locations throughout the country.

The ADT, the first of the Discovery Trails, will connect six of the national scenic trails, 10 of the national historic trails, 23 of the national recreational trails and hundreds of other local and regional trails. Until now, the element that has been missing in order to create a national system of "connected" trails is that the existing trails for the most part are not connected.

The ADT is about access. The trail will connect people to large cities, small towns and urban areas and to mountains, forest, desert and natural areas by incorporating local, regional and national trails together.

What makes the ADT so exciting is the way it has already brought people together. More than 100 organizations along the trail's 6,000 miles support the effort. Each state the trail passes through already has a volunteer coordinator who leads an active ADT committee. This strong grassroots effort, along with financial support from Backpacker magazine, Eco USA, The Coleman Company and others have helped take the ADT from dream to reality.

Only one more very important step on the trail needs to be taken. Congress needs to authorize the trail as part of our National Trails System.

The American Discovery Trail begins (or ends) with your two feet in the Pacific Ocean at Point Reyes National Seashore, just north of San Francisco. Next are Berkeley and Sacramento before the climb to the Pacific Crest National Scenic Trail and Lake Tahoe, in the middle of the Sierra Nevada Mountains.

Nevada will offer Historic Virginia City, home of the Comstock Lode, the Pony Express National Historic Trail, Great Basin National Park with Lehman Caves and Wheeler Peak.

Utah will provide National Forests and Parks along with spectacular red rock country, until you get to Colorado and Colorado National Monument and its 20,445 acres of sandstone monoliths and canyons. Then there's Grand Mesa over Scofield Pass, and Crested Butte, in the heart of ski country as you follow the Colorado and Continental Divide Trails into Evergreen.

At Denver the ADT divides and becomes the Northern and Southern Midwest routes. The Northern Midwest Route winds through Nebraska, Iowa, Illinois, Indiana and Ohio. The Southern Midwest Route leaves Colorado and the Air Force Academy and follows the tracks and wagon wheel ruts of thousands of early pioneers through Kansas and Missouri as well as settlements and historic places in Illinois, Indiana, Kentucky until the trail joins the Northern route in Cincinnati.

West Virginia is next, then Maryland to the C&O Canal into Washington D.C. The Trail passes the Mall, the White House, the Capitol, and then heads on to Annapolis. Finally, in Delaware, the ADT reaches its eastern terminus at Cape Henlopen State Park and the Atlantic Ocean.

Between the Pacific and Atlantic Oceans one will experience some of the most spectacular scenery in the world, thousands of historic sites, lakes, rivers and streams of every size. The trail offers an opportunity to discover America from small towns, to rural countryside, to large metropolitan areas.

When the President signs this legislation into law, a twelve year effort will have been achieved—the American Discovery Trail will have become a reality. The more people who use it, the better.●

By Mr. KENNEDY (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. SCHUMER):

S. 735. A bill to protect children from firearms violence; to the Committee on the Judiciary.

CHILDREN'S GUN VIOLENCE PREVENTION ACT OF 1999

Mr. KENNEDY. Mr. President, it is a privilege to join Senator BOXER, Senator DURBIN, and Senator SCHUMER in introducing the Children's Gun Violence Prevention Act of 1999.

The continuing epidemic of gun violence involving children demands action by Congress. The School tragedies in Arkansas, Pennsylvania, Oregon, Kentucky, and Mississippi in the last year are still very much in the nation's mind and on the nation's conscience. We deplore the senseless injury and loss of life, the families torn apart, and the communities in fear.

Sadly and tragically, the horrific shootings of last year do not tell the whole story. The fact is: We are losing 13 children every day in this country to gunshot wounds. Think about that—13 children die every single day because of guns. We must do more—much more—to prevent this senseless loss of children's lives.

We require aspirin bottles to be child-proof. We know how to make handguns child-proof too—and it is long past time we did so.

The legislation we propose today is an important step in meeting our responsibility for the safety of children. We can take common sense, reasonable steps to keep children safer from gun violence by developing and using cutting-edge technology and by educating families and communities about preventing gun violence involving children.

This legislation will help all of us to deal more responsibly with this festering crisis. Under this proposal, gun owners must take responsibility for securing their guns, so that children cannot use them. Gun dealers must be more vigilant in not selling guns and ammunition to children. Child-proof safety locks must be used. Other child safety features for guns must be developed.

America does more today to regulate the safety of toy guns than real guns—and it is a national disgrace. Practical steps can clearly be taken to protect children more effectively from guns, and to achieve greater responsibility by parents, gun manufacturers and gun dealers. This legislation calls for such steps—and it deserves to be enacted this year by this Congress.

I urge the Senate to act quickly on this important legislation, and I look forward to working with my colleagues to bring it to a vote. I ask unanimous consent that a more detailed description of the bill may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE CHILDREN'S GUN VIOLENCE PREVENTION ACT

TITLE I: THE CHILDREN'S FIREARM SAFETY ACT

The bill establishes, after 18 months, new safety standards on the manufacture and importation of handguns, requiring a child-resistant trigger, a child resistant safety lock, a magazine safety, a manual safety, and satisfactory compliance with a drop test.

The bill authorizes the Consumer Product Safety Commission to study, test, and evaluate various technologies and means of making guns more child-resistant, and to report to Congress within 12 months on its findings.

TITLE II: CHILDREN'S FIREARM AGE LIMIT

The bill prohibits the sale of an assault weapon to anyone under the age of 18, and increases the criminal penalties for selling a gun to a juvenile.

TITLE III: RESPONSIBILITIES OF FIREARMS DEALERS

The bill requires the automatic revocation of the license of any dealer found to have willfully sold a gun to a juvenile.

It requires two forms of identification, including one government issued, for purchasers under the age of 24.

It requires gun store owners to implement minimum safety and security standards to prevent the theft of firearms.

TITLE IV: CHILDREN'S FIREARM ACCESS PREVENTION

The bill imposes fines on a gun owner of up to $10,000 if a child gains access to a loaded firearm, and criminal penalties of up to one year in prison if the gun is used in an act of violence.

TITLE V: CHILDREN'S FIREARM INJURY SURVEILLANCE

The bill authorizes $25 million over five years to be used for the creation and implementation of a children's firearm surveillance system by the Injury Prevention Center of the Centers for Disease Control and Prevention.

TITLE VI: CHILDREN'S GUN VIOLENCE PREVENTION EDUCATION

The bill creates an education program with the help of parent-teacher organizations, local law enforcement, and community-based organizations. The program will teach children what to do if they hear that a classmate has brought a gun to school, or if they are faced with a violent situation.

TITLE VII: CHILDREN'S FIREARM TRACKING

The bill expands the Youth Crime Gun Interdiction Initiative and creates a grant program for local law enforcement agencies for the tracing of guns used in juvenile crime.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 737. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to women eligible for medical assistance under the Medicaid program; to the Committee on Finance.

FAMILY PLANNING STATE FLEXIBILITY ACT

Mr. CHAFEE. Mr. President, I am pleased today to join Senator FEINSTEIN in introducing the Family Planning State Flexibility Act, legislation to give states the option to expand their family planning coverage under Medicaid.

Family planning reduces the rate of unintended pregnancies and abortions by providing women with the knowledge and supplies necessary to time their pregnancies to protect their health and the health of their children. The importance of family planning is clear. According to a study recently published in the New England Journal of Medicine women who wait 18 to 23 months after delivery before conceiving their next child lower the risk of adverse perinatal outcomes, including low birth weight, pre-term birth and small size for gestational age. In addition, women who wait less than six months between pregnancies are 40% more likely to have premature newborns and 30% to 40% more likely to have small babies.

In addition to improving health outcomes for childbearing women and their children, family planning is cost effective. Studies have found that for every $1 of public funds invested in family planning, $3 are saved in pregnancy and other related costs. This is particularly important for the Medicaid Program, which currently pays for 38% of all births in this country.

Recognizing that family planning is a vital service to women, a 1972 amendment to the Medicaid statute mandated inclusion of family planning services and supplies to women who are eligible for the program. Each state is free to determine the specific services and supplies provided. It is important to note that abortions are not considered a family planner service. Congress further noted the importance of family planning services by requiring the federal government to reimburse states for 90% of their family planning expenditures.

Eligible women are either those with children who have income below a threshold set by the state or those who are pregnant and have incomes up to 133% of poverty. States currently have the option to raise the income limit for pregnant women to 185% of poverty. Women who qualify for Medicaid due to pregnancy are currently eligible for family planning services for six months after delivery.

Recognizing the importance of family planning beyond the six month post-partum period, many states have applied for waivers to extend their coverage period or to include additional groups of women in the program. Thirteen states are currently operating under family planning waivers. Unfortunately, the waiver process can be extremely cumbersome and time consuming, which may discourage states from applying.

Our bill would allow states to expand their family planning coverage to women who earn up to 185% of poverty without having to spend the time and resources going through the waiver application process. States which are currently operating under waivers allowing for coverage of women who have higher incomes would continue using their current limit.

Family planning reduces unwanted pregnancies and abortions, improves the health of women and their children, reduces welfare dependency and is cost effective. I am very proud of this legislation which would provide these vital services to increased numbers of low-income women. I ask unanimous consent that the legislation and a congressional rationale be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Planning State Flexibility Act of 1999".

SEC. 2. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO WOMEN WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO CERTAIN WOMEN

"SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any woman whose family income does not exceed the greater of—

"(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

"(2) the eligibility income level (expressed as a percent of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2)), as of October 1, 1999, for a woman to be eligible for medical assistance under the State plan.

"(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan.

"(c) MAINTENANCE OF EFFORT.—No payment shall be made under section 1903(a)(5) for medical assistance made available under a State plan amendment under subsection (a) unless the State demonstrates to the satisfaction of the Secretary that, with respect to a fiscal year, the State share of funds expended for such fiscal year for all Federally funded programs under which the State provides or makes available family planning services is not less than the level of the State share expended for such programs during fiscal year 2000.

"(d) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

"(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any woman who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day she becomes so ineligible.

"(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any women who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 1999.

SEC. 3. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking "eligible under the plan, as though" and inserting "eligible under the plan—

"(A) as though";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 1999.

RATIONALE

Congress finds that:

Each year in the United States, 3 million pregnancies, or half of all pregnancies, are unintended;

Contraceptives for both sexes are effective in reducing rates of unintended pregnancy. 85 percent of sexually active women who do not use any form of contraception will become pregnant in any single year, while just 3-6 percent of women taking birth control pills will become pregnant;

Contraceptives also help families to space their births, improving the mothers' health and reducing rates of infant mortality and low birthweight;

By helping to plan pregnancies, contraceptives help parents participate in the workforce and support themselves and their families;

By reducing rates of unintended pregnancy, contraceptives help reduce the need for abortion;

Family planning is cost effective: for every $1 invested in family planning, $3 are saved in pregnancy and other related costs;

Many low-income individuals in need of family planning do not qualify for Medicaid because they fail to meet stringent eligibility requirements;

Medicaid currently pays for 38 percent of all births in this country;

Medicaid provides family planning to many low-income women for only 60 days following a delivery, risking unintended pregnancies that jeopardize the health of women and their children;

In light of the significant health risks to women and children resulting from very short intervals between births, the Institute of Medicine recommends that Medicaid coverage of family planning should be extended to two years following a birth.

Currently, states can only extend Medicaid family planning services to larger populations of low-income individuals by applying to the federal government for a waiver, which can be a cumbersome and time consuming process;

Under current law, states have the option to cover pregnant women up to 185% of the federal poverty level without a waiver, but states must get a waiver to provide family planning services to women with the same income who are trying to prevent pregnancy. Non-pregnant women should be put on parity with pregnant women with regard to coverage of family planning services.

• Mrs. FEINSTEIN. Mr. President, today I am introducing a bill with Senator CHAFEE to enable states to extend family planning services without getting a federal waiver from the U.S. Department of Health and Human Services.

Under our bill, states could do two things they cannot do under current law without the waiver of federal rules:

(1) States could expand by income level coverage for family planning services to "near-poor" women, women whose incomes are slightly above the currently allowed levels; and

(2) States could provide family planning for more than 60 days after a woman delivers a baby.

Our bill will enable states to automatically take these two steps without getting a federal waiver.

Every year in this country, there are 3 million pregnancies, half of which are unintended. To a poor woman, struggling to find a job, keep a job, or provide for the children she already has, an unplanned pregnancy can be devastating. In an effort to reduce unintended pregnancies, Medicaid provides a higher federal matching rate (90 percent, instead of the roughly 50 percent, in federal funds) for family planning services. This bill can further enhance these goals by preventing pregnancies and by helping women plan their pregnancies.

In addition, family planning saves money. Ironically, under current law, the group of women whom this bill covers become eligible for Medicaid once they are pregnant, so Medicaid then pays for their prenatal care, their delivery and 60 days of family planning following delivery. Medicaid pays for 38 percent of all births in the United States. Studies show that for every $1.00 invested in family planning, $3.00 are saved in pregnancy and health-related costs. Recognizing the value of expanding family planning services, 13 states have received waivers to make the expansions and California has applied for one.

It is my hope that the bill we introduce today can improve the health of women and their children by reducing unwanted pregnancies, welfare dependency, the incidence of abortion, the incidence of low-birth weight babies and the incidence of infant mortality. I urge my colleagues to support this legislation.•

By Mr. MURKOWSKI (for himself and Mr. CAMPBELL):

S. 739. A bill to amend the American Indian Trust Fund Management Reform Act to direct the Secretary of the Interior to contract with qualified financial institutions for the investment of certain trust funds, and for other purposes; to the Committee on Indian Affairs.

AMENDMENT TO INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994

Mr. MURKOWSKI. Mr. President, I rise today to introduce an amendment to the Indian Trust Fund Management Reform Act of 1994 to provide Indian Tribal Trust fund beneficiaries the option of having their trust funds managed according to their wishes, which could add measurably to the value of their trust funds. For individual Indian trust fund beneficiaries, the legislation would allow them to earn greater returns through government-regulated trust departments than allowed by current law.

This bill is an outgrowth of a joint hearing held March 3rd of this year by the Senate Committees on Indian Affairs and Energy & Natural Resources to investigate the Department of Interior's efforts to reform the trust management systems for individual Indians and Indian Tribes.

The Secretary of the Interior, on behalf of the U.S. government, acts as the trustee for some 1,500 tribal trust funds for 338 Indian tribes with assets of $2.6 billion. He performs a similar service for 300,000 individual Indian accounts totaling some $500 million. For well over 100 years, these accounts have been in severe disarray, and in my mind, recent reform efforts under the Indian Trust Fund Management Act show few tangible signs of improvement.

Funds are unaccounted for, paperwork is missing, and Indians are uncertain about the accuracy of the amounts reported in their trust accounts. Recent newspaper reports tell of an ongoing inability or unwillingness on the part of the Departments of the Interior and Treasury to comply with requests from the U.S. District Court to produce documents relating to a small number of trust accounts. The Chairman of the Senate Committee on Indian Affairs, Senator BEN NIGHTHORSE CAMPBELL, has shown an unflagging commitment to ensure that the Indian trust fund debacle is cleaned up and put upon a sound footing for the Indian beneficiaries whose only sin has been to trust the word of the Federal Government.

While I look forward to working with Chairman CAMPBELL on his efforts to compel the Department of the Interior to institute the reforms necessary to come to grips with the ongoing problems of the Indian trust fund management, this bill is not designed to tackle that daunting task.

This will would grant Indian Tribes the option of having their funds treated the same way trust beneficiaries' funds are treated by prudent bank trust departments throughout this nation. Presently, federal law prohibits the Office of Trust Management from investing Indian trust funds in anything other than government-guaranteed instruments. This severely limits the rate of return Indians receive, to the point that they receive the lowest rate of return of any trust beneficiaries in the country.

Virtually all other trust funds in the country are managed under the "prudent investor" rule, which, when coupled with government regulation of trust departments, ensures that trust funds are managed conservatively but wisely for the long term best interests of the trust beneficiary.

The express prohibition against investment of Indian trust funds in all but government-guaranteed instruments has a dual effect on America's first—and poorest—residents. First, it restricts the growth of their trust funds. Second, it means that Indian trust funds will not be available for investment in Indian Country.

Under my proposal, the Secretary of the Interior, working with the Comptroller of the Currency, would contract with qualified financial institutions that are regulated by a federal bank regulatory agency for the investment of funds managed for Indian Tribes and individuals. Tribes would still have the option of keeping their money in government-guaranteed low-yield instruments if they so choose.

Those funds invested with government-regulated trust institutions would be managed according to the prudent investor rules governing all other trusts throughout the country. The U.S. government would still act as the guarantor of those funds through its regulatory and enforcement mechanisms. Because stated balances of trust funds may not be accurate due to historical mismanagement, the legislation is intended to ensure that if Indian trust funds are managed by private financial institutions, possible claims against the government for accurate balances are not extinguished.

Moreover, the Secretary would be directed, in the selection of a qualified financial institution, to comply with the Buy-Indian Act (25 U.S.C. 47). This would mean that if qualified Indian-owned financial institutions were properly regulated and certified, investment of Indian trust funds could act as investment capital for expanding economic opportunities in Indian country.

It is my hope that through the successful implementation of this legislation, we will see Indian people finally getting a fair return on their dollars, which might very well be generated from new enterprises via investments of their own monies. The American dream should not be allowed to be continued to be denied to the First Americans.

Mr. President, the Secretary of the Interior, is not an investment banker. There are a variety of things that the federal government does not do well, and the management of trust funds is one of them. We have financial institutions that are regulated and who have the experience of managing large trust funds. We have a large body of law governing the fiduciary responsibility of trustees. It is long past time for the Secretary to focus on the accounting of receipts and let those who know something about investments handle the actual management of these trust funds. The present situation simply perpetuates the cycle of dependence for too many tribes and denies them the same reasonable expectation of return that all non-Indian trust beneficiaries have a right to expect.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 739

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

That the American Indian Trust Fund Management Reform Act (108 Stat. 4239, 25 U.S.C. 4041), as amended, is further amended by adding a new Title V as follows:

TITLE V—INVESTMENT OF FUNDS—TRIBAL OPTIONS

SEC. 501. TRIBAL OPTIONS.

(a) Within one year from the date of enactment of this title, the Secretary, with the advice and assistance of the Comptroller of the Currency, shall contract with qualified financial institutions that are regulated by a federal bank regulatory agency for the investment of all funds presently managed in trust status for Indian tribes and individual Indians by the United States, unless:

(1) the tribe whose money is held in trust requests in writing that the funds continue to be invested by the Department of the Interior, or

(2) contracting of the particular fund would be inconsistent with the United States' trust responsibility or would contravene any provision of law specifically related to that particular fund.

(b) The Secretary shall afford a tribe an opportunity to designate in writing a qualified financial institution to manage its funds. Unless a tribe designates a specific institution, the Secretary shall comply with the provisions of the Buy-Indian Act (25 U.S.C. 47) in the selection of a qualified financial institution pursuant to this title.

(c) Any contract entered into pursuant to this section shall, at a minimum, include provisions acceptable to the Secretary that will:

(1) direct that all funds are invested in a manner consistent with the requirements of the prudent investor rule applicable to the financial institution, the fiduciary responsibility of the institution, and the trust responsibility of the Secretary;

(2) within the requirements of paragraph (1), permit tribes to direct the financial institution regarding the kinds of instruments for investment;

(3) subject to the provisions of paragraphs (1) and (2), encourage the investment of funds in ways that directly benefit the affected tribe and Indian community;

(4) require that the financial institution be liable for any financial losses incurred by the trust beneficiary as a result of its failure to comply with the terms of its contract, the investment instructions provided by the tribe, its general fiduciary obligation, or the prudent investor rule;

(5) insure that the financial institution carry sufficient insurance or other surety satisfactory to the Secretary to compensate the trust beneficiary in connection with any liability and the Secretary in the event of a subrogation under subsection (d);

(6) allow the financial institution to recover its reasonable costs incurred in investing trust funds in investment instruments that are 100% guaranteed by the United States and be compensated for investing trust funds in other investment instruments by charging a commercially reasonable fee, approved by the Secretary, that shall be deducted from the corpus of the trust funds in the same manner as for private investors.

(d) No provision of this title, nor any action taken pursuant thereto, shall in any way diminish the trust responsibility of the United States for any funds presently managed in trust status or to the tribes or individual Indians who are the beneficial owners of such funds. The Secretary shall remain responsible for any losses incurred by a trust beneficiary for which a financial institution is liable under paragraph (c)(4) but shall be entitled to subrogation of any claim to the extent the beneficiary receives compensation from the United States.

(e) Any amounts transferred shall not result in the closure of the account in question and the Secretary shall be obligated to continue efforts to determine whether the account balance is accurate, including efforts to identify and secure documentation supporting such accounting balance.

Mr. CAMPBELL. Mr. President, today I am pleased to join my colleague Senator MURKOWSKI as an original co-sponsor of legislation to amend the American Indian Trust Fund Management Reform Act of 1994. This is the first step in reforming the way Indian trust funds are managed and invested for the benefit of the Indian tribes and their citizens.

On March 3, 1999, the Committee on Indian Affairs and the Committee on Energy and Natural Resources held a joint hearing on trust fund management practices in the Department of the Interior.

We held the hearing because the Secretary of the Interior issued an order in January that I believe undermined the authority of the Special Trustee for American Indians and violated the spirit and letter of the 1994 Act.

Nothing at the hearing changed my mind. As a result, I proposed an amendment to the FY 1999 Supplemental Appropriations bill to suspend the implementation of this order while we sort out the legitimacy and effectiveness of ongoing trust management reforms within the Department. This should be done through legislation and congressional oversight, not secretarial orders drafted with no tribal input.

Today's bill is the next step. It will enable Congress, Indian tribes, and the Administration to begin the difficult task of undoing 100 years of mismanagement and neglect by the United States.

Most Americans are unfamiliar with this issue so let me describe what we are talking about. Beginning in 1849, the federal government, as trustee for the tribes, built a system to identify and track Indian land holdings, land leases, income from those leases, and other Indian assets, and created "trust funds" to be managed for the benefit of their Indian beneficiaries.

Over the years, the United States has failed to keep track of the funds and the documents supporting the funds. In addition, the Department is prevented by law from investing these funds in anything other than U.S.-guaranteed investments which bring returns much lower than what is possible in the open market. For these reasons, the trustee has failed to adequately maintain this system and to maximize returns on investment, with Indians as the predictable losers once again. These facts raise the question of whether the federal government is the appropriate place for these accounts.

The money in these accounts, or that is supposed to be in these trust fund accounts, is Indian money that has been entrusted to the United States. It is not federal money. There are billions of dollars at stake: in 1997, the Department's Tribal Reconciliation Project stated that it was unable to reconcile some $2.4 billion in tribal funds.

For Indians that means they have no access to the money and do not receive the benefit from their own money.

There are at least three major aspects to the problem. First, efforts by the Department to identify and gather all documentation to determine accurate trust fund balances; second, the efforts to put in place new computers and management systems; and third, the need to provide Indian tribes with the flexibility to maximize the return on fund investments in the interim as the first two initiatives continue.

This legislation is aimed at the third of these problems. As the Committees work to fix the mistakes of the past, we can give tribes the flexibility and freedom to invest their money in the financial instruments they choose. This legislation will allow Indian tribes the option to leave their funds with the Department for management and investment or to transfer the funds to qualified financial institutions, including Indian-owned banks, in order to receive competitive returns on investment.

The bill will direct the Secretary of Interior to consult with the nation's top banker, the Comptroller of the Currency, in negotiating contracts with federally-approved financial institutions for the investment of funds now managed by the United States.

Let me be clear: tribes are not required to move their accounts into the private market. It is an option.

This bill does not represent a "surrender" in the efforts to find the missing funds and documents. In fact, just the opposite. Under the bill, the Secretary is obligated to continue to search for documents that will give a more accurate account balance to the tribes.

That brings up another troubling issue—the possibility that some documents will never be found. It is bad enough that some have been permanently lost due to neglect. But a story in today's Washington Times raises the possibility that, even worse, some documents may have been purposely destroyed. The story says that the plaintiffs suing the government over trust funds mismanagement have given the judge affidavits accusing Interior Department officials of destroying trust fund documents to conceal them from the court.

If this is true, it would be the worst violation of the trust responsibility in decades.

I should point out that this bill is the first, not the last, word on our efforts to clean up the trust funds mess and to give Indians the chance to take risks, generate higher rates of returns, and bring economic opportunities where none now exist. Also, this bill is subject to change. I welcome input from Indian Country as we work to perfect it.

As Chairman of the Committee on Indian Affairs, I am committed to working with and assisting the tribes in the many reforms that are necessary to bring increased hope and opportunities to their communities.

I urge my colleagues to join Senator MURKOWSKI and me in bringing real reform and real change to Indian trust funds management. After 150 years, it's about time we think and act boldly to bring this sad chapter in American history to a close.

Mr. President, I ask unanimous consent that a Washington Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 25, 1999]

INTERIOR OFFICIALS ACCUSED OF DESTROYING INDIAN RECORDS

(By Jerry Seper)

Interior Department officials who told a federal judge they could not find records describing the department's oversight of American Indian trust funds have been accused in sworn affidavits of destroying the documents to conceal then from the court.

U.S. District Judge Royce C. Lamberth, who held Interior Secretary Bruce Babbitt in contempt last month for not turning over the records in a lawsuit, ordered hearings on the accusations yesterday after being told Tuesday the documents had been deliberately destroyed.

The suspected destruction was outlined in the affidavits given to the judge during a status hearing in a lawsuit brought by the Native American Rights Fund. The affidavits, brought by some of the many plaintiffs, were later ordered sealed pending yesterday's hearing, although that hearing—held in the judge's chambers—was scheduled to resume today.

The suit by the Rights Fund, which represents several Indian tribes involved in the trust fund, accuses the Interior and Treasury departments of mismanaging trust fund monies.

In November, Judge Lamberth ordered the departments to produce canceled checks and other documents showing the status of the trust fund, which involves more than 300,000 individual accounts and 2,000 tribal accounts. The departments oversee the receipt of money from land settlements, royalties and payments by companies that use Indian land.

The judge sought the records to allow attorneys for the Rights Fund to prepare for trial. The departments have never complied, giving the judge several reasons for the delay—including an Interior claim that some of the records were so tainted by rodent droppings in a New Mexico warehouse that to disturb them would put department officials at a health risk.

Interior officials have been unable to verify how much cash has been collected. An audit by the Arthur Andersen accounting firm said the Bureau of Indian Affairs cannot account for $2.4 billion in trust funds.

During a hearing March 3 before the Senate Indian Affairs Committee and the Senate Energy and Natural Resources Committee, Mr. Babbitt promised to correct the situation. "You'll be the judge. I will do my best," Mr. Babbitt said when asked what he intended to do about mismanagement by the BIA.

Special trustee Paul Homan, assigned to oversee the fund, resigned in January. He said Mr. Babbitt stripped him of the authority he needed to do the job and that he was blocked by Interior officials who sought to undermine congressionally ordered reforms with continual rejections of his requests for money and manpower.

Mr. Homan said the department could "no longer be trusted to keep and produce trust records." He urged the accounts be assigned to an independent agency.

Mr. Babbitt ordered a reorganization and requested more funding for next year. He also said a new accounting system was expected to be in place by the end of the year.

But acting special trustee Thomas Thompson said in a confidential memo last year that he was "grateful" he did not run the program. He outlined many concerns he had about an inability to implement the Trust Fund Management Reform Act of 1994. The act directs the department to oversee the fund and provide the necessary budget to do the job.

Mr. Thompson's memo was written before his appointment as Mr. Homan's successor. He has since told the Indian Affairs Committee that trust funds were being properly administered and that the program was sufficiently funded.

In a letter to Mr. Babbitt last week, Republication Sens. Ben Nighthorse Campbell of Colorado and Sen. Frank H. Murkowski of Alaska, chairman of the Energy and Natural Resources Committee, said they were concerned that Mr. Thompson appeared willing to endorse a process he had criticized.

"Before our committees, you vigorously testified about your commitment to clean up the trust fund fiasco," they wrote to Mr. Babbitt. "We are not encouraged, however, when only hours after the hearing, your hand-picked acting trustee seems to reverse himself on an issue critical to the success of this effort."

They said if the many problems Mr. Thompson's memo described had been corrected, Mr. Babbitt should list the improvements to the committees.

By Mr. CRAIG (for himself, Mr. CRAPO, Mr. BURNS, and Mr. GRAMS): S. 740. A bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes; to the Committee on Energy and Natural Resources.

HYDROELECTRIC LICENSING PROCESS IMPROVEMENT ACT OF 1999

Mr. CRAIG. Mr. President, the bill I introduce is the Hydroelectric Licensing Process Improvement Act of 1999. As its title suggests, the purpose of the bill is to improve the process by which non-federal hydroelectric projects are licensed by the Federal Energy Regulatory Commission.

I introduced a similar bill late in the 105th Congress after hearings on this issue in both the House and Senate. Hydropower represents ten percent of the energy produced in the United States, and approximately 85% of all renewable energy generation. This, Mr. President, is a significant portion of our nation's electricity, produced without air pollution or greenhouse gas emissions, and it is accomplished at relatively low cost.

The Commission for many years since its creation in 1920, controlled our nation's water power potential with uncompromising authority. However, since 1972, a number of environmental statutes, amendments to the Federal Power Act, Commission regulations, licensing and policy decisions, and several critical court decisions, has made the Commission's licensing process extremely costly, time consuming, and, at times, arbitrary. Indeed, the current Commission licensing program is burdened with mixed mandates and redundant bureaucracy and prone to gridlock and litigation.

Under current law, several federal agencies are required to set conditions for licenses without regard to the effects those conditions have on project economics, energy benefits, impacts on greenhouse gas emissions and values protected by other statutes and regulations. Far too often we have agencies fighting agencies and issuing inconsistent demands.

The consequent delays in processing hydropower applications result in significant business costs and lost capacity. For example, according to a September 1997 study of the U.S. Department of Energy, since 1987, of 52 peaking projects relicensed by the Commission, four projects increased capacity, and 48 decreased capacity. In simple terms, those 48 projects became less productive as a result of the relicensing process at the Commission than they were prior to relicensing. Ninety-two percent of the peaking projects since 1987 lost capacity.

In addition, faced with the uncertainties currently plaguing the relicensing process, some existing licensees are contemplating abandonment of their projects. This is of concern to the nation because two-thirds of all non-federal hydropower capacity is up for relicensing in the next fifteen years. By the year 2010, 220 projects will be subject to the relicensing process.

Publicly owned hydropower projects constitute nearly 50% of the total capacity that will be up for renewal. The problems resulting in lost capacity, coupled with the momentous changes occurring in the electricity industry and the increasing need for emissions free sources of power, all underscore the need for Congressional action to reform hydroelectric licensing.

Moreoever, the loss of a hydropower project means more than the loss of clean, efficient, renewable electric power. Hydropower projects provide drinking water, flood control, fish and wildlife habitat, irrigation, transportation, environmental enhancement funding and recreation benefits. Also, due to its unique load-following capability, peaking capacity and voltage stability attributes, hydropower plays a critical role in maintaining our nation's reliable electric service.

My bill, which is currently co-sponsored by fellow Idahoan Senator MIKE CRAPO, and Senators CONRAD BURNS and ROD GRAMS, will remedy the inefficient and complex Commission licensing process by ensuring that federal agencies involved in the process act in a timely and accountable manner.

My bill does not change or modify any existing environmental laws, nor remove regulatory authority from various agencies. It does not call for the repeal of mandatory conditioning authority of appropriate federal agencies. Rather, it requires participating agencies to consider, and be accountable for, the full effects of their actions before imposing mandatory conditions on a Commission issued license.

It is clear to me and many of my colleagues here in the Senate that hydropower is at risk. Clearly, one of the most important tasks for energy policymakers in the 21st Century is to develop an energy strategy that will ensure an adequate supply of reasonably priced, reliable energy to all American consumers in an environmentally responsible manner. The relicensing of non-federal hydropower can and should continue to be an important and viable element in this strategy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydroelectric Licensing Process Improvement Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) hydroelectric power is an irreplaceable source of clean, economic, renewable energy with the unique capability of supporting reliable electric service while maintaining environmental quality;

(2) hydroelectric power is the leading renewable energy resource of the United States;

(3) hydroelectric power projects provide multiple benefits to the United States, including recreation, irrigation, flood control, water supply, and fish and wildlife benefits;

(4) in the next 15 years, the bulk of all non-Federal hydroelectric power capacity in the United States is due to be relicensed by the Federal Energy Regulatory Commission;

(5) the process of licensing hydroelectric projects by the Commission—

(A) does not produce optimal decisions, because the agencies that participate in the process are not required to consider the full effects of their mandatory and recommended conditions on a license;

(B) is inefficient, in part because agencies do not always submit their mandatory and recommended conditions by a time certain;

(C) is burdened by uncoordinated environmental reviews and duplicative permitting authority; and

(D) is burdensome for all participants and too often results in litigation; and

(6) while the alternative licensing procedures available to applicants for hydroelectric project licenses provide important opportunities for the collaborative resolution of many of the issues in hydroelectric project licensing, those procedures are not appropriate in every case and cannot substitute for statutory reforms of the hydroelectric licensing process.

SEC. 3. PURPOSE.

The purpose of this Act is to achieve the objective of relicensing hydroelectric power projects to maintain high environmental standards while preserving low cost power by—

(1) requiring agencies to consider the full effects of their mandatory and recommended conditions on a hydroelectric power license and to document the consideration of a broad range of factors;

(2) requiring the Federal Energy Regulatory Commission to impose deadlines by which Federal agencies must submit proposed mandatory and recommended conditions to a license; and

(3) making other improvements in the licensing process.

SEC. 4. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

(a) IN GENERAL.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

"SEC. 32. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

"(a) DEFINITIONS.—In this section:

"(1) CONDITION.—The term 'condition' means—

"(A) a condition to a license for a project on a Federal reservation determined by a consulting agency for the purpose of the first proviso of section 4(e); and

"(B) a prescription relating to the construction, maintenance, or operation of a fishway determined by a consulting agency for the purpose of the first sentence of section 18.

"(2) CONSULTING AGENCY.—The term 'consulting agency' means—

"(A) in relation to a condition described in paragraph (1)(A), the Federal agency with responsibility for supervising the reservation; and

"(B) in relation to a condition described in paragraph (1)(B), the Secretary of the Interior or the Secretary of Commerce, as appropriate.

"(b) FACTORS TO BE CONSIDERED.—

"(1) IN GENERAL.—In determining a condition, a consulting agency shall take into consideration—

"(A) the impacts of the condition on—

"(i) economic and power values;

"(ii) electric generation capacity and system reliability;

"(iii) air quality (including consideration of the impacts on greenhouse gas emissions); and

"(iv) drinking, flood control, irrigation, navigation, or recreation water supply;

"(B) compatibility with other conditions to be included in the license, including mandatory conditions of other agencies, when available; and

"(C) means to ensure that the condition addresses only direct project environmental impacts, and does so at the lowest project cost.

"(2) DOCUMENTATION.—

"(A) IN GENERAL.—In the course of the consideration of factors under paragraph (1) and before any review under subsection (e), a consulting agency shall create written documentation detailing, among other pertinent matters, all proposals made, comments received, facts considered, and analyses made regarding each of those factors sufficient to demonstrate that each of the factors was given full consideration in determining the condition to be submitted to the Commission.

"(B) SUBMISSION TO THE COMMISSION.—A consulting agency shall include the documentation under subparagraph (A) in its submission of a condition to the Commission.

"(c) SCIENTIFIC REVIEW.—

"(1) IN GENERAL.—Each condition determined by a consulting agency shall be subjected to appropriately substantiated scientific review.

"(2) DATA.—For the purpose of paragraph (1), a condition shall be considered to have been subjected to appropriately substantiated scientific review if the review—

"(A) was based on current empirical data or field-tested data; and

"(B) was subjected to peer review.

"(d) RELATIONSHIP TO IMPACTS ON FEDERAL RESERVATION.—In the case of a condition for the purpose of the first proviso of section

4(e), each condition determined by a consulting agency shall be directly and reasonably related to the impacts of the project within the Federal reservation.

"(e) ADMINISTRATIVE REVIEW.—

"(1) OPPORTUNITY FOR REVIEW.—Before submitting to the Commission a proposed condition, and at least 90 days before a license applicant is required to file a license application with the Commission, a consulting agency shall provide the proposed condition to the license applicant and offer the license applicant an opportunity to obtain expedited review before an administrative law judge or other independent reviewing body of—

"(A) the reasonableness of the proposed condition in light of the effect that implementation of the condition will have on the energy and economic values of a project; and

"(B) compliance by the consulting agency with the requirements of this section, including the requirement to consider the factors described in subsection (b)(1).

"(2) COMPLETION OF REVIEW.—

"(A) IN GENERAL.—A review under paragraph (1) shall be completed not more than 180 days after the license applicant notifies the consulting agency of the request for review.

"(B) FAILURE TO MAKE TIMELY COMPLETION OF REVIEW.—If review of a proposed condition is not completed within the time specified by subparagraph (A), the Commission may treat a condition submitted by the consulting agency as a recommendation is treated under section 10(j).

"(3) REMAND.—If the administrative law judge or reviewing body finds that a proposed condition is unreasonable or that the consulting agency failed to comply with any of the requirements of this section, the administrative law judge or reviewing body shall—

"(A) render a decision that—

"(i) explains the reasons for a finding that the condition is unreasonable and may make recommendations that the administrative law judge or reviewing body may have for the formulation of a condition that would not be found unreasonable; or

"(ii) explains the reasons for a finding that a requirement was not met and may describe any action that the consulting agency should take to meet the requirement; and

"(B) remand the matter to the consulting agency for further action.

"(4) SUBMISSION TO THE COMMISSION.—Following administrative review under this subsection, a consulting agency shall—

"(A) take such action as is necessary to—

"(i) withdraw the condition;

"(ii) formulate a condition that follows the recommendation of the administrative law judge or reviewing body; or

"(iii) otherwise comply with this section; and

"(B) include with its submission to the Commission of a proposed condition—

"(i) the record on administrative review; and

"(ii) documentation of any action taken following administrative review.

"(f) SUBMISSION OF FINAL CONDITION.—

"(1) IN GENERAL.—After an applicant files with the Commission an application for a license, the Commission shall set a date by which a consulting agency shall submit to the Commission a final condition.

"(2) LIMITATION.—Except as provided in paragraph (3), the date for submission of a final condition shall be not later than 1 year after the date on which the Commission gives the consulting agency notice that a license application is ready for environmental review.

"(3) DEFAULT.—If a consulting agency does not submit a final condition to a license by the date set under paragraph (1)—

"(A) the consulting agency shall not thereafter have authority to recommend or establish a condition to the license; and

"(B) the Commission may, but shall not be required to, recommend or establish an appropriate condition to the license that—

"(i) furthers the interest sought to be protected by the provision of law that authorizes the consulting agency to propose or establish a condition to the license; and

"(ii) conforms to the requirements of this Act.

"(4) EXTENSION.—The Commission may make 1 extension, of not more than 30 days, of a deadline set under paragraph (1).

"(g) ANALYSIS BY THE COMMISSION.—

"(1) ECONOMIC ANALYSIS.—The Commission shall conduct an economic analysis of each condition submitted by a consulting agency to determine whether the condition would render the project uneconomic.

"(2) CONSISTENCY WITH THIS SECTION.—In exercising authority under section 10(j)(2), the Commission shall consider whether any recommendation submitted under section 10(j)(1) is consistent with the purposes and requirements of subsections (b) and (c) of this section.

"(h) COMMISSION DETERMINATION ON EFFECT OF CONDITIONS.—When requested by a license applicant in a request for rehearing, the Commission shall make a written determination on whether a condition submitted by a consulting agency—

"(1) is in the public interest, as measured by the impact of the condition on the factors described in subsection (b)(1);

"(2) was subjected to scientific review in accordance with subsection (c);

"(3) relates to direct project impacts within the reservation, in the case of a condition for the first proviso of section 4(e);

"(4) is reasonable;

"(5) is supported by substantial evidence; and

"(6) is consistent with this Act and other terms and conditions to be included in the license.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECTION 4.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(A) in the first proviso of the first sentence by inserting after "conditions" the following: ", determined in accordance with section 32,"; and

(B) in the last sentence, by striking the period and inserting "(including consideration of the impacts on greenhouse gas emissions).".

(2) SECTION 18.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended in the first sentence by striking "prescribed by the Secretary of Commerce" and inserting "prescribed, in accordance with section 32, by the Secretary of the Interior or the Secretary of Commerce, as appropriate".

SEC. 5. COORDINATED ENVIRONMENTAL REVIEW PROCESS.

Part I of the Federal Power Act (16 U.S.C. 791a et seq.) (as amended by section 3) is amended by adding at the end the following:

"SEC. 33. COORDINATED ENVIRONMENTAL REVIEW PROCESS.

"(a) LEAD AGENCY RESPONSIBILITY.—The Commission, as the lead agency for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects licensed under this part, shall conduct a single consolidated environmental review—

"(1) for each such project; or

"(2) if appropriate, for multiple projects located in the same area

"(b) CONSULTING AGENCIES.—In connection with the formulation of a condition in accordance with section 32, a consulting agency shall not perform any environmental review in addition to any environmental review performed by the Commission in connection with the action to which the condition relates.

"(c) DEADLINES.—

"(1) IN GENERAL.—The Commission shall set a deadline for the submission of comments by Federal, State, and local government agencies in connection with the preparation of any environmental impact statement or environmental assessment required for a project.

"(2) CONSIDERATIONS.—In setting a deadline under paragraph (1), the Commission shall take into consideration—

"(A) the need of the license applicant for a prompt and reasonable decision;

"(B) the resources of interested Federal, State, and local government agencies; and

"(C) applicable statutory requirements.".

SEC. 6. STUDY OF SMALL HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a study of the feasibility of establishing a separate licensing procedure for small hydroelectric projects.

(b) DEFINITION OF SMALL HYDROELECTRIC PROJECT.—The Commission may by regulation define the term "small hydroelectric project" for the purpose of subsection (a), except that the term shall include at a minimum a hydroelectric project that has a generating capacity of 5 megawatts or less.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. HATCH, Mr. BREAUX, Mr. JEFFORDS, Mr. KERREY, Mr. ROBB, Mr. MACK, Mr. BOND, Mr. CHAFEE, Mr. THOMPSON, Mr. BINGAMAN and Mr. MURKOWSKI):

S. 741. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

PENSION COVERAGE AND PORTABILITY ACT

• Mr. GRAHAM. Mr. President, I rise today along with Senators GRASSLEY, BAUCUS, HATCH, BREAUX, JEFFORDS, KERREY, MACK, ROBB, MURKOWSKI, CHAFEE, THOMPSON, BOND, and BINGAMAN to introduce the Pension Coverage and Portability Act. I am honored to be here today, in a bipartisan group, and especially with my colleague Senator CHARLES GRASSLEY, who has put a tremendous effort into crafting many parts of this bill. He and I recognize that for our nation to solve what will be one of this generation's greatest challenges, building retirement security for today's workers, we need to move in a common sense, bipartisan fashion.

Many of the original cosponsors of this bill were key in crafting sections of this legislation over the last three years. Senator GRASSLEY's efforts here have expanded fairness for women and families, and focuses on the benefits of retirement education.

Senator BAUCUS has brought the ideas that expand pension coverage and ease the administrative burdens on America's small businesses.

Portability, so important as we become a more mobile society, received the attention of Senator JEFFORDS.

All businesses will have the hard work of Senator HATCH to thank for many of the regulatory relief, and administrative simplification elements of this bill.

Senator BREAUX focused on the "big picture" of retirement security by authoring the ESOP provisions.

And finally, Senators KERREY and ROBB provided valuable new input that helped shape this legislation.

Throughout the process of putting this bill together, our main task has been to listen. We have listened at town hall meetings, at the Retirement Security Summit I held last year in Tampa, and a Women's Summit I held in Orlando last April. I am also planning another Retirement Security Summit in Jacksonville this May to continue the dialogue on this important issue.

The ideas have come from pension actuaries, tax attorneys, Cabinet leaders, and some of the best ideas, from everyday people.

With reason, some of the public debate recently has focused on President Clinton's mantra "Save Social Security First." And we all agree, on both sides of the aisle, that we need to ensure that social security is as viable for my nine grandchildren as it was for my parents and will be for me.

However, social security is only one part of the picture. Pensions and personal savings will make up an ever increasing part of retirement security. So when Congress takes action to ensure the future of social security, we are only addressing one-third of the problem.

Social Security may play less of a role for each generation. We must develop personal savings, and we must have years of work pay off in workers vesting in pensions.

Our bill will help hard working Americans build personal retirement savings through their employers, through 401(k)s, through payroll deduction IRAs, and through higher limits on savings.

Employers and workers both win. Employers get simpler pension systems with less administrative burden, and more loyal employees. And workers build secure retirement and watch savings accumulate over years of work.

We need to be able to offer business owners and their workers: uncumbersome portability, administrative simplicity, and the confidence that their plans are secure and well funded.

To achieve this goal, we focused on six areas: simplification, portability, expanded coverage for small business, pension security and enforcement, women's equity issues, and expanding retirement planning and education opportunities.

The largest section of this legislation deals with expanded coverage for small business. It's the largest section because small businesses have the greatest difficulty achieving retirement security. 51 million American workers have no retirement plan, 21 million of these employees work in small businesses.

The problem: statistics indicate that only a small percentage of workers in firms of less than 100 employees have access to a retirement plan. We take a step forward in eliminating one of the first hurdles that a small business faces when it establishes a pension plan. On one hand, the federal government is encouraging these businesses to start pension plans, and then we turn around and charge the small business, at times, up to one thousand dollars to register their plan with the Internal Revenue Service.

The solution: eliminate this fee for small businesses. We need to encourage small businesses to start plans, not discourage them with high registration fees.

Another problem for small businesses and others is people postponing retirement decisions until a later date. Many young people in their 20's and 30's don't think they need to worry about retirement security "right now," it's a decision that can wait for later.

Our solution to this is to encourage businesses to have "opt out" plans for retirement savings. Instead of the worker having to actively decide to participate and fill out paperwork, he or she is automatically participating unless they actively decide not to.

Another problem this legislation addresses: retirement security for women and families. Historically speaking, women live longer than men, therefore, need greater savings for retirement. Yet our pension and retirement laws do not reflect this. Women are more mobile than men, moving in and out of the workforce due to family responsibilities, thus they have less of a chance to vest. Fewer than 32% of all women retirees receive a pension. Currently two-thirds of working women are employed in sectors of the economy that are unlikely to have a retirement plan: service and retail, and small business.

In an effort to address one of the problems—preparing for a longer life expectancy, we realistically adjust upwards the age in which you must start withdrawing funds.

Under current law, you must start withdrawing money from retirement plans at age seventy-and-a-half. However, a woman at age seventy can still have three decades in retirement. I know, because I represent many of them in Florida. At the Retirement Summit I hosted in Tampa, Florida, several retirees mentioned that they wanted to keep this money in retirement savings for as long as possible. We raise the seventy-and-a-half age to seventy-five for mandatory minimum distributions.

Second, we say that $100,000 of any IRA will be exempt from minimum distribution rules. This accomplishes two important goals: simplifying the bureaucracy for thousands of Americans who have less than this balance, and protecting a vital nest egg for the last years of retirement so that long term care and other expenses can be covered.

Another problem addressed in this section of the legislation is the mobility of our workforce. On average, Americans will have 7 different employers during their career which means they are often not at any job long enough to vest into retirement benefits.

Our legislation offers a solution—shrinking the 5 year vesting cycle to a three year cycle. We believe this is more reflective of job tenure in the 1990's and on into the next century.

As I mentioned earlier, the current U.S. worker will have seven different employers. We have the possibility of a generation of American workers who will retire with many small accounts—creating a complex maze of statements and features, different for each account. This is a problem—pensions should be portable from job to job.

One solution to this problem—allow employees to roll one retirement account into another as they move from job to job so that when they retire, they will have one retirement account. It's easier to monitor, less complicated to keep track of, and builds a more secure retirement for the worker.

Portability is important, but we must also reduce the red tape. The main obstacle that companies face in establishing retirement programs is bureaucratic administrative burden. For example: for small plans, it costs $228 per person per year just to comply with all the forms, tests and regulations.

We have a common sense remedy to one of the most vexing problems in pension administration: figuring out how much money to contribute to the company's plan. It's a complex formula of facts, statistics and assumptions. We want to be able to say to plans that have no problem with underfunding: to help make these calculations, you can use the prior year's data to help make the proper contribution. You don't have to re-sort through the numbers each and every year. If your plan is sound, use reliable data from the previous year, and then verify when all the final details are available. Companies will be able to calculate, and then budget accordingly—and not wait until figures and rates out of their control are released by outside sources.

I have said time and time again today that Americans are not saving, but those who are oftentimes hit limits on the amounts they can save. The problem is that most of these limits were established more than 20 years ago. Currently, for example, in a 401(k) plan the IRS limits the amount an employee can contribute to $10,000 a year.

Our solution is to raise that limit to $12,000, along with raising many other limits that affect savings in order to build a more secure retirement for working Americans.

The building of retirement security will also take some education. One of the major reasons Americans do not prepare for retirement is that they don't understand what benefits are available and what benefits they are acquiring.

Our solution to this dilemma is regular and easy to read benefit statements from employers reminding workers early in their career of the importance of retirement savings. These statements would clarify what benefits workers are accruing. And from this information each American will more easily be able to determine the personal savings they need in order to build a sound retirement.

With the introduction of this legislation today it is my goal to ensure that each American who works hard for thirty or forty years has gotten every opportunity for a secure and comfortable retirement.

I thank my colleagues who have worked so hard with me on this measure, and ask for the support of those in this Chamber on this important legislation.•

Mr. GRASSLEY. Mr. President, I rise to join my colleague, Senator GRAHAM, to introduce bipartisan pension reform legislation. This legislation, the Pension Coverage and Portability Act, will go a long way toward improving the pension system in this country.

Ideally, pension benefits should compromise about a third of a retired worker's income. But pension benefits make up only about one-fifth of the income in elderly households. Obviously, workers are reaching retirement with too little income from an employer pension. Workers who are planning for their retirement will need more pension income to make up for a lower Social Security benefit and to fit with longer life expectancies. While we have seen a small increase in the number of workers who are expected to receive a pension in retirement, only one half of our workforce is covered by a pension plan.

There is a tremendous gap in pension coverage between small employers and large employers. Eighty-five percent of the companies with at least 100 workers offer pension coverage. Companies with less than 100 workers are much less likely to offer pension coverage. Only about 50 percent of the companies with less than 100 workers offer pension coverage. In order to close the gap in coverage between small and large employers, we need to understand the reasons small employers do not offer pension plans. Last year, the Employee Benefit Institute released a Small Employer Retirement Survey which was very instructive for legislators.

The survey identified the three main reasons employers gave for not offering a plan. The first reason is that small employer believe that employees prefer increased wages or other types of benefits. The second reason employers don't offer plans is the administrative cost. And the third most important reason for not offering a plan: uncertain revenue, which makes it difficult to commit to a plan.

Combine these barriers with the responsibilities of a small employer, and we can understand why coverage among small employers has not increased. Small employers who may just be starting out in business are already squeezing every penny. These employers are also people who open up to the business in the morning, talk to customers, do the marketing, pay the bills, and just do not know how they can take on the additional duties, responsibilities, and liabilities of sponsoring a pension plan.

I firmly believe that an increase in the number of people covered by pension plans will occur only when small employers have more substantial incentives to establish pension plans. The Pension Coverage and Portability Act contains provisions which will provide more flexibility for small employees, relief from burdensome rules and regulations, and a tax incentive to start new plans for their employees. One of the new top heavy provisions we have endorsed is an exemption from top heavy rules for employers who adopt the 401(k) safe harbor. This safe harbor takes effect this year. When the Treasury Department wrote the regulations and considered whether safe harbor plans should also have to satisfy the top heavy rules, they answered in the affirmative. As a result, a small employer would have to make a contribution of 7 percent of pay for each employee, a very costly proposition.

My colleagues and I also have included a provision which repeals user fees for new plan sponsors seeking determination letters from IRS. These fees can run from $100 to more than $1,000 depending on the type of plan. Given the need to promote retirement plan formation, we believe this "rob Peter to pay Paul" approach needs to be eliminated.

We have also looked at the lack of success of SIMPLE 401(k) plans. A survey by the Investment Company Institute found that SIMPLE IRAs have proven successful, with almost 340,000 workers participating in a plan. However, SIMPLE 401(k)s haven't enjoyed the same success. One reason may be that the limits on SIMPLE 401(k)s are tighter than for the IRAs. Our bill equalizes the compensation limits for these plans; in addition, we have increased the annual limit on SIMPLE to $8,000.

One of the more revolutionary proposals is the creation of a Salary Reduction SIMPLE with a limit of $4,000. Unlike other SIMPLEs, the employer makes no match or automatic contributions. The employer match is usually a strong incentive for a low-income employee to participate in a savings plan. We hope that small employers will look at this SIMPLE as a transition plan, in place for just a couple of years during the initial stage of business operation—then adopt a more expansive plan when the business is profitable.

A provision that was included in last year's legislation, the negative election trust or "NET" has been modified to address some practical administrative issues. What is the NET? Basically, it is a new type of safe harbor that would allow employers to automatically enroll employees in pension plans. Often, employees do not join the pension plan as soon as they begin employment with a new employer. If employees are left to their own devices, they may delay participating in the pension plan or even worse, never participate. This new safe harbor eases the nondiscrimination rules for employers who establish the NET if they achieve a participation rate of 70 percent.

The other targeted areas in the legislation include enhancing pension coverage for women. Women are more at risk of living in poverty as they age. They need more ways to save because of periodic departures from the workforce. To increase their saving capacity, we have included a proposal similar to legislation I sponsored earlier this year, S. 60, the Enhanced Savings Opportunities Act. Like S. 60, the proposal repeals the 25 percent of salary contribution limit on defined contribution plans. This limit has seriously impeded savings by women, as well as low- and mid-salary employees. Repealing the 25 percent cap in 415(c) is a simplifier, and will allow anyone covered by a defined contribution plan to benefit.

The bill also contains proposals which promote new opportunities to roll over accounts from an old employer to a new employer. The lack of portability among plans is one of the weak links in our current pension system. This new bill contains technical improvements which will help ease the implementation of portability among the different types of defined contribution plans.

Finally, I would like to point out a couple of other provisions in the bill. The first is the new requirement that plan sponsors automatically provide benefit statements to their participants on a periodic basis. For defined contribution plans, the statement would be required annually. For defined benefit plans, a statement would be required every three years. However, employers who provide an annual notice to employees of the availability of a benefit statement would not be required to provide automatic benefit statements to all employees.

Providing clear and understandable benefit statements to pension plan participants would encourage people to think about how much money they can expect to receive in retirement. Further, a benefit statement will help people ensure that the information their employer maintains about them is accurate.

This provision joins other proposals in a section targeted at encouraging retirement education. Education can make a difference to workers. In fact, in companies which provide investment education, we know workers benefitted because many of them changed their investment allocations to more accurately reflect their investment horizons.

The bill also looks to simplify and repeal some of the legal requirements which threaten plan security and increase costs for employers who sponsor pension plans. For example, the legislation seeks to repeal the full-funding limit. This limit prevents employers from pre-funding their defined benefit plans based on projected benefits. Instead, employers are limited to an amount that would allow them to pay the accrued benefits if the plan terminated. This lower funding level threatens the ability of employers to pay benefits, especially as the Baby Boom begins to retire.

To reduce the burdens of plan compliance, the legislation includes a number of proposals intended to peel away at the layers of laws and regulations that add costs to plan administration but don't add many benefits.

This legislation joins other strong proposals now pending in the House and here in the Senate. This legislation includes provisions which reflect some of those same proposals. I want to commend the sponsors of those bills. Our legislation has a lot in common with these other pension bills and we need to push for fast and favorable consideration of this legislation.

We have a window of opportunity to act. The Baby Boomers are coming. The letters from AARP are starting to arrive in their mailboxes. The Social Security Administration is starting to stagger the delivery of benefit checks in preparation for their retirement. It is likely that future retirees will not be able to rely on all of the benefits now provided by Social Security. We can look to the pension system to pick up where Social Security leaves off, but we need to act.

I thank the other co-sponsors of this legislation for all of their work, and I encourage our colleagues to give strong consideration to co-sponsoring this bill. We already have a substantial number of Senate Finance Committee members, including BAUCUS, BREAUX, JEFFORDS, HATCH, KERREY, THOMPSON, MACK, CHAFEE, ROBB, and MURKOWSKI. I am also very pleased to have Senator BOND come aboard as a co-sponsor. As Chairman of the Small Business Committee, he is very aware of the problems we are trying to address in this legislation. We also have added Senator JEFF BINGAMAN as a co-sponsor.

I also want to recognize the groups that have worked with us over the last three years to develop this legislation. These organizations include: the Profit Sharing/401(k) Council, the Association of Private Pension & Welfare Plans, the ERISA Industry Council, and the Retirement Security Network which includes a large number of organizations who have all been important to our work.

With concerted, bipartisan action, we can improve the pension system. Pensions for today's workers will substantially improve the retirement outlook for millions of Americans. But we have some work to do if pensions are going to fulfill their promise.

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 742. A bill to clarify the requirements for the accession to the World Trade Organization of the People's Republic of China; to the Committee on Finance.

LEGISLATION TO CLARIFY THE REQUIREMENTS FOR THE ACCESSION TO THE WORLD TRADE ORGANIZATION OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. GRASSLEY. Mr. President, hearings on agricultural trade issues with the People's Republic of China that I chaired on March 15, 1999 in the International Trade Subcommittee of the Senate Committee on Finance highlighted the enormous significance to the United States of China's possible accession to the World Trade Organization.

As President Gerald Ford stated in a letter that I released during the hearing, "The terms of any deal that we reach now with China about access to its markets may well determine the course of Sino-American economic relations for decades to come. If economic relations are not resolved constructively, there will be adverse developments diplomatically and politically between our two nations."

We have just one opportunity to make sure that any market access agreement that we reach with China in the context of WTO accession talks gives the United States unrestricted entry to China's markets. That opportunity is now. And we can do that only if Congress asserts its constitutional responsibility to regulate foreign commerce and reviews any deal negotiated by the administration before China is admitted to the WTO.

It is for this reason that today I introduce legislation to clarify the requirements for the accession to the World Trade Organization of the People's Republic of China.

This legislation will do three things.

First, it clarifies the requirement in current law that the United States Trade Representative must consult with the Congress prior to casting a vote in favor of China's admission to the WTO. Under current law, the Administration could conceivably "consult" with the Congress minutes before casting a vote in the WTO Ministerial Conference or the WTO General Council to admit China. This bill says that Congress shall have at least 60 days to review all the relevant documents related to China's possible accession before a vote is taken.

Second, this legislation specifies the exact documents that the Administration must give to Congress for its review.

Finally, Congress shall have the opportunity to vote on China's admission to the WTO before China can be admitted.

This is an issue of historic importance, and enormous consequence. But unless the law is changed, I won't even have the chance to vote on whether the agreement negotiated for China's accession is good for Iowa, and good for America. My job in Congress is to make these tough decisions, not avoid them.

Mr. President, I believe that it would be the right thing for China to join the world trade community's official forum, and be subject to the discipline of multilateral trade rules. For fifty years, the WTO, and its predecessor, the General Agreement on Tariffs and Trade, has eliminated literally tens of thousands of tariff and non-tariff trade barriers. The result has been a dramatic increase in our collective prosperity, and a strengthening of world peace.

But China—or any other nation—should not be admitted to the WTO for political reasons. If the terms that we negotiate for China's accession are good terms, then China's accession will stand on its own merits. If the terms are not acceptable, if they don't guarantee unrestricted market access, then China should not be admitted. It's that simple.

I encourage all my colleagues to join me in this effort.

By Mr. HOLLINGS (for himself and Mr. HELMS):

S. 743, a bill to require prior congressional approval before the United States supports the admission of the People's Republic of China into the World Trade Organization, and to provide for the withdrawal of the United

States from the World Trade Organization if China is accepted into the WTO without the support of the United States; to the Committee on Finance.

WORLD TRADE ORGANIZATION LEGISLATION

• Mr. HOLLINGS. Mr. President, for some time, many aspects of the U.S.-China relationship have concerned me. Since China's entrance into the WTO will be the most significant U.S.-China negotiation in the next several years, the contentious U.S.-China issues should be moving toward resolution before the conclusion of any agreement. Unfortunately, that is not currently the case. Most relevant to the WTO process is the exploding US-China trade deficit. In 1998, it reached a record $56.9 billion dollars. In fact, U.S. export to both Singapore ($15.6 billion) and Holland ($19 billion) were greater than exports to China ($14.2 billion). At the beginning of the decade, the deficit was a problematic but manageable $12.5 billion. Conversely, our large trading partners (the Europeans and Japan) have managed to maintain a relative trade balance with there Chinese counterparts. In fact, all of China's trade surplus is accounted for by the enormous imbalance with the United States.

Moreover, the continuing problems with Chinese human rights violations, espionage and possible technology transfers suggest that this is not the appropriate time for China to enter the WTO. Recently, the State Department released its annual human rights report concluding that the situation in China has degraded significantly over the past year. Additionally, we remain troubled by the allegations regarding the possible illegal transfer of technology to China, as well as lingering questions over Chinese espionage and involvement in U.S. elections. Any trade agreement with China would be premature before these issues are resolved.

Although none of these concerns are new, the Administration's efforts to resolve these issues have been unfortunately unsuccessful. Regrettably, in fact, the pace of the China WTO negotiations appears to have increased. As a result, we believe that this legislation is both appropriate and timely. Congress must review any agreement, and all of the surrounding negotiations to ensure that it reflects traditional American values while protecting American interest.•

By Mr. MURKOWSKI:

S. 744. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

UNIVERSITY OF ALASKA LAND GRANT ACT

Mr. MURKOWSKI. Mr. President, the University of Alaska (the University) is Alaska's oldest post-secondary school. The University was chartered prior to statehood and has played a vital role in educating Alaskans as well as students from around the world in the United States' only arctic and subarctic environment. Additionally, the University has served as an important cornerstone in Alaska's history. For example, the University housed the Alaska Constitutional Convention where the fathers of statehood carved out the rights and privileges guaranteed to Alaska's citizens. Further, the University of Alaska is proud of the fact that it began life as the Alaska Agricultural and Mining College. However, Mr. President, what makes the University of Alaska truly unique is the fact that it is the only land grant college in the Nation that is virtually landless.

As my colleagues know, one of the oldest and most respected ways of financing America's educational system has been the land grant system. Established in 1785, this practice gives land to schools and universities for their use in supporting their educational endeavors. In 1862, Congress passed the Morrill Act which created the land grant colleges and universities as a way to underwrite the cost of higher education to more and more Americans. These colleges and universities received land from the federal government for facility location and, more importantly, as a way to provide sustaining revenues to these educational institutions.

The University of Alaska received the smallest amount of land of any state, with the exception of Delaware, that has a land grant college. Even the land grant college in Rhode Island received more land from the federal government than has the University of Alaska. In a state the size of Alaska, we should logically have one of the best and most fully funded land grant colleges in the country. Unfortunately, without the land promised under the land grant allocation system and earlier legislation, the University is unable to share as one of the premier land grant colleges in the country.

Previous efforts in Congress were made to fix this problem. These efforts date back to 1915, less than 50 years after the passage of the Morrill Act, when Alaska's Delegate James Wickersham shepherded a measure through Congress that set aside potentially more than a quarter of a million acres, in the Tanana Valley outside of Fairbanks, for the support of an agricultural college and school of mines. Following the practice established in the lower 48 for other land grant colleges, Wickersham's bill set aside every Section 33 of the unsurveyed Tanana Valley for the Alaska Agricultural College and School of Mines. Alaska's educational future looked very bright.

Many Alaskans saw the opportunity to set up an endowment system similar to that established by the University of Washington in the downtown center of Seattle, where valuable University lands are leased and provide funding for the University of Washington which uses those revenues in turn to provide for its programs and facilities.

Mr. President, before that land could be transferred to the Alaska Agricultural College and School of Mines (renamed the University of Alaska in 1935), the land had to be surveyed in order to establish the exact acreage included in the reserved land. The sections reserved for education could not be transferred to the College until they had been delineated. According to records of the time, it was unlikely, given the incredibly slow speed of surveying, that the land could be completely surveyed before the 21st century. Surveying was and is an extraordinarily slow process in Alaska's remote and unpopulated terrain. In all, only 19 section 33's—approximately 11,211 acres—were ever transferred to the University. Of this amount, 2,250 were used for the original campus and the remainder was left to support educational opportunities.

Recognizing the difficulties of surveying in Alaska, subsequent legislation was passed in 1929 that simply granted land for the benefit of the University. This grant totaled approximately 100,000 acres and to this day comprises the bulk of the University's roughly 112,000 acres of land—less than one third of what it was originally promised. In 1958, the Alaska Statehood Act was passed which extinguished the original land grants for all lands that remained unsurveyed. Thus, the University was left with little land with which to support itself and thus is unable to completely fulfill its mission as a land grant college.

Mr. President, the legislation I am introducing today would redeem the promises made to the University in 1915 and put it on an even footing with the other land grant colleges in the United States. The bill provides the University with the land needed to support itself financially and offers it the chance to grow and continue to act as a responsible steward of the land and educator of our young people. The legislation also provides a concrete timetable under which the University must select its lands and the Secretary of the Interior must act upon those selections.

This legislation also contains significant restrictions on the land the University can select. The University cannot select land located within a Conservation System Unit. The University cannot select old growth timber lands in the Tongass National Forest. Finally, the University cannot select land validly conveyed to the State or an ANCSA corporation, or land used in connection with federal or military institutions.

Additionally, under my bill the University must relinquish extremely valuable inholdings in Alaska once it receives its state/federal selection awarded under Section 2, of this bill. Therefore, the result of this legislation will mean the relinquishment of prime University inholdings in such magnificent areas as the Alaska Peninsula & Maritime National Wildlife Refuge, the Kenai Fjords National Park, Wrangell St. Elias National Park and Preserve, and Denali Park and Preserve. So, Mr. President, not only does this bill uphold a decades old promise to the University of Alaska, it further protects Alaska's parks and refuges.

Specifically, this bill would grant the University 250,000 acres of federal land. Additionally, the University would be eligible to receive an additional 250K acres on a matching basis with the state for a total of 500K additional acres. This, obviously, would be done through the state legislative process involving the Governor, the Legislature, and the University's Board of Regents.

Mr. President, the state matching provision is an important component of this legislation. Most agree with the premise that the University was shorted land. However, some believe it is solely the responsibility of the federal government to compensate the University with land while others believe it is solely the responsibility of the state to grant the University land. The legislation I am introducing today offers a compromise giving both the state and the federal government the opportunity to contribute while at the same time providing the federal government with valuable inholdings in parks and refuges.

Finally, this bill contains a provision that incorporates a concept put forth by the Governor of Alaska. This provision directs the Secretary of the Interior to attempt to conclude an agreement with the University and the Governor of Alaska providing for sharing NPRA leasing revenues in lieu of land selections north of latitude 69 degrees North. The provision restricts any agreement regarding revenue sharing to prevent the University from obtaining more than ten percent of such annual revenues or more than nine million dollars each fiscal year. If an agreement is reached and provides for disposition of some portion of NPRA mineral leasing revenues to the University, the Secretary shall submit the proposed agreement to Congress for ratification. If the Secretary fails to reach an agreement within two years of enactment, or if Congress fails to ratify such agreement within three years from enactment, the University may select up to 92,000 of its 250,000 initial land grant from lands within NPRA north of latitude 69.

Therefore, this bill has been substantially changed from versions introduced in previous Congresses in two dramatic ways. First, in response to concerns from the Administration and environmental organizations the old growth areas of the Tongass National Forest are off limits for selection by the University. The only areas of the Tongass that could be selected by the University are those areas previously harvested. It is important that the University be allowed to select lands in this area as having the ability to study and manage as such areas are important tools for the University's School of Forestry.

The second substantial change to the bill, which was previously noted, is the revenue sharing component. This aspect provides an alternative means of providing for the needs of the University.

With the passage of this bill, the University of Alaska will finally be able to act fully as a land grant college. It will be able to select lands that can provide the University with a stable revenue source as well as provide responsible stewardship for the land.

This is an exciting time for the University of Alaska. The promise that was made more than 80 years ago could be fulfilled by passage of this legislation and Alaskans could look forward to a very bright future for the University of Alaska and those who receive an education there.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. GRAMS, Mr. LEAHY, Mr. GRAHAM, Mr. BURNS, Mr. MCCAIN, Ms. SNOWE, Mr. DEWINE, Mr. JEFFORDS, Mr. GORTON, Mr. CRAIG, Mr. LEVIN, Mr. SCHUMER, Mrs. MURRAY, Mr. MURKOWSKI, Mr. MOYNIHAN, Mr. MACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. SANTORUM, Mr. COCHRAN, AND Mr. INOUYE):

S. 745. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary.

BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise to introduce the Border Improvement and Immigration Act of 1999. I would like to express my thanks to Senators KENNEDY, GRAMS, LEAHY, GRAHAM, BURNS, MCCAIN, SNOWE, DEWINE, JEFFORDS, GORTON, CRAIG, LEVIN, SCHUMER, MURRAY, MURKOWSKI, MOYNIHAN, MACK, SMITH (OR), DORGAN, SANTORUM, COCHRAN, and INOUYE for being original cosponsors of this legislation. The legislation will correct an unfortunate provision—Section 110 of the 1996 Immigration Act. In correcting this provision, this legislation will prevent the Immigration and Naturalization Service from effectively shutting down our borders to trade and tourism. The legislation has wide support and appeal and is endorsed by the U.S. Chamber of Commerce, National Association of Manufacturers, American Trucking Association, American Hotel and Motel Association, Travel Industry Association of America, Border Trade Alliance, American Association of Exporters and Importers, National Automobile Transporters Association, Fresh Produce Association of the Americas, American Association of Port Authorities, International Mass Retail Association, American Immigration Lawyers Association, International Warehouse Logistics Association, National Tour Association, Passenger Vessel Association and the U.S. Hispanic Chamber of Commerce.

As a number of my colleagues are aware, Mr. President, in 1996 both the House and the Senate versions of the omnibus immigration bill contained differing provisions requiring collection of data on those entering and exiting the United States at certain airports. In conference, without any debate, a mandatory entry-exit system to capture the records of "every alien" was added to that legislation.

Representative SMITH and Senator Simpson, chairmen of the respective House and Senate Subcommittees responsible for 1996 legislation, have both agreed in an exchange of letters with the Canadian Ambassador that this provision, "Section 110" of the bill, was not intended to cover, for example, Canadians at the northern border. However, because of the term "every alien," the INS has interpreted the law to require this program be implemented at all land borders, in addition to air and sea ports of entry. To the credit of the INS, it concedes that it cannot implement such a system.

Put simply, Mr. President, Section 110 is a mistake, and we must correct it. Failure to do so will cost American jobs. It will effectively close our borders to honest trade and tourism while harming our efforts to fight drugs, terrorism and illegal aliens. It must be eliminated.

We risk a great deal if we fail to act, Mr. President. Last year alone, exports to Canada generated more that 72,000 jobs in key manufacturing industries and more than $4.68 billion in value added for the state of Michigan alone. Our trade with Canada is the most extensive and profitable in the world. And last year more than 116 million people entered the United States by land from Canada.

The extent of our trade with Canada has caused us to develop an intricate web of interdependence that requires a substantially open border. With "just in time" delivery becoming the norm in our automobile assembly lines and throughout our manufacturing sector, a delivery of parts delayed by as little as 20 minutes can cause expensive assembly line shutdowns which our economy can ill afford.

But delay is exactly what we will see if Section 110 is not eliminated. Dan Stamper, President of the Detroit International Bridge Company, has testified that even a very efficient system, say one taking 30 seconds for each person to be recorded entering or leaving the country, would mean enormous delays. More than 30,000 crossings per day take place at Detroit's Ambassador Bridge. Even if we say that 7,500 Canadians cross each day, that means 2,250 minutes of additional processing time. But there are only 1,440 minutes in a day. Traffic would be backed up literally for miles. Significant problems would be experienced on the Southern border as well.

Assembly lines will shut down. Tourists will stay home. Americans will lose jobs.

And for what? Nothing the American people want. The two pilot programs set up by the INS to test implementation of Section 110, one in Texas and one in upstate New York, were both shut down due to fierce community opposition.

Moreover, time and manpower diverted to Section 110's impossible directive will take away from efforts to deal with other problems facing the INS and the Customs service—problems like drug interdiction, the fight against terrorism, and the fight against illegal immigration. Drugs, terrorism and illegal immigration are real problems requiring a real investment on our part. We can't afford to undermine these programs to pursue a policy we know is nothing more than a mistake.

This legislation would eliminate the mandated automated entry-exit system at land and sea ports of entries and replace it with a feasibility study, required within one year of the passage of the bill, to examine whether any system could ever be developed and at an acceptable cost to American taxpayers, employers, employees, and the nation as a whole.

The bill would also authorize significant additional resources at the Northern and Southern borders to fight drugs and terrorism, and to facilitate the entry of legitimate trade and commerce. The legislation authorizes for fiscal year 2000 and 2001 a net increase of 535 INS inspectors for the Southwest land border and 375 inspectors for the Northern land border, in order to open all primary lanes on the Southwest and Northern borders during peak hours and enhance investigative resources. It would add 100 canine enforcement vehicles to be used by INS for inspection and enforcement at U.S. land borders. And it would provide for a net increase of 40 intelligence analysts and additional resources to be distributed among border patrol sectors that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers to fight against drug smuggling and money-laundering.

For the U.S. Customs Service, the bill would authorize significant additional resources in technology and manpower for peak hours and investigations, including new technology and a net increase of 535 inspectors and 60 special agents for the Southwest border and 375 inspectors for the Northern border. In addition, the bill provides a net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo and reduce commercial waiting times on U.S. land borders. It would also authorize a net increase of 360 special agents, 40 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations. The bill also provides for a net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

Mr. President, this bill passed the U.S. Senate by unanimous consent last year, which helped lead to a significant success—a two and a half year delay in the mandate for implementing this system. The 30 month delay was based on a recognition that this program is unworkable. Unfortunately, it provided only a small reprieve that will expire at the beginning of the next Congress. We must build on our success achieved last year. It is time to act, to protect American jobs, to maintain our law enforcement priorities and to uphold common sense.

I want to thank again the many cosponsors of this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Improvement and Immigration Act of 1999".

SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

"(A) at a land border or seaport of the United States for any alien; or

"(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders and seaports of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 4. ANNUAL REPORTS ON ENTRY-EXIT CONTROL AND USE OF ENTRY-EXIT CONTROL DATA.

(a) ANNUAL REPORTS ON IMPLEMENTATION OF ENTRY-EXIT CONTROL AT AIRPORTS.—Not later than 30 days after the end of each fiscal year until the fiscal year in which Attorney General certifies to Congress that the entry-exit control system required by section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 2 of this Act, has been developed, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that—

(1) provides an accurate assessment of the status of the development of the entry-exit control system;

(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met; and

(3) includes a detailed estimate of the funding, if any, needed for the development of the entry-exit control system.

(b) ANNUAL REPORTS ON VISA OVERSTAYS IDENTIFIED THROUGH THE ENTRY-EXIT CONTROL SYSTEM.—Not later than June 30 of each year, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report that sets forth—

(1) the number of arrival records of aliens and the number of departure records of aliens that were collected during the preceding fiscal year under the entry-exit control system under section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality;

(2) the number of departure records of aliens that were successfully matched to records of such aliens' prior arrival in the United States, with a separate accounting of such numbers by country of nationality and by classification as immigrant or nonimmigrant; and

(3) the number of aliens who arrived as nonimmigrants, or as visitors under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system, or through other means, as of the end of such aliens' authorized period of stay, with an accounting by country of nationality and approximate date of arrival in the United States.

(c) INCORPORATION INTO OTHER DATABASES.—Information regarding aliens who have remained in the United States beyond their authorized period of stay that is identified through the system referred to in subsection (a) shall be integrated into appropriate databases of the Immigration and Naturalization Service and the Department of State, including those used at ports-of-entry and at consular offices.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR BORDER CONTROL AND ENFORCEMENT ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) AUTHORIZATION.—In order to enhance enforcement and inspection resources on the land borders of the United States, enhance investigative resources for anticorruption efforts and efforts against drug smuggling and money-laundering organizations, reduce commercial and passenger traffic waiting times, and open all primary lanes during peak hours at major land border ports of entry on the Southwest and Northern land borders of the United States, in addition to any other amounts appropriated, there are authorized to be appropriated for salaries, expenses, and equipment for the Immigration and Naturalization Service for purposes of carrying out this section—

(1) $119,604,000 for fiscal year 2000;

(2) $123,064,000 for fiscal year 2001; and

(3) such sums as may be necessary in each fiscal year thereafter.

(b) USE OF CERTAIN FISCAL YEAR 2000 FUNDS.—Of the amounts authorized to be appropriated under subsection (a)(1) for fiscal year 2000 for the Immigration and Naturalization Service, $19,090,000 shall be available until expended for acquisition and other expenses associated with implementation and full deployment of narcotics enforcement and other technology along the land borders of the United States, including—

(1) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging to be distributed to border patrol checkpoints and in secondary inspection areas of land border ports-of-entry;

(2) $200,000 for 10 ultrasonic container inspection units to be distributed to border patrol checkpoints and in secondary inspection areas of land border ports-of-entry;

(3) $240,000 for 10 Portable Treasury Enforcement Communications System (TECS) terminals to be distributed to border patrol checkpoints;

(4) $5,000,000 for 20 remote watch surveillance camera systems to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry;

(5) $180,000 for 36 AM radio "Welcome to the United States" stations located at permanent border patrol checkpoints and at secondary inspection areas of land border ports-of-entry;

(6) $875,000 for 36 spotter camera systems located at permanent border patrol checkpoints and at secondary inspection areas of land border ports-of-entry; and

(7) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry.

(c) USE OF CERTAIN FUNDS AFTER FISCAL YEAR 2001.—Of the amounts authorized to be appropriated under paragraphs (2) and (3) of subsection (a) for the Immigration and Naturalization Service for fiscal year 2000 and each fiscal year thereafter, $4,773,000 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (b), based on an estimate of 25 percent of the cost of such equipment.

(d) USE OF FUNDS FOR NEW TECHNOLOGIES.—

(1) IN GENERAL.—The Attorney General may use the amounts authorized to be appropriated for equipment under this section for equipment other than the equipment specified in subsection (b) if such other equipment—

(A)(i) is technologically superior to the equipment specified in subsection (b); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment specified in subsection (b); or

(B) can be obtained at a lower cost than the equipment authorized in subsection (b).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Attorney General may reallocate an amount not to exceed 10 percent of the amount specified in paragraphs (1) through (7) of subsection (b) for any other equipment specified in subsection (b).

(e) PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT.—Of the amounts authorized to be appropriated under paragraphs (1) and (2) of subsection (a) for the Immigration and Naturalization Service for fiscal years 1999 and 2000, $100,514,000 in fiscal year 2000 and $121,555,000 for fiscal year 2001 shall be for—

(1) a net increase of 535 inspectors for the Southwest land border and 375 inspectors for the Northern land border, in order to open all primary lanes on the Southwest and Northern borders during peak hours and enhance investigative resources;

(2) in order to enhance enforcement and reduce waiting times, a net increase of 100 inspectors and canine enforcement officers for border patrol checkpoints and ports-of-entry, as well as 100 canines and 5 canine trainers;

(3) 100 canine enforcement vehicles to be used by the Immigration and Naturalization Service for inspection and enforcement at the land borders of the United States;

(4) a net increase of 40 intelligence analysts and additional resources to be distributed among border patrol sectors that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations;

(5) a net increase of 68 positions and additional resources to the Office of the Inspector General of the Department of Justice to enhance investigative resources for anticorruption efforts; and

(6) the costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR BORDER CONTROL AND ENFORCEMENT ACTIVITIES OF THE UNITED STATES CUSTOMS SERVICE.

(a) AUTHORIZATION.—In order to enhance border investigative resources on the land borders of the United States, enhance investigative resources for anticorruption efforts, intensify efforts against drug smuggling and money-laundering organizations, process cargo, reduce commercial and passenger traffic waiting times, and open all primary lanes during peak hours at certain ports on the Southwest and Northern borders, in addition to any other amount appropriated, there are authorized to be appropriated for salaries, expenses, and equipment for the United States Customs Service for purposes of carrying out this section—

(1) $161,248,584 for fiscal year 2000;

(2) $185,751,328 for fiscal year 2001; and

(3) such sums as may be necessary in each fiscal year thereafter.

(b) USE OF CERTAIN FISCAL YEAR 2000 FUNDS.—Of the amounts authorized to be appropriated under subsection (a)(1) for fiscal year 2000 for the United States Customs Service, $48,404,000 shall be available until expended for acquisition and other expenses associated with implementation and full deployment of narcotics enforcement and cargo processing technology along the land borders of the United States, including—

(1) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS);

(2) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging;

(3) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV);

(4) $7,200,000 for 8 1-MeV pallet x-rays;

(5) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate;

(6) $600,000 for 50 contraband detection kits to be distributed among border ports based on traffic volume and need as identified by the Customs Service;

(7) $500,000 for 25 ultrasonic container inspection units to be distributed among ports receiving liquid-filled cargo and ports with a hazardous material inspection facility, based on need as identified by the Customs Service;

(8) $2,450,000 for 7 automated targeting systems;

(9) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat;

(10) $480,000 for 20 Portable Treasury Enforcement Communications System (TECS)

terminals to be moved among ports as needed;

(11) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured, based on need as identified by the Customs Service;

(12) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports on the Southwest border with the greatest volume of outbound traffic;

(13) $180,000 for 36 AM radio "Welcome to the United States" stations, with one station to be located at each border crossing point on the Southwest border;

(14) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane on the Southwest border;

(15) $950,000 for 38 spotter camera systems to counter the surveillance of Customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring;

(16) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry on the Southwest border;

(17) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing on the Southwest border; and

(18) $400,000 for license plate reader automatic targeting software to be installed at each port on the Southwest border to target inbound vehicles.

(c) USE OF CERTAIN FUNDS AFTER FISCAL YEAR 2000.—Of the amounts authorized to be appropriated under paragraphs (2) and (3) of subsection (a) for the United States Customs Service for fiscal year 2001 and each fiscal year thereafter, $4,840,400 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (b), based on an estimate of 10 percent of the cost of such equipment.

(d) USE OF FUNDS FOR NEW TECHNOLOGIES.—

(1) IN GENERAL.—The Commissioner of Customs may use the amounts authorized to be appropriated for equipment under this section for equipment other than the equipment specified in subsection (b) if such other equipment—

(A)(i) is technologically superior to the equipment specified in subsection (b); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment specified in subsection (b); or

(B) can be obtained at a lower cost than the equipment authorized in paragraphs (1) through (18) of subsection (b).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of the amount specified in paragraphs (1) through (18) of subsection (b) for any other equipment specified in such paragraphs.

(e) PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT.—Of the amounts authorized to be appropriated under paragraphs (1) and (2) of subsection (a) for the United States Customs Service for fiscal years 1999 and 2000, $112,844,584 in fiscal year 2000 and $180,910,928 for fiscal year 2001 shall be for—

(1) a net increase of 535 inspectors and 60 special agents for the Southwest border and 375 inspectors for the Northern border, in order to open all primary lanes on the Southwest and Northern borders during peak hours and enhance investigative resources;

(2) a net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the land borders of the United States;

(3) a net increase of 360 special agents, 40 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations;

(4) a net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts; and

(5) the costs incurred as a result of the increase in personnel hired pursuant to this section.

Mr. McCAIN. Mr. President, I am pleased to be an original co-sponsor of the Border Improvement and Immigration Act of 1999. I co-sponsored identical legislation that passed the Senate during the 105th Congress but did not become law. It is my hope that the Senate will once again move quickly on this legislation so that we may properly address the concerns of the many Americans who would be adversely affected by the ill-timed implementation of the automated entry-exit border control system mandated by immigration legislation passed by the 104th Congress.

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, codified as Public Law 104-208, required that the Attorney General develop within two years an automated entry-exit control system to allow for a better estimate of the number of visa overstayers in the United States. This system would be designed to collect records of arrival and departure for all aliens in the United States, thereby theoretically enabling the Attorney General to identify lawfully admitted non-immigrants who remain in this country beyond an authorized period.

I have long been sympathetic to the concern of border communities and businesses that implementation of Section 110 by the statutory deadline of September 30, 1998, would severely disrupt trade and travel across America's borders. The governors of Arizona, Texas, and New Mexico, the Border Trade Alliance, and numerous businesses operating in the border region have contacted me to express their reservations about the consequences of implementing such a system. Even Section 110's most adamant advocates concede that the Administration has neither budgeted for nor begun to put in place the physical and technological infrastructure required to activate a system capable of monitoring the arrival and departure of every alien entering and departing the United States.

It has been estimated that the amount of information to be recorded in the database of such an automated entry-exit system would be larger than that held by the Library of Congress, the largest physical repository of information in the world. Clearly, it would be disastrous to implement Section 110 before we are capable of making it work.

Given these reservations, I wrote Attorney General Janet Reno on January 14, 1998, to highlight the potentially harmful impact of the statutory deadline for implementation of Section 110 on Arizona's border communities. I also sponsored S. 1360, the Border Improvement and Immigration Act of 1998, to require a feasibility study of Section 110 before it is implemented. Ultimately, the 105th Congress addressed this issue in the Fiscal Year 1999 Omnibus Appropriations bill.

After learning that conferees to the bill were considering delaying implementation of the automated entry-exit system on the southwest border for only one year, while indefinitely delaying or even removing its applicability to the northern border, I initiated a letter with Senator KYL to the House and Senate conferees urging them to delay implementation of the program by 30 months for both borders. Ultimately, the conferees agreed to this 30-month delay. I was gratified that the final version of the FY 1999 Omnibus bill reflected our request not to discriminate against the southwest border by imposing a deadline for installation of an entry-exit system that could not realistically be met.

Like other provisions of the FY 1999 Omnibus Appropriations bill, however, this compromise on Section 110 was a quick fix, not a lasting solution. The language in the bill setting a new deadline for implementation of an automated entry-exit system was designed to prevent the Immigration and Naturalization Service from being in technical violation of the law by failing to carry out the mandate of Section 110 by the 1998 deadline. The extension of that deadline by 30 months provides Congress with the opportunity to more thoughtfully assess the long-term feasibility of an automated entry-exit system for all ports of entry into the United States.

The Border Improvement and Immigration Act of 1999 would indefinitely extend the deadline for implementation of Section 110 and require a detailed feasibility study to determine how and whether the requirement can ultimately be met. The legislation would also authorize substantial new resources for INS and Customs Service border enforcement activities. Specifically, it would authorize the expenditure of $588 million over the next two years to enhance border enforcement against illegal immigration and drug trafficking, as well as investigate corruption and money-laundering along the border; add 1,200 new INS inspectors, canine enforcement officers, intelligence analysts, and investigators to bolster enforcement against illegal aliens and narcotics trafficking; and add 1,700 new Customs inspectors, special agents, intelligence analysts, and canine enforcement officers to man ports of entry and investigate criminal activity along the border.

The legislation would also provide the high-technology tools, including x-ray, ultrasonic, motion-detecting, remote-watch, and particle-detector sensors, that will enable INS and Customs officials to more effectively interdict narcotics and illegal immigrants. Finally, it would enhance investigative resources for border enforcement and anti-corruption efforts, intensify efforts against drug smuggling and money-laundering organizations, allow for more rapid cargo processing, and reduce commercial and passenger traffic waiting times at ports of entry.

As a founding member and Co-Chairman of the Senate Border Caucus, whose priorities include improving border enforcement and facilitating U.S. trade with Mexico, I believe this bill advances our national interest in better controlling our nation's borders without unduly hindering flows of cross-border trade and travel. The Border Improvement and Immigration Act of 1999 deserves this Congress' support.

Mr. GRAMS. Mr. President, I join Senator ABRAHAM, Chairman of the Judiciary Immigration Subcommittee, Mr. President. Minnesota and Michigan are two states which share a common border with Canada, and so I am proud to join my colleague, Senator ABRAHAM as co-sponsor of his bill to ensure Canada will continue to receive current treatment of its traveling citizens by requiring a feasibility study of Section 110 of the IIRIRA bill. There has been great concern, especially in Minnesota as to how the immigration law we passed in 1996 will affect the northern U.S. border. Right now the fear is the law is being misinterpreted by the Immigration and Naturalization Service.

Minnesota has about 817 miles of shared border with Canada and we share many interests with our northern neighbor—tourism, trade and family visits among the most prevalent. In the last few years, passage back and forth over the Minnesota/Canadian border has been more open and free flowing, especially since the North American Free Trade Agreement (NAFTA) went into effect. There were 116 million travelers entering the U.S. from Canada in 1996 over the land border. As our relationship with Canada is increasingly interwoven, we have sought a less restrictive access to each country.

The Immigration Bill of 1996 was intended to focus on illegal aliens entering this country from Mexico and living in the United States illegally. The new law states that "every alien" entering and leaving the United States would have to register at all the borders—land, sea and air. The Immigration and Naturalization Service was tasked with the effort to set up automated pilot sites along the border to discover the most effective way to implement this law, which was to become effective on September 30, 1998.

The INS was quietly going about establishing a pilot site on the New York State border when the reality sunk in. A flood of calls from constituents came into the offices of all of us serving Canadian border states. Canadian citizens and the Canadian government, also, registered opposition to this new restriction. It became quite clear that no one had considered how the new law affected Canada. Current law already waives the document requirement for most Canadian nationals, but still requires certain citizens to register at border crossings. That system has worked. There have been very few problems at the northern border with drug trafficking and illegal aliens.

In an effort to resolve this situation, I joined other Senators in a letter to INS Commissioner Meissner asking for her interpretation of this law. Other bills were introduced addressing this issue in the last Congress and action was taken extending the implementation of this Section until March 30, 2001.

However, today, we must make it very clear that Congress did not intend to impose additional documentary requirements on Canadian nationals; Senator ABRAHAM's bill will restore our intent.

This legislation will not precipitously open the flood gates for illegal aliens to pass through—it will still require those who currently need documentation to continue to produce it and remain registered in a new INS system. This will allow the INS to keep track of that category of non-immigrant entering our country to ensure they leave when their visas expire. Senator ABRAHAM's bill will not unfairly treat our friends on the Canadian side that have been deemed not to need documentation—they will still be able to pass freely back and forth across the border.

But this bill will enable us to avoid the huge traffic jams and confusion which would no doubt occur if every alien was to be registered in and out of the U.S. Such registration would discourage trade and visits to our country. It would delay shipments of important industrial equipment, auto parts, services and other shared ventures that have long thrived along the northern border. It will discourage the economic revival that northern Minnesotans are experiencing, helped by Canadian shoppers and tourists.

Mr. President, I do not believe Congress intended to create this new mandate. We sought to keep illegal aliens and illegal drugs out, not our trading partners and visiting consumers. Through the Abraham bill, we will still do that while keeping the door opened to our neighbors from the north. The bill is good foreign policy, good public policy and good economic policy. We all will benefit while retaining our ability to keep track of non-immigrants who enter our borders.

Mr. President, I thank Senator ABRAHAM for his leadership on this important matter. Many Minnesotans, through letters, calls and personal appeals, have showed their opposition to a potential crisis. This is, also, an unacceptable burden on our Canadian neighbors and those who depend upon their free access that effects the economics of all border states.

By Mr. LEVIN (for himself, Mr. THOMPSON, Mr. VOINOVICH, Mr. ROBB, Mr. ABRAHAM, Mr. ROCKEFELLER, Mr. ROTH, Mr. DASCHLE, Mr. STEVENS, Mr. MOYNIHAN, Mr. COCHRAN, Mr. BREAUX, Mr. FRIST, Mr. ENZI, Mr. GRAMS, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 746. A bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government; to the Committee on Governmental Affairs.

THE REGULATORY IMPROVEMENT ACT

Mr. LEVIN. Mr. President, today I am introducing, along with Senator THOMPSON, the Regulatory Improvement Act of 1999. This is the same legislation we developed in the last Congress, and it includes the changes we agreed to last year with the Administration. This is the legislation the President has agreed to sign if we present it to him in this form. And I am hopeful we can get it to him this year and get these important processes enacted into law. Senator THOMPSON and I are pleased to be joined in this effort by Senators VOINOVICH, ROBB, ABRAHAM, ROCKEFELLER, ROTH, DASCHLE, STEVENS, MOYNIHAN, COCHRAN, BREAUX, FRIST, ENZI, GRAMS, GRASSLEY, and LINCOLN.

The Regulatory Improvement Act would put into law basic requirements for cost-benefit analysis and risk assessment of major rules and executive oversight of the rulemaking process.

Mr. President, I've fought for regulatory reform since 1979, the year I came to the Senate. As for an overall regulatory reform bill, I've supported such legislation since 1980, when the Senate first passed S. 1080, the Laxalt Leahy bill only to have it die later that year in the House. Those of us who believe in the benefits of regulation to protect health and safety have a particular responsibility to make sure that regulations are sensible and cost-effective. When they aren't, the regulatory process—which is so vital to our health and well being—comes under constant attack and the regulations which we count on to protect us fail to achieve the maximum effectiveness.

We miss the opportunity to do more with the resources we have. By requiring a regulatory process that is open and requires agencies to use good science and common sense, we immunize that process from attack and improve the quality of our regulations.

Based on the principles of better cost-benefit analysis and risk assessment, more flexibility for the regulated industries to reach legislative goals in a variety of ways, more cooperative efforts between government and industry and less "us versus them" attitudes, Senator THOMPSON and I, in cooperation with the Administration, have developed this bill.

Let me highlight some important features of this legislation.

The bill would put into statute requirements for cost-benefit analysis and risk assessment of major rules and executive oversight of the rulemaking process. It requires agencies to do a cost-benefit analysis when issuing rules that cost $100 million, or are otherwise designated by the Administrator of the Office of Information and Regulatory Affairs (OIRA) as having other significant impacts. The agency must determine whether the benefits of the rule justify its costs; whether the rule is more cost-effective, or provides greater net benefits, than other regulatory options considered by the agency; and whether the rule adopts a flexible regulatory option. If the agency determines that the rule does not do so, the agency is required to explain the reasons why it selected the rule, including any statutory provision that required the agency to select the rule.

We say right from the beginning, in the section on findings, that cost-benefit analysis and risk assessment are useful tools to help agencies issue reasonable regulations. However, as we explicitly state, they do not replace the need for good judgment and the agencies' consideration of social values in deciding when and how to regulate.

The bill requires an agency issuing a major rule to evaluate the benefits and costs of a "reasonable number of reasonable alternatives reflecting the range of regulatory options that would achieve the objective of the statute as addressed by the rulemaking." The bill doesn't require an agency to look at all the possible alternatives, just a reasonable number; but it does require the agency to pick a selection of options that are available to it within the range of the rulemaking objective.

We define benefits very broadly. Nothing in this bill suggests that the only benefits assessed by an agency should be quantifiable. On the contrary, this bill explicitly recognizes that many important benefits may be nonquantifiable, and that agencies have the right and authority to fully consider such benefits when doing the cost-benefit analysis and when determining whether the benefits justify the costs.

If the rule involves a risk to health, safety or the environment, the bill requires the agency to do a quality risk assessment to analyze the benefits of the rule. All required risk assessments and cost-benefit analyses for rules costing $500 million would undergo independent peer review. During the cost-benefit analysis and risk assessment, the rulemaking agency is required to consider substitution risks—that is, risks that could be expected to result from the implementation of the regulatory option selected by the agency—and to compare the risk being regulated with other risks with which the public may be familiar.

The risk assessment requirement establishes basic elements for performing risk assessments, many of which will provide transparency for an agency's development of a rule, and it requires guidelines for such assessments to be issued by OIRA in consultation with the Office of Science and Technology Policy.

Peer review is required by this bill for both cost-benefit analyses and risk assessments, but only once per rule. Peer review is not required at both the proposed and final rule stages.

The cost-benefit analysis, cost-benefit determinations, and risk assessment are required to be included in the rulemaking record and to be considered by the court, to the extent relevant, only in determining whether the final rule is arbitrary and capricious. In addition, if the agency fails to perform the cost-benefit analysis, risk assessment or peer review, the court may remand or invalidate the rule, giving due regard to prejudicial error, and in any event shall order the agency to perform the missing assessment or analysis.

The bill codifies the review procedure now conducted by the Office of Information and Regulatory Affairs (OIRA) and requires public disclosure of OIRA's review process.

Finally, the bill requires the Director of OMB to contract for a study on the comparison of risks to human health, safety and the environment and a study to develop a common basis for risk communication with respect to carcinogens and noncarcinogens and the incorporation of risk assessments into cost-benefit analyses.

Mr. President, the cost-benefit analyses and risk assessments required by the bill are intended to be transparent to the public. Agencies should not hide the important information that forms the basis of their regulatory actions.

Another important provision of this bill is the one that requires the agency to make a reasonable determination whether the benefits of the rule justify the costs and whether the regulatory option selected by the agency is substantially likely to achieve the objective of the rulemaking in a more cost effective manner or with greater net benefits than the other regulatory options considered by the agency. This is not in any way a decisional criteria that the agency must meet. If, as the agency is free to do, it chooses a regulatory option where the benefits do not justify the costs or that is not more cost effective or does not provide greater net benefits than the other options, the agency is required to explain why it did what it did and list the factors that caused it to do so. Those factors could be a statute, a policy judgment, uncertainties in the data and the like. There is no added judicial scrutiny of a rule provided for or intended by this section. The final rule must still stand or fall based on whether the court finds that the rule is arbitrary or capricious in light of the whole rulemaking record. That is the current standard of judicial review.

The bill says that if an agency "cannot" make the determinations required by the bill, it has to say why it can't. Use of the word "cannot" does not mean that an agency rule can be overturned by a court for its failure to pick an option that would permit the agency to make the determinations required by the bill. The agency is free to use its discretion to regulate under the substantive statute, and there is no implication that such rule must meet the standards described in the determinations subsection. This legislation requires only that the agency be up front with the public as to just how cost-beneficial and cost-effective its regulatory proposal is.

Judicial review has been of great concern to those of us who want real regulatory reform without bottling up important regulations in the courts. There is no judicial review permitted of the cost-benefit analysis or risk assessment required by this bill outside of judicial review of the final rule. The analysis and assessment are included in the rulemaking record, but there is no judicial review of the content of those items or the procedural steps followed or not followed by the agency in the development the analysis or assessment. Only the total failure to actually do the cost-benefit analysis or risk assessment would allow the court to remand the rule to the agency.

Finally, as I noted, the bill reflects agreement with the Administration. Among the key aspects of that agreement are added clarification on the avoidance of a so-called "supermandate;" clarification of the provisions for peer review; and deletion of provisions that would have required periodic reviews of existing rules.

So those are some highlights. A hearing on the bill in the Governmental Affairs Committee is planned for April.

We are pleased that we have the support of the state and local government organizations, namely the National Governor's Association, the National League of Cities, the Council of State Governments, the National Conference of State Legislatures, the U.S. Conference of Mayors, and the National Association of Counties, as well as dozens of business organizations, the school boards, state environmental directors, and leading experts and scholars across the country.

I feel strongly that this bill will improve the regulatory process, will build confidence in the regulatory programs that are so important to this society's well-being, and will result in better, more protective regulations because we will be directing our resources in more cost-effective ways.

I thank Senator THOMPSON and his staff, Paul Noe, for their persistent and hard work in keeping this effort going.

I ask unanimous consent that the July 15, 1998, letter to me from Jacob Lew, Director of OMB, be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 15, 1998.

Hon. CARL LEVIN,
Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: Thank you for your letter of July 1, 1998, in which you respond to the views on S. 981 that we expressed in former OMB Director Frank Raines' letter of March 6, 1998.

President Clinton has been a strong supporter of responsible regulatory reform. In addition to signing into a law a number of important pieces of reform legislation, he and Vice President Gore are taking a wide range of administrative steps to improve the regulatory process. For example, under the guidance of Executive Order 12866, agencies are developing flexible performance standards and using market incentives whenever possible; are applying benefit-cost analysis to achieve objectives in the most cost-effective manner; and are reaching out to the affected parties, particularly our State and local partners, to understand better the intended and unintended consequences of a proposed regulatory action. Under the leadership of the Vice President's National Partnership for Reinventing Government, agencies are improving delivery of services, reducing red tape, and reforming practices to focus on customer service. The Administration's goal in these actions is to streamline and reduce the burden of government on its citizens, improve services, and restore the basic trust of public in its government.

The debate on comprehensive regulatory reform legislation is one that has sparked great passion and has provoked, as you aptly note in your letter, "distrust and friction among the interested parties." We heartily agree with you that, to say the least, "[t]he path to this point has not been easy." In part, this has been the result of earlier versions of this legislation proposed by others that sought not to improve the nation's regulatory system, but to burden and undermine it. In a variety of ways these bills would have created obstacles and hurdles to the government's ability to function effectively and to protect the health, safety, and environment of its citizens. In particular, these bills would have created a supermandate, undoing the many protections for our citizens that are carefully crafted into specific statutes. In addition, strict judicial review and complex analytic, risk assessment, peer review, and lookback provisions would have hampered rather than helped the government's ability to make reasonable decisions and would have opened the door to new rounds of endless litigation.

We appreciate your thoughtful efforts over the past year to respond to issues that we and others have raised. In your latest letter you continue to take seriously our concerns. Indeed, the changes you indicate that you are willing to make would resolve our concerns, and if the bill emerges from the Senate and House as you now propose, with no changes, the President would find it acceptable and sign it.

I should note, however, that our experience with past efforts to resolve these differences suggests that good ideas and the resolution of differences can be destroyed during the long process at getting a bill to the President's desk, and the nuances and balance that we have all sought in this legislation could be easily disrupted. Many of the terms used carry great meaning, and further modification is likely to renew the concerns that have animated our past opposition to bills of this type. Accordingly, we look forward to working with you to ensure that any bill the Congress passes on this subject is fully consistent with the one on which we have reached agreement.

Sincerely,

JACOB J. LEW,
Acting Director.

Mr. THOMPSON. Mr President, I am pleased to join Senator LEVIN and a bipartisan group of our colleagues in introducing legislation to promote smarter regulation by the federal government. The Regulatory Improvement Act is an effort by many of us who want to improve the quality of government to find a common solution. I am pleased that we are introducing this bill with Senators VOINOVICH, ROBB ABRAHAM, ROCKEFELLER, ROTH, DASCHLE, STEVENS, MOYNIHAN, COCHRAN, BREAUX, FRIST, LINCOLN, ENZI, GRAMS, and GRASSLEY. The supporters of this bill represent a real diversity of political viewpoints, but we share the same goals. We want an effective government that protects public health, well-being and the environment. We want our government to achieve those goals in the most sensible and efficient way possible. We want to do the best we can with what we've got, and to do more good at less cost if possible. The Regulatory Improvement Act will help us do that.

The Regulatory Improvement Act is based on a simple premise: people have a right to know how and why government agencies make their most important and expensive regulatory decisions. This legislation also will improve the quality of government decision making—which will lead to a more effective Federal government. And it will make government more accountable to the people it serves.

The Regulatory Improvement Act will require the Federal government to make better use of modern decision-making tools (such as risk assessment and benefit-cost analysis), which are currently under-used. Right now, these tools are simply options—options that aren't used as much or as well as they should be. Under this legislation, agencies will carefully consider and disclose the benefits and costs of different regulatory alternatives and seek out the smartest, most flexible solutions. This legislation also will help the Federal government set smarter priorities—to better focus money and other resources on the most serious problems.

This legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or how it doesn't. And by providing people with information the government uses to make decisions, it gives people a real opportunity to influence those decisions. The bill empowers people and their State and local officials to provide input into the Federal rulemaking system. It will make the Federal government more mindful of how unfunded mandates can burden communities and interfere with local priorities. That is why our governors, mayors, state legislators, and county officials support the Regulatory Improvement Act.

We have worked hard to build a solid foundation for smarter regulatory decisionmaking. Last March, the Governmental Affairs Committee favorably reported the Regulatory Improvement Act, then S. 981, by a 10–5 vote. At the time of the markup, the Administration sent a letter to me and Senator LEVIN expressing a number of concerns with the bill. We worked to resolve those concerns, which largely involved adding clarifying language to the bill. In addition, some sections of the bill were modified, and a couple were dropped. On July 15, Jack Lew, the Director of OMB, sent us a letter on behalf of the Administration. The letter states that the President supports the legislation. I am pleased that the White House recognizes the importance of the legislation to deliver the effective and efficient regulatory system that the American people expect and deserve.

This legislation will add transparency to the current rulemaking process, raise the quality of regulatory analyses so smarter decisions can be made, and help expedite important safeguards—to reduce risks and save lives. It will help us get more of the good things sensible regulation can deliver. That's why the Regulatory Improvement Act has broad bipartisan support and is endorsed by state and local officials, government reformers and scholars, small business owners, farmers, corporate leaders, and school board members. I look forward to working with my colleagues to pass this much-needed legislation.

Mr. President, I ask unanimous consent that letters of support from the National Governors' Association, the

National League of Cities, the Council of State Governments, the National Conference of State Legislatures, the U.S. Conference of Mayors, and the National Association of Counties be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
March 24, 1999.

Hon. FRED D. THOMPSON,
U.S. Senate, Washington, DC.
Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATORS THOMPSON AND LEVIN: The nation's Governors support the "Regulatory Improvement Act of 1999." The proposed legislation would greatly assist the state and local governments in assessing the costs and benefits of major regulations. This bill would lead to improved quality of federal regulatory programs and rules, increase federal government accountability, and encourage open communication among federal agencies, state and local governments, the public, and Congress regarding federal regulatory priorities.

We applaud your efforts to encourage greater accountability with regard to the burden of costly federal regulations on state and local governments. The changes proposed would, we believe, benefit all of our taxpayers and constituents. We look forward to working with you in securing enactment of this legislation.

Sincerely,

GOVERNOR THOMAS R. CARPER.
GOVERNOR MICHAEL O. LEAVITT

NATIONAL LEAGUE OF CITIES,
March 24, 1999.

Hon. FRED THOMPSON,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: The National League of Cities (NLC) applauds your efforts in introducing the Regulatory Improvement Act. NLC represents 135,000 mayors and council members from municipalities across the country. Over 75 percent of our members are from small cities and towns with populations of less than 50,000. Costly regulations without and science or significant benefits to health and safety are detrimental and burdensome to cities and towns.

Local governments could reap substantial benefits from the improvements in the regulatory process that are included in this legislation. These improvements would help municipal officials avert preemptive and costly regulations that are placed on local governments and gain a more powerful voice in the regulatory rulemaking process. The National League of Cities strongly supports enforceable cost-benefit analysis and relative risk assessment for actions by federal agencies that significantly impact state and local governments.

The Regulatory Improvement Act would also clarify the intent of the 1995 Unfunded Mandates Reform Act (UMRA) by requiring agencies to develop an effective process for local input into the development of regulatory proposals and prevent regulatory proposals that contain significant unfunded federal mandates. This type of partnership could save cities millions of dollars in burdensome regulation and assist the federal government in gaining community buy-in when regulation is necessary.

The Regulatory Improvement Act will provide a means for testing costs of future regulation on local governments with oversight by the Office of Information and Regulatory Affairs. While the 1995 Unfunded Mandates Reform Act makes great strides towards helping local governments prevent costly regulations, now is the time to clarify the law to provide for cost-benefit analysis and risk assessment. If your staff has any questions, please have them contact Kristin Cormier, NLC Legislative Counsel.

Sincerely,

CLARENCE E. ANTHONY,
President, Mayor, South Bay, FL.

THE COUNCIL OF STATE GOVERNMENTS,
WASHINGTON OFFICE,
March 25, 1999.

Hon. FRED THOMPSON,
U.S. Senate, Washington, DC.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATORS: The Council of State Governments (CSG) supports your introduction of the Regulatory Improvement Act. This bill would codify requirements that would compel the federal government to consider the impact and costs of new and current regulations on state and territorial governments, as well as gain the input of local, state, and tribal governments in the regulatory process. CSG represents a national constituency composed of state and territorial elected officials from all three branches of government. Costly regulations without sound science or significant benefits to health and safety are detrimental and burdensome to the jurisdictions administered by our members.

State governments could reap substantial benefits through improvements in the regulatory process included in this legislation. These improvements would help state officials avert preemptive and costly regulations that are placed on state governments and gain a more powerful voice in the federal regulatory rulemaking process. The Council of State Governments strongly supports enforceable cost-benefit analysis and relative risk assessments for every action by any and every federal agency that significantly impacts state and local governments.

The Regulatory Improvement Act could clarify the intent of the 1995 Unfunded Mandates Reform Act (UMRA). By expanding on UMRA language to require federal agencies to develop an effective process to permit meaningful and timely input from elected state, local and tribal government into the development of federal regulatory proposals containing significant intergovernmental mandates, state governments will be enabled to make the case that certain costs currently being arbitrarily imposed upon them are truly unnecessary and overly burdensome. This type of partnership between the federal and state governments will benefit both parties by saving the states millions of dollars, while simultaneously ensuring community "buy-in" when federal regulations are necessary.

The Regulatory Improvement Act will provide a means for testing costs of future regulation on state governments with oversight by the Office of Information and Regulatory Affairs. While the 1995 Unfunded Mandates Reform Act makes great strides towards helping local governments prevent costly regulations, now is the time to clarify the law to account for cost benefit analysis and risk assessment.

Sincerely,

GOVERNOR TOMMY G. THOMPSON,
State of Wisconsin, President, CSG.
SENATOR KENNETH D. MCCLINTOCK,
Chairman, CSG.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
March 25, 1999.

Hon. FRED THOMPSON,
Chairman.
Hon. CARL LEVIN,
Washington, DC.

DEAR CHAIRMAN THOMPSON AND SENATOR LEVIN: I am writing to offer the strong support of the National Conference of State Legislatures for legislation you will soon introduce that will require cost-benefit analyses and risk assessments for federal regulations that impact state and local governments. This legislation builds on executive order 12866 by codifying many of its provisions. The analyses and assessments included in your legislation are essential for ensuring that government resources are utilized to produce maximum benefits for consumers and those who are regulated.

We are pleased that your legislation will institute an early consultation process with state and local government officials and their representatives on proposed regulations that may have significant intergovernmental mandates. We are also reassured that you will include independent agencies in the regulatory consultation and cost-benefits analysis/risk assessment processes. This will widen the potential benefit of your legislation and give state and local governments a consultation opportunity that we have not had under other laws and regulatory processes.

Enactment of both the Regulatory Improvement Act as well as Regulatory Right to Know Act will bolster federalism. Both are a part of a larger federalism agenda that the National Conference of State Legislatures and our state and local government assessment partners are supporting this year.

I appreciate the leadership you are providing by introducing the Regulatory Improvement Act and look forward to working with you to ensure its enactment during the 106th Congress. NCSL will certainly work to build cosponsorship and support for this legislation so that it can be enacted expeditiously.

Sincerely,

WILLIAM T. POUND, *Executive Director.*

THE U.S. CONFERENCE OF MAYORS,
March 25, 1999.

Hon. FRED THOMPSON,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: On behalf of The U.S. Conference of Mayors, I am writing to express our strong support for the Regulatory Improvement Act (RIA). If enacted, we believe this legislation will greatly improve the way federal agencies develop rules and regulations affecting state and local governments. We are once again delighted that you and Senator Carl Levin will cosponsor this legislation, which enjoys broad bipartisan support.

Since the passage of the Unfunded Mandates Reform Act (UMRA) of 1995, members of Congress have become more sensitive to the cost and the impact of new unfunded mandates on state and local governments. Unfortunately, UMRA has had very little effect on the federal regulatory process. We believe this will change once the Levin-Thompson bill is approved. Each federal agency will be required to conduct a risk assessment and cost-benefit analysis on all major rules. If they do not, federal courts will have authority to remand or invalidate such rules.

In closing, I want to thank you and Senator Levin for cosponsoring this important legislation. By requiring federal agencies to be more sensitive to the cost and benefit of new rules, we believe the number of costly mandates imposed on state and local governments will be reduced in the future. Be assured that the nation's mayors stand ready to work with you in any way we can to ensure the passage of this legislation. Feel free to contact Larry Jones of the Conference staff if you have any questions.

Sincerely,

DEEDEE CORRADINI,
Mayor of Salt Lake City.

SUPPORTING THE REGULATORY IMPROVEMENT ACT

Whereas, in February 1998, the General Accounting Office released a report that concludes that the Unfunded Mandates Reform Act of 1995, which in part was enacted to limit the ability of federal agencies to impose new costly unfunded mandates on state and local governments, has had only limited impact on federal agencies' rulemaking actions; and

Whereas, state and local leaders are concerned that federal agencies are continuing to impose new costly rules on state and local governments with very little accountability; and

Whereas, in response to the GAO report, Senators Fred Thompson and Carl Levin introduced the Regulatory Improvement Act, a proposal that would require federal agencies to conduct cost-benefit analysis, risk assessment and peer review before issuing any new major rule (costing over $100 million annually or deemed by the Office of Management and Budget to have a significant impact on the economy); and

Whereas, under the proposed legislation federal agencies that issue new rules before conducting the required cost-benefit analysis, risk assessment and peer review would be subjected to judicial review and courts would be required to invalidate such rules; and

Whereas, the bill would require each federal agency to develop an effective process to allow elected representatives of state and local governments to provide meaningful and timely input into the regulatory process consistent with UMRA; now therefore be it

Resolved, That the U.S. Conference of Mayors urges all members of the U.S. Senate to vote in favor of the Regulatory Improvement Act; and be it

Further Resolved that The U.S. Conference of Mayors urges that similar legislation be introduced in the U.S. House of Representatives and urges all members to vote in favor of such legislation.

NACO,
March 24, 1999.

Hon. FRED THOMPSON,
Chair, Senate Committee on Governmental Affairs, Washington, DC.

DEAR SENATOR THOMPSON: On behalf of the National Association of Counties (NACo) I am pleased to express our support for your legislation, The Regulatory Improvement Act. NACo applauds your efforts on behalf of the counties throughout the nation that have for decades faced an ever-increasing number of unfunded regulatory mandates from federal departments and agencies.

NACo supports legislation that would require federal departments and agencies to conduct a cost benefit analysis to determine that the benefits to be derived from issuing a new regulation outweight the costs to state and local government.

Sincerely,

BETTY LOU WARD,
President, NACo.
Commissioner, Wake County, NC.

• Mr. VOINOVICH. Mr. President, I am pleased to join my colleagues as an original co-sponsor of the Regulatory Improvement Act. I commend Senators THOMPSON and LEVIN for their bipartisan work to pass legislation to enable federal regulators to do a better job of protecting public health, safety and the environment. This is the same bill that the Administration, state and local governments and the business community supported last year.

I am a public servant who cares deeply about the needs of our environment and the health and well-being of our citizens. I sponsored legislation to create the Ohio Environmental Agency when I served in the state legislature, and I fought to end oil and gas drilling in the Lake Erie Bed. As Governor, I increased funding for environmental protection by over 60 percent.

However, over the years, I also have become increasingly concerned about the unnecessary and burdensome costs that are imposed on our citizens and state and local governments through federal laws and regulations.

Efforts to address these cost burdens began back in 1994 when I worked with Senators ROTH, GLENN and KEMPTHORNE and the state-local government coalition to draft an unfunded mandates reform bill. We succeeded in passing the Unfunded Mandates Reform Act (UMRA) in the 104th Congress.

Following this success, I worked closely with the state-local government coalition on our next priority—passage of effective safe drinking water reforms—which was enacted with broad bipartisan support in 1996.

These efforts are notable because they represent common-sense reforms that make government more accountable based on public awareness of risks, costs and benefits. These statutes set key precedents for the reforms that are envisioned in the regulatory Improvement Act. In many respects, this bill builds on these achievements. Senator THOMPSON has said that this bill represents phase 2 of UMRA and I strongly agree.

I specifically mention the drinking water program today because of its close similarity to the Regulatory Improvement Act. In both, agencies are required to conduct an analysis of incremental costs and benefits of alternative standards, while providing those agencies with flexibility in making final regulatory decisions.

If we agree that these analytical tools are good enough for the water that we drink, they certainly must be good enough for other regulations.

However, both UMRA and the drinking water amendments have had limited applications. The Regulatory Improvement Act is needed to provide across-the-board cost-benefit analysis and risk assessment procedures at all federal agencies. This bill will result in greater protection of public health and the environment while alleviating cost burdens on state and local governments and the private sector.

GAO reported last year that UMRA has had little effect on the way federal agencies make rulemaking decisions. The report specifically points out that the Regulatory Improvement Act would improve the quality of regulatory analysis. I think it is time that we make federal agencies—not just Congress—accountable for the decisions they make.

While many federal regulations have been well intended, not all have achieved their purpose and many have unnecessarily passed significant burdens onto our citizens and state and local governments.

It is crucial that federal, state and local governments work in partnership to determine how we can best allocate resources for protection of health and the environment. As a nation, we spend vast sums on regulations. A report commissioned by the U.S. Small Business Administration estimates that regulations will cost the economy about $709 billion 1999—more than $7,000 for the average American household.

Unfortunately, this burden on consumers and American businesses has not always resulted in maximum health or environmental protection. At times, it has diverted scarce resources that could be used for other priorities such as education, crime prevention and more effective protection of health and the environment.

The challenge facing public officials today is determining how best to protect the health of our citizens and our environment with limited resources. We need to do a much better job ensuring that regulations' costs bear a reasonable relationship with their benefits, and we need to do a better job of setting priorities and spending our resources wisely.

I believe that the Regulatory Improvement Act will help achieve these goals. First, I believe this bill will increase the public's knowledge of how and why agencies make major rules. In essence, this bill asks regulatory agencies to answer several simple, but vital questions: What is the nature of the risk being considered? What are the benefits of the proposed regulation? How much will it cost? And, are there better, less burdensome ways to achieve the same goals?

I am particularly pleased that the bill provides opportunities for state and local government officials to consult with agencies as rules are being developed so that regulators are more sensitive to state and local needs and the burden of unfunded mandates. This only makes sense since states and local governments often have the responsibility of implementing and enforcing these regulations.

Second, requiring federal agencies to conduct cost-benefit analyses, publish those results, disclose any estimates of risks and explain whether any of these factors were considered in finalizing rules will increase government accountability to the people it serves.

And finally, this bill will improve the quality of government decision-making by allowing the government to set priorities and focus on the worst risks first. Careful thought, reasonable assumptions, peer review and sound science will help target problems and find better solutions.

This bill does not mandate outcomes, but it does impose common-sense discipline and accountability in the rulemaking process. I think it is time to move forward with this bipartisan measure.●

By Mrs. HUTCHISON:

S. 747. A bill to amend title 49, United States Code, to promote rail competition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SURFACE TRANSPORTATION BOARD REAUTHORIZATION AND RAIL SERVICE IMPROVEMENT ACT

Mrs. HUTCHISON. Mr. President, I rise to introduce the Surface Transportation Board Reauthorization and Improvement Act of 1999.

My highest priority as chairman of the Surface Transportation Subcommittee of the Commerce Committee this year is to pass a re-authorization bill—one that provides some ability for shippers to obtain improved service and rates, while maintaining the ability of railroads to make a return and, indeed, grow.

The bill I am introducing seeks to improve competition and the procedures at the Board that shippers and carriers rely upon to adjudicate their rate disputes. At the same time, it recognizes the need for the railroad industry to maintain sound financial footing, capable of maintaining the railroad infrastructure.

Last year, at the behest of Chairman McCain and me, the Board initiated a hearing process on competition issues and developed an extensive record on these issues. Specifically, the Board held two days of hearings and received testimony from 60 witnesses. It heard shipper complaints of inadequate service, higher rates, and concentration in the railroad industry. The Board also listened to carriers who stressed that, especially in a growing economy, capacity and infrastructure investment is the key to meeting their customers' needs.

In addition, the Board held a hearing in December at my request on the proposals offered by Houston shippers, the Greater Houston Partnership and the Railroad Commission of Texas.

As a result of these hearings, the Board has done what is within its authority to help shippers obtain some relief. It undertook two important rulemakings. One provides for alternative rail availability during a service failure. The other streamlines rail rate cases by dispensing with consideration of "product and geographic competition" in determining market dominance for rate cases.

I commend the Board for making these rules, and —frankly—for going no further. It's refreshing to find a regulatory body that does not attempt to develop a new policy in the absence of Congressional guidance.

This bill picks up where the Board's actions left off. First, it codifies the Board's decision to streamline the market dominance test and the procedure for providing alternative rail availability during a service failure. Second, it begins the process of reforming the procedure that small shippers use for rate cases. A recent GAO report highlights the cost, in time and money, of the current process.

This bill also sets into motion changes in the Board's revenue adequacy finding, making it a more helpful and real-world standard. It balances the bottleneck issue, enhances the Board's emergency powers and establishes an arbitration system that could lead to better shipper-carrier dialogue. Finally, it clarifies, in a balanced way and without dictating specific outcomes, that competition remains part of the rail merger and national rail policy of this country.

It is clear that Congress has a job to do in re-authorizing the Surface Transportation Board and addressing some of the difficult issues associated with it. This bill is a first step. I want to strongly convey that I do not see it as a final product. While I view it as fair to all parties, I am ready to consider changes to improve the bill and ensure its enactment. To that end, I encourage my colleagues to work with me toward the common purpose of reauthorizing the Board and making some common sense improvements.

I ask unanimous consent to have the bill printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Board Reauthorization and Improvement Act of 1999".

SEC. 2. PROMOTION OF COMPETITION WITHIN THE RAIL INDUSTRY.

Section 10101 of title 49, United States Code, is amended by—

(1) redesignating paragraphs (1) through (7) as paragraphs (2) through (8);

(2) inserting before paragraph (2), as redesignated, the following:

"(1) to encourage and promote effective competition within the rail industry;";

(3) striking "revenues," in paragraph (4), as redesignated, and inserting "revenues to ensure appropriate rail infrastructure;";

(4) redesignating paragraphs (8) through (15) as paragraphs (10) through (17); and

(5) inserting before paragraph (10), as redesignated, the following:

"(9) to discourage artificial barriers to interchange and car supply which can impede competition between shortline, regional, and Class I carriers and block effective rail service to shippers;".

SEC. 3 EXTENSION OF TIME LIMIT ON EMERGENCY SERVICE ORDERS.

Section 11123 of title 49, United States Code, is amended by—

(1) striking "30" in subsection (a) and inserting "60";

(2) striking "30" in subsection (c)(1) and inserting "60"; and

(3) adding at the end of subsection (c) the following:

"(4) The Board may provide up to 2 extensions, totalling not more than 180 days, of the 240-day period under paragraph (1).".

SEC. 4. PROCEDURAL RELIEF FOR SMALL RATE CASES.

(a) Discovery Limited.—Section 10701(d) of title 49, United States Code, is amended by—

(1) inserting "(A)" in paragraph (3) before "The Board"; and

(2) adding at the end thereof the following:

("(B) Unless the Board finds that there is a compelling need to permit discovery in a particular proceeding, discovery shall not be permitted in a proceeding handled under the guidelines established under subparagraph (A).".

(b) Administrative Relief.—Not later than 180 days after the date of enactment of this Act, the Surface Transportation Board shall—

(1) review the rules and procedures applicable to rate complaints and other complaints filed with the Board by small shippers;

(2) identify any such rules or procedures that are unduly burdensome to small shippers; and

(3) take such action, including rulemaking, as is appropriate to reduce or eliminate the aspects of the rules and procedures that the Board determines under paragraph (2) to be unduly burdensome to small shippers.

(c) Legislative Relief.—The Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives if the Board determines that additional changes in the rules and procedures described in subsection (b) are appropriate and require commensurate changes in statutory law. In making that notification, the Board shall make recommendations concerning those changes.

SEC. 5. CODIFICATION OF MARKET DOMINANCE RELIEF.

Setion 10707(d)(1)(A) of title 49, United States Code, is amended by adding at the end thereof the following: "In making a determination under this section, the Board may not consider evidence of product or geographic competition.".

SEC. 6. RAIL REVENUE ADEQUACY DETERMINATIONS.

(a) Section 10101(3) of title 49, United States Code, is amended by striking "revenues, as determined by the Board;" and inserting "revenues;".

(b) Section 10701(d)(2) of title 49, United States Code, is amended by striking "revenues, as established by the Board under section 10704(a)(2) of this title." and inserting "revenues.".

(c) Section 10701(d) of title 49, United States Code, is amended by adding at the end thereof the following:

"(4) To facilitate the process by which the Board gives due consideration to the policy that rail carriers shall earn adequate revenues, the Board shall convene a 3-member panel of outside experts to make recommendations as to an appropriate methodology by which the adequacy of a carrier's revenues should be considered. The panel shall issue a report containing its recommendations within 270 days after the date of enactment of the Surface Transportation Board Amendments of 1999.".

SEC. 7. BOTTLENECK RATES.

(a) THROUGH ROUTES.—Section 10703 of title 49, United States Code, is amended—

(1) inserting "(a) IN GENERAL.—" before "Rail carriers"; and

(2) adding at the end thereof the following:

"(b) CONNECTING CARRIERS.—When a shipper and rail carrier enter into a contract under section 10709 for transportation that would require a through route with a connecting carrier and there is no reasonable alternative route that could be constructed without participation of that connecting carrier, the connecting carrier shall, upon request, establish a through route and a rate that can be used in conjunction with transportation provided pursuant to the contract, unless the connecting carrier shows that—

"(1) the interchange requested is not operationally feasible; or

"(2) the through route would significantly impair the connecting carrier's ability to serve its other traffic. The connecting carrier shall establish a rate and through route within 21 days unless the Board has made a determination that the connecting carrier is likely to prevail in its claim under paragraph (1) or (2).".

(b) BOARD'S AUTHORITY TO PRESCRIBE DIVISION OF JOINT RATES.—Section 10705(b) of title 49, United States Code, is amended by striking "The Board shall" and inserting "Except as provided in section 10703(b), the Board shall".

(c) COMPLAINTS.—Section 11701 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Where transportation over a portion of a through route is governed by a contract under section 10709, a rate complaint must be limited to the rates that apply to the portion of the through route not governed by such a contract.".

SEC. 8. SIMPLIFIED DISPUTE RESOLUTION.

Within 180 days after the date of enactment of this Act, the Surface Transportation Board shall promulgate regulations adopting a simplified dispute resolution mechanism with the following features:

(1) IN GENERAL.—The simplified dispute resolution mechanism will utilize expedited arbitration with a minimum of discovery and may be used to decide disputes between parties involving any matter subject to the jurisdiction of the Board, other than rate reasonableness cases that would be decided under constrained market pricing principles.

(2) APPLICABLE STANDARDS.—Arbitrators will apply existing legal standards.

(3) MANDATORY IF REQUESTED.—Use of the simplified dispute resolution mechanism is required whenever at least one party to the dispute requests.

(4) 90-DAY TURNAROUND.—Arbitrators will issue their decisions within 90 days after being appointed.

(5) PAYMENT OF COSTS.—Each party will pay its own costs, and the costs of the arbitrator and other administrative costs of arbitration will be shared equally between and among the parties.

(6) DECISIONS PRIVATE; NOT PRECEDENTIAL.—Except as otherwise provided by the Board, decisions will remain private and will not constitute binding precedent.

(7) DECISIONS BINDING AND ENFORCEABLE.—Except as otherwise provided in paragraph (8), decisions will be binding and enforceable by the Board.

(8) RIGHT TO APPEAL.—Any party will have an unqualified right to appeal any decision to the Board, in which case the Board will decide the matter de novo. In making its decision, the Board may consider the decision of the arbitrator and any evidence and other material developed during the arbitration.

(9) MUTUAL MODIFICATION.—Any procedure or regulation adopted by the Board with respect to the simplified dispute resolution may be modified or eliminated by mutual agreement of all parties to the dispute.

SEC. 9. PROMOTION OF COMPETITIVE RAIL SERVICE OPTIONS.

Section 11324 of title 49, United States Code, is amended—

(1) by striking "and" in paragraph (4) of subsection (b);

(2) by striking "system." in paragraph (5) of subsection (b) and inserting "system; and";

(3) by adding at the end of subsection (b) the following:

"(6) means and methods to encourage and expand competition between and among rail carriers in the affected region or the national rail system."; and

(4) by inserting after the second sentence in subsection (c) the following: "The Board may impose conditions to encourage and expand competition between and among rail carriers in the affected region or the national rail system, if such conditions do not cause substantial harm to the benefits of the transaction to the affected carriers or the public.".

SEC. 10. CLARIFICATION OF STB AUTHORITY TO GRANT TEMPORARY ACCESS RELIEF.

(a) Section 10705 of title 49, United States Code, is amended by adding at the end thereof the following:

"(d) The Board may grant temporary relief under this section when the Board finds it necessary and appropriate to do so to remedy inadequate service. The authority provided in this section is in addition to the authority of the Board to provide temporary relief under sections 11102 and 11123 of this title.".

(b) Section 11102 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) The Board may grant temporary relief under subsections (a) and (c) when the Board finds it necessary and appropriate to do so to remedy inadequate service. The authority provided in this section is in addition to the authority of the Board to provide temporary relief under sections 10705 and 11123 of this title.".

(c) Section 11123 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) The authority provided in this section is in addition to the authority of the Board to provide temporary relief under sections 10705 and 11102 of this title.".

SEC. 11. HOUSEHOLD GOODS COLLECTIVE ACTIVITIES.

Section 13703(d) of title 49, United States Code, is amended by inserting "(other than an agreement affecting only the transportation of household goods, as defined on December 31, 1995)" after "agreement" in the first sentence.

SEC. 12. AUTHORIZATION LEVELS.

There are authorized to be appropriated to the Surface Transportation Board $16,000,000 for fiscal year 1999, $17,000,000 for fiscal year 2000, $17,555,000 for fiscal year 2001, and $18,129,000 for fiscal year 2002.

SEC. 13. CHAIRMAN DESIGNATED WITH SENATE CONFIRMATION.

Section 701(c)(1) of title 49, United States Code, is amended by striking "President" and inserting "President, by and with the advice and consent of the Senate,".

By Mr. MURKOWSKI:

S. 748. A bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

NATIVE HIRE AND CONTRACTING LEGISLATION

Mr. MURKOWSKI. Mr. President, this legislation requires the Secretary of the Interior to issue a report to the Congress that details the specific steps the Department of the Interior will take to contract activities and programs of the Department to Alaska Natives.

Legislation already exists for contracting with and hiring Alaska Natives. Sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and section 638 of the Indian Self-Determination and Education Assistance Act are clear on these matters. The problem is that the laws have been largely ignored.

Outside of a few studies that were contracted to Native Associations during the past two years, the record of the Department in contracting and local hiring is abysmal.

I have been told by representatives of this Administration that there are obstacles in both contracting with and hiring local Natives. When pressed, the obstacles are not well explained, if at all.

Mr. President, if there are valid obstacles, we should know specifically what they are so that Congress can address them. If there are not obstacles, then the Administration should begin to implement the law. My legislation requires a complete explanation of the "Obstacles" and a plan for implementing the law in accordance with the Alaska National Interest Lands Conversation Act and the Indian Self-Determination and Education Assistance Act.

In addition to the report required by this legislation, the Secretary is also directed to initiate a pilot program to contract various National Park Service functions, operations and programs in northwest Alaska to local Native entities.

Mr. President, the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the other agencies within the Department have an opportunity to hire and contract with local Alaska Natives who were born, raised and live near and in our parks, refuges and public lands in Alaska. These individuals are more familiar with the area than persons hired from outside Alaska. They know the history, they know the hazards, they know about living and working in arctic conditions. Given the levels of unemployment in the area, it makes absolutely no sense not to hire these individuals.

I do not understand why any of one of these agencies or bureaus keep filing positions with persons from the lower 48—individuals who have little experience in Alaska—when they have a qualified individuals in the immediate area.

If we can just get the Federal agencies in the State of Alaska to read sections 1307 and 1308 of ANILCA and section 638 of ISEAA it would be a major step in the right direction. If Alaska Natives are given the opportunity to contract with and be employed by the Federal agencies in my State, everyone wins, no one loses, and the American public will be better served.●

By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. DODD, Mr. JEFFORDS, and Mr. KERRY:)

S. 749. A bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today Senators STEVENS, DODD, JEFFORDS, KERRY and I are introducing legislation to create an Early Learning Trust Fund. With this legislation, we intend to improve the availability and quality of early learning programs so that all children can begin school ready to learn.

This is a truly bipartisan bill, and it is a privilege to be working closely with Senators of both parties on this issue that is so critical to the nation's future—the education of our children. Senator STEVENS' knowledge of childhood development and brain research is outstanding, and his commitment to this issue is impressive. He understands the impact that early education can have on a child's development. Senator KERRY shares this interest as well. His work on the importance of brain development during the early childhood years has helped educate the Senate on this issue. Senator JEFFORDS' long standing interest in education and school readiness is exemplary. I have great respect for his leadership as Chairman of the Health, Education, Labor, and Pensions Committee on education and many other issues to improve the well-being of children. Senator DODD's leadership on the Subcommittee for Children and Families has been outstanding. He has always been a champion for children's issues and we are proud to have him as a cosponsor of this legislation.

Over 23 million children under 6 live in the United States, and all of these children deserve the opportunity to start school ready to learn. In order for them to do so, we must make significant investments in children, long before they ever walk through the schoolhouse door.

Recent brain research documents the importance of the first few years of life for child development. During this time, children develop essential learning and social skills that they will need and use throughout their lives.

For children to reach their full potential, they must begin school ready to learn. Ten years ago, the nation's governors developed a set of educational goals to improve the quality of education in the United States. The number one goal was that by the year 2000, all children should enter school "ready to learn." While it is no longer possible to meet this objective by the year 2000, we must do all we can. We cannot afford to let another decade pass without investing more effectively in children's educational development.

Quality early education programs help children in a number of ways, and have a particularly strong impact on low-income children, who are at the greatest risk of school failure. Children who attend high quality preschool classes have stronger language, math, and social skills than children who attended classes of inferior quality.

These early skills translate into greater school readiness. First graders who begin school with strong language and learning skills are more motivated to learn to read well, and they benefit more from classroom instruction. Quality early education programs also have important long range consequences, and are closely associated with increased academic achievement, higher adult earnings, and far less involvement with the criminal justice system.

Research consistently demonstrates that early education programs improve school readiness. But too many children have no access to these programs. Sixty-one percent of children age 3–5 whose parents earn $50,000 or more a year are enrolled in pre-kindergarten classes. But, only 36% of children in the same age group in families earning less than $15,000 are enrolled in such classes. Clearly, many children are not receiving the educational boost they need to begin school "ready to read, ready to learn, and ready to succeed."

Our bill provides 10 billion dollars over five years to states to strengthen and expand early education programs for children under 6. By increasing the number of children who have early learning opportunities, we will ensure that many more children begin school ready to learn.

The "Early Learning Trust Fund" will provide each state with funds to strengthen and improve early education. Governors will receive the grants, and communities, along with parents, will decide how these funds can best be used. The aid will be distributed based on a formula which takes into account the total number of young children in each state, and the Department of Health and Human Services will allocate funds to the states. To assist in this process, governors will appoint a state council of representatives from the office of the governor, relevant state agencies, Head Start, parental organizations, and resource and referral agencies—all experts in the field of early education. The state councils will be responsible for setting priorities, approving and implementing state plans to improve early education.

States will have the flexibility to invest in an array of strategies that give young children the building blocks to become good readers and good students. States may use their funds to support a wide range of activities including: (1) strengthening pre-kindergarten services and helping communities obtain the resources necessary to offer children a good start; (2) helping communities make the best use of early learning programs to ensure that their resources are used most effectively; (3) ensuring that special needs children have access to the early learning services they need to reach their full potential; (4) strengthening Early Head Start to meet the learning needs of very young children; and (5) expanding Head Start to include full-day, year-round services to help children of working parents begin school ready to learn. The specific strategy that states decide to adopt is not the central issue—improving school readiness is the central issue. And this bill will give states the flexibility and funding they need to achieve this goal.

Children and families across the country will benefit from the Early Learning Trust Fund. Massachusetts has more than 480,000 children under the age of 6, and a significant number will be helped by this legislation. Far too many children are currently on waiting lists today for assistance like this. We cannot tell these children, "Wait until you grow up to receive the education you deserve."

Those on the front lines trying to meet these needs in their communities will receive reinforcements. For example, in Massachusetts, the Community Partnerships for Children provide full-day early care and education to 15,300 three- and four-year-olds from low-income families. The Early Learning Trust Fund will expand and strengthen exemplary initiatives such as this.

Investment in early education is strongly supported by organizations across the country, including the Children's Defense Fund, the National Governors' Association, Fight Crime: Invest in Kids, the National Association of Child Care Resource and Referral Services, the National Association for State Legislatures, and the National Association for the Education of Young Children. These organizations agree that investments in children in the early years not only make sense, but make an enormous difference.

Our nation's greatest resource is its children. We must do all we can to ensure that they reach their full potential. Improving school readiness is an essential first step. I urge my colleagues to support this important initiative. I look forward to its enactment, and I ask unanimous consent that the text of the bill may be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Learning Trust Fund Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) brain development research shows that the first 3 years of a child's life are critical to a child's brain development and the child's future success;

(2) high quality early learning programs can increase the literacy rate, the high school graduation rate, the employment rate, and the college enrollment rate for prekindergarten children who participate in the programs;

(3) high quality early learning programs can decrease the incidence of teenage pregnancy, welfare dependency, arrest, and juvenile delinquency for children who participate in these programs;

(4) high quality early learning programs can provide a strong base for prekindergarten children in language and cognitive skills and can motivate the children to learn to read in order to benefit from classroom instruction;

(5) many working families cannot afford early learning programs for their prekindergarten children;

(6) only 36 percent of children who are between the ages of 3 and 5, not enrolled in kindergarten, and living in families in which the parents earn less than $15,000, are enrolled in prekindergarten, while 61 percent of children of a similar age who live in families in which the parents earn $50,000 or more are enrolled in prekindergarten;

(7) because of the growing number of prekindergarten children in single-parent families or families in which both parents work, there is a great need for affordable high quality, full day, full calendar year early learning programs;

(8) many children who could benefit from a strong early learning experience are enrolled in child care programs that could use additional resources to prepare the children to enter school ready to succeed; and

(9) the low salaries paid to staff in early learning programs, the lack of career progression for such staff, and the lack of child development specialists involved in the early learning programs makes it difficult to attract and retain trained staff to help the children enter school ready to read.

(b) Purpose.—The purposes of this Act are—

(1) to make widely available to prekindergarten children a high quality, child-centered, developmentally appropriate early learning program;

(2) to make widely available to parents of prekindergarten children who desire the services, a full day, full calendar year program in which they can enroll their prekindergarten children;

(3) to make efficient use of Federal, State, and local resources for early learning programs by promoting collaboration and coordination of such programs and supports at the Federal, State, and local levels;

(4) to assist State and local governments in expanding or improving early learning programs that use existing facilities that meet State and local safety code requirements;

(5) to provide resources to ensure that all children enter elementary school ready to learn how to read; and

(6) to assist State and local governments in providing training for teachers and staff of early learning programs, and to promote the use of salary scales that take into account training and experience.

SEC. 3. DEFINITIONS.

In this Act:

(1) Early learning programs.—The term "early learning programs" means programs that provide the services described in section 9 that are for children who have not attended kindergarten or elementary school.

(2) Full calendar year.—The term "full calendar year" means all days of operation of businesses in the locality, excluding—

(A) legal public holidays, as defined in section 6103 of title 5, United States Code; and

(B) a single period of 14 consecutive days during the summer.

(3) Full day.—The term "full day" means the hours of normal operation of businesses in the locality.

(4) Local educational agency; State educational agency.—The terms "local educational agency" and "State educational agency" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(5) Locality.—The term "locality" means a city, county, borough, township, or other general purpose unit of local government, or an Indian reservation or Indian Tribe. For purposes of this Act, 2 or more localities acting together may be considered a locality.

(6) Parent.—The term "parent" means a biological parent, an adoptive parent, a stepparent, or a foster parent of a child, including a legal guardian or other person standing in loco parentis.

(7) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(8) Service provider.—The term "service provider" means any public or private early learning program, including a local educational agency, a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.), or a community-based organization that receives funds under this Act.

(9) Training.—The term "training" means instruction in early childhood development that—

(A) is required for certification by existing State and local laws, regulations, and policies;

(B) is required to receive a nationally recognized credential or its equivalent, such as the child development associate credential, in a State with no certification procedure; and

(C) is received in a postsecondary education program in which the individual has accomplished significant course work in early childhood education or early childhood development.

SEC. 4. EARLY LEARNING PROGRAM.

The Secretary shall establish and maintain an early learning program that provides full day, full calendar year early learning services.

SEC. 5. STATE ALLOTMENTS.

(a) In General.—The Secretary shall make allotments to eligible States to pay for the cost of enabling the States and localities to establish full day, full calendar year early learning programs.

(b) Allotments.—From the amount appropriated under section 12 for each fiscal year, the Secretary shall allot, to each eligible State, an amount that bears the same relationship to the amount appropriated as the total number of individuals under age 6 in the State bears to the total number of such individuals in all States.

(c) Matching Requirement.—The Secretary may not make a grant to a State under subsection (a) unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the program for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to not less than $1 dollar for every $4 dollars of Federal funds provided under the grant. The State share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(d) Annual Review.—The allotments provided under subsection (b) shall be subject to annual review by the Secretary.

SEC. 6. STATE APPLICATIONS.

(a) In General.—To be eligible to receive an allotment under section 5, the Governor of a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) Contents.—Each application submitted pursuant to subsection (a) shall include—

(1) a statement ensuring that the Governor of the State has established or designated a State Council that complies with section 7(c), including a list of the members of the State Council in order to demonstrate such compliance;

(2) a statement ensuring that the State Council as described in section 7(c) has developed and approved the application submitted under this section;

(3) a statement describing the manner in which the State will allocate funds made available through the allotment to localities; and

(4) a State plan that describes the performance goals to be achieved, and the performance measures to be used to assess progress toward such goals, under the plan which—

(A) shall be developed pursuant to guidance provided by the State and local government authorities, and experts in early childhood development; and

(B) shall be designed to improve child development through—

(i) improved access to and increased coordination with health care services;

(ii) increased access to enhanced early learning environments;

(iii) increased parental involvement;

(iv) increased rates of accreditation by nationally recognized accreditation organizations; and

(v) expansion of full day, full year services.

SEC. 7. STATE ADMINISTRATION.

(a) In General.—To be eligible to receive assistance under section 5, the Governor of a State shall appoint a Lead State Agency as described in subsection (b) and, after consultation with the leadership of the State legislature, a State Council as described in subsection (c).

(b) Lead State Agency.—

(1) In general.—The Lead State Agency as described in subsection (a) shall allocate funds received under section 5 to localities.

(2) Limitation.—The Lead State Agency shall allocate not less than 90 percent of such funds that have been provided to the State for a fiscal year to 1 or more localities.

(3) Functions of agency.—In addition to allocating funds under paragraph (1), the Lead State agency shall—

(A) advise and assist localities in the performance of their duties;

(B) develop and submit the State application and the State plan required under section 6;

(C) evaluate and approve applications submitted by localities;

(D) prepare and submit to the Secretary an annual report, after approval by the State Council, which shall include a statement describing the manner in which funds received under section 5 are expended and documentation of the increased number of—

(i) children in full day, full year Head Start programs, as provided under the Head Start Act (42 U.S.C. 9831 et seq.);

(ii) infants and toddlers in programs that provide comprehensive Early Head Start services, as provided under the Head Start Act (42 U.S.C. 9831 et seq.);

(iii) prekindergarten children, including those with special needs, in early learning programs; and

(iv) children in child care that receive enhanced educational and comprehensive services and supports, including parent involvement and education;

(E) conduct evaluations of early learning programs;

(F) ensure that training and research is made available to localities and that such training and research reflects the latest available brain development and early childhood research related to early learning; and

(G) improve coordination between localities carrying out early learning programs and persons providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

(4) Local application.—

(A) In general.—To be eligible to receive assistance under paragraph (1), a locality, in cooperation with the Local Council described in paragraph (5), shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(B) Contents.—Each application submitted pursuant to paragraph (1) shall include a statement ensuring that the locality has established a Local Council, as described in paragraph (5) and a local plan that includes—

(i) a needs and resources assessment of early learning services and a statement describing how programs will be financed to reflect the assessment; and

(ii) a statement of performance goals to be achieved in adherence to the State plan and a statement of how localities will ensure that programs will meet the performance measures in the State plan.

(5) Local council.—

(A) In general.—To be eligible to receive assistance under paragraph (1), a locality shall establish a Local Council as described in subsection (c), which shall be composed of local agencies responsible for carrying out the programs under this Act and parents and other individuals concerned with early childhood development issues in the locality. The Local Council shall be responsible for assisting localities in preparing and submitting the application described in paragraph (4).

(B) Designating Existing Entity.—To the extent that a State has a Local Council or an entity that functions as such before the date of enactment of this Act that is comparable to the Local Council described in subparagraph (A), the locality shall be considered to be in compliance with this paragraph.

(c) State Council.—

(1) In general.—The State Council as described in subsection (a) shall be composed of a group of representatives of agencies, institutions, and other entities, as described in paragraphs (2) and (3), that provide child care or early learning services in the State.

(2) Membership.—Except as provided in paragraph (6), the Governor shall appoint to the State Council at least 1 representative from—

(A) the office of the Governor;

(B) the State educational agency;

(C) the State agency administering funds received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(D) the State social services agency;

(E) the State Head Start association;

(F) organizations representing parents within the State; and

(G) resource and referral agencies within the State.

(3) Additional members.—In addition to representatives appointed under subparagraph (2), the Governor may appoint to the State Council additional representatives from—

(A) the State Board of Education;

(B) the State health agency;

(C) the State labor or employment agency;

(D) organizations representing teachers;

(E) organizations representing business; and

(F) organizations representing labor.

(4) Representation.—To the extent practicable, the Governor shall appoint representatives under subparagraphs (2) and (3) in a manner that is diverse or balanced according to the race, ethnicity, and gender of its members.

(5) Functions of the Council.—The State Council shall—

(A) conduct a needs and resources assessment, or use such an assessment if conducted not later than 2 years prior to the date of enactment of this Act, to—

(i) determine where early learning programs are lacking or are inadequate within the State, with particular attention to poor urban and rural areas, and what special services are needed within the State, such as services for children whose native language is a language other than English; and

(ii) identify all existing State-funded early learning programs, and, to the extent practical, other programs serving prekindergarten children in the State, including parent education programs, and to specify which programs might be expanded or upgraded with the use of funds received under section 5; and

(B) based on the assessment described in subparagraph (A), determine funding priorities for amounts received under section 5 for the State.

(6) Designating an Existing Entity as State Council.—To the extent that a State has a State Council or a entity that functions as such before the date of enactment of this Act that is comparable to the State Council described in this subsection, the State shall be considered to be in compliance with this subsection.

SEC. 9. LOCAL ALLOCATIONS.

(a) In General.—Each locality that receives funds under section 8 shall, in accordance with the needs and resource assessment described in section 8(c)(5), provide funds to service providers to—

(1) increase the number of children served in Early Head Start programs carried out under section 645A of the Head Start Act (42 U.S.C 9840a);

(2) increase the number of children served in State prekindergarten education programs;

(3) increase the number of Head Start programs providing full working day, full calendar year Head Start services; and

(4) enhance the education and comprehensive services and support services provided through the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) to child care programs and providers, including health screening and diagnosis of children, parent involvement and parent education, nutrition services and education, staff and personnel training in early childhood development, and upgrading the salaries of early childhood development professional staff, and the development of salary schedules for staff with varying levels of experience, expertise, and training. Distribute such funds to service providers.

(b) Preference.—In making allocations under subsection (a), a locality shall give preference to—

(1) programs that meet the needs of children in households in which each parent is employed;

(2) programs assisting low-income families; and

(3) programs that make referrals for enrollment under the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), or referrals for enrollment of children under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(c) Application.—Each service provider desiring to receive funds under subsection (a) shall submit an application to a locality at such time, in such manner, and containing such information as the locality may reasonably require.

(d) Annual Report.—Each locality that receives funds under section 8 shall submit an annual report to the State Council that contains the information described in section 7(b)(3)(C) and a description of the manner in which programs receiving assistance under this Act will be coordinated with other early learning programs in the locality.

(e) Administrative Costs.—Not more than 5 percent of the amounts received by a locality under section 8 shall be used to pay for administrative expenses for the locality or Local Council.

SEC. 10. SUPPLEMENT NOT SUPPLANT.

Funds appropriated pursuant to this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for early learning childhood development programs.

SEC. 11. FEDERAL ADMINISTRATION.

The Secretary, in consultation with the Secretary of Education, shall develop and issue program guidance instructions for carrying out the programs authorized under this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated and there is appropriated to carry out this Act, $2,000,000,000 for each of the fiscal years 2000 through 2004.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. KENNEDY, and Mr. TORRICELLI):

S. 751. A bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes; to the Committee on the Judiciary.

THE SENIORS SAFETY ACT OF 1999

Mr. LEAHY. Mr. President, today I am introducing the Seniors Safety Act of 1999, a bill to protect older Americans from crime.

The Seniors Safety Act contains a comprehensive package of proposals developed with the assistance of the Department of Justice that address the most prevalent crimes perpetrated against seniors, including proposals to reduce health care fraud and abuse, combat nursing home fraud and abuse, prevent telemarketing fraud, safeguard pension and employee benefit plans from fraud, bribery and graft. In addition, this legislation would help seniors whose pension plans are defrauded to obtain restitution. Finally, the bill authorizes the collection of appropriate data and examination by the Attorney General to develop new strategies to fight crime against seniors.

Seniors over the age of 55 make up the most rapidly growing sector of our society. In Vermont alone, the number of seniors grew by more than nine percent between 1990 and 1997, now comprising almost twelve percent of Vermont's total population. According to recent census estimates, the number of seniors over 65 will more than double by the year 2050.

It is an ugly fact that criminal activity against seniors that causes them physical harm and economic damage is a significant problem. While the violent and property crime rates have been falling generally, according to the Justice Department's Bureau of Justice Statistics, in 1997 the violent victimization rates for persons over 50 years of age were no lower than they had been in 1993. In 1997, these older Americans experienced approximately 680 thousand incidents of violent crime, including rape, robbery, and general assault.

We need to do a better job at protecting seniors and ensuring that they enjoy the same decreasing violent and property crime rate as other segments of our society. The Seniors Safety Act contains provisions to enhance penalties for criminal offenses that target seniors and fraudulent acts that result in physical or economic harm to seniors. In addition, to assist Congress and law enforcement authorities in developing new and effective strategies to deter crimes against seniors, the Act authorizes comprehensive examination of the factors associated with crimes against seniors and the inclusion of data on seniors in the National Crime Victims Survey.

One particular form of criminal activity—telemarketing fraud—disproportionately impacts Americans over the age of 50, who account for over a third of the estimated $40 billion lost to telemarketing fraud each year. The Seniors Safety Act continues the progress we made last year on passage of the Telemarketing Fraud Prevention Act to address the problem of telemarketing fraud schemes that too often succeed in swindling seniors of their life savings. Some of these schemes are directed from outside the United States, making criminal prosecution more difficult.

The Act would provide the Attorney General with a new, significant crime fighting tool to deal with telemarketing fraud. Specifically, the Act would authorize the Attorney General to block or terminate telephone service to telephone facilities that are being used to conduct such fraudulent activities. This authority may be used to shut-down telemarketing fraud schemes directed from foreign sources by cutting off their telephone service and, once discovered, would protect victims from that particular telemarketing scheme. Of course, committed swindlers may just get another telephone number, but even relatively brief interruptions in their fraudulent activities may save some seniors from falling victim to the scheme.

Another crime prevention provision in the Seniors Safety Act is the establishment by the Federal Trade Commission of a "Better Business Bureau"-type clearinghouse. This would provide seniors, their families, or others who may be concerned about the legitimacy of a telemarketer with information about prior complaints made about the particular company and any prior convictions for telemarketing fraud. In addition, seniors and other consumers who believe they have been swindled would be provided with information for referral to the appropriate law enforcement authorities.

Criminal activity that undermines the safety and integrity of pension plans and health benefit programs pose threats to all of us, but the damage is felt most acutely by seniors who have planned their retirements in reliance on the benefits promised by those programs. Seniors who have worked faithfully and honestly for years should not reach their retirement years only to find that the funds which they were relying upon have been stolen. This is a significant problem. According the Attorney General's 1997 Annual Report, an interagency working group on pension abuse brought 70 criminal cases representing more than $90 million in losses to pension plans in 29 districts around the country in that year alone.

The Seniors Safety Act would add to the arsenal of authority that federal prosecutors have to prevent and punish the defrauding of retirement arrangements. Specifically, the Act would create new criminal and civil penalties for defrauding pension plans or obtaining money or property from such plans by means of false or fraudulent pretenses. In addition, the Act would enhance penalties for bribery and graft in connection with employee benefit plans. The only people enjoying the benefits of pension plans should be the people who have worked hard to fund those plans, not crooks who get the money by fraud.

Spending on health care in this country amounts to roughly 15 percent of the gross national product, or more than $1 trillion each year. Estimated losses due to fraud and abuse are astronomical. A December 1998 report by the National Institute of Justice (NIJ) states that these losses "may exceed 10 percent of annual health care spending, or $100 billion per year." By contrast to health care fraud, which covers deliberate criminal efforts to steal money, the term "abuse" describes billing errors or manipulation of billing codes that can result in billing for a more highly reimbursed service or product than the one provided.

As electronic claims processing—with no human involvement —becomes more prevalent to save administrative costs, more sophisticated computer-generated fraud schemes are surfacing. Some of these schemes generate thousands of false claims designed to pass through automated claims processing to payment, and result in the theft of millions of dollars from federal and private health care programs. Defrauding Medicare, Medicaid and private health plans harms taxpayers and increases the financial burden on the beneficiaries. Beneficiaries pay the price for health care fraud in their copayments and contributions. In addition, some forms of fraud may result in inadequate medical care and be dangerous for patients. Unfortunately, the NIJ reports that many health care fraud schemes "deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement."

Fighting health care fraud has been a top priority of this Administration and this Attorney General. The attention our federal law enforcement officials are paying to this problem is paying off: the number of criminal convictions in health care fraud cases grew over 300 percent from 1992 to 1997. These cases included convictions for submitting false claims to Medicare and Medicaid, and other insurance plans; fake billings by foreign doctors; and needless prescriptions for durable medical equipment by doctors in exchange for kickbacks from manufacturers. In 1997 alone, $1.2 billion was awarded or negotiated as a result of criminal fines, civil settlements and judgments in health care fraud matters.

We can and must do more, however. The Seniors Safety Act would give the Attorney General authority to get an injunction to stop false claims and illegal kickback schemes involving federal health care programs. This Act would also provide the law enforcement authorities with additional investigatory tools to uncover, investigate and prosecute health care offenses in both criminal and civil proceedings. The use of civil laws is considered by the Justice Department to be a "critical component of our enforcement policy." In fact, the Department has recovered $1.8 billion in False Claims Act (FCA) civil enforcement actions since 1986, when Congress amended the FCA to address fraud against the Medicare and Medicaid programs. The Seniors Safety Act will permit criminal prosecutors to share information more easily with their civil counterparts.

In addition, whistle-blowers, who tip-off law enforcement about false claims, would be authorized under the Seniors Safety Act to seek court permission to review information obtained by the government to enhance their assistance in FCA law suits. Such qui tam, or whistle-blower, suits have, in the Justice Department's estimation, dramatically increased detection of and monetary recoveries for health care fraud. More half of the $1.2 billion the Department was awarded in health care fraud cases in FY 1997 were related to allegations in qui tam cases. This is a successful track record. According to the Department in its most recent health care fraud report, "qui tam plaintiffs often work with DOJ to build a strong chain of evidence that can be used during settlement discussions or at trial." The Act would allow whistle-blowers and their qui tam suits to become even more effective tools in the fight against health care fraud.

Finally, the Act would extend anti-fraud and anti-kickback safeguards to the Federal Employees Health Benefits program. These are all important steps that will help cut down on the enormous health care fraud losses.

Long-term care planning specialists estimate that over forty percent of those turning 65 years of age will need nursing home care, and that 20 percent of those seniors will spend five years or more in nursing homes. Indeed, many of us already have or will live through the experience of having our parents, family members or other loved ones—or even ourselves—spend time in a nursing home. We owe it to them and to ourselves to give the residents of nursing homes the best care they can get.

The Justice Department's Health Care Fraud Report for Fiscal Year 1997 cites egregious examples of nursing homes that pocketed Medicare funds instead of providing residents with adequate care. In one case, five patients died as result of the inadequate provision of nutrition, wound care and diabetes management by three Pennsylvania nursing homes. Yet another death occurred when a patient, who was unable to speak, was placed in a scalding tub of 138-degree water.

This Act provides additional piece of mind to residents of nursing homes and those of us who may have loved ones there by giving federal law enforcement the authority to investigate and prosecute operators of nursing homes for willfully engaging in patterns of health and safety violations in the care of nursing home residents. The Act also protects whistle-blowers from retaliation for reporting such violations.

The Seniors Safety Act has six titles, described below.

Title I, titled "Strategies for Preventing Crimes Against Seniors": directs the Attorney General to study the types of crimes and risk factors associated with crimes against seniors. In addition, authority is provided in this title for the Attorney General to include statistics on the incidence of crimes against seniors in the annual National Crime Victims Survey. Collection and analysis of this data is critical to develop effective strategies to protect seniors from crime and respond effectively to the justice needs of seniors.

Title II, titled "Combating Crimes Against Seniors": provides enhanced penalties for crimes targeting seniors, for health care fraud and other fraud offenses, and the creation of new criminal and civil penalties to protect pension and employee benefit plans.

Specifically, the U.S. Sentencing Commission is directed to review the sentencing guidelines and enhance penalties, as appropriate, to adequately reflect the economic and physical harms associated with crimes targeted at seniors, and with health care fraud offenses. This bill would also increase the penalties under the mail fraud statute and wire fraud statute for fraudulent schemes that result in serious injury or death.

In addition, this title of the Seniors Safety Act provides new tools in the form of a new criminal provision and civil penalties for law enforcement to investigate and prosecute persons who defraud pension plans or other retirement arrangements. In addition, the Act increases the penalty for corruptly bribing or receiving graft to influence the operation and management of employee benefit plans from three to five years.

Title III, titled "Preventing Telemarketing Fraud": addresses telemarketing fraud in two ways: by providing a "Better Business"-style hotline to provide information and log complaints about telemarketing fraud, and by allowing the Attorney General to block or terminate telephone service to numbers being used to perpetrate telemarketing fraud crimes.

Title IV, titled "Combating Health Care Fraud": provides important investigative and crime prevention tools to law enforcement authorities to uncover and punish health care fraud, including authority to obtain injunctive relief, grand jury disclosure for civil actions, and issuance of administrative subpoenas. In addition, the Act would better protect the Federal Employees Health Benefits Program by extending the anti-kickback and anti-fraud prohibitions to cover this program.

Attorney General's injunction authority: The Act would authorize the Attorney General to seek injunctive relief to prevent persons suspected of committing or about to commit a health care fraud or illegal kickback offense from disposing or dissipating fraudulently obtained proceeds.

Authorized Investigative Demand Procedures: The Attorney General is currently authorized to issue administrative subpoenas during investigations of criminal health care fraud cases, but cannot do the same in related civil cases. The Act would extend that authority to civil cases, subject to stringent privacy safeguards.

Grand Jury Disclosure: Currently, grand jury information may not be disclosed in related civil suits, except under limited circumstances, resulting in duplicative work on the part of government civil attorneys. The Act would allow federal prosecutors to seek a court order allowing the sharing of grand jury information regarding health care offenses with government civil attorneys for use in civil or other regulatory proceedings.

Extension of anti-fraud safeguards: The Federal Employee Health Benefits Act is currently exempt from anti-fraud safeguards available to both Medicaid and Medicare. The Act would remove the exemption and subject the Federal Employee Health Benefits Program to anti-fraud and anti-kickback protections.

Title V, titled "Protecting Residents of Nursing Homes": contains the "Nursing Home Resident Protection Act of 1999" to establish a new federal crime, with substantial criminal and civil penalties, against operators of nursing homes who engage, knowingly and willfully, in a pattern of health and safety violations that results in significant physical or mental harm to persons residing in residential health care facilities. In addition, whistle-blowers, who tip off officials about poor nursing home conditions, would be authorized to sue for damages, attorney's fees and other relief should there be any retaliation.

Title VI, titled "Protecting the Rights of Senior Crime Victims": would authorize the Attorney General to use forfeited funds to pay restitution to victims of fraudulent activity, and the courts to require the forfeiture of proceeds from violations of retirement offenses. In addition, the Act would exempt false claims law actions from a stay by bankruptcy proceedings and ensure that debts due to the United States from false claims law actions are not dischargeable in bankruptcy, in order to pay restitution to fraud victims or regulatory agencies.

The Seniors Safety Act of 1999 provides a new safety net for seniors to protect them from the criminal activity that affects them the most. I commend the Administration and particularly the Vice President for his attention to this issue, and the Attorney General for her work and assistance on this legislation. We should move to consider and pass this legislation before the end of the 106th Congress.

I ask unanimous consent that a copy of the Seniors Safety Act and a sectional analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Seniors Safety Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—STRATEGIES FOR PREVENTING CRIMES AGAINST SENIORS

Sec. 101. Study of crimes against seniors.
Sec. 102. Inclusion of seniors in national crime victimization survey.

TITLE II—COMBATING CRIMES AGAINST SENIORS

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TITLE III—PREVENTING TELEMARKETING FRAUD

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TITLE V—PROTECTING RESIDENTS OF NURSING HOMES

Sec. 501. Short title.
Sec. 502. Nursing home resident protection.

TITLE VI—PROTECTING THE RIGHTS OF ELDERLY CRIME VICTIMS

Sec. 601. Use of forfeited funds to pay restitution to crime victims and regulatory agencies.
Sec. 602. Victim restitution.
Sec. 603. Bankruptcy proceedings not used to shield illegal gains from false claims.
Sec. 604. Forfeiture for retirement offenses.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of older Americans is growing both numerically and proportionally in the United States. Since 1990, the population of seniors has increased by almost 5,000,000, and is now 20.2 percent of the United States population.

(2) In 1997, 7 percent of victims of serious violent crime were age 50 or older.

(3) In 1997, 17.7 percent of murder victims were age 55 or older.

(4) According to the National Crime Victimization Survey, persons aged 50 and older experienced approximately 673,460 incidents of violent crime, including rape and sexual assaults, robberies and general assaults, during 1997.

(5) Older victims of violent crime are almost twice as likely as younger victims to be raped, robbed, or assaulted at or in their own homes.

(6) Approximately half of Americans who are 50 years old or older feel afraid to walk alone at night in their own neighborhoods.

(7) Seniors over the age of 50 reportedly account for 37 percent of the estimated $40,000,000,000 in losses each year due to telemarketing fraud.

(8) In 1998, Congress enacted legislation to provide for increased penalties for telemarketing fraud that targets seniors.

(9) There has not been a comprehensive study of crimes committed against seniors since 1994.

(10) It has been estimated that approximately 43 percent of those turning 65 can expect to spend some time in a long-term care facility, and approximately 20 percent can expect to spend 5 years or longer in a such a facility.

(11) In 1997, approximately $82,800,000,000 was spent on nursing home care in the United States and over half of this amount was spent by the medicaid and medicare programs.

(12) Losses to fraud and abuse in health care reportedly cost the United States an estimated $100,000,000,000 in 1996.

(13) The Inspector General for the Department of Health and Human Services has estimated that about $12,600,000,000 in improper medicare benefit payments, due to inadvertent mistake, fraud and abuse, were made during fiscal year 1998.

(14) Incidents of health care fraud and abuse remain high despite awareness of the problem.

(b) PURPOSES.—The purposes of this Act are to—

(1) combat nursing home fraud and abuse;

(2) enhance safeguards for pension plans and health care programs;

(3) develop strategies for preventing and punishing crimes that target or otherwise disproportionately affect seniors by collecting appropriate data to measure the extent of crimes committed against seniors and determine the extent of domestic and elder abuse of seniors; and

(4) prevent and deter criminal activity, such as telemarketing fraud, that results in economic and physical harm against seniors and ensure appropriate restitution.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "crime" means any criminal offense under Federal or State law;

(2) the term "nursing home" means any institution or residential care facility defined as such for licensing purposes under State law, or if State law does not employ the term nursing home, the equivalent term or terms as determined by the Secretary of Health and Human Services, pursuant to section 1908(e) of the Social Security Act (42 U.S.C. 1396g(e)); and

(3) the term "senior" means an individual who is more than 55 years of age.

TITLE I—STRATEGIES FOR PREVENTING CRIMES AGAINST SENIORS

SEC. 101. STUDY OF CRIMES AGAINST SENIORS.

(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing fraud against seniors;

(C) the nature and extent of elder abuse inflicted upon seniors;

(D) the nature and extent of financial and material fraud targeted at seniors; and

(E) the nature and extent of health care fraud and abuse targeting seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the nature and extent of crimes targeting seniors, such as health care fraud and telemarketing fraud originating from sources outside the United States;

(6) the effectiveness of State programs funded under the 1987 State Elder Abuse Prevention Program in preventing and reducing the abuse and neglect of seniors; and

(7) other effective ways to prevent or reduce the occurrence of crimes against seniors.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of

Representatives and the Senate a report describing the results of the study under this section, which shall also include—

(1) an assessment of any impact of the sentencing enhancements promulgated by the United States Sentencing Commission pursuant to section 6(b) of the Telemarketing Fraud Prevention Act of 1998 (28 U.S.C. 994 note), including—

(A) the number of crimes for which sentences were enhanced under that section; and

(B) the effect of those enhanced sentences in deterring telemarketing fraud crimes targeting seniors;

(2) an assessment of the factors that result in the inclusion of seniors on the lists of names, addresses, phone numbers, or Internet addresses compiled by telemarketers or sold to telemarketers as lists of potentially vulnerable consumers (i.e. "mooch lists"); and

(3) an assessment of the nature and extent of nursing home fraud and abuse, which shall include—

(A) the number of cases and financial impact on seniors of fraud and abuse involving nursing homes each year;

(B) procedures used effectively by State, local and Federal authorities to combat nursing home fraud and abuse; and

(C) a description of strategies available to consumers to protect themselves from nursing home fraud and an evaluation of the effectiveness of such strategies.

SEC. 102. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors; and

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

TITLE II—COMBATING CRIMES AGAINST SENIORS

SEC. 201. ENHANCED SENTENCING PENALTIES BASED ON AGE OF VICTIM.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend section 3A1.1(a) of the Federal sentencing guidelines to include the age of a crime victim as 1 of the criteria for determining whether the application of a sentencing enhancement is appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the Federal sentencing guidelines and the policy statements of the Commission reflect the serious economic and physical harms associated with criminal activity targeted at seniors due to their particular vulnerability;

(2) consider providing increased penalties for persons convicted of offenses in which the victim was a senior in appropriate circumstances;

(3) consult with individuals or groups representing seniors, law enforcement agencies, victims organizations, and the Federal judiciary, as part of the review described in subsection (a);

(4) ensure reasonable consistency with other Federal sentencing guidelines and directives;

(5) account for any aggravating or mitigating circumstances that may justify exceptions, including circumstances for which the Federal sentencing guidelines provide sentencing enhancements;

(6) make any necessary conforming changes to the Federal sentencing guidelines; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

(c) REPORT.—Not later than December 31, 2000, the Commission shall submit to Congress a report on issues relating to the age of crime victims, which shall include—

(1) an explanation of any changes to sentencing policy made by the Commission under this section; and

(2) any recommendations of the Commission for retention or modification of penalty levels, including statutory penalty levels, for offenses involving seniors.

SEC. 202. STUDY AND REPORT ON HEALTH CARE FRAUD SENTENCES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and the policy statements of the Commission with respect to persons convicted of offenses involving fraud in connection with a health care benefit program (as defined in section 24(b) of title 18, United States Code).

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the Federal sentencing guidelines and the policy statements of the Commission reflect the serious harms associated with health care fraud and the need for aggressive and appropriate law enforcement action to prevent such fraud;

(2) consider providing increased penalties for persons convicted of health care fraud in appropriate circumstances;

(3) consult with individuals or groups representing victims of health care fraud, law enforcement agencies, the health care industry, and the Federal judiciary as part of the review described in subsection (a);

(4) ensure reasonable consistency with other Federal sentencing guidelines and directives;

(5) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the Federal sentencing guidelines provide sentencing enhancements;

(6) make any necessary conforming changes to the Federal sentencing guidelines; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) REPORT.—Not later than December 31, 2000, the Commission shall submit to Congress a report on issues relating to offenses described in subsection (a), which shall include—

(1) an explanation of any changes to sentencing policy made by the Commission under this section; and

(2) any recommendations of the Commission for retention or modification of penalty levels, including statutory penalty levels, for those offenses.

SEC. 203. INCREASED PENALTIES FOR FRAUD RESULTING IN SERIOUS INJURY OR DEATH.

Sections 1341 and 1343 of title 18, United States Code, are each amended by inserting before the last sentence the following: "If the violation results in serious bodily injury (as defined in section 1365 of this title), such person shall be fined under this title, imprisoned not more than 20 years, or both, and if the violation results in death, such person shall be fined under this title, imprisoned for any term of years or life, or both.".

SEC. 204. SAFEGUARDING PENSION PLANS FROM FRAUD AND THEFT.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1348. Fraud in relation to retirement arrangements

"(a) RETIREMENT ARRANGEMENT DEFINED.—In this section—

"(1) IN GENERAL.—The term 'retirement arrangement' means—

"(A) any employee pension benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974;

"(B) any qualified retirement plan within the meaning of section 4974(c) of the Internal Revenue Code of 1986;

"(C) any medical savings account described in section 220 of the Internal Revenue Code of 1986; or

"(D) fund established within the Thrift Savings Fund by the Federal Retirement Thrift Investment Board pursuant to subchapter III of chapter 84 of title 5.

"(2) EXCEPTION FOR GOVERNMENTAL PLAN.—Such term does not include any governmental plan (as defined in section 3(32) of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32))), except as provided in paragraph (1)(D).

"(3) CERTAIN ARRANGEMENTS INCLUDED.—Such term shall include any arrangement that has been represented to be an arrangement described in any subparagraph of paragraph (1) (whether or not so described).

"(b) PROHIBITION AND PENALTIES.—Whoever executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any retirement arrangement or other person in connection with the establishment or maintenance of a retirement arrangement; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any retirement arrangement or other person in connection with the establishment or maintenance of a retirement arrangement;

shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Attorney General may investigate any violation of and otherwise enforce this section.

"(2) EFFECT ON OTHER AUTHORITY.—Nothing in this subsection may be construed to preclude the Secretary of Labor or the head of any other appropriate Federal agency from investigating a violation of this section in relation to a retirement arrangement subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or any other provision of Federal law.".

(b) TECHNICAL AMENDMENT.—Section 24(a)(1) of title 18, United States Code, is amended by inserting "1348," after "1347,".

(c) CONFORMING AMENDMENT.—The analysis for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1348. Fraud in relation to retirement arrangements.".

SEC. 205. ADDITIONAL CIVIL PENALTIES FOR DEFRAUDING PENSION PLANS.

(a) IN GENERAL.—

(1) ACTION BY ATTORNEY GENERAL.—Except as provided in subsection (b)—

(A) the Attorney General may bring a civil action in the appropriate district court of the United States against any person who engages in conduct constituting an offense under section 1348 of title 18, United States Code, or conspiracy to violate such section 1348; and

(B) upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty in an amount equal to the greatest of—

(i) the amount of pecuniary gain to that person;

(ii) the amount of pecuniary loss sustained by the victim; or

(iii) not more than—

(I) $50,000 for each such violation in the case of an individual; or

(II) $100,000 for each violation in the case of a person other than an individual.

(2) NO EFFECT ON OTHER REMEDIES.—The imposition of a civil penalty under this subsection does not preclude any other statutory, common law, or administrative remedy available by law to the United States or any other person.

(b) EXCEPTION.—No civil penalty may be imposed pursuant to subsection (a) with respect to conduct involving a retirement arrangement that—

(1) is an employee pension benefit plan subject to title I of Employee Retirement Income Security Act of 1974; and

(2) for which the civil penalties may be imposed under section 502 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132).

(c) DETERMINATION OF PENALTY AMOUNT.—In determining the amount of the penalty under subsection (a), the district court may consider the effect of the penalty on the violator or other person's ability to—

(1) restore all losses to the victims; or

(2) provide other relief ordered in another civil or criminal prosecution related to such conduct, including any penalty or tax imposed on the violator or other person pursuant to the Internal Revenue Code of 1986.".

SEC. 206. PUNISHING BRIBERY AND GRAFT IN CONNECTION WITH EMPLOYEE BENEFIT PLANS.

Section 1954 of title 18, United State Code, is amended to read as follows:

"§1954. Bribery and graft in connection with employee benefit plans

"(a) DEFINITIONS.—In this section—

"(1) the term 'employee benefit plan' means any employee welfare benefit plan or employee pension benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974;

"(2) the terms 'employee organization', 'administrator', and 'employee benefit plan sponsor' mean any employee organization, administrator, or plan sponsor, as defined in title I of the Employment Retirement Income Security Act of 1974; and

"(3) the term 'applicable person' means a person who is—

"(A) an administrator, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan;

"(B) an officer, counsel, agent, or employee of an employer or an employer any of whose employees are covered by such plan;

"(C) an officer, counsel, agent, or employee of an employee organization any of whose members are covered by such plan;

"(D) a person who, or an officer, counsel, agent, or employee of an organization that, provides benefit plan services to such plan; or

"(E) a person with actual or apparent influence or decisionmaking authority in regard to such plan.

"(b) BRIBERY AND GRAFT.—Whoever—

"(1) being an applicable person, receives or agrees to receive or solicits, any fee, kickback, commission, gift, loan, money, or thing of value, personally or for any other person, because of or with the intent to be corruptly influenced with respect to any action, decision, or duty of that applicable person relating to any question or matter concerning an employee benefit plan;

"(2) directly or indirectly, gives or offers, or promises to give or offer, any fee, kickback, commission, gift, loan, money, or thing of value, to any applicable person, because of or with the intent to be corruptly influenced with respect to any action, decision, or duty of that applicable person relating to any question or matter concerning an employee benefit plan; or

"(3) attempts to give, accept, or receive any thing of value with the intent to be corruptly influenced in violation of this subsection;

shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) EXCEPTIONS.—Nothing in this section may be construed to apply to any—

"(1) payment to or acceptance by any person of bona fide salary, compensation, or other payments made for goods or facilities actually furnished or for services actually performed in the regular course of his duties as an applicable person; or

"(2) payment to or acceptance in good faith by any employee benefit plan sponsor, or person acting on the sponsor's behalf, of any thing of value relating to the sponsor's decision or action to establish, terminate, or modify the governing instruments of an employee benefit plan in a manner that does not violate title I of the Employee Retirement Income Security Act of 1974, or any regulation or order promulgated thereunder, or any other provision of law governing the plan.".

TITLE III—PREVENTING TELEMARKETING FRAUD

SEC. 301. CENTRALIZED COMPLAINT AND CONSUMER EDUCATION SERVICE FOR VICTIMS OF TELEMARKETING FRAUD.

(a) CENTRALIZED SERVICE.—

(1) REQUIREMENT.—The Federal Trade Commission shall, after consultation with the Attorney General, establish procedures to—

(A) log and acknowledge the receipt of complaints by individuals who certify that they have a reasonable belief that they have been the victim of fraud in connection with the conduct of telemarketing (as that term is defined in section 2325 of title 18, United States Code, as amended by section 302(a) of this Act);

(B) provide to individuals described in subparagraph (A), and to any other persons, information on telemarketing fraud, including—

(i) general information on telemarketing fraud, including descriptions of the most common telemarketing fraud schemes;

(ii) information on means of referring complaints on telemarketing fraud to appropriate law enforcement agencies, including the Director of the Federal Bureau of Investigation, the attorneys general of the States, and the national toll-free telephone number on telemarketing fraud established by the Attorney General; and

(iii) information, if available, on the number of complaints of telemarketing fraud against particular companies and any record of convictions for telemarketing fraud by particular companies for which a specific request has been made; and

(C) refer complaints described in subparagraph (A) to appropriate entities, including State consumer protection agencies or entities and appropriate law enforcement agencies, for potential law enforcement action.

(2) CENTRAL LOCATION.—The service under the procedures under paragraph (1) shall be provided at and through a single site selected by the Commission for that purpose.

(3) COMMENCEMENT.—The Commission shall commence carrying out the service not later than 1 year after the date of enactment of this Act.

(b) CREATION OF FRAUD CONVICTION DATABASE.—

(1) REQUIREMENT.—The Attorney General shall establish and maintain a computer database containing information on the corporations and companies convicted of offenses for telemarketing fraud under Federal and State law. The database shall include a description of the type and method of the fraud scheme for which each corporation or company covered by the database was convicted.

(2) USE OF DATABASE.—The Attorney General shall make information in the database available to the Federal Trade Commission for purposes of providing information as part of the service under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 302. BLOCKING OF TELEMARKETING SCAMS.

(a) EXPANSION OF SCOPE OF TELEMARKETING FRAUD SUBJECT TO ENHANCED CRIMINAL PENALTIES.—Section 2325(1) of title 18, United States Code, is amended by striking "telephone calls" and inserting "wire communications utilizing a telephone service".

(b) BLOCKING OR TERMINATION OF TELEPHONE SERVICE ASSOCIATED WITH TELEMARKETING FRAUD.—

(1) IN GENERAL.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following:

"§2328. Blocking or termination of telephone service

"(a) IN GENERAL.—If a common carrier subject to the jurisdiction of the Federal Communications Commission is notified in writing by the Attorney General, acting within the Attorney General's jurisdiction, that any wire communications facility furnished by such common carrier is being used or will be used by a subscriber for the purpose of transmitting or receiving a wire communication in interstate or foreign commerce for the purpose of executing any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, in connection with the conduct of telemarketing, the common carrier shall discontinue or refuse the leasing, furnishing, or maintaining of the facility to or for the subscriber after reasonable notice to the subscriber.

"(b) PROHIBITION ON DAMAGES.—No damages, penalty, or forfeiture, whether civil or criminal, shall be found or imposed against any common carrier for any act done by the common carrier in compliance with a notice received from the Attorney General under this section.

"(c) Relief.—

"(1) In general.—Nothing in this section may be construed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court, that—

"(A) the leasing, furnishing, or maintaining of a facility should not be discontinued or refused under this section; or

"(B) the leasing, furnishing, or maintaining of a facility that has been so discontinued or refused should be restored.

"(2) Supporting information.—In any action brought under this subsection, the court may direct that the Attorney General present evidence in support of the notice made under subsection (a) to which such action relates.

"(d) Definitions.—In this section:

"(1) Reasonable notice to the subscriber.—

"(A) In general.—The term 'reasonable notice to the subscriber', in the case of a subscriber of a common carrier, means any information necessary to provide notice to the subscriber that—

"(i) the wire communications facilities furnished by the common carrier may not be used for the purpose of transmitting, receiving, forwarding, or delivering a wire communication in interstate or foreign commerce for the purpose of executing any scheme or artifice to defraud in connection with the conduct of telemarketing; and

"(ii) such use constitutes sufficient grounds for the immediate discontinuance or refusal of the leasing, furnishing, or maintaining of the facilities to or for the subscriber.

"(B) Included matter.—The term includes any tariff filed by the common carrier with the Federal Communications Commission that contains the information specified in subparagraph (A).

"(2) Wire communication.—The term 'wire communication' has the meaning given that term in section 2510(1) of this title.

"(3) Wire communications facility.—The term 'wire communications facility' means any facility (including instrumentalities, personnel, and services) used by a common carrier for purposes of the transmission, receipt, forwarding, or delivery of wire communications.".

(2) Conforming amendment.—The analysis for that chapter is amended by adding at the end the following:

"2328. Blocking or termination of telephone service.".

TITLE IV—PREVENTING HEALTH CARE FRAUD

SEC. 401. INJUNCTIVE AUTHORITY RELATING TO FALSE CLAIMS AND ILLEGAL KICKBACK SCHEMES INVOLVING FEDERAL HEALTH CARE PROGRAMS.

(a) In General.—Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ", or" and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by inserting after subparagraph (C) the following:

"(D) committing or about to commit an offense under section 1128B of the Social Security Act (42 U.S.C. 1320a–7b);"; and

(2) in paragraph (2), by inserting "a violation of paragraph (1)(D) or" before "a banking".

(b) Civil Actions.—

(1) In general.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended by adding at the end the following:

"(g) Civil Actions.—

"(1) In general.—The Attorney General may bring an action in the appropriate district court of the United States to impose upon any person who carries out any activity in violation of this section with respect to a Federal health care program a civil penalty of not more than $50,000 for each such violation, or damages of 3 times the total remuneration offered, paid, solicited, or received, whichever is greater.

"(2) Existence of violation.—A violation exists under paragraph (1) if 1 or more purposes of the remuneration is unlawful, and the damages shall be the full amount of such remuneration.

"(3) Procedures.—An action under paragraph (1) shall be governed by—

"(A) the procedures with regard to subpoenas, statutes of limitations, standards of proof, and collateral estoppel set forth in section 3731 of title 31, United States Code; and

"(B) the Federal Rules of Civil Procedure.

"(4) No effect on other remedies.—Nothing in this section may be construed to affect the availability of any other criminal or civil remedy.

"(h) Injunctive Relief.—The Attorney General may commence a civil action in an appropriate district court of the United States to enjoin a violation of this section, as provided in section 1345 of title 18, United States Code.".

(2) Conforming amendment.—The heading of section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended by inserting "AND CIVIL" after "CRIMINAL".

SEC. 402. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

Section 3486 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ", or any allegation of fraud or false claims (whether criminal or civil) in connection with a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)))," after "Federal health care offense,"; and

(2) by adding at the end the following:

"(f) Privacy Protection.—

"(1) In general.—Except as provided in paragraph (2), any record (including any book, paper, document, electronic medium, or other object or tangible thing) produced pursuant to a subpoena issued under this section that contains personally identifiable health information may not be disclosed to any person, except pursuant to a court order under subsection (e)(1).

"(2) Exceptions.—A record described in paragraph (1) may be disclosed—

"(A) to an attorney for the government for use in the performance of the official duty of the attorney (including presentation to a Federal grand jury);

"(B) to such government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist an attorney for the government in the performance of the official duty of that attorney to enforce Federal criminal law;

"(C) as directed by a court preliminarily to or in connection with a judicial proceeding; and

"(D) as permitted by a court—

"(i) at the request of a defendant in an administrative, civil, or criminal action brought by the United States, upon a showing that grounds may exist for a motion to exclude evidence obtained under this section; or

"(E) at the request of an attorney for the government, upon a showing that such matters may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such law.

"(3) Manner of court ordered disclosures.—If a court orders the disclosure of any record described in paragraph (1), the disclosure shall be made in such manner, at such time, and under such conditions as the court may direct and shall be undertaken in a manner that preserves the confidentiality and privacy of individuals who are the subject of the record, unless disclosure is required by the nature of the proceedings, in which event the attorney for the government shall request that the presiding judicial or administrative officer enter an order limiting the disclosure of the record to the maximum extent practicable, including redacting the personally identifiable health information from publicly disclosed or filed pleadings or records.

"(4) Destruction of records.—Any record described in paragraph (1), and all copies of that record, in whatever form (including electronic) shall be destroyed not later than 90 days after the date on which the record is produced, unless otherwise ordered by a court of competent jurisdiction, upon a showing of good cause.

"(5) Effect of violation.—Any person who knowingly fails to comply with this subsection may be punished as in contempt of court.

"(g) Personally Identifiable Health Information Defined.—In this section, the term 'personally identifiable health information' means any information, including genetic information, demographic information, and tissue samples collected from an individual, whether oral or recorded in any form or medium, that—

"(1) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

"(2) either—

"(A) identifies an individual; or

"(B) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.".

SEC. 403. EXTENDING ANTIFRAUD SAFEGUARDS TO THE FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM.

Section 1128B(f)(1) of the Social Security Act (42 U.S.C. 1320a–7b(f)(1)) is amended by striking "(other than the health insurance program under chapter 89 of title 5, United States Code)".

SEC. 404. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) Grand Jury Disclosure.—Subject to section 3486(f), upon ex parte motion of an attorney for the government showing that such disclosure would be of assistance to enforce any provision of Federal law, a court may direct the disclosure of any matter occurring before a grand jury during an investigation of a Federal health care offense (as defined in section 24(a) of this title) to an attorney for the government to use in any investigation or civil proceeding relating to fraud or false claims in connection with a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))).".

SEC. 405. INCREASING THE EFFECTIVENESS OF CIVIL INVESTIGATIVE DEMANDS IN FALSE CLAIMS INVESTIGATIONS.

Section 3733 of title 31, United States Code, is amended—

(1) in subsection (a)(1), in the second sentence, by inserting ", except to the Deputy Attorney General or to an Assistant Attorney General" before the period at the end; and

(2) in subsection (i)(2)(C), by adding at the end the following: "Disclosure of information to a person who brings a civil action under section 3730, or such person's counsel, shall be allowed only upon application to a United States district court showing that such disclosure would assist the Department of Justice in carrying out its statutory responsibilities.".

TITLE V—PROTECTING RESIDENTS OF NURSING HOMES

SEC. 501. SHORT TITLE.

This title may be cited as the "Nursing Home Resident Protection Act of 1999".

SEC. 502. NURSING HOME RESIDENT PROTECTION.

(a) Protection of Residents in Nursing Homes and Other Residential Health Care Facilities.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§1349. Pattern of violations resulting in harm to residents of nursing homes and related facilities.

"(a) Definitions.—In this section:

"(1) Entity.—The term 'entity' means any residential health care facility (including facilities that do not exclusively provide residential health care services), any entity that manages a residential health care facility, or any entity that owns, directly or indirectly, a controlling interest or a 50 percent or greater interest in 1 or more residential health care facilities including States, localities, and political subdivisions thereof.

"(2) Federal health care program.—The term 'Federal health care program' has the meaning given that term in section 1128B(f) of the Social Security Act.

"(3) Pattern of violations.—The term 'pattern of violations' means multiple violations of a single Federal or State law, regulation, or rule or single violations of multiple Federal or State laws, regulations, or rules, that are widespread, systemic, repeated, similar in nature, or result from a policy or practice.

"(4) Residential health care facility.—The term 'residential health care facility' means any facility (including any facility that does not exclusively provide residential health care services) including skilled and unskilled nursing facilities and mental health and mental retardation facilities, that—

"(A) receives Federal funds, directly from the Federal Government or indirectly from a third party on contract with or receiving a grant or other monies from the Federal government, to provide health care; or

"(B) provides health care services in a residential setting and, in any calendar year in which a violation occurs, is the recipient of benefits or payments in excess of $10,000 from a Federal health care program.

"(5) State.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) Prohibition and Penalties.—Whoever knowingly and willfully engages in a pattern of violations that affects the health, safety, or care of individuals residing in a residential health care facility or facilities, and that results in significant physical or mental harm to 1 or more of such residents, shall be punished as provided in section 1347, except that any organization shall be fined not more than $2,000,000 per residential health care facility.

"(c) Civil Provisions.—

"(1) In general.—The Attorney General may bring an action in a district court of the United States to impose on any individual or entity that engages in a pattern of violations that affects the health, safety, or care of individuals residing in a residential health care facility, and that results in physical or mental harm to 1 or more such residents, a civil penalty or—

"(A) in the case of an individual (other than an owner, operator, officer or manager of such a residential health care facility), not more than $10,000;

"(B) in the case of an individual who is an owner, operator, officer, or manager of such a residential health care facility, not more than $100,000 for each separate facility involved in the pattern of violations under this section; or

"(C) in the case of a residential health care facility, not more than $1,000,000 for each pattern of violations, and in the case of an entity, not more than $1,000,000 for each separate residential health care facility involved in the pattern of violations owned or managed by that entity.

"(2) Other appropriate relief.—If the Attorney General has reason to believe that an individual or entity is engaging in or is about to engage in a pattern of violations that would affect the health, safety, or care of individuals residing in a residential health care facility, and that results in or has the potential to result in physical or mental harm to 1 or more such residents, the Attorney General may petition an appropriate district court of the United States for appropriate equitable and declaratory relief to eliminate the pattern of violations.

"(3) Procedures.—In any action under this subsection—

"(A) a subpoena requiring the attendance of a witness at a trial or hearing may be served at any place in the United States;

"(B) the action may not be brought more than 6 years after the date on which the violation occurs;

"(C) the United States shall be required to prove each charge by a preponderance of the evidence;

"(D) the civil investigative demand procedures set forth in the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) and regulations promulgated pursuant thereto shall apply to any investigation; and

"(E) the filing or resolution of a matter shall not preclude any other remedy that is available to the United States or any other person.

"(d) Prohibition Against Retaliation.—Any person who is the subject of retaliation, either directly or indirectly, for reporting a condition that may constitute grounds for relief under this section may bring an action in an appropriate district court of the United States for damages, attorneys' fees, and other relief.".

(b) Authorized Investigative Demand Procedures.—Section 3486(a)(1) of title 18, United States Code, is amended by inserting "or act or activity involving section 1349 of this title" after "Federal health care offense".

(c) Conforming Amendment.—The analysis for chapter 63 of title 18 United States Code, is amended by adding at the end the following:

"1349. Pattern of violations resulting in harm to residents of nursing homes and related facilities.".

TITLE VI—PROTECTING THE RIGHTS OF ELDERLY CRIME VICTIMS

SEC. 601. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS AND REGULATORY AGENCIES.

Section 981(e) of this title 18, United States Code, is amended—

(1) in each of paragraphs (3), (4), and (5), by striking "in the case of property referred to in subsection (a)(1)(C)" and inserting "in the case of property forfeited in connection with an offense resulting in a pecuniary loss to a financial institution or regulatory agency";

(2) by striking paragraph (6) and inserting the following:

"(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or"; and

(3) in paragraph (7), by striking "in the case of property referred to in subsection (a)(1)(D)" and inserting "in the case of property forfeited in connection with an offense relating to the sale of assets acquired or held by any Federal financial institution or regulatory agency, or person appointed by such agency, as receiver, conservator, or liquidating agent for an financial institution".

SEC. 602. VICTIM RESTITUTION.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

"(r) Victim Restitution.—

"(1) Satisfaction of order of restitution.—

"(A) In general.—Except as provided in subparagraph (B), a defendant may not use property subject to forfeiture under this section to satisfy an order of restitution.

"(B) Exception.—If there are 1 or more identifiable victims entitled to restitution from a defendant, and the defendant has no assets other than the property subject to forfeiture with which to pay restitution to the victim or victims, the attorney for the Government may move to dismiss a forfeiture allegation against the defendant before entry of a judgment of forfeiture in order to allow the property to be used by the defendant to pay restitution in whatever manner the court determines to be appropriate if the court grants the motion. In granting a motion under this subparagraph, the court shall include a provision ensuring that costs associated with the identification, seizure, management, and disposition of the property are recovered by the United States.

"(2) Restoration of forfeited property.—

"(A) In general.—If an order of forfeiture is entered pursuant to this section and the defendant has no assets other than the forfeited property to pay restitution to 1 or more identifiable victims who are entitled to restitution, the Government shall restore the forfeited property to the victims pursuant to subsection (i)(1) once the ancillary proceeding under subsection (n) has been completed and the costs of the forfeiture action have been deducted.

"(B) Distribution of property.—On motion of the attorney for the Government, the court may enter any order necessary to facilitate the distribution of any property restored under this paragraph.

"(3) Victim defined.—In this subsection, the term 'victim'—

"(A) means a person other than a person with a legal right, title, or interest in the forfeited property sufficient to satisfy the standing requirements of subsection (n)(2) who may be entitled to restitution from the forfeited funds pursuant to section 9.8 of part 9 of title 28, Code of Federal Regulations (or any successor to that regulation); and

"(B) includes any person who is the victim of the offense giving rise to the forfeiture, or of any offense that was part of the same scheme, conspiracy, or pattern of criminal activity, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity.".

SEC. 603. BANKRUPTCY PROCEEDINGS NOT USED TO SHIELD ILLEGAL GAINS FROM FALSE CLAIMS.

(a) CERTAIN ACTIONS NOT STAYED BY BANKRUPTCY PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the commencement or continuation of an action under section 3729 of title 31, United States Code, does not operate as a stay under section 105(a) or 362(a)(1) of title 11, United States Code.

(2) CONFORMING AMENDMENT.—Section 362(b) of title 11, United States Code, is amended—

(A) in paragraph (17), by striking "or" at the end;

(B) in paragraph (18), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(19) the commencement or continuation of an action under section 3729 of title 31.".

(b) CERTAIN DEBTS NOT DISCHARGEABLE IN BANKRUPTCY.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) does not discharge a debtor from a debt owed for violating section 3729 of title 31.".

(c) REPAYMENT OF CERTAIN DEBTS CONSIDERED FINAL.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§111. False claims

"No transfer on account of a debt owed to the United States for violating 3729 of title 31, or under a compromise order or other agreement resolving such a debt may be avoided under section 544, 545, 547, 548, 549, 553(b), or 742(a).".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. False claims.".

SEC. 604. FORFEITURE FOR RETIREMENT OFFENSES.

(a) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

"(9) CRIMINAL FORFEITURE.—

"(A) IN GENERAL.—The court, in imposing sentence on a person convicted of a retirement offense, shall order the person to forfeit property, real or personal, that constitutes or that is derived, directly or indirectly, from proceeds traceable to the commission of the offense.

"(B) RETIREMENT OFFENSE DEFINED.—In this paragraph, the term 'retirement offense' means a violation of any of the following provisions of law, if the violation, conspiracy, or solicitation relates to a retirement arrangement (as defined in section 1348 of title 18, United States Code):

"(i) Section 664, 1001, 1027, 1341, 1343, 1348, 1951, 1952, or 1954 of title 18, United States Code.

"(ii) Sections 411, 501, or 511 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111, 1131, 1141).".

(b) CIVIL FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(G) Any property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of a violation of, a criminal conspiracy to violated or solicitation to commit a crime of violence involving a retirement offense (as defined in section 982(a)(9)(B)).".

SENIORS SAFETY ACT OF 1999—SECTION BY SECTION ANALYSIS

SEC. 1. SHORT TITLE. The Act may be cited as the Seniors Safety Act of 1999.

SEC. 2. FINDINGS AND PURPOSES. The Act enumerates 14 findings on the incidence of crimes against seniors, the large percentages of seniors who can expect to spend time in nursing homes, the amount of Federal money spent on nursing home care and the estimated losses due to fraud and abuse in the health care industry.

The purposes of the Act are to combat abuse in nursing homes, enhance safeguards for pension plans and health benefit programs, develop strategies for preventing and punishing crimes against seniors as well as collecting information about such crimes, preventing and deterring criminal activity that results in economic and physical harm to seniors, and ensuring appropriate restitution.

SEC. 3. DEFINITIONS. Definitions are provided for the following terms: (1) "Crime" is defined as any criminal offense under Federal or State law; (2) "Nursing home" is defined as any institution or residential care facility defined as such for licensing purposes under state law, or the federal equivalent; and (3) "Seniors" is defined as individuals who are more than 55 years old.

TITLE I—STRATEGIES FOR PREVENTING CRIMES AGAINST SENIORS

SEC. 101. STUDY OF CRIMES AGAINST SENIORS.

The Act directs the Attorney General to conduct a study addressing, inter alia, the types of crimes and risk factors associated with crimes against seniors, and develop new strategies to prevent and reduce crimes against seniors. The results of this study shall be reported to the Senate and House Judiciary Committees within 18 months.

SEC. 102. INCLUSION OF SENIORS IN THE NATIONAL CRIME VICTIMS SURVEY.

The Act provides that within two years of its enactment, the Attorney General shall include in the National Crime Victimization Survey (NCVS) statistics relating to crimes and risk factors associated with crimes against seniors.

TITLE II—COMBATING CRIMES AGAINST SENIORS

SEC. 201. ENHANCED SENTENCING PENALTIES BASED ON AGE OF VICTIM.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION. The U.S. Sentencing Commission is directed to review and, if appropriate, amend the sentencing guidelines to include age as one of the criteria for determining whether a sentencing enhancement is appropriate.

(b) REQUIREMENTS. During its review, the Sentencing Commission shall: ensure that the guidelines adequately reflect the economic and physical harms associated with criminal activity targeted at seniors; consider providing increased penalties for offenses where the victim was a senior; consult with seniors, victims, judiciary, and law enforcement representatives; assure reasonable consistency with other relevant directives and guidelines; account for circumstances which may justify exceptions, including any circumstances already warranting sentencing enhancements; make any necessary conforming changes; and assure that the guidelines adequately meet the purposes of sentencing.

(c) REPORT. The sentencing commission shall report the results of the review required under (a) and include any recommendations for retention or modification of the current penalty levels by December 31, 2000.

SEC. 202. STUDY AND REPORT ON HEALTH CARE FRAUD SENTENCES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION. The U.S. Sentencing Commission is directed to review and, if appropriate, amend the sentencing guidelines applicable to health care fraud offenses.

(b) REQUIREMENTS. During its review, the Sentencing Commission shall: ensure that the guidelines reflect the serious harms associated with health care fraud and the need for law enforcement to prevent such fraud; consider enhanced penalties for persons convicted of health care fraud; consult with representatives of industry, judiciary, law enforcement, and victim groups; account for mitigating circumstances; assure reasonable consistency with other relevant directives and guidelines; make any necessary conforming changes; and assure that the guidelines adequately meet the purposes of sentencing.

(c) REPORT. The Sentencing Commission shall report the results of the review required under (a) and include any recommendations for retention or modification of the current penalty levels for health care fraud offenses, by December 31, 2000.

SEC. 203. INCREASED PENALTIES FOR FRAUD RESULTING IN SERIOUS INJURY OR DEATH.

This section increases the penalties under the mail fraud statute, 18 U.S.C. § 1341, and the wire fraud statute, 18 U.S.C. § 1343, for fraudulent schemes that result in serious injury or death. Existing law provides such an enhancement for a narrow class of health care fraud schemes (see 18 U.S.C. 1347). This provision would extend this penalty enhancement to other forms of fraud under the mail and wire fraud statutes that result in death or serious injury. The maximum penalty if serious bodily harm occurred would be up to twenty years; if a death occurred, the maximum penalty would be a life sentence.

SEC. 204. SAFEGUARDING PENSION PLANS FROM FRAUD AND THEFT.

(a) IN GENERAL. This section would add new section 1348 to title 18, United States Code.

§1348: Fraud in Relation to Retirement Arrangements:

(a) This section defines retirement arrangements and provides an exception for plans established by the Employee Retirement Income Security Act (ERISA).

(b) This section punishes, with up to ten years' imprisonment, the act of defrauding retirement arrangements, or obtaining by means of false or fraudulent pretenses money or property of any retirement arrangement. Retirement arrangements would include employee pension benefit plans under the Employee Retirement Income Security Act (ERISA), qualified retirement plans under section 4974(c) of the Internal Revenue Code (IRC), medical savings accounts under section 220 of the IRC, and funds established within the Thrift Savings Fund. This provision is modeled on existing statutes punishing bank fraud (see 18 U.S.C. § 1344) and health care fraud (see 18 U.S.C. § 1347). Any government plan defined under section 3(32) of title I of the ERISA, except funds established by the Federal Retirement Thrift Investment Board, is exempt from this section.

(c) The Attorney General is given authority to investigate offenses under the new section, but this authority expressly does not preclude other appropriate Federal agencies, including the Secretary of Labor, from investigating violations of ERISA.

(b) CONFORMING AMENDMENT. The table of sections for chapter 63 of title 18 United States Code, is modified to list new section "1348. Fraud in relation to retirement arrangements."

SEC. 205. ADDITIONAL CIVIL PENALTIES FOR DEFRAUDING PENSION PLANS.

(a) IN GENERAL. This section would authorize the Attorney General to bring a civil action for a violation, or conspiracy to violate, new section 18 U.S.C. § 1348, relating to retirement fraud. Proof of such a violation established by a preponderance of the evidence would subject the violator to a civil penalty of the greater of the amount of pecuniary gain to the offender, the pecuniary loss to the victim, or up to $50,000 in the case of an individual, or $100,000 for an organization. Imposition of this civil penalty has no effect on other possible remedies.

(b) EXCEPTION. No civil penalties would be imposed for conduct involving an employee pension plan subject to penalties under ERISA, 29 U.S.C. § 1132.

(c) DETERMINATION OF PENALTY AMOUNT. In determining the amount of the penalty, the court is authorized to consider the effect of the penalty on the violator's ability to restore all losses to the victims and to pay other important tax or criminal penalties.

SEC. 206. PUNISHING BRIBERY AND GRAFT IN CONNECTION WITH EMPLOYEE BENEFIT PLANS.

This section would amend section 1954 of title 18, United States Code, by changing the title to "Bribery and graft in connection with employee benefit plans," and increasing the maximum penalty for bribery and graft in regard to the operation of an employee benefit plan from 3 to 5 years imprisonment. This section also broadens existing law under section 1954 to cover corrupt attempts to give or accept bribery or graft payments, and to proscribe bribery or graft payments to persons exercising de facto influence or control over employee benefit plans. Finally, this amendment clarifies that a violation under section 1954 requires a showing of corrupt intent to influence the actions of the recipient of the bribe or graft.

TITLE III—PREVENTING TELEMARKETING CRIME.

SEC. 301. CENTRALIZED COMPLAINT AND CONSUMER EDUCATION SERVICE FOR VICTIMS OF TELEMARKETING FRAUD.

(a) CENTRALIZED SERVICE. This section directs the Commissioner of the Federal Trade Commission to establish a "Better Business"-style hotline to serve as a central information clearinghouse for victims of telemarketing fraud within one year. As part of this service, the FTC is required to establish procedures for logging in complaints of telemarketing fraud victims, providing information on telemarketing fraud schemes, referring complaints to appropriate law enforcement officials, and providing complaint or prior conviction information about specific companies.

(b) CREATION OF FRAUD CONVICTION DATABASE. The Attorney General is directed to establish a database of telemarketing fraud convictions secured against corporations or companies, for the use as described in (a).

(c) AUTHORIZATION OF APPROPRIATIONS. Authorization is provided for such sums as are necessary to carry out the section.

SEC. 302. BLOCKING OF TELEMARKETING SCAMS.

(a) EXPANSION OF SCOPE OF TELEMARKETING FRAUD SUBJECT TO ENHANCED CRIMINAL PENALTIES. Section 2325 of title 18, United States Code, is amended by replacing the term "telephone calls" with "wire communication utilizing a telephone service" to clarify that telemarketing fraud schemes executed using cellular telephone services are subject to the enhanced penalties for such fraud under 18 U.S.C. § 2326.

(b) BLOCKING OR TERMINATION OF TELEPHONE SERVICE ASSOCIATED WITH TELEMARKETING FRAUD. This section adds new section 2328 to title 18, United States Code, to authorize the termination of telephone service used to carry on telemarketing fraud, and is similar to the legal authority provided under 18 U.S.C. § 1084(d), regarding termination of telephone service used to engage in illegal gambling. The new section 2328 requires telephone companies, upon notification in writing from the Department of Justice that a particular phone number is being used to engage in fraudulent telemarketing or other fraudulent conduct, and after notice to the customer, to terminate the subscriber's telephone service. The common carrier is exempt from civil and criminal penalties for any actions taken in compliance with any notice received from the Justice Department under this section. Persons affected by termination may seek an appropriate determination in Federal court that the service should not be discontinued or removed, and the court may direct the Department of Justice to present evidence supporting the notification of termination. Definitions are provided for "wire communication facility" and "reasonable notice to the subscriber."

TITLE IV—PREVENTING HEALTH CARE FRAUD.

SEC. 401. INJUNCTIVE AUTHORITY RELATING TO FALSE CLAIMS AND ILLEGAL KICKBACK SCHEMES INVOLVING FEDERAL HEALTH CARE PROGRAMS.

(a) IN GENERAL. This section extends the provisions of 18 U.S.C. § 1345, which authorizes injunctions against frauds, to authorize the Attorney General to take immediate action to halt illegal health care fraud kickback schemes under the Social Security Act (42 U.S.C. § 1320a-7b). Under existing law, (18 U.S.C. § 1345 (a)(1)(C)), Federal prosecutors are able to obtain injunctive relief in connection with a wide variety of Federal health care offenses. This authority has proven to be extremely valuable in putting a halt to fraudulent behavior, but such relief is not available in connection with kickback offenses under section 1128B of the Social Security Act (42 U.S.C. §1320a-7b). Because of the large amounts of money involved in these kinds of cases, the Attorney General should have the authority to enjoin kickback schemes while they are in progress.

(b) CIVIL ACTIONS. This section would amend 42 U.S.C. § 1320a-7b by adding a new subsection (g) authorizing the Attorney General to seek a civil penalty of up to $50,000 per violation, or three times the remuneration, whichever is greater, for each offense under this section with respect to a Federal health care program. This penalty is in addition to other criminal and civil penalties. The procedures are governed by the Federal Rules of Civil Procedure and 31 U.S.C. 3731. If one or more of the purposes of the remuneration is unlawful, a violation exists and damages shall be the full amount of the remuneration.

SEC. 402. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

This section would amend section 3486 of title 18, United States Code, to authorize the Attorney General or her designee to issue administrative subpoenas—called "authorized investigative demands"—to investigate civil health care fraud cases. Under section 248 of the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191), the Attorney General or her designee is authorized to issue an administrative subpoena in connection with an investigation relating to a Federal health care offense, defined under 18 U.S.C. § 24 to include only criminal offenses. In civil cases, however, the Department's attorneys must rely upon subpoenas issued by the office of the Inspector General of the Department of Health and Human Services or upon civil investigative demands. To facilitate the Department of Justice's ability to investigate civil health care fraud cases in an effective and efficient manner, this provision allows the Attorney General or her designee to issue an administrative subpoena in connection with any health care fraud case, criminal or civil.

This section also provides privacy safeguards for personally identifiable health information that may be obtained in response to an administrative subpoena and divulged in the course of a federal investigation. Information provided in response to a grand jury subpoena is generally required, under Rule 6(e) of the Federal Rules of Criminal Procedure, to be kept secret. By contrast, this secrecy rule would not apply to information obtained in response to an administrative subpoena. This section therefore protects the privacy and confidentiality of personally identifiable health information by limiting its disclosure to a federal prosecutor in the performance of official duties, to other government personnel where necessary to assist in the enforcement of Federal criminal law, or when directed by a court. The section requires that such information be destroyed within 90 days from production, unless otherwise ordered by a court. "Personally identifiable health information" is defined to mean any information relating to the physical or mental condition of an individual, the provision of, or payments for, health care, that either identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

SEC. 403. EXTENDING ANTI-FRAUD SAFEGUARDS TO THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

This section removes the anti-fraud exemption for the Federal Employee Health Benefits (FEHB) Act currently contained in section 1128B(f)(1) of the Social Security Act, thereby extending anti-fraud and anti-kickback safeguards applicable to the Medicare and Medicaid program to the FEHB. This would allow the Attorney General to use the same civil enforcement tools to fight fraud perpetrated against the FEHB program as are available to other Federal health care programs, and to recover civil penalties against persons or entities engaged in illegal kickback schemes under the anti-kickback provisions of the Social Security Act (42 U.S.C. §1320a-7b). Removal of this exemption would allow enhanced penalties for repeat offenders, additional anti-kickback enforcement, enhanced civil monetary penalties, and full participation in the Health Care Fraud and Abuse Control Account. Civil penalties are particularly important in health care fraud, since the complex business arrangements often employed in connection with kickback schemes pose difficulties in proving the necessary scienter needed to sustain a criminal prosecution.

SEC. 404. GRAND JURY DISCLOSURE.

This section would amend section 3322 of title 18, United States Code, to authorize federal prosecutors to seek a court order to share grand jury information regarding health care offenses, as defined in 18 U.S.C. § 24, with other federal prosecutors for use in civil proceedings or investigations relating to fraud or false claims in connection with any Federal health care program. Under current law, grand jury information may not be shared for use by government attorneys in civil investigations except "when so directed by a court preliminarily to or in connection with a judicial proceeding," and may require a hearing at which "other persons as the court may direct" are given a "reasonable opportunity to appear and be heard." F.R.Cr.P. 6(e)(3)(C)(i) & (D). The important policy reasons for protecting the secrecy of grand juries and allowing only narrow access to grand jury proceedings by Federal civil prosecutors are fully set forth in United States v. Sells Engineering, Inc., 463 U.S. 418 (1983).

Mindful of the reasons for grand jury secrecy, the proposed amendment would permit grand jury information regarding health care offenses to be shared with Federal civil prosecutors, only after ex parte court review and a finding that the information would assist in enforcement of federal laws or regulations. Simplifying the sharing of grand jury information by avoiding the need for a judicial proceeding or the possibility of a hearing, would avoid subverting the grand jury secrecy rule while enhancing the effectiveness of the Department of Justice's overall health care anti-fraud effort. In particular, by facilitating the sharing of information between criminal investigators and civil prosecutors, this proposal would enable the Justice Department to proceed more quickly and efficiently to recover losses to federal health care programs and to prevent wrongdoers from dissipating illegally obtained assets before the Government can take action to recover the government's losses. Privacy safeguards for personally identifiable health care information proposed in section 401 of this Act would also apply to information shared under this new provision.

SEC 405. INCREASING THE EFFECTIVENESS OF CIVIL INVESTIGATIVE DEMANDS IN A FALSE CLAIMS INVESTIGATION.

This section amends section 3733 of title 31, United States Code, to permit the Attorney General to delegate authority to issue civil investigative demands to the Deputy Attorney General or an Assistant Attorney General. The Deputy Attorney General and Assistant Attorneys General already are authorized under current law to cause such discovery demands to be served.

In addition, section 3733 is amended to permit a person who initiated an investigation or proceeding under 31 U.S.C. § 3730, or such person's counsel (i.e., whistle-blowers who have brought a qui tam suit under the False Claims Act) to seek permission from a district court to obtain information disclosed to the Justice Department in response to civil investigative demands. Whistle blowers who relay information for false claims actions to the government are often able to provide valuable assistance to the government in pursuing false claims law investigations and actions. This assistance may be further enhanced if they have an opportunity to review information obtained by the Justice Department in connection with the investigation.

TITLE V—PROTECTING RESIDENTS OF NURSING HOMES

SEC. 501. NURSING HOME RESIDENT PROTECTION ACT.

This title may be cited as the ;"Nursing Home Resident Protection Act of 1999."

SEC. 502. NURSING HOME RESIDENT PROTECTION.

(a) PROTECTION OF RESIDENTS IN NURSING HOMES AND OTHER RESIDENTIAL HEALTH CARE FACILITIES. This section would add new section 1349 to title 18, United States Code, to punish persons who engage in a pattern of willful violations of Federal laws, regulations, rules, or State laws governing the health, safety, or care of individuals residing in residential health care facilities, and allows the Attorney General to bring civil penalties against those entities. It also provides additional "whistle blower" protection by allowing a person who is retaliated against for reporting nursing home conditions to bring a civil action for damages, attorney's fees, and other costs.

(b) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES. This section would amend section 3486(a)(1) of title 18, United States Code, to authorize the Attorney General or a designated representative to issue administrative subpoenas in cases under new section 1349 of title 18, United States Code.

(c) CONFORMING AMENDMENT. The table of sections for chapter 63 of title 18 United States Code, is modified to list new section "1349. Pattern of violations resulting in harm to residents of nursing homes and related facilities."

TITLE VI—PROTECTING THE RIGHTS OF ELDERLY CRIME VICTIMS

SEC. 601. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS AND REGULATORY AGENCIES. This section would amend section 981(e) of title 18, United States Code, to allow the use of forfeited funds to pay restitution to crime victims and regulatory agencies.

SEC. 602. VICTIM RESTITUTION. The section adds a new subsection "(r) VICTIM RESTITUTION" to the Controlled Substances Act (21 U.S.C. §853) to allow the government to move to dismiss forfeiture proceedings to allow the defendant to use the property subject to forfeiture for the payment of restitution to victims. If forfeiture proceedings are complete and there is no other source of restitution available to the victims, the Government may return the forfeited property so it may be used for restitution.

SEC. 603. BANKRUPTCY PROCEEDINGS NOT USED TO SHIELD ILLEGAL GAINS FROM FALSE CLAIMS.

(a) CERTAIN ACTIONS NOT STAYED BY BANKRUPTCY PROCEEDINGS. This section provides that an action under the False Claims Act may be brought and continued despite concurrent bankruptcy proceedings.

(b) CERTAIN DEBTS NOT DISCHARGEABLE IN BANKRUPTCY. This section prohibits the discharge in bankruptcy of debts resulting from judgments or settlements in Medicare and Medicaid fraud cases under the False Claims Act. Currently, in some cases, persons who rip off the Medicare or Medicaid system can avoid repaying their ill-gotten gains or penalties by filing for bankruptcy.

(c) REPAYMENT OF CERTAIN DEBTS CONSIDERED FINAL. This section adds a new §111 to chapter I of title II of the United States Code which provides that no debt owed for a violation of the False Claims act or under a compromise order or other agreement resolving such a debt may be avoided under bankruptcy provisions.

SEC. 604. FORFEITURE FOR RETIREMENT OFFENSES.

(a) CRIMINAL FORFEITURE. This section adds a new subsection to 18 U.S.C. § 982(a) to require the forfeiture of proceeds of a criminal retirement offense, including a violation of new section 1348 of title 18, United States Code.

(b) CIVIL FORFEITURE. This section adds a new subsection to 18 U.S.C. § 981(a)(1) to permit the civil forfeiture of proceeds from a criminal retirement offense.

Mr. DASCHLE. Mr. President, I am pleased to join Senators LEAHY and TORRICELLI in introducing The Seniors Safety Act. All too often, seniors are primary targets for financial exploitation and subjected to neglect and physical abuse, and as our country's senior population continues to grow, the plague of crimes against the elderly has the potential to spiral out of control. The Seniors Safety Act combats this very serious issue by increasing penalties for crimes against seniors, improving law enforcement tools necessary to prevent telemarketing and healthcare fraud, safeguarding pension and benefit plans from fraud and bribery, and preventing nursing home abuse.

Seniors are often targeted by criminals because of their lack of mobility, isolation, and dependence on others. The criminals targeting seniors should be subject to enhanced penalties, and we must develop new strategies to combat their crimes. The Seniors Safety Act requires the sentencing commission to review and consider amending sentencing guidelines to include age as one criterion for enhancing a sentence and enhances the penalty for fraudulent schemes that result in serious injury or death. In addition, the bill directs the Attorney General to conduct a comprehensive review of crimes against seniors in order to develop new ways to combat criminals who target older Americans.

Federal investigators estimate that senior citizens constitute nearly 80 percent of telemarketing scam victims. In 1996, the AARP estimated that 14,000 companies nationwide were illegally defrauding citizens of their hard-earned money through telemarketing schemes. The fraud committed by only 300 telemarketers exposed by the FBI in 1995 resulted in an estimated $58 million loss from 52,000 seniors in just two years. The Seniors Safety Act puts in place important law enforcement tools needed to stop telemarketing fraud. The Act gives federal officials the ability to cut off a fraudulent telemarketer's telephone service. It also creates a hotline for victims of telemarketing fraud. Through the hotline, victims can register complaints against companies, can receive information regarding common fraudulent schemes and be referred to the appropriate enforcement agency. A database of complaints will be established so that victims can check for previous complaints against a particular company.

Health care fraud also disproportionately harms older Americans. The Seniors Safety Act provides important new tools to law enforcement officials for use in health care fraud investigations. The bill authorizes the Attorney General to get injunctions to stop false claims and health care kickbacks and to issue administrative subpoenas for health care offenses. With court permission, the Attorney General would also be permitted to share grand jury information for use in civil investigations of health care fraud and abuse. In addition, the bill extends existing anti-fraud safeguards applicable to Medicare and Medicaid to the Federal Employee Health Benefits Act.

We must protect the economic security of our country's senior citizens by safeguarding pension and employee benefit plans from fraud and misuse. For this reason, an important provision of the Seniors Safety Act creates a new "retirement fraud" crime modeled on existing bank fraud and health care fraud statutes. The bill provides for civil penalties for commission of a retirement fraud crime, and increases the existing penalties for theft or embezzlement and bribery and graft with respect to the operation of an employee benefit plan.

In 1997, the Department of Health and Human Services reported a 14 percent increase in nursing home abuse since 1994. Our society must provide a safe environment for older Americans who move into nursing homes. This bill will combat nursing home fraud and abuse by creating new federal and criminal penalties against persons or companies who willfully engage in a pattern of health and safety violations. The bill will also protect persons who report health and safety violations by allowing them to bring a civil cause of action for acts of retaliation against them.

Finally, we must provide greater protections for senior crime victims. The Seniors Safety Act will do just that by requiring criminals to forfeit ill-gotten gains and property acquired by defrauding pension plans to the victims. The bill also prevents criminals from using the bankruptcy laws to avoid paying judgments by prohibiting judgments or settlements in Medicare or Medicaid fraud cases from being discharged in bankruptcy proceedings and allows False Claims Act actions to proceed despite concurrent bankruptcy proceedings.

These and other provisions in The Seniors Safety Act will make a real difference—a positive difference—in protecting the senior citizens of this country. This comprehensive bill is a vital part of our ongoing effort to secure the safety of our families and our communities, and I encourage my colleagues on both sides of the aisle to give it their full support.

• Mr. TORRICELLI. Mr. President, today, Senator LEAHY, Senator DASCHLE, and I introduced the Seniors Safety Act of 1999. Senator LEAHY has referred to this legislation as "a new safety net for seniors." It is that, but it is also much more. Indeed, this bill is a potent weapon designed to track down and punish those criminals who would prey on the trust and good will of America's seniors. This bill puts the crooks on notice that crimes against seniors, from violent assaults in the streets, to abuses in nursing homes, to frauds perpetrated over the telephone lines, will not be tolerated.

Seniors represent the most rapidly growing sector of our population—in the next 50 years, the number of Americans over the age of 65 will more than double. Unless we take action now, the frequency and sophistication of crimes against seniors will likewise skyrocket. The Seniors Safety Act of 1999 was developed to address, head-on the crimes which most directly affect the senior community, including telemarketing fraud, and abuse and fraud in the health care and nursing home industries. It increases penalties and provides enhancements to the sentencing guidelines for criminals who target seniors. It protects seniors against the illegal depletion of precious pension and employee benefit plan funds through fraud, graft, bribery, and helps victimized seniors obtain restitution. Any finally, this bill authorizes the Attorney General to study the problem of crime against senors, and design new techniques to fight it.

Criminal enterprises that engage in telemarketing fraud are some of the most insidious predators out there. Americans are fleeced out of over $40 billion dollars every year, and the effect on seniors is grossly disproportionate According to the American Association of Retired Persons, "The repeated victimization of the elderly is the cornerstone of illegal telemarketing." A study has found that 56 percent of the names on the target lists of fraudulent telemarketers are the names of Americans aged 50 or older. Of added concern is the fact that many of the perpetrators have migrated out of the United States for fear of prosecution, and continue to conduct their illegal activities from abroad.

In one heartbreaking story, a recently-widowed New Jersey woman was bilked out of $200,000 by a deceitful telemarketing firm from Canada, who claimed that the woman had won a $150,000 sweepstakes—the price could be hers, for a fee. A series of these calls followed, convincing this poor woman, already in a fragile mind-state after her husband's death, to send more and more money for what they claimed was an increasingly large prize, which, of course, never materialized.

Our bill authorizes the Attorney General to effectively put these vultures, even the international criminals, out of business by blocking or terminating their U.S. telephone service. In addition, it authorizes the FTC to create a consumer clearinghouse which would provide seniors, and others who might have questions about the legitimacy of a telephone sales pitch, with information regarding prior complaints about a particular telemarketing company or prior fraud convictions. Furthermore, this clearing house would give seniors who may have been cheated an open channel to the appropriate law enforcement authorities.

In 1997, older Americans were victimized by violent crime over 680,000 times. The crimes against them range from simple assault, to armed robbery, to rape. While national crime rates in general are falling, seniors have not shared in the benefits of that drop.

This Act singles out criminals who prey on the senior population and penalizes them for the physical and economic harm they cause. In addition, we intend to place this growing problem in the spotlight, and urge Congress and federal and state law enforcement agencies to continue to develop solutions. To this end, we have authorized a comprehensive examination of crimes against seniors, and the inclusion of data on seniors in the National Crime Victims Survey.

Seniors across the country have worked their entire lives, secure in the belief that their pensions and health benefits would be there to provide for them in their retirement years. Far too often, seniors wake up one morning to find that their hard-earned benefits have been stolen. In 1997 alone, $90 million in losses to pension funds were uncovered. Older Americans who depend on that money to live are left out in the cold, while criminals enjoy the fruit of a lifetime of our seniors' labor. The Seniors Safety Act gives federal prosecutors another powerful weapon to punish pension fund thieves. The Act creates new civil and criminal penalties for defrauding pension of benefit plans, or obtaining money from them under false or fraudulent pretenses.

The defrauding of Medicare, Medicaid, and private health insurers has become big business for criminals who prey on the elderly. According to a National Institutes of Health study, losses from fraud and abuse may exceed $100 billion per year. Overbilling and false claims filing have become rampant as automated claims processing is more prevalent. Similarly, the Department of Justice has noted numerous cases where unscrupulous nursing home operators have simply pocketed Medicare funds, rather than providing adequate care for their residents. In one horrendous case, five diabetic patients died from malnutrition and lack of medical care. In another, a patient was burned to death when a mute patient was placed by untrained staff in a tub of scalding water. These terrible abuses would never have occurred had the facilities spent the federal funds they received to implement proper health and safety procedures. This bill goes after fraud and abuse by providing resources and tools for authorities to investigate and prosecute offenses in civil and criminal courts, and enhances the ability of the Justice Department to use evidence brought in by qui tam (whistleblower) plaintiffs.

This Act delivers needed protections to our seniors. It sends a message to the cowardly perpetrators of fraud and other crimes against older Americans, that their actions will be fiercely prosecuted, whether they be here or abroad. And it clearly states that we refuse to allow seniors to be victimized by this most heinous form of predation.

By Mr. MOYNIHAN (for himself and Mr. BINGAMAN):

S. 752. a bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Government Affairs.

LEGISLATION TO INCREASE THE NUMBER OF LOW INCOME CENSUS ENUMERATORS

• Mr. MOYNIHAN. Mr. President, I rise to introduce, along with my colleague, Senator BINGAMAN, a bill that will encourage people receiving public assistance to seek work next year as enumerators for the 2000 census. In the previous census over 350,000 people went from door to door seeking information about those who did not return the census forms they received in the mail. In spite of the best efforts of this army of enumerators, some eight million people were not counted, and a disproportionate number of them were minorities.

The Bureau of the Census is going to great lengths to improve on the 1990 count, but finding the tens of millions of people who do not return their forms is an enormous undertaking. We know that many of those who must be sought out live in the low income areas of our cities, and many others are among the rural poor. This bill would allow those receiving financial assistance under any federal program, TANF and others, to be employed as enumerators during calendar year 2000 without having their income count against their eligibility for benefits from those programs. The bill further allows these enumerators to have their employment count towards eligibility for Social Security, Medicare, and other benefit programs.

Mr. President, encouraging those who live in the low income areas of our population to serve as enumerators will help to open the doors of their neighbors and those who live nearby. It will help count more of those most difficult to count. And it will provide employment to those who may not be able to find it for various reasons that include lack of transportation to far-off jobs.

This bill will help produce a more accurate census and provide employment to those most in need of it. It is a most worthwhile piece of legislation and I encourage my colleagues to support it. I also ask that the text of the bill be included in the RECORD.

The bill follows:

S. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Decennial Census Improvement Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution of the United States requires that the number of persons in the United States be enumerated every 10 years in order to permit the apportionment of representatives among the several States;

(2) information collected through a decennial census of the population conducted under section 141 of title 13, United States Code, is also used to determine—

(A) the boundaries of—

(i) congressional districts within States;

(ii)(I) the districts for the legislature of each State; and

(II) other political subdivisions within the States; and

(B) the allocation of billions of dollars of Federal and State funds;

(3) the Constitution of the United States requires that the enumerations referred to in paragraph (2) be made in such manner as the Congress "shall by law direct";

(4) in the 1990 decennial census, the Bureau of the Census used a combination of mail questionnaires and personal interviews, involving more than 350,000 enumerators, to collect the census data; and

(5) in 1993, the Bureau of the Census concluded that legislation ensuring that pay for temporary census enumerators in the 2000 decennial census would not be used to reduce benefits under Federal assistance programs would make it easier for the Bureau to hire individuals in low-income neighborhoods as temporary census enumerators in those neighborhoods.

SEC. 3. MEASURES TO FACILITATE THE RECRUITMENT OF TEMPORARY EMPLOYEES.

(a) PURPOSES FOR WHICH COMPENSATION SHALL NOT BE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Section 23 of title 13, United States Code, is amended by adding at the end the following:

"(d)(1) As used in this subsection, the term 'temporary census position' means a temporary position within the Bureau of the Census established for purposes relating to the 2000 decennial census of population conducted under section 141 (as determined under regulations that the Secretary shall prescribe).

"(2) Notwithstanding any other provision of law, compensation for service performed by an individual in a temporary census position shall not cause—

"(A) that individual or any other individual to become ineligible for any benefits described in paragraph (3)(A); or

"(B) a reduction in the amount of any benefits described in paragraph (3)(A) for which that individual or any other individual would otherwise be eligible.

"(3) This subsection shall—

"(A) apply with respect to benefits provided under any Federal program or any State or local program financed in whole or in part with Federal funds (including the Social Security program under the Social Security Act (42 U.S.C. 301 et seq.) and the Medicare program under title XVIII of that Act);

"(B) apply only with respect to compensation for service performed during calendar year 2000; and

"(C) not apply if the individual performing the service involved is appointed (or first appointed to any other temporary census position) before January 1, 2000.".

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not affect the application of Public Law 101–86 (13 U.S.C. 23 note), as amended by subsection (b).

(b) EXEMPTION FROM PROVISIONS RELATING TO REEMPLOYED ANNUITANTS AND FORMER MEMBERS OF THE UNIFORMED SERVICES.—Public Law 101–86 (13 U.S.C. 23 note) is amended—

(1) by striking the title and inserting the following: "An Act to provide that a Federal annuitant or former member of a uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the 2000 decennial census of population shall be exempt from certain provisions of title 5, United States Code, relating to offsets from pay and other benefits.";

(2) in section 1(b), by striking "the 1990 decennial census" and inserting "the 2000 decennial census"; and

(3) in section 4, by striking "December 31, 1990." and inserting "December 31, 2000.".•

By Mr. DASCHLE (for himself, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 753. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FINANCIAL SERVICES ACT OF 1999

Mr. DASCHLE. Mr. President, today, with the distinguished Ranking Member of the Banking Committee, the senior Senator from Maryland, Mr. SARBANES, we are introducing the "Financial Services Act of 1999." We are joined by all Democratic members of the Banking Committee.

The President has indicated through his Secretary of the Treasury, Robert Rubin, that he can support our approach and sign it into law.

This bill makes a clear and unambiguous statement: we want financial services modernization enacted this year.

This should not be a partisan issue. Our bill is based on last year's H.R. 10, which enjoyed wide bipartisan support.

It was approved last year by the Senate Banking Committee by a vote of 16 to 2. Most Republicans supported it. It was supported by virtually every major financial services industry group.

A similar bill was adopted by a bipartisan 51 to 8 vote this year in the House Banking Committee.

Sadly, reform efforts suffered a major setback this year in the Senate Banking Committee when the majority forced through a bill on a party line vote of 11 to 9.

Mr. President, financial services reform is now on two tracks toward reform. There is the veto track, and the Banking Committee bill is on it over the Community Reinvestment Act and other concerns.

There is also the track toward enactment, which this bill and the House Banking bill are on.

But it can't be "take it or leave it" on either side. We have agreed with the distinguished Majority Leader [Mr. LOTT] to discuss this issue immediately after recess in an effort to find common ground.

The choice is clear: it's either partisan brinksmanship—or bipartisan accomplishment. We reject the former and stand ready to deliver on the latter.

Mr. SARBANES. Mr. President, today the Democratic members of the Senate Banking Committee—myself, Senators DODD, KERRY, BRYAN, JOHNSON, REED, SCHUMER, BAYH, and EDWARD—are joining with the Democratic Leader, Senator DASCHLE, in introducing the Financial Services Act of 1999.

Senator DASCHLE and the Democratic members of the Senate Banking Committee strongly support financial services modernization legislation. Last year, every Democratic member of the Committee voted for financial services modernization in the form of H.R. 10, the Financial Services Act of 1998. That bill was reported by the Committee on a bipartisan vote of 16 to 2. In a Committee markup of financial services legislation on March 4 of this year, every Democratic member of the Committee voted for financial services modernization in the form of a substitute amendment that I offered. The substitute amendment contained the text of last year's bill with the addition of a provision that would permit banks to conduct expanded financial service activities through operating subsidiaries. The substitute amendment was defeated on a party line vote of 11 to 9.

The bill being introduced today consists of the substitute amendment that was offered in the Banking Committee markup. We introduce this legislation because it meets certain basic goals. These include permitting affiliations among firms within the financial services industry, preserving the safety and soundness of the financial system, protecting consumers, maintaining the separation of banking and commerce, and expanding access to credit for all communities in our country. Unfortunately, the bill reported out of the Senate Banking Committee does not meet these goals and was opposed by every Democratic member of the Committee.

We are disappointed that the Committee Majority has abandoned the consensus so carefully developed last year. The broad, bipartisan margin of support enjoyed by last year's bill reflected the compromises struck during the course of its consideration. It was not opposed by a single major financial services industry association.

The legislation being introduced today reflects compromises among Committee Members and among industry groups on a wide range of issues, including the Community Reinvestment Act, consumer protections, and the separation of banking and commerce. The decision by the Committee Majority to abandon these compromises has resulted in less than unanimous industry support for the Committee-passed bill. In addition, civil rights groups, community groups, consumer organizations, and local government officials strongly oppose the Committee-passed bill.

We are disappointed as well that the Committee Majority has refused to recognize that enactment of financial services legislation entails accommodation of views not only of members of the Congress, but in particular the view of the White House and the Treasury Department. On March 2, before the Committee's markup, President Clinton wrote:

> This Administration has been a strong proponent of financial legislation that would reduce costs and increase access to financial services for consumers, businesses, and communities . . . I agree that reform of the laws governing our nation's financial services industry would promote the public interest. However, I will veto the Financial Services Modernization Act if it is presented to me in its current form.

The President warned that the bill "would undermine the effectiveness of the Community Reinvestment Act," "would deny financial services firms the freedom to organize themselves in the way that best serve their customers," "would . . . provide inadequate consumer protections," and "could expand the ability of depository institutions and nonfinancial firms to affiliate . . ." None of these concerns was fully addressed by the Committee Majority at markup. Unless the concerns of the Administration are addressed, it is clear the Committee-passed bill will not be enacted into law.

We believe the bill we are introducing today is a balanced, prudent approach to financial services modernization legislation. It could not only be passed by the Congress, but signed into law by the President. It is clearly the approach most likely to lead to the enactment of financial services modernization legislation in this Congress.

By Mr. EDWARDS (for himself and Mr. HELMS):

S. 754. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the "Terry Sanford Federal Building"; read the first time.

THE "TERRY SANFORD COMMEMORATION ACT"

Mr. EDWARDS. Mr. President, I rise today to introduce the "Terry Sanford Commemoration Act of 1999." This measure would name the federal building in Raleigh, North Carolina after a great man, Terry Sanford.

We lost Terry Sanford almost a year ago. The loss was great. He served North Carolina throughout his entire life. He was a Governor, a state Senator, a U.S. Senator, and a university president. He was trained as a lawyer. He wrote books, served as a paratrooper during World War II, worked as an FBI agent and ran for President of the United States—twice.

Senator Sanford died on April 18, 1998 after a long fight with esophageal cancer.

He was a towering figure, a hero, to many North Carolinians. And we miss him.

There is no doubt that when the history of North Carolina in the 20th Century is written, Terry Sanford will occupy many pages. And he will be given a great deal of credit for the great strides taken by North Carolina. Whatever Terry Sanford touched he made better.

Senator Sanford's mother was a school teacher. His love of education must have started there. When he was governor he did whatever it took to increase funding for education. He even talked state legislators into voting for a food tax in order to fund education—that was not easy. Among other things, he helped found the North Carolina School for the Arts which was a pioneer, and to this day remains a leader in arts education. After he finished his term as governor, he became President of Duke University. And he brought unparalleled ambition, vision and energy to making Duke University great.

But the list of Senator Sanford's accomplishments does not stop with education. He launched innovative antipoverty programs. He helped start the North Carolina State Board of Science and Technology. He was largely responsible for the creation of an environmental health sciences facility in Research Triangle Park. He helped calm the student protests over the Vietnam War.

And finally, in the midst of a turbulent and difficult time, Terry helped us find a path across the racial divide. In his 1961 inaugural address, he let us know and understand that "no group of our citizens can be denied the right to participate in the opportunities of first-class citizenship."

He later said: "The most difficult thing I did was the most invisible thing. That was to turn the attitude on the race." He turned the attitude in small and large ways. He invited prominent leaders in the African-American community to the Governor's Mansion for breakfast to talk about how to solve the race problem. Many of them later said that they never dreamed a day would come when their state's governor would invite them to breakfast. He started the Good Neighbor Council, which is now the North Carolina Human Relations Commission, to give structure and authority to his commitment to creating jobs for people regardless of race.

And the thing about Senator Sanford is that he never stopped. Late in life, when he was no longer a Senator, University President or Governor, he kept coming up with great ideas and kept working to see them through to completion. He was a friend to me. And I valued his advice and counsel.

Naming a building can never capture the spirit and heart of a man like Terry Sanford. But it is a fitting tribute.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terry Sanford Commemoration Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Terry Sanford served the State of North Carolina and the Nation with enthusiasm, bravery, and distinction in many important ways, including—

(A) as a paratrooper in World War II;

(B) as an agent with the Federal Bureau of Investigation;

(C) as a North Carolina State senator;

(D) as Governor of North Carolina;

(E) as a professor of public policy at Duke University;

(F) as President of Duke University;

(G) as a United States Senator from North Carolina;

(H) as a patron of the arts; and

(I) as a loving and committed husband and father.

(2) Terry Sanford fought tirelessly and selflessly throughout his life to improve the lives of his fellow citizens through public education, racial healing, economic development, eradication of poverty, and promotion of the arts.

(3) Terry Sanford exemplified the best qualities mankind has to offer.

(4) Terry Sanford lived an exemplary life and is owed a debt of gratitude for his untiring service to the State of North Carolina and his fellow Americans.

SEC. 3. DESIGNATION.

The Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, shall be known and designated as the "Terry Sanford Federal Building".

SEC. 4. REFERENCES.

Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 3 shall be deemed to be a reference to the "Terry Sanford Federal Building".

By Mr. HATCH (for himself, Mr. NICKLES, Mr. THURMOND, Mr. BIDEN, Mr. KENNEDY, Mr. SESSIONS, Mr. ABRAHAM, Mr. KOHL, Mr. LIEBERMAN, Mr. HELMS, Mr. SCHUMER, and Mr. DEWINE):

S. 755. A bill to extend the period for compliance with certain ethical standards for Federal prosecutors; read the first time.

LEGISLATION TO EXTEND THE PERIOD FOR COMPLIANCE WITH CERTAIN ETHICAL STANDARDS FOR FEDERAL PROSECUTORS

Mr. HATCH. Mr. President, I am pleased to be joined by a diverse, bipartisan group of Senators in introducing this simple, technical bill to extend the effective date of a provision included in last year's omnibus appropriations bill. My cosponsors include Senators NICKLES, BIDEN, THURMOND, KENNEDY, SESSIONS, ABRAHAM, KOHL, SCHUMER, LIEBERMAN, DEWINE, and HELMS. I urge all of my colleagues to support our bill.

My colleagues will recall that last year's omnibus appropriations bill included a provision originating in the House, relating to the application of state bar rules to federal prosecutors. The so-called McDade amendment proposed the addition of a new section, Section 530B, to title 28 of the United States Code, which would effect the ethical standards required of federal prosecutors.

Although I am prepared to, I do not want to address the merits of this issue today, and our bill does not do so. Suffice it to say, however, that including this provision was so controversial that a bipartisan majority of the Judiciary Committee opposed its inclusion in the omnibus bill. In fact, our strong opposition resulted in a six month delay in the provision's effective date being included as well.

When we included this six month grace period, the Senate anticipated that the time might be used to address the serious concerns with the underlying measure. Due to arguably unanticipated events, we have not been able to do so. Our amendment simply maintains the status quo, extending the grace period an additional six months. A bipartisan group of 12 Senators, including myself and 3 former chairmen of the Senate Judiciary Committee signed a letter, urging the distinguished Chairman and Ranking Member of the Appropriations Committee to include this amendment in this supplemental appropriations bill.

This letter was signed by Senators THURMOND, KENNEDY, BIDEN, DEWINE, SESSIONS, ABRAHAM, KYL, FEINSTEIN, KOHL, NICKLES, WARNER, and myself. I ask unanimous consent that the letter appear in the RECORD following my remarks.

Let me assure my colleagues, our bill will not, as some might suggest, result in looser ethical standards for federal prosecutors. The same high standards that have always applied will continue in force. Indeed, I have considerable sympathy for the values Section 530B seeks to protect. Anyone who at one time or another has been the subject of unfounded ethical or legal charges knows the frustration of clearing one's name. And no one wants more than I to ensure that all federal prosecutors are held to the highest ethical standards. As Justice Sutherland put it in 1935, the prosecutor's job is not just to win a case, but to see "that justice shall be done. . . . It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." But Section 530B, as it was enacted last year, is not in my view the way to ensure these standards are met.

Although well-intentioned, section 530B is not the measured and well tailored law needed to address the legitimate concerns contemplated by Congress, and will have serious unintended consequences. Indeed, if allowed to take effect in its present form, section 530B could cripple the ability of the Department of Justice to enforce federal law.

The federal government has a legitimate and important role in the investigation and prosecution of complex multi-state terrorism, drug, fraud or organized crime conspiracies, in rooting out and punishing fraud against federally funded programs such as Medicare, Medicaid, and Social Security, in appropriate enforcement of the federal civil rights laws, in investigating and prosecuting complex corporate crime, and in punishing environmental crime.

It is in these very cases that current Section 530B, if unchanged, will have its most serious adverse effects. Federal prosecutors in these cases, which frequently encompass several states, will be subject to the differing state and local rules of each of those states. Their decisions will be subject to review by the ethics review boards in each of these states at the whim of defense counsel, even if the federal prosecutor is not licensed in that state.

At a minimum, the law will discourage the close prosecutorial supervision of investigations that ensure that suspect's rights are not abridged. More likely, however, in its current form, section 530B will hinder the effective investigation and prosecution of violations of federal law.

Several important investigative and prosecutorial practices, perfectly legal and acceptable under federal law and in federal court, under current section 530B will be subject to state bar rules. For instance, in many states, federal attorneys will not be permitted to speak with witnesses alleged to be represented, especially witnesses to corporate misconduct. The use of undercover investigations or federal-court authorized wiretaps may be challenged as illegal in those states where these practices are barred or curtailed by state law or rule, hindering federal criminal investigations. In other states, current section 530B might be construed to require—contrary to long-established federal grand jury practice—that prosecutors present exculpatory evidence to the grand jury.

In short, current section 530B will likely affect adversely enforcement of our antitrust laws, our environmental laws prohibiting the dumping of hazardous waste, our labor laws, our civil rights laws, and the integrity of every federal benefits program.

Despite these potentially severe consequences, this legislation received no meaningful consideration in the Senate last Congress. Rather, it was included without an opportunity for Senate debate in an unamendable omnibus appropriations bill conference report. The first Senate consideration of this matter occurred just this week, with a hearing in the Judiciary Committee's Criminal Justice Oversight Subcommittee. The testimony at that hearing shed important light on many of the concerns about section 530B that I have described.

Yet, our bill does not repeal section 530B, or change one letter of it. Our bill simply delays its effective date for six additional months, to provide the Senate an appropriate time in which to address these matters with our colleagues in the House. We believe that it is in the best interest of the Congress, the Department of Justice, and our state and federal courts, to resolve concerns over this issue under current law, as anticipated by the Congress when it enacted the grace period.

The provisions of the McDade amendment are slated to go into effect on April 19, 1999, if no further action is taken. I urge my colleagues to support the swift enactment of our legislation, to provide the time needed to reach a reasonable resolution to this complex issue.

By Mr. LUGAR (for himself, Mr. KERREY, Mr. HAGEL, Mr. THOMAS, Mr. SMITH of Oregon, Mr. GRAMS, MR. ROBB, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. COCHRAN, Mr. DOMENICI, Mr. LOTT, Mr. SANTORUM, Mr. BURNS, Mr. ALLARD, Mr. JOHNSON, Mrs. HUTCHISON, Mr. CHAFEE, Mr. GORTON, Mr. BREAUX, Mrs. MURRAY, Mr. DORGAN, Mr. CRAPO, Mr. BAUCUS, Mrs. LINCOLN, Mr. CONRAD, Mr. BOND, and Mr. ROBERTS):

S. 757. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

THE SANCTIONS POLICY REFORM ACT

Mr. LUGAR. Mr. President, I am pleased to introduce the "Sanctions Policy Reform Act of 1999," a bill that would establish a more deliberative, commonsense approach to U.S. sanctions policy. I am joined by nearly thirty colleagues from both sides of the aisle. A companion bipartisan bill was introduced in the House of Representatives on March 24, 1999. We introduced a similar sanctions reform bill in the 105th Congress and gained thirty-nine co-sponsors in the Senate.

Our interest in reforming U.S. economic sanctions policy stems from a number of compelling and disturbing findings. The net effect of our self-imposed economic sanctions is that they deny access to U.S. markets abroad, reduce our trade balance, contribute to job loss, complicate our foreign policy and antagonize friends and allies. Unilateral economic sanctions are truly a blunt instrument of foreign policy.

Unilateral economic sanctions have become a policy of first use, rather than last resort, when pursuing a foreign policy objective. Sanctions are tempting alternatives to careful diplomatic negotiations and to the use of force to accomplish foreign policy goals. Unilateral economic sanctions have become more frequent in recent years and have been used against more countries, both friends and adversaries, for an increasing variety of actions which we find offensive.

Unilateral economic sanctions can give a competitive edge to foreign companies by precluding U.S. companies from exporting. Over time, foreign competitors will establish trade connections with a U.S. sanctioned country, solidify their trade ties and make it difficult for U.S. companies to reenter those markets. This is costly to the U.S. economy, to American exports, to American jobs and to our overall foreign policy.

There have been a large number of studies on unilateral economic sanctions and they provide startling estimates of the sanctions' costs. The report of the President's Export Council, for example, cited 75 countries representing more than half of the world's population that have been subject to or threatened by U.S. unilateral economic sanctions. In another study, the Institute for International Economics concluded that, in 1995, alone, economic sanctions cost U.S. exports between $15–19 billion, and eliminated upwards to 200,000 U.S. jobs, many in high wage export sector. More recently, the administration revealed the results of its internal inventory of U.S. sanctions and found that there are now more than 280 identifiable sanctions provisions that are either in force or in law.

Unilateral economic sanctions rarely succeed in accomplishing their stated foreign policy objectives. Unilateral economic sanctions sometimes do more damage to our interests than to those against whom they are aimed. For this reason alone, we should re-think the way in which we manage our sanctions policy.

Mr. President, a cardinal principle of foreign policy is that when we act internationally, our actions should do less harm to ourselves than to others. Unilateral economic sanctions, unfortunately, often fail this crucial test of public policy.

In fact, Mr President, unilateral economic sanctions often impose long-term adverse effects on the U.S. economy. Once foreign competitors establish a presence in international markets that are abandoned by the United States, the potential losses can magnify. Over time, the cumulative effect of sanctions will not only include the loss of commercial contracts, but also the loss of confidence in American suppliers and in the United States as a reliable business partner. The frequent resort to unilateral economic sanctions to achieve foreign policy goals, however meritorious these goals may be, runs the risk of weakening our export performance which has contributed so greatly to our economic prosperity.

Mr. President, unilateral economic sanctions give the illusion of action by substituting for more decisive action or by serving as a palliative for those who demand that some action be taken—any action—by the United States against a country with whom we have a disagreement. Yet, the evidence is powerful that they rarely attain the foreign policy goals they are intended to achieve.

The bill we are introducing today includes a number of changes from last year's bill which we believe will strengthen the cause of sanctions reform. These new provisions include language that would provide the President more flexibility in meeting procedural requirements he would otherwise have to meet when considering new unilateral economic sanctions. The bill includes a permanent waiver authority on the Nuclear Prevention Proliferation Act of 1994, the so-called Glenn Amendment, which mandates the automatic imposition of sanctions on countries which detonate a nuclear device for weapons development. We also included an additional procedural "speed bump" to improve the deliberative process in the Congress.

Mr. President, our legislation is prospective. With only one exception, our bill does not affect existing U.S. sanctions. The only provision in our bill which reaches back to current unilateral economic sanctions gives the President permanent authority to waive the sanctions in the Nuclear Proliferation Prevention Act, the Glenn Amendment. Our bill applies only to unilateral sanctions and to those sanctions intended to achieve foreign policy or national security objectives. It would exclude, by definition, U.S. trade laws that have well-established procedures and precedents. The bill does not address the complex issue of state and local sanctions designed to achieve foreign policy goals.

Our proposed legislation does not prohibit unilateral economic sanctions or prevent a vote in the Congress on any proposed new sanction. There are situations where other foreign policy options have been exhausted and where the actions of other countries are so outrageous or so threatending to the United States and national interests that our response, short of the use of force, must be firm and unambiguous. In such instances, economic sanctions may be an appropriate instrument of American foreign policy.

Our legislation seeks to establish clear guidelines and informational requirements to help us improve our deliberations and to understand better the consequences of our actions before we implement new economic sanctions. We should know before voting or imposing any new sanctions what the costs and gains to the United States and our friends and allies are likely to be. There should be an analysis of the impact of any new sanctions on our reputation as a reliable supplier, the other policy options that have been explored, and whether the proposed sanctions are likely to contribute to the foreign policy objectives sought in the legislation. Comparable requirements are also mandated in the bill for those new sanctions contemplated by the President under his authorities.

If the Congress and the President decide to implement new sanctions, our bill requires periodic evaluations from the President detailing the degree to which the sanctions have accomplished U.S. goals, the impact they are having on our economic, political and humanitarian interests, and their effects on other foreign policy goals and interests.

The bill provides for more active and timely consultations between Congress and the President. It provides Presidential authority to permit the President to waive the procedural requirements he must otherwise meet if he exercises his current authorities to impose a new sanction. The waiver authority can be exercised if the President determines that it is in the national interests to do so.

Our bill includes a sunset provision which means that any new unilateral economic sanction must expire after 2 years duration unless the Congress or the President acts to re-authorize them. Too often sanctions have lingered on the books long after anyone remembers and long after they are having any effect.

It includes language on contract sanctity to help ensure that the United States is a reliable supplier, but it also includes appropriate exceptions to protect against contracts that might otherwise be illegal or contrary to U.S. interests.

Our bill gives special attention to American agriculture because American farmers and ranchers face a disproportionate burden from U.S. economic sanctions. Agricultural commodities are our most vulnerable exports because they are the most easily replaced by other exporters. American exporters lose access to some fourteen percent of the world rice market, some ten percent of the world wheat market and some five percent of the world corn market due to our sanctions.

Because of this, we included discretionary authority in the bill to provide for compensatory agricultural assistance if agricultural markets are severely disrupted by the imposition of unilateral economic sanctions. No new appropriations would be required for this authority. The bill opposes the use of food and medicines as a tool of foreign policy, except in the most severe circumstances, and urges that economic sanctions be targeted as narrowly as possible on the targeted country in order to minimize harm to innocent people and humanitarian activities.

Let me reiterate that nothing in this bill prohibits new unilateral economic sanctions or prevents a vote in the Congress on proposed new sanctions. The steps detailed in this bill provide for better policy procedures and more informed analysis so that proposed new sanctions are preceded by a more deliberative process by which the President and the Congress can make reasoned and balanced choices affecting the totality of American values and interests.

Mr. President, I feel strongly about this bill and this issue. It goes to the heart of the manner by which we conduct our commercial relations abroad and the way we manage our overall foreign policy. We need to do a better job on both. This legislation is designed to do just that.

I hope my colleagues will join me and the other original co-sponsors by taking a close look at this legislation and the reforms that we are attempting to accomplish. I welcome their support and believe that if we deal with the unilateral economic sanctions issue in a careful and systematic manner, we can make a significant positive contribution to the conduct of American foreign policy and to our national interest.

Mr. President, I ask unanimous consent that the bill be included in the RECORD, along with a section-by-section description of the bill.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sanctions Policy Reform Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to establish an effective framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to pursue United States interests through vigorous and effective diplomatic, political, commercial, charitable, educational, cultural, and strategic engagement with other countries, while recognizing that the national security interests of the United States may sometimes require the imposition of economic sanctions on other countries;

(2) to foster multilateral cooperation on vital matters of United States foreign policy, including promoting human rights and democracy, combating international terrorism, proliferation of weapons of mass destruction, and international narcotics trafficking, and ensuring adequate environmental protection;

(3) to promote United States economic growth and job creation by expanding exports of goods, services, and agricultural commodities, and by encouraging investment that supports the sale abroad of products and services of the United States;

(4) to maintain the reputation of United States businesses and farmers as reliable suppliers to international customers of quality products and services, including United States manufactures, technology products, financial services, and agricultural commodities;

(5) to avoid the use of restrictions on exports of agricultural commodities as a foreign policy weapon;

(6) to oppose policies of other countries designed to discourage economic interaction with countries friendly to the United States or with any United States national, and to avoid use of such policies as instruments of United States foreign policy; and

(7) when economic sanctions are necessary—

(A) to target them as narrowly as possible on those foreign governments, entities, and officials that are responsible for the conduct being targeted, thereby minimizing unnecessary or disproportionate harm to individuals who are not responsible for such conduct; and

(B) to the extent feasible, to avoid any adverse impact of economic sanctions on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which sanctions are imposed.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) UNILATERAL ECONOMIC SANCTION.—

(A) IN GENERAL.—The term "unilateral economic sanction" means any prohibition, restriction, or condition on economic activity, including economic assistance, with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, including any of the measures described in subparagraph (B), except in a case in which the

United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

(B) PARTICULAR MEASURES.—The measures referred to in subparagraph (A) are the following:

(i) The suspension of, or any restriction or prohibition on, exports or imports of any product, technology, or service to or from a foreign country or entity.

(ii) The suspension of, or any restriction or prohibition on, financial transactions with a foreign country or entity.

(iii) The suspension of, or any restriction or prohibition on, direct or indirect investment in or from a foreign country or entity.

(iv) The imposition of increased tariffs on, or other restrictions on imports of, products of a foreign country or entity, including the denial, revocation, or conditioning of nondiscriminatory (most-favored-nation) trade treatment.

(v) The suspension of, or any restriction or prohibition on—

(I) the authority of the Export-Import Bank of the United States to give approval to the issuance of any guarantee, insurance, or extension of credit in connection with the export of goods or services to a foreign country or entity;

(II) the authority of the Trade and Development Agency to provide assistance in connection with projects in a foreign country or in which a particular foreign entity participates; or

(III) the authority of the Overseas Private Investment Corporation to provide insurance, reinsurance, or financing or conduct other activities in connection with projects in a foreign country or in which a particular foreign entity participates.

(vi) A requirement that the United States representative to an international financial institution vote against any loan or other utilization of funds to, for, or in a foreign country or particular foreign entity.

(vii) A measure imposing any restriction or condition on economic activity of any foreign government or entity on the ground that such government or entity does business in or with a foreign country.

(viii) A measure imposing any restriction or condition on economic activity of any person that is a national of a foreign country, or on any government or other entity of a foreign country, on the ground that the government of that country has not taken measures in cooperation with, or similar to, sanctions imposed by the United States on a third country.

(ix) The suspension of, or any restriction or prohibition on, travel rights or air transportation to or from a foreign country.

(x) Any restriction on the filing or maintenance in a foreign country of any proprietary interest in intellectual property rights (including patents, copyrights, and trademarks), including payment of patent maintenance fees.

(C) MULTILATERAL REGIME.—As used in this paragraph, the term "multilateral regime" means an agreement, arrangement, or obligation under which the United States cooperates with other countries in restricting commerce for reasons of foreign policy or national security, including—

(i) obligations under resolutions of the United Nations;

(ii) nonproliferation and export control arrangements, such as the Australia Group, the Nuclear Supplier's Group, the Missile Technology Control Regime, and the Wassenaar Arrangement;

(iii) treaty obligations, such as under the Chemical Weapons Convention, the Treaty on the Non-Proliferation of Nuclear Weapons, and the Biological Weapons Convention; and

(iv) agreements concerning protection of the environment, such as the International Convention for the Conservation of Atlantic Tunas, the Declaration of Panama referred to in section 2(a)(1) of the International Dolphin Conservation Act (16 U.S.C. 1361 note), the Convention on International Trade in Endangered Species, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes.

(D) ECONOMIC ASSISTANCE.—The term "economic assistance" means—

(i) any assistance under part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(I) assistance under chapter 8 of part I of that Act,

(II) disaster relief assistance, including any assistance under chapter 9 of part I of that Act,

(III) assistance which involves the provision of food (including monetization of food) or medicine, or

(IV) assistance for refugees; and

(ii) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(E) FINANCIAL TRANSACTION.—As used in this paragraph, the term "financial transaction" has the meaning given that term in section 1956(c)(4) of title 18, United States Code.

(F) INVESTMENT.—As used in this paragraph, the term "investment" means any contribution or commitment of funds, commodities, services, patents, or other forms of intellectual property, processes, or techniques, including—

(i) a loan or loans;

(ii) the purchase of a share of ownership;

(iii) participation in royalties, earnings, or profits; and

(iv) the furnishing or commodities or services pursuant to a lease or other contract.

(G) EXCLUSIONS.—The term "unilateral economic sanction" does not include—

(i) any measure imposed to remedy unfair trade practices or to enforce United States rights under a trade agreement, including under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), title VII of that Act (19 U.S.C. 1671 et seq.), title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.), sections 1374 and 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3103 and 3106), and section 3 of the Act of March 3, 1933 (41 U.S.C. 10b–1);

(ii) any measure imposed to remedy market disruption or to respond to injury to a domestic industry for which increased imports are a substantial cause or threat thereof, including remedies under sections 201 and 406 of the Trade Act of 1974 (19 U.S.C. 2251 and 2436), and textile import restrictions (including those imposed under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1784));

(iii) any action taken under title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), including the enactment of a joint resolution under section 402(d)(2) of that Act;

(iv) any measure imposed to restrict imports of agricultural commodities to protect food safety or to ensure the orderly marketing of commodities in the United States, including actions taken under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624);

(v) any measure imposed to restrict imports of any other products in order to protect domestic health or safety;

(vi) any measure authorized by, or imposed under, a multilateral or bilateral trade agreement to which the United States is a signatory, including the Uruguay Round Agreements, the North American Free Trade Agreement, the United States-Israel Free Trade Agreement, and the United States-Canada Free Trade Agreement; and

(vii) any prohibition or restriction on the sale, export, lease, or other transfer of any defense article, defense service, or design and construction service under the Arms Export Control Act, or on any financing provided under that Act.

(2) NATIONAL EMERGENCY.—The term "national emergency" means any unusual or extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.

(3) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given that term in section 102(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Agriculture, the Committee on International Relations, the Committee on Ways and Means, and the Committee on Banking and Financial Services of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Finance, and the Committee on Foreign Relations of the Senate.

(5) CONTRACT SANCTITY.—The term "contract sanctity", with respect to a unilateral economic sanction, refers to the inapplicability of the sanction to—

(A) a contract or agreement entered into before the sanction is imposed, or to a valid export license or other authorization to export; and

(B) actions taken to enforce the right to maintain intellectual property rights, in the foreign country against which the sanction is imposed, which existed before the imposition of the sanction.

(6) UNILATERAL ECONOMIC SANCTION LEGISLATION.—The term "unilateral economic sanction legislation" means a bill or joint resolution that imposes, or authorizes the imposition of, any unilateral economic sanction.

SEC. 5. GUIDELINES FOR UNILATERAL ECONOMIC SANCTIONS LEGISLATION.

It is the sense of Congress that any unilateral economic sanction legislation that is introduced in or reported to a House of Congress on or after the date of enactment of this Act should—

(1) state the foreign policy or national security objective or objectives of the United States that the economic sanction is intended to achieve;

(2) provide that the economic sanction terminate 2 years after it is imposed, unless specifically reauthorized by Congress;

(3) provide contract sanctity, except that contract sanctity shall not be required in any case—

(A) in which execution of the contract is contrary to law;

(B) in which the contract involves assets that will be frozen as a consequence of the proposed sanction; or

(C) in which the contract provides for the supply of goods or services directly to a specific person, government agency, or military unit that is expressly named as a target of the proposed sanction;

(4) provide authority for the President both to adjust the timing and scope of the sanction and to waive the sanction, if the President determines it is in the national interest to do so;

(5)(A) target the sanction as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct being targeted;

(B) not include restrictions on the provision of medicine, medical equipment, or food; and

(C) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in any country against which the sanction may be imposed;

(6) provide, to the extent that the Secretary of Agriculture finds, that—

(A) the proposed sanction is likely to restrict exports of any agricultural commodity or is likely to result in retaliation against exports of any agricultural commodity from the United States; and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States of an agricultural commodity; and

(7) provide that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, or export promotion programs to offset the likely damage to incomes of producers of the affected agricultural commodity, to the maximum extent permitted by law and by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

SEC. 6. REQUIREMENTS FOR UNILATERAL ECONOMIC SANCTIONS LEGISLATION.

(a) Public Comment.—Not later than 15 days prior to the consideration by the committee of primary jurisdiction of any unilateral economic sanction legislation, the chairman of the committee shall cause to be printed in the Congressional Record a notice that provides an opportunity for interested members of the public to submit comments to the committee on the proposed sanction.

(b) Committee Reports.—In the case of any unilateral economic sanction legislation that is reported by a committee of the House of Representatives or the Senate, the committee report accompanying the legislation shall contain a statement of whether the legislation meets all the guidelines specified in paragraphs (1) through (6) of section 5 and, if the legislation does not, an explanation of why it does not. The report shall also include a specific statement of whether the legislation includes any restrictions on the provision of medicine, medical equipment, or food.

(c) Floor Consideration in the House of Representatives and Senate.—

(1) Floor consideration in the house of representatives.—A motion in the House of Representatives to proceed to the consideration of any unilateral economic sanctions legislation shall not be in order unless the House has received in advance the appropriate report or reports under subsection (d).

(2) Consideration in the senate.—A motion in the Senate to proceed to the consideration of any unilateral economic sanctions legislation shall not be in order unless the Senate has received in advance the appropriate report or reports under subsection (d).

(d) Reports.—

(1) Report by the president.—Not later than 30 days after a committee of the House of Representatives or the Senate reports any unilateral economic sanction legislation or the House of Representatives or the Senate receives such legislation from the other House of Congress, the President shall submit to the House receiving the legislation a report containing—

(A) an assessment of—

(i) the likelihood that the proposed unilateral economic sanction will achieve its stated objective within a reasonable period of time; and

(ii) the impact of the proposed unilateral economic sanction on—

(I) humanitarian conditions, including the impact on conditions in any specific countries on which the sanction is proposed to be or may be imposed;

(II) humanitarian activities of United States and foreign nongovernmental organizations;

(III) relations with United States allies;

(IV) other United States national security and foreign policy interests; and

(V) countries and entities other than those on which the sanction is proposed to be or may be imposed;

(B) a description and assessment of—

(i) diplomatic and other steps the United States has taken to accomplish the intended objectives of the unilateral sanction legislation;

(ii) the likelihood of multilateral adoption of comparable measures;

(iii) comparable measures undertaken by other countries;

(iv) alternative measures to promote the same objectives, and an assessment of their potential effectiveness;

(v) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict;

(vi) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(vii) whether the achievement of the objectives of the proposed sanction outweighs any likely costs to United States foreign policy, national security, economic, and humanitarian interests, including any potential harm to United States business, agriculture, and consumers, and any potential harm to the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(2) Report by the secretary of agriculture.—Not later than 30 days after a committee of the House of Representatives or the Senate reports any unilateral economic sanction legislation affecting the export of agricultural commodities from the United States or the House of Representatives or the Senate receives such legislation from the other House of Congress, the Secretary of Agriculture shall submit to the House receiving the legislation a report containing an assessment of—

(A) the extent to which any country or countries proposed to be sanctioned or likely to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(B) the likelihood that exports of agricultural commodities from the United States will be affected by the proposed sanction or by retaliation by any country proposed to be sanctioned or likely to be sanctioned, and specific commodities which are most likely to be affected;

(C) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(D) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(E) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(3) Report by the congressional budget office.—Any bill or joint resolution that imposes a unilateral economic sanction shall be treated as including a Federal private sector mandate for purposes of part B of title IV of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658 et seq.) and the Congressional Budget Office shall report accordingly. The report shall include an assessment of—

(A) the likely short-term and long-term costs of the proposed sanction to the United States economy, including the potential impact on United States trade performance, employment, and growth;

(B) the impact the proposed sanction will have on the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services; and

(C) the impact the proposed sanction will have on the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

(e) Rules of the House of Representatives and Senate.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such these rules are deemed a part of the rules of each House, respectively, and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 7. REQUIREMENTS FOR EXECUTIVE ACTION.

(a) Notice.—

(1) In general.—

(A) Notice of intent to impose sanction.—Notwithstanding any other provisions of law, the President shall publish notice in the Federal Register at least 45 days in advance of the imposition of any new unilateral economic sanction under any provision of law with respect to a foreign country or foreign entity, of the President's intention to implement such sanction. The purpose of such notice shall be to allow the formulation of an effective sanction that advances United States national security and economic interests, and to provide an opportunity for negotiations to achieve the objectives specified in the law authorizing imposition of a unilateral economic sanction.

(B) Waiver of advance notice requirement.—The President may waive the provisions of subparagraph (A) in the case of any new unilateral economic sanction that involves freezing the assets of a foreign country or entity (or in the case of any other sanction) if the President determines that the national interest would be jeopardized by the requirements of this section.

(C) Authority to negotiate.—Notwithstanding any other provision of law, the President is authorized to negotiate with the foreign government against which a unilateral economic sanction is proposed to resolve the underlying reasons for the sanction during the 45-day period following the publication of notice in the Federal Register.

(2) New unilateral economic sanction.—For purposes of this section, the term "new unilateral economic sanction" means a unilateral economic sanction imposed pursuant to a law enacted after the date of enactment of this Act or a sanction imposed after such date of enactment pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) Consultation.—

(1) In general.—The President shall consult with the appropriate congressional committees regarding a proposed new unilateral economic sanction, including consultations regarding efforts to achieve or increase multilateral cooperation on the issues or problems prompting the proposed sanction.

(2) Classified consultations.—The consultations described in paragraph (1) may be conducted on a classified basis if disclosure would threaten the national security of the United States.

(c) Public Comment.—The President shall publish a notice in the Federal Register of the opportunity for interested persons to submit comments on any proposed new unilateral economic sanction.

(d) Requirements for Executive Branch Sanctions.—Any new unilateral economic sanction imposed by the President—

(1) shall—

(A) include an assessment of whether—

(i) the sanction is likely to achieve a specific United States foreign policy or national security objective within a reasonable period of time, which shall be specified; and

(ii) the achievement of the objectives of the sanction outweighs any costs to United States national interests;

(B) provide contract sanctity, except that contract sanctity shall not be required in any case—

(i) in which execution of the contract is contrary to law;

(ii) in which the contract involves assets that will be frozen as a consequence of the proposed sanction; or

(iii) in which the contract provides for the supply of goods or services directly to a specific person, government agency, or military unit that is expressly named as a target of the proposed sanction;

(C) terminate not later than 2 years after the sanction is imposed, unless specifically extended by the President in accordance with this section;

(D)(i) be targeted as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct being targeted; and

(ii) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which the sanction may be imposed; and

(E) not include any restriction on the export, financing, support, or provision of medicine, medical equipment, medical supplies, food, or other agricultural commodity (including fertilizer), other than restrictions imposed in response to national security threats, where multilateral sanctions are in place, or restrictions involving a country where the United States is engaged in armed conflict;

(2) should provide, to the extent that the Secretary of Agriculture finds, that—

(A) a new unilateral economic sanction is likely to restrict exports of any agricultural commodity from the United States or is likely to result in retaliation against exports of any agricultural commodity from the United States; and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States of an agricultural commodity; and

(3) should provide that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, and export promotion programs to offset the likely damage to incomes of producers of the affected agricultural commodity, to the maximum extent permitted by law and by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(e) Report by the President.—

(1) In general.—Prior to imposing any new unilateral economic sanction, the President shall provide a report to the appropriate congressional committees on the proposed sanction. The report shall include the report of the International Trade Commission under subsection (g) (if timely submitted prior to the filing of the report). The report may be provided on a classified basis if disclosure would threaten the national security of the United States. The President's report shall contain the following:

(A) An explanation of the foreign policy or national security objective or objectives intended to be achieved through the proposed sanction.

(B) An assessment of—

(i) the likelihood that the proposed new unilateral economic sanction will achieve its stated objectives within the stated period of time; and

(ii) the impact of the proposed new unilateral economic sanction on—

(I) humanitarian conditions, including the impact on conditions in any specific countries on which the sanction is proposed to be imposed;

(II) humanitarian activities of United States and foreign nongovernmental organizations;

(III) relations with United States allies; and

(IV) other United States national security and foreign policy interests, including countries and entities other than those on which the sanction is proposed to be imposed.

(C) A description and assessment of—

(i) diplomatic and other steps the United States has taken to accomplish the intended objectives of the proposed sanction;

(ii) the likelihood of multilateral adoption of comparable measures;

(iii) comparable measures undertaken by other countries;

(iv) alternative measures to promote the same objectives, and an assessment of their potential effectiveness;

(v) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict;

(vi) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(vii) whether the achievement of the objectives of the proposed sanction outweighs any likely costs to United States foreign policy, national security, economic, and humanitarian interests, including any potential harm to United States business, agriculture, and consumers, and any potential harm to the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(2) Report on other sanctions.—In the case of any unilateral economic sanction that is imposed after the date of enactment of this Act, other than a new unilateral economic sanction described in subsection (a)(2) or a sanction that is a continuation of a sanction in effect on the date of enactment of this Act, the President shall not later than 30 days after imposing such sanction submit to Congress a report described in paragraph (1) relating to such sanction. The report may be provided on a classified basis if disclosure would threaten the national security of the United States.

(f) Report by the Secretary of Agriculture.—Prior to the imposition of a new unilateral economic sanction by the President, the Secretary of Agriculture shall submit to the appropriate congressional committees a report that shall contain an assessment of—

(1) the extent to which any country or countries proposed to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(2) the likelihood that exports of agricultural commodities from the United States will be affected by the proposed sanction or by retaliation by any country proposed to be sanctioned, including specific commodities which are most likely to be affected;

(3) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(4) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(5) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(g) Report by the United States International Trade Commission.—Before imposing a new unilateral economic sanction, the President shall make a timely request to the United States International Trade Commission for a report on the likely short-term and long-term costs of the proposed sanction to the United States economy, including the potential impact on United States trade performance, employment, and growth, the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services, and the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

(h) Waiver Authority.—The President may waive any of the requirements of subsections (a), (b), (c), (e)(1), (f), and (g), in the event that the President determines that such a waiver is in the national interest of the United States. In the event of such a waiver, the requirements waived shall be met during the 60-day period immediately following the imposition of the new unilateral economic sanction, and the sanction shall terminate 90 days after being imposed unless such requirements are met. The President may waive any of the requirements of paragraphs (1)(B), (1)(D), (1)(E), and (2) of subsection (d) in the event that the President determines that the new unilateral economic sanction is related to actual or imminent armed conflict involving the United States.

(i) SANCTIONS REVIEW COMMITTEE.—

(1) ESTABLISHMENT.—There is established within the executive branch of Government an interagency committee, which shall be known as the Sanctions Review Committee, which shall have the responsibility of coordinating United States policy regarding unilateral economic sanctions and of providing appropriate recommendations to the President prior to any decision regarding the implementation of any unilateral economic sanction. The Committee shall be composed of the following 11 members, and any other member the President considers appropriate:

(A) The Secretary of State.

(B) The Secretary of the Treasury.

(C) The Secretary of Defense.

(D) The Secretary of Agriculture.

(E) The Secretary of Commerce.

(F) The Secretary of Energy.

(G) The United States Trade Representative.

(H) The Director of the Office of Management and Budget.

(I) The Chairman of the Council of Economic Advisers.

(J) The Assistant to the President for National Security Affairs.

(K) The Assistant to the President for Economic Policy.

(2) CHAIR.—The President shall designate one of the members specified in paragraph (1) to serve as Chair of the Sanctions Review Committee.

(j) INAPPLICABILITY OF OTHER PROVISIONS.—This section applies notwithstanding any other provision of law.

SEC. 8. ANNUAL REPORTS.

(a) ANNUAL REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, unless otherwise required under existing law, the President shall submit to the appropriate congressional committees a report detailing with respect to each country or entity against which a unilateral economic sanction has been imposed—

(1) the extent to which the sanction has achieved foreign policy or national security objectives of the United States with respect to that country or entity;

(2) the extent to which the sanction has harmed humanitarian interests in that country, the country in which that entity is located, or in other countries; and

(3) the impact of the sanction on other national security and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

(b) REPORT BY THE UNITED STATES INTERNATIONAL TRADE COMMISSION.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the United States International Trade Commission shall report to the appropriate congressional committees on the costs, individually and in the aggregate, of all unilateral economic sanctions in effect under United States law, regulation, or Executive order. The calculation of such costs shall include an assessment of the impact of such measures on the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services.

SEC. 9. PRESIDENTIAL WAIVER AUTHORITY.

(a) WAIVER AUTHORITY.—The President may waive the application of any sanction or prohibition (or portion thereof) contained in section 101 or 102 of the Arms Export Control Act, section 620E(e) of the Foreign Assistance Act of 1961, or section 2(b)(4) of the Export Import Bank Act of 1945 if the President determines that such a waiver would advance the purposes of such Acts or the national security interests of the United States.

(b) CONSULTATION.—Prior to exercising the waiver authority provided in subsection (a), the President shall consult with the appropriate congressional committees. Such consultations may be conducted on a classified basis if disclosure would threaten the national security of the United States.

(c) REPORTS.—At least once every 6 months after exercising the waiver authority in subsection (a), the President shall report to Congress with respect to the actions taken since the submission of the preceding report, and the reasons that continuation of any waiver under subsection (a) remains in the national security interest of the United States.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date that is 20 days after the date of enactment of this Act.

SANCTIONS POLICY REFORM ACT OF 1999—SECTION-BY-SECTION

Section 1: Short title. The act may be cited as the "Enhancement of Trade, Security and Human Rights through Sanctions Reform Act"

Section 2: Purpose. The purpose of the Act is to establish an effective framework for consideration of unilateral economic sanctions and to make unilateral economic sanctions, when imposed, more effective.

Section 3: Statement of Policy. This section sets forth U.S. policy to pursue American security, trade and humanitarian interest through broad-ranging engagement with other countries, while recognizing the need at times to impose sanctions as a last resort. It supports multilateral cooperation as an alternative to unilateral U.S. sanctions. It seeks to promote U.S. economic growth through trade and to maintain America's reputation as a reliable supplier. It opposes boycotts and use of agricultural embargoes as a foreign policy weapon. It urges that economic sanctions be targeted as narrowly as possible, to minimize harm to innocent people or to humanitarian activities.

Section 4: Definitions. This section defines "unilateral economic sanction" as any restriction or condition on economic activity with respect to a foreign country or entity imposed for reasons of foreign policy or national security. This definition excludes multilateral sanctions, where other countries have agreed to adopt "substantially equivalent" measures. The definition also excludes U.S. trade laws, Jackson-Vanik, and munitions list controls. This section also defines "appropriate committees," and "contract sanctity."

Section 5: Guidelines for Unilateral Economic Sanctions Legislation. This section provides that any bill or joint resolution imposing or authorizing a unilateral economic sanction should state the U.S. foreign policy or national security objective, terminate after two years unless specifically reauthorized, protect contract sanctity, provide Presidential authority to adjust or waive the sanction in the national interest, target the sanction as narrowly as possible against the parties responsible for the offending conduct, and provide for expanded export promotion if sanctions target a major export market for American farmers.

Section 6: Requirements for report Accompanying the Bill. The committee reporting sanctions legislation shall request reports from the President and Secretary of Agriculture. These reports shall be included in the committee report. If the legislation does not meet any Section guideline, the committee report shall explain why not. The President's report shall contain an assessment of the likelihood that the proposed sanction will achieve its stated objective within a reasonable time. It must weight the likely foreign policy, national security, economic, and humanitarian benefits against the costs of acting unilaterally. The report will also assess alternatives, such as prior diplomatic and other U.S. steps and comparable multilateral measures.

The Secretary of Agriculture's report shall assess the likely extent of the proposed legislation in terms of market share in affected countries, the likelihood that U.S. agricultural exports will be affected, and the impact on the reputation of U.S. farmers as reliable suppliers.

Section 6 also considers unilateral sanctions as unfunded federal mandates for purposes of the Unfunded Mandates Act. The Congressional Budget Office shall assess the likely short- and long-term cost of the proposed sanctions to the U.S. economy.

Section 7: Requirements for Executive Action. The President may impose a unilateral sanction no less than 45 days after announcing his intention to do so, during which time he shall consult with Congressional committees and publish a notice in the Federal Register seeking public comment. Any Executive sanction must meet the same guidelines that Section 5 applies to the Congress and must, in addition, include a clear finding that the sanction is likely to achieve a specific U.S. foreign policy or national security objective within a reasonable period of time.

Sanction 7 also requires—prior to the imposition of a unilateral sanction—the President and the Secretary of Agriculture to provide to the appropriate Congressional committees reports that contain the same assessment as required in the reports described in Section 6. The President shall also request a report by the U.S. International Trade Commission on the likely short- and long-term costs of the proposed sanctions to the U.S. economy, including the potential impact on U.S. competitiveness.

In case of national emergency, the bill allows the President temporarily to waive most Section 7 requirements in order to act immediately. If the President acts on an emergency basis, the waived requirements must be met within sixty days. Finally, the President shall establish an interagency Sanctions Review Committee to improve coordination of U.S. policy regarding unilateral sanctions.

Section 8: Annual Reports. The President must submit to the appropriate committees a report each year detailing the extent to which sanctions have achieved U.S. objectives, as well as their impact on humanitarian and other U.S. interests, including relations with friendly countries. The U.S. International Trade Commission shall report to the Congress on the costs, individually and in the aggregate, of all unilateral economic sanctions in effect under U.S. law, regulation, or Executive order, including the impact on U.S. competitiveness.

By Mr. ASHCROFT (for himself, Mr. HATCH, Mr. DODD, Mr. SESSIONS, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. TORRICELLI, Mr.

SMITH of New Hampshire, and Mr. SCHUMER):

S. 758. A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; to the Committee on the Judiciary.

FAIRNESS IN ASBESTOS COMPENSATION ACT OF 1999

Mr. ASHCROFT. Mr. President, I rise today to introduce the Fairness in Asbestos Compensation Act of 1999. I want to thank all of the Senators who have cosponsored this bill. This bill is a bipartisan effort and the diverse group of Senators who support the bill reflects a serious effort to solve a serious problem, not an effort to gain partisan advantage. I particularly want to thank Senator DODD for his assistance on this bill and Senator HATCH for his leadership in introducing similar legislation in the last Congress.

I am introducing this bill and I support this bill for a simple reason—it makes sense. The problems caused by the manufacture and use of asbestos are well-documented. Although some companies initially denied responsibility and resisted suits to recover for asbestos-related injuries in court, the injuries associated with asbestos and the liability of manufacturers for those injuries are now well-established.

The courts—both state and federal—have done an admirable job of establishing the facts and legal rules concerning asbestos. That is a job the courts do well. However, now that the basic facts and liability rules have been established, the courts are being asked simply to process claims. That is not a job the courts do particularly well. The rules governing court actions give parties rights to dispute facts that have been conclusively established in other proceedings. All the while the meter is running for the lawyers on both sides. Dollars that could go to compensate deserving victims, instead go to lawyers and court costs.

In the asbestos context, these problems are exacerbated by the finite resources available to compensate victims. What is more, the legal rules concerning both punitive damages and what constitutes a sufficient injury to bring suit make for jury awards that do not correspond to the seriousness of the injury. Someone filing suit because of a preliminary manifestation of a minor injury, such as pleural thickening, that may never lead to more severe symptoms may receive more compensation than another person with more serious asbestos-related injuries. None of this is to suggest that it is somehow wrong for plaintiffs with a minor injury to file suit. To the contrary, some state rules concerning when injury occurs obligate plaintiffs to file suits or risk having their suit dismissed as time-barred. What is more, in light of the finite number of remaining solvent asbestos defendants, potential plaintiffs have every incentive to file suit as soon as legally permissible.

The Fairness in Asbestos Compensation Act of 1999 attempts to address these problems by establishing an administrative claims systems that aims to compensate victims of asbestos rationally and efficiently. The Act accomplishes this goal by classifying claimants according to the severity of their injuries, ensuring that those with more serious injuries receive greater awards, securing a compensation fund so that victims whose conditions are not yet manifest can recover in the future, and eliminating the statute of limitations and injury rules that force plaintiffs into court prematurely. Although I wish I could claim some pride of authorship in these mechanisms, these basic features were all part of a proposed global asbestos settlement agreement worked out by representatives of both plaintiffs and defendants.

The Supreme Court rejected the proposed global asbestos settlement in Amchem Products versus Windsor. The District Court had certified a settlement class under Rule 23 that included extensive medical and compensation criteria that both plaintiffs and defendants had accepted. The Supreme Court ruled that this type of global, nationwide settlement of tort claims brought under fifty different state laws could not be sustained under Rule 23. The Court recognized that such a global settlement would conserve judicial resources and likely would promote the public interest. Nonetheless, the Court concluded that Rule 23 was too thin a reed to support this massive settlement, and that if the parties desired a nationwide settlement they needed to direct their attention to the Congress, rather than the Courts.

I believe the Supreme Court was right on both counts—the proposed settlement criteria were in the public interest, but the proposed class simply could not be sustained under Rule 23. The Rules Enabling Act and the inherent limits on the power of federal courts preclude an interpretation of Rule 23 that would result in a federal court overriding or homogenizing varying state laws. However, as the Supreme Court pointed out, Congress has the power to do directly what the courts lack the power to do through a strained interpretation of Rule 23.

This bill takes up the challenge of the Supreme Court and addresses the tragic problem of asbestos. The bill incorporates the medical and compensation criteria agreed to by the parties in the Amchem settlement and employs them as the basis for a legislative settlement. In the simplest terms, the legislation proposes an administrative claims process to compensate individuals injured by asbestos as a substitute for the tort system (although individuals retain an ability to opt-in to the tort system after using the administrative claims system to narrow the issues in dispute). The net effect of this legislation should be to funnel a greater percentage of the pool of limited resources to injured plaintiffs, rather than to lawyers for plaintiffs and defendants.

I want to be clear, however, that I am not here to suggest that this is a perfect bill. This bill represents a complex solution to a complex problem. A number of groups will be affected by this legislation, and it may be necessary to make changes to ensure that no one is unfairly disadvantaged by this legislation. But that said, I am confident that we can make the needed changes. We have a bipartisan group of Senators who have agreed to cosponsor this legislation, and the bill represents a sufficient improvement in efficiency over the existing litigation quagmire that there should be ample room to work out any differences.

Finally, let me also note that this bill also plays a minor but important role in preserving a proper balance in the separation of powers. I have been a strong and consistent critic of judicial activism. Judges who make legal rules out of whole cloth in the absence of constitutional or statutory text damage the standing of the judiciary and our constitutional structure. On the other hand, when judges issue opinions in which they recognize that a particular outcome might well be in the public interest, but nonetheless is not supported by the existing law, they reinforce the proper, limited role of the judiciary. Too often, federal judges are tempted to reach the result they favor as a policy matter without regard to the law. When judges succumb to that temptation, they are justly criticized. But when they resist that temptation, their self-restraint should be recognized and applauded. The Court in Amchem rightly recognized a problem that the judiciary acting alone could not solve. By offering a legislative solution to that problem the bill provides the proper incentives for courts to be restrained and reinforces the proper roles of Congress and the Judiciary.

In short, this bill provides a proper legislative solution to the asbestos litigation problem. It ensures that, in an area in which extensive litigation has already established facts and assigned responsibility, scarce dollars compensate victims, not lawyers. I want to thank my co-sponsors for their work on the bill. I look forward to working with them to ensure final passage of this legislation. The courts have completed their proper role in ascertaining facts and liability. It is time for Congress to step in to provide a better mechanism to direct scarce resources to deserving victims.

• Mr. DODD. Mr. President, I am pleased to join with my colleague, Senator ASHCROFT, to introduce the "Fairness in Asbestos Compensation Act of 1999". This legislation would expedite the provision of financial compensation to the victims of asbestos exposure by establishing a nationwide administrative system to hear and adjudicate their claims.

Mr. President, millions of American workers have been exposed to asbestos on the job. Tragically, many have contracted asbestos-related illnesses, which can be devastating and deadly. Others will surely become similarly afflicted. These individuals—who have or will become terribly ill due to no fault of their own—deserve swift and fair compensation to help meet the costs of health care, lost income, and other economic and non-economic losses.

Unfortunately, many victims of asbestos exposure are not receiving the efficient and just treatment they deserve from our legal system. Indeed, it can be said that the current asbestos litigation system is in a state of crisis. Today, more than 150,000 lawsuits clog the state and federal courts. In 1996 along, more than 36,000 new suits were filed. Those who have been injured by asbestos exposure must often wait years for compensation. And when that compensation finally arrives, it is often eaten up by attorneys' fees and other transaction costs.

In the early 1990's, an effort was made to improve the management of federal asbestos litigation. Cases were consolidated, and a settlement to resolve them administratively was agreed to between defendant companies and plaintiffs' attorneys. This settlement also obtained the backing of the Building and Construction Trades Union of the AFL–CIO. Regrettably, the settlement was overturned by the Third Circuit Court of Appeals in 1996. Though the Court termed the settlement "arguably a brilliant partial solution", it found that the class of people created by the settlement—namely, those exposed to asbestos—was too large and varied to be certified pursuant to Rule 23 of the Federal Rules of Civil Procedure. The Supreme Court affirmed that decision. In its decision, the Court effectively invited the Congress to provide for the existence of such a settlement as a fair and efficient way to resolve asbestos litigation claims.

Hence this bill. In simple terms, it codifies the settlement reached between companies and the representatives of workers who were exposed to asbestos on the job. It would establish a body to review claims by those who believe that they have become ill due to exposure to asbestos. It would provide workers with mediation and binding arbitration to promote the fair and swift settlement of their claims. It would allow plaintiffs to seek additional compensation if their non-malignant disease later developed into cancer. And it would limit attorneys' fees so as to ensure that a claimant receives a just portion of any settlement amount.

All in all, Mr. President, this is a good bill. However, it is not a perfect bill. My office has received comments on the bill from representatives of a number of parties affected by asbestos litigation. I hope and expect that those comments will be given the consideration that they deserve by the Judiciary Committee and the full Senate as this legislation moves forward.•

Mr. HATCH. Mr. President, I am pleased to be an original co-sponsor of the legislation, the "Fairness in Asbestos Compensation Act of 1999," which Senator ASHCROFT is introducing today. This legislation's other sponsors include: Senator DODD, Senator SESSIONS, Senator LIEBERMAN, Senator GRASSLEY, Senator TORRICELLI, Senator SMITH, and Senator SCHUMER.

State and federal courts are overwhelmed by up to 150,000 asbestos lawsuits today, and there are new suits being filed. Unfortunately, those who are truly sick with asbestos and various asbestos-related cancers and illnesses spend years in court before receiving any compensation, and then usually lose more than half of that compensation to attorneys' fees and other costs. One cause of this extraordinary delay in compensation is the large number of lawsuits filed by those who, without any symptoms or signs of asbestos-related illness, bring suits for future medical monitoring and fear of cancer.

Mr. President, I am concerned that as juries award enormous compensation and outrageous punitive damages to non-impaired plaintiffs, others with actual illnesses receive little or no compensation. As legal and financial resources are tied up and exhausted, it is increasingly unclear whether those who are truly inflicted with asbestos-caused diseases will be able to recover anything at all in the years ahead.

Courts have tried unsuccessfully to cope with this problem. The major parties involved attempted to compromise on a solution that included prompt compensation. The Third Circuit Court of Appeals overturned one such compromise, known as the Amchem or Georgine agreement, on civil procedural rule grounds, but found the settlement to be "arguably a brilliant partial solution." Justice Ruth Bader Ginsburg, writing for the Supreme Court, upheld the Appellate decision and stated, "[t]he argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair and efficient means of compensating victims of asbestos exposure. Congress, however, has not adopted such a solution." The Court accurately recognized that Congress is the most appropriate body to resolve the asbestos crisis. That is what this legislation is aimed to do.

Mr. President, through the hundreds of thousands of cases that already have been litigated in the court system, the legal and scientific issues relating to asbestos litigation have been thoroughly explored. This, along with the recent court decisions demonstrate that the asbestos litigation issue is now ripe for a legislative solution.

This bill we introduce today will correct the asbestos litigation crisis problems. It is crafted to reflect as closely as possible the original settlement agreed to by the involved parties in the Amchem settlement. This bill will eliminate the asbestos litigation burden in the courts, get fair compensation for those who currently are sick, and enable the businesses to manage their liabilities in order to ensure that compensation will be available for future claimants. It is important to note that no tax-payer money will fund this bill.

We have carefully crafted this legislation so that it is at least as favorable—and, in many cases, more favorable—to claimants as the original Amchem settlement. As this bill makes its way through the legislative process, I look forward to working with Senator ASHCROFT and my colleagues to further refine the language in order to achieve the maximum public benefit from this legislation.

By Mr. MURKOWSKI (for himself, Mr. TORRICELLI, Mr. BURNS, and Mr. REID):

S. 759. A bill to regulate the transmission of unsolicited commercial electronic mail on the Internet, and for other purposes.

INBOX PRIVACY ACT OF 1999

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Inbox Privacy Act of 1999 on behalf of myself, Senators TORRICELLI, BURNS and REID. Our legislation provides a solution to the burden of junk e-mail, also known as spam, that now plagues the Internet. There are five main components to this legislation:

Online marketers must honestly identify themselves

Consumers have the ultimate decision as to what comes into their inbox

Consumers and domain owners can stop further transmissions of spam to those who do not want to receive it

Internet Service Providers are relieved from the burdens associated with spam

A federal solution is provided to a nationwide problem while giving states, ISP's, and the Federal Trade Commission authority to go after those who flood the Internet with fraudulent emails.

The burden of spam is evident in my home state of Alaska. Unlike urban and suburban areas of the nation where a local telephone call is all it takes to log onto the Internet, rural areas of Alaska and many other states have no such local access.

Every minute connected to the Internet, whether it is for researching a school project, checking a bank balance, searching for the latest information on the weather at the local airport, or even shopping online incurs a per minute long distance charge. The extra financial cost of the longer call to download spam may only be a small amount on a day to day basis, but over the long term this cost is a very real financial disincentive to using the Internet. Some estimates place the cost at over $200 per year for rural Americans.

If Internet commerce is to continue to expand, all Internet consumers must be able to avoid costs for the receipt of advertising material such as spam that they do not want to receive. As I've said before, the Internet is not a tool for every huckster to sell the Brooklyn Bridge.

Last Congress I was the author of Title III of S. 1618 which unanimously passed the Senate and was supported by a variety of interested Internet groups. Some wanted an outright ban on such solicitations, but banning non-fraudulent Internet commerce is a dangerous precedent to set, particularly where the problem today is caused by fraudulent marketers. I also recognize that there are First Amendment concerns raised by any Internet content legislation and am pleased that our approach has the support of civil liberties organizations.

The most significant difference between this legislation and Title III of S. 1618 is the addition of a domain-wide opt-out system that allows Internet domain owners to put up an electronic stop sign to signify their desire to not receive unsolicited commercial email to addresses served by their domain. However, to ensure that the Internet consumer has the ultimate choice, consumers would be able to inform their ISP of their continuing desire to receive junk e-mail. While I doubt that there will be too many Internet consumers who want to receive junk e-mail, Congress should not make the decision for them by banning junk e-mail outright, no matter how annoying it may be. Not only should consumers have the ultimate choice, but if Congress bans junk e-mail, what else on the Internet will we ban next?

Finally, I have included a state enforcement provision that allows all states to enforce a national standard on junk e-mail. As Congress has seen before in the Internet Tax Freedom debate, a unified approach to any Internet legislation is key to promoting the development of the Internet. Just as having 50 state tax policies on Internet transactions represents a poor policy decision, so would having 50 state policies on spam legislation. My approach solves this dilemma by setting such a national standard that provides for even greater protection that what a few states have already enacted. By setting a national standard, it also solves the constitutional dilemma that many states face regarding long-arm jurisdiction.

Mr. President, the Inbox Privacy Act represents a significant step forward for Internet consumers and domain owners and I urge its adoption by my colleagues.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inbox Privacy Act of 1999".

SEC. 2. TRANSMISSIONS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) PROHIBITION ON TRANSMISSION TO PERSONS DECLINING RECEIPT.—

(1) IN GENERAL.—A person may not initiate the transmission of unsolicited commercial electronic mail to another person if such other person submits to the person a request that the initiation of the transmission of such mail by the person to such other person not occur.

(2) FORM OF REQUEST.—A request under paragraph (1) may take any form appropriate to notify a person who initiates the transmission of unsolicited commercial electronic mail of the request, including an appropriate reply to a notice specified in subsection (d)(2).

(3) CONSTRUCTIVE AUTHORIZATION.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this subsection, a person who secures a good or service from, or otherwise responds electronically to an offer in a commercial electronic mail message shall be deemed to have authorized the initiation of transmissions of unsolicited commercial electronic mail from the person who initiated transmission of the message.

(B) NO AUTHORIZATION FOR REQUEST FOR TERMINATION.—A reply to a notice specified in subsection (d)(2) shall not constitute authorization for the initiation of transmissions of unsolicited commercial electronic mail under this paragraph.

(b) PROHIBITION ON TRANSMISSION TO DOMAIN OWNERS DECLINING RECEIPT.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person may not initiate the transmission of unsolicited commercial electronic mail to any electronic mail addresses served by a domain if the domain owner has elected not to receive transmissions of such mail at the domain in accordance with subsection (c).

(2) EXCEPTIONS.—The prohibition in paragraph (1) shall not apply in the case of the following:

(A) A domain owner initiating transmissions of commercial electronic mail to its own domain.

(B) Any customer of an Internet service provider or interactive computer service provider included on a list under subsection (c)(3)(C).

(c) DOMAIN-WIDE OPT-OUT SYSTEM.—

(1) IN GENERAL.—A domain owner may elect not to receive transmissions of unsolicited commercial electronic mail at its own domain.

(2) NOTICE OF ELECTION.—A domain owner making an election under this subsection shall—

(A) notify the Federal Trade Commission of the election in such form and manner as the Commission shall require for purposes of section 4(c); and

(B) if the domain owner is an Internet service provider or interactive computer service provider, notify the customers of its Internet service or interactive computer service, as the case may be, in such manner as the provider customarily employs for notifying such customers of matters relating to such service, of—

(i) the election; and

(ii) the authority of the customers to make the election provided for under paragraph (3).

(3) CUSTOMER ELECTION TO CONTINUE RECEIPT OF MAIL.—

(A) ELECTION.—Any customer of an Internet service provider or interactive computer service provider receiving a notice under paragraph (2)(B) may elect to continue to receive transmissions of unsolicited commercial electronic mail through the domain covered by the notice, notwithstanding the election of the Internet service provider or interactive computer service provider under paragraph (1) to which the notice applies.

(B) TRANSMITTAL OF MAIL.—An Internet service provider or interactive computer service provider may not impose or collect any fee for the receipt of unsolicited commercial electronic mail under this paragraph (other than the usual and customary fee imposed and collected for the receipt of commercial electronic mail by its customers) or otherwise discriminate against a customer for the receipt of such mail under this paragraph.

(C) LIST OF CUSTOMERS MAKING ELECTION.—

(i) REQUIREMENT.—An Internet service provider or interactive computer service provider shall maintain a list of each of its current customers who have made an election under subparagraph (A).

(ii) AVAILABILITY OF LIST.—Each such provider shall make such list available to the public in such form and manner as the Commission shall require for purposes of section 4(c).

(iii) PROHIBITION ON FEE.—A provider may not impose or collect any fee in connection with any action taken under this subparagraph.

(d) INFORMATION TO BE INCLUDED IN ALL TRANSMISSIONS.—A person initiating the transmission of any unsolicited commercial electronic mail message shall include in the body of such message the following information:

(1) The name, physical address, electronic mail address, and telephone number of the person.

(2) A clear and obvious notice that the person will cease further transmissions of commercial electronic mail to the recipient of the message at no cost to that recipient upon the transmittal by that recipient to the person, at the electronic mail address from which transmission of the message was initiated, of an electronic mail message containing the word "remove" in the subject line.

(e) ROUTING INFORMATION.—A person initiating the transmission of any commercial electronic mail message shall ensure that all Internet routing information contained in or accompanying such message is accurate, valid according to the prevailing standards for Internet protocols, and accurately reflects the routing of such message.

SEC. 3. DECEPTIVE ACTS OR PRACTICES IN CONNECTION WITH SALE OF GOODS OR SERVICES OVER THE INTERNET.

(a) Authority to Regulate.—

(1) In general.—The Federal Trade Commission may prescribe rules for purposes of defining and prohibiting deceptive acts or practices in connection with the promotion, advertisement, offering for sale, or sale of goods or services on or by means of the Internet.

(2) Commercial electronic mail.—The rules under paragraph (1) may contain specific provisions addressing deceptive acts or practices in the initiation, transmission, or receipt of commercial electronic mail.

(3) Nature of violation.—The rules under paragraph (1) shall treat any violation of such rules as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), relating to unfair or deceptive acts or practices affecting commerce.

(b) Prescription.—Section 553 of title 5, United States Code, shall apply to the prescription of any rules under subsection (a).

SEC. 4. FEDERAL TRADE COMMISSION ACTIVITIES WITH RESPECT TO UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) Investigation.—

(1) In general.—Subject to paragraph (2), upon notice of an alleged violation of a provision of section 2, the Federal Trade Commission may conduct an investigation in order to determine whether or not the violation occurred.

(2) Limitation.—The Commission may not undertake an investigation of an alleged violation under paragraph (1) more than 2 years after the date of the alleged violation.

(3) Receipt of notices.—The Commission shall provide for appropriate means of receiving notices under paragraph (1). Such means shall include an Internet web page on the World Wide Web that the Commission maintains for that purpose.

(b) Enforcement Powers.—If as a result of an investigation under subsection (a) the Commission determines that a violation of a provision of section 2 has occurred, the Commission shall have the power to enforce such provision as if such violation were a violation of a rule prescribed under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), relating to unfair or deceptive acts or practices affecting commerce.

(c) Information on Elections Under Domain-Wide Opt-Out System.—

(1) Initial site for information.—The Commission shall establish and maintain an Internet web page on the World Wide Web containing information sufficient to make known to the public for purposes of section 2 the domain owners who have made an election under subsection (c)(1) of that section and the persons who have made an election under subsection (c)(3) of that section.

(2) Alternative site.—The Commission may from time to time select another means of making known to the public the information specified in paragraph (1). Any such selection shall be made in consultation with the members of the Internet community.

(d) Assistance of Other Federal Agencies.—Other Federal departments and agencies may, upon request of the Commission, assist the Commission in carrying out activities under this section.

SEC. 5. ACTIONS BY STATES.

(a) In General.—Whenever the attorney general of a State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected because any person is engaging in a pattern or practice of the transmission of electronic mail in violation of a provision of section 2, or of any rule prescribed pursuant to section 3, the State, as parens patriae, may bring a civil action on behalf of its residents to enjoin such transmission, to enforce compliance with such provision or rule, to obtain damages or other compensation on behalf of its residents, or to obtain such further and other relief as the court considers appropriate.

(b) Notice to Commission.—

(1) Notice.—The State shall serve prior written notice of any civil action under this section on the Federal Trade Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve written notice immediately after instituting such action.

(2) Rights of commission.—On receiving a notice with respect to a civil action under paragraph (1), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard in all matters arising therein; and

(C) to file petitions for appeal.

(c) Actions by Commission.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of a provision of section 2, or of any rule prescribed pursuant to section 3, no State may, during the pendency of such action, institute a civil action under this section against any defendant named in the complaint in such action for violation of any provision or rule as alleged in the complaint.

(d) Construction.—For purposes of bringing a civil action under subsection (a), nothing in this section shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of the State concerned to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary or other evidence.

(e) Venue; Service of Process.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) Definitions.—In this section:

(1) Attorney general.—The term "attorney general" means the chief legal officer of a State.

(2) State.—The term "State" means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any possession of the United States.

SEC. 6. ACTIONS BY INTERNET SERVICE PROVIDERS AND INTERACTIVE COMPUTER SERVICE PROVIDERS.

(a) Actions Authorized.—In addition to any other remedies available under any other provision of law, any Internet service provider or interactive computer service provider adversely affected by a violation of section 2(b)(1) may, within 1 year after discovery of the violation, bring a civil action in a district court of the United States against a person who violates such section.

(b) Relief.—

(1) In general.—An action may be brought under subsection (a) to enjoin a violation referred to in that subsection, to enforce compliance with the provision referred to in that subsection, to obtain damages as specified in paragraph (2), or to obtain such further and other relief as the court considers appropriate.

(2) Damages.—

(A) In general.—The amount of damages in an action under this section for a violation specified in subsection (a) may not exceed $50,000 per day in which electronic mail constituting such violation was received.

(B) Relationship to other damages.—Damages awarded under this subsection for a violation under subsection (a) are in addition to any other damages awardable for the violation under any other provision of law.

(C) Cost and fees.—The court may, in issuing any final order in any action brought under subsection (a), award costs of suit, reasonable costs of obtaining service of process, reasonable attorney fees, and expert witness fees for the prevailing party.

(c) Venue; Service of Process.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant or in which the Internet service provider or interactive computer service provider is located, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

SEC. 7. PREEMPTION.

This Act preempts any State or local laws regarding the transmission or receipt of commercial electronic mail.

SEC. 8. DEFINITIONS.

In this Act:

(1) Commercial electronic mail.—The term "commercial electronic mail" means any electronic mail or similar message whose primary purpose is to initiate a commercial transaction, not including messages sent by persons to others with whom they have a prior business relationship.

(2) Initiate a transmission.—

(A) In general.—The term "initiate the transmission", in the case of an electronic mail message, means to originate the electronic mail message.

(B) Exclusion.—Such term does not include any intervening action to relay, handle, or otherwise retransmit an electronic mail message, unless such action is carried out in intentional violation of a provision of section 2.

(3) Interactive computer service provider.—The term "interactive computer service provider" means a provider of an interactive computer service (as that term is defined in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(e)(2)).

(4) Internet.—The term "Internet" has the meaning given that term in section 230(e)(1) of the Communications Act of 1934 (47 U.S.C. 230(e)(1)).

INBOX PRIVACY ACT OF 1999

• Mr. TORRICELLI. Mr. President, I thank Senator Murkowski, my distinguished colleague from Alaska, with whom I have worked many months in this effort. I also thank Senator Burns, Chairman of the Communications subcommittee, who has greatly assisted us with this legislation and Senator REID for joining with us on this important legislation.

Last year, I recognized the growing threat to Internet commerce and communication posed by the proliferation of unsolicited junk e-mail, or so-called "Spam." Junk e-mail is an unfortunate side effect of the burgeoning world of Internet communication and commerce. While Internet traffic doubles every 100 days, as much as 30 percent of that traffic is junk e-mail.

Like many other Americans, I have an America Online account and am inundated with unsolicited messages, peddling every item imaginable. Similarly, I receive junk e-mail daily at my official Senate e-mail address, along with the complaints of dozens of constituents who forward me the Spam that they receive.

The incentive to abuse the Internet is obvious. Sending an e-mail to as many as 10 million people can cost as little as a couple of hundred dollars. Today, unsolicited commercial e-mailers are hiding their identities, falsifying their return addresses and refusing to respond to complaints or removal requests. Because the senders of these e-mails are generally unknown, they avoid any possible retribution from consumers. Their actions approach fraud, but our current laws are not strong enough to stop them.

I have long been concerned about executive—indeed any—government regulation of the Internet. Many of the best qualities of American life are represented and enhanced by the Internet, and I fear government regulation has the possibility to stifle the creativity and development of cyberspace.

However, a failure to address the problem of junk e-mail now poses a greater threat to the Internet than do minimal regulations. The massive amount of junk e-mail in an already strained system is increasingly responsible for slowdowns, and even breakdowns, of Internet services. For example, just last March spammers crashed Pacific Bell's Network, leaving customers without service for 24 hours.

Let me be clear, this legislation is not a de facto regulation of the Internet. In fact, it does not go as a complete ban on junk e-mail as some have suggested. While I understand the concerns of those who seek a complete ban, I believe that the government should not hastily pass broad legislation to regulate the Internet. The Inbox Privacy Act will address the Spam problem by giving citizens and Internet service providers the power to stop unwanted e-mail. But Congress must move quickly to address this situation before junk e-mail becomes a serious impediment to the flow of ideas and commerce on the Internet.●

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN):

S. 760. A bill to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands in the 50 States Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

COMMEMORATIVE COIN AMENDMENTS ACT OF 1999

Mr. MURKOWSKI. Mr. President, I am joined today by Senator JEFF BINGAMAN in introducing the Commemorative Coin Amendments Act of 1999. Our legislation would extend the new commemorative quarter program to include the District of Columbia, Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands. As one of the few Members of Congress who can remember when my home state was a territory and as Chairman of the Energy and Natural Resources Committee with jurisdiction over the territories of the United States, I feel that it is more than appropriate for the U.S. Mint to recognize the contributions of these six entities.

However, Mr. President, the reason for minting these six coins goes beyond historical significance. Americans who work in the mining and transportation industries will benefit from my legislation. The U.S. Treasury will benefit as collectors remove quarters from circulation. The government spends 5 cents to mint each quarter. Any quarter removed from circulation by collectors earns the U.S. Treasury a profit of 20 cents. A study by Coopers and Lybrand found that the the federal Treasury could take in more than $2 billion dollars for the first fifty quarter designs. Six more coins will certainly add to that revenue windfall.

Mr. President, let me turn to the historical reasons for this bill. The District of Columbia was the only land designated by the U.S. Constitution. It has served as the home of Congress and the White House for all but brief periods of time. Within its boundaries reside the Archives of the United States, home of the original Constitution and Declaration of Independence. The District of Columbia is home to numerous monuments honoring important Americans who have changed the course of history as well as events that have changed the course of our nation. The District of Columbia was where Martin Luther King spoke his moving "I have a dream" address. And finally, it is the place that the world looks to for political and economic leadership.

The inclusion of the territories of the United States in this legislation serves as an important reminder of our history. With very few exceptions, such as Texas and those States that formed the original thirteen Colonies, all of my colleagues come from States that at one time were territories. Four of us actually remember the days when our constituents were not represented in the Senate and were afforded only a non-voting delegate in the House. The history of our Nation is written in the development of the territories—the social and economic forces that forged our Nation.

Our current inhabited territories are an integral part of that heritage and are also a part of our future. Guam, the southernmost of the Mariana Islands, and the Commonwealth of Puerto Rico were acquired at the conclusion of the Spanish-American war, as was the Philippines. Their acquisition and subsequent development was the focus of a spirited debate in Congress, the Administration, and eventually in the Supreme Court over the nature and applicability of provisions of the Constitution. Not since the Louisiana Purchase a century earlier had there been such a debate over the boundaries of the United States. Guam, acquired in one war, was occupied by Japan in another. The sacrifices of the residents of Guam prior to liberation led to the granting of citizenship and the establishment of full local self-government. Former President Bush was forced to ditch his plane during the conflict in the Marianas and our former colleague, Senator Heflin, was wounded in the liberation of Guam.

Puerto Rico, with a population approaching 4 million and an economy larger than many States, has set the mark in political self-government for those territories that are not fully under the Constitution. Puerto Rico was the first territory to achieve local self-government pursuant to a locally drafted Constitution other than as part of either Statehood or Independence. Since that time, however, both American Samoa and the Commonwealth of the Northern Marianas have adopted local constitutions and both Guam and the Virgin Islands exercise similar authorities under their Organic legislation. Puerto Rico has the longest continually occupied capital in the United States, San Juan, and was the site where one of its Governors, Ponce de Leon, sailed for Florida.

American Samoa was acquired under Treaties of Cession in 1900 and 1904 following the Tripartite Agreement between Great Britain, Germany, and the United States. The history of the Samoas demonstrates both the European conflicts in the Pacific as well as the emergence of the United States as a Pacific power. American Samoa, the only territory south of the Equator, demonstrates the diversity that marks this Nation. American Samoa is the only territory where the residents are nationals rather than citizens of the United States. Past Governors, such as Peter Coleman, have been important representatives of the United States in the Pacific community and respected leaders.

The United States Virgin Islands were purchased from Denmark in 1916 for $25 million. The purchase did not provoke the divisive debates that surrounded the Louisiana Purchase nor some of the merriment that accompanied the purchase of Alaska. The Danish heritage continues to be evident in the capitol at Charlotte Amalie on St. Thomas as well as at Christiansted National Historic Site on St. Croix, the heart of the former Danish West Indies. Salt River Bay, on St. Croix, is the only known site where members of the Columbus expedition actually set foot on what is now United States soil.

The Commonwealth of the Northern Mariana Islands is the newest territory of the United States. The area had been part of a League of Nations Mandate to Japan prior to World War II and saw some of the fiercest fighting of the Pacific theater, especially on Saipan. The attacks on Hiroshima and Nagasaki which brought the war to an end were launched from Tinian. After the war, the area became part of a United Nation's Trust Territory of the Pacific Islands. In 1976 the United States approved a Covenant to establish a Commonwealth of the Northern Mariana Islands, a document that had been negotiated with representatives of the Marianas government and approved in a local U.N. observed plebescite. Formal extension of United States sovereignty came with the termination of the Trusteeship by the Security Council a decade later. As an interesting historical note, the acquisition of the Northern Mariana Islands ends the artificial division created in 1898 when the United States acquired Guam and Spain sold the remainder of its possessions in the Marianas to Germany.

Mr. President, the District of Columbia and the territories are an important part of our heritage and our future. They encompass territory where our nation's government resides, where Columbus landed in the Virgin Islands, and where "America's Day Begins" in the Pacific. It is altogether fitting that their unique character and contributions be recognized by the issuance of appropriate coins.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commemorative Coin Amendments Act of 1999".

SEC. 2. AMENDMENT TO COIN PROGRAM.

Section 5112(*l*) of title 31, United States Code, is amended by adding at the end the following:

"(8) INCLUSION OF NON-STATES.—

"(A) IN GENERAL.—During the 1-year period beginning at the end of the period described in paragraph (1)(A), quarter dollar coins shall be minted and issued having designs on the reverse side that are emblematic of each of the 6 non-States.

"(B) APPLICABILITY.—The requirements of paragraphs (2) through (6) shall apply to coins issued in commemoration of the non-States, except that, for purposes of this paragraph—

"(i) references in those paragraphs to 'States' and 'the 50 States' shall be construed to be references to the 6 non-States;

"(ii) references in these paragraphs to the '10-year period' shall be construed to be references to the 1-year period described in subparagraph (A) of this paragraph; and

"(iii) references in those paragraphs to the '50 designs' shall be construed to be references to the 6 designs relating to the non-States.

"(C) ORDER.—Coins shall be minted and issued for non-States in the order in which they appear in subparagraph (D).

"(D) DEFINITION.—In this paragraph, the term 'non-States' means—

"(i) the District of Columbia;

"(ii) the Commonwealth of Puerto Rico;

"(iii) Guam;

"(iv) American Samoa;

"(v) the United States Virgin Islands; and

"(vi) the Commonwealth of the Northern Mariana Islands.".

By Mr. GRAHAM:

S. 762. A bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; to the Committee on Energy and Natural Resources.

MIAMI CIRCLE FEASIBILITY STUDY

● Mr. GRAHAM. Mr. President, several months ago, workers preparing land for development at the mouth of the Miami River began to notice a mysterious circular formation in the limestone bedrock that forms the foundation of the City of Miami. Further examination revealed that this site, where the river meets the bay, was utilized by the prehistoric Tequesta civilization for over 2,000 years, perhaps serving as an astronomical tool or as a cultural center for their complex maritime society. Floridians marveled at this clue to our past, and Miami is rediscovering and rejoicing in the Ancient Tequesta culture which, so many centuries before us, survived and flourished in an environment once dominated by sawgrass and gators, not condos and cruise ships.

I strongly believe that we have a responsibility to save and study reminders of our heritage. So in order to save this particular landmark, I urge you to join me in asking the National Park Service to examine the feasibility of including the Miami Circle as a component of Biscayne National Park. This is an appropriate way of fulfilling our responsibility to preserve this historically significant Tequesta site. Since 1980, Biscayne National Park has stretched from Biscayne Bay near Miami to the northernmost Florida Keys, covering 180,000 acres, 95 percent of which is water. The Park is already home to over one hundred known archaeological sites, the majority of which are submerged, as well as ten historic structures. Among those archaeological sites are several smaller, "satellite" Tequesta camps. Protection of the Miami Circle within the boundaries of the Park, in conjunction with these other camps, would allow for comprehensive site comparison, investigation and study. We must take seriously our responsibility as guardians of this cultural landmark and recognize that only through conservation and analysis will we be able to fully grasp the magnitude of this discovery.

Discussions with experts in the field of historic preservation have made me aware that the challenges faced by the people of the State of Florida in their efforts to save the Circle are not unlike those encountered during other attempts to save threatened monuments to their heritage—be they tornado-damaged barns that housed soldiers during the Civil War or missing links in the Underground Railroad discovered in the course of site preparation for development. I'm working with experts in this field to identify ways that the federal government might become a partner in these types of emergency situations so that sites of cultural significance will not fall victim to natural occurrences or development. I hope to introduce legislation soon that will give Americans the opportunity to save historic landmarks that they have identified in their own communities.

There is no Federal emergency fund or program to save the Miami Circle. However, the annexation of the 2.2 acre Miami Circle property into Biscayne National Park, if found to be appropriate in a feasibility study, will save the Miami Circle from bulldozers and cement pourers, will allow us to gain a greater understanding of the Tequesta culture, and will be a valuable asset to our National Parks System. We will not only be preserving a valuable piece of history, but will also provide a fitting gateway to one of our Nation's newest National Parks.●

By Mr. SMITH of New Hampshire (for himself, Mr. SHELBY, and Mr. HELMS):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to establish limited judicial terms of office; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT TO ESTABLISH LIMITED JUDICIAL TERMS OF OFFICE

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce the Term Limits for Judges Amendment to the Constitution of the United States. I first introduced this proposal in the 105th Congress, with Senators SHELBY and HELMS as co-sponsors. I am pleased that both of those distinguished colleagues are joining me again as original co-sponsors.

Mr. President, the Framers of our Constitution intended that the judicial branch created by Article III would have a limited role. In Federalist No. 78, Alexander Hamilton argued that the judicial branch "will always be the least dangerous to the political rights of the Constitution." Courts, wrote Hamilton, "have neither force nor will but merely judgment" and "can take no active resolution whatever." Even as he advocated the ratification of the Constitution, however, Hamilton also issued a warning. "The courts," he said, "must declare the sense of the law; and if they should be disposed to exercise will instead of judgment the consequence would equally be the substitution of their pleasure to that of the legislative body."

More than two hundred years after Alexander Hamilton issued his warning, it is abundantly clear that the abuse of judicial power that he feared has become a reality. In recent years, for example, activist judges have repeatedly abused their authority by blocking the implementation of entirely constitutional measures enacted through state ballot referenda simply because they disagree with the policy judgments of the voters. Activist judges have taken control or prisons and school districts. Activist judges have even ordered tax increases. Worst of all, activist judges have created new rules to protect criminal defendants that result in killers, rapists and other violent individuals being turned loose to continue preying on society. Former U.S. Attorney General Edwin Meese estimates that over 100,000 criminal cases each year cannot be successfully prosecuted because of these court-created rules.

Mr. President, judicial activism has become such a severe problem that former U.S. Appeals Court Judge Robert Bork has proposed that the Constitution should be amended to give the Congress the power to overturn Supreme Court decisions. I believe, however, that a better solution is a constitutional amendment providing term limits for judges.

The Term Limits for Judges Amendment would put an end to life tenure for judges. Judges at all three levels of the Article III judiciary—Supreme Court, Appeals Courts, and District Courts—would be nominated by the President and, by and with the advice and consent of the Senate, appointed for 10-year terms. After completing such a term, a judge would be eligible for reappointment, subject to Senate confirmation. Since under the Twenty-Second Amendment no person can be President for more than 10 consecutive years, no judge could be appointed twice by the same President. Finally, judges appointed before the Amendment takes effect would be protected by a "grandfather" clause.

Mr. President, activist judges are routinely violating the separation of powers by usurping legislative and executive powers. This widespread abuse of judicial authority is constitutional in dimension and it is serious enough to warrant a constitutional response. Term limits for judges would establish a check on the power of activists judges. No longer could they abuse their authority with impunity. Under the Term Limits for Judges Amendment, judges who abuse their offices by imposing their own policy views instead of interpreting the laws in good faith could be passed over for new terms by the President or rejected for reappointment by the Senate. Moreover, the Term Limits for Judges Amendment would make the President and the Senate more accountable to the people for their judicial selections.

Mr. President, I ask unanimous consent to have the text of the Term Limits for Judges Amendment printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 16

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States.

"ARTICLE—

"The Chief Justice and the judges of both the Supreme Court and the inferior courts shall hold their offices for the term of ten years. They shall be eligible for nomination and, by and with the advice and consent of the Senate, for appointment by the President to additional terms. This article shall not apply to any Chief Justice or judge who was appointed before it becomes operative."

By Mr. SHELBY:

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

• Mr. SHELBY. Mr. President, I rise today to introduce a balanced budget amendment to the Constitution. This is the same amendment which I have introduced in every Congress since the 97th Congress. Throughout my entire tenure in Congress, during the good economic times and the bad, I have devoted much time and attention to this idea because I believe that the most significant thing that the federal government can do to enhance the lives of all Americans and future generations is to ensure that we have a balanced federal budget.

Mr. President, our Founding Fathers, wise men indeed, had great concerns regarding the capability of those in government to operate within budgetary constraints. Alexander Hamilton once wrote that ". . . there is a general propensity in those who govern, founded in the constitution of man, to shift the burden from the present to a future day." Thomas Jefferson commented on the moral significance of this "shifting of the burden from the present to the future." He said: "the question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves."

Mr. President, I completely agree with these sentiments. History has shown that Hamilton was correct. Those who govern have in fact saddled future generations with the responsibility of paying for their debts. Over the past 30 years, annual deficits became routine and the federal government built up massive debt. Furthermore, Jefferson's assessment of the significance of this is also correct: intergenerational debt shifting is morally wrong.

Mr. President, some may find it strange that I am talking about the problems of budget deficits and the need for a balanced budget amendment at a time when the budget is actually in balance. However, I raise this issue now, as I have time and time again in the past, because of the seminal importance involved in establishing a permanent mechanism to ensure that our annual federal budget is always balanced.

Mr. President, a permanently balanced budget would have a considerable impact in the everyday lives of the American people. A balanced budget would dramatically lower interest rates thereby saving money for anyone with a home mortgage, a student loan, a car loan, credit card debt, or any other interest rate sensitive payment responsibility. Simply by balancing its books, the federal government would put real money into the hands of hard working people. In all practical sense, the effect of such fiscal responsibility on the part of the government would be the same as a significant tax cut for the American people. Moreover, if the government demand for capital is reduced, more money would be available for private sector use, which in turn, would generate substantial economic growth and create thousands of new jobs.

More money in the pockets of Americans, more job creation by the economy, a simple step could make this reality—a balanced budget amendment.

Furthermore, a balanced budget amendment would also provide the discipline to keep us on the course towards reducing our massive national debt. Currently, the federal government pays hundreds of billion of dollars in interest payments on the debt each year. This means we spend billions of dollars each year on exactly, nothing. At the end of the year we have nothing of substance to show for these expenditures. These expenditures do not provide better educations for our children, they do not make our nation safer, they do not further important medical research, they do not build new roads. They do nothing but pay the obligations created by the fiscal irresponsibility of those who came earlier. In the end, we need to ensure that we continue on the road to a balanced budget so that we can end the wasteful practice of making interest payments on the deficit.

However, Mr. President, opponents of a balanced budget amendment act like it is something extraordinary. In reality, a balanced budget amendment will only require the government to do what every American already has to do: balance their checkbook. It is simply a promise to the American people, and more importantly, to future generations of Americans, that the government will act responsibly.

Mr. President, thankfully the budget is currently balanced. However, there are no guarantees that it will stay as such. We could see dramatic changes in economic conditions. The drain on the government caused by the retirement of the Baby Boomers may exceed expectations. Future leaders may fall pray to the "general propensity . . . to shift the burden" that Alexander Hamilton wrote about so long ago. We need to establish guarantees for future generations. The balanced budget amendment is the best such mechanism available.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the names of the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. DASCHLE), the Senator from Hawaii (Mr. INOUYE), the Senator from Colorado (Mr. CAMPBELL), the Senator from Nevada (Mr. REID), the Senator from Indiana (Mr. LUGAR), the Senator from Washington (Mrs. MURRAY), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. CLELAND), the Senator from Montana (Mr. BURNS), the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. BRYAN), the Senator from Nebraska (Mr. HAGEL), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 51

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 60

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 60, a bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to pension plans.

S. 74

At the request of Mr. DASCHLE, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 216

At the request of Mr. MOYNIHAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 247

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 332

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 332, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kyrgyzstan.

S. 376

At the request of Mr. BURNS, the names of the Senator from Tennessee (Mr. FRIST), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 394

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 394, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S. 409

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 439

At the request of Mr. BRYAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 439, a bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 505

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. SNOWE), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 593

At the request of Mr. **COVERDELL**, the name of the Senator from Mississippi (Mr. **LOTT**) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 595

At the request of Mr. **DOMENICI**, the name of the Senator from Kansas (Mr. **ROBERTS**) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 608

At the request of Mr. **MURKOWSKI**, the names of the Senator from New Mexico (Mr. **DOMENICI**) and the Senator from Kansas (Mr. **BROWNBACK**) were added as cosponsors of S. 608, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 625

At the request of Mr. **GRASSLEY**, the name of the Senator from South Dakota (Mr. **JOHNSON**) was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 645

At the request of Mrs. **FEINSTEIN**, the name of the Senator from Maine (Ms. **SNOWE**) was added as a cosponsor of S. 645, a bill to amend the Clean Air Act to waive the oxygen content requirement for reformulated gasoline that results in no greater emissions of air pollutants than reformulated gasoline meeting the oxygen content requirement.

S. 660

At the request of Mr. **BINGAMAN**, the name of the Senator from Louisiana (Ms. **LANDRIEU**) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 661

At the request of Mr. **ABRAHAM**, the name of the Senator from Alaska (Mr. **MURKOWSKI**) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. **CHAFEE**, the names of the Senator from North Dakota (Mr. **CONRAD**) and the Senator from Indiana (Mr. **BAYH**) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

At the request of Mr. **CHAFEE**, the name of the Senator from North Dakota (Mr. **DORGAN**) was withdrawn as a cosponsor of S. 662, supra.

S. 681

At the request of Mr. **DASCHLE**, the name of the Senator from Massachusetts (Mr. **KERRY**) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 689

At the request of Mr. **GRASSLEY**, the name of the Senator from Ohio (Mr. **DEWINE**) was added as a cosponsor of S. 689, a bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001, and for other purposes.

S. 692

At the request of Mr. **KYL**, the names of the Senator from Iowa (Mr. **GRASSLEY**), the Senator from California (Mrs. **FEINSTEIN**), the Senator from Washington (Mr. **GORTON**), the Senator from Wyoming (Mr. **ENZI**), the Senator from Oklahoma (Mr. **NICKLES**), the Senator from South Carolina (Mr. **THURMOND**), the Senator from Florida (Mr. **MACK**), the Senator from Georgia (Mr. **COVERDELL**), the Senator from Pennsylvania (Mr. **SANTORUM**), and the Senator from Nevada (Mr. **REID**) were added as cosponsors of S. 692, a bill to prohibit Internet gambling, and for other purposes.

S. 693

At the request of Mr. **HELMS**, the name of the Senator from Alaska (Mr. **MURKOWSKI**) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 706

At the request of Ms. **SNOWE**, the name of the Senator from Louisiana (Ms. **LANDRIEU**) was added as a cosponsor of S. 706, a bill to create a National Museum of Women's History Advisory Committee.

SENATE RESOLUTION 19

At the request of Mr. **SPECTER**, the name of the Senator from Arkansas (Mr. **HUTCHINSON**) was added as a cosponsor of Senate Resolution 19, A resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 26

At the request of Mr. **MURKOWSKI**, the name of the Senator from Oklahoma (Mr. **INHOFE**) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

AMENDMENT NO. 154

At the request of Mr. **CONRAD** his name was added as a cosponsor of Amendment No. 154 proposed to S. Con. Res. 20, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

AMENDMENT NO. 167

At the request of Mr. **SCHUMER** the name of the Senator from Wisconsin (Mr. **KOHL**) was added as a cosponsor of amendment No. 167 proposed to S. Con. Res. 20, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

AMENDMENT NO. 172

At the request of Mrs. **MURRAY** the names of the Senator from Connecticut (Mr. **DODD**), the Senator from Iowa (Mr. **HARKIN**), the Senator from Rhode Island (Mr. **REED**), the Senator from New Jersey (Mr. **TORRICELLI**), and the Senator from Michigan (Mr. **LEVIN**) were added as cosponsors of amendment No. 172 proposed to S. Con. Res. 20, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

SENATE CONCURRENT RESOLUTION 23—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 25, 1999, Friday, March 26, 1999, Saturday, March 27, 1999, or Sunday, March 28, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, March 25, 1999, or Friday, March 26, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, April 12, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 24—TO EXPRESS THE SENSE OF CONGRESS ON THE NEED FOR THE UNITED STATES TO DEFEND THE AMERICAN AGRICULTURAL AND FOOD SUPPLY SYSTEM FROM INDUSTRIAL SABOTAGE AND TERRORIST THREATS

Mr. LUGAR submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 24

Whereas the President has begun to implement programs to protect the critical infrastructures of the United States from attack;

Whereas the American agricultural and food supply system, a highly technological and efficient system for growing, processing, distributing, and marketing food and other agricultural products for the world market, is vulnerable to threats and attacks, particularly threats and attacks employing weapons, technologies, and materials of mass destruction;

Whereas the American agricultural and food supply system has not been included in counterterrorism planning;

Whereas critical infrastructure protection efforts must include response planning for potential threats and attacks on the American agricultural and food supply system;

Whereas the Department of Agriculture must play an active role in the counterterrorism and critical infrastructure preparedness plans of the United States; and

Whereas a successful strategy for protection of the American agricultural and food supply system must also include cooperation with State and local authorities and the private sector: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States should take steps that are necessary to protect the American agricultural and food supply system from attacks, particularly attacks employing weapons, technologies, and materials of mass destruction; and

(2) the Department of Agriculture should take the lead in protecting the American agricultural and food supply system.

SENATE RESOLUTION 75—RECONSTITUTING THE SENATE ARMS CONTROL OBSERVER GROUP AS THE SENATE NATIONAL SECURITY WORKING GROUP AND REVISING THE AUTHORITY OF THE GROUP

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 75

Resolved, That Senate Resolution 105 of the One Hundred First Congress, agreed to April 13, 1989, as amended by Senate Resolution 149 of the One Hundred Third Congress, agreed to October 5, 1993, is further amended as follows:

(1) In subsection (a) of the first section, by striking paragraph (1) and inserting the following:

"(1) the Senate Arms Control Observer Group, which was previously constituted and authorized by the authority described in paragraph (2), is hereby reconstituted and reauthorized as the Senate National Security Working Group (hereafter in this resolution referred to as the 'Working Group').".

(2) By striking "Observer Group" each place it appears in the resolution, except paragraph (3) of subsection (a) of the first section, and inserting "Working Group".

(3) By striking "Group" in the second sentence of section 3(a) and inserting "Working Group".

(4) By striking paragraph (3) of subsection (a) of the first section and inserting the following:,

"(3)(A) The members of the Working Group shall act as official observers on the United States delegation to any negotiations, to which the United States is a party, on any of the following:

"(i) Reduction, limitation, or control of conventional weapons, weapons of mass destruction, or the means for delivery of any such weapons.

"(ii) Reduction, limitation, or control of missile defenses.

"(iii) Export controls.

"(B) In addition, the Working Group is encouraged to consult with legislators of foreign nations, including the members of the State Duma and Federal Council of the Russian Federation and, as appropriate, legislators of other foreign nations, regarding matters described in subparagraph (A).

"(C) The Working Group is not authorized to investigate matters relating to espionage or intelligence operations against the United States, counterintelligence operations and activities, or other intelligence matters within the jurisdiction of the Select Committee on Intelligence under Senate Resolution 400 of the Ninety-Fourth Congress, agreed to on May 19, 1976.".

(5) In paragraph (4) of subsection (a) of the first section—

(A) in subparagraph (A)—

(i) by striking "Five" in the matter preceding clause (i) and inserting "Seven";

(ii) by striking "two" in clause (ii) and inserting "three"; and

(iii) by striking "two" in clause (iii) and inserting "three";

(B) in subparagraph (C), by striking "Six" and inserting "Five"; and

(C) in subparagraph (D), by striking "Seven" and inserting "Six".

(6) In section 2(b)(3), by striking "five".

(7) In the second sentence of section 3(a)—

(A) by striking "$380,000" and inserting "$500,000"; and

(B) by striking "except that not more than" and inserting "of which not more than".

(8) By striking section 4.

(9) By amending the title to read as follows: "Resolution reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group, and revising the authority of the Group.".

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

ROTH (AND OTHERS) AMENDMENT NO. 176

Mr. ROTH (for himself, Mr. BREAUX, Mr. FRIST, Mr. KERREY, Mr. GRAMM, Mr. DOMENICI, Mr. NICKLES, Mr. THOMPSON, Mr. GRASSLEY, Mr. HATCH, Mr. JEFFORDS, Mr. MACK, Mr. MURKOWSKI, Mr. GRAMS, and Mr. ASHCROFT) proposed an amendment to the concurrent resolution (S. Con. Res. 20) setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE MODERNIZATION AND IMPROVEMENT OF THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The health insurance coverage provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is an integral part of the financial security for retired and disabled individuals, as such coverage protects those individuals against the financially ruinous costs of a major illness.

(2) Expenditures under the medicare program for hospital, physician, and other essential health care services that are provided to nearly 39,000,000 retired and disabled individuals will be $232,000,000,000 in fiscal year 2000.

(3) During the nearly 35 years since the medicare program was established, the Nation's health care delivery and financing system has undergone major transformations. However, the medicare program has not kept pace with such transformations.

(4) Former Congressional Budget Office Director Robert Reischauer has described the medicare program as it exists today as failing on the following 4 key dimensions (known as the "Four I's"):

(A) The program is inefficient.

(B) The program is inequitable.

(C) The program is inadequate.

(D) The program is insolvent.

(5) The President's budget framework does not devote 15 percent of the budget surpluses to the medicare program. The federal budget process does not provide a mechanism for setting aside current surpluses for future obligations. As a result, the notion of saving 15 percent of the surplus for the medicare program cannot practically be carried out.

(6) The President's budget framework would transfer to the Federal Hospital Insurance Trust Fund more than $900,000,000,000 over 15 years in new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public, and these new IOUs would increase the gross debt of the Federal Government by the amounts transferred.

(7) The Congressional Budget Office has stated that the transfers described in paragraph (6), which are strictly intragovernmental, have no effect on the unified budget surpluses or the on-budget surpluses and therefore have no effect on the debt held by the public.

(8) The President's budget framework does not provide access to, or financing for, prescription drugs.

(9) The Comptroller General of the United States has stated that the President's medicare proposal does not constitute reform of the program and "is likely to create a public misperception that something meaningful is being done to reform the Medicare program".

(10) The Balanced Budget Act of 1997 enacted changes to the medicare program which strengthen and extend the solvency of that program.

(11) The Congressional Budget Office has stated that without the changes made to the medicare program by the Balanced Budget Act of 1997, the depletion of the Federal Hospital Insurance Trust Fund would now be imminent.

(12) The President's budget proposes to cut medicare program spending by $19,400,000,000 over 10 years, primarily through reductions in payments to providers under that program.

(13) While the recommendations by Senator John Breaux and Representative William Thomas received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare, all of the President's appointees to that commission opposed the bipartisan reform plan.

(14) The Breaux-Thomas recommendations provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring new IOUs to the Federal Hospital Insurance Trust Fund that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume the following:

(1) This resolution does not adopt the President's proposals to reduce medicare program spending by $19,400,000,000 over 10 years, nor does this resolution adopt the President's proposal to spend $10,000,000,000 of medicare program funds on unrelated programs.

(2) Congress will not transfer to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public.

(3) Congress should work in a bipartisan fashion to extend the solvency of the medicare program and to ensure that benefits under that program will be available to beneficiaries in the future.

(4) The American public will be well and fairly served in this undertaking if the medicare program reform proposals are considered within a framework that is based on the following 5 key principles offered in testimony to the Senate Committee on Finance by the Comptroller General of the United States:

(A) Affordability.

(B) Equity.

(C) Adequacy.

(D) Feasibility.

(E) Public acceptance.

(5) The recommendations by Senator Breaux and Congressman Thomas provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(6) Congress should move expeditiously to consider the bipartisan recommendations of the Chairmen of the National Bipartisan Commission on the Future of Medicare.

(7) Congress should continue to work with the President as he develops and presents his plan to fix the problems of the medicare program.

KENNEDY AMENDMENT NO. 177

Mr. KENNEDY proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

Increase the levels of Federal revenues in section 101(1)(A) by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $3,000,000,000.
(3) Fiscal year 2002: $25,000,000,000.
(4) Fiscal year 2003: $13,000,000,000.
(5) Fiscal year 2004: $18,000,000,000.
(6) Fiscal year 2005: $31,000,000,000.
(7) Fiscal year 2006: $57,000,000,000.
(8) Fiscal year 2007: $58,000,000,000.
(9) Fiscal year 2008: $59,000,000,000.
(10) Fiscal year 2009: $56,000,000,000.

Change the levels of Federal revenues in section 101(1)(B) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $25,000,000,000;
(4) Fiscal year 2003: $13,000,000,000;
(5) Fiscal year 2004: $18,000,000,000;
(6) Fiscal year 2005: $31,000,000,000;
(7) Fiscal year 2006: $57,000,000,000;
(8) Fiscal year 2007: $58,000,000,000;
(9) Fiscal year 2008: $59,000,000,000; and
(10) Fiscal year 2009: $56,000,000,000.

Reduce the levels of total budget authority and outlays in section 101(2) and section 101(3) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $0;
(3) Fiscal year 2002: $1,000,000,000;
(4) Fiscal year 2003: $2,000,000,000;
(5) Fiscal year 2004: $3,000,000,000;
(6) Fiscal year 2005: $4,000,000,000;
(7) Fiscal year 2006: $6,000,000,000;
(8) Fiscal year 2007: $10,000,000,000;
(9) Fiscal year 2008: $13,000,000,000; and
(10) Fiscal year 2009: $17,000,000,000.

Increase the levels of surpluses in section 101(4) by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $3,000,000,000.
(3) Fiscal year 2002: $26,000,000,000.
(4) Fiscal year 2003: $15,000,000,000.
(5) Fiscal year 2004: $21,000,000,000.
(6) Fiscal year 2005: $35,000,000,000.
(7) Fiscal year 2006: $63,000,000,000.
(8) Fiscal year 2007: $68,000,000,000.
(9) Fiscal year 2008: $72,000,000,000.
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of public debt in section 101(5) by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $3,000,000,000.
(3) Fiscal year 2002: $26,000,000,000.
(4) Fiscal year 2003: $15,000,000,000.
(5) Fiscal year 2004: $21,000,000,000.
(6) Fiscal year 2005: $35,000,000,000.
(7) Fiscal year 2006: $63,000,000,000.
(8) Fiscal year 2007: $68,000,000,000.
(9) Fiscal year 2008: $72,000,000,000.
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of debt held by the public in section 101(6) by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $3,000,000,000.
(3) Fiscal year 2002: $26,000,000,000.
(4) Fiscal year 2003: $15,000,000,000.
(5) Fiscal year 2004: $21,000,000,000.
(6) Fiscal year 2005: $35,000,000,000.
(7) Fiscal year 2006: $63,000,000,000.
(8) Fiscal year 2007: $68,000,000,000.
(9) Fiscal year 2008: $72,000,000,000.
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of budget authority and outlays in section 103(18) for function 900, Net Interest, by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $0.
(3) Fiscal year 2002: $1,000,000,000.
(4) Fiscal year 2003: $2,000,000,000.
(5) Fiscal year 2004: $3,000,000,000.
(6) Fiscal year 2005: $4,000,000,000.
(7) Fiscal year 2006: $6,000,000,000.
(8) Fiscal year 2007: $10,000,000,000.
(9) Fiscal year 2008: $13,000,000,000.
(10) Fiscal year 2009: $17,000,000,000.

Reduce the levels in section 104(1) by which the Senate Committee on Finance is instructed to reduce revenues by the following amounts:

(1) $0 in fiscal year 2000.

(2) $59,000,000,000 for the period of fiscal years 2000 through 2004.

(3) $320,000,000,000 for the period of fiscal years 2000 through 2009.

On page 46, strike section 204.

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON EXTENDING THE SOLVENCY OF MEDICARE.

It is the sense of the Senate that the provisions of this resolution assume that the savings from the amendment reducing tax breaks for the wealthiest taxpayers should be reserved to strengthen and extend the solvency of the Medicare program.

DORGAN (AND OTHERS) AMENDMENT NO. 178

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. HARKIN, Mr. CONRAD, Mr. BAUCUS, Mr. JOHNSON, Mr. DURBIN, Mr. BINGAMAN, Mr. KERREY, Mrs. LINCOLN, Mr. WELLSTONE, and Mr. LEAHY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 43, strike beginning with line 3 through line 6, page 45, and insert the following:

SEC. 201. RESERVE FUND FOR AN UPDATED BUDGET FORECAST.

(a) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEARS 2000–2004.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget forecast for fiscal years 2000 through 2004 by July 15, 1999.

(b) REPORTING A SURPLUS.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for fiscal year 2000 or additional surpluses beyond those assumed in this resolution in following fiscal years, the Chairman of the Committee on the Budget shall make the appropriate adjustments to revenue and spending as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take the amount of the on-budget surplus for fiscal years 2000 through 2004 estimated in the report submitted pursuant to subsection (a) and in the following order in each of the fiscal years 2000 through 2004—

(1) increase the allocation to the Senate Committee on Agriculture, Nutrition and Forestry by $6,000,000,000 in budget authority and outlays in each of the fiscal years 2000 through 2004;

(2) reduce the on-budget revenue aggregate by that amount for fiscal year 2000;

(3) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by that amount for fiscal year 2000; and

(4) adjust the instruction in sections 104(1) and 105(1) of this resolution to—

(A) reduce revenues by that amount for fiscal year 2000; and

(B) increase the reduction in revenues for the period of fiscal years 2000 through 2004 and for the period of fiscal years 2000 through 2009 by that amount.

(d) BUDGETARY ENFORCEMENT.—Revised aggregates and other levels under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates and other levels contained in this resolution.

SEC. 202. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—If legislation is reported by the Senate Committee on Agriculture, Nutrition and Forestry that provides risk management and income assistance for agriculture producers, the Chairman of the Senate Committee on the Budget may increase the allocation of budget authority and outlays to that Committee by an amount that does not exceed—

(1) $6,500,000,000 in budget authority and in outlays for fiscal year 2000;

(2) $36,000,000,000 in budget authority and $35,165,000,000 in outlays for the period of fiscal years 2000 through 2004; and

(3) $36,000,000,000 in budget authority and in outlays for the period of fiscal years 2000 through 2009.

McCAIN AMENDMENTS NOS. 179–181

(Ordered to lie on the table.)

Mr. McCAIN submitted three amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 20, supra; as follows:

AMENDMENT NO. 179

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY EARNINGS TEST.

(a) FINDINGS.—Congress finds that—

(1) the Social Security Earnings Test is unfair and discriminates against America's senior citizens;

(2) low-income senior citizens who do not have significant savings or a private pension plan are hit hardest by the Social Security earnings test while wealthier senior citizens are not affected by this unfair penalty;

(3) according to the U.S. Chamber of Commerce, "retaining older workers is a priority in labor intensive industries, and will become even more critical as we approach the year 2000" and yet our Nation foolishly prevents diligent, knowledgeable and experienced workers out of the American work force just because they are 65 years old;

(4) our laws should encourage work, not discourage individual productivity; and

(5) eliminating the earnings test and permitting our Nation's elderly to work and improve their standard of living will also help increase our national prosperity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Social Security earnings test should be repealed immediately; and

(2) the Senate Finance Committee should include a full repeal of the Social Security Earnings Test in any Social Security reform legislation.

● Mr. McCAIN. Mr. President, today I am offering an amendment to the Budget Resolution which would help our nation's senior citizens by requiring the repeal of the Social Security earnings test.

As many of my colleagues know, the Social Security earnings test penalizes Americans between the ages of 65 and 70 for working and remaining productive after retirement. Under this unfair law, a senior citizen loses $1 of Social Security benefits for every $3 earned over the established limit, which is $15,500 in 1999.

Due to this cap on earnings, our senior citizens are burdened with a 33.3 percent tax on their earned income. Combined with Federal, State, local and other Social Security taxes, this amounts to an outrageous 55 to 65 percent tax bite, and sometimes it can be even higher.

What is most disturbing about the earnings test is the tremendous burden it places upon our low-income senior citizens. Most of the older Americans penalized by the earnings test need to work in order to cover basic expenses: food, housing and health care. Our nation's low-income seniors are hit hardest by the earnings test, while most wealthy seniors escape unscathed. This is because supplemental "unearned" income from stocks, investments and savings is not affected by the earnings test.

This is simply wrong and must be stopped.

In 1996, Congress took a step in the right direction when we passed the "Senior Citizens Right to Work Act" increasing the earnings threshold for senior citizens from $11,520 to $30,000 by the year 2002. I was proud to be the sponsor of this legislation which helped alleviate the unfair economic penalties placed on hard working senior citizens.

While raising the limit was important it is time that we finally eliminate the Social Security earnings test and permit our nation's elderly to work and improve their standard of living while increasing our national prosperity.●

AMENDMENT NO. 180

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY EARNINGS TEST.

(a) FINDINGS.—Congress finds that—

(1) the Social Security Earnings Test is unfair and discriminates against America's senior citizens;

(2) low-income senior citizens who do not have significant savings or a private pension plan are hit hardest by the Social Security earnings test while wealthier senior citizens are not affected by this unfair penalty;

(3) according to the U.S. Chamber of Commerce, "retaining older workers is a priority in labor intensive industries, and will become even more critical as we approach the year 2000" and yet our Nation foolishly prevents diligent, knowledgeable and experienced workers out of the American work force just because they are 65 years old;

(4) our laws should encourage work, not discourage individual productivity; and

(5) eliminating the earnings test and permitting our Nation's elderly to work and improve their standard of living will also help increase our national prosperity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Social Security earnings test should be repealed immediately; and

(2) the Senate Finance Committee should include a full repeal of the Social Security Earnings Test in any Social Security reform legislation.

AMENDMENT NO. 181

At the end of title III, add the following:

SEC. . BUDGET FOR EMBASSY SECURITY.

(a) FINDINGS.—Congress finds that—

(1) terrorism, both foreign and domestic, poses a grave threat to United States interests abroad and to the well-being of United States citizens at home;

(2) since the bombing of United States Embassies in Lebanon and Kuwait in 1983 and the truck bomb destruction of the United States facility in Saudi Arabia in 1996, the issue of physical security of United States diplomatic missions and military facilities abroad has been a growing concern to the United States Government and to the public it represents;

(3) the August 1998 bombings of the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, further illuminated the vulnerability of United States diplomatic missions to acts of terrorism directed against the United States;

(4) the report of the Secretary of State's Advisory Panel on Overseas Security of June 1985 specified certain measures that the United States should take to reduce the prospects of repeated bombings of United States Embassies abroad such as occurred in Lebanon and Kuwait in 1983;

(5) the Accountability Review Boards chaired by Admiral William J. Crowe, Jr. warned of continuing vulnerabilities to United States diplomatic missions cause by the failure of the United States Government to take necessary actions to reduce that vulnerability;

(6) the Accountability Review Boards recommended that the United States Government allocate the sum of $15,000,000,000 be spent over 10 years to address the vulnerabilities of United States diplomatic missions abroad; and

(7) the Administration has budgeted less than half the amount recommended by the Accountability Review Boards for improving the security of United States diplomatic missions abroad.

(b) SENSE OF CONGRESS.—It is the sense of Congress that budget levels in this concurrent resolution assume that—

(1) the President should propose a budget for embassy security consistent with the recommendations set forth by the Accountability Review Boards and including measures recommended by the 1985 Advisory Panel on Overseas Security; and

(2) the Secretary of State should provide Congress within 60 days of adoption of this concurrent resolution a comprehensive report on the Secretary's plans for implementing the recommendations of the Accountability Review Boards and the 1985 Advisory Panel on Overseas Security.

● Mr. McCAIN. Mr. President, I rise today to offer an amendment to the Budget Resolution that expresses the sense of Congress that the President should propose a budget for embassy security consistent with the recommendations set forth by the Accountability Review Boards, otherwise known as the Crowe Commission, and include measures recommended by the 1985 Advisory Panel on Overseas Security, also known as the Inman Commission. It further directs the Secretary of State to provide to Congress within 60 days of passage of the resolution a comprehensive report on its plans for implementing the recommendations of these two commissions.

Our embassies and consulates abroad are sovereign United States territory, representing our country's presence around the world, advancing our foreign policy interests, and protecting American citizens traveling overseas on business and pleasure. The people who work in and visit our embassies deserve a level of physical security commensurate with the threat they face from terrorist organizations and individuals seeking to express their hostility to the United States through destruction of the most visible symbol of U.S. global presence. Their destruction, as occurred in Beirut and Kuwait City in 1983 and in Nairobi and Dar es Salaam in 1998, as well as the targeting of other U.S. military and diplomatic facilities overseas, is a direct attack on the United States.

It is for this reason that the Administration's five-year budget proposal for embassy security is so disappointing and irresponsible. Representing less than one-half the amount recommended by the Crowe Commission, it sends a worrisome signal to our representatives around the world about how we view their physical well-being, and invites further attacks on soft targets. The threat of terrorist attack on our embassies is very real. Such attacks not only result in the death of U.S. and host country citizens, but also carry with them the potential for destabilization of countries in which the attack occurs. My amendment seeks to address the large disparity between what is required and what is provided. I urge my colleagues to support its passage.●

ROBB (AND GRAHAM) AMENDMENT NO. 182

Mr. ROBB (for himself and Mr. GRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 46, strike section 204.

On page 42, strike lines 1 through 5, and strike lines 15 through 19. Insert at the appropriate place the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the provisions of this resolution assume that the savings from this amendment shall be used to reduce publicly held debt and to strengthen and extend the solvency of the Medicare program.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 183

Mr. LAUTENBERG (for himself, Mr. ROBB, Mr. HARKIN, Mr. KENNEDY, Mr. LEVIN, Ms. MIKULSKI, Mr. DODD, Mr. TORRICELLI, Mrs. MURRAY, Ms. LANDRIEU, and Mr. REID) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON MODERNIZING AMERICA'S SCHOOLS.

(a) FINDINGS.—The Senate finds the following:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement; 7,000,000 children attend schools with life safety code violations; and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found that the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least 1 building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. 46 percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. 56 percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined that the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology.

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(10) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(11) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this budget resolution assume that Congress will enact measures to assist school districts in modernizing their facilities, including—

(1) legislation to allow States and school districts to issue at least $24,800,000,000 worth of zero-interest bonds to rebuild and modernize our Nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments; and

(2) appropriate funding for the Education Infrastructure Act of 1994 during the period 2000 through 2004, which would provide grants to local school districts for the repair, renovation and construction of public school facilities.

LAUTENBERG AMENDMENT NO. 184

Mr. LAUTENBERG proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . BUDGET-NEUTRAL RESERVE FUND FOR ENVIRONMENTAL AND NATURAL RESOURCES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the quality of our nation's air, water, land, and natural resources, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not (by virtue of either contemporaneous or previously-passed reinstatement or modification of expired excise or environmental taxes) increase the deficit or decrease the surplus for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) Adjustments for legislation.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) Adjustments for amendments.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

DURBIN (AND OTHERS) AMENDMENT NO. 185

Mr. LAUTENBERG (for Mr. DURBIN for himself, Mr. BYRD, and Mr. DOMENICI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 47, strike section 205 and insert the following:

SEC. 205. EMERGENCY DESIGNATION POINT OF ORDER.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are whether it is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, upon a point of order being made by a Senator against any provision in that measure designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Presiding Officer sustains that point of order, that provision along with the language making the designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) GENERAL POINT OF ORDER.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under this subsection against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

DURBIN AMENDMENTS NOS. 186–187

Mr. LAUTENBERG (for Mr. DURBIN) proposed two amendments to the concurrent resolution, S. Con. Res. 20, supra; as follows:

AMENDMENT NO. 186

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE PROVISIONS OF THIS RESOLUTION ASSUME THAT IT IS THE POLICY OF THE UNITED STATES TO PROVIDE AS SOON AS IS TECHNOLOGICALLY POSSIBLE AN EDUCATION FOR EVERY AMERICAN CHILD THAT WILL ENABLE EACH CHILD TO EFFECTIVELY MEET THE CHALLENGES OF THE 21ST CENTURY.

(a) FINDINGS.—The Senate finds that—

(1) Pell Grants require an increase of $5 billion per year to fund the maximum award established in the Higher Education Act Amendments of 1998;

(2) IDEA needs at least $13 billion more per year to fund the federal commitment to fund 40% of the excess costs for special education services;

(3) Title 1 needs at least $4 billion more per year to serve all eligible children;

(4) over $11 billion over the next six years will be required to hire 100,000 teachers to reduce class size to an average of 18 in grades 1–3;

(5) according to the General Accounting Office, it will cost $112 billion just to bring existing school buildings up to good overall condition. According to GAO, one-third of schools serving 14 million children require extensive repair or replacement of one or more of their buildings. GAO also found that almost half of all schools lack even the basic electrical wiring needed to support full-scale use of computers;

(6) the federal share of education spending has declined from 11.9% in 1980 to 7.6% in 1998;

(7) federal spending for education has declined from 2.5% of all federal spending in FY 1980 to 2.0% in FY 1999;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions of this resolution assume that it is the policy of the United States to provide as soon as is technologically possible an education for every American child that will enable each child to effectively meet the challenges of the 21ST century.

AMENDMENT NO. 187

At the end of Title II, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND TO FOSTER THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that finances disability programs designed to allow individuals with disabilities to become employed and remain independent, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section."

DORGAN AMENDMENT NO. 188

Mr. LAUTENBERG (for Mr. DORGAN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING EXEMPTION OF AGRICULTURAL COMMODITIES AND PRODUCTS, MEDICINES, AND MEDICAL PRODUCTS FROM UNILATERAL ECONOMIC SANCTIONS.

(a) FINDINGS.—The Senate finds that—

(1) prohibiting or otherwise restricting the donation or sale of agricultural commodities or products, medicines, or medical products in order to unilaterally sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targeted country and rarely causes the sanctioned government to alter its actions or policies;

(2) for the United States as a matter of policy to deny access to agricultural commodities or products, medicines, or medical products by innocent men, women, and children in other countries weakens the international leadership and moral authority of the United States; and

(3) unilateral sanctions on the sale or donation of agricultural commodities or products, medicines, or medical products needlessly harm agricultural producers and workers employed in the agricultural or medical

sectors in the United States by foreclosing markets for the commodities, products, or medicines.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that the President should—

(1) subject to paragraph (2), exempt agricultural commodities and products, medicines, and medical products from any unilateral economic sanction imposed on a foreign government; and

(2) apply the sanction to the commodities, products, or medicines if the application is necessary—

(A) for health or safety reasons; or

(B) due to a domestic shortage of the commodities, products, or medicines.

DORGAN AMENDMENT NO. 189

Mr. LAUTENBERG (for Mr. DORGAN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CAPITAL GAINS TAX FAIRNESS FOR FAMILY FARMERS.

(a) FINDINGS.—The Senate finds that—

(1) one of the most popular provisions included in the Taxpayer Relief Act of 1997 permits many families to exclude from Federal income taxes up to $500,000 of gain from the sale of their principal residences;

(2) under current law, family farmers are not able to take full advantage of this $500,000 capital gains exclusion that families living in urban or suburban areas enjoy on the sale of their homes;

(3) for most urban and suburban residents, their homes are their major financial asset and as a result such families, who have owned their homes through many years of appreciation, can often benefit from a large portion of this new $500,000 capital gains exclusion;

(4) most family farmers plow any profits they make back into the whole farm rather than into the house which holds little or no value;

(5) unfortunately, farm families receive little benefit from this capital gains exclusion because the Internal Revenue Service separates the value of their homes from the value of the land the homes sit on;

(6) we should recognize in our tax laws the unique character and role of our farm families and their important contributions to our economy, and allow them to benefit more fully from the capital gains tax exclusion that urban and suburban homeowners already enjoy; and

(7) we should expand the $500,000 capital gains tax exclusion to cover sales of the farmhouse and the surrounding farmland over their lifetimes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that if we pass tax relief measures in accordance with the assumptions in the budget resolution, we should ensure that such legislation removes the disparity between farm families and their urban and suburban counterparts with respect to the new $500,000 capital gains tax exclusion for principal residence sales by expanding it to cover gains from the sale of farmland along with the sale of the farmhouse.

KERRY (AND OTHERS) AMENDMENT NO. 190

Mr. LAUTENBERG (for Mr. KERRY for himself, Mr. LAUTENBERG, Mr. REED, Mr. JOHNSON, Mr. HOLLINGS, Mr. KERREY, and Mr. CONRAD) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title II, insert the following:

SEC. ___. 1-YEAR DELAY OF PORTION OF CERTAIN TAX PROVISIONS NECESSARY TO AVOID FUTURE BUDGET DEFICITS.

(a) IN GENERAL.—The Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall provide in any reconciliation legislation provided pursuant to sections 104 and 105—

(1) a provision requiring the Congressional Budget Office to report to Congress on June 30 of each year (beginning in 2000) on the estimated Federal budget revenue impact over the next 1, 5, and 10-fiscal year period of that portion of any tax provision included in such reconciliation legislation which has not gone into effect in the taxable year in which such report is made, and

(2) in any tax provision to be included in such reconciliation legislation a provision delaying for 1 additional taxable year that portion of such provision which did not go into effect before a trigger year.

(b) TRIGGER YEAR.—For purposes of subsection (a)(2), the term "trigger year" means the 1st fiscal year in which the projected Federal on-budget surplus for the 1, 5, or 10-fiscal year period, as determined by the report under subsection (a)(1), is exceeded by the amount of the aggregate reduction in revenues for such period resulting from the enactment of all of the tax provisions in the reconciliation legislation described in subsection (a).

TORRICELLI (AND DURBIN) AMENDMENT NO. 191

Mr. LAUTENBERG (for Mr. TORRICELLI, for himself, and Mr. DURBIN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. 3 ___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE URBAN PARKS AND RECREATION RECOVERY (UPARR) PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) every analysis of national recreation issues in the last 3 decades has identified the importance of close-to-home recreation opportunities, particularly for residents in densely-populated urban areas;

(2) the Land and Water Conservation Fund grants program under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) was established partly to address the pressing needs of urban areas;

(3) the National Urban Recreation Study of 1978 and the President's Commission on Americans Outdoors of 1987 revealed that critical urban recreation resources were not being addressed;

(4) older city park structures and infrastructures worth billions of dollars are at risk because government incentives favored the development of new areas over the revitalization of existing resources, ranging from downtown parks established in the 19th century to neighborhood playgrounds and sports centers built from the 1920's to the 1950's;

(5) the Urban Parks and Recreation Recovery (UPARR) program, established under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), authorized $725,000,000 to provide matching grants and technical assistance to economically distressed urban communities;

(6) the purposes of the UPARR program is to provide direct Federal assistance to urban localities for rehabilitation of critically needed recreation facilities, and to encourage local planning and a commitment to continuing operation and maintenance of recreation programs, sites, and facilities; and

(7) funding for UPARR is supported by a wide range of organizations, including the National Association of Police Athletic Leagues, the Sporting Goods Manufacturers Association, the Conference of Mayors, and Major League Baseball.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress considers the UPARR program to be a high priority, and should appropriate such amounts as are necessary to carry out the Urban Parks and Recreation Recovery (UPARR) program established under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

KENNEDY (AND OTHERS) AMENDMENT NO. 192

Mr. LAUTENBERG (for Mr. KENNEDY for himself, Mr. DODD, Mr. MURRAY, Mr. HARKIN, Mr. DASCHLE, Ms. MIKULSKI, Mr. TORRICELLI, Mr. REED, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. LEVIN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,436,108,000,000.
Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,604,382,000,000.
Fiscal year 2005: $1,668,856,000,000.
Fiscal year 2006: $1,703,047,000,000.
Fiscal year 2007: $1,756,420,000,000.
Fiscal year 2008: $1,826,649,000,000.
Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,539,000,000.
Fiscal year 2002: −$40,713,000,000.
Fiscal year 2003: −$14,724,000,000.
Fiscal year 2004: −$29,767,000,000.
Fiscal year 2005: −$42,040,000,000.
Fiscal year 2006: −$87,666,000,000.
Fiscal year 2007: −$114,980,000,000.
Fiscal year 2008: −$129,560,000,000.
Fiscal year 2009: −$155,436,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,474,165,000,000.
Fiscal year 2002: $1,506,259,000,000.
Fiscal year 2003: $1,580,072,000,000.
Fiscal year 2004: $1,633,179,000,000.

Fiscal year 2005: $1,688,032,000,000.
Fiscal year 2006: $1,717,635,000,000.
Fiscal year 2007: $1,773,679,000,000.
Fiscal year 2008: $1,835,769,000,000.
Fiscal year 2009: $1,896,955,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,436,108,000,000.
Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,601,483,000,000.
Fiscal year 2005: $1,659,025,000,000.
Fiscal year 2006: $1,688,217,000,000.
Fiscal year 2007: $1,736,657,000,000.
Fiscal year 2008: $1,801,829,000,000.
Fiscal year 2009: $1,862,458,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $84,420,000,000.
(B) Outlays, $66,249,000,000.
Fiscal year 2002:
(A) New budget authority, $86,077,000,000.
(B) Outlays, $78,442,000,000.
Fiscal year 2003:
(A) New budget authority, $92,893,000,000.
(B) Outlays, $86,110,000,000.
Fiscal year 2004:
(A) New budget authority, $78,948,000,000.
(B) Outlays, $91,867,000,000.
Fiscal year 2005:
(A) New budget authority, $99,653,000,000.
(B) Outlays, $96,488,000,000.
Fiscal year 2006:
(A) New budget authority, $98,462,000,000.
(B) Outlays, $98,798,000,000.
Fiscal year 2007:
(A) New budget authority, $106,245,000,000.
(B) Outlays, $98,893,000,000.
Fiscal year 2008:
(A) New budget authority, $102,174,000,000.
(B) Outlays, $100,241,000,000.
Fiscal year 2009:
(A) New budget authority, $103,037,000,000.
(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $91,744,000,000 for the period of fiscal years 2000 through 2004, and $621,426,000,000 for the period of fiscal years 2000 through 2009; and

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KENNEDY AMENDMENT NO. 193

Mr. LAUTENBERG (for Mr. KENNEDY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 43, strike beginning with line 13 through line page 44, line 10, and insert the following: for fiscal year 2000 or increases in the surplus for any of the outyears, the Chairman of the Committee on the Budget shall make the adjustments as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take a portion of the amount of increases in the on-budget surplus for fiscal years 2000 through 2004 estimated in the report submitted pursuant to subsection (a) and—

(1) increase the allocation by these amounts to the Committee on Health, Education, Labor and Pensions only for legislation that promotes early educational development and well-being of children for fiscal years 2000 through 2004; and

(2) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by those amounts for fiscal year 2000 through 2004.

KENNEDY (AND OTHERS) AMENDMENT NO. 194

Mr. LAUTENBERG (for Mr. KENNEDY for himself, Mr. DODD, Mrs. MURRAY, Mr. HARKIN, Ms. MIKULSKI, Mr. TORRICELLI, Mr. REED, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. LEYIN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,436,108,000,000.
Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,604,382,000,000.
Fiscal year 2005: $1,668,856,000,000.
Fiscal year 2006: $1,703,047,000,000.
Fiscal year 2007: $1,756,420,000,000.
Fiscal year 2008: $1,826,649,000,000.
Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: −$0.
Fiscal year 2001: −$6,539,000,000.
Fiscal year 2002: −$40,713,000,000.
Fiscal year 2003: −$14,724,000,000.
Fiscal year 2004: −$29,767,000,000.
Fiscal year 2005: −$42,040,000,000.
Fiscal year 2006: −$87,666,000,000.
Fiscal year 2007: −$114,980,000,000.
Fiscal year 2008: −$129,560,000,000.
Fiscal year 2009: −$155,436,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,474,165,000,000.
Fiscal year 2002: $1,506,259,000,000.
Fiscal year 2003: $1,580,072,000,000.
Fiscal year 2004: $1,633,179,000,000.
Fiscal year 2005: $1,688,032,000,000.
Fiscal year 2006: $1,717,635,000,000.
Fiscal year 2007: $1,773,679,000,000.
Fiscal year 2008: $1,835,769,000,000.
Fiscal year 2009: $1,896,955,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,436,108,000,000.
Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,601,483,000,000.
Fiscal year 2005: $1,659,025,000,000.
Fiscal year 2006: $1,688,217,000,000.
Fiscal year 2007: $1,736,657,000,000.
Fiscal year 2008: $1,801,829,000,000.
Fiscal year 2009: $1,862,458,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $84,420,000,000.
(B) Outlays, $66,249,000,000.
Fiscal year 2002:
(A) New budget authority, $86,077,000,000.
(B) Outlays, $78,442,000,000.
Fiscal year 2003:
(A) New budget authority, $92,893,000,000.
(B) Outlays, $86,170,000,000.
Fiscal year 2004:
(A) New budget authority, $78,948,000,000.
(B) Outlays, $91,867,000,000.
Fiscal year 2005:
(A) New budget authority, $99,653,000,000.
(B) Outlays, $96,488,000,000.
Fiscal year 2006:
(A) New budget authority, $98,462,000,000.
(B) Outlays, $98,798,000,000.
Fiscal year 2007:
(A) New budget authority, $100,245,000,000.
(B) Outlays, $98,893,000,000.
Fiscal year 2008:
(A) New budget authority, $102,174,000,000.
(B) Outlays, $100,241,000,000.
Fiscal year 2009:
(A) New budget authority, $103,037,000,000.
(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $91,744,000,000 for the period of fiscal years 2000 through 2004, and $621,426,000,000 for the period of fiscal years 2000 through 2009; and

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KENNEDY (AND OTHERS) AMENDMENT NO. 195

Mr. LAUTENBERG (for Mr. KENNEDY for himself, Mr. WELLSTONE, and Mr. TORRICELLI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING AN INCREASE IN THE MINIMUM WAGE.

It is the sense of the Senate that the minimum hourly wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) should be increased by 50 cents on September 1, 1999, and again on September 1, 2000, to bring the minimum hourly wage to $6.15 an hour, and that such section should apply to the Commonwealth of the Northern Mariana Islands.

KENNEDY (AND ROCKEFELLER) AMENDMENT NO. 196

Mr. LAUTENBERG (for Mr. KENNEDY for himself and Mr. ROCKEFELLER) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR MEDICARE PRESCRIPTION DRUG BENEFITS.

(a) ADJUSTMENT.—If legislation is considered that modernizes and strengthens the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and includes a benefit under such title providing affordable prescription drug coverage for all medicare beneficiaries, the Chairman of the Committee on the Budget may change committee allocations, revenue aggregates, and spending aggregates if such legislation will not cause an on-budget deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) Budgetary Enforcement.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 197

Mr. LAUTENBERG (for Mr. Lieberman for himself, Mr. Santorum, Mr. Bingaman, and Mr. Abraham) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF SENATE REGARDING ASSET-BUILDING FOR THE WORKING POOR.

(a) Findings.—The Senate finds the following:

(1) 33 percent of all American households and 60 percent of African American households have no or negative financial assets.

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children.

(3) In order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established.

(4) Across the Nation, numerous small public, private, and public-private asset-building incentives, including individual development accounts, are demonstrating success at empowering low-income workers.

(5) Middle and upper income Americans currently benefit from tax incentives for building assets.

(6) The Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) Sense of Senate.—It is the sense of the Senate that the provisions of this resolution assume that Congress should modify the Federal tax law to include provisions which encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

FEINSTEIN (AND BOXER) AMENDMENT NO. 198

Mr. LAUTENBERG (for Mrs. Feinstein for herself and Mrs. Boxer) proposed an amendment to the concurrent resolution. S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON SCAAP FUNDING.

(a) Findings.—The Senate finds the following:

(1) The Federal Government has the responsibility for ensuring that our Nation's borders are safe and secure.

(2) States and localities, particularly in high immigrant States, face disproportionate costs in implementing our Nation's immigration policies, particularly in the case of incarcerating criminal illegal aliens.

(3) Federal reimbursements have continually failed to cover the actual costs borne by States and localities in incarcerating criminal illegal aliens. In fiscal year 1999, the costs to States and localities for incarcerating criminal aliens reached over $1,700,000,000, but the Federal Government reimbursed States only $585,000,000.

(4) In fiscal year 1998, the State of California spent approximately $577,000,000 for the incarceration and parole supervision of criminal alien felons, but received just $244,000,000 in reimbursements. The State of Texas spent $133,000,000, but the Federal Government provided only a $53,000,000 reimbursement. The State of Arizona incurred $38,000,000 in costs, but only received $15,000,000 in reimbursements. The State of New Mexico incurred $3,000,000 in cost, but only received $1,000,000 in reimbursements.

(5) The current Administration request of $500,000,000 is significantly below last year's Federal appropriation, despite the fact that more aliens are now being detained in State and local jails.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that the State Criminal Alien Assistance program budget proposal should increase to $970,000,000 and that the budget resolution appropriately reflects sufficient funds to achieve this objective.

BINGAMAN (AND OTHERS) AMENDMENT NO. 199

Mr. LAUTENBERG (for Mr. Bingaman for himself, Mr. DeWine, Mr. Kennedy, Mrs. Hutchison, Mr. Graham, Mr. Santorum, Mr. Schumer, Mr. Chafee, Mr. Moynihan, and Mr. Lieberman) proposed an amendment to the concurrent resolution. S. Con Res. 20, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . BUDGETING FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

"It is the sense of the Senate that the budgetary levels for National Defense (function 050) for fiscal years 2000 through 2008 assume funding for the Defense Science and Technology program that is consistent with Section 214 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, which expresses a sense of the Congress that for each of those fiscal years it should be an objective of the Secretary of Defense to increase the budget request for the Defense Science and Technology program by at least 2 percent over inflation.".

WYDEN AMENDMENT NO. 200

Mr. LAUTENBERG (for Mr. Wyden) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 53, line 4, after "may change committee allocations" insert ", revenue aggregates for legislation that increases taxes on tobacco or tobacco products (only),".

DODD (AND OTHERS) AMENDMENT NO. 201

Mr. LAUTENBERG (for Mr. Dodd, for himself, Mrs. Murray, Mr. Kennedy, and Mr. Reed) proposed an amendment to the concurrent resolution, S. Con. Res. 20, surpa; as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) Federal revenues.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,436,033,000,000.
Fiscal year 2002: $1,466,653,000,000.
Fiscal year 2003: $1,547,102,000,000.
Fiscal year 2004: $1,602,574,000,000.
Fiscal year 2005: $1,666,629,000,000.
Fiscal year 2006: $1,700,594,000,000.
Fiscal year 2007: $1,755,630,000,000.
Fiscal year 2008: $1,826,369,000,000.
Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,614,000,000.
Fiscal year 2002: −$41,623,000,000.
Fiscal year 2003: −$16,216,000,000.
Fiscal year 2004: −$31,574,000,000.
Fiscal year 2005: −$44,267,000,000.
Fiscal year 2006: −$90,119,000,000.
Fiscal year 2007: −$115,770,000,000.
Fiscal year 2008: −$129,840,000,000.
Fiscal year 2009: −$155,436,000,000.

(2) New budget authority.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,472,665,000,000.
Fiscal year 2002: $1,504,559,000,000.
Fiscal year 2003: $1,578,337,000,000.
Fiscal year 2004: $1,630,879,000,000.
Fiscal year 2005: $1,685,232,000,000.
Fiscal year 2006: $1,717,635,000,000.
Fiscal year 2007: $1,773,679,000,000.
Fiscal year 2008: $1,835,769,000,000.
Fiscal year 2009: $1,896,955,000,000.

(3) Budget outlays.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,436,033,000,000.
Fiscal year 2002: $1,466,653,000,000.
Fiscal year 2003: $1,547,102,000,000.
Fiscal year 2004: $1,599,675,000,000.
Fiscal year 2005: $1,656,798,000,000.
Fiscal year 2006: $1,685,764,000,000.
Fiscal year 2007: $1,735,867,000,000.
Fiscal year 2008: $1,801,549,000,000.
Fiscal year 2009: $1,862,458,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $82,920,000,000.
(B) Outlays, $66,174,000,000.
Fiscal year 2002:
(A) New budget authority, $84,377,000,000.
(B) Outlays, $77,532,000,000.
Fiscal year 2003:
(A) New budget authority, $91,158,000,000.
(B) Outlays, $84,618,000,000.
Fiscal year 2004:
(A) New budget authority, $95,249,000,000.
(B) Outlays, $90,059,000,000.
Fiscal year 2005:
(A) New budget authority, $96,853,000,000.
(B) Outlays, $94,261,000,000.
Fiscal year 2006:
(A) New budget authority, $98,462,000,000.
(B) Outlays, $96,345,000,000.
Fiscal year 2007:
(A) New budget authority, $100,245,000,000.
(B) Outlays, $98,103,000,000.
Fiscal year 2008:
(A) New budget authority, $102,174,000,000.
(B) Outlays, $99,961,000,000.
Fiscal year 2009:
(A) New budget authority, $103,037,000,000.
(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $96,028,000,000 for the period of fiscal years 2000 through 2004, and $631,461,000,000 for the period of fiscal years 2000 through 2009; and

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BIDEN AMENDMENT NO. 202

Mr. LAUTENBERG (for Mr. BIDEN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place in the bill, insert the following new section

SEC. . SENSE OF THE SENATE ON IMPORTANCE OF FUNDING FOR EMBASSY SECURITY.

(a) FINDINGS.—The Senate finds that—

(1) Enhancing security at U.S. diplomatic missions overseas is essential to protect U.S. government personnel serving on the front lines of our national defense;

(2) 80 percent of U.S. diplomatic missions do not meet current security standards;

(3) the Accountability Review Boards on the Embassy Bombings in Nairobi and Dar Es Salaam recommended that the Department of State spend $1.4 billion annually on embassy security over each of the next ten years;

(4) the amount of spending recommended for embassy security by the Accountability Review Boards is approximately 36 percent of the operating budget requested for the Department of State in Fiscal Year 2000; and

(5) the funding requirements necessary to improve security for United States diplomatic missions and personnel abroad cannot be borne within the current budgetary resources of the Department of State;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the budgetary levels in this budget resolution assume that as the Congress contemplates changes in the Congressional Budget Act of 1974 to reflect projected on-budget surpluses, provisions similar to those set forth in Section 314(b) of that Act should be considered to ensure adequate funding for enhancements to the security of U.S. diplomatic missions.

HARKIN (AND SPECTER) AMENDMENT NO. 203

Mr. LAUTENBERG (for HARKIN for himself and Mr. SPECTER) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

Page 3, line 9: reduce the figure by $1,400,000,000.

Page 3, line 10: reduce the figure by $1,400,000,000.

Page 3, line 11: reduce the figure by $1,400,000,000.

Page 3, line 12: reduce the figure by $1,400,000,000.

Page 3, line 13: reduce the figure by $1,400,000,000.

Page 3, line 14: reduce the figure by $1,400,000,000.

Page 3, line 15: reduce the figure by $1,400,000,000.

Page 3, line 16: reduce the figure by $1,400,000,000.

Page 3, line 17: reduce the figure by $1,400,000,000.

Page 3, line 18: reduce the figure by $1,400,000,000.

Page 4, line 4: change the figure by −$1,400,000,000.

Page 4, line 5: reduce the figure by $1,400,000,000.

Page 4, line 6: reduce the figure by $1,400,000,000.

Page 4, line 7: reduce the figure by $1,400,000,000.

Page 4, line 8: reduce the figure by $1,400,000,000.

Page 4, line 9: reduce the figure by $1,400,000,000.

Page 4, line 10: reduce the figure by $1,400,000,000.

Page 4, line 11: reduce the figure by $1,400,000,000.

Page 4, line 12: reduce the figure by $1,400,000,000.

Page 4, line 13: reduce the figure by $1,400,000,000.

Page 4, line 17: increase the figure by $1,400,000,000.

Page 4, line 18: increase the figure by $1,400,000,000.

Page 4, line 19: increase the figure by $1,400,000,000.

Page 4, line 20: increase the figure by $1,400,000,000.

Page 4, line 21: increase the figure by $1,400,000,000.

Page 4, line 22: increase the figure by $1,400,000,000.

Page 4, line 23: increase the figure by $1,400,000,000.

Page 4, line 24: increase the figure by $1,400,000,000.

Page 4, line 25: increase the figure by $1,400,000,000.

Page 5, line 1: increase the figure by $1,400,000,000.

Page 5, line 5: increase the figure by $1,400,000,000.

Page 5, line 6: increase the figure by $1,400,000,000.

Page 5, line 7: increase the figure by $1,400,000,000.

Page 5, line 8: increase the figure by $1,400,000,000.

Page 5, line 9: increase the figure by $1,400,000,000.

Page 5, line 10: increase the figure by $1,400,000,000.

Page 5, line 11: increase the figure by $1,400,000,000.

Page 5, line 12: increase the figure by $1,400,000,000.

Page 5, line 13: increase the figure by $1,400,000,000.

Page 5, line 14: increase the figure by $1,400,000,000.

Page 25, line 7: increase the figure by $1,400,000,000.

Page 25, line 8: increase the figure by $1,400,000,000.

Page 25, line 11: increase the figure by $1,400,000,000.

Page 25, line 12: increase the figure by $1,400,000,000.

Page 25, line 15: increase the figure by $1,400,000,000.

Page 25, line 16: increase the figure by $1,400,000,000.

Page 25, line 19: increase the figure by $1,400,000,000.

Page 25, line 20: increase the figure by $1,400,000,000.

Page 25, line 23: increase the figure by $1,400,000,000.

Page 25, line 24: increase the figure by $1,400,000,000.

Page 26, line 2: increase the figure by $1,400,000,000.

Page 26, line 3: increase the figure by $1,400,000,000.

Page 26, line 6: increase the figure by $1,400,000,000.

Page 26, line 7: increase the figure by $1,400,000,000.

Page 26, line 10: increase the figure by $1,400,000,000.

Page 26, line 11: increase the figure by $1,400,000,000.

Page 26, line 14: increase the figure by $1,400,000,000.

Page 26, line 15: increase the figure by $1,400,000,000.

Page 26, line 18: increase the figure by $1,400,000,000.

Page 26, line 19: increase the figure by $1,400,000,000.

BIDEN (AND HATCH) AMENDMENT NO. 204

Mr. LAUTENBERG (for Mr. BIDEN, for himself and Mr. HATCH) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title II, insert the following:

SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) DISCRETIONARY LIMITS.—In the Senate, in this section, and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974,

(1) with respect to fiscal year 2001—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

(2) with respect to fiscal year 2002—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

(3) with respect to fiscal year 2003—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

(4) with respect to fiscal year 2004—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

(5) with respect to fiscal year 2005—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in strict conformance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 314 of the Congressional Budget Act of 1974.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for any of the fiscal years 2000 through 2005 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for any of the fiscal years 2000 through 2005 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

(2) EXCEPTION.—This section shall not apply if a declaration of war by Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

LANDRIEU AMENDMENT NO. 205

Mr. LAUTENBERG (for Ms. LANDRIEU) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 46, after line 10, add a new subsection (c) that reads as follows:

(c) LIMITATION.—This reserve fund will only be available for the following types of tax relief:

(1) Tax relief to help working families afford child care, including assistance for families with a parent staying out of the workforce in order to care for young children;

(2) Tax relief to help individuals and their families afford the expense of long-term health care;

(3) Tax relief to ease the tax code's marriage penalties on working families;

(4) Any other individual tax relief targeted exclusively for families in the bottom 90 percent of the family income distribution;

(5) The extension of the Research and Experimentation tax credit, the Work Opportunity tax credit, and other expiring tax provisions, a number of which are important to help American businesses compete in the modern international economy and to help bring the benefits of a strong economy to disadvantaged individuals and communities; and,

(6) Tax incentives to help small businesses offer pension plans to their employees, and other proposals to increase pension access, portability, and security."

HATCH (AND OTHERS) AMENDMENT NO. 206

Mr. DOMENICI (for Mr. HATCH for himself, Mr. BIDEN, Mr. KENNEDY, and Mr. THURMOND) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND

"(a) FINDINGS.—The Senate finds that:—

"(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance such as the Local Law Enforcement Block Grant program, the Juvenile Accountability Incentive Block Grant Program, the COPS Program, and the Byrne Grant program, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a violent crime rate that has dropped in each of the past four years;

"(2) Assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation;

"(3) Through a comprehensive effort by state and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women;

"(4) Despite recent gains, the violent crime rate remains high by historical standards;

"(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a National anticrime strategy, and should be maintained;

"(6) The recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

"(7) The Violent Crime Reduction Trust Fund, enacted as a part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996, without adding to the federal budget deficit.

"(B) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, such as the Local Law Enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the Violent Offender Incarceration/Truth in Sentencing Incentive Grants program, the Violence Against Women Act, the COPS Program, and the Byrne Grant program, shall be maintained, and that funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2005."

HATCH AMENDMENT NO. 207

Mr. DOMENICI (for Mr. HATCH) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following new section:

"SEC. . SENSE OF THE SENATE ON MERGER ENFORCEMENT BY DEPARTMENT OF JUSTICE.

"(a) FINDINGS.—Congress find that—

"(1) The Antitrust Division of the Department of Justice is charged with the civil and criminal enforcement of the antitrust laws, including review of corporate mergers likely to reduce competition in particular markets, with a goal to promote and protect the competitive process;

"(2) the Antitrust Division requests a 16 percent increase in funding for fiscal year 2000;

"(3) justification for such an increase is based, in part, increasingly numerous and complex merger filings pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976;

"(4) the Hart-Scott-Rodino Antitrust Improvements Act of 1976 sets value threshold which trigger the requirement for filing premerger notification;

"(5) the number of merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, which the Department, in conjunction with the Federal Trade Commission, is required to review, increased by 38 percent in fiscal year 1998;

"(6) the Department expects the number of merger filings to increase in fiscal years 1999 and 2000;

"(7) the value thresholds, which relate to both the size of the companies involved and the size of the transaction, under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 have not been adjusted since passage of that Act.

"(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this resolution assume that the Antitrust Division will have adequate resources to enable it to meet its statutory requirements, including those related to reviewing and investigating increasingly numerous and complex mergers, but that Congress should make modest, budget neutral, adjustments to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to account for inflation in the value thresholds of the Act, and in so doing, ensure that the Antitrust Division's resources are focused on matters and transactions most deserving of the Division's attention.

ENZI AMENDMENT NO. 208

Mr. DOMENICI (for Mr. ENZI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

SEC. . SENSE OF THE SENATE ON ELIMINATING THE MARRIAGE PENALTY AND ACROSS THE BOARD INCOME TAX RATE CUTS.

(a) FINDINGS.—THE SENATE FINDS THAT—

(1) The institution of marriage is the cornerstone of the family and civil society;

(2) Strengthening of the marriage commitment and the family is an indispensable step in the renewal of America's culture;

(3) The Federal income tax punishes marriage by imposing a greater tax burden on married couples than on their single counterparts;

(4) America's tax code should give each married couple the choice to be treated as one economic unit, regardless of which spouse earns the income; and

(5) All American taxpayers are responsible for any budget surplus and deserve broad-based tax relief after the Social Security Trust fund has been protected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should eliminate the marriage penalty in a manner that treats all married couples equally, regardless of which spouse earns the income; and

(2) Congress should implement an equal; across the board reduction in each of the current federal income tax rates as soon as there is a non-Social Security surplus.

SHELBY AMENDMENT NO. 209

Mr. DOMENICI (for Mr. SHELBY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING REFORM OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Code of 1986 (referred to in this section as the "tax code") is unnecessarily complex and burdensome, consisting of 2,000 pages of tax code, and resulting in 12,000 pages of regulations and 200,000 pages of court proceedings;

(2) the complexity of the tax code results in taxpayers spending approximately 5,400,000,000 hours and $200,000,000,000 on tax compliance each year;

(3) the impact of the complexity of the tax code is inherently inequitable, rewarding taxpayers which hire professional tax preparers and penalizing taxpayers which seek to comply with the tax code without professional assistance;

(4) the percentage of the income of an average family of four that is paid for taxes has grown significantly, comprising nearly 40 percent of the family's earnings, a percentage which represents more than a family spends in the aggregate on food, clothing, and housing;

(5) the total amount of Federal, State, and local tax collections in 1998 increased approximately 5.7 percent over such collections in 1997;

(6) the tax code penalizes saving and investment by imposing tax on these important activities twice while promoting consumption by only taxing income used for consumption once;

(7) the tax code stifles economic growth by discouraging work and capital formation through high tax rates;

(8) Congress and the President have found it necessary on several occasions to enact laws to protect taxpayers from abusive actions and procedures of the Internal Revenue Service in enforcement of the tax code; and

(9) the complexity of the tax code is largely responsible for the growth in size of the Internal Revenue Service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that —

(1) the Internal Revenue Code of 1986 needs comprehensive reform; and

(2) Congress should move expeditiously to consider comprehensive proposals to reform the Internal Revenue Code of 1986.

SESSIONS (AND OTHERS) AMENDMENT NO. 210

Mr. DOMENICI (for Mr. SESSIONS for himself, Mr. ABRAHAM, and Mr. GRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR EDUCATION SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) families in the United States have accrued more college debt in the 1990s than during the previous 3 decades combined; and

(2) families should have every resource available to them to meet the rising cost of higher education.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that additional tax incentives should be provided for education savings, including—

(1) excluding from gross income distributions from qualified State tuition plans; and

(2) providing a tax deferral for private prepaid tuition plans in years 2000 through 2003 and excluding from gross income distributions from such plans in years 2004 and after.

SANTORUM AMENDMENT NO. 211

Mr. DOMENICI (for Mr. SANTORUM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING DAVIS-BACON.

It is the Sense of the Senate that in carrying out the assumptions in this budget resolution, the Senate will consider reform of the Davis-Bacon Act as an alternative to repeal.

SANTORUM (AND OTHERS) AMENDMENT NO. 212

Mr. DOMENICI (for Mr. SANTORUM for himself, Mr. LEAHY, and Mr. TORRICELLI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE THAT THE 106TH CONGRESS, 1ST SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) Nineteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for nineteen states and dozens of localities to protect over 123,000 acres on 432 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) The Farmland Protection Program is a matching grant program that is completely voluntary in which the federal government does not acquire the land or easement;

(6) Funds authorized for the Farmland Protection Program were expended at the end of Fiscal Year 1998, and no funds were appropriated in Fiscal Year 1999;

(7) The United States is losing two acres of our best farmland to development every minute of every day;

(8) These lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 106th Congress, 1st Session will reauthorize funds for the Farmland Protection Program.

DEWINE (AND OTHERS) AMENDMENT NO. 213

Mr. DOMENICI (for Mr. DEWINE for himself, Mr. COVERDELL, Mr. SESSIONS, and Mr. ABRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the President's budget request for fiscal year 2000 proposes significant reductions in Federal support for State and local law enforcement efforts to combat crime by eliminating more than $1,000,000,000 from State and local law enforcement programs that directly support the Nation's communities, including—

(A) zero funding for Local Law Enforcement Block Grants, for which $523,000,000 was made available for fiscal year 1999;

(B) a reduction from the amount made available for fiscal year 1999 of $645,000,000 for State prison grants (including Violent Offender Incarceration Grants and Truth-in-Sentencing Incentive Grants);

(C) a reduction from the amount made available for fiscal year 1999 of more than $85,000,000 from the State Criminal Alien Incarceration Program, which reimburses States for the incarceration of illegal aliens;

(D) a reduction in funding for the popular Byrne grant program under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968; and

(E) elimination of funding for Juvenile Accountability Block Grants, which have provided $500,000,000 over the last 2 years to communities attempting to control the plague of youth violence;

(2) as national crime rates are beginning to fall as a result of State and local efforts, with Federal support, it is unwise to ignore the responsibility of the Federal Government to communities still overwhelmed by crime;

(3) Federal support is crucial to the provision of critical crime fighting services and the effective administration of justice in the States, such as the approximately 600 qualified State and local crime laboratories and medical examiners' offices, which deliver over 90 percent of the forensic services in the United States;

(4) dramatic increases in crime rates over the last decade have generally exceeded the capacity of State and local crime laboratories to process their forensic examinations, resulting in tremendous backlogs that prevent the swift administration of justice and impede fundamental individual rights, such as the right to a speedy trial and to exculpatory evidence;

(5) last year, Congress passed the Crime Identification Technology Act of 1998, which authorizes $250,000,000 each year for 5 years to assist State and local law enforcement agencies in integrating their anticrime technology systems into national databases, and in upgrading their forensic laboratories and information and communications infrastructures upon which these crime fighting systems rely; and

(6) the Federal Government must continue efforts to significantly reduce crime by at least maintaining Federal funding for State

and local law enforcement, and wisely targeting these resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the amounts made available for fiscal year 2000 to assist State and local law enforcement efforts will be—

(A) greater than the amounts proposed in the President's budget request for fiscal year 2000; and

(B) comparable to amounts made available for that purpose for fiscal year 1999;

(2) the amounts made available for fiscal year 2000 for crime technology programs should be used to further the purposes of the program under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); and

(3) Congress should consider legislation that specifically addresses the backlogs in State and local crime laboratories and medical examiners' offices.

DEWINE (AND OTHERS) AMENDMENT NO. 214

Mr. DOMENICI (for Mr. DEWINE for himself, Mr. ABRAHAM, Mr. COVERDELL, Mr. SMITH of Oregon, Mr. SANTORUM, Mr. GRAMS, Mr. BURNS, and Mr. HUTCHINSON) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR COUNTER-NARCOTICS INITIATIVES.

(a) FINDINGS.—The Senate finds that—

(1) from 1985-1992, the Federal Government's drug control budget was balanced among education, treatment, law enforcement, and international supply reduction activities and this resulted in a 13-percent reduction in total drug use from 1988 to 1991;

(2) since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent, cocaine and marijuana use by high school seniors rose 80 percent, and heroin use by high school seniors rose 100 percent;

(3) during this same period, the Federal investment in reducing the flow of drugs outside our borders declined both in real dollars and as a proportion of the Federal drug control budget;

(4) while the Federal Government works with State and local governments and numerous private organizations to reduce the demand for illegal drugs, seize drugs, and break down drug trafficking organizations within our borders, only the Federal Government can seize and destroy drugs outside of our borders;

(5) in an effort to restore Federal international eradication and interdiction efforts, in 1998, Congress passed the Western Hemisphere Drug Elimination Act which authorized an additional $2,600,000,000 over 3 years for international interdiction, eradication, and alternative development activities;

(6) Congress appropriated over $800,000,000 in fiscal year 1999 for anti-drug activities authorized in the Western Hemisphere Drug Elimination Act;

(7) the President's Budget Request for fiscal year 2000 would invest $100,000,000 less than what Congress appropriated in fiscal year 1999;

(8) the President's Budget Request for fiscal year 2000 contains no funding for the Western Hemisphere Drug Elimination Act's top 5 priorities, namely, including funds for an enhanced United States Customs Service air interdiction program, counter-drug intelligence programs, security enhancements for our United States-Mexico border, and a promising eradication program against coca, opium, poppy, and marijuana; and

(9) the proposed Drug Free Century Act would build upon many of the initiatives authorized in the Western Hemisphere Drug Elimination Act, including additional funding for the Department of Defense for counter-drug intelligence and related activities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) funding for Federal drug control activities should be at a level higher than that proposed in the President's budget request for fiscal year 2000; and

(2) funding for Federal drug control activities should allow for investments in programs authorized in the Western Hemisphere Drug Elimination Act and in the proposed Drug Free Century Act.

GORTON AMENDMENT NO. 215

Mr. DOMENICI (for Mr. GORTON) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING AUTISM.

(a) FINDINGS.—Congress makes the following findings:

(1) Infantile autism and autism spectrum disorders are biologically-based neurodevelopmental diseases that cause severe impairments in language and communication and generally manifest in young children sometime during the first two years of life.

(2) Best estimates indicate that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder.

(3) There is little information on the prevalence of autism and other pervasive developmental disabilities in the United States. There have never been any national prevalence studies in the United States, and the two studies that were conducted in the 1980s examined only selected areas of the country. Recent studies in Canada, Europe, and Japan suggest that the prevalence of classic autism alone may be 300 percent to 400 percent higher than previously estimated.

(4) Three quarters of those with infantile autism spend their adult lives in institutions or group homes, and usually enter institutions by the age of 13.

(5) The cost of caring for individuals with autism and autism spectrum disorder is great, and is estimated to be $13.3 billion per year solely for direct costs.

(6) The rapid advancements in biomedical science suggest that effective treatments and a cure for autism are attainable if—

(A) there is appropriate coordination of the efforts of the various agencies of the Federal Government involved in biomedical research on autism and autism spectrum disorders;

(B) there is an increased understanding of autism and autism spectrum disorders by the scientific and medical communities involved in autism research and treatment; and

(C) sufficient funds are allocated to research.

(7) The discovery of effective treatments and a cure for autism will be greatly enhanced when scientists and epidemiologists have an accurate understanding of the prevalence and incidence of autism.

(8) Recent research suggests that environmental factors may contribute to autism. As a result, contributing causes of autism, if identified, may be preventable.

(9) Finding the answers to the causes of autism and related developmental disabilities may help researchers to understand other disorders, ranging from learning problems, to hyperactivity, to communications deficits that affect millions of Americans.

(10) Specifically, more knowledge is needed concerning—

(A) the underlying causes of autism and autism spectrum disorders, how to treat the underlying abnormality or abnormalities causing the severe symptoms of autism, and how to prevent these abnormalities from occurring in the future;

(B) the epidemiology of, and the identification of risk factors for, infantile autism and autism spectrum disorders;

(C) the development of methods for early medical diagnosis and functional assessment of individuals with autism and autism spectrum disorders, including identification and assessment of the subtypes within the autism spectrum disorders, for the purpose of monitoring the course of the disease and developing medically sound strategies for improving the outcomes of such individuals;

(D) existing biomedical and diagnostic data that are relevant to autism and autism spectrum disorders for dissemination to medical personnel, particularly pediatricians, to aid in the early diagnosis and treatment of this disease; and

(E) the costs incurred in educating and caring for individuals with autism and autism spectrum disorders.

(11) In 1998, the National Institutes of Health announced a program of research on autism and autism spectrum disorders. A sufficient level of funding should be made available for carrying out the program.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that additional resources will be targeted towards autism research through the National Institutes of Health and the Centers for Disease Control and Prevention.

ROBERTS (AND OTHERS) AMENDMENT NO. 216

Mr. DOMENICI (for Mr. ROBERTS for himself, Mr. SMITH of Oregon, and Mr. SANTORUM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING ACCESS TO ITEMS AND SERVICES UNDER MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Total hospital operating margins with respect to items and services provided to medicare beneficiaries are expected to decline from 4.3 percent in fiscal year 1997 to 0.1 percent in fiscal year 1999.

(2) Total operating margins for small rural hospitals are expected to decline from 4.2 percent in fiscal year 1998 to negative 5.6 percent in fiscal year 2002, a 233 percent decline.

(3) The Congressional Budget Office recently has estimated that the amount of savings to the medicare program in fiscal years 1998 through 2002 by reason of the amendments to that program contained in the Balanced Budget Act of 1997 is $88,500,000 more than the amount of savings to the program by reason of those amendments that the Congressional Budget Office estimated for

those fiscal years immediately prior to the enactment of that Act.

(b) SENSE OF SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume that the Senate should—

(1) consider whether the amendments to the medicare program contained in the Balanced Budget Act of 1997 have had an adverse impact on access to items and services under that program; and

(2) if it is determined that additional resources are available, additional budget authority and outlays shall be allocated to address the unintended consequences of change in medicare program policy made by the Balanced Budget Act, including inpatient and outpatient hospital services, to ensure fair and equitable access to all items and services under the program.

FITZGERALD AMENDMENT NO. 217

Mr. DOMENICI (for Mr. FITZGERALD) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. HONEST REPORTING OF THE DEFICIT.

It is the sense of the Senate that the levels in this resolution assume the following:

(1) IN GENERAL.—Effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 and the concurrent resolution on the budget should include—

(A) the receipts and disbursements totals of the on-budget trust funds, including the projected levels for at least the next 5 fiscal year; and

(B) the deficit or surplus excluding the on budget trust funds, including the projected levels for at least the next 5 fiscal years.

(2) ITEMIZATION.—Effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 should include an itemization of the on-budget trust funds for the budget year, including receipts, outlays, and balances.

HELMS AMENDMENT NO. 218

Mr. DOMENICI (for Mr. HELMS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place in the concurrent resolution, insert the following:

SEC. . INTERNATIONAL AFFAIRS BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Administration has attacked the Senate budget resolution which stays within the caps set in the Balanced Budget Agreement reached with the President in 1997. The Administration accuses the Senate of taking a "meat axe" to American leadership, and placing a "foreign policy straitjacket" on the United States. In fact, the fiscal year 2000 budget continues to fund programs and projects that advance United States interests, while eliminating funding for wasteful or duplicative programs and activities.

(2) The Administration claims that the Senate resolution would cut funds for international affairs in fiscal year 2000 by 15.3 percent. The reality is that the reduction is a five percent decrease from spending in fiscal year 1999. Much of the decrease is a result of savings from reductions assumed by the President in his budget: the President assumes savings from "one time costs" in the fiscal year 1999 budget, as well as fiscal year 2000 budget reductions for OPIC, P.L. 480 Programs, and historic levels of foreign assistance to Israel and Egypt . When adjusted for arrearages, the Senate Resolution is only a decrease of $.9 billion in budget authority and $.02 billion in outlays from the fiscal year 1999 levels.

(3) The Administration threatens the budget will hinder consular services and abandon our citizens who travel abroad and leave them to fend for themselves. The reality is that most consular services today are supplemented heavily by machine readable visa, expedited passport, and other fees. The State Department is able to retain these fees due to congressional authorization for the retention of these fees rather then returning them to the general fund of the Treasury. Due to this authority, in fiscal year 2000, the State Department expects to have at least $374,000,000 to expend from fee collections. These funds are in addition to the budget authority provided by the Senate budget resolution.

(4) The Administration argues that this budget will pull the plug on U.S. contributions to UNICEF and Child Survival. In fact, the United States provided more than $122,000,000 or 27 percent of all UNICEF funding in 1997, according to the State Department's most recent statistics (of course, this does not include private donations of United States citizens). At the same time, the United States Agency for International Development is requesting a funding increase of $119,000,000 for development assistance and $15,000,000 for operating expenses even as the General Accounting Office reports that the Agency for International Development cannot explain how its programs are performing or whether they are achieving their intended goals.

(5) The Administration argues that this budget will reduce the United States commitment to the war on drugs. In fiscal year 1999, Congress appropriated funds for drug interdiction programs far exceeding the Administration's request; moreover, the comprehensive Western Hemisphere Drug Elimination Act enacted in October 1998 authorizes nearly $1,000,000,000 in new funds, equipment, and technology to correct the dangerous imbalance in the Administration's anti-drug strategy that has underfunded and continues to underfund interdiction programs. (The President's fiscal year 2000 budget continues to short-change anti-drug activities by the Customs Service and the Coast Guard.)

(6) The Administration argues that this budget will erode support for peace in the Middle East, Bosnia, and Northern Ireland. However, funding for peacekeeping continues to skyrocket. However, the cost of peacekeeping has become a burden on the 050 defense budget rather than the 150 foreign affairs budget since the failure of the United Nations mission in Bosnia. Last year, the United States expended $4,277,500,000 on peacekeeping and related activities in Bosnia, Iraq, other Middle East peacekeeping, and in Africa. This amount does not include funds for humanitarian and development activities.

(7) The Administration argues that this budget will force the United States to close its embassies and turn its back on American interests. The budget will instead force the Executive branch to take on greater cost-based decisionmaking. According to the General Accounting Office, "more needs to be done to create a well-tuned platform for conducting foreign affairs. Achieving this goal will require the State Department to make a strong commitment to management improvement, modernization, and 'cost-based' decisionmaking." The General Accounting Office reports that "one of State's long-standing shortcomings has been the absence of an effective financial management system that can assist managers in making 'cost-based' decisions."

(8) Prior to the start of fiscal year 2000, the United States Information Agency and the Arms Control and Disarmament Agency will be integrated into the State Department. In addition the Secretary of State will have more direct oversight over the Agency for International Development, and certain functions of that agency will be merged into the State Department. To date, no savings have been identified as a result of this merger. The General Accounting Office identifies potential areas for reduction of duplication as a result of integration in the areas of legal affairs, congressional liaison, press and public affairs, and management. In addition the General Accounting Office notes that in the State Department strategic plan, it has not adequately reviewed overlapping issues performed by State Department functional bureaus and other United States agencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that the budget levels of this resolution assume that enactment of the Foreign Affairs Reform and Restructuring Act of 1998 provides a unique opportunity for the State Department to achieve management improvements and cost reductions, and that:

(1) The Senate believes that savings can be achieved by simply eliminating wasteful and duplicative programs, not the programs cited by the Administration, which generally receive broad bipartisan support. Just a few abuses that could be eliminated to achieve reductions include the following:

(A) $25,000,000 for UNFPA while UNFPA works hand-in-glove with the brutal Communist Chinese dictators to abuse women and children under the coercive one-child-per-family population control policy.

(B) $35,000,000 for the Inter-American Foundation, which funded groups in Ecuador clearly identified by the State Department as terrorist organizations that kidnaped Americans and threatened their lives, as well as the lives and safety of other United States citizens, while extorting money from them.

(C) $105,000,000 proposed for Haiti, which has abandoned democracy in favor of dictatorship and where United States taxpayer funds have been used, according to the International Planned Parenthood Federation's annual report, for "a campaign to reach voodoo followers with sexual and reproductive health information..by performing short song-prayers about STDs [sexually transmitted diseases] and the benefits of family planning during voodoo ceremonies".

(D) $60,000,000 over ten years to the American Center for International Labor Solidarity (ACILS), which is AFL-CIOs international nongovernment division. 100% of ACILS's funding is from taxpayers while AFL-CIO contributed $40,956,828 exclusively to Democratic candidates in the 1998 Federal election cycle.

(E) In fiscal year 1999, $200,000 in foreign aid to Canada to underwrite seminars on gender sensitivity for peacekeepers.

(F) In fiscal year 1999, the United States provided the International Labor Organization with $54,774,408. Work produced by that organization included a report advocating recognition of the sex trade as a flourishing economic enterprise and called for recognition of the trade in official statistics.

(G) According to the General Accounting Office, "USAID has spent, by its own account, $92,000,000 to develop and maintain the NMS [new management system], the system does not work as intended and has created problems in mission operations and morale."

(H) In fiscal year 1999, the State Department is attempting to send $28,000,000 to fund the Comprehensive Test Ban Treaty Organization, which is an organization established by a treaty the United States has not ratified.

(I) Despite sensitive deadlines in the Middle East Peace Process looming, the United Nations is calling for a conference under the auspices of the Fourth Geneva Convention. No conference has been held under that Convention since its inception in 1947. The topic for discussion is Israeli Settlements in the West Bank and Gaza. The United States opposes this conference yet contributes 25 percent of the United Nations budget.

(J) The United States has spent more than $3,000,000,000 to "restore democracy in Haiti." The reality is that there has been no Prime Minister or Cabinet in Haiti for 19 months; the Parliament has been effectively dissolved; local officials serve at the whim of President Preval; the privatization process is stalled; political murders remain unsolved; drug trafficking is rampant. In short, billions of dollars in foreign aid have bought us no leverage with the Haitians.

(K) As a result of consolidation of United States foreign affairs agencies, 1,943 personnel will be transferred into the State Department prior to the start of fiscal year 2000. The fiscal year 2000 budget does not identify a reduction in a single staff position.

(2) Additional funds that may become available from elimination of some foreign assistance programs, management efficiencies as a result of reorganization of the foreign affairs agencies, and new estimates on the size of the budget surplus should be designated for United States embassy upgrades.

SPECTER (AND OTHERS) AMENDMENT NO. 219

Mr. DOMENICI (for Mr. Specter for himself, Mr. Thurmond, Mr. Hatch, Mr. Sessions, and Mr. Ashcroft) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR INTENSIVE FIREARMS PROSECUTION PROGRAMS.

(a) Findings.—Congress finds that—

(1) gun violence in America, while declining somewhat in recent years, is still unacceptably high;

(2) keeping firearms out of the hands of criminals can dramatically reduce gun violence in America;

(3) States and localities often do not have the investigative or prosecutorial resources to locate and convict individuals who violate their firearms laws. Even when they do win convictions, states and localities often lack the jail space to hold such convicts for their full prison terms;

(4) there are a number of federal laws on the books which are designed to keep firearms out of the hands of criminals. These laws impose mandatory minimum sentences upon individuals who use firearms to commit crimes of violence and convicted felons caught in possession of a firearm;

(5) the federal government does have the resources to investigate and prosecute violations of these federal firearms laws. The federal government also has enough jail space to hold individuals for the length of their mandatory minimum sentences;

(6) an effort to aggressively and consistently apply these federal firearms laws in Richmond, Virginia, has cut violent crime in that city. This program, called Project Exile, has produced 288 indictments during its first two years of operation and has been credited with contributing to a 15% decrease in violent crimes in Richmond during the same period. In the first three-quarters of 1998, homicides with a firearm in Richmond were down 55% compared to 1997;

(7) the Fiscal Year 1999 Commerce-State-Justice Appropriations Act provided $1.5 million to hire additional federal prosecutors and investigators to enforce federal firearms laws in Philadelphia. The Philadelphia project—called Operation Cease Fire—started on January 1, 1999. Since it began, the project has resulted in 31 indictments of 52 defendants on firearms violations. The project has benefited from help from the Philadelphia Police Department and the Bureau of Alcohol, Tobacco and Firearms which was not paid for out of the $1.5 million grant;

(8) Senator Hatch has introduced legislation to authorize Project CUFF, a federal firearms prosecution program;

(9) the Administration has requested $5 million to conduct intensive firearms prosecution projects on a national level;

(10) given that at least $1.5 million is needed to run an effective program in one American city—Philadelphia—$5 million is far from enough funding to conduct such programs nationally.

(b) Sense of the Senate.—It is the sense of the Senate that Function 750 in the budget resolution assumes that $50,000,000 will be provided in fiscal year 2000 to conduct intensive firearms prosecution projects to combat violence in the twenty-five American cities with the highest crime rates.

SPECTER (AND GRAHAM) AMENDMENT NO. 220

Mr. DOMENICI (for Mr. Specter for himself and Mr. Graham) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON WOMEN'S ACCESS TO OBSTETRIC AND GYNECOLOGICAL SERVICES.

(A) Findings.—Congress finds that—

In the 105th Congress, the House of Representatives acted favorably on The Patient Protection Act (H.R. 4250), which included provisions which required health plans to allow women direct access to a participating physician who specializes in obstetrics and gynecological services.

Women's health historically has received little attention.

Access to an obstetrician-gynecologist improves the health care of a woman by providing routine and preventive health care throughout the women's lifetime, encompassing care of the whole patient, while also focusing on the female reproductive system.

60 percent of all office visits to obstetrician-gynecologists are for preventive care.

Obstetrician-gynecologists are uniquely qualified on the basis of education and experience to provide basic women's health care services.

While more than 36 States have acted to promote residents' access to obstetrician-gynecologists, patients in other States or in Federally-governed health plans are not protected from access restrictions or limitations.

(B) Sense of the Senate.—It is the sense of the Senate that the provisions in this concurrent resolution on the budget assume that the Congress shall enact legislation that requires health plans to provide women with direct access to a participating provider who specializes in obstetrics and gynecological services.

JEFFORDS (AND OTHERS) AMENDMENT NO. 221

Mr. DOMENICI (for Mr. Jeffords for himself, Mr. Kennedy, Mr. Roth, Mr. Moynihan, and Mr. Grams) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING FOSTERING THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES.

(a) Findings.—The Senate makes the following findings:

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, or are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Coverage for personal assistance services, prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than $\frac{1}{2}$ of 1 percent of social security disability insurance (SSDI) and supplemental security income (SSI) beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional $\frac{1}{2}$ of 1 percent of the current social security disability insurance (SSDI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Work Incentives Improvement Act of 1999 (S. 331, 106th Congress) will be passed by the Senate and enacted early this year, and thereby provide individuals with disabilities with the health care and employment preparation and placement services that will enable those individuals to reduce their dependency on cash benefit programs.

JEFFORDS (AND OTHER) AMENDMENT NO. 222

Mr. DOMENICI (for Mr. JEFFORDS for himself, Mr. MOYNIHAN, Mr. CHAFEE, Ms. COLLINS, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. REID, Ms. SNOWE, Mr. WELLSTONE, and Mr. BINGAMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE ON LIHEAP.

(a) FINDINGS.—The Senate finds that:

(1) Home energy assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such aid is a critical part of the social safety net in cold-weather areas during the winter, and a source of necessary cooling aid during the summer.

(2) LIHEAP is a highly targeted, cost-effective way to help millions of low-income Americans pay their home energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8,000, approximately one-half have annual incomes below $6,000; and

(3) LIHEAP funding has been substantially reduced in recent years, and cannot sustain further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income families, especially those in cold-weather states.

(b) SENSE OF THE SENATE.—The assumptions underlying this budget resolution assume that it is the sense of the Senate that the funds made available for LIHEAP for Fiscal Year 2000 will not be less than the current services for LIHEAP in Fiscal Year 1999.

HUTCHISON (AND OTHERS) AMENDMENT NO. 223

Mr. DOMENICI (for Mrs. HUTCHISON for herself, Mr. KYL, Mrs. FEINSTEIN, Ms. SNOWE, and Mr. GRAMM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON SOUTHWEST BORDER LAW ENFORCEMENT FUNDING.

(A) FINDINGS.—

(1) The Federal Government has not effectively secured the Southwest Border of the United States. According to the Drug Enforcement Administration, 50 to 70 percent of illegal drugs enter the United States through Texas, New Mexico, Arizona, and California. According to the State Department's 1999 International Narcotics Strategy Report, 60 percent of the Columbian cocaine sold in the United States passes through Mexico before entering the United States.

(2) General Barry McCaffrey, Director of the Office of National Drug Control Policy, has stated that 20,000 Border Patrol agents are needed to secure the United States' southern and northern borders. Currently, the Border Patrol has approximately 8,000 agents.

(3) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, requires the Attorney General to increase by not less than 1,000 the number of positions for full-time, active duty Border Patrol agents in fiscal years 1997, 1998, 1999, 2000, and 2001. The Administration's fiscal year 2000 budget provides no funding to hire additional full-time Border Patrol agents.

(4) The U.S. Customs Service plays an integral role in the detection, deterrence, disruption and seizure of illegal drugs as well as the facilitation of trade across the Southwest Border of the United States. Customs requested 506 additional inspectors in its fiscal year 2000 budget submission to the Office of Management and Budget. In their fiscal year 2000 budget request to Congress, however, the Administration provides no funding to hire additional, full-time Customs Service inspectors.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this budget resolution assume full funding for the Immigration and Naturalization Service to hire 1,000 full-time, active-duty Border Patrol agents in fiscal year 2000, as authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Further, it is the sense of the Senate that the budgetary levels in this budget resolution assume funding for the Customs Service to hire necessary staff and purchase equipment for drug interdiction and traffic facilitation at United States land border crossings, including 506 full-time, active-duty Customs inspectors.

ASHCROFT (AND OTHERS) AMENDMENT NO. 224

Mr. DOMENICI (for Mr. ASHCROFT, Mr. BAUCUS, and Mr. BOND) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS REGARDING SOUTH KOREA'S INTERNATIONAL TRADE PRACTICES ON PORK AND BEEF.

FINDINGS.—The Congress finds that:

Asia is the largest regional export market for America's farmers and ranchers, traditionally purchasing approximately 40 percent of all U.S. agricultural exports;

The Department of Agriculture forecasts that over the next year American agricultural exports to Asian countries will decline by several billion dollars due to the Asian financial crisis;

The United States is the producer of the safest agricultural products from farm to table, customizing goods to meet the needs of customers worldwide, and has established the image and reputation as the world's best provider of agricultural products;

American farmers and ranchers, and more specifically, American pork and beef producers, are dependent on secure, open, and competitive Asian export markets for their products;

United States pork and beef producers not only have faced the adverse effects of depreciated and unstable currencies and lowered demand due to the Asian financial crisis, but also have been confronted with South Korea's pork subsidies and its failures to keep commitments on market access for beef;

It is the policy of the United States to prohibit South Korea from using United States and International Monetary Fund assistance to subsidize targeted industries and compete unfairly for market share against U.S. products;

The South Korean Government has been subsidizing its pork exports to Japan, resulting in a 973 percent increase in its exports to Japan since 1992, and a 71 percent increase in the last year;

Pork already comprises 70 percent of South Korea's agriculture exports to Japan, yet the South Korean Government has announced plans to invest 100,000,000,000 won in its agricultural sector in order to flood the Japanese market with even more South Korean pork;

The South Korean Ministry of Agriculture and Fisheries reportedly has earmarked 25,000,000,000 won for loans to Korea's pork processors in order for them to purchase more Korean pork and to increase exports to Japan;

Any export subsidies on pork, including those on exports from South Korea to Japan, would violate South Korea's international trade agreements and may be actionable under the World Trade Organization;

South Korea's subsidiaries are hindering U.S. pork and beef producers from capturing their full potential in the Japanese market, which is the largest export market for U.S. pork and beef, importing nearly $700,000,000 of U.S. pork and over $1,500,000,000 of U.S. beef last year alone;

Under the United States-Korea 1993 Record of Understanding on Market Access for Beef, which was negotiated pursuant to a 1989 GATT Panel decision against Korea, South Korea was allowed to delay full liberalization of its beef market (in an exception to WTO rules) if it would agree to import increasing minimum quantities of beef each year until the year 2001;

South Korea fell woefully short of its beef market access commitment for 1998; and

United States pork and beef producers are not able to compete fairly with Korean livestock producers, who have a high cost of production, because South Korea has violated trade agreements and implemented protectionist policies: Now, therefore, be it

It is the sense of the Congress that Congress:

(1) Believes strongly that while a stable global marketplace is in the best interest of America's farmers and ranchers, the United States should seek a mutually beneficial relationship without hindering the competitiveness of American agriculture;

(2) Calls on South Korea to abide by its trade commitments;

(3) Calls on the Secretary of the Treasury to instruct the United States Executive Director of the International Monetary Fund to promote vigorously policies that encourage the opening of markets for beef and pork products by requiring South Korea to abide by its existing international trade commitments and to reduce trade barriers, tariffs, and export subsidies;

(4) Calls on the President and the Secretaries of Treasury and Agriculture to monitor and report to Congress that resources will not be used to stabilize the South Korean market at the expense of U.S. agricultural goods or services; and

(5) Requests the United States Trade Representative and the U.S. Department of Agriculture to pursue the settlement of disputes with the Government of South Korea on its failure to abide by its international trade commitments on beef market access, to consider whether Korea's reported plans for subsidizing its pork industry would violate any

of its international trade commitments, and to determine what impact Korea's subsidy plans would have on U.S. agricultural interests, especially in Japan.

SHELBY (AND DOMENICI) AMENDMENT NO. 225

Mr. DOMENICI (for Mr. SHELBY for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON TRANSPORTATION FIREWALLS.

(a) FINDINGS.—The Senate finds that—

(1) domestic firewalls greatly limit funding flexibility as Congress manages budget priorities in a fiscally constrained budget;

(2) domestic firewalls inhibit congressional oversight of programs and organizations under such artificial protections;

(3) domestic firewalls mask mandatory spending under the guise of discretionary spending, thereby presenting a distorted picture of overall discretionary spending;

(4) domestic firewalls impede the ability of Congress to react to changing circumstances or to fund other equally important programs;

(5) the Congress implemented "domestic discretionary budget firewalls" for approximately 70 percent of function 400 spending in the 105th Congress;

(6) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, over 100 percent of function 400 spending would be firewalled; and

(7) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, drug interdiction activities by the Coast Guard, National Highway Traffic Safety Administration activities, rail safety inspections, Federal support for Amtrak, all National Transportation Safety Board activities, Pipeline and Hazardous materials safety programs, and Coast Guard search and rescue activities would be drastically cut or eliminated from function 400.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that no additional firewalls should be enacted for function 400 transportation activities.

ENZI AMENDMENT NO. 226

Mr. DOMENICI (for Mr. ENZI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. 316. . Sense of the Senate on funding existing, effective public health programs before creating new programs.

(a) FINDINGS.—the Senate finds that—

(1) the establishment of new categorical funding programs has led to proposed cuts in the Preventive Health and Health Services Block Grant to states for broad, public health missions;

(2) Preventive Health and Health Services Block Grant dollars fill gaps in the otherwise-categorical funding states and localities receive, funding such major public health threats as cardiovascular disease, injuries, emergency medical services and poor diet, for which there is often no other source of funding;

(3) in 1981, Congress consolidated a number of programs, including certain public health programs, into block grants for the purpose of best advancing the health, economics and well-being of communities across the country;

(4) The Preventive Health and Health Services Block Grant can be used for programs for screening, outreach, health education and laboratory services;

(5) The Preventive Health and Health Services Block Grant gives states the flexibility to determine how funding available for this purpose can be used to meet each state's preventive health priorities;

(6) The establishment of new public health programs that compete for funding with the Preventive Health and Health Services Block Grant could result in the elimination of effective, localized public health program in every state.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there shall be a continuation of the level of funding support for existing public health programs, specifically the Prevention Block Grant, prior to the funding of new public health programs.

ABRAHAM (AND OTHERS) AMENDMENT NO. 227

Mr. DOMENICI (for Mr. ABRAHAM for himself and Mr. CRAPO, Mr. HAGEL, Mr. SANTORUM, Mr. INHOFE, and Ms. COLLINS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS; SENSE OF CONGRESS ON THE PRESIDENT'S FY 2000 BUDGET PROPOSAL TO TAX ASSOCIATION INVESTMENT INCOME.

(a) The Congress finds that—

(1) The President's fiscal year 2000 federal budget proposal to impose a tax on the interest, dividends, capital gains, rents, and royalties in excess of $10,000 of trade associations and professional societies exempt under sec. 501(c)(6) of the IRC of 1986 represents an unjust and unnecessary penalty on legitimate association activities.

(2) At a time when the government is projecting on-budget surpluses of more than $800,000,000,000 over the next ten years, the President proposes to increase the tax burden on trade and professional association by $1,440,000,000 over the next five years.

(3) The President's association tax increase proposal will impose a tremendous burden on thousands of small and mid-sized trade associations and professional societies.

(4) Under the President's association tax increase proposal, most associations with annual operating budgets of as low as $200,000 or more will be taxed on investment income and as many as 70,000 associations nationwide could be affected by this proposal.

(5) Associations rely on this targeted investment income to carry out tax-exempt status related activities, such as training individuals to adapt to the changing workplace, improving industry safety, providing statistical data, and providing community services.

(6) Keeping investment income free from tax encourages associations to maintain modest surplus funds that cushion against economic and fiscal downturns.

(7) Corporations can increase prices to cover increased costs, while small and medium sized local, regional, and State-based associations do not have such an option, and thus increased costs imposed by the President's association tax increase would reduce resources available for the important standard setting, educational training, and professionalism training performed by association.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall reject the President's proposed tax increase on investment income of associations as defined under section 501(c)(6) of the Internal Revenue Code of 1986.

ABRAHAM (AND OTHERS) AMENDMENT NO. 228

Mr. DOMENICI (for Mr. ABRAHAM for himself, Mr. COVERDELL, and Mr. ASHCROFT) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS; SENSE OF CONGRESS ON THE USE OF FEDERAL FUNDS FOR NEEDLE EXCHANGE PROGRAMS.

(a) The Congress finds that—

(1) Deaths from drug overdoses have increased over five times since 1988.

(2) A Montreal study published in the American Journal of Epidemiology, found that IV addicts who used a needle exchange program were over twice as likely to become infected with HIV as those who did not.

(3) A Vancouver study published in the Journal of AIDS, showed a stunning increase in HIV in drug addicts, from 1 to 2 percent to 23 percent, since that city's needle exchange program was begun in 1988. Deaths from drug overdoses have increased over five times since 1988 and Vancouver now has the highest death rate from heroin in North America.

(4) In November of 1995 the Manhattan Lower East Side Community Board #3 passed a resolution to terminate their needle exchange program due to the fact that "the community has been inundated with drug dealers, . . . Law-abiding businesses are being abandoned; and much needed law enforcement is being withheld by the police."

(5) The New York Times Magazine in 1997 reported that one New York City needle exchange program gave out 60 syringes to a single person, little pans to "cook" the heroin, instructions on how to inject the drug and a card exempting the user from arrest for possession of drug paraphernalia.

(6) Alcoholism and Drug Abuse Weekly reports that heroin use by American teenagers had doubled in the last five years.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall continue the statutory ban on the use of federal funds to implement or support any needle exchange program for drug addicts.

COLLINS (AND GREGG) AMENDMENT NO. 229

Mr. DOMENICI (for Ms. COLLINS for herself and Mr. GREGG) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING FUNDING FOR SPECIAL EDUCATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (referred to in this resolution as the "Act"), Congress found that improving educational results for children with disabilities is an essential element of our national policy of ensuring

equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

(2) In the Act, the Secretary of Education is instructed to make grants to States to assist them in providing special education and related services to children with disabilities.

(3) The Act represents a commitment by the Federal Government to fund 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

(4) The budget submitted by the President for fiscal year 2000 ignores the commitment by the Federal Government under the Act to fund special education and instead proposes the creation of new programs that limit the manner in which States may spend the limited Federal education dollars received.

(5) The budget submitted by the President for fiscal year 2000 fails to increase funding for special education, and leaves States and localities with an enormous unfunded mandate to pay for growing special education costs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that part B of the Individuals with Disabilities Act (20 U.S.C. 1400 et seq.) should be fully funded at the originally promised level before any funds are appropriated for new education programs.

STEVENS AMENDMENT NO. 230

Mr. DOMENICI (for Mr. STEVENS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of section 205 of the resolution, add the following:

"(f) EXCEPTION FOR DEFENSE SPENDING.—This section shall not apply to a provision making discretionary appropriations in the defense category.".

GRAMS (AND OTHERS) AMENDMENT NO. 231

Mr. DOMENICI (for Mr. GRAMS for himself, Mr. ROTH, Mr. COVERDELL, Mr. ABRAHAM, Mr. HAGEL, Mr. BURNS, Mr. MCCAIN, and Mr. CRAIG) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF SENATE ON PROVIDING TAX RELIEF TO ALL AMERICANS BY RETURNING NON-SOCIAL SECURITY SURPLUS TO TAXPAYERS.

(a) FINDINGS.—The Senate finds the following:

(1) Every cent of Social Security surplus should be reserved to pay Social Security benefits, for Social Security reform, or to pay down the debt held by the public and not be used for other purposes.

(2) Medicare should be fully funded.

(3) Even after safeguarding Social Security and Medicare, a recent Congressional Research Service study found that an average American family will pay $5,307 more in taxes over the next 10 years than the government needs to operate.

(4) The Administration's budget returns none of the excess surplus back to the taxpayers and instead increases net taxes and fees by $96,000,000,000 over 10 years.

(5) The burden of the Administration's tax increases falls disproportionately on low- and middle-income taxpayers. A recent Tax Foundation study found that individuals with incomes of less than $25,000 would bear 38.5 percent of the increased tax burden, while taxpayers with incomes between $25,000 and $50,000 would pay 22.4 percent of the new taxes.

(6) The budget resolution returns most of the non-Social Security surplus to those who worked so hard to produce it by providing $142,000,000,000 in real tax relief over 5 years and almost $800,000,000,000 in tax relief over 10 years.

(7) The budget resolution builds on the following tax relief that Republicans have provided since 1995:

(A) In 1995, Republicans proposed the Balanced Budget Act of 1995 which included tax relief for families, savings and investment incentives, health care-related tax relief, and relief for small business—tax relief that was vetoed by President Clinton.

(B) In 1996, Republicans provided, and the President signed, tax relief for small business and health care-related tax relief.

(C) In 1997, Republicans once again pushed for tax relief in the context of a balanced budget, and this time President Clinton signed into law a $500 per child tax credit, expanded individual retirement accounts and the new Roth IRA, a cut in the capital gains tax rate, education tax relief, and estate tax relief.

(D) In 1998, Republicans (initially opposed by the Administration) pushed for reform of the Internal Revenue Service, and provided tax relief for America's farmers.

(8) Americans deserve further tax relief because they are still overpaying. They deserve a refund. Federal taxes currently consume nearly 21 percent of national income, the highest percentage since World War II. Families are paying more in Federal, State, and local taxes than for food, clothing, and shelter combined.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the levels in this resolution assume that the Senate not only puts a priority on protecting Social Security and Medicare and reducing the Federal debt, but also on middle-class tax relief by returning some of the non-Social Security surplus to those from whom it was taken; and

(2) such middle-class tax relief could include broad-based tax relief, marriage penalty relief, retirement savings incentives, death tax relief, savings and investment incentives, health care-related tax relief, education-related tax relief, and tax simplification proposals.

SNOWE (AND OTHERS) AMENDMENT NO. 232

Mr. DOMENICI (for Ms. SNOWE for herself, Mr. WYDEN, and Mr. SMITH of Oregon) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 53, line 4, after "may change committee allocations" insert ", revenue aggregates for legislation that increases taxes on tobacco or tobacco products (only),".

COVERDELL (AND OTHERS) AMENDMENT NO. 233

Mr. DOMENICI (for Mr. COVERDELL for himself, Mr. INHOFE, and Mr. ENZI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. . RESTRICTION ON RETROACTIVE INCOME AND ESTATE TAX RATE INCREASES.

(a) PURPOSE.—The Senate declares that it is essential to ensure taxpayers are protected against retroactive income and estate tax rate increases.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that includes a retroactive Federal income tax rate increase.

(2) DEFINITION.—In this section—

(A) the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

(B) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.

(c) SUPERMAJORITY WAIVER.—

(1) WAIVER.—The point of order in subsection (b) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

(d) EFFECTIVE DATE.—This section takes effect on January 1, 1999.

COVERDELL (AND OTHERS) AMENDMENT NO. 234

Mr. DOMENICI (for Mr. COVERDELL for himself, Mr. TORRICELLI, and Mr. ABRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING INCENTIVES FOR SMALL SAVERS.

(a) FINDINGS.—The Senate finds that—

(1) in general, the Federal budget will accumulate nearly $800,000,000,000 in non-Social Security surpluses through 2009;

(2) such a level of surplus affords Congress the opportunity to return a portion to the taxpayers in the form of tax relief;

(3) the Federal tax burden is at its highest level in over 50 years;

(4) personal bankruptcy filings reached a record high in 1998 with $40,000,000,000 in debts discharged;

(5) the personal savings rate is at record lows not seen since the Great Depression;

(6) the personal savings rate was 9 percent of income in 1982;

(7) the personal savings rate was 5.7 percent of income in 1992;

(8) the personal savings rate plummeted to 0.5 percent in 1998;

(9) the personal savings rate could plummet to as low as negative 4.5 percent if current trends do not change;

(10) personal saving is important as a means for the American people to prepare for crisis, such as a job loss, health emergency, or some other personal tragedy, or to prepare for retirement;

(11) President Clinton recently acknowledged the low rate of personal savings as a concern;

(12) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years would move 7,000,000 middle-income taxpayers into the lowest income tax bracket;

(13) excluding the first $500 from interest and dividends income, or $250 for singles, would enable 30,000,000 low- and middle-income taxpayers to save tax-free and would translate into approximately $1,000,000,000,000 in savings;

(14) exempting the first $5,000 in capital gains income from capital gains taxation would mean 10,000,000 low- and middle-income taxpayers would no longer pay capital gains tax;

(15) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000, would mean over 5,000,000 taxpayers will be better equipped for retirement; and

(16) tax relief measures to encourage savings and investments for low- and middle-income savers would mean tax relief for nearly 112,000,000 individual taxpayers by—

(A) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years;

(B) excluding from income the first $500 in interest and dividend income ($250 for singles);

(C) exempting from capital gains taxation the first $5,000 in capital gains taxes; and

(D) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution and legislation enacted pursuant to this resolution assume that—

(1) Congress will adopt tax relief that provides incentives for savings and investment for low- and middle-income working families that assist in preparing for unexpected emergencies and retirement, such as—

(A) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years;

(B) excluding from income the first $500 in interest and dividend income ($250 for singles);

(C) exempting from capital gains taxation the first $5,000 in capital gains taxes; and

(D) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000; and

(2) tax relief as described in this subsection is fully achievable within the parameters set forth under this budget resolution.

CHAFEE AMENDMENTS NOS. 235–237

Mr. DOMENICI (for Mr. CHAFEE) proposed three amendments to the concurrent resolution, S. Con. Res. 20, supra; as follows:

AMENDMENT NO. 235

On page 3, line 10, increase the amount by $3,717,000,000.

On page 3, line 11, increase the amount by $26,559,000,000.

On page 3, line 12, increase the amount by $16,152,000,000.

On page 3, line 13, increase the amount by $24,590,000,000.

On page 3, line 14, increase the amount by $31,319,000,000.

On page 3, line 15, increase the amount by $54,638,000,000.

On page 3, line 16, increase the amount by $67,877,000,000.

On page 3, line 17, increase the amount by $75,346,000,000.

On page 3, line 18, increase the amount by $88,598,000,000.

On page 4, line 5, increase the amount by $3,717,000,000.

On page 4, line 6, increase the amount by $26,559,000,000.

On page 4, line 7, increase the amount by $16,152,000,000.

On page 4, line 8, increase the amount by $24,590,000,000.

On page 4, line 9, increase the amount by $31,319,000,000.

On page 4, line 10, increase the amount by $54,638,000,000.

On page 4, line 11, increase the amount by $67,877,000,000.

On page 4, line 12, increase the amount by $75,346,000,000.

On page 4, line 13, increase the amount by $88,598,000,000.

On page 4, line 18, decrease the amount by $83,000,000.

On page 4, line 19, decrease the amount by $783,000,000.

On page 4, line 20, decrease the amount by $1,946,000,000.

On page 4, line 21, decrease the amount by $3,057,000,000.

On page 4, line 22, decrease the amount by $4,616,000,000.

On page 4, line 23, decrease the amount by $6,699,000,000.

On page 4, line 24, decrease the amount by $10,401,000,000.

On page 4, line 25, decrease the amount by $14,557,000,000.

On page 5, line 1, decrease the amount by $19,436,000,000.

On page 5, line 6, decrease the amount by $83,000,000.

On page 5, line 7, decrease the amount by $783,000,000.

On page 5, line 8, decrease the amount by $1,946,000,000.

On page 5, line 9, decrease the amount by $3,057,000,000.

On page 5, line 10, decrease the amount by $4,616,000,000.

On page 5, line 11, decrease the amount by $6,966,000,000.

On page 5, line 12, decrease the amount by $10,401,000,000.

On page 5, line 13, decrease the amount by $14,557,000,000.

On page 5, line 14, decrease the amount by $19,436,000,000.

On page 5, line 19, increase the amount by $3,800,000,000.

On page 5, line 20, increase the amount by $27,342,000,000.

On page 5, line 21, increase the amount by $18,098,000,000.

On page 5, line 22, increase the amount by $27,647,000,000.

On page 5, line 23, increase the amount by $35,935,000,000.

On page 5, line 24, increase the amount by $61,604,000,000.

On page 5, line 25, increase the amount by $78,278,000,000.

On page 6, line 1, increase the amount by $89,903,000,000.

On page 6, line 2, increase the amount by $108,034,000,000.

On page 6, line 6, decrease the amount by $3,800,000,000.

On page 6, line 7, decrease the amount by $31,142,000,000.

On page 6, line 8, decrease the amount by $49,240,000,000.

On page 6, line 9, decrease the amount by $76,887,000,000.

On page 6, line 10, decrease the amount by $112,822,000,000.

On page 6, line 11, decrease the amount by $174,426,000,000.

On page 6, line 12, decrease the amount by $252,704,000,000.

On page 6, line 13, decrease the amount by $342,607,000,000.

On page 6, line 14, decrease the amount by $450,641,000,000.

On page 6, line 18, decrease the amount by $3,800,000,000.

On page 6, line 19, decrease the amount by $31,142,000,000.

On page 6, line 20, decrease the amount by $49,240,000,000.

On page 6, line 21, decrease the amount by $76,887,000,000.

On page 6, line 22, decrease the amount by $112,822,000,000.

On page 6, line 23, decrease the amount by $174,426,000,000.

On page 6, line 24, decrease the amount by $252,704,000,000.

On page 6, line 25, decrease the amount by $342,607,000,000.

On page 7, line 1, decrease the amount by $450,641,000,000.

On page 37, line 2, decrease the amount by $83,000,000.

On page 37, line 3, decrease the amount by $83,000,000.

On page 37, line 6, decrease the amount by $783,000,000.

On page 37, line 7, decrease the amount by $783,000,000.

On page 37, line 10, decrease the amount by $1,946,000,000.

On page 37, line 11, decrease the amount by $1,946,000,000.

On page 37, line 14, decrease the amount by $3,057,000,000.

On page 37, line 15, decrease the amount by $3,057,000,000.

On page 37, line 18, decrease the amount by $4,616,000,000.

On page 37, line 19, decrease the amount by $4,616,000,000.

On page 37, line 22, decrease the amount by $6,966,000,000.

On page 37, line 23, decrease the amount by $6,966,000,000.

On page 38, line 2, decrease the amount by $10,401,000,000.

On page 38, line 3, decrease the amount by $10,401,000,000.

On page 38, line 6, decrease the amount by $14,557,000,000.

On page 38, line 7, decrease the amount by $14,557,000,000.

On page 38, line 10, decrease the amount by $19,436,000,000.

On page 38, line 11, decrease the amount by $19,436,000,000.

On page 42, line 2, strike the amount and insert "$71,016,000,000".

On page 42, line 4, strike the amount and insert "$388,791,000,000".

On page 42, line 16, strike the amount and insert "$71,016,000,000".

On page 42, line 13, strike the amount and insert "$388,791,000,000".

AMENDMENT NO. 236

Strike section 201.

AMENDMENT NO. 237

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON THE IMPORTANCE OF SOCIAL SECURITY FOR INDIVIDUALS WHO BECOME DISABLED.

(a) FINDINGS.—The Senate finds that—

(1) in addition to providing retirement income, Social Security also protects individuals from the loss of income due to disability;

(2) according to the most recent report from the Social Security Board of Trustees nearly 1 in 7 Social Security beneficiaries, 6,000,000 individuals in total, were receiving benefits as a result of disability;

(3) more than 60 percent of workers have no long-term disability insurance protection other than that provided by Social Security;

(4) according to statistics from the Society of Actuaries, the odds of a long-term disability versus death are 2.7 to 1 at age 27, 3.5 to 1 at age 42, and 2.2 to 1 at age 52; and

(5) in 1998, the average monthly benefit for a disabled worker was $722.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in the resolution assume that—

(1) Social Security plays a vital role in providing adequate income for individuals who become disabled;

(2) individuals who become disabled face circumstances much different than those who rely on Social Security for retirement income;

(3) Social Security reform proposals that focus too heavily on retirement income may adversely affect the income protection provided to individuals with disabilities; and

(4) Congress and the President should take these factors into account when considering proposals to reform the Social Security program.

CHAFEE (AND OTHERS) AMENDMENT NO. 238

Mr. DOMENICI (for Mr. CHAFEE for himself, Mr. SMITH of New Hampshire, Mr. LEAHY, Mr. FEINGOLD, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. ROTH, Mr. ALLARD, Ms. COLLINS, and Ms. SNOWE) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 15, line 8, increase the amount by $200,000,000.

On page 15, line 9, increase the amount by $200,000,000.

On page 18, line 15, decrease the amount by $200,000,000.

On page 18, line 16, decrease the amount by $200,000,000.

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING FUNDING FOR THE LAND AND WATER CONSERVATION FUND.

(a) FINDINGS.—The Senate finds that—

(1) amounts in the land and water conservation fund finance the primary Federal program for acquiring land for conservation and recreation and for supporting State and local efforts for conservation and recreation;

(2) Congress has appropriated only $10,000,000,000 out of the more than $21,000,000,000 covered into the fund from revenues payable to the United States under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(3) 38 Senators cosigned 2 letters to the Chairman and Ranking Member of the Committee on the Budget urging that the land and water conservation fund be fully funded.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress should appropriate $200,000,000 for fiscal year 2000 to provide financial assistance to the States under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C 460*l*–8), in addition to such amounts as are made available for Federal land acquisition under that Act for fiscal year 2000.

ASHCROFT AMENDMENT NO. 239

Mr. DOMENICI (for Mr. ASHCROFT) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE SOCIAL SECURITY TRUST FUND SHALL BE MANAGED IN THE BEST INTEREST OF CURRENT AND FUTURE BENEFICIARIES.

It is the sense of the Senate that the Social Security Trust Fund surplus shall be invested in interest-bearing obligations of the United States in a manner consistent with the best interest of, and payment of benefits to, current and future Social Security beneficiaries.

ASHCROFT AMENDMENT NO. 240

Mr. DOMENICI (for Mr. ASHCROFT) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING FEDERAL TAX RELIEF.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Congressional Budget Office has reported that payroll taxes will exceed income taxes for 74 percent of all taxpayers in 1999.

(2) The federal government will collect nearly $50 billion in income taxes this year through its practice of taxing the income Americans sacrifice to the government in the form of social security payroll taxes.

(3) American taxpayers are currently shouldering the heaviest tax burden since 1944.

(4) According to the non-partisan Tax Foundation, the median dual-income family sacrificed a record 37.6 percent of its income to the government in 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that a significant portion of the tax relief will be devoted to working families who are double-taxed by—

(1) providing taxpayers with an above-the-line income tax deduction for the social security payroll taxes they pay so that they no longer pay income taxes on such payroll taxes, and/or

(2) gradually reducing the lowest marginal income tax rate from 15 percent to 10 percent, and/or

(3) other tax reductions that do not reduce the tax revenue devoted to the social security trust fund.

GRASSLEY AMENDMENT NO. 241

Mr. DOMENICI (for Mr. GRASSLEY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SENSE OF THE SENATE REGARDING THE CLOSURE OF HOWARD AIR FORCE BASE AND REPOSITIONING OF ASSETS AND OPERATIONAL CAPABILITIES IN FORWARD OPERATING LOCATIONS.

(A) FINDINGS.—The Senate finds the following—

(1) at noon on the last day of 1999, the Panama Canal and its adjacent lands will revert from U.S. control to that of the government of Panama, as prescribed by the Cater-Torrijos treaties concluded in 1978.

(2) with this act, nearly ninety years of American presence in the Central American isthmus will come to an end.

(3) on September 25, 1998, the United States and Panama announced that talks aimed at establishing a Multinational Counter-narcotics Center (MCC) were ended through mutual agreement. The two countries had been engaged in discussions for two years.

(4) plans to meet the deadline are going forward and the U.S. is withdrawing all forces and proceeding with the return of all military installations to Panamanian control.

(5) Howard Air Force Base is scheduled to return to Panamanian control by May 1, 1999. Howard AFB provides a secure staging for detection, monitoring and intelligence collecting assets on counter-narcotics drug trafficking. Howard Air Force Base was the proposed location for the Multinational Counter-narcotics Center.

(6) AWACS (E–3) aircraft used for counter-drug surveillance is scheduled for relocation from Howard AFB to MacDill AFB in April. The E3's are scheduled to resume this mission in May from MacDill.

(7) USSOUTHCOM and the Department of State have been examining the potential for alternative forward operating locations (FOLs). A potential location would require the operational capacity to house E–3 AWACS KC–135 tankers, Night Hawk F–16s/F–15s, Navy P–3s, U.S. Customs P–3s and Citations, Army Airborne Reconnaissance Low, and Senior Scout C–130s. No agreement has been reached regarding the number of FOLs required, cost of relocating these assets, time to build ensuing facilities, or plans for housing these assets for long-term stays.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the United States is obligated to protect its citizens from the threats posed by illegal drugs crossing our borders. Interdiction in the transit and arrival zones disrupt the drug flow, increases risk to traffickers, drives them to less efficient routes and methods, and prevents significant amounts of drugs from reaching the United States.

(2) there has been an inordinate delay in identifying and securing appropriate alternate sites.

(3) the Senate must pursue every effort to explore, urge the President to arrange long-term agreements with countries that support reducing the flow of drugs, and fully fund forward operating locations so that we continue our balanced strategy of attacking drug smugglers before their deadly cargos reach our borders.

ASHCROFT (AND OTHERS) AMENDMENT NO. 242

Mr. DOMENICI (for Mr. ASHCROFT for himself, Mr. SESSIONS, Mr. GORTON, Mr. ABRAHAM, Mr. BOND, Mr. GREGG, and Mr. HELMS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 73, after line 10, insert the following:

(c) ADDITIONAL FINDINGS.—Congress makes the following findings:

(1) Children should be the primary beneficiaries of education spending, not bureaucrats.

(2) Parents have the primary responsibility for their children's education. Parents are the first and best educators of their children. Our Nation trusts parents along with teachers and State and local school officials to make the best decisions about the education of our Nation's children.

(3) Congress supports the goal of ensuring that the maximum amount of Federal education dollars are spent directly in the classrooms.

(4) Education initiatives should boost academic achievement for all students. Excellence in American classrooms means having high expectations for all students, teachers, and administrators, and holding schools accountable to the children and parents served by such schools.

(5) Successful schools and school systems are characterized by parental involvement in the education of their children, local control, emphasis on basic academics, emphasis on fundamental skills, and exceptional teachers in the classroom.

(6) Congress rejects a one-size-fits-all approach to education which often creates barriers to innovation and reform initiatives at the local level. America's rural schools face challenges quite different from their urban counterparts. Parents, teachers, and State and local school officials should have the freedom to tailor their education plans and reforms according to the unique educational needs of their children.

(7) The funding levels in this resolution assume that Congress will provide an additional $2,800,000,000 for fiscal year 2000 and an additional $33,000,000,000 for the period beginning with fiscal year 2000 and ending with fiscal year 2005 for elementary and secondary education.

(d) ADDITIONAL SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) increased Federal funding for elementary and secondary education should be directed to States and local school districts; and

(2) decisionmaking authority should be placed in the hands of States, localities, and families to implement innovative solutions to local educational challenges and to increase the performance of all students, unencumbered by unnecessary Federal rules and regulations.

HUTCHISON AMENDMENT NO. 243

Mr. DOMENICI (for Mrs. HUTCHISON) proposed an amendment to the concurrent resolution, S. Con, Res. 20, supra; as follows:

At the appropriate place, insert:

It is the sense of the Senate that a task force be created for the purpose creating a reserve fund for natural disasters. The Task Force should be composed of three Senators appointed by the majority leader, and two Senators appointed by the minority leader. The task force should also be composed of three members appointed by the Speaker of the House, and two members appointed by minority leader in the House.

It is the sense of the Senate that the task force make a report to the appropriate committees in Congress within 90 days of being convened. The report should be available for the purposes of consideration during comprehensive overhaul of budget procedures

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MOYNIHAN AMENDMENT NO. 244

Mr. DOMENICI (for Mr. MOYNIHAN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 71, strike lines 3 through 7.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Buried Alive: Small Business Consumed by Tax Filing Burdens." The hearing will be held on Monday, April 12, 1999, beginning at 1:00 p.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live on the Internet from our homepage address http://www.senate.gov/sbc

For further information, please contact Mark Warren at 224–5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Full Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 501, a bill to address resource management issues in Glacier Bay National Park, Alaska; S. 698, a bill to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in Alaska, and for other purposes; S. 711, to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill, and for other purposes; and two bills I will be introducing today, a bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes; and bill to provide for the continuation of higher education through the conveyance of certain lands in the State of Alaska to the University of Alaska, and for other purposes.

The hearing will take place on Thursday, April 15, 1999 at 9:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 109, a bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; S. 340, a bill to amend the Cache La Poudre River Corridor Act to make technical corrections, and for other purposes; S. 582, a bill to authorize the Secretary of the Interior to enter into an arrangement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; S. 589, a bill to require the National Park Service to undertake a study of the Loess Hills Area in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources; S. 591, a bill to authorize a feasibility study for the preservation of the Loess Hills in western Iowa; and H.R. 149, a bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

The hearing will take place on Thursday, April 15, 1999 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510—6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 441, a bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; S. 548, a bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; S. 581, a bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; and S. 700, a bill to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

The hearing will take place on Thursday, April 22, 1999 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224-6969.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION AND THE SUBCOMMITTEE ON INTERIOR APPROPRIATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a joint oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources and the Subcommittee on Interior Appropriations of the Appropriations Committee. The purpose of this hearing is to review the report of the Government Accounting Office on the Everglades National Park Restoration Project.

The hearing will take place on Thursday, April 29, 1999 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224-6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 25, 1999, to conduct a hearing on "Bankruptcy Reform: Financial Services Issues."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 25, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the economic impacts of the Kyoto Protocol to the Framework Convention on Climate Change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 25, 1999 at 10:00 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia to meet on Thursday, March 25, 1999, at 10:00 a.m. for a hearing on Multiple Program Coordination in Early Childhood Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Bioterrorism during the session of the Senate on Thursday, March 25, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an Executive business meeting during the session of the Senate on Thursday, March 25, 1999, at 10:00 a.m. in Room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 25, 1999 at 2:00 p.m. to hold a closed hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on March 25, 1999 at 2:00 p.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Aviation Subcommittee on the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 25, 1999, at 10:00 a.m. on Air Traffic Control Modernization in Room SR-253 in the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Communications Subcommittee on the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 25, 1999, at 2:00 p.m. on Satellite Reform in Room SR-253 in the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUMBOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 25, 1999, to conduct a hearing on "Challenges Facing the FHA Single Family Insurance Fund."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION/MERCHANT MARINE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the surface Transportation/Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 25, 1999, at 10:00 A.M. on grade crossing safety in room SD-106.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Thursday, March 25, 1999 at 2:00 P.M. to hold a hearing in room 226, of the Senate Dirksen Office Building on: "The President's FY2000 OJP Budget: Undercutting Local Law Enforcement in the 21st Century."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DISASTER MITIGATION PILOT PROGRAM

• Mr. BOND. Mr. President, for the second time in less than a year, the Senate is considering legislation to establish a pilot disaster mitigation loan program at the Small Business Administration (SBA). Last year, the Committee on Small Business voted unanimously to include a proposal to establish a disaster mitigation pilot program introduced by my colleague from

Georgia, Senator CLELAND, as an amendment to H.R. 3412, the "Year 2000 Readiness and Small Business Programs Restructuring and Reform Act of 1998." H.R. 3412 passed the Senate on September 30, 1998; however, the House of Representatives was not able to consider the bill before Congress adjourned last fall.

As the Chairman of Appropriations Subcommittee on VA, HUD and Independent Agencies, I have been concerned about our Nation's disaster relief program. I have worked at length with FEMA Director Witt and other Administration officials over the past several years to address the escalating costs of disaster relief and the need to tighten up this program. Since 1989, we have spent $25 billion on FEMA disaster relief, and there remains more than $2.6 billion in anticipated costs associated with open disasters. Much work needs to be accomplished to tighten the criteria for declaring disasters and eligibility for disaster relief funding, as well as stronger insurance requirements, so that we can bring these ever-escalating costs under control.

One way to mitigate against future disaster losses is to undertake preventive measures. Preventive measures to mitigate against future disaster losses, rather than the current strategy of response and recovery, could save as much as 50 percent of projected disaster relief loan costs.

S. 388 would create the Disaster Mitigation Pilot Program, which will permit SBA to establish a pilot program using up to $15 million of disaster loans annually from FY 2000–2004 to provide small businesses located in disaster prone areas with low interest, long-term disaster loans to finance preventive measures to mitigate against future disaster losses. The pilot program would operate in disaster prone areas designated by the Federal Emergency Management Agency (FEMA). FEMA has launched "Project Impact," which emphasizes emergency preparedness, in response to the problem of increased costs and personal devastation caused by repeated natural disasters. I continue to have concerns about the criteria under Project Impact and urge FEMA to work to strengthen the criteria. I expect that SBA will develop the appropriate criteria for this new loan program that is consistent with FEMA's efforts to make improvements in this area. In the end, I do not believe we should have a proliferation of independent mitigation programs housed in numerous Federal agencies, and we should be working to develop a cohesive national strategy to deliver disaster relief assistance.

Under current law, SBA disaster loans may be used for mitigation purposes only to the extent that includes repairing or replacing existing protective devices that are destroyed or damaged in an area that has recently suffered a natural disaster. In addition, up to 20 percent of the disaster loan amount may be used to install new mitigation devices that will prevent future damage. Under S. 388, the Disaster Mitigation Pilot Program, a small business borrower would be allowed to use 100 percent of an SBA disaster loan for disaster mitigation purposes within an area designated by FEMA.

Mr. President, S. 388, the Disaster Mitigation Pilot Program, makes sense. It is a worthy program that needs to be tested, and I urge my colleagues to vote in favor of this bill.•

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

• Mr. ROCKEFELLER. Mr. President, I rise to comment on the issue of international satellite reform. First I want to thank Senator BURNS for holding this important hearing. International satellite reform is critical to consumers across the United States.

Yesterday I agreed to become a cosponsor of this bill—along with Senators BURNS, MCCAIN, BRYAN, BROWNBACK, CLELAND, FRIST and DORGAN. I support Senator BURNS' bill because I believe that it is in the consumer interest to have a private INTELSAT. Such a competitive entity will lead to lower prices, better service, and more efficiency across the globe.

Additionally, removing ownership restrictions on COMSAT will help to bring new services to American consumers. I believe that broadband satellite services will play a very important role in West Virginia's future, and this bill will lead to further deployment of these services by lifting the ownership restriction on COMSAT. I am excited by the possibility of a new competitor in domestic satellite services, and the resulting advances in these satellite services. Our mountainous terrain and the high cost of providing traditional telecommunications services make satellite services particularly important to West Virginia.

Furthermore, INTELSAT has a history of serving all parts of the world at reasonable prices. We have an interest in making sure that developing nations are part of the global information infrastructure. I will work to make sure that this bill will allow a privatized INTELSAT to continue to serve these areas at reasonable prices.

I must state, however, that while I support this bill, we are still in the middle of the legislative process. I am eager to continue working with Senators HOLLINGS, BREAUX, and other Senators who are working on important ideas with great promise. I want to stress that while I agree that this bill is the right platform for international satellite reform. I intend to keep working hard on this issue.•

NATIONAL INHALANTS AND POISONS AWARENESS WEEK

• Mr. GRAMS. Mr. President, I rise today to express my support for increasing public awareness about the dangers of inhalant abuse. I am proud to be a cosponsor of S. Res. 47, recently passed by the Senate, which designates this week as "National Inhalants and Poisons Awareness Week."

Our nation's drug control policy correctly places emphasis upon finding solutions for combating the illegal sale, manufacture and trafficking of well-known abused substances such as cocaine and methamphetamine. However, I believe Congress and the President should do more to focus attention on an emerging but equally dangerous threat—inhalant abuse.

As my colleagues may know, inhalant abuse is the intentional breathing of gas or vapors for the purpose of reaching a high. Most people are familiar with common household products such as furniture polish, paint thinner, glue, felt tip markers, and deodorants. However, many families are not aware of how misuse of these inhalants by children can result in sickness or death.

Far too often, these inhalants have caused heart, brain, and liver damage in thousands of children across the country. Sadly, many children have died as a result of inhalant abuse, a condition known as Sudden Sniffing Death Syndrome. In 1990, four young people in my home state of Minnesota died in separate incidents after experimenting with inhalants. Continued misuse of these products may also lead to additional illicit drug use.

Additionally, the National Institute on Drug Abuse reported in 1996 that one in five American teenagers have used inhalants to get high. Over the last few years, our nation has witnessed an increase in new inhalant abusers from 382,000 in 1991 to an estimated 805,000 in 1996. In my view, these troubling trends can be reversed by educating the public about the dangers of this abuse and encouraging communities to develop effective treatment and prevention programs.

In my view, greater awareness of inhalant abuse can best be achieved through passage of S. 609, legislation introduced by Senator FRANK MURKOWSKI that would amend the Safe and Drug Free Schools and Communities Act of 1994 to include inhalant abuse among the Act's definition of "substance abuse." Passage of this bill will give Minnesota and other states the opportunity to develop federally-funded inhalant abuse prevention and education programs. Importantly, these programs will be based on the active involvement of parents, teachers and local communities. I am proud to be a cosponsor of this legislation which is an important element of our war on drugs.

Mr. President, the federal government should not regulate the sale of these legal and inexpensive products which are found in almost every household. Instead, communities, parents and teachers should be encouraged to develop local solutions to this problem. A united effort toward this epidemic will help the United States make significant progress in our fight against drug abuse.•

SPRINGTIME

• Mrs. BOXER. Mr. President, I rise to salute the Springtime and the birth of Caroline Byrd Fatemi, great-granddaughter of the distinguished Senator from West Virginia.

Last week, Senator BYRD took the floor to bring us glad tidings of spring and of Caroline's birth. Today, before we fly to the four corners of America, I would like to salute our beloved colleague and his progeny.

Time and again, Senator BYRD has graced this chamber with the lessons of history and the sweet music of poetry. Last week he ushered in Springtime with a stanza from Algernon Charles Swinburne. Let me quote the same poet to welcome Caroline to the world:

> Where shall we find her, how shall we sing to her,
> Fold our hands round her knees, and cling?
> O that man's heart were as fire and could spring to her,
> Fire, or the strength of the streams that spring!
>
> For the stars and the winds are unto her
> As raiment, as songs of the harp-player;
> For the risen stars and the fallen cling to her,
> And the south-west wind and the west-wind sing.
>
> For winter's rains and ruins are over,
> And all the season of snows and sins;
> The days dividing lover and lover,
> The light that loses, the night that wins;
> And time remember'd is grief forgotten,
> And frosts are slain and flowers begotten,
> And in green underwood and cover
> Blossom by blossom the Spring begins.

Mr. President, the link between the elder BYRD and the younger symbolizes for me what our job here is all about: Looking forward every day, every month, every year to the eternal Spring that is America—and keeping faith with every generation of American.

Whether we are working to improve education or save Social Security, we who are privileged to serve in the United States Senate can, by our actions, strengthen the bonds that unite our nation from generation to generation.

As we strive to make the world a better place for Caroline and every child of her generation, let us follow the advice in Laurence Binyon's poem "O World, be Nobler"—

> O World, be nobler, for her sake!
> If she but knew thee what thou art,
> What wrongs are borne, what deeds are done
> In thee, beneath thy daily sun,
> Know'st thou not that her tender heart
> For pain and very shame would break?
> O world, be nobler, for her sake!•

"BEST GRADUATE SCHOOLS" IN THE NATION

• Mr. FRIST. Mr. President, when East Tennessee State University opened its doors in 1911, it had 29 students and one primary mission: the education of future teachers. A lot has changed in 85 years.

While teacher preparation is still a crucial part of its mission, ETSU today consists of nine schools and colleges that offer over 125 different programs of study to more than 12,000 students every year—including some fairly unique offerings such as its one-of-a-kind master's degree in reading and storytelling, and the only bluegrass and country music program offered at a four-year institution.

Over the last two decades, there has been an increasing emphasis on the health sciences at ETSU—an emphasis that began in 1974 with the establishment of the James H. Quillen College of Medicine which was created to help alleviate a critical shortage of primary care physicians in East Tennessee.

Mr. President, this year the Quillen College of Medicine celebrates its 25th anniversary. But that proud accomplishment, although noteworthy, is not the basis for my remarks this morning. Rather, I rise to commend its recent listing in U.S. News and World Report as one of the "Best Graduate Schools" in the Nation—a ranking well-deserved and well-earned.

According to the magazine, Quillen College earned the distinction of placing third among all the schools in the Nation for its programs in rural medicine. Last year, it placed sixth in the same category.

I also rise, Mr. President, to commend the ETSU College of Nursing—which was also ranked among the Nation's best. And, like Quillen College, this is also the second year in a row it was so honored.

Both these schools, Mr. President, embrace the values of the people of Tennessee. Both are community oriented, both provide a valuable resource to local citizens and businesses, and both are making valuable and needed contributions to the practice and the quality of medicine.

My heartiest congratulations to the entire staff, faculty, students and alumni of both East Tennessee State University School of Nursing and the James H. Quillen College of Medicine for their splendid accomplishment.•

ANNIVERSARY OF GREEK INDEPENDENCE

• Mr. REED. Mr. President, today we celebrate the 178th Anniversary of the revolution that won Greece's independence from the Ottoman Empire. I am proud to join with forty-nine of my colleagues in sponsoring Senate Resolution 20 which designates today "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The Greeks have been members of the community in Rhode Island for over one hundred years. Over 6,000 residents of the state claimed Greek heritage in the last Census. When the Greeks first came to the New England, they worked in factories and on the waterfront. The descendants of these first immigrants continue to prosper and enrich the Northeast and the rest of the country through their contributions to banking, medicine, the tourism industry, and the arts.

Edith Hamilton praised Greeks in this quote, "to rejoice in life, to find the world beautiful and delightful to live in, was a mark of the Greek spirit which distinguished it from all that had gone before. It is a vital distinction."

I have been grateful for this spirit, energy, and support in the Rhode Island Greek community, and, for a very long time, I wished to visit Greece and Cyprus. This summer, I finally had that opportunity. On my trip, I had the pleasure of meeting Ambassador Burns and the U.S. Ambassador to Cyprus, Kenneth Brill. I also met and had candid conversations with Greece's Minister of Foreign Affairs and the Greek Defense Minister. In addition, I had the chance to tour the Green Line in Cyprus and speak with Dame Ann Hercus, the newly appointed Chief of the United Nations mission and General De Vagera, the force commander.

During my visit, I was impressed by the beauty of these countries and the hospitality of the people of Cyprus and Greece. However, I was also overwhelmed by the consequences of Turkey's 1974 invasion of Cyprus. The division of the island saps the economic vitality of a region rich in resources. The inability to move goods, people, or services between the two parts of the island stymies growth.

We must continue to work to resolve the Cyprus problem and reduce the tensions that exist between Greece and Turkey. When I was a member of the House of Representatives, I cosponsored numerous legislative initiatives to this end, and I will continue to advocate for such solutions as a Senator.

For today, let us celebrate the anniversary of Greek Independence, the richness of the Greek heritage and legacy of democracy that country gave to the world.•

TRIBUTE TO CONTOOCOOK VALLEY REGIONAL HIGH SCHOOL

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Contoocook Valley Regional High School for winning the regional competition of the Second Annual Ocean Sciences Bowl. I commend them for their accomplishment.

The regional competition included teams from fifteen other schools in New Hampshire, Vermont and Maine. Their final match, which was held at the University of New Hampshire, was played against high school students from Bridgeton Maine. It was a close call and Contoocook Valley won by the narrow margin of two points!

Contoocook Valley's team consists of five students. The team members are Amber Carter, Megan Cahill, Sonja Fritz, Cissy Courtemanche, and Emily Dark. Jon Manley, science teacher at the Contoocook Valley, is the coach for the team.

The students train very hard every year for this competition. This is the second year in a row that Contoocook Valley Regional High School has won this competition. They will soon be traveling to Washington, D.C. to compete in the nationals.

As a former high school teacher, I appreciate the hard work the students and the coach have dedicated to this team effort. I look forward to their visit to Washington and wish them the best of luck. It is an honor to represent them in the United States Senate.•

RECOGNITION OF THE WAYNE COUNTY MEDICAL SOCIETY

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the Wayne County Medical Society, which is celebrating its sesquicentennial anniversary on April 14, 1999. The Wayne County Medical Society has been an important part of the Metro Detroit community for the past 150 years.

The Wayne County Medical Society was formed in 1849 with 50 physicians, who committed themselves to providing the best quality medical care to the people of Wayne County. The Society has been engaged in many important public health campaigns throughout its history. One of the most notable examples was the Society's massive polio immunization drive of 1964, led by Dr. Francis P. Rhoades, which virtually eliminated the disease from the City of Detroit.

Today, the 4,200 members of the Wayne County Medical Society work together to provide free health care services for people in need. The Society maintains a free medical and dental clinic in Detroit, where needy children receive physical exams, health education and dental treatment. The Society also sponsors an annual Christmas party for children in foster care. In 1998, the Wayne County Medical Society held a conference for more than 500 Detroit Public School children on the subject of teen pregnancy. In addition to its public service endeavors, the Society encourages excellence in health care by offering Continuing Medical Education credits to its members and by joining with the Michigan State Medical Society and the American Medical Association to promote issues of importance to the medical community at large.

Mr. President, the Wayne County Medical Society has been a valued member of the Metro Detroit community since 1849. I invite my colleagues to join me in thanking the members of the Society for their commitment, and in wishing them continued success as they address the health needs of the 21st century.•

SUBMISS: PART III

• Mr. MOYNIHAN. Mr. President, today I wish to have printed in the RECORD the final portion of Mark A. Bradley's award winning article on the disappearance of the U.S.S. *Scorpion*. I have had the previous two parts of this article printed in the last two RECORDS. I would like to applaud Mr. Bradley once more for his outstanding achievements, and thank him for serving as a loyal and valued member of my staff.

The material follows:

SUBMISS: THE MYSTERIOUS DEATH OF THE U.S.S. "SCORPION" (SSN 589), PART III

(By Mark A. Bradley)

Such dire predictions prompted Admiral David McDonald, then Chief of Naval Operations, to follow Admiral Schade's request and approve the development and testing of the experimental "Planned or Reduced Availability" overhaul concept in the submarine fleet. In a June 17, 1966, message to the commanders of both the Navy's Atlantic and Pacific fleets, he wrote that in response to "concerns about [the] percent [of] SSN off-line time due to length of shipyard overhauls, [I have] requested NAVSHIPS develop [a] program to test 'Planned Availability' concept with U.S.S. *Scorpion* (SSN 589) and U.S.S. *Tinosa* (SSN 606). On July 20, 1966, he officially approved the *Scorpion's* participation in this program which aimed at providing the service's submarines with shorter and cheaper but more frequent overhauls between missions. An undated and unsigned confidential memorandum entitled "Submarine Safety Program Status Report" summarizes what lay behind the creation of this new concept: "The deferral of SUBSAFE certification work during certain submarine overhauls was necessitated by the need to reduce submarine off-line time by minimizing the time spent in overhaul and to achieve a more timely delivery of submarines under construction by making more of the industrial capacity available to new construction."

Admiral Moorer, who succeeded Admiral McDonald as CNO, expanded upon what he hoped this new plan would accomplish in a September 6, 1967, letter to Congressman William Bates. In that letter, he stated that "it is the policy of the Navy to provide submarines that have been delivered without certification with safety certification modifications during regular overhauls. However, urgent operational commitments sometimes dictate that some items of the full safety certification package be deferred until a subsequent overhaul in order to reduce the time spent in overhaul, thus shortening off-line time and increasing operational availability. In these cases, a minimum package of submarine safety work items is authorized which provides enhanced safety but results in certification for unrestricted operations to a depth shallower than the designed test depth." According to an April 5, 1968 confidential memorandum, the Navy did not expect the *Scorpion* to be fully certified under SUBSAFE until 1974, six years after she was lost.

On February 1, 1967, the *Scorpion* entered the Norfolk yard and began her "Reduced Availability" overhaul. By the time she sailed out on October 6, she had received the cheapest submarine overhaul in United States Navy history. Originally scheduled for more extensive reconditioning, the *Scorpion* was further hurt by manpower and material shortages in the yard because of the overhaul of the U.S.S. *Skate* (SSN 578), Norfolk's first of a nuclear submarine. This retrofit had gobbled up both workmen and resources at an unprecedented rate. This meant that a submarine tender—a maintenance ship—and the *Scorpion's* own crew had to perform most of the work normally done by yard workers. She received little more than the emergency repairs required to get her back to sea and the refueling of her reactor. Out of the $3.2 million spent on her during these eight months, $2.3 million went into refueling and altering her nuclear reactor. A standard submarine overhaul of this era lasted almost two years and cost over $20 million.

When the *Scorpion* left Norfolk on February 15, 1968, on her Mediterranean deployment she was a last minute replacement for the U.S.S. *Sea Wolf* (SSN 575), which had collided with another vessel in Boston Harbor. During her last deployment, the *Scorpion* had 109 work orders still unfilled—one was for a new trash disposal unit latch—and she still lacked a working emergency blow system and decentralized emergency sea water shutoff valves. She also suffered from chronic problems in her hydraulics. This system operated both her stern and sail planes, winglike structures that controlled her movement. This problem came to the forefront in early and mid-November 1967 during the *Scorpion* test voyage to Puerto Rico and the U.S. Virgin Islands as she began violently to corkscrew in the water. Although she was put back in dry dock, this problem remained unsolved. On February 16, 1968, she lost over 1,500 gallons of oil from her conning tower as she sailed out of Hampton Roads toward the Mediterranean. By that time, she was called "U.S.S. Scrapiron" by many of her crew.

On May 23, 1993, the Houston Chronicle published an article that highlighted these mechanical problems. The article quoted from letters mailed home from doomed crew members who complained about these deficiencies. In one of these, Machinist's Mate Second Class David Burton Stone wrote that the crew had repaired, replaced or jury-rigged every piece of the *Scorpion* equipment. Commander Slattery also was worried about her mechanical reliability. On March 23, 1968, he drafted an emergency request for repairs that warned, among other things, that "the hull was in a very poor state of preservation"—the *Scorpion* had been forced to undergo an emergency drydocking in New London immediately after her reduced overhaul because of this—and bluntly stated that "[d]elay of the work an additional year could seriously jeopardize the *Scorpion* material readiness." He was particularly concerned about a series of leaking valves that caused the *Scorpion* to be restricted to an operating depth of just 300 feet, 200 less than SUBSAFE restrictions and 400 less than her pre-*Thresher* standards.

This portrait is sharply at odds with the one the Navy painted after the *Scorpion* was lost. From the outset, the service claimed the submarine was in excellent mechanical condition. At his first press conference on May 27, 1968, Admiral Moorer told the gathered newsmen that the *Scorpion* had not reported any mechanical problems and that she was not headed home for any repairs. This was followed by other Navy statements that claimed the *Scorpion* suffered only from a minor hydraulic leak and scarred linoleum on her deck before her Mediterranean deployment. On May 29, however, then Secretary of Defense Clark Clifford pointedly asked the Navy's high command for information about the *Scorpion's* participation in SUBSAFE, her overhaul status in general and any known mechanical deficiencies.

The Court of Inquiry did not ignore these questions and asked several of its witnesses what they knew about the *Scorpion's* mechanical condition and her maintenance history. Vice Admiral Schade told the Court that her overall condition was above average and that her problems were normal reoccurring maintenance items. He added that the *Scorpion* suffered from no known material problems that affected her ability to operate effectively. Schade's testimony was supported by Captain C.N. Mitchell, the Deputy Chief of Staff for Logistics and Management and a member of the Vice Admiral's staff. Mitchell testified about the *Scorpion's* Reduced Availability overhaul and stated that she was in "good material condition."

Captain Jared E. Clarke, III, the commander of Submarine Squadron 6, also told the Court the *Scorpion* was sound and "combat ready." In his testimony he said, "I know of nothing about her material condition upon her departure for the Mediterranean that in any way represented an unsafe condition." When asked about the *Scorpion's* lack of an operable emergency blow system, Clarke replied that this was not a concern because her other blow systems were more than adequate to meet the depth restrictions she was operating under.

Admiral Austin also summoned the two surviving crew members the *Scorpion* had offloaded for medical and family reasons on the night of May 16, 1968. When asked about any material problems, crewman Joseph W. Underwood told the Court that he knew of no deficiencies other than "a couple of hydraulic problems." Similarly, crewman Bill G. Elrod testified the submarine was operating smoothly with high morale. When asked to speculate on what did happen, Elrod could not. After hearing all this testimony, the Court determined that the *Scorpion's* loss had nothing to do with her lack of a full SUBSAFE package and that both here ability to overcome flooding and her material condition were "excellent." Although at least one of the dead crewmen's families sent their son's letters spelling out the *Scorpion's* poor state of repair to the Navy, there is no evidence the Court ever received or considered them.

Whatever the truth, the *Scorpion's* loss triggered neither the klieg lights of the national media nor the congressional investigations that followed the *Thresher's* demise. Lost somewhere in the murky twilight among the North Koreans' seizure of the U.S.S. *Pueblo* and the Tet offensive that January and the assassinations of Martin Luther King that April and Robert Kennedy that June, the *Scorpion's* death failed to arouse much interest in a nation whose streets were on fire and whose very fiber was being ripped apart by an increasingly unpopular and bloody war in Vietnam. With phrases like "body count" and acronyms like "MIA" and "KIA" becoming part of the national vernacular, the loss of one nuclear submarine and her crew of 99 men hardly made a ripple.

The Navy added to the country's amnesia by conducting its inquiries under a cloak of extraordinary secrecy. Even now, much about the *Scorpion's* fate remains highly classified and beyond the public's reach, and the crew's 64 widows and over 100 children know little more today about what happened to their husbands and fathers than they did 30 years ago. This gap between what is known and what is not has spawned many conspiracy theories. The most popular is that the Soviets finished the *Scorpion* in an underwater dogfight.

This theory had some credibility after the Federal Bureau of Investigation arrested master spy John Walker on May 20, 1985. Walker, a U.S. Navy warrant officer and the leader of a Soviet-sponsored spy right for almost 20 years, did enormous damage to America's security by giving his KGB masters many of the Navy's most closely guarded secrets. On May 20, 1968, he was working as a watch officer in the Navy's closely guarded submarine message center in Norfolk. Although there is evidence to believe that Walker gave the Soviets intelligence about the Atlantic Submarine Force, particularly about its coded communications, there is nothing to suggest that he played any direct in the *Scorpion's* demise.

He appears to have played a much more important role when he passed on to his Russian handlers much of the top secret traffic that came through the message center immediately after the submarine was reported lost. This highly classified information included how the Navy conducted its search, what the U.S. intelligence community knew about the Soviet vessels operating off the Canary Islands, what part SOSUS had played in detecting the disaster and what the service's main theories were for the *Scorpion's* loss. While it is tempting to blame the Soviets and Walker for this disaster, the probable truth is far different but no less disturbing.

Although the theory of a weapons accident on board the *Scorpion* has officially never been discounted, the physical evidence does not seem to support it. None of the thousands of photographs taken of the wreckage show any torpedo damage nor does the *Scorpion's* approximately 3,000 feet by 1,800 feet debris field contain any items from her torpedo room as would be expected if that area had suffered a major explosion. All the debris is from her operations center, the locus of her galley and above her huge battery.

The more likely cause of the *Scorpion's* death lies in the Navy's failure to absorb the lessons learned from the *Thresher*. Hyman Rickover, the father of the Navy's nuclear program, warned after that disaster that another would occur if the service did not correct the inadequate design, poor fabrication methods and inadequate inspections that caused it. Through SUBSAFE, the Navy instituted a program to correct these and maintain and build a nuclear submarine fleet that was both safe and effective. Unfortunately, the strains of competing with the Soviets in the Cold War while fighting an actual one in Vietnam derailed this concept and forced the service to look for ways to decrease the off-line time of the submarines it already had while freeing its already choked yards to build more.

The Reduced Availability concept arose from these pressures and allowed the Navy to defer what the *Thresher* taught could not be delayed. Through an accident of timing, the *Scorpion* was the first nuclear submarine chosen for this program. She was selected because her next regulatory scheduled overhaul was predicted to set a record in duration, and the Navy's high command believed that the work she received during her 1963-1964 reconditioning in Charleston provided enough of a safety margin to see her through until her next overhauls. She also was chosen because her 1967 overhaul came due during a time when the service was feeling enormous pressure to compete with the Soviets and reduce the amount of time its submarines and yards were tied up with safety retrofits.

Rushed to the Mediterranean after the cheapest overhaul in U.S. nuclear submarine history and lacking full SUBSAFE certification, the *Scorpion's* mechanical condition and safety capabilities were far from what the Navy advertised. A trash disposal unit flood could have set into train a deadly chain of events that triggered a succession of material and systemic failures in an already weakened submarine that left her unable to recover. Although the Court doubted that a hydrogen gas explosion from the *Scorpion's* battery could have generated enough force to rupture her hull, it did not consider its exploding after being swamped with cold sea water from uncontrollable flooding and filling her with deadly chlorine gas.

Even under the best of circumstances, the submarine force was a dangerous place to serve in the 1960s. Its sailors and officers often were engaged in extremely hazardous missions in warships that were like no others that had come before them. With far greater speeds, diving capabilities and complex operating systems, nuclear submarines required far greater care in their construction and maintenance than their diesel predecessors. This was the key lesson from the *Thresher* and it may well have taken the loss of the *Scorpion* finally to hammer home this point to the Navy's high command.

After this tragedy, the Navy quietly dropped the Reduced Availability concept. In a May 21, 1995, article published by the Houston Chronicle, the Naval Sea Systems Command stated that it had no record of any such maintenance program. The reason for this may lie in a March 25, 1966, confidential memorandum from the Submarine Force: [The] "success of this 'major-minor' overhaul concept depends essentially on the results of our first case at hand: *Scorpion*." Although the cause of her death is still officially listed as unknown, the United States has never lost another nuclear submarine.

A NOTE ON SOURCES

In the 30 years since the *Scorpion's* loss, not one book has been written on her. The only newspaper articles written about her are eight by Ed Offley for the Virginian-Pilot & Ledger-Star and the Seattle Post-Intelligencer and four written by Stephen Johnson for the Houston Chronicle. The most important primary sources are the U.S. Navy Court of Inquiry Record of Proceedings and the Supplementary Record of Proceedings. In addition, the Naval Historical Center has over 11 boxes of *Scorpion* material currently available to researchers and expects to have more as already declassified material is cataloged. These boxes include the sanitized testimony of many of the witnesses who appeared before the two courts of inquiry. Although the Chief of Naval Operations currently is considering releasing more of the Navy's *Scorpion* material, much still remains beyond the reach of researchers and the Freedom of Information Act. On December 19, 1997, the Navy denied my attempt to get copies of the first Court of Inquiry's Annex. Those documents still retain their top secret rating and are withheld because "of information that is classified in the interest of national defense and foreign policy."

The most useful books for this article have been the following:

On submarines, Modern Submarine Warfare by David Miller and John Jordan, New York: Military Press (1987); Jane's Pocket Book of Submarine Development, ed. By John Moore, New York: MacMillan (1976); The American Submarine by Norman Polmar, Annapolis: The Nautical & Aviation Publishing Co., (1981); and Nuclear Navy 1946–1962 by Richard Hewlett and Francis Duncan, Chicago: The University of Chicago Press (1974).

On intelligence matters, Jeffrey Richelson, The U.S. Intelligence Community, Cambridge: Ballenger Publishing Company (1989) and Pete Early, Family of Spies, New York: Bantam Books (1988).

Stephen Johnson, a reporter for the Houston Chronicle, was the first to concentrate on the *Scorpion's* maintenance and overhaul history and was very generous with both his time and research. Vice Admiral Robert F. Fountain (Ret), a former executive officer on the *Scorpion*, very kindly consented to an interview as did Rear Admiral Hank McKinney (Ret), the former commander of the U.S. Navy's Pacific Submarine Force.

In May 1998, the Chief of Naval Operations declassified a 1970 study undertaken by a specially appointed Structural Analysis Group that pointed to a battery casualty as the most likely cause for the *Scorpion's* loss.●

SENATOR KENNEDY AND THE AMERICAN IRELAND FUND AWARD

● Mr. LEAHY. Mr. President, on March 16, the American Ireland Fund hosted a dinner to honor Senator EDWARD KENNEDY and his longstanding efforts to promote peaceful and constructive change throughout Ireland. The individuals that gathered together that night—Taoiseach Bertie Ahearn, Nobel Prize Winners John Hume and David Trimble, Sinn Fein Leader Gerry Adams, Secretary of State for Northern Ireland Mo Mowlan, among many others—are the best indication of the significant progress that has been made to replace violence and mistrust with cooperation and dialogue. It is also an indication of the Irish community's high esteem for Senator KENNEDY and his key role in bringing the parties to the negotiating table. While differences still impede full implementation of the Good Friday Agreement, pride in Ireland's past and present, and a strong commitment to a peaceful and prosperous future was the common bond that united all of those in attendance on the eve of Saint Patrick's Day.

Mr. President, Senator CHRISTOPHER DODD was among those who introduced Senator KENNEDY that night, and I ask that Senator DODD's insightful remarks from the evening be printed in the RECORD.

The remarks follow:

Members of the clergy, leaders of Ireland—both north and south—with a particularly warm welcome to the Taoiseach, Bertie Ahern, my colleagues from Congress, members of the diplomatic corps, members of the Kennedy family—Eunice Kennedy Shriver, Ethel Kennedy, my colleague in the House of Representatives, Patrick Kennedy, and a special welcome to the former American Ambassador, Jean Kennedy Smith, and a warm welcome to the light of our honoree's eyes, Vicki Kennedy; distinguished guests and friends, and, while he is not with us this evening, a particularly warm greeting to the President of the United States, William Jefferson Clinton; and, last but not least, our honoree, the recipient of the National Leadership Award, my colleague and best friend in the Senate, Ted Kennedy.

At the outset, I want to commend the American Ireland Fund for the marvelous work it has done on behalf of the people of Ireland;

Secondly, I want to pay a special tribute to the two most recent recipients of the Nobel Peace Prize who are with us this evening and ask you to join me in expressing our admiration for the work that these two men have done for peace in Northern Ireland and will continue to do—John Hume and David Trimble.

As we gather here tonight on the Eve of Saint Patrick's Day to honor Ted Kennedy with the International Leadership Award, I want to begin by recalling the ancient Kennedy/Fitzgerald Gaelic Prayer:

For you who are with us, may God turn your fortunes bright;
For you who are against us, may God turn your hearts toward us;
And if God cannot turn your hearts, may He at least turn your ankles,
So we may know you by your limp!

I have the unique pleasure of presenting to you tonight a man with whom I have served in the United States Senate for nearly twenty years.

Most of you know the classic story of success in American politics:

Born of a poor and obscure family; deprived of all but the barest necessities; forced to quit school to support the family and finally overcoming all odds working his way through college by waiting tables in the cafeteria.

You know that story. So does Ted Kennedy. But he never let it get in the way. He knew there was another way to do things. And somehow even though he did none of those things, he got elected to the Senate in 1962 when the previous Senator changed his address. And for these past 37 years what a record he has compiled.

He was a friend of Ireland when friends of Ireland were few. In fact, he—and his family—have presided so long and so firmly at the confluence of Ireland and America that a writer in the Irish Times recently observed that it was sometimes difficult to tell whether Senator Kennedy's distinguished sister was the United States' Ambassador to Ireland or Ireland's Ambassador to the United States.

There is a reason for this, and it's quite simple. Throughout the adult lives of most people in this room, Ted Kennedy has worked unremittingly, day in and day out, to better the lot of the least fortunate of our fellow men and women. Ted Kennedy's efforts regularly reach across the borders of nation, race and religion.

It was only natural, then, that the conflict and injustice in Northern Ireland would make a claim on Senator Kennedy's conscience. His unceasing interest in achieving peace in Northern Ireland was, and is, the one constant over the many ups and downs on the still fragile road to resolving that conflict.

Ted Kennedy's efforts to find the path to peace have not been limited by the category of nationality. He labors not only as a distinguished representative of the United States, and a loyal son of Ireland, but as an ambassador from what the Irish poet Seamus Heaney refers to as "the Republic of Conscience."

"The Republic of Conscience", according to Heaney's poem of that name, is a quiet place, and one where you might meet some of your ancestors. According to Heaney's narrator:

When I landed in the Republic of Conscience;
It was so noiseless when the engines stopped;
I could hear a curlew high above the runway.
At Immigration, the clerk was an old man;
Who produced a wallet from his homespun coat;
And showed me a photograph of my grandfather.

When Heaney's narrator was leaving the republic, that old man told him what all of us here tonight would tell Senator Kennedy, namely that he is a "dual citizen" and, therefore, on permanent assignment. Heaney's narrator put it this way: The Republic of Conscience

. . . Desired me when I got home;
To consider myself a representative;
And to speak on their behalf in my own tongue.
Their embassies, he said, were everywhere;
But operated independently;
And no Ambassador would ever be relieved.

Teddy, you will never be relieved of your portfolio to speak on behalf of the "Republic of Conscience" for the rights of those least able to speak for themselves, and to continue your splendid work in furthering peace and reconciliation in Ireland and in the United States.

Reflecting on the way you have led so many of your colleagues over so many years—many of whom are here tonight—down the tortured path that must inevitably lead to peace, I am reminded of the figure of the great Irish poet, William Butler Yeats, standing amidst the portraits of his contemporaries in the Dublin Municipal Gallery of Art, and urging history to judge him not on this or that isolated deed but to:

Think where man's glory most begins and ends;
And say my glory was I had such friends.

I know that all of us here tonight are proud to say that it is our glory to have you, Teddy, as our friend, and unstinting friend of the United States, an unwavering friend of Ireland, and an Ambassador from the "Republic of Conscience" who will never be relieved.●

SUPPORT FOR U.S. TROOPS IN KOSOVO

● Mr. JOHNSON. Mr. President, yesterday, American men and women joined their military counterparts from 18

NATO countries in attacking the forces of Slobodan Milosevic in Yugoslavia. I had hoped that recent diplomatic efforts by the United States and others would have led instead to a peace agreement in the Balkans. However, Slobodan Milosevic's continued aggression toward Kosovar Albanians and his unwillingness to seek a lasting peace could no longer go unchecked.

My wife and I know first hand what thousands of American families are feeling today, seeing their husbands, wives, sons, or daughters in the military travel overseas to face combat. My son, Brooks, recently returned from a tour of duty with the U.S. Army in Bosnia where he was part of the multi-national effort to maintain peace in that war-torn country. The decision to commit U.S. troops overseas is never easy, nor should it be done without a clear understanding of our country's interests and goals. In the case of Kosovo, our country's interests are clear and warrant the current military action. A lasting peace is directly linked with stability in Europe, and it is our duty to participate in a multinational effort to prevent the ethnic cleansing currently occurring in Kosovo.

This century's major wars started in the Balkans. Hundreds of thousands of Americans and millions of others around the world died as a result of conflict in this region. Slobodan Milosevic directly threatens the current political and economic stability of Europe, and today's military action against Milosevic is necessary to prevent an inevitable escalation of violence. The fighting in Kosovo could easily spread to neighboring Montenegro, Macedonia, and Albania, and has already destabilized the region. A sea of ethnic Albanian refugees have attempted to flee Kosovo, only to be denied entry in some countries while further straining age-old tensions in others. There is an undeniable possibility for widespread conflict among Kosovo's neighbors, Bulgaria, Turkey, and Greece, and it is in our national strategic interest to prevent a fourth Balkan war.

The United States and NATO have an opportunity to stop the cold blooded murders of thousands of ethnic Albanians in Kosovo. Since Slobodan Milosevic began his reign of terror against Albanians in Kosovo, over 250,000 people—10 percent of the population—have been forced from their homes. Another 170,000 have fled the Yugoslav province in the past year. Milosevic's police forces and military have burned homes, preventing the return of entire villages. The reports of atrocities by Milosevic against the ethnic Albanians are sickening and invoke images of Bosnia and Nazi Germany. Since the first massacre of ethnic Albanians at Drenica, last year, thousands more ethnic Albanians have been killed by Serb paramilitary units and the Yugoslav Army, including the January 16 discovery of 45 slaughtered ethnic Albanians in the Kosovo village of Racak.

While I support air strikes now to prevent further bloodshed, I will continue to promote diplomatic efforts to ultimately resolve this crisis in Kosovo. This multi-national military action will illustrate to Slobodan Milosevic the resolve of all democratic nations in the world to reject oppression, and it is my hope that Slobodan Milosevic will bring the people of Yugoslavia back from the brink of one man's madness.

My thoughts and prayers are with our men and women overseas and their families here at home. I fully support their efforts to bring peace and stability to the region and wish them all a quick and safe return home.•

RECOGNITION OF THE KNIGHTS OF COLUMBUS COUNCIL 414

• Mr. LEVIN. Mr. President, I rise today to recognize the Knights of Columbus Council 414, of Bay City, Michigan. Council 414 is celebrating its 100th anniversary on April 16, 1999.

The history of the Knights of Columbus stretches back 117 years, when Father Michael J. McGivney founded the fraternal order in 1882. Since the order's founding, Knights of Columbus have promoted the Catholic faith and have practiced the principles of charity, unity and fraternity. When Father McGivney passed away in 1890, there were 5,000 Knights of Columbus located in 57 councils in Connecticut and Rhode Island. Just 15 years after his death, the Knights of Columbus was established in every state of the Union, as well as in Canada, Mexico and the Philippines.

Bay City Council 414, known then as Valley Council 414, was established in 1899, 17 years after the founding of the order by Father McGivney. It is the third oldest Knights of Columbus council in the State of Michigan. The driving force behind the founding of Council 414 was Edward J. Schreiber. He and 48 other men were responsible for establishing Council 414's charter, which was issued on April 16, 1899.

Since its chartering, Council 414 has helped to establish other Knights of Columbus councils in the area, and has participated in the many community service activities for which the Knights of Columbus are renowned. Perhaps most notably, Council 414's members raise money each year in "Tootsie Roll Drives" to support organizations like Special Olympics, the Bay Arenac School District and special education programs.

Mr. President, the members of the Knights of Columbus Council 414 of Bay City, Michigan, are truly deserving of recognition for their century-long dedication to promoting the teachings of the Catholic Church, and for living those teachings by serving those in need in their community. I hope my colleagues will join me in offering congratulations to Council 414's members on its 100th anniversary, and in wishing them continued success in their next 100 years.•

TRIBUTE TO THE MIDDLEBURY COLLEGE MEN'S AND WOMEN'S ICE HOCKEY TEAMS FOR THEIR OUTSTANDING SEASONS

• Mr. JEFFORDS. Mr. President, today I rise to honor the men's and women's ice hockey teams of Middlebury College. This small school nestled in the heart of the Green Mountains boasts not only extremely talented and motivated students, but some of the finest winter athletes in the country. On behalf of the Vermonters who are proud to call Middlebury College their own, I wish to congratulate both the men's and women's ice hockey teams for a most outstanding season.

This year, the top-ranked Middlebury College women's ice hockey team finished the season with a record of 23-2-1, won their fourth straight Eastern College Athletic Conference Championship and set the school record for most wins in one season.

The men's ice hockey team, with a record of 21-5-1, won their fifth straight NCAA Division III National Championship, an accomplishment never before achieved in college hockey at any level.

Mr. President, again I wish to honor these outstanding student athletes who have devoted themselves to excellence in play, sportsmanship, and academics. I also commend those who have supported them on and off the ice: men's coach Bill Beaney, women's coach Bill Mandigo, and their many friends and family.•

NEW YORK YANKEE MANAGER JOE TORRE'S BATTLE WITH PROSTATE CANCER

• Mr. SCHUMER. Mr. President, last year the New York Yankees set a new baseball record—125 wins in a single season, the most ever in major league history. Today, I want to speak about another—sadder and more tragic—legacy that has befallen current and former members of this great baseball team. That legacy is cancer.

We remember that the house that Ruth built lost its founder, the great Bambino, "the sultan of swat," to cancer. During last year's season, Darryl Strawberry was stricken with colon cancer. Former General Manager Bob Watson is battling prostate cancer. Earlier this month, Joe DiMaggio lost his life to lung cancer. And recently we learned that Yankee manager, Joe

Torre, is another victim of prostate cancer.

I join millions of New Yorkers—and millions of Americans—in wishing Joe Torre a continued recovery, who joins a team of almost 200,000 American men who will learn they have prostate cancer in 1999. It is the most commonly diagnosed non-skin cancer in this country. And, like other cancers, prostate cancer must be stopped. For, it will claim the lives of nearly 40,000 Americans this year. My own state, New York, has the third highest rate of diagnoses and deaths due to prostate cancer.

Unfortunately, this country invests only about one of every twenty cancer research dollars trying to stem the epidemic of prostate cancer, which accounts for about one in every six cancer cases. It is a disproportion that must be corrected, Mr. President. On behalf of Joe Torre, Bob Watson, Senator Bob Dole, General Norman Schwarzkopf, Andy Grove, Harry Belafonte—and millions of other men and their families whose lives have been affected by prostate cancer—now is the time to renew those efforts.

I am pleased that Congress established a prostate cancer research program in the Department of Defense in 1996. I supported the establishment of that program, just as I supported last year's increase in funding of the National Institutes of Health, with strong language to assure that $175 million become dedicated to prostate cancer research in 1999.

We must continue to develop these critical research initiatives. I congratulate Senators STEVENS, INOUYE and many others in the Senate for their championship of the important program at the Department of Defense, and I hope to work with you to help fully fund this program over the next three years. We must work collaboratively with NIH to accelerate their sponsorship of clinical prostate cancer research, and I look forward to reports, due next month, by the NCI and NIH directors about their five-year investment strategy for prostate cancer research. Even though this year promises some daunting budget challenges, we must not let our commitment to end the war on cancer waver.

One in six American men will develop prostate cancer in his lifetime. As frightening as that statistic may be for the general population, it is even more pointed in the African-American community. African-Americans have the highest rates of prostate cancer incidence and mortality in the world, with occurrences 35% higher than among Caucasians and death rates twice higher than white males.

The battle that Joe Torre faced gives testimony to the fact that prostate cancer does not affect men only in their retirement years. About 25% of cases occur in men younger than 65 years old, and, with the aging of our baby boom generation, we can fully expect both incidence and mortality to increase if the disease is unchecked.

Mr. President, I call on our membership to join with national organizations, like the National Prostate Cancer Coalition, CaP CURE, the American Cancer Society and 100 Black Men, and take action to end the toll prostate cancer takes on American men and their families.•

STRENGTHENING OUR FRONTLINES

• Mr. GRASSLEY. Mr. President, earlier this week, Senator GRAHAM of Forida and I introduced a bill to revitalize and modernize our efforts to defend U.S. borders from drug traffickers. This bill, the "Comprehensive Border Protection Act", S. 689, is part of a bipartisan effort by Congress to provide the resources for this critical effort. Its goal is to stop dangerous drugs and other contraband from reaching our streets. Last year, we took an important step in this direction with increased funding for our counter-drug efforts in the Western Hemisphere Drug Elimination Act. As needed as that funding was, we left something undone.

One of the critical frontline agencies in our counter-drug efforts in the U.S. Customs Service. Despite the fact that trade has increased exponentially in the last several years, we have not provided the resources to expand the ability of Customs to manage this increased volume. Every year, more than the total population of the United States crosses our borders. In practice, that means more than 400 million people annually coming into our airports, across our land borders, and into our seaports. Nearly 15 million containers enter our ports. Some 125 million privately owned vehicles come into the country. That is every year. To deal with this volume, Customs has fewer than 20,000 employees and equipment that is outdated.

Most of this traffic is legal. But criminal gangs, terrorists, and drug traffickers willfully and cynically seek to hide their illegal acts in this flow. They use every means that vast resources and ruthless intent puts into their hands to commit their crimes. And they have increasingly sophisticated means to conceal their illegal activities. Short of sealing our borders to all trade and financial transactions, we must depend upon agencies like Customs to secure our borders We must, however, do this while facilitating the flow of people and legitimate trade. It is a daunting task.

Recognizing that our borders were under intense pressure from illegal alien smuggling, the Congress increased the resources to the Immigration Service. We almost doubled that agency's capacity. The challenge facing Customs is far greater. Yet, we have not provided the resources, the technological improvements, or the support that is needed to get the job done.

We have not given our men and women who do this job the support that the task requires. And it is a demanding and dangerous job. It's not glamorous to spend hours a day at a major U.S. port of entry watching tens of thousands of vehicles and people cross the border. It's a lonely and risky livelihood to patrol long stretches of our border. The long hours spent in undercover investigations and in analyzing reams of information go largely unnoticed. But being out of sight should not put their efforts or why they are undertaken out of mind.

That is what the legislation that we are offering today aims to do—to remind us of what we must be doing and to give the tools and support needed to do the job to those we ask to do it. I have for the passed several years urged the Administration to provide Congress with a comprehensive plan. We know that drug thugs have no respect for national sovereignty, for the rule of law, or for international borders. These criminal gangs are ruthless and shrewd. And they are flexible. We have to be flexible also.

I have repeatedly noted that we need to develop a capacity to guard our borders with flexibility and forethought. Too often we simply react. We respond to a threat in one area only to find the traffickers have switched tactics. We need a comprehensive approach and a sustainable plan. Such a plan, however, has not been forthcoming. For too long, we have been merely reactive to the initiative of traffickers, moving resources around to meet their latest tactic. We need to be anticipating their efforts and we need to be comprehensive. That is why this legislation addresses both our northern and southern borders, our ports and airports and our coastlines. We need the intelligence and investigative resources to focus our efforts. And we need that consistency of purpose and sustained effort that characterizes resolve. We cannot affort to be less committed in our purpose than drug traffickers are in theirs. We must not be any less comprehensive.

While this bill is not the whole solution to our quest for a coherent and comprehensive approach, it is an important step. I urge my colleagues in the Senate and the House to join us in making this effort a reality.•

PENSION COVERAGE AND PORTABILITY ACT

• Mr. BAUCUS. Mr. President, most people my age have known the heartache of having to watch their parents grow old. It is a sad day in a person's life when they see their father get his first gray hair. Or the day you notice lines in your mother's face where previously, there were none.

This aging process is made worse by the scary and very real possibility that too many people who will become senior citizens in the next several years are not at all prepared for the transition from work to retirement.

To be honest, it isn't our parents who we need to worry about so much. They survived the Depression. They know what it takes to get by during the lean years—it takes planning and saving. Putting money aside, when it might be easier to spend it in the moment.

Those are the values that our parents live by. They are the values we would do well to heed. And even better to teach those who will follow us.

We as a nation have lost our imperative to save. Personal savings rates have dropped to one-half of one percent of our Gross Domestic Product, the lowest since 1933.

Fifty-one million Americans in our nation's workforce have no pension coverage. But statistics like those don't tell the whole story. They don't do justice to the hardscrabble struggles that real people go through every day. Struggles that involve agonizing questions like: "Should I eat today or take my medication?" or "Will I be able to heat my house this winter?"

Make no mistake, our nation's lack of saving for retirement is a tragedy in the making.

That is why I am so proud to join my colleagues in introducing this legislation.

A bill that will make it easier for Americans to put money aside, and a bill that will help move pension issues to the forefront of Americans' minds. A bill that will:

Expand coverage for small businesses because they have a harder time affording health care and retirement plans;

Enhance pension fairness for women because they fall into categories that have a harder time saving;

Increase the portability of pension plans so that when you change jobs you don't have to worry about where your savings will go;

Strengthen pension security and enforcement so you can rest easy at night, knowing your money is safe;

Reduce red tape so it's easier for employers to give their workers retirement options;

And encourage retirement education so that husbands and wives, parents and children, talk to each other—make plans for their future. And know what to expect tomorrow and down the road.

One aspect of the bill I am particularly proud of are the small business provisions. Thirty-eight million of the people in this country who do not have a pension plan work at small businesses. Eighty percent of all small business employees have no pension coverage.

In my state of Montana, more than 95 percent of our businesses are small businesses. And almost 9 out of 10 offer no pension plans. We cannot let these hard-working Americans down.

Currently, most small businesses can't afford pension plans. They would like to, but they just can't make ends meet.

Our bill makes it a smart business decision for small business owners to offer retirement plans.

I have made it my priority to work with members of the small business community, both back in Montana and nationally, to identify legislative solutions that will most readily enable small businesses to offer pension plans to their employees. While this bill does not include every recommendation we received, it does represent a collection of high-priority proposals which we believe could be supported by a bi-partisan majority of Congress.

The major provisions in this bill which would help small businesses start and maintain pension plans include the following:

To help make pension plans more affordable we have included two new tax credits: one to help defray start-up costs and the other to defray the cost of employer contributions to pension plans;

In addition, we provide for the elimination of some fees.

To address the problems the small business community has identified as a major impediment to establishing pension plans, we make significant changes in the top-heavy rules that limit employer contributions to plans.

To address concerns of our smallest businesses, who want to provide pensions but can only afford 'start-up' plans at first, we provide increases in income limits that apply to SIMPLE pension plans, along with a new, salary-reduction SIMPLE plan;

And for those employers that want to provide the security of a defined benefit plan for their employees but cannot because of the increased regulatory burden, we create a simplified defined benefit plan for small business.

These provisions are designed to address the problems of cost and complexity that are a barrier to so many small businesses. They will help small employers establish a pattern of saving for themselves and their employees.

Mr. President, I hope the Pension Coverage and Portability Act will spearhead a national debate on how to improve employer-provided pensions in this country.

This debate is essential if we are to achieve our goal of making America in the next century, not only strong as a nation, but strong as a community of individuals confident in the security of their financial futures.

This is a good, bi-partisan bill. It takes the positive steps we as a nation need to put our future in safe hands.

I am eager for the coming debate on this bill.

I hope it sparks a debate in the coffee shops and kitchen tables all across the country. Working together, and with this bill, we can turn a nation of spenders, into a nation of savers.•

NATIONAL SCHOOL VIOLENCE VICTIMS MEMORIAL DAY

• Mr. FITZGERALD. Mr. President, school violence is a horrible, senseless tragedy that must not continue. Last year's horrific shootings in Jonesboro, AR; Pakucah, KY; Pearl, MS; Richmond, VA; and Edinboro, PA, were meaningless acts of violence and should never have occurred. That's why I wholeheartedly support and have cosponsored National School Violence Victims Memorial Day. This important resolution recognizes victims of school violence and encourages school administrators to conduct programs on March 24 designed to help prevent further occurrences of school violence.

Mr. President, the statistics on school violence are truly frightening. According to the National School Safety Center, there have been 225 school-associated violent deaths between July 1992 and June 1998. What is going on in our classrooms that our Nation's youth feel like the only way to resolve problems is through a gun? This resolution recognizes victims of school violence and says to our children, that there is a better way to resolve problems. By focusing community efforts on teaching students peaceful alternatives to conflict, we can equip our children to stop violent tendencies before they get out of control. This resolution is a step in the right direction and I urge my colleagues to put partisan politics aside and join me in encouraging local school districts and administrators to use their resources on violence prevention programs. All of us—teachers, administrators, parents—must work together to show our children peaceful alternatives before violence erupts in our schools again.•

ADMINISTRATION LETTER REGARDING STEEL IMPORTS

• Mr. MOYNIHAN. Mr. President, at the request of the Administration, I ask unanimous consent that a letter received today from Secretary of Commerce William M. Daley and U.S. Trade Representative Charlene Barshefsky be printed in the RECORD.

The letter follows:

SECRETARY OF COMMERCE,
Washington, DC, March 25, 1999.

Hon. DANIEL PATRICK MOYNIHAN,
Ranking Member, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: Following up on our testimony at Tuesday's Senate Finance hearing on steel issues, we wanted to apprise you of the most recent developments in our steel policy and the effect on the steel industry. The President and the Vice President are deeply concerned about the impact on our steelworkers, communities, and companies of the recent surge in steel imports, and they are fully and actively committed to effectively addressing it. They are determined to maintain the United States' strong manufacturing base and the good jobs it provides by ensuring that our trading partners play by the rules governing international trade.

This Administration has implemented a comprehensive strategy that combines full and timely enforcement of our trade laws, expedited administrative action, and intensified engagement with major foreign steel producing nations to address unfair trade practices injuring our steel industry and its workers.

The import numbers for the past three months demonstrate clearly that our strategy is producing results. The preliminary data for February, released earlier today by the Commerce Department, show that total steel imports in February were 45 percent below November 1998 levels—and reached the second lowest monthly level since April 1996. Imports of hot-rolled steel have dropped 81 percent since November. We will work to sustain the positive trends of the past three months are sustained.

Our strategy has focused on Japan, Russia, and Korea, which together accounted for 80 percent of the surge in steel imports last year. Through strong public and private statements by the President and other senior Administration officials, we have put Japan on notice that we expect its imports to reach pre-crisis levels, or we stand ready to take appropriate action under our trade laws, including self-initiation of trade cases. We have, in addition, negotiated agreements with Russia that will reduce our overall steel imports from Russia by almost 70 percent, and hot-rolled steel imports from Russia by almost 90 percent this year. We have sought firm commitments from Korea to ensure that its steel industry is fully privatized and placed on a market footing, including through the elimination of improper subsidies.

The declines in imports from these countries since November have been dramatic. Hot-rolled exports from Russia fell from over 600,000 metric tons in November to roughly ten tons in February—a nearly 100 percent decline. Imports of hot-rolled steel from Japan fell in that period from over 400,000 tons to less than 5000 tons—a nearly 99 percent drop. Hot-rolled imports from Korea dropped 35 percent since November, while total steel imports from Korea are down 17 percent. And total steel imports from Brazil, which, along with those from Russia and Japan, are subject to an ongoing antidumping investigation, have dropped 64 percent since November.

The Department of Commerce has taken forceful steps to eliminate dumping, including issuing critical circumstances determinations only 45 days after initiating dumping investigations on hot-rolled steel, a policy that could result in retroactive application of dumping duties back to last November. Last month, following an expedited investigation, Commerce announced—a full month ahead of the usual time schedule—preliminary determinations that exporters in Japan, Russia and Brazil have dumped hot-rolled steel into our market. The Commerce Department is currently enforcing more than 100 antidumping and countervailing duty orders and suspension agreements on steel products and is currently conducting 45 new steel investigations.

We will continue to closely monitor steel imports, and—in an unprecedented new policy—have made preliminary steel import statistics available to the public up to 25 days earlier than under past practice. This will help the Administration, industry, and workers identify and respond to import trends more quickly.

At the same time, last year's import surge demonstrated that we need to look closely at our trade laws to ensure that they deliver strong, effective relief in an expeditious manner, while remaining consistent with our international trade obligations. We believe the legislation introduced in the House by Congressman Levin and Houghton constitutes a constructive approach, and we stand ready to work with Members of Congress to develop a bill we can recommend that the President sign.

In contrast, we strongly oppose legislation mandating quotas because it would constitute a violation of our international obligations under the World Trade Organization (WTO) and would not be in our nation's economic interest. We are the world's largest exporter, and our firms and workers benefit tremendously from the international trading rules we helped put into place. Quotas or other import restraints imposed outside of WTO-consistent processes contained our trade laws (such as through our "section 201" safeguards law or antidumping and countervailing duty laws) violate our international trade obligations. Such quotas or import restraints would not be based on a determination of whether the imports are causing or threatening serious injury, or whether unfair trade or subsidization is involved, as required by the WTO and our laws.

Our current trade laws allow U.S. industry and workers to seek such determinations, based upon which we can impose quotas or other trade remedies consistent with our international trade obligations. In addition, when the procedures provided by our trade laws are followed, we can take into account the full range of U.S. industry and worker concerns and fashion remedies that do not result in additional market distortions, import shortages, excessive price hikes or retaliation that could harm U.S. export industries and customers.

This Administration firmly believes that the best way to address unfair trade practices or import surges is through vigorous and timely enforcement and use of strong U.S. trade laws that are consistent with our international obligations, and we and our colleagues stand ready to work with you to ensure that objective is fully realized.

Sincerely,

WILLIAM M. DALEY,
Secretary of Commerce.
CHARLENE BARSHEFSKY,
U.S. Trade Representative.●

RULES OF PROCEDURE OF THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

● Mr. BENNETT. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD of the first year of each Congress. The rules adopted by the Special Committee on the Year 2000 Technology Problem to govern the Committee's procedures remain in effect and unchanged for the current Congress. Consistent with Standing Rule XXVI, today I am submitting for printing in the RECORD a copy of the Rules of the Senate Special Committee on the Year 2000 Technology Problem.

The Rules follow:

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

(S. Res. 208, 105th Cong., 2nd Sess. (1998))

RULES OF PROCEDURE

(Adopted March 25, 1999)

I. CONVENING OF MEETINGS AND HEARINGS

1. *Meetings.*—The Committee shall meet to conduct Committee business at the call of the Chairman.

2. *Special meetings.*—The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

3. *Notice and agenda:*

(a) *Hearings.*—The Committee shall make public announcement of the date, place, and subject matter of any hearing at least 1 week before its commencement.

(b) *Meetings.*—The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) *Shortened notice.*—A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Vice Chairman, determines that there is good cause to begin the hearing or meeting on an expedited basis. An agenda will be furnished prior to such a meeting.

4. *Presiding officer.*—The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking Majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. *Procedure.*—All meetings and hearings shall be open to the public unless closed pursuant to paragraph 3 of this section. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. *Witness request.*—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. *Closed session subjects.*—A meeting or hearing or portion thereof may be closed if the matters are consistent with Senate Rule XXVI (5)(b).

4. *Confidential matter.*—No record made of a closed session, or material declared confidential by the Chairman and Vice Chairman, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Vice Chairman.

5. *Radio, television, and photography.*—The Committee may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television, or both, subject to such conditions as the Committee may impose.

III. QUORUMS AND VOTING

1. *Reporting.*—A majority of voting members shall constitute a quorum for reporting a resolution, recommendation, or report to the Senate.

2. *Committee business.*—Three voting members shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. *Polling:*

(a) *Subjects.*—The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) authorizing subpoenas; and (3) other Committee business which has been designated for polling at a meeting.

(b) *Procedure.*—The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. SUBPOENAS

1. *Subpoenas.*—Subpoenas may be authorized by the Committee at a meeting of the Committee or pursuant to Rule III.3(a). Subpoenas authorized by the Committee may be issued over the signature of the Chairman after consultation with the Vice Chairman, or any member of the special committee designated by the Chairman after consultation with the Vice Chairman, and may be served by any person designated by the Chairman or the member signing the subpoena.

V. HEARINGS

1. *Notice.*—Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least 48 hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. *Oath.*—All witnesses who testify to matters of fact shall be sworn. The Chairman or any Member may administer the oath.

3. *Statement.*—Any witness desiring to make an introductory statement shall file 50 copies of such statement with the clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and Vice Chairman determine that there is good cause for a witness's failure to do so.

4. *Counsel:*

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing, or staff interview to advise the witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not associated with the government, corporation, or association.

(b) A witness who is unable for economic reasons to obtain counsel may inform the Committee of this circumstance at least 48 hours prior to his appearance, and the Committee will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel shall not excuse the witness from appearing and testifying.

5. *Transcript.*—An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting the transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact. The Chairman or a designated staff officer shall rule on such requests.

6. *Minority witnesses.*—Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing.

7. *Conduct of witnesses, counsel and members of the audience.*—If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative, or any law enforcement official to eject said person from the hearing room.

VI. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, by a majority vote of the Committee, provided that no less than 3 days notice of the amendments or revisions proposed was provided to all members of the committee.

JURISDICTION AND AUTHORITY

(a)(1) There is established a Special Committee on the Year 2000 Technology Problem (hereafter in this section referred to as the "Special Committee") which shall consist of seven voting Members and two non-voting, ex-officio Members. The two non-voting, ex-officio Members shall be the Chairman and the ranking minority Member of the Appropriations Committee. The Members and Chairman of the Special Committee shall be appointed in the same manner and at the same time as the Members and Chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the Special Committee are initially appointed, but not before the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the Special Committee, it shall be filled in the same manner as original appointments to it are made.

(2) For purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1 and 4 rule XXVII of the Standing Rules of the Senate; and for purposes of section 72a (i) and (j), title 2, USCA, the Special Committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the Special Committee to study the impact of the year 2000 technology problem on the Executive and Judicial Branches of the Federal Government, State governments, and private sector operations in the United States and abroad; to make such findings of fact as are warranted and appropriate; and to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the Special Committee may determine to be necessary or desirable. No proposed legislation shall be referred to the Special Committee, and the Special Committee shall not have the power to report by bill, or otherwise have legislative jurisdiction.

(2) The Special Committee shall, from time to time, report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendations as the Special Committee considers appropriate.

(c)(1) For the purposes of this section, the Special Committee is authorized, in its discretion; (A) to make expenditures from the contingent fund of the Senate; (B) to employ personnel; (C) to hold hearings on any matter; (D) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate; (E) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents; (F) to take depositions and other testimony; (G) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and (H) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a non-reimbursable basis the services of personnel of any such department or agency.

(2) The Chairman of the Special Committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the Special Committee may be issued over the signature of the Chairman after consultation with the Vice Chairman, or any Member of the Special Committee designated by the Chairman after consultation with the Vice Chairman, and may be served by any person designated by the Chairman or the Member signing the subpoena.

EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV—STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

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RULE XXVI—COMMITTEE PROCEDURE

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3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the

requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

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5. (a) * * *

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(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

* * *

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

* * *

9. (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may—

(1) direct each committee to report an authorization resolution for a two-year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one-year or two-year budget period.

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RULE XXVII—COMMITTEE STAFF

1. Staff members appointed to assist minority members of committees pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

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4. No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration.

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UNITED STATES CODE ANNOTATED

TITLE 2.—THE CONGRESS

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§ 72a. Committee staffs

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(i) Consultants for Senate and House standing committees; procurement of temporary or intermittent services; contracts; advertisement requirements inapplicable; selection method; qualifications report to Congressional committees

(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Oversight in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction or with respect to the administration of the affairs of the committee.

(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee. Such contracts shall not be subject to the provisions of section 5 of title 41 or any other provision of law requiring advertising.

(3) With respect to the standing committees of the Senate, any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. With respect to the standing committees of the House of Representatives, the standing committee concerned shall select any such consultant or organization. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Oversight in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

(j) Specialized training for professional staffs of Senate and House standing committees, Senate Appropriations Committee, Senate Majority and Minority Policy Committees, and joint committees whose funding is disbursed by Secretary of Senate or Chief Administrative Officer of House; assistance: pay, tuition, etc. while training; continued employment agreement; service credit: retirement, life insurance and health insurance

(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the committee involved in the case of standing committees of the House of Representatives, and within the limits of funds made available

from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions, which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities. Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate or by the Chief Administrative Officer of the House of Representatives, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee.

(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the committee as the committee may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service (in nonpay status) as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5,

(B) chapter 87 (relating to Federal employees group life insurance) of title 5, and

(C) chapter 89 (relating to Federal employees group health insurance) of title 5.●

UNACCEPTABLE AND OUTRAGEOUS CUTS TO THE FOREIGN AFFAIRS BUDGET

● Mrs. BOXER. Mr. President, I am very concerned about the drastic cuts the Republican budget makes to our foreign affairs budget. In his budget request, President Clinton asked for $21.3 billion in funding for foreign affairs. The budget before us cuts $3.2 billion from that request.

U.S. leadership around the world requires adequate resources both for embassy security and for international programs. As a member of the Foreign Relations Committee and the Ranking Member of the International Operations Subcommittee, I have heard many times that our embassies abroad are in dire need of security upgrades.

We should not forget the terrible tragedy that took place last year when over 100 people died in the embassy bombings in Nairobi, Kenya and Dar es Salaam, Tanzania. It was a stark reminder that the men and women who conduct our diplomacy abroad put their lives on the line to promote U.S. interests throughout the world. We have the obligation to ensure their safety in every way possible.

These cuts to the State Department budget are so deep that Secretary Albright called them "outrageous and unacceptable."

Let me outline some of the important programs that will have to be eliminated from the budget under the Republican budget. A $24 million antinarcotics initiative and programs to fight money laundering and trafficking in women could not be realized. The new Expanded Threat Reduction Program to reduce the proliferation of weapons of mass destruction in the former Soviet Union could not be implemented. And, the U.S. request of $500 million to support the Wye Implementation accord would not be achievable under the Senate Budget Resolution.

I cannot believe that my colleagues would chose to undermine our efforts to fight the international war on drugs, control the proliferation of nuclear weapons, and support the peace process in the Middle East, in Ireland and in Bosnia.

We live in a very dangerous world, and this budget puts us at greater risk. We must find the resources to fix this problem and properly fund the international affairs budget.●

FLEXIBILITY IN EDUCATION

● Mr. ABRAHAM. Mr. President, I rise to support the Education Flexibility Act. This legislation will address our continuing problem in education policy: too many Washington-knows-best policies and red-tape getting in the way of States and local districts as they attempt to address their unique educational needs.

Mr. President, over the past 16 years the Education Department has spent more than $175 billion on education programs. Yet achievement scores continue to stagnate and more young people than ever are dropping out of school. One crucial reason for this failure of Federal programs has been the enormous burden of Washington strings and mandates on the States and local school districts.

While the Federal Government provides only 7 percent of total spending on education, Washington demands 50 percent of the paperwork filled out by local school districts. That is wrong. It is inefficient, it is unfair and it is not the way to improve our children's education.

And this is why I support the Education Flexibility Act. This bill would give every State a chance to waive many of the cumbersome rules, regulations, and red-tape often associated with education programs run by Washington.

The State of Michigan currently enjoys the benefits of the Ed-Flex program. In applying for its Ed-Flex waiver, Michigan streamlined several of its State regulations. Further, the very process of seeking waivers has brought Michiganians together to improve education. A working group of State and local officials, school board members, parents and principals was put together in Michigan to determine the best way to streamline regulations and deliver education services.

I believe this legislation is moving in the right direction, and would like to see it move even further. I believe Congress should be even more flexible in new authorizations and appropriations. Communities are different and have different needs. Local school districts need to have more options on how to spend Federal education dollars. While some schools may need to hire additional teachers, other school districts may need to implement a summer school program or a literacy program. The point is, schools should have the flexibility and the resources to meet the specific needs of their students.

A number of amendments have been offered during debate on this bill. My general view is that to offer new authorizations for additional Washington-based programs is moving in the exact opposite direction of the intent of this bill. This bill seeks to free up local education agencies from the Federal bureaucracies administering programs not to add to them. To the extent that these issues have been raised, I have supported the notion that we should first meet our current fiscal obligation to IDEA in addition to giving State and local education agencies flexibility in administering Federal education resources. I look forward to a fuller discussion of these issues in the proper context of the reauthorization of the Elementary and Secondary Education Act.

There has been a great deal of debate about the need to fully fund the Individuals with Disabilities Education Act provisions affecting education. I believe that this raises an important point, particularly given the President's calls for new Federal programs such as his request for 100,000 new teachers, money for which would then compete with IDEA appropriations.

For years now parents and local schools have been expressing concern over the rising costs of education for children with special needs. The Federal Government has made a strong commitment to the education needs of disabled children in every way, with one telling exception: it has not lived up to its promise to provide its share of the funds necessary to educate these children. The result has been an increased burden on local school districts, which must make a choice between hiring a new teacher or paying the Federal Government's share of the IDEA bill.

Under the Republican Congress, funding for IDEA has increased significantly. Unfortunately, it is still not adequate to meet the costs imposed by federal mandates. I believe we have an obligation to do more to meet these previous commitments before we create new programs and start spending on them money which could go to fulfill our IDEA promise. Moreover, if Congress would actually meet the federal government's obligation to pay 40 percent of the costs for educating special needs children, it would free up millions for schools to spend meeting other specific, local education needs.

For example, my state receives approximately $73 million from the federal government for the educational needs of disabled children. If the 40 percent mandate was reached, my state would receive $378 million. By meeting the federal government's obligation to current programs, my state would have $305 million per year more (or one-quarter of the amount appropriated for the new teacher program last year) to be used for whatever needs local school districts might have—including hiring more teachers, after-school programs, or tutoring programs.

Mr. President, I recently asked a school district in my state what kind of difference fully funding IDEA could make to them. Here is what I found: If the federal government met its obligation in funding IDEA in the Oakland School District, that district would have $60 million more to spend on educating their students.

I think we can all agree on our commitment to elementary and secondary education. The main point of disagreement is over how to deliver federal resources to schools. I suggest that by freeing local school districts of regulations and redtape and by giving them more flexibility in how they administer federal resources, we can free local schools to do what they do best: educate our children.

Education flexibility is not the answer to all our educational problems. But I submit that it provides the best means available to get at those answers: allowing the parents, teachers, and local officials in a position to know what their students need to make the important decisions involved in setting education priorities.

This is a crucial piece of legislation, Mr. President, and I am proud to lend my full support behind this bill.•

COMPREHENSIVE BORDER PROTECTION ACT OF 1999

• Mr. GRAHAM. Mr. President, I rise today in support of the Comprehensive Border Protection Act of 1999 which Senator GRASSLEY and I introduced on March 23, 1999. This bill enhances our efforts to secure our borders by providing the U.S. Customs Service with the necessary funding it requires to perform the multi faceted functions of drug interdiction, trade facilitation, and international passenger and cargo inspection services. The bill also addresses the concerns that I, as well as many of my colleagues, have regarding the U.S. Customs Service and its ability to efficiently and effectively: Determine enforcement and trade facilitation goals, objectives, and priorities; allocate assets and resources in response to changing threats and needs; address employee misconduct and integrity concerns; and ensure full participation in a comprehensive strategy to combat international drug trafficking and money laundering.

Combating international drug trafficking is critical to our national security. While we have experienced some success in our counter drug operations along the Southwest border, there are undeniable signs that drug traffickers are adapting to our law enforcement efforts.

During the 1980s, as our law enforcement presence increased along the Florida coast, drug traffickers responded by relocating their operations to the Southwest border. Reacting to this change, we abandoned Customs marine operations in Florida and intensified our efforts along the United States-Mexico border. Now, drug traffickers have renewed the use of established smuggling routes in the Caribbean and off the coast of Florida to surreptitiously import their destructive cargo into the United States.

During fiscal year 1998, Customs cocaine seizures in my home State of Florida totaled 69,479 pounds, a 23 percent increase over 1997 seizures. Drug related deaths in Florida also increased as more and more of our young adults experimented with heroin—the most pure heroin we have ever encountered; heroin so pure it can be smoked, rather than injected into a vein with a syringe.

An effective U.S. drug enforcement strategy must be proactive, including an intensified interdiction effort that exploits the inherent vulnerabilities of transporting drugs into the United States by air, land and sea. As one of our primary interdiction agencies, Customs must have the necessary assets and resources to meet its interdiction responsibilities.

Interdiction, however, is but one part of a successful drug enforcement strategy. Our strategy must also emphasize fundamental investigative work required to identify, infiltrate, disrupt and dismantle drug smuggling and money laundering organizations. To perform its investigative responsibilities, Customs must have the appropriate funding to sustain an experienced work force of inspectors and agents dedicated to drug enforcement operations. These inspectors and agents must be assigned to the most vulnerable and critical locations where illegal shipments of drugs enter the United States—our border with Mexico, as well as Florida and the Gulf Coast.

Our counter drug strategy must also recognize the importance of, and be sensitive to, the needs of the international trade community. Enhancing and facilitating open trade is essential to our economic health. To sustain U.S. economic growth, we must maintain the free flow of trade across our borders, while remaining vigilant to ensure that our open borders are not exploited by those who would use legitimate commerce to conceal their illegal activities.

Over the past few years, U.S. seaports and airports have benefitted from the increasing growth of international commerce. During 1998, international traffic at Florida ports increased approximately 17.9 percent. In response to the increase in international passenger and cargo arrivals, a number of new cruise ship terminals, container freight stations and passenger inspection facilities have been constructed and expanded. Additionally, operations in free trade zones and bonded warehouses have increased. However, in the face of this growth, I am concerned that Customs have been unable to adequately respond through the reallocation of personnel and funding.

We must ensure that Customs, in response to growth and change in international commerce, is prepared to review its resource allocation process on a regular basis. Customs must be able to shift both personnel and funding as threat and need dictate. States, such as Florida, that depend on the presence of Customs personnel to facilitate international trade, must be assured that sufficient Customs assets are in place to inspect and process both international passengers and cargo as they arrive in our seaports and airports.

The Comprehensive Border Protection Act of 1999 establishes a more accountable Customs Service by requiring Customs to report to this body, no later than 120 days after this legislation is enacted, on the methods utilized to identify enforcement priorities and trade facilitation objectives. This legislation requires that Customs establish performance standards and objectives against which we may evaluate the progress toward the goals identified in the customs annual plan. This legislation is a significant step toward giving customs the ability and authority to reallocate resources in order to meet enforcement demands and commercial operations needs.

The bill also directs Customs to develop and implement an accountability model to address violations of administrative policies and procedures, as well as allegations of corruption. The purpose of this provision is to ensure employee misconduct at the Customs Service is addressed in an efficient, effective and equitable manner. It is essential to the credibility of the agency that Customs address allegations of employee misconduct without unnecessary delay.●

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

● Mr. WARNER. Mr. President, I ask that the Rules of Procedure for the Committee on Armed Services be printed in the Record.

The rules follow:

COMMITTEE ON ARMED SERVICES

RULES OF PROCEDURE

1. Regular Meeting Day.—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman directs otherwise.

2. Additional Meetings.—The Chairman may call such additional meetings as he deems necessary.

3. Special Meetings.—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. Open Meetings.—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer.—The Chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by a majority vote the Committee provides otherwise.

6. Quorum.—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the Committee shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Proxy must be given in writing.

8. Announcement of Votes.—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The chairman may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. Subpoenas.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings.—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the chairman and the ranking minority member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. Nominations.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. Real Property Transactions.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy,and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. Legislative Calendar.—(a) The clerk of the Committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. Powers and Duties of Subcommittees.—Each subcommittee is authorized to

meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.●

IN SUPPORT OF THE COMPREHENSIVE BORDER PROTECTION ACT

● **Mr. MOYNIHAN.** Mr. President, I rise today to support the Comprehensive Border Protection Act, a bill that addresses the urgent need for increased Customs inspectors and technology along the U.S.-Canadian border.

Every day, the U.S. Customs Service must meet the dual challenges of enforcing our trade laws and easing the flow of goods across our borders. Customs carries out this mission at 83 ports-of-entry along the U.S.-Canada border, the world's longest undefended border—some 5,500 miles.

The resources, however, that we have provided to the Customs Service to process traffic and trade across this border are woefully deficient. In a hearing before the Senate Finance Committee in September 1998, we learned that the current number of authorized Customs inspectors working on the northern border remains essentially the same as it was in 1980, despite the fact that the number of commercial entries they must process has increased sixfold since then, from 1 million to 6 million per year. The increased workload reflects of course the tremendous growth in U.S.-Canada trade: two-way trade in 1988, the year before the U.S.-Canada Free Trade Agreement entered into force, was $194 billion. In 1998, our two-way merchandise trade with Canada reached $331 billion, nearly $1 billion a day. Over one-quarter of our total imports from Canada enter the U.S. through three New York ports-of-entry—Buffalo, Champlain, and Alexandria Bay.

This bill aims to correct these problems by authorizing the additional people and technology necessary to handle the increase in trade and traffic between the United States and Canada. In particular, this bill authorizes 375 additional "primary lane" inspectors and 125 new cargo inspectors for the northern border, as well as 40 special agents and 10 intelligence agents. The bill also authorizes $26.58 million for equipment and technology for the northern border.

The resources available to the Customs Service over the last decade have simply not kept pace with this enormous growth in workload. As trade continues to grow, the day will come when our ports simply will not be able to bear that load, unless we ensure that adequate staffing and equipment are in place.●

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The text of S. 544, the Emergency Supplemental Appropriations Act for Fiscal Year 1999, as passed by the Senate on March 23, 1999, follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

For emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a), $25,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $25,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For an additional amount to carry out the agricultural marketing assistance program under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), $200,000, and the rural business enterprise grant program under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)), $500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $150,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $150,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $42,753,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $550,000,000, of which $350,000,000 shall be for guaranteed loans; operating loans, $370,000,000, of which $185,000,000 shall be for subsidized guaranteed loans; and for emergency insured loans, $175,000,000 to meet the needs resulting from natural disasters.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: farm ownership loans, $35,505,000, of which $5,565,000 shall be for guaranteed loans; operating loans, $28,804,000, of which $16,169,000 shall be for subsidized guaranteed loans; and for emergency insured loans, $41,300,000 to meet the needs resulting from natural disasters; and for additional administrative expenses to carry out the direct and guaranteed loan programs, $4,000,000: *Provided*, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program" for expenses resulting from natural disasters, $30,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COMMODITY CREDIT CORPORATION FUND

LIVESTOCK INDEMNITY PROGRAM

An amount of $3,000,000 is provided to implement a livestock indemnity program as established in Public Law 105–18: *Provided*, That the entire amount shall be available only to the extent an official budget request for $3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from natural disasters, $100,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $100,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the costs of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, $30,000,000, of which $25,000,000 shall be for grants under such program: *Provided*, That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund to meet needs resulting from natural disasters, as follows: $10,000,000 for loans to section 502 borrowers, as determined by the Secretary; and $1,000,000 for section 504 housing repair loans.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, $1,534,000, as follows: section 502 loans, $1,182,000; and section 504 housing repair loans, $352,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $1,534,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for grants for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet needs resulting from natural disasters, $1,000,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $1,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1101. The Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any 1 agricultural commodity or product thereof.

SEC. 1102. CROP LOSS ASSISTANCE. (a) IN GENERAL.—Section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (section 101(a) of division A of Public Law 105-277), is amended—

(1) in subsection (a), by inserting "(not later than June 15, 1999)" after "made available"; and

(2) in subsection (g)(1), by inserting "or private crop insurance (including a rain and hail policy)" before the period at the end.

(b) DESIGNATION AS EMERGENCY REQUIREMENT.—Such sums as are necessary to carry out the amendments made by subsection (a): *Provided*, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

SEC. 1103. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out any conservation or environmental program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for $28,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1104. Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, shall be provided by the Secretary of the Agriculture directly to any State determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such State shall disburse the funds to individuals with family incomes below the Federal poverty level who have been adversely affected by the commercial fishery failure or failures: *Provided*, That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

SEC. 1105. (a) For an additional amount for the Livestock Assistance Program under Public Law 105-277, $70,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

(b) An additional amount of $250,000,000 is rescinded as provided in section 3002 of this Act.

SEC. 1106. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS. (a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as "CRCPLUS") for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

CHAPTER 2

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY DISASTER RECOVERY FUND

(INCLUDING TRANSFERS OF FUNDS)

Notwithstanding section 10 of Public Law 91-672, for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, $611,000,000, to remain available until September 30, 2000: *Provided*, That the funds appropriated under this heading shall be subject to the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and, except for section 558, the provisions of title V of the Foreign Operations, Export Financing, and Related Programs Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)): *Provided further*, That such assistance may be made available notwithstanding such provisions of law regulating the making, performance, amendment, or modification of contracts as the Administrator of the United States Agency for International Development (USAID) may specify: *Provided further*, That at least five days prior to any use of the authority in the preceding proviso the Administrator of USAID shall report in writing to the Committees on Appropriations of his intent to exercise such authority: *Provided further*, That up to $6,000,000 of the funds appropriated by this paragraph may be transferred to "Operating Expenses of the Agency for International Development", to remain available until September 30, 2000, to be used for administrative costs of USAID in addressing the effects of those hurricanes, of which up to $1,000,000 may be used to contract directly for the personal services of individuals in the United States: *Provided further*, That of the funds made available under this heading, not less than $2,000,000 should be made available to support the clearance of landmines and other unexploded ordnance in Nicaragua and Honduras: *Provided further*, That, of the amount appropriated under this heading, up to $10,000,000 may be made available to establish and support a scholarship fund for qualified low-to-middle income students to attend Zamorano Agricultural University in Honduras: *Provided further*, That up to $1,500,000 of the funds appropriated by this heading may be transferred to "Operating Expenses of the Agency for International Development, Office of Inspector General", to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of funds appropriated by this heading: *Provided further*, That $500,000 of the funds appropriated by this heading shall be made available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this heading: *Provided further*, That any funds appropriated by this heading that are made available for nonproject assistance shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations and to the notification procedures relating to the reprogramming of funds under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1): *Provided further*, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $611,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Agency for International Development should undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage, and to promote energy conservation through the use of renewable energy and energy-efficient services and technologies: *Provided further*, That reforestation and energy initiatives under this heading should be integrated with other sustainable development efforts: *Provided further*, That of the funds made available under this heading, up to $10,000,000 may be used to build permanent single family housing for those who are homeless as a result of the effects of hurricanes in Central America and the Caribbean.

INTERNATIONAL DISASTER ASSISTANCE

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "International Disaster Assistance" for necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance, pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $35,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to enable the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, in addition to amounts otherwise available for such purposes: to provide assistance to Jordan, $50,000,000, to remain available until September 30, 2001: *Provided*, That the entire amount made available for fiscal year 1999 herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out section 23 of the Arms Export Control Act, in addition to amounts otherwise available for such purposes, $50,000,000, to become available upon enactment of this Act and to remain available until September 30, 2001, which shall be for grants only for Jordan: *Provided*, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23(b) and section 23(c) of the Arms Export Control Act: *Provided further*, That the entire amount made available for fiscal year 1999 herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

Notwithstanding section 10 of Public Law 91–672, for an additional amount for "Debt Restructuring", $41,000,000, to remain available until expended and subject to the terms and conditions under the same heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as included in Public Law 105–277, section 101(d): *Provided*, That up to $25,000,000 may be used for a contribution to the Central America Emergency Trust Fund, administered by the International Bank for Reconstruction and Development: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. The value of articles, services, and military education and training authorized as of November 15, 1998, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $12,612,000, to remain available until expended, to repair damage due to rain, winds, ice, snow, and other acts of nature, and to replace and repair power generation equipment: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER RELATED AGENCY

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For an additional amount for "Holocaust Memorial Council", $2,000,000, to remain available until expended, for the Holocaust Museum to address security needs: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 4

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER ASSISTANCE FOR UNMET NEEDS

For "Disaster Assistance for Unmet Needs", $313,600,000, which shall remain available until September 30, 2001, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, buyout assistance, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal years 1998 and 1999, only to the extent those activities are not reimbursable by or for which funds are not made available by the Federal Emergency Management Agency (under its "Disaster Relief" program), the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: *Provided further*, That each State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading: *Provided further*, That the Director shall allocate these funds based on the unmet needs arising from a Presidentially-declared disaster as identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs and for which it is deemed appropriate to supplement the efforts and available resources of States, local governments and disaster relief organizations: *Provided further*, That the Director shall establish review groups within FEMA to review each request by a State of its unmet needs and certify as to the actual costs associated with the unmet needs as well as the commitment and ability of each state to provide its match requirement: *Provided further*, That the Director shall implement all mitigation and buyout efforts in a manner consistent with the requirements of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Director shall publish a notice in the Federal Register governing the allocation and use of the funds under this heading, including provisions for ensuring the compliance of the states with the requirements of this program: *Provided further*, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations, setting forth the proposed uses of funds and the most recent estimates of unmet needs: *Provided further*, That the Director shall submit quarterly reports to the Committees regarding the actual projects and needs for which funds have been provided under this heading: *Provided further*, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and any rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION, THIS TITLE

SEC. 1401. EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This section may be cited as the "Emergency Steel Loan Guarantee Act of 1999".

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the U.S. steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Board" means the Loan Guarantee Board established under subsection (e);

(2) the term "Program" means the Emergency Steel Guaranteed Loan Program established under subsection (d); and

(3) the term "qualified steel company" means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, after January 1, 1998.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEED LOAN PROGRAM.—There is established the Emergency Steel Guaranteed Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce, who shall serve as Chairman of the Board;

(2) the Secretary of Labor; and

(3) the Secretary of the Treasury.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section may not exceed $1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed $250,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $25,000,000 may be guaranteed under this section.

(5) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(6) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan; and

(4) the company has agreed to an audit by the General Accounting Office, prior to the issuance of the loan guarantee and annually while any such guaranteed loan is outstanding.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to the Congress annually, a full report of the activities of the Board under this section during fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(l) REGULATORY ACTION.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to the Congress.

SEC. 1402. PETROLEUM DEVELOPMENT MANAGEMENT. (a) SHORT TITLE.—This section may be cited as the "Emergency Oil and Gas Guaranteed Loan Program Act".

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term "Program" means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term "qualified oil and gas company" means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their byproducts as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section shall not exceed $500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed $10,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $250,000 may be guaranteed under this section.

(5) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to the Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to the Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

SEC. 1403. DEDUCTION FOR OIL AND GAS PRODUCTION. (a) DEDUCTION.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

(1) increase oil or gas production from existing wells on public land;

(2) drill new oil or gas wells on existing leases on public land; or

(3) explore for oil or gas on public land.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "lessee" means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

(2) the term "public land" has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

(3) the term "qualifying well" means any well for the production of natural gas, crude oil, or both that is on public land and—

(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

(c) SUNSET.—The Secretary of the Interior shall not allow a deduction under this section after—

(1) September 30, 2000;

(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude

oil on the New York Mercantile Exchange closes above $18 per barrel; or

(3) lessees have deducted a total of $123,000,000 under this section—

whichever occurs first.

(d) Administrative Costs.—For necessary expenses of the Department of the Interior under this section, $2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

(e) Emergency Designation.—The entire amount made available to carry out this section—

(1) shall be available only to the extent an official budget request for $125,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress; and

(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

(f) Additional Amount.—An additional amount of $125,000,000 is rescinded as provided in section 3002 of this Act.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for "Salaries and Expenses, Enforcement and Border Affairs" to support increased detention requirements for criminal and illegal aliens, $80,000,000, which shall remain available until September 30, 2000.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For the necessary expenses of additional research, management, and enforcement activities in the Northeast Multispecies fishery, and for the acquisition of shoreline data for nautical charts, $3,880,000, to remain available until expended: *Provided*, That from unobligated balances in this account available under the heading "CLIMATE AND GLOBAL CHANGE RESEARCH", $2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105–277.

DEPARTMENT OF STATE

International Narcotics Control and Law Enforcement

For an additional amount for "International Narcotics Control and Law Enforcement", $23,000,000, for additional counterdrug research and development activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

THE JUDICIARY

Supreme Court of the United States

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $921,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $2,900,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $7,300,000.

National Guard Personnel, Air Force

For an additional amount for "National Guard Personnel, Air Force", $1,000,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $50,000,000.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $16,000,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $8,000,000.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,000,000, of which $20,000,000 is available only for the CINC initiative fund.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $20,000,000.

Overseas Humanitarian, Disaster, and Civic Aid

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $37,500,000.

New Horizons Exercise Transfer Fund

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces to participate in the New Horizons Exercise programs to undertake relief, rehabilitation, and restoration operations and training activities in response to disasters within the United States Southern Command area of responsibility; $46,000,000, to remain available for transfer until September 30, 1999: *Provided*, That the Secretary of Defense may transfer these funds to operation and maintenance accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in Public Law 105–262.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 2201. Of the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 1999 (Public Law 105–262) for "Operation and maintenance, defense-wide", up to $8,000,000 may be made available for the award of a grant to a consortium of nonprofit, higher education institutions for the purpose of creating a computer network among such institutions to enhance teaching and learning opportunities in science, technology and communications.

Sec. 2202. (a) United States Military Academy.—Section 4344(b)(3) of title 10, United States Code, is amended by striking "five persons" and inserting "10 persons".

(b) United States Naval Academy.—Section 6957(b)(3) of such title is amended by striking "five persons" and inserting "10 persons".

(c) United States Air Force Academy.—Section 9344(b)(3) of such title is amended by striking "five persons" and inserting "10 persons".

(d) Effective Date.—The amendments made by this section shall apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.

Sec. 2203. (a) Authority To Make Payments.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) Deadline for Exercise of Authority.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) Source of Payments.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) Amount of Payment.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) Treatment of Payments.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) Construction.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

Sec. 2204. Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10, United States Code) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5, United States Code, may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in section 1002(b) of title 37, United States Code.

Sec. 2205. Operational Support Aircraft Multi-Year Leasing Demonstration Project. (a) Authority To Lease.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

(b) Maximum Lease Term for Multi-Year Lease.—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) Commercial Terms.—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a nongovernmental lessor to a nongovernmental lessee.

(d) Termination Payments.—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) Obligation and Expenditure of Funds.—Notwithstanding any other provision of law—

(1) an obligation need not be recorded upon entering into a lease under this section, in order to provide for the payments described in subsection (d); and

(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d), may be made from—

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(f) Other Authority Preserved.—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for "Operation of Indian Programs", $1,136,000, to remain available until expended for suppression of western spruce budworm: *Provided*, That such funds shall be derived by transfer of funds provided in previous appropriations acts under the heading "Forest Service, Wildland Fire Management".

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

Of the funds provided under this heading in prior Appropriations Acts for the Automated Land and Mineral Record System, $1,000,000 shall be available until expended to meet increased workload requirements stemming from the anticipated higher volume of Applications for Permits to Drill in the Powder River Basin: *Provided*, That unless there is an agreement in place between the coal mining operator and the gas producer, the funds made available herein shall not be used to approve Applications for Permits to Drill for well sites that are located within an area covered by: (1) an existing coal lease, or (2) an existing coal mining permit, or (3) an existing Lease by Application for a coal mining lease, or (4) a future Lease by Application for an area adjacent to and within one mile of an area covered by (1), (2), or (3) above. Nothing in this paragraph shall be construed or operate as a restriction on current resources appropriated to the Department of the Interior.

Office of the Special Trustee for American Indians

FEDERAL TRUST PROGRAMS

For an additional amount for "Federal Trust Programs", $6,800,000, to remain available until expended for activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

Bureau of Reclamation

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources" for emergency repairs to the Headgate Rock Hydroelectric Project, $5,000,000 is appropriated pursuant to the Snyder Act (25 U.S.C.), to be expended by the Bureau of Reclamation, to remain available until expended.

DEPARTMENT OF AGRICULTURE

Forest Service

WILDLAND FIRE MANAGEMENT

Of the funds made available under this heading for fire operations in previous Acts of Appropriation (exclusive of amounts for hazardous fuels reduction), $100,000,000 shall be transferred to the Knutson-Vandenberg fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) within 10 days of passage of this Act.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for "general departmental management", $1,400,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

RELATED AGENCY

Corporation for Public Broadcasting

For an additional amount for the Corporation for Public Broadcasting, to remain available until expended, $18,000,000: *Provided*, That such funds be made available to National Public Radio, as the designated manager of the Public Radio Satellite System, for acquisition of satellite capacity.

CHAPTER 5

DEPARTMENT OF DEFENSE

Military Construction, Army National Guard

For an additional amount for "Military Construction, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Georges, $14,500,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 2003.

CHAPTER 6

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development Block Grants

(INCLUDING TRANSFER OF FUNDS)

Of amounts appropriated for fiscal year 1999 for salaries and expenses under the Salaries and Expenses account in title II of Public Law 105–276, $3,400,000 shall be transferred to the Community Development Block Grants account in title II of Public Law 105–276 for grants for service coordinators and congregate services for the elderly and disabled: *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

Management and Administration

OFFICE OF INSPECTOR GENERAL

Under this heading in Public Law 105–276, add the words, "to remain available until September 30, 2000," after "$81,910,000,".

CHAPTER 7

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", $500,000 shall be available for technical assistance related to shoreline erosion at Lake Tahoe, Nevada caused by high lake levels pursuant to section 219 of the Water Resources Development Act of 1992.

CHAPTER 8

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Federal Drug Control Programs

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional $750,000 is appropriated for drug control activities which shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico, and an additional $500,000 is appropriated for national efforts related to methamphetamine reduction efforts.

CHAPTER 9

DEPARTMENT OF STATE RELATED AGENCY

United States Commission on International Religious Freedom

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended: *Provided*, That the amount of the rescission under chapter 2 of title III of this Act under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" is hereby increased by $3,000,000.

GENERAL PROVISIONS, THIS TITLE

Sec. 2301. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended under the heading "Forest Service, Reconstruction and Construction" by inserting before the final period the following: ": *Provided further*, That notwithstanding any other provision of law, funds appropriated for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama, shall be available for a direct payment to Auburn University for this purpose, but no more than $4,000,000 shall be available for such payment prior to October 1, 1999: *Provided further*, That if within the life of the facility the USDA Forest Service needs additional space for collaborative laboratory activities on the Auburn University campus, Auburn University shall provide such laboratory space within the new facility constructed with these funds, free of any charge for rent".

Sec. 2302. None of the funds made available under this or any other Act may be used by the Secretary of the Interior to issue and finalize the rule to revise 43 C.F.R. Part 3809, published on February 9, 1999 at 64 Fed. Reg. 6421 or the Draft Environmental Impact Statement on Surface Management Regulations for Locatable Mineral Operations, published in February, 1999, unless the Secretary has provided a period of not less than 120 days for accepting public comment on the proposed rule after the report of the National Academy of Sciences' Committee on Hardrock Mining on Federal Lands, authorized and required by the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is submitted to the appropriate federal agencies, the Congress, and the Governors of the affected states in accordance with the requirements of that Act.

Sec. 2303. Civil Liberties Public Education Fund. Notwithstanding any other provision of law and in addition to any funds appropriated for this purpose, the Attorney General may transfer from any funds available to the Department of Justice not more than $4,300,000 to the Fund established under the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) for the purpose of paying restitution to individuals (1) who are eligible for restitution under such Act and have filed timely claims for the restitution, or (2) who are found eligible under the settlement agreement in the case of Carmen Mochizuki et al. vs. United States (Case No. 97–294C, United States Court of Federal Claims) and filed timely claims covered by the agreement.

Sec. 2304. Division A, section 101(a), title XI, section 1122(c) is amended by inserting after "basis" ": *Provided*, That no administrative costs shall be charged against this program which would have been incurred otherwise".

Sec. 2305. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes, including a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997) until October 1, 1999, or until there is a negotiated agreement on the rule.

Sec. 2306. Of the $2,200,000 appropriated in Public Law 105–276 in accordance with H.R. Conference Report No. 105–769 to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games shall be awarded to Wasatch County, UT, for both water and sewer.

Sec. 2307. For the remainder of fiscal year 1999, no funds may be used by the Department of the Interior to implement Secretarial Order 3208, issued January 5, 1999, regarding the "Reorganization of the Office of the Special Trustee for American Indians". Fiscal year 1999 funds appropriated for purposes of reforming trust funds management practices shall continue to be administered as if the Order had not been issued.

Sec. 2308. Extension of Airport Improvement Program. (a) Authorization of Appropriations.—Section 48103 of title 49, United States Code, as amended by section 110(b)(1) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by striking "$1,205,000,000" and all that follows through "October 1, 1998"and inserting "$1,607,000,000 for the 8-month period beginning October 1, 1998.".

(b) Obligational Authority.—Section 47104(c) of title 49, United States Code, as amended by section 110(b)(2) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by striking "March 31, 1999" and inserting "May 31, 1999".

(c) Liquidation of Contract Authorization.—The Department of Transportation and Related Agencies Appropriations Act, 1999, as enacted in section 101(g) of Public Law 105–277, is amended as follows: Under the heading "Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)", delete the last proviso, and insert the following in lieu thereof: ": *Provided further*, That not more than $1,300,000,000 of funds limited under this heading may be obligated before the enactment of a bill extending contract authorization for the Grants-in-Aid for airports program beyond May 31, 1999.".

Sec. 2309. (a) Section (a) of section 149, division C of Pubic Law 105–277 is amended by striking "April 1, 1999" and inserting in lieu thereof "September 30, 1999".

(b) Section (b) of section 149, division C of Public Law 105–277 is amended by striking "April 1, 1999" each time it appears and inserting in lieu thereof "September 30, 1999".

Sec. 2310. (a) Section 339(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989(b)(3) is amended—

(1) by striking the comma and the remainder of paragraph (3) following the comma; and

(2) by inserting a period after "(1)".

(b) Section 353(c)(3)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(c)(3)(C)) is amended by striking "100 percent" and inserting "110 percent".

Sec. 2311. Prohibition on Treating Any Funds Recovered From Tobacco Companies as an Overpayment for Purposes of Medicaid. (a) Amendment to Social Security Act.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B)(i) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products, as defined in section 5702(d) of the Internal Revenue Code of 1986, and State Attorneys General, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers.

"(ii) Except as provided in subsection (i)(19), a State may use amounts recovered or paid to the State as part of a comprehensive or individual settlement, or a judgment, described in clause (i) for any expenditures determined appropriate by the State.".

(b) Prohibition on Payment for Administrative Expenses Incurred in Pursuing Tobacco Litigation.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (18), by striking the period and inserting "; or"; and

(2) by inserting after paragraph (18) the following new paragraph:

"(19) with respect to any amount expended on administrative costs to initiate or pursue litigation described in subsection (d)(3)(B).".

(c) Effective Date.—This section and the amendments made by this section shall apply to amounts paid to a State prior to, on, or after the date of enactment of this Act.

Sec. 2312. Extension of Aviation Insurance Program. Section 44310 of title 49, United States Code, is amended by striking "March 31, 1999." and inserting "May 31, 1999.".

Sec. 2313. Title 49 Recodification Correction. Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4329), is repealed.

Sec. 2314. Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000 shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and Cook Inlet Marine Mammal Council.

Sec. 2315. Funds provided in the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105–277, division A, section 101(b)) for the construction of correctional facility in Barrow, Alaska shall be made available to the North Slope Borough.

Sec. 2316. Liability of Certain Natural Gas Producers. The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

"SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

"If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.".

Sec. 2317. Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105–277, division A, section 1(e), title III) is amended by striking "none of the funds in this Act" and inserting "none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs".

Sec. 2318. (a) Loan Deficiency Payments for Club Wheat Producers.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) Retroactive Application.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) Funding Source.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

Sec. 2319. Glacier Bay. (a) Dungeness Crab Fishermen.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277) is amended—

(1) in paragraph (1)—

(A) by striking "February 1, 1999" and inserting "June 1, 1999"; and

(B) by striking "1996" and inserting "1998"; and

(2) by striking "the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996" and inserting "for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period".

(b) Others Affected by Fishery Closures and Restrictions.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

"(c) Others Affected by Fishery Closures and Restrictions.—The Secretary of the Interior is authorized to provide such funds as are necessary for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.".

(c) Implementation.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by inserting at the end the following new subsection:

"(e) Implementation and Effective Date.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of subsection (a) and shall provide an opportunity for public comment on such interim final rule. The effective date of the prohibitions in paragraphs (2) through (5) of section (a) shall be 60 days after the publication in the Federal Register of a final rule for the federal implementation of subsection (a). In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.".

(d) Of the funds provided under the heading "National Park Service, Construction" in Public Law 105–277, $3,000,000 shall not be available for obligation until October 1, 1999.

Sec. 2320. White River School District #47–1. From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than $239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #47–1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

Sec. 2321. (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

Sec. 2322. Sense of the Senate: Expressing the Sense of the Senate That a Pending Sale of Wheat and Other Agricultural Commodities to Iran be Approved. (a) The Senate finds:

(1) That an export license is pending for the sale of United States wheat and other agricultural commodities to the nation of Iran.

(2) That this sale of agricultural commodities would increase United States agricultural exports by about $500,000,000, at a time when agricultural exports have fallen dramatically.

(3) That sanctions on food are counterproductive to the interest of United States farmers and to the people who would be fed by these agricultural exports.

(b) Now therefore, it is the sense of the Senate that the pending license for this sale of United States wheat and other agricultural commodities to Iran be approved by the administration.

Sec. 2323. Prohibition. (a) Notwithstanding any other provision of law, prior to eight months after Congress receives the report of the National Gambling Impact Study Commission, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(3) approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a State and a tribe.

(b) Definitions.—

(1) The terms "class III gaming", "Secretary", "Indian lands", and "Tribal-State compact" shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(2) The "report of the National Gambling Impact Study Commission" is the report described in section 4(b) of Public Law 104–169 (18 U.S.C. sec. 1955 note).

Sec. 2324. Findings and Sense of Senate Regarding Sequential Billing Policy for Home Health Payments Under the Medicare Program. (a) Findings.—The Senate finds the following:

(1) Section 4611 of the Balanced Budget Act of 1997 included a provision that transfers financial responsibility for certain home health visits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from part A to part B of such program.

(2) The sole intent of the transfer described in paragraph (1) was to extend the solvency of the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i).

(3) The transfer described in paragraph (1) was supposed to be "seamless" so as not to disrupt the provision of home health services under the medicare program.

(4) The Health Care Financing Administration has imposed a sequential billing policy that prohibits home health agencies under the medicare program from submitting claims for reimbursement for home health services provided to a beneficiary unless all claims for reimbursement for home health services that were previously provided to such beneficiary have been completely resolved.

(5) The Health Care Financing Administration has also expanded medical reviews of claims for reimbursement submitted by home health agencies, resulting in a significant slowdown nationwide in the processing of such claims.

(6) The sequential billing policy described in paragraph (4), coupled with the slowdown in claims processing described in paragraph (5), has substantially increased the cash flow problems of home health agencies because payments are often delayed by at least 3 months.

(7) The vast majority of home health agencies under the medicare program are small businesses that cannot operate with significant cash flow problems.

(8) There are many other elements under the medicare program relating to home health agencies, such as the interim payment system under section 1861(v)(1)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)), that are creating financial problems for home health agencies, thereby forcing more than 2,200 home health agencies nationwide to close since the date of enactment of the Balanced Budget Act of 1997.

(b) Sense of the Senate.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) evaluate and monitor the use of the sequential billing policy (as described in subsection (a)(4)) in making payments to home health agencies under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) ensure that—

(A) contract fiscal intermediaries under the medicare program are timely in their random medical review of claims for reimbursement submitted by home health agencies; and

(B) such intermediaries adhere to Health Care Financing Administration instructions that limit the number of claims for reimbursement held for such review for any particular home health agency to no more than 10 percent of the total number of claims submitted by the agency; and

(3) ensure that such intermediaries are considering and implementing constructive alternatives, such as expedited reviews of claims for reimbursement, for home health agencies with no history of billing problems who have cash flow problems due to random medical reviews and sequential billing.

SEC. 2325. A payment of $800,000 from the total amount of $1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, Public Law 105–83, and payments of $2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and $200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities.

SEC. 2326. Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

"(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both)."; and

(2) in subsection (b), by striking "subsection (a)(1)" and inserting "subsection (a)".

SEC. 2327. The Corps of Engineers is directed to reprogram $800,000 of the funds made available to that agency in fiscal year 1999 for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and State of South Dakota, and to provide the Lower Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

SEC. 2328. GLACIER BAY. No funds may be expended by the Secretary of the Interior to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park, except the closure of Dungeness crab fisheries under section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area has been resolved either by a final determination by the judiciary or by a settlement between the parties to the lawsuit.

TITLE III—RESCISSIONS AND OFFSETS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

(RESCISSION)

Of the amounts made available under this heading in division A, section 101(a), title IV of Public Law 105–277, $521,000,000 are rescinded.

FARM SERVICE AGENCY

EMERGENCY CONSERVATION FUND

Of the amount made available under the heading "EMERGENCY CONSERVATION PROGRAM" in chapter 1 of title II of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 68), $700,000 are rescinded.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

(RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

(RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for equipment and facilities, $40,000,000 are rescinded.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

(RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for equipment and facilities, $25,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

Of the unobligated balances available under this heading, $2,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

(RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for arrearages, $22,000,000 are rescinded.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for arrearages, $21,000,000 are rescinded.

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds provided in Public Law 105–262, the following funds are hereby rescinded as of the date of enactment of this Act from the following account: Under the heading, "Operation and Maintenance, Defense-Wide", $217,700,000.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds made available for Haiti under this heading in Public Law 105–118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $10,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(RESCISSION)

Of the funds made available for Bosnia and Herzegovina under this heading in Public Law 105–118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $10,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available for Russia under this heading in Public Law 103–306, Public Law 105–118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $10,000,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

(RESCISSION)

Of the funds made available under this heading in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $60,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in the Omnibus Consolidated and

Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $10,000,000 are rescinded.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the amounts appropriated under this heading in previous appropriations acts, $6,800,000 are rescinded.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Under this heading in section 101(f) of Public Law 105–277, delete "$3,132,076,000" and insert "$3,114,676,000"; and delete "$180,933,000" and insert "$163,533,000".

DEPARTMENT OF EDUCATION

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in section 101(f) of Public Law 105–277, $8,000,000 are rescinded.

CHAPTER 7

DEPARTMENT OF DEFENSE

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

(RESCISSION)

Of the funds made available under this heading in Public Law 105–237, $14,500,000 are rescinded.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(DEFERRAL)

Of the funds made available under this heading in Public Law 105–276 for use in connection with expiring or terminating section 8 contracts, $350,000,000 shall not become available until October 1, 1999.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

(RESCISSION)

Of the unobligated balances available under this heading in the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174), $63,600,000 are rescinded.

Of the unobligated balances available under this heading in division B, of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277), $250,000,000 are rescinded.

INDEPENDENT AGENCY

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(RESCISSION)

Of the funds made available in Public Law 105–277, $10,000,000 for research associated with the Climate Change Technology Initiative are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 105–245 for the Lackawanna River, Scranton, Pennsylvania, $5,500,000 are rescinded.

CHAPTER 10

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277) $1,250,000 are rescinded.

GENERAL PROVISIONS, THIS TITLE

SEC. 3001. (a) Division B, title V, chapter 1 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is repealed.

(b) Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105–277) is amended—

(1) in the first sentence—

(A) by striking "Secretary of Agriculture" and inserting "Secretary of State"; and

(B) by striking "the Agricultural Research Service of the Department of Agriculture" and inserting "the Department of State";

(2) in paragraph (5), by inserting "(without regard to any requirement in law relating to public notice or competition)" after "to contract"; and

(3) by adding at the end the following:

"Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.".

SEC. 3002. Of the funds appropriated with an emergency designation in division B of Public Law 105–277, other than those appropriated to the Department of Defense—Military, $343,000,000 are rescinded: *Provided*, That these reductions shall be applied proportionally to each appropriation account and budget activity being reduced by this section: *Provided further*, That within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations a listing of the amounts by account of the reductions made pursuant to this section.

SEC. 3003. Of the funds appropriated or otherwise made available for fiscal year 1999 for the non-defense discretionary category, $100,000,000 are rescinded as a result of revised economic assumptions from inflation adjusted accounts: *Provided*, That within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations a listing of the amounts by account of the reductions made pursuant to this section.

SEC. 3004. GAO AND INSPECTOR GENERAL AUDIT. The Inspector General of the Department of Housing and Urban Development and the Comptroller General of the United States shall conduct an audit of the Department of Housing and Urban Development to assess the extent the Department has been in compliance with the Department of Housing and Urban Development Reform Act of 1989 over the last two years. The Inspector General of the Department of Housing and Urban Development and the Comptroller General of the United States shall issue a preliminary report to the Congress on this assessment within 6 months and a final report within 12 months.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 4001. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in title III, under the heading "Rural Community Advancement Program (Including Transfer of Funds)", by inserting "1926d," after "1926c,"; by inserting ", 306(a)(2), and 306D" after "381E(d)(2)" the first time it appears in the paragraph; and by striking ", as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C",

(2) in title VII, in section 718 by striking "this Act" and inserting in lieu thereof "annual appropriations Acts",

(3) in title VII, in section 747 by striking "302" and inserting in lieu thereof "203", and

(4) in title VII, in section 763(b)(3) by striking "section 402(d) of Public Law 94–265" and inserting in lieu thereof "section 116(a) of Public Law 104–297".

SEC. 4002. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in title II under the heading "Burma" by striking 'headings "Economic Support Fund" and' and inserting in lieu thereof 'headings "Child Survival and Disease Programs Fund", "Economic Support Fund", and',

(2) in title V in section 587 by striking "199–339" and inserting in lieu thereof "99–399",

(3) in title V in subsection 594(a) by striking "subparagraph (C)" and inserting in lieu thereof "subsection (c)",

(4) in title V in subsection 594(b) by striking "subparagraph (a)" and inserting in lieu thereof "subsection (a)", and

(5) in title V in subsection 594(c) by striking "521 of the annual appropriations Act for Foreign Operations, Export Financing, and Related Programs" and inserting in lieu thereof "520 of this Act".

SEC. 4003. Subsection 1706(b) of title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r–2), as added by section 614 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, is amended by striking "June 30" and inserting in lieu thereof "September 30".

SEC. 4004. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in the last proviso under the heading "United States Fish and Wildlife Service, Administrative Provisions" by striking "section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361–1407)" and inserting in lieu thereof "section 104(c)(5)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407)".

(2) under the heading "Bureau of Indian Affairs, Operation of Indian Programs", by striking "$94,010,000" and inserting in lieu thereof "$94,046,000", by striking "$114,871,000" and inserting in lieu thereof "$114,891,000", by striking "$387,365,000" and inserting in lieu thereof "$389,307,000", and by striking "$52,889,000" and inserting in lieu thereof "$53,039,000".

(3) in section 354(a) by striking "16 U.S.C. 544(a)(2))" and inserting in lieu thereof "16 U.S.C. 544b(a)(2))".

(4) The amendments made by paragraphs (1), (2), and (3) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

Sec. 4005. The Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(f) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in title I, under the heading "Federal Unemployment Benefits and Allowances", by striking "during the current fiscal year" and inserting in lieu thereof "from October 1, 1998, through September 30, 1999";

(2) in title II under the heading "Office of the Secretary, General Departmental Management" by striking "$180,051,000" and inserting in lieu thereof "$188,051,000";

(3) in title II under the heading "Children and Families Services Programs, (Including Rescissions)" by striking "notwithstanding section 640(a)(6), of the funds made available for the Head Start Act, $337,500,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): *Provided further*, That";

(4) in title II under the heading "Office of the Secretary, General Departmental Management" by inserting after the first proviso the following: "*Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,831,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX:";

(5) in title III under the heading "Special Education" by inserting before the period at the end of the paragraph the following: ": *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities";

(6) in title II under the heading "Public Health and Social Services Emergency Fund" by striking "$322,000" and inserting in lieu thereof "$180,000";

(7) in title III under the heading "Education Reform" by striking "$491,000,000" and inserting in lieu thereof "$459,500,000";

(8) in title III under the heading "Vocational and Adult Education" by striking "$6,000,000" the first time that it appears and inserting in lieu thereof "$14,000,000", and by inserting before the period at the end of the paragraph the following: ": *Provided further*, That of the amounts made available for the Perkins Act, $4,100,000 shall be for tribally controlled postsecondary vocational institutions under section 117";

(9) in title III under the heading "Higher Education" by inserting after the first proviso the following: "*Provided further*, That funds available for part A, subpart 2 of title VII of the Higher Education Act shall be available to fund awards for academic year 1999–2000 for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1:";

(10) in title III under the heading "Education Research, Statistics, and Improvement" by inserting after the third proviso the following: "*Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,000,000 shall be used to conduct a violence prevention demonstration program: *Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $50,000 shall be awarded to the Center for Educational Technologies to conduct a feasibility study and initial planning and design of an effective CD ROM product that would complement the book, We the People: The Citizen and the Constitution:";

(11) in title III under the heading "Reading Excellence" by inserting before the period at the end of the paragraph the following: ": *Provided*, That up to one percent of the amount appropriated shall be available October 1, 1998 for peer review of applications";

(12) in title V in section 510(3) by inserting after "Act" the following: "or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts"; and

(13)(A) in title VIII in section 405 by striking subsection (e) and inserting in lieu thereof the following:

"(e) Other References to Title VII of the Stewart B. McKinney Homeless Assistance Act.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

"(1) by striking the items relating to title VII of such Act, except the item relating to the title heading and the items relating to subtitles B and C of such title; and

"(2) by striking the item relating to the title heading for title VII and inserting in lieu thereof the following:

"TITLE VII—EDUCATION AND TRAINING".

(B) The amendments made by paragraph (13)(A) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

Sec. 4006. The last sentence of section 5595(b) of title 5, United States Code (as added by section 309(a)(2) of the Legislative Branch Appropriations Act, 1999, Public Law 105–275) is amended by striking "(a)(1)(G)" and inserting in lieu thereof "(a)(1)(C)".

Sec. 4007. Division B, title II, chapter 5 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading "Capitol Police Board, Security Enhancements" by inserting before the period at the end of the paragraph ": *Provided further*, That for purposes of carrying out the plan or plans described under this heading and consistent with the approval of such plan or plans pursuant to this heading, the Capitol Police Board shall transfer the portion of the funds made available under this heading which are to be used for personnel and overtime increases for the United States Capitol Police to the heading "Capitol Police Board, Capitol Police, Salaries" under the Act making appropriations for the legislative branch for the fiscal year involved, and shall allocate such portion between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate in such amounts as may be approved by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate".

Sec. 4008. Division B, title 1, chapter 3 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading "Family Housing, Navy and Marine Corps" by striking the word "Hurricane" and inserting in lieu thereof "Hurricanes Georges and".

Sec. 4009. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading "Capital Investment Grants (Including Transfer of Funds)" within the project description of project number 127, by inserting the words "and bus facilities" after the word "replacements", and within the project description of project number 261 by striking the words "Multimodal Center" and inserting "buses and bus related facilities".

Sec. 4010. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading "Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)" by striking "not more than $38,000,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program", and inserting in lieu thereof, "not more than $59,290,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program".

Sec. 4011. (a) American Fisheries Act.—The American Fisheries Act (title II of division C of Public Law 105–277) is amended—

(1) in section 202(b) by inserting a comma after "United States Code";

(2) in section 207(d)(1)(A) by striking "Fishery Conservation and Management";

(3) in section 208(b)(1) by striking "615085" and inserting "633219";

(4) in section 213(c)(1) by striking "title" and inserting "subtitle"; and

(5) in section 213(c)(2) by striking "title" and inserting "subtitle".

(b) Title 46.—Section 12122(c) of title 46, United States Code, is amended by inserting a comma after "statement or representations".

Sec. 4012. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277) is amended by striking "section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2))" and inserting "section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b))".

Sec. 4013. Denali Commission. The Denali Commission Act of 1998 (title III of division C of Public Law 105–277) is amended—

(1) in section 303(b)(1)(D) by striking in two instances "Alaska Federation or Natives" and inserting "Alaska Federation of Natives";

(2) in section 303(c) by striking "Members" and inserting "The Federal Cochairperson shall serve for a term of four years and may be reappointed. All other members";

(3) in section 306(a) by inserting after the first sentence the following: "The Federal Cochairperson shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.";

(4) in section 306(c)(2) by striking "Chairman" and inserting "Federal Cochairperson";

(5) by inserting at the end of section 306 the following new subsections:

"(g) Administrative Expenses and Records.—The Commission is hereby prohibited from using more than 5 percent of the amounts appropriated under the authority of this Act or transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) for administrative expenses. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General of his or her designee.

"(h) Inspector General.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App. 3, section 8G(a)(2)) is amended by inserting 'the Denali Commission,' after 'the Corporation for Public Broadcasting,'."; and

(6) in section 307(b) by inserting immediately before "The Commission" the following: "Funds transferred to the Commission pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) shall be available without further appropriation and until expended.".

Sec. 4014. Section 3347(b) of title 5, United States Code, as added by the Federal Vacancies Reform Act of 1998, is amended by striking "provision to which subsection (a)(2) applies" and inserting "provision to which subsection (a)(1) applies".

Sec. 4015. Of the amount appropriated under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276), $1,300,000 shall be transferred to the "STATE AND TRIBAL ASSISTANCE GRANTS" account for a grant for water and wastewater infrastructure projects in the State of Idaho.

Sec. 4016. (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) An additional amount of $2,250,000,000 is rescinded as provided in section 3002 of this Act.

Sec. 4017. Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V—MISCELLANEOUS

Sec. 5001. (a) Disposal Authorized.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b).

(b) Table.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

AUTHORIZED STOCKPILE DISPOSAL

Material for disposal	Quantity
Zirconium ore	17,383 short dry tons

(c) Minimization of Disruption and Loss.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) Relationship to Other Disposal Authority.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) National Defense Stockpile Defined.—In this section, the term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

Sec. 5002. (a) Availability of Settlement Amount.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) Covered Claims.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) Specified Uses.—

(1) In general.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103–121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to 7/8 of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 320)); and

(II) an amount equal to 1/8 of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) Limitation on availability of funds for access road.—

(A) Limitation.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) Alternative availability of funds.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) Availability of amounts.—

(A) Access road.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) Property and facility maintenance projects.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Fiscal Year 1999".

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE OR EXECUTIVE ITEMS ON TUESDAY, APRIL 6, 1999

Mr. ENZI. Mr. President, I ask unanimous consent that on Tuesday, April 6, committees have from the hours of 11 a.m. to 2 p.m. in order to file legislative or executive reported items.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE MATTERS ON MARCH 26, 1999

Mr. ENZI. Mr. President, I ask unanimous consent that committees have from 10 a.m. until 11 a.m. on Friday, March 26, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed immediately to executive session to consider all nominations reported by the Armed Services Committee today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the Record, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF ENERGY

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of Energy (Non-Proliferation and National Security).

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Eugene L. Tattini, 3329.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Harold L. Timboe, 9807.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William C. Jones, Jr., 9159.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael V. Hayden, 0513.

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Reginald A. Centracchio, 0724.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Edward J. Fahy, Jr., 2444.

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Daniel R. Bowler, 8602.
Rear Adm. (lh) John E. Boyington, Jr., 1186.
Rear Adm. (lh) John V. Chenevey, 1818.
Rear Adm. (lh) Albert T. Church, III, 9703.
Rear Adm. (lh) John P. Davis, 4560.
Rear Adm. (lh) John B. Foley, III, 8786.
Rear Adm. (lh) Veronica A. Froman, 7314.
Rear Adm. (lh) Alfred G. Harms, Jr., 7295.
Rear Adm. (lh) John M. Johnson, 9184.
Rear Adm. (lh) Timothy J. Keating, 8508.
Rear Adm. (lh) Roland B. Knapp, 2486.
Rear Adm. (lh) Timothy W. LaFleur, 3609.
Rear Adm. (lh) James W. Metzger, 6693.
Rear Adm. (lh) Richard J. Naughton, 8886.
Rear Adm. (lh) John B. Padgett, 6225.
Rear Adm. (lh) Kathleen K. Paige, 7645.
Rear Adm. (lh) David P. Polatty, III, 4771.
Rear Adm. (lh) Ronald A. Route, 7031.
Rear Adm. (lh) Steven G. Smith, 5244.
Rear Adm. (lh) Ralph E. Suggs, 6624.
Rear Adm. (lh) Paul F. Sullivan, 4503.

IN THE ARMY

The following named officer for appointment as a Permanent Professor of the United States Military Academy in the grade indicated under title 10, U.S.C., section 4333 (b):

To be colonel

Patrick Finnegan, 1878.

Army nominations beginning CHRISTOPHER D. LATCHFORD, and ending JAMES E. BRAMAN, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning LEE G. KENNARD, and ending MICHAEL E. THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning WESLEY D. COLLIER, and ending THOMAS L. MUSSELMAN, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning DAVID E. BELL, and ending HOWARD LOCKWOOD, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning *JAN E. ALDYKIEWICZ, and ending *LOUIS P. YOB, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning TIMOTHY K. ADAMS, and ending DERICK B. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

IN THE MARINE CORPS

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be lieutenant colonel

Stanley A. Packard, 3502.

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be major

Todd D. Bjorklund, 3251.

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Naval Reserve under title 10, U.S.C., section 12203:

To be captain

Tarek A. Elbeshbeshy, 8897.

Navy nominations beginning GLEN C. CRAWFORD, and ending LEONARD G. ROSS, JR., which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Navy nominations beginning STEVEN W. ALLEN, and ending DANIEL C. WYATT, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 755

Mr. ENZI. Mr. President, I understand that S. 755, which was introduced earlier by Senator HATCH and others, is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 755) to extend the period for compliance with certain ethical standards of Federal prosecutors.

Mr. ENZI. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 754

Mr. ENZI. Mr. President, I understand that bill No. S. 754 introduced earlier today by Senator EDWARDS is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 754) to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina as the "Terry Sanford Federal Building."

Mr. ENZI. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

RECONSTITUTING THE SENATE ARMS CONTROL OBSERVER GROUP AS THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 75, submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

A resolution (S. Res. 75) reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group in revising the authority of the group.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 75) was agreed to, as follows:

S. RES. 75

Resolved, That Senate Resolution 105 of the One Hundred First Congress, agreed to April 13, 1989, as amended by Senate Resolution 149 of the One Hundred Third Congress, agreed to October 5, 1993, is further amended as follows:

(1) In subsection (a) of the first section, by striking paragraph (1) and inserting the following:

"(1) the Senate Arms Control Observer Group, which was previously constituted and authorized by the authority described in paragraph (2), is hereby reconstituted and reauthorized as the Senate National Security Working Group (hereafter in this resolution referred to as the 'Working Group').".

(2) By striking "Observer Group" each place it appears in the resolution, except paragraph (3) of subsection (a) of the first section, and inserting "Working Group".

(3) By striking "Group" in the second sentence of section 3(a) and inserting "Working Group".

(4) By striking paragraph (3) of subsection (a) of the first section and inserting the following:,

"(3)(A) The members of the Working Group shall act as official observers on the United States delegation to any negotiations, to which the United States is a party, on any of the following:

"(i) Reduction, limitation, or control of conventional weapons, weapons of mass destruction, or the means for delivery of any such weapons.

"(ii) Reduction, limitation, or control of missile defenses.

"(iii) Export controls.

"(B) In addition, the Working Group is encouraged to consult with legislators of foreign nations, including the members of the State Duma and Federal Council of the Russian Federation and, as appropriate, legislators of other foreign nations, regarding matters described in subparagraph (A).

"(C) The Working Group is not authorized to investigate matters relating to espionage or intelligence operations against the United States, counterintelligence operations and activities, or other intelligence matters within the jurisdiction of the Select Committee on Intelligence under Senate Resolution 400 of the Ninety-Fourth Congress, agreed to on May 19, 1976.".

(5) In paragraph (4) of subsection (a) of the first section—

(A) in subparagraph (A)—

(i) by striking "Five" in the matter preceding clause (i) and inserting "Seven";

(ii) by striking "two" in clause (ii) and inserting "three"; and

(iii) by striking "two" in clause (iii) and inserting "three";

(B) in subparagraph (C), by striking "Six" and inserting "Five"; and

(C) in subparagraph (D), by striking "Seven" and inserting "Six".

(6) In section 2(b)(3), by striking "five".

(7) In the second sentence of section 3(a)—

(A) by striking "$380,000" and inserting "$500,000"; and

(B) by striking "except that not more than" and inserting "of which not more than".

(8) By striking section 4.

(9) By amending the title to read as follows: "Resolution reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group, and revising the authority of the Group.".

MAKING TECHNICAL CORRECTIONS TO THE MICROLOAN PROGRAM

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Small Business be discharged from further consideration of H.R. 440, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 440) to make technical corrections in the Microloan Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, tonight the Senate will vote on H.R. 440, the Microloan Program Technical Corrections Act of 1999. I urge my colleagues to support this Act which, including my amendment, makes important changes to the Small Business Administration's (SBA) Microloan program. It revises the loan loss reserve requirement for microlenders and makes changes that will more equitably distribute the microloan dollars available to each state. Ultimately, these changes will allow microlenders and intermediaries to make more loans and offer more technical assistance to our Nation's small businesses.

Most of my colleagues know that microloans and technical assistance are effective and powerful economic development tools because they voted to make the SBA's microloan program a permanent part of the Agency's lending programs in 1997.

Let's look at the record since the SBA's microloan pilot program was launched in 1991. It has provided more than 7,900 microloans, worth some $80.3 million. For every microloan, 1.7 jobs are created. And, if a borrower was a welfare recipient, it is common for them to hire other welfare recipients. As the program was intended to do, a great percentage of microloans have gone to traditionally underserved groups, including 45 percent to women-owned businesses, 39 percent to minority-owned businesses and 11 percent to veteran-owned businesses. Voting for these measures will be a vote to make a good program better.

Specifically, this legislation revises the loan loss reserve requirement (a cash reserve to guarantee that the government is paid back if a loan defaults) for microlenders by setting a 15-percent ceiling and a 10-percent floor. After a microloan intermediary has participated in the SBA Microloan program for five years and demonstrated its ability to maintain a healthy loan fund, it can request that SBA review and, when appropriate, reduce its loan loss reserve from 15 percent to a percentage based on its average loan loss rate for the five-year period. The proposed change would continue to protect the government's interest in microloans as well as enhance the program by freeing up cash which microlenders could reprogram for more microloans or technical assistance to small business owners.

With my amendment, this legislation establishes a floor for the distribution of microloan funds available to the states, including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa. Depending on the amount of appropriations, the SBA must provide the lesser of either $800,000 or the even division of the funds among the 55 states. For any monies that exceed $44 million ($800,000 x 55 states), the Administration has the discretion to decide how to distribute the microloan funds. The Administration also has the discretion to distribute any additional money that is left over at the beginning of the third quarter of a fiscal year.

Mr. President, in Massachusetts and across the country, microloans and technical assistance are working; assisting individuals with the tools to successfully start and manage their own business. I thank my colleagues for their past support of small business and urge them to vote for H.R. 440 as amended.

AMENDMENT NO. 248

(Purpose: To provide for the equitable allocation of appropriated amounts)

Mr. ENZI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. KERRY, proposes an amendment numbered 248.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike lines 7 through 20, and insert the following:

(1) in paragraph (7), by striking subparagraph (B) and inserting the following:

"(B) ALLOCATION.—

"(i) MINIMUM ALLOCATION.—Subject to the availability of appropriations, of the total amount of new loan funds made available for award under this subsection in each fiscal year, the Administration shall make available for award in each State (including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa) an amount equal to the sum of—

"(I) the lesser of—

"(aa) $800,000; or

"(bb) 1/55 of the total amount of new loan funds made available for award under this subsection for that fiscal year; and

"(II) any additional amount, as determined by the Administration.

"(ii) REDISTRIBUTION.—If, at the beginning of the third quarter of a fiscal year, the Administration determines that any portion of the amount made available to carry out this subsection is unlikely to be made available under clause (i) during that fiscal year, the Administration may make that portion available for award in any 1 or more States (including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa) without regard to clause (i)."; and

Mr. ENZI. Mr. President, I ask unanimous consent that the amendment be agreed to, the motion to reconsider be laid upon the table, the bill, as amended, be considered read the third time, passed, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 248) was agreed to.

The bill (H.R. 440), as amended, was considered read the third time and passed.

DISASTER MITIGATION COORDINATION ACT OF 1999

Mr. ENZI. Mr. President, I ask unanimous consent that S. 388 be discharged from the Small Business Committee and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 388) to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, after one year of working to enact a program that emphasizes prevention over reaction in dealing with natural disasters, the bill Senator CLELAND and I first introduced in the 105th Congress has made its way back to the Senate for our consideration and support. I ask my colleagues to vote for S. 388, the Disaster Mitigation Coordination Act of 1999. Your vote will help our nation's small businesses save money and prepare for natural disasters.

This bill establishes a 5-year pilot program that would make low-interest, long-term loans available to small business owners financing preventive measures to protect their businesses against, and lessen the extent of, future disaster damage. This pilot is designed to help those small businesses that can't get credit elsewhere and that are located in disaster-prone areas.

The small business pre-disaster mitigation loan pilot program would be run as part of the Small Business Administration's regular disaster loan program, testing the pros and cons of preparedness versus reaction. Currently, SBA's disaster loans are available for mitigation after a recent natural disaster. Those loans are also limiting because only 20 percent of an SBA disaster loan may be used to install new mitigation techniques that will prevent future damage. In contrast, this legislation would allow 100 percent of an SBA disaster loan to be used for mitigation purposes within any area that the Federal Emergency Management Agency (FEMA) has designated as disaster-prone. In Massachusetts, that includes Marshfield and Quincy, two coastal communities that are prone to flooding, rainstorms and Nor'easters.

I see a great need for this type of assistance in the small business community. Aside from avoiding inconveniences and disruptions, we know that there are cost-benefits to making meaningful improvements and changes to facilities before a disaster. According to the Federal Emergency Management Agency, which has a disaster mitigation program for communities, rather than businesses, we save two dollars of disaster relief money for each dollar spent on disaster mitigation.

Nationwide, whether you're a business in Florida or Massachusetts, this pilot would allow you to take out a loan to make the improvements to your building or office to protect against disasters. To lessen damage from hurricanes, it can mean constructing retaining and sea walls. To lessen damage from fires, it can mean adding sprinklers and flame-retardant building materials. And to lessen damage from floods, it can mean grading and contouring land or relocating the business.

The administration supports this pilot program and included it in President Clinton's budget request two years in a row—fiscal years 1999 and 2000. As the bill authorizes, the President requests that up to $15 million of the total $358 million proposed for disaster loans be used for disaster mitigation loans.

Senator CLELAND and I introduced this same legislation in the last Congress. And although it passed committee and the full Senate without opposition, the House did not vote on its merits before the 105th Congress ended. I thank our friends in the House and my colleagues in the Senate for sharing our concern to meet the needs of our small business owners while also working to find solutions that are smarter, more pro-active and more cost-effective. Mr. President, I am pleased to be a cosponsor of this legislation and am hopeful it will pass the Senate today and that the President will soon sign it in to law.

Mr. ENZI. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 388) was read the third time and passed, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISASTER MITIGATION PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding "and" at the end; and

(2) by adding at the end the following:

"(C) during fiscal years 2000 through 2004, to establish a predisaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis), as the Administrator may determine to be necessary or appropriate, to enable small businesses to use mitigation techniques in support of a formal mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee may be extended to a small business under this subparagraph unless the Administration finds that the small business is otherwise unable to obtain credit for the purposes described in this subparagraph;".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

"(1) $15,000,000 for fiscal year 2000.

"(2) $15,000,000 for fiscal year 2001.

"(3) $15,000,000 for fiscal year 2002.

"(4) $15,000,000 for fiscal year 2003.

"(5) $15,000,000 for fiscal year 2004.".

(c) EVALUATION.—On January 31, 2003, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of the pilot program authorized by section 7(b)(1)(C) of the Small Business Act (15 U.S.C. 636(b)(1)(C)), as added by subsection (a) of this section, which report shall include—

(1) information relating to—

(A) the areas served under the pilot program;

(B) the number and dollar value of loans made under the pilot program; and

(C) the estimated savings to the Federal Government resulting from the pilot program; and

(2) such other information as the Administrator determines to be appropriate for evaluating the pilot program.

REPORTS BY THE POSTMASTER GENERAL ON OFFICIAL MAIL OF THE HOUSE

Mr. ENZI. I ask unanimous consent that H.R. 705 be discharged from the Governmental Affairs Committee, and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 705) to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives.

Mr. ENZI. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 705) was read the third time and passed.

EXTENSION OF AVIATION WAR RISK INSURANCE PROGRAM

Mr. ENZI. I ask unanimous consent that H.R. 98 be discharged from the Governmental Affairs Committee, and further, that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:.

A bill (H.R 98) to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program, and to amend the Centennial of Flight Commemoration Act to make technical and other corrections.

AMENDMENT NO. 249

(Purpose: To strike section 2 relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat 3486 et seq.)

Mr. ENZI. I understand Senator THOMPSON has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. ENZI), for Mr. THOMPSON, proposes an amendment numbered 249:

Strike section 2.

Amend the title so as to read: "An Act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program.".

Mr. MCCAIN. Mr. President, I rise in support of H.R. 98, which would reauthorize the aviation war risk insurance program for five years. As U.S. troops embark on strikes against Yugoslavia, it is important that we make sure to provide the Administration all of the tools necessary to carry out our foreign policy interests.

The Aviation Insurance Program insures U.S. air carriers against losses resulting from war, terrorism or other hostile acts. Program insurance is available when a carrier's commercial insurance is canceled, or is unavailable at reasonable rates. First, however, the President or his designee must determine that a flight is essential to the foreign policy interests of the United States.

We must act on this legislation now. Otherwise, the Aviation Insurance Program will expire at the end of March. I cannot overemphasize its importance. During Operation Desert Storm, for instance, the program insured more than 5,000 flights provided by commercial airlines in support of the Department of Defense, as part of the Civil Reserve Air Fleet. U.S. carriers simply would not be able to participate in the Civil Reserve Air Fleet if they could not insure against high risks of loss or damage.

I want to emphasize another important point. The Senate recently approved legislation that, among other things, would reauthorize the Aviation Insurance Program for two months. H.R. 98 would reauthorize the program for five years. In the event that the legislation containing the two-month extension is enacted into law after H.R. 98 is enacted into law, the two-month provision should not trump the five-year provision. In other words, it is our intent that the Aviation Insurance Program is reauthorized for five years.

I urge my colleagues to join me in supporting this legislation to reauthorize the aviation war risk insurance program for five years.

Mr. ENZI. I ask unanimous consent that the amendment be agreed to, the bill then be referred to the Commerce Committee; I further ask consent that the bill then be immediately discharged, the Senate proceed to its consideration, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Amendment (No. 249) was agreed to.

The bill (H.R. 98), as amended, was read the third time and passed.

Mr. ENZI. I finally ask unanimous consent that the amendment to the title, which is at the desk, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended so as to read: "An Act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program."

MAKING OF RISK MANAGEMENT DECISIONS

Mr. ENZI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 756 introduced earlier today by Senator LINCOLN and Senator HUTCHINSON

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 756) to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year.

There being no objection the Senate proceeded to consider the bill.

Mrs. LINCOLN. Mr. President, this bill addresses a crop insurance crisis that is plaguing my home state of Arkansas.

As many of you know, the outlook for the agricultural economy is very bleak for many parts of the country. As farmers in Arkansas and other states making their planting decisions for the upcoming growing season, they were offered what seemed to be a light at the end of the tunnel. A crop insurance policy entitled CRCPlus.

CRCPlus is a supplemental crop insurance policy available only from America Agrisurance, Inc. and is offered on corn, cotton, grain sorghum, soybeans, wheat and rice in several states. For Arkansas' rice growers, the original CRCPlus policies offered what appeared to be a financially viable risk management tool by adding a privately backed 3 cents per pound to the underlying federal Crop Revenue Coverage (CRC) policies. This placed the guaranteed fall price for rice at a level above projected prices. With commodity prices depressed across the board, a large number of farmers decided to switch to growing rice based on this "too good to be true" offer.

At a time when the agricultural climate in Arkansas is devastated to begin with, these policies were a last ray of hope for hundreds of farmers. Now, essentially, American Agrisurance has pulled the rug out from under these families. On March 1, the company reneged, saying it would reduce the additional guarantee of coverage from 3 cents to 11/2 cents per pound. This announcement came after the sales period for crop insurance was closed, leaving many producers with a product they would not have otherwise purchased. Many producers felt they had been misled and I tend to agree. I am very thankful to Secretary of Agriculture Dan Glickman and Risk Management Agency Director, Ken Ackerman for their assistance in opening the cancellation period for crop insurance over the last two weeks so that the affected producers had more time to evaluate whether to keep the CRCPlus policies. This extra time eased the mind of many producers in my state during a very troubling period. During this extended cancellation period many producers reevaluated the cost/benefit ratios calculated at the 11/2 cent level rather than the 3 cent level. Several producers canceled their policies with American Agrisurance, but many producers decided that the coverage offered was still sufficient to provide protection during a very volatile growing season and opted to stick with American Agrisurance and the CRCPlus policy. I wish the story ended here.

American Agrisurance has since indicated that due to a problem with its reinsurers, they may not be able to live up to the additional 11/2 cents of coverage on policies currently held by many producers. The company is reviewing its financial status and will announce on March 25th whether or not the 11/2 cent polices will be honored. This situation has further clouded the outlook for producers and left them wondering what to believe and who to trust.

Regardless of the company's excuses for its actions, it is now imperative that farmers who were wronged by this company be able to withdraw their business. I have been working with the Administration, the distinguished Chairman of the Senate Agriculture Committee Chairman Lugar, and several other members of the Senate Agriculture Committee to draft legislation that addresses our producers' needs. This bill allows the Department of Agriculture to reopen the crop insurance sales period so that producers affected by the uncertainty of the CRCPlus situation can transfer to another approved insurance provider.

Farmers are on the verge of planting, so a swift response is necessary to clear up the confusion over their insurance protection. As the daughter of a seventh generation Arkansas farm family, I truly understand that in situations like this it's the farmer who gets left holding the bag. Each year, farmers go out on a limb and make critical planting decisions based on obligations and promises. My heart goes out to all who have made plans based on these policies. I urge my colleagues to act quickly on this matter so that a wrong can be righted in America's heartland. Thank you, Mr. President. I yield the floor.

Mr. ENZI. I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 756) was considered read the third time and passed, as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.

(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as "CRCPLUS") for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of federally reinsured coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

PROTECTION FOR PRODUCERS OF AGRICULTURAL COMMODITIES

Mr. ENZI. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1212, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1212) to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ENZI. I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1212) was read the third time, and passed.

THE CALENDAR

UNANIMOUS-CONSENT AGREEMENT

Mr. ENZI. I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following bills reported by the Energy Committee:

S. 278, Calendar No. 41; S. 291, Calendar No. 46; S. 292, Calendar No. 47; S. 293, Calendar No. 42; S. 243, Calendar No. 45; S. 334, Calendar No. 63; S. 356, Calendar No. 48; S. 366, Calendar No. 49; S. 382, Calendar No. 50; S. 422, Calendar No. 65; H.R. 171, Calendar No. 51; and H.R. 193, Calendar No. 52.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I ask unanimous consent that the amendment numbered 250 to S. 293, which is at the desk, be agreed to, and the amendment numbered 251 to S. 243 be agreed to, any committee amendments where applicable be agreed to, the bills then be considered read the third time and passed, as amended, if amended, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills appear in the RECORD with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE OF CERTAIN LANDS TO THE COUNTY OF RIO ARRIBA, NM

The bill (S. 278) to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OLD COYOTE ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior (herein "the Secretary") shall convey to the County of Rio Arriba, New Mexico (herein "the County"), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the "Old Coyote Administrative Site" located approximately 1/2 mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130.27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) TERMS AND CONDITIONS.—

(1) Consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) LAND WITHDRAWALS.—Land withdrawals under Public Land Order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629) shall be revoked simultaneous with the conveyance of the property under subsection (a).

Mr. DOMENICI. Mr. President, I am very pleased that the Senate has again passed legislation to convey unwanted federal land to Rio Arriba County, New Mexico. While identical legislation passed the Senate last summer, it was unable to get through the House of Representatives due to political wrangling in the waning days of the 105th Congress.

Meanwhile, Rio Arriba has been waiting for access to this much-needed land and facilities. The vast majority of this Northern New Mexico county is in federal ownership. Communities find themselves unable to grow or find available property necessary to provide local services. This legislation allows for transfer by the Secretary of the Interior real property and improvements at an abandoned and surplus administrative site for the Carson National Forest to the County. The site is known as the old Coyote Ranger District Station, near the small town of Coyote, New Mexico.

The Coyote Station will continue to be used for public purposes, including a community center, and a fire substation. Some of the buildings will also be available for the County to use for storage and repair of road maintenance equipment, and other County vehicles.

Mr. President, the Forest Service has determined that this site is of no further use to them, since they have recently completed construction of a new administrative facility for the Coyote Range District. The Forest Service reported to the General Services Administration that the improvements on the site were considered surplus, and would be available for disposal under their administrative procedures. At this particular site, however, the land on which the facilities have been built is withdrawn public domain land, under the jurisdiction of the Bureau of Land Management.

The Administration is supportive of the legislation. Since neither the Bureau of land Management nor the Forest Service have any interest in maintaining Federal ownership of this land and the surplus facilities, and Rio Arriba County desperately needs them, passage of S. 278 is a win-win situation for the federal government and New Mexico. I hope this meritorious bill will be passed promptly in the House, and quickly become law to give Rio Arriba County the necessary community land to grow.

CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

The bill (S. 291) to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carlsbad Irrigation Project Acquired Land Transfer Act".

SEC. 2. CONVEYANCE.

(a) Lands and Facilities.—

(1) In general.—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this Act referred to as the "Secretary") may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the "District"), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the "acquired lands") and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

(2) Limitation.—

(A) Retained surface rights.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) Storage and flow easement.—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) Acquired Lands Described.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands and in section (7) of the "Status of Lands and Title Report: Carlsbad Project" as reported by the Bureau of Reclamation in 1978.

(c) Terms and Conditions of Conveyance.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) Management and use, generally.—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) Assumed rights and obligations.—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(3) Exceptions.—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) Completion of Conveyance.—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) Identification and Notification of Leaseholders.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) Management of Mineral and Grazing Leases, Licenses, and Permits.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) Availability of Amounts Paid Into Reclamation Fund.—

(1) Existing receipts.—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) Receipts after enactment.—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed $200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

SEC. 5. LIABILITY.

Effective on the date of conveyance of any lands and facilities authorized by this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

SEC. 6. FUTURE BENEFITS.

Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.

Mr. DOMENICI. Madam President, I once again rise to express pleasure that the Senate has passed S. 291—the Carlsbad Irrigation Project Acquired Land Transfer Act. I, along with Congressman SKEEN, have been working to convey tracts of land—paid for by Carlsbad Irrigation District and referred to as "acquired lands"—back to the district, during the past several congresses. Identical legislation passed the Senate last year, it enjoys bi-partisan support, and hopefully will pass in the House of Representatives soon.

The Carlsbad Irrigation District has had operations and maintenance responsibilities for this Bureau of Reclamation project for the past 66 years. It met all the repayment obligations to the government in 1991, and it's about time we let the District have what is rightfully theirs. This legislation will not affect operations at the New Mexico state park at Brantley Dam, or the operations and ownership of the dam itself. Furthermore, the bill will not affect recreation activities in the area.

This legislation accomplishes three main things: it allows conveyance of acquired lands and facilities to Carlsbad Irrigation District; allows the District to assume management of leases and the benefits of the receipts from these acquired lands; and sets a 180 day deadline for the transfer, establishing a 50–50 cost-sharing standard for carrying out the transfer.

Unfortunately, after years of testimony from the District and support from the Administration, this legislation failed to pass the House of Representatives in the waning days of the 105th Congress. With such continued support for this logical and fair bill, I hope the House will put aside its differences and pass this worthy legislation soon. The Carlsbad Irrigation District has been waiting more than long enough to begin getting the benefits for that which they have paid.

ROUTE 66 LEGISLATION

The Senate proceeded to consider the bill (S. 292) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

Mr. DOMENICI. Mr. President, once again this body will take an historic step in preserving one of America's cultural treasures—Route 66. Passage of S. 292, the Route 66 Corridor Preservation Act, will preserve the unique cultural resources along the famous Route and authorize the Interior Secretary to provide assistance through the Park Service. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, reintroduced a companion bill (H.R. 66) in the House of Representatives. This legislation almost became law at the end of the 105th Congress, but failed to pass in the House of Representatives due to last minute political wrangling. However, I believe that unfortunate turn of events had more to do with political grandstanding than to any question of merit.

I introduced the "Route 66 Study Act of 1990," which directed the National Park Service to determine the best ways to preserve, commemorate and interpret Route 66. As a result of that study, I introduced legislation last summer authorizing the National Park Service to join with federal, state and private efforts to preserve aspects of historic Route 66, the nation's most important thoroughfare for east-west migration in the 20th century.

The Administration once again testified in favor of this legislation, which is identical to last year's bill. S. 292 authorizes a funding level over 10 years and stresses that we want the federal government to support grassroots efforts to preserve aspects of this historic highway.

Designated in 1926, the 2,200-mile Route 66 stretched from Chicago to Santa Monica, Calif. It rolled through eight American states, and in New Mexico, it went through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants and Gallup. New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and heritage. Route 66 allowed generations of vacationers to travel to previously remote areas and experience the natural beauty and cultures of the Southwest and Far West. This bill is designed to assist private efforts to preserve structures and other cultural resources of the historic Route 66 corridor.

S. 292 authorizes the National Park Service to support state, local and private efforts to preserve the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants. The Park Service will also act as a clearing house for communication among federal, state, local, private and American Indian entities interested in the preservation of America's Main Street.

I thank my colleagues for once again recognizing the importance of this legislation. I hope this bill will not suffer unfairly as it did last year in the House, and we may quickly have a law recognizing the 20th Century equivalent to the Santa Fe Trail.

The bill (S. 292) was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66 CORRIDOR.—The term "Route 66 corridor" means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term "Cultural Resource Programs" means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term "preservation of the Route 66 corridor" means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled "Special Resource Study of Route 66", dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term "State" means a State in which a portion of the Route 66 corridor is located.

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the

collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) Design.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) Grants.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

FERC LICENSING OF HYDROELECTRIC PROJECTS ON FRESH WATERS IN HAWAII

The bill (S. 334) to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking "several States, or upon" and inserting "several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon".

WELLTON-MOHAWK TRANSFER ACT

The bill (S. 356) to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Wellton-Mohawk Transfer Act".

SEC. 2. TRANSFER.

The Secretary of the Interior ("Secretary") is authorized to carry out the terms of the Memorandum of Agreement No. 8–AA–34–WAO14 ("Agreement") dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District ("District") providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 3. WATER AND POWER CONTRACTS.

Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 4. SAVINGS.

Nothing in this Act shall affect any obligations under the Colorado River Basin Salinity Control Act (Public Law 93–320, 43 U.S.C. 1571).

SEC. 5. REPORT.

If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 6. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

MINUTEMAN MISSILE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 1999

The bill (S. 382) to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minuteman Missile National Historic Site Establishment Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Minuteman II intercontinental ballistic missile (referred to in this Act as "ICBM") launch control facility and launch facility known as "Delta 1" and "Delta 9", respectively, have national significance as the best preserved examples of the operational character of American history during the Cold War;

(2) the facilities are symbolic of the dedication and preparedness exhibited by the missileers of the Air Force stationed throughout the upper Great Plains in remote and forbidding locations during the Cold War;

(3) the facilities provide a unique opportunity to illustrate the history and significance of the Cold War, the arms race, and ICBM development; and

(4) the National Park System does not contain a unit that specifically commemorates or interprets the Cold War.

(b) Purposes.—The purposes of this Act are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations the structures associated with the Minuteman II missile defense system;

(2) to interpret the historical role of the Minuteman II missile defense system—

(A) as a key component of America's strategic commitment to preserve world peace; and

(B) in the broader context of the Cold War; and

(3) to complement the interpretive programs relating to the Minuteman II missile defense system offered by the South Dakota Air and Space Museum at Ellsworth Air Force Base.

SEC. 3. MINUTEMAN MISSILE NATIONAL HISTORIC SITE.

(a) Establishment.—

(1) In general.—The Minuteman Missile National Historic Site in the State of South Dakota (referred to in this Act as the "historic site") is established as a unit of the National Park System.

(2) Components of site.—The historic site shall consist of the land and interests in land comprising the Minuteman II ICBM launch control facilities, as generally depicted on the map referred to as "Minuteman Missile National Historic Site", numbered 406/80,008 and dated September, 1998, including—

(A) the area surrounding the Minuteman II ICBM launch control facility depicted as "Delta 1 Launch Control Facility"; and

(B) the area surrounding the Minuteman II ICBM launch control facility depicted as "Delta 9 Launch Facility".

(3) Availability of map.—The map described in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) Adjustments to boundary.—The Secretary of the Interior (referred to in this Act as the "Secretary") is authorized to make minor adjustments to the boundary of the historic site.

(b) Administration of Historic Site.—The Secretary shall administer the historic site in accordance with this Act and laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) Coordination With Heads of Other Agencies.—The Secretary shall consult with the Secretary of Defense and the Secretary of State, as appropriate, to ensure that the administration of the historic site is in compliance with applicable treaties.

(d) Cooperative Agreements.—The Secretary may enter into cooperative agreements with appropriate public and private entities and individuals to carry out this Act.

(e) Land Acquisition.—

(1) In general.—Except as provided in paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the historic site by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange or transfer from another Federal agency.

(2) Prohibited acquisitions.—

(A) Contaminated land.—The Secretary shall not acquire any land under this Act if the Secretary determines that the land to be acquired, or any portion of the land, is contaminated with hazardous substances (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), unless, with respect to the land, all remedial action necessary to protect human health and the environment has been taken under that Act.

(B) South Dakota land.—The Secretary may acquire land or an interest in land owned by the State of South Dakota only by donation or exchange.

(f) General Management Plan.—

(1) In general.—Not later than 3 years after the date funds are made available to carry out this Act, the Secretary shall prepare a general management plan for the historic site.

(2) Contents of plan.—

(A) New site location.—The plan shall include an evaluation of appropriate locations for a visitor facility and administrative site within the areas depicted on the map described in subsection (a)(2) as—

(i) "Support Facility Study Area—Alternative A"; or

(ii) "Support Facility Study Area—Alternative B".

(B) New site boundary modification.—On a determination by the Secretary of the appropriate location for a visitor facility and administrative site, the boundary of the historic site shall be modified to include the selected site.

(3) Coordination with Badlands National Park.—In developing the plan, the Secretary shall consider coordinating or consolidating appropriate administrative, management, and personnel functions of the historic site and the Badlands National Park.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) Air Force Funds.—

(1) Transfer.—The Secretary of the Air Force shall transfer to the Secretary any funds specifically appropriated to the Air Force in fiscal year 1999 for the maintenance, protection, or preservation of the land or interests in land described in section 3.

(2) Use of air force funds.—Funds transferred under paragraph (1) shall be used by the Secretary for establishing, operating, and maintaining the historic site.

(c) Legacy Resource Management Program.—Nothing in this Act affects the use of any funds available for the Legacy Resource Management Program being carried out by the Air Force that, before the date of enactment of this Act, were directed to be used for resource preservation and treaty compliance.

ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

The Senate proceeded to consider the bill (S. 422) to provide for Alaska state jurisdiction over small hydroelectric projects, which has been reported from the Committee on Energy and Natural Resources, with an amendment on page 4, line 23, to insert the word "not" between "are" and "located."

The amendment was agreed to.

The bill was considered, ordered to be engrossed for a third reading, read the third time and passed; as follows:

S. 422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

"(a) Discontinuance of Regulation by the Commission.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

"(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this Part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

"(2) gives equal consideration to the purposes of—

"(A) energy conservation;

"(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

"(C) the protection of recreational opportunities,

"(D) the preservation of other aspects of environmental quality,

"(E) the interests of Alaska Natives, and

"(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

"(3) requires, as a condition of a license for any project works—

"(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

"(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

"(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

"(b) Definition of 'Qualifying Project Works'.—For purposes of this section, the term 'qualifying project works' means project works—

"(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

"(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

"(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

"(4) that are located entirely within the boundaries of the State of Alaska; and

"(5) that are *not* located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

"(c) Election of State Licensing.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

"(d) Project Works on Federal Lands.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

"(1) the approval of the Secretary having jurisdiction over such lands; and

"(2) such conditions as the Secretary may prescribe.

"(e) Consultation With Affected Agencies.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

"(f) Application of Federal Laws.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

"(g) Oversight by the Commission.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

"(h) Resumption of Commission Authority.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this Part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

"(i) Determination by the Commission.—

"(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

"(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

"(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).".

COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY

The bill (H.R. 171) to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

H.R. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of Public Law 100-515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking "$1,000,000" and inserting "$4,000,000"; and

(2) in subsection (c), by striking "five" and inserting "10".

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER ACT

The bill (H.R. 193) to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System, was considered, ordered to a third reading, read the third time, and passed.

H.R. 193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudbury, Assabet, and Concord Wild and Scenic River Act".

SEC. 2. DESIGNATION OF SUDBURY, ASSABET, AND CONCORD SCENIC AND RECREATIONAL RIVERS, MASSACHUSETTS.

(a) FINDINGS.—The Congress finds the following:

(1) The Sudbury, Assabet, and Concord Wild and Scenic River Study Act (title VII of Public Law 101–628; 104 Stat. 4497)—

(A) designated segments of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts, totaling 29 river miles, for study and potential addition to the National Wild and Scenic Rivers System; and

(B) directed the Secretary of the Interior to establish the Sudbury, Assabet, and Concord Rivers Study Committee (in this section referred to as the "Study Committee") to advise the Secretary in conducting the study and in the consideration of management alternatives should the rivers be included in the National Wild and Scenic Rivers System.

(2) The study determined the following river segments are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstanding scenic, recreation, wildlife, cultural, and historic values:

(A) The 16.6-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet River.

(B) The 4.4-mile segment of the Assabet River from 1,000 feet downstream from the Damon Mill Dam in the town of Concord to the confluence with the Sudbury River at Egg Rock in Concord.

(C) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers to the Route 3 bridge in the town of Billerica.

(3) The towns that directly abut the segments, including Framingham, Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle, and Billerica, Massachusetts, have each demonstrated their desire for National Wild and Scenic River designation through town meeting votes endorsing designation.

(4) During the study, the Study Committee and the National Park Service prepared a comprehensive management plan for the segment, entitled "Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan" and dated March 16, 1995 (in this section referred to as the "plan"), which establishes objectives, standards, and action programs that will ensure long-term protection of the rivers' outstanding values and compatible management of their land and water resources.

(5) The Study Committee voted unanimously on February 23, 1995, to recommend that the Congress include these segments in the National Wild and Scenic Rivers System for management in accordance with the plan.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(160) SUDBURY, ASSABET, AND CONCORD RIVERS, MASSACHUSETTS.—(A) The 29 miles of river segments in Massachusetts, as follows:

"(i) The 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river.

"(ii) The 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river.

"(iii) The 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river.

"(iv) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.

"(B) The segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan referred to in subparagraph (C) through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica).

"(C) The segments referred to in subparagraph (A) shall be managed in accordance with the plan entitled 'Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan', dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under subsection (d) of this section.".

(c) FEDERAL ROLE IN MANAGEMENT.—(1) The Director of the National Park Service or the Director's designee shall represent the Secretary of the Interior in the implementation of the plan, this section, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by subsection (b), including the review of proposed federally assisted water resources projects that could have a direct and adverse effect on the values for which the segment is established, as authorized under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).

(2) Pursuant to sections 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Director shall offer to enter into cooperative agreements with the Commonwealth of Massachusetts, its relevant political subdivisions, the Sudbury Valley Trustees, and the Organization for the Assabet River. Such cooperative agreements shall be consistent with the plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of each of the segments designated by the amendment made by subsection (b).

(3) The Director may provide technical assistance, staff support, and funding to assist in the implementation of the plan, except that the total cost to the Federal Government of activities to implement the plan may not exceed $100,000 each fiscal year.

(4) Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by subsection (b) that is not already within the National Park System shall not under this section—

(A) become a part of the National Park System;

(B) be managed by the National Park Service; or

(C) be subject to regulations which govern the National Park System.

(d) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segments designated by the amendment made by subsection (b) were included in the National Wild and Scenic Rivers System, the Secretary of the Interior shall specifically consider the extent to which the project is consistent with the plan.

(2) The plan, including the detailed Water Resources Study incorporated by reference in the plan and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and potential compatibility between resource protection and possible additional water withdrawals.

(e) LAND MANAGEMENT.—(1) The zoning bylaws of the towns of Framingham, Sudbury, Wayland, Lincoln, Concord, Carlisle, Bedford, and Billerica, Massachusetts, as in effect on the date of enactment of this Act, are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For the purpose of that section, the towns are deemed to be "villages" and the provisions of that section which prohibit Federal acquisition of lands through condemnation shall apply.

(2) The United States Government shall not acquire by any means title to land, easements, or other interests in land along the segments designated by the amendment made by subsection (b) or their tributaries for the purposes of designation of the segments under the amendment. Nothing in this section shall prohibit Federal acquisition of interests in land along those segments or tributaries under other laws for other purposes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section not to exceed $100,000 for each fiscal year.

(g) EXISTING UNDESIGNATED PARAGRAPHS; REMOVAL OF DUPLICATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by striking the first undesignated paragraph after paragraph (156), relating to Elkhorn Creek, Oregon; and

(2) by designating the three remaining undesignated paragraphs after paragraph (156) as paragraphs (157), (158), and (159), respectively.

LEGISLATION TO TRANSFER PROPERTY IN SAN JUAN COUNTY, NEW MEXICO

The Senate proceeded to consider the bill (S. 293) to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, New Mexico, to San Juan College.

The amendment (No. 250) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.——

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be——

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I am pleased my colleagues have again passed this important legislation allowing for transfer of an unwanted piece of federal property to an educational institution which needs it. The Old Jicarilla Site Conveyance Act of 1999 allows for transfer by the Secretaries of Agriculture and Interior real property and improvements at an abandoned and surplus ranger station to San Juan College. This college, located in a county that amazingly is 90% in federal ownership, has been waiting for use of this land.

Finding appropriate sites for community and educational purposes can be difficult in predominantly federally-owned areas. The site that is the subject of this legislation is in the Carson National Forest near the village of Gobernador, New Mexico. The Jicarilla Site will continue to be used for public purposes, including educational and recreational purposes of the college.

The Forest Service determined that the acreage is of no further use to them because a new administrative facility has been located in the town of Bloomfield, New Mexico. In fact, the facility has had no occupants for several years, and the Forest Service testified last year that enactment of this bill would "provide long-term benefits for the people of San Juan County and the students and faculty of San Juan College."

While an identical bill passed the Senate last Congress, and was reintroduced this January, the Forest Service last week indicated it wished to make some last minute changes. The substitute amendment incorporates these technical corrections as to the acreage, and I hope the House of Representatives will quickly act on this noncontroversial bill and the land can readily be put to good use for San Juan College and the area residents. We also need to put this property in the hands of the college soon so it can protect the area from further deterioration and fire.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

The Senate proceeded to consider the bill (S. 243) to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes.

The amendment (No. 251) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Perkins County Rural Water System Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101-294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term "Corporation" means the Perkins County Rural Water System, Inc., a nonprofit corporation established and operated under the laws of the State of South Dakota substantially in accordance with the feasibility study.

(2) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(3) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(4) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of the water supply system by the Corporation.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(6) WATER SUPPLY SYSTEM.—The term "water supply system" means intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines operated by the Perkins County Rural Water System, Inc., to the point of delivery of water to each entity that distributes water at retail to individual users.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the Corporation for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Corporation shall be operated on a not-for-profit basis.

(2) The Corporation may contract to purchase its entire electric service requirements

for the water supply system, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the Corporation contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Corporation;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Corporation, except that the power supplier of the Corporation shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 8. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 9. CONSTRUCTION OVERSIGHT.

(a) Authorization.—At the request of the Corporation, the Secretary may provide the Corporation assistance in overseeing matters relating to construction of the water supply system.

(b) Project Oversight Administration.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $15,000,000 for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

The bill (S. 243) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Perkins County Rural Water System Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101-294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

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In this Act:

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(2) Feasibility study.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(3) Project construction budget.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(4) Pumping and incidental operational requirements.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of the water supply system by the Corporation.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(6) Water supply system.—The term "water supply system" means intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines operated by the Perkins County Rural Water System, Inc., to the point of delivery of water to each entity that distributes water at retail to individual users.

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(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) Limitation on Availability of Construction Funds.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

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Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

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(a) In General.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) Conditions.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Corporation shall be operated on a not-for-profit basis.

(2) The Corporation may contract to purchase its entire electric service requirements for the water supply system, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the Corporation contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Corporation;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Corporation, except that the power supplier of the Corporation shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 8. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 9. CONSTRUCTION OVERSIGHT.

(a) Authorization.—At the request of the Corporation, the Secretary may provide the

Corporation assistance in overseeing matters relating to construction of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $15,000,000 for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

FURTHER CONSIDERATION OF NOMINATION

Mr. ENZI. Mr. President, as in executive session, I ask unanimous consent that the Governmental Affairs Committee be allowed further consideration, until April 26, 1999, of the nomination of David Williams to be the Treasury Inspector General for Tax Administration. I further ask unanimous consent that if the nomination is not reported by that date, the nomination be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

CONVENTION ON NUCLEAR SAFETY

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today's Executive Calendar: No. 1. I further ask unanimous consent that the treaty be considered as having been passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; all committee provisos, reservations, understandings, and declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD. I further ask unanimous consent that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following disposition of the treaty the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution of ratification, with its conditions and understandings, is as follows:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS AND UNDERSTANDINGS.

The Senate advises and consents to the ratification of the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104-6), subject to the conditions of section 2 and the understandings of section 3.

SEC. 2. CONDITIONS.

The advice and consent of the Senate to ratification of the Convention on Nuclear Safety is subject to the following conditions, which shall be binding upon the President:

(1) CERTIFICATION ON THE ELIMINATION OF DUPLICATIVE ACTIVITIES.—

(A) IN GENERAL.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States Government will not engage in any multilateral activity in the field of international nuclear regulation or nuclear safety that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention.

(B) LIMITATION.—The United States shall not contribute to or participate in the operation of the Convention other than by depositing the United States instrument of ratification until the certification required by subparagraph (A) has been made.

(2) COMMITMENT TO REVIEW REPORTS.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States will comment in each review meeting held under Article 20 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 5 of the Convention by any State Party that is receiving United States financial or technical assistance relating to the improvement in safety of its nuclear installations.

(3) LIMITATION ON THE COST OF IMPLEMENTATION.—

(A) LIMITATION.—Notwithstanding any provision of the Convention, and subject to the requirements of subparagraphs (B), (C), (D), and (E), the United States shall pay no more than $1,000,000 as the portion of the United States annual assessed contribution to the International Atomic Energy Agency attributable to the payment of the costs incurred by the Agency in carrying out all activities under the Convention.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services, in consultation with the Secretary of State, shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term "Consumer Price Index" means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions to the regular budget of the International Atomic Energy Agency which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions for the operation of the Convention would jeopardize the national security interests of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific uses to which the additional contributions provided to the International Atomic Energy Agency would be applied.

(4) COMPLETE REVIEW OF INFORMATION BY THE LEGISLATIVE BRANCH OF GOVERNMENT.—

(A) UNDERSTANDING.—The United States understands that neither Article 27 nor any other provision of the Convention shall be construed as limiting the access of the legislative branch of the United States Government to any information relating to the operation of the Convention, including access to information described in Article 27 of the Convention.

(B) PROTECTION OF INFORMATION.—The Senate understands that the confidentiality of information provided by other States Parties that is properly identified as protected pursuant to Article 27 of the Convention will be respected.

(C) CERTIFICATION.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the Comptroller General of the United States shall be given full and complete access to—

(i) all information in the possession of the United States Government specifically relating to the operation of the Convention that is submitted by any other State Party pursuant to Article 5 of the Convention, including any report or document; and

(ii) information specifically relating to any review or analysis by any department, agency, or other entity of the United States, or any official thereof, undertaken pursuant to Article 20 of the Convention, of any report or document submitted by any other State Party.

(D) REPORTS TO CONGRESS.—Upon the request of the chairman of either of the appropriate committees of Congress, the President shall submit to the respective committee an unclassified report, and a classified annex as appropriate, detailing—

(i) how the objective of a high level of nuclear safety has been furthered by the operation of the Convention;

(ii) with respect to the operation of the Convention on an Article-by-Article basis—

(I) the situation addressed in the Article of the Convention;

(II) the results achieved under the Convention in implementing the relevant obligation under that Article of the Convention; and

(III) the plans and measures for corrective action on both a national and international level to achieve further progress in implementing the relevant obligation under that Article of the Convention; and

(iii) on a country-by-country basis, for each country that is receiving United States financial or technical assistance relating to nuclear safety improvement—

(I) a list of all nuclear installations within the country, including those installations operating, closed, and planned, and an identification of those nuclear installations where significant corrective action is found necessary by assessment;

(II) a review of all safety assessments performed and the results of those assessments for existing nuclear installations;

(III) a review of the safety of each nuclear installation using installation-specific data and analysis showing trends of safety significance and illustrated by particular safety-related issues at each installation;

(IV) a review of the position of the country as to the further operation of each nuclear installation in the country;

(V) an evaluation of the adequacy and effectiveness of the national legislative and regulatory framework in place in the country, including an assessment of the licensing system, inspection, assessment, and enforcement procedures governing the safety of nuclear installations;

(VI) a description of the country's on-site and off-site emergency preparedness; and

(VII) the amount of financial and technical assistance relating to nuclear safety improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear installation, and the amount intended for expenditure by the United States on each such installation in the future.

(5) AMENDMENTS TO THE CONVENTION.—

(A) VOTING REPRESENTATION OF THE UNITED STATES.—A United States representative—

(i) will be present at any review meeting, extraordinary meeting, or Diplomatic Conference held to consider any amendment to the Convention Amendment Conferences; and

(ii) will cast a vote, either affirmative or negative, on each proposed amendment made at any such meeting or conference.

(B) SUBMISSION OF AMENDMENTS AS TREATIES.—The President shall submit to the Senate for its advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States any amendment to the Convention adopted at a review meeting, extraordinary meeting, or Diplomatic Conference.

(6) TREATY INTERPRETATION.—

(A) PRINCIPLES OF TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) CONSTRUCTION OF SENATE RESOLUTION OF RATIFICATION.—Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through majority approval of both Houses of Congress.

(C) DEFINITION.—As used in this paragraph, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate to the Convention on Nuclear Safety is subject to the following understandings:

(1) DISMANTLEMENT OF THE JURAGUA NUCLEAR REACTOR.—The United States understands that—

(A) no practical degree of upgrade to the safety of the planned nuclear installation at Cienfuegos, Cuba, can adequately improve the safety of the existing installation; and

(B) therefore, Cuba must undertake, in accordance with its obligations under the Convention, not to complete the Juragua nuclear installation.

(2) IAEA TECHNICAL ASSISTANCE.—

(A) FINDINGS.—The Senate finds that—

(i) since its creation, the International Atomic Energy Agency has provided more than $50,000,000 of technical assistance to countries of concern to the United States, as specified in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and in provisions of foreign operations appropriations Acts;

(ii) the International Atomic Energy Agency has budgeted, from 1995 through 1999, more than $1,500,000 for three ongoing technical assistance projects related to the Bushehr nuclear installation under construction in Iran; and

(iii) the International Atomic Energy Agency continues to provide technical assistance to the partially completed nuclear installation at Cienfuegos, Cuba.

(B) SENSE OF THE SENATE.—The Senate urges the President to withhold each fiscal year a proportionate share of the United States voluntary contribution allocated for the International Atomic Energy Agency's technical cooperation fund unless and until the Agency discontinues the provision of all technical assistance to programs and projects in Iran and Cuba.

SEC. 4. DEFINITIONS.

As used in this resolution:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CONVENTION.—The term "Convention" means the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104-6).

(3) NUCLEAR INSTALLATION.—The term "nuclear installation" has the meaning given the term in Article 2(i) of the Convention.

(4) STATE PARTY.—The term "State Party" means any nation that is a party to the Convention.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Convention.

Mr. ENZI. I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, APRIL 12, 1999

Mr. ENZI. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment, under the provisions of S. Con. Res. 23, until 12 noon, Monday, April 12. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. Mr. President, for the information of all Senators, the Senate will adjourn this evening until 12 noon on Monday, April 12. There will be no rollcall votes during Monday's session. However, Members can expect rollcall votes as early as Tuesday, April 13. As the leader previously announced, it is hoped that when the Senate returns from the Easter break, it will consider the supplemental appropriations conference report and the budget conference report, if available.

The leader would, again, like to thank all Senators for their cooperation during the past busy week.

ORDER FOR ADJOURNMENT

Mr. ENZI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 23 following the remarks of Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

CHINA'S WTO ACCESSION AND THE VISIT OF PREMIER ZHU RONGJI

KEEP THE POWDER DRY

Mr. BAUCUS. Mr. President, I rise today to bring your attention to a matter of pressing concern involving the upcoming visit of Chinese Premier Zhu Rongji and the prospects of China's accession to the World Trade Organization.

CONTEXT OF RELATIONSHIP

Let me begin, however, with some context.

On April 8 and 9, the Premier of China will visit our country. As we speak, the Administration is negotiating with China the terms of its possible accession to the WTO.

Already this session, the Senate has seen one floor debate concerning our overall China policy. That debate was prompted by an amendment that would have required Congress to vote on the terms of China's accession prior to the Administration's completion of an agreement. Such a pre-emptive vote raised several constitutional and precedential questions.

Congress has not voted on any of the previous 110 GATT and WTO accessions because since 1948 WTO accessions have been executive agreements which generally require no U.S. concessions.

I spoke loudly against that amendment for three specific reasons. First, a vote on WTO accession would more likely be a judgment on the immediate state of our overall relationship with China than on the trade policy details of the accession. Second, such a vote could result in the U.S. holding a set of unilateral trade concessions by China to the United States hostage to every other concern we have about China—from human rights to security, environment, labor policies and much more. Third, we are already required to vote on China's permanent Normal Trading Relation status before the agreement becomes binding. Therefore, I was pleased that the Senate saw fit to defeat this resolution by a resounding vote of 69 to 30. Now we can move on to the matter of pressing concern.

Mr. President, as the visit of the Chinese Premier nears, and as the Administration continues with its negotiations, I am sure that the Senate, the Administration, and the country as a whole will engage in an intense debate on China policy. Participants in this debate will have radically different views on the prospects of our relationship, and on the trade, security and human rights policies we should adopt in it.

I rise today to encourage all participants in this debate to take a deep breath and to think carefully about this issue. For there is much at stake. And it is incumbent upon all of us to make sure that our actions are in the best interests of our country.

STATEMENT TO THE ADMINISTRATION

First, let me address my remarks to the Administration, for they are engaged in an on-going dialogue with China over WTO accession.

Simply put, we must not allow the pending visit of the Premier to cause us to want an agreement so badly that we will accept it on anything less than the best possible terms. It may sound trite, Mr. President, but this is serious stuff—we have to get it right. I do not want to see us simply agree to a commercially viable agreement, instead I want us to sign a commercially powerful agreement.

We've waited a long time to achieve liberalized trade with China. Many times in the past dozen years, we have tried unsuccessfully. But despite, our questions concerning enforcement never before have we been so close in terms of real progress and genuine commitment to agreeable terms that right now. And we must recognize that whatever happens, China will be a challenge for years to come.

Take for example the matter of China refusing to import Pacific-Northwest wheat. For the first time in over two decades, we are near a breakthrough concerning their zero tolerance policy. While talk is good and I encourage it continue, we still have not resolved the underlying problem. China is not importing our wheat. Thus the true measure of success will be weighed in terms of action and reaction—both China's commitment to dropping its ban and its importation of Pacific Northwest wheat.

On a broader scale, Mr. President, I believe that any agreement with China must contain at a minimum, the following terms:

First, it must apply to three critical trade sectors: agriculture, manufacturing, and financial services. We must ensure that China is willing to trade fairly across the board with U.S. companies in each of these sectors. The agreement should include significant tariff reductions, elimination of non-tariff barriers and other measures to liberalize trade in goods.

It should include market access for agriculture, including the elimination of phony health barriers on Pacific Northwest wheat, citrus, meats and other products. And it should include liberalization of service sectors including distribution, telecommunications, finance, and audiovisual industries. Let me be very clear: China must agree to accept all WTO disciplines after a negotiated phase in. They should be afforded no special treatment.

Second, the agreement must be commercially viable, verifiable, and enforceable. Good words and good intentions are not enough, Mr. President. This must be a commercially powerful agreement. The American people and American companies deserve to know that the words will be backed up by actions. In other trade negotiations, some have proposed an annual report card to monitor progress.

Mr. President, I plan to review any accession agreement very carefully. If necessary, I will carry legislation to ensure that compliance with such an accession agreement is carefully monitored to ensure that it is met in letter and spirit. For example, I think the concept of a general safeguard which would allow unilateral sanctions if China failed to meet its commitments is the most important element. Use of this general safeguard should also be linked to an annual review of the agreement.

Third, and finally, I believe that the agreement should be coupled with a showing of good-faith by China. Now, I don't want to prejudge the on-going negotiations. Rather I want to wait and see what the results of those negotiations are. But I don't think it is beyond reason to expect that a WTO accession agreement would include trade targets or up-front purchase agreements for U.S. products.

But again, Mr. President, I am not in the room with the Administration as they negotiate this agreement, and I want to leave them some flexibility on this point. Let me reiterate that I mean "some" flexibility and Mr. President, I can't emphasize this enough. Flexibility with Caution because we don't want an accession agreement with China at any price. We do want an agreement must be fair and in the best interests of the United States.

In particular I urge the Administration to closely scrutinize any agreement to make sure it meets this test and be vigilant about the details. And if the offer falls short of the mark, I would suggest that the United States wait rather than push forward with this accession.

STATEMENT TO SENATE COLLEAGUES

Mr. President, I also wish to speak to my Senate colleagues today. Issues related to China can stir our passions. As we move forward with negotiations on China's accession to WTO, I urge you to simply "keep your powder dry." Let's wait and take a look at the outcome of the negotiations.

We must not lose sight of the vital American interests that are at stake. From our perspective, WTO accession can create a more reciprocal trade relationship; promote the rule of law in China; and accelerate the long-term trend toward China's integration into the world economy and the Pacific region.

And let me be absolutely clear. This is about more than wheat. The whole spectrum of the U.S. economy stands to benefit from a commercially powerful accession agreement with China. Agriculture, manufacturing, and financial services—industries affecting literally every state in the United States.

But, Mr. President, the WTO accession holds more at stake than the interests of U.S. industries. This integration is, we should always remember, immensely important to our long-term security interests.

To choose one example, twenty-five years ago China would likely have seen the Asian financial crisis as an opportunity to destabilize the governments of Southeast Asia, South Korea and perhaps even Japan. Today China sees the crisis as a threat to its own investment and export prospects, and has thus contributed to IMF recovery packages and maintained currency stability. Thus China's policy has paralleled and complemented our own; and as a result, the Asian financial crisis remains an economic and humanitarian issue rather than a political and security crisis.

From China's perspective, WTO entry has the long-term benefits of strengthening guarantees of Chinese access to foreign markets and promoting competition and reform in the domestic economy; and the short-term benefit of creating a new source of domestic and foreign investor confidence at a time of immense economic difficulty.

So I say to my Senate colleagues that we must review any agreement carefully. Just as I have said that we should not accept it out of hand, so I do not believe that we should reject it out of hand. I believe that issues related to nuclear security, human rights and Taiwan are all important issues.

Mr. President, I believe that each of in the Senate need to take a close look at the agreement and weigh it in the context of all U.S. interests. Until we have done that, Mr. President, we should "keep our powder dry."

STATEMENT TO CHINA

Mr. President, before I conclude, let me also send a message to China. I believe that the window of opportunity for China's accession to the WTO is closing rapidly. The next WTO round begins in November in Seattle. If we cannot reach agreement on WTO accession, it may be many years before this opportunity arises again.

Let me say this clearly to the Chinese leadership: If you are willing to negotiate in good faith, if you are willing to agree to a commercially viable agreement and to eliminate phony barriers to the import of Pacific-Northwest wheat and other products, then I will be willing to support China's accession to the WTO. And I think that many of my colleagues feel the same way. But if you are not willing to take that step; if you are not willing to agree to free and fair trade, then I will oppose China's accession to the WTO and I will urge the Administration to join me in that opposition.

CONCLUSION

In conclusion, Mr. President, China's pending accession must be considered carefully.

This Administration must closely scrutinize any agreement to ensure that it meets the "commercially powerful" test. If the offer is genuine and sound, the Administration should work toward an agreement, if it falls short, then the United States should wait.

We in the Senate should "keep our powder dry." That is to let calmer heads prevail by not pre-judging the agreement.

Instead we should play an active role in the negotiations and lend our input as we work toward a successful agreement.

And finally, China must make every effort to demonstrate its desire to enter the global marketplace by bringing forth a commercially meaningful offer. The ball is in China's court.

In sum, I would say that Premier Zhu's visit offers us an immensely important opportunity to define the course of our overall U.S.-China relationship. I welcome his visit and hope my colleagues and the Administration will do the same.

ADJOURNMENT UNTIL 12 NOON MONDAY, APRIL 12, 1999

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon, Monday, April 12, 1999.

Thereupon, the Senate, at 10:42 p.m., adjourned until Monday, April 12, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 25, 1999:

DEPARTMENT OF COMMERCE

JOHNNIE E. FRAZIER, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE, VICE FRANK DEGEORGE, RESIGNED.

THE JUDICIARY

JAMES W. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY S. HARRIS, RETIRED.

ELLEN SEGAL HUVELLE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA VICE JOHN GARRETT PENN, RETIRED.

BARBARA M. LYNN, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE HAROLD BAREFOOT SANDERS, JR., RETIRED.

DEPARTMENT OF EDUCATION

MARSHALL S. SMITH, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE MADELEINE KUNIN.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 25, 1999:

DEPARTMENT OF ENERGY

ROSE EILENE GOTTEMOELLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (NON-PROLIFERATION AND NATIONAL SECURITY).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EUGENE L. TATTINI, 3329.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. HAROLD L. TIMBOE, 9807.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM C. JONES, JR., 9159.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL V. HAYDEN, 0513.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. REGINALD A. CENTRACCHIO, 0724.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be Rear admiral (lower half)

CAPT. EDWARD J. FAHY, JR., 2444.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DANIEL R. BOWLER, 8602.
REAR ADM. (LH) JOHN E. BOYINGTON, JR., 1186.
REAR ADM. (LH) JOHN V. CHENEVEY, 1818.
REAR ADM. (LH) ALBERT T. CHURCH, III, 9703.
REAR ADM. (LH) JOHN P. DAVIS, 4560.
REAR ADM. (LH) JOHN B. FOLEY, III, 8786.
REAR ADM. (LH) VERONICA A. FROMAN, 7314.
REAR ADM. (LH) ALFRED G. HARMS, JR., 7295.
REAR ADM. (LH) JOHN M. JOHNSON, 9184.
REAR ADM. (LH) TIMOTHY J. KEATING, 8508.
REAR ADM. (LH) ROLAND B. KNAPP, 2486.
REAR ADM. (LH) TIMOTHY W. LAFLEUR, 3609.
REAR ADM. (LH) JAMES W. METZGER, 6693.
REAR ADM. (LH) RICHARD J. NAUGHTON, 8886.
REAR ADM. (LH) JOHN B. PADGETT, 6225.
REAR ADM. (LH) KATHLEEN K. PAIGE, 7645.
REAR ADM. (LH) DAVID P. POLATTY, III, 4771.
REAR ADM. (LH) RONALD A. ROUTE, 7031.
REAR ADM. (LH) STEVEN G. SMITH, 5244.
REAR ADM. (LH) RALPH E. SUGGS, 6624.
REAR ADM. (LH) PAUL F. SULLIVAN, 4503.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

PATRICK FINNEGAN, 1878.

ARMY NOMINATIONS BEGINNING CHRISTOPHER D. LATCHFORD, AND ENDING JAMES E. BRAMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING LEE G. KENNARD, AND ENDING MICHAEL E. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING WESLEY D. COLLIER, AND ENDING THOMAS L. MUSSELMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING DAVID E. BELL, AND ENDING HOWARD LOCKWOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING *JAN E. ALDYKIEWICZ, AND ENDING *LOUIS P. YOB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING TIMOTHY K. ADAMS, AND ENDING DERICK B. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STANLEY A. PACKARD, 3502.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TODD D. BJORKLUND, 3251

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TAREK A. ELBESHBESHY, 8897.

NAVY NOMINATIONS BEGINNING GLEN C. CRAWFORD, AND ENDING LEONARD G. ROSS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

NAVY NOMINATIONS BEGINNING STEVEN W. ALLEN, AND ENDING DANIEL C. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

EXTENSIONS OF REMARKS

LET US NOT SEND TROOPS TO KOSOVO

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

Mr. HORN. Mr. Chairman, earlier today I expressed my views on why the American military should not be sent to Kosovo.

The conflict in Kosovo is taking place within a sovereign nation. If we are going to go to war with a sovereign nation, we ought to provide a declaration of war. That is what the Constitution of the United States would have us do. I think all of us in this chamber know that Serbian leader Milosevic is a war criminal that should be tried by an international tribunal. The issue here today is, by what criteria should Congress and the President of the United States judge whether American troops should go there?

When is the success known by American troops sent to Kosovo? The President repeatedly broke promises regarding the length of service in Bosnia before admitting our troops will be there indefinitely. Are they going to spend 50 years in the Balkans around Kosovo to bring peace as we have in Korea? Korea was where another Nation invaded South Korea.

This is the time to ask the President to face up to the tough questions and give us the answers to the questions that have been submitted to him. I would keep American troops out of Kosovo. I am opposed to any bombing of civilians. Any targets should be military in nature.

The President has failed to explain the urgent national interest which requires the introduction of U.S. forces into Kosovo. He has failed to even attempt a full explanation of this policy to Congress. The Constitution has given Congress a clear role to play which the President has ignored.

The Administration argues that if the House votes against authorizing its experiments in peacebuilding today, it will undercut ongoing negotiations and perhaps even lead to more bloodshed. This is insulting. It is the Administration's refusal to consult with Congress and its inability to form a strong policy against Serbian aggression that has led to the debate today. The Administration has rejected all attempts by Congress to assert its Constitutional role on every occasion it has put our forces in harm's way without a clear explanation of its mission or on what our forces were supposed to accomplish. The current objections by the White House are more of the same rhetoric from an Executive Branch derisive of consultation with Congress.

The conflict in Kosovo is taking place within a sovereign nation. Intervention in Kosovo, even following an agreement forced upon both sides, is the intervention in a civil war to mediate between two sides which we are trying to force into an agreement that will require our forces to uphold.

By what criteria would the President judge success in this mission whereby American troops could be recalled from Kosovo? The President repeatedly broke promises regarding the length of service in Bosnia before admitting that our troops will be there indefinitely. Once a peacekeeping force enters Kosovo to uphold a forced agreement, that force will serve indefinitely unless Congress acts to responsibly to restrict yet another open-ended commitment to achieve nebulous goals.

While the House debates the commitment of forces to Kosovo, we are also wrestling with the question of funding our armed forces, forces stretched thin by multiple commitments around the world. We are debating how to protect our nation from missile attack, perhaps from missiles improved with stolen American technology. How, then, will another open-ended commitment of American forces help American security. I have heard the arguments on why American forces must be present to make a peacekeeping force work, and while these arguments have merit, they also point out the failure of Europe to deal with issues in its own backyard.

Under the agreement being negotiated now, the peacekeeping force would attack Serbia if its forces or sympathizers violate the agreement, but what would happen if elements of the Kosovo Liberation Army violates the agreement? How would the United States with NATO punish Kosovar violations?

The United States presumably has a responsibility to end the bloodshed in Kosovo because it is the only nation left with the resources to do so. So why, then, is the Administration not seeking to put peacekeepers on the ground in Turkey, where thousands of innocent Kurds have been killed in Turkey's attempt to destroy the terrorists of the PKK? Why have American peacekeepers not been dispatched to Sierra Leone, where the killing continues? Why were international peacekeepers not part of the Irish or Basque peace agreement? What makes Kosovo different?

Let us keep American Troops out of Kosovo. If lives are to be in harm's way, let the European members of NATO handle regional conflicts in their own backyard.

◆

IN THE HOUSE OF REPRESENTATIVES IN HONOR OF THE 35TH ANNIVERSARY OF THE BARTON SENIOR CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Barton Senior Center for its 35-year record of enriching the quality of life for seniors in Lakewood, Ohio.

The Barton Center has been the inspiration for countless noteworthy projects and activities designed to benefit the Lakewood community. This non-profit, self-supporting organization offers a variety of social, educational, recreational and health related activities, classes, programs and services to the seniors of Lakewood. It is truly a multi-purpose senior center.

The inspiration for the Barton Center happened in 1963 when the first residents of the newly built Westerly senior apartment building realized their need for a common social area. With help from government loans, foundation gifts and individual donations, a full service senior center was built, complete with a spacious lounge and dining room, a fully equipped kitchen, a room for arts and crafts, a library, a pool and game room, a workshop and hobby room, and office space. A full-time director and activities coordinator was also hired.

Since its beginning, the Barton Center has continued to grow and expand. The center publishes a regular newsletter that has a circulation of over 1,500 people. Current programs and services such as the Driver Evaluation Program, Home Town Band Concerts, the Holiday Fair, the Dinner Theater, health and exercise programs and neighborhood transportation service are also immensely popular with the hundreds of members of the center.

My fellow colleagues, please join me in recognizing the 35th anniversary of the Barton Senior Center.

◆

CELEBRATING ACHIEVEMENTS OF WOMEN OF COLOR DURING WOMEN'S HISTORY MONTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. PELOSI. Mr. Speaker, I rise today to commemorate Harriet Tubman and her lifelong dedication to social justice. We remember Harriet Tubman for her role in winning freedom for African-Americans. We remember her work on behalf of the Underground Railroad. We remember her courage in risking her life and freedom to help others to escape the tyranny of enslavement.

Harriet Tubman was born a slave in the early 1820s in Bucktown, Maryland, near Cambridge. At birth, she was named Araminta, but later adopted her mother's first name. In 1884, she married John Tubman, a freed slave. Starting life on a plantation, she grew up doing hard labor in the fields and suffering repeated beatings. Once, at age 13, an overseer struck her with a heavy weight and, for the rest of her life, she struggled with the serious effects of a fractured skull.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1849, after her owner died, she fled alone to Philadelphia on the underground railroad. Congress then passed the 1850 Fugitive Slave Act, a law that criminalized providing help to runaway slaves. Nevertheless, Harriet immediately dared to make her first return trip. Over the next decade, Tubman used the Underground Railroad to make 18 separate trips to free slaves. In total, she helped more than 3,000 slaves escape and earned the nickname "Moses" for having led so many of her people to freedom.

It is said that she planned carefully, never repeated her route, and became an inspirational role model. Her success is measured by the reactions of slave owners, who placed a $40,000 bounty on her head, a fortune in today's dollars.

During the Civil War, she worked as a Union spy, scout, and nurse. In these roles, she helped even more slaves to escape. After the Civil War, she campaigned to raise funds for black schools. Later, she established the Harriet Tubman Home for Indigent Aged Negroes in her own home. Like many others who have dedicated their lives to social justice, Harriet lived her later years in poverty. A few years before her death, Congress finally awarded her a monthly pension. Today, I urge my colleagues to refresh our recognition of her life and good works.

The date of Harriet Ross Tubman's birth is uncertain, but experts believe it is March 10, 1820. She died on March 10, 1913. It is, therefore, highly appropriate to honor this American hero during March's Women's History Month. At her death, Tubman was impoverished in economic terms, but her life was rich with great accomplishments, great works, and the knowledge that she had brought freedom to thousands of slaves. She is an inspiration to all of us.

"PROJECT 2000"—A NATIONAL MODEL FOR HUMANITARIAN SUPPORT

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. FORD. Mr. Speaker, I rise today to honor a constituent, friend and esteemed member of the clergy from Tennessee's Ninth District, Reverend Bill Adkins.

On Wednesday, March 15, Reverend Adkins announced an ambitious project in Memphis that will bring together people of faith from across the city, from all dominations, to address our community's most pressing needs. Entitled "Project 2000," the initiative would begin on Easter Sunday and continue throughout the year. Participating churches would set aside the receipt from one Sunday's collection for a special community project.

Reverend Adkins described this initiative best when he urged his fellow clergy to join him in his cause:

"We pray about poverty, housing, incarceration, illnesses and the lack of jobs, and we should. But what are the churches doing? Why can't we take one Sunday out of 52 and do something together for the betterment of the community? One hundred churches alone in Memphis could generate several million dollars." (Source: The Commercial Appeal, March 16, 1999)

"Project 2000" exemplifies the American ideals of community and mutual responsibility. As Americans, we should not live as individuals in isolation, but as members of a community, working together to solve our common problems. In our labors, we should draw on the spiritual, moral, intellectual and financial strength of our church community. There is no limit to what we can accomplish when we marshal the good will and resources of the more than 150 million people of faith who attend weekly services in over 300,000 congregations in the United States.

Mr. Speaker, I ask all of my colleagues to join me today in honoring Reverend Adkins and "Project 2000." But more than that, Mr. Speaker, I believe the best tribute to Reverend Adkins and "Project 2000" would be for all of my colleagues in the House of Representatives to introduce this unique initiative to their constituents. I have included a copy of a recent news article describing this initiative and ask that it be included in the RECORD.

[From The Commercial Appeal, Mar. 16, 1999]

CHURCHES ASKED TO DONATE A SUNDAY

(By David Waters)

Monday, he was on the radio rallying citizens to do something positive for the oft-maligned neighborhood of Whitehaven.

Tuesday, he was at the City Council meeting, lobbying council members to do something to fix a voting plan he thinks is unfair.

Wednesday, he held a press conference and challenged his congregation and others to do something collectively to help the community.

"We pray about poverty, housing, incarceration, illness and the lack of jobs, and we should," Rev. Bill Adkins, pastor of Greater Imani Church, said as he presented his idea for Project 2000.

"But what are the churches doing?"

Adkins suggested that, starting next year, all local churches contribute one Sunday's receipts to a special community project.

The first Project 2000 Sunday could be Jan. 30, 2000, the fifth Sunday of that month.

"Most churches consider fifth Sundays as gravy," Adkins said.

"Why can't we take one Sunday out of 52 and do something together for the betterment of the community?"

Adkins would like to get representatives from each participating congregation to form a board to choose a Project 2000 recipient.

"One hundred churches alone in Memphis could generate several million dollars," he said.

"The church, especially the traditional black church, has the might to bring resurrection power to this community."

Adkins said Project 2000 will begin on Easter Sunday.

Easter this year falls on April 4 for the first time since Dr. Martin Luther King Jr. was killed on that date in Memphis in 1968.

To commemorate that date, Adkins said Greater Imani will celebrate Easter at the Mid-South Coliseum this year. The service will begin at 9 a.m.

THE IRA CHARITABLE ROLLOVER INCENTIVE ACT OF 1999

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. CRANE. Mr. Speaker, today I am joined by my Ways and Means Committee colleague Mr. NEAL in introducing the IRA Charitable Rollover Incentive Act. This bill will allow Americans who have reached age 59½ to donate their IRA assets to a charity without incurring income tax on the distribution.

Under current law, distributions from IRA's are taken in as income to the account holder and taxed. This proposal will allow the assets in the IRA to pass directly to the charity without being taken in and taxed as income. However, the donor may not also claim a charitable contribution deduction as the IRA assets represent previously untaxed income.

The IRA Charitable Rollover Incentive Act has come about thanks to the valuable input from hundreds of charitable organizations across the country. I want to specifically thank Northwestern University President Henry Bienen for bringing to my attention the problems the current laws governing IRA's have created for donors who wish to transfer their assets to charities.

This bill has the potential for unlocking significant financial resources for charitable organizations. I urge my colleagues to join us in this effort by cosponsoring the IRA Charitable Rollover Incentive Act.

IN HONOR OF TOM AND PAUL CALAMARAS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Tom and Paul Calamaras. They were honored on November 20, 1998, as "Men of the Year" by the Broadway-Astoria Merchants & Professionals Association at their 18th Annual Dinner Dance at the Crystal Palace.

Tom and Paul Calamaras, the owners of the Crystal Palace and Oyster Bay Catering Hall, have played an immensely significant role in New York City's Greek-American community.

The history of the Calamaras family is the story of the American Dream. Thomas, Paul, and their sister, Eleni, were born in Sparta to Despina and John Calamaras. When the children were still young, John came to the United States to support his family. He worked at the Oyster Bay Restaurant, first as a dishwasher and later as a chef. In 1944, John opened a small coffee shop on the Lower East Side.

John, who was not a citizen, was finally able to bring his family to the United States in the late 1940s. The Calamaras family ran the coffee shop, and when the restaurant next door became available, they expanded the restaurant into the Blue Sea Restaurant.

In 1957, Paul returned to Greece where he met and married Mary Stefanos Resiopoulos of Athens. They returned to the United States in 1958. Today, they live on the north shore of Long Island with their three sons, John, Stefanos, and Athanasios.

In 1959, Tom also returned to Greece where he met and married Aphrodite Christopoulos of Kalamata. They currently live on the Upper East Side of Manhattan.

In 1959, John, Paul and Tom purchased the Oyster Bay Restaurant, John's first place of employment in the United States. The Oyster Bay joined the Blue Sea Restaurant and many other diners and restaurants run by the Calamaras family. In 1961, John fulfilled another one of his dreams when he purchased the Broadway Movie Theater. The Calamaras family also established the Crystal Palace Caterers around this time.

Sadly, John passed away in 1973, but Tom and Paul are continuing his legacy. They still own and operate their father's restaurant and they are also continuing his tradition of honoring their Greek roots.

In recognition of their continued support of causes that promote Hellenism in America, in February of this year Thomas and Paul Calamaras received the title of Archon Depoutatos by the Ecumenical Patriarch Dimitrios.

Mr. Speaker, I am honored to bring to your attention these important men, Tom and Paul Calamaras, as they are honored as "Men of the Year." I would also like to offer my sincere congratulations to the Broadway-Astoria Merchants & Professionals Association as it celebrates its 18th Annual Dinner Dance.

A TRIBUTE TO ED HASTEY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my very good friend, Ed Hastey. Ed is looking forward to a full and productive retirement after serving the Bureau of Land Management, the State of California, and the nation for over 46 years.

A fourth generation Californian and native of Pacific Grove, Ed attended Fresno State College and Monterey Peninsula College, and following his service in the military, graduated from the University of Washington in 1957. He joined BLM in 1957 after several years in the Army Airborne. Over the years, he served as the BLM's national budget officer, assistant director for administration, and as associate director in Washington, DC. He also served two stints as BLM's California State Director, the last stretching from 1982 to the present.

During his tenure at the BLM, Ed spent most of his career directing the management of 16 million acres of public lands in California and Northern Nevada. In that time, he has worked under a dozen Secretaries of Interior. "I once referred to Ed Hastey as 'the viceroy of California,' and I truly believe no single individual has had a more positive impact on California's landscapes than Ed," said Interior Secretary Bruce Babbitt. "He will be missed."

Ed is widely credited with founding the California Biodiversity Council which draws together all Federal and State land management and environmental agencies with County Supervisors Associations from throughout the state to collaborate on ways to better manage California's diverse natural resources.

Ed is especially proud of the land exchange and acquisition program that he directed in cooperation with the State of California and several private land conservancies that has ensured protection of many unique California landscapes. Several examples include the King Range National Conservation Area on the north coast, the Carrizo Plain in central California, the Santa Rosa Mountains in Southern California, and Cosummes Preserve in Sacramento County, and numerous other areas throughout the state. Ed was also instrumental in the recent acquisition of the Headwaters Forest in Humboldt County which the BLM will manage in partnership with the state.

On a personal note, Ed has been a longtime friend and trusted advisor on important public land issues affecting my congressional district in southern California. We have, over the years, enjoyed many back country excursions together. I know that our friendship will continue and fully expect to spend many more days together exploring the vast and beautiful California wilderness.

Mr. Speaker, few people in public life ever make the type of contributions made by my very good friend, Ed Hastey. As he begins his well-deserved retirement, Ed leaves many admirers in and out of government who respect him for his work, his fundamental sense of decency, and most importantly, his integrity. All of us wish Ed, his wife of 45 years, Joyce, and his family much happiness in the coming years. It is only appropriate that the House pay tribute to Ed Hastey today.

HONORING COAHOMA COMMUNITY COLLEGE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me great pleasure to stand before you today to honor an institution of higher learning that is currently enjoying its 50th year of academic excellence.

Coahoma Community College, nestled in Clarksdale, Mississippi, was established on June 8, 1949, by the Board of Trustees of Coahoma County agricultural High School. Back then, they got together to discuss adding a freshman year of college to the high school as provided by a special act of the state legislature. At the same time, they changed the name of the school to Coahoma Junior College and Agricultural High School which now stands as Coahoma Community College.

Coahoma Community College started out as a college where African-American students could pursue their dreams of obtaining a college education when no other opportunities were available to them. Today, they strive to meet the dreams of every student, adult and businessperson who has a desire to improve his or her place in life.

Mr. Speaker, in closing, I want to add that Coahoma Community College is just that . . . a college for the community. It has definitely come a long way since 1949. With the additions of the Skill/Tech Industrial Training Center and other programs, Coahoma works with businesses and industrial plants offering start-up training, employee and skills enhancement training and health and safety training. Through its academic, vo-tech and skill/tech classes, the college offers a variety of non-credit courses designed to enhance the quality of life in the community as well as increase a person's skills in lifelong learning.

From a college that gave blacks an opportunity to attain a college education to providing the community with diverse centers for learning, Coahoma Community College continues to fulfill its original mission of providing opportunities for advancement for the people it serves.

THE 75TH ANNIVERSARY OF CORTEZ GROWERS

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. CONDIT. Mr. Speaker, I rise today to recognize and honor the 75th Anniversary of Cortez Growers.

Many of the original founders of the Cortez Growers Association first came to California in 1910. The farming cooperative takes it name from the small Santa Fe Railroad stop north of Livingston and southeast of Turlock in my district in California's great Central Valley.

Lured to the Valley by a popular Japanese-language newspaper, the immigrants, unable to speak English and ineligible to own land or become U.S. citizens doggedly pursued the American dream, eventually catching it, revolutionizing farming and transforming Merced County into a major agricultural center.

Immigrating in search of opportunity, they lived as sharecroppers and laborers while searching for the American dream in Berkeley, Watsonville, Salinas, Woodlands, Sacramento, San Francisco and nearly any other place where they found inexpensive farmland where they quickly found they could grow nearly anything.

With little money the immigrants faced incredible odds. Under the Alien Land Law of 1913, Asians couldn't own land because they couldn't become citizens. At the same time, many of the established farmers around Livingston didn't welcome the newcomers. Meeting the challenges steadfastly, the new residents of Cortez formed their grower's association on April 18, 1924.

They struggled with anti-Japanese sentiments during World War II, with many forced into internment camps. Though thousands of Japanese-Americans lost everything during the war, the crisis did not end the dreams of the Cortez members. By January, 1945, the tides of war had firmly turned in the Allied forces' favor, and the Western Defense Command had lifted military restrictions on Japanese-Americans. Following the war, the association began radical changes that would see it reach out to its neighbors and change the way we farm in California.

Cortez looks much different than it did 75 years ago. Instead of jackrabbits, there are cars, tractors and trucks. The sand has been replaced by lush greenery. Today there are 80 members; fewer than half claim Japanese roots. The average farm size is only 60 acres, but because of pooled resources, the association has the clout of a much larger organization.

Mr. Speaker, I am proud to represent these farmers and ask that my colleagues in the House of Representatives rise and join me in honoring the Cortez Growers Association on their 75th anniversary.

EXPRESSING SUPPORT OF HOUSE OF REPRESENTATIVES FOR MEMBERS OF U.S. ARMED FORCES ENGAGED IN MILITARY OPERATIONS AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Ms. SLAUGHTER. Mr. Speaker, I rise today in strong support of H. Res. 130, a resolution expressing the support of the House of Representatives for our American troops engaged in military operations against the Federal Republic of Yugoslavia.

Last year, I traveled to the Balkans as a representative of the Organization for Security and Cooperation in Europe. There, I was able to see firsthand the violence and destruction caused by a deep-seated hatred between ethnic groups, and more specifically, by the policies of Serbian President Slobodan Milosevic and his oppressive regime.

For the past 2 years, the world has watched as the ethnic Albanian people in Kosovo have been subjected to numerous killings, rapes, torture, and other forms of violence and human suffering. I strongly believe that something must be done to bring about a permanent end to the egregious human rights violations that are occurring against these people.

I support the President's decision to allow our troops to participate in NATO air strikes against Serbian forces within Yugoslavia. I am closely monitoring this situation and offer my hopes and prayers for all of our young men and women who are bravely serving their nation in the name of peace.

PEACE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. PAUL. Mr. Speaker, today I rise and with gratitude to Edmund Burke and paraphrase words he first spoke 224 years ago this week. As it is presently true that to restore liberty and dignity to a nation so great and distracted as ours is indeed a significant undertaking. For, judging of what we are by what we ought to be, I have persuaded myself that this body might accept this reasonable proposition.

The proposition is peace. Not peace through the medium of war, not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all part of the earth; not peace to depend on juridical determination of perplexing questions, or the precise marking the shadowy boundaries of distant nations. It is simply peace, sought in its natural course and in it ordinary haunts.

Let other nations always keep the idea of their sovereign self-government associated with our Republic and they will befriend us, and no force under heaven will be of power to tear them from our allegiance. But let it be once understood that our government may be one thing and their sovereignty another, that these two things exist without mutual regard one for the other—and the affinity will be gone, the friendship loosened and the alliance hasten to decay and dissolution. As long as we have the wisdom to keep this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever mankind worships freedom they will turn their faces toward us. The more they multiply, the more friends we will have, the more ardently they love liberty, the more perfect will be our relations. Slavery they can find anywhere, as near to us as Cuba or as remote as China. But until we become lost to all feeling of our national interest and natural legacy, freedom and self-rule they can find in none but the American founding. These are precious commodities, and our nation alone was founded them. This is the true currency which binds to us the commerce of nations and through them secures the wealth of the world. But deny others of their national sovereignty and self-government, and you break that sole bond which originally made, and must still preserve, friendship among nations. Do not entertain so weak an imagination as that UN Charters and Security Councils, GATT and international laws, World Trade Organizations and General Assemblies, are what promote commerce and friendship. Do not dream that NATO and peacekeeping forces are the things that can hold nations together. It is the spirit of community that gives nations their lives and efficacy. And it is the spirit of the constitution of our founders that can invigorate every nation of the world, even down to the minutest of these.

For is it not the same virtue which would do the thing for us here in these United States? Do you imagine than that it is the Income Tax which pays our revenue? That it is the annual vote of the Ways and Means Committee, which provide us an army? Or that it is the Court Martial which inspires it with bravery and discipline? No! Surely, no! It is the private activity of citizens which gives government revenue, and it is the defense of our country that encourages young people to not only populate our army and navy but also has infused them with a patriotism without which our army will become a base rubble and our navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us: a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from begin qualified to be directors of the great movement of this nation, are not fit to turn a wheel in the machinery of our government. But to men truly initiated and rightly taught, these ruling and master principles, which in the opinion of such men as I have mentioned have no substantial existence, are in truth everything. Magnanimity in politics is often the truest wisdom, and a great nation and little minds go ill together. If we are conscious of our situation, and work zealously to fill our places as becomes the history of this great institution, we ought to auspiciate all our public proceedings on Kosovo with the old warning of the Church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our forefathers turned a savage wilderness into a glorious nation, and have made the most extensive and the only honorable conquests, not by bombing and sabre-rattling, but by promoting the wealth, the liberty, and the peace of mankind. Let us gain our allies as we obtain our own liberty. Respect of self-government has made our nation all that it is, peace and neutrality alone will makes ours the Republic that it can yet still be.

HONORING DAVID E. SMITH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. KILDEE. Mr. Speaker, I stand before you today to recognize the accomplishments of a man who has made it his life's work to protect and defend human dignity, and to ensure the safety of our shores, for our citizens and our children. On April 23, friends and family will gather to honor the career of State Commander David E. Smith, for a lifetime of service, including more than 20 years as a member of the Disabled American Veterans.

A lifetime resident of Michigan, David Smith's introduction to the United States Armed Forces began with his grandfather, who served in World War I, and his father, Earl, who served in World War II. Upon completion of his tour of duty, the elder Mr. Smith moved his family to Christmas, Michigan, and later Mount Morris, in the Flint area. Mr. Smith enlisted in the United States Army on June 20, 1960, and served for six years, three of which were in Germany as a member of the 7th Army. He also served with the 1st Armored Division in Fort Hood, Texas, and the 1st Army at Fort Devens, Massachusetts. During this time, he rose to the rank of Sergeant.

In May of 1966, Sergeant Smith was medically discharged with service connected disability, however has continued to serve his country as he worked for the Department of the Army in Dover, New Jersey, before returning to Michigan in 1967. He began a career with general motors, which spaned three years before his disability prevented him from continuing. Showing determination to excel despite his disability, Mr. Smith and his family moved to Ann Arbor, Michigan, to be close to VA physicians. Mr. Smith began a new career, one that lasted five years until his disability rating was upgraded to 100% and he was ordered to cease working altogether.

In July of 1974, Mr. Smith joined the Disabled American Veterans as a like member. He began regularly attending DAV meetings in the fall of 1983. His regular attendance of Chapter Service Officer trainings prepared him for his future roles as Chapter Adjutant, Treasurer, and Service Officer. For three years, Mr. Smith served as Chapter Commander, and has held every statewide Vice-Commander positions, prior to his current position as State Commander. He has been honored as Chapter Service Officer of the Year on five separate occasions, and was recognized as Michigan Disabled Veteran of the Year in 1990.

Mr. Speaker, as we owe much to our nation's veterans, Commander David Smith has acknowledged the fact that his accomplishments would not have been possible without support from his wife Peggy, and his children, all of whom, are veterans as well. I ask my colleagues in the 106th Congress to join me in congratulating him for this dedication and perseverance.

IN RECOGNITION OF THE HEART CENTER AT PARMA COMMUNITY GENERAL HOSPITAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the opening of the Heart Center at Parma Community General Hospital and the hospital's continued dedication to meeting the healthcare needs of the community.

Parma Community General Hospital, a not-for-profit, community-based hospital dedicated to bringing high quality health care services in a familiar, cost-effective setting, received numerous awards in 1998. According to a study by a national organization, Parma Hospital was rated first in quality of care in orthopedics of the 31 hospitals in its six-county region. In addition, Parma Hospital ranked in the top five in overall performance based on all services offered.

The nursing staff, a critical element in Parma Hospital's excellence, also received accolades for their commitment to quality. Mary Ann Hassing, R.N., in the Small Wonders Maternity Unit, was named Health Care Worker of the Year by the Ohio Association for Hospitals and Health Systems. In addition, Karen Krauth, R.N., certified Diabetes Educator and Renee Knapp, R.N. who works in the Emergency Department, were chosen by the Plain Dealer readers as the Best of the Best.

Last year, Parma also became the first hospital in the area to sign the pledge created by the National Healthcare Workers Safety Program and convert to needle safety blood drawing products and IV angiocatheters. Parma also provided care for a record number of patients in the Emergency Room in 1998.

My fellow colleagues, please join me in honoring the accomplishments of Parma Community General Hospital and the Sunday, March 28, 1999 opening of the Heart Center at Parma Community General Hospital.

CESAR CHAVEZ

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. PELOSI. Mr. Speaker, I rise today to honor the organizing work of Cesar Chavez and to memorialize his lifelong struggle for justice, respect, and decent living conditions for America's farm workers.

Cesar Chavez was born on March 31, 1927, on a small farm in Arizona. When he died in 1993, at the age of 66, Cesar was President of the United Farm Workers of America. For most of his life, Cesar toiled on farms—both picking fruit and organizing workers—and dedicated himself to improving the plight of migrant workers.

Cesar grew up living as a migrant farm worker in the Southwest, and migrated with his family in their struggles to earn a living. His experiences taught him the importance of collective action and the importance of organizing to address America's economic and social inequity.

Cesar Chavez and his family were living in the East San Jose barrio of Sal Si Puedes, roughly translated this means Get Out If You Can, in 1952. That year, Cesar met Fred Ross Sr., an organizer for the Community Service Organization (C.S.O.), one of the first civic action groups in the Mexican-American communities of California and Arizona. Fred Ross became his mentor, and together they built 32 chapters of the C.S.O., organizing thousands of Mexican Americans to become active leaders of their communities. Cesar taught these leaders how to organize and win battles to end discrimination in education, housing, employment and health care. He led successful citizenship, voter registration, and get out the vote campaigns in both urban and rural communities throughout California. Because of his efforts, more than 500,000 new voters were added to America's rolls in the 1950's and early 1960's

Due to his determination and hard work, he rose from his humble origins to become the national director of CSO. He departed in 1962 to found the National Farm Workers Association. Against great odds, Cesar led a successful five year strike and boycott that rallied millions of supporters to the farm workers movement. He forged an international support coalition of unions, religious groups, students, minorities and fair minded consumers.

From the beginning, he adhered to the principles of non-violence practiced by Gandhi and Dr. Martin Luther King Jr. In 1968, Cesar fasted for 25 days to reaffirm the UFW's commitment to non-violence. The late Senator Robert F. Kennedy called Cesar "one of the heroic figures of our time" and joined him in Delano when he ended his fast.

Cesar's work has had a lasting impact on our nation. Seventeen million Americans honored the grape boycott, and thousands joined his non-violent struggle for justice in more active ways, through picket lines, civil disobedience, going to jail, and working as five dollar per week plus room and board volunteers, the same compensation that Cesar earned. My San Francisco District Director, Fred Ross Jr., son of Cesar's mentor, was one of these young people inspired by Cesar to join the cause and help migrant workers win the respect, dignity, and decent living conditions that they deserved.

On August 8, 1994, Cesar posthumously received the Presidential Medal of Freedom, the highest honor in the United States. Recently, the U.S. Department of Labor honored him by inducting him into its Hall of Fame.

I support House Joint Resolution 22, To Commemorate the Birthday of Cesar E. Chavez, which would declare March 31 a Federal holiday in his honor. Cesar dedicated his life to improving the living conditions of America's workers. I urge my colleagues to recognize his life's work.

TRIBUTE TO HAMILTON HIGH SCHOOL CHOIR

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. FORD. Mr. Speaker, I rise to pay tribute to thirty extraordinarily gifted young men and women from Tennessee's Ninth Congressional District who are in Washington this week to display their talents before the nation.

Under the leadership of Mr. Reginald Gaston, the Hamilton High School Choir has become one of the best concert and gospel choirs in the State of Tennessee. Dedicated to the pursuit of excellence, the Hamilton Choir has earned national recognition for their superior ratings in the recent Mid-America Choral Festival in Orlando, Florida.

It gives me great honor, Mr. Speaker, to present the names of these thirty fine young representatives Tennessee's Ninth District: Marlon Mitchell, Mario Albright, Jason Mitchell, Jacinth Ragland, Jattir Ragland, Phillip Britteum, Jonathan Anderson, Burl Toler, Jared Bledsoe, Tre' Canady, Royry Walker, Rickeya Townes, Felecia Wiggins, Sally Ousley, Yamina Tunstall, Sekida Norwood, Tawanda Dean, Sukeeya Haley, April Johnson, Christian Kirk, Sharonda, Walker, Ranata Adams, Thais Polk, Jovannii Ayers, LaDaris Spearman, Paige Brown, Yolanda Bolton, Ashley Wheeler, Monique Joiner, Tinisha Daniels, and Ms. Adrianne Strong. The hard work of these young people defies the inaccurate notion of an "uncommitted generation." The young people of this nation possess an overwhelming level of dedication and aptitude, and the students of the Hamilton High School Choir serve as a testimony to that.

We must continue to encourage the young people of this nation. We must continue to remind them of their potential. Moreover, we must congratulate them when they reach their goals and fulfill their potential. In that spirit, it gives me great pleasure to present this inspirational group of young men and women to official Washington, to my colleagues and to the hundreds of Americans who will be touring the people's capitol. May their voices ring from the steps of the capitol and echo the dedication and commitment of their generation.

THE CHARITABLE GIVING TAX RELIEF ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. CRANE. Mr. Speaker, today I am joined by my Ways and Means Committee colleagues Messrs. COYNE and HERGER and Mrs. THURMAN in introducing the Charitable Giving Tax Relief Act.

Identical to a bill we introduced in the 105th Congress, the Charitable Giving Tax Relief Act will allow taxpayers who do not itemize their tax returns to deduct a portion of their charitable giving. Specifically, non-itemizers whose cumulative annual charitable donations exceed $500 will be able to deduct 50 percent of any charitable donations over that amount.

Under current law, non-itemizers receive a standard deduction while only taxpayers who itemize their deductions receive a direct tax benefit for giving to charity. Non-itemizers make up the vast majority of tax filers with two and a half times more returns than itemizers. Moreover, non-itemizers are typically middle to lower middle income level taxpayers who, despite their modest earnings, still give quite generously to charitable causes. In fact, non-itemizers earning less than $30,000 give the highest percentage of their household income to charity. I believe these individuals deserve a tax break for their generosity.

This idea is not new. In the early 1980s, non-itemizers did enjoy the ability to deduct a portion of their charitable giving. In the last Congress, thanks to the support of the not-for-profit community, especially Independent Sector and its member organizations, 144 colleagues cosponsored my bill. I hope to build on that success and have this legislation included in any major tax bill that we might consider during this Congress.

As direct federal subsidies to non-profit organizations are being reduced, the private sector must fill the gap to provide the necessary resources. The Charitable Giving Tax Relief Act will help in that cause by rewarding those taxpayers standing in the gap. Independent Sector believes that this bill may even encourage more giving to charitable organizations. In fact, one study projects that giving could increase by $2.7 billion a year.

Americans have traditionally been the most generous people in the world. From churches to schools, the arts to social services, we fund and support all types of charitable causes. I believe altruism is the basis for that generosity. However, I realize that those who give can be sensitive to tax considerations. My ultimate goal is to remove the tax code as an obstacle to charitable giving.

I encourage my colleagues to join Mr. COYNE, Mr. HERGER, Mrs. THURMAN and me in our effort to reward and encourage the American tradition of philanthropy by agreeing to sponsor the Charitable Giving Relief Act.

IN HONOR OF THE 60TH DIAMOND WEDDING ANNIVERSARY OF PANTELIS AND DESPINA MARANGOS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Pantelis and Despina Marangos as they celebrate their 60th Diamond Wedding Anniversary. They celebrated their joyous occasion on Sunday, November 8, 1998.

Pantelis, born in Kalavasos, Cyprus, the son of Mary and John Shakalisk, was known as "Peter the Carpenters' son," thus the name Marangos. Despina was born in Bethlehem, Pennsylvania, the daughter of Zaharias Kyriacou from Cyprus and Chrisanthy Protoulis from Greece.

At the age of 18, Pantelis arrived at Ellis Island at the height of the Great Depression with five dollars in his pocket. But he soon found work and within a few years as a skilled pastry chef. Despina came to New York as a child and attended P.S. 116 and Julia Richmond High School. During the Depression, she worked in the Garment District with her mother.

In 1938, Pantelis and Despina met, fell in love and married. In 1943, their first child, Mary Anna, was born, Their son, John Zaharias, was born in 1950.

During World War II, Pantelis served in the Navy as a Petty Officer on a mine sweeper and took part in the invasion of Anzio and St. Tropez while Despina served on the Home Front, working in defense plants.

Despina, who had the responsibility of caring for her parents in addition to her own family, found time to be a Den Mother and an Officer in both the Parents' Association and the Women's Auxiliary.

After his discharge from the Navy, Pantelis returned to the restaurant business where he was a manager, chef and proprietor of Michael's Restaurant until his retirement in 1975.

Despina worked at Macy's Department store during the 1959 Christmas season and retired after 30 years of dedicated service in 1989.

In 1966, Pantelis suffered a stroke and once again demonstrated the courage and bravery he showed when coming to this country alone. In the past two years he has become a living symbol for the handicapped.

The doctors told Despina that he would never function, yet today he is proving them wrong with a combination of therapies. The Chian Federation honored his courage in 1998. Despina and other Hellenic immigrants were also recognized at a ceremony on Ellis Island.

Mr. Speaker, I am honored to bring to your attention this important milestone in the life of a remarkable couple. It is an honor to have them in my district.

A TRIBUTE TO PAUL THOMPSON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my good friend, Paul Thompson. Paul is looking forward to a full and productive retirement after serving Congress and the nation as a professional staff member of the House Appropriations Committee for 29 years.

Paul first came to the Hill in 1970 as a detailee to the VA–HUD and Independent Agencies Subcommittee from the Department of Interior where he worked in the Bureau of Indian Affairs budget office. It was a VA–HUD that Paul found his home away from home and where he made himself over the years, quite literally, an invaluable part of the Appropriations process. With his knowledge of the legislative process, he became a technician's technician; he knew, better than most, how to put a bill together effectively from start to finish. Because Paul was never politically motivated, he has always been perceived by his colleagues, and more importantly, by Members of the House, as unfailingly fair and intellectually honest.

During his tenure as both professional staff and majority clerk of the subcommittee, Paul served under six subcommittee chairs including Chairmen WALSH, LEWIS, Stokes, Traxler, Boland and Evins. Not surprisingly, during that time, Paul and his chairmen developed remarkable professional relationships as well as genuine lasting friendships that continue to prosper and endure.

There are, of course, a few things everyone should know about Paul. He loves a good laugh, maintains a work ethic from another era, and enjoys his Guinness in a coffee mug. When he's not working, you will find Paul on the water in his Ray Ban sunglasses with a cold drink in one hand while casting a line with the other. In fact, I expect many of Paul's friends will soon be receiving invitations to join him in his newly acquired fishing boat which he will tow behind the largest bright red pickup truck ever seen in the Rayburn garage.

Those who know Paul best have nothing but the finest things to say about him. "A greater guy I have never worked with," said one long-time Appropriations staffer. Another, remembering how he single-handedly ate two dozen crabs while on a daytime cruise of the Chesapeake Bay, observed, "Paul loves his crab but he's never crabby himself."

Mr. Speaker, professional staff come and go in the People's House but few ever make the type of contribution made by my good friend, Paul Thompson. As he begins his well deserved retirement, Paul leaves an institution filled with many admirers who love and respect him for his work, his gentle heart, and his integrity. All of us wish Paul, his lovely bride, Geri and his three sons—Rick, Bill and John—much happiness in the coming years. Having said that, Mr. Speaker, it is only fitting that the House pay tribute to Paul Thompson today.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 67–71 yesterday. Had I been present, I would have voted :"yea" or "aye" on rollcall votes 68 and 71; I would have voted "nay" or "no" on rollcall votes 67, 69 and 70.

WELCOMING THE CLASS OF DODSON MIDDLE SCHOOL

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. KUYKENDALL Mr. Speaker, I rise today to welcome fifty exceptional students from the Dodson Middle School's Gifted High Ability Magnet Program. These students are visiting the nation's capital to see first-hand how their government works. It is an interesting time to watch a democracy, as we struggle to decide how to strike the financial balance among many worthwhile government programs, and as we deploy American soldiers as part of ongoing NATO peacekeeping forces. I hope all of these students some day will appreciate the enormity of the decisions we make, and, at the same time, enjoy the experience.

I especially praise Stephanie Spychaj, who has been selected from her class to place the wreath on the Unknown' Soldier's gravesite. The other students are:

Craig Ackerman
Elizabeth Avila
Ruben Becerra
Beth Boechert
Kyle Brennan
Hazel Butler
Jason Chaing
Jeff Champion
Christina Cho
Jake Cummings
Daphne Detrano
Francesca Dolce
Jesse Flaunta
Alex Gellerman
Sarah Hargis
Rebecca Holtz
Marc Hull
Emily Ingram
Mathew Jackson
Cameron Jeans-Shaw
Zarina Jurlin
Tracy Kvanaugh
Jane Kim
Tiffany Kim
Kay Lalwani
Robin Lee
Patti Lester
Kathryn Mecija
Nicole Miller
Teri Miyahira
Jania Moretti
Roy Lewis
Nicole Oberfoell
Heather Peg
Aileen Phillips
Louis Pitre
Andrea Pynn
Daniel Sandri
Devin Schopp
Elliott Shahian
Stephanie Sypchaj
Zia Suzuki
Akane Takei
Paola Terzoli
Jessica Thill
Brent Weber
Eric Williams
Jason Wilson
Ryan Zivalic

Chaperones:
Tom Schroeter
Claudia Dunn
Joyce Kimura
John Reynolds

HONORING THE PRINCE WILLIAM COUNTY VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1999 Prince William Regional Chamber of Commerce and the Prince William County Greater Manassas Chamber of Commerce Valor Award Winners. The Valor Awards honor public service officers who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. Significantly, this year marks the thirteenth anniversary of the event honoring members of law enforcement and fire and rescue agencies historically servicing Prince William County, Dumfries, Haymarket, Manassas, Manassas Park, Occoquan, and Quantico. There are five categories: The Gold Medal of Valor, the Silver Medal of Valor, the Bronze Medal of Valor, the Certificate of Valor, and the Lifesaving Award.

The Silver Medal of Valor is the second highest award for bravery and heroism. Awarded in situations when a public safety official knowingly exposes himself/herself to great personal risk in the performance of an official act.

The Silver Medal of Valor Award Winners for 1999 are: Sergeant Barry D. Childress, Jr., USMC; Hospital Corpsman Third Class Eric Scott Parillo, USN.

The Bronze Medal of Valor is awarded in situations where during the course of an emergency, a public safety official demonstrates judgment, ingenuity, or performance at a level that clearly exceeds that required and expected in the performance of his/her duties. May include the saving of a life that is threatened by medical or physical reasons.

The Bronze Medal of Valor Award Winners for 1999 are: Gunnery Sergeant Michael W. Todd, USMC; Captain Mark L. Doyle; Driver Operator David W. Luckett; Firefighter Roger D. Pinkston, USMC; Technicians II Shawn Crispin and John Sims, Prince William County Department of Fire and Rescue; Sergeant Darrell G. Steepleton and Firefighter Michael L. Skeele, Occoquan-Woodbridge-Lorton Volunteer Fire Department; Officer James E. Buchanan, Prince William County Police Department.

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity above what is normally expected in the performance of duties.

The Certificate of Valor Award Winners for 1999 are: Corporal Roberto Armendariz, USMC; Gunnery Sergeant Suzanne R. How, USMC; Troopers Douglas G. Brooks and Darrell D. Estess, and Special Agent Ron Paschal, Commonwealth of Virginia, Department of State Police; Sergeant Jesse A. Noriega, USMC; Sergeant David May, Corporal Douglas Songer, Officers Carl Larry and John Murray, Prince William-Manassas Regional Adult Detention Center.

The Lifesaving Award is awarded in recognition of acts taken in a life-threatening situation where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award Winners for 1999 are: Captain Matthew J. Noble, USMC; Emergency Medical Technician Michelle Dickison, Dumfries-Triangle Rescue Squad; Lance Corporal Matthew D. Hammond and Private First Class Jeremy A. Schenck, USMC; Officers Andrew Arnold and Pierre Costello, Prince William-Manassas Regional Adult Detention Center; Senior Police Officer Nathan S. Hill, Jr., Prince William County Police Department; Trooper Eric W. Berge, Commonwealth of Virginia, Department of State Police.

Mr. Speaker, in conclusion, I would like to send my sincere gratitude and heartfelt appreciation to these distinguished public servants, who put their lives on the line everyday on behalf of their fellow Virginians.

ST. JOSEPH SCHOOL CELEBRATES 75TH ANNIVERSARY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. CAMP. Mr. Speaker, I rise today to congratulate St. Joseph School in St. Johns, Mich., on 75 years of serving the community. It is an honor to have this extraordinary school in the 4th Congressional District of Michigan.

This remarkable school opened Sept. 8, 1924, with 61 students. Currently it draws 302 students from more than 200 area families, and serves kindergarten-6th students.

Much of the success of today's education system depends on strong leadership from school teachers, administrators and parents, and St. Joseph School serves as an outstanding example. Its parents have devoted their precious time to ensure a quality education for their children. The teachers and administration of St. Joseph have had a tremendous impact on the lives of many students. They have promoted and maintained a solid system of education for countless young people over the past 75 years.

I commend the staff, students and parents of St. Joseph School for their hard work in building an effective community for learning. Principal Tomi Ann Schultheiss' selfless commitment for the past seven years has helped prepare St. Joseph School for the 21st century. The focus on literacy and assurance that students obtain the essential skills needed for life are exemplary, and I am glad we have St. Joseph as an example for how we need to work to educate our children.

I am confident that future generations of families will be able to count on St. Joseph School for a healthy start and a head start for their children. I wish the St. Joseph School the best for the future.

PAUL CALLENS PROMOTES RACIAL UNITY WITH EVERY STEP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. STARK. Mr. Speaker, I wish to bring to the attention of my colleagues the endeavor of my good friend Paul Callens.

Paul has gathered several of his friends to join him on a seven-month walk for national unity—an 11-state, 3,200-mile journey from Maryland's Eastern Shore to the city of San Francisco, to promote racial unity throughout the United States.

Along the way, the Unity Walkers will pass the birth place of abolitionist and former slave Harriet Tubman, stop at the site of last year's Middle East Peace Talks, and arrive in Washington, D.C. for a weekend celebration on the National Mall on Sunday, April 4 to commemorate the anniversary of the assassination of the Rev. Dr. Martin Luther King, Jr.

We would like to think that blatant racism is a thing of the past, but daily reports of police brutality, church burnings, hate crimes and acts of racially-motivated violence shatter the illusion that bigotry no longer exists in our country.

The goal of the walkers and their supporters is to build a national unity movement that celebrates the differences among Americans and promotes appreciation of the racial and cultural blend that makes up the population of the United States. They hope to interest community leaders and local government officials in celebrating a National Unity Day, to be observed on October 10.

In these next few months, Paul Callens will ask our communities to examine the attitudes we've inherited about race and to reevaluate our treatment of racial differences. Some who would promote intolerance and irrational prejudice have made an attempt to turn back the clock on the progress we've made in the fight for civil rights. Paul and his friends will spread the word that hostility based on racial or ethnic identity has no place in America.

Please join me in congratulating Paul and the Unity Walkers and wish them success in their effort to heal the wounds of racial intolerance in our country. We make progress one step at a time.

MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE PROTECTION ACT OF 1999

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to protect one of the crown jewels of our national wildlife refuge system, the Minnesota Valley National Wildlife Refuge. On Wednesday, February 3, 1999 I chaired a hearing of the Committee on Resources on the impacts of the Minneapolis-St. Paul, Minnesota airport expansion on this premier national wildlife refuge.

This refuge is home to a broad range of wildlife species which deserve every bit as much protection as do the species that live in other national refuges. Species living in this refuge include threatened bald eagles, 35 mammal species, 23 reptile and amphibian species, and 97 species of birds including Tundra Swans migrating all the way from Alaska. The displacement of these species could throw nature's delicate balance into a tail spin. If we allow the destruction of this refuge and these species, it could send a shockwave through the entire ecosystem and impact every species in its footprint—a devastating biological echo.

The new runway expansion will cause so much noise and disturbance to visitors that most of the facilities under the path of the runway will have to be relocated. In fact, the refuge will be so impacted by the noise, that the FAA has agreed to pay the Fish and Wildlife Service over $26 million to compensate them for the "taking" of their property by virtue of the noise and the impact on visitors to the refuge. This payment, however, will not mitigate or reduce the harm to endangered species, migratory birds, or fish living in the refuge. This payment is intended to allow the refuge to build additional buildings, relocate visitors facilities, build a new parking lot, and additional roads.

Yet, even with this level of disturbance, the Fish and Wildlife Service and the FAA found that the wildlife would not be disturbed so much that the airport expansion should be stopped. They also found no impact on the threatened bald eagle and no need for the protections of the Endangered Species Act in this case. They found that the wildlife in the refuge would adjust to the noise. They found that there is a little scientific evidence that wildlife will be seriously harmed by over 5,000 takeoffs and landings per month at less than 2,000 feet above these important migratory bird breeding, feeding and resting areas. In fact, over 2,000 flights will be at less than 500 feet above ground level. Yet the Fish and Wildlife Service has not required one dollar to be spent to protect the wildlife living in this refuge.

An environmental impact statement was prepared by the Federal Aviation Administration, in consultation with the Fish and Wildlife Service. However, this environmental impact statement makes little effort to address the impacts on endangered and threatened species in the refuge. Therefore, my view is that the EIS should be redone before this project is allowed to proceed.

I know that wildlife and humans can coexist. In the coastal plain of Alaska, oil production and caribou have coexisted and the caribou population has increased. I have a picture in my office that illustrates that point beautifully. It shows a large herd of caribou peacefully resting and grazing in the shadow of a large oil drilling rig right on Alaska's north slope.

Yet some Members of Congress, including some who have agreed to allow this airport expansion in Minnesota, have introduced legislation that would preclude most human activities in the Arctic National Wildlife Refuge by designating that area as a permanent wilderness. I guess they believe that wildlife in Alaska can't adjust to human activities . . . but wildlife in Minnesota can.

I want to make it clear that I support our refuges. I sponsored the National Wildlife Refuge System Improvement Act in 1997, which is now the law of the land. I want refuges to be places where wildlife can thrive and I want them accessible to the public. I support adequate funding so that our refuges can be open to the public. I agree that refuges and wildlife should not be used to stop needed projects and development in nearby communities.

Let's protect the very little habitat for wildlife in these highly developed areas of the east. This is truly a last refuge for many of these species. Unlike Alaska, which has preserved over 130 million acres for protecting the environment, the highly congested and developed areas around Minneapolis-St. Paul simply cannot afford to lose the little amount of wild spaces left. The United States, as a world leader in preserving lands of significant and symbolic value, cannot let this sort of degradation occur to its land or wildlife. We have only one chance to save the beauty of this natural landscape, the crown jewel of America's wildlife refuges, for generations of younger Americans. Once it is gone, it is gone forever, nature can never truly recover from such adverse actions visited upon its fabric, an attack upon the scope and breadth of life that, for now, call this place—home.

For this reason, I am introducing this legislation to protect the Minnesota Valley National Wildlife Refuge.

TRIBUTE TO ADRIENNE GIORDANO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention, Ms. Adrienne Giordano of Belleville, New Jersey.

Adrienne Giordano wrote this letter for a school project reflecting the impact that Cancer has had on the families of its victims, and how it has had an impact on virtually every family in America. Adrienne's expressions are viewed through the eyes of a young girl as she watched the devastation of Cancer on her family members. This essay was written out of pure emotion and it is her insights that have made an impression on me.

Her essay reads as follows:

> When I was young I had two sets of healthy and out-going grandparents, or so I thought. I grew up thinking that way until I was about six years old. At that time, my dad told me that my grandma, his mom, had cancer since he was a young boy. However, she was now in remission and was supposedly doing quite well. By the time I was nine, I found out that my grandma's cancer had returned, but she hadn't told anyone for five years or so.
>
> From that point on, my family and I saw her go in and out of hospitals for a few years. Each time she was out, she would make the best of it even though she was suffering inside. She became very ill at one point and the doctors said that she would die within a couple of months. To make matters worse, my other grandfather went into the hospital for cancer too.
>
> He became very sick, in fact to the point that he could hardly speak, or even breathe. The thought of living without my grandpa as a part of my life was very difficult for me. In words I cannot express the pain inside of me, although it couldn't possibly amount to the pain that he was going through. He was suffering but showed it rarely, but then again how could he not, he was in a hospital, on a floor with dying cancer patients who were waiting to die. He had to deal with what he had and how it was going to be. There was no

say in what was happening to him, as a healthy man for all of his previous life nobody though that he would ever be this sickly, and either did he. About four months after he went in, he passed away. Although I knew it was coming, it hit me hard and it hit my heart. I thought that I would go through some sort of emotional grieving stage, but I didn't, my feelings stayed bundled up inside until the days of the wake and funeral. On those days I cried more that I ever had in my whole lifetime. But I had to move on and keep the joyful memories in the back of my mind. Every time I feel upset or wondered, "Why them, why such wonderful people, what have they done to deserve this?", I looked back to all of the good times they had, and what wonderful lives they had to remember. Sometimes thinking about how they loved life and cherished each moment of the day made me realize that their lives weren't only misery and fighting this deadly disease, but enjoying the good times, and making the best of the bad.

Weeks passed after the death of my grandfather and by then my grandma had gathered enough strength to pull through. Once again, she was released from the hospital, but inside I knew that the fight wasn't over yet and she would soon return to the halls of the sickly dying cancer patients. I had seen her fight for so many years, and the story repeated itself, in the hospital and out, and back in again. What could make me think that this time would be different? It was the same and always the same, I knew that one day she would take the final punch and the fight would finally end.

As I predicted, she went back five months later. Although I've seen her go in and out of hospitals for as long as I could remember, when I saw her that time I noticed something different. She seemed as though she was sick of cancer and tired of fighting it. A couple more months passed and it looked worse and worse. The most upsetting thing for me to deal with was that I was losing two grandparents, who are two of the most important people in the world to me, to a deadly disease that killed millions each year, CANCER! By that time I didn't want to hear another word about cancer, and I wished and prayed that it could be cured, and quick. But it did exist and there wasn't a cure. It felt like an evil monster that had corrupted my grandparents bodies. In May of 1998, my beloved grandmother died. I will never forget that day, it was one of the worst days of my life. Inside I was torn up and my heart was shredded to pieces, then I realized that my grandparents wouldn't be able to take part in my life ever again. I remember thinking to myself how I wished they could be alive again just the way it was.

However, as I look back at those thoughts, it was selfish of me to want them to be back in the hospital, dying and suffering from cancer, because that was the way it was, and now I take back those wishes. Also I realized that the memories I had with them in the past have become priceless and those are the memories that I will remember them in the future. I can finally say that I am relieved that my grandparents aren't suffering anymore and they are in a peaceful place. It is now very important for me to think about all people, not just myself, I have to understand that some people aren't as lucky as I am, I am healthy and out-going and I should cherish every moment of life. Things come and go, including health, but you should never lose your happiness and the love for the people who love you.

Mr. Speaker, please join me, our colleagues, Adrienne's family and friends in wishing her continued success in all of her future endeavors.

IN HONOR OF MONTE AHUJA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Monte Ahuja, a Cleveland entrepreneur and Cleveland State graduate, for his achievements and generous contributions to Cleveland State University. Mr. Ahuja has donated $1 million and has pledged an additional $1 million to Cleveland State University, primarily in support of the James J. Nance College of Business Administration.

Born in India, Mr. Ahuja received a bachelor of science degree in mechanical engineering from Punjab Engineering College in 1967. He arrived in the U.S. in 1969 and earned a master's degree in mechanical engineering from Ohio State University in 1970. After moving to Cleveland in 1971, and while working full time with a Maple Heights automotive firm, he earned his MBA from Cleveland State's College of Business Administration in 1975. As an assignment for a marketing class, he developed a business plan for an auto transmission supply business. After graduation, Mr. Ahuja turned this plan into his own company—Transtar Industries, Inc. Although the firm began with only two employees and virtually no capital, today Transtar has nearly 700 employees and is the leader in the transmission products industry with 21 operations in the U.S. and worldwide distribution.

In addition to his generous monetary donations to Cleveland State University, Mr. Ahuja has dedicated his time by serving as a director of the Cleveland State University Foundation, and establishing the Ahuja Endowed Scholarship Fund in Business Administration and Engineering and the Distinguished Scholar in Comparative Indian and Western Philosophy, a cultural endowment initiated by a close friend, Dr. D.C. Bhaiji. As chairman of the Board of Trustees, Mr. Ahuja oversaw one of the largest physical expansions in Cleveland State's history. In 1990, he was named one of Cleveland State's top 25 distinguished alumni.

Let us join Cleveland State University as they honor Mr. Ahuja on March 26, 1999, for his contributions to the university.

CLOSER TO EMPIRE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. PAUL. Mr. Speaker, I rise again today to consider the effect of our current actions in Kosovo, but this time I do not wish to address the folly of war, for attempts to prevent war measures against that nation are now futile. Mr. Speaker, today I rise to address a long term concern, a problem larger even than war. I am referring to the folly of empire.

Our involvement in Kosovo and in Iraq, and in Bosnia—when combined with America's role in Korea, and in the Middle East and other places around the world, is now lurching our republic ever closer to empire. Empire is something that all Americans ought to oppose.

I remind those who believe in the Judeo-Christian tradition that opposition to empire is to be found in the warnings found in the book of Ezekiel, warnings against the empowerment of a king. And it is this same principle which is evident in the story of the Tower of Babel, and in that admonition of Christ, which reminds that those things which are of Caesar are not of God.

To pragmatists, agnostics and such, I point to the decline and fall which has historically attended every other empire. The Ottomans and Romans, the Spanish and the British, all who have tried empire have faltered, and at great costs to their own nations.

Mr. Speaker, to liberals I would remind that these interventions, however well-intended they may be, all require the use of forces of occupation, and this is the key step toward colonialism, itself always leading to subjugation and to oppression.

To conservatives, I want to recall the founding of our Republic, our nation's breaking from the yoke of empire in order that we might realize the benefits of liberty and self-determination, and that we might obtain the blessings that flow naturally from limitations on centralized power. Empire reflecting the most perfect means yet devised to concentrate power in the fewest hands.

Now, Mr. Speaker, our own nation faces a choice and we may well be at the very precipice. Indeed, to move even one step further down the road to empire may mean that there will be no turning back short of the eventual decline and fall. Will we act now to restore our Republic?

It is oft repeated that we do not realize the import of our most critical actions at the time that we begin to undertake them. How true, Mr. Speaker, this statement is. Were Mr. Townshend, or the King in England the least contemplative of the true cost which would eventuate as a result of the tea tax or the stamp act?

Now we must ask, is our nation on the verge of empire? Some will say no, because, they say, we do not seek to have direct control over the governments of foreign lands, but how close are we to doing just that? And is it so important whether the dictates of empire come from the head of our government or from the Secretary General of some multilateral entity which we direct?

Today we attempt, directly or indirectly, to dictate to other sovereign nations who they ought and ought not have as leader, which peace accords they should sign, and what form of governments they must enact. How limited is the distinction between our actions today and those of the emperors of history? How limited indeed. In fact, one might suggest that this is a distinction without a substantive difference.

And where now are we willing to commit troops and under what conditions? If we are to stop all violations of human rights, what will we do of Cuba, which recently announced new crackdowns?

And what of communist China? Not only do they steal our secrets, but they violate their own citizens. Who should be more upset, for example, about forced abortion? Is it those who proclaim the inviolable right to life or those who argue for so-called reproductive rights? Even these polar opposites recognize the crimes of the Chinese government in forced abortion. Should we then stop this oppression of millions? Are we committed to lob missiles at this massive nation until it ceases this program?

Will the principle upon which we are now claiming to act lead us to impose our political solutions upon the nations that now contain Tibet, and Kurdistan, and should the sentiment rear, even Quebec and Chechnya?

The most dangerous thing about where we are headed is our lack of historical memory and our disastrous inattention to the effect of the principles upon which we act, for ideas do indeed have consequences, Mr. Speaker, and they pick up a momentum that becomes all their own.

I do believe that we are on the brink, Mr. Speaker, but it is not yet too late. Soon I fear the train, as it is said, will have left the station. We stand on the verge of crossing that line that so firmly distinguishes empire from republic. This occurs not so much by an action or series of actions but by the acceptance of an idea, the idea that we have a right, a duty, an obligation, or a national interest to perfect foreign nations even while we remain less than principled ourselves.

When will we, as a people and as an institution, say "we choose to keep our republic, your designs for empire interest us not in the least." I can only hope it will be soon, for it is my sincerest fear that failing to do so much longer will put us beyond this great divide.

THE SILICONE BREAST IMPLANT RESEARCH AND INFORMATION ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. GREEN of Texas. Mr. Speaker, as a Member of the House Commerce Subcommittee on Health, I am committed to ensuring patients have complete and comprehensive access to information before they make a decision about a medical procedure.

To this end, I am proud to re-introduce the Silicone Breast Implant Research and Information Act because I believe it is critical to the advancement of women's health and is the first step towards answering the many questions about the safety and efficacy of silicone breast implants.

By re-introducing this bill today, I along with the 41 original cosponsors, hope to draw attention to an issue that has been either neglected or out right ignored for too long.

It is estimated that as many as 2 million women have received silicone breast implants over the last 30 years. Unfortunately, the information provided to these women before they elected to have silicone breast implants has been both incomplete and even inaccurate.

Moreover, results from past studies have only raised more questions about possible negative effects that ruptured or leaking silicone breast implants may have on breast milk, connective tissue, autoimmune diseases and the accuracy of breast cancer screening tests.

Our legislation ultimately seeks to change this by focusing on three critical points—information, research, and communication.

First, and in my opinion most importantly, this bill will ensure that information sent to women about silicone breast implants contains the most up to date and accurate information available.

Current information packets sent to women do not accurately describe some of the potential risks of silicone breast implants. While recent studies by the Institute of Medicine indicate the rupture rate may be as high as 70 percent, information sent to women suggests the rupture rate is only 1 percent.

Second, this bill encourages the director of the National Institutes of Health to expand existing research projects and clinical trials. Doing so will compliment past and existing studies and will hopefully clear up much of the confusion surrounding the safety and efficacy of silicone breast implants.

Finally, this bill establishes an open line of communication between federal agencies, researchers, the public health community and patient and breast cancer advocates.

Women, especially breast cancer patients, want and deserve full and open access to silicone breast implants. Therefore, it is critical that these products are safe and effective, and that women are provided complete and frequently updated information about the health risks and benefits of silicone breast implants.

While I unequivocally support a women's right to choose to use silicone breast implants, I believe we have a responsibility to support research efforts that will provide the maximum amount of information and understanding about these products.

Recently, I met with a group of women who had silicone breast implants. One of them shared with me her story about trying to get health insurance after she received her implants. To my dismay, it is standard operating procedures for several health plans to deny health insurance for women with breast implants. And this was a healthy woman! This story only reinforced my belief that silicone breast implants may cause very serious health problems.

The day has come to answer the questions and find out what is causing so many women who have implants to get sick. I hope each of you join me in support of this important legislation.

THE REFORESTATION TAX ACT OF 1999

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. DUNN. Mr. Speaker, on March 11 when I introduced the Reforestation Tax Act of 1999, my statement focused on the benefits of this legislation to the forest products sector of our economy. Today, as I add eight more cosponsors to this increasingly popular effort, I would like to focus my remarks on the benefits for non-industrial forest landowners.

America's privately-owned forests make up almost 58% of our nation's total forest lands and are one of our most valuable resources. They provide wildlife habitat, maintain watershed health, and are used for a wide array of recreational activities such as hiking, camping, fishing, and hunting. In addition, they provide the foundation for a multi-billion dollar forest products industry.

To ensure that our wildlife habitat and watershed needs as well as a reliable supply of timber is available for the future, we need to encourage industrial and nonindustrial landowners to invest in enhancing their forest ownership. Investing in forest land is risky. Trees can take anywhere from 25 to 75 years to grow to maturity, depending on the type of tree, regional weather, and soil conditions. The key to success is good management, which is costly. Furthermore, fire, disease, floods, and ice storms—events that are uninsurable—can wipe out acres of trees at any time during the long, risky growing period.

The Reforestation Tax Act of 1999 will remove disincentives for private investment in our forests and help with the cost of maintaining them. By reducing the capital gains paid on timber for individuals and corporations by 3 percent each year the timber is held—up to a maximum reduction of 50 percent—forest landowners will be partially protected from being taxed on inflationary gains. While this provision would not fully compensate for the negative tax impact of inflation, it would provide a significant incentive for those forest landowners who must nurture their investment for a long period of time.

Today, many landowners cease reforestation efforts when they reach the current $10,000 ceiling on expenses that are eligible for the credit. Removing the cap on expenses eligible for the credit would eliminate a disincentive for private forest landowners to plant more trees. Current law allows this $10,000 in reforestation expenses to be amortized over a seven year period. My legislation not only eliminates the monetary cap but also reduces the amortization period to five years. With these changes, the reforestation tax credit and amortization will encourage forest landowners to operate in an ecologically-sound manner that leads to the expansion of investment in this vital natural resource.

By removing these current law disincentives to sustainable forestry for both our industrial and non-industrial forest landowners, we will increase reforestation and enhance sound environmental management on private land. We believe this will benefit Americans across the country, not just forest landowners.

I am grateful for the broad support the Reforestation Tax Act of 1999 has gained since its introduction, and I look forward to working with my colleagues in the House to make this bill a reality.

JUSTICE FOR ATOMIC VETERANS ACT—H.R. 1286

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. EVANS. Mr. Speaker, on behalf on myself and Congresswoman BERKLEY, I am today introducing H.R. 1286 the Justice for Atomic Veterans Act. This important legislation provides a presumption of service-connection for certain radiation-related illnesses suffered by veterans who were exposed during military service to ionizing radiation. These veterans include those who participated in atmospheric testing of a nuclear device, who participated in the occupation of Hiroshima or Nagasaki between August 6, 1945 and July 1, 1946 and who were interned as prisoners of war in Japan during World War II and were therefore exposed to ionizing radiation.

During their military service, these veterans put their lives and health at risk. They were, in most cases, sworn to secrecy concerning the nature of their work. They were not provided with adequate protection from radiation. the amount of radiation to which they were exposed was not measured. Albert "Smokey" Parrish, a veteran who served at the Nevada test site wrote "We, the Atomic veterans feel like an innocent man in prison for life, and no one will listen to the facts of the case."

Under present law, veterans who engaged in radiation risk activities during military service are entitled to a presumption of service-connection for some illnesses, but for other illnesses veterans must prove causation by "dose reconstruction estimates" which many reputable scientists have found fatally flawed. Because of the recognized problems inherent in dose reconstruction, last year, the Department of Veterans Affairs Deputy Under Secretary for Health, Dr. Kenneth Kizer, wrote that he personally recommended strong support as a "matter of equity and fairness" for legislation similar to the Justice for Atomic Veterans Act which was then proposed by Senator WELLSTONE.

It is not the fault of veterans that accurate records of their exposure to ionizing radiation were not kept and maintained. In fact, many veterans have not been able to obtain their medical records relating to their exposure during military service despite their best efforts. Records have been lost and records of radiation-related activities were classified and not made available to the veterans seeking compensation.

According to Dr. Kizer, "the scientific methodology that is the basis for adjudicating radiation exposure cases may be sound, the problem is that the exposure cannot be reliably determined for many individuals, and it never will be able to be determined in my judgment. Thus, no matter how good the method is, if the input is not valid then the determination will be suspect."

Our atomic veterans were put in harm's way in the service of our government. However, our government failed to collect the data and provide the follow-up that would enable our atomic veterans to effectively pursue claims for the harm which resulted.

Further, Congresswoman BERKLEY and I agree with the statement in the 1995 final report of the Advisory Committee on Human Radiation Experiments: "When the nation exposes servicemen and women to hazardous substances, there is an obligation to keep appropriate records of both the exposures and the long-term medical outcomes."

Our Nation failed to keep records on the exposures experienced by our atomic veterans. Veterans should not suffer for that neglect. Let us right the injustices visited on our atomic veterans since the days of World War II. Congress should enact a presumption of service-connection for illnesses which are likely to be due to radiation risk activity. Our veterans deserve this simple act of justice.

PROTECTION OF AMERICAN WORKERS AND EMPLOYERS FROM MUSCULOSKELETAL DISORDERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. KUCINICH. Mr. Speaker, I rise to recommend that OSHA be enabled to continue its work on protecting American workers and employees by preventing Musculoskeletal injuries and other injuries at the workplace of America. An update of OSHA guidelines (which have been extensively and voluntarily used by employers for the last 10 years) is timely.

American employers currently spend $15–20 billion/year on disability and absenteeism due to work-related musculoskeletal disorders, not considering the legal costs of law suits filed by employees. The total cost to the American society is about $60 billion/year due to medical costs and lost productivity of injured employees.

The ergonomics of work is a well-studied field by scientists in academia and NIOSH and the conclusions from that research point that most musculoskeletal disorders caused by the unsound ergonomic practices could be avoided if guidelines by OSHA were implemented at the workplace, thus protecting workers from un-necessary suffering and saving money for employers. While the regulations by OSHA may be improved and made more efficient, flexible and responsive to the needs of a particular employer, OSHA's capability to protect American workers and employers should be maintained.

I believe that the costs of efficient OSHA regulations for protecting workers from musculoskeletal injuries are minuscule in comparison with the cost of maintaining the status quo and continuity of costly musculoskeletal injuries in the workplace.

HONORING JACK STARK UPON HIS RETIREMENT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. DREIER. Mr. Speaker, Jack Stark, the President of Claremont McKenna College, after nearly three decades of outstanding leadership, is retiring in July of this year. He will be succeeded by Pamela Brooks Gann, currently Dean of Duke University School of Law.

For thirty years, the world of higher education has been roiled by change. The free speech movement of the 1960's, the first challenge to campus authority, was succeeded by demands for black and other ethnic studies, by the anti-war movement, by sit-ins and violent demonstrations against ROTC. Then came contests over affirmative action in admission and faculty hiring, the challenge to courses in Western Civilization, "Gay Rights," and the passions aroused by "political correctness." Throughout this turmoil, Claremont McKenna College, unlike so many other academic institutions, has held firmly to its founding mission—and it has prospered mightily.

Jack Stark kept CMC on course through these stressful years, built its endowment, raised admission standards, and recruited distinguished faculty. If this were the sum of Jack Stark's achievement, we would honor him as one of the nation's great academic leaders. It is not only as a conservator, however, but also as an educational innovator that he deserves our attention.

Jack Stark built on the campus of CMC—a small, private, undergraduate liberal arts college—nine research institutes, each different in its scholarly focus, but each contributing to the education of CMC's one thousand students.

The first to be founded was The Henry Salvatori Center for the Study of Individual Freedom in the Modern World. The Salvatori Center supports the study of the conditions essential to the preservation of liberty, and under its directors, Ward Elliott, Ralph Rossum and Charles Kesler, has contributed vigorously to intellectual debate.

The Rose Institute of State and Local Government, which was founded 25 years ago this April, specializes in survey research, fiscal analysis, and database development. The Institute authors studies of political and demographic trends, and its student team is trained in many aspects of computer-aided research. Its Board Chairman, Al Lunsford, refers to it as an "unmatched resource of data and analysis in its geographical area of focus," and under its long-time director, Dr. Alan Heslop, the Institute has built a formidable reputation.

The third to be founded was The Institute of Decision Science, which provides practical experience in economic and mathematical modeling, decision-making, and risk analysis for industry, government and the professions. It sponsors research and presents conferences on topics in decision science. IDS and its director, Janet Myhre, are frequently consulted by government agencies and major industrial corporations.

Next to be founded was The Lowe Institute of Political Economy. Initially under the direction of Dr. Craig Stubblebine, now headed by Dr. Sven Arndt, the Lowe Institute supports the study of major issues in economic policy. Recent work has focused on the North American Free Trade Agreement, APEC and on trade and regulatory policies.

The Keck Center for International and Strategic Studies was founded to support the study of critical issues in world affairs by sponsoring lectures, fellowships, visiting scholars, conferences, publications, and student internships. Its director, Dr. C. J. Lee, is an expert on Asia and has led the center in studies on Korean affairs.

The Family of Benjamin Z. Gould Center of Humanistic Studies, originally headed by Dr. Ricardo Quinones, now by Dr. Jay Martin, is dedicated to understanding vital issues of the modern world in light of the perennial values provided by literature, philosophy, and religion. Towards this end, it sponsors publications, visiting speakers, student and faculty research, and organized lecture series.

The Roberts Environmental Center uses an interdisciplinary approach encompassing biology, chemistry, economics, and political science to analyze environmental problems and to evaluate policy alternatives. Under its founding director, the late Robert Felmeth, and now under Dr. Emil Morhardt, it conducts field research, trains students in the use of analytical software and sponsors the Environment, Economics, and Politics major.

The Kravis Leadership Institute provides for the academic study of leadership and sponsors speakers, mentoring, internships, and the Leadership Studies Sequence. Its director, Dr. Ronald Riggio, has been one of the pioneers of leadership studies in psychology.

Most recent is the newly formed Berger Institute on Work, Family, and Children—the ninth of the institutes to be fathered by Jack Stark.

At their best, these nine CMC research institutes provide students and faculty with opportunities to engage together in the investigation of key public policy issues. Students get close, hands-on experience of the challenges—the chores as well as the joys—of scholarship. Typically, their work is not for academic credit: the students are paid, and as their responsibilities increase so does their remuneration.

Research on important subjects, produced by small faculty-student teams, funded by outside grants and contracts, is achieving a solid reputation for CMC's institutes. CMC students are making important extra-curricular gains by working with faculty specialists in methodologies they are sure to encounter in their later careers and on the important subjects that face our society. Every one of those CMC students owes Jack Stark a debt of gratitude. The world of higher education, too, would be wise to note this pioneering achievement at Claremont McKenna College.

HONORING WAYNE COUNTY MEDICAL SOCIETY FOR 150 YEARS OF SERVICE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. DINGELL. Mr. Speaker, I rise to honor and congratulate a medical society which has provided quality service to Detroit, Wayne County, and the State of Michigan for the last 150 years.

On April 14, 1849 with just 50 physicians, the Wayne County Medical Society was founded. Today, with more than 4,200 physicians in their membership, they continue to provide Metropolitan Detroit with the highest caliber of service and outstanding commitment to those in need.

As they celebrate their sesquicentennial anniversary, the Wayne County Medical Society has labored to promote and encourage the unity and loyalty of the physicians of the community into a strong and cohesive medical society. They have brought into one organization the physicians of this county and with other county societies to form the Michigan State Medical Society and the American Medical Association.

This beloved medical society provides continuing medical education for physicians, and maintains a program of educational service to the public on health and scientific matters. But, most of all they insure that a patient's freedom to choose a physician be maintained, and that patients receive the highest quality of medical care.

Over the years the Wayne County Medical Society has had a positive impact on the public health of both Detroit and Wayne County. One of its most memorable accomplishments came under the direction of its former president, Dr. Francis P. Rhoades, who led a polio immunization drive which immunized thousands of Detroiters and virtually eliminated the threat of this crippling disease.

Today, the Wayne County Medical Society runs a free medical and dental clinic at the Webber School in Detroit. Every child is afforded free services including physical examinations, health education, dental fluoride, sealants and prophylaxis. In addition they organized an annual Christmas Party for children in foster care. Last year, they sponsored a teen pregnancy conference with more than 500 Detroit Public School children in attendance.

Mr. Speaker, it is with great honor and pride that I pay tribute to this exceptional medical society whose tradition of assisting those most in need is truly a part of Michigan's great history. I ask that all of my colleagues join me in recognizing the Wayne County Medical Society of Michigan on their 150th anniversary.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mrs. MYRICK. Mr. Speaker, I missed 19 recorded votes while I was out due to illness. If I had been present, my vote would have been cast as follows.

MARCH 17, 1999

Rollcall vote 53, on agreeing to Mr. Upton's amendment, I would have voted "yes."

Rollcall vote 54, on agreeing to Mr. LoBiondo's amendment, I would have voted "yes."

Rollcall vote 55, on passage of the Coast Guard Authorization Act of 1999, I would have voted "yes."

Rollcall vote 56, on passage of the bill to provide for a Reduction in the Volume of Steel Imports, I would have voted "yes."

MARCH 18, 1999

Rollcall vote 57, on agreeing to the Rule regarding the National Missile Defense System, I would have voted "yes."

Rollcall vote 58, on the motion to recommit with instructions, I would have voted "no."

Rollcall vote 59, on passage of the National Missile Defense System, I would have voted "yes."

MARCH 23, 1999

Rollcall vote 66, on agreeing to the Committee Funding Resolution, I would have voted "yes."

Rollcall vote 65, on the motion to recommit the Committee Funding Resolution with instructions, I would have voted "no."

Rollcall vote 64, on the motion to instruct Conferees for the Education Flexibility Partnership Act, I would have voted "no."

Rollcall vote 63, to suspend the rules and pass H. Con. Res. 37 Concerning Anti-Semitic Statements Made by Members of the Duma of the Russian Federation, I would have voted "yes."

Rollcall vote 62, to suspend the rules and pass H. Con. Res. 56 Commemorating the 20th Anniversary of the Taiwan Relations Act, I would have voted "yes."

Rollcall vote 61, to suspend the rules and pass H.R. 70 the Arlington National Cemetery Burial Eligibility Act, I would have voted "yes."

Rollcall vote 60, to suspend the rules and pass H. Res 121 Affirming the Congress' Opposition to All Forms of Racism and Bigotry, I would have voted "yes."

MARCH 24, 1999

Rollcall vote 67, on agreeing to Mr. Stenholm's amendment, I would have voted "no."

Rollcall vote 68, on agreeing to Mr. Obey's amendment, I would have voted "no."

Rollcall vote 69, on agreeing to Mr. Tiahrt's amendment, I would have voted "yes."

Rollcall vote 70, on passing of the Emergency Supplemental Appropriations of FY 1999, I would have voted "yes."

Rollcall vote 71, on agreeing to the Resolution Expressing support of the U.S. House of Representatives for the members of the U.S. Armed Forces engaged in military operations against the Federal Republic of Yugoslavia, I would have voted "yes."

APPOINTMENT OF CONFEREES ON H.R. 800, EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of the Clay motion to instruct. Mr. Speaker, the Ed-Flex bill in its current form lacks the efficiency and accountability needed to protect what took two decades to correct. Mr. Speaker, America understands that all students benefit where there is an appropriate ratio of students to teachers. Therefore, I echo America's call and ask that this Congress support initiatives to reduce class size by providing 100,000 new, qualified teachers.

I believe we can do both, support class size reduction, IDEA, and support local control of education. Some of my colleagues suggest we should just vote for the Ed-Flex bill and decide on the other matters during other discussions. But as I listen to the debate here we are not talking about one bill or one instance, we are deciding the direction this nation will follow for the next millennia. I am aware of the attempt to cut funding from K–12 programs to pay for the recommended increase in IDEA. Let's not disguise these attempts by suggesting we should only deal with what is in front of us.

Mr. Speaker we must debate these issues now because we may never have another chance. I submit that this bill will affect all programs that I support. Programs like IDEA, Title I, help for disadvantaged students, Safe and Drug Free Schools and Communities, Technology for Education Programs, Innovative Education Strategies (Title VI), Emergency Immigrant Education, and the Perkins Vocational Education Act.

Let's not play politics. Let's get together and include a real bill for our children. I urge all members not to support this bill and support the Clay motion to instruct.

TRUTH IN LENDING MODERNIZATION ACTION OF 1999

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to update key provisions of the Truth in Lending Act, some of which have not been revised by Congress since the Act's passage in 1968. The "Truth in Lending Modernization Act of 1999" will restore important consumer protections that have been weakened by inflation and assure that outdated, anti-consumer accounting practices are eliminated. This legislation is strongly supported by the Consumer Federation of America, Consumers Union, the National Consumer Law Center and by the U.S. Public Interest Research Group.

Congress has given considerable time and attention in recent sessions to modernizing our nation's banking laws to free financial institutions of outdated restrictions that date back to the 1930s. I believe it is time for Congress to give equal attention to modernizing the cornerstone of consumer credit protection—the Truth in Lending Act (TILA).

Congress enacted TILA in 1968 to assure that consumers receive accurate and meaningful disclosure of the costs of consumer credit to enable them to compare credit terms and make informed credit choices. Prior to that time, consumers had no easy way to determine how much credit actually cost nor any basis for comparing various creditors. What little useful information consumers did receive was typically buried in fine print or couched in legalese. TILA addressed these problems by providing a standardized finance cost calculation—a simple, or actuarial annual percentage rate (APR)—to provide a comparable calculation of total financing costs for all credit transactions. It also required creditors to provide clear and accurate disclosure of all credit terms and costs.

Over the past thirty years, TILA has played a dual role in the financial marketplace. It has been the primary source of financial consumer protection, recognizing the rights of consumers to be informed and to be protected against fraudulent, deceitful, or grossly misleading information and advertising. It has also stimulated market competition by forcing creditors to openly compete for borrowers and by protecting ethical and efficient lenders from deceitful competitors. Congress believed in 1968 that an informed consumer credit market would help stabilize the economy by encouraging consumer restraint when credit costs increase. The need for an informed consumer market is as important today as it was thirty years ago.

Unfortunately, key consumer protections and remedies that Congress stated in dollar amounts in 1968 have not been updated to provide comparable protections today. The effects of thirty years of inflation have permitted increasing numbers of credit and lease transactions to fall outside the scope of TILA protections and have weakened the deterrent value of the penalties available to injured consumers. The Truth in Lending Modernization Act that I am introducing today would remedy these problems in several important areas.

TILA disclosure requirements and protections currently apply to all credit transactions secured by home equity and to other non-business consumer loans under $25,000. In 1968 this $25,000 limit on unsecured credit transactions was considered more than adequate to ensure that most automobile, credit card and personal loan transactions would be covered. This is clearly not the case today, particularly in the area of automobile loans. A January Washington Post article estimated that the average price of new automobiles sold today is $22,000. This means that increasing numbers of automobile transactions are falling outside the scope of TILA, with no requirements to provide consumers with full and accurate credit disclosure. Many consumers also routinely receive offers of unsecured credit and debt consolidation loans that can easily approach or exceed $25,000. These transactions also will increasingly fall outside the scope of TILA.

The Congressional Budget Office estimates that the value of the dollar has declined by 75 percent since 1968, which means that it would require an exception over four times larger than the $25,000 in the 1968 Act (or over $108,000) to provide a comparable level of exempted transactions today. However, this fully adjusted amount is clearly excessive for today's marketplace. My bill would double the amount of this statutory exception, from $25,000 to $50,000, to assure that all typical credit transactions will continue to be accorded TILA protections.

A similar problem exists with the transaction exemption in the Consumer Leasing Act sections of TILA that restricts application of consumer disclosure and advertising requirements only to leases with total contractual obligation below $25,000. Again, this was considered more than adequate when Congress enacted the Consumer Leasing Act in 1976, but it is clearly inadequate today, particularly for automobile leases. Congress could not have anticipated the enormous role of leasing in our current auto markets. Leases now account for over 40 percent of all new automobile transactions, and an even more substantial percentage of transactions involving high-end luxury automobiles. My bill would assure that increasing numbers of automobile leases do not fall outside the scope of TILA by increasing the level of exempted leases from $25,000 to $50,000.

As a primary enforcement mechanism, TILA provides individual consumers with a right of action against creditors that engage in misleading or deceitful practices. Creditors that violate any TILA requirement are liable for actual damages, additional statutory damages and court costs. TILA permits statutory damages, in credit transactions of twice the amount of any finance charge and, in lease transactions, of 25 percent of the total amount of monthly payments under the lease. In both instances, however, these damages are limited by the requirement that damages "not be less than $100 nor greater than $1,000.

These statutory liability provisions were included in the statute in 1968 to provide ample economic incentive to deter violations. This is clearly not the case today. From my own analysis of abusive automobile leases, for example, I find that a clever and unethical dealer can easily exact thousands of dollars just in the initial stages of an auto lease, simply by not crediting trade-ins, adding undisclosed fees and including higher finance charges than disclosed to the consumer. A $1,000 maximum statutory damage clearly would not deter these and other actions that can cheat consumers out of thousands of dollars over the term of a loan or lease. My bill would increase the statutory damage limit to $5,000 for both credit and lease transactions.

It would also raise the statutory damages available to consumers in class action litigation. Currently, TILA limits statutory damages in class actions that arise out of the same violation to the lesser of $500,000 or 1 percent of the creditor's net worth. For most of today's financial corporations this $500,000 limit represents a fraction of 1 percent of their net worth. The bill would raise this statutory damage limit to $1 million for all credit and lease transactions.

Finally, my bill seeks to prohibit in credit transactions a little known accounting procedure, known as the Rule of 78, that is used whenever possible by creditors because it maximizes interest income to the creditor at the expense of consumers. TILA requires that consumers receive a refund of any unearned interest on precomputed installment loans when they prepay or refinance their loan. Until recently, most creditors used Rule of 78 accounting for calculating these refunds, a method that heavily favors creditors by counting interest paid in the early phases of the loan more heavily than actuarial accounting methods. While justified in the 1930s as helping to reduce costs of computing interest, modern calculators and computers have rendered the Rule of 78 obsolete and unjustifiable. It serves no other purpose today than to maximize interest income to creditors.

Bank regulators and the IRS have banned banks from using the Rule of 78 in reporting interest income. In 1992 Congress prohibited its use in calculating interest refunds on mortgages and other installment loans with terms over 61 months. In 1994, the Home Owners and Equity Protection Act ended the use of Rule of 78 accounting in all high costs home equity loans. My bill would complete the task of eliminating Rule of 78 accounting in all remaining consumer credit transactions by prohibiting its use for calculating consumer interest refunds for precomputed installment loans with terms of less than 61 months, and also be requiring that creditors compute interest refunds using methods that are as favorable to the consumer as widely used actuarial methods.

Mr. Speaker, in enacting TILA Congress recognized the consumer's right to be informed and to be protected from deceitful and misleading credit practices. The "Truth In Lending Modernization Act" will assure that these basic consumer protections remain effective in the future. I urge my colleagues to join me as co-sponsors of this legislation and work with me toward its adoption.

IN HONOR OF SHIRLEY K. SMALL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. McINNIS. Mr. Speaker, with a heavy and sad heart I take this moment to recognize the life and contributions of Shirley K. Small, one of five daughters of Paul and Lucille Krier.

Shirley was a strong and patriotic American. She took immense pride in being a home maker and mother to her children Robbie, Darcy and Amy. She brought her children up with strong reverence for our great country. Often she would discuss with me her concerns for the direction of our country, its needs and its accomplishments over time. Shirley was a graduate of the University of Colorado and was preceded in death by her husband John.

Shirley's children have moved on to their own success in western Colorado and they too share their parents' love of and dedication to our country. Shirley's children's success is not only realized with accomplished careers, but above all with wonderful spouses and children of their own.

Even in the twilight of her life, Shirley took on her terrible disease with vigor and determination. In her last months, she attended numerous medical clinics, not for her own sake, but in the hopes she could help provide information that would lead to the cure of the disease that promised to take her life. Shirley willed her body to science so that doctors could continue to seek out a remedy for the infirmity that ailed her once she passed.

Mr. Speaker, I am proud to have been Shirley's Congressman and nephew. Her unconditional love for family and country will be greatly missed.

HONORING BOB CURRAN UPON HIS RETIREMENT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. Bob Curran, Columnist for the Buffalo News on the occasion of his retirement.

Bob Curran was born in Boston to Irish immigrants. World War II interrupted his football career at Cornell University. Bob was a Sergeant with the 95th Infantry Division and fought in France, Belgium and into Germany. Gen. George Patton personally gave him the Silver Star. Bob also received 2 Purple Hearts, Bronze Star and Combat Infantryman's Badge. His wounds kept him from playing football when he returned to Cornell.

Bob worked for Fawcett Publications in New York, becoming editor of Cavalier before resigning in 1961. He was director of college football's Gotham Bowl, head of sports publicity for NBC and syndicated columnist before moving to Buffalo in 1967.

Bob has been a columnist for the Buffalo News for 32 years. His columns are famous for telling readers how to "win friends and influence him," asking trivia questions and telling backward jokes.

What has set Bob apart from other columnists has been his strong advocacy on behalf of veterans. He wrote about real heroes, the veterans in Western New York. As Chairman of the House Veterans' Benefits Subcommittee, I have greatly benefited from his insight and advice on veterans' issues.

As everyone in Western New York is aware, Bob has been a vocal advocate of the designation of December 7th, Pearl Harbor Day, as a national holiday. It was through Bob's passion, encouragement and support that he generated in the veteran's community, that persuaded me to submit legislation in the House of Representatives, H.R. 965, to designate Pearl Harbor Day as a federal holiday in the same manner as November 11, Veterans Day.

I and the many members of the Western New York veteran's community look forward to Bob's continued support for veteran issues.

Mr. Speaker, today I would like to join with the Curran family, the Buffalo News, our veterans and their families as well as the entire Western New York community in tribute to Mr. Bob Curran.

With retirement comes many new opportunities. May Bob meet each new opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career, and may those opportunities be as fruitful as those in his past.

Thank you, Bob, for your advocacy, tireless effort and personal commitment to our community, and for your friendship.

IN HONOR OF SHANNON MELENDI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to share with my colleagues the tragic circumstances of a constituent, Shannon Melendi, a 19 year-old sophomore at Emory University in Atlanta.

Almost 5 years ago to the day, on March 26, 1994, Shannon disappeared on a Saturday afternoon from the Softball Country Club where she worked as a scorekeeper, during games.

Shannon took a work break from which she never returned and no one has seen her since that day.

The prime suspect, a part-time umpire at the park, was previously convicted of kidnapping and taking indecent liberties with a child and served only 2 years of a 4-year prison sentence.

This was his third sexual offense.

Perhaps if this man had served his full prison sentence, Shannon would not have disappeared.

Or, perhaps if he had received a harsher sentence, due to the fact that it was his third sexual offense and committed against a child, Shannon would still be here today.

Mr. Speaker, when sexual crimes are committed, we need to ensure that these criminals spend many years incarcerated so that women and children are safe from sexual predators who prey upon them.

I urge my colleagues to work together to enact legislation that will keep people who have committed sexual crimes off our streets so that what happened to Shannon will never have to happen again.

Shannon's father, Luis, summed it up the best when he said, "What happened to us cannot be changed, but because of what happened to us, changes can be made."

TRIBUTE TO EAGLEVILLE, TN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize the 50th Anniversary of Eagleville, TN. Historically, the first known settlers arrived in the Eagleville area in 1790. There are indications that Native Americans also camped near the local springs. The town derives its name from a legend about an unusually large eagle that was killed near the village. This name was officially adopted on August 16, 1836. Eagleville received its charter of incorporation on March 31, 1949.

Today, the tradition of this historic city continues to grow with a nationally recognized school, the community churches and its businesses. The city government consists of an elected mayor, Nolan S. Barham, Sr., and six elected council members. Eagleville's population has steadily grown through the years and today stands at 501 people.

On Saturday, March 27, the town of Eagleville will celebrate their 50th anniversary. They will be holding a community dinner from 4:00 P.M. until 7:00 P.M. Some members of the community, who were present for the original incorporation ceremony, will be recognized during this event. Please join me in congratulating Eagleville for reaching this milestone.

FORT BENNING, GEORGIA—1999 ARMY COMMUNITIES OF EXCELLENCE COMMANDER-IN-CHIEF'S AWARD

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. COLLINS. Mr. Speaker, it is with great pride that I rise today to recognize Fort Benning, GA, the "Home of the Infantry" and the Army's premier installation, for being recognized with the 1999 Army Communities of Excellence Commander-in-Chief's Award.

This is the fourth Commander in Chief's Award Fort Benning has received in the last five years. The annual award recognizes the best Army installation in the world. Fort Benning has also been awarded, for the seventh consecutive year, the Chief of Staff, Army Award which recognizes the best Army installation in the continental United States.

The ability and professionalism of the tens of thousands of soldiers and nearly 7,000 civilians who pass through Fort Benning's gate each and every year are responsible for this recognition. The awards are also indicative of the successful partnership that has been developed over the years between Fort Benning, Columbus, Georgia, and Phenix City, Alabama.

Major General Ernst, Commanding General, and his able staff continue to reinforce Fort Benning's longstanding commitment to military quality, focusing on the watchwords "first in training, first in readiness, and first in quality of life." As the home of the infantry, Fort Benning's mission is to produce the world's finest combat-ready infantry and to continue to be the Army's premier installation and home for soldiers, families, civilian employees, and military retirees. This mission is achieved with distinction on a daily basis by Fort Benning soldiers who constitute a cornerstone of our Nation's Armed Forces.

While the infantry remains the central focus of activity at Fort Benning, other specialized units have been added over the years, enhancing the ability of the installation to accomplish its mission. Fort Benning houses, among others, the 11th and 29th Infantry Regiments, the 36th Engineer Group, the Ranger Training Brigade and the 75th Ranger Regiment, the U.S. Army Marksmanship Unit, the Drill Sergeant School, the Henry Caro Non-Commissioned Officer Academy, and the U.S. Army School of the Americas. Each of these units work tirelessly to defend our national interests around the world and to serve our communities at home.

To the military and civilian personnel of Fort Benning, I offer my sincere thanks and congratulations for a job well done.

MARCH IS NATIONAL SOCIAL WORK MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. TOWNS. Mr. Speaker, I want to remind my colleagues as we adjourn for the district work period that March is "Social Work Month". As a trained social worker, I know first-hand the significant contributions that have been made nationwide by this profession. Professional social workers, throughout this nation, can be found in the most amazing places including fortune 500 companies, departments of health, courts, mental health centers, managed care companies, schools, child welfare agencies, nursing homes, health care settings, employee assistance programs, and public and private agencies. Daily they are tasked with helping to alleviate society's most intractable problems, working one-on-one with troubled children and families, organizing communities for change and performing cutting-edge research and administering social programs.

The business of social work is helping people help themselves. One such entity that has made a point of emphasizing the importance of social workers in the health care delivery system is the Miami-Dade County health department. Social workers play an integral role in servicing Dade County residents in a variety of public health areas. The fact that the county administration has agreed to give special recognition to its social workers is a testament to their significant contributions to the health department. Let me congratulate all my fellow social workers and we honor them for their service during the month of March.

BEAN THERE, DONE THAT

HON. JAMES A. BARCIA

OF MICHIGAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BARCIA. Mr. Speaker, we have all heard the famous story of Speaker Joe Cannon yelling "Thunderation!" when he went to the Member's Dining Room wanting a bowl of Michigan Navy Bean Soup, and not finding it on the menu. Ever since that day, this soup with its main ingredient, the Navy Bean, coming from most likely my congressional district, has been on the menu. But how many of you have heard the story of John A. McGill, Jr., the now-retired Executive Vice-President and Treasurer of the Michigan Bean Shippers Association having lunch with our former colleague, Bob Traxler, in the same dining room, and having to once again yell "Thunderation" when someone substituted impostor Great Northern Beans for the historic and acclaimed Navy Bean?

From 1969 until August 28, 1998, John McGill actively worked to promote the interests of the Michigan dry bean industry. Both shippers and growers benefited from this gentleman's expertise, his savvy business sense, and his well-known resolve to fight for what he believes to be right. And our Navy Bean Soup remains secure.

His work on behalf of research both at the Saginaw Valley Bean and Beet Farm and Michigan State University has resulted in the development of new varieties that will be planted for years to come. John was a major player in making sure the Michigan's beans continue to appear on plates throughout the United Kingdom. He participated in many trade missions to Africa and other potential markets with the U.S. Department of Agriculture, and was a vital player in increasing our sales in Mexico. His development and continued publication of the Michigan Dry Bean Digest provides one of the most comprehensive documents available to the industry. And he will never be forgotten for his devotion and competitiveness in the annual MBSA golf tournament at the Association's summer meeting.

Mr. CAMP. Mr. Speaker, to John and his wife Donna, we offer our most sincere best wishes and friendship in return for years of their guidance, friendship, sense of humor, and support. John's leadership for Michigan dry beans and for all of agriculture in Michigan—spanning the decades—will not be forgotten soon. He has truly set an example for future leaders, and to colleagues and friends. Mr. Speaker, we urge you and all of our colleagues to join us in wishing this wonderful gentleman his happiest years ever. May his hunting sights be filled, his tee shots straight and long, and his duck carving tools sharp and true.

HAPPY BIRTHDAY LUELLA POWELL KOONCE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. PAYNE. Mr. Speaker, this weekend Mrs. Luella Powell Koonce will be joined by family and friends to celebrate her 90th birthday. Birthdays are perfect occasions for reflexion. Mrs. Koonce's life has been fruitful and she has much of which to be proud. She has many names—Mother, Mom-in-Law, Granny, Aunt Tee, and Cousin Lou. She is the eldest living member of the Powell-Hutchins-Koonce families and has more than 100 living relatives.

As you can imagine, a woman with so many relations must have a busy life. She is known as a counselor, professional seamstress, good cook, baby sitter, family banker and hot line monitor for her church and neighborhood. Luella Koonce was born 90 years ago on a farm in Blakely, Georgia. She was one of the four children of James and Elizabeth Hutchins Powell. After the family moved to Dothan, Alabama, she met and married Early Koonce and they subsequently moved their family of three children to Newark, New Jersey and eventually to East Orange, New Jersey.

Family unity, independence and moral values have always been emphasized in her family and she has passed those and other cultural traditions down to her children and grandchildren. In the early 1940s, she joined St. Paul AME Church in East Orange. She has remained a faithful member since that time. During her membership, she has devoted her attention to the Pastor's Aide Club, Missionary Society, and Georgia Circle. A firm believer that "prayer changes things," she has made a believer out of many of her relatives.

While she is proud and boastful of the accomplishments of her children—Willie, my successful barber; Evelyn, a retired teacher/librarian; and Mary, a member of the East Orange City Council; she is always quick to remind them to remember where they came from and not get "too big for their britches." Her nine grandchildren have profited from her inspired motivational talks using the Prodigal Son as her text to teach the value of love. As a teenager, I remember visiting the Koonce home. It was a place that always seemed to have young people around. I am sure that was because we all had a tremendous amount of respect for Mrs. Koonce. She instilled values in all of us, not just her children. She always seemed to extend herself.

Mr. Speaker, I know my colleagues join me in sending Mrs. Koonce our best wishes for a wonderful birthday.

RECOGNIZING HOWARD "HOWIE" HERBERT

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring your attention to the contributions and leadership of Howard (Howie) Herbert, a resident of Albuquerque, New Mexico.

Howard Herbert moved to Albuquerque at the age of 20, in 1950. After building a reputation in sales and management Howie began his career as an entrepreneur. He opened the first discount store in the southwest, calling it Albuquerque Discount Club. Gas was sold for seven cents a gallon to those who had the Albuquerque Discount Club deal. After two years he sold this successful business and moved on to land development and the appliance business—Herbert Distributing. Mr. Herbert was a founding member of Western Bank.

Howard Herbert experienced business success, but believes that it is all about giving back to the community. Over the years he has served on more than 30 committees and boards including the Governors Drug Council, Youth Incarceration Business Outreach Program, Board of Directors for Special Olympics, Goodwill Industries, Trustee of the 100 Club of New Mexico, state chairman of the Easter Seals program and New Mexico Mental Health, founder of the Christmas Basket Program in Albuquerque and co-founder of the Halfway House Rehab for Alcoholics, and the list continues.

Please join me in the recognition of economic and social contributions Howard Herbert has made to my home of Albuquerque, New Mexico.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

TROOPER FACES PROBE OVER OUTBURST

EUGENE, OR (AP)—A state police trooper accused of shouting racial slurs and obscenities during an incident in Eugene is facing a criminal charge.

Joseph Michael Jansen, 28, assigned to the Madras patrol office, was in town for a wedding when he allegedly caused the 2 a.m. ruckus Jan. 24.

Jansen, who is charged with disorderly conduct, is on "modified duty status" while police investigate, state police spokesman Lt. Gregg Hastings said.

"That type of behavior, whether on duty or off duty, is very serious and it's taken very seriously," Hastings said.

Jansen and another man were on the first floor of the Valley River Inn yelling racial slurs about blacks and Mexicans, according to a Eugene police report.

Jansen gave his badge and state police identification to the officers, who didn't immediately believe he was a trooper because of his behavior.

Officers said they tried to calm him down, noting that hotel guests were waking up to see what was happening.

They said Jansen appeared to be extremely intoxicated and continued to yell and swear, telling one officer to "shut up" when she asked him to quiet down.

As officers put him in a patrol car, they said, they warned him that the car had a recording device, but he continued to yell.

Jansen posted $510 bail five hours later and was released. Hastings said Jansen in on paid leave, "duty-stationed at home," meaning he has to be available to perform paperwork-type duties during normal work hours.

Jansen, who was hired Jan. 1, 1997, could be fired, Hastings said. However, a decision isn't expected until the disorderly conduct charge is dealt with in court.

SCHOOL SAYS SYMBOL IN TILE IS NATIVE AMERICAN, NOT NAZI

WALLED LAKE, MI (AP)—A swastika-like symbol embedded in the mosaic floor of a Walled Lake public school for 77 years has brought the district under fire this week from the NAACP and an attorney.

The symbol, covered by a throw rug in the entryway of the district's Community Education Center, is a foot in diameter and was placed in the floor when the school was built in 1922.

District officials said the symbol is from American Indian culture. Unlike the Nazi swastika, the arms of the symbol on the school's floor point counterclockwise.

"It has nothing to do with the National Socialist Party of Germany,"Robert Masson, director of the center, told the Detroit Free Press for a story Wednesday. "The building and the symbol precedes the Nazis by a considerable amount of time."

School officials put a rug over the symbol in recent years because of "possible interpretation of its meaning as a swastika," Masson said.

Arnold Reed, an attorney representing a Walled Lake student involved in a scuffle with an administrator, complained about the symbol.

"When I pulled back that rug, I could barely move because fear gripped me. I felt like I didn't belong here," Reed told The Oakland Press. "You'd be hard pressed to find another African American who did't feel the same way."

Lawyer H. Wallace Parker, who represents the North Oakland County NAACP branch, said regardless of its origin, it is identified as a symbol of racial hatred and should have been removed long ago.

Reed said he wants a plaque mounted to explain the symbol.

CLINTON PROCLAIMS FEBRUARY BLACK HISTORY MONTH

WASHINGTON (AP)—President Clinton has issued his annual Black History Month proclamation, urging the Nation to 'not only remember the tragic errors of our past, but also celebrate the achievements" of the American descendants of African slaves.

Clinton said Monday that this year's events should focus on the proud legacy of leadership blacks have built over their 350-year history in the United States despite the trauma of slavery and government-sanctioned segregation. He urged public officials, educators, librarians and citizens in general to draw from the power of this collective achievement as they seek to resolve racial problems.

Specifically, Clinton listed notable blacks from NAACP co-founder W.E.B. DuBois to Martin Luther King Jr., and said all Americans could draw from the "skills, determination and indefatigable spirit" they displayed as the were "shaped but not defeated by their experience of racism."

In his proclamation, Clinton referred to February as "National African American History Month."

THE VACCINATE AMERICA'S CHILDREN NOW ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today with my colleague Representative PHILIP ENGLISH to introduce the Vaccinate America's Children Now Act.

This legislation seeks to lower the excise tax on vaccines from $.75 per a dose to $.25 per a dose.

Congress imposed the vaccine excise tax in 1986 after forming the Vaccine Injury Compensation Program to provide compensation to children who develop complications due to vaccination.

In the beginning, various tax levels were set up for each vaccine and the amount of tax was based on best guess estimates.

Due to a building surplus in the fund, in 1993, the House Ways and Means Committee, directed the Administration to study the fund and report back to Congress with recommendations regarding the surplus.

The report, which included the approval from all areas of the public health community, called for a new flat tax of $.51 per vaccine.

With the surplus now over $1.25 billion (twice what it was in 1993) the time has come to lower the tax to $.25 per dose.

As part of the 1997 Balance Budget Act, Congress created a flat tax of $.75 per dose for each vaccine it covered thus ending the varying tax levels for different vaccines. We did not, however, deal with the larger problem of over funding the trust fund.

In 1997, the trust fund was estimated to receive $180 million in tax revenue. The interest alone, was $59 million and is more than enough to pay all claims that are filed.

At the $.25 per dose rate, tax revenues would be over $50 million a year with equally as much, if not more, coming from interest. This still brings in over $100 million in revenue each year to the trust fund.

Since the states are a major purchaser of vaccines, they stand to save a substantial amount of money that can be used in other areas. In fact, the Commonwealth of Kentucky could have saved over $830,000 in 1997 and Representative ENGLISH's state of Pennsylvania would have saved over $1.16 million.

This legislation was unanimously endorsed by the guardian of the trust fund, the Advisory Commission on Childhood Vaccines and was supported by the Association of State and Territorial Health Officers when it was introduced in the 105th Congress.

I encourage my colleagues to join Representative ENGLISH and myself in cosponsoring this important legislation.

THE FRED F. HOLMES AWARD

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. McGOVERN. Mr. Speaker, the Fred F. Holmes award was established by the Veterans' Council of North Attleboro, Massachusetts, to recognize individuals who have had a positive effect on the lives of local veterans. On December 6, 1998, it was my great pleasure to attend a testimonial dinner honoring this year's recipient of the Holmes award, Mr. Charles E. Langille.

Mr. Langille was born in Cambridge, Massachusetts, in 1922. His family moved to North Attleboro where Mr. Langille attended a regional agricultural school and began a long period of employment with the Sales Dairy Farm.

Mr. Langille interrupted his employment in 1943, when he enlisted in the U.S. Army and became a member of the elite 82nd Airborne as a paratrooper-medic. In June 1944, Mr. Langille participated in the Normandy Invasion, carrying only a pistol and sometimes no weapon at all! Mr. Langille reports that he was one of the fortunate few to survive that war unscathed. After the war, Mr. Langille resumed his career in agriculture and later spent several years working in the lumber industry and as the Animal Control Officer in North Attleboro, retiring at the age of 70.

Those who know Charles Langille know he is a man of great compassion and loyalty, with an endless capacity for assisting those in need. As an example of his concern for others, over the past 20 years, Mr. Langille has regularly visited veterans at the VA hospital in Brockton, bringing them meals, providing recreation and helping them in countless other ways.

The citizens of North Attleboro, and especially its veterans, are fortunate to have a person like Charles Langille in their midst. I offer Mr. Langille my deep gratitude and heartfelt congratulations as this year's recipient of the Fred F. Holmes award.

INTRODUCTION OF THE AFTER-SCHOOL CHILDREN'S EDUCATION ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. CASTLE. Mr. Speaker, I am pleased to introduce the After-School Children's Education Act (ACE Act). My proposal, which does not spend a lot of money, will lead Congress to better information on after-school programs and guide us through a vitally important decision-making process on how to meet the educational needs of students across the nation.

There has been a lot of discussion about out-of-school time in recent months, with scientific studies proving what we have always intuitively known about the importance of quality care for young children, and for children in out-of-school time. There is a real threat to many American kids across the nation. Roughly five million children are not supervised after-school. This leaves them at risk of accidents and ripe for undesirable behaviors ranging from smoking and drinking to sexual activity and violent crime. In fact, juvenile crime goes up 300% after 3 p.m. and over half of all juvenile crime occurs between 3 p.m. and 6 p.m.

This is particularly disturbing given the benefits that can be derived from productive and educationally rewarding activities in after-school hours. After-school programs can be exceptionally beneficial by giving children the chance to interact with their peers and adults in a positive way, to gain or improve new skills, to master educational material, to develop strong bodies, and to foster creativity. In addition, studies have shown that students who attend productive after-school programs make significant academic gains, enjoy school more, feel more safe, and are less likely to participate in delinquent behaviors year found.

I believe we need to focus on improving the quality of children's out-of-school time through after-school programs. Studies indicate that 90% of parents want their children in an after-school program, yet less than 30% of schools have one. Amazingly, schools are locked 50% of the time parents are working. Many policy makers are coming to this realization and some have proposed billions of dollars of new spending on after-school programs. I am not convinced that such a large infusion of money is necessary, but I am convinced that up-to-date information on after-school programs is essential. There really is not good information available. The last major study of after-school programs was completed in 1993 by the National Institute of Out-Of-School-Time.

The ACE Act will help meet this need with a three prong approach. First, it requires the General Accounting Office to conduct a state-by-state study on after-school programs that will help us understand what programs currently exist and where the gaps are in providing educationally enriching and personally rewarding programs for children. Second, the ACE Act establishes a national clearinghouse of model after-school programs available on the Internet. Finally, it provides $10 million for states to use for activities that improve the quality and availability of after-school programs.

As I have witnessed in Delaware, some communities have collaborated to produce high quality after-school programs. For instance, the extended use of school facilities in Delaware has allowed several organizations, such as the Boys and Girls Clubs and the YMCA to successfully integrate after-school programs into schools. The ACE Act encourages continued collaborations so that communities can play a more active role in providing assistance in after-school activities in a number of ways.

In all of my discussions with constituents and after-school program specialist, the most troubling issue I have run across is the fact that both after-school program providers and after-school program participants need better access to information. We do not fully understand what programs are available and we should.

I hope you will join me and colleagues from both sides of the aisle to support and co-sponsor the After-School Children's Education Act.

VIRGINIA STATE POLICE MARSHALL FORCES TO ENHANCE HIGHWAY SAFETY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. WOLF. Mr. Speaker, on Sunday, February 21, 1999, under the leadership of the Superintendent of State Police, Colonel M. Wayne Huggins, a task force of 110 Virginia state troopers, supervisors and aviation units conducted an eight-hour enforcement initiative along the full 325-mile length of Interstate 81 in Virginia to control speeders and improve highway safety for all the people who use this heavily trafficked roadway.

The program was coordinated and implemented by Lt. Colonel W.G. Massengale and Major J.B. Scott with assistance of Captain J.R. Quinley (Culpeper), Captain H.G. Gregory (Appomattox), Captain C.R. Compton (Salem) and Captain W.K. Paul (Wytheville).

As a result of the dedicated performance of the Virginia State Police under their most able leadership, a huge stride toward traffic safety on Interstate 81 was made on February 21. This crackdown resulted in 1,730 tickets being issued to violators. Speed is a major cause of traffic accidents and the resultant deaths and injuries. These troopers and their commanders saved lives on the highway that Sunday and sent the message that Virginia is serious about protecting its people.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. EVERETT. Mr. Speaker, as Chairman of the Veterans' Affairs Subcommittee on Oversight and Investigations, I strongly support H.R. 70, a bill to codify burial eligibility requirements for Arlington National Cemetery. This bill would also put an end to the abuses my subcommittee found with politically connected burial waivers for individuals who have been getting into Arlington and taking the places earned by America's war heroes.

Full Committee Chairman BOB STUMP moved a similar bill last year and it was not acted upon by the Senate. I commend our Chairman for his persistence and for his devotion to our Nation's veterans in moving H.R 70 as one of his top priorities for the 106th Congress.

Veterans' service organization and military associations have overwhelmingly supported this legislation and especially its prohibition against waivers. They better than anyone know that politics should play no part in who rests in the hallowed ground of Arlington.

Mr. Speaker, apparently I differ with one of my colleagues on whether abuses occurred with Arlington burial waivers. At the January 28, 1999, Oversight and Investigations Subcommittee hearing on Arlington burial waivers, which I chaired, I stated that, "in my opinion, in some cases there undoubtedly has been favoritism, overwhelming pressure, political influence, string pulling, and arm twisting, as well as public relations consideration, even if no one will openly admit it." My view has not changed, and I believe these things were abuses. Call them what you may, they occurred and they should be stopped.

And, let there be no mistake about the matter of Larry Lawrence: he bought his way into Arlington with campaign contributions. His campaign contributions bought him an ambassadorship. His bought ambassadorship and his proven, not alleged, lies got him into Arlington. Even on his record, he was so miserably unqualified to be an ambassador that the Foreign Service Association took the unusual step of opposing his nomination. Money got him in, not his service to his country.

Mr. Speaker, I urge my colleagues to hold the line against waivers, just as our brave men and women in uniform have held the line in battle against the enemies of freedom.

ENVIRONMENTAL PROTECTIONS NEED TO BE AMONG OUR HIGHEST PRIORITIES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BONIOR. Mr. Speaker, I rise today in strong support of water quality, smart growth and protecting our environment—and, therefore, in support of the Democratic budget resolution.

Clean and safe drinking water must be among our highest national priorities. We need to ensure that we protect farmland, slow suburban sprawl and protect open spaces. Further, the Environmental Protection Agency must have the adequate tools and resources to do their job—protecting our environment.

That is why I support the Democratic budget resolution which would have provided $1.6 billion more for natural resources and environmental programs than the Republican budget. Our bill allows for continued assistance to our communities to upgrade their sewer systems and wastewater treatment facilities. It also provides resources for our communities to protect farmland and preserve or restore green spaces. Our budget also provides grants for "smart growth" planning and park restoration.

For those of us in St. Clair and Macomb Counties who treasure the special place in which we live, the Democratic budget blueprint would allow us to preserve and improve our quality of life. That is among the most important things we can do.

In the months ahead, I look forward to working with my colleagues on both sides of the aisle to ensure that our water is safe to drink, our lakes are safe for swimming, and our continued growth is managed responsibly. I am also hopeful that our local and state officials will help us in our effort to help improve sewers and water treatment facilities, and to preserve farmland and open spaces.

Our environment is precious and valuable. We need to take steps today to ensure that it is preserved for our grandchildren to inherit. We will continue our fight to ensure that environmental protections are among our highest prioritiies.

ON THE PASSING OF THREE EXTRAORDINARY WOMEN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. PELOSI. Ms. Speaker, it sometimes happens that the unexpected juxtaposition of disparate events imposes its own logic, and the emerging pattern rivets our attention and commands our respect. So it is with the recent passing of three extraordinary women: Frances Ross, who died December 9th at 84 years of age; Helen Feinberg, who followed on February 22nd, also 84; and Vivian Hallinan, who departed March 16th after 88 years of life. Of the same generation that was tempered in the Great Depression and triumphant in World War II, all three women shared many characteristics and values. All, of course, were native or adoptive Californians. And, in the trail-blazing spirit of the Golden State, all were true pioneers in their respective fields: Ross in the treatment of the mentally ill; Feinberg in nursing and human rights; and Hallinan in a wide range of progressive causes.

All three women exhibited, early in life, the qualities we associate with leadership. They were relentless champions of social justice, peace, equality, democracy, and freedom. And in the pursuit of those values, their perseverance was legendary. Finally, and perhaps most impressive, Frances, Helen, and Vivian also shared the exquisite ability to balance an active life in the public domain with an equally impressive dedication to family and friends in the private realm.

In conclusion, Frances Ross, Helen Feinberg, and Vivian Hallinan were courageous leaders of a generation that is rapidly passing from our scene. We are losing a national treasure, and we should all pause to register our common loss. Details about the wonderful lives of these three women are included in the following tributes.

[From the San Francisco Examiner, Dec. 11, 1998]

FRANCES LILLIAN ROSS—ADVOCATE FOR MENTALLY ILL

(By Eric Brazil)

Frances Lillian Ross, who pioneered residential treatment for the mentally ill in San Francisco, died Wednesday in San Rafael at age 83.

She had been in failing health for two-months, following a stroke at her Villa Marin home.

From 1965 through 1997, Mrs. Ross was executive director of Conard House, which developed the model for treating mentally ill patients in a non-institutional setting.

"She was instrumental in establishing what community mental health looks like in this town," said Steve Fields, executive director of the Progress Foundation.

Conrad House "was very, very much on the ground floor. It was one of the first models of a halfway house, if not the first," recalled psychiatrist Dr. Price Cobbs.

Born in San Diego, Mrs. Ross attended 13 grammar schools and three high schools—including Polytechnic in San Francisco—before graduating from San Francisco State.

Even before the '30s had ended Mrs. Ross had lived an eventual life—as a "girl cashier" at the World's Fair on Treasure Island, as Northern California campaign manager for winning Democratic gubernatorial candidate Culbert Olson and in organizing relief for Spanish civil war refugees.

During the early 1940s, she was a teacher and social worker in Central Valley migrant labor camps, including Marysville-Yuba City, where she met and married her late husband, Fred Ross, a community organizer, whose career—including the discovery of farm labor leader Cesar Chavez—became legendary.

Her youngest son, Fred, now chief of staff to Rep. Nancy Pelosi, D-San Francisco, recalled that his mother taught birth control as well as drama and other subjects to wives of farm workers. He said, "Birth control was called 'baby spacing,' then, and one of the women asked her, 'Is that to teach us how to space them closer together or farther apart?'"

On the eve of World War II, Mrs. Ross worked to get refugee Jewish physicians out of Germany, and after the war began, she operated a drill press and worked for racial integration at a Cleveland airplane parts manufacturing plant, while her husband worked with Japanese Americans who had been relocated to the Midwest from the Pacific Coast.

At age 41, Mrs. Ross returned to San Francisco State and obtained a master's degree in clinical psychology.

Her professional career was interrupted by polio, and she was unable to work for nine years.

When Mrs. Ross was hired as executive director at Conard House—she had been a rehabilitation counselor at Lighthouse for the

Blind—institutionalization was virtually the only recognized form of treatment for the mentally ill.

Mrs. Ross started Conard House's co-op apartment program, which provides an extended period of recovery for clients admitted to the program's halfway house.

Katherine Erickson, owner of two retail gift shops at Pier 39, who worked for Mrs. Ross for seven years at Conard House, recalled her as "the most powerful woman I've ever worked with . . . a most extraordinary woman. She had the ability to cut through the B.S. and see what was really going on."

Mrs. Ross is survived by daughter Julia, a director of recovery systems in Larkspur; sons Robert, a high school teacher in Davis, and Fred of San Francisco; and by three grandchildren and one great-grandchild.

A memorial service will be held Dec. 19—her 84th birthday—at 3 p.m. in the auditorium of Villa Marin in San Rafael, where she had resided for the past 13 years.

The family suggests that friends wishing to remember Mrs. Ross with charitable contributions direct them to the Post Polio Support Group of Sonoma County, 4672 Park Trail Drive, Santa Rosa, CA 95405; or to the Larkspur public library.

[From the Los Angeles Times, Feb. 24, 1999]

HELEN FEINBERG, 84; SOCIAL ACTIVIST, SPANISH CIVIL WAR NURSE

(By Myrna Oliver)

Helen Freeman Feinberg, nurse and human rights advocate who aided victims of the Spanish Civil War and Ecuador border war as well as garment workers and Latino immigrants at home, has died. She was 84.

Feinberg died Monday of cancer in Newport Beach, said her daughter, Margo Feinberg.

A New Yorker trained in nursing at Brooklyn Jewish Hospital, the 22-year-old Helen Freeman had barely begun her nursing career in 1937 when a meeting on Spain's strife convinced her to sail abroad as a member of the Medical Bureau to Aid Spanish Democracy.

One of only 50 American women involved, she worked in makeshift front-line hospitals to aid soldiers of loyalist Spain and international volunteer fighters including Americans in the Abraham Lincoln Brigade. The young nurse was severely wounded during a bombing.

"We were so idealistic at the time. And we wanted everything for a better world," she recalled in 1990 after a speech to Veterans of the Abraham Lincoln Brigade in New York. Feinberg served as commander of the brigade's Los Angeles post in the 1980s and 1990s.

Her injuries in Spain prevented her from serving as a military nurse in World War II. But she spent that time in Ecuador, following its border war with Peru, with the U.S. Government Emergency Rehabilitation Committee organizing clinics and hospitals and training nurses in mountain and jungle communities.

After the war, she returned to Europe with the American Joint Distribution Committee to develop clinics, organize health education programs and treat chronically ill victims of Hitler's concentration camps.

The dedicated nurse also went to Oregon with the Agricultural Workers Health Assn. as a circuit-riding public health nurse for migrant labor camps, and worked with the New York City Health Department setting up community health care clinics.

Working for the Union Health Care Center of the International Ladies Garment Workers Union in 1952, she met and married Charles Feinberg, union organizer, professor and public health administrator. After her marriage, she went into school nursing in New York and, after the Feinbergs moved to Orange County in the 1970s, with the Newport Mesa Unified School District. In Orange County, Feinberg concentrated on working with children and families of migrant workers and other immigrants. She retired only last year, at 83.

In 1985, the school district named a new facility at Whittier Elementary School in Costa Mesa, Feinberg Hall in honor of both the nurse and her husband.

Feinberg is survived by a son and daughter, union labor lawyers Michael and Margo Feinberg, and two grandsons.

A memorial service is scheduled at 2 p.m. March 6 at Pacific View Memorial Park in Corona del Mar.

The family has suggested that memorial contributions be made either to the Abraham Lincoln Brigade Archives, 799 Broadway, Suite 227, New York, NY 10003, or to Whittier Elementary School, 1800 N. Whittier Ave., Costa Mesa, CA 92627, for its library.

[From the San Francisco Examiner, Mar. 17, 1999]

PEACE ACTIVIST, MATRIARCH VIVIAN HALLINAN

(By Seth Rosenfield)

SHE WAS ROLE MODEL FOR POLITICAL WOMEN

Vivian Hallinan, the preeminent peace activist, wife of the later legend Vincent Hallinan and matriach of San Francisco, best known Irish political family, whose members include prominent criminal defense lawyer Patrick Hallinan and San Francisco District Attorney Terence Hallinan, has died.

Mrs. Hallinan, who was 88, died Tuesday at the Berkeley home of her son Matthew. Family members said she has been in poor health in recent weeks and attributed her death to old age.

Over a five-decade span, Mrs. Hallinan played a prominent part in San Francisco's progressive politics with grace, beauty and courage. In 1986, when she was 77, she was tear-gassed in Chile while protesting human rights abuses.

Although Vincent Hallinan, an atheist who once sued the Catholic Church to prove the existence of God, was publicly perceived as the more radical of the pair, Vivian Hallinan fueled the family's political fire, two of her sons said.

"She was really the heart and soul of our family's political philosophy," said Patrick Hallinan, her eldest son. "My father resented the abuse of political authority, but my mother had a focus. She was a very committed radical socialist."

Mrs. Hallinan combined a dedication to her family, prowess in real estate and political passion.

U.S. Representative Nancy Pelosi, D-San Francisco, said Tuesday that Vivian Hallinan showed women they could combine family and politics. "She was a role model for many of us," Pelosi said. "If Vincent was the lion, Vivian was the lioness."

Mrs. Hallinan was born Vivian Moore on Oct. 21, 1910, in San Francisco. Her father was Irish, her mother Italian, her family blue-collar.

Her father abandoned the family early, and she hardly knew him, said Patrick Hallinan. And though her mother was more present, Mrs. Hallinan was raised mostly by her mother's relatives.

Mrs. Hallinan attended Girls' High School, a now-defunct private Catholic school in San Francisco. She was admitted to UC-Berkeley but quit after two years to support herself by working in retail shops. Patrick Hallinan said. She never graduated.

She soon met Vincent Hallinan on a blind date. He was 13 years older and already a famous liberal lawyer.

"When I opened the door, I thought she was the most beautiful thing I'd ever seen," he once said.

They were married in 1932, an occasion reported by the late FBI Director J. Edgar Hoover as "a case of one warped personality marrying another."

The excitement began promptly. As the couple left for their honeymoon, Vincent Hallinan was jailed for contempt of court for refusing to surrender a client in a murder case. One headline read: "Hallinan goes to jail, bride goes home."

Mrs. Hallinan's striking beauty, with brunet hair and hazel eyes, was part of her persona, said Doris Brin Walker, a radical San Francisco lawyer and longtime friend of the Hallinans'.

"She always looked great," Walker said, "but it was not the most important part."

The Hallinans first lived in a Nob Hill apartment on Sacramento Street. About two years later, they had the first of six sons. (Their fourth son, Michael, later died.)

During the Depression, Mrs. Hallinan began investing some of her husband's legal earnings in real estate, refurbishing abandoned buildings and eventually building the family fortune, said Terence Hallinan, her second-born.

Although Mrs. Hallinan held "socialist" views—ideas that people should be guaranteed a decent living, that there should be racial equality and an end to war—she never joined any socialist or communist party and was a life-long Democrat, said Patrick Hallinan.

She was one of San Francisco's early civil rights activities, renting and selling homes to African Americans. Her efforts earned the enmity of other real estate agents and her own neighbors, her sons said.

In 1945, the Hallinans moved to political conservative Ross in Marin County, because it had the best public schools. They bought a a 22-room house with its own gyn and an Olympic-size pool.

But times got hard. In 1950, Mr. Hallinan was sentenced to six months in McNeil Island prison for a contempt citation he got while successfully defending union leader Harry Bridges against charges of being a communist.

In 1952, after Mrs. Hallinan persuaded her husband to campaign for president on Henry Wallace's Progressive Party ticket, the couple were indicted for tax evasion. She was acquitted, but he was sentenced to two years in jail.

The government seized some of the family's real estate holdings, said Terence Hallinan. And Doubleday refused to print more copies of a national best-seller she had written about her family, "My Wild Irish Rogues," Patrick Hanninan said.

Hoover had branded the book as "a flagrant employment of the Communist Party line, including references to racial discrimination and vicious attacks on the U.S. government."

But Mrs. Hallinan was unfazed: She sustained the family with her real estate business and continued her jailed husband's presidential campaign on his behalf.

Mr. Hallinan was disbarred and in jail during most of the '50s, and Mrs. Hallinan remained under Hoover's scrutiny.

In 1964, she and sons Patrick and Matthew were arrested while sitting-in at San Francisco's "auto row," the car dealers that then lined Van Ness Avenue, protesting their failure to hire African Americans. She served 30 days in county jail.

She helped organize anti-Vietnam war demonstrations, leading a march of 5,000 women in Washington, D.C.

She headed the San Francisco chapter of the Women's International League for Peace and Freedom. "Peace was always her biggest issue," said Terence Hallinan.

In the 1980s, she opposed U.S. policy in Central America and befriended Daniel Ortega, Nicaragua's Sandinista leader. She also met with Fidel Castro.

In 1990, Mayor Art Agnos named her to The City's Human Rights Commission.

She is survived by five sons, Patrick, of Kentfield; Terrance, of San Francisco; and Matthew, an anthropologist, David, a travel consultant, and Conn, a journalism professor, all of Berkeley; 18 grandchildren; and one great-grandchild.

A memorial service is to be announced.

IRA CHARITABLE ROLLOVERS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today my colleague from Illinois, Representative PHIL CRANE, and I are introducing the IRA Charitable Rollover Incentive Act of 1999.

Our legislation would allow individuals who have reached age 59½ to donate the assets of their individual retirement account to charity without incurring income tax liability.

I am sure that over the past few years many of our colleagues have heard from charities in their district that the charity was approached by an individual who had accumulated a large IRA and wished to make a charitable donation. However, they are effectively precluded from doing so by the unique tax laws that apply to IRAs. We intend to change this.

Our legislation would allow an individual to donate his or her IRA to charity without incurring any income tax consequences. The IRA would be donated to the charity without ever taking it into income so there is no tax consequence. Similarly, because current law IRAs represent previously untaxed income, there would be no charitable deduction for the donation. IRA rollovers to qualifying charitable deferred gifts would receive similar treatment.

Mr. Speaker, this change in tax law could provide a valuable new source of philanthropy for our nation's charities. I would hope that my colleagues will join Mr. CRANE and myself in sponsoring this innovative new approach to charitable giving.

IN HONOR OF THE 20TH ANNIVERSARY OF SEQUOIA COMMUNITY HEALTH CENTER

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. DOOLEY of California. Mr. Speaker, I rise before my colleagues today to pay tribute to the Sequoia Community Health Foundation, which is celebrating its twentieth anniversary this year.

The Sequoia Community Health Foundation has made countless contributions to the residents of the Central Valley. Working as a primary health care provider for nearly twenty years, Sequoia Community Health Foundation has served tens of thousands of Valley families, ensuring access to basic health services including immunizations and prenatal care.

Despite a brief period of administrative difficulties, the Sequoia Community Health Foundation has emerged stronger than ever in recent years and has restored and expanded the level of services provided to Valley residents. By partnering with local schools, recreation centers and churches, Sequoia Community Health Foundation has greatly facilitated access to health services in the Valley.

Sequoia Community Health Foundation has provided more than 200,000 patient visits in the last four years, caring for 15,000 patients a year including many area farmworkers. Sequoia also serves as a vital resource for prenatal and pediatric care by performing between 60 and 90 deliveries each month and immunizing between 200 and 400 children on a monthly basis.

Clinic services have been expanded to increase hours of service, expand health education programs, and add cardiology and psychiatry specialists on site. And the clinic has been a leader in recruiting and training Hispanic residents through the Sequoia Hispanic Residency Pathway.

Through the leadership of their dedicated staff, Sante Health System and "Blue Ribbon" Board, Sequoia Community Health Foundation has maintained a high level of commitment to the Central Valley.

I commend Sequoia Community Health Foundation's dedicated employees—past and present—for their admirable service, and I hope that their fellow citizens will continue to support them with vigorous appreciation.

THE INTRODUCTION OF THE TAX CODE SECTION 415 RELIEF BILL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. WELLER. Mr. Speaker, a great deal of attention is being focused on retirement security by this Congress and by the Administration. Most of us recognize the need to make saving for retirement, through private pension plans and personal savings, a priority for all Americans. And, many of us recognize that complex and irrational pension rules in the Internal Revenue Code actually discourage retirement savings. Among such rules are limits under Code section 415 they deny workers the full benefits they have earned.

I rise today to introduce legislation on behalf of workers who have responsibly saved for retirement through collectively bargained, multiemployer defined benefit pension plans. These workers are being unfairly penalized under limits imposed by Code section 415. They are being denied the full benefits that they earned through many years of labor and on which they and their spouses have counted in planning their retirement.

We can all appreciate their frustration and anger when they are told, upon applying for their pension, that the federal government won't let the pension plan pay them the full amount of the benefits that they earned under the rules of their plan.

For some workers, this benefit cutback means they will not be able to retire when they wanted or needed to. For other workers, it means retirement with less income to live on. And, for some, it means retirement without health care coverage and other necessities of life.

The bill that I am introducing today will give all of these workers relief from the most confiscatory provisions of Section 415 and enable them to receive the full measure of their retirement savings.

Congress has recognized and corrected the adverse effects of Section 415 on government employee pension plans. Most recently, as part of the Tax Relief Act of 1997 (Public Law 105–34) and the Small Business Jobs Protection Act of 1996 (Public Law 104–188), we exempted government employee pension plans from the compensation-based limit, from certain early retirement limits, and from other provisions of Section 415. Other relief for government employee plans was included in earlier legislation amending Section 415.

Section 415 was enacted more than two decades ago when the pension world was quite different than it is today. The Section 415 limits were designed to contain the tax-sheltered pensions that could be received by highly paid executives and professionals. The passage of time and Congressional action has stood this original design on its head. The limits are forcing cutbacks in the pensions of rank-and-file workers. Executives and professionals are now able to receive pensions far in excess of the Section 415 limits by establishing non-qualified supplemental retirement programs.

COMPENSATION-BASED LIMITS

Generally, Section 415 limits the benefits payable to a worker by defined benefit pension plans to the lessor of: (1) the worker's average annual compensation for the three consecutive years when his compensation was the highest, the so-called "compensation-based limit"; and (2) a dollar limit that is sharply reduced for retirement before the worker's Social Security normal retirement age.

The compensation-based limit assumes that the pension earned under a plan is linked to each worker's salary, as is typical in corporate pension plans (e.g., a percentage of the worker's final year's salary for each year of employment). That assumption is wrong as applied to multiemployer pension plans. Multiemployer plans, which cover more than ten million individuals, have long based their benefits on the collectively bargained contribution rates and years of covered employment with one or more of the multiple employers which contribute to the plan. In other words, benefits earned under a multiemployer plan have no relationship to the wages received by a worker from the contributing employers. The same benefit level is paid to all workers with the same contribution and covered employment records regardless of their individual wage histories.

A second assumption underlying the compensation-based limit is that workers' salaries increase steadily over the course of their careers so that the three highest salary years will be the last three consecutive years. While this salary history may be the norm in the corporate world, it is unusual in the multiemployer plan world. In multiemployer plan industries like building and construction, workers' wage earnings typically fluctuate from year-to-year according to several variables, including the availability of covered work and whether the worker is unable to work due to illness or disability. An individual worker's wage history may include many dramatic ups-and-downs. Because of these fluctuations, the three highest years of compensation for many multiemployer plan participants are not consecutive. Consequently, the Section 415 compensation-based limit for these workers is artificially low; lower than it would be if they were covered by corporate plans.

Thus, the premises on which the compensation-based limit is founded do not fit the reality of workers covered by multiemployer plans. And, the limit should not apply.

My bill would exempt workers covered by multiemployer plans from the compensation-based limit, just as government employees are now exempt.

EARLY RETIREMENT LIMIT

Section 415's dollar limit is forcing severe cutbacks in the earned pensions of workers who retire under multiemployer pension plans before they reach age 65.

Construction work is physically hard, and is often performed under harsh climatic conditions. Workers are worn down sooner than in most other industries. Often, early retirement is a must. Multiemployer pension plans accommodate these needs of their covered workers by providing for early retirement, disability, and service pensions that provide a subsidized, partial or full pension benefit.

Section 415 is forcing cutbacks in these pensions because the dollar limit is severly reduced for each year younger than the Social Security normal retirement age that a worker is when he retires. For a worker who retires at age 50, the reduced dollar limit is now about $40,000 per year.

This reduced limit applies regardless of the circumstances under which the worker retires and regardless of his plan's rules regarding retirement age. A multiemployer plan participant worn out after years of physical challenge who is forced into early retirement is nonetheless subject to a reduced limit. A construction worker who, after 30 years of demanding labor, has well earned a 30-and-out service pension at age 50 is nonetheless subject to the reduced limit.

My bill will ease this early retirement benefit cutback by extending to workers covered by multiemployer plans some of the more favorable early retirement rules that now apply to government employee pension plans and other retirement plans. These rules still provide for a reduced dollar limit for retirements earlier than age 62, but the reduction is less severe than under the current rules that apply to multiemployer plans.

Finally, I am particularly concerned that early retirees who suffer pension benefit cutbacks will not be able to afford the health care coverage they need. Workers who retire before the Medicare eligibility age of 65 are typically required to pay all or a substantial part of the cost of their health insurance. Section 415 pension cutbacks deprive workers of income they need to bear these health care costs. This is contrary to the sound public policy of encouraging workers and retirees to responsibly provide for their health care.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 23, 1999

Mr. RANGEL. Mr. Speaker, I rise today to support H.R. 130, a bipartisan bill which would "designate the United States Courthouse located at 40 Centre Street in New York, New York as the 'Thurgood Marshall United States Courthouse.'"

It is most fitting to honor this great American with this distinction as he was not only the first African American Justice of the U.S. Supreme Court, but was also one of the greatest trial and appellate lawyers in this nation. It was through his knowledge, advocacy, and devotion to the cause of civil rights, that propelled Thurgood Marshall into leading the charge for equality for African Americans.

Born in Baltimore, Maryland on July 2, 1908, Thurgood Marshall graduated cum laude from Lincoln University in Pennsylvania and went on to receive his law degree from Howard University here in Washington, DC where he graduated first in his class.

In 1936, Thurgood Marshall was appointed as Special Counsel to the National Association for the Advancement of Colored People (NAACP). A short time later, he founded the NAACP Legal Defense and Education Fund.

While at the NAACP, Thurgood Marshall was successful in winning 29 of 32 cases he argued before the U.S. Supreme Court. However, the victory for which he will best be remembered, was Brown vs. The Board of Education, in which Marshall convinced the Supreme Court to declare segregation in public schools unconstitutional.

In 1961, President John F. Kennedy appointed Marshall to the Second Circuit Court of Appeals. After only four years of receiving this appointment, President Lyndon B. Johnson chose Justice Marshall to be the nation's first black Solicitor General. Just 2 years later on June 13, 1967, President Johnson nominated Marshall to become the first black justice of the Supreme Court where he would serve until his retirement in 1991.

As my colleagues may remember, the bill passed the House last year, but did not come to the floor of the Senate before the session ended.

As Dean of the New York State delegation, it is my hope that my colleagues here in the House on both sides of the aisle, will support H.R. 130 for I can think of no greater tribute to the late Justice Thurgood Marshall, a man who stood for integrity, justice, and equality for all.

TRIBUTE TO SCOTT ANDERSON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. OBERSTAR. Mr. Speaker, I rise today to pay tribute to Scott Anderson, a Duluth resident and pioneer in general aviation. On March 23rd, Scott died at the age of 33 following a tragic crash that occurred while he was testing a new aircraft in Northern Minnesota.

Scott was fatally injured when the first SR20 airplane to come off Cirrus Design's production line, which he was piloting, crashed just short of the Duluth International Airport. The plane crash is not only a serious disappointment for Cirrus Design, but is also a tragedy for general aviation aircraft development, testing and evaluation—the most critical phase of bringing a new type and model of aircraft into the mainstream of aviation.

A major in the Air National Guard, Scott was an experienced test pilot who flew F–16s for the military, in addition to his job as Director of Flight Operations and Chief Test Pilot for Cirrus Design. Test pilots are heroes of aviation who pioneer the testing of new, pre-production aircraft to ensure that all systems comply with Federal Aviation Administration regulations. Scott made history last year when he piloted the SR20 during the first test of an innovative parachute recovery system; ironically, that safety device was not on board the aircraft he was flying at the time of the crash.

While we must await the evaluation and findings of the National Transportation Safety Board regarding the causes of the crash, we know that Scott did everything humanly possible to bring the plane down safely so that innocent lives on the ground would not be lost. I offer my heartfelt sympathy to Scott's wife, Laurie, his parents, Paul and Carol, and siblings, Catherine and Todd Anderson, as well as to the Cirrus Design team, for their loss. I hope, in their grief, they know that Scott made a profound difference to the State of Minnesota and to the national aviation community.

As a tribute to the memory and contribution Scott made to general aviation, which will benefit future generations, I submit an article written by Sam Cook that appeared in the Duluth News Tribune on March 24, 1999. Mr. Cook is a talented writer who knew Scott Anderson for many years and with whom he shared a love of Minnesota's great outdoors.

[From the Duluth News Tribune, Mar. 24, 1999]

ANDERSON BLESSED OTHERS WITH LIFE

(By Sam Cook)

I can't recall exactly how Scott Anderson came into my life. He just appeared, and once Scott Anderson appears in your life it's never quite the same.

He and his friend Steve Baker were planning a canoe trip from Duluth to Hudson Bay. This was 1987. They were college kids home for the summer, and they didn't know exactly what they were getting into, but of course that didn't matter. They were going to go no matter what. As I recall, they borrowed a canoe that had been cracked up and patched back together.

I thought they might drown the day they left Duluth, Lake Superior was kicking up, but they were behind schedule so they made a break for it. They ended up portaging their canoe along Minnesota Highway 61 to jump-start that trip, and you could see that nothing else was going to hold them back.

The trip was a throwback to the old Eric Sevareid and Walter Port trip that Sevareid turned into his classic book, "Canoeing with the Cree." Scott and Steve made Hudson Bay, all right, and it came as only a mild surprise when Scott returned and said he was going to write a book about the experience.

He had already built a submarine at college and paddled a broken boat to Hudson Bay.

Why couldn't he write a book?

He did, of course. And he learned to fly an F-16. And next thing you knew he was test flying airplanes for Cirrus Design.

Scott was one of the most engaging people you could ever hope to meet. He was big and blond and nearly bald, or else his hair was just so light you couldn't see it. I never was sure. But he had a countenance that told you he could handle anything that came his way, probably without blinking.

And that smile. When he unfurled that grin, a whole bunch of happiness spilled into the room and you felt better just for being in the man's presence.

He had some devilment in there, too, but only the harmless kind. There couldn't have been an ounce of meanness in that guy.

Once, out of the blue, he called and asked me if I wanted to be part of a race. He's been scheming again. There would be four of us, in two canoes, he said. The two-person teams would leave Duluth bound for different ends of the Boundary Waters Canoe Area Wilderness. We'd drive north, put in, paddle across the wilderness, exchange car keys somewhere in the middle, paddle out and drive back. First one back to Duluth wins.

I told him I couldn't make it, but it wouldn't surprise me if he pulled that off, too.

If you had a son, and he turned out to be Scott Anderson, you would have to consider yourself one lucky mom or dad. If Scott showed up at your door to date your daughter, you'd send them off happily, close the door, look at your spouse and smile. Not to worry. There was a guy you could count on.

When I heard Tuesday afternoon that a Cirrus plane had gone down, I got worried. When I learned later that night that Scott hadn't made it, I sat in my living room and bawled my guts out while my son played with his Legos.

It would not surprise me if hundreds of others did exactly the same thing I did. I'll bet Scott touched more lives in a meaningful way in his 33 years than most of us will get to in twice that. He was a brilliant, creative, remarkable guy.

I keep seeing him in my mind, and all I see is that big head and that wonderful grin and all that confidence behind it.

They say that as parents there are two things you want to give your kids—roots and wings. Scott Anderson had both, but he was partial to the wings.

I hope he's still flying somewhere.

WOMEN'S HISTORY MONTH

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank Representative BARBARA LEE of California for organizing this Special Order on behalf of the Congressional Black Caucus to honor Women's History Month and to celebrate the contributions of Women of Color.

As the newest member of the Congressional Black Caucus and as a former municipal Judge and Prosecutor for Cuyahoga County, I wanted to use this time to honor my former colleagues of the Cuyahoga County Judicial system who have served as a source of inspiration for me for many years. They are my friends, colleagues and more importantly my sistahs.

Each of these women are trailblazers in their own right who deserve to be recognized for their years of dedication to serving, protecting and upholding the laws of Ohio and our Nation.

The first person I want to honor is Judge Lillian Burke the first black woman judge in Ohio. Judge Burke is a graduate of Ohio State University and received her JD from Cleveland State University. She was admitted to the Ohio bar in 1951 and began practicing general law from 1952–1962.

Ms. Burke was an assistant Attorney General for Ohio as well as a member of various professional and civic organizations. She was appointed to the Cleveland Municipal Court where she eventually became Chief Judge.

Jean Murrell Capers: Judge Jean Capers graduated from Case Western Reserve University in 1932 and earned her JD from Cleveland Law School in 1944. She was admitted to the Ohio bar in 1945 and began practicing law that same year. Ms. Capers ran unsuccessfully three times for the Cleveland City Council before she won in 1949. She was elected four subsequent times to two year terms.

She also worked for the Phillis Wheatley Association and became involved in community endeavors, including lobbying for a federal anti-lynching bill.

In 1977, Ms. Capers was appointed Cleveland Municipal Judge and was re-elected but was forced to retire in 1986 because of an Ohio law that requires Judges to retire at age 70.

Judge C. Ellen Connally, the senior Judge of the Cuyahoga Municipal Court, is a graduate of Bowling Green State University and received her JD from Cleveland State University as well as a Masters of Art degree in American History from Cleveland State and she is currently enrolled in the Ph.D. program in American history at University of Akron.

Judge C. Ellen Connally was first elected to the bench in 1985, elected beginning in 1985 to Cleveland Municipal Court and is currently the senior judge of the court. She is a former President of the Northern Ohio Municipal Judges Association and has served for the past seven years as its Secretary/Treasurer.

Judge Connally, formerly served as chairperson on the Youth Violence Committee of the Task Force on Violent Crime and the Mayor's Advisory committee on Gang Violence.

She is a former member of the Board of Trustees of her alma mater Bowling Green University and in 1994–1995 she served as president of their Board of Trustees and served as the chairperson of the presidential search committee. She also served as past president of the Northern Ohio Municipal Judges Association.

Mr. Speaker, the next person I want to recognize is Judge Mabel Jasper. She received her BS degree form Kent State University in 1956 and her JD from Cleveland Marshall Law School in 1977.

Prior to election to the Cleveland Municipal Court, she served as general trial referee for the Cuyahoga County Court of Common Pleas—Domestic Relations Division. She was also an Assistant Attorney General for the state of Ohio, and was employed as a trial attorney for the Bureau of Workers Compensation for three years.

Judge Jasper is a member of many civic and professional organizations which include: Ohio State Bar Association; Delta Sigma Theta Sorority; and First woman member of the Rotary East club, a mostly all male organization.

The next person I want to honor is Judge Angela Stokes. Her name may sound familiar to many in this chamber because she is the daughter of my predecessor, Representative Louis Stokes.

Angela received her BS degree from the University of Maryland, College Park and her JD from Howard University School of Law in Washington, DC, and is admitted to the Supreme Court of Ohio, the United States District Courts and Northern and Southern Districts of Ohio and the United States Court of Appeals Sixth District.

Prior to being elected to the bench. Angela served as an Assistant Attorney General for the State of Ohio where she was assigned to the Federal Litigation Section in Columbus and later in Cleveland. She also worked for the British Petroleum of America corporate law department. In 1995 she was elected to the Cleveland Municipal Court.

Judge Stokes remains active in the Greater Cleveland Community. She has dedicated her time and energy to a variety of professional and civic organizations: Active Member of the Junior League; Member of a non-profit task force SAMM (Stopping Aids is my Mission); she is member of the 11th Congressional District Caucus; board member of the Cleveland-Marshall College of Law Louis Stokes Scholarship fund; and member of the Board of Trustees of Cuyahoga County Library Board.

Judge Keenon is a graduate of the Cleveland Marshall Law School and received her BS degree from Tennessee State University. Prior to being elected to the bench, Judge Keenon was a teacher and social worker in the Greater Cleveland Area.

Upon earning her JD, Una became staff attorney for the legal aid society and was appointed Attorney in Charge of the Juvenile Division of the Cuyahoga county Public Defender Office. She also served as managing attorney for the United Auto Workers legal services plan. Judge Keenon was appointed by then Governor Richard Celested fill a judicial vacancy. She subsequently was elected to another full term.

While on the bench, Judge Keenon established many programs within the East Cleveland Municipal Court: Curfew laws for children of the East Cleveland community and GED program for young offenders by sending them back to school.

She is a member of many civic and professional organizations: President of the Black Women Lawyers; 1st Vice President of the League of Women Voters; Co-Founder & 1st President of Black Women Political Action Committee; Alpha Kappa Alpha Sorority; and National Council of Negro Women.

Judge Lynn Toler received her BA degree from Harvard University and her JD from the University of Pennsylvania Law School.

Lynn was elected to the Cleveland Heights Municipal court in 1994 and prior to that Lynn Toler had a distinguished career as an attorney. I have highlighted some of the civic and professional memberships as an indication of her commitment to her community: Cleveland Chapter of Links; Board Member—Board of Trustees Juvenile Diabetes Foundation; Cuyahoga County Criminal Justice Services which oversaw funding for services related to the criminal justice system; and Board of Trustees for the Goodwill Starting Program.

Another one of my sisters I want to mention during this special order is Judge Shirley Strickland Staffold who received her BA degree from Central State University and law degree from Marshall College of Law.

Prior to her election, Judge Staffold was in the criminal division of the Legal Aid Society of Cleveland, Public Defender's office. In 1994 she was elected to Cuyahoga County Court of Common Pleas.

I want to mention some of the Civic and Professional Associations that Judge Staffold is affiliated with as an indication of her commitment to our community: Member of the National Bar Association; American Judges Association; Ohio County and Municipal Judges Association; National Association of Women Judges; and First African American women to be elected President of the American Judges Association.

Judge Janet Burney received her BS from Skidmore College and her JD from Cleveland State University, Cleveland Marshall College of Law.

Prior to joining the bench this year, Judge Burney has a long and distinguished legal career that has spanned over twenty years.

Civic and Professional Associations: Member of the state bar of Ohio; United States District Court for the Northern District of Ohio; United States Court of Appeals for the Sixth Circuit; United States Supreme Court; Board of Trustees; St. Luke's Foundation; Interchurch Council of Greater Cleveland; Dean of Christian Education at Open Door Missionary Baptist Church; and Alpha Kappa Alpha Sorority.

In conclusion Mr. Speaker, I again want to thank my colleague, Representative BARBARA LEE for organizing this Special Order.

ACKNOWLEDGING THE ACHIEVEMENTS OF ROBERT CONDON AND THE ROLLING READERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. FILNER. Mr. Speaker and colleagues, I rise today to acknowledge the fine work of Rolling Readers USA and of its founder, Robert Condon, who died in January at the young age of 40.

In 1991, Mr. Condon, realizing the profound benefits of reading aloud to his sons, began reading to other children at a local homeless shelter and at a Head Start preschool. He was soon reading to children in Boys and Girls Clubs, after-school programs, and public housing sites. By recruiting 10 volunteers, Mr. Condon was able to rapidly expand this reading program to over 400 economically-disadvantaged children each week.

From this simple beginning, Rolling Readers USA was born! Eight short years later, 40,000 volunteers now read to and tutor 300,000 children each week and give $3,000,000 worth of new books to children each year—often the first books these children have owned. Each volunteer in the Rolling Readers program reads to the same group of children each week, establishing a continuity, not only in tutoring, but in inspiring minds, touching imaginations, developing language skills, and assuring a positive impact on children's lives.

The Rolling Readers vision is very clear. We have a major crisis in our country—for 30 years literacy rates in the United States have been falling, with the biggest decline occurring in those children already in the bottom half in reading test scores. The work of Rolling Readers volunteers is critical to our nation!

Rolling Readers has grown from one man's ideals and commitment to service to become California's largest and one of the Nation's premier volunteer-based children's literacy organizations. Upon the death of its founder, Rolling Readers is sponsoring a national readin day on March 27, 1999 to commemorate his life and achievements.

I would like to add my voice to the many who are thanking Robert Condon for his vision, his leadership, and his outstanding contribution to the children of our nation.

DEATH TAX SUNSET ACT

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. SCARBOROUGH. Mr. Speaker, I'm pleased today to introduce the Death Tax Sunset Act which would put an end to the Federal government's most outrageous form of taxation. Very simply, my bill would put an end to estate and gift taxes after the year 2002. Hard working Americans deserve no less.

The thought that our government can take over half of a person's life savings when they die should sicken every American. How can we justify taking 55 percent of Americans' life savings when they die? The answer, quite simply, is that we cannot.

First instituted in the late 18th century, the estate tax was enacted to help our young nation build a Navy to protect our shores. Until 1916 when it became a permanent part of the tax code, it was repealed and brought back several times during times of emergency. It has been largely unchanged since the 1930's. The death tax is now a combination of three taxes: the estate tax, the gift tax, and the generation-skipping transfer tax. Its tax rate is the steepest in the tax code—beginning at 37 percent and rising to an incredible 55 percent.

The National Federation of Independent Businesses has called the estate tax "the single greatest government burden imposed upon small family businesses." The National Commission on Economic Growth noted in its report that it makes little sense and is unfair to impose extra taxes on those who choose to pass their assets on to their children and grandchildren rather than spend the money before they die. This cuts to the heart of the American dream of success from hard work and fiscal responsibility. Entrepreneurs should not be punished for their success—they should be rewarded.

Why should death taxes be repealed? Besides the fact that these taxes punish savings, thrift, and entrepreneurship, they have a devastating effect on family farmers and small businesses. According to a recent report by the Center for the Study of Taxation, 7 of our 10 businesses don't survive through a second generation and almost 9 in 10 fail to make it through a third. In fact, 9 out of 10 family business owners who took over after the principal's death in a recent survey said death taxes contributed to their business' demise.

If Congress succeeds in repealing these unfair, burdensome, and punitive taxes, the economic benefits will be enormous. In fact, the Heritage Foundation in 1997 forecast that during the ten year period after death tax repeal: an average of 145,000 new jobs would be created; our economy would yield an extra $1.1 billion per year; personal income would rise by an additional $8 billion per year; and the economic growth caused by repeal would more than offset any revenue lost to the treasury from the repeal. This is just one of a number of studies that detail the extraordinary benefits of repealing estate and gift taxes.

Mr. Speaker, I ask my colleagues to join with me in sunsetting the most egregious form of taxation. We should set a goal of the end of the year 2002 to completely repeal death taxes. We must make it a priority so that we move away from punishing hard work, thrift, savings, and entrepreneurship and start rewarding these most American of values.

EXPRESSING OPPOSITION TO DECLARATION OF PALESTINIAN STATE

SPEECH OF

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1999

Ms. DANNER. Mr. Speaker, I think it is important that I clarify my position regarding the resolution that recently passed in the House of Representatives expressing congressional opposition to a unilateral declaration of a Palestinian state (H. Con. Res. 24).

My vote for this resolution was not a comment on the merits of a Palestinian state. Rather, my vote is a reflection of my belief that a unilateral declaration of a Palestinian state at this time would hamper efforts to reach a just and lasting peace between the parties. A unilateral Palestinian declaration of an independent state outside of the framework agreed upon in Madrid, Oslo and Wye would not bode well with the current, precarious state of the peace process. This is the position advanced by our Administration. Indeed, the resolution simply restates official U.S. policy. Ultimately, this is why I voted for it.

However, I would note that I chose not to cosponsor the resolution because of my concerns with its one-sided approach. I am concerned that unilateral actions by any of the parties would have a great potential to undermine the efforts we have set forth for peace—whether committed by Palestinians or Israelis. The resolution's failure to mention any Israeli unilateral actions was, in my opinion, a grave error.

The Administration has worked hard to keep this process going—to keep the hope for peace alive for both Israelis and Palestinians. Congress should work diligently to support this effort and maintain balance.

A BILL TO AMEND THE RESEARCH AND EXPERIMENTATION TAX CREDIT TO PROVIDE A CREDIT AS AN INCENTIVE TO FOSTER COLLABORATIVE SCIENTIFIC RESEARCH PROJECTS THROUGH BROADLY SUPPORTED NON-PROFIT, TAX-EXEMPT SECTION 501(c)(3) RESEARCH CONSORTIA

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Michigan, Mr. LEVIN, together with twenty-one of our colleagues, in introducing our bill, the "Public Benefit Collaborative Research Tax Credit." This bill would amend the research and experimentation tax credit in order to foster collaborative scientific research projects through broadly supported non-profit section 501(c)(3) research consortia. These collaborative not-for-profit scientific research consortia are devoted to research projects that benefit not just one company, but the economy and the country as a whole. Our amendment to the research credit would provide incentives for multi-company and multi-industry research partnerships, with the result that this important tax credit would be structured to foster the kind of collaborative research on which America's economic growth in the 21st century will depend.

Our proposal would require that the research tax credit be extended beyond its June 30, 1999 expiration date, and we strongly urge extension of the credit. The research intensive sectors of our economy find it very difficult to do planning for research due to the constant stop-and-start arising from the perennial expiration and re-enactment of the research credit. The research credit is one of our most important tax incentives for economic growth, because scientific and technological innovation are, in the final analysis, the sources of that growth.

This is why our public benefit collaborative research credit proposal is so important. More and more scientific and technological research of the greatest economic value now takes place not in the confines of individual companies, but collaboratively—and this is true for traditional manufacturing and utility sectors as well as computers and telecommunications. Yet the research credit as it currently stands actually contains disincentives for collaborative research. Companies are required to reduce their contributions to non-profit research consortia by an arbitrary 25% before those amounts can be used in the computation of the credit. Our proposal would eliminate the disincentives in current law for collaborative research, and make the research credit "fit" modern research-partnership approaches.

Under our bill, companies would be entitled to a flat (non-incremental) 20% credit for support payments made to non-profit, tax exempt section 501(c)(3) scientific research organizations. Section 501(c)(3) scientific research organizations are required under existing law—which would not change—to make their research results available to the public on a nondiscriminatory basis. In this way, our proposal assures that all the scientific research for which our new credit is allowed is public-benefit research. In addition, for support payments to be eligible for our credit, the tax-exempt scientific research organization receiving the support payments would be required to have at least 15 unrelated supporting members, no three of which provide more than half of its funding and no one of which provides more than 25% of its funding. This assures that only truly multi-company collaborative research consortia are supported by our proposal.

Examples of broadly supported section 501(c)(3) research consortia whose continued success is tied to our proposal are the Gas Research Institute, funded by member companies in the natural gas industry, the Electric Power Research Institute, funded by member companies in the electric utility industry, the National Center for Manufacturing Sciences, funded by a coalition of high-technology manufacturing companies, the American Water Works Association Research Foundation, funded by water utilities, and non-profit consortia funded by other utility sectors, Collaborative public-benefit scientific research conducted by these and other section 501(c)(3) research consortia (and our bill should encourage new consortia) represents some of the most efficient and economically significant research being performed in the United States today, e.g. in the areas of cutting-edge manufacturing techniques, energy efficiency, public health, and economically rational pollution control, among many other areas. Collaborative research consortia supported by our proposal are devoted to sophisticated scientific research that in many cases no single company could afford, or would be willing, to conduct on its own, because of the uncertainty of immediate success or because of the risk of copycat competitors.

For all these reasons collaborative scientific research represents our brightest economic future. Our bill amends the research tax credit provisions to foster this goal. We urge our colleagues to join us in cosponsoring this very important legislation, the "Public Benefit Collaborative Research Tax Credit Act of 1999."

AMENDING THE INDIVIDUALS WITH DISABILITIES ACT

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BARR of Georgia. Mr. Speaker, I would like to announce the introduction of legislation which would amend the Individuals With Disabilities Education Act (IDEA) to provide more flexibility for schools, and would require the expulsion and termination of education services, if a student with a disability carries a weapon to school or to a school function, and it is determined the behavior in question of the child was not due to his or her disability.

When a student brings a weapon into school, it places every individual's life in danger. Such a potentially dangerous action cannot be tolerated or accepted; regardless of whether the student has a disability. The protection of students and faculty must be a priority. We must establish a zero tolerance for weapons in schools, and not allow federal regulations to tie the hands of school disciplinarians. IDEA strongly restricts school administrators and educators in the area of discipline.

Recently, in Cobb County, Georgia, two seventh-graders were expelled by the local school board for bringing a handgun to school. Insofar as these boys have disabilities they may very well be sent to a private school at taxpayer expense, in accordance with IDEA. Under the provisions of IDEA, if a student brings a weapon to school and is expelled, then the school board is responsible for providing alternative education services. For Cobb County taxpayers, the cost of educating a student outside the regular classroom can range between $5,000 and $41,000 a year, depending on the level of special services required.

Ninety-five percent of students in special education who are suspended or expelled for displaying violent or aggressive behavior are not disciplined. Taxpayers should not be held responsible for these children with disabilities who carry weapons into schools or school functions. This also bill reduces the amazing amount of paperwork administrators must deal with under IDEA, and it would provide for more flexibility for schools in the disciplinary process.

While I support and voted in favor of the Individuals with Disabilities Education Improvement Act, H.R. 5, in 1997, I do not support condoning behavior by a student that places the students and faculty members at risk. If it is determined a disabled student's disability was not a contributing factor, that student should be held accountable for his or her actions.

THE FOODBANKS RELIEF ACT OF 1999

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise to introduce the Food Banks Relief Act of 1999. The purpose of this bill is to help food banks meet sharp increases in the demand for their services. The bill responds to a steady stream of studies and reports—including my own surveys of emergency food providers in March 1998 and March 1999—pointing to alarming increases in requests for emergency food assistance, especially among the working poor, children, and the elderly. I am honored to be joined in introducing this legislation by my distinguished colleague and friend, Representative JOANN EMERSON of Missouri, who is a great champion of food banks.

The 1996 welfare reform bill partially anticipated increased demand for charitable food assistance, when it mandated that $100 million from the food stamp program be used for commodity purchases for food banks, pantries and soup kitchens. However, that has proven inadequate. Food banks across the country report significant increases in requests for food, especially from the working poor. And just as the needs have grown, private donations have declined, as farmers, grocers, and others in the food industry have become more efficient and reduced the waste and overproduction that once helped stock food banks' shelves. Second Harvest, the nation's largest network of emergency food providers, estimates that public and private resources combined are only meeting about half the needs.

The fact is that the private charitable sector is shouldering an increasing share of food assistance needs, and it is overwhelming their capacity. It is time that Congress and the Administration started responding more effectively by assisting food banks—and by tackling the problems that are sending hungry people to their doors. It is ridiculous to expect that we can cut $20 billion from the food stamp program, and provide only $100 million extra each year to the food banks that former food stamp recipients are turning to, without causing hunger to soar. That is exactly what has happened, and while broader improvements to the nutrition safety net are needed, hunger won't wait. This bill would deliver the immediate, targeted relief that is needed now by food banks that are too often forced to cut rations or turn people away for lack of food.

The strong economy has helped perpetuate the myth that working people and senior citizens are sheltered from hunger. In fact, they are the main reason that the lines at food banks are growing. Children too dominate the roster of those food banks help: two out of five of their customers are children. In all, an astounding 25 million Americans are turning to food banks each month to help make ends meet and keep hunger at bay.

There is no reason that the strongest economy in a generation cannot find the small sums needed to ensure no American goes hungry. We are not short of money: states alone have $3 billion piling up in the accounts they are supposed to be using to help make welfare reform work, and the federal government has a budget surplus for the first time in decades. We are not short of commodities: agriculture production has never been more bountiful. We are short only of political will, and the honor to lend a hand to the charities that are trying so hard to end the scourge of hunger in the richest nation in history.

I hope that my colleagues will join me and Representative EMERSON in supporting this bill.

The text of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Banks Relief Act of 1999".

SEC. 2. AMENDMENT.

Section 214 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7515) is amended by adding at the end the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated $100,000,000 to purchase and make available additional commodities under this section.

"(2) Not more than 15 percent of the amount appropriated under paragraph (1) may be used for direct expenses (as defined in section 204(a)(2)) incurred by emergency feeding organizations to distribute such commodities to needy persons.".

TRIBUTE TO TOM B. SMITH

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a good friend and great Arkansan who passed from this world earlier this year. Thomas Benton Smith, or Tom B. as his friends called him, was born in Wynne, Arkansas where he spent his life working to improve the town and Cross County.

Tom B. served as county attorney and deputy prosecuting attorney in Cross County and was municipal judge for Cherry Valley. He was also city attorney for Hickory Ridge and had served as a special Arkansas Supreme Court associate justice. A faithful Democrat, Tom B. also spent many, many hours working as the chairman of the Cross County Democratic Central Committee, as state Democratic Committee Treasurer and was a delegate to the Democratic National Convention as well as Democratic state conventions. He was also Chairman of the Cross County Election Commission.

Serving his community and working to make Wynne a better place to live was something that Tom B. strived to do. He was a member of the Wynne Chamber of Commerce and the past president of Wynne Fumble Club and a past board member of the Arkansas Community Foundation. He was also the founding president of the board of Little Sheep Day Care at Wynne Presbyterian Church.

Tom B. meant a lot to me, my family and the people of Arkansas and he will be greatly missed. His perpetual good humor, loyalty to his friends and family and the things he cared about made him not only much beloved but made his community a better place to live, work and raise a family. Tom B. has honored all of us with his friendship and service and I am proud to have called him my friend.

SALUTE TO THE MOUNDS VIEW MUSTANGS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. VENTO. Mr. Speaker, Minnesota's Fourth Congressional District is distinctly blessed this year with the triumph of two high school men's basketball teams in the Minnesota State Basketball Tournament.

I would especially like to congratulate and commend, the Mounds View Mustangs for their thrilling 69–64 victory over the reigning Minnetonka Mustangs in the Class AAAA Championship. Behind at the start of the final period, the Mustangs climbed into the lead with less than 8 minutes left and held on to win.

My congratulations to the Mounds View High School, Coach Kauls and all the Mustangs. Their team spirit, never say die attitude is an example for us all. At this time I would like to share with my Colleagues an article describing the Mustang victory.

[From the Star Tribune, Mar. 21, 1999]

MOUNDS VIEW HOLDS ON: HORVATH SCORES 31 AS MUSTANGS TOP LAST YEAR'S 4A CHAMPION, MINNETONKA

(By Brian Wicker)

Mounds View senior center Nick Horvath started out fabulous and got better as the game progressed, scoring a game-high 31 points to lead the Mustangs over defending champion Minnetonka 69–64 Saturday night for the Class 4A boys' basketball championship before 13,682 fans at Williams Arena.

The third-ranked Mustangs (24–3) trailed 50–49 entering the fourth quarter. After senior guard Cal Ecker hit a three-pointer with 7:43 remaining to give Mounds View a 52–50 lead, Horvath scored eight of the Mustangs' next 10 points. Mounds View led 65–62 with 45.3 second to play and held it when two three-point attempts by Minnetonka senior guard Brendan Finn missed. The Mustangs then made just enough free throws in the final minute to hold on.

"We always expect a lot of Nick [Horvath], and he produced again," Mounds View coach Ziggy Kauls said. "But you don't win one of these things without more of a team."

Mounds View's title was the school's second, to go with the 1972 Class AA championship. Kauls coached them both.

Said Horvath, who will attend Duke: "This is just great. This will go with my four national championships I'm going to win there."

Minnetonka point guard Adam Boone nearly lifted the Skippers in the final period (26 points), making three clutch baskets in a two-minute span to keep the No. 2 Skippers (23–4) close. The defending champions deflated somewhat, however, when star forward Shane Schilling fouled out with 1:07 to play.

Minnetonka's search for a second consecutive title began with looking for replacements for graduated four-year starters Ryan Keating and Jake Kuppe. Boone, a junior, filled Keating's void at point guard after his family moved from the Minneapolis Washburn area to Minnetonka.

The Skippers' answer for Kuppe was already present in senior Grant Anderson, a 6-7 center with superb defensive skills and a quick first step.

And, best of all, the Skippers still had the high-scoring, high-flying Schilling.

Mounds View's state tournament only lasted one game a year ago, after the Mustangs lost 55–54 to Minneapolis North in the quarterfinals. Since that time, Horvath had been part of the gold-medal-winning 18-under team at the World Youth Games in Moscow last summer and become even more dominant a player. His experienced supporting cast, including Ecker and senior forward Drew Brodin, didn't hesitate to take important shots when Horvath found himself surrounded with defenders.

With Division I talents such as Schilling and Horvath able to take over games, the teams did their best to get rid of the opposing star. The Skippers pounded the ball inside to Anderson on their first few possessions, trying to put Horvath in early foul trouble, and were eventually successful. Schilling, on the other hand, aggressively ran into foul problems on his own.

Minnetonka led 14–12 after the first quarter, the difference being a T.J. Thedinga layup that Mounds View contended came after the buzzer.

IN HONOR OF JOHN F. SEGREST, JR. UPON HIS 83RD BIRTHDAY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. RILEY. Mr. Speaker, I rise today to recognize John F. Segrest, Jr. on the occasion of his 83rd birthday.

John Segrest was born and raised in Macon County, Alabama. He attended Tuskegee High School and was a member of the Tuskegee High School Football Team. After graduation in 1937, he went on to attend Auburn University and from there to work as a soil chemist for United Fruit Company in Costa Rica.

In 1941, he returned to Macon County to join the Air Force, feeling it important to fulfill his duty to his country. John Segrest flew his first mission in September of 1942 as a member of the 92nd Bomber Group and the 327th Squadron. Two weeks later, he was in an airplane that was hit by enemy fire. They were able to return to England, and despite the fact that he was injured, John Segrest put his men first. For this, he won the Air Medal and one Oak Leaf Cluster. On April 17, 1943, he was shot down over Germany and was taken as a Prisoner of War. He spent the next two years as a prisoner of war in Stalag 3. For this, he earned the Purple Heart and another Oak Leaf Cluster. He was discharged from the Air Force in 1946 and returned to Tuskegee, Alabama, and Auburn University where he completed his college degree.

John Segrest settled down in Macon County, married Frances Cobb and worked for the Macon County Extension Service from 1946 until 1957. In 1958, he became Postmaster of Tuskegee, a position he held until 1981, when he retired to take care of his mother. Since his retirement, Mr. Segrest has become even more actively involved in politics. Finally, this year, he has decided to retire as Chairman of the Macon County Republican Party.

I salute the life of John F. Segrest, Jr. and his service to his country, his state and his community.

TOBACCO SETTLEMENT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. WAXMAN. Mr. Speaker, today I and my colleagues are introducing legislation to ensure that the federal Medicaid dollars recovered in last year's tobacco settlement are spent to improve the public health and to fund effective tobacco control policy.

In the last few months, the states have been asking Congress to overturn thirty years of Medicaid law. The states want to keep the federal health care dollars recovered under the settlement and to use these federal dollars for whatever purposes they desire. In the process, members are being urged to rewrite Medicaid law.

This is wrong. Half of the funds that are being recovered are federal funds that were spent by the federal government as its share of the Medicaid expenses for tobacco-related illness. These funds should not be used to build bridges, pave roads, or fund tax cuts. They should be used for health services and tobacco control programs.

That is why today I and my colleagues are introducing legislation that will ensure that these federal health care dollars are spent in the best way possible: to improve public health and to protect the health of our children.

I know that this position is not popular among the governors, but it is right. As federally elected officials, we have a responsibility to ensure that these federal health care dollars are spent wisely.

It is indisputable that the state settlements with the tobacco companies were in large part based on Medicaid claims. Tobacco-related illness costs the Medicaid program nearly $13 billion a year, and over half of those costs are paid for by the federal government.

Money from the tobacco settlement should be spent to break the cycle of addiction, sickness, and death caused by smoking. That is why this legislation will require that 25% of the funds be spent by the states precisely for these purposes.

The bill also requires that 25% of the tobacco settlement be spent by the states on health. We have given the states options to tailor their expenditures to their priority health care needs. They can use the funds for outreach to enroll individuals—children, the elderly, and the disabled—who are eligible for health services or to help with their Medicare premiums. They can use them to improve Medicaid coverage or services or they can use them to extend public health or preventive health programs.

Under this bill, most of the federal dollars are given back to the states, in recognition of their leadership role in suing the tobacco companies. There are, however, a few tobacco control activities that are best carried out at the federal level. For this reason, the bill retains at the federal level $500 million to fund a nationwide anti-tobacco education campaign and $100 million to implement the Surgeon General's recommendations on minority tobacco use. The bill also contains federal provisions to ensure that our tobacco farmers have a stable economic environment so that they can begin an orderly transition to a more diversified economy.

Today the original claims in the tobacco litigation have become story and legend, and it is easy for the facts to be forgotten. But the fact is that a substantial portion of the tobacco settlement is federal health care dollars. It is not the states' money to spend as they please. It is our duty and responsibility to ensure that these federal dollars are spent to improve our nation's health.

JOURNEY IN FAITH: WORKING FOR SPIRITUAL RENEWAL IN AMERICA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. GILMAN. Mr. Speaker, I had the privilege of speaking at the First Annual Summit Meeting of Journey in Faith, a non-profit organization dedicated to the moral and spiritual revitalization of America in the New Millennium. The mission of Journey in Faith is to equip the future leaders of America to be moral and spiritual strongholds for the next generation. It was an honor to open the first annual summit of this worthwhile organization. I submit the full text of my remarks at this point in the RECORD:

Thank you for your kind introduction. President Bradley, ladies and gentlemen, it is a pleasure to be with you this morning—to welcome you to Capitol Hill, and to our International Relations Committee room.

I was reading some of the background material that Gene Bradley sent to me, and I noted that among the dangers we confront as we close out the 20th Century is the continuing violence worldwide; terrorism in the Middle East, tribal-based massacres of people in Africa, the conflict in Kosovo, and the narco-guerrillas in Latin America.

I couldn't help but wonder whether it is just a coincidence that we are meeting in the room of the one Committee of the House of Representatives whose responsibilities includes concern for these events and their impact—not only on America—but throughout the world.

I'm especially pleased that Gene invited me to address you as you open your conference, because he and I go back a long way—to when our hair was darker, and we had more of it.

We have shared an interest in bringing government and business together in the planning and conduct of our Nation's foreign policies.

Gene Bradley founded "Journey in Faith" as a non-profit organization in the conviction that leadership by men and women of strong religious faith is needed now more than ever, as we stand on the brink of a new millennium.

The 20th Century was perhaps the most paradoxical in recorded history.

It saw the greatest advances ever in human progress, as recorded in material terms; expansion of personal liberty and freedom, advances in medicine, improvements in the physical quality of life, to mention just a few.

The 20th Century also recorded the greatest slaughter of human beings ever. Beyond the two World Wars, we have seen government sponsored genocide efforts—deliberately and brutally eliminating millions of innocent men, women and children, as never before.

The 20th Century also marked the emergence of our Nation to stand as a colossus on the world stage. Yet, as we look to the 21st Century, our Nation also stands at a crossroads.

On the one hand, we are the world's leading superpower. We are perceived as a symbol of strength and of integrity. We are the "city on a hill,"—to be an inspiration to other nations.

Founded as a nation rooted in the Scriptures, enriched by our Judeo-Christian traditions of law, morality and the intrinsic worth of every human being—we are poised for a new era of leadership.

On the other hand, our Nation is beset by an assault on moral values—on our homes, families and neighborhoods—as never before. It is both overt and subtle and takes many forms.

We need a resurgence of the moral values that have made our Nation strong—the values that built our Nation; that enabled us to succeed in a revolution, to go through the fires of a Civil War, to survive two World Wars, and to emerge stronger than ever.

We need a resurgence of moral values so that America can beat back the assaults that threaten us, and I believe that no challenge facing us is more serious than drugs, which are flooding into our country from abroad at an unprecedented rate.

Drugs are destroying our children, destroying families, destroying schools and communities. Drugs cost our economy billions in lost wages and salaries, in health care costs, in welfare costs and the burdens on our judiciary and corrections systems, not to mention the tragic loss of life.

Each year, there are more than 16,000 drug-related deaths and 500,000 drug-related injuries. There are 12 million drug-related property crimes. Drugs play a role in most of the violent crime that afflicts our cities and towns.

New York Mayor Rudy Giuliani recently informed our Committee that 70 percent of all prisoners are incarcerated for drug-related crimes.

The cost of caring for each new born crack baby is estimated to be $100,000. It is also estimated that one-third of all new AIDS cases in the United States are drug-related.

Those statistics reflect a trend that began during the 1960s and 70s, when opposition to the Vietnam War helped to glamorize drugs, sex and even violence.

Drugs were further glamorized through such media events as that famous Woodstock festival—and in movies such as "Easy Rider."

Even today, elites of Hollywood and the entertainment world—and in some political circles—still consider drugs as a form of recreation. There are even widespread efforts to legalize drugs.

Yet, without question, drugs are a prescription for despair. For the addict, and for the addict's family and loved ones—there often must be a turning to a higher power if the deadly clutches of drugs are to be escaped.

Where ever drugs gain a foothold, crime, destruction and chaos follow. Yet, where we see these scourges, we also see the possibility of hope.

Even as drug use is rising among some segments of our population, there has also been a resurgence in religious affiliation.

In the midst of danger, there is opportunity, and Journey in Faith reflects recognition of that opportunity. Our nation is in a struggle to defeat the scourge of drugs.

It is a struggle that can, and must, be won, and I would like to welcome all of you as partners in a revitalization of American culture by making it drug free and by making international narcotics trafficking a top foreign policy priority.

You are launching "Journey in Faith" at an historic moment when we are poised to enter the new millennium. It promises to be a dramatic turning point in human history. The question is whether it will be a millennium marked by darkness or light.

If America succumbs to the scourge of narcotics, then the forces of darkness will have won, and the light that makes America the world's shining city on the hill will have been extinguished.

Working together, we can defeat those forces of darkness by applying a sense of moral values in our foreign policy as we reach out to try to make this a safer and more peaceful world for all men and women.

HONORING SENATOR SAM ROBERTS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor a truly courageous citizen of Georgia's Seventh Congressional District, state Senator Sam Roberts.

Unlike the U.S. House of Representatives, in Georgia we have a true, part-time citizens' legislature. The Georgia General Assembly meets once a year for 40 days, conducts the peoples' business, and adjourns. Needless to say, the need to accomplish a year's work in a few months makes for late nights and long days. The pressure is only increased by the many commitments members have to families, businesses, and employers.

However, during the most recent legislative session, no Member faced a tougher battle than Senator Sam Roberts of Douglasville. A few weeks before the session began, Sam was diagnosed with a malignant tumor in one lung. He immediately began chemotherapy and radiation treatment, which has resulted in remission of the tumor. All indications are that Sam has won his battle with cancer.

Even more amazingly, throughout his treatment, Sam did not miss a single legislative day. He sat at his desk drinking orange juice and water as his doctor ordered, and kept moving full speed ahead. In the process, he set a standard for public servants everywhere, and serves as a shining example for everyone who has ever confronted a life-threatening disease. I commend Sam for his courage, and I also salute his wife Sue, and his children Sherrie, Beau, Amber, who have been right there with Senator Sam throughout his journey.

THE GOOD SAMARITAN TAX ACT

HON. TONY HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today with my colleague from New York, Mr. HOUGHTON, to introduce legislation to amend the Internal Revenue Code to make it easier for businesses and farmers to donate food to food banks.

It can be expensive to provide food for the poor. The food must be collected, packaged, perhaps refrigerated or frozen, and transported, before it can be distributed to food banks, soup kitchens, homeless shelters and other organizations that serve the hungry. Because of this, it could make more economic sense for the businesses to discard unsold but edible food than to donate it. Indeed, billions of pounds of food are thrown away each year.

To encourage greater charitable contributions, we believe that businesses and farmers who donate food ought to receive the same types of tax incentives as do businesses who donate other types of inventory. This is not always the case.

The Good Samaritan Tax Act would do two things. First, it would equalize tax treatment of donations of food and other inventory. Secondly, all businesses, not just corporations, would be eligible for this favorable tax treatment if they donate food.

This bill has been endorsed by both industry and charitable organizations that deal with food including Second Harvest, National Council of Chain Restaurants, National Farmers Union and Food Chain.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Good Samaritan Tax Act".

SEC. 2. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

"(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food, paragraph (3) shall be applied without regard to whether or not the contribution is made by a corporation.

"(B) DETERMINATION OF FAIR MARKET VALUE.—For purposes of this section, in the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraph (A) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards, such lack of market, or such circumstances, and

"(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

REPETITIVE FLOOD LOSS REDUCTION ACT OF 1999

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BENTSEN. Mr. Speaker, I rise today to introduce the Repetitive Flood Loss Reduction Act of 1999. Mr. Speaker, every year in the United States many of our constituents suffer the devastating loss of their home from rampaging flood waters. I am introducing the Repetitive Flood Loss Reduction Act to correct a serious flaw in the National Flood Insurance Program (NFIP) by improving pre-disaster mitigation and facilitating voluntary buyouts of repetitively flooded properties. Specifically, my legislation will:

Provide $90 million to the Director of the Federal Emergency management Agency (FEMA) to purchase homes insured by the NFIP that have flooded at least three times and have received cumulative flood insurance payments of at least 125 percent of the value of the structure.

Provide $10 million in grants to states to seek non-structural alternatives to protect flood-prone communities.

Create new incentives for home owners to comply with post-FIRM building standards. If a buyout offer is refused by the NFIP policy holder, their yearly premium will automatically increase by 150 percent and their deductible will rise by $5,000. For every future flood incident when the structure is substantially damaged the premium and deductible will rise again by the aforementioned amount.

Grant more discretion to local flood officials to determine how best to use this program. State or local flood plain administrators will provide the Director with a list of priority structures that should be targeted for participation in the buyout program.

I am hopeful that these steps will lead to a more effective pre-disaster mitigation and buyout program that will both reduce costs to taxpayers and better protect residents of flood-prone areas. I have drafted this legislation in consultation with the Federal Emergency Management Agency and the Harris County, Texas, Flood Control District, one of the Nation's most experienced and innovative flood control districts. However, I want to emphasize that I consider this legislation to be a starting point to begin the debate, and I look forward to input from my colleagues, my constituents, and other interested parties.

Some ideas in this bill will be considered controversial and may need to be changed. By introducing this bill, I am not endorsing each provision, but rather, the idea that some action needs to be taken to reform the National Flood Insurance Program. In fact, it is my hope that the public will review the contents of the bill and make their specific support and objections known, so we can develop consensus legislation.

The need for this legislation was underscored by a report sponsored by the National Wildlife Federation, that the National Flood Insurance Program has made flood insurance payments exceeding the values of the properties involved to thousands of repetitively flooded properties around the Nation. This report, entitled Higher Ground, found that from 1978 to 1995, 5,629 repetitively flooded homes had received $416 million in payments, far in excess of their market value of $307 million. My state of Texas led the Nation in volume of such payments, with more than $144 million, or $44 million more than the market value, paid to 1,305 repetitively flooded homes. The Houston/Harris County area, which I represent, had 132 of the 200 properties that generated the largest flood insurance payments beyond their actual value.

This included one property in South Houston that received a total of $929,680 in flood insurance payments from 17 flooding incidents, and another property near the San Jacinto river that received $806,591 for 16 flooding incidents, about 7 times the actual value of the home.

Other areas around the country have also had the same incidents occur. Altogether, according to the National Wildlife Federation report, although repetitive flood loss properties represent only 2 percent of all properties insured by the National Flood Insurance Program, they claim 40 percent of all NFIP payments during the period studied.

Since its creation in 1968, the NFIP has filled an essential need in offering low-cost flood insurance to homeowners who live inside 100-year flood plains. The program has helped to limit the exposure of taxpayers to disaster costs associated with flooding. However, the recent report clearly points out the need to improve the NFIP to address the problem of repetitive loss property.

Furthermore continued losses to the NFIP has increased the call by some of my colleagues to increase premiums and reduce the Federal subsidy for all Federal homeowners in the flood plain, not those who suffer from repetitive flooding loss, in order to reduce Federal budget outlays.

Without long-term comprehensive reform of the NFIP, I am concerned that in the future, Congress may follow through with proposals to double or triple flood insurance premiums for all flood-prone homeowners, as was proposed in 1995 and 1996. Many of us, myself included, fought vigorously to oppose these increases, but our victory will be short-lived if we do not make changes in the program.

These repetitive loss properties represent an enormous cost for taxpayers. They are also a tremendous burden to residents whose lives are disrupted every time there is a flood. In many cases, these residents want to move but cannot afford to do so. By repeatedly compensating them for flood damage, current Federal law makes it easier for them to continue living where they are, rather than moving to higher ground.

TRIBUTE TO OSCAR FENDLER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a man from the 1st Congressional District of Arkansas who will celebrate his 90th birthday in Blytheville, Arkansas this weekend. Mr. Fendler is one of Arkansas' foremost lawyers and has practiced law since 1933 in Blytheville except for four years from 1941–45 when he was on active duty with the U.S. Navy.

Born in Blytheville and raised in Manila, Mr. Fendler has received many honors during his 65 years of law practice. He is the former president of the Arkansas Bar Association and a fellow in the American College of Trust and Estate Council; a fellow of the American Bar Foundation; chairman of the Section of General Practice of the American Bar Association; a member of the House of Delegates of the American Bar Association, the ABA's governing body; and a member of the American Judicature Society, among other honors.

Mr. Fendler also had an interest in journalism. He is the former chief editorial writer for the Arkansas Traveler, the student newspaper at the University of Arkansas and while attending Harvard Law, he free-lanced as a reporter for the St. Louis Post Dispatch.

Oscar Fendler has been a leader and advocate for Mississippi County and Northeast Arkansas for his entire life. He is a living history of that area. Mr. Fendler has been a strong voice in Arkansas law and I wish him the best on his 90th birthday and congratulate him on his 65 years of service in our state.

SALUTE TO THE HIGHLAND PARK MEN'S BASKETBALL TEAM

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. VENTO. Mr. Speaker, I would like to offer my sincere congratulations to one of the outstanding high school basketball teams in Minnesota's Fourth Congressional district who have met the challenges of athletic competition, St. Paul's Highland Park Men's Basketball Team has claimed the high school championship title in Class AAA Division.

Much praise and honor is to be extended to these young men and their coaches for their hard work and success. This team has surmounted obstacles that many thought would prevent them from reaching this achievement. Highland Park is the first public school in St. Paul to win a state boys basketball championship in fifty years.

This type of healthy competition epitomized by the Minnesota High School League that helps young people throughout our state and nation develop the self confidence and teamwork skills as they focus their energies within an exciting sports program. Once again, I offer my congratulations and I wish them luck for their future basketball seasons.

Mr. Speaker I would like to submit an article by the Pioneer Press on the victorious Highland Park Men's Basketball Team.

[From the St. Paul Pioneer Press, Mar. 21, 1999]

ST. PAUL GETS RARE TITLE BY PUBLIC SCHOOL

(By Mike Fermoyle)

Highland Park compensated for a disadvantage in size with speed, a tightly run offense and a relentless defense Saturday night.

The result was a 56–46 victory over Cold Spring Rocori in the Class AAA final at Williams Arena and with that came the first state boys basketball championship by a St. Paul public school in half a century.

Humboldt beat Mankato in 1949, the last St. Paul public school to win a title. Cretin-Derham Hall, the only private school in the St. Paul City Conference, won two Class AA titles under the old two-class format, in 1991 and 1993.

Highland Park (27–2) suffered its only losses in consecutive games, first to De La Salle in the final at the Fargo (N.D.) Shanley tournament, and then to Central in its St. Paul City opener.

"When that happened," Scots coach Charles Portis said Saturday, "I thought we were headed in the wrong direction."

Instead, his team won its last 20 games.

Terrance Stokes, a 5-foot-9 point guard, ran the offense (he had five assists), made major contributions on defense and scored 14 points for Highland.

Mark Wingo would up with 17 points, had nine rebounds, and the 6–5 senior forward concluded the festivities by taking a pass from Thomas Miley and dunking it in the final second.

Sophomore Maurice Hargrow added nine points for the Scots, and he, like Stokes, was a thorn in the side of the Rocori offense all night, making five steals.

"We knew they were big," Stokes said of the Spartans, "but that just meant we had to play great defense."

Which the Scots did.

Jason Kron of Rocori led all scorers with 21 points. But no other Spartan reached double figures.

"We just didn't get the ball inside to our big guys the way we normally do," Rocori coach Bob Brink said. "It was their defense. They just put so much pressure on the perimeter that they took us out of our offense."

The Scots made their first two shots, getting a layup from Wingo to open the scoring and a three pointer from Stokes on their second possession.

But it was 2½ minutes before they scored again.

Meanwhile, the Spartans were finding the range. Kron, a 6–6 forward, made a 15-foot jump shot to put his team on the board, and 6–8 center Mike VanNevel followed up with a 12-footer.

I spent all day worrying about their height," Portis said, "It's not just that they're tall, it's that they're big and versatile. They can all play away from the basket, and that makes them really tough to guard."

Kron's sophomore brother, Steve Kron, added a three-pointer with 4:50 remaining in the opening period to give the Spartans their first at 7–5.

It was 11–7 for Rocori when Josef Mathews reignited the Scots with a three-pointer. That came with 2:28 left.

Stokes swiped the inbounds pass and scored on a layup, and suddenly Highland had its nose in front again at 12–11,

The Highland scoring spree paused briefly, as 6-6 Jeff Donnay made one of two free throws for the Spartans.

But Miley's 15-footer from the left side of the key marked the beginning of a 7–0 run for the Scots that took just 45 seconds.

Hargrow scored the last five points in the run. Mathews made an steal and then sent Hargrow in for a layup, and Hargrow knocked down a three-point shot with 55 seconds left in the quarter, increasing the Highland lead to 19–12.

The Scots slowed things in the second quarter, trying to force Rocori to spread out its zone defense. However, it was Highland's man-to-man defense that dominated the period.

After the Spartans cut the deficit to 23–18 on two free throws by Ryan Mathre with 6:06 remaining in the half, the Scots held then to two points the rest of the period.

Highland wasn't lighting it up, but Stokes converted a steal into a layup with 4:55 left, and he added a three-pointer nearly three minutes later. Miley's basket with exactly one minute to go made it 20–20, and that's how the half ended.

Rocori chopped six points off the Scots' advantage while Highland went scoreless through the first 3:55 of the third period. Mathews made a three to end the Rocori run.

Hargrow set up Wingo for a spectacular alley-oop dunk that he turned into a three-point play with 2:48 left, but Wingo's next basket was the only other one for the Scots in the quarter, and they were clinging to a 38–35 lead.

Joshua Watson scored the first points of the final quarter for Highland. Stokes supplied a layup, then missed the subsequent free throw, but Miley got the rebound and put it back in to make it 44–35. It was one of seven rebounds for the 6–8 Miley.

"The stat sheet says we outrebounded them (28–24)," Brink said. "But it seemed like they got all the crucial rebounds."

Three-pointers by Jason Kron and Steve Kron cut the margin to 44–41, before Hargrow and Wingo collaborated on another Wingo layup and with just over three minutes remaining.

Two free throws by Wingo made it 48–41 with 1:32 left.

PROVIDING FOR CONSIDERATION OF H.R. 975, REDUCING VOLUME OF STEEL IMPORTS AND ESTABLISHING STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. RILEY. Mr. Speaker, I rise today in strong support of H.R. 975, the Steel Recovery Act. For almost two years now, the United States has seen a flood of illegal steel imports enter our markets from Asia, Russia and Brazil. In the meantime, more than 10,000 Americans have lost their jobs, including over 500 in Alabama.

These foreign nations are dumping their steel on our markets in direct violation of U.S. trade laws. Hard-working Americans are loosing their jobs because foreign companies are breaking our laws. Numerous American steel companies have been forced into bankruptcy as a result of foreign countries sabotaging our markets and dumping their steel at below production costs. In my home state of Alabama, one company is in dire financial trouble, putting 1,906 jobs in jeopardy.

Current trade laws are too cumbersome and too slow in providing short term relief from illegal dumping. This legislation will help us return to the pre-crisis import levels of 1994–1997. Currently, Japan's steel imports into the United States are up 96% from its pre-crisis level. Moreover, Korea's imports are up 155% and Indonesia's are up 705%. If the current Administration will not act, Congress must!

I support H.R. 975 because it contains key provisions that will help stop this crisis. By levying tariff surcharges, setting quotas and establishing programs to ensure that U.S. anti-dumping trade laws are not being violated, we can once again return to pre-crisis levels and ensure a level playing field for our domestic steel industry.

I will not allow international interests to strong-arm our steel industry and hurt our economy. Neither should you! I urge you to join me today in supporting H.R. 975.

OPENING REMARKS OF GENE E. BRADLEY, PRESIDENT AND CEO OF JOURNEY IN FAITH AT THE FIRST ANNUAL SUMMIT IN WASHINGTON, MARCH 15, 1999

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. GILMAN. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the following remarks of Gene Bradley, President and CEO of Journey in Faith, delivered at the organization's First Annual Summit in Washington:

How fortunate we are to be here today—on Capitol Hill as guests of Congressman Ben Gilman and Tim Petri, Honorary Co-Chairs and Co-Hosts of Journey in Faith. How fortunate we are to be meeting in this magnificent International Relations Committee Room as we reason together: "How can we, as partners, best contribute to the spiritual renewal of America in the New Millennium?"

I have been privileged to know Ben Gilman and Tim Petri over several enriching, fun, productive decades. I met both Ben and Tim while I was serving with IMDI, the International Management and Development Institute. Both were Congressional Members of IMDI, and Ben became an Honorary Member of our Board of Directors. Because Ben is our Honorary Host for today, I now want to say a few words about this dedicated American.

Throughout much of the cold war, Ben Gilman was on the cutting edge of U.S. policy which contributed so mightily to the defeat of the Soviet nuclear threat and aggressive world communism. He won worldwide acclaim as a human rights champion. He is noted for his relentless crusade against narcotics abuse and trafficking, co-founding the House Select Committee on Narcotics.

I have been with Ben as he briefed my institute's corporate, government, and diplomatic associates again and again—here in Washington and in most major capitols across Europe.

But the vision I hold most sharply in focus is when we went together on a mission to Jamaica at the height of the drug-trafficking crisis. Congressman Gilman—the key Member of Congress responsible for controlling narcotics—did not rely on just conferring with U.S. and Jamaican government officials. No. He needed, he requested, and he got a first-hand on-site view of what was going on. He knew that all was not going well. So in a helicopter, Ben Gilman flew 100 feet over acres and acres of marijuana crops. Yes, the drugs were there, and so was Ben.

As we began planning this First Washington Summit Meeting for Journey in Faith, I found great inspiration in these three passages from the Holy Scriptures (Matthew and Mark):

(1) Ye are the light of the world. A city that is set on a hill cannot be hid.

(2) * * * freely ye have received, freely give.

(3) Go ye into all the world, and preach the gospel to every creature.

First Point: America is a light that cannot be hid. As Ben Gilman has stated so accurately and eloquently, America is perceived worldwide as a symbol of strength and integrity, a city set on a hill—a free society rooted in Judeo-Christian traditions of law, morality, and the intrinsic worth of every human being. We find confirmation of our spiritual heritage as we tour the Congress, the White House, Washington's spectacular monuments . . . as we examine our founding documents beginning with America's Declaration of Independence which solidly affirms—". . . we hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights . . ."

From Jefferson: "The God who gave us life, gave us liberty at the same time." The official motto of the United States, "In God we trust," was legislated by Congress in July 1956. We are reminded of that motto, "In God we trust," by the inscription on the coins we carry in our pockets.

Second Point: Here in America, freely we have received; and most notably in this century, freely have we given in the cause of freedom to the world. Without America, could the Allies have defeated Nazi Germany in World War II? Without America, could our courageous Allies in NATO have compelled the collapse of the Berlin Wall and the Soviet Empire? We close out the 20th century with profound gratitude to God and to the heroic men and women whom Tom Brokaw has profiled in his book as "The Greatest Generation."

Third Point: Now America's mandate for the century just ahead is to go out into the world and share with others the priceless heritage and blessings we have been privileged to enjoy. Journey in Faith is one element—just one initiative—in this vast panorama of opportunity. We are a new religious institute with focus on leadership and on the fulfillment of this mission:

The mission of Journey in Faith is to conduct leadership pilgrimages to the Bible Lands—where today's leaders and tomorrow's future leaders can walk in the footsteps of Jesus Christ, learn the leadership lessons He taught, deepen their faith, and experience spiritual renewal.

In my remarks I shall focus on three points: (1) Birth of the idea—Journey in Faith. (2) Where we are today in our second year—a status report, as we prepare to enter the next century. (3) Our vision for the decades ahead.

1. BIRTH OF THE IDEA

With us today is my partner in journalism, Wes Pippert—dedicated Christian, accomplished book author, senior correspondent for UPI here in Washington and the Middle East. Wes and I were deeply engaged in interviewing Christian leaders for the book we are co-authoring on Modern Miracles. Wes had served for three years in the Bible Lands. My Bible Lands mission was for just two weeks—but a two-week pilgrimage that deepened my faith and redirected my life. Wes and I asked ourselves: "What if the Christian leaders we are interviewing for our book—men and women of strong spiritual courage, could experience the priceless privilege each of us has known?"

Wes and I began exploring the idea with those we are profiling in our book beginning with General Ronald H. Griffith. We had interviewed the general for his remarkable experience during Desert Storm; his story appears in our article published in New Man Magazine entitled, "Miracle in the Desert." Ron's response to the idea was immediate and enthusiastic; Journey in Faith had his full support. And this support, more than any other single factor, helped to launch our mission. Ron became co-chairman for the Pilot Pilgrimage in January of last year. He is co-chairman for this two-day Summit today and tomorrow. And he is chairman of the new non-profit religious-educational institute we have founded.

Next, we met with our friend, Scott Scherer, President of Trinity World Tours, who has become Mission Director for Journey in Faith. Scott contributed a service none of us could have anticipated: He was able to obtain free airline passage and free hotel arrangements for the 36 leaders who would become members of our Pilot Team.

2. WHERE WE ARE TODAY

Journey in Faith finds itself where we are today because of the foundations laid through our unforgettable 7-day pilgrimage one year ago. In that Pilot Pilgrimage we followed the journey pioneered by Jesus Christ 2,000 years ago—across the Sea of Galilee where we sailed through a storm, where Christ had walked across the raging waters—the Mount of Beatitudes, the field where Jesus fed the 5,000, the desert and the pinnacle where He rebuked and vanquished the devil—the sites of His miracles where He healed the sick, cleansed the leapers, comforted those who mourn, raised the dead—the site of the Last Supper—the last 24 hours—the trial, the crucifixion, the Garden Tomb and the miracle of Christ's resurrection. All of us were deeply moved. What did that seven-day pilgrimage mean to us? To quote just three of our pilot-team members:

(1) West Point Chaplain (Major) John Cook: "I've been a Christian for 32 years and a minister for almost 13 years, yet my Journey-in-Faith to Israel has been a life-changing experience * * *" (2) Clyde King, Brooklyn Dodgers Hall of Fame: "I was transformed." (3) Rome Hartman, Producer, CBS/60 Minutes: "Walking in His footsteps and seeing the land He saw was plenty powerful, but to also hear His Word taught at every stop along the way is life-changing."

We had a marvelous team—including 4 from the ministry—4 military (three- and four-star generals)—education, the professions—CBS-60 Minutes, CNN, National Public Radio—giants from the sports world—corporate, the Congress, former director of the CIA.

Why do we focus on leaders?

Because leaders are decision-makers whose decisions impact the lives of others—indeed, the whole of society. Who is a leader? Each of us is a leader to the degree we accept the responsibilities thrust upon us. Our conviction is that leadership is inherent within each of us—and then expands into the home, and then out into our profession, and out into our world.

3. OUR VISION FOR THE DECADES AHEAD

As we stand at the threshold of the 21st Century, our vision for Journey in Faith is that we can expand outward from our pilot leadership team to embrace America's leadership in these 10 sectors of society: 1. Ministry, 2. Military, 3. Sports, 4. Education, 5. Health, 6. Business, 7. Law, 8. Congress, 9, Journalism, and 10, Entertainment.

"The process" can be gentle, dynamic, indeed irresistible—like dropping a pebble into a pond and witnessing the waves as they go out in concentric rings until they reach all shores.

Our actions are on course. Here is a "status report in brief": 1. We are chartered as a 501(c)(3) non-profit educational-religious institute. 2. Our starting line-up of Members and Associates is confirmed and in place. 3. Our Second Pilgrimage is already planned and scheduled by our Mission Director, Scott Scherer—for January 15–23, Year 2000. 4. We are solvent and debt-free. Our charter members have invested well over a quarter of a million dollars of their own cash and personal resources.

This is a strong, an encouraging beginning. But as we all recognize, nothing worthwhile really comes "for free"—not in our homes, not in our churches, not in our nation. Without laying solid economic foundations for the future, Journey in Faith could be remembered simply as an inspiring pilot effort. Our founding members believe that if the Lord has brought us this far,—and indeed He has, with joy and grace and fellowship,—then surely He can take us all the way.

What does it take to go all the way? We believe that immediate priorities include these three:

First, we must stay sharply focussed on our mission—leadership pilgrimages to the Bible Lands. We've got to resist temptations to get caught up in today's political controversies, either in Washington or overseas. Our focus—100 percent—is on the lessions lived and taught by Jesus Christ 2,000 years ago.

Second, we must continue to give highest priority to further building our leadership team. On this front, we are experiencing strong momentum, expanding from a pilot team of 36 members a year ago to well over 100 today, and with a goal of no less than 300 within a year. We invite each participant in this summit to join our team as an Associate if you are not already enrolled. There is no time, legal, financial, or other commitment beyond which each Associate feels he or she would like to contribute.

Third, we must plan and conduct our Second Pilgrimage on schedule and with excellence—January 15–23, the Year 2,000. And importantly, we must include young men and women of spiritual faith who will become members of our Future Leaders Program. In parallel, we must define plans for a continuing, expanding series of pilgrimages well into the early years and decades of the 21st century.

Within two years, we can envision Journey in Faith pilgrimages beginning to generate their own income and cover their own expenses, including sponsoring future leaders, without outside financial support. As of today, we can plan two pilgrimages for this next year, the first year of the new century—and then four each year—responding to the needs and opportunities as they surely will present themselves. When we first met Scott Scherer, we learned that he had just conducted some 80 Holy Land tours the previous year, all self-financing. What is a reasonable forecast for Journey in Faith?

Our vision includes forming partnerships with a "family group" of cooperating organizations—such as those five who have joined with us in convening the summit: The International Management and Development Institute, the American Society for Law and Justice, Regents University, the Fellowship of Christian Athletes, and the Center for Religion and Diplomacy. All five are superb organizations whose leaders play a strong role in society.

We can anticipate co-sponsorship with Seminary and Divinity Schools—conducting Bible Lands Pilgrimages for their young men and women studying for the ministry who would have no other way to study, on site, the Scriptures as taught by Jesus Christ.

We can envision the rewards of involving young chaplains from the military academies: West Point, Annapolis, the Air Force Academy. How do we measure the value to our soldiers, and airmen stationed worldwide, prepared to defend America's vital interests against hostile attack?

While we cannot predict the potential for Journey in Faith with precision, we feel that the potential is substantial. With Paul, we can say, "For now, we see through a glass, darkly . . ." And we can also remember Paul's declaration, "I can do all things through Christ which strengtheneth me."

We close this assessment by reminding ourselves of the words of Jesus Christ which we quoted in our introduction. These passages stand as an inspiration and a mandate not just for His era but for ours as well: "Ye are the light of the world. A city that is set on a hill cannot be hid—freely ye have received, freely give—Go ye into all the world, and preach the gospel to every creature."

THE MEDICAID CHILD ELIGIBILITY IMPROVEMENT ACT OF 1999

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Medicaid Child Eligibility Improvement Act of 1999, to help more children obtain the health care they need through Medicaid. According to the U.S. Census Bureau, there are currently 4.4 million children in our nation who are eligible for Medicaid but are not receiving the care they need because they are not enrolled in the program.

In Texas, according to the Texas Department of Health and Human Services Commission, there are currently 800,000 Medicaid-eligible children who are not enrolled in their critical health insurance program. Without this coverage, children do not receive the preventive health services they need and deserve. Clearly, we need to do more outreach to these children and their families and encourage them to sign up for Medicaid.

This legislation would allow public schools, child care resource and referral centers, Childrens' Health Insurance Program (CHIP) workers, homeless eligibility agencies, and child support agencies to make the preliminary decision that a child is eligible to enroll in Medicaid so that they can receive coverage while waiting for full Medicaid eligibility determination. Schools and these other agencies are on the front lines of caring for children and can help to educate their families and enroll them in Medicaid.

Under the Balanced Budget Act enacted in 1997, States received a new option under Medicaid to grant "presumptive eligibility" to certain children on a temporary basis as their Medicaid eligibility is determined. My legislation would expand this presumptive eligibility option to make it more flexible and attractive to the States. The presumptive eligibility period is normally sixty days and gives States sufficient time to complete the Medicaid eligibility determination process. If a state ultimately determines that the child is not eligible for Medicaid, none of these entities would be penalized or lose funding due to a negative determination. Under this legislation, we would be enrolling children on an expedited basis and could reach some of those 4.4 million children who are eligible but not enrolled.

While some would argue that there will be a cost associated with increasing participation in the Medicaid program, it is important to remember that when Congress enacted Medicaid, it assumed that these children would be covered. I would argue that adding these children is not only morally right, but also cost-effective in comparison to letting these children receive health care on an ad hoc basis. Many of these children will simply go to hospital emergency rooms for treatment and will not be able to pay for these services. In the end, we will pay the cost. With Medicaid coverage, our public institutions will be reimbursed and these children will receive better care through primary care providers instead of high-cost, emergency-care based services.

This legislation is also fiscally responsible in that it would require a state to deduct from their state allotment any funding used for this program. I believe that the small cost associated with this outreach effort will not adversely impact States' ability to provide health care for low-income children and in fact could reduce the States' disproportionate share expenditures.

We know that these children are not being properly served now and we must find innovative ways to ensure that all eligible children are enrolled in Medicaid. My legislation would simply accelerate the application process while maintaining sufficient safeguards to prevent fraud and abuse. My legislation would give states greater flexibility to determine which entities can make these determinations, and States are authorized to apply certain limitations in order to prevent fraud and abuse. My legislation would also permit the Secretary of the Health and Human Services to review States' decisions and ensure that the appropriate entities are allowed to enroll these children. None of these entities could immediately offer these services until their state and the federal government has deemed them to be eligible to undertake preliminary determinations.

I believe this is an important public policy matter which we need to address. My legislation would enroll more children in Medicaid while ensuring that appropriate entities are reviewing these applications. I believe it is more cost-effective to enroll these children and ensure that they are receiving the primary care services they need, rather than sending these children to emergency rooms where children will be sicker and taxpayers will end up paying more. I also believe that we need to improve our current Medicaid presumptive eligibility law by including these new entities which were not included in the Balanced Budget Act. I strongly urge my colleagues to support this critical legislation and would appreciate your support for this effort.

SHANNON MELENDI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to share with my colleagues the tragic circumstances of a constituent, Shannon Melendi, a nineteen-year-old sophomore at Emory University.

Five years ago on March 26th, Shannon disappeared from a park where she worked. No one has seen Shannon since that day.

The prime suspect, a part-time umpire, was previously convicted of kidnaping and sexually abusing a child, but served only two years of his sentence. This was his third sexual offense.

Perhaps if this man had served his full prison sentence, Shannon would not have disappeared. Or, perhaps if he had received a harsher sentence, due to the fact that it was his third sexual offense committed against a child, Shannon would still be here today.

When sexual crimes are committed, we need to ensure that these criminals serve their full sentences so that we can be safe from sexual predators.

Shannon's father summed it up best when he said, "What happened to us cannot be changed, but because of what happened to us, changes can be made."

CELEBRATING THE 50TH WEDDING ANNIVERSARY OF DAN AND BEV GANZ

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mrs. McCarthy of New York. Mr. Speaker, March 27, 1999 marks the 50th anniversary of the wedding of Daniel M. Ganz and Beverlee

Kaufman, familiarly known as Dan and Bev Ganz. The two are currently residing in Boca Raton, Florida, but for more than 35 years they were residents of Rockville Centre, New York. In a fashion fitting such an occasion they will be celebrating this anniversary with their two children, family, and close friends.

For many years Beverlee and Danny Ganz lived in Rockville Centre, Long Island, where they raised their family and were active in community affairs. Dan was particularly active with the Recreation Department as a volunteer working with untold numbers to improve their tennis skills.

The couple sent their children to the Rockville Centre public school system. From here their son and daughter, David and Sandy, went to find success both academically and in their respective careers. David went off to Georgetown University, in Washington, D.C., and their daughter Sandy, after receiving South Side High's Laurel Award, went on to Northeastern University in Boston.

After earning a masters degree in physical therapy Sandy became an associate director of physical therapy at the Hospital for Special Therapy in Manhattan. She would later go on to become the director for the Amsterdam Nursing Home division and author a number of physical therapy treatments.

David became a lawyer, practicing in New York City and New Jersey and served a two year term as president of the American Numismatic Association. He is currently serving as the Mayor of Fair Lawn, New Jersey and has just published his 14th book-length work.

It's rare today that any couple can spend a half century in wedded bliss, but this is a couple that has done just that. Though Dan turns 80 this October and Bev will be 75 in just a few weeks, they are enjoying their golden years together, playing tennis, golf, and exploring the Internet.

After the love between he and his wife, there are two constants in Dan's life. He has a heart that keeps on giving and he continues to perform magic, which he has done professionally for nearly 70 years. With Bev at his side he frequently performs for youngsters with terminal diseases, such as AIDS.

Dan and Bev are wonderful role models for their three beautiful grandchildren, Scott, Elyse, and Pam. As this couple gathers with their daughter-in-law Kathy, a host of relatives and close family friends I would like to wish them well and congratulate them on this wonderful achievement.

WOMEN'S HISTORY MONTH

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mr. WAXMAN. Mr. Speaker, I want to thank Congresswoman LEE for organizing a Special Order during Women's History Month to recognize the achievements of women of color. I am pleased to take this opportunity to honor a few of the women of color who made important contributions to the entertainment industry earlier this century: Marian Anderson, Ella Fitzgerald, Bessie Smith, and Hattie McDaniel. These incredibly talented women overcame great obstacles to earn international acclaim and forge a path for the women who followed.

The legendary contralto Marian Anderson never took no for an answer. From her early days as a choir member, to her historical concert at the Lincoln Memorial, Ms. Anderson struggled against racism and ignorance to become one of the world's premiere opera stars. In the years after her legendary performance, she was awarded the Congressional Medal of Honor by President Carter and went on to serve as a delegate to the United Nations.

Ella Fitzgerald was the first woman presented with the Los Angeles Urban League's Whitney M. Young, Jr. Award, which honors those who build bridges among races and generations. Ella Fitzgerald was a major force in the music world and contributed to the evolution of jazz and the business of entertainment during her long, distinguished career. Named the "First Lady of Song," she was a pioneer in her field and went on to win ten Grammys.

Although she did not live to see her fortieth birthday, Bessie Smith had a tremendous influence on entertainment. From her modest beginnings as a vaudeville performer, Ms. Smith grew to be the nation's highest paid African American performer of the early 1920's. Her vibrance and creativity altered the music business and gave blues a more prominent role in American music and culture.

Hattie McDaniel was a woman of many firsts: the first African American woman to sing on network radio in the United States, the first African American to win an Academy Award and the first African American to star in a title role on a television sitcom. Also from humble beginnings, Ms. McDaniel moved from the quiet nights of her home in Kansas to the bright lights of Hollywood. Beating out Eleanor Roosevelt's maid, Elizabeth McDuffie, for the role of Mammy in "Gone With the Wind," Ms. McDaniel took a small role and created a character so memorable that she conquered the hearts of audiences world-wide.

These women are just a small sample of the many women of color who have contributed to the arts and helped shape our nation's culture. There is no question that they needed more than their tremendous talent to triumph during a time of institutionalized discrimination. They were models of courage, ingenuity, persistence, and character.

CELEBRATING WOMEN'S HISTORY MONTH STILL STRIVING FOR ECONOMIC EQUITY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mrs. MORELLA. Mr. Speaker, I rise in celebration of Women's History Month and in tribute to the many women who, through the ages, dared to challenge injustice and discrimination in the workplace. It is the tireless work of those leaders who came before us that allow women to enjoy the benefits of the 90s. However, as we all know, those long distance runners for equality and social justice have not completed their course. During Women's History Month, we pause to reflect what we have accomplished in the past, and the work we must do for the future.

Women have made great strides in education and in the workforce. The majority of undergraduate and master's degrees are awarded to women, and 40 percent of all doctorates are earned by women. More than 7.7 million businesses in the U.S. are owned and operated by women. These businesses employ 15.5 million people, about 35 percent more than the Fortune 500 companies worldwide. And women are running for elected offices in record numbers. When I first came to the House in 1987, there were 26 women in the House and two in the Senate. In 1999, there are 58 women serving in the House, and nine in the Senate.

While many doors to employment and educational opportunity have opened for women, they still get paid less than men for the same work. Women who work full-time earn less than men who are employed full-time. The average woman college graduate earns little more than the average male high school graduate. Full-time, year-round working women earn only 74 cents for each dollar a man earns.

Although women are and continue to be the majority of new entrants into the workplace, they continue to be clustered in low-skilled, low-paying jobs. Part-time and temporary workers, the majority of whom are women, are among the most vulnerable of all workers. They receive lower pay, fewer or no benefits, and little if any job security.

Women account for more than 45% of the workforce, yet they are underrepresented and face barriers in the fields of science, engineering and technology. Just this week, the Massachusetts Institute of Technology (MIT), the most prestigious science and engineering university in the country, issued a report revealing that female professors at the school suffer from pervasive discrimination.

That is why I introduced the Commission on the Advancement of Women in Science, Engineering and Technology Development Act. I call it my WISE Tech bill, and it passed the 105th Congress and has been signed into law.

This Act sets up a commission to find out what is keeping women out of technology at this critical time, and what we can do about it. The bill will help us ascertain what are effective and productive policies that can address the underrepresentation of women in the sciences and could help alleviate the increasing shortage of information technology workers and engineers. This legislation is a first step in countering the roadblocks for women in our rapidly-evolving high-tech society, and will help women break through the "Glass Ceiling" and the "Silicon Ceiling" in the fields of science, engineering, and technology.

Last month, we introduced the third Violence Against Women Act, building on the commitment and success of our 1994 legislation. We are only beginning to understand the impact of domestic violence on American businesses. Domestic violence follows many women to work . . . 13,000 attacks each year . . . threatening their lives and the lives of coworkers and resulting in lost productivity for their companies.

The economic problems of the elderly affect women in disproportionate numbers because women tend to have lower pensions benefits than men. Pension policies have not accommodated women in their traditional role as family caregivers. Women move in and out of the workforce more frequently when family needs arise making it more difficult for them to accrue pension credit.

Consequently, Social Security is especially important for women. Women are heavily reliant on Social Security, and since its inception, Social Security has often been the only income source keeping women from living out their days in poverty.

Social Security has worked for women; it is a system where every worker pays in, and every retired worker receives a pension that she can count on. Social Security has worked for women because workers who earn less receive a larger proportion of their earnings in benefits than those who earn more.

Women must play an important role in shaping Social Security for the future. Social Security reform must be assessed in terms of impact on women, the majority of Social Security recipients. A Social Security system that works well for women, will benefit all Americans.

Mr. Speaker, celebrating Women's History Month highlights the accomplishments of women and the need to open new doors in the future. But this special month would be meaningless if women's needs are forgotten during the rest of the year. We must continue to increase the workplace opportunities for women, which will benefit Americans in every corner of every state, as we face the economic challenges of the 21st century.

CONGRATULATING THE MARIPOSA HIGH SCHOOL GIRLS TRACK AND FIELD TEAM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Mariposa High School girls track and field team, the Lady Grizzlies. Upon the completion of the 1998 season, the Lady Grizzlies secured their fourteenth consecutive Southern League championship. This sets an all-time record for girls track and field in the State of California.

During their streak, no opponent has posed a true threat to the Mariposa team. In 1985, the Lady Grizzlies won their meet with a score of 100, outdistancing their closest competitor by 24 points. In the 13 seasons since, they have more than doubled the score of the second-place team on 10 occasions. To add to the accomplishments of the Lady Grizzlies from 1985 to 1998, their relay teams have won 24 of the available 28 league championships, and their athletes have won 120 out of 186 possible individual league titles. Among the team members from 1990 to 1997, 8 members of the Lady Grizzly team have gone on to compete in track and field on the college level.

Since 1985, the year this winning streak began, the number of teams in the Southern League has fluctuated between 6 and 10 squads. Also in that time, Mariposa has seen 5 different head coaches, 3 principles, and 4 district superintendents. The stability the Lady Grizzlies have maintained throughout these 14 years is a testament to the dedication of the athletes, as well as to the encouragement they have received in the community.

Mr. Speaker, the Lady Grizzlies of Mariposa High School have performed exceptionally throughout the last decade and a half. They have illustrated the virtues of dedication, tenacity, and team work. I encourage them to continue on this path, and wish them the best of luck in the future. I ask my colleagues to join me in congratulating the Mariposa Lady Grizzlies track and field team.

CAMP-PRICE DRY CLEANING ENVIRONMENTAL TAX CREDIT ACT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. PRICE of North Carolina. Mr. Speaker, today, Rep. DAVE CAMP and I are introducing the Camp-Price Dry Cleaning Environmental Tax Credit Act, legislation which would provide an incentive for dry cleaners to transition to environmentally friendly dry cleaning technologies. Under this legislation, dry cleaners would be able to take a 20-percent tax credit on the purchase of technologies that substantially reduce risks to public health and the environment.

The Federal Government can and should help accelerate the transition to technologies that meet our criteria for greater energy efficiency, or greater protection of public health and the environment. If we really want the private sector to move toward greener and healthier technologies, and if we don't want to simply rely on new regulation to do it, the simplest, most effective method is through targeted tax incentives. President Clinton has proposed this type of approach for equipment that helps reduce energy consumption, and I think it is also appropriate for equipment that helps protect human health and the environment.

We are just beginning to see the possibilities of what technology can accomplish for environmental protection. Environmental technology promises to mend the rift that has too often arisen between environmental protection and economic development. It will make reducing pollution easier and cheaper, and it will itself become an engine for growth in our economy.

I am pleased to join with my colleague on this initiative and look forward to working with him to achieve its passage.

WOMEN'S HISTORY MONTH

SPEECH OF

HON. CONSTANCE MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 24, 1999

Mrs. MORELLA. Mr. Speaker, during this Women's History Month, I'd like to tell you about Johnnie Carr, Daisy Bates, and Diane Nash, three women of color who helped shape America.

How many of you know these women and how their work contributed to the greatest social revolution of our time?

The role of black women in the civil rights movement has largely been overlooked by historians. Yet, black women throughout the South organized protests, strategized, rounded up volunteers for marches and sit-ins, raised money, registered voters—and put their lives on the line.

This network, which crisscrossed cities, towns, and rural areas across the South, provided the underpinning for Dr. King's organization.

The famous Montgomery bus boycott of 1955–56 that put Dr. King in the nation's spotlight for the first time was started by and sustained by women, who put their reputations, their lives, and their jobs on the line. Women organized carpools through their churches and found funds to help support those who had been fired because of their participation in the boycott.

Johnnie Carr of Montgomery helped bail out Rosa Parks who had triggered the boycott when she refused to give up her seat on a bus to a white man. Mrs. Carr helped organize that famous boycott and went on to organize the Montgomery Improvement Association and the struggle to desegregate life in Montgomery.

During the course of the boycott that lasted for 382 days, Johnnie Carr arranged for church and private carpools to carry people to their jobs and helped clothe and feed those who had been fired or blacklisted because of their support of the boycott.

Mrs. Carr told the Chicago Tribune in 1994,

> We focused on segregation in every phase of life. We were willing to risk bodily harm and even death. . . . The bus company personnel did so many things to intimidate us, but we stood firm in refusing to ride the segregated buses. People walked together in the pouring rain, holding hands and singing.

The boycott was a success, and ultimately, the U.S. Supreme Court declared segregation on Alabama's buses to be unconstitutional.

Daisy Bates story is set in Little Rock, Ark., where she was a leader in the fight to desegregate the city's all-white Central High School. She and her husband ran the Arkansas State Press Newspaper and were active in the local chapter of the NAACP. Daisy Bates was the "coordinator" of the nine children who were selected to attend Central High School, starting on September 4, 1957.

Many of you, if you are old enough, will remember watching events unfold in black and white on your TV sets. On September 3, the Governor of Arkansas, Orval Faubus, ordered the National Guard to surround the school to prevent the nine students from entering the school. His actions were, of course, in direct violation of the 1954 Supreme Court ruling that outlawed "separate but equal schools."

"The parents [of the black children] were justifiably afraid for their children's safety," Bates told the Chicago Tribune. "But we felt that we had to risk everything . . .

A mob lying in wait for the arrival of the children tried to lynch 15-year-old Elizabeth

Eckford. On September 23, they tried again to enter the school, succeeded but had to leave because of the threatening mob outside. Bates demanded that President Eisenhower intervene and violence spread throughout the city.

The President dispatched 10,000 members of the National Guard and the 101st Airborne division and Central High was integrated.

Although Daisy Bates "won," it was not without a great price. She and other local NAACP leaders were arrested and she and her husband lost their newspaper business when they refused to cave-in to the demands of advertisers that she dissuade blacks from applying for admission to Central High School.

Diane Nash grew up on Chicago's South Side and in 1959 went off to Nashville to attend Fisk University, one of our nation's leading historically black colleges. "There were no restaurants in downtown Nashville where black people could sit and eat in an unsegregated manner, and only one movie theater, where we were relegated to the balcony," Nash told a Chicago Tribune reporter in 1994.

She began attending workshops on nonviolence and soon found herself involved in lunchcounter sit-ins that eventually spread across the South. Beginning on New Year's Day 1960 in Greensboro, N.C., and Nashville, the civil rights activists targeted the lunch counters of Woolworth's Walgreen's and Kresge's and other local restaurants. By that summer, Nashville became the first city in the South to desegregate its lunch counters. Another victory for nonviolence—and good organization.

Nash went on to help form the Student Nonviolent Coordinating Committee (SNCC) and in 1961 helped to organize the first Freedom Ride from Birmingham, Ala., to Jackson, Miss., in which blacks and whites rode the bus together in violation of state laws.

"Riders were beaten repeatedly at the various stops, and buses were set ablaze," Nash later recounted. "The riders were considered so dangerous that many gave sealed letters to be mailed in the event of their deaths."

Nash went to jail for her efforts to integrate interstate bus travel and went on to serve on a Presidential committee that made recommendations for what was to become the Civil Rights Act of 1964.

History teaches us many things, but the most important lesson we can learn from Johnny Carr, Daisy Bates and Diane Nash and their struggle for civil rights is that through courage, commitment, and a willingness to work together, each and every one of us can overcome our most difficult and sometimes seemingly insurmountable challenges.

Let me close with an excerpt from Dr. Martin Luther King, Jr.'s last sermon, the one he gave in Memphis on April 3, 1968, the night before he was murdered:

> Let us rise up tonight with a greater readiness. Let us stand with a greater determination. And let us move on in these powerful days, these days of challenge to make America what it ought to be. We have an opportunity to make America a better nation. . . .

In this House of Representatives I am pleased to serve with 13 women of color who are also helping to shape our great America. Working together, we can envision and realize that America.

REMARKS ON ILLEGAL IMMIGRATION

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. FOLEY. Mr. Speaker, last week a man was forced to mourn the loss of his wife, not once, but twice in one week.

After believing that he had buried his wife Michaelle—who was one of the victims of the ill-fated boat of Haitian refugees that sunk off the coast of Florida March 5—Mr. Edner Doirin was informed that the morgue originally gave him the wrong body. So he had to endure a second burial to lay his wife to rest.

This is tragic in itself. But what makes it intolerable is that Mr. Doirin's wife should never have had to be buried at all.

She should be alive and well. Instead, she is one of the many victims of an illegal smuggling operation that treats human beings like cargo.

The March 5 disaster that left as many as 40 people dead is one of the most historically deadly smuggling incidents ever off of our South Florida shores.

And it came on the heels of a similar tragedy in mid-December, when as many as 13 people drowned in another illegal smuggling attempt.

Mr. Speaker, the United States is clearly on the brink—again—of an illegal immigration crisis. In the short period between January 1 and March 10, there have been a total of 45 illegal landings, 31 interdictions and 34 identified smuggling activities, resulting in over 400 illegal alien entrants by sea.

These are part of an effort by smugglers to take advantage of desperate, innocent people living in rapidly deteriorating conditions in Haiti, Cuba, and other impoverished or politically repressive countries.

We have heard the Clinton Administration say that it is "doing everything it can" to address this situation and that—even after this recent tragedy—there is no need to change its policies or to target additional resources.

I strongly, strongly disagree.

I do not believe that this Administration has truly committed itself and the resources that Congress has given it to adequately addressing the problem of illegal immigration and alien smuggling.

President Clinton has reportedly ignored his own immigration officials. He also has ignored the 1996 law that we passed in Congress that both provided funding and required that 1,000 new Border Patrol agents be hired each year from 1997 to 2001.

They call this decision to intentionally ignore the law a decision to—quote—"take a breather."

Recently, INS Commissioner Doris Meissner testified before a Senate subcommittee that the Administration decided to "take a breather"—and say no—when she and Attorney General Reno both requested funding for the 1,000 new agents.

And while the Administration is "taking a breather," people are drowning off the coast of Florida.

What angers me even more is to see my own state of Florida becoming the weak link and the focal point of current illegal smuggling efforts.

While the number of immigration control agents has more than doubled during the past five years—to over 8,000—Florida hasn't seen an increase of agents in 10 years.

In Florida, 52 Border Patrol agents are trying to stop an estimated 12,000 illegals who come into Florida by sea each year. Because of their few numbers, the Border Patrol and Coast Guard together are only able to catch a mere 10% of them.

Not only are there huge gaps in our Border Patrol, but the mechanisms designed to nab the illegal aliens that slip in are also failing.

The INS has now decided to change their enforcement tactics and has suspended most surprise workplace inspections that would identify illegal workers and the employers who hire them.

These once-successful tactics are not only being eliminated in Florida, but across the country. And the switch sends a clear message to illegal aliens and smugglers that they're OK unless they get caught committing a crime.

I think it's unbelievable that our enforcement standards are going down just when illegal immigration is on the rise.

Florida Governor Jeb Bush wrote to Attorney General Reno following our most recent tragedy requesting additional efforts. I would like to call upon the Clinton administration to honor his requests:

He is asking—and I am asking—for:

More effective intelligence operations to detect immigrant smuggling—The recent tragedy was detected by commercial ship, not U.S. intelligence.

Greater interdiction efforts along the U.S. coast. More deaths could be prevented if boats of illegal immigrants were stopped at sea.

Increased federal resources to make the prevention of immigrant smuggling a top priority, with an increased focus on South Florida.

Expanded holding capacity for the Krome detention facility located in Miami-Dade county so that officials will be able to detain larger numbers of illegal aliens after raids.

The creation of a federal task force to focus on smuggling.

An aggressive public information campaign directed at smugglers.

Mr. Speaker, people are dying—dying just short of Florida's shores, of America's shores. The responsibility for preventing these tragedies lies solely with the Administration, who has been given the way by Congress to act—but apparently not the will.

I strongly urge President Clinton to mount an aggressive, relentless effort to put a stop to the insidious problem of illegal immigrant smuggling once and for all . . . before more lives are lost.

INTRODUCTION OF A BILL TO ELIMINATE TAXES ON TIPS UP TO $10,000

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. HUNTER. Mr. Speaker, today I rise to introduce a bill that will benefit millions of Americans directly, substantially and quickly, including most notably single mothers and students. Furthermore, this legislation will lift some of the heavy burden of government off of thousands of small businesses.

My bill is very simple. It calls a tip what it is: a gift. All tips earned, not to exceed $10,000 annually, would be tax-free. This puts hundreds of dollars a month back where it belongs, with the individual who earned it.

Those who work in the service sector, who rely principally on tips for their income, work in a system transacted largely in cash. Accounting for small amounts of cash for income tax purposes is not only unworkable, it is unenforceable even if a paperwork scheme could somehow be conceived.

Small amounts of cash, received through hundreds and hundreds of transactions, and almost never while standing behind a cash register, should not be taxable. Washington bureaucrats lack an understanding as to just how impractical the present system is to all those who labor so hard for their tips.

The system simply breaks down.

Tips cannot possibly be reported accurately, and law-abiding citizens who work for tips do not wish to be labeled cheaters by people who don't understand the realities of their work.

It is time to change that.

My bill caps the tax-free earnings of those who make waiting on tables a career in high-end restaurants and resorts, at $10,000. But for the 95 percent of those in the service sector who work for tips, it's time to change the tax law covering income from tips.

Under current law, service employees who typically earn tips are assumed to have made at least 8 percent of their gross sales in tips. This tax is applied regardless of the actual level of the tip. Further, if the service personnel earns more than 8 percent in tips they are expected to report them accordingly. The end result for these employees, many of whose base salaries do not exceed minimum wage, is that they may have to pay taxes on income they didn't receive.

In addition, accounting for tips and gross sales is a burden on every restaurant, bar or other small business whose employees are regularly tipped. They are constantly under threat of an audit, where the IRS will hold their business responsible if the agency determines tip skimming to have occurred.

By putting in place a reasonable annual cap and strictly defining a tip, this tax relief bill is clearly focused on low- to middle-income households. According to the industries involved, most of the employees that will be helped are either students or single mothers. In addition, most of the employees are at the beginning of their careers.

Those in the service sector who rely on tips for their income are a special breed of people. Those who work for tips see a direct relationship between effort and reward like few others. Night after night, day after day, weekend after weekend, the millions of bell hops, valet parking attendants, coat checkers, taxi drivers, hairdressers, bartenders, waiters and waitresses are on the job, working hard and providing vital services to people of every walk of life.

Let us give a break to those who labor so hard for their living. Let's show them, for a change, that the Federal Government is not so out of touch, and has some understanding of life for so many, especially during their younger years in entry level jobs. I hope other Members will join with me in this common sense proposal that will help millions of hard-working Americans.

COMMENDING CITIZENS FROM CONNECTICUT FOR AIDING VICTIMS OF HURRICANE MITCH

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. GEJDENSON. Mr. Speaker, I am pleased to call my colleagues' attention to the work of a number of people from Connecticut who are helping to make life easier for our neighbors in Central America.

Last October, Central America suffered the greatest natural disaster of this century when Hurricane Mitch roared through the region. In Honduras, Nicaragua, Guatemala and El Salvador, Hurricane Mitch caused more than 9,000 deaths, left millions homeless, and resulted in $8.5 billion in damage to homes, hospitals, schools, roads, farms, and businesses. As these countries were consolidating the gains of democracy, this brutal natural disaster came along and wiped out years of progress.

I have attached an article that appeared this week in the *Hartford Courant* which illustrates that the people of Connecticut are going out of their way to alleviate suffering and restore a small ray of hope to the people of Honduras. The Honduras Relief Committee of Connecticut—led by Dario Euraque, Cynthia Hall and a number of other students at Trinity College—has raised $30,000 for relief efforts and sent 50 tons of food, clothing and medical supplies to Honduras.

Mr. Speaker, it is unfortunate that Congress has failed to provide desperately needed assistance to the hurricane-ravaged nations of Central America. I commend the people of Connecticut are helping to fill this void by providing assistance directly to the people of Central America. This kind of assistance is vital to alleviate suffering. Moreover, it also deepens the bonds of friendship between the people of the U.S. and the people of Central America. This will pay dividends for years to come.

AMBASSADOR OUTLINES NEEDS OF HONDURAS

(By Cynde Rodriguez)

The Honduran ambassador to the United Nations asked for continued global and financial support Saturday as the country begins to rebuild after being devastated by Hurricane Mitch last fall.

The ambassador, Hugo Noe Pino, told a small crowd at Trinity College that, several months after the natural disaster, Honduras is looking for financial help to rebuild roads, bridges, homes and schools. While Honduras received millions of dollars in emergency food and supplies right after the hurricane, Pino said there is still a lot of work to be done.

Hurricane Mitch killed more than 9,000 people and caused about $7 billion to $10 billion in damage.

New maps of Honduras are now being drawn to reflect rivers that have taken new courses and villages that were forced to relocate.

Pino said there is a big concern that Honduras will be forgotten in the coming months, that developed countries in the position to help may turn their attention and dollars elsewhere.

"In the emergency part, one month after the hurricane, international help was very important and opportune to prevent hunger. The most important need now is to rebuild," Pino said. "After six months, people forget about what happened and there's a problem in another part of the world and the attention goes there."

In an effort to prevent that from happening, the Clinton administration recently asked Congress for an emergency package of $956 million to rebuild Central America. The money would be in addition to the $300 million already provided for immediate disaster relief.

Locally, the Honduras Relief Committee of Connecticut continues to raise money and supplies, said Dario Euraque, director of international studies at Trinity and the committee's treasurer. Since November, the committee has raised $30,000 and has sent 50 tons of food, clothing and medical supplies to Honduras.

Trinity senior Cynthia Hill will be one of three students to go on a relief mission in June. Hill and the others will use a $2,000 donation from Trinity to buy food and medical and housing supplies for Hondurans while they are there.

An anthropology major who graduates in June, Hill said she was compelled to help with the relief effort because "the devastation was so all-consuming."

"Every aspect of the country was hit," said Hill. "I see it as they have a right to be rebuilt. . . . It was a natural disaster. It just happened to be Honduras, but it could've been any of us."

COMMENDING SIX AFRICAN AMERICAN LEADERS FOR THEIR VITAL ROLES

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. DEGETTE. Mr. Speaker, I would like to recognize the efforts of six African American leaders in Denver who fulfill vital roles in their communities. It is to commend these outstanding citizens that I rise to honor Rev. Paul Martin, Gloria Holliday, Rev. James Peters, Jr., Menola Neal Upshaw, Rev. Jesse Langston Boyd, Jr., and Arie Parks Taylor.

Reverend Paul Martin is the Chair of the Denver Urban League and also Senior Pastor at Denver's Macedonia Baptist Church. In conjunction with his church, he has laid the groundwork for a senior citizen's manor and remains active in creating and finding more housing for seniors. He has not only protected the interests of the elderly, but in conjunction with the Urban League, he has ignited the dreams of youth as well. Another example of this commitment is his work to open the Redeemer Alternative School for pre-kindergarten through 8th grade age children in Los Angeles, CA.

Currently, Reverend Martin is on the frontlines of a movement to redevelop neglected Denver neighborhoods. Through his work with the Stapleton Development Corp., he has helped take strides in the redevelopment of the old Stapleton airport site in central Denver. The Reverend is also working conscientiously to revitalize Northeast Denver. It comes as no surprise to me or any other member of our community that Reverend Martin was recently presented with the Humanitarian Race Relations Award by the city and county of Denver.

Gloria Holliday has amassed a long history of hard work on behalf of the African American community. In the 1960's, she served as secretary to legendary civil rights activist, Medgar Evers. Working with Evers on voter registration and integration, she organized the first economic boycott of racist business merchants in Jackson, MS, and fought valiantly to desegregate hotels in Atlanta, GA. Her desegregation efforts continued in Denver when she confronted and helped integrate retailers like King Soopers, Safeway and Denver Dry Goods Co.

Gloria has been a long time Democratic Party activist. She now serves on the Board of the Regional Transportation District (RTD) where she has been instrumental in creating an ad wheel that won the highest American Public Transit Association award. She also won the Black Women for Political Action's Award for Politics based on her work for RTD and her own personal endeavors. Not surprisingly, Gloria is also known for her outstanding work with youth. For young and old, she is a pillar in the community.

Reverend James D. Peters, Jr. also has a long history of civic leadership. This commitment has earned him several notable honors, including the National Association for the Advancement of Colored People (NAACP) Special Service Award and the Outstanding Service Award, presented to him by Dr. Martin Luther King, Jr. Reverend Peters worked for Dr. King in Connecticut where he raised money for civil rights causes. These funds were used to organize bus trips from Connecticut to the South for demonstrations and for bailing protestors out of prison among other things.

In Denver, Reverend Peters helps to fulfill both the spiritual and humanitarian needs of Denverites through his work as Pastor of the New Hope Baptist Church and as a member of the Denver Housing Authority Board of Commissioners. As a member of that board, he assists 22,000 public housing residents in enhancing the living conditions of their homes. His devotion and service to the community have earned him several accolades. Since his arrival in Denver, the Anti-Defamation League recognized him with its Civil Rights Award and the Denver City Council cited him for his leadership in Denver.

Menola Neal Upshaw has devoted herself to the city of Denver as the President of the Denver branch of the NAACP and as a teacher and administrator. Mrs. Upshaw taught elementary school students in Oklahoma City, East St. Louis, Illinois and Denver. She served as a Denver Public Schools administrator for 26 years. The Denver Public Schools recognized her outstanding work as a teacher and administrator with a cherished award, the Teacher of the Year Award. Menola also won the NAACP Legend of the Year Award and Woman of the Year Award.

She has been a member of the NAACP since she was 9 years old and the president of the Denver branch since 1994. She has won additional awards for her parenting skills and work with her church. She won the Parent of the Year Award from Ottawa University and the Most Valiant Woman award given by the Zion Baptist Church, where she served as Sunday School Superintendent for 25 years.

Reverend Jesse Langston Boyd, Jr., enriches Denver working as the pastor of Shorter Community African Methodist Episcopal Church and also through his own community efforts. His contributions to his parishioners have included the rebuilding and relocation of his church, containing education facilities and a multi-family housing complex. He is a past president of the Denver Ministerial Alliance and Methodist Ministers Fellowship in Denver and has served as a member of the Executive Board of Denver's Council of Churches.

He has also held important secular positions. He is currently Chairman of the Board of Directors of Denver-Metro Push and is the organizer of PUSH-Los Angeles. In addition, former Governor Roy Romer appointed him the first African American on the State of Colorado Wildlife Commission and to the Colorado Commission for Prenatal Care.

I would also like to recognize Arie Parks Taylor who has devoted a lifetime to improving Denver. Arie Taylor is often compared to Bella Abzug, a former Congresswoman from New York, who is remembered for her custom of wearing hats and her advocacy for the disadvantaged. Arie wears hats as well, but it is her compassion for people that helped Colorado so much.

Arie served Colorado as a State Representative for District 7 for 12 years. While in office she passed legislation amending fair housing and civil rights laws. She also sponsored legislation to help people with hemophilia and sickle cell anemia find care. She caught the eye of the Nation when she served three times as a delegate at the National Democratic Convention, where she protested the seating of all-white southern delegations. Not only did she work in these positions, but she retired in 1995 as Denver's first African American Clerk and Recorder.

Please join me in commending Rev. Paul Martin, Gloria Holliday, Rev. James Peters, Jr., Menola Neal Upshaw, Rev. Jesse Langston Boyd, Jr., and Arie Parks Taylor for their courage and fortitude. It is the strong leadership they present in their everyday lives that make them so beloved in our community.

INTRODUCTION OF THE PATIENT FREEDOM FROM RESTRAINT ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. STARK. Mr. Speaker, I am pleased to join with Rep. Degette and our colleagues in introducing the Patient Freedom from Restraint Act of 1999. According to recent estimates, between 50 and 150 people die each year in psychiatric hospitals and other residential treatment centers while restrained or in seclusion. This legislation would extend much needed and long over due protections for people who rely on others for their care and safety. Specifically, our legislation will protect individuals living in residential facilities for adults and children who are developmentally delayed or suffer from a mental health disability.

According to a 1996 GAO report on institutions for the mentally retarded, one of the most common problems of care was excessive or inappropriate use of restraints. Other reports indicate the deaths due to restraint result from inappropriate and reckless use of restraint techniques and neglect of the patient's well being. Even if there is no physical harm due to restraint, the violent act can have long-term implications for the patient's psychological health and recovery.

Restraint and seclusion have no medical or therapeutic function. In fact, these techniques may do more to harm the individual than help. The only time that such measures are warranted occur when the person's behavior creates an immediate threat to the health and safety of self and others.

Currently, there is no federal statute or uniform regulation that protects patients from the misuse of restraints and seclusion. Many years ago, the same problem existed in nursing homes. Patients were indiscriminately restrained and suffered terrible as a result. The Omnibus Budget Reconciliation Act of 1987 greatly changed how the nation's elderly are treated. In essence, we revised the Social Security Act to make clear that restraint and seclusion could be used only in extreme cases. The result of that legislation has been an incredible improvement in the treatment that seniors receive. The staff of nursing homes found that simple changes in the environment and procedures made restraints unnecessary.

Our legislation would not prohibit the use of restraint or seclusion, it merely identifies the conditions when they may be used. The more important aspect of the legislation is that it would protect the health and safety of the patient. Our legislation would require that treatment facilities document the use of restraint and seclusion in the patient's treatment or medical record. In addition, to reporting the incident, the staff of the facility must document treatment a treatment plan to reduce the future risk of episodes requiring restraint or seclusion.

The legislation would require that residential facilities train their staff in the appropriate use of restraint techniques and its alternatives. We believe that this is an essential feature of the bill. Many of the deaths and severe injuries that patients experience result from misuse of standard restraint procedures.

Finally, the legislation would require that cases of severe injury and death be reported to the State's Protection and Advocacy Board, and the Secretary of Health and Human Services. Documentation of these cases is an essential mechanism for protecting the rights and liberties of the patients.

MORE JOBS IN THE TELECOMMUNICATIONS INDUSTRY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BONIOR. Mr. Speaker, I rise today to applaud the Department of Justice and SBC Communications for reaching an agreement which resolves the Department's antitrust concerns about SBC's pending merger with Ameritech. This agreement brings consumers one step closer to more options, lower prices and more substantial jobs in the telecommunications industry. The intent of the 1996 Telecommunications Act was to bring more competition to the telecommunications industry and this merger would be a good step towards a more competitive marketplace.

I commend SBC and Ameritech for their commitment to American workers. This proposed merger has the support of the AFL–CIO, the Communications Workers of America and the International Brotherhood of Electrical Workers. SBC and Ameritech have committed to these labor unions that this merger will increase, not decrease, the number of good jobs in the telecommunications industry. SBC has already proven itself. Despite some critics' concerns, since SBC merged with Pacific Telesis, residential and business prices for basic local service in California have remained stable. In the meantime, SBC has also introduced new products and services and has created more than 2000 new jobs.

Mr. Speaker, I urge the FCC to move quickly in approving this merger and to enforce the Congressional intent of the 1996 Telecommunications Act to lower prices, provide more choices for consumers and create new jobs in the industry.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BECERRA. Mr. Speaker, on February 25, 1999, I was unavoidably detained during a rollcall vote: number 27, on Approving the Journal. Had I been present for the vote, I would have voted "aye."

TRIBUTE TO BARTON E. WOODWARD

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to the late Barton E. Woodward, a Colorado water expert, who recently passed away at the age of 57.

Woodward was born near Snyder, Colorado, in 1941. He was a 1959 graduate of Snyder High School and received his degree in broadcast engineering in 1963 from Bob Jones University. Also in 1963, he and Roxanne Miller celebrated their marriage, and then moved to the family farm near Snyder.

In addition to being a farmer, Woodward pursued other interests including computer consulting and water engineering. For the past 15 years, he was very active in Colorado water issues, including serving on the board of directors of the Riverside Irrigation District and most recently as the district superintendent. As superintendent, he was instrumental in the construction of Vancil Reservoir.

He has also served as president of the Groundwater Appropriators of the South Platte since 1984 and currently was on the board of directors of the South Platte Lower River Group. He was a long-time member of Colorado Water Congress and former president, and also served as president of the Pioneer Water and Irrigation District.

Woodward also served the community as an activist in the Republican Party, serving as Morgan County Republican Party Chairman and on the Republican Central Committee.

Mr. Speaker, I am proud to pay tribute to this man whose friends, including me, knew him to be a man of compassion, integrity and honesty. When he gave his word, you could count on it. His passion for agriculture and knowledge of resources will be sorely missed by the agricultural and water communities of eastern Colorado.

OUR THANKS TO SUSAN L. TAYLOR

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in expressing appreciation to a remarkable woman of our times who will be lending her support to a school in my Congressional District this weekend, Ms. Susan L. Taylor.

Editor in Chief of Essence Magazine and Senior Vice President of Essence Communications, Ms. Taylor still manages to give generously of her time so that others might enjoy a fuller and richer life. On Saturday, March 27, she will be featured as the keynote speaker at an event entitled "An Afternoon of Inspiration" in support of New Hope Academy in Newark, New Jersey, so that the school may continue to offer young people the chance to achieve their dreams. She is a believer in the African proverb that "It takes a whole village to raise a child."

I was fortunate to serve on a panel at Essex County College several years ago with Ms. Taylor where the discussion centered around the challenges facing single parents. Her presentation was so impressive and dynamic that years later, people are still coming up to me and commenting about how well they recall that discussion.

Ms. Taylor has inspired many others with her outstanding professional success. Under her leadership, Essence Magazine enjoys a monthly circulation of 1 million and a readership of 7.6 million.

Mr. Speaker, I know my colleagues share my appreciation for Ms. Taylor's generosity in sharing her time and talents with others. We thank her for her appearance in support of New Hope Academy and wish her continued success.

TRIBUTE TO NELLIE MACKAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Ms. Nellie Mackay, an outstanding individual who has dedicated her life to public service. She will be honored this Saturday, March 27, by parents, family, friends, and professionals for her outstanding contributions to the community at the Sixth Annual Senior Citizen Luncheon hosted by the Patterson Volunteer Committee, Inc. at the Mott Haven Community Center.

Born in Elkton, Tennessee, Ms. Mackay moved to New York and has been a resident of Patterson Houses for 32 years. A 1986 graduate from Vermont College and graduate of Medical Aide Training School in 1997, she has certainly shown the importance of life long learning.

She is a Bronx State Committee member and a member of Community Planning board #1. Through her years of service, she has served on the National Advisory Council of Save a Marriage, the City of New York Child Abuse and Maltreatment committee, and New York University Food Service and Management program among many others.

Mr. Speaker, Nellie also visits Middletown New York Prison once a year to do a Black History workshop with inmates. She was the representative for Senior Citizens for Social Security from 1973 until 1975 and in 1979 she ran a workshop for children from the Mott Haven Day Care Center about their heritage, which appeared in Big Red newspaper. She has been involved in a wide variety of community activities, including volunteer work with the elderly and marriage counseling.

The business, professional, and civic organizations to which she belonged, like the honors and awards she was given are almost beyond counting.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Nellie Mackay for her outstanding achievements and her enduring commitment to the community.

FIRST-TIME HOMEBUYER AFFORDABILITY ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. LAFALCE. Mr. Speaker, today I am introducing the First-time Homebuyer Affordability Act. I am joined in this effort by 20 original cosponsors. I am also pleased to announce that Senator KERRY (D–MA) will be introducing this legislation in the Senate.

This bill is a pro-homeownership initiative, based on the principle of empowering families and individuals to use funds in their own retirement accounts to buy a home.

The First-time Homebuyer Affordability Act unlocks the $2 trillion currently held nationwide in Individual Retirement Accounts (IRA's) for homeownership use. It does so by allowing individuals to borrow up to $10,000 from their own IRA (or from their parent's IRA) to use as a downpayment on a first-time home purchase. Since funds are borrowed, rather than withdrawn, the homebuyer does not incur Federal taxes or a premature withdrawal penalty.

This bill is a targeted effort to narrow the arbitrary disparity between treatment of 401(k) retirement plans and IRA retirement plans. Under current law, individuals may borrow from their 401(k) retirement account without paying taxes for a broad range of purposes, including buying a home. Yet, individuals cannot borrow or otherwise use funds in their IRA for personal use, even to buy a home, without incurring Federal taxes. This is a significant and inequitable impediment to homeownership.

Two years ago, Congress took a modest step toward lowering financial barriers to the use of IRA funds for home purchase—through enactment of a waiver of the 10 percent premature withdrawal penalty for withdrawal of up to $10,000 from an IRA account for a first-time home purchase. However, such a withdrawal still subjects the homebuyer to Federal taxes on the amount withdrawn. For a $10,000 withdrawal by a typical taxpayer in the 28 percent tax bracket, this creates a Federal tax liability of $2,800—leaving only $7,200 for a downpayment on a home purchase.

Under the First-time Homebuyer Affordability Act, funds may be borrowed tax- and penalty-free from an IRA account for a period of up to 15 years, either on a fully amortized or interest only basis. The loan must be repaid if the house is sold or if it ceases to be a principal residence. When the loan is repaid, the funds are restored in the IRA account, fully available for re-investment on a continuing tax-deferred basis.

Alternatively, the bill permits use of IRA funds for a first-time home purchase as a home equity participation investment. Under this approach, IRA funds are used for downpayment; when the house is sold, the investment, plus a share of the profit from home sale (typically 50 percent) is repaid to the IRA account.

The purpose of IRAs is to encourage long-term savings and investment, to provide a financial cushion in retirement. Yet, even though buying a home is one of the best investments an individual can make, it is not an eligible IRA investment. Allowing an individual to borrow from their IRA to buy a home effectively makes this an eligible investment.

Allowing IRA borrowing for home purchase would also eliminate a disincentive against IRA contributions. Many young families and individuals are hesitant to tie up funds in an IRA account that they may need later to buy a home. And, IRA borrowing for home purchase does not deplete the IRA account, since the funds are replenished when the loan is paid back.

Finally, this legislation is responsibly drafted, to prevent self-dealing and generally track provisions of 401(k) loans. Nonpayment or forgiveness of the loan is treated as a premature withdrawal. In such event, the unpaid amount would be subject to Federal taxes and a 10-percent premature withdrawal penalty.

Other protections include a prohibition against taking an interest deduction on the borrowed funds, and a limitation that loan rates cannot vary by more than 200 basis points (2 percent) from comparable Treasury maturities.

As Congress considers proposals to create new individualized retirement accounts, it is important to structure such accounts in a way that provides access for home purchase. But, it is equally important to remove the significant tax barriers to home purchase for the $2 trillion in existing IRA retirement assets. The "First-time Homebuyer Affordability Act" accomplishes that important goal.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. SALMON. Mr. Speaker, I rise to introduce the Federal Prisoner Health Care Copayment Act, which would require Federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Seventy-five percent of the fee would be deposited in the Federal Crime Victims' Fund and the remainder would go to the Federal Bureau of Prisons (BOP) and the Marshals Service for administrative expenses incurred in carrying out this Act. Each time a prisoner pays to heal himself, he will be paying to heal a victim. The U.S. Department of Justice supports the Federal inmate user fee concept, and has worked on crafting the language contained in this bill.

Most law-abiding Americans pay a copayment when they seek medical attention. Why should Federal prisoners be exempted from this responsibility?

This reform on the Federal level is overdue. Health care costs for Federal prisoners has risen considerably over the past several years. Only a handful of states exceed the Federal system in the cost of care per inmate. Establishing a copayment requirement would exert an immediate downward pressure on prison health care costs.

States have recognized he value of copayment programs, and they have proliferated in recent times. Now, well over half of the states (at last count 34) have copayment programs on a statewide basis, including Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. Additional states are considering implementing copayment programs. Moreover, at least half of the states—some of which have not enacted this health care reform on a statewide basis—have jail systems that impose a copayment on inmates seeking certain types of health care.

Copayment programs have an outstanding record of success on the State level. In June 1996, the National Commission on Correctional Health Care held a conference that examined statewide fee-for-service programs. Dr. Ron Waldron of the Bureau of Prisons concluded that "inmate user fees programs appear to reduce utilization, and do generate modest revenues."

Evidence of the effectiveness of copayment programs continues to surface. Tennessee, which began requiring $3 copayments in January 1996, reported in late 1997 that the number of infirmary visits per inmate had been cut almost in half. In August, prison officials in Ohio evaluated the nascent State copayment law, finding that the number of prisoners seeing a doctor had dropped 55 percent and that between March and August the copayment fee generated $89,500. And in my home state of Arizona, there has been a reduction of about 30 percent in the number of requests for health care services.

Copayment programs reduce the overutilization of health care services without denying the indigent of necessary care. In discouraging the overuse of health care, prisoners in true need of attention should receive better care. Taxpayers benefit through the reduction in the expense of operating a prison health care system. And the burden of corrections officers to escort prisoners feigning illness to health care facilities is reduced.

The Federal Prisoner Health Care Copayment Act provides that the Director of the Bureau of Prisons shall assess a nominal fee for each health care visit that he or she—consistent with the Act—determines should be covered. The legislation also allows state and local facilities to collect health care copayment fees when housing federal prisoners.

The Federal Prisoner Health Care Copayment Act prohibits the refusal of treatment for financial reasons or appropriate preventative care.

Finally, the Act requires that the Director report to Congress the amount collected under the legislation and an analysis of the effects of the implementation of this legislation on the nature and extent of health care visits by prisoners.

Congress should speedily enact this important prisoner health care reform bill. I look forward to working with my colleagues and the Department of Justice to pass this proposal.

PROVIDING FOR CONSIDERATION OF H.R. 975, REDUCING VOLUME OF STEEL IMPORTS AND ESTABLISHING STEEL IMPORT NOTIFICATION AND MONITORING PROGRAM

SPEECH OF

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. BAIRD. Mr. Speaker, I rise today to express my support for this legislation, that seeks to address the serious steel dumping problem which has resulted in the loss of over 10,000 steelworker jobs nationwide; but also to inform my colleagues about a concern that I have about some potential impacts of such legislation.

Mr. Speaker, I do believe that the rapid escalation of steel imports into the United States over the past eighteen months has reached crisis levels. Reports indicate that steel imports increased by 72 percent from November of 1997 to November of 1998, and that increase has led to staggering layoffs and reductions in work hours for those working in our nation's steel industries. Those layoffs and work stoppages have seriously concerned me and should alarm all of us.

During that period, imports from Japan were up 260 percent, imports from Russia advanced 262 percent, and those from Korea increased by over 220 percent. Imports from Brazil, Ukraine, China, Indonesia, and South Africa have steadily grown. In some cases, foreign manufacturers have been shown to have sold steel for well under the cost of production.

It is clear that the United States must take strong action to ensure the enforcement of our trade policies. Mr. Speaker, I support policies that enhance U.S. trade partnerships, but I also believe that we must demand fair and responsible trade behavior from those partners. Our nation must not stand idle while our laws are flagrantly violated. Therefore, I strongly support the intent of H.R. 975 and the measures that the legislation would implement to control steel import levels at pre-crisis levels.

However, my concern lies in the potential impact that this legislation may have on a manufacturer in my district—a manufacturer that would face legitimate hardship under the current version of the bill.

The district which I represent, Washington's third district, includes several steel and aluminum production facilities. One of these facilities is The Broken Hill Proprietary Coated Steel Corporation (BHP CSC), located in the city of Kalama. In December of 1997, BHP began production of cold rolled full hard steel and galvanized sheet steel that is frequently used in the metal building and construction industries. The facility annually utilizes approximately 350,000 tons of hot band steel in the manufacture of over 300,000 tons of bare and painted sheet steel products.

Unfortunately, I have been informed that availability of the hot band steel needed for this plant is limited from domestic producers. The technologies utilized in the manufacturing process at the Kalama facility apparently require that very specific requirements be met for the quality, physical properties and size of the hot band steel used as a raw material, and most domestic producers of hot band steel are reportedly unable to meet the demands of the Kalama plant.

Therefore, BHP CSC has relied on imported hot band steel for the majority of their needs since beginning operations in 1997, and the primary source of those imports has been the BHP parent company, located in Australia. That Kalama plant has been the exclusive recipient of imports to the U.S. from the company's Australian parent. This plant has not been used as a conduit for large quantities of steel imports to be used by other manufacturers.

My concern deals with the consequences of imposing a strict quota on steel imports. In its current form, the legislation only cuts back steel imports to levels existing in July of 1997. This restriction is not only reasonable, it is necessary, and to be clear, I think we need this legislation. However, it may also severely limit the availability of the high-grade hot band steel required by the Kalama BHP facility.

As a consequence, Mr. Speaker, the productive capacity of the plant will be significantly diminished, and the limits may, in fact, result in the loss of jobs in the steel industry. Now, I can't imagine that supporters of this legislation would find job losses to be an acceptable result of a United States response to illegal trade activities.

And Mr. Speaker, I want to take a moment to call your attention to why this facility is so important to the economic survival of this corner of rural America. This economically disadvantaged area in Southwest Washington was, until recently, primarily dependent on natural-resource based industries for its economic survival. As a result of increasing limitations on timber cutting and shrinking salmon runs, the workforce needs in Cowlitz County have been scaled back again and again. Only six years ago, this area faced double-digit unemployment rates, and still has one of the highest rates in the nation.

So, Mr. Speaker, when we pass legislation that may affect the job security of over 250 hard-working people in Cowlitz County, I get gravely concerned. That's why I immediately began working on this issue when I was sworn into office at the beginning of this year.

And it is also the reason that I drafted an amendment to this legislation to provide limited waiver authority for companies with legitimate barriers to obtaining steel products for their manufacturing processes from domestic sources, to import limited amounts of steel in order to continue operations. My amendment would have permitted the Secretary of Commerce to establish a certification process to determine whether or not a manufacturer has sincere impediments to obtaining adequate quantities of steel raw materials; and, in such cases, to waive the import restrictions in only those cases.

Unfortunately, the rule providing for consideration of this legislation prevented me from introducing such an amendment, and precluded members from having the opportunity to vote on a measure that I believe would make a minimal, but desperately necessary adjustment to the overall bill. In fact, that rule prevented the introduction of any amendments.

Although I find this disappointing, I have received assurances from my colleagues that efforts will be made to address this situation as this legislation moves through the process, and I will continue to support those efforts.

As a Member of Congress, I have a responsibility to ensure that what we do here in Washington, DC, benefits my constituents in Washington State, and also to help safeguard our national interests. I believe that the enactment of this legislation, as perfected by my amendment, would serve both of these purposes. Although still imperfect, I will act today to enforce the trade policies of the United States, while continuing my efforts to protect the economic security of all steelworkers nationwide as the legislative process moves forward.

I ask my colleagues to support these efforts as we work with the other body in considering this measure. We all have an interest in keeping jobs in the United States, so let's work together to take the strongest, most appropriate measures possible to bolster this industry.

Of equal importance, I call on the President to address this situation before this flood of steel imports overwhelms what remains of the United States steel industry—an industry that has retooled to become one of the most efficient in the Nation. In the future, as a result of this measure, I hope that we can take swifter, and more effective actions when sudden surges in foreign exports to our nation unfairly threaten our industries.

Mr. Speaker, I want to again thank my colleagues Mr. Visclosky and Mr. Traficant, and many others, for their tremendous, persistent work in bringing public attention to this issue and for helping bring this measure to the full House for our consideration.

PERSONAL EXPLANATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise today to insert in the Record that I inadvertently voted no on Roll Call 69 on March 24, 1999. I intended to vote yes on this amendment offered by Representative Tiahrt to H.R. 1141, the Emergency Supplemental Appropriations bill.

This amendment would have offset the remaining portion of the Supplemental that was not offset by the bill. It is vitally important that all additional spending is offset. Because if it is not offset, it is paid for out of the Social Security Trust Fund surplus.

Of primary concern is Social Security. As we all know Social Security is the most popular and important program in the nation's history. It touches almost every family in America. When it comes to Social Security, this program must not be sacrificed to tax cuts or extra spending. I look forward to the day when we engage in the debate on reform with the knowledge that every cent in the Social Security Trust Fund is safe.

IN HONOR OF DR. HORACIO AGUIRRE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, today it is a distinct honor to recognize Dr. Horacio Aguirre, an outstanding journalist, good family man and contributing member to our South Florida community, for his many years of dedication and vision in the area of journalism. As an acknowledgement of his endeavors, the Miami International Press Club will present Dr. Aguirre with its 1999 Good News Award on April 15th.

The Cuban patriot Jose Marti once said: "Talent is a gift that brings with it an obligation to serve the world, and not ourselves, for it is not of our making". Dr. Aguirre has taken those prophetic words to heart, for his entire life has been dedicated to protecting and advancing the entire spectrum of journalism with his feverish talent and love for the field.

From his early years as the editorial writer at El Panama America newspaper in Panama, to his experience as a founding editor with one of the longest running dailies, Diario Las Americas; Dr. Aguirre has always been a champion for all journalistic causes.

His achievements have been such that other nations such as Panama, Ecuador, the Dominican Republic and Spain have all bestowed awards upon him. Dr. Aguirre has also been very active with the Inter-American Press Association, where he has held the posts of Secretary, Chairman, First Vice-President and President.

Mr. Speaker, in an era where journalistic rights have come under increasing attacks from dictatorial governments, Dr. Horacio Aguirre is worthy of recognition because he is and continues to be a defender of journalists' rights to report.

He has contributed immensely to the hemispheric discussion on this most important of issues. Dr. Horacio Aguirre offers to all of the Americas what the brilliant Ruben Dario gave to his native country, Nicaragua: "I offer unto you the steel upon which I forged my efforts, the coffer of harmony that guards my treasure, the crown of diamonds the idol that I adore."

CONGRATULATIONS TO HIGH POINT CENTRAL HIGH SCHOOL'S GIRLS BASKETBALL TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. COBLE. Mr. Speaker, while all eyes will be on St. Petersburg this weekend to observe the NCAA Final Four basketball championships, those of us in the Sixth District of North Carolina are already celebrating a roundball title. We are proud to say that High Point Central High School has won the North Carolina 2–A girls basketball championship.

The High Point Central Bison defeated St. Pauls 78–63 to capture the 2–A crown in Chapel Hill on March 13. High Point Central finished the year with a record of 28–2 and captured its third state title in seven years—an impressive feat.

What makes the win even more remarkable was that the Bison went into the title contest knowing one of their senior starters was injured. Lee Culp broke her foot on the Thursday before the Saturday championship, but that didn't stop her from scoring a team-leading 20 points in 29 minutes of action. For her gutty performance, Culp was named MVP of the game.

Her coach, Kenny Carter, told the Greensboro News & Record, that Lee was part of a very special group of seniors. "I can't describe it," Coach Carter told the newspaper. "I had the seniors write a paper about what it's like to be there. And they each used the word 'indescribable.' I know this, they gave me a rebirth of energy. They've been with me for four years, and I wouldn't trade them for any team or any players I've ever had."

Joining Culp in the total team effort were Katie Copeland, Kanecia Obie, Leslie Olson, Elizabeth Redpath, Laura Kirby, Velinda Vucannon, Shonda Brown, Leslie Cook, Erica Green, Shemeka Leach, Krystion Obie, and Nasheena Quick.

Coach Carter will be the first to tell you that the Bison win was thanks to the players, coaches and staff working together to achieve a common goal. In addition to Coach Carter, congratulations are due to his assistants Jetanna McClain, April Rose, Scottie Carter, Eugene Love, Kim Liptrap, and Chris Martin. Also helping in many ways were the team managers Chasity Brown, Jessica Allen, and Serenity Klump.

So, while everyone watches the Final Four this weekend, fans of the High Point Central Bison are already celebrating the "Final Three"—the third state championship in seven years. On behalf of the citizens of the Sixth District of North Carolina, we congratulate High Point Central for winning the state's 2–A girls basketball championship.

A TRIBUTE TO SHASHUNNA WILLIAMS, AUGUSTINE WASHINGTON, AND BESSIE DEANS

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. McCRERY. Mr. Speaker, I rise today to offer a tribute to three constituents, Shashunna Williams, Augustine Washington, and Bessie Deans, who were tragically killed in an automobile accident on their way back from a home health care training seminar. These three caring women are remembered by their family, friends, colleagues, and by their patients.

Shashunna was 22 years old, the youngest staff member in the agency, and engaged to be married this summer. She was an observant health aide, attentive to her patients' needs, and determined to overcome any obstacles she encountered. She brought to her job a vibrant energy and genuine concern for others that was often displayed with a humorous twist.

Bessie was 39 years old, and a certified nurse's aide since 1987. She was married and a devoted mother of two sons, whose sporting activities she regularly attended. Bessie was well known in the community and her caring spirit manifested itself in kindness above and beyond the call of duty. Bessie's dependability, loyalty to her patients, and her unfailing energy earned her the gratitude of all those to whom she came in contact.

Augustine was 42, a mother of four, a grandmother, and a certified nurse's aide for over ten years. She excelled in caring for the elderly, who always praised her for her kindness and generosity. Augustine visited home health patients during the day and had a second full time job at a nursing home in the evening. Augustine was a team player, most dependable, and a fine example of a hard working, caring employee.

Mr. Speaker, these three women exemplified the very best in their chosen field. We, in the Fourth District of Louisiana, share their families', colleagues', and patients' grief over their loss. I know they all will miss them terribly.

INTRODUCTION OF LEGISLATION TO IMPOSE STRICTER MANDATORY PRISON TERMS FOR CRIMINALS USING FIREARMS

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing legislation to impose tougher mandatory jail sentences on criminals who use guns.

It is well understood by my colleagues that gun control is an issue over which reasonable people will often disagree. The bill I am introducing today, however, is reflective of an idea about which we can all agree—criminals who use firearms deserve tough sentences. This legislation seeks to increase the mandatory minimum penalties for individuals who possess, brandish, or discharge a firearm during the commission of a federal crime which is violent or involves drug-trafficking.

For possession of a firearm during such a crime, this bill would increase the minimum mandatory sentence from 5 years to 10. For brandishing a firearm, the minimum sentence would be raised from 7 years to 15. If the firearms is discharged during the crime, this bill would set the mandatory minimum sentence at 20 years, a substantial increase from the current 10 year minimum.

Tough sentences work. Just ask the people of Richmond, Virginia. The city's Chief of Police, Jerry Oliver, testified before Congress just this week about Project Exile, a program by which individuals who use a firearm during the commission of a crime are prosecuted in federal court rather than state court, making them subject to stiffer penalties. These tougher sentences, accompanied by a public campaign to tout them, have been a central cause for the city's significantly diminished homicide rate. We need to draw from Richmond's example.

I urge my colleagues to join me in the effort to enact a law which makes it perfectly clear that profound punitive consequences await those criminals who use deadly firearms.

HOLOCAUST SURVIVOR TAX RELIEF ACT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. WELLER. Mr. Speaker, today, after years of arduous effort, survivors of the Holocaust who had their assets withheld from them by Swiss banks and others have finally received justice in the form of a settlement between the banks and the survivors' attorneys achieved last year. Under the settlement, survivors around the globe will receive $1.25 billion. This settlement will finally return the assets to survivors more than 50 years after they were entrusted to these banks.

In addition to the survivors who are party to this historic settlement, there are survivors who are needy and have received one-time payments from the Swiss government through the Swiss Humanitarian Fund. Payments from this fund to needy Holocaust survivors in the United States have totaled $31.4 million. Banks and corporations in France, Austria, Italy and Germany are establishing similar funds to compensate claimants for bank accounts, insurance policies, slave labor and other assets. Whether the payments are from the banks, the Swiss government or other sources, they should be excluded from taxation because the survivors are receiving back what was rightfully theirs to begin with.

Survivors who sued banks, insurance companies and manufacturers who profited from slave labor during he Holocaust did so because there was no other avenue for them to seek justice. Deprived of their assets, or those of their families, these brave souls fought unsuccessfully for fifty years until now to regain what belonged to them.

I rise today, joined by my colleague, Representative ROBERT MATSUI, to introduce H.R. 1292, the Holocaust Survivor Tax Relief Act of 1999. Senators FITZGERALD, MOYNIHAN and ABRAHAM are also introducing companion legislation in the Senate. Our legislation will exclude these payments from federal income tax.

There is little time to debate over these payments when the average Holocaust survivor is 80 years old. We must do everything we can to ease the lives in their final years, and therefore it would be wrong and immoral to tax them on the long overdue receipt of the assets. What these survivors are receiving from the various funds is money that is rightly theirs in the first place.

These survivors of the Holocaust deserve justice. Having escaped death at the hands of the Nazis, they were subjected to victimization by European banks and insurers. Those who endured the tortures of slave labor have never been compensated for their servitude to the Nazis. Now that they have begun to receive some measure of justice let us not add insult to their injury by taxing these long overdue payments to which they are entitled.

VETERANS HEALTH CARE IMPROVEMENTS LEGISLATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. PICKERING. Mr. Speaker, Abraham Lincoln once said "To care for him who shall have borne the battle, and for his widow and orphan . . ." Today, we must follow his counsel.

When veterans joined the military, they were promised "free" health care for life. There are some who would like to see the commitments this Nation made to our veterans just fade away—not to honor the promise that this Nation made to them. I do not believe we can allow that to happen.

For that reason, Congressman JERRY MORAN and I are introducing the Veterans Health Care Improvement Act of 1999. This legislation will enable us to deliver on the promises our country made to its veterans who answered the call to duty.

The men and women of America's Armed Forces have been faithful in their service. They have not asked much—just what they were promised. Our Nation pledged to provide these veterans quality health care.

We have fallen short on that promise. The Veterans Health Care Improvement Act of 1999 will make health care for our veterans better and more accessible. First, the bill establishes a voluntary Medicare subvention demonstration project that allows Medicare to reimburse the Department of Veterans Affairs (VA) for Medicare health care services furnished to certain veterans at VA medical facilities. This will give veterans more flexibility in choosing their health care providers.

The bill directs the administering Secretaries to select up to ten demonstration sites in geographically dispersed locations for program participation. Of these ten sites, one must be in an area near a base closed by the base realignment and closure law and one must be a predominantly rural area. None of the demonstration project funds may be used to build new buildings or expand existing ones. This 3-year program begins on January 1, 2000. The bill also authorizes the Secretary of the VA to establish and operate four managed health care plans at demonstration sites.

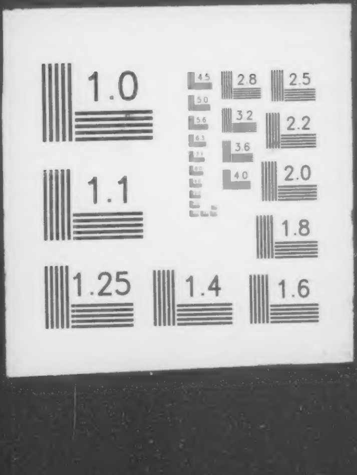
Tricare, the health care program for all branches of the military must be reformed. Many veterans are refused by physicians because Tricare is notorious for delinquent reimbursements and because the reimbursement rates often fall below those allowed by Medicare. This bill takes a big step toward leveling the playing field for our veterans.

The bill directs the Secretary to ensure that health care coverage available through the Tricare program is substantially similar to the health care coverage available to Federal employees; makes benefits portable; minimizes the certification requirements for access to the extent possible; and requires that claims be processed and payed in a simplified and expedited manner. These changes will begin to eliminate the bureaucratic red tape and improve access and payments for beneficiaries.

The bill also allows the Secretary of Defense to increase the reimbursement rate for Tricare if it is necessary to ensure quality health care for veterans.

The bill includes a sense of Congress urging the Secretary of Veterans Affairs to "review their policies and procedures to identify areas in which the administration does not currently process claims for veterans in a manner consistent with the objectives set forth in the national performance review, and to initiate the necessary actions to process such claims in such manner and report to Congress on measures taken to improve the processing time of claims."

In summary, this bill will do much to improve the quality of health care for our Nation's veterans. The heart-wrenching film "Saving Private Ryan" portrayed the enormous dedication and sacrifice our veterans endured on behalf of this Nation. As the number of elderly veterans continues to increase, it is imperative that we take the necessary steps to protect them—and to honor our commitment to them. I urge my colleagues to join me in supporting our veterans by improving their health care system.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